

# TEXT\_SizewellC\_ISH7\_Part1\_Session3\_1507 2021

Thu, 7/15 4:19PM • 1:43:41

00:05

Good afternoon, everybody. Welcome back. I hope you had a good year for rapid lunch.

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So we have got to

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thin Meadow Just a moment.

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Just bear with me something is not quite right in the way my documents are displaying.

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Okay.

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We are at the question of fin Meadow replacement now and fillable and like to ask you in your clients, some questions First of all,

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afternoon, afternoon. So, first of all natural England are saying that if the compensator II habitat attempts fail,

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then potential compensation sites further afield should be sought, and that that inquiry should go nationally as the fen Meadow is nationally important.

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I would like to understand what the applicants view is on that proposal, please.

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So, yes, I'm going to ask Mr. Lewis, to deal with this, sir, as your as your be aware, but just for the benefit of those by way of introduction at the moment, sheduled sheduled, 11 of the date of obligation, which deals with natural environment provides that the area covered, which was more narrowly defined is now East Anglia. So that goes wider than Suffolk itself. In order to provide appropriate assurance,

there'll be a number of potential sites where the funds can be spent. So that's the current proposal. What I'll now do is ask Mr. Lewis's to explain the thinking behind that.

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And the thinking behind the limit. Yes. Right, rather than looking at the whole of the country, why we've confined it to that area. Thank you.

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Hello, sir. The reason?

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The reason for extending this to East Anglia rather than nationally, which of course would we could have done was to retain some element of proximity to the area of loss at size? Well, I mean, one of the, the sort of critiques of the locations of the fair Metro sites is that they're somewhat remote, particularly the Pakenham site in West Suffolk. And of course, if we extend the contingency approach nationally, then, you know, if you ended up falling back on the contingency approach, you You would then divorce it even further

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from Sizewell in the area and the point of loss of the fan matter habitat. So, we thought that was an important point.

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I just like to draw attention to one paragraph in the key reference to

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the which is Rodwell at L 1991. And I'll provide the reference in a note but it's British class plant communities Volume Two, and they state in relation to M 22. The community is of wide distribution on suitably wet and bass rich soils throughout the southern British lowlands. with particular concentrations of stands in East Anglia, North Buckinghamshire, an angle C

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and the IRS in the carex sub communities which is course what we got it at sites well are especially well represented in the first area. So what this does, it gives us confidence that we should be able to find further opportunities primarily in East Anglia given the distribution

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of the of the habitat nationally, but also retaining that connection to the point of loss, which replacing it in Anglesey or North Buckinghamshire or elsewhere perhaps in Yorkshire wouldn't wouldn't do the job fair. Does this. Does that help you sir?

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Yep. Yeah, that's helpful.

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That means I can raise a question I was gonna raise later.

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So if you have to pay out the fan motor contingency fund.

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How is it says that the recipients of the funds, East Suffolk Council is going to have a better likelihood than you did. of actually recreating

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Suitable compensator e habitat?

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So the answer is that across you're able to look across a wider geographic area so that you've got greater opportunities. I mean, Norfolk has got a lot of

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fen Meadow sites and Cambridgeshire likewise. So you're extending the geographic area. So your chances of finding additional sites are greater. Of course, what we do in the strategy, we do extend this to enhancement. So it's not just recreation, we also extend it to enhancement to broaden the opportunity for betterment. So that's that's a key point of extending the contingency to enhancement. So it's a way as well as extending the area where slightly extending the criteria.

05:47

Does that help? Right, thank you. Thank you. I'll ask the next question. If you if you're not the right person, then you can pass back to Mr. Phil bottom.

05:58

So if we if we take now to the so if nattering and say that when we look at Pakenham, your assessment of effects does not address the effects on the nearby triple si. What is your reply to that please?

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We do look at the triple si the impacts on the triple si in the ies addendum, I can provide references to that whether it's

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of

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the depth that

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you may be anticipating I'm not quite clear in the fair Meadow plan, which importantly, we're going to come forward with D six, we will provide further details. And of course, we won't undertake any measures which would be desperately detrimental to the triple si. So that plan will clarify proposals all the three sites but it will also obviously include Pakenham. And we won't do anything that will detrimentally affect the water levels or the vegetation at the Pakenham fen triple si.

07:09

Thank you.

07:12

Are you the right person for you to ask how much the fen medic contingency fund is actually going to be?

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I think that's probably for others. And I'll probably refer back to Mr. Philpott and he may ask others to comment on that particular matter. But other any other any other technical matters you'd like to ask off me, sir?

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Well, the question which follows on to me how much question is

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that if you get to paying out the well, what if we take the fen Meadow contingency fund approach? Why wouldn't the undertaker simply give up on recreating and say, Here's the money prices, but the first one was your likeness to fill up to find?

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I can actually provide it provide an answer, I suppose that the logical if that will be helpful to the logical point, I guess is that the the approximate cost of delivering the measures must be

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at some perspective lower than the value of the contingency so that there's no incentive to not undertake the works and to rely on the contingency. So there has to be a super suit suitable differential between those two values, but others can speak to what those values are. Okay, thank you. Now, you can pass back to Mr. Phillpotts. Much. Thank you, sir. So I have just taken rapid instructions, there is no some yet which has been discussed with other parties. I don't have a some I'm not aware of a son myself. But I am told that that first of all, the sum, together with other songs in relation to other matters will be in the version that goes in it D seven. But in addition to that in advance of the D seven,

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document there, there are going to be discussions both of the council's and natural England about what that sum should be. And obviously there will need to be a rationale for that son which links it together with the sort of works that will be anticipated in those circumstances as being required to achieve the sort of measures which Mr versus just anticipated. And as I understand it, however, the way that

condition or sorry that requirement 14 A works, you can't achieve clearance within the triple si until the fen Meadow plan has been approved. That plan must be in general accordance with the fan matter strategy has to include an implementation timetable for the works. And then the work has to be carried out in accordance with the fen Meadow plan. So you

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You have to, in order to comply with a requirement, you've got to go ahead and do the works. So you've got a strong incentive on the undertaker for to make those works effective, because the the mechanism that then arises in relation to the payment of the contingency fund. And this is then in in sheduled, 11 is that the payment arises in accordance with your record, there's a table, which

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it's a it's a graduated table, depending on how successful you are in delivering for 14 A is the requirements, which means I don't have to worry that you just say, Well, I can't be bothered, here's the money. Exactly. Because the way the mechanism is set up is that it's only a year 10 when you look at the success or otherwise, if what you've done in accordance with requirement 14 A at that stage, that you say, well, do we have to release any money? And if so how much but because you've already spent the money acquiring the land and doing the works in accordance with the plan, which are obliged to there's a strong incentive to make that work. So you don't have to spend even more year 10 in order to make up any shortfall.

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Okay, I'll have a closer look at 14 eight, but thank you. Thank you. That's the thinking anyway, so yeah.

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And and Mr. Lewis's thinking was that you'd have to make sure that the contingency funders,

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itself has got an incentive to make sure that you, you deliver. In other words, it's quite expensive.

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Well, I think that the sort of the scale of the fund logically must relate to what it's going to be because of the work spent at home, I mean, that that there has to be a proportionate relationship between those two things can't be based on some sort of punitive element. And as I've indicated, the way that the requirement relates to the obligation should provide a defence against that potential. Okay, means of seeking to escape liability. Okay. Thank you. Thank you. I'm going to turn to natural England now and ask them, and then a few others, and then I'll come back to you, Mr. Philpott for your writer reply.

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So, who we got from natural England?

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Mr. Haynes, are you there? Yeah.

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That's all right. May I just ask you, then, you have expressed considerable concern about the difficulty of creating compensator II fen Meadow? Could you just sum up what the problem is, please?

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Yeah, I think part of it is the information that we've seen today. And, yeah. Looks like you've already read our detailed advice for the issue 49 of our written representations. But

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yeah, at the moment, we're we're currently unable to advise whether the compensation is likely to be successful or not. Because the the detailed site feasibility studies for all three sites have only just been submitted, we have another chance to review those yet. I think we have submitted deadline three on the 24th of June.

