

- Mr I Galloway

18th May 2022

BY E-MAIL ONLY

Mr K Kwarteng

Secretary of State for Business, Energy and Industrial Strategy
Department for Business, Energy and Industrial Strategy (BEIS)
1, Victoria Street, London, SW1H 0ET

Your Ref: EN010012

Covering letter

Dear Secretary of State,

As an Interested Party to 'The Sizewell C Project', I hereby attach my full comments in respect to the responses made by the Applicant (and others) to your letters of the 18th and 31st March 2022.

Whilst writing, I am also anxious to comment on two other recent developments that in my view have a direct bearing on your consideration of the 'Project' – if it were to receive Consent.

First, the impact of the revised Water Licence arrangements that came into force (from the 1st April 2022) are exposing huge rises for farmers applying for a Water Abstraction Licence. For example, one Applicant is reportedly facing a 140-fold increase, rising from £135 to £18,308.

As you will no doubt be aware, farming in the East of England is often dependent on abstraction for crop irrigation. Consequently, whilst farmers may be able to adapt [over time] through a range of measures; reservoir water collection, differing crop planting, direct sowing and low-plough, plus other 'new era innovations'; it is unlikely that land productivity, yields and farming economics will go unimpacted. Despite all this, I remain hopeful that East Suffolk farming will survive and continue to offer a significant contribution to the really; nutritious, tasty, healthy and 'low mile' 'Great British' food industry.

However, I am concerned that whilst it is now clear what the impact of this new initiative is on our East of England horticultural and agricultural industries; what is not so clear is exactly how 'The Sizewell C Project' will be dealt with regarding potable and non-potable water should it receive 'Consent'.

I would hope that it would receive at least equivalent treatment to that of the Horticultural and Agricultural sectors. Moreover, I would expect that the fullest details were clearly spelt out in a public statement accompanying the Consent, should it be given

With that in mind, I would be grateful if you could carefully consider the whole issue of potable and non-potable water (and its use and potential abuses) during the whole lifecycle of the proposed Sizewell C Project, putting all necessary restrictions and safeguards in place to minimise the potential impacts, prior to making your final decision(s).

Second, I am concerned at the most recent ecological disclosures by the Applicant, specifically the identification of nesting Marsh Harriers in or very close to the SSSI.

Whilst I understand that 'Mother Nature' may occasionally confound the views of widely respected experts, I am concerned that the preparedness of the Applicant for such an eventuality does seem somewhat limited.

I am not an expert in this field, or many others for that matter; but I did hear time and time again during the examination, from many respected people, what in essence could be summarised as 'nature does not respect; man, their rules or their boundaries.'

This instance of the nesting Marsh Harriers, whilst not specifically mentioned during the Examination, should bear witness to expert testimony that the ecological damage of constructing a hugely large and complex Power Station at the Sizewell Site is a dangerous and irrevocable step that may have long term consequences that; can neither be accurately forecast, fully mitigated or 'adequately compensated for'. Appendix A provides a more detailed review of the Applicant's response.

Consequently, I am asking that you to take a step back, reflect on the breadth and complexity of the ecological assets 'The Sizewell C Project' will impact and fully consider whether the likelihood of widespread irrecoverable consequences is a price worth paying when; so many more accommodating sites are available, let alone all the other opportunities Small Modular Nuclear deployment should bring, without such widespread ecological damage.

Yours in anticipation

Ian Galloway
Interested Party #20025801

Application by NNB Generation Company (SZC) Limited for an Order granting Development Consent for the proposed Sizewell C Nuclear Power Station.

Comments from Interested Party #20025801 (Mr I Galloway) in respect of the responses to the requests from the Secretary of State for additional information (Letters of the 18th and 31st March 2022 refer).

Notes: Italic text indicates verbatim extracts of responses

Questions and Queries are identified by **Q#**

1. Introduction

After more than a decade of wrestling with the multiplicity of proposals from ‘the Applicant’, I am grateful to the Secretary of State for providing me the opportunity to express my view of the responses recently submitted by the Applicant and other significant parties.

Recognising the Secretary of State has limited time to conclude matters in respect of the Application and has already identified significant discrepancies within the most recent documentation submitted by the Applicant, I will attempt to; keep my points brief, focused on areas where I have some knowledge and as direct as is appropriate at this late stage in the process.

2. ESC Response (Dated 14th April 2022 – Naomi Goold)

2.1 ESC Response – Secretary of State Point 8.12 refers

I concur with the view expressed by ESC that *“the SCDF is a necessary mitigation feature that should be maintained whilst the HCDF exists, and that the Applicant should not withdraw maintenance if it becomes expensive.”*

However, I am concerned at the addition of *“if it becomes expensive”*. In my view there should be no reason for the withdrawal of maintenance of the SCDF, least of all one based on the issue of cost.

Whilst I am happy that ESC continues *“ESC has concerns with several aspects of the HCDF design submitted at deadline 10. These will be resolved with the Applicant under the discharge of Requirement 12B requiring ESC’s approval of the HCDF design.”* I am nevertheless concerned that the response falls short of explicitly stating how ESC will determine their basis of design approval. I am unaware of suitable expertise existing within the ESC and consequently assume ESC will incur specialist consultancy cost.

Q1 Could the Secretary of State take steps to establish that provisions are in place to ensure that ESC residents do not indirectly pay for any costs incurred by ESC in employing specialist skills to gain the objective assessment of any HCDF or SCDF designs being brought forward by the Applicant.

3. Environment Agency Response (Dated 14th April 2022 – Simon Barlow)

3.1 Environment Agency Response – Secretary of State Point 8.6 refers

I note in the final paragraph of the Environment Agency’s response to Point 8.6 (top of second page) the Environment Agency outline their public consultation process as *“...we are preparing our proposed decisions on environmental permit applications for Water Discharge Activity, Combustion Activity and Radioactive Substances Activity.”*

We expect to launch a public consultation during June 2022 on these proposed permit decisions. Responses will be required within 12 weeks."

Q2 I am concerned that; despite this significant 'void' in the details of how the Applicant may be permitted to progress the 'proposed works', in the interim the Secretary of State may decide to grant a Development Consent Order for the Applicant proposal, some of which remain incomplete or lacking in important detail.

Q3 One has to question how appropriate 'checks and balances' can be maintained in such a disjointed environment and what safeguards are in place to ensure that the totality of the development (should it be approved) is properly governed throughout its' construction; by whom and at what cost (i.e. if it is ESC as the Planning Authority, do the residents bear any of the governance costs)?

