



The Planning Act 2008

*Sizewell C (SZC)*

Planning Inspectorate Reference EN010012

*Deadline 7: 3 September 2021*

Written Summary of Oral Case

Issue Specific Hearing 10 Ecology, Biodiversity and HRA 27 August 2021

20026200 East Suffolk Council

<b>Issue Specific Hearing 10 (ISH10) on Ecology, Biodiversity and HRA</b>	
<b>Agenda Item</b>	<b>East Suffolk Council Submissions</b>
<b>1. Introductions</b>	<p>Speakers on behalf of East Suffolk Council (ESC):</p> <p>Isabella Tafur, Francis Taylor Building</p> <p>James Meyer, Ecologist, ESC</p>
<p><b>2. Ecology – general and policy</b></p> <p>a. To understand and explore compliance (or otherwise) with EN-1 (applied by para 3.9.5 of EN-6), in particular:</p> <p>(i) para 5.3.5 (and Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System (ODPM 06/2005, Defra 01/2005));</p> <p>(ii) para 5.3.13 and County Wildlife Sites;</p> <p>(iii) para 5.3.14 and deterioration in relation to Foxburrow Wood;</p>	<p><b>a(i) para 5.3.5 (and Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System (ODPM 06/2005, Defra 01/2005));</b></p> <p>ESC confirmed that ODPM 06/2005 and ‘Working with the grain of nature’, referred to in footnotes 97 and 99 to EN-1 remain extant and have not been withdrawn. Paragraph 5.3.5 of EN-1 refers to the Government’s biodiversity strategy and aims, which include acceptance of biodiversity’s essential role in enhancing the quality of life and the objective of halting and, if possible, reversing declines in priority habitat and species.</p> <p>As identified in the ES and set out in ESC’s submissions to this examination, there are a number of ecological receptors (including protected species such as bats and designated sites such as the Suffolk Shingle Beaches Count Wildlife Site) which will suffer significant adverse impacts after mitigation measures have been applied. In some instances, ESC has requested further details of proposed mitigation (for example in the Estate Wide Management Plan). There are also a number of other ecological receptors (including statutory designated sites like Sizewell Marshes SSSI) where mitigation and compensation measures are proposed which it cannot be certain will be completely successful.</p>

<p>(iv) para 5.3.5 and beneficial biodiversity; para 5.3.18 and opportunities for enhancement of habitats where practicable.</p> <p>b. To understand and explore compliance (or otherwise) with EN-6 Part II Annex A paras Sizewell C.8.59, C.8.63 and C.8.67 (pages 207 and following) and whether the Applicant's proposals have sufficiently taken into account the issues identified in the Appraisal of Sustainability, and c. To be clear where the matters in a and b are addressed, brought together and discussed in the Application documentation</p>	
	<p><b>a(ii) para 5.3.13 and County Wildlife Sites;</b></p> <p>Paragraph 5.3.13 relates to sites of regional and local biodiversity importance, which include County Wildlife Sites. The development will result in the loss of part of Sizewell Levels and Associated Areas County Wildlife Site and potentially part of the Suffolk Shingle Beaches County Wildlife Site. Whilst some mitigation and compensation for these impacts is proposed (including through the long-term landscaping plans for the wider Sizewell Estate), nevertheless ESC considers that there will be significant residual adverse impacts on these sites. However, the final sentence of paragraph 5.3.13 that <i>"given the need for new infrastructure, these designations should not be used in themselves to refuse development consent"</i> is noted.</p>
	<p><b>a(iii) para 5.3.14 and deterioration in relation to Foxburrow Wood;</b></p> <p>Paragraph 5.3.14 relates to ancient woodland and veteran trees. As set out in section 4(c) below, the Applicant has submitted additional information at Deadline 6 <a href="#">[REP6-002]</a> that indicates that the Two Village Bypass will not result in adverse impacts on Foxburrow Wood through changes to groundwater. It therefore does not appear that this part of the proposal will result in the deterioration of Foxburrow Wood that ESC originally feared was likely.</p> <p>In relation to veteran trees on the Two Village Bypass route, whilst the Applicant has identified that some will be lost, final compensation proposals are yet to be identified. ESC understands that the Applicant will submit mitigation/compensation proposals to the examination at either</p>

