



Together Against Sizewell C

SIZEWELL C PLANNING APPLICATION INQUIRY (IP no. 20026424)

DEADLINE 8: ORAL REPRESENTATIONS & COMMENTS REGARDING ISH10 ECOLOGY

24 September 2021

Note: during ISH10 TASC were given permission to file our response to ISH10 by deadline 8 as our marine expert, P Henderson, was unavailable at the time.

TASC are disappointed that Natural England and the MMO were unable to attend this ISH, presumably because of a lack of resources, which we feel may have resulted in a less robust scrutiny of the issues.

Before the hearing commenced, Chris Wilson for TASC requested that the Landscape and Visual aspect of the SSSI crossing be moved to the recently announced additional Landscape ISH as TASC had noted that neither Natural England or the AONB Partnership were in attendance. TASC were disappointed that the ExA responded with the comment that the landscape and visual aspect of the SSSI crossing would not be discussed today and would be dealt with by written submissions. TASC are concerned that the landscape and visual impact of the SSSI crossing and the access road effectively cutting the AONB in two, have not been adequately considered.

2. Ecology – general and policy

a. To understand and explore compliance (or otherwise) with EN-1 (applied by para 3.9.5 of EN-6), in particular: (i) para 5.3.5 (and Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System (ODPM 06/2005, Defra 01/2005)); (ii) para 5.3.13 and County Wildlife Sites; (iii) para 5.3.14 and deterioration in relation to Foxburrow Wood; (iv) para 5.3.5 and beneficial biodiversity; para 5.3.18 and opportunities for enhancement of habitats where practicable.

b. To understand and explore compliance (or otherwise) with EN-6 Part II Annex A paras Sizewell C.8.59, C.8.63 and C.8.67 (pages 207 and following) and whether the Applicant's proposals have sufficiently taken into account the issues identified in the Appraisal of Sustainability, and

c. To be clear where the matters in a and b are addressed, brought together and discussed in the Application documentation.

3. Marine ecology

a. Sabellaria spinulosa, in general and progress with a Sabellaria mitigation and monitoring plan which is awaited from the Applicant - see also Natural England's position set out in their post-ISH7 submission [REP5-160] what DML conditions are

proposed for mitigation and comments on likelihood of presence and need for compensation (see also MMO's REP6-039] paras 1.3.6.6 and 1.3.7.6).

TASC were concerned to learn that *Sabellaria spinulosa* (SS) is present at the locations the Applicant is choosing to locate the heads for its cooling water intake tunnels. Surely as a protected species, any damage likely to occur to it needs to be avoided.

In discussion, the Applicant indicated that the 'least-worse' location in terms to causing harm to SS would be chosen. Chris Wilson, on behalf of TASC, said that TASC felt that there needed to be an assessment by the Applicant setting out the comparative impacts on SS from the alternative locations for the intake heads.

Pete Wilkinson made the following oral contribution on behalf of TASC: "I wonder if the applicant can tell us what level of impact on the species is permitted. If they are protected, I assume that no level of impact is permitted. So, I think we need to know what level is permitted or what's their understanding of the permitted level of impact. And I think, going along with what Chris Wilson said, we need to know what level of impact is associated with each intake tunnel, that will be very useful information."

b. To understand which issues considered at the Hinkley Point C water discharge permit acoustic fish deterrent appeal and in dispute are common to the Sizewell DCO application.

TASC trust that the ExA appreciate the considerable differences between the marine environments at Sizewell and Hinkley, not least the huge tidal ranges at Hinkley.

c. Eel Regulations; to understand the positions of the Environment Agency and Applicant in relation to compliance and entrainment monitoring – see the responses and exchanges on ExQ.Ma.1.0 and the Environment Agency's position generally on this.

TASC understand that as eels are a protected species the cooling water intakes must be designed to minimise or even stop eels become entrained. Because eels up to around 200 mm long can push through a 10 mm square screen, they are easily entrained so they have not been adequately sampled in the impingement monitoring. Further, eels would not have been captured in the pump sampler used for the entrainment study as the pump sampler is only designed to capture small organisms. In TASC's opinion, the Applicant does not know how many eels will be killed and it is highly possible that the present Sizewell C intake will not meet current environmental regulations on eel protection.

d. Smelt – the Environment Agency's position in their Written Representation [REP2-135], summarised at Annex B, page 74.

As set out in the document submitted at REP2-247, TASC are aware that large numbers of adult smelt are impinged at Sizewell B and will therefore be impinged at Sizewell C. This is an IUCN red list species and a UK biodiversity action plan priority species. It must be remembered that juvenile smelt occur at Sizewell and these can pass through a 10 mm screen. As set out in TASC submission REP2-481h, the full impact on Smelt has not been fully quantified by the Applicant's impingement studies due to the lack of adequate entrainment knowledge.

e. Alde & Ore – reduction in numbers of fish entering – to understand the Environment Agency's position in their written representation [REP2-135] summarised at Annex B page 74.

f. Environmental permitting and the DCO; to understand the positions of the Environment Agency and Applicant in relation to the need for protective measures in the DCO – paragraph 11.5 of the Environment Agency’s Relevant Representation [RR-0373].

g. Impacts of bromoform and hydrazine on birds, both direct and indirect are raised by RSPB in their response to Ma.1.8. The Applicant’s reply only addresses indirect effects. To understand the Applicant’s position.