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And so yeah, we're reviewing those with our with within as a specialist. And we also understand that this firmado plan, which should include further detail, is to be submitted deadline six, on the sixth of August, so we'll obviously need to review those documents in detail before we're able to come to a view on whether or not the compensation is likely to be successful. Yeah. Okay. Well, that was gonna be my next question is how,

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what is the likelihood of 100% success? And what is the likelihood a 20% success, but I suppose you can say to me, Well, there's more information on its way you'd rather hang on till that you've seen that. Yeah, I'll perhaps perhaps see if Ian's got anything to add on that.

14:06

JOHN? Just missed.

14:12

Hello?

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Yes, I mean, party. Obviously, we haven't seen the plans. So

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we can't count on any detail. But in principle, there are a few if any precedents or examples of successful restoration of this habitat. In England, more works been done in Europe on the continent

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of similar vegetation. I mean, the difficulty is that this is this is a habitat that has very precise requirements. It occurs on peat. So it has to be has been a very wet saturated site for 1000s of years. It needs

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They switch groundwater supply.

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And it needs relatively low nutrient status. And

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those sorts of places where he found those conditions are few and far between.

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Okay? And so that leaves you, essentially, you have to recreate you have to recreate this, you can't really create it from nothing. So you're looking at sites that may have supported in the past. So you need a Pete site, you need a site this got chalk water or crack water.

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It's simply rather difficult and rare. Yes, it is. And we haven't, we don't know how long it will take to assemble all of the components species, particularly

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species that are in size, well, for example, because some of them are, you know, they're very difficult to establish and we don't have the experience in, in establishing and elsewhere. Recreation.

16:01

Can I ask you about the criterion for paying out the compensation fund? Is is the criterion correct?

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I think I'll have to go back to Jack. But that's it Mr. Haines. Okay.

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Yeah, I think we probably have to

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go and look at that again and come back to you in our response to that Okay.

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All right.

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Let me remind the standing is the loss of fen Meadows only naught point seven Hectors there is a lot of fen Meadow at this triple si

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and large amounts of land are having to be compulsorily acquired in order to achieve the amount which you are saying is necessary.

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That's the amount you say is necessarily based on a multiplier.

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Is that multiplier set in? in policy? I suppose you had to do it very much before. Explain to me what how you get to that.

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Large regression multiplier.

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The

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I've in the technical details, which has come to me. And when we talked about the nine times multiply base eight, there are two criteria. One is how can unusual rare the community is the vegetation habitat. And the other one is the second one, the risk of it not being successful. And particularly, we have very little information on time to actually

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achieving whatever criteria we set for success. So based based on all of those uncertainties in the difficulty, we we identified the kind of maximum multiplier as being required, in this

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case for this type of ecosystem.

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So it's a function of difficulty and uncertainty. Yes. Right.

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I understand the policy about loss of fan meadow, but but I mean, how much then many do you have it at the size? Well, Marsh is triple si and you know naught point seven hectares is not a large amount.

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How much should we have? Oh, jack, do you know exactly how much the Rose 20 Hectors? I'd have no top of my head. I'd have to drink. But um, yeah, we could we can provide that in our in our response. Well, I think it goes back to the policy point earlier if

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you know, in terms of the protection afforded to the tripper side, which obviously, there's a strong Protection Policy.

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I think something else that's worth considering is that you can't just lose a chunk of this ecosystem, which is intimately connected to all the other parts being part of a peak body that's hydrological connected and all the rest of it.

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So it's not as if you can just see it as a Kayla's point seven that says, we can do that somewhere else. It's it hasn't. It will have undoubtedly, much wider

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impact across the size UK.

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And you recently said that in your written reps you say the fen Meadow plan which is secured by requirement 14 A needs to be provided. Now.

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If

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It has to contain the detailed site feasibility studies. Now, I think Mr. Phillipotts just told me that there's a familiar planet coming along at these six. Or maybe there's your colleague, is that the plan that is that you want? And does that deal with the point in your written rap?

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Where are you at now? Did you see it? But is that what you're expecting to contain the details, site? visibility's feasibility studies and therefore, deal with your issue?

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I'll take this one. Mr. Brock.

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Yeah. So it's the it's the combination of those feasibility studies which have already been provided, but which we haven't reviewed yet. And the family plans can be submitted at deadline six, and yeah, open the information in there for us to be able to provide an update to position it's going to be available. Okay. Thank you.

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That's all I have for naturally as anything else you want to say I read your written representations, obviously.

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I think from my point of view is just the point on even if this is

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successful,

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so bear with me.

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Yes, was the highlight the point that to the other notified habitats, which will be aware of rebidding ditches and triplets on March marshes have obviously been compensated for in the full old house farm

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nearby, and they were obviously

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created. And in 2006 by the applicant, which was out you know, very much welcome. That's the sort of the best ecological practices to get these habitats created and fully functioning ahead of any potential loss occurring should concern be granted.

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And so I think the point to make it just as obviously accepted as a principle there, and that's, that's not going to happen for the for the fair meadow and the and the wet wooden, which supports the invertebrate assemblage, which is a feature of the trapezoid. So it's just that is that is outlined in full in our representations. But yeah, just just to make make reiterate that point. Thank you. That's, that's that's very, that's very helpful.

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Can I turn out to Suffolk Wildlife Trust?

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And

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I guess I'd like your view. Firstly, on the fen Murray compensation funds anything which else which you want to say now.

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Thank you, sir.

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Yes, did just to add to the comments provided by natural England, reference, the uncertainty of replicating m 22. And some of the sub communities below m 22. And the lack of peer review literature out certainly in in UK habitat. So reference to the replacement ratio, I think it really does is a reflection of the uncertainty of replicating the habitats in in any meaningful way.

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Certainly our feeling is the compensation may replace them as a shadow habitat, but as a full reflection of the depth and the biodiversity of what is lost. there's a there's a large amount of uncertainty there.

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But also in terms of the ratio, and the high ratio, I think that is a reflection of the loss of functionality. So the compensation sites are obviously somewhere away from the loss from the where the loss is occurring. And if you created compensation on a light to light like for like basis, even if you could achieve that with good enough water quality, the risk is you lose the functionality of the community. So providing a bigger and more robust replacement habitat helps provide confidence on on that. And my my final point would just be that the feasibility surveys for record recreating the fen compensation site will not be expected until after decio. So I do wonder whether it's possible for the applicant to actually come up with reliable financial quantum in time for the examination,

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which we'll see.

24:11

Thank you.

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The Suffolk council Chan, I asked you

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that you have drawn attention to the need for

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a plan for the establishment of long term management and the monitoring of the compensation habitats that's in your local impact report.

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Where has that issue now got to please? Thanks. So what could I

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ask Mr. Mayor, the council's ecologist to deal with that, but also to pick up

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one the question of the prospects of success of the compensation measures

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And then two, which is your points, the contingency mechanisms, in particular sheduled 11. And just briefly to address those two these two points.

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So first of all, Mr. Mayor prospect of success.

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Thank you, sir. Good afternoon, James Murphy, Suffolk Council. And first of all, I think we would echo what you've heard from natural England and the soft Wildlife Trust in terms of the difficulty of creating these and the background to

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the multiplier and things like that, that have been discussed, in terms of excuse me, and

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the prospect of success. Like I say, we'd echo natural meanings concern that this is an incredibly difficult habitat type to recreate.

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There are mechanisms set out in the state of obligation, think back to the FEMA day strategy about triggering this Compensation Fund. And I think that's a point that hasn't quite been addressed yet. And we've obviously set out in our written

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responses, a concern about this threshold approach that has been suggested for triggering the compensation fund, because you said it works across several sites at once. Exactly. It's not it's not subtle enough in how it's at the moment if that if that's, if that's coming, and spending more money more decent.

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And in terms of the monitoring, and strategies for the sites, our understanding is that the terrestrial ecology monitoring mitigation plan starts to set out how that would be approached by the applicant. But again, it's it's lacking in detail.

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And it comes back around to the point about the feasibility studies that without this full suite of information on the feasibility of creating these habitats, designing a monitoring regime

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is already on the backfoot.

