



# The Sizewell C Project

## 9.10.24 Statement of Common Ground - Royal Society for the Protection of Birds and Suffolk Wildlife Trust

---

Revision: 2.0  
Applicable Regulation: Regulation 5(2)(q)  
PINS Reference Number: EN010012

---

September 2021

Planning Act 2008  
Infrastructure Planning (Applications: Prescribed  
Forms and Procedure) Regulations 2009



## CONTENTS

1	INTRODUCTION .....	1
1.1	Status of the SOCG .....	1
1.2	Purpose of this document .....	1
1.3	Parties to this Statement of Common Ground .....	2
1.4	Structure of this Statement of Common Ground .....	3
2	POSITION OF THE PARTIES .....	3

## TABLES

Table 2.1	Position of the Parties - SZC Co. and the RSPB/SWT as of Deadline 7 (as submitted at Deadline 9) .....	4
Table 2.2	SO CG meetings held between SZC Co. and the RSPB / SWT .....	18

## PLATES

**None provided**

## FIGURES

**None provided**

## APPENDICES

APPENDIX A:	ENGAGEMENT ON THE SOCG .....	18
-------------	------------------------------	----



## 1 INTRODUCTION

### 1.1 Status of the SOCG

1.1.1 This Statement of Common and Uncommon Ground ('SoCG') has been prepared in respect of the application for a development consent order ('DCO') to the Planning Inspectorate ('PINS') under the Planning Act 2008 ('the Application') for the proposed Sizewell C Project.

1.1.2 This SoCG (Revision 4) has been prepared by NNB Generation Company (SZC) Limited ('SZC Co.') as the Applicant, the Royal Society for the Protection of Birds (the RSPB) and Suffolk Wildlife Trust (SWT) and agreed on 30 September 2021.

1.1.3 This SoCG has evolved through a programme of engagement and series of versions as detailed in Section 2.

### 1.2 Purpose of this document

1.2.1 The purpose of this SoCG is to set out the position of the parties, so far as they relate to the matters of concern ("uncommon ground") for the RSPB and SWT, arising from the application for development consent for the construction and operation of the Sizewell C nuclear power station and the proposed associated development (hereafter referred to as 'the Sizewell C Project').

1.2.2 This SoCG has been prepared in accordance with the 'Guidance for the examination of applications for development consent' published in March 2015 by the Department of Communities and Local Government (hereafter referred to as 'DCLG guidance').

1.2.3 Paragraph 58 of the DCLG Guidance states:

*"A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence"*

1.2.4 This SoCG focuses on "uncommon ground" / concerns of the parties and this draft is based on responses submitted in the relevant representation to PINS, received by PINS on 30-9-20 and published here:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/the-sizewell-c-project/?ipcsection=relreps&relrep=41810>. Any area, topic, subject etc not covered should not be taken as the RSPB/SWT being agreement with it and having no concerns. Due to limited resources the RSPB/SWT are focusing on their key areas of concern and unable to review every aspect.

- 1.2.5 The aim of this SoCG is to inform the Examining Authority and provide a clear position of the state and extent of discussions, agreement and concerns between SZC Co. and the RSPB and SWT on matters relating to the Sizewell C Project.
- 1.2.6 This SoCG does not seek to replicate information which is available elsewhere within the DCO application documents. All documents are available on the Planning Inspectorate website <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/the-sizewell-c-project/>).

### 1.3 Parties to this Statement of Common Ground

- 1.3.1 SZC Co. has submitted an application for development consent to build and operate a new nuclear power station, Sizewell C, along with the associated development required to enable construction and operation.
- 1.3.2 The Royal Society for the Protection of Birds (the RSPB) was set up in 1889. It is a registered charity incorporated by Royal Charter and is Europe's largest wildlife conservation organisation, with a membership of more than 1.1 million. The RSPB manages 220 nature reserves in the UK covering an area of over 158,725 hectares. The Society attaches great importance to the conservation of the European Sites network (made up of Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) and due to Government Policy Ramsar sites)<sup>1</sup>, and the national network of Sites of Special Scientific Interest (SSSIs) notified by Natural England.
- 1.3.3 Suffolk Wildlife Trust (SWT) is the county's local Wildlife Trust. We have over 28,000 members and are part of the UK network of 47 Wildlife Trusts. We are committed to protecting Suffolk's most precious habitats and rarest species, creating Nature Recovery Networks that are rich in wildlife, where species can expand their range and move out of protected sites into the wider countryside. We care for over 3,000 hectares of Suffolk's most precious

<sup>1</sup> Now known as the National Protected Sites network in England, Northern Ireland and Wales. For completeness in Scotland the same network is now called UK Protected Sites Network

habitat in our 50 nature reserves, which are all free to enjoy and we advise landowners, communities and individuals on improving their land for wildlife.

1.3.4 The RSPB and SWT will work together during the examination on issues of joint concern including impacts on protected sites and species and ecology more generally. This will include where appropriate joint submissions or support for each other's positions to minimise repetition and save Examination time.

1.3.5 Collectively SZC Co. and the RSPB and SWT (the RSPB/SWT) are referred to as 'the parties'.

## 1.4 Structure of this Statement of Common Ground

1.4.1 Chapter 2 provides schedules which detail the matters of concern to the RSPB and SWT and SZC Co.'s response. It also identifies where discussions are ongoing.

1.4.2 Next steps/actions are only being identified where both parties consider there is the potential to narrow the degree of differences between them; where there is an in-principle difference, it has been agreed by both parties that no further engagement will be had on that matter and each party will rely on their own written submissions into the examination.

1.4.3 Future versions of this SoCG will be more concise and cross refer to written submissions.

1.4.4 **Appendix A** provides a summary of engagement undertaken to establish this SoCG.

