



# The Sizewell C Project

## 9.118 SZC Co. Response to Request for Further Information at Deadline 10 (20 September 2021)

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## PLATES

None provided.

## FIGURES

None provided.

## APPENDICES

None provided.

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## 1 INTRODUCTION

1.1.1 On 20 September 2021, the Examining Authority published a **Rule 17 Letter: Request for further information** [[PD-052](#)]. This note responds to those parts which are addressed to the Applicant and a response was requested for this Deadline 10.

1.1.2 Of relevance to many of these requests for further information are several documents which have been finalised since this Rule 17 was published:

- SoCG with RSPB and SWT (Doc Ref. 9.10.24(B))
- SoCG with Natural England (Doc Ref. 9.10.7(B))
- Comments on the RIES Report (Doc Ref. 9.119)



## 2 RESPONSE TO REQUEST FOR FURTHER INFORMATION

**Table 2.1: SZC Co Response to ExA's Request for Further Information**

ExA Comment	SZC Co. Response
<p><b>1 Cumulative/inter project effects</b> To Applicant, NE and RSPB/SWT:</p> <p>In the absence of an updated SoCG between the Applicant and NE at the point of issue of the RIES, the views of NE with regards to the Applicant's assessment of cumulative/inter project effects in the HRA are unknown/unclear. The Deadline 2 initial SoCG records this matter as 'discussions ongoing'. Similarly, the initial SoCG submitted at Deadline 2 between the Applicant and the RSPB/SWT records this matter as 'not agreed' and it is unclear whether this matter is under further discussion between the Applicant and the RSPB/SWT. Please could NE comment on the Applicant's assessment of cumulative/inter project effects. Do you have outstanding concerns? If so, please expand with reference to any information or assessment you are seeking from the Applicant on this matter. Please could the RSPB/SWT also expand on any outstanding concerns with the Applicant's assessment of cumulative/inter project effects.</p>	<p>SZC Co. has submitted an updated <b>SoCG</b> with Natural England at Deadline 10 (Doc Ref. 9.10.7(B)) which sets out the final position of both parties. An updated <b>SoCG</b> with RSPB and SWT is submitted at Deadline 10 (Doc Ref. 9.10.24(B)). Specifically in relation to HRA, SZC Co's position is set out in <b>Comments on the RIES Report</b> (Doc Ref. 9.119).</p> <p>SZC Co.'s understanding of the ExA's comment is that it is limited to within-Project effects (given that the section of the RIES Report <a href="#">[PD-053]</a> under the heading 'Cumulative/inter project effects' only comments about effects of the Sizewell C Project 'alone'). However, because Natural England groups in-combination effects with other plans and projects under this issue in the SoCG, SZC Co. restates its position that (with the exception of the Minsmere-Walberswick SPA and Ramsar site), AEOI can be excluded for all European sites.</p> <p>SZC Co's assessment is set out in Chapters 7, 8 and 9 of Volume 1 of the sHRA Report <a href="#">[APP-145]</a>. A further within-Project assessment (i.e. inter-pathway effects) was undertaken in the <b>Shadow HRA Addendum</b> (Appendix 1A) <a href="#">[AS-174]</a> to</p>

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	<p>support the conclusions drawn in the Shadow HRA. This further assessment provides additional analysis of the potential for the various pathways for effect on European sites to interact or combine. In summary, the outcome of the alone or in-combination assessment for each European site in the Shadow HRA Addendum is unchanged from that reported in the Shadow HRA Report for one or more of the following reasons:</p> <ul style="list-style-type: none"> <li>• The predicted effects are sufficiently localised in nature that different pathways do not combine spatially to cause a larger effect on the qualifying interest feature in question.</li> <li>• Where effect pathways interact/combine and may influence the same qualifying interest feature, the scale of the predicted effect is sufficiently low that there is no realistic potential for an intra-Project effect to arise that could undermine the conservation objectives of the European site.</li> <li>• There is only one identified potential effect pathway for the qualifying interest feature in question (i.e. there is no potential for a within-Project effect on a particular feature).</li> </ul>
<b>2 In combination effects – Sizewell B relocated facilities</b> To NE and Applicant:	SZC Co. has submitted an updated <b>SoCG</b> with Natural England at Deadline 10 (Doc Ref. 9.10.7(B)) which sets out the final position of both parties.

