

AUDIO_ISH14_Day2_Session1_17032021

Wed, 3/17 12:43PM • 1:41:42

SUMMARY KEYWORDS

applicant, deadline, england, crossing, habitat, sba, update, area, mmo, condition, relation, natural, monitoring, survey, river, comments, point, project, terms, impacts

00:07

Good morning everyone and welcome to the resumption of issues civic hearings 14 for East Anglia, one North and East Anglia to offshore wind farms. Before we introduce ourselves, Can I check with the case team that you can hear me and that the recordings, live streams and live captions have started.

00:28

Good morning, Karolina can confirm that the internal recordings have started, I can see in your preview and that the live stream is currently working and the captions are on say everything's good to go. Thank you very much.

00:40

So two introductions. I am Caroline Jones, a member of this panel, which is the examining authority for the East Anglia, one North offshore wind farm application. And another panel, which is the examining authority for the East Anglia to offshore wind farm application. I'm in the chair today. I'm now going to ask my fellow panel members to introduce themselves starting with Jessica Paris.

01:01

Good morning, everybody. I'm Jessica Paris, and I'll be leading on the marine mammals matters Under Item 11 this morning.

01:11

Good morning, everybody. My name is Ron Smith. I'm the lead member of these panels. And today I'm principally observing and I may ask questions if and when required.

01:22

Thank you. You will know 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. Can I also introduce our planning Inspectorate colleagues working with us on these examinations, and we Williams is the case manager leading the planning Inspectorate case team and you will have met him today in the arrangements conference. Emery is accompanied by two case officers, Kj Johansson and Tamika Hall. The published agenda sets out our and your reasons for being here this morning. And that is to hold a fourth issue specific hearing on aspects of biodiversity ecology and habitats regulations

assessment. Now I'm going to hand over to my colleague Jessica powers he was going to ask all of our participants to introduce yourselves.

02:05

Thank you, Mrs. Jones. I'll now run through our list of participants and ask you to introduce yourselves. If organisations attending today have a number of representatives present. Could I ask that you nominate a lead representative to introduce your team? It also be helpful if you could just let us know at which point in the agendas day you anticipate contributing. Okay, so starting with the applicants then could I check with the name of the main speaker that we have for the applicants today?

02:33

Good morning, Madam clients from chefchaouen appearing upon the applicants. I'm instructed by Fiona Coyle, a divisional solicitor at score renewal. In terms of other participants. First thing this morning, it's likely to be a very similar team to yesterday afternoon. So we'll have Stephanie mill from chapter Wedderburn, pilot zula from the Rado scanning, and Jerry Villa, the offshore centre manager for the projects when we move on to terrestrial we'll have Brian mcnellis, the onshore consents manager and Claire Smith, a chartered ecologists from Ralph scanning of all fairly regularly appeared before the panel. So I think that probably a sufficient introduction for those individuals. Thank you. Thank you very much, Mr. Ennis. Okay. Welcome to you all. And then I'll move through the other attendees on our list starting with Suffolk County Council please.

03:30

Thank you mom, grand Gumby Suffolk County Council, the founder and manager I'm a chart town planner. And I've got over overall coordinating role with this I'm joined by my colleague Andrew Murray wood is the county ecologist.

03:43

We were on on most matters in ecology wise, a Suffolk Council have taken the lead in we differ but we reserve the right to make comments as and when and we're mainly concerned with terrestrial ecology. Thank you very much. Thank you very much. And moving on then to East Africa Council, please.

04:04

Good morning, Madam, it's Namie Gould for a separate Council and the senior energy projects officer. And I'm joined by James Mayer, who's a civic Council's ecologist will primarily be interested in agenda item 12, terrestrial ecology and will answer questions and obviously provide information where we can assist the panel. Thank you very much. Welcome. Okay, then moving on to the marine management organisation please.

04:31

Good morning, Mark Hershey marine management organisation. I'm the case manager for these angry one north and two projects. I have with me today. My colleagues Rebecca Reed, and also jack co we expect to be speaking on item 11. In the main if I may have my colleague Jacko would probably leave after agenda item 11 but myself under Rebecca Reid will stay on for the duration

05:00

Thank you so much. And welcome. Okay and then moving on to CS please.

05:09

Good morning Madam piano girl more representing salsa Kennedy action solution CS. Today we would like to have Dr. Jill Horrocks leading our team with Kenna Mosley and also Jethro read more, until we'll do the instructor team and I might just come in at the very end of their talk. And that is on item 12. We won't be talking on item 11. Thank you very much. Thank you very much. Welcome to you all.

05:41

Moving on then to save our sanderlings

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Yes, good morning. My name is Paul Chandler save our soundings and I should be flying solo again today.

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Primarily our interest is in agenda item 12. A the SPI crossing method statements. Thank you very much welcome, Mr Chanda. And finally, I have Stacy's on the list.

06:10

morning, madam, Google Health with false aces.

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I'm accompanied by my colleague prophesizes Mary Shipman.

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We're here for agenda item 12. The proposed logical cause crossing and agenda item 13 when we wish to mention matter concerning terrestrial habitats in the locality of the substations. Thank you. Okay, thank you.

06:39

I just note that against item 13, so that we don't forget to come back to you then. Thank you very much. welcome Miss Telford. Okey doke. I think that's everybody on our list. So because there isn't anybody else in the virtual room who hasn't yet introduced themselves?

06:58

Okay, I think we've covered everybody then. Okay, then just as a general reminder for all of our speakers today, each time you speak, please could you say your name and who you represent that helps us or anyone else watching or listening to the hearing to follow proceedings. And anyone who's not participating directly in this session in this session, but is observing is welcome to set out any observations about what they hear today in writing by deadline eight, which is next week, the 25th of March. Okay, those introductions are now complete. And I'll just hand back to my colleague Mr. Jones to complete item 10.

07:31

Thank you, Mrs. Paris. Today we're holding day two of issue specific hearing 14 for both the East Anglia, one North and East Anglia two projects in parallel. There is a single agenda for both hearings, which was issued on the ninth of March. In terms of our hearing today, we plan to have a short break at around 1130. And then if we need to use this afternoon, then we will also take a break of around an hour at about 1pm. Just as yesterday, could we please ask the applicants to keep the camera on throughout to help the flow of discussion? We appreciate that, again, you're likely to call on various members of your team during proceedings and that's absolutely fine. Feel free to switch between yourselves as necessary.

08:10

Before we move on to the main business of the agenda, does anyone have any questions of a preliminary nature about today's hearing?

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Mr. Ellis's? Are you just turning your camera on rather than raising a matter? No, I'm calling from half the applicants I'm raising a matter that really flipped from something arising from yesterday's agenda towards the tail end.

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And

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we were having a discussion about security for

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various matters arising from the sheduled 18. And we've obviously given some consideration to that.

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And we thought it perhaps whilst Mrs. Paris was available to perhaps put forward some of our initial thoughts in relation to the matter, that obviously we're beginning to develop on the matter, given that it was raised yesterday, and wondered whether that might be helpful. Just Just carry over from yesterday, that shouldn't take too long. But equally, perhaps that set our thoughts on that particular process and how we would approach it.

09:25

Mr. Jones, I don't know if you have a view about that. We could either cover it it depending on who you have available as well yet can we could either cover it now or we could cover it under a ob would you still have people available for that? That point? Yes, we would. So we can we can leave it to them. That would be absolutely fine. recognise that there's got a lot of people who probably wouldn't find it particularly interesting. So we're happy to leave it to the end. Thank you. Just a conscious of particularly our terrestrial interests here who maybe would then duck out after item 12 and we'll cover that Under Item 13. So I'll add that if that's okay with you, Mrs. Jones, I'll add it under 13. Okay, so if I'm

10:02

Okay, then, I guess that means we can move on to item 11, which is marine mammals and I'll pass back to you, Mrs. Paris.

10:11

Thank you very much. Okay.

10:14

So we covered marine mammals in issue specific hearing seven, which was only four weeks ago. So we don't have as much to cover on this topic as we did for offshore and ufology yesterday, but since I sh seven, we have received deadlines six and deadlines seven submissions. We've also had responses to our second round of written questions. And we have also issued the reports on the implications for European sites, which we refer to as the Reese's. So we do have some new evidence to consider in the time that has elapsed between that last hearing and today.

10:48

Before we move into the main substance Under Item 12, I'm just going to come to the applicants if I may on the Reese's, because yesterday when we were talking about offshore and ethology, the applicants flagged some areas of the racism which they wish to make some initial oral comments, I just wanted to check whether there's anything that the applicants want to pick up in terms of

11:07

the presentation of the marine mammals matters in the Reese's

11:17

jury fellow for the applicant, I was going to ask Mr. Pitts solo to respond to this, please.

