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**Response to Request for
Information after ISH10
Agenda Item 5: HRA Issues**

**for the
Royal Society for the Protection of Birds
and Suffolk Wildlife Trust**

**Submitted for Deadline 7
3 September 2021**

Planning Act 2008 (as amended)

In the matter of:

**Application by NNB Generation Company (SZC) Limited for an Order
Granting Development Consent for
The Sizewell C Project**

**Planning Inspectorate Ref: EN010012
RSPB Registration Identification Ref: 20026628
Suffolk Wildlife Trust Registration Identification Ref: 20026359**

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ISH10 Agenda Item 5, response by RSPB and SWT

1. Agenda item 5. HRA issues

b) Summary or list of those European sites and qualifying features that Natural England do not currently agree with the Applicant's conclusion of no adverse effects on integrity

1.1. We do not agree that potential *adverse effects on integrity* can be excluded for the following sites and species from the Application alone:

- Breeding gadwall, shoveler, teal, marsh harrier, nightjar, avocet, bittern and little tern and non-breeding white-fronted goose, gadwall and shoveler of the Minsmere-Walberswick SPA
- Non-breeding red-throated divers and breeding common and little terns of the Outer Thames Estuary SPA
- Breeding Sandwich terns of the Alde-Ore Estuary SPA
- Breeding woodlark and nightjar of the Sandlings SPA
- Perennial vegetation of stony banks, Annual vegetation of drift lines and European dry heaths of the Minsmere-Walberswick Heaths & Marshes SAC
- The Minsmere-Walberswick Ramsar site - specifically criterion 1 - mosaic of marine, freshwater, marshland and associated habitats, complete with transition areas in between, criterion 2 nine nationally scarce plants and at least 26 red data book invertebrates, and the important assemblage of rare breeding birds associated with marshland and reedbeds.

1.2. Specifically, we would like to draw attention to the following issues which have not been addressed adequately by the Applicant or discussed in this hearing namely:

- Our continued concerns around noise impacts on breeding and wintering waterbirds on the Minsmere South Levels and Sizewell Marshes (both functionally-linked to the Minsmere-Walberswick SPA) not having been addressed and we do not agree that potential *adverse effects on the integrity* of the SPA can be ruled out at this stage.
- Impacts on the Annual vegetation of drift lines and Perennial vegetation of stony banks feature of the Minsmere-Walberswick SAC and Ramsar site arising from the approach to HCDF and SCDF have not been addressed. Therefore we do not agree that potential *adverse effects on the integrity* can be ruled out at this stage. We are concerned that the proposal to address these concerns via the Coastal Processes Monitoring and Mitigation Plan is not sufficient and that the role of the Terrestrial Ecology Monitoring and Mitigation Plan needs to be clarified in this instance.

c) HRA and recreational pressure on European sites - to understand the position of the Applicant and IPs, including Natural England, with regards to the proposed mitigation to avoid adverse effects on the integrity of European sites arising from recreational pressure, including progress on the two Management and Monitoring Plans and the securing of such measures

1.3. To exclude potential adverse effects on the integrity of the Minsmere-Walberswick and Sandlings European sites, we consider that a mitigation package including measures both within and outside the designated sites is required. The measures within the designated sites are being

developed through the Monitoring and Mitigation Plans, however, alternative greenspace outside the designated sites to reduce impacts are not yet proposed.

- 1.4. The two Monitoring and Mitigation Plans provide a good basis for the mitigation of impacts within the Minsmere-Walberswick, Sandlings and Alde-Ore Estuary European sites and we are grateful for discussions with the Applicant in the development of these plans. (Please also see our detailed comments on these plans at Deadline 6 in [REP6-046](#) epage 13). We consider that further refinements are required, including to determine the level of initial wardening resource provided and to address the speed of implementation of additional mitigation measures.
- 1.5. We note that these plans do not cover impacts outside European sites, including on protected and priority species and the SSSIs, as required by the EIA and query how this will be addressed.
- 1.6. As stated above, we also support Natural England's point that proposals for alternative greenspace for construction workers should be developed alongside the Monitoring and Mitigation Plans to reduce additional visits to designated sites as far as possible (please see our detailed comments on the Aldhurst Farm Technical Note in our comments at Deadline 6 in [REP6-046](#) epage 15). In the absence of these measures to reduce impacts (in addition to those already proposed to mitigate impacts within the sites), we do not agree the adverse effects on the integrity of the Minsmere-Walberswick designated sites and Sandlings SPA can be excluded.

