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WASTE RESOURCE MANAGEMENT



RWE RENEWABLES UK SOLAR & STORAGE LTD

HIGH GROVE SOLAR FARM, NORFOLK

PRELIMINARY ECOLOGICAL APPRAISAL

MARCH 2025

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Appendix 1 – Legislation & Policies Summary

1 INTRODUCTION

1.1 Terms of Reference

1.1.1 Wardell Armstrong LLP (WA) was commissioned by RWE (the Applicant) to undertake a Preliminary Ecological Appraisal (PEA) in support of High Grove Solar (the Proposed Development), located in Norfolk. This report has been prepared to accompany Chapter 6 Biodiversity of the Preliminary Environmental Information Report (PEIR).

1.1.2 This report presents the results of the PEA survey undertaken between April and September 2024. This PEA Report has been produced with reference to current guidelines for UK Habitat (UKHAB) Classification V2 (UKHab, 2023¹), Guidelines for Preliminary Ecological Appraisal (Chartered Institute of Ecology and Environmental Management (CIEEM), 2017²) and Biodiversity – Code of Practice for Planning and Development (British Standards Institute (BSI), 2013³).

1.1.3 The ecological desk study, surveys and assessments detailed within this report have been overseen by a full member of CIEEM, and carried out by competent, experienced ecologists at WA.

1.2 Scope of Report

1.2.1 The purpose of the PEA is in broad terms to:

- Identify and report to the project team the likely ecological constraints associated with a project, such that the site design can adequately take account of ecological features; and
- Identify any additional surveys that may be required to inform an Ecological Impact Assessment (EclA).

1.2.2 Certain species, habitats and nature conservation sites receive legislative protection, a summary of relevant legislation and policy is detailed within Appendix 1. Other species/groups and habitats are notable due to their identification in national and/or local planning policy or via local records. An indicative assessment of potential adverse effects to such receptors is provided, although this is not a substitute for full EclA

¹ Habitats classified as per UKHab definitions (UKHab 2023).

² Chartered Institute of Ecology and Environmental Management (CIEEM, 2017).

³ British Standard BS 42020:2013 (BSI, 2013).

(CIEEM, 2018⁴) which may be required to fully inform any subsequent planning application along with additional surveys and assessments.

- 1.2.3 A Biodiversity Net Gain (BNG) assessment will be provided in a separate accompanying report with the Environmental Statement. Biodiversity value will be calculated pre and post development upon finalisation of design and an associated landscape plan.

1.3 Proposed Development Description

- 1.3.1 The Proposed Development is a renewable energy scheme, comprising five distinct Panel Areas covering an area of approximately 1,700 hectares (ha), including solar photovoltaic (PV) panels, on-site Battery Energy Storage Systems (BESS), underground cabling and associated infrastructure including substations and environmental mitigation and enhancement areas. The Proposed Development will also include underground Cable Corridors, which are still being refined, connecting the Panel Areas to one another and to the point of connection. The Proposed Development will have the capacity to generate over 50 Megawatts (MW) of alternating current (AC) electricity. The Proposed Development is located between Narborough and Dereham in the county of Norfolk in the East of England.
- 1.3.2 The draft Order Limits are located to the south west of Dereham, Norfolk. The Proposed Development comprises of five Panel Areas (Northern, Eastern, Southern, Western and Central). Panel Areas are defined as an area within the draft Order Limits that contain a group of solar PV modules. This report is focused just on the Panel Areas and not the whole draft Order Limits.
- 1.3.3 This report is focused on the five Panel Areas, and the relevant Zone of Influence (Zoi) buffers for designated and non-designated sites (set out in Section 3.1), legally protected and notable species, as outlined within this report.
- 1.3.4 A full description of the Proposed Development and a detailed description of the design and environmental mitigation is provided in PEIR Chapter 2 The Proposed Development.
- ### **1.4 Site Context**
- 1.4.1 Land uses on and in the areas surrounding the Proposed Development are predominantly agricultural activities with dispersed settlements which support local

4 CIEEM, (2018).Guidelines for Ecological Impact Assessment in the UK and Ireland. Chartered Institute of Ecology and Environmental Management, Winchester.

services, including the towns of Swaffham and Dereham, but also smaller villages, hamlets and individual residential properties around Necton, Little Fransham, Bradenham, Ashill, Saham Hills, Wendling, Scarning and High Green. Royal Air Force (RAF) Marham is located to the west of the Western Panel Area.

1.4.2 Panel Areas are located either side of a number of major roads and routes, including the A47, which crosses the draft Order Limits from west to east and the A1065 which runs north to south through the centre of Swaffham. Numerous minor roads cross the rural landscape, connecting small villages, hamlets and individual properties.

1.4.3 Hedgerows and scattered trees form field boundaries between generally large-scale fields and smaller scale fields are generally located at the fringes of settlements. There are some small areas of broadleaved and mixed woodlands and plantations, along with hedgerows and lines of trees, generally these form the field margins. Small amounts of grassland are present, mainly as strips alongside hedgerows.

1.5 Legislation, National Planning Policy Framework (NPPF) and Local Planning Policy

1.5.1 Relevant legislation and policies to the Proposed Development are outlined below:

- Breckland Local Plan⁵
- Conservation of Habitats and Species Regulations 2017⁶
- Countryside and Rights of Way Act 2000⁷
- Hedgerows Regulations 1997⁸
- National Parks and Access to the Countryside Act 1949⁹
- National Planning Policy Framework (NPPF)¹⁰
- National Policy Statement for Renewable Energy Infrastructure (EN-3)¹¹
- Natural Environment and Rural Communities (NERC) Act¹²

5 Breckland Local Plan Adopted 2023 (Breckland Council, 2023)

6 The Conservation of Habitats and Species Regulations 2017 (No. 1012).

7 Countryside and Rights of Way Act 2000, c.37.

8 The Hedgerows Regulations 1997 (No.1160).

9 National Parks and Access to the Countryside Act 1949, c.97

10 National Planning Policy Framework (MHCLG, 2023).

11 National Policy Statement for Renewable Energy Infrastructure (EN-3) (DESNZ, 2024).

12 Natural Environment and Rural Communities Act 2006, c.16.

- Overarching National Policy Statement for Energy (EN-1)¹³
- Protection of Badgers Act 1992¹⁴
- Wild Mammals (Protection) Act 1996¹⁵
- Wildlife and Countryside Act 1981¹⁶

1.5.2 For further information on legislation and policy compliance, see Appendix 1.

13 Overarching National Policy Statement for Energy (EN-1) (DESNZ, 2024).

14 Protection of Badgers Act 1992, c.51

15 Wild Mammals (Protection) Act 1996, c.3

16 Wildlife and Countryside Act 1981, c.69

2 METHODOLOGY

2.1 Desk Study

2.1.1 The desk study was informed by review of existing available information provided by Norfolk Biodiversity Information Service (NBIS) environmental records centre, and from available internet-based resources. The data search included a search for international statutory designated sites of ecological importance within 10km of the draft Order Limits. These included: Ramsar sites, Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Sites of Special Scientific Interest (SSSI). Where impacts could be felt over a greater distance (e.g. the designated site was hydrologically linked to the Proposed Development or qualifying species could travel a greater distance) the search area was extended greater than 10km.

2.1.2 A search for non-statutory designated sites, such as County Wildlife Sites (CWS), as well as parcels of known Ancient Woodland (to include felled or replanted Ancient Woodland) and protected and notable species was carried out up to 2km from the draft Order Limits. It was considered that in order for there to be potential impact to non-statutory designated sites, they would need to meet one of the following criteria:

- Occur within 500m of the Draft Order Limits;
- Are strongly connected by habitat to the Draft Order Limits (e.g. by a river or continuous woodland);
- Are cited for particularly mobile species such as birds, bats or highly mobile invertebrates (e.g. from Lepidoptera, Hymenoptera and Odonata).

2.1.3 Ordnance Survey (OS) and satellite mapping was also used to gain contextual habitat information.

2.1.4 Specific information was sought to identify:

- Statutory designated sites¹⁷;
- Locally designated sites;
- Ancient Woodland¹⁸;
- Protected species;

¹⁷ Locations provided by MAGIC <http://magic.defra.gov.uk/MagicMap.aspx>

¹⁸ As defined by Natural England in their Inventory of Ancient Woodlands
http://www.gis.naturalengland.org.uk/pubs/gis/tech_aw.htm

- Habitats and Species of Principal Importance (S.41 Habitats and Species)¹⁹;
- Local Biodiversity Action Plan (LBAP) priority habitats and species.

2.2 Extended UKHab Classification Survey

- 2.2.1 A UK Habitat Classification Survey (UKHab, 2023²⁰) was undertaken of the Panel Areas between April to September 2024, and was therefore considered to be undertaken during the optimal survey period.
- 2.2.2 The survey followed the 'UK Habitat Classification Version 2' (UKHab, 2023²¹) methodology with each of the main habitats classified according to the relevant criteria including vegetation composition expressed according to the DAFOR²² system.
- 2.2.3 In addition to the mapping and description of habitats, the survey was 'extended' to include the incidental observations of protected and/or notable species and the potential for such species to occur within the Draft Order Limits (and in the surrounding landscape where relevant) were also recorded onto secure digital media for mapping and data collection. The extended element of the survey was based on professional judgement.
- 2.2.4 Specific habitats and features are mapped on PEIR Figure 6.6 - UKHab Habitat Plan with appropriate reference numbers identifying features of particular note. Waterbody Locations are provided separately on Figure 6.1 – Waterbody Location Plan.

2.3 Evaluation and Assessment of Features

- 2.3.1 Evaluation of the importance / likely importance of ecological features and the likelihood of impacts affecting important features was made, where possible, using professional judgement in accordance with published guidance (CIEEM, 2017²³).
- 2.3.2 Protected and s.41 species were evaluated in order to identify potential adverse effects in Table 2, based on the following criteria:
- Desk study records;

¹⁹ As defined under Section 41 (England) of the Natural Environment and Rural Communities (NERC) Act 2006.

²⁰ [UKHab Habitat Classification Version 2.0. \(UKHab Ltd., 2023\)](#)

²¹ [UKHab Habitat Classification Version 2.0. \(UKHab Ltd., 2023\)](#)

²² D = dominant, A = abundant, F = frequent, O = occasional, R = Rare

²³ Guidelines for Preliminary Ecological Appraisal, 2nd edition (CIEEM, 2017)

- Evidence found during the survey;
- Presence, extent, quality and viability of suitable on-site habitat;
- Ecological connectivity to viable off-site habitats; and
- Perceived impacts of habitat loss/impact to individuals in relation to proposals.

2.3.3 A 'traffic light' system is used in Tables 1, 2 and 3 to highlight potential constraints and opportunities whereby:

- **Green:** No constraint or limited constraint unlikely to be of planning and/or legal significance.

2.3.4 **Amber:** Potential constraints which require further survey and/or mitigation and may be of planning and/or legal significance depending on the outcome of further survey/assessment.

