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The M4 Motorway (Junction 23 (East of Magor) to West of Junction 29 (Castleton) and Connecting Roads) and The M48 Motorway (Junction 23 (East of Magor) Connecting Road) Scheme 201-

The M4 Motorway (Junction 23 (East of Magor) to West of Junction 29 (Castleton) and Connecting Roads) and The M48 Motorway (Junction 23 (East of Magor) Connecting Road) (Amendment) Scheme 201-

The London to Fishguard Trunk Road (East of Magor to Castleton) Order 201-

The M4 Motorway (West of Magor to East of Castleton) and the A48(M) Motorway (West of Castleton to St Mellons)(Variation of Various Schemes) Scheme 201-

The M4 Motorway (Junction 23 (East of Magor) to West of Junction 29 (Castleton) and Connecting Roads) and the M48 Motorway (Junction 23 (East of Magor) Connecting Road) and The London to Fishguard Trunk Road (east of Magor to Castleton) (Side Roads) Order 201-

The Welsh Ministers (The M4 Motorway (Junction 23 (East of Magor) to West of Junction 29 (Castleton) and Connecting Roads) and the M48 Motorway (Junction 23 (East of Magor) Connecting Road) and the London to Fishguard Trunk Road (East of Magor to Castleton)) Compulsory Purchase Order 201-

The M4 Motorway (Junction 23 (East Of Magor) to West of Junction 29 (Castleton) and Connecting Roads) and The M48 Motorway (Junction 23 (East Of Magor) Connecting Road) (Supplementary) Scheme 201-

The Welsh Ministers (The M4 Motorway (Junction 23 (East Of Magor) to West of Junction 29 (Castleton) and Connecting Roads) and The M48 Motorway (Junction 23 (East Of Magor) Connecting Road) and The London to Fishguard Trunk Road (East of Magor to Castleton)) Supplementary Compulsory Purchase Order 201-

Summary Proof of Evidence

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Ecology: Dormice and Water Voles

Document Reference: WG 1.19.2

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1 Introduction and Scope of Evidence

1.1 Personal Details

1.1.1 My name is Jonathan George Davies. I am Head of Ecology at Arcadis Consulting (UK) Ltd., and have over twenty years' experience as an ecological consultant. My academic qualifications include a BSc Honours Degree in Zoology and an MSc in Conservation. I am a Full Member of the Chartered Institute of Ecology and Environmental Management (CIEEM) and a Chartered Environmentalist.

1.1.2 The evidence I will give is based on my own conclusions regarding the potential effects of the Scheme on hazel dormice and water voles, and has been prepared in accordance with CIEEM's Code of Professional Conduct. I confirm that the opinions expressed are given in a fair and impartial manner and are my true and professional opinions.

1.2 Scope and Structure of this Evidence

1.2.1 My evidence addresses water voles and hazel dormice due to my personal involvement in the consultation process for these species and my previous consultancy experience with them on other major projects. My evidence is based on surveys scoped by myself but carried out by others, and my conclusions are based on both the assessment presented in the Environmental Statement and on the mitigation strategies that have been developed subsequently.

1.2.2 My evidence is concerned with the environmental assessment, scheme design and mitigation elements of the proposed M4CaN Scheme (hereinafter "the Scheme") in relation to hazel dormice and water voles. It is presented in the following structure:

- a) Introduction and Scope of Evidence
- b) Methodology and Consultation
- c) Baseline Conditions
- d) Potential Impacts of the Scheme
- e) Mitigation
- f) Residual Effects of the Scheme
- g) Consultees' Responses and Objections to the Scheme
- h) Conclusions

2 Methodology and Consultation

2.1 Survey Methodologies

Ecology Desk Study

2.1.1 A Desk Study for historic records of water voles and dormice was undertaken in 2014 (Appendix 10.2 to the March 2016 ES (Document 2.3.2)) and updated in 2015 (Document 2.3.2). The study area extended 2 km from the Scheme. The local records centre and NRW were consulted, and the results of previous surveys for the proposed 'New M4 Project' and for the M4 Widening between Junctions 29 and 32 were reviewed.

