The Sizewell C Project

9.99 Comments on Earlier Deadlines and Subsequent Written Submissions to CAH1 and ISH8-ISH10

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APPENDICES

1 INTRODUCTION

1.1 Purpose of this document

1.1.1 This report provides comments from SZC Co. (the Applicant) on additional information and submissions received at earlier deadlines, as well as providing supplementary submissions in response to actions arising from Compulsory Acquisition Hearing 1 (Parts 1 and 2) and Issue Specific Hearings 8 to 10.

1.2 Deadline 5 and 6 submissions

1.2.1 The Applicant reviewed all submissions to Deadlines 5 and 6 and provided a response (where necessary) in the form of:

- SZC Co.'s Comments at Deadline 6 on Submissions from Earlier Deadlines and Subsequent Written Submissions to ISH1-ISH6 [REP6-024 and REP6-025]; and
- SZC Co.'s Comments at Deadline 7 on Submissions from Earlier Deadlines and Subsequent Written Submissions to ISH1-ISH6 [REP7-059 to REP7-063].

1.2.2 In some instances, commitments were made in those documents to provide further information or updates at a subsequent Examination deadline. This report provides further information and responses to Deadline 5 and 6 submissions in accordance with SZC Co.'s previous commitments.

1.3 Deadline 7 submissions

1.3.1 The Applicant has reviewed all submissions to Deadline 7. This report provides the Applicant's response to Deadline 7 submissions where time has allowed and indicates where the Applicant will provide a further response to Deadline 7 submissions at Deadline 10 (12 October). A response is not provided where matters are intended or have been addressed through Statements of Common Ground and ongoing discussions with stakeholders, or if SZC Co. considers that matters have been responded to previously.

1.4 Supplementary Written Submissions to CAH1 and ISH8-10

1.4.1 A suite of documents was submitted at Deadline 7 containing the Applicant's Written Submissions Responding to Actions arising from Issue Specific Hearings 8 to 10, namely:

- Written Submissions responding to actions arising from CAH1 Part 1 [REP7-066]
- Written Submissions responding to actions arising from CAH1 Part 2 [REP7-067]
- Written Submissions responding to actions arising from ISH8: Air Quality, Noise and Vibration [REP7-071]
- Written Submissions responding to actions arising from ISH9: Policy and Need [REP7-072]
- Written Submissions responding to actions arising from ISH10: Biodiversity, Ecology and HRA [REP7-073]

1.4.2 In some instance, the Written Submissions referred to further submissions or updates to be submitted at Deadline 8. These are provided within Section 3 of this report.

1.5 Structure of this Response

1.5.1 The remainder of this response is structured as follows:

- Section 2 provides further responses to comments made by Interested Parties at Deadlines 5 and 6, where committed to in REP7-061.
- Section 3 provides supplementary written submissions to actions arising from CAH1 and ISH8 to ISH10, where promised in REP7-066, REP7-067, REP7-071, REP7-072 or REP7-073.
- Section 4 provides a response to Deadline 7 submissions by Interested Parties, where time has allowed.

2 ADDITIONAL RESPONSES TO DEADLINE 5 AND 6 SUBMISSIONS

2.1 Overview

2.1.1 This chapter provides additional responses to submissions at Deadline 5 and 6 by Interested Parties, where specified in REP7-061.

2.2 Development Consent Order

2.2.1 Where appropriate, SZC Co. has sought to address the outstanding matters raised by Interested Parties in the latest draft of the **Development Consent Order** (DCO) submitted at Deadline 8 (Doc Ref. 3.1(I).

2.3 Deed of Obligation

2.3.1 Where appropriate, SZC Co. has sought to address the outstanding matters between the parties to the **Deed of Obligation** in the updated version submitted at Deadline 8 (Doc Ref. 8.17(G)).

2.4 Coastal Defence Design Report

2.4.1 An updated **Coastal Defence Design Report** is submitted at Deadline 8 (Doc Ref. 9.13(A)). It has been updated to reflect the latest design of the sea defences (as shown in [REP5-015]).

2.4.2 The comments from ESC, SCC and RSPB/SWT provided at Deadlines 5 and 6 [REP6-032, REP6-049, REP5-165 and REP6-046 respectively] have also been considered and responded to where necessary within the report.

2.5 Two Village Bypass and Sizewell Link Road Landscape and Ecology Management Plans

2.5.1 The **Two Village Bypass Landscape and Ecology Management Plan** (LEMP) (Doc Ref. 8.3 A(B)) and **Sizewell Link Road LEMP** (Doc Ref. 8.3 B(B)) have been updated and are submitted at Deadline 8.

2.5.2 The LEMPs have been updated to address feedback from ESC, EA and RSPB/SWT submitted at Deadline 6 [REP6-032, REP6-036 and REP6-046 respectively]. The principal updates to the reports are as follows:

- Addition of information on bat hop-overs;

- Including monitoring and maintenance of highway fencing as a requirement in the LEMP;
- Including appropriate habitat monitoring targets (to follow at Deadline 10);
- Inclusion of information on wetland habitat creation and enhancement measures in respect of the proposed ditch crossings, drainage and SuDS in relation to the Sizewell link road; and
- Provision of further details on how floodplain grassland will be enhanced adjacent to the River Alde crossing at the two village bypass.

2.6 Wet Woodland Strategy

2.6.1 In response to Natural England's Deadline 6 submission [REP6-042], a **Wet Woodland Plan Draft 1** is submitted at Deadline 8 (Doc Ref. 9.108).

2.6.2 The **Wet Woodland Plan Draft 1** (Doc Ref. 9.108) defines the management interventions required to create wet woodland habitats on the Benhall and Pakenham sites in accordance with the **Wet Woodland Strategy** [REP1-020]. The draft Wet Woodland Plan is considered to provide sufficient detail to inform the Examining Authority, the Secretary of State and the other stakeholders as to the wet woodland proposals at both sites

2.6.3 The Wet Woodland Strategy has also been updated at Deadline 8 [REF], to ensure it is aligned with the Wet Woodland Plan and is suitable as a control document.

2.7 Fen Meadow Reports

2.7.1 The updated **Draft Fen Meadow Plan** is submitted at Deadline 8 (Doc Ref. 9.64(A)). It is an updated version of **Draft Fen Meadow Plan** submitted at Deadline 6 and has considered feedback from Natural England, ESC and ESIDB submitted at Deadlines 5 and 6 [REP6-042, REP5-138 and REP5-146 respectively].

2.7.2 The **Fen Meadow Strategy** has also been updated at Deadline 8 (Doc Ref. 6.14 2.9.D(A)), to ensure it is aligned with the updated **Draft Fen Meadow Plan** and is suitable as a control document.

2.8 White-Fronted Geese Survey Report

2.8.1 The RSPB and SWT provided comments on the **White-fronted Geese Survey Report** [REP5-125] within their written submissions at Deadline 6 [REP6-046]. A summary of the comments and SZC Co.'s responses is provided in **Table 2.1.**

Table 2-1: SZC Co. Responses to RSPB and SWT Comments on the White-fronted Geese Survey Report

Para No.	Comment	SZC Co. Response
8.1	We welcome the provision of a survey report aiming to understand the movements of European white-fronted geese between Minsmere and North Warren, although we have some concerns about limitations of the survey schedule and aspects of the analysis in the report as discussed below:	No response required.
8.2	The Applicant has established that the construction site lies on the flight line of a nationally important population of wintering European White-fronted Goose, which relates to one of only 15 sites in the UK that supports nationally important numbers. The report states (in 2.0 Summary) that: "*It has been noted that during the 2020/21 winter, up to four times the normal numbers of Greater White-fronted*	SZC Co. has detected movements of European White-fronted Geese over the Minsmere South Levels which occured during a significant influx to the UK of this species. Numbers of White-fronted Geese in the UK have declined greatly in recent decades through birds wintering further east in Europe (see corresponding increases for example in Sweden). RSPB/SWT state that the 'influx' of birds in 20/21 is part of the known annual fluctuations in response to weather-related movements of geese from the continent. The basis for this statement is not set out. The important point is that the

Para No.	Comment	SZC Co. Response
	Geese were reported in Suffolk when compared to the previous winters"	number of geese present in winter 20/21 was unusually high by recent standards and not an annual event.
8.3 and 8.4	Section 1.0 Introduction explains that recordings of bird activity took place between December 2020 and March 2021. Following heavy rain in early 2021 water levels rose and the geese then frequently roosted at North Warren, which explains why they were not picked up in numbers after early January. This may mean the surveys have missed white-fronted goose activity earlier in the winter.	For logistical reasons the surveys did not start in early November. It is therefore true that movements outside the survey period were not detected. Nevertheless, the surveys provide useful data on overflight movements, albeit in a year with very high numbers of geese, by recent historic standards.
8.5 and 8.6	Section 4.0 Constraints notes that approximately half of the survey nights were affected by rain and/or wind and states that: "During the surveys some nights were affected by rain and or wind which impaired the ability to hear or see the calls on sonograms. During these conditions birds tend not to migrate as it is more energy consuming." We note that whilst it is correct to assume that most birds will not embark on a migration journey in wet or windy conditions,	There are two reasons why there there is less vocalisation during nights of strong wind and rain. These are: 1. birds do not move as much on these conditions. 2. sound does not travel as well during these conditions. It should also be noted that where surveys were affected by wind or rain, this does not necessairly mean this occured for the full night and in many cases is likely to represent a short window on each of the affected surveys. On this basis this is a limitation on the survey method and some calls and movements may not have

Para No.	Comment	SZC Co. Response
	this is not pertinent to the purposes of the study which was to establish if birds made a nocturnal roost flight from North Warren to Minsmere. This section goes on to explain that at least some groups of geese were detected on rainy/windy nights, but we query whether some movements (perhaps particularly of smaller numbers of birds) may have been missed.	been recorded in such weather conditions. It is agreed that is it possible that some movements may have been missed in such periods of weather but this does not undermine the utility of the overall data set.
8.7 and 8.8	The report concludes by stating that: "*It is my opinion that the majority, if not all, of the Greater White-fronted Geese record moving over the site were part of the influx and not part of the normal North Warren RSPB population. There was not a regular movement every night as would be expected with birds going to roost. Wildfowl will generally use the same roost site and there are few bodies of water that are suitable for this species in the area.*" We have observed that birds regularly fly from North Warren to roost at Minsmere but will not necessarily always use the same roost site. There	47 birds (as noted by RSPB in 2010) roosting at Minsmere is relatively small fraction of the population wintering at North Warren in the 20/21 winter and these could have come from birds wintering at Southwold during this winter or other farmland. Without confirmed observations of birds being tracked all the way from North Warren to Minsmere then they could have come from anywhere in the area. The patterns of overflight movements (note especially the large early and late peaks, intermittent overflights) is more closely aligned with influx related, longer range, overflights than with local and / or regular roosting overflights between North Warren and Minsmere. In addition there was no evidence from the data analysis that the white-fronted

Para No.	Comment	SZC Co. Response
	are several water bodies that are suitable at Minsmere including those on the Scrape, South Levels and North Levels, as indicated by reserve records of roosting birds. We acknowledge that birds from North Warren birds may not roost at Minsmere every night, but frequently do during the winter. As explained above, changes in water levels at Minsmere meant birds primarily roosted at North Warren in the latter part of winter 2020/21. However, the late December/early January recordings will almost certainly be roost flights. We therefore consider that the report has unduly considered movements to relate to migration rather than feeding and roost flights, which will in our view represent the majority of sounds recorded.	goose calls were particulary associated with the post-dusk or pre-dawn periods which would be expected for local / roosting overflights.
8.9 and 8.10	We also note the reference to waterfowl activity in the first paragraph of section 3.0 of the report: "*Due to the volume of dabbling ducks feeding on the Sizewell Belts every night, not all of the calls of ducks were marked. For example,*	The volume of static calls does not directly relate to the number of birds present. The figure of 12,000 calls relates not only to wildfowl, but also includes birds such as redwing, grey herons and other birds which were also logged. The survey was designed to detect overflights of white-fronted geese

Para No.	Comment	SZC Co. Response
	during the 15 nights in December 2020 over 12,000 calls were logged." The diurnal distribution of waterfowl on the Minsmere South Levels and Sizewell Marshes does not necessarily fully reflect how birds are using the wetlands, as many dabbling ducks make evening flights to feeding sites. The statement above raises the concern that the Applicant's current assessment of impacts on waterfowl overlooks the potential for the construction site to have a very significant impact on birds moving between Minsmere and Sizewell Belts at night. Given the significant overlap of the daytime 70dB peak noise contour with the eastern area of Sizewell Marshes during construction Phases 1 and 2 in particular49, the limited understanding of bird movements around and usage of these areas during dark hours means impacts could have been significantly underestimated.	and was not designed to detect other species of waterfowl which are likely to be present at night, feeding or loafing, in numbers on the floods on the south levels and which are likely to have contributed substantially to the high total overnight call counts. These total call counts do not reflect movements between the Minsmere South Levels and (for example) the Sizewell Marshes SSSI.
8.11	We therefore conclude that the report provides further evidence that	SZC Co, disagrees with the RSPB conclusions for reasons set out above.

