



Department for  
Energy Security  
& Net Zero

# Habitats Regulations Assessment for an Application Under the Planning Act 2008

## Cory Decarbonisation Project

Regulation 63 of the Conservation of  
Habitats and Species Regulations 2017



November 2025

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## List of abbreviations

Term	Abbreviation
Adverse Effect on Integrity	AEoI
Appropriate Assessment	AA
Construction Environmental Management Plan	CEMP
Development Consent Order	DCO
Environmental Statement	ES
European Economic Area	EEA
Examining Authority	ExA
Functionally Linked Land	FLL
Habitat Regulations Assessment	HRA
Interested Parties	IPs
Likely Significant Effect	LSE
Nationally Significant Infrastructure Project	NSIP
National Site Network	NSN
Natural England	NE
Mean Low Water Spring	MLWS
Report on the Implications for European Sites	RIES
Special Areas of Conservation	SACs
Special Protection Areas	SPAs
Statement of Common Ground	SoCG
Statutory Nature Conservation Body	SNCB
Supplementary Advice on Conservation Objectives	SACO
The Planning Inspectorate	PINS

# 1 Introduction

## 1.1 Background

This is a record of the Habitats Regulations Assessment (“HRA”) that the Secretary of State for Energy Security and Net Zero (“the Secretary of State”) has undertaken under the Conservation of Habitats and Species Regulations 2017<sup>1</sup> (“the Habitats Regulations”) as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (“the 2019 Regulations”) in respect of the Development Consent Order (“DCO”) for the Cory Decarbonisation Project and its associated infrastructure (the “Project”). The Examining Authority (“ExA”) defines this as the “Proposed Development”. For the purposes of these Regulations, the Secretary of State is the competent authority.

The Project comprises the construction, operation, and decommissioning of a Carbon Capture Facility (“CCF”). Carbon capture and storage (“CCS”) is a technology that enables carbon dioxide (“CO<sub>2</sub>”) that would otherwise be released to the atmosphere to be captured and permanently stored.

As a consequence of a Direction Letter on behalf of the (then) Secretary of State for Business, Energy and Industrial Strategy made on 6 October 2022 and confirmed on 28 February 2024, the Proposed Development is treated as a development of national significance for which development consent is required under s35(1) of the Planning Act 2008 (“PA2008”).

The Project was accepted by the Planning Inspectorate (“PINS”) on 18 April 2024 and Geoff Underwood was appointed as the ExA for the Application. The Examination of the Project application began on 5 November 2024 and concluded on 5 May 2025. The ExA submitted its report of the Examination including its recommendation (“the ExA’s Report”) to the Secretary of State on 5 August 2025. Numbered references to the ExA’s Report are presented in the format “[ER \*.\*]”.

This HRA also contains a consideration of the potential effects of the Project upon protected sites in European Economic Area (“EEA”) States (“transboundary sites”). This is described in more detail in Section 6.

## 1.2 Habitats Regulations Assessment

The Habitats Regulations aim to ensure the long-term conservation of certain species and habitats by protecting them from possible adverse effects of plans and projects. In the UK, the Habitats Regulations apply as far as the 12 nautical miles limit of territorial waters.

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<sup>1</sup> <https://www.legislation.gov.uk/ukxi/2017/1012/contents>

The Habitats Regulations provide for the designation of sites for the protection of habitats and species of international importance. These sites are called Special Areas of Conservation (“SACs”). The Regulations also provide for the classification of sites for the protection of rare and vulnerable birds and for regularly occurring migratory species within the UK and internationally. These sites are called Special Protection Areas (“SPAs”). SACs and SPAs together, referred to as European sites in legislation, form part of the UK’s National Site Network (“NSN”).

The Convention on Wetlands of International Importance 1972 (“the Ramsar Convention”) provides for the listing of wetlands of international importance. These sites are called Ramsar sites. Government policy is to afford Ramsar sites in the United Kingdom the same protection as sites within the NSN (collectively referred to in this HRA as “protected sites”).

