

TEXT_SizewellC_ISH7_Part1_Session1_1507 2021

Thu, 7/15 12:05PM • 1:53:16

00:02

Good morning, everybody.

00:05

Welcome to is h that's issue specific hearing number seven.

00:11

And it's now time for me to open it is being held in connection with the application made by nnb generation company s Zed c limited for an order for development consent for the construction, operation and maintenance of the sizewell c project.

00:30

Before I go further, can I just quickly confirm with the case team that I can be heard that my camera is working? And can I also confirm the recording and live streaming has commenced? I can confirm that you can be seen and heard the recording and live stream has commenced. Perfect. Thank you very much.

00:47

For those people who are watching the live stream. In May I explained that the proceedings are adjourned at any point we will have to stop the live stream in order to give us clear recording files. When the meeting is resumed, you will need to refresh your browser your browser page in order to view the restarted live stream. I will try to remind you of this again should we need to adjourn and we shall be taking breaks during the course of today. But please be alert to that in case I forget to remind you

01:19

may I now introduce myself and my colleagues. I am David Brock. I am a retired solicitor, and I have been appointed by the Secretary of State to be a member of the examining authority for this application. The other members of the examining authority are Wendy McKay, Edwin mourned Helen Cassini, and Neil Humphrey, and they will now introduce themselves to you in turn, starting with Ms. ky.

01:52

Good morning, everyone. I'm Wendy mokai. I'm a Bachelor of law non practising solicitor. I'm an examining inspector and lead member of the panel. I'll now pass over to Mr. Moreland.

02:07

Good morning, everyone. My name is Edwin Moore, and I am a charter town planner. And I too have been appointed as a member of the panel on that as well to Michelle Cassini.

02:20

Good morning. My name is Helen Cassini. I'm a charter town planner and I've been appointed as a member of the panel and now hand over to Mr. Humphrey.

02:32

Good. Good morning, everyone. My name is Neil Humphrey. I'm a chartered civil engineer and I've been appointed to be a member of the panel. I'll now hand back to Mr. Brock.

02:45

Thank you very much indeed. We are assisted today at this hearing by the planning Inspectorate case team. The planning Inspectorate case manager is Sean Evans. The other colleagues from the Inspectorate are Georgina Halligan, and Lily Robbins.

03:03

If you have any questions or queries about the examination or the technology, which we're using for virtual events, they should be your first point of contact.

03:15

I think actually, we've also got Jake Stephens on the team today.

03:21

The contact details for all of them can be found at the top of any letter you've received from us or on the project page of the national infrastructure planning website.

03:30

Before I get onto the main part of the hearing, I'm going to ask my colleague Mrs. Cassini, if she would highlight a few housekeeping and background matters for today.

03:40

Thank you, Mr. Brock. As explained in the examining authorities, we will eight letter annex D the issue specific hearings will be live streamed and recorded. Recordings will be published on the project page, the national infrastructure planning website as soon as possible after each hearing closes.

03:59

To assist viewers and listeners anyone speaking should introduce themselves each time they speak. As the recordings are retained and published, they form a public record that can contain personal information to which the general data protection regulation applies. The rule eight letter includes a link to the planning inspectorates privacy notice, which provides further information on this topic.

04:22

If there is a need to refer to information that participants would otherwise wish to be kept private and confidential. It should be in written form which can be redacted before being published. If you prefer not to have your image recorded, you can switch your camera off. I will repeat the request made in the arrangements conference that in order to minimise background noise. Please ensure your microphone or telephone is muted and that you stay muted unless you are speaking during a physical hearing. We would normally have breaks to avoid fatigue and we'll do the same in this virtual hearing. Our intention is to take a 15 minute break at about 90 minute intervals and a longer break or

05:00

Over the lunch period. I'll now hand over to my colleague Mr. Moore and will explain the purpose and conduct of the issue specific hearing today.

05:10

The issue specific hearing provides an opportunity for the issues raised by interested parties, and in particular the differences between them to be explored further by the examining authority.

05:23

The purpose of an issue specific hearing is set out in Section 91 of the Planning Act 2008. It is held if the examining authority decides it is necessary for the examination to hear oral representations to enable an adequate examination of the issue, or to ensure that an interested party has a fair chance to put a case

05:46

as indicated in the agenda, questioning and the hearing will be led by a member of the panel supported by other panel members.

05:55

If the examining authority to determine how hearings are to be conducted, including the amount of time to be allowed in the hearing, for making persons representations, our aim is to use our powers of control over the conduct of hearings to ensure that they are carried out as efficiently as possible.

06:15

Whilst remaining fair to all parties and fora in our examination of evidence, we have identified the matters to be considered at this issue specific hearing, and those on which we raise require further information. And these are set out in the agenda published in advance of this hearing.

06:35

participants should note that written summaries of your oral submissions to this hearing should be provided the planning Inspectorate by deadline five, which is Friday, the 23rd of July this year.

06:50

Finally, I would like to reassure you all that all members of the panel are present and listening carefully to what you have to say at all times during the hearing. However, we are not all remaining on screen throughout, as we wish to minimise the demand on the IT systems to ensure the best quality of audio

and video for participants. I'll now hand back to my colleague, Mr. Brock, who can continue with the introductory matters.

07:20

Thank you very much, Mr. Morris.

07:23

I am now going to ask the applicant followed by interested parties who were named in the detailed agenda to introduce themselves. So if I could start please with the applicant.

07:36

Good morning, sir, I hope you can see and hear me.

07:40

My name is hurry would fill pot QC. I'm instructed by Herbert Smith freehills and I appear on behalf of the applicant. As in previous hearings, I will generally introduce the other speakers as we go. There's one exception for the purposes of the next two days. I'm joined today by Mr. Stephen tremens Queen's counsel, for the purposes of this issue specific hearing. And we will be dealing with different items on the agenda. So before I ask Mr. tomans, to introduce himself, if I can just indicate to you which items I will be dealing with.

08:22

So on the agenda, I deal with items, to a to b, to G and to H. And for the purposes of tomorrow, I'm also likely to be dealing with item three d. But save in respect of those matters. Mr. tomans, will otherwise be speaking on behalf of the applicant in this hearing. So if I may just ask Mr. tremens now to introduce himself. Just Just hang on there just to make sure I've got the list to a to b to G to H and three d yours. Indeed. That's right. And the rest is for Mr. Truman's elite. I hope you'll forgive me if I don't necessarily introduce you. by name for the right items. I'm likely to save the applicant and whichever route pops up. I'm sure that will be fine. You can indeed so we'll deal with it at that at this end. Thank you.

09:20

Mr. Chairman wants to say hello, that's fine.

09:27

Yes, sir. Good morning, Stephen tremens, instructed by Herbert Smith free hills in relation to the matters that Mr. Phillpotts indicated. Thank you very much indeed, Mr. Chairman.

09:38

I now turn to natural England please who appears on their behalf.

09:44

Morning sir. My name is jack Haynes, and I'm a senior advisor at natural England and overseeing I was in the project because I remit and also got with me today in Diack who's a senior specialist on terrestrial wetlands and Richard Saunders, who's a senior specialist on orthology

09:59

with

10:00

added our detailed written advice on the matters, set out the agenda within our relevant and written representations.

10:07

And refer to those for our full position. But we're here today, Keisha might have any specific questions on those.

10:13

Some of our other specialties team has been either unable to attend today or we have an anticipated need for them to attend and based on the agenda, so if there are any technical questions for them, then we might have to take those away and provide response in our written representations.

10:29

And also, just to say, we're only able to attend until 5pm today, but that might not be an issue. I think the items on the towards the back end of the agenda, we have less to sell on those. And that will obviously catch up on the recordings and respond to any questions for us. If there are any. Thank you, Mr. Haynes. Thank you, that's very helpful, I can assure you that there will be questions for natural England.

10:53

And so in all of our agenda material, we've always said that we may well go on until half past six, but wouldn't expect to go on after after that.

11:08

We have got a very, very full agenda. And I don't particularly want to get half past six best. But the more that you can make yourselves available today, that would be better.

11:20

If you all disappear at five at five o'clock, or Soviet things, thank you. It's the marine management organisation here today, and who appears on their behalf please.

11:39

No sponsor, so I will hope that they're going to be here tomorrow. Is the Environment Agency here today please, who appears on your behalf.

11:48

Morning, sir. My name is Cameron scads. I'm a senior planning advisor at the Environment Agency. I'm also joined by a number of colleagues. They include Carol bolt, who's a senior solicitor, Kirk Markham,

who is a fisheries and biodiversity specialist. And Simon Barlow, who is our size will see project manager.

12:13

Very good. Thank you very much indeed, Mr. Scared and cave. He suffered counsel.

12:24

Thank you, Sir Andrew Tate QC for a Suffolk cancel. And I will be speaking together with Mr. James mer, who was the council's ecologist?

12:34

Mr. Jones? mayor. Thank you, me. YMEYE. Thank you very much.

12:44

Suffolk County Council who appears on your behalf please.