11:23

Thank you.

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For the applicant?

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No, I mean, the it was, again, it was pretty straightforward in terms of what was in the

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car. Now if I've actually got any comments on that section, because it's obviously more about the what we're going to talk about today, which is all the licence conditions, etc, as a part as opposed to the assessment itself. So I had nothing to add on in terms of the race today. Thank you. Thank you. Just wanted to check that thanks very much.

11:56

So as of yesterday, then we'll endeavour to pick up any loose ends, or points of clarification that did emerge when we were drafting the races. And we'll pick them up as we go through to the extent that we can. We don't have natural England or the wildlife trusts with us today. But we do have the marine management organisation, which we're very grateful. So we will ensure that any questions to any invitees who are not present will be included in our action list. And we will we'll ask all of those responses to come in for deadline eight. Okay. So then moving into the main part of item 11. Now,

12:32

and that is to look at the focusing again on HRA and the in particular the southern North Sea sack and hot port this as a feature of that sack. So we'll start with projects alone effects on harbour porpoise. And I think we can talk about both projects EA one north and EA two together here.

12:52

So obviously, since since issue specific hearing seven, we've now had a deadline seven a version five of the draft decio, which incorporates some changes to the conditions in relation to marine mammals. We've also had an updated version three of the in principle site integrity plans and and version three update to the draft marine mammal mitigation protocol. So could I ask the applicants, would you like to make any opening remarks about your progress on the southern North Sea sac matters since we last spoke at issue specific hearing seven

13:31

thiruvalla for the applicants, the key changes that we have made, since the last issue specific hearing, were to address the UX, the need for UX so close out reports to address the control of piling and new excited destinations, and to make a commitment to only a single piling events or UFO detonation during the winter periods. And we've also updated the

14:03

principal site integrity plan, and the trip and the draft marine mammal mitigation protocol to address the commitments were made with respect to the project alone aspects which were

14:18

would receive comments from natural England and the MMO. On. Thank you. And so obviously, because those main documents have only come in at deadlines seven, and we haven't had a chance to see responses to those from any of the parties. Are you able to give us any update on the latest position in terms of agreement or otherwise with natural England on project alone effects the jury better for the applicant.

14:46

I did ask natural England whether there was a position that we could give today. Naturally, that was last Thursday and actually England explained that they were still in the process of reviewing those documents, and had not yet formed that opinion. So

15:00

I can't provide an update with respect to natural England's. And of course, we have the MMA here today. But I can go through the specific points that you've listed on the agenda and explain the progress that we've made with the MMA, if that would be helpful.

15:20

That is actually moving straight into your agenda. So, yeah, that's my turn. Yes, I think I think we'll work through them in turn. And I will, I will just thank you for the update. And

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I will just come to the MMO as well.

15:35

So yes, we I should have also mentioned we're issuing some rule 17 questions this afternoon to natural England, as we mentioned yesterday, which will ask that direct question about where they where they stand now on project alone effect, because, obviously, our understanding was last time we spoke that the kind of root of the problem in terms of project alone effects was about the security of committed project commitments about piling in new EXO activities. So yes, it would be we need by deadline eight, a clear position from them. And that will be part of those questions. I will come to Central England just quickly on that point, though, fast. So it's about MMA first and just

16:16

and just check whether they have any submissions they want to make under this specific item. So we're on part one of the of the agenda item before we move off in terms of the headline petition on project alone effects.

16:28

Thank you, Mark crushy mmo. This point, I'd like to hand over to my colleague, Rebecca Reed, who will be speaking on the agenda item. Thank you. Good morning, Miss Reed. Good morning, Rebecca, read the memo. And generally when we defer to HRA impacts to natural England, we do thank the applicant for the for the commitments for the addition of the condition 27. And for move in the project alone effects from the site integrity plan and marine mammal mitigation protocol.

17:02

We don't really have much, much further accepted the separate agenda points, we'll add sections. Thank you before, before we move on, we're going to come on to in combination effects. But I'm guessing you're in a similar position and that you generally just will defer to natural England still on the conclusions of in terms of HRA. Is that correct? Yeah, that is correct. And we believe that the site integrity plan is the appropriate mechanism and understand natural England and in the Wildlife Trust. Do you have concerns about that mechanism?

17:36

Thank you. Yeah. And we've got that in writing from you, too, haven't we? I think it deadline 60. Thank you very much. Let's read it. Okay. So yes, coming back to the applicants then the next item on our agenda is about we started moving into some of the

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the DML conditions themselves and what's changed since the last version? So yes, we've talked about updated conditions. 16. There, it's I think we'll talk about 16 for generating assets 12 for transmission assets. But this is the UK direct Oh, clearance condition. And you've mentioned about the adding adding in the Closeout report provisions there. So yeah, perhaps you could just talk us through how we've arrived where we are?

18:18

Yes, regardless of the applicant, we updated the draft DCA a deadline seven rep 7007 to secure submission of a UX a closeout report in condition 16, a central 13 and 12. Schedule 14, as you just mentioned, and that was specifically in response to comments from the MMO act deadline for which is rep 4081. Condition 16. Part Six and 13 six of the aforementioned conditions state that should there be more than one UX UX activity, the UX closeout report may be provided at intervals agreed with the MMO.

18:57

Since submission of the draft SEO, deadline seven, we've agreed that we'll tweak the wording there to say that

19:06

the Closeout reports will be will be issued.

19:12

Sorry.

19:18

When we update the draft DCR deadline now you will replace me with well, so that it's very clear.

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MMO have also made us aware this morning that they would like to see a timescale applied to submission of that documents and indicated three months which should be fine. And we'll be taking that one away and further engaged with MMO.

19:42

I think with those changes, we should be pretty much there with that condition. And hopefully everybody can confirm that.

19:51

Thank you. So when you're talking about changing me for Well, I think we're talking about Part Six of something or sub Part Six of conditions. 16 finals

20:01

Jerry couldn't Yes, I should have said that, shouldn't I? Sorry. That's fine. So that's Yeah, I can understand that. And the timescales would be, yet the Closeout report

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would be within three months of the completion of that activity. jublee. Yes, Jerry Bella for the applicant. That's what the MMA has requested. So we'll take a look at that.

20:22

Okay, thank you.

20:27

Can I come to the MMO? Then on on that, and just to confirm whether that supposition that you also had that reflects your your best understanding? Rebecca, read the MMO? Yeah, that's correct. The the applicant and gyro has a highlight at all, all the concerns at the moment, and we don't believe there should be any other other issues that arise on that condition, or content with the changes. And can I just check with that? It seems from the drafting that that it's possible. If there's what more than one

20:56

episode of UFO clearance, then there would be more than one close out report. Is that correct? It's not just at the end of all, we're at clearance activities. This happens. It's at the end of any, any episode that needs to take place. Rebecca, read the memo. Yes, that is correct. We have had discussions with the applicant in relation to the wording and to see if we needed to find anything further. But we've agreed that part six states that we would agree what intervals there were once those method statements came in, at the start of the condition for those activities. Yeah. Okay. Thank you. And in terms of the purpose of this extra part of condition six, is this is this

21:41

down to just basically good control of underwater noise more generally, than actually relating it back to the to the sack? Would you say? Rebecca read the MMO?

21:53

Yes, I think it is also to influence if if there needs to be any amendments to to the method statement potentially. And in light of those close out report and open those discussions, or if it highlights that there is any any differences, and it'll feed into to wider, best practice potentially going forward? as well. Is it something that you you that you've used or seen on other marine licences, similar mechanism? Yes, this is Rebecca, read the MMO. This is for this is what is on most you xo marine licences, a closeout report just to have those final figures as well. Okay. Thank you. That's very clear.

22:37

Okey doke. And then the next

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condition that we had in there is, is the new condition conditions 27 are the generating assets at all condition 23, if we're looking at the transmission assets, and this is about the controller piling in you so destinations, and really, this is the

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what we were talking about an awful lot in our previous hearing about where where we needed to have these project commitments secured. So again,

23:04

they were previously in the in principle CIP and the triple MP, and now they are on the face of the DML. So could I ask the applicants just to explain your approach here, please? Yeah, I got it for the applicant. Yes, we updated the draft this year with deadlines seven with the addition of condition 2017 and schedule 13 and 23 of schedule 14 to control piling in new xa destinations. So, essentially, we took those commitments that were previously

23:36

provided for in the in principle sign best site investigation, plan and draft remember mitigation protocol and included them within the new condition. And these conditions prevent concurrent piling from occurring, concurrent USA detonations from occurring or a combination of the two and restrict the number of noisy events in a single to a single event within a 24 hour periods. During the winter periods.

