



The Sizewell C Project

9.10.38 Statement of Common Ground - Paul Collins

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1 INTRODUCTION

1.1 Status of the SOCG

1.1.1 This Statement of Common Ground ('SoCG') has been prepared in respect of the application for development consent under the Planning Act 2008 ('the Application') for the proposed Sizewell C Project. This version, version 02, dated 24 August 2021, has been prepared at the direct request of the Examining Authority at ISH10, through a programme of engagement between NNB Generation Company (SZC) Limited ('SZC Co.') as the Applicant and Mr Paul Collins, referred to as 'the parties'.

1.1.2 It has not been possible to share the applicant's wording in the final version of this SoCG prepared for Deadline 10 as Mr Collins had a period of leave in this time. However, SZC Co can confirm that none of Mr Collins's wording has been amended and there has been no assumption of an agreed position unless this was clear from previous discussions (in the event, there are no agreed positions).

1.2 Purpose of this document

1.2.1 The purpose of this SoCG is to set out the position of the parties arising from the application for development consent for the construction and operation of the Sizewell C nuclear power station and together with the proposed associated development (hereafter referred to as 'the Sizewell C Project') in relation to Biodiversity Net Gain (BNG). 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').

1.2.2 The aim of this SoCG is, therefore, to inform the Examining Authority and provide a clear position on the state and extent of discussions and agreement between the parties on matters relating to the Biodiversity Net Gain assessment of the proposed Sizewell C Project.

1.2.3 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.

1.3 Structure of this Statement of Common Ground

1.3.1 **Chapter 2** provides a schedule which detail the position on relevant matters between the parties, including any matters where discussions are ongoing.

This is underpinned by Appendix A, which provides a summary of engagement undertaken to establish this SoCG.

2 POSITION OF THE PARTIES

2.1.1 **Table 2.1** provides an overview of the position of the parties and any further actions planned.

Table 2.1: Position of Parties

Ref.	Matter	Mr P. Collins's position	SZC Co.'s Position	Position of the Parties
1	Transparency	<p>Deadline 6 (REP6-075) and Deadline 7 (REP7-241) submissions</p> <p>The applicant states that the table shows an 18.03% increase in biodiversity. Try as I may, the only result I can get from this table is an increase of 13.4%.</p> <p>As the biodiversity difference claimed by the Applicant is for a 19% increase REP1-004, one can only assume that the overall figure must be less also.</p> <p>It's not actually possible to reference the locations to which the claims and assessments are related in that biodiversity net gain document. There are no maps of the various sites that are cross referenced into the tables for prior and post development assessments.</p> <p>A lack of complete location information provided by the applicant. Attempts have been made to reproduce the spreadsheet based on the information given in the above submission but simply cannot be successfully recreated.</p> <p>The original work by Arcadis has not been submitted, presumably where more detailed maps and relationships to physical settings within the development site have been elaborated. We request that this report along with the accompanying metric 2 assessment be provided as soon as possible to verify locations and the appropriate use of quality metrics which can very quickly turn an increase into a decrease of biodiversity units or vice versa.</p> <p>Post 21st September TEAMS meeting</p> <p>The metric 2 spreadsheet has been shared as well as some additional breakdown of the aggregated areas assessed for the MDS, both off-site and on-site areas.</p> <p>However, no map has been provided as initially requested so there are still some issues with accurate assessments being related to the metric 2 spreadsheet inputs and subsequent details sheets.</p> <p>From the meeting, it is clear that when I raise the issue of 26.2% loss in biodiversity in the MDS on-site area between pre-development assessments and post development assessment, the phrase "we don't recognise those figures" refers to the fact that despite their metric 2 assessments giving those figures they refer back to the LEMP as a means and justification that will ensure that the applicant will improve their implementation</p>	<p>It has not been possible to share the Excel-based metric through the PDF based examination library.</p> <p>The targets set are 'aspirational', but achievable. The Landscape and Ecology Management Plans document how these targets will be achieved. The targets will be tested and reviewed throughout the design and implementation period.</p> <p><u>Post 21st September TEAMS meeting</u></p> <p>SZC Co. shared the Excel-based metric via email. The maps used to carry out the calculations were included as appendices within the original submission in PDF form.</p> <p>The metric allows for data to be entered either as 'on-site' or 'off-site'. This allows for improvement to areas outside of a development, which can contribute towards the biodiversity net change. The metric includes distance multipliers to account for 'off-site' improvements if undertaken at distance from the development. In the case of the proposed Sizewell C development, the 'on-site' and 'off-site' elements are immediately adjacent and within the Sizewell Estate. It is therefore illogical to separate out these two elements (e.g. just presenting the 26.2% change associated with the 'on-site' areas), rather than consider them holistically (i.e. consider the overall change across the Sizewell Estate), as the metric does. The results include the positive interventions being carried out and funded by SZC Co. that will contribute to an overall positive outcome for biodiversity. It is to be expected that biodiversity losses are predicted in areas of built development, while improvements are predicted in areas targeting improvements. That is the very essence of the BNG approach in which any losses associated with the built parts of the development are (more than) offset by enhancements, funded by developers in retained areas of the site or in off-site locations.</p> <p>The BM 2.0 is a tool that provides a mechanism for assessing proxy biodiversity value. It is accepted that this tool provides an approximation of biodiversity value only. However, at the time of use it was the current version directed for use by Natural England.</p>	<p>Paul Collins position: <i>'Not agreed.</i></p> <p><i>Whilst there has been a positive, if late, sharing of information, the basic premise of the 19% and it's underpinnings is not accepted.</i></p> <p><i>The refusal by the applicant to recognise the details of their own BNG assessments on the basis that the LEMP will ensure successes not recognised by metric 2 will occur is unrealistic. It is unfortunate that spreadsheets cannot be shared through the examination library something that perhaps PINS should address.'</i></p>

