

TEXT_Sizewell_ISH11_Session1_14092021

Tue, 9/14 11:54AM • 1:36:02

01:23

Good morning, everyone. It's 10 o'clock. And it's now time for me to open this issue specific hearing which has been held in connection with an application made by nnb generation company SNC limited for an order for development and sent for the construction and operation of maintenance of the sizewell c project. Before I go any further Can I confirm that the case team at teams is working and then I can be heard seen another recording and live streaming of this event has commenced? Yeah, I can confirm everything's working. Thank you. Thank you. For those people watching the live stream. Let me explain if the proceedings are adjourned at any point, we will have to stop the live stream in order to give us a clear recording files. When the meeting is resumed, you will need to refresh your browser page to view the restarted live stream or remind you again of this should we need to return. Now let me introduce myself and my colleagues. My name is Neil Humphrey. I'm a chartered civil engineer and I've been appointed by the Secretary of State as a member of this panel of examining inspectors that together comprise examining authority for this application. The other members of the panel are Wendy MCI, David Brock, Helen Cassini and Edwin mourned and they will now introduce themselves to you starting with Miss McCarty.

02:43

Good morning, everyone. I'm Wendy Chi. I'm an examining inspector and lead member of the panel. Good morning,

02:53

everybody. My name is David Brock. I am a retired solicitor and Secretary state has appointed me to be a member of this examining authority.

03:03

Good morning, my name is Helen Cassini. I'm a chartered town planner and I've also been appointed as part of the panel.

03:11

Good morning, everyone. My name is Edwin monde. I'm a chartered town planner and I too have been appointed to be a member of the panel.

03:19

We are also assisted at this hearing by the planning Inspectorate case team. Today we have the planning inspector at Case Manager Sean Evans, the other colleagues in the planning Inspectorate who will assist us today are Jake Stephen and Edward Mosley. If you have any questions or queries about the examination or technology we're using for the blended event, they should be at your first

point of contact. their contact details can be found at the top of any letters you received from us, or on the project page of the national infrastructure planning website. Before I get on to the main part of this hearing, I'll ask my colleague, Helen Cassini to highlight a few housekeeping and background matters for today.

04:02

As explained in the examining authorities rule eight letter annex D the issue specific hearings will be live streamed and recorded. Recordings will be published on the project page of the national infrastructure planning website as soon as possible after each hearing closes. To assist viewers and listeners, anyone speaking should introduce themselves each time they speak. As recordings retained and published, they form a public record that can contain personal information to which the general data protection regulation applies. The rule eight letter includes a link to the planning inspector its privacy notice, which provides further information on this topic. If there is a need to refer to information that participants would otherwise wish to be kept private and confidential. It should be in written form which can be redacted before being published. If you prefer not to have your image recorded. You can switch your camera off or repeat the requests made in the arrangements conference. That in order to minimise background noise. Please ensure your microphone or telephone One is muted and that you stay muted unless you're speaking. In order to avoid fatigue, it's our intention to take a 15 minute break at about 90 minute intervals and a longer break over the lunch time period. No fire alarm testing is scheduled for today. Therefore, if the fire alarm does sound in the building, please evacuated by the newest exits, which are clearly marked and you'll be directed to the meeting point. The nearest toilet facilities are located just outside this room in the foyer, and now hand over to Mr. Moreland, who will outline the purpose and conductivity issue specific hearing.

05:34

The issue specific hearing provides an opportunity for the issues raised by interested parties, and in particular the differences between them to be explored further by the examining authority. The purpose of an issue specific hearing is set out in Section 91 of the Planning Act 2008. is held if the examining authority decides it is necessary for the examination to hear oral representations to enable adequate examination of the issue or to ensure that an interested party has a fair chance to put their case. As indicated in the agenda questioning at the hearing will be led by a member of the panel supported by other panel members. It is for the examining authority to determine how hearings are to be conducted, including the amount of time to be allowed at the hearing for the making of a person's representations. Our aim is to use our powers of control over the conduct of hearings to ensure that they are carried out as efficiently as possible. Whilst remaining fair to all parties and thorough in our examination of the evidence. We've identified the matters to be considered at this issue specific hearing, and those on which we require further information. And these are set out in the agenda published in advance of the hearing. participants should note that written summaries of your oral submissions of this hearing should be provided to the planning Inspectorate by deadline eight, which is Friday the 24th of September 2021. On our hand back to my colleague, Mr. Humphrey, who will continue with the introductory matters.

07:12

Thank you. At this point, I'd like to ask those parties listed on the detailed agenda to introduce themselves please, starting with the applicant.

07:21

Good morning, sir. I appear on behalf of the applicant. My name is Harry woodfill, Part keesee. I'm instructed by Herbert Smith, free hills. And during the course of today I'll be introducing a number of different speakers on the various agenda items.

07:36

Thank you. Could I then hear from the Environment Agency please?

07:46

Good morning, sir. My name is Cameron scared. I'm a senior planning advisor. I'm joined by a number of colleagues, which reflects the breadth of the agenda today. So I have Joe Biet, who is senior solicitor. I'm also joined by Kirk Markham who is a fisheries and biodiversity technical specialist. Also Simon Barlow, the sysvol seed project manager also joined by Sarah Hollinger m who is a water resources specialist. And Peter Willett, who is a hydrology specialist. I have Sarah Palmer, who is a flood risk specialist hollyburn who's a geomorphology specialist, Gary Watson, who's a coastal specialist. And my colleague Jeremy Pyle, who will also assist with coastal issues. Thank you very much. Thank you, Mr. Scott.

08:41

Can I hear from Suffolk County Council now please?

08:52

Good morning, sir. My name is Michael Bedford Queen's counsel. I'm instructed by sharp Pritchard on behalf of Suffolk County Council. And in addition to making representations myself I may call on Mr. Steve Mary, who the examinations from before the Policy Manager for highways and Mr. Mac Williams, I think the examination not heard from before, who is the drainage manager.

09:21

Thank you. Mr. Bedford. Could you hear from East Suffolk council now please?

09:27

Good morning, sir. I'm Isabella for representing the Suffolk Council. And I have with me, Paul Patterson, who's the senior coastal engineer. We anticipate that our involvement will largely be focused on the coastal processes section of the agenda.

09:45

Thank you. Good to hear from East Suffolk internal drainage board please.

09:52

Good morning, sir. My name is Yvonne Smith. I'm here for the Suffolk internal drainage board. With me is Mr. Giles Bloomfield Hills. The catchment engineer, and we will be focusing mostly on agenda items five and six. Thank you. Um, so with your permission as well, we were hoping to leave after agenda six if that's okay.

10:17

I'm just check. Yes, that should be fine. Yeah. Perfect. Thank you very much. And could you hear from Northumbrian water and or Essex and Suffolk Water Company, please?