2.3.5 **Red:** Constraints which have already been identified by the PEA survey/desk-based assessment and are likely to be of planning and/or legal significance.

2.4 Nomenclature

2.4.1 Vascular plant names follow '*New Flora of the British Isles*' (Stace 2021²⁴) with vernacular names as provided in the Botanical Society of the British Isles website (BSBI, 2013)²⁵. All other flora and fauna names following the National Biodiversity Network (NBN) Atlas (NBN Trust, 2024)²⁶. The common and scientific name of species/taxa is provided (if available) when first mentioned in the text, with only the vernacular name referred to thereafter.

2.5 Limitations / Deviations

2.5.1 Ecological surveys are limited by factors that affect the presence of plants and animals such as time of year, weather, migration patterns and behaviour. The survey was undertaken between April to September (with the surveys undertaken in September falling just outside of the optimum recommended survey period for habitat surveys (April to August)). However sufficient information was considered to be available to assign most habitats with a high degree of certainty and determine potential for protected and Priority species and habitats. The report is not designed, nor is it required to present a complete inventory of flora/fauna.

²⁴ New Flora of the British Isles (Stace, 2021)

²⁵ <http://rbg-web2.rbge.org.uk/BSBI/intro.php>

²⁶ <http://data.nbn.org.uk/>

2.5.2 The absence of desk study records is not relied upon to determine absence of a particular species/habitat. Often, the absence of records is a result of under-recording within the given search area and as such the experience of the ecologist concerned together with a range of additional factors, in particular the presence/absence of potentially supporting habitat; is used to infer likely presence/absence of ecological receptors.

2.6 Quality Assurance & Environmental Management

2.6.1 The surveys and assessments have been overseen by and the report checked and verified by a full member of CIEEM, who is bound by its code of professional conduct. All surveys and assessments have been undertaken with reference to the recommendations given in British Standard BS 42020, and as stated within specialist guidance, as appropriate and referenced separately.

3 RESULTS AND EVALUATION

3.1 Statutory and Non-Statutory Designated Sites

- 3.1.1 Desk study results for Statutory and Non-Statutory Designated sites, Ancient Woodlands and Priority Habitats are evaluated in Table 1 below, and are shown on Figure 6.2 Statutory Designated Wildlife Sites within 10km (or greater where appropriate), Figure 6.3 Local Wildlife Sites within 2km, Figure 6.4 Ancient Woodlands within 2km and Figure 6.5 Priority Habitats within 2km.
- 3.1.2 Designated sites which are considered potentially sensitive to the Proposed Development by virtue of their supported species or habitat assemblages, the distance/ecological connectivity to the draft Order Limits and the nature of the perceived impacts are discussed in detail in the PEIR.
- 3.1.3 Designations for which potential adverse effects are not anticipated are excluded from further assessment.

Table 1: Designated Sites Evaluation			
Site Name and Status²⁷	Distance and direction from the draft Order Limits	Reason for Designation/identification	Potential Constraints
Broadlands (Ramsar)	34km Northeast	The site supports a number of rare species and habitats within the biogeographical zone context including Alkaline fens, Calcium-rich spring water-fed fens, Alluvial forests with alder (<i>Alnus glutinosa</i>) and ash (<i>Fraxinus excelsior</i>), woodland on floodplains, Desmoulin's whorl snail (<i>Vertigo moulinsiana</i>), Otter (<i>Lutra lutra</i>) and Fen orchid (<i>Liparis loeselii</i>). The site supports outstanding assemblages of rare plants and invertebrates including nine British Red Data Book plants and 136 British Red Data Book invertebrates.	The Proposed Development has the potential to have some pollution impact to the designated site due to it being hydraulically connected to the draft Order Limits. Contamination of the water during the lifetime of the Proposed Development could affect qualifying features of the Ramsar
Breckland (SPA)	Immediately South	Breckland SPA is a combined area of multiple SSSIs designated specifically for the significant population of Stone curlew (<i>Burhinus oedicnemus</i>), Nightjar (<i>Caprimulgus europaeus</i>) and Woodlark (<i>Lullula arborea</i>).	Potential to have an impact on these designated sites and Annex I species.
Norfolk Valley Fens (SAC)	1.7km West	These sites support alkaline fens, one of two sites in East Anglia where this habitat occurs.	The Proposed Development has the potential to have some pollution impact on this designated site due to being hydraulically connected to the draft Order Limits. Contamination of the water during the lifetime of the Proposed Development could affect qualifying features of the SAC.
Breckland (SAC)	4.6km South	Inland dunes with open <i>Corynephorus</i> and <i>Agrostis</i> grasslands.	Unlikely to be adversely impacted.

²⁷ **Ramsar** – site designated under the Ramsar Convention, **SPA** – Specially Protected Area, **SAC** – Special Area for Conservation, **SSSI** – Site of Special Scientific Interest, **NNR** – National Nature Reserve, **LNR** – Local Nature Reserve, **CWS** – County Wildlife Site.

Table 1: Designated Sites Evaluation			
Site Name and Status²⁷	Distance and direction from the draft Order Limits	Reason for Designation/identification	Potential Constraints
River Wensum (SAC) (Also, SSSI see below)	8.2km Northeast	The site is the largest chalk river in Norfolk, becoming a tributary of the River Yare. It is included as a feature of water courses of plain to montane levels and supports a number of rare species including white clawed crayfish (<i>Austropotamobius pallipes</i>).	The Proposed Development has the potential to have some pollution impact to the designated site due to being hydraulically connected to the draft Order Limits. Contamination of the water during the lifetime of the Proposed Development could affect qualifying features of the SAC.
Broads (SAC)	34km East	The site supports a number of rare species and habitats within the biogeographical zone context including hard oligo-mesotrophic waters with benthic vegetation (The Broads is the richest area for charophytes in Britain), natural eutrophic lakes, transition mires and quaking bogs, Calcareous fens, Alkaline fens, Alluvial forests, Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinia caerulea</i>), Desmoulin's whorl snail, Fen orchid, Ramshorn snail (<i>Anisus vorticulus</i>) and Otter.	The Proposed Development has the potential to have some pollution impact to the designated site due to being hydraulically connected to the draft Order Limits. Contamination of the water during the lifetime of the Proposed Development could affect qualifying features of the SAC.
Breckland Forest (SSSI)	Immediately southwest of the site.	Presence of breeding birds including nightjar and woodlark. The presence of schedule 8 plants: wormwood (<i>Artemisia campestris</i>), red-tipped cudweed (<i>Filago lutescens</i>), perennial knawel (<i>Scleranthus perennis</i>), spiked speedwell (<i>Veronica spicata</i>). Presence of England red list endangered native mammal, red squirrel (<i>Sciurus vulgaris</i>).	Potential to have an impact on these Annex I species, and other protected plant and animal species.
Holly Farm Meadow, Wendling (SSSI)	500m North east	Presence of lowland mire grassland and rush pasture, lowland neutral grassland and valley fen.	Potential to have some impacts to the qualifying habitats and associated species present, further scoping should take place.

Table 1: Designated Sites Evaluation			
Site Name and Status²⁷	Distance and direction from the draft Order Limits	Reason for Designation/identification	Potential Constraints
Honeypot Wood, Wendling (SSSI)	820m Northeast	Presence of broadleaved and yew mixed woodland.	Unlikely to be adversely impacted.
Narborough railway Embankment (SSSI)	1.2km Northwest	Presence of lowland calcareous grassland, including scrub and invert assemblages associated with open short sward and bare sand & chalk.	Unlikely to be adversely impacted.
Potter & Scarning Fens, East Dereham (SSSI)	1.7km East	Presence of lowland fen, marsh and swamp, including lowland valley fen. With invertebrate assemblages associated with sphagnum bog, moss & tussock, reed-fen & pools. As well as nationally rare dragonfly species the small red damselfly (<i>Ceriagrion tenellum</i>).	Potential to have some impacts to the qualifying habitats and associated species present, further scoping should take place.
Dereham Rush Meadows (SSSI)	2.4km Northeast	Presence of lowland neutral grassland with sections of wet woodland, lowland wet neutral grassland and floodplain fen.	Unlikely to be adversely impacted.
Castle Acre Common (SSSI)	3.5km North	Presence of lowland neutral grassland, including lowland floodplain fen.	Unlikely to be adversely impacted.
Bradley Moor (SSSI)	3.9km	Presence of lowland fen, marsh and swamp, including lowland valley fen. With invertebrate assemblages associated with lowland grass and rush pastures, moss & tussock, reed-fen & pools.	Unlikely to be adversely impacted.
Wayland Wood, Watton (SSSI)	4km South	Presence of lowland broadleaved, mixed and yew woodland.	Unlikely to be adversely impacted.
Great Cressingham Fen (SSSI)	4.2km Southwest	Lowland basin fen and lowland neutral grassland present.	Unlikely to be adversely impacted.
River Nar (SSSI)	4.2km North	Neutral lowland grassland with river supporting habitat including rivers and streams.	Unlikely to be adversely impacted.
Dillington Carr, Gressenhall (SSSI)	4.5km Northwest	Presence of broadleaved mixed and yew woodland, with sections of wet woodland and assemblages of breeding birds associated with lowland open water and woodlands.	Unlikely to be adversely impacted.

Table 1: Designated Sites Evaluation			
Site Name and Status²⁷	Distance and direction from the draft Order Limits	Reason for Designation/identification	Potential Constraints
Horse Wood, Mileham (SSSI)	4.6km North	Lowland broadleaved mixed and yew woodland, containing wet woodland.	Unlikely to be adversely impacted.
Potter's Carr Cranworth (SSSI)	4.8km Southeast	Presence of lowland broadleaved, mixed and yew woodland, including wet woodland.gg	Unlikely to be adversely impacted.
Stanford Training Area (SSSI)	4.8km South	Presence of wet woodland, lowland dray heath, lowland dry acid grassland, lowland calcareous grassland, karst habitats. Presence of invertebrate assemblages associated with grassland and scrub matrix and outstanding dragonfly assemblages. Hibernation roosts of barbastelles (<i>Barbastella barbastellus</i>), blechstein's (<i>Myotis blechsteinii</i>), greater horseshoe (<i>Rhinolophus ferrumequinum</i>), lesser horseshoe (<i>Rhinolophus hipposideros</i>) and mixed assemblages.	Unlikely to be adversely impacted.
Old Bodney Camp (SSSI)	5.2km Southwest	Presence of fixed dune grassland, lowland calcareous grassland and lowland dry acid grassland. As well as nationally rare moth species lunar yellow underwing (<i>Noctua orbona</i>) and tawny wave (<i>Scopula rubiginata</i>).	Unlikely to be adversely impacted.
Breckland farmland (SSSI)	5.3km South	Breeding stone curlew present across approximately.	Impact is likely to be limited.
Hooks Well Meadow, Great Cressingham (SSSI)	5.3km Southwest	Lowland fen marsh and swamp in favourable condition.	Unlikely to be adversely impacted.
Mattishall Moor (SSSI)	5.5km West	Presence of fen, marsh and lowland swamp, with lowland valley fen.	Unlikely to be adversely impacted.
East Walton and Adcock (SSSI)	5.5km Northwest	Presence of lowland calcareous grassland, including lowland neutral grassland, lowland mire grassland and rush pasture, lowland calcareous grassland, lowland floodplain fen and lowland basin fen. Invertebrate	Unlikely to be adversely impacted.

