



**National  
Trust**

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22<sup>nd</sup> July 2021

By email: [sizewellc@planninginspectorate.gov.uk](mailto:sizewellc@planninginspectorate.gov.uk)

Your Ref: EN010012

Our Ref: 20026265

Dear Sir/Madam

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

**Procedural Deadline 5 Submission**

Please find attached a post hearing written submission of our oral case presented at Issue Specific Hearing 7 (ISH7) Biodiversity and Ecology on 15<sup>th</sup> July 2021.

Yours faithfully

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Regional Planning Adviser (East of England)

## **Written submission of the National Trusts oral case presented at Issue Specific Hearing 7 (ISH7) Biodiversity and Ecology held on 15<sup>th</sup> July 2021**

### **1. Introduction**

- 1.1. The National Trust (The Trust) attended Issue Specific Hearing 7 held on 15 July 2021, represented by Emma Hay (National Trust's Nature Conservation Adviser for the East of England) who noted interest in:
  - Agenda Item 2.d.HRA (ii): The effects of recreational pressure on European sites and monitoring, mitigation and management to conclude no adverse effects on integrity
  - Agenda Item 2.e: Protected species.
- 1.2. Emma Hay spoke with regard to Agenda Item 2.d (ii) but it was requested by the Examining Authority that Agenda Item 2.e was covered by written submission due to lack of time. Accordingly, the National Trust's response to Item 2.e is set out below.

### **2. Agenda Item 2.d HRA (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**

- 2.1. The National Trust's response addressed three matters:
  - Differences between the National Trust and the Applicant on the effects of recreational pressure on European sites
  - Monitoring and Mitigation
  - Suitable Alternative Natural Greenspace (SANG)

#### Differences between National Trust and the Applicant on the effects of recreational pressure on European sites

- 2.2. At the Hearing the National Trust concurred with the preceding statements made by Natural England and the RSPB.
- 2.3. The Trust stated that it has concerns about the Shadow HRA in relation to recreational pressures. These have been detailed in Written Representation (REP2-150, Section 7). These include ecological impacts of increased recreational usage of Dunwich Heath and Beach and the wider Minsmere-Walberswick Heaths & Marshes designated site (SSSI, SAC, SPA and Ramsar

site, which it forms part of) as a result of the proposed Sizewell C (SZC) development leading to an uplift of local population (work force) and displaced recreational users from the development site during construction.

- 2.4. The National Trust explained that it is concerned about visitors being displaced to Dunwich Heath and Beach and how this has not been adequately assessed in the Shadow HRA or Environmental Statement. This is largely due to flawed data, survey methodology and lack of precautionary approach (see REP2-150 Section 6 and 7). The Trust set out how it considers the conclusions in the assessments have been unqualified. Some of the extremely sensitive ecological features at Dunwich Heath have been left out the assessments. This includes Nightjar (Dunwich Heath has approximately a quarter of the Minsmere-Walberswick SPA population), along with heathland, vegetated shingle habitat and other breeding birds, as well as non-EU protected species e.g. Stone curlew, Woodlark and Dartford warbler which are rarities. Accordingly, the Trusts considers that the conclusion of no adverse effect on site integrity for European qualifying species and habitats is not qualified. This opinion is also detailed in our Written Representation (REP2-150, Section 7).
- 2.5. The Trust stated that it does not feel that the applicant adequately responded to points raised on these matters, as set out in its *Comments on Written Representations* (REP3-042) or through communication to date.
- 2.6. The National Trust raised concerns about impacts on the following European site features:
  - I. Breeding Nightjar
  - II. Vegetated shingle habitat
  - III. Heathland habitat
- 2.7. Also, about non-European features:
  - IV. Heathland breeding birds (Dartford Warbler, Woodlark and Stone Curlew)
- 2.8. The Shadow HRA (and ES) must be based on robust visitor survey and data collection methodology, based on up-to-date ecological data, that includes coverage of Dunwich Heath and Beach as a key receptor site supporting sensitive ecological features. Assessment must adequate based on best data and the precautionary principle must be applied.

### Monitoring and Mitigation

- 2.9. The Trust notes that the shadow HRA does not identify any adverse impact on Dunwich Heath, and arguably flawed accordingly (noting inadequacies set out above).

- 2.10. Given the uncertainty of recreational usage impacts and the requirement to apply the precautionary approach, the National Trust considers monitoring and mitigation measures are required to ensure that the ecological importance of Dunwich Heath and wider site is not impacted by increased footfall.
- 2.11. At the Hearing the Trust stated that it welcomes the Minsmere-Walberswick and Sandlings North Monitoring and Mitigation Plan (MMP) and the applicant's assurance at the Hearing that Dunwich Heath would be included in the MMP, which would be secured through the proposed Deed of Obligation. Additionally, that the National Trust would have access to a Resilience Fund. The Trust has been working with the applicant to ensure that the MMP includes proposals to enhance existing recreational management measures and minimise the potential for recreational disturbance species and habitats. It considers that this is a step in the right direction, but further work is required. The Trust has provided feedback on three drafts of the MMP, the most recent is set out in our Deadline 3 submission (REP3-070. Section 3).
- 2.12. The Trust commented that it feels measures to avoid recreational usage of the SAC/SPA have not been proposed through a SANG's approach (see below). It must be ensured that sensitive sites such as Dunwich Heath are not impacted through increased footfall.
- 2.13. The Trust explained that non-European features have not been captured in the (MMP), such as Stone Curlew and Dartford Warbler, Woodlark. Vegetated shingle (highly sensitive to recreational disturbance) has also been largely left out (see Section 3 below).
- 2.14. The Trust explained that it manages its site carefully for its ecological importance and invests in staff to do this. The behaviour of visitors hasn't been captured and this is often the cause of disturbance, dogs off leads particularly. The Trust has to invest time and resource into engaging with people who are not familiar with the site in order to have a lesser impact on the site.
- 2.15. At the Hearing the applicant outlined plans for an increase in visitors over 5% triggering additional mitigation measures. Whilst we welcome this, we would wish to emphasise that such a quantitative approach alone would not capture change in behaviours or inappropriate behaviours that are likely to have greatest impact on breeding heathland bird features through disturbance and lead to damage to habitat by trampling, fire, etc. We expressed concern at the Hearing about the speed of decision process regarding triggers. The Trust would want to put management measures in place before any impacts happened. The Trust acknowledged that this might muddy the waters in terms of trigger points set out

