

From: [REDACTED]
To: [SizewellC](#)
Cc: [REDACTED]
Subject: RE: EN010012 SZC Application - the RSPB (PINs Ref: 20026628) and SWT (PINs Ref: 20026359) - Letter for the ExA
Date: 05 August 2021 17:02:50
Attachments: [RSPB-SWT Letter to ExA re New Info \(+List\) 5.8.21.pdf](#)

Dear Sir or Madam,

Please find enclosed a letter from the RSPB and Suffolk Wildlife Trust for the attention of the Examining Authority, concerning the quantity of new information and our ability to fully review and comment.

I would be grateful if you could pass this to the Examining Authority and kindly acknowledge safe receipt. Please do not hesitate to contact me if you have any questions.

Many thanks

Best Wishes

Rosie

Rosie Sutherland
Head of Environmental Law and In-house Solicitor
The RSPB

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Miss McKay
Lead Member of the Examining Authority, on behalf of the Panel
The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
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Bristol
BS1 6PN

Email: SizewellC@planninginspectorate.gov.uk

5 August 2021

Dear Madam

Re: EN010012 SZC Application - the RSPB (PINs Ref: 20026628) and SWT (PINs Ref: 20026359)

As mentioned and predicted at the end of ISH7, the RSPB and Suffolk Wildlife Trust are unable to review and provide detailed comments on all relevant new information submitted by the Applicant at Deadlines 4 and 5 in time for Deadline 6 (please see our list below of 23 documents submitted including comments on our written representations originally due at Deadline 3). We are grateful to the Applicant for providing shortly after submission all of these, but unfortunately the sheer volume of material is simply too great, despite the extra days, for us to review in detail and provide comments.

In addition we believe there are now 22 new documents including reports, submissions as well as comments on others submissions coming at Deadline 6 (please see our list below). And we already have a list for more at Deadline 7 and certainly one piece of new information at Deadline 8. The Applicant has agreed to provide a complete list but we wanted to send this letter before Deadline 6.

As you know there were only 10 working days between Deadline 5 and Deadline 6 and only 19 working days between Deadline 6 and Deadline 7.

We would like to request that the Applicant produce a list of all the new documents and information additional to the timetable that will be coming at future deadlines well in advance of those deadlines.

We have raised this issue again with the Applicant after ISH7 and although jointly we would like to ask for a delay in the submission of our updated SoCG until Deadline 7 –

1. this may not be enough extra time for that document due to new information coming in at Deadline 6 (and Deadline 7) as of course we want to ensure this second SoCG covers all our remaining concerns; and
2. equally importantly this does not solve the issue of the time needed to review and submit detailed comments on all this new information.

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The RSPB is part of BirdLife International, a partnership of conservation organisations working to give nature a home around the world.

We are very conscious of the *knock on* effect with the Examination Timetable helpfully providing the opportunity for comments on other parties submissions. In addition, although continuing to be grateful for the discussions with the Applicant (and we have more planned) and for some of the new information provided (for example updated draft mitigation, monitoring and management plans, changes to the DCO etc), we are obviously extremely keen to ensure we make all submissions required throughout the Examination to be clear to you and the rest of the Examining Authority of our ecological, legal and consenting views, comments and concerns and therefore would not want to miss these opportunities as timetabled to flag what remains an issue.

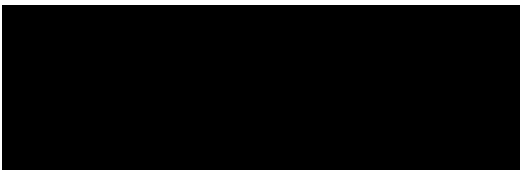
Whilst we appreciate there are many expert interested parties – we do have a particular interest and, we hope, helpful relevant ecological expertise and experience that will be of benefit to you in your considerations due to the RSPB's neighbouring Minsmere Reserve and the SWT managed parts of the Sizewell Marshes SSSI as well as the surrounding protected sites, their species and the wider environment. We will ensure we, as comprehensively as possible, answer questions directed to us in the Second Written Questions including taking account of your DCO commentary in our review of the latest draft of that document.

In addition we wish to briefly comment on the recently submitted change application and associated consultation¹ for a desalination plant for the construction period as we may have significant concerns with it. We will review the consultation in detail and provide further comments but did want to highlight now that the consultation runs only until 27th August. The consultation document appears to be very high level without sufficient detail regarding impacts nor confirmed design, layout etc. This plant could have significant implications for e.g. marine ecology, therefore we are concerned about this coming at such a late stage in the Examination process and whether there is time for its implications to be properly assessed and considered, as well as the capacity of interested parties to respond to the consultation alongside the significant number of new Examination documents and the further Issue Specific Hearings planned over the same timescale.

