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00:07

Good afternoon, again. resumed I ch 10. So I said that I would ask Mr. Scott and Miss bassinet to make their contributions. Should we have ladies first Miss bassinet?

00:28

Yes, thank you. Hi, this is JC bassinet. I'm speaking on behalf of Walberswick parish Council. I realised that this item has been made very difficult by the failure of natural England to attend. So I actually want to just to emphasise one of the points that you read out Mr. Brock, by natural England with regard to the need for the mitigating habitat to be in place prior to the start of construction. And Miss Miller made this point, I think very clearly. And I would just like to say that it would appear that what the applicant would need to commit to when its plan is that suitable wetland replacement, not dry land replacement is in place and ready for the Harriers prior to the start of construction. And if the commitment is less than this, it would indicate that this is a plan with actually little chance of success. And as we heard from the applicant themselves, even they cannot promise that it can be assured. So I just wanted to make that point. Thank you very much.

01:36

Thank you, Miss basnet. Thank you. Scott, your hand is not up. Did you want to? Did you still want to say something or you dropping your hand?

01:54

At sounds them to Scott is not going to? doesn't want to say anything? So Mr. Truman's? Do you want to say anything in reply?

02:07

Just very briefly, sir. A few points. First of all, it was suggested to me during the the a German by our team that the the reference to the technical work that you spoke of in relation to natural England's comments, could well have been referring to the technical work, which would have been necessary to exclude an adverse effect on integrity. In view of the technicality and difficulty of that exercise. On a precautionary basis. The applicant proceeded two stages three and four. Now, that may or may not be what they meant. But I put that on the record so that they can see it if they view the transcript. And they can confirm whether or not that is what they were really getting at.

02:58

clients. Did you have your clients actually done that work? If that's the right interpretation?

03:06

No, they didn't go they didn't attempt to demonstrate no adverse impact. They they assumed as the precautionary principle requires that there could be an adverse impact and therefore looked at alternatives and direct pay and compensation. They didn't go down the route of trying to convince

natural England, but there could not have been beyond any reasonable scientific doubt an adverse effect on integrity. If they had demonstrated that you wouldn't need the wesselton site. Yes, or indeed the abbey farm site?

03:50

Well, I'm assuming that if you've done the work and you completed you need to now be found but not wesselton.

03:58

Well, as our view is, of course, that we don't need wesselton. Yeah, Western is offered as a contingency in case the sector of state disagrees with us. Our primary our primary cases, that would be farm up with the weapon component is sufficient. Yeah. wesselton isn't necessary. wesselton is there a fallback? If we are found to be wrong on that? Yeah.

04:32

Okay, I will think about that. I would like you to Mr. Phillpotts think also what the implications are of not having done that study are in relation to the compulsory acquisition point.

04:48

So, as I understand it, nothing that's been said so far is in any way different from the way that the case has been presented throughout in terms of compulsory acquisition. All that's being explained is that in line with the habitats regulation approach, the precautionary approach, it was felt necessary to move to stages three, and four as triggering the need for the habitat. And it's only at the stage, as Mr. Chambers is explained, where if our case on three and four is rejected, that the western site becomes necessary. Yeah. So as I understand it, the point about not having done this piece of work is not to say that we've missed something out is that in accordance with the approach that habitat regulations requires us to adopt, we move to the stage of providing the habitat on our own land. And then it's only if that is not accepted, then compulsory acquisition follows from the need to satisfy the habitats, regulations, so that nothing that has been said today alters the position in terms of compulsory acquisition, one jarred said that we dealt with the alternatives point in the hearing, and I'm not going to go over any of that again.

06:19

Okay, thank you. Just moving down my shortlist, just to reassure Miss Sutherland on the wording that she had a concern about the condition. 14 C will basically say that the marsh area implementation plan to be submitted and approved must be in general accordance with the two reports. But it must also include details of the proposed works, which include landscaping, planting details, any relevant water management measures, and monitoring and management measures and an implementation timetable for the works. So plainly, the the the applicant is pinned down on matters such as timing. And it goes on to say the marsh area implementation plan must be implemented as approved. So there's no qualification to that. There's no in general accordance with as approved, it must be implemented as approved. So whatever the whatever East Sussex Council in concentrated natural England say, must be in the plan will have to be performed by the by the applicant. So I hope that sets not only Miss Southern but perhaps in his best in its mind. Right, rest on on that point, because regard to the alternative London tablets and just very briefly, Mr. Philpott has drawn my attention to what was said at

