

# SIZEWELL C DEVELOPMENT APPLICATION

NNB Generation Co (SZC) Ltd: EN010012

Issue Specific Hearing 7

Biodiversity and Ecology

2. Terrestrial ecology

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Including key points and deferred examination written submissions.

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July 2021

General problems with examination of this subject at this Hearing:

- Absent information: full of gaps, uncertainty, with vague platitudes
- Postponed presentation and detail
- Frustration: time wasted considering implications of part-information
- Impossible to examine without sufficient information
- Incomplete and inadequate presentation

## Item 2.

### **a. Duties under ss.28G and 28I of the Wildlife and Countryside Act 1981 and the effects of s.28P**

There is a chronic lack of information to be able to examine the application properly. The uneasiness of both Natural England and the Environment Agency and others so late in the process speaks volumes regarding the application and its impacts.

Concerns are that the applicant has split up the mitigation of the SSSI losses in such a fragmented way, that compensation for the losses are inadequate and are doomed by design. I think that the Aldhurst Farm project was premature and the approach is now causing huge problems.

The land and water areas should have been de-nitrified using basic techniques and advanced technology over 5-10 years. Instead of digging the peat out to form large pools that are now too rich, and spreading the peat on the fields, the valley peat should have been used to create fen meadow and wet woodland with some open water, with the aim of providing for the exceptional invertebrates of the SSSI: its main interest.

Instead, a reedbed and pools with the aim of attracting 'show pony' species: otter and bitterns for example have been made in rich water conditions and this has caused the fen meadow mitigation element to be displaced from its rightful location.

As with land habitats the main problem is that the applicant has refused to carry out proper nutrient stripping work that is time consuming and holds some cost too. This in effect has ruined prospects for aquatic and terrestrial habitat creation adjoining the SSSI in the right place and has left the applicant with nowhere to go.

In short, creating high quality SSSI habitat is different to creating a degraded version of it or creating it somewhere else. The applicant has 'sliced and diced' the SSSI interest in way where it will not exist as the single habitat matrix that makes it so special. In trying to provide elsewhere it lost control of the main needs of the development and is now looking around for other locations.

See also Fen meadow - being attempted at tiny nutrient rich sites at Halesworth, Benhall and at Pakenham, where feasibility is highly uncertain. Achieving a community that is merely referable to M22, by counting plants is just simply not enough.

I support the comments made by Mr Woodfield regarding the applicant's response to the fact that when tested using Metric 2.0 or indeed Metric 3.0, the compensation provision proposed for the losses of Sizewell Marshes SSSI is found to be short by a factor of between 2 and 5.

**b. The Sizewell Marshes SSSI**

**i. the SSSI crossing,**

There is a chronic lack of information to be able to examine the application properly. There is inadequate information on lighting impacts and the likely effects on bats.

Fragmentation of the SSSI habitat and species is exacerbated by the smaller crossing option. A triple span bridge is the least damaging approach. Mr Philpot's comment for the applicant about "not at all cost" is not acceptable given the inadequate presentation of impacts and some unconvincing arguments about timing.

**ii. fen meadow replacement, mitigation, monitoring and fallback**

There is a chronic lack of information to be able to examine the application properly.

It remains unclear, how the applicant will ensure that the success of compensatory provision is measured in terms of existing features (notably invertebrates) in clean water coastal fenland habitats being lost or displaced.

There are essential surveys needed to determine more accurately the use of habitats by invertebrates and their distribution over the entire site. I was prevented from finding this out via my own survey.

This essential information is now missing, and the proper approach would be to require it to be carried out to process the application in an informed manner.

Mr Lewis remarked that he could attempt to transfer 11 plant species from Sizewell to Pakenham. This is rather unwise. Any plants and animals must come from the SSSI for Fen Meadow at or adjoining: the Pakenham meadow. Otherwise, genetic pollution of similar but different material could occur on the existing SSSI at Pakenham and downstream in the unique catchment area of the river Blackbourne and the Little and Great Ouse. To transfer from Sizewell to a sensitive place like this without very careful research and considerations would be a breach of IUCN translocation guidelines.

The application is devoid of professional approach and may be unlawful. I do not see evidence that detailed issues of principle have been addressed by the applicant and too much is being made of the general direction that Natural England has offered, without taking responsibility for competent consideration of options risks and feasibility in an independent manner as is required.