As others have said (and therefore will not repeat in detail) to have so much new data, technical (including changed designs, locations and another change application), assessment (including many that are entirely new) and other information coming so late in the process is worrying. To be clear we are of course grateful for proposals for e.g. additional requirements including management, mitigation, monitoring and compensation measures being included by the Applicant and therefore updated drafts being provided. What we are mostly referring to is at times entirely new data, technical and assessment information.

We would be grateful for your consideration of this letter as soon as possible. One possible solution may be that we provide more detailed answers at Deadline 7 as well as to your second Written Questions, along with the updated SoCG to provide you with a clear indication of our remaining concerns. In addition once the further relevant new information is received at Deadline 7 we can try to ensure we provide submissions on all remaining issues for submission by Deadline 8 to ensure sufficient time for the Examining Authority to review and the Applicant to respond.

Yours faithfully



Rosie Sutherland
In-house Solicitor
The RSPB

¹ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010012/EN010012-006498-Third%20Notification%20of%20Proposed%20Project%20Changes.pdf>

Documents to be submitted by Applicant at Deadlines 5 to 8

Deadline 5 - new documents in addition to those documents listed in the updated ExA Timetable and not including the Applicant's helpful roadmap/navigational documents

- Further detail on coastal defence designs
2.5 Temporary and Permanent Coastal Defence Feature Plans - Not for approval
- Updated Coastal Processes Management and Mitigation Plan
6.14 Revision: 2.0 Coastal Processes Monitoring and Mitigation Plan
- Sizewell Marshes SSSI crossing changes
2.5 Main Development Site Permanent and Temporary Beach Landing Facility and SSSI Crossing Plans- Plans Not For Approval
- Response to marine section of our Written Representations
9.54 SZC Co. Comments on Submissions from Earlier Deadlines (Deadlines 2-4)
9.54 SZC Co. Comments on Submissions from Earlier Deadlines (Deadlines 2-4) Appendices
- Response to marsh harrier section of our Written Representations
9.54 SZC Co. Comments on Submissions from Earlier Deadlines (Deadlines 2-4)
9.54 SZC Co. Comments on Submissions from Earlier Deadlines (Deadlines 2-4) Appendices
- Further response to biodiversity net gain section of our Written Representations
9.54 SZC Co. Comments on Submissions from Earlier Deadlines (Deadlines 2-4)
9.54 SZC Co. Comments on Submissions from Earlier Deadlines (Deadlines 2-4) Appendices
- Further response to bats section of Written Representations
9.54 SZC Co. Comments on Submissions from Earlier Deadlines (Deadlines 2-4)
9.54 SZC Co. Comments on Submissions from Earlier Deadlines (Deadlines 2-4) Appendices
- Some points in relation to noise and waterbirds section of our Written Representations – note on evening noise included
9.54 SZC Co. Comments on Submissions from Earlier Deadlines (Deadlines 2-4) Appendices
- Underwater noise assessment - 9.58 Underwater Noise Report
- Note on white fronted geese - 9.59 White-fronted Geese survey report
- Sandlings (south) and Alde-Ore Estuary recreation Mitigation & Monitoring Plan
9.56 Monitoring and Mitigation Plan for Sandlings (Central) and Alde, Ore and Butley Estuaries European Sites
- Update to Minsmere Mitigation & Monitoring Plan
9.15 Minsmere Monitoring and Mitigation Plan
- A note on the potential impacts from the Benhall fen meadow site on the Abbey Farm compensation site (Snape Wetland RSPB reserve)
9.54 SZC Co. Comments on Submissions from Earlier Deadlines (Deadlines 2-4) Appendices
- A note on Aldhurst Farm - 9.60 Aldhurst Farm Technical Note
- A technical paper on the proposed control structure in the realigned Sizewell Drain
9.54 SZC Co. Comments on Submissions from Earlier Deadlines (Deadlines 2-4) Appendices
- Revised layout for the WMZ in Retsom's to avoid natterjack hibernation site (shared with us and other stakeholders)
9.54 SZC Co. Comments on Submissions from Earlier Deadlines (Deadlines 2-4) Appendices
- Updated DCO requirements (referred to in ISH5)
3.1(D) Draft Development Consent Order - Clean Version
- Updates to Rights of Way and access - 2.4 Ch Access and Rights of Way Plans
- All European Protected Species licence method statements – 4 for Main Development Site and 2 for two village bypass
6.3 Volume 2 Main Development Site Chapter 14 Terrestrial Ecology and Ornithology Appendix 14C6B: Water Vole Licence Method Statement;
6.3 Volume 2 Main Development Site Chapter 14 Terrestrial Ecology and Ornithology Appendix 14C17B: Natterjack Toad Licence Method Statement (Parts 1 and 2);

