



The Sizewell C Project

SZC Co.'s Response to the Secretary of State's
Request for Further Information dated 31 March
2022

Revision: 1.0

April 2022



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Appendix 2 –Outline Soil Management Plan (clean version), submitted in response to Question 7.1.

Appendix 3 – Code of Construction Practice (track change version), submitted in response to Question 8.16 and in response to our submission dated 8 April 2022.

Appendix 4 – Code of Construction Practice (clean version), submitted in response to Question 8.16 and in response to our submission dated 8 April 2022.

Appendix 5 – Sizewell Link Road Landscape and Ecology Management Plan (track change version), submitted in response to Question 8.3.

Appendix 6 – Sizewell Link Road Landscape and Ecology Management Plan (clean version), submitted in response to Question 8.3.

Appendix 7 – Additional technical information to support Question 8.4 in relation to Environment Agency comments on assessment of sea bass.

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Appendix 9 – Updated Shadow Habitat Regulations Assessment Addendum Appendix 9A: Southern North Sea Site Integrity Plan, submitted in response to Question 8.15.

Appendix 10 – Eleventh Draft Development Consent Order Addendum - Proposed Changes to the Draft Development Consent Order.

NOT PROTECTIVELY MARKED

Appendix 11 – Draft Development Consent Order reflecting the changes arising from the two Secretary of State's Requests for Further Information (track change version), dated 18 and 31 March 2022.

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Appendix 13 – Deed of Variation to the Deed of Obligation, dated 13 April 2022.

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NOT PROTECTIVELY MARKED

1 INTRODUCTION

1.1.1 This document sets out SZC Co.'s response to the request for further information on a number of matters set out within the letter from the Secretary of State for Business, Energy and Industrial Strategy ('Secretary of State') dated 31 March 2022: [EN010012-010762-Sizewell-C-Information-Request-No.2-31-03-2022.pdf](https://www.planninginspectorate.gov.uk/EN010012-010762-Sizewell-C-Information-Request-No.2-31-03-2022.pdf) ([planninginspectorate.gov.uk](https://www.planninginspectorate.gov.uk)).

1.1.2 This response is structured as follows:

- **Section 2:** Harbour Byelaws and Powers
- **Section 3:** Statements of Common Ground
- **Section 4:** Control Documents
- **Section 5:** Soil Management Plan
- **Section 6:** Habitat Regulations Assessment, Biodiversity and Ecology
- **Section 7:** Other Matters

1.1.3 This response is supported by the following appendices:

- **Appendix 1** – Outline Soil Management Plan (track change version), submitted in response to Question 7.1 (see Section 5 for details).
- **Appendix 2** – Outline Soil Management Plan (clean version), submitted in response to Question 7.1 (see Section 5 for details).
- **Appendix 3** – Code of Construction Practice (track change version), submitted in response to Question 8.16 and in response to our submission dated 8 April 2022 (see Section 6 for details).
- **Appendix 4** – Code of Construction Practice (clean version), submitted in response to Question 8.16 and in response to our submission dated 8 April 2022 (see Section 6 for details).
- **Appendix 5** – Sizewell Link Road Landscape and Ecology Management Plan (track change version), submitted in response to Question 8.3 (see Section 6 for details).
- **Appendix 6** – Sizewell Link Road Landscape and Ecology Management Plan (clean version), submitted in response to Question 8.3 (see Section 6 for details).

- **Appendix 7** – Additional technical information to support Question 8.4 in relation to Environment Agency comments on assessment of sea bass (see Section 6 for details).
- **Appendix 8** – Additional technical information to support Question 8.11 in relation to Natural England, RSPB And SWT comments on assessment of coastal processes (see Section 6 for details).
- **Appendix 9** – Updated Shadow Habitat Regulations Assessment Addendum Appendix 9A: Southern North Sea Site Integrity Plan, submitted in response to Question 8.15 (see Section 6 for details).
- **Appendix 10** – Eleventh Draft Development Consent Order Addendum - Proposed Changes to the Draft Development Consent Order.
- **Appendix 11** – Draft Development Consent Order reflecting the changes arising from the two Secretary of State's Requests for Further Information (track change version), dated 18 and 31 March 2022.
- **Appendix 12** – Draft Development Consent Order reflecting the changes arising from the two Secretary of State's Requests for Further Information (clean version), dated 18 and 31 March 2022.
- **Appendix 13** – Deed of Variation to the Deed of Obligation, dated 13 April 2022.
- **Appendix 14** – The Book of Reference Schedule of Changes (see Section 7 for details).
- **Appendix 15** - Book of Reference (see Section 7 for details).

1.1.4 For completeness, there are no appendices submitted in connection with **Sections 2, 3 and 4** of this report.

2 HARBOUR BYELAWS AND POWERS

2.1 Question 4.1 - The Secretary of State invites the Department for Transport (“DfT”) and the Maritime and Coastguard Agency (“MCA”) to confirm their final position on the proposed Harbour Order and the proposed establishment of a Competent Harbour Authority (“CHA”). In particular, DfT and MCA should confirm if they agree with the Applicant’s view, as expressed in the Final Development Consent Order Explanatory Memorandum [REP10-013] that Article 53 of the draft Development Consent Order (“DCO”) [REP10-009] can be used to make the undertaker a CHA for the purposes of the Pilotage Act 1987.

2.1.1 SZC Co. does not wish to make any written submissions at this stage, but we would like the opportunity to respond, if practical, to any submissions made on this matter.

2.2 Question 4.2 - The Secretary of State invites the MCA to provide their comments on the Applicant’s proposal to remove article 58 (lights on marine works etc. during construction), article 59 (provision against danger to navigation), and article 60 (permanent lights on marine works) from the draft DCO. The Applicant has instead included a condition on Aids to Navigation within the deemed marine licence of the draft DCO (condition 35 of Schedule 21 [REP10-009])

2.2.1 SZC Co. does not wish to make any written submissions at this stage, but we would like the opportunity to respond, if practical, to any submissions made on this matter.

3 STATEMENTS OF COMMON GROUND

3.1 Question 5.1 – For the purposes of the Secretary of State's considerations, confirmation is required from the DfT [[REP2-099](#)]; the MCA [[REP7-100](#)]; the Office for Nuclear Regulation [[REP2-078](#)]; the UK Health Security Agency (formerly Public Health England) [[REP2-086](#)]; East Suffolk Council ("ESC"); Suffolk County Council [[REP10-102](#); [REP3-031](#); [REP7-093](#); [REP10-101](#)] and Suffolk Coast and Heaths AONB Partnership [[REP10-108](#)] that the relevant unsigned statement of common ground has been agreed.

3.1.1 SZC Co. understands that the named parties have provided written confirmation that the relevant unsigned versions of the Statements of Common Ground had been agreed with those parties.

4 CONTROL DOCUMENTS

4.1 Question 6.1 - The Planning Statement Final Update [[REP10-068](#)] includes definitions of the following terms as used in the suite of control documents: "where practicable", "where possible" and "as soon as possible". The Applicant is asked whether, and how, these definitions are, or can be, secured within the control documents.

