The Sizewell C Project

9.10.24 Initial Statement of Common Ground - Royal Society for the Protection of Birds and Suffolk Wildlife Trust

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Planning Act 2008
Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

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CONTENTS

TABLES

PLATES

None provided

FIGURES

None provided

APPENDICES

1 INTRODUCTION

1.1 Status of the SOCG

1.1.1 This Statement of Common and Uncommon Ground ('SoCG') has been prepared in respect of the application for a development consent order ('DCO') to the Planning Inspectorate ('PINS') under the Planning Act 2008 ('the Application') for the proposed Sizewell C Project.

1.1.2 This SoCG (Revision 3) has been prepared by NNB Generation Company (SZC) Limited ('SZC Co.') as the Applicant, the Royal Society for the Protection of Birds (the RSPB) and Suffolk Wildlife Trust (SWT) and agreed on 28 May 2021.

1.1.3 This SoCG has evolved through a programme of engagement and series of versions as detailed in Section 2.

1.2 Purpose of this document

1.2.1 The purpose of this SoCG is to set out the position of the parties, so far as they relate to the matters of concern ("uncommon ground") for the RSPB and SWT, arising from the application for development consent for the construction and operation of the Sizewell C nuclear power station and the proposed associated development (hereafter referred to as 'the Sizewell C Project').

1.2.2 This SoCG has been prepared in accordance with the 'Guidance for the examination of applications for development consent' published in March 2015 by the Department of Communities and Local Government (hereafter referred to as 'DCLG guidance').

1.2.3 Paragraph 58 of the DCLG Guidance states:

> *"A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence"*

1.2.4 This SoCG focuses on "uncommon ground" / concerns of the parties and this draft is based on responses submitted in the relevant representation to PINS, received by PINS on 30-9-20 and published here:

https://infrastructure.planninginspectorate.gov.uk/projects/eastern/the-sizewell-c-project/?ipcsection=relreps&relrep=41810. Any area, topic, subject etc not covered should not be taken as the RSPB/SWT being agreement with it and having no concerns. Due to limited resources the RSPB/SWT are focusing on their key areas of concern and unable to review every aspect.

1.2.5 The aim of this SoCG is to inform the Examining Authority and provide a clear position of the state and extent of discussions, agreement and concerns between SZC Co. and the RSPB and SWT on matters relating to the Sizewell C Project.

1.2.6 This SoCG does not seek to replicate information which is available elsewhere within the DCO application documents. All documents are available on the Planning Inspectorate website https://infrastructure.planninginspectorate.gov.uk/projects/eastern/the-sizewell-c-project/).

1.3 Parties to this Statement of Common Ground

1.3.1 SZC Co. has submitted an application for development consent to build and operate a new nuclear power station, Sizewell C, along with the associated development required to enable construction and operation.

1.3.2 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 1.1 million. 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 European Sites network (made up of Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) and due to Government Policy Ramsar sites)[1], and the national network of Sites of Special Scientific Interest (SSSIs) notified by Natural England.

1.3.3 Suffolk Wildlife Trust (SWT) is the county's local Wildlife Trust. We have over 28,000 members and are part of the UK network of 47 Wildlife Trusts. We are committed to protecting Suffolk's most precious habitats and rarest species, creating Nature Recovery Networks that are rich in wildlife, where species can expand their range and move out of protected sites into the wider countryside. We care for over 3,000 hectares of Suffolk's most precious

[1] Now known as the National Protected Sites network in England, Northern Ireland and Wales. For completeness in Scotland the same network is now called UK Protected Sites Network

habitat in our 50 nature reserves, which are all free to enjoy and we advise landowners, communities and individuals on improving their land for wildlife.

1.3.4 The RSPB and SWT will work together during the examination on issues of joint concern including impacts on protected sites and species and ecology more generally. This will include where appropriate joint submissions or support for each other's positions to minimise repetition and save Examination time.

1.3.5 Collectively SZC Co. and the RSPB and SWT (the RSPB/SWT) are referred to as 'the parties'.

1.4 Structure of this Statement of Common Ground

1.4.1 Chapter 2 provides schedules which detail the matters of concern to the RSPB and SWT and SZC Co.'s response. It also identifies where discussions are ongoing.

1.4.2 Next steps/actions are only being identified where both parties consider there is the potential to narrow the degree of differences between them; where there is an in-principle difference, it has been agreed by both parties that no further engagement will be had on that matter and each party will rely on their own written submissions into the examination.

1.4.3 Future versions of this SoCG will be more concise and cross refer to written submissions.

1.4.4 **Appendix A** provides a summary of engagement undertaken to establish this SoCG.

2 POSITION OF THE PARTIES

Table 2.1 Position of the Parties - SZC Co. and the RSPB/SWT as of May 2021

Ref.	Matter	Joint RSPB/SWT Position	SZC Co. Position	Details of any Further Action Being Taken to Resolve The Parties Concerns	Agreed / Not Agreed /Under discussion
G	**General**				
G1	Legislative and policy context	The legal and policy requirements applicable to this Application and the Examination process will be further expanded in future representations & submissions during the examination process. Whilst the RSPB/SWT appreciates the legislative and policy covered, they do disagree with SZC Co. re compliance with those requirements and believe that further legislative and policy requirements are applicable.	**Volume 1, Chapter 3** of the **ES** sets out legislation and policy applicable to the Sizewell C Project, with individual ES chapters providing additional topic specific information. Since the submission of the DCO application, the Suffolk Coastal Local Plan was adopted (in September 2020). The ES submitted with the Application already accounted for the emerging policies of the new Local Plan.		
G2.1	Adequacy of the EIA	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. See our comments on individual topics below, but note for example concerns around: • survey methods for South Levels waterbirds meaning data gathered so far are not robust • under-estimation of recreational displacement • reliance on existing site management as mitigation for recreational displacement • inappropriate thresholds applied to assessments of marine impacts on fish when considering indirect effects on predator species • inadequate baseline data for barbastelle and other bat species • assessment of cumulative impacts on barbastelle and other bat species • lack of assessment of impact on barbastelle population • inadequate mitigation and lack of clarity on the effectiveness and extent of mitigation for impacts on bats especially barbastelle	**Book 6, Volume 2** and the **ES Addendum** submitted in January 2021 provide a robust assessment of the likely signficant effects of the proposed development and identifies appropriate mitigation and / or compensation. The assessment scopes were discussed and information shared through the Evidence Plan process and expert topic groups with relevant stakeholders, including the Parties, over a number of years. This engagement included, but was not restricted to, workshops on each of the following: reptiles, marsh harriers, other breeding and wintering wildfowl, red throated divers, natterjack toads, bats (with a particular focus on Barbastelle), recreational displacement, drainage strategy/groundwater impacts and the SSSI crossing. There was detailed engagement on all aspects of mitigation, including the design of compensatory and mitigation habitats. It is understood that the Parties have yet to complete their review of the ES Addendum in the Jan 2021 change application. It is envisaged that the next update of this SoCG will address all of the Parties' outstanding concerns.	See details below	See details below - Under discussion although some aspects not agreed
G2.2	Adequacy of the HRA	Concerns around the lack of justification for conclusions of no Adverse Effect on Integrity (AEoI), including lack of robust assessments for some issues. Again, see our comments on individual topics below but note that our concerns primarily relate to the following sites: • Minsmere Walberswick SPA, SAC and Ramsar site • Outer Thames Estuary SPA	The Shadow HRA was carried out in accordance with the HRA Evidence Plan that was agreed with relevant stakeholders including the Parties. This was to ensure that their expertise was fully utilised so that all potential effects on European sites are identified and robustly assessed.	See details below	See details below - Under discussion although some aspects not agreed

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		• Sandlings SPA Concerns had been raised previously, where information was available, through the HRA evidence plan and expert topic groups. See comments on G6.	We are satisfied that the sHRA has been carried out in accordance with the agreed Evidence Plan and would therefore expect any related concerns to be limited and specific. Notwithstanding the Evidence Plan, the Parties have raised a number of issues related to the Shadow HRA in their RRs that are recorded and responded to in this SoCG. We understand that the Parties have yet to complete their review of theShadow HRA Report Addendum in the Jan 2021 change application. It is envisaged that if there are any further concerns, these will be raised in the Parties' WRs that will form the basis of the next version of this SoCG.		
G3	Adequacy of cumulative assessment in EIA	Concerns around the lack of any "cumulative" assessments within the Environmental Statement. We acknowledge the updates that have been provided but still consider the depth of cumulative assessment is limited. For example, the cumulative assessment does not properly consider the potential for displacement of nightjar and woodlark at Aldringham Walks through visual effects of SzC to affect the conclusions of the asses, sment for the cable route of EA1N and EA2 offshore windfarms. Detailed consideration of timings of works and territories potentially displaced by both projects is required. Also cumulative assessment of vessel movements from SzC and offshore windfarms needs to consider the total impacts on red-throated divers – all relevant windfarms plus SzC should be considered together rather than SzC plus each windfarm individually. These issues also require consideration through the in-combination sHRA. Also concerns around assessment of cumulative impacts on barbastelle and other bat species.	See response to G2.1 above. Book 6, Volume 10 of the ES provides the cumulative assessment, which considers inter-relationships, project wide effects, effects with other plans and projects, and transboundary effects. Chapter 10 of the ES Addendum provides an update in respect of the change application. Appendix C to the Shadow HRA Report records the screening assessment for other plans and projects considered in the HRA in-combination assessment. The in-combination included assessment of the cable route of EA1N and EA2 offshore windfarms on the Sandlings SPA (i.e. breeding nightjar and woodlark). Similarly, the potential for in-combination effects on the non-breeding red throated diver population of the Outer Thames Estuary SPA were assessed in the Shadow HRA Report, including the potential effect of vessels movements. Further assessment was provided in the Shadow HRA Report Addendum (section 8.8).	None	Not Agreed
G4	Adequacy of incombination assessment in sHRA	The sHRA 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 this is done separately. This means conclusions regarding the total potential effects on the integrity of the sites and their features is incomplete. Assessment of the synergistic effects is also weak, effectively meaning that the conclusions regarding AEoI of the sites has not been fully determined. We acknowledge that the updated documents do include assessment of project-wide effects but disagree with conclusions relating to e.g. marine ecology (as discussed above) for two reasons:	See response to G2.2 above. The Shadow HRA Report draws an overall conclusion regarding all pathways/effects on European sites in **Section 11** based on an Evidence Plan that was agreed with both parties. SZC Co took a highly precautionary approach to the likely significant effect (LSE) screening stage. Therefore all relevant pathways that could have any conceivable influence on the qualifying features of European sites were included in the appropriate assessment stage. This approach ensures that no pathways or effects that may be insignificant when considered alone are excluded from the in-combination assessment. The conclusion on effects on integrity was tested by the further analysis of the inter-pathway effects (i.e. all pathways considered collectively), which was submitted in the Shadow	None	Not Agreed

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		1. where we disagree with the level of significance attributed to single impacts, this means the impact when combined with others is also under-estimated 2. where impacts considered insignificant alone are not considered further this disregards potential for additive and/or synergistic effects	HRA Report Addendum in January 2021. That analysis provides further justification to the conclusions around all effects of the project when considered collectively and, therefore, SZC Co's position is that the assessent of potential effects on integrity is robust and complete and in line with the guidance provided in the Planning Inspectorate's Advice Note 10 and its associated Appendices		
G5	Adequacy of proposed environmental monitoring and mitigation plans	Concerns about the current lack of detail in the required monitoring and mitigation plans to be required by way of obligations or conditions imposed in respect of any consents granted. For example for bats, there is a huge amount of uncertainty over the effectiveness of the mitigation due to statements that add ambiguity as to whether they will actually use the mitigation, mainly for lighting and noise. In some cases conclusions of negligible/minor adverse impacts or no AEoI are dependent on monitoring and mitigation plans which have not yet been developed. We will update our position on areas where mitigation and monitoring plans are under development when these plans are submitted to the Examination.	To demonstrate that all necessary controls and mitigation have been identified within the DCO application and are secured, SZC Co. submitted and subsequently updated the Mitigation Route Map. The Mitigation Route Map is structured by development site to provide an audit trail of the controls and mitigation considered within the Environmental Statement and related assessment documents and identifies how the measures relevant to each of the sites are secured. We assume that the specific reference to monitoring and mitigation plans is referring to the plans that have been discussed with the RSPB relating to recreational disturbance. As noted, the Shadow HRA Report includes a mitigation commitment to a monitoring programme for recreational displacement to identify the need for further local mitigation measures. Monitoring and mitigation proposals for European sites which may be impacted by recreational displacement have been developed and reported in two plans. These plans are as follows: • Monitoring and Mitigation Plan for Minsmere - Walberswick European Sites and Sandlings (North) European Site. • Monitoring and Mitigation Plan for Sandlings (Central) and Alde, Ore and Butley Estuaries. The monitoring approach and potential mitigation measures set out in the Monitoring and Mitigation Plan for Minsmere - Walberswick European Sites and Sandlings (North) European Site have been discussed in detail with ecological stakeholders at meetings held on 18 and 22 February 2021. The updated version of this plan, which provides details of proposed monitoring (methods, locations) and mitgation measures (including funded wardening) has recently been shared with the Parties (and other ecological stakeholders) and will be updated before being submitted to Examination.	Further engagement on proposed monitoring & mitigation plans	Not Agreed