Field Surveys

Field Survey – Water Vole

2.1.2 Water vole field surveys were undertaken in 2014 and 2015 (Appendices 10.8 and 10.24 to the March 2016 ES (Document 2.3.2)). The 2014 survey area covered the route of the 2007/2008 proposed Scheme plus a 500m-wide surrounding buffer zone. The 2015 survey area was reduced to a 250m-wide buffer zone centred on the fixed alignment, as agreed with NRW. The survey included a Habitat Suitability Assessment and presence/absence survey.

Field Survey – Hazel Dormouse

2.1.3 Hazel dormouse field surveys were undertaken in 2014 and 2015 (Appendices 10.9 and 10.25 to the March ES (Document 2.3.2)), and in 2016 (Appendix SS10.1 to the December 2016 ES Supplement (Document 2.4.14)). Surveys comprised nest tube surveys and hazel nut searches.

Survey Effort

2.1.4 It is my professional opinion that the survey effort for both water voles and dormice, especially taking into consideration the additional work carried out since publication of the ES, has been sufficient to inform a detailed assessment of the potential impacts of the scheme upon these species.

2.2 Consultation

Natural Resources Wales (NRW)

2.2.1 NRW have been consulted on the scope and methodologies of the surveys and mitigation design, and regular meetings have been held throughout the development of the proposals. Consultation continues with a view to resolving outstanding issues.

Gwent Wildlife Trust (GWT)

2.2.2 RPS, on behalf of Welsh Government, met with Alice Rees (GWT Water Vole Project Officer) on the 11 October 2016 to discuss the water vole mitigation strategy. Consultation is ongoing.

Zoo Consultations

2.2.3 Consultation with both Neil Bemment (Paignton Zoo's Co-ordinator of captive breeding for Natural England's Dormouse Reintroduction Programme) and with Ian White of the People's Trust for Endangered Species (PTES) is ongoing with regard to support and advice for any dormouse translocation and/or captivity programme.

2.2.4 Bristol Zoo confirmed, during a meeting on 12 September 2016, in-principle support for any temporary dormouse captivity programme, should it be required. They have also been approached with regard to the potential to hold water voles in captivity during any translocation exercise, if necessary. Consultation is ongoing.

3 Baseline Conditions

3.1 Water Vole

Desk Study Results – Water Vole

- 3.1.1 Results of the desk study (Figure 1 of my Proof of Evidence) confirmed no statutory or non-statutory sites designated for water voles in the study area. However, GWT's Magor Marsh Nature Reserve is clearly of value for the species, as it is the site of their water vole re-introduction project. All records of water voles received were from the east of the River Usk, and predominantly around the Magor Marsh reserve.

Field Survey Results – Water Vole

- 3.1.2 Results of the field surveys (Figure 2 of my Proof of Evidence) confirmed the presence of water voles both to the east and west of the River Usk. Activity levels were greatest in and around Magor Marsh. Elsewhere, activity was more scattered, indicating less well-established populations.

3.2 Hazel Dormouse

Desk Study Results – Hazel Dormouse

- 3.2.1 Desk study results (Figure 6 of my Proof of Evidence) confirmed the presence of one non-statutory site designated due to the presence of dormice: Nant Mwlan Wood Site of Importance for Nature Conservation (SINC), to the west of the Castleton Interchange (and too distant to be shown on Figure 6). The majority of other dormouse records were from north of the existing M4; none were reported from the Gwent Levels.

Field Survey Results – Hazel Dormouse

Nut Search Results

- 3.2.2 Results of the nut search reported hazel nuts opened by dormice only in the Castleton area (Area O on Figure 5a of my Proof of Evidence).

Nest Tube Survey

- 3.2.3 Results of the nest tube surveys confirmed the presence of an apparently strong breeding meta-population in the New Park Farm/Castleton area (Figure 3a/b of my Proof of Evidence), and small populations on and adjacent to the Tata Steel Llanwern Steelworks site (Figure 3f/g), in the Knollbury area (Figure 3h), along Minnett's Lane (Figure 3i) and in one of the islands between the M4 and M48 at Junction 23 (within Area H on Figure 5i).
- 3.2.4 One probable dormouse nest was located in an area of naturally-regenerating scrub at the south-eastern tip of Coed Mawr woodland. It is currently considered that Coed Mawr is a suitable receptor site for translocated dormice, and that the value of the woodland for dormice will continue to increase as conifer plantation gives way to broad-leaved woodland. Further habitat assessments and nest tube surveys are due to take place here in 2017.