10:33

Yes. Good morning sir. My name is Graham keen Queen's counsel instructed by Walker Morris and with me today are Mr. William Robinson from Northumbrian water. He's the water resources and supply manager Miss Emma Conwell Senior Associate at Walker Morris. Thank you.

10:50

Thank you, Mr. kin. Could I hear from together against sighs We'll see. Please. Yes. Good morning, sir. I'm Pete Wilkinson. Chris. Go ahead, please. Mr. Wilkinson. Thank

11:07

you. Yes, I'm sorry. little confusion there. Good morning. My name is Wilkinson people. Wilkinson. I'm the chairman of together downsize we'll see together this morning with Mr. Bateman, Chris Wilson and Jenny curtly from the organisation who will be speaking as required. Thank you.

11:26

Thank you very much. And can I hear from Suffolk coastal Friends of the Earth please?

11:34

Yes. Good morning. I'm Rachel. And yeah, I'm the organised organiser separate consultancies. Here. We have two advisors with us as well. Dr. David Moser, who's a specialist in hydrology, and Dr. Rob Lowe. With an expert in groundwater, I'm sure they'd be happy to.

12:15

Thank you. And finally, could I hear from the olden or Association?

12:23

Thank you. I'm Alison Andrews. I'm representing the old indoor Association and our focus will mainly be on agenda item eight. Thank you.

12:31

Thank you, Miss Andrews. Mr. Bill Parker and Mr. Nick scar are unable to attend today, but I will be asking for comments about the submissions they've already made. And they both understand they'll be able to view the live stream all the recording and make further comments at by deadline eight. Additionally, the marine management organisation is not present today at the hearing. But they have made a written submission in lieu of attendance today, and that can be seen in the exam Library Reference as at 412. I also note there are people in attendance today who have requested to speak at this hearing, but are not on a list of attend invitees set out in the detailed agenda. I want to ask you to introduce yourself now. But the first time you're invited to speak, please can you introduce yourself by giving your name and the name or names of the organisation or people you represent? I hope you've

had the chance to read the detailed agenda for the hearing. During the hearing today I have questions for the applicant and other invited parties. I am aware there are a number of interested parties who might want to speak on some of the agenda items. Once I finished my direct questioning on the agenda item I asked interested parties if they would like to make any submission relating to the item before moving on to the next agenda item. I would remind you this is not an open floor hearing on flooding water and coastal geomorphology. And submissions made orally should relate only to the agenda items we will be discussing. I want to reassure you that your previous submissions have been read unnoted. I understand there may be issues not on the agenda the parties may wish to raise but submissions on these matters should be made in writing and deadline eight, Friday the 24th of September 2021. Thank you in advance for your cooperation but this approach. Our list of documents I tend to refer to has been made available on the project website. Please note any page number references I make at this hearing later electronic versions of the documents or not paper versions. At this point, I'd like to say that the examining authority have accepted change number 19 relating to the temporary desalination plant. Our acceptance is set out in our procedural decision published last Friday the 10th of September 2021. This hearing will discuss the desalination plant only in the context of its role in water supply for the project. The procedural decision also sets out or will be holding a virtual This issue specific hearing on Tuesday the fifth of October 2121, to discuss any additional environmental effects relating to the change number 19. As a consequence, we will not be hearing any submission on possible environmental effects of the temporary desalination plant today. But submissions can be made in writing a deadline aid Friday the 24th of September 2021. Already issue specific hearing 15 on the fifth of October. Moving on to agenda item two, which is a water supply and a revised water supply strategy Rep. 7036 has been submitted alongside the change request to include a temporary desalination plant. This revised water supply strategy is based on the assumption that first tankers then a temporary desalination plant will supply potable water to the construction works until December 2026, or June 2028 is a worst case backstopped date, when it is assumed that an authoritarian water pipeline will be in place to supply required water for the remainder of the construction period and the operation of the plant. At deadline seven Walker Morris on behalf of Northumbrian water reps 7147 have submitted a representation about their ability to supply water to the development. As I understand their letter, they are saying they're unable at this stage to commit to supply any water including domestic supply to the temporary accommodation. Firstly, I'd like to ask the applicant some questions. After this. I'd like to hear from Northumbrian water about their position. And then he will ask other interested parties for their view before hearing from the applicant. So for the applicant first, could I ask where the water tanker supply is coming from? And has this supply been confirmed by the supplier?

17:01

So I'm going to ask Mr. Rhodes to deal with these questions in related ration to water supply strategy and he can pick up that first point about the tank rain. Thank you.

17:17

Good morning, sir john roads for the applicant. Hope is helpful. I give you a little bit of background. Please stop me as soon as it's not not helpful in terms of supply and demand our water supply strategy. So there's a deadline seven seeks to update the position. And it explains our estimate of water demand in the early years. And we've assumed for those purposes that in the early years, seismicity needs to be self dependent in terms of water and not take water from the water mains. And on that basis. As you

are aware, we set out a phase one strategy for delivering water by water trucks. And we've estimated the number of trucks that that would take. And the early years water requirement builds up over the first 12 months to around one mega litre A day after about two months. And then the water supply strategy explains how it's expected that the water demand would increase through different phases of construction. And events such as the cutoff wall and the tunnelling create peaks in water supply demand water demand rising to a peak of four mega litres a day, which is the peak construction requirement. And then in operation, the water requirement is around two mega litres a day, slightly more during outages. So it averages around 2.2 mega litres a day. And until relatively recently, as you know, the expectation was that water would be supplied by what's been called a sizable transfer main. And I can explain a little bit more about that. But the technical note that the water companies submitted very recently to the examination. It's extremely helpful. And it sets out that whilst sizewell C is not included in the water company's water resource management plan, and I'd like to touch on that briefly. And the reasons for that there was an expectation that the transformation scheme would enable What's to be supplied for sizewell through construction and operation and the technical note is clear. adages, Page Six. That was the 2019 Water Resources Management Plan didn't forecast didn't build in size well See into its forecast. It was not expected that there would be a limitation on the availability of water. The limitation was the timing required to provide the transfer scheme from barsham. To sizewell and water supply strategy is built on what we regard as what we regarded as pessimistic assumptions for when that supply transfer might be available. And the assumption, as you know, that we may for the purposes of assessment is that it wouldn't be available until 20. I'm

20:40

sorry to interrupt Mr. Rhodes. But the question was, where is that we have read the technical note, and we have have read your new appendix. But where is the tanker supply coming from? And has this supply being confirmed by the supplier? So that was the question that was posed. So if you could respond to that.

21:03

Yes, I'm very sorry. It's my fault. But I'm having difficulty hearing the questions. I do beg your pardon?

21:09

No, that's all right. Do you need that to be repeated by clearer speaker? Miss? Did you hear what I said? or specific question? I'm sorry. All right.

21:19

Did you hear the question I posed at the start of that about a tanker supply?

