



Hearing Transcript

Project:	Connah's Quay Low Carbon Power Project
Hearing:	Recording of Issue Specific Hearing 3 (ISH3) - Part 1
Date:	17 March 2026

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The video recording published on the Planning Inspectorate project page is the primary record of the hearing.

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1

00:00:00.000 --> 00:00:14.120

Bore

2

00:00:14.140 --> 00:00:15.960

da. Uh, g- good morning, everyone.

3

00:00:16.020 --> 00:00:19.240

It's now ten o'clock and time for this hearing to begin.

4

00:00:19.280 --> 00:00:22.840

I'd like to welcome you all to this third issue-specific hearing,

5

00:00:23.080 --> 00:00:27.020

regarding air quality, ecology, water

6

00:00:27.060 --> 00:00:30.740

environment, and flood risk, and it's for the Connah's Quay Low

7

00:00:30.820 --> 00:00:34.269

Carbon Power Project. Can I just confirm, can you hear me okay?

8

00:00:34.269 --> 00:00:37.140

Is it too loud? Too quiet? Okay around the room at the

9

00:00:37.220 --> 00:00:41.140

back. Um, can I also confirm with the case team at the rear that

10

00:00:41.200 --> 00:00:43.340

the live streaming has begun

11

00:00:44.700 --> 00:00:48.260

and the recording of the event has commenced? Thank you.

12

00:00:48.340 --> 00:00:51.700

Uh, my name is Nick Ely, and I've been appointed by the Secretary of State as the

13

00:00:51.720 --> 00:00:55.420

examining inspector to examine this application, and you might also

14

00:00:55.480 --> 00:00:59.240

hear me referred to as the examining authority or possibly the EXA for short.

15

00:01:00.000 --> 00:01:02.800

I'm joined by my colleague in-- from the planning inspectorate in the rear of the

16

00:01:02.840 --> 00:01:05.360

room. Mr. Jake Stevens is the case manager for this project.

17

00:01:05.820 --> 00:01:09.280

He's mandl- handling matters today for the hearing here in the room, and also by

18

00:01:09.300 --> 00:01:13.060

Mr. Sam Stevens, the case officer, who's joining us virtually online, dealing

19

00:01:13.200 --> 00:01:16.160

with the virtual components of this hearing.

20

00:01:16.200 --> 00:01:19.980

We also have the teams from TM Services and Event Video who are handling the audio

21

00:01:20.000 --> 00:01:23.800

and visual components of the meeting, live streaming, and recording this

22

00:01:23.860 --> 00:01:27.820

event, and we also have Kuman Translation Services, who will live

23

00:01:27.880 --> 00:01:31.600

translate any spoken Welsh into English for the benefit of any

24

00:01:31.700 --> 00:01:35.200

non, Welsh speakers in the room or online.

25

00:01:35.290 --> 00:01:38.950

Um, we do welcome contributions in Welsh during this examination,

and translation

26

00:01:39.020 --> 00:01:42.000

facilities are present today and will be for the remainder of the

27

00:01:42.020 --> 00:01:45.660

hearings, if anyone would like to present and make contributions in

28

00:01:45.700 --> 00:01:49.160

Welsh. If you wish to do so, for those in the room

29

00:01:49.660 --> 00:01:52.820

who are not Welsh speakers, when Welsh is being spoken, there's a set of headphones

30

00:01:52.880 --> 00:01:56.660

around for you to hear the English translation, and I believe online there are

31

00:01:56.740 --> 00:02:00.040

two options at the moment. One is, an automated translation in the Microsoft

32

00:02:00.100 --> 00:02:03.680

Teams component, or if that isn't working perhaps for the way that you've dialed in

33

00:02:03.740 --> 00:02:07.560

online, there is also a, a phone number for you to dial in

34

00:02:07.720 --> 00:02:10.440

and hear that translation through that option also.

35

00:02:11.640 --> 00:02:14.100

Um, I understand using the phone number can be a little bit, take a little

36

00:02:14.120 --> 00:02:17.280

while to dial in and punch all the numbers in, so if you do need to do that, I'll

37

00:02:17.320 --> 00:02:20.360

try and give you a chance to, do that before the-- any Welsh is

38

00:02:20.460 --> 00:02:24.360

spoken. Um, can I just check, is there anybody in the room who would like

39

00:02:24.400 --> 00:02:26.580

to speak in Welsh today?

40

00:02:28.120 --> 00:02:30.960

Okay. And anyone online who would like to speak in

41

00:02:31.000 --> 00:02:32.860

Welsh?

42

00:02:33.820 --> 00:02:36.540

Okay. So I'm not getting any hands up at the moment, but again, please feel free to

43

00:02:36.580 --> 00:02:39.780

do so if you wish. But, if you could just give us a chance for those who are

44

00:02:39.800 --> 00:02:43.360

non-Welsh speakers perhaps to master the technology before you

45

00:02:43.440 --> 00:02:46.960

start. Um, I'm gonna briefly go over a few of the

46

00:02:47.000 --> 00:02:48.790

housekeeping just for the room at the moment now.

47

00:02:48.860 --> 00:02:52.660

Uh, if you could please set your devices to be on silent and appreciate you may

48

00:02:52.700 --> 00:02:55.340

wanna take and receive calls or messages during the hearing.

49

00:02:55.400 --> 00:02:57.540

If you need to take a call, please feel free to leave the room.

50

00:02:57.560 --> 00:03:00.560

Do it outside, and please feel free to rejoin when you're ready.

51

00:03:00.660 --> 00:03:04.280

Um, toilets are out that door on the left for the men's and the ladies just

52

00:03:04.620 --> 00:03:08.440

behind the bar area there. Um, there is no, fire drill

53

00:03:08.600 --> 00:03:12.380

today, so if there is a fire alarm, will you go out at that exit,

54

00:03:12.400 --> 00:03:16.100

and, muster point is out the front in the car park.

55

00:03:16.200 --> 00:03:19.880

Um, this meeting's going to follow the agenda that we published on the National

56

00:03:19.980 --> 00:03:23.880

Infrastructure Planning website on the 10th of March, 2026, which is

57

00:03:23.900 --> 00:03:25.300

examination library reference

58

00:03:26.340 --> 00:03:30.030

EV4001 in English and EV4002

59

00:03:30.580 --> 00:03:33.760

in Welsh. It might help you if you have a copy of this in front of you either

60

00:03:33.840 --> 00:03:37.500

online, although I believe the applicant's kindly printed off some additional hard

61

00:03:37.580 --> 00:03:41.490

copies if you need them. Uh, and also, if

62

00:03:41.600 --> 00:03:44.900

please could the applicant display the agenda just briefly on the screen if you

63

00:03:45.020 --> 00:03:48.120

could, if that's possible, please.

64

00:03:48.160 --> 00:03:51.940

That would go through, and I'll go through the items.

65

00:03:54.180 --> 00:03:58.080

Thank you very much. Um, this is, this agenda is for guidance only, and I

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00:03:58.120 --> 00:04:02.019

may move around and take other considerations into account as we progress

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00:04:02.060 --> 00:04:05.260

through the hearing just to make sure that all relevant contributions are being

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00:04:05.360 --> 00:04:09.240

heard and responded to. But if the discussions can't be concluded, then

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00:04:09.280 --> 00:04:13.080

it may be that, necessary for us to prioritize and take some other issues

70

00:04:13.320 --> 00:04:17.161

by writing or after this hearing. Likewise, if you have some

71

00:04:17.221 --> 00:04:20.519

questions that, you wanted to ask or you didn't get the time to get the

72

00:04:20.541 --> 00:04:23.740

information you wanted or requested, please feel free to respond in writing,

73

00:04:23.980 --> 00:04:24.780

following the hearing.

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00:04:25.680 --> 00:04:29.000

Today's hearing is also being undertaken in a hybrid way, meaning some people here

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00:04:29.100 --> 00:04:32.540

present in the room and some people, joining us online.

76

00:04:32.660 --> 00:04:35.860

Uh, I'll make sure that we'll do our best to make sure that you get an opportunity

77

00:04:35.920 --> 00:04:38.660

to engage in the hearing no matter how you're joining us.

78

00:04:38.680 --> 00:04:42.370

But, please bear with me if I do miss your hand up online, and I'll try and,

79

00:04:43.160 --> 00:04:46.180

might need to get a poke just to remind me if I'm missing anyone in the room.

80

00:04:46.220 --> 00:04:49.840

So thank you. A recording of the hearing

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00:04:50.100 --> 00:04:53.980

today will be made available on the Connah's Quay Low Carbon, Power Project

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00:04:54.020 --> 00:04:57.620

section of the National Infrastructure Planning website, as soon as practicable

83

00:04:57.760 --> 00:05:01.410

after the hearing has finished. So with this in mind, when you speak, if you could

84

00:05:01.460 --> 00:05:05.320

please use, a microphone, stating your name each time you speak,

85

00:05:05.400 --> 00:05:09.240

please. Uh, and, microphone I think is green when it's

86

00:05:09.340 --> 00:05:13.330

live and red when it's off. Uh, if you're not at a table with a microphone, I don't

87

00:05:13.330 --> 00:05:15.610

think we've got anyone who isn't. But if we-- Equally, if you're at the rear of the

88

00:05:15.640 --> 00:05:18.740

room and you want to move up, there's other microphones to use, so please feel

89

00:05:18.780 --> 00:05:22.380

free. And I think we do have a roving mic if you'd rather stay seated.

90

00:05:23.360 --> 00:05:26.930

Um, a link to the privacy notice regarding the Planning

91

00:05:26.930 --> 00:05:30.820

Inspectorate's policy for, this hearing is included on the

92

00:05:30.840 --> 00:05:34.340

website, and, and I assume you've had a chance to familiar ourselves-- selves with

93

00:05:34.350 --> 00:05:37.900

that and how this works to protect your personal data and the data of our

94

00:05:37.940 --> 00:05:41.340

customers, make sure that we set it out in accordance with, general data

95

00:05:41.360 --> 00:05:45.060

protection rules. If you've got any concerns about that or you-- or your

96

00:05:45.220 --> 00:05:48.479

identity or data that you're sharing, please speak to the case team, and we'll do

97

00:05:48.500 --> 00:05:51.600

what we can to redact anything that, may require to be redacted by

98

00:05:51.640 --> 00:05:55.032

law.I'm now gonna move

99

00:05:55.232 --> 00:05:58.582

around, the room first and then online to,

100

00:05:59.552 --> 00:06:02.072

see who is going to participate in today's hearing.

101

00:06:02.132 --> 00:06:06.112

So, if I could start with the organization's name, then I, I can

102

00:06:06.172 --> 00:06:10.132

ask you to introduce yourselves, stating your name and who you represent, and

103

00:06:10.152 --> 00:06:13.872

any particular agenda item that you wish to speak on.

104

00:06:13.972 --> 00:06:17.632

If you're not specifically res-representing an organization, just please confirm

105

00:06:17.692 --> 00:06:21.462

your name. Um, there's no need for, you to inform me of your,

106

00:06:22.132 --> 00:06:24.932

professional qualifications or background skills unless you really, really want

107

00:06:24.952 --> 00:06:28.592

to do so. But, thank you. Uh, and please could you

108

00:06:28.632 --> 00:06:32.512

also let me know how you'd like me to address you, whether it's Mr, Miss, Mrs,

109

00:06:32.592 --> 00:06:36.272

Ms, what, what's your professional prenominal that you would like me to call

110

00:06:36.312 --> 00:06:39.392

you? So if we could start with the applicant's team,

111

00:06:39.432 --> 00:06:42.112

please. Mr. Strachan.

112

00:06:42.152 --> 00:06:45.532

Good morning, sir. My name's James Strachan, spelt Strachan.

113

00:06:45.542 --> 00:06:49.312

S- I'm appear on behalf of the applicant.

114

00:06:49.352 --> 00:06:52.712

Sir, just by way of introduction, we haven't got everyone

115

00:06:53.532 --> 00:06:56.382

sitting on the front bench, for the

116

00:06:56.572 --> 00:07:00.532

first agenda item. Uh, so if, if, if it's

117

00:07:00.912 --> 00:07:04.732

helpful, like, to you, I might just introduce those who are dealing with the first

118

00:07:04.852 --> 00:07:08.752

item. And when we move on to the second item, we might have a, a switch, if

119

00:07:08.792 --> 00:07:12.552

that's okay, and then perhaps do some introductions at that point.

120

00:07:12.572 --> 00:07:13.792

But, sir,

121

00:07:14.652 --> 00:07:18.632

for the first item on your agenda, air quality, I've got

122

00:07:18.672 --> 00:07:22.232
Dr. Gary Gray, who's right at the end of the

123
00:07:22.432 --> 00:07:26.372
table, just, uh... And he's the technical

124
00:07:26.452 --> 00:07:30.232
director from AECOM, dealing with air quality and permitting
matters,

125
00:07:32.492 --> 00:07:35.332
and a member of the Institute of Air Quality Management.

126
00:07:35.372 --> 00:07:39.172
And then to his left, but to my right, is

127
00:07:39.212 --> 00:07:43.112
Dr. James Riley, who you've heard from before, but a technical
director at AECOM

128
00:07:43.192 --> 00:07:47.012
who's dealing principally with habitat regulation assessment

129
00:07:47.112 --> 00:07:51.102
matters for you. So those are the three people I'm anticipating

130
00:07:51.272 --> 00:07:55.232
speaking on the first item, and I'll come back if I may to the

131
00:07:55.292 --> 00:07:56.552
others when we get there.

132
00:07:56.572 --> 00:07:59.412
Thank you. Thank you, Mr. Strachan. Thank you very much.

133
00:07:59.552 --> 00:08:03.001
Um, if I can now move to, Flintshire County Council,

134
00:08:03.012 --> 00:08:03.752
please.

135

00:08:03.792 --> 00:08:07.001

Yeah. Um, Charlie Pope, senior planning officer with Flintshire County

136

00:08:07.072 --> 00:08:10.552

Council. To my left, I have Emma Broad,

137

00:08:10.972 --> 00:08:14.672

ecologist with Flintshire County Council, and to my right, I

138

00:08:14.732 --> 00:08:18.692

have Tim Hibbert, planning officer with Flintshire County Council.

139

00:08:18.832 --> 00:08:22.692

Um, we don't actually intend to specifically give evidence or speak on any

140

00:08:22.732 --> 00:08:26.312

one of these issues. Just if, if something of relevance comes up, then we

141

00:08:26.352 --> 00:08:27.982

will. Thank you.

142

00:08:27.992 --> 00:08:30.982

And sorry, could you just remind me, is, is it Ms. Pope or Miss, Miss?

143

00:08:31.012 --> 00:08:31.542

Mrs. Pope.

144

00:08:31.612 --> 00:08:32.352

Mrs. Pope. Thank you, Mrs.

145

00:08:32.393 --> 00:08:36.533

Pope.

146

00:08:38.692 --> 00:08:41.012

Thank you.

147

00:08:41.153 --> 00:08:45.032

Um, sorry, gentleman on there, are, are you

148

00:08:45.072 --> 00:08:47.452

with the applicant? Yes. Right. No, I'll come to you.

149

00:08:47.492 --> 00:08:50.532

Um, so the, other party in the room, is the RSPB.

150

00:08:50.552 --> 00:08:52.752

If I could come to you, please, sir.

151

00:08:52.812 --> 00:08:56.632

Yes. I'm Simon Houston-Roberts, and I'm a conservation officer for

152

00:08:56.792 --> 00:09:00.652

RSPB Cymru. Um, I'm here for the, the second item,

153

00:09:00.712 --> 00:09:04.632

ecology. Um, as with Flintshire, I'm, I'm, I'm not

154

00:09:04.692 --> 00:09:05.192

here to

155

00:09:06.492 --> 00:09:10.132

re-re- actually discuss anything in detail as such, but I'm here to just

156

00:09:10.212 --> 00:09:12.532

answer any questions should they arise.

157

00:09:12.552 --> 00:09:13.892

Thank you, and thank you for coming today.

158

00:09:13.932 --> 00:09:14.142

Thank you.

159

00:09:14.172 --> 00:09:17.672

Appreciate that. I think that covers everyone in the room who

160

00:09:17.692 --> 00:09:19.912

potentially will be speaking on the first agenda item.

161

00:09:19.932 --> 00:09:22.672

Please let me know if I've missed anybody.

162

00:09:22.692 --> 00:09:25.512

And then if I can please, pass to those

163

00:09:25.692 --> 00:09:29.352

online. Uh, I think if... I, I believe,

164

00:09:29.392 --> 00:09:32.512

uh... Sorry, apologies. I've got the list of names online, but I believe I've got

165

00:09:32.752 --> 00:09:33.652

NRW

166

00:09:34.532 --> 00:09:35.332

and

167

00:09:36.272 --> 00:09:39.332

I've... Any Natural England online? Would that be correct?

168

00:09:39.372 --> 00:09:41.112

If I could start with NRW first,

169

00:09:41.152 --> 00:09:43.472

please.

170

00:09:45.912 --> 00:09:49.721

Good morning, sir. Uh, Chris Jones, lead development planning advisor with

171

00:09:49.752 --> 00:09:53.462

Natural Resources Wales. Um, here in mostly in a capacity

172

00:09:53.512 --> 00:09:57.092

to observe today, but, you know, not, not to give evidence as such, but willing

173

00:09:57.112 --> 00:09:59.342

to contribute if, if necessary and if, if

174

00:09:59.392 --> 00:10:01.572
possible.

175

00:10:01.612 --> 00:10:02.732
Thank you, Mr. Jones.

176

00:10:02.752 --> 00:10:03.972
Thank you.

177

00:10:04.012 --> 00:10:07.352
Do you have any other colleagues with you from Natural Resources
Wales?

178

00:10:07.452 --> 00:10:10.772
Yes, I do. Um, I have, Matthew Bevington,

179

00:10:11.432 --> 00:10:15.062
who's going to, provide any comments on air quality if, if

180

00:10:15.092 --> 00:10:18.512
necessary. Uh, I also have Heather

181

00:10:18.712 --> 00:10:21.972
Lewis, representing us regarding saltmarsh.

182

00:10:23.592 --> 00:10:26.952
Um, and I have Saskia Bloor, who's our

183

00:10:26.992 --> 00:10:28.012
ornithologist.

184

00:10:29.392 --> 00:10:33.262
And finally, Neil Smith, who's representing us regarding designated

185

00:10:33.372 --> 00:10:36.072
sites in the Deeside area.

186

00:10:36.132 --> 00:10:36.832
Thank you.

187

00:10:43.532 --> 00:10:58.732

Can

188

00:10:59.832 --> 00:11:03.392

I come here up to our... Sorry, I'm just trying to see on the hands up on the

189

00:11:03.452 --> 00:11:07.052

screen, but I'm just looking. Have I got Natural England joining us as well online,

190

00:11:07.072 --> 00:11:08.012

please?

191

00:11:09.812 --> 00:11:13.412

Yeah. Good morning. Um, Andrew Whitehead, principal officer

192

00:11:13.512 --> 00:11:17.272

in major planning casework team from Natural England.

193

00:11:17.372 --> 00:11:21.062

Um, I'm here today primarily in an observational

194

00:11:21.092 --> 00:11:22.392

capacity.

195

00:11:23.452 --> 00:11:27.432

I think, I don't think there's anybody else joining me from Natural England today.

196

00:11:27.472 --> 00:11:31.232

Thank you, Mr. Whitehead. Thank you. Thank you for that.

197

00:11:31.302 --> 00:11:33.292

Um,

198

00:11:37.512 --> 00:11:41.112

can I check if I have, any representation from, Deeside

199

00:11:41.372 --> 00:11:42.412

Naturalist Society,

200

00:11:42.432 --> 00:11:48.912
please?

201

00:11:50.872 --> 00:11:54.792
No. Okay. Thank you. And finally, I

202

00:11:54.812 --> 00:11:57.372
notice I have some other colleagues who've joined us, interested parties

203

00:11:57.412 --> 00:12:01.331
online. Can I just ask you to, if you wish to identify yourself if you wish

204

00:12:01.372 --> 00:12:04.928
to speak today or equally--If you're just observing, if you could just let us know

205

00:12:04.948 --> 00:12:06.008
if you're just observing. Thank

206

00:12:06.068 --> 00:12:10.788
you.

207

00:12:15.068 --> 00:12:17.408
No? Okay, thank you very

208

00:12:17.448 --> 00:12:19.348
much.

209

00:12:20.368 --> 00:12:20.488
Right.

210

00:12:20.588 --> 00:12:23.028
I haven't got... So--sir, it's James Strong for the applicant.

211

00:12:23.888 --> 00:12:27.488
Uh, I haven't got the same list in front of me, but there may

212

00:12:27.528 --> 00:12:30.448

be, representatives from the applicant-

213

00:12:30.468 --> 00:12:30.858

Understood

214

00:12:30.888 --> 00:12:33.758

... and one or two for later agenda items.

215

00:12:33.788 --> 00:12:34.298

Understood.

216

00:12:34.298 --> 00:12:34.298

Sorry.

217

00:12:34.348 --> 00:12:36.848

Oh, thank you. That will help. That's, that's useful to know. Thank you.

218

00:12:36.868 --> 00:12:40.048

I was just worried. I didn't wanna ignore anybody who's perhaps joined us online

219

00:12:40.088 --> 00:12:42.188

who wished to, to speak at this hearing.

220

00:12:42.248 --> 00:12:45.188

Thank you for briefing me on that.

221

00:12:45.268 --> 00:12:48.928

Excellent. Okay.

222

00:12:49.788 --> 00:12:52.898

Uh, and again, thank you. If we come to you during the hearing, if...

223

00:12:52.908 --> 00:12:56.048

Apologies, if you could just mention your name again for the benefit of those who

224

00:12:56.088 --> 00:12:59.568

are perhaps picking up online and not understanding where the, the direction of

225

00:12:59.988 --> 00:13:01.678

commentary is coming from in the room or...

226

00:13:01.688 --> 00:13:04.548

and also for the benefit of the recording and the, transcription.

227

00:13:04.568 --> 00:13:08.468

Thank you very much. Okay, so moving on to, a, a

228

00:13:08.528 --> 00:13:10.808

jo- agenda item two, the purpose of this hearing.

229

00:13:10.848 --> 00:13:13.998

I just want to go through the purpose of this s- issue specific hearing, and,

230

00:13:14.988 --> 00:13:17.738

allow me to furnish you with a few more details on why we've

231

00:13:17.768 --> 00:13:21.548

decided to call it. Um, this hearing is on air

232

00:13:21.588 --> 00:13:25.308

quality, ecology, water environment, and flood risk, and it's just to allow me to

233

00:13:25.608 --> 00:13:28.608

further explore the assessment of the documentation and proposals that have been

234

00:13:28.688 --> 00:13:32.508

submitted to date, and the issues raised and set out in my initial

235

00:13:32.548 --> 00:13:36.428

assessment, principle issues. I'd like to consider these specific issues

236

00:13:36.468 --> 00:13:39.668

in a bit more detail and gain a better understanding of the assessment that's been

237

00:13:39.728 --> 00:13:43.488

undertaken by the applicant for these topics, the residual risks that might

238

00:13:43.528 --> 00:13:47.448

remain, and any measures that have been proposed to mitigate or compensate for

239

00:13:47.508 --> 00:13:50.378

them. Firstly, apologies from me.

240

00:13:50.408 --> 00:13:53.898

I believe we received some additional submissions today from the applicant.

241

00:13:53.908 --> 00:13:57.708

I apologize for that, but, but just to let you know, we weren't

242

00:13:57.748 --> 00:14:01.668

going to be sharing too much information on screen, particularly if it's

243

00:14:01.808 --> 00:14:05.508

new to the examination. I understand it's

244

00:14:05.548 --> 00:14:08.468

extracts from your reports already that you've, you've tried to do.

245

00:14:08.488 --> 00:14:12.148

The reason, very sorry, that, we, we don't want you to share that

246

00:14:12.187 --> 00:14:16.088

today is, we've, we've advised other interested parties

247

00:14:16.108 --> 00:14:18.508

who wish to make, evidence submissions

248

00:14:19.068 --> 00:14:23.008

online, and we didn't want that to potentially, spread out

249

00:14:23.028 --> 00:14:26.388

into very long presentations. I, I thank you for doing what you've

250

00:14:26.428 --> 00:14:30.058

done. Um, you're more than welcome to refer to the information you, you've

251

00:14:30.128 --> 00:14:34.088

done. But if we could kindly not show it just in case there's somebody, online

252

00:14:34.108 --> 00:14:36.928

who can't potentially see that or, or access it.

253

00:14:37.008 --> 00:14:40.918

Equally, if you want to make a further submission later

254

00:14:41.208 --> 00:14:44.578

i- in, one of the later deadlines, you're more than welcome to submit that.

255

00:14:44.628 --> 00:14:48.348

As, as I said in issue specific hearing three, "Here's the drawing I was referring

256

00:14:48.368 --> 00:14:51.228

to," or, "Here's the illustration I was referring to." More than happy to accept it

257

00:14:51.248 --> 00:14:52.697

at that point if that's okay.

258

00:14:55.188 --> 00:14:58.878

James Strong for the applicant. Sir, that's understood. Uh, I...