12:50

Morning. My name is Michael Bedford Queen's counsel. I'm instructed by sharp Pritchard on behalf of the County Council. And I may introduce

13:00

to speak Mr. Tim de Kaiser, head of natural and historic environment. Mr. Andrew Murray word who is the senior ecologist both officers of the county council many things and Jesse bassinet for Wallace Walberswick parish Council. Are you here this morning? Yes, I'm here but just on audio on promote this with parish Council. Thank you. Thank you very much indeed as bassinet

13:31

for David grant, I have Jay, I have Roger Buisson. Are you there? We saw? That's correct. So I'm here in a subsequent amendment to the submissions. I'm also representing Latin India bacon of Ward farming, and that's concerning the marsh area compensation proposals at wesselton. So I was I've communicated with the case team on that and I've had a reply saying that's acceptable. Obviously, if that can be fitted into the agenda,

14:02

however it suits you. So two topics, Mr. Grants topics, which is the link road and terrestrial ecology and water farming topic, which is Marsh area and compensation land. Okay, we are we're going to get to Marsh areas and wesselton advance of the of the link road, but that would be that'd be the order for you. Thank you very much.

14:28

Felixstowe Town Council. Is it Councillor Smith?

14:36

It cancellation

14:39

because he's suffering internal drainage board here.

14:46

The RSPB.

14:49

Thank you, sir. Good morning, Rosie Sutherland representing the RSPB and Suffolk Wildlife Trust, and I'm accompanied today by three technical experts. Mr. Adam Rowland's.

15:00

RSPB Miss Jackie Miller RSPB

15:06

and Mr. Ben McFarland Suffolk Wildlife Trust and if I may, I would like to bring them in at relevant moment if that's okay. I'm in your hands you bring them in as and when you need to thank you very much

15:26

so I had some of that trust trust down separately. I take it Mr. McPherson that you're, you've just been introduced to me. That's fine. Thank you. Thank you.

15:39

Suffer peace and hope Kirsten, AONB partial but don't think are here. Emma, Dolly and Justin. Dally. Are you here?

15:49

I'm here on behalf of Justin as well as myself if that's okay with you. Of course. That's absolutely fine. You don't need to ask.

16:01

And Mr. Lankton?

16:07

Yes. Good morning.

16:09

Good morning.

16:12

Yes, I'm independent ecologist. I'm looking to chip in items to a to eye. Not all of them. Hopefully, we're just

16:21

several of them.

16:23

Thank you very much.

16:27

And who appears on par with happening in the hall today, please.

16:32

Good morning, sir. I do. My name is Charles streeton. I'm counsel for the happening and Hall estate instructed by Norton rose Fulbright. I have with me today Simon Taber, who is a director at ecology solutions and a member of the Chartered Institute of ecology and environmental management.

16:48

Which items do you want us to want to address a song please? Mr. Speaker.

16:54

So if we may, item C.

17:00

I, d, two and five. Item A and I can

17:09

and gee.

17:12

Thank you very much. Thank you.

17:16

Our fish guidance systems here today. Thank you all.

17:21

Morning, sir. Yes, it's David Lambert. I'm the managing director of fish guidance systems. I'm assuming I'm not really required today because the marine work is more tomorrow but I'm online just in case anything crops up. Thank you very much. That's most kind of Mr. Lamb but I will. Before we get going explain a bit more about how we will divide from today and tomorrow. Okay, thank you.

17:47

Suffolk coastal Friends of the Earth representative today.

17:52

Yes, yes. Good morning. I'm Rachel culture and the coordinator.

18:04

To answer technical questions. We have Dr. Rob Lowe with

18:12

he's been advising us on how biological issues connected with SIBO marsha blackburn father.

18:21

And he is also the legal

18:24

representation.

18:28

He's an expert in groundwater science, and then independent consultants, as he works very closely with Dr. David loads, who is a surgical specialist and Jonathan Glen. Pratik, botanist for the team has been

18:49

on the RSPB.

18:52

Our differences of opinion between this team, the applicants, I'm sure doctrinaire will be happy to answer any of your questions. Thank you. Thank you, Miss Fulcher, I will come to you and ask you to introduce the right person according to your choice. Thank you very much.

19:15

The minsmere level stakeholders group I anticipating Mr. Collins,

19:19

you anticipate Well,

19:21

thank you very much.

19:24

Thank you. I'll bring it will you will you know that you know the forum I think. Thank you.

19:30

Cargill. See further. are you here today?

19:37

No. And bioscan?

19:43

Yes. Good morning, Mr. Brock dominate Woodfield someplace and I can't see the word field and Miss butcher you're still on screen if you wouldn't mind switching down your camera misfortune.

19:57

The reason the reason you can't see me Mr. Brock is

20:00

I've gotten down with a laggy. So I'm actually joining you from

20:04

bed.

20:07

I'm very sorry for you. Sorry to hear that. But I'm very, very grateful to you for

20:14

seeking to over overcome.

20:16

to just remind me, you are going to be representing whom? Well, in part Friends of the Earth Summit

20:26

in relation to biodiversity, net gain matters. But I'm also interested in making a couple of points or possibly a couple of representations on various other matters and the writing to Yes, of course. Yes. Thank you very much indeed.

20:42

keep taking the tablets and

20:46

Sarah Morgan, are you here for farlam environment, residents and neighbours?

20:54

You will need to turn on your microphones Morgan.

20:59

There we go. Sorry about that. Sarah Morgan. Have a cue train horticulturist. I'll represent Fern

21:07

beep speaking on matters concerning the two minute bypass. Thank you. You've got the agenda item which you see there. Yes, thank you. Thank you very much.

21:18

You can close your camera now. Mr. Brett.

21:25

Good morning.

21:27

I can't see you, Mr. Brett.

21:32

Okay. Lovely. Thank you. Very good. Thank you very much.

21:38

Bread.

21:40

Clients I've already got you down for.

21:44

Thank you. Thank you. The sky has already got you down for minsmere levels here. Is something you want to say also in your personal capacity? Or do I take what you say from minsmere levels? It also says in your personal capacity? it? Yes, I do have something to say my personal capacity. But it's also sort of actually part due to the fact that I've been working with seven news for the parish Council on this. So yeah, you can take it it's from all of us. But yes, it was from I think my personal

22:12

representation.

22:14

I get three for the price of one today. You certainly do. Thank you very much. Thank you. So is the National Trust here today?

22:24

Yes, hello. Good morning, sir. My name is Ma. I'm the nature conservation advisor for the East of England for the National Trust. And I'll be representing National Trust today with particular interest to agenda item two, D two. And item two. II. Thank you. Thank you very much.

22:46

And Sage are you here today?

22:53

It doesn't sound as though anybody's here on their behalf.

22:58

It's Regan Scott i i've been convenient small monitoring group, community monitoring group for some time and I think we've finally been recognised with the with their name. And

23:13

I hear things say I've personally I have a parish Councillor and one of the outer zone parishes are not speaking for them. But we've taken an interest. And we've variously I mentioned network and we're members of SWAT RSPB. I'm personally a member of UK law and so on and we've been contributing. Thank you. Thank you very much. Mr. Scott.

23:35

Is the eastern inshore fisheries and conservation authorities here or the Gulf? I've got a note that you're watching not participating. I am here, sir. A very good Thank you. Good morning, Stephen Thompson, Eastern inshore fisheries and Conservation Authority normally abbreviated to Eastern Africa, for obvious reasons. We, our remit is directly related to a point in item three, which I understand will be tomorrow. So with your permission, I will represent myself from the proceedings today but will interact by letter if need be. Thank you. I do hope that you can come tomorrow. There are some things which I would like to

24:11

ask have you and to have your comments as well. But you're you're right. I will explain how the sequence will run in a few minutes.

24:21

Good. That takes me through the list of those who were on the name on a detailed agenda. I know that there are other people in attendance today who have requested to speak at the hearing but I'm not on the list of invitees set out. I'm not going to ask you to introduce yourselves now but the first time you are advised to speak please could you introduce yourself by giving your name and the name of the organisation or people that you represent?

24:48

I hope everybody's had a chance to read the detailed agenda for the hearing.

24:52

And during the hearing, I've got a number of questions for the applicant and also for other invited and interested

25:00

parties.

25:01

There are a number of interested parties, you may want to speak on some of the agenda items. And once I finished my direct questioning on an agenda item, I will ask interested parties, if they would like to make any submission in relation to that agenda item, before we move on to my direct questioning on the next agenda item. And can I just remind everyone that this is not an open floor hearing on biodiversity, and the submissions, which you make orally should relate to the agenda items and the particular questions raised by those items that have been discussed, the purpose of an issue specific

hearing is to hear oral evidence on items which we the examining authority think are better examined, or are helped by oral examination as well. So it's those things, which we will be very grateful for your, for your assistance and of your submissions.