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Okay,

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so could I could I ask Mr. Mayer, just to pick up one final point, relating to a question you asked earlier about extending the application of the fund to East Anglia beyond Suffolk, in the context of the suggestion that goes beyond East Anglia and asked Mr. Mayor to address that, please?

27:20

Yes, of course. Yes. Just on that point, again, we'd agree that beyond Suffolk, and would be a sensible search area, but within Eastern Region makes sense, given the quantum of these habitats that exist within the East Anglia area. And obviously, the geographic location of the application site.

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And the need to effectively keep any compensation as close as possible.

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Thank you very much.

27:48

Yeah.

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Anything else you want to say? Mr. Teach?

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No, no, I think Mr. Mayor has covered that we are expecting further surveys to be submitted to the examination and we'll await that before commenting further. Okay, thank you very much. Can I now turn to

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the county? Have you got an interest in this that you want to express?

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Thank you, sir. Michael Bedford, Suffolk County Council. Yes, we do have an interest. we defer to natural England. And

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we echo and endorsed the points that have been made by the Suffolk council already.

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But we particularly have an interest in relation to the Pakenham fen meadow, because as you will have seen from the dialogue about requirement 14 that being site which you know, lies in West Suffolk, and not in East Suffolk, and the dialogue has led to the conclusion that East Suffolk would not want to take on responsibility for considering the future discharge of requirements in relation to the painting site being sold out on their administrative area. And we have discussed the matter with West Suffolk and West Suffolk is content that the County Council which obviously has its own ecologists, and is a county planning authority as well as all its other hats, that we are an appropriate body to oversee that site. And so

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I say we do have a direct interest. Therefore, in the topic, there are some points in addition to what you've already heard that we just want to bring out. I think you've probably heard already sufficient about the ecological issues which I say we endorse what is already being said. But so you will know that email

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local impact report, which is a joint report, but at paragraph 8.166 to 8.169.

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In rep 1044. Some concerns are outlined about the Pakenham

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proposal in terms of issues that were still outstanding. We noted that some of those matters were identified by the examining authority in the rule eight letter annex B. I think it's PD over 27. Were you supplemented your list of us who are principle issues

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by making those issues referable, specifically to the piquant site? Yeah.

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And some of those are completely extraneous to this, but some of them do relate particularly to the way in which that habitat can be created. And what the management regime for it will be. Obviously, that letter, which I think went out on the 18th of June was after your first written questions back in April. So I don't think that the applicant has yet provided a specific

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document which picks up on those matters. And in their comments on our local impact report they haven't addressed, I think the specific points but there are issues. For example, in relation to the interaction between the hydrology of the fan Meadow site and the adjacent

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water mill, there is a grade two listed water mill which is actually an operational water mill, which is I think one of the issues that you picked up on and we had picked up on just wanting to be satisfied. That one doesn't do anything to change the water environment at the Pakenham recreation site, which has a deleterious effect on the on demand on the mill and its operations. There's also it might be a prosaic point, but it's still a point which needs to be addressed. In relation to rights away, there are rights of way which cross the fair Meadow payment proposal site, it's not proposed to divert those rights away, and that's instead satisfactory, but the changes to the management of that area are becoming in more waterlogged will have some implications for the future management of those, whether it needs boardwalks or whatever I mean, these are all points of detail. But the point, the real point is that what we're expecting to see is how they're going to be grappled with the fen Meadows strategy that we've got at the moment, which is a es

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209 is quite high level and doesn't grapple with that level of detail. Obviously, we welcome the news that there's to be a fen Meadow plan at deadline six, I don't think we'd actually picked up that we were going to see that a deadline six. But if we are, we're very welcome, Matt, because it will hopefully provide a vehicle for resolving some of these concerns. And then lastly, on

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the the fan Meadow point there is a small but not unimportant point in relation to the drafting of requirement 14 a, where insofar as we're to be the discharging authority for the patient site.

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We obviously welcome that. But for some reason we've been described there specifically as lead local flooding authority and drain your authority.

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We don't see the purpose of that we actually think it could be detrimental in that we need to be able to consider all relevant issues. You want to be using your planning powers, not just your flood and drain. Absolutely. So

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I'll let you know. I'm sure the Africans follow that one. Yeah, exactly. I mean, it's a drafting point, but it is a potentially important because we wouldn't want to circumscribe I say the range of matters to be considered. I have got a separate point on the wet woodland. I don't know whether that's it's a short point to deal with that now or to deal with that under because it's item to gain to gain to I've had a look at the the agenda over the lunch break and I'm going to push the wet woodland I'm afraid into excuse from us. Or if you want to make your submission in writing at D five that will be uncontacted.

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Thank you. Okay, thank you. That's helpful.

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So let me now go to Mr. Collins for minsmere levels. Do you? Did you want to contribute to this?

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No, not to this. Okay. Thank you. Thank you.

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Mr. Woodfield, you've got your hand up.

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Yes, sir. Hi, I just thought I'd make a point which may be of use you asked a question naturally and earlier on about standard approaches to calculating multipliers for compensation.

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And although it's not, it's not a standard approach for triple Si, as you would have picked up the in my deadline to representation, I applied the key biodiversity net gain metric, as calibration test to the adequacy of the off site compensation, the patient. And that test, even though it's not designed for statutory sites or irreplaceable habitats, that test indicates that there is a huge shortfall somewhere in between a factor of somewhere between two and five in terms of the compensator II provision using that measure.

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Now, I think the applicants approach has been that the metric cannot be used in that situation. But in the time since that representation,

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I submitted that metric three has come out to you may or may not be aware of that. And in the guidance around metric three, it specifically says that you can use it as a calibration test for the adequacy of compensation proposals.

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For irreplaceable habitats or statutory sites, it says you can't use it as a justification for the loss of those sites, because that requires a whole separate policy compliance test basis. But it can be used as a measure of the adequacy of the provision. And if metric three is applied to the compensation provision, the same issue arises that identified using metric two, which is that it's short by a factor of somewhere between two and five.

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Okay, thank you.

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Mr. lamps. I see your hand up there. I'm just going to go with the Environment Agency. First of all.

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Does the agency have a view Mr. Scared, which wishes to make on this?

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Mr. Scared? Sorry, sir. Camera market Environment Agency?

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No, we weren't anticipating make any comments on this.

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Thank you very much. And that in case Mr. Langton.

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Good afternoon. Mr. Bright. Yeah, I very quickly, I just wanted to



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reiterate some of the earlier points made that it is incredibly difficult to halfway through the examination, as you've pointed out, and the amount of information is very, very lacking. It looks like we've got to wait until D seven for a lot of this information. And so to

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talk about some of the broader principles is fine. But you know, we really need to be looking at the facts and the detail. And so we've taken on a site which I visited and spoken at some length with the owners, I am greatly concerned about the feasibility of manipulating the water system, that it's extremely complicated. There are issues relating to nutrients and

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feasibility, that don't, that aren't that are glaring. There's also suggestions now that material, plant material and presumably invertebrates will be moved from size well over to Pakenham. That raising the issues of genetic pollution with the sssi that's already there.

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That's at the top of a catchment that flows towards the little lose the graters and the wash. And we're kind of mixing and modelling here. And so it's not just the proposals that are model, there's a threat to the ecology of new catchments of moving things around that don't appear to have been addressed. So I think, as you say, but put in touch with the cost and the inconvenience to the landowner if this doesn't work. This is this is the in the absence of detail. This is a shot in the dark. It's not the sort of safe practice that one would expect at this kind of stage in this kind of proposal. So I flagged that.

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Secondly, and it kind of relates also to the wet woodland issues. We're talking about slicing and dicing the habitats here. And then there was a lot of Pete on old house farm that was picked up and spread over the land.

