



**giving
nature
a home**



**Response to the Examining Authority's
Third Written Questions and
Requests for Information (ExQ3)

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

**Submitted for Deadline 8
24 September 2021**

Planning Act 2008 (as amended)

In the matter of:

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

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

Response to The Examining Authority's Third Written Questions and Requests for Information (ExQ3)

- 1.1. Please find below our responses to the Examining Authority's Third Written Questions and Requests for Information (ExQ3)¹.

Bio.3 Biodiversity and ecology, terrestrial and marine Part 1 – General

Bio.3.0 Protected species licensing, non-licensable method statements and the CoCP (Associated development, terrestrial ecology, section 6 epage 178 and following) - Code of Construction Practice. Doc 8.11 revision 5 submitted at Deadline 7-. Are ESC, SCC and SWT content with the amended CoCP and various non-licensable method statements? If not, what do they require? Do Natural England have any views in relation to these.

- 1.2. We defer to East Suffolk Council and Natural England in this respect.
- 1.3. With regard the ADS, section 6 (epage 178) explains the draft protected species licences and supporting documents have been submitted to the examination for information only

6.1.4 A number of ecological draft licences for protected species at the associated development sites are appended to Volumes 3 to 9 Chapter 7 of the ES [APP-363, APP-394, APP-425, APP-461, APP-494, APP-523 and APP-555]. These draft protected species licences and supporting documents form the applications to Natural England for protected species licences and have been submitted to the examination for information only.

And notes the CoCP commits SZC Co. to compliance with non-licensable method statements and mitigation strategies

6.1.6 This CoCP commits SZC Co. to compliance with non-licensable method statements and mitigation strategies. The DoO establishes an Ecology Working Group and any updates to these documents must be approved by the EWG.

And goes on to list the documents. The documents listed were submitted with the Application in May 2020 and do not contain or reference the additional mitigation measures submitted to the Examination for protected species since then. Therefore these will need to be updated in order to do so.

- 1.4. In addition, it is our view that **All** protected species mitigation measures submitted to the Examination and contained within the protected species licence applications must be secured in the TEMMP and the CoCP and therefore also secured within the DCO via Schedule 2 Requirements 2 and 4.
- 1.5. For the Sizewell Link Road, little has still been done to understand the combined impacts of light, noise and fragmentation together on barbastelle². We are also still concerned the Applicant has not acknowledged impacts on barbastelle populations using the MDS and Sizewell Link Road and

¹ The Examining Authority's Third Written Questions and Requests for Information (ExQ3) Part 4 ([PD-047](#))

² RSPB and SWT Comments on the Examining Authority's First Written Questions (ExQ1) [REP3-075](#) Bio.1.13 and Written Submission for the Royal Society for the Protection of Birds and Suffolk Wildlife Trust [REP2-506](#) paragraph 3.665

the concerns in our Written Representations remain³. We request the Applicant provides evidence to support the statement made at ISH10.

The issue between the potential for cumulative ('project-wide') effects between the main development site and the SLR has been raised by ESC– Dr Davidson-Watts stated that we have treated the population as a whole throughout the scheme because we know it has pockets of use within the main development site. With barbastelle being wide-ranging bats, the evidence shows that these small single lane roads such as the SLR do not really create a barrier from a fragmentation point of view⁴.

- 1.6. Please also refer to our comments on the draft Bat Method Statement⁵ (also within our Deadline 8 submissions) which apply to the MDS and ADS.

HW.3.1 Displacement of Visitors

Doc 9.94 submitted at D7 is a helpful summary of the different positions in respect of the potential for the displacement of visitors during the construction period. NE are continuing to recommend that SANG would be necessary and appropriate and this appears to be endorsed by RSPB/SWT. (i) In light of the continuing difference of view, please advise how you consider the effects on recreational amenity and whether the difference in figures which appears to remain, would lead to a different conclusion of effects on amenity and recreation issues. (ii) What do you consider would be necessary to overcome the possible adverse effects (if there are any) and how could this mitigation be secured?

- 1.7. Please note that our detailed comments are explained in REP7-087. We note that we did not consider it possible to exclude *adverse effects on the integrity* of the Minsmere-Walberswick SPA or the Sandlings SPA on the basis of the Applicant's original figures, noting both the significant uplift in visits predicted and our concerns about potential underestimation of visits. We do not support the Applicant's revised figures and therefore these do not affect our position and concerns regarding potential effects.
- 1.8. We consider that the key outstanding mitigation measures required to exclude *adverse effects on integrity* of the Minsmere-Walberswick and Sandlings European sites are the following:
- 1.9. *Monitoring and Mitigation Plan for Minsmere-Walberswick and Sandlings North European sites* – we have welcomed the development of this Plan and the inclusion of many of our recommendations regarding potential monitoring locations and mitigation, however, the level of initial wardening resource requires further consideration. We note our support for Natural England's point⁶ advocating provision of a further seasonal warden from the outset given the scope of the roles as described in the Plans. Some further development of the process for implementation of additional mitigation measures is also needed to ensure timely mitigation is possible

³ Comments on any additional information/submissions received by D5 [REP6-046](#) epage 26

⁴ Applicant's Written Summaries of Oral Submissions made at Issue Specific Hearing 10: Biodiversity, Ecology and HRA (27 August 2021) [REP7-069](#) paragraph 1.4.36

⁵ Bat Method Statement parts 1 to 6 (REP7-080 to REP7-85)

⁶ Paragraph 2.12 (epage 4) of Natural England's Response to The Examining Authority's Request for Written Responses from Issue Specific Hearing 10 ([REP7-294](#))

- 1.10. *Additional greenspace for construction workers* – required to provide active recreation/outdoor sport and social opportunities for construction workers outside designated sites. Given the attractiveness of the area, the proximity of the construction campus to designated sites and the recreational activities possible at those sites, we consider additional greenspace is needed to reduce potential impacts.
- 1.11. Please note that detailed comments on the mitigation package can be found in our comments and recommendations on the Monitoring and Mitigation Plans for Minsmere-Walberswick and Sandlings North European Sites and the Sandlings South and the Alde-Ore Estuary European Sites and on the recreational provision at Aldhurst Farm submitted at Deadline 6⁷. We note that we also welcome the proposal for a payment to the Suffolk Councils' RAMS scheme as part of the mitigation package.

⁷ Sections 5-7 (epage 13) of RSPB & SWT Comments on Other Submissions (submitted at Deadline 5) ([REP6-046](#))