

ExQ2: 03 August 2021

Responses due by Deadline 7: 03 September 2021

ExQ2	Question to:	Question:
Bio.2 Biodiversity and ecology, terrestrial and marine		
Part 1 – Matters to be dealt with in writing following ISH7 – wet woodland		
Bio.2.0	<p>The Applicant</p> <hr/> <p>SZC Co. Response at Deadline 7</p>	<p>Wet Woodland. Please will the Applicant set out briefly what wet woodland compensation it proposes and its location, especially where combined with Fen Meadow compensation</p> <p>The approach to wet woodland is defined in the Wet Woodland Strategy [REP1-020] provided at Deadline 1. In summary the approach is to provide a total of 3.06ha of compensatory woodland habitats to replace the 3.06ha of wet woodland habitats which will be lost from the Sizewell Marshes SSSI to the footprint of the power station platform and the SSSI Crossing. In addition, the strategy defines wet woodland enhancements which will be delivered in the retained areas of wet woodland on the Sizewell Marshes SSSI, in agreement with Natural England.</p> <p>The strategy proposes delivering 0.7ha of wet woodland in a new wetland corridor south of the main area of wetlands within the marsh harrier habitat improvement area, east of Upper Abbey Farm (see map provided at [AS-190]). This can be created without adversely impacting the value of the habitats during the 10-12 year period this area is required for foraging marsh harriers, as explained at paragraph 2.1.5 of Appendix B of SZC Co.'s Written Submissions arising from Issue Specific Hearing 7 [REP6-002].</p> <p>The strategy proposes delivering the remaining 2.36ha of wet woodland at two of the fen meadow habitat compensation sites, namely at Benhall and Pakenham. At both locations there are existing wet woodlands adjacent to the sites which indicate that given the creation of suitable ground conditions, involving excavation to groundwater level, wet woodland would become established. The principle of colocation of wet woodland and fen meadow is important to invertebrates and replicates the conditions at Sizewell Marshes SSSI.</p> <p>The locations of the proposed compensatory wet woodlands at Benhall (0.6 ha) and Pakenham (1.76 ha) are defined on Figure 2.1 and Figure 4.1 respectively, which have</p>

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		been recently included within the Fen Meadow Plan draft 1 [REP6-026], submitted to Examination at Deadline 6.
Bio.2.1	Natural England, ESC, SCC	Please will Natural England, ESC and SCC set out their views on (a) the need and reasons for wet woodland compensation and (b) any concerns they have over establishing wet woodland
	SZC Co. Response at Deadline 7	No response from SZC Co. is required.
Bio.2.2	Applicant, Natural England, RSPB/SWT	In relation to both fen meadow and wet woodland why should clearance (and therefore effects) be permitted before the fully functioning establishment of the compensation? The ExA notes this issue is raised by both Natural England and the RSPB/SWT.
	SZC Co. Response at Deadline 7	<p>As both fen meadow and wet woodland take a long time to achieve fully functioning establishment, and particularly to what might be regarded as SSSI quality, it would have been impossible to create these habitats to this standard in advance. This is not an unusual position for infrastructure projects for which, for example, woodland loss is unavoidable. Indeed where grassland translocation from protected sites has been undertaken, this depends on the movement of the turfs from that part of the protected site to the receptor site and clearly the later cannot happen in advance of the former. An approach, using some fen meadow turf transfer, is included in the Fen Meadow Strategy [AS-209] and this could not occur prior to the removal of that vegetation from the Sizewell Marshes SSSI.</p> <p>As explained at ISH7 (within Written Submissions arising from Issue Specific Hearing 7 [REP5-112]) and elsewhere in writing (Fen Meadow Compensation Study 2018 Phase 1 Report [REP4-007] and Volume 2, Appendix 14C4 Fen Meadow Compensation Study within the ES [APP-258]), potential sites for fen meadow compensation (and by extension wet woodland to be collocated with them) are extremely limited, given the criteria which define the suitability of sites, which include river valley locations, with upwelling groundwater, near surface undamaged peat (or gley) soils and nearby fen meadow or similar habitats. This means that SZC Co. is potentially dependent upon the powers within any order that may be granted to acquire such sites, or at least</p>

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		<p>for the examination context to create the conditions for dialogue with landowners at these sites, with an aspiration to avoid a compulsory acquisition approach.</p> <p>Given the strategies and plans in place, the governance and monitoring therein, secured by requirement, the Secretary of State can be confident that these habitats will be fully established in accordance with the programmes defined in the Plans and Strategies, albeit not in advance of the need to commence habitat clearance from the Sizewell Marshes SSSI. As stated above, this is not an unusual position for major infrastructure projects.</p> <p>Delaying site clearance until new habitats are fully established would result in a delay of many years. The Fen Meadow Strategy [AS-209] anticipates that full establishment may not be apparent for up to 10 years. There is no half-way house available here either – until full establishment is apparent, the success of the strategy is not known and secured. This means either that Sizewell C is allowed to proceed in accord with the Implementation Plan [REP2-044] or it is delayed for many years. Such a delay would be disproportionate given the detailed work that has been undertaken to establish the likely success of the Fen Meadow Strategy (and the availability of a contingency). It would also frustrate the satisfaction of nationally important objectives to meet the urgent need for large scale new nuclear power generation set out in government policy and explained, for example in the Planning Statement Update [REP2-043]. It is relevant in this context that the Government was fully aware of the implications of the development of Sizewell C for the Sizewell Marshes SSSI at the time the NPS was designated (see for example, paragraph C.8.63 of Annex C to NPS EN-6). However, the NPS does not contain policies requiring habitat replacement and establishment prior to the commencement of construction. In fact, the NPS urges the development of Sizewell C (and other sites) as soon as possible and encourages their deployment before 2025.</p>
Part 2 – Matters to be dealt with in writing following ISH7 – protected species		
Bio.2.3	Natural England	Has Natural England now received all the licence applications needed to advise the SofS? According to the SoCG [REP2-071] issue 2 it was awaiting drafts in May.

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	SZC Co. Response at Deadline 7	No response from SZC Co. is required.
Bio.2.4	Applicant	Please will the Applicant summarise the outcome of the bat stakeholder workshop held on 3 June?
	SZC Co. Response at Deadline 7	<p>The bat workshop held on the 3 June 2021 was attended by SZC Co. and its consultants, Suffolk Wildlife Trust (SWT), East Suffolk Council (ESC), Suffolk County Council, Royal Society for the Protection of Birds (RSPB) and Natural England. The focus of the workshop was to address a series of points raised by SWT, ESC and RSPN in advance of the workshop, which included:</p> <ul style="list-style-type: none">• Data adequacy• Data analysis• Future Monitoring• Noise effects• Lighting effects• Mitigation Measures• In-combination effects <p>Additional meetings were held on the 4 and 24 August 2021 between SZC Co., ESC and SCC. The purpose of the meetings was to review outstanding issues and matters raised by the Councils in their Deadline 5 response [REP5-138]. Comments have been included within the subsection below as relevant.</p> <p><u>Data Adequacy</u></p> <p>SZC Co. clarified the methodology proposed for static monitoring and discussed the proposed 2021 survey locations. Stakeholders were in agreement that the locations and methodology were suitable. SZC Co. also confirmed that surveys of the SSSI triangle and Goose Hill area were being undertaken in August 2021, but previous efforts had been unsuccessful due to unsafe conditions and ground tree inspections surveys are planned for</p>

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		<p>late August 2021. It was explained by SZC Co. that many of the trees around the Leiston Drain are now to be retained, as confirmed in the revised Main Development Site Landscape Plans for Approval (Doc Ref. 2.5(B)) submitted to the Examination and summarised in writing in the Written Response to matters arising at ISH7 [REP6-002].</p> <p>SZC Co. confirmed that further research would be undertaken into the likely location of pregnant females in relation to Goose Hill as part of the proposed radio-tracking surveys. Radio-tracking surveys of barbastelles are now committed and secured in the TEMMP [REP5-088].</p> <p><u>Data Analysis</u></p> <p>SZC Co. confirmed that the updated bat impact assessment [AS-208] replaces the assessment presented within Volume 2, Chapter 14 of the Environmental Statement (Section 14.13 only) [AS-033].</p> <p>A discussion was held on the methodology used for data analysis (percentage as a metric) and SWT were understood to be happy with the clarification provided.</p> <p><u>Future Monitoring</u></p> <p>SZC Co. confirmed that the Terrestrial Ecology Monitoring and Mitigation Plan (TEMMP) [REP5-088] includes all proposed monitoring and has been updated to reflect previous commentary (see also above). In addition, in response to SWT, SZC Co. explained that the compensation and adequacy of mitigation proposals for impacts on Barbastelle are appropriate and are reflective of the scale of the potential impacts. The position in relation to future monitoring is thought to be an agreed matter between SZC Co., ESC and SCC.</p> <p><u>Noise</u></p>

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		<p>SZC Co. provided clarity on the proposed approach to noise monitoring during construction as defined in the TEMMP [REP5-088] and stakeholders were understood to be happy with the clarification provided.</p> <p>The discussion also included reference to the use of noise frequencies and thresholds used within the ES [AS-033] and updated bat impact assessment within the First ES Addendum (Appendix 2.9.B) [AS-208]. SZC Co. reiterated the position set out within the Examining Authority's First Written Questions (ExQ1) responses provided to Bio.1.115 and Bio.1.116 [REP5-128] starting on e-page 71. SZC Co. explained on 3 June that there is a typographical error in the Updated Bat Impact Assessment where 8khz is stated as opposed to 22 khz (paragraph 8.2.60) and stakeholders were understood to be happy with the clarification provided.</p> <p>ESC raised concerns over predicted noise levels within the retained dark corridors. The noise model outputs are not deigned to define '<i>intra-site</i>' noise levels and did not consider the locations of the dark corridors or what will be effectively '<i>low noise areas</i>', such as the water management zones. SZC Co. explained that the noise contours therefore represent a very pessimistic outlook for noise, particularly '<i>within</i>' the site and do not represent a day-to-day reality as the noise emitters in the construction area are mobile plant, and the contours show the maximum noise at each location. It is believed that these points were understood by the stakeholders, whilst they may still have remained concerned over noise impacts. However, a management approach is agreed in principle to be the most effective method to manage/avoid noise impacts on sensitive bat areas. The approach will be outlined in a future update to the Code of Construction Practice (CoCP) (Doc Ref. 8.11(D)). SZC Co. noted an action to consider the requirement for additional localised noise mitigation, where this might be required, in proximity to the retained dark corridors and include this in the final version of Part B of the CoCP (Doc Ref. 8.11(D)).</p> <p><u>Lighting</u></p> <p>A discussion was held on dark corridors which included a discussion on lighting contour plots which were being undertaken at that time to demonstrate that dark corridors for</p>

