

Compulsory Acquisition Hearing – is there a compelling need for the Pakenham South land, near Bury St Edmunds, West Suffolk to deliver the Sizewell C development Project, an infrastructure Project on the coast of East Suffolk?

August 18th 2021

Representation Case given on behalf of Ms Dyball, Ms Hall and SR Whitwell & Co

Following the Site Meeting at Pakenham on Wed 11th August 2021 with EDF environmental lead Alan Lewis – we were advised of the recently published documents (see below) concerning the proposals for establishing fen meadow land and wet woodland on some grass meadow land at Pakenham belonging to my clients.

The recently published documents are summarised as the Fen Meadow Strategy and are currently made up of three reports –

1. The baseline survey data (REP3-051 & REP3-052)
2. The Fen Meadow Plan – REP6-026 published on the 6th Aug 21
3. We await the publication of The updated Fen Meadow Plan – to be published in the **Spring of '22** which will contain the updated water data collected over 12 months from April '21

Is the Fen Meadow Plan dated the 6th August 2021 the final plan?

We asked the applicant '*Are we able to assume that these revised plans are the final plans or will there be further changes before or after the GDO is awarded?*' At the hearing on the 18th August the applicant gave the questioner assurances that these were the final plans.

The proposals are an experiment

Along with many other interested parties – we expressed our doubt and concerns over the methods chosen to attempt to create fen meadows -the methods described sound very destructive – diggers removing 30 – 50 cm of topsoil from the site, much of which is peat – our clients have concluded that the proposals describe an experiment and as with any environmental project – there are no guarantees that the environment will deliver what is hoped for – it was also emphasised that any success project of this sort relies on the future management of this proposed fen and wet woodland area and these details have not been specified within the Fen Meadow Plan – this information is vital for business planning, especially for the fen meadow – stocking density, cutting regime, dates for access to the meadow and any other special arrangements.

Natural England have expressed their concerns over the current plans and are asking for more detail to assure themselves of some success. On behalf of our client we also question is it right that land can be acquired under a GDO for what is fundamentally an experiment?

We agree that EDF have already demonstrated their commitment to environmental mitigation in their environmental work carried out on a whole farm basis at Leiston, which they purchased several years ago. We cannot understand why Natural England can be allowed to insist that they should mitigate further for the loss of a small amount of fenland on the coast?

Can the Secretary of State reduce the amount of land taken for this experiment?

Yesterday, we heard from EDF's lead Alan Lewis the reasoning why the quantity of land is required; Natural England have calculated that a 9 x multiplier is sufficient to ensure that they get their mitigation for the loss of 0.49ha (1.2ac) – surely that is the figure of land take that the Secretary of State should award – not some other figure that EDF desire?

We have rehearsed the figures and the areas of potential fenland, we would like the Examining committee to consider revising their recommendations to the Secretary of State.

It appears that there are potentially three willing landowners to this Fen Meadow project – I make this assumption as they are not being represented in these hearings –

Could the GDO be awarded with the minor change of excluding the land in Pakenham South ie my clients land

EDF could look to deliver 6.93ha of fen meadow, 67% more than is required by Natural England and the extra wet woodland compensatory land could be delivered on the Sizewell Estate's own land at Aldhurst Farm which has been offered in REP1-020 PAGE 16 paragraph 8.1.2.

The current plans from EDF are to create:

- 2.4ha of fen at Benhall and 0.6ha wet woodland
- 1.0ha of fen at Halesworth
- 3.53ha of fen at Pakenham North and
- *1.2ha of fen at Pakenham South (my client's land) and 1.76ha wet woodland (my clients land)*

In total **4.14 ha of new fen** has been requested by Natural England – the above sites provide for *8.13ha of fen* and in addition they have provided for 2.36ha of wet woodland (1.76ha of this wet woodland to be provided on my client's land)

Is the data collected correct – will the experiment work – what about the existing habitat that is being destroyed – is not that valuable too?