d) Outer Thames Estuary SPA and red throated divers – to explore the assumptions made by the Applicant in their assessment and the Outline Vessel Management Plan with regards to the timings of vessel movements and how timing restrictions are secured. To seek comments from Natural England, the MMO, RSPB/SWT and IPs on the Outline Vessel Management Plan

- 1.7. We think there is an error in the calculation of the uplift in vessel activity for the route options that are proposed. For the period that is of interest (the winter period when red-throated divers are present) the temporary BLF may be active. The uplift in vessel activity relating to these five months appears to be calculated on the basis of existing activity over the whole year. If you actually divide the existing shipping activity by 12 months, and then times it by five to get five months' worth of vessel activity and calculate the uplift in activity based on that, the uplift is significantly higher than the Applicant has reported in this document. We are therefore concerned about the use of the routes that the Applicant has proposed, particularly the use of routes 1a and b and route 2 in the winter, because the additional activity from the Application represents a significant uplift on the existing levels of activity. Route 1a from Lowestoft and 1b from Ipswich and Harwich have no existing activity on those routes so the addition of Sizewell C activity would mean that another area of the SPA is subject to significant disturbance. For route 2, we think the additional activity would actually equate to a 558% uplift in activity for the five-month winter period. We note that there are currently no other alternatives proposed for the northern route from Lowestoft, but that route 3 is available from Ipswich and Harwich. Use of route 3 would be preferable because it is an existing shipping lane.
- 1.8. We think the commitment to use identified routes unless safety reasons required otherwise and to avoid impacts on red-throated divers could be clearer. There are additional measures that could be added – see for example the Best Practice Protocol for Minimising Disturbance to Red-

throated Diver from the East Anglia ONE North offshore windfarm¹ which includes measures such as avoiding engine revving, avoiding rafts of divers and briefing vessel crew about the required management measures, etc.

g, i) HRA and migratory fish

i. Prey species – to seek clarification regarding the relationship between the fish entrapment calculations and indirect impacts of prey availability to SPA and SAC qualifying features; to explore which European sites and qualifying features this applies

- 1.9. The ExA asked for comment on the relationship between the fish entrapment calculations and indirect impacts of prey availability to SPA qualifying features. Prey for marine birds includes fish at adult and juvenile stages as well as other marine biota. This issue is relevant to:
- non-breeding red-throated diver and (during the breeding season) foraging common and little terns of the Outer Thames Estuary SPA;
 - breeding little terns of the Minsmere-Walberswick SPA; and
 - breeding Sandwich terns of the Alde-Ore Estuary SPA
- 1.10. Paragraph 8.10.63 (epage 566) of the Shadow HRA Report ([APP-145](#)) states that the diet of non-breeding red-throated diver in the North Sea includes herring, sprat, whiting, cod, gobies, sandeels and smelt. Green (2017)² explains that terns in East Norfolk primarily feed on clupeids (herring and sprat), also sandeels, invertebrates and others. Many of these fish species feature in the list of species likely to be impinged/entrained at Sizewell C. Calculations of effects at the local scale are relevant due to restricted foraging range of breeding terns (particularly little terns) (see [REP6-016](#) local effects assessment). Also, given the importance of juvenile fish in the diets of tern chicks, entrapment calculations without the use of Equivalent Adult Values (EAVs) are important as the use of EAVs excludes effects on juvenile fish, therefore the juvenile fish entrainment assessment within the local scale effects assessment ([REP6-016](#)) is relevant.

¹ [Best Practice Protocol for Minimising Disturbance to Red-Throated Diver](#) submitted at Deadline 8 in the examination of the East Anglia ONE North offshore windfarm

² [Green, E. \(2017\) Tern diet in the UK and Ireland: a review of key prey species and potential impacts of climate change. RSPB. Review carried out as part of the Roseate Tern LIFE Project funded by the European Union \(project number: LIFE14 NAT/UK/00394 Roseate Tern\)](#)