24:08

We have been engaging with natural England and the MMO. On the condition. The key area of or outstanding matter that we're still engaging on relates to whether the condition should include for the detonation of clusters of UX so

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so so that's something that we're continuing to engage with MMO in natural England on with the aim of resolving for deadline eight, natural England has provided some some very pertinent useful feedback on the type of information that would need to be provided for the key issue is that not yet having a programme or a method statement for USA detonations or the USA contractor on boards? We don't really have the information to be able to respond to some of the queries. So I think you know

25:00

The end point may be that we just don't try to provide for detonation of UFO clusters within the the marine licences. It is included within the draft marine mammal mitigation protocol as a potential mitigation option that could be explored and the information necessary to use that technique would be provided under that plan. And it may be that if it was a technique that we wanted to use, we would potentially have to vary the DML later date. Okay. All right. Thank you. That's useful update.

25:36

One of the things that occurs to me is that does now secure the control of activities in relation to each project. But does it control the activities between the projects? So at one stage, there was conversation about concurrent works happening across between East Anglia, one North East Anglia two projects,

that's, as I read it, not controlled on the face of the DMF. I will still Is that correct? Jerry, valid to the applicant? No, that's not controlled on the face of the DML. That commitment has been made within the in principle set and, and triple MP. And we also feel it's actually covered by the

26:15

the in combination set that that would be the correct process as well, because it's a potential in combination issue as well. Okay. Okay. Yeah. Understood. Thank you. And so obviously, this is an important condition. And it sounds like you have been talking to natural England about it, but we don't we don't have their views within the examination. Yeah. And equally, the wildlife trusts. So we will have as an I think it's actually included in our all 17 questions. It was not in there, it will be in our action list that we will be just seeking Absolutely. clarification about what was the content with this? And if there's things that they it sounds like there are some facts and further comments.

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Again, it seems like it's that that that balance between,

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you know, sufficient detail, but on the other hand, the flexibility that you need, while you don't have certain certain things nailed down in terms of contractors, etc. So, yeah, well, we'll hear both sides of the arguments. I'm sure it deadline eight, and by deadline night, you have a chance to respond, Jared better for the applicant. That's correct. I think there is a route to resolving this, as I outlined earlier, and we do have meetings with the MMI on Monday morning on the 22nd and in the afternoon with natural England on the same day. So we do have an opportunity to resolve these issues with

27:38

Thank you very much. So I come back to the MMI then please, just to see whether how what your views are now on condition, the new condition 27 and 23. You content with the way it's drafted. Rebecca read the MMO. In principle, the wording that was in the deadline seven dcl. Version five, we are largely agree with with that wording. It would only be the addition of defining what a UFO detonation is, as the applicant referred to in relation to a single detonation, or if it would be used for clusters.

28:15

So that that's the current position that we are discussing with both natural England on the applicant to get agreement for redlining. Fantastic. Thank you very much.

28:27

Okay, and then so I think before we finish Item A of the agenda, then we will come back to this question. And as a nastic, with the MMO. If I may, obviously, we've just we discussed this several times now about the principle of including unexploded ordinance clearance activities within the dmls.

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And you've made the case up to an including, I think, deadline seven that in principle,

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you would still prefer that these activities were covered by standalone marine licences rather than within the dmls. But you have continued to engage on a window that sort of without prejudice basis. Is that where you still stand on this? Rebecca read the MMO. Yeah, that is our current position. And that will be the the agreed position with the applicant on that stage. Okay, so that's not going to move again. No, Rebecca, read the MMO. No, we do welcome the applicants involvement in the work to include the multiple issues we've had in relation to that without prejudice position, and we believe that they have done

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a lot of work on that. But opposition will will remain that we do prefer it on a separate relicense. And is that partly because you'd you want to ensure that future projects coming forward? That's still that's going to continue to be your advice and a source of concern that if it's allowed here that that would set precedent of exceptions for future projects, or is it just what's behind that beggary the MMO? Yes, I think that that is a concern. And it's also a concern that if

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If it does set a precedent, then when we get to that stage,

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it could be more difficult to manage multiple

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consents that have you xo on the DML.

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In relation to in combination. I think because it's a high risk activity, there is a lot to manage.

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And our position currently is it is best placed on a separate DML just to make that process easier, and to enable further discussions and any further restrictions at that time.

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On this case, we do we do understand the applicant has worked

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to alleviate a lot of those concerns. But our position is still there, we would prefer it separately. Okay, that's understood, thank you very much.

30:54

Okay, I'm going to ask them that we move on to part B of this agenda item, which is to look at the in combination effect, and I've got a feeling there's not going to be an awful lot to update us on here. We've already had the MMA MMOs position, but maybe the applicants could just again, summarise your how you would characterise the latest position in terms of agreement with natural England on adverse effects in combination

31:21

Gera Bella for the applicant. So we update to the in principle Southern will see special area of conservation site integrity plan at deadline seven, that's rep 7032. And that was principally to address the comments from the MMO in their deadline six submission and natural England's regarding the use of the site integrity plan to manage project delay effects.

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So as a result, as I explained earlier, the applicants have removed reference to the project alone from the document as well as project and and commitments made in

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Section 4.1 of that document. The scope of the in principle setup is therefore solely focused on setting out the approach to deliver potential mitigation measures to ensure the avoidance of adverse effects on integrity of the designated features of the SCC in combination with other plans and projects.

32:14

So, as I said earlier, we're not sure of natural England's position on this. And hopefully, we will be able to pick this up with natural England on Monday, the 20 seconds during our stake the common ground meeting.

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Alongside the updates made to the in principle CIP, we also updated the draft DCA to include the condition 26 of sheduled, 13 and 22 of sheduled. 14, as we've just discussed as well. So the second part of the of the in combination aspect.

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Thank you. And we'll come on to that in a moment. So yeah.

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So it sounds like hopefully by deadline eight, the petition will be clearer from both from natural England side.

33:03

I think

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it's I think we still have I've my understanding is that we still have a position that even if that we we move towards vision of them being able to be satisfied on project alone effects because of the way that now things are being secured on the face of the decio that that concern, original concern that we've discussed a number of times about the mechanism for managing multiple sets and their satisfaction with the use of sets in principle for

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the management of in combination mitigation, that still may remain as an in combination concern. Is that Is that your understanding?

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Geobella for the applicant?

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I think I don't really have a comment on this, we think in combination sip approach is the correct approach to take. And

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it's, it's the approach taken by industry

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in the recent projects, and

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we think that it's the right approach to take. Okay, thank you. And we've heard from the MMO, that that content that in principle is also the right mechanism.

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We've also had natural England's nervousness about this, the coordination side of things when there's multiple projects, bringing them forward.

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So, the I think, I think we can probably leave it there, and we'll wait to see what we get back at the deadline. And I just flag we we asked a couple of questions. I think it was in the action points of issue specific hearing seven, I think there was items seven and eight of that action list which natural England had deferred responding to on on these questions about you know, the appropriateness of that mechanism. So we're flagging that against them at rules in all 17 just to make sure that we do get an answer on those questions that help us to understand exactly that position on the in combination side of things. So that will be in the aw 17 does that doesn't MMO have anything they want to come?

35:00

Back on have we covered everything already on this? Rebecca reads MMO you've covered most of it just to add, there's another seven RC regulators group tomorrow, which will provide an update deadline eight.

35:14

And in addition to this, we are looking, there is an a number of steps in the pipeline for

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dtos already consented and MLS for marine licences, sorry for applications for you, xo, and we are working through the CIP process with natural England for multiple projects currently. And we believe

that that is is working. And we are working together internally, alongside natural England as well for those those projects. So we do believe it is it is appropriate, and it is working in practice with multiple projects at the same time as well, currently. Thank you. And yesterday mentioned was made this is I've seen it it's one of your written submissions as well about a new Defra underwater noise group unit team. Is there anything you can shed any light on? Is there any is there going to be any benefit to be gained from that for these projects? Rebecca read the memo. And I think it's part of the seven Aussie regulators group, I think that they went to Defra for some funding as part of the offshore enablement team. And so it is high priority. And I think with the funding there, it means there probably will be a position

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a lot quicker than was could be anticipated. However, I don't have any dates. I'm hoping tomorrow we'll we'll have an update at that group and be able to provide further response at deadline a in relation to that. But but it is priority for for Defra as a whole as well. Thank you.

36:51

Okay.

