

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

Notification of the dates, times and venue for Issue Specific Hearings (ISH) from Tuesday 6 July to Friday 9 July 2021 and Tuesday 13 July to Friday 16 July 2021 was provided in the Examining Authority's letter dated 8 June 2021 [PD-026].

Detailed Agenda for Issue Specific Hearing 7 (ISH7) on Biodiversity and Ecology (Parts 1 and 2)

Dates: Thursday 15 July and Friday 16 July 2021

Arrangements Conference for Part 1: 9.30am Thursday 15 July 2021

Arrangements Conference for Part 2: 9.30am Friday 16 July 2021

Participants must join the Arrangements Conference in order to register and be permitted access to the virtual Issue Specific Hearing.

Hearing start time: 10.00am each day

Venue: Virtual hearing via Microsoft Teams

Full instructions on how to join online or by phone will be sent to parties registered to attend, shortly before the Hearing.

The event will be livestreamed and a link for watching the livestream will be posted on the project page of the National Infrastructure Planning website closer to the event date. Interested Parties (IPs) and members of the public who wish to observe the event can therefore view and listen to the Hearing using the livestream, or the recording, after it has concluded.

Participation, conduct and management of the Hearing

The Examining Authority (ExA) has identified the matters to be considered at this ISH, and those on which it requires additional information, and these are set out in this agenda. It is intended that the scope of the ISH will be limited to those matters. However, the ExA may wish to raise matters arising from oral submissions and pursue lines of inquiry in the course of the discussions which are not listed on the agenda.

Oral submissions on other matters or from persons who are not IPs may only be heard at the discretion of the ExA. However, reliance should not be placed upon the exercise of that discretion and attention is drawn to the opportunity for any such submissions to be made in writing by **Deadline 5, 23 July 2021**.

The ExA invites and would particularly like to hear from the following IPs during this Hearing:

- The Applicant
- Natural England
- Marine Management Organisation
- Environment Agency
- East Suffolk Council
- Suffolk County Council
- Josie Bassinette for Walberswick PC
- Roger Buisson for David Grant
- Cllr Andy Smith for Felixstowe TC
- East Suffolk IDB
- RSPB
- Suffolk Wildlife Trust
- Suffolk Coast and Heaths AONB Partnership
- Emma Dowley
- Justin Dowley
- Tom Langton
- Heveningham Hall
- Fish Guidance Systems
- Suffolk Coastal Friends of the Earth
- Minsmere Levels Stakeholders Group
- Cargill Sea Further
- Bioscan
- Sarah Morgan for Farnham Environment Residents and Neighbours
- Stephen Brett
- Paul Collins
- National Trust
- S.A.G.E.
- Eastern Inshore Fisheries & Conservation Authority

Those IPs listed above are those from whom the ExA would particularly like to hear from on this topic. By way of clarification, IPs who are not included in that list, but who have specifically requested to speak at this ISH will also be sent a joining link. They are reminded that the ISH will be livestreamed in the usual way. The ExA would be grateful if those IPs who have indicated a wish to speak at all ISHs would notify the case team by noon on Friday 9 July 2021, if in fact they wish to participate in the discussion at this ISH.

Participation in the Hearing is subject to the ExA's power to control the Hearing. It is for the ExA to determine how hearings are to be conducted, including the time allowed at the Hearing for the making of a person's representations. IPs may be invited to make oral representations at the Hearing¹ (subject to the ExA's power to control the Hearing), on the specific issues being examined at the event, as set out in this agenda. The Hearing will be managed in the interests of ensuring that the submissions of invited persons are fully heard within the allotted time.

¹ Section 91 Planning Act 2008

Oral representations should be informed by the Relevant Representations, Written Representations and Local Impact Reports made by the person by whom (or on whose behalf) the oral representations are made.

However, representations made at the Hearing should not simply repeat matters previously covered in a written submission. Rather, they should draw attention to those submissions in summary form and provide further detail, explanation, and evidential corroboration to help inform the ExA.

The ExA may ask questions about representations or ask the Applicant or other parties to comment or respond. The ExA will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the Hearing will therefore be led by a member of the Panel, supported by other Panel members.

All participants are advised that written summaries of their oral submissions at this Hearing should be submitted at **Deadline 5, 23 July 2021**.

The Hearing will run until the ExA is content that all matters on the agenda have been addressed. To avoid 'screen fatigue', session breaks will be provided after about 90 minutes of business, subject to the ExA's discretion.

Arrangements Conference

Invitees will receive a joining link or telephone number in a separate e-mail, shortly before the Hearing. Please join the Arrangement Conference at the appointed time for the Hearing you have been invited to. The Case Team will admit you from the Lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the Hearing to start promptly. Invitees who only intend to participate in Part 2 need not join at the Part 1 Arrangements conference but should join at the Part 2 Arrangements conference.