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			Although the intention to prepare a Monitoring and Mitigation Plan for Sandlings (Central) and Alde, Ore and Butley Estuaries has been discussed with stakeholders, this plan has not yet been shared with stakeholders. That plan will be shared with the Parties, other ecological stakeholders and will be submitted to Examination.Specifically in relation to bats, the monitoring for this group is covered in the Terrestrial Ecology Monitoring and Mitigation Plan (TEMMP) which was shared with stakeholders and the subject of a recent workshop. The TEMMP was updated following receipt of comments and was submitted to Examination at deadline 1. The TEMMP will then secure the monitoring set out within this document and ensure that any mitigation set out within it is appropriately secured.		
G6	Inadequacy of evidence	Whilst grateful for the Evidence Plan process, technical meetings and the rounds of public consultations, the parties have raised a range of significant concerns over the plans for the project which have not been resolved at the application stage. These concerns largely stem from the fact that evidence was often limited, resulting in various assessments and conclusions not being robust. There are also a number of areas where we disagree with the interpretation of the data. The currently proposed mitigation and compensation will not offset the loss to biodiversity, or the impacts to protected sites and their habitats and species. Whilst we are grateful for the opportunity to use our expertise in the design and management of Aldhurst farm, with the caveat that we did not accept the *principle* of SSSI loss in terms of the need for this loss and that Aldhurst Farm is adequate compensation for this loss.	Please refer to response to G2. It is unclear what the Parties mean by “evidence was often limited”. During early engagement with the Parties the purpose of the engagement was often to obtain feedback on, for example, the scope of baseline surveys, or to share our interetation of preliminary survey results in order to solicit feedback on the survey protocols and assessment methods. The detailed engagement we held with the Parties on reptiles, bats, marsh harriers and recreational displacement are good example of this approach. The constructive criticism that was received from the Parties during this engagement was extremely helpful and was taken into account in the Project. The Parties expertise in the design and management of wetlands was invaluable in the development of our proposals for Aldhurst farm to compensate for loss of reedbed and ditch habitat. Please see our response to L3 for further details on this advice.	None	Not Agreed
Land take from Sizewell Marshes SSSI (including impacts of the SSSI crossing) (Book 6, Volume 2, Chapters 2, 3, 6) (Book 4)					
L1	The principle and justification for the proposed loss of part of Sizewell Marshes SSSI	Concern about the principle and scale of the proposed loss of part of Sizewell Marshes SSSI and its justification against the policy tests set out in EN-1 (Overarching NPS for Energy). In addition we are unconvinced about the applicant’s justification for an embankment and culvert rather than a bridge to cross Sizewell Marshes SSSI, despite the higher land take from the SSSI. We do not agree that the requirement in EN-1 paragraph 5.3.7 ‘to avoid significant harm to biodiversity …through mitigation and the consideration of reasonable alternatives’ has been met. We still	The quantum of permanenent landtake for all habitats were presented in the ES and following updated NVC mapping in 2020, were updated in the ES Addendum in January 2021. Permanent landtake would be 6.52ha which includes the unbuild, but shaded area, under the bridge of the SSSI crossing. The proposed 40m wide single span bridge included in the change application responded to stakeholder concerns about the ecological impact of the 68m long embankment over culvert.	Design review of SSSI crossing to reduce impacts on SSSI	Not Agreed

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		have concerns over the principle of the proposed loss of part of Sizewell Marshes SSSI and its assessment against the tests set out in EN-1. The change application includes an additional fen meadow compensation site at Pakenham. Given the distance of the Pakenham compensation site from Sizewell Marshes SSSI there is a clear limitation of Pakenham in terms of compensation for the loss of Sizewell Marshes SSSI. This is far from ideal and we continue to question the justification for SSSI loss. The proposed bridge to cross the SSSI in the change application could also be designed more sensitively to avoid SSSI loss from the crossing. We are concerned that the detailed surveys to inform the Fen Meadow Plan will not be completed until after the close of the Examination. We are awaiting the Fen Meadow Plan Report 1 which the fen meadow strategy noted will be prepared for submission in Q1 2021 to provide the baseline reports for the sites and water data available to that period. We are also concerned that the creation of wet woodland within the marsh harrier compensation area will result in a loss of habitat available for foraging marsh harriers as the habitat is not likely to be functional by the time construction starts.	Due to continued concerns from stakeholders a design review has been carried out of the single span bridge proposal to determine if the design could be optimised to reduce impacts further. See response to OM2 for details. The **Planning Statement** (Doc Ref. 8.4) considers the case for granting a DCO for the Sizewell C Project, having regard to relevant planning policy. It sets out the legislative and planning policy context against which a decision will be made, draws together the evidence on the key issues, and examines the application against the relevant policy tests, including those related to biodiversity. The Site Selection Report (Appendix A to the Planning Statement), sets out the full account of the alternatives considered for the project process in one place, but it is also supplemented by the alternatives chapters contained within the Environmental Statement (ES) (Doc Ref. Book 6), which draw on this report, to specifically address the requirements of Regulation 2(1) and Schedule 4 of the Environmental Impact Assessment (EIA) regulations for the ES to "outline the main alternatives studied by the applicant and an indication of the main reasons for the choice made, taking into account the environmental effects". The ES chapters, therefore, focus on the comparative potential environmental effects of the alternatives studied by SZC Co. which are in this Site Selection Report. Section 3.2 of the Site Selection Report deals with the SSSI Crossing, including the alternatives considered. In accordance with EN-1 and EN-6 a compensatory habitat approach has been developed for: • Reedbeds and ditches (Aldhurst Farm wetlands, already established) • Fen Meadow (Fen Meadow Strategy to deliver at least 4.5 ha of fen meadow, submitted in January 2021) • Wet Woodland (Wet Woodland Strategy to deliver 3.06ha of wet woodland, shared in March 2021, updated and submitted to Examination at deadline 1) The wetlands at Aldhurst Farm provide 6ha of high quality open water, ditches and wet reedbeds, which have already attracted breeding marsh harriers from 2019 and otters from 2021. The Parties played a key advisory role in the design of the habitats to maximise their biodiversity through optimisating the ratio of reedbed to open water, the requirements for deep water areas		

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			to provide refuge for fish and help keep the reeds in check, and the use of slubbings to 'seed' the new habitat. The Fen Meadow Strategy was subject to extensive consultation and was submitted in January 2021 and will lead to a Fen Meadow Plan, which would include Natural England as an approver through the Environment Review Group. The Strategy would be secured by requirement and includes a contingency strategy if the quantum of fen meadow delivered falls short of 4.5ha after 10 years of on-site works. A wet woodland strategy circulated for comment in March 2021. This has been subsequently updated and was submitted to Examination at deadline 1. The Strategy includes delivery of 0.7ha of wet woodland on the main development site (in the wetland corridor on the edge of the marsh harrier habitat compensation area) and 2.36ha to be delivered on the fen meadow compensation sites at Benhall and Pakenham. The approach of collocation with the new fen meadow habitats will maximise the habitat value to invertebrates and mimics the situation at Sizewell Marshes. Of a range of possible options, this approach – iof delivery at the fen meadow sits - was the preferred approach to the compensation from stakeholders, incluidng Natural England and the Parties. The Wet Woodland Strategy would be secured by requirements.		
L2	Temporary land take from Sizewell Marshes SSSI	We dispute the term 'temporary' damage and we believe it is likely many of the activities that will take place (such as repeated tracking across the SSSI) will result in the permanent damage to nationally important fen habitat.	The areas of landtake for all habitats were presented in the ES and following updated NVC mapping in 2020, were updated in the ES Addendum in January 2021. Permanent landtake would be 6.52ha and temporary landtake would be 3.02ha. For those areas of the SSSSI subject to permanent landtake, construction access to would be from the construction side inside of the barrier sheet pile wall that would be installed around its perimeter during the early works. The impacts associated within areas subject to temporary landtake are described in the ES. These impacts vary from short term and temporary for the installation of the over head lines, where fen meadow can be protected using 'bog matting' , to more intrusive work such as the realignmnet of the Sizewell Drain, albeit that we expect the reinstated ditch and its margins to be able to achieve SSSI quality. All such works in the areas of tempoary landtake in the SSSI would be subject to method statements, which will define working methods and define measures used to protect habitats.	None	Not Agreed

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			There would be no construction access to and no vehicular tracking of any areas of the SSSI outside the permanent and temporary landtake areas described above.		
L3	Adequacy of the proposed habitat compensation	Do not agree the quantity, quality and timing of functionality of all the proposed habitat compensation is adequatey to compensate for loss of all affected SSSI habitats. We are concerned that the proposed habitat compensation sites will not be able to offset the loss of biodiversity, with the outcomes likely to be deficient in quality and quantity. Aldhurst Farm habitat creation has been designed to compensate for the loss of reedbed habitat only. As stated at the time, we were keen to see that any habitat creation is of the highest quality and achieves the best possible outcomes for wildlife (irrespective of whether this becomes an enhancement or compensation site). We also did not and still do not agree that it compensated the SSSI loss nor the acceptability of loss and need for compensation – continues to be inadequately demonstrated. We also raised specific concerns about the lack of attempt (at the time) to address loss of fen meadow, wet woodland and specialist invertebrates nor subsequently. We therefore consider there will be residual impacts (other than reedbed) and we are not confident that compensation more recently proposed will fully address this. Due to potentially high nutrient levels found in the surface water, the newly proposed fen compensation sites may only support more generalist species, with a resulting overall loss of biodiversity. We have seen no evidence as yet regarding the technical feasibility of fen meadow creation on these sites. The wet woodland strategy proposes creation of wet woodland at the fen meadow compensation sites. Since compensation sites should be as close as possible to the lost habitats, we consider the compensation ratio should be increased to take account of the distance of the compensation sites from Sizewell Marshes SSSI but without constraining the creation of fen meadow habitat. The contingency proposal to transition the marsh harrier compensatory habitats to provide additional wet woodland habitats once construction is complete would not deliver compensation habitat creation for at least 10 years.	The SSSI compensatory habitat approach has been developed in consultation with all relevant stakeholders. We are grateful to the Parties for their expert advice in the design of Aldhurst farm. This was designed to compensate for losses of reedbed and ditch habitat as set out in the design principles, as well as to maximise biodiversity. We agreed the design principles upfront with the Parties who also played a significant role in design development of the wetland over a series of workshops. In these workshops the parties critically reviewed the emerging proposals, providing expert advice on the optimal reedbed/wetland mosaic, basin edge and slope planting, reed establishment, design of groundwater basins, substrate, design of open water areas, perimeter ditches, management considerations and wider recommendations to maximise biodiversity, all of which has been implemented in full. We are grateful for the advice and support of the Parties in supplying ditch slubbings and heather brashings for the site. We understand that the Parties have no concerns about the quality of the reedbed and ditch habitat that has been created at Alhurst farm. Their concerns in respect of Aldhurst farm rest on the principle of SSSI loss and quantum. The fen meadow strategy is explained above at L1. It includes a contingency strategy if the quantum of fen meadow delivered falls short of 4.5ha after 10 years of on-site works as noted above. SZC Co included the Pakenham site in the January 2021 changes application to ensure that a compensation ratio of 9x, as requested by natural England, could be achieved. The fen meadow compensationsites have been selected in part because of thier proximity to existing fen meadow sites (e.g. Pakenham SSSI) and given the proposed use of groundwaters, there is no reason to think that surface water quality is likely to limit the quality of fen meadows, anymore that it limits the quality of the existing fen meadow sites in those areas. As noted above the Leiston Beck, which includes a STW outflow, is the major surface water input into Sizewell Marshes SSSI. The wet woodland strategy is explained above at L1. The strategy would achieve a total habitat compensation area of 3.06ha, which aligns with ith a written comment on quantum from Natural England. This will deliver a 1:1 compensation ratio. We do not believe that the compensation ratio should be	None	Not Agreed