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<p>NE [RR-0878] identified the Sizewell B relocated facilities Town and Country Planning Act application as a potential in combination project, stating that “The application for Sizewell B has been revised and resubmitted to the Local Planning Authority. Natural England have not yet had the opportunity to provide detailed comment on the revised application. We would expect the DCO to be updated with the details of the new application and any potential impacts considered.” Could NE confirm whether it has provided detailed comments on the revised application for Sizewell B and whether it considers there to be potential in combination effects with this project. Could the Applicant also respond to NE’s comment in their Relevant Representation on this matter.</p>	<p>The planning application referred to in Natural England’s relevant representation was granted by East Suffolk Council on 18 February 2021, with reference number DC\20\4646\FUL. East Suffolk Council followed the procedure set out in the Town and Country Planning Act 1990 in considering and then granting this planning application. Any comments made by Natural England to that process would have been considered at that point.</p> <p>A DCO change application was submitted in January 2021 to include the configuration as consented under the TCPA regime “Sizewell B Relocated Facilities 2 (Work No.1E) [<a href="#">AS-105</a>]”. With this change application was a full assessment of the in-combination effects which was submitted as part of the ES at [<a href="#">AS-201</a>] and the sHRA at [<a href="#">AS-173</a>].</p> <p>The SoCG submitted at Deadline 8 [<a href="#">REP8-094</a>] records that in September 2020 Natural England stated it has not yet had the opportunity to provide detailed comment on the revised application for the Sizewell B Relocated Facilities. SZC Co. has not received detailed comments on this point from Natural England. However, SZC Co. commented on the potential in-combination effects with the Sizewell B Relocated Facilities at Deadline 6 (paragraphs 2.8.19 to 2.8.22 of [<a href="#">REP6-025</a>]). It was concluded that the works as part of the Sizewell B Relocated Facilities project that have greatest potential to result in noise</p>

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	<p>effects on relevant areas of functionally linked habitat are planned to occur (and be completed) before construction for Sizewell C begins. If temporal overlap did occur, it was considered that the combined noise levels would not change as the levels expected from the Sizewell B Relocated Facilities project would be significantly lower than for Sizewell C construction, and no additional extents of the relevant areas of functionally linked habitat would be affected. As such, any combined noise level would be no different from that predicted for the Sizewell C Project alone.</p> <p>Natural England have still not provided detailed comments on the Sizewell B relocated facilities within the</p>
<p><b>3 HRA Screening – breeding bittern of Minsmere-Walberswick SPA and Benacre to Easton Bavents SPA</b></p> <p>To NE, EA and RSPB/SWT</p> <p>The Applicant has confirmed a worst-case assessment of entrainment of eels had been presented in [AS-238] and that the effects were predicted to be between 0.007 and 0.024% of the River District Basin biomass. It therefore considers there to be no discernible impact pathway to breeding bittern of Minsmere-Walberswick SPA and Benacre to Easton Bavents SPA [APP-148]. Do NE, the EA and the RSPB/SWT have any</p>	<p>No response from SZC Co. is required. However, SZC Co. notes that in response to a direct question from the ExA (at item 5 g ii b) in the Request for Written Responses from ISH10 of [EV-188], Natural England stated [at paragraph 6.7 of <a href="#">[REP7-294]</a>] that it had no further concern regarding breeding bittern and can conclude no AEol to breeding bittern at Minsmere-Walberswick SPA and Benacre to Easton Bavents SPA from eel impingement. It should also be noted that all the Environment Agency's concerns in relation to Eels Regulations compliance have been resolved (see SoCG between the parties submitted at Deadline 10 (Doc ref. 9.10.4(B)).</p>

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<p>comments on the Applicant's assessment of indirect impacts on breeding bittern from entrapment of eel as their prey species?</p> <p><b>4 Air quality assessment – in combination effects</b></p> <p>To Applicant</p> <p>Could the Applicant confirm where it has responded to the comments made in representations on behalf of Heveningham Hall Estate [RR0908 and REP2-287 (section 3)], which stated that there was a lack of assessment of in combination effects from traffic emissions in the Applicant's Shadow HRA Report?</p>	<p>SZC Co. responded to various points made by Heveningham Hall Estate [REP2-287] with regard to air quality in section 14.4 of [REP5-119], but this did not include comment on in-combination effects.</p> <p>A key point arising from the Wealden decision (Wealden DC v Secretary of State CLG [2017] EWHC 351) related to the use of screening criteria to select road links for inclusion in an impact assessment and how applying such criteria to individual schemes could lead to cumulative or combined impacts being screened out inappropriately. No such screening approach for road links has been undertaken for the assessment of transport emissions for Sizewell C.</p> <p>The reported air pollutant concentration values at each receptor (including each ecological receptor) represent the combined impact of emissions from all road and rail links, without screening out links. This is described in the methodology presented in the Transport Emissions Assessment (Volume 2, Appendix 12B of the ES [APP-213]) and the same method has been applied to all subsequent addendums .</p> <p>The Transport Assessment takes account of likely future development and the values provided for use in the air quality</p>

