



Hearing Transcript

Project:	Five Estuaries Offshore Wind Farm
Hearing:	Issue Specific Hearing 1 (ISH1) - Part 4
Date:	18 September 2024

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FULL TRANSCRIPT (with timecode)

00:00:05:11 - 00:00:35:14

Welcome back, everybody. My name is Felicity Webber. Um, I'll be asking questions on the effect for onshore ecology. Um, I will ask the applicant now to give a summary, um, of its case, uh, with regards to onshore ecology, um, against uh species surveys, assessment methodologies, impact mitigation, designated sites and qualifying features, and protected species and biodiversity net gain.

00:00:45:00 - 00:00:59:20

Good afternoon, Jessica Holbrook. Uh, on behalf of the applicant, I'm a principal ecologist at SLR consulting. Um, just to reiterate, because of the number of, um, sort of subtopics within onshore ecology, we anticipate this will take about 15 minutes. This summary.

00:01:01:13 - 00:01:32:11

So if I start with the specie surveys and for the offshore infrastructure, the survey scope for habitats and species has been agreed with relevant stakeholders through the scoping and evidence plan process. In all cases, field survey data was gathered in accordance with current good practice guidelines by staff with appropriate experience. Section 4.7.1 of Application Reference 086, which is six three for onshore biodiversity and nature conservation.

00:01:32:18 - 00:02:04:16

It confirms that no significant limitations are associated with any of the field surveys. The applicant notes that Natural England has raised a query on the timing of surveys undertaken for Badgers Rec. Excuse me. The applicant recognises that whilst Badger survey can be undertaken year round, the summer months are not optimal as dense vegetation may prevent access to or may obscure field signs. This limitation is recorded within section 2.2 of 6.6, 0.4.21.

00:02:04:18 - 00:02:25:21

Protected species report and figures. This is a confidential annex application reference 152, which concludes this is considered to be a minor constraint to the objectives of this study, since the vast majority of the survey area proved accessible. The applicant is therefore confident that the assessment is valid and the mitigation proposed is appropriate.

00:02:29:14 - 00:02:39:05

And just to cover. Um, it's a it's an onshore element, but it's in respect of offshore impacts. It's the lesser black back gold compensation area or fitness. The surveys there um.

00:02:39:07 - 00:02:52:24

Could just stop you there. I'm not actually going to deal with your fitness, uh, because that technically is under the offshore. So we're excluding that from this, this particular discussion. Sorry. I should have made that clear.

00:02:53:09 - 00:03:23:27

Thank you. Okay. So that's, um, the species surveys element covered. So moving on to part B of your subheadings. That's the assessment methodologies for the environmental impact assessment. The applicant confirms that the evaluation of ecological importance and the assessment of impacts has been undertaken in accordance with the Chartered Institute of Ecology and Environmental Management 2022 guidelines. These are referred to as the C guidelines. They're widely regarded as industry best practice.

00:03:24:21 - 00:03:48:03

The applicant has assessed a reasonable worst case scenario for the project using the Rochdale Envelope approach. The ecological impact assessment is based upon assessing the indicative corridor location within the order limits. Due to the significant effort made at the design stage to avoid ecological receptors. The indicative corridor is a robust, reasonable worst case.

00:03:50:03 - 00:04:20:16

Where potentially significant impact. Oh dear. Excuse me. Where potentially significant effects have been identified. The mitigation hierarchy, which is avoid, mitigate, compensate and then enhance its been applied. So the project is committed to avoidance of direct impacts to all of the following items statutory designated sites, local wildlife sites and ancient woodland. Watercourses and ponds.

00:04:21:04 - 00:04:31:15

Lowland meadow. Woodland. Hedgerows known to support foraging Barbara Stobart and or dormice and trees known to support roosting bats.

00:04:33:10 - 00:04:48:05

There is high level agreement with Essex County Council, Tendring District Council, Natural England, the Environment Agency and Essex Wildlife Trust on the methodology used to prepare the environmental statement, and the applicant is not aware that they're objecting to the methodology used.

00:04:51:09 - 00:05:21:19

In terms of appropriate assessment. The applicant has completed a stage one screening assessment and the stage two report to inform an appropriate assessment in accordance with the requirements of the Habitats Regulations and in line with government guidance. At stage one, the applicant identified European and Ramsar sites for which likely significant effects could not be excluded, and then then proceeded at stage two to assess the effects on the qualifying interest features of those designated sites.

00:05:22:00 - 00:05:45:15

So in total, 11 designated sites, actually that comprises five sites with multiple designations, they were identified for which likely significant effects could not be excluded as a result of onshore works, and

29 onshore qualifying features were subject to a detailed impact assessment. The designated sites are all coastal, apart from one which is an inland reservoir.

00:05:49:01 - 00:05:56:07

So moving on to point C, which is impact mitigation designated sites and qualifying features and protected species.

00:05:58:15 - 00:06:40:09

The and a large part of the EIA covers embedded mitigation. So the site selection section 6.1 for site selection and alternatives, Application Reference 066 sets out how the project sought to avoid ecological designated and sensitive sites through the iterative design stage process, and that considered feedback from consultations. The mitigation contained in table 415 of the ecology chapter, which is Application reference 086, includes mitigation measures or commitments that have been identified and adopted on the residual onshore ecological receptors.

