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The hearing is now resumed. So we're now looking at agenda item six. And the first sub item is draft DCA requirement to an E code of construction practice Part B section 12. So I will reiterate the points made in earlier ISO chairs, and in particular the one relating to the draft decio. That obviously, a great deal of reliance is placed upon the mitigation and contrast within the code of construction practice. And yet to date, its language in places is drafted somewhat vaguely or in aspirational terms, rather than perhaps more readily enforceable and precise commitments. So for that reason, I'd appreciate the comments of East Suffolk Council on that point, from your from your considerations does the code of construction practice, Part B, section 12 is currently drafted, achieve the desired objective

01:05

is developed for a software Council. As you know, we've raised concerns with the wording in requirement to in particular the phrase general accordance and there's been some suggested amendment by the applicant to provide a definition to that which we're considering. As to the code of construction and practice. We also mentioned that issue specific care and one that we had some concerns with the language that had been used. And I think we took away the action to make some suggestions to provide for more enforceable provisions. And that's, that's a general matter that relates equally to the marine and coastal section of the code of construction practice. But other than that, we we don't have any significant concerns with the code of construction practice on this topic area. We raised some issues with the applicant in January, and they are the subject of ongoing discussion.

02:03

Thank Thank you. Can I just ask other interested parties if there's anything they want to say on this agenda item?

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No, I have no hands up. So Mr. Phillpotts, you may not need to respond to that. And it looks like there's still an ongoing process on that,

02:29

that there is madam and I would only emphasise two points. First, we are as I understand it, do to have a meeting with the Council on the 27th to discuss decio drafting points. So there is as Mr. Ferber has indicated ongoing, active discussions to seek to resolve these things. The second point is that we are of course, open to suggestions of particular drafting changes, those are helpful. We look forward to receiving any that the council wishes to put forward for our consideration.

03:07

Thank you. Um, so if we move on now to draft requirements seven a and the CPM MP. Now the content of the CPM NP has been the subject of ongoing discussions. I understand that a revised draft will be submitted at deadline five. I don't therefore propose to discuss the detailed content of that plan today that draft plan, and it's rather the means by which it would be secured. Is Suffolk Council in its LIRR annex j suggested additional revised requirements, including its own version of requirement seven a. So can the council explain the reasons for the changes sought and provide an update on its discussions with the mlo about how to manage the intertidal zone.

04:06

Isabella for if Africa council? Yes, we did make some suggestions at deadline three in rep 3064 as well as appendix j to the LIRR and there have been some amendments to requirements seven eight which we welcome. Our outstanding concern really is to manage the interrelationship between requirements seven a and the conditions 17 on the Demuth marine licence, which requires the CPM MP to be submitted and approved by the MMR. So, there have been some discussions with the MMO as to how best to address that shared authority and the intertidal area. And most recently, we sent a letter to the applicant on Monday of this week with some suggestions and they have responded positively and As Mr. Philpott has just explained, a meeting has been arranged between the Council, the MMO and the applicant to iron out those issues.

05:10

Thank you. Could you also just explain, it may be that you are going to revisit this once everybody's considered your alternative version, but comparing draft requirements seven A of the draft easier with the amendment proposed by you. The differences included seem to me to include a specific reference to the management and funding of the CPM MP process by the applicant and some references to the operation of the CPM MP and the role of the MTF and the council's version, but no reference to what the plan should include in your version unlike the applicants, so perhaps you could just talk me through those, those suggestions.

06:00

As a relative of the applicant? Yes, madam, we would like there to be some specific recognition in either in the requirement or the CPM MP, and we're open to discussion on that. That sets out in clear terms, that the applicant is going to be responsible for funding, the CPM NP processes and any mitigation that's required under that process. Now, it may be that that's implicit that we would like that to be explicitly identified somewhere. And I think our view is that the requirement should contain some reference to what the CPM MP should include. But as you say, what shouldn't shouldn't be included in that insert subject of ongoing discussion, and so that that can be further revised pending the receipt at the next deadline of the updated CPM MP and discussions thereafter between the parties.

07:02

Thank you for that. And can I just ask is there are any other interested parties who want to comment on draft decio requirements seven eight. Rosie's Rosie Sutherland if I could hear from you.

