



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES

2010

The Sizewell C Project

**Natural England's Response to Examiner's Questions Part 2**

Planning Inspectorate Reference: EN010012

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3<sup>rd</sup> September 2021

ExQ2 Ref	Question to:	Question	Answer
Ag.2.2	The Applicant, Natural England	<p>Outline Soil Management Plan (OSMP)</p> <p>Applicant - In comments made to the response by NE to Ag.1.10 [REP3-046] please signpost where in the updated OSMP [REP3-018] where additional clarity regarding the use of bulldozers and stockpile height limitations is located. Further information on wet weather working was also to be included within the OSMP, please signpost to this additional detail.</p> <p>Natural England – Noting the earlier comments made regarding the OSMP at [REP2-152] and [REP3-153] are you satisfied with the content of the revised OSMP [REP3-018]?</p>	<p>The Outline SMP has been updated following the consultation responses from Natural England and the National Farmers Union (NFU).</p> <p>Natural England welcomes that the temporary and permanent agricultural land take area will be provided, identifying the area of each Agricultural Land Classification (ALC) grade for each element of the development.</p> <p>At present, data inconsistencies appear to remain: Table 17.6 'permanent and temporary loss of agricultural land' presents data for the Main Development Site (MDS) only (Volume 2 Chapter 17 Soils &amp; Agriculture Soils and Ag Chapter), and states that 157.7 ha of the MDS is non-agricultural, leaving 213.9 ha of agricultural land (of which 22.2 ha is 'Best and Most Versatile' (BMV) land). Of this agricultural land, 205.2 ha will undergo temporary development and 8.5 ha will undergo permanent development (of which 16.4 and 5.6 ha is BMV, respectively). Table 3.10 'Summary of potential project-wide cumulative effects – loss of agricultural land during the early years of construction' (Volume 10 Chapter 3 Project Wide Effects), states 358.32 ha of agricultural land will be temporarily lost from the MDS. Although Table 3.8 'Summary of potential temporary project wide impacts on BMV' identifies 22.2 ha of BMV in the main development area which is consistent to the value presented in Chapter 17. Therefore, it appears that non-agricultural land has been included into the MDS area.</p> <p>It is noted that following Stage 4 Consultation, the extent of land take required for the construction and operation of the Bypass and Link road was reduced by 37.53 ha (15 and 22.53 ha, respectively). However, it is not stated as to whether the refinement of the construction footprint considered BMV agricultural land or not (i.e. minimising BMV land take) within Appendix 8.4A of the Site Selection Report [APP- 591].</p> <p>Consideration has also been given to the size of the Northern and Southern Park &amp; Ride to allow on-site topsoil and sub-soil storage to facilitate site restoration, following cessation of use of the park and ride facility.</p>

			<p>Natural England appreciates the link to the Statement of Competence [APP-161] and clarification on the ALC Methodology in the June Comments on Written Representations.</p> <p>The clarification on the ALC Methodology should have also been presented in the revision of the outline SMP, including which survey points were soil auger cores and which were soil profile pits; and which topsoil samples were subject to particle size distribution analysis (Appendix A).</p> <p>The commitment to undertake detailed ALC surveys across the full site is welcomed, this should include soil profile pits, lab analysis for particle size distribution and nutrient status (where appropriate). It is noted from Section 3 (OSMP), that following the completion of detailed ALC surveys across the full site (1 per hectare, supplemented by soil profile pits), the final collation of all available information will be made available to inform the development of the detailed Soil Management Plan and Soil Resource Plans (SRPs). This record of ALC information should include the clarification on the ALC Methodology and the identification of soil auger cores and soil profile pits; samples subject to soil laboratory analysis and soil nutrient assessment, alongside the pre condition ALC Map, sample location, borehole characteristics and lab data.</p> <p>The Outline SMP update is stated to include clarification of land restoration to the pre-construction ALC grade and the soil specific soil handling requirements. However, soil specific requirements are not specifically referred to, instead reference is made to the detailed SMP and SRPs being prepared pre-construction which will identify the soil specific soil handling requirements and set out the target specification for the proposed end uses. The target specification for the restored soils should be based on pre-construction ALC grade. On land undergoing cut and fill earthworks or temporary roadways involving compacting basal layers and the application of tarmac, paving etc, greater justification is required as to how the soil will be restored back to its original quality post development.</p> <p>NE welcomes the requirement for a Contractors Soil Scientist and the Clients Soil Scientist with specified competencies to advise on, and supervise, soil handling activities.</p>
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			<p>Section 6.2 'soil recovery and storage'. Depth of topsoil strip should be informed by the detailed ALC survey and monitored by the Soil Specialist during excavation works.</p> <p>Section 6.6: topsoil and subsoil resources should not be mixed.</p> <p>Section 7 'Soil restoration methods'. It should be emphasized that the criteria for land being restored to agricultural use will be informed through the pre-construction ALC and soil survey. Maps should be provided to illustrate the areas intended for restoration.</p> <p>Section 8 'Monitoring'. Soils should be monitored for up to 5 years following restoration to ensure the correct ALC criteria has been reached (on land restored to agricultural use) and the habitats created are in a suitable condition.</p> <p>Appendices</p> <p>Appendix B: To avoid risk of soil damage and compaction, bulldozers (as currently proposed in the OSMP) should not normally be employed for soil stripping or replacement for soils being restored. Defra's Good Practice Guide for Handling Soils provides detailed advice on the choice of machinery and method of their use for handling soils at various phases. We would advise the adoption of "Loose-handling" methods (as described by Sheets 1-4 of the Guide), to minimise damage to soil structure and to facilitate good restoration. Reference should be made to Sheet 15 where low ground pressure bulldozers are to be used during topsoil replacement.</p> <p>Appendix F 'Placement of soil layers'. Soil depths should be informed by the pre-construction ALC survey and checked by the Site soil Scientist.</p> <p>The main objective for the reinstatement of agricultural land is to restore the land to its original (pre-development) agricultural quality, as determined by ALC grade and soil characteristics obtained during the pre-construction survey. This is primarily achieved by ensuring that the full soil profile is reinstated in the correct sequence of horizons to the right depths, and in a state where good soil profile drainage and plant root development are achieved; and by ensuring that the reinstatement works cause minimum damage to soil structure.</p>
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			<p>Section 1.2.2 and 1.2.3 mention imported topsoil and subsoil and the associated BS standards, however a soil deficit and need to import soil is not discussed elsewhere in the Outline SMP. In fact, a potential soil surplus is mentioned in Section 4.1.4. A soil balance needs to be determined for each element of works and specified in the detailed SMP and SRPs. If a soil deficit is identified, the criteria for imported soils needs to be specified.</p>
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	<p>Sizewell Marshes Site of Special Scientific Interest (SSSI) is in part notified as being of national significance for its invertebrate assemblage. The works for the construction of the main power station platform and SSSI crossing as proposed will lead to the permanent loss of 3.06 ha of wet woodland. Whilst the wet woodland itself is not a notified feature of the SSSI, it is part of the SSSI site fabric and supports the invertebrate assemblage which is a notified feature; this is in part due to the braided nature of the ditches and open sediment where it passes through the alder woodland and this will be impacted by the proposals, including the re-routing of the Sizewell Drain. Compensation for the loss of this habitat must therefore be provided but, in Natural England's opinion, was not done so satisfactorily within EDF Energy's DCO application submission in May 2020. This was outlined under key issue reference 50 of our Relevant Representations [RR-0878].</p> <p><i>"We acknowledge that full provision of this compensatory habitat may not be possible within close proximity to the SSSI and therefore appreciate why compensation over multiple sites has been pursued. We agree that creating invertebrate rich wet woodland close to the compensatory fen meadow habitats will in part replicate the existing situation at Sizewell Marshes SSSI, as high quality wet woodland will develop in the same conditions as high-quality fen meadow (i.e. the absence of elevated nutrients and permanently high water table but without cutting or grazing).</i></p> <p><i>However, as outlined above for fen meadow, creating compensatory wet woodland habitat of the same quality to that which will be destroyed at Sizewell Marshes SSSI will be difficult. Again, even if successful, the</i></p>

