

# TEXT\_ISH7\_Session1\_17022021\_EA1&2

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00:03

Good morning, everybody. And welcome to this morning's use specific hearing seven for East Anglia, one North and East Anglia to offshore wind farms. Before we introduce ourselves, I just check with the casing that you can hear me which I think you can and that you're that the recordings and live streams and the live captions have started.

00:22

Morning just confirm that the live stream has started and I can see perfectly fine. Thank you very much, Mr. Williams. So two introductions then. I am Jessica Paris. I'm a member of this panel, which is the examining authority for the East Anglia one North offshore wind farm application and have another panel which is the examining authority for the East Anglia to offshore wind farm application. I'm in the chair today and I'll lead the questioning respect of agenda item three. On that was my fellow panel members to introduce themselves starting with Carolyn Jones. Morning, everyone. My name is Carolyn Jones, and today I'm going to be leading on item two of our agenda.

01:03

Good morning, everybody. My name is Ryan Smith. I'm the lead member of these panels. And I'll be leading on agenda item for today. And other than that, I'll be in the background and may ask some questions if necessary.

01:16

Thank you, Mr. Smith. So you'll note that the full panel is not here today. And this is to allow the other two members of our panel to work on preparation for the rest of our hearings this week. I'd like to also introduce our planning Inspectorate colleagues working with us on these examinations with whom I expect you're becoming quite familiar by this stage. Emery Williams, the case manager, leading the planning Inspectorate case team, and he was in the arrangements conference this morning and he is accompanied today by two of our case officers Kj Hanson, and Caroline Hopewell. The published agenda sets out our and your reasons for being here this morning, asked us to hold a third issue specific hearing on aspects of biodiversity ecology and habitats regulations assessment. I will now hand over to my colleague Carolyn Jones, who will ask ask our participants to introduce themselves.

02:06

Thank you, Mrs. Paris. The Morning everyone Caroline Jones, panel members speaking. Shortly, I'm going to be running through our list of participants and ask them to confirm who will be leading their contributions this morning. But before I do, there's just a few things to note. Today's hearing is being live streamed and recorded and the recordings that we make are retained and published. Therefore, they form a public record that can contain your personal information, and to which the general data protection regulation applies. Does anyone have any questions about the terms on which our digital recordings are made?

02:37

I'm not seeing any raised hands or hearing anyone so we'll move forward on the basis that is all understood. Turning to this morning's meeting, I'm now going to ask the participants to introduce themselves. If organisations attending today do have a number of representatives attending Could I ask that you nominated lead representative to introduce your team on behalf of your organisation? Because they do know that for a number of you here today, we do have several different individuals that may wish to contribute during the course of proceedings. It would also be helpful if you could let us know at which point in the agenda you anticipate participating. Could I just check the name of the main speaker that we have representing the applicants please?

03:19

Good morning, ma'am. My name is Colin Innes, and I'm a partner in the law firm of shutter Wedderburn and I appear on behalf of both applicants. And I'm instructed by Fiona Coyle, divisional solicitor of storage, renewables I'm accompanied this morning by Stephanie mill of my office is a senior associate and has been dealing with a range of matters in terms of this project. It's probably close to this I'll probably introduce my morning speakers first, so the those that are unsure, and that is Claire Smith, chartered ecologist who's already spoken at this panel. So but she's a full member of the Chartered Institute ecology and has extensive experience and undertaking environmental assessment work. And she's a principal environmental consultant with Robert spooning. I've also got Brian McGregor as the onshore consensus manager, who has regularly appeared at respect to these hearings. And finally, also Fraser McDermott from Royal haskoning. Who, his extensive experience of onshore EIA assessment, and he is essentially the centre manager for a screening for these two projects and coordinating all the onshore matters. We have a separate team that we're dealing with the offshore matters.

04:37

I have one preliminary matter after perhaps the introductions have been completed, which I'd wish to raise. Thank you. No problem. We'll come back to you then.

04:46

Thank you, Mr. Ennis, can I ask for the lead representative for a civic council please?

04:58

Good morning, Madam Chair.

05:00

Namie Goldy Suffolk Council and they with me today there's Dr. Mark Broomfield, who's the council's consultant in relation to quality. I've got James Mayer, who's the council's ecologist and also Nicholas Newton, who's the council's landscape and agricultural manager. Lovely, thank you very much. Good morning to you. Just to say we'll be speaking on agenda item two, and won't be necessary to speak on the offshore elements.

05:28

Thank you for letting me know.

05:32

Next, could we have the lead representative for Suffolk County Council please?

05:37

Thank you, mom Graham gunby Development Manager Suffolk County Council. I'm joined by my colleague Andrew marywood. Today he's the county ecologist and will be here wants to speak on in particular item two. Thank you. Thank you very much. Mr. Gumby.

05:55

Moving on to the marine management organisation, please.

06:02

Good morning. My name is Lindsay Mullen representing marine management organisation. I'm a case manager for East Anglia to with me on the call. I have my colleagues Rebecca Reed and jack Cole, who the case offices for East Anglia two and East Anglia, one North respectively. I also have on the call my colleague Paul Stevenson, who is the stakeholder engagement lead for renewable energy in the MMO. We will be speaking to Agenda Items three and four. Rebecca Reeve speaking to agenda item three and jack Cole speaking to agenda item four.

06:32

Thank you very much, Mr. Mullen. Welcome to the hearing.

06:36

Okay, and next on my list. I have C's please.

06:48

Good morning examiners. I'm representing Suffolk energy action solutions. We are a volunteer community group. And we're very grateful to Kenan Mosley, agricultural agroforestry permaculture and conservation specialist, and Dr. Jill Horrocks, who is our coordination biodiversity manager for speaking today. on item two a and two B, we reserve the right to speak on other things, but we don't expect to thank you very much indeed. Thank you, Miss Gilmore.

07:27

Could I have the lead representative for save our samplings, please?

07:34

Yes, good morning pedal. My name is Paul Chandler save our sandlings. I'm joined today with Richard by Richard Reeves. We would like to comment on agenda items to be Richard would like to speak on that.

07:49

As the remaining agenda items three and four are primarily offshore. We would like to leave the meeting after agenda item two, we may and we will follow it on live stream and

08:03

also your when you publish

08:07

all the proceedings? Absolutely. Mr. Chandler. That's fine. Of course. Can I just check that? You You have your camera off today? Is that purpose?

08:17

Oh, it should be on. Okay.

08:24

No.

08:26

concert.

08:29

No problem. I just thought we check. We can hear you fine. That'll be fine for the

08:33

technology. Gremlins got us again.

08:36

Don't worry.

08:38

Thank you very much, Mr. Chandler.

08:41

And good. I have the lead representative for CCS this morning, please.

08:49

Good morning, mom.

08:51

Can you hear me? I can hear you Mr. Howard. Yeah. Good morning. My name is Bill helmet. I'm here on behalf of say Sis, I'm the only representative. And I'm hoping to be able to speak on agenda item two. And I may or may leave after that item is completed. That's absolutely fine. Nice to have it. Thank you very much.

09:16

Can I just check there is nobody else in the hearing this morning that I've missed off my list before I move on.

09:24

I'll take that as a no. As a general reminder for all our speakers today. Each time you speak please could you say your name and who you represent. This will help anyone watching the hearing to follow proceedings. Anyone who's not participating directly in this session but is observing is welcome to set out any observations about what they hear today in writing by deadlines six, which is the 24th of February. So now the introductions are complete, I will just return to Mr. Ennis, who would like to ease in matter with us.

09:59

Yes, come on.

10:00

Above the applicant,

10:02

the matter I want to raise arises in relation to matters that were partially canvass yesterday, and arise

10:12

effectively from the submissions that were made by CMS and were accepted on Monday.

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And we'll discuss partially yesterday, as that hearing, it was agreed that material will be submitted at deadlines six, and particularly, you were keen to get the factual information about matters. In the interim, yesterday, the submission from CRS appears to been picked up by a number of others. And clearly further submissions have been made during the course of the hearing that we had yesterday.

10:48

Some of those submissions

10:51

are causing a degree of concern.

