



Department for
Energy Security
& Net Zero

Habitats Regulations Assessment for an Application Under the Planning Act 2008

Green Hill Solar Farm

Regulation 63 of the Conservation of
Habitats and Species Regulations 2017

8 October 2026

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List of abbreviations

Term	Abbreviation
Adverse Effect on Integrity	AEoI
Appropriate Assessment	AA
Battery Energy Storage System	BESS
Department for Environment, Food & Rural Affairs	DEFRA
Development Consent Order	DCO
Environment Agency	EA
Environmental Statement	ES
European Economic Area	EEA
Examining Authority	ExA
Functionally Linked Land	FLL
Grendon Parish Council	GPC
Habitat Regulations Assessment	HRA
Interested Parties	IPs
Invasive Non-Native Species	INNS
kilometre	KM
Likely Significant Effect	LSE
megawatts	MW
Nationally Significant Infrastructure Project	NSIP
National Site Network	NSN
Natural England	NE
nautical mile	nm
North Northamptonshire Council	NNC
outline Battery Storage Safety Management Plan	oBSSMP
outline Construction Environmental Management Plan	oCEMP
outline Ecological Protection and Mitigation Strategy	oEPMS
Outline Operational Environmental Management Plan	oOEMP
Report on the Implications for European Sites	RIES
Photovoltaic	PV
Stop Green Hill Solar	SGHS
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 Planning Inspectorate	PINS
The Secretary of State for Energy Security and Net Zero	The Secretary of State
United Kingdom	UK
Upper Nene Valley Gravel Pits	UNVGP

1 Introduction

1.1 Background

This is a record of the Habitats Regulations Assessment (“HRA”) that the Secretary of State for Energy Security and Net Zero (“the Secretary of State”) has undertaken under the Conservation of Habitats and Species Regulations 2017¹ (“the Habitats Regulations”) as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019² (“the 2019 Regulations”) in respect of the Development Consent Order (“DCO”) for Green Hill Solar Farm and its associated infrastructure (the “Project”), submitted by Green Hill Solar Farm 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.

The Project comprises the construction, operation, maintenance and decommissioning of a solar photovoltaic (“PV”) electricity generating facility with an export capacity exceeding 50 megawatts (“MW”), a battery energy storage system (“BESS”) and other associated development. The solar PV electricity generating facility and BESS would be connected to the grid at the Grendon Substation. The agreed grid connection for the Project will allow the export (to the national grid) of up to 500 MW of electricity at any time. The operational design life of the Project is 60 years.

The Project constitutes a nationally significant infrastructure project (“NSIP”) as defined by s.14 of the Planning Act 2008³ as provided for under the transitional savings provisions in the Infrastructure Planning (Onshore Wind and Solar Generation) Order 2025 for solar projects with a capacity exceeding 50 MW.

The Project was accepted by the Planning Inspectorate (“PINS”) on 19 June 2025, and three Inspectors were appointed as the ExA for the Application. The Examination of the Project Application began on 21 October 2025 and concluded on 10 April 2026. The ExA submitted its report of the Examination including its recommendation (“the ExA’s Report”) to the Secretary of State on 8 July 2026. Numbered references to the ExA’s Report are presented in the format “[ER *.*.]”.

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 of this document.

¹ [The Conservation of Habitats and Species Regulations 2017](#)

² [The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019](#)

³ [Planning Act 2008](#)

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 United Kingdom (“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 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 document as “protected sites”).

Candidate SACs, SACs and SPAs are afforded protection as protected sites. As a matter of policy⁴ the Government affords potential SPAs the same level of protection.

Regulation 63 of the Habitats Regulations provides that:

...before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in-combination with other plans or projects), and (b) is not directly connected with or necessary to the management of that site, [the competent authority] must make an appropriate assessment of the implications 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 [APP-145]. The Habitats Regulations require that, where the Project is likely to have a significant effect on any such site, alone or in-combination with other plans and projects, an appropriate assessment (“AA”) is carried out to determine whether the Project will have an adverse effect on the integrity (“AEoI”) of the site in view of that site’s conservation objectives. The following assessments are collectively referred to as an HRA:

Stage 1: Assessment of likely significant effects (“LSE”);

⁴ [NPS EN-1 para 5.4.5](#)

Stage 2: Appropriate Assessment to determine whether there is an AEoI of a protected site;

Stage 3: Assessment of Alternative Solutions;

Stage 4: Imperative Reasons of Overriding Public Interest; and

Stage 5: Compensatory measures.

Consent for the Project may be granted only after having ascertained that it will not adversely affect the integrity of protected sites, and no reasonable scientific doubt remains.

The Secretary of State has had regard to relevant guidance on the application of the HRA including the PINS (2025) Advice Note⁵, European Commission guidance⁶, as well as joint guidance by the Department for Environment, Food & Rural Affairs (“DEFRA”), Natural England (“NE”), the Welsh Government, and Natural Resources Wales (2021) on ‘Habitats Regulations Assessment: protecting a European site’⁷.

There are no parallel consents required for the Project which would require an additional HRA to be carried out by any other competent authority.

With regards to the ruling of the European Court of Justice in *People Over Wind, Peter Sweetman v Coillte Teoranta* (C-323/17) (the “Sweetman Judgement”), in reaching his conclusions regarding LSE, the Secretary of State took no account of measures intended to avoid or mitigate effects on any protected site.

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.

Guidance published by the Ministry of Housing, Communities and Local Government 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 objectives⁸. 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”*.