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			higher, given that wet woodlands are relatively straightfoward to create, albeit that this process will take time. The wet woodland strategy explain that the habitat creation will not be at the expense of fen meadows which are being created at the same sites. The ecological stakeholders, including the parties, strongly favoured the creation of wet woodland at the fen meadow sites and for that reason, the wet woodland strategy only includes as *a contigency* the transition of the marsh harrier compensatory habitats to provide additional wet woodland habitats once construction is complete. SZC Co does not envisage this approach being required and so the new open water and reedbeds, created for the marsh harriers, would be retained.		
Hydrology & Drainage (Book 6, Volume 2, Chapter 19) and Main Development Site Flood Risk Assessment (Doc Ref. 5.2)					
H1	Effects of sheet piling/cut off wall and the realignment of Sizewell Drain on groundwater levels and chemistry in neighbouring SSSIs.	We are concerned that the proposals for the cut off wall and Sizewell Drain alignment may significantly change the local water quantity and quality within Sizewell Marshes SSSI and Minsmere-Walberswick Heaths and Marshes SSSI. Specifically hydrological impacts on Sizewell Marshes SSSI that comprises nationally important fen plant communities that are reliant on a defined water chemistry range and high water quality. Efforts to maintain the water levels can only be achieved, when groundwater will be displaced, by replacing high quality groundwater with surface water of a very different chemistry and quality. This is very likely to have significant deleterious effect on the plant community. We also believe that the realignment of Sizewell Drain may have significant impacts on both water quantity and chemistry, significantly impacting key botanical communities. Water levels can only be maintained within a relatively broad range. In addition to the important plant community, the SSSI also supports an exceptional invertebrate community. Many of the rare species rely on high water quality and will therefore be extremely vulnerable to changes in water level and quality <u>12-2-21 clarification:</u> Balance of water level (quantity) with quality (chemistry) has not been answered - focus appears to have been on levels. Good quality groundwater is essential - the engineeering solution may replace groundwater with surface water to get the specific level right but this may mean the water chemistry is impacted.	The sheet pile that would run along the toe of the proposed new platform for the power station is primary mitigation embedded in the design to protect the SSSI. It would provide lateral support for the raised platform in order to maintain the integrity of the peat on the retained SSSI side of the structure which will be important to maintain existing surface water/groundwater systems. This is a key learning from the construction of Sizewell B. The cut-off wall that would delineate the deep excavations is proposed to minimise the effect of dewatering of the excavations on groundwater. The concern that groundwater would be replaced by surface water resulting in a change in the chemistry of the marshes is not supported by the evidence in the ES. This demonstrates that the drawdown effects would be limited, both in extent and duration, and that the water balance between surface water and groundwater contributions within the marshes would not be materially affected. The impacts are assessed in **Book 6, Volume 2, Chapter 19** and supported in detail in the accompanying Appendices, specifically **19A Numerical Modelling Report, 19B Sizewell C Conceptual Site Model 2015, 19B1 Sizewell C Conceptual Site Model Addendum, 19C Sizewell Drain Diversion, 19E Sizewell C MDS Surface Water Conceptualisation and 19F Monitoring and Response Strategy**. Please note that **Appendix 19F Monitoring and Response Strategy** has been updated as version 2 in the proposed changes (January 2021) submission to PINS.	Synthesis note to be provided by SZC Co	Not Agreed

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		With regard to additional documentation to be provided, we will review our position once this information is before the Examination	In view of the Parties ongoing concerns, SZC Co has commissioned a synthesis style paper to be produced that explains the conceptual site model as outlined above, as well as the key findings of the ES, and signposts to the relevant evidence contained within the ES. We should be in a position to share this document with the Parties in May and a meeting will be arranged to discuss it and respond to any outstanding concerns on the matter.		
H2	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.	12/2/21 clarification: There is a concern that while hydrology may identify a low risk of impact, the fragility of the site may mean that ecological impacts have been missed. We intend to elaborate on these concerns in our written representations. For now we just add that we welcome the recognition of this risk in '*Volume 3: Environmental Statement Addendum Appendices Chapter 2 Main Development Site Appendix 2.14.A Groundwater and Surface Water*' which proposes an approach monitoring the predicted change (with no significant environmental impact) and ensuring this is not exceeded. The detail provided in *Volume 3: Environmental Statement Addendum Appendices Chapter 2 Main Development Site Appendix 2.14.A Groundwater and Surface Water* fails to provide sufficient assurance. There is no recognition that a mitigation plan is in place should the predicted change be exceeded in any circumstance beyond changes to water levels in the Sizewell Marshes SSSI. No mitigation strategy is proposed to address changes to water levels in the Minsmere - Walberswick designated site.EDF have advised that the monitoring plan will be updated by consents and permitting which will have monitoring and management measures within them. RSPB / SWT need comfort that this will adequately address issues (especially if detail is not clear within the Examination timeline for the DCO). It is not clear if consents and permits will be determined to address possible ecological effects.	The Parties have been extensively consulted on the ecohydrological effects of the proposals. The Parties' concerns relating to impacts in the context of micro-topographical variation across the site, coupled with their perceived conceptual site model in which dewatering could have a disproportionate effect on water chemistry, is not supported by the evidence. See Book 6, Volume 2, Chapter 14 Terrestrial Ecology and Ornithology for the assessment of likely significant ecohydrological effects. The proposed Monitoring & Response Strategy is an important control document that will ensure appropriate monitoring of the effects of the development on water levels within the SSSI throughout construction. Its main purpose will be to demonstrate that effects would be no greater than assessed in the ES. The monitoring results would inform decision making in relation to setting the level of the weir installed on the realigned Sizewell Drain. The ES demonstrates that there would be no impact on water levels within the Minsmere - Walberswick designated site so no mitigation is required. The monitoring plan would be a key control document that would be secured under Requirement 7 of the DCO. The TEMMP (see G5) also includes botanical monitoring of the SSSI during construction which will in turn inform the need for any additional management measures, although none are expected likely to be required (see also H6 below). In addition to the DCO, there will be a need for other licenses, consents and permits to be in place prior to carrying out relevant activities, including groundwater abstraction and discharges to surface water bodies. These would be additional to committments secured in the DCO.	Ongoing discussion around monitoring and mitigation plans within red line and potential side agreement on monitoring and maintainance	Not Agreed
H3	Concern remains regarding	We remain concerned that there is long-term risk from contaminated leachate emanating from the borrow pits, potentially entering the Minsmere-Walberswick designated sites.	The impacts are assessed in **Book 6, Volume 2, Chapter 18** and supported in detail in the accompanying **Appendix 18E** Borrow Pit Risk Assessment. This demonstrates that the borrow	None	Not Agreed

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	potential for contaminated leachate from borrow pits to affect the Minsmere-Walberswick designated sites.	12/2/21 clarification The RSPB/SWT would like more details on what is meant by "appropriate mechanisms" in the DCO - what will be in place and how these will be secured?	pits would not pose a risk to groundwater or surface water resources with appropriate mitigation in place comprising retention of a 2m unsaturated zone between the base of the deposits and the water table and limiting temporary stockpiling on top of the borrow pits to 5m. This primary mitigation is embedded in the design and would be secured by Requirement 8 of the DCO.		
H4	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.	We believe there is potential for increased water flow from the development which may then create capacity issues at the Minsmere Sluice. This in turn could compromise water level management at RSPB Minsmere and its designated features and Sizewell Marshes SSSI. This issue can be considered in combination with item H2, but it is important to maintain understanding that increased flows in the Leiston Drain as a consequence of construction activity have the potential to cause wider impacts in the Minsmere catchment due to the function of the Minsmere Sluice. We believe this should be recognised in the monitoring and mitigation plan. As our Written Representations will detail, we believe the models showing that in extreme events there is potential for water from SZC to raise levels by a small degree for a short duration does have the potential to flood nesting attempts of SPA breeding birds, so we do not agree with the conclusion that there is no potential adverse impact. We understand that SZC Co will be presenting a synthesis report to assist and also a draft proposal of their Heads of Terms approach. We look forward to these documents and will comment further once received.	The impacts are assessed in **Book 6, Volume 2, Chapter 19** and supported in detail in the accompanying Appendices, specifically **19B Sizewell C Conceptual Site Model 2015, 19B1 Sizewell C Conceptual Site Model Addendum, and 19E Sizewell C MDS Surface Water Conceptualisation**. This includes assessment of the potential for increased flow from the development to reach the Minsmere Sluice and the potential effect in the context of the operation of the sluice. SZC Co's position is that the ES demonstrates there would be no impact on operation of the sluice and no risk of the development affecting water level management within RSPB Minsmere reserve. As such there is no justification for including this in the Monitoring & Response Strategy secured under the DCO. However, we are drafting a Heads of Terms (HoT) for a proposed side agreement between SZC, NGL and RSPB as the riparian landowners along Leiston Drain and potentially other relevant bodies including the EA, IDB and NE for all parties to set out the shared objectives for managing water levels within Sizewell Marshes and to ensure that all parties continue to manage water levels within their land ownership in a manner that is consistent with maximising the ecological value of the SSSI. The agreement shall seek to ensure that no party places additional burden on adjoining landowners without their prior approval. All parties agree to use reasonable endeavours to work together in managing water levels in the area and will work together constructively and proactively.	SZC Co agreed to provide a synthesis report to summarise the substantive evidence provided in the DCO application. This will summarise the principal matters and signpost to the detailed evidence that has already been submitted to PINS. The document will not contain any new information. SZC Co has also raised the suggestion of a side agreement between SZC Co, NGL and RSPB as riparian landowners of the SSSIs along Leiston Drain to facilitate better cordination in monitoring and maintenance of the ditch. This should facilitate enhanced water levels control and conservation management, especially in regard to conservation grazing which can be difficult to deliver if water levels are too high.	Not Agreed

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H5	Increased flood risk to designated sites	Limited consideration of the effects of Sizewell C on flood risk to RSPB Minsmere and the Minsmere-Walberswick designated sites. We welcome the recognition of this risk in '*Volume 3: Environmental Statement Addendum Appendices Chapter 2 Main Development Site Appendix 2.14.A Groundwater and Surface Water*' which proposes an approach monitoring the predicted change (with no significant environmental impact) and ensuring this is not exceeded. The detail provided in *Volume 3: Environmental Statement Addendum Appendices Chapter 2 Main Development Site Appendix 2.14.A Groundwater and Surface Water* fails to provide sufficient assurance. There is no recognition that a mitigation plan is in place should the predicted change be exceeded in any circumstance beyond changes to water levels in the Sizewell Marshes SSSI. No mitigation strategy is proposed to address changes to water levels in the Minsmere - Walberswick designated site. The predicted models do indicate the potential for increases in water level but contend that these are not significant. If monitoring were to demonstrate that these predictions were exceeded we need a suitable contingency mitigation to protect the fragile wetland sites.Our understanding of the modelling is that it does conclude that in extreme events there is potential for water levels in the Minsmere-Walberswick site to be raised by a small level for short duration. We believe this has the potential to flood nesting birds. We therefore cannot agree that this is not potentially significant. We welcomed the engagement from SZC Co on this matter in workshops and the indications that they would monitor this, but are not content with the apparent revision that this is excluded from DCO and addressed by a 'Heads of Terms' approach. We look forward to seeing the heads of terms approach document and will comment further once we have reviewed.	The Main Development Site Flood Risk Assessment (**Doc Ref. 5.2**) assesses the impact on receptors including RSPB Minsmere and the Minsmere-Walberswick designated sites. The modelling demonstrates that there is no significant change in extent, duration or depth of flooding in relation to baseline conditions. This input data is evaluated in **Book 6, Volume 2, Chapter 14** Terrestrial Ecology and Ornithology and the insignificant change in hydrology is correspondingly not considered to have a significant ecological impact. No mitigation is therefore required. The Heads of Terms approach does not relate to off-site flooding associated with Sizewell C. See response to H4 for further details.	None	Not Agreed
H6	Concern over ability of proposed monitoring to detect changes in water chemistry within	We are concerned that micro-topography, such as small depressions, which often support the rarest plant communities, will see significant water level changes, that are not picked up in the monitoring. We also have concerns that the proposed on-going monitoring is not detailed or sophisticated enough to pick up early changes in water level and plant community response. Despite modelling, such is the complexity of the system, we believe there remains a significant amount of uncertainty that the	The need and scope of the monitoring plan is set out in **Appendix 19F Monitoring and Response Strategy** (which has been updated as Version 2 in the proposed Changes (January 2021) submission to PINS). This is further supported by DCO draft Requirement 7: Water management. The monitoring would be precautionary as no significant impacts are predicted on the hydro-ecology of the marsh. See also responses to H1 and H2 above.	None	Not Agreed

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	Sizewell Marshes SSSI.	proposed mitigation will not be enough to prevent long-term damage to the SSSI. Furthermore, where damage does occur, there is considerable risk that responding to change and reversing damage to the SSSI will take many years at best, with no certainty of success. 12/2/21 clarification Concern that rare plants may be affected by changes in water quality that may not initially be deemed significant by the hydrological monitoring. Concern over how long it make take to / how we will determine a significant change in the community - and will it by then be too late to address or take a long time (e.g. decade) to turn it around. Concern particularly relates to niche little communities in lower parts of fen (depressions) - these are difficult to monitor so may not pick up these little depressions in the wider monitoring. RSPB also queried whether there are any particular additional susceptible species which could be used as an indicator species for early changes.	Response 12/2/21: SZC Co. agree that local and low growing species are unlikely to be picked up in random quadrats [noting that this is the standard way to monitor habitats without bias] so a parallel "biased" regime may be needed to monitor these specific depressions. The Terrestrial Ecology Monitoring and Mitigation plan (TEMMP) has been amended to include targetted monitoring of these species. This took account of further engagement with the Parties. In turn, this will allow fine tuning of the proposed new weir on the realigned Sizewell Drain should effects be identified. Note that requirement may need to be reworded slightly. The problem of exisiting management (immersion issues) is also noted and being addressed e.g. through ditch clearance and introduction of grazers. In terms of indicator species, most plants are likely to be much more sensitive to water level than the alledged risk - that is not supported by the evidence - of changes in water chemistry. Smaller species typically have shallower root zones so may be more susceptible to drought.		
H7	Impacts on invertebrates	In addition to the important plant community, the SSSI also supports an exceptional invertebrate community. Many of the rare species rely on high water quality and will therefore be extremely vulnerable to changes in water level and quality. See concerns about water chemistry above. It is important to note that many of the rarer species are not truly aquatic, or have terrestrial life stages reliant on the rich fen and wet woodland habitat, hence in-ditch water quality may have little bearing on impact for some species. In any event, the proposals to ensure water levels are kept at the ecologically relevant height will result in deleterious impacts on quality throughout the SSSI due to replacing groundwater with poorer quality surface water.	Given the lack of any significant impact of the proposals on water levels or chemistry there would be no impact on aquatic invertebrates – see responses to H1 & H2 above. Aldhurst farm also provides excellent new habitat for aquatic invertebrates whose colonisation has been facilitated on the recommendation of the Parties using ditch slubbings harvested from Minsmere-Walberswick Heaths and Marshes SSSI. One of the principal drivers was to facilitate rapid colonisation of the newly created reedbeds by poorly dispersing and specialist reedbed species.	None	Not Agreed
H8	Minsmere Sluice	It is not clear if there is any long-term plan for the Minsmere sluice, which the hydrological models for the Sizewell C development will rely on for drainage in the future. The Minsmere sluice has a limited lifespan, well within the operational and decommissioning timeframes of the power station, and there is no clear plan of what to do once this sluice begins to fail. We cannot see evidence that the hydrological models and flood risk assessments have taken account of this eventuality.	SZC Co has no claim on Minsmere sluice which is an Environment Agency owned and operated asset.	None	Not Agreed
Protected species (Book 6, Volume 2, Chapter 14)					

