



Mallard Pass

Solar Farm

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Environmental Statement Volume 2 Appendix 7.1: Ecology and Biodiversity - Policy Context

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Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations
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Appendix 7.1 - Legislation and Planning Policy Relevant to Ecology and Biodiversity

1.1.1. This Appendix presents the relevant legislation, planning policy and guidance relevant to Ecology and Biodiversity.

International Legislation

1.1.2. The following international legislation is relevant to the assessment of the impacts of the Proposed Development on Ecology and Biodiversity.

1.1.3. European Union and global biodiversity targets are partly delivered through a range of legislative measures, which place obligations on Member States to protect biodiversity and the natural environment. In relation to wildlife and nature conservation, three key Directives relevant to the Proposed Development have been adopted by the European Union, namely:

- a. Directive 2009/147/EC on the conservation of wild birds (Ref. 1) Birds Directive);
- b. Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Ref. 2) (Habitats Directive); and
- c. Regulation (EU) 1143/2014 on the prevention and management of the introduction and spread of invasive alien species (Ref. 3) (IAS).

1.1.4. These Directives provide for the protection of animal and plant species of European importance and the habitats which support them, particularly through the establishment of a network of protected sites, called Natura 2000 sites referred to as European sites.

1.1.5. Further relevant legislation includes Directive 2000/60/EC (Water Framework Directive) (Ref. 4), under which Member States are required to protect and improve their inland and coastal waters (referred to in **Chapter 9: Water Resources and Ground Conditions** of the **ES [EN010118/APP/6.1]**).

National and International Legislation

1.1.6. National and International Legislation relevant to Ecology and Biodiversity include:

- a. Natural Environment and Rural Communities Act 2006 (the NERC Act 2006)– Habitats and species of principal importance (England)
- b. The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) (as amended)
- c. The Environment Act 2021
- d. Wildlife and Countryside Act 1981 (as amended).
- e. Protection of Badgers Act 1992.
- f. The Wild Mammals (Protection) Act 1996 (as amended).

National and Local Planning Policy

1.1.7. Table 1 presents the National Planning Policy and Table 2 presents the Local Planning Policy which have been considered in carrying out this assessment, which are summarised as follows:

- a. Overarching National Policy Statement for Energy (NPS EN-1);
- b. National Policy Statement for Renewable Energy Infrastructure (NPS EN-3)
- c. Draft National Policy Statement for Renewable Energy Infrastructure (NPS EN-3);
- d. National Planning Policy Framework (NPPF);
- e. Rutland Core Strategy 2011 to 2026 (2011); and
South Kesteven Local Plan 2011 – 2036 (2020)

Table 1: National Planning Policy Relevant to Ecology and Biodiversity

National Planning Policy	Requirements in relation to Ecology and Biodiversity	How has this been addressed in the ES
<i>Overarching National Policy Statement for Energy (EN-1)</i>		
Paragraphs 4.5.1 to 4.5.3	Guidance for biodiversity net gains in paragraphs and generic impacts on biodiversity.	<i>The Net Biodiversity Gain Statement (Appendix 7.6)</i> of the ES [EN010127/APP/6.2]) has been informed by this guidance.
Paragraph 5.3.9	Consideration of Internationally important designates sites, including Special Areas of Conservation (SACs) Special Protection Areas (SPA), potential SPA, Ramsar sites in impact assessments	This policy has been considered at the scoping stage, desk study (section and impact assessment, including in the shadow <i>Habitat Regulations Assessment</i> provided in <i>Appendix 7.5</i> of the ES Appendices [EN010118/APP/6.2].
Paragraphs 5.3.10 and 5.3.11	Consideration of Sites of Special Scientific Interest (SSSI) in impact assessments.	This policy has been considered at the scoping stage and the assessment presented in Section 7.5 of <i>Chapter 7: Ecology and Biodiversity</i> .
Paragraph 5.3.13	Consideration of locally designated sites such as Local Nature Reserves and Local Sites,	This policy has been considered at the scoping stage and the assessment presented in Section 7.5 of <i>Chapter 7: Ecology and Biodiversity</i> with respect to Local Wildlife Sites (LWS).