	<p>Deadline 7 or Deadline 8. The Council will provide further comment on this matter at the appropriate Deadline following review of this information.</p> <p><b>a(iv) para 5.3.5 and beneficial biodiversity; para 5.3.18 and opportunities for enhancement of habitats where practicable</b></p> <p>Paragraph 5.3.5 also refers to the benefits biodiversity brings to quality of life. Paragraph 5.3.18 provides that new development should enhance existing habitats and where practicable create new ones. Notwithstanding our concerns regarding specific impacts from the development on habitats and species, ESC acknowledges the eventual habitat restoration proposals for the wider Sizewell Estate. These include the reversion of existing arable land to semi-natural habitats will provide an enhancement over the habitats currently present in the area. However, at present it is not clear how the long-term delivery of this is secured. The Estate-wide Management Plan (EWMP) has not yet been submitted to the examination (although it is understood that it is intended for submission at Deadline 7), so the Council have not been able to comment on it. It is not yet clear how the EWMP will be secured given it covers land outside of the DCO Order Limits and outside of the Applicant's ownership, albeit ESC understand that the Applicant proposes to submit a revised draft DCO at Deadline 7 with a new requirement, securing compliance with the Estate Wide Management Plan.</p>
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	<p><b>b) To understand and explore compliance (or otherwise) with EN-6 Part II Annex A paras Sizewell C.8.59, C.8.63 and C.8.67 (pages 207 and following) and whether the Applicant's proposals have sufficiently taken into account the issues identified in the Appraisal of Sustainability</b></p> <p>The Appraisal of Sustainability (AoS) of Sizewell (at paragraphs 5.9 to 5.18) referred to in paragraph C.8.59 identifies that construction and operation of the power station is likely to result in a range of impacts on designated sites, protected species and UK Priority habitats and species for which avoidance, mitigation and compensation measures will be required as part of the application. In relation to paragraph C.8.59, C.8.63 and C.8.67 of EN-6 Part II Annex A, ESC considers that the application Environmental Statement and supporting documentation does identify all of the potential impacts highlighted in the AoS. However, as set out in our submissions to the examination there are a number of places where we disagree that the proposals adequately avoid, mitigate or compensate these impacts. This includes for Sizewell Marshes SSSI, referred to in paragraph C.8.63, where concern remains over the delivery of compensation fen meadow and wet woodland habitats.</p> <p>For HRA related matters ESC defers to Natural England as the Statutory Nature Conservation Organisation.</p>
	<p><b>C) To be clear where the matters in a and b are addressed, brought together and discussed in the Application documentation</b></p> <p>No ESC comment.</p>
<p><b>3. Marine ecology</b></p> <p>a. Sabellaria spinulosa, in general and progress with a Sabellaria mitigation and monitoring plan which is awaited from the Applicant - see also Natural</p>	<p>No ESC comments on marine ecology.</p>

<p>England's position set out in their post-ISH7 submission [REP5-160] what DML conditions are proposed for mitigation and comments on likelihood of presence and need for compensation (see also MMO's REP6-039] paras 1.3.6.6 and 1.3.7.6)</p> <p>b. To understand which issues considered at the Hinkley Point C water discharge permit acoustic fish deterrent appeal and in dispute are common to the Sizewell DCO application</p> <p>c. Eels Regulations; to understand the positions of the Environment Agency and Applicant in relation to compliance and entrainment monitoring – see the responses and exchanges on ExQ.Ma.1.0 and the Environment Agency's position generally on this</p> <p>d. Smelt – the Environment Agency's position in their Written Representation [REP2-135], summarised at Annex B, epage 74</p> <p>e. Alde &amp; Ore – reduction in numbers of fish entering – to understand the Environment Agency's position in their</p>	
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<p>written representation [REP2- 135] summarised at Annex B epage 74</p> <p>f. Environmental permitting and the DCO; to understand the positions of the Environment Agency and Applicant in relation to the need for protective measures in the DCO – paragraph 11.5 of the Environment Agency’s Relevant Representation [RR-0373]</p> <p>g. Impacts of bromoform and hydrazine on birds, both direct and indirect are raised by RSPB in their response to Ma.1.8. The Applicant’s reply only addresses indirect effects. To understand the Applicant’s position.</p>	
<p><b>4. Terrestrial ecology</b></p> <p>a. Fen meadow proposals, including Pakenham – to understand in particular Natural England’s position on need, quantum and the likelihood of success</p> <p>b. Wet woodland</p>	<p><b>a. Fen meadow proposals, including Pakenham – to understand in particular Natural England’s position on need, quantum and the likelihood of success</b></p> <p>ESC supports and defers to Natural England in relation to the need, quantum and likelihood of success of the proposed compensation measures and defer to them on for comment on the detailed technical habitat creation matter.</p>
	<p><b>b. Wet Woodland</b></p> <p>ESC considers that wet woodland compensation is required as, although this habitat is not specifically referred to in the citation for the Sizewell Marshes SSSI, it is one of the habitats which</p>

