



Planning
Inspectorate

REPORT on the IMPLICATIONS for EUROPEAN SITES

Proposed Beacon Fen Energy Park

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

Planning Inspectorate Reference: EN010151

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1 INTRODUCTION

1.1 Background

- 1.1.1 Beacon Fen Energy Park Limited ('the applicant') has applied for a Development Consent Order (DCO) under section 37 of the Planning Act 2008 (PA2008) for the proposed Beacon Fen Energy Park ('the proposed development'). On behalf of the Secretary of State (SoS) 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 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 SoS 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 4 (DL4) of the examination (24 November 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/published-documents/EN010151-000367-Beacon%20Fen%20Examination%20Library.pdf>
- 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. 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 SoS 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 SoS.

- 1.1.7 Following consultation, the responses will be considered by the ExA in making their recommendation to the SoS and made available to the SoS 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 ('the HRA Report') comprised the following document(s):
- Shadow Habitat Regulations Assessment (Shadow HRA) [APP-050], updated at DL2 [REP2-013]
- 1.2.2 The HRA Report concluded that adverse effects on the integrity of all European sites could be excluded.
- 1.2.3 In addition to the HRA Report, 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.

1.3 Change Requests

- 1.3.1 To date, the applicant has notified the ExA of a proposed change to the proposed development [AS-029] this has not been accepted into the examination at the point of the drafting of the RIES.
- 1.3.2 No information had been provided at the time of drafting this RIES of any relevant HRA matters arising from these change requests.

1.4 RIES questions

- 1.4.1 This RIES contains questions predominantly targeted at the applicant and ANCB, which are drafted in **blue, bold text**.
- 1.4.2 The responses to the questions posed within the RIES and comments received on it will be of great value to the ExA in understanding IPs' positions on Habitats Regulations matters. It is stressed that responses to other matters discussed in the RIES are equally welcomed. In responding to the questions, please refer to the ID number.
- 1.4.3 In responding to the questions in tables 2.3 and 3.1, please refer to the ID number in the first column.
- 1.4.4 Comments on the RIES are timetabled for DL6 (12 January 2025).

1.5 HRA Matters Considered During the Examination

- 1.5.1 The examination to date has focussed on the following matters:
- The methodology applied to the screening stage of the HRA.
 - The consideration of the Lapwing qualifying feature of the Wash SPA and Ramsar Functionally Linked Land (FLL).
 - Projects considered in the in-combination assessment.

- The adequacy of mitigation measures.

2 LIKELY SIGNIFICANT EFFECTS (LSE)

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.
- 2.1.2 The HRA Report [APP-050] set out the identified pathway of effects but did not provide information on screening distances or criteria used in determining sites to screen.
- 2.1.3 The ExA sought confirmation through ExQ1 BIO 1.6 as to the screening distances and criteria used in relation to geographical extent of effect and potential pathways. The applicant responded confirming that it had used a screening distance based upon a Zone of Influence for each potential impact. Screening distances were confirmed as 20km for most species and 30km for bat species.
- 2.1.4 (NE) [REP2-059,BIO1.9] confirmed that it found the methodology, data and approach undertaken by the applicant as acceptable, providing no additional comments.

Sites within the UK National Site Network (NSN)

- 2.1.5 The applicant's shadow HRA Report [APP-050] identified 2 European sites within the UK National Site Network for inclusion within the assessment. The applicant also identified a SSSI, however SSSIs are not covered by the Habitats Regulations and therefore will not be discussed further in this report. The European sites are listed in table 1: Qualifying features and conservation objectives of the designated sites, of the shadow HRA Report [APP-050] 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 [APP-050]

| Name of European site | Distance from proposed development (km) |
|--------------------------------------|---|
| The Wash SPA and Ramsar | 14.2km |
| The Wash and North Norfolk Coast SAC | 14.2km |

- 2.1.6 The locations of these sites relative to the proposed development are depicted on drawing: ST19595-501 of the shadow HRA Report [APP-050].

2.2 Potential impact pathways

- 2.2.1 Section 4.4 of the shadow HRA Report [APP-050] details the potential impact pathways from the proposed development, along with the potential

geographical extent of effects. Table 4 of the Shadow HRA Report [APP-050] lists the sites and the impact pathways which could affect them, which are also set out in table 2.2 below.

