

**The Sizewell C Project Development Consent Order Application
Planning Inspectorate Reference: EN010012**

Relevant Representation from the Royal Society for the Protection of Birds

30 September 2020

1. Introduction

The Royal Society for the Protection of Birds (the RSPB) was set up in 1889. It is a registered charity incorporated by Royal Charter and is Europe's largest wildlife conservation organisation, with a membership of more than 1.2 million¹. The RSPB manages 220 nature reserves in the UK covering an area of over 158,725 hectares.

The Society attaches great importance to the conservation of the 'Natura 2000' network (made up of Special Protection Areas (SPAs) and Special Areas of Conservation (SACs)), and the national network of Sites of Special Scientific Interest (SSSIs) notified by Natural England.

The RSPB is grateful for the constructive pre-application discussions that have taken place with EDF (Électricité de France, the Applicant) in respect of the Sizewell C Project Development Consent Order Application (the Application), particularly through the Evidence Plan process but also in addition to those requirements.

Although some progress was made during these discussions in response to the most recent public consultations², the RSPB raised concerns about several potential environmental impacts where critical underpinning evidence was missing or inadequate, resulting in the Applicant's assessments not being robust.

The RSPB remains concerned that many of these issues have not been resolved in the material submitted as part of the Application and therefore it is not possible to properly assess the Application and all its potential impacts on protected sites and species and biodiversity in the surrounding area.

However, the RSPB appreciate the continued discussions with the Applicant and hope that further resolution of our concerns can be made prior to and during the course of the Examination itself.

The RSPB's overarching concerns and the focus of our representations include the following:

- Detailed designs for key features including the coastal defences and crossing over the Sizewell Marshes Site of Special Scientific Interest (SSSI) are missing and we cannot therefore have confidence in the assessments of their potential impacts;
- Conclusions of no adverse effect on integrity (AEOI) of European Protected sites are in many cases reliant on mitigation and monitoring plans which have not yet been produced, again leading to a lack of confidence in these conclusions;
- The Shadow Habitats Regulation Assessment³ does not assess the *total impacts* of the project on the European Protected sites and their designation habitats and species. Although each type of potential impact is assessed (but please note the two bullet points below) this is done separately. This means conclusions regarding the total potential effects on the *integrity of the sites* is incomplete;

¹ The RSPB Annual Review 2018-2019

² The Stage 3 Consultation closed in March 2019 and Stage 4 Consultation closed in September 2019

³ 5.10 Shadow Habitats Regulations Assessment Volume 1: Screening and Appropriate Assessment Part 1 of 5 [APP-145]

- The RSPB has the same concerns around the lack of any “cumulative” assessments within the Environmental Statement;
- The RSPB also has detailed concerns re the extent of the Environmental Impact Assessment (EIA) undertaken including insufficient data, lack of robust assessments, and insufficient consideration of efficacy of mitigation;
- As partially mentioned above the RSPB has many concerns about the current lack of detail in the required mitigation, monitoring and management plans to be required by way of obligations or conditions imposed in respect of any consents granted;
- As the landowner of Minsmere Nature Reserve, the RSPB remains concerned regarding potential impacts on the coherence of our land holding and its associated management arising from the development; and
- The legal and policy requirements applicable to this Application and the Examination process.

These matters will be further expanded in future representations submitted by the RSPB during the course of the Examination process.

2. Environmental Concerns

In addition to the overarching points set out above the RSPB has the following concerns which will also be the focus of its submissions.

2a. Coastal processes

The RSPB’s concerns include:

- Lack of detailed designs for coastal defences and other coastal structures mean we cannot have confidence in the findings of the assessments of their impacts;
- Insufficient evidence has been presented that the beach landing facility will not have significant impacts on coastal processes (including effects on the Minsmere-Walberswick designated sites and RSPB Minsmere) during its construction or operation;
- Insufficient evidence that impacts relating to the combined drainage outfall and fish recovery and return outfall can be managed without impacts on longshore bars and wider coastal processes;
- Concern about the potential effects of the hard coastal defence in the long term, including changes to coastal processes affecting the Minsmere-Walberswick designated sites; and
- The need to develop a suitable monitoring scheme to identify coastal impacts at an early stage, with agreed thresholds for triggering and mechanism for implementation of avoidance or remedial measures.

2b. Hydrology (including impacts on water quantity and water chemistry)

The RSPB’s concerns include:

- Insufficient evidence that the sheet piling/cut off wall and the realignment of Sizewell Drain will not have significant impacts on water quantity and water chemistry affecting ecological features within Sizewell Marshes SSSI and the Minsmere South Levels (part of Minsmere-Walberswick Heaths and Marshes SSSI);
- Lack of confidence that effects on groundwater and surface water will not have effects on the ecology of Sizewell Marshes SSSI and Minsmere-Walberswick Heaths and Marshes SSSI;
- Concern remains regarding potential for contaminated leachate from borrow pits to affect the Minsmere-Walberswick designated sites;
- Concern that increased water flow from the development to the Minsmere Sluice could affect water management at RSPB Minsmere and the Minsmere-Walberswick designated sites;
- Limited consideration of the effects of Sizewell C on flood risk to RSPB Minsmere and the Minsmere-Walberswick designated sites; and

- Concern over ability of proposed monitoring to detect changes in water chemistry within Sizewell Marshes SSSI.