## 2 POSITION OF THE PARTIES

**Table 2.1 Position of the Parties - SZC Co. and the RSPB/SWT as of Deadline 7 (as submitted at Deadline 9)**

Previous SoCG: Deadline 2 Submission - 9.10.24 Initial Statement of Common Ground - Royal Society for the Protection of Birds and Suffolk Wildlife Trust - Revision 1.0 [\[REP2-088\]](#)

RAG	Definition
	Main concerns resolved
	Moderate concerns remain (or progress made towards resolution of significant concerns)
	Significant concerns remain

Ref	Category/Item	RAG	RSPB & SWT Position after Deadline 7	SZC Co. Position	Further Work
<b>General</b>					
G1	Legal & Policy		Concerns remain about the robustness of compliance with all legal and policy requirements including for example general duties, legal certainty of mitigation and compensation. Following further meetings with the Applicant and both D8 submissions and additional changes we will update our position once reviewed all.	As explained in ISH14, the TEMMP, Water Monitoring and Management Plan, the Fen Meadow Plan, Wet Woodland Plan and the Marsh Harrier Implementation Plan provide a set of controls that provide guarantees on the outcomes assessed and predicted as part of the Environmental Statement. These are secured by DCO Requirement and are effective and enforceable controls. They provide clear proposals for how impacts would be monitored, including how the exact scope and timing would be approved with ESC. These provide the highest degree of certainty over the delivery of mitigation for these ecological related impacts.	Further engagement planned prior to submission of final version at D10.
G2.1	Adequacy EIA		Examples of remaining concerns include: <ul style="list-style-type: none"> <li>- Construction noise/visual disturbance to waterbirds on Minsmere South Levels</li> <li>- Operational cooling water effects on predator-prey relationships for red-throated diver and terns</li> <li>- Some aspects of the assessment of impacts on bats, especially barbastelle</li> </ul>	Further discussions between the parties are planned on construction noise/visual disturbance to waterbirds on South Minsmere Levels and the remaining areas of concern in relation to bats, and the final version of this SoCG will be updated accordingly.	Further engagement planned prior to submission of final version at D10.
G2.2	Adequacy HRA		Examples of remaining concerns include: <ul style="list-style-type: none"> <li>- Minsmere Walberswick SPA, SAC and Ramsar site (noise/visual disturbance to waterbirds on Minsmere South Levels and effects of proposed Soft Coastal Defence Feature/CPMMP on strandline vegetation) and adequacy of marsh harrier compensation</li> <li>- Outer Thames Estuary SPA (disturbance from vessel movements during construction phase and operational cooling water effects on predator-prey relationships for terns and red-throated diver)</li> </ul>	Further discussions between the parties are planned on all identified exceptions, apart from predator-prey relationships for seabirds, as there seems limited prospect of reaching common ground here.  The final version of this SoCG will be updated accordingly at D10.	Further engagement planned prior to submission of final version at D10.
G3	Adequacy CIA/EIA		Examples of remaining concerns include: <ul style="list-style-type: none"> <li>- Some aspects of the 'within project' assessment on bats, especially barbastelle at a population level</li> </ul>	Further discussions between the parties are planned on bats and red throated divers and the final version of this SoCG will be updated accordingly at D10.	Further engagement planned prior to submission of final version at D10.

Ref	Category/Item	RAG	RSPB & SWT Position after Deadline 7	SZC Co. Position	Further Work
			<ul style="list-style-type: none"> <li>- The cumulative assessment in respect of red throated diver (disturbance from vessel movements in combination with other plans and projects)</li> </ul>		
G4	Adequacy In-combination/HRA		<p>Examples of remaining concerns include:</p> <ul style="list-style-type: none"> <li>- The in-combination assessment in respect of red throated diver (disturbance from vessel movements in combination with other plans and projects)</li> </ul> <p>Concerns remain around project-wide effects conclusions relating to e.g. marine ecology for two reasons</p> <ul style="list-style-type: none"> <li>- 1. where we disagree with the level of significance attributed to single impacts, this means the impact when combined with others is also under-estimated</li> <li>- 2. where impacts considered insignificant alone are not considered further this disregards potential for additive and/or synergistic effects</li> </ul>	Further discussions between the parties are planned on all remaining concerns and the final version of this SoCG will be updated accordingly at D10.	Further engagement planned prior to submission of final version at D10.
G5	Adequacy of MMPs				
G5.1	Monitoring and Mitigation Plan for Minsmere - Walberswick European Sites and Sandlings (North) European Site [REP5-105 d8 version]		We are assessing D8 submission to confirm whether our concerns have been resolved.	Noted thank-you. D8 submission was updated to address RSPB/SWT's outstanding minor concerns in respect of firebreaks and little terns. Proposed European sites contingency fund has also been increased to £2m to provide extra wardening resource if required. This assumes x4 FTE wardens over the full 12 year construction period.	Further engagement planned prior to submission of final version at D10.
G5.2	Monitoring and Mitigation Plan for Sandlings (Central) and Alde-Ore Estuary European Sites [Rep5-122 d8 version]		We are assessing D8 submission to confirm whether our concerns have been resolved.	Noted thank-you.	Further engagement planned prior to submission of final version at D10.
G5.3	Terrestrial Ecology Monitoring and Mitigation Plan [REP5-088 d8 version]		The concerns in relation to for example Sizewell Marshes SSSI relate to the mitigation. If changes occur, there is considerable doubt over whether a change in grazing and cutting will be able to prevent fundamental changes in community caused by poor water quality. We still maintain the SSSI is at risk from poor water quality and the damage caused will be irreparable . and note that these significant concerns may not be resolved before the end of the Examination.	The RSPB/SWT's remaining concern is in relation to water quality impacts caused by alleged changes in the hydrology of the marsh with reduced upwelling of calcium-rich Crag groundwater. There is no evidence for such effects as demonstrated in the Environmental Statement. Indeed the alleged cause of such impacts is dewatering of the deep excavations within a cut-off wall that would be constructed around them precisely to minimise impacts on the SSSI. The effectiveness of this mitigation has been demonstrated in the groundwater modelling carried out in the Environmental Assessment. Further evidence submitted in [REP3-042] demonstrates no likely significant change in groundwater chemistry. It is also relevant that construction methods for Sizewell C are similar to those used on Sizewell B, including for example construction of a cut-off wall	Further engagement planned prior to submission of final version at D10.