4. Terrestrial ecology

a. Fen meadow proposals, including Pakenham – to understand in particular Natural England’s position on need, quantum and the likelihood of success.

b. Wet woodland

c. Designated sites including County Wildlife Sites, Foxburrow Wood and veteran trees.

d. Protected species including bats and progress with draft licence submissions to Natural England – see also their response in their post-ISH7 submission [REP5-160] e. District licensing – changes and effects.

f. SSSI crossing (including landscape and visual aspects).

g. Biodiversity net gain – the effect of the new metric and assessment of SSSIs.

5. HRA issues

a. The Applicant’s HRA screening assessment – to seek clarification on specific European sites and qualifying features, with views also sought from Natural England and IPs to understand any outstanding differences between the Applicant and Natural England/IPs with regards to the conclusions of no likely significant effects.

b. Summary or list of those European sites and qualifying features that Natural England do not currently agree with the Applicant’s conclusion of no adverse effects on integrity.

c. HRA and recreational pressure on European sites - to understand the position of the Applicant and IPs, including Natural England, with regards to the proposed mitigation to avoid adverse effects on the integrity of European sites arising from recreational pressure, including progress on the two Management and Monitoring Plans and the securing of such measures.

d. Outer Thames Estuary SPA and red throated divers – to explore the assumptions made by the Applicant in their assessment and the Outline Vessel Management Plan with regards to the timings of vessel movements and how timing restrictions are secured. To seek comments from Natural England, the MMO, RSPB/SWT and IPs on the Outline Vessel Management Plan.

e. HRA and marine mammals:

i. Mitigation - to explore whether the draft Marine Mammal Monitoring Plan (MMMP) should be a certified document that the final MMMP should be based upon and therefore referred to in Condition 40 of the DML and certified. To seek the views of NE and MMO on the contents of the draft MMMP and the Applicant’s ‘Underwater noise

effect assessment for the Sizewell C revised marine freight options' submitted at Deadline 5.

ii. Seals – to obtain an update on the discussions between the MMO, Natural England and the Applicant with regards to mitigation proposed for seals; for which European Sites is this relevant?

iii. Noise, light and visual disturbance - To understand NE's view with regards to the information requested in respect of noise, light and visual disturbance of grey seals, harbour porpoise and common seal of the Humber Estuary SAC, Southern North Sea SAC and The Wash and North Norfolk Coast SAC utilising the MDS as functionally linked land.

iv. Southern North Sea SAC – to seek the views of NE further to the Applicant's updated assessment of prey species impingement [AS-173], [AS-238] [REP6-016].

v. Draft Site Integrity Plan (SIP) – to seek the views of NE, MMO and IPs on the draft SIP and to explore how secured and whether this should be certified document.

f. Marsh harrier compensatory measures – to explore the proposed compensatory measures, including the additional habitat proposed at Westleton and how these are secured through the DCO with reference to the certification of documents, and to explore Natural England's reasons leading to Westleton being proposed.

g. HRA and migratory fish2:

i. Prey species – to seek clarification regarding the relationship between the fish entrapment calculations and indirect impacts of prey availability to SPA and SAC qualifying features; to explore which European sites and qualifying features this applies.

TASC consider impingement and entrainment of prey species is a relevant and important issue at Sizewell due the high status of wildlife designated sites near to the site and the species that inhabit those areas. A very important species as food for numerous bird species, Sand eel have not been quantified as they pass across the 10 mm mesh [refer to TASC WR REP2-481h]. The same applies to sand gobies. The impact of Sizewell C on small prey species is effectively unassessed.

ii. Equivalent Adult Values (EAV) and stock size – to seek views on the Applicant's Technical Note on EAV and stock size (Appendix F of [REP6-024]); and to explore the EA's response at Deadline 5 [REP5-150] with regards to an updated impingement assessment to include repeat spawning in the EAV calculations.

TASC consider that unrealistic stock sizes are used by the Applicant so their calculations minimise the impact on fish species e.g. for herring, the Blackwater stock size should be used, not the stock size for the North Sea.

iii. Entrapment uncertainty report – to seek the views of the EA and NE on the Applicant's report entitled 'Quantifying uncertainty in entrapment predictions for Sizewell C' [REP6-028] and in particular on whether without the LVSE heads effects are below thresholds which would trigger further investigation for potential population level effects.

As mentioned at this ISH, TASC's marine ecologist Dr P Henderson was not available to attend so his review of this document is to be submitted at deadline 8. However, TASC would advise that, as set out in REP2-481h, entrainment mortality is far greater than impingement mortality in all cooling water systems. In the U.S.A. it is almost always entrainment mortality that causes cooling water intakes to be abandoned in favour of close cycle cooling. It is therefore no wonder to TASC that the Applicant has been reluctant to monitor entrainment.

6. Timescale for the submission of further documents and the use of the Examination Library.

- a. What further documents (not revisions) are envisaged?**
- b. What further revisions are envisaged?**
- c. When will they be submitted?**
- d. The importance of using Examination Library references.**