Regulation 63 of the Habitats Regulations provides that:

*...before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in-combination with other plans or projects), and (b) is not directly connected with or necessary to the management of that site, [the competent authority] must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives.*

And that:

*In the light of the conclusions of the assessment, and subject to regulation 64, the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).*

This Project is not directly connected with, or necessary to, the management of a protected site. The Habitats Regulations require that, where the Project is likely to have a significant effect (“LSE”) on any such site, alone or in-combination with other plans and projects, an appropriate assessment (“AA”) is carried out to determine whether or not the Project will have an adverse effect on the integrity (“AEol”) of the site in view of that site’s conservation objectives. In this document, the first stage assessment of LSEs and, where required, the second stage assessment of AA to determine whether there is an AEol of a protected site, are collectively referred to as the Habitats Regulations Assessment (HRA).

The Secretary of State has had regard to relevant guidance on the application of the HRA including the PINS (2024) Advice Note 10<sup>2</sup>, European Commission guidance<sup>3</sup>, as well as joint guidance by Defra, Natural England (“NE”), the Welsh Government, and Natural Resources Wales (2021) on ‘Habitats Regulations Assessment: protecting a European site’<sup>4</sup>.

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<sup>2</sup> <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-ten/>

<sup>3</sup> <https://op.europa.eu/en/publication-detail/-/publication/11e4ee91-2a8a-11e9-8d04-01aa75ed71a1>

<sup>4</sup> <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

### 1.3 Site conservation objectives

Where an AA is required in respect of a protected site, Regulation 63(1) of the Habitats Regulations requires that it be an AA of the implications of the plan or project for the site in view of its conservation objectives. Government guidance also recommends that in carrying out the LSE screening, applicants must check if the proposal could have a significant effect on a protected site that could affect its conservation objectives.

Defra Guidance indicates that disturbance to a species or deterioration of a protected site must be considered in relation to the integrity of that site and its conservation objectives<sup>5</sup>. It states that *“the integrity of a site is the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was designated”*.

Conservation objectives have been established by NE. When met, each site will contribute to the overall favourable conservation status of the species or habitat feature across its natural range. Conservation objectives outline the desired state for a protected site, in terms of the interest features for which it has been designated. If these interest features are being managed in a way which maintains their nature conservation value, they are assessed as being in a ‘favourable condition’. An AEoI is likely to be one which prevents the site from making the same contribution to favourable conservation status for the relevant feature as it did at the time of its designation. There are no set thresholds at which impacts on site integrity are considered adverse. This is a matter for interpretation on a site-by-site basis, depending on the designated feature and nature, scale, and significance of the impact.

NE has issued generic conservation objectives, which should be applied to each interest feature of the site. Supplementary advice on conservation objectives (“SACOs”) for each site underpins these generic objectives to provide site-specific information and give greater clarity to what might constitute an adverse effect on a site interest feature. SACOs are subject to availability and are currently being updated on a rolling basis.

Where supplementary advice is not yet available for a site, NE advises that HRAs should use the generic objectives<sup>6</sup> and apply them to the site-specific situation. For SPAs, the overarching objective is to avoid the deterioration of the habitats of qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Habitats Regulations. This is achieved by, subject to natural change, maintaining and restoring:

- the extent and distribution of the habitats of the qualifying features;
- the structure and function of the habitats of the qualifying features;
- the supporting processes on which the habitats of the qualifying features rely;
- the populations of the qualifying features; and
- the distribution of the qualifying features within the site.

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<sup>5</sup> <https://www.gov.uk/guidance/appropriate-assessment>

<sup>6</sup> <http://publications.naturalengland.org.uk/publication/6734992977690624?cache=1656417868.31>

For SACs, the overarching objective is to avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving favourable conservation status of each of the qualifying features. This is achieved by, subject to natural change, maintaining and restoring:

- the extent and distribution of the qualifying natural habitats and habitats of qualifying species;
- the structure and function (including typical species) of qualifying natural habitats;
- the structure and function of the habitats of qualifying species;
- the supporting processes on which qualifying natural habitats and habitats of qualifying species rely;
- the populations of qualifying species; and
- the distribution of qualifying species within the site.