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And in particular,

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submissions made by Fiona cram

11:01

about particularly contracts that may have or may not have been entered into. But the impression that she states is that I'm aware of people who have been paid by SPR to accept some of the clauses

preventing them from objecting. It goes on to say these people would have objected, but who are now scared to come forward for fear of being sued, and are sorry that they accepted the payments and agreed the gagging clause. Now, that's quite a serious statement to make. And in terms of evidence yesterday, you heard from Mr. Hubner that no such option agreements have been included. Now, in my submission until the factual circumstances are fully subtypes before you, I don't think it's right and proper. The material such as this is put up on the examination library, because I think it has the ability to attend for people to read this. And assume that isn't all I'm saying at this stage is that I think that material should be withdrawn, it should be properly submitted a deadline six, or I say, people should read the material that line six and comment on it for deadlines seven, to ensure that we're dealing with essentially, what are hopefully a proper basis on which these matters are raised. And as I say, I don't want this examination to descend into he said, she said, etc, nor for the tone to be lowered. And I don't think it needs to be lowered at this stage. But if effectively, one representation is accepted. And there was then a pylon by a whole load of series of other parties, and they're accepted, then effectively, the sex lamination is being used as a vehicle for representing particular views out with the formal process. And let's say, I think yesterday, we've set out a process whereby this matter can be properly considered by the panel, with parties given a proper opportunity to submit the material, and to make sure it's based on the best material available to you. So that is my suggestion at this stage. It is obviously up to the panel how you want to take that forward. The second matter that I wish to raise also relates to material that was lodged the day before a hearing by CMS. And that's the submission made budget in Horrocks which was accepted by the panel

13:23

for examination yesterday, um, the concern I have about this material is that it also cooperates in images, seven and eight arrows pointing to what was stated to be budget sets. And in my submission, it's not appropriate for such material to be put up in the public domain. And we take these matters very seriously. And I think there's a concern that if that material is left up, that the these potential sets I don't want to say whether the sets or not, but the potential sets, and I opened to public disclosure. And that is one of the issues about lodging material late in the day is that it does carve all parties a limited opportunity to review them. And certainly some of this material we've had to deal with on the morning. And he created that's not really in terms of this process, how preparation could read properly be done. Because effectively, particularly in a virtual world preparation is harder than if we were all in a room. And I had everyone together. So I just raised the question of the last two hearings in a row where materials been lodged the day before, which has a bearing on which has had to be dealt with. And there may be perfectly legitimate reasons why material comes forward to the examining panel out with the formal deadline dates, but my particular concern is that we seem to have a pattern of the day before hearings material being submitted. And I think that's different. And so, my submission, I'm just raising these matters upfront, and trying to make sure that we can move forward effectively.

15:00

Other things that haven't really come out, but those are the concerns that I wish to raise at the stage in relation to those matters. Thank you. Thank you very much, Mr. Ennis, on on your first point, I think that's something that

15:13

the panel will need to go away and deliberate on and perhaps return to that matter after lunch or in any other business later on in the hearing once we've been able to have a discussion amongst ourselves. So we will come back to you on that later on. And on the on the second matter, we are actually working on removing that particular picture as we speak. So we will have that removed. Mr. Smith, did you want to say anything else?

15:43

DDS because I mean, there's the particular narrow point about images and that point is well made and and in fact, reduction there is in process. But the second and much more general principle, which is about essentially moves towards what begin to be ambushes between parties as a consequence of documents appearing literally the day before, and hearings are due to proceed. And that, indeed, is also a point well made. And I would like to indicate to all parties here today, and indeed, anybody who is listening on the live stream or watching the recording after the event, that it would be our wish to ensure for the purpose of providing everybody with due process, and a fair procedure, that we do not have anything other than the most limited of documents submitted on the day before an event.

16:47

And there are, of course, always individual circumstances when it turns out that something is submitted and unbalanced, the decision is taken that it's better in the public domain and visible to all parties than not. And in relation to certain documents that have been been published over the last couple of days, the balance view was taken by the examining authorities that and given that they had been put in, and that there was no immediate basis for their rejection or curtailment that they were about to publish the not however, I think there is a general conduct point here, which is that we all need to be fair, and kind to one another. And that includes making sure that nobody is seeking to trip up any party and to any oral process in these examinations. By putting any material in and socially shortly before an actual event that it makes it almost impossible for the relevant party to read it and respond to it appropriately. So I'll I'll provide a general view that we all need to try and make sure that that does not happen, except in the most unavoidable of circumstances. I think I think that's a fair observation. And now Mr. Ennis has obviously spoken on that point. And before we go on, I do think it would be appropriate just to ask if anybody else here once and briefly to speak on it.

18:19

And they're not seeing any hands raised. So hope? Ah,

18:23

yes, no, we do have some hands. I see Jill Horrocks. And I also see Fiona Gilmore. So can I am

18:37

just given this is CS. Gilmore, do you want to lead on this?

18:44

And I think probably is best to channel CS. Through one speaker, if at all possible.

18:54

I would very much Thank you, sir piano go Molly's. I'd very much like to have the opportunity to respond 2.1 later this afternoon at the end of the day's agenda, because we we have a view on that also a very constructive view forward regarding the photos presented by Jill Horrocks. I know that Jill has been working with Emery to try and organise to get some photos so people could actually see what she's talking about. And I have a feeling that it was purely on a technical basis that they weren't presented before. It certainly was no type of ambush and I really reject that insinuation.

19:45

And I'm sure Jill would be the first to say

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that it just helpful that people can see some of the pictures.

19:54

So please, we understand that they should normally be presented.

20:00

Yeah. And we have complied with that, in 95% of the cases. This is very unusual for us. Thank you, sir.

20:09

Thank you very much.

20:12

And on that basis, I'm just checking to see if there's anybody else that wishes to

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speak to this item. If you're concluded Miss Gilmore, if you could take your hand down.

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I'll just briefly return to the applicant for any concluding observation.

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calling us on behalf of the applicant. I've nothing really further to add, certainly, the material,

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there wasn't a vast amount of material at the point I made was about the nature of some events, and the fact that we're probably caught earlier if it was available earlier. But it was just more of a general point I was making, and I'm perfectly comfortable with that. And I'm grateful for Gilmore's comments. So hopefully we can make positive progress later in the day on those matters. So thank you.

21:07

Okay, well, on that basis, the reserve mattress is reserved until we bring it forward. I would suggest that given that there's the request for CS to speak on it that we do do it in any other business rather than



attempting to shoehorn it in before lunch. Because if we after lunch, rather, if we do it immediately after lunch, we'll be delaying people who who may not have a direct interest in it.

21:29

But my colleagues contend with that, but we do it in any other business.

21:34

Yeah. Okay. I will hand back to Mrs. Jones.

21:39

I was actually about to hand back to Mrs. Mrs. Powers, he's going to need the next part of this session.

21:47

Thank you very much, Mrs. Jones. Okay. So this morning, we're holding issue specific hearing, hearing seven for both projects, East Anglia, one North and East Anglia two in parallel. So there's a single agenda both of our hearings, which was issued on the eighth of February. And as we've done in previous hearings to make most efficient use of the time, we plan to deal with the two applications together as we work through the agenda. But we do have the discretion to discuss any matters that are unique or specific to just one of the applications as they arise.

22:18

Following issue specific hearing three and proceeded deadline five submissions, we've decided to focus our agenda today on the topics of terrestrial ecology, marine mammals, and fish and shellfish ecology. Offshore technology matters will be heard in March because we're awaiting some key evidence of deadlines, sex, and time is reserved for issue specific hearing 14 on the 16th and 17th, of March. And we're aware that there are some elements in today's agenda which for which further evidence is also expected a deadline six, and I'm thinking about marine mammals in particular here. But we are very much hoping that parties will be able to provide as much information today about what we should be expecting at deadline six, in order that we can make progress, and that there should be no surprises the deadline six, we have approximately seven weeks until these examinations are scheduled to close. And so from deadline six onwards, parties needs to be acutely aware that for any evidence brought into the into the examinations, there must be sufficient opportunity for other IPS to comment on that, and the examining authorities to examine it. This includes, for example, any final refinements to the project parameters or design, if there's any further refinement planned, it really needs to be on the table by deadlines, six, not least because very shortly after that our reports or the implications for European sites need to be published on the fourth of March. And so whilst orthology is not on our agenda for today, it is very much in our minds. And so we are reserving quite a significant amount of time for those outstanding issues in our March hearings, not our strategy really is to focus on the other things that we can deal with today and to therefore reserve as much time as possible for ornithology in March.

23:57

And so in terms of the hearings today, we plan to have a short break around 1130. And then also take a break around 45 minutes around lunchtime. So one 115, something like that.

24:08

Before we move on to the main business of our agenda, then does anyone have any further questions have a preliminary nature before we get into agenda item two.

24:18

can't see any more hands coming up. So I think in that case, we'll move straight on and I'll hand it over to my colleague Mrs. Jones.

24:28

Thank you very much. Mrs. Powell is going to move straight into the first part of this item which concerns the 100 River and item one within that relates to the priority deciduous woodland

24:45

which is adjacent to the river and we had some oral submissions made at issue specific hearing three and some photographs submitted to us at deadline five which have also been provided to natural England and naturally

25:00

Then that deadline five have stated that they agree that the required attributes for this woodland to be considered wet woodland are there and if that is confirmed as wet woodland it is a priority habitat under the UK biodiversity Action Plan, which are considered the habitats most threatened and requiring conservation to the applicants in the first instance having having listened to those oral submissions and having looked at that evidence submitted at deadline five, could I just ask your opinion on whether you agree that this area can be classified as work woodland

25:40

colonists, half the applicants, obviously, we're fully aware of natural England looking at material that have been submitted to them. I'm going to attempt and forming their view on that written material as I understand it, I'm going to hand you over to classmates to respond on this particular matter. Thank you.

26:03

Hello, classmates on behalf of the applicants. So from

26:09

a starting point. So all of the ecological surveys that have been undertaken to date have been done so by suitably qualified ecologists, within the optimal survey windows and accordance with industry guidance, such as but not limited to the jncc phase one habitat survey guidance, intern. Species specific guidance has also been used when assessing those habitats for their suitability to support legally protected and notable species. And this applies across all of the onshore development area and specifically at the 100 River

26:43

in terms of the woodland at the 100 River. So as recorded during the 2018 2019 extended phase one survey, this was characterised and assign the category of a semi natural broadleaf woodland, mainly on the basis of the species that were recorded at that time. And in combination with consideration of the guidance that I referred to earlier.

