



The Sizewell C Project

9.32 Second Relevant Representations Report

Revision: 1.0
Applicable Regulation: Regulation 5(2)(q)
PINS Reference Number: EN010012

June 2021

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



CONTENTS

1	INTRODUCTION.....	1
2	THEMED RESPONSES.....	3
	REFERENCES.....	16

TABLES

	Table 2.1: Summary of Comments Received.....	3
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PLATES

None provided.

FIGURES

None provided.

APPENDICES

None provided.

1 INTRODUCTION

- 1.1.1 Fifteen proposed changes to the Sizewell C Project were accepted for examination by the Examining Authority on 21 April 2021 ('the Accepted Changes') [\[PD-013\]](#). After the Accepted Changes were accepted, SZC Co. gave notice in accordance with Regulations 7 and 8 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 ('CA Regulations') of a compulsory acquisition request in respect of additional land, being land which it is proposed shall be subject to compulsory acquisition and which was not identified in the book of reference submitted with the Application.
- 1.1.2 The Accepted Changes giving rise to the compulsory acquisition request in respect of additional land included:
- Change 11 Extension of the Order Limits to provide for additional fen meadow habitat at Pakenham as mitigation for fen meadow loss;
 - Change 12 Extensions and reductions of the Order Limits for works on the Two village bypass, Sizewell link road and Yoxford roundabout as well as minor changes to the public right of way proposals at these sites; and
 - Change 13 Minor extensions and reductions of the Order Limits for works on the main development site and related sites (fen meadow mitigation sites and marsh harrier improvement sites).
- 1.1.3 Persons were able to submit relevant representations, giving notice of any interest in, or objection to, the compulsory acquisition request, to the Examining Authority from 28 April 2021 to midday on 7 June 2021. The Examining Authority received nine relevant representations. A full list of the relevant representations received can be found on the Planning Inspectorate's website (Ref. 1).
- 1.1.4 The purpose of this report is to provide SZC Co.'s response to the key issues raised in the relevant representations submitted in relation to the compulsory acquisition request.
- 1.1.5 A summary of the representations and SZC Co.'s responses to the comments raised is provided within Section 2 of this report.
- 1.1.6 The Planning Inspectorate's website also stated that Interested Parties who had previously submitted a relevant representation could submit comments on the changed application documents, including those relating to Changes 11, 12 and 13, by uploading these to the Planning Inspectorate's website (labelled "*Comments by registered Interested*

Parties only on any updated application documents and Changed Application documents") under Deadline 2 or by emailing them to the Planning Inspectorate. 3 such comments can be found on the Planning Inspectorate's website in relation to Changes 11, 12 and 13 (Ref. 2):

- Comments submitted by East Suffolk Council [[REP2-174](#)] and Suffolk County Council [[REP2-193](#)] outlining no specific concerns with regards to Changes 12 and 13, and support in principle for Change 11, subject to the confirmation of further details.
- Comments submitted by Network Rail [[REP2-156](#)], with no comments in relation to Changes 11 and 13 and an objection to Change 12 which seeks to extend the Order Limits on the Sizewell link road to include two plots of land owned by Network Rail that form part of the operational railway on the Saxmundham to Leiston branch line. SZC Co. will seek to resolve these comments through the ongoing discussions for the Statement of Common Ground.

2 THEMED RESPONSES

2.1.1 **Table 2.1** provides a summary of the comments received in the relevant representations submitted in relation to the compulsory acquisition request in respect of additional land and SZC Co.’s responses to these comments.

Table 2.1: Summary of Comments Received

Ref.	Summary of comments received	SZC Co.’s Response	Number of responses code has been applied to
Change 11: Extension of the Order Limits to provide for additional fen meadow habitat at Pakenham as mitigation for fen meadow loss			
1.	Neutral comments regarding the proposed Pakenham fen meadow site with no objection to the proposals, on the basis that they will be determined in accordance with all relevant policies and the views of the local authorities will be given due consideration.	No further response from SZC Co. is required.	1
2.	SZC Co. has not provided sufficient evidence that fen meadow could be re-created at the Pakenham site and the quantum of land identified exceeds that required by Natural England.	A visit to each of the three identified potential fen meadow sites reported in APP-258 confirmed the potential for the development of fen meadow at the Pakenham site. However, APP-258 also identified the need for further detailed site conceptualisation and feasibility assessment work. This work commenced for the Pakenham site in March 2021 and requires 12 months of hydrological data collection. The information that will be used to inform the fen meadow design and methods of creation is being collected, but is not	1