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		<p>bats could be retained. SZC Co. agreed to provide the plots for comment after the meeting and these were then submitted into examination in the Technical Note on Indicative Lighting Modelling [REP3-057]. Comments have subsequently been provided by stakeholders in various Deadline 5 submissions (ESC [REP5-138] and RSPB/SWT in Section 6 of [REP5-165]). SZC Co.'s current position which was subsequently discussed again with ESC and SCC on the 4 August, where SZC Co. explained that the lighting modelling, for example at Ash Wood, did not account for the 5m hoarded fencing and was therefore was pessimistic. This is believed to have been accepted by ESC. It was also agreed at the meeting on 4th August that SZC Co. would prepare and submit a 'dark corridors plan' to examination at Deadline 7 which will be secured through the Lighting Management Plan (Doc Ref. 6.3 2B(A)).</p> <p><u>Mitigation</u></p> <p>The provision of mobile task lighting was discussed. SZC Co. explained that mobile task lighting cannot be accounted for in the lighting plots [REP3-057] but, to ensure that such lighting does adversely impact on dark corridors or low light areas, that some form of supervisory control over such lighting could be included in the role of the Ecological Clerk of Works (ECoW) and included in Part B of the CoCP (Doc Ref. 8.11(D)).</p> <p>A discussion was held on hibernation and the proposals for the bat barn. SZC Co. explained that the bat barn proposals included to date follow the specifications sent through by Natural England. Stakeholders considered that brick facias should be included from the floor to ground level and SZC Co. took an action to consider the potential to include these within the proposals with Natural England as the proposals are taken forward. The final details of the bat barn will be included within the Draft Bat Licence application.</p> <p><u>In-combination effects</u></p> <p>SZC Co. agreed to prepare two notes to provide clarity on the following potential in-combination effects on bats:</p>

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		<ul style="list-style-type: none"> • The combined effect of lighting and noise. This note was then submitted to examination at Deadline 6 (see Appendix B of SZC Co.'s Comments at Deadline 6 on Submission from Earlier Submissions and Subsequent Written Submissions to ISH1-ISH6 [REP6-024] on e-page 34). • The potential combined impacts of the main development site and Sizewell link road on the bat population. This note was then submitted at Deadline 5 (see Appendix Q of SZC Co.'s Comments on Submission from Earlier Deadlines (Deadlines 2-4) [REP5-120] on e-page 1392). This was subsequently discussed on the 4 August with ESC/SCC where SZC Co. provided further justification to clarify that a further assessment of this potential impact is not required.
Bio.2.5	ESC	Please will ESC explain its concern about roost loss and comparison with the total roost resource on the wider Sizewell Estate – see para 8.5.2 of the LIR [REP1-045]
	SZC Co. Response at Deadline 7	<p>This question is directed to ESC and so no response is required from SZC Co. However, given that this issue was discussed with ESC in detail on 4 August 2021, it may be helpful to provide a summary as follows.</p> <p>At this meeting SZC Co. explained that the survey effort to identify roosts outside the areas of trees to be removed was lower than within areas where trees were to be felled. However, this is not a constraint to the veracity of the assessment, given that roost resources are the key issue – not '<i>confirmed roosts</i>'. Roost resources depend on the extent of woodland and the types of trees present. The fact that Kenton Hills and other retained areas of woodland in the EDF Energy estate contain large number of trees, means that a large roost resource will be retained, even though the individual roosts have not all been identified.</p> <p>SZC Co. explained further how the radio tracking, backtracking and statics survey work had demonstrated that Goose Hill plantation was of limited value for roosting, and that Kenton Hills was of higher value.</p>

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		<p>SZC Co. explained further that the mitigation for roost loss does not rely on utilising existing roosting features within retained areas. The mitigation for roost loss would be based on replacing features to be lost (i.e. maintaining the roost resource where potential roost features are lost by tree felling).</p> <p>It is understood that ESC accepted the above explanations in relation to roosts resource and roost loss.</p>
Bio.2.6	Applicant, Natural England, ESC	The attention of the Applicant, Natural England and ESC is drawn to the ExA's comments in the commentary on the DCO (issued on the same day as ExQs2) to its observations on the drafting of the Bat Mitigation Strategy [APP-252]
	SZC Co. Response at Deadline 7	The applicant has prepared Response to ExA's Commentary on the draft DCO and other Documents (Doc Ref. 9.71) to respond to the points raised in Appendix A of the ExA's comments in the commentary on the DCO [PD-038] in relation to "The Bat Mitigation Strategy – [APP-252] A sample route to find mitigation and how it is enforced."
Bio.2.7	Applicant, ESC	In relation to bat roosts at Goose Hill, there is a dispute between the Applicant and ESC; ESC maintains that the ES and the Updated Bat Impact Assessment [AS-208] contradict each other (see LIR para 8.53). There is considerable detail about tree counts. What progress is there on resolving this?
	SZC Co. Response at Deadline 7	Please see response provided at Bio. 2.5 . In addition, the applicant has prepared an update response to the concerns raised by ESC. This is presented in Appendix E of SZC Co's Response to earlier submissions (Doc Ref. 9.73) submitted at Deadline 7.
Part 3 - Matters to be dealt with in writing following ISH7 – Designated sites		
Bio.2.8	The Applicant, FERN	Please clarify the meaning of EN-1 para 5.3.14. It says "aged or "veteran" trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided". Are there two categories here, aged trees and veteran trees, or is veteran an alternative description for aged trees? If there are two categories, have all the relevant trees in both categories been identified in the application material?

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	SZC Co. Response at Deadline 7	<p>The NPPF defines ancient and veteran trees as: <i>"A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage".</i></p> <p>The Woodland Trust, classifies trees into the following three categories, all of which are included on the Ancient Tree Inventory:</p> <ul style="list-style-type: none">• Ancient tree; in the third or final stage of its life, old relative to others of the same species and interesting biologically, aesthetically or culturally because of its great age.• Veteran tree: developed some of the features found on an ancient tree however are usually only in the second or mature stage of life.• Notable tree: A mature tree that stands out in the local environment because it is large in comparison with other trees around it but do not have any obvious veteran characteristics. <p>SZC Co. considers it likely in these circumstances that 'aged' trees within paragraph 5.3.14 of EN-1 relates to ancient trees; otherwise it is not obvious what that 'aged' trees would be, particularly as they are given the same policy protection as veteran trees.</p> <p>SZC Co. has identified all trees on the Ancient Tree Inventory that would be affected by the proposals in response to HE.1.24 [REP2-100]. Further information was provided at Deadline 4 in relation to veteran trees on the two village bypass [REP4-006] and will additionally be provided in the Written Submissions following ISH 10 (Doc Ref. 9.85). In addition, an arboriculture survey is being undertaken to identify whether other trees within the Two village bypass and Sizewell link road sites, that are not currently included on the Ancient Tree Inventory, would meet the criteria for ancient, veteran or notable trees. The results of this survey, including the assessment of any impacts on additional trees, will be submitted to the ExA at the earliest opportunity.</p>
Bio.2.9	Applicant	To be clear as there was a technical difficulty during ISH7 at agenda item 2f, the ExA's questions on the plans were as follows, and the Applicant undertook to submit amended plans;

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		<p>(1) The Applicant had submitted a new Updated Clearance Plan to replace [AS-128]. It is [REP4-003] and the Applicant's response note [REP4-006] says at para 2.2.2 that it results in the retention of an 8m hedgerow to the south of the existing path at Farnham Hall. Where is that?</p> <p>(2) Please explain the reason for the change and has brought it about now?</p> <p>(3) Looking at the plans which are figures 1, 2 and 3, please explain the meaning of the TVB Development Site Boundary and the Permanent Boundary. Where do we see those as limits of activity in the DCO?</p> <p>(4) Concentrating on the transect route between Farnham Hall Farm House and the Farnham Hall complex, please summarise for the conclusions reached in relation to the activity of (a) bats, (b) birds and the effect on them of the TVB and whether or not they are significant effects</p>
	SZC Co. Response at Deadline 7	<p>(1) The location of the retained 8m hedgerow was explained at Issue Specific Hearing 7 (15th July 2021). To confirm, the retained 8m hedgerow is shown on Clearance Plan Sheet 2 - SZC-SZ0701-XX-000-DRW-100169 Rev 3_ [REP4-006] and is represented by the two solid purple blocks to the south of the existing path at Farnham Hall, to the west of the alignment of the Two village bypass.</p> <p>(2) Further design work was undertaken in the area between Foxburrow Wood and Farnham Hall to identify whether any of the hedgerow that was proposed to be removed could be retained. This additional work identified that 8m of the hedgerow to the south of the existing footpath at Farnham Hall could be retained. SZC Co. considered that the retention of the 8m hedgerow be an improvement and submitted the updated clearance plan referred to in (1) above to the ExA at the earliest possible opportunity (i.e. Deadline 4).</p> <p>(3) and (4) - The Applicant has included a response to the questions raised in points (3) and (4) at Deadline 6. The responses are included within the Written Submissions arising from ISH7 [REP6-002]. Further details of the location of the responses within [REP6-002] are provided below:</p>

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		<p>(3) - A response is provided in Section 1.12. This is located on e-page 19 [REP6-002].</p> <p>(4) - A response is provided in Section 1.10. This is located on e-page 14 [REP6-002].</p>
<p>Part 4 - Matters to be dealt with in writing following ISH7 – Sabellaria Spinulosa</p>		
<p>Bio.2.10</p>	<p>Natural England, MMO, Applicant</p>	<p>The ExA notes that this is protected under s.41 NERC Act 2006</p> <p>(1) The SoCG with the MMO [REP2-028] says (MEF4) that discussions are needed on the Marine Mammal Monitoring Plan and the Sabellaria monitoring plan. Please will MMO explain and update the ExA on the position?</p> <p>(2) MMO also say at SoCG [REP2-082] 3.1.58 that the way in which design reduces loss of reef has not been done. Does not Revision 4 of the DCO [REP2-013] deal with that?</p> <p>(3) Natural England – please would Natural England summarise its up-to-date position.</p>
	<p>SZC Co. Response at Deadline 7</p>	<p>SZC Co. outlines its position to address each of these points raised in the SoCG with the MMO [REP2-082] as follows:</p> <p>(1) An underwater noise report was submitted at Deadline 5 [REP5-124] to provide the modelling evidence for the revised marine freight options assessed in the ES Addendum [AS-181] and in response to comments from the MMO in their Deadline 2 Written Representations [REP2-140]. This included an assessment of mechanical cutting activities during decommissioning of the temporary BLF for piles that cannot be removed by vibropiling.</p> <p>The provision of a draft Marine Mammal Mitigation Protocol (MMMP) is secured as a condition of the DCO DML [REP2-013] (Condition 40(2)(b)). At Deadline 5, a revised draft MMMP [REP3-019] was submitted to reflect the revised marine freight options assessed in the ES Addendum [AS-181].</p> <p>A Southern North Sea SAC SIP was provided in January 2021 with the DCO change request in the shadow HRA Addendum (Revision 1) (see appendix 9A [AS-178]). It is expected that the Southern North Sea SAC SIP, updated noise</p>