3.2 Environment Agency Response - Secretary of State Point 8.10 refers

I am gravely concerned that despite the Environment Agency providing detailed comment and areas of concern at Examination Deadlines 8 and 10, it seems the Applicant has still not been able to fully address them satisfactorily.

Q4 The Secretary of State may wish to reflect on how long these issues have been outstanding and the tremendous pressures that the Environment Agency operated on during the Examination (and during COVID) in order to assist the Examination Team, Interested Parties and members of the public on areas of complexity and specialist, detailed knowledge.

As I acknowledged at the beginning of this submission, I am no expert in these particular areas.

However, I am a project professional of over thirty years' experience and would be very, very concerned should; workstreams forming any of my projects, fail to perform pre-commencement activity (in a timely fashion) on the scale I have witnessed with SZC work.

As I think most members of any project will recognise, failure to prepare, more often than not is a determinant for having to make 'preparations to fail'.

I will not rehearse the detail of the Environment Agency concerns set out at Appendix A, but regard the breadth and depth of areas remaining 'unresolved' as indefensible. Particularly, as they may have long term detrimental impacts if not adequately addressed prior to any consent being given.

4. Marine Management Organisation Response (Dated 12th April 2022 – Graham Richardson)

4.1 Marine Management Organisation Response – Secretary of State Point 4.2 refers

As a member of the public, the response made by the Marine Management Organisation is concerning, insofar as the motivation for the changes being sought by the Applicant (Harbour Powers, Statutory Harbour Authority, Harbour Authority, Competent Harbour Authority, etc.) appears contrary to the 'normal' form of arrangements made and outlined by the MMO.

Q5 Without wishing to muddy the waters (sic), the Secretary of State may wish to understand why the Applicant wishes to achieve something outside of the 'norm' and the motives that are driving that desire.

Q6 It may be informative to the Secretary of State; for the MMO (and or others) to fully portray the 'norm' model of; responsibilities, obligations, powers and accountabilities, etc. alongside the variant(s) desired by the Applicant.

5. Maritime and Coastguard Agency Response (Dated 14th April 2022 – Helen Croxson)

5.1 Maritime and Coastguard Agency Response – Secretary of State Point 4.2 refers

It seems that both the Marine Management Organisation and the Maritime and Coastguard Agency are in reasonably close alignment in regard to the ‘looser’ requirements being sought by the Applicant.

Q7 In the absence of a compelling reason (from the Applicant) for the desired deviation from the ‘norm’, it is difficult to see why the Secretary of State would ride in the face of advice from those with specific responsibility for harbours and their operation.

Moreover, there would seem to be no ‘upside’ to either the public, others navigating the coast or users of the East Anglian inshore waters for a deviation from the ‘norm’.

6. Natural England Response (Dated 14th April 2022 – Jack Haynes)

6.1 Natural England Response – Secretary of State Point 8.1 refers

It is of grave concern that Natural England still have work in hand to “*resolve issues*” prior to it being able to give consideration to issuing an appropriate LONI.

This is particularly galling given the volume of reassurances given by the Applicant throughout the Examination period.

6.2 Natural England Response – Secretary of State Point 8.5 refers

Once again work presented very late in the Examination process (REP10-072) has failed to fully address the concerns of a Statutory consultee and reinforces concerns expressed by many Interested Parties that; the Applicant was taking a very cavalier approach to the Examination, was failing to fulfill the ‘front loading of the Examination’ requirement of the Examination Panel and most importantly was withholding information on areas of public concern until the very last moment...or beyond.

Moreover, it is clear from Natural England’s response that the Applicant has much work to do in several areas, in order that Natural England can make a suitable assessment of risks around drilling and the associated bentonite issues.

Q8 There is additional concern, in that the Applicant is currently seeking approval (via an ESC Planning Application) to conduct geotechnical trials for ground anchor and deep soil mixing works, both of which may (or may not?) necessitate drilling (and give rise to potential bentonite issues?). The Secretary of State may wish to seek assurance on the latter, in consultation with the Applicant and ESC Planning.

6.3 Natural England Response – Secretary of State Point 8.7 refers

The stated inter-dependency of Natural England on further work by the Environment Agency (see section 3 above) could see another area of work not resolved prior to the Secretary of State addressing the granting (or not) of a DCO for Sizewell C.

Q9 Given the sensitivities in and around; SPA, Ramsar and SAC sites across a large area of Eastern England and the Thames Estuary, it would seem imperative that the work (including the public consultation) by both entities be complete and understood prior to the Secretary of State making his final decision.

Q10 To do otherwise, could be regarded as irresponsible, especially if all the potential consequences were not fully understood and in the public domain, presumably accompanied by recommended mitigations where they exist or are possible?

Q11 It is unclear whether the advice to the Secretary of State includes consideration of a significant desalination plant (10-12 years assumed 'temporary life', although possibly for the entire operational lifetime of the proposed SZC).

6.4 Natural England Response – Secretary of State Point 8.8 refers

Q12 It is unclear whether the advice to the Secretary of State includes consideration of a significant desalination plant (10-12 years assumed 'temporary life', although possibly for the entire operational lifetime of the proposed SZC).

6.5 Natural England Response – Secretary of State Point 8.9 refers

Q13 It is unclear whether the advice to the Secretary of State includes consideration of a significant desalination plant (10-12 years assumed 'temporary life', although possibly for the entire operational lifetime of the proposed SZC).

It also seems that the Applicant has failed to encompass the most recent River Lamprey information available in the extensive work undertaken by HIFI when compiling the 2020 comprehensive report for the MMO, preferring instead to rely on a report now approaching four years old.

Q14 The Secretary of State may consider it sensible to seek an update from the Applicant identifying whether or not the elapse time between reports saw significant/step changes (for example were the differences in River Lamprey population estimates material, as seems to be the view of Natural England).

6.6 Natural England Response – Secretary of State Point 8.10 refers

Q15 It is a cause of considerable concern to read that Natural England take the view that *"...our comments have largely not been addressed..."* and that consequently they remain dissatisfied with the Applicants monitoring plan.

Equally concerning are the *"General Comments"* subsequently made by Natural England.

In essence Natural England are critical of the short period of intensive monitoring being proposed (3 years) for a Project taking up to 12 years to construct and likely well beyond 60 years in operation, let alone the unknown (but long) time, until the proposed development is; decommissioned, removed and the site thoroughly cleared of potential sources of nuclear and non-nuclear contamination.

Moreover, Natural England highlight the vagueness of the Applicants proposals for; achieving extensions to the period of monitoring and the composition of the MTF (Marine Technical Forum).