Para No.	Comment	SZC Co. Response
	adverse effects on the integrity of the Minsmere-Walberswick SPA arising from impacts on wintering white-fronted geese, gadwall and shoveler cannot be ruled out and we may need to consider this further and reserve the right to provide more comments at a future deadline.	

2.9 Approach to Bats (Survey and Assessment)

a) Overall Approach

2.9.1 SZC Co. acknowledges that a number of questions have been raised in relation to bats (survey and assessment) between the DCO submission date a Deadline 8. SZC Co. has provided response to a number of these both in writing and through verbal communication with relevant stakeholders. SZC Co has therefore only provided a response to those points not already covered by the following submissions:

- **Applicant's response to ExA's first written questions - Part 2 of 6** (Various, including Bio1.13, Bio.1.19, Bio.1.115, Bio.1.116, Bio.1.122, Bio.1.124, Bio.1.125, Bio.1.144, Bio. 1.145 and Bio.1.154 [REP5-128]);
- **Appendix Q** of **SZC Co. Comments on Submissions from Earlier Deadlines (Deadlines 2-4)** [REP5-120];
- **Written Submissions Responding to Actions Arising from ISH7: Biodiversity and Ecology - Parts 1 and 2 (15-16 July 2021)** [REP6-002];
- **Appendix B** of **Comments at Deadline 6 on Submission from Earlier Submissions and Subsequent Written Submissions to ISH1-ISH6 - Appendices** [REP6-024];

- **Written Summaries of Oral Submissions made at Issue Specific Hearing 10: Biodiversity, Ecology and HRA (27 August 2021)** [REP7-069];
- **Written Submissions Responding to Actions Arising from Issue Specific Hearing 10: Biodiversity, Ecology and HRA (27 August 2021)** [REP7-073] ;
- **SZC Co Responses to ExQ2 Volume 1 Part** 2 (Bat workshop - Bio.2.4) [REP7-051]; and
- **Appendix E** of **Comments at Deadline 7 on Submissions from Earlier Deadlines and Subsequent Written Submissions to ISH1-ISH6** [REP7-060].

2.9.2 Some additional points are now made below. These are made in response to comments which have been made by the RSPB and SWT at Deadline 6 [REP6-046] and at Deadline 7 [REP7-154]. The relevant RSPB and SWT's comments are in italics and the SZC Co. response is set out below each one.

a) Comments provided at Deadline 6

'There is a distinct lack of bat data within the area of Sizewell Marshes SSSI that will be lost to the development'

2.9.3 SZC Co. disagrees that there is a 'lack' of data within the area of Sizewell marshes SSSI. However, it is acknowledged that there is less data available that covers this area and, as previously stated, this is a result of challenges with accessing this area. The area is flooded, and only limited areas can ever be accessed safely. SZC Co. has undertaken updated tree assessments in this area from August 2021 that will be published at Deadline 10, however even in late August the water levels were still high and most areas were assessed from a distance. These limitations were accounted for in the updated bat impact assessment [AS-208]. The approach to licensing where roosts will be mitigated on a case-by-case basis will ensure that all roost loss is mitigated for. Ahead of the clearance works and prior to construction, each tree will be further assessed and appropriate mitigation identified. The proposed approach to tree felling is set out within the **Sizewell C Project Bat Method Statement** [REP7-080].

2.9.4 Static monitoring equipment has been and will continue to be positioned on the periphery of this area where it can be accessed. It is considered that the data collected in relation to this area is robust and obtaining additional

data would not change the outcomes of the assessment process and would not change the mitigation approach.

'There is a lack of data from Goose Hill. This has led to a general risk that the importance of Goose Hill has been significantly underestimated in terms of roost provision as well as usage by pregnant females and juvenile barbastelle'

2.9.5 SZC Co. disagrees that there is a 'lack' of data from Goose Hill. Every tree in Goose Hill has been assessed on multiple occasions between 2011 and 2021. All trees with a low to high roosting potential have been climbed and inspected [REP3-035]. Woodland backtracking, undertaken in 2020 [AS-037], has further added to the understanding of bat usage un this area. The radio tracking studies undertaken covered Goose Hill. An additional static detector was added in Goose Hill in the 2021 surveys to respond to previous comments this detector continues to be operated. A robust understanding of bat usage of Goose Hill has been obtained.

2.9.6 The approach to assessing impacts from the removal of trees and areas of woodland has always been to treat them as a roost resource. The approach to mitigation, as proposed by Natural England, is to mitigate based on a ratio of new roost provision to the roosts lost and this is the approach used in the draft licence application (**Sizewell C Project Bat Method Statement**) [REP7-080].

'There is a lack of quantitative data, such as thermal imaging in the dataset, making it impossible to determine actual numbers. This in turns affects the quality of the data analysis. For example, it will be a lot more difficult to monitor actual changes in use that could be linked to population effects'

2.9.7 Thermal imaging cannot be used to define actual numbers any more than static data. Thermal imaging is not a mandated approach in any of the good practice guidelines utilised to inform the scope of surveys. A dataset derived from thermal imaging would have the same limitations as a data set informed by static surveys.

'The way in which the data have been analysed is leading towards a generic monitoring protocol that is unlikely to pick up population changes in rarer species such as barbastelle'

2.9.8 The monitoring methodology defined in the **TEMMP** (Doc Ref. 9.4(B)) is not a generic monitoring protocol. As defined in the **TEMMP**, radio-tracking of barbastelle will be undertaken, prior to the construction phase which will be used to further determine ranges, roosting areas and activity patterns prior to construction, which will inform ongoing monitoring through radio tracking

within the construction phase and how bats respond at a landscape scale. In addition, barbastelle activity and the activity of other rarer species will also be able to be assessed through the static logger monitoring.

'There are no conclusions as to what the predicted residual effects may be for barbastelle. Having concluded significant impact on barbastelle due to habitat fragmentation, there appears to be no attempt to explain what that will actually mean to the population or, how conclusions can be tested through an appropriately detailed monitoring protocol'

2.9.9 Barbastelle bats are a landscape level species that can occur in relatively fragmented and open agricultural landscapes (e.g. Lincolnshire, Hampshire, Herts, Cambs etc), often with colony home ranges in excess of 100kmsq, suggesting that barbastelle are reasonably resilient to fragmentation impacts. However a precautionary assessment was made in the **First ES Addendum** [AS-208], and it was considered there are likely to be effects on the bat home ranges/activity patterns and distribution from habitat loss from the construction programme, which in the absence of mitigation could be significant. To address these potential effects, the updated mitigation measures include a new habitat corridor around two water management zones and newly planted and retained treelines linking Kenton Hills and Ash Cottages, as well as secured dark corridors through the construction areas to ensure access to existing and newly created roosting and foraging areas. These measures enable the residual effect on barbastelle arising from habitat fragmentation to be re-assessed as being moderate adverse (not significant) as reported in paragraph 2.9.21 of **Volume 1**, **Chapter 2** of the **Fourth ES Addendum** [REP7-030].

2.9.10 It is also likely that given the ability of barbastelle to traverse large areas of fragmented landscapes elsewhere, individuals may continue to access their home ranges and bypass/avoid the construction areas, and the monitoring programme, will test this through radio tracking and static logger surveys by comparing barbastelle bat activity and home ranges/roost locations, with pre-construction baseline data.

'There can be no confidence that the habitat creation will effectively compensate habitat loss (supporting the conclusion in the ES of a minor adverse (not significant), as the data are not used to underpin a detailed evaluation of this'

2.9.11 SZC Co disagrees with the statement that there can be '*no confidence that habitat creation will effectively compensate habitat loss*' An evaluation of the habitat creation between the baseline state and the operational state was provided in the **Updated Bat Impact Assessment** [AS-208] explaining

the extensive habitat creation measures already underway. Additional habitat provision in the form of newly created rides and glades in the plantations within retained Kenton Hills woodlands, explicitly for foraging bats, is now also defined and secured in the Estate-Wide Management Plan and this, together with other areas of habitat which are already being established across the wider estate, including new tree and scrub planting for example at Aldhurst Farm and the Studio Fields complex, gives full confidence that sufficient habitat will be available for all bat species during the construction phase. In the operational phase of Sizewell C, the woodland, scrub hedgerow habitats will be *more* extensive than at present.

'Overall, the generic approach i.e. to look at the community broadly as opposed to the key species is of considerable concern. The likely consequence of this is that there is limited understanding of how Natterer's bat and barbastelle populations will respond to the construction. Any age / sex or life-stage related effects are likely to be missed'

2.9.12 The assessment presented in the **Updated Bat Impact Assessment** [AS-208] in not a generic approach. The assessment specifically defines the rarer bat species as individual IEFs, whilst others are grouped as relevant depending on their rarity and characteristics. The assessment focussed on barbastelle breeding bats and natterer's bat specifically, as well as *also* considering the wider assemblage of bats. The trapping and radio tracking has been particularly targeted at breeding animals of these two rarer species, as they are the highest conservation priority. These specific detailed studies and the more generally acoustic surveys, during which the rarer species have also been detected, provide a high degree of confidence as to how barbastelle, natterer's and other bat species use the site and the likely impacts.

b) Comments Provided at Deadline 7

'*The buffering of 10 metres surrounding key bat areas (Bridleway 19, Kenton Hills, Ash Wood, Fiscal Policy and Blackwalks) is not enough to prevent potentially significant impacts from light and noise disturbance. In our opinion, these buffer areas should be at least 25m. This is because…*

a) *'for lighting, the Applicant's own consultant (Dr Davidson-Watts) refers to an example where barbastelle have been noted foraging within 25 metres of street lights49 (but we assume no closer). Based on this observational data and the fact there is no other recorded evidence that barbastelle will forage any closer, this buffer should be used based on a precautionary basis of protecting a nationally important population'*

b) *'the bat assessments for Upper Abbey bridleway (using modelling at the Roundhouse) and Stonewell Belt (using modelling at Ash Wood Cottage with a 5m acoustic screen) foraging/commuting areas use average noise levels and conclude a non-significant impact. However, for Upper Abbey bridleway, predicted night-time maximum noise levels at the Roundhouse could be as high as 67dB LAmax50 which represents a significant adverse impact. Acoustic screens in key areas will not mitigate noise impacts for bats roosting and flying at over 5m above the ground, which would be typical for barbastelle'*

c) *'We still have the outstanding concern about how the implementation of the dark corridors is actually secured by the DCO and how they will be kept as dark as claimed. Currently there are no thresholds defined in any of the secured documents although we understand this will be dealt with by a Deadline 7 submission. However, the use of the phrases such as 'reasonably practicable' with regard to lighting remains a significant concern. This and other statements suggest that health and safety will determine lighting levels during construction and implementing adaptive mitigation may therefore be impossible. Consequently, the only way to mitigate the risk of impact is to increase the buffer zones to 25m'*

d) *'There is very little in the way of determination of noise impacts from the Green Rail depot along the edge of Kenton Hills. This is especially important given the recent proposed increases in night rail movements. It is likely that unloading will create a significant noise source. If this is done at night, there is a risk to foraging bats along the fringes of the wood and bund. However, if unloading occurs during the day, there appears to be no assessment on the impacts on the barbastelle roosts close by. Furthermore, the 5m acoustic screen will not mitigate noise impacts for barbastelle roosting and flying, which is likely to occur well over 5m above the ground'*

e) *'Ash Wood, which potentially has high levels of light and noise impact very close to important barbastelle roosts, needs to be looked at carefully with a view to remove the lighting shown along the southern edge of the wood '*

2.9.13 These five points are addressed in sequence below:

2.9.14 a) The dark corridors and low light level areas are shown on a dark corridors plan and are described in Section 1.3 of the **Lighting Management Plan** (Doc Ref. 6.3 2B (B)) and secured by requirement. If lighting initially exceeds these secured levels, mitigation including cowling, fencing and

removing light sources close to bat sensitive areas will be used to achieve the required lighting levels.