25:53

There may be other issues which are not on the agenda, which the parties may want to raise,

25:58

I would expect that those points have actually fact already been dealt with in written representations and relevant representations, and submissions on those matters should be made. If you want to make further representations in writing by deadline five on the 23rd of July 2021. That's this year. I do want to get through all of the agenda items today. And tomorrow, I do want to hear from everyone who wants to speak. So it will assist if you can keep your responses succinct and to the point that's not to shut down important points that you want to make or explanations which you want to give. But please, we have got a lot to get through. And I would appreciate if we could keep your kid to the point and and and keep

26:42

succinct in what you say.

26:47

Now that the agenda my intention is and my hope is that we will manage to deal with all the terrestrial ecology points during the course of today. And at 10 o'clock tomorrow morning, we will then turn to marine ecology issues. However, we have sent out the agenda SIRs to state that the the marine ecology points will start not before 10am tomorrow. That means to say that, in the unlikely event that we don't finish everything. Today, I think that there are still points which you ought to deal with, we will be able I will be able to take those in tomorrow. But please do not take that as an invitation to ignore what I've just said about succinct submissions, and my aim to get through the terrestrial agenda to today. That means that tomorrow, you will need to go through the

27:42

admissions procedure beforehand. And I anticipate that we will simply do a a more truncated version of these introductory remarks in in the morning.

27:57

We'll see how that how that goes.

28:02

We published earlier this morning and updated agenda on the website. And I hope that people will have the opportunity to have had the opportunity to see that it's updated because I have given the documents which are likely to be useful or to be referred to during the course of the hearing today and the hearing tomorrow. So I'm not going to run through the list of them now and I would urge you if you hadn't read an unstated piece of pop to the website. And to get the revised agenda there. The list of documents is on the last page of the of the agenda. And in a very slight change to the agenda.

28:48

The question of the win EP study on water supplies,

28:55

which was listed for tomorrow, I am going to bring into today because it seems to me that it is more related to terrestrial ecology than to marine ecology. And that's where it properly belongs. And we're looking at in the HRA section of the agenda.

29:12

Lastly, can I just alert the applicant? I'm sure you'll see this if you've opened the updates agenda, I am going to be referring to your updated clearance plan in relation to the to billet bypass that's rep for hyphen w three.

29:31

And there are some things which I simply cannot pick out on on that plan. I expect that they're in there. So I'm going to ask you if you would screenshare that at the appropriate time and be ready to point out various features which are there in the in the figures, Mr. Philip what. So just to reassure you, we have picked that point up and we'll be ready to deal with it when the item comes. I'm grateful thank you very much indeed.

29:58

I should also have

30:00

I'm sure it's obvious everywhere that you will need to be able to refer, you'll find it helpful to refer to the terrestrial ecology chapter of the environmental statement, I am using the version which is document a s 033. Because that is the one which has got the headings which the applicants currently added to the document in response to one of our questions.

30:25

Right, we can now

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get going on substance.

30:33

So, I want to start with terrestrial ecology and to look at duties under sanctions 28 G, and 28. I have the wildlife and countryside act 1981 the effects of Section 28 P.

30:52

I don't want to do that because I think it's important that we all know where we where we are, and what's going on here. Let me just run through the effects of Section 28 and its allied lettered subsections

31:04

triple si designations are made under Section 28. And by section 28, he specified operations are prohibited unless notice is given and the conditions under Section 28. Three are complied with. And in Section 28 G, we come to

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provisions which affect ministers of the crown and other public bodies. So that is the Secretary of State.

31:34

The minister the crown of public bodies by section 28 g are under a duty to take reasonable steps consistent with the exercise of the authorities functions, to further the conservation and enhancement of the flora, fauna or geological or fizzy geographical features, by reason of which the site is of special scientific interest.

31:57

If we then run on to Section 28 I to where the permission of a section 28 g authority is needed, before permitting the carrying out of operations, which are likely to damage flora, fauna, geological or fizzy geographical features, by reason of which the site is a triple Si, then the section 28 G or authorities as the Secretary of State shall give notice of proposed operations to natural England and then wait 28 days. So that catches things like this the triple si crossing the removal of wet woodland and developing on any fan Meadow is the carrying out of operations likely to damage any of the flora fauna and so on, by reason of which the triple si is of special interest.

32:42

So, that applies even to operations which are likely to have that effect but which are outside the triple si itself.

32:50

Now, if natural England advise against granting permission, or advise that conditions should be attached, and the section 28 g authority does not follow that advice, then section 28 g authority that will the Secretary of State here must give 21 days notice to natural England and may not grant permission during that period. And just for good measure, it's a criminal offence, the Secretary of State to breach that section 28 a duty

33:22

if a planning permission of course authorises operations, that's a defence to the criminal offence of what would otherwise be a criminal offence of damaging the triple si.

33:33

And we're not talking about planning commission here, but we are talking about a permit from section 28 G or authority, but that only gives a defence if the 28 g authority the Central State has actually followed section 28 I

33:48

sorry, 2001. And for good measure,

33:52

as the there is the criminal offence, if the central state doesn't go through the 20 ai procedures with natural England, I wanted to go through that. So that we are all clear that the Central State is under a duty to take reasonable steps to further conservation and enhancement of flora for etc on the various Triple S eyes. And that without the approval of natural England operations likely to damage flora and fauna essentially can only be permitted without give it can only hurt if two sets of notice have been given to natural England. That's 28 day notice and a 21 day notice.

34:30

So I come to a question now to the to the applicant,

34:35

given the section 28 duty to take those reasonable steps consistent with proper exercise of functions so as to further conservation and enhancement of flora pfaller and other features by reasoning which the site is a triple si could you point me please to where I find a list of those in the aggregation documentation. I'm sure it must be there somewhere and Mr. Philip

35:00

Sorry. So the list of what can you just remind me of the list of seeking? If you go if you go to the section 28 GT yes to take reasonable steps consistent with the exercise of the authorities functions to further conservation enhancements of flora, fauna, or geological or physical graphical features, by reason of which the site is a triple Si,

35:27

I get these will be in the triple si designation, yes, indeed, it will be useful are they drawn together all in one convenient place? Well, when we come to write a report, we can say to state this is the list you have got to address your mind to So, I will, I will check whether that is the case, one thing I can say, you will recall that we provided as appendix seven B two, the response to your first written round questions, bio 1.5, to 1.7. A note, which drew together how that legal duty applied to a variety of features of the triple OSI including the species and the habitat features for which it has been designated. I will ask those who are in the room to check that, that is comprehensive. And indeed also to check whether there is another place in the application where that's drawn together. If for any reason, that is not the case, we can put together a note, which hopefully will assist you and your colleagues when you're reporting. Thank you. Let's go. I mean, I do I'm not trying to make work for you. But just to make sure that we've covered covered that, that base and and and see it there. If the answer is that it's already in existence, then you obviously just need to send to send me to it. If it's a bit of a paper just because it's made up of several documents. That is a bit of a problem indeed. So we've got the point is that there's a mutuality of interest in ensuring that that is done. So just before I

37:16

end my response on this, I just want to check with one of my team, I'm being signalled. I just want to check if there's anything else I need to report, do you mind? Would you mind? Just bear with me a moment? Now I bear with you.

37:40

Sorry. So I pressed the wrong button and took myself off screen. Now that I only to confirm what I've just said was correct. And we'll we'll come back to you with anything more that we think is needed. That's right. And you've also got the point that there is it eats up quite a lot of the Secretary of State's decision making three months if there are outstanding points with natural England. Absolutely. So well, we're we're alive to that. And as I said that there's a mutuality of interest in terms of ensuring that these things are dealt with as clearly as possible. And we're obviously also talking to natural England on matters of mutual interest. Thank you. Thank you, I'm grateful to you. Okay, let's turn now to the size of our margins triple si.

38:28

And to the landscape and biodiversity issues. We're going to take these together, and my fellow examiners back to Mrs. Cassini is going to join me on this aspect.

38:40

So in relation

38:43

that I'm going to put a number of propositions there largely being put to the applicants, ie sub accounts or sub account counsel and and natural England. The RSPB separate Wildlife Trust and minsmere levels. And Mr. Cassini will have some to put to other people as as well. But can I just ask, first of all, so

39:09

East Suffolk Council and Suffolk County Council do what do we see you're up to date positions on the triple si crossing? Do we see those dated in your local impact report or anything come through? Have you submitted into our since then, which you want to draw to our attention?

39:28

So Andrew at sasak is Suffolk Council.

39:33

Opposition is set out in an IR rep 145 but they are more briefly encapsulated subsequently in rep 360

39:46

at section five in three short paragraphs.

39:50

So that is the same as before but it is more recent and it is more concise. Thank you Mr. Tate.

40:00

Mr. Better. Did you want to add anything to that?

40:03

Thanks. So Michael Bedford, Suffolk County Council. So in addition to what we had said in the local impact report, deadline won in our written representation, which is rep two, dash 189 section five, we set out further submissions in relation to our position on the

40:27

triplets crossing. Thank you very much. That's good. And can I summarise them? what I see as your both your ends the well, the two councils, concerns you've got concerns about fragmentation about land take, and about lighting effects for the bats and the bowls. Suffolk County Council have a preference for three span bridge and East Suffolk council see the change five design as an acceptable compromise.