<p>c. Designated sites including County Wildlife Sites, Foxburrow Wood and veteran trees</p> <p>d. Protected species including bats and progress with draft licence submissions to Natural England – see also their response in their postISH7 submission [REP5-160]</p> <p>e. District licensing – changes and effects f. SSSI crossing (including landscape and visual aspects) g. Biodiversity net gain – the effect of the new metric and assessment of SSSIs</p>	<p>supports the wide range of invertebrate taxa which is part of the reason for the designation of the site. Wet woodland is also a UK Priority habitat, under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006), and therefore its loss should be compensated.</p> <p>Although, ESC does not have any specific concerns over the actual process of establishing wet woodland, as set out in our responses at Deadline 2 [REP2-173] and Deadline 5 [REP5-145], we are concerned about both the time between the loss of wet woodland from the SSSI and the creation of replacement wet woodland, and the geographical separation of the proposed compensation sites (except for the one on the Sizewell Estate) and the area to be lost.</p> <p>With regard to the point on timings, we are particularly concerned that proposed compensation on the Sizewell Estate cannot begin until after the construction of the power station has finished, as the area is needed for marsh harrier compensation. This will mean that a period of at least several decades will elapse between the habitat being lost and replacement wet woodland being established at the closest compensation site. This will mean that there is no opportunity for species from the SSSI reliant on wet woodland to colonise the new habitat before the existing is lost.</p> <p>With regard to geographical location, with the exception of the proposed site in the northern part of the Sizewell Estate, the other proposed compensation sites are located a considerable distance from the SSSI area to be lost. This will mean that there is no opportunity for the natural colonisation of the new habitats by species (particularly invertebrates) from the Sizewell Marshes SSSI.</p> <p><b>c. Designated sites including County Wildlife Sites, Foxburrow Wood and veteran trees</b></p> <p><b>Sizewell Levels and Associated Areas CWS</b> – The ES identifies that the loss of part of the Sizewell Levels and Associated Areas CWS is a <i>Moderate Adverse, Significant</i> impact, however no specific compensation measures are proposed to address this (Applicant's Deadline 3 Submission [REP3-</p>
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	<p><a href="#">044</a>)). Whilst ESC acknowledges that habitat creation across the wider Sizewell Estate post-construction is proposed which will result in an increase in the amount of semi-natural habitats available in the area, this is not currently secured in the DCO through requirements or obligations across the whole estate. Therefore, there is a lack of certainty that this wider habitat creation can be adequately secured and delivered. We however note the Applicant's commitment at Deadline 3 <a href="#">[REP3-044]</a> to submit an Estate-wide Management Plan (EWMP), which we understand is intended for submission at Deadline 8, and will be able to comment further once this is available.</p> <p>In addition to securing the estate wide habitat creation, in terms of it mitigating the loss of the CWS, any habitat creation within the Temporary Construction Area is not going to be possible until the post construction period. There will therefore be a considerable time lag between habitat loss and replacement habitats becoming available.</p> <p><b>Suffolk Shingle Beaches CWS</b> – The ES identifies that the long-term presence of the station sea defences will result in a <i>Moderate Adverse, Significant</i> impact on the Suffolk Shingle Beaches CWS. To address this the soft coastal defence feature (SCDF) is intended to be created to replicate the habitat to be lost. Whilst the Applicant states that the SCDF can be revegetated to replace the CWS habitat lost during construction, we remain concerned about how achievable this is given the location of the coastal defence features, the amount of recharge which may be required and the nature of the SCDF material used which we now understand may be coarser than the substrate present in the CWS at the moment (and which may not allow existing vegetation communities to grow).</p> <p><b>Foxburrow Wood CWS</b> – ESC previously had concerns that the proximity of the proposed bypass cutting to the CWS will result in adverse impact on the wood through hydrological changes. At Deadline 6 the Applicant has provided further assessment of groundwater levels in relation to Foxburrow Wood (and Pond Wood and Nuttery Belt) which demonstrates that groundwater</p>
