



UK Government

Habitats Regulations Assessment for an Application Under the Planning Act 2008

Beacon Fen Solar Farm

Regulation 63 of the Conservation of
Habitats and Species Regulations 2017

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List of abbreviations

Term	Abbreviation
Adverse Effect on Integrity	AEoI
Appropriate Assessment	AA
Battery Energy Storage Systems	BESS
Boston Borough Council	BBC
Change Request	CR
Outline Construction Environmental Management Plan	oCEMP
Outline Landscape and Ecological Management Plan	oLEMP
Development Consent Order	DCO
Ecological Clerk of Works	ECoW
Environmental Statement	ES
European Economic Area	EEA
Examining Authority	ExA
Functionally Linked Land	FLL
Habitat Regulations Assessment	HRA
Horizontal Directional Drilling	HDD
hectares	Ha
Interested Parties	IPs
Kilovolt	kV
Likely Significant Effect	LSE
Lincolnshire County Council	LCC
Landscape and Ecology Management Plan	LEMP
Nationally Significant Infrastructure Project	NSIP
National Site Network	NSN
Natural England	NE
North Kesteven District Council	NKDC
Overhead Line	OHL
megawatts	MW
Relevant Representation	RR
Report on the Implications for European Sites	RIES
Solar Photovoltaic	PV

Special Areas of Conservation	SACs
Special Protection Areas	SPAs
Statement of Common Ground	SoCG
Statutory Nature Conservation Body	SNCB
Supplementary Advice on Conservation Objectives	SACO
The Conservation of Habitats and Species Regulations 2017	the Habitats Regulations
The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019	The 2019 Regulations
The Convention on Wetlands of International Importance 1972	The Ramsar Convention
The Planning Inspectorate	PINS
The Secretary of State for Energy Security and Net Zero	The Secretary of State
United Kingdom	UK
Zone of Influence	Zol

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 2019 (“the 2019 Regulations”) in respect of the Development Consent Order (“DCO”) for the Beacon Fen Energy Park and its associated infrastructure (the “Project”). The Examining Authority (“ExA”) defines this as the “Proposed Development”. For the purposes of these Regulations, the Secretary of State is the competent authority.

The Project comprises the construction, operation and maintenance, and decommissioning of a solar photovoltaic (“PV”) array electricity generating facility. The Project includes solar PV panels, Battery Energy Storage Systems (“BESS”), a bespoke access road and associated grid connection infrastructure which will allow for the generation and export of electricity (up to 400 megawatts (“MW”) at any time) to the Bicker Fen Substation. The operational design life of the Project is 40 years.

The Project constitutes a nationally significant infrastructure project (“NSIP”) as defined by sections 14 and 15 of the Planning Act 2008 as it includes the construction or extension of a generating station in England, not generating electricity from wind and is not an offshore generating station, but has a capacity of more than 50MW.

The Application was accepted by the Planning Inspectorate (“PINS”) on 01 May 2025 and one Inspector was appointed as the Examining Authority (“ExA”) for the Application. The Examination of the Project Application began on 23 September 2025 and concluded on 23 February 2026. The ExA submitted its report of the Examination including its recommendation (“the ExA’s Report”) to the Secretary of State on 22 May 2026. Numbered references to the ExA’s Report are presented in the format “[ER *.*]”.

This HRA also considers potential effects of the Project on protected sites in European Economic Area (“EEA”) States (“transboundary sites”). This is described in more detail in Section 6 of this document.

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

1.2 Habitat 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 (“SACs”). The Regulations also provide for the classification of sites for the protection of rare and vulnerable birds and for regularly occurring migratory species within the UK and internationally. These sites are called Special Protection Areas (“SPAs”). SACs and SPAs together, referred to as European sites in legislation, form part of the United Kingdom (“UK”) 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. They are afforded the same level of protection as sites within the NSN following amendments to the 2017² Habitat Regulations by the Planning and Infrastructure Act 2025. For the purpose of this report sites within the NSN and Ramsar sites will be collectively referred to in this document as “protected sites”.

