



UK Government

Habitats Regulations Assessment for an Application Under the Planning Act 2008

Great North Road Solar Farm and Biodiversity Park

Regulation 63 of the Conservation of Habitats and
Species Regulations 2017

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Contents

1	Introduction	1
1.1	Background	1
1.2	Habitats Regulations Assessment	1
1.3	Site conservation objectives	3
1.4	The Report on the Implications for European Sites and statutory consultation	4
1.5	Documents referred to in this HRA	5
2	Project description	6
2.1	Changes to the application during Examination	7
3	Stage 1: Screening for Likely Significant Effects	8
3.1	Likely Significant Effects alone and in-combination	10
3.2	Likely Significant Effects conclusion	11
4	Appropriate Assessment methodology	13
5	Stage 2: Appropriate Assessment	14
5.1	Disturbance of river lamprey during construction activities - Humber Estuary SAC and Ramsar Site	14
5.2	Appropriate Assessment Conclusion	15
6	Transboundary assessment	16
7	Conclusion	17
	Annex A: Protected sites and qualifying features where LSE have been identified	18

List of abbreviations

Term	Abbreviation
Appropriate Assessment	AA
Adverse Effect on Integrity	AEoI
Battery Energy Storage System	BESS
Development Consent Order	DCO
Draft Development Consent Order	dDCO
Department for Environment, Food and Rural Affairs	DEFRA
European Economic Area	EEA
Environmental Impact Assessment	EIA
Environmental Statement	ES
Examining Authority	ExA
First written Questions	ExQ1
Functionally Linked Land	FLL
Horizontal Directional Drilling	HDD
Habitat Regulations Assessment	HRA
Imperative Reasons of Overriding Public Interest	IROPI
Interested Parties	IPs
Joint Nature Conservation Committee	JNCC
Kilovolt	kV
Likely Significant Effect	LSE
Maximum Design Scenario	MDS
Megawatt	MW
Nottinghamshire Couty Council	NCC
Newark and Sherwood District Council	NSDC
National Policy Statements	NPSs
National Site Network	NSN
Nationally Significant Infrastructure Project	NSIP
Natural England	NE
Nautical mile	nm
Planning Inspectorate	PINS

Term	Abbreviation
Possible Potential Special Protection Area	ppSPA
Photovoltaic	PV
Report on the Implications for European Sites	RIES
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
Written Ministerial Statement	WMS

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”) for the Great North Road Solar Farm and Biodiversity Park and its associated infrastructure (the “Project”), which was submitted by Elements Green Trent Limited (the “Applicant”). 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 (under the Habitats Regulations).

The Project comprises the construction of a ground mounted solar photovoltaic (PV) electricity generating station, a battery energy storage system and a connection to the National Electricity Transmission System. The Project will have a generating capacity of over 50 megawatts (“MW”).

The Project constitutes a nationally significant infrastructure project (“NSIP”) as defined by s.14(1) and 15(2) of the Planning Act 2008 (the “2008 Act”) as it includes a power generating station with a gross electrical output capacity of over 50 megawatts (“MW”).

The Project was accepted by the Planning Inspectorate (“PINS”) on 22 July 2025, and three Inspectors were appointed as the ExA for the application. The Examination of the Project began on 26 November 2025 and concluded on 28 April 2026. The ExA submitted its recommendation (“the ExA’s Report”) to the Secretary of State on 28 July 2026. Numbered references to the ExA’s Report are presented in the format “[ER *.*.*]”. Other documents which were submitted during Examination are referenced using the reference numbers published in PINS’ Examination Library².

This HRA also contains a consideration of the potential effects of the Project upon protected sites in European Economic Area (“EEA”) States (“transboundary sites”). This is described in more detail in Section 6.

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 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>

² [Documents | Great North Road Solar and Biodiversity Park](#)

(“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 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 UK the same protection as sites within the NSN (collectively referred to in this HRA as “protected sites”).