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	impact assessment have been accepted by the transport authority (SCC) as being suitable for use. The in-combination impacts from transport emissions from foreseeable future developments are also included in the reported air quality values at all sensitive receptors (include ecological receptors).
<p><b>5 Air quality assessment and qualifying features of the Minsmere-Walberswick Ramsar site</b></p> <p>To the Applicant</p> <p>The Applicant explained [REP3-042] that only a small part of the vegetated sand dune habitat qualifying feature (approximately 2ha) would experience an increase in nitrogen and acid deposition above 1% of the lower value of the Critical Load as a result of the Proposed Development. This 2ha area is described as “only 5% of the approximately 43ha of vegetated sand dune in the underlying [Minsmere-Walberswick Heaths and Marshes] SSSI”). In view of the Ramsar and SSSI boundaries not being entirely coincident, what proportion of the vegetated sand dune habitat does 2ha represent in the context of the Minsmere-Walberswick Ramsar site?</p>	<p>The 2ha area, which is described as 5% of the approximately 43ha of vegetated sand dune in the underlying Minsmere-Walberswick Heaths and Marshes SSSI, references the area of Unit 112 (Minsmere Haven) of the SSSI. The total SSSI area is 2,305ha, of which Unit 112 is 40.1ha (in the ES this was reported as being of 43ha, but 2ha still represents 5% of either 40.1ha or 43ha).</p> <p>The total area of the Minsmere-Walberswick Ramsar site is 2,019ha, of which 12.4% (250ha) is described as ‘<i>sand /shingle shores (including dune systems)</i>’ (<a href="https://jncc.gov.uk/jncc-assets/RIS/UK11044.pdf">https://jncc.gov.uk/jncc-assets/RIS/UK11044.pdf</a>). The impacted area where the process contribution is over the threshold of imperceptibility (&gt;1% of the Critical Load), therefore represents &lt;0.8% of the total Ramsar site area identified as sand /shingle shores (including dune systems).</p>
<p><b>6 Acoustic barriers</b></p> <p>To the Applicant</p>	<p>(i) The Applicant can confirm that Section 3.3a in Part B of the <b>CoCP</b> (Doc Ref. 10.2) has been updated. The <b>CoCP</b> now states in paragraph 3.3.1:</p>

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<p>(i) Section 3.3a in Part of B of the CoCP [REP7-038] confirms that acoustic screening would be an early priority during Phase 1 of construction, in accordance with the construction parameters plan. The RSPB/SWT [REP5-166] considers that a commitment to commence the construction of acoustic barriers at the beginning of construction Phase 1 (and before other significantly noisy activity occurs) should be secured. Is the Applicant willing to commit to this, and if so, will it update the CoCP?</p> <p>(ii) Please can the Applicant respond to RSPB/SWT's concerns [REP5-166] regarding noise levels during construction Phase 5 and the need to model and assess chronic noise during construction Phases 1, 2 and 5.</p>	<p><i>“Solid barriers or landscaping, or a combination of the two, <u>must be installed as early as is practicable in the construction process</u> and retained in the long term to maximise potential acoustic screening”.</i></p> <p>(ii) A final SoCG with RSPB and SWT is submitted at Deadline 10 (Doc Ref. 9.10.2(B)). The Applicant's response to the two issues identified in relation to the RSPB/SWT's concerns on noise are set out below:</p> <ul style="list-style-type: none"> <li><u>Phase 5 noise levels:</u> As stated in response to the RSPB/SWT's original comment on this issue (made at paragraph 3.284 in [REP2-506]), the Applicant considers that noise levels during Phase 5 are expected to be broadly similar to the noise levels during Phase 1 (paragraph 14.5.20 in [REP3-042]).</li> </ul> <p>It is also the case that the Applicant provided a corrected version of the figure for the predicted noise levels during Phase 5 in response to the identification of an error in the original figure as produced for the shadow HRA Report [APP-147] (i.e. Figure 8.6). This error was identified in the RSPB/SWT Written Representations [REP2-506] and the corrected figure</p>

