



Planning Inspectorate
Arolygiaeth Gynllunio

Event Transcript

Project:	Sea Link
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FULL TRANSCRIPT (with timecode)

00:00:05:05 - 00:00:14:05

Now 1140 and this hearing is recommenced. Can I just check with the case team? That live stream has recommenced and that we can be aired. Yeah. Thank you.

00:00:16:00 - 00:00:46:17

Um. Move on to Suffolk. Landfall. Um. Disturbance effects, emissions and mitigation in EXC one one. Goal 57. The exact the applicant to explain how disturbance effects from noise and lighting would be mitigated at the horizontal directional drilling or HDD compound in Suffolk. The applicant's response explains that three metre high, close bordered fencing would be used around the compound. The risk currently just secures fencing should three meters be specified.

00:00:52:23 - 00:00:55:15

Doctor James Riley, on behalf of the applicant. Um,

00:00:57:09 - 00:01:35:03

I'm hesitating here because I'm literally overly specific, in which in case higher fencing might be feasible and therefore suitable to put in there, um, I think it's unlikely that the standard fencing is three metres high. Um, I suppose it wouldn't be an issue to include it on the basis that we do also allude to other best available methods. I can't believe that phrase now in there for controlling noise, which would potentially be included as well. And I suppose that could allow for flexibility there. Um, I think, uh, as far as I'm aware, there is no engineering concern with committing to a three metre high fence.

00:01:35:05 - 00:01:38:09

Um, so I think that probably is something that could be included.

00:01:38:25 - 00:02:10:17

I would be happy for that to be a minimum three meters in height, if that would help to give you the flexibility. Um, I just think at present, obviously we're highly reliant on that measure to mitigate the effects on the Spa and on the triple C, um, of noise and lighting. And therefore I'd like to see sort of a definitive commitment within there. So minimum three metres and then reference to better if if available. Yeah. Um, did you have any hands up.

00:02:10:19 - 00:02:35:26

I think we'll just move on from that. Um react provision B 23 allows for noise monitoring adjacent to the Spa and to confirm that mitigation measures meet thresholds should be 23. Include reference to further measures or adaptive management. If noise levels are demonstrated to exceed the predictions, to ensure that there is no adverse effects on integrity for the SP, or likely significant effects for laced nor triple s I.

00:02:37:25 - 00:02:47:19

I suppose logically it makes sense that it does, so there's no point during monitoring if you're not going to then respond to that monitoring. Uh, I thought that was implied, but there's no reason why we couldn't let that explicit.

00:02:49:07 - 00:02:50:15

That would be helpful. Thank you.

00:02:54:19 - 00:03:01:19

Um, the RSPB raised concerns relating to acid deposition. Adjacent. Sorry. Have a hand up in Suffolk.

00:03:03:19 - 00:03:45:19

Yes. Thank you sir. Uh, Marian Fellowes, Aubrey resident. Um, I'm grateful that you've asked for the additional fencing. Minimum three meters. I just wanted to raise the fact that, um, as we know, HD generates significant, um, noise. It's actually classed as moderate to high levels of 90 to 110, uh, from engines, hydraulic systems and soil interaction. I'm grateful that the applicant has also said that there will be monitoring. The problem is, if you're, um, monitoring the noise levels, the level has already got to that level before you then have then said, ah, we've reached that level and the harm has been done.

00:03:45:21 - 00:03:55:10

So it's about predictive levels rather than actual monitoring. And I think there's real high, um, concern about impact to

00:03:56:29 - 00:03:59:04

receptors in that area.

00:03:59:06 - 00:04:14:21

Yeah. Miss Fellowes, thank you. I think I'm well aware of the potential impact of. Which is why I'm asking questions to the applicant and trying to secure that the mitigation measures are in place to minimise those noise levels. Unless there was something.

00:04:14:23 - 00:04:26:05

I'm sorry. It's just it's because the the applicant appears to be relying on monitoring as it occurs. That was my concern based on experience of the projects that have already undertaken in this area. Thanks.

00:04:27:07 - 00:04:44:07

The applicant has just committed to, uh, fencing and then monitoring on top of the fencing to ensure that the noise levels aren't been exceeded, and then adaptive management to further address any, any excess problems over above and beyond that. Thank you.

00:04:47:11 - 00:05:17:16

Um, sorry. So as I was saying, uh, the RSPB raised concerns relating to an asset disposition adjacent to the HDD compound, noting that the Suffolk Ecology and Biodiversity chapter states that the temporary period that generators are likely to be operational is up to three years in the absence of a revised yes. At present, three years remains the stated assess duration. Can the applicant amend the S

Ecology and Biodiversity chapter to reflect this? And if not, is an assessment required for that three years of emissions?

00:05:20:10 - 00:05:50:24

So I was just making a note there. Um, we may need to come back and just clarify that point. Uh, so the, the the generators, the main generators will be at the, uh, converter station compound as they are. Yes. The converter station and substation area and the construction areas there and other construction compounds which are relatively distant from the, uh, Shandling's Spa, um, at the HDD compound itself, the HDD work. So that whole compound area is approximately six months rather than three years.

00:05:50:26 - 00:05:59:00

And that'll be in operation. Uh, so that isn't anything like long enough to adjust what we call the annual average deposition rates, which.

00:05:59:14 - 00:06:19:21

At that point understood. And that was in your responses previously. Um, the the point is that at the moment, the US still says up to three years. So the assessment effectively says it's not significant, but over a period of three years. Um, so it either needs to be amended, say it will only be for six months.

00:06:20:01 - 00:06:21:22

Oh, I see, I see. I see.

00:06:21:24 - 00:06:22:26

To rely on those conclusions.

00:06:23:02 - 00:06:30:02

I will, I will look at that. That sounds like it might be a typographical error because the HDD compound, the whole the whole operation is a six month operation. Okay.

00:06:31:02 - 00:06:31:24

Thank you.

00:06:35:28 - 00:06:54:24

Um, in light of the location of the compound adjacent to the designated sites and with some potential for acid deposition or nitrification. Should the applicant, uh, be required to adopt stage five plant um at this location and um, should enforceable dust and air quality limits be set at this location as well?

00:06:59:03 - 00:07:28:06

Uh, I think for the for the reasons that I've just outlined, um, with regard to the six months operation, which would not affect annual average. So take a slight step back, although I'm sure you understand this, but, um, with regard to impacts on ecological receptors, it is long term deposition, long term exposure to nitrogen deposition, and therefore acid deposition. That is the important thing that will affect habitats. Uh, it's not particularly relevant to birds because they they depend upon relatively coarse habitat, structural changes.

00:07:28:08 - 00:07:31:00

I'm thinking in terms of the supporting habitats are uncertain.

00:07:31:19 - 00:08:07:24

Uh, so with regard to the as I say, I think there is an, uh, because the, the, uh, so the main area for generators, well will be operating most longest is, is at the converter station substation areas and the compounds, all of which are numerous kilometers and up to ten kilometers away from soundings S.p.A. At soundings S.p.A. In that vicinity you effectively got the HDD compound, which as I say, would be operating for for six months or less. Certainly not. Not for years. So that would not elevate acid deposition rates in terms of annual average deposition rates in the triple C.

00:08:07:26 - 00:08:22:11

So I don't think there is a need for, you know, taking into account the need for the correction. The you address the yes chapter, I don't think there is a specific need for acid deposition, uh, monitoring or to adjust the plant. Um, that I think was your original suggestion to deal with.

00:08:22:13 - 00:08:26:07

That and no potential to exceed critical levels as well as critical loads.

00:08:26:09 - 00:08:58:05

Um, so critical levels, uh, in relation to so from the generators we're talking about, um, you know, you've got three that's where critical levels of relevant NOx, sulphur dioxide and ammonia and the kind of generators you're talking about generally emit NOx. NOx in itself is generally not an issue, except as a source of nitrogen deposition for the habitats and therefore acid deposition. So I think your reference threshold would be the acid deposition rates.

00:08:58:07 - 00:09:04:21

But as I say, the the principle is the same, which is that would not be operating long enough to change annual average exposure.

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And no potential to breach short term thresholds.

00:09:14:29 - 00:09:45:12

So the only relevant thought short term threshold would be the 24 hour NOx threshold. Um, and again, there is uh, there is general advice uh, that so that's a much higher threshold. That's 75 micrograms is the critical level for that. And there is general advice that, uh, the annual average deposition rate is much more significant than the short term deposition rate when it comes to, uh, adverse effects on habitats. Because again you're talking about the the they need the.

