

**Tillbridge Solar Project
EN010142**

**Volume 6
Environmental Statement**
Appendix 9-1: Ecology and Nature Conservation Legislation,
Policy and Guidance
Document Reference: EN010142/APP/6.2

**Regulation 5(2)(a)
Infrastructure Planning (Applications: Prescribed Forms and
Procedure) Regulations 2009**

**April 2024
Revision Number: 00**

Table of Contents

1.	Introduction	1
1.1	Purpose of this Appendix	1
2.	International Legislation	2
3.	National Legislation, Policy and Guidance	3
3.2	National Legislation	3
3.3	National Policy Statements	7
3.4	National Planning Policy Framework	30
3.5	National Guidance	37
4.	Local Policy and Guidance	40
4.1	Local Policy	40
4.2	Local Guidance	49
	Local Biodiversity Action Plans	49
	Internal Drainage Board (IDB) Policies	49
	The Biodiversity Opportunity Mapping Study for Central Lincolnshire	50
5.	References	51

Tables

Table 1.	Relevant NPS Paragraphs for Ecology and Nature Conservation	8
Table 2.	Relevant NPPF Paragraph for Ecology and Nature Conservation	32
Table 3.	Relevant Local Policy with regards to Ecology and Nature Conservation..	42

1. Introduction

1.1 Purpose of this Appendix

- 1.1.1 This appendix of the Environmental Statement (ES) identifies and describes the legislation, policy and supporting guidance considered relevant to the assessment of the likely significant effects of the Tillbridge Solar Project (hereafter referred to as ‘the Scheme’) on ecology and nature conservation.
- 1.1.2 Legislation and policy are considered at international, national and local levels.
- 1.1.3 This ES appendix does not assess the Scheme against legislation and policy, instead the purpose of considering legislation and policy in the Environmental Impact Assessment (EIA) is to identify legislation, policy and guidance that could influence:
- a. the determination of important ecological features (and therefore the significance of effects) and any requirements for mitigation; and
 - b. the method for the EIA. For example, a policy may require the assessment of an impact or the use of a specific method.
- 1.1.4 Instead, the relevant legislation and policy will be assessed within the **Planning Statement** submitted alongside the DCO application [EN/010142/APP/7.2]. The following sections identify and describe the legislation, policy and supporting guidance considered specifically relevant to the ecological assessment, which has been taken into account in preparing the ES.

2. International Legislation

2.1.1 The following international legislation is relevant to the assessment of the impacts of the Scheme on ecology and nature conservation.

2.1.2 European Union (EU) 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. Whilst the UK left the EU on 31 January 2020, the ecological protection established by certain EU Directives continues to be implemented through the UK legislation, as set out in Section 3.2 of this appendix. In relation to wildlife and nature conservation, three key Directives relevant to the Scheme have been considered, 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 (Habitats Directive) (Ref 2); and
- c. Regulation (EU) 1143/2014 on the prevention and management of the introduction and spread of invasive alien species (IAS) (Ref 3).

2.1.3 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 European sites (previously the 'Natura 2000 network').

2.1.4 Further legislation includes Directive 2000/60EC (Water Framework Directive) (Ref 4), under which Member States are required to protect and improve their inland and coastal waters (see also the WFD section, below).

Ramsar Convention 1971

2.1.5 The Ramsar Convention 1971 (Ref 5) is an international treaty which includes the designation of wetlands of international importance. Government policy extends the same level of protection to Ramsar wetlands as that afforded to sites that are designated under the Birds Directive (Ref 1) and Habitats Directive (Ref 2).

2.1.6 Consideration has been given in the assessment of the Scheme to the presence of any Ramsar wetlands.

3. National Legislation, Policy and Guidance

- 3.1.1 Regulation 5(2)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (Ref 6) requires that an EIA must identify, describe and assess in an appropriate manner, in light of each individual case, the likely significant direct and indirect effects of the Scheme on biodiversity, with particular attention to species and habitats protected under the Habitats Directive (Ref 2) and the Birds Directive (Ref 1).
- 3.1.2 The main relevant legislative instruments relating to nature conservation in England are summarised below.

3.2 National Legislation

- 3.2.1 The Conservation of Habitats and Species Regulations 2017 (as amended) (Ref 7) (the Habitats Regulations) transposed the requirements of the Habitats Directive (Ref 2) and the Birds Directive (Ref 1) into UK law and provide for the designation and protection of European Sites (and adapt planning and other controls for the protection of these sites). This includes Annex I (habitats) and Annex II (species) of the Habitats Directive for which such European sites can be designated.
- 3.2.2 The Habitats Regulations (Ref 7) also provide protection for certain European Protected Species (EPS) that are listed in Schedule 2 (animals) or Schedule 5 (plants) of the Habitats Regulations (Ref 7). Provision is made for the granting of licenses that permit certain acts as lawful, providing the appropriate authority is satisfied that:
- a. the permitted activities will be carried out for specified reasons or purposes;
 - b. there is no satisfactory alternative; and
 - c. the activities will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.
- 3.2.3 The latest 2019 amendment to the Habitats Regulations (Ref 8) means that Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) in the UK no longer form part of the EU's Natura 2000 ecological network, following the UK's exit from the EU. The 2019 amendment (Ref 8) instead created a national site network on land and at sea, including both the inshore and offshore marine areas in the UK. The national site network includes:
- a. existing SACs and SPAs; and
 - b. new SACs and SPAs designated under these Regulations.
- 3.2.4 The presence of European Sites (referred to in the **Chapter 9: Ecology and Nature Conservation** of the ES [EN010142/APP/6.1] as designated sites of international importance) and their relationship to the Scheme have been considered in the **Habitats Regulations Assessment (HRA) report**, included as **Appendix 9-12** of the ES [EN010142/APP/6.2]. The presence of

Annex I habitats and Annex II species, and also any EPS, has been considered within the assessment.

Wildlife and Countryside Act 1981

- 3.2.5 The Wildlife and Countryside Act (WCA) (the WCA) (Ref 9) is a primary piece of UK wildlife legislation, protecting birds, other animals and plants (including vascular plants, mosses and liverworts, lichens and fungi), providing for the designation of protected areas including Sites of Special Scientific Interest (SSSIs) and promoting protections for such designated areas. The WCA (Ref 9) also defines a list of invasive non-native species, making it illegal to release or allow to escape into the wild any listed invasive non-native animals; or to cause to grow in the wild any listed invasive non-native plants.
- 3.2.6 Designated sites, protected flora and fauna and invasive non-native species covered by the WCA (Ref 9) that will be affected by the Scheme have been considered in the assessment.

Countryside and Rights of Way Act 2000

- 3.2.7 The Countryside and Rights of Way Act 2000 (the Act) (Ref 10) extends powers relating to the protection and management of SSSIs. This includes:
- a. powers for entering into management agreements;
 - b. placing a duty on public bodies to further the conservation and enhancement of SSSIs;
 - c. increasing penalties for conviction;
 - d. appeal processes for the notification, management and protection of SSSIs; and
 - e. introduces the offence of 'reckless' disturbance of threatened species.
- 3.2.8 The legislative provisions of the Act (Ref 10) relating to designated sites and flora and fauna affected by the Scheme have been considered in the assessment.

The Environment Act 2021

- 3.2.9 The Environment Act 2021 (Ref 11) provides a post-Brexit legal framework for environmental governance and makes provision for improvements to the natural environment.
- 3.2.10 The Environment Act 2021 requires the Secretary of State to set long-term targets (15-year minimum) for biodiversity.
- 3.2.11 From 12 February 2024 in England, it became mandatory for all relevant developments to achieve a minimum of 10 % net gain in biodiversity units, relative to a site's baseline biodiversity value, under Schedule 7A of the Town and Country Planning Act (Ref 12). The Environment Act 2021 also makes provisions for BNG in relation to development consent for Nationally Significant Infrastructure Projects (NSIPs). Although the requirement for a

minimum 10 % gain in biodiversity for NSIPs will not become mandatory until 2025. Other biodiversity provisions of the Act include:

- a. strengthened biodiversity duty on public authorities;
- b. Local Nature Recovery Strategies to support a network of nature recovery strategy areas.
- c. duty upon Local Authorities to consult on street tree felling;
- d. strengthened woodland protection enforcement measures;
- e. Conservation Covenants;
- f. Protected Site Strategies and Species Conservation Strategies to support the design and delivery of strategic approaches to deliver better outcomes for nature;
- g. prohibition on large UK businesses using commodities or products derived from commodities associated with wide-scale deforestation in UK commercial activities unless relevant local laws on that commodity were complied with; and
- h. a requirement on large UK businesses to establish a system of due diligence for each regulated commodity used in their supply chain.

3.2.12 A **Biodiversity Net Gain Report [EN010142/APP/7.14]**, using the Department for Environment, Food and Rural Affairs (DEFRA) Statutory Metric, has been undertaken and is included as part of the DCO application.

Water Environment (Water Framework Directive (WFD)) (England and Wales) Regulations 2017

3.2.13 The Water Framework Directive (Ref 4) is transposed into law in England by the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (Ref 13). The Water Framework Directive (WFD) follows a holistic approach to the sustainable management of water by considering the interactions between surface water (including transitional and coastal waters, rivers, streams and lakes), groundwater and water-dependent ecosystems.

3.2.14 The assessment has considered the provisions of the WFD Regulations 2017 (Ref 13) in relation to avoiding deterioration of a water body from its current status or potential and / or not preventing future attainment of good status or potential where not already achieved. The Water Framework Directive Assessment is presented in **Appendix 10-2** of the ES **[EN010142/APP/6.2]**.

Natural Environment and Rural Communities Act 2006

3.2.15 The Natural Environment and Rural Communities Act 2006 (as amended) (NERC Act) (Ref 14) places a duty on public authorities with functions exercisable in England to consider from time to time what action they can properly take, consistently with the exercise of their functions, to further the general biodiversity objective, which is the conservation and enhancement of biodiversity in England.

3.2.16 In England, the NERC Act (Ref 14) requires the Secretary of State for Environment to publish and maintain a list of habitats and species that are of 'principal importance' for the purpose of conserving biodiversity and are regarded as conservation priorities under the UK Post-2010 Biodiversity Framework (Ref 15).

