

Madam Chairman and members of the Examining panel, My name is Sally Watts

Thank you for inviting me to speak at this Open Floor Hearing on behalf of Ms Dyball and Ms Hall who are the owners of some beautiful meadows near the village of Pakenham which is just over 6 miles north of Bury St Edmunds, in West Suffolk and some 45 miles distance from the Sizewell C development, which is on the East Coast of Suffolk.

I am also speaking on behalf of the farmers of the meadows Stephen, Charles, Jackie and Penny Whitwell.

I hope that we will also be given the opportunity to speak at the **Compulsory Acquisitions Hearing in due course** and that your panel will **find time to visit the meadows** in a Site Inspection.

17 ha (41.62ac) of my client' s land at Pakenham, have been identified by the applicant as compensatory mitigation land. This land along with some neighbouring land at Pakenham and three other sites in Suffolk Coastal have been collectively identified as land upon which it is proposed to re-create fen meadow to compensate for the loss of 0.7ha of coastal fenland from the Sizewell Marshes SSSI

We would like the panel to consider the following 5 points – they are

1. the distance of this mitigation land from the development,

2. the amount of mitigation land required,
3. the poor consultation, information and Engagement time given to my client to date by the applicant,
4. the cost benefits and feasibility of re-creating fen meadow in West Suffolk, perhaps some alternatives should be considered

and

5. the impact that this proposed compulsory acquisition will have on my clients livelihood and also on neighbouring land users.

Like many other representations given by others we are concerned that EDF have not considered the environmental impact adequately enough in and around the actual development, and this lack of consideration is even more apparent with how they have approached our clients with regards to this proposed mitigation at Pakenham

1. **Firstly the DISTANCE of the land at Pakenham from the Sizewell C development** - It is understood that Sizewell C needs to mitigate for losses caused to the environment but we don't believe it is appropriate to provide the mitigation on a site that bears no relation to the development site *over 44 miles distant from the Suffolk Coast and will it takes at least an hour and half to drive to*. Sizewell is on the coast. Pakenham is a village just north of Bury St Edmunds in West Suffolk.



EDF should be made to replicate the loss of habitat within the proximity of the development – they should be taking unimproved land and creating betterment. We believe that there will be willing landowners who would be prepared to re-create fen meadow on their land nearer the coast that could more than adequately deliver the mitigation objectives. We understand the criteria that the ecologists have employed to find possible compensatory land – area of land to deliver the mitigation required, easy access for management and monitoring, land that is not currently within any designation or environmental management scheme and land that is in close to a river and close to an existing fen meadow for connectivity of habitats.

Although our clients are still of the opinion that the mitigation should be delivered on land nearer to the development. We made EDF aware of 4.8ha of bare meadow land, adjoining a tributary of the Pakenham Fen just north of Pakenham SSSI that has recently been brought to the market by Lacy Scott & Knight – this land holding delivers on all the search criteria and EDF ought to consider purchasing it. We are also aware that there have been other suitable parcels of land that have come onto the market over recent years which could have delivered this fen meadow mitigation in Suffolk Coastal.

2. **QUANTITY** Natural England have submitted a very robust representation objecting to the loss of the valuable SSSI habitat at Sizewell Marshes and hence the need for the applicant to mitigate the losses by 9 x amount of land lost.

The exact amount of lost fen meadow has yet to be defined 0.5ha or 0.7ha – we would ask that this figure is determined exactly and that the compensatory amount defined as 4.5ha or 6.3ha etc – we ask for clarification as to how much over and above this quantity (defined by Natural England) can be compulsorily acquired and where in the UK? The applicant originally identified two sites at Benhall (approx 8 miles from development) which would provide 3.4ha of primary locus for re-creating fen meadow, with a possible 5ha adjoining and one site at Halesworth (approx 15miles) with primary locus of 1.3ha and a possible further 4ha. Thus the primary locus land, 4.7ha from both these sites would deliver more than 9 times the amount of lost fen if 0.5ha is deemed as lost and over 6 times if the lost fen is calculated as 0.7ha. – if the ‘extra land’ that could possibly be added at these three sites is also used to re-create fen meadow ie a further 9ha – then in total (4.7+9=) 13.7ha of new fen meadow will have been created (divided by 0.9ha) that is **over 15 times** the lost fen meadow. How much land is required?– Natural England have suggested 9 times. How much land can be acquired? The land at Benhall and Halesworth in the original application delivers in excess the amount required by NE why has more land had to be found – how much land will be enough?