00:06:41:00 - 00:06:58:11

The key element is that all construction work will be undertaken in accordance with the Code of Construction Practice and a Landscape Ecological Management Plan, and outlined Landscape and Ecological Management Plan, which is application reference as 006 was provided with the application.

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Turned into statutory designated sites. The site selection process sought to avoid, where possible, statutory designated sites. However, six designated sites were identified as having important ecological features that may be affected by proposals and were subject to detailed assessment. None of these sites will be directly impacted by the project. Applicable to all of those sites are arranged mitigation measures during the construction period to reduce disturbance to non breeding birds for Hanford water.

00:07:33:24 - 00:08:07:11

In addition to that, there are mitigation measures during the construction period for Fisher's estuarine moth. They include pre-construction checks for its food plant, hogs, fennel during the season prior to works commencing, and if a plant is located and cannot be retained in situ, then translocation and or propagation In all cases. No significant residual. No significant residual impacts are predicted to any of those sites. These mitigation measures are all secured through the Outlined Landscape and Ecological Management Plan and the Code of Construction Practice.

00:08:08:29 - 00:08:42:14

It's noted that Natural England and it's a relevant, uh, relevant response. So apologies which is J20. They request mitigation for black tailed Godwin and other species for unplanned maintenance during the operational period. The applicant confirms that such mitigation is proposed for blacktail, Godwin and other species. There will be screening of unscheduled maintenance works in the vicinity of Holland Haven Marshes, Site of Special Scientific Interest, where this species occurs in the same way as detailed for construction.

00:08:45:11 - 00:09:21:00

Moving on to local wildlife sites. Six local wildlife sites within 200m of the order limits were also identified as important ecological features that may be affected by proposals, and they were subject to detailed assessment. None of these sites will be directly impacted by the proposal. Indirect impacts as a result of changes to air or water quality have been considered within the environmental statement, which concluded no significant effect. The Code of Construction Practice Application Reference 253 sets out pollution control principles which would be implemented during construction.

00:09:21:21 - 00:09:25:22

As a result, no significant impacts are predicted to any local wildlife site.

00:09:28:06 - 00:10:04:07

And buffer zones are or are an important part of mitigation, and some relevant representations have been received, for example, from Natural England and the Forestry Commission, seeking clarity on the extent of buffer zones for designated sites. Retained habitats, including ancient woodland. All the species I support, as set out in the outlined landscape and Ecological Management Plan. The extent of the buffer zones will be established by the Ecological Clerk of Works based on relevant guidance and experience, specific to the location and the impact, where appropriate.

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The effect will also be observed.

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In.

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Terms of protected species.

00:10:14:05 - 00:10:45:10

Invertebrates using coastal habitats. The Holland Brook and other section 41 habitats. Great crested newt. Common toad. Reptiles. Breeding and non breeding birds that badger, otter, water vole, dormouse and other section 41 species were each identified as important ecological features and were subject to detailed assessment. No significant impacts are predicted predicted to any European protected species with the exception of great crested newts.

00:10:45:12 - 00:11:15:20

No European protected species licences are required to implement scheme based on data to date. However, due to the high mobility and local presence of dormice and bats, the project has retained the ability to implement licensed mitigation for both. In the unlikely event that Preconstruction survey confirms they are present and would be unavoidably affected. Natural England has confirmed in its relevant representation it is in agreement with the project's proposed approach in respect to European protected species licensing,

00:11:17:11 - 00:11:49:04

with the exception of certain breeding bird species. No significant impacts are predicted to any other protected species. Significant impacts are predicted for corn bunting at a county level and skylark at a local level, as a result of effective permanent habitat loss at the onshore substation due to the

requirement for landscape screening at the onshore substation, the presence of which is also an adverse impact to these species, it's not possible to provide additional mitigation or compensation within the order limits.

00:11:49:27 - 00:11:58:04

Project level decision was made in respect of planning balance, determining that the benefits of the scheme outweigh the potential impacts to Skylark and confronting

00:12:00:03 - 00:12:07:28

the applicant. Notes that Natural England has queried the use of time periods for the definition of duration in relation to impact assessment for protected species,

00:12:09:28 - 00:12:40:14

and we would advise at the time frames referenced in application reference 08663 for onshore biodiversity in nature conservation are explicitly unrelated to protected species or habitat lifecycles, and are presented as such in section 4.6. ten of Application reference 086634 on biodiversity and nature conservation. There provide is simply to add context for how long an effect may last, irrespective of how time relates to the ecological feature experiencing it.

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Moving on to appropriate assessment.

00:12:48:23 - 00:13:21:12

As was required. The European sites identified were subject to assessment. The effects of the project were considered alone and in combination with other plans and projects. In summary, all of the identified impact pathways are minor and or short term, and can be mitigated such that the project would not undermine the conservation objectives for any of the onshore features or sites. There would therefore not be an adverse effect on the integrity of these sites through the construction and operation of the onshore infrastructure, either alone or in combination with other projects and plans.

00:13:25:16 - 00:13:30:02

And then moving on to the final subheading, which is Biodiversity net gain.

