

# AUDIO\_SizewellC\_ISH10\_Session3\_2708202

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00:06

Good afternoon, everybody. Welcome back. I hope you were able to have a reasonable bite to eat in the half an hour since we were last together.

00:16

We are now at item DS drugi have on marine ecology and I want to look at the Environment Agency position in their written representation summarise annex B. Before I do that, just let me say so it is 25 to two now. We have got quite a lot to get through. I think that's if we do it in three, brisk 90 minute sessions. We should get there. So Environment Agency Mr. Scared or perhaps Dr. Markham. In relation to the revised DC application, you're the first set of revisions, the agency said this, you said that you thought the stock comparatives for smelts were wrong. There was not enough information on the UK area and the mean and the percentage figures are the same. So there would appear to be an error in that. You also say withdraw test about you have a duty to ensure to excuse me a duty to ensure the conservation and maintain the diversity of freshwater fish, salmon, sea trout and eels and to conserve their aquatic environment which includes smelt. The way you put the objection on this ground, I must say sounds it suggests it's largely technical. And in colloquial terms, it sounds so your heart is not in it. In the in the solution column us after reciting all those things you simply say unless otherwise stipulated our fisheries powers equally apply to smelters to other species. In order to discharge I do certainly have arms out we are highlighting the potential risk to the smelt population and the ore and old water body for the operation the SSE power station. But okay, you've highlighted what is that you actually want to see, please?

02:24

Thank you coming to get Environment Agency. I think I'll pass this to kick market status. Okay. Fine.

02:37

Good afternoon circuit market Environment Agency. Yeah, I mean, I think that some of the things that you've mentioned have been taken from various stages of our representations and from various responses to different documents. The first thing I would say is that our heart very much is in it. And we are hoping to protect this species as we have a duty to do so. Our main issue has been initially, stock compared to using a stock size of the Southern North Sea using smelt populations from mainland Europe was used as the comparator, which we did not feel was appropriate. As there was no evidence to support the fact that immigration from a wider stock of including the European sites was was taking place. I think the applicant has now reduced that down to a stock comparative that uses the population along the east coast of England, from the Thames to the wash. Whilst we appreciate that that is a smallest comparator, we still think that it could result in the population, the breeding population that is present in the old and the old, being exploited to a point that could cause the collapse of that population. We've heard about about how how the population along the east coast and how genetic

studies have demonstrated a level of homogeneity in that wider stock. But it should be noted that it takes very few individuals from a wider stock for that genetic homogeneity to happen. What we don't know is the level of immigration from that wider stock. It could just be one or two individuals going into the neighbouring estuaries working their way down that's creating that genetic mixing, we don't have the evidence from the Environment Agency. When we look at our some of our water Framework Directive sampling programme along the Suffolk coast doesn't support the fact that large numbers are coming in from a wider stock. So the point we've always made is that we need to know if the level of immigration from this wider stock would exceed the exploitation from size we'll see, and whether the order in the old population, which is the closest population to the size we'll see intakes is sustainable against the exploitation. That's where our major concerns have been. Now, we have made some progress, we feel we've made some progress with the applicant. And that, again, is looking at improving fish passage in the old in the old and the blind water bodies to help support migratory species including smelt, and we think that that will help to mitigate some of the impact to smelt in the old and the old. The other thing we require is robust monitoring of that population. And if a deterioration is observed, once the station becomes operational, then the release of further compensation to enhance that water body further for that species.

05:58

So what was the compensation which you see, which you're discussing with the Africans has agreed so far, so

06:04

that would be improved fish passage the same as it is for grass hills, it's conveniently the same thing that would help mitigate for both impacts to grass, hills and smelt. So that's improved fish passage for the removal of those first barriers to fish passage on the old and the bly's water bodies. And on top of that, we would look for monitoring of the smelt population in the old and the old. And then the release of further compensation funds to improve habitat further should a deterioration be observed once the station becomes operational? Who controls these barriers on the old and the all of their historic flood protection barriers, or barriers that have been put into control water levels for mills and most of the water courses along our along the east coast have barriers as a consequence of the Industrial Revolution for various reasons. And improving fish passage in those barriers, removing some of them or making them more permeable will improve productivity for migratory species. And you can give the necessary consents for that to happen. We can we have identified schemes that already been scoped out where we feel that that would improve fish passage and with a contribution from the applicant, it would make it more realistic that those schemes were realised.

07:33

to you you do the work. you're you're you're in control of the of the barriers.

07:39

You're currently the barriers in question. Yep, we have control over. Okay, so you basically want to see more porous barriers. We want to see improved fish passage as one form mitigation to offset the impact.

07:53

Okay. Thank you very much. Are there any other interested parties? You want to say anything on this before I turn to the applicant? Mr. Wilkinson? Dr. Wilkinson? Yes. Thank you very much. Chairman.

08:11

I just want to say that I believe this is an IUCN Red listed species, and UK by diversity action plan priority species. And juvenile smelt apparently occur at size as well. And these compasses are a 10 millimetre screen, and they have not been fully quantified by the impingement study. I believe that's the case. And could I ask Mr. Brock, if it's possible for you to agree for that? deadline eight for our expert to put in written comments on this conversation that we've had today about the marine environment, please.

08:51

You've got deadlines seven, which you can make your your post I sh submissions. I'd prefer to come in then please. What's the date for that? Please? Mr. Brock, next Friday,

09:04

Friday. At night, that might be difficult. Would it be possible to go to eight because he's still on holiday unfortunately.

09:14

I will consult with colleagues and see what we can do about that for you. Thank you, Mr. Brown, but I simply don't know it. My Okay. Thank you. Mr. trogons. Back to you, I think.

09:33

Yes, thanks. So we're not in a position of agreement, of course on the impact on smelt. We don't feel there is going to be an appreciable impact on Smith populations in the order in the audit. The real problem there is actually the title barrier at Snape Maltings, which prevents the smelt getting up into the freshwater that will be the favourable spawning ground for them. Having said that the applicant is in discussions, as Mr. Markham has said, with the Environment Agency about two things. One is work to improve the passage of fish, which would include smelt, as well as EEO, and also a monitoring system for for smelt, that would be in addition to ongoing water Framework Directive, regular monitoring. So be looking at whether there are fish with eggs up above the title limit during spawning season, looking at whether there's appropriate spawning substrate for them, and monitoring the presence of eggs and newly hatched larvae. So a lot more will be known about the the cord and the result of that. The precise details haven't yet been fully agreed. But they once agreed they'd be secured by DCR requirements, and funded through the deed of obligation with the Environment Agency carrying out the work. So I'm hoping that we're moving towards a position de facto of agreement on this, although we're not in agreement on the the underlying science on the levels of impingement.

11:08

Okay, thank you. That takes us to the old or ice of F. I'm back with the agency now.

11:26

So you're up to 135. Mr. Scared, says you're concerned about the reduction in numbers of fish entering the old and or water body. And I want to be clear, what you're saying is page 74. And it reads as follows. We consider compensation to undertake improvements, which will increase optimal habitats and improve fish passage in the effective water bodies. This will help increase productivity to offset losses. But I'm not taking a drafting point where there's always something missing in the sentence, the important substance prices, do you mean that you are now satisfied and the point is dealt with? Or are you waiting to see what the compensation will be based?

12:18

Mind stunning, sir, is that where we're waiting to see what the monitoring of compensation will be? Okay, seeing any proposals to date?

12:27

Right. Okay. That's what I need to know. Are you talking to the applicant about that? Is that part of the discussions that are going on with that smell Finally, good job?

12:36

We we we have been, we our understanding is that the applicant will be submitting proposals as deadline seven, we've not seen the substance of those or or scoped in any detail. Well, that should be

12:51

okay. All right. And it's certainly you want to say about that. I'll turn back to Mr. chairman's.

13:01

Yes, it's all part of that wider discussion on on fish monitoring, which will be submitted at some deadline for certain, as was some as was indicated. Okay. Having said that, I don't think we need to get into the technicals of the differences between us It wouldn't be particularly productive.