Under the **Planning Act 2008** – it states that land may be acquired if it is directly related to the development (sec 122(2) and is required to facilitate the development (sec122(3)). The law states there should be a compelling case in the public interest for the land to be acquired compulsorily – this

compelling case has not been proved on justified with regards to the land at Pakenham as the surveyors are still carrying out their surveys and no feasible or deliverable environmental proposals have been put on paper to date.

Knowing how 'difficult' it is to re-create fen meadow it can be stated that 'the more land that is mitigated upon does not necessarily mean that more fen meadow will be re-created' – it is just as likely that the management will be spread too thinly and there will be more failure? We believe the applicant should concentrate on providing the compensatory mitigation on their own land at Aldhurst near Leiston and on the land at Benhall and Halesworth – all these areas of habitat are within Suffolk coastal and nearer the development.

3. **LACK OF CONSULTATION & ENGAGEMENT TIME WITH THE APPLICANT** The land at Pakenham was added to the planning application this Spring ' 21. The first engagement my clients had with the applicant was in September ' 20. We now understand that the EDF environmental agents, walked over the land on the 30th April 1st May in 2019. In December 2020 my clients refused any further access to the meadows; the applicant chose to serve a sec 172 Notice on the owners to enable them to start survey work in January 2021. The owners asked for a warrant to be obtained, but the agents refused to obtain this and proceeded to take access in early January. The owners did not want to stand on the fields with their pitch forks and so the surveying is currently taking place – 3 boreholes

have been drilled and monitoring gauge boards installed in the ditches. To date my clients have not been given any further information or data on the plans as to how a fen meadow will be re-created or how it is envisaged it will be managed. We would like it recorded that we do not believe that the above engagement meets with the method statement as to how a formal National Infrastructure project should be conducted – in our opinion the information from the applicants and their agents has been poor (this scenario has been reiterated by others in their representations) – we have asked for the following information :- how much of the land do they need to acquire, what will they do with the land, how will their management of the fields affect the adjacent land together with others further downstream and can the land still be farmed and managed by the family. The applicant cannot /does not answer these questions.

Our client is as a result unable to plan and manage how these proposals will affect their business – you will be aware from the press of the significant changes being currently imposed on the agricultural industry. This is a period of much upheaval and change and to have the threat of losing a significant part of an enterprise is extremely distressing.

4. **TYPE OF COMPENSATORY MITIGATION** – In the representation made by Natural England dated the 30th September 2020 it is advised that re-creating fen meadow is extremely difficult, if not impossible. We are aware that EDF have already mitigated and created a significant wetland

habitat at their Aldhurst land which was acquired in 2015. We wonder whether EDF attempted to re-create fenland there? Knowing how difficult it is to re-create fen meadow and with the understanding from various published documents that the M22 fen meadow habitat is disappearing at a very high rate in the UK – we would respectfully propose that mitigation should be delivered by the applicant in a far more effective way. We believe efforts would be better exercised by enhancing and preserving and even extending areas of existing M22 fen meadow habitat nearer to the development site. This route would be a more guaranteed route of success in deliverability of the objective. We are aware that the fen Marshes up and down the Suffolk coastal are under the constant threat of erosion as a result of the unstable nature of the coastline and degradation due to other forms of threat eg pollution and climate change. By enhancing the management of an existing coastal fen meadow area and perhaps extending its area into unimproved land there could be a twofold benefit a) in the mitigation objective of preservation but b) by stabilising the vegetation on the coast and perhaps so preventing the erosion of the coast. We refer to the Radio 4 'costing the earth' programme broadcast on the 20th April 2021 where old land fill sites on the Essex coast are now leaking their contents into the sea. The protection of our coastline and the sea must surely be a greater public benefit than the destruction of some beautiful meadows in Pakenham which already have their own unique valuable habitat and are distant and irrelevant to the Sizewell Marshes.