36:54

Did the applicants have anything else to say before we then move on to part two of the and look at the actual scope and content of the in principle sips? jerrica for the applicant? I think just to quickly reflect that in terms of condition 26 of sheduled 13 and condition 22 sheduled, 14, which is the new set conditions that the MMA requested that we include. They did confirm in their deadline five rep that they were agreed with the wording that have been incorporated. So we think that that's nicely closed out now. Okay. Thank you.

37:37

Okey doke. So in terms of then looking at the documents, then so this is

37:42

the deadline seven, version three, in principle acip documents.

37:49

You've already said the scope of the document now reverts back to mitigation for in combination effect only. So that the provisions for the project alone mitigation have been removed. And we discussed this in some detail at issue specific hearing seven, so I don't plan to run over the detail again. But is there anything else in particular you'd like to draw to our attention? That's changed now we're in into this version three document.

38:14

jerrica for the applicant? Sorry, because I just checked is that with regard to the principal set or the dances? He did the principal set still? So yeah, I'm still on part two of the on the agenda.

38:28

Jerry, I've got it for the applicant?

38:32

I don't think so. I don't think there's anything else that the key changes were

38:39

removing the project, the main commitments in Section 4.1.

38:43

Yeah, and I suppose you've already mentioned the clustering, which may carry through to condition.

38:50

Okay.

38:52

And again, we will

38:55

we know we're waiting natural England's comments at deadline, eight on the on the scope and the content.

39:03

Do the MMO have any comments on the content of the in principle sips? Rebecca read the MMO. We, as we said earlier, we welcome the removal of the project alone.

39:17

details and the updates. The current outstanding comment on the document was about the temporary threshold set shift being included. However, we understand the applicant has responded to advise that it was included within table 5.51 potential disturbance resulting from underwater noise. We are still just clarify a mat with our scientific advisors. But we will confirm hopefully confirm agreement at deadline a we believe this is appropriate. But we just wanted to double check that before providing final agreement. Thank you. You've reminded me of something I think that we raised on during ob last time, didn't we? And yeah, thank you for just picking that one up again.

39:59

Okay.

40:01

And so then yes, moving on to this question of condition 26, which secures the CIP, the in principle CIP, within the dmls

40:13

I think really the applicants have already explained what's happened here, I'm just going to get it back up on my screen.

40:21

So, obviously, when we look at the track change version of the DCR, now it's we've seen this, this is pulled bits out of other conditions, particularly conditions seven, what was condition 17, and brought it into a self contained

40:35

condition relating to the second OSI stack,

40:39

which is clear, I just wanted to make sure really, that there's nothing that's been lost in the process of moving I can see one tweak that occurs to me, and I think it was raised by the MMO. Last time was that condition 17. Previously, it referred to the MMO being satisfied that the CIP providers such mitigation as was necessary to avoid adversely affecting the integrity of the site, and that is gone. And in condition 26, now we have

41:08

a reference to the guidance and actually the in proving the set, the MMA must be satisfied that the authorised scheme

41:15

is in line with the guidance. So it's a slight change of focus there. And I think gamemode previously raised

41:22

a concern about, you know, being responsible for that test of adverse effect of, you know, being responsible for making that, that judgement. So I just wanted to check that this is something that the MMO are content with. Now, in terms of that wording. I think you've Thank you misread. Rebecca reads the MMO m, yes, we are content with that word in, in relation to the adverse effect on integrity, that's a specific test we would have to do. Whereas when we're relating it back to the guidance, we would be looking at the guidance, it doesn't really allow potentially having to review and look at adverse effects on integrity. But it doesn't state we have to do that specifically, which we are content with. And we're content with that word.

42:07

Thank you. And that guidance? Clearly, that's guidance in the public domain? We, as far as I'm aware, we don't have it in the examination.

42:15

examinations, I should say.

42:18

for completeness, is it I think we've maybe it's worth asking for that is by the applicants is submitted in just I know, I appreciate it could be updated. And it will will no doubt be updated over the coming years,

but to see what we have exactly now would be helpful. I think so as an action for deadline eight, if we haven't already. Got it. Please, could you submit a copy of that that guidance?

42:39

journal for the applicant? Yes, we can do that. Thank you.

42:49

Is there anything else that you would wish to rate this developer about? That condition 26 Geragos to the applicant? No, nothing further to raise? Thank you. Thank you.

43:01

Okay. Then we will move on to Part C of this agenda item, which is to cover the draft marine mammal mitigation protocols and version three that we received at deadlines seven.

43:15

Again, we've discussed some of the content in quite a bit of detail at the last hearing. So we won't go back through that in detail. But

43:26

the main changes that in this version really appeared to be there to reflect the fact that the project commitments of under control of piling and UX so definitions have now been secured and DML condition. Is there anything else the applicants wish to draw attention to in the version three document, juror valid for the applicant? I think the other key change was in Section 5.2 point two of the main report and appendix one, which were updated to amend the marine mammal swimming speed in response to comments made by natural England in their rep 4090 submission. A swimming speed of 1.8 metres per second was used in the previous draft, which was

44:08

rep 3043 as a precautionary yet realistic swimming suites, swimming speed for marine mammals fleeing.

44:23

I think Mr. Bell is frozen. We'll give him a moment you might just come back.

44:34

But anybody else from the applicants I'd like to take over whilst Mr. Vela reconnects.

44:43

Mr. Padilla just thank you. Just to finish gyros thought yeah, that was the only other change was due to amend that in light of natural England's comments. So that's back to 1.5 metres per second. So that's the only other change. Thank you very much.

45:00

And, and we'll bring the MMO back in now then,

45:04

just to ask, have you got any views? Any further comments to make on that version three document or are you broadly content now,

45:12

beggary at the MMO were content with the updates that they did the outstanding comments that we had on this document, we're in relation to the metric used for you, xo detonations and the maximum potential permanent threshold should shift and should be taken into account. The MMO understands the applicant has updated the triple MP. And we are just confirming that again with our scientific advisors, but believe that we should be able to agree that deadline. Okay, thank you. Is the applicant able to confirm that that's, that's now in there?

45:59

Probably sort of, sorry, I may have missed the point.

46:03

So we had to have comments from them. No, no saying that they weren't. They were just checking with, with their tea fasts about whether there was further content in the actual MP about the permanent threshold shift.

46:17

The Okay, yes, I think this is in relation to comments we've made previously in various responses. So we have had a response to that. And we need there is no further content. With regard to that. I don't think we need to discuss this with MMO on Monday. Okay, fine.

46:37

Okay, yeah. So by deadline eight, hopefully, you'll be able to come to us with an agreed position. Is Mr. Vela going to be able to rejoin us? Or is he having problems?

46:49

I'm not sure have to email him and see what's happening with him. All right. Well, if you're okay, we'll carry on and see if he pops back in.

47:01

Okay.

47:03

So

47:05

I think that's everything on the triple m piece.

47:10

And we'll move on then to Part D of this item, which is the offshore in principle, monitoring plans. I'm

47:21

just going to get that one.

47:24

It was developed here having problems you might want to leave the meeting and just try and rejoin

47:32

seems to be working okay, for the rest of us. But anyway, we'll we'll we'll proceed.

47:38

So

47:41

we have the latest offshore ibmp, with updates to table four on marine mammals to include a number of potential monitoring provisions. And this, would you mind, I'll get it up on my screen. Would you mind just talking us through those what they're all tracked as new changes? is this? Yeah, can I if you give me a moment, I'll just get it up on my screen. Obviously.

48:04

This is why we have backups.

48:07

I mean, I think there's no CIT difference between the two from from marine mammals is that it doesn't matter which one it is.

48:26

tract version.

48:35

We're looking at table four.

48:43

Okay.

48:45

So from the track version, it it looks like it's all new. But I can see looking through it that actually, this is really it seems to be what you've done is bringing together an update of all the things that you've agreed to or monitoring. So we've got in there things bring is brought out something from the the in principle set is brought in something from the triple MP.

49:07

It's bringing in the DML condition about construction monitoring. So I was wondering if you could just talk us through what you've done there.

49:18

Yes, thank you. Perfect. Yeah, I mean, it was just a gain of response to the various comments that we've had in terms of, I think primarily from natural England in terms of the IPM p being a place that they could go to to see everything, and not just I guess

49:36

EIA monitoring if you like, so that's what we've done. So we obviously have the we've brought in the the first four piles monitoring to that which is, again, a standard condition to every project has but we've also brought in the point that

49:54

on that we're going to include at the request of any one of the piles or

50:00

At least one of the piles, which would require the most energy for that piling. So that's that's brought that in. The next part is is the is Chi is actually new, which is this response to the wider comment of general monitoring. So again, the initial stance, I think of this was that we wouldn't be doing any general like information gathering monitoring, if you like, that wasn't related to the, to a significant impact. Obviously, natural England suggested that even if there aren't significant impacts, we ought to be doing that kind of monitoring. So that answers that point and extends monitoring that's already been committed to on the East Anglia, three, to bring that into these projects as well. So that's some passive acoustic monitoring. And forgive me, but I'm not close to what exactly three is agreed by at this point. So that's kind of the limit of what I can say about that.