13:23

I'm I was my question is simply always satisfied, or is it still so ongoing? Thank you for that. Let me get back to the agency now and talk about environmental permitting and the decio. This is item G. So Mr. Scared the relevant paragraph here says as the competent authority for water Framework Directive, we may also require the incorporation and measures to reduce or mitigate for potential environmental impacts, or potential loss of fish that could otherwise result in a deterioration in the fish elements or transitional that's sgrna and rebel river water bodies. We wish to highlight at this time that it may be unlikely that the scope of our powers would allow such protective measures were written into a permit. Therefore, we may have may have to have reliance upon the decio to secure such measures. What do you want in the decio?

14:33

Come on skates Environment Agency. Unfortunately, it's it's too early to advise on on any matters coming from our environmental permitting regime. We did advise the applicant to submit the iPad iPhone advance and so

14:58

currently it's projected that Our sort of draft permit decisions will come after the examination closes. And perhaps after, you know,

15:10

I've got for that, and I okay. I'm saying, Listen, but if you're saying you need something the DCA, you need to tell us before the end of this examination.

15:24

Well, it's it's, it's, it's a bit chicken and egg, isn't it? Sir? We can't tell you what might be needed until the permitting processes have have have gone through through the through the appropriate stages and determination. So we, as I said, we've we've advised this

15:48

consistently for a number of years. And my understanding is the the applicant is accepted those risks through their strategy for submission. Okay, okay, you can't go further than that. I'll go back to the to Romans now.

16:18

Thanks. So we find this really quite difficult, both to understand and to, to grapple with, given that the agent is apparently unable to say what measures it would be talking about even in general terms. But also, we can't really understand perhaps the agency can help us on this, why it is their ability to impose such requirements would be any more constrained in the environmental permitting regime than it wouldn't in the dcl regime. Because under the environmental permitting regulations 2016 schedule, five Part One para 12. The regulator can include any conditions it sees fit on a permit, and indeed, is under a duty to impose conditions to secure objectives that apply to the class of regulated facilities. So for example, water framework, directive objectives, so we can't really understand a what it is they want and be if they want it, why is they can't impose it in the in the permit anyway.

17:22

Okay. All right. That going to put this question to you and to the agency, I don't want an answer now. But in your written submissions. I think I would like the agency to explain to us why they would need to use the decio process to regulate something which is the subject of an environmental permit. Shouldn't it be that if it's something which is properly within the scope and environmental permit, the environmental permit regime will deal with that, if you had to resort to the DCA regime, but wouldn't that be something which is impermissible? And so both of you could respond to that in your written post IC h submissions, I would be grateful. Now, let me turn to item H. And I'm going to start actually Mr. trogons with the applicant. The so the impacts of bromo form and height is a hydrazine or hydrazine. I'd say hydrazine but I may be completely wrong on that. Okay, well, you and I will say hydrazine, the impacts of brown for hydrogen on birds. both direct and indirect have been raised by the RSPB but you're at your reply, I need addresses in direct effect. So want to understand what your what your position, you've looked as indirect effects through food webs. I see that in rep five one to one. But what the RSPB are talking about is potential for direct toxicity to birds. Can you explain to me what your thinking is on that?

19:21

Yes, sir. We we didn't regard that as being a feasible pathway for an effect on on birds we're talking here about I think two things possibly one is birds which stay on the water like the red throated diver, the other is birds which dive into the water like a turn. So, they would of course, if they dive in or on the water inspection facility have the the pollutants be exposed to those chemicals, but very low concentrations. There is no data to suggest that these are are toxic. bio, we know they're not bio bio accumulative, because that's been looked at in relation to the food web issues. They dissipate rapidly in the environment. So we there's absolutely no reason to believe that they could represent a feasible pathway for heart. And what we're proposing to do is to put something in deadlines seven, close that point that point off, but it's certainly the case that the those direct effects have not been addressed. The reason is we have you simply that they weren't something that needed to be addressed, because they weren't feasible. feasible effects, but we'll we'll deal with it a deadline, a deadline. So

20:44

you've sort of implicitly screened it out? Yeah. Okay, I'm gonna turn to Rosie Sutherland, and then to any other IPC, if we weren't sensing about that. Solid and now, Miss Miller, your microphone is off. Now, I can't hear you because you'll Okay, Miss Miller, none of us can see or hear you. In addition, actually, our focus to trogons has just frozen on my screen. I am briefly going to leave this hearing and come back. So I'm now going to adjourn this for just five minutes. To do that. It's now 157. We'll have we'll restart at two minutes past to

22:22

good. Welcome back, everybody. We all seem to get back in the room now. And I think, Jackie mela, you are about to address the direct effects toxicity. Hello, can you see me and hear me? I can see you and hear you.

22:41

That's brilliant. Apologies for the it failure. And I was just going to say, Yes, thank you for that. And yes, we'd welcome seeing the applicants discussion of those issues at deadline seven. And they haven't been covered in the assessment up to that point, as was mentioned, and our query was on the basis that in the documents, the applicant did mention that birds, particularly turns I think had been observed foraging in the plumes. The size will be so whilst no evidence is presented, and you know, I'm not aware of evidence about the level of toxicity of these chemicals to birds, there obviously, is a pathway for impact because birds are coming into contact with those chemicals. So my query was a genuine query as to what effect that might have on birds. Thank you.

23:28

I thought it was a genuine query to thank you very much. Very good. I mushrooms need to come back to do I need to come back to you. No, sir, that's fine. Thank you.

23:44

Pretty good. Okay. I think that deals with the marine ecology issues and we can now go on to terrestrial ecology. So item four A's family proposals including Pakenham. And I I still want to understand in

particular, natural England's position on need on quantum and on the likelihood of success. Can I just say that I think it would be helpful if possible. If somebody on our case team could make a note of the time at which we have started this section and pass it to natural England and it'll be the same when we get to Section item five on the agenda. And I mentioned that that now and in open session so everybody knows that that information is going to be passed back to them. I hope it doesn't cause any concerns it should make life swifter and easier for us all. But fen Meadow well as naturally as aren't able to be here today I'm going to put the question to the Apple Guns, and in a way asked the African for their understanding of natural transposition and their reply. And obviously, I'm also putting it naturally on themselves that they can speak for themselves in writing at deadline seven and I'm grateful to them for the note they produced in lieu of a tear of attendance. So, to the applicants, I would like to say this and put a number of questions. So, Mr. Phillpotts, you and your terrestrial team are in the spotlight now. So the policy in n one para five 311 is not normally to grant permission or decio, where there is a likely adverse effect on a triple si and that's where after mitigation, there is an adverse effect on the site's notified special interest features and exception can be made while the benefits outweigh the impacts on the site as an sssi and on the national network of triple their size. Now you are taking naught point for naught point five hectares of fen Meadow let's call it naught point five hectares that it seems to me is the natural England position on need, they say you're taking some thing meadow. So normally, the thing would be well, part of the footpath triple OSI. So normally, mission would be refused. Unless benefits outweigh impacts on the triple si and on the national network as a whole. I'm going to ask you please to explain to me failure, if you will, putting it in the best light how natural England justify the total land take at halesworth ben Hall and taking them put together. I would also like to understand what made the applicant think at the time of the application in May 2020. That halesworth and Ben Hall alone would be sufficient. We looked at we looked at some of this in is h seven. And some of it also came up in the compulsory acquisition hearing last week. We have this deadline five statement from natural England that made on therefore the 23rd of July actually, which is deadline five, that they described the possibility of success. Thus, they say to summarise our advice is creating compensator II habitat. But the same quality to that which will be destroyed will be extremely difficult, if not impossible. And it was said to me, I think by Mr. Lewis, at the compulsory acquisition hearing that this was a hangover from an earlier stage of the examination. Reflecting it and looking at the wording of the dates. I don't see that. That's right. It's clearly natural England stated view at the 23rd of July.