2.9.15 b) The noise modelling takes a precautionary approach (worst case). As presented in **Annex B**, the noise emitters in each of the areas used to model the maximum noise levels are largely mobile plant and machinery.

2.9.16 In Phase 1, in the vicinity of the Bridleway 19 retained commuting route, it is excavators in the earthworks compound A and Plaza/campus area which generate the noise identified in the contour plan.

2.9.17 In Phase 2, in the vicinity off Bridleway 19, it is the stripping / site prep east of the bridleway and the stockpiling and the plaza campus excavation that creates the noise modelled.

2.9.18 In Phase 3+ and beyond, it is the excavators in the stockpile area and the bowsers in the borrow pit area that generate the noise modelled in the contours in the vicinity of Bridleway 19.

2.9.19 Due to the nature of large-scale construction activities, it is not possible to predict the exact movements of the plant over the entirety of the construction period. However potential impacts can be identified and managed using a precautionary approach. As such, a management approach is agreed in principle with ESC as being likely to be as the most effective method to manage/avoid noise impacts on sensitive bat areas. An update to the Code of Construction Practice (CoCP) (Doc Ref. 8.11(E)) submitted at Deadline 8 includes a new description of the role of the Ecological Clerk of Work (ECoW) in the management of mobile task lighting where this, or noisy plant, might impact on the retained corridors or retained roosts in adjacent areas.

2.9.20 In addition, as outlined in the **TEMMP** (Doc Ref. 9.4 (B)), there is potential for unforeseen impacts from the noise generated, and monitoring is outlined to identify these impacts and address them.

2.9.21 c) The parameters are secured within the Lighting Management Plan (Doc Ref 6.3 2B (B)) under requirement 9 of the draft Development Consent Order (Doc Ref. 3.1(I)). Where lighting initially exceeds agreed levels, mitigation including cowling, fencing and removing light sources close to bat sensitive areas will occur to achieve the target lighting levels.

2.9.22 SZC Co. will be addressing this issue via limits setting, using the principles of avoiding sensitive periods and sensitive locations of such anticipated impacts. i.e. avoid. Adherence to light and noise thresholds will be what drives activity during any sensitive location and time.

2.9.23 d) SZC Co. confirm that the noise modelling presented within the ES includes an assessment of the component of the Green Rail route that falls within the main development site. Clarification is presented in **Appendix A**, which shows consideration of the rail during Phase 2 and Phase 3 through the identification of relevant Lmax sources (22KHz).

2.9.24 e) The lighting contour plans [REP3-057] show that across the majority of the main development site, low light levels will be secured through defined lighting design and the control measures to be implemented. The contours provided in this document do not account for some mitigation including, for example the bunds and fences. Where these are implemented, the lighting levels will be below the currently presented thresholds (for example within Ash Wood, where a 5m close-boarded fence will be installed).

2.9.25 Ash Wood is surrounded by a low light buffer area which is secured on the dark corridors plan and which will be secured through the **Lighting Management Plan** (Doc Ref. 6.3 2B (B)) (under requirement 9 of the draft Development Consent Order (Doc Ref. 3.1(I))). Three indicative lighting columns which were illustrated on the lighting contour plans [REP3-057] on the southern edge of Ash Wood have now been removed (see the dark corridors plan) and as noted above a 5m close-boarded fence will be installed. All of these measures will serve to protect Ash Wood and ensure its value for bats is maintained. In addition, the Natural England licence (draft included at [REP7-080 to REP7-086]) will also require that lighting impacts do not affect roosts and the avoidance of lighting impacts and/or the provision of light reduction measures.

'*There appears to be a limited number of bat boxes given the number of roosts that might be lost. Given the low level of effort put into searching for roosts, especially within the SSSI triangle, it seems highly likely that the number of bat boxes needed to sustain barbastelle, has been significantly underestimated. Again, we request a roost survey of the SSSI triangle to ensure there is more robust evidence underpinning potential total roost loss figures. If access makes this impossible, then we would recommend that more boxes need to be provided at a quantum agreed with Natural England*'

2.9.26 The point about the survey of the SSSI Triangle is covered above at paragraph 2.9.3. The assessment of roost resource is robust and comprehensive and does not depend on every roost being located.

2.9.27 There seems to be a misunderstanding in the provision of roost resource. 45 boxes have been erected in advance, but this is just to provide roost resource in advance of the tree removal. Provision of additional roost resource is tied to the tree removal as advised by Natural England.

2.9.28 Within the Sizewell C Project Bat Method Statement (draft included at [REP7-080 to REP7-086]), a replacement of roost resource is proposed which is tied to the loss of roosting features. The mitigation approach does not rely on existing woodland within the wider Sizewell estate to account for roost loss. The approach to roost loss, which proposes a ratio of bat roost replacement (using boxes) which was proposed by Natural England will be secured in the organisational licence. The boxes will be erected prior to the removal of the trees for which they are mitigating. This ensures a continuity of available roost resource throughout the construction period. Text from an email for Natural England is presented below explaining the approach (sent by Sonya Gray, Natural England Wildlife Management Lead Adviser).

"The level of mitigation/compensation will need to be enough to mitigate and compensate for the maximum impact of the licensed activity. Due to the uncertainty around roost loss, and to ensure compensation is provided for a worst case scenario, the minimum ratio of what replacement roosting features should be provided for potential roosts/ new roosts found is:

- *1:1 potential roosting features*
- *2:1 low status roost of common species*
- *4:1 maternity roosts of common species*
- *4:1 low status roost of Annex 2 species*

Maternity roost of Annex 2 species would need to be covered by a separate licence."

2.9.29 This is the approach used in the bat licence and given this, it is considered that the impact upon roosting loss is adequately captured and mitigation outlined in the Updated Bat Impact Assessment [AS-208] presented in January 2021.

2.9.30 The full details will be addressed through the Natural England final licence application (Draft provided at Deadline 8 [REP7-080 to REP7-085]). All known roosts and potential roosts will be assessed at the time of felling and replaced in line with the agreed Natural England ratios as above. The type of replacement potential roost features will be a mix of bat boxes for cavity and crevice roosting species in the very short term, reclaimed features from the felling works and veteranisation. Further surveys of known roosts and potential roosts will take place immediately prior to any licensable works to provide the final assessment of roost resource loss prior to works.

'We also question the limited scope of roost mitigation generally, which is currently restricted to boxes. Given the most important bat roost found on the entire Applicant's estate is a dead conifer, some thought should be given to veteranisation of a variety of tree species in suitable locations (unimpacted by noise and light with good access to foraging). Displacement of barbastelle into surrounding woodland 6.8. We have significant concerns about the assumption that displacement of foraging barbastelle into the wooded areas (which has been recognised by the Applicant in the Updated Bat Impact 17 Assessment) will have no long-term impact on the population. Barbastelle are primarily a bat of woodland edge and open habitats and are well known for commuting and foraging across wide open areas. Therefore, it is strange to assume that forcing them to feed within wooded habitats is not going to have some effect on them. This is further compounded by the fact that the vast majority of Kenton Hills woodland is dense conifer plantation (in contrast to more naturalised deciduous wood) which provide very poor commuting and foraging opportunities. The Report goes on to state The evidence outlined above suggests that bats are able to quickly adapt when exposed to a range of 'high-level' noise (paragraph 8.2.52). The critical point is that adapting to feeding in conifer plantation (or in other words, being forced to feed in sub-optimal habitat caused by light and noise barrier effects) does not infer there is no significant impact'

2.9.31 Roost issues are addressed above. At Deadline 8, within the **Estate-Wide Management Plan** [REP7-076], SZC Co defines the creation of rides and glades of approximately 3 km within the dense conifer plantations of Kenton Hills to improve these relatively poor foraging areas for bat foraging. This is presented in **Appendix B**.

'We request further consideration of the long-term impacts of this displacement and would expect the need for additional compensation as a result. Aldhurst Farm, Marsh Harrier Compensation and Studio Field access and suitability'

2.9.32 In the long-term state (i.e. Operational phase) the habitats available to bats, including barbastelle, are considered to be substantially greater than those in the baseline state, given the greater north-south connectivity across the area of arable fields (which will be temporarily occupied by the temporary construction area) and the substantially more extensive areas of Sandlings grasslands, heathlands and broad-leaved scrub and woodlands which will be in place. The habitats and the management thereof are secured via the **oLEMP** (Doc Ref. 9.2(B)) and the **EWMP** (Doc Ref. 9.88(A)) under Requirements 14 and 5C of the dDCO (Doc Ref. 3.1(I)) respectively.

'*We are concerned that the importance of Goose Hill for breeding females and juvenile barbastelle has not been fully recognised and the effects displacement will have on their foraging, given their inability to fly long distances'*

2.9.33 SZC Co. disagrees with this statement as there is an assumption that breeding females and juveniles cannot fly long distances.

2.9.34 This assumption of shorter ranges in juveniles and pregnant females is not supported in the literature. There is evidence that lactating females of a number of bats species have reduced foraging ranges, mainly due to the requirement for them to return to suckle dependant young on a regular basis. There is evidence of this behaviour with barbastelle bats (Zeale, Davidson-Watts and Jones 2012; Davidson-Watts Ecology 2017 – A120).

2.9.35 Notwithstanding this, all of the foraging mitigation measures described above, such as the new rides and glades and the new areas of grasslands, such as at Studio Fields, and Aldhurst Farm wetlands are being provided within the known colony home range of the existing population.

'The baseline surveys show Goose Hill as important feeding resource for breeding females and juveniles, with their restricted range and flying ability. Table 8.18 of the Updated Bat Impact Assessment indicates that the 2011 radio tracking work concluded that Goose Hills was a key foraging area for barbastelle on the Applicant's estate during pre-lactation period and again in 2014, was important for females post breeding... Due to their limited range, it is unclear whether these bats would be able to use the SSSI crossing, or indeed access other feeding areas (such as Aldhurst Farm) and hence may face significant impact. Despite this, there has been no work to understand what percentage of home range of females and juveniles will be lost and what this impact would look like'

2.9.36 The updated bat impact assessment [AS-208] provides an assessment that demonstrates that the percentage of loss of habitats of value to barbastelle is minimal. In addition, it should be noted that Goose Hill is considered to be poor foraging habitat for barbastelle, and far better foraging areas will be retained and created in the vicinity of the barbastelle roosts as described above.

'There are no conclusions as to what the predicted residual effects may be for barbastelle. Having concluded significant impacts on barbastelle due to habitat fragmentation, there appears to be no attempt to explain what that will actually mean to the population or, how conclusions can be tested through an appropriately detailed monitoring protocol'

2.9.37 Since the original assessment of impacts on bats, further information around habitat corridors, lighting impacts and noise mitigation has been provided within the **Lighting Management Plan** (Doc Ref. 6.3 2B(B)), **CoCP** (Doc Ref. 8.11(E)) and **TEMMP** (Doc Ref. 9.4(B)). SZC Co now confirms that with these new measures and others that are described above, the impact of habitat fragmentation on barbastelles will be minor adverse (not significant).

2.9.38 An appropriate, detailed monitoring protocol, which includes radio-tracking of barbastelles is secured within the **TEMMP** (Doc Ref. 9.4(B)).

'If the bat house is proposed to mitigate the loss of the barn at Upper Abbey Farm (it is not clear in the documents54), it is unlikely to provide suitable mitigation for the multiple species roost within the barn that will be lost. To achieve this, a larger and more complex design will be required to achieve the differences in access, light, temperature and humidity required by multiple species currently found in the existing barn'

2.9.39 The barn is secured within the DCO in order to ensure that mitigation is available in the short term, without the need for further planning permission (unless it is brought forward separately) in this is required. The assessment concludes that the roosts within the Upper Abbey Farm Complex would not be lost as a result of the development. Confidence that this will be the case is provided by the secured protective measures in relation to noise and lighting described above. The bat barn is provided to ensure a mitigation structure is available if there are unforeseen effects – which could result from *unlikely* events, e.g. such as fires. It is likely that this feature will not be needed for the mitigation of impacts, in which case it will be an enhancement.

'There is not enough emphasis on rarer species within the analysis of the data so far. The use of a percentage metric means common species mask the actual (rather than relative) importance of a specific location for rare species. The way in which the data have been analysed is leading towards a generic monitoring protocol that is unlikely to pick up population changes in rarer species such as barbastelle. Therefore, we request that future analysis concentrates on actual barbastelle and Natterer's numbers, ignoring their relative contribution to the community as a whole and hence avoid masking significant trends caused in these two species, as a result of sheer numbers of more common species'

2.9.40 This point repeats earlier comments and is addressed above at paragraph at 2.9.12.

'There are a number of historic sites that need continued monitoring but appear to have been dropped: MS24 (important site by the SSSI crossing), MS14 (important site further down B19 and would help determine functionality of an important dark corridor), MS22 (important site to assess the critical B19/Fiscal Policy interface), MS05 (important site to determine Ash Wood on the southern edge). In our view, these important sites should be retained'

2.9.41 All of these static locations have been added into the ongoing 2021 surveys and are retained in the ongoing monitoring defined and secured in the **TEMMP** (Doc Ref. 9.4(B)).