00:13:31:23 - 00:14:04:23

The project must deliver biodiversity enhancement as a requirement of the National Planning Policy Framework. However, at this time there is no statutory requirement for the project to use a metric or to provide a specific quantity of net gain. It is, however, recognised that schedule 15 of the Environment Act 2021 introduces biodiversity. I'm quoting here biodiversity gain in nationally significant infrastructure projects, and that these changes will be enacted through subsequent secondary legislation or regulations, currently predicted to be in November 2025.

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They will not apply to this application.

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The applicant is fully committed to delivering biodiversity net gain. The project has worked hard to maximise the biodiversity benefit within the onshore order limits at the onshore substation works area, after the outline, landscape and ecological Plan was drafted, and respecting the recommendation of NPS in one paragraph 4.6.7, the latest version of the biodiversity metric, which is the statutory metric, has been used as a basis to quantify the biodiversity baseline and net gain outcomes for the purpose of the biodiversity Net Gain Assessment submitted alongside the Five Estuaries DCO application.

00:14:50:00 - 00:15:22:20

And indicative scheme design for the cable corridor and the substation location has been assessed, which is considered to represent a reasonable worst case scenario compared with the final design. This approach allows an understanding of the maximum area of land required in order to deliver biodiversity net gain, and if this can be met within the onshore order limits, the metric will be rerun post DCO consent and the Biodiversity net gain final design report shall be prepared. It's envisaged that this would be the subject of a DCO requirement.

00:15:24:20 - 00:15:53:24

The applicant notes that Natural England agrees the approach taken to determining on site and off site for the purposes of the biodiversity net gain assessment is acceptable. This assumption will therefore be used for post DCO. Future iterations of the metric. The applicant also notes that Natural England agrees the approach taken to re-instated hedgerows in section 4.1.1 of Application reference 149. Onshore biodiversity net gain indicative design stage report is acceptable.

00:15:55:12 - 00:16:28:20

The applicant disagrees that re-instated hedgerows that are not subject to a 30 year. Management plan should be regarded as lost. The rationale for this stance is provided at section 4.1.4 of that report. For clarity, the assumption used for post DCO future iterations of the metric would be that hedgerows that are removed and then subsequently reinstated, and the subject and subject to the agreed aftercare period to ensure successful establishment are lost and then created using the metric terminology.

00:16:30:20 - 00:16:31:23

That's all. Thank you.

00:16:33:27 - 00:16:37:12

Thank you very much. Um, now I'll invite, um.

00:16:39:17 - 00:16:45:09

Oh, Essex County Council, do you have any comments to make? on what you've just heard?

00:16:46:07 - 00:16:54:18

Thank you. Ma'am. Uh, Mark Woods County Council. Um, other than to defer to our local impact report, which will be with you on the 22nd of October.

00:16:54:21 - 00:16:55:14

Sorry, I think I.

00:16:55:16 - 00:17:12:29

Can't other than to defer to our local impact report, which with you on the 21 we will cover this matter in in more detail. However, it is correct to say, um, that we, um, raised no objections whatsoever to the assessment methodology. This has been explained by the applicant.

00:17:15:11 - 00:17:51:09

Of course we raised nothing. There we go. Um, other than to say that we raised no objections to the to the assessment methodologies as used by the applicant. Um, as just as a brief additional point, we also do note the issues in relation to biodiversity, net gain and where it sits in relation to the consideration of N steps. But Essex County Council obviously see this as being a, uh, a consideration that we'd like the examiner authority to take forward, because we also would like to mitigate any against any potential impact.

00:17:51:14 - 00:17:57:28

And we think that biodiversity net gain is a good way to seek to try and ensure mitigation factors. Thank you.

00:17:58:23 - 00:18:01:01

Thank you very much. Um.

00:18:09:09 - 00:18:10:19

But we have a hand up on.

00:18:13:10 - 00:18:13:25

Um.

00:18:13:29 - 00:18:14:27

Is.

00:18:18:11 - 00:18:22:01

This. Oh, this is story from Suffolk. Sorry. Good afternoon.

00:18:22:03 - 00:18:24:18

I'm Eleanor Storey from Tendring District Council.

00:18:24:26 - 00:18:56:26

I just wanted to, um, make the point that, uh, as the host authority, we clearly approaching this as a single application. Uh, also, just to kind of confirm the same as Essex. These points will be laid out in our local impact report. But just to draw attention to what I know in the policy compliance document, ARP 232, that the Local Nature Recovery strategy is mentioned. And I wanted to draw attention to the fact that that is currently out to public consultation.

00:18:56:28 - 00:19:10:09

So in the works that are going to be coming forward in ecological terms, that that would be something we expect to see referenced and acknowledged in future iterations. Thank you.

00:19:11:24 - 00:19:21:00

Just a quick question. Um, the, uh, consultation period, is that going to finish within the period of the, uh, examination?

00:19:21:03 - 00:19:23:27

It finishes on the 25th of October. Yes.

00:19:25:22 - 00:19:26:09

Thank you.

00:19:37:14 - 00:19:41:07

Ask is there anyone in the room that would like to make a comment? Yes 30 films.

00:19:44:29 - 00:19:47:17

Tamzin Fairley for Turner Family Farms.