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		<p>report, and MMMP will address any remaining concerns pertaining to underwater noise.</p> <p>A draft Sabellaria reef management and monitoring plan (Doc Ref. 9.90) is provided at Deadline 7. The scope of the report and focus of the report was discussed in consultation with Natural England on the 18 August 2021.</p> <p>In response to the MMO request for further consideration of the Acoustic Fish Deterrent (AFD) options prior to excluding them as a form of mitigation, SZC Co. provided a report at Deadline 5 [REP5-123] giving an explanation why an AFD system is not proposed in the suite of mitigation measures.</p> <p>A draft Fish Monitoring Plan is being provided at Deadline 7 (Doc Ref. 9.89) and it includes a summary of the proposed impingement and entrainment monitoring as well as an outline of a fish recovery and return (FRR) system survival study.</p> <p>(2) SZC Co. has added the wording requested by the MMO to Revision 4 of the DCO DML [REP2-013] as Condition 45 '(3) <i>demonstration of how the project design reduces the loss of reef, and surrounding area available for reef to develop into, as far as practicable</i>'. A draft Sabellaria reef management and monitoring plan (Doc Ref. 9.90) is provided at Deadline 7 following consultation with Natural England.</p> <p>(3) No response required from SZC Co.</p>
<p>Part 5 – matters arising from the Applicant’s replies to ExQs1 [REP2-100]</p>		
Bio.2.11	The Applicant	Bio 1.5, 1.6 and 1.7 – the wording and intention of these questions are to cover all cases where s.28G is engaged by the application, not just the Sizewell Marshes SSSI. Please will the Applicant revise the information given in reply to Bio 1.5, 1.6 and 1.7 accordingly.
	SZC Co. Response at Deadline 7	The Applicant can confirm that Appendix 7B [REP2-109] provided in response to Bio.1.5, 1.6 and 1.7 ExQ1’s covered details of all cases where s.28G is engaged by the application within Table 1 (and not just in relation to Sizewell Marshes SSSI).

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		The Applicant has now prepared an updated Appendix 7B , now Appendix 2A of this document, to provide a clearer structure and allow the reader to navigate easily between the duties for each habitat and species under s.28G of the Wildlife and Countryside Act and both s40 and s41 of the Natural Environment and Rural Communities Act. Where relevant, as part of the update, the applicant has included additional mitigation measures set out within documents submitted to the examination (for example the updated protected species licences).
Bio.2.12	Applicant	Bio.1.9 The Applicant's reply refers to the Mitigation Route Map. The ExA explained concerns in relation to the usability of the Mitigation Route Map arising from the fact that it generally uses blocks of paragraphs in the ES rather than the actual paragraph numbers, making it difficult to correlate and check where specific promises of mitigation are made and secured. Please will the Applicant submit a revision of the MRM which addresses this issue.
	SZC Co. Response at Deadline 7	An updated Mitigation Route Map (Doc Ref. 8.12(D)), including paragraph number references, has been submitted at Deadline 7.
Bio.2.13	Applicant	Bio.1.13. The ExA thanks the Applicant for its response. Please would the Applicant answer also the question of whether more than one non-significant effect can together result in a significant cumulative effect?
	SZC Co. Response at Deadline 7	There is no standard approach or guidance setting out an approach to assessing inter-relationship effects. The Applicant's approach was set out within Volume 10, Chapter 2 of the ES [APP-575], and was based on identifying whether there is no, low or high potential for new or different significant inter-relationship effects to occur (refer to Table 2.3 in [APP-575]). Therefore, the Applicant considers that a combination of more than one not significant effect could together result in a significant inter-relationship effect. However, if the individual effects are not significant, the potential for a new or different significant inter-relationship effect to occur is classified as low, whilst if at least one of the individual effects is significant, the potential for a new or different significant inter-relationship effect to occur is classified as high. The Applicant considers that there is no potential for a new significant inter-relationship effect to occur where the individual effects are negligible and by definition not discernible to the receptor.

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Bio.2.14	Applicant	Bio 1.23. In relation to invertebrates the Applicant states the effects on invertebrate species (Section 14.8) that fit the criteria in The State of Nature report are mostly minor adverse, and considered not significant. The response goes on to consider <i>Evagetes pectinipes</i> for which the effect of land take is moderate adverse significant. Is that the only species not within the “mostly minor adverse”? If not, please deal with the others.
	SZC Co. Response at Deadline 7	<p>The Applicant can confirm that <i>Evagetes pectinipes</i> (a spider-hunting wasp) is the only species that fit the criteria discussed in ExQ1 Bio.1.23, submitted at Deadline 5 [REP5-128], that would be subjected to a moderate adverse significant effect due to land take. This is on the basis that this species, part of an assemblage of national importance, was only recorded within the coastal habitats of Suffolk Shingle Beaches County Wildlife Site (CWS) which will be temporarily removed to facilitate the construction of the coastal defences. Habitats in the affected areas will be reinstated but there will be a time-lag to reinstatement which influenced the assessment.</p> <p>Habitats within Suffolk Shingle Beaches CWS are contiguous with those to the north and south of the development site. While available habitat for <i>E. pectinipes</i> will reduce within the development site, the abundance of suitable habitat along the coast means this species highly likely to recolonise from retained adjacent areas. Furthermore, this species is likely to colonise habitat within the site once reinstated.</p> <p>Another species, grayling butterfly (<i>Hipparchia semele</i>), was also recorded within Suffolk Shingle Beaches CWS. However, the effect on this species is considered to be minor adverse because it was also recorded within many other areas of dry grassland habitat within the main development site and adjacent habitats, including the created mitigation areas.</p>
Bio.2.15	Applicant	Bio 1.24 – The Applicant’s response to Bio 1.24 committed to submitting the results of two studies relating to fungi to the Examination. Have the results in relation to fungi been submitted to the examination? If not, when is it anticipated they will be provided?
	SZC Co. Response at Deadline 7	The Applicants response to ExQ1 Bio.1.24 at Deadline 2 stated that “A <i>technical note on fungi, including an updated desk study, to include the three species listed, a fungi habitat assessment, and a follow up fungi survey for the main development site will be undertaken in 2021</i> ” [REP2-100]

ExQ2: 03 August 2021

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ExQ2	Question to:	Question:
		<p>The technical note which provides an updated desk study and considers the likely value of the habitats for fungi was submitted at Deadline 6 [Appendix J of SZC Co.'s Comments at Deadline 6 on Submission from Earlier Submissions and Subsequent Written Submissions to ISH1-ISH6 [REP6-024]].</p> <p>A fungi field survey will be undertaken in late August-September and the report will be submitted prior to the end of examination, likely at Deadline 8.</p>
Bio.2.16	Applicant	<p>Bio.1.48. The ExA notes the Applicants' response and Appendix 7F (at [REP2-110]). Will the Applicant confirm (or otherwise) the ExA's understanding which is (a) that 104ha of wetland foraging (para 1.2.18 of Appendix 7F) and 260ha of arable foraging (para 1.2.120) will be lost (in the sense that it will either no longer be there or that it will not be used by marsh harrier, and accepting that this is the Applicant's precautionary assessment) making a total loss of 364 ha; (b) that compensatory habitat of 48.7ha is proposed at Upper Abbey Farm with the possibility of a further 54ha at Westleton; and (c) that the Applicant's argument for the adequacy of the Upper Abbey Farm site is its proximity to the Minsmere nesting area (para 1.2.26 of Appendix 7F).</p>
	SZC Co. Response at Deadline 7	<p>In relation to the three clarifications requested:</p> <p>(a) The Applicant can confirm that the total area of foraging habitat predicted to be 'lost' to the Minsmere nesting marsh harriers is 104ha of wetland and 260ha of arable. This is on the basis of the displacement and barrier effect (preventing access to the Sizewell Marshes) which it is assumed (on a highly precautionary basis, i.e. that the barrier effect will be total) will result from disturbance from the construction activities at the main development site. This equates to a total 'loss' of 364ha of foraging habitat.</p> <p>In relation to the total extent of the 'lost' foraging habitat, the Applicant considers that the distinction between wetland and arable is important. Wetland is the key foraging habitat for the Minsmere birds, with the (largely) intensively managed arable habitats being very much a secondary, low quality, foraging habitat. Based upon the known foraging ecology of marsh harrier, combined with the extensive availability of arable within the foraging range, arable habitats are unlikely to be a limiting foraging resource. Therefore, the 'loss'</p>

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ExQ2	Question to:	Question:
		<p>of the 260ha of this habitat is not considered to require compensation. The detailed rationale for this position is set out in paragraphs 8.8.220 – 8.8.237 of the Shadow HRA [APP-145] and paragraphs 1.2.17 – 1.2.21 of Appendix M in [REP5-120].</p> <p>(b) The Applicant can confirm that the compensatory habitat that is proposed comprises the 48.7ha at Upper Abbey Farm (referred to as the <i>permanent foraging habitat within the EDF Energy estate</i> in the Applicant’s response to ExQ1 Bio.1.48 in Responses to the Examining Authority’s First Written Questions (ExQ1) Appendix 7F in [REP2-110]). In the event that the Secretary of State concludes that this 48.7ha of compensatory habitat at Upper Abbey Farm does not constitute sufficient compensation, the Applicant would deliver a further 54ha of compensatory habitat at Westleton, either through landowner agreement or through any powers granted in the order as made.</p> <p>In REP6-042, at para 4.6, Natural England states:</p> <p><i>“The offer of additional compensatory habitat at Westleton will minimise residual concerns that the displacement of marsh harriers could result in an impact. If Natural England can be provided with further information on the above two points and if, after review by our specialists, detailed plans are deemed satisfactory then we advise that risks through this impact pathway can be adequately compensated for, provided plans and monitoring are robustly implemented.”</i></p> <p>(c) In relation to the adequacy of the compensation being provided by the 48.7ha at Upper Abbey Farm, the proximity of this land to the Minsmere nesting area is a key factor which increases the likely usage by foraging marsh harriers and increases the ‘per unit area’ value of the compensatory measures compared to what would be obtained on land that is further from the nesting area.</p> <p>The effect of proximity from the nesting area on marsh harrier foraging activity (as indexed by their measured flight activity during baseline surveys) is illustrated for both wetland and arable habitats in Plate 8.11 in the Shadow HRA [APP-145]. This suggests</p>