07:22

Thank you, Madam Rosie Sutherland on behalf of the RSPB and Suffolk Wildlife Trust. I absolutely do appreciate that we're not covering ecological concerns today. And I also appreciate the comments that you just made, madam that we shouldn't discuss the detail of the plan. If I may, however, could I just raise three quick points? Yes, please. Thank you. So as far as we're aware, the CP MMP as drafted by C fast will be the plan for any management mitigation and monitoring for the coast and its processes. We're not aware of any other plan for monitoring or mitigation, for example, coastal vegetation and the protected sites and their features, but very, very happy to be corrected if if this is wrong. And therefore I did just want to flag so for example, in the plan itself, so one reference paragraph 2.2 point three, it does talk about methods that might be used to track substrate and vegetation. Also, Section seven, includes confirmation that there will be updates to do with the specialised vegetation in that area, and make some further points to do with surveying and monitoring. We have raised points in our deadline, three submission or just obviously we will we will give you all these references as well, but it's paragraph 5.2. So rep three dash o seven three, that although technically the Suffolk County wildlife site is outside the special area of conservation, there is a question about longshore drift that can carry the SEC feature southwards, and therefore this argument this area is is functionally linked to that protected site. We also note in the SI p MMP. That figure six which is page 20. And includes vegetation with section eight, which is page 38. helpfully confirming that further baseline reports will be completed pre construction. So I just wanted to flag a need to ensure that if we are right, this is the plan for the coast and its processes that there should be consideration of the protected sites. And again, just to be clear, this is this is separate to a point we raised earlier to do with the lack of protected site survey work. According to us, done done done for the EIA and also the habitat regs assessment. I did want to say We do appreciate the amount of monitoring that is being proposed. But our final point, just on that document is again, section eight, page 40. This time hopefully confirms that there will be post mitigation assessment report done to check that the effectiveness of that of that mitigation. And that will then help to lead to recommendations about whether additional monitoring and also mitigation is needed. And it's it's just the same point, I'm sorry, but it's it's the need to consider avoiding well to consider potential impacts on any protected sites, in light of any additional mitigation that might be might be deemed to be required. And just to finish with, we are very grateful for our ongoing discussions with the applicant, and will ensure that we make time to discuss these. We were just very keen, because what is being covered today to raise those points. Thank you.

11:04

Thank you. I'm sure they've all been noted. If I could hear from Alison Andrews, please.

11:17

Right. Thank you very much, Chairman. I know you don't want to go into too much detail, but seems to be the only place to discuss it a bit. So I'll be very, very brief. First of all, I'm not entirely sure that there's a commitment to begin with a baseline with everything that's going to be measured. Because if, as it's been suggested, that if data shows something's not going quite right, then more will be measured, it seems to me, you ought to have a baseline of all the things you might be being aware of in the first place. And secondly, table one, on page six, and page 12 talks about things to be monitored. And it seems to me it's missing the hard coastal defence, the soft coastal defence and the re charging. And I think as you will have heard for everything today, we needed a wider scope of the area to be taken to

account have to be taken account of. And that includes both the longshore and perhaps more work on the banks, which seemed to be a very

12:25

complicated area.

12:33

Just page 37 says that less than obrah SSI is too distant well, that kind of doesn't fit with our general view that they've got to go further down the coast. And as East Coast counsellors have said that it ought to go at least as far as thorpness. So that sentence doesn't matter.

12:52

It's, then I think, I feel like there needs to be a definition of mitigation. Because when I work on flood defences, environmental mitigation actually means moving all the waterfalls and snakes and lizards and everything away from banks when they're being rebuilt. So I'm just wondering what mitigation means here. And at the moment, mitigation, if it means anything, the implication is something will be done to make sure that the soft coast defence front will be alright. But nothing else wider. And I don't feel that there's enough detail there. But as you say, That's to come. But I just thought I'd contribute that thank you

13:28

for that. Thank you. Thank you very much. So there are no more hands up. So I'll turn to the applicant to respond.

13:39

Thank you very much by them number of points to pick up. First of all, if I can deal with the East Suffolk council points, there is a meeting taking place I'm told on the 21st between ourselves he suffered and the MMO which will be an opportunity to look again at this matter of overlapping jurisdiction. One thing I would say in relation to that which you you may have picked up but just in case it hadn't been spotted. The requirements seven a which gives the task of approving the CP MMP to East Suffolk council following consultation with the relevant statutory nature conservation body environmental agency and the MMO. So, specific requirement that the MMO in particular be consulted. That needs to be seen as Mr. Ferber indicated together with condition 17 on the de marine licence, but at the end of condition 17 Paragraph five provides that on the date that requirements seven a of this order is discharged. This condition 17 is deemed discharged. In other words, in order to avoid a situation where one body says yes, and the other says no, and there is some sort of on pass, we have put in a provision that if a Suffolk council approves it following the consultation with the MMO, then that is deemed to discharge condition 17. So, at the moment that is our proposal, we wait with interest, the an alternative proposal, but it's clear that there ought to be one body that takes the lead in these matters. And I, I would say they're just at the moment at a high level, we can deal with this in more detail and in writing. The recognition that there are areas of overlapping jurisdiction in the coastal Concordat for England, is paired with advice. Perhaps unsurprisingly, that in those circumstances, where opportunities for dispensing or deferring regulatory responsibilities are legally possible and appropriate, they should be taken. So there's a recognition in the coastal Concordat, that you shouldn't have two parties seeking to

exercise jurisdiction over the same matter where it's legally possible to avoid it. And this is one of those areas where we say it is legally possible. And I would also say in response to the specific alternative seven ad that has been put forward, there are, if I can put it this way, a number of difficulties with the way it is currently drafted not only the absence of any explanation of what the CPM MP should contain.