00:19:47:27 - 00:20:19:21

Um, um, before I say what I'm about to say, I don't want this to come across like we don't think the biodiversity net gain is important because we appreciate that's part of it. But our concern is that by placing a lot of the environmental mitigation at the substation location, you've put that all on grade one land. So we just want to understand whether there were any alternative areas considered that perhaps weren't grade one land along the corridor or elsewhere that could have been used instead? I think it counts.

00:20:19:23 - 00:20:50:02

We don't have exact figures as to how much of the land that's proposed to be taken. Of the total 75 acres at Norman's farm is for environmental mitigation, but we do know that 15 acres is for the operational substation area. So it seems like a large proportion of what's being taken is for environmental mitigation. So yeah, we want to understand whether it could be put in an area of land that's less productive for farming.

00:20:50:18 - 00:21:13:12

Um, we are aware that there's sort of a consortium of people within Tendring that have been looking at the biodiversity net gain schemes. Um, and perhaps that's something that should be engaged with instead, because there could be people who would be happy to provide that land in a more appropriate location. So is that something that's already been looked at or engaged with?

00:21:14:15 - 00:21:19:07

Thank you very much for that. Could you switch off? Thank you. Um.

00:21:26:05 - 00:21:40:14

Um. Well, I think, um, rather than asking you to respond to that at this point, um, I'm going to go on and now and ask if Suffolk County Council have anything to say on the on the subject.

00:21:40:28 - 00:21:55:20

Thank you, madam Michael Bedford, Suffolk County Council. So far as terrestrial ecology is concerned, the impacted areas lie outside of Suffolk. Administrative area. And so we don't seek to trespass outside of our administrative area.

00:21:58:06 - 00:22:33:09

Thank you very much. Right. Um, on the, um, comment regarding the consortium, I mean, we are not aware of this. Um, information, is it possible for you to submit information? Um, with regards to a consortium? Yeah. I thank you very much. Um, I don't think at this stage I'd be it would be difficult for you to comment on something that you've not had sight of. So I don't think I'll be coming back to just at the moment on those on that particular matter.

00:22:33:15 - 00:22:40:23

I do have other questions that may Ultimately result in you not being able to respond now.

00:22:41:06 - 00:23:04:22

Um, Adam, there is one thing we would like to say just quickly responding to to this fairly we think she's fundamentally confusing environmental mitigation and biodiversity net gain. They are completely different concepts. And the land take at the substation that she's referring to is driven by environmental mitigation.

00:23:05:22 - 00:23:21:10

Uh, I appreciate your, um, putting your position regarding that. Um, as I said, I think as this is new information coming through to us, we probably want some time to digest it before we get back to you. Um, moving on.

00:23:21:12 - 00:23:26:13

And as I said, I'm completely confused. What is I'm not clear what new information you're referring.

00:23:26:15 - 00:23:32:17

Well, regarding a consortium offering up land, I mean, it may have nothing to do.

00:23:33:14 - 00:24:01:06

With what the applicant is Speaking is that there may be some confusion between how fairly farms are seeing what's going on at the substation site versus, uh, with their view is that it's being or a diversity net game, but the applicant is indicating that actually what they're proposing, uh, is not being it's mitigation for the substation site. Um,

00:24:03:04 - 00:24:09:00

can we get some clarity from the applicant in that regard? Mr. Boswell, I was starting to make a point.

00:24:13:15 - 00:24:39:00

Uh, Paul McKinney for the applicant. I think the point we're trying to make is that as far as we understand this consortium proposal, we have no direct knowledge of it. It's about delivering BNG, not environmental mitigation. And therefore it's it's not really appropriate to say that that could be a mechanism to deliver environmental mitigation if we want to look at the mechanism for being. We're

very happy to do that and look at the material it comes in, but it's not a Lycra like with environmental mitigation.

00:24:39:28 - 00:24:57:28

No, I don't think I was expecting you to, to actually look at it from that point of view or just it. It's, it's new information to us and we need to look at it and consider it. But thank you very much for your clarification. Um, move. Sorry. Oh

00:24:59:15 - 00:25:00:00

sorry.

00:25:00:02 - 00:25:33:00

Was fairly can I maybe just clarify my point? I appreciate that there's the environmental mitigation, which is one part of it, but is that all of the environmental mitigation that's at the substation site just for the substation, or is that environmental mitigation that's effectively for the route as a whole? Why does it I think the point I'm trying to make is why does it need to be on land that's grade one when that's the most productive arable land? And why could that not be placed within the vicinity? Potentially.

00:25:33:02 - 00:25:42:03

But on less productive land. I think that's one half of my point. And the bag element is another point that there are people who are aware of it. And perhaps it's.

00:25:42:18 - 00:26:08:03

As I said, I think that we need to understand exactly where you're coming from before we can consider cross, or putting forward some form of questioning to the applicant. Um, so, as I said, if you know, you're going to send us a note of what you've just said, the information you provided, plus access to the consortium, and then it's for us to just look at and consider. Okay. Thank you. Okay.

00:26:11:01 - 00:26:56:15

Right. Moving on. Um, for the applicant. Um, first to clarify, and as I said right at the beginning, we are not going to be discussing anything to do with the gold compensation areas because we see that as part of the offshore, um, uh, ecology. Um, but we do want to make reference to appendix J of the Natural England's onshore ecology um, which was PD 2012, which identified the number of deficiencies, um, in the timings of the surveys, um, and uh, and setting arbitrary time periods for assessments.