28:20

So if you could deal with that, those four questions, first of all, and then I'm going to ask you and we're probably in a separate ticket in two stages. If you'd explain to me what your position is what the Africans position is, but you only do I need to do it insofar as you have to add to anything you said at ch part one. And I'll come back and give you some other pointers on that question that I deal with the first set of

28:49

four please. Yes, I get to hand over in a moment to Mr. Lewis. But just so far as natural England's position is concerned. So you will have seen the deadline six representations that natural England have submitted, in which they say in relation to fen Meadow at 2.2. Having identified the documents that the applicant has submitted natural England advisor in principle, the creation of Ben Meadow m 22, within the site's investigated, appears feasible, and then they explain various issues that need further



investigation. And then 2.3. They say well, it's throughout our engagement as outlined throughout our engagement recreating Ben Meadow m two m two inch two is incredibly difficult, with only a handful of examples of it being done successfully. And then it explains that the baseline reports have done much to improve their understanding of the suitability. Let's say there remains a significant amount of uncertainty regarding the potential success of the recreation to progress issue and reduce residual uncertainty. The applicant should provide further detailed information in the form of the fen Meadow plan, which we understand be submitted at a later deadline. Given the limited evidence of successful recreation strategies, we advise securing a robust contingency strategy, should the habitat creation fail at the proposed sites. And then that's the point we discussed the earlier issue specific hearing about looking at sites further afield. So that was the deadline six, which does suggest clearly move on from what they had said before, because it does now acknowledging in principle, visibility, and then we've had the document put in on the 25th of August, in which they effectively say the same thing, but in slightly different language, you don't understand there to be any effective change there because that what they say? Yes, indeed, an item for that in terms of the likelihood of success. Yeah, I submitted some feasibility studies that deadline three, which we're in the process of reviewing with our specialists, alongside the fen Meadow plan, which was submitted at deadline, six. So that latter document of course, yeah postdates the deadline sets document that I was reading out from natural England, once we have completed this review, we will provide our updated position using best on debits. And at the moment they that their position is then summarises a high degree of uncertainty. And they welcome any further steps taken to reduce the uncertainty. So again, it seems to be, if I may say, so something of a holding position pending their detailed review of the documents that we have provided. So that's my understanding of what they have said. I'll pass over now to Mr. Lewis to to add anything to that, and also to pick up the the the points that you have identified worth noting, because we can't speak for natural England. But I'll ask Mr. Lewis, to do his best to explain this, I understand it. But of course, you

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can't you can't speak for him, but in in preparing your submission. And in all the work which you're doing now, you will have looked and I got an understanding of what they are driving at. Otherwise, you wouldn't be able to prepare a sensible submission. So I'm asking you to draw to draw on that. It does seem to me and I say this with record so that natural England can hear it. That in what you have just read out to me from the represent from the deadline six representation? Yes, it's they say it's feasible. But then there's a loss of on the other hand, this and then we and then we go so. But Mr. Lewis,

33:11

hello, again, sir. I'm in relation to the 2020 point why we in the application in May 2020, we only included halesworth. And Ben all at that particular time, we have not agreed a multiplier, with with natural England, we thought that there was a degree of obviously, there's a degree of risk in creating these difficult habitats. And I think we do recognise there needs to be some form of multiplier, but that multiply hadn't been fixed or agreed at the time of application. However, see, during the autumn of 2020, we held a number of workshops with natural England and others. And it became clear that we would need to satisfy a higher multiplier. And that multiplier was defined by natural England as nine times which is obviously why we came back in in January with the Pakenham site. So that's why it's that quantum that at the time, we thought we were losing about half a hectare of the meadow, you multiply that by nine, you get to four and a half. And by adding halesworth and bennell. Together, even



with the best will in the world at those two sites, it was never going to deliver four and a half hectares of authentic meadow. So that's why we brought in the Pakenham site. In relation to a multiplier I think, as I say we support the concept of a multiplier in relation to nine times I think it is probably about right but maybe Natural England would want to quantify exactly how they get to precisely nine but it but it clearly embeds an element of risk and difficulty and challenging nature of our habitats are factored into that. In addition to that, in relation to the additional habitat that we've sought to identify, which brings the total up to one 8.13 hectares, we are obviously preparing a note for you at deadline seven, as I promised at the compulsory acquisition hearings, because of course, we, we've stated that we actually need to secure more land to ensure that we do deliver the 4.1 hectares. And you've asked us to prepare a paper on that. Now, I did contact Natural England immediately after the compulsory acquisition hearing, in response to a request by Miss Mackay or promise to miss because I would do so. And they were unable to respond in time, but they did say their position in relation to multipliers was already set out. And what they said was, we feel we've already clearly outlined the justification for the nine times multiplier for Meadow in our responses in stage four, consultation 2019 are relevant reps, 2020, written reps, and so on. Please feel free to refer to any of these in your responses. Obviously, if the examiner asked us directly to produce something additional on this, then we will so so that's effectively where we land in May trying to gain garner support, if you will, from the from the from the from Natural England in relation to additional contingency to deliver the 4.14. Okay, are there any sources?

36:34

No, I think that's right. If you when you if you are referring to those earlier documents, then in your D seven sub submission, that would be fine. Small, relevant quotations would be good. Yeah. And if I would, you know, is only sort of six weeks or so to go in this process. Also, if you're able to agree it with Natural England, that will be helpful. It's not fatal if you can't, but if you can, it's good, because then we can skip one stage and the what I've been known to call a ding dong.

37:10

I will try and do that. try and do that, sir.

37:13

Thank you. I know it's a bank holiday weekend coming up. All right. Cheers. Thank you very much. Thank you. Very good, Mr. Phillpotts. So the second thing I was going to ask you is this.

37:26

I want to understand your position insofar as you to add to anything which you said at ch one, part one. And I note that the assessment of sustainability for en six we were talking about earlier, when we look at para 513. Of that it says this, there is a potential for Habitat creation within the wider area in order to replace lost wet Meadows habitats, or the sizable marshes triple si. But it may not be possible to fully compensate for losses to this habitat. There's also potential to develop ecological mitigation and Oh no, there must be an ecological mitigation and management plan to minimise these impacts. That's power 513 of the ALS, een six. My question to you is, are you drawing comfort from it or relying on it? Because it seems to be that it might be saying, Well, yes, you got potential for Habitat creation for wet meadows, but it may not work. And it doesn't seem to be saying and if it doesn't work, well, that's okay.

38:39

Well, so what I would say is two things. First of all, if one looks to the annex C, two n six were essentially the same thing as said in paragraph c 863. summarising what what was found there, the fact that it identifies the potential for Habitat creation within the wider area. It is helpful in this sense that plainly it regarded the potential for such habitat creation in the wider area as being appropriate in principle, as mitigation for the loss, it recognised that in principle that was an appropriate form of mitigation, but it also recognise that that might not allow one to fully compensate for the loss of habitat. And in the knowledge, the knowledge of that it wasn't identifying that as a development control test, there's nowhere I would suggest, in this document that says in the absence of full compensation for the loss of the sizewell masters, triple Si, then this site would no longer in principle, be appropriate or The development concept would have to be refused. There's no there's no development control test to that effect. And, and that's significant because it's very clear throughout the the energy MPs is that where it is felt that refusal is potentially appropriate in response to an impact. It says so, and it also identifies where there might be an exception to provision that would otherwise lead to refusal. But in conclusion on this, it then says the applicant will need to develop an ecological mitigation and management plan to minimise the impacts. So is not talking about a need to ensure that there are no residual impacts? What is looking to a cause it a mitigation and management plan? effectively, I would say that that is what is it encompassed by the measures that are proposed here to create replacement, Fenn Meadow habitat, off site, to minimise as opposed to avoid altogether. So that's the first point when one looks at see 863 that is consistent with an understanding on the part of the policymaker that it might not be possible to fully compensate. But that's not a reason not to do what's best to minimise the impacts. But the second point is that so far as then, in the knowledge of that, and the knowledge that part of this suite of MPs is that are meant to work together, are concerned, n one at five 311 has the presumption in terms of triple A size in five 311 and not normally be granted. But then deal specifically where you have a situation where after mitigation, an adverse effect is likely. And it the way it's expressed here is it's an exception to that normal position should only be made, where the benefits including need of the development of the site clearly outweigh both the impact has like to have on the features and any broader impacts on the network. So it is identifying there, that even if you do have a situation where an adverse effect is likely after mitigation, that can be outweighed. Yeah, so it's not a it's not a situation where development must be refused, unless you can avoid any such residual adverse effect. And then it continues by saying, use requirements or planning obligations to mitigate the harmful aspects of the development, and where possible, ensure conservation and enhancement. And that, I would say is a consistent piece. So it's also consistent with the approach that the applicant has taken and is taking through the inclusion of the Pakenham site, it's seeking to do what it can in order to avoid or if not minimise the residual impacts to a site special site is important

43:18

for you. And so your position would be your vision is that if the re creation at the combination of halesworth ben Hall and Pakenham is not successful. Well, the policy allows for that,

43:42

indeed, and that the intermediate step, of course, is if that's not successful, we do have a contingency which would be you heard from the contingency fund, which thing exactly which which will deliver, we

say there can be confidence that that will deliver on another site now recognising that is not as good as delivering as close as we can to the triple si. So it's a secondary approach. But if after all of that, there's still the possibility that there may be some residual adverse effect on the triple si development consent should still be granted because our case is that such harms is left which has been minimised.

