

The Sizewell C Project, Ref. EN010012

**Issue Specific Hearing 10 (27 August 2021) –
(ISH8) Biodiversity and Ecology Post Hearing
Submissions including written summary of
Suffolk County Council’s Oral Case**

Suffolk County Council Registration ID Number: 20026012

**Deadline 7
2021**

3 September

Issue Specific Hearing 10 (27 August 2021) - (ISH10) Biodiversity and Ecology

Post Hearing Submissions including written summary of Suffolk County Council's Oral Case

Note: These Post Hearing Submissions include a written summary of the Oral Case presented by Suffolk County Council (SCC). They also include SCC's submissions on all relevant Agenda Items, not all of which were rehearsed orally at the ISH due to the need to keep oral presentations succinct. The structure of the Submissions follows the order of the Agenda Items but within each Agenda Item, the Submissions begin by identifying the main points of concern to SCC and then turn to more detailed matters.

Examining Authority's Agenda Item / Question	Suffolk County Council's Response	References
Agenda Item 1 – Welcome, introductions and arrangements for these Issue Specific Hearings		
Agenda Item 2 - Ecology – general and policy		
<p>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>(i) No comment</p> <p>(ii) SCC notes the emphasis in EN1 5.3.13 on the need for due consideration to be given to local wildlife sites and we would reflect that the importance of such sites has become even more critical since, in their actual and potential contribution to enabling greater ecological connectivity and developing nature recovery networks, as now reflected in NPPF policy and government's Environment Bill.</p>	<p>REP5-172</p>

<p>(iii) para 5.3.14 and deterioration in relation to Foxburrow Wood;</p> <p>(iv) para 5.3.5 and beneficial biodiversity; para 5.3.18 and opportunities for enhancement of habitats where practicable.</p>	<p>REP5-172 refers to SCC's remaining concern re ability to successfully reinstate Suffolk Shingle Beaches CWS. We await further information from the applicant in respect of their proposed recharge strategy for the soft sea defence feature.</p> <p>(iii) SCC notes the Applicant's report of groundwater investigations in this area in REP6-002. We have no further comment on this issue at this stage.</p> <p>(iv) EN1 5.3.18 refers to requirement for appropriate mitigation and opportunities to create new habitat. Specifically in reference to the first bullet 'that during construction, [the Applicant] should seek to ensure that activities will be confined to the minimum areas required for the works' we refer to our position in respect of the Applicant's proposal for the SSSI crossing to access the main platform area, which we don't consider fulfils this – see comments at Agenda item 4</p> <p>In respect of the fourth bullet 'opportunities will be taken to enhance existing habitats and, where practicable, to create new habitats of value within the site landscaping proposals' we acknowledge that the applicant's proposals for the restoration of the construction area will achieve this, and we look forward to seeing the detail of their proposals in an estate-wide management plan. We also acknowledge other proposed enhancements but note that it will take some considerable time for the value of these to be fully realised.</p>	<p>REP6-002</p>
<p>To understand and explore compliance (or otherwise) with EN-6 Part II Annex A paras Sizewell C.8.59,</p>	<p>C.8.63 refers to the Appraisal finding 'that there is potential for habitat creation within the wider area in order to replace lost 'wet meadows' habitats of the Sizewell Marshes SSSI, but also</p>	

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	finds that it may not be possible to fully compensate for losses of this habitat.' SCC notes that this is borne out by the challenges identified in creating compensatory fen meadow habitat but that the applicant has been able to create other compensatory habitat at Aldhurst Farm.	
To be clear where the matters in a and b are addressed, brought together and discussed in the Application documentation	No comment	
Agenda Item 3 – Marine ecology		
Sabellaria spinulosa, in general and progress with a Sabellaria mitigation and monitoring plan which is awaited from the Applicant - see also Natural 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)	No comment	
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	No comment	
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	No comment	