51:00

And then obviously, any monitoring that is required as part of the CIP has been touched on here as well. So again, I think that was really a point from natural England in terms of making sure that everything was in one place. So obviously, the CIP makes reference to any monitoring that would be required. And, and likewise, the triple MP has a similar sort of compliance element to it. So

51:25

the point of that is just to bring that all in here into the one table to see what that is. And I think really, that that brings this section into line with, for instance, the physical processes, which, you know, which covers the the surveys that would be undertaken pre consent and post consent, which again, aren't really monitoring as such, but are part of the wider programme of

51:48

surveys. So it's just bringing that into line. Okay, thank you. And we've had one comment from natural England, because this was an update at deadlines, six, the IPM p, wasn't it? So deadline seven, we have natural England, bringing up the question about the use of the term statistically significant, and I

suspect this will come up again, under condition 21. But obviously, this is where I feel we've probably gone in a bit of a circle with this one, because we had a conversation about significant, didn't we with?

52:17

So do you want to respond to that that comment? Um, I actually

52:23

quite followed where we've ended up with this one. I think Steph is going to join on that point. So forgive me but Steph, if you could pick it up. Thank you. Good morning, this morning and Miss mill for the the applicants. And yes, they we'd obviously agreed to make reference to the word statistically both within the in principle monitoring plan. And within the the DC or so you'll have seen that change made at deadlines, seven natural England have come back to see that they would rather the references statistically was removed. So we currently are trying to discuss that with both natural England and the MMR to try and come up with an agreed position. So we hope that for deadline eight, we will have agreement with with natural England and the MMO. And on the way forward. So it may be a case if the MMO are agreeable to it that we just revert back to the previous wording and remove reference to statistically. But that's something we haven't managed to bottom out just yet. That's fine. That's understood. And I think that probably covers what we needed to mentioned about condition 21 later anyway, so

53:27

and understand natural England's position on this. Does the MMO wish to come in about this as well as Is there anything else you'd like to add? Miss read? Rebecca, read the MMO?

53:39

I think Miss Miss Mills

53:42

captured all the discussions. And I think for this, we will have a discussion. And if we revert back at this stage, we will we'll see if we can agree to that at this stage, understanding all the all the discussions that are ongoing as well. Thank you very much. Thank you.

54:01

Okay.

54:03

And did the MMO have anything else generally, they wanted to add on the offshore in principle monitoring plan? I think it's something in their deadline seven response you said was still under review, you might be able to provide an update today. Is there anything you can say today, Rebecca, read the MMO were largely content with the invincible monitoring plan and all the updates that have be happened. We do know that a lot of the information was requested by natural England for the further detail. So do you support natural England's advice in relation to that? But from our position, we're largely content with it and are welcome the update for the under what noise monitoring position provisions as well. Okay, great. Thanks very much.

54:48

In that case, I think well, we will move straight on to Part II of this agenda item then and just just cover off those other DML conditions that I've noted in the agenda

55:00

They're

55:02

I think we've covered, we've covered condition 21.

55:09

And everything that I wanted to ask on that, coming back to the first one, then.

55:13

So again, this is really just checking at this point, just checking that we've got, we know where we are with these final bits.

55:21

The timescales for discharging documents, we know now that natural England have confirmed that they're happy with the three months and six months provisions that are in there. I just wanted to double check nothing's moved, again, with the applicants and and then also come to the MMO. That's okay. So I'll start with the applicants, lips, definitely male for the applicants, and nothing has changed, as far as we are aware of both MMR and natural England are agreed with the timescales that we specified in the US. So conditions. Thank you. And the MMO just to confirm that position. Rebecca, read the MMO. Yes, we can confirm that our current position. Thank you very much. And then moving on to the second part of this item with that, which is the corporation condition now, that has been updated. Again, we talked about it that is age seven, and

56:10

bringing it back up onto my screen. So

56:14

we've now gotten their requirement for the first Undertaker to submit to the MMO any comments that they received from the second Undertaker about the plans or the or the documents that they've that they're submitting to the MMO for approval?

56:26

deadline sex, we've had a general Welcome to this from natural England, and does the MMO. Can you confirm with the audit whether your content now with the wording in there and item 25? condition 25. Rebecca, read the MMO? Yes, were content with those updates, and we welcome the applicants updates there. Okay. Thank you. Does the applicant wish to add anything on this? Definitely. Well, for the applicants, nothing further from from the applicants. Thank you.

56:56

Okay.

56:58

In that case, I think we're going to move through to part F of this item. And we've got a general question that will be going in to the rule 17 from natural England about just going back to the applicants, EIA conclusions, as conclusions in respect of marine mammals are just moving away from HRA for a moment and making sure we cover everything off that we need for our reporting purposes. We were asking them a question about the applicant's conclusions in the final tables of that ies chapter and just to confirm any outstanding areas that they have of concern there. So that will be going out as part of the vol 17.

57:41

I don't have anything else specific to cover.

57:45

Obviously, on the understanding on in the hope that by deadline eight, we're going to have a project alone are getting much closer to agreement on projects alone effect, because if we're still not done, then I guess we move back into the question of derogations. And what we know will happen where we go from here. So I hope we don't need to go there. So I won't go. I won't go into the detail now. But let's just hope that what we see at deadline eight gives us the comfort that that we will need. Is there anything else that any other parties present today wanted to raise under other marine mammal matters, I can see a camera on from Rebecca read. Rebecca read the MMO. We are in discussion with the applicant. In relation to this, there's just one outstanding concern in relation to modelling for piling up in relation to your 24 hour period.

58:33

I think we're still discussing this. But currently, the update provided by the applicant in relation to this was linking to the new condition to control of pile and the new eco donations,

58:48

which is in relation to the 24 hour period in the winter period, pilot within a 24 hour period. This just relates to the SEC.

58:58

And that specifically. So it does alleviate the concern in the winter period. However, for the summer period, not linking it to the SEC for the modelling, we still believe that modelling does need to be updated in relation to that. But we are we are continuing the discussions with the applicant.

59:17

We did just have this brief discussion this morning. So they are just just aware of this this position. So they may not have an update right now. But we will work with the applicant to address this by deadline.

59:30

Thank you and the applicant like to come back on that. Two points. I think as far as we're concerned in terms of the EIA side of it, the statement of common ground was all closed out with natural England. So I understand you're confirming that but that was our understanding of the position that the discussions were only in relation to HRA.

59:51

And in terms of this point, we have responded several times on this point and I think we need to have a final discussion.

1:00:00

On the on this PTs and extra modelling, as far as we're concerned, they effective deterrent radius is the metric to use in terms of the SEC and we don't believe that further modelling is warranted, particularly when the range of disturbance is 26 kilometres and the maximum range of pts is 21 kilometres. So we believe that the disturbance of Act will mean that there are not animals in the area for this to be a repeated comment, repeated issue. So we have responded on that point. I think previously, it's at several deadlines. So I think we just we need

1:00:40

a further discussion just to ensure that we understand, and we can close this out. Yeah. Okay. That sounds good.

1:00:50

It's, it's on there as an action, I think. And yet, we're waiting to hear what happens that deadline eight,

1:00:56

I don't have anything else that anybody else would like to raise under under marine mammals before we move on this morning.

1:01:07

Okay, and allowing people a chance, I think, then we can move on. And on. Thank you all for your contributions. And I'll now pass over to Mrs. Jones for item 12 of our agenda, which is terrestrial ecology.

1:01:22

Thank you very much, Mrs. Paris. And just before we begin this item, I just want to make it clear that the only terrestrial ecology matters that we're going to be dealing with today or in relation to nature and woodlark of the sandlings sp with particular reference to the outline SBA costing method statement and the outline watercourse crossing method statement. Now, I am aware that we have a number of parties here today, and may wish to raise other matters. But these were covered in issue seven in January, and we're not discussing them today. There's no need to repeat any of the submissions that you've already made to us, they have all been noted. Therefore, my suggestion is going to be that if there are any further terrestrial ecology matters that you wish to bring to the attention of the examining authorities, then we would suggest that you put those submissions in writing for deadline eight.

1:02:13

Now, I know that a number of parties have indicated that they wish to speak on this item. But I do have a number of questions that I would like to ask the applicants in the first instance. And then once I have finished going through those questions, then I will come to the other party's before returning to the applicants for their final right of reply.