The conservation objectives and, where available, supplementary advice on conservation objectives have been used by the Secretary of State to consider whether the Project has the potential to have an AEoI of sites, either alone or in-combination with other plans or projects.

### 1.4 The Report on the Implications for European Sites and statutory consultation

Under Regulation 63(3) of the Habitats Regulations the competent authority must consult the appropriate Statutory Nature Conservation Body (“SNCB”) and have regard to any representation made by that body within such reasonable time as the authority specifies. NE is the SNCB for England and for English waters within the 12 nm limit.

The ExA, with the support of the Inspectorate’s Environmental Services Team, produced a Report on the Implications for European Sites (“the RIES”) [PD-015]. The purpose of the RIES was to compile, document, and signpost information submitted by the Applicant and IPs during the Examination (up to 25 March 2025). It was issued to ensure that IPs, including NE as the SNCB under Regulation 5 of the Habitats Regulations, had been formally consulted on Habitats Regulations matters in respect of the Application for the Project during the Examination.

The RIES was published on the PINS NSIP website and the ExA notified IPs that it had been published. Consultation on the RIES was undertaken between 25 March 2025 and 29 April 2025 and no comments were received from NE or any other IPs.



## 1.5 Documents referred to in this HRA

This HRA has taken account of, and should be read in conjunction with, the documents produced as part of the Application and Examination, which are available on the PINS NSIP website<sup>7</sup>. In particular:

- the ExA's Report;
- the RIES [PD-015];
- the Applicant's assessment of effects, including:
  - the Applicant's Habitats Regulations Assessment Report ("HRA Report") [APP-090];
- the Environmental Statement ("ES") Chapter 5: Air Quality [REP6-010] and ES Appendices 5-1 [APP-077], 5-2 [REP6-022] and 5-3 [REP6-023].
- the Statement of Common Ground ("SoCG") with NE [REP6-035]

Plus, all other information submitted during the Examination and during the Secretary of State's consideration of the Application.

The final signed SoCG between the Applicant and NE [REP6-035] was submitted at Deadline 6. The SoCG confirmed that all matters relating to HRA and otherwise were agreed between the two parties, and that there were no HRA matters outstanding between them in respect of the Project.

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<sup>7</sup> <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010143>

## 2 Project description

The Project is located wholly within the administrative areas of the London Borough of Bexley. The location of the Project is shown in the Location Plan [APP-135].

The Project comprises the construction, operation (including maintenance and repair), and decommissioning of a CCF. The carbon capture technology is post-combustion capture which uses solvents to 'scrub' CO<sub>2</sub> out of flue gases resulting from burning materials. The captured CO<sub>2</sub> is then released as a concentrated gas stream by a regeneration process and can then be stored and/or transported. The proposed development is for a post-combustion CCF which would capture CO<sub>2</sub> from Riverside 1 and 2 Energy from Waste generation stations (the Applicant anticipates Riverside 2 will be operational by 2026). The proposed development is expected to capture a minimum of 95% of CO<sub>2</sub> emissions from both Riverside 1 and 2, equating to approximately 1.6Mt CO<sub>2</sub> per year<sup>2</sup> [APP-040].

The proposed development would also provide for a new jetty in the River Thames, in the vicinity of the existing Former Belvedere Power Station Jetty ("FBSPJ"), enabling a birth for vessels to export captured CO<sub>2</sub>). A Mitigation and Enhancement Area made up of parts of the Crossness Local Nature Reserve and other open land within the Order Limits is intended to provide improved access to open land, habitat mitigation, compensation and enhancement.