'There continues to be a questionable approach to the footprint of the development itself. There are three MS sites that will be 'lost' and yet in the past have recorded numbers of bats. In any assessment these sites baseline data need to be considered and included in the data assessment and not ignored. Hence any data assessment of the remaining sites needs to consider the effect of these numbers in any robust and scientifically valid analysis. In other words, for genuine no impact, the remaining sites should increase to offset the lost sites (MS11, MS10, MS08). If the remaining sites maintain the same levels of activity, this actually suggests a net impact, not no impact'

2.9.42 These static locations were added into the ongoing 2021 baseline surveys.

'The introduction of radio tracking is welcomed, to enable the comparison of levels of bat activity not just presence/absence and give sufficient detail on populations.'

2.9.43 This radio-tracking is now secured in the **TEMMP** [REP5-088] which itself is secured by Requirement 4 of the draft Development Consent Order (Doc Ref. 3.1(I)).

'In addition there is very little evidence of roosting within the footprint of Hinkley Point C and it would be expected to have far lower levels of activity due to the poor-quality foraging habitats. Consequently, using Hinkley Point C as evidence that the current mitigation will work and prevent a significant impact on the bat population, in particular of barbastelle, is flawed.'

In addition there is very little evidence of roosting within the footprint of Hinkley Point C and it would be expected to have far lower levels of activity due to the poor-quality foraging habitats. Consequently, using Hinkley Point C as evidence that the current mitigation will work and prevent a significant impact on the bat population, in particular of barbastelle, is flawed.

Furthermore, the combination of survey and monitoring at Hinkley Point C is only robust enough to say there continues to be some use of a retained feature across the construction site (a green lane) by barbastelle during construction. Key factors such as number of bats, timing and frequency of movement and the nature of this use (such as foraging and commuting) are not commented on.'

2.9.44 SZC Co agrees that the vicinity of Hinkley Point C does not support the same bat assemblage as does the EDF Energy estate at Sizewell. However, Sizewell C is a similar scale of development, with many similarities in relation to the possible impacts to bats. It is rare that a comparable development scheme, with accurate baseline and impact monitoring, is available to assess the likely impacts of a similar scheme, and so this data has been used as relevant. The assessment of impacts on bats and barbastelle in particular, draws on many other strands of evidence in drawing conclusions and is not solely based on or reliant on the Hinkley data.

c) Bat Roost Survey in Trees – Main Development Site

2.9.45 At Deadline 3, ESC provided comment on the Bat Roost Surveys in Trees – Main Development Site [REP3-035]. These comments are discussed below:

i. Comment 1: Discrepancies between 2020 and 2021 surveys (including trees missing from 2021 survey and trees plotted in different locations) need to be explained and if necessary corrected

2.9.46 There is no discrepancy between the 2020 and 2021 surveys, however SZC Co. notes that there are differences in the locations of some plotted trees. These differences has been introduced where trees were downgraded following the tree climb surveys (as reported in **Bat Roost Surveys in Trees – Main Development Site** [REP3-035]). As part of these surveys SZC Co. also reassessed all trees which were initially assessed in summer when trees were in leaf in response to comments received from Valerie Wheeler from the RSPB on 10/02/2021. The updates were provided in the **Bat Roost Surveys in Trees – Main Development Site** [REP3-035]. The 2021 surveys were focused on trees located within the proposed vegetation clearance zones only and therefore many of the trees considered within the **Main Development Site 2020 Bat Tree Inspection Survey Report** [AS-021] were not resurveyed as part of the 2021 surveys. Where trees were plotted in different locations on **Figure 1** of B**at Roost Surveys in Trees – Main Development Site** [REP3-035] this is due to more accurate grid

references taken during the 2021 surveys (due to a less dense canopy cover).

ii. Comment 2: Survey of trees within the Sizewell Marshes SSSI should be undertaken

2.9.47 SZC Co. completed one day of tree surveys in the SSSI triangle in August 2021, and one further day of survey will be undertaken in week commencing 20th September 2021. Even during August, the SSSI triangle remained too flooded to be able to fully access the area and so trees were surveyed as accurately as possible from the closest possible point of approach. The photos below (**Plate 1** and **Plate 2**) show the level of flooding in August 2021, which prevented access. It was not deemed safe to allow surveyors to proceed, considering the risk of becoming stranded in the areas. It should be noted that the trees along the Leiston Drain itself, west of the proposed SSSI Crossing are now to be retained (see revised vegetation retention / removal drawings submitted at Deadline 7 [REP7-003]). This greater level of tree retention in the SSSI triangle reduces the likely roost resource which will be lost.

Plate 1: Flooding within the SSSI Triangle

Plate 2: Flooding within the SSSI Triangle

iii. Comment 3: It is still not clear if the assessment included in depth review of the roost resources in Goose Hill and the SSSI triangle as previously requested, or simply a re-visit of the trees already flagged.

2.9.48 SZC Co. revisited the trees that were initially surveyed in 2020 [AS-021], during summer 2021 [REP3-035] in response to comments raised by the RSPB (Valerie Wheeler 10/02/2021). SZC Co. undertook further survey (climbing etc..) of the trees highlighted as having high and moderate roosting potential (in accordance with good practice guidance) in the initial assessment and where they were located within the proposed vegetation clearance zone. During this survey, the surveyors also revisited trees previously classified as low/negligible or not classified at all to ensure an accurate assessment is presented. In addition, SZC Co. revisited all the broadleaf trees in winter following comments regarding summer foliage being restrictive, the results of these surveys are presented in the **Bat Roost Surveys in Trees – Main Development Site** [REP3-035] (where the assessment changed). This did not include parts of Goose Hill without deciduous trees as the initial ground based assessment, presented in the **Main Development Site 2020 Bat Tree Inspection Survey Report** [AS-021] is considered accurate. The combination of the initial ground based assessment, further surveys and revisit of broadleaf trees in winter gives an in depth review of the Goose Hill roost resource as the whole of this area has been well covered across surveys between 2010 and 2021.

iv. Comment 4: Figure 1 shows clusters of high and moderate potential trees will be lost north of Upper Abbey Farm (sheet 3), in Fiscal Policy (sheet 5), in the south of Goose Hill (sheet 10). This is a concern and further mitigation for loss of potential roost sites is required.

2.9.49 As set out within the **Bat Mitigation Strategy** [APP-252], mitigation commitments are tied to the tree loss. Roosts will be mitigated for as secured in the licence, see latest draft, as submitted at Deadline 7 [REP7-080] to ensure no net loss of the actual roost resource available to bats. The mitigation is to be based on a ratio, set out by Natural England, of bat boxes provided per roost or potential roosting feature lost. Trees with bat roost potential will be resurveyed by a bat licensed ecologist prior to felling to confirm the final mitigation requirements.

d) Two Village Bypass Bat Backtracking Survey Report 2

2.9.50 The Bat Backtracking Survey Report 2 for the Two Village Bypass will be submitted at Deadline 10, following surveys undertaken on 21 and 22 September 2021.

2.10 ISH7 Written Summaries of Oral Submissions

2.10.1 The Applicant has reviewed the points made by RSPB and SWT in its Deadline 6 submission [REP6-046] and, beyond those provided in **Section 2.9**, has no further comments to make.

2.11 National Trust visualisations

2.11.1 **Appendix K** provides illustrative visualisations from several publicly accessible locations within the Suffolk Coastal and Heaths AONB to assist Interested Parties, including the National Trust, in visualising the construction working heights applied for and assessed in the DCO and the visual character of the Sizewell C construction site during the day and at night.

2.12 Source Control Calculations (Drainage Strategy)

2.12.1 With reference to SCC's **Comments on any additional information / submissions received at D5** at Deadline 6 [REP6-049], specifically line item 4 (referring to Paragraph 2.1.1 of **Appendix D** 'Main Development Site Water Management Zone Summary (DCO Task D2)' to **SZC Co. Comments on Submissions from Earlier Deadlines (Deadlines 2-4) Appendices** (Doc Ref. 9.54) [REP5-120]) on Table 13 at epage 71.

2.12.2 The **Main Development Site Water Management Zone Summary** is updated with the inclusion of source control calculations as **Appendix C** to this document.

2.13 SSSI Crossing

a) Revised Land Take Figures

2.13.2 The design and the working methods in the Leiston drain corridor which will lie to the west of the SSSI Crossing mean that less landtake to the Sizewell Marshes SSSI is now required than was previously assumed. The change in the assumed slope design relates to the alignment of the sheet piling and the lower edge of the slope being slightly further south, so that slightly more of the SSSI is retained in this area. A review of the working methods has also confirmed that less of this Leiston drain corridor is required temporarily during construction.

2.13.3 Table 2.2 below demonstrates the reductions in land take within the SSSI compared to the landtake figures presented in the January 2021 ES Addendum.

2.13.4 The January 2021 **ES addendum** reported that a total of 9.54ha of SSSI would be used of which 6.52ha would be permanently lost and 3.02ha would be temporarily used or lost. The changes reported here, which are reflect in updated drawings, also submitted at Deadline 8, results in a reduction in the permanent land take to 5.74ha and temporary landtake to 1.99ha. This is an overall reduction of 1.81ha from the figures reported in the January 2021 **ES Addendum**. .

Table 2-2: Updated Landtake figures

	As reported January 2021 (ES Addendum)		Updated September 2021 for design and working methods			
Habitat Feature	**Extent of temporary land take from habitat type (ha)**	**Extent of permanent land take from habitat type (ha)**	**Extent of temporary land take from habitat type (ha)**	**Extent of permanent land take from habitat type (ha)**	**Area not now impacted in SSSI triangle (ha)**	**Notes**
Fen Meadow	0.61	0.46	0.61	0.46	0	No change from previous iteration
Wet woodland	2.23	3.06	1.2	2.72	1.37	Area of wet woodland in SSSI triangle impacted is reduced
Dry reedbed	0	2.06	0	1.75	0.31	Area of dry reedbed in SSSI triangle impacted is reduced
Wet reedbed	0	0.87	0	0.74	0.13	Area of wet reedbed in SSSI triangle impacted is reduced
Tall ruderal	0	0	0	0	0	No change
Ditches	0.18	0.07	0.18	0.07	0	No change
Total	3.02	6.52	**1.99**	**5.74**	1.81	Reduction in permanent and temporary land take due to areas of the SSSI triangle now not being impacted of 1.81ha.

b) Embedded Flood Risk Mitigation Measures

2.13.5 **Appendix D** contains the Main Development Site Flood Risk Assessment: Embedded Mitigation Measures paper. This has been developed in consultation with the Environment Agency in order to provide a description of how appropriate flood risk mitigation has been embedded into the design, specifically in respect to Overarching National Policy Statement (NPS) for Energy (EN-1) and National Policy Statement for Nuclear Power (EN-6).

2.14 Engagement with FERN

a) Dormouse Survey Methodology

2.14.2 **Table 2.2** has been prepared to provide a response to the comments raised by FERN on the methodology of the two village bypass dormouse surveys.