We would like the panel to consider the practicalities and feasibility of re-creating fen meadow land at Pakenham. Not only is it extremely difficult to re-create fen and manage it for the long term, it is also likely that any new hydrological water management will have implications on neighbouring land – Natural England have requested surveys on the potential impacts of the proposed fen site on the features of the adjacent Pakenham Meadows SSSI. We assume that of the ecological, groundwater and surface water surveys currently being carried out on our clients' land are also being carried out on the Pakenham SSSI – we are not aware that they are? To date there is no information as to how it is proposed to re-create fen meadow on our clients' land – we are advised from talking with the surveyors that there are plans dig up the peat under the meadows and spread it on the surface. If this is done the peat would in time disappear like the levels in the arable fields around the Ely fen. At a time when we are informed that peat must not be used on gardens and that areas of peat need to be preserved and increased – this proposal is certainly cause for extreme alarm and contrary to environmental guidance? In March the surveyors managed to get their vehicle stuck in the peat - quite why they were driving around in the field at this time of the year I question? The resulting damaged sward of the meadow has had to be fenced off for the rest of this grazing season and possible next as it will take at least 2 plus years for damaged peat swards to re-knit

We also understand that it is proposed that all the land drains will be removed from the land – this will not only disturb the soil structure

which has developed over 50 years but this will of course have significant ramifications for the drainage of the surrounding arable land.

The meadows have a unique and highly interesting water management system where all the water drains into a central soak ditch. The bottom of the soak ditch is below the level of the river bordering the meadow. The water within the soak ditch travels along the soak ditch towards the Pakenham Water mill and is piped under the Pakenham mill pond and joins back into the Pakenham Fen after the mill pond. This complex water management system has worked like this for over 50 years and created a unique wet habitat in the field called 'reclaimed' meadow and also enabled the grazing of the meadows in the Summer months (May to September)

The proposals to make the land wetter means holding back water or flooding this hydrological exercise is bound to have serious implications and ramifications for both my clients land and all the neighbouring land users including the general public.

The lack of details for the proposals on the future management of the meadows at Pakenham is of great concern to my clients and we have no confidence as a result in any public benefits being achieved

5. The final point I wish to raise is how this mitigation will affect the livelihood of my clients cattle enterprise and the ramifications on the rest of the farming business together with the well being of the owners and farmers.

My client has dedicated his farming career to managing a 40 head cattle enterprise – the summer grazing of these cattle is

provided by the meadows at Pakenham. If the meadows are turned into a wet fen meadow – the number of cattle that can graze this land will be drastically reduced – there may even be no grazing possible on the fen meadow – with the loss of the cattle enterprise there will be a knock on loss to my clients Livelihood, his well being and self respect (due to an accident in his early 20' s, it is not going to be possible for my client to find alternative employment). So not only will employment and well being be lost there will also be the destruction of an existing valuable environmental habitat.

The panel will also be aware of the significant changes being imposed on the agricultural industry over the next 12 months, We are currently preparing a Mid Tier Countryside Stewardship application which has to be submitted to the Rural Payments Agency by the 30th June. Within this application, the applicant has to confirm that the land is within their management for the next 5 years.

We sum up again – this proposed mitigation is too far away from the Sizewell Development, EDF have not provided reports to demonstrate the feasibility or success of the proposed plans for mitigation, we question the amount of land required for mitigation, there is no compelling case that the land in West Suffolk is required for the development in East Suffolk, we ask if the cost benefit mitigation could be delivered in some more beneficial way and we would ask the panel to recognise the impact that these proposals are going to have on the owners

well being & the loss of an existing valuable and beautiful habitat together with the farmers self worth, well being, loss of employment and livelihood.

Presented on behalf of the owners Ms Dyball and Ms Hall and the farmers S R Whitwell & Co

The Land at Pakenham is illustrated below – a site visit would benefit the Examiners in understanding the impact this proposal would have on neighbouring farmers, the Pakenham Water Mill, the Pakenham SSSI and the remainder of the farmland belonging to the owners