44:27

I understand is that Wait, I and the strange thing about it so I don't want response now, but feel free to deal with it in writing. The strange thing about this is that you've chosen your clients have presumably chosen the best three sites which there are to be had. And if you can't do it at the best three sites, then some money goes to the council so they can have a go at some sites which are definitely not part of the best three sites. And, you know,

44:58

sorry to interrupt, but that's not That's not quite right. So I get to ask Mr. Lewis to explain because it is a matter that he did deal with an earlier hearing, but I'll seek to summarise if I can. The purpose of the funds is not to spend money on less suitable sites in the immediate area. It takes if you'll recall, a wider is dangling area, including areas where recreation of habitat of this habitat is underway, there are projects to recreate it to restore, recreate, improve areas where Mr. Lewis explained in previous hearing, there is good confidence that that will be successful. I'm probably being inaccurate in my summary of it, but is not choosing less suitable sites locally as because it goes further afield. It's able to identify projects on other sites, where the prospects of success will be much greater because it's there is existing habitat in the area. And it's just generally easier to do it there. But I'll ask Mr. Lewis to provide a more accurate

46:15

position. If you don't mind. I'm gonna put it in writing if you if you like partly got an eye on the clock, I'm afraid, very happy to do that. So but that that, in essence is the position. Okay. Thank you. And last last question before I ask IPS, if they want to contribute? Have you got to an agreement yet on the money for the fen mu contingency fund?

46:42

I'm being given some hand signals. So but I just want to understand what they was best to take take the words.

47:01

So I think probably the best thing is, if I asked Mr. Lewis, just to explain the the position I've been given a figure, but your question was whether it's agreed. I didn't know that. I didn't mind what what the figure is, has it? I understand that there that there is a figure I'll ask Mr. Lewis, whether it's agreed, and if so With whom?

47:24

Hello again, sir. So there is a figure. It isn't agree the figure is double what we think it would cost to create the works at our own sites, I think I explained is h seven. That that obviously creates an imperative for us to deliver the works on all three sites before we release the contingency. I'm just

gonna we're happy to say that the contingency figure is 3 million pounds. So we've obviously costed the the works at the three sites at one and a half million.

48:00

Thank you very much. Thank you. Okay. Now, are there any interested parties you wish to contribute? I have hands up from Mr. MacFarland. Mr. Graham, and from Mr. Regan. Scott. Anybody else? I would just take this Mr. Bedford and Mr. Collins. Let me go to Mr. Bedford. First, please.

48:28

Thanks. So Michael Bedford, Suffolk County Council. I was going to be very brief, particularly bearing in mind the time we've obviously noted, as you have said that lateral England's position is the high degree of uncertainty of the likelihood of success of delivery, is that the most recent August 25. Note that they put in, that's their phraseology, there. They are reviewing the latest documentation, including rep six on 26 as submitted a deadline six. That is a document that we're also in the process of reviewing. We intend to comment on that at deadline seven. And as to whether that now provides sufficient information in relation to you remember, we have various outstanding concerns directly related to peatland, and whether they've been adequately addressed which we set out to you at rep 5178 I don't think I need to add anything further. Again, bear in mind the time if there is anything it will be in the written summary. Thank you Mr. Bedford. Mr. Collins.

49:44

I was actually I came in late because I was going to wait until Ben McFarland and others actually put their points because they probably cover them better than I so if you don't mind, I'll just if

49:55

they're against you sit on the sidelines and we'll go to Mr. McFarland Thank you, Mr. Brock. I'm representing Suffolk Wildlife Trust and the RSPB. So whilst we absolutely welcome the efforts made by EDF on investigating further compensation, and indeed the contingency fund, we actually believe there's additional areas of risk to the triple si that have not been fully captured within the compensation packages. So two main areas, the first area is the temporary loss or what's been considered temporary loss, which we believe has risked becoming becoming permanent damage. So the proposals will result in around three hectares of temporary loss to the triplet site as a result of the triplet site crossing and the main development site client, because I'm sorry, can I interrupt you there? this agenda item is about the fen Meadow proposals.

50:57

Yes, so that said, the loss of the fan Meadow is included in some of the direct loss as well.

51:04

So the majority of the mitigation over the triplus I which includes areas of fen will be due to the bug bug matting, which is effectively going to put in to reduce compaction of the triple Si, we believe in the areas that it's going to be put over the fan, there is actually going to be a potential for permanent loss of triple A size result of that, which hasn't been fully captured within the compensation package. So you say more fen Meadow than nought point five Hectors is going to be lost.

51:38

Potentially, yes, due to the areas that will be being considered to be a temporary loss due to the bog matting being placed over the top of them. Okay.

51:49

So the bob matter will be will be over the top of the fan for several months, potentially causing a significant impact in some of the rare plant communities.

51:58

The second point I'd like to make would just be the balance of groundwater and surface water, and 50. Effectively 55%

52:07

of the triple si we believe is m 22. habitat. So there is just pointing out there is that further risk of much greater areas of fan habitat being permanently impacted. And again, just just questioning whether that's really been acknowledged within the compensation and the contingency package. If I may just quickly point out two other points as well. Relate to Finn mudrooms move on. Yes, absolutely. They are. Yeah. So one is the delay triplets I water quality monitoring plan, which is obviously required, required to assess the FEM meadow. And that's not expected to deadline seven. If this is to be discussed, maybe issues specific hearing 11 on the 14th of September, potentially that would only leave five working days to consider what might be quite a large and significant document in relation to family. And then my final point just quickly refer back to Mr. Paul Collins his original comment in item two a for this morning. And just to say we support the view that the applicant can't claim triplus I habitat compensation measures as additional opportunities for enhancement. Thank you. Thank you, Mr. Scott. But again, Jay psyche Mr. Brock clarificatory question, which

53:46

doesn't is consideration of the creation of alternative wetlands, whatever their status, the mitigation or compensation does not include the occupants and the full specification of the sssi which of course includes according to EDF, Marsh Harriers, and otters and so on. That's the I think, you feel like a lay question, but it is a question that needs to be faced here. In other words, it sounds as though the narrative is about the separation of simply wetland as a category of vmg and so on and so forth. But in college, it can't be disconnected surely. And the reason I raised it in particular is the is the size or C community newsletter. I read very short, said in August, the August 21 edition, that lash Harriers and otters are already making old hers farm their home. They did use the sssi. So I want to why that's

54:50

the answer. The answer to your point is this Mr. Scott, this agenda item is just about the Fenn middle recreation proposals. That's But is what I'm seeking information for at the moment.

55:05

But with great respect to natural England, raise the possibility that it won't work. I want to know what it is that will not work. Well, what is the risk of failure? Is it simply a risk of of the of the flora? Or is it the risk of the failure of all the large Harrier for example, foragers on it that so it's a very straight question.

55:35

Well, first of all, I'm here to ask the questions. But second, secondly, I can I suggest that you direct those questions to natural England because they are the people who have they are the National Agency, which advises the government in relation to AAA size and the triple si concerns, and by all means, discussing for the applicants as well, but but at the moment, my agenda is, I simply need to ask questions and find out about the fen middot compensation on the points which I've been raising. Okay. Thank you. Thank you, Mr. Collins.