**NOT PROTECTIVELY MARKED**

Ref	Category/Item	RAG	RSPB & SWT Position after Deadline 7	SZC Co. Position	Further Work
			Following further meetings with the Applicant and both D8 submissions and additional changes we will update our position once reviewed all.	around the deep excavations and the SSSI remains in favourable condition. In relation to monitoring of the Sizewell Marshes SSSI, Table 3.1 of the <b>TEMMP</b> states Table 3.1 states <i>“In the event of the botanical monitoring detecting an adverse floristic change, the need for mitigation must be discussed and agreed with Natural England and Suffolk Wildlife Trust. Mitigation <u>could</u> include additional stock grazing or a cutting regime to remove excess vegetation. The wider ecology stakeholder group must be consulted as part of this review process through the Environment Review Group and any further measures must be discussed and agreed in advance.</i> SZC Co.’s view is that optimising water levels and grazing pressures are <b>by far</b> the most important factors to maintain the SSSI in favourable status and the above example responds to that imperative.	
G5.4	Draft Coastal processes monitoring and mitigation plan [ REP5-059 d8 version]		Whilst our geomorphological concerns have been resolved we still have concerns around potential impacts on the designated strand line vegetation along the Minsmere frontage	We welcome SWT/RSPB’s confirmation that their geomorphological concerns have all now been resolved. We are confident that there will be no impact on the designated strandline vegetation. SZC Co’s position, as set out in [REP6-025], is that the SCDF will supply sediment to the north and south, but there would be no impact to the cycle of erosion and reconstruction of the beach face and hence to the frontal supra-tidal zone where drift lines form. In plain English the supratidal beach would still be dynamic. The SCDF would not therefore have an adverse effect on the local drift lines or drift line vegetation. We would welcome further engagement to resolve this concern.	Further engagement planned prior to submission of final version at D10.
G6	Adequacy of evidence		Examples of remaining concerns include: <ul style="list-style-type: none"> <li>- Adequacy of baseline survey data for bats, especially barbastelle within the SSSI triangle</li> <li>- Misleading statements within the ES and Coastal Processes documents about the presence of standline vegetation feature along Minsmere frontage</li> <li>- Insufficient monitoring of waterbirds foraging/roosting on Minsmere South Levels</li> </ul>	<p>In relation to remaining concerns around the baseline bat surveys, we confirm that a further round of surveys was carried out in 2021 the results of which will be submitted at D9. See also interim 2021 bat survey report [REP8-061]. An updated version is to be submitted at D9 including the results.</p> <p>SZC Co’s position is that there is more than enough data available from a range of survey types to properly assess the likelihood of significant adverse effects on bats, including barbastelle.</p> <p>In relation to the monitoring of waterbirds, SZC Co. disagree that the monitoring data relied on for the assessments in the <b>shadow HRA</b> [APP-145] (and <b>shadow HRA Addendum</b> [AS-173]) are insufficient. In particular, SZC Co. point to the facts that for:</p> <p>(i) <b>Breeding waterbirds</b> – assessments are based upon 7 years of survey data (providing abundance estimates) for the Minsmere South Levels and Sizewell Marshes. The distributional data on breeding birds within these areas of functionally linked land are limited to one year (2020). However, although these distributional data usefully highlight that the assessment in the <b>shadow HRA</b> [APP-145] probably overestimates disturbance effects to those birds using on the Minsmere South Levels, critically, the assessment conclusions do not depend upon these further data.</p> <p>(ii) <b>Non-breeding waterbirds</b> - the assessments rely upon over 5 years of (recent) winters of WeBS count data relating to the SPA and each of the relevant areas of functionally linked land, as well as two full winter seasons and one partial winter season or project-specific survey data which provide distributional information for the key bird species on the Minsmere South Levels and Sizewell Marshes.</p>	Further engagement planned prior to submission of final version at D10.
<b>SSSI Landtake</b>					
L1.1	Principle		We object to the principle of permanent landtake from a SSSI and do not agree that the justification	Noted – EN1 & EN6 and the AoS anticipate a potential need for landtake from the SSSI. SZC Co. has sought to reduce permanent and temporary land-take as far as possible. We	Further engagement planned prior to submission of final version at D10.



**NOT PROTECTIVELY MARKED**

Ref	Category/Item	RAG	RSPB & SWT Position after Deadline 7	SZC Co. Position	Further Work
			not to deploy a triple span bridge to reduce the impact on SSSI are sufficient in relation to EN-1	understand that the RSPB/SWT's main concern is in relation to the small additional permanent land-take associated with the proposed optimised SSSI crossing compared against the triple span bridge. See below for further details.	
L1.2	Permanent		Whilst we note that SZC Co have taken measures to seek to reduce the permanent land take, we still believe that the justification provided for a causeway option, as opposed to the less damaging three-span bridge, is not sufficient. We also believe the threat to the remaining SSSI Fen Meadow habitat presented by potential changes in Water Quality has not been adequately addressed, increasing the potential for permanent damage to the SSSI Fen Meadow habitat and note that these significant concerns may not be resolved before the end of the Examination.	<p>SZC Co. has carried out an audit of permanent and temporary landtake to inform our position statement at d8. Permanent landtake is driven mainly with the need to assimilate enough land to develop the proposed twin EPR reactors at Sizewell. There is also some permanent land-take associated with the SSSI crossing. An anomaly was identified in the audit. Permanent landtake is now estimated to be 5.74ha which is 0.78ha less than the previous estimate. Section 2.13, Table 2-2 of [REP8-120] provides the breakdown between different habitat types. There would be no permanent land-take outside of the sheet pile barrier running along the edge of the platform. The difference in permanent landtake between the proposed single span bridge and the triple span alternative preferred by RSPB/SWT is &lt;0.02ha. Our position as explained in [REP2-100] at G.1.34, is that there is a 6-12 month programme saving with the single span bridge compared to the triple span, which means the construction impacts of the project are 6-12 months shorter and the public benefits of the project would be realised 6-12 months sooner. We maintain that this programme benefit is very significant because Paragraph 3.3.15 of EN-1 is clear that there is an urgent need for new (and particularly low carbon) energy NSIPs to be brought forward 'as soon as possible'. It is common ground between the parties that the habitat that would be lost to develop the proposed single span bridge has already been compensated for at Aldhurst farm.</p> <p>SZC Co. refutes the suggestion made by the RSPB/SWT of a significant risk of indirect damage to those habitats that would remain within the rest of the SSSI due to alleged changes in water quality as a result of dewatering the deep excavations during construction. The RSPB/SWT have provided no substantive evidence to support their claim. The evidence to the contrary contained within the Environmental Statement and the further information submitted in [REP3-042] is compelling.</p>	Further engagement planned prior to submission of final version at D10.
L2	Temporary		We cannot agree this as green at this stage as detail from D8 is still being reviewed. We remain concerned that the proposed measures to protect the fen meadow habitat during the temporary works are insufficient to prevent damage to the fragile fen meadow communities and so are unable to support SZC Co's conclusions and note that these significant concerns may not be resolved before the end of the Examination.	<p>The audit referred to above has identified a reduction in temporary land-take from 3.02 ha to 1.99 ha. This revised figure is still an upper range estimate. Section 2.13, Table 2-2 of [REP8-120] provides the breakdown between different habitat types. The previous estimate assumed that all land between the order limits and the sheet pile barrier wall would be temporarily used to provide a conservative worst case.</p> <p>SZC Co. now commits to carrying out <b>all feasible work</b> within the retained SSSI corridor from the development-side of the sheet pile wall to avoid and reduce temporary land-take as far as practicable.</p> <p>The only exceptions will be a small number of ditch tie-ins along the diverted Sizewell drain which require direct access for a short period (no more than 2-3 weeks each) and construction of the proposed water levels control structure.</p> <p>The other area of temporary land-take will be in the south-western part of the SSSI. The only construction works to be carried out in this area will be access along a corridor for restringing the overhead lines. Only a small proportion of this area will be required to create the necessary access corridor, but the whole area up to the order limits has been</p>	Further engagement planned prior to submission of final version at D10.