27:08

In terms of since the 2018 2019 survey, applicants have realised that that is dated so we have recently revisited the site earlier this week, and verified that the woodland within the order limits west of the hunter river does not comprise a species associated with wet woodland. The key species within the upper canopy included oak, Cypress, beech, silver, birch, Hazel and Sycamore throughout and equally acknowledge that there is the presence of older goat Willow and Bay Willow along the banks of the 100 River, which is not uncommon.

27:46

There is a limited middle canopy present again with key species being recorded Hazel and Blackthorn and ground vegetation recorded include species such as daffodil snowdrop, broadleaf, Doc cleavers, nettle, teasel, ground IV Bramble ferns, and reconnect with grass. Yorkshire fog Forget Me Not in horse town we've also noted along with presence of pin cushion moss and delicate Fern moss also being noted at the time of this week's survey.

28:17

So much of the woodland does comprise of scattered trees with large open spaces dominated by predominantly ferns and Bramble. As I mentioned earlier, alder and Willow were recorded along the edge of the 100 River and this is within their typical habitat

28:33

requirements.

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So taking into account to the species that have been recorded again against with industry guidance, in combination with consideration made to the topography of the woodland being relatively flat, whilst acknowledging it's adjacent to the river. The river does have low gradient banks, which in turn could allude to some water logging should the river overtop during high water events. So considering the recent snowfall and following the rain in the past week or so, the woodland area was actually dry at the time of a survey earlier this week. As mentioned earlier, older was noted to be growing along the edge of the banks of the 100 River, and n are noted to be fully grown mature trees.

29:18

Whereas a wet woodland is typically characterised by dense thickets of young older, which is not the case as recorded in the survey earlier this week at the 100 River.

29:28

And equally the applicants would like to acknowledge that some of the species noted within the CS report which was submitted at deadline five were not actually recorded and subsequently advised

through discussions and meeting with the county colleges on site earlier this week, that some of them were not recorded within the area,

29:48

namely purple, more grass and equally this has not been recorded within this part of Suffolk to date as far as we are aware

29:56

of at the time of undertaking the site visit earlier this year.

30:00

As mentioned, our field ecologists did meet or had met with the East Suffolk Council and Suffolk County Council ecologists, they were there independently from us and both all parties sorry do the same conclusion as the applicants and therefore the applicants remain to have the original classification for this area of woodland as being semi natural woodland and is not deemed to meet the criteria of being designated a wet woodland.

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And further information and details from that survey will be reported at the next deadline.

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And

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so, essentially just to summarise that the applicant remains their position that the woodland at the 100 River crossing remains to be semi natural broadleaf woodland and not wet woodland okay thank you and just just for clarity for my benefit and for anyone watching Can you take me through and natural England have said that it does have the required attributes for this woodland. So just almost in a list form Could you tell me what the attributes should be for a wet woodland what what this woodland doesn't have that should be in that that list and what are the parts of the woodland and persuade you that it's not wet woodland okay. So Claire Smith on behalf of the applicant, so wet woodland typically occurs on a poorly drained or seasonally wet soils.

31:25

The woodland there at the moment is not on poorly drained, it is not wet. There are there is obviously the river that's there. But there is not standing water within that area of woodland. It's typically species as I as I mentioned earlier, relate to older birch and Willow.

31:44

Also ash oak and beech can also be present. Now whilst we do have some of those species recorded during the surveys, and they are not within the typical characterization of what you would expect to see in terms of areas associated with a wet woodland. So the species for example, such as the older were noted along the banks of the River, which is typical as well, the willow, but they are not within areas of

pockets of water within further back from the river. So that's generally the the key principle of the difference between a wet woodland and a semi natural broadleaf woodland.

32:24

Thank you very much. And have you had the opportunity to look at the C's and submission deadline five, which does actually show photographs of standing water in that particular area of woodland. Yes, sorry. Claire Smith on behalf of the applicants. Yes, we have reviewed that and we are in the process of submitting a response to those comments at the next deadline. And equally, we are acknowledging we note the date of those surveys were in January which was after we assumed a period of high rainfall and therefore why there may be typically large areas of water noted and linked to my earlier point that there may have been some overtopping of the 100 River at that point. And equally though, the surveys which were undertaken earlier this week, were after a period of high snowfall and rainfall where they were not the stance of waters noted.

33:23

Thank you and and you say that it's the trees are mainly scattered and throughout the woodland in that case then and what is the potential for micro sighting within that woodland and avoiding any of the more significant trees within the woodland?

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Claire Smith on behalf of the applicant, please now defer to Brian mcgrill so if that's okay and yes of course

33:52

Rama grace for jobs within the order limits we have

33:57

relatively broad order limits set within the draft decio and others for the very purpose of micro citing the onshore cable grid in the optimal location as across a standard river and that will take into account both engineering considerations but also ecological and cultural considerations.

34:15

So there so there is opportunity for micro citing potentially to avoid advisors cheese is that is that something that you could look at a little bit further and submit with your deadlines six submission together with your assessment of this woodland?

34:29

We can certainly clarify Brian magaliesburg outcomes we can certainly clarify the intention to to macro site. We do not have routines at the stage for the hunter river crossing over the woodlands to the west of the 100 River. But we were certainly clarify our intentions to minimise the environmental impacts in that area. Okay. Thank you very much.

34:51

Could I move to East Suffolk Council in the first instance and ask their opinion on whether they consider this area

35:00

To be wet woodland please.

35:03

Hi Naomi good is Suffolk Council and I'll refer this question to the council's ecologist James Mann. But probably just worth noting that, although a site visit was undertaken by us this week, it happened to be a coincidence that the applicants will also be visiting the site at the same time rather than an arranged site visit between us all to visit there. I'll pass over to James Mann. Thank you. Thank you.

35:34

Thank you, Mom, James Murphy, Suffolk Council. And I think on the point of whether it's what we learned, we would agree with the applicant in their conclusion that it isn't following the site visit this week. I would say that that's not what we learned as priority habitat. We do consider it as its lowland mixed deciduous woodland, that's also a priority habitat. So in terms of its status, in that sense, it's still conservation important.

36:01

But no, we wouldn't consider it to be wet woodland. And is that for the same reasons as the applicant has just described? Yes.

36:10

Thank you very much. Thank you. Could I ask the same question of Suffolk County Council if they would like to reply to that?

36:24

Good morning, ma'am. Andrew Murray would start the County Council. Oh, yeah. Just to confirm the first point is that it was pure happenstance that we happen to bump into real house gaming and Mr. Mayer and I had agreed to go out there and meet and look at the wood together. So that was a coincidence. But yes, certainly. Whatever else has said that this is not a wet woodland has a wet edge and after the extraordinary amount of snow that we have in the standing water there's all over South Africa at the moment. There was no standing water within that woodland.

37:00

Second, Mr. Mayor's comment this of course lowland mixed deciduous woodland and other the third comment which of course that rivers and streams are Suffolk priority habitats as well.

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Thank you very much. Thank you, Mr. Murray would

37:18

okay I'm going to now offer the opportunity to seize because I know that they have quite a lot they would like to stay on on this matter.

37:29

Good morning. Thank you mom for allowing me to speak.

37:33

I'm very glad that the applicant has finally made it to the woodland because the submission before this one, they were assuring us there was no hairy dragon fly. And they were actually looking at the wrong work area. they assess work area nine whereas this is work area 19. So the fact that there is a woodland there is and that they recognise there's a woodland there is very important and as it's broadleaf woodland it is a priority habitat and is of conservation importance. When we visited it, it was definitely wet. And you probably are aware that the RSPB operates a sluice system to control the water levels in the reserve which are only a few couple of 100 metres downstream. So I presume that the solution has been operated and the water levels have dropped. However, it's still an important area it has the important mix canopies, which are suitable habitat for Nightingale and turtle Duff. They too are protected species they may not be within a triple si but they still exist. They have been recorded their local residents have heard them there. And so I would say that it may not be a wet woodland. If all ecologists agree that's that's their superior knowledge. But on the other hand, it is an important woodland and it has been eliminated or rather not seen so far properly in in plans and hasn't been taken into account in terms of the crossing or the trenching and the habitats that it provides and the wildlife it supports has also not been taken into account.

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I think

39:32

that

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yes, unless Miss Miss Mosley would like to say anything. I think I'll keep that there for now.

39:43

No problem. And Miss Mosley. Do you like to make any comments on this matter?

39:53

Thank you, and can Mosley proceed just to reiterate and backup everything Jill was just saying

40:00

And we are glad that the applicant has acknowledged that it is actually a woodland, even at all as it didn't exist on their original plans and whether or not it's a wet woodland, or

40:15

you know, or a lowland mixed deciduous woodland is still, along with the river, absolutely a priority habitat, which supports many number of rare species, which all feed in to the triple si area just slightly further down the stream. So if there was to be a crossing there, it was completely sort of almost behead that triple si area, there's just a few 100 metres down the river. So just to reiterate, it's important ecological importance and how much it needs protecting. Thank you.