56:19

Thank you, Mr. Brock. Yes, I will ask my question, because it wasn't covered earlier. We have asked questions about natural England funnily enough about the patient and river water quality, but it's equally as pertinent to ask the applicant. What we'd like to know is whether the water quality at Pakenham is such that it would actually be good for supporting the habitat, which will be transferred effectively on the attempted transfer of fanmade or an M 22. To the Pakenham site, and whether that there is any issue with if you like mixing coastal species with what is currently on the site, if anything in the cape pack in Pakenham catchment, and indeed whether the difference in water quality between the sites is likely to be supportive of the coastal fan Meadow transfer. The question about inland versus current versus coastal meadow. And the potential issues with attempting such a transfer is the same whether we look at Ben Hall hails with all pagan and they're all well away from the coast, well away from the potential sideline influence, etc, etc. And if these do fail, coming back to that whole point about compensation, even if there may be other sites around East Anglia, or any I mean, coastal locations, that would be an appropriate replacement for what we're seeing today as loss. And that's really where I come from. Thank you. Thank you very much. Thank you. Mr. Phillpotts? Yes, sir.

58:06

I wonder, would you mind addressing those points which were made by Mr. Graham Scott and Mr. Collins, in your written submission?

58:19

So yes, we're happy to do that. Indeed, I think we may have said some things about temporary loss and balance of groundwater and so on, previously, but we'll make sure they're covered in writing.

58:30

Yeah, we did. Give me the cross references there. It's really helpful. Indeed, sir. Let me move on, in that case, to wet woodland now. And I want to raise something which Suffolk coastal Friends of the Earth have brought forward. Just a bit of housekeeping. Mr. Grey, Mr. Scott, and could you put your hands down please. misfortunate. I see your hand is up. So I hope it's because you're anticipating the wet woodland issue and it's not because I've missed you in relation to the fen Meadow a few minutes ago. It'll be lovely to see you and helpful.

59:20

Thank you very much and just tried to turn on one. Yes. Rachel Porsche. Yeah,

59:27

we were so I'm turning to what to work woodland. Now. Did you want to say something about fen Meadow first. I just wanted to point out that Jonathan O'Brien has had his hand up for about a quarter of an hour and has not been invited to speak as he could answer some of those questions about water quality etc. There could we invite him to see I did ask. I have heard from Mr. Graham. I have heard from Mr. Graham. Thank you. confused, Mr. Bryan with Mr. Scott.

1:00:08

Yeah, Mr. Brock, I think he's Mr. Paul Collins. I think Rachel is right. He had his hand up when I when you asked me to speak and then I missed the fact that you had asked him to speak.

1:00:20

Beg your pardon? Yes. I've called Mr. McFarlane, not Mr. Graham. Mr. Graham, please. Would you need to speak now please?

1:00:31

Great. Thank you, Mr. Brock. Johnson Graham on behalf of Suffolk Friends of the Earth. I apologise my video is not working. So you're hopefully you can hear me but when you see me, I can hear you very, very well. Great. Yeah, so just like to say something in more detail but briefly about water quality, which is a critical issue for these compensation sites. When we talk about water quality, we're talking principally about nutrients so nitrates and phosphates. Now you'll be very familiar with this not in simple terms, nitrates, generally from the agriculture phosphagen reference sewage treatment works and things like that. We have only until quite recently, measurements by the applicants of nitrates and phosphates. This was in the most recent feasibility document 9.64 where they cover phosphates and nitrates under the heading results for key water quality parameters. So these have only just we only have data for the three sites from January this year. In the case of Pakenham, we only have data for April this year. And the report generally says that they recommend the applicant recognises that nitrates are a bit you know a high ish for Pakenham but not the others. It's my opinion that nitrates and phosphates are very high on at least two of these sides which is taken them and Ben Hall and whey high higher than would be sort of considered guidance for creation of thin meadow and 22 foot meadow and bearing in mind the principle here is to try and create a lot like for like what's at sizewell c sighs well marshes tripper site at the moment, which is a species rich form of M 22,000 meadow.

1:02:22

As has already been mentioned, we're expecting a water quality plan to arrive shortly. So we're then faced with a rather

1:02:32

problematic situation really where we have a very limited data less than one year and it's very important to have water quality



1:02:42

data across a year and ideally monthly so that we can see the changes between winter and summer and often the sort of peaks you get in the year these highs if they can't be managed in some way by various techniques, and hopefully this will all come out in the water quality plan. These are a series of constraints to the success of create a special habitat on these three sides.

1:03:10

Thank you Thank you. Okay, that's helpful. Mr. Phil port I'm going to ask you if you would deal with that also in your post I search written submission

1:03:21

so happy to pick it up either way so we'll we'll pick it up in writing that suits you

1:03:25

many thanks. Thanks. Right this fortunate Let me ask you to come back because I want to look at the Suffolk coastal offence DS submissions, but what about West wet woodland? Let me try and summarise your case. Are you with me?

1:03:45

Yes, I'm with you. Thank you. Thank you.

1:03:47

Thanks, sunrise. Okay, so what I think you are saying is that wet woodland is nationally scarce, it's all this word woodland is nationally scarce, it's protected under Section 41 of the natural environment and rural communities act. And the invertebrates within it are part of the outstanding assemblage in the citation of this triple si. The wet woodland which is to be created may take some time. I suppose it's a bit of a parallel set with the fact that it's located somewhere. It's located on the fen Meadow sites where we didn't see a report for 10 years but I don't think what wouldn't take 10 years. You also say at the naught point seven hectares, which is to be provided as part of the marsh Harrier area will not be commenced until construction ends in 10 to 12 years. And the result as I understand it from your Woodlands submission, will be the isolation of the remaining wet woodland and the isolation of the remaining invertebrates leading to a weakening of the invertebrate population You also draw attention to the fact that it's only w five plant community, which has to be recreated. And you say there's also w two, W three, W four, c, w six, and seven. And you draw attention to W one plus seepage. So my first question to you is, first of all, have I got that right, I probably understood what you're saying. And my second question, Is this weightless still be some wet woodland in the triple si. And my third question to you is, wait that remaining wet woodland hosts the invertebrates, which concern you?

1:05:50

Yes, well, thank you very much for the review. May that that was an accurate reflection of what was said. Um, there will be some wet woodland remaining. Yes, that's true. However, it is, as you rightly say, the very rich invertebrate assemblages, which are, which are so important, and many of these are now very rare. But what we don't know, if we could have an analysis of this form, EDF from the applicants, that would be very helpful, we don't know we can't work out from the documents supplied so

far. Which precisely trees and wet woodland would be lost. And what can we watch our communities these are if you see I mean, and also which invertebrates are actually associated with those particular plant communities, which were bought at the loss? So in order to create compensation, which is appropriate for that loss, we need an analysis of what precisely would go directly. So could we ask the applicant if it's possible to apply that kind of analysis? And then, you know, a compensation site or site based on that is more likely to replicate what has been lost? Okay, thank you.

1:07:40

Let me turn to East Suffolk council now please, Mr. For Good afternoon to for your clients raise questions about the difficulty of creating what woodland habitat in sufficient time to allow for that colonisation by invertebrate species, the ones which are currently making communities out the sizable marshes triple si. But I see a comment in your local impact report. It's at paragraph 837. On the effects on invertebrates. And the solution your clients propose there is a plan for the establishment and long term management and monitoring of the compensation habitats, including long term security of all of the compensation sites, both on and off the sides, what a state and you're also looking for details of who will be responsible for the long term management works. But my first question to you I suppose what has that now been dealt with to your satisfaction by any of the applicants proposal so far? Was it still outstanding?

