
EAST YORKSHIRE SOLAR FARM

**East Yorkshire Solar Farm
EN010143**

Environmental Statement Volume 6.2

Appendix 8-1: Legislation, Policy and Guidance for Ecology

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1. Introduction

1.1 Purpose of this appendix

- 1.1.1 This Environmental Statement (ES) appendix identifies and describes the legislation, policy and supporting guidance considered relevant to the assessment of the likely significant effects of the Scheme on ecology and nature conservation (collectively referred to as biodiversity).
- 1.1.2 Legislation and policy are considered at national and international and local levels.
- 1.1.3 This appendix does not assess the Scheme against legislation and policy instead the purpose of considering legislation and policy is twofold:
 - a. to identify legislation and policy that could influence the sensitivity of features (and therefore the significance of effects) and any requirements for mitigation; and
 - b. to identify legislation and policy that could influence the methodology used within the Ecological Impact Assessment (EclA) as presented in the Environmental Statement (ES). For example, a policy may require the assessment of an impact or the use of a specific methodology.
- 1.1.4 Instead, the relevant legislation and policy will be assessed within the Planning Statement. The following sections identify and describe the legislation, policy and supporting guidance considered specifically relevant to the biodiversity assessment (the assessment), which has been taken into account in preparing the ES.

1.2 International Legislation, Policy and Guidance

- 1.2.1 International law relating to Ecology, and pertinent to the Scheme, comprises:

1.3 Legislation

- 1.3.1 The following international legislation is relevant to the assessment of the impacts of the Scheme on biodiversity.
- 1.3.2 European Union and global biodiversity targets are partly delivered through a range of legislative measures, which place obligations on Member States to protect biodiversity and the natural environment. In relation to wildlife and nature conservation, three key Directives relevant to the Scheme have been adopted by the European Union, namely:
 - a. Directive 2009/147/EC on the conservation of wild birds (the codified version of Council Directive 79/409/EEC as amended) (Ref. 1) (Birds Directive);
 - b. Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Ref. 2) (Habitats Directive); and

- c. Regulation (EU) 1143/2014 on the introduction and spread of invasive alien species (Ref. 3) (IAS).
- 1.3.3 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 Natura 2000 sites.
- 1.3.4 Further relevant legislation includes Directive 2000/60/EC (Water Framework Directive) (Ref. 4), under which Member States are required to protect and improve their inland and coastal waters.
- 1.3.5 The Ramsar Convention 1971 (Ref. 11) 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). Consideration has been given in the assessment of the Scheme to the presence of any Ramsar wetlands.
- 1.3.6 The Convention on Biological Diversity and the Kunming-Montreal Global Biodiversity Framework which sets the global target to protect 30% of the planet for nature by 2030 (Ref. 6). Chapter 8 has considered the principles and commitments set out in the United Nations Environmental Programme Convention on Biological Diversity of 1992. Under the Convention, governments undertake to conserve and sustainably use biodiversity. They are required to develop national biodiversity strategies and action plans, and to integrate these into broader national plans for environment and development, particularly, important sectors such as energy (Ref. 10).

2. National Legislation, Policy and Guidance

- 2.1.1 National Legislation, policy and guidance relating to Ecology, and pertinent to the Scheme, comprises:

2.2 Legislation

- 2.2.1 Regulation 5(2)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (Ref. 7) requires that the 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).
- 2.2.2 The main relevant legislative instruments relating to nature conservation in England are summarised below.

The Conservation of Habitats and Species Regulations 2017

- 2.2.3 The Conservation of Habitats and Species Regulations 2017 (as amended) (Ref. 8) (the Habitats Regulations) transposed the requirements of the EC Habitats Directive (Ref. 2) and 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) for which such European Sites can be designated.

- 2.2.4 The Habitats Regulations (Ref. 8) also provide protection for certain European Protected Species (EPS) that are listed in Schedule 2 (animals) or Schedule 4 (plants). Provision is made for the granting of licences that permit certain acts as lawful, providing the appropriate authority is satisfied that the permitted activities will be carried out for specified reasons or purposes, that there is no satisfactory alternative, and that the activities will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.
- 2.2.5 The latest 2019 amendment to the Habitats Regulations (Ref. 9) 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. 9) 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.
- 2.2.6 The presence of European Sites and their relationship to the Scheme have been considered in **Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1]** and assessed in the **Habitats Regulation Assessment (HRA) [EN010143/APP/7.12]**. The presence or possible presence of Annex I habitats and Annex II species, and also of any EPS, has been considered within the assessment in **Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1]**.

The Environment Act

- 2.2.7 The Environment Act 2021 (Ref. 12) provides a post-Brexit legal framework for environmental governance and makes provision for improvements to the natural environment.
- 2.2.8 The Environment Act 2021 requires the Secretary of State to set long-term targets (15-year minimum) for biodiversity.
- 2.2.9 The Environment Act 2021 also includes proposals to make 10% biodiversity net gain (BNG) a mandatory requirement within the planning system in England. The Act will require Nationally Significant Infrastructure Projects (NSIPs) to include a 10% BNG, however the relevant provisions are not yet in force. Environmental Targets (Biodiversity) (England) Regulations 2023.
- 2.2.10 The biodiversity target for England have been introduced by the Environmental Targets (Biodiversity) (England) Regulations 2023 (Ref. 13) which came into force in January 2023. In summary, the targets for land biodiversity include:
- a. ensuring that species abundance in 2042 is greater than in 2022, and at least 10% greater than 2030;
 - b. improving the GB Red List Index (of species threatened with extinction) in England for species extinction risk by 2042, compared to 2022 levels;

- c. creating or restoring over 500,000 hectares of a range of wildlife-rich habitats outside protected sites by 2042, compared to 2022 levels; and
- d. A species abundance target to halt the decline in species abundance by 2030.

2.2.11 Other biodiversity provisions of the Act include:

- a. Strengthened biodiversity duty on public authorities;
- b. Local Nature Recovery Strategies to support a Nature Recovery Network;
- 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; and
- 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 a requirement on large UK businesses to establish a system of due diligence for each regulated commodity used in their supply chain.

The Wildlife and Countryside Act (WCA) 1981 (as amended)

2.2.12 The Wildlife and Countryside Act (WCA) 1981 (as amended) Ref. 14) is a primary piece of UK wildlife legislation, protecting birds, other animals and plants (including vascular plants, bryophytes, lichens and fungi) and providing for the designation of protected areas including Sites of Special Scientific Interest (SSSIs). The WCA also defines a list of invasive non-native species, making it illegal to release or allow to escape into the wild any invasive non-native animals; or to cause to grow in in the wild any invasive non-native plants.

2.2.13 Designated sites, protected flora and fauna, and invasive species covered by the WCA (Ref. 13) that could potentially be affected by the Scheme have been considered in the assessment.

The Countryside and Rights of Way Act 2000

2.2.14 The Countryside and Rights of Way Act 2000 (Ref. 15) extends powers relating to the protection and management of SSSIs. This includes powers for entering management agreements, placing a duty on public bodies to further the conservation and enhancement of SSSIs, increasing penalties for conviction, and appeal processes for the notification, management and protection of SSSIs. It also introduced the offence of 'reckless' disturbance of threatened species.

2.2.15 The legislative provisions relating to designated sites and flora and fauna affected by the Scheme have been considered in the assessment.

The Natural Environment and Rural Communities (NERC) Act 2006

- 2.2.16 Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) (Ref. 16) (NERC Act) places a duty on public authorities with functions exercisable in England to from time to time consider 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.
- 2.2.17 Section 41 of the NERC Act (Ref. 16) 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. 17).
- 2.2.18 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.

The Protection of Badgers Act 1992

- 2.2.19 The Protection of Badgers Act 1992 (Ref. 18) provides specific legislation to protect badgers 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.

The Hedgerows Regulations 1997

- 2.2.20 The Hedgerow Regulations 1997 (Ref. 19) introduced protection for countryside hedgerows that are defined as 'important' because they meet specific wildlife or landscape criteria. The assessment has evaluated hedgerows affected by the Scheme by way of field survey, to determine whether any qualify as important under the ecological criteria.