259

00:14:58.908 --> 00:15:02.808

Can I just check though? We... Because there were two

260

00:15:02.968 --> 00:15:04.908

categories of documents or lists.

261

00:15:04.928 --> 00:15:08.568

There was one list that we submitted for this

262

00:15:08.628 --> 00:15:12.168

hearing, which was a list of documents from the application

263

00:15:12.228 --> 00:15:15.268

material, and then there were, there was a

264

00:15:15.388 --> 00:15:18.768

subsequent request to share,

265

00:15:19.228 --> 00:15:23.168

other extracts, and I'm not sure whether your, what you've

266

00:15:23.248 --> 00:15:26.968

just said applies to all of the list or just the

267

00:15:27.088 --> 00:15:30.908

latest ones. I, I had understood it was just the latest ones, but if it's, if

268

00:15:30.988 --> 00:15:34.508

it's all of the documents that we identified,

269

00:15:34.548 --> 00:15:37.988

we'll, we'll, we'll obviously observe that and not refer to them.

270

00:15:38.008 --> 00:15:41.977

Uh, for, for the avoidance of... Well, I say for the avoidance of doubt, but

271

00:15:42.048 --> 00:15:45.448

the, the, the, the list that we sent included

272

00:15:46.348 --> 00:15:49.508

a number of extracts from application

273

00:15:49.608 --> 00:15:52.968

documents. There was a list of,

274

00:15:53.568 --> 00:15:56.768

thir- 34, so I, it may be-

275

00:15:56.848 --> 00:15:57.178

Okay. Um-

276

00:15:57.188 --> 00:15:58.688

I'm just checking whether which one-

277

00:15:58.708 --> 00:15:59.028

Understood

278

00:15:59.048 --> 00:15:59.488

... you're, if-

279

00:15:59.528 --> 00:16:02.388

Um, so my understanding is that there's a list of documents that you'll be

280

00:16:02.428 --> 00:16:06.328

referring to, and please don't feel the need to bring that document on screen.

281

00:16:06.388 --> 00:16:08.858

I'm trying to save you a bit of workload. I'm more than happy, you know...

282

00:16:08.888 --> 00:16:12.208

If, if the document's come into our examination library, I, I've had a chance to

283

00:16:12.218 --> 00:16:14.968

have a look at it, and if you want to refer me to it, please feel free.

284

00:16:14.988 --> 00:16:18.608

You know, document APP whatever. If you wanna quote me a number, that's fine.

285

00:16:18.628 --> 00:16:21.537

The purpose I c- the reason I call a hearing is 'cause I've, I've looked at some of

286

00:16:21.548 --> 00:16:24.388

that submissions, and I just want to understand a little bit more simply if I'm

287

00:16:24.428 --> 00:16:26.928

being brutally honest some of the detail around it.

288

00:16:26.968 --> 00:16:30.028

So it- I've gotta be honest, it doesn't always help me to refer back to the

289

00:16:30.048 --> 00:16:31.388

document 'cause I've, I've probably read it.

290

00:16:31.408 --> 00:16:35.328

And like I say, I think I've probably said before, what I tend to find

291

00:16:35.348 --> 00:16:38.888

is if I've read a document a number of times and I can't get my head around it,

292

00:16:38.948 --> 00:16:42.368

it's one of two things. I've w- I'm a bit too silly and can't understand what I'm

293

00:16:42.408 --> 00:16:45.768

being told, or I feel it's been written in a way that doesn't really condense it

294

00:16:45.788 --> 00:16:47.738

and get it down and summarize it enough for me.

295

00:16:47.788 --> 00:16:50.198

So that's why I tend to call the hearing.

296

00:16:50.228 --> 00:16:54.008

So feel free, that long list of documents, if you say, "If I refer you, you know,

297

00:16:54.228 --> 00:16:57.148

to application document number one or number two," that's fine.

298

00:16:57.228 --> 00:16:59.908

Uh, you know, rather you didn't bring it on screen because, again, it's just for

299

00:16:59.948 --> 00:17:02.468

the benefit of others that may be joining who may not have access to that or have

300

00:17:02.488 --> 00:17:06.088

only dialed in, for instance, on the translation line or something like that.

301

00:17:06.189 --> 00:17:10.008

Um, the extracts, I appreciate they're extracts of

302

00:17:10.068 --> 00:17:13.908

existing documents, but because of the way they're prepared,

303

00:17:13.988 --> 00:17:17.709

it, it, it comes across as newly submitted documentation, and so we

304

00:17:17.808 --> 00:17:21.528

can't necessarily show that until it's been submitted and have the benefit for

305

00:17:21.568 --> 00:17:25.199

everyone to see in the examination library. Again, please feel free to refer to it.

306

00:17:25.248 --> 00:17:29.038

Say I produced a drawing that shows a dispersal of a pollutant, for

307

00:17:29.088 --> 00:17:32.728

instance, and I will be submitting that after this hearing, and we will then

308

00:17:32.748 --> 00:17:36.368

put it onto the... I w- I'm happy to take it in that style if that helps you.

309

00:17:36.408 --> 00:17:38.998

That, th- James Strong for the applicant. That is helpful, sir.

310

00:17:39.028 --> 00:17:42.708

Uh, there is only, in fact, there's only one document of that type, but we

311

00:17:42.768 --> 00:17:46.677

will do exactly what you said. We'll r- When we get to it, someone

312

00:17:46.728 --> 00:17:49.368

can refer to it, but say they'll submit it, and then you can-

313

00:17:49.428 --> 00:17:49.608

Thank you

314

00:17:49.668 --> 00:17:52.428

... you'll know it's been provided on that basis.

315

00:17:52.468 --> 00:17:54.868

Thank you.

316

00:17:55.788 --> 00:17:59.088

Um, right. Thank you.

317

00:18:00.348 --> 00:18:01.978

Right. Um,

318

00:18:03.208 --> 00:18:06.708

are there any questions from anyone in the room or online about the order of

319

00:18:06.748 --> 00:18:10.478

running of this? Does anybody need to leave early and would like a shift in agenda

320

00:18:10.588 --> 00:18:12.688

items or anything, or anyone in the room,

321

00:18:12.748 --> 00:18:16.792

onlineWho

322

00:18:17.172 --> 00:18:20.492

has a comment on starting in the order that we're gonna start?

323

00:18:21.252 --> 00:18:24.552

No? Okay, thank you. Nothing online? No, thank you.

324

00:18:24.612 --> 00:18:27.732

Um, depending on the length of this hearing, I'll try and ensure we take a rest

325

00:18:27.772 --> 00:18:28.532

break at least every

326

00:18:29.472 --> 00:18:32.932

couple of hours, but please feel free to nip out if you need to during the hearing.

327

00:18:32.952 --> 00:18:36.132

And if I also ramble on and it's been a bit of a while, please give me a nudge and

328

00:18:36.292 --> 00:18:39.612

tell me that you'd like a break, and it would, in case I get carried away and

329

00:18:39.672 --> 00:18:43.502

too drawn into it. Um, okay, so I'm gonna move on, if

330

00:18:43.532 --> 00:18:46.852

that's okay with everyone, to agenda item three, which is the air quality

331

00:18:47.152 --> 00:18:51.092

item. Okay? All right, let's start with air quality.

332

00:18:51.712 --> 00:18:55.502

Um, so again, this item relates to the air quality arising from the proposed

333

00:18:55.572 --> 00:18:59.392

development, and I'm particularly interested in the stack heights

334

00:18:59.552 --> 00:19:02.252

and the changes that have been proposed by the applicant, and the resulting

335

00:19:02.292 --> 00:19:05.652

emissions and deposition in surrounding communities and designated

336

00:19:05.692 --> 00:19:09.612

sites. Um, I'm gonna ask some initial questions of the

337

00:19:09.652 --> 00:19:13.552

applicant, then possibly follow up depending on the answers that I get, and also

338

00:19:13.632 --> 00:19:17.272

seek the views of other interested parties in the room, and the statutory bodies

339

00:19:17.332 --> 00:19:20.232

also that are joining us, online and in the room also.

340

00:19:20.272 --> 00:19:23.752

And please feel free to wish to engage if, if you, want to, through

341

00:19:23.792 --> 00:19:27.192

myself. Uh, so item three point one is,

342

00:19:27.432 --> 00:19:30.932

relating to the proposed changes that were in the original

343

00:19:30.952 --> 00:19:34.152

notification. Thank you. I note the change request has been received.

344

00:19:34.222 --> 00:19:36.092

Uh, I will update you on that shortly.

345

00:19:36.112 --> 00:19:39.832

But, and any subsequent dispersal and deposition of the particles

346

00:19:40.012 --> 00:19:42.332

from the operation of the proposed development.

347

00:19:42.372 --> 00:19:45.632

Thank you for the clarity that you provided me on the reasons for the adoption of

348

00:19:45.652 --> 00:19:49.392

your two-kilometer zone of influence, and the detail regarding the

349

00:19:49.432 --> 00:19:52.112

concentration of the likely distribution of impacts within that zone.

350

00:19:52.132 --> 00:19:53.932

That was really helpful for me to understand why you

351

00:19:54.752 --> 00:19:57.172

picked that figure, so that's useful.

352

00:19:57.232 --> 00:20:01.192

Um, given that the submission of the change request is now coming, and the proposal

353

00:20:01.292 --> 00:20:04.872

is to lower the, heat recovery steam generator

354

00:20:05.092 --> 00:20:08.732

stack heights and the carbon capture plant absorber stack heights,

355

00:20:10.472 --> 00:20:14.192

please could you very simply... I know, I notice you've produced the documentation

356

00:20:14.232 --> 00:20:17.742

and, the feed, additional feed, figures that

357

00:20:17.832 --> 00:20:21.732

show the proposed dispersals. But could you simply ex-explain to

358

00:20:21.772 --> 00:20:25.472

me how the range of dispersal of particles from the stacks

359

00:20:26.272 --> 00:20:28.932

will have an impact on local air quality?

360

00:20:28.952 --> 00:20:31.292

Please also note, I'm, I'm gonna go into a little bit more detail with the

361

00:20:31.332 --> 00:20:34.832

residential res-receptors specifically and the habitats

362

00:20:35.112 --> 00:20:38.992

sites specifically following this, but if we could just start off with a bit of

363

00:20:39.032 --> 00:20:42.402

a brief overview of stacks come down, this happens sort of

364

00:20:42.402 --> 00:20:45.752

thing. Thank you. Uh, I think, Dr.-

365

00:20:45.792 --> 00:20:49.152

Gary Gray for the applicant. Um, I think the

366

00:20:49.212 --> 00:20:52.561

starting, starting point needs to be, just to clarify

367

00:20:53.172 --> 00:20:56.012

that the change isn't only a change in the release height from the

368

00:20:56.072 --> 00:21:00.012

stacks. Um, so in, in reassessing

369

00:21:00.092 --> 00:21:03.712

it, we've also, taken into account some

370

00:21:03.721 --> 00:21:07.512

developments in the, the detail of the design that have happened

371

00:21:07.552 --> 00:21:11.292

since the ES. There are some changes to the li-

372

00:21:11.332 --> 00:21:15.212

site layout that the two feed contractors have been com- proposing,

373

00:21:15.272 --> 00:21:18.772

so that's the way in which we're representing

374

00:21:18.892 --> 00:21:20.272

the, the, the parameters

375

00:21:21.252 --> 00:21:25.112

for, for the, development. Um, and there are also some subtler

376

00:21:25.152 --> 00:21:29.022

changes. There's, there's a deci- there's been a decision made to

377

00:21:29.072 --> 00:21:32.872

retain some heat that could've been recovered, so the plume is

378

00:21:32.912 --> 00:21:36.432

coming out a little warmer than it was last time, and that partially

379

00:21:36.472 --> 00:21:38.172

offsets the reduction in the height.

380

00:21:38.192 --> 00:21:41.672

So it comes out and it continues to a greater height before it starts to

381

00:21:41.712 --> 00:21:45.632

disperse. Um, and we've also removed one

382

00:21:45.752 --> 00:21:48.792

source as well. We've removed a source of ammonia,

383

00:21:50.352 --> 00:21:50.852

from,

384

00:21:53.092 --> 00:21:54.072

o-one temporary source

385

00:21:55.252 --> 00:21:59.232

where, where it would've been emitted by a pollution control measure

called,

386

00:21:59.472 --> 00:22:03.042

selective catalytic reduction, SCR unit, and

387

00:22:03.092 --> 00:22:06.512

that's, that's to, reduce the total nitrogen deposition

388

00:22:06.672 --> 00:22:09.862

impacts of the scheme. So it, there's all those things

389

00:22:09.912 --> 00:22:12.052

together, they, they,

390

00:22:13.172 --> 00:22:16.612

give very similar answers to the answers we had

391

00:22:16.672 --> 00:22:20.432

before. Um, there are a

392

00:22:20.532 --> 00:22:23.872

few pollutants, noticeably, nitrogen

393

00:22:23.952 --> 00:22:27.092

dioxide, which has gone up slightly because we've removed the

394

00:22:27.172 --> 00:22:30.912

SCR, but that's still a very low magnitude

395

00:22:30.972 --> 00:22:34.052

impact. Um, and there are

396

00:22:34.152 --> 00:22:36.052

some, some other changes

397

00:22:36.952 --> 00:22:37.272

which

398

00:22:38.392 --> 00:22:41.932

are numerically different, but they still have the same effect descriptors

399

00:22:41.972 --> 00:22:43.492
associated with them.

400

00:22:44.652 --> 00:22:44.662
Okay.

401

00:22:44.712 --> 00:22:48.452
So essentially it's, um... I think there's one, the only other
difference you

402

00:22:48.512 --> 00:22:51.742
might see on some of the figures, is that,

403

00:22:52.552 --> 00:22:55.532
the worst result might occur under a different meteorological

404

00:22:55.612 --> 00:22:59.552
year, and that just changed the visual, appearance of

405

00:22:59.592 --> 00:23:03.402
some of the figures. But if it's close to the site boundary, then
the impact is

406

00:23:03.472 --> 00:23:06.712
still close to the site boundary. That's not changed.

407

00:23:08.292 --> 00:23:10.872
Thank you, Dr. Gray. That's very helpful.

408

00:23:11.912 --> 00:23:12.272
Um, I'm just

409

00:23:13.112 --> 00:23:15.372
processing that a little bit as, as you just told me.

410

00:23:15.452 --> 00:23:16.352
Um, so

411

00:23:17.652 --> 00:23:21.532
very simplicity, again from my point of view, is you're not just

412

00:23:21.852 --> 00:23:24.912

lowering the stack, you're changing what's coming out of the stack, which is why

413

00:23:24.972 --> 00:23:25.332

we're seeing

414

00:23:26.612 --> 00:23:30.492

a marked change in, or significantly, a marked

415

00:23:30.532 --> 00:23:33.222

change in the results. Where we would expect to see perhaps an increase, we're

416

00:23:33.272 --> 00:23:36.152

seeing marginal differences or perhaps even

417

00:23:36.192 --> 00:23:40.112

decreases because you're changing the process that's resulting

418

00:23:40.152 --> 00:23:43.052

in what's being emitted from the stack as well as lowering the stack.

419

00:23:43.812 --> 00:23:46.732

Gary Gray for the applicant. Yeah, that's correct, sir.

420

00:23:46.812 --> 00:23:50.072

Um, with, one exception-

421

00:23:50.132 --> 00:23:50.462

Oh, okay

422

00:23:50.462 --> 00:23:52.072

... all the results are decreases.

423

00:23:52.112 --> 00:23:54.132

Yeah. Thank you. And

424

00:23:54.992 --> 00:23:58.372

cynical question from me, but if, if you can change

425

00:23:59.632 --> 00:24:02.772

what comes out of the stack, why didn't you do that

426

00:24:03.072 --> 00:24:06.972

before? Is, is there some implication of

427

00:24:07.032 --> 00:24:10.412

having to take the SCR out or produce some

428

00:24:10.452 --> 00:24:13.032

additional, pollution control?

429

00:24:13.092 --> 00:24:16.912

Gary Gray for the applicant. Um, the, the way the process works

430

00:24:16.972 --> 00:24:18.712

in, in bigger picture terms

431

00:24:18.872 --> 00:24:22.544

is-The, the, the

432

00:24:22.584 --> 00:24:26.194

initial assessment, so maybe at the, the peer stage and

433

00:24:26.384 --> 00:24:29.764

into the ES, is, is done on a very conservative

434

00:24:29.824 --> 00:24:33.664

approach. So we work from the maximum amount of pollution

435

00:24:33.704 --> 00:24:37.644

that could be allowed under regulations, and then as the design

436

00:24:37.704 --> 00:24:38.384

becomes more

437

00:24:39.204 --> 00:24:42.964

established, we, we pull those emission values down towards what's

438

00:24:43.044 --> 00:24:45.164
actually likely to happen.

439

00:24:45.204 --> 00:24:46.304
Thank you.

440

00:24:48.264 --> 00:24:50.694
That's fair. Yeah, I can understand that. Yep.

441

00:24:50.764 --> 00:24:51.414
Um,

442

00:24:53.004 --> 00:24:55.444
just going back to one thing that you did say, though, was the,

443

00:24:57.144 --> 00:25:00.984
you... reason for some of the change is because you're changing the
amount of heat

444

00:25:01.044 --> 00:25:03.004
that will go up the, bear with me.

445

00:25:03.024 --> 00:25:06.744
Was it the heat, heat recovery steam generator stack?

446

00:25:06.824 --> 00:25:10.544
You're allowing more heat in the plume now to, to carry the

447

00:25:10.904 --> 00:25:12.304
plume higher. Is that what you're saying?

448

00:25:12.344 --> 00:25:14.324
Yeah. Gary Gray for the applicant. Yes.

449

00:25:14.334 --> 00:25:14.334
Okay.

450

00:25:14.344 --> 00:25:18.204
It's a small, a small, amount of heat retained that could

451

00:25:18.224 --> 00:25:19.084
have been recovered.

452
00:25:19.124 --> 00:25:20.764
Understood. Right. So you're losing a little bit

453
00:25:21.684 --> 00:25:24.144
from the, from what you could actually get, but you're using it to

454
00:25:25.044 --> 00:25:26.884
make things go a little bit higher and a little bit further.

455
00:25:26.944 --> 00:25:27.014
Yeah.

456
00:25:27.044 --> 00:25:27.284
Okay.

457
00:25:27.304 --> 00:25:27.514
Great.

458
00:25:27.514 --> 00:25:28.144
Gary for the applicant.

459
00:25:28.164 --> 00:25:28.804
That's correct.

460
00:25:28.824 --> 00:25:29.724
Thank you very much.

461
00:25:38.734 --> 00:25:40.884
That's excellent. Thank you. That's, appreciate that.

462
00:25:40.984 --> 00:25:41.204
Um,

463
00:25:42.504 --> 00:25:43.944
that's helped me a great deal there.

464
00:25:44.024 --> 00:25:44.324
Um,

465

00:25:47.924 --> 00:25:51.904

are there any comments from either, NRW that would like to come

466

00:25:51.944 --> 00:25:52.724

in on that or,

467

00:25:54.204 --> 00:25:56.544

from Flintshire County Council if they wish to from their side?

468

00:25:56.944 --> 00:25:59.004

I'm getting a nod of no from the room.

469

00:25:59.084 --> 00:26:02.824

Um, I'm not getting a hand up or a...

470

00:26:03.864 --> 00:26:07.794

Anyone from NRW? Okay. Thank you. Um, one thing I did just wanna touch on

471

00:26:07.824 --> 00:26:11.204

while we're still talking about the stacks, if that's okay, in, this is item three

472

00:26:11.244 --> 00:26:12.944

point one still, sorry, is

473

00:26:14.204 --> 00:26:18.124

the design document stipulates a maximum height of the massing blocks of

474

00:26:18.164 --> 00:26:22.044

the development and, and we visited

475

00:26:22.084 --> 00:26:24.834

those in the previous hearing and also the fact that you're potentially lowering,

476

00:26:25.884 --> 00:26:28.724

those, those two stacks, two sets of trains of

477

00:26:28.784 --> 00:26:32.693
stacks. Um, but what is

478
00:26:32.724 --> 00:26:36.444
the possibility or the risk that the stacks may end up being

479
00:26:36.564 --> 00:26:40.074
even lower than that? So we've got a control height on, you know,
you will not put

480
00:26:40.084 --> 00:26:43.824
the stacks higher in this reason because that's within your sort of
planning

481
00:26:43.864 --> 00:26:47.724
constraints. But how do, how do we know that you may not put the
stacks

482
00:26:47.944 --> 00:26:51.593
lower in the future? And then that may change deposition rates and

483
00:26:51.624 --> 00:26:53.834
emission rates in the local area even more.

484
00:26:53.864 --> 00:26:56.274
So we're, we're talking about the stacks being at the height they
are now and where

485
00:26:56.304 --> 00:26:59.274
that, where that, that pollutant may end up and the emissions.

486
00:26:59.284 --> 00:27:03.164
But if you then make the stacks lower, even lower than that, what,
what, what

487
00:27:03.224 --> 00:27:03.604
sort of,

488
00:27:05.024 --> 00:27:08.004
effectively, what can you, how do you control that?

489
00:27:08.064 --> 00:27:10.593

Yeah. Gary Gray for the applicant.

490

00:27:10.684 --> 00:27:14.674

Um, the way, the way the modeling works, it, it's not

491

00:27:14.744 --> 00:27:17.884

just the dispersion from the point of release

492

00:27:18.164 --> 00:27:21.784

outwards. The model also includes the presence of other

493

00:27:21.804 --> 00:27:22.464

structures

494

00:27:23.424 --> 00:27:27.264

within the site. Um, so those structures might be buildings, they

495

00:27:27.324 --> 00:27:30.804

might be the absorbers, columns which are, very tall

496

00:27:30.844 --> 00:27:34.204

indeed. Um, and they change the wind flow

497

00:27:34.324 --> 00:27:38.184

pattern within the site, and they have the potential to pull the

498

00:27:38.284 --> 00:27:42.074

air flow from above the site down and cause eddies and turbulence

499

00:27:42.184 --> 00:27:46.104

and that, that can be an issue. Um, and so the presence of all

500

00:27:46.164 --> 00:27:47.484

that other structure

501

00:27:48.344 --> 00:27:52.124

is the main thing that's actually driving the height of release rather

502

00:27:52.184 --> 00:27:55.044

than the off-site impacts, if you see what I mean.

503

00:27:55.124 --> 00:27:58.204

Um, and so when NRW review the permit

504

00:27:58.244 --> 00:28:02.224

application, they'll be looking at the way in which that's been considered,

505

00:28:02.844 --> 00:28:05.264

and that's part of their BAT assessment.

506

00:28:05.284 --> 00:28:08.024

The, the assessment for best available technique.

507

00:28:08.104 --> 00:28:12.064

Um, so yeah, it's, it's kind of a physical limitation of a, of a site with

508

00:28:12.204 --> 00:28:14.664

other large structures on it. If you had a standalone chimney-

509

00:28:14.724 --> 00:28:14.864

Yeah

510

00:28:15.204 --> 00:28:17.844

... then yes, you, you would probably have the potential to lower it.

511

00:28:17.864 --> 00:28:21.524

But for the site as it is, the limit, the potential is very limited.

512

00:28:22.464 --> 00:28:23.864

Yeah. Understood.

513

00:28:23.924 --> 00:28:26.504

So could I? James, James Shaw for the applicant.

514

00:28:26.524 --> 00:28:30.384

If, if I could help as well. Uh, in relation to the draft

515

00:28:30.444 --> 00:28:34.224

ECO and the requirements, the,

516

00:28:34.454 --> 00:28:37.364
under Schedule two, Requirement

517

00:28:37.744 --> 00:28:41.334
three, requires the height of the

518

00:28:41.544 --> 00:28:45.324
stacks to be at a level at which the environmental

519

00:28:45.384 --> 00:28:49.124
effects will be no worse than those identified

520

00:28:49.164 --> 00:28:51.744
within the relevant part of the ES,

521

00:28:52.704 --> 00:28:56.204
and no adverse effects on integrity of the European site.

522

00:28:56.244 --> 00:28:56.444
So

523

00:28:57.624 --> 00:29:01.304
the point that you are raising about the ability for the stack
heights to be

524

00:29:01.364 --> 00:29:04.824
lower, in principle, is subject to that

525

00:29:04.864 --> 00:29:07.204
basic requirement. So

526

00:29:08.204 --> 00:29:10.604
in theory, yes, they could come down, but-

527

00:29:10.644 --> 00:29:10.714
No

528

00:29:10.714 --> 00:29:14.394
... not at any, cost to the environmental

529

00:29:14.424 --> 00:29:16.464
effects that have been assessed.

530

00:29:16.484 --> 00:29:20.214
Thank you. Yeah, that's helpful. Yeah. Thank you. I think actually,
thank you.

531

00:29:20.244 --> 00:29:22.584
That, you've, you've answered, answered two things there.

532

00:29:22.804 --> 00:29:25.464
One, one, you a- you answered the question I sort of asked, but
also, Dr.