**NOT PROTECTIVELY MARKED**

Ref	Category/Item	RAG	RSPB & SWT Position after Deadline 7	SZC Co. Position	Further Work
				<p>assumed in the landtake estimate. This is because the actual access corridor that is intended to be used in this area has not yet been identified.</p> <p>Mitigation in the form of ‘bog matting’ will be used to protect the SSSI along all access routes and within work areas at the tie-ins/control structure as used successfully by SZC Co. in previous ground investigations within the SSSI.</p> <p>This mitigation would be secured by Requirement 12-D of the DCO requiring method statements to be submitted and agreed with ESC for temporary works within the SSSI.</p>	
L3	Compensation				
L3.1	Reedbed/ditches		We are satisfied that Aldhurst farm compensates for the proposed loss and damage to reedbed, open water and lowland ditch habitat. We supported the applicant’s decision to create the new wetlands in advance and await further detail on the floral and invertebrate assemblage to determine whether the site is functional SSSI replacement.	We welcome RSPB/SWT’s comments and are hugely grateful for the specialist advice that we received from them in the design process to ensure that the habitats were of the highest possible quality to maximise their biodiversity. SWT’s suggestion to ‘innoculate’ the newly created wetlands with slubbings recovered from ditch maintenance carried out within the neighbouring Minsmere to Walberswick Heaths and Marshes SSSI were especially welcome. This was carried out to speed up colonisation of the new wetlands by the plant and invertebrate assemblage of established ditches within the SSSI. No recent aquatic plant or invertebrate surveys; if the DCO is consented future surveys will be carried out as specified in the TEMMP (DCO Requirement 4).	None
L3.2	Fen meadow		We agree with the proposed 9:1 quantum that the applicant proposes but have significant concerns around the feasibility of creating fen meadow. We also remain of the firm view that the compensation habitat should be functional before land-take occurs.	<p>We consider that we have demonstrated feasibility.</p> <p>We note RSPB/SWT’s concerns around timing of habitat replacement. However it is has not been possible to create it in advance because of the need to follow due process in terms of compulsory purchase of the land [see REP7-051 Bio 2.2]. No further engagement is planned on this topic.</p>	None
L3.3	Wet woodland		We wish to review the updated wet woodland strategy and draft wet woodland plan submitted at D8 before updating our views about the quantum or feasibility of the wet woodland strategy proposed by the applicant but remain of the firm view that the compensation habitat should be functional before land-take occurs.	We note RSPB/SWT’s concerns around timing of habitat replacement. However it is has not been possible to create it in advance because of the need to follow due process in terms of compulsory purchase of the land [see REP7-051 Bio 2.2]. No further engagement is planned on this topic.	None
<b>Hydrology/Drainage</b>					
H1	Groundwater levels/chemistry				
H1.1	Groundwater levels		Following submission of the Water Monitoring Plan [REP7-075] at D7 we are satisfied that impacts on groundwater levels within Sizewell marshes SSSI can be reduced to acceptable levels using the measures set out in the ES and	Noted – thank-you. Good progress is being made to resolve SCC’s concerns in relation to the proposed drainage strategy before the examination closes. However, SWT/RSPB should be assured that the primary mitigation is secured by Requirement 5 of the DCO. This requires proposals for detailed foul and surface water drainage arrangements to be agreed with ESC ‘in general accordance with the drainage strategy’.	Further engagement planned prior to submission of final version at D10.

**NOT PROTECTIVELY MARKED**

Ref	Category/Item	RAG	RSPB & SWT Position after Deadline 7	SZC Co. Position	Further Work
			assuming the concerns regarding the primary mitigation (drainage strategy) are resolved satisfactorily. However, the approach to managing groundwater levels may have impacts on water chemistry captured in H1.2 below and note that these significant concerns may not be resolved before the end of the Examination.		
H1.2	Groundwater chemistry		Significant concerns regarding potential impacts on water quality remain. to Sizewell Marshes SSSI remain. There is uncertainty the proposed mitigation will have any influence on fen habitat suffering from poor water quality.	<p>We understand the RSPB/SWT's concern which is based on the previous conceptual understanding of the SSSI's hydrology that assumes significant upwelling from the Crag which is not supported by the evidence. In addition, modelling demonstrates that this weak upwelling would not be significantly affected by temporary drawdown during construction. There would be no effects during operation. We have sought to allay these remaining concerns in [REP3-042] Appendix B.</p> <p>We also note that similar effects would have occurred during construction of SZB (which also had a hydraulic cut-off wall around the deep excavations). The SSSI remains in favourable condition.</p> <p>It should also be noted that the Water Monitoring and Management Plan will deal with both the monitoring of water levels and quality. The management measures will then allow adaptive management to be in place during the construction process. This feedback loop process is the same arrangement that the RSPB have request. Requirement 7 should therefore provide further comfort for the RSPB/SWT. See also G5.3 above.</p>	Further engagement planned prior to submission of final version at D10.
H2	Adaptive management/TEMMP		The real risk lies in water quality not water level. It might be possible to maintain water levels through an engineered solution but that will compromise the water quality that will then potentially impact on Sizewell Marshes SSSI. There is significant uncertainty the proposed mitigation will have any influence on fen habitat suffering from poor water quality.	We disagree – see H1.2 and G5.3 above.	Further engagement planned prior to submission of final version at D10.
H3	Borrow pit leachate		Concerns have been resolved.	No comments	None
H4	Minsmere Sluice (water levels)		<p>See Appendix M [REP6-024]</p> <p>We would still like to see a commitment, to be included within the Deed of Obligation, to monitor levels via water level monitoring points G1 and G8 and a commitment to adaptive mitigation should unexpected impacts be identified. Risk that primary mitigation (both for water levels and pollution) via Outline Drainage Strategy is insufficient as per concerns expressed by SCC.</p>	<p>We agree to continuation of water level monitoring in Leiston drain at G1 &amp; G8, within RSPB land, as shown in Annex 1 of our draft Water Levels Monitoring Plan submitted at d8 [REP8-107].</p> <p>We continue to engage closely with SCC to address their main concerns in relation to the drainage strategy for the main development site before the examination close as noted above.</p> <p>Notwithstanding SWT/RSPB should be assured that the primary mitigation is secured by Requirement 5 of the DCO.</p>	<p>Position to be revisited subject to confirmation from CC that their main concerns in relation to the drainage strategy have been resolved.</p> <p>The RSPB would welcome a discussion with the applicant to ensure appropriate agreements can be agreed to permit the water level monitoring during the constructions period.</p>

