



The Sizewell C Project

9.114 Response by SZC Co. to Natural England's Comments at Deadline 8

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1 RESPONSE BY SZC CO. TO NATURAL ENGLAND’S COMMENTS AT DEADLINE 8

1.1 Introduction

1.1.1 This note provides SZC Co.’s response to the comments by Natural England on the **Monitoring and Mitigation Plan (MMP) for Sandlings (Central) and Alde-Ore Estuary European Sites** [[REP5-122](#)] contained within the following document:

- Natural England’s comments on documents submitted to the Examination (**Appendix A**¹).

1.1.2 SZC Co. has submitted an updated **MMP for Sandlings (Central) and Alde-Ore Estuary European Sites** at Deadline 8 [[[REP8-087](#), electronic page 79], and an updated **MMP for Minsmere – Walberswick and Sandlings (North)** [[REP8-087](#), electronic page 36] to address comments received from Natural England and others on the MMP for Minsmere – Walberswick and Sandlings (North) [[REP5-105](#)] at Deadline 6 (Natural England Deadline 6 Submission - Written Representations (WR's) - Comments on Terrestrial Ecology Documents [[REP6-042](#)]). The updated MMP for Sandlings (Central) and Alde-Ore Estuary European Sites at Deadline 8 [[REP8-087](#)] is referred to below, where relevant. It is acknowledged that Natural England would not have had the opportunity to review these updated documents submitted at Deadline 8 at the time of providing its comments on the versions submitted at Deadline 6.

1.2 Natural England’s comments on the Sandlings (Central) and Alde-Ore Estuary European Sites at Deadline 8

1.2.1 Natural England’s comment at paragraph 1.3 of **Appendix A**:

“As we have outlined in previous responses we believe that while the aforementioned Monitoring and Mitigation plans go some way towards addressing the impacts of recreational disturbance, we do not believe that they are sufficient to address the potential scale of impact in isolation (Natural England Deadline 6 Submission - Written Representations (WR's) - Comments on Terrestrial Ecology Documents [[REP6-042](#)] & NNB Generation Company (SZC) Limited, Deadline 7 Submission - 9.94 Statement on Recreational Disturbance Numbers - Revision 1.0 [[REP7-087](#)]). We therefore reiterate our previous advice that we

¹ Natural England’s Deadline 8 submission has not been provided with a PINS Examination reference. It is therefore appended to this report for ease of reference.

believe a suitable alternative natural green space (SANG) is required in addition to the mitigation outlined in the monitoring and mitigation plans.”

1.3 SZC Co.’s response

1.3.1 SZC Co.’s position, as stated in previous submissions including in **Comments at Deadline 7 on Submissions from Earlier Deadlines and Subsequent Written Submissions to ISH1-ISH6 - Appendices Part 1 of 3** [[REP7-060](#)] (see Appendix A, paragraph 3.1.13) is that the proposed diverse package of mitigation measures already proposed will avoid Adverse Effects on the Integrity (AEoI) of European sites, and that additional SANG, or further green space provision following the SANG principles, is not necessary. SZC Co.’s case in this respect was set out, for instance, in the Response to RSPB and SWT submitted at Deadline 8. It remains the case that there has been no effective engagement with the case made by SZC Co. for the sufficiency in scale and quality of the open space provision at Aldhurst Farm or with the detailed analysis provided by SZC Co. of the recreational needs of construction workers (see [REP8-135](#) also submitted at Deadline 8). Natural England’s original written representation [[REP2-153](#)] was based on a misunderstanding that 5,900 construction workers would be living at the campus through the construction period and, despite it being clear that is not the case, its assertion without evidence or analysis that a SANG is necessary has not changed. Equally there has been no recognition that Aldhurst Farm is that SANG (and that it exceeds NE’s own requirements for SANG, even if the peak level of 3,000 construction workers were a permanent level and construction workers recreational needs were the same as permanent residents).