00:09:45:14 - 00:09:53:27

They need the period of exposure in order to respond in growth terms, negatively or otherwise, to the to the additional pollution that's being exposed they're being exposed to.

00:09:54:15 - 00:09:58:24

Thank you. Um, did East Suffolk Council want to comment at all?

00:10:03:28 - 00:10:15:00

Uh, Mark Smith Casey for East Suffolk Council. Not on that particular point. Thank you. We do want to touch on the unexploded ordnance when you get to that.

00:10:15:23 - 00:10:16:24

Okay. Thank you.

00:10:19:23 - 00:10:20:28

Um, I.

00:10:23:06 - 00:10:44:15

Note that the construction traffic management plan and access and rights of way plans indicates that SBM 13, uh, which is on sheet six of six and CR one zero 11 uh, provides for construction vehicle access to the beach area off Thorpe Road. Can you confirm why construction vehicles would need to access this location?

00:10:46:01 - 00:10:56:26

Uh, doctor? The applicant. I'm afraid I can't. I'm not involved in that aspect of things. Um, I'm not sure if anybody from Mr. Homewood or Mr. Buckley or anybody would be able to identify this.

00:10:57:06 - 00:11:03:19

But for context, I'm interested to understand whether there are any potential impacts on vegetated shingle in the soil.

00:11:03:21 - 00:11:16:26

Yeah. My understanding is that there are no construction works, if you like, in that area. So any access would be for monitoring of the HDD only. But, uh, we do have Mr. Riggle who appears to be able to help us.

00:11:19:19 - 00:11:43:09

Uh, Tim Riggle for the applicant. Um, the beach access would only be for in the very unlikely event of, uh, frac out on the beach or something. Something of that nature just to access the the beach to do a clean up on it. Um, as we said, the design is such that we're not expecting any frac out on the beach, but that's a that's the reason for including it.

00:11:43:17 - 00:12:12:06

I think at the moment the documentation implies that there would be construction vehicles. And I think in the wider discussions around frac out, we've had advice that, um, access would only be by a on foot or a very limited number of vehicles at the moment. I think some of the wider documentation suggests there's more, uh, wider construction vehicle, uh, access onto the beach. So I think that may need to be looked at in terms of the wording. Is that an action that could be taken away.

00:12:13:17 - 00:12:15:24

So to speak, for the applicant. So we'll take that point away.

00:12:27:01 - 00:13:08:08

At moving on to unexploded ordnance. The applicant's response to the excise question one one suggests that unexploded ordnance will not be an issue in Suffolk. Based on the typical 18m depth of horizontal directional drilling, um, I acknowledge that this is likely to be below the likely depth of UXO. However, the applicant will need to drill down to 80m depth initially through soil depths where the UXO might be expected to be present. Can you explain how UXO in these locations would be managed to avoid impacts on the adjacent samplings, spas, and on the lake in order to see if the applicant could respond first and then SC to sorry, East Suffolk Council to come back.

00:13:09:09 - 00:13:40:09

Doctor James Riley, on behalf of the applicant. So, um, the, uh, the area you're talking about is the HDD drilling location itself, which is the field to the west of Lease and Marlborough West and south of lesson II and landings, SBA. Uh, yes. There would need to be, uh, uh, Ordnance, uh, unexploded Ordnance Survey of that location because, as you say, we are drilling down in that area. Um, that would either be done via a drone, uh, with a triple psi ascent.

00:13:40:11 - 00:14:12:01

So we have obtained triple s. I sent for similar surveys a couple of years ago on this project, and that would include restrictions on the operation of the drone, most likely to autumn, for example, which is the period when RSPB and others have confirmed that is a the most acceptable period to do that kind of thing. Uh, or it could be done manually on the ground essentially by a person with a, with a, with a piece of kit that they would use to in a non-invasive way to look for it. Uh, in terms of how one would deal with unexploded ordnance. Um, obviously, until you actually have looked at it, you don't know exactly what you're dealing with.

00:14:12:03 - 00:14:42:10

But, um, essentially my understanding is that that dealing with unexploded ordnance is a matter of making it safe in the location and then removing it and dealing with it elsewhere. You wouldn't, you know, do a controlled detonation in place or anything like that that would have a disturbance effect on the site. So and obviously the excavation you do to get the ordnance out is the minimum that that you need to get to that structure and remove it wouldn't be in the SBA. So the kind of plant you might need to use would be similar to what we've already modeled. If we needed to use intensive excavators and things like that.

00:14:42:12 - 00:14:49:00

Um, you know, prior to the surveys and knowing whether or not we have any UXO, I think that's probably as much as we can say on that.

00:14:50:14 - 00:15:21:26

Okay. Um, so I'll ask you to come back in in just a second. But, um, at present in the reac provision, G.G. 39 suggest that UXO risk will be managed in accordance with measures set out in the detailed UXO risk assessments. But currently, the risk assessments don't make any reference to the designated sites. And so I appreciate human safety takes priority. Um, but it needs to be certain that those effects on the designated sites can also be managed.

00:15:22:12 - 00:15:33:19

Um, so I suppose is there a need for an amendment to the reactor reflect the designated sites might be impacted by the UXO.

00:15:34:10 - 00:15:41:01

Doctrine trial on behalf of the applicant. I think that is a reasonable thing for us to add. For clarity. Yes.

00:15:43:19 - 00:15:45:09

Thank you. East Suffolk council.

00:15:49:08 - 00:16:00:01

Mark Weston and Smith Casey for East Suffolk Council. Sir. You. Thank you. You've stolen our thunder and we're content with that approach. But that was the point we were keen to make.

00:16:00:26 - 00:16:02:12

It's good to know. Thank you.

00:16:08:03 - 00:16:10:04

So we have another hand up in Suffolk.

00:16:15:01 - 00:16:44:01

Good morning. Glynis Robertson, a resident of obra and a member of C's. I just wanted to flag that. We would like to have a members talk at eight. At item eight. Um, to the panel, um, regarding the coastal erosion, um, which is affecting this whole area and Suffolk coast at this precise moment. So I just really wanted to flag that up, that coastal erosion will have some effect on everything that's going on just now.

00:16:44:05 - 00:16:46:17

Coastal erosion will be discussed under item eight.

00:16:46:23 - 00:16:47:17

Yeah, that's. Thank you.

00:16:47:19 - 00:16:48:06

Thanks.

00:16:53:00 - 00:17:32:11

Um, move on to update on introduce the ground investigations. Uh, the applicant's response to one coal 51 explains that boreholes will not be completed until later in 2026 and will therefore not be available to be submitted to the examination. Um, can the applicant explain whether these surveys include works in the designated sites, and if so, what specific measures have been agreed with Natural England to avoid disturbance of designated sites and features? And what I'm trying to understand here is if, uh, developer development consent was granted, would there be a need for additional control measures on the ground investigation work in future? If if the DCO is authorising that.

00:17:32:20 - 00:18:06:11

Culture change on behalf of the applicant, I will allow Mr. Homewood or another call Mr. Rigler or another colleague to correct me if I say this wrong. There are the only ground investigations that are planned within the designated sites. Is some further marine ground investigation in the Pedro Bay area? Um, this will be undertaken likely in quarter three 2026. Nearshore nearshore borehole investigations not to determine whether or not this method is can be delivered, but to inform detailed design of the trenches technique and the precautions that would be followed.

00:18:06:13 - 00:18:27:21

Uh, this has not yet been signed up to in Natural England, but they would be similar to the ones we have already for the previous boreholes that were already undertaken. We obtain Triple-A, PSI, I sensor, Triple-A ISO would be required and that would identify ecological washing brief or other measures that would be necessary, you know, in conjunction with that, in agreement with Natural England for us to undertake those works.

00:18:28:12 - 00:18:51:23

Yeah. At the moment in the DCO, there are sort of provisions that just allow for surveys and that could include additional boreholes. So I suppose I'm just wondering whether we need a specific provision within the Reac that covers that eventuality. Um, and sort of specific measures to be articulated, or is it just to rely on, uh, some form of consultation with Natural England and consent from Natural England.