The Project works would comprise:

- Work No 1 - one or two carbon capture plants, absorber column(s) and stack(s), CO<sub>2</sub> processing plant(s), liquid carbon dioxide (LCO<sub>2</sub>) buffer storage and supporting plant and facilities.
- Work No 2 - modification to, and interconnection with, the existing and under construction generation stations, including process steam and condensate, and heat offtake infrastructure, flue gas supply ductwork and electrical connections.
- Work No 3 - utilities connections and site access works.
- Work No 4 - maritime works including building a new jetty with associated dredging and the demolition or modification of the existing FBPSJ.
- Work No 5 - LCO<sub>2</sub> piping and utilities connections to the proposed jetty.
- Work No 6 - temporary construction compounds and laydown areas including contractor facilities.
- Work No 7 - Mitigation and Enhancement Area and improvements to the existing CLNR (this would include replacing stables used by graziers).
- Work No 8 – rerouting of CWTW access road.
- Work No 9 - protective works to land if required.
- Ancillary works.

## 2.1 Changes to the Application during Examination

Two formal change requests were made by the Applicant, as well as changes to the key application documents, including the wording of the dDCO, were submitted and updated during the Examination. The changes sought to address points raised by Interested Parties (IP) and the ExA and to update or provide additional information resulting from changes and discussions that had occurred during the Examination.

The Applicant's changes to the Application documents, together with any additional information submitted, are detailed in the Application Guide submitted at Deadline 7 [REP7-002]. This provides a guide to all documents submitted as part of the Application and was updated at each deadline when new or revised documents were submitted. It provides a full record of all documentation submitted into the Examination by the Applicant.

The first change request was submitted on 25 October 2024 and included a revised design of the proposed jetty and associated dredging to facilitate a maximum vessel size of approximately 20,000 m<sup>3</sup> (an increase from 15,000m<sup>3</sup> from the application documents). The ExA agreed [ER 1.5.6] that the proposed change was not so material that it constituted a materially different project. The second change request was submitted on 17 January 2025 and covered a reduction to the Order Limits and changes to the Works and Design Parameters. The ExA accepted the changes into the Examination and confirmed that the changes were not so material that they constituted a materially different project [ER 1.5.9].

The Applicant [APP-090] stated that neither of these change requests would result in changes in the emissions from the Project as were assessed in the HRA Report and therefore the findings of the assessment presented in the Applicant's HRA remain as reported.

### 3 Stage 1: Screening for Likely Significant Effects (“LSEs”)

Under Regulation 63 of the Habitats Regulations, the Secretary of State must consider whether the Project will have an LSE on a protected site, either alone or in-combination with other plans or projects. The purpose of this section is to identify any LSEs on protected sites that may result from the Project and to record the Secretary of State’s conclusions on the need for an AA.

Section 2.3 of the HRA Report (Annex A) presents the broad approach undertaken for screening of LSE and the selection process to identify relevant protected sites and qualifying features. The search criteria included a 15 km zone from the site boundary, informed by guidance issued by the Environment Agency in relation to study areas for power generation facilities of 50MW capacity or more. One protected site fell within the study area; Epping Forest Special Area of Conservation (“SAC”) which lies approximately 11.8 km to the north of the site boundary. The qualifying features of the Epping Forest SAC are listed below:

- Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrub layer
- Northern Atlantic wet heaths with *Erica tetralix*
- European dry heaths
- Stage beetle *Lucanus cervus*

The spatial relationship between the Order Limits of the Project and protected sites is shown in Figure 3 of the Applicant’s HRA Report (Annex A) [APP-090] and Figure 1 below.

NE confirmed in its RR [RR-150] that it agreed that the Epping Forest SAC was the only protected site that could be affected by the Project. No other additional protected sites were identified by IPs for inclusion within the screening assessment.

Based on the information before him, the views of IPs and NE, as well as the recommendations of the ExA, the Secretary of State is content to adopt the rationale of the Applicant, NE, and the ExA that the correct protected sites and qualifying features have been identified.