533

00:29:25.484 --> 00:29:27.684
Gray, thank you as well. Yeah, I think you've, explained to me a
little bit

534

00:29:27.724 --> 00:29:31.014
there about the, the subtleties of the topography of the site and
the,

535

00:29:31.724 --> 00:29:34.024
you know, the sort of eddying and, turbulence that you're getting
off the

536

00:29:34.064 --> 00:29:35.304
structures around that site as well.

537

00:29:35.324 --> 00:29:39.184
So it's when you finally come to NRW for your permit

538

00:29:39.224 --> 00:29:42.884
and you have your detailed design, hopefully as, as advanced as you
can possibly

539

00:29:42.964 --> 00:29:45.794
have it, at that point, you'll presumably run a new air quality
model to just

540

00:29:45.984 --> 00:29:49.684

double-check that, you know, if a, if a roof type's changed on an

541

00:29:49.904 --> 00:29:52.524

adjacent part of the building or if a,

542

00:29:53.884 --> 00:29:57.424

some better data perhaps is coming in your historical model, then that's the point

543

00:29:57.464 --> 00:30:01.064

that you'll make the decision on the dispersal modeling, albeit no worse than what

544

00:30:01.144 --> 00:30:04.244

was submitted as part of this application.

545

00:30:04.424 --> 00:30:07.734

Gary Gray for the applicant. Uh, that's the general process. Yeah.

546

00:30:07.804 --> 00:30:11.514

Excellent. Thank you. That's, I think that's everything from me on, on

547

00:30:11.584 --> 00:30:15.344

item three point one. Um, I just wanna check if there's anyone who wants to come in

548

00:30:15.384 --> 00:30:19.064

in the room or online on any of those points before we move on to item three point

549

00:30:19.104 --> 00:30:22.398

two. Not getting any hands up

550

00:30:22.668 --> 00:30:26.508

online, okay, if that's okay. Um, I just wanted to move on to item three

551

00:30:26.588 --> 00:30:29.668

point two now, which is the deposition of the particles and the air quality in the

552

00:30:29.688 --> 00:30:33.228
adjacent receptor sites. I think, to be fair, the details you've just given me

553
00:30:33.288 --> 00:30:37.108
there, will also help, and I wouldn't want you to have to repeat yourself

554
00:30:37.188 --> 00:30:40.648
or, go into any, sort of...

555
00:30:40.688 --> 00:30:43.958
going back over old ground again. But what, what I was interested from

556
00:30:44.548 --> 00:30:48.428
specifically for the residential receptors was

557
00:30:49.488 --> 00:30:53.427
there was a lowering of, nitrogen dioxide, carbon monoxide,

558
00:30:53.448 --> 00:30:57.348
and amine levels at the most affected receptors on the

559
00:30:57.368 --> 00:30:58.858
proposed development. Um,

560
00:30:59.908 --> 00:31:00.198
and

561
00:31:01.248 --> 00:31:05.238
I wanted to understand why those values went down with a lowering of

562
00:31:05.268 --> 00:31:07.748
the stack to the most adjacent,

563
00:31:07.937 --> 00:31:11.868
residential receptors. I think possibly you've

564
00:31:11.948 --> 00:31:14.648
already just answered that in question one, but if you feel free, Dr.

565

00:31:14.668 --> 00:31:17.668

Gray, if you wanted to elaborate further on that particular item.

566

00:31:17.688 --> 00:31:19.748

Yeah. Gary Gray for the applicant.

567

00:31:19.808 --> 00:31:23.728

Um, yeah, the, the majority of the answer is, is what I've already told you

568

00:31:23.768 --> 00:31:24.628

for three one.

569

00:31:24.688 --> 00:31:24.938

Yeah.

570

00:31:25.028 --> 00:31:28.948

Um, another point to note though is that for some of the pollutants,

571

00:31:30.088 --> 00:31:32.558

particularly the amines and, and the related

572

00:31:32.728 --> 00:31:36.108

chemicals, tho-those concentrations are extremely low.

573

00:31:36.128 --> 00:31:36.588

Yes.

574

00:31:36.688 --> 00:31:40.508

Um, and so i-if you look at the numbers we're presenting to

575

00:31:40.568 --> 00:31:44.428

maybe just one significant figure rather than two, they haven't really

576

00:31:44.488 --> 00:31:46.748

changed.

577

00:31:46.788 --> 00:31:48.088

Thank you.

578

00:31:50.868 --> 00:31:54.148

Uh, thank you. Yes, g-going back, thank you again also in,

579

00:31:55.708 --> 00:31:57.988

the examining authority's questions one, six point

580

00:31:58.128 --> 00:32:01.728

six, you, you've shown me the distorted amine

581

00:32:01.788 --> 00:32:05.328

dis-amine dispersal, and, and that reply was very helpful.

582

00:32:05.428 --> 00:32:08.788

Uh, but I just wanted to understand the reasoning behind that,

583

00:32:09.508 --> 00:32:12.788

because from a layman's point of view, what I was seeing

584

00:32:12.828 --> 00:32:16.398

was I've got a community effectively to the west of the development.

585

00:32:16.398 --> 00:32:20.128

My dominant wind direction is sort of northwest, southeast, and I wanted to

586

00:32:20.148 --> 00:32:23.848

understand why, this community seemed to

587

00:32:23.888 --> 00:32:27.808

be su-suffering, albeit very low concentrations of that, that

588

00:32:27.828 --> 00:32:31.687

dispersal of pollutant, but they seem to be getting this sort of tail off

589

00:32:31.747 --> 00:32:35.188

that thing. And I think what you were suggesting to me in your answer

590

00:32:35.788 --> 00:32:39.668

was there was an element of wind direction in that perpendicular

591

00:32:39.708 --> 00:32:43.698

direction to the dominant direction in historical wind records, and

592

00:32:43.728 --> 00:32:46.328

that can result in that deposition arising on the local communities.

593

00:32:46.348 --> 00:32:48.858

But I just wanted to understand, is my understanding of that correct? Is...

594

00:32:48.888 --> 00:32:49.828

Can you just clarify do-

595

00:32:49.868 --> 00:32:50.097

Yeah.

596

00:32:50.108 --> 00:32:53.948

That that's why it goes southwest rather than always northwest to

597

00:32:54.008 --> 00:32:54.648

southeast?

598

00:32:55.028 --> 00:32:57.228

Yeah. It's Gary Gray for the applicant.

599

00:32:57.308 --> 00:33:00.968

Um, so the wind direction makes, a difference

600

00:33:01.048 --> 00:33:04.208

depending on the averaging time of the results.

601

00:33:04.288 --> 00:33:05.148

Um, so for the

602

00:33:05.988 --> 00:33:09.868

pollutants that are represented as annual means,

603

00:33:11.048 --> 00:33:12.988

that's a, a long-term average-

604

00:33:13.028 --> 00:33:13.037

Yeah

605

00:33:13.048 --> 00:33:16.328

... the, the number of hours that occur

606

00:33:16.968 --> 00:33:20.308

in that direction, that carries it from the site in that direction,

607

00:33:20.728 --> 00:33:24.668

tends to result in a longer shape, in, in

608

00:33:24.748 --> 00:33:28.008

the, isopleth plots, and that, that's simply because

609

00:33:28.628 --> 00:33:32.548

there are more opportunities for different types of conditions to occur while

610

00:33:32.588 --> 00:33:36.308

the wind's blowing that way. Um, whereas for this particular

611

00:33:36.368 --> 00:33:40.288

site, as you can see from the wind rose plots we've provided, the wind very

612

00:33:40.388 --> 00:33:44.308

rarely blows from the northeast. Um, and so you've only got a small

613

00:33:44.348 --> 00:33:47.208

number of hours, sets of conditions when it occurred, and

614

00:33:47.268 --> 00:33:51.028

if, if those conditions aren't associated with

615

00:33:51.308 --> 00:33:55.208

what you need to impact the, the dispersion towards the

616

00:33:55.228 --> 00:33:57.048

others, then, then it doesn't occur.

617

00:33:57.068 --> 00:34:00.948

So you, you've just got, like, one little bit that sticks out, and that,

618

00:34:00.988 --> 00:34:04.928

that's almost definitely due to building downwash between structures on

619

00:34:04.948 --> 00:34:07.568

the aligned across the site.

620

00:34:08.788 --> 00:34:12.708

And the same alignment doesn't occur if you move a few tens of degrees

621

00:34:12.748 --> 00:34:14.768

either s- either side.

622

00:34:16.428 --> 00:34:20.328

So, so you, you're getting slightly less good dispersion for

623

00:34:20.388 --> 00:34:22.037

that particular angle than you do-

624

00:34:22.048 --> 00:34:25.839

Again, like a lurret effect as the, as the wind comes over the, the right.

625

00:34:25.868 --> 00:34:28.528

I under-understand. But albeit with a lesser

626

00:34:29.208 --> 00:34:32.948

concentration of re, frequency of occurrences in the wind

627

00:34:32.968 --> 00:34:33.649

rose.

628

00:34:33.688 --> 00:34:37.248

Yes. And just to give that some context, the

629

00:34:37.368 --> 00:34:40.968
standard for the amines is four hundred micrograms per cubic

630
00:34:41.007 --> 00:34:43.988
meter, and we're talking values that are around nought point one.

631
00:34:44.008 --> 00:34:47.468
Mm-hmm. Yeah, I acknowledge it was very low. Thank you.

632
00:34:47.528 --> 00:34:47.848
Yeah,

633
00:34:54.488 --> 00:34:56.669
why would I not see that for the other

634
00:34:57.928 --> 00:35:01.808
dispersants and pollutants such as the ni-nitrogen, deposition?

635
00:35:01.828 --> 00:35:05.528
Why, why am I only seeing that, that small tail, albeit very low,

636
00:35:05.548 --> 00:35:08.988
appreciate that, for that particular pollutant?

637
00:35:09.068 --> 00:35:11.288
Gary Gray for the applicant. Um, the

638
00:35:11.908 --> 00:35:15.888
amines, are at a very low

639
00:35:15.948 --> 00:35:19.428
ma-magnitude concentration. The others are several orders of

640
00:35:19.508 --> 00:35:22.648
magnitude higher in concentration, and they have multiple

641
00:35:22.748 --> 00:35:24.408
sources.

642
00:35:24.508 --> 00:35:24.518
Right.

643

00:35:24.548 --> 00:35:27.988

Whereas the amines only have the, the one set of emission sources.

644

00:35:28.028 --> 00:35:29.398

They're, they're not a combustion product.

645

00:35:29.408 --> 00:35:29.968

Mm-hmm.

646

00:35:30.008 --> 00:35:33.938

Yeah. Um, so, so the higher concentration from the other

647

00:35:34.008 --> 00:35:37.898

sources plus the greater number of sources just masks the, the

648

00:35:37.988 --> 00:35:38.878

shape that you see-

649

00:35:38.888 --> 00:35:38.898

Yeah

650

00:35:38.898 --> 00:35:40.648

... from the amine results.

651

00:35:40.708 --> 00:35:44.658

Yeah. Okay.

652

00:36:00.508 --> 00:36:03.938

But your amine isopleth is showing me that small

653

00:36:04.008 --> 00:36:07.168

tail, albeit with a very low concentration in, in, in both

654

00:36:07.368 --> 00:36:11.128

the dominant wind direction and also to the southwest.

655

00:36:12.448 --> 00:36:15.948

I, I appreciate you're telling me that your, your nitrogen depositions are a much

656

00:36:16.088 --> 00:36:19.708

higher scale and are dominated in the

657

00:36:19.828 --> 00:36:21.628

southeasterly plume,

658

00:36:22.848 --> 00:36:25.568

but I would expect to see a small tail

659

00:36:26.568 --> 00:36:30.192

by scale in that southwesterly direction

660

00:36:30.672 --> 00:36:31.492

as well, wouldn't I?

661

00:36:32.812 --> 00:36:36.202

Gary Gray for the applicant. Um, so the nitrogen

662

00:36:36.252 --> 00:36:38.852

deposition values are annual means.

663

00:36:38.932 --> 00:36:40.452

Um, sorry.

664

00:36:40.462 --> 00:36:42.412

If that, that points you in the right direction.

665

00:36:42.432 --> 00:36:44.512

Yeah. Okay.

666

00:36:46.072 --> 00:36:49.692

Whereas the A means diagram you're referring to is maximum one

667

00:36:49.732 --> 00:36:51.432

hour.

668

00:36:51.492 --> 00:36:54.332

I guess what I'm trying to get to with this line of questioning, apologies and

669

00:36:54.372 --> 00:36:57.892
thank you for, persisting with me on this, is,

670
00:37:00.032 --> 00:37:01.452
is there a scenario where

671
00:37:03.152 --> 00:37:07.032
the taking... ignoring the annual deposition for a moment,

672
00:37:07.092 --> 00:37:11.052
where you could have a particularly bad day in Connah's Quay due to nitrogen

673
00:37:11.092 --> 00:37:13.752
deposition due to a northeasterly wind

674
00:37:13.812 --> 00:37:17.692
direction, albeit not matching the concentrations you're gonna

675
00:37:17.712 --> 00:37:21.252
get over an annual mean northwest to southeast, but is there one

676
00:37:21.532 --> 00:37:25.152
bad smoggy day that you could have because of an, a dominant

677
00:37:25.212 --> 00:37:27.672
northeasterly direction?

678
00:37:27.752 --> 00:37:31.652
Gary Gray for the applicant. Um, I think the answer comes in two

679
00:37:31.752 --> 00:37:32.952
parts. Um,

680
00:37:33.772 --> 00:37:36.092
the first one is that,

681
00:37:37.692 --> 00:37:41.512
the... we've already presented the, the

682
00:37:41.552 --> 00:37:45.112

short-term impact, so y-you have that result for a nitrogen

683

00:37:45.172 --> 00:37:49.052

dioxide or oxide to nitrogen plot would be a good example of what that

684

00:37:49.092 --> 00:37:51.452

looks like. Um, and so

685

00:37:52.472 --> 00:37:55.852

the, the higher values we're reporting for the shorter impacts are

686

00:37:55.932 --> 00:37:59.652

already, a long way below the relevant objective

687

00:37:59.692 --> 00:38:01.792

values that have been set to protect human health.

688

00:38:02.252 --> 00:38:02.432

Okay.

689

00:38:02.472 --> 00:38:04.582

So that's, that's the, the first part of it.

690

00:38:04.592 --> 00:38:08.172

The second part is if you did have a situation

691

00:38:08.252 --> 00:38:11.692

where, it was exceptionally cold, still

692

00:38:11.752 --> 00:38:15.672

air, mist in the bottom of the valley, your emissions are above that

693

00:38:15.732 --> 00:38:18.772

layer and they won't reach the ground at all.

694

00:38:18.812 --> 00:38:20.832

They'll pass above the inversion layer in the

695

00:38:20.872 --> 00:38:26.012

valley.

696

00:38:28.592 --> 00:38:32.172

Okay. Thank you. Um, are there any comments from anyone in the room on that

697

00:38:32.252 --> 00:38:35.532

particular question, or anyone online who'd like to follow up on

698

00:38:35.572 --> 00:38:38.272

that?

699

00:38:40.412 --> 00:38:44.342

No? Okay. Uh, I'm gonna move on to item three point three now, if

700

00:38:44.372 --> 00:38:48.072

that's okay. Thank you. Um, this is looking at the deposition of particles and air

701

00:38:48.132 --> 00:38:52.092

quality at the designated sites that surround, the

702

00:38:52.132 --> 00:38:55.532

site. Um,

703

00:38:59.212 --> 00:39:03.192

the revisions that you've sent in your most recent submission simply show that

704

00:39:03.212 --> 00:39:06.972

the estimated concentrations at the adjacent habitat

705

00:39:07.052 --> 00:39:10.481

sites are noted as a slight decrease in loading of

706

00:39:10.552 --> 00:39:14.412

pollutants proposed, but in some cases, a slight shift, an

707

00:39:14.492 --> 00:39:18.481

increase in a few categories, and, a change perhaps in the

708

00:39:18.552 --> 00:39:21.632

distributions of which sites were the most affected.

709

00:39:21.652 --> 00:39:25.532

Acknowledging, again, still low, but could

710

00:39:25.572 --> 00:39:29.492

you just briefly clarify? I think you've talked to me a little bit about,

711

00:39:30.412 --> 00:39:31.872

what's coming out of the stack is different,

712

00:39:32.712 --> 00:39:33.882

but could you perhaps clarify

713

00:39:34.912 --> 00:39:38.632

the sites that have changed to make sure I understand which of the

714

00:39:38.752 --> 00:39:41.732

designated sites that are still being affected,

715

00:39:43.132 --> 00:39:46.932

what the changes are to them, and highlight the most affected

716

00:39:46.972 --> 00:39:50.612

sites to me, and, the likely significance of the change in

717

00:39:50.672 --> 00:39:53.232

deposition at those sites, if that's

718

00:39:53.292 --> 00:39:54.952

okay?

719

00:39:56.432 --> 00:40:00.172

Uh, Dr James Riley on behalf of the applicant.

720

00:40:00.312 --> 00:40:04.072

So essentially, the, the pattern,

721

00:40:04.162 --> 00:40:08.012

although the, the numbers have changed very slightly, usually by

sort of one

722

00:40:08.052 --> 00:40:10.622

numeral, i.e., from nought point nought three to nought point nought four, or

723

00:40:10.672 --> 00:40:14.252

nought point two two to nought point n-two three, the, the

724

00:40:14.332 --> 00:40:17.462

patterns are essentially the same as before.

725

00:40:17.492 --> 00:40:21.192

So, so there aren't any sites that have become significant that

726

00:40:21.312 --> 00:40:25.112

weren't before. Um, the, conclusions

727

00:40:25.192 --> 00:40:28.692

remain that the most affected sites are the,

728

00:40:29.512 --> 00:40:33.162

Deeside and Buckley Newts SAC, i.e., Connah's Quay parks and

729

00:40:33.212 --> 00:40:37.032

woodland, SSSI, or Wepre Park, which is the relevant

730

00:40:37.192 --> 00:40:41.132

area, and the Dee Estuary, SAC, and in

731

00:40:41.212 --> 00:40:45.052

both instances, the impacts have come down slightly

732

00:40:45.112 --> 00:40:47.232

with regard to nitrogen deposition.

733

00:40:47.352 --> 00:40:50.771

Um, the most significant change with, is with regard

734

00:40:50.852 --> 00:40:54.442

to, Connah's Quay ponds and woodlands, Deeside and Buckley Newts,

735

00:40:55.472 --> 00:40:59.162

and that is because the ammonia concentrations have,

736

00:40:59.492 --> 00:41:02.632

in combination, have now dropped below the critical

737

00:41:02.692 --> 00:41:05.992

level, previously above... sorry, below one percent of the critical level.

738

00:41:06.012 --> 00:41:07.872

They were previously above one percent of the critical level.

739

00:41:07.892 --> 00:41:11.832

The, the, that is the threshold mathematically, which you can either dismiss

740

00:41:11.852 --> 00:41:15.752

an impact mathematically or not. Um, so that means

741

00:41:15.792 --> 00:41:19.712

that amo- e-effective with the mitigation solution at that site of

742

00:41:19.732 --> 00:41:23.562

Wepre Park is now, e-entirely nitrogen deposition

743

00:41:23.632 --> 00:41:27.302

oriented. Um, and in addition to that, to

744

00:41:27.332 --> 00:41:30.612

supplement that, in, their written

745

00:41:30.632 --> 00:41:33.912

representation, Natural Resources Wales pointed out that,

746

00:41:35.512 --> 00:41:38.392

there are no air quality sensitive lichen and bryophyte

747

00:41:38.492 --> 00:41:42.112

species present anymore in the affected areas of Wepre Park, so

748

00:41:42.532 --> 00:41:45.912

a higher critical level than the one we were using would be appropriate.

749

00:41:45.952 --> 00:41:49.492

So in our modeling, we assumed sensitive lichens and bryophytes were

750

00:41:49.532 --> 00:41:53.472

present, or should be present, or, or could be present, I should say, and we used

751

00:41:53.532 --> 00:41:56.092

a lower critical level of one microgram.

752

00:41:56.192 --> 00:42:00.012

Um, if you don't pay attention to those and just pay attention to vegetation

753

00:42:00.132 --> 00:42:04.072

generally, then the sensitivity is effectively a third of that.

754

00:42:04.092 --> 00:42:05.742

In other words, the critical level is three times higher.

755

00:42:05.752 --> 00:42:09.552

It's three micrograms per cubic meter, and that is not exceeded at all.

756

00:42:10.372 --> 00:42:13.252

So we're well below the one percent of the critical level threshold in

757

00:42:13.312 --> 00:42:17.122

combination, and we're also well below the critical level,

758

00:42:17.532 --> 00:42:20.952

which don't affect school. So, so the, the effect is essentially a positive

759

00:42:21.012 --> 00:42:24.032

one for the most affected site.

760

00:42:24.072 --> 00:42:24.192

Thank

761

00:42:24.252 --> 00:42:46.002

you.Moving

762

00:42:46.062 --> 00:42:49.182

back to the, the Dee Estuary SAC, BAR

763

00:42:49.242 --> 00:42:51.892

Ramsar, and the nitrogen deposition there.

764

00:42:52.842 --> 00:42:53.922

Acknowledging again that

765

00:42:55.122 --> 00:42:56.562

the order of dispersal of,

766

00:42:58.042 --> 00:43:00.402

that is low,

767

00:43:01.562 --> 00:43:05.502

my concern is the SAC is big, so small

768

00:43:05.602 --> 00:43:07.772

over big is, can be big. Um,

769

00:43:08.602 --> 00:43:09.542

could you please

770

00:43:10.542 --> 00:43:14.302

explain to me why, you know, before we move on, m- accepting we're gonna move on to

771

00:43:14.342 --> 00:43:18.192

ecology in a moment and talk specifically about the HRA issues, could we, could

772

00:43:18.222 --> 00:43:21.822

we just perhaps elaborate on the scale of the impact over that

773

00:43:21.982 --> 00:43:24.592
very large, designated site, if

774

00:43:24.602 --> 00:43:26.422
possible?

775

00:43:26.462 --> 00:43:28.842
Dr. James Riley on behalf of the applicant.

776

00:43:28.922 --> 00:43:32.602
Uh, so y- you're right, the, the magnitude of the impact

777

00:43:33.102 --> 00:43:36.582
is, is relatively small. Um, the, the, the contribution

778

00:43:36.662 --> 00:43:40.382
of, our project is just over the one

779

00:43:40.442 --> 00:43:43.502
percent of the critical load threshold, to the most affected

780

00:43:43.562 --> 00:43:45.122
area. Um,

781

00:43:46.022 --> 00:43:49.922
but the physical area over which that just over one

782

00:43:49.982 --> 00:43:53.562
percent deposition change is experienced is large, as we say in the

783

00:43:53.682 --> 00:43:56.922
HRA, several hundred hectares, so it is a large area.

784

00:43:57.042 --> 00:43:57.232
Um,

785

00:43:58.622 --> 00:44:01.302
the impact that you would see,

786

00:44:01.802 --> 00:44:05.352
would... The, the, so the worst case

787
00:44:05.402 --> 00:44:08.882
impact that you would see would be that,

788
00:44:09.182 --> 00:44:12.382
nitrogen deposition is essentially a form of fertilization, as I think I've

789
00:44:12.402 --> 00:44:16.302
discussed before. So fertilization tends to

790
00:44:16.342 --> 00:44:19.782
benefit, more competitive plants, which are generally less

791
00:44:19.822 --> 00:44:23.222
desirable, over less competitive plants, which are generally more

792
00:44:23.232 --> 00:44:26.172
desirable, so it gives them a bit of an advantage, basically.

793
00:44:26.202 --> 00:44:29.642
So the plants you, typically in these kind of habitats, it

794
00:44:29.722 --> 00:44:32.742
means you may get an increase in,

795
00:44:33.902 --> 00:44:37.282
certain grasses, more of a grass dominance, certain grasses that you don't

796
00:44:37.302 --> 00:44:41.122
particularly want to see. That's what nitrogen deposition generally will

797
00:44:41.142 --> 00:44:44.102
bring about. Now, it's worth noting that nitrogen deposition isn't the only thing

798
00:44:44.122 --> 00:44:47.921
that brings that about. Uh, if the site is insufficiently managed,

you get the same

799

00:44:48.002 --> 00:44:51.882

impact. On the other hand, if it's well managed, you may never actually see that

800

00:44:51.962 --> 00:44:55.562

impact in the shift of vegetation because you're removing

801

00:44:55.642 --> 00:44:57.362

the, what we call the biomass, i.e.

802

00:44:57.382 --> 00:44:59.802

the growth, if you like, as it, as it's arriving.

803

00:44:59.842 --> 00:45:03.602

So you're opening up the sward, the, the ground, you're keeping it open, so

804

00:45:03.642 --> 00:45:07.382

those more competitive species still continue to persist there.