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	<p>levels in the area are considerably below the maximum depth of the proposed road cuttings in these locations. Based on this evidence it no longer appears likely that the construction of the Two Village Bypass will result in impacts on Foxburrow Wood CWS as a result of impacts on local groundwater (Applicant's Deadline 6 Submission [<a href="#">REP6-002</a>]).</p> <p><b>Veteran trees</b> – In relation to veteran trees on the Two Village Bypass route, whilst the Applicant has identified that some will be lost, final compensation proposals are yet to be identified. ESC understands that the Applicant will submit mitigation/compensation proposals to the examination at either Deadline 7 or Deadline 8. The Council will provide further comment on this matter at the appropriate Deadline following review of this information.</p> <p><b>Flood plain grazing</b> – While flood plain grazing is not a designated habitat, it is a priority habitat under the Natural Environment and Rural Communities Act 2006. The project will result in a quantitative loss of flood plain grazing and ESC considers that compensation should be provided for this loss through the Natural Environment Fund.</p> <p><b>d. Protected species including bats and progress with draft licence submissions to Natural England</b> – see also their response in their post ISH7 submission [<a href="#">REP5-160</a>]</p> <p><b>Bats (MDS and SLR)</b> – Following ISH7 ESC and the Applicant have engaged to try and resolve the significant concerns which the Council had over the impact of the proposed development on roosting, foraging and commuting bats, particularly at the Main Development Site (MDS) and the Sizewell Link Road (SLR). Whilst further information and commitments by the Applicant (including amendments to the TEMMP; lighting modelling and further assessment of the in-combination effects of the MDS and SLR) have addressed a number of these concerns, some still remain unresolved (D5 TEMMP update; D5 MDS/SLR info; lighting modelling). These are detailed below:</p>
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	<p><u>Loss of roosting habitat</u> – The approach to determining the impact of bat roost loss is based on consideration of the roost resource available in the area vs that which will be lost to construction (as set out in the submitted Updated Bat Impact Assessment [<a href="#">AS-208</a>] paragraphs 8.3.4 to 8.3.16 (these paragraphs describe the approach for barbastelle; however, it is understood it is the same for other bat IEFs). However, as previously raised (e.g. ESC Written Summary of Oral Case for ISH7 [<a href="#">REP5-145</a>]), no data on the wider roost resource availability on the Sizewell Estate and in the surrounding area has been provided. Whilst the Applicant has submitted a comparison of the areas of trees to be removed vs the areas on the wider estate to be retained, given the variability in the suitability of the trees/woodlands for roosting bats this does not allow for a comparison of roost resource loss against roost resource retention (ESC D6 Submission [<a href="#">REP6-032</a>]; ESC Written Summary of Oral Case for ISH7 [<a href="#">REP5-145</a>]).</p> <p>ESC does acknowledge that the Applicant will provide replacement roosting opportunities for all those removed (based on a ratio related to the number/type of roost features on each tree to be removed). However, details of the exact numbers, types and locations of these features have not yet been submitted to the examination (it is understood that they will be part of the draft Natural England bat licence submission). In the absence of these ESC consider that it remains to be demonstrated that adequate bat roosting mitigation will be delivered.</p> <p><u>Loss of foraging habitats</u> – ESC considers that seasonal importance of the habitats at Goose Hill has been underassessed, particularly for barbastelle and Natterer’s bats in the breeding season. The ES conclusion that the impact of the loss of this habitat will be Minor Adverse, Not Significant on all bat IEFs is therefore not adequately justified. It is noted that in their Deadline 3 submission [<a href="#">REP3-044</a>] the Applicant has committed to providing additional mitigation for foraging bats as part of an Estate-wide Management Plan (EWMP), however no further details on this have yet</p>