⁵ [Nationally Significant Infrastructure Projects: Advice on Habitats Regulations Assessments - GOV.UK](#)

⁶ [European Commission \(2019\) Managing Natura 2000 sites: The provisions of Article 6 of the Habitats Directive 92/43/EEC:](#)

⁷ [Habitats Regulations Assessment: protecting a European site](#)

⁸ [Guidance on the use of Habitats Regulations Assessment: Appropriate Assessment](#)

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 objectives⁹ and apply them to the site-specific situation. For SPAs, the overarching objective is to avoid the deterioration of the habitats of qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Habitats Regulations. This is achieved by, subject to natural change, maintaining and restoring:

- the extent and distribution of the habitats of the qualifying features;
- the structure and function of the habitats of the qualifying features;
- the supporting processes on which the habitats of the qualifying features rely;
- the populations of the qualifying features; and
- the distribution of the qualifying features within the site.

For SACs, the overarching objective is to avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving favourable conservation status of each of the qualifying features. This is achieved by, subject to natural change, maintaining and restoring:

- the extent and distribution of the qualifying natural habitats and habitats of qualifying species;
- the structure and function (including typical species) of qualifying natural habitats;
- the structure and function of the habitats of qualifying species;
- the supporting processes on which qualifying natural habitats and habitats of qualifying species rely;
- the populations of qualifying species; and
- the distribution of qualifying species within the site.

The conservation objectives 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, as published by NE and the Joint Nature Conservation Committee, are referenced in Table 1 of this document for protected sites considered as part of the AA for the Project.

⁹ [Conservation Objectives for European Sites in England](#)

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 Planning 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 Interested Parties (“IPs”) during the Examination (up to 14 January 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 NSIP website and the ExA notified IPs that it had been published. Consultation on the RIES was undertaken between 14 January 2026 and 26 February 2026. Comments were received from the applicant [REP5-090], North Northamptonshire Council (“NNC”) [REP5-111], Grendon Parish Council (“GPC”) [REP5-115], and Stop Green Hill Solar (“SGHS”) [REP5-121]. A late response was also submitted by NE and accepted at the discretion of the ExA [REP5-129]. A response to these representations was then submitted by the applicant as [REP6-064] at Deadline 6.

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 website¹⁰. In particular:

- the ExA’s Report;
- the RIES [PD-014];
- the Applicant’s assessment of effects, including:
 - the Applicant’s ‘Habitats Regulations Assessment’ (“HRA Report”) [REP5-079]
 - the updated outline Operational Environmental Management Plan (“oOEMP”) [C1-009];
- the Environmental Statement (“ES”) [APP-037] – [APP-544];
- the final signed Statement of Common Ground (“SoCG”) with NE [REP7-038], which confirmed there were no outstanding HRA matters; and
- all other information submitted during the Examination and during the Secretary of State’s consideration of the Application.

¹⁰ [Documents | Peartree Hill Solar Farm](#)

2 Project description

A detailed description of the Project is presented in Chapter 4 of the ES [REP6-011].

The proposed development consists of an electricity generating station with a capacity of up to 500 MW comprising of ground mounted solar arrays and associated development including energy storage, grid connection infrastructure and other infrastructure integral to the construction, operation and maintenance of the scheme. The solar PV electricity generating facility and BESS would be connected to the grid at the existing Grendon substation.

The key components of the Project comprise:

- Solar Photovoltaic Generating Station at sites Green Hill A, A2, B, C, D, E, F and G.
- Energy Storage Facility at Green Hill BESS with option to also install BESS at Green Hill C;
- Works in connection with onsite substations at each site including:
 - 1) Work No. 3A – substations up to 400 kV;
 - 2) Work No. 3B – substations up to 132 kV; and
 - 3) Work No. 3C – substations up to 33kV;
- Works to the Grendon Substation to facilitate connection of the proposed development to the National Grid network;
- Grid connection cable works between the nine sites and connecting to the Grendon Substation;
- Works associated with each of the sites including boundary treatment, security measures, landscaping measures, internal access tracks, temporary footpath diversions, earthworks, drainage infrastructure;
- Temporary construction and decommissioning laydown areas within each of the sites.
- Works to facilitate both temporary construction access, and permanent access to the sites and Cable Route Corridor;
- Works to create and maintain habitat management areas; and
- Creation of permissive paths for use of pedestrian, cyclist and equestrian users.

2.1 Project Location

The Project lies wholly within England and is within the administrative area of NNC, West Northamptonshire Council, and Milton Keynes City Council. The location of the Project is shown in the Location Plan [REP3-004] and is described in detail in the Planning Statement [REP6-036] and ES Chapter 3 [REP1-029].

The Project site is made up of 9 sites alongside the Cable Route Corridor:

- Green Hill A;
- Greenhill A.2;
- Greenhill B;
- Greenhill C;
- Greenhill D;
- Greenhill E;
- Greenhill F;
- Greenhill G; and
- BESS.

The 'Order Limits' are outlined in red in Figure 1.

The Order land for the Project is located across land to the north, east and southeast of Northampton; to the west and south of Wellingborough and around the villages of Walgrave, Mears Ashby, Earls Barton, Bozeat, Grendon, Easton Maudit and Lavendon.

All of the Project's 9 sites lie within a 20 kilometre ("km") radius of the point of connection to the National Grid network at the existing Grendon Substation.

The 'Site' comprises approximately 1441 hectares of land, predominantly consisting of gently sloping fields in arable use separated by hedgerows and scattered trees. A number of public rights of way pass through the site, often connecting nearby villages. Several overhead power lines cross through the site. The Green Hill BESS site would be located immediately adjacent to the National Grid Grendon Substation site.