805

00:45:07.482 --> 00:45:11.182

Um, there's also influences on, the

806

00:45:11.202 --> 00:45:14.902

botanical composition of the saltmarsh in different areas based upon things like

807

00:45:14.942 --> 00:45:18.362

the inundation regime and things like that, because certain competitive species

808

00:45:18.402 --> 00:45:22.302

will be suppressed by regular tidal inundation and that kind

809

00:45:22.342 --> 00:45:25.892

of thing. So, so, so the general sort of role of nitrogen

810

00:45:25.942 --> 00:45:27.142

deposition,

811

00:45:28.382 --> 00:45:32.222

to, saltmarshes like the Dee Estuary is that you would get

812

00:45:32.262 --> 00:45:35.822

a-- you could get a shift, to,

813

00:45:36.022 --> 00:45:39.902

particularly if the areas are not managed in the best way, you could get a shift to

814

00:45:39.962 --> 00:45:42.642

slightly more competitive species that you don't want to see.

815

00:45:42.682 --> 00:45:44.822

So you're not losing habitat, but you're potentially-

816

00:45:44.862 --> 00:45:45.242

Sure

817

00:45:45.262 --> 00:45:47.912

...there's a decline in the quality of the habitat.

818

00:45:47.982 --> 00:45:49.982

Uh, that's nitrogen deposition generally.

819

00:45:49.991 --> 00:45:53.022

You generally require quite a lot of nitrogen for that to happen,

820

00:45:53.842 --> 00:45:55.922

like any other kind of fertilization.

821

00:45:56.022 --> 00:45:59.922

Um, as I say, our contribution, so our additional nitrogen due

822

00:45:59.962 --> 00:46:03.762

to our project is, is, basically, it's

823

00:46:03.962 --> 00:46:06.442

something like... It's, it's in the document, but something like point two

824

00:46:06.522 --> 00:46:09.642

kilograms of nitrogen per hectare per year, which is, which is a very small amount

825

00:46:09.682 --> 00:46:13.412

of additional nitrogen. So, you're in a situation where we're

826

00:46:13.462 --> 00:46:17.082

adding a, a very small amount of further nitrogen over a very large

827

00:46:17.142 --> 00:46:18.502

area. So

828

00:46:19.422 --> 00:46:20.722

if you had a very... So, so

829

00:46:21.542 --> 00:46:22.602

research has indicated

830

00:46:23.942 --> 00:46:27.822

that, particularly in areas that have high existing nitrogen

831

00:46:27.882 --> 00:46:31.642

deposition already for a lot of habitats, which, which is true across much of the

832

00:46:31.722 --> 00:46:34.942

UK, not particularly due to power stations, it's due to agriculture, it's due

833

00:46:34.982 --> 00:46:38.362

to the road network, it is just generally the case that nitrogen deposition is

834

00:46:38.402 --> 00:46:42.262

generally high. When you have high levels of nitrogen

835

00:46:42.302 --> 00:46:45.462

deposition, adding more generally has a relatively little

836

00:46:45.502 --> 00:46:48.642

effect. Now, that might seem counterintuitive, but the reasoning for that is

837

00:46:48.662 --> 00:46:51.582

because the nitrogen is already in excess in the system.

838

00:46:51.602 --> 00:46:54.922

Uh, there's only so much, there's only so much to which plants can respond to

839

00:46:54.942 --> 00:46:57.801

additional nitrogen. If you over-fertilize an area, you don't, the plants don't

840

00:46:57.842 --> 00:47:00.962

continue to grow infinitely. Uh, there's a point to which they, they generally

841

00:47:01.022 --> 00:47:04.822

stop. Um, so the additional amount of nitrogen that we're talking

842

00:47:04.882 --> 00:47:08.262

about, the, the, the worst case you would see is perhaps,

843

00:47:09.062 --> 00:47:11.562

because this could all be counteracted by the way the site is managed or by

844

00:47:11.602 --> 00:47:15.462

tidal inundation, perhaps a slight shift towards certain grass

845

00:47:15.472 --> 00:47:19.342

species that you'd prefer not to see in the sward, which could be counteracted, as

846

00:47:19.362 --> 00:47:23.262

I say, by management. Uh, but because of that, even though it is

847

00:47:23.302 --> 00:47:27.162

possible that might never materialize in practice, we have concluded that

848

00:47:27.202 --> 00:47:31.042
would be an adverse effect to integrity that requires mitigation.

849
00:47:32.142 --> 00:47:34.082
Thank you. Thank you, Dr. Riley.

850
00:47:36.622 --> 00:47:39.632
I might come onto that later in the ecology section, if that's okay,
'cause we, we,

851
00:47:39.662 --> 00:47:42.782
obviously, what you're talking about, management of the designated
site is, is

852
00:47:42.862 --> 00:47:46.622
something that you're proposing to do at the, the Buckie Newt SAC,
where

853
00:47:46.822 --> 00:47:49.622
you're proposing it to r-remove that nitrogen deposition.

854
00:47:49.642 --> 00:47:52.602
It's going to increase the level of management of that site.

855
00:47:52.672 --> 00:47:55.822
But we'll come back to that later, if that's okay, when we talk
specifically about

856
00:47:55.882 --> 00:47:59.602
site-by-site specifics. Um, okay.

857
00:47:59.622 --> 00:48:01.702
No, thank you for that. That's very helpful.

858
00:48:01.802 --> 00:48:01.932
Um,

859
00:48:02.962 --> 00:48:06.622
right. Uh, does anybody want to come in on any of those

860
00:48:06.742 --> 00:48:09.502
points in the room at all?

861

00:48:11.302 --> 00:48:14.182

No. Okay. Or anyone online at all, any of the,

862

00:48:15.102 --> 00:48:17.722

statutory nature conservation bodies have a comment at all they would like to

863

00:48:17.762 --> 00:48:21.632

make? No? No.

864

00:48:21.702 --> 00:48:22.622

Okay. Thank you.

865

00:48:22.742 --> 00:48:23.282

So-

866

00:48:23.302 --> 00:48:25.382

Oh, yeah, sorry. Mr. Strong.

867

00:48:25.402 --> 00:48:26.842

It's James Strong for the applicant.

868

00:48:26.882 --> 00:48:30.742

So can I just go back to agenda item

869

00:48:30.802 --> 00:48:33.702

three point one before we move, further?

870

00:48:34.062 --> 00:48:37.962

Um, because Dr. Gray was explaining

871

00:48:38.102 --> 00:48:41.922

a number of changes in terms of what's coming out of

872

00:48:41.982 --> 00:48:45.878

the stacks affecting theDispersion

873

00:48:46.158 --> 00:48:49.998

modeling. And, I, I have

874

00:48:50.078 --> 00:48:53.518

also here Mr. Steve Griffiths, who's Technical Head of

875

00:48:53.558 --> 00:48:56.958

Environmental Sciences and Climate Change at the applicant,

876

00:48:56.978 --> 00:49:00.958

who's sitting up on the end there. And it's just in relation to one of

877

00:49:00.998 --> 00:49:04.678

the elements that Dr. Gray was describing, namely

878

00:49:05.078 --> 00:49:08.818

an increase in temperature of the stack.

879

00:49:08.838 --> 00:49:12.638

And I think, I'll, I'll allow Dr.

880

00:49:12.678 --> 00:49:16.638

Gray and, and, and Mr. Griffiths to explain, but that,

881

00:49:16.958 --> 00:49:20.898

that temperature increase may not in fact be one of the elements that's

882

00:49:20.958 --> 00:49:22.538

happening. But I'll... Can I hand over to-

883

00:49:22.578 --> 00:49:23.158

Yeah. By all means.

884

00:49:23.238 --> 00:49:25.558

Just I thought we better just correct.

885

00:49:25.568 --> 00:49:27.898

If it is to be corrected, it's better to do it now.

886

00:49:27.918 --> 00:49:29.658

Yep. Thank you. Dr. Griffiths.

887

00:49:29.698 --> 00:49:32.478

Hi there. Steve Griffiths on behalf of the applicant.

888

00:49:32.518 --> 00:49:33.268

Dr. Griffiths, I should say.

889

00:49:33.278 --> 00:49:34.738

Dr. Griffiths.

890

00:49:35.558 --> 00:49:39.458

Uh, so yes, although we have introduced reheat into both of those

891

00:49:39.598 --> 00:49:43.138

stacks, that was done prior to the change request.

892

00:49:43.238 --> 00:49:46.798

Uh, so one of the main reasons for the change in

893

00:49:46.958 --> 00:49:48.318

impacts,

894

00:49:49.958 --> 00:49:53.798

following the change request for the HRSG stacks is that the

895

00:49:53.858 --> 00:49:57.638

volume flow rates, and hence the, the mass emissions

896

00:49:57.738 --> 00:50:01.598

from those stacks, decreased quite considerably, and that

897

00:50:01.658 --> 00:50:04.798

was based on, updated information from the

898

00:50:04.838 --> 00:50:08.318

contractor. So it's really just to make clear, it, it's actually

899

00:50:08.378 --> 00:50:12.238

a, a reduction in the amount of, pollutant

900

00:50:12.458 --> 00:50:16.198

mass emitted that's the driver of that

901

00:50:16.518 --> 00:50:19.578

allow-- to allow that change rather than a change in

902

00:50:19.638 --> 00:50:21.718

temperature.

903

00:50:22.938 --> 00:50:24.788

Sorry, could you just do that last bit again?

904

00:50:24.788 --> 00:50:25.058

Okay.

905

00:50:25.128 --> 00:50:25.938

Sorry. Very sorry.

906

00:50:26.278 --> 00:50:29.658

S-so, so essentially the, the volume flow rate

907

00:50:30.058 --> 00:50:31.658

coming out of the stacks-

908

00:50:31.898 --> 00:50:31.908

Mm-hmm.

909

00:50:31.908 --> 00:50:34.618

-uh, was a lot higher in the previous modeling.

910

00:50:34.678 --> 00:50:37.978

Uh, and you have a... Your emission limit value is a

911

00:50:38.018 --> 00:50:41.878

concentration within that. So the more meter cube per second

912

00:50:42.038 --> 00:50:45.978

you have coming out at that fixed concentration, basically your

913

00:50:45.998 --> 00:50:47.258

gram per second-

914

00:50:47.318 --> 00:50:47.518

Yeah.

915

00:50:47.578 --> 00:50:50.738

-mass emission is higher if your volume flow rate is

916

00:50:50.778 --> 00:50:54.118

higher. Uh, following discussions with the feed

917

00:50:54.218 --> 00:50:58.158

contractors, and their updated modeling, those

918

00:50:58.198 --> 00:51:01.438

flow rates were quite significantly reduced, in

919

00:51:01.478 --> 00:51:05.038

the, the, the updated information we got for

920

00:51:05.078 --> 00:51:08.678

them. So that was one of the key factors in addition to

921

00:51:08.718 --> 00:51:12.678

removing the ammonia that allowed us to lower those HRSG

922

00:51:12.758 --> 00:51:13.688

stacks.

923

00:51:14.778 --> 00:51:17.398

Less stuff coming out of the HRSG?

924

00:51:17.478 --> 00:51:17.788

Yes.

925

00:51:17.838 --> 00:51:21.578

Right. Thank you. Um,

926

00:51:24.198 --> 00:51:27.058

again, apologies for my simplicity of this, but

927

00:51:28.498 --> 00:51:31.478

the heat recovery steam stack, generation

928

00:51:31.518 --> 00:51:35.498

stack, your... It's a secondary process to

929

00:51:35.538 --> 00:51:39.078

the initial... Sorry, probably looking at yourself s- the, the applicant a

930

00:51:39.118 --> 00:51:42.758

little bit here, but, you know, you, you've got your combined cycle gas turbine

931

00:51:42.798 --> 00:51:44.738

turning, making you some electricity over here,

932

00:51:45.998 --> 00:51:49.418

and then you're, you're s- you're getting some secondary recovery off of the heat

933

00:51:49.518 --> 00:51:50.358

recovery stack

934

00:51:51.178 --> 00:51:53.698

to give you some more input into the system.

935

00:51:53.718 --> 00:51:57.048

Correct? Okay. Thank you. I did a nod from the applicant just to,

936

00:51:57.318 --> 00:52:01.118

to... Because you are taking less

937

00:52:01.238 --> 00:52:02.258

stuff up the

938

00:52:02.358 --> 00:52:06.228

stack, and

939

00:52:06.258 --> 00:52:09.578

you're also keeping it a little bit hotter so the plume rises a bit more,

940

00:52:10.978 --> 00:52:14.758

and hopefully helps disperse your, your emissions a bit better.

941

00:52:14.818 --> 00:52:17.298

Does that mean you are getting less

942

00:52:18.458 --> 00:52:21.608

secondary, or I'm not sure if it's tertiary or...

943

00:52:21.618 --> 00:52:25.598

But, you know, secondary electricity generation out of that

944

00:52:27.338 --> 00:52:30.058

stage of the plant? Or i-i-i-

945

00:52:32.038 --> 00:52:34.208

is, is, is... A-are you now primarily...

946

00:52:34.258 --> 00:52:37.278

Well, I think you always are primarily a CCGT, but are

947

00:52:37.378 --> 00:52:40.778

you... By tinkering with your heat recovery stack generation system, are you

948

00:52:40.838 --> 00:52:44.698

actually getting less benefit from that?

949

00:52:45.278 --> 00:52:47.628

That's a bit of a... You might... Feel free to take a bit of time to...

950

00:52:47.628 --> 00:52:50.018

'Cause I've not asked that in the best possible light, probably.

951

00:52:52.158 --> 00:52:55.998

Roger Brandon for the applicant. Um, we may need to respond in writing with a bit

952

00:52:56.058 --> 00:53:00.018

more detail on that. But I, I think broadly speaking,

953

00:53:00.078 --> 00:53:03.518

as, as was mentioned by the colleagues at the bottom of the table, this is also

954

00:53:03.658 --> 00:53:07.158

partly due to the design evolution as we've progressed through the front-end

955

00:53:07.218 --> 00:53:11.038

engineering design studies. So it's not just a, a reactive thing.

956

00:53:11.048 --> 00:53:11.048

Yeah.

957

00:53:11.078 --> 00:53:14.658

It's, it's as we've had greater clarity on what the, what the

958

00:53:14.718 --> 00:53:17.178

proposals, what the proposals are.

959

00:53:18.338 --> 00:53:20.808

So would it, would it be fair to say e-e-even possibly that i-it...

960

00:53:20.878 --> 00:53:24.738

As you're refining your design, as the, the front bit of the plant, you know,

961

00:53:24.758 --> 00:53:28.418

the, the, the engine, the gas turbine gets more and more

962

00:53:28.458 --> 00:53:32.418

efficient as you design it and perhaps even, you know, produces less

963

00:53:34.358 --> 00:53:38.258

heat, waste heat, less emissions, that what you're getting

964

00:53:38.278 --> 00:53:39.958

from the secondary part of the plant goes down?

965

00:53:39.978 --> 00:53:43.498

Because unfortunately, you're, you're probably squeezing the front bit even more.

966

00:53:43.518 --> 00:53:43.998

You know? Is it-

967

00:53:44.478 --> 00:53:46.798

Um, that's, Roger Brandon for the applicant.

968

00:53:46.838 --> 00:53:49.078

That's really stretching my memory of thermodynamics.

969

00:53:49.178 --> 00:53:52.058

Um, I think we might need to respond to that in writing.

970

00:53:52.068 --> 00:53:52.068

Okay.

971

00:53:52.078 --> 00:53:54.338

I, I know which way I'm inclined to answer, but-

972

00:53:54.458 --> 00:53:54.748

Okay.

973

00:53:54.758 --> 00:53:56.198

I won't commit on that.

974

00:53:56.258 --> 00:53:59.118

Right. Thank you. Uh, thank you. Dr. Griffiths.

975

00:53:59.318 --> 00:54:01.378

Um, so J-J-James Storm for the applicant.

976

00:54:01.438 --> 00:54:04.988

I think in my... It's a great mistake for me to try and

977

00:54:05.038 --> 00:54:06.007

contribute to this.

978

00:54:06.658 --> 00:54:07.658

In good company.

979

00:54:08.238 --> 00:54:11.718

But, I think the simple point that we wanted to just

980

00:54:11.818 --> 00:54:15.518

correct was that there was a increase

981

00:54:15.698 --> 00:54:19.458

in the, stack emission

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00:54:19.718 --> 00:54:23.418

in increase in heat, because that was something that was looked at earlier

983

00:54:23.478 --> 00:54:27.438

but is not part of, as I've understood it, not part of

984

00:54:27.498 --> 00:54:31.138

the change notification modeling.

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00:54:31.158 --> 00:54:34.698

It's some... It's what you'd have just, just been described

986

00:54:34.738 --> 00:54:38.598

by Dr. Griffiths that actually led to

987

00:54:38.638 --> 00:54:41.088

the change in the dispersion modeling.

988

00:54:41.138 --> 00:54:42.918

I'd say it's a change in, in dispersion.

989

00:54:42.958 --> 00:54:46.388

It brings back the results to very similar to those. But it...

990

00:54:46.438 --> 00:54:49.978

Dealing with your point as to why you have a lower stack with

991

00:54:49.998 --> 00:54:51.658

similar results

992

00:54:51.930 --> 00:54:54.050

And that's, that was the purpose of the correction.

993

00:54:54.070 --> 00:54:57.770

But, I think Dr. Gray and Dr. Griffiths and the

994

00:54:57.830 --> 00:55:01.750

applicant can clarify t-that in writing to you if that's gonna be

995

00:55:01.790 --> 00:55:02.370

helpful.

996

00:55:02.390 --> 00:55:03.670

That's h- That's very helpful, thank you.

997

00:55:03.680 --> 00:55:07.290

And it's been very helpful to just have that session there on air quality, so thank

998

00:55:07.330 --> 00:55:10.710

you for that. I think I feel a bit, more informed.

999

00:55:10.730 --> 00:55:12.190

Thank you. Um,

1000

00:55:13.710 --> 00:55:17.080

so I was gonna move on, if that's okay, now to the next item.

1001

00:55:17.130 --> 00:55:20.110

Is everybody comfortable? Does anybody want to take a quick break or anything, or

1002

00:55:20.410 --> 00:55:23.290

are we happy to move on to the ecology item?

1003

00:55:23.310 --> 00:55:26.250

Not seeing any concerns in the room at the moment. Okay.

1004

00:55:26.260 --> 00:55:30.150

And not seeing anyone online, so I'm gonna move on, if that's okay, to item

1005

00:55:30.190 --> 00:55:32.460

four, which is the ecology issue about this

1006

00:55:32.490 --> 00:55:34.690

hearing.

1007

00:55:35.570 --> 00:55:38.830

Um, so what we're gonna do here is just we're gonna ask the applicant again to

1008

00:55:38.850 --> 00:55:42.610

provide a bit of an update on the assessment of the ecological impacts of the flora

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00:55:42.630 --> 00:55:46.310

and fauna on the adjacent sites. But specifically what the

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00:55:46.350 --> 00:55:50.290

reason... And apologies again, that we've already discussed some of

1011

00:55:50.350 --> 00:55:53.390

this at previous hearing, and we're going perhaps over old ground, so thank you

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00:55:53.570 --> 00:55:55.910

for, for laboring and, and, and persisting with me again.

1013

00:55:55.930 --> 00:55:58.870

But I'm just seeking to understand the proposed impacts

1014

00:55:59.950 --> 00:56:03.730

specifically on the European designated sites and the mitigation or potentially

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00:56:03.810 --> 00:56:07.110

compensation measures that are being proposed, and how this meets the requirements

1016

00:56:07.150 --> 00:56:10.890

of the Conservation of Habitats and Species regulations, and the

1017

00:56:10.930 --> 00:56:13.650

hab- habs regs assessment, as we call it.

1018

00:56:13.710 --> 00:56:15.990

Um, and, and this for me is, is a, is

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00:56:16.970 --> 00:56:20.420

a really important item in this, application and

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00:56:20.470 --> 00:56:24.230

examination. Um, I'm very,

1021

00:56:25.010 --> 00:56:27.810

concerned about some of the, information that's been received,

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00:56:28.250 --> 00:56:32.150

only in such light as I think there's some uncertainty, certainly on the part of

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00:56:32.170 --> 00:56:36.029

the advice that I'm being received, both internally and externally, about

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00:56:36.070 --> 00:56:39.370

whether the issue amounts to mitigation or compensation.

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00:56:39.390 --> 00:56:42.650

And that could have a significant impact for yourselves as the applicant in how you

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00:56:42.730 --> 00:56:46.410

progress in the derogation case that you kindly produced as a draft derogation case

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00:56:46.450 --> 00:56:50.140

so far, or whether or not it's needed to be developed or not.

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00:56:50.190 --> 00:56:53.390

So, again, what I'll do if it's okay, I'll go to the applicant and ask for a

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00:56:53.470 --> 00:56:57.070

bit more clarity on those issues, and then we'll come to those in the room or

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00:56:57.110 --> 00:57:00.969

online, for any queries they may wish to follow up or any poi-points they wish

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00:57:01.010 --> 00:57:03.870

to raise. So,

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00:57:05.210 --> 00:57:08.870

I'd like to start off with, if it's okay, item 4.1, which is just looking at the

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00:57:08.970 --> 00:57:12.750

likely impacts again, and on the flora and fauna

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00:57:12.790 --> 00:57:15.150

affected by the proposed development.

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00:57:15.630 --> 00:57:19.610

And again, apologies again from my point of view about the

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00:57:19.650 --> 00:57:22.370

way I present and speak at this hearing.

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00:57:22.390 --> 00:57:25.670

But what, what my understanding so far is, I think we are in agreement

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00:57:25.750 --> 00:57:29.730

about the range of designated sites that are within the

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00:57:29.770 --> 00:57:33.630

scope of the assessment, for the proposed development, and that there are no

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00:57:33.710 --> 00:57:37.099

new sites that have suddenly come to light or designated sites, and that those are

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00:57:37.110 --> 00:57:40.910
the sites that we've to some extent already been talking about,
which are the,

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00:57:41.290 --> 00:57:44.670
Buckley New Site and the Estuary SAC, SPA, Ramsar.

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00:57:44.730 --> 00:57:48.710
Um, I think also, again, from your

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00:57:48.730 --> 00:57:51.950
submission and the documents that I received, there's no

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00:57:52.750 --> 00:57:56.370
general dispute about the potential impact pathways that have been
set out and

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00:57:56.390 --> 00:58:00.010
agreed about how those sites may be affected by the proposed

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00:58:00.030 --> 00:58:03.510
development. So, you know, we know that there's air quality issues,
and we know

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00:58:03.570 --> 00:58:07.390
that there's potentially, water, water, environment

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00:58:07.470 --> 00:58:11.420
issues. So I think we understand the potential way those sites could
be impacted,

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00:58:11.430 --> 00:58:13.680
and I don't think there's any that's missed, and no one's saying to
me, "Ah, but

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00:58:13.690 --> 00:58:17.280
what about, you know, this, or what about that?" So I think

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00:58:18.390 --> 00:58:20.630
we've got that stage of the assessment.

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00:58:20.690 --> 00:58:24.599

What I'm slightly concerned about is that those sites are designated

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00:58:24.770 --> 00:58:28.230

for a wide range of qualifying features.

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00:58:28.330 --> 00:58:31.710

And I'm not clear that although you've picked out, I

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00:58:31.750 --> 00:58:35.599

think, the most significant qualifying features that are impacted and

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00:58:35.710 --> 00:58:39.250

put in place mitigation or potentially compensation for those

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00:58:40.150 --> 00:58:43.270

adverse effects on integrity. I'm not sure,

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00:58:43.330 --> 00:58:46.330

firstly, that all qualifying features have been covered.

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00:58:46.370 --> 00:58:49.270

So for instance, we look at ornithology in the Dee

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00:58:49.280 --> 00:58:53.230

Estuary. Yes, we have a curlew mitigation strategy to, to

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00:58:53.330 --> 00:58:57.110

look at what may be the potential impact on the curlew and how that may

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00:58:57.150 --> 00:58:59.510

be, mitigated or compensated for.

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00:58:59.530 --> 00:59:03.010

But we don't have it for some of the other species like the godwit and things like

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00:59:03.050 --> 00:59:06.730

that. So there's-- I just want to make sure that, is that because

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00:59:06.870 --> 00:59:10.710

those are not affected, or is it because you have not done an assessment on those?

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00:59:10.729 --> 00:59:14.210

Because we, it's quite clear to me in the processes, we have to make sure that that

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00:59:14.230 --> 00:59:16.410

has been measured, and then either

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00:59:17.310 --> 00:59:21.270

discounted due to the scale of the population or that there is no adverse effect.

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00:59:21.280 --> 00:59:25.270

So if I could start, yeah, with that first, if that's, if that

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00:59:25.310 --> 00:59:28.130

helps sort of narrow in my focus a bit on, on where we're looking

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00:59:28.170 --> 00:59:29.640

next.

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00:59:29.670 --> 00:59:32.270

Dr. James Reilly on behalf of the applicant. Yes, it, it does.

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00:59:32.590 --> 00:59:36.170

So I, I will, will, pick up on that first with regard to that

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00:59:36.230 --> 00:59:39.930

specific point. So we have, examined the

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00:59:39.990 --> 00:59:43.720

potential impacts on all interest features of all designated

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00:59:43.810 --> 00:59:47.630

sites. Um, and that specifically

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00:59:47.670 --> 00:59:50.840

relates, as you say, in particular to, Connah's Quay Ponds and

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00:59:50.910 --> 00:59:54.050

Woodlands, and with regard to the Dee Estuary European

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00:59:54.150 --> 00:59:57.700

sites, SAC, SPA, and,

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00:59:58.010 --> 01:00:01.500

Ramsar site. Um, the main,

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01:00:02.530 --> 01:00:05.850

features that we've assessed for, let's start with the Dee Estuary SAC, for

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01:00:05.910 --> 01:00:08.330

example, are the habitats in question.

