

The Sizewell C Project Development Consent Order Application
Planning Inspectorate Reference: EN010012

Shared Concerns of the Royal Society for the Protection of Birds and Suffolk Wildlife Trust

November 2020

1. Introduction

The overarching concerns of the Royal Society for the Protection of Birds (RSPB) and Suffolk Wildlife Trust (SWT) and the focus of our representations include the following:

- Detailed designs for key features including the coastal defences and crossing over the Sizewell Marshes Site of Special Scientific Interest (SSSI) are missing and we cannot therefore have confidence in the assessments of their potential impacts;
- Conclusions of no adverse effect on integrity (AEOI) of European Protected sites are in many cases reliant on mitigation and monitoring plans which have not yet been produced, again leading to a lack of confidence in these conclusions;
- The Shadow Habitats Regulation Assessment¹ does not assess the *total impacts* of the project on the European Protected sites and their designation habitats and species. Although each type of potential impact is assessed (but please note the two bullet points below) this is done separately. This means conclusions regarding the total potential effects on the *integrity of the sites* is incomplete;
- We have the same concerns around the lack of any “cumulative” assessments within the Environmental Statement;
- We also have detailed concerns re the extent of the Environmental Impact Assessment (EIA) undertaken including insufficient data, lack of robust assessments, and insufficient consideration of efficacy of mitigation;
- As partially mentioned above we have many concerns about the current lack of detail in the required mitigation, monitoring and management plans to be required by way of obligations or conditions imposed in respect of any consents granted;
- As the landowner of Minsmere Nature Reserve, the RSPB remains concerned regarding potential impacts on the coherence of our land holding and its associated management arising from the development; and
- The legal and policy requirements applicable to this Application and the Examination process.

These matters will be further expanded in future representations submitted by the RSPB and SWT during the course of the Examination process.

2. Environmental Concerns

In addition to the overarching points set out above the RSPB and SWT have the following concerns which will also be the focus of their submissions.

¹ 5.10 Shadow Habitats Regulations Assessment Volume 1: Screening and Appropriate Assessment Part 1 of 5 [APP-145]

2a. Coastal processes

Our concerns include:

- Lack of detailed designs for coastal defences and other coastal structures mean we cannot have confidence in the findings of the assessments of their impacts;
- Insufficient evidence has been presented that the beach landing facility will not have significant impacts on coastal processes (including effects on the Minsmere-Walberswick designated sites and RSPB Minsmere) during its construction or operation;
- Insufficient evidence that impacts relating to the combined drainage outfall and fish recovery and return outfall can be managed without impacts on longshore bars and wider coastal processes;
- Concern about the potential effects of the hard coastal defence in the long term, including changes to coastal processes affecting the Minsmere-Walberswick designated sites; and
- The need to develop a suitable monitoring scheme to identify coastal impacts at an early stage, with agreed thresholds for triggering and mechanism for implementation of avoidance or remedial measures.

2b. Hydrology (including impacts on water quantity and water chemistry)

Our concerns include:

- Insufficient evidence that the sheet piling/cut off wall and the realignment of Sizewell Drain will not have significant impacts on water quantity and water chemistry affecting ecological features within Sizewell Marshes SSSI and the Minsmere South Levels (part of Minsmere-Walberswick Heaths and Marshes SSSI);
- Lack of confidence that effects on groundwater and surface water will not have effects on the ecology of Sizewell Marshes SSSI and Minsmere-Walberswick Heaths and Marshes SSSI;
- Concern remains regarding potential for contaminated leachate from borrow pits to affect the Minsmere-Walberswick designated sites;
- Concern that increased water flow from the development to the Minsmere Sluice could affect water management at RSPB Minsmere and the Minsmere-Walberswick designated sites;
- Limited consideration of the effects of Sizewell C on flood risk to RSPB Minsmere and the Minsmere-Walberswick designated sites; and
- Concern over ability of proposed monitoring to detect changes in water chemistry within Sizewell Marshes SSSI.

2c. Noise and visual disturbance

Our concerns include:

- Adequacy of proposed marsh harrier compensatory foraging habitat (and other claimed beneficial enhancements) in terms of location, habitat components, extent, disturbance levels and likely levels of prey provision;
- The basis for the calculation of the extent of compensatory marsh harrier foraging habitat to be provided;
- Significance of noise impacts on breeding and non-breeding waterbirds on the Minsmere South Levels (functionally linked to the Minsmere-Walberswick SPA);
- Lack of detailed assessment of the impacts of night-time noise from construction area and effects on designated sites, despite regular significant activity (including freight train deliveries and unloading) scheduled to take place at night;
- Lack of noise modelling for the construction of the north-eastern water management zone;
- Concern around the assertions that noise impacts are over-estimated; and
- Limited detail presented regarding potential impacts of lighting on birds.