Table 1: Designated Sites Evaluation			
Site Name and Status²⁷	Distance and direction from the draft Order Limits	Reason for Designation/identification	Potential Constraints
		assemblages associated with moss & tussock fen and populations of Desmoulin's whorl snail and slender green feather moss (<i>Hamatocoulis vernicosus</i>)	
Beetley & Hoe Meadows (SSSI)	5.9km Northeast	Presence of valley fen, lowland neutral grassland, lowland mire grassland and rush pasture and lowland dry acid grassland.	Unlikely to be adversely impacted.
Thompson Water, Carr and Common (SSSI)	6.8km South	Presence of lowland calcareous grassland with great crested newt, associated invertebrate assemblages and assemblages of lowland open water breeding birds.	Unlikely to be adversely impacted.
Rosie Curstons Meadow, Mattishall (SSSI)	7km West	Favourable condition lowland neutral grassland.	Unlikely to be adversely impacted.
Boughton Fen (SSSI)	7.1km Southwest	Presence of fen, marsh and swamp, including lowland floodplain fen.	Unlikely to be adversely impacted.
Field Barn Heaths, Hilborough (SSSI)	7.1km Southwest	Lowland calcareous grassland.	Unlikely to be adversely impacted.
Scoulton Mere (SSSI)	7.3km	Presence of lowland fen marsh, swamp and mixed woodland. With a population of red data book plant crested buckler-fern (<i>Dryopteris cristata</i>).	Unlikely to be adversely impacted.
Foulden Common (SSSI)	7.4km Southwest	Presence of wet woodland, valley fen, lowland calcareous grassland; and invert assemblages associated with reed-fen & pools, moss & tussock fens and undisturbed fluctuating fen.	Unlikely to be adversely impacted
Gooderstone Warren (SSSI)	7.6km Southwest	Presence of breeding stone curlew, fixed dune grassland, lowland calcareous grassland and lowland dry acid grassland.	Unlikely to be adversely impacted.
East Winch Common (SSSI)	7.9km Northwest	Presence of lowland dwarf shrub heath, including lowland dry heath and lowland wet heath.	Unlikely to be adversely impacted.

Table 1: Designated Sites Evaluation			
Site Name and Status²⁷	Distance and direction from the draft Order Limits	Reason for Designation/identification	Potential Constraints
River Wensum (SSSI)	8.2km Northeast	Rivers and streams containing white-clawed crayfish (<i>Austopotamobius pallipes</i>), populations of RDB mollusc Desmoulin's whorl snail (<i>Vertigo moulinsiana</i>), bullhead (<i>Cottus gobio</i>) and brook lamprey (<i>Lampetra planeri</i>).	Potential to have some pollution impact to the designated site due to being hydraulically connected to the draft Order Limits.
Coston fen Runhall (SSSI)	9.4km Southwest	Presence of lowland fen, marsh and swamp, including lowland valley fen and mire grassland.	Unlikely to be adversely impacted.
Cranberry Rough Hockham (SSSI)	9.5km South	Presence of lowland fen marsh and swamp, including floodplain fen, wet woodland, basin fen with associated plant assemblages.	Unlikely to be adversely impacted.
Necton Wood	Adjacent to the Northern Panel Area (centred on British National Grid Reference: TF90221080);[RS1] [HJ2] [HJ3]	Ancient Woodland.	Potential to have some indirect impacts to the qualifying habitats and associated species present.
Sporle Wood	Immediately north of the Central Panel Area	Ancient Woodland.	Potential to have some indirect impacts to the qualifying habitats and associated species present.
Great Wood	Adjacent to the Northern Panel Area (centred on British National Grid Reference: TF91401023).	Ancient Woodland.	Potential to have some indirect impacts to the qualifying habitats and associated species present..

Table 1: Designated Sites Evaluation			
Site Name and Status²⁷	Distance and direction from the draft Order Limits	Reason for Designation/identification	Potential Constraints
High Grove	Adjacent to the Southern Panel Area (centred on British National Grid Reference: TF92150710).	Ancient Woodland.	Potential to have some indirect impacts to the qualifying habitats and associated species present.
Church Farm Meadow (CWS REF 1011)	380m east of the Northern Panel Area	Diverse grassland area hydrologically connected to the proposed panel area.	Potential to have some indirect impacts to the qualifying habitats and associated species present.
Wendling Carr (CWS REF 1013)	Located 1km northeast of the Eastern Panel Area	Damp grassland area.	Potential to have some indirect impacts to the qualifying habitats and associated species present.
Smeeth Wood & Devil's Dyke (CWS REF 884)	Adjacent to the Western Panel Area	Wet Woodland.	Potential to have some indirect impacts to the qualifying habitats and associated species present.
Disused Railway (CWS REF 718)	Located within the Southern Panel Area	Line of trees and scrub as part of the disused railway.	Potential to have some indirect impacts to the qualifying habitats and associated species present.
Land Northeast of Woodbottom (CWS REF 716)	Located 1.1km from the Southern Panel Area	Woodland.	Potential to have some indirect impacts from pollution, contaminants etc.
Saham Wood (CWS REF 714)	Located 1km from the Southern Panel Area	Woodland.	Potential to have some indirect impacts to the qualifying habitats and associated species present.

3.1.4 The search allowed for the inclusion of Impact Risk Zones (IRZs) for SSSIs, SPA and RAMSAR²⁸. IRZs define areas around SSSIs, SPA and RAMSAR which could be impacted by proposed developments. The zones vary depending on the particular sensitivities of the features for which the designated sites are notified and indicate the types of development proposal which could potentially have adverse impacts. The desk study shows that the draft Order Limits include a number of IRZs. The Proposed Development triggers the need to consult Natural England under the IRZ criteria: *Wind & Solar Energy Solar schemes with footprint > 0.5ha and all wind turbines* (MAGIC, 2024²⁹).

3.2 Habitats

3.2.1 Typical Habitats across the draft Order Limits are grouped within the five Panel Areas (Northern, Eastern, Southern, Western and Central) and described below. Any unique or notable habitats for each area are also described separately. Descriptions of, and example photographs of typical vegetation in, each habitat type is show in Table 2 below.

3.2.2 Habitats which could be subject to adverse effects are discussed in the Ecology Chapter of the PEIR. Habitats for which potential adverse effects are not anticipated are excluded from further assessment. The location and extent of habitats are shown on Figure 6.6 - UKHab Habitat Plan.

3.2.3 A review of OS data identified 200 waterbodies within 100m buffer of the Panel Areas, as shown on Figure 6.1 Waterbody Location Plan. Waterbodies within the Panel Areas were labelled A1, A2 etc., and those that fell within the 100m buffer zone of the Panel Areas were labelled X1, X2 etc.

3.2.4 In general terms the Panel Areas are dominated by arable farmland (mixture of cereal and non-cereal crop, grass leys and ploughed ground), with grass field margins, bounded by native hedgerows with trees and drainage ditches. Blocks of mixed woodland and conifer plantations were frequent within and adjacent to the Panel Areas. Waterbodies were present throughout the Panel Areas, often surrounded by dense scrub.

²⁸ <https://www.data.gov.uk/dataset/5ae2af0c-1363-4d40-9d1a-e5a1381449f8/sssi-impact-risk-zones-england1>

²⁹ SSSI Impact Risk Zones – for LPAs to determine likely impacts on terrestrial SSIs and when to consult Natural England (MAGIC, 2024)

Northern Panel Area: The Northern Panel Area totals 241ha in size. The habitats within this area are predominantly arable crop, bounded by native hedgerows and drainage ditches. Small areas of woodland and grassland habitats are also present, along with waterbodies surrounded by scrub. The Wendling Beck River runs through the northern area. Necton Wood (ancient woodland), Great Wood (ancient woodland) and North Grove (ancient woodland) all lie south of the Northern Panel Area, with Church Farm Meadow (CWS) approximately 500m north east.

Eastern Panel Area: The Eastern Panel Area totals 306ha in size and is dominated by arable fields, divided by native hedgerows with trees and drainage ditches. Several waterbodies surrounded by scrub are present within the Eastern Panel Area.

Southern Panel Area: The Southern Panel Area totals 426ha in size and is connected by large areas of farmland, majority being arable cereal crop. High Grove woodland (ancient woodland) lies adjacent to one of the proposed Southern Panel Areas. A disused railway (CWS), containing a belt of trees and scrub, surrounded by open grassland, divides the largest Southern Panel Area into two, with pockets of arable fields south and north east of the main Southern Panel Area. Hedgerows, mostly native with trees, and containing drainage ditches, surrounded the arable fields. The River Wissey, along with several other notable wet ditches, flows through the Southern Panel Area.

Western Panel Area: The Western Panel Area is the smallest of the five Panel Areas, totalling 162ha. Habitats within the Panel Area consist of arable cereal and non-cereal crop that are harvested and ploughed regularly, bounded by native hedgerows and mixed broadleaved/conifer woodland plantations. A large area of modified grassland, used to house pigs, was also present at the centre of this Panel Area. The A1122 Swaffham Road runs through the middle dividing it into two. Breckland Forest (SSSI) is immediately adjacent east of the Panel Area, and Smeeth Wood & Devil's Dyke (CWS) lies just south of the Panel Area.

Central Panel Area: The Central Panel Area is the largest of the five Panel Areas, totalling 580ha. This Panel Area is dominated by arable fields containing cereal crop, surrounded by field margins, open grassland, broadleaved and conifer woodland blocks and native hedgerows and drainage ditches. This Panel Area contained many waterbodies, surrounded by scrub, within the arable fields and woodland blocks. Sporle Wood (Ancient Woodland) lies adjacent, just north of the Central Panel Area.

Table 2: Habitat Descriptions and Evaluation				
Habitat Description	UK Hab Classification	Representative Photographs ³⁰	Section 41/ Distinctiveness in BNG Metric	Potential Constraints
<u>Arable Fields</u> Arable fields total an area of 1,474.97ha and is the dominant habitat across all five Panel Areas. The crop varied between ploughed ground, to grass/clover leys and cereal/non-cereal crop.	<u>Primary Codes</u> c – Cropland c1 – Arable and horticulture c1b – Temporary grass and clover leys c1c – Cereal crop c1d – Non-cereal crop c1d8 – Other non-cereal crop		Low Distinctiveness.	This habitat will be lost to facilitate the Panel Areas of the Proposed Development. No adverse impacts are expected with the loss of this habitat due to the low ecological value.
<u>Field Margins</u> Field margins were present on the majority of the parcels within all five of the Panel Areas. Typically, the field margins consisted of 5-10 metres of tall grasses, forbs and wildflowers surrounding the arable fields, and was left unmanaged to support a range of wildlife. The total area of field margins across all five Panel Areas totals 21ha.	<u>Primary Code</u> c1a – Arable field margins		s.41 & Low Distinctiveness.	Potential for some of this habitat to be lost to facilitate the Panel Areas of the Proposed Development.

