

## **The Sizewell C Project**

### **Ecology Working Group ("EWG")**

#### **Terms of Reference**

This Group is established in accordance with paragraph 17.1 of Schedule 11 to the Deed of Obligation between (1) East Suffolk Council ('ESC') (2) Suffolk County Council ('SCC') and (3) Sizewell C Limited ('SZC Co') dated 08 October 2021 as varied by the first and second deeds of variation dated 13 April 2022 and 6 May 2022 respectively (the 'Deed of Obligation' or 'DoO').

This Terms of Reference includes the scope, obligations and agreed governance as set out within the DoO. Any revisions to the Terms of Reference have been agreed in accordance with the Terms of Reference themselves. Except where expressly stated otherwise, words and expressions used in this Terms of Reference will have the same meaning as defined in the Deed of Obligation.

#### **1. Establishment**

SZC Co shall establish the Ecology Working Group on or before the anticipated date of Commencement notified by SZC Co under clause 12.1.1 of the Deed of Obligation, which shall exist until the end of the Construction Period unless otherwise agreed between the members of the Ecology Working Group.

#### **2. Purpose & Scope**

- To carry out the ecological governance role of the EWG as defined in Schedule 11 of the Deed of Obligation. The specific governance role of the Ecology Working Group is further defined in the "Natural Environment Plans" i.e. the Wet Woodland Plan, Wet Woodland Strategy, Fen Meadow Plan, Fen Meadow Strategy, LEMPs, OLEMP, TEMMP, Outline Vessel Management Plan, MMP for Minsmere – Walberswick and Sandlings (North) and MMP for Sandlings (Central) and Alde-Ore Estuary and any other document submitted pursuant to or certified by the Secretary of State under the Development Consent Order which describes the role of the Environment Review Group or Environment Working Groups.
- The EWG shall exist in 'shadow' form until all parties agree that it is to be formally established under the Deed of Obligation at or before commencement of the Project.
- To review monitoring undertaken in accordance with the Terrestrial Ecology Monitoring & Mitigation Plan (TEMMP) pursuant to Requirement 4 of the Sizewell C (Nuclear Generating Station) Order 2022 (DCO) and certified by the Secretary of State under Article 82 of the DCO and the OLEMP.
- To consider and maintain effective working interfaces between the EWG and other governance groups including but not limited to the Marine Technical Forum in order to ensure effective implementation of all ecological monitoring and mitigation within the Project.
- To report to the Environmental Review Group (hereafter referred to as the 'EnRG') on the effectiveness of the ecological mitigation and monitoring measures which it reviews and, where those measures are not being successful, advise the EnRG on the recommended remedies to ensure that adequate mitigation is delivered.
- To report to the EnRG biannually on the expenditure of previous annual contributions from the European Sites Access Contingency Fund, and the effectiveness of such expenditure, unless otherwise agreed by members of the EWG.
- To review the quadrat survey of the Fen Meadow Sites to determine (i) whether the Fen Meadow Target Quantum has been met; and (ii) if not, determine the amount of Fen Meadow Contingency Fund payable.
- To advise SZC Co on appropriate management measures to be specified within the landscape ecology management plan to be submitted pursuant to Requirement 24 of the DCO.

- To provide the licensing team within Natural England with such reports as it may require at least annually, to keep them informed of wider (non-licensing) ecological monitoring and mitigation.

### **3. Membership**

The Ecology Working Group shall comprise:

- one ecologist to be nominated by East Suffolk Council;
- one ecologist to be nominated by Suffolk County Council;
- one ecologist to be nominated by Natural England;
- one ecologist to be nominated by the Environment Agency; and
- one representative to be nominated by SZC Co,

or such alternates as may be nominated by those representatives from time to time as agreed by the members of the EWG. Parties may be represented at meetings by more than one representative provided that each member shall only have one 'vote' on any matter to be determined by the EWG.

The Ecology Working Group shall encourage participation at its meetings by representatives of the Royal Society for the Protection of Birds and Suffolk Wildlife Trust at least in connection with relevant matters set out in Annex 1 of these ToR, or as otherwise agreed between the Parties.

### **4. Meetings**

- SZC Co shall be responsible for the administration of convening and holding of meetings of the EWG. Meetings shall be held quarterly (or more or less frequently where agreed by all members of the EWG) either virtually or in a convenient location in East Suffolk or Ipswich to be identified by SZC Co.
- EWG will meet no later than three months after the Commencement Date.
- A forward programme of scheduled meetings will be maintained by SZC Co.
- Meetings will be chaired by East Suffolk Council unless otherwise agreed.
- The meeting will be quorate if at least three members (at least one of whom is a member representing SZC Co, one of which is a member representing East Suffolk Council and one of which is a member representing Suffolk County Council) are present.
- Organisations should use reasonable endeavours to attend.

### **5. Engagement**

- Organisations will adopt the following terms of engagement as far as practicable:
  - Agenda and Papers are to be circulated not less than 10 working days prior to the meeting date.
  - EWG members will use reasonable endeavours to respond to complex information (i.e. technical reports) within 20 working days.
  - Minutes are to be circulated by SZC Co within 5 working days of the meeting.
  - Amendments to, and approvals of, the minutes to be made within 10 working days of receipt.
  - It is accepted that from time to time it may not be possible to adhere to these timelines in which case all EWG members will use reasonable endeavours to meet any exceptional timeframes.
  - The EWG secretariat will record all issues raised during a meeting, whether they were addressed and, if not, the plan for resolution. Where a question has not been able to be answered satisfactorily during a meeting SZC Co will follow-up with a notification to all EWG members within a timescale agreed at the meeting.