3.2.17 The occurrence of habitats and Species of Principal Importance (SPI) has been identified in the assessment through a desk study and field surveys, and the design of the Scheme includes measures for their conservation and enhancement.

Protection of Badgers Act 1992

3.2.18 The Protection of Badgers Act 1992 (Ref 16) provides specific legislation to protect Badger (*Meles meles*) and their setts from harm. The protection of Badgers and their setts, through best working practices, including the legal requirement for licences from Natural England (where required), has been considered as part of the assessment of the Scheme.

Hedgerows Regulations 1997

3.2.19 The Hedgerows Regulations 1997 (Ref 17) introduced protection for countryside hedgerows that are defined as 'important' because they meet specific wildlife or landscape criteria or are of particular significance due to the length of time they have existed. The assessment has evaluated hedgerows potentially affected by the Scheme by way of field survey, to determine whether any qualify as important under the ecological criteria.

Salmon and Freshwater Fisheries Act 1975

3.2.20 The Salmon and Freshwater Fisheries Act 1975 (Ref 18) relates to the protection of freshwater fish, including Atlantic Salmon (*Salmo salar*) and Trout (species of *Salmo*) and their habitats.

3.2.21 The assessment has considered the provisions of this Act (Ref 18) in relation to the risk of mortality, migration barriers, pollution and the degradation of habitats potentially resulting from the Scheme.

Eels (England and Wales) Regulations 2009

3.2.22 The Eels (England and Wales) Regulations 2009 (the Eel Regulations) (Ref 19) came into force on 15 January 2010 to support the UK in implementing EC Council Regulation (1100/2007) (the EC Eel Regulation) (Ref 20), which aimed to halt and reverse the decline in the European Eel (*Anguilla anguilla*) stocks, aiming to meet mature adult European Eel biomass escapement targets to sea of 40% relative to that expected in the absence of anthropogenic impacts.

3.2.23 The assessment has considered the provisions of the Eel Regulations (Ref 19) in relation to safe and unobstructed passage for Eel, and consideration regarding channel alterations, river crossings and culverting.

Animal Welfare Act 2006

3.2.24 The Animal Welfare Act 2006 (Ref 21) protects vertebrate animals from harm. The provisions of this Act (Ref 21) have been taken account of within the assessment by ensuring the welfare of any animals potentially affected by the Scheme are considered.

Invasive Alien Species (Enforcement and Permitting) Order 2019

3.2.25 The Invasive Alien Species (Enforcement and Permitting) Order 2019 (Ref 22) came into effect on 1st October 2019. This implemented the EU Invasive Alien Species Regulation 1143/2014 (Ref 3) on the prevention and management of invasive alien plant and animal species in England and Wales, including the relevant licenses, permits and rules for keeping invasive alien species.

3.2.26 The provisions of this Order will be taken account within the assessment by ensuring invasive non-native species of special concern potentially affected by the Scheme are considered.

3.2.27 If it is not a species of special concern, then the WCA, as amended (Section 14, Schedule 9) (Ref 9) still applies.

3.3 National Policy Statements

3.3.1 The type of energy generating technology incorporated by the Scheme (solar photovoltaic generation), is specifically referenced within the following National Policy Statements (NPS). Therefore, the EIA takes these NPSs into account:

- a. Overarching National Policy Statement for Energy (EN-1) (Ref 23);
- b. National Policy Statement for Renewable Energy Infrastructure (EN-3) (Ref 24); and
- c. National Policy Statement for Electricity Networks Infrastructure (EN-5) (Ref 25).

3.3.2 The NPSs set out the Government's policy for delivery of major energy infrastructure, along with the need for new infrastructure and guidance for determining applications for a DCO for a solar energy project. The NPSs provide specific guidance and criteria that applicants should cover when assessing the effects of their project and set out how the Secretary of State should consider these impacts and any mitigation measures applied when determining DCO applications.

3.3.3 The relevant NPS requirements for Ecology and Nature Conservation are provided in **Table 1**, along with an indication of where in the ES this information can be sourced.

Table 1. Relevant NPS Paragraphs for Ecology and Nature Conservation

Relevant NPS Reference	Paragraph Requirement of the NPS	Location of information provided in the ES to address this
National Policy Statement EN-1		
Paragraphs 4.6.1 to 4.6.2	<p>Environmental net gain is an approach to development that aims to leave the natural environment in a measurably better state than beforehand. Projects should therefore not only mitigate harms, following the mitigation hierarchy, but also consider whether there are opportunities for enhancements.</p> <p>Biodiversity net gain is an essential component of environmental net gain. Projects in England should consider and seek to incorporate improvements in natural capital, ecosystem services and the benefits they deliver when planning how to deliver biodiversity net gain.</p>	<p>Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] provides information on how the Scheme has taken advantage of opportunities to enhance biodiversity. The layout of these enhancement and mitigation areas are presented in Figure 3-1 Indicative Principal Site Layout Plan of the ES [EN010142/APP/6.3]. A Biodiversity Net Gain Report is submitted alongside the DCO application [EN010142/APP/7.14].</p>
Paragraph 4.6.6	<p>Energy NSIP proposals, whether onshore or offshore, should seek opportunities to contribute to and enhance the natural environment by providing net gains for biodiversity, or the wider environment where possible.</p>	<p>Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] provides information on how the Scheme has taken advantage of opportunities to enhance biodiversity. The layout of these enhancement and mitigation areas are presented in Figure 3-1 Indicative Principal Site Layout Plan of the ES [EN010142/APP/6.3].</p>

Relevant NPS Reference	Paragraph Requirement of the NPS	Location of information provided in the ES to address this
		A Biodiversity Net Gain Report is submitted alongside the DCO application [EN010142/APP/7.14].
Paragraph 4.6.7	In England applicants for onshore elements of any development are encouraged to use the latest version of the biodiversity metric ¹ to calculate their biodiversity baseline and present planned biodiversity net gain outcomes. This calculation data should be presented in full as part of their application ² .	A Biodiversity Net Gain Report , using the statutory metric, is submitted alongside the DCO application [EN010142/APP/7.14].
Paragraph 4.6.8	Where possible, this data should be shared, alongside a completed biodiversity metric calculation, with the Local Authority and Natural England for discussion at the pre-application stage as it can help to highlight biodiversity and wider environmental issues which may later cause delays if not addressed.	[The Biodiversity Net Gain Report [EN010142/APP/7.14] is available for review as part of the DCO Application submission.
Paragraph 4.6.10	Biodiversity net gain should be applied after compliance with the mitigation hierarchy and does not change or replace existing environmental obligations, although compliance with those obligations will be relevant to the question of the baseline for assessing net gain and if they deliver an additional enhancement beyond meeting the existing obligation, that enhancement will count towards net gain.	Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] provides information on how the Scheme has taken advantage of opportunities to enhance biodiversity. The layout of these enhancement and mitigation areas are presented in Figure 3-1 Indicative Principal Site Layout Plan of the ES [EN010142/APP/6.3].

¹ See Biodiversity metric: calculate the biodiversity net gain of a project or development - GOV.UK (www.gov.uk)

² See <http://publications.naturalengland.org.uk/publication/585090867422822>

Relevant NPS Reference	Paragraph Requirement of the NPS	Location of information provided in the ES to address this
		A Biodiversity Net Gain Report is submitted alongside the DCO application [EN010142/APP/7.14] .
Paragraph 4.6.11	Biodiversity net gain can be delivered onsite or wholly or partially off-site. We encourage details of any off-site delivery of biodiversity net gain to be set out within the application for development consent.	ES Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] provides information on how the Scheme has taken advantage of opportunities to enhance biodiversity. The layout of these enhancement and mitigation areas are presented in Figure 3-1 Indicative Principal Site Layout Plan of the ES [EN010142/APP/6.3].
Paragraph 4.6.15	Applications for development consent should be accompanied by a statement demonstrating how opportunities for delivering wider environmental net gains have been considered, and where appropriate, incorporated into proposals as part of good design (including any relevant operational aspects) of the project.	A Biodiversity Net Gain Report is submitted alongside the DCO application [EN010142/APP/7.14].
Paragraph 4.6.17	Where environmental net gain considerations have featured as part of the strategic options appraisal process to select a project, applicants should reference that information to supplement the site-specific details.	A consideration of alternative Scheme designs and options is presented within Chapter 4: Alternatives and Design Evolution of the ES [EN010142/APP/6.1].
Secretary of State decision making Paragraph 4.6.1	Although achieving biodiversity net gain is not currently an obligation on applicants, Schedule 15 of the Environment Act 2021 contains provisions which, when commenced, mean the Secretary of State may not grant an application for Development	Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] sets out how the Scheme has been designed to

Relevant NPS Paragraph Requirement of the NPS Reference

Location of information provided in the ES to address this

Consent Order unless satisfied that a biodiversity gain objective is met in relation to the onshore³ development in England to which the application relates.

follow the mitigation hierarchy. A **Biodiversity Net Gain Report** submitted alongside the DCO application [EN010142/APP/7.14], using the statutory metric, is included as part of the DCO application. It demonstrates that the Scheme, on the basis of current design, achieves a net gain of 64.55% for area-based habitat units, 17.33% for hedgerow units, and 22.94% for watercourse units. The Applicant is committed to delivering biodiversity net gain in accordance with the requirements of the **draft DCO [EN010142/APP/3.1]**.

Paragraph 5.4.4 to 5.4.5

The highest level of biodiversity protection is afforded to sites identified through international conventions. The Habitats Regulations set out sites for which an HRA (Habitat Regulation Assessment) will assess the implications of a plan or project, including Special Areas of Conservation and Special Protection Areas.

As a matter of policy, the following should be given the same protection as sites covered by the Habitats Regulations and an HRA will also be required:

Both **Chapter 9: Ecology and Nature Conservation** of the ES [EN010142/APP/6.1] and **Appendix 9-12: HRA Report** of the ES [EN010142/APP/6.2] consider proposed SPAs, SACs, Ramsar sites (listed or proposed) and sites identified, or required, as compensatory measures for adverse

³ The Environment Act 2021 also allows for an extension to offshore development in the future.