40:54

Thank you very much. And would cc's like to comment on this matter as well?

41:05

Thank you, Mom. I'm looking at the I'm looking almost at the wetland myself at this moment, because it's just about 100 yards from where I'm sitting. It's certainly worth underfoot. But I'm certainly not an expert in these things. So I have to defer to the, the qualifications of the ecologists. Thank you. Thank you very much.

41:30

And before I return to the applicants, is there anybody else who would like to comment on this matter?

41:40

not seeing any raised hands, so I'm going to return to the applicant if they would like to come back on anything that anyone has raised. With regards to the wet woodland potential wet woodland

41:55

concept, half the applicant, I'll just ask Claire Smith to respond to any matters. Thank you. Thank you.

42:02

Thank you, Claire Smith on behalf of the applicant. All those points and comments noted, I would just like to reiterate that the applicants have not not identified it as woodland it is shown on the plans accompanying the extended phase one habitat survey that supported the application. And so yep, just to make that point, double count has been identified and trained on plants and acknowledged in the assessment as a woodland. Thank you. Thank you.

42:35

Okay, in that case, I'm going to move on to the second item. Under this matter, which is the adjacent meadow, hairy dragon fly. Again, natural England has received communications, which they say support submissions that the area adjacent to the 100 River hasn't been cultivated for some time, and is not only likely to be suitable habitat for the heavy dragon fly but also have high ecological value, which they state is contradictory to the evidence submitted in the environmental statement. So the first instance to the applicant's natural England has requested that relevant evidence is submitted to properly characterise his area of land.

43:17

If you've been up to the wetland, I'm presuming that you've also been out to this meadow. Do you intend on submitting further evidence in relation to this area?



43:31

classmates on behalf of the applicant, I can confirm that as part of the site visits earlier this week we have undertaken habitat assessment of the adjacent Meadow to the 100 River crossing and the findings of which will be submitted at the next deadline.

43:49

However, if the panel will allow me to I can provide a response initial response anyway with regards to the hairy dragon fly. And just before I do so, in particular around the comments, which were received at deadline five and seas, and the comment that was made it and submitted it deadline five related and drew on comments made by natural England at deadline two. Now, I would like to just make the panel aware that those comments from natural England at deadline two related to works at the onshore landfill landfill sorry, Entry Exit pit that is located within works number eight, whereas the CS comment referred to the planned river crossing which we as on behalf of the applicant have assumed that this is the 100th River, which is acknowledged and agreed that this is within works number 19. So, just to recap, reconfirm that so the position and the response that we the applicants provided to natural England's comments on the hairy dragon fly related to the landfall. entry and exit pits, not at the

45:00

Refer.

45:01

Okay, thank you. Thank you for clarifying that. But yes, I do think it would, if you could take us through or briefly explain what you have found this week when you have done further survey we work of this medal that would be very helpful.

45:18

Yep, transmit on behalf of the applicant, no problem at all. So in terms of the site visit, which was undertaken earlier this week, and again, the surveys were undertaken by suitably qualified ecologist and informed by species specific guidance and standards, namely, but not limited to the natural England standing advice guidance with regards to invertebrates survey mitigation for development projects.

45:45

So just as background, the heavy dragon fly habitat requirements comprise of clean and still waters, with lots of emerging vegetation, and including common club brush, fence edge and true bulrush. They also require open sunny areas with dense vegetation for protection, and they are susceptible to poor water conditions.

46:07

So their preferred habitat generally, by a rule of thumb is limited to ditches within areas of grazing marsh. So as presented in the environmental statement as submitted for the application, there was no evidence of suitable habitat during the 2018 and 2019 surveys and hence, no identification for specific invertebrate surveys to be undertaken. However, it should also be noted and for the panel to be aware

of that there were no records of hairy dragonfly which were returned to the applicants for the area within or surrounding the 100 River crossing location. So the desk study equally informed and supported the conclusions that were drawn through the field surveys at that time.

46:52

As as already mentioned, we are the applicants have since we visited the site of the 100 River crossing earlier this week, and assess the habitat conditions at the 100 River crossing itself and the adjoining grazing Marsh which again we have assumed is one in the same as the adjacent Meadow which is referred to by sees no emergent vegetation was identified during the site visit earlier this week. And limited Bankside vegetation was also noted with the key species including but not limited to, Bramble, nettle teasel perennial ryegrass being the the key ones that were noted.

47:29

And I will refer to the adjacent Meadow as the grazing field as that is what we noted during the site visit earlier this week, it was noted to be grazing field with cattle stock present at the time of the survey. The key species within that area comprise the perennial ryegrass, Yorkshire fog and open muddy areas. Therefore, in combination with those species, and habitat characteristics recorded it has been concluded by the field ecologists that Harry dragonfire unlikely to be present due to the absence of their habitat requirements as I mentioned earlier.

48:09

By no means, though, does that mean that they are completely discounted that there will be the applicants as have made the commitment for pre construction surveys, specifically at the 100 refer, but equally along the entire onshore development area of which will include updated habitat assessments with regards to invertebrates, and including the hairy dragon fly

48:33

the findings of which from those pre construction surveys if they differ from that, which I'm reporting to you today, then subsequently mitigation measures will be identified in and in turn implemented.

48:51

In terms of

48:54

the watercourse crossing method statement, there is within that document, which has an updated version of that will be submitted at deadline six, this will be secured equally under requirement 22 of the DCA and that document will require approval by the relevant planning authority. So therefore,

49:15

the conclusion at the moment is as it was previously, we remained to be on the conclusion that hairy dragon fly habitats, requirements are absent. However, through the implementation of the embedded mitigation measures and the commitment to be for pre construction surveys to be undertaken. The measures are will be identified if required. Thank you. Thank you very much. And I think natural England did actually have actually said in relation

49:42

to the ecological management plan which we'll we'll come on to a bit later but they would like preconstruction service for the entire red line boundary for the hairy dragonfly. Is that something which you intend on doing? Claire Smith on behalf of the applicant? Yes, I can confirm that will be Thank you.

50:00

In that case, can I turn first to East Suffolk council to ask their opinion on

50:09

whether the meadow has been properly covered, characterised within the environmental statement, please?

50:17

Hi, thank you, Naomi Gould, a separate counsel. And so in relation to we know, natural England's comments in relation to Harry's dragonfly and this is not something which we ourselves have, have raised as a particular issue. So we're sort of being overseen reading and waiting. We'll wait and natural England's further comments on this. And did you want further from us? No, I think naturally, it wasn't just guess naturally did say that. It was likely to be a suitable habitat for the heavy dragon fly, but also that the meadow was likely to be of high ecological value, which wasn't how it had been characterised within the environmental statements. It was just really whether you agreed or disagreed with that. Okay. Thank you for that clarification. I refer to James Madison on that second point from the council. Thank you.

51:12

Thanks, Mom, Jen, James Murphy, Suffolk. And yeah, I would say the meadow particular piece alongside the river before it heads a bit more up the hill is it's pretty floodplain grazing Marsh, which again, is a priority habitat, and it was cattle grazed at this time. So yes, it again, it's got an ecological value as part of that suite of habitats along the 100 River. Okay, and I know you're satisfied that it has been correctly characterised within the environmental statement. And, yes, I think, I mean, it's recognised as possible even prove grassland as its phase one category, which is possibly a fair, and phase one categorization and but it can still be a pain, Gray's Marsh priority habitat as well. So and that character, sort of the priority habitat characterization sort of reflects its use and management as well as its its species composition. So

52:09

yeah, I think we would say as that habitat.

52:14

Thank you very much, man. Would Suffolk County Council like to respond to that?

52:23

Andrew Murray would Suffolk County Council very little to add to that, which has been said already, particularly Mr. Mayor, other than to very much welcome Miss Smith, confirming that the there will be a

complete survey within the redline boundary for every dragon fly, which of course will reveal them a number of other things as well. We just had the comment that Harry dragonfly does seem to be on the app in this particular part of software. So we welcome the further survey effort. Thank you. Thanks very much. Sorry, would And could I also ask and sees their comments relating to this matter, please.

53:05

Hello, this is Joe Hawkes. Thank you very much for inviting me to, to reply.

53:11

I've put up several photographs, which are not so controversial is the locations of budget sets, images to a sort of images one to four, show various

53:26

images of the the wet Meadow

53:31

there for a second just for anybody who is watching or trying to follow along just to let them know the examination might be referenced for those graphs, of course,

53:40

is 083 and as 078 Thank you very much.

53:48

And Miss Miss Gould I think your cameras just popped on there.

53:52

Thank you very much. Okay, Dr. Horace, that's fine area for reminding me of things I should have done. So image one shows the meadow or the the grazing Marsh image to show some rumex which as we know is forage for many lepidopterist species. Image three shows likened in the meadow image four shows burdock and my point in picking out just four of these things is that it is a suitable habitat for all kinds of invertebrates. And although the applicant has dismissed the fact that this is a major Beeline, which is above line, having spoken to above life, they say that these designations should be considered as connecting and including the best remaining habitats. Therefore significant invertebrate populations should be recorded as potentially present. So not just the hairy dragon fly However,

54:56

there are two ditches or catches going through

55:00

Wrong the river 100 on either side of the red area except one of them will be, I think taken out by the red area, those ditches are particularly rich like the unlike the river 100, which does have seasonal rains, they do not move very much they are very good

55:23

habitat for larval stages of various dragon fly. And there are many observe dragon fly in that area, including the Harrier dragon fly, I have seen it myself.