			<p><i>proposed compensation sites are functionally removed from Sizewell Marshes SSSI and the complex ecological interactions between these features at Sizewell Marshes will largely be lost.</i></p> <p><i>We still need to review the Wet Woodland Plan which is yet to be submitted by the applicant. This should include feasibility studies for the three sites and further survey work to include assessment of woodlands in proximity to Benhall and Pakenham sites to ensure that a suitable invertebrate community is present to colonise the new areas of wet woodland, and what the fall back/contingency would be if not.</i></p> <p><i>It should also be noted from the application documents that the creation of 0.7 ha of the compensation as proposed within the main development site would not be started until the end of the construction period. The 2.6 ha created off site from the outset, if successful, would also not be fully functioning for quite some time. This compensatory habitat will therefore either not be in place or not fully functioning ecologically in advance of any loss occurring as has been accepted by the Applicant as a principle at Aldhurst Farm with respect to SSSI reedbed and ditch habitats which would also be lost (as described under 2.b.ii above). As a result, the extent of this habitat which supports the nationally important invertebrate assemblage will not be maintained throughout the lifetime of the project should consent be granted.”</i></p>
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.	As we outlined under issues 49 and 50 of our Written Representations [REP2-153], we have consistently advised that these compensatory habitats should be in place and functioning ecologically in advance of any loss occurring as has been accepted by the Applicant as a principle at Aldhurst Farm with respect to SSSI reedbed and ditch habitats which would also be lost as a result of the proposed development. It is therefore very disappointing that they have not. Even if the proposed compensation approach is eventually agreed between all parties, the extent of this habitat which supports the nationally important invertebrate assemblage will not be maintained throughout the lifetime of the project should it be consented, and we draw the Examining Authority’s attention to this point.



			<p>It should also be noted from the application documents that the creation of 0.7 ha of the wet woodland compensation as proposed within the main development site would not be started until the end of the construction period which we believe is unacceptable and should be provided alongside the proposed 2.6 ha.</p>
Bio.2.3	Natural England	<p>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.</p>	<p>As outlined in our response to Issue Specific Hearing 7 [REP5-160] and in Issues 10, 37, 52 and 54-62 of our Written Representations [REP2-153].</p> <p><i>“...to summarise, protected species licences are required from Natural England for any development activity which carries the risk of significant disturbance or injury to certain species. It is our understanding that for the proposed project this includes water voles, natterjack toads, bats, otters, great crested newts, badgers and Deptford Pink.</i></p> <p><i>As set out in our Relevant [RR-0878] and Written Representations [REP2-153], we advised the Applicant throughout pre-application that final draft licences for all relevant protected species should be submitted by them with or shortly after the submission of their Development Consent Order (DCO) application in May 2020. This was to ensure that the Examining Authority (ExA) has the certainty that is required in terms of Natural England reviewing each licence application and providing letters of no impediment (LoNIs) before any consent might be granted. We specifically created the LoNI process for this purpose to de-risk applications for developers in this regard. The advice given by the PINS Consents Service Unit in their <a href="#">Prospectus for developers</a> document (page 8, Annex 2), which support developers in understanding the risks of not undertaking this process, states that “It is worth noting where developers choose to apply for non-planning consent later in the process, it may be difficult to provide the Examining Authority with reassurances about the likelihood of obtaining them”.</i></p> <p>As outlined in our oral submission at ISH 7, Natural England started receiving the final draft protected species licence applications from the Applicant on the 9<sup>th</sup> July 2021 (water voles, Deptford Pink), and have also received an outline of when the Applicant intends on submitting the remaining applications to Natural England and the ExA as below:</p>

			<b>Licence Title</b>	<b>Proposed Submission Date to Natural England</b>	<b>Submission to ExA</b>
			Water Vole Method Statement: Main Development Site	9 <sup>th</sup> July (issued)	Deadline 5
			Natterjack Toad: Main Development Site	20 <sup>th</sup> July	Deadline 5
			Badger: Main Development Site	16 <sup>th</sup> July	Deadline 5
			Deptford Pink: Main Development Site	9 <sup>th</sup> July (issued)	Deadline 5
			Otter: Main Development Site	21 <sup>st</sup> July	Deadline 5
			Water Vole: Two Village Bypass	16 <sup>th</sup> July	Deadline 5
			Badger: Two Village Bypass	16 <sup>th</sup> July	Deadline 5
			Great Crested Newt: Northern Park and Ride	27 <sup>th</sup> August	Deadline 7
			Great Crested Newt: Sizewell Link Road	27 <sup>th</sup> August	Deadline 7
			Great Crested Newt: Rail	27 <sup>th</sup> August	Deadline 7
			Bat	27 <sup>th</sup> August	Deadline 7