21:24

I didn't hear the detail of it. So I'm pologize. Okay, what

21:27

what I asked was, where is the tanker supply coming for? I think we understand. And we have read the submissions by Northumbrian water and the latest technical paper included. And I read the water supply strategy. And as I set out, I think the initial proposal is tanker supply. Then the other proposal

was a desalination plant until such a time as a transformation can be delivered, as I understand it, is that correct in that brief summary of how the water supply strategy sets out? how it would be done?

22:05

And then the question on top of that that was asked was was just inquiring about that particular tanker supply? And if that had been investigated and secured, so the question was, where is the tanker supply coming from? And has the supply being confirmed by the supply? It may be that the answer is no. And that that's the matter for a later time. But that was the question that was asked.

22:33

Yes, I'm sorry. There is no defined source for the tanker supply of water. Yet we are aware that there are options there is a market for water that can be purchased. And there is no decision yet made about where the water will be coming from. We

22:55

say it by I mean, we're approaching the end of the examination, by the end of the examination, would we be able to understand where that waters blind is secured?

23:05

We can certainly try to define some more certainty around that. Yes.

23:12

As I as I understand the position, and we can confirm this in writing, supply of water for tampering is available from a number of options around the country, and commercially, one needs is a source of supply close to a main road. The decision as to which of those commercially available supplies, we are we would use is not something that has been made, yet there are options out there in the market. What I think we can do in terms of writing is give a little bit more detail about that, and about the options and any considerations that arise. We need to take instructions as to whether the client would wish to make that commercial choice at this stage, whether it's necessary, but I understand that the exam, the authorities concern is to understand well, what might the implications of that be? But I don't understand from what I've heard, and what I've been told that there's any issue in terms of whether one can whether one will could obtain a satisfactory supply? And we can when we need to make that good? Obviously, we will. The question is whether in terms of the decision that has to be made about the decio it's necessary to know more about the options to understand what the impact might be in terms of transport and so on. And we understand that and that is something that we can provide you in writing. I don't know whether Mr. Rose wants to say any more about that. But just to emphasise it's not a difficulty in terms of the availability of water once one is looking to tanker retain for the initial period. It, it's simply to understand what the implications of it might be.

25:05

Okay, well, I think from our perspective as well, we'd like to, in our recommendation expressed as Secretary of State a certainty that we had around the water supply strategy. And I hear what you're saying commercially, you can get tankers or water anywhere, but I think we need a little more certainty

of detail of cannot be done when, you know, in order to say with certainty to the Secretary of State, that there is a temporary supply solution that evidence by an applicant for that tankard water.

25:39

Indeed, and that that's what I've said that we will cover in a note so that you have both that certainty and also certainty about what the other implications might be. I fully understand what you need, as you've just communicated in terms of the reporting. You appreciate that we're in a relatively fast moving situation matters having changes relatively late stage, but we know difficulty as I understand it in providing what you clearly need.

26:11

Thank you. The next question I have is does the water supply strategy include domestic water supply for all temporary caravans and the accommodation campus?

26:26

The water supply strategy covers both the domestic requirement on the non domestic non household requirement. So you're probably familiar there are different provisions relating to domestic supply. But for these purposes, we've treated our total suppliers requirement and not sought if you like, not sort of think about procuring separately the domestic supply.

26:49

Thank you. And given the current water supply strategy is based on the assumption that the transfer main will be available to supply all potable water from December 26 or June 2018. And now, that assumption seems questioned by Northumbrian water as to their ability to do that. What alternative provision for potable water is proposed, firstly, for the construction period.

27:21

So there are certainly reasons to be hopeful that the principal strategy will continue to be the appropriate strategy. And the technical note explains the modelling work that's being done by the water company and the work being done by the environmental agency which will confirm that we understand that modelling will be complete by the 24th of September, Environment Agency will reach a view within two weeks of that as the availability of water serve the catchment areas generally. And that may be that it confirms the availability of water that was assumed for the purposes of the central supply and the transfer main to serve size well. But there are options and alternatives. And one of the helpful things about the temporary desalination plant and we made this clear in the application for it is that it can be extended so it can be extended through the life of the construction period if necessary. If the conclusions of the work, which is being done at the moment by the water company, and the environmental agency is more restrictive than it might be in terms of capping the abstraction. Then the technical note makes clear that the water company would be obliged to consider alternative options to make available supply both as high as one or more generally for demand and it may need to put those options in place relatively quickly because the environmental agency has made it clear that they might seek to cap the existing abstractions by 2027, in which case the water company would need to have alternative sources of supply lined up for those purposes. The technical note I think, is possibly the best source of identifying what the alternative options might be. And it lists a series of alternative options in a

table that you will have seen that the water company would be obliged to consider, ranging from their own desalination proposals through reservoirs through other transfer mains. Through the reuse of water from water treatment works through a regional main being provided by Anglian water. So there are a number of options. It would be the job of the water company to consider those options. And they've explained that they have a process for that through their review of their water resource management plan. And they've already explained in the technical note that it those options are being considered and environmental implications are different options are being considered. So there isn't any question that they wouldn't be water available. But the selection of the appropriate options are for the water company in its process that it goes through.

30:15

I understand. So your view then is the water company will supply water to size well see. But they don't yet know how.

30:27

That's Yes, that's that's accurate. That's absolutely right. So the water company has made it clear. In the documentation, and the discussions we've had, that they will work with us to ensure appropriate supplied size. Well see, they have obligations to do that, as you know. But the recent intervention of an Environment Agency for reasons which we understand is creating some uncertainty about what the precise solutions maybe.

30:57

I mean, I think one of the difficulties in what you outlined about the 24th of September, and the two weeks following that, I can't quite in the mind work out what date that is, but that must be almost bang on the end of the examination. So it's possible, we might not know, the solution, whether it's possible. The transfer main is a possible solution. At that point, we might finish the examination not knowing what the water supply solution for sizewell is.

31:30

Um, so you're right about the timing. So the modelling is to be complete by the 24th. And then the environmental agency have two weeks in which to advise their conclusions on obstruction. So I think there's just about enough time for that process, but only just about enough time for that process itself to reach a view as to the availability of water. But what we've been discussing with the water company, our if you like protective provisions, or a way of working with the water company, those discussions are very active at the moment have been very positive. And we're seeking to formulate a form of words for the decio, which would provide comfort to us. And so we hope, comfort to you that there is a solution and the way in which that solution is to be delivered.

32:19

Thank you. I mean, we'll obviously hear from the water company in a few minutes. But the other thing about what you said about a desalination plant can go on till the end of the construction period. Surely the end of it, as I understand it, the second position for the desalination plant is in the temporary construction area. Presumably that pipe to which goes over the triple si crossing the temporary bit. At

some point all of that needs to be removed and reinstated. So there must be a period of they're not where you can't have that desalination plant.