4 Potential Impacts of the Scheme

- 4.1 Without appropriate mitigation, the Scheme could result in:
- a) Loss of habitat (temporary and permanent)
 - b) Disturbance of habitats by pollutants (water voles only)
 - c) Flooding and drought (water voles only)
 - d) Displacement, disruption to movement and population fragmentation
 - e) Injuries and fatalities
- 4.2 With regard to habitat loss, it is estimated that the number of home ranges of female water voles that could potentially be affected by the temporary loss of reed habitat could vary between 19 and 49, whilst between 53 and 193 dormice (I consider a figure of around 100 to be most likely) might need to be displaced or translocated.
- 4.3 A more up-to-date assessment of the number of water voles and dormice that might need to be displaced and/or translocated will be possible following the further surveys for both species planned for 2017.

5 Mitigation

5.1 Water Vole

Draft Water Vole Mitigation Strategy

5.1.1 A *Draft Water Vole Mitigation Strategy* has been developed in consultation with NRW and GWT (Appendix SS10.7 of the December 2016 ES Supplement (Document 2.4.14)). The final strategy would include the measures described below, as well as long-term habitat management, especially for the SSSI Mitigation Areas.

Pollution and Flood Control

5.1.2 Evidence provided by Richard Graham (Document 1.15.1) confirms that the drainage design and the additional measures proposed to minimise pollution would ensure no likely significant effect on watercourses.

5.1.3 As described in Chapter 16 of the March 2016 ES (Document 2.3.2), the drainage system would cater for a 1 in 100-year storm event, plus a 30% allowance for climate change, thus ensuring protection of the watercourses used by water voles.

Pre-Construction Surveys

5.1.4 Pre-construction surveys would be undertaken to confirm the presence/absence of water voles from reens and ditches due to be affected, to assess the need to displace or translocate animals from working areas, and to identify receptor sites. This work would inform the final development of the *Water Vole Mitigation Strategy*.

Culverts

5.1.5 Culverts would be installed along the length of the Scheme (especially those sections within the Gwent Levels) to minimise impacts on water vole movement, as shown on Figure 2 of my Proof of Evidence and described in the *Revised Drainage Strategy* (Appendix 2.2 to the September 2016 ES Supplement (Document 2.4.4)), the *Reen Mitigation Strategy* (Appendix 2.3 to the March 2016 ES (Document 2.3.2)) and Chapter 2 of the March 2016 ES (Document 2.3.2).

Construction of Replacement Reens and Ditches

- 5.1.6 As explained in the revised *Reen Mitigation Strategy* (Appendix S2.1 to the September 2016 ES Supplement (Document 2.4.4)), the ratio of loss:replacement of reens and ditches would be just over 1:1. As explained in the evidence of Mr Ben Sibert (Document WG1.5.1), new reens and ditches for water voles would not form part of the direct motorway drainage system, and would include localised profiling and 'seeding' (with plant material taken from reens and ditches to be removed) to increase the value of the habitat for water voles.

Displacement and Translocation

- 5.1.7 As necessary, displacement or translocation from working areas would be undertaken (in accordance with Dean *et al.* 2016) to ensure that water voles are excluded from the construction site. NRW have indicated that displacement over distances greater than 50m would be considered in order to minimise the number of animals that need to be taken into captivity.
- 5.1.8 Receptor sites, and the details of the translocation methodology, would be agreed with NRW through the development of the final *Water Vole Mitigation Strategy*. No water voles would be displaced or translocated to receptor sites until it has first been confirmed that the habitat is in favourable condition, as set out in the *Draft Water Vole Mitigation Strategy* (Appendix SS10.7 of the December 2016 ES Supplement (Document 2.4.14)).

Monitoring and auditing

- 5.1.9 Regular monitoring of populations and habitats, and auditing of the mitigation, would be undertaken as agreed with NRW, and this would be specified in the final *Water Vole Mitigation Strategy*. Results would inform on-going management.