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ExQ2	Question to:	Question:
		<p>that (for a given habitat-type) the intensity of usage on land within 2km of the nesting area is likely to be 1.5 to 2.5 times greater than that on land which is 2 – 4km from the nesting area. The 48.7ha of compensatory habitat at Upper Abbey Farm is <1 – 2km from the Minsmere nesting area, whereas over 80% the wetland habitat which is predicted to be 'lost' is 2 – 4km from the nesting area (see Table 8.12 in the Shadow HRA [APP-145]).</p> <p>Further (more direct) evidence that the location of the compensatory habitat at Upper Abbey Farm maximises the potential to be used by foraging marsh harriers derives from the fact that this land is immediately adjacent to the north-central parts of the Minsmere South Levels. This is where the highest levels of marsh harrier flight activity were recorded during the baseline surveys. The levels of flight activity within this part of the Minsmere South Levels exceed those that are calculated to be required to compensate for the predicted 'loss' of wetland habitat (see paragraphs 8.8.247 – 8.8.253 and Figures 6.3 to 6.5 in the Shadow HRA [APP-145], [APP-146]).</p> <p>In addition to proximity, it is important to recognise that the new foraging habitat proposed has been designed and will be managed to optimise its value to Marsh Harrier, by focussing on maximising prey availability, as explained in the habitat report including wetland component [REP2-119]. It is important to note that whilst these on-site marsh harrier habitats are provided in the first instance to provide compensatory habitats for marsh harriers during construction, once the temporary construction area has been removed, the habitats will be retained and managed for wildlife as part of the estate-wide habitat proposals set out in the Estate-Wide Management Plan. The habitats which will be created across the temporary construction area, including new grassland and hedgerows, will form a wider area of habitat of value to foraging marsh harriers in the operational phase of the development.</p> <p>The above factors (concerned with location, quality and proximity to the Minsmere nesting area), together with the targeted habitat managements that are being undertaken on the</p>

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ExQ2	Question to:	Question:
		<p>compensatory habitat at Upper Abbey Farm, demonstrate the adequacy of these compensatory measures.</p> <p>In REP6-042, at para 4.3, Natural England states</p> <p><i>"We welcome the inclusion of the wetland element within proposals. Having reviewed the report we believe that the design is sufficient to compensate for habitat losses within the main development site which will be impacted by noise and visual disturbance during construction."</i></p> <p>Although there are many references to the habitats being created at Upper Abbey farm, in reality the wet reedbed habitat creation lies approximately 1km north and east of Upper Abbey Farm, but approximately 300m east of Lower Abbey Farm, as shown on Figure 3.1 and as viewed on the ASI, from the small hill just to the east of Lower Abbey Farm. The western edge of the dry component of the marsh harrier habitat area is approximately 500m ENE of Upper Abbey Farm at its closest point.</p>
Bio.2.17	Applicant	<p>Bio.1.50. (i) The Wet Woodland Strategy [REP1-020] explains that the loss of wet woodland habitat from the Sizewell Marshes SSSI would be approx. 3.06ha and that the application proposal was to deliver only 0.7ha of compensatory wet woodland. This would form part of the Upper Abbey Farm marsh harrier habitat improvement area and is stated at para 5.1.10 to be part of the original application. Further wetland in the form of open water and reed habitats at the Upper Abbey Wood site formed part of the first change request and that could be transitioned to additional wet woodland of 2.36 ha, but this could not be done until the end of the construction phase (para 5.1.13). Thus, the proposal is to create new wet woodland at Benhall and Pakenham totalling at least 2.36 ha. If that fails, wet woodland would be created after construction at the Upper Abbey Farm area of open water and reed woodland.</p> <p>(ii) What is the Applicant's proposal if Pakenham is not confirmed?</p>

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ExQ2	Question to:	Question:
	SZC Co. Response at Deadline 7	<p>(iii) Natural England's D5 submission suggests a wet woodland plan is due. When is the Applicant planning to submit this?</p> <p>(i) The ExA summary provided is correct. The new wetlands proposed east of Upper Abbey Farm are primarily designed to provide optimal foraging habitat for marsh harriers during construction of Sizewell C. It is considered that a small area (0.7a) of incipient wet woodland habitat here, from the outset of construction, would not compromise the value of this area for marsh harriers. This was explained at paragraph 2.1.5 of Appendix B of SZC Co.'s Written Submissions arising from Issue Specific Hearing 7 [REP6-002].</p> <p>(ii) The Application before the ExA and the Secretary of State (SoS) includes the creation of compensatory habitat on the land at Pakenham. That is proposed to meet the identified need for such habitat, at a scale that the Applicant considers to be appropriate based on the evidence. The ExA's question concerns a scenario in which the Pakenham proposal is not confirmed. On the face of it, however, that scenario would only arise if the ExA and/or the Secretary of State concluded that the additional habitat creation proposed at Pakenham was not needed to make the impacts of the proposed development acceptable. In those circumstances the need element of the compelling case test would presumably not have been accepted, because the decision maker has determined that the outcome for both Fen Meadow and Wet Woodland would be acceptable. It is not clear why the Applicant would need to generate a further proposal for the creation of Wet Woodland if the SoS had reached that conclusion.</p> <p>The Pakenham site is considered to be viable for the creation of both wet woodland and fen meadow as defined in the Fen Meadow Plan Draft 1 submitted at Deadline 6 [REP6-026].</p> <p>Having reviewed the baseline documents, Natural England stated at REP6-042 that '<i>Natural England advise that in principle the creation of Fen Meadow M22 within the sites investigated appears feasible</i>'.</p>

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ExQ2	Question to:	Question:
		<p>The Fen Meadow Plan Draft 1 [REP6-026] provides plans which defines the areas of the total of 2.36 ha of wet woodland between the two sites at Benhall and Pakenham. Based on the plans prepared a total of 0.6 ha would be provided at Benhall and 1.76 ha would be provided at Pakenham. In both cases, these compensatory wet woodlands would be created in zones adjacent to existing wet woodlands. This is considered to be important for two main reasons:</p> <ul style="list-style-type: none">• The approach preferred by Natural England is to use natural colonisation of wet woodland from adjacent areas, to extend this habitat, over the long-term, rather than by accelerating this process using tree planting. The Wet Woodland Strategy [REF1-020] reflects this approach.• Invertebrate species already present in adjacent areas of wet woodland would be immediately ready to colonise the new areas of wet woodland, rather than being reliant on chance recolonisation from more remote areas of wet woodland. <p>It is also considered important to co-locate the new wet woodlands with the new areas of fen meadow as this replicates the co-location of these habitats at the Sizewell Marshes SSSI and which is believed to be important for the invertebrate assemblage at that site. The contingency approach defined in the Wet Woodland Strategy [REF1-020] and one which is not favoured by SZC Co. or the ecological stakeholders would be to deliver the 1.76 ha on-site much later, on the new wetlands, east of Upper Abbey Farm, once it has fulfilled its function for foraging marsh harriers, required during the construction of Sizewell C. This approach would delay the commencement of the establishment of 1.76ha of wet woodland by approximately 9-12 years. Natural England's position is that clearance of the area of land take from the Sizewell Marshes SSSI (and therefore effects) should not be undertaken before the fully functioning establishment of the compensation (see Bio 2.2 above). Whilst it is clearly not possible for this to be achieved for fen meadow and wet woodland habitats, for reasons explained in the response to Bio 2.2 above, to delay further the commencement of wet woodland for a further 9-12 years is not justifiable in circumstances where suitable sites have been identified and included within the Order Limits which would enable earlier delivery.</p>

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ExQ2	Question to:	Question:
		<p>(iii) Requirement 14B secures the Wet Woodland Plan which must be submitted and approved before any vegetation clearance within the SSSI can be undertaken. The Wet Woodland Plan must be developed in general accordance with the Wet Woodland Strategy [REP1-020]. The draft Wet Woodland Plan will be submitted to examination at Deadline 8. However, it should be noted that the spatial extents of the proposed wet woodland habitats at Benhall and Pakenham are already defined on the plans within the Fen Meadow Plan Draft 1 submitted at Deadline 6 [REP6-026] as noted above.</p>
Bio.2.18	Applicant	<p>Bio.1.55. The Applicant's response to the question as to how the recreation and amenity strategy is secured is that the reference should have been to the Rights of Way and Access Strategy and that it is secured as it helps to inform the footpath implementation plans to be submitted under Art 15(1) of the DCO.</p> <p>(a) There is no reference to the Rights of Way and Access Strategy in Art 15; surely there should be.</p> <p>It is also said to "accompany" the ROW Plans, and to have been "carefully incorporated into the design and construction planning" which suggests not only routes but also timing and phasing.</p> <p>(b) In what sense does it "accompany" the ROW Plans and how is that explained in those plans?</p> <p>(c) How can the ExA be confident that the strategy has been incorporated into the design and construction of the proposed development?</p>
	SZC Co. Response at Deadline 7	<p>(a) SZC Co. considers that there is no need to refer to the Rights of Way and Access Strategy within article 15 as Requirement 6A secures compliance with this via the public rights of way implementation plans which will be submitted to an approved by SCC</p>