Relevant NPS Reference	Paragraph Requirement of the NPS	Location of information provided in the ES to address this
	<p>(a) potential Special Protection Areas and possible Special Areas of Conservation;</p> <p>(b) listed or proposed Ramsar sites; and</p> <p>(c) sites identified, or required, as compensatory measures for adverse effects on any of the other sites covered by this paragraph.</p>	<p>effects on other HRA sites, where relevant.</p>
<p>Paragraph 5.4.8</p>	<p>Development on land within or outside a SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits (including need) of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSIs.</p>	<p>Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] sets out the likely effects on designated sites of ecological importance, including SSSIs. This concludes, that with careful Scheme design and embedded mitigation, there will be no adverse effects on SSSIs.</p>
<p>Paragraph 5.4.12 to 5.4.13</p>	<p>Sites of regional and local biodiversity and geological interest, which include Regionally Important Geological Sites, Local Nature Reserves and Local Wildlife Sites, are areas of substantive nature conservation value and make an important contribution to ecological networks and nature’s recovery. They can also provide wider benefits including public access (where agreed), climate mitigation and helping to tackle air pollution.</p> <p>National planning policy expects plans to identify and map Local Wildlife Sites, and to include policies that not only secure their</p>	<p>Section 9.9 of Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] sets out the likely effects on designated sites of ecological importance, including sites of regional and local biodiversity interest. This concludes, that with careful Scheme design and embedded mitigation, there will be no adverse effects on these sites.</p>

Relevant NPS Reference	Paragraph Requirement of the NPS	Location of information provided in the ES to address this
	<p>protection from harm or loss but also help to enhance them and their connection to wider ecological networks.</p>	<p>As set out in Appendix 17-2: Principal Site PRA [EN010142/APP/6.2] and Appendix 17-3: Cable Route Corridor PRA [EN010142/APP/6.2], there are no important geological sites relevant to the Scheme.</p>
<p>Paragraph 5.4.15</p>	<p>Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Keepers of Time, the government's policy for ancient and native trees and woodlands in England sets out the government's commitment to maintain and enhance the existing area of ancient woodland, maintain and enhance the existing resource of known ancient and veteran trees, excluding natural losses from disease and death, and to increase the percentage of ancient woodland in active management. Ancient or veteran trees found outside ancient woodland are also particularly valuable. Other types of irreplaceable habitats include blanket bog, limestone pavement, coastal sand dunes, salt marsh swards, mediterranean saltmarsh scrub and lowland fen.</p>	<p>Section 9.9 of Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] sets out the likely effects on habitats of principal importance.</p>
<p>Paragraph 5.4.17</p>	<p>Where the development is subject to EIA, the applicant should ensure that the ES clearly sets out any effects on internationally, nationally, and locally designated sites of ecological or geological conservation importance (including those outside England), on protected species and on habitats and other species identified as</p>	<p>Table 9-13 of Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] sets out the likely effects on designated sites of ecological importance and Table 9-</p>

Relevant NPS Reference	Paragraph Requirement of the NPS	Location of information provided in the ES to address this
	being of principal importance for the conservation of biodiversity, including irreplaceable habitats.	14 of ES Chapter 9: Ecology and Nature Conservation [EN010142/APP/6.1] sets out the likely effects on habitats and species of principal importance.
Paragraph 5.4.19	The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests. ⁴	Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] demonstrates that the Scheme has taken advantage of opportunities to conserve and enhance biodiversity. A Biodiversity Net Gain Report submitted alongside the DCO application [EN010142/APP/7.14] .
Paragraph 5.4.21	As set out in Section 4.7, the design process should embed opportunities for nature inclusive design. Energy infrastructure projects have the potential to deliver significant benefits and enhancements beyond Biodiversity Net Gain, which result in wider environmental gains (see Section 4.6 on Environmental and Biodiversity Net Gain). The scope of potential gains will be dependent on the type, scale, and location of each project.	Table 9-16 of Chapter 9: Ecology and Nature Conservation [EN010142/APP/6.1] of the ES sets out enhancement measures. The Scheme includes features such as, woodland planting, areas of new species-rich grassland and natural re-generation areas with an aim to enhance the biodiversity of the

⁴ See, for example, the biodiversity planning toolkit created by the Association of Local Government Ecologists in partnership with NGOs, Defra, SNCB and the Environment Agency

Relevant NPS Paragraph Requirement of the NPS Reference

Location of information provided in the ES to address this

		<p>Principal Site. Other habitat features include provisions of bat and bird boxes, as detailed in section 9.10 of Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1].</p>
<p>Paragraph 5.4.22</p>	<p>The design of Energy NSIP proposals will need to consider the movement of mobile / migratory species such as birds, fish and marine and terrestrial mammals and their potential to interact with infrastructure. As energy infrastructure could occur anywhere within England and Wales, both inland and onshore and offshore, the potential to affect mobile and migratory species across the UK and more widely across Europe (transboundary effects) requires consideration, depending on the location of development.</p>	<p>Mitigation measures are embedded in the Scheme design with the aim of enabling the continued movement of species, including birds, fish, aquatic and terrestrial mammals. This is detailed in Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] and within the Framework Landscape and Ecological Management Plan (LEMP) [EN010142/APP/7.17].</p>
<p>Paragraph 5.4.25</p>	<p>The applicant should seek the advice of the appropriate Statutory Nature Conservation Bodies (SNCB) and provide the Secretary of State with such information as the Secretary of State may reasonably require, to determine whether an HRA Appropriate Assessment (AA) is required. Applicants can request and agree 'Evidence Plans' with SNCBs, which is a way to record upfront the information the applicant needs to supply with its application, so that the HRA can be efficiently carried out. If an AA is required, the applicant must provide the Secretary of State with such</p>	<p>The HRA has been undertaken to inform the ES and is included in Appendix 9-12 of the ES [EN010142/APP/6.2]. This concludes there are no likely significant effects on the designated sites included in the assessment.</p>

Relevant NPS Reference	Paragraph Requirement of the NPS	Location of information provided in the ES to address this
	information as may reasonably be required to enable the Secretary of State to conduct the AA. This should include information on any mitigation measures that are proposed to minimise or avoid likely significant effects.	
Paragraph 5.4.26	If, during the pre-application stage, the SNCB indicate that the proposed development is likely to adversely impact the integrity of habitat sites, the applicant must include with their application such information as may reasonably be required to assess a potential derogation under the Habitats Regulations.	The HRA has been undertaken to inform the ES and is included in Appendix 9-12 of the ES [EN010142/APP/6.2] . This concludes there are no likely significant effects on the designated sites included in the assessment.
Paragraph 5.4.27	If the SNCB gives such an indication at a later stage in the development consent process, the applicant must provide this information as soon as is reasonably possible and before the close of the examination. This information must include assessment of alternative solutions, a case for Imperative Reasons of Overriding Public Interest (IROPI) and appropriate environmental compensation.	Noted.
Paragraph 5.4.28	Provision of such information will not be taken as an acceptance of adverse impacts and if an applicant disputes the likelihood of adverse impacts, it can provide this information as part of its application 'without prejudice' to the Secretary of State's final decision on the impacts of the potential development. If, in these circumstances, an applicant does not supply information required for the assessment of a potential derogation, there will be no	Noted.

Relevant NPS Reference	Paragraph Requirement of the NPS	Location of information provided in the ES to address this
	<p>expectation that the Secretary of State will allow the applicant the opportunity to provide such information following the examination.</p>	
<p>Paragraph 5.4.29</p>	<p>It is vital that applicants consider the need for compensation as early as possible in the design process as ‘retrofitting’ compensatory measures will introduce delays and uncertainty to the consenting process.</p>	<p>The HRA has been undertaken to inform the ES and is included in Appendix 9-12 of the ES [EN010142/APP/6.2]. This concludes there are no likely significant effects on the designated sites included in the assessment and as such no compensatory measures are required.</p>
<p>Paragraph 5.4.30</p>	<p>Applicants should work closely at an early stage in the pre-application process with SNCB and Defra/Welsh Government to develop a compensation plan for all protected sites adversely affected by the development. Applicants should engage with the relevant Local Planning Authority at an early stage regarding the proposed location of compensatory measures. Applicants should also take account of any strategic plan level compensation plans in developing project level compensation plans.</p>	<p>Natural England has been consulted on the proposed embedded mitigation measures and any additional mitigation measures for protected sites that have the potential to have been adversely impacted by the Scheme as detailed in Section 9.9 of Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1]. No compensation for designated sites however is required, as no likely significant effects have been identified.</p>

Relevant NPS Paragraph Requirement of the NPS Reference

Location of information provided in the ES to address this

Paragraph 5.4.31	Before submitting an application, applicants should seek the views of the SNCB and Defra/Welsh Government as to the suitability, securability and effectiveness of the compensation plan to ensure the development will not hinder the achievement of the conservation objectives for the protected site. In cases where such views are provided, the applicant should include a copy of this information with the compensation plan in their application for further consideration by the Examining Authority.	Noted. The HRA has been undertaken to inform the ES and is included in Appendix 9-12 of the ES [EN010142/APP/6.2] . This concludes there are no likely significant effects on the designated sites included in the assessment and therefore no compensation is required.
Paragraph 5.4.32	Applicants should include measures to mitigate fully the direct and indirect effects of development on ancient woodland, ancient and veteran trees or other irreplaceable habitats during both construction and operational phases. ⁵	Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] sets out embedded mitigation measures to avoid and protect any ancient/veteran trees and priority habitats during the construction and operational phases of the Scheme (where required).
Paragraph 5.4.33	Applicants should consider any reasonable opportunities to maximise the restoration, creation, and enhancement of wider biodiversity, and the protection and restoration of the ability of habitats to store or sequester carbon as set out under Section 4.6.	A Biodiversity Net Gain Report submitted alongside the DCO application [EN010142/APP/7.14] which includes Biodiversity Opportunity Mapping for Lincolnshire, in designing and

⁵ Applicants in Wales should consult PPW 6.4.26.

