



Department for
Energy Security
& Net Zero

Habitats Regulations Assessment for an Application Under the Planning Act 2008

Tillbridge Solar Project

Regulation 63 of The Conservation of Habitats
and Species Regulations 2017

October 2025



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List of abbreviations

Term	Abbreviation
Adverse Effect on Integrity	AEoI
Appropriate Assessment	AA
Bassetlaw District Council	BDC
Cable Route Corridor	CRC
Canal River Trust	CRT
Change Request	CR
Development Consent Order	DCO
Electro-magnetic Field	EMF
Environmental Statement	ES
Examining Authority	ExA
ExA's written question	ExQ
Framework Operational Environment Management Plan	FOEMP
Functionally Linked Land	FLL
Hectare	Ha
Habitat Regulations Assessment	HRA
Interested Parties	IPs
Kilovolt	kV
Likely Significant Effect	LSE
Lincolnshire County Council	LCC
National Site Network	NSN
Nationally Significant Infrastructure Project	NSIP
Natural England	NE
Nottinghamshire County Council	NCC
Planning Inspectorate	PINS
Photovoltaic	PV
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 Secretary of State for Energy Security and Net Zero	The Secretary of State
West Lindsey County Council	WLCC

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 2017¹ (“the Habitats Regulations”) as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019² for the Tillbridge 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 2008³ 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 08 May 2024 and a lead and panel member were appointed as the ExA for the Project application. The Examination of the Project application began on 15 October 2024 and was completed on 15 April 2025. The ExA submitted its report of the Examination including its recommendation (“the ExA’s Report”) to the Secretary of State on 14 July 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 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”).

Candidate SACs (“cSACs”), SACs and SPAs are afforded protection as protected sites. As a matter of policy⁴ 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 (AEol) 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 AEol 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.

Guidance⁷ 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 AEol 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 objectives⁸, 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 objectives⁹ 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 4.2 of the Applicant's Habitat Regulations Assessment Report [REP3-006] ("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 page¹⁰. In particular:

- the ExA's Report;
- the Report on Implications for European Sites (RIES) [PD-14];
- the Applicant's HRA Report [REP3-006];
- the Environmental Statement (ES); and
- the Statement of Common Ground (SoCG) with NE.

A final signed version of the SoCG with NE was submitted at Deadline 6 [REP6-044]. 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.**: provides a general description of the Project;
- Section **Error! Reference source not found.**: 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 [APP-034].

In summary, the Project comprises a proposed solar farm with an associated BESS. The Project would have a generating capacity of over 50MW and would be situated on approximately 1,670 hectares ("ha") of land. The Principal Site, where the PV solar panel arrays, electrical substations and BESS would be installed is approx. 1,350ha. The Cable Route Corridor ("CRC") which will comprise the underground electrical infrastructure required to connect the Principal Site to National Grid Cottam Substation is approx. 318ha. The Project would operate for up to 60 years.

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

Principle Development

- Work No. 1 – a ground mounted solar PV generating station.

Associated Development

- Work No. 2 – battery energy storage systems ("BESS")
- Work No. 3 – works in connection with new on-site substations
- Work No. 4 – works in connection with high voltage electricity cabling
- Work No. 4A – Works to lay high voltage electrical cables connecting substations
- Work No. 4B – 400 kilovolts ("kV") electrical works connecting to Works No. 4B and Works No. 4D
- Work No. 4D – 400kV electrical works connecting to works No. 4C and Works No. 4E
- Work No. 4E - 400kV electrical works connecting to works No. 4D and Works No. 5
- Work No. 5 – Works to the National Grid Cottam substation to facilitate connection of the authorised development.
- Work No. 6 – general works
- Works No.7 – construction and decommissioning compounds
- Works No. 8 – Works to develop a solar farm control centre and equipment storage
- Works No. 9 – works for areas of habitat management
- Works No 10A – works to facilitate permanent access to Works Nos. 1 to 9
- Works No. 10B – works to facilitate temporary construction and decommissioning access to Works Nos. 1 to 9
- Works No. 10C – works to facilitate permanent emergency access for fire service vehicles associated with Work No. 2
- Work No. 11 – sensitive archaeological site protection and management

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 [REP4-016] 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”). These 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 Nine¹¹. 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.