17:13

There are a whole range of other things as well, I don't propose to take time going through those now. Because I discerned from what Mr. burrows said that that's not necessarily the council's final offer in terms of drafting, and we can perhaps most effectively discuss those points with them outside the examination. But the point of principle, which was identified, which was in relation to funding is something that I can deal with now, because it is entirely unnecessary. in circumstances where the existing draft requirement hazard paragraph to the following the coastal processes monitoring and mitigation plan must be implemented as approved, that is an absolute obligation on the undertaker, to implement the plan as approved. Now, as with any other imperative requirement of that sort, there is no need for the requirement to go the next step further and say how the body must ensure that it's got enough money to do it. It's an absolute requirement, it has to have the funding in order to do that. And indeed, to undertake the project in the first place. So there's no need and no benefit from having any specific reference to funding in there. Because that is ultimately the matter for the undertaker to take responsibility for in order to be able to discharge the requirement and avoid the criminal sanction that happens if it's unable to do so. So unless you find it helpful for me to go through the suggested alternative requirement now and identify all the various things that we say are unacceptable about it. I suggest that that's something we should discuss with the council. And then I was going to turn to the comments made by RSPB and Alison Andrews. But I'll pause there and just see whether you want me to go further on the requirement or to hold fire until we've discussed it further.

19:37

Now, I think that seems sensible. I mean, it's apparent to me the differences between two versions, and that's why I asked the council just to explain, I do note that and you are continuing to discuss that. So it seems more sensible, rather than go into the extreme detail of that now just to wait until perhaps another day. draft conditions the draft requirement will emerge.

20:03

Indeed, madam And clearly, as you all have gathered, the parties are working cooperatively in the appropriate way to try and narrow down the number of matters that you ultimately will need to resolve and but we'll carry on in that way. So far as the RSPB is concerned, it raised a number of matters in relation to the CP MMP and what it will cover and what might be covered by it or other documents. I understand that we are due to meet the RSPB on the 28th which will be an opportunity to take them through the framework of plans and requirements and matters of that sort. So all I'd ask at this stage is I'm going to briefly hand over to Mr. Max sharp from quad, who you've heard from before, he might just be able to provide a brief overview in response to the particular point that's raised to so that you see whether where it ultimately resides in that framework. Thank you,

21:09

Matt sharp for the applicant. And I believe there was a question from RSPB in relation to how some of the coastal vegetation would be monitored during the project. I think it's relevant just to sort of pick up that, that that area is monitored in one of two ways.

21:31

But I also just quickly interrupt it might be something Mr. Phil Park can confirm. But I think they were also wanting to check that if anything was going to be any provision was going to be made, it was going to be in the CPM MP, on the specific area they were they were talking about

21:50

in relation to coastal vegetation and sort of how that was going to be monitored. That's, that's right. Those were the concerns. Yep. Correct. Okay. So the first point is to confirm that the CB MMP does include monitoring of coastal vegetation. It's also relevant to note that from an ecological perspective, that part of it of the coastline is also included within the monitoring set out within the terrestrial ecological monitoring and mitigation plan, which is rep one dash 016. There's a table in that document table 3.2, that sets out the arrangements for the monitoring of the coastal area of that area of land. And so that's where the RSPB can see that particular component being monitored. And that's how it that's then secured through requirement for.

22:50

Thank you. Thank you very much, Madam and then finally, Miss Andrews raised a question about how the CP MMP takes account of the baseline in terms of the monitoring and mitigation, and I was just going to ask Dr. Dolphin whether he had any comment to make on that matter.

23:20

Thank you, Mr. forepart. Hello, Mr. Kay, turn it off and on behalf of the applicant.

23:27

So the predicted impacts are the basis for monitoring and then using judgement and looking at the sensitivity of whichever receptor might be expected within add a very large

23:41

buffer zone around the hat. And the baseline monitoring covers, at least that, in fact, it does cover quite a bit more. So it's it's baseline

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data that we've been collecting is is larger than what we've proposed to be monitored, because it hasn't been agreed yet. And what what I would say, and I mentioned it earlier is that

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were there a circumstance and I don't think this will transpire. But were there a circumstance that

24:15

impacts moved beyond or to the monitoring extent, our adaptive plan then expands. And if it gets to the edge of the baseline data, there are of course, other baseline data sets available that I mentioned earlier, which we have been using that cover the entire coastline, namely the East Anglian monitoring programme so that there is baseline data to cope with expansion much, much wider than we would expect. Thank you. Thank you.