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		<p>post development and the result will be better than the BNG metric might suggest.</p> <p>This comes back to a general tension between wanting to use the 19% Biodiversity Net Gain result as proof that their plan and management post development will be positive.</p> <p>The applicant is happy to laud the positives but unwilling to accept that within that assessment, there are also negative contributions.</p> <p>It is not logical or scientifically valid to accept all the positives and then to claim the negatives will not appear because the LEMP will ensure the applicant will do better in those areas.</p> <p>It is just as likely that in those areas and other more positively assessed areas, that the applicant will fail to meet the “target” assessments as habitat creation and improvement is not an exact or easy science.</p> <p>The applicant needs to accept this uncertainty and accept that metric 2, which undoubtedly has its faults - otherwise we would not be looking at metric 3 to be associated with the new Environment Bill - is still a tool that gives a reasonable assessment of impact and the difficulties of creating and improving habitats and the time that it might take to achieve such ends.</p> <p>As for as the 18.03% versus 13.4% for the MDS, it is now apparent that for metric 2 all the positive BNG associated with the off-site areas has been compared to the MDS on-site values only.</p> <p>Effectively this says that the off-site areas are not improved at all as all their BNG is applied only against the on-site area, where there is actually a 26.2% deficit.</p> <p>In fact what the metric 2 assessments says in detail is that in the off-site areas there is a 128% increase in biodiversity units compared to baseline and on-site a 26.2% decrease in biodiversity units compared to baseline. Because the on-site area is much larger, viewed as a single on-site plus off-site unit, the value is 13.4%.</p> <p>This is a criticism I would have of the way the metric 2 deals with interpretation of this overall assessment.</p>	<p>The results of the BM 2.0 were presented as in the metric. The metric calculates net change in biodiversity relative to the biodiversity value of the 'on-site' baseline.</p>	
2	Assessment of Associated Development sites	<p>Deadline 6 (REP6-075) and Deadline 7 (REP7-241) submissions</p> <p>No evaluations are made of the two park and ride sites or freight management centre, so these are assumed to be</p>	<p>BNG calculations were carried out for sites with a permanent land use change. The sites with a temporary land use change will be returned to their existing states as required in the dDCO. However, there will be some level of biodiversity enhancements as in these</p>	<p>Paul Collins position: Not agreed.</p>