2.1 Project Location

The location of the Project lies wholly within England, within the administrative boundaries of the boroughs of Lincolnshire Country Council (“LCC”), West Lindsey District Council (“WLDC”), Nottinghamshire County Council (“NCC”) and Bassetlaw District Council (“BDC”).

The Principal site is located approximately 5km to the east of Gainsborough and 13km north of Lincoln. The CRC would extend approx. 18.5km from the south-western corner of the principal site to connect with Cottam substation, the route of this corridor is described in detail in ES chapter 2 [REP4-013].

The area is characterised by predominately open fields typically interspersed by small villages, with the principal site typically comprising of parcels of open arable farmland bound by hedgerows and trees at junctures with the highway.

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

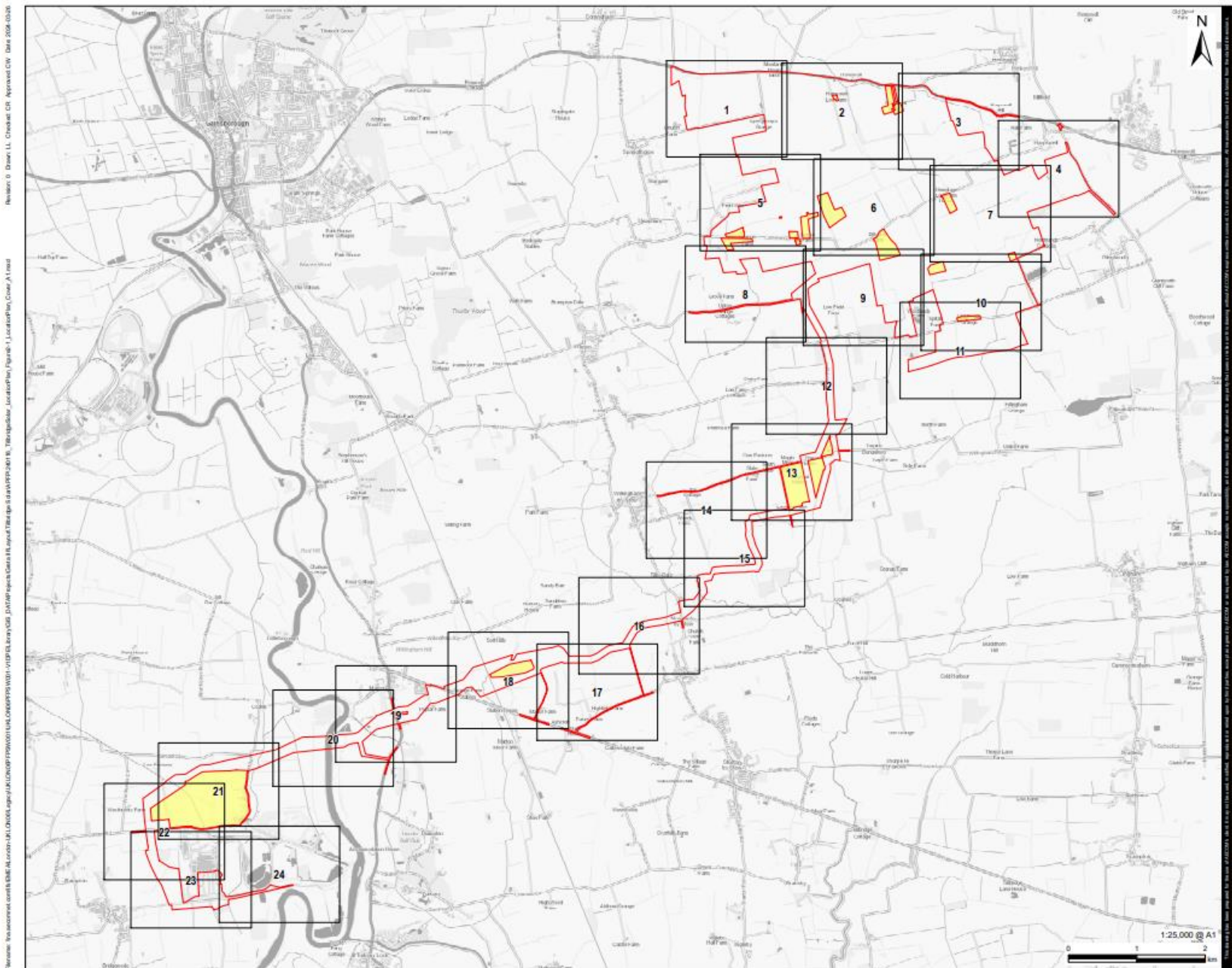


Figure 1: The Order Limits of the Project at the close of Examination.

2.2 Changes to the Project application during Examination

During the Examination, the Applicant submitted a formal change request ("CR") on 27 September 2024 [AS-036] to reduce the order limits, remove highway extents from the order limits, refine access arrangements and diversion of construction and decommissioning traffic to a different access. The relevant documents related to the CR can be found in the examination library under references [AS-036] to [AS-066].

This change request was accepted by the ExA on 24 October 2024 [PD-008]. It was concluded that the proposed changes, alone or cumulatively, were not so substantial that they would constitute a materially different project and that the proposed changes would not result in any change, or any new significant effects for any topic assessed within the ES or the HRA Report [ER.2.5.6].

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

The Applicant originally used a 10km screening radius for Protected sites after reviewing EA guidance¹², however during pre-application, comments were received from the EA in relation to the potential for electro-magnetic fields (“EMF”) to affect migratory fish. The Applicant then amended their screening to be undertaken beyond the original 10km identified if a hydrological link could be established, to determine if the Project could be connected to any protected sites designated for migratory fish. NE was also consulted on the screening radius during the Examination, and they were satisfied [REP3-71] that the distances used were appropriate to identify all relevant protected sites.

The HRA Report concluded that there were no protected sites within the screening radius, however there was a potential impact pathway identified (hydrographical), the following protected sites were considered in the HRA Report (see figure 2):

- Humber Estuary SAC
- Humber Estuary Ramsar site

The baseline evidence and potential construction, operational and decommissioning effects on the protected sites are identified in Section 4 of the HRA Report.

NE also did not identify any additional protected sites or features within its RR [RR-208] 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.

