



Fosse Green Energy

Preliminary Environmental Information Report

VOLUME

3

**Appendix 8-A: Ecology Policy and
Legislation**

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Fosse Green Energy Limited

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1. Introduction

1.1 Purpose of this Appendix

- 1.1.1 This Preliminary Environmental Information (PEI) Report appendix identifies and describes the legislation, policy and supporting guidance considered relevant to the assessment of the likely significant effects of the Proposed Development on biodiversity and nature conservation (collectively referred to as ecology), as reported in **PEI Report Volume 1, Chapter 8: Ecology and Nature Conservation**.
- 1.1.2 Legislation and policy are considered at international, national, and local levels.
- 1.1.3 This appendix does not assess the Proposed Development against legislation and policy. Instead, the purpose of considering legislation and policy in the Environmental Impact Assessment (EIA) is to identify legislation and policy that could influence:
 - a. the determination of important ecological features (and therefore the significance of effects) and any requirements for mitigation; and
 - b. the methods to be used within the PEI Report assessment and/or within the EIA which will be 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 The relevant legislation and policy will be assessed within the Planning Statement. The following sections identify and describe the legislation, policy and supporting guidance which is specifically relevant to the Ecological Impact Assessment (the assessment) as presented in **PEI Report Volume 1, Chapter 8: Ecology and Nature Conservation**.

2. International and National Legislation

2.1 International Legislation

- 2.1.1 The following international legislation is relevant to the assessment of the impacts of the Proposed Development on biodiversity.
- 2.1.2 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 Proposed Development have been adopted by the European Union, namely:
 - a. Directive 2009/147/EC on the conservation of wild birds (Ref 1) (the Birds Directive);
 - b. Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive) (Ref 2); and
 - c. Regulation (EU) 1143/2014 on the prevention and management of the introduction and spread of invasive alien species (IAS) (Ref 3).
- 2.1.3 These Directives provide for the protection of animal and plant species of European importance and the habitats which support them, particularly through the establishment of a network of protected sites, called European sites (previously the 'Natura 2000 network') and include Special Protection Areas (SPAs) and Special Areas of Conservation (SACs).
- 2.1.4 Further legislation includes Directive 2000/60/EC (Water Framework Directive, WFD) (Ref 4), under which Member States are required to protect and improve their inland and coastal waters (see WFD in section 2.2 below).
- 2.1.5 The Ramsar Convention 1971 (Ref 5) is an international treaty which includes the designation of wetlands of international importance. Government policy extends the same level of protection to Ramsar wetlands as that afforded to sites that are designated under the Habitats Directive (Ref 2) and Birds Directive. (Ref 1).
- 2.1.6 However, there are no Ramsar sites of relevance to the Proposed Development.

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

2.2 National Legislation

Conservation of Habitats and Species Regulations 2017 (as amended)

- 2.2.1 The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) (Ref 7) transposed the requirements of the Habitats Directive (Ref 2) and the Birds Directive (Ref 1) into UK law and provide for the designation and protection of European Sites (and adapt planning and other controls for the protection of these sites). This includes Annex I (habitats) and Annex II (species) for which such European sites can be designated.
- 2.2.2 The Habitats Regulations (Ref 7) also provide protection for certain European Protected Species (EPS) that are listed in Schedule 2 (animals) or Schedule 5 (plants) of the Habitats Regulations. Provision is made for the granting of licences that permit certain acts as lawful, providing the appropriate authority is satisfied that:
- a. the permitted activities will be carried out for specified reasons or purposes;
 - b. there is no satisfactory alternative, and
 - c. the activities will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.
- 2.2.3 The latest 2019 amendment (Ref 8) to the Habitats Regulations 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 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. proposed SACs and SPAs designated under these Regulations.
- 2.2.4 The presence of European sites (see Section 2.1) (referred to in the **PEI Report Volume 1, Chapter 8: Ecology and Nature Conservation** as designated sites of international importance) and their relationship to the Proposed Development have been considered in the Habitats Regulations Assessment (HRA) pre-screening report, included as **PEI Report Volume 3**,

Appendix 8-K. However, there are no European Sites of relevance to the Proposed Development. The presence of Annex I habitats, Annex II species and any EPS, will be considered within the assessment.

Wildlife and Countryside Act 1981 (as amended)

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

Countryside and Rights of Way Act 2000

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

Environment Act 2021

- 2.2.9 The Environment Act 2021 (Ref 11) provides a post-Brexit legal framework for environmental governance and makes provision for improvements to the natural environment. It requires the Secretary of State to set long-term targets (15-year minimum) for biodiversity.
- 2.2.10 The Environment Act 2021 (Ref 11) 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 regarding NSIPs are not yet in force (expected November 2025). Other biodiversity provisions of the Act include:

- a. strengthened biodiversity duty on public authorities;
- b. Local Nature Recovery Strategies (LNRS) to support a Nature Recovery Network;
- c. duty upon Local Authorities to consult on street tree felling;
- d. strengthened woodland protection enforcement measures;
- e. protected site strategies and species conservation strategies to support the design and delivery of strategic approaches to deliver better outcomes for nature;
- f. 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
- g. a requirement on large UK businesses to establish a system of due diligence for each regulated commodity used in their supply chain.

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

- 2.2.11 The EU WFD (Ref 4) is transposed into law in England by the Water Environment WFD (England and Wales) Regulations 2017 (Ref 12). 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.
- 2.2.12 The assessment will consider the provisions of the WFD Regulations 2017 (Ref 12) in relation to avoiding deterioration of a water body from its current status or potential and / or not preventing future attainment of good status or potential where not already achieved.

Natural Environment and Rural Communities Act 2006

- 2.2.13 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 (as amended) (Ref 13) places a duty on public authorities with functions exercisable in England to consider from time to time what action they can properly take, consistently with the exercise of their functions, to further the general biodiversity objective, which is the conservation and enhancement of biodiversity in England.
- 2.2.14 In England, Section 41 of the NERC Act (Ref 13) 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 Biodiversity Framework 2024 (Ref 14). This latest Framework was published in response to the Kunming-Montreal Global Biodiversity Framework (Ref 15), which was agreed at the Fifteenth Conference of the Parties (COP15) in December 2022.

- 2.2.15 The occurrence of Habitats of Principal Importance (HPI) and Species of Principal Importance (SPI) will be identified in the assessment through a desk study and field surveys, and the design of the Proposed Development includes measures for their conservation and enhancement.

Protection of Badgers Act 1992

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

Hedgerows Regulations 1997

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

Salmon and Freshwater Fisheries Act 1975

- 2.2.18 The Salmon and Freshwater Fisheries Act 1975 (Ref 18) relates to the protection of freshwater fish, including Atlantic Salmon (*Salmo salar*) and Trout (species of *Salmo*) and their habitats. The assessment will consider the provisions of this Act in relation to the risk of mortality, migration barriers, pollution and the degradation of habitats potentially resulting from the Proposed Development.