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		<p>restored to the same state as they were before the development began and thus make no contribution, positive or negative, to BNG. However, they do contribute to overall biodiversity loss for the time they are in operation and prior to restoration.</p> <p>Post 21st September TEAMS meeting</p> <p>My position stands. No calculations are given for these sites and optimistic statements from the applicant without any impact assessments are not acceptable. This item was not discussed in the meeting.</p>	<p>circumstances, where agricultural fields are returned to land-owners (e.g. Park and Ride sites), in most cases the hedgelines will be enhanced with additional native tree planting of existing gaps.</p> <p>Undertaking BNG calculations of temporary facilities would not be a worthwhile exercise given that any short term gains would be lost when the fields are returned to their existing states.</p>	
3	Condition Assessment	<p>Deadline 6 (REP6-075) and Deadline 7 (REP7-241) submissions</p> <p>Whilst the BNG calculations try to account for some of the difficulties in establishing the various habitat types, it is likely that the estimates will fall short of accounting for all the issues inherent in the different soil types and water regimes that are present on site</p> <p><u>Post 21st September TEAMS meeting</u></p> <p>Following provision of the additional information and the spreadsheet, Dominic Woodfield (Bioscan) and Tom Langton are in the process of assessing the MDS on-site and off-site areas and will provide an assessment prior to Deadline 10.</p> <p>Conversations regarding particular areas, such as the non-native conifer plantation on Goose Hill as being in the lowest category of condition, putting it into the same category as a dense commercial forestry plantation with no understory and just a bed of pine-needles, raises concern that some unrealistic assessments have been made. Until the walk through assessment is completed, this criticism stands and the results of that assessments will be made available to the ExA prior to Deadline 10.</p>	<p>SZC Co. strongly refutes any suggestion that 'unrealistic assessments' have been made and confirms that there is no artificial suppression, inflation or bias in the BNG assessments.</p> <p><u>Post 21st September TEAMS meeting</u></p> <p>Assessments were made following Natural England guidance, using the condition criteria and condition guidance within the condition sheets. Extensive survey data from the site was utilised to inform the assessments, in addition to dedicated surveys.</p> <p>A paper which addresses the points made orally by Bioscan in the meeting on 21st September is submitted at Deadline 10 (Appendix O of Doc Ref. 9.120), although SZC Co. is obviously unsighted over any further submission that may be made at Deadline 10.</p>	<p>Paul Collins position: Not agreed</p> <p>Further assessments will be made available by Dominic Woodfield of Bioscan once a walking assessment of the MDS on-site and off-site areas has been made.</p>
4	Main Development Site Score	<p>Deadline 6 (REP6-075) and Deadline 7 (REP7-241) submissions</p> <p>After the project is complete this Main Site area is subject to a permanent 26.2% loss of biodiversity which can only be considered as catastrophic for the long term integrity of this unique habitat as this is effectively the connectivity corridor of the AONB and these interlinked habitats. Supports RSPB statements on BNG.</p> <p>Post 21st September TEAMS meeting</p> <p>I refer back to the points I made in item 1 above. The interpretation of the 18% figure will mean that the off-site areas</p>	<p>SZC Co. have followed the guidance and used the metric for the calculations, in accordance with Natural England's approach in calculating biodiversity net gain.</p> <p>The presented 18% figure is a net value, this does include the biodiversity improvements funded by SZC Co to be made to the wider Estate and secured via the Estate-wide Management Plan. In the long-term there will be no ecological barriers or differentiation between the land within the proposed Order Limits and the immediately adjacent wider estate. SZC Co. have followed the guidance and used the metric for the calculations, in accordance with Natural England's approach in calculating biodiversity net gain.</p>	<p>Paul Collins position: Not agreed.</p>