55:36

So, the irrigation from the river 100 of the grazing land, makes it really quite a rich environment. And it has also been in stewardship for at least seven to 10 years, which of course means that there's been limits on spraying limits on cutting and the cap the cattle that were observed there by the economist, he went there last week, and they're all the time they actually move up and down the valley to the other wet meadows. So I would disagree with the applicants that that's it for the hairy dragon fly. I think that the hairy dragon fly is alive and well. And is has plenty of habitat in this priority environment. And that a proper survey should be undertaken with proper

56:33

guarantees that their habitat will be protected. And I would hope that they could their complete survey will finally acknowledge the champion oak that is in the middle of their cable corridor. I've sent in images of that, but not in this particular set of images

56:53

and as well as the

56:58

means of avoiding destroying the woodlands. Thank you. Thank you very much, Dr. Horrocks. Would cc's like to make any comments on this item agenda?

57:12

Thank you, Mom, Bill health IT WAS ISIS.

57:18

Only little to add to what you've heard from CS. I just want to mention, and no one else has mentioned the many Metro in question

57:27

is, is part of what was the river, the Oregon river 100 special landscape area and has a local authority designation, recognising the whole of that valley River Valley has

57:46

special characteristics. From a landscape point of view, I realised this hearing is not about landscape. Before you tell me tell me that.

57:57

Dr. Horrocks mentioned the ditches and drains, they actually are called drains. And these drains have been here for a long time, in fact, could be several 100 years. It's difficult to establish that.

58:10

And one thing that I would also say we're talking and talking about whether this is wetland or not wetland,

58:17

maybe six 700 years ago, less than that probably this was very much wetland In fact, the river covered the whole the river 100 covered a much, much wider area, it was actually navigable. So when we we sort of argue or discusses the word wetland now, I think we're

58:36

a little bit sort of semantics really, because it probably it almost certainly was, and we may just have the vestiges that appear from time to time.

58:48

One thing that also wasn't met with regard to the meadow

58:54

I suppose in the past, it could well have been a water Meadow when the work when when the river

59:01

was higher. And that is a possibility. And that might explain these rather mysterious drains as we've put them that

59:11

could they could have been used for irrigation.

59:14

And the final thing I wanted to mention about the metal is I think it's part of the meadow is just above the meadow. I'm sort of looking at it at the moment is a rather peculiar mound, which has

59:25

hasn't been mentioned, and I'm sure has its own very special habitat because it hasn't been used for anything for so many years, probably hundreds of years. But I'm really that's all I wanted to say. Thank you very much. Thank you very much, Mr. hallford.

59:44

I'm just before I return to the applicant, would anybody else like to comment on this matter?

59:55

I have a hand up from Canon Mosley

1:00:00

Thank you, Kenny Mosley on behalf of seeds. I just wanted to

1:00:05

add that very simply that I do think the meadow should be

1:00:12

considered as a priority habitats.

1:00:16

Thank you. Thank you very much. Mr. Mosely.

1:00:22

Could I just ask you to do your hand Mr. Mosely, please.

1:00:27

Thank you.

1:00:29

Okay. In that case, I will return to the applicants, please if they would like to respond to any of those points raised.

1:00:39

classmates on behalf of the applicant.

1:00:42

We note the comments and points that have been raised just now, I would just like to reiterate that all surveys have been undertaken by qualified ecologists in accordance with guidance. And the conclusions that have been made by no means dis dismisses them from any other further consideration. The pri there is the commitment for the pre construction surveys, and the implementation of embedded mitigation measures for the crossing of the 100 River. And, and I would just yet just reiterate the point around the pre construction surveys that there is the commitment that they will be undertaken, and they will be done. So the findings of which I will either confirm obviously, conclusions made already and or amend alter future mitigation measures, subsequent further surveys that may be needed before the works are commenced. Thank you. Thank you. And just before we move on, then just to confirm that the results of any survey or assessments that you've done this week, both on the meadow and on on the woodland area, they are going to be submitted by find six

1:01:51

deadlines seven I think

1:01:54

deadlines seven, I think I and I will just double check with with

1:02:01

Brian, if that's okay.

1:02:08

Prime umbrellas for applicants. Deadline seven is a week after deadline six, I believe we will, I think need to compare with the ecologist see how quickly the survey results can be written up. We will try and target that line six, but I'm conscious that it is it is next weekend surveys only were undertaken on Monday.

1:02:30

But if it is not that length, sexual sign up deadline. But we can confirm that later today. Yeah, I think on behalf of the examining authorities, we would like that information by deadline six if at all possible, please so that people have more opportunity to comment. And in particular for natural England, we would need them to do respond given their outstanding comments that we have at the moment. So deadlines six really would be the ideal in that case, please.

1:03:00

Dr. hikes, as you see you've got your hand up. And we have finished this item now because I have returned to the applicant. Is it something new that you would like to raise because I will have to return to the applicant again after you if it is I was just concerned that the surveys are taking place in winter when everything has been under heavy snow. And so I'm not really convinced that they will see the richness of the ecology. That's all common. Thank you. Thank you Dr. Hart. So that's something once that has been submitted, obviously, you will have your right to respond to that by the next deadline. So I would suggest that you do that. And before I move on, would the applicant like to respond to that comment by Dr. Horrocks?

1:03:47

classmates on behalf of the applicant, I would just reiterate that in terms of habitat suitability, and assessments can be made at this time of year, it is acknowledged as a limitation but nonetheless does not alter the conclusions that have been drawn on from the surveys this week. And perhaps perhaps that's something that could be added to your submissions it deadline six to to address that point.

1:04:14

Claire Smith on behalf of the Africans. Yes. Thank you.

1:04:19

Just before we move on Dr. Horrocks, can I just ask you to to lower your hand please?

1:04:28

Thank you very much.

1:04:30

Okay, and the final item into the 100 River is the water water cost crossing method statement and really just for the for this and it was just to ask the applicants for an update because we were expecting an updated water costs crossing method statement. I think this was mentioned at the last issue specific hearing Could you just provide us with an update on whether we are going to get an updated version of that a deadline six



1:05:00

Regardless for outcomes, just not the outline what of course cost method statement will be submitted deadline six. And that will take into account natural England's comments with regard to downstream effects within the SP and triple si. And just just before we move on and something that CCS have referred to in their deadline, five submissions was an option of micro tunnelling and at the 100 River, which they said was something that was was discussed before the application was submitted. Could you just take me through whether that option was looked at or whether that could be included in the water costs watercourse crossing method statement as well?

1:05:41

Yep, Bremen, Carlsbad outcomes. We looked at a number of transfers technique crossings of the of the 100 River and concluded that they do and the viable solution was an open trench crossing. The key driver for a lot is that it's not just the watercourse of 200 river that we would need to be crossing it's also the woodland to the west of the River Delta road and also then the woodlands to the west of the road. Because the footprints that would be required for the dam through pet snakes and pets for instance, for those transfers techniques out would be such that the clearance required within the woodland with an RV would be would be excessive for for that area compared to the alternatives which would be the open trench crossing. The to add to that the measures the construction measures and the mitigation measures that we have identified within the art lane watercourse crossing methods deal with itself. We have been considering for for for quite a while.

1:06:44

But we adopt with the impacts of the trenches techniques, to our mind concluded that they open trench solution was the most

1:06:54

environmentally acceptable means of crossing thoughts. That cascade of obstacles down the river, the woodland Delta road under woodland to the rest of Beltre.

1:07:07

Thank you very much, Dr. Harris, I can't see your hand up, I am going to come to everybody in turn for this item. So we'll come to you in just one moment. So first, I will go to East Suffolk Council and then to Suffolk County Council to ask if they have anything they would like to add on this matter.

1:07:30

not seeing any raised hands there. So in that case, I will go to see sorry. Sorry, sorry. My name is

1:07:37

James metric free Suffolk we had a naming

1:07:40

confusion about who

1:07:43

knows, I think we welcome sight of the updated outline water cross crossing method statement at the next deadline. So we've got some concerns about the amount of potential habitat clearance proposed under the current statement. So be it see if that's addressed in the next version.

1:08:01

Thank you very much.

1:08:04

Suffolk County Council.

1:08:08

Hello, and my word, Suffolk County Council. Nothing further to add to that other than Of course, just simply to record that rivers and streams are UK priority habitat along with a Suffolk priority habitat. Thank you. Thank you.

1:08:27

And Dr. hikes proceed.

1:08:30

Thank you, I was actually going to say something very similar, which is there's a lot of habitat clearance going on here. And there is no mitigations for it. I think I don't want to repeat myself I did put in the written submission that the small bit of woodland that is proposed to be planted is in a completely different area. And so, therefore, we will we will actually sacrifice both the river and the woodland and also wanted to ask the applicants about this question of irrigation from the river 100 which you can see on images five and six in a s 083. And as 078 the irrigation from the river 100 is a very old system, you can see that there are a system of ditches at right angles to the river all the way down the river valley to where it becomes thin and reedbed which will very likely managed to provide fetching and B skips and all sorts of stuff.

