

**BEFORE THE WHANGAREI DISTRICT COUNCIL AND NORTHLAND REGIONAL
COUNCIL**

In the matter of the Resource Management Act 1991

And

**In the matter of Resource Consent Applications by Northport Ltd under s.88 of the
Resource Management Act 1991 for Port Expansion at Marsden Point**

RC Applications NRC Ref APP.005055.38.01 and WDC: LU2200107

In Person Submission of

**Robert Twyman
47 Darch Point Rd
Whangarei Heads**

Dated 12 October 2023

Introduction

My name is Robert Twyman. I'm a Whangarei Heads resident and I am opposed to a number of Northport's applications but I wish to focus most of my submission to opposing the Northport's application to the WDC to apply the Port Noise Standards (NZS 6809:1999) rather than the District Plan Noise standards to port operations on the proposed reclamation area, and across the existing Port and to the noise associated with installing new piles.

I live at 47 Darch Point Rd. which is on the edge of the harbour, opposite the Western end of Northport. I've lived there since mid-2019.

I suffer from ill health. I left full-time employment in 2019 because I felt I could no longer work full-time and to move to my new place in Whangarei Heads. I have a very close connection to the Whangarei harbour. I mostly grew up here and spent a lot of my youth snorkelling and fishing in and around the harbour. Much of my family live in Whangarei and I was hoping that a change in lifestyle would be good for my health.

When I moved here I naturally expected that there would be port-type noises coming from Northport but I also had some expectation that it would be appropriately regulated and breaches would be enforceable by the responsible authorities. Unfortunately I was wrong.

If parts of my submission sound highly sceptical or untrusting towards Northport I do have plenty of reason for this. While many of the NP personnel involved in these applications have been friendly and helpful at times on a personal level I cannot deny that the operation of Northport creates some serious and, in my view, unnecessary environmental and health problems. By Northport's current noise generation Northport dominates an inordinate area of the harbour and its surroundings.

I'm Not Opposed to Development

I'm not opposed to development. I am a big believer in ample, quality infrastructure. I also don't think I have unrealistic expectations for noise that an industry like a port should involve. I've worked on industrial sites myself. I understand the importance of efficiency and productivity. I also understand that a company's legal obligation is to its shareholders and I'm not too naïve to know that all other responsibilities can easily become subordinate to that.

I am Generally Opposed to Northport's Applications

Northport is, in part, a privately-owned company. As such it should not be freely given any public coastline or harbour nor any consents that would be to the detriment of the public or the environment. Since Northport is a partially privately-owned company, it should have to pay rent at market rate or a purchase price at the market rate for any public land it is allowed to occupy and any or every unavoidable impact on residents or the environment should be fully compensated for.

In fact, if that part of the shoreline and harbour at the eastern end of the current port are to be occupied at all, the best way to ensure the public are appropriately compensated for it would be to sell it by auction on the open market. That way anyone could compete on a level playing field with Northport to build a port there and if Northport genuinely wants it the most they will bid the most for it and the public can be assured that they will get market price for it. I believe it would be manifestly unjust to give away any public area of beach or harbour without the applicant having to pay rent or compensation at full market rates for the area. It would also be manifestly unjust to give any partially privately-owned company such as Northport any advantage to the detriment of other private citizens or other private businesses. Why should any partially privately-owned company be given preferential access to a public asset. There might potentially be other private port operators that would pay more to occupy or purchase the area and who could construct a better port facility there.

My Experience Living Opposite Northport

Since I've been living here I have been appalled by the lack of restraint Northport exercises in its own noise generation. It's normal, when ships are being loaded to hear rolling series of loud distracting, sometimes startling booms and bangs that demonstrate that, at least at those times, there is no attention given at all to managing noise. These noises often go on for hours or days. Numerous times I wouldn't even have needed ears to hear the noise because I've felt the physical assaults of the powerful sounds or noises travelling through my body or felt my house shudder at the impacts.

I was disappointed to find out that there was almost no monitoring of the port's noise generation and seemingly none at all by the authorities. The monitoring that could be done was extremely rare and was not independent. The only monitoring I'm aware that was ever done was for a limited period and was by, I think, Marshall Day Acoustics contracted directly

by Northport and so the opportunity seemed to exist for Northport to modify their behaviour for the period of monitoring.