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		<p>have no BNG, i.e.0%, as the 128% gain associated with the off-site areas are all referred across to the on-site area.</p> <p>Whilst it is true that there will be no ecological barriers between the on-site and off-site areas at the end of the project, the fact is that all the positive BNG improvements have occurred in the off-site fields and the main development site has a 26% BNG reduction. That is what the individual elements of the metric 2 results say, no matter how Natural England guidelines interpret the overall results.</p> <p>Scientifically and statistically, the NE overall assessment guideline makes no sense.</p>	<p><u>Post 21st September TEAMS meeting</u></p> <p>As above, the approach followed is as set out clearly in the BNG guidance documents. It is to be expected that areas of built development are predicted to undergo biodiversity loss (see also above). Improvements to other areas, including those within the wider estate and funded by SZC Co. will provide increases.</p>	
5	BNG assessment not reflective of other assessments	<p>Deadline 6 (REP6-075) and Deadline 7 (REP7-241) submissions</p> <p>The Applicant's claims of BNG are spurious, arithmetically wrong and wilfully ignore the overall impact on biodiversity.</p> <p>Post 21st September TEAMS meeting</p> <p>The criticism above has nothing to do with the CIEEM impact assessment. It is focussed solely on the interpretation and assessment of BNG.</p> <p>Having said that, whilst the two assessments would not expect to end up in exactly the same position, you would expect there to be some correlation between the two.</p> <p>But back to the criticism here, the overall impact on biodiversity is not properly assessed as the intervening 12 years on the main site, when biodiversity will be close to zero, is simply not assessed at all.</p> <p>It is true that the metric 2 assessment does not take this delayed implementation of the post development habitat restoration and creation into account.</p> <p>For the applicant to ignore this loss into it's interpretation and overall assessment of BNG is simply a dereliction of responsibility to create a balanced assessment by hiding behind guidance on metric 2 which never anticipated the situation that the SZC development entails.</p>	<p>SZC Co. have followed Natural England evaluation guidance for the BNG assessment and have used the CIEEM impact assessment approach in the Environmental Statement. BNG is not an impact assessment tool.</p> <p><u>Post 21st September TEAMS meeting</u></p> <p>As above, both assessments followed their respective methodologies.</p> <p>BM 2.0 was the metric tool available at the time of the assessment. BM 3.0 was released in July 2021 during the Examination period.</p>	Paul Collins position: Not agreed.
6	Existing habitat creation	<p>Deadline 6 (REP6-075) and Deadline 7 (REP7-241) submissions</p> <p>It's also the case that much of the already created habitat is of low quality, and evidence of appropriate management is not there. Some of the things that are being done, particularly on Aldhurst Farm, are not really being done to create the sort of</p>	<p>Habitats which are already established have existing management plans and will be further managed to increase quality and distinctiveness e.g. additional heather establishment being undertaken in late 2021, funded by SZC Co which creates more heathland habitat.</p>	Paul Collins position: Not agreed.

