



Planning
Inspectorate

REPORT on the IMPLICATIONS for EUROPEAN SITES

Proposed Helios Renewable Energy Project

An Examining Authority report prepared with the support of the
Environmental Services Team

Planning Inspectorate Reference: EN010140

02 May 2025

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1 INTRODUCTION

1.1 Background

- 1.1.1 Enso Green Holdings D Limited (the applicant) has applied for a Development Consent Order (DCO) under section 37 of the Planning Act 2008 (PA2008) for the proposed Helios Renewable Energy Project ('the proposed development'). On behalf of the Secretary of State for Housing, Communities and Local Government, an Examining Authority (ExA) has been appointed to conduct an examination of the application. The ExA will report its findings and conclusions and make a recommendation to the relevant Secretary of State (SoS) as to the decision to be made on the application.
- 1.1.2 For applications submitted under the PA2008 regime, the relevant SoS is the competent authority for the purposes of The Conservation of Habitats and Species Regulations 2017 ('The Habitats Regulations'). The findings and conclusions on nature conservation issues reported by the ExA will assist the Secretary of State in performing their duties under The Habitats Regulations.
- 1.1.3 This Report on the Implications for European sites (RIES) documents and signposts the information in relation to potential effects on European sites that was provided within the DCO application and submitted during the examination by the applicant and interested parties (IPs), up to deadline 7 (DL7) of the examination (24 April 2025). It is not a standalone document and should be read in conjunction with the examination documents referred to. Where document references are presented in square brackets [] in the text of this report, that reference can be found in the Examination Library published on the 'Find a National Infrastructure Project' website by following the link below:
- <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010140>
- 1.1.4 For the purpose of this RIES, in line with The Habitats Regulations and relevant Government policy, the term 'European sites' includes Special Areas of Conservation (SAC), candidate SACs, proposed SACs, Special Protection Areas (SPA), potential SPAs, listed and proposed Ramsar sites and sites identified or required as compensatory measures for adverse effects on any of these sites. For ease of reading, this RIES also collectively uses the term 'European site' for European sites as defined in The Habitats Regulations 2017 and 'European Marine Sites' defined in The Offshore Marine Habitats and Species Regulations 2017, unless otherwise stated. The 'UK National Site Network' refers to SACs and SPAs belonging to the United Kingdom already designated under the Directives and any further sites designated under The Habitats Regulations.
- 1.1.5 This RIES is issued to ensure that IPs including the Appropriate Nature Conservation Body (ANCB) - Natural England (NE) - are consulted formally on Habitats Regulations matters. This process may be relied on by the

Secretary of State for the purposes of regulation 63(3) of The Habitats Regulations.

- 1.1.6 It also aims to identify and close any gaps in the ExA's understanding of IPs' positions on Habitats Regulations matters, in relation to all European sites and qualifying features as far as possible, in order to support a robust and thorough recommendation to the Secretary of State.
- 1.1.7 Following consultation, the responses will be considered by the ExA in making their recommendation to the Secretary of State and made available to the Secretary of State along with this report. The RIES will not be revised following consultation.

1.2 Documents used to inform this RIES

- 1.2.1 The applicant's habitats regulations assessment (HRA) report (HRA Report v1) comprised the following documents:

- Environmental Statement Appendix 8.9 - Information to inform a Habitats Regulations Assessment (HRA) [[APP-151](#)]. This was updated (and will be referred to in this report herein) as follows:
 - HRA Report v2 – submitted to NE at DL 2 but not submitted into the examination
 - HRA Report v3 – submitted to NE before DL4 and submitted into examination at DL4 [[REP4-021](#)]
 - HRA Report v4 – submitted to NE before DL5 and submitted into examination at DL5 [[REP5-006](#)]
 - HRA Report v5 – [[REP6-012](#)] submitted into examination at DL6
- Appendix B Natural England supplementary note [[REP4-041](#)]

- 1.2.2 The HRA Report v1 concluded that adverse effects on the integrity of all European sites could be excluded. An overview of these matters and details of the relevant documents are provided in section 3 of this RIES.

- 1.2.3 In addition to the HRA Report v1, the RIES refers to representations submitted to the examination by IPs, issue specific hearing (ISH) documents, statements of common ground (SoCG) and other examination documents as relevant. All documents can be found in the examination library (EL).