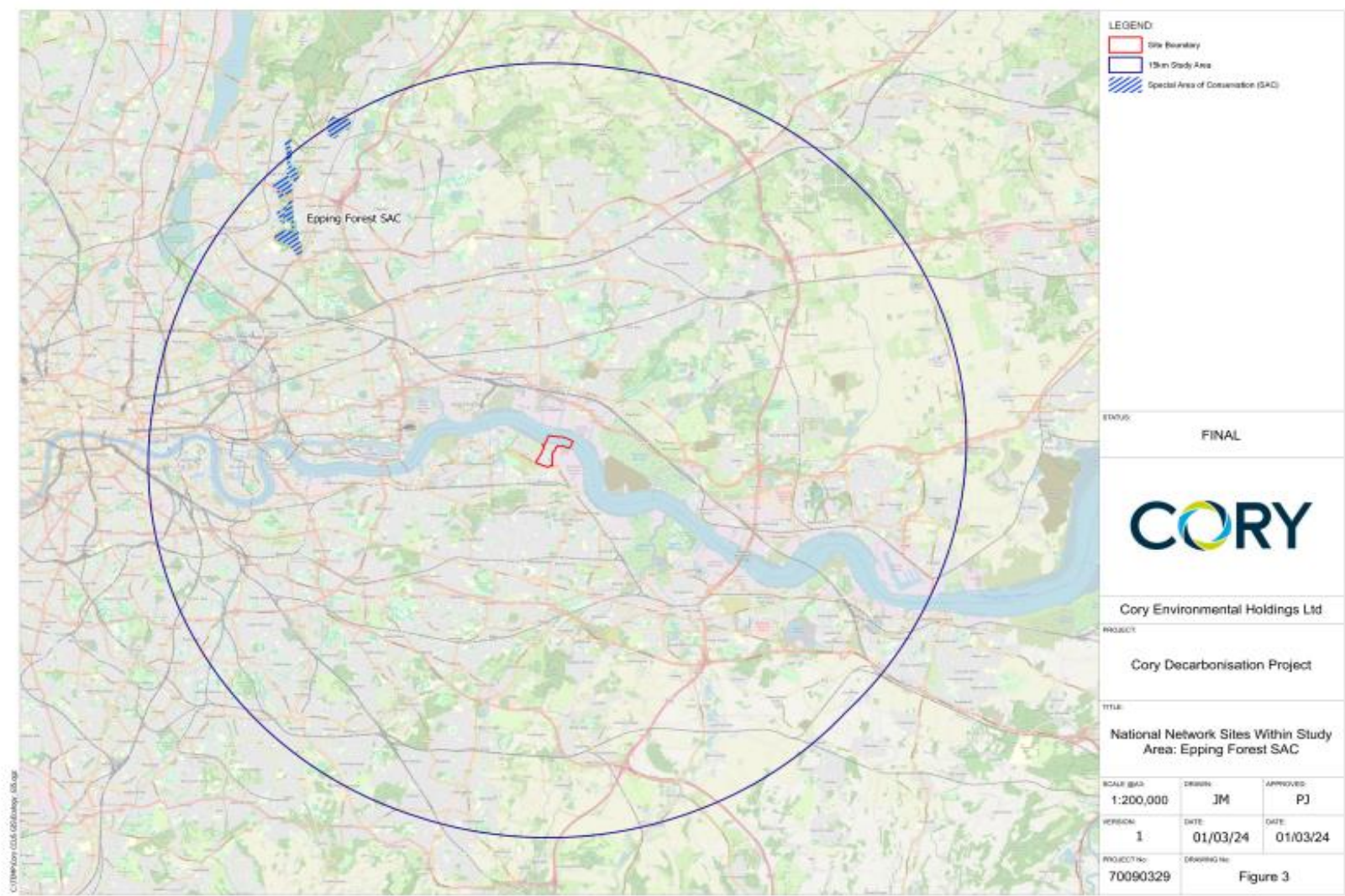


Figure 1: Relationship between the Project and the Epping Forest SAC



### 3.1 Likely Significant Effects alone

The Applicant identified the effects considered to have the potential to result in LSEs, from the Project alone in Sections 5 and 6 of Annex A of the HRA Report [APP-090].