1:08:57

Well, Isabella, for for a Suffolk Council. Thank you. So we at the Council don't have specific concerns over the actual process of establishing the woodland. But there are concerns about the time lag effectively between the loss of the woodland from the triple si and the creation of the replacement woodland. And in addition with the geographical separation of the proposed compensation sites from the area to be lost. Now, ultimately, we recognise the difficulties that the applicant faces in terms of time lag and geographical proximity. And we are not able to identify an answer. They haven't been any resolution to those issues. But what we do say is that there is therefore an adverse impact, in particular on those invertebrate species that will have to be weighed in the balance. I'm just going to check if Mr. Mehra wanted to add anything to that. No, he's shaking his head, sir. So I course, we recognise by reference to paragraph five 311 and VM one, we're looking at a moment ago that harmful impacts on a triple si are not a preclusion to the grant and development consent, but these with their adverse impacts that you should weigh in the balance.

1:10:19

So just for completeness you are with you're at one with Mr. Phil bottom relation to five 311. Yes, sir, I believe so. What's going to sound like to me, thank you. That's helpful. Are there any other interested parties who wish to contribute on this quite narrow issue? Okay, I'm not seeing any hands. So let me go back to Mr. Philip Ott. Mr. Philip, what would you like to respond to both of those points really starting with southern coastal Friends of the Earth.

1:11:00

So I'm very happy to see that there are still two hands up. One of the maybe the sculpture who I think has already spoken, but I think

1:11:11

she has a few seconds here. Thank you, Mr. Philpott. Mr. McFarland. Thank you, Mr. Philpott for recognising my hand being up there. And just to simply quickly to add to the wet woodland and the time lag, which we we fully support that observation, whereby a lot of the invertebrates rely on dead wood habitats, which often are large, woody debris, which, by implication takes a long time to replicate. So it's just just a point that technical ecological observation, really. Thank you. Thank you. Yeah. Yes, the trees got to grow, then it's good to be cut down and now to rot a bit. was torture. Is that a legacy hand from yours? Another point he wants to make.

1:11:56

Just another point, if I could, yeah. I'm just about fun guy, because that's what we're saying ideology habitat for found guy because of the humidity. And we raise the lack of fun guy surveys quite some time ago, a couple of years ago. And we've only just had the first part of the best study, we won't have the completed surveys until after devotion, which means they'll be outside the examination, which is really regrettable. It is important because some of the rare invertebrates actually feed on the phone guy. So we really do need to know more about the fungi within the woodland. Thank you. Thank you. Pop your hand. That's lovely. Mr. Philip.

1:13:00

Thank you, sir. So I've collected together there are a number of points, which I'm going to ask Mr. Lewis to address. First of all, so far as the Friends of the Earth points articulated by Miss Fulcher, there's the question of whether we know enough about what's there at the moment in terms of trees and invertebrates. There's a question of time lag, which is identified by both the Suffolk Council and Mr. McFarland. And then also the question that Miss Fox will then raise just a moment ago about fun guy. So I'm going to ask Mr. Lewis to pick up those points briefly if I can. Thank you.

1:13:46

Hello, again, sir. In relation to the invertebrates, I carefully read the triple OSI citation sheet a few moments ago. And the word invertebrates and vertebrates appears three times and I'll just read those points very briefly to you. sighs well, marshes, are important for their large area of lowland unimproved Meadows which support outstanding assemblages of invertebrates. So that's linking the meadows to the other than the Fenn Meadow habitats, the invertebrates. The variety of ditch Wits together with their fringing vegetation provide an important contribution to the site's habitat value for invertebrates. So that's the ditches. And then the third reference is that size while marshes are of exceptional interest for the invertebrate foreigner. That's not to denigrate the value of the woodlands to invertebrates we do agree that the wet Woodlands within the marshes are important but it's that it forms one of the Nate complex of habitats together with the ditches and fair meadow and wet woodland it is that the provides the the overarching interest and of course in the wet woodland strategy where we propose these habitats at battle and Pakenham what we're doing is create colocation putting them in locations where there will be femoral habitats in the Pakenham case. And also at the at the Battle case, they're already thin Meadows adjacent. So you're recreating that complex of habitats that you already see at sizewell marshes. I think I probably said that, at the compulsory acquisition hearings, in relation to the assessment of invertebrates. Those are obviously fully assessed in the environmental statement on a compartment by compartment basis. I think I can probably refer to that to you the reference, I think

those compartments forum for a unfetter. There has been several questions on those during the recent questioning. There were a couple of points about the age profile of the trees I think Mr. McFarlane talked about the old trees, the dead wood being particularly important and we we do agree with that point. Which is why when we prepared the wet woodland strategy as part of that strategy, we agree with natural England to enhance the age profile of the existing trees within the triple si so that's including some and veterans ation of trees, which is where you effectively make the trees go older, almost by sort of chainsaw ring and to some extent vandalising the trees to to accelerate the creation of that those Deadwood habitat so we've agreed that within the within the wet woodland strategy, we will be coming forward with more details in the wet woodland plan, which we're going to be submitting to you at deadline eight. But spatially the plans that you see before you already in the fair Meadow draft plan which we submitted at deadline six rep six oh 26 that does define those two areas of wet woodland that we're proposing bennell naught point six hectares and Pakenham 1.76 hectares. I think it was Friends of the Earth that suggested there would be a 10 year time lag before we started developing the naught point seven hectares that we're proposing on site. That's not the case, in that first winter of construction, we will be creating the wetland at the northern end to enhance the area for Marsh areas as you know. And that wet that corridor that extends along north south to the west of the grove woodland, we'll be starting a development that where woodland habitat effectively in year one, so it isn't something that we're going to leave to the to the end of the construction period. So I just thought it's probably good to correct that particular point. We are glad that Friends of the Earth recognise the fact that that went there. Sorry.

1:17:46

When will that eventual wet woodland actually be woodland it's a bunch of saplings and therefore have used to invertebrates.

1:17:59

I think the point is that these habitats whilst it's becoming established, it will be of great value to a different type of invertebrates. And as it matures, the the woodland goes through a successional process and then the invertebrates community changes within that. But but it may be a decade or more before you start seeing, you know, trees with a reasonable diameter that would host some of these species and maybe even you know, several decades before you get standing Deadwood in those particular areas. But of course, that's why we've come forward with the plans to enhance the habitats within the retained woodland areas within the triple si. That's why that's a really important point within the wet woodland strategy. Okay. I think Oh, sorry. I should cover the fungi point. I think I need to cover the fungi point, don't I? We did submit the further study reports. I think as Friends of the Earth acknowledged deadlines seven but we will be submitting the field survey report at deadline 10. So it will make the end of examination sir. You have my You have my word on that. I think that's probably it for me. So thank you very much. Thank you. Right,

1:19:24

I want to go on to item C which is designated sites including the county wildlife sites, Fox forward and veteran trees. Good let's do that in that case. So designated site one reasons we have put this on the agenda is because when it is h seven, I turned it into an item for written submissions that did on reflection seem to be that I might have lost something from the Suffolk Council which they would have

preferred to have dealt with orally and in their D five submission They said that they understand it would be dealt with On another occasion. So this is the, the other occasion. Now look, I read what we saw the counsellors submit to D five pages 15 and 16. A rep 5145. That's your posts. I search submission that concerns three county wildlife sites. The size will levels and associated areas county wildlife site, the Suffolk shingle beaches county wildlife site and the Foxborough wood county wildlife site. It also concerns floodplain grazing Marsh along the two village bypass route, which I don't understand to be a counselling wildlife site. Can I ask the applicants first? A number of short questions.

1:20:59

So yes, it may well be that Mr. Lewis answers them but I'll certainly be here you listen to them. You are the first port of call. Okay.

1:21:12

So can you tell me first of all, where are you with the size well levels? Serious estate wide management plan which I understand is currently not secured in the decio. I confess I have not had time to go back and check the details of that. And

1:21:32

yes, could

1:21:32

you set out for me your position on time lag between losses and creation? I suspect you're gonna say to me Well, there is a time lag between loss and creation. As Mr. Lewis has just said, for example, in relation to wet woodland, you start the thing on it has a certain amount of utility and and it will get better as time goes on. But if you want to say more than that, then do my The second thing I want to know is where are you we're on the achievability of invigorating the soft coastal defence feature so as to replace the shingle beaches, county wildlife site habitat. I think the point there is that you need to move the whole the shingle beaches and all the habitat and all the stuff which is on it. And do you really think you're going to invigorate the scdf adequately to to replace that? We probably dealt this already. But just to check. Do you see need for further assessment of hydrological changes at Foxboro award? And where are you on the loss of floodplain grazing Marsh for the two village bypass and measures for dealing with that through the natural environment fund? And lastly, when is the revised mitigation for the loss of veteran trees coming forward? And I we have talked about version trees before? If I've been told the answer already, I apologise. It's it'll be it'll be in my notes. But But remind me.