Relevant NPS Paragraph Requirement of the NPS Reference

Location of information provided in the ES to address this

		<p>locating new habitats throughout the Scheme.</p> <p>Furthermore, Chapter 7: Climate Change [EN010142/APP/6.1] addresses carbon sequestration of habitats. This has been scoped out from detailed assessment, as the Scheme would be handed over to existing landowners following its design life and habitats may not be retained, on the basis of a worst-case assessment.</p>
<p>Paragraph 5.4.34</p>	<p>Consideration should be given to improvements to, and impacts on, habitats and species in, around and beyond developments, for wider ecosystem services and natural capital benefits, beyond those under protection and identified as being of principal importance. This may include considerations and opportunities identified through Local Nature Recovery Strategies, and national goals and targets set through the Environment Act 2021 and the Environmental Improvement Plan 2023.</p>	<p>A Biodiversity Net Gain Report submitted alongside the DCO application [EN010142/APP/7.14] which includes Biodiversity Opportunity Mapping for Lincolnshire, in designing and locating new habitats throughout the Scheme.</p>
<p>Paragraph 5.4.35</p>	<p>Applicants should include appropriate avoidance, mitigation, compensation and enhancement measures as an integral part of the proposed development. In particular, the applicant should demonstrate that:</p>	<p>The management of Biodiversity throughout the life of the Scheme is covered by the following documents, included within the Application:</p>

Relevant NPS Paragraph Requirement of the NPS Reference

Location of information provided in the ES to address this

- during construction, they will seek to ensure that activities will be confined to the minimum areas required for the works
- the timing of construction has been planned to avoid or limit disturbance
- during construction and operation best practice will be followed to ensure that risk of disturbance or damage to species or habitats is minimised, including as a consequence of transport access arrangements
- habitats will, where practicable, be restored after construction works have finished
- opportunities will be taken to enhance existing habitats rather than replace them, and where practicable, create new habitats of value within the site landscaping proposals. Where habitat creation is required as mitigation, compensation, or enhancement the location and quality will be of key importance. In this regard habitat creation should be focused on areas where the most ecological and ecosystems benefits can be realised
- mitigations required as a result of legal protection of habitats or species will be complied with.

- **Framework Construction Environmental Management Plan (CEMP)** [EN010142/APP/7.8];
- **Framework Operation Environmental Management Plan (OEMP)** [EN010142/APP/7.9];
- **Framework Decommissioning Environmental Management Plan (DEMP)** [EN010142/APP/7.10]; and
- **Framework LEMP** [EN010142/APP/7.17].

All of the above plans are secured via the DCO requirements within the **Draft DCO** [EN010142/APP/3.1].

Sections 9.8 to 9.10 of **Chapter 9: Ecology and Nature Conservation** of the ES [EN010142/APP/6.1] provide information on how the Scheme has mitigated for likely effects and taken advantage of opportunities to enhance biodiversity.

Relevant NPS Paragraph Requirement of the NPS Reference

Location of information provided in the ES to address this

Paragraph 5.4.36

Applicants should produce and implement a Biodiversity Management Strategy as part of their development proposals. This could include provision for biodiversity awareness training to employees and contractors so as to avoid unnecessary adverse impacts on biodiversity during the construction and operation stages.

The management of Biodiversity throughout the life of the Scheme is covered by the following documents, included within the Application:

- **Framework CEMP [EN010142/APP/7.8];**
- **Framework OEMP [EN010142/APP/7.9]; and**
- **Framework DEMP [EN010142/APP/7.10]; and**
- **Framework LEMP [EN010142/APP/7.17].**

All of the above plans are secured via the DCO requirements within the **Draft DCO [EN010142/APP/3.1]** and are designed to avoid unnecessary adverse impacts on biodiversity during the construction and operation stages.

Paragraph 5.4.39

The Government's 25 Year Environment Plan and the Environment Act 2021 mark a step change in ambition for wildlife and the natural environment. The Secretary of State should have regard to the aims and goals of the Government's Environmental

Chapter 9: Ecology and Nature Conservation of the ES **[EN010142/APP/6.1]** has been produced with regard to the aims and

Relevant NPS Reference	Paragraph Requirement of the NPS	Location of information provided in the ES to address this
	Improvement Plan 2023, and in Wales the objectives of the Nature Recovery Plan and any relevant measures and targets, including statutory targets set under the Environment Act or elsewhere.	goals of all relevant legislation and policy including the 25 Year Environment Plan (Ref 26).
Paragraph 5.4.41	The benefits of nationally significant low carbon energy infrastructure development may include benefits for biodiversity and geological conservation interests and these benefits may outweigh harm to these interests. The Secretary of State may take account of any such net benefit in cases where it can be demonstrated.	Noted. A Biodiversity Net Gain Report submitted alongside the DCO application [EN010142/APP/7.14] , using the statutory metric, is included as part of the DCO application. It demonstrates that the Scheme, on the basis of current design, achieves a net gain of 64.55% for area-based habitat units, 17.33% for hedgerow units, and 22.94% for watercourse units. The Applicant is committed to delivering biodiversity net gain in accordance with the requirements of the draft DCO [EN010142/APP/3.1] .
Paragraph 5.4.42	As a general principle, and subject to the specific policies below, development should, in line with the mitigation hierarchy, aim to avoid significant harm to biodiversity and geological conservation interests, including through consideration of reasonable alternatives (as set out in Section 4.3 above). Where significant	The assessment within Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] sets out information on how the development has not led to significant harm to biodiversity.

Relevant NPS Reference	Paragraph Requirement of the NPS	Location of information provided in the ES to address this
	harm cannot be avoided, impacts should be mitigated and as a last resort, appropriate compensation measures should be sought.	
Paragraph 5.4.43	If significant harm to biodiversity resulting from a development cannot be avoided (for example through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then the Secretary of State will give significant weight to any residual harm.	Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] details measures that will be undertaken to avoid significant effects on protected and notable habitats, sites and species.
Paragraph 5.4.44	The Secretary of State should consider what appropriate requirements should be attached to any consent and/or in any planning obligations entered into, in order to ensure that any mitigation or biodiversity net gain measures, if offered, are delivered and maintained. Any habitat creation or enhancement delivered including linkages with existing habitats for compensation or biodiversity net gain should generally be maintained for a minimum period of 30 years, or for the lifetime of the project, if longer.	The management of Biodiversity throughout the life of the Scheme is covered by the following documents, included within the Application: <ul style="list-style-type: none"> - Framework CEMP [EN010142/APP/7.8]; - Framework OEMP [EN010142/APP/7.9]; and - Framework DEMP [EN010142/APP/7.10]; and - Framework LEMP [EN010142/APP/7.17].

Relevant NPS Paragraph Requirement of the NPS Reference

Location of information provided in the ES to address this

		All of the above plans are secured via the DCO requirements within the Draft DCO [EN010142/APP/3.1] .
Paragraph 5.4.46	Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. The Secretary of State should give appropriate weight to environmental and biodiversity enhancements, although any weight given to gains provided to meet a legal requirement (for example under the Environment Act 2021) is likely to be limited.	Section 9.10 of Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] provides information on how the Scheme has taken advantage of opportunities to enhance biodiversity. A Biodiversity Net Gain Report submitted alongside the DCO application [EN010142/APP/7.14] .
Paragraph 5.4.49	The Secretary of State must consider whether the project is likely to have a significant effect on a protected site which is part of the National Site Network (a habitat site), a protected marine site, or on any site to which the same protection is applied as a matter of policy, either alone or in combination with other plans or projects.	Both Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] and Appendix 9-12: HRA Report of the ES [EN010142/APP/6.2] consider SPA and SAC sites (listed or proposed) and sites identified, or required, as compensatory measures for adverse effects on other HRA sites, where relevant and conclude no Likely Significant Effects on protected sites forming part of the National Site Network.

Relevant NPS Reference	Paragraph Requirement of the NPS	Location of information provided in the ES to address this
Paragraph 5.4.50	The Secretary of State should use requirements and/or planning obligations to mitigate the harmful ⁶ aspects of the development and, where possible, to ensure the conservation and enhancement of the site’s biodiversity or geological interest.	Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] provides information on how the Scheme mitigated for potential effects and has taken advantage of opportunities to enhance biodiversity.
Paragraph 5.4.52	The Secretary of State should give due consideration to regional or local designations. However, given the need for new nationally significant infrastructure, these designations should not be used in themselves to refuse development consent.	Section 9.9 of Chapter 9: Ecology and Nature Conservation [EN010142/APP/6.1] of the ES sets out the potential effects on regional and local designated sites of ecological importance.
Paragraph 5.4.54	The Secretary of State should ensure that species and habitats identified as being of importance for the conservation of biodiversity are protected from the adverse effects of development by using requirements, planning obligations, or licence conditions where appropriate.	Section 9.9 in Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] considers relevant species and habitats of importance and appropriate mitigation.
Paragraph 5.4.55	The Secretary of State should refuse consent where harm to a protected species and relevant habitat would result, unless there is an overriding public interest and the other relevant legal tests	The assessment within Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] sets

⁶ In line with the principle in paragraph 4.3.8, the term 'harm' should be understood to mean 'significant harm'

Relevant NPS Paragraph Requirement of the NPS Reference

Location of information provided in the ES to address this

are met. In this context the Secretary of State should give substantial weight to any such harm to the detriment of biodiversity features of national or regional importance or the climate resilience and the capacity of habitats to store carbon, which it considers may result from a proposed development.

out information on how the development has not led to significant harm to biodiversity.

National Policy Statement EN-3

Paragraph 2.10.76 to 2.10.79 The applicant’s ecological assessments should identify any ecological risk from developing on the proposed site. Issues that need assessment may include habitats, ground nesting birds, wintering and migratory birds, bats, dormice, reptiles, great crested newts, water voles and badgers. The applicant should use an advising ecologist during the design process to ensure that adverse impacts are avoided, minimised or mitigated in line with the mitigation hierarchy, and biodiversity enhancements are maximised. The assessment may be informed by a ‘desk study’ of existing ecological records, an evaluation of the likely impacts of the solar farm upon ecological features and should specify mitigation to avoid or minimise these impacts, and any further surveys required

The assessment provided in **Chapter 9: Ecology and Nature Conservation** of the ES **[EN010142/APP/6.1]** considers relevant protected species, their habitats, appropriate mitigation and enhancements.