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	<p>was provided in Appendix U of [REP5-120]. Comparison of this corrected figure with the predicted noise levels for Phase 1 construction, as modelled for the Shadow HRA Report [APP-147] (i.e. Figure 8.3) shows that these predictions indicate slightly less encroachment of both the 70dB and 65dB <math>L_{Amax}</math> contours onto the Minsmere South Levels during Phase 5 than during Phase 1 (noting that 70dB <math>L_{Amax}</math> is the threshold noise level as applied in the shadow HRA to foraging marsh harrier and non-breeding waterbirds, whilst 65dB <math>L_{Amax}</math> is the threshold applied to breeding waterbirds). Notably, during Phase 5 there is also considerably less encroachment of these contours onto the Sizewell Marshes, largely due to the absence of any construction works within the areas of the main development site which are immediately to the west and south of the Sizewell Marshes (see Appendix U in [REP5-120]). These predictions also suggest that during Phase 5 the higher noise levels (e.g. &gt; 75dB <math>L_{Amax}</math>) which occur immediately around the main development site are more constrained in the areas that they encompass to the west and (particularly) the east of the Sizewell Marshes. Therefore, the potential for any barrier effect (preventing marsh harrier from accessing foraging habitats on the</p>

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	<p>Sizewell Marshes) is less likely during Phase 5 than during Phase 1.</p> <p>As stated in the Applicant's original response on this issue (paragraph 14.5.32 in [REP3-042]), the conclusions of the assessment are unaffected by these considerations in relation to the Phase 5 noise modelling. This is because the predictions for Phase 1 noise represent the worst-case and the assessment assumes this worst-case scenario for the entire construction period. This is the case for the assessments on displacement of SPA marsh harrier from foraging habitat and for the assessments of both the breeding and non-breeding SPA waterbirds.</p> <ul style="list-style-type: none"> <li>• <u>Modelling of chronic noise during Phases 1, 2 and 5:</u> RSPB/SWT continue to consider that there is a need to model chronic (<math>L_{Aeq}</math>) noise levels for these construction phases, in addition to the modelling already undertaken for Phases 3/4 (which encompass the greatest part of the construction period).</li> </ul> <p>As stated in the Applicant's original response on this issue (paragraph 14.5.22 in [REP3-042]), modelling for Phases 3/4 provides outputs which will be</p>

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	<p>representative of the ‘typical’ chronic noise that birds will be exposed to during the construction period. Importantly, the chronic noise predictions are used only to provide further context for the assessment, with the main focus being on the impulsive noise levels (as predicted using <math>L_{Amax}</math>) and the extent to which threshold levels for impulsive noise encroach onto key areas of habitat.</p> <p>The justification for adopting this approach is set out in paragraph 8.8.51 of the Shadow HRA Report [APP-145], with further elaboration in paragraphs 14.5.24 – 14.5.25 of [REP3-042]. RSPB/SWT do not contest the approach of basing the assessment of displacement of marsh harrier from foraging habitat or of non-breeding waterbirds on an impulsive noise threshold but suggest that a threshold for chronic noise should be used to determine potential effects on breeding waterbirds (paragraphs 3.293 – 3.296 in [REP2-506]). The Applicant considers that such an approach is fundamentally flawed because many of the studies that have been undertaken on the effects of chronic noise and which provide evidence for effects associated with particular noise levels are focussed on songbird species which have markedly different biology and behaviour to waterbirds.</p>