5.2 Hazel Dormouse

Draft Hazel Dormouse Mitigation Strategy

- 5.2.1 A *Draft Hazel Dormouse Mitigation Strategy* has been developed in consultation with NRW (Appendix SS10.4 of the December 2016 ES Supplement (Document 2.4.14)) and this will continue to be developed

throughout 2017. The final version of this document would inform the NRW dormouse licence application.

- 5.2.2 The strategy includes the measures described below, and will be updated following the pre-construction surveys and to take on board any changes agreed with NRW and other consultees (such as PTES and Paignton Zoo).

Pre-construction Surveys

- 5.2.3 Pre-construction surveys for dormice would follow the same methodologies used to inform the March 2016 ES and the *Draft Hazel Dormouse Mitigation Strategy* (Appendix SS10.7 of the December 2016 ES Supplement (Document 2.4.14)), and would be used to refine the displacement and translocation strategies.

Mammal Crossings

- 5.2.4 Dry mammal crossings would be constructed as potential safe crossing points between habitat of known or potential value to dormice (as shown on Figure 3 of my Proof of Evidence).

Lighting

- 5.2.5 As explained in Mr Barry Woodman's evidence (Document WG1.6.1), construction lighting would be directed towards areas of work and away from adjacent retained habitat of value to dormice.

Displacement and Translocation

- 5.2.6 Owing to limited habitat clearance and small estimated population sizes in parts of the Tata Steel Llanwern Steelworks site (Figure 3f of my Proof of Evidence), at Knollbury (Figure 3h), along Minnett's Lane (Figure 3i) and between the motorway slip roads for the M4 and M48 at Junction 23 (Figure 5i), it is proposed that displacement would be undertaken in these areas, if possible. Dormice would be gradually displaced into neighbouring habitat without the need for capture and translocation.
- 5.2.7 Conversely, at the western end of the Scheme, where dormouse populations and the extent of woodland clearance required are much greater, a translocation from working areas would be undertaken. This

could involve translocation directly to suitable areas of scrub and broadleaved woodland at Coed Mawr and/or taking the animals into longer-term captivity.

5.2.8 Eventually, dormice would be expected to move into the large areas of landscape planting on the Scheme from adjacent areas. It is unlikely that animals will need to be translocated into these habitats

5.2.9 Draft details of the displacement and translocation proposals are set out in the *Draft Hazel Dormouse Mitigation Strategy* (Appendix SS10.7 of the December 2016 ES Supplement (Document 2.4.14)). Since this document was published, there has been further consultation with PTES and Paignton Zoo, which will need to be taken into account in subsequent versions of the strategy.

Modification and Enhancement of Existing Habitat

5.2.10 Habitat enhancement of receptor sites for dormice would be undertaken prior to displacement or translocation. Measures would require land owner permission and, therefore, are likely to be confined to land within the CPO boundary and otherwise within Welsh Government ownership (including Coed Mawr woodland).

Habitat Planting

5.1.9 The planting proposals for the Scheme include 46.35 hectares around New Park Farm/Castleton and Berryhill Farm to replace 14.14 hectares of scrub and woodland due to be lost. Where practicable, coppiced stools of hazel and other shrubs would be lifted from the areas to be cleared and replanted in areas of woodland planting in the New Park Farm/Castleton areas. This would result in a more rapid development of suitable habitat for dormice.

Monitoring

5.1.10 Population and habitat monitoring would take into account the criteria for success published in Chanin (2014). The aim would be to confirm that the mitigation is successful, and to facilitate remedial action if and where it is not.

6 Residual Effects of the Scheme

6.1 Water Vole Effects of Land Take

- 6.1.1 Taking into account the mobile nature of water voles, the commitment to install and maintain culverts and mammal crossings at locations of value to water voles, the ditch/reen replacement ratio of just over 1:1, the design of replacement watercourses and water bodies, and the proposed measures to displace or translocate voles prior to construction, it is my opinion that the adverse effect of habitat loss would be, at worst, minor, and indeed there could even be a net gain.