As a consequence, Natural England seem to question the potential competence of the MTF to have decision making responsibility without considerably more content and context being agreed upon.

Q16 The Secretary of State may wish to reflect on the malaise alluded to by Natural England, and take immediate steps to achieve a sensible position, acceptable to all parties, that addresses the foregoing concerns as well as the subsequent issues, where the Applicant and Natural England seem destined to reach an impasse without appropriate encouragement.

6.7 Natural England Response - Secretary of State Point 8.12 refers

In response to the Secretary of State's request, Natural England demonstrate the frustrations experienced by many Interested Parties as the Applicant brought forward numerous thin and/or incomplete proposals very late in the Examination.

In Paragraph 1.14 of the Natural England response, they express their relief that the Applicant has now made a commitment to use 'native material' - something being sought at Deadline 10 of the Examination. However, their subsequent comments indicate this may turn out to be a pyrrhic victory, noting that *"this remains only part of our concerns in terms of work required before we can agree with the Applicant's conclusion of no adverse effect on integrity."*

Natural England continue describing some of the *"...further work on the soft Coastal Defence Feature (sCDF) design, threshold volumes for recharge, particle size modelling (to refine/optimize) and groundwater work, as well as clarification on inconsistencies/errors..."*

Q17 In part, I am concerned that as Natural England achieve a degree of success in their dealings with the Applicant, the self-same Applicant is seeking Planning Permission through East Suffolk Council Planning Department for Geotechnical works to develop potential land anchors for the Coastal Defence Feature, which at present seemingly has an incomplete design.

Q18 In isolation the Secretary of State may consider this issue to be of little import. However, as I discovered during the Examination, it was made clear that the Applicant has abandoned the more traditional Project Management methodologies (i.e. Waterfall) in favour of a more flexible approach (i.e. Agile), presumably to leverage the time and cost benefits Agile style methods have achieved in 'new wave' industries (software development, gaming development, 'app' development, etc.).

Q19 The Secretary of State may wish to acquaint himself with the risk profile associated with 'Agile' style Project Management, as opposed to the more traditional routes.

6.8 Natural England Response - Secretary of State Point 8.15 refers

It is noted that the Secretary of State, through 'timeboxed' activity, is seeking to achieve a conclusion to significant areas of work that were not achieved during the Examination period (or subsequent to it), largely either because of; the Applicant (tardiness, lack of detail, incomplete/incorrect submissions, etc.) or Government Departments and Agencies (Covid 19, resourcing, workload, specialist skills, etc.).

Q20 The Secretary of State may wish to reassure himself that despite the pressures that 'timeboxing' can generate, he remains confident that the totality of these individual outputs contributes to a timely, quality and financially sustainable outcome.

6.9 Natural England Response - Secretary of State Point 8.17 refers

Having read the NE response as it applies to detrimental impacts on SSSI (whether they be within or without of the area of operation), I am led to believe that:

Q21 i] a Section 28 Authority must give notice to EN of the proposed operations before they are permitted

Q22 ii] Neither the DCO Examination nor any other part of the DCO Process can in itself constitute this formal notification

Q23 iii] The Authority shall wait 28 days [Calendar?] from the day of the notice before deciding whether to give permission, unless NE notify the Authority that it need not wait.

Q24 iv] In making its decision the Authority must take into consideration advice from NE in deciding whether or not to permit the operation and

Q25 v] if it does decide to permit then it must also decide what conditions (if any) are attached to the permission.

Q26 vi] If NE advise against permitting the operations, or advise of conditions that should be attached to the permission, but the 28G Authority does not follow that advice, the authority –

- a) Shall give notice of the permission, and of its terms to NE and include a statement of how (if at all) the Authority has taken account of the (Council) advice and
- b) Shall not grant a permission which would allow the operations to start before the end of 21 days [Calendar?] beginning with the date of that notice.

Q27 vii] In the specific circumstances of the SZC DCO, NE do not believe it would be lawful to accept that this DCO Examination process equates to a notice under s.281.

Q28 vii] There are contributing factors applicable to this advice:

- The case is complex and NE foresee legal risk in treating it as a ‘notice’
- Loose interpretation of s.281 leaves scope for requests for Judicial Review
- Nothing in the DCO process realistically constitutes ‘notice’
- BEIS only become engaged when it received the Examining Authority’s Report and Recommendations, the nature of which NE are not at the time of writing aware of
- S.281 duty rests with BEIS, not the Applicant, the ExA or any other party.
- There remain outstanding issues affecting SSSI’s in this case that remain to be concluded, as evidenced by the letter to NE from the Secretary of State (31st March 2022)

7. RSPB & Suffolk Wildlife Trust Response (Dated 12th April 2022)

7.1 Preface

Q29 I firmly believe the RSPB and Suffolk Wildlife Trust should be permitted the opportunity to present the totality of their final position(s) to the Secretary of State, something denied them because of the willful manipulation of the DCO Examination process by the Applicant.

I do not intend to express further their myriad concerns, but feel the preface to their response (below) provides a concise portrayal of their continuing frustration with the Applicant and their attitude to an unquestionably focused and expert organisation and it’s invaluable inputs to the DCO process.

“Thank you for giving us the opportunity to comment further. We would also be grateful for the chance to comment on the answers given to your first set of questions issued on 18 March 2022, as well as responses provided to these second set of questions issued on 31 March 2022.

A number of the questions asked pertain to topics where we had not reached agreement with the applicant at the end of Examination. The questions confirm the importance of this further information and therefore we believe it should have been available during the Examination where we would have had a chance to comment on it, including flagging any environmental concerns we may have had for the Examiners and ultimately the Secretary of State as the Decision Maker to take into account.

Due to the large number of questions relating to areas and topics in which we actively engaged, almost entirely, having residual concerns about and our inability to comment in detail previously due to the Applicant providing updates within the final deadline.

Whilst we appreciate this chance to comment on a few aspects, we believe we should have an opportunity to comment on all responses provided by others particularly the Applicant especially if further, new information is being provided."

7.2.1 RSPB & Suffolk Wildlife Trust Response - Secretary of State Point 8.12 refers

Q30 I am concerned that this respondent, alongside others has previously and continues too; express anxiety about the lack of agreement on the particle size of the sCDF.

Q31 The Secretary of State may wish to seek assurances from the Applicant that environmental concerns will (wherever possible) be given at least equal weight to any engineering requirements in agreeing the particle size of the sCDF.

7.2.2 RSPB & Suffolk Wildlife Trust Response - Secretary of State Point 8.12 refers

Q32 It is wholly unconscionable that *"there are currently no established mitigation techniques to address adverse impacts on the annual vegetation of drift lines and since this has not been satisfactorily addressed there could be lasting impacts on the protected sites"*.