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01:00:08.370 --> 01:00:12.330

Now, the only habitat that we are affecting for which the Dee Estuary SAC

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01:00:12.350 --> 01:00:14.270

is designated is the saltmarsh habitat.

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01:00:14.730 --> 01:00:18.410

So it is, it is designated for a range of oth- other habitats, but they are not

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01:00:18.490 --> 01:00:22.410

present within the affected areas that we're talking about, either through

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01:00:22.450 --> 01:00:26.410

air quality or other impacts. Um, so that's why we haven't discussed

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01:00:26.790 --> 01:00:29.550

any, uh... Well, we have discussed them, but that's why we've concluded there won't

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01:00:29.590 --> 01:00:33.518

be any effect. So for example, there are Pardon me, significant

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01:00:33.558 --> 01:00:36.098
sand dunes in the Dee Estuary, but they are right at the end of the Wirral

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01:00:36.158 --> 01:00:39.578
Peninsula. They're not anywhere near where, where we are affecting.

1093
01:00:39.658 --> 01:00:43.598
Um, the Dee Estuary and also River Dee and Bala Lake are also designated

1094
01:00:43.618 --> 01:00:47.158
for species such as fish species and also otter

1095
01:00:47.358 --> 01:00:51.318
species, and we have, undertaken an impact assessment of

1096
01:00:51.358 --> 01:00:55.178
our impacts on those as well, in terms of their ability to pass

1097
01:00:55.258 --> 01:00:57.398
along the River Dee, essentially.

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01:00:57.498 --> 01:01:00.398
Um, because of the nature of the works we're doing in the water connection

1099
01:01:00.518 --> 01:01:04.218
corridor, and in particular the fact that we are-- there is no underwater

1100
01:01:04.278 --> 01:01:08.178
works in that corridor, we are doing them, from land with simply support

1101
01:01:08.238 --> 01:01:11.898
boats for safety, there is no mechanism to impede fish

1102
01:01:11.938 --> 01:01:14.058
passage, for example, as a result of the project.

1103
01:01:14.078 --> 01:01:16.878

So, so those a-fish interest features are, are

1104

01:01:16.918 --> 01:01:20.758

considered. Uh, and we have also explicitly considered

1105

01:01:20.938 --> 01:01:24.478

impacts on other species, which is the other species for which those

1106

01:01:24.558 --> 01:01:28.418

SACs are designated. Uh, and again, that is to do with their passage

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01:01:28.598 --> 01:01:32.178

through the River Dee and their ability to move around the,

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01:01:32.918 --> 01:01:35.858

SAC, and outside the SAC,

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01:01:36.358 --> 01:01:38.638

in the, features that they're using.

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01:01:38.648 --> 01:01:42.038

And again, we are, we are not impeding in any way,

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01:01:42.918 --> 01:01:44.558

the ability of the otters to use that area.

1112

01:01:44.578 --> 01:01:48.438

We haven't found any otters, holts or anything like that within, I think,

1113

01:01:48.478 --> 01:01:50.878

three hundred meters of our, of our facility.

1114

01:01:50.978 --> 01:01:53.998

Uh, they may pass through, but we are not affecting that in any way.

1115

01:01:54.058 --> 01:01:57.898

So that's a sort of a, a high level, if you like, look at the, the Dee

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01:01:57.908 --> 01:02:01.738

Estuary SAC impacts and all the res- the interest features, the qualifying

1117

01:02:01.798 --> 01:02:04.218
features that we've talked about.

1118

01:02:04.258 --> 01:02:08.208
And basically it comes down to, with regard to the SAC, it comes down to,

1119

01:02:09.098 --> 01:02:11.178
water quality. Uh, sorry, I'll say that again.

1120

01:02:11.198 --> 01:02:14.998
It comes down to, the impacts on saltmarsh,

1121

01:02:15.618 --> 01:02:18.818
habitat effectively. Um, so that's that one.

1122

01:02:18.858 --> 01:02:21.148
With regard to the Dee Estuary SPA and the...

1123

01:02:21.318 --> 01:02:23.778
Sorry, I should say also the, the Ramsar site

1124

01:02:24.578 --> 01:02:28.538
has features that are both SAC features and SPA features because

1125

01:02:28.558 --> 01:02:30.778
of the way the Ramsar designation works.

1126

01:02:30.798 --> 01:02:33.538
It's a, it's a different, legal mechanism.

1127

01:02:33.548 --> 01:02:37.508
It's a, it, it, it's a different, directive, convention.

1128

01:02:37.538 --> 01:02:39.678
It is actually the terms Ramsar Convention.

1129

01:02:39.738 --> 01:02:42.458

Uh, so there's duplication, if you like, between them.

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01:02:42.478 --> 01:02:46.298

There, there aren't any Ramsar features that we need to discuss that we haven't

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01:02:46.338 --> 01:02:49.958

already discussed within the context of the SAC or the SPA.

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01:02:50.078 --> 01:02:50.287

Um,

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01:02:51.258 --> 01:02:54.778

moving on to the Dee Estuary SPA, that is then designated, as you've

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01:02:54.818 --> 01:02:58.218

implied, for a, for a long list of non-breeding birds,

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01:02:58.458 --> 01:03:01.758

including passage redshank and wintering birds as well.

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01:03:01.858 --> 01:03:04.838

Uh, it is also designated for several species of breeding bird, breeding

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01:03:04.938 --> 01:03:08.658

terns. Um, the assessment then looks at

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01:03:08.758 --> 01:03:12.178

what are we actually affecting. Now, the breeding

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01:03:12.278 --> 01:03:16.138

locations for the terns, are, are not within areas that

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01:03:16.178 --> 01:03:19.598

we are affecting by our project. Um, they're not

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01:03:19.638 --> 01:03:23.398

within the, the, areas that we're affecting by air quality, and

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01:03:23.638 --> 01:03:25.758

they're, they're certainly not within the areas we're affecting in terms of, in

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01:03:25.798 --> 01:03:29.338

terms of disturbance or the, the outfall location, the new

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01:03:29.398 --> 01:03:31.088

outfall. Um,

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01:03:31.918 --> 01:03:35.518

so then we look at the wintering and passage bird species.

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01:03:35.618 --> 01:03:39.598

Uh, and what we do is we go through that, and first of all, there's two elements

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01:03:39.678 --> 01:03:42.898

to this. Is one, one is we look at disturbance, so that's the, the first thing,

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01:03:42.918 --> 01:03:45.498

which is noise disturbance, lighting disturbance.

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01:03:45.518 --> 01:03:49.218

And we have basically treated the SPA boundary as the

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01:03:49.258 --> 01:03:52.958

sensitive receptor for that. So we have done noise modeling that

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01:03:52.998 --> 01:03:56.338

identifies whether noise levels within the SPA,

1152

01:03:56.798 --> 01:04:00.418

will exceed the acceptable thresholds we have agreed with Natural Resources

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01:04:00.578 --> 01:04:03.328

Wales. We agreed an acceptable threshold of seventy decibels.

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01:04:03.998 --> 01:04:07.738

Uh, we actually then applied a sixty decibel threshold, so we've been notably more

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01:04:07.798 --> 01:04:11.508

stringent. Uh, sixty decibels is half as loud as seventy decibels, so we've been

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01:04:11.538 --> 01:04:15.268

very precautionary there. Um, and because we apply it to the

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01:04:15.358 --> 01:04:19.018

SPA boundary, all SPA birds within that

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01:04:19.158 --> 01:04:22.518

area are effectively protected if we get the noise levels down

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01:04:22.578 --> 01:04:25.478

to below the, the thresholds that we need to.

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01:04:25.538 --> 01:04:29.138

So whether it's the black-headed-- whether it's the, the godwits that you

1161

01:04:29.198 --> 01:04:32.948

mentioned, or whether it's curlews or anything else, that's where they are found,

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01:04:32.978 --> 01:04:36.058

and that is how they are effectively protected by ensuring that we're not

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01:04:36.078 --> 01:04:40.038

disturbing them in that area. Then we other

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01:04:40.098 --> 01:04:44.058

look-- the other main impact we look at is what we call functionally linked land,

1165

01:04:44.118 --> 01:04:46.518

okay? And that's where it becomes relevant for curlew.

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01:04:46.578 --> 01:04:50.097

So we have, our own bird survey data.

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01:04:50.138 --> 01:04:53.977

We have data from wetland bird survey data, data

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01:04:54.218 --> 01:04:57.618

from previous surveys that have been undertaken by other consultants in the

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01:04:57.698 --> 01:05:00.998

area, data from Deeside Naturalist

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01:05:01.218 --> 01:05:04.698

Society. Um, and all of this data goes back about a decade.

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01:05:04.708 --> 01:05:07.658

So it's a re-- you know, the, the context of where we're, we're looking at is a

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01:05:07.698 --> 01:05:11.578

very well-studied area. Um, and, I

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01:05:11.678 --> 01:05:15.168

note that in Natural Resources Wales deadline three response, they have confirmed

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01:05:15.338 --> 01:05:18.958

that they are happy for us to have used the one percent of the population criterion

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01:05:18.998 --> 01:05:22.928

for determining whether, an area is important as functionally

1176

01:05:22.958 --> 01:05:26.638

linked land. And the only bird for which that area is

1177

01:05:26.678 --> 01:05:30.338

important functionally linked land is, the only SPA bird is the curlews

1178

01:05:30.798 --> 01:05:34.778

based on all those data. So that is why the miti-- that,

1179

01:05:34.818 --> 01:05:38.558
that is why the functionally linked land mitigation is targeted

1180
01:05:38.618 --> 01:05:42.598
towards curlews. Um, so we've got our

1181
01:05:42.658 --> 01:05:46.438
noise impacts and our noise mitigation, which protect the SPA

1182
01:05:46.738 --> 01:05:50.418
and therefore all species that are in the SPA, all of those birds.

1183
01:05:50.458 --> 01:05:53.518
And then we have the functionally linked land in mitigation, which is addressed

1184
01:05:53.558 --> 01:05:56.318
specifically to those birds that are present at more than one percent of the

1185
01:05:56.338 --> 01:06:00.218
population, and that is curlews. So that's why the mitigation there

1186
01:06:00.258 --> 01:06:03.728
is directed towards curlews. Um, now in

1187
01:06:03.758 --> 01:06:07.188
practice, the mitigation land that we're delivering, if

1188
01:06:07.298 --> 01:06:11.238
we, if we improve it for curlews, as we are setting out by the foot drains and the

1189
01:06:11.258 --> 01:06:14.858
various other features, we will be improving it for numerous other species of, of,

1190
01:06:14.938 --> 01:06:17.478
of, wetland bird that use the area as well.

1191
01:06:17.487 --> 01:06:17.958
Mm-hmm.

1192

01:06:17.968 --> 01:06:20.918

But the driver is the curlew populations.

1193

01:06:21.118 --> 01:06:24.598

Um, I'll pause there if you've got anything you want to come back to on that.

1194

01:06:26.298 --> 01:06:27.098

Thank you. Um,

1195

01:06:29.678 --> 01:06:32.478

just getting my head around, you know, we, we, we're going through quite a bit

1196

01:06:32.518 --> 01:06:34.198

of detail and going through some of the

1197

01:06:34.626 --> 01:06:36.826

The plots and the functioning land, which we'll cover a bit-

1198

01:06:36.886 --> 01:06:37.076

Mm-hmm.

1199

01:06:37.076 --> 01:06:38.346

-in a bit more detail in a moment, if that's okay.

1200

01:06:38.366 --> 01:06:42.286

But so DS3 SAP, some are shown need, understand why

1201

01:06:43.026 --> 01:06:46.206

otters are happy to go, keep on going by partial works, what have you.

1202

01:06:46.286 --> 01:06:48.626

I can get that in my head. Um,

1203

01:06:50.846 --> 01:06:54.826

going back to the, the SPA for a moment, and like you said, the understanding

1204

01:06:54.846 --> 01:06:57.366
that the Ramsar has got multiple,

1205
01:06:58.626 --> 01:07:01.726
designation qualifying features that cover both the,

1206
01:07:02.666 --> 01:07:06.126
SPA and the SAC.

1207
01:07:08.666 --> 01:07:09.646
You were saying

1208
01:07:10.626 --> 01:07:14.486
there that... I understand that you're looking

1209
01:07:14.526 --> 01:07:16.386
at noise disturbance

1210
01:07:17.446 --> 01:07:21.406
to those qualifying features, and that you're controlling that for
the

1211
01:07:21.686 --> 01:07:24.726
whole of that site by your control on your site.

1212
01:07:24.746 --> 01:07:28.426
So as long as you stop the noise leaking out into the

1213
01:07:28.446 --> 01:07:31.506
DS3 SPA, that's okay for all of the

1214
01:07:31.566 --> 01:07:33.606
birds that are potentially

1215
01:07:35.746 --> 01:07:37.266
more than one percent of the population,

1216
01:07:38.826 --> 01:07:41.246
qualifying feature. Right.

1217
01:07:44.186 --> 01:07:47.726

Sorry, ju-ju-just to be clear, the one percent of the population metric only

1218

01:07:47.766 --> 01:07:49.066
applies to functionally linked land.

1219

01:07:49.106 --> 01:07:49.276
Oh.

1220

01:07:49.326 --> 01:07:52.926
So, so if they're bi-- if they're SPA birds within the SPA, they're SPA birds-

1221

01:07:52.986 --> 01:07:53.176
Oh, right.

1222

01:07:53.206 --> 01:07:56.106
-and one percent is not relevant, which is why we're treating the, the SPA

1223

01:07:56.146 --> 01:07:59.866
boundary. We just say, right, the SPA boundary is the sensitive feature,

1224

01:07:59.946 --> 01:08:03.476
i.e. anything within that is the SPA and needs to be protected, and that is where

1225

01:08:03.476 --> 01:08:07.386
we apply both the noise and the, the visual dis- disturbance protection to.

1226

01:08:07.446 --> 01:08:09.576
Okay, thank you. Thank you, Dr. Weiss, for that clarification. Thank you.

1227

01:08:09.576 --> 01:08:26.486
Um...

1228

01:08:30.526 --> 01:08:34.427
I guess what I'm coming to, again, coming back, I think predominantly around the

1229
01:08:34.486 --> 01:08:35.406
SPA, is

1230
01:08:36.507 --> 01:08:37.866
we have

1231
01:08:40.126 --> 01:08:43.326
a number of qualifying feature species in that

1232
01:08:44.686 --> 01:08:48.606
SPA for which it has its designation.

1233
01:08:49.726 --> 01:08:53.446
You've evidenced that you're making efforts to reduce the noise

1234
01:08:53.507 --> 01:08:57.026
impacts from your proposed development into that

1235
01:08:57.106 --> 01:08:58.706
SPA.

1236
01:09:02.846 --> 01:09:04.326
Where can I see

1237
01:09:06.106 --> 01:09:07.967
that any of the other

1238
01:09:09.706 --> 01:09:10.566
activities

1239
01:09:11.846 --> 01:09:15.587
from the proposed development does not have an adverse

1240
01:09:15.646 --> 01:09:17.806
effect on those qualifying

1241
01:09:17.866 --> 01:09:20.126
features? And

1242
01:09:22.467 --> 01:09:26.087

I understand, let, let's park the, the functioning land for a minute 'cause

1243

01:09:26.126 --> 01:09:27.196

we'll come to that in a moment, if that's okay.

1244

01:09:27.206 --> 01:09:30.467

But I can understand that what you're then saying is, "But this site is potentially

1245

01:09:30.486 --> 01:09:34.226

being more significantly impacted, and here's our strategy for dealing with

1246

01:09:34.246 --> 01:09:37.846

that." But let's, let's just focus a bit on the, if that's okay, the qualifying

1247

01:09:37.946 --> 01:09:39.126

features

1248

01:09:40.126 --> 01:09:43.766

in the SPA first and make sure that there's none there that have been

1249

01:09:44.526 --> 01:09:45.446

gone under the radar

1250

01:09:46.766 --> 01:09:50.266

for not being identified as being impacted.

1251

01:09:50.286 --> 01:09:53.206

If that's okay. Please.

1252

01:09:53.766 --> 01:09:57.586

Uh, yes. So, so, in the Habitats Regulation Assessment, we

1253

01:09:57.766 --> 01:10:01.546

list all of the species which the SPA has designated,

1254

01:10:02.026 --> 01:10:05.526

and we identify them in the appendices, and we

1255

01:10:05.566 --> 01:10:08.766

discuss the-- we summarize the assessment for each one.

1256

01:10:08.826 --> 01:10:12.326

In the body of the HRA report, we,

1257

01:10:12.666 --> 01:10:15.246

effectively, discuss,

1258

01:10:15.366 --> 01:10:17.606

um... So, so

1259

01:10:18.526 --> 01:10:22.436

the SPA species that are present within the surrounds of, of, of

1260

01:10:22.526 --> 01:10:25.646

the proposed development site,

1261

01:10:26.526 --> 01:10:30.026

will-- Their habitat is, is, you know, either the birds

1262

01:10:30.046 --> 01:10:33.576

themselves are sensitive to disturbance and things like that, or their habitat can

1263

01:10:33.626 --> 01:10:37.546

be affected by things like air quality impacts, water quality impacts,

1264

01:10:37.786 --> 01:10:39.766

direct habitat losses, that kind of thing.

1265

01:10:40.366 --> 01:10:41.126

So,

1266

01:10:42.566 --> 01:10:46.506

in the HRA report, in the appropriate assessment, we have sections where we talk

1267

01:10:46.566 --> 01:10:50.346

about the disturbance of the SPA, and we talk about water

1268

01:10:50.406 --> 01:10:54.375

quality impacts on the SPA, and we explain what we're dealing-- what

1269

01:10:54.406 --> 01:10:58.226

we're doing to ensure that those impacts will not arise.

1270

01:10:58.506 --> 01:11:02.066

Um, that will... If, if there's going to be no water quality impact on the

1271

01:11:02.126 --> 01:11:05.586

SPA, there will be no water quality impact on any of the birds that are interest

1272

01:11:05.626 --> 01:11:08.746

features for the SPA, as we have listed in the appendix.

1273

01:11:08.826 --> 01:11:11.766

Uh, if there's going to be no, noise within the

1274

01:11:11.846 --> 01:11:15.706

SPA above, a particular agreed threshold

1275

01:11:15.766 --> 01:11:19.286

with Natural Resources Wales, then there will be no noise impact on any of the

1276

01:11:19.306 --> 01:11:23.086

birds within the SPA, you know, for the same reason.

1277

01:11:23.186 --> 01:11:26.586

Um, if, the habitat loss within the

1278

01:11:26.646 --> 01:11:30.166

SPA, for the outfall,

1279

01:11:30.626 --> 01:11:33.286

is that six hundred and fifty square meters temporary landtake and five square

1280

01:11:33.326 --> 01:11:37.126

meters permanent landtake, then, then that has an implication for all the

1281

01:11:37.206 --> 01:11:41.166

SPA birds potentially, and therefore our addressing of that impact through the

1282

01:11:41.386 --> 01:11:45.146

management realignment ensures that that habitat is not being

1283

01:11:45.186 --> 01:11:47.946

lost. So, so the impact you're... Let me...

1284

01:11:47.986 --> 01:11:51.946

So the simplest way I can put it is that for the most of the impact pathways,

1285

01:11:51.986 --> 01:11:55.406

the impacts you're having are on the habitats that the birds are using.

1286

01:11:55.446 --> 01:11:59.386

Okay? So if you are protecting those habitats, and those habitats are

1287

01:11:59.406 --> 01:12:01.396

generally SAC interest features anyway, i.e.

1288

01:12:01.406 --> 01:12:05.066

the Sol Marsh, then you are effectively protecting the

1289

01:12:05.086 --> 01:12:07.506

birds, all of the birds that are using that area.

1290

01:12:08.066 --> 01:12:11.216

The exception is with regard to disturbance, which is a direct impact on the

1291

01:12:11.266 --> 01:12:13.906

birds, which I've already talked about at length.

1292

01:12:14.826 --> 01:12:18.166

I mean, we are updating the HRA for deadline four, I think it's the next

1293

01:12:18.206 --> 01:12:21.686

deadline, to address one or two of the things that you, you asked us to, to add

1294

01:12:21.726 --> 01:12:25.166

into that report. So we, we can look at making that more explicit.

1295

01:12:25.186 --> 01:12:29.066

But that's basically the approach that, that, you know, we

1296

01:12:29.106 --> 01:12:32.646

have set out. We, we don't repeat it for every single bird because you'd basically

1297

01:12:32.666 --> 01:12:35.286

be saying the same thing eighteen times, you know?

1298

01:12:35.526 --> 01:12:39.506

But the summary table at the end does list every species and, and how we would be,

1299

01:12:39.526 --> 01:12:40.546

you know, that we have covered them.

1300

01:12:43.042 --> 01:12:46.422

Thank you, Dr. Riley. Thank you for that.

1301

01:12:57.882 --> 01:13:01.342

Um, okay. Uh, I, I think, though, that that's been very helpful, but I think,

1302

01:13:01.442 --> 01:13:04.182

again, just going back through my mindset of going through the process of the

1303

01:13:04.222 --> 01:13:06.702

Habitats Regulations Assessment,

1304
01:13:07.622 --> 01:13:08.782
it has to be clear

1305
01:13:10.642 --> 01:13:11.242
to me

1306
01:13:13.322 --> 01:13:13.622
that

1307
01:13:14.962 --> 01:13:18.742
an appropriate assessment has been carried out, and I think what I'm
missing

1308
01:13:18.782 --> 01:13:21.562
is, you know, potentially it's on my part, but what I'm missing at
the moment is

1309
01:13:21.602 --> 01:13:21.882
that

1310
01:13:23.982 --> 01:13:27.891
here's all of the qualifying features, here's all of the impacts,
here's all

1311
01:13:27.942 --> 01:13:31.342
of whet- this is my assessment of whether they have been,

1312
01:13:31.702 --> 01:13:35.622
impacted or not. I, I, I understand what you're saying is by s- by
because

1313
01:13:35.662 --> 01:13:38.922
the birds use saltmarsh habitat, if we protect the saltmarsh
habitat, I'm

1314
01:13:38.942 --> 01:13:42.142
protecting all the birds. But I think it just needs to be very
explicit that

1315
01:13:42.182 --> 01:13:46.102
therefore we acknowledge there is no adverse effect on

1316

01:13:46.122 --> 01:13:50.022

integrity on these species, so that we can go through and say that's been done or

1317

01:13:50.122 --> 01:13:52.892

not, and I think perhaps that's wh-what I might have missed or...

1318

01:13:52.902 --> 01:13:56.082

But, and I'll go back and revisit and have another look. Dr. Riley.

1319

01:13:56.142 --> 01:13:57.502

Uh, Dr. Andrew Riley on behalf of the applicant.

1320

01:13:57.522 --> 01:14:01.182

We can, we can, add that in to make it

1321

01:14:01.422 --> 01:14:05.322

particularly explicit. Um, as far as I'm aware,

1322

01:14:05.962 --> 01:14:09.122

from reading the various responses, Natural Resources Wales, Natural England

1323

01:14:09.182 --> 01:14:12.622

haven't identified that there are other particular bird species.

1324

01:14:12.702 --> 01:14:16.662

I know that they have both said they'd like more sight of the actual raw

1325

01:14:16.682 --> 01:14:19.422

data, but that's a, that's a separate issue.

1326

01:14:19.502 --> 01:14:23.362

Um, but we- which we have reported in the ornithological appendix, and which we

1327

01:14:23.402 --> 01:14:27.082

will provide to them. Um, but, you know, we will...

1328

01:14:27.092 --> 01:14:27.862

We can, we can

1329

01:14:28.762 --> 01:14:32.542

spell that out for you, you know, more in the

1330

01:14:32.722 --> 01:14:36.642

HRA report, and explicitly say, you know, "This will..." You know,

1331

01:14:36.682 --> 01:14:40.362

"Th-this noise mitigation measure will therefore protect the following species,

1332

01:14:40.442 --> 01:14:43.242

which are, which are qualifying species of the SPA." I mean, that's what we'd

1333

01:14:43.262 --> 01:14:46.042

basically be doing. It's just, it's just making that more

1334

01:14:46.062 --> 01:14:48.102

explicit.

1335

01:14:48.142 --> 01:14:48.302

Thank

1336

01:14:48.342 --> 01:14:55.142

you.

1337

01:15:01.222 --> 01:15:05.112

Um, where am I looking at that? Uh, I'll come

1338

01:15:05.112 --> 01:15:05.522

onto that in a minute.

1339

01:15:05.702 --> 01:15:09.522

I, I think the... I think part of the issue may be that years ago, the

1340

01:15:09.562 --> 01:15:13.342

planning inspectorate used to require a matrix to be prepared, which summarized

1341
01:15:13.422 --> 01:15:14.582
everything that you've just talked about.