1:09:41

The problem is that these caches are still there. So anything that the river 100 carries the metals carry. And as we know that the water table is very high and the aquifer is very vulnerable around here. I don't think adequate

1:10:00

measures are being considered to preserve the wider habitat, not just the immediate medal but further downstream. And I would like to ask the applicant, if it will also reassess how it's planning to deal with this ancient setup for irrigation and the implications it may have for all the habitats further at the crossing site and further downstream. Thank you. Thank you very much. Dr. Horrocks would say sees, like to respond to anything on this matter.

1:10:41

Thank you, Mom, Bill hallford for Stacy's. This is a topic on which we we welcome the opportunity to speak having put several representations in previously.

1:10:54

The applicants responded to several of your panels and one question regarding the route 100 crossing, essentially to the effect that they would much prefer to use an open cut trench approach across the river 100 rather than the trenches approach, and tunnelling under the river, as, as the applicant has confirmed again today.

1:11:16

The applicants identified certain disadvantages we're using trenchless methods at that location. But I seem to me always with the assumption, I think that horizontal direct drilling was the only alternative method that would avoid risk to the root cause and to its neighbouring habitats and further downstream to the sandling spa. As Dr. Horowitz has mentioned. The applicants methodology provides a fair amount of detail on its proposed open cut trenched approach, but doesn't say anything about other non HDD trenchless methodologies.

1:11:51

And I know microtel has been mentioned, but for example, it has not provided any information on the feasibility and comparative advantages that might accrue from using microtunneling instead of open trucks. Now, it was actually a Scottish powers, ground engineering consultants, I did meet them at

1:12:10

the Scottish powers community consultation events in 2018. And they first mentioned microtunneling to me as it happens, as being a potentially less intrusive technical solution than HDD for the installation of underground cables.

1:12:27

And they said that it might well even be feasible, didn't confirm it, but they said it might be feasible to construct a cluster of tunnels from a point east of the river 100 underneath all of the following vulnerable features that is that will be tunnelling under the river itself, under that section of riparian wetland woodland, discussed earlier today, underneath the V 1122 old road, and finally beneath the woodland to the west of old Brook road between fixtures landing on an old court and then emerging at a point beyond that woodland with the woodland itself being protected under group tree preservation order scdc at 730. And so that would be emerging while away from human habitation. Now that might sound fantasy fantasy, but I'm not sure about word transform, fanciful, perhaps

1:13:24

ambitious. But I was assured that the distance involved which is around 200 to 300 metres according to the works plans wouldn't be within within the capabilities and experience of a civil engineering specialists contracted

1:13:40

by should perhaps such as scottishpower, used quite successfully on East Anglia one.

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So as I said, it might be ambitious. But we're that to be achievable. That would not be so much mitigation, but elimination of much of the damage to the diversity in Oregon, including loss of woodland

1:14:01

potential for flooding during construction, traffic delay, and I know that's another subject not for today, and utility service interruptions. So that would be quite a neat solution.

1:14:13

But however, I should add as someone whose home is probably the closest of any likely river crossing, I'm very conscious that microtunneling might also bring disturbance, and perhaps other problems residents living close by. And such matters would have to be weighed up because benefits as usual. But I think it's reasonable for us to have expected to some major international companies such as in vitro that scottishpower would have at least provided a professional quantified analysis of the pros and cons of the available methodologies rather than simply by plumping for just one as it has done other words to see something in writing. As I said, this is not the first time that CSS has raised this issue. We've repeatedly asked the that the applicants be required provided

1:15:00

Evaluation and microtunneling. Here, deadlines one, four and five I have the references, but I don't suppose you need them. But also far without without a response. So at this point and thank you for letting me go on about this. But all we're really asking at this point is the applicants publish it is expert report, they published a report on how how they would like to do a cut

1:15:26

trenching, but to publish the report, we should probably Who should I would expect already have to hand on the feasibility benefits and disk benefits of a microtonal solution that would protect the river 100 Riverside habitats, the tree preservation order woodland and road crossing, in one fell swoop, as one might say, and ideally by deadline six, but that's a bit of a joke, I realised they may not have it available by

1:15:56

I wanted to say this now, because as has already been said, Today, time is pressing on. And if there were, if there were any changes such as that to the plans, then the sooner considered the better. Thank you, man.

1:16:12

Thank you very much, Mr. halford. Before I returned to the applicants, does anybody have any final points they would like to make?

1:16:25

Okay, in that case, I will return to the applicants then please.

1:16:33

Mr. Ellis for the applicants with regard to Mr. Hallford commentary on the microtunneling. There to the best of my knowledge, there is no microtunneling report that has been undertaken, a little consideration of a number of trenchless techniques have been considered early in the project evolution. The two models that haven't been

1:16:58

expressed so far with regard to transistion techniques, one is the duration of of any transfers technique crossing of 200 River, the open trench crossing, we would envisage taking the maximum two months period. transistion techniques, as we've seen within the SP a crossing method statement as an example, it can take up to 11 months for a trenchless technique crossing off particular obstacles. That's due to the number of force that would be required. Appreciate microtunneling site different technology. But with microtunneling, we still require excessive or extensive excavations at the entry pits annex exit pits, which you don't have for a horizontal directional drilling technique. You essentially the checks are free to go in and then go horizontally across the obstacles. And again, they have to do the works associated with that would be

1:17:54

extensive in terms of time periods, and within an area with

1:18:00

a few residential properties are owned. We're concerned about the potential effects on on residential properties also. But we will certainly address whether there is an appendix within the outline watercourse crossing method statement that touches on the trenches techniques and the reasons why trenchless techniques have been discussing, we will certainly look at that full deadline sec submission and see if we can bolster the information contained within that appendix. That would be good. Thank you very much.

1:18:31

Okay, then I'm going to move on to other terrestrial ecology. I do note that many of the items listed within this part of the agenda are interrelated, so we don't have to stick rigidly

1:18:44

to them. For example, I know that there are concerns surrounding noise and bats. And but it does provide us with an opportunity to have a look at any outstanding areas of disagreement or where further information perhaps might be required. So in the first instance, I'm going to turn to bats. And if I could ask a specific counsel in the first instance, if they could

1:19:06

clarify that their outstanding concerns in relation to bats now relate to noise, and they're satisfied with the mitigation that is proposed for bats now.

1:19:21

Thank you, Mom, James. James meffre. Suffolk. Yes. So we had two particular concerns in relation to the impact on bats. One was construction impacts on hedgerows used by foraging competing bats. And

we've had discussion with the applicant through the statement, Common Ground process and the updated columns we feel is moving towards addressing that and understand there is an updated OMB deadlines six which would hopefully we'll be able to confirm that we are satisfied with the construction mitigation that they put forward.

1:19:54

But yeah, so in turning to our second issue, and that is around the impact of operational noise.

1:20:00

stations on 14 commuting and potentially risking that. And that remains an outstanding area of concern for us.

1:20:07

Could you could you go into a bit more detail in terms of of what information it is that you you feel is missing at the moment and what you'd like the applicants to do? Yes, certainly. So, in terms of the loss of information, they published on a noise and ecological receptors, and we thought that was based on modelling done in relation to human receptors and didn't necessarily look at the correct high frequency noise generation that would be particularly of an issue for bats and other insects in the area who have done similar modelling and have used eight kilohertz and 22 kilohertz.

1:20:46

And to to calculate noise levels, which then gives you a slightly better understanding of whether you've got potential to impact on bats in their race through eight kilohertz, or 22 kilohertz is the sort of bottom end of the frequency scale that will impact 14 commuting gaps. And we felt that yeah, that could provide this information in relation to the operational noise in substations. And just to allow an understanding of whether there is likely to be an impact and then a judgement on the significance.

1:21:17

And I think we did also set out in our last response, I believe it was sent around the statement regarding some of the species that have been recorded and some of the more vulnerable species and along with that, particularly susceptible to noise impacts wasn't recorded in any of the survey work. I think perhaps it might have been under recording that species. It's a relatively common bat species in Suffolk. But because it's quiet doesn't get recorded as easily on surveys. And so I think to say it's not there, which would perhaps be an unfair statement.

1:21:55

Thank you very much. Mr. Mayor.

1:21:59

Would Suffolk County Council like to respond to that matter?

1:22:05

Thank you, mom. And why would Suffolk County Council at No, nothing to add to Mr. mayor's comments, but thank you.

1:22:12

Thank you very much.

1:22:15

Would you like to respond to any of those points raised?

1:22:20

Yes, thank you. I would back up the brand longbeard birthday actually roost in my roof. And so they commute down Fiches Lane, which of course is a parallel row of parallel hedgerows, which is proposed to be well, half of it will be removed.

1:22:37

So yes, noise also affects birds, doesn't it? So, infectious zone we have Nightingale's there will be arriving in about a month. So it'll be too late for the

1:22:49

surveys. And the problem is that surveys are taken at a particular time. But as a natural England said, knowledgeable residents who know an area well, that you should not be discounted. So I'm giving you mine there.

1:23:06

The

1:23:09

Oh, am I allowed to talk about can it can I just ask this Am I allowed to talk about the location of bat roofs and birds? And as badges sets have to be redacted?

