



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES

2010

The Sizewell C Project

Natural England's Comments on the Applicant's *Deadline 8 Submission - 8.17 Draft Deed of Obligation - Clean Version Part 2 of 2* [REP8-087], *Deadline 8 Submission - 9.11 Informal Recreation and Green Space Proposals - Revision 1.0* [REP8-135] and *Deadline 9 Submission - 9.114 Response by SZC Co. to Natural England's Comments at Deadline 8 - Revision 1.0* [REP9-023]

Planning Inspectorate Reference: EN010012

12th October 2021

Natural England's Comments on the Applicant's *Deadline 8 Submission - 8.17 Draft Deed of Obligation - Clean Version Part 2 of 2 [REP8-087], Deadline 8 Submission - 9.11 Informal Recreation and Green Space Proposals - Revision 1.0 [REP8-135] and Deadline 9 Submission - 9.114 Response by SZC Co. to Natural England's Comments at Deadline 8 - Revision 1.0 [REP9-023]*

Summary

- 1.1 Natural England welcomes the work the Applicant has undertaken to incorporate the advice that we have previously provided on this issue and consider that progress has been made in addressing that advice.
- 1.2 On this basis, we are now able to agree with the Applicant's conclusion of no adverse effects on the integrity (AEoI) of any European sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Ramsar sites) and no adverse effects on Sites of Special Scientific Interest (SSSIs) from increased recreational disturbance arising from the development.

Detailed Comments

- 1.3 Natural England welcomes recent steps taken by the Applicant to address our concerns relating to recreational disturbance.
- 1.4 The Applicant's recent submission however makes several erroneous statements relating to our engagement on this issue (NNB Generation Company (SZC) Limited Document Index, Deadline 9 Submission - 9.114 Response by SZC Co. to Natural England's Comments at Deadline 8 - Revision 1.0 [REP9-023]).
- 1.5 The Applicant states "*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).*"
- 1.6 Natural England refutes this and has made every effort to engage with the Applicant as demonstrated by our attendance at numerous workshops and meetings, and

document reviews which we have undertaken at the Applicant's request. The case remains that Deadline 8 was the first time they had made the case for Aldhurst Farm being a Suitable Alternative Natural Greenspace (SANG) type measure for construction workers where previously it had been stressed that Aldhurst Farm was to be considered SANG for displaced recreational users only (Recreational Displacement Meetings between the Applicant and Natural England on the 18th and 22nd February 2021, email confirmation of this from the Applicant to Natural England dated 19th February 2021).

- 1.7 Natural England reiterates its previous position that the evidence base used by the Applicant to underpin its recreational disturbance strategy lacks robustness and relies heavily on the extrapolation of data from secondary sources and numerous logically flawed assumptions (for a detailed review of this evidence see Appendix C - NNB Generation Company (SZC) Limited Document Index Deadline 7 Submission - 9.94 Statement on Recreational Disturbance Numbers - Revision 1.0 [REP7-087]).
- 1.8 The Applicant also asserts that "*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.*".
- 1.9 To clarify, at no point have Natural England stated the above. Our Written Representations clearly state "*5900 workers new to the area*" which include workers based in both private accommodation and at the accommodation campus and caravan park all of which are likely to use the surrounding area for recreation either for the first time or in a different way to they do currently. Natural England's position from the outset of our advice has been that, due to a lack of reliable evidence provided by the Applicant, in addition to a suite of 'off-site' measures to make the designated sites themselves more resilient to increased pressures, SANG-type measures are also required in order to conclude no adverse effect on the integrity of European sites in proximity to the development.
- 1.10 The submission of the Informal Outdoor Recreation document (NNB Generation Company (SZC) Limited Deadline 8 Submission - 9.11 Informal Recreation and Green Space Proposals - Revision 1.0 [REP8-135]) at Deadline 8 is the first time the Applicant has looked to address this advice.. Having reviewed this document,

we see this as major step forward in addressing recreational disturbance impacts to internationally and nationally designated sites.