Regulation 63(1) of the Habitats Regulations provides that:

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

And that:

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

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

The Secretary of State has had regard to relevant guidance on the application of the HRA including the PINS (2024) Advice Note³, European Commission guidance⁴, as well as joint

² <https://www.legislation.gov.uk/ukxi/2017/1012/regulation/63>

³ [Nationally Significant Infrastructure Projects: Advice on Habitats Regulations Assessments - GOV.UK](https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-advice-on-habitats-regulations-assessments)

⁴ <https://op.europa.eu/en/publication-detail/-/publication/11e4ee91-2a8a-11e9-8d04-01aa75ed71a1>

guidance by DEFRA, Natural England (“NE”), the Welsh Government, and Natural Resources Wales (2021) on ‘Habitats Regulations Assessment: protecting a European site’⁵.

1.3 Site conservation objectives

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

DEFRA Guidance indicates that disturbance to a species or deterioration of a protected site must be considered in relation to the integrity of that site and its conservation objectives⁶. It states that *“the integrity of a site is the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was designated”*.

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

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

Where supplementary advice is not yet available for a site, NE advises that HRAs should use the generic objectives⁷ 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

⁵ <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

⁶ <https://www.gov.uk/guidance/appropriate-assessment>

⁷ <http://publications.naturalengland.org.uk/publication/6734992977690624?cache=1656417868.31>

- 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 and, where available, supplementary advice on conservation objectives have been used by the Secretary of State to consider whether the Project has the potential to have an AEoI of sites, either alone or in-combination with other plans or projects. The SACOs relevant to this HRA, are referenced in Table 1 of this document for protected sites considered as part of the AA for the Project.

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

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

The ExA, with the support of the Inspectorate’s Environmental Services Team, produced a Report on the Implications for European Sites (“the RIES”) [PD-014]. The purpose of the RIES was to compile, document, and signpost information submitted by the Applicant and IPs during the Examination (up to 24 November 2025)). It was issued to ensure that Interested Parties (“IPs”), including NE as the SNCB under Regulation 5 of the Habitats Regulations, had been formally consulted on Habitats Regulations matters in respect of the Application for the Project during the Examination.

The RIES was published on the PINS NSIP website and the ExA notified IPs that it had been published. Consultation on the RIES was undertaken between 08 December 2025 and 29 December 2025. NE, following a review of the RIES, raised there was one outstanding matter relating to the 60m proposed buffer in the North-East corner of the array to restrict works during the wintering months (November-February) [REP6-045]. The Applicant responded to the outstanding concerns noted in the RIES in their response to ExQ2 and detailed the on-going discussions with NE to close out their issues. [REP5-048]. By the close of examination this matter

was resolved and the applicant had updated their oLEMP to include Acoustic fencing and up to a 200m buffer from works in area where lapwing or gadwall were present during the winter period.

The ExA's recommendation was 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 their duties of consultation under regulation 63(3) of the Habitats Regulations [ER 4.6.2.].

1.5 Documents referred to in this HRA

This HRA has taken account of, and should be read in conjunction with, the documents produced as part of the Application and Examination, which are available on the PINS NSIP website⁸. In particular:

- the ExA's Report;
- the RIES [PD-014];
- the Applicant's Shadow Habitats Regulations Assessment Report ("HRA Report") [REP7-016];
- the Environmental Statement ("ES") [APP-052 – APP-190] (and as updated in Examination); and
- the Statement of Common Ground ("SoCG") with NE [REP7-045].
- NE's Risks and Issues Log [REP8-036]
- all other information submitted during the Examination and during the Secretary of State's consideration of the Application.

The final signed SoCG between the Applicant and NE [REP7-045] was submitted at Deadline 7 [REP7-045]. The SoCG confirmed that all HRA matters were agreed between the two parties, and that there were no HRA matters outstanding between them in respect of the Project. This is also reflected in the Deadline 8 NE Risk and Issues log [REP8-036].

The Secretary of State considers that sufficient information has been provided to inform an assessment in line with his duties under the Habitats Regulations.

