

From: [REDACTED]
To: [SizewellC](#)
Cc: [Gregory, Michele](#); [REDACTED]
Subject: EN010012 - Development Consent for the Sizewell C Project. Written submissions to the Examining Authority's (ExA) Rule 6 letter.
Date: 10 March 2021 17:50:14
Attachments: [image001.png](#)
[344427 Natural England response.pdf](#)

Dear Wendy McKay,

Thank you for your letter dated the 23rd February 2021, consulting Natural England on the above.

Please find attached our formal response, which we hope you will find helpful.

Feel free to contact me should you have any queries.

Kind regards,

Ben Walker

Ben Walker
Lead Marine Advisor (Major Casework)
Cheshire, Greater Manchester, Merseyside and Lancashire – Coast and Marine Team
2nd Floor, Arndale House
Manchester
M4 3AQ

(He/Him)



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Date: 10 March 2021
Our ref: SIZE-SP004 / 20025411 (NE internal ref: 344427)
Your ref: EN010012



Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Wendy McKay

Lead member of the Panel of Examining Inspectors
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

SizewellC@planninginspectorate.gov.uk

BY EMAIL ONLY

Dear Ms McKay

Planning Act 2008 – Section 88 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 6, Rule 9, Rule 17

Application by NNB Generation Company (SZC) Limited for an Order Granting Development Consent for The Sizewell C Project

Appointment of the Examining Authority

Thank you for your letter dated 23 February 2021 regarding the above which we received the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England's input to the Preliminary Meeting

We do not wish to make oral submissions at the Preliminary Meeting and will instead present our views through written submissions in this response and that which is due by Procedural Deadline B on Wednesday 7 April 2021. Our non-attendance should not be construed as a lack of concern on outstanding issues, or a lack of willingness to engage with the process.

Natural England's views on the way in which the application is to be examined against Preliminary Meeting (Part 1) agenda items 1 to 8.

Item 1: Welcome and introductions

No comments

Item 2: The Examining Authority's (ExA) remarks about the virtual Preliminary Meeting - Annex A

No comments

Item 3: The ExA's remarks about the Examination process – Annex B

No comments

Item 4: Initial Assessment of Principal Issues – Annex C

It should be noted that, with reference to the Habitats Regulations Assessment (HRA) process, IROPI stands for Imperative Reasons of Overriding Public Interest rather than Imperative Reasons of Overriding Public Importance as stated in Annex C.

We note and welcome that the Principal Issues outlined by the Examining Authority (ExA) appear to align with the majority of the risks and issues (in the context of our statutory remit) which were raised as outstanding within Part II of our Relevant Representations (our ref: 306236, dated 30th September 2020). You will be aware that these risks and issues primarily relate to concerns for potential significant impacts on receptors of international and national importance including:

- Internationally/European designated sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Ramsar sites);
- Nationally designated sites (Sites of Special Scientific Interest (SSSIs));
- European and nationally protected species;
- Ancient woodland;
- A nationally protected landscape (Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) and Heritage Coast);
- The Aldeburgh to Hopton on Sea stretch of the England Coast Path (ECP).

However, we suggest that consideration of the following be added to the list as discrete matters in order for the ExA to give these thorough scrutiny as part of the Examination process:

- **Impacts on protected species:** Although this may be captured under more general Principal Issues heading of 'Biodiversity and ecology, terrestrial and marine', impacts on protected species are not specified as other important receptors such as European sites, SSSIs and priority habitats and species are. With respect to protected species, licences are required from Natural England for any development activity which carries the risk of significant disturbance or injury to certain species which have long been known to be potentially impacted by the development proposals (e.g. bats, badgers, water voles, otters, great crested newts, natterjack toads etc.). Throughout pre-application process, Natural England has advised the applicant that they will require Letters of No Impediment (LoNIs) for protected species where licences would be required from Natural England, in accordance with [Advice Note 11 Annex C](#). No full draft mitigation licence applications have been finalised and we will be unable to provide the ExA with the certainty that these impacts have been considered until they are. Due to this omission, we think it would be appropriate to consider this specific issue in its own right, rather than under the more general heading of 'Biodiversity and ecology, terrestrial and marine'
- **Impacts on the Suffolk Coast and Heaths AONB:** Although this may be captured under more general Principal Issue heading of 'impact on landscape and visual amenity, including the setting of protected landscapes', the location of the Main Development Site within the nationally protected AONB means we think it should be considered as a key issue in its own right.

Item 5: The Applicant's proposed changes to the application

In terms of the proposed changes application, we understand that the Preliminary Meeting discussions will focus on their materiality, both when considered individually and together.