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	<p>been provided and therefore ESC is not able to make any further comment on the acceptability of this at this time. The Council understands that the Applicant intends to submit the EWMP at examination Deadline 8, and details of how the plan will be secured by the DCO remain outstanding.</p> <p><u>Habitat fragmentation</u> – The Applicant’s submission at Deadline 3 [<a href="#">REP3-044</a>] provides additional commentary on strategic mitigation measures to be employed during construction to address habitat fragmentation impacts, particularly the provision of three ‘dark corridors’ through the Temporary Construction Area (TCA). As set out in our Written Summary of Oral Case for ISH7 [<a href="#">REP5-145</a>], notwithstanding our concerns over the likely success of these routes due to construction impacts (particularly noise), the proposed corridors are not shown on the Construction Parameter Plans (most recently [<a href="#">REP2-008</a>]) submitted for approval and it is therefore unclear how provision of these is definitively secured in the DCO.</p> <p>With regard to earlier concerns about the in-combination fragmentation impacts of the MDS and SLR, the Applicant submitted further information on this at Deadline 5 [<a href="#">REP5-120</a> Appendix Q] which ESC responded to at Deadline 6 [<a href="#">REP6-032</a>]. Whilst we understand how the Applicant has assessed this impact in the ES, we remain concerned that the required bat road crossing mitigation measures (referred to as bat ‘hop-overs’) identified in the ES are not shown on the latest drawings for the road scheme (Plans for Approval [<a href="#">REP5-024</a>; <a href="#">REP5-025</a> and <a href="#">REP5-026</a>] and Plans Not for Approval [<a href="#">REP5-022</a> and <a href="#">REP5-023</a>]). We also remain concerned that these features may not be achievable on highways safety grounds.</p> <p><u>Construction noise disturbance</u> – Whilst modelling of construction noise impacts on bats has been submitted to the examination, ESC does not consider that the assessment presented in the</p>
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	<p>application has fully considered how construction noise will impact on retained and newly created habitat corridors which are to be put in place to address other identified impacts (e.g., habitat fragmentation). As currently presented ESC considers that bat IEFs could experience impacts above the Minor Adverse, Not Significant level set out in the ES due to the proposed mitigation routes being unavailable due to peak noise levels above the acceptable thresholds. ESC understands that the Applicant will provide updated information on this and a forthcoming Deadline, including an update of the CoCP to secure the required noise thresholds and avoidance and mitigation measures. The Council will comment further on this matter once this information is received.</p> <p>.</p> <p><u>Construction lighting disturbance</u> – Additional lighting modelling has been provided by the Applicant at Deadline 3 in the form of a Technical Note on Indicative Lighting Modelling [<a href="#">REP3-057</a>]. ESC has two main concerns over this additional information (detailed comments on the Technical Note are submitted in our Deadline 5 Submission [<a href="#">REP5-138</a>]).</p> <p>Firstly, whilst the Technical Note describes updated modelling and potential mitigation, this is not then secured by the DCO as Requirement 9 (Construction Lighting) secures measures in the Lighting Management Plan [<a href="#">APP-182</a>] which predates the Technical Note.</p> <p>Secondly, whilst the modelling in the Technical Note demonstrates that it is likely that an adequate dark corridor can potentially be maintained along Bridleway 19 (the western corridor), there will likely be light spill onto some of the boundary vegetation of the central corridor and onto the embankments and bridge entrances of the SSSI Crossing (eastern corridor). We therefore remain concerned that these corridors will not be as effective as required to maintain adequate connectivity for bats. The modelling also shows considerable light spill on to the</p>
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	<p>southern boundary of Ash Wood, potentially impacting on both its value for foraging and commuting bats, and bats roosts (particularly of barbastelle) which are present in the southern part of the wood. Whilst further discussion with the Applicant has indicated that lighting south of Ash Wood will be removed from the proposal, it does not appear that this has yet been updated in the examination documentation.</p> <p>The Council understands that the Applicant is intending to submit an updated Lighting Management Plan addressing these issues at the next Deadline. We will provide further comments on this when the document is available.</p> <p><u>Residual adverse impacts</u> – The ES predicts a residual Moderate Adverse, Significant impact on barbastelle bats as a result of habitat fragmentation. No attempt has been made to identify additional mitigation or compensation measures which may help reduce this, nor has any assessment been presented for of what this impact actually means for the barbastelle population at the site. Given the importance of this population East Suffolk Council do not consider that this is an acceptable conclusion.</p> <p>Additional compensation to help address this outstanding Significant impact could be provided via the proposed Natural Environment Fund in the Deed of Obligation, subject to adjustment of the criteria for the fund to include delivery of ecological as well as landscape compensation measures.</p> <p><u>Construction and Operational phase monitoring</u> – Updated bat monitoring measures were included in the revised TEMMP submitted at Deadline 5 [<a href="#">REP5-088</a>]. ESC welcomes the amendments made and provided further comments in our Deadline 6 submission [<a href="#">REP6-032</a>].</p>