1.3.2 However, SZC Co. has committed additionally to further enhance recreational green space and access improvements as submitted at Deadline 8 (Informal Recreation and Green Space Proposals [[REP8-135](#)]), the terms of which will be added to the Deed of Obligation. SZC Co. provided Natural England with a working draft of this document on 20th September 2021 in advance of a meeting with them on 22 September, and submitted a revised version of the document at Deadline 8. SZC Co. look forward to discussing this further with Natural England and hope that this will alleviate their concerns. The proposals in total provide exceptional permanent legacy benefits, as well as immediate impact mitigation, if it is necessary.

1.3.3 The MMPs were updated at Deadline 8 [[REP8-087](#)] where two concerns Natural England had raised in their Deadline 6 Submission [[REP6-042](#)] were addressed:

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- Education of workers – delivery of oral briefings to educate construction workers about sensitive species and habitats, threats and appropriate behaviours, within worker inductions or toolbox talks has been included at Table 5.1 [REP8-087]. These briefings will include making construction works fully aware of environmental sensitivities, including the Minsmere-Walberswick European sites and the Sandlings SPA (in addition to other sensitivities, such as the Sizewell Marshes SSSI and mitigation and monitoring requirements detailed in mitigation strategies and/or protected species licences and method statements).
- Wardens – SZC Co. has now committed to providing four wardens in the MMP for Minsmere – Walberswick and Sandlings (North) as part of the Initial Mitigation Measures at the commencement of construction (two were previously proposed), and this has been included in paragraph 5.3.1 [REP8-087]. This exceeds the minimum number that Natural England suggest is necessary in REP7-294 at paragraph 2.12 where they state: “... we advise that as a minimum the Applicant should consider two full time wardens and one seasonal wardens to cover the responsibilities outlined in their plans with contingency for further resourcing if the Environment Review Group deem it necessary.”

1.3.4 SZC Co. hopes that Natural England will now agree that the package of mitigation measures will be sufficient to avoid AEoI of European sites.

1.4 Natural England comment at paragraphs 1.5 to 1.7

1.4.1 At paragraphs 1.5 to 1.6 (**Appendix A**), Natural England refers to three issues that it believes need further consideration. SZC Co’s response to each of these issues is provided below.

1.4.2 In paragraph 1.5 (**Appendix A**), Natural England “advises that further consideration is given to impacts on vegetated shingle habitats within this plan and mitigation provided from the outset”.

1.4.3 Vegetated shingle is included within the scope of the MMP, but mitigation is not proposed from the outset given that the **Shadow HRA Report** [APP-145] does not rely on mitigation in order to reach a conclusion of no adverse effect on integrity. The potential additional visits to locations that enable access to the Ramsar site are a small proportional potential increase over existing visits. In addition, the estimated total potential increase in pressure would be diffuse and spread across a large number of potential car park and other access points and, to reiterate the points made in section 2.1 of the **Shadow HRA Second Addendum** [REP2-032], there is a high degree

of precaution in the approach taken to the prediction of the change in recreational disturbance pressure. This was further explained in **SZC Co.’s Written Summary of Oral Submissions at ISH7** [\[REP5-112\]](#).

1.4.4 In paragraph 1.6 (**Appendix A**), Natural England state that “*we note that little tern is not included in the plan addressing impacts on the Alde-Ore Estuary SPA which we would expect to see included*”.

1.4.5 Footnote 2 in section 2 of the MMP explains that little tern (among other species) is not considered a sensitive species in relation to this European site given the inaccessibility of their breeding areas, the low level of potential change in recreational visits to the vicinity of those areas and existing management measures in place. In addition, the Shadow HRA Report [\[APP-145\]](#) notes that the Alde-Ore Estuary SPA is no longer recognised as a regularly occupied breeding site for little tern. The proposed monitoring of visitor numbers and behaviour would, however, identify whether there may be increased risk of negative effects on all qualifying interest features.

1.4.6 In paragraph 1.7 (**Appendix A**), Natural England states “*we advise that considering the high level of uncertainty regarding impacts having a warden in place from the outset would provide an agile response to potential impacts, which is fundamental to preventing an adverse effect of integrity*”.