Effects of Construction

- 6.1.2 Taking into account measures described in the *Pre-CEMP* (Appendix SR3.2 of the December 2016 ES Supplement (Document 2.4.14)) and the *Draft Water Vole Mitigation Strategy* (Appendix SS10.7 of the December 2016 ES Supplement (Document 2.4.14)), in particular measures to displace or translocate water voles from working areas, it is my opinion that the assessment of the effect of construction on water voles reported in Chapter 10 of the March 2016 ES (Document 2.3.2) is correct, that is, that the effect would be minor adverse and of slight significance.

Effects of Operation

- 6.1.3 Taking into account operational mitigation, in particular the pollution control measures, the maintenance of the culverts, the long-term monitoring of displaced and/or translocated water voles, and the long term maintenance and management of habitats within the operational boundary of the Scheme and the SSSI Mitigation Areas, it is my opinion that the assessment of operational effects reported in Chapter 10 of the March 2016 ES (Document 2.3.2) is correct, that is, that the likely magnitude of impact on water voles would be no more than minor adverse or of slight significance.

Overall Effects on Water Voles

- 6.1.4 Considering the above, it is my opinion that the assessment of overall effect reported in Chapter 10 of the March 2016 ES (Document 2.3.2) is correct, and that the likely significance of effect on water voles would

be slight adverse, largely due to the temporary disruption to the local population during the construction phase.

- 6.1.5 Over time, as the new watercourses, SSSI mitigation areas and WTAs continue to mature, and the animals' familiarity with the Scheme (and in particular the culverts) develops, the long term adverse effects are likely to diminish further. Significantly, the total amount of water vole habitat will not have decreased (indeed it will have increased) and the ability of the population to expand further into currently-unoccupied territories will be unaffected.

6.2 Hazel Dormouse

Effects of Land Take

- 6.2.1 In the long term, the woodland planting proposed as part of the Scheme would result in an increase in the amount of woodland of potential value to dormice, especially in the main area of dormouse disturbance and habitat loss (i.e. the New Park Farm/Castleton area).
- 6.2.2 However, the dormouse populations due to be affected would require replacement habitat with immediate effect. Therefore, measures of habitat enhancement for those dormice displaced into areas adjacent to the Scheme, combined with translocation to a favourable receptor site, as detailed in the *Draft Hazel Dormouse Mitigation Strategy* (Appendix SS10.4 of the December 2016 ES Supplement (Document 2.4.14)), would ensure that sufficient favourable habitat would be available and that the short-term loss of habitat that currently supports dormice is mitigated.
- 6.2.3 Taking the above into account it is my opinion that the assessment in Chapter 10 of the ES (Document 2.3.2) of likely effects of land take on dormice is correct, and that the significance of effect would be no more than slight adverse. Indeed, I consider that in the long term the woodland planting proposals proposed to offset the land take would be beneficial.

Effects of Construction

- 6.2.4 Given that the majority of the dormice that would be affected currently reside on a light and noisy motorway verge, and taking into account the mitigation measures to be implemented prior to and during

construction, in particular the displacement and/or translocation of dormice to favourable pre-prepared receptor sites in accordance with an NRW licence (as detailed in the *Draft Hazel Dormouse Mitigation Strategy*, Appendix SS10.4 of the December 2016 ES Supplement (Document 2.4.14)), it is my opinion that the assessment reported in Chapter 10 of the March 2016 ES (Document 2.3.2) is correct, and that the impact of construction on hazel dormice would be minor adverse, and of no more than slight significance.

Effects of Operation

- 6.2.5 Measures to limit light spill would minimise the potential disturbance effect of lighting, and any dormice occupying the new woodland planting would soon become habituated to any noise (as is the case with the existing populations on the M4 verges).
- 6.2.6 Movement of dormice in the areas around the existing M4 junctions is already limited by the presence of the M4. Although new junctions would increase disruption to movement, proposed planting would enhance habitat connections and result in a long-term increase in woodland of potential value. It is considered that dormice would be unlikely to cross the open expanse of the new road, thereby minimising the likelihood of injuries or fatalities. In addition, mammal crossings would provide potential routes across the new road, minimising possible population fragmentation in the longer term.
- 6.2.7 It is therefore my opinion that the assessment reported in Chapter 10 of the ES (Document 2.3.2) is correct, and that the impact of the operational phase on hazel dormice would be negligible adverse leading to effects of neutral or slight significance.