Paragraph 2.10.82

Applicants should consider how security and lighting installations may impact on the local ecology. Where pole mounted CCTV facilities are proposed the location of these facilities should be carefully considered to minimise impact. If lighting is necessary, it

The assessment provided in **Chapter 9: Ecology and Nature Conservation** of the ES **[EN010142/APP/6.1]** considers

Relevant NPS Reference	Paragraph Requirement of the NPS	Location of information provided in the ES to address this
	<p>should be minimised and directed away from areas of likely habitat.</p>	<p>indirect effects on ecological receptors, throughout.</p> <p>Chapter 9: Ecology and Nature Conservation of the ES addresses lighting effects on ecological receptors.</p>
<p>Paragraph 2.10.83</p>	<p>Applicants should consider how site boundaries are managed. If any hedges/scrub are to be removed, further surveys may be necessary to account for impacts. Buffer strips between perimeter fencing and hedges may be proposed, and the construction and design of any fencing should account for enabling mammal, reptile and other fauna access into the site if required to do so in the ecological report.</p>	<p>The assessment provided in Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] considers the Order limits and work areas, with the majority of vegetation on work boundaries retained and buffered, as presented in Section 9.7. Furthermore, the fence design will include gaps at strategic locations to allow small mammals to pass through, which will maintain connectivity for such species.</p>
<p>Paragraph 2.10.89</p>	<p>Solar farms have the potential to increase the biodiversity value of a site, especially if the land was previously intensively managed. In some instances, this can result in significant benefits and enhancements beyond Biodiversity Net Gain, which result in wider environmental gains which is encouraged.</p>	<p>As detailed in Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] the Scheme design includes features such as areas of new grassland and</p>

Relevant NPS Paragraph Requirement of the NPS Reference

Location of information provided in the ES to address this

		woodland with the aim of enhancing the biodiversity of the Order limits.
Paragraph 2.10.90	For projects in England, applicants should consider enhancement, management, and monitoring of biodiversity in line with the ambition set out in the Environmental Improvement Plan and any relevant measures and targets, including statutory targets set under the Environment Act or elsewhere.	A Biodiversity Net Gain Report submitted alongside the DCO application [EN010142/APP/7.14] . Furthermore, the Framework LEMP [EN010142/APP/7.17] details how the Scheme will be managed and monitored in line with relevant measures and targets set under the Environment Act or elsewhere.
Paragraph 2.10.100	The applicant should consider as part of the design, layout, construction, and future maintenance plans how to protect and retain, wherever possible, the growth of vegetation on site boundaries, as well as the growth of existing hedges, established vegetation, including mature trees within boundaries. Applicants should also consider opportunities for individual trees within the boundaries to grow on to maturity.	The Framework LEMP [EN010142/APP/7.17] details habitat how existing habitat features will be retained within the Order limits.
Paragraph 2.10.128 to 2.10.130	In England, proposed enhancements should take account of the above factors and as set out in Section 4.6 and 5.4 of EN-1 aim to achieve environmental and biodiversity net gain in line with the ambition set out in the Environmental Improvement Plan and any relevant measures and targets, including statutory targets set under the Environment Act or elsewhere. This might include	The Framework LEMP [EN010142/APP/7.17] details habitat creation, proposed within the Order limits to increase biodiversity and how the Scheme will be managed and monitored.

Relevant NPS Paragraph Requirement of the NPS Reference

Location of information provided in the ES to address this

maintaining or extending existing habitats and potentially creating new important habitats, for example by installing cultivated strips/plots for rare arable plants, rough grassland margins, bumble bee plant mixes, and wild bird seed mixes. Applicants are advised to develop an ecological monitoring programme to monitor impacts upon the flora of the site and upon any particular ecological receptors (such as bats and wintering birds). Results of the monitoring will then inform any changes needed to the land management of the site, including, if appropriate, any livestock grazing regime.

National Policy Statement EN-5

Paragraph 2.5.1

When planning and evaluating the proposed development’s contribution to environmental and biodiversity net gain, it will be important – for both the applicant and the Secretary of State – to supplement the generic guidance set out in EN-1 (Section 4.6) with recognition that the linear nature of electricity networks infrastructure can allow for excellent opportunities to:

- i. reconnect important habitats via green corridors, biodiversity stepping zones, and reestablishment of appropriate hedgerows; and/or
- ii. connect people to the environment, for instance via footpaths and cycleways constructed in tandem with environmental enhancements.

The **Framework LEMP [EN010142/APP/7.17]** details habitat creation, proposed within the Order limits to increase biodiversity and how the Scheme will be managed and monitored.

3.4 National Planning Policy Framework

- 3.4.1 The National Planning Policy Framework (NPPF), (Ref 27) sets out the Government's planning policies for England and how these are expected to be applied. Paragraph 5 outlines that while the NPPF does not contain specific policies for NSIPs, the NPPF is still relevant when considering the determination of DCOs. Therefore, the ES for the Scheme has taken the NPPF into account.
- 3.4.2 Paragraph 8 defines three overarching objectives within the NPPF, which are interdependent and need to be pursued in mutually supportive ways:
- a) ***an economic objective: to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;***
 - b) ***a social objective: to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and***
 - c) ***an environmental objective: to contribute to protecting and enhancing the natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.***
- 3.4.3 The NPPF with particular reference to Section 15 (Conserving and enhancing the natural environment) 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. The NPPF (Ref 27) is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution. The NPPF also specifies the obligations that the Local Authorities and the UK Government have regarding sites statutorily designated for their biodiversity value and otherwise protected or notable habitats and protected species under UK and international legislation and how this is to be delivered in the planning system. Protected or notable habitats and species are of material consideration in planning decisions and may therefore make some sites unsuitable for particular types of development, or if development is permitted and significant harm to biodiversity cannot be avoided, then adequate mitigation measures (or as a last resort, compensation) may will be required to avoid or minimise impacts on certain habitats and species. The policies

set out in the NPPF to a large extent mirror those that are explained in NPS EN-1. The relevant NPPF paragraphs, together with an indication of where in the ES the information is provided to address these requirements, are provided in **Table 2**.

Table 2. Relevant NPPF Paragraphs for Ecology and Nature Conservation

Relevant NPPF Paragraph Reference	Requirement of the NPPF	Location of information provided in the ES to address this
Paragraph 180	<p>Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <ul style="list-style-type: none"> a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate; d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account 	<p>Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] provides information on how the Scheme has taken advantage of opportunities to enhance biodiversity. The layout of these enhancement and mitigation areas are presented in Figure 3-1 Indicative Principal Site Layout Plan of the ES [EN010142/APP/6.3]. A Biodiversity Net Gain Report submitted alongside the DCO application [EN010142/APP/7.14].</p>

Relevant NPPF Paragraph Reference	Requirement of the NPPF	Location of information provided in the ES to address this
	<p>relevant information such as river basin management plans; and</p> <p>f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.</p>	
Paragraph 181	<p>Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.</p>	<p>Table 9-3 of Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] distinguishes the sensitivity and hierarchy of ecological features according to geographic context.</p> <p>Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] provides information on how the Scheme has taken advantage of opportunities to enhance biodiversity. The layout of these enhancement and mitigation areas are presented in Figure 3-1 Indicative Principal Site Layout Plan of the ES [EN010142/APP/6.3].</p>
Paragraph 186	<p>When determining planning applications, local planning authorities should apply the following principles:</p> <p>a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately</p>	<p>Section 9.9 of Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] sets out the potential effects on designated sites of ecological importance, including SSSIs. This concludes, that with</p>

Relevant NPPF Paragraph Reference	Requirement of the NPPF	Location of information provided in the ES to address this
	<p>mitigated, or, as a last resort, compensated for, then planning permission should be refused;</p> <p>b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest (SSSIs);</p> <p>c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and</p> <p>d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.</p>	<p>careful Scheme design and embedded mitigation, there will be no adverse effects on SSSIs.</p> <p>Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] provides information on how the Scheme has taken advantage of opportunities to enhance biodiversity. The layout of these enhancement and mitigation areas are presented in Figure 3-1 Indicative Principal Site Layout Plan of the ES [EN010142/APP/6.3]. A Biodiversity Net Gain Report is submitted alongside the DCO application [EN010142/APP/7.14].</p>
Paragraph 187	The following should be given the same protection as habitats sites:	Both Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] and Appendix

Relevant NPPF Paragraph Reference	Requirement of the NPPF	Location of information provided in the ES to address this
Paragraph 188	<p>a) potential Special Protection Areas and possible Special Areas of Conservation;</p> <p>b) listed or proposed Ramsar sites; and</p> <p>c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.</p>	<p>9-12: HRA Report of the ES [EN010142/APP/6.2] consider potential possible SPAs, SACs, Ramsar sites (listed or proposed) and sites identified, or required, as compensatory measures for adverse effects on other HRA sites, where relevant.</p>
Paragraph 191	<p>Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of</p>	<p>Sections 9.7 and 9.8 of Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1]</p>

Relevant NPPF Paragraph Reference	Requirement of the NPPF	Location of information provided in the ES to address this
	<p>pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:</p> <p>a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;</p> <p>b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and</p> <p>c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.</p>	<p>address the potential impacts of the Scheme and details the embedded mitigation.</p> <p>Additionally, the Framework CEMP [EN010142/APP/7.8], details the measures required to mitigate any construction related effects on biodiversity, including those associated with dust deposition, air pollution, pollution incidents, water quality, light, noise and vibration.</p>

3.5 National Guidance

- 3.5.1 Guidance relevant to the assessment of the impacts of the Scheme on biodiversity includes the following documents:

The Environmental Improvement Plan (2023)

- 3.5.2 In 2023, the Government published its Environmental Improvement Plan (Ref 28), the first revision of the 25 Year Environment Plan (Ref 26) to set out how the Government will work with landowners, communities and businesses to deliver each of its goals for the natural environment. An Environmental Improvement Plan is required to be prepared and updated and reported on under the Environment Act 2021 (Ref 11). This document continues to use the ten goals set out within the 25 Year Environment Plan with the Apex goal being to achieve ‘thriving plants and wildlife’ and sets interim targets pursuant to the long-term targets set under the Environment Act 2021. The Environmental Improvement Plan recognises the wider value of the environment and its contribution, such as food, clean water and air, wildlife, energy, wood, recreation and protection from hazards.

