



WHITESTONE
solar farm

WHITESTONE SOLAR FARM

Volume 6: Environmental Statement

6.20 Appendix 17.1: Legislation, Policy and Guidance

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Glossary

Term	Meaning
<i>Environmental Statement (ES)</i>	The Environmental Statement which presents the environmental information relating to the Proposed Development. The ES has been prepared to present information for formal consultation in accordance with current EIA regulation.
The Applicant	Whitestone Net Zero Ltd
The Application	The Application submitted to the Secretary of State for a Development Consent Order.
<i>The Proposed Development</i>	The proposed Whitestone Solar Farm.

Acronyms

Acronym	Meaning
CEA	Cumulative Effects Assessment
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
EU	European Union
IEMA	Institute of Environmental Management and Assessment
ISEP	Institute of Sustainability and Environmental Professionals
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
UK	United Kingdom

17.1 Legislation, Policy and Guidance

- 17.1.1 This Appendix has been prepared on behalf of Whitestone Net Zero Ltd ('The Applicant'). **Environmental Statement (ES) Volume 2, Chapter 17: Cumulative Effects [EN0110020/APP/6.17]**. has been developed in line with the following key legislation, policy and associated guidance.

Legislation

The European Union (EU) Environmental Impact Assessment (EIA) Directive 2014/52/EU, amending EIA Directive 2011/92/EU

- 17.1.2 The requirement for Cumulative Effects Assessment (CEA)¹ within EIA is set out in the EU EIA Directive 2014/52/EU, which amends the EIA Directive 2011/92/EU².

- 17.1.3 Annex IV of the EIA Directive (2014/52/EU) states:

"5. A description of the likely significant effects of the project on the environment resulting from:

"e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources";
and

"The description of the likely significant effects on the factors specified in Article 3(1) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the project. This description should take into account the environmental protection objectives established at Union or Member State level which are relevant to the project".

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017/572 ('The EIA Regulations')

- 17.1.4 The EIA Regulations³ implement the requirement of the EU EIA Directive (2011/92/EU as amended by 2014/52/EU) into domestic Law. The Regulations require that an Environmental Statement includes a description of the likely significant effects of the development, which must include cumulative effects.
- 17.1.5 The Infrastructure Planning (EIA) Regulations set the EIA procedures for projects requiring a Development Consent Order (DCO) under the Planning Act 2008. This applies to Nationally Significant Infrastructure Projects (NSIPs) as defined in sections 14-30 and Schedules 1 and 2 of the Planning Act 2008. Regulation 14 and Schedule 4 require that cumulative effects with other existing and/or approved project assessed as part of the EIA process.
- 17.1.6 The Town and Country Planning (EIA) Regulations set the EIA procedures for development requiring planning permission under the Town and Country Planning Act 1990, subject to the thresholds and criteria in Schedules 1 and 2 of those Regulations. Regulation 18 and Schedule 4 contain equivalent provisions on cumulative effects, requiring assessment of combined impacts with other existing or approved developments when determining significance.

Policy

National Planning Policy

National Policy Statements (2025)

- 17.1.7 The energy National Policy Statements (NPS), EN-1 to EN-6, outline the UK government's policy for delivering major energy infrastructure. The NPSs of relevance to the Proposed Development are:
- Overarching NPS for Energy (EN-1)⁴;
 - NPS for Renewable Energy Infrastructure (EN-3)⁵; and
 - NPS for Electricity Networks Infrastructure (EN-5)⁶.

- 17.1.8 The Overarching NPS for Energy (EN-1) sets out the UK Government's policy framework for the development of nationally significant energy infrastructure in England and Wales under the Planning Act 2008. EN-1 makes clear that applicants must assess not only the individual impacts of their proposal, but also the combined and interactive effects with other existing, approved, or reasonably foreseeable developments.

EN-1, paragraph 4.1.5 - *"In considering any proposed development, in particular when weighing its adverse impacts against its benefits, the Secretary of State should take into account:...*

its potential adverse impacts, including on the environment, and including any long-term and cumulative adverse impacts, ..."

EN-1, paragraph 4.2.25 – *"Applicants should set out how residual impacts will be compensated for as far as possible. Applicants should also set out how any mitigation or compensation measures will be monitored and reporting agreed to ensure success and that action is taken. Changes to measures may be needed e.g. adaptive management. The cumulative impacts of multiple developments with residual impacts should also be considered."*

- 17.1.9 The NPS for Renewable Energy Infrastructure (EN-3) provides planning guidance for developers of nationally significant renewable energy infrastructure projects in England and Wales. EN-3 requires that the cumulative effects of renewable energy developments are considered during planning and assessment.

National Planning Policy Framework 2024

- 17.1.10 The National Planning Policy Framework (NPPF)⁷ is the United Kingdom (UK) Government's principal statement of planning policy for England, setting out the overarching objectives, principles, and guidance that inform decision-making on development proposals. The NPPF sets out the national planning policy for developments under the Town and Country Planning Act.