Eels (England and Wales) Regulations 2009

- 2.2.19 The Eels (England and Wales) Regulations 2009 (the Eel Regulations) (Ref 19) came into force on 15 January 2010 to support the UK in implementing EC Council Regulation (1100/2007) (the EC Eel Regulation) (Ref 20), which aimed to halt and reverse the decline in the European Eel (*Anguilla anguilla*) stocks, aiming to meet mature adult European Eel biomass escapement targets to sea of 40% relative to that expected in the absence of anthropogenic impacts.
- 2.2.20 The assessment will consider the provisions of the Eel Regulations (Ref 19) in relation to safe and unobstructed passage for Eel, and consideration regarding channel alterations, river crossings and culverting.

Animal Welfare Act 2006

- 2.2.21 The Animal Welfare Act 2006 (Ref 21) protects vertebrate animals from harm. The provisions of this Act will be taken account of within the assessment by ensuring the welfare of any animals potentially affected by the Proposed Development are considered.

Invasive Alien Species (Enforcement and Permitting) Order 2019

- 2.2.22 The Invasive Alien Species (IAS) (Enforcement and Permitting) Order 2019 (Ref 22) came into effect on 1st October 2019. This implemented the EU IAS Regulation 1143/2014 (Ref 3) 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.
- 2.2.23 The provisions of this Order will be taken account of within the assessment by ensuring invasive non-native species of special concern potentially affected by the Proposed Development are considered.
- 2.2.24 If it is not a species of special concern, then the WCA (Section 14, Schedule 9) (Ref 9) may still apply.

National Policy Statements

- 2.2.25 EIA takes account of the following National Policy Statements (NPSs), which have effect in relation to the Proposed Development and provide a framework for decision making by the Secretary of State:
- a. Overarching National Policy Statement for Energy (EN-1) (Ref 23);
 - b. National Policy Statement for Renewable Energy Infrastructure (EN-3) (Ref 24); and
 - c. National Policy Statement for Electricity Networks Infrastructure (EN-5) (Ref 25).
- 2.2.26 The NPSs set out the Government's energy policy infrastructure for delivery of major energy infrastructure, along with the need for new infrastructure and guidance for determining applications for Development Consent Orders (DCOs). The NPSs provide specific guidance and criteria that applicants should cover when assessing the effects of their Proposed Development, and how the Secretary of State should consider these impacts and any mitigation measures applied.
- 2.2.27 The relevant NPS requirements for Ecology and Nature Conservation are provided in **Table 1**, along with an indication of where in the PEI Report this information can be sourced.

Table 1: Relevant National Policy Statement (NPS) Paragraph for Ecology and Nature Conservation

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
Overarching National Policy Statement for Energy EN-1		
Paragraph 4.3.1	All proposals for projects that are subject to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) must be accompanied by an	An Environmental Statement (ES) will be provided as part of the DCO application.

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
	Environmental Statement (ES) describing the aspects of the environment likely to be significantly affected by the project.	
Paragraph 4.3.3 to 4.3.5	The Regulations require an assessment of the likely significant effects of the proposed project on the environment, covering the direct effects and any indirect, secondary, cumulative, transboundary, short, medium, and long-term, permanent and temporary, positive and negative effects at all stages of the project, and also of the measures envisaged for avoiding or mitigating significant adverse effects. To consider the potential effects, including benefits, of a proposal for a project, the applicant must set out information on the likely significant environmental, social and economic effects of the development, and show how any likely significant negative effects would be avoided, reduced, mitigated or compensated for, following the mitigation hierarchy. This information could include matters such as employment, equality, biodiversity net gain, community cohesion, health and well-being. For the purposes of this NPS and the technology specific NPSs the ES should cover the environmental, social and economic effects arising from pre-construction, construction, operation and decommissioning of the project.	PEI Report Volume 1, Chapter 8: Ecology and Nature Conservation sets out information on the possible negative effects of the Proposed Development and how the design of the Proposed Development will seek to avoid any of these significant negative effects throughout all stages of the development (from pre-construction, construction, operation and decommissioning of the project). Embedded mitigation is set out in PEI Report Volume 1, Chapter 8: Ecology and Nature Conservation.
Paragraph 4.3.9	As in any planning case, the relevance or otherwise to the decision making process of the existence (or alleged existence) of alternatives to the proposed development is, in the first instance, a matter of law. This NPS does not contain any general requirement to consider alternatives or to establish whether the proposed project represents the best option from a policy perspective. Although there are specific requirements in relation to compulsory acquisition and habitats sites, the NPS does not change requirements in relation to compulsory acquisition and habitats sites.	PEI Report Volume 1, Chapter 4: Alternatives and Design Evolution explains how the alternative options for the Proposed Development are being considered during design development.

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
Paragraph 4.3.10	The applicant must provide information proportionate to the scale of the project, ensuring the information is sufficient to meet the requirements of the EIA Regulations.	Environmental Statement (ES) to be provided with the DCO application.
Paragraph 4.3.11	In some instances, it may not be possible at the time of the application for development consent for all aspects of the proposal to have been settled in precise detail. Where this is the case, the applicant should explain in its application which elements of the proposal have yet to be finalised, and the reasons why this is the case.	ES to be provided with the DCO application.
Paragraph 4.3.12	Where some details are still to be finalised, the ES should, to the best of the applicant's knowledge, assess the likely worst-case environmental, social and economic effects of the proposed development to ensure that the impacts of the project as it may be constructed have been properly assessed.	ES to be provided with the DCO application.
Paragraph 4.3.15 to 4.3.17	Applicants are obliged to include in their ES, information about the reasonable alternatives they have studied. This should include an indication of the main reasons for the applicant's choice, taking into account the environmental, social and economic effects and including, where relevant, technical and commercial feasibility. In some circumstances, the NPSs may impose a policy requirement to consider alternatives. Where there is a policy or legal requirement to consider alternatives, the applicant should describe the alternatives considered in compliance with these requirements.	PEI Report Volume 1, Chapter 4: Alternatives and Design Evolution explains how the alternative options for the Proposed Development will have been considered during design development.
Paragraph 4.6.1 to 4.6.2	Environmental net gain is an approach to development that aims to leave the natural environment in a measurably better state than beforehand. Projects should therefore not only avoid, mitigate and compensate harms, following the mitigation hierarchy, but also consider whether there are opportunities for enhancements.	A detailed description of how the Proposed Development will take advantage of opportunities to enhance biodiversity of the Site and potentially of the wider environment will be provided in the ES. The