Planning Statement Final Update and Signposting Document

4.1.1 Paragraph 1.3.3 of Appendix B: 'Structure of Control Documents and Subsequent Approvals' of the **Planning Statement Final Update and Signposting Document** [[REP10-068](#)] states:

"Caveats throughout the Level 1 control documents have been checked to ensure that they are necessary to the delivery of the project and do not undermine any assumptions relied upon in the environmental impact assessment. As explained in our Response to ExA Commentary on the dDCO [[REP7-058](#)]. This is how the following terms are used:

*'**Where practicable**': means that the action should be done unless the degree of risk in a particular situation cannot be balanced against the time, trouble, cost and physical difficulty of taking measures to avoid the risk. In practice this means that something that would avoid a significant impact must be done in almost all circumstances. It would only be acceptable not to take the relevant step if there would not be a significant impact as a result, and therefore the risk would be low.*

*'**Where possible**' or '**as soon as possible**': this is used to ensure that something happens in almost all instances, or as soon as it can be done."*

Securing definitions

4.1.2 The above text was intended to provide a general explanation to a lay reader of how these terms had been applied by the authors of the Control Documents.

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- 4.1.3 *'Where practicable', 'where possible' and 'as soon as possible'* are, however, commonplace terms which are used throughout the application documents, as is commonly the case in many development consent and town and country planning applications. They are terms which are understood and which the discharging authorities will have extensive experience of interpreting.
- 4.1.4 As explained in SZC Co.'s Response to ExA Commentary on the dDCO [[REP7-058](#)], all Level 1 and Level 2 documents were reviewed at Deadline 8 to ensure that any use of such terms would not undermine the mitigation proposed and appropriately reflects the scale and complexity of the particular measure that action relates to. This review ensured that the terms are only used in instances where such measures are appropriately secured, having regard to good or best practice.
- 4.1.5 Compliance with the controls and commitments made within the Code of Construction Practice and related construction stage controls will be closely monitored through the comprehensive set of monitoring proposed for the construction stage, ensuring that appropriate oversight is provided. This approach will ensure that appropriate reporting is provided to the discharging authorities to enable them to review the overall effectiveness of the committed environmental measures and allow areas of under-performance to be identified so that corrective actions can be taken to strengthen environmental safeguards or improve outcomes.
- 4.1.6 In this context, it is not considered to be appropriate or necessary for these definitions themselves to be further secured, either through the Development Consent Order or any other mechanism. Instead, it will be for the Applicant and the discharging authorities to use professional judgement to apply these common sense terms appropriately, taking into account the particular circumstances of the relevant obligation or commitment in each case.

5 SOIL MANAGEMENT PLAN

- 5.1 Question 7.1 - The Secretary of State invites the Applicant to provide a final Outline Soil Management Plan that reflects the areas identified for further amendment by Natural England [[REP7-140](#) and [REP7-144](#)]
- 5.1.1 SZC Co. welcomes the Secretary of State's invitation to provide a final Outline Soil Management Plan that reflects the areas identified for further amendment by Natural England in [[REP7-140](#)] (comments on the Outline Soil Management Plan) and [[REP7-144](#)] (Response to EXQ2, Ag.2.2).
- 5.1.2 In its **Comments on Responses to the ExA's Second Written Questions** (ExQ2) [[REP8-115](#)], SZC Co.'s referred to its **Response to the Examining Authority's Third Written Questions (ExQ3) Ag.3.1** [[REP8-116](#)] where a comprehensive response was provided to Natural England's comments.
- 5.1.3 SZC Co. has now updated the Outline Soil Management Plan to incorporate the comments, where relevant. A track change version is provided as **Appendix 1** and a clean version as **Appendix 2**.

6 HABITAT REGULATIONS ASSESSMENT, BIODIVERSITY AND ECOLOGY

6.1 Question 8.1 – Natural England is invited to provide an update on the progress of its review of the Applicant's draft protected species licences, and its views on the prospect of it being able to issue Letters of No Impediment for the following protected species:

- Bats
- Breeding birds
- Natterjack toad
- Great crested newt
- Water vole
- Otter
- Badger
- Deptford Pink

6.1.1 SZC Co. has been working closely with Natural England on these matters since the close of the Examination and submitted revised draft license applications for all of the above in March and April 2022, apart from Great Crested Newt and Breeding Birds. In relation to Great Crested Newt, SZC Co. has decided, in discussion with Natural England, to use the alternative District Level Licensing (DLL) approach. See the response to Question 8.2 for further details. No protected species licences are required for Breeding Birds.

6.2 Question 8.2 - The Applicant is invited to provide an update as to whether landowner consent has been obtained for great crested newt mitigation at the Northern Park and Ride, and in

the event landowner consent is not obtained, to comment on alternative sites for translocation.

- 6.2.1 During the Examination, SZC Co. assumed that a conventional licencing approach would be followed to mitigate and compensate for impacts on great crested newts (GCN) from licensable activities. This would have meant that SZC Co. would have been responsible for carrying out all necessary mitigation and compensation works in accordance with a protected species licence issued by Natural England. However, SZC Co. has decided, in discussion with Natural England, to use the alternative District Level Licensing (DLL) approach. SZC Co. has submitted an application to Natural England for a DLL that covers the Northern Park and Ride, as well as the Sizewell Link Road and Green Rail Route. The application has been accepted by Natural England and an Impact Assessment and Conservation Payment Certificate (IACPC) has been received and signed by SZC Co.
- 6.2.2 DLL is a type of strategic mitigation licence for GCN granted in certain areas at a local authority or wider scale. The DLL approach allows developers to make a financial contribution to strategic, off-site habitat compensation instead of applying for a separate licence. Under the DLL the compensatory habitat must be capable of use by GCN for breeding in advance of impacts occurring. In awarding an IACPC, Natural England must undertake a strategic area assessment and develop risk zones and strategic opportunity area maps to ensure adequate compensation is provided. The results of these are presented in the IACPC.
- 6.2.3 The IACPC means that SZC Co. is no longer required to provide on-site mitigation at the Northern Park and Ride site to manage the impacts of GCN. Therefore, the creation of exclusion zones and inclusion of other protective measures within the scheme design is no longer required. However, a non-licensable method statement is included within the updated **CoCP (Appendix 3 and Appendix 4 – track change and clean respectively)** setting out appropriate measures to protect the welfare of any GCN encountered during construction works.
- 6.3 [Question 8.3 - In relation to the comments made by the Environment Agency on the Sizewell Link Road in Deadline 7 Submission \(Comments on reports contained within 9.63 Comments at Deadline 6 on Submission from Earlier Submissions and Subsequent Written Submissions to ISH1-ISH6 - Appendices - Revision 1.0 submitted at Deadline 6\)](#)

[REP7-128], the Applicant is requested to provide an update to the Sizewell Link Road Landscape and Ecology Management Plan, to include mitigation measures detailed in 9.63 Comments at Deadline 6 on Submission from Earlier Submissions and Subsequent Written Submissions to ISH1-ISH6 - Appendices - Revision 1.0, Appendix C Sizewell Link Road Watercourse Crossing Mitigation Note [REP6-024].

6.3.1 At the start of the Examination, the Environment Agency's position was that loss of ditch habitat associated with development of the Sizewell Link Road had not been adequately mitigated or compensated as set out in paragraph 7.6 of their Relevant Representation [REP2-135]. This position was reflected in Table 2.3 'Terrestrial Ecology' of the **Initial Statement of Common Ground between SZC Co. and the Environment Agency** submitted at Deadline 2 [REP2-069] (e.g. see items PW_TE4 and SLR_TE2).