			<p>As such, we have not yet had time to review and come to a conclusion on any of the applications and are therefore not in a position to issue any LoNIs to the ExA at this time.</p> <p>We do not have a statutory response time on this element of our licencing work but ordinarily would aim for 30 working days, although staff are currently operating at 45+ working days due to resource constraints. Applications typically require multiple rounds of drafts being submitted per species before they reach a stage that they are considered satisfactory for Natural England to reach a conclusion. Without pre-judging the applications, given the scale and complexity of the Sizewell C project it may be that our response following initial review is to request further information for some or all of them, after which the review process is repeated.</p> <p>We therefore wish to highlight that our conclusions on each licence application, and subsequent issuing of LoNIs to the ExA (if a favourable conclusion is reached), may not occur until close to or after the end of the examination period as currently scheduled (14<sup>th</sup> October 2021). As outlined in our oral submission at ISH 7, the LoNIs themselves do not take much time to prepare and issue once a favourable conclusion has been reached.</p> <p>It should be noted we are yet to receive licence application for Great Crested Newts or Bats. However, to the best of our knowledge all other licence applications have been received and are under review.</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]	<p>We appreciate the ExAs comments on the Bat Mitigation Strategy and agree with many of them.</p> <p>In regard to enforcement, as much of this will be agreed with the Local Planning Authority (LPA), we defer to them on this matter.</p> <p>In regard to the specific document, we will respond to all protected species documents via our licensing process.</p>
Bio.2.10	Natural England, MMO, Applicant	The ExA notes that this is protected under s.41 NERC Act 2006 (1) The SoCG with the MMO [REP2-028] says (MEF4) that discussions are needed on the Marine	Natural England advise that <i>Sabellaria spinulosa</i> reef of all quality is protected under Section 40 and 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. Therefore, due regard must be given to the conservation of this habitat.

		<p>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>Natural England advises that best practice is to avoid, reduce and mitigate to minimise any loss of <i>Sabellaria spinulosa</i> reef habitat.</p> <p>Our position on this issue was outlined at the Issue Specific Hearing 7: Biodiversity and Ecology on the 16th July 2021 and summarised in our Written Summary of Oral Representations [REP5-160] which we submitted at Deadline 5 (our ref 361180, dated 23rd July 2021).</p> <p>Since then, the Applicant set up a meeting with Natural England on the 18th August 2021 to discuss the mitigation and monitoring plan which we welcome. During that meeting, we advised on the mitigation and monitoring measures that we would expect to be set out in the ‘in-principle’ plan, and which would have the best chance of success. We are yet to see a version of the ‘in-principle’ mitigation and monitoring plan but understand that the Applicant will submit this to the Examination at Deadline 7. We will review it for the first time once available and provide our revised position using best endeavours.</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. 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. The ExA assumes that Natural England does not wish to respond on the other Bio questions which</p>	<p>See ExA Questions Part 1 below (page 21 onwards) for Natural England’s response to questions originally addressed to MMO.</p>

		were in first ExQs but not specifically addressed to it, except where it actually did so.	
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.	We are satisfied that Staverton Park and the Thicks Wantisden SAC can be excluded due to distance and have updated the sites in our Statement of Common Ground. We are currently reviewing the applicant's comments air quality and will provide an updated position with best endeavours as soon as we are able.
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.	We are currently reviewing the applicant's comments air quality and will make best endeavours to provide an updated position on them as soon as we are able.
HRA.2.4	Natural England	White fronted goose survey report 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].	We are currently reviewing this report and will make best endeavours to provide an updated position on soon as we are able.
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	We would direct the ExA to our response at Deadline 6 which outlines our comments on the Minsmere Monitoring and Mitigation Plan in addition to our most recent responses on recreational disturbance in our Statement of Common Ground and Joint Statement with the Applicant on Recreational Displacement Numbers, both due to be submitted to the examination at deadline 7.  We have engaged with the applicant on the issue of recreational disturbance and provided them with a detailed response on their assessments which we summarise below.  Natural England's primary concern on the issue of recreational disturbance is the estimates produced by the applicant on the predicted

		<p>Alde, Ore and Butley Estuaries, which has also been submitted at Deadline 5 [REP5-122].</p>	<p>use by construction workers of nearby nature conservation sites of international and national importance for wildlife (i.e. Special Areas of Conservation (SACs, Special Protection Areas (SPAs), Ramsar sites and Sites of Special Scientific Interest (SSSIs) for recreation, some of which are both highly attractive and readily accessible in this regard. We consider these figures to be a potentially vast underestimation, informed by limited and unreliable evidence. Consequently, we consider that the proposed mitigation and monitoring strategies (i.e. without provision of an alternative green space integrating Suitable Alternative Natural Greenspace (SANG) principles as part of the package) are inadequate to address the potential scale of impacts which are unprecedented in this location.</p> <p>Sizewell C is located within a part of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) that is highly attractive to recreational users. We consider that the applicant has failed to fully consider the excellent access the footpaths at the Eastbridge campus accommodation offer to numerous designated sites with high recreation value (beach, woodland and heathland, much of which is open access) which are also particularly sensitive and already under significant pressure from the current levels of recreational use. We also advise that national trends for increasing levels of outdoor informal recreational use of the countryside have not been properly considered, instead relying on older data which is less likely to reflect these increases.</p> <p>The current mitigation strategies are designed to reduce the impact of recreational disturbance based on the applicant's estimation of displaced recreational users and construction workers. Natural England's view is there is significant uncertainty regarding these estimates, particularly those of construction workers likely to be participating in outdoor recreation locally.</p> <p>We advise that, on this basis and in accordance with the precautionary principle which is enshrined in the Habitats Regulations, adverse effects on the integrity of the nearby designated sites (as agreed within scope) cannot be ruled out beyond reasonable scientific doubt based on the mitigation which is currently proposed by the applicant. To address the significant amount of residual uncertainty regarding impacts from construction workers, we advise that an alternative green space</p>
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			<p>integrating Suitable Alternative Natural Greenspace (SANG) principles should also form part of the package, specifically to address impacts from workers within close proximity of the worker's accommodation.</p> <p>Natural England acknowledges that the recreational needs of workers are slightly different to typical housing residents (e.g. most will not be allowed dogs) but consider that an alternative green space is required given that the worker's accommodation is proposed so close to the highly attractive designated sites and that the construction period is long term at 10-12 years during which time adverse effects could occur. We consider that the size and design of the alternative green space is open for debate in terms of SANGS guidelines (as partially listed in issue 29 of our Relevant Representations, Written Representations and above within this issue), but that it would need to be specifically designed to mitigate impacts from workers, targeted at the types of recreation they are likely to undertake. We would be keen to work with the applicant to develop and agree this.</p> <p>We are currently in the process of reviewing the Monitoring and Mitigation Plan for Sandlings (Central) and Alde, Ore and Butley Estuaries European Sites and will provide comments at deadline 8.</p>
HRA.2.6	Natural England	<p>Marine mammals - Southern North Sea Site Integrity Plan (SNS SIP)</p> <p>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?</p>	<p>Natural England have reviewed the Southern North Sea Site Integrity Plan submitted by the Applicant.</p> <p>We are not yet able to agree with the Applicant's assessment of no adverse effects on the integrity (AEoI) of the SNS SAC, and require our comments below be addressed before this can happen.</p> <p><u>General comments</u></p> <p>We consider this SIP a draft that should be revisited and finalised prior to construction activities commencing. This will allow for a more refined and accurate in-combination assessment to be undertaken using more up to date information regarding the scheduling of works for other plans and projects. This may help to reduce the worst-case scenario and the total percentage spatial footprint of activities in-combination.</p> <p><u>Detailed comments</u></p> <ul style="list-style-type: none"> <li>1.2.5 – NE acknowledges it is not yet known whether any unexploded ordnance (UXO) clearance works will be required,</li> </ul>