40:59

Have I got you there? properly summarised?

41:09

Yes, so that that is the nub of the position for East Suffolk cancel. There are some other additional matters, but the concept is broadly acceptable to the council balancing landscape and

41:28

ecological matters. But so far as some very important design issues are concerned, those are not yet addressed to our satisfaction. And that includes the final height of the bridge, the adaptive operational provisions, and lighting most particularly crucially, as well. Thank you. And that's design of the change five. proposal. Yes. Thank you very much, Mr. Tate.

42:00

Mr. Bedford.

42:02

Thank you. So Michael Bedford, Suffolk County Council. So yes, we are not content change five is as yet an adequate

42:15

reconciliation of our concerns. So I don't know whether you want to go into any more detail at this stage, or you're just trying to understand, in a sense, the big picture, because we do have some comments we want to make, but I don't know whether you want those now. We want those slightly later.

42:31

I keeping your comments on that now, please. Mr. Bedford. Thank you.

42:37

So

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obviously, in terms of the the overall context, and the question of

42:46

is this an acceptable form of mitigation in terms of the triple si crossing in what the applicant is currently proposing? I don't rehearse all the policy background, you're well aware of, em one, particularly paragraph 4.4. Point two, which deals with alternatives specifically, refers to the policy requirement to consider alternatives in relation to Section 5.3 of em one. And you'll be aware of paragraph 5.3 point 11 of e and one specifically in relation to impacts on AAA size as a national statutory designation. And obviously, the presumption of refusal, but then there may be exceptional circumstances where that can be accommodated. You'll also be aware that en six, in particular, in Volume Two, paragraph C, eight point 65 makes it very clear that this impact on the triple si

43:53

is very much the subject of project level assessment. So one can't point to E n six and say well, II and six said it was okay. Therefore, one needs to look at the actual impacts of the project level assessment.

44:09

And then also paragraph c 8.63. In n six, also in Volume Two, and just emphasising the last sentence of that, that there is if there is to be an impact on the triple Si, the need for a mitigation and management plan to minimise impacts and I just stress that word minimise.

44:34

And that's paragraph number you gave me Yeah, sorry. It's paragraph capital C, eight point 63. Or volume two of em fix.

44:49

Your point, though, is it's about minimising the impact. Absolutely. And that obviously has an issue in terms of whether the applicants current proposals have adequately

45:00

minimise the adverse impacts on the triple si both during construction and during operation. You're obviously alive to the point about the land intake.

45:13

And, and there certainly there is a detailed matter where we would welcome some clarification from the applicant. We have noted what was said by the applicant in its comments on our written representations.

45:37

Were there applicant has suggested that the difference in land take terms permanent landscape terms between

45:49

its current proposal

45:53

as varied by the changes

45:57

and a three span bridge is a difference of no more than

46:03

point naught two hectares of permanent land take from the triple si

46:10

lot points not to Hector's point naught two.

46:16

Yeah, yeah. naught point naught two. Yeah, that's a very small difference. Well, so we first of all, we have struggled to verify that ourselves from the information which has been provided. And so we would welcome as it were a clearer identification of that. Preferably, we would welcome a plan, or as it were a comparative plan, which shows that different so one can actually very clearly see where that difference lies. But secondly, and this is a different aspect to it, we understand that that is said to be the difference of permanent landscape from the triple si. Whereas when one goes back through the evolution of design, and one sees the position as it was put at the stage to consultation,

47:15

and this is

47:17

app

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72.

47:24

The worst there was then a comparison between four options. Option one then was the causeway crossing,

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and option three was the three span bridge.

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And option one, the causeway crossing, as you may remember, effectively had a narrow culvert set within a causeway.

47:49

Obviously, the present application is not now proposing that it's proposing if I can call it it's either a wider culvert or it's a thing, a single span bridge, it doesn't matter for this purpose. But it's broadly speaking, there is still a Causeway either side of as it were a crossing of the water pools.

48:11

Whereas option three I say was the the freestanding bridge.

48:16

In the consultation document, it was said by reference to the construction land take rather than the permanent land take that the construction land take from the triple si was point three of a Hectors difference between option one and option three.

48:42

So a third of a hectare.

48:45

It's not explained in the consultation document, how those figures were derived and what whether it's working space, whether it's stockpile areas, whatever it was, that had led to the difference between the construction works areas, as opposed to the permanent land intake areas. But what we are concerned about is we cannot see from the documentation so far provided that the application material gives a similar comparative assessment of the construction works impact on the triple si between those two permutations. That's to say a single span bridge and a the applicants current proposals.

49:33

So that's that's again a matter that we would welcome

49:37

clarification and further information on because crucially, obviously, the balance that you're being invited to draw between our adverse impacts on the triple si against what is said to be a construction time saving. You can't make that balanced judgments unless you've been given a fair or at least a complete

50:00

comparative of the two different permutations and how they, they work through. So So that's, that's the position on land take then in relation to severance for species. Again, there are impacts during construction and impacts during operation. We have noted a deadline to the applicant has suggested that under its proposed scenario, under the operational,

50:31

sorry, in the operational stage, it would be possible to remove heart part of as it were the lid of the crossing, so that you end up I think it is said with only a 15 metre section, which would remain needing to be covered across the water goals.

50:53

And we are waiting plans, as I understand it, deadline five, which show that, obviously, we need to reserve our position on what that shows. But what we're not clear about is why the same as it were saving is not also achievable through a permutation of the three span bridge. So again, it's concerned to get a like for like comparison.

51:17

So that if you're making them that judgement as to whether I say the negative impacts are outweighed by the time saving, you actually have an informed position to make that comparison, and we don't think that you do at the moment. And so those are essentially the concerns.

51:33

Sorry, sorry, sorry. Sorry, the final Sorry, I apologise. The final point, even allowing for all of that, during in terms of the operational saving, of course, the construction period being the length that it is.

51:47

The impact on sufferance for species during that period, when the the crossing remains as it were occluded, is still of significant concern to us.

52:04

So those were those elaborating on those points. Thank you. That's very helpful. Perfect. Could you correct me lots lots of paragraph numbers and references. When you put your written submission in, please make sure that those are clearly in there, actually will give you the document references. That's it. Thank you. Very good. Can I turn to natural England now?

52:28

Now

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famous to Haynes.

52:35

As I understand natural England's position is that you say there are no likely hydrological effects.

52:45

of the change five submission. That's the current model, which we're looking at now. But you want the offered mitigation to be in your phrase is fully secured.

52:58

And also, you've got concerns about what I'm going to call the dark centre beneath the bridge and the effect of that darker centre on invertebrates. But what I don't see is your position on land take. And I'd be glad if you could explain what that is, as well. So have I got your your, your concerns, right? And what is your position on lantic? from the from the triple si?

53:28

Yep. Hi, jack cane is Australian. So yes, so that's, that's correct. We have our full position on the land take within issue 48 of our written representation. So that's rep 2153. I beg your pardon. I thought I'd read those properly. And that's why I'm happy to outline that now if that that'd be helpful. If you could summarise those for me, that'd be very, very helpful. Yeah, okay. So yeah, our advice remains that the crossing design should be that which in the first instance minimise is an antique from the triple OSI.

53:57

And, in our opinion, the project to clearly follow the avoidance mitigation compensation hierarchy in terms of impacts to the national importance triple OSI and include consideration of less damaging alternatives were available as per section 4.4 and paragraph 5.3 point seven of MPs m one and also the duties of the applicant and decision maker and the wildlife and countryside act as you sit down the previous agenda item and you know, taking reasonable steps and consistent

54:28

further the conservation enhancement, the triple si

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and three span bridge which is presented as a viable

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sign option, a pre application by the applicant would appear to be preferable alternative in that regard.

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Although we agree that further clarification on this from the applicant would be helpful, as summarised previously by the county council.

54:50

And then that judgement of reasonable alternatives is obviously one for the decision maker to consider and then we do offer some advice on the current design.

55:00

If that is considered justifiable and I can either provide that now or

55:05

do that later on if, however you'd like to do that, I think I know you pointed me at issue 48 I think I can take it from there.

55:17

If I need further clarification, I will watch the what's the second written questions in case something comes up that but yeah, okay. Thank you very much. That's that's, that's fine. And now can I get to Rosie Sutherland and the RSPB

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and Suffolk Wildlife Trust and speaking on behalf of both of them

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use that muscle.

55:50

Can I just ask the case team I did see that flashed up on my screen briefly that Mrs. Sutherland had left the meeting and I thought she'd come back in as she got back in or not.

56:09

Check on Mr. MacFarlane. Hello, good. See you. Hello, Mr. Brock. Perhaps I could I could I could take the reins on behalf of Miss Sutherland. Excellent. Yes, go ahead. So as I understand your position that you've got, you're concerned about the effects on bats, largely in relation to the triple si crossing?