- 1.11 Aldhurst Farm represents the provision of approximately 27 ha of new open access land in addition to improvements to existing and new public rights of way systems to link a network of open access land which can be utilised by both displaced existing recreational users and construction workers.
- 1.12 Included with the strategy is clear signage, improved parking provisions, a new mountain bike skills park and ancillary improvements which, as proposed, addresses almost all of our outstanding concerns relating to the provisions of SANG-type mitigation measures.
- 1.13 Although they do not effect our opinion on AEoI, our only remaining concerns revolve around two points; confirmation on the capacity of the proposed network to absorb both all new construction workers (from accommodation campus, caravan park and private accommodation) and displaced existing recreational users, and the potential for the new strategy to adversely impact mitigation proposed for separate ecological issues.
- 1.14 There is no existing capacity analysis or evidence base provided by the Applicant to confirm that the proposed SANG network is of sufficient size to absorb new users, or what the current state of usage is.
- 1.15 As the Applicant states in their Deadline 9 response [REP9-023], at peak there will be 3,000 new workers across the accommodation campus and the caravan site, approximately 2,900 new workers who will utilise existing private accommodation and a further 2,000 who will be drawn from the existing population. This is in addition to an approximately 21,000 additional visits per year to the Sizewell area from displaced recreational users [REP7-087].
- 1.16 Natural England guidance suggests a minimum of 8 ha per 1000 new residents or where existing open access green spaces have an appreciable but clearly low level of public use there is potential for substantial enhancement to greatly increase the number of visitors. The identification of these sites should arise from evidence of low current use (Natural England, Guidelines for Recreation of Suitable Alternative Natural Greenspace (SANG), August 2021)

- 1.17 Consequently, the new open access land provided at Aldhurst Farm may indeed exceed this quantity for provision of construction workers at the new campus and caravan site alone but may fall short when including displaced recreational users or the additional construction workers that would utilise private accommodation in the area. Confirmation on this point should therefore be provided. Additionally, no evidence has been provided to suggest low current use of sites that are included within the Applicants new Informal Recreation Strategy [REP8-135]. In either case, while it is our opinion that this strategy is sufficient to enable a conclusion of no AEol, there are some gaps in evidence which would benefit from further clarity.
- 1.18 There is also the matter of how the new Informal Recreation Strategy could impact on the objectives of other ecological mitigation strategies. For example, it is our understanding that several sites proposed for reptile mitigation are included within the proposed SANG network. While we will not be commenting in detail on mitigation that is currently subject to our protected species licensing process, or for those species which fall under the remit of the local planning authority, we would suggest where proposed informal recreation and ecological mitigation co-occur that this is acknowledged, and evidence provided to ensure no conflicts take place.

Final Detailed Comments on Minsmere to Walberswick Monitoring and Management Plan

- 1.19 Natural England welcomes the recently updated Minsmere Monitoring and Mitigation Strategy which is appended to the most recent submission of the Deed of Obligation (NNB Generation Company (SZC) Limited Document Index Deadline 8 Submission - 8.17 Draft Deed of Obligation - Clean Version - Part 1 of 2 [REP8-088]). We acknowledge provisions made by the Applicant to address our concerns and the increased resources from one to four full time wardens from the outset. We consider that this will provide a robust mitigation package to offset residual impacts from construction workers and displaced recreational users who will visit European sites even with the SANG-type element of the mitigation package (as discussed above) in place. We would emphasise that it is fundamental to the success of this strategy for resourcing to be in place from the outset of construction to ensure no adverse impact.

1.20 There are a few minor observations which we would like to see addressed in further iterations of the plan:

- Nightjar on Walberswick common and other Walberswick heaths are not acknowledged.
- Little terns on the Walberswick-Dunwich beach are not acknowledged.
- There is mention of Dingle frontage throughout, but this should be Walberswick to Dunwich beach in its entirety as the SAC and SPA interest does not end at the boundary of the RSPB landholding.
- There is a concern over creation of firebreaks on Westleton Heath where more detail would be needed to ensure no conflict with management plans.
- There should be a people counter at Point 'e'.
- There should be monitoring at Blythburgh access for effects on overwintering SPA interest in particular.

Conclusions

1.21 Despite some shortfalls in the Applicant's evidence base and our previously stated concerns, it is our advice that the new information submitted at Deadline 8 has significantly progressed this issue.

1.22 Having reviewed the substantial new additions included in the Informal Recreation Strategy and Monitoring and Mitigation packages we believe that, when considered together, this proposed suite of mitigation measures is sufficient to avoid an adverse effect on integrity of the Minsmere to Walberswick SPA & Ramsar and SAC, Alde-Ore & Butley Estuaries SPA & Ramsar and Sandlings SPA European sites and Sizeswell Marshes and Minsmere to Walberswick SSSIs arising from increased recreational disturbance associated with the proposed development.

1.23 It is therefore Natural England's updated position that impacts can be adequately mitigated provided all proposed mitigation measures are robustly secured and implemented. We advise that there must be ongoing engagement with relevant stakeholders in the finalising and delivery of this strategy including local planning authorities, the AONB Partnership, RSPB, National Trust and Natural England.