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 [ER 4.1.13]. 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 following stages are collectively referred to as the HRA:

- Stage 1: Assessment of LSE;
- Stage 2: AA to determine whether there is an AEol of a protected site.

The Secretary of State has had regard to relevant guidance on the application of the HRA including the PINS (updated 25 March 2025) advice pages³, European Commission guidance⁴, as well as joint guidance by DEFRA, Natural England (“NE”), the Welsh Government, and Natural Resources Wales (updated 6 December 2023) on ‘Habitats Regulations Assessment: protecting a European site’⁵ (“2021 Joint Guidance”).

³<https://www.gov.uk/guidance/nationally-significant-infrastructure-projects-advice-on-habitats-regulations-assessments>

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

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

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
- the distribution of the qualifying features within the site.

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

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

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, SACOs, have been used by the Secretary of State to consider whether the Project has the potential to have an AEol of sites, either alone or in-combination with other plans or projects.

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 nautical mile (“nm”) limit. The Joint Nature Conservation Committee (“JNCC”) is the SNCB beyond 12 nm, but this duty has been discharged by NE following the 2013 Triennial Review of both organisations. However, JNCC retains responsibility as the statutory advisor for protected sites that are located outside the territorial sea and UK internal waters (i.e. more than 12 nm offshore) and as such continues to provide advice to NE on the significance of any potential effects on interest features of such sites.

The ExA, with the support of the PINS Environmental Services Team, produced a Report on the Implications for European Sites (“the RIES”) [PD-012]. The purpose of the RIES was to compile, document, and signpost information submitted by the Applicant and Interested Parties (“IPs”) during Examination up to Deadline 3 (18 February 2026). It was issued to ensure that 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 website and the ExA notified IPs that it had been published. Consultation on the RIES was undertaken between 04 March 2026 and 25 March 2026. Comments were received from NE [REP4-069] at Deadline 4 (25 March 2026) following the Examining Authority’s request for confirmation as to whether NE agreed with the Applicant’s conclusion that there would be no AEol, given that no comments had been received on the revised HRA Report. NE confirmed that it agreed with the Applicant’s conclusions of no AEol for

the European sites assessed. NE also acknowledged and supported the updated precautionary approach adopted in relation to the assessment of impacts on lamprey at the Appropriate Assessment stage. Accordingly, NE confirmed that it agreed with the outcomes of the assessment and had no outstanding concerns regarding the conclusion that the Proposed Development would not result in an AEoI [REP4-069].

For the avoidance of doubt, the Secretary of State considers all representations made by all IPs on HRA matters throughout the entirety of the Examination process. The Secretary of State does not rely solely on consultation on the RIES to inform her conclusions on matters relevant to the HRA, but she does consider that the RIES can formally support her duties to consult on AAs. The Secretary of State considers that the extensive consultation undertaken during the Examination has adequately fulfilled her duties to consult on the AA under Regulation 63(3) of the Habitats Regulations.

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, but not limited to:

- the ExA's Report;
- the RIES [PD-012];
- the Habitats Regulations Assessment Screening Report [APP-316 and AS-020] (Applicant amended report title from Habitats Regulations Assessment Screening Report to Shadow Habitats Regulations Assessment at Deadline 2 [REP2-015]);
- the Environmental Statement ("ES") [APP-038 to APP-295];
- The final draft Statements of Common Ground ("SoCG") with NE [REP6-049], which confirmed there were no outstanding HRA matters.

Plus, all other information submitted during the Examination and during the Secretary of State's consideration of the application.

Any references to documents in this HRA Report are to the most up-to-date versions, unless otherwise stated.

⁸ [Great North Road Solar and Biodiversity Park - Project information](#)

2 Project description

A detailed description of the Project is presented in Chapter 5 of the Environmental Statement (“ES”) [APP-048] and the ES non-technical summary [APP-039].