56:33

Is that the is that the full thrust of it? Or he got other issues? Well, yes, I mean, I'd certainly like to reference Mr. Bedford are from Suffolk County Council and Mr. Haines from natural England on the good points they've made. Yes, in terms of the impact and the relationship between the current plan and the three span bridge, our concerns really relate to the increased fragmentation of habitat. So it's not just about land take.

57:04

We believe that the current proposal will create more fragmentation not only for bats, but actually the connectivity of sizable marshes triple si to the greater minsmere nature reserve to the north.

57:18

So in reference to E n, one in the national policy statement, but also n six the nuclear power generation to avoid and minimise loss and disturbance through careful site layout and design, in our view to three span bridge is the preferable option.

57:39

The other point I'd like to make is actually the the treatment of temporary loss. And, and again, just referencing Mr. Bedford in not having the clarity of the relative differences of of so called temporary loss between the options

57:55

3.02 Hector's are due to be lost under this temporary banner.

58:03

And our point is actually, there's a high degree of uncertainty of whether this will be temporary loss given the length of operation, the time, the triplus, I will need to be covered to allow attract vehicles to to help with the construction of the crossing it we believe there's a high degree of risk that this temporary loss will never actually recover back to its former state to a level that will be deemed high enough for

triple si status. We believe there is a risk that 3.0 Hector's will become permanent last in terms of quality.

58:41

So, I just got to ask you on that, Mr. McFarland, you're not saying 10 years is is not temporary, what you're saying is that it may well be temporary, but the severity of the effects because of your example, your good example of tracked vehicles is so great that that at the end of the day, it's going to be a permanent loss.

59:04

That's correct. We believe there's a high risk it will end up being permanent. And whilst it won't be covered permanently in concrete or Causeway, the vegetation will not recover to its former state. Yeah. Okay. Thank you very much. That's very helpful. Do you know what's happened to miss Sutherland? are you rushing the dogs? Oh, there you are. Hello. Do you add anything to what Mr. McFarland has said on your behalf? I'm so sorry. Not at all and all I was gonna do was introduce him. So thank you. Very good. Thank you.

59:37

Mr. Collins. minsmere levels. Can I turn to you now?

59:43

Mr. Collins.

59:45

Hello. I picked out your points. I picked up your points at the phage about water levels. And great to food grateful to you for pointing out it's not one dropping it's you want them maybe you haven't kept up

1:00:00

Is is the is the issue?

1:00:03

Are there any other points which you have specifically about the triple si crossing? Please? Wait. Well, yes. And I'd echo what the previous speakers have said about the three span bridge, we've always felt that that was the most appropriate option for a bridge across the triple si crossing, it has the least impact, it has the least Well, it would seem to have the least

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land take. So you need to go through that. Again. The other issue that we do have with the,

1:00:39

with the current design, and I guess, to an even bigger extent, to some extent with the, with the previous narrow COVID is actually the fact that this thing is is actually a completely surrounded by sheet pile, and also then strengthened within it. And the actual potential damage to groundwater movement through that that particular part could be quite

1:01:06

substantial. And I know that some of the experts that we've been working with through some coastal Friends of the Earth have said, one of the things that they were concerned about is not not that water can get held up, it could actually be sped up underneath the the culvert and actually start to dry out the actual triple OSI in its own right. So that's our other concern that the groundwater effects are not as straightforward as they might be. Are the technical studies behind that? I would, I would defer then to Rob Lowe and Suffolk coastal Friends of the move who lead on that particular set of assessments. Okay, thank you for that pointer.

1:02:01

Very good. Thank you, Mr. Collins.

1:02:06

Mr. Cassini is going to raise some points. Yes, thank you, Mr. Brock. My intention was to actually

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had some questions for the RMB partnership. But as we're aware, they're not they're not actually with us today. And it may be that they may wish to make some submissions at D five, or I can post some questions at the next set of examination questions. Having heard from natural England, and the other speakers, they actually have covered the questions that I did have for them. So I don't have any more, particularly landscape. And design matters at this moment to discuss Thank you, right.

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So

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in that case, we can turn to the applicant.

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Thank you, Mr. Phillpotts. Thank you, sir. And I'll try and hang on. I'll try. I'm going to ask you to respond to all all of those points.

1:03:06

for just a minute. Let me see if I broadly got your view.

1:03:11

So your clients say there's nothing to worry about.

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Not even the effect on the bb astell bands, that's not significant.

1:03:21

And you are doing some modelling on lighting effects on bats, which is going to come through at some stage. We haven't yet seen that.

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You're also doing some more design work on the crossing, which according to your statement, commonground, the RSPB that says you're going to submit a D four

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which of course has passed us. In fairness to you. I think there are other statements. We've seen it coming at D five, legislate some clarity on where we are on that, please. Yes, I'm going to say that that is going to be D five in a moment. I'm going to call upon Mr. Richard Jones just to explain to you what is envisaged as part of that change, he can also respond to points that have been raised in relation to alternatives and matters of that sort. So hopefully that will provide clarity and if you have any further questions, I think he's probably best place to answer them about the changes that are coming. But it is d five Okay. All right. Let me just make sure I've got got your your clients overall approach though.

1:04:29

You say your clients say they don't want to do the threes Banbridge? Because it'll take too long to build and it will put back your construction programme. And that seems to be

1:04:41

I'm gonna say not as the main that seems to be the only objection to it.

1:04:47

So okay, you've told me that before is that whether they are coming for a D five.

1:04:53

I think I would also like to know from Mr. Jones, so give him he's got a bit of warning, though. What what is what he is getting

1:05:00

What is going to be done? What is the answer to this this dark spot which you've got in the centre of what Mr. Bedford calls a big culvert, and you call a bridge?

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And if I can follow up on the questions that Mr.

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Bedford pose, you know, where do we see what the threes bandwidth is going to look like?

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I'm interested to know why you can't programme so as to construct it.

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In Yeah, so to construct it in the inadequate time. So either you or almost a Jones, I didn't I didn't mind. But if you could deal with those, please. So before I call on Mr. Jones are a number of preliminary points that I'm going to just want to cover arising from the matters that have been said. I'll then go to Mr. Jones in terms of the question of alternatives, and also in relation to D five, so far as the question of shade under the bridges concern that any impacts that that might or might not have in terms of ecology. I'm then going to go to Mr. Alan Lewis, who's from a commons, the technical lead on ecology, you'll probably be hearing quite a bit from Mr. Lewis during the day. So

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good opportunity to introduce him.

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And but before I do, so, I just wanted to pick up a few points, if I can, arising from the submissions that you've you've heard, and,

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in particular,

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on behalf of the County Council, your attention was drawn to

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the annex two en six.

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So this is the site assessments. So this is not part of the

1:07:01

policy tests, which are set for the use of decision makers, those are to be found in the main part of n six and also n one. This is an annex, but nevertheless,

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it's important to understand c 863. Both in its own terms,

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properly understanding the terms in context, but also having regard to the policy tests for decision making, which are set in the main part of the MPs is so looking at ch 63.

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Mr. Bedford drew attention to the final sentence,

1:07:48

which reads, the applicant will need to develop an ecological mitigation and management plan to minimise the impacts. One needs to understand the concept of minimization. When looking at the

sentence as a whole and the subject of the sentence is an ecological mitigation and management plan. What it's not saying, unsurprisingly, is that all aspects of design must minimise impacts, in other words, that that overrides any other considerations, such as, for example, the impact on the timing of delivery of a project that the MPs describes as urgent.

1:08:34

It also, unsurprisingly, doesn't override the requirement to balance those impacts against other impacts. For example, landscape impacts in the context of an AONB. In other words, it is not and is not to be understood as a policy requirement to minimise at whatever cost to other interests of public importance. Now, the reason I say that is not surprising is when you turn to N one,

1:09:12

n one identifies in Section 5.3.

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The tests the policy test for decision making in relation to AAA size. Now, the tests in relationship to size are as you would expect,

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firm that they reflect the statutory

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duties that apply, but they simply do not require minimization at all costs. And they it within terms include the concept there's an exception to the normal policy position on development would have an adverse effect

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is where the benefits of the development clearly outweigh both the impacts is likely to happen.

1:10:01

On the triple si and any broader impacts on the national network, so just pausing there, again reflecting the need in for a planning, balance, but also the IPC should use requirements and or planning obligations to mitigate the harmful aspects of the development and where possible, ensure conservation. So that's the, that's the decision making test. And it's important, therefore, to recognise that for the purposes of decision making, there is a balance that needs to be struck between questions of timing, which we emphasise, and that is not in this context, of course, a necessarily just a private interest of the developer. It's not just about the developers private interest. This is a public interest consideration in the circumstances of this case, as set out in policy, but also the landscape concerns, which need to be balanced, particularly in this area.