the compulsory acquisition hearing, I just read out the full line summary just so that's that's not lost sight of in terms of the alternative site that is saboten. Mr. flowback, QC noted that this has only been put forward by the objective very recently. Mr. Robot noted the objectives criteria for evidence of suggested suitability introduced for the first time orally and in summary form of compulsory acquisition hearing one itself is to be submitted at deadline seven, the applicant will be able to consider the objective objectives suggested site suitability criteria and suitability of the site that and so we're looking forward to seeing what's been a trail for us already being put in writing at deadline seven, in accordance with without and we will, we will address it. Finally, I'm not inviting Mr. Lewis to speak at length we'll deal with in in writing, but he may have one or two things he wants to say, just by way of what was said by the RSPB

09:04

before you do that. I was going to I'm glad you raised saboten. Could I just ask how in practice at this stage in the decio process, the applicant thinks that saboten could provide an alternative to wesselton. Perhaps Mr. Yes, popping up.

09:37

So the that the question, if your recall, was one that we effectively put in the hands of the objector. Because in addition to considering questions of suitability, as we pointed out, the issues that arise as a result of potential delay, in this case need to be grappled. By the objector in order to make the case to you, that the suggested alternative is in fact an important and relevant consideration. And and if it is something that ought to be taken into account, it's for them because of the late stage that it's been identified to satisfy you that actually, yes, this is something that could be not only could be achieved as an alternative, but is deliverable and doesn't give rise to delay and uncertainty such that it might affect the case for compulsory acquisition of the site that has been identified, and which we say is suitable if it's needed. So we say the board is very much in the objectors court will consider what they say about it. I put them on fair notice that that that issue is for them to address and then we will respond. But it's not rocket science. It's very difficult to see how at this late stage, it could be achieved without today.

11:00

Okay, thank you for that. tremens. You were going to give me Mr. Lewis. Hello, Mr. Lewis.

11:09

Hello, again, sir. I'm just a couple of brief points in response response to the RSPB and the delivery of wetlands and a couple of other points clearly for it for such a large excavation. And I think I mentioned the figure of 120,000 cubic metres that were reliant on the the powers in the order to undertake that wetland creation. We brought the wetland creation as far forward in the programme as possible, we said it's going to be created in the first winter. And of course, the reason we specified winters was was a marsh areas breed in the summer so we can undertake the works in the winter, and without disturbing the marsh areas. And then there needs to use the adjacent areas. So we think that's important. The point about whether the need to exclude, I don't know geese, or whatever deer from grazing the reeds. There may need to be some local exclusions where we plant the reeds themselves. But the margins of the wetland that we create before it becomes an established Reed bed will still be excellent habitats for Marsh areas. I think we've already put that in writing, actually. And I will draw

attention to that. In the summary of of oral evidence in relation to dry habitats, I think we've again, already provided quite a bit of evidence on that particular point. And in relation to management plans, I think that's clearly something that we would do. And I would imagine that once we come forward with the the marsh area implementation plan, detailed management measures, and that flow from that would be would be included in that or a subsequent plan. So I don't think that's a problem. I think there's any points I wanted to make, sir.

12:57

Thank you very much. Thank you. Okay, Mr. tremens, I'm going to get back to the swapper item, agenda item five, and see what we can deal with in writing. So we've already dealt with five, a, five, B, I, I do want to go I've got a combination here where I have virtually and also, I have a hard copy which was quicker to annotate than the virtual one. Item b, I think is one which is wholly written and it's really a request to natural England. We asked for a summary or list of those European sites and qualifying features that naturally do not currently agree with the applicants conclusion have no adverse effects on integrity. So for natural England, please, I've read what you have said in your submission in lieu of attendance, which came in yesterday. Thank you for that. However, we do need you to set out in writing those European sites to set out a list specifically stating which are the qualifying features that you have concerns about with regard to the ability to conclude no adverse effects on integrity. So but we need as a site by site list, please I appreciate that. You put forward your material, issue by issue, but it's please bring that together, side by sight. I think think that affects anything that you need to do Mr. tremens. But in relation to the second item as well. The third item see recreational pressure on European sites. I'm just going to read out the questions on the comments which I would have made on those. So the question is, HRA and recreational pressure, we want to understand the position of the applicants and the interested parties, including natural England with regard to proposed mitigation to avoid adverse effects on the integrity of European sites of rising for recreational pressure, including progress or to management and monitoring plans, and securing all such measures. Now, naturally, you should obviously respond in writing all this down I appreciate we did have quite a lot of discussion about this today, step seven, but it wasn't quite commented on, on on the plans. The two management and monitoring plans in question are the monitoring and mitigation plan for minsmere Walberswick European sites. And the sanderlings North European site, there's a draft version and deadline to just wrap to 118. And there was a revision of that deadline five, which is rep 5105. And the other plan is the monitoring and military monitoring and mitigation plan for sanderlings Central and old or anbefale. estuaries European science version one, which African putting a deadline five, it's rep 5122. Now, at deadline six natural England in rep 6042 reiterated that they do not believe that the minsmere monitoring and mitigation plan and the associated recreational disturbance mitigation strategies currently have the capacity to exclude adverse effects on integrity beyond reasonable scientific doubt.