⁸ [Beacon Fen Energy Park - Project information](#)

2. Project description

As noted in Section 1.1 the Project comprises the construction, operation (including maintenance and repair) and decommissioning of a solar PV electricity generating facility. The Project is located wholly in England, in Nottinghamshire and Lincolnshire; within Lincolnshire County Council (“LCC”), North Kesteven District Council (“NKDC”) and Boston Borough Council (“BBC”) administrative areas. The Project location is shown in the Location Plan [APP-007] and final versions of the Land Plans [REP7-003].

The Order Limits comprises approximately 767 hectares (“ha”) of predominantly agricultural land in arable use, which is intersected by several ditches and dykes, with sparse tree cover including small woodland blocks and scattered hedgerow trees.

The Project is described in detail in ES Chapter 2 [REP6-017]. The key components of the Project comprise the below elements as noted in the ExA Report [ER 1.3.13]:

- Ground mounted solar PV generating station with a gross electrical output capacity of over 50MW
- Energy storage facilities comprising battery energy storage system compounds including BESS units with a metal façade and associated equipment including; inverters, monitoring and control systems, heating and ventilation, electric cabling and associated fire safety infrastructure.
- An onsite substation and associated works
- Works in connection with laying of high voltage cabling and the installation of bridge crossings over watercourses and drains as well as diversions of existing electrical overhead lines and construction of the construction compounds.
- Works to the existing Bicker Fen substation including the creation of a new generation bay and extension of the substation’s electrical apparatus.
- Works including electric cables connecting several parts of the proposed development as well as security works for the site (fencing, cameras, lighting, earth works, drainage systems).
- The construction and decommissioning compounds
- The creation of the bespoke access road
- Works relating to the areas of habitat management and creation
- Creation of accesses from public highway and widening and surfacing of public highways.

2.1 Changes to the Application during Examination

During the Examination, the Applicant submitted a formal change request (“CR”) on 18 December 2026 [CR-001 – CR-038] that comprised of various amendments to the works:

- A new overhead line (“OHL”) tower up to 56.2m in height with four legs supported on a square excavation of up to 7 x 7m wide, and up to 5m deep, located at Bicker Fen substation

- Either a single span of new 400 kilovolts (“kV”) overhead cables between the new OHL tower and one of the existing towers, or alternatively underground electrical cables
- Modifications of either or both existing towers contains within the Bicker Fen substation area
- Construction of a new access within the existing extent of access roads, in the form of a new bell mouth adjoining vicarage drove to the south-east or south of the substation for access to the extension and pylon/tower
- Extension of the temporary laydown to an area that is largely existing hardstanding adjacent to the south
- Vegetation removal and infilling of the existing drainage pond adjacent to the substation to construct the substation extension works

The change request was accepted by the ExA on 19 December 2025 [PD-015]. 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.1.4.6].

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

3.1 Likely Significant Effects Screening Methodology

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

Section 2 of the HRA Report [REP7-016] presented the Applicant’s broad approach to LSE screening and the process undertaken to identify relevant protected sites and qualifying features. This included the identification and consideration of the Zone of Influence (“Zoi”) for each receptor where there is an effect pathway. The Applicant used a Zoi of 20km for most species and an increased Zoi of 30km for bat species.

As reported in Section 3 of the HRA Report the Applicant identified the following protected sites for inclusion in the HRA screening:

- The Wash Special Protection Area (“SPA”)
- The Wash Ramsar Site
- The Wash and North Norfolk Coast Special Area of Conservation (“SAC”)

All three sites are 21.4km away from the solar array area and 14.2km from the nearest part of the cable route corridor [REP7-016].

The spatial relationship between the Order Limits of the Project and protected sites is shown in Figure 1. The ExA noted that during Examination there were no concerns raised relating to the Applicant’s approach to screening [ER 4.3.1] and the Secretary of State is content that the applicable protected sites have been identified.