³⁰ Photographs are one example of habitat type.

Table 2: Habitat Descriptions and Evaluation				
Habitat Description	UK Hab Classification	Representative Photographs ³⁰	Section 41/ Distinctiveness in BNG Metric	Potential Constraints
<u>Aquatic Vegetation</u> Marginal vegetation is present along the bank face and bank tops of the majority of wet ditches and streams within the Panel Areas, connecting these to the wider habitats. This habitat was dominated by rosebay willowherb (<i>Chamaenerion angustifolium</i>) and common reed (<i>Phragmites australis</i>), and totalled an area of 0.62ha.	<u>Primary Codes</u> f2d – Aquatic marginal vegetation. f2e – Reedbeds.		s.41 & High Distinctiveness.	At this stage, all ditches and associated aquatic marginal vegetation are proposed to be retained. Potential for some of this habitat to be impacted by the Proposed Development through pollution during construction.
<u>Grassland</u> Areas of grassland were present throughout the Panel Areas, but were more dominant in the Eastern, Western and Central Panel Areas and totalled 129.03ha. Grassland types varied from managed strips of moderate diversity grassland adjacent to arable fields, defined as other neutral grassland, to larger areas of relatively species-poor modified grassland. Grass species dominant within this habitat type are	<u>Primary Codes</u> g – Grassland g3 – Neutral grassland g3c – Other neutral grassland g3c8 – Holcus-Juncus neutral grassland g4 – Modified grassland		Medium/Low Distinctiveness	Some of this habitat is likely to be lost to facilitate the Panel Areas of the Proposed Development. No adverse impacts are expected with the loss of this habitat due to the low ecological value and likely increase of this habitat post-development.

Table 2: Habitat Descriptions and Evaluation				
Habitat Description	UK Hab Classification	Representative Photographs ³⁰	Section 41/ Distinctiveness in BNG Metric	Potential Constraints
cock's-foot (<i>Dactylis glomerata</i>), false oat grass (<i>Arrhenatherum elatius</i>), perennial ryegrass (<i>Lolium perenne</i>), annual meadow grass (<i>Poa annua</i>) and Yorkshire fog (<i>Holcus lanatus</i>). Less common species consisted of Timothy (<i>Phleum pratense</i>), crested dog's tail (<i>Cynosurus cristatus</i>), red fescue (<i>Festuca rubra</i>) and common bent (<i>Agrostis capillaris</i>). Herbs present within the grassland included clovers (<i>Trifolium spp.</i>), thistles (<i>Cirsium spp.</i>), buttercups (<i>Ranunculus spp.</i>), docks (<i>Rumex spp.</i>), cow parsley (<i>Anthriscus sylvestris</i>), common hogweed (<i>Heracleum sphondylium</i>), greater and ribwort plantain (<i>Plantago spp.</i>) and common nettle (<i>Urtica dioica</i>). Less frequent species included common birds-foot trefoil (<i>Lotus corniculatus</i>), goat's-beard (<i>Tragopogon pratensis</i>), mouse-ear hawkweed (<i>Pilosella officinarum</i>), yarrow (<i>Achillea millefolium</i>), common ragwort (<i>Senecio jacobaea</i>), common knapweed (<i>Centaurea nigra</i>), oxeye daisy (<i>Leucanthemum vulgare</i>), buck's-horn plantain (<i>Plantago coronopus</i>), cowslip				

Table 2: Habitat Descriptions and Evaluation				
Habitat Description	UK Hab Classification	Representative Photographs ³⁰	Section 41/ Distinctiveness in BNG Metric	Potential Constraints
(<i>Primula veris</i>), meadow thistle (<i>Cirsium dissectum</i>), meadow vetchling (<i>Lathyrus pratensis</i>), parsley-pierts (<i>Alchemilla arvensis</i>) and lady's bedstraw (<i>Galium verum</i>).				
<u>Dense Scrub</u> Dense scrub was present within the five Panel Areas, typically forming boundaries around the waterbodies and arable fields and grassland, that were not part of the linear hedgerows or wider habitats. The majority of the scrub was a mixture of bramble (<i>Rubus fruticosus</i>), blackthorn (<i>Prunus spinosa</i>) and hawthorn (<i>Crataegus monogyna</i>), although some patches of a single dominant species occurred. The total area of scrub was 4.5ha.	<u>Primary Codes</u> h3 – Dense scrub h3a – Blackthorn scrub h3d - Bramble scrub. h3f – Hawthorn scrub h3h – Mixed scrub		Medium Distinctiveness.	This habitat may be impacted by the development proposals, but habitat loss is considered to have no adverse impact due to the widespread availability and low ecological value of the habitat.

Table 2: Habitat Descriptions and Evaluation				
Habitat Description	UK Hab Classification	Representative Photographs ³⁰	Section 41/ Distinctiveness in BNG Metric	Potential Constraints
<u>Waterbodies</u> 147 waterbodies were surveyed across the Five Panel areas and within 100m of the boundary where access permitted. The southern and eastern Panel Areas contained the most waterbodies compared to the rest of the Panel Areas. Some of these waterbodies that were identified during the desk study were no longer present or were dry at the time of surveying.	<u>Primary Codes</u> r – Rivers and lakes r1 – Standing open water and canals r1g - Other standing water		s.41 & High/Medium Distinctiveness.	Further assessment and survey work is required to identify all waterbodies within the Panel Areas. At this stage, all water bodies within the Panel Areas will be retained, and a protective buffer from bank top would be included to prevent any direct impacts from the development. However, if this changes or any water bodies require part or short term-removal then constraints would be direct loss of s.41 habitat and mitigation would need to be reassessed. Indirect impacts through pollution /sediment run off may occur without appropriate mitigation.

Table 2: Habitat Descriptions and Evaluation				
Habitat Description	UK Hab Classification	Representative Photographs ³⁰	Section 41/ Distinctiveness in BNG Metric	Potential Constraints
Urban Land Small areas of urban land was present within all five Panel Areas, ranging from gravel tracks/roads to farmyard concrete pads. The total area of urban land was 14.89ha.	Primary Codes u1 – Built up areas and gardens u1b – Developed land; sealed surface u1b6 – Other developed land u1c – Artificial unvegetated, unsealed surface		Very Low Distinctiveness	This habitat may be impacted by the development proposals, but the impact of habitat loss is considered to have no adverse impact due to the very low ecological value of the habitat.
Broad-leaved Woodland Blocks of broadleaved woodland occurred in the Central, Northern, Eastern and Southern Panel Areas and totalled 48.84ha. Native tree species consisted of ash (<i>Fraxinus excelsior</i>), beech (<i>Fagus sylvatica</i>), oak (<i>Quercus robur</i>), sycamore (<i>Acer pseudoplatanus</i>) and willow (<i>Salix caprea</i>). Understory species typically present were holly (<i>Ilex aquifolium</i>), field maple (<i>Acer campestre</i>), elm (<i>Ulmus procera</i>), hawthorn, hazel (<i>Corylus avellana</i>) and elder (<i>Sambucus nigra</i>). Ground vegetation included grasses,	Primary Codes w – Woodland and Forest w1 – Broadleaved and mixed woodland w1f – Lowland mixed deciduous woodland w1g – Other broadleaved woodland w1h – Other woodland; mixed		s.41 & High/Medium Distinctiveness	At this stage, all woodland within the Panel Areas are proposed to be retained. The is potential for some of this habitat to be impacted from the Proposed Development via damage to the roots or dust deposition during construction.

Table 2: Habitat Descriptions and Evaluation					
Habitat Description	UK Hab Classification	Representative Photographs ³⁰		Section 41/ Distinctiveness in BNG Metric	Potential Constraints
patches of bramble scrub, common nettle, garlic mustard (<i>Alliaria petiolata</i>), dog's mercury (<i>Mercurialis perennis</i>) and occasional bluebell (<i>Hyacinthoides non-scripta</i>).	w1h5 – Other woodland; mixed, mainly broadleaved				

Table 2: Habitat Descriptions and Evaluation					
Habitat Description	UK Hab Classification	Representative Photographs ³⁰		Section 41/ Distinctiveness in BNG Metric	Potential Constraints
<u>Conifer Woodland</u> Plantations of conifer trees, typically Scot's pine, occurred in small blocks within the Central and Western Panel Areas, totalling 0.54ha. These woodlands were generally species poor with few native broadleaved tree species present.	<u>Primary Codes</u> w1h6 – Other woodland; mixed; w2b – Other scots pine woodland			Medium/Low Distinctiveness	At this stage, all woodland within the Panel Areas is proposed to be retained. Potential for some of this habitat to be impacted from the Proposed Development. Mitigation measures included in the PEIR will prevent any impacts from the Proposed Development. However, if any of the woodland require part or short term-removal then it is considered to have no adverse impact due to the low ecological value of the habitat (not being s.41 habitat and medium-low distinctiveness).
<u>Rivers/Streams</u> Two rivers/chalk streams were present within, and adjacent to, the Panel Areas. The Wendling Beck river runs adjacent to the Panel Area in the Northern Panale Areas, flowing from west to east with a water depth of 0.5m. The bank tops were fairly open at this section of the river, with marginal vegetation such as rosebay willowherb (<i>Chamerion angustifolium</i>), pendulous sedge (<i>Carex pendula</i>), docks	<u>Primary code</u> r2a – Rivers (priority habitat)			s.41 & Very High Distinctiveness	The Proposed Development includes the retention of all streams, a s41. habitat and a protective buffer from bank top will prevent any direct impacts from the development. However, if this changes or if any of the streams require part or short term-removal then constraints would be direct loss of habitat and mitigation would need to be reassessed. Indirect impacts through

Table 2: Habitat Descriptions and Evaluation				
Habitat Description	UK Hab Classification	Representative Photographs ³⁰	Section 41/ Distinctiveness in BNG Metric	Potential Constraints
(<i>Rumex sp.</i>), bedstraw (<i>Galium sp.</i>), grasses, and common nettle. The River Wissey runs through the Southern Panel Area, flowing from east to west and had a water depth of 0.5m. Tall grasses and forbs lined the bank tops.				pollution /sediment run off may occur without appropriate mitigation.
<u>Ditches /Drainage Ditches</u> Drainage ditches are present throughout the arable fields/hedgerows with saturation ranging from dry to flowing water. Ditches contain some aquatic marginal vegetation, as well as grasses, forbs, common nettle and bramble.	<u>Primary Codes</u> r – Rivers and lakes r1 – Standing open water and canals r1g – Other standing water.		Medium Distinctiveness.	The Proposed Development includes the retention of all ditches on site, and a protective buffer from bank top will prevent any impacts from the development. However, if this changes or if any of the ditches require part or short term-removal then constraints would be direct loss of habitat and mitigation would need to be reassessed.