00:18:52:16 - 00:19:23:04

Doctor James Riley on behalf of the applicant? Uh, ordinarily with ground investigation, which of course takes place routinely, you know, outside a DCO context to identify other projects when you're talking in this kind of environment. The triple seismic, which is a legal requirement and is legally binding, is ultimately the method that one relies upon, and it involves the relevant parties with Natural England and also to some extent, the landowners, um, whether or not. So my view as an ecologist, if you like, is that isn't required as a react measure.

00:19:23:12 - 00:19:34:21

However, you know, we can take away and discuss that further internally as to whether or not we want to include that. But but if it's not a measure, there is a legal procedure in place that controls its impact.

00:19:38:09 - 00:19:39:00

Thank you.

00:19:42:10 - 00:20:12:20

Any comments on that point? We'll move on to item 3.4. On the agenda effects on protected species such as bats, dormice, and reptiles. There have been multiple representations regarding incomplete surveys for species such as bats or miles from dormice, and reptiles like to start in Suffolk. I know that I note that East Suffolk Council's Local Impact report suggests that connectivity is required for dormice, and they will avoid having to cross gaps along the ground. Explain how the current measures in the Register of environmental actions and commitments.

00:20:13:02 - 00:20:34:21

B36 would prevent fragmentation of habitat for dormice if they were identified to be present in pre-construction surveys. The applicants comments on SF Council's Local Impact report suggest that reference to Anim Bridges would be included in the Olymp, but I'm not aware that it has been to date. Can the applicant update on this point?

00:20:34:23 - 00:21:08:14

Yes, certainly. Just a minor clarification. While it is true that dormice prefer not to cross gaps, there are there are records from surveys of them crossing motorways and things like that. So, so, so they certainly can cross such gaps. That said, we have numerous measures in the outline landscape and Ecology and Management plan for Suffolk, which include maintaining connectivity for bats and some of those features such as, um, instant hedges, as they called, which are essentially pre planted structures that you can put in place, would also work for dormice as well.

00:21:08:16 - 00:21:21:09

However, it is true that we have discussed and indeed suggested to the council that an Animax bridge could be included, and we are including reference to that in the Olymp. That will be updated and submitted a deadline for. Okay.

00:21:23:20 - 00:21:26:01

Thank you. I'll look forward to seeing that in deadline for.

00:21:28:20 - 00:21:31:10

Added. East Suffolk Council. Want to make a comment?

00:21:37:16 - 00:21:50:03

Thank you. Thank you, sir. Mark Smith for East Suffolk Council. Can I just introduce James Mayor who's the principal ecologist at the council. To respond to that point.

00:21:50:10 - 00:22:04:22

Yeah. Thank you sir. James. Suffolk council. Yes. Just just to echo the point that you've raised that at present risk doesn't cover and sufficient mitigation that we feel for that matter, we'd welcome some more information and will respond accordingly.

00:22:06:15 - 00:22:07:16

Okay. Thank you.

00:22:09:20 - 00:22:21:24

Um, SF Council's updated pads er comments that are significant beneficial impacts on dormice creation cannot be claimed if dormice are not present. Can the applicant respond on this point?

00:22:22:09 - 00:22:59:27

Yes. So, um, we have not found dormice within our surveys. Apart from the one ambiguous record which leads to us undertaking the precautionary method of working, which is also set out in the documentation and the local impact reports. Uh, nonetheless, there are various parties who suggested dormice might be present in the area. So what we are saying is that if dormice were in the area or if they they colonised the area over time, then we are introducing considerably more woody planting

than is already the case in the area, and therefore leading to a net benefit for dormice, so that that is why we are making that argument there.

00:22:59:29 - 00:23:06:26

Obviously. Yes it is. You know, we are it is horizon scanning into the 40 year future effectively of the project.

00:23:12:13 - 00:23:15:19

Uh, would East Suffolk Council like to respond?

00:23:17:22 - 00:23:18:19

Yeah I think

00:23:20:10 - 00:23:50:11

yeah. So James mayor three city council. Thank you sir. Um, yeah. I think as we've set out, we don't understand the logic of both claiming and species as absent for the purpose of impact assessment, then also claiming you can have a beneficial impact on it. And notwithstanding what obviously the applicant has just said, I think the only other point we would highlight is obviously the bulk of the planting is a substation end. Um, the ambiguous records that um, the applicant is referred to is, is further along the cable route towards the coast.

00:23:50:13 - 00:24:01:10

And so if the population is centered around where that record is, then substation planting is unlikely to have a significant benefit to that population would be argue. Thank you.

00:24:03:11 - 00:24:03:29

Thank you.

00:24:06:17 - 00:24:40:28

That is correct. But it's it's a hypothetical argument at the moment because we're talking about hypothetical door based application and whether or not habitat would hypothetically benefit them. Um, worth noting that there is significant planting around the substation site as well, which is a lot closer to the record in question. But yes, it isn't in that vicinity. But again, you know, across the landscape as a whole, over the 40 year context of this project, that net increase in woody planting would be beneficial to, uh, aiding biomass colonization or supporting any dormice that did colonize over that period.

00:24:41:18 - 00:24:42:24

Okay. Thank you.

00:24:45:28 - 00:25:14:18

Uh, in relation to bats, East Suffolk Council has identified potential for underground recording of bats, both species and numbers, due to equipment failure, which could mean that appropriate working methods, such as directional drilling for hedgerows, might not be adopted in preference to gap clearance. Can the applicant explain whether the current mitigation plans, from pre-construction survey secure to bats in the outlined landscape and ecological management plan have any potential to

lead to alternative working methods for bats such as HDD. I mean, is there any situation in which that could be a solution?

00:25:15:22 - 00:25:52:02

I would say probably not. So the the merits of HDD under hedgerows generally is something that was discussed in the design of the project with the project engineers. Um, because as an ecologist, your immediate reaction is can you go under it rather than rather than go through it? Um, then there is a discussion about, well, to HDD, there is a launch compound and there is a receptor compound. Then you've got the duration of doing the HDD works. It was ultimately determined that that could be more disruptive and in many cases would be than than the short period of actually removing that section of hedge and then going through it, putting connectivity structures in place.

00:25:52:10 - 00:26:37:10

Um, so, uh, I am not one of the project engineers, so I cannot definitively say that on no account would HDD be considered for a hedgerow, but that is not that was explored, was discussed, and is not considered to be the appropriate approach. So going to our mitigation measures, um, the approach we've taken is to assume that every hedgerow effectively is important for bats, which to some extent or other it is if it's used by them for activity. And we have included a range of measures to maintain that connectivity in the Outline Landscape Ecology and Management plan for Suffolk, which we're all discussed with Suffolk County Council and East Suffolk Council, and some of them were suggested by them as appropriate measures to ensure black connectivity.

00:26:37:18 - 00:27:19:06

Um, there are no locations where we sort of. Well, I'll take a step back. So, um, it was never part of our proposals to do a census of bats at every single hedgerow. That isn't that isn't the intention of the survey. What we do is a series of transects across the site to typify the bat levels of activity and presence in the area, but for any area where we are, um, going through a hedgerow, there are numerous techniques available that we can use that have been shown to be effective. Um, I know that sees in one of their representations didn't care for some of the measures we were suggesting, but did point out that that Anglian Water have used Harris fencing with mesh on it as a very effective method to close gaps in hedgerows.

00:27:19:08 - 00:27:29:11

So the reality is that even if we went back out and did some additional survey in those areas, I don't think it would change our mitigation approaches. And I think the mitigation approaches would be effective.

00:27:29:20 - 00:27:32:20

And that's regardless of the species identified.

00:27:32:24 - 00:27:37:21

That would be regardless because of what we're doing. Yes, that would regardless of the species identified or the number of passes. Yes.

00:27:38:13 - 00:27:40:17

Thank you. Uh, Matthew? Denny.

00:27:43:01 - 00:28:26:15

Uh, yeah. Doctor. Matthew Denny, uh, representing Suffolk Energy Action Solutions. Um, it's, uh, um, the the reporting, the baseline reporting said that the bat surveys found lots of evidence of, uh, barb styles being present across the landscape. Um, yet, uh, no further surveys were done in terms of, uh, capturing, tagging and trying to find where roosts were, uh, in the area, particularly around the substation where where there was, um, mooted an idea that there might have been a roost nearby, um, as an annex to species.

00:28:26:17 - 00:28:53:24

I would say that, uh, barbers are of particular importance, uh, both locally and nationally. So I wonder why further surveys weren't done. For example, uh, Sizewell and line link of both, uh, the nearby, uh, other, um, nationally important infrastructure projects have both done, uh, capturing of bulb styles to find out where roofs are. Yet none were done here, as far as I'm aware.