National Planning Policy	Requirements in relation to Ecology and Biodiversity	How has this been addressed in the ES
Paragraph 5.3.14	Consideration of Ancient Woodland	This was considered at the scoping stage and no ancient woodland is present within the Order limits
Paragraph 5.3.15	Consideration of enhancements for biodiversity	The Proposed Development has been designed so as to include extensive habitat creation and enhancement measures, such as creation of diverse grassland, hedgerow and woodland (see Section 7.4 of Chapter 7: Ecology and Biodiversity).
Paragraphs 5.3.16 and 5.3.17	Consideration of Protected species, Species of Principal Importance (SPI) and Habitats of Principal Importance (HPI).	The presence or potential presence of SPIs and HPIs was considered from an early stage and the design includes the retention of all HPIs. Appropriate mitigation and avoidance measures have been identified for certain species and SPIs. The Proposed Development also includes the creation of new HPIs, including hedgerows (see Section 7.4 of Chapter 7: Ecology and Biodiversity).
Paragraph 5.3.18	Appropriate mitigation measures to be included in the Proposed Development.	The assessment of potential impacts to habitats and protected or notable species has resulted in the inclusion of embedded mitigation within the Proposed Development (see Section 7.4 of Chapter 7: Ecology and Biodiversity).

National Planning Policy	Requirements in relation to Ecology and Biodiversity	How has this been addressed in the ES
<i>NPS for Renewable Energy Infrastructure (EN-3)</i>		
Paragraph 2.4.2	The need to include good design in respect of landscape and visual amenity, and in the design of the project to mitigate impacts such as noise and effects on ecology.	The design of the habitat creation works towards this policy. The impacts to ecology are considered fully in in Section 7.5 of <i>Chapter 7: Ecology and Biodiversity.</i>
<i>Draft NPS for Renewable Energy Infrastructure (EN-3)</i>		
Paragraph 2.50.2	The need for the applicant’s ecological assessment to identify ecological risk, including impacts to habitats and protected species and retaining and enhancing existing site value.	The impacts to ecology are considered fully in Section 7.5 of <i>Chapter 7: Ecology and Biodiversity.</i> The presence or potential presence of SPIs and HPIs was considered from an early stage and the design includes the retention of all HPIs. Appropriate mitigation and avoidance measures have been identified for certain species and SPIs. The Proposed Development also includes the creation of new HPIs, including hedgerows (see Section 7.4 of <i>Chapter 7: Ecology and Biodiversity.</i>)

National Planning Policy	Requirements in relation to Ecology and Biodiversity	How has this been addressed in the ES
Paragraph 2.50.4	Consideration of design of security lighting and impacts on ecology.	The design of the lighting has taken into account the need for motion activated lighting and this has been minimised to ensure impacts to ecology are avoided. This forms part of the embedded mitigation (see Section 7.4 of Chapter 7: Ecology and Biodiversity).
Paragraph 2.50.5	Consideration of impacts of vegetation removal and fencing and provision of buffers between fences and hedgerows.	The assessment of potential impacts to habitats and protected or notable species has resulted in the inclusion of embedded mitigation within the Proposed Development including gaps in fencing to allow movement of mammals such as brown hare and hedgehog and badger, the retention of the majority of hedgerows and the provision of buffers from these (see Section 7.4 of Chapter 7: Ecology and Biodiversity).
Paragraph 2.50.6	Consideration of impacts to wildlife as a result of mobile arrays or trackers.	The impacts of this to protected species has been considered in the ES (see Section 7.5 of Chapter 7: Ecology and Biodiversity).
Paragraph 2.50.7	Consideration of avoidance of impacts to watercourses.	The assessment of potential impacts to habitats and protected or notable species has resulted in the inclusion of embedded mitigation within the Proposed