00:26:57:02 - 00:27:31:19

Um, and it wasn't just in relation to badgers. There were other species that they were looking at as well. Um, and they identified a couple of areas. Um, I think was north of the eight 2120 that, that they, they said needed further surveys done on it. Um, now, much of what was in the note from you about, um, Natural England's responses to your discussions was based on what the compensation area and offshore.

00:27:32:05 - 00:27:54:23

Um, so to some extent, I, I don't think we've totally heard from you. And whether you've had discussions with Natural England with regard to the onshore sections of surveys, etc., because we haven't seen any written notes from you on discussions with them on the onshore ecology.

00:27:58:14 - 00:28:29:20

Thank you ma'am. Jess Colebrook, on behalf of the applicant, we're still preparing our response to Natural England's relevant representations because it was a meaty document. Um, I in the summary, summarised our responses to the points you've raised, um, and the which were the, the most pertinent ones. So in respect of surveys north of the A120 that also was referencing badgers, um, Natural England raised queries in relation to.

00:28:29:22 - 00:28:41:07

I'm hesitating in, in exactly what I'm saying, because it's in relation to budget sets. And the location of budget sets is something which we do not publicly share because they are subject to and subject to. Exactly.

00:28:41:09 - 00:28:42:23

So that is understood.

00:28:43:17 - 00:29:03:06

However, we are aware of Natural England's comments, and I'm I'm, uh, you will see when you receive our responses to natural natural England relevant representations that we are we are happy where you have addressed them and that natural and perhaps have just misunderstood or or misread part of our report. So, um, but when.

00:29:03:18 - 00:29:08:09

When do we anticipate your report being ready for deadline one or will it be later?

00:29:15:14 - 00:29:19:08

Discovered work on behalf of the applicant. We anticipate deadline one for those responses.

00:29:19:10 - 00:29:20:21

I thank you very much.

00:29:34:20 - 00:29:35:17

But now,

00:29:37:02 - 00:30:26:05

um, I'm moving on to Holland Haven. Um, and it is very possible that you will not be able to respond to this one, and it may be that you will need to come with a technical note at some point in the future. Um, it's, uh, item 3.5 C, um, referring to Natural England and their submission. Appendix J to the relevant reps of Natural England. Onshore ecology PD 2012 reference J 29 um, which also reference EP 261 uh relating to Holland Haven marshes triple C and you're seeking predetermination consideration to be given to the impacts for.

00:30:28:15 - 00:31:04:10

Bentonite frack out. Um, it is noted that the EPA um have separately um in their relevant reps 026 have separately reviewed a 261 um outlined landfill methodology, stating that our requirements for cables passing under the title reference is detailed within our reply document E single, which is the Environment Agency single matter review um five estuaries 035 and two four.

00:31:04:12 - 00:31:49:11

We look forward to reviewing later versions of the outlined landfill methodology that will include the project approach to our requirements. So it's a bit of a crossover between the Environment Agency and, um, Natural England, Natural England's office concerns or the safeguarding of um, Holland Haven marshes. So whereas the Environment Agency are more looking at their their coastal defenses. Um, and as I said, I quite understand if you feel at this stage you'd rather reply as a technical note on this or provide us with the update that they're that the environment Environment Agency are obviously seeking.

00:31:49:25 - 00:32:03:14

Um, so have you, from my point of view, can you confirm that you are in discussion with the EA, um, regarding the matter of their, um, sea defences?

00:32:14:29 - 00:32:18:24

Uh, James Eaton, on behalf of the applicant. Uh, yes. He can confirm we are.

00:32:18:26 - 00:32:22:24

Seeking to engage with the EA on their comments related to this topic.

00:32:24:00 - 00:32:33:18

Um, are you providers in a position To identify when that meeting or be or um, and the potential for providing us with updates.

00:32:36:01 - 00:32:42:22

Uh, we're hoping to meet with them in the next few weeks. Um, we've been trying to set meeting up. Um, so just get something in the diary soon.

00:32:45:00 - 00:32:45:25

Okay. Thank you.

00:32:59:18 - 00:33:11:26

You will be pleased to know that things just to the end of the comments on ecology. Uh, just a quick look. Nobody online. Is there anybody else in the room that would like to make a comment? No.

00:33:15:24 - 00:33:17:15

Mr. Powell. Oh, Mr. Powell.

00:33:19:04 - 00:33:20:00

Mr. Powell.

00:33:20:28 - 00:33:29:06

Thank you. Um, could I just make a comment about And by science concerned about the um

00:33:31:03 - 00:34:01:19

hedgerows, um, and the impact of the temporary possession land, particularly for the haul road. Um, so there are, uh, two main instances on my client's land where the haul road is going significantly away from the cable route, proposed route, and I mean significantly away, like fields away. And we've been told that that's because of a hedgerow. Okay.

00:34:02:04 - 00:34:20:27

And I've looked on, uh, the plans submitted for the hedgerows. Yeah. Uh, if you wanted to have a look at them as an example, hedgerow 22 A and B is one of the ones where you can see where this impacts on us. Okay.