00:28:57:03 - 00:28:59:12

Thank you. Um. Doctor Riley.

00:29:00:01 - 00:29:32:23

Doctor James Riley, on behalf of the applicant. Yes. So, um, I don't know the precise details of the Sizewell service. Obviously, Sizewell have a great deal of surface infrastructure, including new roads and things which are which are permanently they're affecting the landscape. Um, but with regard to our project. So the process of capturing, uh, bats in order to then backtrack them to the locations is quite disturbing in itself. It requires a licence, so you only do it, or in my view, you should only do it when it is essential rather than just useful. Or no, I should say interesting to have the information.

00:29:32:25 - 00:30:00:01

What we are essentially doing in these locations is putting temporary gaps in hedgerows which, with the exception of one single hedgerow, will all then be replaced. Um, so given the nature of the temporary effects that we're having and that we are preserving connectivity for all species about that we use those areas we did not think and do not think it would generate essential evidence or necessary evidence to inform and change the impact assessment. Work to undertake. Backtracking. back. Tracking surveys.

00:30:04:08 - 00:30:04:23

Thank you.

00:30:05:09 - 00:30:21:10

Sorry. I should also add that no backtracking surveys were requested by any of the statutory consultees that we spoke to or the local authorities, either with regard to our surveys. Bearing in mind the scope of our ecological surveys was shared at the scoping stage with Natural England and other bodies.

00:30:21:20 - 00:30:31:24

Thank you. Um, I note that Matthew Denny has a hand up, but there is a first hand from Graham, uh, astutely.

00:30:33:03 - 00:30:42:20

Also. So Jane Jones for East Suffolk Council. This was to return to the point on fragmentation mitigation. So I don't know if you wanted to take Mr. Denny's point first or should I go?

00:30:44:04 - 00:30:48:01

Um, no, we'll take Mr. Lee's point first while talking about the bounce, please.

00:30:50:04 - 00:31:38:00

Okay. Thank you. Doctor Denny. Uh, representing seeds. Um, I mean, I would say that knowing where I understand that it's highly interventional to to capture bats. But at the same time, if you have someone who is licensed and suitably qualified, it shouldn't, uh, interfere overly. Um, and, uh, to know where the roots are. Uh, given that there was, um, evidence that they might have been very close to the, uh, to to the, uh, cable route, uh, would be would have been extremely useful to then know whether particular hedgerows should actually be subject to HDD rather than just, uh, the usual mitigation that you've talked about.

00:31:38:02 - 00:32:10:29

Um, and, uh, just touching on Sizewell itself, uh, and the projects and the, um, uh, bat surveys they did, they found, I think, something like nine different arboreal roosts, uh, of which some were nursery roosts. And that compares to and that's within the same broad landscape that Sealink sits. And that's compared to, I think, 3 or 4 known nursery routes elsewhere in the UK. So it gives an idea of how important the area might be.

00:32:11:01 - 00:32:22:17

Well, is and the area very close to Sealink might be for Barber stills. And that's why I think I would still say, well, why weren't further surveys undertaken given that context?

00:32:23:13 - 00:32:27:27

Thank you. That's noted. Um, East Suffolk Council on fragmentation.

00:32:29:00 - 00:32:59:17

Thank you, Sir James, for Suffolk Council. Yeah. Just to return to our concerns about the fragmentation mitigation that's been proposed and our sort of learning and experience from other similar projects that have been undertaken in the area. We maintain our significant concern about the ability to implement all of that temporary crossing mitigation across the cable route, and we've seen issues with being able to safely secure those sorts of features on the cable route and they have to be removed, returned every day and then every evening.

00:32:59:19 - 00:33:29:03

So every morning, every evening. And the time it takes to transport those pieces of and temporary mitigation out of the way, then return them storage for those. And it's a whole raft of issues we've seen come up on other things. Other projects of a similar nature. So I think we would just emphasize that we're still concerned about the actual deliverability of that mitigation across the cable route for the length of time it's going to need to be there. So that that's about stream.

00:33:29:16 - 00:33:33:16

Yeah. Thank you. And I'll take a final comment from Doctor Roland.

00:33:34:00 - 00:34:08:04

Thank you, Doctor Strange, on behalf of the applicant. Obviously we've been having these discussions with the with the Suffolk Council and I understand their point. I think first of all, the contractor. So so all the mitigation that we have been putting in here was reviewed by the engineering team on the project and all the relevant people who would be involved in that practical implementation before it was was included. Uh, including, you know, the measures we'd put in place, some of the measures that we have identified in the landscape and college management plan are more intensive, if you like, in terms of the care that would require others.

00:34:08:06 - 00:34:26:15

I go back to what I was saying earlier about fencing with mesh over it. That's not a difficult structure to create or move. Yes, it does introduce more and more a little bit more work than it would be if you didn't have to do it. But but it is not an unfeasible thing to create, and ultimately the contractor will do what they're directed to do by by their contract and by what has been committed to by National Grid.

00:34:29:04 - 00:35:06:08

Thank you. I think we'll move on to Kent. We've already touched on reptiles at the hoverboards in Kent, and I wanted to turn to the wider inland surveys. Um, Kent made a number of comments about reptiles, and particularly the impacts on Habitats and some of the mitigation measures proposed. I was hoping to have Kent here. Unfortunately they're not. Um, I note that in the comments on the local impact reports, uh, you know, willingness to continue to discuss approaches to reptile management suggesting that you had were having ongoing discussions.

00:35:06:10 - 00:35:08:20

Can you update on those discussions?

00:35:09:10 - 00:35:45:06

Doctor James Lily, on behalf of the applicant? Yes. That's correct. So, um, in their, I think, local impact report or possibly statement of common ground, we're working on apologies. Um, they have identified that the details that they requested, they would be content. Actually, I think it was in response to your first question, so I apologize. I think there was a response there, and they identified the content for a lot of the detail to be added to the the final length, if you like, rather than the, the Olympe at this stage, uh, notwithstanding that, we are making updates to the Kent Olympe as well for deadline for and that will include some further information to deal with some of the points that they've raised.

00:35:45:12 - 00:36:17:18

Uh, they didn't query anything on the surveys, but they did ask for further information about the timing of delivery of habitats and the ability of those habitats to support the species in question. And when you know the details about when these habitats will be delivered, how habitat will be cleared. So we are certainly still in dialogue with Kent County Council, and we are adding further information to the Olympe, which will hopefully address largely their concerns. Much of what they've asked for,

they have now acknowledged, would be they tend to be in the detailed lent, which obviously we will carry on talking about.

00:36:17:20 - 00:36:23:07

Um, it's all fairly standard stuff. It's just the nuts and bolts that they're asking for and put it that way. Okay.

00:36:23:28 - 00:36:26:20

Thank you. I'll review that at deadline four.

00:36:28:24 - 00:37:10:09

And if we can move on to impacts on trees. Um, I asked um, first written question one Jen, 43, about whether specific provisions should be included in article 51 relating to ancient veteran trees. Um, I'm specifically concerned that there are ancient veteran trees on the cable route alignment that could be affected by the works. And whilst you have reached provision A5, which secures commitment to retaining those trees. There'd be there appears to be a conflict with the overarching power in the order, um, that allows for the for the felling of trees or of any trees within the order limits.

00:37:10:23 - 00:37:11:29

Um, can the.

00:37:14:19 - 00:37:31:24

The sorry the applicant response suggest that's a, well, precedent approach? I'm just wondering if the local authorities can confirm whether felling of ancient or veteran trees has occurred on any of the other schemes, uh, referenced in the applicant's responses. So the applicant talks about, um, Bradford

00:37:33:09 - 00:37:37:01

Bradford's twin stood uh, and Sizewell in particular in the local area.

00:37:44:16 - 00:37:45:24

So if that.

00:37:45:28 - 00:38:16:27

Question was directed to the local authorities, which I think it was. So Michael Bedford, Suffolk County Council. So I'm afraid we'll have to take that away to ask the relevant people involved in the discharge of, uh, the, um, those schemes as to whether, in fact, there has been any instances where veteran or ancient trees have been removed as part of those projects and will obviously update you in the deadline for response on that.

00:38:17:19 - 00:38:23:11

Okay. Um, and sorry, we've got East Suffolk Council again.