Biodiversity 2020

- 3.5.3 Biodiversity 2020 (Ref 29) was published in August 2011, building on the Natural Environment White Paper and setting out the strategic direction for biodiversity policy to 2020 on land (including rivers and lakes) and at sea in England. In the 25 Year Environment Plan the Government committed to publish a new strategy for nature building upon Biodiversity 2020, and to evaluate the current Strategy to learn lessons that can strengthen the future strategy.
- 3.5.4 Biodiversity 2020 established a new global vision for biodiversity, including a set of strategic goals and targets to drive action. It outlines the Government's vision for the natural environment, shifting the emphasis from piecemeal conservation action towards a more integrated landscape-scale approach.

Natural England and Department of Environment, Food and Rural Affairs (Defra) Standing Advice (protected species) (2014)

- 3.5.5 Standing advice from Natural England and Defra (Ref 30) provides guidance on protected and notable species and includes reference to the best practice approaches for survey, mitigation and compensation. Guidance is also provided on the procedure for obtaining protected species licences.
- 3.5.6 This advice has informed the planning of surveys and the approach to mitigating impacts upon protected species, including where necessary the requirement to submit an application for Natural England mitigation licences.

UK Post 2010 Biodiversity Framework

- 3.5.7 The UK Biodiversity Action Plan (UKBAP) (Ref 31) was launched in 1994 and established a framework and criteria for identifying species and habitat types of conservation concern and remains an important reference material.

The UKBAP was subsequently succeeded by the UK Post-2010 Biodiversity Framework (July 2012) (Ref 15). The UK BAP Priority Species List sets out species and habitats (of which there are 943 priority species and 56 priority habitats in England). This list remains an important reference source and has been used to help draw up statutory lists of priority habitats and species in England, Scotland, Wales and Northern Ireland. For the purpose of this assessment, the UK BAP is used as one of the criteria to assist in assigning national value to an ecological receptor.

3.5.8 The UK Post-2010 Biodiversity Framework is relevant within England in the context of Section 40 of the NERC Act 2006 (Ref 14), meaning that Priority Species and Habitats are material considerations in planning. These habitats and species are identified as those of conservation concern due to their rarity or a declining population trend.

3.5.9 The objectives of the UK Post-2010 Biodiversity Framework (Ref 15) have been included in the assessment of habitats and Species of Principal Importance.

Biodiversity Guidance for Solar Developments (2014)

3.5.10 The document, produced by BRE, Biodiversity Guidance for Solar Developments (Ref 32) provides guidance to planners and the solar industry on how biodiversity can be supported on solar farms. The guidance has informed the development of ecological design measures embedded within the Scheme.

Solar Energy UK (various monitoring reports from UK solar farms)

Monitoring reports, such as the *Evidence review of the impact solar farms on birds, bats and general ecology (NEER012)* (Ref 33) provide insight on the potential ecological effects of solar farms.

Mitigating biodiversity impacts associated with solar wind energy development: Guidelines for project developers (2021)

3.5.11 The document, produced by the Biodiversity Consultancy on behalf of the International Union for Conservation of Nature (IUCN), *Mitigating Biodiversity Impacts Associated with Solar and Wind Energy Development: Guidelines for Project Developers* (Ref 34), aims to provide practical support for solar and wind energy developments by effectively managing risks and improving overall outcomes related to biodiversity and includes guidance and reference for the approach to impacts on biodiversity and mitigation.

Birds of Conservation Concern (BoCC)

3.5.12 The Birds of Conservation Concern (BoCC) (Ref 35) is an assessment of the conservation status of all regularly occurring British birds. The lists (Red, Amber and Green), that indicate the level of conservation importance for each species, are derived from quantitative assessments from standardised criteria. The assessments are based on the most up-to-date evidence available, and criteria include conservation status at global and European levels and, within the UK: historical decline, trends in population and range,

rarity, localised distribution and international importance. The lists are drawn together by the UKs leading bird conservation organisations, including the Royal Society for the Protection of Birds (RSPB) and British Trust for Ornithology (BTO).

- 3.5.13 The lists of BoCC Red and Amber bird species have been used to inform the approach to mitigating impacts upon notable bird species and those of highest conservation concern.

The International Union for Conservation of Nature Red List of Threatened Species

- 3.5.14 Established in 1964, the International Union for Conservation of Nature's (IUCN) Red List of Threatened Species (Ref 36) is a source of information on the global extinction risk status of animal, fungus and plant species that is reviewed and updated. The IUCN Red List Categories and Criteria are intended to be an easily and widely understood system for classifying species at high risk of global extinction. It divides species into nine categories: Not Evaluated, Data Deficient, Least Concern, Near Threatened, Vulnerable, Endangered, Critically Endangered, Extinct in the Wild and Extinct.

4. Local Policy and Guidance

4.1 Local Policy

- 4.1.1 Local planning policy documents concerning ecology and nature conservation that are relevant to the Scheme, are outlined below and policy relevant to these documents further considered within **Table 3**.

Central Lincolnshire Local Plan (2023)

- 4.1.2 The Central Lincolnshire Local Plan (Ref 37) was adopted in April 2023 and is a revision of the previous Central Lincolnshire Plan that was adopted in 2017. Following approval by the Central Lincolnshire Joint Strategic Planning Committee at the end of February 2022, consultation on the plan ran between March and May 2022.
- 4.1.3 The Local Plan contains planning policies and allocations for the growth and regeneration of Central Lincolnshire over the next 20 years. The Local Plan was revised to ensure it remains current and consistent with latest national guidelines and local circumstances.

Adopted Bassetlaw District Core Strategy and Development Management Policies Development Plan Documents (DPD) (2011)

- 4.1.4 The Bassetlaw Core Strategy (Ref 38) is the key Local Development Framework (LDF) document and provides the overarching framework for all other documents that may be produced. It sets out a vision for change in Bassetlaw to 2028, along with place-specific policy approaches taken in order to achieve this vision.
- 4.1.5 The Core Strategy was adopted on 22 December 2011 and sets out a vision of change in Bassetlaw to 2028.

Draft Bassetlaw Local Plan Main Modifications (2023)

- 4.1.6 The Draft Bassetlaw Local Plan is being produced to help guide development in Bassetlaw over the plan period from 2020 to 2038. It sets out the Council's development strategy, planning policies and proposal, including site allocations, to guide land use and planning decisions within the district up to 2038. As part of the Local Plan examination process, the independent Local Plan Inspectors have identified Main Modifications they consider necessary to ensure the Plan is legally compliant and sound. The Main Modifications document (Ref 39) was published in August 2023
- 4.1.7 Once adopted, the Local Plan will replace the Bassetlaw Core Strategy and Development Management Policies DPD 2011.

Neighbourhood Plans

- 4.1.8 The following Neighbourhood Plans provide relevant policy and guidance related to Ecology and Nature Conservation and are considered further in **Table 3**.

- a. **Corringham Neighbourhood Plan** (Ref 40), formally adopted on the 24 January 2022;
- b. **Glentworth Neighbourhood Plan** (Ref 41), formally adopted on the 4 November 2019;
- c. **Sturton by Stow and Stow Neighbourhood Plan** (Ref 42), formally adopted on 4 July 2022;
- d. **Hemswell and Harpswell Neighbourhood Plan** (Ref 43), formally adopted on the 6 March 2023;
- e. **Hemswell Cliff Neighbourhood Plan** (Ref 44), formally adopted on 6 November 2023.

Table 3. Relevant Local Policy with regards to Ecology and Nature Conservation

Relevant Document	Relevant Policies	Location of information provided in the ES to address this
<p>Central Lincolnshire Adopted Local Plan (2023)</p>	<p>Policy S59: Green and Blue Infrastructure Network safeguards Central Lincolnshire’s green and blue infrastructure to maintain and improve the quantity, quality, accessibility and management of infrastructure. The policy also states that <i>“Proposals that cause loss or harm to the green and blue infrastructure networks will not be supported unless the need for and benefits of the development demonstrably outweigh any adverse impacts”</i>. Where adverse impacts do arise, suitable mitigation must be provided.</p> <p>Policy S60: Protecting Biodiversity and Geodiversity sets out the level of protection afforded to International, National and Local Sites as well as Irreplaceable Habitats. It states that development should:</p> <ul style="list-style-type: none"> • <i>“protect, manage, enhance and extend the ecological network of habitats, species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site;</i> • <i>minimise impacts on biodiversity and features of geodiversity value;</i> • <i>deliver measurable and proportionate net gains in biodiversity in accordance with Policy S61; and</i> 	<p>Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] sets out embedded mitigation measures to avoid and protect any ancient/veteran trees and Priority habitats during the construction and operational phases of the Scheme (where required).</p> <p>Additionally, Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] provides information on how the Scheme has taken advantage of opportunities to enhance biodiversity. The layout of these enhancement and mitigation areas are presented in Figure 3-1 Indicative Principal Site Layout Plan of the ES [EN010142/APP/6.3]. A Biodiversity Net Gain Report submitted alongside the DCO application [EN010142/APP/7.14] is provided as part of the DCO application, which sets out how the Scheme has provided ecological connectivity, linking up areas outside of the Order limits.</p>

Relevant Document	Relevant Policies	Location of information provided in the ES to address this
	<ul style="list-style-type: none"> <i>protect and enhance the aquatic environment within or adjoining the site, including water quality and habitat”.</i> 	
	<p>Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains states that all development, unless specifically exempted by the government, must provide clear and robust evidence for biodiversity net gains and losses in the form of a biodiversity gain plan, which should be submitted with the application form.</p>	
	<p>Policy S65: Important Open Space an area identified as important open space is safeguarded from development unless it can be demonstrated that:</p>	
	<p>A. <i>“there are no significant detrimental impacts on the character and appearance of the surrounding area, ecology and heritage assets; and</i></p>	
	<p>B. <i>in the case of publicly accessible open space, there is an identified over provision of that particular type of open space in the community area and the site is not required for alternative recreational uses or suitable alternative open space can be provided on a replacement site or by enhancing existing open space serving the community area”.</i></p>	