00:34:21:03 - 00:34:23:28

Um, just take a moment, though. Yeah.

00:34:24:00 - 00:34:25:28

Do we, uh, we have a plan.

00:34:26:23 - 00:34:29:02

That we could actually see. Let's see.

00:34:29:11 - 00:34:33:21

Mr. Powell, could you identify which application document you're referring to so we can have it brought up?

00:34:35:03 - 00:34:36:26

Oh, right. Um.

00:34:37:14 - 00:34:38:12

Something or other.

00:34:40:06 - 00:34:40:21

Um.

00:34:41:09 - 00:34:43:02

Well, I I'd say that.

00:34:45:25 - 00:34:46:15

Uh.

00:34:47:14 - 00:34:47:29

A.

00:34:50:03 - 00:34:57:07

A php regulation five in brackets. Two. That'll be right. The tree preservation order and hedgerow plan.

00:35:03:02 - 00:35:06:29

According to this thing, like, that's A015.

00:35:08:29 - 00:35:13:08

And then when we've got it open. Mr. Powell, if you can indicate which we should be going to.

00:35:14:12 - 00:35:15:06

Uh, I.

00:35:15:08 - 00:35:15:23

Would go.

00:35:15:25 - 00:35:16:10

To.

00:35:19:03 - 00:35:20:10

Sheet eight.

00:35:24:03 - 00:35:27:09

You can just hold the point. While we have the plan brought up.

00:36:29:28 - 00:36:31:09

Yeah, that's the one.

00:36:32:26 - 00:36:50:04

So can you see sort of on the left hand side, um, you can see 22 A and B on a green line. So you'll see the cable route which has got a weird splodge heading south.

00:36:53:03 - 00:36:56:01

And what that someone can.

00:36:57:15 - 00:37:01:23

I can give you if you can give me the control, I can tell you where it is to be, but.

00:37:04:21 - 00:37:05:18

I yeah.

00:37:05:20 - 00:37:08:07

So you can see where 22 are. Is. Can you see that?

00:37:11:05 - 00:37:11:20

Yeah.

00:37:14:29 - 00:37:16:27

Yeah. So we can see where 22 is.

00:37:17:07 - 00:37:53:04

Okay. So can you see how the cable route or the, the application boundary has this weird jutting down to the south sort of southwest area, and that is not for the cable route. That's purely for the haul road, because what we've been told is that hedgerow is had an important hedgerow, that they can't take a section out yet. They can take a section out at 22 B and 22 A. Now that is an existing hedgerow that has been there for however many years it's been there, managed in the same way.

00:37:53:24 - 00:38:30:16

And I can't understand why you can't take out a small section for the whole road of the hedgerow because of this, I think is one of the areas where they're going to directionally drill under this hedgerow, but it's the whole length of that hedgerow continues past 22 B that's, you know, an arbitrary location. 22 B just happens to be at the edge of their order limit. Um, and likewise 22 A so I from our point of view, I think that is a completely unnecessary take of additional land when they could take a stretch of 3 or 4m of hedgerow out.

00:38:30:22 - 00:39:01:23

And this is not uncommon on pipeline schemes across the country, where important hedgerows are removed, but only small sections are removed and then replanted, or even taking the rootstock out, plant them somewhere else, hibernate them for a couple of years and then replant them. You wouldn't lose the the rootstock if you're worried about that. It's quite easy to do. Instead, what's happening is this whole road is coming, uh, along and then heading heading southwest, round through that gap in 20 to a and back up again.

00:39:02:09 - 00:39:08:26

And this happens a bit further up if you go on to the, uh, next page down page nine,

00:39:10:24 - 00:40:00:05

you can see the same thing happening again. In fact, here they're coming out through next to one of our farm yards up taking the whole farm track out and the whole access way out and going through another field just to move the whole to have the whole road going, because there won't take out 2 or 3m worth of hedgerow. And I'd like to know, why are you on a one hedgerow length though, if the hedgerow is important, as noted in schedule 12 of the order, they can take out a stretch of it, but not the bit where it seems sensible and practical to take out from a haul road perspective, instead of taking out significantly more land, which is impacting on again, if you look on the next if you could flip onto the sheet nine,

00:40:01:28 - 00:40:41:11

you know, where does this balance come between? Um, in fact, even on this, I had this debate with alcohol McLaren that on sheet nine where they're putting the whole road is taking out a tree, you know, which hasn't been surveyed. So you can see there can you see that? with the bit that goes up north from where 27 be is up, it is the whole road, because they're saying that they can't take out a

stretch, um, enough of a hedgerow or whatever, but they are taking out and the older schedule there is reference to take out 32 A, 31 B, so there will be sufficient space to get through there.

00:40:41:13 - 00:41:02:22

Instead, they're now going all the way up and outside, nowhere near where the cable route is, and going straight through three other fields. Taking out our access to a block of land is all completely inappropriate. In fact, to take you out wall hedgerows where 29 A and B is just to facilitate a haul road. Well, why don't you take out what makes those hedgerows so important?

00:41:03:26 - 00:41:13:07

Yeah. Thank you, Mr. Phil. Um, I will take a moment and come back to the applicant.