National Planning Policy	Requirements in relation to Ecology and Biodiversity	How has this been addressed in the ES
		Development including retention of ditches and watercourses (see Section 7.4 of Chapter 7: Ecology and Biodiversity).
Paragraph 2.50.8 and 2.50.10	<p>Consideration of enhancement, management and monitoring of biodiversity.</p> <p>Consideration of the design to achieve a net gain in biodiversity.</p>	The Proposed Development has been designed so as to include extensive habitat creation and enhancement measures, such as creation of diverse grassland, hedgerow and woodland. This has delivered a substantial net gain as shown in the Net Biodiversity Gain Statement (Appendix 7.6) of the ES).
National Policy Statement for Electricity Networks Infrastructure (EN-5)		
paragraph 2.8.9	Biodiversity considerations when choosing an underground electricity line. This includes the environmental consequences as underground cables can disturb sensitive habitats.	The internal cable network will be horizontal directional drilled (HDD) underneath the West Glen River so not to impact on the water course or the immediately adjacent habitat (see Section 7.5 of Chapter 7: Ecology and Biodiversity).

National Planning Policy	Requirements in relation to Ecology and Biodiversity	How has this been addressed in the ES
<i>National Planning Policy Framework</i>		
<p>The National Planning Policy Framework (NPPF) states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity. It specifies the obligations that the Local Authorities and the UK Government have regarding statutory designated sites and protected species under UK and international legislation and how this it to be delivered in the planning system.</p>		<p>The Proposed Development has been designed so as to include extensive habitat creation and enhancement measures, such as creation of diverse grassland, hedgerow and woodland (see Section 7.4 of <i>Chapter 7: Ecology and Biodiversity</i>).</p> <p>The Proposed Development will also deliver a significant biodiversity net gain as shown in the <i>Net Biodiversity Gain Statement (Appendix 7.6</i> of the ES [EN010127/APP/6.2]).</p>

Local Planning Policy

Table 2: Local Planning Policy Relevant to Ecology and Biodiversity

Local Planning Policy	Requirements in relation to Ecology and Biodiversity	How/Where has this been addressed in the EIA
Rutland Core Strategy 2011 to 2026 (2011)		
Policy CS21 - The natural environment	Consideration of landscape character, conservation and enhancement of biodiversity, protected sites and species, priority habitats and Biodiversity Action Plan species.	The conservation and enhancement of the biodiversity value, species and habitats have been considered fully in Section 7.4 of Chapter 7: Ecology and Biodiversity .
South Kesteven Local Plan 2011 – 2036 (2020)		
EN 2 Protecting Biodiversity and Geodiversity	Consideration towards conserving and promoting the district's biodiversity, enhancing ecological networks and seeking net gain on all proposals, where possible. Protection of Internationally important, Nationally important and Locally important sites.	The conservation and enhancement of the biodiversity value, species and habitats have been considered fully in Section 7.5 of Chapter 7: Ecology and Biodiversity and the Proposed Development delivers a substantial net gain. Impacts to international and Nationally important designated

Local Planning Policy	Requirements in relation to Ecology and Biodiversity	How/Where has this been addressed in the EIA
		sites have been avoided and impacts to Locally important sites will be mitigated for.

References

- Ref 1 Directive 2009/147/EC on the conservation of wild birds (Birds Directive);
- Ref 2 Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Habitats Directive); and
- Ref 3 Regulation (EU) 1143/2014 on the prevention and management of the introduction and spread of invasive alien species (IAS).
- Ref 4 Directive 2000/60/EC (Water Framework Directive)
- Ref 5 Natural Environment and Rural Communities Act 2006 (the NERC Act 2006)– Habitats and species of principal importance (England)
- Ref 6 The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) (as amended)
- Ref 7 The Environment Act 2021
- Ref 8 Wildlife and Countryside Act 1981 (as amended).
Protection of Badgers Act 1992.
- Ref 9 The Wild Mammals (Protection) Act 1996 (as amended).
- Ref 10 Overarching National Policy Statement for Energy (NPS EN-1);
- Ref 11 National Policy Statement for Renewable Energy Infrastructure (NPS EN-3)
- Ref 12 Draft National Policy Statement for Renewable Energy Infrastructure (NPS EN-3);
- Ref 13 National Planning Policy Framework (NPPF);
- Ref 14 Rutland Core Strategy 2011 to 2026 (2011); and
- Ref 15 South Kesteven Local Plan 2011 – 2036 (2020)