**NOT PROTECTIVELY MARKED**

Ref	Category/Item	RAG	RSPB & SWT Position after Deadline 7	SZC Co. Position	Further Work
				We welcome further engagement with the RSPB on access agreements to permit water level monitoring.	
H5	Increased flood risk to Minsmere		We await further detail from the applicant to resolve our concerns with regard to increased flood risk.	SZC Co. has had helpful and construction discussions with the RSPB regards residual flood risk within the Minsmere estate and a resolution plan has been agreed. We are hopeful this matter can be resolved before D10.	Further engagement planned prior to submission of final version at D10.
H7	Invertebrates		We still do not believe the proposals for fen meadow and wet woodland are adequate to ensure the re-establishment of the invertebrates lost from these habitats. This is a consequence of the distance of the compensation sites from the area of loss, particularly for species with poor dispersal and also the timing, with the replacement habitats not functional until some time after the loss occurs.	<p>Please note that the precise details for these areas is secured by requirements 14A and 14B. The details of these works need to be submitted to and approved by ESC prior to the relevant works commencing.</p> <p>SZC Co. notes that the invertebrate assemblage associated with the reedbed habitat is also important and includes species that disperse poorly. This was one of the principal reasons for siting Aldhurst farm adjacent to the SSSI from which land-take would occur and for inoculating the newly created reedbeds with ditch slubbings harvested from the Minsmere to Walberswick Heaths and Marshes SSSI (see response to L3.1 for further detail).</p> <p>Unfortunately there are no feasible sites for fen meadow creation in the vicinity of Sizewell Marshes SSSI, but they are all located close to other designated wetland sites. It is therefore likely that the compensation sites will be colonised as the habitat develops.</p>	None
H8	Minsmere sluice (claims on)		Concerns have been resolved	No comments	None
<b>Protected Species</b>					
P1	Bats		Although helpful to clarify remaining areas of concern. Remaining key concerns are detailed in section 6 of <a href="#">REP7-154</a> . These include what we believe is an inadequate approach to the mitigation buffer (should be 25m not 10m) and insufficient roost resource compensation, which needs to be timely, not spread across the development timeline. We also need to see additional roost provision to account for the areas not surveyed in the SSSI triangle. We believe the impact on female and juvenile barbastelle has not been properly assessed.	<p>We have recently submitted a detailed response to all outstanding points raised in relation to bats at Deadline 8. This included a commitment for further surveys of the SSSI triangle with details to be submitted at Deadline 10.</p> <p>The Interim Bat Static Survey Report 2021 was submitted at D8 to clarify the methodology and locations for the monitoring undertaken in 2021. A Summary of the results will be submitted at Deadline 10.</p> <p>Further surveys in relation to Bats have also been undertaken and are to be submitted at Deadline 9 and 10. These include an update Crossing Point Survey Report and TVB bat backtracking report.</p> <p>We are proposing to respond to comments raised by the RSPB &amp; SWT at Deadline 8, within our Deadline 10 submission.</p> <p>SZC Co. does not expect to be able to reach full common ground with SWT/RSPB on this matter but we will continue to engage constructively in order to narrow down our differences.</p>	Further engagement planned prior to submission of final version at D10.
P2	Natterjack toads		Concerns have been resolved	No comments	None
P3	Water Management Zones		Concerns have been resolved	No comments	None



Ref	Category/Item	RAG	RSPB & SWT Position after Deadline 7	SZC Co. Position	Further Work
P4	Mitigation bats and natterjack toads				
P4.1	Bats		Whilst we welcome the proposal to include dark corridors, we believe these include an inadequate approach to the mitigation buffer (should be 25m not 10m) and insufficient roost resource compensation, which needs to be timely, not spread across the development timeline. We also need to see additional roost provision to account for the areas not surveyed in the SSSI triangle. We believe the impact on female and juvenile barbastelle has not been properly assessed.	We are grateful to the RSPB/SWT for clarifying their remaining areas of concern. SZC Co. does not expect to be able to reach full common ground with SWT/RSPB on this matter but we will continue to engage constructively in order to narrow down our differences.	Further engagement planned prior to submission of final version at D10.
P4.2	Natterjack Toads		Concerns have been resolved	No comments	None
<b>Coastal processes</b>					
C1	Design information		We are reviewing the additional information provided at D8 in relation to our concerns expressed in section 3 of <a href="#">REP6-046</a> .	Noted – thankyou.	Further engagement planned prior to submission of final version at D10.
C2	Marine transport facilities		Although assessments conclude no significant impact, they do acknowledge the potential for impact on the southern Minsmere frontage and propose that these are monitored by the CPMMP. We do not believe that the CPMMP has identified appropriate mitigation should additional impacts arise and therefore cannot conclude that this is adequately addressed.	We note from RSPB/SWT's comments at G5.4 that their geomorphological concerns have been resolved but that they still have concerns around potential impacts on the designated strand line vegetation along the Minsmere frontage. SZC Co. is confident there will be no impact on strandline vegetation. Further engagement is planned between the parties to resolve this matter.	Further engagement planned prior to submission of final version at D10.
C3	CDO/FRR outfalls		The applicant proposes to monitor the offshore banks in relation to this infrastructure and believes there will be no significant impacts, but we remain to be assured that there is an appropriate mitigation strategy should unexpected impacts be identified	We note from RSPB/SWT's comments at G5.4 that their geomorphological concerns have been resolved. This statement appears to be at odds with the concern related to the CDO/FRR. Further engagement is planned between the parties to clarify SWT/RSPB's concerns in this regard.	Further engagement planned prior to submission of final version at D10.
C4	Effect of sea defences		Current proposal for shingle particle size to be at upper limit of native size distribution for SCDF and indication that decisions will be led by engineering merit lead to the conclusion that this cannot be resolved due to our concerns re impacts on supra-tidal shingle and associated ecological interest.	Noted. SZC Co. is confident there will be no impact on strandline vegetation. Further engagement is planned between the parties to resolve this matter.	Further engagement planned prior to submission of final version at D10.