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		<p>available at this time. However, the presence of two areas of existing fen meadow habitat on site, and published information suggesting that the fen habitats were historically much more widely distributed across the valley floor than now, support the case for the site having the potential for fen meadow creation.</p> <p>It is not expected that all the area within the identified Pakenham site boundary will become fen meadow. However, the precise area of fen meadow habitat that could be created is currently uncertain and subject to the results of the on-going further studies, and consideration of the methods that will be used to create the habitat.</p> <p>Additionally, the site boundary has been defined with the intention of encompassing any substantial changes to habitats resulting from the works and the design features necessary to contain these changes within the site.</p> <p>The site area defined also accounts for access to the potential fen meadow areas and any potential temporary working areas and hence cannot be too narrowly defined at this stage.</p>	
3.	Concern that the proposed fen meadow site at Pakenham will have a major financial impact on the	SZC Co. carried out both statutory and non-statutory consultation and engagement, for details of the consultation please refer to the Consultation Report	2

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	livelihood and wellbeing of a number of existing landowners. What consultation has been undertaken?	Adendum [AS-153] . SZC Co.'s agent Dalcour Maclaren has been in correspondence with representatives of the affected landowners and occupier since 25 September 2020. Full details of engagement to date are detailed in the Status of Negotiations with Owners of the Order Land (Doc Ref. 4.1B (C)). As part of the engagement with landowners, SZC Co. is seeking to understand the impact of these proposals on landowners and tenants (where applicable) so that any impacts can be mitigated where possible. Following communication with the landowners and their agent, SZC Co. is working towards answering their queries relating to the continued use of the land following establishment of the proposed fen meadow.	
4.	Concern that the proposed fen meadow site at Pakenham will impact on the riparian rights of the neighbouring landowners. Specific concern that the Pakenham Water Mill's right to water may be adversely affected by any changes made to the land by SZC Co.	The boundary of the Pakenham fen meadow site has been defined with the intention of encompassing any substantial changes to groundwater and surface water flows associated with the works, and the design features necessary to contain these changes within the site. Following the completion of 12 months of hydrological data collection (which started in March 2021), the details of fen meadow design and methods of creation will be specified. However, the design will be developed so as not to result in a significant effect on the riparian rights of	5

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		Pakenham Water Mill or any other neighbouring landowners.	
5.	A new fen meadow site should be provided closer to the main development site of Sizewell C rather than at Pakenham. What has SZC Co. done to establish other suitable sites in closer proximity to Sizewell?	<p>The Pakenham site is one of three potential fen meadow sites identified for further investigation following two, predominantly desk-based, screening studies. The first study focussed predominantly on the Alde, Minsmere and Blyth valleys but did not identify sufficient potential areas. Therefore, a second study was undertaken, extended to cover the whole of Suffolk.</p> <p>The three potential sites identified are at Pakenham, Benhall and Halesworth. A site visit to each [as reported in APP-258] confirmed the potential for the development of fen meadow at these identified sites.</p> <p>The other two sites, at Benhall and Halesworth, are both closer to the main development site than the Pakenham site.</p>	2
6.	Request for further information on the water level changes and the impact that this would have on the sensitive ecological habitats that already exist in the area (noting that there are a Site of Special Scientific Interest and County Wildlife Site nearby). Query on whether Natural England is supportive of the proposals.	<p>The hydrological regime for fen meadow habitat would be characterised by shallow sub-surface groundwater in the summer, with levels typically held closer to the surface during the winter months.</p> <p>As set out within Volume 1, Chapter 2 of the ES Addendum [AS-181], the proposed fen meadow site at Pakenham currently comprises a mix of grassland, fen</p>	4

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		<p>meadow, rush pasture and drier grassland and is adjacent to the designated Pakenham Meadows SSSI. The SSSI is designated for its unusually species rich, unimproved, poorly drained conditions which results in a mosaic habitat arrangement. Lowland wet grassland and fen meadow are the primary interest features.</p> <p>The proximity of the proposed fen meadow site at Pakenham to existing land parcels that are of conservation importance is consistent with the principles defined in Making Space for Nature (Lawton, 2010) (Ref. 3) regarding the development of networks of habitats to increase ecological resilience.</p> <p>Therefore, as set out within the Volume 1, Chapter 2 of the ES Addendum [AS-181], the habitat improvement works would provide enhanced semi-natural habitat buffers to the Pakenham Meadows SSSI and also provide greater connectivity between the SSSI and other habitats along the river corridor. The effects of the fen meadow creation proposals on the Pakenham Meadows SSSI, once the habitats are established, are considered to be beneficial, albeit classified as minor beneficial and not significant within the ES Addendum.</p>	