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
	Biodiversity net gain is an essential component of environmental net gain. Projects in England should consider and seek to incorporate improvements in natural capital, ecosystem services and the benefits they deliver when planning how to deliver biodiversity net gain.	layout of these enhancement and mitigation areas will also be presented in the ES. A BNG Assessment using Defra's Statutory Metric will be provided as part of the DCO application.
Paragraph 4.6.6 to 4.6.8	Energy NSIP proposals, whether onshore or offshore, should seek opportunities to contribute to and enhance the natural environment by providing net gains for biodiversity, and the wider environment where possible. In England applicants for onshore elements of any development are encouraged to use the latest version of the biodiversity metric to calculate their biodiversity baseline and present planned biodiversity net gain outcomes. This calculation data should be presented in full as part of their application. Where possible, this data should be shared, alongside a completed biodiversity metric calculation, with the Local Authority and Natural England for discussion at the pre-application stage as it can help to highlight biodiversity and wider environmental issues which may later cause delays if not addressed.	A detailed description of how the Proposed Development will take advantage of opportunities to enhance biodiversity of the Site and potentially of the wider environment will be provided in the ES. The layout of these enhancement and mitigation areas will also be presented in the ES. A BNG Assessment using Defra's Statutory Metric 4.0 will be provided as part of the DCO application. The data from the BNG assessment will be shared with Natural England and North Kesteven District Council.
Paragraph 4.6.10 to 4.6.13	Biodiversity net gain should be applied after compliance with the mitigation hierarchy and does not change or replace existing environmental obligations, although compliance with those obligations will be relevant to the question of the baseline for assessing net gain and if they deliver an additional enhancement beyond meeting the existing obligation, that enhancement will count towards net gain. Biodiversity net gain can be delivered onsite or wholly or partially off-site. We encourage details of any off-site delivery	A detailed description of how the Proposed Development will take advantage of opportunities to enhance biodiversity of the Site and potentially of the wider environment will be provided in the ES. The layout of these enhancement and mitigation areas will also be presented in the ES. Where relevant, reference will be made to any

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
	of biodiversity net gain to be set out within the application for development consent When delivering biodiversity net gain off-site, developments should do this in a manner that best contributes to the achievement of relevant wider strategic outcomes, for example by increasing habitat connectivity, enhancing other ecosystem service outcomes, or considering use of green infrastructure strategies. Reference should be made to relevant national or local plans and strategies, to inform off-site biodiversity net gain delivery. If published, the relevant strategy is the Local Nature Recovery Strategy (LNRS). If an LNRS has not been published, the relevant consenting body or planning authority may specify alternative plans, policies or strategies to use. In addition to delivering biodiversity net gain, developments may also deliver wider environmental gains and benefits to communities relevant to the local area, and to national policy priorities, such as: a. reductions in GHG emissions b. reduced flood risk c. improvements to air or water quality, d. climate adaptation, e. landscape enhancement f. increased access to natural greenspace, or g. the enhancement, expansion or provision of trees and woodlands The scope of potential gains will be dependent on the type, scale, and location of specific projects. Applicants should look for a holistic approach to delivering wider environmental gains and benefits through the use of nature-based solutions and Green Infrastructure.	national or local plans/strategies (as described in this appendix) to inform the plan for biodiversity enhancement of the Site. A BNG Assessment using Defra's Statutory Metric 4.0 will be provided as part of the DCO application.
Paragraph 4.6.15	Applications for development consent should be accompanied by a statement demonstrating how opportunities for delivering wider environmental net gains have been considered, and where	A detailed description of how the Proposed Development will take advantage of opportunities to enhance

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
	appropriate, incorporated into proposals as part of good design (including any relevant operational aspects) of the project.	biodiversity of the Site and potentially of the wider environment will be provided in the ES. The layout of these enhancement and mitigation areas will also be presented in the ES. A BNG Assessment using Defra's Statutory Metric 4.0 will be provided as part of the DCO application.
Paragraph 4.6.17	Where environmental net gain considerations have featured as part of the strategic options appraisal process to select a project, applicants should reference that information to supplement the site-specific details.	PEI Report Volume 1, Chapter 4: Alternatives and Design Evolution explains how the alternative options for the Proposed Development will have been considered during design development.
Paragraph 5.4.4 to 5.4.5	The highest level of biodiversity protection is afforded to sites identified through international conventions. The Habitats Regulations set out sites for which an HRA (Habitat Regulation Assessment) will assess the implications of a plan or project, including Special Areas of Conservation and Special Protection Areas. As a matter of policy, the following should be given the same protection as sites covered by the Habitats Regulations and an HRA will also be required: 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 any of the other sites covered by this paragraph.	Both PEI Report Volume 1, Chapter 8: Ecology and Nature Conservation and PEI Report Volume 3, Appendix 8-K: HRA Pre-Screening consider proposed SPAs, SACs, Ramsar sites (listed or proposed) and sites identified, or required, as compensatory measures for adverse effects on other HRA sites, where relevant.
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	PEI Report Volume 1, Chapter 8: Ecology and Nature Conservation

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
	in combination with other developments), should not normally be permitted. The only exception is where the benefits (including need) of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSIs.	sets out the likely effects on designated sites of ecological importance, including SSSIs. This concludes, that with careful Proposed Development design and embedded mitigation, there will be no adverse effects on SSSIs.
Paragraph 5.4.12 to 5.4.13	Sites of regional and local biodiversity and geological interest, which include Regionally Important Geological Sites, Local Nature Reserves and Local Wildlife Sites, are areas of substantive nature conservation value and make an important contribution to ecological networks and nature's recovery. They can also provide wider benefits including public access (where agreed), climate mitigation and helping to tackle air pollution. 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.	Section 8.11 of PEI Report Volume 1, Chapter 8: Ecology and Nature Conservation sets out the likely effects on designated sites of ecological importance, including sites of regional and local biodiversity interest. This concludes, that with careful Proposed Development design and embedded mitigation, there will be no adverse effects on these sites. Potential effects on important geological sites relevant to the Proposed Development are detailed in PEI Report Volume 1, Chapter 14: Other Environmental Topics - Ground Conditions.
Paragraph 5.4.15	Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Keepers of Time, the government's policy for ancient and native trees and woodlands in England sets out the government's commitment to maintain and enhance the existing area of ancient woodland, maintain and enhance the existing resource of known ancient and veteran trees, excluding natural losses from disease and death, and to increase the percentage of ancient woodland in active management. Ancient or veteran trees found outside ancient woodland are also particularly	Section 8.11 of PEI Report Volume 1, Chapter 8: Ecology and Nature Conservation sets out the likely effects on habitats of principal importance.