Because of the inadequate monitoring and the incredible noises I routinely suffer from Northport I don't believe Northport presently complies even with its current District Plan limits.

I have come to see Northport as a business that operates without any more regard for the environment than the minimum it can get away with.

In the case of the logs that are loaded onto vessels at Northport, Northport is dealing with a product that is almost unbreakable. Why would they invest any time or money making serious efforts to control their noise if they were permitted to make as much noise as they could and their product was almost unbreakable? There is a clear need for meaningful external controls to be placed on Northport to protect the environment.

The Time of Northport's Application

I wish to draw attention to the limited time that was allowed for submissions to Northport's applications and to the time that the applications were notified. According to the date on my notice this notice was given on 2 November last year - at what is, for many people, an extremely busy time of year and submissions had to be in by 5pm on 15 December. Having experienced what I have of Northport's disregard for how their noise pollution impacts this community I expect that the timing of these things, when much of the public are already at their busiest, could have been intentional and timed in order to limit the opposing submissions and undermine the effect of the Resource Consent process. I myself, had great difficulty getting my submissions in on time. I personally had very limited time and energy to research the applications but my anger at Northport's ongoing conduct helped motivate me. Because of the timing I feel those submissions that were made within the allowed time should be considered as being potentially, especially motivated. For much of my submission I'll be speaking from a personal perspective but I know I (and other submitters) have support from some of my neighbours who did not make submissions themselves but who also suffer much with the impacts of Northport's noise on them.

The impact on me from NPs current noise generation:

The harm personally to me and to my wellbeing from the noise levels I experience from Northport is already too significant under the current Whangarei District Plan. One expects noise from a shipping port however I could never have believed the levels of noise Northport would make as a matter of routine and I have trouble even now believing that Northport would comply with any noise standard. I frequently lose significant sleep at nights despite taking various measures to improve my sleep such as using melatonin and trying to sleep with a radio on in the background. Because of ill health I am especially affected by sleep disturbances. I believe Poor sleep will also be creating other issues for my health. I accept Northport has taken some measures to reduce or eliminate some noise. Introducing requirements for the types of sounds emitted by reversing machinery for example. Aside

from having reduced noise from reversing machinery, I don't see much evidence that NP has made any meaningful progress in controlling the worst of their noise which is the booming banging and rumbling when logs are being loaded onto boats. As I first drafted parts of this submission after 9pm on 13 December I had been listening to loud rumblings and booming noises from Northport. As I worked further on this submission yesterday there were constant booms and bangs from Northport nearly all day until about 6pm. I could have really benefitted from an afternoon nap yesterday but it wasn't possible with the Northport noises. Even through the night the loud noises continued although they were noticeably quieter on this occasion.

My House

My house is a particularly old house which would be practically impossible to adequately insulate from Northport's noise. Air moves through the house - even with windows and doors closed - and I live on a very limited income so even if the house could be better insulated I feel couldn't afford to run a heat pump at current energy prices, let alone at future energy prices. I expect there will be many houses not too different to mine for which there is very limited ability to mitigate indoor noise.

Northport's version of the Port Noise Standards (NZS 9809:1999), as applied for, would allow for an enormous increase in the worst noises NP is permitted to make both at night and during the day.

The units Northport has applied for in their version of the Port Noise Standards (NZS 9809:1999) mostly prescribe extremely high noise limits on averages in parcels of time of 15 minute and 9 hour periods during the night and over 1 day and 5-day periods at all times. By averaging noises over such long intervals of time, the presence and the impact of very harmful regular, high-intensity but short-duration noises - cannot be adequately captured or monitored using these units. This lack of monitoring, specifically of the most harmful noises, would leave the people in the communities around Northport in an unsafe situation and would leave the environment exposed to significantly worse degradation from noise.

As a partially privately-owned company Northport should not be given any advantage over the public. It should be required to negotiate with every party that it wishes to inflict noise upon and should not be allowed to harm the environment in any way. If Northport wishes to subject anyone's property with excessive noise it should have to agree with the owners to buy the properties or make compensation agreeable to the owners.