1342
01:15:14.622 --> 01:15:17.302
That's no longer a requirement, which is why we haven't done it.

1343
01:15:17.642 --> 01:15:20.762
But, but, but it sounds like you would benefit from something like that.

1344
01:15:20.802 --> 01:15:24.142
So I think we can fairly easily produce something like that.

1345
01:15:24.262 --> 01:15:24.442
Um-

1346
01:15:24.502 --> 01:15:24.711
Okay.

1347
01:15:24.742 --> 01:15:24.922
Yeah.

1348
01:15:25.902 --> 01:15:28.242
Thank you. Uh, but I think that would be helpful to our team.

1349
01:15:28.282 --> 01:15:28.702
Yes, thank

1350
01:15:28.742 --> 01:15:34.222
you.

1351
01:15:36.562 --> 01:15:40.132
Okay. I'm going to, just come to anyone in the room or

1352
01:15:41.142 --> 01:15:44.822
online who would like to make any comments on that point to?

1353
01:15:45.562 --> 01:15:46.051
Uh-

1354

01:15:46.082 --> 01:15:47.782
Charlie Pope, Flintshire County Council.

1355
01:15:47.842 --> 01:15:51.522
Um, Emma Broader, ecologist here, just wants to make a point on that, if that's

1356
01:15:51.642 --> 01:15:52.002
okay.

1357
01:15:52.022 --> 01:15:53.832
Yeah.

1358
01:15:53.982 --> 01:15:56.002
Emma Broader, Flintshire County Council.

1359
01:15:56.082 --> 01:15:59.842
Um, I just wanted to point out that some of the species of birds we've been talking

1360
01:15:59.882 --> 01:16:03.022
about are actually protected in their own right.

1361
01:16:03.102 --> 01:16:05.452
So the black-tailed godwit is, um...

1362
01:16:05.462 --> 01:16:09.102
it's a priority species, and it's, it's listed in the Wildlife and

1363
01:16:09.142 --> 01:16:12.902
Countryside Act in Schedule 1. So although it's not,

1364
01:16:13.422 --> 01:16:16.282
relevant to the Habitat Regulations Assessment, it's still-

1365
01:16:16.322 --> 01:16:16.392
Yeah

1366
01:16:16.402 --> 01:16:19.142
... of relevance.

1367

01:16:21.102 --> 01:16:23.222
And presumably,

1368
01:16:23.282 --> 01:16:27.022
we'll... But that's one of the reasons I've picked up the

1369
01:16:27.062 --> 01:16:29.012
qualifying features is, you know... But, that's...

1370
01:16:29.022 --> 01:16:31.771
We, we're talking a little bit more about EIA regs there as well,
aren't we, and

1371
01:16:31.802 --> 01:16:35.692
the fact that, a Schedule 1 species has been identified on

1372
01:16:35.822 --> 01:16:39.802
site. So again, I think

1373
01:16:39.842 --> 01:16:42.702
unless you're highlighting to me any particular issue, I'm, I'm
fairly comfortable

1374
01:16:42.742 --> 01:16:46.522
with the EIA side of this, proposed

1375
01:16:46.982 --> 01:16:50.012
application. I've, I've read through that, and I've looked at the,
the species that

1376
01:16:50.022 --> 01:16:53.482
are identified, and I've looked through the mitigations that have
been proposed by,

1377
01:16:53.862 --> 01:16:55.832
the applicant, or the compensations potentially.

1378
01:16:56.562 --> 01:17:00.521
But what worries me more is the... That will

1379
01:17:00.582 --> 01:17:04.222
come in to some extent to the planning balance, albeit they're a

Schedule 1

1380

01:17:04.242 --> 01:17:07.942

protected species. What's worrying me more is, is the HRA

1381

01:17:08.002 --> 01:17:08.982

component, which is a

1382

01:17:10.282 --> 01:17:10.802

stop-go

1383

01:17:11.682 --> 01:17:13.602

component of a, of an... any application.

1384

01:17:13.662 --> 01:17:16.682

So that's what's, that's why I'm, I'm slightly concerned about that for the moment,

1385

01:17:16.762 --> 01:17:18.222

if that's okay. But,

1386

01:17:19.262 --> 01:17:21.272

no, thank you for, for highlighting that. And I had...

1387

01:17:21.322 --> 01:17:22.922

I have to be honest, I, I am aware of that.

1388

01:17:22.942 --> 01:17:26.342

But thank you again for drawing my attention to that. That's been very helpful.

1389

01:17:26.442 --> 01:17:28.382

Um, just before I come back to you, Dr.

1390

01:17:28.402 --> 01:17:31.352

Riley, I just wanted to check there's no one who wants to come in online on any of

1391

01:17:31.402 --> 01:17:33.482

those points.

1392

01:17:34.782 --> 01:17:36.522
No. Okay, sorry. Dr. Riley, was it-

1393
01:17:36.562 --> 01:17:39.762
It was just one, one specific point, just for, just for absolute

1394
01:17:39.842 --> 01:17:43.582
clarity. Uh, black-tailed godwit is a Schedule 1 bird, which means
it's

1395
01:17:43.622 --> 01:17:46.872
protected. The nesting black-tailed godwits are protected.

1396
01:17:46.902 --> 01:17:49.202
We don't have nesting black-tailed godwits on this site.

1397
01:17:49.262 --> 01:17:53.002
So i-it's not an HRA issue, as, as was said, but my

1398
01:17:53.062 --> 01:17:55.552
ornithology colleague says that we don't have them breeding on site

1399
01:17:55.552 --> 01:17:57.282
either.

1400
01:17:57.382 --> 01:17:59.442
Okay, thank you.

1401
01:18:01.222 --> 01:18:04.142
Okay. Um,

1402
01:18:12.962 --> 01:18:16.642
going to move on to item 4.2 now, if that's okay with everyone in
the room or

1403
01:18:16.662 --> 01:18:20.362
online, which is the mitigation measures that are proposed to

1404
01:18:20.842 --> 01:18:24.422
address some of these impacts. I'm hopefully gonna start with an
easy one

1405

01:18:24.582 --> 01:18:28.382

first. Let's see how it goes. Um, and I just wanted to make sure that I do

1406

01:18:28.402 --> 01:18:32.292

understand this. So, the proposed management of

1407

01:18:32.322 --> 01:18:35.402

the Deeside and Buckley New Site, the SAC

1408

01:18:35.442 --> 01:18:38.162

site, for the likely significant effects,

1409

01:18:39.402 --> 01:18:42.882

my understanding is, and, and acknowledging what you were just telling me

1410

01:18:42.922 --> 01:18:46.262

earlier in the air quality section, which is there is now not an ammonia issue in

1411

01:18:46.322 --> 01:18:50.238

that site--And your nitrogen deposition has also

1412

01:18:50.298 --> 01:18:54.078

gone down, albeit low to begin with, has gone down even more.

1413

01:18:55.258 --> 01:18:59.018

The applicant was proposing to increase or offer to Flintshire

1414

01:18:59.078 --> 01:19:01.558

County Council to increase and support

1415

01:19:02.418 --> 01:19:06.098

the mitigation, thereby, introducing

1416

01:19:06.158 --> 01:19:08.858

additional funding for management of the site.

1417

01:19:09.078 --> 01:19:12.878

I wanted to understand, and also know if we can

1418

01:19:12.898 --> 01:19:14.968

almost park that one now that we are happy

1419

01:19:16.018 --> 01:19:17.688

that that is...

1420

01:19:19.338 --> 01:19:23.118

Given the changes in the, in the emissions and deposition at that site,

1421

01:19:23.718 --> 01:19:26.258

that is acceptable to,

1422

01:19:27.558 --> 01:19:30.998

Flintshire County Council and also potentially Natural Resources Wales

1423

01:19:31.778 --> 01:19:33.498

or, whether

1424

01:19:34.338 --> 01:19:37.778

there is still ongoing discussion about that being a high-level issue.

1425

01:19:37.798 --> 01:19:41.718

So if I start, just begin with the applicant, is my understanding of what I've just

1426

01:19:41.778 --> 01:19:43.918

summarized there correct?

1427

01:19:44.018 --> 01:19:46.258

Uh, Dr. James Riley on behalf of the applicant.

1428

01:19:46.318 --> 01:19:49.878

I obviously don't speak for p- the other parties, but, we have

1429

01:19:50.018 --> 01:19:53.578

a, a, w- a colleague will jump in if I say this wrong, but I'm going to say

1430

01:19:53.658 --> 01:19:56.738
draft Section 106 agreement.

1431

01:19:57.958 --> 01:19:58.658
Sorry?

1432

01:19:58.718 --> 01:19:59.858
Okay. It's not called that apparently.

1433

01:19:59.878 --> 01:20:03.358
But we do have a some kind of legal document, which is not my area,

1434

01:20:03.738 --> 01:20:07.378
which does set out the detailed proposals and the

1435

01:20:07.538 --> 01:20:10.918
financing and how that will all be delivered and secured.

1436

01:20:10.978 --> 01:20:13.528
Uh, that has been drawn up between ourselves and Flintshire.

1437

01:20:13.528 --> 01:20:15.608
It has been reviewed by Natural Resources Wales.

1438

01:20:15.658 --> 01:20:19.228
I think Natural Resources Wales have made some comments about
detail, but, but, but

1439

01:20:20.238 --> 01:20:23.138
not substantive comments. They are content with this as being an
appropriate

1440

01:20:23.198 --> 01:20:25.018
solution.

1441

01:20:26.118 --> 01:20:29.898
Okay. Now if I can move to, Flintshire first for

1442

01:20:29.958 --> 01:20:33.508
your any feedback you may want to give on that.

1443

01:20:33.618 --> 01:20:35.938

Uh, Charlie Pope for Flintshire County Council.

1444

01:20:35.998 --> 01:20:39.638

Just to, to, yeah, we as far as my

1445

01:20:39.738 --> 01:20:42.818

knowledge is nothing has been formally agreed as yet.

1446

01:20:42.858 --> 01:20:46.578

We have, had eyes on a form of a

1447

01:20:46.638 --> 01:20:50.098

legal agreement, but we haven't had the opportunity to fully review that.

1448

01:20:50.158 --> 01:20:53.358

So I can't suggest that anything has been formally agreed at this point in

1449

01:20:53.438 --> 01:20:55.838

time.

1450

01:20:55.858 --> 01:20:59.077

Yeah.

1451

01:20:59.218 --> 01:20:59.858

Um, and

1452

01:21:00.778 --> 01:21:04.678

just to come online to NRW, is there anything you wish to add to that or are you

1453

01:21:04.698 --> 01:21:07.698

happy, at the moment that there's, there's nothing you wish to draw to my

1454

01:21:07.738 --> 01:21:11.298

attention that, that I've missed on that perhaps? Sorry. Mr. Jones.

1455

01:21:11.838 --> 01:21:15.318

Thank you, sir. Chris Jones, NRW. Um, yeah, that, that's correct.

1456

01:21:15.338 --> 01:21:18.827

We have reviewed the proposed draft management measures, which have been set up

1457

01:21:18.838 --> 01:21:22.068

by the applicants and Flintshire County Council and provided comments on those.

1458

01:21:22.138 --> 01:21:24.738

Um, so we're currently waiting to see a, a finalized version of that before we

1459

01:21:24.778 --> 01:21:28.258

provide any formal agreements. Um, but we're currently satisfied in principle so

1460

01:21:28.358 --> 01:21:31.208

far with what we've seen subject to those, those comments we've made.

1461

01:21:31.238 --> 01:21:32.198

Thank you.

1462

01:21:32.298 --> 01:21:34.278

Thank you very much, Mr. Jones. Um,

1463

01:21:35.618 --> 01:21:37.998

and sorry, it's a bit of a follow-up question, but I think you want me to just

1464

01:21:38.118 --> 01:21:41.978

answer it there. Where might we be in a position where we, we would be

1465

01:21:41.998 --> 01:21:42.678

expecting,

1466

01:21:44.138 --> 01:21:46.948

Flintshire County Council and NRW to come back with an in-principle letter of

1467

01:21:46.998 --> 01:21:48.798

support for the proposal from the applicant?

1468

01:21:48.818 --> 01:21:52.238

I guess we're saying is you're waiting for their latest finalization.

1469

01:21:52.298 --> 01:21:53.118

Nothing

1470

01:21:54.078 --> 01:21:56.827

alarms me at the moment or is drawing to my attention that, you know, actually

1471

01:21:57.498 --> 01:22:00.468

there's, there's, there's not an agreement forthcoming, but it's just some final

1472

01:22:00.478 --> 01:22:03.498

wording and drafting, if that makes sense.

1473

01:22:04.638 --> 01:22:06.598

Uh, Ja-James Strong for the applicant.

1474

01:22:06.678 --> 01:22:10.438

Uh, th-I think w- it is an agreement, draft agreement under

1475

01:22:10.478 --> 01:22:14.308

Section 106 of the Town and Country Planning Act 1990, but referred to

1476

01:22:14.358 --> 01:22:18.327

as deed of development consent obligations because it's attached to

1477

01:22:18.418 --> 01:22:21.428

a or connected to a development consent order.

1478

01:22:21.458 --> 01:22:23.738

So I hope that helps just with the terminology.

1479

01:22:23.778 --> 01:22:27.638

Uh, on the question of the content, I, I

1480

01:22:27.658 --> 01:22:28.018

think

1481

01:22:28.978 --> 01:22:32.798

I understand that the drafts were sent on the

1482

01:22:33.218 --> 01:22:36.138

20th of February, and we, we

1483

01:22:36.978 --> 01:22:39.978

re-had a follow-up request for comments on the 11th of

1484

01:22:40.078 --> 01:22:41.978

March. Uh, we're not

1485

01:22:42.958 --> 01:22:46.918

obviously we're not aware of any comments having come back to us as yet.

1486

01:22:46.958 --> 01:22:48.858

And ob- we'd, we'd, we'd welcome that.

1487

01:22:48.898 --> 01:22:52.778

We're, we're keen to, either finalize

1488

01:22:52.858 --> 01:22:56.728

it or if there are any issues to, to discuss those as

1489

01:22:56.778 --> 01:23:00.278

soon as possible. So I don't... I, I, apologies if I

1490

01:23:00.318 --> 01:23:04.027

misunderstood, but I don't think we've had anything back from either

1491

01:23:04.058 --> 01:23:07.957

Flintshire or NRW on the, the, the legal obligation

1492

01:23:08.017 --> 01:23:11.818

itself. Although there has been discussion, and I had understood at

1493

01:23:11.878 --> 01:23:15.858

least high-level satisfaction with the principle of, of

1494

01:23:16.478 --> 01:23:20.328

what it wou-it would cover. Um, but n- but

1495

01:23:20.498 --> 01:23:24.358

we're, we're also interested in making sure that the form of the legal content is

1496

01:23:24.578 --> 01:23:27.598

satisfactory to both parties. And we were

1497

01:23:28.138 --> 01:23:31.618

intending to submit the draft at deadline four, as you had

1498

01:23:31.678 --> 01:23:34.538

requested anyway, but obviously it would be

1499

01:23:35.478 --> 01:23:39.338

better if we could do so with the benefit of any comments from those

1500

01:23:39.398 --> 01:23:40.658

parties.

1501

01:23:40.718 --> 01:23:42.368

Uh, yes. D-Dr. James Riley on behalf of the applicant.

1502

01:23:42.638 --> 01:23:45.378

I shou-I should clarify, this has just been clarified to me. So there's two.

1503

01:23:45.478 --> 01:23:47.698

One is the, the legal agreement, which has just been talked about.

1504

01:23:47.718 --> 01:23:51.288

The other is the technical content of what's going to be done and is g- which is

1505

01:23:51.338 --> 01:23:55.138

that is the document that, Natural Resources Wales made some comments on that

1506

01:23:55.158 --> 01:23:56.198
we are now looking at-

1507

01:23:56.218 --> 01:23:56.228
Okay

1508

01:23:56.228 --> 01:23:58.808
... not, not the legal document, which is a separate matter.

1509

01:23:59.178 --> 01:24:00.248
Thank you, sir.

1510

01:24:00.258 --> 01:24:02.928
And just to come back to those parties, I mean, both Flintshire...

1511

01:24:02.998 --> 01:24:05.058
Uh, start, I'll start with NRW for a change first.

1512

01:24:05.138 --> 01:24:08.078
Um, noth-nothing there that you want to draw to my attention that, you know, like

1513

01:24:08.098 --> 01:24:11.048
you said a moment, you've just received a, a document and, hopefully they've

1514

01:24:11.078 --> 01:24:14.838
taken on board your, your, clarity

1515

01:24:14.978 --> 01:24:16.078
and clarifications regarding that.

1516

01:24:16.098 --> 01:24:19.638
And is there anything that you wish to point out or anything that you wish to say

1517

01:24:19.678 --> 01:24:22.638
that, "I've, I've got some concerns," or actually, "No, it's, it's, it's

1518

01:24:22.708 --> 01:24:25.248

progressing, and it will take time, but it, it will get done in the

1519

01:24:25.298 --> 01:24:27.138

end"?

1520

01:24:27.218 --> 01:24:29.998

Uh, thank you, sir. Chris Jones from NRW. Yeah, that's correct.

1521

01:24:30.018 --> 01:24:32.638

We are progressing that with the applicants at the moment in terms of the, the

1522

01:24:32.678 --> 01:24:33.928

management measures that are being proposed.

1523

01:24:33.998 --> 01:24:36.218

We have provided comments to those on the 27th of February.

1524

01:24:36.278 --> 01:24:39.378

So yeah, we're currently in ongoing discussion with the applicant regarding

1525

01:24:39.418 --> 01:24:40.338

those.

1526

01:24:40.378 --> 01:24:44.138

Thank you. Thank you. And similarly from

1527

01:24:44.158 --> 01:24:47.218

Flintshire, is there anything you, anything you want to draw to my attention?

1528

01:24:47.278 --> 01:24:51.158

Uh, n-not at this stage. Um, Ch-sorry, Charlie Pope, Flintshire County Council.

1529

01:24:51.258 --> 01:24:55.078

Uh, yeah, Inspector, not, not at this stage, but, w-we do have copy of this

1530

01:24:55.098 --> 01:24:57.878

document, and I will sort of chase down where we are with it.

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01:24:57.958 --> 01:24:58.198

Um-

1532

01:24:58.238 --> 01:24:58.608

Okay.

1533

01:24:58.618 --> 01:24:59.158

Thank you.

1534

01:24:59.198 --> 01:25:02.458

Thank you very much. So hopefully, like I say, that's, that's, that's the

1535

01:25:02.478 --> 01:25:06.338

relatively simple one of the, the designated sites.

1536

01:25:06.418 --> 01:25:09.978

Um, I'm gonna move back now, if that's okay, to the de Estuary,

1537

01:25:10.758 --> 01:25:13.898

sites, and we'll finish off with the functionally linked land, if that's

1538

01:25:13.978 --> 01:25:17.628

okay. But hopefully, again, this is, this is not too much detail 'cause you've

1539

01:25:17.638 --> 01:25:20.778

given me a, a great deal of detail so far as well, Dr. Riley. I appreciate that.

1540

01:25:20.798 --> 01:25:24.518

Thank you. But one thing I just wanted to pick up on was the de Estuary

1541

01:25:24.898 --> 01:25:27.618

SAC designated habitat, the salt marsh habitat.

1542

01:25:28.458 --> 01:25:31.458

One of the things you're proposing to do is,

1543

01:25:32.438 --> 01:25:35.998

manage realignment site and introduce conservation management techniques

1544

01:25:36.178 --> 01:25:39.278

to the new managed realignment sites to match the

1545

01:25:39.298 --> 01:25:41.218

existing. I wanted to

1546

01:25:41.258 --> 01:25:43.338

understand,

1547

01:25:44.238 --> 01:25:47.818

is what you're doing to the existing working and having a beneficial

1548

01:25:47.997 --> 01:25:50.038

impact on the designated

1549

01:25:50.398 --> 01:25:54.358

site? Because if it isn't, it seems a bit strange to then say,

1550

01:25:54.368 --> 01:25:56.638

"I'm gonna create some more room and do exactly the same over here."

So I just

1551

01:25:56.678 --> 01:25:59.878

wanted to make sure that what you're proposing to do at the new site that you're

1552

01:25:59.918 --> 01:26:00.658

going to create

1553

01:26:01.838 --> 01:26:04.158

is of benefit to habitat.

1554

01:26:04.198 --> 01:26:07.418

Yeah. Um, so Dr. James Riley on behalf of the applicant.

1555

01:26:07.498 --> 01:26:11.138

So, there's two separate things here which I should be clear about.

1556

01:26:11.158 --> 01:26:14.358

First of all, the, the management of the new site isn't something I'm particularly

1557

01:26:14.408 --> 01:26:17.658

close to, but it is a, a legal requirement under their management agreements with

1558

01:26:17.698 --> 01:26:21.298

Natural Resources Wales for, for

1559

01:26:21.418 --> 01:26:25.298

Uniper to manage the existing salt marshes through that agreement in a way that

1560

01:26:25.318 --> 01:26:28.938

has been agreed with them. Uh, and my understanding is that the, the

1561

01:26:29.078 --> 01:26:31.858

efficacy of that is subject to monitoring.

1562

01:26:31.938 --> 01:26:35.838

Uh, but with regards to what we're proposing to do as part of

1563

01:26:35.918 --> 01:26:39.758

this, w-it isn't just a case of sort of extending the existing

1564

01:26:39.798 --> 01:26:42.758

management to the new area. It doesn't quite work like that.

1565

01:26:42.798 --> 01:26:46.078

So what, what-- Salt marsh is something that builds up over

1566

01:26:46.158 --> 01:26:50.118

time, and you start with what we call pioneer salt marsh, which is so you, you,

1567

01:26:50.158 --> 01:26:53.457

you create an area of sort of intertidal mudflat, and that then develops into

1568

01:26:53.517 --> 01:26:57.198

pioneer salt marsh. Uh, so glassworts and, and various other

1569

01:26:57.238 --> 01:27:00.518

plants like that. You know, that, that's a good diverse part of the valuable part

1570

01:27:00.538 --> 01:27:04.488

of the salt marsh community. And then as time goes by and sediment decreases,

1571

01:27:04.538 --> 01:27:07.958

it starts to develop into what we call Atlantic salt meadows, which is basically

1572

01:27:07.998 --> 01:27:11.858

the more sort of structured grassland type salt marsh, firmer salt

1573

01:27:11.898 --> 01:27:14.188

marsh that we get with creeks in it and things like that.

1574

01:27:14.878 --> 01:27:18.618

So what we are doing is we are basically,

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01:27:19.258 --> 01:27:22.008

as I've talked about before, and this sort of brings us into the next section

1576

01:27:22.038 --> 01:27:25.968

to some extent, but, the, the, the salt marsh around the de Estuary, this is a,

1577

01:27:26.018 --> 01:27:28.118

a very dynamic system like all estuarine systems.

1578

01:27:28.158 --> 01:27:31.918

So, so you get erosion, you get accretion, depending upon the

1579

01:27:31.958 --> 01:27:34.158

tidal situation, a given situation.

1580

01:27:34.178 --> 01:27:36.258

You get salt marsh being depil- being created.

1581

01:27:36.278 --> 01:27:39.958

You get, salt marsh being eroded. That's a natural process.

1582

01:27:39.978 --> 01:27:43.878

You then have an unnatural process, which is, which is the hard defenses that

1583

01:27:43.978 --> 01:27:47.698

line a lot of the de Estuary. Uh, what we are doing is removing

1584

01:27:47.818 --> 01:27:50.658

part of that hard defense and effectively,

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01:27:52.658 --> 01:27:56.438

r-removing part of that unnatural system and making it a natural system.

1586

01:27:56.448 --> 01:27:59.878

And the way we'd make it a natural system is by creating the retreat

1587

01:27:59.998 --> 01:28:03.938

area, connecting it to the creek, the, the, that is where the water's coming in

1588

01:28:03.978 --> 01:28:07.598

through into the salt marsh area, and that will then carry

1589

01:28:07.608 --> 01:28:11.598

the, the seeds, the propagules. We will probably do some initial planting as well

1590

01:28:11.658 --> 01:28:13.968

to, to, to give it that initial pickup.

1591

01:28:14.058 --> 01:28:17.738

Um, a-and it will start to develop as pioneer salt marsh and start to develop.

1592

01:28:17.758 --> 01:28:21.698

And, and now the, the existing salt marsh on the frontage is very

1593

01:28:21.718 --> 01:28:25.618

mature salt marsh, so it will be, it will be a long

1594

01:28:25.738 --> 01:28:29.398

time before the area we're creating needs that kind of management.

1595

01:28:29.458 --> 01:28:31.818

I suppose that's what I'm building up to saying.

1596

01:28:31.878 --> 01:28:35.598

So the-- so salt marsh is a, is a dynamic mixture of sort of early salt

1597

01:28:35.638 --> 01:28:38.178

marsh, late salt marsh. It will start as early salt marsh.

1598

01:28:38.218 --> 01:28:41.578

It will develop, and, and creating those conditions for it to develop will add

1599

01:28:41.638 --> 01:28:45.498

diversity to the area. And then as it matures, then we will

1600

01:28:45.558 --> 01:28:49.178

introduce management as necessary, to, to, to

1601

01:28:49.258 --> 01:28:52.898

graze it if we need to do that. But that's, that's, that's some way down the line.

