

Date: 30 May 2022
Our ref: Size-SP004 (NE Internal ref: 394226a)
Your ref: EN010012



Gareth Leigh
Head of Energy Infrastructure Planning
Department for Business, Energy & Industrial Strategy
1 Victoria Street
London
SW1H 0ET

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

SizewellC@planninginspectorate.gov.uk

BY EMAIL ONLY

Dear Mr Leigh

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

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

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The following constitutes Natural England’s statutory response to paragraphs 9, 10 and 11 of the Secretary of State for Business, Energy, and Industrial Strategy’s request for information, dated 16th May 2022.

Natural England’s response

1.1. Secretary of State request: Paragraph 9 – Habitat Regulations Assessment: Physical Interactions

‘Following the Applicant’s updates to the Terrestrial Ecology Monitoring and Mitigation Plan at deadline 10 [REP10-090], Natural England is invited to provide advice on whether an adverse effect on site integrity due to physical interaction between birds and project infrastructure – pylons and powerlines - can be excluded for the following sites:

- *Alde-Ore Estuary SPA; and*
- *Minsmere-Walberswick SPA.*'

1.2. Natural England response:

Natural England's position at Deadline 10 with regards to physical interaction between species and project infrastructure from a number of project elements and subsequent ecological effects on the Alde-Ore Estuary Special Protection Area (SPA) and Minsmere-Walberswick SPA was as follows:

- *"Since the publication of the RIES Natural England's concerns regarding pylons and collisions have recently been addressed by the Applicant through the proposed use of line markers as mitigation and carcass searches to monitor for impacts. The methodologies will need to be agreed, and necessary triggers to retrofit markers if they cannot be employed at the time of construction. Further information must therefore be provided by the Applicant before AEoI of the European designated sites via this impact pathway can be ruled out."* From Natural England's Comments on the Examining Authority's Report on the Implications for European Sites [PD-053], dated 12th October 2021 [REP10-199]

Whilst the risks appear to be fairly low in terms of impacts to the above sites via this pathway for the reasons described in paragraphs 4.3.151 and 4.5.152 of the Report on the Implications for European Sites (RIES) [PD-053], our advice has consistently remained that likely significant effects to the above sites cannot be ruled out (as is the Applicant's position) given that there is clearly a credible impact pathway. Consistent with the precautionary principle which is enshrined in the Habitats Regulations¹, we have therefore advised that adequate safeguards should be put in place to ensure that adverse effects on the integrity of the above sites do not occur, in the form of early warning monitoring which would trigger contingency mitigation measures to avoid adverse effects should monitoring indicate an issue.

Since that time, we have continued to advise the Applicant with the aim of resolving this issue and understand that they submitted a revised Terrestrial Ecology Monitoring and Mitigation Plan (TEMMP) [REP10-090] at Deadline 10. Table 2.1 of the revised TEMMP provides a commitment, with regards to all qualifying bird species of the above sites, to *"Monthly survey for bird carcasses under overhead lines between new pylons, commencing as soon as these lines are installed. The route of the lines must be walked by the surveyor and any bird remains under the lines identified to species. The data will be submitted to the EWG in a monthly note. The EWG will determine, based on review of this data, whether line markers are required and SZC Co. will install the markers if these are judged to be required by the EWG. The survey will be undertaken for one year but will be extended for a further year, subject to the agreement of the EWG, if line markers are installed, to test the efficacy of this mitigation."*

We therefore welcome this commitment by the Applicant on this issue (noting that Natural England are a member of the Ecology Working Group (EWG) and, on the above basis,

¹ Conservation of Habitats and Species Regulations 2017 (as amended)

advise that adverse effects on the integrity of the Alde-Ore Estuary SPA and Minsmere-Walberswick SPA through this impact pathway can now be ruled out.

1.3. Secretary of State request: Paragraphs 10 and 11 – Protected Species Licenses:

'Paragraph 8.1 of the Secretary of State's letter of 31 March 2022 requested an update from Natural England in relation to 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 ("LONI"). Natural England responded on 14 April 2022 advising that, with reference to LONI for badger, Deptford pink and bats:

'We continue to assess the draft licence application for badger and are awaiting amendments from the Applicant for the Deptford pink draft licence applications. We advise that a LONI for bats may take longer, as we continue to work with the Applicant to resolve issues.'

The Secretary of State therefore requests that Natural England provide a further update on this matter, specifically the prospect of it being able to issue LONI for badger, Deptford pink and bats before the new statutory deadline for determining the Application of 8 July 2022.'

1.4. Natural England response:

Natural England advise that a Letter of No Impediment (LONI) has now been issued for all species, except for bats. We have provided the Applicant with a 'letter of comfort' for bats, detailing that we have not identified any aspects of their proposals that would mean a license could not be issued in principle. However, a large amount of information and further clarification remains outstanding from the current draft license application for bats, meaning that a LONI cannot yet be issued.

This concludes Natural England's advice at this time, which we hope you will find helpful.

For any queries relating to the content of this letter only, please contact Jack Haynes on 020802 64857.

Yours sincerely,

Jack Haynes
Senior Adviser
Norfolk & Suffolk Area Team