Relevant Document	Relevant Policies	Location of information provided in the ES to address this
Bassetlaw Core Strategy (2011)	<p>Policy S66: Trees, Woodland and Hedgerows states that development must protect existing trees and woodland, expanding and improving them when possible. Where proposals result in the loss or deterioration of ancient woodland or ages or veteran trees, permission will be refused unless on an exceptional basis where the benefits of the development in that location outweigh the costs.</p> <p>Policy DM9: Green Infrastructure, Biodiversity & Geodiversity; Landscape; Open Space & Sports Facilities sets out the Council’s approach to support the delivery, protection and enhancement of multi-functional green infrastructure. Development proposals will be expected to take opportunities to restore or enhance habitats and species’ populations and to demonstrate they will not be adversely affected.</p> <p>Policy DM10: Renewable and Low Carbon Energy states the Council will be supportive of proposals that demonstrate they <i>“are compatible with policies to safeguard the built and natural environment, including heritage assets and their setting, landscape character and features of recognised importance for biodiversity”</i>.</p>	<p>Section 9.10 of Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] provides information on how the Scheme has taken advantage of opportunities to enhance biodiversity. The layout of these enhancement and mitigation areas are presented in Figure 3-1 Indicative Principal Site Layout Plan of the ES [EN010142/APP/6.3]. A Biodiversity Net Gain Report is submitted alongside the DCO application [EN010142/APP/7.14].</p>

Relevant Document	Relevant Policies	Location of information provided in the ES to address this
<p>Draft Bassetlaw Local Plan Main Modifications (2023)</p>	<p>Policy ST39: Green and Blue Infrastructure sets out the criteria for enhancing, extending and managing green and blue infrastructure through a range of measures including protecting ancient and mature woodland and providing for biodiversity net gain.</p> <p>Policy ST40: Biodiversity and Geodiversity sets out how the Council will seek to protect and enhance the biodiversity and geodiversity of the District including the protection of International, National and Local Sites and ecological features of importance.</p>	<p>Section 9.9 of Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] sets out the likely effects on designated sites of ecological importance and Section 9.8 of the Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] sets out the embedded avoidance and mitigation measures.</p> <p>Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] demonstrates that the Scheme has taken advantage of opportunities to conserve and enhance biodiversity. A Biodiversity Net Gain Report is submitted alongside the DCO application [EN010142/APP/7.14].</p>
<p>Corringham Neighbourhood Plan (2021)</p>	<p>Policy CNP13: Nature Conservation and Biodiversity states development proposals which impact on woodland, trees, hedgerows, ponds and watercourses, unimproved and semi-improved grassland should</p>	<p>Section 9.8 of Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] sets out embedded mitigation measures to avoid and protect any ancient/veteran trees and priority habitats during the</p>

Relevant Document	Relevant Policies	Location of information provided in the ES to address this
	identify how features have been safeguarded and incorporated into design.	construction and operational phases of the Scheme (where required).
Glentworth Neighbourhood Plan (2019)	Policy 5: Green Infrastructure states that development that contributes (where practicable) to the enhancement and management of green infrastructure will be supported.	Section 9.10 of Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] sets out the enhancement measures, which include woodland and hedgerow planting that will contribute to green infrastructure.
Hemswell and Harpswell Neighbourhood Plan (2023)	Policy 5: protecting the Wider Landscape Character and Setting of the Neighbourhood Plan Area states that development should explore opportunities to utilise existing tree planting or introduce new planting as a means to mitigate against harmful impacts of development.	Section 9.10 of Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] sets out the enhancement measures, including tree planting.
Sturton by Stow and Stow Neighbourhood Plan (2022)	Policy 11: Green infrastructure states that: <i>“Development proposals that result in an unacceptable impact on the purpose or function of existing green infrastructure will not be supported unless they:</i>	Section 9.8 of Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] sets out embedded mitigation measures to avoid and protect existing green infrastructure, including hedgerows

Relevant Document	Relevant Policies	Location of information provided in the ES to address this
Hemswell Cliff Neighbourhood Plan (2023)	<p>a) <i>demonstrate that the impact on the purpose or function of the green infrastructure is unavoidable and significantly and demonstrably outweighed by the benefits of the development; and</i></p> <p>b) <i>provide for the implementation of alternative solutions, as part of the development, to reinstate the green infrastructure’s purpose or function to the previous quality and connectivity”.</i></p> <p><i>“Development proposals that result in unacceptable harm to the biodiversity of existing green infrastructure and that cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, will not be supported”.</i></p> <p>Policy 12: Environmental protection states that <i>“Development proposals will be supported where the primary objective is to conserve or enhance biodiversity or geodiversity of the environment”.</i></p>	<p>and woodlands during the construction and operational phases of the Scheme.</p> <p>Section 9.10 of Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] sets out the enhancement measures, which include woodland and hedgerow planting that will contribute to green infrastructure.</p> <p>A Biodiversity Net Gain Report is submitted alongside the DCO application [EN010142/APP/7.14], which sets out how the Scheme has provided ecological connectivity, linking up areas within and outside of the Order limits.</p>
	<p>Policy 8: Local Green Space and Biodiversity identifies the parish’s local green space and aims to <i>“ensure the protection of areas of high natural value and ensure the delivery of adequate green space for future generations”.</i></p>	<p>Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] sets out embedded mitigation measures to avoid and protect any priority habitats during the construction and</p>

Relevant Document	Relevant Policies	Location of information provided in the ES to address this
	<p>Policy 9: Biodiversity Net Gain states that proposals for development should “<i>contribute to a net gain in biodiversity, through mitigation of adverse impacts and the incorporation of measures to support and diversify natural habitats and wildlife</i>”.</p>	<p>operational phases of the Scheme (where required).</p> <p>Chapter 9: Ecology and Nature Conservation of the ES [EN010142/APP/6.1] provides information on how the Scheme has taken advantage of opportunities to enhance biodiversity. A Biodiversity Net Gain Report is submitted alongside the DCO application [EN010142/APP/7.14].</p>

4.2 Local Guidance

Local Biodiversity Action Plans

- 4.2.1 Formerly, the Lincolnshire Biodiversity Action Plan (3rd edition) (Lincolnshire BAP) (Ref 45) provided context to inform identification of threatened or uncommon species of local relevance, alongside priorities for conservation and enhancement targeted at a local level. However, under the Environment Act 2021 (Ref 11), local biodiversity action plans are being replaced by Local Nature Recovery Strategies (LNRSs), which are a system of spatial strategies for nature which will support delivery of biodiversity net gain (BNG) and provide more focussed action for nature recovery. Whilst this is still being developed for Lincolnshire and with no specific habitat or species plans currently in place, this report references those species formerly included in the Lincolnshire BAP (Ref 45).
- 4.2.2 The Nottinghamshire Biodiversity Action Plan (Nottinghamshire BAP) (Ref 46) continues to set out action plans for Nottinghamshire and provides context for local priority habitats and species.
- 4.2.3 The occurrence of habitats and species of relevance at a local level, identified through the Lincolnshire and Nottinghamshire BAPs has been identified in the assessment through a desk study and field surveys, and the design of the Scheme includes measures for their conservation and enhancement.

Internal Drainage Board (IDB) Policies

- 4.2.4 The Witham and Humber Drainage Boards Nature Strategy 2021 – 2026 (Ref 47) has been adopted to create a drainage district where wildlife is an integral part of delivering efficient and effective water-level management and reduced flood risk. The Nature Strategy sets out action plans for the included drainage districts and provides context for local priority habitats and species.
- 4.2.5 The Witham and Humber Internal Drainage Boards Water Vole (*Arvicola terrestris*) Policy (Ref 48) protects and enhances the Water Vole habitat and populations associated with the Boards' land and the drainage channels in the Upper Witham, Witham First District, Witham Third District and North East Lindsey Internal Drainage Board areas.
- 4.2.6 The occurrence of habitats and species of relevance at a local level, identified through the Witham and Humber Drainage Boards Nature Strategy, has been identified in the assessment through a desk study and field surveys, and the design of the Scheme includes measures for their conservation and enhancement.

The Biodiversity Opportunity Mapping Study for Central Lincolnshire

- 4.2.7 The Biodiversity Opportunity Mapping Study (Ref 49) identifies a series of strategic spatial areas across Central Lincolnshire (City of Lincoln, North Kesteven and West Lindsey) which show where the greatest opportunities are for nature.
- 4.2.8 The final spatial areas identified rely upon the existing network of habitat. This study identifies opportunities for enhancing place and quality in and around new developments as well as identifying where maximum benefit can be gained from investment in conservation action.
- 4.2.9 The strategic spatial areas have been considered in this assessment and the design for the Scheme aligns with the study to avoid and / or enhance spatial areas (where practicable).