The effect considered by the Applicant to have the potential to result in LSEs on the Epping Forest SAC was changes in air quality during operation. Alternative pathways to likely significant effects during the construction phase were ruled out within section 5.2.1 of the Applicant's HRA (Annex A) [APP-090] due to the distance from the protected site (11.8 km), the intervening landscape, and a lack of hydrological or other environmental connections between the Project and the SAC. The same reasoning and conclusions were made for the operational phase where noise and vibration, maintenance activities, surface water run-off and lighting are all considered to be local impacts that would not create a pathway at distance. However, this does not apply to air quality changes as a result of the Project during its operation, as changes in air quality from operational activities have the potential to occur at this distance and therefore operational air quality changes have been taken forward to AA.

The Applicant has not considered the decommissioning phase of the Project within its HRA Report, as it has no plans to decommission the Project. Within Chapter 2 of the ES [REP6-008], the Applicant outlines its approach to decommissioning the Project, where an investment decision will be made at the end of the project lifecycle in approximately 25 – 50 years on whether to extend the operational lifecycle of the Project, or to decommission. Chapter 2 also sets out that it is considered that the potential sensitivity of receptors during decommissioning are likely to be similar to those during construction but with a lower magnitude of impact due to the shorter timeframe associated with any decommissioning. The Secretary of State therefore considers that a worst case scenario for the Project has been outlined, and that any decommissioning plans will be fully assessed when they are brought forward but are unlikely to be of a greater impact than those assessed for the construction and operation of the Project. The Secretary of State notes that a decommissioning environmental management plan must be put forward, should the Applicant choose to decommission the Project at the end of its lifecycle, secured by requirement 23 within the DCO [REP7-003].

Table 5.1 of the Applicant's HRA [APP-090] details the screening for operational phase LSE due to changes in air quality. The screening assessment identified the potential for LSE on all qualifying features of the Epping Forest SAC due to changes in air quality. Air quality changes have the potential to be transmitted to and/or affect disposition levels at the SAC due to changes in characteristics of the emissions plumes released from the Riverside Campus (comprising both the Riverside 1 and Riverside 2 energy from waste generation stations) following the installation and operation of the CCF.

At the end of the Examination, no further concerns were raised by the ExA or IPs in relation to the Applicant's conclusions of LSE alone during construction, operation and decommissioning.

### 3.2 Likely Significant Effects conclusion

The Secretary of State has carefully considered the potential effects of the Project on all qualifying features of the protected sites raised during the Examination, taking into account their conservation objectives, to determine whether there will be LSEs in the context of the Habitats Regulations. The Secretary of State considers that sufficient information has been provided to inform an assessment in line with his duties under the Habitats Regulations.

Based on the information before him, the views of IPs and NE, as well as the recommendations of the ExA, the Secretary of State concludes that Likely Significant Effects from the Project, alone and in-combination with other plans or projects, could occur during the operational phase of the Project. Table 1 of this document presents the protected sites for which the Secretary of State considers that significant effects cannot be excluded, either alone or in-combination, alongside the qualifying features and relevant impact pathways. The LSEs are therefore taken forward to AA to consider whether the Project would result in an AEoI of the identified protected sites.

## 4 Appropriate Assessment Methodology

The requirement to undertake an AA is triggered when a competent authority, in this case the Secretary of State, determines that a plan or project is likely to have a significant effect on a protected site either alone or in-combination with other plans or projects. Guidance issued by Defra<sup>8</sup> states that the purpose of an AA is to assess the implications of the plan or project in respect of the site's conservation objectives, either individually or in-combination with other plans and projects, and that the conclusions should enable the competent authority to ascertain whether the plan or project will adversely affect the integrity of the site concerned. The focus is therefore specifically on the species and/or habitats for which the protected site is designated.

In line with the requirements of Regulation 63 of the Habitats Regulations:

*“In considering whether a plan or project will adversely affect the integrity of the site, the competent authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given.”*

The purpose of this AA is to determine whether an AEoI on the features of the protected sites identified in Table 1 of this HRA, as a result of the Project alone or in-combination with other plans or projects, can be excluded in view of the site's conservation objectives and using the best scientific evidence available.