Ref.	Matter	Joint RSPB/SWT Position	SZC Co. Position	Details of any Further Action Being Taken to Resolve The Parties Concerns	Agreed / Not Agreed /Under discussion
P1	Potential impacts on bats	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. We have considerable concern that the overall impact on the nationally important barbastelle bat population within the main development site has not been fully recognised. Specifically, the impacts of lighting and noise on bat foraging, the loss of connectivity across the landscape and the loss of undetected roost sites. Our main areas of concern relate to the loss of woodland at Goose Hill, impacts on the current dark corridor along Upper Abbey Farm bridleway, loss of the barn at Upper Abbey Farm and lack of adequate compensation, impacts on three sides of Ash Wood, loss of the Sizewell Marshes SSSI north to Minsmere, impacts along Kenton Hills and the total loss of an important foraging corridor north from Kenton Hills. We are also concerned that the assessment of cumulative impact from a variety of potential stressors is not adequate, failing to fully capture the effect of all impacts when assessed together. Furthermore, we are concerned that the importance of the area of land impacted by the Sizewell Link Road has not been fully recognised, specifically for Barbastelle. We also have concerns over the adequacy of the baseline data collected to inform the impact assessment including spatial coverage, temporal coverage, data collection methodology and data analysis. Of particular concern is the lack of quantitative data that would help to determine bat numbers rather than simply bat passes. The low quality data are then further compounded by the data analysis that uses percentages to determine how important a site is for rare bats. Please refer to our written representations for more detail.	A comprehensive programme of baseline surveys in and around the main development site has been carried out over a number of years. Significantly, this included a radio-tracking study of Barbestelles to understand their distribution and utilisation of habitat between the Sizewell and Minsmere estates. An extensive series of more recent baseline ecology surveys were undertaken on the MDS in 2020 and the survey reports have been provided to the Parties and have all been submitted to PINS (in submissions in November, December 2020 and January 2021.) A revised impact assessment for bats is presented in the ES Addendum, which also takes account of the 2020 surveys, further mitigation developments (SSSI crossing, the inclusion of a bat barn in accordance with Natural England's requirements, a new linkage between Kenton Hills and Ash Cottages to improve connectivity) and also addresses comments made by external reviewers commissioned by ESC, SCC and SWT. The conclusions of the assessments are unchanged but further evidence is introduced to support the conclusions including drawing on monitoring data from the Hinkley Point C construction which is relevant. No changes to the significance of effects predicted in the assessments provided in the ES were identified. In addition, mitigation strategies, draft licenses and method statements were updated as relevant and appended to the ES Addendum. Since submission of the January 2021 ES Addendum, a design review has been carried out of the proposed Water Management Zones 3 & 4 to address stakeholder concerns. Revised layout plans have been shared which demonstrate that a bat corridor can be created through the 'neck' of the Temporary Construction Area. It is understood that these are accepted. In addition, SZC Co has been carrying out further light modelling studies, in addition to the three representative locations presented in the Lighting Managment Plan to evidence our ability to maintain functional foraging corridors through the construction site and protect adjacent foraging and roosting habitats. The results of these studies, and other updates since the ES Addendum, will be shared with the Parties and discussed at a stakeholder workshop to be held in early June 2021. Further surveys that were carried out in 2021 for bat roosts (tree climbs) will provide detailed data to inform licence requirements but will not change the assessment of roost resource defined in the ES and ES Addendum. Only two confirmed bat roosts	Results of further light modelling studies and other updates to be discussed at a stakeholder workshop on 3rd June.	Not Agreed

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			were located on the main development site in areas of trees that will be cleared to establish the temporary construction area. The reports will be shared wth stakeholders and submitted to Examination shortly.		
P2	Potential impacts on natterjack toads	We are concerned there may be significant impacts on natterjack toad as a result of loss of hibernation sites due to the current proposed footprint of the Water Management Zone. With regard to the updated layout plan for WMZ1, we will review our position once this information is before the Examination. We are also concerned that the proposed mitigation is limited in scope and does not adequately improve habitat for natterjack to the north, away from the impact of the development. This is an extremely vulnerable population.	An assessment of effects on the natterjack toad is presented within Volume 2, Chapter 14 of the ES (Doc Ref. 6.3) [AS-033]. The population's vulverability is acknowledged – it was introduced by EDF (NGL) some years ago to enhance biodiversity and is the subject of sustained conservation effort. Updated surveys of Natterjack Toad populations were undertaken in 2020 and the findings of these were included within an additional information submission following the application for development consent. An updated Natterjack Toad Draft Licence Method Statement was also issued in January 2021 (refer to Volume 3, Appendix 2.9.C of the ES Addendum (Doc Ref. 6.14) [AS-209]) which provide further details of the short term and long terms impacts of the SZC project and also provides details of the mitigation strategy which includes: • Ring fencing Water Management Zone 1 (WMZ1) (for the duration of its use during the construction phase) and undertaking a trapping and translocation exercise. Whereby captured individuals will be released within a safe retained location adjacent to the breeding pond (N1). • Construction of WMZ1 would be undertaken during daylight hours and any lighting required (during construction and operation) will follow best practice to minimise disturbance and sky-glow off site and particularly towards Retsom's Field. • The layout of WMZ1 has been optimised since the January 2021 change application to exclude all hibernation sites (rabbit warrens) and buffer zones. An updated layout plan was shared with the Parties in April 2021. It is assumed this concern has now been closed out. • A new strategically placed natterjack toad pond will be created and refuge and overwintering opportunities within Retsom's Field will be improved. SZC Co's position is that with these mitigation measures in place, significant effects on the natterjack toad population	Updated layout plan for WMZ1 to be submitted to examination. Submission date to be confirmed.	Not Agreed.

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			during construction of the power station would be avoided and that in the longer term the impacts associated with continued habitat creation measures of the Sizewell estate, secured via the oLEMP and other managment plans, are likely to be beneficial (see also P3 below).		
P3	Consideration of alternatives – Water Management Zones	No alternatives to north eastern Water Management Zone have been considered. It appears no alternatives to the location and extent of north eastern Water Management Zone (WMZ1) have been considered in the DCO application. Although the change application removes the Temporary Water Treatment Area, we understand the north eastern WMZ is still included in the change application. With regard to the updated layout plan for WMZ1, we will review our position once this information is before the Examination.	WMZ1 is required as an integral part of the construction drainage strategy for the proposed development, which evolved over a number of years in consultation with relevant stakeholders, including the Parties. SZC Co has sought to minimise impacts on Natterjack toads in a design review of the WMZ layout informed by the ES. The updated layout protects all natterjack toad hibernation sites (rabbit warrens) and also provides buffer zones around their assumed extent on a precautionary basis. An updated layout plan was shared with the Parties in April 2021. It is assumed this concern has now been closed out.	None	Not Agreed
P4	Efficacy of mitigation for bats and toads	Concerns about effectiveness of proposed mitigation for bats and natterjack toads in terms of extent and location. We are concerned over the limited scope of the proposed mitigation to improve natterjack toad habitat to the north and connectivity with potential breeding areas on RSPB Minsmere. The improvements to connectivity between the toad population within the Sizewell estate and Minsmere are required for mitigation, need to be specific to the ecological requirements of natterjack toad and should be secured in the DCO. There remain concerns over the baseline data collected e.g. no bat monitoring within the SSSI triangle that will be lost and removal of many of the static bat monitoring points during the 2020 data collection. Without this baseline data it will be difficult to determine how overall bat use has changed once construction starts. We therefore have concerns over the adequacy of the proposed mitigation for potential noise and lighting impacts on foraging and commuting bats as well as an underestimation of loss of roost sites within the SSSI and Goose Hills. Detail is lacking in the lighting strategy for the SSSI crossing and along Upper Abbey Farm bridleway and around Ash Wood and how this will avoid impacts on bats specifically. We are concerned that the proposed mitigation for roosting bats will not be adequate e.g. new proposed bat barn at Lower Abbey Farm will be severely impacted by surrounding light and noise,	We would welcome further discussion with the Parties to improve connectivity between the toad population within the Sizewell estate and potential breeding areas on RSPB Minsmere. To further these discussions, it would be helpful to understand RSPB's own plans for natterjacks. The potential for a land bridge between the two locations should be subject to further discussion and agreement with the parties. Additional monitoring of bat populations is currently in progress using 42 static detector locations to establish a pre-construction reference baseline and those results will be shared with stakeholders and submitted into Examination. Further surveys have also been udnertaken in the trees to be lost from the SSSI and from the Goose Hill plantation (see also P1 above). Monitoring of bats and natterjack toads, among other receptors, and potential interventions which may be required depending on the results, are defined in the Terrestrial Ecology Monitoring and Mitigation Plan (TEMMP), circulated for comment on 18/02/21. This would be secured under Requirement 4 of the DCO. An updated version that takes account of stakeholder feedback is to be submitted to PINS at Deadline 1. It is envisaged that further updates may be required and we welcome continued discussions on the proposals with the Parties. Further measures may be defined by Natural England in any relevant protected species licenses.	Discussions on improving connectivity between Sizewell estate and Minsmere for natterjack toads Further engagement on updated TEMMP Stakeholder workshop on bats programmed on 3 June	Not Agreed

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		proposed bat boxes will not be sufficient to offset potential roost resource to be lost. We are concerned that the proposed bat corridor will be subject to noise and light. There remain a number of areas that have high levels of barbastelle activity that appear to have little or no mitigation in terms of light and sound. Specifically along the Bridleway 19, three sides of Ash Wood, Black walks and link to Minsmere and areas of the SSSI close to the development crossing and west of the platform.	We acknowledge the Parties' concerns about the adequacy of proposed mitigation for potential noise and lighting impacts on foraging and commuting bats. Further modelling studies have been carried out that evidence our ability to protect habitats from disturbance and maintain commuting corridors through the Main Development Site and this evidence will be shared with the Parties once they are complete. A bat workshop is planned on 3 rd June to close out as many of the Parties remaining issues as possible.		
Coastal Processes (Book 6, Volume 2, Chapter 20)					
C1	Design maturity of coastal defences & structures	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. There is a lack of detail on coastal defence design, making it impossible to fully determine what any medium to long-term impacts might be. Therefore, we remain concerned what the long-term impacts of the Sizewell C frontage and beach landing facility might be on local coastal processes and how these in turn might impact the Minsmere frontage, its protected sites and the function of the Minsmere sluice as well as important County Wildlife Site shingle areas directly in front of the development. We question that the design parameters' worst case scenerio has been fully assessed. As noted in SZC Co. position, the design parameters were amended in the Jan 2021 change application without robust assessment of environmental impacts. The assessments provided are not sufficiently robust. We look forward to the additional modelling information SZC Co have agreeed to provide (as set out in *PDB-3 Written summaries of SZC Co.'s oral submissions at Preliminary Meeting Part 1 PINS Reference Number: EN010012:* **1.3.4**) as we believe this is not 'additional' or 'bespoke' but necessary to provide a satisfactory environmental assessment given the risk of impacts to the Minsmere – Walberswick designated site.	The basic design and parameters of the sea defences and nearshore marine infrastructure (BLF and nearshore outfalls) have been provided in **Book 6, Volume 2, Chapter 4** and updated information provided in the ES Addendum for the January 2021 submission to PINS. Typical of any large infrastructure the detailed design is yet to be confirmed, however, the necessary assessments (**Book 6, Volume 2, Chapter 20)** have been made using the basic design and parameter details to ensure a Rochdale envelope approach. Further detailed modelling studies on the impacts of the proposed optimised permanent and temporary beach landing facilities have been completed and provided to the RSPB. This validates the conclusions of the ES Addendum. In addition, a Coastal Processes Monitoring and Mitigation Plan (CPMMP) will be put in place to monitor coastal processes, potential impacts from the Sizewell C Project and provide mitigation where necessary. This will be in place during the construction, operation and decommissioning of Sizewell C. This will be secured by a DCO Requirement and Marine Licence Condition (on both due to overlap and exclusion of jurisdiction for ESC and MMO). The first draft has been submitted to PINS in the January 2021 DCO change submission, but it is acknowledged that further consultation and development of the plan, particularly the monitoring methods and trigger points, will be required. This is the subject of ongoing studies and an initial Cefas report (TR531 "Storm Response Modelling – Preliminary evidence toward setting volumetric thresholds for SCDF recharge"), which has already been shared with RSPB as a guest member of the Marine Technical Forum, will be provided to PINS at Deadline 2. We look forward to the Parties response. Further design information on the proposed 'Hard' Coastal	Further design detail to be provided on sea defences. Includes 1D & 2D modelling studies being carried out by Cefas on beach recharge Awaiting feedback from the Parties on the detailed coastal modelling study for the permanent and temporary BLFs Ongoing enagement on the CPMMP	Not Agreed