	Otherwise, our position remains as per our oral evidence to ISH7 as confirmed in our written summary at REP5-178	
Wet woodland	SCC defers to Natural England on adequacy and risks of the applicant's proposed approach to delivering compensatory habitat across several locations and the most localised to where it is lost not until after construction, hence there will be a considerable gap in its availability to those species dependent on it.	
Designated sites including County Wildlife Sites, Foxburrow Wood and veteran trees	<p>Foxburrow Wood - SCC notes the submitted draft plans for the section of the proposed Two-village bypass through a cutting to the west of Foxburrow Wood appears to retain a minimum buffer of 15 metres between the top of the cutting and the edge of Foxburrow Wood and the Applicants report of groundwater investigations in this area in REP6-002. SCC has no further comment on this issue at this stage.</p> <p>REP5-172 Suffolk Shingle Beaches CWS – our concern remains as to whether the materials used for these defence works will be suitable for the communities present in the Suffolk Shingle Beaches CWS. In particular, large cobbles had been proposed instead of shingle and it is not clear from details seen so far that it will be possible to successfully reinstate habitats. However, SCC welcomes the indication provided by the applicant at the hearing that smaller grade materials would be used and the recharge arrangements would be undertaken from the sea-ward side and would be infrequent. SCC looks forward to seeing the details of these matters in the applicant's post hearing submissions. It is also not clear from currently available information what mitigation or compensation will be available in the case of failure to reinstate the CWS. It is anticipated that further details concerning the coastal defence works will be provided by the Applicant at deadline 7,</p>	REP06-002

	<p>to which we will respond in due course which we would envisage to be possible at deadline 8.</p> <p>Veteran Trees – we have no specific comment on this matter</p>	
Protected species including bats and progress with draft licence submissions to Natural England – see also their response in their postISH7 submission [REP5-160]	<p>SCC notes that there have been further useful discussions with the applicant in respect of the issues the local authorities have consistently highlighted in respect of the need for further mitigation of the impacts on bats during the construction phase of the proposed development. We await further detail at subsequent deadlines from the applicant in respect of these.</p>	
District licensing – changes and effects	<p>No comment</p>	
SSSI crossing (including landscape and visual aspects)	<p>SCC notes the clarification provided by the applicant in REP6-002 Appendix F on the calculation of permanent land-take arising from the applicant's proposed SSSI crossing design compared with the alternative three-span bridge option favoured by the council. We note that this is 0.02 hectares. Whilst this may be considered a marginal difference on the face of it, SCC is cognisant of the policy context EN-1 5.3.18 [to confine works to the minimum areas required] and of the national importance of the habitat that will be lost, as conferred by the SSSI designation.</p> <p>SCC also notes the latest detailed drawings of the proposed SSSI crossing submitted by the applicant at REP5-010. We acknowledge that raising the soffit height to 6.8m above the Leiston Beck is a positive change for the operational phase of the crossing design, as is the reduction of width to 15m. However, we also note that the construction phase design shows a drainage pipe under the crossing sited at 5m above the Leiston Beck. We support the Environment Agency's concern regarding the impact of this drainage pipe on the overall clearance above the water during the construction phase and consequential impacts on invertebrates. In terms of the construction phase, we remain of the view that the</p>	<p>REP6-002</p> <p>REP5-010</p>

	<p>applicants proposed design, requiring a 40-metre width for the duration of the construction period, will have a more significant impact on the ecology due to reduced connectivity than the three-span bridge.</p> <p>We understand the applicant will be submitting further revisions to their proposed design at Deadline 7.</p>	
Biodiversity net gain – the effect of the new metric and assessment of SSSIs	No comment	
Agenda Item 5 – HRA issues		
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	No comment	
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	No comment	
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	No comment	

Monitoring Plans and the securing of such measures		
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	No comment	
<p>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 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>	No comment	

<p>iii. Noise, light and visual disturbance - To understand NE's view with regards to the information requested in respect of 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>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>	No comment	
<p>HRA and migratory fish: i. Prey species – to seek clarification regarding the relationship between the fish entrapment calculations and</p>	No comment	

<p>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 investigation for potential population level effects.</p>		
<p>Agenda Item 6 – Timescale for the submission of further documents and the use of the Examination Library</p>		
<p>What further documents (not revisions) are envisaged?</p>	<p>No comment</p>	
<p>What further revisions are envisaged?</p>		
<p>When will they be submitted?</p>		
<p>The importance of using Examination Library references</p>		