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	<p>Subject to these matters identified in our Deadline 6 submission being resolved we consider that an acceptable bat monitoring strategy can be secured.</p> <p><b>Natterjack Toad (Main Development Site)</b> – ESC notes that updated mitigation proposals for Natterjack toad were submitted by the Applicant at Deadline 5 in the draft protected species licence Method Statement <a href="#">[REP5-053]</a>. As this matter is covered by a protected species licence, we defer comment on the mitigation details to Natural England. We also note and support the comments made by the RSPB and Suffolk Wildlife Trust in this matter in their Deadline 6 submission <a href="#">[REP6-045]</a>. (Applicant’s Natterjack Toad Mitigation Licence Method Statement <a href="#">[REP5-053]</a>; RSPB and SWT Deadline 6 Submission <a href="#">[REP6-045]</a>).</p> <p><b>Other Protected Species (MDS):</b></p> <p>Otter – It must be ensured that pre-construction surveys, the requirement for these is included in the TEMMP, secured by Requirement 4. Detailed design of new Lovers Lane mammal culvert is required prior to the conclusion of the examination.</p> <p>Water Vole – It must be ensured that pre-commencement surveys are undertaken to determine the final mitigation techniques required (trapping vs displacement), this requirement is included as part of the draft Water Vole licence method statement <a href="#">[REP5-055]</a>. Detailed design of new Lovers Lane mammal culvert is required prior to the conclusion of the examination.</p>
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	<p>Reptiles – Pre-construction surveys are required to inform population sizes and demonstrate that sufficient receptor habitat is available prior to translocation commencing. It is noted that the Applicant intends to submit an updated Reptile Mitigation Strategy (understood to be intended for Deadline 7) and ESC will provide further comments on this at the appropriate deadline.</p> <p><b>Residual Impacts</b> – ESC considers that, as currently presented and assessed by the Applicant, the proposed development will result in residual ecological impacts. Many of these residual impacts may not be significant on their own (i.e., assessed as <i>Minor Adverse, Not Significant</i> in the ES), however, cumulatively they do represent a considerable erosion of the biodiversity of east Suffolk.</p> <p>Whilst it may not be possible for the project to deliver specific mitigation measures to address all of these, given the intrinsic link between landscape and ecology, ESC consider that the Natural Environment Fund could encompass an ecological element to compliment the landscape mitigation funding.</p> <p><b>e. District licensing – changes and effects</b></p> <p>ESC clarified the status of district licensing in the absence of Natural England at the hearing – it relates only to mitigation for Great Crested Newts and allows developers (including in respect of NSIPs) to contribute to the creation of ponds appropriate for Great Crested Newts, rather than applying for individual licences.</p> <p><b>f. SSSI crossing (including landscape and visual aspects)</b></p> <p>(f) ESC has reviewed and noted the revised design for the SSSI crossing [<a href="#">REP5-010</a>]. In respect of landscape related issues only, the revised designs are considered acceptable subject to</p>
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	<p>submission of planting details for the embankments which can be dealt with at discharge of requirements stage. Previously submitted indicative landscape strategy plan for the embankments has been agreed as acceptable.</p> <p>In relation to ecology related issues, for the construction phase whilst the increase in the height between the base of the bridge deck and the ground to between approximately 6.1m and 6.8m is welcomed, it is noted that the design of the crossing includes a drainage pipe on the eastern side which lowers the crossing height in this area to approximately 5m. This is below the minimum height of 6m that it is understood that the Environment Agency have requested in order to prevent the crossing structure resulting in significant fragmentation effects (particularly on invertebrates), and it is therefore a concern that the proposed crossing structure will result in an increased impact over other designs which are available.</p> <p>For the operational phase, the reduction of the operational width of the bridge section of the crossing to 15m is noted and welcomed. The increase in the height between the base of the bridge deck and the ground to a minimum of 6m (and up to 6.8m in some areas) is also welcomed.</p> <p><b>g. Biodiversity net gain – the effect of the new metric and assessment of SSSIs</b></p> <p>No comment – this is a matter for the Applicant and Natural England</p>