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			Defence Feature (HCDF) will be submitted to PINS at Deadline 2, and further information of the Soft Coastal Defence Feature (SCDF) at Deadline 3.		
C2	Lack of evidence on environmental effects of proposed marine transport facilities	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. We do not agree at this stage with the assessment presented. The detail presented in the draft CPMMP is not sufficient to reassure us that an appropriate monitoring and mitigation strategy will be in place. We welcome the CPMMP extending monitoring activity to the north of the red line boundary, but note there appears to be no mitigation strategy should the montoring identify adverse impacts exceeding the predicted models. As per the coastal defences, we do not believe that sufficient assessment has been made. The fact that the design parameters have changed further between the change consultation and the change application (for example, the length of the BLF extending by an additional 100m) does not provide confidence that assessments have been fully conducted. Whilst we appreciate SZC Co response to this in *PDB-3 Written summaries of SZC Co.'s oral submissions at Preliminary Meeting Part 1 PINS Reference Number: EN010012:* **1.3.13** *Temporary BLF design. It was suggested that the BLF had changed again and been extended by 100m. That is a misunderstanding arising from SZC Co.'s letter to the ExA of 10 March 2021 [PDA-001] which explained that a mistake had been identified in the parameter plan for the temporary BLF submitted in January 2021 and the plan had been replaced. There has been no further change to the temporary BLF, which was fully described and assessed in the January 2021 submission.* The detailed assessment was only made available at Procedural Deadline B, so we are unlikely to be able to complete our review in time for the submission of the first version of the SoCG.	SZC Co's position is that the detailed assessment of the effects of the proposed marine transport facilities on coastal processes, as presented to RSPB at the Marine Technical Forum held on 15th March 2021, and made available in full at Procedural Deadline B, validates the conclusions reached in the ES Addendum with regards to the two BLFs.	None	Not Agreed
C3	Lack of evidence on environmental effects of combined drainage outfall and FRR outfalls	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. The draft CPMMP does not appear to identify any mitigation strategy for the nearshore bars, which potentially increases the vulnerability of the shoreline if unexpected changes to the nearshore bars occur.	The construction and presence of the two FRR outfalls and the CDO outfall have been robustly assessed and shown not to have significant long lasting effects on the two nearshore bars (Book 6, Volume 2, Chapter 20 and Appendix 20). The outfalls are deliberately seaward of the nearshore bars to mitigate any impacts. Very localised scour is the only predicted impact from the nearshore outfalls. The CPMMP will identify and mitigate	Ongoing enagement on the CPMMP	Not Agreed

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			any potential significant impacts on coastal processes from the nearshore outfalls.		
C4	Effect of sea defences on 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. We are still awaiting sufficient detail on the management of the SCDF and therefore at this stage do not agree with the conclusion that the HCDF will remain a terrestrial feature for much of the operational life of SZC. Particuarlly with 'much of the operational life' timescale being is too vague. With the HCDF anticipated to become a marine feature at some point in the operational life of SZC it is very likely to affect the coastal geomorphology of the Minsmere frontage, so we cannot agree with the conclusion that no impacts are predicted. The change document has relocated the HCDF seaward of the DCO application, which has increased these concerns as it would be assumed that the HCDF will become exposed ahead of the timeframe quoted in the DCO application. There is no mention of the CPMMP which will be a crucial component of monitoring and mitigating for any future impacts.	The Environmental Statement **(Book 6, Volume 2 Chapter 20)** and the Environmental Statement Addendum **(Volume 2 Chapter 17)** demonstrate that the hard coastal defence feature (HCDF) will likely remain a terrestrial feature for much of the operational life of SZC. Paragraph 20.6.1 of the ES states "Expert Geomorphological Assessment... concluded that, in the absence of mitigation, the HCDF would be exposed a few decades after construction (2053-2087)". The purpose of soft coastal defence feature (SCDF) seaward of the HCDF is to mitigate any impacts on sediment transport or coastal processes by maintaining a continued source of accretion during major storm events. No coastal geomorphological impacts are predicted along the Minsmere frontage with this mitigation in place. The role of the proposed Coastal Processes Monitoring & Mitigation Plan (CPMMP) is to monitor erosion over the lifetime of the power station and provide for beach recharge as appropriate to maintain a protective beach. Two documents are being progressed to support the CPMMP, a modelvalidation exercise based on real storm data from Sizewell to be provided at Deadline 2 (TR543 provided to RSPB) and a 2 dimensional modelling report identifying recharge rates and trigger point sof rthe CPMMP to be provided to teh ExA at Deadline 3 (TR545 to be provided to RSPB and other MTF members as soon as it is available).	Further design detail to be provided on sea defences. Includes 1D & 2D modelling studies being carried out by Cefas on beach recharge Ongoing enagement on the CPMMP	
C5	Coastal process monitoring and mitigation plan (CPMMP)	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. We welcome the intention to monitor where there is uncertainty in predicted impacts, and where uncertainty in impact extent could overlap with a statutory designated site. We welcome the monitoring of the annual vegetation of drift lines habitat and confirm that this is dependent on coastal geomorphology (i.e., supra-tidal shingle). However, confirmation is needed as to how evidence of any further impacts identified by the monitoring would be mitigated. In addition we are concerned as to whether successful mitigation techniques can being implemented in coastal shingle habitats to enhance the annual vegetation of drift lines, where changes in coastal geomorphology are creating adverse impacts. Therefore	The CPMMP sets out an approach for detecting and reporting impacts of Sizewell C's marine components on coastal geomorphology receptors and monitoring and, where necessary implementing, future mitigation to maintain the longshore shingle transport corridor. In response to the points raised by the RSPB and SWT, the CPMMP does, in SZC Co.'s opinion, set out a 'viable mitigation strategy'. A suite of viable mitigation options/techniques is described in section 6.5 of the CPMMP. Which of those options may be implemented in the future (if needed) is to be determined by the monitoring and trigger points described in theCPMMP. The approach of devising the detail of a specific mitigation plan based on the results of monitoring means that an evidence-based judgement can be made. SZC Co. does not, therefore, agree that it is reasonable to suggest that uncertainty regarding the detail of possible future mitigation requirement is	Engagement on the TEMMP & CPMMP	Not Agreed

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		Monitoring alone, in the absence of a viable mitigation strategy would not be acceptable. Plus the mitigation element remains uncertain, as highlighted by the final paragraph in section 6.1.1. of the CPMMP. Whilst these aspirations are welcomed, we believe this level of uncertainty is unsatisfactory as no confidence should be attributed to it. Additional concerns re the draft CPMMP and potential threats to designated sites and interest features such as annual vegetation of drift lines which may not have been adequately taken into consideration. Ultimately SZC Co's application proposes outline details of how coastal defences will be managed and seeks to give assurances that these unknown processes will be managed in a manner that avoids impacts on designated sites. Given the level of uncertainity in the current proposals, we cannot share the confidence that the proposed management, monitoring and mitigation strategies will provide adequate protection to the designated sites and features. In specific reference to item Section 6.5.4, this indicates that accumulating sediments would be extracted from statutory designated sites were a direct effect of the Sizewell C Project (mitigation or presence of the HCDF) and approval was given following demonstration that designated features would not be affected. We believe this highlights potetial mitigation activity that would need to be undertaken outside the red line boundary and on a neighbouring landholding (RSPB Minsmere) for which no permission has currently been sought. We are also unaware of any example of where this approach has been conducted successfully in the UK and therefore question whether it is technically feasible and request that the applicant supports robust evidence to support this assumption. Without this, our concern regarding potential impacts on internationally important designated features cannot be resolved.	unsatisfactory. As noted above, mitigation options exist; a detailed mitigation plan would be developed within the framework of those options if the monitoring indicates that this is necessary. The CPMMP is only draft at this stage and will need to be developed and approved by ESC (Requirement 7°) and MMO (ML Conditin 17) prior to works starting SZC Co. is unclear on the final comment which does not specifically state in what regard there are concerns with respect to designated sites and interest features. However, Section 6.5.4 of the CPMMP summarises the reasons why SZC Co. considers that the beach management options would not adversely affect qualifying features.		

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Noise and Visual Disturbance - Shadow Habitats Regulations Assessment Report (Doc Ref. 5.10)					
NV1	Adequacy of proposed compensatory foraging habitat for breeding marsh harriers	Whilst there has been some effort to provide compensation for the loss of marsh harrier foraging over Sizewell Marshes Site of Special Scientific Interest (SSSI) and the southern half of Minsmere Levels, we remain concerned that areas of foraging provided will be inadequate to compensate for the overall loss. We believe the extent of dry habitat provided will not adequately compensate for the significantly larger loss of valuable wetland. We are also concerned that loss of connectivity to arable habitat has not been included in the calculations of compensatory habitat required. We also note continued concerns around location of compensatory habitat adjacent to main construction area and levels of noise disturbance throughout the construction period, but particularly in Phase 1. We disagree with the basis for the calculation of the extent of compensatory marsh harrier foraging habitat provided in the Wood Report (APP-259). We consider that the uplift in prey provisioning from this area compared to baseline has been overestimated. We note the forthcoming update to the Wood report will incorporate the new wetland habitats proposed and we will update our position following this. However, we are concerned that these wetland habitats will not be established before construction commences and hence could represent a loss to the compensation area. All points in above two paras remain relevant – please see our written representations for details of our position	The sHRA and related compensation report evidences that the proposed 48.7ha of enhanced rough grassland, scrub and wetland provided on former arable land in the north-east of the Sizewell estate, in close proximity to the Minsmere marsh harrier nesting area, will provide adequate compensatory foraging habitat for breeding marsh harriers. It is also important to bear in mind that the predictions over the potential 'loss' of marsh harrier foraging habitat as a result of noise and visual disturbance during construction are based upon highly precautionary assumptions. Notably, they; (i) rely on the modelled (peak instantaneous) noise levels for the worst-case phases of construction (although these will not extend over the full duration of the construction period); and (ii) assume exclusion of foraging marsh harrier from the entire extent of the Sizewell Marshes SSSI due to the operation of a barrier effect due to the predicted high noise levels within the main development site. The parties have not raised any concerns in respect of the principle of 'functional' rather than 'like for like' habitat replacement, or the approach taken to calculate the foraging resource potentially 'lost' from Sizewell Marshes SSSI, which relies on the findings from the baseline surveys of marsh harrier foraging activity. The scope of these foraging marsh harrier surveys, and the methods of interpretation of the survey results, were developed and agreed with the Parties in the evidence plan. We understand that the Parties main concerns rest on the quantum of functional foraging habitat that is provided. As detailed in January 2021 submission, the 48.7ha of compensation habitat will now also include a wetland component which comprises approximately 10% of the area. This is a positive enhancement of the previously proposed design, given the high suitability of wetland habitats for foraging marsh harriers, and the wetland creation will augment the previously proposed management that was focussed solely on enhancing prey abundance and availability on 'dry' habitats. In relation to the specific points raised by the Parties: (i) **Extent of dry habitat will not adequately compensate the larger 'loss' of wetland habitat** There is a high level of confidence that the habitat improvement measures proposed would be sufficient to compensate for the predicted potential 'loss' of the marsh	SZC Co to respond to SWT/RSPB query on calculation of compensation area provided SWT/RSPB to clarify its position subsequent to Jan 2021 submision SZC Co to issue updated Wood report on marsh harrier habitats	Not Agreed

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			harrier foraging resource. There are two main reasons for this: (a) The habitat management being undertaken on the dry habitats is based upon established habitat preferences of small mammals, rabbits and breeding birds (which are all prey-types of marsh harrier) and (as detailed above) there will also be a wetland component, adding further to the confidence in the delivery of increased prey abundance and availability. Details on the basis for the habitat management can be found in sections 3.2 and 3.3 of the **Shadow HRA Report: Compensatory Measures** (Doc Ref. 5.10) [APP-152]. (b) The compensation area is located in close proximity to the Minsmere nesting area and is adjacent to those parts of the Minsmere South Levels which are most heavily used by foraging marsh harriers (see Figures 6.3 – 6.5 in the **Shadow HRA Report** (Doc Ref. 5.10) [APP-145]). Therefore, the compensation area is ideally located in terms of the potential to be accessed by foraging marsh harrier. (ii) **Exclusion of 'loss' of connectivity to arable habitat from calculations for required compensation** Wetland habitats are strongly favoured over arable habitats by foraging marsh harrier, as is evident from the baseline survey data as well as the known ecology of the species (with this documented in sections 6.3 f) iii. and 8.8 d) v. of the **Shadow HRA Report** (Doc Ref. 5.10) [APP-145]). Wetland habitats are also considerably scarcer than arable habitats within the potential foraging range of the Minsmere nesting marsh harrier (the area of arable habitat within 4km being more than twice that of wetland habitats - see Table 8.12 of the **Shadow HRA Report** (Doc Ref. 5.10) [APP-145]). Marsh harrier are generalist predators (in the sense that they can exploit different prey types from a range of habitat types) and the available evidence suggests a capacity to adapt to changes in prey availability. This, together with the fact that arable is a secondary and widely available foraging habitat, provides strong justification for the approach of basing the prediction of the required compensatory		