1.3 HRA Matters Considered During the Examination

- 1.3.1 The examination to date has focussed on the following matters:
 - Identification of additional European site
 - Inclusion of conservation objectives and whether sites are in favourable or unfavourable condition

- Presentation of information and clarification on which impacts are screened out/in for which sites and features
- Methodology of in-combination assessment
- Identification of an additional impact pathway of air quality impacts from construction and operational traffic
- Identification of an additional impact pathway from operational visual disturbance to functionally linked land (FLL) associated with the Lower Derwent Valley SPA/Ramsar and Humber Estuary SPA/Ramsar
- Conclusions of likely significant effects (LSE) and adverse effects on integrity (AEol) from loss of FLL associated with the Lower Derwent Valley SPA/Ramsar and Humber Estuary SPA/Ramsar
- LSE and AEol conclusion for noise and visual disturbance during construction to FLL associated with the Lower Derwent Valley SPA/Ramsar and Humber Estuary SPA/Ramsar

2 LIKELY SIGNIFICANT EFFECTS

2.1 European sites considered

Introduction

- 2.1.1 The proposed development is not connected with or necessary to the management for nature conservation of any European site. The proposed development was not clearly described in the original HRA Report v1 [APP-151] but is described in section 3 of the updated HRA Reports [REP4-021; REP5-006; REP6-012]
- 2.1.2 Paragraph 3.2.1 of the of the HRA Report v1 [APP-151] explains that a 10km search area is applied to identify European sites.

Sites within the UK National Site Network (NSN)

- 2.1.3 The applicant's HRA Report v1 [APP-151] identified nine European sites within 10km of the proposed development for inclusion within the assessment. These are listed in table 4.1 of the HRA Report v1 and are as detailed in table 2.1 below.

Table 2.1: European sites in the UK NSN identified in the applicant's HRA Report v1 [APP-151]

| Name of European site | Distance from proposed development (km) |
|-------------------------------|---|
| River Derwent SAC | 2.22 |
| Lower Derwent Valley SAC | 6.47 |
| Lower Derwent Valley SPA | 6.47 |
| Lower Derwent Valley Ramsar | 6.55 |
| Humber Estuary SAC | 6.64 |
| Humber Estuary SPA | 6.64 |
| Humber Estuary Ramsar | 6.64 |
| Skipworth Common SAC | 8.5 |
| Thorne and Hatfield Moors SPA | 9.09 |

- 2.1.4 Although NE confirmed agreement on the sites included for the screening assessment [RR-268 Ref NE1.3], the applicant's updated HRA Report v3 [REP4-021] identified one additional European site within the UK National Site Network for inclusion within the assessment; Thorne Moors SAC which is located in the same vicinity as Thorne and Hatfield Moors SPA at 9.09km from the proposed development. NE [RR-268] confirmed that it agreed with Table 8.12 of ES Chapter 8 [APP-151] that there would be no LSE on Thorne Moors SAC although this had not been included in the HRA. The applicant

- 2.1.5 The locations of the identified European sites relative to the proposed development are depicted on figure 8.1 in ES Appendix 8.1 [\[APP-144\]](#), including Thorne Moor SAC.
- 2.1.6 No additional UK European sites have been identified by IPs for inclusion within the assessment in the examination to date.
- 2.1.7 The ANCB agreed [\[APP-151\]](#) Ref NE1.3] that all relevant European sites and or European site features that could be affected by the project had been identified by the applicant.
- 2.1.8 Only sites within the UK NSN are addressed in this RIES.