With regards the assessment of significance from these proposed changes in terms of impacts to internationally/European and nationally designated sites, species, landscapes and access routes, we have not yet been able to come to a complete view on this for a number of reasons:

- i) Some of the relevant information has been provided in the applicant's recent submission to PINS on the 22nd January 2021, but we have not had enough time to review and come to a position all of it e.g. Sizewell Marshes SSSI fen meadow compensation strategy (strategy pertaining to potential adverse effects on a nationally designated site); this in part due to core case team and specialist resource constraints having been engaged with the applicant in trying to progress and resolve other priority risks and issues (see point ii below);
- ii) Some of the relevant information was not provided in the 22nd January 2021 submission and, although it has been shared with us by the applicant and will be submitted into the Examination in due course, we are currently in the process of reviewing and coming to a position on it e.g. Sizewell Marshes SSSI wet woodland compensation strategy (strategy pertaining to potential adverse effects on a nationally designated site), Terrestrial Ecology Monitoring and Mitigation Plan (TEMMP) (plan pertaining to potential adverse effects on internationally/European designated sites (HRA matter), nationally designated sites and protected species) etc;
- iii) Some of the relevant information was not provided in the 22nd January 2021 submission and has also not yet been shared with us by the applicant at the time of writing e.g. key coastal geomorphology modelling reports and impact assessments relating to changes to the permanent Beach Landing Facility, the new temporary Beach Landing Facility, alterations to coastal defences and soft coastal defence management strategies (underpinning evidence, assessments and mitigation/compensation strategies pertaining to potential adverse effects on internationally/European designated sites (HRA matter) and nationally designated sites). While we recognise and appreciate that the applicant has scheduled future meetings with us to discuss initial coastal geomorphology modelling outputs, we require all the fundamental evidence, assessments and strategies to be submitted and sufficient time given for us to review and advise on the implications these changes (if accepted) may have on designated sites.

Item 6: Draft Examination Timetable – Annex D

- **Deadlines for submissions and notifications**
- **Dates and format for hearings**
- **Arrangements for site inspections**

As part of their application, the applicant has applied for multiple environmental permits from the Environment Agency (EA). These permits include the Water Discharge Activity permit, Combustion Activity permit, and Radioactive Substances Regulation permit. Contrary to PINS advice note 11 (Annex D), and despite Defra group advice, the applicant submitted these permit applications concurrently to their DCO application. As a result, the EA has advised that it is unlikely that these permit application decisions will be available within the proposed Examination timetable. As the EA are a competent authority, they will conduct an HRA as part of their permit decisions. This HRA should have contributed to the 'whole project/in-combination' HRA assessment considered during the Examination, to help ensure a robust and effective process. This will now not be available within the timescale required, and may have implications on the completion of the HRA (and conclusions regarding adverse effects on integrity (AEoI) at a whole-project level.

Further to the recently submitted and/or outstanding information pertaining to the proposed changes, there are wider issues relating to potential impacts on habitats, species and landscapes of international and national importance where sufficient information has yet to be provided, including:

- **Recreational disturbance impacts:** A holistic recreational disturbance mitigation and monitoring strategy has not yet been provided within the application documents (strategy

pertaining to potential adverse effects on internationally/European designated sites (HRA matter) and nationally designated sites);

- **Water supply impacts:** A water supply strategy has not yet been provided within the application documents (underpinning evidence, assessments and mitigation/compensation strategies pertaining to potential adverse effects on internationally/European designated sites (HRA matter), nationally designated sites, protected species and protected landscape (AONB)).

We recognise the duty of the ExA to undertake the Examination within a six month period, beginning the day after the close of the Preliminary Meeting (currently proposed to be 15th April 2021). However, as outlined in our recent letter to PINS (our ref: 339203, dated 12th January 2021) and above, we believe that there exists sufficiently complex issues, proposed changes and fundamental outstanding information that it may benefit the ExA if either additional time is given in the pre-examination period to enable all of this information to be submitted and reviewed, or that the consideration of these key issues are programmed towards the end of the Examination.

Given that the current Examination has been delayed and is now scheduled to take place over the summer period and during school holidays, this may overlap with periods of leave for several of our staff. We would hope for some gaps in the Examination timetable to be maintained, to allow for staff to utilise their breaks, and minimise disruption to the wider Examination. Natural England would welcome the consideration of staff leave and resource availability during the Examination period, and it would be appreciated if those gaps could be highlighted for all parties.

With regards Accompanied Site Inspections (ASIs), Natural England will consider site visit attendance on a visit-by-visit basis. It should be noted that assent from Natural England will be needed for any ASIs proposed within Sites of Special Scientific interest (SSSIs) which involve crossing areas which are not a public right of way.

Item 7: Procedural Decisions taken by the ExA – Annex E

Natural England note the current proposal that agendas for Issue Specific Hearings (ISHs) will aim to be published 'at least five working days in advance of the hearing date'. Since some hearings may require in-person attendance of both Natural England core case team members and specialists, there may be a need for travel and accommodation arrangements to be made. For these reasons, early sight of the topics to be covered at each ISH would greatly benefit our ability to contribute to any we may wish to attend, and would ensure attendance can be properly co-ordinated.

Based on our experience from other NSIPs it would be helpful to Natural England and our specialists if the ISH agendas could be focused on specific questions from the ExA. This will enable us to discuss the issues with the applicant or other relevant attending stakeholders to ensure that they are aware of our current position and are fully able to provide the ExA with a response.

Natural England notes the request for the provision of a Statement of Common Ground (SoCG) by Deadline 1 (12th May 2021) and a final SoCG by Deadline 8 (6th October 2021), and will continue to actively engage with the applicant to achieve this. We also acknowledge the topics which the ExA wish to see in our SoCG with the applicant and are in the processes of incorporating this.

Item 8: Any other matters

No comments

This concludes Natural England advice at this time which we hope you will find helpful.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to this letter only please contact Jack Haynes on 0208 02 64857. For any new consultations, or to provide further information on this

consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Ben Walker
Lead Adviser
Norfolk & Suffolk Area Team

Jack Haynes
Senior Adviser
Norfolk & Suffolk Area Team