Table 2: Habitat Descriptions and Evaluation				
Habitat Description	UK Hab Classification	Representative Photographs ³⁰	Section 41/ Distinctiveness in BNG Metric	Potential Constraints
<u>Hedgerows/Line of Trees</u> Native hedgerows and treelines formed the boundary of fields in each parcel of all of the five Panel Areas. Many of these were species rich and contained trees and drainage ditches. Dominant hedge species consisted of hawthorn and blackthorn, with field maple, elm, hazel dog rose and dogwood also frequent. Common understory species consisted of grasses, bramble, nettle, cow parsley, hemlock, common hogweed, garlic mustard, cleaver, dock, thistles, plantain and oxeye daisy.	<u>Primary Codes</u> h2 – Hedgerows h2a – Native hedgerows h2a5 - Species-rich native hedgerow. h2a6 – Other native hedgerow		S.41 & Very High/High/Medium/Low Distinctiveness.	Native Hedgerows are a s.41 priority habitat and present within the draft Order Limits. At this stage, all hedgerows within the Panel Areas are being retained, and enhanced where possible. However, if this changes or if any of the hedgerows require part or short term-removal then constraints would be direct loss of s.41 habitat and mitigation would need to be reassessed. Potential for impact to this habitat without the appropriate mitigation described in the PEIR.
<u>Non-Native Hedgerows</u> Two non-native ornamental hedgerows were recorded on site, both at the most western part of the Central Panel Area. One hedgerow was dominated by Japanese chestnut (<i>Castanea crenata</i>). The other was at the boundary of a residential garden and consisted of cherry laurel (<i>Prunus laurocerasus</i>), apple (<i>Malus sp.</i>) and Norway spruce (<i>Picea abies</i>).	<u>Primary Code</u> h2b – Non-native and ornamental hedgerow.		Very Low Distinctiveness.	The Proposed Development includes the retention of hedgerows, however if this changes or if any of the hedgerows require part or short term-removal then constraints would be direct habitat loss. The impact of this is considered very low due to the non-native status of the tree species and low ecological value.

3.3 Species

3.3.1 Protected and s.41 species are evaluated in order to identify potential adverse effects in Table 3 below, based on the following criteria:

- Desk study records;
- Evidence found during the survey;
- Presence, extent, quality, and viability of supporting on-site habitat;
- Ecological connectivity to viable off-site habitats; and
- Perceived impacts of habitat loss/impact to individuals in relation to proposals.

3.3.2 Species for which adverse effects are predicted (amber or red) may require further survey and are discussed in more detail in PEIR Chapter 6 Biodiversity. Species/taxa for which potential adverse effects are not anticipated (green) are excluded from further assessment.

Table 3: Protected and Notable Species Evaluation				
Receptor (species/taxa)	Desk Study records	Status ³¹	Supporting Habitat(s) Present	Potential Constraints
Badger <i>Meles meles</i>	A total of 47 ³² recorded sightings since 2014. Most recent record 2022.	BA	Badger evidence in the form of Setts and signs including latrines, snuffle holes and mammal paths present across all parcels of Panel Areas. Woodland blocks, scrub and grassland providing supporting habitat for sett creation and foraging.	The Proposed Development has the potential to disturb badgers within the Panel Areas. Potential foraging habitat may be impacted by the proposed works, and badgers could construct new setts within the draft Order Limits before construction occurs. Mitigation will be included in the final design of the Proposed Development to ensure all setts will be retained.
Bats <i>Chiroptera</i>	- Barbastelle <i>Barbastella barbastellus</i> (48 records, most recent 2022). - Serotine <i>Eptesicus serotinus</i> (53 records, most recent 2022). - Daubenton's <i>Myotis daubentonii</i> (26 records, most recent 2022). - Whiskered/Brandt's <i>Myotis mystacinus/brandtii</i> (8 records, most recent 2022). - Natterer's <i>Myotis natterii</i> (49 records, most recent 2022). - Leisler's <i>Nyctalus leisleri</i> (11 records, most recent 2022).	EPS, WCA, s.41,	Suitable roosting habitat is present within mature trees across all Panel Areas of the Site. These trees are present in the woodland blocks, trees within hedgerows with a few trees located centrally within fields. Due to the exposed nature of monoculture fields and grassland habitats, the higher quality foraging is likely to be concentrated at linear features at the boundaries and internal dividing lines, with the open fields and grasslands likely offering some foraging opportunities.	The Proposed Development has the potential to affect moderate quality foraging habitat, although limited to the field boundaries only. Mitigation will be included in the final design of the Proposed Development to ensure the most linear field boundaries and peripheral habitats are retained.

³¹ **EPS** – European Protected Species, **WCA** – Wildlife and Countryside Act, **WCA (9)** – species listed under Schedule 9, **A1** – Annex 1 (Birds Directive), **BA** – Protection of Badgers Act, **s.41** – species listed under section 41 of the NERC Act as species of principal importance, **BoCC** – Birds of Conservation Concern.

³² Locations of badger activity are confidential due to the sensitivity of this species.

Table 3: Protected and Notable Species Evaluation				
Receptor (species/taxa)	Desk Study records	Status ³¹	Supporting Habitat(s) Present	Potential Constraints
	- Noctule <i>Nyctalus noctula</i> (63 records, most recent 2022). - Nathusius's pipistrelle <i>Pipistrellus nathusii</i> (4 records from 2022). - Common pipistrelle <i>Pipistrellus pipistrellus</i> (110 records, most recent 2022). - Soprano pipistrelle <i>Pipistrellus pygmaeus</i> (97 records, most recent 2022). - Brown Long-eared <i>Plecotus auratus</i> (89 records, most recent 2022).			
Birds	A wide range of BoCC and Red List species and WCA Schedule listed species including, but not limited to: Skylark <i>Alauda arvensis</i>, buzzard <i>Buteo buteo</i>, nightjar <i>Caprimulgus europaeus</i>, goldfinch <i>Carduelis carduelis</i>, greenfinch <i>Chloris chloris</i>, hen harrier <i>Circus cyaneus</i>, woodpigeon <i>Columba palumbus</i>, blue tit <i>Cyanistes caeruleus</i>, red kite <i>Milvus milvus</i>, swallow <i>Hirundo rustica</i>, linnet <i>Linaria cannabina</i>, grey wagtail <i>Motacilla cinerea</i>, pied wagtail <i>Motacilla alba</i>, and song thrush <i>Turdus philomelos</i>.	s.41, WCA (1) BoCC, LBAP.	Foraging and breeding habitat in habitats within the Panel Areas, specifically within hedgerows and woodland boundaries at the peripheries of fields, open grassland and rush pastures. The site is of specific interest for stone curlews which use open grassland and farmland, as well as woodland and grassland being suitable for woodlarks and nightjars. The arable fields are also suitable breeding habitat for skylarks and overwintering habitat for wildfowl and waders such as golden plover.	Potential breeding habitat may be lost/disturbed by proposals. Foraging habitat may also be lost.

Table 3: Protected and Notable Species Evaluation				
Receptor (species/taxa)	Desk Study records	Status ³¹	Supporting Habitat(s) Present	Potential Constraints
Brown hare <i>Lepus europaeus</i>	A total of 127 recorded sightings since 2014. Most recent 2020.	s.41	This species favours open expanses of pastoral farmland, and therefore are likely to readily utilise the habitats on site.	Potentially impacted during construction of the Panel Areas, although habitats on site shall be available for use by brown hare post development. No adverse effect is considered likely.
European hedgehog <i>Erinaceus europaeus</i>	A total of 284 recorded sightings since 2014. Most recent record 2022	s.41, Bern3, Priority, RL-VU	Woodland, hedgerows, grassland and scrub across all Panel Areas support sheltering and foraging habitat.	The majority of hedgerows and woodland shall be retained and enhanced as part of the development proposals. Adverse effects as a result of the proposed development are considered unlikely.
Great crested newt (GCN) <i>Triturus cristatus</i>	A total of 86 records, most recent 2022.	s.41, WCA5, Priority, Bern2.	Ponds and terrestrial habitat are located on site that is suitable for use by GCN.	GCN if present in any ponds within the Panel Areas could be adversely impacted by construction within 500 m of their breeding ponds.
Common toad <i>Bufo bufo</i>	A total of 3 records, most recent 2016.	s.41	Ponds, ditches, grassland and scrub provide supporting habitat for common toad. There are numerous waterbodies within 2km of the site, which have not been scoped for common toad, but should be assumed to be suitable habitat.	The majority of breeding habitat within ponds and ditches shall be retained, however, there may be some loss of potential breeding habitat. In the absence of mitigation, the clearance of suitable habitats could potentially result in incidental harm to common toad.
Common Reptiles	A total of 4 records of grass snake <i>Natrix Helvetica</i> , most recent 2015.	WCA, s.41, LBAP.	Grassland, scrub, stream/ditch habitats and woodland edge provide suitable habitat.	The clearance of suitable habitats could potentially result in incidental harm to common reptiles.
Hazel dormouse <i>Muscardinus avellanarius</i>	None.	EPS, WCA, s.41, LBAP.	Woodland, hedgerows and scrub present which could support hazel dormice.	No records of dormouse have been returned within the desk study data and the species is not commonly found across Norfolk. The suitable habitat on site is limited in its extent, connectivity, and value. Species is likely to be absent.
Invertebrates (Protected and notable species)	Records include but are not limited to: Breckland Leatherbug <i>Arenocoris waltlii</i> , Small Egger <i>Eriogaster lanestris</i> , Small ranunculus <i>Hecatera dysodea</i> , Mugwort pearl <i>Loxostege sticticalis</i> , Kent maze miner <i>Phyllocnistis xenia</i> and <i>Sigorus porcus</i> .	WCA s.41 Red list, vulnerable , near threatene d and	Habitat present in the area are likely to support a locally valuable population of invertebrates.	The majority of hedgerows and woodland shall be retained and enhanced as part of the development proposals. Potential for loss of some grassland areas that support foraging and breeding invertebrates, although post development habitats likely to provide further supporting habitat. Adverse effects as a result of the proposed development are considered unlikely.