00:38:25:18 - 00:38:37:23

Mark Westerman Smith for East Suffolk Council only to say, uh, we are in the same position and we will ask relevant officers to, um, review and report back in the next deadline.

00:38:37:25 - 00:39:01:12

I just wanted to pick up with one point, um, on article 51. So to clarify, the question is effectively have article 51 powers been used to fill ancient or veteran trees in Suffolk on the projects referred to by the applicant, which are cited? See and Branford, Winsted. And I'm looking to understand whether there is a risk around article 51 being used to remove ancient and veteran trees.

00:39:02:28 - 00:39:04:10

Uh, East Suffolk Council.

00:39:07:16 - 00:39:37:20

Thank you, sir. Mark Westman Smith for East Suffolk Council. Uh, we we will, as we indicated earlier, come back to you in writing on this, but I can give you, um, as a benefit of that short break, uh, an early indication that veteran trees were felled as part of the Sizewell C projects. Part of that project there was the two village bypass. And, um, at the end of that bypass, a number of veteran trees were felled.

00:39:37:22 - 00:40:10:06

But the distinction there being that was part of the assessment of effects. It was known that those veteran trees were going to be felled and intended that they would be felled before that conclusion was arrived at, but alternatives were considered, and an alternative for that bypass was going through an ancient woodland, and it was considered that felling a smaller number of veteran trees was preferable. So those effects were assessed, um, and understood.

00:40:10:14 - 00:40:46:14

Uh, the position here is, of course, that the intention is to retain the veteran trees, but, uh, article 51 is not prescribed in any way so as to prevent it being used for the er, for felling or lopping er, veteran trees. And in those circumstances, it might be appropriate to consider circumscribing that power so as it doesn't apply to the veteran trees we have identified and understood to be preserved in situ for the purposes of this scheme.

00:40:47:03 - 00:40:47:21

Thank you.

00:40:48:06 - 00:41:00:02

Thank you. I'm interested in the applicant's response, but I'm conscious of time. Uh, I think it's something we could roll over to the DCO hearing on Friday. If you'd be able to come back with a response, then.

00:41:01:06 - 00:41:04:28

For the applicant. Absolutely. So I think that's a more appropriate place for that discussion.

00:41:08:12 - 00:41:11:10

There. Are you about to now move from article 51?

00:41:11:12 - 00:41:13:08

I am yes, yes.

00:41:13:10 - 00:41:47:06

Well, so can I just say sorry? Michael Bedford, Suffolk County Council. You will have seen that there are some wider issues on article 51 which have been raised in, uh, certainly our representations and in particular issues around, uh, replacement tree provision not being required. I'm not going to develop those points. I just wanted to register those points and say that if we include in our post hearing submissions are signposting to those points, that would be, I think, preferable to you rather than us elaborating those this morning.

00:41:47:08 - 00:41:48:29

Thank you. Yes, thank you sir.

00:41:50:20 - 00:42:06:14

Um, if we move on to implications of the proposed attenuation pond, um, this is shown on sheet one of seven of the indicative general arrangement plans in KRW 1024. Um, and it's to the south side of the access and the river bridge proposal.

00:42:09:06 - 00:42:15:25

Um, would the applicant be able to display, uh, CR 1024

00:42:17:19 - 00:42:44:00

uh sheet 107 so we can, uh, in fact, we can see there. So the, um, the attenuation pond is almost directly adjacent to, uh, veteran trees. So we've got, uh, trees T eight, seven, five S and G874S and I wondered what, um, what regard had been given to impacts of the excavation of those drainage ponds on, um, the veteran trees.

00:42:44:18 - 00:42:54:10

So I reckon for the applicant, um, so we have got, uh, Mr. Olly Laycock here and he is the arboriculture lead for the applicant. So if I could ask him to deal with that question.

00:42:56:22 - 00:42:58:22

Uh, Olly Laycock for the applicant.

00:42:58:29 - 00:43:00:00

Um, so.

00:43:01:01 - 00:43:01:16

We.

00:43:01:18 - 00:43:25:28

Did have a figure. Could we get a figure up of the tree protection plan? Um, and if you can zoom in on that area. Uh, so we've undertaken, uh, an hour of cultural impact assessment and reviewed the, the position of the pond. And we're happy that, uh, there is no interaction between the route protection areas of the veteran trees and the pond and the area required to construct it.

00:43:27:19 - 00:43:31:01

And is the, um, is there any,

00:43:32:26 - 00:43:39:12

Is there any drainage associated with the pond itself, or is it directly discharged into the river from us here?

00:43:40:02 - 00:43:56:04

Uh, as I understand it, as seen on the plan, there's the pipe from the road, and then there will be a pipe that goes to the from us. Uh, the alignment of the pipe is indicative and will be repositioned at the detailed design stage to avoid, uh, a category a high quality tree. That's next.

00:43:56:11 - 00:44:01:24

And it doesn't have any potential to change sort of groundwater flows in the area and then affect the raising of the trees.

00:44:01:27 - 00:44:19:06

Uh, no, the, um, the intention of the attenuation pond is purely to capture excess water runoff from the road. So we do not believe this will interact with the hydrological, um, conditions on the site adjacent to the ancient and veteran trees.

00:44:22:23 - 00:44:27:16

Thank you. Uh, did uh, SF Council wish to comment?

00:44:32:07 - 00:44:48:15

Mark Smith for East Suffolk Council. We've considered the various plans and our content, um, that the, uh, attenuation pond is outside of the route protection, uh, area. And so we are content on this point.

00:44:52:15 - 00:44:55:19

Thank you. And nothing from Somerset County Council.

00:44:56:09 - 00:45:19:13

So I think Michael Bedford, Suffolk County Council, our concern was just to ensure that there was adequate consideration at the detailed stage when that pond is sited, to ensure connectivity in terms of wider habitat matters. But that wasn't directly addressed to your point, which was particularly about impact on trees. And I think we haven't taken a different position to what East Suffolk has said about that.

00:45:19:15 - 00:45:48:28

Okay. Thank you. Um, we return to Kent in Natural England's deadline. Three comments on Kent ecological. ecological issues. It's just that tree works in the sandwich Bay and Hickling Marshes Site of Special Scientific Interest should be carried out outside the full breeding season March September inclusive and rather than between July and February, as stated in provision B 65 of the risk. Can you explain why full seasonal restriction is not possible?

00:45:50:15 - 00:45:51:16

This is the applicant.

00:45:53:10 - 00:46:00:10

Doctor Jones, on behalf of the applicant. Um, can you just remind me, is this to do with commitment? Be 65? Did you mention.

00:46:00:16 - 00:46:02:04

Yes. React B 65.

00:46:02:06 - 00:46:03:22

Yes. So, um.

00:46:08:10 - 00:46:49:01

Yes. Sorry. I was just reviewing the text of that. Of that measure. So the reason why we have said March to June inclusive, uh, is that, um, that is the core of the nesting season, essentially, uh, and means that, uh, while you do get species that breed on into September with double broods. In order to preserve the well, the greatest likelihood encountering nesting birds is during March to June. Now, that said, in practice, uh, whenever you did that vegetation cutting, um, you would undertake a investigation, an ecological investigation to ensure there weren't any active nests present.

00:46:49:12 - 00:47:19:21

Um, so, I mean, that's a standard practice that you would do. So I think, uh, we wanted to restricted there because we there is there is the opportunity. So you've got to bear in mind there's a relatively small number of trees that may or may not ever actually need tree height reduction in the future. You know, to avoid them interfering with that overhead line. Um, so if those individual trees don't actually have any bird's nest in them, then then it gives more flexibility to nonetheless remove them, um, and not remove them.

00:47:19:23 - 00:47:37:29

I beg your pardon? To trim the height of those trees in that area without actually interfering with the requirements. Now, in practice, we would be open to amending that period. If Natural England continue to maintain their position that they would like it to have the whole period. But that's the reason why we kept that narrower restriction.

00:47:43:03 - 00:47:46:21

And did that district council want to comment?

00:47:51:22 - 00:48:01:17

Helen Johnson, District Council, we don't have any further comments to make at this point. If we have anything further to add based on the representations we'd make the deadline for in writing.

00:48:02:05 - 00:48:02:23

Okay. Thank you.

00:48:02:25 - 00:48:03:10

Thank you.

00:48:12:28 - 00:48:18:29

So just to clarify, so the rank will secure both construction and operational

00:48:20:16 - 00:48:21:17

Activities.