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<p><b>5. HRA issues</b></p> <p>a. The Applicant's HRA screening assessment – to seek clarification on specific European sites and qualifying features, with views also sought from Natural England and IPs to understand any outstanding differences between the Applicant and Natural England/IPs with regards to the conclusions of no likely significant effects</p> <p>b. Summary or list of those European sites and qualifying features that Natural England do not currently agree with the Applicant's conclusion of no adverse effects on integrity</p> <p>c. HRA and recreational pressure on European sites - to understand the position of the Applicant and IPs, including Natural England, with regards to the proposed mitigation to avoid adverse effects on the integrity of European sites arising from recreational pressure, including progress on the two Management and Monitoring Plans and the securing of such measures</p>	<p><b>A. The Applicant's HRA screening assessment – to seek clarification on specific European sites and qualifying features, with views also sought from Natural England and IPs to understand any outstanding differences between the Applicant and Natural England/IPs with regards to the conclusions of no likely significant effects</b></p> <p>With regard to consideration of increased recreational disturbance pressure at nearby European designated sites, as a result of construction work displacing existing users of the Sizewell Estate and Sizewell beach areas, and as a result of temporary increase in population as a result of construction, ESC considers that the magnitude of this impact needs to be fully assessed in the Habitats Regulations Assessment (HRA) and appropriate levels of mitigation secured. This includes that proposed by the Applicant through the Monitoring and Mitigation Plan for Minsmere-Walberswick European Sites and Sandlings (North), the Monitoring and Mitigation Plan for the Sandlings (Central) and Alde, Ore and Butley Estuaries European Sites, physical measures on the wider Sizewell Estate and the contribution to the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) (ESC Written Summary of Oral Case for ISH7 <a href="#">[REP5-145]</a>).</p> <p>With regard to the Suffolk Coast RAMS, ESC does consider that it is relevant to this proposal, contrary to the assertion made in the Shadow HRA (<a href="#">[APP-145]</a> paragraph 7.7.94). The RAMS deals with in-combination effects arising from all new residential development within the identified Zone of Impact through the provision of strategic mitigation measures. In acknowledgement of the temporary nature of the residential element of this project ESC has prepared a bespoke calculation for the RAMS financial contribution, this is set out in Annex I of the LIR <a href="#">[REP1-045]</a>. ESC welcomes the Applicant's commitment to providing this contribution.</p>
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<p>d. Outer Thames Estuary SPA and red throated divers – to explore the assumptions made by the Applicant in their assessment and the Outline Vessel Management Plan with regards to the timings of vessel movements and how timing restrictions are secured. To seek comments from Natural England, the MMO, RSPB/SWT and IPs on the Outline Vessel Management Plan</p> <p>e. HRA and marine mammals:</p> <p>i. Mitigation - to explore whether the draft Marine Mammal Monitoring Plan (MMMP) should be a certified document that the final MMMP should be based upon and therefore referred to in Condition 40 of the DML and certified. To seek the views of NE and</p>	<p><b>B. Summary or list of those European sites and qualifying features that Natural England do not currently agree with the Applicant’s conclusion of no adverse effects on integrity</b></p> <p>No ESC comment – this is a matter for Natural England</p> <hr/> <p><b>C. HRA and recreational pressure on European sites - to understand the position of the Applicant and IPs, including Natural England, with regards to the proposed mitigation to avoid adverse effects on the integrity of European sites arising from recreational pressure, including progress on the two Management and Monitoring Plans and the securing of such measures</b></p> <p>ESC supports the principle of the two Mitigation and Monitoring Plans which are proposed. With regard to the detail of these plans, as set out in our comments at Deadline 6 [<a href="#">REP6-032</a>] we defer to Natural England and the relevant land managers in relation to the specific measures to be delivered.</p> <p>See also the answer to part (a) above in relation to the Suffolk Coast RAMS.</p>