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Natural England's Comments on the Applicant's *Deadline 7 Submission - 9.12 Preliminary Design and Maintenance Requirements for the Sizewell C Coastal Defence Feature - Revision 3.0* [REP7-101] and *Deadline 9 Submission - 9.31 Storm Erosion Modelling of the Sizewell C Soft Coastal Defence Feature using XBeach-2D and XBeach-G - Revision 3.0* [REP9-020]

Planning Inspectorate Reference: EN010012

12th October 2021

Natural England's Comments on the applicant's *Deadline 7 Submission - 9.12 Preliminary Design and Maintenance Requirements for the Sizewell C Coastal Defence Feature - Revision 3.0* [REP7-101] and *Deadline 9 Submission - 9.31 Storm Erosion Modelling of the Sizewell C Soft Coastal Defence Feature using XBeach-2D and XBeach-G - Revision 3.0* [REP9-020]

Summary

Natural England welcomes the work the Applicant has undertaken to incorporate the advice that we have previously provided on this issue and consider that progress has been made in addressing that advice. We consider that it is quite possible that our outstanding concerns about particle size and habitats can ultimately be addressed, but some recommended actions remain about further assessment needing to be done upfront in order to come to a view on whether or not adverse effects on the integrity (AEoI) of Minsmere to Walberswick Heaths & Marshes (SAC, SPA, Ramsar site) and adverse effects on Minsmere to Walberswick Heaths & Marshes SSSI can be ruled out. The Applicant has stated their intention not to do some of that assessment work until after the close of the Examination and our position therefore remains that, on this basis, we are not yet able to agree with the Applicant's conclusion of no adverse effects to Minsmere to Walberswick Heaths & Marshes SAC, SPA, Ramsar site and SSSI arising from changes to coastal processes for the development as a whole.

Detailed Comments

Comments on the applicant's *Deadline 7 Submission - 9.12 Preliminary Design and Maintenance Requirements for the Sizewell C Coastal Defence Feature - Revision 3.0* [REP7-101]

1. The executive summary on pages 16-17 states that:

'Further work required to refine the SCDF's coastal processes design and finalise the buffer and sacrificial layer volumes includes:

- *Setting the $V_{recharge}$ (the threshold volume for SCDF recharge) for the CPMMP, which will form a separate report.*

- *Modelling a range of particle sizes between 10 and 80 mm to optimise SCDF particle-size selection, SCDF performance and, therefore, recharge intervals.*
- *Closer examination of the gravel model's ground water parameters to determine whether further field and laboratory measurements are needed, to reduce model uncertainty.*

The separate report for setting the threshold volume for SCDF recharge will provide information to inform the final CPMMP, submitted for approval by ESC under DCO Requirement 7B and the MMO under Marine Licence condition 17 and will and cannot be submitted as part of the Sizewell C Public Examination because i) they do not material affect the assessment conclusions and ii) the detail of the SCDF and the CPMMP are subject to further approvals post DCO consent'.

This suggests that the recharge volume threshold work, particle size modelling and groundwater work will be in a separate report and will not be known until after the examination. Consistent with our previous advice that this information should be provided now in order to inform conclusions on AEoI/adverse effects, we remain unable to advise no AEoI/adverse effects until this further assessment work is available.

2. Page 21 of the report states that annual drift line communities on the south Minsmere frontage (designated site features of the Minsmere to Walberswick Heaths & Marshes SAC) were reported as disappeared by 2010, although we understand that the RSPB have submitted evidence including photos showing that those communities are still present, which the Applicant has accepted.

3. Page 30 of the report suggests that the northward dispersal and transport of sediment from the Soft Coastal Defence Feature (SCDF) will nourish the beaches in front of Minsmere, potentially helping to maintain annual drift line communities. This might be plausible in principle but in practice it depends on eventual preferred grain size of the recharge sediment, how it disperses and sorts itself relative to the existing baseline sediment composition on the foreshore. Particle size is therefore important in reaching a fully evidenced conclusion with regards AEoI/adverse effects on annual drift line communities.

4. On page 37 with regards SCDF composition, two scenarios are presented which we understand are new and different scenarios to those presented in Version 2 of this report. These are both at the larger end of the size scale so reinforces our advice that further modelling of particle size is needed at this stage to be confident on the conclusion with regards AEol/adverse effects on annual drift line communities.
5. Page 45 (paragraph 3.1.2 onwards) refers to Natural England's previous comments about there being a lot of sediment needing to be sourced from somewhere for up to seven repeated beach nourishments. However, elsewhere in the report it refers to one of the beach models possibly reducing the number of interventions down to three or four, which would reduce disruption and disturbance to habitats. We would welcome this but advise that these inconsistencies need clarifying.
6. Page 54 seems to be analysis of recharge intervals and volumes which reinforces the view that the larger the beach cobble size, the fewer number and interval of recharges would be required. This is obviously relevant to the question as to what the most appropriate sediment size and grain is to maintain condition of drift line habitat features.
7. Re the conclusion on page 71, this again emphasises the desirability of larger cobble sizes in the beach recharge material, with no exploration of what a different cobble composition from the existing default beach substrate might mean for the condition of foreshore habitats. It is repeated here that further work (as highlighted above in our comment 1) is still anticipated to refine the options. We therefore reiterate our advice that this information should be provided now in order to inform conclusions on AEol/adverse effects at this time.