The approach to breaking up the Sizewell marshes SSSI is a bit like breaking up a unique antique book from a major library and saying *'that there is no need to record the pages first. A few pages will be lost and you won't know what they said. But the aim is to give the remaining pages to a few libraries here and there and we hope that they will stay open.'* As opposed to: *'we will make an exact replica of the book and put it on permanent display.'*

Or: *'We are going to borrow your car for a banger race. But don't worry, we will get it mended afterwards. You can pick up the bits from these garages around the county. Some of it may be missing but it should still drive.'* As opposed to *'We'll get it fixed.'*

Mr Lewis said the small pockets of habitat in Halesworth and Benhall would not be isolated because they are in catchments. This ridiculous, there is all but no chance of the species moving away to other Fen Meadow areas because of the pollution of the rivers and lack of suitable places to colonise. Where can they go in the poor-quality river water as it passes through the chosen locations? The interest will inbreed and die out via the effects of genetic isolation and the stochastic effects small habitat patches endure. What on earth was the concept – it is certainly not explained in any detail and there is no presentation of risk of steady decline in richness and diversity. The application ignores this obvious threat.

### **iii. wet woodland and other flora and fauna by reason of which it is of special interest**

There is a chronic lack of information to be able to examine the application properly.

As with Fen Meadow, the applicant wrongly relied on basic comparative survey technique approaches with minimal sampling to assess relative value. Rather than a more detailed approach to record and map the entire interest across the site areas to remain and to be lost and in order to produce a credible plan. This is a very basic error that, give the size and scale of the development is astonishing. At this crucial stage, no detailed measure of the site's extant interest, only a species list from some very modest sampling exercises. Very many species will have been overlooked.

### **iv. Water level monitoring**

There is a chronic lack of information to be able to examine the application properly.

This matter is adequately covered by Dr Low for Friends of the Earth Suffolk Coastal and others. I do not think a competent approach is being taken.

### **e. Protected species**

There is a chronic lack of information to be able to examine the application properly.

The disgraceful situation with reptile habitat creation remains. It is in no way fit for reptiles as it is too nutrient rich, leading to land management issues of a kind we have seen at the woodland sites where bramble and scrub recolonises quickly, and the management regime is an annual flail. Suffolk constabulary have been in touch with me recently regarding further interest in the problem and in relation to Coronation Wood – it is not a closed matter and will be investigated without fear or favour shortly, I am reassured.

I refer to my written representation for details.

### **f. Other designated sites**

There is a chronic lack of information to be able to examine the application properly.

For example, the beach habitats so carefully handled with Sizewell B have had only cursory surveys and considerations. This is totally unacceptable.

**h. The Sizewell Link Road – mitigation for loss of watercourses, mammal and invertebrate surveys**

There is a chronic lack of information to be able to examine the application properly.

Any road proposal presented in the manner of the applicant would not be accepted for planning considerations. Surveys are late. There is a rush to offsite mitigation, not considering local effects. Ditches were considered in a drought period and this does not reflect average conditions. Portal culverts will be inadequate for many species. Surveys based upon appraisal in 2019 only two were wet and otter and water-vole follow up surveys should have been done.

This road should have its own mitigation and not be bundled off to Aldhurst farm leaving damage and degraded landscape outside the AONB. Comments about the great crested newt and the EIA not depending on them are plain wrong. A District licensing approach is irrelevant.

Mr Lewis said that the surveys of GCN don't go to the EIA and that it doesn't depend on them, this is wrong and a District licensing approach is inappropriate. Lack of an Outline Landscape and Ecological. Management Plan (oLEMP) has made this examination futile.

In terms of a road construction project the preparation is appalling and the proposals way below the UK government standards of best, or even good practice. It is like a road application from the 1960s. Provisions for animals (underpasses and fencing/barriers) are pitiful.

To suggest that this is possibly the best studied site for biodiversity in the UK is out of place and simply untrue I can say from 40 years of working on road mitigation. Some surveys have been done on an annual basis since 2012 but not many and only on a tiny fraction of the application site. The level of study is better described as minimal and of a kind highly likely to undervalue areas by virtue of brevity and corner cutting.

**i. Duties under ss. 40 and 41 Natural Environment and Rural Communities Act 2006**

There is a chronic lack of information to be able to examine the application properly.

There is a lack of transparency in most of the proposals in terms of what exactly is being suggested or proposed and the manner (including timing) in which work will be delivered and the effort to ensure what is suggested can be achieved. The matter of the applicant's net gain assessment and the applicants widely publicised claims remain obscure.

It is vital that the metric is used accurately, transparently and in a way that can be independently verified.

Use of biodiversity metrics provides a logical means for decision makers on whom the S40 duty rests can measure compliance with the principles of that duty, in respect of the habitats listed pursuant to S41 of the Act. This is important for all concerned moving forwards including the S40 duty by the Examining Authority.

Version 3.0 of the Defra/NE Biodiversity Metric (published on 7 July 2021) provides a clear opportunity for the applicant to demonstrate any build up to calculations, and to disclose proposals in a way that can be readily understood, checked, and verified.

The examination is frustrated and cannot be properly conducted while this information or any proper equivalent remains absent. Efforts by others to second guess the output values are

premature and there is a need for a coherent baseline to give any opinions a credible baseline and to avoid spurious conclusions.