The Project comprises the construction, operation, maintenance and decommissioning of a solar photovoltaic (PV) array electricity generating station and electrical storage facility, with a total capacity exceeding 50 MW, and an export connection to the National Grid. The Project is situated to the northwest of Newark, in Newark and Sherwood district, Nottinghamshire, East Midlands. The Order Limits are located to the west of the A1, north of the A617, east of Eakring and south of Egmanton. The Order Limits are comprised primarily of arable land, interspersed by occasional woodlands.

The Project works would comprise:

- Work no. 1 – a ground mounted solar photovoltaic generating station
- Work no. 2 – electrical cable connections
- Work no. 3 – green infrastructure
- Work no. 4 – intermediate substations
- Work no. 5A – a battery energy storage system (BESS)
- Work no. 5B – an up to 400kV substation
- Work no. 6 – alteration of the existing Staythorpe substation
- Work no. 7 – alteration of the consented BESS
- Work no. 8 – works to facilitate access to work nos. 1 to 7.

The final design of the Project may not be confirmed until after development consent has been granted. Consequently, the Applicant has presented a Rochdale envelope approach, whereby the maximum design parameters have been identified and assessed. The approach provides sufficient flexibility to accommodate future design development whilst ensuring that the likely significant environmental effects of the Project, as ultimately constructed, have been robustly assessed on a realistic worst-case basis. The Applicant has set out the realistic worst-case design parameters in the Concept Design Parameters and Principles documents [REP-030]. The Secretary of State’s HRA is based on these realistic worst-case design parameters, in accordance with PINS Advice Note 9⁹.

⁹ [Nationally Significant Infrastructure Projects - Advice Note Nine: Rochdale Envelope - GOV.UK](#)

2.1 Changes to the application during Examination

No formal changes to the application were requested by the Applicant. General updates to the documents and plans were made as the application progressed through the examination process which are identified in the Examination Library on the PINS website.

3 Stage 1: Screening for Likely Significant Effects

Under Regulation 63 of the Habitats Regulations, the Secretary of State must consider whether the Project will have a Likely Significant Effect (“LSE”) on European sites, 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.

The protected sites and qualifying features that were considered in the Applicant’s assessment of LSE are presented in Table 1 of the Applicant’s HRA Report [REP2-015]. Section 2.2 of the HRA Report [REP2-015] presents the broad approach undertaken in the screening for LSE and the selection process to identify relevant protected sites and qualifying features. The Applicant’s scoping exercise considered European sites within 30km in order to consider potential impacts on highly mobile receptors. Additionally, the HRA Report details that the Environment Agency requested that the Humber Estuary SAC/Ramsar site be scoped in due to a potential functional (hydrological) linkage, via the River Trent and its tributaries, for lamprey.

In summary, the Applicant identified the following protected sites that lie within 30km of the Project which were included within the screening assessment:

- Birklands and Bilhaugh SAC: Old acidophilous oak woods with *Quercus robur* on sandy plains
- Sherwood Forest possible potential (pp)SPA: Breeding populations of nightjar and woodlark
- Humber Estuary SAC: Sea lamprey and river lamprey
- Humber Estuary Ramsar site: Ramsar criterion 8 - The Humber Estuary acts as an important migration route for both river lamprey and sea lamprey between coastal waters and their spawning areas.

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

The spatial relationship between the Order limits of the Project and protected sites (with the exception of the Humber Estuary SAC/Ramsar Site) is shown in Figure A8.2.1 of the ES accompanying designated sites baseline report [APP-215]. The figure is reproduced below for information.