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There could have been a better matrix of habitats at altos farm, to keep the

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The animals and plants actually where they are putting them in tiny pockets in halesworth. And Ben Hall

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is, from a genetic point of view these these small pockets would isolate an embryo. They're not robust, they're not resistant. And it is very much like,

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I feel that this is this is rather like breaking up some kind of antique book from a major library and saying, we don't really need to record the pages first. You remember that EDF prevented me from carrying out invertebrate surveys, they wanted to rely on their the comparative sampling method rather

than have a detailed salvage look at what was actually going to be destroyed. So they're saying, you know, we'll lose a few pages of this book, or but we won't know what those said. But we'll try to give the remaining pages to a few libraries here and there. And we do hope these labour libraries will stay open. Well, they should be saying we want to make a replica of this book and put it on permanent display. I think we've been shortchanged here massively. And it's just not good enough. Thank you. Thank you. Thank you, Mr. Langton.

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I think that completes the

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interested parties, you want to make a contribution. So

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I can go back to you, Mr. Phil bot? Is there anything you want to pick up? So yes, before I go to Mr. Lewis, just a couple of contextual points. You heard from natural England, about

41:39

the way in which sites have to be selected in order to be suitable for the recreation of this sort of habitat. And that, of course, is very much as we've explained in writing, how those sites that we have chosen have been selected. there's a there's a difference there. In a moment, I'll ask Mr. Lewis, to talk about the ability to

42:05

recreate the habitat there, and in particular, the species that are likely to be

42:14

able to be established. Their second point is this.

42:21

You made reference, I believe, to the loss of nought point seven, Hector's. My understanding is that that was the original figure. But as of January this year, that was reduced to naught point four, six Hector's. So that that's, that's the current figure. And so far as the overall question of risk is concerned, as I think has been explained, but one needs to contemplate the implications of it, the risk is reflected in the multiplier that is recommended by natural England.

42:58

So one needs to bear in mind that the risk is built in to what we are committing to seek to recreate so that the risk of it not establishing is built in to that point of quantum.

43:13

And that's important to understand. And although there have been suggestions of using some other multiplier, from a source, which I think was acknowledged is not intended to be used for that purpose. We are conscious of the fact that we're seeking to use compulsory powers in relation to this land. And

we're also conscious of the specific role that natural England plays in these matters. And if the advice from natural England is this is the multiplier you should use, or can see in a compulsory acquisition context, by seeking to go further beyond natural England's advice

44:00

is inherently problematic from that perspective. And the approach has been adopted, I would submit is entirely reasonable. So

44:09

we are also grateful to the drafting points in relation to

44:18

the requirement 14 A advanced where Mr. Bedford and we'll look at those also conscious Mr. Meyer, on behalf of he suffered counsel, suggesting that the drafting and the deed of obligation is not subtle enough. We are open to suggestions as to how these things should be captured. So we're very happy to take that outside the examination, listen to it. So with those introductory points, I'll ask Mr. Lewis to respond to the matters of substance. Thank you.

44:59

Hello again, sir.

45:00

Hello.

45:02

One of the things that I did in the break was to have a look at the list of species that Mr. Diack referred to on the

45:12

citation sheet for the sysvol marshes triple si just to get a better understanding of the designated interest and just refresh my memory on that point.

45:22

There are 11 species, as well as two rare species listed.

45:29

I could run through those with you but ultimately, the 11 species listed which are components of the fen Meadow strategy of the fair Meadow community. I would be surprised given that we're using a green green hay transfer method from the size of our marshes triple si and particularly the potential to Pakenham fen triple si in relation to that the Pakenham site, I would be surprised if we cannot ensure that those 11 species are embedded within the established m 22. community with a period of 10 years there, there are none of those species looking at them that look particularly challenging to reestablish in these new locations. So that's the that's the first point I'd like to make in relation to the point Mr. Diack made.

46:28

In relation to a number of the other points. Suffolk County Council made the point about the water mill and the potential for impacts on the Pakenham water mill, we will cover the inputs and outputs to the all the various water courses that we have the potential to impact in the femto plan. But I think there's a misunderstanding in some ways that people think that we're going to be sort of pumping off large volumes of water from these water courses. That's very much not the case, what we're going to be doing is sort of interest sight measures, potentially removing existing field drains, potentially to raise water levels. But potentially more importantly, one of the things that we're gonna be doing is lowering ground levels, locally when I say that I'm not worried about huge excavations, but potentially by 10s. of centimetres. The reason for doing that is twofold, one of which is to remove nutrient

47:35

laden top soils which have been improved through agricultural improvement over the years, but also to bring the ground level down closer to the groundwater, so you're almost intercepting the groundwater. So you see, we're not actually, I mean, obviously, I'll

47:52

wait until the Fenn Meadow plan is available at D six. Before I come, we come forward with the precise details of our proposals at each site. But But ultimately, this isn't about huge diversions of water from the water courses to read to wet the sites. There was a small point on relation to public rights of way and retention of those and Yep, we can confirm that we won't be diverting any of the public rights of way we will, if we need to use boardwalks as the mechanism. And we'll bring that into the to the plan and the plans that accompany that the fen Meadow plan.

48:34

There was a point about timing, I think I can't remember who made the point about timing. But ultimately, and for reasons that the Mr. Phil Paul mentioned, the the sites are, are are very limited. And so our site selection approach is obviously

48:55

we've been able to identify these three sites through a fairly exhaustive search across the various criteria across Suffolk. And what what that means is obviously that these land parcels are

49:09

very restricted. But you

49:11

it's, it's difficult to, to just to approach an individual landowner, I mean, we are obviously talking to the landowners about acquisition. And so we don't have to use the compulsory purchase route. But I'm

49:26

doing these things on a standalone basis, many years in advance is not really necessarily a viable approach. And of course, we ultimately potentially dependent on the powers in any order to do the work. So just make that point.

49:45

I think, just to say in relation to landowners, I will be having meetings with landowners over the next couple of weeks, when we should be able to clarify a few matters in the field with those

50:00

landowners and of course we can, we can report back to you at an appropriate juncture on those matters.

50:09

There was a point I think Mr. Langdon Langton, made about whether these would be pockets of habitat. These are not pockets of habitat that we're creating one of the one of the criteria for selection of these sites is that are close to existing

50:26

areas of Fenn Meadow because of course that provides resilience. It provides linkage with existing habitats, you're in river valleys already. So you're This is about not just about creating a thin Meadow patch in the middle of an arable field somewhere these are already in these will be in riparian ecosystems close to other habitats. And I know we're not going to talk about woodland in detail today. But the colocation point to bringing wet Woodlands onto these sites as well is that you're creating that diversity of habitats that the MR Langton was was expecting.

51:01

I suspect that's probably all the points I needed to cover. Were there any other points that you wanted to go on? No, there's nothing I want to come back to you on. Thanks, Mr. Brock. Thank you. Thank you, sir. Just one final point, if I may. One other issue that was raised was the suggested absence of a response to the rule late last when the issues raised there. I am told that although there that isn't at the moment collected into one place, the answers are to be found spread throughout various submissions that have been made. But what we'll do to assist you and your colleagues is pull those references together. Yeah, for a deadline, six represent a deadline, six written documents so that you can see where they're all to be found and pull them together in one place.

51:53

With a list by the five be

51:56

involved, I'm told, we will see we'll see to do that. It doesn't have to be

52:04

made into a new document, but a list of where to find this stuff will probably do as well. If that if that can be done so that that message has been heard. Thank you. I'm obliged. Thank you. Thank you.

52:19

So that complete what you want to say in response.

52:23

So yes, as Mr. Lewis has said that there is further information coming, and there'll be further discussions with the parties, and I think we'll probably best leave other matters. Pending those further discussions by Okay, thank you. I'm going to move in that case to the marsh Harrier aspect. And and minsmere.

52:52

Let me say what I think is that is the position. And Mr. Philpott if you want to come back, if this is this, Is this yours, or is the chairman is looking after this. So this is Mr. Chairman, so I'm now going to pass it into his capable hands. Thank you.

53:08

Good afternoon. Mr. chairman's not. Moving on.

53:17

You're good afternoon.

53:20

So I want to check first of all, if I correctly understood the position.

53:25

So the issue in relation to the marsh Harrier appears to be this we've got loss of foraging habitat on the site of the permanent development.

53:38

And that's sort of for the Northern mound, and then you go west was over the whole of the cyfle marshes triple Si,

53:46

the applicants position is that there's no adverse effect on integrity.