24:58

Right there. Mr. Phillipotts was Did you have anything else to add? No, madam, I was just going to confirm that I did not be moving on. So I thought better of it. All right, thanks very much. Right, we will move on now. So draft requirement 12. b. So I was going to ask a Suffolk council to explain the intended purpose of the changes sought, and why this approach should be preferred to the draft decio requirement 12. b, and GS? On a sort of a housekeeping point, Mister for I had a message through that your sound was a little muffled. So I don't know if you can either get closer or further from the mic.

25:48

Thank you, Madam Yes, hopefully this is better. So we suggested some amendments to requirement 12 b deadline three. We note that the beach landing facilities have now been included within the scope of this requirement, which we welcome. Essentially, what we want to ensure is that the wording of this requirement gives us appropriate control over all elements of the coastal features that have the potential to affect coastal processes. Also, that we can easily discern what if any changes are made at the detailed design stage compared to the details that we've seen at application and examination stage. And thirdly, that there's an appropriate mechanism, again, for streamlining the approval process in the area of overlapping jurisdiction. So that's what we want to achieve. And we're open to discussions with the applicant, which in fact, is taking place next Wednesday, we hope as to the best way in which to achieve those objectives.

26:51

That are Thank you. Thank you for explaining that. Second, ask Can I ask if there are any other interested parties who want to speak on in connection with requirement? 12? b? No, I've got no one with their hands up. So I'll go to the applicants.

27:15

Thank you, madam. Again, I'll try and keep this brief bearing in mind that this is still a matter for discussion. But that one of the difficulties that we are encountering at the moment in looking at this particular form of words, it is to understand what it is that is lacking in 12. b. So to take the point that Miss tougher has just identified about detail 12 b requires the details of the layout, scale and external appearance to be submitted and approved and then identifies what those details have to comply with. That that is a standard form of wording I would suggest that allows for the decision maker to form a view as to whether they have adequate details of those matters, in order to judge the acceptability of what is put forward is not at all clear. Why instead of that one needs for construction drawings of the proposed works, not least because, of course, they go to a level of detail beyond that, which is necessary to approve the acceptability and that they're the sorts of drawings that may well undergo minor non significant changes even while the structure is being constructed, provided that they don't stray beyond the details that have been approved for the purposes of planning and control. So that the

mischief there. We're not sure why that isn't adequately covered by the words that we have put forward. So far as comparison between those four construction drawings and the drawings that are provided as part of the DCA process. Again, we don't see why it is necessary for the requirement to stipulate that such comparison must be provided, because as with any decision making process of this sort, if the body that is charged with discharging, the requirement considers that it does not have adequate information in order to make a reasoned and informed decision. It has avenues to pursue to require that information. To be provided. And I take those as examples, because they go to the first point that Mr. Farrow has raised. But that in general terms, the requirement then goes on, In a similar vein to require all sorts of details, the reasons for needing to have those at this stage is not entirely clear. So for example, why is it necessary to have a description of all the vessels to be involved in the construction programme. These are matters, which at the moment are insufficiently explained. And it may be that if we have a discussion, the mischief that lies behind that will be articulated, and we can understand whether anything needs to change, but at the moment, for reasons which only touch on lightly at the moment. The draft alternative is simply not in a form that is acceptable, nor is it immediately apparent what it's all intended to be achieving. And that that's one of the reasons why I'm keen that we have an opportunity to discuss this so that we can understand better what lies behind it.

31:18

Thank you, Mr. fell apart. Right? I've no question. So if we move again, on to the next sub item, which relates to draft decio, Article six, so Isa counsellors made the point that article 86, currently only first to the marine management organisation as the relevant local planning authority, and that it should reflect the fact that both East Suffolk Council and the marine management organisation retain responsibility for approving and enforcing any works in the overlapping inter time title area. So if I could go to a Suffolk Council, and Could you confirm that the position and indicate whether any agreement has been reached on revised wording for this article,

32:13

is ability for a Suffolk Council. As you know, this was something that was raised at issue specific hearing one, our understanding, obviously, we don't speak on behalf of the MMO. But our understanding from discussions that we've had with them is that they do not wish to be named as the relevant planning authority for the intertidal area. And so they want to any reference to them to be excluded. But obviously, you may want to raise that with them, or they can provide their comments on that and writing. Section 173 of the Planning Act then defines the relevant local planning authority. And the default position as we understand that will be that that would be a Suffolk Council. So whether article 86 needs to be included, the tool is potentially open for debate. If it is included, we understand that the agreed position between us and the MMO is that it should name us as the relevant planning authority.