1:23:14

Thank you. So I can deal with at least one of those that the others will either be for Mr. Lewis, it may be on the last one he needs to pass over to Mr. Rhodes, but I'll see what he can cover up so far as the first one is concerned. So I did mention this earlier via statewide management plan is due to come to you at deadline seven, alongside a new requirement in reversion of the draft decio, you'll receive a deadline seven, which secures its implementation. So that that is the answer. Hope to the first question in hand. Thank you. And then I'm going to pass over to Mr. Lewis, to deal with the other points. Very good. Thank you.

1:24:18

Logan, sir. In relation to the shingle recharge, I mean, I think might be a gross generalisation. I think most parties probably accept that we will be able to recreate shingle habitats across the reestablished foreshore the coastal defences, I think that's probably agreed amongst most parties. I see. Ben's just put his hand up in relation to that point. The key point I think it was made in the East Suffolk representation was around the recharge point and I think we in the recent developments in the coastal processes, monitoring and mitigation plan, and I did speak to a colleague on this yesterday, we can confirm that we will be committing to use the same modal size of existing material, which is approximately 10 millimetres and we hope to be able to source that from local dredging grants. I think there was a concern perhaps for me, Suffolk, that we'd be using a different type of material for the soft coastal defences, and that would be inappropriate for those species that colonise those habitats and I think we should be able to reassure people that that won't be the case. In relation to Foxborough it I think we've probably already covered that today in relation to groundwater levels. We've certainly done a note on it and we can redirect people to that note that the groundwater is I think my recollection is something like about seven to 10 metres below current ground level so it's it's well below surface so that a cutting of some metres to the west of Foxborough would wind won't impact groundwater levels. We did talk about it in ice age seven, didn't we? Yeah, we did talk about it. Nice. Eight, seven. So yeah, that's right. And the point on floodplain grassland. Could you just remind me what the particular query was there? I can't I can't exactly recall. I can't talk too

1:26:20

often thing so he suffered counsel said you got rid of 514. I haven't got it up. The Civil counsel said this, they have concerns on three county wildlife sites, one of which was a plus flood plain grazing Marsh on the two village bypass route. Does that give you the point?

1:26:43

Yeah, I think that gives me the clue. I think I think I can remember the residual point of concern. So I think that he suffix point was that we would be there would be a quantum of land take of floodplain grassland. And what we've obviously always argued in the environmental statement and stand by this position that the habitat of floodplain grassland there, although it does qualify as floodplain grassland, because it is in floodplain, it's a very poor quality as effectively as sown. Grass Lee have a very common habitat type that you can sow tomorrow and have that habitat in place the following year, it's a it's effectively a commercial Li m g7. In the vegetation classification. We've always argued that that the loss of that quantum didn't generate a significant adverse effect. But we did agree I think in the May sorry, in the January changes, and the the as addendum at that point, to enhance that an area of floodplain grassland from that very poor quality habitat at the moment to use it. grazing and also the creation of wetland channels within that grassland to greatly enhance that area. I think it's about two and a half actors within the red line with IPS within the proposed order limits in the old Valley. And and that's our position, I think he Suffolk, still consider that there is a loss of quantum is still important, but we dispute that. I think that covers the points. Okay.

1:28:23

I think I've seen some submissions. I think we have covered agencies saying their content. But that will be from a flooding point of view. Yes, it will.



1:28:32

And in relation to the veteran trees, I'm just going to look across to my colleague, Mr. Rhodes and Mr. Rose, I think he's ready to talk to the veteran tree points where you can talk to the trees of your likes, but be there, I'll

1:28:48

try you if I'm a John Rose on behalf of the applicant in relation to the veteran trees. And what I think so we've promised is a further understanding based on a more detailed arboricultural survey, we've suggested that's going to be available at deadline eight. And the purpose of that is it could be described as mitigation, but we're hoping through the more detailed assessment of a few trees in particular, is that we may be able to reduce the loss count of those trees, there was a notable tree identified particularly in relation to Farnham Hall. And I think our advice is seven that there were reasons to think that we could avoid this loss. And we think the same may arise in relation to veteran DRI on the SLR we're looking more closely at it. And that works in hand at the moment. But otherwise, the mitigation for the loss is the mitigation set out in the LIMP for the two road schemes. Of course, yes. Okay, all my diary of deadline eight. Thank you very much.

1:29:58

May I turn now, please? to East Suffolk Council. Thank you. So so far as county wildlife sites are concerned, we clarified the policy position earlier. Which bluntly his losses no barrier to granting decision. Is there so you want to add or comment on from the applicants proposals, which you've just heard, in relation to the size or levels and the associated areas, county wildlife sites, the shingle beaches, county wildlife sites or FoxPro. Ward.

1:30:44

Isabel tougher for East Suffolk Council in respect of Fox roads, we are now satisfied as outlined earlier this morning. In respect of the size on levels associated Area C, Ws, we simply note that the LIES identifies a significant residual impact on that county wildlife site, which is a harm that we say should be weighed in the balance. We acknowledge that the applicant proposes some glider estate management, and an increase in the amount of semi natural habitat through the statewide management plan, which we look forward to receiving and commenting on at deadline seven. In respect of the shingle beaches. There was reference for Mr. Lewis helpfully that the updated proposal is to use the same mobile size for the soft coastal defence feature, which was one of our concerns. And but I think there is still an outstanding concern about the amount of recharge, which I'm going to ask, Mr. Mayor to address you on in respect to veteran trees. Again, we look forward to receiving the further information that deadline item will comment on our attention course. Thank you very much, Mr. Mayor.

1:32:01

Thank you, Sir James Murphy. He suffered counsel. Yes, just on the shingle beaches point. Yeah, we appreciate Mr. Lewis's clarification on the modal size or about our understanding is that the material size might be towards the upper end of what is present at the moment. So there may still potentially be an issue if there's not enough of the smaller material to allow some of these plant species to gain a hold on the reconstructed soft case to defence. And yes, on the second point, it was it was clarification where



we're seeking around the likely number of recharges that will be needed over the life of the station, and how often they'll have to occur. And obviously, if shingle material has to be recharged too often, there's no opportunity for vegetation to re colonise sort of this is this is after the first construction of the soft coastal. But obviously, if it's a wider span of time between recharge events, then that could be acceptable because it would effectively mimic how the sea behaves on a shingle beach anyway. There's really that certainty we were after.

1:33:07

Thank you might stick my neck out here. So I think I've seen something recently which says that it doesn't happen very often. But we'll ask the applicant what they say about that in a moment. If you want me to cover floodplain grazing Marsh as well, or you will indeed Yes. Yes. So just with three in my three in my list, but yeah, let's deal with the flood. My grazing must be good. Thank you.

1:33:29

Now of course, as you acknowledge it, it's not a designated site, but it's a priority habitat. And as Mr. Lewis said, whilst we acknowledge that the applicant is going to do some qualitative improvements that does remain a quantitative loss of area, albeit of lower value floodplain grazing marshes is still a priority habitat type. So we would look for potential for additional compensation perhaps through natural environment fund to seek to address that. What do you say about horses grazing? Matthew says up to see the standard No, no, no, no it's not so it's it's of a lower quality as Mr. Lewis highlighted, but it is still flooding grazing marsh. Okay.

1:34:18

strikes and grazing Marsh is just a birth perfectly factual description.

1:34:23

Yes, very much. So. It's a bit so it's a priority habitat under the natural environment and rural communities act. Thank you. Just make a quick note of that. Right. Stay there because you may be able to help on the other ones just suffering beaches.