00:41:19:23 - 00:41:53:18

I think what would be useful, and I think we may touched on this yesterday when we were having the compulsory acquisition hearing. Is that in your relevant reps you can clearly indicate, um, where an issue such as this is potentially problematic to your client. The applicant will then be clear as to, um, what the issue is. Examining authority will also be clear as to what the issue is and hopefully, perhaps behind the scenes in the discussions that the applicant has with you and your clients.

00:41:54:04 - 00:42:27:05

Uh, there might be scope for considering some sort of resolution. Um, because if I've understood the point correctly and it's a bit difficult to see on these hedgerow plans and tree plans versus work plans, um, there might be a more sensible way of gaining access to the work site, which won't have quite such an effect on a potentially considerable amount of farmland. So is that something? I'm absolutely fine, I rep.

00:42:27:26 - 00:42:57:28

I'll pick that up in the wrist and wrap, I would say, because at yesterday you asked us for, um, comments on the updates on negotiation. This has been one of those points that has been Blankley said that's not up for negotiation. So I would welcome the ability for the acquiring authority to, uh, acquiring body to to enter into some discussions. But to date, for the last six months, that has been a blanket. No. And they won't move from that point.

00:42:58:25 - 00:43:38:09

And I think even, uh, Mr. Boswell had said yesterday in one of his comments that he, that they are not going to amend this border route application. So this is our fear that if that's their attitude yesterday and in discussions in the past nine months. Then with we're faced with this possibility that they will have compulsory purchase powers as per this red line. So if if you're suggesting that, you know, all I'm saying is that it's one of those points that I was flagging up yesterday that there is so far being zero movement from from our five estuaries.

00:43:41:06 - 00:44:12:12

Suddenly. Hear, hear the point. I think as the examining authority, we need to know certainly, what your client's issue is. Um, the applicant will no doubt respond to that. It may well be that as we go forward and end up making a recommendation to the Secretary of State, we will, in effect, be doing

some sort of weighing exercise as to where we think, um, the, the issue should rest, whether it's protecting hedgerow or whether there is an issue in terms of safeguarding agricultural activity.

00:44:12:14 - 00:44:51:07

Because ultimately, in all of that, the Secretary state will have to come to a view, but certainly we need to have the information to be able to consider. I can certainly understand, perhaps on the applicant's team that the ecologists have come to one view, um, and also perhaps an engineering view that's being taken. Um, but that doesn't necessarily mean that that is the view that we will accept as being the most appropriate way of dealing with potentially, issues that are conflicting with one another, because it is quite common for, you know, a number of different conflicting issues to to come to bear.

00:44:51:24 - 00:45:09:15

And part of our job in terms of making a recommendation to the Secretary, say, will be to take a view as to where we think the balance should lie, which might favour your client, or it might favour the applicant ultimately. But we need to understand the points from both perspectives.

00:45:11:19 - 00:45:37:16

Yeah, fully appreciate that. It'd be useful. I'm really struggling to find the hedgerow surveys. I can find all the other ecology reports on birds and water and newts and dormouse, but the hedgerow one I'm struggling to find on the sweeter documents. So if it's possible, if somebody from five estuaries is able to board on that ecology report, and we'll send it to our ecologists and ask for their opinion on it as well.

00:45:42:02 - 00:45:50:09

Is that something that you'll be able to resist out of the hearing to ensure that Mr. Powell has the appropriate references?

00:45:54:23 - 00:45:58:01

I'm sorry, sir, could you repeat that question? I was making the.

00:45:58:03 - 00:46:20:02

Point that Mr. Powell has been making. He's been struggling to find some of the information. It might well be. It's in a document in an annex somewhere, which he just hasn't, um, located. So I think out of the hearing, it would be useful if there were a dialogue between Atkins team and Mr. Bell, so that you can signpost the information that he's seeking.

00:46:21:06 - 00:46:42:28

Jess Colebrook, on behalf of the applicant. Yes, of course. So we can do that. Um, in respect of that hedgerow in particular, one of the determining factors for its avoidance is that it supports dormice, both of those hedgerows that he refers to. I believe that has been raised, um, with him in the past, but we're, we're, uh, keen to continue that discussion further if it requires amplification or further explanation.

00:46:46:23 - 00:47:20:27

Um, again, sorry, just to further explain why dormice are a particular issue compared with other species. They're a European protected species. And so if we, um, if the project rather were to have an impact that were to affect dormice. So we need to get a licence from Natural England first. Natural England applies three tests before it can issue a licence. And one of those tests is that there is no satisfactory Factory alternative to the development as described in those um alternatives would be, for example, changes to timing, design or engineering.

00:47:20:29 - 00:47:37:13

So the project is sought as I set out in a ten minute summary, to avoid impacts to hedgerows that support dormice for those reasons. So any off route, whole route for hedgerows that's shown is largely been driven by the presence of dormice rather in those hedgerows.

00:47:39:17 - 00:47:41:06

Thank you for the clarification.

00:48:03:21 - 00:48:04:10

Mr. felt your.

00:48:04:12 - 00:48:05:00

Hand is up.

00:48:07:25 - 00:48:38:19

Uh, yes it is, and that I just want to make the point. So, um, whoever that was. So I missed your name. Um, said that that the hedgerow is important for dormouse, yet you are taking parts of the hedgerow out. So that's sort of. If you're saying the whole hedgerow is important. If the hedgerow is important for dormice, the whole hedgerow must be important, not just the bit. Seems very convenient that it is easy for you.