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
	valuable. Other types of irreplaceable habitats include blanket bog, limestone pavement, coastal sand dunes, salt marsh swards, mediterranean saltmarsh scrub and lowland fen.	
Paragraph 5.4.17	Where the development is subject to EIA, the applicant should ensure that the ES clearly sets out any effects on internationally, nationally, and locally designated sites of ecological or geological conservation importance (including those outside England), on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats.	Section 8.11 within PEI Report Volume 1, Chapter 8: Ecology and Nature Conservation sets out the likely 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.
Paragraph 5.4.19 to 5.4.20	The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests. Applicants should consider wider ecosystem services and benefits of natural capital when designing enhancement measures.	A detailed description of how the Proposed Development will take advantage of opportunities to enhance biodiversity of the Site and potentially of the wider environment will be provided in the ES. The layout of these enhancement and mitigation areas will also be presented in the ES. A BNG Assessment using Defra's Statutory Metric will be provided as part of the DCO application.
Paragraph 5.4.21 to 5.4.22	As set out in Section 4.7, the design process should embed opportunities for nature inclusive design. Energy infrastructure projects have the potential to deliver significant benefits and enhancements beyond Biodiversity Net Gain, which result in wider environmental gains (see Section 4.6 on Environmental and Biodiversity Net Gain). The scope of	Mitigation measures will be embedded in the Proposed Development design with the aim of enabling the continued movement of species, including birds, fish, aquatic and terrestrial mammals detailed. A description of how the

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
	potential gains will be dependent on the type, scale, and location of each project. 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.	Proposed Development will take advantage of opportunities to enhance biodiversity of the Site and potentially of the wider environment will be provided in the ES. The layout of these enhancement and mitigation areas will also be presented in the ES. A BNG Assessment using Defra's Statutory Metric will be provided as part of the DCO application.
Paragraph 5.4.25 to 5.4.26	The applicant should seek the advice of the appropriate Statutory Nature Conservation Body (SNCB) and provide the Secretary of State with such information as the Secretary of State may reasonably require, to determine whether an HRA Appropriate Assessment (AA) is required. Applicants can request and agree 'Evidence Plans' with SNCBs, which is a way to record upfront the information the applicant needs to supply with its application, so that the HRA can be efficiently carried out. If an AA is required, the applicant must provide the Secretary of State with such 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. If, during the pre-application stage, the SNCB indicate that the proposed development is likely to adversely impact the integrity of habitat sites, the applicant must include with their application such information as may reasonably be required to assess a potential derogation under the Habitats Regulations.	The HRA pre-screening has been undertaken to inform the PEI Report, Volume 1 , and is included in Appendix 8-K: HRA Pre-Screening . This concludes there are no likely significant effects on the designated sites included in the assessment.
Paragraph 5.4.27 to 5.4.28	If the SNCB gives such an indication (see previous row) at a later stage in the development consent process, the applicant must provide this information	This requirement is noted.

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
	as soon as is reasonably possible and before the close of the examination. This information must include assessment of alternative solutions, a case for Imperative Reasons of Overriding Public Interest (IROPI) and appropriate environmental compensation. 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.	
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 has been undertaken to inform the PEI Report, Volume 1, and is included in Appendix 8-K: HRA Pre-Screening. This concludes there are no likely significant effects on the designated sites included in the assessment.
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. Applicants should engage with the relevant Local Planning Authority at an early stage regarding the proposed location of compensatory measures. Applicants should also take account of any strategic plan level compensation plans in developing project level compensation plans.	Natural England will be consulted on the proposed embedded mitigation measures and any additional mitigation measures for protected sites that have the potential to be adversely impacted by the Proposed Development as detailed in Section 8.11 of Chapter 8: Ecology and Nature Conservation of the PEI Report Volume 1. No compensation for designated sites is

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
		required, as no likely significant effects have been identified.
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.	This requirement is noted.
Paragraph 5.4.32	Applicants should include measures to mitigate fully the direct and indirect effects of development on ancient woodland, ancient and veteran trees or other irreplaceable habitats during both construction and operational phases.	PEI Report Volume 1, Chapter 8: Ecology and Nature Conservation sets out embedded mitigation measures to avoid and protect any ancient/veteran trees and priority habitats during the construction and operational phases of the Proposed Development (where required).
Paragraph 5.4.33	Applicants should consider any reasonable opportunities to maximise the restoration, creation, and enhancement of wider biodiversity, and the protection and restoration of the ability of habitats to store or sequester carbon as set out under Section 4.6.	A detailed description of how the Proposed Development will take advantage of opportunities to enhance biodiversity of the Site and potentially of the wider environment will be provided in the ES. The layout of these enhancement and mitigation areas will also be presented in the ES. A BNG Assessment using Defra's Statutory Metric will be provided as part of the DCO application.

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
		Furthermore, Chapter 6: Climate Change of the PEI Report Volume 1 addresses carbon sequestration of habitats. Net impact of Lifecycle greenhouse gas (GHG) emissions associated with land use (e.g., agricultural activity and carbon sequestration from vegetation) are expected to range from minor adverse to beneficial. No significant adverse effects of climate change to or because of the Proposed Development were identified in the Climate Change Risk Assessment.
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 Environment Act 2021 and the Environmental Improvement Plan 2023.	A detailed description of how the Proposed Development will take advantage of opportunities to enhance biodiversity of the Site and potentially of the wider environment will be provided in the ES. The layout of these enhancement and mitigation areas will also be presented in the ES. A BNG Assessment using Defra's Statutory Metric will be provided as part of the DCO application and will include Opportunity Mapping for Lincolnshire, in designing and locating new habitats throughout the Proposed Development.
Paragraph 5.4.35 to 5.4.36	Applicants should include appropriate avoidance, mitigation, compensation and enhancement measures as an integral part of the proposed development. In	The management of biodiversity throughout the life of the Proposed Development will be

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
	particular, the applicant should demonstrate that: - during construction, they will seek to ensure that activities will be confined to the minimum areas required for the works - the timing of construction has been planned to avoid or limit disturbance - during construction and operation best practice will be followed to ensure that risk of disturbance or damage to species or habitats is minimised, including as a consequence of transport access arrangements - habitats will, where practicable, be restored after construction works have finished - opportunities will be taken to enhance existing habitats rather than replace them, and where practicable, create new habitats of value within the site landscaping proposals. Where habitat creation is required as mitigation, compensation, or enhancement, the location and quality will be of key importance. In this regard habitat creation should be focused on areas where the most ecological and ecosystems benefits can be realised. - mitigations required as a result of legal protection of habitats or species will be complied with. Applicants should produce and implement a Biodiversity Management Strategy as part of their development proposals. This could include provision for biodiversity awareness training to employees and contractors so as to avoid unnecessary adverse impacts on biodiversity during the construction and operation stages.	covered by the following documents, included within the Application: - Framework Construction Environmental Management Plan (CEMP); - Framework Operation Environmental Management Plan (OEMP); - Framework Decommissioning Environmental Management Plan (DEMP); and - Framework Landscape and Environmental Management Plan (LEMP). All of the above plans will be secured via the DCO requirements within the Draft DCO. Section 8.10 of Chapter 8: Ecology and Nature Conservation of the PEI Report, Volume 1 provide information on how the Proposed Development has mitigated for likely effects and taken advantage of opportunities to enhance biodiversity.
Paragraph 5.4.37	In the design of any direct cooling system the locations of the intake and outfall should be sited to avoid or minimise adverse impacts on the	This requirement is noted.