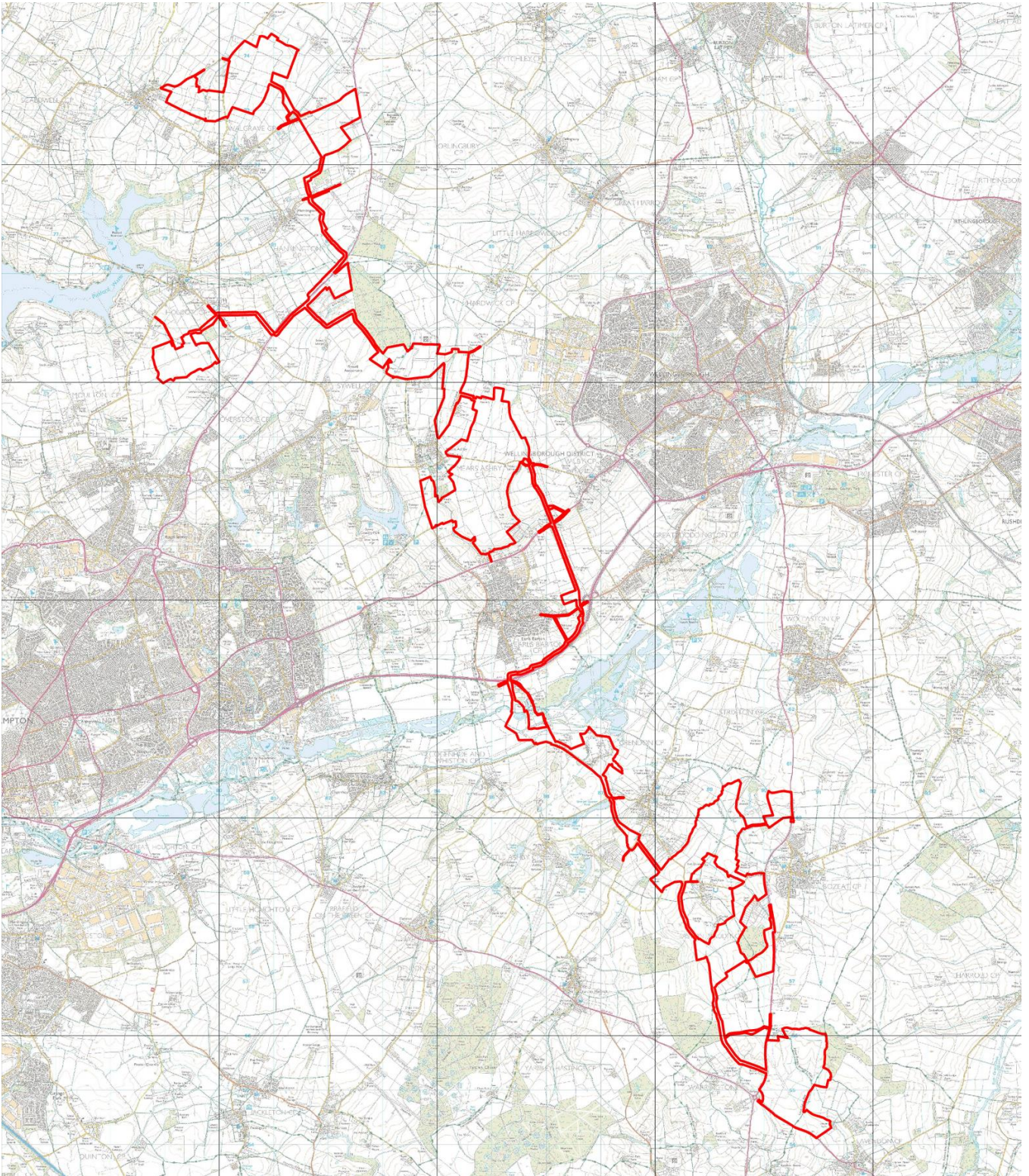


Figure 1: Figure showing the Projects Order Limits, taken from the Environmental Statement [APP-190]

2.2 Changes to the Application during Examination

Two formal change requests were made by the Applicant throughout Examination, containing 13 proposed changes/corrections. The applicant's changes to the application documents, together with any additional information submitted, are detailed in the Guide to the Application Revision I submitted at deadline 7 [REP7-003].

The ExA confirmed that none of the proposed changes were so material that they constituted a materially different project, and the changes were not considered, individually or cumulatively, to lead to the Project being different in nature or substance to that which was originally applied for [ER.1.3.5], [ER.1.3.10].

The Secretary of State has considered these changes and agrees with the ExA that none of the changes are 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 Environmental Statement ([APP-037] – [APP-544]) or the HRA Report [REP5-079].

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

Under regulation 63 of the Habitats Regulations, the Secretary of State must consider whether a development will have an LSE on a protected site, either alone or in-combination with other plans or projects.

The purpose of this section is to identify any LSEs on protected sites that may result from the Project and to record the Secretary of State’s conclusions on the need for an AA.

3.1 Protected Sites

The protected sites and qualifying features that were considered in the Applicant’s assessment of LSE are presented in Section 5.2, and Table 2 of the Applicants HRA Report [REP5-079].

The Applicant detailed the methodology used to identify protected sites within Section 5 of the HRA. This included a standard radius of 10 km from the Order Limits. Two sites were recorded within this radius.

Considering the mobility of certain protected species groups, in particular bats and birds, this radius was extended to 30 km. No additional sites were found within this wider search radius.

Additionally, land which is designated as mitigation for impacts on SACs, SPAs and Ramsar sites was also considered by the Applicant during its screening process. Heidelberg’s (formerly Hanson) Earls Barton Quarry was identified within the Order Limits, which is due to be reinstated as wetland forest. Mineral extraction here was permitted in 2008 prior to the formal designation of the Upper Nene Valley Gravel Pits (“UNVGP”) SPA/ Ramsar site. Whilst the quarry lies in close proximity to the UNVGP SPA/ Ramsar site, the habitat restoration works are not provided as mitigation for impacts on the UNVGP SPA/Ramsar site, and therefore this area was scoped out of the assessment.

