Department for Energy Security & Net Zero

Habitats Regulations Assessment for an Application Under the Planning Act 2008

Stonestreet Green Solar Project

Regulation 63 of The Conservation of Habitats and Species Regulations 2017

October 2025

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Contents

List of abbreviations

Term	Abbreviation
Adverse Effect on Integrity	AEoI
Appropriate Assessment	AA
Ashford Borough Council	ABC
Cable Route Corridor	CRC
Candidate SACs	cSACs
Conservation of Habitats and Species Regulations 2017	The Habitat Regulations
Development Consent Order	DCO
Environmental Statement	ES
Examining Authority	ExA
ExA's Recommendation Report	The ExA's Report
ExA's written question	ExQ
Hectare	Ha
Habitat Regulations Assessment	HRA
Interested Parties	IPs
Kent County Council	KCC
Likely Significant Effect	LSE
Megawatt	MW
National Site Network	NSN
Nationally Significant Infrastructure Project	NSIP
Natural England	NE
Photovoltaic	PV
Planning Inspectorate	PINS
Potential SPAs	pSPAs
Special Area of Conservation	SAC
Special Protected Area	SPA
Statement of Common Ground	SoCG
Statutory Nature Conservation Body	SNCB
Supplementary Advice on Conservation Objectives	SACOs

The Convention on Wetlands of International Importance 1972	The Ramsar Convention
The Secretary of State for Energy Security and Net Zero	The Secretary of State

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 in accordance with the Conservation of Habitats and Species Regulations 2017[1] ("the Habitats Regulations") as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019[2] for the Stonestreet Green Solar Project and its associated infrastructure (the "Project"). The Examining Authority ("ExA") defines this as the "Proposed Development". It is defined as the "Project" within this HRA for consistency with the terminology of the Habitats Regulations. For the purposes of these Regulations, the Secretary of State is the competent authority.

The Project comprises the construction, operation, maintenance and decommissioning of a ground-mounted solar photovoltaic ("PV") electricity generating facility, on-site substations and battery energy storage system with a total capacity exceeding 50 megawatts (MW) and associated infrastructure. The associated development includes but is not limited to access provision; underground cabling between the different areas of solar PV arrays; and areas of landscaping and biodiversity enhancement.

The Project constitutes a nationally significant infrastructure project ("NSIP") as defined by s. 14(1)(a) of the Planning Act 2008[3] as it is for an onshore generating station in England with a capacity over 50MW.

The Project was accepted by the Planning Inspectorate (PINS) on 9 July 2024 and single examiner was appointed as the ExA for the Project application. The Examination of the Project application began on 19 November 2024 and was completed on 19 Mayl 2025. The ExA submitted its report of the Examination including its recommendation ("the ExA's Report") to the Secretary of State on 11 August 2025. Numbered references to the ExA's Report are presented in the format "[ER *.*.*].

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 (nm) limit of territorial waters.

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

[1] https://www.legislation.gov.uk/uksi/2017/1012/contents/made

[2] The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

[3] Planning Act 2008

("SACs"). They 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 from 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").

Candidate SACs ("cSACs"), SACs and SPAs are afforded protection as protected sites. As a matter of policy[4] the Government affords potential SPAs ("pSPAs") the same level of protection.

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 of the plan or project 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 the Project will have an adverse effect on the integrity (AEoI) of the site in view of that site's Conservation Objectives. The following assessments are collectively referred to as a Habitats Regulations Assessment (HRA):

Stage 1: Assessment of likely significant effects (LSE),
Stage 2: Appropriate Assessment (AA) to determine whether there is an AEoI of a protected site,
Stage 3: Assessment of Alternative Solutions,
Stage 4: Imperative Reasons of Overriding Public Interest (IROPI),
Stage 5: Compensatory measures.

Consent for the Project may be granted only after having ascertained that it will not adversely affect the integrity of protected sites, and no reasonable scientific doubt remains.