32:57

The water supply from the desalination plant at the moment can be retained throughout the construction period. We haven't suggested a change or apply for a change beyond that. But what we're confident in is the technical ability to desalinate water through a relatively small plant. If it became necessary in the longer term to extend the life of that or to provide an alternative desalination plant as clearly technically feasible. It's not something that we think is the long term solution. We think the long term solution is connection from the mains water supply via the water company.

33:37

I understand that but just on what you've applied for and where you've applied for it, surely it along with the other works in a temporary construction area all have to be removed and the land reinstated by the end of the construction period.

33:54

I see. So my understanding is that the desalination plant can remain in the temporary construction area throughout the entire construction period. Up until the point of Hence, the assumption is that it wouldn't be needed that long, but it could remain there. But clearly it's inconsistent with the restoration proposals. And what needs to be taken away. It's associated development on a temporary basis is the way in which it's been designed and proposed. If it was necessary to find a longer term solution that I expect that would be a different solution, but it does at least have a life throughout the whole the construction period. No, I

34:29

do understand that but it is say we need removing and I assume the pipe work associated with it goes across that what is the temporary part of the triple si crossing which in itself needs to be removed. So it will there will be a significant period at the end where it's not. It's not possible to have what you've just applied for. Because you have to reinstate it.

34:58

Yes

35:00

probably need to take instructions on that. Precisely my understanding is that it can operate throughout the construction period but not beyond.

35:10

Yeah. But again, it could but it in itself would have to have gone by the end of construction period wilderness.

35:19

I think we've got a sense of the particular point you're focused in on I can I suggest that we take that away, speak to those who are dealing with that aspect of the project and the detailed phasing of construction and provide you with a note the deadline eight, which addresses that particular point? Okay.

35:41

Thank you. Well, the last part of my question on that was assuming the operation of the power station, what's the water supply solution? It's it would that too, would be a potentially unknown at the end of the examination.

35:57

I'm sorry, sir. I'm not catching everything. You're saying?

36:00

Well, what what the question was about before was the transfer main? Well, the desalination plant would have to be removed at the end of the construction period. So what's the operational solution to the water supply?

36:19

The operational solution for water supply?

36:21

Thank you. If you don't get the mains supply, if you don't get the Northumbrian supply, as anticipated.

36:28

Yes, the assumed operational suppliers the transfer amount?

36:33

Yes, but I think the point that the point that's trying to Mr. Humphreys making is if that's not achieved, what what's what's your net? What's your plan B.

36:46

I hoped i'd address that earlier. In that other options would need to be considered the benefit of the desalination plant is it creates a significant period of time in which to consider those other options. I don't think any of the parties that we've been engaged with doubt that there are other solutions. Indeed, there are obligations to provide water to serve size, LLC and other businesses. And there are a range of options which are considered within the technical note. But it would be for the water Water Water Company to go through its process in order to identify the best solution. Thank you, Mr. Rhodes. Sorry, just as I said, if it helps, we know that the transfer main was selected from a variety of a long list of options previously identified to be the preferred solution. Our original water supply strategy identified that there were other options. And indeed, the work of the water company most recently identifies further options, but it's not our understanding that it's our job to identify what that solution would be. It's our job to work work with the water company, we recognise our responsibility to both fund that work.

And we have been funding the modelling work that's being undertaken, but also to fund the cost of whatever the solution may be to serve sighs well.

38:10

Okay. So in summary, your stance then is it's the water companies duty water company's responsibility to supply you with water, it's not your responsibility to demonstrate you have a supply of water.

38:27

So that's right and the water. Others will be more familiar with the law than me, but the Water Resources Management Plan 2019, the current management plan may not include a does not include size, or we did ask for it to be included. But at the time, what it says on the face of the document is that the water company didn't think that size was sufficiently certain in order to build it into its specific plans at that time. But the Water Resources Management Plan makes clear it states that if that were to change of size or to become more certain, and we would say it has already become more certain without any wishing to anticipate what the result might be of this, but it's reached a point in his process where it's clearly being promoted. And it's something which the guidance tells the water company they must take into account. While the Resources Management Plan says in those circumstances, they would treat that as a material change to the water resources management plan and work with EDF in order to develop a supply solution. So that is there a policy that is their obligation. That is our expectation. And we've had very helpful engagement with the water company including a discussion before this hearing, which it was clear that neither side neither side is disagreed about the way forward the way forward is is that in parallel with the development of the power station, water supply solution is developed at the same time and the parties worked on together in to ensure that's available at the right time. It's not suggested by the water company to, for instance, that size well should not go ahead or be delayed. That's not their intention. Their intention is to work with us positively to develop the right solution. And the desalination plant creates the opportunity for that to happen.

40:22

Mr. Rose, might I just intervene here and say, it'll be quite obvious to you that none of the five of us is an expert on water law. I'm sure you got the expertise within within your team, the assertion which you have made, is that there is an obligation on the water company to supply you with operational water, we feel that we need to know and understand that. And to have therefore a clear note, succinct, to the point, telling us why that is the case if that is the case, please.

40:55

So what what I suggest on that one thing I would say by way of preface is, of course, what you've had, from the water company, so far in writing, has not yet been responded to in writing, which is come since the last deadline. So what we haven't had an opportunity to do is to set out in writing our understanding of the position now, clearly, at the moment, we are in discussions with the water company, about an appropriate way to build into the decio provisions which case for this position. And one of the things we're obviously therefore keen to do is to allow those discussions to bear fruit hopefully. And then we can reflect that in the way we set the position out. But what we can do at deadline aid is to set out our position in terms of the law. One of the reasons why it's important to do that a deadline is rather than doing it too early, rather than launching off into some sort of summary of the law now is the first of all,

the factual position is still evolving. As you as you've heard, that we won't have a full resolution of that. By the time we get to deadline, eight. But the the other thing is that there is of course an interrelationship between the legal framework that is established for the privatised water companies, and water resource management planning and the guidance that is associated with that process. And then as Mr. Rhodes has referred to the factual background in terms of the way that the current Water Resources Management Plan has been developed, and the way that it has acknowledged the implications of sizewell C. And so what one needs to do to get a proper understanding is to set out all of that, in writing, so that we can see how it fits together. Because by way of sort of overview, there are strategic obligations on water companies, in terms of the overall management of the system. And then there are specific duties that arise in relation to particular types of connection. We can set all that out in the node. But one needs to understand how all of those fit together in the context of the framework that the act sets, the guidance and how that is to be implemented, and how it then fits into the facts here, we won't have the final piece of the puzzle in terms of the modelling. But for the reasons that Mr. Rhodes has said, that in any event is not a complete answer one way or the other. Because if that option doesn't work out is not as open the water the Act allows the water come and say, well, we're just not going to plan for the water needs of the area. It's more complicated than that. But what I suggest is that we set that out in writing a deadline aid, will obviously in on Friday's hearing, come back to the question of what might need to be in the DCA and the discussions are ongoing at the moment about that, in the hope that we might reach some sort of agreed position on it, that we can present it, Friday's hearing. But is that an acceptable way to deal with the legal position with those thoughts in mind?