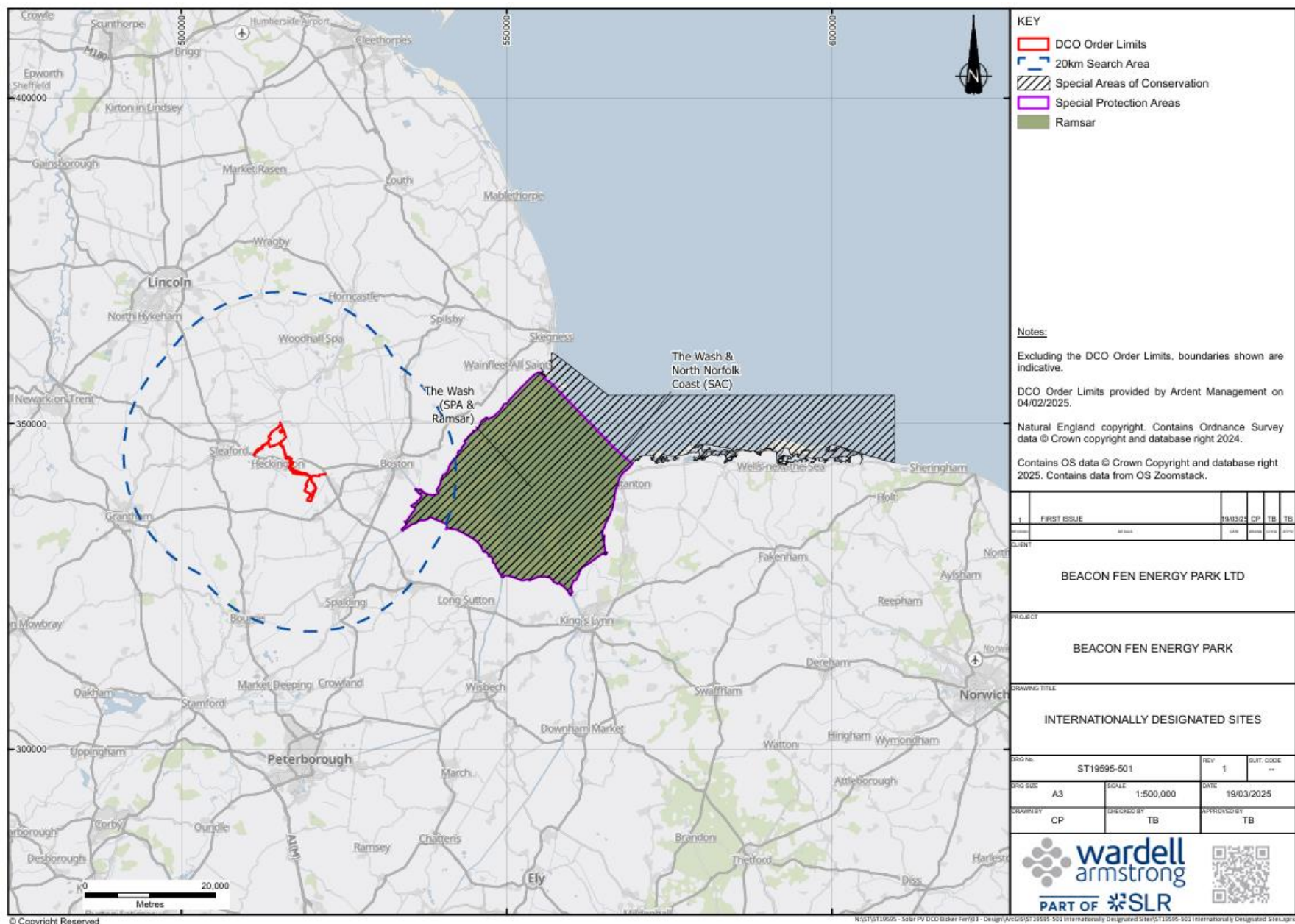


Figure 1: The Project (in red) location in relation to the Protected Sites

3.2 Likely Significant Effects Screening

Section 3 of the HRA Report provided the Applicant's screening assessment where all pathways were considered. The impact pathways considered by the Applicant to have the potential to result in LSE are:

- Loss and or impact to functionally linked land ("FLL")
- Hydrological regime change
- Changes in water quality

The Applicant's screening conclusions for each site, feature and effect pathways identified are presented in section 4 of the HRA Report with a screening summary being presented in Table 4. For the three protected sites identified, the Applicant concluded that LSE could not be ruled out in relation to otter and overwintering bird species from loss or impact to FLL. For hydrological regime and water quality changes, the Applicant concluded that no construction works taking place had the ability to cause a likely significant effect due to the construction methodology being proposed.