[4] NPS EN-1 para 5.3.9

The Secretary of State has had regard to relevant guidance on the application of HRA published by PINS (2024)[5] and the European Commission (2019)[6], together with published joint guidance by Defra, Natural England ("NE"), the Welsh Government and Natural Resources Wales (2021) on 'Habitats Regulations Assessment: protecting a European site[7].

There are no parallel consents required for the Project which would require an additional HRA to be carried out by any other competent authority.

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.

Guidance [7] published jointly between the Ministry of Housing, Communities and Local Government (MHCLG) and Department for Levelling, Housing and Communities (DLHC) 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. 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[8], 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.

[5] Nationally Significant Infrastructure Projects: Advice on Habitats Regulations Assessments - GOV.UK
[6] European Commission (2019) Managing Natura 2000 sites: The provisions of Article 6 of the Habitats Directive 92/43/EEC: https://ec.europa.eu/environment/nature/natura2000/management/docs/art6/EN_art_6_guide_jun_2019.pdf
[7] https://www.gov.uk/guidance/appropriate-assessment

[8] http://publications.naturalengland.org.uk/publication/6734992977690624?cache=1656417868.31

Where supplementary advice is not yet available for a site, NE advises that HRAs should use the generic objectives[9] 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.

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 for the two sites that were screened for LSE are described in Section 2.4 of the Applicant's Habitat Regulations Assessment Report [REP1-058] ("HRA Report").

1.4 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 Project application and Examination, which are available on the PINS NSIP Project web page[10]. In particular:

- the ExA's Report
- the Applicant's HRA Report - Information to Inform Habitats Regulations Assessment [REP1-058]
- the Environmental Statement (ES)

A final signed version of the SoCG with NE was submitted at Deadline 4 [REP4-021]. Any subsequent references to the SoCG between the Applicant and NE in this HRA are to that version. The SoCG confirmed that all matters relating to HRA and otherwise were agreed

[9] http://publications.naturalengland.org.uk/publication/6734992977690624?cache=1656417868.31

[10] https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010122/documents

between the two parties, and that there were no HRA matters outstanding between them in respect of the Project.

1.5 Structure of this HRA

The remainder of this HRA is presented as follows:

- Section **Error! Reference source not found.**2: provides a general description of the Project;
- Section **Error! Reference source not found.**3: presents an assessment of the extent to which the Project could have a significant effect on protected sites and qualifying features alone or in-combination with other plans or projects;
- Section 4: presents the Secretary of State's conclusions.

2. Project Description

A detailed description of the Project is presented in Chapter 3 of the ES [REP5-009].

In summary, the Project comprises a proposed solar farm with an associated BESS. The Project would have a generating capacity of over 50 megawatts ("MW") and would be situated on approximately 192 hectares ("ha") of land. The Project would operate for up to 40 years.

The Project comprises the construction, operation, maintenance and decommissioning of:

- Work No. 1: a ground mounted solar photovoltaic generating station with a
- gross electrical output capacity of over 50 megawatts;
- Work No. 2: balance of system and battery energy storage system ('BESS') works;
- Work No. 3: project substation and associated works;
- Work No. 4: works to lay high voltage electrical cables and extend Sellindge Substation to facilitate grid connection;
- Work No. 5: associated works;
- Work No. 6: works to provide site access;
- Work No. 7: construction and decommissioning works;
- Work No. 8: works to create, enhance and maintain green infrastructure, boundary treatments and crossing structures; and
- Site Wide Works: further associated development in connection with the Project.

The Applicant has not included a maximum limit on generating capacity in the DCO explaining that the total generation capacity is linked to the size of the site and the Grid Connection offer that the Applicant has received and accepted. The Project design envelope sets out a series of design options for the Project and has a reasoned minimum and maximum extent of the consent sought for all aspects of the Project. A set of Design Parameters [APP-149, APP-150] have been established by the Applicant which allow for flexibility in the design and form the limits within which the Project can be built and operated ("the Rochdale Envelope"). The design principles correspond to the physical areas set out in the works plans and are secured in the DCO. These have been used for topics where a specific level of detail is required to enable a robust assessment to be undertaken. Further information on the Rochdale Envelope is available in PINS Advice Note Nine[11]. The final detailed design of the Project, which would occur post-consent, would fall within this 'Rochdale envelope'. The Secretary of State's HRA is based upon the maximum extent or worst-case potential impact of the Project for each parameter.