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ExQ2	Question to:	Question:
		<p>pursuant to this requirement. The routes are set in the Rights of Way Plans. Details such as timing and phasing would be agreed within the implementation plans.</p> <p>(b) The Rights of Way and Access Strategy accompanies the Rights of Way Plans by providing a supplementary narrative describing the rights of way proposals. The Applicant does not consider it necessary for the plans themselves to make reference to the Rights of Way and Access Strategy or indeed the role it plays as this is adequately addressed in Requirement 6A.</p> <p>(c) SZC Co. notes that the physical diversions set out within the strategy align with the proposals set out within the Rights of Way and Access plans [REP5-008]. The strategy and routes set out within it have been agreed in consultation with stakeholders including Suffolk County Council, East Suffolk Council, Natural England and others. A number of the measures that have not already been included within the design process (e.g. 'to ensure that all linear surfaces are easy to use' will be agreed through the Public Rights of Way Implementation Plan), which will be agreed with Suffolk County Council.</p>
Bio.2.19	Applicant, ESC	<p>Bio.1.78. (a) The Applicant states that the mitigation or enhancements for associated development on sites on third party land are to be secured in the Deed of Obligation. Why are they not in the DCO?</p> <p>(b) For measures on the main development site the measures "would remain within EDF Energy ownership and control". "EDF Energy", an undefined entity in the response, is neither the proposed undertaker nor the Applicant. However, if all the measures are secured pursuant to requirements, which the ExA understands from the preceding parts of the Applicant's response is the case, it will be for the undertaker to ensure that it has the necessary rights to carry out the mitigation on the land of "EDF Energy", or any other landowner. Please will the Applicant and ESC confirm that this is also their understanding and will ESC please state whether or not it considers the arrangements to be acceptable and enforceable.</p>

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ExQ2	Question to:	Question:
	SZC Co. Response at Deadline 7	<p>(c) There are many references in the ES to the use of the EDF Energy Estate to deliver mitigation. Given that the Applicant (and would-be undertaker) has clarified that it owns very little land for the development, how does it propose to deliver the mitigation on the EDF Energy Estate?</p> <p>a) Bio.1.78 refers to para 14.7.274, para 14.7.280 of Chapter 14, Volume 2 of the ES [APP-244]. Para 14.7.274 relates to monitoring and mitigation of recreational displacement. Since the DCO Application was submitted, SZC Co. has produced and submitted to the examination the Monitoring and Mitigation Plan for Sandlings (Central) and Alde-Ore Estuary [REP5-122] and the Monitoring and Mitigation Plan for Walberswick and Sandlings (North) [REP5-121] set out SZC Co's commitments in relation to monitoring and mitigation of recreational displacement and are secured through the Deed of Obligation (Doc Ref. 8.17(F)). Where the obligations relate to land outwith SZC Co's ownership, the delivery of the commitments will be pursuant to private agreement with the relevant landowner.</p> <p>Para 14.7.280 refers to habitat creation areas which includes Aldhurst Farm. Not all of these areas of land are in the control of SZC Co. and the Estate Wide Management Plan (Doc Ref. 9.88) submitted at this Deadline 7 and secured by Requirement 5C explains this and commits SZC Co. to the creation and maintenance of these habitat creation areas. Where the obligations relate to land outwith SZC Co's ownership, the delivery of the commitments will be pursuant to private agreement with the relevant landowner.</p> <p>There are no further mitigation or enhancement measures for the associated developments related to the two paragraphs referenced in Bio.1.78.</p> <p>(b) EDF Nuclear Generation Limited (ENGL) and SZC Co. are currently both part of the EDF Group. The "EDF Estate" has referred to their landholding collectively. Measures on the main development site (MDS) would remain within SZC Co's ownership; however, for measures that are to implemented on land beyond the MDS but within the land owned by EDF Nuclear Generation Limited (ENGL), the implementation and maintenance of such measures will be secured as part of the private agreement to be reached with ENGL, with the principle having already been agreed between the parties.</p>

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ExQ2	Question to:	Question:
		<p>(c) SZC Co. refers to the response provided at deadline 2 in the Responses to the Examining Authority's First Written Questions (ExQ1) - Volume 1 - SZC Co. Responses [REP2-100], question Bio.1.43 the delivery of the mitigation would be secured as part of the private agreement to be reached with EDF Energy Nuclear Generation Limited (ENGL) ENGL, with the principle having already been agreed between the parties.</p>
Bio.2.20	Applicant	<p>Bio.1.92. The ExA thanks the Applicant for its response to this question. However, the ExA was asking about the inconsistency between the conclusions at (on the one hand) Section C.a.d para 14.8.38 re compartment 2 and Section C.a.d para 14.8 61 re compartment 4/4a where the assessment is of minor adverse not significant and (on the other hand) paragraph 14.8.98 which states that in compartments 1, 2 and 4a there is a significant adverse effect. The ExA does not understand the Applicant's response to address that inconsistency. Please will the Applicant clarify.</p>
	SZC Co. Response at Deadline 7	<p>In the response to Bio. 1.92 [REP2-100] the Applicant explains the differences in the assessment of invertebrate assemblages associated with different habitats but the Applicant acknowledges that it does not fully highlight the inconsistency identified by the ExA in Volume 2, Chapter 14 of the ES [AS-033].</p> <p>The Applicant recognises the inconsistency highlighted in Bio. 1.92 and Bio. 2.20 and notes that assessment, set out in Volume 2, Chapter 14 of the ES [AS-033], of the effect of direct land take on the wet woodland assemblages of compartments 2 and 4a (paragraphs 14.8.38 and 14.8.58 respectively) should have reflected the assessment outlined for the wet woodland assemblage in compartment 1, i.e. moderate adverse (significant). The applicant notes that this position is correctly reflected in Table 14.16 [AS-033] which provides a summary of effects arising from the construction for invertebrates. The moderate adverse effects were assigned on the basis that wet woodland was proposed to be lost to the development and there would be a time lag between this loss and newly created compensatory habitats reaching similar condition.</p> <p>Chapter 2 of the ES Addendum [AS-181] states that the extent of permanent wet woodland land take is 3.06ha and clarifies in paragraph 2.9.69 that this loss results in a moderate adverse and significant effect on the wet woodland invertebrate assemblages of compartments 1, 2 and 4a.</p>

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ExQ2	Question to:	Question:
		<p>The Wet Woodland Strategy [REF1-020], states that, with Natural England agreement, there will be enhancements to the retained areas of wet woodland in the Sizewell Marshes SSSI to include veteranisation of trees to optimise the retained habitats for invertebrates, so far as is possible, until the compensatory wet woodland habitats are available.</p>
Bio.2.21	Applicant	<p>Bio.1.105. Can it be right for the marsh harrier line in Table 14.26 to conclude no significant EIA effect on the marsh harriers as a whole (i.e. including the Minsmere breeding marsh harriers) when the response to this question states that the bird would be reluctant to traverse the temporary construction area to reach Aldhurst Farm and the Upper Abbey Farm compensatory habitat is needed to address adverse effect on integrity for the Minsmere breeding harriers?</p> <p>(As a comment and not a question, the ExA was surprised to read that “have been established” should be read as “in the process of being established”. The ExA thanks the Applicant for the correction which underlines the need for accuracy in the ES.)</p>
	SZC Co. Response at Deadline 7	<p>Within the sHRA Report [APP-145], it was not possible to conclude no adverse effects on integrity in relation to marsh harriers in relation to the Minsmere-Walberswick SPA, given the need for compensatory habitats to be provided. However, in the EIA context, these habitats can be (and are) considered to be embedded within the project. This means that the impact assessment of construction noise impact on marsh harrier (as summarised in Table 14.26 of Volume 2, Chapter 14, of the ES [AS-033]) has taken into account the presence of the new foraging habitat within the EDF Energy estate. Table 14.26 refers to the residual effect of the Sizewell C Project.</p> <p>At paragraph 14.12.100 of [AS-033], the ES concludes that, with the habitat measures in place, the [residual] impact of disturbance/displacement on the breeding marsh harrier population is of low magnitude and would result in a minor adverse effect, which is considered to be not significant. Furthermore, within the EIA, it is possible to take account of wider habitat creation measures, such as the new Aldhurst farm wetlands, which already provide new breeding habitats for marsh harriers. These habitats could not be included in the sHRA since they lie to the south of the temporary construction area, so</p>

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ExQ2	Question to:	Question:
		are unlikely to be used by marsh harriers nesting at Minsmere which have been assumed to be unlikely to traverse this area by was of a 'barrier effect'.
Bio.2.22	Applicant	Bio.1.107. Is the area of wet reedbed habitat creation north of the site part of the area referred to orally during the ASI and ISH7 as Upper Abbey Farm? The response to question Bio.1.107 refers the ExA to Figures 6.3 – 6.5 of [APP-145] which is an 828 page report whose index does not contain any Figures. The ExA concludes they are located elsewhere. Please will the Applicant indicate where and give the electronic page number.
	SZC Co. Response at Deadline 7	<p>Yes, the area of new wet reedbed habitat creation north of the site, is that part of the area referred to orally during the ASI and ISH7 as Upper Abbey Farm. The wet reedbed habitat creation lies approximately 1km north and east of Upper Abbey Farm, but approximately 300m east of Lower Abbey Farm, as shown on Figure 3.1 and as viewed on the ASI, from the small hill just to the east of Lower Abbey Farm.</p> <p>SZC Co. notes that the figures referenced do not clearly identify the area of wet reedbed habitat creation. There are many figures within the sHRA that identify the location of the habitat, but not the wetland component, only introduced in January 2021. The applicant has reviewed these and suggest that the location of the Upper Abbey Farm, in the context of the main development site, is best shown on Figure 3.1 the Marsh Harrier Habitat Report [REP2-119] submitted at Deadline 2, which provides further detail on the compensatory habitat. The figure is located on e-page 15.</p>
Bio.2.23	Applicant	The response to Bio.1.108 (b) and (c)(i) states they are at both [APP-145] and [APP-146]. Whilst there are figures with those numbers at [APP-146] they do not show the 48.7 ha of compensatory habitat referred to in the response to Bio.1.108. Did the Applicant mean to refer to figures 8.2 – 8.6 of [APP-146]?
	SZC Co. Response at Deadline 7	SZC Co. notes that the figures referenced do not clearly identify the compensatory foraging habitat within the EDF Energy estate. There are many figures within the sHRA that identify the location of this habitat, the Applicant has reviewed these and suggest that the location of the compensatory habitat, in the context of the main development site, is best shown on Figure 8.10 of the shadow HRA [APP-148]. This is included at e-page 3.