In summary, the Applicant identified the following protected sites that lie within 10km of the Project which were included within the screening assessment:

- UNVGP SPA, 0.01km north of Green Hill BESS; and
- Upper Nene Valley Ramsar site, 0.01km north of Green Hill BESS.

The footprint of both protected sites are the same and both sites are designated for populations of wintering birds, with no habitat features designated within either of the sites. A summary of the qualifying features for the SPA and Ramsar site can be found in Table 1, Annex A.

The spatial relationship between the Order Limits of the Project and the protected sites is shown in Figure 2 below:

Green Hill Solar Farm Habitats Regulations Assessment

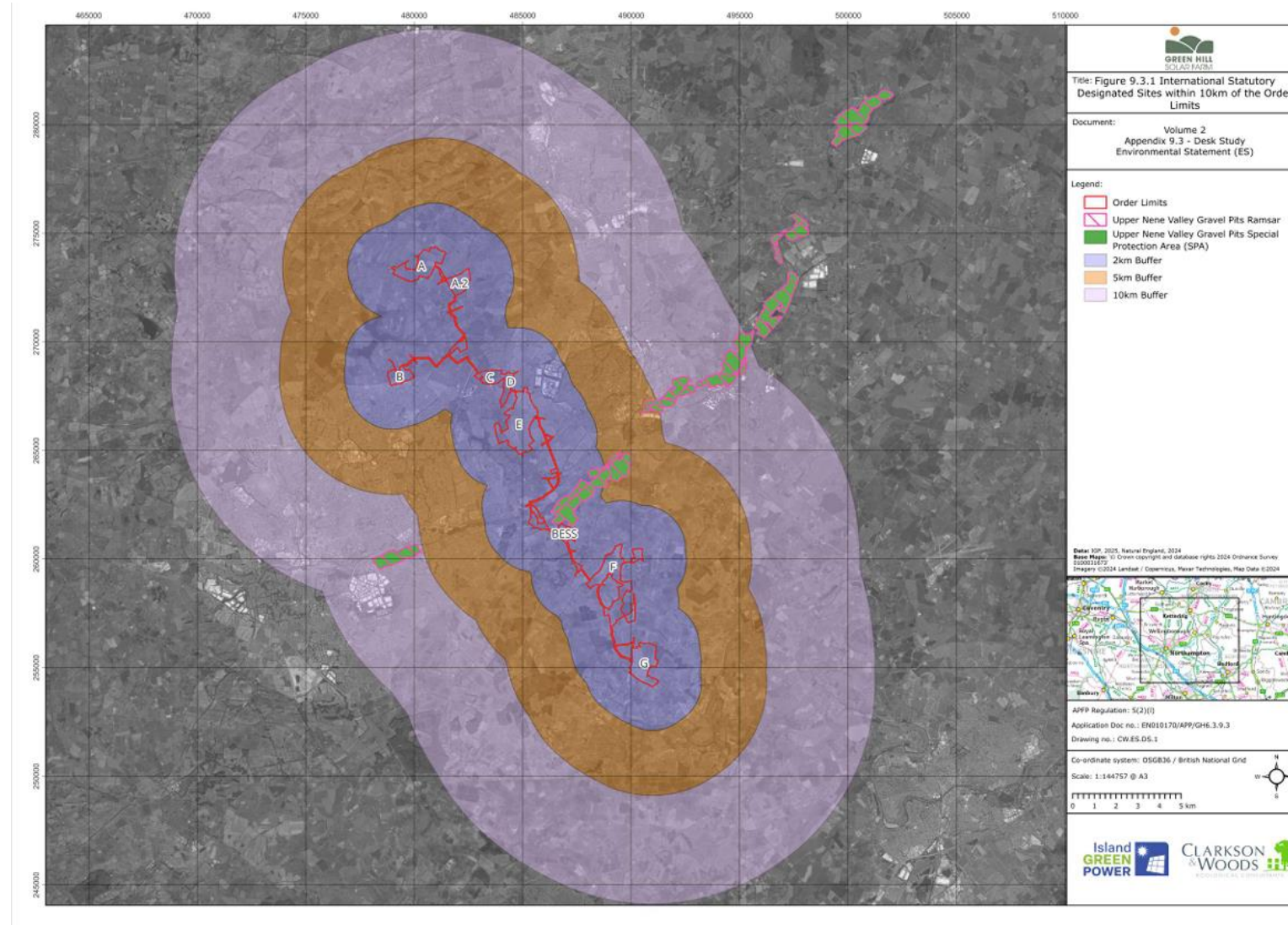


Figure 2: Figure showing the spatial relationship between the Project's Order Limits and protected sites, taken from [REP1-153]

Section 6.2 of the HRA Report [REP5-079] presents the broad approach undertaken by the Applicant for LSE screening and the process to identify relevant protected sites and qualifying features.

HRA Report Table 2 [REP5-079] identifies the potential impact pathways for the qualifying species:

- Direct habitat loss or change – all phases;
- Pollution and habitat degradation (airborne, waterborne, surface water) – all phases;
- Pollution and habitat degradation spread of invasive non-native species (“INNS”) – construction;
- Killing, injury or removal of a designated species or their prey - all phases;
- Habitat fragmentation – all phases;
- Disturbance – species within the SPA / Ramsar site – all phases; and
- Disturbance – species outside the SPA / Ramsar site – all phases.

NE confirmed in [REP1-181] that it was satisfied that the correct sites and features had been identified.

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 for the assessment.

3.2 Likely Significant Effects alone

The Applicant identified the effects considered to have the potential to result in LSEs from the Project alone, in Section 6.2 of the final HRA Report [REP5-079].