1:34:54

FoxPro we've dealt with that Is there anything more you want to say about veteran trees on to village bypass route or like me? Have you march deadline at your diary?

1:35:07

We are looking forward to deadline night, sir. Very good. Okay. Thank you very much, Mr. Mayor. Is that it? Mr. Fuller? That's it, sir.

1:35:20

Thank you very much. I can I guess back to Mr. Phillpotts What do you want? Send reply. So I noticed that there are a number of people who Oh, thank you. Thank you. Thank you. Thank you. Yeah. Let's go there first, Mr. McFarland. Thank you, sir. Just just touching on the shingle beaches, county wildlife site and to reiterate, experiences by National Trust Orford Ness, where they've had tracked vehicles over the, over the shingle, how difficult it is to recreate the natural profile of the shingle, and sort of

welcome EDF efforts in terms of replicating that. But I think what natural National Trust have found is that having keeping fine material throughout the profile of the shingle is extremely difficult and yet incredibly important to maintain moisture, which then is taken up by the rare plants found in shingle habitat. So it's just recognising how difficult it might be to whilst it might be easy to put stuff back, it's going to be very hard to replicate that natural shingle profile. So there's a lot of uncertainty that the habitat will actually recover. Thank you. Thank you. Mr. Collins.

1:36:51

Yes, sorry. Just slowing, turning, turning things off. Hope you can see me. Yes, to get to go back on the single issue, I think, I think it's good to realise that when you look at the shingle habitat that exists right now most of it is flat, there's a very large area of flashing or which actually sits on top of the groyne, which the size will be out for, has created along the beach line. So it's actually quite a flat area, when you start looking at the profile of the soft coastal defence, which starts at 6.4 metres high and then then grades down effectively, to the mean high water springs tidemark, it's going to be a very different environment, that which is currently in place. And currently, where a lot of this vegetated shingle habitat is, if you also then start to look at the applicant's biodiversity net gain for the two areas of shingle, both both shingle habitat, and also the dune habitat. There's a 94% loss in their biodiversity measurement between what is existing and what will be there 20 years after the new habitat is put in place. That to me doesn't sound like it's going to be a particularly effective replacement for what is there. And I guess, as we've just been talking about, if they're going to start doing beach recharges, and the ability of them to actually create, recreate and maintain a single habitat that is appropriate. This is going to be a pretty poor effort. So quite honestly, I just cannot see how they can say that this is actually going to be a reasonable replacement when their own assessment says completely the opposite. Thank you. Thank you. Mr. Bedford.

1:39:15

Especially Thank you, Sir Michael Bedford Suffolk County Council. Yes, I was there some time before gratefulness to fill pot at least it registered that some of us were visit Mr. Phillpotts looking after you. Absolutely as he always does. The short points we can endorse particularly the concerns that are still expressed as outstanding in relation to the shingle beach, which is the county wildlife site. The points being raised by a Suffolk Council and also by Mr. McFarlane, Nobel for the Wildlife Trust were the concerns that we wanted to draw to your attention. We welcome obviously the new information about the as it were the pebble size that is to be utilised. But nonetheless, there are still matters particularly in relation to recharge, and in relation to gradient and so on, as you've heard, so those are our points.

1:40:07

Thank you Mr. Bedford. Right, I think I can now safely go back to you. Mr. Philpott.

1:40:14

Thank you, sir. Before I ask Mr. Burns to deal with the points about the shingle on the flood plain, flood plain grazing, I think I'd understood that the Suffolk Council's ultimate position on this is that so far as their residual concern that they would look to use some of the natural environment fund to deal with that I understand so far as the Suffolk Council is concerned with were in agreement as to the size of that fund. So, of course, if they choose to use some of the money for that purpose, that is a matter for them.

So I don't propose to ask Mr. Lewis to deal with that. But on the shingle, the points that I noted that I'm going to ask him to come to are the number of recharge events and whether that is going to prevent the recreation restoration of the habitat as it were in between each one. Secondly, the question of the profile. And that's the point that was raised by Mr. McFarland and also by Mr. Collins. That's so far as the natural profile and the influence that that might have and uncertainty as a result of that factor. And then Mr. Collins also raised a point about the b and g. And a suggestion that the applicants assessment showed that the proposal was inappropriate.

1:41:52

That seemed to be his condition. So I'm going to ask Mr. Lewis, just to deal with those points. If I may. Please do thank you.

1:42:06

Okay, sir, in relation to the frequency of recharge. I think you you hinted that you'd already seen this answer, I think you probably have. We did reply to this in written rep cert. So deadline three. And what our modelling shows is that today it is that we will need about seven recharge events over the lifetime of Sizewell C. So whilst these would be at fairly regular intervals, given that effectively erosion is storm driven, that the those those could be somewhat erratic, but on average, it's probably something like every eight to 10 years recharge would happen in sections along the frontage and would not be for the entire length of the sea defence. So the the idea that you'd be sort of this will be stripped away in its entirety, you've been replacing it in its entirety wouldn't be the case. And just to draw and support was what Mr. Mayer said. Most of these species that are characteristic of shingle beach vegetation are adapted to what is naturally very dynamic environment. And it is considered that recharge events of this type and this frequency would not lead to a substantive loss of the shingle beach vegetation. The species present immediately after an area has been subject to recharge or simply be the early colonisers. It's the successional process that happens on on a beach as this establishing you get these early colonisers just after a disturbance event, whether that be recharge, or whether that be through a storm event. And then you get a succession as that as the substrate solidify over time. And so I support what Mr. Mayer said in relation to that.

1:43:40

I am isn't that there's a difference, though, isn't that because although the storm will wash away, shingle what will happen when the when the shingle is forming the soft coastal defence feature is somebody comes back and put some more shingle back on top.

1:44:01

But effectively, that's what happens in the natural you get the erosion and re deposition and in these environments, and then you might argue that over time, and I'm sure on this frontage over time there is a natural even in the natural state there is a natural loss but effectively you get erosion and re deposition. It's a very dynamic environment on these coastal advantages. Okay. In relation to the profile point, as I understand it in our coastal processes monitoring mitigation plan, I think we're looking at sea based recharge, and I will correct myself in in the notes if I'm wrong on this, but we wouldn't be tracking over the the defences as such and damaging them on on a regular basis as I said, but as I say we'll check with colleagues and correct my notes if I'm wrong on that point. Mr. Collins made a statement

which I didn't recognise in relation to Biodiversity net gained and talked about, I think that 90% loss, I have to say, I haven't got all the data in front of me, I don't recognise those figures. From recollection, the areas of the two habitat types, the sand dune Habitat, habitat types, and the vegetated shingle are similar in the future case, as they are in the baseline case. So I must say, don't recognise the figures, it may be a way of in the may get some sort of position in the in the calculations where you get a discount over time, because that the habitat so hard to create, but I don't think that's the case, I need to investigate the point in detail. I cannot recognise those figures.

1:45:45

My own makeup Justin Mr. Mr. Lewis, because this is the second time that Mr. Collins has made it quite extensive, it seems to be researched comments about your bng report? Would you be able to get together with him and try to resolve any misunderstandings, which there are between the two of you and produce a short statement of Common Ground about it?

1:46:20

I could try and do that, sir. We will approach Mr. Collins and try and try and take that forward out with my consultants at arcadius. We'll do that.

1:46:27

Yeah, Mr. Collins, I'm sorry if I just sprung it on you. But it just seemed to me that it would be helpful if you certainly helped me if we could know what the differences really are between you.

1:46:38

If, if there's something that I misunderstand from their figures, and I assure you that I'm not trying to invent figures from anywhere other than their own report. quite happy to do that. Thank you. Thank you. I'm really grateful to you. That's fine.

1:46:55

I would I think I'd got to the end of that particular point. So thank you, sir.

1:47:00

I think you had all three. That's, that's fine. Thank you. Right. Phil, I think that completes your right of reply on that one. And that brings us to the end of the designated sites agenda item. It was signed going to it's now 27 minutes past three. We've been going for the thick end of two hours. Thank you very much, everybody for keeping going. Time for you to get a cup of tea and recharge to take it. And let's let's restart at a quarter for place. So we are now adjourned until of course before