5. References

- Ref 1 European Council (EC) (2009). Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version). EC, Brussels. Available at: [REDACTED]
[Accessed 12 January 2024]
- Ref 2 EC (1992). Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora. EC, Brussels. Available at: [REDACTED]
[Accessed 12 January 2024]
- Ref 3 EC (2014) Regulation (EU) 1143/2014 on the prevention and management of the introduction and spread of invasive alien species (the IAS Regulation) (EC, Brussels). Available at: [REDACTED]
[Accessed 12 January 2024]
- Ref 4 EC (2000). Directive 2000/60/EC of the European parliament and of the council of 23 October 2000 establishing a framework for Community action in the field of water policy. Official Journal of the European Communities. EC, Brussels. Available at: [REDACTED]
[Accessed 12 January 2024]
- Ref 5 Ramsar Convention (1971). Wetlands of International Importance especially as Waterfowl Habitat. United Nations Educational, Scientific and Cultural Organization. Ramsar, Iran. Available at:
[REDACTED]
[Accessed 12 January 2024]
- Ref 6 H.M. Government (2017). The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. Available at:
<https://www.legislation.gov.uk/ukxi/2017/572/regulation/5/made> [Accessed January 11 2024]
- Ref 7 His Majesty's Stationary Office (HMSO) (2018). Conservation of Habitats and Species Regulations 2017 (as amended). HMSO, London.
<http://www.legislation.gov.uk/ukxi/2017/1012/contents/made> [Accessed 12 January 2024]
- Ref 8 HMSO (2019) The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. HMSO, London. Available at:
<https://www.legislation.gov.uk/ukdsi/2019/9780111176573> [Accessed 12 January 2024]
- Ref 9 HMSO (1981). The Wildlife & Countryside Act 1981. HMSO, London. Available at: <https://www.legislation.gov.uk/ukpga/1981/69> [Accessed 12 January 2024]
- Ref 10 HMSO (2000). Countryside and Rights of Way Act 2000. HMSO, London. Available at: <https://www.legislation.gov.uk/ukpga/2000/37/contents> [Accessed 12 January 2024]
- Ref 11 HMSO (2021). The Environment Act 2021. Available at:
<https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted> [Accessed 12 January 2024]
- Ref 12 HMSO. (1990). Town and Country Planning Act 1990. Available at:
<https://www.legislation.gov.uk/ukpga/1990/8/contents>

- Ref 13 Water Environment (WFD) (England and Wales) Regulations 2017 (SI 2017/407) (2017). Available at: <https://www.legislation.gov.uk/ukxi/2017/407/contents/made> [Accessed 12 January 2024]
- Ref 14 HMSO (2006). The Natural Environment and Rural Communities Act. HMSO, London. Available at: <https://www.legislation.gov.uk/ukpga/2006/16/contents> [Accessed 12 January 2024]
- Ref 15 JNCC (2012). UK Post-2010 Biodiversity Framework 2012. Available at: <https://data.jncc.gov.uk/data/587024ff-864f-4d1d-a669-f38cb448abdc/UK-Post2010-Biodiversity-Framework-2012.pdf> [Accessed 12 January 2024]
- Ref 16 HMSO (1992). Protection of Badgers Act 1992. HMSO, London. Available at: <https://www.legislation.gov.uk/ukpga/1992/51/contents> [Accessed 15 January 2024]
- Ref 17 HMSO (1997). The Hedgerows Regulations 1997. HMSO, London. Available at: <https://www.legislation.gov.uk/ukxi/1997/1160/schedule/1/made> [Accessed 15 January 2024]
- Ref 18 HMSO (1975). Salmon and Freshwater Fisheries Act 1975. HMSO. London. Available at: <https://www.legislation.gov.uk/ukpga/1975/51> [Accessed 15 January 2024]
- Ref 19 HMSO (2009). The Eels (England and Wales) Regulations 2009 (SI 2009/3344). HMSO, London. Available at: <https://www.legislation.gov.uk/ukxi/2009/3344/contents/made> [Accessed 15 January 2024]
- Ref 20 EC. (2007). Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel. Official Journal of the European Union. EC, Brussels. Available at: [REDACTED] [Accessed 12 January 2024]
- Ref 21 HMSO (2006). Animal Welfare Act 2006. HMSO, London. Available at: <https://www.legislation.gov.uk/ukpga/2006/45/contents> [Accessed 15 January 2024]
- Ref 22 HMSO (2019). The Invasive Alien Species (Enforcement and Permitting) Order 2019. Available at: <https://www.legislation.gov.uk/ukxi/2019/527/contents/made> [Accessed 15 January 2024]
- Ref 23 Department for Energy Security and Net Zero (DESNZ) (2024). NPS for Renewable Energy Infrastructure (EN-1). Available at: <https://assets.publishing.service.gov.uk/media/655dc190d03a8d001207fe33/overarching-nps-for-energy-en1.pdf> [Accessed 12 January 2024]
- Ref 24 DESNZ (2024). NPS for Renewable Energy Infrastructure (EN-3). Available at: <https://assets.publishing.service.gov.uk/media/655dc352d03a8d001207fe37/nps-renewable-energy-infrastructure-en3.pdf> [Accessed 12 January 2024]
- Ref 25 DESNZ (2024). NPS for Electricity Networks (EN-5). Available at: <https://www.gov.uk/government/publications/national-policy-statement-for-electricity-networks-infrastructure-en-5> [Accessed 12 January 2024]

- Ref 26 HMSO. (2018). A Green Future: Our 25 Year Plan to Improve the Environment. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf [Accessed 15 January 2024]
- Ref 27 Department for levelling up, housing and communities (2023). National Planning Policy Framework. Available at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2> [Accessed 15 January 2024]
- Ref 28 H.M Government (2023). Environmental Improvement Plan 2023. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1133967/environmental-improvement-plan-2023.pdf [Accessed 15 January 2024]
- Ref 29 DEFRA (2011). Biodiversity 2020: A strategy for England's wildlife and ecosystem services. <https://www.gov.uk/government/publications/biodiversity-2020-a-strategy-for-england-s-wildlife-and-ecosystem-services> [Accessed 15 January 2024]
- Ref 30 Protected species and development: advice for local planning authorities (2014). Available at: <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications> [Accessed 15 January 2024]
- Ref 31 Department of the Environment (Northern Ireland) (1994). UK Biodiversity Action Plan. Available at: <https://www.gov.uk/government/publications/biodiversity-the-uk-action-plan> [Accessed 15 January 2024]
- Ref 32 BRE (2014) Biodiversity Guidance for Solar Developments. Eds G E Parker and L Greene. Available at: [REDACTED]
[REDACTED]
[Accessed 15 January 2024]
- Ref 33 Harrison, C., Lloyd, H. and Field, C. (2017). Evidence review of the impact of solar farms on birds, bats and general ecology. Natural England. Available at: <https://publications.naturalengland.org.uk/publication/6384664523046912?category=34022> [Accessed 15 January 2024]
- Ref 34 Bennun, L., van Bochove, J., Ng, C., Fletcher, C., Wilson, D., Phair, N., Carbone, G. (2021). Mitigating biodiversity impacts associated with solar and wind energy development. Guidelines for project developers. Gland, Switzerland: IUCN and Cambridge, UK: The Biodiversity Consultancy. Available at: [REDACTED] [Accessed 15 January 2024]
- Ref 35 Stanbury, A., Eaton, M., Aebischer, N., Balmer, D., Brown, A., Douse, A., Lindley, P., McCulloch, N., Noble, D., and Win I. (2021). The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain. British Birds 114: 723-747. Available at: <https://www.bto.org/our-science/publications/birds-conservation-concern/status-our-bird-populations-fifth-birds> [Accessed 15 January 2024]

- Ref 36 IUCN. 2022. The IUCN Red List of Threatened Species. Version 2022-2. Available at: [REDACTED] [Accessed 15 January 2024]
- Ref 37 Central Lincolnshire Local Plan. (2023) <https://www.n-kesteven.gov.uk/sites/default/files/2023-04/Local%20Plan%20for%20adoption%20Approved%20by%20Committee.pdf> [Accessed 15 January 2024]
- Ref 38 Bassetlaw District Council (2011). Core Strategy and Development Management Policies DPD <https://www.bassetlaw.gov.uk/media/1543/cs1adoptedcorestrategy.pdf> [Accessed 15 January 2024]
- Ref 39 Bassetlaw District Council (2023). The Bassetlaw District Council: Emerging Local Plan, Main Modifications 2020-2038. <https://www.bassetlaw.gov.uk/media/8099/local-plan-mm.pdf> [Accessed 15 January 2024]
- Ref 40 Corringham Neighbourhood Plan – Referendum Version. (2021) <https://www.west-lindsey.gov.uk/sites/default/files/2022-02/Corringham%20NP%20Referendum%20Version.pdf> [Accessed 15 January 2024]
- Ref 41 Glentworth Neighbourhood Plan. (2019) <https://www.west-lindsey.gov.uk/sites/default/files/2022-02/Glentworth%20Neighbourhood%20Plan%20%28Approved%20Plan%29%20Rev%201.1%20%28for%20publication%29.pdf> [Accessed 15 January 2024]
- Ref 42 Sturton by Stow and Stow Neighbourhood Plan. (2022) <https://www.west-lindsey.gov.uk/sites/default/files/2022-04/Sturton%20by%20Stow%20and%20Stow%20Neighbourhood%20Plan%20Final%20Approved%20Version.pdf> [Accessed 15 January 2024]
- Ref 43 Hemswell and Harpswell Parish Council (2023). Hemswell and Harpswell Neighbourhood Plan 2022-2036. Available at: <https://www.west-lindsey.gov.uk/sites/default/files/2022-02/Hemswell%20and%20Harpswell%20Neighbourhood%20Plan.pdf> [Accessed 15 January 2024]
- Ref 44 Hemswell Cliff Neighbourhood Plan. (2023) <https://www.west-lindsey.gov.uk/sites/default/files/2023-11/Hemswell%20Cliff%20Neighbourhood%20Plan%20%28Referendum%20Version%29.pdf> [Accessed 15 January 2024]
- Ref 45 Lincolnshire Biodiversity Action Plan. (2012-2020) 3rd edition. Available at: https://democratic.lincoln.gov.uk/Data/Executive/20111010/Agenda/Executive_10_October_2011_5_Biodiversity.pdf [Accessed 15 January 2024]
- Ref 46 Nottinghamshire Biodiversity Action Group (2008). Local Biodiversity Action Plan. Available at: [REDACTED] [Accessed 15 January 2024]
- Ref 47 Witham and Humber Drainage Boards. (2021) Witham and Humber Drainage Boards Nature Strategy 2021-2026. Available at: [REDACTED]
- Ref 48 Witham and Humber Drainage Boards. Witham and Humber Internal Drainage Boards Water Vole (*Arvicola terrestris*) Policy. Available at:

Ref 49

[REDACTED]
[REDACTED]
GLNP. (2013) Biodiversity Opportunity Mapping Study for Central
Lincolnshire. Available at: [REDACTED]
[REDACTED]
[REDACTED]