THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES

2010

The Sizewell C Project

Natural England's Response to The Examining Authority's note on agenda item 5a of Issue Specific Hearing 10 on Biodiversity and Ecology and item 5b

Planning Inspectorate Reference: EN010012

7th September 2021

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1. Natural England have filled out the table below provided by the Examining Authority at their request. However, we are unsure how these specific sites, qualifying features and impact pathways were selected.

    1.1. We advise that a comprehensive list of European sites, qualifying features, and impact pathways that we have concerns about can be found in section 3.19 of our Written Representations [REP2-153] and section 2.4.3 of our Relevant Representations [RR-0878].

    1.2. Each impact pathway listed is further discussed in detail in Part II of our Relevant and Written Representations [RR-0878] & [REP2-153] in addition to ongoing engagement through our Statement of Common Ground with the Applicant.

2. Natural England advises that our assessment of Likely Significant Effects (LSE) for the sites listed in the below table only indicate which issues we believe should be taken through to an Appropriate Assessment.

3. We have been engaging with the applicant on the majority of these issues for a number of years. For most of these issues the applicant has agreed that there is a pathway for LSE and brought these issues forward to the appropriate assessment stage in their Shadow HRA.

4. While we refer to our Written Representations [REP2-153] in the below table for further detailed advice, our current position on the issues listed will be provided in our latest Statement of Common Ground with the Applicant once submitted by the Applicant to the Examination.

5. Examining Authority's completed table to answer ExA 5a Q1:

European site	Qualifying feature	Potential impact	Applicant/IP current position regarding LSE
Alde-Ore and Butley Estuary SAC	Mudflats and sandflats not covered by seawater at low tide	Recreational pressure	LSE from damage to notified habitats associated with increased recreational disturbance e.g. trampling (Main Development Site (MDS) issue). See issue 29 in Part II of our Written Representations.
	Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)	Recreational pressure	LSE from damage to notified habitats associated with increased recreational disturbance e.g. trampling (Main Development Site (MDS) issue). See issue 29 in Part II on Written Representations.
	All qualifying features	Damage from water use/ abstraction	LSE from damage to notified habitats from water use/abstraction (and/or associated works e.g. pipelines) for use during construction/operation (project-wide issue). See issue 3 in Part II of our Written Representations.
Alde-Ore Estuary SPA	Sandwich tern	Water quality impacts from drilling mud and bentonite breakout	LSE from direct exposure of foraging birds to changes in marine water quality, temperature and turbidity, arising from the intakes and outfalls, CDO and drilling chemical discharges. See issues 30-35 in Part II of our Written

			Representations for further detailed advice.
	Little tern		LSE from direct exposure of foraging birds to changes in marine water quality, temperature and turbidity, arising from the intakes and outfalls, CDO and drilling chemical discharges. See issues 30-35 in Part II of our Written Representations for further detailed advice.
	Lesser black-backed gull		LSE from direct exposure of foraging birds to changes in marine water quality, temperature and turbidity, arising from the intakes and outfalls, CDO and drilling chemical discharges. See issues 30-35 in Part II of our Written Representations for further detailed advice.
	All qualifying features	Damage from water use/ abstraction	LSE from damage to notified habitats from water use/abstraction (and/or associated works e.g. pipelines) for use during construction/operation (project-wide issue). See issue 3 in Part II of our Written Representations for further detailed advice.
	Not specified*	Collision risk	LSE from physical interaction, collision risk and electrocution of notable breeding and wintering birds with pylons.

			See issue 7 in Part II of our Written Representations for further detailed advice.
Alde-Ore Estuary Ramsar	Little tern	Water quality impacts from drilling mud and bentonite breakout	LSE from direct exposure of foraging birds to changes in marine water quality, temperature and turbidity, arising from the intakes and outfalls, CDO and drilling chemical discharges. See issues 30-35 in Part II of our Written Representations for further detailed advice.
	All qualifying features	Damage from water use/ abstraction	LSE from damage to notified habitats from water use/abstraction (and/or associated works e.g. pipelines) for use during construction/operation (project-wide issue). See issue 3 in Part II of our Written Representations for further detailed advice.
Benacre to Easton Bevants SPA	Bittern	Noise, light and visual disturbance	LSE from noise, light and visual disturbance of birds which utilise the MDS as functionally linked land (MDS issue). See issue 27 in Part II of our Written Representations for further detailed advice.
	Little tern		LSE from noise, light and visual disturbance of birds which utilise the MDS as functionally linked land (MDS issue). See issue 27 in Part II of our Written

			Representations for further detailed advice.
	Marsh harrier		LSE from noise, light and visual disturbance of birds which utilise the MDS as functionally linked land (MDS issue). See issue 27 in Part II of our Written Representations for further detailed advice.
Humber Estuary SAC	Sea lamprey	Water quality impacts	LSE from Impacts to lamprey from changes in marine water quality, temperature and turbidity, arising from the intakes and outfalls, CDO and drilling chemical discharges, may have on migratory paths. See issues 30-35 in Part II of our Written Representations for further detailed advice.
	River lamprey	Water quality impacts	LSE from Impacts to lamprey from changes in marine water quality, temperature and turbidity, arising from the intakes and outfalls, CDO and drilling chemical discharges, may have on migratory paths. See issues 30-35 in Part II of our Written Representations for further detailed advice.
Minsmere to Walberswick Heaths and Marshes SAC	All qualifying features	Damage from water use/ abstraction	LSE from damage to notified habitats from water use/abstraction (and/or associated works e.g. pipelines) for use during construction/operation (project-wide issue).