53:52

But you have originally accepted that you haven't demonstrated that and so in the absence of an alternative, you present a case for a rupee

54:02

that then takes you to compensator II and measures and the offered compensation measures or proposed art upper Abbey farm. That's not Ben Hall, halesworth or Pakenham.

54:16

And if the sexual state considers necessary, there are compensation measures proposed at westleton.

54:26

Have I got that right? Yes, sir. I think that's correct. Thank you. Thank you. Okay. Let me ask you this night cases. So

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the compensator II measures

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at

54:43

up Abbey farm, that I presume is what you classes HRA compensation.

54:51

habitats regulations compensation

54:54

is the wesselton proposal also HRA habitats regulations.

55:00

compensation. It is on contingency that the Secretary state feels it to be necessary. Yeah. Yeah. Got that. Okay.

55:11

So if I'd asked you to walk me through or one of your technical colleagues, to Germans to walk me through the marsh Harrier compensator II measures, is there anything else, which you would have included?

55:24

Well, I'm joined on this by Mr. Lewis, maybe best to refer to Mr. Lewis on offering the compensator II measures. You'll also have Dr. Murray grant, who's the ontological advisors. So perhaps best to turn to Mr. Lewis if Mr. Lewis feels that

55:46

particular ornithological take on it is necessary, then Dr. Grant can come in. Okay.

56:04

Coming to those, sorry, I'm having a few problems with the

56:10

typing away furiously on my on my laptop.

56:14

So the compensation compensate for habitats on site and I know the panel saw this area on the accompanied site inspection comprises, I think, 47.6 or something around that hectares, on the main development site in the northeast corner of the EDF energy estate. We obviously have submitted a plan recently which defines those habitats.

56:49

Essentially, those habitats are a mosaic of newly planted hedge lines,

56:55

long grass areas, rough grassland areas, and also wildflower mixes, which will attract birds and the marsh areas will prey

57:05

on those birds. But most importantly, that the thing that we've introduced, we brought it in in the January changes application was a new wetland area, up in the northeast corner. And of course, the wetlands are the ideal foraging habitat for the marsh areas.

57:24

Those habitats are much closer than the size well, marshes trip less I that will be theoretically lost by the barrier effect of the temporary construction area, which will be between the minsmere reed beds and the size well marshes. So what we're doing is providing that habitat on the northern side of the temporary construction area. So the marsh areas don't have to fly over over the temporary construction area to access the sidewall marshes.

57:57

In relation, would you want me to say a little bit about the Westland site? Sarah? Yes.

58:02

In relation to the wesselton site, I think the quantum there is about 60 Hectors, and we don't think it's necessary. But the the idea of the wesselton site would be to provide a mix of rough ground long grass and wildflower areas as well as tall sort of, I think we described them in the proposals as game strips, which are taller areas of planting, which will provide this linearity that the marsh areas like to forage along. So that's the idea if we if we do need that area, that's what we'd bring in.

58:42

I suppose Clearly, we wouldn't be able to create wetlands on those sites within a sort of timeframe that will be you know, meaningful. We are obviously engaging with those with those landowners. And I think I'm scheduled to meet the the landowner of the wesselton site over the over the next couple of weeks to discuss the proposals that were included in the recent plan that we sent through at some deadline three, I think.

59:07



Does that help, sir? Yes, that's, that's, that's helpful. So going back to the wetland habitat that you're proposing that comes through in your rep. 2119 which is the marsh Harrier habitat report. That's your firm proposal. Yeah, yes. Okay.

59:26

And you're in discussions with that with natural England?

59:33

Are you?

59:35

Um, yes, they certainly seen the proposals. I think all of the parties, all of the ecological stakeholders, including natural England are supportive in principle of the the inclusion of wetlands. I don't think that's in dispute, I suppose that the questions for the parties that that they may make is that is this the extent to which the area is sufficient, I suppose that maybe the the point that the parties will make

1:00:00

Okay naturally and say they need the details of the wetland design at up at the farm. And more widely that they say the design of the marsh Harrier compensation has not yet been supplied. And they are saying there's no progress the issue is got to be supplied. So can I ask what are your plans to address that

1:00:24

requirement from? Yeah,

1:00:27

I probably somewhat surprised we have shared those details on the wetland creation with with natural England and they will have seen them through the d3 submission. I'm more than happy to share shaddam again with natural England and see if we can

1:00:44

come to a common view on on this on their sufficiency and suitability. Okay, well, it sounds as though another misunderstanding or logjam they're

1:00:56

certainly trying to address. Yeah, thank you.

1:01:03

And

1:01:05

let me also ask you,

1:01:08

there are proposals for the management and monitoring of all of this as you created and and and operated. What are the What does the monitoring tell you? What are the criteria? And how do you know what to do?

1:01:25

As a result, please.

1:01:28

So the monitoring that we defined for Marsh Harriers is in the terrestrial ecology, monitoring and mitigation

1:01:36

plan.

1:01:39

We do include a table in the trustful ecology, monitoring and mitigation plan, and I may be able to find it now. But that does define the types of monitoring so we'll be monitoring the establishment of the habitats, monitoring, prey availability, and we'll be monitoring the marsh Harrier activity. So there's sort of a triple approach to monitoring that go, let's assume that the birds don't who are going to be the prey they rock up What happened?

1:02:11

That's a good question. We don't have the I think the we do anticipate them to rock up. I mean, the most important thing is that, for example, about the wetlands, that there's absolutely no doubt that the wetlands are ideal habitats for Marsh areas.

1:02:26

The we already know that the marsh areas are using these areas to hunt to some extent already so that the grasslands are attracting foraging Marsh areas. I suppose the question is, will they

1:02:42

support? Will they attract Marsh areas to the extent that we want them to? And I suppose I suppose that is that an area of

1:02:55

possible uncertainty, but I think we're quite confident given the

1:03:00

the extent of our proposal for celiac the inclusion of the wetland component that they are sufficient on site. Okay, well, we got my question on on that. I hear your answer so far, as far as it goes.

1:03:14

If it's well, you might if it's already in the in the temp, then I'm sorry, I've missed it.

1:03:22

If it's but draw my attention to it. If it isn't in there, then can you develop it? And can we see your answer on the on the question when you've reflected on it and maybe discussed it with natural England, please? We'll certainly do that will bring out the elements of monitoring in the plan. And it also addressed the point around sufficiency. Very good. Okay, Mr. trogons. I see your back. Yes, it's probably worth highlighting two documents that we'll be putting in at deadline five, which may be relevant on this. First of all, there'll be a response to the written representations of the RSPB SW T. And that will deal with issues such as the levels of precaution in our assessment, the metric used in the calculation of the area, and other matters, which may will come up in in discussion shortly. They'll also be a securing mechanism, a marsh Harrier habitat implementation plan, which will be backed up by a new condition 14 see in the draft decio. So you can expect those at deadline five. I hope they'll advance the information on this topic. Okay.

1:04:48

I shall look forward to 14 see.

1:04:53

Right. I'm going to turn. I have any other questions at this stage for for you, Mr. Chairman, send your question.

1:05:00

I'm going to turn to naturalism, the cyber eyepiece and then give you a chance to respond.

1:05:08

Natural England, please.

1:05:13

Hello, Mr. Haines.

1:05:14

Thank you. Well, I just had a quick point. So I just had a quick point on that. On the applicants on Mr. Lucey query about what we're still waiting for that might be helpful just to clarify that is familiar

1:05:27

to our full position on the marsh area issues within issue 27 of our written reps. But assuming that the test for rape is met, and for the planet project received and were satisfied in principle, with the creation of the habitats, Dysport, Marsh areas, including the

1:05:43

optimal wetland component within the main area, but we're still waiting to see the the feasibility studies which just referred to and the timings of delivery, and also how the contingency habitat of Western would fit into those proposals. And just to say that, I've got my colleague Richard Saunders, here with Mr. Dozier, who's our senior specialist on orthology. If you have any further detailed questions, so yeah, I'll bring him in if if necessary. Yeah, no, I'll let you orchestrate your team. I have got some questions for

you though. So, if I try to summarise your position, you say the criteria for derogating are met for the marsh Harrier in relation to the minsmere was Walberswick, SBA, and ramsau site.