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
	receiving waters, including their ecology. There should also be specific measures to minimise impact to fish and aquatic biota by entrainment and impingement or by excessive heat or biocidal chemicals from discharges to receiving waters.	
Paragraph 5.4.39	The Government's 25 Year Environment Plan and the Environment Act 2021 mark a step change in ambition for wildlife and the natural environment. The Secretary of State should have regard to the aims and goals of the Government's Environmental Improvement Plan 2023, and in Wales the objectives of the Nature Recovery Plan and any relevant measures and targets, including statutory targets set under the Environment Act or elsewhere.	PEI Report, Volume 1, Chapter 8: Ecology and Nature Conservation has been produced with regard to the aims and goals of all relevant legislation and policy including the 25 Year Environment Plan (Ref 26).
Paragraph 5.4.41	The benefits of nationally significant low carbon energy infrastructure development may include benefits for biodiversity and geological conservation interests and these benefits may outweigh harm to these interests. The Secretary of State may take account of any such net benefit in cases where it can be demonstrated.	Noted. A BNG Assessment using Defra's Statutory Metric will be provided as part of the DCO application.
Paragraph 5.4.42 to 5.4.43	As a general principle, and subject to the specific policies below, development should, in line with the mitigation hierarchy, aim to avoid significant harm to biodiversity and geological conservation interests, including through consideration of reasonable alternatives (as set out in Section 4.3 above). Where significant harm cannot be avoided, impacts should be mitigated and as a last resort, appropriate compensation measures should be sought. If significant harm to biodiversity resulting from a development cannot be avoided (for example through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then the Secretary of State will give significant weight to any residual harm.	A detailed description of how the Proposed Development will take advantage of opportunities to enhance biodiversity of the Site and potentially of the wider environment will be provided in the ES. The layout of these enhancement and mitigation areas will also be presented in the ES. A BNG Assessment using Defra's Statutory Metric will be provided as part of the DCO application.

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
Paragraph 5.4.44	The Secretary of State should consider what appropriate requirements should be attached to any consent and/or in any planning obligations entered into, in order to ensure that any mitigation or biodiversity net gain measures, if offered, are delivered and maintained. Any habitat creation or enhancement delivered including linkages with existing habitats for compensation or biodiversity net gain should generally be maintained for a minimum period of 30 years, or for the lifetime of the project, if longer.	The management of biodiversity throughout the life of the Proposed Development will be covered by the following documents, included within the DCO application: a. Framework CEMP; b. Framework OEMP; c. Framework DEMP; and d. Framework LEMP. All of the above plans are secured via the DCO requirements within the Draft DCO.
Paragraph 5.4.46 to 5.4.47	Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. The Secretary of State should give appropriate weight to environmental and biodiversity enhancements, although any weight given to gains provided to meet a legal requirement (for example under the Environment Act 2021) is likely to be limited. When considering proposals, the Secretary of State should maximise such reasonable opportunities in and around developments, using requirements or planning obligations where appropriate. This can help towards delivering biodiversity net gain as part of or in addition to the approach set out at Section 4.6.	A detailed description of how the Proposed Development will take advantage of opportunities to enhance biodiversity of the Site and potentially of the wider environment will be provided in the ES. The layout of these enhancement and mitigation areas will also be presented in the ES. A BNG Assessment using Defra's Statutory Metric will be provided as part of the DCO application.
Paragraph 5.4.48	In taking decisions, the Secretary of State 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.	This requirement is noted.

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
Paragraph 5.4.49	The Secretary of State must consider whether the project is likely to have a significant effect on a protected site which is part of the National Site Network (a habitat site), a protected marine site, or on any site to which the same protection is applied as a matter of policy, either alone or in combination with other plans or projects.	Both PEI Report Volume 1, Chapter 8: Ecology and Nature Conservation and PEI Report Volume 3, Appendix 8-K: HRA Pre-Screening consider SPA and SAC sites (listed or proposed) and sites identified, or required, as compensatory measures for adverse effects on other HRA sites, where relevant and conclude no Likely Significant Effects on protected sites forming part of the National Site Network.
Paragraph 5.4.50	The Secretary of State should use requirements and/or planning obligations to mitigate the harmful ¹ aspects of the development and, where possible, to ensure the conservation and enhancement of the site's biodiversity or geological interest.	PEI Report Volume 1, Chapter 8: Ecology and Nature Conservation provides information on how the Proposed Development mitigated for potential effects and has taken advantage of opportunities to enhance biodiversity.
Paragraph 5.4.52	The Secretary of State should give due consideration to regional or local designations. However, given the need for new nationally significant infrastructure, these designations should not be used in themselves to refuse development consent.	Section 8.11 of PEI Report Volume 1, Chapter 8: Ecology and Nature Conservation sets out the potential effects on regional and local designated sites of ecological importance.
Paragraph 5.4.53	The Secretary of State should not grant development consent for any development that would result in the loss or deterioration of any irreplaceable habitats, including ancient woodland, and ancient and veteran trees unless there are wholly exceptional reasons and a suitable compensation strategy exists.	This requirement is noted.
Paragraph 5.4.54	The Secretary of State should ensure that species and habitats identified as	Section 8.11 of PEI Report Volume 1,

¹ In line with the principle in paragraph 4.3.8, the term 'harm' should be understood to mean 'significant harm'

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
	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.	Chapter 8: Ecology and Nature Conservation considers relevant species and habitats of importance and appropriate mitigation.
Paragraph 5.4.55	The Secretary of State should refuse consent where harm to a protected species and relevant habitat would result, unless there is an overriding public interest, and the other relevant legal tests are met. In this context the Secretary of State should give substantial weight to any such harm to the detriment of biodiversity features of national or regional importance or the climate resilience and the capacity of habitats to store carbon, which it considers may result from a proposed development.	The assessment within PEI Report Volume 1, Chapter 8: Ecology and Nature Conservation sets out information on how the development has not led to significant harm to biodiversity.
National Policy Statement for Renewable Energy Infrastructure		
Paragraph 2.10.76 to 2.10.79	The applicant's ecological assessments should identify any ecological risk from developing on the proposed site. Issues that need assessment may include habitats, ground nesting birds, wintering and migratory birds, bats, dormice, reptiles, great crested newts, water voles and badgers. The applicant should use an advising ecologist during the design process to ensure that adverse impacts are avoided, minimised or mitigated in line with the mitigation hierarchy, and biodiversity enhancements are maximised. The assessment may be informed by a 'desk study' of existing ecological records, an evaluation of the likely impacts of the solar farm upon ecological features and should specify mitigation to avoid or minimise these impacts, and any further surveys required.	The assessment provided in PEI Report Volume 1, Chapter 8: Ecology and Nature Conservation considers relevant protected species, their habitats, appropriate mitigation and enhancements.
Paragraph 2.10.82	Applicants should consider how security and lighting installations may impact on the local ecology. Where pole mounted CCTV facilities are proposed the location of these facilities should be carefully	The assessment provided in PEI Report Volume 1, Chapter 8: Ecology and Nature Conservation considers indirect effects

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
	considered to minimise impact. If lighting is necessary, it should be minimised and directed away from areas of likely habitat.	on ecological receptors, throughout. PEI Report Volume 1, Chapter 8: Ecology and Nature Conservation also addresses lighting effects on ecological receptors.
Paragraph 2.10.83	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.	The assessment provided in PEI Report Volume 1, Chapter 8: Ecology and Nature Conservation considers the whole Site and work areas, with the majority of vegetation on work boundaries retained and buffered. Furthermore, the fence design will include gaps at strategic locations to allow small mammals to pass through, which will maintain connectivity for such species.
Paragraph 2.10.89	Solar farms have the potential to increase the biodiversity value of a site, especially if the land was previously intensively managed. In some instances, this can result in significant benefits and enhancements beyond Biodiversity Net Gain, which result in wider environmental gains which is encouraged.	As detailed in PEI Report Volume 1, Chapter: The Proposed Development and Chapter 8: Ecology and Nature Conservation the Proposed Development design includes features such as areas of new grassland and woodland with the aim of enhancing the biodiversity of the Site.
Paragraph 2.10.90	For projects in England, applicants should consider enhancement, management, and monitoring of biodiversity in line with the ambition set out in the Environmental Improvement Plan and any relevant measures and targets, including statutory targets set under the Environment Act or elsewhere.	A BNG Assessment using Defra's Statutory Metric will be provided as part of the DCO application. Monitoring biodiversity will be included within a Framework LEMP.