00:48:22:11 - 00:48:44:28

Yes, it will so be 65 explicitly refers to tree high reduction which which is an operational point. So at some point in the distant future, it may be the case that those trees under the new overhead line need a little bit of height reduction to ensure they interfere with it. They're well beneath it already. That's that's discussed in the ecology chapter. Then you have a commitment. Um,

00:48:46:17 - 00:49:03:20

second one I just check it B02, which states that the assumption will be that vegetation with the potential support breeding birds will not be removed during the breeding bird season. If any works become necessary during the breeding, bird saving works will be supervised by an ecological clerk of works. And that is a that is a general measure that would apply across the board.

00:49:10:05 - 00:49:40:25

If we can move on to, um, securing biodiversity in that game, um, the applicant's response to what he calls 67 states that it's committed to achieving 10% net gain, and that's a corporate commitment. And I remain unclear how this is actually secured by the development consent order. And if it's not secured, what reliance the examining authority can place on the applicant's net gain proposals, and what weight can be placed on the proposed 1,010% net gain in our recommendation report? Can the applicant comment?

00:49:40:27 - 00:49:54:03

Yes. Sorry for the applicant. Um, so yes, um, we can comment on that, um, and how it's secured. And I'm going to ask Mr. Seb Stevens, who is the senior project manager for the applicant.

00:49:57:06 - 00:50:11:18

Seb Stevens for the applicant. Um, yes. So we refer in our biodiversity net gain feasibility report, of course, to securing the enhancements via a suitable legal mechanism. Uh, that mechanism will be a section 106 unilateral undertaking with the local authorities.

00:50:16:12 - 00:51:00:14

And this. Thank you. That's very helpful and reassuring. Um, this may link to comments in the applicants deadline. Three statements of Common Ground with Dover District Council, where the applicant suggests that it may class certain habitat creation measures as non-significant enhancements, where they don't deliver a large number of units or cover a large area relative to the size of the order limits, and suggests that non-significant enhancements don't require a 30 year monitoring period and that only significant habitat creation would be secured by legal agreement. Could you just explain that position to me? And what I'm particularly keen to understand is which then of the proposed habitat creation measures would actually fall under a legal agreement or be part of the net gain proposals.

00:51:03:13 - 00:51:35:03

Said Stevens. For the applicant, yeah, I can do my best. Um, the biodiversity net gain will be reviewed post, um, delivery, of course, to make sure that, um, we understand how we've interacted with the environment and what our obligations are as far as PNG is concerned. Um, the section 106, you will commit us to deliver as far as our corporate commitment is concerned. Quite how the, uh, the metric, um, relates to that and the specific, uh, enhancements that will be captured are marked to defer to a more ecologically minded colleague.

00:51:41:07 - 00:51:45:05

Cyrus Shaikh for the applicant. I think that's something we'll have to come back to you on.

00:51:45:29 - 00:51:57:01

Thank you. Yes. I suppose my concern is it appears that on the one hand, there is a commitment. And then on the other hand, it appears that many things are potentially being removed from that commitment. So I just want to understand what the parameters are.

00:51:57:06 - 00:51:58:20

Understood. Thank you.

00:51:59:07 - 00:52:01:11

Um, East Suffolk Council has a hand up.

00:52:03:17 - 00:52:48:17

Thank you, sir. Mark West and Smith for East Suffolk Council. Uh, so we shared your desire for further information as to how, uh, B n g um, uplift could be secured. Um, for the first time, we've heard it confirmed that the idea is through a section 106 obligation. The indication provided is that that would be a unilateral obligation. Um, the preference, um, for the local authority is that that would be an agreement in particular, because BNG does require monitoring and provision for that.

00:52:48:19 - 00:53:25:11

Monitoring needs to be established in any obligation. But however it's proposed to be put forward, um, the council, whether it's unilateral or otherwise, needs to see such a draft agreement and be afforded the opportunity of commenting upon it and informing you of our position as to whether or not it does actually properly secure, um, the BNG. So we welcome the further clarification, but it just opens up a further question, which is, well, what's that proposed obligation going to say and is it satisfactory.

00:53:25:13 - 00:53:39:27

And so we would urge the applicant to put forward a draft, um, either through you and the examination, um, or in the first place, directly to the council, um, and then later to the examination.

00:53:41:05 - 00:53:41:23

That's to.

00:53:41:25 - 00:53:44:02

Reflect on that position. Thank you.

00:53:46:23 - 00:54:19:19

Sir. Sorry, sir. Michael Bedford, Suffolk County Council, without repeating, obviously, those concerns by Mr. Westmoreland Smith. Can I indicate that we would certainly appreciate some greater clarification as to the mechanism that is being proposed in relation to being. And also it would be helpful to have confirmation from the applicant. Because there seems to be some confusion in some of the documents from certainly our reading of the BNG feasibility report.

00:54:19:21 - 00:55:04:28

That's rep on A0 25 at paragraph 5.2.1, that certainly on our reading of it, appears to commit to a 30 year period for the management of the bag that is to be delivered. But we've read in some of the other documents different time periods for maintenance of things which might have been counted as part of being. So all we want is clarification that it is definitely the case that that commitment in 5 to 10 of the feasibility report is the intention for the BNG, and that is what we will then expect to see in the draft, unilateral undertaking or other agreement that comes forward.

00:55:05:00 - 00:55:11:21

Yeah, it would be helpful. I mean, if that if that is as simple as clarifying that. Now that would be much appreciated on our part.

00:55:12:18 - 00:55:18:10

Is the applicant in a position to clarify at this point in time, or is that something that can be wrapped up in your response?

00:55:18:15 - 00:55:53:25

I think that Sara Shaikh for the applicant that will be wrapped up in our response, but I can say, I mean the intention. I'm just picking up a few of those points is that although the intention is that it should be a unilateral undertaking, that, of course, is an is ultimately, um, has the same enforcement powers as a section 106 agreement. It's exactly the same thing. Um, in terms of the approach that the applicant would be taking is it's intending to actually submit draft heads of terms shortly to the local planning authorities for comment, and a draft undertaking is intended to be submitted to the examination at a later deadline.

00:55:53:27 - 00:55:58:12

So in that process, hopefully a number of these points will be picked up.

00:55:58:14 - 00:56:00:21

Are you able to confirm that specific timeline?

00:56:00:23 - 00:56:04:14

I can ask Mr. Stevens to comment.

00:56:15:08 - 00:56:28:23

Said Stevens. For the applicant, we can't give an exact date particularly, but the heads of terms will be socialised with local authorities imminently and as the case, he says, will submit a draft undertaking into the examination at a later deadline.

00:56:29:24 - 00:56:30:15

Thank you.

00:56:44:24 - 00:56:45:23

Up from Suffolk.

00:56:48:27 - 00:57:33:13

Thank you sir. Marianne Fellowes, Aldeburgh resident. Um, with regard to biodiversity net gain. I'd like to also ask you to assist with the fact that it's not just a 10% gain, but it's, um, compensating for the loss of habitats that the project will cause. You are aware, I'm sure, of the consultation by the Department of Environment, Food and Rural Affairs last year, which is going to propose, we believe, that there will be compulsory biodiversity, net gain, um, in measurable, um, amounts that will leave in CIP sites in a better state than before the development took place.

00:57:33:15 - 00:58:16:26

But unfortunately that only closed in July. We won't get that till May this year. But, um, I did want to say in terms of the applicants document, the table that lists the actual loss. Um, it's a bit confusing because although there's a gain, a small net gain in hedgerow and watercourse in Suffolk, there is going to be quite a demonstrable loss in terms of area units of minus one 187.69. Um, so if you add that you want to be in a position of 10%, which has to be measured actually at the end of the construction, not into the future, so it has to be achieved at the end of construction, you'd be looking at 2.5, 7.47.

00:58:16:28 - 00:58:17:16

That's I think.

00:58:17:18 - 00:58:18:11

Quite a bit.

00:58:19:02 - 00:58:29:03

If I can interrupt, it's sounding like quite a detailed point. I think it's something that would be suitable to put in writing if you have a point to make, and if that can be submitted. Well, the principal, thank you.

00:58:29:05 - 00:58:53:28

I include small detail just to give the context. But the principal question I'm asking you, sir, is if if you would be looking not just to, um, put into the DCO how the gain would be established, but it would be also to recognise that it is significant amount that would need to cover the gap plus the gain of 10% going forward.