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		Natural England is a statutory consultee on the application and will be reviewing the proposals over the course of the examination.	
7.	Request for further information on proposals for access and impacts on the existing local rights of way network, noting that there is an opportunity for the Pakenham site to become a useful and attractive resource for the local community.	<p>As described within Volume 1, Chapter 2 of the ES Addendum [AS-181], the area proposed for habitat enhancement at Pakenham is crossed by one public right of way (PRoW) (W-425/003/0). Another PRoW (W-425/002/0) crosses two potential construction access points between existing roads and the site. There are also other PRoW within the landscape outside of the site boundary.</p> <p>The PRoW crossing the site would not be temporarily or permanently diverted or closed during the construction or operational phases of the proposed development.</p> <p>SZC Co. acknowledges that the creation of fen meadow habitat at Pakenham is likely to enhance the landscape around the nearby PRoWs and enhance the recreational experience of the users of PRoWs. Whilst in time it may become an attractive resource for the local community, any amenity improvements are not included within the proposals and the Pakenham site's primary purpose is to provide fen meadow mitigation.</p>	2

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8.	Concerns regarding the long-term ownership and maintenance of the fen meadow site. Who will ultimately own the land of the Pakenham fen meadow site and will this organisation be legally separate from EDF and a charity? If a charity, will a member of Pakenham Parish Council be invited to sit on the board as a representative of the village?	In order to minimise the impacts on landowners and occupiers, SZC Co. is considering whether the site can be established and maintained without SZC Co. acquiring the freehold interest. SZC Co.'s agent, Dalcour Maclaren, continues to engage with the landowners and occupier, via their agents, with a view to reaching agreement on terms which would allow the landowner to retain ownership of the proposed fen meadow site and for the tenant to remain in occupation of the land once the fen meadow is established. It is not intended that the land would be owned by an entity such as a charity. The scope of the long-term management of the site is described in the Fen Meadow Strategy [AS-209] .	2
9.	What is the proposed timescale for the provision of the Pakenham fen meadow site (start to finish)? How long will it take to construct the fen meadow site?	The proposed approach for establishing new fen meadow habitat, including the anticipated timescales, is outlined in Section 5 of the Fen Meadow Strategy [AS-209] . In summary, any required ground works, such as reworking of ground levels, removal of field drains or re-alignment of surface drains or ditches, preparation of substrate, if required, and installation of monitoring equipment would take place in Year 1. In Years 2-10, management activities would be undertaken, including annual green hay transfers from the adjacent SSSI (if viable), monitoring and remedial works to any of the	2

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		infrastructure installed, and any ongoing required management actions identified to optimise the water levels and ground conditions for the establishment of the target habitat. After Year 10, a long-term management plan would be established to maintain the fen meadow habitat for the operational lifetime of Sizewell C.	
10.	Request for further information on impacts on the Pakenham stream, how the fen meadow habitat will be monitored, managed and controlled to maintain the stream and to ensure no adverse effect beyond the immediate area?	As referenced above (Comment 4), the boundary of the Pakenham fen meadow site has been defined with the intention of encompassing any substantial changes to groundwater and surface water flows associated with the works, and the design features necessary to contain these changes within the site. Following the completion of 12 months of hydrological data collection (which started in March 2021), the details of fen meadow design and methods of creation will be specified. However, the design will be developed so as not to result in a significant effect on surface water receptors, including the Pakenham stream.	1
11.	What fen meadow habitat will be provided at Pakenham and when will full details of the proposals at Pakenham fen meadow site be made available?	The target habitat for the fen meadow compensation sites is described in the Fen Meadow Strategy [AS-209] . The details of the proposals for Pakenham will be made available through the reporting outlined in the Fen Meadow Strategy [AS-209] . Initial proposals will be	1

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		provided in the Fen Meadow Plan Draft 1, which will present a draft scheme. This will be submitted to the Examining Authority at Deadline 6. The Fen Meadow Plan Draft 2 will be produced following completion of data collection pursuant to Requirement 14A of the draft DCO [REP2-015] .	
12.	What are the environmental impacts of the proposed fen meadow site at Pakenham? General concerns regarding environmental impacts, disruption and traffic.	An environmental assessment of the proposed fen meadow site at Pakenham is presented within Volume 1, Chapter 2 of the ES Addendum [AS-181] . Methods of habitat creation that may be used are likely to be relatively low impact - similar in type and scale to existing agricultural practices in the area. They are very unlikely to result in disruption or excessive traffic on roads around the site. The environmental assessment identified no likely significant effects as a result of the proposed fen meadow habitat creation at Pakenham.	2
13.	Concern regarding the impact on drainage and flood risk and that the back gardens of adjacent properties will be flooded as a result of the proposed Pakenham fen meadow site. Query whether the Environment Agency is supportive of the proposals.	Paragraphs 5.1.10 - 5.1.20 of the Main Development Site Flood Risk Assessment (MDS FRA) Addendum [AS-157] provide clarification on the likely flood risk impacts associated with the Pakenham fen meadow site. The boundary of the Pakenham fen meadow site has been defined with the intention of encompassing any substantial changes to groundwater and surface water	2