44:38

It sounds to me as though it's probably the best that you can manage the the the end position, which you've alluded to, which is is ultimately an obligation to supply is going to be important as well, but by all means set out the rest of the of the factual background. So we've got a full understanding. I'm sorry, it's come Again for you, it's complicated for us to

45:05

thank you. But I think at this point it might be worth hearing from the water company. To be fair. So Mr. Kean, if you're there I am. Can you hear me? I can, indeed.

45:17

Thank you very much. So I wonder, what I like to do if I'm there. And if this is convenient to you is just to take a few minutes responding to the matters that have been addressed so far this morning. And I'd like to do that in give it a structure of three, three elements, if you'd like. One is to briefly look at the current proposed infrastructure solution. Secondly, then to come on to recent developments on why indeed, further work is required. And thirdly, just to pick up on the mechanism, and the legal points of this been touched upon. Now, but just to set out the position, in particular, the distinction between domestic and non domestic supply. Does that sound helpful comedian Thank you. Thank you. So in relation to the current proposed infrastructure solution, you will know from from the letters that we've submitted most recently, the third of September, and the technical paper that there is an inadequacy in the water resource on the in live water read resource zone. So current proposed infrastructure solution is to construct a new pipeline to supply water from the north central water resource. So that zone relies on abstraction from the river wave and he and the associated wave and the augmentation groundwater

scheme. So just start with common ground and perhaps some optimism if, if there is sufficient water supply in the water reserves the northern water resource zone, then it's common ground with the applicant that the current proposed infrastructure solution would be adequate to meet the needs of the plant without compromising the ability of my clients to meet its other statutory obligations. So the existing headroom under existing licences, for other customer demands of match should be sufficient to meet future obligations on my client on the water industry Act would therefore enable necessary supply to the farm Hence, the current proposed solution, pausing nassos it's also common ground in relation to their current solution that it can't be securely tied to destruction nine desalination plants forward, which didn't necessary without flatlines network. So that then we're at now so why recent developments? Change matters. We know that there's general

47:58

Can I just interrupt you for a second, please say that the desalination plant there could be capable of doing the operation of the plant as well?

48:08

Well, so I'm not it's not my application. But as I've just understood what Mr. Rhodes said, it's mainly contemplated that what what is proposed as a temporary plant for construction purposes, but if necessary, that might be something that they would continue to utilise, albeit picking up on your points about location where it would go in the site to get into that. Okay. So in terms of general context, then we've got general pressure on water supply in this part of East Anglia. And indeed it is an area that's categorised by the Environment Agency as seriously as seriously water stressed area. That means that the Environment Agency is reviewing abstraction essences and the volumes that can be extracted on under them. And that's why the EA has informed my clients. And this is the letters of detail set out in the letter of third of September, reference 7147. The sustainability reduction may be applied to its extraction licence for the river Waverly, which is as I've already indicated, the intended source of supply for the transmission line and indeed also the rotation groundwater scheme licences and that we understand it so these are the EA privileges. The river wave and E obstruction licenced by some 60%. The proposed reduction of those attraction volumes is the substantive new matter which Northumbrian water and other relevant stakeholders were previously aware of. Was the change Mr. Boss been alluded to. So where does that leave us the situation means that we cannot become as we stand, there will be sufficient water resource in the water resource zones that allow it to meet its natural obligations, the requirements of plants in There is a theoretical course, there are as yet no other plans, pausing their plans to meet the needs. So

50:15

sorry, sorry to interrupt, but the sound quality was just a little difficult. On that point. I wonder if you could just go back a sentence and repeat it?

50:27

Yes, of course. So what I said was that the situation because of that potential reduction in licence in abstraction rates under the licence, the situation means that Northumbrian water cannot be confident that there will be sufficient water resource in the water resource resource zones that my clients have to allow it to meet its statutory obligations and the requirements of the plants. Now, if I say it's safe at the

moment, I come back to the further work that's ongoing, but if the water is a resource in the north central zone is inadequate. Or what I go on to say, madam is that there are as yet no other plans realistic and deliverable plans to meet the needs of the plant. If then, not have the ability to distract from the river wave and he were to be it's important to help my clients make water available Northumbrian water, and as has been indicated by Mr. Rose, the result would be that it Northumbrian water would require significant capital projects that might be for the sewage, use, or transfer from black to meet. Mr. Kane, I'm

51:58

sorry, you're breaking up again. So you might have to repeat yourself again. I saw

52:04

some feedback in the conference room between a speaker and somebody who still have their mics on. And I think maybe it'd be good if you turn your mics off if you weren't speaking in there, and then we won't get the feedback. Thank you.

52:21

So can I just say I'm not in a conference room. So as far as I know, I'm on my own here. But then my signal looks like it's good, but apologies for

52:30

I don't think it was you. I think it's actually in the main conference room. Right. So

52:38

would you like me to get back to the point that work? I took me back to a moment ago or where did you Where was it interrupted?

52:48

Two or three sentences ago? Mr. Keen? Thanks.

52:50

Okay. Well, I've made the point that there was as yet no other plans if the rewards of resources inadequate to meet the needs of the plan, what I then went on to say is that if the ability to abstract from the river wave and he were to be kept, there are a few other sources of water available to Northumbrian water, such that my clients would require significant capital projects and I gave some examples. Obviously, no decisions are made at this point in such as desalination plant or sewage sewage effluent reuse plant that would be needed to meet anticipated future demands. But there is therefore as things stand a significant risk that Northumbrian water will not have sufficient water to supply the plant during both construction and operational phases of the development having regard Of course to my clients, but statutory duties and the wider water supply demands that are established through the water resource management process. I'll come back to the point about the distinction between domestic and non domestic in a moment, if I may. Now, my clients have made it clear to size well throughout this that any water supply available to the project would be subject to the ongoing water industry National Environmental programme as the winner process is referred to in the technical document and

elsewhere. And therefore there is that uncertainty pending the process. Because of the environment agency's August letter, further modelling was required to assess the precise quantum of sustainable water supply in the northern central water resource zone, resource zone. And so in the absence of that work being fully completed, there remains the risk of that I've indicated as to the ability to supply water or indeed related infrastructure, until after Northumbrian waters regulatory plans are approved. And it might help if I just said a brief word about that process. So just so you've got some context and for the process itself and also for timescales.