[11] https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-nine-rochdale-envelope/

2.1 Project Location

The location of the Project lies wholly in England and within the administrative boundaries of Ashford Borough Council ("ABC") and Kent County Council ("KCC").

The Principal Site is located approximately 6.5km to the south-east of Ashford Town Centre and approximately 3.7km to the west of Folkestone Town Centre. The Cable Route Corridor ("CRC") would extend 2km east to connect the project to the existing Sellindge Substation.

The area is characterised by raised landscapes of mixed types, open farmlands with dramatic views to the North Downs enclosing a flat, open and sometimes denuded (eroded) valley landscape featuring historic mills; a mosaic of fields with mixed 'crest top' woodlands [ER.3.5.4].

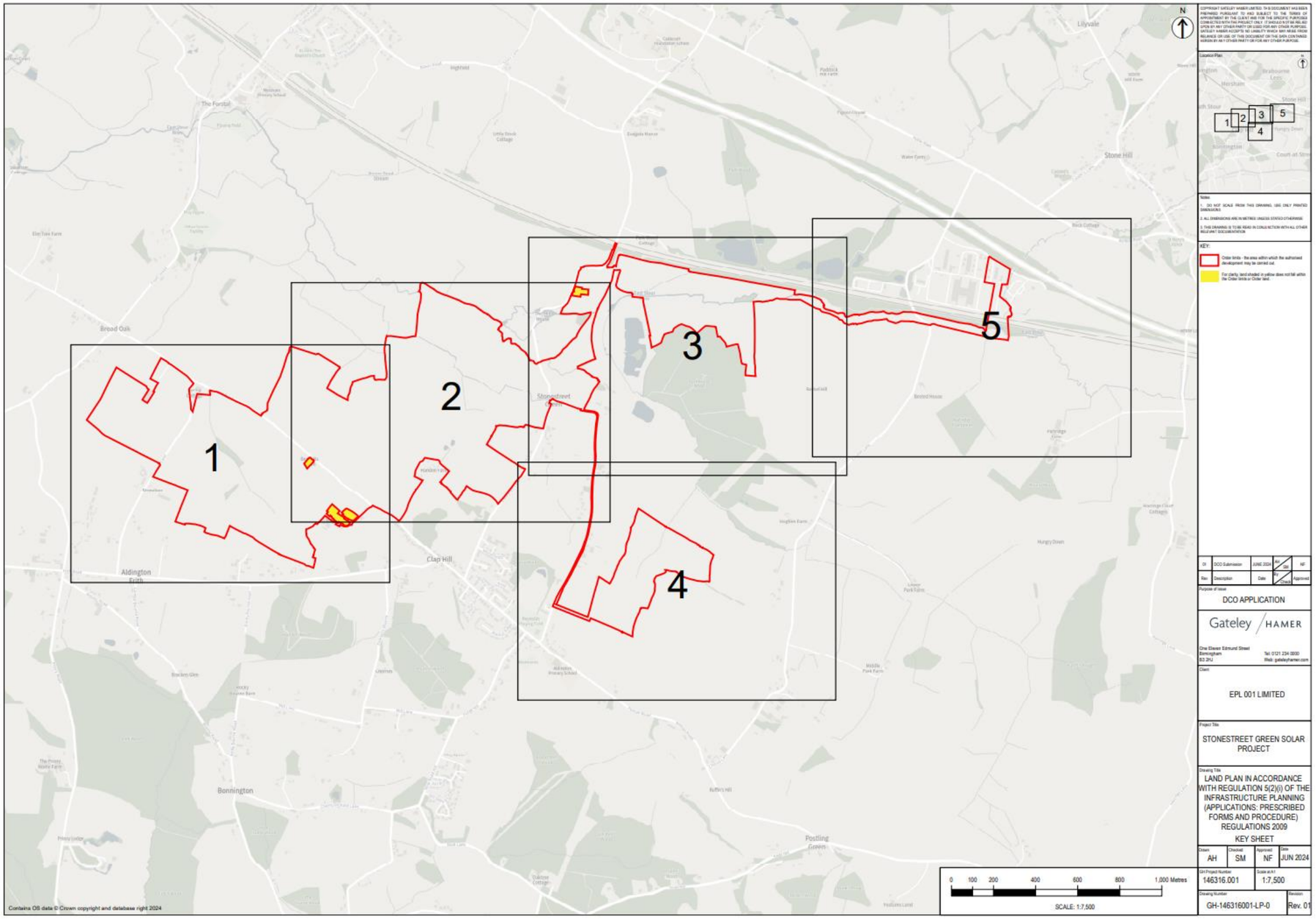

Figure 1: The Order Limits of the Project at the close of Examination.

2.2 Changes to the Project application during Examination

No formal change requests were made by the applicant during the course of the examination.

3 Stage 1: Screening for Likely Significant Effects ("LSEs")

Under regulation 63 of the Habitats Regulations, the Secretary of State must consider whether a development 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.

3.1 Protected Sites

Section 4 of the HRA report [REP1-058] presents the broad approach undertaken for screening for LSE and the selection process for identifying relevant protected sites and qualifying features. It also sets out the methodology applied in determining what would constitute a 'significant effect'.

The HRA Report concluded that there are potential impact pathways for the following sites:

- Wye and Crundale Downs SAC
- Dungeness, Romney Marsh and Rye Bay SPA
- Dungeness, Romney Marsh and Rye Bay Ramsar site
- Dungeness SAC
- Folkestone to Etchinghill Escarpment SAC
- Stodmarsh SAC
- Stodmarsh SPA
- Stodmarsh Ramsar Site

NE did not identify any additional protected sites or features within its RR [RR-206] and no other IPs suggested the inclusion of other protected sites within the assessment during the Examination.