The Invasive Alien Species (Enforcement and Permitting) Order 2019 (as amended)

- 2.2.21 The Invasive Alien Species (Enforcement and Permitting) Order 2019 (Ref. 20) came into effect on 1 December 2019. This implemented the EU Invasive Alien Species Regulation 1143/2014 on the prevention and management of invasive alien plant and animal species in England and Wales, including the relevant licences, permits and rules for keeping invasive alien species.
- 2.2.22 If it is not a species of special concern, then the Wildlife and Countryside Act 1981 (as amended); Section 14, Schedule 9 (Ref. 13) still applies.

Animal Welfare Act 2006

- 2.2.23 The Animal Welfare Act 2006 (Ref. 21) protects vertebrate animals from harm and extends to domesticated animals and those under the control of people.

- 2.2.24 The provisions of the Animal Welfare Act 2006 (Ref. 21) has been taken into account within the assessment by ensuring the welfare of any animals potentially affected by the Scheme are considered.

Salmon and Freshwater Fisheries Act 1975

- 2.2.25 The Salmon and Freshwater Fisheries Act 1975 (Ref. 22) (as amended) relates to the protection of freshwater fish, with a focus on salmon and trout species.
- 2.2.26 The assessment has considered the provisions of the Salmon and Freshwater Fisheries Act 1975 (Ref. 22) 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

- 2.2.27 The Eels (England and Wales) Regulations 2009 (the Eel Regulations) (Ref. 23) came into force on 15 January 2010 to support the UK in implementing EC Council Regulation (1100/2007) (the EC Eel Regulation) (Ref. 49) which aimed to halt and reverse the decline in the European eel (*Anguilla Anguilla*) stock, aiming to meet mature adult Eel biomass escapement targets to sea of 40% relative to that expected in the absence of anthropogenic impacts.
- 2.2.28 The assessment has considered the provisions of the Eel Regulations (Ref. 23) in relation to safe and unobstructed passage for eel, and consideration regarding channel alterations, river crossings and culverting.

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

- 2.2.29 The Water Framework Directive (WFD) (Ref. 24) aims to protect and enhance the quality of the water environment across all European Union (EU) member states. The WFD was transposed into law in England by the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. The 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.
- 2.2.30 The assessment has considered the provisions of the Water Environment (WFD) (England and Wales) Regulations 2017 (Ref. 24) in relation to avoiding deterioration of a waterbody from its current status or potential and / or not preventing future attainment of good status or potential where not already achieved.

Biodiversity 2020: A strategy for England's wildlife and ecosystem services

- 2.2.31 Biodiversity 2020: A strategy for England's wildlife and ecosystem services (Ref. 25). This Strategy identifies how climate change is likely to affect the future environment. It also reflects on how ecological networks will be maintained through the use of a biodiversity offsetting metric and through studies into connectivity through the study area and wider landscape, for particularly sensitive/valuable species.

2.3 Policy

Environmental Improvement Plan 2023

- 2.3.1 In 2023, the Government published its Environmental Improvement Plan (Ref. 48), the first revision of the 25 Year Environment Plan (Ref. 34) to set out how the Government will work with landowners, communities and businesses to deliver each of its goals for the natural environment. This document continues to use the 10 goals set out within the 25 Year Environment Plan with the Apex goal being to achieve 'thriving plants and wildlife'. The 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, and sets interim targets pursuant to the long-term targets set under the Environment Act 2021.

National Policy Statements

- 2.3.2 The Scheme's proposed energy generating technology is not currently specifically referenced by a National Policy Statement (NPS). However, the EIA takes account of the following NPSs, which are considered to be matters that will be important and relevant to the Secretary of State's decision as to whether to grant a DCO for the Scheme:
- a. Overarching National Policy Statement for Energy (EN1) (Ref. 26),
 - b. National Policy Statement for Renewable Energy Infrastructure (EN-3) (Ref. 27), and
 - c. National Policy Statement for Electricity Networks Infrastructure (EN-5) (Ref. 28).
- 2.3.3 The NPSs set out the Government's energy policy, the need for new infrastructure and guidance for determining an application for a Development Consent Order (DCO) for an energy project. The NPSs include specific criteria and issues which should be covered by applicants in their assessments of the effects of their scheme, and set out how the decision maker should consider these impacts and mitigation measures.
- 2.3.4 The relevant NPS requirements, together with an indication of where in the ES the information is provided to address these requirements, are provided in **Table 1**. NPS EN-3 contains a section on climate change adaptation in Section 2.3, but this is not relevant to the Scheme. NPS-5 contains a section on Biodiversity and Geological Conservation, however, this is in relation to overhead lines and therefore is not relevant to the Scheme. Therefore, Table 1 only lists relevant NPS requirements from NPS EN-1.

Table 1. Relevant NPS requirements for the Ecology assessment

Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
NPS EN-1		
Paragraph 4.3.1	<p>Prior to granting a development consent order, the IPC [now Planning Inspectorate, PINS] must, under the Habitats and Species Regulations, (which implement the relevant parts of the Habitats Directive and the Birds Directive in England and Wales) consider whether the project may have a significant effect on a European 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. Further information on the requirements of the Habitats and Species Regulations can be found in a Government Circular. Applicants should also refer to Section 5.3 of this NPS on biodiversity and geological conservation. The applicant should seek the advice of Natural England and/or the Countryside Council for Wales and provide the IPC with such information as it may reasonably require to determine whether an Appropriate Assessment is required. In the event that an Appropriate Assessment is required, the applicant must provide the IPC with such information as may reasonably be required to enable it to conduct the Appropriate Assessment. This should include information on any mitigation measures that are proposed to minimise or avoid likely effects.</p>	<p>A HRA [EN010143/APP/7.12] Stage 1 assessment – Screening for Likely Significant Effects has been undertaken to inform the ES and is included with the DCO submission as a stand-alone document.</p> <p>As a conclusion of ‘no Likely Significant Effect’ could not be drawn at Stage 1, the HRA assessment proceeded to Stage 2 - Appropriate Assessment. Again, this is included with the DCO submission as a stand-alone document.</p>
Paragraph 5.3.3	<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, on protected species and on habitats and other species identified as being of principal importance for the</p>	<p>The Ecology chapter of the ES sets out the effects on designated sites of ecological importance, protected species and on habitats and other species identified as being of principal importance for the</p>

Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	conservation of biodiversity. The applicant should provide environmental information proportionate to the infrastructure where EIA is not required to help the IPC consider thoroughly the potential effects of a proposed project.	conservation of biodiversity. Assessment is presented in Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] .
Paragraph 5.3.4	The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.	Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] provides information on how the project has taken advantage of opportunities to conserve and enhance biodiversity. Chapter 8 Ecology, ES Volume 1 [EN010143/APP/6.1] includes embedded mitigation measures which aim to conserve and enhance biodiversity conservation interests.
Paragraph 5.3.6	In having regard to the aim of the Government's biodiversity strategy the IPC should take account of the context of the challenge of climate change: failure to address this challenge will result in significant adverse impacts to biodiversity. The policy set out in the following sections recognises the need to protect the most important biodiversity and geological conservation interests. 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 IPC may take account of any such net benefit in cases where it can be demonstrated.	Chapter 6: Climate Change, ES Volume 1 [EN010143/APP/6.1] presents the results of the In-combination Climate Change Impact (ICCI) Assessment for the Scheme including consideration of Biodiversity Net Gain. The need for the Scheme is discussed in Chapter 3: Alternatives and Design Evolution, ES Volume 1 [EN010143/APP/6.1] and the Statement of Need [EN010143/APP/7.1] .
Paragraph 5.3.7	As a general principle, and subject to the specific policies below, development should aim to avoid significant harm to biodiversity	Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] sets out information on

Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	and geological conservation interests, including through mitigation and consideration of reasonable alternatives (as set out in Section 4.4); where significant harm cannot be avoided, then appropriate compensation measures should be sought.	how the design development has sought to avoid significant harm to biodiversity. Chapter 3: Alternatives and Design Evolution, ES Volume 1 [EN010143/APP/6.1] explains how the alternative options for the Scheme were considered during design development. Embedded mitigation is set out in Chapter 8: Ecology, ES Volume 1, [EN010143/APP/6.1] and also in Framework Construction Environmental Management Plan (CEMP) [EN010143/APP/7.7]
Paragraph 5.3.8	In taking decisions, the IPC should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; habitats and other species of principal importance for the conservation of biodiversity; and to biodiversity and geological interests within the wider environment.	The appropriate weight has been attached to designated sites, protected species; habitats and other species of principal importance for the conservation of biodiversity in the ecological assessment presented in Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] .
Paragraph 5.3.9	The most important sites for biodiversity are those identified through international conventions and European Directives. The Habitats Regulations provide statutory protection for these sites but do not provide statutory protection for potential Special Protection Areas (pSPAs) before they have been classified as a Special Protection Area. For the purposes of considering development proposals affecting them, as a matter of policy the Government	Both Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] and the HRA [EN010143/APP/7.12] consider pSPAs and Ramsar sites, where relevant.

Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	wishes pSPAs to be considered in the same way as if they had already been classified. Listed Ramsar sites should, also as a matter of policy, receive the same protection.	
Paragraph 5.3.10	Many SSSIs are also designated as sites of international importance and will be protected accordingly. Those that are not, or those features of SSSIs not covered by an international designation, should be given a high degree of protection. All National Nature Reserves are notified as SSSIs.	Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] reflects the high degree of protection afforded to SSSIs and National Nature Reserves (NNR).
Paragraph 5.3.11	Where a proposed development on land within or outside an SSSI is likely to have an adverse effect on an SSSI (either individually or in combination with other developments), development consent should not normally be granted. Where an adverse effect, after mitigation, on the site's notified special interest features is likely, an exception should only be made where the benefits (including need) of the development at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs. The IPC should use requirements and/or planning obligations to mitigate the harmful aspects of the development and, where possible, to ensure the conservation and enhancement of the site's biodiversity or geological interest.	Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] sets out the effects of the Scheme on designated sites of ecological importance, including SSSIs.
Paragraph 5.3.13	Sites of regional and local biodiversity and geological interest, which include Regionally Important Geological Sites, Local Nature Reserves and Local Sites, have a fundamental role to play in meeting overall national biodiversity targets; contributing to the quality of life and the well-being of the community; and in	Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] sets out the effects of the Scheme on designated sites of ecological importance, including sites of regional and local biodiversity interest.

**Relevant NPS
paragraph reference**

Requirement of the NPS

**Location of information provided to
address this**

supporting research and education. The IPC should give due consideration to such regional or local designations. However, given the need for new infrastructure, these designations should not be used in themselves to refuse development consent.

Paragraph 5.3.14

Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. The IPC should not grant development consent for any development that would result in its loss or deterioration unless the benefits (including need) of the development, in that location outweigh the loss of the woodland habitat. Aged or 'veteran' trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided. Where such trees would be affected by development proposals the applicant should set out proposals for their conservation or, where their loss is unavoidable, the reasons why.

Information in relation to the nature and level of constraints posed by existing trees on the Site (including veteran and/or ancient trees), a desk study review and site surveys conducted between November 2022 and August 2023, along with feedback from statutory consultation has informed the development design (**Figure 2-3, ES Volume 3 [EN010143/APP/6.3]**).

The baseline ecological conditions within the Site and relevant Zones of Influence (Zoi) is presented in **Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1]**, as well as an assessment of potential effects on ancient woodland and ancient and veteran trees.

Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] sets out embedded mitigation measures to protect ancient/veteran trees. These are also included in the **Framework CEMP [EN010143/APP/7.7]**. There are no areas of

Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
Paragraph 5.3.15	Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. When considering proposals, the IPC should maximise such opportunities in and around developments, using requirements or planning obligations where appropriate.	ancient woodland within the Zol of the Scheme. The design includes features such as areas of new grassland and woodland, and the enhancement and creation of hedgerows, with an aim to enhance the biodiversity of the Site. The agreed design for the ES is at Figure 2-3, ES Volume 3 [EN010143/APP/6.3] .
Paragraph 5.3.16	Many individual wildlife species receive statutory protection under a range of legislative provisions.	Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] considers protected and notable species where appropriate, as part of the assessment, and mitigation measures which have been embedded into the Scheme to avoid or reduce potential effects, including the Framework CEMP [EN010143/APP/7.7] .
Paragraph 5.3.17	Other species and habitats have been identified as being of principal importance for the conservation of biodiversity in England and Wales and thereby requiring conservation action. The IPC should ensure that these species and habitats are protected from the adverse effects of development by using requirements or planning obligations. The IPC should refuse consent where harm to the habitats or species and their habitats would result, unless the benefits (including need) of the development outweigh that harm. In this context the IPC should give substantial weight to any such	Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] considers other notable habitats and species (e.g. habitat of principal importance) as part of the assessment and mitigation measures which have been embedded into the Scheme.

Relevant NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	harm to the detriment of biodiversity features of national or regional importance which it considers may result from a proposed development.	
Paragraph 5.3.18	<p>The applicant should include appropriate mitigation measures as an integral part of the proposed development. In particular, the applicant should demonstrate that:</p> <ul style="list-style-type: none"> a. during construction, they will seek to ensure that activities will be confined to the minimum areas required for the works; b. 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; c. habitats will, where practicable, be restored after construction works have finished; and d. opportunities will be taken to enhance existing habitats and, where practicable, to create new habitats of value within the site landscaping proposals. 	<p>Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] and the Framework CEMP [EN010143/APP/7.7] set out information on how the development will minimise working areas during construction, follow best practice during construction and operation to avoid or minimise disturbance or damage to species or habitats, restore habitats following construction activities and enhance existing habitats and create new biodiverse habitats.</p>
Paragraph 5.3.20	<p>The IPC will need to take account of what mitigation measures may have been agreed between the applicant and Natural England or the Marine Management Organisation (MMO), and whether Natural England or the MMO has granted or refused or intends to grant or refuse, any relevant licences, including protected species mitigation licences.</p>	<p>Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] sets out the mitigation measures embedded within the Scheme design. The ES also includes information on any mitigation measures agreed between the applicant and Natural England, if applicable. Details of consultation with Natural England regarding protected species etc., to date is set out where applicable in</p>

**Relevant NPS
paragraph reference**

Requirement of the NPS

**Location of information provided to
address this**

Section 8.3 of **Chapter 8: Ecology, ES
Volume 1 [EN010143/APP/6.1]**.

An MMO Marine licence for the works
at/beneath the River Ouse will be included in
the DCO as set out in the **Draft DCO
[EN010143/APP/3.1]**.

Draft National Policy Statements

- 2.3.5 The Government is currently reviewing and updating the Energy NPSs. It is doing this in order to reflect its policies and strategic approach for the energy system that is set out in the Energy White Paper (December 2020), and to ensure that the planning policy framework enables the delivery of the infrastructure required for the country's transition to net zero carbon emissions. As part of the Energy NPS review process, the Government published a suite of Draft Energy NPSs for consultation on 30th March 2023. These include the following Draft NPSs:
- a. Draft Overarching National Policy Statement for Energy (EN-1) (Draft NPS EN-1) (Ref. 29),
 - b. Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) (Draft NPS EN-3) (Ref. 30), and
 - c. Draft National Policy Statement for Electricity Networks Infrastructure (EN-5) (Ref. 31).
- 2.3.6 The consultation on the details of these provisions closed on 23 June 2023, but the documents have not been finalised or adopted.
- 2.3.7 The transitional provisions in the draft EN-1 state that the suite of NPS will only have effect once designated in relation to those applications that are accepted for examination after the date of designation. The date for submission of the Application may mean that there is no NPS specifically in relation to ground mounted solar, but the draft NPS are "important and relevant" matters, as defined in S.105 (2)(c) of the 2008 Act, and are matters which the Secretary of State should have regard to and place significant weight on.
- 2.3.8 Given the importance of these NPSs, the EIA approach takes account of these new emerging documents and any subsequent formal adoption of new NPSs for energy infrastructure are considered where relevant within the ES. Where the relevant Draft NPS contain requirements that differ from the requirements of the NPSs, **Table 2** indicates where the information to address these requirements is provided within the ES.