17:03

What naturally and confirmed was that further work is required to the triple MP and identifies a number of points for consideration in the triple MP, including the inclusion of verbal communications to workers such as inductions or toolbox talks, in addition to the printed literature, so as to ensure these vulnerable features are properly highlighted to workers. They also highlighted clarification with regard to the proposed creation and maintenance of firebreaks that have been proposed and the contingency measure at wesselton. Heath, whether these are in addition to the existing or not. And they also refer to

the provision of additional watering resource for monitoring measures. So natural England, please will you respond about this in writing? The MMO made a comment on this, that they weren't sure how relevant it was to them, I can see that probably it isn't relevant to them. But if they want to comment, insofar as it is within their remit, that's fine. It's quite a long question. Mr. trogons. And if you want to deal with it orally, now that's fine. If you prefer to deal with it in writing, I'm completely happy with that provided comes in a D seven.

18:27

Well, sir, comments, comments are coming in discussions are being had with natural England and indeed other interested parties on both of those plans. And the certainly those items you read out Ring Ring the bell. I think, for instance, in relation to the communication of construction workers, the applicant would wholeheartedly agree that there needs to be more than just handing them a leaflet, they would need to be some sort of verbal communication training. And so we'll we'll discuss with them the suggestion of a Third Ward, but plainly, if it becomes necessary, clear from monitoring that there is a need for additional warning resource, then that that can be provided under the terms of the under the terms of the the plan. So with we're very hopeful that agreement can be reached on these plans and give the necessary reassurance to natural England and indeed any other interested parties. We will work with natural England prior to deadline seven to see what can be achieved on that and then put in put in our our response at deadline. Seven. Probably the biggest outstanding point to be to be clear, is is the question of whether Assange should be provided. I think that that is that the rest of his really argument over the terms of the plans, which is quite small detail in a way. But there is an issue over the provision of sang Where we are apart from natural England? Okay,

20:05

thank you. I'd see that Jackie Miller has got her hand up, Miss Miller.

20:20

I can neither hear you nor see you. Miss Miller got the round which says JM on it. And that's it. I can't see you and I can't hear you.

20:40

I think there are others who can neither see nor hear you either. Can I ask the case to try and get in touch with you and you to get in touch with them if you can hear me. But if you could now close down your camera insofar as you go, you're trying to end your sound and I will go back to Mr. Truman's. Thank you Mr. chairman's. Fine. So you. You could make your submission at the seven is fine. If you want to add to what you've just said. Could I just make a comment as well about about the publisher. We have got all I thought we had two plans whose initial letters are all triple MP, we've got the minsmere monitoring and mitigation plan, we've got the marine mammal monitoring plan. And I mean, when you can't even use the initials to identify them. It's just getting a little bit difficult. I don't know what the solution is. But and you've mentioned already that you're trying to have a go at similarity and distinctions somehow, but let me put that into the mix and ask you if you can help.

22:04

Well, there's a famous legal saying context is all I suppose context would generally make it clear whether one's talking about marine mammals or minsmere mitigation, but yes, we'll certainly give some thought to that. And make more user friendly.

22:19

Okay, thank you. Thank you. Now we're at we've got as far as the outer terms Astra in the red thread divers.