1602

01:28:54.078 --> 01:28:57.598

Thank you. Thank you, Dr. Riley. Um, I'm just gonna move back again, if that's

1603

01:28:57.638 --> 01:29:01.518

okay, to, and again, P-Mr. Jones at NRW and, perhaps Flintshire if

1604

01:29:01.538 --> 01:29:05.008

they want to come on. But I just wanted, to check that, one,

1605

01:29:06.398 --> 01:29:09.758

I would, I would imagine you're, you're happy with that, and again, accepting this

1606

01:29:09.798 --> 01:29:12.298

is principally a written process and, you know, we're, we're corresponding in

1607

01:29:12.338 --> 01:29:15.638

writing. But I just wanted to make sure that there's nothing there you go, "Hang on

1608

01:29:15.678 --> 01:29:18.848

a moment. The way the existing salt marsh is being

1609

01:29:18.898 --> 01:29:22.808

managed, that's got a problem, and it's not

1610

01:29:22.838 --> 01:29:26.818

effective." Therefore, this would be the time to say when you move across

1611

01:29:26.838 --> 01:29:30.618

to look at the management regime for the new one, now's the time to

1612

01:29:30.658 --> 01:29:32.538

introduce a change. So I just want-- Mr.

1613

01:29:32.618 --> 01:29:34.328

Jones at NRW, just, just--

1614

01:29:35.438 --> 01:29:37.438

Apologies to put you on the spot a little bit there, but I just wanted to check, is

1615

01:29:37.458 --> 01:29:39.918

there anything you're-- you need to draw to my attention about the way that the

1616

01:29:39.958 --> 01:29:42.598
existing salt marsh is being managed

1617
01:29:43.398 --> 01:29:46.468
or, and then any concerns you have about the re- the proposal that
the applicant

1618
01:29:46.518 --> 01:29:49.698
may have for the new, newly created areas?

1619
01:29:51.458 --> 01:29:55.318
Thank you, sir. Chris Jones, NRW. Um, I don't have any comments to
give on that

1620
01:29:55.578 --> 01:29:58.758
right now. Sorry. But, we can take that away and, and get back to
you in

1621
01:29:58.798 --> 01:30:01.028
writing on that once I've had a chance to confer with my colleagues.

1622
01:30:01.738 --> 01:30:05.158
Okay. Thank you. That's-- That'd be excellent because, like I say,
as, as Dr.

1623
01:30:05.178 --> 01:30:08.338
Riley's alluded to there, you know, the, the efficac- efficiency of
the system at

1624
01:30:08.378 --> 01:30:11.988
the moment is, is something that you, you set the standards for, and
hopefully, you

1625
01:30:12.018 --> 01:30:14.118
know, the, the way that the applicant is

1626
01:30:15.118 --> 01:30:18.438
ma-managing the existing and the monitoring that's being done to
check it's being

1627
01:30:18.478 --> 01:30:22.418
done correctly is saying that's working, therefore that over there
on the

1628

01:30:22.498 --> 01:30:25.008

right, you know, moving-- doing what we do over there on the left and putting it

1629

01:30:25.038 --> 01:30:27.508

over there on the right will hopefully be of benefit. So thank you for that.

1630

01:30:27.558 --> 01:30:29.458

If you, if you could, that'd be really useful. Thank you.

1631

01:30:29.538 --> 01:30:31.958

Make sure that we're not proposing something that isn't going to be

1632

01:30:32.038 --> 01:30:35.838

effective. So thank you. I think that concludes,

1633

01:30:35.898 --> 01:30:38.938

um-- Sorry, did you, Flintshire, is there anything you wanted to add to that or?

1634

01:30:39.998 --> 01:30:41.028

No. Okay. Thank you. Um,

1635

01:30:42.118 --> 01:30:44.718

that concludes the salt marsh section of the

1636

01:30:44.898 --> 01:30:48.446

mitigation. I'm gonna go back now, if that's

1637

01:30:48.506 --> 01:30:51.006

okay, to the functionally linked land section.

1638

01:30:51.086 --> 01:30:54.376

And, thank you for the comments you've already made on that area, and

1639

01:30:54.426 --> 01:30:58.156

understanding of that, and why, um ...

1640

01:30:58.156 --> 01:31:01.326

For instance, it's been really helpful for me to understand why the qualifying

1641

01:31:01.426 --> 01:31:04.536

features on the functionally linked land, it's only the curlew that you've

1642

01:31:04.586 --> 01:31:06.566

identified, so that's, that's useful to know.

1643

01:31:06.686 --> 01:31:09.716

One thing I wanted to know about the proposal for the Gronant site up at

1644

01:31:09.726 --> 01:31:13.706

Prestatyn is, because that's already within the

1645

01:31:13.886 --> 01:31:14.966

SPA,

1646

01:31:16.786 --> 01:31:17.626

is there anything

1647

01:31:19.406 --> 01:31:23.246

there that tells me that's already functionally linked land, therefore, you

1648

01:31:23.286 --> 01:31:23.686

know,

1649

01:31:24.766 --> 01:31:27.975

that site is being used? And then I'm gonna move on with some follow-up questions

1650

01:31:28.006 --> 01:31:28.166

on that

1651

01:31:28.206 --> 01:31:35.466

Dr.

1652

01:31:35.486 --> 01:31:36.606

James Riley on behalf of the applicant.

1653

01:31:36.666 --> 01:31:40.596

I think this one has a simple answer, which is no. Um, while there is ...

1654

01:31:40.606 --> 01:31:41.806

Well, no, I should take a step back there.

1655

01:31:41.826 --> 01:31:44.736

There is a small amount of use for curlew, and that's why we know it's, it's

1656

01:31:44.826 --> 01:31:48.526

suitable. Um, but I think if you look at Natural Resources

1657

01:31:48.686 --> 01:31:52.085

Wales' Deadline 3 response, you, I think you asked them that question-

1658

01:31:52.106 --> 01:31:52.116

Mm-hmm

1659

01:31:52.786 --> 01:31:55.486

... and, and, and they have replied to say, no, they don't consider it to be

1660

01:31:55.506 --> 01:31:57.916

functionally linked land. Obviously, I would defer to Natural Resources Wales, but

1661

01:31:57.946 --> 01:31:59.346

I'm pretty sure I saw that written in their-

1662

01:31:59.526 --> 01:31:59.626

Okay

1663

01:31:59.666 --> 01:32:03.656

... their Deadline 3 response. Um, they've certainly said that, that,

1664

01:32:03.666 --> 01:32:07.346

you know, although there is a small amount of curlew use in some fields,

1665

01:32:07.406 --> 01:32:11.266

certainly the vast majority of the site is, is grassland that is not suitable and,

1666

01:32:11.286 --> 01:32:12.656

and is therefore not functionally linked.

1667

01:32:12.686 --> 01:32:15.646

And that, that is where the benefit comes for us to restore it.

1668

01:32:16.766 --> 01:32:20.186

Thank you. Helpful. And I think you may be answering my second follow-up question

1669

01:32:20.196 --> 01:32:22.366

in a moment. I'm just gonna ... Um, again, Mr.

1670

01:32:22.446 --> 01:32:25.406

Jones, feel free to come in or not on that, but just wanted to make sure that

1671

01:32:25.446 --> 01:32:28.946

anything that's been said there, you, you, you either, either consistent with

1672

01:32:28.966 --> 01:32:31.596

what you think, or if you think, "Actually, I, I, that's not what we were saying,"

1673

01:32:31.606 --> 01:32:34.756

please feel free. But I did pick up in your written reply exactly that.

1674

01:32:34.786 --> 01:32:38.666

That, you know, it was being identified that the site isn't presently functionally

1675

01:32:38.706 --> 01:32:41.186

linked land.

1676

01:32:41.226 --> 01:32:45.006

Thank you, sir. Chris Jones, NRW. Yes, that's correct. Thank you.

1677

01:32:45.026 --> 01:32:48.666

Thank, thank you. Um, and I think

1678

01:32:49.186 --> 01:32:51.346

you probably just slightly answered this already, but

1679

01:32:52.666 --> 01:32:55.726

if the site is not currently being used by

1680

01:32:55.806 --> 01:32:57.246

curlew,

1681

01:32:58.746 --> 01:33:01.306

how will you encourage curlew to use

1682

01:33:01.346 --> 01:33:03.126

it?

1683

01:33:04.266 --> 01:33:06.406

Dr. James Riley on behalf of the applicant.

1684

01:33:06.446 --> 01:33:09.946

So I have, a colleague, Neil Gates, who is the

1685

01:33:09.966 --> 01:33:13.006

ornithologist on the project, who will jump in if he wants to add anything.

1686

01:33:13.066 --> 01:33:16.706

I will invite to jump in if he wants to add anything after I've spoken.

1687

01:33:16.786 --> 01:33:19.886

Um, but, essentially, the, the

1688

01:33:20.446 --> 01:33:23.946

habitat at the moment, as I think again Natural Resources Wales have noted in their

1689

01:33:23.986 --> 01:33:27.326

Deadline 3 response, certainly within the, the key area,

1690

01:33:28.246 --> 01:33:31.786

is, basically sort of dry rank, grassland.

1691

01:33:31.806 --> 01:33:35.586

There's also some areas of, of, cultivated land, arable

1692

01:33:35.646 --> 01:33:39.246

land, th-that isn't grassland. So what we are do- So the re-
relevance

1693

01:33:39.306 --> 01:33:43.246

there is that the curlews, like a lot of birds of that

1694

01:33:43.366 --> 01:33:47.266

type, like, grasslands that is,

1695

01:33:47.586 --> 01:33:51.006

managed. They like grassland that's got sort of little wet areas in.

1696

01:33:51.026 --> 01:33:54.806

They like a variety of habitat. Um, they like it to wet up during

1697

01:33:54.866 --> 01:33:58.406

winter. Um, they prefer the, the grasslands to sort of the arable

1698

01:33:58.666 --> 01:34:00.926

crops that we're talking about that are on that land.

1699

01:34:01.006 --> 01:34:04.576

So effectively, it's a case of, as we've pr- set out in the curlew

1700

01:34:04.646 --> 01:34:08.546

mitigation strategy, it's, adding foot drains to

1701

01:34:08.666 --> 01:34:12.286

enable wetting of the appropriate, fields more,

1702

01:34:12.546 --> 01:34:15.286

improving the management and, and, basically introducing management that's

1703

01:34:15.326 --> 01:34:19.226

favorable towards the curlews. Um, and, putting

1704

01:34:19.286 --> 01:34:22.866

down areas of a- of, of, arable land to grassland.

1705

01:34:22.926 --> 01:34:26.686

Uh, all of that, tho-those are all known ways to make an

1706

01:34:26.746 --> 01:34:30.646

area attractive to curlews to increase the soil invertebrates, in

1707

01:34:30.706 --> 01:34:33.756

particular, because it's, that's what makes it appealing to them.

1708

01:34:33.766 --> 01:34:37.146

It's what they can feed on. Um, and therefore ...

1709

01:34:37.156 --> 01:34:40.526

And, and we already know that there are some curlews in the area, but, but it is

1710

01:34:40.546 --> 01:34:44.406

chronically underused by them. Um, therefore, you know, that is

1711

01:34:44.486 --> 01:34:47.226

what we're doing to, to, to make it useful. Um, Mr.

1712

01:34:47.286 --> 01:34:49.506

Gates, do you have anything you want to add to what I've just

1713

01:34:49.566 --> 01:34:53.486

said?

1714

01:34:55.026 --> 01:34:57.906

Uh, Neil Gates for the applicant. Um, I think my colleague Dr.

1715

01:34:57.946 --> 01:35:01.906

Riley has covered it well there. Um, essentially, we're putting in place a

1716

01:35:01.946 --> 01:35:05.865

number of measures to make the, the foraging resource at Gronant

1717

01:35:05.966 --> 01:35:08.126

Fields more accessible for curlew.

1718

01:35:08.186 --> 01:35:12.046

Uh, so that's improving the management, getting the sward down to the right height

1719

01:35:12.166 --> 01:35:16.066

so that curlew can access the soil invertebrate prey in the, in the

1720

01:35:16.146 --> 01:35:20.106

soil. Um, we're making sure that the site doesn't sort of dry out, so

1721

01:35:20.166 --> 01:35:23.506

that there is a certain amount of moisture in the ground for things like

1722

01:35:23.606 --> 01:35:27.576

earthworms as well, and we can do that by controlling the, the water levels

1723

01:35:27.606 --> 01:35:31.426

and managing the, the, the groundwater appropriately on the site so that

1724

01:35:31.486 --> 01:35:35.026

that foraging resource is available for as long a period as

1725

01:35:35.066 --> 01:35:35.726

possible.

1726

01:35:37.326 --> 01:35:40.286

Thank you, Mr. Gates.

1727

01:35:40.306 --> 01:35:42.315

Um, uh ...

1728

01:35:43.986 --> 01:35:47.046

Oh, sorry, Mr. Gates. Sorry, apologies.

1729

01:35:47.566 --> 01:35:47.786

Um,

1730

01:35:49.086 --> 01:35:53.066

thank you. Um, so you're gonna change the way it

1731

01:35:53.086 --> 01:35:56.046

looks to make the site more appealing to that species,

1732

01:35:56.186 --> 01:35:57.466

effectively?

1733

01:35:58.306 --> 01:35:59.206

Yeah, the, the way, the, the way it functions-

1734

01:35:59.226 --> 01:35:59.236

Yeah

1735

01:35:59.236 --> 01:36:00.706

... basically. Yes, that's right. Yeah.

1736

01:36:00.746 --> 01:36:04.596

Yeah. Thank you. Um, apologies, Mr.

1737

01:36:04.606 --> 01:36:05.976

Gates. Um,

1738

01:36:07.986 --> 01:36:11.786

thank you. I'm, I'm gonna move on now if, unless there's any questions on

1739

01:36:12.026 --> 01:36:15.686

the, that item 4.2, specifically

1740

01:36:15.786 --> 01:36:19.426
regarding the mi-mitigation that's being proposed, and just come on
to the final

1741
01:36:19.506 --> 01:36:22.526
section for the ecology section, if that's okay, about,

1742
01:36:24.526 --> 01:36:26.446
whether the measures that are being proposed

1743
01:36:26.486 --> 01:36:29.396
specifically come down to being the criteria for mitigation or

1744
01:36:29.466 --> 01:36:32.156
compensation, as in accordance with those

1745
01:36:32.186 --> 01:36:34.296
regulations. Um,

1746
01:36:35.986 --> 01:36:38.696
again, I was gonna take a sort of very simplistic approach on this,
and I just,

1747
01:36:38.706 --> 01:36:40.956
what I'll be looking for the applicant to do when I come to the
applicant in a

1748
01:36:40.986 --> 01:36:44.866
moment is, is to give me how you are considering your opinion

1749
01:36:44.906 --> 01:36:48.426
on this, proposal, and also potentially any,

1750
01:36:49.206 --> 01:36:51.776
precedent that you may have to demonstrate that to me.

1751
01:36:52.606 --> 01:36:55.746
My ... Again, very simplistic from my point of view, and very happy
to be corrected

1752
01:36:55.786 --> 01:36:59.720
as wellUm, my basic understanding of, of, of

1753

01:36:59.770 --> 01:37:03.380

mitigation and compensation is, you know, we, we, we're,

1754

01:37:03.410 --> 01:37:06.930

we've gone through the appropriate assessment process and identified that we

1755

01:37:06.970 --> 01:37:09.130

have... Like I say, we, we, we're happy with the sites.

1756

01:37:09.170 --> 01:37:12.310

There's no sort of dispute from any of the parties, I believe, on which sites there

1757

01:37:12.370 --> 01:37:15.170

are and what sites there aren't. We're happy with the impact pathways, and you've

1758

01:37:15.190 --> 01:37:18.790

done your assessment for those, and we're happy that, you know,

1759

01:37:19.390 --> 01:37:23.250

sadly or not, that some, qualifying features are going

1760

01:37:23.290 --> 01:37:27.070

to be affected, a-adversely affected by the

1761

01:37:27.090 --> 01:37:30.750

proposed development, and therefore you're proposing to, undertake some

1762

01:37:30.810 --> 01:37:34.610

actions. And it's whether that comes down to being a mitigation action for me or a

1763

01:37:34.670 --> 01:37:38.350

compensation action. If I could just use a very basic analogy, and like I say, I'm

1764

01:37:38.370 --> 01:37:42.210

very happy to be corrected here. If, if your development was

1765

01:37:42.310 --> 01:37:46.220

a, a Banksy paint spraying site, you know, and

1766

01:37:46.230 --> 01:37:49.650

we're spraying, artwork on the site.

1767

01:37:49.750 --> 01:37:53.430

If some of your paint escaped the site and ended up

1768

01:37:53.550 --> 01:37:57.490

in the designated site, if you then

1769

01:37:57.530 --> 01:38:00.870

went in afterwards and cleaned it up and removed that paint,

1770

01:38:02.049 --> 01:38:05.770

or if you put screens up to prevent that paint accessing that site
and

1771

01:38:05.890 --> 01:38:09.450

depositing on that site, to me, I can understand that that is quite

1772

01:38:09.570 --> 01:38:13.550

clearly a mitigation effect.

1773

01:38:13.590 --> 01:38:17.030

But if what you were gonna do is say, "Well, I'm really sorry I've
got paint all

1774

01:38:17.070 --> 01:38:20.990

over this designated site, but I'm gonna buy another site over here
that hasn't got

1775

01:38:21.050 --> 01:38:21.550

paint on it

1776

01:38:22.390 --> 01:38:25.930

and, and that won't have paint on it," that to me is a very much a

1777

01:38:26.010 --> 01:38:29.810

compensatory measure. So I'm trying to get my head around why you

1778

01:38:29.890 --> 01:38:33.650

think what you're proposing to do is mitigation and why some of the,

1779

01:38:34.950 --> 01:38:37.570

you know, the responses I'm getting from some of the s-

1780

01:38:37.750 --> 01:38:41.410

statutory nature conservation bodies and my own internal environmental teams is,

1781

01:38:41.430 --> 01:38:45.250

"No, this is not mitigation, this is compensation." 'Cause this to me is a, is

1782

01:38:45.290 --> 01:38:47.650

very key issue and also comes back down to the derogation case.

1783

01:38:47.690 --> 01:38:51.580

So if I, if... Please feel free to take your time to construct that, but

1784

01:38:51.610 --> 01:38:55.070

if... That's, that for me is a really key part of this examination.

1785

01:38:56.130 --> 01:38:57.310

Dr. James Reilly, on behalf of the applicant.

1786

01:38:57.330 --> 01:38:59.630

Can I just check, is this the saltmarsh that you're talking about

1787

01:38:59.690 --> 01:39:01.350

here?

1788

01:39:03.390 --> 01:39:06.429

Or is it the functioning land as well?

1789

01:39:06.490 --> 01:39:07.330

I can talk about either,

1790

01:39:07.369 --> 01:39:12.830
but...

1791
01:39:14.670 --> 01:39:18.590
Okay, good question. Thank you. I think it is

1792
01:39:18.650 --> 01:39:22.450
primarily the functioning linked land because the distance is more

1793
01:39:23.610 --> 01:39:24.550
great.

1794
01:39:24.620 --> 01:39:25.360
Okay.

1795
01:39:25.450 --> 01:39:28.890
But, but I just wanna double check that I'm not shutting.

1796
01:39:28.970 --> 01:39:30.490
You are impacting

1797
01:39:31.330 --> 01:39:34.890
the saltmarsh adjacent to your site, but you're manager realigning
your defenses

1798
01:39:36.470 --> 01:39:37.050
upstream

1799
01:39:38.470 --> 01:39:42.340
to mis-mitigate or compensate for that, and

1800
01:39:42.370 --> 01:39:45.210
they are interconnected and linked.

1801
01:39:46.370 --> 01:39:50.360
I'm less concerned about that site, if I'm being honest, because
there, there is

1802
01:39:50.390 --> 01:39:54.070
proximity there, and it's the same, um-

1803

01:39:54.080 --> 01:39:54.210
Mm-hmm

1804
01:39:54.219 --> 01:39:58.190
... feature to some extent. Or we'll, we'll get onto coastal processes in the next

1805
01:39:58.310 --> 01:40:02.270
item and how quickly it may end up looking like salt meadow, like you said,

1806
01:40:02.290 --> 01:40:03.180
or not. But,

1807
01:40:06.250 --> 01:40:09.270
I'm less concerned about that feature, if I'm honest.

1808
01:40:09.330 --> 01:40:12.570
I'm more concerned about the loss of the functioning linked land and the

1809
01:40:12.650 --> 01:40:16.610
relocation of it a, a notable distance away.

1810
01:40:16.630 --> 01:40:20.590
Okay. All right. Um, so Dr. James Reilly on behalf of the

1811
01:40:20.630 --> 01:40:24.570
applicant. So with regard to the, the functioning linked land,

1812
01:40:26.310 --> 01:40:28.870
essentially this is relevant to,

1813
01:40:30.750 --> 01:40:32.430
several things. So first of all,

1814
01:40:34.510 --> 01:40:37.710
it's relevant to understand what the adverse effect on the integrity of the

1815
01:40:37.730 --> 01:40:41.550
European site actually is that you are addressing. Okay?

1816

01:40:41.610 --> 01:40:45.340

And the second thing to bear in mind is that

1817

01:40:45.370 --> 01:40:48.070

the protected feature, if you like, i.e.

1818

01:40:48.110 --> 01:40:51.750

the, the consideration you give to adverse effects on the integrity of a European

1819

01:40:51.870 --> 01:40:53.810

site is in relation to

1820

01:40:54.730 --> 01:40:58.510

the population of that European site, not a

1821

01:40:58.550 --> 01:41:01.190

particular subpopulation in a particular location.

1822

01:41:01.250 --> 01:41:05.190

So, so in other words, the, the interest feature

1823

01:41:05.210 --> 01:41:09.070

of the European site, the conservation objectives with regard to curlew apply to

1824

01:41:09.130 --> 01:41:12.650

the three thousand odd birds that use the DS3

1825

01:41:12.710 --> 01:41:16.610

SPA rather than the, fifty to ninety that use

1826

01:41:16.670 --> 01:41:20.650

our particular site. So when you're looking at whether or not there's going to

1827

01:41:20.670 --> 01:41:24.149

be an adverse effect on the integrity of the SPA, you're saying, will the curlew

1828

01:41:24.190 --> 01:41:26.110
population of the SPA

1829
01:41:28.070 --> 01:41:31.940
be, be basically have, have insufficient... Sorry, got a bit of
feedback there.

1830
01:41:31.970 --> 01:41:35.590
Have insufficient resources, to, to forage and feed.

1831
01:41:35.800 --> 01:41:38.990
Is the, is the, is the population of the SPA going to decline?

1832
01:41:39.010 --> 01:41:41.570
That's, that's the test, if you like.

1833
01:41:41.670 --> 01:41:45.010
Um, it's not specifically about the population of Gronant Fields or
in any other

1834
01:41:45.080 --> 01:41:48.330
location. It's about the SPA population as a whole.

1835
01:41:48.410 --> 01:41:52.110
So with that in mind, and I'm gonna be checking my notes here
because I want to, to

1836
01:41:52.150 --> 01:41:54.670
make sure I say this clearly. Um, so

1837
01:41:56.070 --> 01:41:59.540
the, enhancement of Gronant Fields for curlew is considered to be

1838
01:41:59.590 --> 01:42:03.430
mitigation by the applicant because the adverse effect on integrity
to be

1839
01:42:03.470 --> 01:42:07.310
addressed would be a possible reduction in curlew populations within
the

1840
01:42:07.390 --> 01:42:11.150

SPA, not specifically near the development site, but regarding the overall

1841

01:42:11.230 --> 01:42:14.850

population, due to a reduction in foraging and roosting

1842

01:42:14.930 --> 01:42:17.590

opportunities in the wider landscape.

1843

01:42:17.630 --> 01:42:21.570

The applicant is therefore avoiding or mitigating for the adverse effect

1844

01:42:21.590 --> 01:42:25.550

on integrity, i.e. the reduction in curlew populations within the SPA, by ensuring

1845

01:42:25.560 --> 01:42:29.120

there is no net loss of foraging or roosting opportunities by

1846

01:42:29.150 --> 01:42:32.350

enhancing other areas to support greater numbers of

1847

01:42:32.410 --> 01:42:36.070

curlew. Um, there is considerable

1848

01:42:36.130 --> 01:42:39.790

precedent for this approach with regard to functioning linked land.

1849

01:42:39.890 --> 01:42:43.790

Uh, I think I have mentioned this before, but, I would refer

1850

01:42:43.830 --> 01:42:46.650

you to the Sea Link project. That is still going through examination, but

1851

01:42:46.690 --> 01:42:48.280

nonetheless, that's a relevant project.

1852

01:42:48.370 --> 01:42:51.600

Uh, East Yorkshire Solar Farm DC0, Lower Thames Crossing

1853

01:42:51.690 --> 01:42:55.170

DCO, Sunnyside Energy Farm DCO, those are all

1854

01:42:55.210 --> 01:42:58.840

examples of development consent orders where,

1855

01:42:59.270 --> 01:43:02.060

functioning linked land has been treated as mitigation.