The Applicant concluded that the following impacts had the potential to result in LSE:

- Pollution and habitat degradation (airborne, waterborne, surface water) – all phases;
- Pollution and habitat degradation spread of INNS - construction;
- Habitat fragmentation – all phases;
- Disturbance – species within the SPA / Ramsar site – all phases; and
- Disturbance – species outside the SPA / Ramsar site – all phases.

The HRA Report concluded no potential LSE from the proposed development alone on all qualifying features of the two sites considered in the screening assessment for the following impact pathways as there is no overlap between the footprint of the SPA/Ramsar site or the Project:

- Direct habitat loss or change – all phases; and
- Killing, injury or removal of a designated species or their prey - all phases.

Section 6.2 of the HRA Report provides the screening conclusions provided by the Applicant. The potential for LSE alone was identified for both of the following two protected sites:

- UNVGP SPA; and
- Upper Nene Valley Ramsar site.

The Applicants first [APP-565] and second iteration [REP1-153] of their HRA report initially did not conclude that an LSE would arise from noise and visual disturbance to species outside the SPA. NE [PD-014] disputed the Applicant's conclusion on this impact pathway, as it considered that appropriate mitigation measures were required to reach this conclusion. Following NE's comments, the Applicant concluded that there was LSE, and included this pathway in its AA in its final HRA [REP5-079].

Following this update in response to NE's concerns, no further concerns were raised by the ExA or IPs in relation to the Applicant's conclusions of LSE alone during construction, operation and decommissioning. On this matter, the Secretary of State is in agreement with NE [REP1-181] and the ExA [ER.4.1.35] that the Applicant has identified all relevant receptors and impact pathways into its assessment for impacts from the Project alone.

3.3 Likely Significant Effects in-combination

The applicant's assessment of in-combination LSE is covered in section 6.3 of the HRA Report [REP5-079].

Where the Applicant's screening exercise established the potential for LSE to arise from the proposed development alone, the potential for in-combination effects was also considered and discussed in the HRA Report. Plans and projects within 10km of the Project were reviewed by the Applicant based on the potential impact pathways already identified.

The potential for LSE in-combination with other projects was identified for both of the following two protected sites (as per Project alone):

- UNVGP SPA; and
- Upper Nene Valley Ramsar site.

The applicant concluded in-combination LSE would arise as a result of all impact-pathways and qualifying features where project alone LSE were identified, with the exception of the spread of INNS. The applicant concluded no in-combination LSE would arise from INNS due to the lack of projects with major works to watercourses upstream of the SPA/Ramsar site.

At the end of Examination, the ExA was satisfied with the approach taken by the Applicant and agreed with the Applicant's conclusion [ER.4.1.34]. In [REP1-181] NE confirmed it was satisfied with the Applicant's methodology for the assessment of in-combination effects set out in the HRA Report [REP5-079].

On this matter, the Secretary of State is in agreement with NE [REP1-181] and the ExA [ER.4.1.35] that the Applicant has correctly identified the correct receptors and impact pathways for the Project in-combination with other plans or projects.

3.4 Likely Significant Effects conclusion

The Secretary of State has carefully considered the potential effects of the Project on all qualifying features of the protected sites 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.

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 or projects, cannot be ruled out for the following sites:

- Upper Nene Valley Gravel Pits SPA; and
- Upper Nene Valley 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 significant effects 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 DEFRA¹¹ 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 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. If the Secretary of State cannot exclude AEoI of the affected protected sites beyond all reasonable scientific doubt, then she 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, that the plan or project must be carried out for imperative reasons of overriding public interest and compensatory measures are secured to ensure that the overall coherence of the network of European sites is maintained.

¹¹ [Defra HRA Guidance](#)

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 site's conservation objectives.

Table 2 of the HRA report [REP5-079] lists the sites and features which the Applicant brought forward to the AA. One IP, GPC [REP5-115], disagreed with the conclusions, stating the "extremely close proximity of the [Project] to internationally protect wetlands...carries an inherently high risk of harm" for all pathways. All other IPs and NE as the SNCB were content with the Applicant's assessment at the end of Examination.

The Secretary of State has considered GPC's arguments set out in [REP5-115] but ultimately agrees with the ExA and NE [REP7-038] that the Applicant's HRA Report [REP5-079] has satisfactorily addressed their concerns. She considers the Applicants HRA report [REP5-079] correctly assesses the impact pathways including those raised as a concern by GPC such as impacts to birds and waterborne pollution [REP5-115].

5.1 Spread of INNS – all qualifying features – construction – UNVGP SPA and Ramsar

In the HRA Report [REP5-079], the Applicant noted that INNS were not recorded during ecological surveys but accepted that plant species such as Japanese knotweed and Himalayan balsam may occur locally, especially within ditches and watercourses, and that the movement of machinery between watercourses has the potential to facilitate their spread.

Consequently, the Applicant included mitigation within its oEMPS [C2-006] to identify and prevent the spread of INNS. The proposed mitigation includes an Ecological Clerk of Works ("ECoW") supervising works and reporting any sightings, as well as providing information on INNS and their appearance at toolbox talks.

Any sightings will be avoided, and if that is not possible, remediation and eradication work will be carried out by a specialist contractor, and all waste will be treated as contaminated, in line with the Environmental Protection Act 1990. The full suite of mitigation is outlined in Method Statements 3, 5, and 6 of the oEMPS [C2-006].

NNC commented that it agreed with the assessment of risk from INNS [RR-1243], and the Secretary of State notes that no objection to this aspect of the assessment was received [ER.4.1.53].

On the basis of the mitigation measures secured in the oEMPS [C2-006] which will become a certified document, the Secretary of State concludes, in agreement with ExA [ER.4.1.53] that this mitigation is sufficient to ensure there would not be AEoI of UNVGP SPA or Ramsar, either alone or in combination with other plans or projects as a result of the spread of INNS.