Comments on the applicant's *Deadline 9 Submission - 9.31 Storm Erosion Modelling of the Sizewell C Soft Coastal Defence Feature using XBeach-2D and XBeach-G - Revision 3.0* [REP9-020]

8. Page 95 (paragraph 4.3.2) states that '*The default position for SCDF particle size is to match the native size distribution, which has a model pebble size of approximately 10 mm diameter*'. This is significant and we advise that a firm commitment to it will go a long way to us being more confident about advising no AEol/adverse effects. However, we are not clear about how firm a commitment it is alongside the strong messages elsewhere about the erosion resistant benefits of larger cobble size. We

therefore advise that the Applicant clarify how the two messages align with each other.

9. Page 99 (paragraph 4.6.3) states that '*The benefit of retaining the native sizes is the retention of natural processes as much as possible, and it is understood that this is the preferred option of many interested parties as it reduces uncertainty*'. This is a positive and welcome statement and indicates that the Applicant has acknowledged and accepted our previous advice on avoiding and minimising habitat impacts and maintaining as natural a functioning coastal frontage, with the aim of avoiding an AEoI/adverse effects of foreshore drift line habitats and geomorphological features. If this can be part of the default position for any beach recharge design, then it does help us move us towards being able to being able to advise no AEoI/adverse effects. However, it does depend on how the practical design of the beach recharge events plays out in practice on an intervention-by-intervention basis.



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The Sizewell C Project

**Natural England's Comments on Revision 3.0 Southern North Sea Site Integrity
Plan [REP8-048]**

Planning Inspectorate Reference: EN010012

12th October 2021

Natural England's Comments on Revision 3.0 Southern North Sea Site Integrity Plan

[REP8-048]

1. Summary

- 1.1. Natural England recognises and welcomes the work undertaken by the Applicant to try and address our concerns. However, we are still unable to agree with their conclusion of no adverse effect on integrity to the Southern North Sea (SNS) Special Area of Conservation (SAC) based on the information provided in Revision 3.0 of the Southern North Sea Site Integrity Plan (SIP) [REP8-048].
- 1.2. We advise that there appears to be several areas of confusion, particularly around terminology and language used in the SIP, making the in-combination assessment difficult to follow. Additionally, we advise that there are cases where calculations provided are not accurate.
- 1.3. We require these issues to be addressed before we are able to agree with the Applicant's conclusion of no adverse effect on integrity to the Southern North Sea SAC.

2. Detailed Comments

- 2.1. **Section 1.1.1** – There is no timeframe stated anywhere in the document for when the final SIP will be submitted to the Marine Management Organisation (MMO) in relation to the start of the piling works. Natural England advise the final SIP should be submitted no later than 6 months prior to the start of piling to ensure there is adequate time for the document to be reviewed, signed off and any required mitigation put in place.
- 2.2. **Section 1.1.2 & 1.1.3** – It states here that Unexploded Ordnance (UXO) is not included in this SIP, however later in the document (section 1.2.54) the Applicant includes UXO for an offshore windfarm in the worst case in-combination scenarios. Natural England would have advised UXO to be included, but it's inclusion should be made clearer earlier in the SIP.
- 2.3. **Section 1.2.10** – Natural England welcomes the use of hydrohammers to minimise the underwater noise being generated by piling works.
- 2.4. **Section 1.2.12** – If there are 110 piles (including dolphins/fenders), a piling rate of two per day would require 55 days, not 50 as stated.
- 2.5. **Section 1.2.15** – If the worst case for piling for the enhanced Beach Landing Facility (BLF) is 16 days (section 1.2.9) and two piles are installed per day for the temporary BLF over 50 days (or 55 as per our previous comment) then, assuming no temporal overlap, a total of 66 (or 71) days piling would occur, not 60 as stated here. Also, it is not clear here how the figures of 54 and 48 days of piling have been arrived at or why they differ between simultaneous and concurrent piling, or indeed why these two are quantified separately when they mean the same thing. This also applies to section 1.2.45.

2.6. **General comment** – There is inconsistency in the terminology used to describe the temporary works. 'BIF' and 'MBIF' are used interchangeably which makes following the document and the assessment difficult.