Table 3: Protected and Notable Species Evaluation				
Receptor (species/taxa)	Desk Study records	Status ³¹	Supporting Habitat(s) Present	Potential Constraints
		critical species.		
Mustelids	Stoat <i>Mustela erminea</i> (20 records, most recent 2020), Weasel <i>Mustela nivalis</i> (5 records, most recent 2017) and Polecat <i>Mustela putorius</i> (12 records, most recent 2020).	Bern3, CHS4, Priority and s.41.	Woodlands, hedgerows, grasslands and field margins, such as those present on site, are typical habitat and foraging ground for mustelids.	The majority of hedgerows and woodland shall be retained and enhanced as part of the development proposals. Potential for loss of some grassland areas that support foraging and breeding mustelids, although post development habitats likely to provide further supporting habitat. Adverse effects as a result of the proposed development are considered unlikely.
Otter <i>Lutra lutra</i>	A total of 19 recorded sightings since 2014. Most recent record 2022.	EPS, WCA(5), s.41, LBAP, Bern2, CHS2, CITES-A, HDir2, HDir4.	Supporting habitat such as the chalk streams and itches within the proposed Panel Areas and in the surrounding area such as the River Nar and River Wensum, with supplementary habitat across Breckland.	The chalk streams and all ditches shall be retained with a 9m buffer. No direct habitat loss shall occur as a result of the Proposed Development, and enhancements should increase supporting habitat. Indirect effects through pollution may occur without appropriate mitigation. Otters can be disturbed by works close to their habitats and not use these areas, restricting their access to appropriate resting places and foraging sites.
Shrews	Common Shrew <i>Sorex Araneus</i> (24 records, most recent 2022) and Pygmy Shrew <i>Sorex minutus</i> (14 records, most recent 2020).	Bern 3	Grassland habitats are suitable to support both shrew species.	Potential for loss of some grassland areas that support foraging and breeding shrews, although post development habitats likely to provide further supporting habitat. Adverse effects as a result of the proposed development are considered unlikely.
Water vole <i>Arvicola amphibius</i>	A total of 14 records, most recent 2022.	WCA, s.41, LBAP.	Ditches and streams are considered to be suitable with good water vole habitat surrounding the Wendling Back. Rivers, wetlands and fens in the vicinity provide further suitable habitat for this species.	The chalk streams and all ditches shall be retained with a 9m buffer. No direct habitat loss shall occur as a result of the Proposed Development, and enhancements should increase supporting habitat. Indirect effects through pollution may occur without appropriate mitigation.

Table 3: Protected and Notable Species Evaluation				
Receptor (species/taxa)	Desk Study records	Status ³¹	Supporting Habitat(s) Present	Potential Constraints
White-clawed crayfish <i>Austropotamobius pallipes</i>	None	EPS, WCA, s.41, LBAP.	None.	No adverse effects or constraints likely, not recorded on site.
Protected and notable plant species	Yes – vascular plant species have been recorded within 2km of the site in the last 10 years, including but not limited to: Bluebell <i>Hyacinthoides non scripta</i> , Rare Spring-sedge <i>Carex ericetorum</i> , Common Cudweed <i>Filago vulgaris</i> , Corn Mint <i>Mentha arvensis</i> , Bee Orchid <i>Ophrys apifera</i> , Prickly Poppy <i>Papaver argemone</i> , Night-flowering Catchfly <i>Silene noctiflora</i> and Corn Spurrey <i>Spergula arvensis</i> .	WCA, s.41.	Woodlands, scrub and grassland habitat have the potential to support protected and notable plant species.	Bluebells were recorded on site, which are protected under Schedule 8 of WCA and could be damaged or destroyed by the development, although all woodland habitats are to be retained and enhanced. Bluebells and other plant species may be affected by dust deposition which can change the chemical composition of soils.
Non-native invasive species (INNS)	Yes – vascular plant species have been recorded within 2km of the site in the last 10 years, including but not limited to: Italian Alder <i>Alnus cordata</i> , Butterfly-bush <i>Buddleja davidii</i> , New Zealand Pigmyweed <i>Crassula helmsii</i> , Canadian Waterweed <i>Elodea canadensis</i> , Nuttall's Waterweed <i>Elodea nuttallii</i> , American Willowherb <i>Epilobium ciliatum</i> , Russian-vine <i>Fallopia baldschuanica</i> , Japanese Knotweed <i>Fallopia japonica</i> , Giant Hogweed	WCA (9)	No invasive species were recorded on site however, suitable habitat is present on site where species as identified by the desk study may grow.	No invasive species were recorded on site during surveys. However, invasive species are present within the 2km radius of the draft Order Limits. Development works may cause invasives to spread if present on site. Unlikely to be a constraint to development with an INNS management plan in place during construction.

Table 3: Protected and Notable Species Evaluation				
Receptor (species/taxa)	Desk Study records	Status ³¹	Supporting Habitat(s)Present	Potential Constraints
	<i>Heracleum mantegazzianum</i> , Himalayan Balsam <i>Impatiens glandulifera</i> , Small Balsam <i>Impatiens parviflora</i> , Curly Waterweed <i>Lagarosiphon major</i> Variegated Yellow Archangel <i>Lamiastrum galeobdolon</i> subsp. <i>Argentatum</i> , Least Duckweed <i>Lemna minuta</i> and Monkeyflower <i>Mimulus guttatus</i> .			

4 CONCLUSION

4.1.1 Given the identified evidence of presence and/or likely presence of ecological receptors which may be adversely impacted by the Proposed Development, further surveys and/or assessments have been recommended in order to inform a full evaluation of adverse effects. The following protected species survey and assessment reports will be required to compliment the planning application:

- Habitat information for condition assessment for Biodiversity Net Gain
- Otter and Water Vole surveys.
- GCN Habitat Suitability Index (HSI) of waterbodies within 100m of Panel Areas (partially complete).
- GCN environmental DNA (eDNA) sampling of waterbodies within 100m of Panel Areas (partially complete).
- Breeding Bird surveys.
- Wintering Bird surveys (first year complete, second year partially complete).
- Automated bat detector surveys.
- Seasonal Night-time Bat Walkover surveys (three survey sessions complete).
- Badger surveys.

4.1.2 Additional reports include a Habitat Regulations Assessment (HRA) report to consider effects to nearby European conservation sites the results of the protected species surveys and evaluations should be considered within an Ecological Impact Assessment report, in line with standard industry practice (CIEEM, 2018). This report should include a formal assessment of impacts and will be suitable to fully inform the planning application.

4.2 Report Validity

4.2.1 In general, this report remains valid for a period of 18 months following the date of the habitat survey.

4.2.2 If the draft Order Limits or layout is subsequently modified and any other habitats are identified to be lost or affected by the Proposed Development, then further surveys for habitats and protected species may be required.

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APPENDICES

Appendix 1

Legislation and Policy Summary

Appendix 1 – Legislation and Policy Summary

Legislation for Habitats/Sites

Designated Site/Habitat	Status
Ramsar Sites	Ramsar Sites are wetlands of international importance designated following the Ramsar Convention. RAMSAR sites have the same level of protection as SACs and SPAs under the Wildlife and Countryside Act 1981 (as amended).
SPA (Special Protection Areas)	SPAs seek to protect the habitats of rare and vulnerable European and UK birds. The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended) protect such sites in the UK.
SAC (Special Areas for Conservation)	SACs are strictly protected areas which represent important and threatened habitats in Europe and the UK. The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended) protect such sites in the UK.
SSSI (Sites of Special Scientific Interest)	SSSIs protect the best examples of the UK's flora, fauna, or geological or physiographical features. Originally notified under the National Parks and Access to the Countryside Act 1949, SSSIs were renotified under the Wildlife and Countryside Act 1981 (as amended). Modified provisions for the protection and management of SSSIs were introduced by the Countryside and Rights of Way Act 2000.
NNR (National Nature Reserves)	NNRs are examples of some of the most important natural and semi-natural terrestrial and coastal ecosystems in Great Britain. NNRs are declared by the statutory country conservation agencies under the National Parks and Access to the Countryside Act 1949 or the Wildlife and Countryside Act 1981 (as amended). Legal protection of NNRs is provided under the Wildlife and Countryside Act 1981 (as amended).
Hedgerows	All hedgerows are protected by the Hedgerows Regulations 1997, under which it is an offence to remove or destroy certain hedgerows without planning consent or permission from the Local Planning Authority. These regulations do not apply to any hedgerow within the curtilage of, or marking the boundary of the curtilage of, a dwelling house.
LNR (Local Nature Reserves)	Designated by the National Parks and Access to the Countryside Act 1949, LNRs may be declared for nature conservation by local authorities after consultation with the relevant statutory nature conservation agency. Legal protection of LNRs is provided under the Wildlife and Countryside Act 1981 (as amended).

Legislation for Species

Species	Legal Status
Creeping Marshwort, Early Gentian, Fen Orchid, Floating-leaved Water Plantain, Killarney Fern, Lady's Slipper, Shore Dock, Slender Naiad, Yellow Marsh Saxifrage	Under the Conservation of Habitats and Species Regulations 2017 (as amended), it is illegal to deliberately pick, collect, uproot or destroy any such species.
Bats, Dormouse, Otter, Wild Cat, Great Crested Newt, Natterjack Toad, Sand Lizard, Smooth Snake, Large Blue Butterfly	These animals and their breeding sites or resting places are protected under Regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended), which makes it illegal to: • Deliberately capture, injure or kill any such animal or to deliberately take or destroy their eggs; • Deliberately disturb³³ such an animal; and • Damage or destroy a breeding site or resting place of such an animal. European Protected Species (EPS) licenses can be granted by Natural England in respect of development to permit activities that would otherwise be unlawful under the Conservation Regulations, providing that the following 3 tests (set out in the EC Habitats Directive) are passed, namely: • The development is for reasons of overriding public interest; • There is no satisfactory alternative; and • The favourable conservation status of the species concerned will be maintained and/or enhanced. LPAs must consider the above 3 'tests' when determining whether Planning Permission should be granted for developments likely to cause an offence under the Conservation Regulations.
Bats, Dormouse, Great Crested Newt, Heath Fritillary, High Brown Fritillary, Large Blue, Marsh Fritillary, Natterjack Toad, Pine Martin, Otter, Red Squirrel, Sand Lizard, Smooth Snake, Swallowtail, Water Vole, Wildcat	These animals receive full protection under the Wildlife and Countryside Act 1981 (as amended), which makes it illegal (subject to certain exceptions) to: • Intentionally kill, injure or take any such animal; • Intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection; and

³³ Under the Conservation Regulations, disturbance of protected animals includes in particular any disturbance which is likely to: (i) impair their ability to survive, breed or reproduce, or to rear or nurture their young or to hibernate or migrate; (ii) significantly affect the local distribution or abundance of the species in question.

