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Our ref AEO/DFM/NOR01691.8

Your ref Sizewell C DCO

23 July 2021

Dear Sirs

**Application by NNB Generation Company (SZC) Limited (the "Applicant") for an Order granting Development Consent for the Sizewell C Project ("the Application").**

Walker Morris is instructed by Northumbrian Water Limited ("NWL") in the above matter. NWL is the statutory undertaker responsible for the provision of water services in Sizewell. NWL trades locally as Essex & Suffolk Water.

The Examining Authority ("ExA") will be aware from the Statement of Common Ground between NWL and the Applicant (REP2-066) and NWL's response to the ExA's questions (REP2-158) that NWL has been working with the Applicant to investigate the options which may be available to provide a sufficient water supply for the needs of Sizewell C.

During that consultation process, the information provided to NWL by the Applicant regarding the peak water supply requirements for Sizewell C has been recently updated and materially increased and is still not fixed. Since that new information became available, NWL has been continuing to work with the Applicant (as part of its proper remit as a statutory undertaker) to investigate and test the potential scenarios for NWL to provide the water supply requested. This has included NWL working alongside the Environment Agency as part of the wider Water Industry Environment Program (WINEP) process to ensure that any water supply can be provided sustainably. As per NWL's most recent update to the ExA (submitted under cover of email dated 16 July 2021) although preliminary reports have now been undertaken as part of the WINEP assessment process, this work is ongoing.

However, the practical constraints regarding the ability of NWL to supply the volume of water required for Sizewell C, within the relevant timescales, have not yet been resolved. The principal constraints in relation to water supply to Sizewell C are firstly environmental in nature and secondly relate to NWL's existing infrastructure capacity.

In short, the Blyth Water Resource Zone, within which Sizewell C falls, does not have 4Ml/d of supply headroom that is needed to meet the Applicant's requirements. Additionally, the Environment Agency considers all NWL abstractions in the Blyth Water Resource Zone to be over licensed and therefore, NWL is not able to provide any additional water supplies by simply abstracting more water than it currently does. This issue is being addressed through NWL's wider WINEP process, although indications are that abstraction licensed quantities will be reduced. Until this process concludes, additional abstraction within the Blyth Water Resource Zone is effectively prohibited by the Environment Agency.

Accordingly, in order to meet the Applicant's request for a water supply, a new water main pipeline will be required from another water catchment area. In the absence of this additional infrastructure, NWL simply cannot supply the volume of water required for Sizewell C. Furthermore, any significant new connections and additional demand in the catchment will lead to a deficit to its existing customers. NWL considers that the additional infrastructure required will likely take until 2026 to deliver, but there is inherent delivery risk to that indicative timescale which could be subject to material delays.

NWL is aware that the Applicant has already indicated an intention to requisition a main pursuant to Section 41 of the Water Industry Act 1991. Whether under this or any other statutory provision NWL is concerned that there may be a disconnect between the phasing of the development and the ability to supply adequate water to it. Absent protective provisions in the DCO, NWL may be compelled to meet demands for water which it cannot appropriately meet. Further, although Sizewell C is not a 'domestic' use, the water to be provided to the accommodation blocks (at least in part) may fall within the definition of a 'domestic' supply; having to supply any domestic needs presents a critical risk to NWL's ability to serve the needs of its existing customers in the absence of additional infrastructure.

Furthermore, with respect to non-domestic water supplies, the ability of NWL to enter into a section 55 agreement (pursuant to the Water Industry Act 1991) in the current timeframes for delivery of Sizewell C cannot be assumed – largely because of the potential impact on existing customers. Both of these scenarios pose considerable risks to NWL in the absence of a clear mechanism, imposed properly at the planning stage, to secure the delivery of infrastructure and to control the timing of any water supply by NWL to Sizewell C.

In its role as statutory undertaker, NWL remains committed to engaging with the Applicant to ensure that water can be reliably and sustainably supplied to Sizewell C.

However, NWL must act in accordance with its legal duties to its existing customers, and must ensure that the demand placed on its network by the construction and operation of Sizewell C does not prejudice its ability to supply its existing customers, or its ability to comply with the environmental licences under which it is required to operate.

NWL understands that the Applicant's Water Supply Strategy remains in the process of being devised, and NWL has not yet had sight of this. The Applicant has indicated to NWL that it has requested the submission of the Water Supply Strategy to be delayed until 'D7' on 3 September 2021.

However, NWL is acutely aware of the ExA timetable, which requires an update to be provided on the 'Status of Negotiations with Statutory Undertakers' on 23 July 2021 (D5).

It therefore considers it appropriate to update the ExA on its current position and set out its concerns regarding its current inability to meet the revised demand for water in connection with Sizewell C or to do so within the relevant timescales currently envisaged.

NWL is thus concerned to ensure that appropriate mechanisms are included within the DCO itself, so as suitably control the timing and delivery of the water supply, without prejudice to NWL's wider statutory duties, before the DCO is granted.

Consequently, NWL considers that it is appropriate for it to submit a **holding objection** to the Application, on a purely precautionary basis, until such time as a suitable mechanism has been proposed by the Applicant (which NWL considers should be included within the terms of the DCO itself) which ensures that NWL will not be required to provide the relevant water supply until NWL's additional infrastructure is in place.

NWL remains committed to pro-active engagement with the Applicant, within the remit of its role as a statutory undertaker and will continue to engage through the examination process as required.

In respect of further updates on the ongoing WINEP process, NWL understands that the Environment Agency will revert by the end of this month; further assessment work may then be required, but in any event, NWL will provide a further update on progress to the ExA by 6 August 2021.

Yours faithfully



**Walker Morris LLP**