1:06:28

So firstly, by specifically calling out minsmere Walberswick, SPO and ramsau site, are you saying to me that it's an issue for Marsh area in relation to other sites?

1:06:44

I'd have to look back on our responses, I believe it's only an issue for men's mail. Not sure if it rich riches, as I understand it, as I understand the issue, I can help you the issue is raised because you've got the marshmallow day the marshadow foraging over the potential sizable sea side. And if that is being used for construction, then you've got a disconnect between the

1:07:10

nesting and foraging areas. So yeah, I think we just specified that site within our written responses, because that's one where there's an issue rather than that we're satisfied with that site, but not for others. Okay. Yeah, can you can

1:07:24

pop it in your, in your summary of what you're saying to me today. Okay.

1:07:34

All this done is designed on a wetland at our at our Abbey farm.

1:07:41

Your responses to our questions, say that you need to see detailed plans to remove the in principle reservation, and you say much the same about wesselton.

1:07:58

So what is your in principle reservation?

1:08:03

The thing again, that was that was in terms of the feasibility study, which come to come forward, which is a Cochrane report then on a the applicant said they're going to be submitted, but yes, the detailed feasibility studies that show that the wetland creation will be affected in that area. Okay.

1:08:29

This may be also on safe bite. So you're you're also saying that in your written rep, but the design of the monetary compensation hasn't yet been supplied.

1:08:39

And you wanted to be supplied to progress the issue? So

1:08:44

does that mean that actually you're not currently satisfied about derogation or you say you're satisfied about derogation and you but you want to see more details? to sign off fully on it? That's right. Yeah. So the latter point. Yes. Thank you. Okay.

1:09:09

And just a point on your own issue 27 in your in your relevant representation.

1:09:17

You say to us, there are considerable levels of engagement over the design phase of the proposed territorial terrestrial

1:09:27

compensation area, despite engagement on the basis that alternative more beneficial options for optimal wetland habitat creation were not possible. And despite the experimental nature, this approach, unlike wetland habitat creation is nevertheless deemed sufficient to prevent impacts to foraging Marsh Harriers. When you say deemed, I mean, are you saying yes, it is sufficient? Are you saying somebody told you it's you've got to take it as sufficient.

1:09:59

Think that there was no

1:10:00

context of at the time of those discussions, this was considered mitigation rather than compensation. And then delayed state the applicants HRA assessments considered as compensation.

1:10:12

So yeah, our advice previously was given on the basis of the different mitigation, not compensation, whether higher tests. Right. Okay. Thank you. Thank you. That's all I wanted to ask you. Is there anything else you want to add at this stage? I think probably not. Not for me, Alyssa McLean. Richard Saunders has anything to add. Mr. Saunders.

1:10:35

Yes, Richard Saunders, natural neurologist, neuropathologist, I think Jack's set out the issues. We were

1:10:42

involved for several years with a lot of the monitoring, monitoring work and the development of plans at Abbey farm.

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I think there's probably a lot more detail that we don't need to hear now, that sort of sets out some of the nuances around our position.

1:10:57

So unless there's any further questions, then I think, rather than meet me to repeat what we've provided and written reps,

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that's fine. That's fine.

1:11:09

Just making a note of that point.

1:11:17

So Rosie Sutherland for the RSPB? Can I ask you

1:11:25

about what you want to just summarise your view on his reading knew that you want to say in the light of the questions, which I've asked and the topic

1:11:35

I had, I had a few quick points just to make on the temp or as it may now be contained in the in the new, it's 14 See, Mr. chairman said, Do you see a requirement. But what I'd like to do first if I may is bring in Ms. Miller, who will be able to to cover the the more detailed and technical background on this. Okay. Thank you.

1:12:01

Thank you. Good afternoon, Mr. Brock. Good afternoon as far away. Thank

1:12:07

you. Yes. So our full position is set out in our written representations, which is rep 2506. And as the applicant said, we'll look forward to seeing their response to those at deadline five. And just to sort of move to our key point, I think in particular, we agree with the statement that Mr. Lewis made about wetland habitat, typically providing optimal habitat for foraging Marsh areas. Our concern with that though, though, though, we do welcome the principle of the provision within the compensator II habitats that are be farmed. Our concern is about the timing. So at the moment, the proposal is to create that wetland habitat as I understand it, in the first winter of construction, potentially, that could stretch into a second winter of construction, which means that that area where the wetland habitat is proposed to be created will essentially not be functional during part of that phase one of the construction period. And that means that the area of compensator II habitats that are provided is less than what is you know, that 47 Hectors that is proposed. So, our key point would be that the ideal situation would be to try and look to bring that construction forward such that the wetland habitat is functional by the time construction starts. Okay, thank you.

1:13:28

Site Wildlife Trust. Do you want to add anything to that? Oh, sorry, I

1:13:34

cut you off. Sorry, sir. Yes, just to say that Miss Miller is representing both the RSPB and stuff at Wildlife Trust has captured both organisations comments. Very, very briefly. Again, appreciating the Mr. Tremens has just mentioned a new decision requirement 14 C. And we look forward to seeing that. But in case it's useful at this stage, two points on the Tim. So requirement for first of all at the moment, and again, I think I'm right in saying that it's envisaged for that report to be updated for many other reasons as well. But at the moment, it simply refers to a marsh area feasibility study.

1:14:17

I think that's page 27. And it will be really helpful for it or the new requirement 14 C, to be very clear about the other reports that have been produced and we believe are going to be produced and mentioned those specifically. So for the marsh area or in relation to other things, thank you and many other things, but that stick with Marsh area for now. So certainly there is a marsh Harrier habitat report submitted at deadline two, which is rep three dash oh seven for nothing. Mr. Trim has just confirmed that there is an implementation plan to come as well.

1:14:56

It's trying to tie in the detail that those reports would have. You have

1:15:00

The point.

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And then the second point very briefly is just to flag that currently the tempo on page 27 talks about in broad accordance with that feasibility study. And it's more a question rather than a comment, whether there is a difference between in broad accordance with and in general accordance with appreciating the helpful discussion that was had last Tuesday at the issue specific hearing one. But I'm not commenting. I just wanted to flag that.

1:15:33

And the final point was just to express gratitude to you, sir, for your question of what happens if the marsh areas do not use the compensation site, and again, grateful to the applicant for providing response on this. We look forward to seeing that and will comment further at that stage. Thank you. Thank you. Thank you.

1:15:55

Who else has got 123? Hands up? Mr. Streeton?

1:16:05

Yes, thank you very much, sir. I've had the having them hold us. And our essential concern is that the fundamental approach to providing terrestrial compensator II habitat for Marsh areas does not meet the test for compensation in regulation 64 and 68 for the habitats regulations, and if I may, I'll just unpack why we say that.

1:16:29

It seems to us that there's no dispute that the favoured or optimal foraging habitat for Marsh areas is Perhaps unsurprisingly marshland wetlands and the word used by natural England and Mr. Lewis. Today, their compensation proposed replaces 100 hectares issue of lost wetland with roughly 44 hectares of terrestrial habitat and now 4.39 hectares of wetland. And the reason for that we understand is because the area set aside for mitigation for geological reasons, can't be used for wetland and as natural England Rep. Or 078. The applicant was unwilling to consider the appropriateness of seeking land elsewhere. And that we say means that the applicant is forced to take an entirely novel approach. So far as we are aware, there is no study or other evidence establishing the effectiveness of compensating for the loss of wetland foraging habitat with terrestrial foraging habitat. Natural England says in its relevant rap, it's not been created before for Marsh Harriers. And we say that that novel approach is based on a simple metric, essentially relating to the number of prey species supported by the area of habitat. And assuming that if you have that number of prey species terrestrial Praise, praise and praise species that will be sufficient to compensate for the loss

1:18:08

marshland but our submission is, and this is perhaps the nub of it that is an assumption about which there are serious concerns. Firstly, we say the only published evidence relied on by the promoter is the Underhill days study from 1985. And that makes clear that a significant proportion of Harrier prey comprises waterbirds, which will not be supported by the terrestrial habitat that's page 13. of rep 2119. Secondly, and importantly, the Underhill days that he makes clear that Marsh area prey species are seasons specific. So whilst there are a small amount of adult birds and mammals that are important in April to May, and those might be sort of supported by terrestrial habitat. Later in the year water birds provide an increasing proportion of the prey species. And later in the year, those will not be supplied by terrestrial habitat. So what the evidence that is provided and relied upon seems to suggest is that prey species are important at specific times of year, providing trajes terrestrial habitat will not provide the prey species relied upon after April and May.