Q33 The Secretary of State must urgently seek resolutions from the Applicant that meet with the agreement of the RSPB and Suffolk Wildlife Trust.

7.2.3 RSPB & Suffolk Wildlife Trust Response - Secretary of State Point 8.12 refers

Moreover, the very fact the Applicant has not even been able to commit *"to mitigation should the monitoring of the effects of the offshore infrastructure or the temporary onshore infrastructure reveal unexpected impacts."* demonstrates the scant regard it has for; the location, the environment, the views of interested parties and specialist consultees.

Q34 The Secretary of State must urgently seek resolutions from the Applicant that meet with agreement of the RSPB and Suffolk Wildlife Trust.

7.2.4 RSPB & Suffolk Wildlife Trust Response - Secretary of State Point 8.12 refers

Paragraph 1.13 of the Response highlights a problem throughout the Examination (and prior to that, Pre-Application Consultation material from the Applicant) whereby the Applicant fails to maintain the timely and accurate updating of their documentation, giving rise to ambiguity, conflicts and unnecessary confusion.

I note the Secretary of State has also suffered the from this laxity during his review of the Applicants submissions aimed at supporting their request for a DCO.

Q35 The Secretary of State may wish to reflect on whether this long standing lack of attention to detail is a desirable characteristic in an Applicant seeking to develop one of the largest and potentially most destructive civil nuclear installations in Europe.

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

8.1 Appendix 4 Executive Summary - Secretary of State Point 8.16 refers

8.1.1 The Pre-Application Consultations and Examination process surfaced the proclivity of the Applicant for; 'cut & paste', repetition, overelaboration and complexity rather than simplicity. This particular characteristic appears to have been carried through into the response to the Secretary of State and is mentioned here, as it makes the task of participating in the DCO process almost impenetrable to some Interested Parties.

Q36 The Secretary of State is asked to review the Executive Summary of this Appendix (as an example) and consider whether this form of submission enhances; understanding, participation and clarity.

Q37 The Secretary of State may also wish to note that the term 'DCO' is described by the Applicant as both "*Development Control Order Process*" (last line Para3) and elsewhere as "*Development Consent Order*".

8.1.2 At Para 1 the Applicant identifies the document as outlining "*how bats will be safeguarded within the site preparation and construction phases of the development, in order that no offences are triggered under applicable wildlife legislation.*"

Q38 The Secretary of State may wish to consider whether terms elsewhere in the Applicants submission safeguard bats within the site during the operational (mentioned at 1.1.10 – Page 4) and decommissioning phases (not mentioned as far as I can see), even if this only amounts to confirmation that the Applicant (or any other undertaker) will comply all with requirements and regulations in force during the periods of; operation and decommissioning.

8.1.3 At Para 3 the Applicant uses the phrase "*The project is being submitted as a component Nationally Significant Infrastructure Project (NSIP)*".

Q39 As an Interested Party who participated throughout the Examination Process, at no time was I made aware that the Project was to be submitted as a "*component NSIP*", nor can I find reference to this term elsewhere.

Q40 Consequently, the Secretary of State may wish to satisfy himself that the term "*component Nationally Significant Infrastructure Project (NSIP)*" is, or is not a formalised term and properly defined. If it is not formally defined, he may wish to satisfy himself that the Applicant is aware of this and seek clarification as to what the intention was by using the term.

Q41 8.1.4 At Para 4 the Applicant uses the term "*outlines the key approaches to avoiding impacts to bat populations present within or adjacent to the construction site*", implying there may be other "approaches" the Applicant intends to use, or 'hold in abeyance'.

Q41 The Secretary of State may wish to satisfy himself that all practical 'approaches' are being deployed to avoid detrimental impacts to bat populations prior to the commencement of any works, howsoever they be described.

8.1.5 At Para 4 the Applicant uses the phrase "*It [the Bat Non Licensable Method Statement] must be used by SZC Co. in relation to the proposal to build the Sizewell C.*"

Q42 The Secretary of State may wish to extend the extent of this meaning to include provisions dealing with Operation and Decommissioning, as described in **8.1.2 above**.

8.1.6 At Para 6 the Applicant asserts "*This document may be updated prior to construction and any updated approach must be agreed with the Ecology Working Group (EWG)*"

Q43 The Secretary of State may wish seek affirmation that suitable arrangements are in place to ensure that formalisation of the EWG will occur, with the full participation of all interested parties, prior to any amendment of the Bat Non Licensable Method Statement (otherwise known as ‘reasonable avoidance measures method statements’).

8.2 Appendix - 4 Page 5 1.1.9 - Secretary of State Point 8.16 refers

8.2.1 Para 1.1.9 refers to *“This method statement outlines how bats are going to be safeguarded within the development. This includes the site preparation (i.e. vegetation removal and site stripping) and construction phase (including non-licensed mitigation for noise and lighting impacts).”*

Q44 As 8.1.6 above, the Secretary of State may wish seek affirmation that suitable arrangements are in place to ensure that formalisation of the EWG will occur, with the full participation of all interested parties, prior to any site preparation as **outlined at 1.1.9.**

9. SZC Co.’s Response to the Secretary of State’s Request for Further Information dated 31st March 2022 (April 2022) Document Reference: 8.11 / 10.2 - Revision: 8.0 / 2.0

9.1 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 - Appendices Part 3 of 3 - Secretary of State Point 8.16 refers

9.1.1 As identified at **8.1.1** (above) the Applicants fondness of ‘cut and paste’ continues to cause confusion and added complexity for those Interested Parties wanting to understand the real intention of the Applicant.

Q45 The Secretary of State will perhaps be concerned at the continuing inaccuracy of the Applications submissions.

Q46 9.1.2 Despite the above document being ‘Footer marked’ as *“Non-Licensable Reptile Method Statement: Main Development Site”* from the ‘Contents’ page (not numbered – but immediately following the maps), at **1.1.2** the Applicant advises *“This bat non-licensable method statement (hereafter referred to as the ‘reasonable avoidance measures method statements’) is a Level 1 document secured as part of the Code of Construction Practice by Requirement 2 of the draft DCO. This document may be updated prior to construction and any updated approach must be agreed with the Ecology Working Group (EWG). The EWG has a variety of roles in this strategy in approving future variations to the approach and these are set out where relevant below.”*

Q47 As in 8.2.1 above, the Secretary of State may wish seek affirmation that suitable arrangements are in place to ensure that formalisation of the EWG will occur, with the full participation of all interested parties, prior to any site preparation.

