

Compulsory Acquisition Hearing – August 2021

Representation on behalf of Ms Dyball, Ms Hall and SR Whitwell & Co

Site at Pakenham (30ac), near Bury St Edmunds, 40 miles west of the Sizewell C development site

The site has been identified by EDF as compensatory fen meadow for the loss of 0.7ha of coastal fenland on the east coast of Suffolk

SUMMARY

- The applicant has not satisfactorily demonstrated that they have looked for reasonable alternative sites
 - The applicant has not provided sufficient information as to how a fen meadow might be re-created, the timeline of the project and how the surrounding farmland might be affected
 - The water quality at site 54 must be satisfactorily proved to show that it will be feasible to attempt the recreation of new fen meadow
 - The preservation of peat appears to be of no concern to the applicant
 - The existing unique & valuable habitats should not be destroyed
 - The land at Pakenham is not essential to the development
 - The amount of land to be taken 12ha from a private landowner to mitigate such a small loss (0.7ha) appears to be disproportionate
 - The compensatory mitigation should be nearer the development
1. **Our clients do not consider that a diligent search for reasonable alternative sites has been properly undertaken.** We highlight here for your attention, the environmentalists (Wood) concerns (Doc 6.3, Vol 2 Chap 14 page 34 (4.1)) 'whilst site 54 has potential to deliver fen meadow, significant issues relating to groundwater supply, the poor condition of surface peats and the ability to deliver the habitat without increasing the risk to nearby good quality fen meadow, needs to be addressed'. We believe site 54 was identified in a desktop survey in 2019 and no further alternative sites have been attempted
 2. **There is a lack of clear information as to how the site will be used;** to date no facts or details have been provided to our clients; we understand, from a phone call today (21st July 2021) that we will be meeting Mr Lewis from EDF in the week commencing the 9th August '21.
 3. SWT who have historically managed the Sizewell Marshes SSSI have stated that it is not the water levels that are of the most importance in a fen meadow habitat but the **water quality** - this point should be highlighted, as there must be a significant concern with regards to the site at Pakenham; there is a **sewage works up stream** and it should also be highlighted that the site is surrounded by arable farmland - this light freely draining land on the farm is used

for growing valuable irrigated crops (potatoes and onions), sugar beet and combinable cereals and also within the rotation are outdoor pigs.

4. As has been highlighted by Mr Langton in the ISH 15th July 21 and by NE and SWT, no environmental habitat is in total isolation from the surrounding land - **my clients have serious concerns that restrictions will subsequently be imposed on the surrounding land** uses to assist in the creation of what has been emphasised on numerous occasions is a very rare habitat that has never been successfully recreated in England (more than likely as a result of an overpopulated island with a significant pollution concern in all the rivers in England and Wales <https://www.youtube.com/watch?v=5ID0VAUNANA>)

5. Major concerns over the 'project' proposals

We understand, from Mr Lewis of the EDF (ISH 15th July), that the **Fen Meadow Plan**, which is to be published by Deadline 6 (6th Aug), will include the removal of all the field drains of the meadows (installed in the 1960's), raising the water levels and excavating the land by 10's of centimetres; How much 100cm?

Mr Lewis also stated that EDF would be removing the topsoil, to remove the nutrients (which apparently are rich in this topsoil - please can we have this soil analysis data to justify this excavation). It should be noted that the top layer of soil in these meadows is rich in peat; surely removing or disturbing the peat is contrary to Natural England's objectives?

The other reason cited for removing the peaty topsoil is to lower the ground levels to ground water levels - to the man on the Clapham omnibus these operations appear to be totally contrary to the UK's objective of preserving peatlands?

Where is this excess soil going to go?

Quite apart from the above comments – we refer you to the soil survey comments page 30 in Doc 6.3, Vol 2 Chap 14. – the complex two zone soil composition found in site 54 plus the concerns expressed about the water table levels must surely add to the question : has this 'experiment' any chance of success at Pakenham? Manipulated soil compositions laid down over 1000 years is never a good idea.

Our client recently commented on how wet the meadows are this year, compared with a normal year (we are all aware that we had an extremely wet winter). This part of Suffolk is traditionally one of the driest areas of East Anglia and the UK and therefore one year's survey data is unlikely to be sufficient for what has been described, by many, as a very very difficult project.

It is for note that most major projects of this type, eg any windfarm development within the UK, the LPA would normally require at least two years survey data.

6. Exactly what compensatory mitigation is proposed for the site – lack of information

Within Mr Lewis's ISH representation on the 15th July, he mentioned bringing wet woodland onto the site in addition to re-creating a fen meadow habitat - has this point been fully noted by Natural England? This has certainly not been made clear to my client in any paperwork to date and flies in the face of the stated objective to create 'fen meadow'. We await with interest for the details of the Fen management plan to be released by Deadline 6.

7. Concerns over the deliverance of the project proposals

The feasibility of manipulating the water system at Pakenham, which is a complex water management system, will most certainly have implications and an impact on the surrounding land together with an impact on the Little Ouse, the Greater Ouse and the Wash – of course the water engineering of this new fen is going to have an impact on not only the water supply but the ecology further afield.

8. Value of existing environmental habitat

In the Wood environmentalists initial habitat survey (one month's desktop habitat data and one month's water monitoring data) dated the 6th May 2021 - the following habitats (fig 3.1 page 21 Baseline Ecology report) have been confirmed on our clients land :-

- Semi-natural broadland woodland (poplar, willow and alder)
- Parkland and scattered mixed conifer (Scot's pine) and broadland trees (willow and poplar)
- Semi-improved natural grassland
- marsh/marshy grassland
- Improved grassland
- Swamp
- Standing water
- Running water
- Bareground
- Hedges (oak and hornbeam trees within hawthorn dominated hedge)

These existing mixed habitats already supports a large diverse body of invertebrates including bats, nesting birds (cuckoo and lapwing), great crested newts, otters, dormice, water voles and grass snakes - although not all have been recorded by Wood. The mix of habitats on site are also ideal for a variety of terrestrial and aquatic invertebrates.