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

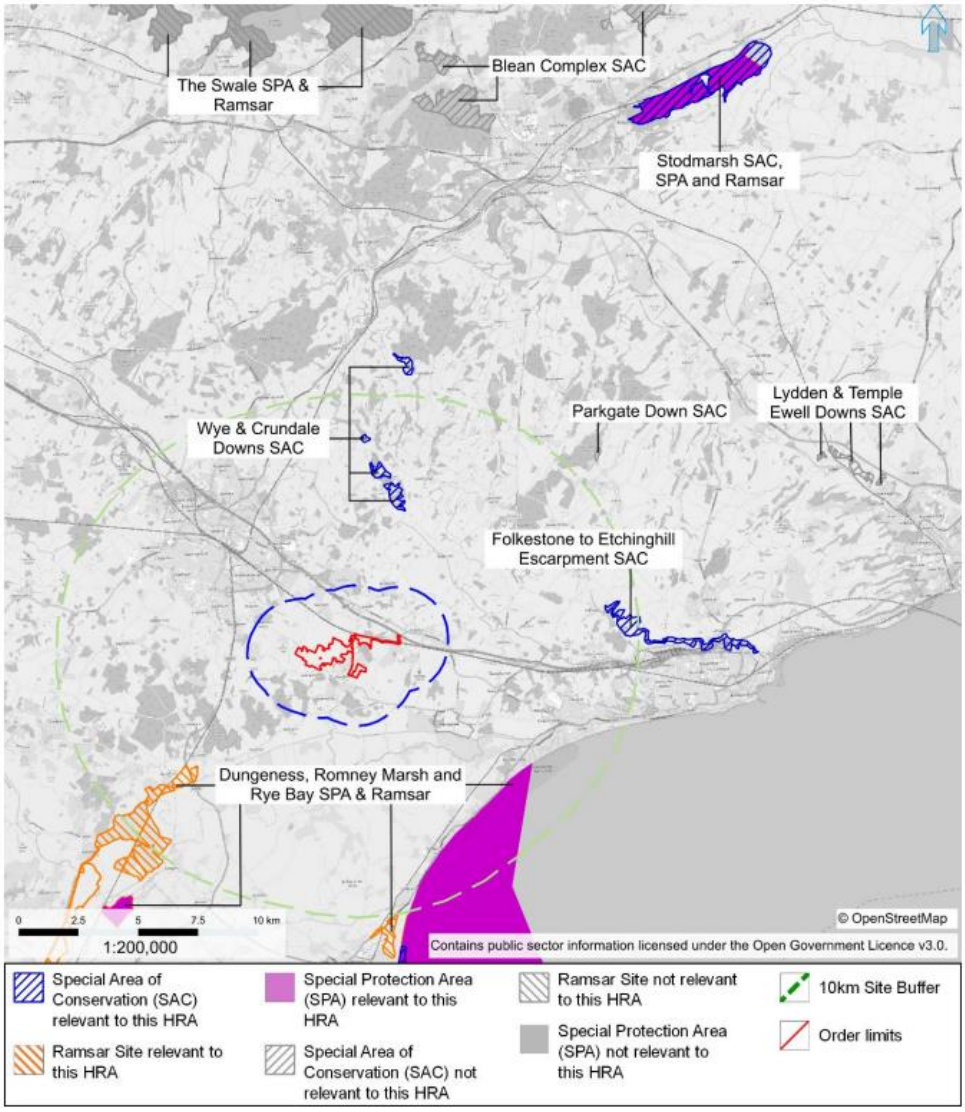

Figure 2: The Proposed Development (in red) location in relation to the Protected Sites

3.2 LSE alone

The Applicant, ExA and NE agreed a likely significant effect from the Project alone could be screened out for the following sites:

- Wye and Crundale Downs SAC
- Dungeness, Romney Marsh and Rye Bay SPA
- Dungeness, Romney Marsh and Rye Bay Ramsar site
- Dungeness SAC
- Folkestone to Etchinghill Escarpment SAC

The Applicant screened in the following protected sites:

- Stodmarsh SAC
- Stodmarsh SPA
- Stodmarsh Ramsar site

The following impact pathways were considered as having the potential to affect the qualifying features (and/or the supporting habitats of qualifying species) during the Construction (C), Decommissioning (D) and/or the Operational (O) phase of the project:

- Water Quality Impacts (C, D)

The Applicant's screening conclusions for each site, feature and effect pathway identified are presented in Section 4 of the HRA Report [REP1-058] along with a screening matrix set out in table 4.1 detailing their considerations and supporting documentation.

For the three sites identified, the Applicant and the ExA agreed that LSE alone could not be ruled out.

NE agreed with the conclusions of the Applicant's HRA Report during Examination in relation to the LSE alone assessment and welcomed the Applicant's precautionary approach in relation to water quality impacts for the above sites [REP1-096].

3.3 LSE in-combination

When assessing the implications of a plan or project in light of the Conservation Objectives of protected sites, it is necessary to consider the potential for in-combination effects (i.e. the effects of the project combined with potential effects of other planned projects), as well as effects due to the project in isolation.

PIN's HRA guidance details what should be considered within in-combination assessments and states that other plans or projects should include (but is not limited to):