			<p>however other projects in the area of the proposed works have identified and had to clear UXO so there is a realistic chance that this will also be the case for piling works at Sizewell C. Therefore, the detonation of one UXO at Sizewell should be included in the in-combination assessment.</p> <ul style="list-style-type: none"> <li>• 2.1.5 – Reference not found.</li> <li>• Table 2.1 – Please could clarification be provided as to how the figure of 332.5km<sup>2</sup> for piling at the Beach Landing Facility (BLF) has been arrived at? Does this reflect the proximity of the piling activity to the shore?</li> <li>• 2.2.6 – Reference not found.</li> <li>• Table 2.3 – NE disagree with the conclusion of no potential for adverse effect on the SNS SAC based on the ‘most likely’ scenario of 50 days as this duration cannot be guaranteed and conclusions should be based on the worst case scenario of 110 days. Therefore, to ensure no AEol, piling for the BLF should not be undertaken in-combination with OWF monopile installation or UXO clearance works and works should be scheduled to achieve this. This also applies to the final scenario in table 2.3.</li> <li>• Table 2.4 - NE disagree with the conclusion of no potential for adverse effect on the SNS SAC based on the ‘most likely’ scenario of 60 days as this duration cannot be guaranteed and conclusions should be based on the worst case scenario of 110 days. Therefore to ensure no adverse effect, piling for the BLF should not be undertaken in-combination with OWF monopile installation or UXO clearance works and works should be scheduled to achieve this. This also applies to the final scenario in table 2.4.</li> <li>• Section 3 – Whilst NE recognises and welcomes the proposed use of a hydrohammer, mitigation and management should be based on the worst case scenario provided here and therefore, management of the scheduling of activities is required to ensure there is no adverse effect on the integrity of the SNS SAC as per our advice above.</li> </ul>
CG.2.6	ESC, MMO, EA, NE,	Impacts on coastal processes	Natural England are unable to answer this question at this deadline due to specialist resource constraints.



	RSPB, National Trust, Alde and Ore Association, Mr Bill Parker	<p>At DL5 the Applicant submitted a revised version of the CPMMP [REP5-059]. Please indicate whether there are any further concerns:</p> <ul style="list-style-type: none"> <li>(i) as regards the wording of that draft plan including in relation to the geographical extent of the proposed monitoring, the means of monitoring and future mitigation to maintain the shingle transport corridor and mitigation triggers?</li> <li>(ii) in relation to the funding of the monitoring and mitigation process by the Applicant and the duration for that to process and funding to be in place?</li> <li>(iii) the means of securing and enforcing the CPMMP provisions?</li> <li>(iv) whether this now satisfactorily addresses the details sought of the proposed secondary mitigation in the event that the SCDF-supported sediment pathway across the site frontage is interrupted?</li> </ul>	We request that the ExA defer our input to Part 3 of Examiner's questions, when we will aim to provide a response by Deadline 8.
CG.2.9	The Applicant, NE	<p>Impacts on coastal processes</p> <p>NE's DL5 comments on the Preliminary Design and Maintenance Requirements for the Sizewell C Coastal Defence Feature [REP5-158], raises a number of issues:</p> <ul style="list-style-type: none"> <li>(i) In relation to the effect on Minsmere, what level of certainty can the Applicant provide that HCDF exposure would not occur and should the HCDF become exposed, are any further assessments in response to the NE concerns proposed to be carried out and, if so, what is the anticipated timetable for those assessments?</li> <li>(ii) In addition, NE seeks some of the work investigating triggers to deal with the uncertainty in the SCDF to be undertaken up front for the HRA to ascertain no LSE. Please can NE clarify the exact</li> </ul>	<p>Natural England advise that the further work required is already set out by the Applicant in TR544 Preliminary design and maintenance requirements for the Sizewell C Coastal Defence Feature [REP3-032].</p> <p>In it, the Applicant states:  'Further work required to refine the SCDF's coastal processes design and finalise the buffer and sacrificial layer volumes includes:</p> <ul style="list-style-type: none"> <li>• Setting the <math>V_{recharge}</math> (the threshold volume for SCDF recharge) for the CPMMP.</li> <li>• Extending the modelling period from the end of the operational phase (2099) to the end of decommissioning for SLR cases.</li> <li>• Modelling a range of particle sizes between 10 and 80 mm to optimise SCDF particle-size selection and SCDF performance.</li> <li>• Consideration of whether gravel model calibration work should be undertaken to reduce model uncertainty, specifically measurements of the</li> </ul>