55:01

The consequence, though, of that uncertainty is that depending on the final outcome of the winner investigations, if and again I emphasise, if not trying to be in any way, obstructive. So just trying to make clear the uncertainty if there is insufficient headroom to supply size, well, then the result of that is that my clients will be unable to confirm that it's in a position to supply water size well over the project life cycle, pending pending options, appraisal of those potential new supply schemes. And so that's a process is a regulatory process that has to take its course it requires a draft plan being put together approval by Deaf for approval by the FDA, as I understand it, approval by off was of a business plan. And that, as you'll have seen from my clients letter and the technical note is a process that we anticipate taking through until the spring of 2024. And of course pausing there. So, assuming funding has been approved for some sort of further capital projects. Northumbrian water would of course, then have to undertake detailed feasibility of the schemes which doubtless would be likely to require things like acquisition of land, granted, planning permission, etc. So, so I emphasise the uncertainty but I I have, I hope, make clear that it isn't if at this point and we are still waiting on this modelling. But that is the reason why you will have seen in Northumbria in the walk Morris's lecture on behalf of Northumbria of the third of September, that that there's a request that has been made. And I understand that, that it's appreciated by the applicant that this will be necessary, but certainly in our view, so we would request that the authority considers providing for a further hearing to consider water supply matters in more detail once that additional technical information is available. You've already heard from Mr. Rhodes, that we've managed to speed up the modelling work being undertaken on Northumbria his behalf by wood consulting that's now expected to be delivered on the 24th of September. I'm told that the Environment Agency will require around two weeks to, to then to then assess it, but we then should know. So after that the impact on the supply syrup surplus in the north central resource zone. And whether if so how we're not having a circuit whether whether my clients be able to supply size well without having to deliver new supply schemes that should at least hopefully be clear. So I don't see obviously, sir, the determination on that right now. But I flag it as unfortunately, I think necessarily appreciating the clock is ticking down on the examination period. But given the the change in the factual situation, it seems to me that it's going to be certainly appropriate if not necessary. So can I say very briefly, something about the distinction between domestic and non domestic supply? Because I agree with Mr. Phillpotts is probably the help. The most helpful way without getting bogged down today is for masters to be set out in the note and indeed, a lot of that has already been done in the walker Morris letters from our perspective, but just just to flag at this point. So the there is a difference between difference between the regime that operates for domestic and non domestic supply. And in particular, under Section 41 of the water industries Act. The the act can compel compel statutory undertakers to provide both new infrastructure and water supply for domestic purposes to household premises, and that's irrespective of any environmental or capacity issues, which may result. Now, so we know that

sighs well, had indicated that they were going to make a requisition under Section 41 of the Act. There have been discussions outside the examination, which I can confirm have been positive and constructive. And we are looking at a way in which that matter can be disapplied in the development consent order that you can immediately see there, I hope so that the the concern of my client if section 41 we're not to be disapplied. Given given that stringency of the statutory regime, the non domestic side is different and effectively again, without taking too much time now. So,

59:45

under Section 55, and in particular section 55, three of the water industry act 91. The water and Undertaker can refuse to supply water for a non domestic use in two circumstances. If activities. Firstly, if in order to meet its existing obligations to supply water for domestic or other purposes, together with its probable future obligations to supply buildings with water for domestic purposes, The Undertaker would incur unreasonable expenditure in carrying out such such works. And secondly, Alternatively, if such supply would put at risk, the ability of the undertaker to meet existing or probable future obligations. So, again, I don't seek to take more time on it now. But that you can see immediately that although section 55 provides more flexibility, there's still a concern that my clients have given the uncertainty of headroom capacity as to its ability and its inability at the moment to commit to providing supply. So I hope that hope that assists

1:01:06

Thank you, Mr. Kane, I think I mean, I think except we will wait to the next deadline eight, so we can possibly understand the legal process fully. But in some registers, I asked the applicant whether whose responsibility it was to supply the water, they seem to suggest that was yours. But are you saying just re summary for me here that you could refuse to supply the water because of the reasons you just set out? Right. Okay. So I think I'm clear then that we could be in a position at the end of the examination that we are still unclear about whether there is waters Wyatt sighs Well, in the long enough beyond the temporary desalination plant.

1:01:54

That could be that could be the situation so Yes, it can. So could I just have one brief other point to I don't know if you'll come back up separately on this but I just just plug it in. I just want to say something briefly about my clients request for Grampian type provision because things have moved on a bit outside the inquiry. An examination I'm sorry and also would just like to check with Mr. Got mister as you know, got Mr. William Robinson, here from Northumbrian water. You've heard a lot from me. And I'd be very grateful if I could just ask if he if he had anything further that he wishes to say on the topics about Swanee that he would have the opportunity to do so. Please do Mr. King. So thank you before I bring Mr. or asking by Miss Robinson, then to contribute if he wishes to do so. Can I just deal briefly while I'm on air as it was so with the with the approach that you will have seen in the letters on behalf of my client in relation to the need for a Grampian type condition or provision in the decio to ensure that the provision of infrastructure kept pace with with the ability to supply. So in Keene, it's David Brock here, we've got

1:03:08

just to say we have gotten I think you've got this in mind that on Friday, the implications of this for the DCA are on the agenda, more or less at the beginning. So I mean, by all means take a few moments now to outline things if that's helpful for this today's discussion, but we will deal with it in full, I hope on Friday.

1:03:32

Understood, so I only really wanted to flag at this point the potential for some progress and cutting through things being made because there are some discussions outside the examination. In relation as I've already indicated to the section 41 requisition provisions being disapplied subject to the detail of the drafting that we've yet to see. It may well be that that provides adequate protection to my clients interests, as I say subject to drafting but until I find it now, sir, as a matter that may truncate, you may be able to make some some some progress there. So that's really why I drew attention to that. So enough enough, let me know, Robinson, just come in if he wishes to add anything, please.

1:04:21

Thanks very much, Mr. Kane. I think you've covered everything that but very well. And clearly, from my perspective, I think the only point that I just like to clarify on is regarding additional modelling that needs to be undertaken for the winner investigation is just to confirm that that that is one of a whole series of model modelling exercises that necessarily need to be undertaken as part of our Wynette programme and that that programme has been ongoing now. For well over a year, year and a half since the funding for those investigations became available in April, April 2020. So just wants to make the point that the modelling that we're doing now is just not last last minute piece. That, that we're trying to do to get to understanding whether we can supply sighs we'll say not it's part of a longer programme, which is a regulatory programme with with which the dates of which are, are set by our regulators. So I just took just wants to make that point.

1:05:18

Thank you. I think at this point, I'd probably like to hear from the applicant, again, about what

1:05:29

just about, about just before hear from other IPS, and I'll come back to again at the end of that, but from what I think the water company just said, it seems that they don't, they could refuse to supply for very good reasons, say they cannot supply. sighs well see. So that will leave you with the operation stage with no water.