6.3.2 During the Examination, SZC Co. engaged closely with the Environment Agency to resolve this concern and held a design workshop with the Environment Agency (on 21 July 2021), specifically to develop an agreed mitigation approach. The outputs of the workshop were recorded in the 'Sizewell Link Road Watercourse Crossings Mitigation Note' that was submitted as Appendix C to Document Ref 9.63 **Comments at Deadline 6 on Submission from Earlier Submissions and Subsequent Written Submissions to ISH1-ISH6** [REP6-025 & REP6-024]. The proposed mitigation and compensation was accepted as sufficient by the Environment Agency, as recorded in item SLR_TE1 of Table 2.2 (e-page 19) of the revised Statement of Common Ground Revision 2 submitted at Deadline 7 [REP7-090] and in their '**Comments on reports contained within 9.63 Comments at Deadline 6 on Submission from Earlier Submissions and Subsequent Written Submissions to ISH1-ISH6 - Appendices - Revision 1.0 submitted at Deadline 6**' [REP7-128] in which they state:

"The Environment Agency consider proposals put forward by the applicant in: 9.63 Comments at Deadline 6 on Submission from Earlier Submissions and Subsequent Written Submissions to ISH1-ISH6 - Appendices - Revision 1.0, Appendix C Sizewell Link Road Watercourse Crossings Mitigation Note, are considered acceptable mitigation for impacts to watercourses as a result of the construction of the SLR.

We request this note is incorporated into the Sizewell Link Road Landscape and Ecology Management Plan.”

- 6.3.3 SZC Co. submitted an updated **Landscape and Ecology Management Plan for the Sizewell Link Road** at Deadline 8 [REP8-078] in which a new Section 4.3 h) ‘watercourses’ was added to summarise the proposed mitigation. This was submitted at Deadline 10 as the final control document [REP10-065]. The Secretary of State can be reassured that the Environment Agency is satisfied that [REP10-065] addresses their concerns in this regard, as demonstrated by Table 2.3 of the final Statement of Common Ground (Revision 3) that was submitted at Deadline 10 [REP10-094].
- 6.3.4 However, on reflection SZC Co. agrees with the premise of the Secretary of State’s request that the Deadline 10 version of the **Sizewell Link Road Landscape & Ecology Management Plan** would benefit from more explicit reference to the mitigation and compensation proposals set out in detail in [REP6-024]. Therefore, a revised version can be found in **Appendix 5** and **6** (track change and clean respectively). This has been updated to include the Sizewell Link Road Watercourse Crossings Mitigation Note both in the references and in a new appendix. SZC Co. has consulted with the Environment Agency on this approach, and they are supportive.
- 6.4 **Question 8.4 - The Applicant is invited to respond to the Environment Agency’s concerns, in the Deadline 10 Submission - Comments on 9.110 Sizewell C European Sea Bass Stock Assessment - Revision 1.0 [REP10-187] and Deadline 7 Submission - Comments on additional reports submitted by the Applicant at Deadline 6 [REP7-133], in relation to the Sizewell C European Sea Bass Stock Assessment (Deadline 8 Submission - 9.110 Sizewell C**

European Sea Bass Stock Assessment - Revision 1.0) [[REP8-131](#)], which include:

- The scale of the stock assessment method;
- Consideration of the most recent stock assessment and fishery advice;
- The Applicant's parameters in consideration of Equivalent Adult Values having not applied the Spawning Production Foregone method, with provision of results for all years and scenarios; and
- Evidence of a replenishment rate of 10% for seabass.

6.4.1 The evidence provided by SZC Co. to assess and conclude no significant effects of the Sizewell C Project on sea bass populations is described in a number of technical reports and consultation responses, notably:

- the full sea bass stock assessment (Deadline 8 Submission - 9.110 **Sizewell C European Sea Bass Stock Assessment - Revision 1.0**) [[REP8-131](#)];
- a detailed uncertainty analysis to determine the sensitivity of the parameters used in determining the effects of impingement and entrainment on the key species at Sizewell (**Deadline 10 Submission - 9.67 Quantifying Uncertainty in Entrapment Predictions for Sizewell C**) [[REP10-135](#)];
- Technical Note on Equivalent Adult Values (EAV) and stock size (*Appendix F of Deadline 6 Submission - 9.63 Comments at Deadline 6 on Submission from Earlier Submissions and Subsequent Written Submissions to ISH1-ISH6*) [[REP6-024](#)]; and
- responses to Natural England¹ and the Environment Agency² Comments on the Technical Note on EAV and stock size (*Appendix I of Deadline 8 Submission - 9.99 Comments on Earlier Deadlines*

¹ Natural England Deadline 7 Submission - Comments on submissions from earlier deadlines and subsequent written submissions to ISH1 to ISH6 and appendices [[REP7-143](#)].

² Environment Agency Deadline 7 Submission Comments on reports contained within Comments on Earlier Submissions and Subsequent Written Submissions to ISH1- ISH6 [[REP7-128](#)].

**and Subsequent Written Submissions to CAH1 and ISH8-ISH10 -
Appendices Part 1 - Revision 1.0 [REP8-119]).**

- 6.4.2 A summary is provided below, with further details provided in **Appendix 7**.
- 6.4.3 SZC Co. does not agree with the Environment Agency's position that the scale of assessment for sea bass is not sufficiently localised to establish population effects. It is recognised that site fidelity in certain life history stages of sea bass in different seasons can lead to population structuring. However, when determining the appropriate scale of assessment, the full life history of the species must be considered including spawning migrations, larval dispersal, and patterns of recruitment. This is consistent with the approach taken by the International Council for Exploration of the Sea (ICES), when assessing the effects of fishing mortality on populations. ICES is the main international organisation responsible for generating scientific advice on the status of fish stocks in the North Atlantic region. ICES is regarded as a trusted source of evidence on fish stocks owing to extensive international engagement in its advisory processes and its assessments provide the best available and internationally reviewed evidence on the status of assessed stocks. SZC Co. considers that the ICES stock units provide the most appropriate population units for assessing the effects of additional mortality that would result from impingement. This position was endorsed by the Marine Management Organisation in its evidence (**Deadline 2 Submission - Written Representation**) [REP2-140].
- 6.4.4 By applying the ICES sea bass stock assessment method to determine the population level effects of impingement mortality over the long-term, the best available method, based on robust data, has been used to support the Sizewell C EIA.
- 6.4.5 EAV factors are used to convert an annual rate of loss due to impingement of predominantly juvenile sea bass into an annual rate of loss of fish that would have matured and joined the spawning population had they not been impinged. The EAV method is a precautionary risk assessment approach that provides an annual rate of loss of first-time spawners due to impingement that can be compared to the sea bass Spawning Stock Biomass (SSB).
- 6.4.6 The Environment Agency contends that the Applicant should add a Spawning Production Foregone (SPF) extension to the EAV calculation. The Environment Agency argues that the SPF extension accounts for the potential for sea bass to spawn for more than one year after reaching

maturity and reflects the long-term impacts of the station. In other words, the Environment Agency advises that the Applicant should add the number of fish at the age of maturity to the number of those fish that would survive to spawn one year later, two years later, three years later and so on. The SPF extension necessarily generates a higher predicted impact because the SPF impact is a summation of impacts over more than one year (i.e. repeat spawning). The Environment Agency is advocating an approach which would link the effects of 1 year of impingement to several years of consequence. Therefore, the calculations of EAV-SPF would not provide an estimate of an annual loss from the spawning population. It is misleading and inappropriate to relate results of a multi-year analysis to effect thresholds that were defined based on a single year's rate of loss. The SPF method as asserted by the Environment Agency is not considered appropriate for determining the impacts of Sizewell C on sea bass populations.