¹² <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit>

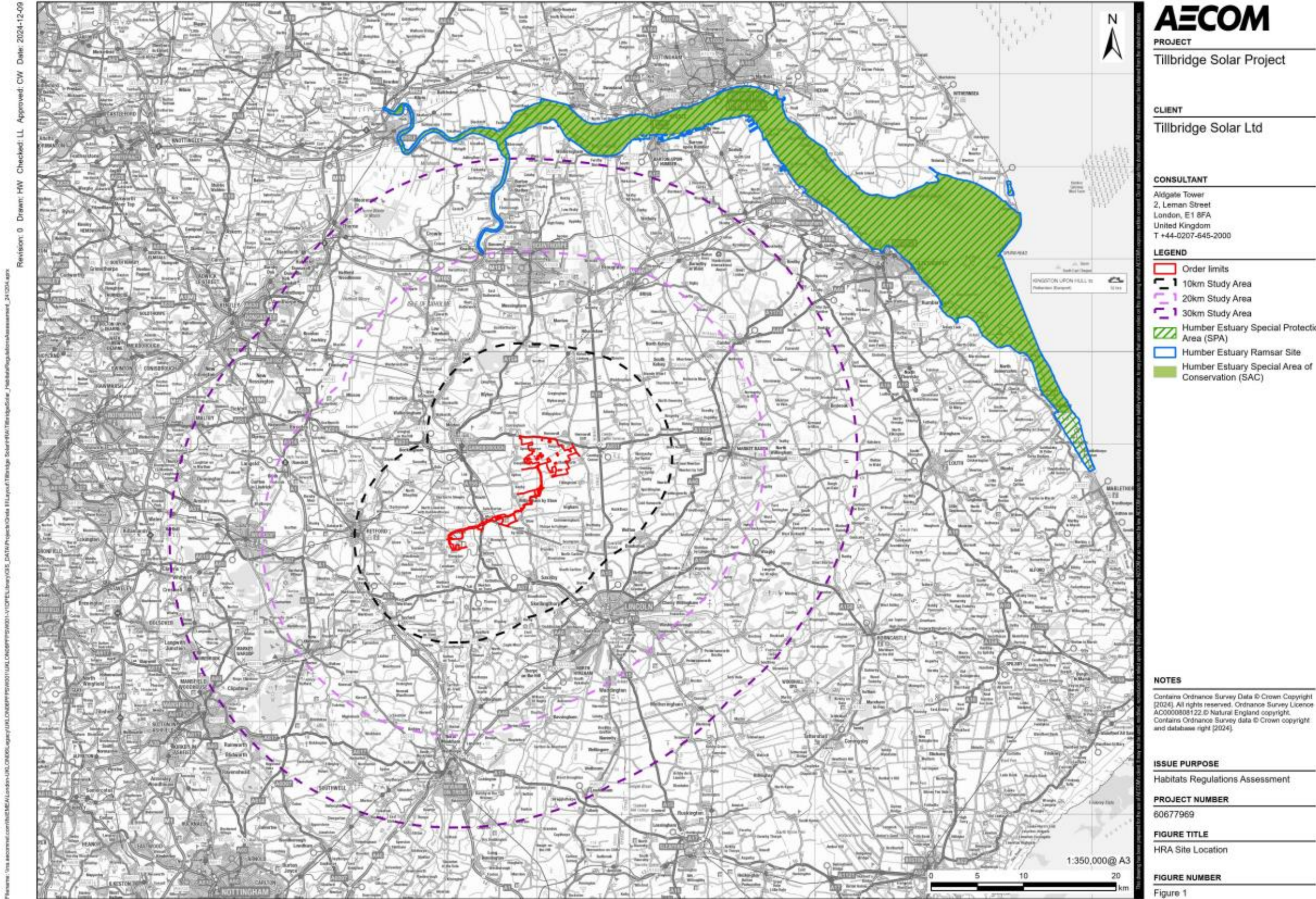


Figure 2: The Proposed Development (in red) location in relation to the Humber Estuary SAC and Ramsar Site (Green)

3.2 LSE alone

The protected sites and qualifying features that were considered in the Applicant's screening exercise are presented in Section 3 of the HRA Report. It sets out the methodology applied in determining what would constitute a 'significant effect'. The Applicant screened in the following protected sites:

- Humber Estuary SAC
- Humber Estuary 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:

- Noise Disturbance (C), (D)
- Visual Disturbance (C), (D)
- Disturbance to Functionally Linked Land ("FLL") (O)
- Water Quality Impacts (silt and bentonite) (C, D)
- Barriers to Movement (including EMF) (O)

The Applicant's screening conclusions for each site, feature and effect pathway identified above are presented in Section 4 and the screening matrices (appendix A) of the HRA Report. Each matrix includes footnotes that set out evidence to support the Applicant's conclusions in relation to the LSEs.

For both protected sites identified, the Applicant and the ExA concluded that LSE alone could be ruled out for both sites.

