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To the Applicant and Natural England

Your Ref:

Our Ref: EN010012

Date: 1 October 2021

Dear Sir/Madam

**Planning Act 2008 (as amended) and The Infrastructure Planning
(Examination Procedure) Rules 2010 (as amended) – Rule 17**

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

Statement of Common Ground with Natural England [REP8-094]

The ExA thanks Natural England and the Applicant for the second revision of their Statement of Common Ground submitted at Deadline 8. The ExA is unclear as to some parts of this SoCG as explained in Annex A to this Rule 17 request. The Applicant and Natural England are asked to take the questions and comments into account and to address them in the final version of the SoCG to be submitted at Deadline 10.

Yours faithfully

Wendy McKay

Wendy McKay
Lead Member of the Examining Authority, on behalf of the Panel

Annex A

Natural England SoCG – Examining Authority’s comments on Revision 2, [REP8-094]

1	Please will the Applicant supply at D10 a track changes version comparing the D10 version with Revision 2	Applicant
2	Please when referring to documents ensure that Examination library references are used and give epage numbers and paragraphs numbers	Natural England, Applicant
3	This SoCG usefully sets out the development of the parties’ positions since the application was submitted. However, as a general and overall comment the ExA would be grateful if it would <u>also</u> set out what is actually agreed and disagreed between the parties. To take an example, in relation to the Wickham Market Park & Ride, issue 15, the table sets out Natural England’s suggestions for surveys and the role of the ECoW and other matters. But it does not state whether Natural England is now satisfied with the position on these points. The ExA reminds the Applicant and Natural England that the procedural decision of 23 February 2021 which asked for this and other SoCGs stated that it should contain “A summary of matters agreed; and A summary statement of matters not agreed or outstanding”.	Natural England, Applicant
4	“Rigorously implemented”, “rigorously implemented and maintained” – is Natural England satisfied with the way the DCO has secured these matters to which they have attached this and similar comments? Such as the Drainage Strategy, the Code of Construction Practice, the Outline Dust Management Plan. Please record the position in the SOCG with an explanation of the issue if an issue remains, and the wording Natural England seeks.	Natural England
5	In all cases where point 3 above applies, please will the Applicant specify the relevant provision in the DCO, clause, schedule and paragraph in the DoO and part of any relevant plan method statement or other control document, together with its Examination Library reference. Please will the Applicant also bring these together in a summary paragraph.	Applicant
6	The colour coding system: Highlighter yellow. Natural England have explained: “These are issues/comments where Natural England does not yet completely agree with the Applicant’s position or approach. However, we are satisfied for this particular project that they do not make a material difference to our advice or the outcome of the decision-making process”. Is the ExA to conclude that these are not “important and relevant matters”	Natural England, Applicant

	(see s.105(2) of the Planning Act 2008) and that they are not matters which are inconsistent with any of the policy and law referred to in s.104(2)(a), (aa) and (c), (4), (5), (6) and (8). (The ExA is not by this suggesting that this is a s.104 case.)	
7	The second of the colour columns gives Natural England's position at May 2021. Please update the SoCG to give Natural England's position at Deadline 10.	Natural England
8	In many cases – e.g Yoxford Roundabout Issue 54 – Natural England say draft licenses are awaited for e.g. GCNs and Bats. The Applicant says all drafts have been submitted. Please could Natural England and the Applicant reach agreement on this.	Natural England, Applicant
	Overarching issues	
9	Issue 8 – though agreed, it says EDF will make a commitment. They are not a party. Should it be SZC? If not, how are EDF bound to this? What evidence will the ExA be given that the agreement with RSPB has been done to their satisfaction? Please update the SoCG	Applicant
10	The same point arises on Issue 18 which is not agreed. Please update the SoCG	Applicant
11	Issue 12 – though agreed, why is the monitoring plan at Req 7 referenced by the Applicant in the final column? Natural England say it is the Drainage Strategy and CoCP which must be secured. The latter is in Req 2. Please specify the relevant Reqs in the final column.	Applicant
	Main development site	
12	Issue 29 – last column, the Applicant states that a Section 106 agreement contains the relevant control / mitigation. Presumably this should read Deed of Obligation – please can the final version be corrected.	Applicant
13	Issue 48 – SSSI crossing effect on tall herb fen and lowland ditch systems. Natural England are recorded as being of the view in August – the latest view expressed - that should the current design and the new mammal culvert be considered justifiable against possible alternatives the quantity and quality of tall herb reed fen and lowland ditch systems created at Aldhurst Farm satisfy them "in principle". Please can SoCG record what Natural England consider to be the possible alternatives.	Natural England, Applicant
	AD Site - TVB	
14	Issue 52 – protected species. The table in the Natural England comment column sets out dates for submission to Natural England of draft licences. The submission date column in relation to some licences states "(issued)". The ExA presumes this does not mean that the licence has been issued. Please	Natural England, Applicant

	however for clarity could "issued" be changed to "submitted". This issue affects the table each time it appears in the SoCG.	
	AD Site, SLR and Green Rail Route	
15	Issues 55 and 60 – please specify the Examination Library reference and epage number for the bat roost survey report described as submitted at "Deadline XX". This affects a number of the rows in this SoCG. Please can it be corrected for them all.	Applicant
	AD Site Wickham Market Park & Ride	
16	Issue 57 - Natural England state their 2020 recommendations for bat surveys, on the role of the ECoW in relation to badgers, and suggest vegetation clearance in relation to reptiles and recommendations for bird surveys. Please can the SoCG state whether Natural England accepts the current survey position. The ExA cannot tell whether Natural England's concerns have been satisfactorily addressed. This is an issue of general application in the SoCG. Please can the Applicant and Natural England bear in mind as they finalise the SoCG the comments of the ExA at row 3 above.	Natural England
	AD Site Darsham Park & Ride	
17	Issue 58 – as with issue 57 for the Southern P&R, please can please can the SoCG state whether Natural England accepts the current survey position but on bats and GCN.	
	AD Site Green Rail Route	
18	Issue 60 - Natural England refer to EDNA. Please state what this is in full.	Natural England
	AD Site – other rail improvements	
19	Issue 61 - Natural England recommends an extended Phase 1 habitat survey, review of IEFs and bird surveys. Please can the SoCG state whether Natural England is now satisfied on this issue.	Natural England
	AD Site – freight management facility	
20	There are recommendations for bat and breeding bird surveys. Again, please can the SoCG state whether Natural England is now satisfied on this issue.	Natural England
	Outline Soil Management Plan (OSMP) [REP3-018]	
21	Please can Natural England review the response made by the Applicant to ExQ3 Ag.3.1 [REP8-116] and confirm whether the comments and amendments made to the OSMP are satisfactory? Please provide a response for Deadline 10, 12 October 2021 and include the position between Natural England and the Applicant in the SoCG.	Natural England, Applicant
	Landowner Discussions Regarding Enhanced Landscaping Proposals [REP8-127]	

22	Section 1.6 of [REP8-127] details the on-going discussions with landowners in respect of possible enhanced landscaping proposals. Please can the Applicant confirm whether such additions are enhancement measures or further mitigation? If the additional landscaping is enhancement, please can the Applicant confirm and explain how these measures would be secured within the DCO? Please provide a response for Deadline 10, 12 October 2021 and include the position between Natural England and the Applicant in the SoCG.	Applicant, Natural England
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