- 6.4.7 SZC Co. is confident in the precautionary nature of the EAV-only based risk assessment (**Appendix 7**). The MMO also endorsed the EAV-only method as *'more likely to be reflective of reality in the context of currently fished seas'* highlighting conceptual challenges in the SPF extension (MMO Relevant Representations) [[RR-0744](#)]. The EAV-only assessment has demonstrated that the annual predicted effects of Sizewell C would have no significant effect on the population of sea bass. This conclusion has been supported by the application of a full analytical ICES stock assessment which demonstrated no clear changes in population trends and only minor changes in absolute SSB.
- 6.4.8 The sea bass stock assessment directly incorporates age specific mortality attributed to the station to determine effects on SSB and is independent of the dispute between the application of EAVs or the SPF extension. By incorporating impingement losses into the stock assessment for the full 35-year simulation (1985-2020), the long-term effects of the station have been considered.
- 6.4.9 The Secretary of State can confidently conclude that impingement mortality due to Sizewell C would not have a significant long-term effect on the dynamics of the sea bass population. Environmental variation and fishing are the overriding drivers of population dynamics. This means that the size of the spawning population would increase and decrease at the same times and at an almost identical rate whether the additional impingement from Sizewell C was occurring or not.

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- 6.4.10 The points above relate to population level effects on sea bass. The request for information regarding replenishment rates, referred to in the fourth bullet, pertains to a different assessment that considers the potential for localised depletion at the scale of the Greater Sizewell Bay (GSB). Local depletion assessments were primarily intended for addressing questions relating to reductions in the availability of prey resources for designated species feeding within the GSB. It is not feasible to parameterise the complexities of fish dynamics and behaviour in an open coastal environment that accurately represents diurnal, seasonal and life-history changes in distribution and abundance for each of the species at Sizewell. Therefore, the simple conceptual model developed necessarily makes a series of assumptions. Replenishment rates of 10% for fish, including sea bass, were based on the application of tidal exchange rates. That is, the local depletion assessment treated fish as inert particles that would enter and leave the local area based purely on tidal exchange, and the 10% figure originates, in part, from the Environment Agency's own dispersion modelling. Fish behaviour is more complex than simple water exchange, however, for small pelagic species that form important prey items for designated sea birds, a 10% replenishment rate was considered to be an appropriately precautionary assumption. Further details are provided in **Appendix 7**, including an exploration of the potential accuracy of using a 10% figure for sea bass replenishment rates.
- 6.5 Question 8.5 – Natural England is invited to provide comment on the mitigation measures for impacts from drilling mud and bentonite break out presented in the Applicant's Deadline 10 Submission – 8.11/10.2 Code of Construction Practice [[REP10-072](#)].
- 6.5.1 SZC Co. does not wish to make any written submissions at this stage, but we would like the opportunity to respond, if practical, to any submissions made on this matter.
- 6.6 Question 8.6 - The Environment Agency is invited to provide an update on the status of the Applicant's applications for a Water Discharge Activity Environmental Permit, a Radioactive

Substance Regulation Environmental Permit and a Combustion Plant Environmental Permit.

- 6.6.1 SZC Co. does not wish to make any written submissions at this stage, but we would like the opportunity to respond, if practical, to any submissions made on this matter.
- 6.7 Question 8.7 – Natural England, having now been consulted on the Environment Agency's draft Habitats Regulations Assessment for the Water Discharge Activity Environmental Permit, is invited to provide advice on whether an adverse effect on site integrity due to marine water quality impacts can be excluded for the following sites:
- Alde-Ore Estuary Special Protection Area (SPA) and Ramsar site;
 - Benacre to Easton Bavents SPA;
 - Humber Estuary Special Area of Conservation (SAC);
 - Minsmere to Walberswick Heaths and Marshes SAC;
 - Minsmere-Walberswick SPA and Ramsar site; and
 - Outer Thames Estuary SPA.
- 6.7.1 While it is recognised that this request is directed to Natural England, SZC Co. wishes to provide the Secretary of State with a summary of the evidence prepared by SZC Co. on this matter, which we hope is helpful.
- 6.7.2 SZC Co.'s assessment of potential effects on marine water quality is assessed for the SPAs and Ramsar sites in Sections 7.7 (Minsmere to Walberswick Heaths and Marshes SAC), 8.3 (Alde-Ore Estuary SPA), 8.4 (Alde-Ore Estuary Ramsar site), 8.5 (Benacre to Easton Bavents SPA), 8.8 (Minsmere-Walberswick SPA), 8.9 (Minsmere-Walberswick Ramsar site) and 8.10 (Outer Thames Estuary SPA) of the **Shadow HRA Report** [[APP-145](#)]. SZC Co. concluded that likely significant effect on the Humber Estuary SAC can be excluded for this effect pathway due to distance from the Sizewell C Project.

- 6.7.3 Further assessment of this effect pathway was provided in Sections 8.6, 8.7 and 8.8 of the **Shadow HRA Report Addendum** [[AS-173](#)]. This impact pathway was also included in the **Shadow HRA Report Third Addendum** [[REP7-279](#)] that accompanied the change request for the desalination plant (sections 8.1 a ii, 8.2 b ii, 8.3 a i, b i and c i).
- 6.7.4 The Shadow HRA concludes that adverse effect on integrity (AEol) can be excluded for all designated sites, both alone and in-combination with other plans and projects.
- 6.7.5 In response to **Natural England's Written Representation** [[REP2-153](#)], further detailed information on potential marine water quality effects was provided in the following sections of [[REP3-042](#)]:
- Section 11.25 (impacts from the thermal plume);
 - Section 11.26 (impacts from the CDO);
 - Section 11.27 (impacts from the chemical plume); and
 - Section 11.28 (impacts from drilling mud and bentonite).
- 6.7.6 In addition, further details and information on some of the key issues relating to the assessment of marine water quality effects were provided in response to the **RSPB / SWT Written Representation** [[REP2-506](#)]. These are reported in Appendix P of [[REP5-120](#)] (section 1 ii, iii, iv). Section 1.8 of [[REP7-073](#)] is also relevant in relation to the reasons why there is no potential for direct toxic effects on seabird qualifying features of the SPAs.
- 6.7.7 As part of the **Written Submissions arising from ISH15** [[REP10-161](#)], SZC Co. provided further information on potential effects on marine water quality at sections 1.3, 1.4 and 1.6.
- 6.7.8 Following the close of the examination, SZC Co. has continued its engagement with the Environment Agency in connection with its determination of our Water Discharge Activity and Combustion Activities permit applications to operate Sizewell C. During the course of this engagement SZC Co. has responded promptly to a number of requests for further information. This has included further information for the purpose of Habitats Regulations Assessment, which was extracted by SZC Co. from the evidence referred to above, including the **Shadow HRA Report** [[APP-145](#)] and **Shadow HRA Addenda** [[AS-173](#)] (and the supporting evidence to those documents).