In accordance with the precautionary principle embedded in the integrity test and established through case law, the Secretary of State may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the protected site, and this must be demonstrated beyond all reasonable scientific doubt. If the Secretary of State cannot exclude AEoI of the affected protected sites beyond all reasonable scientific doubt, then he can only agree to a plan or project if it complies with the requirements of Regulation 64 of the Habitats Regulations. Regulation 64 provides that the Secretary of State may agree to the plan or project only if satisfied that there are no alternative solutions, and that the plan or project must be carried out for imperative reasons of overriding public interest (IROPI).

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<sup>8</sup> <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>



## 5 Stage 2: Appropriate Assessment

The Secretary of State has undertaken an objective scientific assessment of the implications of the Project on the qualifying features of the protected sites identified in his screening assessment, using the best scientific evidence available. The assessment has been made in light of the site's conservation objectives, which are set out in Table 1.

### 5.1 Air quality changes during operation – Epping Forest SAC

In Section 3.1.2 of the HRA Report [APP-090], the Applicant assessed the potential for an AEol of the Epping Forest SAC alone as a result of changes in air quality during operation. Operational vessel movements and emissions plumes released from the Riverside Campus following the installation and operation of the CCF were identified as operational activities that could potentially lead to changes in air quality at the Epping Forest SAC. Analysis of operational phase emissions for all designated sites has been undertaken through the approach and modelling as described in Chapter 5: Air Quality of the Environmental Statement [REP6-010].

The Applicant assessed for changes in airborne ammonia, nitrogen oxides, sulphur dioxides and for the deposition of nitrogen and acid. In line with Environment Agency guidance<sup>9</sup>, the percentage change in concentration of these pollutants is <1% (rounded to one decimal place), which is described as negligible regardless of the concentration. The air quality assessment found that the concentration threshold for all five pollutants modelled was therefore not exceeded at Epping Forest SAC, and a conclusion of no AEol was drawn [APP-090].

NE did not agree with the Applicant's approach to defining the baseline scenario for the air quality assessment. NE maintained that the baseline should reflect the current state with only Riverside 1 operational, rather than assuming Riverside 2 would also be operational. After reviewing additional supplementary information in relation to the air quality assessment for the Inner Thames Marshes SSSI – that was also relevant to the SAC - [REP4-033], NE agreed [REP5-045] with the Applicant's conclusion of no AEol. This was due to the additional calculations provided [REP4-033] which demonstrated the beneficial air quality impacts of the Project in reducing emissions from the existing Riverside 1 EFW plant, and the general trend of decreasing background nitrogen levels within the Epping Forest SAC.

Within Section 3.16 of [APP-090] and [REP4-033], the Applicant set out its approach to the in combination assessment. Due to the distance from the protected site, the size of the study area, and the imperceptibility of air quality changes, it could not be reasonably considered likely to act in-combination with other plans or projects to have an adverse effect on the integrity of Epping Forest SAC. The Applicant therefore considered that the undertaking of an in combination assessment would not be practicable or proportionate in this instance. During the Examination, NE [REP5-046] raised concerns with the approach to the in-combination assessment. After the

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<sup>9</sup> [Air emissions risk assessment for your environmental permit - GOV.UK](https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit)

submission of further information from the Applicant, NE confirmed that although their standard advice dictates that an in-combination assessment should be carried out to assess whether an increase of more than 1% is experienced when combined with other plans or projects, it recognised that the distance of the Project from the SAC makes modelling difficult. NE considered that there would be a low risk of undermining the integrity of the site in-combination with other plans or projects. This is strengthened by the fact that the main pressures on the SAC were from vehicle emissions on roads close to the protected site, which the Project would not contribute to [REP5-045]. The SoCG between the Applicant and NE [REP6-035] confirms the agreement between the parties that an in-combination assessment for Epping Forest SAC is not required. No comments were received from other IPs on this matter [ER 4.1.12].