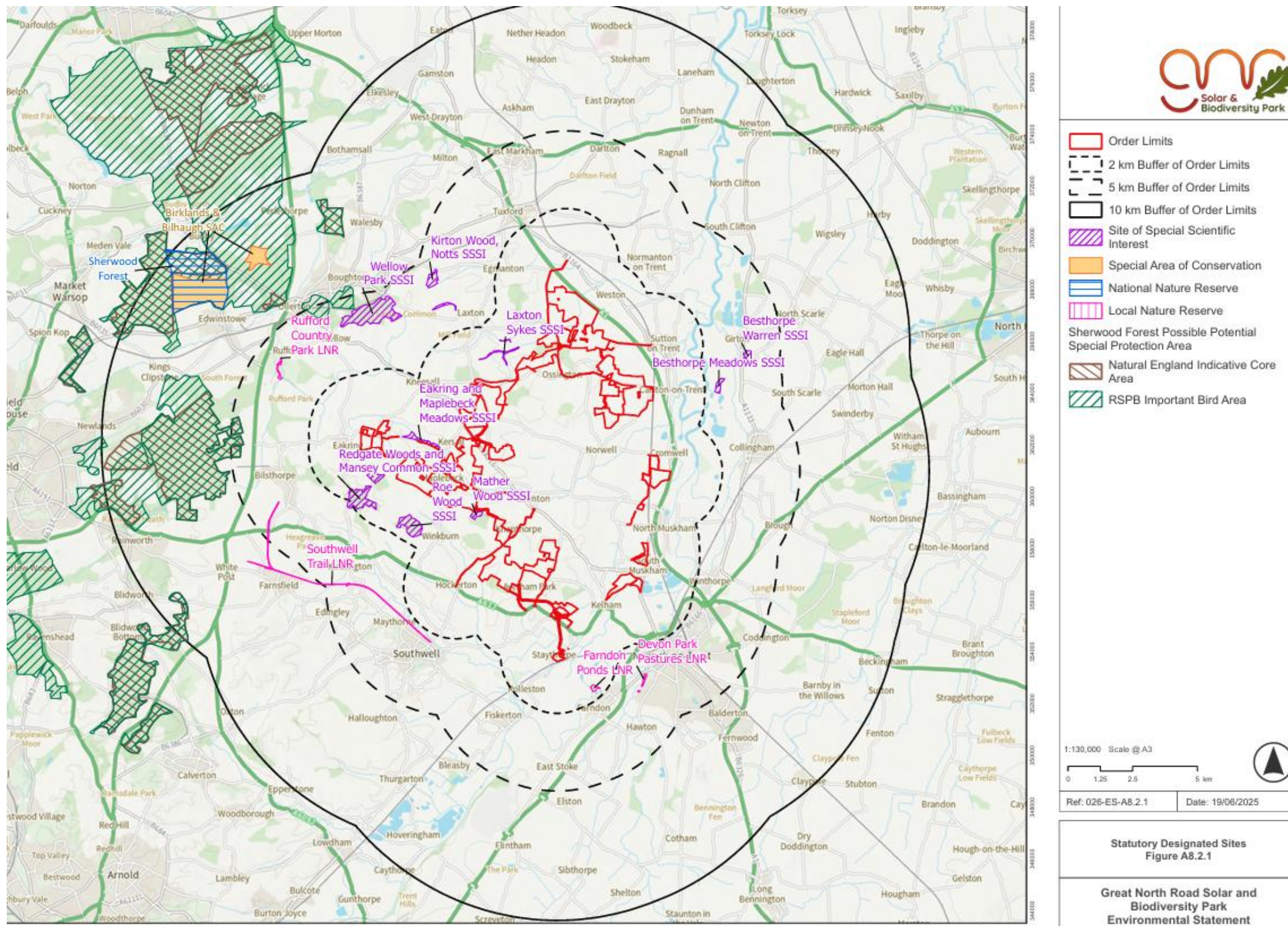


Figure 1: Onshore Order limits and Designated Sites (with exception of the Humber Estuary SAC/Ramsar site) with a Potential for LSE for Onshore Ecology (Figure A8.2.1 – ES Technical Appendix A8.2 Ecology Biodiversity Designated Sites Baseline Report [APP-215])