1:19:22

Thirdly, we say that the assumption ignores the ecological reality, which is that the viability of foraging habitat turns on more than the number of prey species. It's a complex multifactorial question. And to give one example of that, there's competition from other predators which may be relevant to the ability to rely on a given prey species. So to put it in context, if you have terrestrial habitat, then you might have more foxes preying on the prey species, and that might reduce the number of prey species available for the large area. That's not something

1:20:00

So far as we can see had in any way been taken into account. It's entirely novel approach of relying on a terrestrial habitat. And we know that the promoter has not commissioned its own research into the foraging habits of Marsh areas, minsmere is relied on the 1985 survey to which I referred, which we say if anything undermines its position. So what we say is that using terrestrial habitat, with a small amount of marshland to compensate for the loss of 100 hectares of Marston simply doesn't meet that test of certainty, under regulation, 64 and 68 of the habitats regulations, 2017. Now, why we say that's important, and this really starts to pick up on the point that you made is that there is in our submission, no plan B, if you look at rep one, zero 16. That's the terrestrial ecology, monitoring and mitigation plan.



The relevant table is 2.1, on page 12. The monitoring or very much suggests that this is subject to scientific uncertainty. And what's going to be looking for are changes in usage changes in the number of prey species to determine whether or not this is working. But the plan B, if you look in the final column on the right hand side of the table, is simply to deploy more of the same habitat if it doesn't work. So in other words, if it doesn't work, do more of the same, but what if some of those are the other multifactorial elements say the presidents have a competing pressure or the problem or the time of year is the problem? There simply isn't any answer to the at the novel approach will have failed and there will be nothing that can be done to rectify the problem that the monitoring has picked up. So for that reason, we say the test of certainty is not met.

1:21:47

Thank you.

1:21:51

Go to Mr. Buisson, please.

1:21:58

Thank you very much. So I'm Roger Busan. I'm representing Ward farming. That's India and that bacon.

1:22:08

And I'm specifically making an input on the wesselton proposal.

1:22:14

So really want to draw your attention to a number of factors, first of all, how we've How have we got to the Western proposal.

1:22:24

So as far as myself and my clients can see, there is no evidence being brought forward to show how they have applied criteria of suitability for Marsh area to one the wetland site or any other sites. So what we don't see is a list of potential sites, which are then assessed against a whole set of agreed criteria. And any evidence that the western side is the best site or the optimal site, or the only site that is available as Marsh area compensation habitat, in addition to the one that is already been talked about on the size real estate.

1:23:05

So that's the first point. How did we get here? How did they choose on on wesselton. And then the second point is that I'm a self with bacon family have looked at this wesselton land

1:23:19

and find I found number of deficiencies and faults in choosing that parcel of land. So I think one I don't need to repeat now, which is that is not wetland. And everyone's already just said, the optimal value for Marsh area is wetland. So that's the first thing. The second thing is really picks up on Mr. St. Ann's

point about competitors with predators, but also raise the issue of disturbance. So part of the Western parcel of land is immediately adjacent to the village of Western.

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And therefore, you're gonna have disturbance from people, disturbance from dogs, and competitive predators in the form of domestic cats. So again, I've seen nothing to account for that in the submission from the applicant. And finally, and I think most importantly, in terms of the ecology of the feeding ecology in the nesting ecology,

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of Marsh area, is the distance between where the marsh areas nest and the western site. And that's very important in terms of foraging ecology, and it's the energetics of the process of provisioning young. So if they're gonna have to fly several kilometres from their nest site, to the wesselton site, they're using a lot of energy in that process, and also spending a lot of time flying when they're not foraging. So the energetics and efficiency of having the wesselton site at that distance from the nesting site is very poor. Which brings me back to my original point. How have they assessed the wesselton site against other sites have they looked at sites that are closer, such that the foraging official

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See, an energetic sufficiency would be better. So, overall conclusion is this wealth and site. There's no evidence as to why it's been chosen, why it's better than anywhere else. And that is what my clients particularly would wish you to test the applicant on. I will say that they will probably have a second bite of the cherry in non ecological terms, obviously on the compulsory purchase process, because they do have an interest in this land. Yeah. Okay. Thank you.

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Collins, you've got your hand up.

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Yes, thank you, Mr. Brock, Paul Collins, engineer level stakeholder group,

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and stop signs will say amongst others.

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This, I think was something I brought up a couple of days ago. And you said, you said to me at the time, I hope you're going to be here on today to talk about this. And then I nearly forgot about it. But this applies to the wesselton compensator II habitat, as it applies to paganism, halesworth and benomy. In the draft decio, all of these parcels of land down as temporary acquisitions. And I the question I have is, how on earth can they be compensated tree? if at some point they're going to revert back to the original owner or somewhere else, someone else that pagan and there's an exit assessment and maintenance plan to be created, before passing the buck part of the plan back to either East Suffolk or Suffolk County or the local authority there. So my question is, it doesn't seem to tie up with compensation to

have temporary purchase of these land parcels. So it all seems a little muddled to me. Thank you. Thank you, Mr. Collins. And lastly, Jessie, bassinet, please.

1:26:55

Yes. Hi. Thank you. It's broken, and I don't have a camera

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on my phone. Can you hear me? I can hear you. Thank you. Thank you. I'm Josie basnet. Representing

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parish Council, I would just like to support

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three speakers,

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in terms of what we feel is inaccurate and

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inappropriate

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treatment for the mortgage carriers.

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can't replace wetlands with terrestrial, there is no evidence of this. And it is up to the applicant to prove it before they start.

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And I would just very simply that,

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you know, in the comments that were made by having a poll, and one sees what happens when the Mars failures come over terrestrial and have to compete with others. And we see it all the time.

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When the marsh areas come over the farmland, they are harried by crows and other birds who and seagulls actually, that will actually chase the rich areas. So anyone who knows anything but more shareholders will say that putting

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compensating

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compulsory habitat in wesselton just couldn't possibly be their nests are far away. More bespoke has some nests and more wetlands. And they cannot go and fly towards attempt to point back to the togetherness. So I really challenged this as the other Speaker.

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Mr. Brock, very much.

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Very good. Thank you, Miss passavant. Thank you,

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Mr. Chairman, as I need to come back to you and give me your right reply. Yes, thank you, sir. Well, first of all, I don't think there's anything that needs to be said in relation to natural England and RSPB, except that we'll be providing further information, which I hope will satisfy them in relation to the the other comments that were made. And I'm going to ask Mr. Lewis, to deal with the question of why wesselton

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selection of wesselton. And I'm going to ask Dr. Grant to come in to deal with the comments that were made by Mr. streeton on behalf of having them call them. We don't accept it. It's a novel approach. But, Mr. Grant, Dr. Grant can deal with that. And in particular, I think the the issue of

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terrestrial versus AI versus wiklund. And he can also, I hope deal with the question of the proximity, the energetics point in relation to the wesselton site. So I'll begin I think we

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Mr. Lewis to deal with why wesselton. And then Dr. Grant can come in to deal with those further points. Just before you do that. Mr. streeton made quite a lot of,

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let's say legal points in relation to the habitats regulations. Do you want to respond today on news or you're going to put?

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So I think the, the, the law and the test relating to compensation are well understood. I think what we'll do is come back with a written response to those comments bounced streeton, which will pick up pick up those points as part of that. Okay, I think

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that's the best way to do it. I think, I think considered response here will be more concise. Thank you. Bye. Oh, is it Mr. Lewis? Is it an excellent, thank you?

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Yes. So in determining in trying to identify additional sites, for possible additional Marsh area compensator II habitats.