1:02:35

And turn into the night John would love Woodcock of the Standings SP then we are in a bit of a difficult position on terrestrial ecology with new natural England present today, then differing written comments to deadline eight, which means that any discussion might be somewhat limited by this. But if I could ask the applicants in the first instance, if you could provide us with an update on the status of outstanding areas of disagreement in relation to the soundings sspa crossing methods statement in the first place, to provide an understanding of positions on this matter, particularly in relation to reaching an agreement of no adverse effect on integrity.

1:03:18

Morning prime credit support applicants, so the outcomes have sought to address natural England's representation on the open trench crossing methodology sport assemblies SBA crossing, and that includes the provision of a 10 year habitat management plan for the workman virtuality excluding the horse paddock, which would be subject to a five year habitat management plan post construction and also includes for annual monitoring which natural England had requested or during that during that monitoring period and definition around a seasonal restriction for for those works.

1:03:56

It's understood that natural England's updated advice on trust on the SBI crossing matar will be submitted at deadline if we haven't been able to receive any updates from natural England in the interim. They tend to

1:04:11

they're also working on their position currently, and have confirmed that they will submit documentation at that Lynette. Unfortunately, as I say, we don't have any indication on that. In terms of our understanding, we understand that the only outstanding matter with regard to the SBA crossing is natural England's request that requirements included which ensures that the proposed mitigation measures in the form of planting must be functional as habitat as nesting habitats before any works can commence within the boundary of the SBA. And just to reiterate the applicants position on that we do not agree with the submission of such a requirement. Whilst we can control hiatus mitigation area is prepared on it isn't in essence

1:05:00

management of existing scrub material on site once we can control how that area is managed, we cannot control whether it is used by the avian species of interest. So therefore, we consider it to be inappropriate and not acceptable to have such a requirements within the drafting

1:05:19

of it other nuts I think we weird Friday the deadline into submission. Okay, thank you very much. Mr. mcgillis. And just, you refer to it there in paragraph 74. Rep. 6036, you see that there will be annual monitoring of the measures implemented within work number 12. And that results of the monitoring will be used to inform the programme of management and maintenance measures implemented during the measurement period. Can you set out how that is to be secured in the draft? decio?

1:05:50

Yeah, so it would be paragraphs but outcomes, it would be set out within the outline SPN crossing method statements. The final aspect cross method statement obviously needs to be in accordance with third line document. So by virtue of being included in the third line, it means that it's transferred across into the final documents unsecured after that mechanism.

1:06:12

Okay. And just one more question on the SP crossing method statement and natural England requested thinking Rep. 5084 to be included as a consultant in the final ecological management plan and you state in rep 6030 that monitoring proposals are included in the updated outline SP crossing method statement, and that the resultant annual monitoring reports would be provided to natural England national and has requested a console t rule doesn't necessarily appear to me that being provided with an annual monitoring report is necessarily the same as being a console T. Could you comment on that please?

1:06:56

Prime grass for the Falcons. It certainly isn't the case that we we simply post the record across on an annual basis there would be engagement around that that reporting cycle that reporting that monitoring and reporting function. And obviously to plan any

1:07:14

works within the management area for the for the coming year or coming years. We need national England's input into that process. So it's certainly a fundamental to wood wood approached us we would be engaged with natural England, both in the preparation of the report and also post submission of reports to to agree how we can move forward with future management of the habitat area.

1:07:42

Thank you very much. And then again, if I could pose a similar question to you on

1:07:49

the 100 River crossing and your outline watercourse, methods of crossing methods statements submitted at deadline six if you could just provide an update. So although I presume if you haven't had any updates on the SBA crossing, might be the same for this.

1:08:06

Yeah, I'll pass across to Claire Smith to take forward the \$100 matters.

1:08:12

But you're absolutely correct. No update from natural England on the

1:08:17

watercourse crossing ethics.

1:08:22

morning class refer on behalf of the applicant. So just from the ecological side.

1:08:28

In terms of an update we have received as the examining authority will be aware of natural England's comments following our submission deadline six of the ecology survey reports. I won't repeat all of that that was covered issues specific hearing seven and subsequent in our deadline six submission. And we do acknowledge natural England's comments that have been submitted. Although we equally acknowledged that the their position and their comments is in disagreement with what we had agreed with them during the statement of Common Ground process. Just to reiterate, without going through all the details, but the surveys have all been undertaken in accordance with industry guidance by suitably qualified ecologists. And just to remind really the examining authorities that the primary aim of the February 2021 survey that we undertook was to confirm and verify the habitat classification. It was not to undertake any specific botanical survey as a as natural England's comments relate to that. And as I say, all of the all of the survey report findings are presented at deadline six. And as Mr. McGregor has just advised you there we have not as yet received a response from natural England on the water crossing methods segment in its entirety. So just while I'm while I've got you, Miss Smith, obviously naturally have raised concerns and said that the the survey results have limitations and haven't

1:10:00

Follow best practice noted your your points there. What Wait, do you consider that the examining authorities should attribute to those survey results.

1:10:09

So I'm sorry, Claire Smith on behalf of the applicant. So just to confirm, again that the aim of that February updated survey was just to was to verify the 2018 habitat classification. So the 2018 habitat survey was undertaken appropriate time of year. The February survey although is acknowledged of its limitations of the time of year, we would, or the applicants would advise equally for the examining authority to bear in mind that natural England's assertion with regards to not following industry guidance or being undertaken at a suboptimal time of year, the natural England's conclusions with regards to wet woodland, are based on information given by third party which equally draws on a survey information that was undertaken in January,

1:11:03

which equally the same premise should apply in both situations from natural England's position on that. But in terms of our, the applicant survey and the findings and the conclusions drawn, we would just like to draw to the examining authorities attention that it was as I say, to verify the previous survey which was undertaken appropriately. All of our surveys have been undertaken in accordance with the industry

guidance by suitably qualified ecologists following best practice following natural England guidance for Habitat assessment surveys equally.

1:11:39

Excuse me. And finally, we would just also remind as presented at issue specific hearing seven, that the conclusion of that area of woodland, the 100 River river not being wet woodland was confirmed by the independent survey of the county ecologists.

1:11:56

Thank you. Thank you very much. Miss Smith. I've just got one more question on the outline, crossing watercourse crossing methods statement, perhaps Mr. grellus can answer this for me.

1:12:10

Obviously, the you've now reduced the Working Width to 34 metres per project for 14 metres from the western bank and eastern bank, and then it reduces again to 16.1 metres to all burrowed, can I just asked why that reduction in and working with to 16.1 can't be maintained for the actual crossing itself as well.

1:12:38

Prime across for the options, we have looked at the the the means of crossing the highway we can best cross the 100 River. In essence, anytime you're working in groundwater land, the safety considerations very much come into play. We also need to divert the water of course itself Ivor for drier a fluid based system so that that requires space that requires working area, we have

1:13:09

additional

1:13:11

infrastructure, if you'd like to accommodate within that cross an area in terms of

1:13:17

the high relay the cables underneath the water course to ensure that the cables are protected and they what of course itself can be reinstated appropriately are likely to have for instance a concrete casing overnight the cables below below ground level and below the seabed level. We also are conscious because it's effectively a lockout area. A lockout is essentially when you can't cross the river with vehicles. So for instance, any vehicles that approach from science world gap from the east will be driving forward towards the 100 River, they will undertake the activities that need to undertake and then Lord aflam to return to science called gap they need to be able to turn safely

1:14:01

within that area so that they can then drive forward back through sizable gap. It's

1:14:08

generally on any construction site we try and avoid where we're wherever possible and reversing vehicles. So, we need to undertake that reversing operation in a fair controlled area of very controlled environments. So, that is an essence Are they the key or the key reasons for that wider working area suffice to say that when we are undertaking the pre construction surveys and when we have point the the onshore cable contractor we will be looking at this area in detail and identifying any further measures that we can have to to reduce the the working area wherever possible. One such area for instance, was mentioned

1:14:49

hearing last week and others the entrance into the 100 River area from Alta road. So we have gone back to the engineering design teams and we have we are able to confirm

1:15:00

That the bandwidth arrangement that we would have had,

1:15:04

we have made provision for within the access management plans that would be removed in favour of a as a smaller access arrangement. And that can be facilitated through the use of temperate traffic lights within the DLP route. And we will be making that confirmation in writing at that landing.

1:15:25

Thank you very much. That's helpful. And then finally, on this matter, just to the applicants,

1:15:31

are you still confident that a finding of no adverse effect on integrity on the sandlings SBA will be agreed prior to the close of the examinations?