3.1 Likely Significant Effects alone and in-combination

Project Alone

- As set out in Section 3 of the HRA Report [REP2-015], the Applicant identified the following effect pathways as having the potential to result in LSEs from the Project alone:
Hydrological linkage: All sites
- Impacts to Functionally Linked Land (FLL): Birklands and Bilhaugh SAC and Sherwood Forest ppSPA
- Air pollution: Birklands and Bilhaugh SAC and Sherwood Forest ppSPA
- In combination effects: All sites

The HRA Report concluded no LSE from the Project alone on all qualifying features of the following protected sites:

- Birklands and Bilhaugh SAC
- Sherwood Forest ppSPA

During the Examination the ExA sought clarification from Nottinghamshire County Council (NCC) and Newark and Sherwood District Council (NSDC) regarding whether they had any comments on the conclusions of the HRA Report, following the identification of a minor discrepancy between the Local Impact Reports [REP1-075; REP1-078] and the accompanying Statements of Common Ground (“SoCGs”) [REP1-050; REP1-051]. No specific comments on the HRA conclusions were subsequently received from either NCC or NSDC. The matter was thereafter recorded as agreed in the final signed versions of the SoCGs [REP6-040; REP6-042].

For the Humber Estuary SAC and Ramsar site, in response to First Written Question (ExQ1) 4.1.10 [PD-008], NE confirmed its agreement with the Applicant’s assessment approach. Subsequently, at Deadline 2, the Applicant submitted an updated HRA Report [REP2-015], which advanced the lamprey qualifying features of the Humber Estuary SAC and Ramsar site to the AEoI assessment stage. The Applicant later explained [REP3-101] that this change had been made on a precautionary basis to ensure that there could be no implication that mitigation measures had been taken into account during the LSE screening stage (para 1.5.36 of REP3-101).

During the Examination, the Examining Authority sought clarification from the Applicant and Natural England (“NE”) through First Written Questions [PD-008]. NE confirmed [REP2-127] that there were no credible impact pathways to qualifying features of the Humber Estuary SAC and Ramsar site beyond those assessed in the HRA Report, and that there was no requirement to assess LSEs on the Humber Estuary SPA. NE also confirmed, with agreement from the Environment Agency [REP2-125], that additional mitigation measures had not been taken into account at the screening stage [REP2-127]. In addition, the Applicant explained how relevant case law had been applied in the HRA process [REP2-117]. No concerns were raised regarding these matters.

Concerns were raised by Carlton on Trent Parish Council regarding the robustness of the Applicant's Stage 1 HRA screening assessment, arguing that the baseline risk associated with the Proposed Development had not been adequately considered [REP2-118]. In response, the Applicant explained that a shadow HRA Report [REP2-015] had been prepared which assessed potential effects on qualifying features in the absence of mitigation before identifying appropriate mitigation measures [REP3-098].

At the end of Examination, the ExA was satisfied that there would be no LSE from the Project on Birklands and Bilhaugh SAC or Sherwood Forest ppSPA [ER.4.2.9].

Project In-Combination

The Applicant also assessed the impacts considered to have the potential to result in LSEs from the Project, in-combination with other plans or projects within the HRA Report [REP2-015].

The Applicant's in-combination assessment identified the A46 Newark Bypass as the only other project that had assessed effects on fish and the Humber Estuary SAC through the same effect pathway [APP-051].

During the Examination, the Applicant updated the HRA Report to include the One Earth Solar Farm within the in-combination assessment [REP2-015]. Where likely significant effects were identified for the Project alone, the Applicant also considered the potential for in-combination effects within the HRA Report [REP2-015]. The Applicant's approach to the assessment of in-combination effects was not disputed during the Examination [ER.4.2.18].

3.2 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 identified, and 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 her 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 her conclusions regarding LSE, the Secretary of State took no account of measures intended to avoid or mitigate effects on any protected site.