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ExQ2	Question to:	Question:
		The Examining Authority is also directed to Figure 3.1 the Marsh Harrier Habitat Report [REP2-119] submitted at Deadline 2, which provides further detail on the compensatory habitat. The figure is located on e-page 15.
Bio.2.24	Applicant	Bio1.138. Does the Applicant's response to this question apply across all hedgerow losses and replacements in the development? If not, please clarify the exceptions.
	SZC Co. Response at Deadline 7	<p>The response provided at Deadline 2 [REP2-100] applies to each of the sites where Biodiversity Net Gain assessments were undertaken (two village bypass, Sizewell link road, Yoxford roundabout and the main development site).</p> <p>The Applicant can confirm that at the other sites (north park and ride, south park and ride, freight management facility and the green rail route) the replacement hedgerows would also be targeted as species-rich and once fully functional are expected to be of similar or greater value, for a similar given length, to hedges that are lost. This requirement is set out within the Associated Development Design Principles for each of these sites (Doc Ref. 8.3(B)).</p>
Bio.2.25	Applicant, ESC, SCC	Bio.1.145 - The draft non-licensable method statement is referred to. Attention is drawn to the ExA's comments on this in commentary on the DCO issued with these ExQs2.
	SZC Co. Response at Deadline 7	<p>SZC Co. has prepared Response to ExA's Commentary on the draft DCO and other Documents (Doc Ref. 9.72) to respond to the points raised in Appendix A of the ExA's comments in the commentary on the DCO [PD-038] in relation to "<i>The Bat Mitigation Strategy – [APP-252] A sample route to find mitigation and how it is enforced.</i>"</p> <p>SZC Co. can confirm that this is the correct reference and notes that an examination library reference should be included. This will corrected within the updated Terrestrial Ecology Mitigation and Monitoring Plan [REP5-088] to be submitted at Deadline 8.</p>
Bio.2.26	Applicant	Bio.1.152. The ExA thanks the Applicant for its immediate clarification that the phrases of intent are to be seen as imperative. Please carry this across to similar documents including the CoCP and those under the CoCP and provide such clarification in each of them. Please confirm that this has been done and state where the wording is to be found.

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ExQ2	Question to:	Question:
	SZC Co. Response at Deadline 7	The SZC Co. Response to the ExA's Commentary on the draft DCO and other Documents (Doc Ref. 9.72) explains the Applicant's approach to amending and updating the language across the suite of control documents.
Bio.2.27	Applicant	Bio1.161 – please will the Applicant answer the question more clearly. Please also provide the paragraph numbers in the new Biodiversity report [REP1-017]. As the ExA reads the answer the planting has decreased from 17,619 m to 13,490 m and the unaffected hedgerow has decreased from 3,730 m to 3,487 m. Is that correct? Does or does not the 17,619 figure in [APP-461] para 7.6.104 include the unaffected hedgerow?
	SZC Co. Response at Deadline 7	<p>The quanta of retained and created hedgerows are presented in Table 12 of updated Biodiversity Net Gain report for the Sizewell link road [REP5-090].</p> <p>The quanta of unaffected/retained hedgerow is 3,487m. The quanta of newly created hedgerow has reduced to 13,490m from 13,889m [APP-461].</p> <p>The 17,619m figure in para 7.6.104 Volume 5, Chapter 7 of the ES [APP-461] includes the unaffected hedgerow and represents the post-development hedgerow length. The equivalent post-development hedgerow length from the latest report [REP5-090] is 16,980m (and replaces the 17,619m figure) and the slight reduction in newly created, or replanted hedgerows of 13,490m (down from 13,889m) reflects the minor changes to the lengths of hedgerows to be retained and created within the Accepted Changes Application (January 2021, please see Chapter 6, Figures 6.2.2 to 6.2.8 of the ES Addendum [AS-198]) when compared to the DCO submission (May 2020 , please see Volume 5, Chapter 2, Figures 2.1 to 2.7 of the ES [APP-449]).</p>
Bio.2.28	Applicant	Bio.1.195. The reply states that boring of the cooling water tunnels by Tunnel Boring Machines is exempt from the Marine Licence. How in that case is it regulated? Is the Applicant saying that the marine licensing arrangements do not apply?
	SZC Co. Response at Deadline 7	Article 35 of the Marine Licensing (Exempted Activities) Order 2011 (the 2011 Order) confirms that activities associated with the construction or operation of a bored tunnel that are carried out wholly under the seabed are an 'exempt activity' for the purposes of Article 4 of the 2011 Order and do not require a marine license pursuant to the Marine and Coastal Access Act 2009.

ExQ2: 03 August 2021

Responses due by Deadline 7: 03 September 2021

ExQ2	Question to:	Question:
		<p>The SZC Co cooling water tunnels satisfy the criteria set out under Article 35 of the 2011 Order and accordingly are exempt from the marine licensing requirements.</p> <p>Further detail is provided under Section 11.3 (Miscellaneous: Bored Tunnels) of the "Marine Licensing Exempted Activities".</p>
Bio.2.29	<p>Applicant</p> <p>SZC Co. Response at Deadline 7</p>	<p>Bio.1.255 The response refers to Table 22.214. The ExA cannot find this table. Please can the Applicant give the paragraph number in which it is to be found.</p> <p>This is a typographical error, Bio.1.255 [REP2-100] should have included reference to Table 2.142 which is located on e-page 558 of Volume 2, Chapter 22 of the ES [AS-035]. The corrected response to Bio1.255 at deadline 2 is repeated below with links to the correct e-pages of the documents within the examination library:</p> <p><i>"Table 22.142 of Volume 2, Chapter 22 of the ES [AS-035] refers to thermal threshold and areas of exceedance for all seasons against relevant standards.</i></p> <p><i>Harbour porpoise are highly mobile and most abundant in the Greater Sizewell Bay in Winter (paragraph 22.9.251 of Volume 2, Chapter 22 of the ES [AS-035]). The instantaneous area of thermal plume in Winter is considered appropriate for determining the potential impacts on harbour porpoise (the ecological context of the instantaneous plume is described in Bio.1.210).</i></p> <p><i>Volume 2, Appendix 21E of the ES [APP-315] details the monthly mean area of the instantaneous SZB+SZC plume at 2 C and 3 C excess temperature. The areas of exceedance for Winter (as referred to in the para 22.9.251 of [AS-035]) are provided in Plate 22.4 [AS-035]."</i></p>
Bio.2.30	Applicant	<p>Bio.1.260 – policy and law on BNG. The ExA thanks the Applicant for its response. The ExA notes also the response to Bio.1.269 ("The BNG assessments have been undertaken on a voluntary exercise. NSIPs are also currently excluded from any future mandatory requirement, based on the current proposals within the Environment Bill90 (see also Bio</p>

ExQ2: 03 August 2021

Responses due by Deadline 7: 03 September 2021

ExQ2	Question to:	Question:
		<p>1.260 above). These assessments have been undertaken to address stakeholder requests and no targets have been set. Updated Biodiversity Net Gain Reports [REP1-004, REP1-017, REP1-018, and REP1-019] clarify this position"). The ExA had expected the response to include a statement that BNG does not currently apply to NSIPs. Is that what is intended by the words "The BNG assessments have been undertaken on a voluntary exercise"? The sentence following is a little ambiguous.</p>
	SZC Co. Response at Deadline 7	SZC Co. confirms that the intention of the wording was to confirm that that BNG does not currently apply to NSIPs and that the BNG assessments were undertaken on a voluntary basis.
Bio.2.31	Applicant	<p>Bio.1.261 The ExA understood from submissions to ISH7 that a new biodiversity metric has been issued. Does the Applicant propose to update its BNG report and calculations? If so when will that be submitted to the examination? If not, please explain why.</p>
	SZC Co. Response at Deadline 7	<p>SZC Co. does not propose to update the BNG calculations to Biodiversity Metric 3.0 and this is endorsed by stakeholders as follows:</p> <ul style="list-style-type: none"> • In Natural England Letter in lieu of attending ISH10, Natural England states: <p><i>"...The biodiversity metric 2.0 was updated in 2021 with the Biodiversity Metric 3.0 which will be the metric that all developments covered by the BNG requirement in the Environment Bill will legally need to use. We typically advise that users of the previous Biodiversity Metric 2.0 should continue to use that metric (unless requested to do otherwise by their client or consenting body) for the duration of the project it is being used for, as they may find that the biodiversity unit values metric 2.0 generates will differ from those generated by Biodiversity Metric 3.0. Assessment of SSSIs."</i></p> • In REP6-046, RSPB/SWT states: <p><i>"..The Biodiversity Metric 3.0 is published but there is no specific secondary legislation nor guidance on it as yet and therefore we do not consider the Applicant should undertake additional work using the Biodiversity Metric 3.0."</i></p> <p>As stated in ExQ1 Bio.1.269 [REP2-100] and restated in answer to Bio 2.30 above the Biodiversity Metric calculations were carried out voluntarily, at the request of stakeholders, to assess the habitat proposals with the operational development in place.</p>

ExQ2: 03 August 2021

Responses due by Deadline 7: 03 September 2021

ExQ2	Question to:	Question:
		<p>There is no requirement for NSIPs to carry out BNG calculations and this position is agreed by Natural England, East Suffolk Council, see Bio.1.260 [REP5-128] and the RSPB/SWT [REP6-046]. In the event that NSIPs were required in future to undertake BNG calculations, then SZC Co. would be compliant with that future requirement.</p>
Bio.2.32	Applicant	<p>Bio.1.263 The question was: Please provide a plan showing Studio Fields Complex, St James Covert, Great mount walk or point the ExA to a plan in the Application documents where they are shown. Whilst the Applicant has directed the ExA to [APP-266] and [REP1-004] the ExA there are several plans in those documents and the location of these features is not "springing off the page" for the ExA. Please will the Applicant indicate the exact plan numbers or give separate plans.</p>
	SZC Co. Response at Deadline 7	<p>Appendix 2B to this document provides copies of the plans showing the location of Studio Fields Complex, St James Covert, Great mount walk. This figure is also included in [APP-255] on e-page 11. Whilst this figure was produced as part of the draft reptile mitigation strategy [APP-252] it provides a much clearer illustration of the sites in question.</p>
Bio.2.33	Applicant	<p>Bio.1.264 The response puzzles the ExA. (i) The LEMPs for the SLR and TVB were not part of the suite of application documents in May 2020. They do not appear to have been contemplated originally. How therefore can they be "creation and management plans" referred to in the executive summary of the biodiversity report [APP-266] and ExQ1, Bio.1.264? (ii) The ExA repeats the question at Bio.1.264.</p>
	SZC Co. Response at Deadline 7	<p>The BNG assessments for the Sizewell link road and the two village bypass were undertaken using landscape and ecology master plans for these two sites which were available in 2020, [APP-050] and [APP-038] respectively. However, it was recognised that to provide greater certainty that the habitats would be delivered in the manner shown on the masterplans and to provide details to be secured, it was considered prudent to prepare LEMPs for these two sites [AS-263] and [AS-264], in the same manner that had been undertaken for the oLEMP for the main development site. The details in the two LEMPS are entirely aligned with the landscape and ecology master plans and the BNG assessments for these two sites.</p>