1:11:07

That was the first point I wanted to make. The second point is this

1:11:14

issue was raised about achieving a greater degree of transparency and clarity on the differences between the proposal that the applicant invites the Secretary of State to approve and a triple span bridge, which it does not which necessarily, therefore, is an alternative, engaging the policy and alternatives which I've talked about before and won't repeat. We will provide plans to the county council will share those also with the Suffolk Council in order to try and agree them. And hopefully, we can then put those agreed plans before the examination. So bearing in mind that that seems to us the most sensible way to do it. That won't be deadline five, but we hope that that can be done quite quickly. Yeah. Do you want to have spent on ruling over that point? Oh, three on a precisely, it seems to us that insofar as are any differences, they shouldn't be differences that you need to resolve, they can just be hopefully identified in terms of any uncertainty that may exist. And then the final point for introduced Mr. Jones,

1:12:26

Mr. Collins raised the question about water levels. But I noticed that water level monitoring is a later item. So unless you particularly wanted me to I was going to defer comments on those matters, which wouldn't involves introducing a further expert until we get to that item. I just like got it as a separate item. It's kind of mixed up with the with the triple Si, but we can we can leave it, I think it's more or less the next thing I got on on the list. So you very, very well tee him up, that would be good. In relation to the work, which you're going to do with the county and the district. And the drawings, calculations, whatever, we're going to come forward from that that would be very, very helpful. But so we're the 15th stood out. We I think yesterday was hot gets us halfway through the examination.

1:13:21

I going to make that point later as well as well.

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Could you make sure, please, that the results of those deliberations are submitted to us for deadlines, six and no later? Yeah. So we can we can do that. Thank you very much. I realised that you will be requiring some cooperation from the county and from the district as well. And I would simply more than hear what we're saying. Indeed, if there are any differences by deadline, six, we'll record those differences and submit it as best it is. Yeah. Okay. Please. So at least get the get those things sorted out by we will, and then say with that that introduction, I was going to pass over to Mr. Jones, what so it's just one of those things. Yes. I've listened carefully to what you've been saying to me about the balance where the policy is and Mr. bedfords references to the to the annexes.

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And your points about not at all costs. I understand what you're saying. But

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I mean, either you or or maybe it's Mr. Jones.

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explain to us why it is that you cannot start on a three span bridge early enough. So as to be able to meet your current construction, aspirations and your current construction. It is I've got I think we've got

a note of that point. And we will provide a response to that I'm looking across to Mr. Jones as to whether that will be him or whether we'll be calling on one of those who are involved in the more sort of muddy boots end of things, but we've got the

1:15:00

And obviously we'd like to find out it may be a finance.

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Brown Briggs as well, I don't know. But

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But I would like to understand that today rather than have to wait for what comes through D five, indeed, I think I think I may be wrong that the explanation is there in the written material already. But if it isn't really

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his champion bit, let's see.

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Good morning, sir. Can you can you hear and see me? Okay. I can see he was James. Excellent. So just to just to check before, before I dive in, bearing in mind, the future work that Mr. Philpott referred to, is it helpful for the purposes of others on the call if I just briefly explained the differences between the triple span and the single span and how that relates to the relatively small amount of triple A silos between them? Would you like me to it? If you want to explain it for my benefit? For the for my colleagues benefit? That will be fine. But we're the ones conducting examination?

1:16:19

Of course, yes. Okay. So it was correctly identified that the triple span bridge was identified at the stage to consultation. And it has been a preferred preferred solution from some stakeholders for a significant period of time.

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I just wanted to flag really the, the reasons for the differences. So I mean, ultimately, they're, they're both in the same part of the triple Si, they're both in the same location. They're both exactly the same length. And they're both similar widths during construction, and they have exactly the same span,

1:17:00

width over over the laced and drain. So in that regard, they're all exactly the same. The main point of difference is that the proposed bridge comprises a 30 metre span singles, single bridge, over the laced and drain and 110 metres of embankments, whereas the triple span bridge comprises exactly the same 30 metre span bridge over the laced and drain, but then it then includes to further 20 metre spans, and then 70 metres of embankments. So you can see there's a there's a difference there. It's tucked in at either end.

1:17:42

20 metres each one on either side. Yeah, that's right. Yes. So there are 70 metres of bridge and 70 metres of embankment on the triple span option.

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And that does.

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Yeah, you with me. So you said 70 metres of span on the triple span. So you're 30 in the middle same is the same as on

1:18:07

your I find different going in a bridge it's it's a very large culvert.

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We'll call it call your change five submission to be to be neutral.

1:18:18

Triple span bridge has 30 metres in the middle and 20 on the west and 20 on the east in terms of clear span.

1:18:29

And the change five is 30 metres in the middle, but embankment on either side.

1:18:38

Correct. And that has been the case since the the January chain submission that was accepted in April. I thought I heard you say that the the triple span bridge also had 70 metres of embankment, but that can't be right.

1:18:51

It is correct. So that the total length of the crossing is 140 metres. So triples.

1:19:02

So just to be clear on how that relates to the triple si land take. And so the extent of the triple si does not cover the whole crossing it it's it finishes on the far side of the lake and drain as you stand on the main platform, so it's on the northernmost edge. So it is only the

1:19:28

the the central span and the southern span closest to the main platform that is within the truck of si and the embankments associated with it.

1:19:39

In that in the material at which Mr. Phil poses just promised me on your behalf. Could you make sure that there is a clear line showing me where the triple OSI finishes and start on the bridge?

1:19:53

You know, so and so, in order to to construct the triple span bridge

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Clearly you need bridge support structures. And so there were once you've gone past the 70, the embankment on the on the southern side and you and you reach the the 20 metre span the first 20 metre span, there is no need for a bridge support structure for that 20 metre span to, to restaurant. And because the because the underlying ground in that location is, as you may have recall from the company site visit is rather bumpy and doesn't have a great deal of structural strength to it. There's Pete under there, in much the same way as is required for the hard coastal defence feature where where there's Pete, there's a need to undertake ground improvement work in that location. And so what that entails is a series of rigid inclusions, as my colleague Andrew Langley explained yesterday for the hard coastal defence feature, that are installed in that location in order to allow work in platform to be laid to reach whenever and support structures would need to be put in place to support the triple span bridge. And so therefore in a triple si land take,

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if you follow me, sir, it doesn't, it doesn't actually make a difference, whether or not it's embankment there, or whether it is

1:21:18

a tight grid of rigid inclusions, because

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clearly, the view is that once once that work has been done, it's the triple si could never feasibly recover,

1:21:28

especially when you take into account the overshadowing associated with the with the 20 metre span in that area as well. So the there are therefore there's definitely a very small difference in due to the construction methodology between the two options. And that is the the naught point naught two hectares of woodland, and that we've identified and whilst clearly that's in no way wishing to discount that that naught point naught two hectares of wet woodland is a very small fraction of the three hectares or so of wet woodland that is that is required to be to be permanently lost. So hopefully that that gives a bit of clarity on the differences between them. And and clearly we say that the the six to 12 month programme saving, which means that the construction impacts associated with the project as a whole would be six to 12 months less. And the public benefits of the project as a whole would be six to 12 months sooner. And that's a very significant consideration to take into account against that. That difference in loss of naught point naught two Hectors so hopefully that's that's clear, sir. I think would you also like me to be clear on the changes that are proposed the deadline five, seven, believe you have the details of those at the moment?

1:22:49

I, I'm not sure I can do very much with them.

1:22:54

I think. And whilst I don't want to hasten the passage of time, I'm looking forward to what you put in a deadline five.

1:23:03

So that we can so we can see that. I've been more interested, if you want to send reply to other comments which were made by the IPS who I ran through, then if you could make those now that would be

1:23:20

no problem at all. What I will say just on deadline five is

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at the appropriate point. So it would be it'd be worth you seeking input from the Environment Agency, because we've worked very closely with them on those changes. So that's, that's something you might wish to consider. But if I am, if I pick up on the on the programme points.

1:23:43

There's a detailed response set out in response to the first person questions that we received. Question g point 1.3 for which you will find it at rep two dash 100 where we set out the relative construction programme saving that just just in a bit of a nutshell. Essentially, the construction technique for both crossings requires three stages. So there is a first crossing a Bailey bridge, if you like. And at that point, that is the first point that some earthworks can take place from the excavation out into the temporary construction area. And with the with the single span it is over four months quicker to get that Bailey bridge in place. I think. I think I've read that and i i can i can see that one process one bridge takes longer to construct than the other. What I what I'd like you to address is why you don't simply start earlier on the on the triple span.

1:24:50

Yes, so so

1:24:52

it is constructed as soon as practically possible. What what I think might be helpful at this point is for

1:25:00

And that needs to pass over to Andrew Langley to give a bit more detail on how the early works take place in that area which, which which drives the programme. Okay. Before I lose you, though,

1:25:15

then if you're attending to come to come back after Mr. Langley only assumption that you're not intend to come back on after Mr. Langley, can I just ask this as well, in terms of design and appearance?

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I mean, who has looked at the the comparison of designs and

1:25:40

given us an appraisal of them? Now, I have absolutely no training in aesthetics. But I would be interested in knowing the views of

1:25:53

your landscape architects, or if they haven't gotten a then grim shores, presumably, or whoever on on the aesthetics of the two proposals, the the change five proposal that you have, and the watershed is not under the under three span bridge.