Table 2-2: SZC Co. Responses to FERN Comments on the Two Village Bypass Dormouse Surveys

FERN Comment	SZC Co. Response
The Applicant offered on the spot to now undertake survey, claiming that August is a good time of year to survey for dormouse. This is simply untrue if one is undertaking a survey by conventional means.	The tubes were place in August 2021 and surveys were conducted in September 2021. September is noted in guidance as the most optimal month for dormouse surveys as dormouse populations are at their peak, therefore there is a greater probability of finding dormice. An extract from the Dormouse Conservation Handbook below shows the index of probability by month, it notes August and September score the highest probability rates. Therefore, these months are considered to be the for survey. EN DORMOUSE HANDBOOK (4663) (ptes.org)
Standing advice from Natural England on methods for undertaking surveys for dormouse1 provides an index by which the minimum required survey effort	This is correct; SZC Co. could only claim 7 points (14 for 300 tubes) for September. SZC Co. have supplemented traditional tube surveys with footprint tunnel methods, so this adds to robustness of the survey approach. SZC Co.'s methodology has provided a good distribution of tube and footprint tunnel locations, see **Figure 1** of the **2021 Two Village Bypass Dormouse**

FERN Comment	SZC Co. Response
should be calculated. For surveys not established (by setting out nest tubes) until the end of July 2021, the Applicant would fall short of the requisite index value if completing the surveys that year. Indeed, if establishing a survey in July it would only be possible to score 16 of the requisite 20 points by the end of the year (i.e. 5+7+2+2); and in fact only 12 points would be reached by the end of the Examination (i.e. 5+7 for the months of August and September).	**Survey Report** [REP7-028] on e-page 14 and 15.
This limitation of inadequate remaining programme time is one of the Applicant's own making: if SZC had fulfilled its obligations at the outset, then adequate time would have been available for survey. If the Applicant had responded to FERN's concerns back in early June, there would still have been	As noted by FERN, see above, if surveys had started in July, it would only be possible to score 16 of the requisite 20 points by the end of the year (i.e. 5+7+2+2). Additional surveys in June would have only scored an additional 2 points, bringing the total to 18. SZC Co, has undertaken an ecological appraisal of the site which included site surveys and a desk study. This is presented in **Volume 6**, **Chapter 7**, **Appendix 7A** of the **Environmental Statement** [APP-462]. Suffolk Information Biodiversity Service (SBIS) provided the data for the desk study and confirmed that no records of dormouse were located within the study area. On this basis, whilst habitats on site were noted to be suitable for dormouse, dormouse was not considered to be an important

FERN Comment	SZC Co. Response
time available to undertake a survey achieving the requisite 20 points by the end of the season.	ecological feature given the absence of any local records. During the examination process, SZC Co. has acted upon the comments raised and in recent communication with SBIS, it has been confirmed that there is a dormouse record located just outside of the study area (see **Figure 2** of the **2021 Two Village Bypass Dormouse Survey Report** [REP7-028] on e-page 16. On this basis and in response to the request from the Examining Authority, SZC Co. undertook a single visit survey and the results were presented in the **2021 Two Village Bypass Dormouse Survey Report** [REP7-028]. In summary no dormouse nests or footprints were recorded.
Therefore, in order to deal with this significant survey limitation, we propose that the Applicant adopts the following supplementary measures: - 1. Nest tubes to be installed at least double the required density, i.e. every 10m within hedgerows, woodland and scrub; 2. Nest tubes to be supplemented by nest boxes at a ratio of 1 box :10 nest	1. SZC Co. has installed over 300 tubes across the site which exploits available habitat distribution. Please see **Figure 1** of the **2021 Two Village Bypass Dormouse Survey Report** [REP7-028] on e-page 14 and 15 for the location of these. 2. SZC Co. has not used nest boxes as part of the surveys. 3. SZC Co. can confirm that nest tubes installed in available habitat including scrub etc. 4. SZC Co. can confirm that footprint tunnels have been installed.

FERN Comment	SZC Co. Response
tubes (noting that NE's advice is that they increase the probability of finding dormice); - 3. Nest tubes and boxes to be installed in all suitable habitat. This includes not simply the woodlands as suggested during the hearing, but also the scrub and hedgerows (noting that it is often much easier to detect this species in dense hedgerows than in overstood woodlands). – 4. Given that the woodland is in many places overstood, alternative supplementary methods should be deployed in all woodlands and tall hedgerows	

FERN Comment	SZC Co. Response
within the Order Limits (e.g. including Nuttery Belt and the hedgerows along Farnham Hall lane: H22, H23, H24), including deployment of footprint tunnels2 and camera traps.	

2.15 Engagement with David and Belinda Grant

2.15.1 Mr and Mrs Grant have raised concerns through their submissions and at the CAH2 hearing in relation to the severance and access to their retained land once the proposed SLR is in place. SZC Co. has confirmed previously that access to land to the north of the Sizewell link road (from the farmstead to the south of the Sizewell Link Road) would be maintained through the existing and proposed public highway.

2.15.2 Notwithstanding this, SZC Co. is working with the affected party to investigate the feasibility and appropriateness of a proposal to construct a 2.8m underpass under the Sizewell link road, which would give an additional access to the land without the need to access the public highway.

2.15.3 A meeting with the owners and their agents was held on the 2nd September where further detail of the proposed underpass was discussed with input from the SZC Co. highway team. The possibility of increasing the height above the 2.8m was considered and The SZC Co are looking at the possibility of an alternative drainage route with Mr Grant which may help provide some further headroom.

2.15.4 Mr Grant has agreed to speak to his farm contractor to determine the exact heights of various farm vehicles including the tractors and sprayer so the ability to accommodate such vehicles can be factored into the amended design if possible.

2.15.5 Following the meeting Mr Grant will also consider the connectivity on his remaining land to the underpass and what land will be required to provide it. The SZC Co highway team are currently looking into the design taking into account Mr Grant's suggestion on drainage and await information on the vehicle heights.

2.15.6 In the event that it is concluded that such an underpass can be provided, it would be on the basis that there would be no need to any change the Application and consent could be sought pursuant to Requirement 22 of the DCO.

2.15.7 At the same meeting on the 2nd September representatives from SZC Co explained the current proposals for Landscape and Noise mitigation with Mr and Mrs Grant and further potential mitigation options were discussed and taken away for further consideration. The SZC Co team are currently working on those proposals.

2.15.8 A call between SZC Co's agent Dalcour Maclaren and the Grant's agent Mike Horton was held on the 14th September 2021 where a progress update was given on the various matters arising from the meeting on the 2nd September 2021. SZC Co's landscape and noise experts continue to work on the mitigation proposals. SZC Co await information on the vehicle heights from Mr Grant and his agent to assist with the underpass design.

2.15.9 A further update call/virtual meeting between Dalcour Maclaren and Mr Grant's has been arranged for the 22nd September to track progress of the work.

2.15.10 Heads of Terms for the land required to construct the SLR were agreed with Mr & Mrs Grant on the 30th April 2021 and the legal documentation is currently being drafted by the legal representatives. Where accommodation works and mitigation is agreed it will be incorporated into the legal agreements.

3 ADDITIONAL WRITTEN SUBMISSIONS ARISING FROM CAH1 AND ISH8-ISH10

3.1 Overview

3.1.1 This chapter provides further information or updates to SZC Co.'s **Written Submissions Responding to Actions Arising from CAH1 (Parts 1 and 2) and ISH8-ISH10** [REP7-066, REP7-067, REP7-071, REP7-072 and REP7-073] submitted at Deadline 7, where specified within the relevant document.

3.2 Compulsory Acquisition Hearing 1 Part 1

3.2.1 Discussions are ongoing to finalise the remaining protective provisions and final versions will be included in the draft DCO at Deadline 10, together with final versions of the relevant SoCGs. Where matters remain outstanding, they are limited and SZC Co. expects to have reached agreement on these points by Deadline 10.

3.3 Compulsory Acquisition Hearing 1 Part 2

3.3.1 No supplementary written submissions were required to CAH1 Part 2.

3.4 Issue Specific Hearing 8

3.4.1 No supplementary written submissions were required to ISH8.

3.5 Issue Specific Hearing 9

3.5.1 No supplementary written submissions were required to ISH9.

3.6 Issue Specific Hearing 10

a) 'Working with the grain of nature' status

3.6.2 Paragraph 5.3.5 of the NPS EN-1 refers to the Government's biodiversity strategy as set out in 'Working with the grain of nature' document published by the Department for Environment, Food and Rural Affairs (DEFRA) on 29 March 2011.

3.6.3 The 'Working with the grain of nature' document was replaced by the 'Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services' report published by DEFRA on 19 August 2011 and which was subject to a progress update in July 2013. The role of the Biodiversity 2020

report was to provide a national strategy for England's wildlife and ecosystem services, and to set out what is needed to halt overall biodiversity loss by 2020.

3.6.4 In the 25 Year Environment Plan[1] (published by DEFRA on 11 January 2018), the Government committed to publish a new strategy for nature building upon the Biodiversity 2020 report.

3.6.5 An annual progress report against the 25 Year Environment Plan was published in 2019, 2020 and 2021. The 2019 progress report referred to a review of the Biodiversity 2020 report and development of a new strategy *"over the next 18 months".*

3.6.6 Whilst the Government has announced its commitment to deliver the 25 Year Environment Plan, a new or updated version of Biodiversity 2020 has not been published to date. The Biodiversity 2020 document remains the Government's current biodiversity strategy.

b) Veteran trees within the Sizewell Link Road site

3.6.7 SZC Co. stated within it's Written Submissions arising from ISH10 [REP7-073] at paragraph 1.2.36 (electronic page 9) that a detailed drawing would be prepared to show the location of the veteran trees, based on the Ancient Tree Inventory, on the Sizewell link road site.

3.6.8 A detailed drawing has been prepared for the Sizewell Link Road and is contained in **Appendix E**. This shows the relationship between the Sizewell Link Road alignment and the veteran trees. The drawing shows that one veteran tree is to be felled. The reasoning for why the loss of this veteran tree is unavoidable has been set out at [REP7-073] (electronic pages 10 – 13). .

3.6.9 The **Sizewell Link Road Landscape and Ecology Management Plan** has been updated and submitted at Deadline 8 (Doc Ref. 8.3 B(B)) to provide mitigation for the impacts of the Sizewell Link Road site.

c) Bailey Bridge

3.6.10 **Appendix F** contains a note on the Bailey Bridge in the early months of the SSSI crossing establishment, in response to ESC concerns. The note considers the likely duration of use and explains why no barrier effect, associated with light and noise, is likely to arise.

d) SSSI Crossing commencement of construction

3.6.11 During Issue Specific Hearing 10, the Examining Authority questioned whether the discounted triple-span bridge SSSI Crossing option could be constructed earlier in the construction programme than would otherwise be possible with the proposed single-span bridge SSSI Crossing option, in order to offset the 6-12 month longer construction timescale associated with the discounted alternative.

3.6.12 Both options will require similar enabling works to allow the construction of the SSSI Crossing. These works would commence from the date of initial site access following the DCO being granted.

3.6.13 This includes:

- Site clearance and vegetation clearance across the Temporary Construction Area and Main Platform.
- Construction of temporary roads from the north and the south.
- Obtaining the necessary permits and licenses to translocate protected species and realign Sizewell Drain.
- Establishment of welfare facilities.

3.6.14 The commencement of construction date for the SSSI Crossing would therefore be the same for either option and the proposed SSSI Crossing would always be operational substantially earlier in the construction programme than the discounted alternative.

e) Updates to the NPS Tracker and associated documents

3.6.15 An updated **NPS Tracker** is submitted at Deadline 8 (Doc Ref. 9.14(D)) which has been updated to reflect the paragraphs contained in the ISH10 Detailed Agenda [EV-142b] where not previously addressed.

3.6.16 **Appendix G** contains a route map against the Appraisal of Sustainability Site Report for Sizewell referred to in the NPS, setting out where matters raised there have been addressed in the DCO Application or Examination documents.

3.6.17 **Appendix H** addresses the issues identified in the Habitat Regulations Assessment Site Report for Sizewell, 2010 and the Habitat Regulations Assessment of the Nuclear NPS (EN-6), including cross referencing to

where matters have been addressed in the DCO Application or Examination document.

f) Response to Mr Scott and Mr Collins

3.6.18 At ISH10, under agenda item 4a) 'Fen meadow proposals, including Pakenham – to understand in particular Natural England's position on need, quantum and the likelihood of success', Mr Collins made the following representation:

'*We have asked questions about Natural England funnily enough about the Pakenham River water quality, but it's equally as pertinent to ask the applicant. What we'd like to know is whether the water quality at Pakenham is such that it would actually be good for supporting the transferred habitat, which will be attempted of fen meadow/M22 to the Pakenham site, and whether there is any issue with mixing coastal species with what is currently on the site in the Pakenham catchment, and indeed whether the difference in water quality between the sites is likely to be supportive of the coastal fen Meadow transfer. The question about inland versus current coastal meadow and the potential issues with attempting such a transfer is the same whether we look at Benhall Halesworth or Pakenham as they're all well away from the coast, well away from the potential saline influence, etc, etc. And if these do fail, coming back to that whole point about compensation, even if there may be other sites around East Anglia, are any coastal locations, that would be an appropriate replacement for what we're seeing today as loss?'*

3.6.19 In response to this representation, SZC Co. makes the following points:

- In relation to water quality at Pakenham, this is fully considered in drafting the habitat creation proposals contained in the **Fen Meadow Plan**, submitted at Deadline 6.
- In relation to the potential transfer of turfs from the landtake area at Sizewell Marshes SSSI and / or green hay from the wider SSSI, whilst this is included in the **Fen Meadow Plan**, for Pakenham, the preferred central part of the strategy, subject to Natural England approval, would be to use a green hay transfer from the adjacent Pakenham Fen SSSI. There is however nothing to suggest that transfer of vegetation from Sizewell Marshes SSSI to Pakenham would be limited by any water quality differences between the sites.
- The fen meadow habitat at Sizewell Marshes SSSI, defined as M22 vegetation in the National Vegetation Classification (NVC), does not depend, in terms of its floristic composition, on its proximity to the

coast. M22 is widespread, although local in occurrence, throughout East Anglia and is not confined to coastal regions. Therefore, it is not necessary to identify coastal or near sites for fen meadow compensatory habitats or within the contingency approach which extends the area of search to East Anglia.