Table 2.2 Pathways for LSE assessed by the applicant

| European site | LSE pathway |
|--|---|
| The Wash SPA and Ramsar - Gadwall | Loss /Impact to functionally linked habitat |
| The Wash SPA and Ramsar | Changes to the water quality and hydrological regime change |
| The Wash and North Norfolk SAC - Otter | Loss /Impact to functionally linked habitat |
| The Wash and North Norfolk SAC | Changes to the water quality and hydrological regime change |

2.2.2 The Shadow HRA Report assessed the potential impacts during construction, operation and maintenance and decommissioning. The applicant considered that all potential impacts during the decommissioning phase would be similar to, and potentially less than, those outlined in the construction phase [APP-050].

2.2.3 During the examination, IPs identified the following additional impact pathways (see table 2.3 of this RIES for further details):

- The Wash SPA and Ramsar - Lapwing – Loss/Impact to functionally linked land

2.3 In-combination effects

2.3.1 Section 5.3 of the shadow HRA Report [APP-050] detailed the applicant's approach to assessing in-combination effects. The projects included in the in-combination assessment were detailed in table 5 of the Shadow HRA Report [APP-050].

To the applicant, please provide a figure showing the location the projects included in table 5 of APP-050.

2.3.2 It was noted that the HRA report [APP-050] did not specifically set out how the applicant has taken into account in-combination effects during the screening stage. The applicant responded to ExQ1 BIO.1.11 [REP2-040] to confirm that in-combination effects were taken into account at the screening stage. With Heckington Fen Solar Park being the only development considered likely to cause in-combination effects through hydrological connections and loss of FLL. The applicant notes that the full list of projects set out in appendix 4.2: Cumulative Assessment Shortlist [APP-082] were not included in the HRA [APP-050] as no potential effects were identified. The updated HRA [REP2-

013] however has been updated to include this information. The conclusion remains unchanged.

- 2.3.3 Additional projects were highlighted by North Kesteven District Council [REP2-061] and Lincolnshire County Council [REP1-044] during the examination in relation to the Environmental Statement.

Can the applicant confirm whether there are any implications to European Sites or the HRA report arising from these projects.

2.4 The applicant's assessment

- 2.4.1 The applicant's conclusions in respect of screening are presented in table 4 of the Shadow HRA Report [APP-050], respectively.

Sites for which the applicant concluded LSE on some or all qualifying features

- 2.4.2 The applicant concluded that the proposed development would be likely to give rise to significant effects, either alone or in combination with other projects or plans, on one or more of the qualifying features of:
- The Wash SPA and Ramsar
 - The Wash and North Norfolk Coast SAC
- 2.4.3 The qualifying features and LSE pathways screened in by the applicant are detailed in section 4 of the HRA Report [APP-050].
- 2.4.4 Changes to the water quality and hydrological regime change was screened out for both sites.
- 2.4.5 The applicant's decision to exclude certain LSE on qualifying features were disputed by IPs and questioned by the ExA during examination. See section 2.5 of this RIES for further details.

2.5 Examination matters

- 2.5.1 Matters raised to date, or those for which the ExA seeks clarity, in relation to LSEs screened out or not considered by the applicant are summarised in table 2.2 below.
- 2.5.2 NE agreed [RR-015] that all relevant European sites have been identified by the applicant.
- 2.5.3 In addition to the points below. It was noted that the Shadow HRA provided very little information on the methodology for the screening assessment and therefore the ExA sought information on the screening distances and pathways identified to inform the sites to be assessed.
- 2.5.4 The applicant confirmed [REP2-040, BIO1.6], the screening distances used and approach to determining these. It also set out [REP2-040, BIO1.7] the approach to determining species to screen.
- 2.5.5 NE [REP2-059, BIO1.9] confirmed that it found the methodology, data and approach undertaken by the applicant as acceptable, providing no additional comments.

- 2.5.6 It was noted that the screening report [APP-050] did not explicitly state whether it had taken into account in-combination effects. The applicant responded to ExQ1 BIO.1.11 [REP2-040] to confirm that in-combination effects were taken into account at the screening stage. With Heckington Fen Solar Park being the only development considered likely to cause in-combination effects through hydrological connections and loss of FLL. The applicant notes that the full list of projects set out in appendix 4.2: Cumulative Assessment Shortlist [APP-082] were not included in the HRA [APP-050] as no potential effects were identified. The updated HRA [REP2-013] however has been updated to include this information. The conclusion remains unchanged. NE [REP4-022] confirmed agreement on this matter.