The Applicant also noted that there was potential for in-combination effects with other plans or projects in relation to loss of FLL and as such an in-combination appropriate assessment was carried out within the HRA report in Sections 6 and 7.

NE [RR-015] agreed broadly with the results of the LSE screening but did request that Lapwing was considered as a named feature as part of the "waterbird assemblage" feature for impacts to FLL for the Wash SPA and Ramsar which the Applicant updated the HRA Report to cover at deadline 2 [REP2-013].

Likely Significant Effects conclusion

The Secretary of State has considered the potential effects of the Project on all qualifying features of the protected sites identified, taking into account the sites conservation objectives, to determine whether there will be LSEs.

Based on the information before her, the Secretary of State concludes that LSE from the Project, alone and in-combination with other plans or projects, cannot be ruled out. Table 1 (Appendix A) summarises the protected sites and features for which the Secretary of State considers that significant effects cannot be excluded, either alone or in-combination. All the qualifying features and effects that have been considered in the screening of LSE, including those screened out, are given in Table 4 of the HRA report [REP7-016] which also provides further detail on the relevant stages of the Project effects are associated.

4. Appropriate Assessment Methodology

The requirement to undertake an AA is triggered when a competent authority determines that a significant effect on a protected site either alone or in-combination with other plans or projects cannot be ruled out for a plan or project. Guidance issued by DEFRA⁹ states that the purpose of an AA is to assess the implications of the plan or project in respect of the site's conservation objectives, either individually or in-combination with other plans and projects, and that the conclusions should enable the competent authority to ascertain whether the plan or project will adversely affect the integrity of the site concerned. The focus is therefore specifically on the species and/or habitats for which the protected site is designated.

Regulation 63(6) of the Habitats Regulations states that:

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

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

In accordance with the precautionary principle embedded in the integrity test and established through case law, the Secretary of State may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the protected site, and this must be demonstrated beyond all reasonable scientific doubt.

⁹ <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

5. Stage 2: Appropriate Assessment

The Secretary of State has undertaken an objective scientific assessment of the implications of the Project on the qualifying features of the protected sites identified in his screening assessment, using the best scientific evidence available. The assessment has been made in light of the conservation objectives of the relevant sites.

5.1 Project Alone

The Applicant provided an assessment of the following effect pathway for the Wash SPA and Ramsar site and the Wash and North Norfolk Coast SAC (for the qualifying features listed in Table 1):

- Loss and or impact to FLL

5.1.1 The Wash SPA and Ramsar- Lapwing and Gadwall

During Examination, NE and the Applicant had on-going discussions around the inclusion of Lapwing within the Applicant's HRA report and the impacts associated with winter construction on Lapwing and Gadwall species.

In their relevant representation ("RR") [RR-015] NE noted that Lapwing had been screened out of being impacted during construction, despite the Wintering Bird Report [APP-094] showing that they were present in numbers equating to 1% of the SPA population. NE stated they would want to see further rationale regarding the importance of the site for Lapwing and the potential impacts upon Lapwing that use the site, noting that while Lapwing is not a named SPA/Ramsar species for this site, it should be considered as part of the "waterbird assemblage".

At Deadline 2 the Applicant updated their HRA Report [REP2-013] to include Lapwing as a named species to be considered and updated the impact pathways to reflect that both Lapwing and Gadwalls would be impacted by over-wintering construction causing noise disturbance on FLL.

While NE welcomed this approach [REP8-036], they raised concerns regarding the over-wintering construction works and requested a restriction of works over the winter period and that an Ecological Clerk of Works ("ECoW") is employed during construction to ensure no works are undertaken when SPA birds are present or at risk of disturbance.

The Applicant met with NE on 04 February 2026 through NE's discretionary advice service to discuss this potential disturbance and justified why they were unable to commit to a restriction of works during winter, which NE accepted [REP8-036]. The Applicant proposed an up to 200m buffer for Lapwing and Gadwall to be enforced by an ECoW during construction in accordance with guidance set out by NatureScot and secured within their outline Construction and Environmental Management Plan ("oCEMP"). Further, the commitment to employ an ECoW to employ adaptive mitigation throughout construction was also made [REP8-015].