3.6.20 At ISH10, under agenda item 4a) 'Fen meadow proposals, including Pakenham – to understand in particular Natural England's position on need, quantum and the likelihood of success', Mr Scott made the following representation as recorded in **Issue Specific Hearing 10 - Session 3 - Transcript - 27 August 2021** [EV-185]:

'clarificatory question, which doesn't is consideration of the creation of alternative wetlands, whatever their status, the mitigation or compensation does not include the occupants and the full specification of the SSSI which of course includes according to EDF, Marsh Harriers, and otters and so on. That's the I think, a lay question, but it is a question that needs to be faced here. In other words, it sounds as though the narrative is about the separation of simply wetland as a category of BNG and so on and so forth. But it can't be disconnected surely. And the reason I raised it in particular is the is the Sizewell C community newsletter. I read very short, said in August, the August 21 edition, that Marsh Harriers and otters are already making Aldhurst farm their home. They did use the SSSI.

… Natural England, raise the possibility that it won't work. I want to know what it is that will not work. Well, what is the risk of failure? Is it simply a risk of the flora? Or is it the risk of the failure of all the Marsh Harrier, for example, that foraging on it that so it's a very straight question'

3.6.21 SZC Co. believes that the risk associated with the creation of fen meadow has been covered extensively elsewhere.

3.6.22 In relation to the points raised by Mr Scott in relation to the Aldhurst farm wetlands, it is important to note that these wetlands are not included in the BNG calculations, as they represent 6ha of compensatory wetland habitats, prepared in advance for the future landtake of 3ha of similar habitats from the Sizewell Marshes SSSI. The Aldhurst Farm wetlands are immediately adjacent to the Sizewell Marshes SSSI by design and already support otters and marsh harriers and a small population of water voles. Enhanced connectivity will be provided in future between Aldhurst Farm and the SSSI by a bespoke mammal culvert close to the Leiston Drain.

g) Suite of Marsh Harrier Reports under Requirement 14C

3.6.23 The titles of the Marsh Harrier habitat reports secured by Requirement 14C have been updated to the following:

- The Westleton Marsh Harrier Compensatory Habitat Strategy (Doc Ref. 9.35(A));
- The on-site Marsh Harrier Compensatory Habitat Strategy (Doc Ref. 9.16(A)).

4 RESPONDING TO DEADLINE 7 SUBMISSIONS

4.1 Overview

4.1.6 This chapter provides a response to submissions by the following parties at Deadline 7:

- FERN [REP7-184]
- Environment Agency [REP7-130, REP7-127
- Suffolk County Council
- The Grant family [REP7-179]
- EL and LJ Dowley [REP7-177]
- Mollett's Farm [REP7-210, REP7-211, REP7-212]
- Mr Mellen [REP7-225]
- Mr Johnston [REP7-288]

4.2 FERN

4.2.1 FERN (Farnham Environment Residents and Neighbours) submitted comments at Deadline 7 [REP7-184] drawing on the 1995 Inspector's Report on the Highways Agency preferred option for a four village dual-carriageway bypass of Farnham, Stratford St Andrew, Little Glemham and Marlesford. In particular, FERN state: "*We would like to bring to ExA's attention the very positive reception the Inspectors Report gave in 1995 when weighing up the benefits of the Option 14 route*."

4.2.2 The Highways Agency's preferred route option in 1995 follows a similar route to the proposed two village bypass, which passes to the west of Foxburrow Wood. An alternative route was also discussed in 1995, alternative route 14, which passes to the east of Foxburrow Wood, which is similar to the alternative alignment that has been put forward by the Parish Council.

4.2.3 In FERN's D7 submission, there are a number of quotes from the 1995 Inspector's Report but unfortunately, FERN has misunderstood the

structure of the report and the passages quoted are from Section 7 of the report, which is citing the case made by objectors, not the Inspector's conclusions.

4.2.4 The Highway Agency's comments on alternative route 14, and the Inspector's conclusions for rejecting alternative route 14, have been set out by SZC Co. at [REP2-108] (electronic page 172 and 173).

4.2.5 The Inspector's Report summarises the Highways Agency's concerns on alternative 14. The Report states at paragraph 74.19 that:

4.2.6 It would be less safe than the [Highways Agency's preferred scheme], and was some 200m longer and operationally less attractive. The NPV was much reduced and would be marginal (£0.276m) at low growth. There would have to be substantial benefits to overcome these disadvantages, but in overall environmental terms [Alternative] 14 was worse than the proposed route. It should be rejected. The Inspector considered all of the issues and at paragraph 10.7.44 that:

> *In my view, it is in the general public interest that a bypass should be provided, and that the line of the route should follow the one in the published scheme [the Highways Agency's preferred route]*

4.2.7 Following the conclusions of the 1995 Inspector's Report, and as set out at [REP2-108] (electronic page 173), the alternative alignment to the east of Foxburrow Wood was not pursued as an alternative route in any of the subsequent Four Village Bypass studies or the SEGway proposals by Suffolk County Council.

4.2.8 SZC Co. acknowledges that the Inspector does raise concerns in the 1995 Report with the Highways Agency's dual carriageway preferred route, particularly in terms of noise and landscape impact near Farnham Hall, although these concerns were not sufficient for the Inspector to prefer an alternative route. However, these concerns related to a dual carriageway four village bypass not a two village bypass that is a single carriageway which is proposed in this DCO. SZC Co. has sought to reduce environmental impacts at Farnham Hall as the design of the bypass has progressed, including increasing the depth of the cutting of the two village bypass between Consultation Stages 3 and 4 to help screen the route in views and reduce environmental impacts at Farnham. SZC Co. has also moved the alignment of the bypass slightly further south between Consultation Stages 2 and 3 to minimise impacts on Nuttery Belt as set out at [REP2-108] (electronic page 171).

4.2.9 For further detail on the route of the two village bypass and the alternatives considered, please see SZC Co.'s response to the Responses to the Examining Authority's First Written Questions at Al.1.19 and Al.1.22 [REP2-100] (electronic page 182 and 188), including the Two Village Bypass Summary Paper (Appendix 5C of the SZC Co. responses to ExQ1) [REP2-108] (electronic pages 171 – 180).

4.3 Environment Agency

a) Environment Agency Comments on Sizewell Link Road Flood Risk Assessment Addendum [REP5-045] provided at epage 1 of REP7-130

4.3.2 In the ISH11 oral submission the Environment Agency (EA) discussed these residual concerns that it had raised at Deadline 7. The EA confirmed that all flood risk concerns for the Sizewell link road have since been resolved.

b) Environment Agency Comments on SZC Co. Comments on Submissions from Earlier Deadlines (Deadlines 2-4) Appendix J: Future Adaptation of the SSSI Crossing in the DCO Submission [REP5-120] provided at epage 2 of REP7-130

4.3.3 The EA's submission states:

"The report does not consider the flood risk to the SSSI crossing in the credible maximum climate change scenarios. The report does not make clear whether the SSSI crossing is required to provide safe access in the credible maximum flood events up to 2140, and if so whether safe access would be able to be provided based on the revised wall heights. This may need to be clarified for emergency planning purposes."

4.3.4 SZC Co. has subsequently provided clarity on this point to the EA. Specifically, in paragraph 2.2.5 (epage 1214 of REP5-120) of Appendix J: Future Adaptation of the SSSI Crossing in the DCO Submission:

"*Based on the above external hazards safety case, the SSSI crossing is classified as a non-safety critical element. As such, in line with the guidance set out in the ONR / Environment Agency Joint Advice Note, it has been designed taking into consideration the 1 in 1,000 year with reasonably foreseeable climate change allowances such that there is a safe means of access and egress up to and including this event, throughout the lifetime of the development. This is in line with the guidance set out within Appendix D of the Joint Advice Note*."

4.3.5 Consequently, and in line with this guidance, there is no requirement to carry out an assessment of the performance of the SSSI Crossing for credible maximum flood events.

c) Environment Agency Comments on Acoustic Fish Deterrent Report [REP5-123].

4.3.6 In REP7-127 the Environment Agency requests further consideration of turbidity levels throughout the whole year as opposed to the winter period presented in the AFD report . The EA's submission states:

"*Data provided in the report highlights high turbidity levels, which considered to be a key restriction to safe underwater operation and maintenance of AFD. We consider that the report does not explain that these data are taken from the period of highest turbidity (Nov-Mar) and does not reflect the lower turbidity found in other months of the year*."

4.3.7 SZC Co accepts that turbidity over winter is the worst case and that turbidity falls during the summer. However, no such data are available for the summer period at the correct height in the water column. Presentation of the available data was not intended to mis-lead, however, it can be discussed further.

4.3.8 Summer suspended particulate matter (SPM) data from the water quality survey available. However, it is important to note that these were collected at the water surface and not within a few metres of the sea bed where the AFDs will be located; SPM concentrations at the surface are expected to be lower than within a few metres of the sea bed. Between April and September, surface SPM concentrations ranged between 28 mg l^{-1} (in April) to 244 mg l^{-1} (in May) with values of 95 mg l^{-1} and 89 mg l^{-1} being recorded in August and September, respectively, as other examples. From October to March, SPM concentrations ranged from 31 mg l^{-1} (in January) to 246 mg l^{-1} (in February), with values of 81 mg l^{-1} and 155 mg l^{-1} being recorded in November and December, respectively, as other examples. So high SPM concentrations can, and do, occur in spring/summer as well as winter. As stated, these data were collected at the water surface not at the seabed where the AFDs will be located and the necessary maintenance work (recovery and replacement of AFD sound projector units) will need to be carried out. SPM concentrations are lower near the seabed. This is particularly so because the intake head locations will be located close to the eastern flank of the Sizewell Bank and, therefore, close to a prominent sediment transport pathway (see Figure 12 Appendix 17A of the Environmental Statement [APP-312]).

4.3.9 As shown at 4.3.8, SPM concentrations can vary quite markedly within seasons and between seasons. While it is correct that the general trend is for turbidity to be higher in winter than summer, that is not always the case and the variation is completely unpredictable. Bearing in mind that AFD maintenance can only take place during an outage when the associated reactor unit is not on load, and even then only for a few weeks, one simply cannot know whether turbidity levels will be low or high at the necessary time.

4.3.10 It is also worth noting that the outage interval is approximately 18 months and so a year-on-year maintenance regime undertaken only during summertime does not align with the outage schedule. For example, if Unit 1 has an outage in June, its next outage will be around the following December. The recommended service interval for the AFD sound projector is also 18 months, so maintenance will need to be performed every outage. Therefore, it is not possible to restrict maintenance of the AFD system to summertime only. The need to perform maintenance work during winter also imposes other safety constraints, of course, in relation to working at sea and having good weather windows at the appropriate time.

4.3.11 One final observation on the question of turbidity is that the AFD system is suggested to be required to provide a behavioural cue for the fish to swim away from the intake head when there is no visual cue. If the EA's suggestion of low turbidity during the summer were true such that, by inference, it did not affect diver visibility then one can infer also that fish would be able to see the intake head and avoid it, negating the need for an AFD system in the first place.

4.3.12 Regardless of turbidity levels, however, the other significant constraint is current velocity which is tidal driven and does not vary significantly with season. Current velocities remain too fast for divers to works safely and there is no existing ROV capability either.

4.3.13 In conclusion SZC accepts that the AFD report [REP5-123] could have presented a more complete discussion of all available SPM data as provided here (as opposed to just those collected at the correct depth and location). However, the argument presented in [REP5-123] in relation to safety and logistical concerns of AFD maintenance remains.

d) Environment Agency Comments on DML Conditions [dDCO; REP6-006].