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
Paragraph 2.10.100 to 2.10.101	The applicant should consider as part of the design, layout, construction, and future maintenance plans how to protect and retain, wherever possible, the growth of vegetation on site boundaries, as well as the growth of existing hedges, established vegetation, including mature trees within boundaries. Applicants should also consider opportunities for individual trees within the boundaries to grow on to maturity. The impact of the proposed development on established trees and hedges should be informed by a tree survey and arboricultural/hedge assessment as appropriate.	Information will be included within a Framework LEMP.
Paragraph 2.10.128 to 2.10.130	In England, proposed enhancements should take account of the above factors and as set out in Sections 4.6 and 5.4 of EN-1 aim to achieve environmental and biodiversity net gain in line with the ambition set out in the Environmental Improvement Plan and any relevant measures and targets, including statutory targets set under the Environment Act or elsewhere. This might include maintaining or extending existing habitats and potentially creating new important habitats, for example by installing cultivated strips/plots for rare arable plants, rough grassland margins, bumble bee plant mixes, and wild bird seed mixes. Applicants are advised to develop an ecological monitoring programme to monitor impacts upon the flora of the site and upon any particular ecological receptors (such as bats and wintering birds). Results of the monitoring will then inform any changes needed to the land management of the site, including, if appropriate, any livestock grazing regime.	A detailed description of how the Proposed Development will take advantage of opportunities to enhance biodiversity of the Site and potentially of the wider environment will be provided in the ES. The layout of these enhancement and mitigation areas will also be presented in the ES. A BNG Assessment using Defra's Statutory Metric will be provided as part of the DCO application.
National Policy Statement for Electricity Networks Infrastructure		
Paragraph 2.5.1	When planning and evaluating the proposed development's contribution to environmental and biodiversity net gain,	The Framework LEMP will detail habitat creation, proposed within the Site

Relevant NPS Paragraph Reference	Requirement of the NPS	Action needed and location of information provided to address this
	it will be important – for both the applicant and the Secretary of State – to supplement the generic guidance set out in EN-1 (Section 4.6) with recognition that the linear nature of electricity networks infrastructure can allow for excellent opportunities to: a. reconnect important habitats via green corridors, biodiversity stepping zones, and re-establishment of appropriate hedgerows; and/or b. connect people to the environment, for instance via footpaths and cycleways constructed in tandem with environmental enhancements.	Boundary to increase biodiversity and how the Proposed Development will be managed and monitored.

2.3 National Planning Policy Framework

- 2.3.1 The National Planning Policy Framework (NPPF), (Ref 27) sets out the Government's planning policies for England and how these are expected to be applied. Paragraph 5 outlines that while the NPPF does not contain specific policies for NSIPs, the NPPF is still relevant when considering the determination of DCOs. Therefore, the EIA for the Proposed Development has taken the NPPF into account.
- 2.3.2 Paragraph 8 defines three overarching objectives within the NPPF, which are interdependent and need to be pursued in mutually supportive ways:
- a. an economic objective: to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b. a social objective: to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c. an environmental objective: to contribute to protecting and enhancing the natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

2.3.3 The NPPF (Ref 27) with particular reference to Section 15 (conserving and enhancing the natural environment) states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity. The NPPF is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution. The NPPF also specifies the obligations that the Local Authorities and the UK Government have regarding sites statutorily designated for their biodiversity value and otherwise protected or notable habitats and protected species under UK and international legislation and how this is to be delivered in the planning system. Protected or notable habitats and species are of material consideration in planning decisions and may therefore make some sites unsuitable for particular types of development, or if development is permitted and significant harm to biodiversity cannot be avoided, then adequate mitigation measures (or as a last resort, compensation) may will be required to avoid or minimise impacts on certain habitats and species. The policies set out in the NPPF to a large extent mirror those that are explained in NPS EN-1. The relevant NPPF paragraphs, together with an indication of where in this PEI Report (or the future ES) the information is provided to address these requirements, are provided in **Table 2**.

Table 2: Relevant National Planning Policy Framework (NPPF) Paragraph for Ecology and Nature Conservation

Relevant NPPF Paragraph Reference	Requirement of the NPPF	Location of information provided in the ES to address this
Paragraph 180	Planning policies and decisions should contribute to and enhance the natural and local environment by: - 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); a. 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; b. maintaining the character of the undeveloped coast, while improving public access to it where appropriate;	A detailed description of how the Proposed Development will take advantage of opportunities to enhance biodiversity of the Site and potentially of the wider environment will be provided in the ES. The layout of these enhancement and mitigation areas will also be presented in the ES. A BNG Assessment using Defra's Statutory Metric will be provided as part of the DCO application.

Relevant NPPF Paragraph Reference	Requirement of the NPPF	Location of information provided in the ES to address this
	c. minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; d. preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and e. remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.	
Paragraph 181	Plans should: a. distinguish between the hierarchy of international, national and locally designated sites; b. allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and c. plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.	Tables 8.6 to 8.9 in PEI Report Volume 1, Chapter 8: Ecology and Nature Conservation distinguishes the sensitivity and hierarchy of ecological features according to geographic context. A detailed description of how the Proposed Development will take advantage of opportunities to enhance the biodiversity of the Site and potentially of the wider environment will be provided in the ES. The layout of these enhancement and mitigation areas will also be presented in the ES. A BNG Assessment using Defra's Statutory Metric

Relevant NPPF Paragraph Reference	Requirement of the NPPF	Location of information provided in the ES to address this
		will be provided as part of the DCO application.
Paragraph 186	When determining planning applications, local planning authorities should apply the following principles: - 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; - development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest (SSSIs); - 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 - 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.	Section 8.11 of PEI Report Volume 1, Chapter 8: Ecology and Nature Conservation sets out the potential effects on designated sites of ecological importance, including SSSIs. This concludes, that with careful site design and embedded mitigation, there will be no adverse effects on SSSIs. A detailed description of how the Proposed Development will take advantage of opportunities to enhance the biodiversity of the Site and potentially of the wider environment will be provided in the ES. The layout of these enhancement and mitigation areas will also be presented in the ES. A BNG Assessment using Defra's Statutory Metric will be provided as part of the DCO application.
Paragraph 187	The following should be given the same protection as habitats sites:	Both Chapter 8: Ecology and Nature