2.2 Potential impact pathways

- 2.2.1 Section 5 of the HRA Report v1 [\[APP-151\]](#) identifies the potential impact pathways to be screened and details the potential impacts from the proposed development.
- 2.2.2 The HRA Report v1 [\[APP-151\]](#) does not explicitly list the sites and qualifying features and the impact pathways which could affect them, however, it cross references to ES Chapter 8 which sets out the sites and qualifying features in Table 8.6. HRA Report paragraph 5.1.2 identifies the potential impact pathways screened in but does not explain what pathways are screened out.
- 2.2.3 In paragraph 4.1.2 of the HRA Report v1 [\[APP-151\]](#), it explains that other effects on European sites that are not assessed are 'scoped out' due to spatial separation and lack of pathways of connectivity, but this is not specifically evidenced and cross reference is made to ES Chapter 8 [\[APP-028\]](#).
- 2.2.4 The HRA Report v1 [\[APP-151\]](#) paragraph 5.1.1 states that potential effects are considered during construction, operation and decommissioning phases of the development.
- 2.2.5 During the examination, NE [\[RR-268\]](#) identified the following additional impact pathways which the applicant included in its updated HRAs [\[REP4-021; REP5-006; REP6-012\]](#) (see table 2.2 of this RIES for further details):
 - Indirect impacts from noise and visual disturbance to functionally linked land (FLL) during construction [\[RR-268\]](#) Ref NE2]
 - Operational visual disturbance to FLL for qualifying bird species of Humber Estuary SPA and Ramsar and Lower Derwent Valley SPA and Ramsar [\[RR-268\]](#) Ref NE3]
 - Air quality impacts from construction traffic on European sites [\[RR-268\]](#) Ref NE4]
 - Air quality impacts from operational traffic on European sites [\[RR-268\]](#) Ref NE4]

2.3 In-combination effects

- 2.3.1 The HRA Report v1 [[APP-151](#)] did not fully explain the approach to assessing in-combination effects, however, where an impact was screened out from the project alone, no assessment of potential in-combination effects has been undertaken.
- 2.3.2 No additional plans or projects have been highlighted by IPs in the examination to date. However, NE [[RR-268 Ref NE8](#)] requested that the figures for East Yorkshire Solar Farm were updated to ensure that the assessment of in-combination effects is accurate.

The applicant's assessment

- 2.3.3 The applicant's conclusions in respect of screening are presented in section 6 of the HRA Report v1 [[APP-151](#)].

Sites for which the applicant concluded no LSE on all qualifying features

- 2.3.4 The applicant concluded that the proposed development would not be likely to give rise to significant effects, either alone or in combination with other projects or plans, on all qualifying features of the following European site(s):
- River Derwent SAC
 - Lower Derwent Valley SAC
 - Humber Estuary SAC
 - Skipworth Common SAC
 - Thorne and Hatfield Moors SPA
 - Humber Estuary SPA
 - Humber Estuary Ramsar
 - Lower Derwent Valley SPA
 - Lower Derwent Valley Ramsar
 - Thorne Moors SAC (added in updated HRAs)
- 2.3.5 NE [[REP2-015](#); [REP2-031](#)] agreed that impacts to Skipwith Common SAC and Thorne Moors SAC could be screened out on the basis of the static nature of the qualifying features of the site and the spatial separation to the proposed development. Additionally, features of the Thorne and Hatfield Moors SPA could be screened out on the basis that the spatial separation to the proposed development.
- 2.3.6 NE noted that otter and fish are mobile features of the River Derwent SAC, Lower Derwent Valley SAC and the Humber Estuary SAC however, they consider that impacts to these sites are unlikely.
- 2.3.7 The applicant's conclusions in respect of four European site(s) were disputed by IPs and questioned by the ExA during examination; the Humber Estuary SPA/Ramsar and Lower Derwent Valley SPA/Ramsar. See section 2.5 of this RIES for further details.

2.4 Examination matters

- 2.4.1 The following matters are discussed in further detail in Table 2.1 below.
- 2.4.2 Both NE [[RR-268 Ref N9](#)] and the ExA [[PD-005](#) Ref 5.0.2] requested that the HRA was updated to address concerns around the level of detail provided, the methodology for the in-combination assessment and what sites, impacts and features had been screened and what the conclusions were. The applicant updated its HRA [[REP6-012](#)] accordingly to resolve these matters.
- 2.4.3 NE [[RR-268 Ref NE1.1, NE1.2 and NE1.3](#)] considered that not enough information had been provided in the HRA Report v1 [[APP-151](#)] to support ruling out potential LSE on European sites during construction and operation.

It requested updates, clarifications and justification of the supporting information used to inform the determination of the presence of FLL within the zone of influence of the proposed development to support the conclusions of the LSE assessment.

