



**Comments on Other Submissions
Submitted at Deadline 3**

**for the
Royal Society for the Protection of Birds
and Suffolk Wildlife Trust**

**Submitted for Deadline 5
23 July 2021**

Planning Act 2008 (as amended)

In the matter of:

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

**Planning Inspectorate Ref: EN010012
RSPB Registration Identification Ref: 20026628
Suffolk Wildlife Trust Registration Identification Ref: 20026359**

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1. Bat roost surveys in trees – main development site submitted at deadline 3

- 1.1. We have provided comments on bat roost surveys in trees – main development site submitted at Deadline 3¹ that now includes Appendix A Figure 1 Bat Tree Roost Inspection Results 2021.
- 1.2. We provided comments on the same report submitted at Deadline 2 without Figure 1² in our Comments on Other Submissions (submitted at Deadline 2)³, due to it not being submitted until Deadline 3. Our further comments below relate to the figure.
- 1.3. As the Applicant acknowledges (paragraph 6.1.5)

where proposed vegetation removal is likely to remove potential roost clusters, in locations such as north of Kenton Hills car park and the boundary features to the north of Goose Hill Plantation, the effect on the local bat population is likely to be greater than locations where a single potential roost resource is being lost.

- 1.4. Figure 1 shows clusters of high and moderate potential trees will be lost north of Upper Abbey Farm (sheet 3), in Fiscal Policy (sheet 5), in the south of Goose Hill (sheet 10). This is a concern and further mitigation for loss of potential roost sites is required.
- 1.5. It is still not clear if the assessment included in depth review of the roost resources in Goose Hill and the SSSI triangle as previously requested, or simply a re-visit of the trees already flagged.
- 1.6. We request the Applicant confirms this and provides an assessment of the roost potential of trees in Goose Hill and the SSSI triangle. Our concerns over the lack of survey data in Goose Hill and the SSSI triangle are detailed in our Written Representations⁴ submitted at Deadline 2.

2. Marsh Harrier Compensatory Habitat Report submitted at Deadline 3⁵

- 2.1. The report discusses the management of further dry habitats at Westleton as further compensation for loss of marsh harrier foraging habitat. We understand that this area would be provided in addition to the compensatory habitats already proposed at Lower Abbey Farm, should this be required by the Secretary of State.
- 2.2. We are concerned about the likely effectiveness of this area as foraging habitat (should it be included) given the proposals for habitat management are more limited in scope than those at Lower Abbey Farm. We have raised significant concerns about the predicted uplift in small mammal abundance achievable and the level of certainty regarding functionality of the habitats at Lower Abbey Farm and consider that providing additional dry habitats will not address these effectiveness concerns. We also note that no baseline surveys appear to have been carried out to assess current marsh harrier activity on this site.
- 2.3. We are also concerned regarding the time needed to establish these habitats given that no establishment works have yet taken place. Many of the tussocky grassland species proposed in Appendix A are unlikely to flower/seed until the second year after establishment meaning that

¹ Bat Roost Surveys in Trees - Main Development Site [\[REP3-035\]](#)

² Bat Roost Surveys in Trees - Main Development Site [\[REP2-120\]](#)

³ Comments on Other Submissions (submitted at Deadline 2) [\[REP3-074\]](#)

⁴ Paragraphs 3.622- 3.762 of the Written Submission for the Royal Society for the Protection of Birds and Suffolk Wildlife Trust [\[REP2-506\]](#)

⁵ Marsh Harrier Compensatory Habitat Report [\[REP3-053\]](#)

the food available to small mammals would be limited initially and noting that these prey populations will take some time to build. We therefore query whether these habitats would be functional in time for beginning of construction Phase 1 when impacts are likely to be most significant.

- 2.4. Whilst we are still of the view that additional compensation for foraging marsh harriers is required due to the concerns about the extent and effectiveness of the habitats at Lower Abbey Farm, we recommend that further consideration should be given to any opportunities to create optimal wetland habitat. We have previously stated⁶ in relation to the wet habitats proposed at Lower Abbey Farm that we do not agree that replacement of dry habitats with wet habitats is desirable unless they can be made functional by time construction commences and if this is not possible, we advocate wetland habitat creation in addition to those dry habitats (which should be provided as planned so that some compensation is in place before construction commences).