10. SZC Co.’s Response to the Secretary of State’s Request for Further Information dated 31 March 2022 (April 2022) - Appendix 13 Deed of Variation to the Deed of Obligation Revision 1

10.1 The parties to this Deed of Agreement are identified as East Suffolk Council, Suffolk County Council and NNB Generation Company (SZC) Limited. However, one of the preparatory works within the schedule is ‘Work No. 18 (Fen meadow habitat, Pakenham)’ which I understand does not fall within the remit of East Suffolk Council.

Q48 The Secretary of State may wish to clarify how the parties to the Deed of Variation intend to enact the Deed without the involvement of the appropriate Council. Alternatively, I may have misread the intent?

11. SZC Co.'s Response to Secretary of State request for information 18th March 2022 Main Report

11.1 Water Supply - Secretary of State Question 3.1 & 3.2 refer

11.1.1 The question from the Secretary of State at 3.2 requiring the response of the Applicant appears relatively simple, specifically; *"The Applicant should therefore provide information that sets out the progress that has been made in terms of securing a permanent water supply solution."*, with the clear indication that this should be since the NWL correspondence of 23rd February 2022, of which the Secretary of State appears fully appraised.

11.1.2 However, having read the response from the Applicant at 2.1.1 thro' 2.1.20, I would summarise the progress as; NWL are following the prescribed requirements plainly laid out at the Examination and that beyond that there is little if anything to report.

Q49 11.1.3 So, *"in terms of [the Applicant] securing a permanent water supply solution"* it is NWL who are continuing to examine options, within the context of WRMP 2024.

Q50 11.1.4 Alternatively, in the Applicants more convoluted way; *"It is because the long-term planning of water supply is the subject of separate statutory provisions and processes that the identification of the source of Sizewell's long-term supply cannot be known at this stage."*

Q51 11.1.5 Unprompted, the Applicant has then decided to expand their reply to hypothesise what the future may hold, almost as though NWL and the Applicant will have a plethora of options available to them saying:

"Indeed, the source may well change during the lifetime of the power station as the undertaker develops and manages its water resources in response to changing demand and other considerations. For the same reasons, and because on the evidence the source of supply is unlikely to be a constraint to the construction and operation of the new power station, the source does not need to be known for the purposes of the DCO."

Q52 11.1.6 As a resident of East Suffolk (as well as a customer of Essex and Suffolk Water) I take the view that it is absolutely critical that there is no ambiguity on the achievability of a sustainable and permanent supply of potable and non-potable water to the proposed SZC development, that does not compromise the security and continuity of sustainable water supplies to all existing (and future) residents alongside other East Suffolk businesses.

Q53 11.1.7 The Applicant quotes NPS EN1 wherein they quote *"the DCO decision maker should work on the assumption that other regimes and regulatory processes will be properly applied and enforced so that decisions on DCO applications should complement but not seek to duplicate other processes (NPS EN-1 paragraph 4.10.3)"*.

Q54 11.1.8 Exceptionally, I would respectfully request that in this instance the Secretary of State seeks to get commitment from the Applicant to thoroughly explore all other remedies to a sustainable, permanent potable water issue that the Sizewell C Project brings to one of Britain's already most water stressed regions. Only then, when all other options are fully explored, should a backstop provision through NWL be pursued, encompassing a suitable funding split between the undertaker and the Applicant.

Q55 11.1.9 To do otherwise, will not only potentially jeopardise domestic water supplies throughout East Suffolk, but also increase pressure on the agricultural, commercial, tourism, manufacturing, leisure and construction sectors.

Q56 11.1.10 In concluding, the Secretary of State may wish to reflect on whether the Applicants cavalier treatment of the potable water issue throughout the past decade reflects well on their preparedness and suitability for the whole undertaking, noting the issue was raised by Councillors, residents, business owners and many other community representatives, from the very earliest days of the Pre-Application Consultations.

11.2 Desalination Plant - Secretary of State Question 3.3 refers

Q57 11.2.1 Whilst I agree with the Applicant that on the face of it; *“in principle”* there may be no *“difficulty with the supply of water from desalination being made permanent.”* I would not like the Secretary of State to be left with the impression that permanent desalination is a ‘shoo-in’ should NWL be unable to deliver a potable water supply.

11.2.2 On the contrary, as *“temporary desalination”* was a very late change (amongst a raft of many others) made during the Examination itself, I remain unclear as to whether suitable detailed analysis was undertaken to understand the potential long-term impacts of desalination at Sizewell for the period of construction, let alone the projected operational life of the twin reactor power station and any ancillary equipment and/or activities (i.e. Hydrogen production).

Q58 11.2.3 I would expect the Secretary of State to seek a high degree of confidence from all the appropriate agencies and authorities concerned, prior to considering agreeing to a *“permanent desalination”* capability, as a suitable ‘minimum 100 year solution’ for the Sizewell C Development.

Q59 11.2.4 I remain unconvinced by the Applicant at 2.2.3 when they assert *“In the unlikely event that Northumbrian Water Limited is unable to meet Sizewell C’s water supply demand, it would be possible for SZC Co. to permanently meet the full water supply demand for the lifetime of the proposed Development using a desalination plant.”*

Q60 11.2.5 The principal reasons being:

- a] the Applicants prior dismissal of desalination because of potentially detrimental impacts
- b] no evidence supporting the sustainability of a permanent ‘Sizewell’ desalination solution

Q61 11.2.6 The Applicant points to *“...the reference design for the UK EPR received a Design Acceptance Confirmation and Statement of Design Acceptability from the nuclear regulators (the Office for Nuclear Regulation and the Environment Agency respectively) in December 2012...”* at 2.2.4., asserting *“The principle of permanent desalination serving the EPR reactors in the proposed development is, therefore, established within the remit of these stakeholders.”*

Q62 11.2.7 However, the Applicant fails to demonstrate that the broader ramifications (i.e. marine ecology, species impacts, etc.) are thoroughly understood and appropriate mitigations are achievable and tested.

Q63 11.2.8 Indeed at 2.2.8 the Applicant states; *“Impacts on the marine environment, including marine water quality, ecology and fisheries would require detailed assessment but, in SZC Co.’s opinion, are unlikely to generate any materially new or materially different significant environmental effects.”*

Q64 11.2.9 What the Applicant fails to do is; reference any body of evidential research or practical analysis of the impact of long term desalination impacts in a comparable environment.