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		<p>lowland heath habitat or acid grassland that they're wanting, it's just turning into low quality, grassland and nothing else. And in fact, recent topping of the entire area, because it was full of ragwort won't have done anything good. In fact, it probably will have destroyed some of the heather brashings and other plant life that actually was being put on there.</p> <p>The assumption being that the retained habitats will be vastly improved in the future.</p> <p>Post 21st September TEAMS meeting</p> <p>Insufficient nutrient depletion strategies have been applied to a number of the fields that have been taken out of arable production and put into programmes to create acid grassland and lowland heath habitat. Whilst these may be successful in the longer term, the impact of not following good practice in these efforts will be missing the target dates for habitat quality, reflected in the BNG assessments and thus further challenge what is already a questionable assessment and claim for BNG.</p>	<p>Much of the habitat already created is in the transitional period. These areas are being turned from arable fields (the baseline condition) into semi natural habitats (typically acid grassland / heathland mosaics). The process to reach target conditions is ongoing.</p> <p><u>Post 21st September TEAMS meeting</u></p> <p>The strategies to reach target habitats are detailed in and secured by the Landscape and Ecological Management Plans. Lessons will be learned where possible from previous habitat creation methodologies.</p>	
7	CWS Vegetated Shingle and Dune Habitat	<p>Deadline 7 (REP7-241) submissions</p> <p>When you start looking at the profile of the soft coastal defence, which starts at 6.4 metres high and then then grades down to the mean high water springs tidemark, it's going to be a very different environment than that which is currently in place. Currently, this is where a lot of this vegetated shingle habitat is. If you also then start to look at the applicant's biodiversity net gain for the two areas of shingle habitat and also the dune habitat. There's a 94% loss in their biodiversity measurement between what exists now and what will be there 20 years after the new habitat is put in place.</p> <p>Post 21st September TEAMS meeting</p> <p>This item was raised at the same time as the biodiversity loss for the MDS on-site area. Comments made in sections 1 and 4 above apply equally here.</p>	<p><u>Post 21st September TEAMS meeting</u></p> <p>During the construction of Sizewell B, coastal habitats were removed and re-instated. These habitats have since reached 'good' condition, as assessed using BM 2.0 to determine the value of what is for Sizewell C, a baseline condition. There is therefore confidence that a similar exercise can be carried out, wherein the habitats are removed and reach the same quality in the long term, when re-instated and this approach has been explained to the examination. However, due to the inherent time and difficulty multipliers embedded within the metric, there is predicted to be a loss of biodiversity units associated with the coastal habitats, if these are evaluated on their own. However the development at the main development site is evaluated as a whole and it is the overall change, particularly the extensive switch from arable fields to acid grassland / heathland mosaics (already underway) which generates the net gain.</p>	Paul Collins position: Not agreed.
8	Metric 2 and Metric 3 assessments	<p>Post 21st September TEAMS meeting</p> <p>It was stressed on two occasions that a BNG Metric 2 assessment is not required for National Strategic Infrastructure Projects. I pointed out that having submitted such an assessment, it is only right that we assess the validity and veracity of the assessment, especially as it is being used in communications material regarding the development.</p>	<p>Post 21st September TEAMS meeting</p> <p>The BM 2.0 calculations were entirely a voluntary assessment carried out at the request of stakeholders to demonstrate the effectiveness of the landscape design, not to claim BNG. The Biodiversity Units calculated will not formally be claimed to offset any impacts, they are a means of measuring the effectiveness of the design and will be repeated over time. Land associated with SSSI habitat compensation, such as the Aldhurst Farm wetlands, has not been</p>	Paul Collins Position: TBD once SZC's position is known.

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		<p>I think it is also the case that where a developer develops on designated habitat, that no Biodiversity Net Gain can be claimed as the designated habitat cannot be assessed under Metric 2. The fact that over 10 hectares of SSSI habitat will be lost in the development, would also indicate that these claims, whilst being helpful in terms of assessing the project, are in fact outside of the guidance for BNG assessment claims.</p> <p>Discussions during the meeting confirmed that Arcadis have looked at metric 3 assessment although it was stated on behalf of the applicant that they would not be using metric 3 and that originally RSPB/SWT had been of the same opinion. However it was also noted that RSPB/SWT's position seemed to have changed at Deadline 7.</p> <p>Metric 3 can deal with the delayed implementation of habitat restoration and creation, so would it not make more sense to show the impact of the delay through Metric 3 which has grown out of the Metric 2 assessment?</p>	<p>included within any calculations as per the metric guidance and this has been explained to the examination.</p> <p>Both Natural England and the RSPB / SWT confirmed that it would be inappropriate to change to the new metric now having already used BM2.0 and given that there is no guidance in place for BM3.0.</p>	

APPENDIX A: ENGAGEMENT ON THE SOCG

A.1.1. The preparation of this SoCG has been informed by a programme of discussions between the parties, as are summarised in **Table A.1**.

Table A.1: SOCG meetings held between the parties

Date	Details of the Meeting
Tuesday 21st September 2021	Teams meeting held to discuss the Biodiversity Net Gain Assessment submitted to examination [REP1-004].

APPENDIX B: ENGAGEMENT TO DATE ON BNG

Response to RSBP on BNG [[REP5-120](#)]: located on e-page 1288

Response to ExQ1 on BNG [[REP2-100](#)]: from e-page 476

Response to EXQ1 on BNG [[REP5-121](#)]: from e-page 363

Response to EXQ2 on BNG [[REP7-051](#)]: from e-page 31