Relevant NPPF Paragraph Reference	Requirement of the NPPF	Location of information provided in the ES to address this
	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.	Conservation and Appendix 8-K: HRA Pre-Screening Report of the PEI Report, Volume 1 consider potential SPAs, SACs, Ramsar sites (listed or proposed) and sites identified, or required, as compensatory measures for adverse effects on other HRA sites, where relevant.
Paragraph 188	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.	Section 8.11 of the PEI Report Volume 1, Chapter 8: Ecology and Nature Conservation details the assessment of likely impacts and effects of the Proposed Development. Section 8.10 of PEI Report Volume 1, Chapter 8: Ecology and Nature Conservation sets out embedded mitigation measures to avoid and protect any priority habitats during the construction and operational phases of the Proposed Development (where required).
Paragraph 191	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 impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;	Sections 8.10 and 8.11 of PEI Report, Volume 1, Chapter 8: Ecology and Nature Conservation address the potential impacts of the Proposed Development and details the embedded mitigation. A Framework CEMP will be submitted with the DCO application to provide information on the requirement to mitigate any construction related effects on biodiversity, including those

Relevant NPPF Paragraph Reference	Requirement of the NPPF	Location of information provided in the ES to address this
	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 c. limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.	associated with dust deposition, air pollution, pollution incidents, water quality, light, noise and vibration.

2.4 National Guidance

- 2.4.1 Guidance relevant to the assessment of the impacts of the Proposed Development on biodiversity includes the following documents.

2.5 The Environmental Improvement Plan (2023)

- 2.5.1 In 2023, the Government published its Environmental Improvement Plan (Ref 26), the first revision of the 25 Year Environment Plan (Ref 29) to set out how the Government will work with landowners, communities and businesses to deliver each of its goals for the natural environment. An Environmental Improvement Plan is required to be prepared, updated and reported on under the Environment Act 2021 (Ref 11). This document continues to use the ten goals set out within the 25 Year Environment Plan with the apex goal being to achieve 'thriving plants and wildlife' and sets interim targets pursuant to the long-term targets set under the Environment Act 2021. The Environmental Improvement Plan recognises the wider value of the environment and its contribution, such as food, clean water and air, wildlife, energy, wood, recreation and protection from hazards.

2.6 Biodiversity 2020

- 2.6.1 Biodiversity 2020 (Ref 30) was published in August 2011, building on the Natural Environment White Paper and setting out the strategic direction for biodiversity policy to 2020 on land (including rivers and lakes) and at sea in England.
- 2.6.2 Biodiversity 2020 established a new global vision for biodiversity, including a set of strategic goals and targets to drive action. It outlines the Government's vision for the natural environment, shifting the emphasis from piecemeal conservation action towards a more integrated landscape-scale approach.

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

- 2.7.1 Standing advice from Natural England and Defra (Ref 31) provides guidance on protected and notable species and includes reference to the best practice approaches for survey, mitigation and compensation. Guidance is also provided on the procedure for obtaining protected species licences.
- 2.7.2 This advice has informed the planning of surveys and the approach to mitigating impacts upon protected species, including where necessary the requirement to submit an application for Natural England mitigation licences.

2.8 UK Post-2010 Biodiversity Framework

- 2.8.1 The UK Biodiversity Action Plan (UKBAP) (Ref 32) was launched in 1994 and established a framework and criteria for identifying species and habitat types of conservation concern and remains an important reference material. The UKBAP was subsequently succeeded by the UK Post-2010 Biodiversity Framework (July 2012) (Ref 33), and then again by the UK Biodiversity Framework 2024 (Ref 14). This latest Framework has been published in response to the Kunming-Montreal Global Biodiversity Framework (Ref 15), which was agreed at the Fifteenth Conference of the Parties (COP15) in December 2022.
- 2.8.2 The UK list of priority species and habitats (of which there are 943 priority species and 56 priority habitats in England) 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 used as one of the criteria to assist in assigning national value to an ecological receptor.
- 2.8.3 The UK Biodiversity Framework 2024 (Ref 14) is relevant within England in the context of Section 41 of the NERC Act 2006 (Ref 13) This means 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. The objectives of the Framework have been included in the assessment of HPI and SPI.

2.9 Biodiversity Guidance for Solar Developments (2014)

- 2.9.1 The document produced by BRE, Biodiversity Guidance for Solar Developments (Ref 34) provides guidance to planners and the solar industry on how biodiversity can be supported on solar farms.

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

- 2.10.1 The document produced by the Biodiversity Consultancy, Mitigating Biodiversity Impacts Associated with Solar and Wind Energy Development: Guidelines for Project Developers (Ref 35), aims to provide practical support for solar and wind energy developments by effectively managing risks and improving overall outcomes related to biodiversity and includes guidance and reference for the approach to impacts on biodiversity and mitigation.

2.11 Birds of Conservation Concern (BoCC) 2021

- 2.11.1 The Birds of Conservation Concern (BoCC) (Ref 36) published in the British Trust for Ornithology's journal British Birds is an assessment of the conservation status of all regularly occurring British birds. The lists (Red, Amber and Green) that indicate the level of conservation importance for each species, are derived from quantitative assessments from standardised criteria. The assessments are based on the most up-to-date evidence available, and criteria include conservation status at global and European levels and, within the UK: historical decline, trends in population and range, rarity, localised distribution and international importance. The lists are drawn together by the UK's leading bird conservation organisations, including the Royal Society for the Protection of Birds (RSPB) and British Trust for Ornithology (BTO).
- 2.11.2 The lists of BoCC Red and Amber bird species has been used to inform the approach to mitigating impacts upon notable bird species and those of highest conservation concern.

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

- 2.12.1 Established in 1964, the International Union for Conservation of Nature's (IUCN) Red List of Threatened Species (Ref 37) is a source of information on the global extinction risk status of animal, fungus and plant species that is continually 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.

3. Local Policy and Guidance

3.1 Local Policy

- 3.1.1 Local planning policy documents concerning ecology and nature conservation that are relevant to the Proposed Development are outlined below and specific policy relevant to these documents are further considered within **Table 4-1**.

Central Lincolnshire Local Plan (2023)

- 3.1.2 The Central Lincolnshire Local Plan (Ref 38) was adopted in April 2023 and was revised to ensure it remains current and consistent with latest national guidelines and local circumstances. The Local Plan contains planning policies and allocations for the growth and regeneration of Central Lincolnshire over the next 20 years. Relevant policies are provided in **Table 4-1**.

Neighbourhood Plans

- 3.1.3 The Thorpe on the Hill Neighbourhood Plan (Ref 39) contains policy relevant to ecology and nature conservation. This can be found in **Table 4-1**.