About the Issue Specific Hearing 7 on Biodiversity and Ecology (Parts 1 and 2)

The main purpose of this ISH is to undertake an examination of particular issues within the topic of Biodiversity and Ecology, and to provide an opportunity for the issues raised by IPs, in particular the differences between them, to be explored further by the ExA.

Detailed Agenda for Issue Specific Hearing 7 (ISH7) on Biodiversity and Ecology (Part 1)

1. Welcome, introductions and arrangements for the Hearing

Reference may be made to the Applicant's and IP's responses to ExQ1 and relevant submission documents

2. Terrestrial ecology

- a. Duties under ss.28G and 28I of the Wildlife and Countryside Act 1981 and the effects of s.28P
- b. The Sizewell Marshes SSSI
 - i. the SSSI crossing,
 - ii. fen meadow replacement, mitigation, monitoring and fallback
 - iii. wet woodland and other flora and fauna by reason of which it is of special interest
 - iv. Water level monitoring
- c. Minsmere – the marsh harrier, including the proposed HRA Compensatory Measures for the marsh harrier qualifying feature of the Minsmere-Walberswick SPA/Ramsar, and discussion of the proposed CM at Upper Abbey Farm (including proposed wetland habitat as detailed in REP2-119 and proposed management and monitoring measures), together with the Westleton compensatory habitat.
- d. HRA
 - i. To understand the differences between Interested Parties (IPs) and the Applicant on the Applicant's conclusion of no adverse effects on integrity (as presented in the Shadow HRA Report and addendums) for the following matters:
Disturbance/displacement effects on breeding and non-breeding waterbirds using functionally-linked land to Minsmere-Walberswick SPA/Ramsar due to noise and visual disturbance
 - ii. To understand the differences between IPs and the Applicant on the effects of recreational pressure on European sites and to discuss the monitoring, mitigation and management proposed to conclude no adverse effects on integrity
 - iii. Progress on written agreement to maintain access for the RSPB to the southern side of Minsmere Reserve.
 - iv. - 'collision risk' -concerns raised by NE re lack of collision risk assessment for new pylons
 - v. Position update on air quality effects due to NOx and acid deposition'

- e. Protected species
- f. Other designated sites
- g. Ancient woodland, veteran trees and the route of the Two-Village Bypass
- h. The Sizewell Link Road – mitigation for loss of watercourses, mammal and invertebrate surveys
- i. Duties under ss. 40 and 41 Natural Environment and Rural Communities Act 2006
- j. The position in relation to Letters of no impediment and any Environment Agency comfort letters

Detailed Agenda for Issue Specific Hearing 7 (ISH7) on Biodiversity and Ecology (Part 2)

NOT BEFORE 10 a.m. Friday 16 July

3. Marine ecology

- a. HRA, European and other designated sites
 - i. Marine Mammals
 - ii. Fish, including migratory fish
 - iii. Birds - Disturbance/displacement of the red-throated diver qualifying feature of the Outer Thames Estuary SPA due to vessel movements/traffic
 - iv. Birds – collision risk
- b. Cooling water system, acoustic fish deterrents,
- c. The securing mechanisms to control impacts on marine water quality;
- d. Progress update on status of the Water Industry National Environment Programme (WINEP) study being undertaken by Essex and Suffolk Water
- e. Fisheries, fish stocks, equivalent adult values, sabellaria spinosa;

4. Close of hearing

Please note: The Agenda provides a framework for the Hearings and is not exclusive or exhaustive. The ExA may rearrange the Agenda on the day; may omit or add other issues; may alter the order in which issues and items are considered; and may ask for some matters to be addressed in writing in post-Hearing submissions.

Documents required for ISH7

Terrestrial

Wildlife and Countryside Act 1981
Natural Environment and Rural Communities Act 2006
EN-1
ESC / SCC LIR [REP1-045]
Protected Species Strategies [APP-252]
TEMMP [REP1-016]
RSPB / SWT SoCG – [REP2-088]
Environment Agency SoCG [REP2-068]
Natural England responses to ExQs [REP2-152]
Natural England Written Rep [REP2-153]
Natural England’s Relevant Rep – [RR-[RR-0878]]
DCO [REP2-013] (the track changes version)
CoCP [REP3-046]
Fen Meadow Strategy [AS-209] and [APP-258]
Updated Bat Impact Assessment [AS-208]
Applicant’s Deadline 4 Submission – 9.39 response to ExA’s request for further information [REP4-006]
Updated Clearance Plan [REP4-003] -please will the Applicant be ready to screen share this and to point out features in the figures
Deed of Obligation Track change version (NB wrongly titled in the EL) [REP3-027]

Marine

MMO written representation [REP2-140]
MMO SoCG [REP2-082]
Change request ES appendices 2.17.A Marine Ecology – [AS-238]
Environment Agency SoCG [REP2-068]
DCO [REP2-013] (the track changes version)
CoCP [REP3-046]
Deed of Obligation Track change version (NB wrongly titled in the EL) [REP3-027]