- projects that are under construction;
- permitted application(s) not yet implemented;
- submitted application(s) not yet determined;
- all refusals subject to appeal procedures not yet determined;
- projects on the Planning Inspectorate's national infrastructure's programme of projects; and
- projects identified in the relevant development plan (and emerging development plans - with appropriate weight being given as they move closer to adoption)

The Applicant has addressed potential in-combination effects arising from the Project in Section 2 of the HRA Report [REP1-058], which sets out the methodology applied. The projects and plans considered within the in-combination assessment is detailed Table A 0.1 of the Applicant's cumulative assessment [APP-093].

The Applicant concluded that there would be no LSE arising from in-combination impacts for any of the sites and their qualifying features. The Applicant stated that this was due to:

- lack of hydrological connections
- distance of the Project from the protected sites
- Vehicle movements would be below appropriate threshold criteria
- The Proposed Development Site is not on functionally linked land for any of the protected sites identified at the Screening stage

During Examination, NE raised a dispute with the Applicant's conclusions for the in-combination assessment regarding the impacts of air quality effects on Folkestone to Etchinghill Escarpment SAC during the construction phase. This was based on the Applicant's documents lacking details in relation to the solar equipment's point of entry into the site and location of construction traffic during this phase. NE requested that the Applicant update their cumulative assessment and the HRA Report to clarify these points [RR-206]. In addition to this request, NE also requested that Otterpool Park be included in the cumulative assessment, as there was potential for an overlap of construction traffic [RR-206].