Local Planning Policy

City of Doncaster Local Plan, 2015-2035

- 17.1.11 The City of Doncaster Local Plan⁸ outlines the policies and proposals for development, against which planning applications must be determined. The following policy is relevant to CEA:

17.1.12 *Policy 58: Low Carbon and Renewable Energy (Strategic Policy)*. This policy specifies that renewable energy proposals will be supported if they demonstrate no unacceptable adverse impacts, including cumulative impacts, on the built and natural environment.

Rotherham Local Plan: Core Strategy, 2014 and Sites and Policies Plan, 2018

17.1.13 The Rotherham Local Plan provides a long-term development strategy, setting out policies to support the planning decision process in the Rotherham Metropolitan Council area. The following policies are relevant to CEA:

17.1.14 *Rotherham Local Plan: Sites and Policies Plan⁹, Policy SP 33: Conserving and enhancing the natural environment*. This policy specifies that if cumulative impacts of a development result in significant harm on the natural environment, which cannot be mitigated or compensated for, then planning permission should not be granted.

17.1.15 *Rotherham Local Plan: Core Strategy Policy¹⁰ CS 30: Low carbon & Renewable Energy Generation*. This policy specifies that consideration must be given to the capacity of the landscape to accommodate renewable energy developments, the ability to mitigate visual intrusion and the cumulative impact of individual sites.

Local Plan for Bolsover District, 2020

17.1.16 The Bolsover District Council Local Plan¹¹ forms the key part of the Development Plan for the Bolsover District. Planning applications in the Bolsover District will be determined in accordance with the policies outlined in the Local Plan. The following policies are relevant to CEA:

17.1.17 *Policy SC6: Renewable and Low Carbon Energy*. This policy specifies that development proposals for the generation of renewable energy will be granted unless they result in significant harm to the amenity of local residents, either individually or cumulatively with other renewable energy developments.

17.1.18 *Policy SC12: Air Quality*. This policy specifies that developments that would exacerbate air quality problems, either independently or cumulatively, will only be permitted if adverse effects are mitigated to acceptable levels.

Adopted North-East Derbyshire Local Plan 2014-2034

17.1.19 The North-East Derbyshire Local Plan¹² forms part of the Development Plan for North-East Derbyshire and supports the decision-making process for planning applications. The following policy is relevant to CEA:

17.1.20 *Policy SDC10: Decentralised, Renewable and Low Carbon Energy Generation*. This policy specifies that proposals for the generation of renewable energy will be permitted where, either individually or cumulatively with other renewable energy developments, there would be no Significant Adverse effects.

Bassetlaw Local Plan 2020-2038

17.1.21 The Bassetlaw Local Plan¹³ forms part of Bassetlaw District Council's Development Plan, providing planning policy framework for planning application decision-making. The following policy is relevant to CEA:

17.1.22 *Policy ST49: Renewable Energy Generation*. This policy specifies that developments which generate, share, transmit and/or store zero carbon and/or low carbon renewable energy will be supported subject to satisfactory resolution of all relevant individual and cumulative impacts.

Guidance

Nationally Significant Infrastructure Projects: Advice on Cumulative Effects Assessment

17.1.23 The CEA prepared in **ES Volume 2, Chapter 17: Cumulative Effects [EN0110020/APP/6.17]** has been prepared in line with the methodology outlined in Planning Inspectorate Guidance *Nationally Significant Infrastructure Projects: Advice on Cumulative Effects Assessment*¹⁴. This advice summarises the recommended process for undertaking CEAs in the context of NSIPs. The recommended process involves a staged approach of identifying a long list of other developments that could have potential cumulative effects with the Proposed Development, following which, threshold criteria are applied to produce a short list to be progressed through to the CEA.

Institute of Sustainability and Environmental Professionals (ISEP) (formerly 'Institute of Environmental Management and Assessment' (IEMA)) Impact Assessment Outlook Journal- Volume 7

17.1.24 **ES Volume 2, Chapter 17: Cumulative Effects [EN0110020/APP/6.17]** has also been prepared with consideration to ISEP Impact Assessment Outlook Journal – Volume 7: *Demystifying Cumulative Effects*, which provides guidance on CEA in EIA. Within Volume 7 of ISEP's Impact Assessment Outlook Journal¹⁵, ISEP (formerly IEMA) note the complexities of CEA and the varying methodologies adopted, exploring this topic and providing guidance for practitioners.

European Commission Guidance: Environmental Impact Assessment of Projects Guidance on the Preparation of the Environmental Impact Assessment Report

17.1.25 The European Commission Guidance on the Preparation of the Environmental Impact Assessment Report¹⁶ aims to help Developers and consultants to prepare good quality EIA Reports, and to guide competent authorities or other interested parties when reviewing such reports.

17.1.26 This guidance emphasises the importance of considering effects not just in isolation, but cumulatively, and notes that cumulative effects can arise from interactions between different projects in the same area, or interactions between the various impacts of a single project.

17.1.27 As cumulative effects can occur at different temporal and spatial scales, it is noted in the guidance, that the cumulative effects of all projects, both temporally and spatially, should be considered when assessing significance.

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