1:23:21

And in terms of

1:23:24

what information are you likely to give us? Yes. Am I allowed to say where they are? Because I've got obviously I can't publish a map of where they are. So can I go? Yes, you can.

1:23:36

Okay, thank you. Yes. And I wanted to support what the council ecologist. Thank you very much.

1:23:46

Thank you, Dr. Horrocks. Would cc's like to add anything to this to this item? Thank you, mom. No, I also would support the county ecologist and the district ecologist as well, what they have said, Thank you very much, Mr. hallford.

1:24:04

And sable soundings. Is there anything you would like to add at this stage?

1:24:16

Mr. Reeves

1:24:21

Hello, Miss Jones, thank you very much for

1:24:24

coming to me.

1:24:26

Could I just ask you, first of all, I think earlier on you mentioned that all ethology would be looked at at a later date in more detail. Is that correct? Or did I miss here? And offshore ornithology? offshore? Okay, thank you. And then I'll, I'll include it if I may, because everything is absolutely interrelated, as you can imagine, in terms of ecology here.

1:24:51

But first of all, with this question of bats,

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the area's like I'd like to just speak about our

1:25:00

plots 10 and 13. And the track which runs between those two areas and the ancient hedgerows on that track, plus referring to the important hedgerows and tree preservation plan, and that'll be important hedra three, and to a lesser extent before and she two

1:25:23

important hedra three is designated to be demolished.

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The area that I'm talking about to be more colloquial about it is surrounding an extension of the territory and grounds of ness house and Warden centre running on down the track that heads towards the landfall site. Now, in and around this area, in the woods surrounding this house, the track I've mentioned the hedge rows, and also roosting in the stables field shelter shelters, and copses. In that area

1:26:03

are bats

1:26:06

identified as common pipistrelle, and a slightly larger savvies pipistrel.



1:26:12

These are common bats. But their environment is completely dependent upon the natural world that they live in, they're functioning properly. As far as I know, there's been no actual survey of the bat population in these particular areas, which I think is something that needs to be addressed and needs to be completed. As far as I can see before this examination completes.

1:26:40

The fact that these bats feed on airborne insects to the to a larger extent,

1:26:46

also brings in the fact that these tracks and hedgerows and copses are incredibly species rich in wildflowers, and also in insects.

1:26:59

The impact that the works here and i'll come on to exactly what I mean by that, not just the the cable corridor works and associated lay down and set down areas and road haul roads etc.

1:27:14

But the impact on this area on those insect species will be enormous and, and it's not just ordinary insects, as you might say, recorded here eaten last year and in the last previous few years. We're interesting species such as the hummingbird bird Hawkmoth, specifically this month depends on red, Valerian, honeysuckle, Petunia, and other nectar rich flowers. Currently, as I say, these particular species are included in the many wildflowers along these these tracks.

1:27:50

Now, in terms of the birds here, if I may speak about those briefly.

1:27:56

These also nest both in the the woodland, the hedgerows, and the same stables and field shelters that I've mentioned particularly swallows which have been returned into the same nesting sites and through multiple generations in fact, as far back as local memory goes.

1:28:15

But in the last five years since the surrounding land, which is now designated to become an industrial site has been returned to arable use.

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Some particularly rare species woodlark Marsh Harrier and a much remarked on Rarity returning the last couple of years firecrest have been spotted.

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These join the other winter in summer visitors reliant on the environment described around these particular areas and also plots 1214 nearby as well. I

1:28:54

won't go into the extensive details but lapwing redwings Martin's fieldfares migrant warblers, including garden and jetties, together with an outstandingly rich and diverse population of British field and garden birds are 70 dependent on this area.

1:29:14

I don't have much more to add really, but as with the backs, and so with the amphibians and reptiles that frequent the naturally occurring ponds, and also seasonal water features, a result of this underlying chalk aquifer layer I've described in detail in submissions or deadlines four and five.

1:29:36

Now,

1:29:37

this there are increasingly rare species here. Not just frogs and toads, which themselves become increasingly rare, but lizards grass snake adders, smooth steak, slow worm and easily viewable in the threatened wildlife pond autumn centre itself. newts including the great crested and several protected species of dragon fly and

1:30:00

damselfly as far as I know, no survey or mitigation is planned. With regard to the species. We've heard a lot about mitigation of reptiles. When SPR we're considering Breen covered,

1:30:15

but this seems to have disappeared. And as far as I know, there hasn't even been an independent survey of what wildlife is in these particular areas. I'm not coming to the end of this, this is a very small snapshot of an even smaller percentage of the flora and fauna in the area I've been referring to, and this will have its long standing natural environment destroyed permanently by not just the industrialization of a whole area. And by that I mean not merely the cable trenching, the lay down area, the whole roads, the demolition of Hydros copses stables field shelters, but by process due to start next month, which we don't hear much about from the applicant, the digging of over 30 trenches, numerous deep bore holes, which, as I've given evidence of in previous submissions are very likely to breach the aquifer layer. And this is an accurate Archaeological Survey, so termed

1:31:11

pre consent, and it forms part of the process we heard off in detail from Dr. jimson. Yesterday, rather shocking for many of us the aggressive pressure from the applicant to acquire rights overland pre consent,

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by the process that we heard of in the examination yesterday of compulsory acquisitions.

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So what I would ask for please is that survey, but survey, aquifer survey, reptile amphibian and lizard survey independently conductive and specific plans for mitigation measures, please not merely the I'm afraid rather familiar and stock answer will try to make sure we do the things well. And this really needs to be completed during the course of your examination.

1:32:02

Meantime, I will include for deadlines six the applicants own map of the planned trenching for the pre consent Archaeological Survey, so that we can all see the extent of that planned devastation.

1:32:15

Why Finally, is this area so rich in species? Is it unusual? No. It is not. It is part of the AONB. equalisation diverse, equally as rich and species, as we've been hearing from other contributors today whose whose representations I fully support. And that's why it's called an alien be. That's why it's protected.

1:32:40

And at that point, I'll leave things today. Thank you very much indeed for this activities. Jones. Thank you.

1:32:49

Thank you very much. Mr. Reis, I'm going to now return to the applicant to I'm going to suggest is obviously, Mr. Reeves, you've raised quite a number of points there. And and obviously, the council's and I was raised points, specifically to batswana suggested that the applicant comes back now on any of the matters related to bats. And then perhaps at the end of this section, if they wish to do so in the hearing, they can comment on anything else that you've said, or they can respond

1:33:19

by deadline six instead, if that's what they prefer to do.

1:33:23

Thank you very much did.

1:33:26

So if I could just return to the applicants if you if you wanted to come back on any of the points raised with regards to bats. Thank you, Claire Smith on behalf of the applicant. So just on the matter of bats. And so there have been a suite of surveys undertaken to date across the onshore development area of where suitable habitat for either roosting foraging or commuting bats

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have been identified. And so those surveys were undertaken in accordance with with the industry guidance and by suitably qualified ecologists, and the findings all of which have been used to inform the assessments presented in the application

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in terms of

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the findings from those surveys and in turn and kind of concentrating really on the comments around the substation. So in combination with the field surveys that have been undertaken, desk based study was also undertaken which involved obtaining records were available with regards to bats, roosting and any other records that the biological record centre held.

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And

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all of which, along with survey findings desk based findings informed the impact assessment that was presented in the environmental statement. The applicants do acknowledge and as highlighted by a Suffolk counsel there, the brown long eared bat is common and widespread across Suffolk however, the sweetest

1:35:00

surveys that we did undertake around the substation did not record this species. And we are not just solely relying on one type of survey. The surveys did include emergency entry surveys monthly walked activity transect surveys, as well as static detector surveys. And it is acknowledged that the CIO for the substation in particular to static detectors were deployed. Within that, within the order limits at that location, it is acknowledged that one of those two static detectors did fail on two of the four surveying occasions, but the other static detector remained operational, fully operational through that for surveying occasions. And equally, the static detector data was used in combination with the data obtained from the monthly walk to transact surveys. So, ultimately, those results did not record brown long eared baton therefore, that wasn't a species considered within the assessment. And in terms of

1:36:09

next steps, as previously mentioned, the applicant has made a commitment to undertake pre construction surveys. And this includes both bat activity and roof surveys prior to the start of any construction, just touching on one of the comments earlier around this that surveys need to be undertaken. Now, unfortunately, they are seasonal, seasonally constricted, so surveys for bats will not be undertaken until the optimal surveying window, which is typically May to September.

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And in in terms of responding to comments made by East Suffolk council there in terms of the noise modelling that's been undertaken, there will be a responsibility to deadlines six by the applicant. And, and

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I can confirm, however, that in terms of one of the comments made were around the use of ultrasonic components at the substation, I can confirm that there has been no inclusion of ultrasonic components, because that is not known at this time, and therefore has not been considered. But as I mentioned, the

full responses will be provided at deadlines six, and that's from a battery perspective. But just following on and picking up some of the points which were later mentioned about other species. And, again, as part of the application itself, a suite of a whole suite of terrestrial ecology surveys were undertaken. They did include birds, they did include a DNA surveys for great crested newts, habitat assessments for reptiles for fruit just to name a few there, again, to reiterate and confirm again, that the applicant will be undertaking suite of pre construction surveys, which includes those surveys. In respects to great crested newts and badgers, and any other European protected species, they will be subject to mitigation licences if deemed and identified as being required from natural England at the moment, the based on the survey findings to date, and

1:38:21

protective mitigation licences for badgers and great crested newts in their draft form have been submitted to natural England to obtain the letter of no impediment. That essentially includes a whole draft licence application submission being made, which includes a method statement schedule of works, and the obligatory application form. So that's going through a process at the moment, but there will be through the completion of the pre construction surveys, those draft licence applications will be reviewed to make sure that they have up to date information

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and subsequently submitted formally for the formal attainment of the respective licence applications.