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- 6.8 Question 8.8 – Natural England is invited to provide advice on whether an adverse effect on integrity due to indirect impacts of entrapment of prey species on the qualifying bird features of the following sites can be excluded:
- Alde-Ore Estuary SPA and Ramsar site;
 - Benacre to Easton Bavents SPA;
 - Minsmere-Walberswick SPA and Ramsar site; and
 - Outer Thames Estuary SPA.
- 6.8.1 While it is recognised that this request is directed to Natural England, SZC Co. wishes to provide the Secretary of State with a summary of the evidence prepared by SZC Co. on this matter.
- 6.8.2 SZC Co.'s position with regard to entrapment of prey species and impact on qualifying bird interest features of the Alde-Ore Estuary SPA and Ramsar site, Benacre to Easton Bavents SPA, Minsmere-Walberswick SPA and Ramsar site and Outer Thames Estuary SPA is set out in sections 8.3, 8.4, 8.8, 8.9 and 8.10 of the **Shadow HRA Report** [APP-145]. This impact pathway was also included in the **Shadow HRA Report Third Addendum** [REP7-279] that accompanied the change request for the desalination plant (refer to sections 8.1 a iii, 8.2 b iv, 8.3 a iii, b iii and c iii).
- 6.8.3 In response to **Natural England's Written Representation** [REP2-153], further information in addition to that presented in the **Shadow HRA Report** [APP-145] was provided in section 11.24 b) iv) of [REP3-042] which details the findings of further modelling to estimate local-scale depletion of fish populations as a result of impingement. This modelling demonstrates the very small magnitude of these predicted depletion levels relative to existing levels of spatial and temporal variation in the abundance of the relevant fish populations.
- 6.8.4 Further expansion and detail on this issue is set out in section i of Appendix P of [REP5-120] in response to the comments from the **RSPB/SWT Written Representations** [REP2-506]. This provides a detailed justification as to why this modelling demonstrates that no significant reductions in the prey availability of qualifying bird species will occur.

- 6.8.5 In summary, the findings from the local-scale modelling and associated work detailed in [\[REP3-042\]](#) and [\[REP5-120\]](#) (updated by [REP6-016](#)) support the conclusions of the **Shadow HRA Report** [\[APP-145\]](#) that adverse effect on integrity due to entrapment of prey species can be excluded for the Alde-Ore Estuary SPA and Ramsar site, Benacre to Easton Bavents SPA, Minsmere-Walberswick SPA and Ramsar site and Outer Thames Estuary SPA.
- 6.8.6 At Deadline 7, SZC Co. submitted a **draft Fish Impingement and Entrainment Monitoring Plan** [\[REP7-077\]](#) summarising the intended approach to fulfil Condition 50 of the deemed marine licence (a fish impingement and entrainment monitoring plan, to be submitted to and approved by the MMO in consultation with Natural England and the Environment Agency). A final **Draft Fish Impingement and Entrainment Monitoring Plan** was submitted at Deadline 10 [\[REP10-138\]](#).
- 6.9 **Question 8.9 - Natural England is invited to provide advice on whether an adverse effect on integrity due to physical interaction between species and project infrastructure on the sea lamprey and river lamprey qualifying features of the Humber Estuary SAC can be excluded.**
- 6.9.1 While it is recognised that this request is directed to Natural England, SZC Co. hopes it may be helpful to provide the Secretary of State with a summary of the evidence prepared by SZC Co. on this matter.
- 6.9.2 The **Shadow HRA Report** [\[APP-145\]](#) concludes that an adverse effect on the integrity of the Humber Estuary SAC can be excluded on the basis of the very low proportion of the sea and river lamprey population (for the Humber Estuary SAC) that would be affected.
- 6.9.3 SZC Co.'s position is set out in section 10.3 of the **Shadow HRA Report** [\[APP-145\]](#), with further assessment in section 10.2 of the **Shadow HRA Report Addendum** [\[AS-173\]](#). A series of subsequent submissions have been made of relevance to this impact pathway by SZC Co., and these are summarised as follows:
- Appendix P of [\[REP5-120\]](#), providing a summary of the application of equivalent adult values (EAV) and the justification of its appropriateness in predicting losses due to entrainment and impingement.

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- Appendix F of [\[REP6-024\]](#), providing further evidence related to the application of EAV and a comparison of this loss with the relevant population. In the case of lamprey, the maximum theoretical EAV of 1 for a semelparous (spawn once then die) species was applied as the worst case – An EAV of 1 would equate to every lamprey impinged surviving to spawn. The EA also confirmed that a value of 1 is the maximum value for an EAV for eels and lamprey [\[REP7-131\]](#).
- An update to the local effects assessment was submitted at Deadline 6 [\[REP6-016\]](#) to address stakeholder comments and re-run the assessment with more detail added to each of the species stock area assessments.
- At Deadline 6, [\[REP6-028\]](#) was submitted which quantified the uncertainty in entrapment predictions and acknowledged that the effectiveness of the low velocity side entry (LVSE) intake heads is not certain. For this reason, the assessment assumed no benefit from the LVSE heads.

6.9.4 This impact pathway was included in the **Shadow HRA Report Third Addendum** [\[REP7-279\]](#) that accompanied the change request for the desalination plant. It was concluded that there is no pathway for effect on sites with migratory fish qualifying features (including the Humber Estuary SAC) due to the proposed change.

6.10 **Question 8.10 Natural England and the Environment Agency are invited to provide their views as to whether they are satisfied with the Applicant's Deadline 10 Submission – 9.89/10.7 Draft Fish Impingement and Entrainment Monitoring Plan** [\[REP10-138\]](#).

6.10.1 While it is recognised that this request is directed to Natural England and the Environment Agency, SZC Co. hopes it may be helpful to draw the Secretary of State's attention to the detailed responses to both parties' earlier comments provided by SZC Co. at Deadline 10 [\[REP10-156\]](#); [\[REP10-157\]](#).

6.10.2 The main points that SZC Co. would like to reiterate are:

- The fundamental objective of the monitoring plan is to compare the impingement and entrainment rates of Sizewell B and Sizewell C in order to validate predictions made and assessed in the

Environmental Statement [[APP-317](#); [APP-326](#)] and supporting material [[REP6-016](#); [REP6-028](#)]. The Secretary of State can be assured that the assessments are robust, utilising as they do the best available information, that is to say the actual measured impingement and entrainment rates recorded at Sizewell B, scaled up to be representative of the larger Sizewell C power station. The proposed programme of three years intensive fish monitoring simultaneously at Sizewell B and Sizewell C, involving 28 randomised samples throughout the year at each power station over three consecutive years, is more than adequate to demonstrate, statistically, the validity of the assessments and predictions. SZC Co. does not consider that monitoring is required over a longer period than this, however should the Marine Technical Forum (MTF) decide that it does, this is catered for in Section 2.3.9 of the **FIEMP** [[REP10-138](#)] which states:

“Any action or additional monitoring considered necessary at SZC in response to the results will be agreed with the MTF. Should any uncertainty remain extended monitoring would be considered, for example on a longer-term basis at a reduced or targeted capacity, similar to the monthly routine impingement monitoring program (RIMP) completed at Hinkley Point (HPB).”