1:26:13

No problems. So

1:26:17

that work has has been has been reviewed, I think the we don't have the landscape and visual specialists or the landscape architect with us at this point. So it might be part of your submission somewhere.

1:26:32

The there will be there will be information within there. So yeah, so I don't have the reference to him right now. But I imagine Volume Two, chapter six of the environmental statement for the main development site will certainly have have covered that as a as a high level, since the information should be better. But we've certainly willing to provide more information if it's necessary. But But as I understand it, the

1:26:57

the point from a visual perspective is that the proposed crossing that is longer embankments

1:27:04

has the benefit of being able to have

1:27:09

planting on those environments over over a wider area, which helps in in as it were blending it into the surrounding landscape, particularly from from visible viewpoints. And also it has a an area on top of the environments where further planting can take place, whereas a triple span does not. So whilst it is slightly outside of my specialism

1:27:32

as well, there is there is certainly a greater degree of integration that's possible with the proposed design as opposed to the triple span. But we can we can we can expand on that if helpful. So

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yeah, I mean, I think one of the things that Joe, which I would say,

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too, is

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Do you really want to hide it?

1:27:58

You've got a very, very large two nuclear reactors, which you're not going to hide for obvious reasons.

1:28:07

Maybe this is something to celebrate? I don't know.

1:28:13

Do you want to celebrate something? Well, I always celebrate just the fact of taking part in this examination. So the the practical point is that I think it's clear that we're getting to a stage in relation to this question of landscape and aesthetics. Where it rather than asking the planner to do his best, it might be better if we go back to our landscape and architectural experts, and ask them having heard what you've said, to put in a note on this point, deadline. Six. Having heard the issue raised clearly today, we were not anticipating dealing with that aspect of it in a detail. But we're very happy to do so. Now that we understand that that is an issue. So I'm happy to volunteer that in order to assist your deliberations. I thought that would be really, really helpful. Thank you, Mr. Fuller.

1:29:12

Do we have activity joins, or are we going to

1:29:17

join? Yes.

1:29:18

At deadlines x, please with that. Yes, that that was that was the data I had in mind. So I'm going to hand over to Mr. Langley, who will deal with the timing question with more detail. Just before I do just a short note before I forget it in terms of the date by which the changes were to be provided. as you indicated, there was a document at least one which identified this as deadline for but that was at a stage where deadline for was what we now know is deadline five, it was great to be the end of July. Here. I'll hand over to Mr. Langley.

1:29:59

Langley

1:30:00

Morning. Can you hear me clearly? Clearly Thank you very good, okay. So, in the matter in regarding the construction sequence for the triple highspot crossing, if I can draw attention to submissions, PDA

four and five, which are the rule 17 drawings for the current option that will help your understanding of the current proposed bridge solution and the proposed deadline five solution, which if you say as a single span bridge or a large COVID, whichever you wish to call it,

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change five. Yes. So, the fundamental construction sequence of that and the triple span are similar, that the mitigating programme implication is that the fact that the current proposal and the deadline five proposal enable us to launch a Bailey bridge to enable earthworks to happen, which is the mitigating key sequence driver for being able to move materials across the trip avoid crossing safely without impacting the side crossing. The triple span option does not enable us to do that we have to wait to get that initial span across the three spans that would be and that gives us a significant delay in being able to connect the north and south side crossing. And that is what gives us that implication that Mr. Jones has indicated as being between six and 12 months of delay to the project, as our critical sequencing requires us to be able to bring materials across that

1:31:29

are confined, what do you what do you want to see in place to enable you to start the project. For this, you need to do

1:31:42

that for the current proposal, if the ground improve out to be able to launch that, that Bailey bridge. And that takes a number of months, rather than several months. And that then gives us connectivity for vehicles and connectivity for water supply, etc. And that enables us to open up what we call the T fair the northern area of the of the of the site unable to connect to borrow pits and materials arising and transferred, which is critical to the progress of the project and enabling us to do the work according to the current sequences in them and implementation plan.

1:32:23

Okay, in terms of permits and financing, what do you anticipate you need in order to start we'll put a different way at the point at which the decio comes out?

1:32:36

Can you mobilise immediately, or the other things you need to put in place? If you if you get the DCA? Okay, so, in terms of permits and licencing, I think they are very similar in terms of the works,

1:32:49

whether it's a triple span or a single span, but I have to defer to a colleague that's more of an expert in permits and licencing from an ecology and mitigation point of view.

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financing, I have to defer to the difference. I couldn't comment on what that was that would be wrong of me to comment on whether that's

1:33:08

mitigated, I understand we arrange practical things which which which which have to be done. But in terms of, of how much permitting you need, you want to have in your hands. And and and whether or not at that point, you expect that your whole of your financing is tied up and ready to go.

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Then I would I am interested by Mississippi simply for this, I'll be quite quite plain about it.

1:33:35

There, you you may be able to construct

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the triple span bridge, the three span bridge ahead of getting all of your ducks in a row, provided you got a DTO in your hands and perhaps some other permits which you might need. Now it will be risky, it will be a risk

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project, it might turn out that you've wasted you'd wasted your money, but it's in its very design a big thing, but in the big scheme of things. It is not a great deal. That's that's the point I'm getting at Mr. Philip, you're on screen. Yes, just to say, quite clear, I would suggest that getting to the point where Mr. Langley is no longer the right person to be speaking to in relation to this matter so far as environmental permits and what might be necessary on this site. That might be something that Mr. Lewis can help with. bit if it's a more overarching question concerning the potential for a scenario in which that three span bridge is brought forward at an earlier stage. I suspect that we'll need the involvement of several parties to put together the answer.

1:34:51

That's my suspicion as well as if you could if that could be looked at and if you can with that I set it all at once in your D sec submission on this

1:35:00

That'll be tremendous. Yes, we'll do that. So we've got a note of that. I think then the only part of our response that is still missing is Mr. Alan Lewis, from a calm who will do who's going to deal with ecological matters, because there were some ecological matters that were that were identified by the interested parties. I'm just going to ask Mr. Lewis to pick those up. Thank you, Mr. Lewis. Morning. Good morning, sir.

1:35:26

There are a number of points made made in relation to fragmentation from from several of the parties and I just thought I'd cover those off

1:35:33

in relation to invertebrates and fish, and the designs that come forward at D five, which raise the soffit level to six metres. We understand from Environment Agency are meeting very recently in the last week

that the impacts will have reduced to an acceptable level in respect of invertebrates and fish. So it may well be worth bringing them in for comments and confirmation on that point.

1:35:59

There was a point made in relation to the biting plots, we did submit lighting plots at d3. The reference for you is rep three. Oh 57. Hang on, I just made you're still making a note about what you said about those few words that you can't see the speed at which my opinion is or isn't going.

1:36:25

Okay, lighting blocks. So lighting plots, we submit these a d3, your references rep three. hyphens Oh 57. I think reference those lighting plots will clearly demonstrate there's little or no spill to the lace and back to the store to the west of the sizewell drain. So that the baton points then yeah, so that that that touches on the bath and the water of old point, there's a rather surprising point made about water voles being perhaps perhaps adverse to lighting. We think it's quite clear from the responses to the Environment Agency, from the environmental agency in natural England that there will be no fragmentation now with our new in with our January 2021 design in relation to autism water, voles, but, but obviously those parties can can can speak to that point. In relation to bats, we do have in Davis and watts on the line, he may be able to say a little bit more about the potential for the Triple S icrossing to

1:37:26

deliver a fragmentation effect on bats. Just to say, I guess the Environment Agency may come back on this point in relation to the raised levels to soffit. We do have to what do one more piece of work there, which is to remove a drainage pipe which is currently slung under the bridge supported under the bridge, just to ensure that we have a clear six metre soffit and we're doing a piece of work to make sure that's that's still delivered at D five, so that there's a clear six metre gap to soffit level. I hope that helps in relation to fragmentation.

1:38:04

There was one extra thought was the six metres is relevant to making sure you haven't got a dark spot in the middle is that it? That's right in particularly important in from an environmental perspective in relation to passage for invertebrates and also fish. So that was the point that the environmental agency was fine in their written raps, D three.

1:38:28

One point that Suffolk Wildlife Trust made was in relation to temporary land take and I just wanted to touch on that briefly, if I may.

1:38:39

Stuff Wildlife Trust did say there was a land take of 3.0 hectares, which which is correct. But just to point out the not all of that is in relation to thrift. triplus icrossing.

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For example, 1.45 hectares of that is under the overhead lines well to the south, so isn't relevant at this point. And you know, that would be very lightly trafficked. So there's a remaining 1.57 hectares, which

is actually within that triplus crossing area. But the most of that, again, is primarily for the diversion of the size well drained to the west and provide the intercept points with the laced and drain, that work isn't to do with the Wi Fi crossing itself. I think what I'm trying to say is that the works, the triple si crossing that would be heavily trafficked by vehicles is very modest. We might be able to

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prepare a note on that. But the point being that the 3.02 hectares mentioned by Mr. McFarlane, is that the area that's that's used in construction, surplus crossing is very much substantially less than that. It's also to say that works will be controlled by method statement, which we think is secured by requirement 14, which should secure the ability of natural England to comment on the works in those temporary areas of land.