2c. Noise and visual disturbance

The RSPB's concerns include:

- Adequacy of proposed marsh harrier compensatory foraging habitat (and other claimed beneficial enhancements) in terms of location, habitat components, extent, disturbance levels and likely levels of prey provision;
- The basis for the calculation of the extent of compensatory marsh harrier foraging habitat to be provided;
- Significance of noise impacts on breeding and non-breeding waterbirds on the Minsmere South Levels (functionally linked to the Minsmere-Walberswick SPA);
- Lack of detailed assessment of the impacts of night-time noise from construction area and effects on designated sites, despite regular significant activity (including freight train deliveries and unloading) scheduled to take place at night;
- Lack of noise modelling for the construction of the north-eastern water management zone;
- Concern around the assertions that noise impacts are over-estimated; and
- Limited detail presented regarding potential impacts of lighting on birds.

2d. Increased recreational pressure

The RSPB's concerns include:

- The adequacy of the baseline data collected;
- The estimates of potential increases in recreational use of designated sites by both displaced visitors and construction workers appear low;
- Potential displacement of beach and coast path users from Sizewell to Minsmere frontage with potential impacts on SAC vegetated shingle/stony banks and beach nesting birds;
- Potential increase in use of the path from the Eel's Foot public house to Minsmere Sluice – waterlogging of this route and subsequent displacement of visitors could lead to effects on breeding and wintering waterbirds of the Minsmere-Walberswick SPA (or functionally linked to this site);
- Potential increased use of non-core, heathland areas at RSPB Minsmere leading to impacts on wildlife including SPA nightjar and woodlark populations, SAC heathland vegetation and the population of stone curlew; and
- Lack of any details of the proposed mitigation and monitoring plan leading to a lack of confidence in conclusions.

2e. Land take from Sizewell Marshes SSSI (including impacts of the SSSI crossing)

The RSPB's concerns include:

- The principle of the proposed loss of part of Sizewell Marshes SSSI and its assessment against the tests set out in EN-1 (Overarching NPS for Energy) including the justification for the choice of an embankment and culvert rather than a bridge to cross Sizewell Marshes SSSI (despite the higher land take from the SSSI);
- The total area of loss from Sizewell Marshes SSSI and the designation of some loss as "temporary", which has not been supported by proposals for adequate restoration methods; and
- Concern about adequacy of the proposed habitat compensation in terms of quantity and quality of all affected habitats.

2f. Marine ecology

The RSPB's concerns include:

- The potential impacts on birds of the Outer Thames Estuary SPA and the Minsmere-Walberswick SPA including from disturbance resulting from dredging and vessel movements, reduction in prey availability, the various discharges (including those of thermal discharges, bromoform, hydrazine, chromium, dissolved inorganic nitrogen and organic matter (dead fish)) and increased suspended sediment concentrations;
- The combined total effects of the above impacts on marine birds have not been assessed; and
- Concerns around the baseline data, reference populations and methodologies underpinning these assessments.

2g. Protected species

The RSPB's concerns include:

- Potential impacts on bats through loss of connectivity between roosts and foraging habitat and habitat loss and fragmentation, particularly near Upper Abbey Farm and Sizewell Marshes SSSI;
- Potential impacts on natterjack toads, particularly through the loss of the hibernation site due to the proposed construction of the north eastern Water Management Zone and through habitat fragmentation;
- No alternatives to north eastern Water Management Zone have been considered;
- Concerns about effectiveness of proposed mitigation for bats and natterjack toads in terms of extent and location; and
- Concern around the impact of the SSSI crossing and culvert on ecological connectivity for protected species including bats, water voles, otters and invertebrates.

2h. Other issues

The RSPB's concerns include:

- The landscape strategy lacks sufficient details of baseline information, ecological objectives for habitats, species and ecological connectivity, habitat creation and management, robust monitoring and further interventions to be implemented if required and legal means of securing this throughout the lifetime of the development; and
- We do not agree with the Applicant's conclusions around likely net gain arising from the development due to the replacement of higher value habitats with those of lower value, the time for habitats to reach target condition, the biodiversity value of existing habitats, the requirement to first demonstrate mitigation measures are adequate before counting additional benefits as net gain, and the loss of a significant proportion of Sizewell Marshes SSSI.

3. Socio-economic concerns

The RSPB considers that there may be an impact on the number of visitors visiting the locality and RSPB Minsmere.

The RSPB's concern includes:

- Potential impacts on visitors to RSPB Minsmere and the wider area and associated impacts during the construction and operational phases. There is little evidence in the application as to how any consequential loss will be addressed;

- Concerns about those impacts on visitors due to the long lasting direct and indirect effects on the natural environment and landscape (a designated AONB) with little evidence from the Applicant as to how these might be mitigated; and
- Concern over how noise and light will affect visitors to RSPB Minsmere to the detriment of visitor experience.

4. Note

As mentioned above the RSPB welcomes that the Applicant is continuing discussion with us. There are some concerns we hope to resolve through this helpful dialogue.

The RSPB and Suffolk Wildlife Trust (SWT) will work together during the Examination on issues of joint concern including impacts on protected species and impacts on Sizewell Marshes SSSI (including SSSI land take, hydrological impacts and impacts on foraging marsh harriers). This will include where appropriate joint submissions or support for each other's positions to minimise repetition and save Examination time.

For now, it should be noted that the RSPB are generally supportive of the other issues raised in SWT's Relevant Representation.

The RSPB is also in contact with other objectors again to ensure minimal repetition of joint areas of concern and save Examination time.

The RSPB reserves the right to add to and/or amend its position in light of changes to or any new information submitted by the Applicant.

The RSPB

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