- 2.4.4 NE [\[RR-268\]](#) also identified additional impact pathways that had not been considered and requested that they were considered in the screening assessment. The applicant updated its HRA [\[REP4-021\]](#); [REP5-006](#); [REP6-012](#) to include an assessment of the additional impact pathways identified by NE.

Table 2.1: Issues raised in the examination to date by the ExA and IPs in relation to the applicant's screening of LSEs (alone and in-combination)

| ID | Potential impact pathway | Details of issue | ExA observation / question |
|-------------------------------|---|--|--|
| All sites and features | | | |
| 1.1 | Presentation of information and clarification on which impacts are screened out/in for which sites and features | <p>In the applicant's HRA Report v1 [APP-151] it was unclear what impacts had been screened out/in for which features of each site.</p> <p>NE [RR-268 Ref NE9] requested that relevant details provided in the ES should be included in the HRA so that all relevant information is in one location to inform the HRA.</p> <p>The ExA [PD-005] requested the applicant provided a list of the qualifying features of the identified European sites and the impacts assessed for those features during which phases of the development in a tabular format. It was also requested that the potential geographical extent of impacts was clarified.</p> <p>The applicant updated its HRA Report v1 [REP6-012] to include a table in Annex 3 and wording in paragraph 4.6.1 stating that sites within 10km have been identified and NE's impact risk zone tool has been used to identified potential impacts from the proposed development on European sites. This clarified which impacts had been assessed for which qualifying features and reasoning for why impacts were not assessed for qualifying features.</p> | The ExA considers this matter to be resolved |
| 1.2 | Methodology for in-combination assessment | NE [RR-268 Ref NE8 and NE9 and REP2-031] considered that for all European sites where impacts have been screened out from the project alone, there is no subsequent assessment of potential in- | The ExA considers this matter to be resolved |

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| | | <p>combination impacts and recommended that this assessment is undertaken for the construction and operational phases.</p> <p>The ExA [PD-005] requested that the HRA Report was updated to explain the approach to assessing in-combination effects.</p> <p>The applicant submitted updated HRAs [REP4-021]; [REP5-006]; [REP6-012]. This clarified the methodology for selecting and screening the cumulative developments considered in section 6 of [REP6-012]. It included reviewing North Yorkshire Council and PINS planning portal to identify developments within 10km of the proposed development site and reviewing potential impact pathways. The projects identified are included in Table 6.2 which details the projects included in the in-combination assessment and what impact pathways are assessed. These were also depicted on figure 15.1 [APP-109].</p> <p>Whilst in-combination effects are not considered separately in the screening assessment, the ExA considers that the reasoning for screening out potential LSE in the updated HRAs [REP4-021]; [REP5-006]; [REP6-012] applies to impacts from both the project alone and in-combination; LSE are screened out on the basis of separation from the European site and lack of connectivity and no evidence of associated features utilising the land impacted by the proposed development.</p> | |
| 1.3 | Additional impact pathway of air quality impacts from construction and operational traffic [Ref NE4] | <p>NE [RR-268 Ref NE4] confirmed that the applicant submitted an Air Quality Technical Note to NE outside of the examination. It advised that the applicant update the HRA Report v1 [APP-151] to include the information from the technical note so as to support the conclusion of no potential LSE on internationally designated sites.</p> | The ExA considers this matter to be resolved |

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| | | <p>NE also advised that the predicted Annual Average Daily Traffic (AADT) figures should be provided before they could confirm any agreement on potential impacts.</p> <p>The applicant provided updated HRAs [REP4-021; REP5-006; REP6-012] including HRA Report v2 outside of the examination to NE. These include operational and construction traffic AADT flows and confirms that operational traffic is well below the screening threshold and that there are no habitats within 200m of the construction traffic routes whereby ruling out potential LSE. NE [REP4-040] confirmed agreement that potential LSE from air quality impacts from construction and operational traffic could be screened out of further assessment.</p> | |
| Lower Derwent Valley SPA/Ramsar and Humber Estuary SPA/Ramsar – ornithological features | | | |
| 1.4 | Loss of FLL | <p>NE [RR-268 Ref NE1.1 and 1.2] do not agree to rule out LSE from loss of FLL on the basis that not enough information has been provided in the applicants HRA [APP-151] to support this conclusion.</p> <p>NE requested updates, clarifications and justification of the supporting information used to inform the determination of the presence of FLL within the zone of influence of the proposed development. It also recommended [RR-268 Ref 1.3] that frequency of use (for example, is a field consistently used throughout the survey period), vulnerability of the species present and site characteristics such as habitat type, are used to inform whether land is functionally linked in the HRA.</p> <p>NE advised that further desk studies should include the following to support ES Appendix 8.2 Confidential Ornithological Survey Report Annex 3 [APP-145; APP-179]:</p> | The ExA considers this matter to be resolved |