4.3.14 In REP7-126 the Environment Agency requests to be a named consultee on the detailed information to be provided pursuant to discharge of DML Conditions 40 and 41. SZC Co has no objection to this and will amend the

text accordingly. To note, the obligation in the wording is for the MMO to consult with the EA prior to discharge of the Condition and not for SZC Co to consult with the EA directly (although the likelihood is that pre-application consultation will be undertaken with the SZC Marine Technical Forum, of which the EA is a member).

e) Environment Agency And Natural England Comments on the SZC Co Technical Note on EAV and Stock Size

4.3.15 At Deadline 7, the Environment Agency [REP7-128] and Natural England [REP7-143] provided comments on SZC Co Technical note on Equivalent Adult Values and Stock Size (Appendix F to "Comments on Earlier Deadlines and Subsequent Written Submissions to ISH1-ISH6"; [REP6-024]. A detailed response to those comments is provided in **Appendix I**.

f) Environment Agency Comments on SPP103 [REP7-133] and SPP116 [REP7-132].

4.3.16 SZC Co will respond to Environment Agency comments on these two fish assessment reports ([REP6-016] and [REP6-028]; respectively) at D10.

4.4 Suffolk County Council

a) Northern Park and Ride Drainage Design Note

4.4.2 Suffolk County Council (SCC) [REP7-157] raise a number of points within this submission, specifically providing detailed feedback on the 'Northern Park and Ride Drainage Design Note' (Appendix A to SZC Co. Comments at Deadline 6 on Submission from Earlier Submissions and Subsequent Written Submissions to ISH1-ISH6 – Appendices (Doc Ref. 9.63) [REP6-024]) at epages 2-8 [REP7-157] and feedback on Plans For Approval at epages 28-29 [REP7-157]. These aspects are currently the subject of wider discussion on the acceptance of the Drainage Strategy (Doc. Ref. 6.3 2A(C)) by SCC within the framework of an Action Plan which is described within **Written Submissions Arising From Issue Specific Hearing 11** (Doc Ref. 9.104).

b) Sizewell Link Road

4.4.3 At Deadline 7 SCC submitted 'Post Hearing Submissions including written summary of Suffolk County Council's Oral Case' of CAH1 [REP7-160]. On pages 3 - 17 of that document SCC confirm their view that there is no adequate justification for the permanent retention of the Sizewell link road and provide their view as to how the application could change to propose the Sizewell link road as temporary rather than permanent.

4.4.4 The table below summarises SCC's comments and provides SZC Co.'s response to those comments.

SCC Comment	SZC Co. Response
"SCC maintains its view, as rehearsed in its earlier submissions, that there is no adequate justification for the permanent retention of the SLR. Nonetheless, SCC is clear that the provision of the SLR during the construction period is essential mitigation for the construction traffic impacts of the project and its timely delivery is critical to the acceptability of the project."	SZC Co. welcome SCC's acknowledgement that the SLR is essential during the construction period. SZC Co. maintains its view that the Sizewell link road should be provided on a permanent basis. SZC Co.'s justification for the retention of the SLR is set out in ExQ1 AI.1.32 and ExQ1 AI.1.33 [REP2-100] (electronic pages 196 – 201), at electronic pages 240 – 243 of the Sizewell link road Response Paper [REP2- 108] and SZC Co.'s response to ExQ2 CA.2.10 [REP7-056] (electronic page 139) and at SZC Co.'s Written Summaries of Oral Submissions made at Compulsory Acquisition Hearing 1 Part 1 [REP7-064] (electronic pages 3-6)
"SCC accepts that, whether the SLR is to be permanently retained or is to be removed at the end of the construction period, a broadly similar quantum of land would be required for the road itself but there may be some areas of associated landscaping that would not be needed or would not be effective (such as the planting of broad-leafed trees within the proposed native tree and shrub planting) if the SLR was only temporary. SCC has not considered that it is its responsibility to formulate a different landscape strategy for a temporary SLR, noting that any such landscaping would fall within (rather than go beyond) the	SCC is correct that there is flexibility as to the final design of the landscaping and that Requirement 22A requires the details of the landscape works for the Sizewell link road to be subject to approval post DCO consent. However, paragraph 4.4.3 of NPS EN-1 is clear when it comes to the consideration of alternatives. It states that potential alternatives, wherever possible, should be identified before an application is made to the IPC, and that the third party that has put forward the alternative should provide the evidence for its suitability and that the IPC should not necessarily expect the applicant to have assessed it.

SCC Comment	SZC Co. Response
parameters of the landscaping proposed by the applicant in the Landscape Masterplan for the SLR in Part 7 of Schedule 7 to the DCO. The Landscape Masterplan contains inherent flexibility as to the final design of the landscaping (for example, within the areas notated for native tree and shrub planting, the balance between trees and shrubs is at large as are the species of native plants). That flexibility could accommodate a landscape design suitable for a temporary SLR. Requirement 22A already requires the details of the landscape works for the SLR to be subject to approval post consent."	It is therefore SCC's responsibility to formulate a different landscaping strategy for a temporary Sizewell link road if SCC is of the view that a less extensive landscaping strategy would be necessary, and this should have ideally been worked up before the application was submitted to the ExA. SZC Co. maintains the view that the Sizewell link road should be permanent and that the landscaping that SZC Co. has proposed in the Landscape Masterplan for the Sizewell link road is necessary to reduce potential visual effects. Even if the road was temporary, it is surprising for it to be suggested that it might need to be less extensively landscaped.
"SCC notes that the Statement of Reasons (APP-062) states (para 7.3.6) that, in relation to highway works, the applicant has included sufficient land to allow for the final detailed design to be determined and so includes the full extent of land where works may be undertaken but in practice only the land needed for the highway works would be taken. SCC considers that a similar approach could be taken in relation to any parcels of land that may not be needed (whether for landscaping or for other reasons), once detailed design had been undertaken, if the SLR was to be provided on a temporary basis. However, if there is no adequate justification for the permanent	SZC Co. has set out the justification for the permanent acquisition of this land, in SZC Co.'s response to ExQ2 CA.2.10 [REP7-056] (electronic page 139) Paragraph 4.4.3 of NPS EN-1 is clear that if a third party has put forward an alternative, then the third party should provide the evidence for its suitability, not the Applicant. SZC Co. is unaware what changes SCC is suggesting should be made to any parcels of land in the DCO application. SZC Co. disagrees that there is no adequate justification for the permanent provision of the SLR. SZC Co.'s position on this is set out in ExQ1 AI.1.32 and ExQ1 AI.1.33 [REP2-100] (electronic pages 196 – 201), at electronic pages 240 – 243 of the Sizewell link road Response Paper [REP2- 108] and SZC

SCC Comment	SZC Co. Response
provision of the SLR and it were to be provided only on a temporary basis (as advocated by SCC), it would not necessarily be required for the land to be the subject of compulsory acquisition in order to provide a temporary SLR, and it would be possible to achieve that result by taking temporary possession of the relevant land (using Article 37 and Schedule 17 of the DCO). Whilst temporary possession would be taken for the duration of the construction period, that is equally true for the applicant's proposals for the sports facilities."	Co.'s response to ExQ2 CA.2.10 [REP7-056] (electronic page 139) and at SZC Co.'s Written Summaries of Oral Submissions made at Compulsory Acquisition Hearing 1 Part 1 [REP7-064] (electronic pages 3-6).
"An alternative approach would be the permanent acquisition of the land required for the temporary SLR in the same way that the applicant proposes the permanent acquisition of the land required for the two temporary park and ride sites, the temporary freight management facility, and the elements of the temporary green rail line where new rail infrastructure is to be provided. SCC notes (as set out in the Statement of Reasons [APP-062], paras 4.3.6, 4.7.2, 4.8.6) that the applicant intends to remove those facilities/ infrastructure and restore such land to its former condition (generally agricultural) at the end of the construction period. The same approach could be taken for a temporary SLR."	As above – SZC Co. is not aware what specific changes are proposed by SCC to the application. Whether those changes were theoretically possible prior to the formulation of the application is academic at this stage.

SCC Comment	SZC Co. Response
"The applicant asserted that it would not be possible for a temporary SLR to be delivered in the context of the current DCO and that if its proposals for a permanent SLR were rejected it would be necessary for fresh proposals to be put forward in a different DCO, with consequential delay. SCC does not accept that is the case, albeit SCC notes that steps would need to be taken in the near future to achieve a temporary SLR within the context of the Examination. SCC notes that, where the applicant wishes to do so, it is continuing to bring forward changes to its proposals, most recently instanced in relation to the consultation on new proposals for a desalination plant. Clearly, the applicant considers that the procedural implications of making such changes can be accommodated within the Examination. SCC sees no reason to take any different approach in relation to the temporary SLR."	At Compulsory Acquisition Hearing 1SZC Co. [REP7-064] (electronic page 4) challenged SCC to identify how its suggested change would be achieved within the examination timetable. SCC's D7 submissions do not grapple with the practicalities or the reality of what could be achieved. SZC Co. does not propose the Sizewell link road as a temporary road. Should the Sizewell link road be proposed as temporary rather than permanent, this would comprise a change to the submitted DCO application and consultation on the change would be necessary. The ExA would then need to accept the change and be satisfied that it could fairly be considered within the examination. There would be numerous steps that would need to be followed. The "Planning Act 2008: Guidance for the examination of applications for development consent" (paragraph 115) advises as follows "If an applicant seeks to introduce a material change during the final stages of the examination period, it is unlikely to be accepted on the basis that the application cannot be examined within the statutory timetable without breaching the principles of fairness and reasonableness." Before consultation and amendments to DCO Application documents could be progressed, engagement with SCC would be necessary to agree the scope of the potential proposals i.e. no permanent SLR at all, or would it be a proposal where only a Theberton

SCC Comment	SZC Co. Response
	bypass is provided permanently? For reference, SCC said in its Stage 4 consultation response at paragraph 246 that they see the legacy benefit of a Theberton bypass and would consider adopting this. This is set out at electronic page 242 of the Sizewell Link Road Response Paper [REP2-108]. It is not necessary to rehearse the steps here. The onus is on SCC to make its case, which it has not done. The ExA will be aware that a change of this nature could not now be accommodated within the examination timetable.
"In terms of land take, a temporary SLR would not entail the use of land outside of the Order limits (but there may be some savings in relation to land required for landscaping, which could be addressed at the detailed design stage). The construction of a temporary SLR may be to a lower specification than a permanent road that was to become an adopted highway but SCC accepts that a temporary SLR which was to be in place for the majority of the construction period would be more than a haul road and would need to be constructed accordingly. The detailed specification for the SLR, whether temporary or permanent, could be addressed by Articles 20 and 21 in conjunction with Requirement 22."	. As previously stated, Paragraph 4.4.3 of NPS EN-1 does not require SZC Co. to design an alternative at this stage, the onus is on SCC. SZC Co. has set out in response to ExQ1 AI.1.33 [REP2-100] (electronic page 200) that even if the Sizewell link road was made temporary, the road would still need to be built to a high standard. With a 10-12 year construction period for the main development site, and given the scale and nature of traffic involved, it is misconceived to think the Sizewell link road could be built as some form of temporary haul road. The onus is on SCC to make its case as to how the Sizewell link road could be built to a lower specification. SCC has not done this. SCC has stated that the detailed specification for the SLR, whether temporary or permanent, could be

SCC Comment	SZC Co. Response
	addressed by Articles 20 and 21 in conjunction with Requirement 22. It would be fair to recognise that SCC has been critical of any alleged lack of detail for other aspects of the application and SZC Co. considers that the approach suggested would not enable the SCC proposal to be sufficiently examined.
"In terms of transport assessment, during the construction period there would be no difference in assessment whether the SLR was permanent or temporary. For the operational period, the Consolidated TA [REP4-005] already includes a 2034 Reference Case as well as a 2034 operational traffic scenario. SCC has already provided its assessment of the implications for both total traffic and HDV traffic on the B1122 in the operational period in 2034 without the SLR (Table 3 in REP2-189). SCC does not consider that the flows in the operational period without the SLR would exceed either the practical or the environmental capacity of the B1122. Since the primary purpose of the SLR is to divert traffic from the B1122 SCC does not consider it either necessary or proportionate to assess the implications for other parts of the network in the operational period (without the SLR). There is no reason to think that other roads would experience changes that would be significant in terms of	The DCO proposes to retain the SLR post construction. Therefore, the Consolidated Transport Assessment [REP4-005] does not include an assessment of the effects of the operational phase of the Sizewell C project without the Sizewell link road. Likewise, there is no assessment of the environmental effects of this scenario before the examination. The decommissioning of the park and rides and, freight management facility would be expected to generate a similar level of HGV traffic to the construction of these sites as set out in Table 7.7 of the Consolidated Transport Assessment [REP4-005] (i.e. a peak of 42 two-way HGV movements per day for each site). These sites are all located along the A12 corridor, which forms part of SCC's primary route network, and therefore the HGV movements would not result in a perceptible percentage change in HGV movements on this corridor. The decommissioning of the Sizewell link road would result in HGV movements along the B1122, which SCC consider in [REP4-005] to have "*poor alignments and passing through villages*." It would need to be assessed from an environmental perspective to ascertain