1856

01:43:02.190 --> 01:43:05.758

Um-It is basically

1857

01:43:05.778 --> 01:43:09.667

routine in the DCO context and indeed in the HRA context for it to be used as

1858

01:43:09.698 --> 01:43:13.578

mitigation. Uh, outside the DCO context, you

1859

01:43:13.678 --> 01:43:16.878

have, for example, what's called,

1860

01:43:17.818 --> 01:43:20.838

the, the, Solent Wader and Brent Goose Strategy in

1861

01:43:21.038 --> 01:43:23.878

the Solent area, which is to do with the Solent special protection

1862

01:43:23.938 --> 01:43:27.738

areas. Um, and that is basically

1863

01:43:27.818 --> 01:43:31.178

a mitigation strategy that's been devised by all the Solent local planning

1864

01:43:31.218 --> 01:43:35.138

authorities in discussion with Natural England to address the loss of

1865

01:43:35.218 --> 01:43:38.878

functionally linked land for brent geese and waterfowl and waders.

1866

01:43:38.918 --> 01:43:42.878

So what happens is at high tide, the, the, the brent geese and the

1867

01:43:42.938 --> 01:43:46.818

waterfowl and waders come off the mudflats and come on, come inland onto fields,

1868

01:43:46.858 --> 01:43:49.058

which is what the curlew are doing at our site.

1869

01:43:49.138 --> 01:43:52.718

Uh, so when a developer has a planning application for a given field,

1870

01:43:53.328 --> 01:43:56.738

there are various requirements they have to deliver to, to mitigate for

1871

01:43:56.798 --> 01:44:00.338

that. But what... But it is always deemed within the guidance as

1872

01:44:00.398 --> 01:44:02.098

mitigation rather than compensation.

1873

01:44:02.138 --> 01:44:05.668

So with regard to functionally linked land, there is extensive precedent for that

1874

01:44:05.698 --> 01:44:09.058

being treated as mitigation both within and outside a DCO

1875

01:44:09.098 --> 01:44:10.658

context.

1876

01:44:10.718 --> 01:44:10.858

Thank

1877

01:44:10.898 --> 01:44:16.098

you.

1878

01:44:18.358 --> 01:44:21.888

So to put it simply, you, you are compensating for loss of the land, but you're not

1879

01:44:21.918 --> 01:44:24.958

compensating for the adverse effect on the integrity of the European site.

1880

01:44:24.978 --> 01:44:28.878

That's, that's the point. Um, so you are, you are,

1881

01:44:28.918 --> 01:44:32.108

you are... Yes, you are going to be losing an area of land and therefore replacing

1882

01:44:32.138 --> 01:44:35.918

it with another area of land, but, but that is not an adverse

1883

01:44:35.978 --> 01:44:37.518

effect on the integrity of the European site.

1884

01:44:37.538 --> 01:44:40.418

The adverse effect on the integrity of the European site, which is what, which is

1885

01:44:40.678 --> 01:44:44.558

what triggers the derogations, would be a reduction in the population

1886

01:44:44.618 --> 01:44:48.568

of curlew due to the lack of, of land, high tide land

1887

01:44:48.618 --> 01:44:51.838

effectively, for them to use, and we are ensuring that doesn't

1888

01:44:51.858 --> 01:44:58.918

arise.

1889

01:45:03.158 --> 01:45:05.518

The qualifying feature is the curlew?

1890

01:45:06.378 --> 01:45:09.638

The relevant qualifying feature is curlew, yes. That's right.

1891

01:45:09.718 --> 01:45:13.538

So, I think one of the cases that's been cited before is called the Brills

1892

01:45:13.618 --> 01:45:16.378

case, which has been cited, I think, in Natural Resources Wales and one or two

1893

01:45:16.418 --> 01:45:17.578

other responses in various contexts.

1894

01:45:17.598 --> 01:45:19.758

Although I think in their deadline to respond to Natural Resources Wales have

1895

01:45:19.798 --> 01:45:23.768

acknowledged that, you know, that, that doesn't actually relate to functionally

1896

01:45:23.778 --> 01:45:26.718

linked land. So, so I think that's part of your answer, and the answer is it

1897

01:45:26.778 --> 01:45:30.678

doesn't, no. So, so, th-th-the Brills

1898

01:45:30.738 --> 01:45:33.178

case was to do with an area of,

1899

01:45:35.238 --> 01:45:36.338

what's called millennium meadow.

1900

01:45:36.358 --> 01:45:38.878

So it's a, a type of wet meadow, basically.

1901

01:45:38.978 --> 01:45:42.498

Uh, and they were having, uh... They were, they were effectively losing part of

1902

01:45:42.538 --> 01:45:45.178

that meadow, and they said, "Well, we'll just create another area of meadow

1903

01:45:45.238 --> 01:45:48.938

somewhere else." But in that context, first of all, it had nothing to do with SPAs

1904

01:45:48.958 --> 01:45:52.738

and functionally linked land. It was to do with, with habitat for which the

1905

01:45:52.818 --> 01:45:55.598

SAC was designated, and they were actually losing part of the SAC.

1906

01:45:55.618 --> 01:45:57.678

So that's the distinction between that case.

1907

01:45:57.738 --> 01:46:00.648

I think the thing about functionally linked land is it is, by definition, it is

1908

01:46:00.738 --> 01:46:04.118

always outside European site boundaries, so it is not in itself

1909

01:46:04.138 --> 01:46:07.798

protected. It is not a protected habitat.

1910

01:46:07.858 --> 01:46:11.798

So because it's not protected, the conventional approach has

1911

01:46:11.838 --> 01:46:14.758

been, and as I, I've cited numerous DCO precedents for it, and there are numerous

1912

01:46:14.818 --> 01:46:18.758

others, that the adverse effect on integrity would effectively

1913

01:46:18.838 --> 01:46:22.688

be the birds' population declining for the SPA because they're

1914

01:46:22.718 --> 01:46:26.618

running out of land outside the SPA to use, and we are addressing

that through

1915

01:46:26.658 --> 01:46:28.818

our mitigation measure.

1916

01:46:36.498 --> 01:46:40.148

Sorry. I'm just, just trying to process everything you've...

1917

01:46:40.158 --> 01:46:40.998

And thank you. But

1918

01:46:42.358 --> 01:46:45.158

again, this is just the way my brain works. Again, apologies.

1919

01:46:45.198 --> 01:46:47.318

What we're worried about is the curlew.

1920

01:46:48.418 --> 01:46:52.398

The curlew use the functionally linked land next to your development

1921

01:46:52.418 --> 01:46:54.098

that you're proposing to also use

1922

01:46:56.478 --> 01:47:00.398

for roosting and foraging. You're proposing to provide

1923

01:47:00.438 --> 01:47:02.458

some new land a little bit further up the road,

1924

01:47:03.458 --> 01:47:07.208

which will exceed and match with your management of

1925

01:47:07.278 --> 01:47:11.158

that functionally linked land. We will see no net

1926

01:47:11.918 --> 01:47:15.638

impact on the qualifying feature, the curlew,

1927

01:47:15.698 --> 01:47:19.638

because hopefully they will go from roosting and foraging at the functionally

1928

01:47:19.648 --> 01:47:23.497

linked site adjacent to your existing development now

1929

01:47:24.738 --> 01:47:27.108

and go to the Gronant site. Therefore-

1930

01:47:27.118 --> 01:47:27.258

So-

1931

01:47:27.858 --> 01:47:28.278

Sorry.

1932

01:47:28.338 --> 01:47:31.758

Sorry. No, let me just clarify. No, no, we're, we're not, we, we're not,

1933

01:47:31.848 --> 01:47:35.778

particularly expecting the curlew from Gron-- from our site to travel to

1934

01:47:35.818 --> 01:47:38.578

Gronant, which is twenty kilometers away, and use that land.

1935

01:47:38.678 --> 01:47:42.538

Um, as I say, this is about the, the, the interest feature, the protected feature

1936

01:47:42.618 --> 01:47:46.198

is the population of the SPA, which is far larger

1937

01:47:46.238 --> 01:47:46.618

than-

1938

01:47:46.658 --> 01:47:46.778

Yeah

1939

01:47:46.798 --> 01:47:50.468

... than the birds that are found at Gronant, and they are found in locations all

1940

01:47:50.468 --> 01:47:53.338
around the SPA, including near where we're delivering

1941
01:47:53.718 --> 01:47:56.858
the, the Gronant. We know they're at Gronant because we've recorded them in, in

1942
01:47:56.938 --> 01:48:00.738
bird surveys in the area. Um, so what we are doing is

1943
01:48:00.778 --> 01:48:04.447
ensuring that around the S... So around the SPA as a

1944
01:48:04.498 --> 01:48:07.558
whole, you've got a population of three thousand curlew for which the SPA is

1945
01:48:07.578 --> 01:48:09.428
designated. It's a very large SPA.

1946
01:48:09.428 --> 01:48:13.138
Around the SPA as a whole, there are going to be lots of land,

1947
01:48:14.798 --> 01:48:17.138
which is, which the curlews in various parts of the SPA

1948
01:48:17.198 --> 01:48:21.098
come onto at high tide and, and those curlews are, will, will also

1949
01:48:21.118 --> 01:48:23.138
move around. They're wintering birds, so they're not static.

1950
01:48:23.158 --> 01:48:24.318
They, they move around the estuary.

1951
01:48:24.338 --> 01:48:26.678
They move between estuaries, that kind of thing.

1952
01:48:26.758 --> 01:48:30.678
So what we are ensuring is at a, effectively at a landscape scale, if you like,

1953

01:48:30.838 --> 01:48:34.418

around the SPA, there is still enough high tide habitat

1954

01:48:34.598 --> 01:48:37.868

for the curlews to, to use. It's not

1955

01:48:37.978 --> 01:48:41.798

specifically designed to cater to the birds that are at our development

1956

01:48:41.838 --> 01:48:42.978

site.

1957

01:48:43.898 --> 01:48:47.578

Understood. Thank you. So, but your existing

1958

01:48:47.738 --> 01:48:51.658

functionally linked land adjacent to your existing development, which you

1959

01:48:51.718 --> 01:48:55.518

are proposing to develop, is currently

1960

01:48:55.578 --> 01:48:59.358

part of that total high tide roosting

1961

01:48:59.447 --> 01:49:03.198

and foraging site. It will go if the

1962

01:49:03.238 --> 01:49:06.498

proposed element occurs, but you're going to

1963

01:49:06.738 --> 01:49:09.298

provide additional in exceedance of

1964

01:49:09.478 --> 01:49:13.878

that-Bearing

1965

01:49:13.898 --> 01:49:16.718

in mind that, that half of the site will go and the other half will come back

1966

01:49:16.778 --> 01:49:20.638

because bearing in mind that we're, we're not permanently losing all of that area,

1967

01:49:20.678 --> 01:49:23.698

we're using part of it for construction and it will then go back to being

1968

01:49:23.778 --> 01:49:24.078

functionally

1969

01:49:24.118 --> 01:49:29.398

available.

1970

01:49:47.378 --> 01:49:50.298

So I'm just going through the HRA process in my head a little bit now.

1971

01:49:50.338 --> 01:49:50.518

So

1972

01:49:51.818 --> 01:49:55.498

appropriate assessment, define as adverse effects on a European

1973

01:49:55.658 --> 01:49:57.678

site.

1974

01:49:59.278 --> 01:50:02.018

Yes.

1975

01:50:04.458 --> 01:50:08.138

Is that mitigation? I think... Thank you.

1976

01:50:08.158 --> 01:50:10.038

Um, I think we'll have to park it there for a moment.

1977

01:50:10.058 --> 01:50:12.998

I'm gonna, I'm gonna have to seek some more advice and just, um-

1978

01:50:13.138 --> 01:50:16.848

I would, and as I say, there, there are many instances of DCOs where, where this is

1979

01:50:16.858 --> 01:50:20.458

considered and, and as far as I'm aware, that it, it is pretty much

1980

01:50:20.518 --> 01:50:22.698

always considered as mitigation.

1981

01:50:22.718 --> 01:50:26.678

So, so, you know, there, there are numerous other examples of DCOs you

1982

01:50:26.718 --> 01:50:27.978

can refer to.

1983

01:50:28.018 --> 01:50:30.648

Okay. Dr. Riley, thank you for that. Um, I...

1984

01:50:30.698 --> 01:50:34.178

If you could please list those precedents and, and follow up to this hearing so

1985

01:50:34.198 --> 01:50:36.198

that I can, I can refer to those. That would be very helpful.

1986

01:50:36.238 --> 01:50:38.438

Yes. I think we might have already done it in response to a question, but if we

1987

01:50:38.478 --> 01:50:39.858

haven't, we can certainly provide that list-

1988

01:50:39.898 --> 01:50:39.998

Okay

1989

01:50:40.018 --> 01:50:41.608

... because I have assembled something already. Yeah.

1990

01:50:41.658 --> 01:50:43.088

I think, James Strawn from the applicant.

1991

01:50:43.318 --> 01:50:46.998

We, we, we can signpost where we've dealt with that point

1992

01:50:47.078 --> 01:50:51.058

and, and so I, I don't want to overcomplicate things

1993

01:50:51.438 --> 01:50:55.398

because you're-- you've, you've had a, a healthy discussion about the sort of

1994

01:50:55.418 --> 01:50:58.728

practical implications, but there is some law in there.

1995

01:50:59.078 --> 01:50:59.298

Okay.

1996

01:50:59.358 --> 01:51:03.278

And all I would emphasize, and we can deal with it in legal submissions

1997

01:51:03.358 --> 01:51:05.198

by reference to some of the cases, is that

1998

01:51:06.198 --> 01:51:09.058

the... in terms of m-mitigation and

1999

01:51:09.118 --> 01:51:12.968

compensation, the compensation or need for compensation

2000

01:51:12.998 --> 01:51:16.478

arises assuming there's an adverse effect

2001

01:51:16.878 --> 01:51:18.158

on the integrity

2002

01:51:19.018 --> 01:51:22.998

of the site. If you don't have

2003

01:51:23.078 --> 01:51:27.018

that adverse effect on the integrity of the

2004

01:51:27.378 --> 01:51:30.898

site, you don't get to the question of compensation.

2005

01:51:30.938 --> 01:51:33.978

The compensation is to, to counterbalance your

2006

01:51:34.058 --> 01:51:37.968

impact. And so one helpful way of thinking about

2007

01:51:37.998 --> 01:51:41.798

it, so far as I find it at least, is if the

2008

01:51:41.858 --> 01:51:45.778

measure you're introducing is addressing what was a likely

2009

01:51:45.818 --> 01:51:49.418

significant effect but prevents it resulting in an

2010

01:51:49.498 --> 01:51:52.547

adverse effect on the integrity of the site, it's

2011

01:51:52.578 --> 01:51:55.898

mitigating the consequences of your development, not

2012

01:51:55.978 --> 01:51:59.698

compensating for causing an adverse effect.

2013

01:51:59.718 --> 01:52:03.618

And te- applying that to the curlew, if as a result

2014

01:52:03.638 --> 01:52:06.238

of what you're doing, the curlew population

2015

01:52:07.198 --> 01:52:09.258

is not adversely affected-

2016

01:52:09.458 --> 01:52:09.568

Mm-hmm

2017

01:52:09.738 --> 01:52:13.598

... and that, and obviously that's a judgment about the location of the

2018

01:52:13.638 --> 01:52:17.598

functioning land and its benefits, but if the proposal

2019

01:52:17.618 --> 01:52:21.338

delivers that, you don't have your adverse effect on the

2020

01:52:21.378 --> 01:52:24.138

integrity of the curlew. So you don't get to the question of

2021

01:52:24.178 --> 01:52:27.758

compensation. If, on the other hand, you are reducing the

2022

01:52:27.838 --> 01:52:31.778

population of curlew because you can't help it, then

2023

01:52:31.818 --> 01:52:33.968

you get into the question of, well, can I...

2024

01:52:33.998 --> 01:52:37.578

I'll, I'll create another habitat for curlew, different population

2025

01:52:37.638 --> 01:52:40.738

elsewhere, or something of that kind, and that to my mind helps

2026

01:52:41.638 --> 01:52:45.478

distinguish this point about mitigation and compensation.

2027

01:52:45.518 --> 01:52:48.038

Thank you, Mr. Strawn. That, that, that does. Thank you very much.

2028

01:52:48.058 --> 01:52:51.038

That's very helpful. Yes. Um, okay. Thank you.

2029

01:52:51.658 --> 01:52:55.018

Before I leave that, I just wanted to ch-just check in,

2030

01:52:55.398 --> 01:52:58.818

with, with... I'll start again in the room, let's start with

Flintshire, if they

2031

01:52:58.858 --> 01:53:02.788

have anything they wish to add or query on that or, any of,

2032

01:53:02.978 --> 01:53:06.798

NRW or online if you wish to, come in on that or even,

2033

01:53:08.018 --> 01:53:10.718

any other party.

2034

01:53:12.318 --> 01:53:13.338

Sorry, Mr. Jones, first,

2035

01:53:14.358 --> 01:53:14.368

sir.

2036

01:53:14.398 --> 01:53:16.838

Thank you, sir. Chris Jones, NRW. I don't have any comments to make on the

2037

01:53:16.878 --> 01:53:19.818

mitigation versus compensation, discussion at this stage.

2038

01:53:19.878 --> 01:53:22.618

Uh, just wanted to make a clarification on a point I made earlier about the

2039

01:53:22.658 --> 01:53:25.338

functioning linked land. You asked if we consider the Granite Fields site to be

2040

01:53:25.378 --> 01:53:28.838

functioning linked land. However, just wanna confirm that that is actually part of

2041

01:53:28.878 --> 01:53:32.558

the DS3 SPA as being discussed previously, but just wanted to make that, make that

2042

01:53:32.598 --> 01:53:34.457

clear from our position. Thanks.

2043

01:53:34.498 --> 01:53:36.678

Thank you. Yeah. Thank you. I'm, yeah, I'm clear on that.

2044

01:53:36.698 --> 01:53:39.718

And just to double-check, does anybody from Natural... Sorry, M-Mr.

2045

01:53:39.738 --> 01:53:42.598

Whitehead, did you want to come at all on from Natural England on any of those

2046

01:53:42.638 --> 01:53:45.218

points that I've raised before? I didn't want to shut you off if there was anything

2047

01:53:45.258 --> 01:53:47.838

you wanted to add.

2048

01:53:47.958 --> 01:53:49.578

Um, yeah. Thank you-

2049

01:53:49.698 --> 01:53:51.458

Oh, Mr. White- Mr. Whitehead, sorry.

2050

01:53:51.878 --> 01:53:52.168

No worries.

2051

01:53:52.198 --> 01:53:54.527

I can't read my screen. Apologies.

2052

01:53:54.638 --> 01:53:56.578

No problem. Yeah. Andrew Whitehead, Natural England.

2053

01:53:56.658 --> 01:53:57.998

Um, yeah, I think

2054

01:53:58.978 --> 01:54:02.878

as, Chris Jones at NRW's just pointed out, I wanted

2055

01:54:02.938 --> 01:54:04.178

to, yeah, just

2056

01:54:05.458 --> 01:54:09.138

make sure that the, the clar- the, the distinction between
functioning linked land

2057

01:54:09.198 --> 01:54:12.078

and, and sites within the SPA was, was

2058

01:54:12.158 --> 01:54:16.078

clear. And I think that's where our disagreement from,

2059

01:54:16.118 --> 01:54:19.458

from the applicants kind of stems that

2060

01:54:19.558 --> 01:54:23.458

if Granite Fields was outside the SPA, then I

2061

01:54:23.478 --> 01:54:26.718

don't think we'd have an issue with it being mitigation 'cause it's
mitigating for

2062

01:54:26.778 --> 01:54:29.478

a site that's not designated. I think where

2063

01:54:29.538 --> 01:54:32.538

our-- where the s- the, the, the

2064

01:54:33.378 --> 01:54:37.298

difference of opinion comes from here is that because Granite Fields
is within

2065

01:54:37.338 --> 01:54:41.258

the SPA, our view th- is that even though the functioning

2066

01:54:41.278 --> 01:54:45.238

linked land is outside the SPA, because Granite Fields is

2067

01:54:45.278 --> 01:54:47.258

within the SPA, then it must be

2068

01:54:47.318 --> 01:54:49.358

compensation.

2069

01:54:50.258 --> 01:54:52.498

Thank you, Mr. Whitehead. That's, that's useful as well. Thank you.

2070

01:54:52.578 --> 01:54:52.768

Um,

2071

01:54:56.238 --> 01:54:59.948

yeah, and that sort of comes back to our original point regarding, you know, the

2072

01:55:00.038 --> 01:55:02.858

current use and the current designation of the site.

2073

01:55:02.918 --> 01:55:06.268

Um, sorry, Dr. Riley, you wanted to-

2074

01:55:06.278 --> 01:55:08.838

Yeah, just, just one final point on that. I think this goes back to what Mr.

2075

01:55:08.918 --> 01:55:12.608

Strawn was saying a moment ago, which is that whether it's compensation

2076

01:55:13.118 --> 01:55:15.378

has got nothing to do with whether it's in the European site or not.

2077

01:55:15.398 --> 01:55:19.058

It's related to whether or not there will be a-- whether or not you are

2078

01:55:19.198 --> 01:55:23.097

having an adverse effect on integrity and saying, "We're just gonna do something

2079

01:55:23.138 --> 01:55:25.958

else instead," or whether what you're doing is avoiding an adverse effect on

2080

01:55:25.978 --> 01:55:29.558

integrity. So if what you're doing means that the adverse effect on integrity won't

2081

01:55:29.638 --> 01:55:33.622

arise, then the derogations are not triggeredWhether what

2082

01:55:33.642 --> 01:55:36.251

you're doing is in the SPA or not, and I would defer to Mr.

2083

01:55:36.251 --> 01:55:38.962

Storm as the lawyer on this, but whether the, whether it is in the SPA or not, I

2084

01:55:39.022 --> 01:55:42.072

don't think is relevant to the decision as to whether it's a derogation test or

2085

01:55:42.102 --> 01:55:43.022

not.

2086

01:55:43.302 --> 01:55:46.902

J-James Storm of the applicant. You can mitigate by taking action within an

2087

01:55:47.002 --> 01:55:48.562

SPA or an SCA.

2088

01:55:50.002 --> 01:55:51.402

It's a simple point.

2089

01:55:51.412 --> 01:55:51.422

Okay.

2090

01:55:51.442 --> 01:55:53.622

Whether it's effective mitigation, that's a different question.

2091

01:55:53.642 --> 01:55:53.682

Yeah.

2092

01:55:53.702 --> 01:55:56.882

But it doesn't change the nature of the legal test.

2093

01:55:56.922 --> 01:56:00.742

Are you mitigating to prevent the adverse effect overall on the protected

2094

01:56:00.802 --> 01:56:02.942

feature, or are you compensating?

2095

01:56:03.582 --> 01:56:05.422

So I understand that may be why

2096

01:56:06.282 --> 01:56:10.262

it's helpful to know that's where naturally you've taken that difference,

2097

01:56:10.322 --> 01:56:12.142

but in fact, the legal test

2098

01:56:12.962 --> 01:56:13.702

is the same

2099

01:56:14.622 --> 01:56:16.102

whether the land is

2100

01:56:16.902 --> 01:56:19.462

or outside the SPA that's being used

2101

01:56:20.422 --> 01:56:24.402

to address an adverse effect. I, I use the neutral term

2102

01:56:24.422 --> 01:56:27.471

address 'cause, 'cause it can either be mitigation or compensation.

2103

01:56:27.622 --> 01:56:31.322

That, but the test is the same. Okay. Thank you.

2104

01:56:31.382 --> 01:56:35.362

Um, I'm going to park the ecology section there,

2105

01:56:35.372 --> 01:56:39.082

unless anybody wants to come in or add anything or query anything on

2106

01:56:39.142 --> 01:56:42.752

that any further. I'm not getting any hands up on the

2107

01:56:42.822 --> 01:56:46.432

screens or any action in the room that anyone wants to have me comment.

2108

01:56:47.682 --> 01:56:51.142

I'm conscious that people online have been online for quite a few hours as well.

2109

01:56:51.162 --> 01:56:52.742

Um, so I was gonna suggest we take,

2110

01:56:55.502 --> 01:56:56.182

a, a quick

2111

01:56:56.262 --> 01:56:59.362

adjournment, for a break, for a bit of a comfort break, and perhaps if we

2112

01:56:59.382 --> 01:57:00.502

return at

2113

01:57:01.402 --> 01:57:04.462

ten past or should I say quarter past twelve, give everybody a chance to get a cup

2114

01:57:04.482 --> 01:57:07.872

of tea and everything, and have a quick break, and then we'll come back at

2115

01:57:08.022 --> 01:57:11.982

quarter past twelve, if that's okay, Sam, online as well, and for those online.

2116

01:57:12.042 --> 01:57:14.402

At twelve fifteen, please. Thank you very

2117

01:57:14.442 --> 01:57:41.942

much