2d. Increased recreational pressure

Our concerns include:

- The adequacy of the baseline data collected;
- The estimates of potential increases in recreational use of designated sites by both displaced visitors and construction workers appear low;
- Potential displacement of beach and coast path users from Sizewell to Minsmere frontage with potential impacts on SAC vegetated shingle/stony banks and beach nesting birds;
- Potential increase in use of the path from the Eel's Foot public house to Minsmere Sluice – waterlogging of this route and subsequent displacement of visitors could lead to effects on breeding and wintering waterbirds of the Minsmere-Walberswick SPA (or functionally linked to this site);
- Potential increased use of non-core, heathland areas at RSPB Minsmere leading to impacts on wildlife including SPA nightjar and woodlark populations, SAC heathland vegetation and the population of stone curlew; and
- Lack of any details of the proposed mitigation and monitoring plan leading to a lack of confidence in conclusions.

2e. Land take from Sizewell Marshes SSSI (including impacts of the SSSI crossing)

Our concerns include:

- The principle of the proposed loss of part of Sizewell Marshes SSSI and its assessment against the tests set out in EN-1 (Overarching NPS for Energy) including the justification for the choice of an embankment and culvert rather than a bridge to cross Sizewell Marshes SSSI (despite the higher land take from the SSSI);
- The total area of loss from Sizewell Marshes SSSI and the designation of some loss as “temporary”, which has not been supported by proposals for adequate restoration methods; and
- Concern about adequacy of the proposed habitat compensation in terms of quantity and quality of all affected habitats.

2f. Marine ecology

Our concerns include:

- The potential impacts on birds of the Outer Thames Estuary SPA and the Minsmere-Walberswick SPA including from disturbance resulting from dredging and vessel movements, reduction in prey availability, the various discharges (including those of thermal discharges, bromoform, hydrazine, chromium, dissolved inorganic nitrogen and organic matter (dead fish)) and increased suspended sediment concentrations;
- The combined total effects of the above impacts on marine birds have not been assessed; and
- Concerns around the baseline data, reference populations and methodologies underpinning these assessments.

2g. Protected species

Our concerns include:

- Considerable concern that the overall impact on the nationally important bat population within the main development site has not been fully recognised;
- Potential impacts of lighting and noise on bats through loss of connectivity between roosts and foraging habitat and habitat loss and fragmentation Our main areas of concern relate to the loss of woodland at Goose Hill, impacts on the current dark corridor along Upper Abbey Farm bridleway, loss of the barn at Upper Abbey Farm and lack of adequate compensation, impacts on three sides of Ash Wood, loss of the

Sizewell Marshes SSSI north to Minsmere and the total loss of an important foraging corridor north from Kenton Hills;

- Concern that the assessment of cumulative impact on bats from a variety of potential stressors is not adequate, failing to fully capture the effect of all impacts when assessed together;
- Concern that the importance to bats of the area of land impacted by the Sizewell Link Road has not been fully recognised;
- Concern there may be significant impacts on natterjack toad as a result of loss of hibernation sites due to the current proposed footprint of the north eastern Water Management Zone and through habitat fragmentation;
- No alternatives to north eastern Water Management Zone have been considered;
- Concerns about effectiveness of proposed mitigation for bats and natterjack toads in terms of extent and location. The Natterjack toad population is extremely vulnerable and we are concerned over the limited scope of the proposed mitigation to improve habitat to the north and connectivity with potential breeding areas on RSPB Minsmere; and
- Concern around the impact of the SSSI crossing and culvert on ecological connectivity for protected species including bats, water voles, otters and invertebrates.

2h. Other issues

Our concerns include:

- The landscape strategy lacks sufficient details of baseline information, ecological objectives for habitats, species and ecological connectivity, habitat creation and management, robust monitoring and further interventions to be implemented if required and legal means of securing this throughout the lifetime of the development; and
- We do not agree with the Applicant's conclusions around likely net gain arising from the development due to the replacement of higher value habitats with those of lower value, the time for habitats to reach target condition, the biodiversity value of existing habitats, the requirement to first demonstrate mitigation measures are adequate before counting additional benefits as net gain, and the loss of a significant proportion of Sizewell Marshes SSSI.

3. Socio-economic concerns

The RSPB considers that there may be an impact on the number of visitors visiting the locality and RSPB Minsmere.

The RSPB's concern includes:

- Potential impacts on visitors to RSPB Minsmere and the wider area and associated impacts during the construction and operational phases. There is little evidence in the application as to how any consequential loss will be addressed;
- Concerns about those impacts on visitors due to the long lasting direct and indirect effects on the natural environment and landscape (a designated AONB) with little evidence from the Applicant as to how these might be mitigated; and
- Concern over how noise and light will affect visitors to RSPB Minsmere to the detriment of visitor experience.