The Applicant responded to NE's dispute by updating their Air Quality Screening Report [REP1-030] and HRA Report [REP1-058], to clarify traffic volume and routes and in both concluded that the threshold criteria for potential LSE would not be reached.

NE were content with the additional clarifications [REP1-096] and concluded it was now content with the Applicant's conclusion of no LSE to Folkestone to Etchinghill Escarpment SAC from the Project in-combination with other plans/projects.

No other disputes were raised by IPs during the Examination relating to the in-combination LSE assessment.

The HRA Report and the ExA Report provide further information regarding the protected sites and qualifying features which were considered, but for which LSE was excluded. The Secretary of State is satisfied to adopt the rational and conclusions of the ExA and Applicant

for those sites and features screened out of the LSE in-combination assessment and has not duplicated this assessment here.

3.4 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 Regulation and has concluded that due to potential water quality impacts, a likely significant effect cannot be ruled out for the following sites:

- Stodmarsh SAC
- Stodmarsh SPA
- Stodmarsh Ramsar site

With regards to the ruling of the European Court of Justice (ECJ) in People Over Wind, Peter Sweetman v Coillte Teoranta (C-323/17) (the Sweetman Judgement), in reaching his conclusions regarding LSE, the Secretary of State took no account of measures intended to avoid or mitigate effects on any protected site.

Commented [KJ1]: Typo corrected

4 Appropriate Assessment methodology

The requirement to undertake an AA is triggered when a competent authority 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[12] 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 and Regulation 28 of the Offshore 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 as the competent authority 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). In addition, Regulation 68 requires compensatory measures to be secured which maintain the overall coherence of the NSN.

12 https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site

5 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, as detailed in Section 1.3 and set out in Table 1 of this HRA.

The Applicant's HRA Report [REP1-058] concluded that the Project would not adversely affect the integrity of any of the protected sites and features for which a LSE pathway was identified, either alone or in-combination with other projects or plans.

As identified in section 3.2 of this HRA, a LSE has been identified for the Stodmarsh protected sites from the potential impacts to water quality through the generation of foul water on site during the operation of this project. This foul water is usually directed to a cess tank that will be transported to a wastewater treatment facility, and it was identified by the applicant that the use of the nearest facility could increase the nutrient load of the water being discharged into the Stodmarsh sites, which are sensitive to changes to water quality.

NE raised in their RR [RR-206] that while they welcomed this precautionary approach, they did also question the necessity of taking these sites through to an AA, however the Applicant chose to screen this impact in.

The Applicant proposed mitigation to reduce the risk of contributing to existing nutrient effects at the Stodmarsh protected sites by collecting and disposing of foul water to wastewater treatment facilities that do not discharge into the Stodmarsh area.

The Applicant provided a list of 4 potential treatment destinations [REP-058] in Table 5.1, all are at least 14km away from the site and would not discharge into the Stour catchment. The Applicant also notes that some options would discharge into other protected sites, however these sites are not sensitive to nutrient overloading/water quality impacts and so this is considered appropriate.

The Applicant's conclusion of No AEoI was not disputed at the close of the Examination by any IP and NE concluded they were content with the Applicant's conclusions of no AEoI [REP1-096].

The ExA notes that the commitment to transport foul water from the cess tank to treatment works outside the Stour catchment is secured within the outline CEMP, outline OMP and outline DEMP which are further secured within the DCO requirements (6,12 and 14). The ExA was satisfied with the mitigation proposed and the information provided by the Applicant and NE to conclude that AEoI on all the Stodmarsh sites and their qualifying features can be excluded.