NE agreed with the conclusions of the Applicant's HRA Report during Examination and confirmed all HRA matters relating to LSE were agreed in their final SoCG [REP6-044].

While the Applicant's assessment of Noise and Visual disturbance was considered appropriate during examination, there were queries raised regarding the other three impact pathways throughout examination.

3.2.1 Functionally linked land for Golden Plover (*Pluvialis apricaria*)

NE's relevant representation [RR-208] raised the potential impacts on functionally linked land for passage and wintering golden plovers of the Humber Estuary Ramsar site.

In response to NE comments [RR-208], the Applicant stated [REP1-028] that it had updated the HRA Report to provide further reasoning to support its decision to exclude the impacts to the passage and wintering of golden plover from screening for LSE. The Applicant noted that

the closest section of the Project to the Humber Estuary Ramsar Site is 20.2km away and that area lacked the primary habitat that the feature requires.

The Applicant concluded that functional habitat for golden plover was beyond the area where there could be a potential functional link with the Humber Estuary Ramsar Site. It therefore concluded that the Project was unlikely to be located on an area providing foraging habitat for this qualifying feature. As such it was ruled out prior to the screening for the LSE stage of their HRA.

NE confirmed to the ExA in their response [REP1-058] to ExQ1[PD-009] that the further information provided by the Applicant satisfied their concerns and was content that this qualifying feature could be screened out without further consideration.

3.2.2 Water Quality impacts (silt and bentonite)

NE also raised that further information was required relating to water quality matters [RR-208], including silt and bentonite impacts from construction on migratory river and sea lamprey. In response to this, the Applicant updated their HRA Report to include an additional impact-pathway from construction and decommissioning pollutants (silt and bentonite) to sea and river lamprey qualifying features of the Humber Estuary SAC and Humber Estuary Ramsar site.

The Applicant concluded [REP1-058A] that there would be no LSE on the Humber Estuary SAC and Humber Estuary Ramsar site from this impact-pathway. This was based on the location of works and that there would be no in-river works taking place as set out in paragraph 5.2.5 of the Applicants HRA Report.

NE did not raise any objections to the applicant's conclusion of no LSE [REP6-044], and it was marked as resolved within the final SoCG.

3.2.3 Barriers to species of Movement (including EMF)

In their relevant representation, the EA [RR-093] identified the potential for EMF effects on both river and sea lamprey. It requested that the Applicant secure a program of monitoring.

The uncertainty on impacts of EMF on these migratory fish was discussed throughout the examination, with the ExA [PD-009] raising questions regarding the applicant's approach of assessing burial depths of the cables that would pass under the River Trent and asked the Applicant, the EA and NE whether the migratory fish would be impacted by EMF.

NE responded [REP3-071] stating they were satisfied with the approach to cable burial and considered that impacts from EMF would be unlikely to cause significant impacts. However, they also acknowledged that there is currently a knowledge gap regarding the impacts in this area, and that a commitment to monitor the impacts of EMF on migratory fish would be necessary.

The EA also responded [REP3-068] noting that some fish might detect an EMF in the water which may create an invisible barrier and therefore the EA cannot currently advise what the impacts to species would be.

The Applicant updated their Framework Operational Environment Management Plan (“FOEMP”) [REP6-026] to include a commitment to EMF monitoring within the River Trent. The applicant’s approach is explained further in [REP3-063]. This states that, subject to agreement on the details with NE and the EA and any necessary consents from landowners such as the Canal and River Trust (“CRT”), monitoring would continue for at least 3 years following commissioning of the first cable crossing.

The EA confirmed [REP6-057] that it was satisfied that the wording in the FOEMP is sufficient to secure the EMF monitoring required.

An additional concern regarding EMF was raised by NE [RR-208] and CRT [RR-036], both requesting clarity on the rationale behind the use of a 5m burial depth for the River Trent cable crossing. The ExA noted this and also asked in ExQ1 [PD-009] if this depth was applied as mitigation, while referring to the judgement in *People over Wind and Sweetman v Coillte Teoranta* (2018)¹³.