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| | | <ul style="list-style-type: none"> • consultation with the council's ecologist • consultation with local bird groups and other organisations that may hold relevant information • use of the BTO's WeBs data to examine the collected survey data against peak bird counts for the estuary as a whole, and for the most relevant sectors and • a desk-based assessment - using aerial photography, mapping, habitat maps and relevant ecological literature –of the suitability for SPA birds of the habitats present on the proposed site and adjacent fields. This should discuss the suitability of the habitat for relevant SPA/Ramsar birds further <p>NE [RR-268 Ref N1.2] also noted that wintering/passage bird surveys bird surveys do not include August 2023 and queried the sufficiency of the nocturnal surveys supporting the HRA assessment of loss of FLL. NE requested the applicant justify the survey effort using:</p> <ul style="list-style-type: none"> • historical records • observations and references to information such as previous year peak months across the estuary as a whole • observations and references to information at the nearest relevant WeBS sectors for relevant species • clarification over peak counts of lapwing • comparison of updated desk studies (see ref 1.4 above) to available data to demonstrate whether the survey results have fully captured the relevant species to support the conclusions of the screening assessment | |
|--|--|--|--|

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| | | <p>NE also recommend two years' worth of data should be collected to inform assessments of projects within 10km of the Humber Estuary and Lower Derwent Valley and note that only one year's worth of data is available for the majority of the site.</p> <p>In response, the applicant [REP2-015] confirmed that it would provide updates in relation to the desk based studies and surveys, however, it considered that based on the current survey information, there is no evidence that the site contains FLL.</p> <p>NE [REP2-031] clarified that the application of the rule of where a site regularly supports 1% or more of a species' population associated with a designated area it can be considered functionally linked to that population, should be combined with assessments of bird usage, seasonal patterns, habitat characteristics, and factors like cropping regimes to evaluate how the site supports ornithological features. Additionally, it noted that whilst the 1% was applied to lapwing numbers, additional clarification is required around the peak count and it is advised that the 1% is applied to the waterbird assemblage features also.</p> <p>The applicant submitted a supplementary note [REP4-041] which provided the updated desk-based information as requested by NE. It clarified that the peak count of 211 lapwings refers to a cumulative count of birds across a single visit in October 2021.</p> <p>It also justified the survey efforts explaining that three nocturnal surveys had already been undertaken and three additional validation surveys were carried out in November and December 2024; the results are provided in Annex 3 to the supplementary note.</p> <p>The applicant stated that due to the evolving nature of the site during the survey period, two years of complete survey data could</p> | |
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| | | <p>not be achieved across the whole site. The applicant supported the surveys undertaken with nocturnal surveys in 2024.</p> <p>None of the surveys identified significant use of the site by SPA bird species and therefore, the applicant considered the lack of survey effort in August is unlikely to be a significant limiting factor for the assessment and subsequently no further surveys are proposed. This was supported by the updated desk study information. The applicant provided an updated HRA to NE for review outside of the examination (HRA Report v2).</p> <p>In the applicant's updated HRA [REP4-021] impacts from loss of FLL were screened in for further assessment.</p> <p>NE confirmed [REP4-040] this addressed its concerns and considered this matter agreed. Please see section 3 of this RIES for further detail.</p> | |
| 1.5 | Additional impact pathway of Indirect impacts from noise and visual disturbance to FLL during construction [Ref NE2] | <p>The applicant [APP-151] screened out potential impacts from operational visual disturbance to FLL on the basis that the site is sufficient distance from potentially affected sites and that FLL was not identified.</p> <p>NE [RR-268 Ref NE2] consider that, following relevant updates to the assessment to identify FLL, where FLL is identified, there is potential for indirect effects from noise and visual disturbance (please see ref 1.4 of this table for more information). Field 339 was queried as it is located within 200m of the proposed grid connection corridor and is frequently used by some SPA/Ramsar species. NE advised that any additional noise assessment should include predicted noise levels and compare these to background noise levels.</p> <p>The applicant submitted updated HRAs [REP4-021]; [REP5-006]; [REP6-012] to include updated desk based studies and survey</p> | The ExA considers this matter to be resolved |