- The EWG will use reasonable endeavours to aim for decisions to be made unanimously wherever possible. Where this is not possible and all parties consider that it may be possible to reach unanimous agreement if further evidence is provided (and all parties agree that the decision does not need to be made immediately) the decision shall be deferred for up to 6 months pending provision of the additional evidence. If after consideration of the additional evidence a decision still cannot be made unanimously, the matter shall be referred by ESC to the Environmental Review Group under Paragraph 17.5.8, Schedule 11 of the Deed of Obligation.
- EWG members are expected to engage fully in discussions and provide feedback to the Chair.
- All decisions (including pending decisions subject to further evidence) made by the EWG will be recorded in the meeting note and will also be collated and recorded in the 'EWG decision log' using the template included at Annex 2 (unless an alternative template is agreed).

## **6. Escalation**

- In the event that any of the Quorate Members of the EWG consider that a matter needs to be referred to the EnvRG for urgent resolution, it shall notify the members of the EnvRG accordingly in order to invoke the urgency process set out in paragraph 15.7 of the Deed of Obligation.
- The escalation process to be used should members of the EWG not be able to reach agreement on decisions shall be as prescribed in the Deed of Obligation as summarised in Annex 3 of this ToR.

## **7. Reporting**

The EWG shall report to the Environment Review Group bi-annually on the following matters:

- the expenditure of previous annual contributions from the European Sites Access Contingency Fund and the Minsmere and Sandlings (North) Contingency Fund; and
- the effectiveness of such expenditure unless otherwise agreed by the members of the EWG.

## **8. Governance and Administration**

- The EWG shall make such terms of reference for its governance and administration as it considers appropriate at the first meeting of the EWG.
- Amendments to these Terms of Reference can be proposed by any member and made by unanimous agreement of the EWG from time to time as deemed to be required, with such arrangements and terms of reference to be approved by the Environment Review Group.

## Annex 1.

### Areas of Interest to Suffolk Wildlife Trust (SWT) & Royal Society for Protection of Birds (RSPB)

As noted in Section 3: Membership, the Ecology Working Group shall encourage participation at its meetings by representatives of the Royal Society for the Protection of Birds and Suffolk Wildlife Trust. Areas of interest have been confirmed in consultation with Royal Society for the Protection of Birds and Suffolk Wildlife Trust as set out below.

The Royal Society for the Protection of Birds have confirmed the following Areas of Interest:

- Discussions on activity adjacent to RSPB Minsmere, including monitoring and mitigation for:
  - Recreational displacement.
  - Coastal vegetation.
  - Waterbird.
  - Marsh harrier.
- Discussions relation to recreation, noise and visual disturbance;
- Marine impacts (where discussed by the Ecology Working Group); and
- Discussions related to net gain.

Suffolk Wildlife Trust have confirmed the following Areas of Interest:

- Discussions related to bats;
- Discussions related to natterjack toad;
- Discussions related to reptiles (specifically adder);
- Discussions related to the Sizewell Marshes SSSI.

The Royal Society for the Protection of Birds and Suffolk Wildlife Trust will be included within all meeting invites and will be sent all draft agendas, and it will be the responsibility of these parties to confirm attendance.

## Annex 2. EWG Decision Log

<b>Date of decision</b>	<b>Members in attendance (Representative)</b>	<b>Decision</b>	<b>Pending or final</b>	<b>Comments and future actions</b>
<i>[xx February 2024]</i>	<i>[Example]</i>	<i>[Example]</i>	<i>[Pending / Final]</i>	<i>[Example]</i>

### Annex 3. Escalation Process

As per paragraph 17.7 of Schedule 11 of the Deed of Obligation and the Terms of Reference for the Ecology Working Group, in the event that any of the Quorate Members of the Ecology Working Group considers that a matter needs to be referred to the Environment Review Group for urgent resolution; it shall notify the members of the Environment Review Group accordingly to invoke the urgency process in paragraph 15.7 of Schedule 11 of the Deed of Obligation.

Where a decision of the Ecology Working Group requires escalation, the following escalation process will be undertaken by the Environment Review Group in accordance with paragraph 15.7 of Schedule 11 of the Deed of Obligation and resolve the matter:

*"15.7 In the event that any of the Quorate Members of one of the Environment Working Groups refers a matter to the Environment Review Group for urgent resolution, the Environment Review Group shall:*

*15.7.1 meet as soon as reasonably practicable after the members of the Environment Review Group are notified and in any event within 10 Working Days for the sole purpose of resolving the relevant matter (with such urgent meeting not counting as a meeting of the Environment Review Group required to be held pursuant to paragraph 15.4); and*

*15.7.2 be entitled to vary any of the requirements of this paragraph 15 by agreement of the members of the Environment Review Group to facilitate such meeting occurring as soon as reasonably practicable and the early resolution of the relevant matter."*