			See issue 3 in Part II of our Written Representations for further detailed advice.
	European dry heaths	Alteration of coastal processes/sediment transport	No LSE. However, we do believe there is an LSE to Annual vegetation of drift lines & Perennial vegetation of stony banks for this impact pathway. See section 3.19 of our Written Representations [REP2-153] for further detailed advice.
Minsmere–Walberswick SPA	Little tern	Water quality impacts from drilling mud and bentonite breakout	LSE from direct exposure of foraging birds to changes in marine water quality, temperature and turbidity, arising from the intakes and outfalls, CDO and drilling chemical discharges. See issues 30-35 in Part II of our Written Representations for further detailed advice.
	All qualifying features	Damage from water use/ abstraction	LSE from damage to notified habitats from water use/abstraction (and/or associated works e.g. pipelines) for use during construction/operation (project-wide issue). See issue 3 in Part II of our Written Representations for further detailed advice.
	Not specified*	Collision risk	LSE from physical interaction, collision risk and electrocution of notable breeding and

			wintering birds with pylons. See issue 7 in Part II of our Written Representations for further detailed advice.
Minsmere–Walberswick Ramsar	Little tern	Water quality impacts from drilling mud and bentonite breakout	LSE from direct exposure of foraging birds to changes in marine water quality, temperature and turbidity, arising from the intakes and outfalls, CDO and drilling chemical discharges. See issues 30-35 in Part II of our Written Representations for further detailed advice.
	All qualifying features	Damage from water use/ abstraction	LSE from damage to notified habitats from water use/abstraction (and/or associated works e.g. pipelines) for use during construction/operation (project-wide issue). See issue 3 in Part II of our Written Representations for further detailed advice.
Outer Thames Estuary SPA	Little tern	Recreational disturbance	LSE from Impacts on birds and their supporting habitats associated with increased recreational pressure from Sizewell C workers and displaced locals during construction e.g. trampling of nests/habitat, direct disturbance of birds by walkers, dogs, bikes etc. (MDS issue). See issue 29 in Part II of our Written

			Representations for further detailed advice.
	Little tern	Water quality impacts from drilling mud and bentonite breakout	LSE from direct exposure of foraging birds to changes in marine water quality, temperature and turbidity, arising from the intakes and outfalls, CDO and drilling chemical discharges. See issues 30-35 in Part II of our Written Representations for further detailed advice.
	Common tern		LSE from direct exposure of foraging birds to changes in marine water quality, temperature and turbidity, arising from the intakes and outfalls, CDO and drilling chemical discharges. See issues 30-35 in Part II of our Written Representations for further detailed advice.
	Red-throated diver		LSE from direct exposure of foraging birds to changes in marine water quality, temperature and turbidity, arising from the intakes and outfalls, CDO and drilling chemical discharges. See issues 30-35 in Part II of our Written Representations for further detailed advice.
	All qualifying features	Habitat loss and fragmentation	No LSE
	Not specified*	Collision risk	No LSE
Plymouth Sound and Estuaries SAC	Allis shad	Impingement	No LSE We welcome that the Applicant has recognised

			Plymouth Sound and Estuaries SAC as part of the baseline, but we don't believe there is a pathway to LSE for this site.
Staverton Park and the Thicks, Wantisden SAC	Old acidophilous oak woods with *Quercus robur* on sandy plains	Airborne pollution	LSE had been predicted and brought forward to appropriate assessment where the applicant has provided sufficient evidence that of No Adverse Effect on Integrity. See issue 5 in Part II of our Written Representations for further detailed advice.

6. <u>Agenda Item 5b</u>

6.1. Question 5b requests Natural England to set out in writing *"those European sites, and specifically which qualifying features, they still have concerns about with regards to the ability to conclude no adverse effects on integrity (AEoI)."*

6.2. We direct the Examining Authority to Part I of our Written Representations [RR-0878] which includes a full list of sites, features, and impact pathways which the Applicant has not provided sufficient evidence for us to agree with their conclusion of No AEoI.

6.2.1. One issue in this table has progressed since our Written representations: Issue 8 - Impediment to Management Practices. The applicant has now provided sufficient evidence to ensure any impact can be adequately mitigated to avoid an AEoI.

7. We continue to engage with the applicant through issue specific meetings and updating our Statement of Common Ground with the Applicant to reflect any progress.

8. We will make best endeavours to respond to the remaining questions asked of us in response to ISH10 in writing as soon as possible.