

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

Planning Inspectorate Ref: EN010012

Summary of Oral Representation at Issue
Specific Hearing 7 on Biodiversity and Ecology

Submitted for Deadline 5 (23 July 2021)

Dr Roger Buisson CEnv MCIWEM

Representing:

David Grant, IP Ref 20026043 & SIZE-AFP042

Nat Bacon, SIZE-AFP154

India Bacon, SIZE-AFP155

Ward Farming Ltd., SIZE-AFP242

Introduction

1. This document is a summary of the oral evidence given by Dr Roger Buisson CEnv MCIWEM, Associate Director at BSG Ecology, at Issue Specific Hearing 7 Biodiversity and Ecology on the afternoon of Wednesday 15 July 2021.
2. Dr Buisson is the professional ecology representative for:
 - David Grant, of Fordley Hall Farm, who is registered as an Interested Party in the Examination (IP reference 20026043) and an Affected Party through an interest in land potentially subject to compulsory purchase (Affected Party reference SIZE-AFP042).
 - Nat Bacon, of Theberton Hall Farm, who is an Affected Party through an interest in land potentially subject to compulsory purchase (Affected Party reference SIZE-AFP154).
 - India Bacon, of Theberton Hall Farm, who is an Affected Party through an interest in land potentially subject to compulsory purchase (Affected Party reference SIZE-AFP155).
 - Ward Farming Ltd., of registered address Theberton Hall Farm, that is an Affected Party through an interest in land potentially subject to compulsory purchase (Affected Party reference SIZE-AFP242).
3. Dr Buisson gave evidence on two agenda items under the terrestrial ecology heading:
 - c. Minsmere – the marsh harrier the Westleton compensatory habitat.*
 - h. The Sizewell Link Road*
4. The evidence given in relation to marsh harrier and the compensatory habitat at Westleton was on behalf of Nat Bacon, India Bacon and Ward Farming Ltd.
5. The evidence given in relation to protected species and the Sizewell Link Road was on behalf of David Grant.

In relation to marsh harrier and the compensatory habitat at Westleton

6. The focus of the oral representation was on how the parcel of land at Westleton (described in the Applicant's document REP3-053: *9.35 Marsh Harrier Compensatory Habitat Report*) has come to be proposed for inclusion in the DCO application as marsh harrier compensatory habitat.
7. Dr Buisson sought to draw to the attention of the Examining Panel issues concerning:
 - A. The process by which the land at Westleton has been identified as suitable for the creation of marsh harrier habitat and the degree to which it has been proven that this land, of all land around the Sizewell and Minsmere area, is the only land available for such use and/or is the best available land for such use. The Applicant has, in Dr Buisson's professional opinion, not made a convincing case for this being the only or the most suitable land in the area. The Applicant's submission (REP3-053) makes no reference to the site selection process nor why the land at Westleton is better than any other land in the area.
 - B. Dr Buisson assessed that area of land at Westleton based on the criteria stated in the Applicant's submission that gave background to the requirements for compensatory habitat (APP-259: *Marsh Harrier Mitigation Area Feasibility Report*) and his knowledge of the foraging ecology of marsh harrier. He found the Applicant's site selection process and choice of the land at Westleton deficient and faulted because:
 - It does not include wetland. Since earlier at the ISH, the RSPB and the Applicant's lead ecology expert both stated that wetland is the ideal or optimal habitat for foraging marsh harrier, Dr Buisson did not dwell on that issue further.

- Part of the land adjoins the village of Westleton and the presence of people will cause disturbance, the presence of dogs will cause disturbance and the presence of cats will mean that there is a competitive predator for the small mammals and small birds that marsh harrier would be hunting. These factors make the land at Westleton less likely to be used by marsh harrier and to provide fewer feeding resources than a parcel of land located further from a village.
- The choice of this parcel of land fails to account for the distance from the breeding site to the compensatory habitat. Closer sites should be preferred in any selection process because it means that the foraging adults would expend less energy and less time flying back and forth from the nest site to the foraging area.

Postscript to Dr Buisson's oral representation on marsh harrier

8. It was noted that after Dr Buisson spoke, through the procedural process of giving the Applicant "the last word", the Applicant's lead ecology expert stated that a site selection factor had been applied, which was that the selected compensatory habitat should be within 4 km of the breeding sites at Minsmere. This site selection factor was not included in the Applicant's submissions APP-259 and REP3-053. The Applicant's lead ecology expert stated that the land at Westleton was, at its closest, 3.5 km from the breeding sites at Minsmere. This is at the outer limit of the Applicant's own criteria and, given the time and energetic costs of flying back and forth to Westleton, strongly suggests that this parcel of land is not the best from the perspective of providing resources for breeding marsh harrier.

In relation to the Sizewell Link Road and protected species

9. The issues raised in the oral representation related to protected species as follows.
10. **Timeliness:** With surveys of protected species ongoing in 2021, including on Mr Grant's land at Fordley Hall Farm, there is concern that the information from those surveys will not be available in time to be submitted to the Examination, to be commented on by Interested Parties and to have an influence on the decision over the Sizewell Link Road (SLR).
11. **Bats:** There are two detailed submissions from the East Suffolk Council / Suffolk County Council appended to their Joint Local Impact Report (REP1-091 and REP1-092) that cover the potential effects of the SLR on bats and within which it is recommended that the barbastelle bat should be the subject of an assessment at the individual species level. With the very limited time available at the ISH, Dr Buisson drew attention to those documents and the important points that they make, rather than repeat them.
12. **Breeding birds:** Fordley Hall Farm was located between two survey areas for breeding birds and was largely missed out from this form of survey. This means that the impacts on breeding birds at Fordley Hall Farm have not been satisfactorily assessed. In particular, the loss of open ground habitat for skylark has not been assessed and is not included within the mitigation proposals. The mitigation proposals focus on planting trees and hedges and digging ponds, none of which are habitat for skylark. Whilst mitigation cannot create more farmland, compensatory actions could improve the quality of undeveloped farmland for skylark. Dr Buisson noted that as well as being the case at Fordley Hall Farm, this issue of an absence of mitigation / compensation for the loss of skylark habitat appears to apply across the full extent of the SLR (and probably all the other road proposals brought forward by the Applicant).
13. **Great crested newt:** The mitigation proposals at Fordley Hall Farm are insufficient for the number of ponds that are lost to the SLR. Had this been a project considered under Natural England's District Level Licencing procedure then a greater number of ponds would have been required to be provided. Dr Buisson noted that this is another issue that probably applies across the full extent of the SLR.
14. Dr Buisson requested that the Examining Authority consider pursuing these issues with the Applicant.