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<p><b>7 Monitoring and management of displaced waterbirds</b></p> <p>To the Applicant</p> <p>NE [REP5-160] recommended that monitoring and adaptive management for displaced waterbirds should be more robust than that currently proposed within the Terrestrial Ecology Monitoring and Mitigation Plan (TEMMP) [REP5-089]. The RSPB/SWT [REP5-164] also consider there to be a need for a robust monitoring and mitigation plan. Please can the Applicant respond to this matter?</p>	<p>SZC Co.'s view is that the monitoring proposed for waterbirds (which is set out in Table 2.1 of the <b>TEMMP</b> (Doc Ref. 10.28) is sufficient and appropriate. Neither Natural England or the RSPB/SWT has set out why they consider that the approach defined in the <b>TEMMP</b> (Doc Ref. 10.28) for displaced waterbirds is not sufficiently robust or made suggestions as to how they consider it could be improved.</p> <p>Nevertheless, SZC Co. is committed to developing a monitoring approach for waterbirds that is acceptable to Natural England and the RSPB/SWT and has defined a more intensive monitoring effort (temporally and/or spatially) and has set out an enhanced monitoring programme in the <b>TEMMP</b> (Table 2.1) submitted at Deadline 10. This enhanced programme includes more frequent surveys within the relevant monthly periods for both breeding and non-breeding waterbirds, coverage of Sizewell Marshes SSSI in addition to Minsmere South Levels and counts of individual sub-areas to provide greater spatial resolution of any changes in bird distribution. The updated programme also includes an explicit commitment to analyse other data collected by the RSPB and WeBS where this is made available.</p>
<p><b>8 Outline Vessel Management Plan</b></p>	<p>SZC Co. submitted an extensively revised Outline Vessel Management Plan at Deadline 8 <a href="#">[REP8-106]</a> to reflect that</p>

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<p>To MMO, NE* and RSPB/SWT</p> <p>Do the MMO, NE and the RSPB/SWT have any comments on the revised version of the Outline Vessel Management Plan submitted by the Applicant at Deadline 7 [REP7-046]? *The ExA notes and welcomes NE's intention to submit its comments on the revised version of the Outline Vessel Management Plan at Deadline 8, as stated in NE's submission dated 17 September 2021.</p>	<p>winter movements (the period between 1 November and 31 March inclusive) are unlikely to be required. The updated Outline Vessel Management Plan identifies:</p> <p><i>“there must be no vessel movements through the SPA during the winter months unless a Winter Vessel Management Plan has been submitted to and approved by the MMO, pursuant to DML Condition 31a”.</i></p> <p>A final Outline Vessel Management Plan (Doc Ref. 10.23) is submitted at Deadline 10 to respond to further comments received at Deadline 8 and helpful discussions with RSPB and SWT since Deadline 9; both parties are satisfied that this updated version would provide adequate mitigation (see final version of SoCG with RSPB and SWT submitted at Deadline 10 (Doc Ref. 9.10.24(B)). In addition, Natural England are now content that the project will not lead to an adverse effect on the integrity of any European Site from this impact pathway (SoCG with Natural England Doc Ref. 9.10.7(B))</p>
<p><b>9 Collision risk with power lines and pylons</b></p> <p>To the Applicant, NE and National Grid</p> <p>In Appendix D of [REP6-024], the Applicant proposes as a precautionary measure that line markers are installed to minimise collision risk with power lines: “SZC Co. will update</p>	<p>SZC Co. does not consider that this is a risk, for the reasons set out in Appendix D of <a href="#">[REP6-024]</a>,</p> <p>An updated SoCG with Natural England is submitted at Deadline 10 Natural England (Doc Ref. 9.10.7(B)). SZC Co. held further discussions with Natural England on this matter in a meeting on 6 October 2021. On the basis of that meeting,</p>

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<p>the design principles to include reference to the proposed line markers, subject to operational and technical requirements and consideration of the views of key stakeholders, including National Grid” [REP6-024].</p> <p>a) Can the Applicant confirm where this commitment is secured as part of the design principles document?</p> <p>b) Does NE or National Grid have any comments on the Applicant’s proposal?</p> <p>c) Does NE consider line markers essential to reaching a given conclusion?</p> <p>The Applicant should note that if line markers are considered essential by NE to rule out effects on European sites, the ExA would expect the Applicant to ensure this commitment is secured without any potential for it not to be implemented (for example, if it conflicts with the views of National Grid).</p>	<p>SZC Co. is proposing that monitoring for line strikes will be carried out in the first instance to determine if further mitigation (such as line markers) is required. On this basis, and in response to the ExA’s advisory comment, a commitment to monitor collision rates has been included within the updated <b>TEMMP</b> (Doc Ref 10.28).</p>
<p><b>10 In combination effects – AEol</b></p> <p>To NE:</p> <p>NE’s comments on the Applicant’s HRA assessments/information have largely focused on potential impacts arising from the project alone when considering the potential for AEol. Does NE have any outstanding concerns with regards to any remaining potential for AEol in combination with other plans or projects at the appropriate assessment stage?</p>	<p>No response from SZC Co. is required; however please see the response to point 2 for where SZC Co’s in-combination assessment is set out. An updated SoCG with Natural England has been submitted (Doc Ref. 9.10.7(B)) and SZC Co has set out its position in relation to comments in the RIES on in-combination effects in <b>Comments on the RIES Report</b> (Doc Ref. 9.119).</p>