33:13

Thank thanks for that. And the MMO obviously aren't here today to ask them that. If they do listen to the recording, perhaps they can include a written submission that refers to that point. Mr. Phil part,

33:31

I can deal with this very briefly. I mean, as you will have anticipated, the purpose of Article 86 is to avoid uncertainty over who is in charge in that area. We put down the MMA because they seem to us to be the most appropriate body. But essentially, the principle of it is to avoid the dual jurisdiction leaving leading to uncertainty and unnecessary regulation where one person could defer to the other. And again, we don't understand there's any difficulty in principle with one party different or the other. We don't have the memo here to articulate why they don't want to take on that role. So I think that's probably a matter where we're best picking up with the two bodies when we meet with them later this month.

34:27

Thank you. Thank you. Right. So if we move on again, so the next sub item is relates to additional requirements that have been suggested by a Suffolk Council. So it's whether any additional requirements including those relating to the marine technical forum, the map, the BLF, and funding arrangements would be necessary to address adverse physical changes to the coast. So the operation and funding of the marine technical forum, as I understand it is secured by the deed of obligation. So, a certificate so you'd like the applicant to consider securing the MTF through the DCR. Is that correct?

35:16

Isabella for a Suffolk council that was formerly our position, but we have now agreed with the applicant, that that can appropriately be secured through the deed of obligation.

35:27

Now, if that thank you for clarifying that. Just before I move on, there's just one point I will mention, I don't know if the applicant can deal with this now. So that's the National Trust believe that the membership of the marine technical forum should also include landowners who may be impacted by the development over its lifetime. And it also seeks a funding mechanism nism for appropriate mitigation, compensation, should monitoring evidence impacts on its land attributable to the development. So I'll just check first before I hear from you, Mr. Phelps, if there are any other interested parties who want to comment on that, and then perhaps you could pick that point from the National Trust up? Now, I've got no hands up. So if I are Keith Martin? Well, I do have to Mr. Martin

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apologise, Madam, I hadn't known when to reach this particular point. And I've may have left it a bit too late. Keith Martin from SCA, we've said several times today that we're dissatisfied with the scope of monitoring and geographical scope, you know all about that. It also in time, were concerned that at the date of decommissioning, there will be an assessment, which sort of winds up the the mitigation plan, we believe that there should be an assessment for the future of that going, because at that stage, the the platform may or may not become an island, but it certainly will do after that time, especially if there ceases to be beach replenishment or other forms of mitigation. And there will be a heavy cost lift on the local council or the local population. And we believe that this ought to be taken into account in the in this agreement, in the cscp MMP. take on board by the marine technical for that. Thank you.

37:48

Thank you. And Mr. Wilkinson. Yes, thank you, Mr. McKay. From the we are talking about two point eight, are we not six? Yes, we are. Yes. Okay. Thank you. Thank you. Well, from the wording, we can assume it's accepted

38:09

that there will be adverse physical changes to the coast, it seems to me. So the questions that arise from that, if that, so over what period of time, how are we talking about in terms of those changes occurring? Who will be the arbiter of what is of what those changes will be? And who will decide on what level funding is required? That's the question. Those are the questions I have. I sincerely hope it's not see fast as they seem to be working hand in glove with the applicant. Thank you.

38:43

fat. Thank you. Right. I've know my hands up. So I'll go to Mr. Phil plot.

38:51

Thank you, madam. I think that last point was based on your Tell me if I'm wrong, but an over interpretation of the question. The question is, as I understand it, and I'm directing myself to this interpretation is is essentially what should be in place in the event that such changes occur, as opposed to any guess, about impacts. I don't need to deal with whether this should be now in a requirement or whether it should be in the obligation for reasons that Mr. Thoreau has just indicated that the council no longer takes that point. But so far as the membership of the marine technical force and the marine technical forum is an existing body. It's a body which was established in 2015. Following on from the success of the equivalent forum for the Hinkley Point C project, and its purpose is to consult with marine staff stakeholders on relevant elements of the project. And for it to continue in that role in the event that the project is approved and implemented. And clearly it has certain specific roles as a technical forum for marine statutory stakeholders. And so therefore, whilst I understand that some other bodies may wish to be involved, that is the nature of the organisation, that is its purpose. And the our view is that it is appropriately constituted as we have envisaged it, and it's not appropriate to extend that membership yet further. So, that's what I would say about that point. Unless there's anything else you want to ask about on the marine technical forum. I didn't have anything else to add on that.

41:07

And no, thank you. I've no questions. I'm just checking Mr. Wilson Wilkinson, have you forgotten to take your hand down? That Thank you. So the next requirement suggested by a Suffolk council relates to the maintenance activities plan. So you're you're confused that there ought to be a requirement dealing with that. Could you just explain a little to me about your reasons for that suggestion?