		nature of the work that is required to be carried out up front?	<p>groundwater properties (hydraulic conductivity) for Sizewell's supra-tidal sediments, which are the closest analogy to the SCDF available. Full-scale physical modelling may also be required to finalise the design prior to SCDF construction.'</p> <p>Natural England advise that this work is undertaken up front in order for us to agree with the Applicant's no AEol conclusion.</p>
DCO.2.0	The Applicant, ESC, SCC, Natural England, MMO	Attention is drawn to the Commentary on the DCO which includes commentary on the Deed of Obligation	Natural England request further information on what the Examining Authority wish us to respond to here.
FR.2.18	The Applicant, Environment Agency, Natural England	<p>Flooding – Landowner Consents</p> <p>In response to ExQ1 FR.1.14 the EA [REP2-136] raised a concern over flood risk to land. They requested that the landowners should be consulted, and their legal easements sought for increase flood depths. Please provide an update on the progress with respect to EA guidance on thresholds and what action has been taken negotiating with relevant landowners and Natural England.</p>	To the best of our knowledge our Sizewell casework team has not been involved in these negotiations. We defer this question to the EA who may be in a better position to give an update.
LI.2.1	SCC, ESC, Natural England, The AONB Partnership, National Trust, Stop Sizewell C, TASC	<p>Additional Construction Visualisations</p> <p>Additional illustrative day and night-time construction photomontage visualisations are to be produced from four Representative Viewpoints [REP5-117]. Please comment on the suitability of the selected locations.</p>	Natural England defers to the local authority and to the AONB Partnership on this matter given their more detailed local knowledge of how the landscape around the development site is used and viewed. They are therefore better placed to confirm the suitability or otherwise of these locations.
LI.2.7	ESC, SCC, Natural England, The AONB Partnership, Stop	<p>SSSI Crossing – Design Amendment</p> <p>Please review the amended SSSI crossing design [REP5-010] and provide comment.</p>	Natural England's advice has consistently sought an option which best protects the ecological quality of the Sizewell Marshes SSSI. The SSSI is also a valued landscape feature so maintaining its visible health and ecological quality is important in that regard. The design option of a three-span bridge remains the optimal design due to the least land take and least impact on the environment as outlined in our previous responses.

	Sizewell C, TASC		<p>However, Natural England still welcomes the optimisation of the hybrid bridge-culvert SSSI crossing design to lessen its impact on invertebrates by raising the soffit height should this design be considered justified by the ExA.</p> <p>As outlined in our relevant representations [RR-0878] <i>“The main mitigation measure if a causeway is constructed is an effective planting scheme on and in proximity to the crossing to maximise how the causeway is screened and blended into the landscape. We note a commitment to plant the margins with trees and shrubs to integrate the crossing into the local landscape and screen / filter views of moving vehicles. That will not compensate for any significant harm which arises to the SSSI, but it may reduce the visual impact of the causeway and its cumulative impact with any visual degradation of the wetland habitat.”</i></p>
LI.2.9	The Applicant, ESC, Natural England, The AONB Partnership, Stop Sizewell C, TASC	Alternative Outage Car Park Note Please review and comment on the content of the SCC submission [REP5-171].	SCC makes a very clear and compelling case for an alternative solution. We support their contention that the proposal for additional outage parking to be sited within the designated landscape of AONB is disproportionate to the anticipated or likely need. This is particularly the case given that SCC have proposed alternative approaches which appear to be both practical and deliverable.
LI.2.22	ESC, SCC, Natural England, The AONB Partnership, National Trust	Design and Access Statement –Overarching Design Principles and Detailed Built Development Principles Several amendments and additions have been made to Tables 5.1 and 5.3 of the DAS [REP5-070]. Please review and comment on the amendments and additions.	The proposed amendments and additions are positive and welcome. They will, however, not reduce the impact of the project as a whole on the AONB to a below significant level.
LI.2.23	ESC, SCC, Natural England, The AONB Partnership, National Trust	Design and Access Statement –Overarching Design Principles In respect of Overarching Design Principles 17-21 [REP5-070], are you satisfied that the proposed design of the MDS meets the objectives of these principles?	As previously advised, we are content with the Design Principles but that does not mean that even if fully applied they can produce a scheme which would not have a significant effect on the AONB.

LI.2.24	ESC, SCC, Natural England, The AONB Partnership, Theberton and Eastbridge Parish Council, Stop Sizewell C, TASC	Design and Access Statement – Accommodation Campus Design Principles Please review and comment on the revised design principles contained within Table A.1 [REP5-075].	The proposed amendments and additions are positive and welcome. We defer to the local authorities and AONB Partnership for advice on how effective these would be in managing the effect of this element of the scheme, located in the immediate setting of the AONB, on the designated area.
SA.2.0	The Applicant, ESC, SCC, Natural England, MMO, Trinity House	Attention is drawn to the Commentary on the DCO which includes commentary on the Deed of Obligation	Natural England request further information on what the Examining Authority wish us to respond to here.

## ExA Questions Part 1 – Questions deferred from MMO to NE

Question Ref	Question to:	Question	NE comments
Bio 1.38	MMO, Natural England, The Applicant	<p>(i) Please state the applicability of ss.125 and 126 of the Marine and Coastal Access Act 2009 and set out any marine conservation zones which are relevant to the Application. (The ExA note that Table 22.1 of APP-317 highlights Orford Inshore MCZ.)</p> <p>(ii) If there are any Marine Conservation Zones or ss.125 or 126 of the Marine and Coastal Access Act 2009 are otherwise engaged by the Application please set out (a) how, (b) the steps taken in relation to them and (c) the steps which the SoFS should take. Please will the Applicant in answering draw attention to any provisions of the application documentation which address the question</p> <p>(iii) Please state whether or not any other provisions of the MCA 2009 are relevant and if so, how.</p> <p>(iv) Is the MMO content that there is no separate assessment for the Orford Inshore MCZ?</p>	<p>Natural England is content that there are unlikely to be significant impact pathways to Orford Inshore Marine Conservation Zone (MCZ) from the proposals and are therefore satisfied that a separate MCZ assessment is not required</p>
Bio 1.39	MMO, EA, The Applicant	<p>Please will the MMO and Environment Agency explain what is the split and overlap of their functions in the sea. If the ExA has understood the landward limit of MMO responsibility correctly, this question is directed to the area seaward of Mean High Water Springs.</p>	<p>Natural England is the statutory Nature Conservation Body (SNCB) whose remit is to provide advice to regulators/competent authorities on nature conservation concerns. In this instance all interested parties is provide advice to the PINs/SoS but post consent both the MMO and EA will have regulatory responsibilities and NE will advise them in the discharge of an DCO/dML requirements/conditions hence the 'in consultation with relevant SNCB' included in the DCO/dML</p>