22:33

Okay, there's one overall point I want you to deal with, you can rest I think goes in writing. I will read out the item and the questions. So the outer 10 vestry SP and the red rose divers as the as the agenda item, we want to explore the assumptions which the applicant has made in their assessment and the outline vessel management plan with regard to the timings of vessel movements, and how timing restrictions are secured. And we're looking for comments on this from natural England's the mlo RSPB stroke, Southern Wildlife Trust, and of course any other IPS who wish to can comments. Let me elaborate a little bit the applicant's assessment Mr. Truman's of displacement. And I'm not just addressing you're addressing that room as well. The applicants assessment of displaced displacement to red soldier throated divers of the outer Thames Estuary, SBA has assumed that most of the deliveries to the BLF beach learning setting would occur between 31st of March and 31st of October. Therefore, there would be little overlap within the period of the year in which the red throated divers are present within the SBA. However, we see that the outline vessel management plan identifies up to 200 landings to the temporary beach not included during the winter. So, the question for the applicant is could you explain how this has been taken account of in the assessment of displacement or disturbance to the red throated Diver of the outer Thames Estuary? SBA. And the wider question is in relation to your your outline vessel management plan, which is rep 6027. Do natural England, the MMO and the RSPB stroke. Suffolk Wildlife Trust have any comments on the content of the plan in particular, does it alleviate concerns in relation to adverse effects on integrity on the red throated diver in the out attempt estrie sp a swimmer terms. Are you able to address that? point?

25:03

Yes, I can do that, hopefully. So it's always been the case if one goes back to the shadow, HRA as 173, paragraphs 8.8 point 13 to 8.8 20 metres again, as 173 8.8 point 13, one three to 8.8 point 28, pages 96 to 97. The position has always been that there would be no deliveries to the permanent BLS during the winter period, there would be deliveries to the temporary BLS during the winter period of up to 200 a year. So, that's essentially 200 deliveries creating to 400 vessel movements and that that was that was assessed as part of the shadow HRA. So those those those assumptions are converted into provisions in the plan vessel management plan, which you will have seen it some paragraphs 3.1 point two, giving those those numbers and the relevant periods for the permanent temporary BLS. And it's also states, paragraph 3.1. point six. And I appreciate that you have to work on possibilities, not not anything else. So the winter availability of temporary BLF isn't currently expected, but the potential is retained for resilience. So it may not happen. But I agree, one has to assume that it might during the winter, that will be secured by deed management licence condition wording on that be submitted at D D seven. So I think that's that is essentially the same position. Any questions on the on the plan itself probably can be dealt with by Dr. Roast. I haven't

27:11

got any. I haven't got any questions on the plan yet.

27:21

Right. Well, in that case, I think the rest of this is left to naturally found in the MMO RSPB and Suffolk Wildlife Trust and Jackie matters. Now, I think back in, you wants to ask a question.

27:36

I'll try again. Can you hear me? I can hear you perfectly. Thank you, the camera option appears to have disappeared for me. So apologies for that I can remember what you look like. And so on the outline vessel management plan, and apologies, I have crashed out a couple of times, so may have missed a few points that the applicant has made. But just to check, would you like me to just go through our comments on that plan? If it's brief, Yes, please. Okay, so key points, then we think there's an error in the calculation of the uplift in vessel activity for the route options that are proposed. So for the period that's of interest, the winter period when read through divers are present the temporary BLF activity, the uplift is calculated on the basis of existing activity over the whole year. And then the uplift for that five months is compared to that. So if you actually divide the existing shipping activity by 12 months, and then times it by five to get five months worth of vessel activity and add the uplift to that the uplift is significantly higher than the applicant as reported in that document. I'll put the details of that in our written submission, deadline seven, but just to say that we are quite concerned about the use of the routes that the applicant has proposed, particularly the use of routes, one a and route two in the winter, because the additional activity is a significant uplift on the existing levels of activity, which we're still about. So route one a from Lowestoft or one B from Ipswich and heritage. There's no existing activity on those routes. So the addition of sizewell activity would be oversea, meaning that another area of the SPI is subject to significant disturbance and route to which we think the additional activity would actually equate to about 558% uplift in activity for the five month winter period. And we know there are no other alternatives proposed for that northern route from Lowestoft, but that route three is available for Ipswich and Herod and that would be preferable because it's an existing shipping line. Okay, thank you carry on. And just also to say that we think the commitment to use identified routes and less safety reasons required otherwise Could be clearer we acknowledged safety is obviously a primary importance. But we think that the the commitment to avoid impacts on read through to divert could be clearer. There are additional measures that could be added. And I will, when we in our submissions at deadline seven, I'll share an example from East Anglia, one North and East Anglia to the best practice protocol for minimising disturbance to read pro to die. And I think I might have just dropped out again, but you're okay. And, and that includes things such as avoiding engine reading of avoiding rafter divers, briefing vessel crew about the required management measures, etc. Thank you.