Based on the information before her, the views of IPs and NE, as well as the recommendations of the ExA, the Secretary of State concludes that LSE from the Project, alone and in-combination with other plans and projects, cannot be ruled out for the following sites:

- Humber Estuary SAC; and
- Humber Estuary Ramsar Site.

An AA of the impacts of the Project on those protected sites is therefore required. [Table 1 in Annex A](#) of this document sets out the full list of qualifying features and impact pathways of those protected sites that the Secretary of State taken forward to AA to consider whether the Project would result in an AEoI.

4 Appropriate Assessment methodology

The requirement to undertake an AA is triggered when a competent authority, in this case the Secretary of State, determines that a plan or project is likely to have a significant effect on a protected site either alone or in-combination with other plans or projects. Guidance issued by DEFRA¹⁰ states that the purpose of an AA is to assess the implications of the plan or project in respect of the site's conservation objectives, either individually or in-combination with other plans and projects, and that the conclusions should enable the competent authority to ascertain whether the plan or project will adversely affect the integrity of the site concerned. The focus is therefore specifically on the species and/or habitats for which the protected site is designated.

In line with the requirements of Regulation 63 of the Habitats Regulations:

“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 Annex A 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 specific site's conservation objectives and using the best scientific evidence available.

In accordance with the precautionary principle embedded in AA and established through case law¹¹, the Secretary of State as the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the protected site, and this must be demonstrated beyond all reasonable scientific doubt. If the Secretary of State cannot exclude AEoI of the affected protected sites beyond all reasonable scientific doubt, then he can only agree to a plan or project if it complies with the requirements of Regulation 64 of the Habitats Regulations. Regulation 64 provides that the Secretary of State may agree to the plan or project only if satisfied that there are no alternative solutions, and that the plan or project must be carried out for imperative reasons of overriding public interest (“IROPI”). Where a plan or project is agreed to under Regulation 64 of the Habitats Regulations requires compensatory measures to be secured which maintain the overall coherence of the NSN.

¹⁰ <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

¹¹ Case C-127/02 Waddenzee ECLI:EU:C:2004:482

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 her screening assessment, using the best scientific evidence available. The assessment has been made considering each site's conservation objectives, as detailed in Annex A of this HRA.

5.1 Disturbance of river lamprey during construction activities - Humber Estuary SAC and Ramsar site

In section 3.3 of the HRA Report [REP2-015], the Applicant assessed the potential for an AEol to the river lamprey qualifying feature of the Humber Estuary SAC and Ramsar site from the Project alone and in-combination with other plans and projects during construction.

Although the Applicant considered the likelihood of impacts on lamprey to be low given the large separation distance between the Project and the SAC and Ramsar site, it concluded that, in the absence of mitigation, construction works within or in proximity to watercourses could result in harm to lamprey, degradation of supporting habitat, and creation of temporary or permanent barriers to movement.

The Secretary of State has considered the mitigation measures secured through the application, which include the provision of construction exclusion buffers around watercourses, the use of Horizontal Directional Drilling ("HDD") beneath the most sensitive watercourses, the use of open-span bridges for crossings of sensitive watercourses, the burial and insulation of electrical cables to minimise electromagnetic fields, and measures to improve water quality through changes in land management. The Secretary of State has also considered the pollution prevention, water quality monitoring and fish protection measures secured through the Outline Construction Environmental Management Plan, including measures to control sediment, chemical and hydrocarbon pollution and specific provisions for undertaking works in a manner that safeguards fish species.

The Secretary of State is satisfied that, provided these measures are secured and implemented, direct impacts on watercourses would be avoided and the ability of fish, including lamprey species, to migrate through the catchment would be maintained. The Secretary of State further notes that the watercourses considered most likely to support fish would be crossed using HDD techniques or open-span structures, thereby avoiding in-channel works and the creation of migration barriers. In light of the substantial distance separating the Proposed Development from the Humber Estuary SAC/Ramsar, the low likelihood of lamprey presence within the affected watercourses, and the mitigation secured through the application, the Secretary of State is satisfied beyond reasonable scientific doubt that the Proposed Development would not adversely affect the structure and function of habitats supporting river lamprey or sea lamprey, the supporting ecological processes upon which these species rely, or the populations and distribution of these qualifying features within the Humber Estuary SAC/Ramsar site.