Overall Effects on Dormice

- 6.2.8 Taking into account the various mitigation measures discussed above, in particular the displacement and/or translocation of dormice from the footprint of the Scheme (as detailed in the *Draft Hazel Dormouse Mitigation Strategy*, Appendix SS10.7 of the December 2016 ES Supplement (Document 2.4.14)), the extensive habitat planting, the monitoring of populations, and the maintenance of mammal crossings, it is my opinion that the magnitude of the likely impact of the Scheme on hazel dormice, at least in the short term, is assessed correctly in the

ES (Document 2.3.2) as minor adverse, which would have an effect of slight adverse significance.

- 6.2.9 In the longer term, however, once new planting has matured sufficiently to support dormice, overall habitat availability would increase, populations could expand and there would be potential connections under the road that do not currently exist for dormice. Furthermore, the proposals to use translocated dormice to start a new colony in Coed Mawr, where the existing conifer plantation is due to be replaced with broadleaved woodland, combined with the very extensive woodland planting within the Scheme boundaries (considerably more than is being lost), means that the proposals could lead to a significant expansion of the range of dormice in the wider area.
- 6.2.10 On the basis of the dormouse mitigation strategy that has been developed since publication of the ES, I therefore consider that the Scheme is likely to result in a net beneficial effect for dormice in the long term.

7 Consultees' Responses and Objections to the Scheme

- 7.1 I have addressed the relevant points raised by the consultees in relation to dormice and water voles in my Proof of Evidence.
- 7.2 Concerns were raised by NRW, GWT and Newport City Council with regard to survey effort and mitigation. Given that survey extent and methodologies were agreed with NRW through a detailed scoping process, and that surveys have now been undertaken over a period of at least three survey seasons, I consider that this is certainly sufficient to inform a robust assessment of the issues and, critically, an effective mitigation design.
- 7.3 With regard to mitigation, detailed strategies for both water voles and dormice have been progressed, in consultation with NRW and others since the ES was published, specifically to address consultee concerns over the detail and approach. Pre-construction surveys, and further consultation, will be undertaken in order to inform the final mitigation strategy for each species.

8 Conclusions

- 7.4 My evidence describes the extensive survey work that has been undertaken to inform the assessment of effects of the Scheme on dormice and water voles. The scope of this work has been developed in consultation with NRW, and has been followed up by subsequent survey work to address specific issues (for example, the dormouse surveys at Coed Mawr). I therefore consider the survey work to have been both appropriate and sufficient to inform a robust assessment of effects.
- 7.5 I have also described the potential impacts of the Scheme on both water voles and dormice, and have summarised the measures that have been proposed in the ES to mitigate for these. Given the importance of these two species, and in response to consultee requests, further work has since been carried out to further clarify and develop the mitigation proposals. A *Draft Water Vole Mitigation Strategy* and *Draft Hazel Dormouse Mitigation Strategy* have thus been developed in consultation with both NRW and, with regard to water voles, GWT (Appendices SS10.7 and SS10.4, respectively, of the December 2016 ES Supplement (Document 2.4.14)).
- 7.6 Assuming the effective implementation of these detailed mitigation strategies, it is my opinion that neither species would be significantly adversely affected by the Scheme, especially in the medium to long term. Indeed, with regard to dormice, I consider that the extensive woodland planting for the Scheme, combined with the creation of a new population at Coed Mawr, will lead to a net gain for dormice locally, with a long-term increase both in population and range.
- 7.7 With regard to water voles, there will be no net loss of habitat (indeed there will be a slight increase in the amount of ditch and reed habitat, and also more reedbed associated with the Water Treatment Areas), and the population will continue to be able to access all areas of the Gwent Levels currently available to them (owing to the considerable number of culverts incorporated into the Scheme design to maintain the Levels drainage system). It is therefore my opinion that the Scheme will not inhibit the continued expansion of water voles across the Levels.
- 7.8 My evidence includes all facts which I regard as being relevant to the opinions which I have expressed, and the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion.

- 7.9 I believe the facts which I have stated in my evidence are true and that the opinions expressed are correct. I understand my duty to the Inquiry to assist it with matters within my expertise, and I believe I have complied with that duty.