- 6.3 Volume 2 Main Development Site Chapter 14 Terrestrial Ecology and Ornithology Appendix 14C10: Otter Method Statement;
- 6.3 Volume 2 Main Development Site Chapter 14 Terrestrial Ecology and Ornithology Appendix 14C11: Deptford Pink Licence Method Statement;
- 6.6 Volume 6 Two Village Bypass Chapter 7 Terrestrial Ecology and Ornithology Appendix 7A.5B: Water Vole Licence Method Statement
- 6.6 Volume 6 Two Village Bypass Chapter 7 Terrestrial Ecology and Ornithology Appendix 7A Licence Method Statement CONFIDENTIAL – [Confidential document available on request]
- Acoustic Fish Deterrent report (justifying not needed) - 9.57 Acoustic Fish Deterrent Report
- Plan showing northern boundary with the RSPB Minsmere reserve
- 2.5 Temporary and Permanent Coastal Defence Feature Plans - Not for approval

Examples of documents expected at Deadline 5 that will now be submitted later:

- Applicant Comments on Submissions from Earlier Deadlines (Deadlines 2-4) [REP5-119] notes:
 - 11.3.2 Paragraph 11.2.10 of SZC Co. Comments on Written Representations [REP3-042] advises that the updated Water Supply Strategy will be submitted at Deadline 5. Please refer to SZC Co.'s Deadline 5 cover letter, which states that the applicant now intends to provide a progress update at Deadline 6 and to submit the revised Water Supply Strategy at Deadline 7.
 - 11.3.4 Table 14.1, Line 3.258 of SZC Co. Comments on Written Representations [REP3-042] advises that a SSSI monitoring plan will be submitted at Deadline 5 and this will now be provided at Deadline 6.

Deadline 6 (6 August) - Where further information was requested by the Examining Authority (ExA), this is to be provided at Deadline 6 in the Applicant's Written Submissions Responding to Actions Arising from ISH7¹.

- List of references for fen meadow compensation
- Greater clarity on differences and impacts of Sizewell Marshes SSSI crossing proposal and 3 span bridge
- Landscape experts to respond about Sizewell Marshes SSSI crossing
- Provide information to answer the question -why doesn't the Applicant start construction earlier on the 3 span bridge?
- Response to SWT RSPB concerns that Sizewell Marshes SSSI temporary loss becomes permanent
- Fen meadow plan with site feasibility studies
- Sizewell Marshes SSSI Water management, monitoring and response plan
- Note on blockage in Leiston drain and proposed side agreement with Environment Agency
- Updated version of the Outline Drainage Strategy
- Further details on the predicted prey provision at the marsh harrier compensation habitat and the suitability of the habitat as compensatory measures
- Marsh harrier - a note which explains the approach to site selection and the reasons for selecting 'Site 1' at Westleton.
- Response to RSPB and SWT's Written Representations regarding additional noise sources resulting from the relocation of Sizewell B facilities.
- Vessel management plan for Red Throated Diver displacement
- Sensitivity analysis of fish impingement predictions without FRR
- Update on smelt entrainment
- Update to the local effects assessment SPP103 with regard fish populations

¹ Written Summaries of Oral Submissions made at ISH7: Biodiversity and Ecology Parts 1 and 2 (15-16 July 2021) [REP5-112](#) 1.1.3

- Technical note on the use of Equivalent Adult Values
- Further response to our points on bats if relevant
- Response to our Comments on Written Representations from Natural England [REP3- 042] and the Environment Agency [REP3-042] if relevant
- Estate Wide Management Plan
- A response to the National Trust's request that the Coastal Processes Monitoring and Mitigation Plan be determined through the DCO Examination and not under the draft DCO requirement.
- Photographs of Sizewell B under construction
- Revised draft DCO
- Update on draft Deed of Obligation

Deadline 7 (3 September)

- Detailed response to comments made in relation to the reported presence of annual vegetation of drift lines and perennial vegetation of stony banks along the Minsmere shoreline immediately to the north of the proposed order limits.
- Revised Water Supply Strategy
- Further detail on maintenance access for the RSPB to the southern side of the Minsmere reserve and retained areas of Sizewell Marshes SSSI.

Deadline 8 (24 September)

- Illustrative day and night-time photomontage visualisations from the following Representative Viewpoints²:
 - Representative Viewpoint 9: Sizewell Gap south of Greater Gabbard sub-station
 - Representative Viewpoint 10: Suffolk Coast Path and Sandlings Walk east of Hill Wood
 - Representative Viewpoint 14: Suffolk Coast Path at Minsmere Sluice
 - Representative Viewpoint 17: National Trust Dunwich Coastguard Cottages

² Written Submissions Responding to Actions Arising from ISH5: Landscape and Visual Impact and Design (13 July 2021) [REP5-117](#) section 1.5