ExQ2: 03 August 2021

Responses due by Deadline 7: 03 September 2021

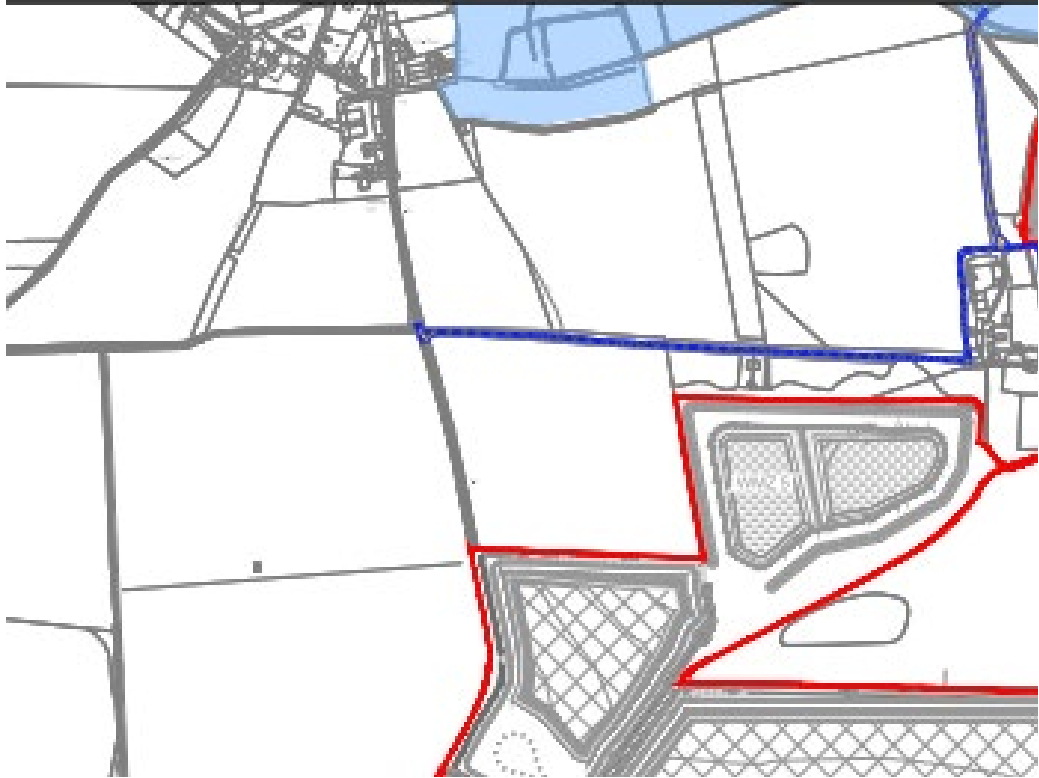
ExQ2	Question to:	Question:
		<p>The habitats shown on the landscape and ecology master plans for these two sites which were available in 2020 [APP-050 and APP-038] were designed in accordance with the habitat requirements identified in the ES (e.g. woodland and hedgerow linkages) and did not need the preparation of the later LEMPs for these proposed habitats to be defined spatially. The LEMPs simply provide more details on how this will be achieved and Requirement 22A provides a securing mechanism to ensure the habitat creation will occur in the manner set out in those documents.</p>
Bio.2.34	Applicant	<p>A number of the ExA's questions in ExQs1 on biodiversity and ecology were about monitoring, the criteria for further action depending on the results of the monitoring and what steps should be taken. Considering the answers, is the ExA correct to conclude that the Applicant's overall approach, at least in relation to biodiversity and ecology, is that where monitoring shows that the effects are more significant than shown by the ES, remedial measures to restore matters to no worse than that level of significance are to be taken? Are there any exceptions to that approach?</p>
	SZC Co. Response at Deadline 7	<p>See response set out in paper submitted at Deadline 7 by the SZC Co., entitled: Response to ExA DCO Commentary on EIA scope and monitoring (Appendix B to "Response to ExA Commentary of draft DCO" (Doc Ref. 9.72).</p>
Bio.2.35	Natural England	<p>In replies to ExQs1 on biodiversity the MMO has drawn attention to the role of Natural England in marine ecology and biodiversity. Accordingly, please will Natural England respond to the marine ecology questions addressed to the MMO as though they were addressed to Natural England. The relevant questions are (all prefixed Bio.):1.38; 1.39 (please address Natural England's remit on marine matters); 1.199; 1.208; 1.209; 1.210; 1.215; 1.216; 1.218; 1.220; 1.223; 1.234; 1.237; 1.239; 1.242; 1.243; 1.244; 1.245; 1.247; 1.248; 1.249; 1.250; 1.251; 1.252; 1.253; 1.254; 1.256.</p> <p>Natural England may be assisted in responding to Bio.2.38 by looking at REP3-046 where the Applicant set out its comments on responses by others, along with the responses themselves.</p>

ExQ2: 03 August 2021**Responses due by Deadline 7: 03 September 2021**

ExQ2	Question to:	Question:
		The ExA assumes that Natural England does not wish to respond on the other Bio questions which were in first ExQs but not specifically addressed to it, except where it actually did so.
	SZC Co. Response at Deadline 7	No response from SZC Co. is required.
HRA.2 Habitats Regulations Assessment		
HRA.2.0	Natural England	Staverton Parks and the Thicks, Wantisden SAC Do you agree with the Applicant's conclusion in the Shadow HRA and as also responded to in the Initial SoCG – Natural England [REP2-071] that likely significant effects on Staverton Park and the Thicks Wantisden SAC can be excluded due to distance and absence of potential effect pathways? If you do not agree, please expand on your concerns for this European site.
	SZC Co. Response at Deadline 7	No response from SZC Co. is required.
HRA.2.1	Natural England	Air quality effects due to NOx and acid deposition Noting NE's current position on this matter as reiterated in REP5-160, could you provide an update on your position following the stated review of the Applicant's information by your air quality specialists.
	SZC Co. Response at Deadline 7	No response from SZC Co. is required.
HRA.2.2	Applicant	Impediment to management Could the Applicant confirm whether a written commitment, including plan, showing access routes to maintain access for the RSPB to continue management to the southern side of the Minsmere reserve is to be provided to the Examination. If so, please provide this information and confirm whether such an access commitment has been agreed with the RSPB and NE.

ExQ2: 03 August 2021

Responses due by Deadline 7: 03 September 2021

ExQ2	Question to:	Question:
	SZC Co. Response at Deadline 7	<p>As has previously been confirmed by SZC Co., RSPB's access to the south side of the Minsmere reserve is outwith the order limits and will not be impeded. Notwithstanding this SZC Co. will commit in writing not to impede the access. The position remains as set out in section 1.8 of SZC Co.'s Written Submissions arising from Issue Specific Hearing 7 [REP6-002]. This states:</p> <p><i>'SZC Co confirms that the RSPB will be able to access the southern side of the RSPB Reserve, along the existing access route, via Lower Abbey farm and which is defined as the blue line and shown in Plate 2 below.</i></p> <p>Plate 2: Retained access route to Minsmere RSPB (south)</p> 

ExQ2: 03 August 2021

Responses due by Deadline 7: 03 September 2021

ExQ2	Question to:	Question:
		<p>“</p> <p>As shown on the plate above, the existing access runs east to Lower Abbey farm from the lane just south of Eastbridge and then runs north to access the southern edge of the Minsmere reserve. This access is entirely outwith the proposed order limits and so access will be unimpeded by the temporary construction area of Sizewell C which occurs to the south.</p> <p>The access commitment has not yet been formalised with the RSPB and NE. SZC Co. will commit, via an appropriate mechanism, not to carry out works which impede RSPB’s existing access route to the southern edge of the Minsmere reserve via Lower Abbey Farm.</p>
HRA.2.3	Applicant	<p>Disturbance to shoveler and gadwall (breeding and non-breeding) using functionally linked land</p> <p>In REP5-112 the Applicant confirmed that points of difference relating to survey data and precaution will be responded to in writing. However, no specific deadline for such a response was stated. Could the Applicant respond to NE and RSPB’s concerns in respect to both species (breeding and non-breeding).</p>
	SZC Co. Response at Deadline 7	<p>In relation to the potential effects of disturbance on the Minsmere-Walberswick SPA breeding and non-breeding shoveler and gadwall, details of Natural England’s concerns are set out under Issue 27 (pp 65 – 68) of their Written Representations [REP2-153] whilst RSPB and SWTs’ concerns are in paragraphs 3.314 – 3.328 (breeding) and 3.335 – 3.341 (non-breeding) of their Written Representations [REP2-506]. The Applicant’s responses to these comments are provided in [REP3-042] at:</p> <ul style="list-style-type: none"> • Paragraphs 11.21.4 – 11.21.12 (breeding) and 11.21.13 – 11.21.18 (non-breeding) in relation to Natural England’s comments. • Paragraphs 14.5.38 – 14.5.45 (breeding) and 14.5.51 – 14.5.57 (non-breeding) in relation to RSPB/SWTs’ comments. <p>SZC Co.’s detailed responses to the Natural England and RSPB/SWT comments (as provided in [REP3-042]) set out the following key points:</p>

ExQ2: 03 August 2021

Responses due by Deadline 7: 03 September 2021

ExQ2	Question to:	Question:
		<ul style="list-style-type: none">• Potential effects on gadwall and shoveler are limited to those birds using the functionally linked land (FLL) on the Minsmere South Levels and Sizewell Marshes.• The breeding populations of these two species within the designated site are not dependent on this FLL for the provision of resources which cannot be obtained within the designated site itself. Rather the functional linkage in this case is concerned with the occurrence of additional breeding birds. This contrasts with the situation for the SPA marsh harrier, which nest within the designated land but depend upon the FLL as a foraging resource.• The potential for effects on the non-breeding populations of these two species is limited to birds using the FLL on the Sizewell Marshes. Based upon the baseline survey data and the fact that it is highly likely there will be inter-change of birds between the Sizewell Marshes and other suitable sites within the wider area (as well as between the Sizewell Marshes and the SPA), it is clear that only a small percentage of the SPA population will use (and potentially depend upon) the Sizewell Marshes.• For the non-breeding populations, other sites outside the SPA have the potential to provide more extensive areas of supporting habitat than the Sizewell Marshes.• The assessments for the breeding populations rely on seven years of survey data (providing abundance estimates) for the FLL. The distributional data on breeding birds within the FLL (collected during the 2020 surveys) usefully highlight that the assessment in the shadow HRA [APP-145] probably overestimates disturbance effects to those birds using on the Minsmere South Levels but, critically, the assessment conclusions do not depend upon these further data.• The interpretation of the survey data relating to the non-breeding populations in Natural England's Written Representations [REP2-153] is erroneous. It fails to recognise; (i) the reliance of the assessment on over five (recent) winters of Wetland Bird Survey (WeBS) count data relating to the SPA and each of the relevant areas of FLL; and (ii) the between-winter consistency in distributional patterns on the Minsmere South Levels (as determined from three winters of project-specific survey data, of which two encompass the full winter period).• The assessments are highly precautionary and undertaken in relation to the worst-case scenario (i.e. Phase 1) for construction noise impacts.