| | | | |
|-----|---|--|--|
| | | information to inform the assessment to FLL, taking into account NE advice. The updated HRAs [REP4-021 ; REP5-006 ; REP6-012] confirm that the site could be functionally linked to the SPA and Ramsar as some non-breeding waterbird qualifying species can use arable farmland for foraging. Therefore, potential LSE from noise and visual disturbance on FLL has been screened in for further assessment. Please see section 3 of this RIES for further detail. | |
| 1.6 | Operational visual disturbance to FLL [Ref NE3] | <p>The applicant [APP-151] screened out potential impacts from operational visual disturbance to FLL on the basis that effects are envisaged to be minimal with activities restricted to occasional maintenance which would not generate significant levels of noise, vibration, lighting or disturbance.</p> <p>NE [RR-268 Ref NE3] noted that whilst it is unlikely there would be operational impacts, it advised that further assessment was required following the requested updates to the FLL assessment (please see ref 1.4 of this table for more information). NE also requested that the findings of the glint and glare assessment are summarised in the HRA.</p> <p>The applicant submitted HRA Report v2 to NE outside of the examination. Whilst NE [REP4-040] agreed that LSEs from operational visual disturbance to FLL could be ruled out, the applicant submitted updated HRAs [REP4-021; REP5-006; REP6-012] which screen potential impacts from glint and glare on FLL in for further assessment. Please see section 3 of this RIES for further detail.</p> | The ExA considers this matter to be resolved |

2.5 Summary of examination outcomes in relation to screening

- 2.5.1 The ExA's understanding of the applicant's and NE current positions in relation to LSEs is set out above.
- 2.5.2 Following the updates to the desk based assessment, surveys and criteria for determining FLL, this altered the conclusions of the screening assessment and the updated HRA Reports [[REP4-021](#); [REP5-006](#); [REP6-012](#)] screened in potential LSE effects from the following impacts from the project alone and in-combination to non-breeding birds as features of the Humber Estuary SPA / Ramsar and Lower Derwent Valley SPA / Ramsar sites:
- Loss of FLL
 - Indirect noise and visual disturbance to FLL
 - Disruption to flight paths due to glint and glare to FLL

3 ADVERSE EFFECTS ON INTEGRITY

3.1 Conservation Objectives

- 3.1.1 At the point of the DCO application, the HRA Report v1 [\[APP-151\]](#) identified the conservation objectives for the Humber Estuary SPA/Ramsar and Lower Derwent Valley SPA/Ramsar sites however, LSE were screened out for these sites. Conservation objectives were not provided for any of the other European sites identified in Table 2.1 of this RIES that were included in the screening assessment.
- 3.1.2 Following consultation with NE and subsequent amendments to the assessment of impacts to FLL (**please see Table 2.1 Ref 1.4 above**), the applicant included the conservation objectives for all sites included in the screening assessment, with the exception of the Ramsar sites, in section 4.4 [\[REP6-012\]](#). The HRA Report v1 does not determine whether the sites are in favourable or unfavourable conditions.

3.2 The applicant's assessment

- 3.2.1 The applicant's assessment initially did not identify potential LSE and no assessment of AEoI was undertaken [\[APP-151\]](#). This was disputed by IPs and questioned by the ExA during the course of the examination. See section 3.3 of this RIES for further details.
- 3.2.2 The applicant updated its HRA to include an assessment of AEoI [\[REP4-021; REP5-006; REP6-012\]](#) from the proposed development both alone and in-combination. The outcomes of the applicant's assessment of effects on integrity are summarised in section 5 of the HRA Report v4 [\[REP6-012\]](#).