**NOT PROTECTIVELY MARKED**

Ref	Category/Item	RAG	RSPB & SWT Position after Deadline 7	SZC Co. Position	Further Work
C5	CPMMP		Remaining concerns (as per section 10 of <a href="#">REP7-154</a> and section 4 of <a href="#">REP6-046</a> ) regarding the approach to supra-tidal shingle in the Minsmere-Walberswick SAC, Ramsar and SSSI and the approach to governance of the CPMMP	Noted. SZC Co. is confident there will be no impact on strandline vegetation. Further engagement is planned between the parties to resolve this matter.	Further engagement planned prior to submission of final version at D10.
<b>Noise/Visual Disturbance</b>					
NV1	Marsh harrier compensation				
NV1.1	Approach – Terrestrial and wetland components, proximity to Minsmere reedbeds		We welcome the proposals for compensation to include wet habitats given our concerns regarding prey uplift achievable with dry habitats	Noted – thank-you. SZC Co. notes that the close proximity of the compensation land to the Minsmere reedbeds is one of its key attributes as it is much more likely to be used by foraging marsh harriers than habitats further away. SZC Co. understand that this point is common ground between the parties.	None
NV1.2	Quality/quantum		We continue to have concerns regarding the required prey uplift and whether this is achievable on dry habitats.	Noted – our estimates of prey uplift are derived from published evidence set out in the sHRA [REP2-119 & APP-259]. The habitats have also been designed to maximise availability of prey to foraging marsh harriers. As noted above the close proximity of the dry habitats to the Minsmere reedbeds is also a key attribute as it means that they are more likely to be used by foraging marsh harriers than similar habitats located further away. However, we welcome further engagement with the parties on this matter to reach common ground.	Further engagement planned prior to submission of final version at D10.
NV1.3	Adaptive approach		<p>We are concerned that there are no details of alternative measures available under the proposed adaptive management approach, should the dry habitats not prove sufficient in terms of prey uplift.</p> <p>Following further meetings with the Applicant and both D8 submissions and potential additional changes to the DCO, TEMMP and other relevant documentation we will update our position once reviewed all. We would welcome the opportunity to discuss this issue further before the close of the Examination.</p>	<p>SZC Co.’s position is that there is no reason to suppose the existing dry (and proposed wet) habitats will not prove sufficient in terms of prey uplift. However if they do the adaptive approach is to create additional foraging habitat at Westleton. There will also be opportunities to adapt the management of the dry habitats such as modifying the cutting regime for the vegetation along linear features to increase the availability of prey.</p> <p>We note that SWT/RSPB are still reviewing all of the submitted information and we look forward to further engagement with them to try and reach common ground if possible.</p>	Further engagement planned prior to submission of final version at D10.
NV1.4	Programme		Wet habitats at Abbey Farm must be provided and established in advance of impact to ensure compensation is sufficient, otherwise areas set aside for wet habitats at Abbey Farm represent a loss from the compensatory habitats available if they are not effective during Phase 1 of construction. We would welcome the opportunity to discuss this issue further before the close of the Examination.	<p>It is worth emphasising that the entire 47ha of compensation land was taken out of arable use in the winter of 2014/2015 in order to start to establish the dry habitats. This was done to give the foraging habitat plenty of time to develop and mature in advance of the start of any construction impacts occurring if the DCO is granted.</p> <p>SZC Co’s position is that the wet habitats at Abbey farm will provide further enhancement of the foraging habitat. We understand that this is common ground between the parties. This wetland component will be created at the earliest opportunity (i.e. over the first winter) following DCO consent. During this initial period it is not likely that the temporary construction area will form a barrier to the movement of foraging marsh harriers between Minsmere and Sizewell marshes, but if it does the dry habitat will be available. However</p>	Further engagement planned prior to submission of final version at D10.

Ref	Category/Item	RAG	RSPB & SWT Position after Deadline 7	SZC Co. Position	Further Work
				we look forward to further discussion with RSPB/SWT to establish if we can reach common ground.	
NV3	Noise impact on waterbirds		Significant concerns regarding noise/visual disturbance and resulting predicted displacement of breeding and non-breeding waterbirds using functionally-linked land at Sizewell Marshes and Minsmere South Levels. The baseline data may not fully reflect bird distribution on South Levels due to limitations of methodology and single year of data, however we are content with the assumption of even distribution of birds. Mitigation currently proposed (screening and bunds – both initial and adaptive measures) are not sufficient to address this. Concern that no monitoring of noise levels on the South Levels is proposed. We would welcome the opportunity to discuss this issue further before the close of the Examination.	Noted – see response to G6.	Further engagement planned prior to submission of final version at D10.
NV4	Night time/evening noise		Concerns remain re potential for noise disturbance to white-fronted geese and other waterbirds at night. As above, insufficient monitoring and mitigation has been proposed. We would welcome the opportunity to discuss this issue further before the close of the Examination.	Noted – see response to G6.	Further engagement planned prior to submission of final version at D10.
NV5	Adequacy of noise modelling		We welcome the commitment on wetland works timing to avoid impact on breeding bitterns. Concerns regarding lack of certainty around construction schedule and certain construction processes (as acknowledged in Construction Noise Assessment – APP-204) and resulting effects on noise levels remain.	Noted – see response to G6.	Further engagement planned prior to submission of final version at D10.
NV6	Assessment not precautionary		We welcome the commitment on wetland works timing to avoid additional impacts on breeding waterbirds. Our concerns around the lack of certainty regarding construction timelines and construction processes (and resulting effects on noise), the limited distributional data for waterbirds and the under-estimation of the significance of impacts on breeding and non-breeding waterbirds remain.	Noted – see response to G6.	Further engagement planned prior to submission of final version at D10.