The applicant responded to these questions [REP3-062] that the wording in the updated Outline Design Principle Statement [REP4-020] had been amended to clarify that the primary reason for burial depth of a minimum of 5m below the River Till and River Trent is to avoid the mobilisation of silt from the riverbed and to reduce the risk of scour exposing the cable.

This explanation was considered satisfactory by NE [REP3-071] and CRT [REP1-030] as it is considered to be a feature of the project. This allows it to be taken into account during the screening stage because it is a standard feature inherent to the project and integral to the design and physical characteristics of the project.

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;

¹³ ECJ case reference C-323/17, available:

<http://curia.europa.eu/juris/document/document.jsf?docid=200970&doclang=EN>

- 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 5.4 of the HRA Report, which sets out the methodology applied. Details of the other projects included in the in-combination assessment are set out in Table 8 of the HRA report.

The following sites were identified by the Applicant as potentially having LSE in-combination with the following other projects:

- Humber Estuary SAC
- Humber Estuary 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:

- Noise Disturbance (C), (D)
- Visual Disturbance (C), (D)
- Disturbance to Functionally Linked Land ("FLL") (O)
- Water Quality Impacts (silt and bentonite) (C, D)
- Barriers to Movement (including EMF) (O)

The Applicant's HRA Report concluded that there would be no LSE in-combination with other projects for both protected sites for all impact pathways. No concerns were raised by IPs during the Examination relating to the in-combination LSE assessment and NE confirmed in their SoCG [REP6-044] that they were satisfied with the Applicant's conclusions.

The RIES and HRA Report provide further information regarding protected sites and qualifying features which were considered. The Secretary of State is satisfied to adopt the rationale 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 Regulations.

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.

The Secretary of State also agrees with the recommendations of the ExA in accordance with the Applicant's assessment and advice of the SNCB and concludes that LSE can be ruled out for both sites detailed in Table 1, when the project is considered alone and in-combination.

4. Conclusion

The Secretary of State has carefully considered all the information presented within the Application and during the Examination, including the representations made by all IPs including the SNCB, along with the ExA's Recommendation. The ExA recommended [ER4.1.7] that the RIES and consultation on it may be relied upon as an appropriate body of information to enable the Secretary of State to fulfil his duties of consultation. The Secretary of State agrees and considers that the SNCB has been appropriately consulted. The Secretary of State is satisfied that the relevant protected sites have been identified for consideration of LSE.

Having carefully considered all the information before him, the Secretary of State concludes that the potential for LSE alone or in-combination with other plans and projects to the identified protected sites can be ruled out. This conclusion and its reasoning are consistent with the advice provided by NE and the ExA's recommendation.

Author: Energy Infrastructure Planning
Department for Energy Security and Net Zero

Date: October 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
Humber Estuary SAC	See footnote ¹⁴	River Lamprey <i>Lampetra fluviatilis</i> Sea Lamprey <i>Petromyzon marinus</i>	Visual Disturbance (C, D) Noise Disturbance (C, D) Water Quality Impacts (silt and bentonite) (C, D) Barriers to Movement (including EMF) (O) All assessed alone and in-combination
Humber Estuary Ramsar Site	N/A	River Lamprey <i>Lampetra fluviatilis</i> Sea Lamprey <i>Petromyzon marinus</i>	Visual Disturbance (C, D) Noise Disturbance (C, D) Water Quality Impacts (silt and bentonite) (C, D) Barriers to Movement (including EMF) (O) All assessed alone and in-combination

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<https://designatedsites.naturalengland.org.uk/ConservationAdvice/SupplementaryAdvice.aspx?SiteCode=UK0030170&SiteName=Humber%20Estuary&SiteNameDisplay=Humber+Estuary+SAC&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=&NumMarineSeasonality=8>