5.2 Disturbance inside the protected sites – all qualifying features – all stages - UNVGP SPA and Ramsar

In section 7.2 of the HRA Report [REP5-079], the Applicant explained the potential for both noise and visual disturbance to occur inside the SPA during construction, operation and decommissioning.

Noise

During construction and decommissioning, modelled noise levels associated with construction and decommissioning were reported to be comparable to background levels, and therefore the Applicant concluded that there would be no risk of increases in noise levels on the SPA [REP5-079]. Furthermore, all works will be temporary, and the works which may occur in closest proximity to the SPA/Ramsar site (associated with the connection of the Cable Route Corridor to Grendon substation) will be the briefest in nature.

During operation, the Applicant outlined the potential noise impact pathway through the presence of the BESS. [REP5-079]. Paragraphs 7.2.88 and 7.2.99 of [REP5-079] outlines how the BESS will lie further from the SPA than the existing Grendon substation and the noise modelling predicts that noise levels during operation will be no higher than current background levels.

Visual

In relation to visual disturbance during the construction and decommissioning, the Applicant noted it will be avoided through the existing screening around the Grendon substation and the gravel pits.

During operation, [REP5-079] set outs how visual disturbance will be avoided through a total lack of visual sightlines between the BESS and the protected sites.

Conclusion

NNC noted the potential for disturbance effects in [REP1-171] but concluded the Applicant's mitigation measures would mean an AEoI could be excluded. NE [REP1-181] agreed with the Applicant's assessment, and no other IP disputed these conclusions [ER.4.1.57].

Taking into account the predicted noise levels and screening, the Secretary of State concludes, in agreement with ExA [ER.4.1.57] that this mitigation is sufficient to ensure there would not be AEoI of UNVGP SPA or Ramsar, either alone or in combination with other plans or projects as a result of visual or noise disturbance.

5.3 Disturbance outside the protected sites - golden plover and waterbird assemblage (lapwing) – operation - UNVGP SPA and Ramsar

In section 7.2 of the HRA Report [REP5-079], the Applicant outlined the potential for disturbance during operation from both noise and visual disturbance through the presence of personnel and plant particularly for golden plover and lapwing using the fields within or adjacent to the Order Limits. In this, the Applicant outlined how the replacement of panels and batteries during operation (expected to be up to five times over the lifetime of the scheme) would not entail any major ground works and would only entail the movement of vehicles through already developed fields/tracks. The Applicant stated that in the case of vehicles passing through field EF25 (which is one of a set of fields set to be Functionally Linked Land (“FLL”) mitigation), the Applicant would follow the measures detailed within Method Statement 13 of the outline Ecological Protection and Mitigation Strategy (“oEPMS”) [REP7-017] to avoid disturbance to any significant flocks using this field.

Method Statement 13 of the Applicants oEPMS [REP7-017] contained a set of proposed mitigation measures for working in FLL, such as requiring an Ecological Clerk of Work to carry out an inspection to check for the presence of overwintering birds prior to any works being undertaken in the winter months and delaying works if notable flocks are present.

Following this, the Applicant concluded no AEoI from this disturbance impact-pathway from all stages of the Project [REP5-079].

However, the Applicants oOEMP [REP6-043] did not specifically include the mitigation outlined in Method Statement 13 which the ExA and Secretary of State consider necessary to rule out an AEoI from this disturbance pathway during the operational phase.

On the advice of the ExA [ER4.1.93], in her letter dated 10th August 2026, the Secretary of State requested that the Applicant updated its oOEMP to secure the approach to mitigation for operational disturbance to FLL.

Following this request, the Applicant updated their oOEMP [C1-008] to adequately secure the mitigation outlined in Method Statement 13.

No IPs disputed the applicant’s proposed mitigation measures or conclusions of no AEoI for this impact-pathway [ER.4.1.60].

On the basis of the updated mitigation measures which the Secretary of State now considers have been adequately secured during the operational stage of the Project within the oOEMP [C1-008] which will become a certified document, the Secretary of State concludes, in agreement with ExA [ER.4.1.94] and NE [REP7-038] that this mitigation is sufficient to ensure the disturbance to species using the FLL would not result in an AEoI of UNVGP SPA or Ramsar, either alone or in combination with other plans or projects.

5.4 Habitat Fragmentation - golden plover and waterbird assemblage (lapwing) – all stages - UNVGP SPA and Ramsar

In Section 7.2 of the HRA Report [REP5-079], the Applicant assessed the potential for an AEol to the mobile features of the UNVGP SPA and Ramsar sites (golden plover and lapwing) from the Project alone and in-combination with other plans and projects as a result of habitat fragmentation. The Applicant concluded that following mitigation, there would not be an AEol on the sites [REP5-079].

Survey Effort

In accordance with advice received through NE's Discretionary Advice Service and best practice, the Applicant undertook survey work to determine the extent of any FLL. Two full seasons of both diurnal and nocturnal wintering bird surveys were completed across Green Hill B-E, as well as the BESS [REP5-079]. Due to the later addition of Green Hill F and G, reduced surveys were undertaken in these fields. The scope was agreed with NE, and a precautionary assessment was undertaken where there was a deficit in survey data [RR-1242].

Concerns were initially raised on the scope of survey work by NNC [RR-1243] and SGHS [REP1-218]. Following confirmation of a precautionary approach for under-surveyed fields, NNC confirmed that the survey effort was sufficient to identify FLL that might be impacted by the proposals [REP5-111]. Towards the end of Examination SGHS [REP5-121] stated it had no further comments to make about the survey data, leaving NE as the expert consultee to deal with this matter.

Given the precautionary approach taken to under surveyed fields, in agreement with NE [REP7-038], NNC [REP7-030] and the ExA [ER.4.1.82], the Secretary of State is content with the Applicants surveys on this matter.