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<p><b>11 Alternative Solutions and Imperative Reasons for Overriding Public Interest (IROPI)</b></p> <p>To NE:</p> <p>NE's RR [RR-0878] stated that "The criteria for derogating from the Habitats Regulations are fulfilled with respect to marsh harrier, with regards to Minsmere-Walberswick SPA and Ramsar site". Does NE have any views or comments on the Applicant's case for Alternative Solutions [APP-150] and IROPI [APP-151] with regards to the identified AEol to the marsh harrier qualifying features of the Minsmere-Walberswick SPA and Ramsar as a result of the Proposed Development?</p>	<p>No response from SZC Co. is required.</p>
<p><b>12 Recreational disturbance</b></p> <p>To the Applicant:</p> <p>NE has advised, in paragraph 2.13 of its submission of 17 September 2021 (Response to The Examining Authority's Request for Written Responses from Issue Specific Hearing 10), 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". Can the Applicant comment on whether it would</p>	<p>SZC Co. have now agreed to provide at least four wardens as detailed within <b>Section 5.3</b> of the updated <b>Monitoring and Mitigation Plan for Minsmere-Walberswick European site and Sandlings (North) European site</b> (refer to <b>Annex U</b> of the <b>Deed of Obligation</b> (Doc Ref. 10.4)). The Deadline 10 SoCG shows agreement between SZC Co and Natural England on the matter and reflects Natural England's updated position, that impacts can be adequately mitigated and that mitigation measures are robustly secured and implemented (Doc Ref 9.10.7(B)).</p> <p>An updated version (Rev 7) of the <b>Monitoring and Mitigation Plan for Minsmere-Walberswick European site and</b></p>

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consider increasing its proposed resource allocation for wardening in line with NE's advice?	<b>Sandlings (North) European site</b> is appended to the SOCG with the RSPB/SWT. This revision reflects discussions with the RSPB/SWT during development of the SOCG.
<p><b>13 Impacts on breeding birds (including marsh harrier) and their habitats</b> To the Applicant:</p> <p>NE has reiterated (in its submission of 17 September 2021, Response to The Examining Authority's Request for Written Responses from Issue Specific Hearing 10), that compensatory habitats must be established and functioning in order to support displaced SPA birds from the start of the construction period. The Applicant's position is that the new wetland habitats proposed at Lower Abbey Farm on the EDF Energy Estate would be created in the first winter of the construction phase following the grant of any DCO.</p> <p>Can the Applicant please explain how the construction works would be phased to avoid impacts on breeding birds (including marsh harrier) and their habitats before the establishment of the compensatory habitat?</p>	<p>The majority of the on-site compensation habitat comprises dry habitat that was created in 2016 on intensively farmed arable land (with crops typically grown under plastic). These habitats have been maturing under conservation management ever since. They will therefore have been in existence for approximately 7 years before noise and visual impacts could start to affect marsh harrier foraging in Sizewell Marshes.</p> <p>In respect of the additional wetland habitat that is proposed to further enhance prey uplift, SZC Co. has secured this approach through the inclusion of relevant details on the phasing of works in <b>Table 6.1 the Code of Construction Practice (CoCP)</b> (Doc Ref. 10.2).</p> <p>This relevant text is repeated below:</p> <p><i>"The excavation works to create the wetlands as defined in the On-site Marsh Harrier Compensatory Habitat Strategy (Doc Ref. 10.21) (secured pursuant to Requirement 14A) must be commenced in the first winter of construction on the main development site and in accordance with the marsh harrier implementation plan approved pursuant to Requirement 14A. Excavation works must be undertaken between October and</i></p>

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	<p><i>February, unless otherwise agreed with the Ecology Working Group. Any remaining excavation would be completed in the following winter.</i></p> <p><i>This definition is to ensure that there are no noise impacts to breeding bitterns (which commence breeding in February) and breeding marsh harriers at Minsmere, during the summer, from the excavation of the wetlands.</i></p> <p><i>For the avoidance of doubt, wetland planting and other habitat works, other than excavation, are excluded from this seasonal constraint.”</i></p>

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