

Relevant Representation from the Ms Dyball, Ms Hall and SR Whitwell & Co (landowners and occupiers of land at Pakenham, Nr Bury St Edmunds, West Suffolk) Reg ID 20028085

This land was accepted into the Sizewell Project DCO by the planning inspectorate (Ref EN010012) on the 21st April '21

On behalf of the owners and farmer (Ms Dyball, Ms Hall and SR Whitwell & Co) of 30 acres of land identified at Pakenham, West Suffolk as possible compensatory fen meadow for the loss of 1.7ac of Sizewell Marshes SSSI we write with our clients representations

SUMMARY AND CONCLUSION

1. *The land identified in West Suffolk is over 40 miles distant from the 0.7ha fen meadow to be lost*
2. *The applicant has not provided sufficient data/evidence to demonstrate that there will be any success in re-creating fen meadow in the current climatic conditions – we would respectfully request that a detailed feasibility report is shared with our owners to demonstrate the success of any project in attempting to re-create fen meadow on our clients land.*
3. *The amount of land identified as compensatory fen meadow appears to be far in excess to the amount requested by Natural England (16 acres)*
4. *The applicant has not provided sufficient data on how the land will need to be managed in the future to maintain a fen meadow nor how the engineering works on the land drainage will affect the neighbouring land or riparian owners further down stream*
5. *The loss of 30 acres will have a major impact on our clients cattle enterprise and also on the habitat and mental wellbeing on members of the family*
6. *The acquisition of this land will cause significant financial issues with the Rural Payments Agency and the irrigation project our client entered into in 2019*
7. *There is 12 acres of bare land available on the market (Spring '21) that could deliver the compensatory fen meadow – very close to the Pakenham land, why is this not acquired by EDF?*

INTRODUCTION

Our clients were first made aware that their land (30ac) near Bury St Edmunds, West Suffolk was subject to the planning application in October 2020 via a letter from EDF's agent. It has subsequently come to light that prior to this in May 2019 informal access was taken by EDF onto our clients' land without our client being properly informed as to the reasons for this access.

Our clients refused to give further access to the EDF agents in December '20 : as a result a section 172 Notice (under the Housing and Planning Act 2016) was served on our client; our client requested a warrant be obtained, however the agents refused to obtain one and took access anyway. Hydrological and environmental surveys are currently being carried out on the land.

In January, a meeting was held between our clients and the EDF agents. The information provided to date has not enabled our client to fully understand what will happen to the land as a result of this planning application.

THE LAND



The land that EDF have identified, belonging to our client, is over 40 miles distant from the Sizewell C development on the East Coast of the Suffolk Coastal District (see above). Our clients land is just 6 miles north east of Bury St Edmunds in West Suffolk. It is our clients opinion that any compensatory mitigation land should be adjacent to the developed site or at least within the same council district, this would ensure the mitigation would benefit the immediate local environment to the development.

The land being proposed as compensatory fen meadow on our clients land, comprises of 3 grass meadows currently managed by the farmers as grazing meadows for a beef enterprise of 40 Simental suckler cows and their followers (70 plus cattle in total). Currently the cattle are let onto the land in April /early May to graze and are removed in September/October, depending on the weather conditions. The cattle are an extremely important enterprise for the family providing the employment for one man on the farm. If the meadows are acquired this loss of employment will be very detrimental to the wellbeing and livelihood of the man and also there will be a major impact on the families enjoyment of this valuable habitat of the farm. The meadows also provide beauty and valuable biodiversity to the Holding as well as being a significant part of the shooting enterprise. In addition, the meadows provide access to the Black Bourn river and important riparian rights. Over the years the land has been drained to improve the agricultural productivity from the grassland.

We understand that the proposals are to rip out all the field drains, to block up the soak ditches and so create very wet land which will only be accessible by the cattle for grazing at certain drier times of the year, if at all. These details are not clear as survey work is only just being carried out on the land.

*In the data provided by Sizewell, their environmentalists and by Natural England it is clearly stated that the feasibility of re-creating fen meadow is not well evidenced. It is concluded by Natural England in their representation that compensating the lost Sizewell Marshes SSSI habitat of the same quality **will be extremely difficult**.*

THE QUANTUM OF LAND REQUIRED

*We would like the planning inspectorate to question the quantum of land that is needed to compensate for the loss of 0.7ha of coastal fenland from the Sizewell Marshes, especially as it has been confirmed that this compensatory land will of course not be coastal fenland. We understand that it is extremely difficult to re- create fenland. It is stated in Vol 3 appendix 2.9 page 6 **that the ‘test of success’ is for 4.5ha of M22 fen meadow habitat to be created** – why then does so much land need to be acquired? In much of the documentation Natural England are seeking 9 times the lost land in places the lost land is 0.5ha in others 0.7ha lost x 9 = 6.3ha*

*Please note that in a recent flora survey carried out for my client on the 4th May '21 (by Botanical surveyors Juliet Hawkins and Anna Saltmarsh) M22 Juncus subnodulosu – Cirsium palustre fen meadow is already in situ on one of the fields belonging to our client (a 10 acre field , **4ha**).*

Our client would be prepared to contribute a part or all of this field alone (Reclaim Meadow) if the other fields are removed from the project.