3.3 Examination matters

- 3.3.1 Matters raised in the examination to date, or for which the ExA seeks clarity, in relation to AEoIs are summarised in table 3.1 below.
- 3.3.2 The ExA [\[PD-005\]](#) and NE [\[RR-268; REP2-031; REP4-040\]](#) requested further detail be included in the in-combination assessment and its proposed methodology. NE also identified potential LSE for non-breeding birds of the Humber Estuary and Lower Derwent SPA/Ramsar sites from loss of FLL and from noise and visual disturbance. NE requested mitigation to mitigate AEoI on the loss of FLL, specifically for lapwing features.
- 3.3.3 The applicant updated its HRA [\[REP4-021; REP5-006; REP6-012\]](#) to include further information for its in-combination assessment and provided an assessment of AEoI from loss of FLL and from noise and visual disturbance on ornithological features of the Humber Estuary and Lower Derwent SPA/Ramsar sites. The assessment found no AEoI with the implementation of mitigation measures for the loss of FLL in the form of provision and management of two fields for lapwing foraging. NE agreed with these conclusions [\[REP5-009\]](#).

Table 3.1: Issues raised in the examination to date by the ExA and IPs in relation to the applicant's assessment of effects on integrity (alone and in-combination)

| ID | Potential impact pathway | Details of issue | ExA observation / question |
|-----|--------------------------|--|--|
| 1.1 | In-combination effects | <p>The ExA [PD-005] requested that the HRA Report v1 was updated to explain the approach to assessing in-combination effects (please see Table 2.1 ref 1.2 of this RIES for further detail).</p> <p>NE [RR-268]; [REP2-031] also requested that more recent information relating to East Yorkshire Solar Farm was included in the assessment.</p> <p>The applicant submitted updated HRAs [REP4-021]; [REP5-006]; [REP6-012]. This was both in response to the requests of NE and the ExA and also as a result of the updates of the assessment on FLL (please see Table 2.1 ref 1.4 of this RIES for further detail).</p> <p>The updated HRAs included an explanation of the approach to the in-combination assessment. It also updated the information relating to East Yorkshire Solar Farm which did not alter the conclusions of the assessment of AEoI.</p> <p>In relation to the impacts of FLL, the updated HRA [REP6-012] identifies that there would be no AEoI on features of the Humber Estuary and Lower Derwent Valley SPA/Ramsar sites on the basis that the combined levels of activity of identified species during passage and overwintering periods were below threshold levels for identifying FLL, despite being based on a</p> | The ExA considers this matter to be resolved |

| | | | |
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| | | <p>precautionary assessment; the same bird may be counted twice. Additionally, mitigation for lapwings also minimises potential impacts (please see ref 1.2 of this table for further detail).</p> <p>NE [REP5-009] agree with the conclusions of the in-combination assessment that there would be no AEol on features of the Humber Estuary and Lower Derwent Valley SPA and Ramsar sites.</p> | |
| 1.2 | AEol conclusion for loss of FLL | <p>Following updates to the desk based studies, FLL determination criteria and survey clarifications, potential LSE were identified for non-breeding ornithological features of the Humber Estuary and Lower Derwent SPA and Ramsar sites.</p> <p>The applicant submitted HRA Report v2 to NE and did not submit the documentation to the examination. NE responded [REP4-040] requesting that mitigation should be provided for lapwings prior to commencement of construction works to avoid potential AEol from the loss of FLL.</p> <p>The applicant has provided NE with a further document outlining proposed lapwing mitigation proposals on 14 February 2025 but this was not submitted into the examination.</p> <p>Feedback on this informed the updated its HRA Report v3 [REP4-021] and updated section 3.10 of the oLEMP [REP4-019] which included mitigation for lapwing. The mitigation comprises two fields (fields 29 and 33, as shown in Figure 1 of Annex 2 of the report), comprising a total of 37.09 ha that would be managed for foraging lapwing in the non-breeding (autumn to commencement of spring) period for the duration of the lifetime of the proposed development. This was calculated using bird day calculations and cropping data.</p> | The ExA considers this matter to be resolved |