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			foraging resource on the potential 'loss' of wetland foraging habitat alone. (iii) **Construction-related noise disturbance on the compensation habitat (particularly during Phase 1)** During phase 1 and (to a much lesser extent) phase 2 of the construction period there is limited encroachment of the modelled 70dB L_{Amax} noise contour onto the compensation area (see Figures 8.3 and 8.4 of the **Shadow HRA Report** (Doc Ref. 5.10) [APP-145]). The 70dB L_{Amax} noise contour represents the threshold noise level above which displacement of foraging marsh harrier may occur. As a consequence of this, construction noise for the north-east part of the main development site was examined in more detail by considering the different construction phases within a series of narrower timescales. This more detailed investigation demonstrated that the maximum extent of encroachment of the 70dB L_{Amax} noise contour onto the compensation area was considerably less than as indicated in Figure 8.3 of the **Shadow HRA Report** (Doc Ref. 5.10) [APP-145], whilst the duration of any significant encroachment (e.g. > 2ha of the total area) was for a relatively short part of phases 1 and 2 of the construction period. This detailed investigation of the predicted noise emissions on the area of compensatory habitat is described in paragraphs 8.8.188, 8.8.189, and 8.8.195 – 8.8.197 of the **Shadow HRA Report** (Doc Ref. 5.10) [APP-145], with the maximum predicted extent of encroachment of the 70dB L_{Amax} noise contour onto this area shown in Figure 8.9 of the **Shadow HRA Report** (Doc Ref. 5.10) [APP-145]. This detailed investigation into the predicted peak, instantaneous, noise levels within the vicinity of the compensation area demonstrates that there is little potential for noise disturbance from the construction activities to marsh harrier foraging on the compensation area. **(iv) Disagreement with calculation of extent of compensatory foraging habitat in [APP-259]** We would like to understand the point of disagreement before commenting further (see further actions, right).		

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			(v) Concern that wetland component of compensation habitat will not establish until after the start of construction The new wetland component of the compensation habitat (described above) will be created in the first winter of the construction phase to avoid disturbance to breeding marsh harriers, and would subsequently be combined with the rest of the area under conservation management.		
NV3	Noise impacts on waterbirds using the reserve	Significance of noise impacts on breeding and non-breeding waterbirds on the Minsmere South Levels (functionally linked to the Minsmere-Walberswick SPA). We welcome the additional consideration of chronic noise but query the limited construction phases covered and raise concerns about impacts on breeding waterbirds. Concerns remain around the projection of displacement of breeding waterbirds, which we consider significant in the HRA context - impacts on breeding shoveler and gadwall are not considered significant (despite 7% and 11% displacement respectively) due to populations being above citation levels and functionally linked rather than the “designated population”. This level of displacement is well above levels typically considered significant (often around 1% of a population) and we also note the need to consider functionally linked populations in same way as “designated population”. We are also concerned about potential impacts on non-breeding waterbirds, including gadwall, shoveler and white-fronted goose.	There are a number of important points of clarification in relation to the issues raised by the Parties on the potential effects of noise and visual disturbance from construction activities on the populations of SPA breeding waterbirds. These relate particularly to the populations of breeding gadwall and shoveler, as the two SPA qualifying features which are most abundant on the functionally linked habitats at the Minsmere South Levels and Sizewell Marshes where there is the potential for effects of noise and visual disturbance to occur. First, the predicted effects have to be considered within the context of the highly precautionary approach that has been taken to the assessment, and which is described in paragraphs 8.8.362 and 8.8.386 of the **Shadow HRA Report** (Doc Ref. 5.10) [APP-145]. Notably, predictions are based upon the modelled noise emmissions from Phase 1 of the construction period which is when noise emissions are highest, with there being considerably reduced encroachment of the threshold noise levels onto both the Sizewell Marshes and Minsmere South Levels during Phases 3 to 5 (see Figures 8.5 and 8.6 of the **Shadow HRA Report** (Doc Ref. 5.10) [APP-145]). Thus, the		Not Agreed

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		Whilst we appreciate there are no set thresholds for likely significant nor adverse effects (and have changed our para above to reflect this) and agree that each species should be considered individually, the importance of functionally linked land is well established (especially for such highly mobile species as birds) and we disagree that the Applicant has taken a highly precautionary approach. See our written representations for more detail on these areas of disagreement including the inappropriateness of using the designation population levels for most bird species.	scale of the potential effects which are predicted would not be expected to extend over the whole period of construction. Furthermore, modelling of the peak noise levels at the resolution of an entire construction phase results in overestimation, both in terms of the duration of the predicted worst-case noise levels and the likely extent of noise emissions at any particular time during the phase in question (as detailed in section 8.8 d v of the **Shadow HRA Report** (Doc Ref. 5.10) [APP-145]). Second, it is an important consideration that the predicted effects do not relate to birds which are from the actual designated populations. Instead, the predicted effects relate to birds that breed on the functionally linked habitats of the Minsmere South Levels and Sizewell Marshes SSSI (as is recognised by the Parties). This is in contrast to the situation in relation to foraging marsh harrier (for example) where the predicted effects are on birds which breed within the designated site (albeit when using functionally linked habitat outside this site). Therefore, the predicted effects to the breeding gadwall and breeding shoveler populations would not result in any change to the populations of these qualifying features within the SPA itself (with both qualifying features currently being in favourable condition). Third, and as a point of detail, it is unclear what the Parties mean by a *normal "threshold" for significance* within the context of potential adverse effects to SPA qualifying features. The Applicant is unaware of any such "thresholds" and considers that conclusions on adverse effects are derived on the basis of the specific circumstances concerning the potential impacts from a project to a SPA population. Finally, it is also relevant to consider the additional information on breeding gadwall and shoveler populations reported in the **Shadow HRA Report Addendum** [AS-173], as detailed below. The predicted effects of noise and visual disturbance from the construction activities, as referred to by the Parties, were made in the absence of information on the distribution of breeding waterbirds within the Minsmere South Levels and Sizewell Marshes SSSI. Thus, the assessment undertaken in the **Shadow HRA Report** (Doc Ref. 5.10) [APP-145] had to assume that the proportion of the gadwall and shoveler breeding on the Minsmere South Levels and Sizewell Marshes SSSI which would be displaced was equivalent to the proportion of the area over which the predicted noise emissions were at, or		

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			above, the threshold levels (noting that the potential visual impact zone was fully encompassed by the areas within which noise emissions were at, or above, the threshold levels on both the Minsmere South Levels and Sizewell Marshes SSSI). However, surveys of breeding waterbirds undertaken in the Minsmere South Levels and Sizewell Marshes SSSI during 2020 provided distributional data. These data demonstrated that the majority of the gadwall and shoveler breeding on the Minsmere South Levels are concentrated in the northeast of the area, as would be expected by the fact that this coincides with the occurrence of the main pool systems in the Minsmere South Levels (see Figures 6A.16 and 6A.17 of the **Shadow HRA Report Addendum** ([AS-177], [AS-178]. As such, most of the breeding gadwall and shoveler on the Minsmere South Levels are outside those areas where displacement due to noise and visual disturbance from construction activities is predicted to occur. For both gadwall and shoveler, the Minsmere South Levels made a much greater contribution to the overall population size against which the assessment was undertaken than did the Sizewell Marshes SSSI (by factors of approximately three and 30, respectively). Consequently, the assessment undertaken in the **Shadow HRA Report** (Doc Ref. 5.10) [APP-145] represents a substantial overestimation of the percentage of the wider SPA population (i.e. including those birds breeding on the functionally linked habitats) which would be displaced by noise and visual disturbance during the construction period.		
NV4	Ecological effects of night time construction noise	We welcome the additional night-time noise modelling but raise concerns about potential impacts on wintering white-fronted goose in particular. Additionally, we note concerns that night-time noise levels reflect 23.00 – 07.00 noise levels, whereas for wintering waterbirds, there is also a need to consider the effects of daytime noise levels on bird behaviour during the dark hours.	In order to address this concern, additional nightime noise modelling was undertaken and is considered within the sHRA addendum. The additional modelling does not alter the conclusions of the assessment provided in the sHRA. We note concerns regards effects of daytime noise levels on bird behaviour during the dark hours .		Not Agreed
NV5	Adequacy of noise modelling	We welcome the provision of this information, but note concerns around construction timing given that impacts extend into the southern area of North Marsh (part of the SPA). Given that breeding bird activity typically commences around February (e.g. bittern booming), we are concerned at the potential for impacts on SPA features, particularly if the proposed winter construction timeline should slip. We also query how overlapping construction phases are reflected in the noise modelling and note that limited modelling of construction Phase 5 is provided, despite this	As shown in Figure 8A.1 of the **Shadow HRA Report Addendum** (Doc Ref. XXX) [AS-178], there is minimal encroachment of the 70dB L_{Amax} noise contour onto the southern part of the North Marsh within the SPA. The potential for such encroachment is restricted to the construction of the water storage area, which would occur during the first winter of the construction period.		Not Agreed

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		potentially being one of the noisiest phases. We also note that the Construction Noise Assessment (APP-204) acknowledges that there are several activities where sufficient details are not currently available to properly model resultant noise. These include early morning unloading of HGVs, night-time dewatering activities and marine unloading. It is noted that these issues will require additional modelling once further details are known and therefore, we consider that it is possible that some impacts may have been underestimated at this stage	On this basis, SZC Co consider any effects of late winter working on early breeding bird activity to be highly unlikely but would be prepared to discuss the Parties concerns in more detail to identify specific issues of concern and how these may be resolved. It is also noted that any such effects would not only be minimal in terms of their extent (and likelihood) but would only be relevant to one year of the construction period.		
NV6	Concern that noise assessment is not sufficiently conservative / precautionary	Concern remains around the assertions that noise impacts are over-estimated given the points raised above, with specific concerns including: • Concerns regarding overlapping construction phases, the lack of certainty regarding construction timelines and that the impacts of construction Phase 5 have not been fully considered • Conclusions regarding waterbird distribution based on the 2020 surveys should be treated with caution as the data are based on one year of surveys only and suitable habitat for relevant species is found across the South Levels • Should timelines for the construction of the flood compensation area and wetland in the first winter of Phase 1 of construction slip and this construction extend into the following breeding season, impacts on breeding waterbirds could be more significant than predicted • The significance of impacts should not be disregarded or downgraded because they affect a functionally linked population • Whilst the current population level may be above that at the time of designation, any deterioration from current population levels would compromise the site's ability to meet its conservation objectives	The noise thresholds at which effects on birds are predicted to occur have been based upon the best available evidence available. SZC Co would hope that the Parties agree on this point. In addition, in terms of daytime noise, the assessment of the effects for the entire construction period is based upon the noise modelling for the worst-case phase of construction (i.e. Phase 1), although this is only expected to extend over 2.5 years of the approximately 10 year long construction period. Whilst predicted noise levels are also relatively high in Phase 2, they are considerably lower in the later phases which reflect the noise levels predicted during the last four to five years of construction. These predictions also largely rely upon the peak, instantaneous, noise levels. As detailed above in the response to NV3, modelling of the peak noise levels at the resolution of an entire construction phase results in overestimation of effects, both in terms of the duration of the predicted worst-case noise levels and the likely extent of noise emissions at any particular time during the phase in question (as detailed in section 8.8 d v of the **Shadow HRA Report** (Doc Ref. 5.10) [APP-145]). Given the above, together with the responses provided to NV4 and NV5 above, SZC Co considers that it is correct to state that the noise assessment is highly precautionary..		Not Agreed
NV7	Effects of visual disturbance and light spill on birds	Concerns include: • Limited detail presented regarding potential impacts of lighting on birds. • Further consideration of lighting impacts is needed in some locations, particularly the marine environment (in relation to red-throated diver) and the northern part of the Sandlings SPA (Aldringham Walks).	The impacts of all forms of disturbance (noise, visual, lighting) have been assesssed as relevant through both the sHRA and the ES. For birds, noise and visual disturbance are likely to be the dominant impacts. Lighting would be controlled using the methods defined in the Lighting Management Plan attached to the original application and this is an embedded measure within the project and the assessments. Additional light modelling work is being		Not Agreed