30:43

Thank you very much. With the chairman's, if you want to respond to that. Could you do it in writing, please?

30:51

Yes, sir. Could I just say that it will be extremely helpful. I don't know if this isn't it would be an imposition for as Miller in the RSPB. If it were possible to let us have those those comments. Simply by way of communication with the applicant early ish. In the coming week, it might mean that we're able to take into account in the COVID MP, which we submit a deadline seven, I'm just conscious that we're getting very close to publication of the release, that this is a point that goes to the integrity of one of the European sites. So I appreciate that what I've shifted may not be possible, but but if it is, I think it would be extremely helpful to have some engagement between RSPB and the applicant on these points before we get to actually deadline seven.

31:47

Yes, I'd be more than willing to do that. So yes, we can get in contact early next week, if that's acceptable.

31:55

If it really is, thank you both. Thank you. Right, thank you for that, let me get to eat in that case marine mammals. So, the agenda item is mitigation to explore whether the draft marine mammal monitoring plan context is all should be a certified document that the final triple MP should be based upon, and therefore referred to in condition 40 of the deemed marine licenced and certified use of natural England and the MMO, please on the contents of this draft, triple MP, and all the applicants under the water noise effect assessment for size we'll see revised marine freight options which came in at D five. Now. To put some flesh on those bones examining authority is noted that the draft triple MP was submitted deadline three and DML provides for triple MP to be submitted to and approved by the marine management organisation. So the question to you is trogons is Shouldn't the triple MP be certified document and therefore be referred to in condition 14?

33:19

Yes, so we think it should. So that will be addressed.

33:24

Thank you and natural England and the MMO. I simply ask Do you have any specific comments on the contents of the triple MP to the marine management organisation? I say this deadline five the African semester report in titled underwater noise effect assessment for sidewall c revised marine grade options revision one, it's rep 5124. Do you have any comments upon that? seals to obtain an update on the discussions between the MMO natural England and the applicant with regard to mitigation proposed for seals for which European sites is that relevant? Please put more flesh on those bones the MMA I say this? Well I say this to all of you. The MMO rep to to megapolitan. Rep to one to one explained that there are ongoing discussions between the MMO naturally England and the applicant on the mitigation for proposed for seals. Could all parties please provide an update on the discussions and confirm whether this rates related to seals or Humber estuary SAIC and the wharf and North Norfolk SAIC and could naturally not please confirm its position in relation to adverse effects on integrity of those sites. Obviously the animal can respond as well. Mr. Jones, do you want to say anything about that now?

35:06

Well, just to confirm those, those clearly are the two the two sites so the Humber estuary for grey seals and the wash and North Norfolk coast for harbour seals. I think this probably relates to marine mammal management generally. And the measures to reduce audit risk from from piling but we'll, we'll certainly give you give you an update on where the position is with seagulls from those two European sites and how they will be protected from injury or disturbance. Very good, thank

35:43

you. The third point, or third agenda item noise, light and visual disturbance. We'd like to understand natural England's view with regard to the information which has been requested about noise, light and visual disturbance of grey seals, harbour porpoise and the common seal of the Humber estuary SAIC, Southern North Sea SAIC and the war and the Norfolk coast essay. So the North Norfolk coast sec, utilising the MDS as functionally linked land and I think this is probably one only for natural England. You naturally land at relevant rap Oh 878 identified noise, light and visual as servants of grey seals, the harbour porpoise and the common seal of the Humber estuary, SAIC, sn ns SAIC and the wash and the Norfolk coast SAIC which use the main development site as functionally linked land as a potential impact pathway, where further information or assessment is required. Could you get distracted by something good natural England confirm whether any of these matters are resolved and whether any remain outstanding. You can do that in writing Mr. trogons, if you wish. Then the next agenda item the southern the North Sea SAIC to seek the views of natural England further the applicants updated assessment of prey species impingement, which is in three documents as 173 as 238 and rep 6016. So, naturally, in your rather than representation, you advise long term or permanent loss of origin area within the SNS SAIC would constitute an adverse effect on integrity and the compensation for this loss of area should be prepared. Now, the applicant has subsequently provided an updated assessment of prey species impingement as 173 and they asked to three, eight and rep 6016 and has concluded that there would be no food effects to any qualifying features of the European site. Could you therefore please naturally and provides an update on your position in relation to that issue. fifthly we have the draft site integrity plan, where we seek the views of natural England, the MMO and IPS on the draft CIP and to explore how to secured and whether there should be a certified document put flesh on those bones, we note that the draft site integrity plan was submitted deadline to the DML provides for set to be submitted to and approved by the mo for impact piling be required. So to use trogons, I asked the question please Can you respond to natural request to be a named console T on the condition that was in rep 5159 and the MLA is comments at rep three hyphen 070. Middle a condition requires further detail. Please could you also explain why the CIP is not a certified document on which the final step should be based and therefore shall be referred to in conditional 40? subsection two, subsection c