Q65 11.2.10 The remainder of the Applicants response is at best a light-touch analysis of ‘potential’ and in my view should not be used by the Secretary of State as the basis for any determination in respect to the suitability, sustainability or appropriateness of permanent desalination operating at the Sizewell site, be it located above or below ground.

11.2.11 At 2.2.12 the Applicant advises that *“SZC Co. has engaged with the ONR in preparing this response. The regulator also confirmed that it has no ‘in principle’ concerns around the possibility of a bespoke permanent desalination plant, subject to further details on any such proposal being formally managed by the Project as a design change.”*

Q66 11.2.12 The Secretary of State may wish to seek clarification from the Applicant (and possibly the regulator) as to how the inclusion of a permanent potable water supply via a permanent desalination plant is proposed to be dealt with in respect to it being within or without the DCO, as this is unclear and has not been considered fully within the DCO process.

Q67 11.2.13 The Secretary of State may also wish to understand what potential impacts this type of potable water supply methodology may have on the decommissioning and removal of the power station and any required remediation of the site thereafter.

12. SZC Co.’s Response to Secretary of State request for information 18th March 2022 Main Report

12.1 Traffic and Transport - Secretary of State Question 4.1 refers

12.1.1 Whilst I agree with the Applicant that the significance of the question requires some introductory text, I am not persuaded that rehearsing the same hackneyed rhetoric witnessed at the Examination is that helpful to the Secretary of State. Consequently, I will try and keep my response brief and to the point.

12.1.2 The Applicant was initially minded to utilise the B1122 as the primary access route for the proposed Sizewell C Project access, with uplift, amendment and alteration.

12.1.3 Subsequently, the Applicant undertook a perfunctory examination of alternative routes in response to vocal local opposition by residents and users of the B1122.

12.1.4 As a result, The Applicant, through an arcane process of their own design, elected to abandon the B1122 proposal, replacing it with a ‘Sizewell Link Road’ that would ‘alleviate congestion at Yoxford’ and reduce the impact of construction traffic on residents on the B1122.

12.1.5 The chosen route as we all now know, brings the majority of construction traffic unnecessarily further north on the A12 than could have been the case, incurring a huge volume of increased HGV ‘diesel mileage’.

12.1.6 The proposed route departs the A12 at a new roundabout close to the north westerly boundary of Kelsale-cum-Carlton with Yoxford, prior to carving a swathe through 100’s of hectares of some of the best farming land in the area and ironically running behind some the houses on the B1122 that were expecting respite from construction traffic.

12.1.7 Even then; late amendments and changes by the Applicant within the Examination period, saw the B1122 communities facing more impacts with; increasing ‘early years construction traffic’ ‘temporary desalination plant equipment’ deliveries, water tanker traffic ‘to and from’ the desalination plant to other sites and the prospect of innumerable journeys ‘to and fro’ on the route of the proposed Sizewell Link Road as the Applicant utilises it as a ‘haul road’ moving many thousands of tons of prime farming land, to later use it as backfill material at the Main Development Site.

12.1.8 In respect to 12.1.17, once the Applicant’s representative had let slip the plan for a haul road preceding; the harvesting of thousands of tons of backfill material and more vehicle movements/miles than strictly necessary for the development of the proposed SLR, they were compelled to desist their ‘false denial’ and concede that I was not responsible for initiating the ‘peddling of any unfounded stories’ in respect to a haul road to the south of the Middleton Moor community.

Q68 12.1.9 However, what is clear is that Middleton Moor and other communities on or to the south of the B1122 will for a significant period; continue to have significant traffic on the B1122 and a very large number of 'backfill movements' to the South – extending to the Main Development Site access point.

12.1.10 Throughout their response (to Secretary of State Question 4.1) the Applicant focuses on circumstances that are largely of their own design, excepting that Local Councils have rightly sought to take steps (within the confines of the Planning regime) that safeguard the residents and businesses from the worst excesses of a project that would seemingly prefer to operate in a 'Planning vacuum'.

Q69 12.1.11 In connection with the assertion made at 12.1.10 (above), it is striking that the Applicant has made little (if any) reference to the removal of the SLR on (or before) completion of the construction works. So, whilst 'removal' activity for the; desalination plant, Marine Bulk Import Facility, Accommodation Campus, Caravan Park, Green Rail Route, Freight Management Facility, Northern and Southern Park and Rides is scheduled in the Construction Method Statement (Plate 2.1) it remains completely silent on the contentious issue of the SLR

Q70 12.1.12 The Secretary of State may wish to consult Suffolk County Council to understand whether (as the relevant Highway Authority) they continue to support public opinion and seek removal of the SLR and full restoration of the route to productive farmland, prior to completing his full consideration as to whether a DCO (or a conditional DCO) be granted.

Q71 12.1.13 At 3.1.8, after a tortuous preamble, the Applicant eventually gets around to answering the Secretary of State's question (posed at 4.1). In so doing the Applicant, after the obligatory 'legalese', admits a control mechanism could be applied. As ever, the Applicant then immediately states *"For the reasons set out above and below, however, SZC Co. believes that such a requirement should not be imposed (and indeed could not without further assessment)"*.

Given the experience, competence and knowledge of BEIS and the Secretary of State, I am confident the Secretary of State will have anticipated such a change requiring a full impact analysis.

Q72 12.1.14 The harsh reality is that; the Applicant 'stuck a flag' in the Sizewell site well over a decade ago and has dragged its feet in bringing forward the current proposal, exceptionally changing the specific Assessment of Suitability along the way.

12.1.15 Following the admission of the Applicant that there are opportunities to further reduce the impacts of construction on communities abutting the A12 and B1122, it proceeds with a totally unwarranted and pitiful lecturing of the Secretary of State on 'urgency', Government policy along with some practical difficulties and viability of delivery.

As a project professional of long-standing, I am often asked by clients to provide an analysis of options that change the dynamic relationship between primary project drivers (i.e. time, cost, quality, etc.).

However, I would draw the line at 'weaponising' the clients' policies and preferences to use against them. Indeed, I welcome clients and their sponsors who actively engage in 'what if?' collaboration, both to test thinking and potentially to obtain the best result for them and their stakeholders.

Q73 12.1.16 Whilst I am quite sure the Secretary of State is fully aware of current Government Policy in respect to 'new nuclear', I feel sure that he will be gratified that the Applicant has taken the trouble to review *"...up to date Government policy..."* and consequently concluded (presumably after months of extensive research) that *"It is difficult to identify that any Government planning policy for any form of development has ever expressed a need to be more important or more urgent."*

Q74 12.1.17 The Applicant continues at 3.1.29 that one of the ‘Practical Difficulties’ is; *“A key driver of the SLR being delivered in parallel with the Main Development Site is the mass balance of site material. The two components have been planned together to optimise sustainability, delivery and efficiency.”*, further confirming the deceit perpetrated by the Applicant in the selection of the proposed SLR route, rather than the more obvious and direct options supported locally. The Secretary of State may wish to further reflect on the sycophancy of the Applicant and the omission of ‘cost savings’ accruing to them, when justifying the interdependency of the proposed SLR route and their backfill requirement at the Main Development Site.