00:58:54:17 - 00:58:57:28

I think that's recognised in the discussions. Thank you, thank you.

00:59:01:25 - 00:59:06:26

And if we can move on. We just need to take a moment to confer with a colleague.

01:00:00:19 - 01:00:35:16

Apologies for the momentary pause. We're rather overshooting our timelines. Me in particular. So I'm looking at ways to shorten the questions. So some of these will go into action points. And instead I will just focus on absolutely key ones. I think the first one that I want to ask relates to works in Peggle Bay. Um, if the applicant could display figures 6.4457 and eight, uh, which is the projected maximum noise levels for phases one and two and phases three and four.

01:00:38:24 - 01:00:46:01

Uh, it's rep 302600.

01:00:50:22 - 01:00:54:15

Uh, could everyone mute their microphones, please?

01:01:08:11 - 01:01:46:06

I think it would be particularly helpful if we could turn to the second of the two figures. Yeah. Um, the applicant's original assessment of noise impacts from works in Bedwell Bay. Um, in app 078, the Marine ornithology chapter suggested that sensitive breeding areas around the mouth of the River Stour were greater than 350m away from the worst case significant noise disturbance and 500m from sensitive high tide water bird roost locations. In light of the new noise figures, does this analysis remain correct, especially when taking into account the extent of the limits of deviation i.e.

01:01:46:15 - 01:01:54:09

if you moved your work substantially towards the south with that impact assessment still may remain Correct.

01:01:55:16 - 01:02:09:06

Sir. For the applicant. So for these questions, it's, uh. Mr.. So, doctor James Riley, uh, supported by, um, Mr.. Neil Gates, who's the owner of this ornithology lead for the applicant.

01:02:11:27 - 01:02:13:27

Uh, Neil Gates, on behalf of the applicant.

01:02:14:03 - 01:02:16:00

Um, so I suppose, yes.

01:02:16:02 - 01:02:17:12

In short, if you took.

01:02:17:14 - 01:02:17:29

The.

01:02:18:01 - 01:02:53:10

The maximum limits of deviation, then those distances not necessarily be applicable. Sorry. Could you speak up? Oh, sorry. Can you hear me on that? Yep. Um, so I suppose. Yes. Uh, the distances that are quoted in terms of the visual disturbance, in terms of waterbirds using the river mouth for

roosting, um, are based on sort of the indicative working areas and the, the main core works within those. Um, we obviously acknowledge that the limits of deviation take it a lot closer to those areas.

01:02:53:12 - 01:03:09:05

Um, so those distances, uh, would not necessarily apply. So I suppose that the underlying question is how can you, uh, guarantee that an adverse effect on integrity won't happen by virtue of moving the works within the order limits?

01:03:11:04 - 01:03:30:14

Uh, Neil Gates to the applicant, I think would probably have to take that away and defer to other colleagues. Um, about the the likelihood of moving those works within the wider limits of deviation, because obviously that takes it a lot closer to sensitive receptors. Yeah. Okay. Thank you.

01:03:32:06 - 01:03:35:00

Uh, when would you be able to come back with a response?

01:03:39:16 - 01:03:49:16

For the applicant? Um, as soon as feasibly possible. Uh, well, if we say by deadline for the deadline. Thank

01:03:54:17 - 01:04:12:20

If we move on to impacts and mitigation for functional link land, and in developing its proposals for mitigating effects on functioning land at the proposed Minster converter station site, can the applicant explain how it's also taken into account? Operation Turtledove in its mitigation proposals.

01:04:16:23 - 01:05:03:03

Doctor James Riley, on behalf of the applicant, um, Operation Turtle Dove has not been explicitly taken into account of the taken into account with the proposals for the mitigation of functionally linked land for gold and plovers. Uh, because obviously that's an unrelated thing. The mitigation of function in the land is largely a point driven by the Coast to Spa, uh, Stamp Coast and Sandwich Bay spa and its golden plover populations. And that's where the functioning land there, however, um, turtle Turtledoves broadly will use the kind of woodland planting and woodland edge habitats that we are planting around the converter station, so the kind of habitats that we're planting will actually be beneficial to, to turtledoves, uh, anyway, around the converter station.

01:05:03:05 - 01:05:06:12

So it's not a mitigation of functioning land point as such.

01:05:08:02 - 01:05:10:16

Thank you. Um.

01:05:18:03 - 01:05:32:16

Is an ongoing dispute with the Kincaid Council regarding quantity, quantity of land required to mitigate for impacts on Skylark. Can the applicant just explain whether there's an industry standard metric that should apply when calculating the area for replacement land for Skylark.

01:05:33:12 - 01:06:04:09

Uh, doctor James Island path of the applicant. The short answer is no. Um, there is a rule of thumb, uh, which is only a rule of thumb. You couldn't call it a standard metric. I'm not even sure it's published anywhere, but it's just something that ornithologists seems to have developed, which is to deliver, to scale up plots for every territory lost. Now we're losing one territory permanently. So we are delivering more than that because we're delivering four scallop plots per hectare on the mitigation land, which is ten hectares in size. So we're well exceeding the requirements for permanent habitat loss there.

01:06:04:13 - 01:06:36:17

Um, we have undertaken more. That is only a rough rule of thumb. We've undertaken a much simpler calculation, to be honest, which is bearing in mind that the mitigation is mainly driven by the golden plovers. But we have said, well, look, we are losing a field of I think it's 11 hectares in size, which is used by one skylark pair. We are creating or enhancing ten hectares of farmland in a way to deliver twice the number of recommended skylark plots. Now, yes, that won't give you twice the number of pairs of Skylark. It doesn't work out that way, but but it will certainly make the area highly suitable for skylarks.

01:06:43:00 - 01:06:43:21

Tim.

01:06:45:06 - 01:06:47:06

So just move on to.

01:06:49:29 - 01:07:20:18

Out of Thames estuary. This is a slightly longer item than I think we're going to get through in ten minutes, so I think I will. Cut to the chase. There are a series of questions that I had. They are effectively intended to understand exactly what it is that gives rise to disturbance to red throated diver, what the exact mechanisms are. So that's something I would like some more details on. But within the ten minutes that we have remaining, I think we're going to be able to cover that.

01:07:20:20 - 01:07:59:05

So the the key, the absolutely fundamental question is, um, in light of the fact that Natural England is indicating, um, that there is the potential for an adverse effect on integrity of the Thames Estuary due to impacts on red throated diver from vessel movements, and that paragraphs 5.4.2 7 to 5.4 .29 of the MPs in one. Suggest that information to inform a potential derogation should be provided, where the SNCB indicates that a proposed development is likely to have an adverse effect on the integrity of the designated European sites.

01:07:59:08 - 01:08:01:27

Should a derogation case be provided?

01:08:06:12 - 01:08:38:15

Neil Gates with the applicant. Um, so in terms of the main impact disturbance to red throated diver, um, from vessel, sort of the installation of the, the cable and the vessel movements associated with that, there is a seasonal restriction in place, um, which prevents those installation works being

undertaken within essentially the season when red throated diver are present in the outer Thames Estuary spa. Uh, there are a number of um, lower level activities which are excluded from that for, um, sort of engineering purposes.

01:08:38:17 - 01:09:13:03

Uh, and we've provided details in terms of why we believe and why the assessment, and then sort of concludes no adverse effects on integrity based on the low level of vessel activity, the nature of those vessels, the duration, the transiting they may, may make along the route. However, we do note that both JNC and Natural England require a bit more information or clarity on the on the quantitative assessment behind that. So again, we are working with both those statutory bodies to provide the additional clarity which they require on that aspect.

01:09:13:05 - 01:09:16:28

So you are doing that quantification exercise. Yes. Okay.

01:09:21:02 - 01:09:21:17

Um.

01:09:32:14 - 01:10:06:00

I suppose my my main concern is really in operation. Actually I have two particular concerns. One is the grapple, one being outside the, uh, the seasonal window, uh, which obviously could impact on red throated diver. And that clearly relates to the quantification exercise. So won't dwell on that. But it's the 2 to 6 months of potential maintenance works. And it's an unusual position where it might never happen. But with two six months of uh vessels operating within the Ouse Thames Estuary, is there a need in that sort of situation for the derogation? Potentially.

01:10:08:21 - 01:10:13:07

Neil Gates for the applicant. I'll just pass over to my colleague Sarah Edwards to comment on that.