39:49

Yes, so we'll take away the points about drafting on on condition 40. But my understanding is the draft CIP will be a certified document

40:01

Thank you. Thank you. And then to the denaturing zemo. Please do you have any specific comments or the contents of the CIP? And naturally in please will you provide an update of your position in relation to adverse effects on integrity of the s and s? essays See? We've dealt with the marsh Harrier. Sue, I now go to migratory fish. The question is this pre species to seek clarification of the relationship route

clarification regarding the relationship between deficient trackman calculations and indirect impacts of prey availability to the SBA and sec qualifying features. And to explore which European sites and qualifying features this applies to. I'm going to ask naturally in the Environment Agency, MMO, and the Africans do the next question in writing. So, the question is, we note you had extensive discussions regarding fishing trout and calculations. Please could the four of you that's natural England Environment Agency MMO and the applicant advise on whether these issues have got any bearing on the consideration in direct impacts of prey availability, or indirect impacts of prey availability to the SBA and SAIC qualifying features? The next agenda item was equivalent adult values and stock size and we seek views on the applicant pool note on AAV and stop size which is appendix F of rep six zero to for that and we would like to explore the environment agency's response at deadline I've which is rep 5150 with regard to an updated impingement assessment to include repeat spawning in the EIA, the calculations that may expand a little solid I see your hand is up just let me finish this and then I will come to you.

42:20

So, the applicant has submitted a technical note on the A B and stop size appendix F of reps six through two four please delete natural England and the Environment Agency comment on that note, and whether they agree with any of the EIA V's and stock sizes which the applicant has assessed. In particular, the applicant has explained that Eb one has been used for the river lamprey and the European eel and that this is the maximum theoretical number that could be applied. And on that basis could naturally England and the Environment Agency where appropriate comments on whether you still have concerns about the EIA, the applied to the river lamprey and European eel. Could you confirm your position in relation to the adverse effects on integrity to river lamprey in the Humbert Humbert estrie sec. Could you confirm your position in relation to the breeding bitten of minsmere Walberswick, SBA and the benicar to Eastern bobbins, SBA, which is a prey species issue. on that. Let me just point out that both Nat Linden and the Environment Agency both noted during the examination that bitten feed on eels, and they have therefore raised concerns that impingement of eels could then indirectly impact on the breeding bitten of minsmere, SBA and beniker to Eastern Bourbons SBA. So, in relation to bitten, given the clarification, received the applicant using the abl one for the European el Faro, natural England and the Environment Agency. Please comment on whether this relieves their concerns to breeding bitters. Specifically, do they have sufficient information to exclude an adverse effect on integrity on the breeding business of the newsmail Walberswick SBA and the banega to Eastern Bourbons SBA asked still on this agenda item. The Environment Agency at rep five at 150 requested the applicant to update the impingement assessment to include repeat spawning in the EA the calculations that say follow the SPF model. Could the applicant please indicate the resource implications for this work to be undertaken and whether that could be completed before the end of the examination or I suppose, in sufficient time for it to be put in and comments to be made on it and taken into account was to travel. I don't know if you want to respond on that. Yes. Well, if you could,

45:15

yes. On that point, the the applicant is politely not going to accede to to that request, not because of resource constraints, but simply because we think it's a a wrong approach, as does the MMO. And so we're not proposing to go down a router will try to apply a methodology which we think is flawed and incorrect, I'm afraid.