- SZC Co. has significant concerns regarding the Environment Agency's suggestion that assessment methods (including scale of assessment and EAV) must be agreed and written into the plan. It is well understood that SZC Co. and the Environment Agency disagree on these matters, and we therefore cannot support a requirement for inclusion of such agreement in the monitoring plan as this is unlikely to be achieved. Furthermore (and to reiterate), the plan's main objective is to compare the Sizewell C impingement rate with the Sizewell B impingement rate, against which the assessment has been made. Therefore, the methods used in the Environmental Statement must be retained for reasons of consistency in order to achieve this objective. Changing the method will invalidate this.
- Furthermore, there is no scientific rationale for monitoring fish every three years for the whole life of the station. Sizewell C, like Sizewell B, will abstract water from a fixed location for the whole of the operational life of the station. In that respect it acts as a 'passive' sampler of fish (and crustaceans) – i.e. it simply abstracts a proportion of what species are present and there is no reason to expect Sizewell C impacts to change over time. It will continue to passively sample

whatever fish are in the area for the duration of its operation. Therefore, while impingement might change over time, they would simply reflect changes in the fish populations in the area, it would not cause such changes. Changes in fish populations are much more significantly affected by commercial fishing, where changes are tracked by the International Council for Exploration of the Sea (ICES) and management measures implemented. SZC Co. does not understand the purpose of monitoring over the life of the station.

- While survivability through the Fish Recovery and Return system will be assessed, the logistics of doing long-term studies are difficult to implement due to on-site constraints and ethical reasons. A fully robust monitoring exercise for survivability would require keeping potentially stressed or injured fish alive to maturity and breeding in an experimental setting and all fish handling experiments quite rightly must adhere to very strict rules under a Home Office licence.
- SZC Co. notes Natural England and the Environment Agency's suggestion for the fish impingement and entrainment monitoring data to be made publicly available. This is supported by SZC Co., subject to the data being accepted by the MTF and in line with approved data sharing arrangements.

6.10.3 A full response to the Natural England and Environment Agency comments, explaining why the SZC Co.'s Deadline 10 Submission of the Draft Fish Impingement and Entrainment Monitoring Plan does not fully reflect their comments, was provided at Deadline 10 [[REP10-156](#); [REP10-157](#)].

6.11 Question 8.11 - In relation to changes to coastal processes/sediment transfer impacts on the Minsmere to Walberswick Heaths and Marshes SAC and the Minsmere-Walberswick SPA and Ramsar site, the Applicant is invited to respond to Natural England's Deadline 10 Submission – Comments on Deadline 7, Deadline 8 and Deadline 9 Submissions [[REP10-200](#)] and the RSPB/Suffolk Wildlife Trust's Deadline 10 Submission – Final Submissions [[REP10-204](#)].

6.11.1 SZC Co. is grateful for the opportunity to respond. For ease of reference, full responses to the Natural England's Deadline 10 Submission – **Comments on Deadline 7, Deadline 8 and Deadline 9 Submissions** [[REP10-200](#)] and the **RSPB/Suffolk Wildlife Trust's Deadline 10**

Submission – Final Submissions [[REP10-204](#)] are provided in tabular format in **Appendix 8**.

6.12 Question 8.12 - In relation to changes to coastal processes/sediment transfer impacts on the Minsmere to Walberswick Heaths and Marshes SAC and the Minsmere-Walberswick SPA and Ramsar site, Natural England, the MMO, the EA, the RSPB and the Suffolk Wildlife Trust and ESC are invited to comment on the Applicant's updated submissions in relation to changes to coastal process and sediment transport made at the final examination deadline:

- Deadline 10 Submission – 9.12 Preliminary Design and Maintenance Requirements for the Sizewell C Coastal Defence Feature [[REP10- 124](#)]; and
- Deadline 10 Submission – 6.14/10.5: Environmental Statement Addendum, Volume 3, Chapter 2, Appendix 2.15.A: Coastal Processes Monitoring and Mitigation Plan [[REP10-041](#)].

6.12.1 SZC Co. does not wish to make any written submissions at this stage, but we would like the opportunity to respond, if practical, to any submissions made on this matter.

6.13 Question 8.13 - In relation to the impediment of management practices on the Minsmere to Walberswick Heaths and Marshes SAC and the Minsmere-Walberswick SPA and Ramsar site, the Applicant is invited to provide details of how it can provide assurance, within the DCO or otherwise, that there will be no impediment to the RSPB's existing access route to the Minsmere reserve via Lower Abbey Farm.

6.13.1 In **Natural England's Written Summary of Oral Representations made at Issue Specific Hearing 7: Biodiversity and Ecology on 15th and 16th July 2021** [[REP5-160](#)] (e-page 13), they stated:

“The Applicant has stated that they will provide a written commitment, including a plan, showing access routes to maintain access for the RSPB to continue management

to the southern side of the Minsmere reserve (within the Minsmere-Walberswick SPA and Ramsar site and Minsmere to Walberswick Heaths and Marshes SAC) and also retained areas of Sizewell Marshes SSSI (which is not addressed in the agenda item) at Deadline 5.

These three routes broadly follow existing routes but in two cases short local diversions, as shown on the plan, are required to ensure SSSI land managers are able to access the land without hinderance, for example by having to pass through the fenced site boundary to the construction area.”

- 6.13.2 At Deadline 8, SZC Co. submitted a plan showing the retained access to the Minsmere reserve (within the Minsmere-Walberswick SPA and Ramsar site and Minsmere to Walberswick Heaths and Marshes SAC), and the retained areas of Sizewell Marshes SSSI, as Appendix J [\[REP8-119\]](#) (e-page 337) of SZC Co.'s **Comments on Earlier Deadlines and Subsequent Written Submissions to CAH1 and ISH8-ISH10** [\[REP8-120\]](#). The accompanying text was inadvertently omitted from the SZC Co.'s **Comments on Earlier Deadlines and Subsequent Written Submissions to CAH1 and ISH8-ISH10** [\[REP8-120\]](#). On this basis the intended amendments to the **Code of Construction Practice (CoCP)** were not included within the final version submitted at Deadline 10 [\[REP10-072\]](#).
- 6.13.3 The following text should have been included in a new Section 2.16 of SZC Co.'s **Comments on Earlier Deadlines and Subsequent Written Submissions to CAH1 and ISH8-ISH10** [\[REP8-120\]](#):

“In response to Natural England’s Written Summary of Oral Representations made at Issue Specific Hearing 7: Biodiversity and Ecology on 15th and 16th July 2021 [REP5-160] regarding access to retained areas of the Sizewell Marshes SSSI, SZC Co. has prepared a plan (Appendix J) which illustrates the retained access routes to the Sizewell Marshes SSSI. These three routes broadly follow existing routes but in two cases short local diversions, as shown on the plan, are required to ensure SSSI land managers are able to access the land without hinderance, for example by having to pass through the fenced site boundary to the construction area.

Where the local diversions require establishment, these would be established prior to the boundary fencing being established in these locations to ensure continual unhindered access. The approach described here will be included in Part B of the CoCP submitted at Deadline 10 to ensure it is secured."