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<p>MMO on the contents of the draft MMMP and the Applicant's 'Underwater noise effect assessment for the Sizewell C revised marine freight options' submitted at Deadline 5</p> <p>ii. Seals – to obtain an update on the discussions between the MMO, Natural England and the Applicant with regards to mitigation proposed for seals; for which European Sites is this relevant?</p> <p>iii. Noise, light and visual disturbance - To understand NE's view with regards to the information requested in respect of</p>	<p><b>d. Outer Thames Estuary SPA and red throated divers – to explore the assumptions made by the Applicant in their assessment and the Outline Vessel Management Plan with regards to the timings of vessel movements and how timing restrictions are secured. To seek comments from Natural England, the MMO, RSPB/SWT and IPs on the Outline Vessel Management Plan</b></p> <p>No ESC comment – this is an offshore matter for Natural England and the RSPB.</p>
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<p>noise, light and visual disturbance of grey seals, harbour porpoise and common seal of the Humber Estuary SAC, Southern North Sea SAC and The Wash and North Norfolk Coast SAC utilising the MDS as functionally linked land</p> <p>iv. Southern North Sea SAC – to seek the views of NE further to the Applicant’s updated assessment of prey species impingement [AS-173], [AS-238] [REP6-016]</p> <p>v. Draft Site Integrity Plan (SIP) – to seek the views of NE, MMO and IPs on the draft SIP and to explore how secured and whether this should be certified document</p> <p>f. Marsh harrier compensatory measures – to explore the proposed compensatory measures, including the additional habitat proposed at Westleton and how these are secured through the DCO with reference to the certification of documents, and to explore Natural England’s reasons leading to Westleton being proposed</p>	<p><b>e. HRA and marine mammals:</b></p> <p>No ESC comment – this is an offshore matter for Natural England and the MMO.</p> <hr/> <p><b>f. Marsh harrier compensatory measures – to explore the proposed compensatory measures, including the additional habitat proposed at Westleton and how these are secured through the DCO with reference to the certification of documents, and to explore Natural England’s reasons leading to Westleton being proposed</b></p> <p>No ESC comment, this matter is deferred to Natural England.</p> <hr/> <p><b>g. HRA and Migratory Fish</b></p> <p>No ESC comment – this is an offshore matter for Natural England and the Environment Agency.</p>
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<p>g. HRA and migratory fish2 :</p> <p>i. Prey species – to seek clarification regarding the relationship between the fish entrapment calculations and indirect impacts of prey availability to SPA and SAC qualifying features; to explore which European sites and qualifying features this applies</p> <p>ii. Equivalent Adult Values (EAV) and stock size – to seek views on the Applicant’s Technical Note on EAV and stock size (Appendix F of [REP6-024]); and to explore the EA’s response at Deadline 5 [REP5-150] with regards to an updated impingement assessment to include repeat spawning in the EAV calculations</p> <p>iii. Entrapment uncertainty report – to seek the views of the EA and NE on the Applicant’s report entitled ‘Quantifying uncertainty in entrapment predictions for Sizewell C’ [REP6-028] and in particular on whether without the LVSE heads effects are below thresholds which would trigger further</p>	
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<p>investigation for potential population level effects.</p>	
<p><b>6. Timescale for the submission of further documents and the use of the Examination Library</b></p> <p>a. What further documents (not revisions) are envisaged? b. What further revisions are envisaged? c. When will they be submitted? d. The importance of using Examination Library references</p>	<p><b>a. What further documents (not revisions) are envisaged?</b></p> <p>From the information submitted to the examination to date ESC expects the Applicant to submit the following documents:</p> <ul style="list-style-type: none"> <li>• Estate-wide Management Plan (EWMP);</li> <li>• Protected species licence Method Statement for bats;</li> <li>• Details on compensation measures for veteran trees on the Two Village Bypass route;</li> </ul>
	<p><b>b. What further revisions are envisaged?</b></p> <p>From the information submitted to the examination to date ESC expects the Applicant to submit the following documents:</p> <ul style="list-style-type: none"> <li>• Updated TEMMP;</li> <li>• Updated Reptile Mitigation Strategy;</li> <li>• Updated CoCP</li> <li>• Updated Lighting Management Plan;</li> <li>• Deed of Obligation – including in relation to the Natural Environment Fund</li> </ul>

	<b>c. When will they be submitted?</b> No comment.
	<b>d. The importance of using Examination Library references</b> No comment.
<b>7. Close of hearing</b>	