NE confirmed in their final risks and issues log [REP8-036] that they considered the mitigation secured within the oCEMP to be suitable and that they no longer had any concerns relating to HRA matters, and as such adverse effects on integrity could be ruled out.

The Secretary of State is content with the Applicant's responses regarding impacts to overwintering birds. She is also satisfied with the mitigation measures secured in the oLEMP and oCEMP, including:

- An ECoW will undertake site walk overs to assess location of nesting birds to inform the programme of works and any habitat management required to ensure overwintering lapwings can forage and roost appropriately.
- Noise management (limit of 60 dB of Equivalent Continuous Sound Levels if the presence of any protected species is present in numbers higher than 1% of the SPA population.
- Acoustic fencing and up to a 200m buffer from works area to the flock(s) of lapwing or gadwall until birds move on (anticipated to be no longer than one week) or the present fall below the 1%.

Based on the information before her, the Secretary of State is satisfied that the Project alone will not adversely affect the integrity of The Wash SPA and Ramsar Site as a result of impacts to FLL.

5.1.2 The Wash and North Norfolk SAC- Otters

During the Examination no concerns were raised in relation to the Applicant's assessment of the impact to otters within the Wash and North Norfolk Coast SAC. The Proposed Development is located 14.2km from the SAC at the nearest point but there is the potential for impact to FLL in the form of waterways within the red line boundary being used by otter associated with the SAC. The Applicant has committed to mitigations to reduce the impact of loss or disturbance to FLL by using Horizontal Directional Drilling ("HDD") [REP7-016] for cable laying to ensure that rivers and streams are not disturbed, thus allowing otters to continue to use the land.

NE noted that given the avoidance of impacts through the use of HDD, the project would not cause an adverse effect on otters associated with the Wash and North Norfolk SAC and made no further comment on this site throughout the examination [REP8-036]. The Secretary of State notes that further surveys are intended prior to construction to assess if a protected species licence for otter is required, as secured in the oCEMP.

Based on the information before her, the Secretary of State is satisfied that the Project alone will not adversely affect the integrity of The Wash and North Norfolk SAC as a result of impacts to of FLL.

5.1.3 Secretary of State's conclusions for AA Alone

In the AA of the HRA Report, the Applicant stated [REP2-019] that there would not be an AEol on the Wash SPA and Ramsar site and the Wash and North Norfolk Coast SAC. At the end of Examination both the ExA [ER.4.6.1] and NE [REP8-036] agreed with the HRA Report and the conclusion of no AEol.

The Secretary of State considers that effects during construction are temporary and can be managed appropriately via the mitigation measures outlined in the oCEMP and oLEMP, as summarised in Section 4 of the ExA Report and that there will be no AEol during the operational phase of the Project.

Based on the information before her, and subject to the mitigation measures as secured in the final Order (Requirement 7 and 12 within Schedule 2), the Secretary of State is satisfied that the Project alone will not adversely affect the integrity of the qualifying features of the Wash SPA and Ramsar Site and the Wash and North Norfolk Coast SAC.

5.2 In-Combination

The Applicant [REP7-016] identified 11 plans and projects to assess in the in-combination assessment and these are detailed within Table 5 of the HRA Report.

As detailed in Section 6 and 7 of the HRA Report [REP7-016], the Applicant considered the magnitude of effects, the location of in-combination projects and the potential for effects to overlap spatially or temporally. With the mitigation measures secured the Applicant concluded there would be no potential for significant in-combination effects. Both the ExA [ER 4.6.1] and NE [REP78-036] agreed with the Applicants' assessment conclusions.

Based on the information before her the Secretary of State is satisfied that the Project, in-combination with other plans or projects, will not adversely affect the integrity of the qualifying features of the Wash SPA and Ramsar site and the Wash and North Norfolk Coast SAC.

5.3 Appropriate Assessment conclusion

The Secretary of State has carefully considered all the information available to her, including the recommendations of the ExA, the advice of NE as the SNCB, the views of all other IPs, and the Applicant's case to determine whether the Project, either alone or in-combination with other plans or projects, will result in an AEoI.