Table 2.3: 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 |
|--|--|--|---|
| Wash and North Norfolk Coast (WNNC) SAC | | | |
| 2.3.1 | Otter feature | NE confirmed its view of no LSE on the otter feature of the WNNC SAC [RR-015]. The ExA [PD-007] sought confirmation from the applicant and NE that the consideration of LSE on the otter feature of the WNNC SAC had included the impact of launch sites which would be required for the Horizontal Directional Drilling. The applicant conformed [REP2-040] that this had been considered as part of the worst-case scenario assessed. The Environment Agency (EA) noted this matter as resolved following the updated Construction Environmental Management Plan (CEMP) [REP2-017 and REP2-018]. | n/a – matter resolved. ANCB has agreed no LSE. |
| 2.3.2 | Mitigation in the outline Construction Environmental Management Plan | <p>The ExA [PD-007] sought views from the ANCBs and other IPs as to whether the measures as set out in the oCEMP were sufficiently detailed to be relied upon.</p> <p>NE [REP2-059] noted that it was satisfied with the level of information contained.</p> <p>EA [REP2-047] set out that the level of information was currently insufficient and set out details of changes it sought. The Inspectorate is of a view that these changes do not relate to mitigation relied upon in relation to LSE identified under the HRA Regulations.</p> | Question to NE, EA and the applicant, please confirm, in your view, whether any of the concerns raised by the EA in [REP2-047] in response to ExQ1 WFR 1.2 relate to mitigation relied upon under the HRA regulations. If so, please explain what is required to progress this matter. |

| The Wash SPA and Ramsar (FLL) | | | |
|--------------------------------------|----------------|---|--|
| 2.3.4 | Lapwing | <p>NE [RR-015] requested the HRA report to be updated to show the species screened by the applicant, not just those screened in. It noted that whilst Lapwing is not named in the SPA/ Ramsar citation, that it should be considered as part of the 'Waterbird assemblage'.</p> <p>In response, the applicant provided an updated HRA [REP2-013] which considered the potential for LSE on the Lapwing qualifying feature of the Wash SPA and Ramsar site.</p> <p>NE [REP4-022] noted that discussion regarding mitigation had progressed and was under review by NE.</p> | <p>Question to NE, are NE in a position to agree with the conclusions of no AEol following a review of mitigation measures?</p> |
| 2.3.5 | LSE on Gadwall | <p>Concerns were raised by North Kesteven District Council [REP3-010] in relation to whether a 70dB threshold for Gadwall would mitigate LSE. This was previously stated in the Local Impact Report [REP1-054].</p> <p>NE [RR-015] noted agreement with the proposed mitigation measures.</p> | <p>Question to NKDC and the applicant, has any further discussion taken place to secure agreement on this matter?</p> |

2.6 Summary of examination outcomes in relation to screening

- 2.6.1 The ExA's understanding of the applicant's and relevant ANCBs current positions in relation to LSEs is set out above.
- 2.6.2 Of the matters detailed in table 2.3 of this RIES, the applicant has agreed during the examination that an LSE should also be screened in for:
- Lapwing qualifying feature of the Wash SPA and Ramsar FLL.

3 ADVERSE EFFECTS ON INTEGRITY

3.1 Conservation Objectives

- 3.1.1 The conservation objectives for all of the European sites for which a LSE was identified by the applicant at the point of the DCO application were included within the HRA Report appendix 3 [APP-050].
- 3.1.2 As noted in section 2 of this RIES, potential LSEs on additional European sites (The Wash and North Norfolk Coast SAC and the Wash SPA and Ramsar sites) were identified and agreed during the examination.
- 3.2 The ExA through ExQ1 sought information from NE on whether the site(s) are in favourable or unfavourable condition. NE responded to ExQ1 BIO. 1.9 [REP2-059] providing an overview of feature and unit condition and links to further information on condition of features.

The applicant's assessment

- 3.2.1 The European sites and qualifying features for which LSE were identified were further assessed by the applicant to determine if they could be subject to AEol from the proposed development, either alone or in combination. The outcomes of the applicant's assessment of effects on integrity are summarised in section 5 of the HRA Report [APP-050].

Mitigation measures

- 3.2.2 The applicant's HRA Report [APP-050] identified mitigation measures in paragraphs 5.2.5 and 5.2.6 for the Wash SPA and Ramsar site for the qualifying feature of gadwall and paragraph 5.2.11 for the WNNC SAC for the qualifying feature of otter [APP-050]. These were taken into account in the applicant's assessment of effects on integrity.
- 3.2.3 Following a request from NE for the applicant to consider lapwing, mitigation for gadwall was extended to include lapwing [REP2-059] in the updated HRA report.