3. Rights of Way and Access Strategy⁷

- 3.1. This document presents no new information for us to respond to at D5, however this is an area of concern for us and therefore we did want to put a marker down that when the updated version and further information is provided, we believe at Deadline 5 – we will be commenting further.

4. Outline Soil Management Plan

- 4.1. We have provided comments on the Outline Soil Management Plan⁸ and related updates in the Applicant's Comments on Written Representations⁹ and signposted our previous relevant comments, below.
- 4.2. We expressed our concerns over the creation of dry Sandlings grassland on land used for construction purposes in our Written Representations¹⁰, submitted at Deadline 2.
- 4.3. The Applicant's response in their comments on written representations¹¹ (paragraph 11.39.14) refers to the updated outline soil management plan [SMP] which notes *that soil management will be aligned to the Landscape and Ecological Management Plan [LEMP] end use and management practices will be adapted to support this.*
- 4.4. However the LEMP does not yet exist, and the lack of detail in the outline Landscape and Ecological Management Plan (oLEMP)¹² and outline SMP do not provide us with confidence that dry Sandlings grassland can be created on land used for construction purposes.

⁶ In the comments on the Marsh Harrier Report in our Comments on Other Submissions (submitted at Deadline 2) [\[REP3-074\]](#)

⁷ [\[REP3-013\]](#) Deadline 3 Submission - 6.3 Rights of Way and Access Strategy - Revision 3.0 - 6.3 Volume 2, Chapter 15 Appendix 15I of the Environmental Statement: Rights of Way and Access Strategy

⁸ Volume 2 Main Development Site - Chapter 17 Soils and Agriculture - Appendix 17C: Outline Soil Management Plan [\[REP3-018\]](#)

⁹ Comments on Written Representations [\[REP3-042\]](#)

¹⁰ Paragraphs 3.809 and 5.67- 5.74 of the Written Submission for the Royal Society for the Protection of Birds and Suffolk Wildlife Trust [\[REP2-506\]](#)

¹¹ Comments on Written Representations [\[REP3-042\]](#) paragraph 11.39.14

¹² Outline Landscape and Ecological Management Plan (oLEMP) [\[REP1-010\]](#) section 6.2

4.5. The outline SMP notes at paragraph 7.1.1

The final SMP will include a set of specifications for the required characteristics of soil profiles for each defined end use.

And at paragraph 1.2.5

Prior to any soil stripping works commencing this outline SMP will be updated by the Contractor and detailed Soil Resources Plans (SRP) will be produced for each part of the Sizewell C Project to provide the required detail (as highlighted throughout this document). These SRPs will form part of the SMP

And at paragraph 1.2.6

The SRPs will be produced by the Contractor to include:

- *A target specification for the restored soils (i.e. depth of soil profile, horizon thickness, textures, available soil nutrients where applicable, etc.)*

4.6. The Applicant proposes the required detail will be provided after the close of the Examination. We request the Applicant provides further information now to demonstrate that dry Sandlings grassland can be created on land used for construction purposes to enable interested parties and the Examination Authority to review and if necessary comment. Without this information being made available we are concerned that the Examining Authority will not be able to be confident this conversion is possible and therefore this is of significant concern since the post development plan shows creation of dry Sandlings grassland across the majority of the post-construction area¹³.

5. Coastal Processes

Storm Erosion Modelling of the Sizewell C Coastal Defence Feature (SCDF)

5.1. The storm erosion modelling report¹⁴ focusses on the engineering function of the SCDF. It's recommendations with regard to particle size (section 4.6.3 pg 66-67) do not appear to take account of the supra-tidal shingle and the SAC/Coastal Wildlife Site features raised in our Deadline 3 response¹⁵. We recognise that work is ongoing, but would **welcome confirmation that the environmental assessment will be progressed to recognise the concerns we have raised.**

¹³ ES Volume 2 Main Development Site Chapter 14 Terrestrial Ecology and Ornithology Appendix 14E Biodiversity Net Gain Report ([REP1-004](#)) Appendix B: Post Development Plan

¹⁴ [[REP3-048](#)] [Deadline 3 Submission - 9.31 Storm Erosion Modelling of the Sizewell C Coastal Defence Feature, Revision 1.0](#)

¹⁵ [[REP3-074](#)] [Section 5.2 Deadline 3 Submission - Comments on Other Submissions \(submitted at Deadline 2\) for the Royal Society for the Protection of Birds and Suffolk Wildlife Trust](#)

Preliminary design and maintenance requirements for the Sizewell C Coastal Defence Feature - Revision 2.0

- 5.2. This report¹⁶ response we provided at Deadline 3¹⁷ in relation to Version 1 of this report¹⁸ comments have not been addressed in this revision and we would welcome a response to these concerns.