45:43

Okay, thank you for being direct and clear on that. If you could have done it, I would have said could the applicant clearly present the biggest your own model? And after the SPF? And could you identify the assessments which are relevant to the EIA Hei and water Framework Directive? Now, let me pause there before I go to the entrapment uncertainty report because Rosie Solomon did have a hand up, it's gone down now. Southern did you want to make a point on something earlier?

46:22

Thank you, sir. I was gonna defer to my colleague, Miss Miller, if that's okay. In relation to this was at what in fact, let me just quickly cover it now. So it was just a flag in relation to agenda item five g one. You won't be surprised to hear that. We've also got some some comments, but we're very happy to do that. In writing. Miss Miller did however, have a short point on entrapment. If it's right to, to bring her in, I think.

46:48

I think it would be helpful because it just puts context for for everybody.

46:53

Thank you so much. I'll bring in Miss Miller, who hopefully is still with us.

46:58

I am still here, the invisible still, I'm afraid. And can you can you hear me? Okay. Yes, I can hear you very well. Mr. trogons. Can you hear Miss Miller? Yes, indeed, sir. Thank you. Thank you. I won't cover and the detail of our comments now. But we do have some comments on both the uncertainty and entrapment predictions report, and the local scale effects report that was referred to earlier. And but just in summary to say that we are still concerned about the effects of both local scale and wider scale impacts on fish populations as prey for species of designated sites. And we consider there's still some uncertainty around the entrapment predictions. We noted EAS point around diurnal bias in the entrapment predictions earlier. And we supported that. And we, as I say, we've got a level of concerns about the levels of potential impacts on fish species at the local scale. In particular, we've requested previously that further assessment is provided showing the level of mitigation of fish mortality that would be achievable both with and without an AfD. And I think, in the written summary of oral submission is h seven, the applicant committed to providing information as to the impact with and without an AfD, a deadline six, and it doesn't appear that that has yet been provided. And we request that information is provided in time to enable further discussion of the merits and practicalities of AfD installation during the examination, as we consider that a present impact on birds through effects on prey species cannot be excluded.

48:36

Thank you.

48:38

Thank you, Miss Miller, did you get all that came through tremens?

48:43

Yes, I believe so. Sir. We've made a note of it. We'll take those points away and deal with deadlines. Seven.

48:49

Thank you very much. I'm obliged. And then the entrapment uncertainty report is the last of the agenda item five items. We seek the views of the Environment Agency and natural England on the applicants report. Violence uncertainty and travel predictions for size we'll see it's rep six, zero to eight. And in particular, whether the lbs II heads effects are below the thresholds, which would trigger further investigation or populate potential population level effects. So could that response also be in writing as deadline seven and I would add was not the agency and naturally have any comments on that report? Oh, I'm repeating myself, too. That's we know that's been dealt with. That's fine. Does anybody any IPS want to make any further comments in relation to anything which we said on item five, with the exception of five F, the marsh area which we have done adequately?

50:19

No, that's good. In that case, I'm going to move to item six. Excuse me. So timescale for for submission of further documents. Really, Mr. Jones, Mr. Philpott, this is largely for you. We you've given a lot of indication about what is coming in at D seven, and D eight today. And I'm very grateful for that. I'm clearly going to set aside a lot of reading time immediately after the seven.

51:00

How much more is likely to be coming through on the subject of biodiversity, both marine and terrestrial? Is there anything you haven't mentioned today?

51:13

So I've, I've been given a list of documents, which I have read through, and I've noted those which are coming in at deadline seven, a smaller number of deadline, eight, this is a further documents, not revisions. And I think there's one document deadline nine and I've also got a note of various further revisions of documents you've already seen. What I wonder, though, is that given that most of this is simply going to be coming at deadline seven or if it's not coming at deadline seven, we could at deadline seven provide you with a list of what more is to come that rather than my reading out the list now, which I happy to do, if everyone wants me to. So in particular, if you want me to, I wonder whether it might be better use of time. If we put a list in deadline seven of what else you're going to get? And where that would be

52:25

that would be enormously helpful. No, and I don't want you to put me to the trouble of reading me out on this, which I then have to take a note of and then yeah, exactly. So that that will be fine. I think I mean, I think you've got the flavour of my concern, which is there, which is that there is a lot, which is being revised a lot of answers to issues resolved a projection of another another plan or whatever I'm trying to encourage you to, to bring bring things to a to some sort of conclusion.