1:40:00

Like, so we think that gives that adequate control over those processes. Okay.

1:40:05

So just coming to just comments on on that, where you're differentiating on on the southern Wildlife Trust three point something Hector's

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and some of it being attributable to the Triple S crossing some not in your sixth submission. Could you make sure that that's clear for us graphically, rather than in words would be best picture worth 1000 words and all that stuff? Yeah. We'll we'll do an annotated plan for you, sir. Yeah, that would be that'd be that'd be good. Thank you. And also, you're in some ways to deal with Mr.

1:40:43

Mr. Farr's point about I think, foreigner, or was it Mr. Collins, about the amount of traffic which is going to be necessary in order to build this thing? And being there for 10 years? And will that

1:40:57

affect the triple si to such an extent that what you say is temp temporary is in actual fact?

1:41:04

permanent? loss or triple si? We'll address that in a second part of that note, sir. So we'll provide a further detail on the the more intensive works that are used in the immediate vicinity of the triple si crossing to construct it. Okay. Thank you. That's

1:41:23

so so Unless Unless you specifically wanted further information on baps at this stage, that is what we would propose to say on those matters.

1:41:35

If you could, I think incorporate the bat point in your D six submission as well. We will do that. That would be helpful.

1:41:50

I want to come to water level monitoring. I am conscious of sort of the time, it's about time to take a break. And I've got four hands up.

1:42:02

So let me I wouldn't normally go to these because we've had

1:42:09

some not because you've you've had your girl already. There are others who I haven't called on before. So I'm going to go to Mr. Wilson from task first of all.

1:42:24

Thank you, Mr. Wilson. Voting?

1:42:27

Yes, just what is most current bracing points about discussions that have been going on? One is I wanted to raise a question, whether there was an implication as to whether it's a small convert to or the

1:42:42

the larger culvert masquerading as a three, a triple strand bridge? Is there an implication for managed to adapt adaptation? Because, obviously, we're looking at some point that that the level is going to be raised. And I just wondered if there was an implication of the the options for for that moving forward? What is managed adaptation, please? Well, basically, the as I understand it, the the the crossing will be 7.3 metres AOD. To start with, that there will be a managed adaptation to raise that 10.3 metres at a later date, subject to flood risk.

1:43:26

Okay.

1:43:28

The other point was,

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in your discussions, your questions about the

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the building the bridge earlier, and I find it hard to understand how the materials are going to get there to build that bridge. If there's no road in place, that perhaps that's a practical issue that the applicant might want to get? I'm sure, I'm sure that would be one of the first things that zafran will say if that's if that's the problem. Yeah, and just a couple of other point one, one is looking at the six to 12 months lie

1:44:00

over an operating life for 60 years. And to be honest, isn't the same? A lot, it's going to minimise the impact on the triple si on designated sites, water levels, and that sort of thing. And, and the other is this

1:44:17

delay, I mean, basically the applicant and got their act together, taken this long to to get their application, these details sort of moving forward. Basically, if they'd put in a proper application in May last year, and hadn't keep major tinkering with with things, they would already be six, six to nine months ahead of where they are now. So I think that this call for urgency basically.

1:44:46

And that is not justified. Thank you.

1:44:53

Mr. Woodfield.

1:44:59

Thank you Mr.

1:45:00

Right, just a couple of points.

1:45:03

The applicant Really?

1:45:07

Do they accept because it's not fair, the face comments that they've been so far, but do they accept that all other things being equal, a triple span bridge will be less impacting on connectivity and fragmentation than a Causeway and culvert arrangement? Because it doesn't seem clear that they actually accept that point.

1:45:26

And the other point to make is in regard to lighting.

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It made this may have been covered in I may have simply missed it but has the impacts of the lighting scheme on invertebrates and specifically the sighted invertebrate species that underpin the triple si designation has that been thoroughly assessed species by species?

1:45:50

Thank you very much.

1:46:02

You're muted Mr. Brock.

1:46:06

Siam Thank you. It's because I was coughing earlier.

1:46:10

So I've got three Hands up. Your one Mr. Collins, Mr. Tate, and Mr. Scared each of you have already had a go.

1:46:19

So if you're going to say something more to be afraid you need to justify it. Can I start with

1:46:24

Mr. Scared?

1:46:29

I say Cameron scared Environment Agency. believe we haven't. haven't spoken yet. But

1:46:36

I do beg your pardon. I beg your pardon.

1:46:40

The Environment Agency was was mentioned a number of times their size. I was really just want to make the offer to summarise kind of our preferences, perhaps the issues with with the design, as it stands and perhaps the optimization discussions that we've had, but only if that would be of use? No, that would be helpful. Please go ahead. Okay, I will will pass to to my colleague, Kirk Markham, if that's okay. Yeah.

1:47:16

No, your turn was to mark and you're, you're muted still?

1:47:21

Or if you're not, I can't hear you.

1:47:27

Don't panic.

1:47:30

But I still can't hear you.

1:47:34

Can you hear me now, sir? No, I can hear you now. Good morning, sir. Sorry about that Kirk Markham Environment Agency?

1:47:42

Would you like a summary of our concerns? Or would you like to sort of bypass that as it's probably fairly well documented, and just go to our position on the optimization that's being currently discussed.

1:47:54

If you could in two sentences, give me your big points and then get up to optimization that'd be fine. Sure. So the current proposed design of the triple si crossing would prevent the upstream and downstream migration of numerous poder Taktik invertebrate species either side of the crossing, which is placed approximately halfway along the river and its associated tripler side designated habitat. This will lead to the fragmentation of sensitive habitats and the isolation of species populations, which could lead to a deterioration under the water environment regulations 2017, better known as the water Framework Directive, and would require a regulation 19 exemption, it could also prevent the movement of fish along the water course.

1:48:37

We refute the proposed design optimization has moved our concerns at this point in time, we have discussed the proposed design optimization with the applicant, which will include increasing the soffit height of the crossing to above six metres, and reducing the width of the crossing to 15 metres after the construction period, as described by the applicant in response to our written representations. And this is a welcome change. We await submission of the design optimization at deadline five, along with timeframes for each phase of the crossing. Once submitted, we will determine if the risk of deterioration to invertebrates in the laced and back has been reduced to an acceptable level. The triple spam bridge design remains our preferred option, as it would further reduce impacts to the ecology of the area including invertebrates, and it would have the minimal land take from the triple si.

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Thank you. Thank you.

1:49:46

So that's optimization and your main points both dealt with together. Thank you. Yep. Very good. Now, Mr. Tate

1:50:01

Thank you. So I just wanted to add one sentence in addition to my earlier, two or three sentences. It arose from a matter I think you you were putting to Mr. Phil part about the potential to celebrate open views of the site.

1:50:16

And certainly in the council's view, the embankments, which are, the greater extent of the embankment would perform a potentially important landscaping function for this structure in the AONB. And that's been a factor for the council in balancing the competing interests, ecological interests and landscape interest, which it's faced with in considering its reaction to the proposal. Do we see that somewhere in the material which you've already submitted? Yes, sir. It's in the Elia. Thank you. Thank you very much.

1:50:52

And last but not least, Mr. Collins

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was with the same jabya you've already had a go. I have Mr. Brock. And that thank you very much for coming to me. Anyway. It was just to do with the conversation you were having with Mr. Phil. Well, actually, I think he's invested Jones, about why they couldn't actually panned out and do the bridge early, even when they haven't got the financial or the financial the fit in place. The only thing I'd say about that, is it if they tried to do that, and they didn't have that decio in place we already have.

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You're saying with the DCM.

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My suggestion was not to do it without the DCA. Well, if they had the DCM but then failed to get their financial award,

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then that would be a disaster because you'd have a bridge to nowhere or a COVID to nowhere, or whatever it is to nowhere, and it would damage the property, the property and we've already had one of these, in that the size will be

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relocation, which in the DCR document says it is vital to have that relocation for the size, we'll see. If they can't build sighs well see, we've already had one set of damages to this environment without without any, any reason. So that's our concern. That's all. Thank you. Very good. Thank you. Thank you.

1:52:20

Mr. Philip. Paul, I better go back to you. Is there anything you wish you want to deal with in reply to those points, which have just been made? So we were listening with interest to Mr. Collins point and will reflect on that when putting together our note about whether this is a workable alternative or not. But also in relation to the other matters? I would say there's nothing that was said there that we can't pick up in the notes that we promised to put in a deadline sex? Yeah. Okay. Thank you very much. Right, it's now 1153. I am going to, we're gonna have a break now for the usual 15 minutes. So if we come back at

1:53:04

10 minutes past 12 that would be most convenient. Thank you.