Table 2. Relevant Draft NPS requirements for the Ecology assessment

Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
Draft NPS EN-1		
Paragraph 4.5.13	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.	<p>Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] provides information on how the project has taken advantage of opportunities to conserve and enhance biodiversity, in line with the requirements of relevant planning policy.</p> <p>Furthermore, the Scheme has been designed to achieve at least 10% BNG, in accordance with the Environment Act 2021 using the Defra biodiversity offsetting metric (now Natural England 4.0) (Ref. 32) as another mechanism. This is set out in the BNG Report [EN010143/APP/7.11], which forms part of the DCO Application.</p>
Paragraph 4.5.14	Applicants should make use of available guidance and tools for measuring natural capital assets and ecosystem services, such as the Natural Capital Committee’s ‘How to Do it: natural capital workbook’, Defra’s guidance on Enabling a Natural Capital Approach (ENCA), and other tools that aim to enable wider benefits for people and nature.	A Natural Capital Assessment is not required for the Scheme. The management strategy for the Site is outlined in the Framework Landscape and Ecological Management Plan [EN010143/APP/7.14] and Framework Soil Management Plan [EN010143/APP/7.10] .
Paragraph 4.5.15	Where environmental net gain considerations have featured as part of the strategic options appraisal process to	Chapter 3: Alternatives and Design Evolution, ES Volume 1 [EN010143/APP/6.1] explains how the

Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	select a project, applicants should reference that information to supplement the site-specific details.	alternative options for the Scheme were considered during design development.
Paragraph 5.4.4	The highest level of biodiversity protection is afforded to sites identified through international conventions. The Habitats Regulations set out sites for which an HRA will assess the implications of a plan or project, including Special Areas of Conservation and Special Protection Areas.	<p>A HRA [EN010143/APP/7.12] Stage 1 assessment – Screening for Likely Significant Effects has been undertaken to inform the ES and is included with the DCO submission as a stand-alone document.</p> <p>As a conclusion of ‘no Likely Significant Effect’ could not be drawn at Stage 1, the HRA assessment proceeded to Stage 2 - Appropriate Assessment. Again, this is included with the DCO submission as a stand-alone document.</p>
Paragraph 5.4.5	<p>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:</p> <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>Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] and the HRA [EN010143/APP/7.12] consider pSPAs, pSACs, and Ramsar sites (listed or proposed), however no sites were identified, or required, as compensatory measures for adverse effects on other HRA sites.</p>
Paragraph 5.4.8	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),	<p>Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] sets out the effects of the Scheme on designated sites of ecological importance, including SSSIs.</p>

Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	<p>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>Paragraph 5.4.13</p>	<p>National planning policy expects plans to identify and map Local Wildlife sites, and to include policies that not only secure their protection from harm or loss but also help to enhance them and their connection to wider ecological networks.</p>	<p>Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] sets out the effects of the Scheme on designated sites of ecological importance, including sites of regional and local biodiversity interest.</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. Ancient or veteran trees found outside ancient woodland are also particularly valuable. Other types of irreplaceable habitats include blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.</p>	<p>The baseline conditions within the Site and relevant Zol are presented in Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1]. Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] sets out embedded mitigation measures to protect ancient/veteran trees and Priority habitats. There are no areas of ancient woodland within the Zol of the Scheme, and no other types of irreplaceable habitat with the potential exception of lowland fen which have been avoided where found to be present.</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</p>	<p>Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] sets out the effects on designated sites of ecological importance, protected</p>

Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	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 being of principal importance for the conservation of biodiversity, including irreplaceable habitats.	species and on habitats and other species identified as being of principal importance for the conservation of biodiversity.
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.	Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] provides information on how the Scheme has taken advantage of opportunities to conserve and enhance biodiversity. This includes embedded mitigation measures which aim to conserve and enhance biodiversity conservation interests.
Paragraph 5.4.20	Applicants should consider wider ecosystem services and benefits of natural capital when designing enhancement measures.	Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] provides information on how the Scheme will take advantage of opportunities to enhance biodiversity. A Biodiversity Net Gain Assessment Report [EN010143/APP/7.11] has been submitted with the ES and is supported by a Framework Landscape and Ecological Management Plan (LEMP) [EN010143/APP/7.14] .
Paragraph 5.4.21	As set out in Section 4.6, the design process should embed opportunities for nature inclusive design. Energy infrastructure projects have the potential to deliver significant benefits and	The Scheme includes features such as areas of new grassland and woodland, with an aim to enhance the biodiversity of the Solar PV Site. Other habitat features include provisions of bat and bird boxes.

Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	<p>enhancements beyond Biodiversity Net Gain, which result in wider environmental gains (see Section 4.5 on Environmental and Biodiversity Net Gain). The scope of potential gains will be dependent on the type, scale, and location of each project.</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 to enable the continued movement of species, including birds, fish, aquatic and terrestrial mammals. This is detailed in the Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] and within a Framework LEMP [EN010143/APP/7.14]. Surveys for breeding and migratory/over-wintering birds have informed the HRA process and the assessments presented in the ES. In their scoping response (ID 2.2.7) The Planning Inspectorate stated, ‘the likelihood of transboundary effects resulting from the Proposed Development is so low that it does not warrant the issue of a detailed transboundary screening’.</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 Appropriate Assessment (AA) is required. Applicants</p>	<p>The HRA Stage 1 assessment – Screening for Likely Significant Effects, and Stage 2 – Appropriate Assessment have been undertaken to inform the ES and is included with the DCO submission within the HRA [EN010143/APP/7.12]. As part of Stage 2, this includes information on any measures proposed to avoid or mitigate adverse effects on the integrity of the</p>

Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	<p>can request and agree ‘Evidence Plans’ with SNCBs, which is a way to agree and 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 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</p>	<p>designated sites included in the assessment. Engagement has been undertaken with relevant stakeholders such as Natural England with regards to the HRA.</p>
<p>Paragraph 5.4.26</p>	<p>If, during the pre-application stage, the SNCB indicate that the proposed development is likely to adversely impact the integrity of HRA sites, the applicant must include with their application such information as may reasonably be required to assess a potential derogation under the Habitats Regulations.</p>	<p>The HRA [EN010143/APP/7.12] has been undertaken to inform the ES and is included with the DCO submission. This includes information on any measures that are required to avoid or mitigate negative impacts on the designated sites included in the assessment in relation to the identified impact pathways. The HRA concludes that the Scheme will not result in adverse effects on the integrity of any European sites. Therefore, information regarding a derogation under the Habitats Regulations is not required.</p>
<p>Paragraph 5.4.27</p>	<p>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</p>	<p>In the event that a relevant SNCB later concludes that adverse effects on the integrity of European site(s) cannot be avoided or mitigated, then appropriate information will be provided to confirm that the Scheme meets the three derogation tests (No</p>

Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	examination. This information must include assessment of alternative solutions, a case for Imperative Reasons of Overriding Public Interest (IROPI) and appropriate environmental compensation.	Reasonable Alternatives, Imperative Reasons of Overriding Public Interest and adequate compensation).
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 expectation that the Secretary of State will allow the applicant the opportunity to provide such information following the examination.	Noted.
Paragraph 5.4.29	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.	The HRA [EN010143/APP/7.12] assessed all impact pathways and European sites for which Likely Significant Effects could not be excluded in a more detailed Appropriate Assessment (AA). The AAs for all relevant impact pathways conclude that the Scheme will not result in adverse effects on the integrity of any European sites. Therefore, there are no environmental compensation requirements to be considered.

Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
Paragraph 5.4.30	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.	Natural England have 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.
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	As highlighted above, the AA determined that the Scheme will not result in adverse effects on European sites. Therefore, consultation with SNCBs regarding compensation is not required.
Paragraph 5.4.32	Applicants should include measures to mitigate the direct and indirect effects of development on ancient woodland, veteran trees or other irreplaceable habitats during both construction and operational phase.	Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] sets out embedded mitigation measures to protect ancient/veteran trees and Priority habitats during the construction and operational phases of the Scheme (where required). There are no areas of ancient woodland within the Zol of the Scheme.
Paragraph 5.4.33	Applicants should consider any reasonable opportunities to maximise the restoration,	Opportunities to maximise the enhancement of wider biodiversity, and the protection and restoration of the

Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	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 4.5	ability of habitats to store or sequester carbon has been discussed with relevant stakeholders and is considered in Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] .
Paragraph 5.4.34	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 government’s strategy for nature for example.	Consideration has been given to improvements to, and impacts on, habitats and species in, around and beyond the Scheme. The habitats to be created within the Site would add to the local biodiversity and support a wide range of species in the wider area through provision of supporting habitats.
Paragraph 5.4.35	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: <ul style="list-style-type: none"> • during construction, they will seek to ensure that activities will be confined to the minimum areas required for the works 	Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] and the Framework CEMP [EN010143/APP/7.7] sets out information on how the development will minimise working areas during construction, follow best practice during construction and operation to avoid or minimise disturbance or damage to species or habitats, restore habitats following construction activities and enhance existing habitats and create new biodiverse habitats.

Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	<ul style="list-style-type: none"> • 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. 	
<p>Paragraph 5.4.36</p>	<p>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</p>	<p>A Framework LEMP [EN010143/APP/7.14] has been prepared to accompany the ES. This document sets out the principles for how the land will be managed throughout the operational phase, following the completion of construction, and specifies mitigation</p>

Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	to avoid unnecessary adverse impacts on biodiversity during the construction and operation stages.	and enhancement measures that support the BNG. A detailed LEMP will be produced following the granting of the DCO and the detailed design stage, prior to the start of construction (which will be secured by Requirement 6 of the draft DCO).
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.
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. Where significant harm cannot be avoided, impacts should be mitigated and as a last resort, appropriate compensation measures should be sought.	Embedded mitigation measures and additional mitigation requirements are included in Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] , and the Framework CEMP [EN010143/APP/7.7] which aim to avoid significant harm to important ecological features. The requirement for further mitigation is also identified.
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	Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] details measures that will be undertaken to avoid significant effects on protected and notable habitats, sites and species.

Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	for, then the Secretary of State will give significant weight to any residual harm and consent may be refused.	
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.	Any habitat creation or enhancement delivered within the Solar PV Site including linkages with existing habitats for compensation or biodiversity net gain will be maintained for a minimum period of 30 years, or for the operational lifetime of the Scheme, if longer (anticipated to be at least 60 years). This is set out in the Biodiversity Net Gain Assessment Report [EN010143/APP/7.11] .
Paragraph 5.4.49	The Secretary of State must consider whether the project may have a likely significant effect on a protected site which is part of the National Site Network (an HRA Site), a Marine Protected Area (MPA), 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.	A HRA [EN010143/APP/7.12] Stage 1 assessment – Screening for Likely Significant Effects has been undertaken to inform the ES and is included with the DCO submission as a stand-alone document. As a conclusion of ‘no Likely Significant Effect’ could not be drawn at Stage 1, the HRA assessment proceeded to Stage 2 - Appropriate Assessment. Again, this is included with the DCO submission as a stand-alone document.
Paragraph 5.4.50	The Secretary of State should use requirements and/or planning obligations to mitigate the harmful aspects of the	Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] provides information on how the project sought to avoid significant harm to biodiversity,

Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	development and, where possible, to ensure the conservation and enhancement of the site’s biodiversity or geological interest.	and taken advantage of opportunities to conserve and enhance biodiversity. Chapter 8 of the ES includes embedded mitigation measures which aim to conserve and enhance biodiversity conservation interests.
Paragraph 5.4.53	The Secretary of State should give due consideration to such 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. Development will still be expected to comply with the biodiversity and geological conservation requirements set out in this NPS	Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] sets out the effects of the Scheme on designated sites of ecological importance, including sites of regional and local biodiversity interest.
Paragraph 5.4.55	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.	The Ecology chapter of the ES Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] provides information on how the project sought to avoid significant harm to biodiversity and has taken advantage of opportunities to conserve and enhance biodiversity.
Paragraph 5.4.56	The Secretary of State should refuse consent where harm to the habitats or species and their habitats would result, unless the benefits (including need) of the development outweigh that harm. In this context the Secretary of State should give	The Ecology chapter of the ES Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] provides information on how the project sought to avoid significant harm to biodiversity and has taken advantage of opportunities to conserve and enhance biodiversity.

Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	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.	
Draft NPS EN-3		
Paragraph 3.10.67	The applicant's ecological assessments should identify any ecological risk from developing on the proposed site.	Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] provides an assessment of potential impacts on relevant important ecological features.
Paragraph 3.10.68	Issues that need assessment may include habitats, ground nesting birds, wintering and migratory birds, bats, dormice, reptiles, great crested newts, water voles and badgers	
Paragraph 3.10.69	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	An ecology team is involved and has been inputting into the design process during its development.
Paragraph 3.10.70	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	The assessment provided in Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] has been informed by a desk study and site surveys and specifies mitigation to avoid or minimise these impacts, and any further surveys required such as pre-construction surveys to inform licences.

Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
Paragraph 3.10.73	minimise these impacts, and any further surveys required	Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] and the Framework CEMP [EN010143/APP/7.7] includes embedded mitigation in relation to lighting to minimise potential impacts to protected and notable species.
Paragraph 3.10.74	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	As detailed in Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] boundary features such as hedgerows will be retained and protected, with only minor hedgerow removal potentially required e.g. for access. Hedgerow surveys and protected/notable species surveys have been completed where necessary and are reported in the Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] . The design includes buffers between the perimeter fencing and hedgerows and gaps and/or gates in the security fencing will be included to enable small mammals continued access into the Site.
Paragraph 3.10.80	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	As detailed in Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] the Scheme design includes features such as areas of new grassland and woodland, with an aim to enhance the biodiversity of the Site.

Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
Paragraph 3.10.81	<p>Gain, which result in wider environmental gains which is encouraged.</p> <p>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.</p>	<p>A Framework LEMP [EN010143/APP/7.14] has been prepared to accompany the ES. This document sets out the principles for how the land will be managed throughout the operational phase, following the completion of construction, and specifies mitigation and enhancement measures that support the Biodiversity Net Gain Assessment Report [EN010143/APP/7.11]. A detailed LEMP will be produced following the granting of the DCO and the detailed design stage, prior to the start of construction (which will be secured by Requirement 6 of the DCO). This LEMP will consider any relevant targets.</p>
Paragraph 3.10.119	<p>In England, proposed enhancements should take account of the above factors and as set out in Section 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</p>	<p>The design includes features such as areas of new grassland and woodland, with an aim to enhance the biodiversity of the Site. The agreed design for the ES is at Figure 2-3, ES Volume 3 [EN010143/APP/6.3].</p>
Paragraph 3.10.120	<p>This might include 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,</p>	<p>The design includes features such as areas of new grassland and woodland, with an aim to enhance the biodiversity of the Site. The agreed design for the ES is at Figure 2-3, ES Volume 3 [EN010143/APP/6.3].</p>

Relevant Draft NPS paragraph reference	Requirement of the NPS	Location of information provided to address this
	bumble bee plant mixes, and wild bird seed mixes.	
Paragraph 3.10.121	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.	Appropriate monitoring will be undertaken during construction and operation as part of the Framework LEMP [EN010143/APP/7.14] and also in Framework CEMP [EN010143/APP/7.7]
NPS EN-5		
Paragraph 2.10.8	Furthermore, since long-term management of the selected mitigation schemes is essential to their mitigating function, a management plan, developed at least in outline at the conclusion of the examination, and which sets out proposals within a realistic timescale, should secure the integrity and benefit of these schemes. This should also uphold the landscape commitments made to achieve consent, alongside any pertinent commitments to environmental and biodiversity net gain.	The BNG report includes high-level management prescriptions for habitats to achieve their target condition scores, which will feed into habitat management and monitoring plans. Long-term management of the Scheme is set out within the Framework LEMP, ES Volume 7 [EN010143/APP/7.14] .
Paragraph 2.14.2	In the assessments of their designs, applicants should demonstrate: • how environmental, community and other	Design development has sought to first avoid, and then mitigate for potential effects. Embedded mitigation measures and additional mitigation requirements are included in Chapter 8: Ecology, ES

**Relevant Draft NPS paragraph
reference**

Requirement of the NPS

Location of information provided to address this

impacts have been considered and how adverse impacts have followed the mitigation hierarchy i.e. avoidance, reduction and mitigation of adverse impacts through good design; and • how enhancements to the environment post construction will be achieved including demonstrating consideration of how proposals can contribute towards biodiversity net gain (as set out in Section 4.5 of EN-1 and the Environment Act 2021), as well as wider environmental improvements in line with the Environmental Improvement Plan and environmental targets (paragraph 4.2.29 of EN-1). In addition, all applicants are encouraged to demonstrate how the construction planning for the proposals has been coordinated with that for other similar projects in the area on a similar timeline.