01:10:15:20 - 01:10:58:07

Sarah Edwards for the applicant. And just to clarify, around that six month period, um, the six month period was stated as a period of duration over which, um, repairs may be, may occur. Um, but the actual works would probably be more like two months, so they wouldn't occur for the six month, it wouldn't be actual physical operations for a six month period. And we it was just included, um, on the basis that, you know, a repair could take that long to fix because it's subject to vessel availability and how quickly, um, vessels can mobilize to complete those repair works.

01:10:58:09 - 01:11:06:05

Um, but the actual duration of the physical repairs would be much shorter than that six month period and be closer to two months.

01:11:07:14 - 01:11:17:00

Okay. But the fact remains that there would be a substantial amounts of activity potentially within the outer Thames Estuary impacting on red throated divers.

01:11:19:08 - 01:11:23:17

Yeah. We will include this in the quantification work that we're doing. Okay.

01:11:26:19 - 01:11:59:22

So Neil Gates for the applicant. Yes. Just uh, just to clarify, that will include the construction activities which are excluded at the moment, such as the preload grapple run, plus any potential monitoring or potential maintenance activities that may be required. Yeah. Okay. Uh, I suppose the, um, vessel numbers, uh, sort of more clarity around vessel numbers and potentially drawing on other transmission works and sort of typical repair frequencies for other transmission works would be helpful for context.

01:11:59:24 - 01:12:06:28

In that case, you'll go to the applicant. Yes. Understood. Thank you. Um, I think.

01:12:17:21 - 01:12:19:10

Given where we are with time

01:12:21:04 - 01:12:21:22

to.

01:12:24:27 - 01:12:35:15

Okay. One last point then. Sorry. Um, so on collision risk and mitigation. Um, I wanted to understand, um.

01:12:38:28 - 01:13:09:04

The use of the River Stour by, uh. By birds. Are they? How how effectively are they using the River Stour as they commute inland from the coastal areas? Are they effectively constantly crossing up and down the River Stour and therefore directly through the lines of the overhead lines, or are they moving in as. Excuse me. A more broad area along the river. Can you comment on that? Okay. To the applicant.

01:13:09:18 - 01:13:44:27

Uh, I think the simple answer is it probably depends on the species. Um, but the, the the key species that we're probably considering in terms of those associated with designated sites, yes, they are making direct movements backwards and forwards along the River Stour, essentially. So, uh, I think when we've looked at the collision risk assessment as part of that, obviously we're looking at how birds are interacting with the existing wire scape as well. So there are wires already crossing the River Stour both east and west of the proposed new overhead line.

01:13:45:06 - 01:14:18:04

Um, observations from surveyors are suggesting that those birds are seeing those wires and are taking, um, suitable precautions to avoid collision with them. Um, so yes. So in in the new situation, you will actually have a box junction. So as they commute down the River Stour, they will effectively hit the overhead lines. How would they normally divert from that routing in the existing wire scape.

01:14:18:11 - 01:14:46:03

Uh, so they go over the top essentially. So the birds um, to a certain extent, some will be habituated to it, but obviously the wires are visible as well. Most of the birds making those flights will be able to see those wires, and they take corrective action essentially, so they will adjust their height to fly over the top of the wires and some of them. The smaller species may make direct flights underneath, but on the whole the species go over the top of them.

01:14:54:25 - 01:14:59:03

Sorry, I've got a hand up from Becky Wing.

01:14:59:13 - 01:15:00:00

Yep, it's.

01:15:00:02 - 01:15:00:17

Councilor.

01:15:00:19 - 01:15:02:04

Becky Wing. Uh, I'd like.

01:15:02:06 - 01:15:02:21

To.

01:15:02:23 - 01:15:35:03

Ask the applicant what their collision figures are, because in 2003, 179 mute swans were killed in one incident. Uh, he may be. He may. He may be right in saying that, uh, in the daytime, the swans or birds can actually see their pylons, but, uh, if the weather's overcast or at night, it's a very, very different situation, and people who work on the marshes are often finding dead birds that are under the pylons, and clearly some of them still alive.

01:15:35:05 - 01:15:48:25

Actually. So I don't think they've taken this particular the pylons going, which there's going to be a substantial increase and a sort of a funnel sort of shape. We have a huge number of birds that overwinter.

01:15:49:07 - 01:16:03:17

Can I. Sorry. Can I stop you there? I think we're well aware of the the existing collisions and the issue with the swans. And that has been responded to by the applicant on a number of occasions within the written representations. And I.

01:16:05:21 - 01:16:36:24

The point about the funding and the night time issue, could the applicant just comment on that particular point and therefore whether there is a need for additional bird divers on the lines in that location? Bill gates for the applicant, in terms of funding, I don't see any funneling, reaction or interaction occurring. The birds are moving along the River Stour, following the flight path of following the path of the river essentially, so they are crossing over those existing wires.

01:16:36:26 - 01:17:10:06

There were obviously existing wires in the in the wider marsh landscape as well, which birds are having to interact with and take corrective measures to avoid currently. Um, so yes, I don't see the there being a funnelling, um, action occurring there in terms of divert as. Yes, the applicant is um, committed to putting converters on the the new section of line where it crosses the River Stour to provide that. I'm aware of the yeah. The new divert is at this particularly about sort of on existing lines.

01:17:10:08 - 01:17:40:17

Is there additional need for diversions on the existing lines given. Given that junction I think you're saying there isn't a funneling effect, therefore they're not required. Yeah. Neil Gates for the applicant. Essentially, no. The birds are already taking evasive action to avoid those. And this isn't going to add to that. And in terms of the council's point about the night time impact, uh, so again, Neil Gates for the applicant. Um, collisions tend to occur when there's really poor weather conditions, so low visibility, etc.

01:17:40:19 - 01:18:00:26

birds can see during the night. Um, but it tends to occur collision when there's poor weather conditions. And again, that's that extra layer of mitigation essentially that we're providing by putting divers on. So they are fluorescent panels which provide that extra, uh, visibility during poor weather conditions.

01:18:01:28 - 01:18:13:16

Uh, Doctor James, early on, just briefly, I don't want to dwell on it, but but just for the record, the collision that was mentioned in 2003, aside from being 20 years ago, was at Moncton, which is about three kilometres away of the location. Yeah.

01:18:16:10 - 01:18:16:29

Okay.

01:18:17:16 - 01:18:21:05

Are there any other comments on the bird collision risk issue.

01:18:27:02 - 01:18:28:24

And statements to Marsh's.

01:18:40:20 - 01:18:45:04

Sorry, I can sort of hear you, but you're not really coming through. Could you speak up?

01:18:45:06 - 01:18:45:29

Sorry.

01:18:46:09 - 01:18:55:15

Karen Mackenzie, who saved Mr. Marsh's. We would like to hear from the applicant how fluorescent panels can work at night when there's no light present.

01:18:58:06 - 01:19:02:18

Doctor James Rollins, if the applicant briefly. They absorb light during the day and the minute at night.

01:19:03:10 - 01:19:06:22

Is that throughout the entirety of the night period, or is that operation? I would have.

01:19:06:24 - 01:19:16:15

To check that. And my understanding is it is. Yes, but we'd have to double check that. But there are various methods you can use. But but one method is those that absorb light during the day and emitted to night.

01:19:16:17 - 01:19:24:16

Yet Could you come back with a formal response? It would be helpful if you could provide some kind of specification that demonstrates that that is actually feasible.

01:19:24:18 - 01:19:30:22

Yeah, I think I think in our chapter we will check that. I think in the chapter we did mention those type of reflectors. I'm.

01:19:31:03 - 01:19:37:13

Yeah, you mentioned fluorescent reflectors. But I think is that how long do they actually work for. And are they.

01:19:37:15 - 01:19:39:12

We can look into the specification out of that. Yes.

01:19:39:27 - 01:19:53:06

Thank you. Sorry. There we go. Would I just be able to quickly clarify that we're not relying on that as mitigation for the, um, avoidance of collision risk? That's just an extra layer of protection, essentially. Yeah.

01:19:54:03 - 01:19:56:09

Okay. Thank you. Um.

01:19:56:27 - 01:19:57:21

We're going to.

01:19:57:23 - 01:19:58:13

Adjourn now.

01:19:58:15 - 01:20:10:03

For 50 minutes, and we'll recommence at 2 p.m.. Um, just a reminder to everyone watching the live stream that you'll need to refresh your browser when you come back. Thank you.