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		• During phases with lower noise impacts larger areas of both Minsmere South Levels and Sizewell Marshes will be affected by visual disturbance alone. This has the effect of increasing the duration of significant impacts throughout the construction period when noise and visual disturbance are considered together. We look forward to receiving the "Additional light modelling work" and will provide any further comments once reviewed, but for now continued to be concerned by possible impacts and recommend that monitoring of the effectiveness of mitigation measures proposed is included and further mitigation identified if mitigation is not effective .	undertaken to demonstrate that the LMP would provide effective mitigation. This will be shared with stakeholders and submitted into the examination in due course.		
Increased Recreational Pressure - Shadow Habitats Regulations Assessment Report (Doc Ref. 5.10)					
RP1	Adequacy of baseline survey information	The adequacy of the baseline data collected. The RSPB challenged the baseline data collected at the time on grounds that we did not feel the material presented to survey respondents gave a realistic impression of the likely effects of construction and hence could lead to under-reporting of likely displacement. We requested that visualisations were provided to address this at the time but this was not done. Also note also our concerns around the 2020 update to waterbird surveys due to the lack of explanation of the limitations of the viewpoint survey method. The RSPB wildfowl survey involves a route that will access ditches on the South Levels that are not viewable from the EDF viewpoints or access points, so the EDF data will undoubtedly report lower figures than the more comprehensive RSPB survey method. The 2020 season data cannot be compared directly to previous or subsequent data collected by RSPB	Recreational baseline is covered in RP2 below. The data collected on birds is considered sufficient for the sHRA. The Marsh harrier surveys, tern surveys and wintering waterfowl surveys undertaken previously were repeated in 2020, submitted to the Parties and the other ecology stakeholders and included in the January 2021 submission. The updated baseline survey results are considered in the sHRA Addendum, also submitted in January 2021 and do not change the conclusions of the sHRA. The approach to the breeding waterbirds surveys in 2020 has been discussed with the RSPB and used a route designed to minimise disturbance to breeding waterbirds and the walked route between the viewpoints is similar to the transect walked by the RSPB, during its own monitoring surveys. The RSPB has agreed to share 2021 breeding waterfowl surveys with SZC Co, rather than SZC Co undertaking further similar surveys. The results of these surveys will be further considered in the context of the sHRA workstream. It is considered unlikely that the conclusions of the sHRA would be affected.	SWT/RSPB to clarify its position	Not agreed
RP2	Concern that increases in recreational disturbance caused by the development are under-estimated	The estimates of potential increases in recreational use of designated sites by both displaced visitors and construction workers appear low. We welcome the updated assessment which includes weighted numbers of people who did not give a displacement location and attribution of these to sites resulting in an uplift of the estimation of displacement to Minsmere Outer. We also disagree with some of the assumptions about types and levels of use, particularly by construction workers and consider	A precautionary approach was used in the assessment of potential increases in visitors to European sites for recreation such as walking and cycling in the Shadow HRA Report (i.e. numbers used are considered to be greater than would actually occur). A full explanation of why the approach is considered precautionary has been provided in response to ExQ1 (AR.1.12), with the key reasons being: • Actual numbers of displaced users of recreational resources to European sites are likely to be		Not Agreed

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		that while levels of outdoor recreation may be different to those of the general population (and will not involve dogs) that this should not be disregarded.	significantly less than the figures used in the assessment. • Figures for construction workers at European sites are precautionary because they are based on the peak, maximum workforce which would only last for approximately 2 years of the 12 year construction phase. • Figures used for construction workers potentially recreating at European sites are likely to be less than the figures used in the assessment.		
RP3	Impacts on vegetation and beach nesting birds	We are concerned about 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. We would support measures to address this being included in the emerging plan. We question the relevance of access improvements at Aldurst Farm and Kenton Hills due to visitors seeking to walk on the beach.	The Shadow HRA Report concludes that adverse effect on integrity would not arise as a result of disturbance due to increase in recreational pressure. It should also be noted that a precautionary approach was used in the assessment of potential increases in visitors to European sites for recreation in the Shadow HRA Report (as decribed in response to item RP2). In addition, the Shadow HRA is likely to over estimate the displacement as the beach and coastal paths will now be retained open except in very time limited circumstances and there are a number of mitigation measures in place, such as other ProW improvements, the Aldurst Farm and Kenton Hills improvements which will reduce the potential for displacement. As described at item G5 above, monitoring and mitigation proposals for European sites which may be impacted by recreational displacement have been developed in consultation wih the RSPB, National Trust and Natural England and others The Monitoring and Mitigation Plan for Minsmere - Walberswick European Sites and Sandlings (North) European Site is relevant to the qualifying features Minsmere to Walberswick Heaths and Marshes SAC and Minsmere–Walberswick SPA and Ramsar site. This updated and detailed plan was submitted to ecological stakeholders including the RSPB and SWT for comment on 12/05/2021. The SWT/RSPB is asked to confirm that it supports the proposed monitoring and mitgation that is set out in the Monitoring and Mitigation Plan for Minsmere - Walberswick European Sites and Sandlings (North) European Site.	SWT/RSPB to clarify its position upon review of the Monitoring and Mitigation Plan for Minsmere - Walberswick European Sites and Sandlings (North) European Site	Not Agreed
RP4	Potential increase in use of the path from the Eel's Foot	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 land functionally linked to this site). We consider that	The Shadow HRA Report assesses the potential effect of recreational disturbance on the Minsmere-Walberswick SPA, with Eastbridge (where the Eel's Foot public house is located) being one of the access points to the SPA where estimates of additional visits as a result of displacement were made. The	SWT/RSPB to clarify its position	Not Agreed

Ref.	Matter	Joint RSPB/SWT Position	SZC Co. Position	Details of any Further Action Being Taken to Resolve The Parties Concerns	Agreed / Not Agreed /Under discussion
	public house to Minsmere Sluice	assessment of the potential impacts would be required under HRA. The plans to upgrade this route, with the intention of reducing the incidence of flooding, as set out in the Amenity and Recreation strategy, would have our support as a potential means to reducing this concern	Shadow HRA Report recognises that vistors accessing this location could use the path that runs from the Eel's Foot public house to Minsmere Sluice and assesses the potential effects on relevant qualifying features of the SPA. For most of its length the footpath from the Eel's Foot public house to Minsmere Sluice runs 200-400m south of the Minsmere New Cut which forms the southern boundary to the SPA and the RSPB Reserve. However, the Shadow HRA Report acknowledges that the footpath does run through areas of lowland grazing marsh that are used by wintering and breeding birds functionally linked to the SPA populations. The footpath is a popular route (estimated to receive nearly 40,000 visits per year), and in that context the estimated additional usage is not considered likely to result in any significant change in the existing behaviour of birds and their use of habitats along the route. Should the route be waterlogged leading to displacement of visitors from the path, this would affect all visitors (including existing) and the conclusion of the Shadow HRA would be unchanged. Any potential effects on the SPA as a whole due to recreational disturbance would be managed via the Monitoring and Mitigation Plan for Minsmere - Walberswick European Sites and Sandlings (North) European Site.		
RP5	Potential increased use of non-core, heathland areas at RSPB Minsmere	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. We note that the monitoring and mitigation plan is still under development. Mitigation is relied on by the sHRA to support a conclusion of no AEOI but at this stage no mitigation had been proposed, other than reliance on measures that are currently in place as site management – it is not appropriate to rely on these as mitigation. We will review our position on this when the mitigation and monitoring plan is submitted to the Examination.	The Shadow HRA Report concludes that adverse effect on integrity would not arise as a result of disturbance due to increase in recreational pressure. The comments in response to matter RP3 regarding the adoption of the precautionary approach and the monitoring and mitigation proposals (set out in the Monitoring and Mitigation Plan for Minsmere - Walberswick European Sites and Sandlings (North) European Site) also apply to this matter.	SWT/RSPB to clarify its position upon review of the Monitoring and Mitigation Plan for Minsmere - Walberswick European Sites and Sandlings (North) European Site	Not Agreed
RP6	Recreational monitoring & mitigation plan	At present, details of the proposed mitigation and monitoring plan have not been confirmed or submitted to the Examination, hence the lack of confidence in conclusions at this stage. However, we acknowledge that this plan is now under development and that significant progress has been made since our Relevant Representations were submitted. We consider that the initial measures proposed will not be sufficient to address impacts and that wardening will be necessary, as is currently under discussion. We are also keen to see that an appropriate	As noted by the RSPB and SWT, the monitoring approach and potential mitigation measures set out in the Monitoring and Mitigation Plan for Minsmere - Walberswick European Sites and Sandlings (North) European Site have been discussed in detail with ecological stakeholders at meetings held on 18 and 22 February 2021, and the RSPB and SWT have been consulted on the draft plan. A further draft of the plan has been provided	SZC Co. to issue draft 2 of the Minsmere European Sites Monitoring and Mitigation Plan in March, for SWT/RSPB comment	Not Agreed

Ref.	Matter	Joint RSPB/SWT Position	SZC Co. Position	Details of any Further Action Being Taken to Resolve The Parties Concerns	Agreed / Not Agreed /Under discussion
		monitoring stategy is developed which will be able to detect changing levels of use, types of use (including potentially damaging behaviours) and ecological impacts. We will review our position on this when the mitigation and monitoring plan is submitted to the Examination.	(fourth draft; 13 May 2021) and the final plan will be submitted to the Examinaton at an appropriate deadline. SZC Co. will also prepare a Monitoring and Mitigation Plan for Sandlings (Central) and Alde, Ore and Butley Estuaries and will consult with the RSPB and SWT on this plan.		
Marine Ecology (Book 6, Volume 2, Chapter 22) and Shadow Habitats Regulations Assessment Report (Doc Ref. 5.10)					
ME1.1	The potential impacts on birds of the Outer Thames Estuary SPA and the Minsmere-Walberswick SPA (and their prey) including from disturbance resulting from construction noise, dredging and vessel movements	To understand the potential impacts of noise/vibration on tern species, it is necessary to understand the timeline and seasonality of works causing underwater noise, so effects on breeding birds can be assessed. Concerns may be limited due to the short duration of works but if several consecutive days were affected during chick rearing this could result in impacts on productivity. We disagree with the approach to the assessment of impacts of vessel movements on red-throated divers of the Outer Thames Estuary SPA and the assumptions made about responses of divers to disturbance. We recommend that additional assessment of displacement effects is carried out. We consider that vessel disturbance impacts from Sizewell C could compromise the SPA objective to maintain the distribution of the qualifying features within the site and therefore do not support the conclusion of no AEOI in the Shadow HRA Addendum	As detailed in the the **Shadow HRA Report Addendum** (Doc Ref. XXX) [AS-173], all construction works for both Beach Landing Facilities (BLFs) will now be undertaken outside the tern breeding season. This includes the dredging works required for the installation of the piles. Therefore, during construction, any indirect effects on SPA tern populations via effects of noise disturbance on prey species would be limited to the construction of other marine structures (for which drilling and not impact piling is required) and the associated dredging, as well as any maintenance dredging for the navigable channel near the BLFs (see Table 8.17 and paragraphs 8.8.315 – 8.8.321 of the **Shadow HRA Report** (Doc Ref. 5.10) [APP-145]). The resultant predicted effects on the fish prey of terns have little spatial overlap with the tern foraging ranges and / or involve activities which extend over short time periods only. Furthermore, the predicted effects on fish for which the extent of spatial overlap with the tern foraging ranges exceeds fractions of a percent are those effects that are short term and temporary (i.e. temporary threshold shifts and behavioural responses). SZC Co consider that the potential effects of disturbance to the Outer Thames Estuary SPA red-throated diver population has been properly and fully assessed and that the conclusion of no AEoI is robust. In terms of displacement specifically, the construction works for the marine structures for the Project would affect a very small proportion of the SPA population only, whilst the predicted effects of increased vessel traffic are also shown to be small (even when based upon highly precautionary assumptions) (see paragraphs 8.8.13 – 8.8.20 of the the **Shadow HRA Report Addendum** (Doc Ref. XXX) [AS-173]). Therefore, it is unclear exactly which aspects of the assessment are referred to by the statement *that displacement of red-throated divers arising from SZC needs to be properly assessed to adequately inform the in-combination assessment*.		Not Agreed
ME1.2	The potential impacts on birds	We consider there is potential for significant overlap of WCS +2oC and +3oC plumes from SZC and SZB with the foraging			Not Agreed

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	of the Outer Thames Estuary SPA and the Minsmere-Walberswick SPA (and their prey) from the thermal plume.	range of common tern and little tern. We also raise concerns about impacts on prey species (particularly Atlantic herring). Impacts from the thermal plume are a greater concern when combined with other marine impacts and/or if the life of SzB is extended.	For SZC and SZB combined, the maximum instantaneous plume size for the 2ºC uplift over the relevant seasonal period overlaps with 1.6% of the total SPA area, but the overlap with the average plume size for the 2ºC uplift is substantially less, at 0.3%. The areas of overlap are considerably lower for the 3ºC uplift. Because the north-western block supports lower densities of red-throated diver than the larger southern block, the actual percentage of the SPA population that is potentially affected by the thermal plumes is considerably lower than as indicated by the spatial overlap of these plumes with the area of the SPA. Essentially, even the maximum instantaneous plume size for the 2ºC uplift (for SZC and SZB combined) would have the potential to affect less than 1% of the SPA population (as based upon the spatial overlap). Consideration of the fact that the operation of SZB represents baseline conditions reduces the potential effect of SZC further still. The above information is detailed in sections 6.3 h) ii. and 8.10 d) i. of the **Shadow HRA Report** (Doc Ref. 5.10) [APP-145].		
ME1.3	The potential impacts on birds of the Outer Thames Estuary SPA and the Minsmere-Walberswick SPA (and their prey) from the various discharges (including those of bromoform, hydrazine, and organic matter (dead fish)) and increased suspended sediment concentrations.	We are concerned that the conclusions of no AEOI for little tern of the Minsmere-Walberswick SPA and common tern and red-throated diver of the Outer Thames Estuary SPA from the discharge of dead and moribund biota are all based on commercial thresholds for impacts on fish populations at a large scale. It also does not appear that the ecological impacts of the total losses of all species have been considered. We consider that local effects on fish distribution within Greater Sizewell Bay, the proportion of SPA populations affected and any resulting displacement effects on birds are all considered. We are also concerned at the lack of inclusion of an acoustic fish deterrent to minimise impacts as far as possible. We note that the conclusions of no AEOI on the Minsmere-Walberswick SPA and the Outer Thames Estuary SPA arising from chemical discharges rely on the short-lived nature of plumes despite the regularity of discharge and the relatively small areas of the SPAs and foraging ranges affected. However, the assessments of impacts on fish also note their ability to avoid the area but potential impacts of this on predators are not considered. We are also concerned that the possibility of direct impacts of discharges on bird species (e.g. direct toxicity) have not been covered in any detail. The overlap of the SSC plume with the foraging area of little tern populations from the Minsmere-Walberswick SPA is up to 6% but no AEOI is concluded on the basis of the short term nature of the	The discharges screened in for assessment in the Shadow HRA were the chemical and thermal discharges, as well as increases in suspended sediment concentrations (SSC). The chemical discharges considered in the **Shadow HRA Report** (Doc Ref. 5.10) [APP-145] are: • Hydrazine (during commissioning and operation) • Total residual oxidant (TRO) (during operation) • Bromoform (during operation) Other discharges that may occur during construction and could affect prey availability to marine birds (e.g. hazardous substances and metals) are predicted to remain within acceptable limits (e.g. as defined by annual load limits or Environmental Quality Standards). For the most part, the conclusion of no AEoI in relation to the potential effects of the above chemical discharges on the marine bird species associated with the Minsmere-Walberswick SPA and Outer Thames Estuary SPA does not rely on the short-lived nature of these plumes. Rather, for the chemical plumes associated with the operational period, the assessment focusses on their spatial extent and their overlap with the predicted foraging ranges of the different SPA populations (with		Not Agreed