41:44

Isabella. Four is the council? Yes, effectively, we've asked for some equivalent to condition 34 on the deemed marine licence to be reflected in decio. And the reason is that the council is concerned that without some controlling relations in relation to maintenance activities for the coastal works, land would have mean high water springs, there's potential for maintenance works, that could affect coastal processes over which the council would have no control. So that's that's the matter at seeking to address their have, as I understand it been positive discussions with the applicant. And I believe the

possibility has been mooted of including something to that effect in the CPM, MP. And again, that will be the matter of discussion next week.

42:37

All right, that Thank you. I'll just check if there are any other interested parties that wanted to comment on that. No hands up. So I'll just go to Mr. Phil pop, then.

42:52

Thank you, Madam, I don't want to trespass on the discussions that are due to take place in terms of where this issue might be dealt with, but just to explain and to expand on a point that was covered last Tuesday. And as was explained, then the the reason why there is a need to produce a maintenance activity plan as a condition on the marine licence is something which is very specific to the marine licencing regime. Because it will allow some activities to take place within the licensable area that will become licensable. One the station becomes operational. And it has its source in Section 42 of the MCA such which is written in a way such that any area where the sea is able to flow under its own accord is part of the licensable area. And what that means is that once the cooling water system is flooded, the cooling water intake, the outfall tunnels, the forebay, and the cooling water pump house as far as the drum and band screen wells become licensable areas. And that what that means and this is not unique to size. Well it's also the case on the existing operational nuclear power stations is the marine licences have to be in place for all the maintenance works in the four bays, drum screens and screen wells. And so it is to cover those maintenance activities which are licensable activities, that you have that specific provision in the D marine licence. In other words, it's a jurisdictional issue that has to be addressed. By that means so it's not it's not something that would therefore apply to Those areas which are outside the licensable area, that the rationale for it simply doesn't arise. And these are activities which are fully within the remit of the MMO. There are no maintenance activities that will be covered in this plan that will relate to activities on land, above the mean, high watermark. And that wouldn't otherwise already be secured by the coastal processes monitoring and mitigation plan. So that's why anything that arises in relation to concerns about impact on coastal geomorphology are appropriately dealt with as part of the CP MMP as opposed to replicating that condition licence in a requirement. So I hope you'll forgive me for that brief overview of why it's there and why it's not replicated. But I thought that might be helpful for those listening to understand the difference between the two.

46:01

No, thank you. Right, if there's nothing else on that particular requirement, well, the suggested requirements. So if I return now to East Suffolk Council, so you're also of the view there ought to be a requirement dealing with the beach Landing Facility, and you have proposed a new requirement for that.

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Isabella, for a Suffolk Council, we're satisfied that requirement 12 b now refers to the bits of land in facility and that's addressed. Thank you. And

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we'll just ask other IPS, if anyone else just wants to speak on that. That's fine. So in that case, I will move on. So that's the final item, our sub item on the agenda. So whether it would be necessary and reasonable to make provision in the draft decio for the removal of the H CDF for decommissioning. And again, a Suffolk Council has suggested a new requirement relating to decommissioning and the removal of the H CDF. So the statement of common ground between the applicant and a Suffolk council identifies a scenario of uncommon ground agreements on longer term monitoring plans and how they will affect the decommissioning report and D decisions on the H CD F. So the applicant agrees that this leaves uncertainty at present and is content for the default position to be that the H CDF will be removed during or after decommissioning unless the relevant decision makers at the time agree otherwise. So that is what was recorded in that statement of common ground. And the Environment Agency, I noticed also in response to a first question also indicated that the H CDF and the CDF should be removed as part of the decommissioning process. So if I can just check with a Suffolk council first, whether there's been any further progress on that his ability for he suffered counsel.

48:27

There, there hasn't been further progress from that. from that position. Essentially, we we would like the default position to be recorded that they should be removed, the applicant appears to agree with that, albeit, there will subsequently be monitoring and decisions to be taken at a future stage. But we would like it to be recorded that that's the default position, they appear to accept that and the mechanism for achieving that is to be further discussed.

48:55

Thank you. Can I just check with the Environment Agency if they have anything they want to say on this matter?

49:06

Cameron skirt for the Environment Agency, I'll pass this matter to my colleague, Gary Watson. Thank you. Thank you, Madam Chairman, Carrie

49:17

Watson Environment Agency. And yes, we would like to say the reversal the and the CI D app as part of the process. And one of our issues of the importance of the Environment Agency is long term sustainable coastal management. We've developed a shoreline management plan over the last 20 years in partnership with the Suffolk council that looks to 21 or five and beyond. So we would like to see the provision made for the removal of the CDF and restoration of natural processes on the course insofar as practically possible. Thank you.

50:00

Thank you. Can I ask other interested parties if they would like to contribute to this? No, I can't see any hands up faster blowers. Okay. Thank you.