Impact on Outdoor Amenity

While limited noise mitigation measures may be taken in some cases to reduce the harm from some noise inside some houses, outdoor noise cannot be reduced at the receiving end. I, and many others in my area chose to live here because we appreciate and enjoy the outdoor amenity of the area and of our own properties. Outdoor amenity is already significantly harmed by Northport's noise emissions and would be terrible if Northport's noise

were consented to increase further. An acceptable outdoor noise level is vital for human health and functioning. The Port Noise Standards (NZS 9809:1999) as applied for would have such an impact that it would make many aspects of basic human functioning impractical outdoors. As Northport is a partially privately-owned company it should not be given any advantage at the expense of other interested private parties.

The NZ Port Noise Std. is, in my opinion, a particularly poor standard generally for the following reasons:

The standard is not freely available to the public. The public should not be subjected to any standard that they do not have free access to. Any standard in which the public have such a significant interest should be a freely available document, not one that must be purchased and is subject to strict copywrite conditions.

The Port Noise Standards (NZS 9809:1999) seem to have been developed without proper balance. They don't seem to me to properly recognise the nationally significant value of well-functioning communities nor the growing research of how noise can impact the wellness of residents. There is growing awareness of how industrial noises impact the wellbeing of people including its impacts on sleep. The relationship between poor sleep and cardiovascular disease and other health issues is now becoming well established. The Port Noise Standards (NZS 9809:1999) don't seem to give adequate recognition to this.

The Port Noise Standards (NZS 9809:1999) as Northport has proposed are inadequate for prescribing noise levels because they mostly prescribe limits in parcels of time of 15 minute, 9 hour, 1 day and 5-day periods. The impact of regular, high-intensity but short-duration noises, i.e. the banging and booming type noises typical of the most harmful emitted by NP, cannot be adequately captured by this system.

The Port Noise Standards (NZS 9809:1999) proposal does not provide for any compensation for residents for further loss to outdoor amenity.

The Port Noise Standard (NZS 9809:1999). is a particularly poor standard to apply to Northport specifically for the following reasons:

The Port Noise Standards (NZS 9809:1999) should not be applied to Northport's activities because of the special nature of the communities it borders. Northport sits in a location proximate to organically developed, noise – sensitive communities whose residents value the special environment they have become established in. Its residents contribute greatly to the regional economy and the country and will continue to contribute so much to the economy and the country only as long as their wellbeing is protected.

With some residential areas around the country being designated as Red Zones there will be greater demand for housing on a national scale and well-functioning, organically grown communities such as many around Northport need to be recognised for their regional and national significance and need special protection for the health and wellbeing of their residents.

The Port Noise Standards (NZS 9809:1999) don't recognise that Reotahi and other areas affected by noise from Northport are communities whose residents value and enjoy the very special outdoor amenity of the area. It was the outdoor amenity of the area that drew me here. This outdoor amenity is already disproportionately impacted by Northport. Much of the area has been slated for SNA designation as significant natural area and is in need of protection .

Port Noise Standards (NZS 9809:1999) do not recognise the fact that Northport is the only industry that makes much industrial noise in an otherwise quiet area in which most of the sounds otherwise experienced by residents are of a natural nature.

The NZPNS does not adequately recognise the unusual noise characteristics of Northport which largely exports logs.

Northport's Current Noise Characteristics

2 Kinds of noise:

There are the typically lower level, longer duration collection of sounds that might be suitably regulated by a framework such as the NZPNS if the right limits were included in it.

Then there are the high energy, short duration noises – the booms and the bangs - typical of a port that loads logs onto vessels as fast as it can without any obvious restraint or care for the noise it generates. The version of the PNS applied for will not limit these at all. By measuring average noise levels over long periods the high impact, short duration noises disappear from the results.

A Community Liaison Group has existed under the present Whangarei District Plan rules to manage the high intensity, short duration noises. I haven't attended any of their meetings. Despite the existence of this group, these noises from the port seem to be as routine and as harmful as ever so, while I don't think it's completely useless I don't think that kind of measure would be sufficient for a company like Northport.

The Special Nature of the Environment around Northport Warrants Better Protection

While Northport serves an important function, Whangarei is a city that was built around its harbour and the quality of the harbour and its environments will be important for many other important industries including fishing, recreation and tourism as well as their support industries. While the Whangarei harbour is a large harbour, the part of the harbour where Northport sits was identified by Shane Kelly in his Summary Statement as the Outer Harbour and Entrance Zone and was a special area considered to be a discrete and ecologically significant system. Northport already occupies a large part of this zone. There is a popular marine reserve on the other side of the harbour close to Reotahi and exceptional natural areas on much of the land. Preservation of the aesthetics of these areas should be expected to be important to local residents as well as supporting a tourism industry of some value. Unfortunately, because of the current noise levels generated by Northport, it

dominates and negatively impacts an inordinately large area of the harbour and its environments.