1.5 SZC Co.’s response

1.5.1 SZC Co.’s view is that uncertainty is accounted for by the high level of precaution adopted in the estimates of possible changes in visitor numbers. Even allowing for the precautionary approach adopted to the assessment, the **Shadow HRA Report** [\[APP-145\]](#) concludes no adverse effect on integrity. Furthermore, the monitoring that is committed to within the plan prior to and during construction will be able to detect any changes in visitor numbers or behaviour. Mitigation measures would be implemented should the monitoring and governance process confirm that such measures are necessary. This includes wardening, should the governance process determine that this is an appropriate mitigation measure.

1.5.2 Given the above points, SZC Co. does not consider it necessary to make any further changes to the MMP for Sandlings (Central) and Alde- Ore Estuary European Sites.



SIZEWELL C PROJECT – RESPONSE BY SZC CO.
TO NATURAL ENGLAND’S COMMENTS AT DEADLINE 8

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APPENDIX A: NATURAL ENGLAND’S DEADLINE 8 SUBMISSION

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THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES

2010

The Sizewell C Project

**Natural England's Comments on Monitoring and Mitigation Plan for Sandlings
(Central) and Alde, Ore and Butley Estuaries European Sites**

Planning Inspectorate Reference: EN010012

23rd September 2021

Natural England's Comments on Monitoring and Mitigation Plan for Sandlings (Central) and Alde, Ore and Butley Estuaries European Sites

- 1.1 Natural England has reviewed the Applicant's 'Deadline 5 Submission - 9.56 Monitoring and Mitigation Plan for Sandlings (Central) and Alde, Ore and Butley Estuaries European Sites - Revision 1' [REP5-122] and has the following comments.
- 1.2 We recently provided detailed comments on recreational disturbance at Deadline 7 ('Deadline 7 Submission - 9.94 Statement on Recreational Disturbance Numbers - Revision 1.0' [REP7-087]). We perceive recreational disturbance to be a high-risk issue with the potential for significant impacts on protected sites in proximity to the development which needs to be considered in greater detail. We do not believe that the Monitoring and Mitigation Plan for Sandlings (Central) and Alde, Ore and Butley Estuaries European Sites and associated recreational disturbance mitigation strategies currently have the capacity to exclude adverse effects on integrity beyond reasonable scientific doubt, therefore our comments on this document are on the basis that further work is required in conjunction to this plan to progress this issue further.
- 1.3 As we have outlined in previous responses we believe that while the aforementioned Monitoring and Mitigation plans go some way towards addressing the impacts of recreational disturbance, we do not believe that they are sufficient to address the potential scale of impact in isolation (Natural England Deadline 6 Submission - Written Representations (WR's) - Comments on Terrestrial Ecology Documents [REP6-042] & NNB Generation Company (SZC) Limited, Deadline 7 Submission - 9.94 Statement on Recreational Disturbance Numbers - Revision 1.0 [REP7-087]). We therefore reiterate our previous advice that we believe a suitable alternative natural green space (SANG) is required in addition to the mitigation outlined in the monitoring and mitigation plans.

Assessment of no adverse effect on integrity

- 1.4 We disagree the evidence in Shadow HRA (Doc Ref. 5.10. [APP-145 to APP-149]) that reaches a conclusion on no adverse effect on integrity. As we have outlined in our previous response in the Joint Statement on Recreational Disturbance Numbers (NNB Generation Company (SZC) Limited, Deadline 7 Submission - 9.94 Statement on Recreational Disturbance Numbers - Revision 1.0 [REP7-087]). We believe that

the evidence basis for this conclusion is flawed and unreliable and consequently the mitigation proposed is not fit for purpose.

Issues needing further consideration

- 1.5 Natural England advises that further consideration is given to impacts on vegetated shingle habitats within this plan and mitigation provided from the outset.
- 1.6 We note that little tern is not included in the plan addressing impacts on the Alde-Ore Estuary SPA which we would expect to see included.
- 1.7 We note that no wardening resource is proposed initially. We advise that considering the high level of uncertainty regarding impacts having a warden in place from the outset would provide an agile response to potential impacts, which is fundamental to preventing an adverse effect of integrity.