50:28

I just wanted some clarification, please. We had a discussion about radioactive waste management before. I can't quite understand if there is a situation whereby inevitably, vast, large quantities of radioactive waste will be on the site during decommissioning and indeed up to the end of decommissioning. Probably, I mean, for maybe 65 years into the next century. What little protection they may be it may be getting from the coastal defences seem to be to be stripped away. And there's the assumption that natural processes will occur now, I mean, what assumptions are being made about what is going to happen to the materials on site, including a lot of decommissioning material, I might say, including buildings and radioactive waste low level may go but there'll be intermediate level waste and spent fuel, it seems absolutely no thought has been given to the security and safety of that, or is that a matter that we're being told is going to be dealt with somehow, in which case, the idea that it can return to natural processes seems to me a bit premature at the moment. Thank you. If I could hear from Paul Collins. Thank you, Kai.

52:05

To follow up on that, that point if, if the if, if the hard coastal defence is removed from our history, sorry. If the hard coastal defence is removed, we end up with the cut off as being the only thing that's there, and I'm pretty certain that nobody intends to remove the cut off. Because of wall is something like seven metres above ordnance datum, certainly on three sides, but there are references to it being four metres above datum on the on the seaward side, which would seem to me to be somewhat of a risk as far as what is left on the platform, the end of at the end of that period, and not really something which would encourage any sort of natural process, should the sea come anywhere near that structure, might be good for sitting on the edge of it and dipping your fishing rod into the into the sea to catch something, but even then I have some concerns about that. So I'm sort of puzzled by this, this requirement. That's without going into the whole detail of how you remove all of the ground conditioning and everything else that's below there. So it's sort of an interesting point, and maybe providing funds that it could be down, it'll be an interesting calculation as to how much that might cost. But the idea that that would somehow restore natural processes to me sounds just, well, laughable. Sorry.

53:54

Thank you, Mr. Collins. I see that a Suffolk council want to come back on something

54:02

is ability for a Suffolk Council. I just wanted to clarify the council's position, Madam, so long as there is something on the site that requires protection. The Council's assumption is that the hard and soft coastal defence features would remain whether that be the active nuclear power station or nuclear waste, which is stored on sites. The concern of the council is that if of the decommissioning the hard coastal defence feature is allowed to remain, without the active management and soft coastal defence and mitigation measures, then that will potentially become an impediment and have adverse effects on coastal processes. So I just wanted to clarify that. Thank you for that. Mr. Collins, you have your hand up again.

54:58

Yeah. Yes, thank you. Thank you. Just one small point about that one of things, perhaps I should have said was whether they're looking at funding to remove that at whatever stage that is, if it's unable to be

removed, there should be a funding strategy, which actually makes it maintainable for the period of time that it's necessary to maintain it. That doesn't seem to be in there at all, unless they're going to change the nature of that fund to actually do that. But I still go back to the point that removing it leaves you with a concrete wall. It doesn't leave you with a natural coast at all. Thank you.

55:39

Thank you. Thank you. Isabella to four, you do still have your hand up. Is that in error? Right. Thank you. So if I can hear from Mr. Phil, part, please.

55:57

Thank you, madam. I think it's probably important to preface this by coming back to the agenda item. The question raises whether it's necessary and reasonable to make provision in the draft decio for the removal of the H CDF, a decommissioning. And that really, if I may say so captures the point correctly is whether it's necessary to make any provision for this at this stage, as opposed to an acknowledgement that in the absence of certainty about what happens at that point in the future, that that would be the default expectation. And if I can just start by looking at the question of the lifespan of the hc df because that's rather important context for this. The H CDF needs to remain on site until all nuclear fuel is removed at the end of the decommissioning phase. And in In short, because it needs to be in situ to provide Nuclear Safety protection for the ISF s for approximately 120 years, that's approximately 60 years after the power station, cease ceases operations. And so so you're looking at something a decision as to whether it is to be removed or retained, and what the appropriate provision should be for the case in this position in approximately 120 years time. That is a decision which would need to be made as part of the decommissioning process. The decommissioning process is subject as you might expect, to its own particular regime of control, including requirements for the environmental impact assessment. And, as we explain in the EBS volume to chapter five, in paragraphs five to four, we explain that the obligation to decommission and potentially clear the site comes from the nuclear site licence and decommissioning process. And in the same document at paragraph 5.3. point one, that so far as funding is concerned, there's an obligation to have a funded decommissioning programme is approved by the Secretary of State. And so we're looking at a decision, which is subject to a separate regulatory process, which is ultimately going to determine what happens in approximately 120 years time. Clearly, at this stage, it is too early to pre judge what that decision would be or seek to bind the hands of the decision maker, even if that were legally possible, which it clearly isn't because there can't be a fetter on the discretion of the decision maker in the future. So we've come back therefore, to the question of whether it's necessary and reasonable to include in the decio provision that says it must be removed. decommissioning, whether that's a reasonable default expectation is a separate question. The question is, does it is it appropriate to make provision in the decio that mandates that That must be the end result. And clearly that's not the case. And it's also worth noting here that we're not seeking development consent for the decommissioning process, for obvious reasons. That's again for a separate session. And so to impose a requirement if that's the way in which this is suggested to be dealt with, that would effectively require the applicant to do something, which is subject to a separate decision in due course, in circumstances where it's obviously too early to prejudge what would necessarily be the right thing to do and the circumstances in which that decision falls to be made. And indeed, all of the various conditions, requirements, mitigation and so on, that might be associated with

decommissioning at that stage, suggested it, it can't be done by means of requirement that would be inappropriate.