EDF have identified 5 sites where compensatory fen meadow may be re-created :-

1. Benhall -Site 10 Aldecar Lane providing 2.2ha of prima locus with possibly a further 2ha
2. Watering Lane, Benhall – site 11 providing 1.2ha with possibly a further 3ha
3. Halesworth, Blythe Road – site 28 providing 1.3ha with possibly a further 4ha
4. Pakenham North Area (site 54) providing 3.2ha with poss further 6.2ha and
5. Pakenham South Area (site 54) providing 1.7ha with poss further 4.3ha (our clients land)

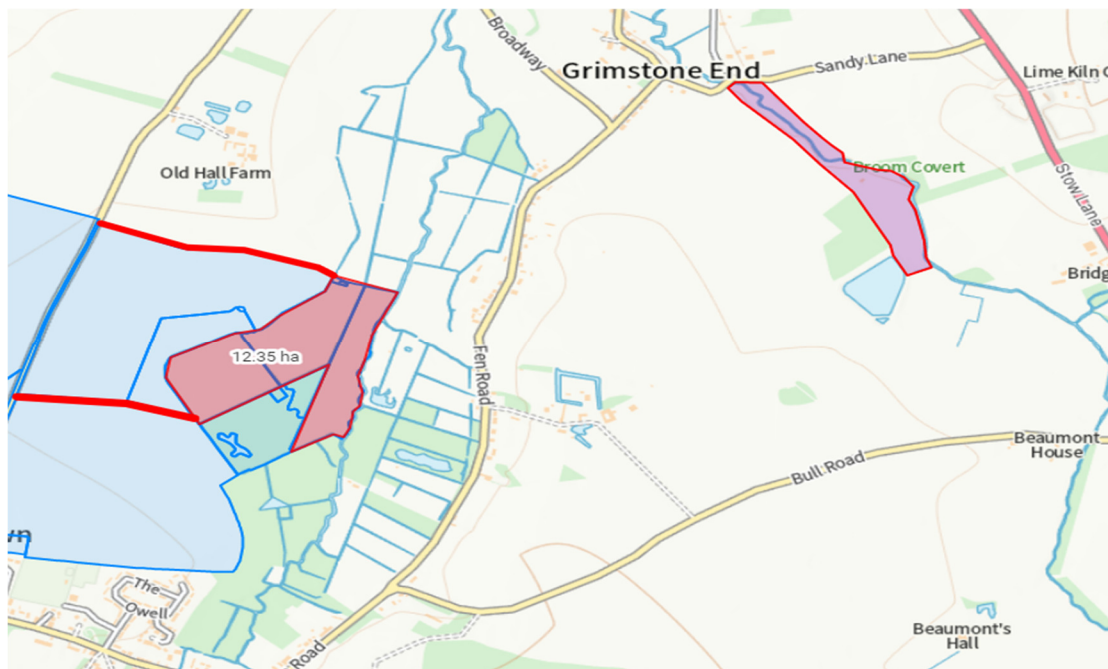
In total the area of prima loci at these 5 sites has identified a potential 9.6ha – **nearly 14 times the lost land.**

If just the land in Suffolk Coastal were re-created including the extra possible land this would provide 13.7ha, over 19 times the lost land.

We would ask the Planning Inspectorate to consider very carefully the detailed feasibility studies for the sites, as it takes over 10 years at least to re-create fenland and the success rate has not been proved. Please ask for examples of any success in Suffolk.

LAND FOR SALE

We bring to your attention that this Spring '21 Lacy Scott & Knight has brought to the market 12 acres of bare land to the north of Pakenham village on the river Black Bourne (see below the land highlighted purple, Grimstone End). Our clients land is to the west highlighted pink.



This land is still available to buy, and in our opinion ticks the boxes as compensatory fen meadow – would it not make sense that EDF purchased this land from a willing seller sale in the region of £120,000 – this would appear to tick all the boxes?

<http://www.lsk.co.uk/Property-Details?propertyID=100869013464>

WHY THE LAND IS NOT APPROPRIATE AS COMPENSATORY LAND & REASONS

DATA, METHODOLOGY KEY FACTS

1. *A significant area of the land identified (pink land above on plan), consists of drained productive meadow land which is an integral part of the mixed farming system of Pakenham Manor Estate, Pakenham, Bury St Edmunds.*
2. *During 2019 a major irrigation project was undertaken and funded in part from an RDPE (Rural Development Program for England) grant and part by personal investment. The project included the construction of a new irrigation reservoir, with a capacity and right to abstract 65,000 cu/m of water from the Black Bourn river, significant investment was also made into an easement, a pumphouse and a distribution network which serves the Manor Farm land, the Queach Farm land and two other neighbouring farm businesses.*

Acquisition of this land would result in the loss of access to the river Black Bourn and the farm's source of water for the purposes of irrigation. In addition, changes to the wetland management of the Fen would potentially impact on the availability of water under the EA's abstraction licence.