Table 3: Relevant Local Policy with respect to Ecology and Nature Conservation

Relevant Document	Relevant Policies	Location of information provided to address this
Central Lincolnshire Local Plan (2023)	Policy S60: Protecting Biodiversity and Geodiversity sets out the level of protection afforded to International, National and Local Sites as well as Irreplaceable Habitats. It also states that development should: a) <i>“protect, manage, enhance and extend the ecological network of habitats, species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site;</i> b) <i>minimise impacts on biodiversity and features of geodiversity value;</i> c) <i>deliver measurable and proportionate net gains in biodiversity in accordance with Policy S61; and</i> d) <i>protect and enhance the aquatic environment within or adjoining the</i>	The relevant Central Lincolnshire Local Plan (2023) policies are considered in the assessment provided in PEI Report Volume 1, Chapter 8: Ecology and Nature Conservation .

Relevant Document	Relevant Policies	Location of information provided to address this
	<i>site, including water quality and habitat”.</i> Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains states that all development proposals, unless specifically exempted by the Government, must provide clear and robust evidence for biodiversity net gains and losses in the form of a biodiversity gain plan, which should be submitted with the application form. Policy S65: Important Open Space states that <i>“an area identified as important open space is safeguarded from development unless it can be demonstrated that:</i> <i>a. there are no significant detrimental impacts on the character and appearance of the surrounding area, ecology and heritage assets; and</i> <i>b. in the case of publicly accessible open space, there is an identified over provision of that particular type of open space in the community area and the site is not required for alternative recreational uses or suitable alternative open space can be provided on a replacement site or by enhancing existing open space serving the community area”.</i> Policy S66: Trees, Woodland and Hedgerows states that development must protect existing trees and woodland, expanding and improving them when possible. Where proposals result in the loss or deterioration of ancient woodland or ages or veteran trees, permission will be refused unless on an exceptional basis where the benefits of the development in that location outweigh the costs.	
Thorpe on the Hill Neighbourhood Plan	Policy 3: Biodiversity states that <i>“development should minimise its impact on biodiversity and provide net gains in</i>	The relevant Thorpe on the Hill Neighbourhood Plan policies are

Relevant Document	Relevant Policies	Location of information provided to address this
	<i>biodiversity where possible. The following measures to protect and enhance local biodiversity will be supported:</i> <i>a) the preservation of ecological networks, especially those between built-up areas;</i> <i>b) the protection of ancient trees or trees of arboricultural value;</i> <i>c) the preservation, restoration and re-creation of wildlife habitats, and the protection and recovery of priority species; and,</i> <i>d) the provision of a net gain in flora and fauna”</i> Policy 4: Green Spaces and Green Infrastructure summarises how a development should protect public rights of ways and provide enhancement to them. Where necessary, a development must mitigate any the impact of said development, by providing proportionate contributions to improve the existing natural environment or through the delivery of new green spaces or other green infrastructure.	considered in the assessment provided in PEI Report Volume 1, Chapter 8: Ecology and Nature Conservation.

3.2 Local Guidance

Local Biodiversity Action Plan

- 3.2.1 The Proposed Development is located within the county of Lincolnshire. Formerly, the Lincolnshire Biodiversity Action Plan (LBAP) (3rd edition) (Ref 40) provided context to inform identification of threatened or uncommon species of local relevance, alongside priorities for conservation and enhancement targeted at a local level.
- 3.2.2 However, under the Environment Act 2021 (Ref 11), these are being replaced by LNRs, which are a system of spatial strategies for nature which will support delivery of biodiversity net gain (BNG) and provide more focussed action for nature recovery. Whilst this is still being developed for Lincolnshire and with no specific habitat or species plans currently in place, this report references those species formerly included on the LBAP (Ref 40).

The Biodiversity Opportunity Mapping Study for Central Lincolnshire

- 3.2.3 The Biodiversity Opportunity Mapping Study (Ref 41) identifies a series of strategic spatial areas across Central Lincolnshire (City of Lincoln, North Kesteven and West Lindsey) which show where the greatest opportunities are for nature.
- 3.2.4 The final spatial areas identified rely upon the existing network of habitat. This study identifies opportunities for enhancing place and quality in and around new developments as well as identifying where maximum benefit can be gained from investment in conservation action.
- 3.2.5 The strategic spatial areas have been considered in this assessment and the design for the Proposed Development aligns with the study to avoid and / or enhance spatial areas (where practicable).

Local Nature Recovery Strategy (LNRS)

- 3.2.6 A Local Nature Recovery Strategy (LNRS) is a tool designed to guide action for nature recovery. They were introduced by the Environment Act 2021 (see Section 2.2.10) to help achieve the targets set out in the Government's Environmental Improvement Plan, build the Nature Recovery network and improve nature locally for the benefit of wildlife and people.
- 3.2.7 Using local knowledge and expertise the LNRS will describe Greater Lincolnshire and its biodiversity, and will identify local people's priorities and potential opportunities for recovering or improving biodiversity. The LNRS will propose ways to achieve those priorities.
- 3.2.8 The Regulations and Guidance for LNRSs were released in April 2023, with the official appointment of Responsible Authorities for the 48 LNRS areas. The LNRS will be reviewed every 3-10 years. Lincolnshire County Council has been appointed as the Responsible Authority for Greater Lincolnshire.
- 3.2.9 To produce the LNRS, Lincolnshire County Council is working in close partnership with North Lincolnshire Council, North East Lincolnshire Council and Greater Lincolnshire Nature Partnership, with support and guidance from Natural England.

Delivering Biodiversity Net Gain in Central Lincolnshire Guidance for Applicants Seeking Planning Permission April 2023

- 3.2.10 This guidance has been prepared by the Central Lincolnshire Local Plan team on behalf of the Central Lincolnshire Local Planning Authorities (City of Lincoln, North Kesteven and West Lindsey) in relation to the delivery of Biodiversity Net Gain (BNG) in Central Lincolnshire. The aim of this guidance is to help applicants and ecologists understand how BNG will apply to planning applications in Central Lincolnshire to support Local Plan Policy S61 Biodiversity Opportunity and Delivering Measurable Net Gains.

Internal Drainage Board (IDB) Policies

- 3.2.11 The Witham and Humber Drainage Boards Nature Strategy 2021 – 2026 (Ref 42) has been adopted to create a drainage district where wildlife is an integral part of delivering efficient and effective water-level management and reduced flood risk. The Nature Strategy sets out action plans for the included drainage districts and provides context for local priority habitats and species.
- 3.2.12 The Witham and Humber Internal Drainage Boards Water Vole (*Arvicola terrestris*) Policy (Ref 43) protects and enhances the Water Vole habitat and populations associated with the Boards' land and the drainage channels in the Upper Witham, Witham First District, Witham Third District and North East Lindsey Internal Drainage Board areas.
- 3.2.13 The occurrence of habitats and species of relevance at a local level, identified through the Witham and Humber Drainage Boards Nature Strategy, has been identified in the assessment through a desk study and field surveys, and the design of the Proposed Development includes measures for their conservation and enhancement.

4. References

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