Based on the available information and subject to the mitigation measures secured in the final Order, the Secretary of State is satisfied that the Project, either alone or in-combination with other plans or projects, will not adversely affect the qualifying features of the Wash SPA and Ramsar site and the Wash and North Norfolk Coast SAC. The Secretary of State is satisfied that further tests set out in the Habitats Regulations are therefore not required to be considered.

6. Transboundary assessment

A transboundary screening under Regulation 32 of the EIA Regulations [OD-002] was undertaken by the ExA on behalf of the Secretary of State on 26 May 2023 following the Applicant's request for an EIA Scoping Opinion [ER 2.7.2]. A second screening was published on 21 May 2025 [ER 2.7.3]. The ExA was satisfied that the Project would not have an LSE on transboundary sites [ER 2.7.4].

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

7. Conclusion

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

The Secretary of State concludes that LSEs cannot be excluded at three protected sites, when the Project is considered alone or in-combination with other plans or projects. These LSEs were taken forward to consider whether the Project would result in an AEol of the protected sites.

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

Annex 1

Table 1: Protected sites considered in the assessment of LSE

Protected site	Qualifying feature(s)	Conservation Objectives and SACOs	Pathway of Effect
The Wash SPA	Gadwall (<i>Mareca strepera</i>) Lapwing (<i>Vanellus vanellus</i>) Bar-tailed godwit (<i>Limosa lapponica</i>) Bewick's swan (<i>Cygnus columbianus bewickii</i>) Black-tailed godwit (<i>Limosa limosa islandica</i>) Common scoter (<i>Melanitta nigra</i>) Common tern (<i>Sterna Hirundo</i>) Curlew (<i>Numenius arquata</i>) Dark-bellied brent goose (<i>Branta bernicla bernicla</i>) Dunlin (<i>Calidris alpina alpina</i>) Goldeneye (<i>Bucephala clangula</i>) Grey plover (<i>Pluvialis squatarola</i>) Knot (<i>Calidris canutus</i>) Little tern (<i>Sternula albifrons</i>) Oystercatcher (<i>Haematopus ostralegus</i>) Pink-footed goose (<i>Anser brachyrhynchus</i>)	See footnote ¹⁰	Loss of Functionally Linked Land

	Pintail (<i>Anas acuta</i>) Redshank (<i>Tringa totanus</i>) Sanderling (<i>Calidris alba</i>) Shelduck (<i>Tadorna tadorna</i>) Turnstone (<i>Arenaria interpres</i>) Waterbird assemblage Wigeon (<i>Mareca penelope</i>)		
The Wash Ramsar Site	Gadwall (<i>Mareca strepera</i>) Lapwing (<i>Vanellus vanellus</i>) Eurasian oystercatcher (<i>Haematopus ostralegus</i>) Grey Plover(<i>Pluvialis squatarola</i>) Red Knot (<i>Calidris canutus islandica</i>) Sanderling (<i>Calidris alba</i>) Eurasian curlew (<i>Numenius arquata Arquata</i>) Common redshank (<i>Tringa tetanus tetanus</i>) Ruddy turnstone (<i>Arenaria interpres interpres</i>) Pink-footed goose (<i>Anser brachyrhynchus</i>) Dark-bellied brent goose (<i>Branta bernicla bernicla</i>) Shelduck (<i>Tadorna tadorna</i>) Pintail (<i>Anas acuta</i>) Dunlin (<i>Calidris alpina alpina</i>) Black-tailed godwit (<i>Limosa limosa islandica</i>)	N/A	Loss of Functionally Linked Land

	Ringed plover (<i>Charadrius hiaticula</i>) European golden plover (<i>Pluvialis apricarla</i>)		
The Wash and North Norfolk SAC	Otter (<i>Lutra lutra</i>) Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) Coastal lagoons Harbour (common) Seal (<i>Phoca vitulina</i>) Mediterranean and thermos-Atlantic halophilous scrubs (<i>Sarcocornetea fruticosi</i>) Mudflats and sandflats not covered by seawater at low tide Salicornia and other annuals colonising mud and sand Sandbanks which are slightly covered by sea water all the time	See footnote¹¹	Loss of Functionally Linked Land

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