Q75 12.1. 18 The Secretary of State may now better understand why local communities don’t believe a word the Applicant says and why the Applicant wishes to avoid the reinstatement of the SLR route to quality farmland at any cost?

12.1.19 It also explains (at least in part) why the Applicant’s representatives have sought to ‘sell the benefit’ of the proposed SLR, rebutting the accusations that it will (subsequent to completion of construction) become a road maintained by Council Tax Payers, with *“...it is a legacy you may not appreciate now, but will grow to value in the future”*.

Q76 12.1.20 The Applicant continues at 3.1.30 that it has *“...committed to sustainability principles, including not exporting any natural/inert excavated material off-site as waste and an aim to make use of all suitable site won material as fill within the Main Development Site thereby also minimising the need for imported fill aggregate.”* The Secretary of State may want to reflect on whether the sacrifice of many hectares of some of the best farmland in East Suffolk for use as backfill, really exemplifies the highest standards of sustainability, particularly when it will be replaced by tarmac, concrete and underpinning aggregates, presumably imported from elsewhere.

Q77 Moreover, the Applicant states at 3.1.33 that *“reusing the site won material from the SLR and the TVB on the Main Development Site, circa 140,000m3 of surplus material will be diverted from off-site disposal to on-site reuse.”*

Q78 As there is no direct or clear existing off-road connection from either the TVB or the SLR to the Main Development Site, it seems a little disingenuous, or plain wrong to say *“This saves the equivalent to 20,000 two-way movements, assuming 27t capacity HGVs, or 30,000 HGVs assuming 18.5t capacity.”*

Q79 Moreover, if the Applicant is planning to use the newly excavated farmland as a ‘Haul Route’, one is left wondering what impacts will be felt by; B1122 and A12 adjacent communities (including Theberton and North Kelsale-cum-Carlton. In the case of the B1122 communities, some properties may experience HGV simultaneously, to the North on the existing B1122 and to the South on the ‘haul road’ and then construction site.

Q80 12.1.21 The Applicant finally adds insult to injury by contending that *“Limiting HGV movements has been a key objective of the Project...”*. In this connection, the Secretary of State is invited to review the development of the Applicants transport proposals through Pre-Application Consultation, where HGV was most almost uniquely portrayed as the mode of preference.

Q81 12.1.22 At 3.1.34 through to 3.1.38 the Applicant demonstrates a totally dogmatic approach to ‘challenge’, rehearsing a myriad of potential downsides without considering the possible upsides, very much in the vein of *“...intransigence invariably generates problems, whilst assiduously overlooking compelling justification” Edward De Bono – London 1996.*

12.1.23 Familiar with the securing and retention of contractors, skills and resources for complex programmes, I accept that that delays in moving from pre-initiation through initiation and onto enactment can be exceptionally challenging (Applicant Para 3.1.37 refers).

However, as the Final Investment Decision is scheduled in the latter half of 2022, it seems a little anticipatory to have moved beyond framework agreements or contingent contracts at this point. This much is evident, as the Applicant identifies (presumably amongst many others) the more obvious risks of; a] the DCO not being granted any earlier than April 2022 and b] the potential for the Secretary of State's decision to meet with legal challenge.

Q82 The Secretary of State will have also noted that the Applicant advises that *“Construction Phases are shown for illustrative purposes only.”* [Construction Method Statement Plate 2.1 – Notes refers].

12.1.24 The Applicant makes the point [Para 3.1.37 refers] that *“A substantial Delivery Team has been assembled and detailed programme sequencing work undertaken, involving contractors, materials suppliers and an extensive supply chain network.”* It is assumed that, as with nearly all other projects, both the Applicant's team and the resources of their potential suppliers are engaged on the basis of 'business borne risk' and factored into the overall costs of participating in significant infrastructure initiatives.

Q83 12.1.25 The Applicant continues to 'ride two horses' regarding the supply chains for HPC and the proposed SZC. First, they infer a new supply chain is to be sought for Sizewell, then the report to the EDF Board in 2021 states that an '...extensive supply chain network...' is already active at HPC and will transit to Sizewell. In the interim, the Applicant makes extensive efforts to convince businesses in the East of England that they are seeking to engage as many businesses as possible in their Sizewell supply chain. The Secretary of State may wish to enquire of the Applicant exactly what their supply strategy is and the likely impact on 'new job' employment in the East of England and contra wise, the anticipated impact on job loss for enterprises engaged in the HPC project.

I find it implausible that a full capability supply chain familiar with the challenges at Hinkley are to be displaced, by other businesses new to the requirements of supplying a nuclear power station development.

Q84 12.1.26 Summarising - the diversity of points raised by Interested Parties during the Examination highlighted; the inadequacy and unpreparedness of the Applicant, combined with the obvious laxity of the Applicant in ensuring the fullest utilisation of the time prior to initiating more than a decade of Pre-Application Consultation, plus the degree of duplicity the Applicant has demonstrated they are prepared to exercise (in respect to issues such as the 'haul road'); the Secretary of State may wish to reflect on the appropriateness of granting them a Development Consent.

Q85 12.1.27 Finally, it is my contention that without obtaining; the fullest reassurance and the Applicant's guarantee of unequivocal commitment to; total transparency and the highest levels of probity in their dealings with; County, District, Town and Parish Councils, residents and businesses of East Suffolk (throughout the power station's lifecycle), the Secretary of State should conclude that the granting of a DCO in favour of the Applicant is, on balance, wholly inappropriate on the grounds of; impact, deliverability, downstream risk and the likelihood of long-term and/or irrecoverable damage to; communities, ecological assets, existing commercial operations, as well as the threat of temporary or permanent loss of other tangible facets of Coastal Suffolk (i.e. dark skies, peace, tranquility, rurality, condition of place, lower pollution (air, noise, vibration), mental health, individual wellbeing, etc.).

APPENDIX A

Application by NNB Generation Company (SZC) Limited for an Order granting Development Consent for the proposed Sizewell C Nuclear Power Station.

Additional comments from Interested Party #20025801 (Mr I Galloway) in respect to the recent notification [from the Applicant] of the discovery of nesting Marsh Harriers in the Sizewell Marshes SSSI.