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network performance or environmental capacity. SCC notes that the Consolidated TA [REP4-005] does not provide any assessment of the traffic impacts during the de-commissioning of the park and ride sites, the FMF, and the green rail line, presumably on the basis that significant effects are not anticipated. SCC sees no reason to take a different approach in relation to the decommissioning of the SLR."	the likely adverse environmental impacts of the decommissioning of the Sizewell link road and impact on the B1122, which has not been put before the examination by SCC.
"In terms of environmental impact assessment, during the construction period there would be no difference in assessment whether the SLR was permanent or temporary. If the SLR was removed at the end of the construction period and the land restored, the SLR would have no significant environmental effects during the operational period. The decommissioning/ removal process could have environmental effects but (a) those effects generally would be no greater than the effects already assessed for the construction of the SLR (which generally mirrors the approach that the applicant has taken for the environmental assessment of the likely significant effects of removing the temporary elements of the project such as the park and ride sites, the freight management facility, and the green rail line (see for example	SZC Co. notes that the effects from the removal and reinstatement of the Sizewell link road site would be additional to those currently set out within the **ES**, as updated by subsequent **ES Addenda**. The beneficial effects that would arise from the operation of the Sizewell link road, such as the permanent reduction in traffic along the B1122 and the sustained improvements in amenity, noise and air quality, particularly in Theberton, would also be removed. SCC has compared the potential decommissioning of the Sizewell link road with the green rail route, park and ride sites and the freight management facility. The Sizewell link road is different as it would be intrinsically intertwined within the existing highway, PRoW and drainage network. It is not comparable to the decommissioning process of other associated development sites. The removal of the Sizewell link road, which has been designed to be a

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APP-541, paras 2.5.90-2.5.96, AS-256 paras 2.4.94-2.4.100, APP-551, paras 6.6.68-6.6.69, APP-555, paras 7.6.78-7.6.79, APP-558, paras 8.6.63-8.6.64, APP-560, para 9.6.46, in relation to the removal of the green rail line which is also a linear component of the project)) and (b) the process could be regulated by Requirement 24 in the same way as the applicant proposes for the two park and ride sites, the freight management facility, and the green rail route."	permanent and adoptable highway, would need to be assessed from an environmental perspective to ascertain the likely adverse environmental impacts of its decommissioning and the impact on the B1122. This has not been put before the examination by SCC.
"…in terms of removal of the material used for the construction of the Sizewell Link Road (SLR), it is anticipated that the traffic consequences would be no more than that for the construction of the SLR. It would be likely that the removal would follow on from the restoration of other sites such as the LEEIE, the Green Rail Route, the Accommodation Campus and the MDS Lay-Down Area, and so traffic levels would not be cumulative with these works. Furthermore, at this time when the station is in operation, the number of workers on the site at 900 would be less than the peak of 1500 in the Early Years. Accordingly, it is considered that the traffic volumes, and therefore impact, would be less than those included in the Environmental Statement for the Early Years."	SZC Co. set out in its response to AI.1.33 [REP2-100] (electronic page 198) and in SZC Co.'s written summaries of Oral submissions made at ISH 1 [REP5-107] that to construct the Sizewell link road, a large amount of material is proposed to be moved to the main development site to be used as fill. As has been set out above, it is not SZC Co.'s role to provide the evidence for an alternative put forward by a third party at this stage. However, if the Sizewell link road was temporary, material would either have to be transported back to the Sizewell link road site to reinstate the land to the original condition or sourced from elsewhere if that material had already been incorporated in site landscaping. SZC Co. considers that the amount of material that would be available on the main development site to be transported back to the Sizewell link road site for reinstatement would be minimal, as the majority of the material is planned to be

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	used within the main development site early on for reprofiling. It is therefore likely that material would have to be transported from elsewhere to reinstate the SLR site. The decommissioning of the SLR would result in HGV movements along the B1122, which SCC consider in [REP4-005] to have "*poor alignments and passing through villages*." It would need to be assessed from an environmental perspective to ascertain the likely adverse environmental impacts of the decommissioning of the SLR and impact on the B1122, which has not been put before the examination by SCC.
"In terms of waste, it is considered that all the material from sub-base (inclusive) upwards would be recovered and reused, at least as aggregate. There is currently a market for recycled aggregate in Suffolk and there are firms locally processing such material. Thus, it is not expected that the removal of the SLR would cause a significant waste issue."	Even if there is a market for recyclable aggregate in Suffolk, not all material between the tarmac and sub-base may be suitable for re-use as recycled aggregate, if contamination has occurred. SZC Co. is also assessing the opportunity to stabilise the fill material used on site which may impact its ability for re-use /reinstatement in the future.
"Any discharge pursuant to Requirement 24 would be subject to Regulations 22, 23 and 24 of the Infrastructure Planning (EIA) Regulations 2017 in relation subsequent applications and if the environmental information available at that time was insufficient to allow ESC to assess whether there would be any significant environmental effects from the decommissioning, ESC would	

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have the ability to require the provision of further information as part of that discharge process."	
"In terms of consultation, SCC notes that in the Stage 4 consultation [APP-082, Appendix F.2, section 2.6] the applicant consulted on whether the SLR should be a temporary or permanent feature. In the applicant's summary of Section 42 consultee responses the applicant has reported that "With regards to the proposals to remove the Sizewell link road and Theberton bypass following the construction phase, some PILs were supportive of returning the land to its original state. Others opposed restoration and felt it would be a waste of time and money whilst creating further disruption for residents during its removal" [APP-092, para 2.6.7]. In other words, there were mixed views on this issue. SCC's understanding of the Relevant Representations submitted to the Examination is that Interested Parties in the vicinity of the B1122 and the SLR continue to have mixed views on this issue and there is neither unanimity nor a majority view in favour of either option. The issue has, however, been widely rehearsed and in the circumstances SCC considers that a proposed change to the application so that the SLR would be a temporary rather than a permanent feature would need only a short period of	As set out in SZC CO.'s response to ExQ2 CA.2.10 [REP7-056] (electronic page 139), at the Stage 4 consultation, of those who gave a view on whether the Sizewell link road should be removed, 68% opposed the removal of the Sizewell link road. In addition, Middleton- cum-Fordley Parish Council conducted a survey of it's own in May 2021 and survey results were obtained from 138 individuals [REP5-242] (electronic page 6). The survey found that, should the Sizewell link road be delivered on its proposed route, 61% considered it should be permanent (Question 4, 80% response rate).

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consultation, which could be accommodated within the timeframe of the Examination if it was undertaken in the near future. It would be open to the ExA to ask the applicant to undertake such consultation (without prejudice to the applicant's position) so that the ExA could be informed on the community's views on this issue before making its recommendations."	
On pages 11-17, SCC set out which application documents it considers would need to be amended to accommodate such a change. SCC does not consider that such changes would constitute a material change, having regarding to Advice Note 16.	The ExA is ultimately responsible for deciding whether new information submitted into the Examination constitutes a material change to the application. Even if the ExA decided that the change would be non-material, SCC agrees that a consultation period would be required to further understand the community's view. The ExA will be aware that a change of this nature could not now be accommodated within the examination timetable.

4.5 The Grant Family

4.5.1 Create Consulting Engineers (CCE) has submitted a technical note on noise on behalf of the Grant family [REP7-179] to:

"…provide comment on the Applicants DL6 submissions and specific points noted at the ISH8 regarding noise on Wednesday 25th August 2021." (para 1.2)

4.5.2 In response to the Examining Authority's question NV.3.11(iii) in their third round of questions, SZC Co. is engaging with CCE to explore the possibility of reaching agreement. For that reason, other than the point noted below to provide a corrected record of a meeting on 2nd September 2021, SZC Co. is not responding to CCE's Deadline 7 submission on behalf of the Grant family at Deadline 8.

4.5.3 The one point that SZC Co. does wish to correct relates to the alleged words spoken by SZC Co.'s technical lead on noise at a meeting on 2 September 2021, which CCE did not attend. CCE states:

"At a meeting with our Clients on Thursday 2nd September, the Applicants Acoustics consultant, Mike Brownstone freely admitted that Fordley Hall would be 'greatly and seriously affected by noise as a direct result of SLR construction and post construction periods.

His opinion was to recommend maximum mitigation measures to the Applicant."

4.5.4 That quote does not reflect the discussion at Fordley Hall on 2 September 2021. SZC Co.'s technical lead on noise noted that traffic noise from the SLR would lead to a major adverse impact at Fordley Hall, and that there was minimal direct mitigation in the proposals to reduce road traffic noise levels at the property. The change in noise levels at Fordley Hall would be clearly audible, and the character of the property, where traffic noise was inaudible during the meeting, could alter as a result.

4.5.5 Mitigation options were discussed as part of the landscaping assessment, and it was agreed that even though it was unlikely that the significant adverse effect could be removed entirely, it was right to try to reduce the impact as far as possible. Construction noise was not discussed at all.

4.5.6 This point aside, SZC Co. is not responding further at Deadline 8, to allow time for the discussions with CCE, on behalf of the Grant family, to progress.

4.6 EL and LJ Dowley

4.6.1 Create Consulting Engineers (CCE) has submitted a technical note on noise on behalf of EL and LJ Dowley [REP7-177].

4.6.2 In response to the Examining Authority's question NV.3.11(iii) in their third round of questions, SZC Co. is engaging with CCE to explore the possibility of agreeing a Statement of Common Ground, to be submitted at or before Deadline 10. For this reason, SZC Co. is not responding to CCE's Deadline 7 submission on behalf of EL and LJ Dowley at Deadline 8.

4.7 Mollett's Farm

4.7.1 The owners of Mollett's Farm Deadline 7 submission [REP7-210] included two appendices on noise from Acoustical Control Consulting (ACC) at Appendix D [REP7-211] and Appendix E [REP7-212].

4.7.2 The latter submission, Appendix E [REP7-212], was originally submitted at Deadline 2 at [REP2-380]. SZC Co.'s response to that earlier submission was included in its Deadline 5 comments on ExQ1 responses, at SE.1.12 [REP5-121].

4.7.3 SZC Co. continues to engage with the owners of Mollett's Farm on landscaping and noise matters, and SZC Co. is not responding to the additional noise submission (Appendix D [REP7-211]) at Deadline 8 other than to clarify one point.

4.7.4 On page 3 of Appendix D [REP7-211, electronic page 3], ACC states (underlining in original text):

"The main criticism described within the ACC review is not related to the baseline monitoring but that the methodology used "does not adequately evaluate the specific impact on the tranquillity of Mollett's Farm"; the word "faulty" was not used."

4.7.5 This quote refers to **paragraph 14.2.15** of SZC Co.'s **Comments on Submissions from Earlier Deadlines (Deadlines 2-4)** [REP5-119, electronic page 78], which was responding to Farnham Environment Residents and Neighbours Association's (FERN) Deadline 3 submission Comments on responses to ExA's Written Questions (ExQ1), ASI Two Village Bypass follow Up Information and Comments on Alternative' [REP3-102, electronic page 30], where it was claimed that the submitted noise assessments were 'faulty' in the fourth paragraph on page 30.

4.7.6 SZC Co. can confirm that there was no intended inference that the word 'faulty' was used by ACC on behalf of Mollett's Farm.

4.8 Mr Mellen

4.8.1 Mr Mellen's Deadline 7 submission [REP7-225] included information on noise. SZC Co. is not responding at Deadline 8, other than to note that a meeting was held at Mr Mellen's property on 14 September 2021 to discuss noise and landscaping matters. SZC Co. will continue to engage with Mr Mellen on these matters.

4.9 Mr Johnston

4.9.1 Mr Johnston's Deadline 7 submission [REP7-288] included information on noise and also included a large part of Mr Mellen's Deadline 7 submission [REP7-225].

4.9.2 Mr Johnston also attended the meeting at Mr Mellen's property on 14 September 2021 to discuss noise and landscaping matters. SZC Co. will continue to engage with Mr Johnston on these matters, and as noted in response to the Examining Authority's third round of questions at NV.3.18, this ongoing discussion will include consideration of his particular circumstances in producing music.