Temporary and Permanent Coastal Defence Feature Plans

- 5.3. We note in this report¹⁹ the indicative illustration providing a cross section of the northern mound including the boundary of RSPB Minsmere (Section @A-A of drawing SZC-SZ0100-XX-000-DRW-100263). This is helpful in visualising the proposed design, but we would welcome further cross sections to the west of this location where the proposed northern most extent of the construction aligns directly with the RSPB Minsmere boundary. We understand that the Applicant is proposing to issue further details at Deadline 5 and we await these before commenting further.

6. Technical Note on indicative lighting modelling submitted at Deadline 3

- 6.1. We provide comments on the Technical note on indicative lighting modelling²⁰ below:
- There remains some ambiguity relating to lighting levels especially at the Compounds and Vehicle Entry Area. Normally these will vary between 20-50 lux, so fairly high, but all of these have the caveat that ‘additional enhanced localised lighting may be needed’. There are no further details and therefore impossible to determine true impact bordering some of the key areas.
 - The modelling is indicative. The comment in paragraph 2.7.1 is of significant concern: ‘doesn’t constitute detailed design’. Detailed design is needed. This uncertainty further compounds the uncertainty from the first bullet.
 - Paragraph 2.5.2 shows Bridleway 19 as well as Ash Wood, Ash Cottages and either side of WMZ 3 and 4 have a lighting buffer of only 10 metres. This isn’t enough in our view, especially for Bridleway 19 as the buffer is taken from the centreline, so in reality, the actual buffer is considerably less.
 - There is clear spillage of 25 lux into Ash Wood indicating further mitigation is needed.
 - East of Ash Wood cottages and the flight line along the north of the site also looks like it might be over 25 lux, hence more mitigation is required.
 - We are concerned about the connectivity between Bridleway 19 and Kenton Hills as the dark area is intersected by the rail line.

¹⁶ [\[REP3-032\]](#) *Deadline 3 Submission - 9.12 Preliminary design and maintenance requirements for the Sizewell C Coastal Defence Feature - Revision 2.0*

¹⁷ [\[REP3-074\]](#) *Section 5 Deadline 3 Submission - Comments on Other Submissions (submitted at Deadline 2) for the Royal Society for the Protection of Birds and Suffolk Wildlife Trust*

¹⁸ 9.12 One dimensional modelling of Soft Coastal Defence Feature (SCDF) - Revision 1.0 [\[REP2-115\]](#)

¹⁹ [\[REP3-004\]](#) *Deadline 3 Submission - 2.5 Temporary and Permanent Coastal Defence Feature Plans - Revision 1.0*

²⁰ Technical note on indicative lighting modelling [\[REP3-057\]](#)

- 6.2. The updated bat impact assessment²¹ paragraph 4.1.4 notes *the approach to maintenance of dark corridors at light levels below 1lux and evidence that this would be achievable is presented in Section 8.2.*
- 6.3. Paragraph 8.4.51 also notes *Within the impact assessment for all bat species (Section 8.2), modelling that demonstrates that it will be possible to control the lighting impacts on key areas, extrapolated to other areas across the site is presented. This is the same for all bat species and shows that lux levels below 1lux can be achieved within sensitive areas across the site.*
- 6.4. We request measures to control light spill to below 1lux in all bat sensitive areas are provided and are secured through requirement 4.
- 6.5. Section 3 of this document discusses the lighting of the permanent and temporary BLFs. We note that no assessment is made or mitigation proposed for the potential effects of lighting on red-throated divers of the Outer Thames Estuary SPA through disturbance and displacement. The potential effects of lighting of the BLFs should also be considered along with other project impacts (such as vessel disturbance) in an assessment of the total disturbance displacement impacts on red-throated diver arising from the Application, both alone and in-combination with offshore windfarm projects.