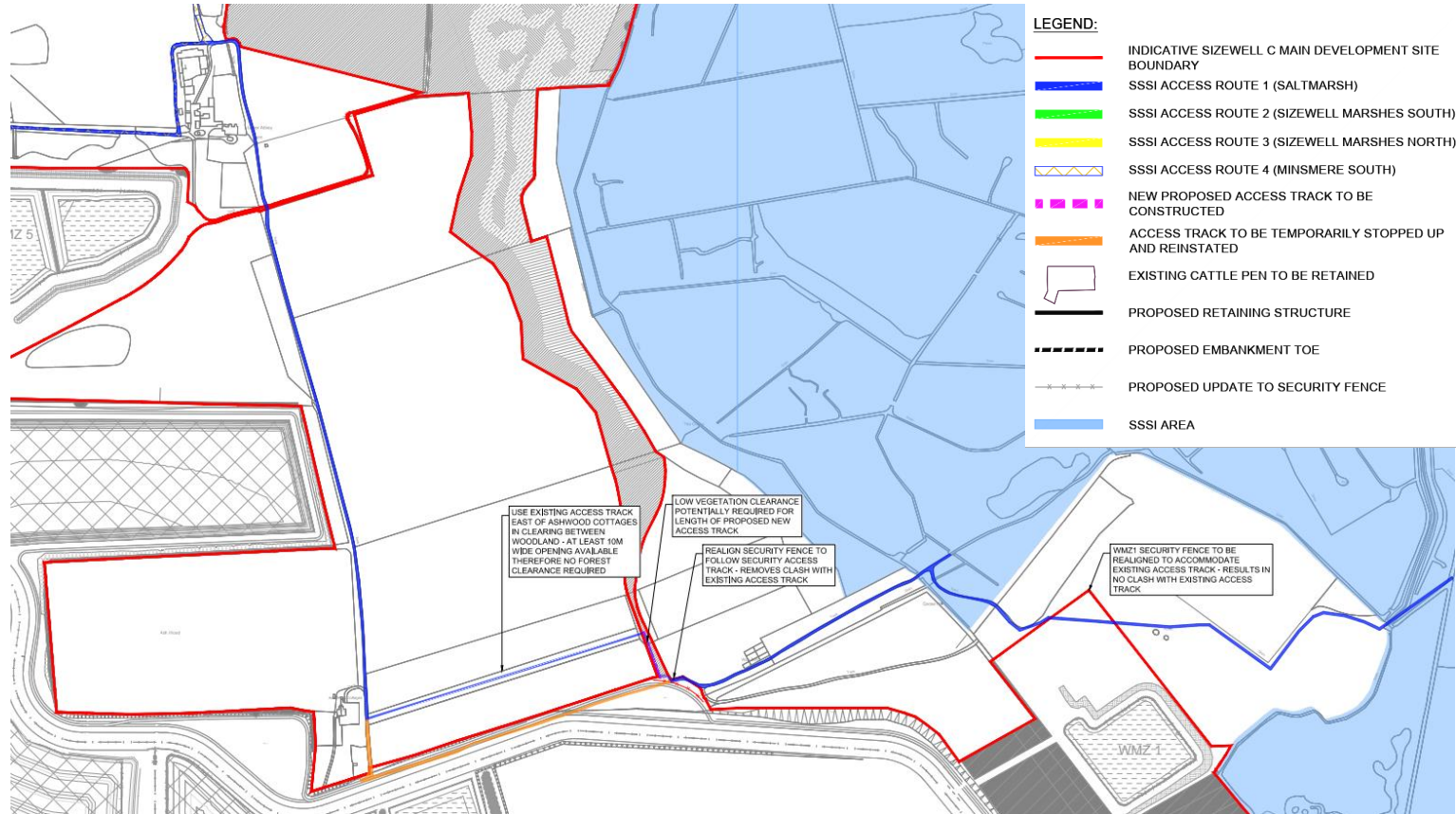
- 6.13.4 Appendix J [REP8-119] (e-page 337) of SZC Co.'s **Comments on Earlier Deadlines and Subsequent Written Submissions to CAH1 and ISH8-ISH10** [REP8-120] has therefore been included as a new Figure, **Figure 1**, in an updated **CoCP** that has been provided in **Appendices 3** and **4** of this response (tracked and clean versions, respectively). In addition, for the sake of clarity, the updated **CoCP** also includes the following amendment in **Section 1.2**, as an additional bullet under **Paragraph 1.2.1**:

*"Existing and proposed temporary access routes to the Minsmere to Walberswick Heaths and Marshes SSSI and Sizewell Marshes SSSI must be managed in accordance with **Figure 1**. Where any of the specified local temporary diversions are required to maintain access to these SSSIs for conservation management purposes during the construction phase, as shown on **Figure 1**, these diversions must be established prior to the existing routes being rendered unavailable".*

- 6.13.5 These additions to the **CoCP** demonstrate that there will be no impediment to the RSPB's existing access route to the Minsmere to Walberswick Heaths and Marshes SSSI via Lower Abbey Farm. Whilst part of the access route south-east of Lower Abbey Farm and Ash Wood, west of Retsom's field, is shown to be temporarily unavailable, an alternative route is to be provided to allow continued unhindered access into the Minsmere reserve. For expedience, **Plate 6-1** below, is an extract from the new Figure 1 included in the updated **CoCP** provided in **Appendices 3** and **4** showing the existing and proposed temporary diversion routes in the vicinity of Lower Abbey Farm. The existing route are shown in blue and the diversion route in shown orange. The existing routes will be restored in full following construction.

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Plate 6-1: Retained and modified access to the Minsmere Reserve extracted from Appendices 3 and 4



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- 6.14 Question 8.14 - In relation to indirect impacts from the disturbance of prey species on the little tern and common tern features of the Outer Thames Estuary SPA, and the little tern feature of the Minsmere-Walberswick SPA and Ramsar site, the Applicant is invited to provide suggested amendments to Deemed Marine Licence Condition 36(3) which restrict all construction works for the Beach Landing Facility and Temporary Marine Bulk Import Facility between the 1st May to 31st August inclusive.
- 6.14.1 Deemed Marine Licence Condition 36(3) currently only restricts impact piling between the 1 May to 31 August inclusive in order to avoid potentially significant disturbance to prey species (i.e. fish) of the little tern and common tern arising from underwater noise. A restriction on all construction activities for the Beach Landing Facility (BLF) and temporary Marine Bulk Import Facility (MBIF) is not necessary because there is no pathway for disturbance to fish from airborne noise. With the exception of impact piling, the **shadow Habitats Regulations Assessment (sHRA)** did not assume any timing constraints would apply to other construction works in reaching a conclusion of no AEOL for tern species.
- 6.14.2 However, SZC Co. acknowledges that inconsistent text in the **sHRA Addendum [AS-173]** that supported the change submission seeking consent for the MBIF may have led to confusion. Section 8.7 of the **sHRA Addendum [AS-173]** assesses the potential impact of the enhanced BLF and construction of a new temporary MBIF and at Section 8.7.1 makes the following statement:

“As detailed in Section 7.2, the construction of the enhanced permanent BLF would require a total of 28 piles. Construction of the new temporary BLF would require 120 piles. This compares with the maximum of 12 piles (for the permanent BLF) assessed in the Shadow HRA Report (Doc Ref. 5.10). Additional dredging for the design change would include localised plough dredging for the installation of the piles. All construction works for both the enhanced permanent BLF and the new temporary BLF would occur outside the little tern breeding season, which is assumed to be May to August, inclusive.”