The Harbour is extremely valuable from an ecological perspective.

Harbours generally are well-known to be vital habitats for many marine creatures of many kinds for feeding, breeding and shelter. The east coast of Northland has its own marine climate and its own ecology. The Whangarei Harbour is the biggest harbour on the East Coast of Northland and its condition is clearly going to be vitally important to many of the creatures found there. New Zealand as a whole has limited harbour area and much less that is not already significantly degraded. That makes the less-degraded areas of the Whangarei harbour, such as the outer harbour and entrance zone, even more important from an ecological perspective. Within that area there will be marine reptiles, birds, mammals, crustaceans, and various molluscs and fish. It will be nearly impossible to accurately gauge the effects of all kinds of additional noise profiles and volumes on this broad variety of life forms so I believe a cautious approach to additional environmental harm should be preferred.

Marine Mammals

Regarding marine mammals, I really have to remark at some of the opinions Dr Deanna Clements presented in her printed Statement of Evidence and her Summary Statement. Because, to me, some of her concluding opinions didn't seem to logically follow from the admissions and observations in her evidence.

After acknowledging in her 2nd paragraph a number of well-known marine mammal species that are most likely to be affected by the proposals I want to draw attention to, and take issue with, Dr Deanna Clements opinion in her 3rd paragraph of her Summary of Evidence in which she stated,

“Based on the data available, I do not consider the coastal waters of Whangarei Harbour and Bream Bay to be ecologically significant habitats for any marine mammal species.

While strangely dismissing the Whangarei harbour and Bream Bay area as representing,

“only a small fraction of similar habitats available along the North Island’s north-eastern coast...”

She did include an acknowledgement in that paragraph that,

“...several species of marine mammal regularly utilise” the area.”

I think Dr Clement may have acknowledged a paucity of data in some areas.

My view is that Bream Bay and the Whangarei harbour comprise a vast area of water. Many of us will have directly observed it providing significant habitat for many marine mammals including feeding ground for the critically-listed Orca.

While acknowledging, in her 4th paragraph, that the aspects of the port expansion most likely to directly affect marine mammals in the Whangarei area are the production of underwater sound from pile driving activities and possibly risk of entanglement, she concludes,

“...however I have assessed the overall risk of any adverse effects arising from the proposal as less than minor, based on recommended management actions.”

In my view, creating noise that is capable of harming many marine mammals would conceivably exclude them from the harbour for an extended period and we know that the harbour is, at the very least, a prominent feeding area for many. I didn't manage to find the proposed MMMP but if it relies heavily on ceasing piling when certain mammals are seen west of the port I think it would surely not be sufficient to prevent the detriment of many marine mammals which could be excluded from the harbour.

I personally feel that some of Dr Clement's opinions are worthy of further scrutiny and I'm hoping Dr Ingrid Visser might provide an alternative opinion when she appears.

Avifauna

Dr Leigh Bull assessed the impacts of Northport's proposed reclamation on local avifauna. It's not clear to me that the impacts of the variety of noises on all birdlife in the area have been considered by the commissioners as Dr Bull stated in paragraph 7c of her Summary statement that the scope of her study was at the scale of the wider harbour including only the coastline and harbour waters to the west of a line drawn from Busby Head in the north to Ruakaka Estuary in the south.

I know that different birds respond differently to different kinds of noises. I've seen some shore birds looking very comfortable beside noisy busy roads – perhaps the sound of passing traffic appears similar to the sound of waves to them – I don't know. I've also known of cannon type devises used to make loud booming noises which very effectively scares birds away. Loud noises of all kinds from Northport are reaching the habitats of Kiwi and other local birds outside of the area of Dr Bull's assessment and I wonder what impact even louder noises from Northport's proposed operations and piling might have on important bird populations on land.

Safety of swimmers

I have experienced the loud underwater noises from Northport while swimming and free-diving in the side of the harbour opposite Northport and I don't know what effect even louder noises and noises from piling might have on the hearing of swimmers in the area, for example the snorkelers who visit the marine reserve opposite Northport who might be exposed to these underwater noises.