One of the obligations of the RPA grant being awarded to our client, is a requirement to report annually to the RPA on the financial returns to their business. Any restriction on the ability to utilise the abstraction licence water (No: AN/033/0037/022) fully, will impact on the ability to meet the RPA's grant obligations.

To summarise, the proposed modification to the water management levels of these meadows at Pakenham Fen would result in the loss of the beef enterprise at Manor Farm Pakenham, the redundancy of the stockman and consequential losses to the irrigated crops income (in the current year this income was well over £50,000 to the business).

3. *As stated above, the land at Pakenham Fen is 50 miles from the area of coastal fen land being lost at Sizewell and bears little, if any, comparison in either geographic or habitat terms to the habitat being compensated for. The Sizewell Estate (controlled by EDF) amounts to approximately 1,500 acres of land surrounding the Sizewell C development site. In other local National infrastructure projects (for example Felixstowe Docks) the habitat mitigation (Trimley Nature Reserve) was provided directly adjacent to the development, within the landowner's existing landholding, not on an unrelated geographically distant site, bearing no integrity to the development site or the habitat being lost. We understand from numerous documents and as stated by Natural England that it is very very difficult to re-create fen meadow, therefore surely it would be more sensible to improve some other habitat?*
4. *We would ask the planners to question the requirement to have compensatory land 'like for like' – surely some betterment could also be deemed as compensatory – listen to the Radio 4 'costing the earth' programme where 'land fill' sites in Essex are falling in the sea <https://www.bbc.co.uk/sounds/play/m000v7q1> - would it not be a good idea if the developers spent the money on improving / tidying up land that has been destroyed by mankind rather than taking away a piece of land that provides a livelihood in a perfectly legal way. With the knowledge that land fill sites are falling into the sea on the East Coast – I wonder whether the planners should also re-investigate the engineering data to assure the general public that there is no chance that the Sizewell C development will not fall into the sea.*

5. *We are aware, from data within the initial planning consultation, that there are over 30 other possible sites that have been identified as possible fenland mitigation land.*

*As expressed above, we believe that any mitigation **should be relevant** to the Sizewell development in **locality** ie coastal or at least within Suffolk Coastal District; but notwithstanding that there may be landowners, who for their own reasons, would welcome the opportunity to provide mitigation land for Sizewell C and we would suggest that the possibility of agreeing to purchase land by voluntary agreement, where the consequential effects may be less, would be more appropriate than using compulsory powers to acquire land which will have a devastating effect on the existing farming business. We refer again to the land on the market currently.*

6. *The agricultural industry is about to be subjected to major structural changes (as set out in the recent Agriculture Bill) and the removal of any part (let alone an important meadowland habitat) of the current business will have serious financial consequences.*
7. *It is well known that restrictions/sluice boards/dams within the river Black Bourn create hydrological impacts not only on the meadows themselves; but also for other users further up and down stream, including at least 4 other farmers, a woodland owner, the working Pakenham Water Mill (one of the last in East Anglia) and the community's enjoyment of footpaths and bridleways. Any proposals for changes in water levels and hydrological management will not only affect the immediate landowners but many other users of this river resource. We are aware that the **Pakenham Water Mill** are particularly concerned that any proposals to create further wetland would require a significant supply of water and this might affect the supply of water to the mill.*
8. *The Sizewell Estate land holding expanded significantly in 2015, when in anticipation of needing to mitigate against the loss of land for Sizewell C, land at Aldhurst Farm, Leiston was acquired. This land as publicised, has successfully been 'enhanced' to a wetland habitat from arable land; we would suggest that this land at Aldhurst Farm could be accepted as mitigation land. We understand that fen meadow cannot be re-created here because the nutrients in the water are too high, we believe this may also be the case at Pakenham, this information will have to be clarified in the feasibility study that must be shared.*
9. *To summarise :-*
 1. *Pakenham Fen land is geographically remote from Sizewell C and is not providing mitigation for the loss of coastal fenland*
 2. *The Sizewell Estate holding has already mitigated significantly on Aldhurst Farm, Leiston*
 3. *Any changes to the water level and land management and or ownership of the water meadows will have a significant impact on the remaining agricultural business financially, environmentally, and physically / mentally to the owners.*
 4. *The legal commitments with regards to the RDPE grant will be impossible to deliver and therefore will be breached*
 5. *Changes to water level management will have consequential effects to the local community and other users of this water resource.*