1:39:04

Thank you. Thank you. And could I just confirm with the additional noise information that you're you're going to put in a deadline six, will that include a response to the points raised by Mr. Mayor that other entities in the area have used a different noise rating to what's been submitted so far in this application and this examination?

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classmates on behalf of the applicant, I don't recall that specific comment made in a suffix councils representation. However, I have noted it and I will ensure that there is reference made to that in our submission at six. Thank you very much.

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Okay, and in that case, I'm going to move on to

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budget now this is a question for the applicant for in the first instance. And it's something that natural England raised actually in their deadline five submission

1:40:00

Which is that you state where possible known sets will be avoided and that natural England off saying that main sets are likely to already already be known and therefore should not be an issue in avoiding them during micro sighting of the cable route. Can I just ask for your comments on on that, please?

1:40:22

classmates on behalf of the advocate. So in terms of badges, and the information that the or the conclusions have been made to date have been on the survey findings that we've completed to date, we have been made aware or are aware of potential sets. This is no surprise given the mobility of badges

1:40:44

and suitable habitat being present in terms of I will reiterate again that there will be the pre construction surveys for badges undertaken post consent and preconstruction the findings of which will identify any changes since our surveys undertaken to date or to ensure that the mitigation measures and licence applications will be using up to date information. In terms of micro sighting, I will defer to Brian McGrath is on that on that point. But essentially, just to finalise my point, in terms of we know where our budget sets that we've recorded to date, we are aware that things may change. But through the commitment of the pre construction surveys, we'll be making sure that the application has up to date understanding from the budget perspective. Thank you.

1:41:36

Thank you.

1:41:47

Mr. McGraw is going to come in at that point. Yes, soccer.

1:41:53

Amerock. Brian Morales are the outcomes out really respond to the bunch of set point the deadline six, we are aware of locations off main sets. I don't believe any are within the order limits itself. But one spine spine in particular, that is within a 30 metre catchment of the of the elements. But yeah, I'll say we'll respond in detail at that length six.

1:42:17

Give me a brief overview of what that response will say, please. Yeah, so the letter of no impediments. Submission that was issued to natural England identifies the location of sets, and also disused sets that are within the onshore development area and the mitigation measures that we have identified to to mitigate the potential for impacts on biters. So we will reproduce that that mitigation towards mitigation measures, there is also a method statement included within that

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letter of no impediment submission. And we will reproduce that method statement also.

1:42:56

Very much.

1:42:58

Um, can I just quickly move to a subject council if they have anything they would like to add with regards to budget.

1:43:08

Thank you for joining us for free Suffolk. Now, we've got nothing specific to add, just to echo the point about the need for pre commencement surveys to be thorough because the situation with budgets can change quite rapidly, and how they behave. Thank you very much. And Suffolk County Council.

1:43:28

Thank you, ma'am. Andrew Murray, would Suffolk County Council do very little to add to that. They do move about a bit. Thank you. Thank you.

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And next to seize.

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Thank you, mom.

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I just wanted to check

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in the photographs that I sent which have been redacted. And this was largely because local residents in Friston were very concerned that the sets that are particularly on the substation, which are not being mentioned,

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have been recorded, especially as there's another very large one appeared right near where the entrance would be.

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I'm very aware that I shouldn't say where they are. However, they do exist. And we are not at all convinced that you have recorded that they're there and that you're going to take account of them in the substation site. Thank you.

1:44:29

Thank you very much Dr. hikes.

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And would Stacey's like to respond to anything in relation to budget please?

1:44:40

Thank you, Bill healthfood for sizes. And just to say that badges are really one of the very few species that we haven't seen in the river 100 area. That's really what I want to say.

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Thank you very much

1:44:56

and and save our soundings

1:45:06

Port Angeles, Los Angeles. Yes, I really only have one comment. And that is what we welcome the pre construction surveys. What happens if they reveal a result that can't be mitigated against, because you're already committed to the to the cable drenching?

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Thank you very much, Mr. Chandler, I'm going to now return to the applicant to respond to any of those points raised.

1:45:35

classmates on behalf of the applicant, just coming back to one of the points around the recording of budget sets at the onshore substation, and we have not not recorded batches there. And that is evidenced through the plans and the application that's been made to natural England from the letter of no impediment process. And in terms of the just the last comment there around what happens from the findings of the pre construction surveys, and in terms of the timings of those pre construction surveys, whilst ensuring that they are undertaken within the optimal surveying window for the respective species in question or habitats in question. And they will be appropriately programmed to enable so they're not left to the last minute essentially, so that they are undertaken with due care and timings to inform should they need to any changes to propose working methods, if in the instance for for example, that active budget set is is found slap bang in the middle for want of a better expression of where proposed cable works? proposed, then we would be looking to seek for the destruction of said set. And in turn the implement the recorded sorry, the implementation of the required mitigation measures in order to satisfy natural England's criteria in in seeking the destruction of said set. Thank you. Thank you very much. nutcase. I'm moving on to noise. But actually, I think, in the main, we have actually already covered the majority of items that I wanted to talk about today, which related to bats. So in that case, what I'm going to do is ask anyone to raise their hands if they have anything else they would like to raise in relation to noise before I move on to air quality.

1:47:33

not seeing any raised hands, I'll take that as a note. And moving on to air quality. I only have one question in relation to this matter to the Africans. And that was really if the Africans and then the council could provide an update on the status of ongoing discussions with regard to the commitment to stage five compliant and our Mmm, and when we should expect this to be resolved.

1:48:03

classmates

1:48:06



sorry, classmates for the applicant and in terms of air quality and potential impacts on ecological receptors. So as mentioned earlier in the conversation, and we have held LD applicants have held a statement of Common Ground meeting with a Suffolk Council and Suffolk County Council on the matter of air quality and potential impacts on ecology, ecological receptors, and the council's have advised the applicants that they are deferring

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the advice to natural England to take the lead on this. This is purely to avoid duplication and to ensure a consistent approach. And by no means are they removing their right to comment at a later point.

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In terms of natural England's comments, the applicants have noted and are under review their comments and a response to those points and subsequent additional evidence will be submitted at deadlines six

1:49:07

image

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good I intend to the council

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to ask if they agree with that.

1:49:17

I think a sub counsellor named Gould speaking and just to provide a summary of this and I'm going to pass over to Mark Dr. Mark Broomfield, who's the council's air quality consultant working on this

1:49:34

Good afternoon. My name is Mark Broomfield from Ricardo Energy and Environment representing East Suffolk Council.

1:49:42

So yes, just to confirm that in relation to air quality impacts on terrestrial ecology. And Isa council does have one unresolved concern, which is, as you pointed out the potential impact of emissions from non road mobile machinery at the landfill area.

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So it's a positive step from when we start

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This at hearing five East Africa council now agrees with the applicant that either stage four or stage five NRM would be acceptable. So I think that's that's progress towards an agreed position.

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But again, as as we've just heard, a sofa council does retain concerns about the impact of NRL m on terrestrial ecology, as does natural England. And those concerns are in Appendix C six to natural England's deadline for submission. So natural England has asked them further questions of the applicant on this matter. And, again, as we just heard, we won't seek a duplicate those questions but we will remain engaged in those discussions. And the aim is to reach a common understanding of potential impacts and appropriate controls that can be applied in the code of construction practice. And no doubt this will also inform your assessment of impacts on European sites, which I think you refer to in your introduction.

1:50:56

And then if I could just finally note as before, as the council continues to consider that Open Cup trenching will be preferable to horizontal, directional drilling from the perspective of minimising air quality impacts. Thank you. Thank you very much.

1:51:13

Turning to Suffolk County Council, please.

1:51:18

Thank you, Rob. Underwood, Suffolk County Council. Nothing to add to that. Thank you.

1:51:27

Would C's like to comment on this matter?

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Thank you. No, I'll pass on that. Thank you very much. Thank you. Stacy's

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often for safety's no comment from us, thank you.

1:51:44

And then turning to

1:51:46

save our soundings.

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Comments

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in that case, are written to the applicant if they would like to respond to anything that has been said.

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classmate for the applicant. Nothing further to add. Thank you.

1:52:06

Thank you very much.

1:52:09

Okay, I'm just looking at the time we have been in this session for a long time. So I'm going to suggest that we take a break of just over 15 minutes and return at 10 past 11.

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Is everyone in agreement with that? 10 plus 12 I think Mrs. Ms. Well, sorry. Yes. That's what I meant. Thank you, Mrs. Powers. Okay, we'll return at 10 past 12 then

1:52:36

thank you.