1:00:41

And so, so far as the expectation as to what is likely to be the default position, we don't have a particular issue with that so far as we sit here today, a long way away from the final decision on that matter. But that's not the same as saying that it ought to be or indeed could properly be the subject of requirement. Now we are in discussion with the Suffolk council as to how this matter might most appropriately be tackled, because one of the things that we are conscious of is that the CP MMP is going to include a mitigation cessation report. And that that is something which over the lifetime of the hc d f, will be informed by the ongoing monitoring and learning from decades of further monitoring of the coast and the processes, which will form an important evidence base to inform that final decision. But it is ultimately something that needs to be decided in that further process and not predetermined now. So I hope that is a helpful overview of the position.

1:02:06

Thank you, Mr. Phil. Part. I do see that Mr. Parker does have his hand up and Councillor Saunders. I wouldn't normally return to them. But if you do have brief points to make on this, then if we could do so now, Mr. Parker?

1:02:25

Yeah, maybe I'll replicate what a colleague is about to say. There is a conflict of information here according to the odnr. EA advice note on principles for flood and coastal erosion risk management, the close the fences need to be in place for 160 years, so I don't recognise Mr. Phillipotts statement of 120 years. And that's something that would need to be clarified. Clearly that pushes the boundary the need for the defences to be in place some distance further forward. And just over one other point that Mr. Philip made just before the break, which if I may I just pick up on the stated that Tony dolphin and sea fast were independent according to a Freedom of Information request, the more than 50% of the non UK government funding for C fast actually comes from EDF. So I feel that to state that CFS is independent, is is misleading, when in fact financially they are very dependent on

1:03:40

on EDF. So I just think it's important to keep that in perspective when judging analysing the information that's being presented. Okay. Thank you. And I see that the hand that was that before is now gone down. So Mr. Phillipotts,

1:03:59

just very briefly, will come I relaying information that I've been given about the likely expectation in terms of lifespan. I'll therefore have to come back in writing on any further information in relation to how that relates to the point that has been made. So far as Dr. Dolphin is concerned, you'll appreciate but it nevertheless, it's important to emphasise it given that this is a public forum, that when an applicant or indeed any other body seeks to take independent advice from someone that they have to pay, that doesn't mean that that person is no longer applying their independent judgement. They appear, as Dr. Dolphin has appeared before this examination in order to provide the independent evidence about the

matters within their expertise and It's rather a serious allegation to make against an expert, that they are not, in fact complying with their duties to provide that independent advice. And I have certainly seen nothing, which suggests that such an allegation can be made either against Dr. Dolphin, or indeed any of the independent experts that we have called upon to address the examination.

1:05:24

Thank you, Mr. Phil pot. Right, that brings us to the end of the agenda for today. Just before I close the hearing, let me remind you that any post hearing submissions, including written summaries of the cases you've made orally at this hearing, should be submitted at deadline five, Friday the 23rd of July. Mr. Phil pot, that was a special request from a colleague of mine, if you can set out in writing what you've said in relation to the draft requirements, in particular, the MMO. The ala knows role that that you've just said you've

1:06:09

just given we will do that. Very happy to provide a full note of that point.

1:06:16

Thank you. Thank you. Now, I was just about to close. But I see one hand has gone up from Mr. Souther or,

1:06:26

Madam, thank you. Yes. Logistics when you ask for a submission in terms of what we've said already? Do you require that a separate one for each of the specific hearings? Or would it be possible? It might be very short contributions to put it all in one document? Well, we would normally

1:06:48

look for separate ones. But if you can make it clear within within your submission, which hearing it does relate to, then I'm sure we can deal with it in that way. If it's easier for you. Yep, that doesn't Thank you very much, indeed. Thank you. All right. Sorry. I'm being corrected now. by Kate steep, please. Could everybody makes please Can everybody make separate submissions?

1:07:20

Each each PR is a separate one for each. That's

1:07:25

incorrect to say. So. Apologies for that. But even if it's even if it's just even if you've just got a sentence, please can you put that in separately? Thank you very much.

1:07:44

Right. So if there are no other matters that anyone wishes to raise are now close the hearing. Thank you all very much for your attendance, your helpful contributions and participation. So it's almost quarter to five and the hearing is now closed.