1:05:53

But so that just two points briefly, if I may, as Mr. Keane has pointed out, so far as the provisions about immediate requests for supply are concerned, you'll recall, I made the distinction between the general duty and the duty in relation to a specific request. And we'll cover that in more detail in the note, it's right to say that in respect of a specific request made under Section 55. There are grounds under Section 55. Three, where a water company can decline. But it's not the end of the story, as you might expect, the commercial interests of a water company are engaged in respect of such matters, put it in neutral terms, and the way that the act ensures that the public interest in ensuring adequate supply is met. And the water companies commercial interests are not allowed to unduly restrict supply is

provided by an ability to take disputes in relation to any such refusal to offer. And that's in Section 56. We'll cover this in in the node. But you'll appreciate therefore, we'll we'll again, we'll we'll come back to this in more detail when we set out in writing. That at this stage, of course, what you don't have, we don't have we don't yet have a dispute is the views of awkward about what might or might not be reasonable. And that would have to be in relation to a specific dispute. But the Act does not therefore provide a veto for a water company. What it does is it allows a water company to say in respect of a specific request made at a specific time that it doesn't consider that that should be met for the reasons that are identified in subsection three. But if there's a dispute about that, there is an ability for that dispute to be resolved. Because the view that is taken by the water company, from its perspective as to how those subsection three exceptions do or don't apply, may well be different to the view that's taken by off what and what we'll cover in the note is how that has been acknowledged by the courts in and the importance of that in the context of decision making in planning cases. Now, I'm paying not to go too far into that now because I don't want Mr. Kane to feel he's got to respond that we end up spending too much time on it because it is it is something we deal with in writing. But I don't want you to be left with the impression that there is some sort of veto. Unsurprisingly, when the water system was privatised. protections were built in to ensure that the requirements of development the requirements of growth, were not inappropriately constrained by and the commercial interests of the water companies there are balances that are checked. But those are built in throughout including in relation to specific requests. So that's just to give a flavour of the position is slightly more complex than one might think just by looking at section 55 in isolation.

1:09:34

I think I understand that but equally true in this particular case, because this isn't a consented scheme at this present time. So consequently not demand that needs to be met at this particular time. There is a the secretary state might take a more balanced view of the fight and can't guarantee the water supply because there isn't water available. And he might take the view that well actually there is a way of making this equation work.

1:10:00

So the the the secretary state will hopefully be making a decision in circumstances where the factual position has become somewhat clearer than when we're not obviously in charge of that factual situation, we're dealing with what comes out of it. But hopefully, the Secretary will have more information about that, we can set out our understanding of how the regulatory system is intended to work. I rather anticipate that actually, much of that will be uncontroversial, because it's a matter of was set out in statute, where I suggest that the judgement needs to be made is to how that then manifests itself in terms of questions of whether there is an impediment to implementation, or questions of what needs to be on the face of the order in order to deal with the consequences of it. At this stage, I've just identified those appear to be the two questions of judgement. And the legal mechanism is relevant to understanding the context without judgement. But I suspect that ultimately a question of judgement lies at the end of it. Thank you often does.

1:11:10

I think at this stage, I like to hear from other interested parties. Can I start with the Environment Agency? Please?

1:11:20

Thank you. So Cameron, scats. Environment Agency. For instance, good. Wanting?

1:11:30

Good. Do I mean, you've heard presumably, what was being said here? We've heard about the extraction from the river wave. And he Do you have any comment to make on the likely outcome of? Indeed.

1:11:45

Indeed, I think, obviously, we've had the information he mentioned a number of times today. So would it be possible to turn off the sound is quite an echo. Thank you. That's perfect. I think it's, it would be useful just to give an understanding of of the sequence of what's happened today, very briefly, and the further modelling that's, that's going to take place. So in order to understand the viability of the sysvol transfer scheme, NW L, undertook a partial interim when EPA investigation. And we received that in July of this year. And you'll seen that was, we wrote to end to be on the 26th of August, and that was appended to, to some, some of their recent letters. And within that, we confirmed from from that that partial investigation, it's likely that there will be sustainability reductions applied to the river river way waive any obstruction licence. Whilst we can advise on the sustainable water resource supplies, so that the headroom of what's available, it really is a business decision, for end to be well to decide how they distribute their water amongst customers. So, since that letter, and have you all have concluded that they feel they might not have sufficient headroom to supply sighs we'll see via the transfer. And to have further confidence in in that decision, they've proposed to take undertake further additional wind modelling. So again, that's that that sort of partial within the the overall process. And we now understand that will be completed by the 24th of September. I think it's really important to stress that, that we've given an indication that that could take us a minimum of two weeks to review the results of that modelling. And once that has been undertaken, we can update our letter of the 26th of August. But what that that will, that will give is likely indicative annual licencing quantities for the abstraction. But it should be noted that that's likely and indicative rather than the sort of final decision and it's been discussed, there are further processes that need to be undertaken to come to a final decision including cost benefits and benefit analyses and an options appraisal. So my understanding is following our review of that modelling, and wl may be able to confirm whether whether that gives them the confidence to state whether they can or when they can supply size We'll see. But from our understanding, we we don't know how long that would take for them to make that decision. I'm sort of in the process really think Finally, I just wanted to, to really pick up on the point about the extension of the desalination proposals, or see that at the moment, it's proposed through just through the construction phase. And as we've heard in previous hearings, there are lots of uncertainties around marine ecology impacts. And I think the interaction in extending that into the operational phase would mean that there need to be significant environmental, further environmental assessments to understand the impacts of that extension. So I think that's all all I really want to say at this stage. If that's okay, I don't if there are any further questions or queries?

1:15:51

No, thank you, Mr. scared. But I mean, just in brief summary, what you're saying is, it's unlikely given it's the 14th of October, we finish the examination, we'll be in a position to have a definitive view, if you like on obstruction from the river wavenet.

1:16:10

I think we can give a likely indicative a likely indicative view, but I think it's, as I've said, it's it's it's our, our position is, is to advise on on those matters. And it's for others to consider. Consider what what those implications are. Thanks, Mike. Just comment on that. said,

1:16:39

Mr. Robinson. Yes. Okay. You can comment.

1:16:45

But thank you, it just it just to confirm that once we've got the indicative licence changes that Mr. Scott has just referred to, we will then put those into our water resources system model, which we have, which essentially determines the deployable output of our water resource zone. And we will look to do that as soon as we've got that information from wood consultants who are doing that the initial when modelling for us, and we'll be able to give a view hopefully, by the time of the two weeks, the interim agency has had to review to review the word report. So we will be looking to have completed our system, what is our system modelling by by the eighth of October also?

1:17:26

Thank you, Mr. Robinson. But I think I just heard Mr. Scared say it's a minimum of two weeks. So two weeks is a sort of indicative timeframe there. So it looks to me like we'd be very lucky to have an idea before the end of the examination. Then I'll move on. Thank you, Mr. Robinson, to other interested parties. Can I hear from Simon Barlow, please?