- 6.14.3 Section 8.8.5 of the **sHRA Addendum [AS-173]** also does not explicitly state that only impact piling is considered the source of significant underwater noise:

"Indirect effects due to the effects of underwater noise on the fish prey species of common tern would not result from the construction of the BLFs because these works would occur outside the common tern breeding season (which is also May to August – Ref. 8.3)".

- 6.14.4 In all other relevant sections, the **sHRA Addendum [AS-173]** does specify that potentially significant underwater noise impacts would only arise from impact piling. For example, Section 9.2.18 states *'To mitigate the potential for impacts on breeding birds, no piling would occur in May to August inclusive'*; and Section 9.2.38 states *'No piling would occur in the months of May, June, July or August to minimise the potential for effects on designated breeding birds'*.

- 6.14.5 The statements at 8.7.1 and 8.8.5 in the **sHRA Addendum [AS-173]** (*'All construction works'* and *'these works'*) were imprecise and should have specifically referred to impact piling only as opposed to all construction works, because impact piling is the only source of underwater noise that has the potential to affect fish prey items for terns. Construction works above water, for example the laying of BLF or MBIF decking components or the installation of the MBIF conveyor or associated facilities, would not create significant underwater noise nor lead to any disturbance effect for fish prey.

- 6.14.6 Restricting all construction works on the BLF and MBIF during the period May to August inclusive would delay the completion of the MBIF construction and have a knock-on effect on the programme for importing backfill. The consequences of this would mean either a delay to the overall construction period or create a risk of offsetting the delay by transporting backfill by road and rail, thus increasing HGV numbers beyond those committed to in the DCO. Neither of these scenarios is desirable or necessary given there is no identified pathway for construction works above the water surface to disturb fish and, thereby, indirectly affect breeding terns. Hence the Applicant proposes that the limitations of impact piling for months May to August inclusive are sufficient.

- 6.15 **Question 8.15 - In relation to in-combination impacts on the harbour porpoise feature of the Southern North Sea SAC, the**

Applicant, in consultation with Natural England, is invited to provide an updated SIP subsequent to Deadline 10 Submission – 5.10/10.11 Shadow Habitats Regulations Assessment Addendum Appendix 9A: Southern North Sea Site Integrity Plan [REP10-022] to address Natural England's outstanding concerns in Deadline 10 Submission – 9.10.7 Statement of Common Ground [REP10-097].

- 6.15.1 Please see **Appendix 9** for an updated version of the **shadow Habitats Regulations Assessment Appendix 9A: Southern North Sea Site Integrity Plan [REP10-022]**, which addresses Natural England's outstanding comments in the Deadline 10 **Statement of Common Ground** submission [REP10-097].
- 6.16 Question 8.16 - With regards to disturbance upon the bittern, gadwall and shoveler features of the Minsmere-Walberswick SPA and Ramsar site caused by excavation works associated with the creation of the marsh harrier compensatory habitat 6 [that are due to commence in the first winter of construction], the Applicant is invited to submit an updated Code of Construction Practice which includes an amendment to the excavation period to specifically exclude the month of February.
- 6.16.1 Further to SZC Co.'s Response 7.1 to the Secretary of State's letter dated 18 March 2022, SZC Co. has updated and submits alongside this response an updated **Code of Construction Practice (Appendices 3 and 4, comprising the tracked and clean versions, respectively)**. This provides further control on the excavation works that are subject to seasonal constraints and amends the period that such works can take place.
- 6.16.2 SZC Co. has consulted further with Natural England and the RSPB since the close of the examination, and both parties have confirmed that placing a constraint on excavation works to be undertaken between mid-August and the end of the following February will not disturb breeding bittern, marsh harrier or any other breeding bird feature of the Minsmere-Walberswick SPA and Ramsar site. Please see the response to Question 7.1 of the Secretary of State's Request for Further Information dated 18th March 2022 for further details.

- 6.16.3 Upon review of its own material submitted during the Examination, SZC Co. has found reference to a small number of its own responses that incorrectly stated that February is excluded from the excavation period. SZC Co. wishes to assure the Secretary of State that the **Environmental Statement** and **Shadow Habitats Regulation Assessment** assumes the inclusion of February and there is no disagreement with stakeholders on this matter.
- 6.16.4 On this basis the amendments to the **CoCP** referred to above do not exclude the month of February as it is not necessary to do so.
- 6.16.5 The CoCP has also been updated as follows:
- Status update on draft protected species licenses for clarity, based on the update provided in response to Question 8.1 (Parts B & C).
 - Additional controls relating to air quality monitoring at proposed pedestrian crossing locations on the A12 and the B1122, as set out in response to Question 4.3 of the Secretary of State's Request for Further Information dated 18th March 2022 (Part C only).
 - Additional controls providing unhindered access for RSPB to Minsmere as set out in response to Question 8.13 (Part B only).
 - Minor clarifications to controls in the marine environment (Part B only).
- 6.16.6 Whilst no amendments have been made to Part A of the **CoCP** (Project-wide controls) a full replacement **CoCP** is provided for clarity.
- 6.17 Question 8.17 - Section 28I of the Wildlife and Countryside Act 1981 includes procedural requirements in relation to operations likely to damage features of a SSSI. At the end of the Examination, Natural England were of the view that there would be harm to SSSIs. The Secretary of State asks Natural England to confirm whether they agree that the DCO examination has met the requirements to give Natural England notice of the proposed operations and time to respond (section 28(2) to (4)).
- 6.17.1 SZC Co. does not wish to make any written submissions at this stage, but we would like the opportunity to respond, if practical, to any submissions made on this matter.

7 OTHER MATTERS

7.1 Updated draft Development Consent Order

7.1.1 In SZC Co.'s submission in response to the Secretary of State's request for information dated 18 March 2022, SZC Co. committed to provide a track change and clean version of the draft Development Consent Order (Rev 11A) incorporating the changes identified in that response as set out in the DCO Schedule of Changes appended to that submission as Appendix 1.

7.1.2 In **Appendix 10** to this response, SZC Co. provides an **Eleventh Draft Development Consent Order Addendum - Proposed Changes to the Draft Development Consent Order**, reflecting some further minor modifications requested to the draft Development Consent Order. SZC Co. also provides at **Appendix 11** a track change version of the draft Development Consent Order (incorporating those changes set out in the DCO Schedule of Changes), and a clean copy of the updated draft Development Consent Order at **Appendix 12**.

7.2 Deed of Variation

7.2.1 At **Appendix 13**, SZC Co. has provided a copy of a Deed of Variation entered into with Suffolk County Council and East Suffolk Council on 13 April 2022 to vary the terms of the Deed of Obligation which was completed on 8 October 2021 [[REP10-076](#) to [REP10-081](#)]. The updated draft Development Consent Order now refers to the original deed as varied as (together) the 'Deed of Obligation' and the two documents will be certified together as such pursuant to article 80 and Schedule 24.

7.3 Book of Reference

7.3.1 In **Appendix 14** to this response, SZC Co. has provided an updated Book of Reference Schedule of Changes, reflecting further minor modifications. An updated version of the Book of Reference is provided as **Appendix 15** for completeness.