Bio 1.199	MMO	Para 5.4.1.2. Please set out drafting the MMO seeks for a requirement on LVSE and FRR design, monitoring and operation, with an explanation and reasoning	Natural England does not believe this is a question for us to answer and remains within the remit of the MMO.
Bio 1.208	The Applicant, EA, MMO	[APP-317] para 22.6.31 – “This chapter considers only the holoplankton component of the zooplankton community”. Please will the Applicant explain why it takes this approach and why it is valid and proper. Please will the EA and MMO state if they accept this approach and if they have any relevant concerns.	Natural England does not believe this is a question for us to answer and remains within the remit of the MMO.
Bio 1.209	The Applicant, EA, MMO	[APP-317] paras 22.6.262 – 273, Table 22.32 and Plate 22.4 (Section D.d.f). The temperature plume.  The ExA is asking this question not only for its relevance to plankton but also to the rest of this chapter of the ES. (i) It would be helpful is the Applicant could please list the other occasions in this chapter on which this data is used. (ii) the absolute water temperature exceeds 28o over an area of 0.11 ha at the surface (98th percentile), with Sizewell B & C operating – Table 22.32. Please will the MMO and Environment Agency comment in the significance of this. (iii) Please will the MMO and Environment Agency also comment and explain the relevance of the 23o -28o range (iv) Plate 22.4. The title refers to plume temperature above 2o and to Julian Days. Please will the Applicant say if the title should be to thermal uplift – derived presumably from Table 22.32. Please also say why Julian Days are used. Are not Julian days the continuous count of days since the beginning of the Julian Period? Please explain what is intended.	Natural England does not believe this is a question for us to answer and remains within the remit of the MMO.
Bio 1.210	The Applicant, EA, MMO	[APP-317] Table 22.32 Please will the Applicant explain what is meant by this table. All the figures are for the 98th percentile. A percentile is a score below which a given percentage of scores in its frequency distribution fall. What then is meant by a score which is below a range (such as between 23o and equal to or less than 28oC)? And what is meant by the areas in that context? What is	Natural England refers the ExA to the Applicant’s answer to this question in [REP2-100]. We also refer the ExA to the advise we provided in our Written Representations [REP2-153], and Written Response to ISH7 [REP5-160] on impacts to fish species.

		<p>meant by a percentile which is that 98% of the scores are below over 28oC? Is the table meant to show that for example 89.6 ha of the surface of the sea will be between 23o and 28o C when Sizewell B &amp; C are both operating. In relation to thermal uplift, are there any uplifts in the Poor category (which is presumably exceeding 4o ).</p> <p>There are other tables where this approach is used, for example Table 22.52 in section D.d.d – Operational; Temperature changes; cooling water discharges. Please will the Applicant cover them as well in its explanation.</p> <p>Please will the Environment Agency and MMO also comment and assist the ExA.</p>	
Bio 1.215	The Applicant, MMO	[APP-317] baseline, benthic invertebrate taxa, section B.a.a, para 2.7.16. This notes that the lagoon sand shrimp is protected under Sch 5 of the Wildlife and Countryside Act 1981. Is there any relevant defence to damaging or killing it?	Natural England are satisfied with the Applicant's response to this question as set out in [REP2-100]
Bio 1.216	The Applicant, MMO	<p>[APP-317] baseline, benthic invertebrate taxa, section B.a.a, para 2.7.16. This notes that Sabellaria spinulosa is listed under s.41 NERC Act 2006. What steps is the SofS required to take in relation to it to fulfil the obligations in s.41?</p> <p>Please answer this question also in relation to benthic habitats Section B.a.b para 22.7.22, the construction of the cooling water intakes (section C.d) and Sabellaria spinulosa in general.</p>	<p>Please be advised that <i>Sabellaria spinulosa</i> reef of all quality is protected under Section 40 and 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. Therefore, due regard must be given to the conservation of this habitat.</p> <p>Natural England advises that best practice is to avoid, reduce and mitigate to minimise any loss of <i>Sabellaria spinulosa</i> reef habitat.</p> <p>Natural England has met with the Applicant and we understand that a Sabellaria spinulosa reef management plan (or equivalent document) will be submitted into Examination by Applicant. We will provide further advice once this is formally submitted.</p>
Bio 1.218	The Applicant, MMO	[APP-317] Construction discharges of un-ionised ammonia, section C.c.f, para 22.7.151. Please will the Applicant explain why the magnitude of the impact is assessed as low "as discharges could occur throughout the construction phase". That duration suggests the opposite. The ExA also	Natural England advised for an impact to be considered temporary it must be clearly time-limited to the point where the impact is <u>predicted to return to the same pre-impact condition</u> and must include a detailed remediation plan using proven techniques as part of the licence.

		<p>notes the criteria in table 1.3 of appendix 6R [APP-170] where the Applicant says:  “Medium - Medium-term temporary impacts, one to 12 years”.  “Low - Short-term temporary, less than a year”.</p> <p>Please will MMO also comment.</p>	<p>For your awareness: Whilst Natural England agrees short term impact would be &lt;1yr; we advise that there are no thresholds for impacts to be considered as being medium/long term and is species/habitat specific. However, if conservation objectives for designated sites and/or protected species are hindered for more than two years then those impacts are more likely to be considered as medium/long term <u>and resulting in lasting change.</u></p> <p>Natural England advises in this instance that an impact occurring over 12 years is long-term and does not take into account the recovery time to pre-impact condition.</p> <p>No evidence has been presented in relation to the rate of recovery that may occur. Therefore, we assume worst case scenario that lasting changes could occur as a result of the proposed discharge. Which would further indicate that the impacts are not temporary.</p>
Bio 1.220	The Applicant MMO	<p>[APP-317] section C.d, paras 22.7.204 and 22.7.211. At para 22.7.204 the ES states that less than 5% of the Coralline Crag would be impacted. At para 22.7.211 the figure of 6% “of the reef area” is given. Is this because the reef in para 22.7.211 is the Sabellaria spinulosa, which is only part of the Coralline Crag?  If not, please explain further.</p>	<p>Natural England refers to the Applicant’s response provided in [REP2-100].  However, we advise that the percentage of impact does not change Natural England’s advice provided in our Relevant Representations [RR-0878], Written Representations [REP2-153], and Written Response to ISH7 [REP5-160] in relation to the impacts to <i>Sabellaria spinulosa</i> reef.</p>
Bio 1.223	The Applicant, MMO	<p>[APP-317], section C.d.b.b, para 22.7.214 reads “Monitoring of the <i>S. spinulosa</i> reef extent on the offshore Coralline Crag is recommended during both pre- and postconstruction of cooling water infrastructure (22.12c).” This monitoring is again referenced at the consideration of inter-relationship effects, para 22.7.310 and in the operational phase (e.g. para 22.7.380).</p> <p>Please will the Applicant explain how this will be secured and what action will be taken, depending on the results of</p>	<p>Natural England has met with the Applicant and we understand that a <i>Sabellaria spinulosa</i> reef management plan (or equivalent document) will be submitted into Examination by Applicant. We will provide further advice once this is formally submitted.</p>