Volume 1 [EN010143/APP/6.1], and the **Framework CEMP [EN010143/APP/7.7]** which aim to avoid significant harm to important ecological features. The requirement for further mitigation is also identified. The Ecology chapter of the ES **Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1]** provides information on how the project has taken advantage of opportunities to conserve and enhance biodiversity, in line with the requirements of relevant planning policy.

Furthermore, the Scheme has been designed to achieve at least 10% BNG, in accordance with the Environment Act 2021 using the Defra biodiversity offsetting metric (now Natural England 4.0) (Ref. 32) as another mechanism. This is set out in the **BNG Report [EN010143/APP/7.11]**, which forms part of the DCO Application.

National Planning Policy Framework

- 2.3.9 The National Planning Policy Framework (NPPF) (Ref. 33), 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 where possible.
- 2.3.10 It specifies the obligations that the Local Authorities and the UK Government have regarding statutory designated sites and protected species under UK and international legislation and how this it to be delivered in the planning system.
- 2.3.11 Section 15 of the NPPF explains the national planning policy with regard to conserving and enhancing the natural environment and how local planning authorities should determine planning applications with regard to ecology and biodiversity. 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 3**.

Table 3. Relevant NPPF requirements for the Ecology assessment

Relevant NPPF paragraph reference	Requirement of the NPPF	Location of information provided to address this
Paragraph 174	<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; (...) 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. 	<p>In response to Point a, Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] sets out the effects on sites of biodiversity value.</p> <p>In response to Point b, the Ecology chapter of the ES sets out information on how the development has sought to minimise impacts and provide net gains for biodiversity, including the establishing of coherent ecological networks.</p>
Paragraph 180	<p>When determining planning applications, local planning authorities should apply the following principles:</p> <ul style="list-style-type: none"> a. if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; b. 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 	<p>In response to Point a, Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1] sets out the effects on designated sites of ecological importance, protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity.</p> <p>In response to Point b, the Ecology chapter of the ES sets out the effects on SSSIs.</p>

Relevant NPPF paragraph reference Requirement of the NPPF

Location of information provided to address this

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;

- 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
- 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.

In response to Point c, the Ecology chapter of the ES sets out the effects on habitats. The baseline ecological conditions (gained through desk study and surveys undertaken to date) within the Site and relevant Zones of Influence are presented **Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1]**. In response to Point d, the Ecology chapter of the ES sets out how the Scheme secures measurable net gains for biodiversity.

Paragraph 181

The following should be given the same protection as habitats sites:

- a. potential Special Protection Areas and possible Special Areas of Conservation;
- b. listed or proposed Ramsar sites; and
- 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.

Both **Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1]** and the **HRA [EN010143/APP/7.12]** consider pSPAs, pSACs and Ramsar sites, where relevant. The HRA concludes that there will be no adverse effects on the integrity of European sites, such that no compensatory sites have been identified and require consideration in the assessment.

Relevant NPPF paragraph reference **Requirement of the NPPF**

Location of information provided to address this

Paragraph 182

The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

A **HRA [EN010143/APP/7.12]** Stage 1 assessment – Screening for Likely Significant Effects has been undertaken to inform the ES and is included with the DCO submission as a stand-alone document.

As a conclusion of ‘no Likely Significant Effect’ could not be drawn at Stage 1, the HRA assessment proceeded to Stage 2 - Appropriate Assessment. Again, this is included with the DCO submission as a stand-alone document.

Paragraph 185

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 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:

- 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;
- 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

In response to Point c, **Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1]** and the **Framework CEMP [EN010143/APP/7.7]** provides information on how the project will limit the impact of light pollution on features of nature conservation importance.

Relevant NPPF paragraph reference **Requirement of the NPPF**

Location of information provided to address this

c. limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

2.4 Guidance

- 2.4.1 Other guidance documents relevant to the assessment of the impacts of the Scheme on biodiversity are included below.

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

- 2.4.2 Standing advice from Natural England and Defra (Ref. 35) provides guidance on protected and notable species and includes reference to the best practice approaches to survey, mitigation and compensation. Guidance is also provided on the procedure for obtaining protected species licences.
- 2.4.3 This advice has informed the planning of surveys and the approach to mitigating impacts upon protected species, including where necessary the requirement for Natural England mitigation licences.
- 2.4.4 **Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1]** sets out the assessment of effects of the Scheme on protected species where appropriate.

UK Post-2010 Biodiversity Framework

- 2.4.5 The UK Biodiversity Action Plan (UKBAP) was launched in 1994 and established a framework and criteria for identifying species and habitat types of conservation concern (Ref. 36). The UKBAP was subsequently succeeded by the UK Post-2010 Biodiversity Framework (July 2012) (Ref. 37). The UK list of 943 priority species and 56 habitats, however, 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 UKBAP is still used as one of the criteria to assist in assigning national value to an ecological feature.
- 2.4.6 The UK Post-2010 Biodiversity Framework is relevant within England in the context of Section 40 of the NERC Act 2006 (Ref. 16), 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.
- 2.4.7 The objectives of this framework (Ref. 37) have been included in **Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1]** through consideration of habitats and SPIs.
- 2.4.8 The UK Post-2010 Biodiversity Framework was revised in 2018 to cover the period from 2018-2020 (0).
- 2.4.9 **Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1]** sets out the assessment of effects of the Scheme on priority habitats and species where appropriate.

Birds of Conservation Concern (BoCC)

- 2.4.10 The Birds of Conservation Concern (BoCC) (Ref. 38) 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 assessment is 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).

- 2.4.11 **Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1]** sets out the assessment of effects of the Scheme on BoCC, which are included as part of the breeding and non-breeding bird surveys.

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

- 2.4.12 Established in 1964, the International Union for Conservation of Nature's (IUCN) Red List of Threatened Species (Ref. 41) 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. **Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1]** sets out the assessment of effects of the Scheme on red list species where appropriate.

3. Local Policy and Guidance

- 3.1.1 The Scheme lies within the administrative areas of East Riding of Yorkshire Council and the newly formed Unitary Authority of North Yorkshire Council. North Yorkshire Council was formed on 1 April 2023 by the merger of the administrative areas of North Yorkshire County Council and its six constituent District Councils. Therefore prior to the merger and the formation of the Unitary Authority the Scheme was located in the administrative areas of Selby District Council and North Yorkshire County Council. It is expected that over time a new Local Plan for North Yorkshire Council will be prepared, however it is anticipated that this will not be in place (either adopted or at draft review stage) within the timescale of the DCO Application and that the planning policy for Selby District Council and North Yorkshire County Council, as described within this Appendix, along with that for the East Riding of Yorkshire will continue to be the relevant local planning policy for the Scheme.
- 3.1.2 The following local policy **Table 4** is relevant to the assessment of the effects of the Scheme on ecology and nature conservation.

Table 4. Relevant local legislation, policy and guidance

Relevant Document	Relevant policies
East Riding Local Plan 2012–2029 (adopted April 2016) (Ref. 42)	Policy ENV2: Promoting High Quality Landscape Policy ENV4: Conserving and enhancing biodiversity and geodiversity Policy ENV5: Strengthening green infrastructure Policy A4: Goole & Humberhead Levels sub area
East Riding Local Plan Update 2020 – 2039 (Ref. 43)	Policy ENV2: Promoting High Quality Landscape Policy ENV4: International, National and Local Sites of Importance for Biodiversity Policy ENV5: Enhancing biodiversity and geodiversity Policy A4: Goole & Humberhead Levels sub area Policy S9: Strengthening blue/green infrastructure
East Riding Local Plan, Lower Derwent Valley Supplementary Planning Document (Ref. 44)	The document outlines the importance of the Lower Derwent Valley and the existing protection afforded to the area through the planning system
Selby District Local Plan 2005 (Ref. 45)	Policy ENV9: Site of Importance for Nature Conservation Policy ENV11: Ancient Woodland Policy ENV12: Rivers and Stream Corridors Policy ENV13: Development Affecting Ponds
Selby District Core Strategy Local Plan (2013) (Ref. 46)	Policy SP18: Protecting and Enhancing the Environment
Selby Local Plan Publication Version 2022 (Ref. 47)	Policy NE1: Protecting Designated Sites and Species (Strategic Policy) Policy NE2: Protecting and Enhancing Green and Blue Infrastructure (Strategic Policy) Policy NE3: Biodiversity Net Gain (Strategic Policy) Policy NE5: Protecting and Enhancing Rivers and Waterbodies (Strategic Policy) Policy NE6: Protecting and Enhancing Trees, Woodland and Hedgerows