Clearly the site is already important for its existing biodiversity and so our clients question the legitimacy of completely destroying one important habitat in order to create something very different to the habitat that has been cared for and created over three generations of farming and will undoubtedly not provide the summer grazing that has been enjoyed on this land.

Beyond the proposed hard landscaping works (destruction of drains, topsoil removal and modification to the water table) as described above, EDF's proposals are to transport a green hay material and a variety of invertebrate species from the coastal fen at Sizewell to Pakenham - is it right to import alien species from the Suffolk coast to central Suffolk and genetically pollute the Pakenham SSSI? What modelling or other evidence does the applicant or Natural England have showing that this is either a safe, responsible or an appropriate thing to do?

From the information provided by Mr Lewis & Wood, as discussed above, it appears that without major modification (drain destruction, peat removal & alteration to the water table)

along with the introduction of alien species that this site is far from suitable for EDF's proposed purpose.

How can it possibly be right to destroy the existing valuable habitat to create a new fen that bears no relationship, in terms of either its proximity or habitat, to the coastal fen meadow that is being destroyed by the proposed development of Sizewell C?

9. On the **question of quantum of land needed** (i.e. the amount of land required to re-create fen meadow) we still question this. The monitoring and judgment of the success of any new fenland creation will no doubt be debated for years to come (who is the judge?) - currently there is seemingly no evidence or baseline for comparison.

With all this in mind, our clients still question if 0.7ha (or is it now 0.46ha?) of fen meadow is to be lost on the Coast, is there a sufficiently compelling case, in the public interest, to compulsorily acquire 12ha of the land 40 miles away (at Pakenham) with complete disregard for either the importance of the existing habitat or the human rights of the owners who have farmed and cared for this land in an environmentally sensitive manner for generations?

We would reiterate that the land at Pakenham is neither required for the development nor does it bear any geographic relationship to it.

For new fen meadow to be created the site will need to be completely reengineered and alien species introduced - with this in mind it appears that EDF's proposal to mitigate for the loss of 0.7 ha of fen meadow on the coast at Sizewell by **experimenting (at a huge expense)** on a site Pakenham 40 miles away is completely flawed. Why cannot EDF acquire land in the normal open market and mitigate this loss in another way ie 100's acres of trees? (A Question for Natural England perhaps?)

As with the dock development at Felixstowe in the 1980/90's the mitigation should be provided geographically close to the development site and utilise improved (arable) land to deliver genuine environmental benefit rather than, on the whim of EDF, destroying one important existing habitat to be replaced by another whose success is questionable.

We would urge the Planning Inspectorate to visit the Trimley Nature Reserve (which directly abuts Felixstowe Docks) to see how environmental enhancement can be achieved within proximity of a major development site and how commercial arable land can be transformed into a diverse mix of habitats including the creation of reedbeds which are now routinely visited by bittern in winter, water rail, reed bunting and impressive numbers of warblers in summer. Which proves that the excuse, promoted by EDF and their consultants, that this cannot be achieved is clearly a myth - it can be.

10. Finally, on behalf of our clients, we wish to convey how poorly they feel they have been treated and communicated with by EDF. The first correspondence they received was a letter in October 2020, the first face to face meeting with EDF's agents was in January 2021 and EDF's first proposal (an Option to occupy the land for 10 years) was received in June 2021.

We were advised today that we can expect a meeting with Mr Lewis during the w/c 9th August in the hopes this might result in some better understanding of what EDF plan to do with the land in the future – interestingly this is 3 weeks after we are required to make our own submissions to the Sizewell Planning CAH – how can we do that properly if EDF fail to communicate or withhold information until it is too late?

This meeting might help us to understand EDF's future plans for the management of the land, how it might affect the cattle grazing, the surrounding farmland and the future use of irrigation; however, as farmers with years of experience of farming the land, caring and creating a variety of ecological rich habitats on the farm, working with neighbours, experiencing climate changes and working alongside the local community our biggest concerns are still whether this heavy handed and seemingly ill-informed experiment has any hope of success - we are sceptical as are the Suffolk Wildlife Trust and Natural England...

In the words of my client 'The Whitwell family have been farming this land for three generations. The meadows beside the river Blackbourn are undoubtedly the most special & unique part of the farm – the cattle, the trees, the hedges, the meadows and the river. Together this land provides the essential quiet summer grazing for the cows and calves. (As any lawn mower knows, grass tends not to grow during the summer months (July, Aug & Sept) because of a lack of water; this fact illustrates the reasons and importance as to why any meadows alongside a river are so very important and play such a significant part in the grazing system at Pakenham.

The ecological benefits in this special habitat, both flora and fauna, have been enjoyed by the family and the local community for many years and it has been quite a shock for the family, to find that these most important summer grazing fields may be lost to the business, when it was assumed that a fourth generation of the family would continue to own the land.

We hope the Examining Authority will refuse/remove this part of the planning application on the grounds that this 'experiment' is **not essential** to the Sizewell C project and the feasibility of the fen project has not been adequately demonstrated. Compensatory mitigation must be delivered elsewhere and more appropriately in a Suffolk Coastal location and perhaps in a different habitat.

21.7.21