Species	Legal Status
	Intentionally or recklessly disturb such animals while they occupy a place used for shelter or protection.
Adder, Common Lizard, Grass Snake, Slow Worm, White-clawed Crayfish	These animals receive partial protection under the Wildlife and Countryside Act 1981 (as amended), which provide protection against intentional killing or injury of any such animal.
Nesting Birds	All wild birds (as defined by the act) are protected under the Wildlife and Countryside Act 1981 (as amended), which makes it illegal (subject to exceptions) to: - Intentionally kill, injure or take any wild bird; - Take, damage or destroy the nest (whilst being built or in use) or eggs of any wild bird.
Wildlife and Countryside Act 1981 (as amended) Schedule 1 listed Birds	Additional protection is provided to birds listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). In addition to the offences detailed above relating to all wild birds, it is illegal to intentionally or recklessly disturb any bird listed on Schedule 1, or their dependent young while nesting.
Badgers	The Protection of Badgers Act 1992 makes it illegal to wilfully kill or injure a Badger, or attempt to do so and to intentionally or recklessly interfere with a Badger sett. This includes: - damaging or destroying an active sett; - obstructing access to a sett; and - disturbing a Badger while it is occupying a sett. Licences can be granted to permit sett closure and/or disturbance between July and November inclusive (i.e. outside the sow pregnancy/birth period).
Wild Mammals	The Wild Mammals (Protection) Act 1996 provides legal protection to all wild mammals (as defined by the act) against the following actions: mutilate, kick, beat, nail, or otherwise impale, stab, burn, stone, drown, crush, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.
Wildlife and Countryside Act 1981 (as amended) Schedule 9 listed invasive animals (Part 1) and plants (part 2)	Certain species of plants and animals that do not naturally occur in Great Britain have become established in the wild and represent a threat to the natural fauna and flora. Section 14 of the Wildlife and Countryside Act 1981 (as amended) prohibits the release or allowed escape of animals listed in Schedule 9 to the Act and planting, or allowed growth, of any plant listed in Schedule 9 to the Act.

Policy Summary

Section 40 of the Natural Environment and Rural Communities (NERC) Act imposes a legal duty on Planning Authorities to ‘have regard’ to the conservation of biodiversity when considering planning applications.

Section 41 of the NERC Act requires the Secretary of State to publish a list of species and habitats of principal importance for conserving biodiversity in the UK. Such Habitats and Species of Principal Importance do not offer the feature any specific protection, but help to highlight the species importance at a national level. This list is used by Local Planning Authorities to identify the species and habitats that should be afforded priority when applying the requirements of the National Planning Policy Framework (NPPF).

The NPPF underpins the Government’s planning policies for England and how these are to be applied. The central theme of the NPPF is a presumption in favour of sustainable development. This presumption does not apply where development requiring Appropriate Assessment because of its potential impact on a habitats site is being planned or determined.

The NPPF states:

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;*
- *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 reasons⁶³ 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.*
- *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.*

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.

The NPPF requires the Planning Authority to have a responsibility to promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan. In addition, 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, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Relevant Local and National Policies

Planning policy context for biodiversity	
Policy reference	Implications
Overarching National Policy Statement for Energy (EN-1) ³⁴	Paragraph 4.6.2 of EN-1 states: <i>"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."</i>
	Paragraph 4.6.6-4.6.8 of EN-1 detail the requirements for biodiversity net gain in the application, these state: 4.6.6 <i>"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"</i> 4.6.7 <i>"In England applicants for onshore elements of any development are encouraged to use the latest version of the biodiversity metric¹¹⁵ 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."</i> 4.6.8 <i>"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."</i>
	Paragraph 4.6.10 of EN-1 states: <i>"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."</i>
	Paragraphs 4.6.11-4.6.12 of EN-1 cover off-site delivery of biodiversity net gain and state: 4.6.11 <i>"Biodiversity net gain can be delivered onsite or wholly or partially off-site. We encourage details of any off-site delivery of biodiversity net gain to be set out within the application for development consent."</i> 4.6.12 <i>"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."</i>
	Paragraph 4.6.13 of EN-1 states: <i>"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</i>

³⁴ Overarching National Policy Statement for Energy (EN-1) (2023).

Planning policy context for biodiversity	
Policy reference	Implications
	• reductions in GHG emissions • reduced flood risk • improvements to air or water quality, • climate adaptation, • landscape enhancement • increased access to natural greenspace, or • 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."
	Paragraph 4.6.14 of EN-1 states: "The Environment Act 2021 mandated the preparation of Local Nature Recovery Strategies (LNRs) across England. They are a new system of spatial strategies for nature recovery and will play a major role in providing detail on the best locations to create, enhance and restore nature and deliver wider environmental benefits. LNRs will also agree priorities for nature recovery and map the most valuable existing areas for nature. They will be critical in delivering new government targets for species abundance and habitat creation commitments, as well as other pressing environmental outcomes for water and flood risk, carbon and tree planting and woodland creations. LNRs will also drive the creation of a Nature Recovery Network (NRN), a major commitment in the government's 25 Year Environment Plan."
	Paragraph 4.6.15 of EN-1 states: "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."
	Paragraph 5.4.3 of EN-1 states: "The wide range of legislative provisions at the international and national level that can impact on planning decisions affecting biodiversity and geological conservation issues are set out in a Government Circular³⁵. The National Planning Policy Framework and Natural Environment Planning Practice Guidance document sets out good practice in England in relation to planning for biodiversity and geological conservation...."
	Paragraph 5.4.4 and 5.4.5 of EN-1 cover Habitat Regulation Assessments and state: 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. 5.4.5 "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;

³⁵ Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System (ODPM 06/2005, Defra 01/2005)

Planning policy context for biodiversity	
Policy reference	Implications
	<i>(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.</i>
	Paragraph 5.4.7 and 5.4.8 of EN-1 cover SSSIs and state: 5.4.7 <i>"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. Most National Nature Reserves are notified as SSSIs."</i> 5.4.8 <i>"Development on land within or outside a SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits (including need) of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSIs."</i>
	Paragraph 5.4.12 of EN-1 states: <i>"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."</i>
	Paragraph 5.4.14 to 5.4.15 of EN-1 cover irreplaceable habitats including Lowland Fen and state: 5.4.14 <i>"Irreplaceable habitats are habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. "</i> 5.4.15 <i>"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. Ancient and veteran trees found outside ancient woodland are also particularly valuable. Other types of irreplaceable habitats include blanket bog, limestone pavement, coastal sand dunes, spartina salt marsh swards, mediterranean saltmarsh, scrub, and lowland fen"</i>
	Paragraph 5.4.16 of EN-1 states: <i>"Many individual species receive statutory protection under a range of legislative provisions. Other species and habitats have been identified as being of principal importance for the conservation of biodiversity in England and Wales, as well as for their continued benefit for climate mitigation and adaptation and thereby requiring conservation action"</i>
	Paragraphs 5.4.17 to 5.4.22 of EN-1 cover the EIA application and state:

Planning policy context for biodiversity	
Policy reference	Implications
	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.” 5.4.18 “The applicant should provide environmental information proportionate to the infrastructure where EIA is not required to help the Secretary of State consider thoroughly the potential effects of a proposed project.” 5.4.19 “The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.” 5.4.20 “Applicants should consider wider ecosystem services and benefits of natural capital when designing enhancement measures.” 5.4.21 “As set out in Section 4.7, the design process should embed opportunities for nature inclusive design. Energy infrastructure projects have the potential to deliver significant benefits and enhancements beyond Biodiversity Net Gain, which result in wider environmental gains (see Section 4.6 on Environmental and Biodiversity Net Gain). The scope of potential gains will be dependent on the type, scale, and location of each project.” 5.4.22 “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.”
	Paragraphs 5.4.25 to 5.4.31 of EN-1 covers Habitat Regulations and states: 5.4.25 “The applicant should seek the advice of the appropriate 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.” 5.4.26 “If, during the pre-application stage, the SNCB indicate that the proposed development is likely to adversely impact the integrity of habitat sites, the applicant must include with their application such information as may reasonably be required to assess a potential derogation under the Habitats Regulations.” 5.4.27 “If the SNCB gives such an indication at a later stage in the development consent process, the applicant must provide this information as soon as is reasonably possible and before the close of the examination. This information must include assessment of

Planning policy context for biodiversity	
Policy reference	Implications
	<i>alternative solutions, a case for Imperative Reasons of Overriding Public Interest (IROPI) and appropriate environmental compensation."</i> 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." 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." 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." 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."
	Paragraph 5.4.32 states "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 phase."
	Paragraphs 5.4.33 to 5.4.34 of EN1 covers habitat and species protection and state: 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." 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."
	Paragraph 5.4.35 and 5.4.36 of EN-1 cover mitigation and state: 5.4.35 "Applicants should include appropriate avoidance, mitigation, compensation and enhancement measures as an integral part of the

Planning policy context for biodiversity	
Policy reference	Implications
	<i>proposed development. In particular, the applicant should demonstrate that:</i> <i>• during construction, they will seek to ensure that activities will be confined to the minimum areas required for the works</i> <i>• 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</i> <i>• habitats will, where practicable, be restored after construction works have finished</i> <i>• 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.</i> <i>• mitigations required as a result of legal protection of habitats or species will be complied with."</i> <i>5.4.36 "Applicants should produce and implement a Biodiversity Management Strategy as part of their development proposals. This could include provision for biodiversity awareness training to employees and contractors so as to avoid unnecessary adverse impacts on biodiversity during the construction and operation stages."</i>
National Policy Statement for Renewable Energy Infrastructure (EN-3) ³⁶	In the section on Solar Photovoltaic Generation paragraphs 2.10.76 to 2.10.80 state: 2.10.76 <i>"The applicant's ecological assessments should identify any ecological risk from developing on the proposed site."</i> 2.10.77 <i>"Issues that need assessment may include habitats, ground nesting birds, wintering and migratory birds, bats, dormice, reptiles, great crested newts, water voles and badgers."</i> 2.10.78 <i>"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."</i> 2.10.79 <i>"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."</i> 2.10.80 <i>"Applicants should consider earthworks associated with construction compounds, access roads and cable trenching."</i>
	Paragraph 2.10.81 states: <i>"Where soil stripping occurs topsoil and subsoil should be stripped, stored, and replaced separately to minimise soil damage and to provide optimal conditions for site restoration. Further details on minimising impacts on soil and soil handling are above at paragraphs 2.10.18 and 2.10.19."</i>
	Paragraph 2.10.82 states <i>"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</i>

³⁶ National Policy Statement for Renewable Energy Infrastructure (EN-3) (2023).

Planning policy context for biodiversity	
Policy reference	Implications
	<i>should be carefully considered in order to minimise impact. If lighting is necessary, it should be minimised and directed away from areas of likely habitat."</i>
	Paragraph 2.10.83 states <i>"The assessment 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"</i>
	Paragraph 2.10.128 to 2.10.130 cover mitigation and state: 2.10.128 <i>"In England, proposed enhancements should take account of the above factors and as set out in Sections 4.6 and 5.5 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."</i> 2.10.129 <i>"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."</i> 2.10.130 <i>"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."</i>
National Planning Policy Framework (NPPF) ³⁷	Paragraph 187 of the NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment by: protecting and enhancing sites of biodiversity value in a manner commensurate with their statutory status or identified quality in the development plan; recognising the wider benefits from natural capital and ecosystem services; and minimising impacts on, and providing net gains for, biodiversity.
	Paragraph 192 of NPPF requires that plans should identify, map and safeguard component of local wildlife-rich habitats and wider ecological networks, including wildlife corridors, the hierarchy of designated sites, and areas identified by national and local, partnerships. They should also promote conservation, restoration and enhancement including HPI and SPI, as well as securing measurable net gain.
	Paragraph 193 of NPPF outlines that 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. If significant harm to biodiversity will result from a development that cannot be avoided, mitigated, or compensated for, permission should be refused 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

³⁷ National Planning Policy Framework (2024).