Notes: Italic text indicates verbatim extracts of responses

Questions and Queries are identified by Q#

A1. Introduction

The recent notification [by the Applicant] of nesting Marsh Harriers within the Sizewell SSSI may not be as big a surprise to some as it seems to the Applicant *“Surveys carried out by the Applicant this spring have recorded a pair of marsh harriers nesting in an area of Sizewell Marshes SSSI that would be permanently lost to construct Sizewell C, if consented. This is the first time breeding marsh harriers have been recorded in Sizewell Marshes SSSI since annual surveys of the site began 25 years ago.”*

One could have had regard for The Norfolk Wildlife Trust who observe *“The marsh harrier is one of the great success stories of recent times in Norfolk and lowland England. In the early 19th Century they were abundant in Norfolk and throughout East Anglia. However, by the latter part of the century they had become extinct in the UK through habitat loss and persecution.”*

They continue *“Marsh harriers bred sporadically in the Broads, and occasionally at other sites, from 1927 to 1975. Since then the number of nests in the county has risen steadily. In 1982 the first UK nest of marsh harriers in an arable field was recorded in Norfolk and this habitat has been regularly used by the species ever since. Today more than 100 females nest in Norfolk each year. In winter more than 100 individuals may be seen at roosts around the county.”*

QA1 In light of the historical Norfolk resurgence, The Secretary of State may wish to reflect on the likely consequences if he were to ignore the wise counsel of the; RSPB, Suffolk Wildlife Trust and other contributors to the Examination; who point to potential long term damage to the Marsh Harrier population(s) should The Sizewell C Project gain consent.

QA2 On a positive note, instead of granting consent, the Secretary of State may wish to have regard for another Norfolk Wildlife Trust observation where they say that now; *“...marsh harriers can be encountered almost anywhere since they increasingly nest inland in arable fields and will hunt over this habitat even if they are nesting in reed-beds. Happily, there are now many sites in Norfolk where marsh harriers are almost guaranteed to be seen in spring and summer...”* and by declining consent give an opportunity for a similar lasting legacy in Suffolk.

QA3 Prior to commenting on the formal response of the Applicant, I would like to draw the Secretary of State’s attention to the view expressed by the Hawk and Owl Trust who; when comparing European birds with British Marsh Harriers observe, *“...in Europe they [Marsh Harriers] nest in rank vegetation and even in agricultural crops. Since recolonising, some British harriers are starting to show a wider breeding habitat, with records of crop-breeding and even moorland-breeding.”*

QA4 As a consequence of the foregoing, it is my contention the Applicants assertion that; *“In view of the absence of breeding marsh harrier from Sizewell Marshes SSSI until now and only very recent nesting activity at Aldhurst Farm, the Shadow Habitats Regulations Assessment (HRA) [APP-145] and Shadow HRA Addendum [AA-173] do not assess potential direct impacts on marsh harriers nesting outside of the SPA and Ramsar site.”*, is at best misleading, at worst, fundamentally flawed.

QA5 Indeed, as they continue *“Rather, their focus is to assess disturbance from construction activities to breeding marsh harriers that forage over the functionally-linked Minsmere South Levels and Sizewell Marshes SSSI, but nest within the SPA and Ramsar site. This distinction is important and the assumption to date that nesting is effectively confined to the SPA and Ramsar site has not been challenged by Interested Parties, in particular Natural England and the RSPB.”* it seems disingenuous for the Applicant to point to the absence of challenge, whilst simultaneously seeking to imply from that, there is a consensus in respect to their vague nesting assumption vis-à-vis SPA and Ramsar sites.

QA6 Moreover, the Secretary of State is asked to review whether *“The updated assessment concludes that the recent breeding activity does not change the outcome of the Shadow HRA, that is to say that it remains the case that the potential for adverse effects is limited to the potential displacement of birds from functionally linked foraging habitat, these effects being addressed via the creation of compensatory foraging habitat on former arable land.* stands close scrutiny in light of the foregoing contributions.

QA7 In the last paragraph of the Applicants letter to Mr Leigh [5th May 2022], Ms Vince closes saying *“the Applicant considers that the mitigation and control mechanisms that have already been proposed and secured remain appropriate and adequate to address the potential impact.”* It is my contention that further assurances should be sought from the Applicant to potentially include consequences arising from changing nesting behaviours observed in both Norfolk and Europe (and described above).

QA8 1.1.4 and 1.1.5 refer The Applicant identifies created nesting provisions outside the SPA, yet *“...in the vicinity of, the main development site for the Project.”* focussing quite heavily on ‘reedbed habitat’ to the exclusion of other habitats, shown as becoming attractive nesting opportunities elsewhere in the UK and Europe (i.e. rank vegetation, crop-breeding, etc.).

The Secretary of State is asked to initiate work (to be undertaken by the Applicant) to methodically investigate all qualifying alternate potential nesting habitats [outlined by Norfolk Wildlife Trust, the Hawk and Owl Trust, etc.] within the ‘red line’ boundaries for signs of active or historic Marsh Harrier nesting sites.

QA9 1.3.1 refers The Applicant advises *“...nesting activity by marsh harriers on land which is outside, but functionally linked to, the SPA (and Ramsar site) means that it is necessary to also consider whether the conclusions reached in the shadow HRA [APP-145] of no effect on site integrity in respect of breeding marsh harrier remain valid.”* - it is my contention that there is significant doubt as to whether the conclusions remain valid, based on both historic behavioural evidence and behaviours elsewhere in the UK and Europe. As a consequence, the Secretary of State may wish to reflect on the diligence of the Applicant in quantifying risks to Marsh Harrier populations nesting within and without the SPA.

QA10 1.3.1 refers The Applicant asserts *“...it remains the case that the potential for adverse effects is limited to the potential displacement of birds from functionally linked foraging habitat due to noise and visual disturbance during construction (with this effect being addressed via the creation of compensatory foraging habitat on former arable and within the EDF Sizewell estate to the north of the*

main development site, adjacent to the SPA).” It is for the Secretary of State to adjudicate as to whether this statement stands close scrutiny and is suitably evidenced.

Conclusion

It is a burdensome task for anybody to decide (on the basis of the evidence presented) whether; consequences, some of which may potentially be irrecoverable, should be risked without further analysis being undertaken on a broader basis than that undertaken by the Applicant.

It is my view that conflicting evidence arising from the historic experiences in Norfolk and Europe should not be ignored and that the Secretary of State should err on the side of caution when dealing with a bird species that has previously been all but wiped out.