in the MMP, but wants to be sure that the triggers are timely enough to enable action on the ground to avoid harm to site features.

### Suitable Alternative Natural Greenspace (SANG)

- 2.16. The Trust set out that it considers there is a need for additional attractive space for recreation, referred to as Suitable Alternative Natural Greenspace (SANG) to avoid adverse impact on European sites. This need was also identified by Natural England and RSPB at the Hearing.
- 2.17. The Trust acknowledged the provision of greenspace space at Aldhurst Farm and Kenton Hills but explained that it has not seen any evidence of assessment in terms of its capacity or adequacy as an alternative green space. Nor has it seen any monitoring proposals to see if they deliver their intended purpose. Should the assessment or monitoring show that further mitigation is required to protect the ecological robustness and integrity of protected habitats and species, provision of additional destination greenspace should be provided on undesignated land and in close proximity to Sizewell.
- 2.18. The Trust concurs with the statement made by the RSPB at the Hearing that the provision of SANG would accord with the Mitigation Hierarchy as it would avoid impacts rather than mitigate them. The Mitigation Hierarchy requires that avoidance measures are explored, prior to a mitigation and compensation approach. We believe that recreational displacement arising from the development should not all be directed to European sites. Additional provision of SANG would potentially avoid any adverse impact from recreation on the SAC/SPA.

### **3. Agenda Item 2.e Protected species**

- 3.1. Important ecological features supported at Dunwich Heath and Beach have not been included in the ecological assessments submitted with the DCO application, including protected species. The site supports many protected species and several habitats that are not features of the SAC/SPA/SSSI and Ramsar and are not captured in the HRA or the ES. The ecological importance of Dunwich Heath must not be impacted by increased footfall associated with SZC development due to oversight/lack of recognition of these features.
- 3.2. There are 945 species of principal importance for the purpose of conserving biodiversity listed under section 41 (England) of the NERC Act (2006) which therefore need to be taken into consideration by a public body when performing

any of its functions. A search of our records/NBN records identified 112 s41 species (includes records that overlap at 1km and 2km level) at Dunwich Heath and Beach. This significant number further emphasises the importance of Dunwich's ecological resource.

- 3.3. Protected species recorded at Dunwich Heath include, inter alia:
  - Nightjar, Woodlark, Skylark, Turtle Dove, Song Thrush, Linnet, Bullfinch, Stone Curlew, (NB Dartford Warbler also present but not NERC listed).
  - Water Vole, Bats, Hedgehog, Brown Hare, Otter, Common Toad, Slow worm, Common Lizard, Adder, grass snake
  - Invertebrates; 74 species including Silver studded blue butterfly and Antlion
  - Vascular Plants; Prickly saltwort, and Sea Barley.
- 3.4. The ES should recognise the potential impact of increased recreational usage given the sensitivity of Dunwich Heath and this should be reflected in measures to monitor and address any impact. It is not clear how protected species will be mitigated and monitored beyond the requirements of the Habitats and Species Regulations (through the MMP referred to above).
- 3.5. The Trust is concerned that legally protected species could be excluded from any measures designed to protect biodiversity to their detriment. For example, the MMP states that it will ensure that adverse effect on the integrity of the referenced European sites does not arise as a consequence of recreational disturbance. This means it could exclude non natura features.
- 3.6. Stone Curlew have been mentioned in the latest draft MMP but no mitigation or management measures proposed. One or two pairs have bred at Dunwich Heath in recent years. Stone Curlew could be excluded from any measures designed to protect features from recreational disturbance as their habitat differs from Nightjar, etc. They like undisturbed acid grassland and sandy farmland with no public access. Stone Curlew are known to be very sensitive to human disturbance with 500m. The Trust wishes to ensure that Stone Curlew locations remain undisturbed with no up lift in recreational usage. This will need to be achieved through wardening, zonation and education.
- 3.7. Avoiding adverse impact on protected species and habitats may be achieved through:
  - A Monitoring Plan that extends beyond European Features: Target based ecological monitoring program that identifies any ecological impact and triggers mitigation, approved by Natural England.
  - A Mitigation Plan that extends beyond European Features: Enhanced on site recreational disturbance mitigation measures including increased

capacity for visitor engagement, signage education and information, and access management including zonation.

- Funding that is able to react to mitigation needs unable to be identified up front (due to perceived lack of ecological baseline to inform impacts) and impacts that are identified by a monitoring program.
- Expansion of semi natural habitats in the wider area (to be functioning before construction commences) on undesignated land to provide mitigation for adverse recreational impacts ensuring ecological robustness and integrity of protected habitats and species on a landscape scale.