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		<p>flows associated with the works, and the design features necessary to contain these changes within the site.</p> <p>Following the completion of 12 months of hydrological data collection (which started in March 2021), the details of fen meadow design and methods of creation will be specified. However, the design will be developed so as not to increase flood risk at off-site receptors.</p> <p>With regard to the site itself and taking into account the guidance set out in the National Planning Policy Framework and its supporting Planning Practice Guidance, the proposed Pakenham fen meadow site would be classified as '<i>Amenity open space, nature conservation and biodiversity</i>'. This is a water compatible use and appropriate for location within Flood Zone 3. Furthermore, the water-dependent nature of the proposed habitat means that it needs to be located in an area that may be subject to flooding. It is considered that the proposed Pakenham site is appropriate in terms of flood risk to the site.</p> <p>Paragraphs 5.1.19 and 5.1.20 of the MDS FRA Addendum [AS-157] recognise that it will be necessary to engage with the Environment Agency and other stakeholders in designing the detailed water management regime at the fen meadow sites to provide</p>	

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		<p>the water environment necessary to establish and sustain a fen meadow habitat, whilst ensuring there is no increase in off-site flood risk as a result of the proposals.</p> <p>The Environment Agency has reviewed the MDS FRA Addendum [AS-157] and provided no comment in relation to the Pakenham fen meadow proposal. The emerging Fen Meadow Plan will be used as the basis for preliminary discussions with the Environment Agency, Internal Drainage Board and the Lead Local Flood Authority in respect of the appropriate consenting regime. The consenting and licensing process will provide the framework for the next iteration of the design, whilst assessing and managing flood risk both to and from the proposed fen meadow habitat.</p>	
14.	Concern over the impact of noise during the construction of the fen meadow site at Pakenham.	<p>The representations relating to noise cite construction noise over an extended period of time, including a reference to a construction period of 10 years. However, it is noted that whilst it may take 10 years to establish the fen meadow habitat (refer to Comment 9), the actual ground works, which are most likely to result in noise impacts, would be completed in Year 1.</p> <p>Therefore, these works are expected to be short-lived and are not expected to give rise to any significant adverse effects. As set out in section 2.6j in Volume 1,</p>	2

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		<p>Chapter 2 of the ES Addendum [AS-181], the assessment considered a worst-case scenario, where an excavator may have to undertake some earth moving at the site boundaries and therefore at the closest positions to nearby residential receptors.</p> <p>There is the potential for noise levels from works to be medium in magnitude for a few days, which would have a moderate effect but the very short duration of those works is such that they would result in no significant effect from noise.</p>	
<p>Change 11: Extension of the Order Limits to provide for additional fen meadow habitat at Pakenham as mitigation for fen meadow loss; and</p> <p>Change 13 Minor extensions and reductions of the Order Limits for works on the main development site and related sites (fen meadow mitigation sites and marsh harrier improvement sites).</p>			
15.	<p>Comments regarding the validity of impingement assessment, subsequent validity of the Water Framework Directive Assessment and the implications of the outcome of Hinkley Point C Acoustic Fish Deterrent inquiry.</p>	<p>The Accepted Changes have no impact on the impingement assessment of the Sizewell C Project. The assessment presented in Volume 2, Chapter 22 (Marine Ecology and Fisheries) of the ES [AS-035], performed by the Centre for Ecology, Fisheries and Aquaculture Science (the Government's own fisheries advisers and world experts on fish stock assessments), demonstrates that the potential impacts of Sizewell C on fish stocks and the fishing industry are negligible.</p>	1

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		<p>Mitigation measures to help achieve this outcome include Low Velocity Side Entry intake heads to minimise the number of fish entrapped in the cooling system and a Fish Recovery and Return (FRR) system, comprising one FRR tunnel per EPR™ unit, to recover entrapped fish and return as many to sea as possible unharmed.</p> <p>The Sizewell C intake locations are more than 3km offshore and not conducive to installation of large, complicated electrical systems, such as acoustic fish deterrents. Installation and extremely regular maintenance would require diver intervention in very turbid, fast flowing tidal waters, which presents an extremely high safety risk. Given that there is no assessed significant effect of Sizewell C on fish stocks, such a high risk is not acceptable and an acoustic fish deterrent has not been included within the Application.</p>	

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