- 3.1.3 The Selby District Local Plan (SDLP) was formally adopted on 8 February 2005. The Core Strategy and 'Saved' SDLP policies make up the Local Plan for the District and should be read alongside each other.
- 3.1.4 With regards to enhancing and protecting biodiversity and connectivity, the policies require consideration of the impacts on biodiversity by assessing protected species and habitats that could be impacted by the Scheme. To optimise opportunities to enhance biodiversity, proposals should also seek to achieve a net gain in biodiversity where possible. The mitigation hierarchy should be used to first avoid, then mitigate, and where necessary compensate for loss or harm to biodiversity.
- 3.1.5 The policies also set out that consideration of sites of international, national and local importance is also necessary. In the case of European designated sites, a Habitats Regulations Appropriate Assessment is required for any proposal likely to have significant effects on the site. As set out in the East Riding Local Plan Update (Ref. 43), *“Applicants will be required to submit appropriate levels of evidence to enable the Council to undertake a Habitats Regulations Assessment (HRA) of the proposal. Evidence will be required to assess the proposal’s potential impact (alone or in combination) in view of the international (habitats) site’s conservation objectives.”*
- 3.1.6 A Supplementary Planning Document (SPD) for the Lower Derwent Valley Plan was adopted by East Riding of Yorkshire Council in January 2018 (Ref. 44) to add further guidance to policies ENV2 (Promoting a high-quality landscape) and ENV4 (Conserving and enhancing biodiversity and geodiversity) of the East Riding Local Plan Strategy Document. The SPD covers the part of the Lower Derwent Valley that is located within the East Riding of Yorkshire and outlines the importance of the Lower Derwent Valley and the existing protection afforded to the area through the planning system. The Grid Connection Corridor is partially located within the Lower Derwent Valley. This includes guidance on identifying development proposals that could have an impact on the Lower Derwent Valley and the biodiversity and landscape enhancements which could be delivered through the planning system to ensure new development protects and enhances the Lower Derwent Valley.
- 3.1.7 Selby District Local Plan specifies that proposals for development likely to harm the natural features of or access to river, stream and canal corridors will not be permitted unless the importance of the development outweighs these interests, and adequate compensatory measures are provided. The value of ponds in terms of supporting wildlife is also recognised in the local plan.

East Riding of Yorkshire Biodiversity Action Plan (BAP) Strategy

- 3.1.8 The East Riding of Yorkshire Biodiversity Action Plan (ERYBAP) (Ref. 39) aims to fulfil its part of the national targets for the conservation of biodiversity and preserve and enhance the quality of life for all residents. The document sets out what is special about the biodiversity of the East Riding and what action is to be taken to conserve Priority Species and conserve, enhance, restore and re-create Priority Habitats and set appropriate targets to achieve this. The document aims to work closely with local communities and to

promote the development of a functional network of habitat corridors for the East Riding that will provide space for biodiversity and the ability for biodiversity interests to move and change as part of the challenges posed by climate change and other potential pressures upon it.

- 3.1.9 **Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1]** sets out the assessment of effects of the Scheme on BAP and priority habitats and species where appropriate.

Selby BAP

- 3.1.10 The Selby BAP (Ref. 40) aims to ensure national targets for species and habitats (in the UK BAP) are translated into effective action at the local level and to safeguard and enhance rare habitats and their wildlife. It aims to achieve conservation through targets based upon protection, enhancement and re-creation with targets set to increase or at the very least maintain the existing biological resource.
- 3.1.11 **Chapter 8: Ecology, ES Volume 1 [EN010143/APP/6.1]** sets out the assessment of effects of the Scheme on BAP habitats and species of importance at the local level.

4. References

- Ref. 1 European Commission (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:
Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version) (legislation.gov.uk) [Accessed 09 August 2023]
- 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:
Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (legislation.gov.uk) [Accessed 09 August 2023]
- Ref. 3 EC (2014). Regulation (EU) 1143/2014 on invasive alien species (the IAS Regulation).
Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species (legislation.gov.uk) [Accessed 09 August 2023]
- 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, Brussels. Available at:
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 (legislation.gov.uk) [Accessed 09 August 2023]
- Ref. 5 United Nations Educational, Scientific and Cultural Organization (1971). Convention on Wetlands of International Importance especially as Waterfowl Habitat. Available at:
https://www.ramsar.org/sites/default/files/documents/library/current_convention_text_e.pdf [Accessed 20 September 2023]
- Ref. 6 United Nations (2022). Kunming-Montreal Global Biodiversity Framework. Available at: 15/4. Kunming-Montreal Global Biodiversity Framework (cbd.int) [Accessed 20 September 2023]
- Ref. 7 H.M. Government (2017). Infrastructure Planning (Environmental Impact Assessment) Regulations. Available at:
<https://www.legislation.gov.uk/ukxi/2017/572/regulation/5/made> [Accessed 09 August 2023]
- Ref. 8 H.M. Government (2018). Conservation of Habitats and Species Regulations 2017 (as amended). Available at:
https://www.legislation.gov.uk/ukxi/2017/1012/pdfs/ukxi_20171012_en.pdf. [Accessed 09 August 2023]
- Ref. 9 H.M. Government (2019) The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. HMSO, London. Available at:

- https://www.legislation.gov.uk/ukdsi/2019/9780111176573/pdfs/ukdsi_9780111176573_en.pdf. [Accessed 09 August 2023]
- Ref. 10 United Nations (1992). Convention on Biological Diversity. Available at:
Convention on biological diversity, June 1992 | UNEP - UN Environment Programme [Accessed 09 August 2023]
- Ref. 11 Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat (1971). United Nations Educational, Scientific and Cultural Organization. Available at:
<https://leap.unep.org/sites/default/files/treaty/ramsar-en.pdf> [Accessed 09 August 2023]
- Ref. 12 H.M. Government (2021). The Environment Act (2021). Available at:
Environment Act 2021 [Accessed 09 August 2023]
- Ref. 13 H.M. Government (2023). The Environmental Targets (Biodiversity) (England) Regulations 2023. Available at:
<https://www.legislation.gov.uk/uksi/2023/91/made> [Accessed 20 September 2023]
- Ref. 14 H.M. Government (1981). The Wildlife & Countryside Act 1981. HMSO, London. Available at: Wildlife and Countryside Act 1981 (legislation.gov.uk) [Accessed 09 August 2023]
- Ref. 15 H.M. Government (2000). Countryside and Rights of Way Act 2000. HMSO, London. Available at:
https://www.legislation.gov.uk/ukpga/2000/37/pdfs/ukpga_20000037_en.pdf [Accessed 09 August 2023]
- Ref. 16 H.M. Government (2006). The Natural Environment and Rural Communities Act. HMSO, London. Available at:
https://www.legislation.gov.uk/ukpga/2006/16/pdfs/ukpga_20060016_en.pdf [Accessed 09 August 2023]
- Ref. 17 UK Post-2010 Biodiversity Framework. Joint Nature Conservation Committee and Department for Environment, Food and Rural Affairs (2012). Available at:
UK Post-2010 Biodiversity Framework (2012–2019) | JNCC Resource Hub [Accessed 09 August 2023]
- Ref. 18 H.M. Government (1992). Protection of Badgers Act 1992. Available at:
https://www.legislation.gov.uk/ukpga/1992/51/pdfs/ukpga_19920051_en.pdf [Accessed 09 August 2023]
- Ref. 19 H.M. Government (1997). Hedgerow Regulations 1997. Available at:
<https://www.legislation.gov.uk/uksi/1997/1160/body/made/data.pdf> [Accessed 09 August 2023]
- Ref. 20 H.M. Government (2019) The Invasive Alien Species (Enforcement and Permitting) Order 2019. Available at:
<https://www.legislation.gov.uk/uksi/2019/527/article/1/made> [Accessed 09 August 2023]