1:15:42

grammar grounds for the outcome second handover to Claire Smith to talk in detail. The as far as they can see Sangha, three limited newfangled, well North limited, we still remain fairly confident of the conclusions of the

1:15:57

updated findings. But Claire can find further further information.

1:16:05

classmates on behalf of the applicant. So we have prepared and submitted at deadline six and a screening of lightly significant effect in terms of the proposed Brexit. It's across 100 river that has been submitted as yet we have not received response or comments from natural England on that documentation. However, the conclusions are, are presented as a suite of mitigation measures that that will be implemented, which demonstrates our and support our conclusions that are drawn. It's just unfortunate. We don't have as yet feedback from natural England on those points. That's fine. I appreciate but I'm limited in what you can tell me today. Thank you very much. Thank you.

1:16:48

That concludes all of my questions on this matter. So then I'm going to turn to the party's starting with Suffolk County Council. Please. Do you have anything that you wish to add and anything that's been discussed this morning?

1:17:06

Good morning. I'm Andrew Murray wood Suffolk County Council. No, I don't think I do, actually but grateful for the opportunity to to add anything. I think one thing that was a little surprise to me was the the the redesign of the bell mouth going onto watering and road and I just be very interested to see that as and when it's available. But that that sounds a more positive move. But thank you I

1:17:34

think Mr. McGregor said that would be submitted. Thank you. Thank you.

1:17:41

Do II Suffolk Council have anything they would like to add?

1:17:45

Thank you, mom James Murphree suffered counsel. Not specifically. I mean, I think it was interesting to hear the applicants response to your question on not being able to further narrow the cable corridor through the woodland the undercover crossing points. It's obviously a point we've raised before. I think we perhaps would like to see women submit their comments would see a potential for a commitment in the draft water cost crossing method statement to explore through the detailed design further narrowing of that, think would would welcome something along those lines.

1:18:20

Could I just ask the applicants to respond to that point, please?

1:18:28

Regardless, for the outcomes, we are updating the watercourse crossing method statement, the deadline date, and we will include that commitment and send the document.

1:18:40

Thank you. That's all we had.

1:18:43

Thank you very much to both of you that

1:18:46

could next move on to CS. Do you have anything you wish to add in relation to the matters we've discussed this morning, please?

1:18:56

Yes, this is Johor. exercises, thank you very much for asking, inviting our comments. I do have one or two comments about the crossing the night General woodlark of the sanderlings SBA.

1:19:11

Because natural England decorah have recently added a new triple si impact risk zone to the mapping software, which definitely shows that areas outside the triple si will have impacts within it. And we've repeatedly said that you know that protected species are not confined to triple their size in this area, and that there are many connectivity corridors. So this is quite timely, because the mapping supports our view that current surveys are not adequately picking up significant species which are vulnerable to adverse events. And sometimes, we've already discussed the service

1:20:00

things done at the wrong time. industry standard may be one thing, but the jncc, for instance, has definitely got timetables for the different surveys that have been done here. And I'll give you an example. reptile mats were installed last week, which is just too early in the year.

1:20:21

And we will talk about the woodland survey a little bit later. If I may, I'd like to ask Mr. Jethro read more to talk about pollution at this point on the effects, the effects of air pollution on night, john woodlark have a sunburn.

1:20:37

Yes. Okay. Yes, yes. If it's in relation to the impacts on the standings SP then yes, thank you.

1:20:48

Good morning,

1:20:50

wanting us to read.

1:20:52

Hi. So yeah, my name is Jeff ever more paid before these hearings before so I won't go into too much detail about my qualifications and background.

1:21:01

We've provided this representation at deadline five as well, which highlighted two areas concerning relations to the air quality assessments.

1:21:11

Two of these have the potential to to affect the assessment of the night john woodlark habitats.

1:21:19

I'll go into those in a bit more detail. Now. There's there's two interrelated issues.

1:21:26

The first of all, that emissions of ammonia from vehicles and plant haven't been assessed by the applicant. The second is that the emissions from generating plants have not been modelled appropriately by the applicant either. Now increase ammonia levels can lead to direct impacts on foliage, as well as changes in ground floor as well.

1:21:51

They also affect nitrogen acid deposition rates, which has similar adverse effects on habitats. The habitats used by both nightjar and woodlark within the SBA, are sites sensitive to these changes. And without consideration of ammonia emissions. We've got concerns really, that those changes in habitat type and associated impacts on the protected species may have been underestimated.

1:22:21

Excuse me.

1:22:23

So, the applicant is responding to our submission deadline five, and indicated that an assessment of ammonia emissions would not be provided. This contradicts requirements of safety for several local planning examinations, such as Welwyn and Epping district councils which did require ammonia emissions from vehicles to be considered in relation to potential impacts on European designations, and obviously, the species within those

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the effect of ammonia emissions can actually increase nitrogen deposition by up to 40 to 50%. So without this assessment, the conclusions of the assessment may well be underestimated or based on incorrect and incomplete results.

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The second issue is that the generator exhausts within the modelling assessment haven't been assessed appropriately. This is led to significantly lower results. And again,

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basically conclusion that the effects on all nightjar and woodlark is not going to be significant on these incomplete results may therefore, just be

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under estimating the potential effects on those species. So in summary,

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the habitats of Nigella woodlot are sensitive to changes in ammonia emissions, ammonia will be released by the department, this has not been assessed to date. Therefore, we would suggest that this does need to be considered. So the examining authority can have a full understanding of the potential impacts on those habitats and associated species.

1:24:12

Thank you. Thank you very much. Mr. Edmore. Dr. Horrocks, was there anything you wish to add in relation to impacts to the ES pa before we move on to the next party?

1:24:25

I would like to come back and talk about the river 100 crossing, but I'm happy to carry on with happy to refer to other people who have things to say about the SBA like that.

1:24:36

That's all. That's all. We're dealing with this this morning, Dr. Horrocks, we're not dealing with other terrestrial ecology matters. So if there is anything that you you wish to add in relation to the woodland, and I would suggest that you submit that it deadline eight.

1:24:50

I wanted to talk specifically about the crossing of those 100. Is that in relation to the impact on the soundings SEPA?

1:24:58

No, it's next to me

1:25:01

Which has already been discussed by the applicant.

1:25:06

Okay, what do you do you want to put your points forward on the agenda this morning we are just discussing the

1:25:14

the impacts to the sandlings SBA, SBA crossing methods statement under 100 river crossing method statement in relation to that, do your points relate to those matters? Yes, I think they do. That's fine. Please do that. Should I carry on? Yes. Thank you so much, okay. And we wanted to discuss the river 100 crossing, because again, looking at the Oh, sorry, the I said mapping.

1:25:42

It shows that the river 100 will impact the triple si in two main areas, it will first within 600 metres of the triple si area six to the east, and then within 1000 metres of the triple si areas 12 or 13 to the south. And the work will also impact the left wing conservation areas and the crossing point but I'm aware that isn't part of samplings. So the riddle will also impact the trigger side by its flow, obviously for the South because that's downstream, but also because of the catches which will spread the river water west and east, thereby enabling spread by penetration with any likely significant adverse effect on integrity of the triple si.

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The Rebbe 100 itself is vulnerable to any indirect and in combination effects within ex situ habitats with the triple si from air pollution, geology, contamination, groundwater, and hydrology effects, therefore, is vulnerable to contributing to lessees and ayios itself.

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There is no mitigation proposed for the works on the river 100.

1:26:59

Quite within the river 100 itself. we've noted that there are priority species present or observed at the crossing point and the metal on the east, which is also crossed by river 100 crap catches is also identified as priority grazing marshman habitat.

1:27:16

So the repair the riparian woodland of the river is a priority habitat under the UK biodiversity Action Plan, which is one of the most threatened habitats and we do not agree with the applicant and that they consider they've succeeded in characterising the woodland as dry. We have already submitted two documents on this and we will submit more we know that naturally Lynn said their character Soviet at the wrong time of year it cannot be adequately concluded until April or May. But in addition to this then according to jncc nddc guidelines, the the entire woodland should be studied not just the order limits, the order limits are going to remove around 44% of the wood. And the reason we are sitting test on this matter here is that the crossing will more deeply affect a wet woodland, which are sensitive to changes in climatic conditions. Therefore this woodland is unlikely to recover from the removal of a large section of its trees, disturbance to soils and changes to hydrological conditions.