Regional and National Significance

I think it was submitted by Kit Littlejohn that Northport was identified in the NZCPS as regionally significant infrastructure and Jon Moore stated in his Summary Statement that Northport is significant nationally for its commercial, transportation and infrastructure functions. I accept this.

My view however is that the NZCPS does not attempt to provide an exhaustive list of everything that is of regional or national significance. I would ask you, the commissioners, to accept that the communities affected by Northport are also regionally (and potentially nationally) significant infrastructure and that they are in need of strong protection from environmental harm. The health of these communities and the health and wellbeing of their residents is vitally important. Residents in these communities contribute greatly to the regional economy and the country and will continue to contribute to the economy and the country only as long as their wellbeing and the quality of their environment is adequately protected so they can get adequate rest, engage in outdoor conversation without having to shout, and enjoy the normal range social functioning without undue interference from environmental noise, dust and other pollutants.

I would also like you to consider that there are in fact many industries and recreational activities that are affected by the quality of the harbour and its environments are they can also be of regional or national significance and they are in need of strong protection from environmental harm. These could include recreational swimming, recreational and commercial fishing, tourism, and potentially many more.

I believe it would be manifestly unjust to freely give any partly privately-owned company any advantage over any other privately owned companies or private individuals. If any allowance is given, full compensation must be made to all affected parties.

Need not justified

I don't know whether there is any obligation on Northport to demonstrate why they need the NZPNS they have applied for but Northport has tried to demonstrate a need so I would like to challenge that need. If Northport does currently comply with their current noise restrictions then I'd have to conclude that the current allowances for Northport under the Whangarei District Plan are already far too loose. Clearly it is an advantage for any business to be able to operate without restraint but otherwise I don't feel that Northport has adequately justified why any increase in noise allowance is needed. If Northport expands as it proposes the total length of berthing area would be so long that at least much of the noise generated at one end would be expected to dissipate across the length of NP's own berthing area and I don't see any reason why the container handling areas or other areas of the Northport would need to operate so noisily.

Northport's version of the Port Noise Standards (NZS 9809:1999) would create the wrong incentive for Northport

I believe that as Northport develops it must be encouraged to manage its noise output down rather than being given permission to increase it without any meaningful restraint.

Increasing Northport's permitted noise levels will not incentivise Northport to take responsibility for the impacts of its lack of restraint on its neighbouring communities or the environment.

The Foreword to the PNS states,

“Port companies and port users should be obliged to implement management plans to monitor and limit their noise emissions at source and to re-evaluate their operating procedures with the aim of progressively reducing noise levels wherever practicable.”

Northport has not done this sufficiently to date and they will have even less incentive to reduce their noise if they were given more freedom to generate more noise.

Current restrictions vs Northport's version of the NZPNS applied for.

The difference in noise permitted between the District Plan Noise standards and the NZPNS applied for is very significant.

Unacceptable Noise Must Be Expected from Northport's Proposed Expansion Construction and Ongoing Operations Unless it is Restrained.

The Port Noise Standards (NZS 6809:1999) allow for an enormous increase in what must be regarded as the most harmful noises emitted by Northport, i.e. the short-duration, high intensity booms and bangs.

The Port Noise Standards (NZS 6809:1999) applied for mostly prescribe limits in parcels of time of 15 minute, 9 hour, 1 day and 5-day periods. The impact of regular, high-intensity but short-duration noises, i.e. the banging and booming type noises typical of the most harmful emitted by NP, cannot be adequately captured by this system.

According to the Northport Notification Executive Summary pile driving would last for 2 years and would be done by methods including vibro and top-driven impact hammers. This would be far too noisy for far too long.

Impact on Marine Mammals, Fish and Marine and Land-based Birds, reptiles, molluscs etc.

I live in Whangarei Heads. By its noise, Northport currently dominates an inordinate area of the harbour and its environments. There is no other industry in the area that compares to it. Further, Northport is located at the narrow entrance to the Whangarei Harbour. As such it is effectively a gatekeeper past which any creatures entering or leaving the harbour – whales, dolphins, seals, penguins, reptiles, fish, birds, crustaceans and molluscs and whatever else – must be able to pass to use the harbour for feeding, breeding and shelter.