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	to nature where this is appropriate	
	Paragraph 194 of NPPF outlines that potential, possible, listed or proposed sites, and those that are an identified compensatory measure, are to be protected as the equivalent designation.	
	Paragraph 195 of NPPF outlines those potential impacts on sites requiring appropriate assessment will be considered ahead of the presumption for sustainable development.	
Breckland Local Plan, September 2023 ³⁸	GEN 01 - Sustainable Development in Breckland The Local Plan will seek and enable development that improves the economic, social and environmental objectives of Breckland through the application of the following national and locally distinctive sustainable development principles: • Mitigate and adapt to climate change; • Protect and enhance the natural, built and historic environment; • Allocate and facilitate developable land that seeks to provide access to homes, employment, retail, leisure and other facilities; • Assist in the creation and maintenance of inclusive, environmentally sustainable communities making the best and most efficient use of previously developed land, buildings and natural resources; Support Breckland's wider rural economy helping to sustain local services and assist in helping rural communities adapt and grow proportionately to enhance their social and economic sustainability; • Direct jobs and growth towards the most sustainable locations contributing towards the economy and jobs in rural areas, helping to achieve the right balance throughout the District; and • Co-ordinate development with transport provision ensuring good access to existing community facilities, services and open space, together with new facilities and services where necessary. • Consideration of the cumulative impact of development, in particular, the impact on the environment.	
	Policy ENV 01 Green Infrastructure The network of green infrastructure in the District, including water bodies and the strategic green infrastructure corridors shown on the Policies Map, should be safeguarded, retained and, where opportunities arise, enhanced. Enhancement of the green infrastructure network will be sought through the promotion of positive action, and the development management process. New developments will be expected to exploit opportunities to incorporate green infrastructure and enhance existing connectivity; recognising the intrinsic value of the green infrastructure network and ensuring that the functionality of the network is not undermined as a result of development. Through its layout and design, new development should respond to the location of existing green infrastructure and support appropriate uses and functions. Where it is considered that the development will have a detrimental effect on the quantity or function of existing green infrastructure, compensatory provision will be required in the form of new and/or enhancements to the existing green infrastructure. Where	

³⁸ Breckland Local Plan Adopted (2023)

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	appropriate, the Council will seek to secure through planning obligations provision for the future management and/or maintenance of green infrastructure, in accordance with Policies ENV 04 and INF 02. Developments that fail to exploit opportunities to integrate and enhance the existing local green infrastructure network will not be favourably considered. Development proposals should also have regard to Council endorsed strategic green infrastructure strategies and made neighbourhood plans when considering opportunities on site to provide connections and linkages with the wider network of green infrastructure. The absence of a detailed green infrastructure strategy for an area should not prevent the consideration of opportunities for linking strategic green areas at a higher level when preparing development proposals. As a starting point, green areas in the local vicinity of a site including designated areas of open space (in line with policy ENV 04), local green space designations, Public Rights of Way and areas protected by environmental designations should be identified to explore possible opportunities for improving connectivity between sites, where appropriate, and in the context of balancing other planning considerations for the site.
	Policy ENV 02 Biodiversity protection and enhancement The highest level of protection will be given to European Sites, with development only permitted where the proposal is in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017. Where measures to mitigate for potential adverse effects on European sites are required, the proposed mitigation measures must be justified as fit for purpose with appropriate evidence, to inform the Council's Habitats Regulations Assessment. Development likely to have an adverse effect (either directly or indirectly) on a site of national, regional or local biodiversity, or geological interest, as identified on the Policies Map, will not be permitted unless: a. it can be clearly demonstrated that there are reasons for the proposal that outweigh the need to safeguard the special ecological / geological interest of the site, and; b. it has been demonstrated, where development would result in significant harm, that it cannot be reasonably located on an alternative site that would result in less or no harm, and; c. residual harm, after all measures to prevent and adequately mitigate have been applied, will be adequately compensated for. Where the Council considers that a designated site, protected species or any species or habitat, particularly where listed as a Priority Habitat or Species under Section 41 of the Natural Environment and Rural Communities Act (2006), may be adversely affected by a development proposal, an ecological assessment (EcIA) will be required to be submitted with the planning application to assess effects on flora and fauna, commensurate with the scale of the impact and the importance of the species. In accordance with the stepwise approach to protecting biodiversity (the mitigation hierarchy), all development with the potential to affect biodiversity should demonstrate how such effects have been

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	considered, by firstly demonstrating how effects have been avoided, and then how effects that cannot be avoided have been minimised. Residual harm, after all measures to prevent and adequately mitigate have been applied, must be adequately compensated for. All development should demonstrate how net gains for biodiversity are being secured as part of the development, proportionate to the scale of development and potential impacts (if any). Where development is permitted, the authority will consider the need for conditions or planning obligations to ensure the protection and enhancement of the site's nature conservation and / or geological interest. Wherever a proposed development may have a detrimental impact upon a designated site or protected species, appropriate conditions and/or planning obligations will be used to ensure that the appropriate mitigation measures incorporated within the proposal are fully implemented, and monitored where required. Policy ENV03 outlines specific requirements that apply to The Breckland Special Protection Area.
	Policy ENV 03 The Brecks Protected Habitats & Species The Council requires that a Habitats Regulations Assessment is undertaken on all proposals for development that are likely to have a significant effect on The Breckland Special Protection Area (SPA) which is classified for its populations of Stone Curlew, Woodlark and Nightjar, and/or Breckland Special Area of Conservation (SAC), which is designated for its heathland habitats. Development will only be permitted where it can be demonstrated that the proposal will not adversely affect the integrity of the SPA or the SAC. Stone Curlew Plan level Habitats Regulations Assessment has been undertaken to identify where built development is likely to significantly affect the Breckland SPA. Map 5.1 identifies a 1,500m buffer zone from the edge of those parts of the SPA that support, or are capable of supporting, Stone Curlew, where new built development would be likely to significantly affect the SPA population. The plan level Habitats Regulations Assessment also identifies areas that have a functional link to the SPA, because they support Stone Curlew outside, but in close proximity to the SPA boundary. These areas also have a 1500m buffer zone, within which new built development would be likely to significantly affect the SPA population. A conclusion of no likely significant effect can be met where the proposed building is located further than 1500m away from the SPA boundary (red primary buffer) or the identified (blue secondary buffer) or possible (orange square cells) areas that have a functional link (see Map 5.1). Development within the SPA boundary, or located less than 1500m away from the SPA boundary or identified areas that have a functional link (see Map 5.1) will not normally be permitted. Where a proposed building is outside the SPA but within 1500m of the SPA boundary or identified or possible areas that have a functional link (see Map 5.1), there may be circumstances where a project level Habitats Regulations Assessment is able to demonstrate that the proposal will not adversely affect the integrity of the SPA. For agricultural buildings, applicants must provide evidence to show how their proposal meets the criteria listed in Natural England's

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	"Agricultural Buildings and the Breckland SPA Stone Curlew constraint zone" advice note, or successor document. Circumstances where the proposal is able to conclusively demonstrate that it will not result in an adverse effect on Breckland SPA may include where the proposal is: • More than 1500m away from potential stone curlew inside the SPA; • A new building that will be completely masked from the SPA by existing built development; • A proposed re-development of an existing building that would not alter its footprint or increase its potential impact; • A new agricultural building of less than 120 sqm; • An extension to existing agricultural buildings of less than 120 sqm or 100% of the original, whichever is less. Large developments adjacent to, or just outside the primary or secondary buffer, particularly where occurring in an isolated area with few other buildings, are likely to also require project level assessment. Woodlark and Nightjar Development within 400m of the SPA that support, or are capable of supporting Woodlark and/or Nightjar will not normally be permitted. The Council will consider the need for a Habitats Regulations Assessment to determine the implications of development on Nightjar and Woodlark on a case by case basis, depending on the location and nature of the proposal. Recreation pressure and urban effects Plan level Habitats Regulations Assessment has identified the potential for increased disturbance to Nightjar, Woodlark and Stone Curlew as a result of recreation, and the potential for other urban effects such as increased fire, litter and eutrophication to significantly affect Breckland SPA and SAC. Monitoring and Mitigation Framework The Council commits to a framework of measures that will enable it to coordinate the necessary monitoring and mitigation measures required to demonstrate that the increases in visitor pressure arising from new development in the District will be addressed before adverse effects on European sites occurs. These will include as a minimum the following measures to be implemented following adoption of the Plan: • Creation of an advisory group; • Production of a monitoring programme; • Identification of mitigation measures; and • Defining funding to support the above measures. The Council will work with partners to develop a framework for managing and monitoring urban effects. Proposals for development where urban heaths at Thetford (Barnham Cross Common, Thetford Heath, Thetford Golf Club and Marsh), East Wretham or Brettenham are likely to be used as local greenspace will need to demonstrate the inclusion of mitigation measures that contribute to the framework to address the potential impact urban effects on Breckland SPA/SAC.
	Policy ENV 06 Trees, Hedgerows and Development Trees and significant hedge and shrub masses form part of the green

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	infrastructure network and should be retained as an integral part of the design of development except where their long-term survival would be compromised by their age or physical condition, or there are exceptional and overriding benefits in accepting their loss. Development requiring the loss of a protected tree or hedgerow (including preserved trees, protected hedgerows, trees in Conservation Areas, ancient trees, aged and veteran trees and trees classified as being of categories A or B in value (BS5837:2012) will only be permitted where: a) it would allow for a substantially improved overall approach to the design and landscaping of the development that would outweigh the loss of any tree or hedgerow. Where the loss of such features is demonstrably unavoidable, adequate replacement provision, preferably by native species will be sought (MM130). Where the loss of a tree is accepted in these circumstances, developers will be required to ensure the loss is suitably compensated for, taking into account the size and condition of the tree. Development Affecting Trees and Hedgerows Where a proposed development retains existing trees and hedgerows on-site, Breckland Local Plan (Adoption Draft) November 2019 189 or where development occurs within a tree root protection area, provision must be made for their care and protection throughout the duration of the development with mitigation measures being put in place to ensure that development works do not have a harmful impact on existing trees. To ensure that tree cover and habitat is retained, it is important that both the short term and long term impacts that a development may have on trees is evaluated at the earliest opportunity. Accordingly the Council may require that a Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan and Method Statement be undertaken by a suitably qualified professional in accordance with BS5837:2012.

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