1:28:25

We would also like to discuss the damming of the river because river 100 has seasonal flooding events both upstream and at the cable crossing old Willow and poplar currently lying the riverbank and they provide strength and structure to absorb the energy of the flow of the river. They also contribute to eliminating pollutants as well as carbon capture traditionally planted

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to counter the flooding. Once these trees are removed, these natural flood defences will lead vulnerable the properties in gipsy lane and further downstream and probably contribute to the seasonal flooding that we see on the BLM 22.

1:29:07

In other wind farm applications, a number of measures have been proposed to avoid such likely significant events, including trenchless crossings to screen out direct Elysees or at adverse effect river and triple si crossings.

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We have been in contact with the microtunneling enterprise in the UK.

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But its processes cause the event to be longer in duration. That HDD would certainly much longer than trenching would. And of course, it's more expensive to the commissioner, but the cost of biodiversity into human life is considerably less. So we've come across financial economist before as a driver in these hearings.

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But the dismissal of microtunneling by the applicant because of the planting bowl doesn't feel like a good argument for where we're living and having heard

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The extent of the loss, which is not mitigated

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alongside the with 100.

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So,

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if you forgive me, I've just lost my nose,

1:30:16

we need to cry, we need to pound the trench crossing of the river. In terms of increased flooding risk, the heating of the water caused by loss of tree cover the loss of carbon capture the loss of water filtration by absorption of pollutants that wet the trees provide for loss of habitats, the loss of champion trees have substantial age,

1:30:39

the effects on the triple si to the east and to the south, the loss of social tranquillity, immunity and connectivity for the human population. And its effect on the health of all religions that were now advised to do so by Majesty's Treasury. Since the desktop to report was published last month.

1:31:01

The applicant has not begun to mitigate for this crossing. We cannot condone wholesale loss of biodiversity, with profits for them, and heavy economic consequences for everyone else.

1:31:13

We will of course send you the match.

1:31:17

Decker has drawn them for the motor home. I'm very sorry to interrupt you. But the agenda today was specifically in relation to the s pa impacts. And we are diverging a little bit from that I know a number of your points you have made already. But we are being strict and sticking to the agenda today, because we did specifically have all of these items on the agenda in January to cover them, then. Could I ask

you just to keep it to any impacts to the nature and would like of the standings? SBA, please and anything else? If you could submit that in writing by by deadline eight, if they are new points. I know a number of these points have already been submitted into the examinations. But I am going to have to ask you just to keep to the impacts on the SP I'm afraid because that is what was on the agenda for this morning. Thank you. I have actually finished I was just saying that I was going to send you the map of the impacts on the FDA, as drawn by the dekra. Software. Thank you. Big Great, thank you. Thank you very much. Could I next year from Stacy's? Please. Again, if we could just keep it to two impacts. On the night john would lock up the samplings SP please.

1:32:37

Hello, good health. facings.

1:32:41

Hello.

1:32:44

I have some notes here. I'll try to not to

1:32:49

stray from too far. You may have to bring me back on course.

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I said before, I'm here to talk about the watercourse method statement, which is an SBA matter. Although the actual crossing places not on the SPR as well where

1:33:08

I'll try not to repeat what phasis has previously submitted. Although we have submitted up to several stages, including deadline for that one, five or six that I said, You're already aware about using writing. So repeat that. Okay.

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We do believe that there is great potential for permanent damage to the riverside ecology, typically the land that Dr. Horrocks has referred to,

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much of which would be lost to the proposed cut solution.

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I'm very pleased to hear Mr. McGregor's say that he's looked again at the bell and mouth. And that will reduce I think we're 44% of the loss of land, probably down to about 40%. So that is that is welcome.

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We await natural England's comments on whether the west bank of the river is or is not bad woodland habitat. So I won't go into that here.

1:34:03

So I'm rushing ahead because I know that you're you're under pressure here.

1:34:08

Didn't deadline one.

1:34:12

In fact, ceaseless has been urging Africans to seriously consider microtunneling as an alternative to trenchless not only for the river crossing, but if only as a kind of engineering due diligence. But while we understand they will be cons as well as pros, but I'm not saying that we're disappointed that the applicant has not provided analysis microtunneling as distinct from horizontal direct drilling does not provided relative quantification of the facts factors forward against

1:34:42

in applicants comments to faces, deadline five comments, they said in referring to our suggestion they might drill under the river and the road and woodland. They said they will need to drill length about 500 metres

1:35:00

And I, I'm fairly sure that they've got a little bit confused between horizontal direct drilling and microtonic. Horizontal direct drilling is about the surface launched microtonic. tunnelling is pitlane. leaving that aside,

1:35:16

I want to quickly refer to what has already been mentioned about the maximum width of the works at the river 100 crossing.

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That's been reduced from 50 metres to 34 metres. But I think the applicant has failed to mention that should both projects Go ahead, that would actually be two times 34 equals 68 metres. We understand the Africans mentioned the need for why separation I think that's been discussed earlier on today.

1:35:42

So I think I better knock 68 metres I should say is 250% wider than the maximum width commitment of 27 metres or the cable routes at that pinch point. But I think that's already being referred to just one point on I think Mr. gratis mentioned this morning. The turning points required the vehicles approaching from sizable gap.

1:36:06

But there's another concern about the the amount of space that's going to be taken on the west side of the river, which vehicles would not be approaching from sizeable gap to get to that because there was not going to be a bridge across the river and same amount of space has been taken on that side.

1:36:24

Just to to to finalise this.

1:36:29

We found no evidence that habitat surveys whatever carried out prior to the original selection of the old watercourse and road crossing place in back in 2017. But the Africans have confirmed in one of the deadlines seven submissions that a final decision to cross the river was made in June 2018. And the extended 2018 habitat survey

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was actually carried out in two phases during April 2018 March 2019. But no target notes are ever identified on the West Bank woodland for either phase of the 2018 extended habitat survey, despite his obvious ideal biota, habitats, many fallen trees and in fact only one target note in the entire area of work 19 but that, that contrasts with the very recent surveys that the applicant has referred to today, when they have identified 25 target notes that works 19 of which 22 are within the West Bank, woodland between river and road.

1:37:36

Now, we we have also listed in our submissions, significant errors, oversights and confusion in that 2018 extended survey of the 100 River area.

1:37:48

Now, CCS is forced to conclude that it formal confirmation the formal confirmation for site selection decision back in June 2018, which depended on the feasibility and suitability of the old borrowed pinch point table crossing was made without reference to an adequate ecological survey of works number 19. Or the old older than river 100 SLA.

1:38:12

Finally, to close I would just like to say the applicants insist there is no practical alternative to BLM 22. River crossing route two through two Freston. So should it be decided that a trenchless micro micro tunnel watercourse crossing is deemed infeasible or unacceptable, then that Riverside habitat will be lost. And we believe it was a failure on the applicants part not to have properly assessed in the CIA. And that's one more good reason that neither of these two planning applications should be consented. Thank you. That's the end. Thank you very much, Mr. hallford.

1:38:53

Mr. Mr. Chandler, could I just I'm just conscious we normally had a break. But I can I just ask how long do you think you might need to make your submissions? Do you think it would be longer than five minutes? I very much doubt it. Okay, could we hear from you then in that case, and then we'll take a break before returning to the app. Thank you very much, Miss Jones, Paul Chandler for save our sound things. Firstly, just stay save our savings position on the SBA crossing has not changed from that previously stated and we don't agree with open trenching of the SBA.

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The s the latest SBA crossing message statement version two, that's rep 6036. There were

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a number of figures were two figures that were actually redacted or marked as confidential, because four and five, I did actually request from the applicant whether we could see sight of those because

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the reason for that is we want to check that they have identified all the locations

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relevant to the SBA.

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As yet

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I have not received a reply or the the two figures, it would be very helpful if we could see those because obviously, it's very difficult to respond to a document if you don't have all the facts.

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So that's really all I need to make.

1:40:17

point at this time. I'm also very grateful for Dr. Horace bringing up the

1:40:24

the situation on the reptile maps. They've just appeared on the SBA last week, and I totally agree it's the wrong time of year to try be doing a reptile survey. They're all pretty well in hibernation is far too cold for most reptiles to be out and about.

1:40:42

I'm done. Thank you very much. Mr. Chandler. Okay. We're going to take a short break. And just before we do, I'm just going to say to the applicants, I see a number of points have been raised there, some of which aren't necessarily relating to the agenda item we were discussing this morning. So I'm going to suggest to the applicants is that

1:41:02

when they come back to you, if you could just respond on matters relating to the standings SP and any other matters, you could respond to by deadline eight. Again, no need to repeat anything that you've already said this morning. And if there is something that you've already responded to in writing, simply letting us know that where that is on the reference number will suffice.

1:41:27

We just lost a minute but I think we will return at 1155.

1:41:32

Thank you, everyone.