		<p>the monitoring. What will be the thresholds and tests for action?</p> <p>Please will the MMO give its view on this proposal</p>	
Bio 1.234	The Applicant, MMO	<p>[APP-317] Section C.b.f.f, Assessments of effects of localised displacement: underwater noise from navigational dredging, para 22.8.179.</p> <p>The reader is referred to the shadow HRA for assessment of implications for bird and cetacean feeding.</p> <p>This is one of a number of places where the Applicant cross refers to the shadow HRA. Other examples include para 22.8.485, implications for bird and cetacean foraging, Section C.f.g.c and para 22.8.710 on indirect effects of localised displacement of prey species on designated birds and marine mammals.</p> <p>The tests in the Conservation and Habitats Regulations are different from the EIA regulations. Please will the Applicant summarise the relevant parts of the shadow HRA and make the necessary adaptations to make them applicable to the ES. This should please be done for each occasion on which the ES refers to the HRA for assessment. The Applicant is referred to the earlier question in the Biodiversity and ecology (marine) general section about the use the shadow HRA for environmental assessment.</p>	<p>For other NSIPs Applicants have provided a shadow HRA or Report to Inform the Appropriate Assessment where there are likely significant effects (LSE) on European Protected Species/Habitats. It is often the case that these impacts are only significant at a designated site/species level and not a wider seas issues i.e. EIA.</p> <p>Therefore, Natural England refer to the Applicant's response provided in [REP2-100].</p>
Bio 1.237	The Applicant, MMO	<p>[APP-317], Section C.b.g Underwater noise: impact piling, para 22.8.187. This states: "With the uncertainty and limited scientific evidence currently available, it is not considered appropriate to quantitatively assess the effects of vibration to fish receptors; therefore, the pressure has been scoped out." This is then compared with offshore wind farms which it is said have much larger scale hammer piling.</p> <p>Will the Applicant please say if this scoping out was agreed with the MMO. Please will the MMO say if it is content with this approach.</p>	<p>Natural England does not believe this is a question for us to answer and remains within the remit of the MMO.</p>

Bio 1.239	The Applicant, MMO	<p>[APP-317] Section C.e, Cooling water infrastructure, para 22.8.408 and following. Please will the Applicant explain why the effects of flushing during commissioning are not considered in this section.</p> <p>MMO may wish to comment.</p>	Natural England has no further comment at this time
Bio 1.242	The Applicant, MMO	<p>[APP-317] Section D.c.c.c Assessment of impingement losses, Table 22.111 – premitigation table.</p> <p>(i) Please will the Applicant explain why eels are not in red, given that they are 1.89%SSB? Why is Twaite shad 84.6% of landings shaded red when it is only 0.05% of SSB? Why are horse mackerel and mackerel in red. They are 0.00%.</p> <p>(ii) In relation to Twaite shad, why is % of landings used when SSB is available?</p> <p>(iii) Why is the percentage of mean landings used for Allis shad when there is no figure for mean landings? In addition for this species, Allis Shad, the figure for %age of SSB is 0.018%.</p> <p>(iv) Please will the Applicant explain, and confirm the other figures in this table are correct, or amend if necessary. If amendments are made, please re-issue the table with changes clearly shown and consequential changes elsewhere in the ES set out.</p> <p>(v)Please will the MMO also comment on all of the above.</p>	<p>Natural England refers the ExA to the Applicant's answer to this question in [REP2-100].</p> <p>We also refer the ExA to the advice we provided in our Written Representations [REP2-153], and Written Response to ISH7 [REP5-160] on impacts to fish species.</p>
Bio 1.243	The Applicant, MMO	<p>[APP-317] Section D.c.c.c Assessment of impingement losses, Table 22.112 – full mitigation table</p> <p>The ExA notes that this table does not include "Species where the impingement weight exceed 1% of the relevant stock comparator are shaded in red", as for Table 22.111.</p> <p>(i) Should that approach be adopted for Table 22.112. If so, please re-issue the table with changes clearly shown and</p>	<p>Natural England refers the ExA to the Applicant's answer to this question in [REP2-100].</p> <p>We also refer the ExA to the advice we provided in our Written Representations [REP2-153], and Written Response to ISH7 [REP5-160] on impacts to fish species.</p>

		<p>consequential changes elsewhere in the ES set out. Please will the Applicant clarify.</p> <p>(ii) Why does this table show landings when SSB are available?</p> <p>(iii) Twait shad – 32.4% of landings are impinged. That appears to be a very large percentage. Please will the applicant explain why it is so much higher than the other species. Also how is it calculated? Mean landings are 1 tonne. EAV weight of impinged fish is 0.43 tonnes. So should the figure be 43%? Either way, please will the Applicant comment on its significance. But is the relevant figure the percentage of SSB, namely 0.02%.</p> <p>(v) Please will the MMO also comment on all of the above.</p>	
Bio 1.244	The Applicant, MMO	<p>[APP-317] Section D.c.c.c Assessment of impingement losses, Table 22.113.</p> <p>Please will the Applicant explain why it has drawn seabass and thin-lipped grey mullet into this table. The figures for seabass seem simply to be 10% of those in Table 22.112. The figures for grey mullet are the same as in the table. The ExA notes the reference to Appendix 22l. Please will the Applicant summarise the point being made on this by that Appendix and give the paragraph and page numbers which are relevant.</p> <p>Please will the MMO also comment.</p>	<p>Natural England refers the ExA to the Applicant's answer to this question in [REP2-100].</p> <p>We also refer the ExA to the advice we provided in our Written Representations [REP2-153], and Written Response to ISH7 [REP5-160] on impacts to fish species.</p>
Bio 1.245	The Applicant, MMO	<p>[APP-317] Section D.c.c.c Assessment of impingement losses, Table 22.114. Comparison of the effectiveness of different embedded mitigation measures.</p> <p>In the column LVSE mitigation, % effectiveness, the figure is always 61.7%. Why is this?</p>	<p>Natural England refers the ExA to the Applicant's answer to this question in [REP2-100].</p> <p>We also refer the ExA to the advice we provided in our Written Representations [REP2-153], and Written Response to ISH7 [REP5-160] on impacts to fish species.</p>
Bio 1.247	The Applicant, MMO	<p>[APP-317] section D.c.i.a, Demersal fish and elasmobranch eggs /cases and larvae: sensitivity to bromoform chlorination by-product. Par 22.8.765 "This median lethal concentration is substantially (10,000-fold) greater than the</p>	<p>Natural England refers the ExA to the Applicant's answer to this question in [REP2-100].</p>