Throughout the 231 pages of scientific data –to me, a lay reader, there appears to be a great deal of confusion, assumptions, contradictions, and caveats. I could talk through the areas of concern I have, but for this CAH I am not sure they will add any more weight to the concerns already voiced by Natural England. I hope the examining committee will note all the nitrate and phosphate statistics and the requirement for

significant topsoil/peat removal! Surely bringing the water table nearer to the surface is going to cause unknown impacts – increased evaporation to the atmosphere

To conclude this plan to create fenland in three different locations is a huge experiment – as all have acknowledged there are no guarantees, hence the requirement for the contingency fund in both money and alternative sites.

Along with the concerns over the success or not of the experiment, there are additional concerns - a changing climate and changing agricultural practises

We ask the Examining Committee to once again recognise that the Pakenham Southern site is not the only possible site in Suffolk upon which an experiment could be conducted – there are other possible sites and there are willing landowners that would love to partake in this experiment.

We accept at this late stage in the application it may not be possible for EDF to put these sites forward but we believe with the other three sites Benhall, Halesworth and Pakenham North – whom we imagine are owned by willing landowners (as they do not appear to have made any representations at this hearing) – EDF could experiment and hope to deliver 6.93ha of fen meadow, 67% more than is required by Natural England. The extra wet woodland compensatory land should be delivered on the Sizewell Estate's own land at Aldhurst Farm which has been offered in REP1-020 PAGE 16 paragraph 8.1.2.

To conclude, I have thought long and hard as to how to present my clients case and to come up with all the legal reasons as to how EDF and the Secretary of State can show that a piece of land in Pakenham over 40 miles away from the development is absolutely necessary to deliver the Sizewell Project – **of course there is no compelling case to state that this land is absolutely necessary to deliver the project** and the project could quite easily be delivered with a tiny bit less mitigation land – so to sum up my representation I propose to read out the letter my client Stephen Whitwell emailed me following last week's meeting with Alan Lewis on the 11th August

Dear Sally

I have been considering the latest proposals from EDF/Sizewell which you have indicated are the recommendations of Natural England and have the following comments:

Natural England have a remarkably successful Stewardship scheme on our farm. We have benefitted from field margins, winter bird and pollen nectar feeding areas and reduced use of fertiliser at the low meadows. At the moment around the farm we have a return of the barn owls and each year we see them on a regular basis. The songbirds have thrived and also the predators, sparrow hawks, buzzards, kestrels and red kites

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more recently. Our farming practices must have been conducive to their conservation. At the Low meadows we have otters, water voles and many wetland birds passing through.

As custodians of our countryside, it is correct that Natural England are now devoting much of their time to 'saving the planet'. I agree in principle with this but the practice of rewilding to create Carbon absorption from the atmosphere can only be practical in certain areas, for example in parts of Yorkshire, Scotland and Wales where there are thousands of acres that could be utilised. The ultimate benefits could be massive but to justify the time and investment there must be large areas of land involved. It is appropriate also in those parts because there is less intensive agriculture and the loss of food producing land will be less noticeable.

The land by the river at Pakenham now ear marked for rewilding was reclaimed in 1950 to 1970 from wet rush dominated fen land to useable summer pasture initially for dairy cows and more recently for beef cattle. The meadows have been used for useful food production and have complimented a mixed enterprise farming system for many years.

The proposal that 9 acres of long-established grass meadow should be destroyed and the land left as a wet swamp seems absolutely, unthinkable. One cannot help thinking of all the damaging exhaust gases that already have been produced getting to this stage alone but when the work starts to remove the turf, with large machinery and tractors running alongside to take away the turf. Then the heavy goods lorries involved in taking the turf away to a licensed disposal depot. And then the work to remove turf from Sizewell, load the hay onto lorries and bring to Pakenham 45 to 50 miles away and then the laying of the hay turf when they get to the site. All these actions will involve considerable release of noxious gases into the atmosphere.

It will be many years before the land will act as a carbon sump and then many more years before the effect of the exhaust gases will be mitigated. In conclusion this scheme is far too far away from Sizewell, a quite inappropriate location and will do nothing to help reduce Global warming for many, many years to come.

We do hope the Planning Committee will realise how inappropriate it is to have Mitigation land at Pakenham and refuse the permission for this part of the application.

With best wishes
Stephen