The Secretary of State sees no reason to disagree with NE's analysis and is content to conclude that no adverse effects on integrity on the Epping Forest SAC will occur alone or in-combination with other plans or projects. This conclusion is not reliant on any mitigation, and the Applicant has clarified that the embedded mitigation built into the design of the Project in relation to reducing air quality impacts (Ammonia Emission Limit Value) were not in place to satisfy HRA conclusions [REP3-029], and NE confirmed they were content with this approach [REP5-045].

## 5.2 Appropriate Assessment Conclusion

As the competent authority under the Habitats Regulations for this Application under the Planning Act 2008, the Secretary of State has undertaken an AA in respect of the conservation objectives for the Epping Forest SAC and all four qualifying features to determine whether the Project, either alone or in-combination with other plans or projects, will result in an AEol.

The Secretary of State has carefully considered all the information available to him, including the recommendations of the ExA, the advice of NE as the SNCB, the views of all other IPs, and the Applicant's case.

Based on the available information before him, the Secretary of State is satisfied that the Project, either alone or in-combination with other plans or projects, will not adversely affect the qualifying features of the Epping Forest SAC. The Secretary of State is satisfied that further tests set out in the Habitats Regulations are therefore not required.

## 6 Transboundary assessment

The Secretary of State considers that it is important to consider the potential impacts on protected sites in other European Economic Area (“EEA”) states, known as transboundary sites. The ExA also considered the implications for transboundary sites. The conclusions of the ExA’s considerations and the Secretary of State’s own views on this matter are presented below.

On 26 May 2023 following the Applicant’s request for an EIA scoping opinion, PINS undertook a transboundary screening and consultation on behalf of the Secretary of State pursuant to Regulation 32 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and the United Nations Environment Programme Convention on Biological Diversity 1992. A second and final screening was undertaken on 2 August 2024 following submission of the Application documents. PINS considered that the Project was unlikely to have a significant effect either alone or in-combination on the environment in an EEA state.

On both screening occasions, PINS were of the view that the Project is not likely to have a significant effect on a transboundary site, either alone or cumulatively. No transboundary consultations were undertaken.

The Applicant did not identify LSE on non-UK European sites in EEA states in its HRA Report [APP-090] or within its ES [APP-052 to APP-070]. No such impacts were raised for discussion by any IPs during the Examination, including following publication of the Inspectorate’s transboundary screening<sup>10</sup>.

The Secretary of State has not been presented with any substantive evidence to demonstrate that transboundary impacts would have an LSE on any protected site in an EEA state. As such, the Secretary of State is satisfied that the Project, either alone or in-combination with other plans or projects, would not have an LSE on any transboundary protected site. The Secretary of State is satisfied that further stages of a transboundary assessment are therefore not required.

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<sup>10</sup> [EN010128-000240-CDGP - Regulation 32 Transboundary Screening.pdf](#)

## 7 Conclusion

The Secretary of State has carefully considered all information presented within the Application, during the Examination, and the representations made by NE and all IPs, along with the ExA's Recommendation Report.

The Secretary of State concludes that LSEs cannot be excluded at the Epping Forest SAC as a result of operational activities of the Project. The LSE were taken forward to an AA to consider whether the Project would result in an AEol of the protected sites.

Having considered the information available to him and having made a full assessment of the potential for an AEol of the Epping Forest SAC for which the potential for LSE was identified, taking into account the views of the Applicant, NE, all IPs, as well as the ExA, the Secretary of State concludes that an AEol can be excluded beyond reasonable scientific doubt.

As such, the Secretary of State is satisfied that there is no significant risk to the protected site and its qualifying features as a result of the Project and considers that no further tests set out in the Habitats Regulations are required.

**Table 1: Protected sites and qualifying features considered in the assessment of LSE.**

Protected site	Qualifying feature(s)	SACOs	Potential for Likely Significant Effects
<b>Epping Forest SAC</b>	Northern Atlantic wet heaths European dry heaths Atlantic acidophilous beech forests Stag beetle	See Footnote <sup>11</sup>	Changes in air quality (operational)

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<sup>11</sup> [European Site Conservation Objectives for Epping Forest SAC - UK0012720](#)

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Department for Energy Security and Net Zero

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