7. The RSPB and Suffolk Wildlife Trust Response to the Applicant's Comments on Responses to AR.1.12²²

- 7.1. The Applicant has provided a response²³ to some of the queries raised around the assessment methodologies used for recreational pressure impacts from displaced visitors and the construction workforce in our Written Representations²⁴.
- 7.2. We remain of the view that the assessment has significant limitations in terms of its baseline data and in the predictions of increases in numbers of visitors. Whilst we agree that it is helpful to focus on the monitoring and mitigation being proposed for impacts on the Minsmere-Walberswick SPA, Ramsar site and SAC, the Sandlings SPA and the Alde-Ore Estuary SPA, we consider that the limitations of the assessment and its "inherent uncertainty" (as acknowledged in 2.1.20 of the Applicant's response²⁵) should inform a precautionary approach to determining the measures required to ensure robust mitigation of impacts.

Suitable Alternative Natural Greenspace (SANG)

- 7.3. Paragraph 2.1.30 states the Applicant's continued disagreement with the need to provide SANG to reduce the numbers of construction workers potentially visiting designated sites and refers

²¹ Volume 3 Chapter 2 Environmental Statement Addendum Terrestrial Ecology and Ornithology Appendices 2.9.A-2.9.D Part 1 of 2 [[AS-208](#)]

²² In the Applicant's Comments on Responses to the ExA's First Written Questions (ExQ1) - Volume 2 – Appendices [[REP3-047](#)]

²³ In the Applicant's Comments on Responses to the ExA's First Written Questions (ExQ1) - Volume 2 – Appendices [[REP3-047](#)] Paras 2.1.1 to 2.1.30

²⁴ Appendix 2 of the Written Submission for the Royal Society for the Protection of Birds and Suffolk Wildlife Trust [[REP2-506](#)]

²⁵ "2.1.20 SZC Co. does acknowledge the inherent uncertainty of estimating numbers of this nature, which is why it may not be productive to continue to debate the 'maths' at length. The survey results give an indication that a relatively small proportion of visitors may displace to a range of alternative locations but attempting very detailed analysis of the statistics may not be productive. The real issue involves reaching an informed judgement about the nature of any displacement, the prospect that may give rise to harm (and why) and then ensuring that any necessary mitigation and monitoring is in place to protect against any risk of harm."

to the Applicant's response to Natural England's Written Representations²⁶. This response includes a description of the recreational provision at Aldhurst Farm and the access improvements to Kenton Hills, which we acknowledge will provide benefits to construction workers, however, we consider that Aldhurst Farm at 27ha and the additional access at Kenton Hills are not sufficient in extent and they have other mitigation objectives (wetland and reptiles respectively) which should not be compromised.

- 7.4. Also, we are concerned regarding statements that construction workers are unlikely to undertake recreation in designated sites. MENE data for 2018/19 indicates that health and exercise is now the most common reason for people to spend time outdoors²⁷ and therefore, whilst most construction workers may not have dogs, it should be considered that the Suffolk Coast has many opportunities for more active recreation e.g. mountain biking and watersports which may be more attractive to the workforce and have the potential to affect designated sites.
- 7.5. Whilst we also acknowledge that provision for indoor sporting recreation for the workforce has been made, it is also worth noting that 44% of (indoor) gym users have stated they would prefer to be outdoors²⁸. We therefore consider that the access improvements and recreational facilities proposed at present will not address the need for outdoor active/sporting recreation. Note that we also commented on this issue at Issue Specific Hearing 7 (see summary of our oral case also submitted at this deadline).

Use of Footprint Ecology

- 7.6. Footprint Ecology were commissioned to review the evidence submitted as part of the Application on recreation issues due to their recognised expertise on this topic. Although the reports were not directly shared with the Applicant by the RSPB until submission of our Written Representations, these reviews were used as a basis for responses shared with the Applicant in the pre-examination phase including our comments on the development of the monitoring and mitigation plan.

²⁶ Section 11.23 of the Applicant's Comments on Written Representations [[REP3-042](#)]

²⁷ [MENE Headline Report 2018-2019](#)

²⁸ [Sport England \(2015\) Getting Active Outdoors: A study of Demography, Motivation, Participation and Provision in Outdoor Sport and Recreation in England](#)