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we devise the list of criteria.

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And I could just read very briefly through those three, those criteria that would be helpful to consider put it in a very short note. Yeah, just just read them out quickly that we

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will do. So the site would, it should not be designated for its existing ecological value or form part of the RSP B's reserve, the proximity to the minsmere reedbeds and so that was an important criterion for us. So within four kilometres of minsmere, reedbeds minsmere, a preference for arable or at least low value, sown low ecological value sown pastures, which are currently of low value for Marsh areas so that when you create new habitats on them, there's a there's an increase in value to the marsh areas.

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A single contiguous site is obviously preferable to scattered multiple sites, because that helps you to coordinate and and manage the sites, a preference to avoid popular footpaths and other rights of way which might dissuade Harriers from using these areas. And that was certainly a point mentioned by one of the respondents. And existing hedges, ditches and varied topography are preferable to provide connectivity and ambush opportunities for the marsh area. So there's a set of criteria that we set out and then I'll just go to the reasons why we selected site one. So in consultation, and I think this was stage four consultation where we introduced three possible alternatives. Following that consultation, we decided to take site one, which is the west of wesselton site forward for the following reasons. And that there are three main reasons. It's the most contiguous site, which would facilitate management of the habitats and provide a contiguous area of habitat for the marsh areas.

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It's entirely arable, with no established pasture constraints, whereas other options had significant areas of well established pastures. And there obviously, there are some some some planning issues around that. And also, the wesselton site. Despite what was said, it does have significantly fewer public rights of way than at least one of the alternatives. So there would be much less disturbance to Marsh Harriers while foraging on that site. And just to notice about 3.5 kilometres from from the minsmere reed beds, I guess that depends where you take the measurement from, but it certainly sits within our four four kilometre radius of the reed bed. So that's our justification. But I'll set that out in a very short note. I mean, I've basically got the note in front of me here, and I can share that with you. That would be helpful. Yeah, your D five, please. Yes, D five, is not enough. So

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it's up to you or you want to reply to everybody. I think

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I'll leave it to Mr. Tomans, to say if he wants me to address any, any any further points. We'll go to Mr. Grant.

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Well, I think that there was the point made by Miss Bassinet, about the

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about the proximity of, of Wesselton. There was also the point by Mr. Collins about the temporary purchase whether you want to deal with those now or whether you prefer to deal with them in the notes. I can, I can send you over the proximity point I think I've probably covered that which is obviously it fulfills that under the four kilometre criteria. We only had three Lambert got that he only had three land parcels fulfil that and I'll cover that in the note in relation to the temporary use and Mr. Collins did stray into the flat Meadow sites there but whole point about these compensator II habitats for Marsh areas. They're only required during construction once we run

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Move the temporary construction area which forms that barrier between the minsmere reed beds and the size Walmart is triple si there is there no more impediment for foraging Marsh areas on the triple si. So it is very much a temporary use. So that that is the reason why we're obviously keen to work with landowners and not acquire the sites if we can and and I'll certainly be meeting the landowners at Wesselton over the next couple of weeks.

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Thank you. Thank you. That's helpful. Thanks. So we'll put that in a note. I'll just give Dr. Grant now the opportunity to come and respond to some of those those points about terrestrial versus wetland and so on. Very good.

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Good afternoon, sir. Afternoon.

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Shall I just dive in then and in terms of

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you're driving terrestrial versus wetland, so yeah, yeah. Okay. Right. So the number of points that were made in relation to Marsh Harriers, and their dependence on wetland foraging, and the fact that creating foraging habitat on dry habitats

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was completely novel. And probably, well, the implication it wouldn't work. I just don't think that the evidence for this stacks up at all.

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Marsh Harriers are certainly a species which are focused on wetland habitats, that's their their key nesting and foraging habitat. But they do also use

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other habitats and use dry habitat.

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And, indeed, when you think of the UK markovia population as it's increased in recent decades, you know, a greater proportion of that population, no nest within

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landscapes or, you know, they're nesting on dry agricultural habitats sometimes, as opposed to being exclusively within the wetland areas. And foraging.

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Oh, yeah. Yep. So I mean,

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the bird does know. And this species is known to be very adaptable in its foraging habitats know,

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in the location that we're dealing with here. You know, in Suffolk current minsmere, you have quite a big discrepancy there between the wetland habitat, which is semi natural, very, you know, it's not intensively managed at all. Whereas the dry habitats that are at present there are many of these are heavily intensively managed audible habitat. So that's a very big, a very marked discrepancy. In other parts of the heart of the marsh Harrier range, they are using dry habitats to forage and dry habitats are not so intensively managed. And I think you would find evidence of that and a description of that in the shadow era.

1:38:14

Okay, that's right. That's

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five. So I think, you know, from I think the section from paragraphs 8.8 point 166 to 173 would give a detail of the foraging ecology of the species and outline it's, you know, it's

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meant to point on that

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quick side question, because you were focusing on nesting. Okay, right. Fair enough.

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So, I don't think the whole

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issue about creating foraging habitat on dry habitats is a problem. I mean, basically, if you create the habitat that increases the food supply, the marsh Harrier will go there and forage on it. And this is particularly true of this area of compensator II habitat because it is right next door, it's absolutely adjacent to wetland habitat on the minsmere sloth levels, that the marsh Harriers forage very heavily on already. So it is immediately adjacent to it. So they will

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have no problem, you know, sort of accessing that food source and that foraging resource. And just because it's on dry habitat supposed to wetland won't stop doing it. I think there were comments made about the differences and prototypes. Well, the management's on this dry habitat will create a range of different prototypes, you know, from small mammals, rabbits, small passerines, probably gamebirds. So I don't think there's anything again, that would mean or limit the ability of hires to use that habitat through the breeding season. So it wouldn't just happen

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Item with habit foraging habitat for the early part. I don't see why it wouldn't also be effective throughout the full breeding season.

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Well, the competing prejudices?

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Well,

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again, I don't,

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I can't I can't see why that should be such a major issue. So as I said, this area of compensator II habitat is next door to the minsmere size levels. So if there's high level of pre abundance on the minsmere size levels,

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then surely, other predators will can be competing with the marsh Harriers on that area already. And the same goes to the sizewell marshes, which is the main area that the birds are being displaced from in terms of foraging. But I don't see why that this area of compensator II habitat this

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bit, it's next door to the minimum levels, why predators would you know, if you increase the prey on this habitat, I don't see why predators would be any more inclined to, you know, sort of focus on the prey supply in that area as opposed to demands mere sales levels. Okay. Yeah.



1:41:18

I mean, I don't know, in terms of what are the fox populations, like in this area? Are their high Fox densities? I honestly don't know the answer to that. But I mean, again, in reality, is actually a problem, you know, is actually an issue.

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Thank you. Thank you.

1:41:38

That's all I have. Well, you might in your written response, you might also want to pick up the fact that the wesselton slice is very close to the centre of the village, more close to the village. But perhaps you could do that in writing for us. Yeah, of course. I think Mr. Romans also wanted me to say a little bit about wesselton. And the, the distance or the energetics involved in Harrier foraging on that piece of land, I think, because that was picked up by Mr. V song. Go ahead.

1:42:10

Okay. And it was just to say that, while I think as Mr. Lewis has already said, it's within the putative four kilometre foraging range, I think, at its nearest point is about three and a half kilometres from the nesting area. And in that respect, you know, some of the sizewell marshes some parts of the sysvol marshes Are you know, they are about three three and a half kilometres away from the nesting area. And again, it's a sizable marshes that the birds are it's a large is largest theory of wetland from which the birds are being displaced in terms of the foraging. So, certainly, some parts of sizeable marshes are closer not. That's, you know, not to be disputed, but some parts are not at the similar distance from the nesting area.

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So anything else that you wanted to deal with or trends wants you to deal with? I can't answer for the second but for the first No.

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I think that's covered. It's

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very good. Okay, well, that brings us to the end of

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the marsh Harrier. It's just coming out to four o'clock and we've been going for slightly over an hour and a half. I'm going to adjourn for 15 minutes. Well until quarter past so if we come back properly, then it quarter past four be grateful. Thank you.