Sites for which the applicant concluded no AEol

- 3.2.4 The applicant concluded that the proposed development would not adversely affect the integrity of any of the European sites and features assessed, either alone or in combination with other projects or plans.

3.3 Examination matters

- 3.3.1 NE [RR-013] noted agreement in relation the qualifying feature of otters at the WNNC SAC of no AEol.
- 3.3.2 Matters raised in the examination to date, or for which the ExA seeks clarity, in relation to AEols are summarised in table 3.1 below.

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 |
|-------------------------------------|--------------------------|---|--|
| Wash and North Norfolk SAC | | | |
| 3.1.1 | Otter | No outstanding matters. | n/a – matter resolved. ANCB has agreed no AEol. |
| The Wash SPA and Ramsar Site | | | |
| 3.1.2 | Gadwall | NE note that agreement to conclusions on AEol for the Wash SPA and Ramsar could not be provided in the relevant representation as a few queries remained outstanding in relation to the screening assessment [REP1-051]. This matter was not discussed further. | Question to NE and the applicant, can NE provide its view on the conclusions on AEol for the qualifying feature of Gadwall. Where disagreement remains, this should be set out. |
| 3.1.3 | Lapwing | In response, to request from NE for the applicant to consider Lapwing, the applicant provided an updated HRA [REP2-013] which considered that there was potential for LSE. This was therefore considered at stage 2 of the HRA (Appropriate Assessment) where mitigation in the form of a buffer, November to February has been secured (similar to that for Gadwall (see above)). Following this mitigation, the applicant concluded no AEol. | Question to NE and the applicant, can NE provide its view on the conclusions on AEol for the qualifying feature of Lapwing. Where disagreement remains, this should be set out. |

3.4 Summary of examination outcomes in relation to adverse effects on integrity

- 3.4.1 As noted in table 3.1 of this RIES, the applicant concluded that an AEol of the following European sites and features can be excluded:
- The Wash and North Norfolk SAC – Otter - Loss /Impact to functionally linked habitat
 - The Wash SPA and Ramsar – Overwintering gadwall – potential impact pathway
 - The Wash SPA and Ramsar – lapwing – potential impact pathway
- 3.4.2 To date in the examination, the matters identified in table 3.1 of this RIES in respect of disputed AEols remain unresolved. The ExA seeks responses from the applicant and ANCB, where indicated, to provide clarity on the outstanding matters.
- 3.4.3 The ExA's understanding of the applicant's and the ANCB's current positions in relation to AEols is set out in table A1.1 of annex 1 of this RIES.

ANNEX 1 EXA'S UNDERSTANDING OF POSITION AT POINT OF RIES PUBLICATION

- 3.4.4 The tables in this annex summarise the ExA's understanding of the applicant's screening exercise and assessment of effects on integrity, and agreement with the relevant ANCB at time of publication of this RIES.

Key to tables:

C = Construction

O = Operation

D = Decommissioning

ü = LSE or AEoI cannot be excluded

X = LSE or AEoI can be excluded

Y = Yes

N = No

? = Unclear

n/a = not applicable

Table A1.1: Wash and North Norfolk SAC

Note that the conclusions recorded in the table below apply to impacts from the proposed development alone and in combination, unless otherwise stated.

| Feature | Potential impact (C, O and D unless otherwise stated) | LSE? | | AEol? | |
|---------|---|--|---------------------|--|--|
| | | Applicant's conclusion (alone or in combination) | Agreement with ANCB | Applicant's conclusion (alone or in combination) | Agreement with ANCB <small>Error! Bookmark not defined.</small> |
| Otter | Potential disturbance of waterbodies crossed by the Cable Route Corridor. | Y | Y | X | Y |

Table A1.2: The Wash SPA and Ramsar sites

| Feature | Potential impact (C, O and D unless otherwise stated) | LSE? | | AEol? | |
|---------|---|--|---------------------|--|--|
| | | Applicant's conclusion (alone or in combination) | Agreement with ANCB | Applicant's conclusion (alone or in combination) | Agreement with ANCB <small>Error! Bookmark not defined.</small> |
| Gadwall | Potential disturbance | Y | Y | X | ? |
| Lapwing | Potential disturbance | Y | Y | X | ? |