FLL mitigation quantity

From the survey data, two fields; BF3 and EF25, were identified as FLL for golden plover. No fields constituted FLL for lapwing [REP5-079].

BF3 is 14.98ha and comprises arable land with cereal crops, and a narrow grass margin along the southern boundary. To mitigate for the impact to field BF3, field BF1 was proposed as habitat mitigation. Field BF1 lies adjacent to BF3, is of a comparable size (14.54ha, and will be managed as conservation grassland, as secured in the oLEMP [C2-004]. All 8.29ha of Field EF25 has been retained without panels and will be managed as permanent grassland.

The Applicant considered the combined 22.83ha of mitigation wholly mitigated for the losses of identified FLL [REP5-079].

On a precautionary basis, fields FF1, FF11, FF13 and FF15 could also be considered FLL. These 4 fields equate to 44.22ha. Combined with the confirmed FLL described above, this meant that the total amount of FLL effected totalled 67.49ha [ER.4.1.68]. Mitigation for fields FF1, FF11,

FF13 and FF15 involves the creation of a mix of new permanent grassland and scrapes and the management of spring sown cereal crops in existing fields.

In total, the Applicant has proposed a total of 96.62ha of mitigation. NE confirmed [REP5-129] it was satisfied with the applicant's approach to mitigation set out in the oLEMP and that with the measures described, it was satisfied that there would be no AEol on the Protected sites.

In their final SoCG [REP7-030], NNC concluded that given that the Scheme retains FLL fields wherever possible and will deliver FLL mitigation/compensation land beyond the quantum which is anticipated to be lost, this adverse effect is considered to be reduced a non-significant level.

On this matter, the Secretary of State, in agreement with the ExA [ER.4.1.83], is content that the Applicant has provided sufficient land for mitigation, exceeding the amount that the Applicant concluded to be affected.

Timing of FLL delivery

WNC [REP1-175], NNC [REP1-171] and GPC [REP5-115] all raised issues about the timing of FLL delivery, stating that mitigation land should be in place and in a suitable condition before existing FLL was removed. The Applicant concluded that as there was no net loss of FLL through the lifetime of the Project, it did not intend to create mitigation land in advance of construction commencing [REP6-064]. The Applicant stated that where land was proposed to be seeded, this would be established within the first seeding window after construction commenced.

In response to questioning from the ExA [PD-014], the Applicant confirmed [REP5-090] that the worst-case scenario window between construction starting and seeding would be 12 months, but in this case, the fields would be maintained as they currently are, and therefore still usable as FLL.

On this matter, NE [REP7-038] concluded that the Applicants proposals were acceptable, and that while establishing grassland would be superior, existing arable land would still suffice.

No further matters were raised during the examination on this matter [ER.4.1.81], but it remained as a matter not agreed NNC in their final SoCG [REP7-030].

The ExA noted NNCs concerns on timing [ER.4.1.84] but also took account the level of precautionary FLL proposed, which exceeded the potential loss of FLL. The ExA also noted that in principle, the NNC agreed with the Applicant's overall conclusion on AEol and the nature of the mitigation proposed [ER.4.1.85]. Overall, the ExA was satisfied that with the mitigation in place, AEol could be excluded [ER.4.1.87].

On this matter, the Secretary of State agrees with NE and the ExA that taken with the amount of mitigation habitat being delivered, the timing of the delivery of the mitigation is satisfactory. She is satisfied that even in the worst case scenario of seeding taking place 12 months after the start of construction, the land will be managed as it currently is and therefore can be used by species as FLL.

Overall conclusion on this issue

On the basis of the mitigation measures which the Secretary of State considers are adequately secured through the oLEMP [C2-004], the Secretary of State concludes, in agreement with the

ExA [ER.4.1.87] and NE [REP7-038] that this mitigation is sufficient to ensure habitat fragmentation would not result in an AEoI of UNVGP SPA or Ramsar, either alone or in combination with other plans or projects.

5.5 Airborne pollution – all qualifying features – all stages – UNVGP SPA and Ramsar

In Section 7.2 of the HRA Report [REP5-079], the Applicant assessed the potential for an AEoI to all qualifying features of the UNVGP SPA and Ramsar sites from the Project alone and in-combination with other plans and projects as a result of airborne pollution. The Applicant concluded that following mitigation, there would not be an AEoI on the sites.

In their HRA report, the Applicant outlines that the principal potential sources of impact are dust generation associated with earthworks, trenching activities, movement of construction vehicles and plant, together with atmospheric emissions arising from vehicle exhausts and, in exceptional circumstances, a battery fire event associated with the BESS [REP5-079].

The mitigation proposed by the Applicant include, amongst others: buffer zones; restrictions on the use of fuels or contaminants near sensitive species; a dust management plan; and an ECoW present on site to provide Toolbox talks and supervision of any works. These measures are secured in the Applicant's outline Construction Environmental Management Plan ("oCEMP") [REP7-015], outline Battery Storage Safety Management Plan ("oBSSMP") [REP5-075] and oEPMS [C2-006]

NNC [REP1-171] noted that there was potential for contamination from construction dust, if no mitigation was in place, but that with the mitigation put in place such as that set out in Table 14 of the Construction Dust Methodology and Assessment document [APP-166], the impacts would be "neutral".

NE, nor any other IP disputed the Applicant's conclusions. The ExA was therefore satisfied that an AEoI could be excluded [ER.4.1.43].

The Secretary of State has considered the mitigation secured through the oCEMP, oEPMS, and oBSSMP, and concludes that it is satisfactory. Based on the information before her and the mitigation being secured, in agreement with NNC [REP1-171] and the ExA [ER.4.1.43], the Secretary of State is satisfied that the Project, either alone or in-combination with other plans or projects, will not adversely affect the integrity of the qualifying features of the UNVGP SPA and Ramsar site in regard to airborne pollution.