Ref	Category/Item	RAG	RSPB & SWT Position after Deadline 7	SZC Co. Position	Further Work
NV7	Visual disturbance of birds		Concerns around effects of lighting (particularly of the BLFs) on red-throated diver have not been addressed in the Lighting Management Plan (REP7-019).	Noted – we would welcome further discussion with SWT/RSPB on this.	Further engagement planned prior to submission of final version at D10.
<b>Recreational Pressure</b>					
RP1	Baseline surveys		As raised during pre-application discussions regarding the baseline survey approach and methods, we remain concerned around the lack of visual aids used during the surveys to more accurately explain the likely impact of the construction of SZC.	<p>Noted. However SZC Co.’s position is that the baseline surveys / survey protocols used were reliable.</p> <p>We also note SWT/RSPB’s comments at RP2 that, “<i>whilst disagreements remain around these estimates, we are moving towards agreement on an appropriate quantum of mitigation to rule out adverse effects on integrity of the Minsmere-Walberswick and Sandlings European sites from displaced visitors via the MMPs (although note that we still advocate that additional greenspace for construction workers is needed)</i>”.</p> <p>We welcome this update and look forward to further engagement to resolve remaining areas of concern.</p>	None
RP2	Estimates of displacement		<p>We disagree with updated estimates of displacement presented at Deadline 7 due to the lack of precaution in this approach and note that concerns remain regarding under-estimation of displacement within the original estimates (see <a href="#">REP7-087</a> for details).</p> <p>However, we note that, whilst disagreements remain around these estimates, we are moving towards agreement on an appropriate quantum of mitigation to rule out adverse effects on integrity of the Minsmere-Walberswick and Sandlings European sites from displaced visitors via the MMPs (although note that we still advocate that additional greenspace for construction workers is needed) .</p>	We welcome this update and look forward to further engagement to resolve remaining areas of concern.	Further engagement planned prior to submission of final version at D10.
RP3	Vegetation/beach nesting birds		Some progress to manage displacement impacts through wardening and other measures in the MMPs. Additional greenspace still required to address construction worker impacts focusing on sporting/active recreation and social use (e.g. gatherings, BBQs) (Aldhurst Farm predominantly provides facilities for displaced families and dog walkers). We will update our position following review of the Applicant’s Deadline 8 submissions. We would welcome the opportunity to discuss	In an attempt to resolve concerns around construction workers, proposals for additional greenspace have been submitted at D8 [REP8-135]. We have also proposed an increase to the European sites contingency fund within the DoO to £2m to cover at least 4 FTE wardens over the construction period. We look forward to further engagement to resolve remaining areas of concern.	Further engagement planned prior to submission of final version at D10.



Ref	Category/Item	RAG	RSPB & SWT Position after Deadline 7	SZC Co. Position	Further Work
			this issue further before the close of the Examination.		
RP4	Path from Eels foot		We welcome the measures proposed to address these concerns	No comments	None
RP5	Heathland non-core areas		Progress to manage displacement impacts through wardening and other measures in the MMPs. Additional greenspace required to address construction worker impacts to reduce potential for active/sporting and social (e.g. BBQs) use of heathlands. We will update our position following review of the Applicant's Deadline 8 submissions. We would welcome the opportunity to discuss this issue further before the close of the Examination	See response to RP3 above.	Further engagement planned prior to submission of final version at D10.
RP6	MMPs		Ongoing engagement on plans. Welcome progress so far. As of Deadline 7, discussion of wardening resource ongoing. We will update our position following review of the Applicant's Deadline 8 submissions	See response to RP3 above.	Further engagement planned prior to submission of final version at D10.
<b>Marine Ecology</b>					
ME1.1	Disturbance noise/vessels		We do not agree the monitoring proposed is likely to be effective or sensitive enough to be relied on to inform need to use mitigation routes, and given uplift in shipping activity and therefore levels of disturbance, we cannot support Applicant's preferred routes. We consider it will be necessary to use mitigation routes from the outset. We will update our position following review of the Applicant's Deadline 8 submissions. We would welcome the opportunity to discuss this issue further before the close of the Examination.	An updated outline vessel management plan was submitted at Deadline 8 [REP8-106]. This revised plan responds to feedback from stakeholders including Natural England and the RSPB/SWT.  We look forward to further engagement to resolve remaining areas of concern.	Further engagement planned prior to submission of final version at D10.