- Ref. 21 H.M. Government (2006). Animal Welfare Act 2006. HMSO, London.
Available at:
https://www.legislation.gov.uk/ukpga/2006/45/pdfs/ukpga_20060045_en.pdf
[Accessed 09 August 2023]
- Ref. 22 H.M. Government (1975). Salmon and Freshwater Fisheries Act 1975.
Available at:
<https://www.legislation.gov.uk/ukpga/1975/51/body/1991-02-01>. [Accessed 09 August 2023]
- Ref. 23 The Eels (England and Wales) Regulations 2009 (SI 2009/3344). Available at: <https://www.legislation.gov.uk/uksi/2009/3344/body?view=plain>.
[Accessed 09 August 2023]
- Ref. 24 Water Environment (WFD) (England and Wales) Regulations 2017 (SI 2017/407).
Available at
https://www.legislation.gov.uk/uksi/2017/407/pdfs/uksi_20170407_en.pdf.
[Accessed 09 August 2023]
- Ref. 25 Department for Environment Food and Rural Affairs (2020). Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services. Available at:
https://www.sustainabilityexchange.ac.uk/files/biodiversity_strategy_2020.pdf
[Accessed 20 September 2023]
- Ref. 26 Department of Energy and Climate Change (DECC) (2011) National Policy Statement for Energy (EN-1). Available at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/47854/1938-overarching-nps-for-energy-en1.pdf
[Accessed 09 August 2023]
- Ref. 27 DECC (2011) National Policy Statement for Renewable Energy Infrastructure (EN-3). Available at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/47856/1940-nps-renewable-energy-en3.pdf
[Accessed 09 August 2023]
- Ref. 28 DECC (2011) National Policy Statement for Electricity Networks Infrastructure (EN-5). Available at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/47858/1942-national-policy-statement-electricity-networks.pdf. [Accessed 09 August 2023]
- Ref. 29 Department for Energy Security & Net Zero (2023). Overarching National Policy Statement for Energy (EN-1). Available at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147380/NPS_EN-1.pdf [Accessed 09 August 2023]
- Ref. 30 Department for Energy Security & Net Zero (2023). National Policy Statement for Renewable Energy Infrastructure (EN-3). Available at:

- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147382/NPS_EN-3.pdf [Accessed 09 August 2023]
- Ref. 31 Department for Energy Security & Net Zero (2023). National Policy Statement for Electricity Networks Infrastructure (EN-5). Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147384/NPS_EN-5.pdf [Accessed 09 August 2023]
- Ref. 32 Natural England (April 2022). The Biodiversity Metric 4.0 – User Guide & Technical Supplement.
- Ref. 33 Department for Levelling up, Housing and Communities (2023). National Planning Policy Framework (NPPF). Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1182995/NPPF_Sept_23.pdf [Accessed 20 September 2023]
- Ref. 34 Department for Environment, Food & Rural Affairs and The Rt Hon Michael Gove MP (2023). The 25-year Environment Plan. Available at: <https://www.gov.uk/government/publications/25-year-environment-plan> [Accessed 09 August 2023]
- Ref. 35 Natural England and Department for Environment, Food and Rural Affairs (Defra). Standing Advice (protected species). Available at: <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>. [Accessed 09 August 2023]
- Ref. 36 H.M. Government (1984) Biodiversity The UK Action Plan. Available at <https://data.jncc.gov.uk/data/cb0ef1c9-2325-4d17-9f87-a5c84fe400bd/UKBAP-BiodiversityActionPlan-1994.pdf> [Accessed 09 August 2023]
- Ref. 37 Joint Nature Conservation Committee (2012). UK Post 2010 Biodiversity Framework. Available at: <https://jncc.gov.uk/our-work/uk-post-2010-biodiversity-framework> [Accessed 09 August 2023]
- Joint Nature Conservation Committee (2018). UK Post-2010 Biodiversity Framework: Revised Implementation Plan (2018–2020) JNCC and Defra on behalf of 4CBG (June 2018). Available at <https://data.jncc.gov.uk/data/587024ff-864f-4d1d-a669-f38cb448abdc/UKBioFwk-RevisedImpPlan-Jun2018.pdf> [Accessed 09 August 2023]
- Ref. 38 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://britishbirds.co.uk/sites/default/files/BB_Dec21-BoCC5-IUCN2.pdf [Accessed 09 August 2023]
- Ref. 39 East Riding of Yorkshire Council. East Riding of Yorkshire Biodiversity Action Plan (BAP) Strategy (2010). Available at:

- <https://www.eastriding.gov.uk/environment/sustainable-environment/nature-conservation-and-wildlife/about-biodiversity/> [Accessed 09 August 2023]
- Ref. 40 North Yorkshire County Council, Selby District Council and the Selby BAP Partnership (2004). Selby Local Biodiversity Action Plan August 2004. Available at: <http://ulleskelfplan.co.uk/wp-content/uploads/2017/10/Selby-BAP-habitat-action-plans.pdf> [Accessed 09 August 2023]
- Ref. 41 IUCN (2022). The IUCN Red List of Threatened Species. Version 2022-2. Available at: <https://www.iucnredlist.org>. [Accessed 09 August 2023]
- Ref. 42 East Riding of Yorkshire Council (2016). East Riding Local Plan 2012–2029 Strategy Document Available at: <https://www.eastriding.gov.uk/planning-permission-and-building-control/planning-policy-and-the-local-plan/east-riding-local-plan/> [Accessed 09 August 2023]
- Ref. 43 East Riding of Yorkshire Council (2022). East Riding Local Plan Update 2020 – 2039 Proposed Submission Strategy Document Update. Available at: <https://downloads.eastriding.org.uk/corporate/planning/planning-policy-and-the-local-plan/local-plan-update-submission-and-examination/documents-submitted-for-examination/S-LP01%20Strategy%20Document%20Update.pdf> [Accessed 17 August 2023]
- Ref. 44 East Riding of Yorkshire Council (2018). East Riding Local Plan, Lower Derwent Valley Supplementary Planning Document. Available at: <https://www.eastriding.gov.uk/planning-permission-and-building-control/planning-policy-and-the-local-plan/supplementary-planning-documents/> [Accessed 09 August 2023]
- Ref. 45 Selby District Council (2005). Selby District Local Plan. Available at: <https://www.northyorks.gov.uk/planning-and-conservation/planning-policy/planning-policy-your-local-area/selby-planning-policy/selby-development-plan/selby-district-local-plan-2005> [Accessed 09 August 2023]
- Ref. 46 Selby District Core Strategy Local Plan (2013). Available at: https://www.northyorks.gov.uk/sites/default/files/fileroot/planning_migrated/planning_policy/CS_Adoption_Ver_OCT_2013_REDUCED.pdf [Accessed 09 August 2023]
- Ref. 47 Selby District Council (2022) Local Plan Publication Version Consultation 2022. Available at: <https://democracy.selby.gov.uk/documents/s16614/Appendix%201%20Publication%20Local%20Plan.pdf> [Accessed 09 August 2023]
- Ref. 48 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 09 August 2023]

Ref. 49 The Council of the European Union (2007). Establishing measures for the recovery of the stock of European eel. Available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:248:0017:0023:EN:PDF#:~:text=This%20Regulation%20establishes%20a%20framework,%2C%20VI%2C%20VII%2C%20VIII%2C> [Accessed 09 August 2023]

Abbreviations

Abbreviation	Definition
BAP	Biodiversity Action Plan
BNG	Biodiversity Net Gain
BoCC	Birds of Conservation Concern
BTO	British Trust for Ornithology
CEMP	Construction Environmental Management Plan
DCO	Development Consent Order
EIA	Environmental Impact Assessment
EPS	European Protected Species
ERYBAP	East Riding of Yorkshire Biodiversity Action Plan
ES	Environmental Statement
GBI	Green and Blue Infrastructure Assets
HRA	Habitat Regulations Assessment
IUCN	International Union for Conservation of Nature
JNCC	Joint Nature Conservation Committee
MMO	Marine Management Organisation
NERC	Natural Environment and Rural Communities (Act)
NIA	Nature Improvement Areas
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Projects
OEMP	Operation Environmental Management Plan
PINS	Planning Inspectorate
RSPB	Royal Society for the Protection of Birds
SAC	Special Areas of Conservation
SDLP	Selby District Local Plan
SPA	Special Protection Area
SPD	Supplementary Planning Document
SPI	Species of Principal Importance
SSSI	Sites of Special Scientific Interest
WCA	Wildlife and Countryside Act
WFD	Water Framework Directive