		<p>target 5µg/l EQS for the Proposed development, which is exceeded over a very limited area (52ha at the surface and 0.67ha at the seabed).”</p> <p>Is the Applicant saying that the target EQS is too low? Is that a proper conclusion? By how much is the excess over the 52 ha area?</p>	<p>We also refer the ExA to the advice we provided in our Written Representations [REP2-153], and Written Response to ISH7 [REP5-160] on impacts to fish species.</p>
Bio 1.248	The Applicant, MMO	<p>[APP-317] Section D.e.a Commissioning discharges of hydrazine on fish discharged from the FRR, para 22.8.842.</p> <p>“The duration of the exceedance is short, with concentrations exceeding the acute PNEC for no longer than 3.25 hours at a time.” What is the time gap between such concentrations? What would be the minimum acceptable gap?</p>	<p>Natural England refers the ExA to the Applicant’s answer to this question in [REP2-100].</p> <p>We also refer the ExA to the advice we provided in our Written Representations [REP2-153], and Written Response to ISH7 [REP5-160] on impacts to fish species.</p>
Bio 1.249	The Applicant, MMO	<p>[APP-317] Section D.e.b Interaction between thermal discharges and chlorine toxicity, para 22.8.845.</p> <p>This para closes with the following: “Therefore, no further consideration is made of the possible synergistic effects for seabed plumes”. Why is this? Please will the Applicant unpack this. 25.8 ha at the seabed will be &gt;23oC (though below 28o ) with both stations operating, which is said to be a “limited” area. With respect all areas are limited. And EQS for the TRO plume will be exceeded.</p>	<p>Natural England refers the ExA to the Applicant’s answer to this question in [REP2-100].</p> <p>We also refer the ExA to the advice we provided in our Written Representations [REP2-153], and Written Response to ISH7 [REP5-160].</p>
Bio 1.250	The Applicant, MMO	<p>[APP-317] Section D.e.c, Assessments of effects on fish receptors: thermal discharges and chlorine toxicity, para 22.8.849 concludes that “The inter-relationship of the TRO and thermal plumes is not predicted to increase the significance of effects concluded for the pressures alone”.</p> <p>How does the evidence point to this?</p>	<p>Natural England refers the ExA to the Applicant’s answer to this question in [REP2-100].</p> <p>We also refer the ExA to the advice we provided in our Written Representations [REP2-153], and Written Response to ISH7 [REP5-160] on impacts to fish species.</p>
Bio 1.251	The Applicant, MMO	<p>[APP-317] Section D.e.f Assessments of effects at the sea-area or regional stock/population level: hydrazine and temperature changes, para 22.8.852. This states: “The inter-relationship of the hydrazine and thermal plumes is not predicted to increase the significance of effects</p>	<p>Natural England refers the ExA to the Applicant’s answer to this question in [REP2-100].</p> <p>We also refer the ExA to the advice we provided in our Written Representations [REP2-153], and Written Response to ISH7 [REP5-160] on impacts to fish species.</p>

		<p>concluded for the pressures alone. This conclusion applies to all fish receptors assessed”.</p> <p>Please will the Applicant explain how it reaches this conclusion. The ExA notes that in the previous paragraph it is recorded that "Considering the decay of hydrazine, increases in water temperature were found to enhance the toxicity of the compound for fish taxa”.</p> <p>Does the assessment of no significant effect in the last sentence of para 22.8.853 to change as a result and if not please explain why.</p> <p>Can the MMO throw any light on this?</p>	
Bio 1.252	The Applicant, MMO	<p>[APP-317] Section D.e.g, Assessments of effects of localised displacement: hydrazine and temperature changes, para 22.8.853.</p> <p>This simply states that “It is unlikely that this inter-relationship would increase the significance of the effects of localised displacement”. Please will the Applicant explain why.</p> <p>Can the MMO throw any light on this?</p>	Natural England have no further comment at this time.
Bio 1.253	The Applicant, MMO	<p>[APP-317] section D.e.k, Assessments of effects at the sea-area or regional stock/population level: primary and secondary entrainment. Para 22.8.860</p> <p>Please will the Applicant explain its conclusion that secondary entrainment does not increase significance “due to the fact that even if 100% mortality of entrained ichthyoplankton was assumed, the volume of cooling water is sufficiently low compared to tidal exchange to dampen any effects”. C</p> <p>Can the MMO assist?</p>	Natural England refers the ExA to the Applicant’s answer to this question in [REP2-100]. We also refer the ExA to the advice we provided in our Written Representations [REP2-153], and Written Response to ISH7 [REP5-160] on impacts to fish species.
Bio 1.254	The Applicant, MMO	<p>[APP-317] section C.f – UXO detonations, paras 22.9.197-22.9.202.</p>	Natural England refers the ExA to the Applicant’s answer to this question in [REP2-100]. We believe that this question remains within the remit of the MMO.

		<p>(i) The MMO has expressed considerable concern about this aspect – see [RR-0743] paras 3.1.1 – 3.1.4. Please will the Applicant set out its response and will the MMO state their current understanding of the position. If this is already set out in their SoCG, and nothing has changed since then it will be adequate to state a short conclusion and to refer the ExA to the relevant paragraphs of the SoCG.</p> <p>(ii) How is the dedicated marine mammal mitigation protocol to be prepared in consultation with statutory stakeholders secured (para 22.9.201)?</p> <p>(iii) What are the mitigation measures for seals referred to at para 22.9.202 and how are they secured?</p>	<p>For our advice regarding marine mammals and UXOs, please see our Relevant Representations [RR-0878], Written Representations [REP2-153], and Written Response to ISH7 [REP5-160].</p>
Bio 1.256	The Applicant, MMO	<p>[APP-317] section D.b.b.a – Sensitivity to temperature changes, para 22.9.257. This comments on potential habitat loss in the Southern North Sea SAC. There are other instances e.g. relating to chlorinated discharges (section D.b.c.c, para 22.9.272)</p> <p>Please will the Applicant indicate where this is assessed in the shadow HRA and with what conclusion?</p> <p>Please cover all the instances of habitat loss for marine mammals, not just those mentioned specifically in this question.</p>	<p>Natural England refers the ExA to the Applicant's answer to this question in [REP2-100]. We believe that this question remains within the remit of the MMO.</p> <p>For our advice regarding marine mammals, please see our Relevant Representations [RR-0878], Written Representations [REP2-153], and Written Response to ISH7 [REP5-160].</p>