00:48:38:21 - 00:49:16:26

And this is where the point comes. My point yesterday, where is this balance and where is this correct balance? Because if you're taking a stretch of the hedgerow out, why don't you just take it out where it is practical to do that? Do so. That seems easier because I think some ways five estuaries are devaluing the impact on on agricultural land and farmers and people's businesses over location of a hedgerow, because it's easier because it's driven by an ecologist report. Now we will make submissions on the back of that, and we'll get our ecologists to counter the five estuaries ecologist, because we don't think this is right at all.

00:49:17:27 - 00:49:19:03

Thank you, Mr. Powell.

00:49:28:05 - 00:49:28:27

Alaska again.

00:49:28:29 - 00:49:34:16

Anybody else in the room who may have comments? Um. Miss Farley, you.

00:49:39:23 - 00:50:12:04

Thompson Valley for TNR Valley farms. A slightly similar issue to what Mr. Fowl raises. We have an area of grassland. And this. I don't know how much coordination there's been with five estuaries and North Falls, but five estuaries have decided that one particular area, they cannot pass through it, so they need to reroute themselves. Whereas North Falls have taken have said that they can. So then there's no coordination being between the two there, so it would be useful for us to stand up.

00:50:12:14 - 00:50:22:18

You probably should do this written so we can show the plot numbers and everything, but it's a similar issue where your team has decided one thing, whereas their team has decided something else.

00:50:22:20 - 00:50:39:28

I think that would be helpful if you could actually identify the areas in specifically. I think if we we can go to and fro on this, and it would probably be help more helpful if you actually provide that information. And then we can ultimately consider.

00:50:40:15 - 00:50:42:19

What does it mean. We'll do it in writing.

00:50:42:23 - 00:50:44:11

Oh you will. Thank you very much.

00:50:51:22 - 00:50:57:01

As we don't appear to have any other questions on ecology, um, we can now.

00:51:01:07 - 00:51:04:06

I'm going to pass across to, um, our lead.

00:51:06:26 - 00:51:40:22

Thank you. Having looked at the agenda and where we are. 4:15, we think usefully this would be an appropriate time to adjourn for today and come back and pick up. Agricultural matters or farming matters and onshore transportation tomorrow. Uh, we might have been able to start a little bit of a agricultural, uh, farmland, but it would, um, I think, need an adjournment before we conclude it. So I think it's more sensible that we adjourn now and resume at ten tomorrow morning.

00:51:40:24 - 00:51:50:19

Is there anything before we close or adjourned for this afternoon? Anything that anybody wants to raise at this point? Anything from the applicant team?

00:51:56:18 - 00:51:57:29

Julian Boswell for the applicant?

00:51:58:01 - 00:51:59:00

No, sir. Okay.

00:51:59:16 - 00:52:06:03

Anything amongst the various Liberal authorities? Any not from Suffolk? Anything from Essex?

00:52:10:02 - 00:52:12:27

What was it? Cancel. No. Sorry. Okay.

00:52:13:16 - 00:52:19:17

And anything from the two districts who are on line. Tendring and Beira.

00:52:22:05 - 00:52:23:19

No. Thank you. Okay.

00:52:25:26 - 00:52:29:02

And then anything further from anybody else in the room here?

00:52:44:03 - 00:53:00:12

Uh, yeah, I think sensibly. Um, given that we'll hear from the applicant, then there'll be submissions from yourself, and then we'll have various questions. We might get a little way into it, but not all that far. Before. We would probably want to, uh,

00:53:02:10 - 00:53:07:24

adjourn anyway around about 5:00, because we did sit quite a long time last night. And, um.

00:53:14:09 - 00:53:19:19

All the points that you wish to make, ones that are readily made, capable of being made in writing.

00:53:25:05 - 00:53:29:07

It would depend what's discussed. But Will. We can do our best.

00:53:29:09 - 00:53:29:24

Yeah.

00:53:29:27 - 00:54:03:02

Um, I suspect that when we have a second round of hearings, I think it's almost certain we will have a second round hearings. Um, farming may well be an issue that will be on that agenda. Um, given some of the discussion we had in the compulsory acquisition hearing yesterday, some of the issues that have started to be raised today are, no doubt, applicants response to what's been said today. We we almost certainly will be returning to it. So you will certainly, um, have an opportunity to be heard again.

00:54:03:09 - 00:54:05:19

Um, if you are unable to attend tomorrow.

00:54:05:21 - 00:54:06:18

Okay. Thank you.

00:54:10:16 - 00:54:22:10

Is there anybody else in the room that wishes to raise anything before I adjourn? Um, not seeing anything. Anybody else online who might have anything to raise?

00:54:24:12 - 00:54:29:29

No, nothing for me. But I'll be here tomorrow so I can pick up the farming stuff tomorrow. And.

00:54:33:21 - 00:54:55:20

And we're not seeing anything from anybody else. So, uh, we've arrived at 4:20. This hearing is therefore adjourned. Thank you for everybody for your participation. And we will be seeing some of you tomorrow, um, for consideration of farming matters and land side transportation. Thank you.