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		plume and relatively small overlap with the foraging area. However, we are concerned that no consideration of the impacts on little tern foraging ability is included.	this area of overlap being very small, or non-existent, in all cases). In relation to SSC during construction (and decommissioning), the plumes are not only predicted to encompass a small percentage of the foraging ranges of the different SPA marine bird populations but they are also highly transient (with SSC returning to background levels within a few days). Furthermore, the dredging activities which would cause the largest SSC plumes are either one-off events or expected annual events (e.g. for construction of the fish recovery and return outfall headworks or for reprofiling of the navigational channel). Thus, the 6% overlap referred to by the Parties in relation to the Minsmere-Walberswick SPA little tern population, relates only to the foraging range for the Minsmere colony (with there being just a 3% overlap with the foraging range from the Dingle colony), whilst it is in relation to dredging for the BLF navigational channel for which the full reprofiling dredge is expected to be undertaken once per year. Similarly, the hydrazine plume during commissioning has a small overlap with the predicted foraging range of little tern from the Minsmere colony only, and concentrations exceeding the acute predicted no-effect concentration (PNEC) (which is considered precautionary) would have durations of a small number of hours.		
ME2	In combination effects on birds of the Outer Thames Estuary SPA and the Minsmere-Walberswick SPA	The assessment of the combined total effects of the above impacts on marine birds is incomplete. The assessment of displacement of red-throated diver of the Outer Thames Estuary SPA should consider impacts of all relevant windfarms plus SzC and include the presentation and review of a matrix showing a range of displacement percentages and resulting percentage mortality.	SZC Co consider that a comprehensive in-combination assessment for potential effects on marine birds has been undertaken. In relation to the specific point concerning the assessment of displacement of red-throated diver associated with the Outer Thames Estuary SPA, SZC Co do not agree that the levels of displacement predicted to arise as a consequence of the SZC project would lead to any discernible increase in mortality. In part, at least, this follows from the responses provided to ME1.1 and ME1.2 above. The predicted effects of the SZC project on this population are of a different type and on a different scale to those which may be predicted in relation to the construction and operation of an offshore wind farm. Consequently, there is no requirement for a matrix of the type described by the Parties in relation to teh in-combination assessment for the SPA red-throated diver population.		Not Agreed

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ME3	Assessment approach and methods	Concerns around the baseline data, reference populations and methodologies underpinning these assessments. In particular, for those fish species considered ecologically important, we do not agree it is appropriate to define levels of ecological impact significance based on commercial fisheries impact thresholds. Greater consideration should be given to local scale impacts on Greater Sizewell Bay. We also do not consider that adequate weight is given to the importance of Greater Sizewell Bay to red-throated divers of the Outer Thames Estuary SPA.	SZC Co. respectfully requests clarity on their concerns to inform a discussion on whether we can minimise the extent of matters being outstanding between the parties, and help inform the Examining Authority who will be interested in understanding this further. In relation to the point raised on red-throated diver within the Greater Sizewell Bay, the assessment undertaken in the Shadow HRA has relied upon findings from recent SPA-wide surveys of the distribution of this species. These are considered to be appropriate data on which to base the assessment. SZC Co would request that the Parties specify the limitations they perceive with these data and why they think these data might not reflect the importance of the Greater Sizewell Bay to this SPA population.		Not Agreed
Other Matters					
OM1	Inadequacies of landscape strategy	The landscape strategy submitted with the application lacked 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. We will review the updated documentation submitted to the Examination and update our position. But currently, we do not agree the Sizewell C project can achieve net gain due to direct adverse impact on Sizewell Marshes SSSI from loss of a significant proportion of the SSSI. And We do not agree with the Applicant's conclusions around likely net gain arising from the development due to concerns relating to the methodology and approach to the metric calculations for example including compensation and mitigation measures, replacing higher value habitats with those of lower value, and the time for habitats to reach target condition. Please refer to our written representations for more detail.	The SWT/RSPB is asked to reconsider this position in light of the change application and the new materal submitted with it, including the ES Addendum and the SHRA addendum. This includes the oLEMP for the main development site and two new oLEMPs for the Two Village Bypass and the Sizewell Link Road. The oLEMPs will be secured by Requirement. In additon to this, an extensive programme of monitoring (and potential remedial actions) is captured in the TEMMP (see above), a draft of which was reviewed by the RSPB and SWT, was submuitted to Examination at deadline 1 and which will also be secured by requirement. The biodiversity net gain assessments have been updated, shared again with the RSPB and the SWT and were submitted to Examination at deadline 1SZC Co. respectfully requests clarity on any detailed concerns to inform a discussion on whether we can minimise the extent of matters being outstanding between the parties, and help inform the Examining Authority who will be interested in understanding this further		Not Agreed
OM2	Ecological fragmentation due to SSSI crossing	Concern around the impact of the SSSI crossing and culvert in the DCO application on ecological connectivity for protected species including bats, water voles, otters and invertebrates. Concern over whether bats, particularly juvenile barbastelle, will use the SSSI crossing culvert or the proposed design in the change application. The SSSI crossing will also be subject to high levels of noise and potentially lighting during construction.	The new (January 2021 accepted change) SSSI crossing design with a 40m wide bridge has been brought forward which slightly reduced landtake compared to the earlier 68m long culvert option and should minimise the potential for fragmentation of habitats and removes shading from 28m of the Leiston Beck (see also above).	Design review of SSSI crossing to reduce impacts on SSSI	Not Agreed

Ref.	Matter	Joint RSPB/SWT Position	SZC Co. Position	Details of any Further Action Being Taken to Resolve The Parties Concerns	Agreed / Not Agreed /Under discussion
			The new SSSI crossing design would not lead to fragmentation of otter or water vole populations and the dimensions are suitable for use by all relevant bat species. In relation to invertebrates, while activity of adult winged insects may be reduced underneath the structure, the varied dispersal mechanisms displayed by invertebrate taxa recorded in the Leiston Beck suggest that 40m would not be a barrier to recruitment into the Leiston Beck, either side of the crossing. Current on-site conditions, such as potential eutrophication, has resulted in macrophyte and Lemna sp. growth which is likely to pose a greater barrier to invertebrate species diversity and dispersal in the Leiston Beck. Notwithstanding we are carrying out a design review to consider if the design of the structure could be optimised to further reduce impacts on the SSSI. This work is ongoing but we are confident that at the end of construction the width of the single span bridge can be reduced from 40m to approximately 15m. It will also be possible to increase the soffit level although the design review has not yet concluded in this respect. Details of the optimised design to be provided at Deadline 4.		
OM3	Concerns around boundary between the Minsmere reserve with SZC development site	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, including the routing of the permissive path known as the Sandlings Footpath. There is a lack of understanding about the physical boundary details and how they will be constructed and how that might impact on the RSPB's freehold. This includes the alignment of the Sandlings permssive footpath which we seek confrimation that this will be aligned within the DCO boundary.	RSPB's concerns are acknowledged - additional layout plans and sections are being drawn up through the Northern Mound to respond to these concerns. These figures will show current and proposed ground levels, extent of the foundations of the proposed hard coastal defence feature, the red line, NGL and RSPB land ownership boundaries, and existing and proposed ProW.	SZC Co to share additional layout plans and sections	Not Agreed
OM4	Impact of construction of SZC on number of visitors visiting the locality and RSPB Minsmere	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.	**Book 6, Volume 2, Chapter 9** assesses the impacts on tourism and sets out that: *there is limited empirical evidence that the Sizewell C Project would lead to a quantifiable reduction in visitor numbers, a change in visitor behaviour, expenditure or business viability in the sector over and above normal variation. The tourist economy is subject to substantial volatility year-on-year, and is affected by externalities beyond the effects of a single project such as Sizewell C. There is no empirical evidence that the construction of Sizewell B had a substantial effect on the sector within the Suffolk coast area, or that – with a well-managed and effective mitigation package via a Tourism Fund – the construction of Hinkley Point C is having a substantial effect in Somerset. However, engagement with local*	RSPB to provide proposal for measures it would like to see covered by the Resilience Fund.	Not Agreed

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		12/02/21 clarification: RSPB's preference is for the Resilience Fund to be targetted on the paid visitor risk / impact. We ask that reference to an RSPB 'wish-list' in relation to the resilience fund is removed. The RSPB will provide recommendations for measures which it believes will mitigate the perceived and actual impacts of the construction of SZC on paid-for visits to Minsmere.	*tourism stakeholders, review of environmental effects and mitigation identified across this ES, and SZC Co.'s understanding of perceived visitor sensitivities based on quantitative survey of previous and potential visitors has identified that without mitigation there is potential for: very local effects on businesses and activities where there is a combination of significant residual environmental effects; and perception-related effects as a result of sensitivities to different aspects of the Sizewell C Project (the potential for perception of changes to for example. traffic, where this is already an influencer on propensity to visit).* SZC Co. is therefore proposing a Tourism Fund and a separate Resilience Fund for RSPB Minsmere. SZC Co. has shared a proposed approach to the Tourism Fund including its release, scope, implementation (including Tourism Programme Manager Role), governance (including via a SERG sub-group). These matters are largely agreed with outstanding positions on the scale of the Fund, and the potential for early (pre-DCO) release. SZC Co's position is that while the Ipsos MORI and DMO surveys undertaken in advance of the application provide helpful context for the sensitivities that potential and returning visitors may have to change - and therefore can inform the types of activities a Tourism Fund should address - ex-ante stated preference perception surveys cannot be used as a means of estimating quantitative changes in visitor behaviour or economic cost (reported changes in propensity to visit and spend aren't uniform). Evidence from HPC provides strong support for the gap between ex ante survey and reality, noting that the aim of the Tourism and Resilience Funds will be to avoid any loss. RSPB has been asked to propose evidenced and proportionate measures that it would like to be covered by its Resilience Fund. SZC Co will respond to this proposal.		

APPENDIX A: ENGAGEMENT ON THE SOCG

A.1.1. The preparation of this SoCG has been informed by a programme of discussions between SZC Co. and the RSPB / SWT. The relevant meetings are summarised in Table **2.2**. It is noted that these meetings were not purely in relation to the SoCG.

Table 2.2 SOCG meetings held between SZC Co. and the RSPB / SWT

Date	Details of the Meeting
12 May 2020	Water level management
7 July 2020	Water level management
20 July 2020	Overarching meeting to provide an overview of the DCO application, including navigating the DCO, the consenting strategy and an overview of the key issues including: - Tourism - Ecology - Coastal - Groundwater, Surface Water and FRA - And agree next steps on engagement and the SoCG
10 September 2020	Water level management
15 September 2020	Protected species workshop
FROM 17 September 2020	2-weely regular interface meetings established to progress matters of concern to RSPB, agree resilience fund, progress SOCG issues. Suffolk Wildlife Trust invited to join from 5 November 2020.
23 September 2020	Marine Technical Forum – Coastal processes. To discuss proposed CPMMP
12 November 2020	Update on the SSSI Landtake and Compensatory Habitat
11 December 2020	A meeting to discuss Biodiversity Net Gain
21 January 2021	Survey briefing for 2021
12 February 2021	Meeting to discuss 1st draft SoCG
18 February 2021	Discussion on the draft Monitoring and Mitigation Plan for Minsmere and Dunwich Heath (recreational displacement)

Date	Details of the Meeting
22 February 2021	A meeting to discuss mitigation for recreational displacement
4 March 2021	Discussion on the draft Terrestrial Ecology Monitoring and Mitigation Plan (TEMMP)
12 March 2021	Meeting to discuss 2nd draft SoCG
15 March 2021	Marine Technical Forum – Coastal processes. Presentation of detailed modelling for enhanced and temporary BLFs.