53:00

So we obviously have a common interest in doing that. But we're also seeking to be receptive to reasonable comments and requests from others in terms of revisions to documents and so on. And so we're seeking to balance those matters. But there's no difference between us in terms of the objective. We obviously want to make sure that not only that you have everything at the end of the examination, but where possible that things are finalised in the time, so that you have a chance to see the final versions.

53:32

Thank you. I'm your desire to be conciliatory and to deal with things where you have is is commendable, and and an excellent, but only other It doesn't mean to say that it's another change which has to be dealt with and delivered. If it's something which is necessary in accordance with the system, then obviously, we will deal with that. Yes. But thank you. But then can I just make the two or three things I want to say something about examination like references and a bit about document labelling and presentation as well please. And then I need to deal with Mr. Wilkinsons question as to whether or not he could have until D eight to make some submissions after today. This is let me start with the examination library references point turns. It's important and I'm sorry, but my impression is that I need especially to draw the attention of the Environment Agency to this. But can I say that the large agency Mr. Scared and scared. You're not alone in this. But you and others from time to time will keep on using SPP and beams report numbering but without giving us the examination Library Reference And that makes finding the document to which you're referring to a difficult task. But there are other people do it in relation to other documents. So please can we always have the examination my reference. And the other thing is this that I appreciate that when the examination library references given it will often be to any one of the applicants composite documents, which might be an awful lot of dependencies. And the relevant report will be just one of many, and it will be buried somewhere in a some sort of Corrado some form logical order, but buried somewhere, which could be 2014 250, or 800 pages through the document. And it makes it very, very difficult to find, and it is very time consuming. So it's important for us not only to have the right examination Library Reference, but also please the page number on which to find it. And the title or reference, or by all means, if it's an SDP document or bienville put that in as well. But what is absolutely fundamental is that we have the examination Library Reference, and please some guidance as to where to where to find it. Mr. Philpott your clients, a lot of the documentation was helpfully had hyperlinks embedded in it so that the index, one could click on the page number or the title and be taken straight to the right place. Now, I'm not sure whether it's because I on some of my colleagues are taking these documents and turn them to pts, which we can then store annotate and do thing I'm sure you do this as well. But they don't seem to be hyperlinks anymore in the more recent documents, that and I will just ask if it is possible, I know that it's an extra burden on a tight timetable. If those could be put in in documents, which we have from From now on, or at least that where you have indexes, for example, you've got appendices, or annexes to dependencies, and they're usually listed on a really, really good contents page. But there's no page number for where to find it. So we need some we need some sort of better way in which to track and track these things down.

57:45

Thank you. So we've we've heard that well understand the issue. We're all I'm sure. Try to deal with the same point. So we're, again, commonality of interest,

57:56

we will do what we can. I'm glad to hear you're not singling out. Mr. Wilkinson from task this morning. was going to make some more submissions on our topic. I think it was in relation to fish, but I couldn't be quite sure at the moment. And here's relevant expert is currently on holiday. He asked if he could do this by deadline eight rather than deadline seven. What I would say is yes, you can have an extension until deadline a but please put it in as soon as you possibly can. If you can put it in earlier, then we can consider whether or not to exercise our discretion until that as a late deadline certain or some find some exceptional way of getting into the examination at an early stage. Let me in that case, just close to by reminding everybody that a post hearing submissions are Mrs. Jenny curtly. You have your hand up.

59:17

Hello, Mr. Brock. Sorry. I'm Jenny currently from task. I'll pass on this message to Mr. Wilkinson because I don't think he's here anymore. So I'll pass that on to him. And maybe I just flag up something that to do with the whole project. There has been a huge Cliff fall to the north of thorpeness. Today, just to point out that our coast is eroding very badly. Thank you. Bye.

59:46

Thank you. My coastal erosion section we'll take note of that I'm sure Mr. Phil got it. Yes, Coach remind you then that any post hearing submissions including the written summaries of the cases which you have made Today orally at this hearing should be submitted deadline seven, which is next Friday, the third of September 2021. I would like to thank everybody who has participated today, and particularly the Environment Agency who have been here, you have all been most helpful. But if there are no other matters which anybody wishes to raise. I will wish you all a good bank holiday weekend and I will now close the hearing the time is 6:37pm. And I have now closed the hearing. Thank you very much.