ExQ2: 03 August 2021

Responses due by Deadline 7: 03 September 2021

ExQ2	Question to:	Question:
		<ul style="list-style-type: none">• The assessments undertaken in the shadow HRA [APP-145] and shadow HRA Addendum [AS-173] give careful consideration to determining how critical the FLL is to the designated populations, and whether it is necessary for the maintenance or restoration of favourable conservation status of the qualifying features (for both the breeding and non-breeding situations). As such, the assessments align fully with the guidance on FLL produced for Natural England (Chapmen and Tyldesley 2016). <p>At ISH7, discussion on the breeding and non-breeding SPA populations of these species highlighted that both Natural England (Dr Saunders) and RSPB (Miss Miller):</p> <ol style="list-style-type: none">1. Continue to have concerns over the fact that for the breeding populations there is only a single year of survey data detailing distributions on the FLL.2. Were concerned that between-year movements of breeding birds between the SPA and the FLL might affect the conclusions of the assessment (because the FLL may be more important in some years than others).3. Continue to consider that the predicted levels of displacement are of concern. <p>The Applicant's response to each of these points is as follows:</p> <p><i>Distributional data for breeding populations on FLL</i></p> <p>As stated above, the assessment conclusions for the breeding populations do not depend upon the distributional data from the 2020 surveys. Rather the shadow HRA [APP-145] adopts a precautionary approach of assuming a uniform distribution of birds across the Minsmere South Levels, which at ISH7 RSPB (Miss Miller) stated "<i>is actually a reasonable assumption to make in the absence of that distributional data.</i>"</p> <p><i>Between-year movements of breeding birds</i></p> <p>On the issue of between-year movements of breeding birds between the SPA and the FLL, as stated above, the assessment in the shadow HRA [APP-145] relies on seven years of data (from between 2010 and 2017) on the abundance of these birds within the FLL to reach its conclusions. The Applicant considers that it is unreasonable to suggest that this</p>

ExQ2: 03 August 2021**Responses due by Deadline 7: 03 September 2021**

ExQ2	Question to:	Question:
		<p>is not sufficient to adequately capture the potential for such between-year movements and to enable the issue to be accounted for within the assessment.</p> <p><i>Predicted levels of displacement</i></p> <p>In relation to the levels of the predicted displacement, the Applicant considers that the crux of the matter is whether this displacement from FLL would affect the status of the populations of the qualifying features within the designated site and, hence, the associated conservation objectives of the site. In this respect, the Applicant once again draws attention to the guidance on FLL produced for Natural England by Chapmen and Tyldesley (2016). This is clear in identifying the need to take account of FLL in HRA assessments (which is certainly not disputed by the Applicant) but also recognises that such assessments have to determine how critical the FLL is to the designated population and whether it is necessary to maintain or restore favourable conservation status of the qualifying feature. The guidance clearly states that effects which would not be acceptable within the boundary of the protected site <i>may or may not</i> be acceptable on the FLL.</p> <p>For the reasons set out above (and which are elaborated on in the shadow HRA report [APP-145], shadow HRA Addendum [AS-173] and SZC Co.'s Comments on Written Representations [REP3-042]), the Applicant considers that when the nature of the functional linkage at issue here is taken into account, it is almost inconceivable that the predicted levels of displacement would prevent the maintenance of the favourable conservation status of these qualifying features (the population sizes of which are all currently well above their citation levels). The Applicant considers that this critical point has not been given sufficient attention by either Natural England or RSPB and, contrary to the comment of Mr Woodfield at ISH7 that it seems quite extraordinary that "<i>contiguous land impacts that are in excess of 1% can be disregarded so easily</i>", the conclusion reached in the shadow HRA [APP-145] is considered to be the correct one on the basis of the careful and detailed 'analysis' that has been undertaken.</p>
HRA.2.4	Natural England	White fronted goose survey report

ExQ2: 03 August 2021**Responses due by Deadline 7: 03 September 2021**

ExQ2	Question to:	Question:
		The Applicant has submitted a white-fronted goose survey report to the Examination at Deadline 5 [REP5-125]. Could NE provide any comments on the findings of this report; does this address the point raised regarding nocturnal surveys for this species in NE's Relevant Representation [RR-0878].
	SZC Co. Response at Deadline 7	No response from SZC Co. is required.
HRA.2.5	Natural England RSPB and Suffolk Wildlife Trust East Suffolk Council	Mitigation for recreational pressure - Minsmere Monitoring and Mitigation Plan (MMP) [REP5-105] and Monitoring and Mitigation Plan for Sandlings (Central) and Alde, Ore and Butley Estuaries European Sites [REP5-122] Could you comment on the latest mitigation package in respect to Minsmere and recreational pressure, as provided by the Applicant at Deadline 2 and updated at Deadline 5 [REP5-105]. Does this satisfy your concerns with regards to the stated need for additional strategic off-site measures to mitigate for recreational pressure? Could you also comment on the MMP for Sandlings (Central) and Alde, Ore and Butley Estuaries, which has also been submitted at Deadline 5 [REP5-122].
	SZC Co. Response at Deadline 7	No response from SZC Co. is required.
HRA.2.6	Natural England	Marine mammals - Southern North Sea Site Integrity Plan (SNS SIP) As noted in submission REP5-160, could NE confirm whether you have reviewed the SNS SIP and what is your conclusion with regards to potential adverse effects on integrity for this European site?
	SZC Co. Response at Deadline 7	No response from SZC Co. is required.
HRA.2.7	MMO	Marine mammals – underwater noise Could the MMO comment on the revised underwater noise assessment submitted by the Applicant at Deadline 5 [REP5-124]. Does this address the concerns previously raised, including the cutting of piles during decommissioning?

ExQ2: 03 August 2021**Responses due by Deadline 7: 03 September 2021**

ExQ2	Question to:	Question:
	SZC Co. Response at Deadline 7	No response from SZC Co. is required.
HRA.2.8	Applicant	Marsh harrier – HRA Compensatory Measures Could the Applicant respond to the points raised by Natural England with regards to the proposed HRA compensatory measures, including: <ul style="list-style-type: none">• expand on the feasibility of the wetland habitat element for the proposed HRA compensatory measures for marsh harrier at Upper Abbey Farm• confirm whether the wetland habitat element of the HRA compensatory measures will be in place prior to construction. If this is not proposed, could the Applicant expand on why they consider this to be acceptable with reference to the Defra HRA guidance and the point at which negative effects are considered likely to occur
	SZC Co. Response at Deadline 7	<p>SZC Co. understands Natural England’s point on feasibility to relate to a historic position which was that SZC Co. had previously considered that creating any new wetlands in the north of the EDF Energy estate was unlikely to be possible, give the topography in this area. However, and has been discussed with Natural England in workshops held in 2020 and subsequently, the twin drivers of flood compensation mitigation and the need to optimise the marsh harrier habitat compensation area, SZC Co. looked again at the feasibility of new wetlands. It was concluded that by excavating approximately 120,000m³ of material from the lowest lying parts of the north and eastern edges of the proposed area, it would be possible to provide flood compensation and a wetland for marsh harriers. The wetland area will essentially be achieved by excavating to intercept near surface groundwater levels, in the same manner than was used for the successful Aldhurst Farm wetland creation. The topography of the area, which rises to the west, is such that any greater sized wetland would require dramatically greater excavation of material and a much extended construction programme which would then compromise the function of the wider area for marsh harriers.</p> <p>In REP6-042, at para 4.3, Natural England states <i>‘We welcome the inclusion of the wetland element within proposals. Having reviewed the report we believe that the design</i></p>

ExQ2: 03 August 2021

Responses due by Deadline 7: 03 September 2021

ExQ2	Question to:	Question:
		<p><i>is sufficient to compensate for habitat losses within the main development site which will be impacted by noise and visual disturbance during construction’.</i></p> <p>The wetland habitat area of the HRA compensatory measures will be built in the first winter following the granting of any order and the excavation is considered to be reliant on the powers in the order. The works will not be undertaken in February-October to avoid impacts on breeding birds, including marsh harriers and this will be secured in a future update the CoCP. On current programmes and assuming no delays, construction of the wetland would be undertaken in winter 2022-23 as part of the ecological enabling works for the project.</p> <p>In the first summer of construction of Sizewell C, here assumed to be summer 2023, when the marsh harrier habitat compensation area is required, to support marsh harriers, which breed in the summer, the marsh harrier habitat compensation area will comprise the dry habitat components, with a shallow open water body. It is likely to take until the second summer following the construction of the wetland for the reedbeds to become fully established. However, the open water habitats and their margins will themselves provide valuable habitats for foraging marsh harriers, as explained at paragraph 2.1.5 of Appendix B of SZC Co.’s Written Submissions arising from Issue Specific Hearing 7 [REP6-002].</p> <p>There will be no point during the important summer period during which the marsh harrier habitat compensation area will be unavailable to marsh harriers, as no construction of the wetlands will be undertaken in this period. The optimal condition is likely to be reached in the second summer, as explained above.</p>
HRA.2.9		<p>In relation to First ExQs HRA.1.4. In the light of the Northumbrian Water’s conclusion that it cannot supply the Sizewell C project from the outset, reported in the Applicant’s decision to make a change request to include a desalination plant to cover the period until Northumbrian Water can supply the project, is there any change needed to the shadow HRA? Without pre-empting the ExA’s decision on whether or not to accept the change request:</p>

ExQ2: 03 August 2021**Responses due by Deadline 7: 03 September 2021**

ExQ2	Question to:	Question:
		(i) when is it intended to submit updates to the shadow HRA? (ii) what would be the effect on the conclusions of the shadow HRA
	SZC Co. Response at Deadline 7	(i) An update to the shadow HRA is provided at Deadline 7 (Doc Ref 5.10 Ad 3 Ch). (ii) The conclusions of the shadow HRA are unchanged as a result of the inclusion of the desalination proposals, see the shadow HRA addendum (Doc Ref. 5.10 Ad 3 Ch).