The Applicant's HRA Report concludes that subject to the mitigation measures to be secured in the dDCO, AEoI can be excluded on the Humber Estuary SAC and Ramsar site from the Project alone, or in-combination with other plans and projects. These conclusions were agreed with NE [REP4-069] [REP6-048].

In line with NE and the ExA [ER. 4.4.10], the Secretary of State sees no reason to disagree with the Applicant's position and is content to conclude that AEoI on the Humber Estuary SAC and Ramsar site from water quality impacts during construction can be excluded, subject to the application of the mitigation measures identified.

5.2 Appropriate Assessment Conclusion

As the competent authority under the Habitats Regulations for this Application under the Planning Act 2008, the Secretary of State has undertaken an AA in respect of the conservation objectives for two protected sites to determine whether the Project, either alone or in-combination with other plans or projects, will result in an AEoI.

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.

Based on the available information before her, and subject to the mitigation measures as 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 Humber Estuary SAC and Ramsar site. The Secretary of State is satisfied that further tests set out in the Habitats Regulations are therefore not required.

6 Transboundary Assessment

The Secretary of State considers that it is important to consider the potential impacts on protected sites in other European Economic Area (“EEA”) states, known as transboundary sites. The ExA also considered the implications for transboundary sites. The conclusions of the ExA’s considerations and the Secretary of State’s own views on this matter are presented below.

On 19 December 2023, following the Applicant’s request for an EIA scoping opinion, PINS undertook a transboundary screening and consultation on behalf of the Secretary of State pursuant to Regulation 32 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and the United Nations Environment Programme Convention on Biological Diversity 1992. No significant effects were identified on the environment in an EEA member state [APP-198].

A second and final screening was undertaken on 31 July 2025 and again, no EEA states were identified as being likely to have significant effects on their environment in terms of extent, magnitude, probability, duration, frequency or reversibility [OD-002].

The Applicant did not identify any LSE on non-UK European sites in EEA states in its HRA report [REP2-015] or within its ES.

No impacts to protected sites outside of the UK were raised for discussion by any IPs during the Examination, including following publication of the Inspectorate’s transboundary screening.

The Secretary of State has not been presented with any evidence to demonstrate that transboundary impacts would have an AEol on any protected site in an EEA state. 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 protected 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 Recommendation Report. The Secretary of State concludes that LSEs cannot be excluded for the Humber Estuary SAC and Ramsar site, when the Project is considered alone or in combination with other plans and projects. These LSEs were taken forward to an AA to consider whether the Project would result in an AEol of the protected sites.

Having considered the information available to her 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.

As such, the Secretary of State is satisfied that there is no significant risk to any protected site and their qualifying features as a result of the Project and considers that no further tests set out in the Habitats Regulations are required.

Annex A: Protected sites and qualifying features where LSE have been identified

Table 1 - Protected sites and qualifying features where an LSE was concluded alone, or in-combination

Protected Site	Qualifying Feature(s)	Conservation Objectives and SACOs	Potential for Likely Significant Effects	LSE alone and/or in-combination
Humber Estuary SPA Humber Estuary Ramsar site	- Sea lamprey <i>Petromyzon marinus</i>; and - River lamprey <i>Lampetra fluviatilis</i>	Conservation Objectives, see footnote ¹² SACO, see footnote ¹³	- Water pollution - Change in species distributions.	Alone and in-combination

¹² [Humber Estuary SPA Conservation Advice](#)

¹³ [Humber Estuary SPA Supplementary Advice on Conservation Objectives](#)

Great North Road Solar Farm and Biodiversity Park Habitats Regulations Assessment

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Date: October 2026