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| | | <p>Management comprises:</p> <ul style="list-style-type: none"> • crops to be maintained below 8-10 cm during the non-breeding season (approximately October to March), such as wheat/barley during autumn/spring passage or fallow/newly tilled fields • avoidance of deep ploughing • the addition of manure, subject to a reasonable agricultural cycle • the incorporation of a ley crop within the management rotation • the inclusion of permanent grass margins to the fields <p>This is secured through the oLEMP through Requirement 10 of the dDCO [REP6-003].</p> <p>NE [REP5-009] confirmed agreement that the mitigation measures were appropriate and that following the implementation of those measures, there would be no AEol from loss of FLL on features of the Lower Derwent Valley and Humber Estuary SPA and Ramsar sites. NE requested that Requirement 10 of the dDCO should be updated to include consultation with NE.</p> <p>The applicant updated Requirement 10 of the dDCO [REP5-004] to state that NE must be consulted on the final LEMP.</p> | |
| 1.3 | AEol conclusion for noise and visual disturbance during | <p>NE [RR-268; REP2-031] identified that there was potential for LSE on FLL from indirect disturbance from noise and vibration (please see Table 2.1 ref 1.5 of this RIES) and considered that an assessment of AEol was required. This included particular reference to field 339 as it is located within 200m of the cable</p> | The ExA considers this matter to be resolved |

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| | <p>construction to FLL</p> | <p>corridor and surveys demonstrated use by qualifying features of the Lower Derwent and Humber Estuary SPA/Ramsar sites.</p> <p>The applicant subsequently updated its assessment of FLL in line with NEs recommendations and submitted its HRA Report v2 to NE; this was not submitted into examination. NE provided feedback to the applicant on HRA Report v2.</p> <p>At DL4 the applicant submitted an updated HRA Report v3 [REP4-021]. This included an assessment of AEol on FLL from noise and visual disturbance. It also includes areas of land set aside for lapwing mitigation (please see ref 1.2 of this table for further detail) and these areas are also assessed in terms of potential AEol from noise and visual disturbance during construction.</p> <p>HRA Report v3 confirms that the proposed fields for lapwing mitigation are not located adjacent to areas which will undergo construction works, and that if required, best practice mitigation measures could be secured in the oLEMP and oCEMP.</p> <p>It also confirmed that the number of qualifying ornithological features recorded in field 339 were below the defined threshold for FLL criteria and that field 339 is shielded by a large area of farmland and mature woodland minimising the potential for disturbance.</p> <p>At DL4 NE [REP4-040] confirmed agreement that AEol from noise and visual disturbance can be ruled out for the lake adjacent to field 339 but had yet to review the rest of the assessment.</p> <p>The applicant further updated the HRA Report v4 [REP5-007] to include an assessment of potential impacts from construction</p> | |
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| | | <p>works to the proposed mitigation sites. The assessment concludes that there would be a negligible impact on the basis of the degree of separation between the proposed mitigation sites and construction activities and the proposed best practice measures to reduce noise and visual impacts secured in the oCEMP [REP4-015] through Requirement 4 of the dDCO [REP6-003]. These mitigation measures include avoidance of vegetation removal during bird breeding seasons, an ECoW to monitor works affecting nesting habitat and best practice measures to reduce impacts from noise and lighting.</p> <p>NE [REP5-009] confirmed the mitigation was appropriate and agreed with the conclusion of no AEoI to FLL from noise and visual disturbance for features of the Humber Estuary and Lower Derwent Valley SPA/Ramsar sites.</p> | |
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3.4 Summary of examination outcomes in relation to adverse effects on integrity

- 3.4.1 The ExA's understanding of the applicant's and NE current positions in relation to AEol is set out in table 3.1 above.
- 3.4.2 Following the updates to the desk based assessment, surveys and criteria for determining FLL, this altered the conclusions of the screening assessment and the applicant updated its HRA Reports [[REP4-021](#); [REP5-006](#); [REP6-012](#)] to include an assessment of AEol on ornithological features of the Humber Estuary and Lower Derwent Valley SPA/Ramsar sites from the project alone and in-combination from:
- Loss of FLL
 - Indirect noise and visual disturbance
 - Disruption to flight paths due to glint and glare
- 3.4.3 The applicant [[REP6-012](#)] concluded no AEol on the basis that best practice measures would be implemented, sufficient screening from vegetation and separation distance reduces potential effects and mitigation would be provided for the loss of FLL in the form of the provision and management of two fields for foraging lapwing. NE [[REP5-009](#)] agreed with these conclusions.