It is well known that sound travels further and faster underwater and is experienced more loudly and retains its intensity longer underwater.

It is also well known that many marine creatures are particularly sensitive to such noises, whales and dolphins use highly refined and sensitive sonar for feeding communication and echolocation, fish hear by means of their sensitive lateral line systems and the primary mode of communication of many birds is highly vocal and auditory.

An article in NBC News I read some time back attributed dolphins dying en masse in the Black Sea to the low-frequency sonar being used by Russian warships. In that article Marine Biologist Pavel Goldin asserted that, "The noise pollution can also disturb many fish populations and cause them to migrate far away".

Given reports such as the one above I feel it would be imperative to take a precautionary approach to protecting the vital marine creatures we have here from excessive industrial noises from Northport until very robust scientifically determined impacts are better understood.

There is an established marine reserve almost directly opposite from Northport that also needs protection from operational and construction noises from Northport.

I understand that much of the land area that would be affected by noise from Northport has already been slated for future protection as SNAs and that protection would be undermined without also protecting these areas from excessive noise from Northport.

There are populations of Kiwi and other native birds in the areas around Reotahi that could be impacted by excessive noise.

Pile driving and Construction noise

According to the Northport Notification Executive Summary, Construction is expected to take 3.5 years including 2 years of pile installation and pile driving which will be by vibro and top-driven impact hammers. Unless this is very heavily mitigated or alternative means of piling are adopted, this would create a totally unacceptable situation where extremely disturbing noises would be inflicted on the environment for an extremely long time. Another means of piling needs to be mandated if the proposal goes ahead.

I don't know to what extent mitigation of piling noise would be effective. I expect that even with effective bubble curtains impacts would still travel through the substrate and have their own dangers. I believe pile driving would be too noisy and alternative methods of excavating and inserting piles should have been investigated.

The research has grown around the effects of underwater noise on Marine mammals and fish and I see the need for research-based constraints to be imposed on underwater noise generated by Northport and the 24-7 monitoring of underwater noise by means of hydrophones. I think Dr Clement stated that the noise profile of pile driving was different to the range of sounds that dolphins and whales communicate in so she concluded the pile driving was not likely to be a significant issue for them. She did not comment on the impact on marine mammals from all the other kinds of loud noises routinely being generated by Northport nor the noises that Northport might be consented to make according to a NZPNS. I feel this should have been investigated.

Monitoring of underwater noise should be performed by a competent independent organisation – not one contracted by Northport but one appointed and managed by either the NRC or the WDC. Noise monitoring should also be done to a suitable standard and done regularly if not constantly. As Northport is a partially privately-owned company making the noise, the costs of the required monitoring should be charged to Northport, and the results, being of great public interest, should be public record and published at regular intervals, if not in real time.

The foreword to the NZPNS states,

“Where it is practicable that controls be placed on the noise generated by port operations, noise limits should be established and monitored by the relevant local authorities.” In other words, either the NRC or the WDC would have to do what they have never bothered to do before – their jobs of monitoring noise levels and enforcing noise limits.

I also believe it would be essential to set better constraints on noise levels above water from Northport and to monitor them and publish the results in the same way. I believe the existing Whangarei District Plan Noise Limits are too liberal, inadequate and outdated. They neither adequately protect human health nor the health of the environment and the Port Noise Standards (NZS 6809:1999) would be immeasurably worse.

And so I oppose Northport’s applications and ask that very restrictive noise constraints are determined according to up to date research on the effects of noise on human life and applied to all construction and operations at Northport.

Turbidity from Capital and Maintenance Dredging and Reclamation

I have concerns about impacts from the proposed dredging, including its effects on water turbidity and the stirring up of toxic sediments that, I think it’s safe to assume, will have accumulated toxins over decades of accidents. I think we should be concerned about where the silt in the turbid water will eventually settle and its impact there. I’m not sure whether the decanting areas in the reclamation area will have any protection from intense rainfalls such as we’ve had over the past year.

Dust and Fumes

I’ve seen large dust clouds over Northport at times and, although I don’t see them when it’s windy I assume toxic dust is normally being blown over to my side by the westerly winds. I’ve also at times had to endure sickening smells that have occasionally come across the harbour from Northport and there have been occasional fires there. I don’t feel that Northport has adequately managed these hazards in the past so I doubt they will in future under any new consents unless they are compelled to.