The Secretary of State has taken into consideration NE's original RR [RR-206] that the contribution of this Project's waste water to the Stour catchment would not result in a LSE due to the project not requiring overnight accommodation for workers and is satisfied that the impact of this project disposing foul water at an alternative site would equally have no LSE on other sites.

Based on the 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 integrity of the Stodmarsh SAC, SPA and Ramsar site.

6 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 three protected sites, when the Project is considered alone. These LSEs were taken forward to an AA to consider whether the Project would result in an AEoI of the protected sites.

Having considered the information available to him and having a full assessment of the potential for an AEoI of each of the protected sites for which the potential for LSE was identified, taking into account the views of the Applicant, NE and all IPs, as well as the recommendations of the ExA, the Secretary of State concludes that an AEoI can be excluded beyond reasonable scientific doubt, subject to the measures secured through the final Order.

As such, no further tests set out in the Habitats Regulations are required to be considered.

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Department for Energy Security and Net Zero

Date: 23/10/2025

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

Protected Site	Supplementary Advice on Conservation Objectives (SACOs)	Relevant Qualifying feature(s)	Impact Pathway and Development Phase C= construction; O= operation and maintenance; D= decommissioning
Wye and Crundale Downs SAC	See footnote[13]	Semi-natural dry grassland and scrubland facies on calcareous substrate; an important orchid site.	Air Quality (C,D)
Dungeness, Romney Marsh and Rye Bay SPA	See footnote[14]	European golden plover Waterbird assemblage (lapwing)	Air Quality (C,D) Water Quality (O)
Dungeness, Romney Marsh and Rye Bay Ramsar Site	N/A	European golden plover Waterbird assemblage (lapwing)	Air Quality (C,D) Water Quality (O)

[13] https://designatedsites.naturalengland.org.uk/ConservationAdvice.aspx?SiteCode=UK0012831&SiteName=wye%20&SiteNameDisplay=Wye%20&%20Crundale%20Downs%20SAC&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=&HasCA=1&NumMarineSeasonality=0&SiteNameDisplay=Wye%20&%20Crundale%20Downs%20SAC

[14] https://designatedsites.naturalengland.org.uk/ConservationAdvice.aspx?SiteCode=UK9012091&SiteName=dungeness&SiteNameDisplay=Dungeness,%20Romney%20Marsh%20and%20Rye%20Bay%20SPA&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=

Dungeness SAC	See footnote[15]	A network of wetland types and habitats that support vulnerable, endangered and critically endangered wetland species.	Air Quality (C,D)
Folkestone to Etchinghill Escarpment SAC	See footnote[16]	Semi-natural dry grassland and scrubland facies on calcareous substrate; an important orchid site.	Air Quality (C, D)
Stodmarsh SAC	See footnote[17]	Desmoulin's whorl snail	Water Quality (O)
Stodmarsh SPA	See footnote[18]	Great bittern Gadwall Northern shoveler Hen harrier Waterbird assemblage	Water Quality (O)

15 https://designatedsites.naturalengland.org.uk/ConservationAdvice.aspx?SiteCode=UK0013059&SiteName=dungeness&SiteNameDisplay=Dungeness%20SAC&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=

16 https://designatedsites.naturalengland.org.uk/ConservationAdvice.aspx?SiteCode=UK0012835&SiteName=folkestone%20to&SiteNameDisplay=Folkestone%20to%20Etchinghill%20Escarpment%20SAC&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=

17 https://designatedsites.naturalengland.org.uk/ConservationAdvice.aspx?SiteCode=UK0030283&SiteName=Stodmarsh&SiteNameDisplay=Stodmarsh%20SAC&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=

18 https://designatedsites.naturalengland.org.uk/ConservationAdvice.aspx?SiteCode=UK9012121&SiteName=Stodmarsh&SiteNameDisplay=Stodmarsh%20SPA&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=

		Breeding bird assemblage	
Stodmarsh Ramsar Site	N/A	Six British Red Data Book wetland invertebrates. Two nationally rare and five nationally scarce plant species. Great bittern Gadwall Northern shoveler Hen harrier Waterbird assemblage Breeding bird assemblage	Water Quality (O)