**NOT PROTECTIVELY MARKED**

Ref	Category/Item	RAG	RSPB & SWT Position after Deadline 7	SZC Co. Position	Further Work
ME1.2	Thermal plume		Concern around impacts of thermal plume on terns and their prey, particularly when considered as part of total marine impacts.	SZC Co.'s position is that there is no evidence for any significant adverse effects on prey availability for seabirds. No further engagement is planned.	None
ME1.3	Other discharges and effects on fish prey		Concerns around effects on distribution of fish prey remain. Concern that no AFD proposed to mitigate this impact.	SZC Co.'s position is that there is no evidence for any significant adverse effects on prey availability for seabirds. No further engagement is planned.	None
ME2	In-combination		The in-combination assessment of impacts of this Application and offshore windfarm projects through disturbance to red-throated divers is still limited, as is the assessment of total marine impacts arising from the Application alone.	We disagree – the sHRA provides a detailed assessment of in-combination effects with other plans and projects.  Further engagement planned prior to submission of final version at D10.	Further engagement planned prior to submission of final version at D10.
ME3	Assessment methods/approaches		We welcome the provision of assessments of effects on fish prey species at the local scale (Greater Sizewell Bay) but remain concerned around the levels of mortality predicted and subsequent potential impacts on birds of the Minsmere-Walberswick, Outer Thames Estuary and Alde-Ore Estuary SPAs.	We disagree – the assessment methods are sound and this is a matter of common ground with the MMO. Whilst the assessment methods are still disputed with the Environment Agency we have agreed a fund in Schedule 11 of the DoO for enhancements in fish passage and habitat should monitoring secured by the DCO and DML demonstrate impacts on fish (including migratory and non migratory species) above those predicted in the Environmental Statement. We would welcome further engagement with SWT/RSPB on this matter which should help alleviate concerns in this regard.	Further engagement planned prior to submission of final version at D10.
<b>Other Matters</b>					
OM1	Landscape strategy and BNG		We welcome the Applicant seeking to identify a mechanism to show how the Application can create a beneficial effect however we do not agree the Application can achieve BNG due to direct adverse impacts on Sizewell Marshes SSSI and its features. Our concerns in <a href="#">REP7-153</a> and written reps remain.	We have simply used the method recommended by Natural England to estimate biodiversity net gain across the project and the calculations have been subject to independent audit. No account has been made in the estimates for creation of compensation habitat. Use of this method indicates a biodiversity net gain of 19% which is significantly higher than the target level recommended by Natural England (10%). This is driven largely by our strategy of restoring sandlings heath and other semi-natural habitats on existing arable following construction, where practicable. We have been successfully doing this at a landscape scale outside of the temporary construction area since 2012. We are grateful to SWT for supplying us with heather brashings and native seed harvested from their Suffolk reserves that have helped establish these new habitats within Aldhurst farm and across the southern Sizewell estate.	None
OM2	Ecological fragmentation due to SSSI crossing		We appreciate the Applicant has changed the crossing design to reduce ecological fragmentation but still consider the triple span bridge to be the preferable option (REP5-164 epage 3) and refer to our policy objection in L1.1. Notwithstanding that we are satisfied that if the single span bridge is to be used that the optimised design is an improvement for	Noted – thank-you.  See response at L1.2 above.	None

Ref	Category/Item	RAG	RSPB & SWT Position after Deadline 7	SZC Co. Position	Further Work
			invertebrates and otters/water voles. Remaining concerns for bats.		
OM3	Boundary concerns		<p>Further engagement on tie in of SCFD to beach/dune system, the alignment of Sandlings Permissive Footpath walk and securing mechanisms for same as expressed in section 3 of REP6-046. The RSPB is under the assumption that the Sandlings path re-alignment will remain within the DCO application boundary.</p> <p>The RSPB is concerned that there is no provision in the draft Deed of Obligation for mitigation / compensation should monitoring show that there is an additional impact on RSPB property from the development.</p> <p>We expect the applicant to put in place permissions to allow for any agreed monitoring outside of the DCO boundary.</p> <p>The RSPB reserves its position concerning possible future impacts on its land holdings resulting from the Application negligence, nuisance or injurious effects that are not yet fully known or might not be known until further down the construction and operation phases.</p>	<p>We believe that we have responded to these concerns at d8 [REP8-096]. Cross sections across the northern mound / RSPB and boundary are included that now show the corridor within which sandlings walk would be routed. This falls entirely within the order limits.</p> <p>Further engagement planned prior to submission of final version at D10.</p>	Further engagement planned prior to submission of final version at D10.
OM4	Resilience fund		Scope and sum agreed with applicant to address potential impacts on 'pay-to-enter' visits to RSPB Minsmere	EDF and RSPB have engaged constructively with one another for many years. We recognise RSPB's concerns around Sizewell C and are pleased to have been able to respond positively to many of these concerns during the examination. We are committed to continued constructive engagement with RSPB going forward. We are also delighted to have reached agreement on the resilience fund which we consider to be necessary and proportionate to address impacts on 'pay to enter' visits to RSPB's flagship Minsmere reserve that we are confident will be protected should the DCO be granted for Sizewell C.	None

## APPENDIX A: ENGAGEMENT ON THE SOCG

A.1.1. The preparation of this SoCG has been informed by a programme of discussions between SZC Co. and the RSPB / SWT. The relevant meetings are summarised in Table 2.2. It is noted that these meetings were not purely in relation to the SoCG.

**Table 2.1 SOCG meetings held between SZC Co. and the RSPB / SWT**

Date	Details of the Meeting
12 May 2020	Water level management
7 July 2020	Water level management
20 July 2020	Overarching meeting to provide an overview of the DCO application, including navigating the DCO, the consenting strategy and an overview of the key issues including: - Tourism - Ecology - Coastal - Groundwater, Surface Water and FRA - And agree next steps on engagement and the SoCG
10 September 2020	Water level management
15 September 2020	Protected species workshop
FROM 17 September 2020	2-weekly regular interface meetings established to progress matters of concern to RSPB, agree resilience fund, progress SOCG issues. Suffolk Wildlife Trust invited to join from 5 November 2020.
23 September 2020	Marine Technical Forum – Coastal processes. To discuss proposed CPMMP
12 November 2020	Update on the SSSI Landtake and Compensatory Habitat
11 December 2020	A meeting to discuss Biodiversity Net Gain
21 January 2021	Survey briefing for 2021
12 February 2021	Meeting to discuss 1st draft SoCG
18 February 2021	Discussion on the draft Monitoring and Mitigation Plan for Minsmere and Dunwich Heath (recreational displacement)



Date	Details of the Meeting
22 February 2021	A meeting to discuss mitigation for recreational displacement
4 March 2021	Discussion on the draft Terrestrial Ecology Monitoring and Mitigation Plan (TEMMP)
12 March 2021	Meeting to discuss 2nd draft SoCG
15 March 2021	Marine Technical Forum – Coastal processes. Presentation of detailed modelling for enhanced and temporary BLFs.
16 March 2021	Meeting on updated version of TEMMP
3 June 2021	Bat workshop
2 July 2021	Marine Technical Forum – Coastal processes. Discussion on TR544/545
5 July 2021	Meeting on SoCG – across number of issues
9 July 2021	Meeting on recreational displacement / draft Minsmere MMP
21 July 2021	Meeting on SoCG – across number of issues
30 July 2021	Meeting on recreational displacement / draft Minsmere MMP
1 September 2021	Meeting on SoCG – across number of issues
22 September 2021	Meeting on SoCG – across number of issues
27 September 2021	Meeting on SoCG – across number of issues
30 September 2021	Discussions to finalise d9 version of SoCG