5.6 Waterborne pollution and surface water runoff - all qualifying features - all stages – UNVGP SPA and Ramsar

In Section 7.2 of the HRA Report [REP5-079], the Applicant assessed the potential for an AEol to all qualifying features of the UNVGP SPA and Ramsar sites from the Project alone and in combination with other plans and projects as a result of waterborne pollution and surface water runoff. The Applicant concluded that following mitigation, there would not be an AEol on the sites.

The Environment Agency (“EA”) raised overall concerns about the risk to the water environment from firewater and other chemicals from the BESS, flood risk at the BESS, and the design of the BESS drainage systems.

SGHS [REP1-193], NNC [REP1-171] and GPC [REP5-115] amongst others, raised concerns about the potential contaminants entering the protected sites, given the proximity of the Project to the River Nene and its floodplain.

During the Examination, the Applicant updated its outline Battery Storage Safety Management Plan [REP6-088] and its Flood Risk Assessment and Drainage Strategy [REP5-021] to [REP5-032] to address the EA’s concerns. The updated documents contained additional mitigation and information on the impermeable lining, and the measures to secure containment, isolation and prevention of contaminant discharge. It also secured a commitment for the EA be consulted on the final version of the plans.

Following these updates, the EA confirmed [REP7-036] that the additional information resolves their queries and the matter was marked as agreed. However, the EA did not comment specifically on the potential impacts in relation to protected sites. The ExA [PD-014] asked the EA and NE to comment specifically on the implications on the HRA, but neither party responded.

The ExA concluded that given the lack of specifically mentioning concerns on the impacts of this pathway on protected sites in their final SoCG’s, it could conclude that an AEol could be excluded [ER 4.1.51]. To ensure this matter was satisfactorily concluded, the Secretary of State in her letter dated 10 August 2026 wrote to the EA and NE to confirm that the mitigation fully addressed their concerns regarding the waterborne pollution impact pathway.

In their response [C1-003], the EA noted that in the final SoCG between the Applicant and the EA [REP7-036], the Applicant agreed to the EA’s requests for the BESS to incorporate an impermeable liner, automatic and manually operated shut-off valves to isolate drainage, procedures for gravel cleaning and removal, and the removal of batteries where necessary. The Applicant also listed the EA as a named consultee in relation to the approval of the Battery Storage Safety Management Plan under Requirement 6 of the DCO. The EA confirmed that the agreed mitigation and commitment to consult on the Battery Storage Safety Management Plan following consent satisfied its concerns that in the event of a BESS fire, pollution would be isolated and treated or removed from site and would not create a pollution impact pathway. The EA therefore concluded that the Applicant’s proposed mitigation in the oBSSMP addresses any concerns the EA would have regarding waterborne pollution impact pathway to the UNVGP SPA and Ramsar.

NE [C1-004] confirmed that it had no further comments to add.

The Secretary of State has reviewed the mitigation proposed and is satisfied that the mitigation will satisfactorily prevent the contamination of the waterways linked to the SPA/Ramsar site in the event of a BESS fire.

Based on the information before her, the mitigation being secured, and following this confirmation from the EA [C1-003] and NE [C1-004], and agreement with the ExA [ER.4.1.51], the Secretary of State is satisfied that the Project, either alone or in-combination with other plans or projects, will not adversely affect the integrity of the qualifying features of the UNVGP SPA and Ramsar site in regards to waterborne pollution and surface water runoff.

5.7 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 AEol.

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 [REP7-038], 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 UNVGP SPA or 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 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 30 August 2024, following the Applicant's request for an EIA scoping opinion, PINS provided a transboundary screening opinion (Section 2.2.9 of [REP1-035]). No significant effects were identified on the environment in an EEA member state.

The Applicant did not identify any LSE on non-UK European sites in EEA states in its HRA report [REP5-079] or within its ES. NE confirmed that the correct sites had been considered by the Applicant [REP1-181].

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 Applicant provided multiple updates of the HRA Report to address the matters raised during Examination.

At the end of Examination, NE confirmed in their final SoCG that there were no outstanding disagreements on the conclusions of the final HRA Report [REP7-038].

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 alongside the updates made during the decision stage.

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

Having considered the information available to her and having made a full assessment of the potential for an AEoI of each of the protected sites for which the potential for LSE was identified, taking into account the views of the Applicant, NE [REP7-038], all IPs, as well as the ExA, the Secretary of State concludes that an AEoI 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

Table 1: Protected sites for which an LSE was concluded alone, or in-combination

Protected site	Qualifying feature(s)	Conservation Objectives and SACOs	Impact Pathway
Upper Nene Valley Gravel Pits SPA	Bittern (<i>Botaurus stellaris</i>), wintering Gadwall (<i>Anas strepera</i>), wintering Golden Plover (<i>Pluvialis apricaria</i>), wintering Waterbird assemblage, wintering	Conservation objectives, see footnote ¹² SACO, see Footnote ¹³	Waterborne pollution and surface water runoff Airborne pollution Spread of INNS Disturbance inside the protected sites Disturbance outside the protected sites Habitat Fragmentation caused by changes to FLL
Upper Nene Valley Ramsar site	Gadwall (<i>Anas strepera</i>), wintering Mute Swan (<i>Cygnus olor</i>), wintering Waterbird assemblage, wintering	N/A	Waterborne pollution and surface water runoff Airborne pollution

¹² [Upper Nene Valley Gravel Pits SPA Conservation Advice](#)¹³ [Upper Nene Valley Gravel Pits SPA Supplementary Advice on Conservation Objectives](#)

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			Spread of INNS Disturbance inside the protected sites Disturbance outside the protected sites Habitat Fragmentation caused by changes to FLL
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Green Hill Solar Farm Habitats Regulations Assessment

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