1:18:00

Thank you, sir. I'll just lower my hand. Speaking as the environment is sizable as the project manager, I just think it's very important just to pick up on one comment that my colleague Cameron was just mentioning about the desalination. And I do appreciate you made a comment right at the very beginning of this hearing today, that there is a subsequent issue specific hearing on the fifth of October dedicated to that subject. But I think it is incredibly important that we all pay attention to the fact that there has been discussion today about the potential need for desalination beyond construction appreciates, not on the table at this moment in time. But as Cameron has quite rightly identified, it is almost impossible to separate the water supply strategy from desalination. If desalination then becomes the even even for the entire construction period, it is different from what the current project proposal is. And certainly if it was destroying to operational period, it changes things markedly in terms of the environmental impacts associated with that processing in parallel, excuse me to clear my throat in parallel to the ongoing the operational cooling water system impacts within the marine environment, not to mention the fish recovered return system impacts within the marine environment and all the associated ecological and environmental impacts associated with those two processes running in parallel it, it would seriously change the the environmental assessment criteria and also that determination process would require environmental permits from our organisation. And we would need

to start looking at those in combination with cooling water system as proposed operation. So what I appreciate is not for today's agenda, I would certainly like it noted today that it would need to be thought seriously about an issue specific hearing on the fifth of October, if that were to become a real option, and I'm only mentioning it because it has been discussed in today's discussions. Thank you.

1:19:57

Thank you, Mr. Barlow. I'm going to think as you rightly say, we be discussed the issue specific hearing on the fifth of October and equally, deadline eight submissions can be made on that point. Could I hear from Mr. Bedford listen.

1:20:17

Thank you, sir. Michael Bedford Suffolk County Council. So our concern on behalf of the County Council is not directly with the water supply solutions, but with the potential consequences or impacts of those solutions for matters that are relevant to the county council, in particular, highways impacts but potentially also biodiversity impacts. So can I just clarify that you are expecting those matters? Not to be dealt with today? And you would prefer to hear about those either in our deadline eight submissions, or at the issue specific hearing 15?

1:21:01

That that's absolutely correct. Mr. Bedford, that's exactly what I'm expecting. In which case, I'm not gonna say anything further. Thank you. Can I hear from Councillor Sanders, please?

1:21:17

Hello, good morning. I just wanted to raise it too quick. It's with regard to if this does continue into the further into the construction phase. In figure 2.2 of the consultation documents that the applicant gave, there is a significant rise in water supply demand after the original proposed length for this desalination plant. Therefore, it would seem to me likely that any continuation of the Southern nation plant would require larger clusters on very much doubt that clouds are proposing will be able to cope with a rise in demand for their own.

1:21:58

Thank you, Mr. Sanders. I'm gonna hear from Edwina Galloway, please.

1:22:05

Edwina Galloway calcium comm culton parish Council. I'd be grateful if the applicant could clarify how they intend to supply the associated sites. I where's the water coming from? As they talk about the main site frequently? We just want to understand if that's local water mains or somewhere else, thank you.

1:22:28

Thank you. Can I hear from Mr. Bateman, please?

1:22:35

Hi, Mr. Bateman was speaking on behalf a task and a couple of things. You know, I'm quite surprised to hear that the that the applicant is sort of surprised that the water wasn't going to be available, because it's quite clear that under the water Framework Directive, it was always on the cards that the abstraction from the wave and he was going to be lowered. Because under that water Framework Directive, the river is not allowed to deteriorate from its current status and the wave and he is one of the rivers that is that that has deteriorated from its status in 2009, I believe. So you know, that shouldn't really be a shock to either Northumbrian water or the applicant. You know. I trust Northumbrian water. But I have to say you know, they have had this once already where the Environment Agency has stepped in and said that there wasn't enough water to supply sighs we'll see from the blood. And so really, it shouldn't be a shock now, and a couple of things about the water resource zone. Now, I'm concerned that if all the water is taken from the northern central water resource zone, that's gonna deplete the available water to the extent that there'll be no water left for further development in this zone. Now this is quite disconcerting because it would in effect stymie development in areas like Lowestoft, which is in the northern central water resource zone. And these areas are already suffering from deprivation with regards to socio economic development. So that's going to have a real knock on effect to the ability for places like low stuff to develop further. And now the water resources zone is designated as an area which has interconnections within the zone. That means all the customers they're in are equal exposed to the risk of water restrictions in a drought situation. But it's inconceivable if the supply to size will see that the supplies to size we'll see would be cut if the water was scarce. So in reality, the integrity of the water resource zone would be compromised, because the drought burden would not be equally shared. Right now we recognise that there's a dispute over the obligations between Northumbrian water and the applicant about the obligations under Section 41 and 55 of the water industry act. But I would like to know whether this is superseded by the water Framework Directive because the water Framework Directive is very clear about the need to supply water where there's no deterioration. So which stupid which comes first, the water Framework Directive does that supersede the obligations under the water industry act. And just something as well about the future water supply? If I think that the the strategy, the supply strategy reliant on recycling effluent water, and the little bits and pieces of water that that the applicant is kind of mentioned, is doesn't make up that four mega litres a day, it really doesn't, and especially if you think about the future, and if they're reliant on water effluent, the water use for sewage, etc, is going to go down over the next 60 years as water is kind of like used more and more sustainably, so that water supplies not necessarily going to be there. And I have to say as task, you know, we've long thought that the desalinization plant is probably going to be there and used as a permanent feature. And, and again, under the water Framework Directive, there is an obligation if that were to happen, that the the applicant and natural England and the Environment Agency have to show that that there would not be a damage to the environment, you know, it's not, it's not good enough for them to say we don't think there will be damaged, they have to show that there won't be damaged. And that's where the issue is at the moment at Hinkley, where the acoustic fish deterrant, where the Environment Agency has said that they haven't shown that there will be no damage. So you know, we're quite sceptical about this. But I just want to know, my main point is where does the water Framework Directive come into this? And does that override the water industry at 1991 obligations?

1:27:26

Thank you Miss boatman. Good. Just before we move on to next person, can I just say Mr. Rhodes, in that conversation? I mean, might not be heard online, but I can hear that and it's quite distracting when

I'm trying to listen to the if you could perhaps have the conversation outside. Thank you. Sir, can you hear from Councillor North please now?

1:27:51

Thank you, Mr. Humphrey. I'm not councillor North today. I just feel north. I'm not a Suffolk Councillor, but I'm representing to raise coffee, the local Member of Parliament who I work for, I just wanted to underline a point that Mr. Barlow made from the Environment Agency. And I know what you say, Mr. Humphrey, in terms of dealing with some of those environmental issues under the issue of specific hearing scheduled for early October. But also think you made the point earlier, that there is no certainty in relation to this that they'll potentially be no certainty in terms of the supply of water until after the end of the hearing. And Dr. Coffee has previously written to the pain spectra, she's written two days and mhclg suggesting that the BA short extension to the hearing to enable regulators like the Environment Agency, more time to make a fuller assessment, especially considering some of these elements of EDF application have come a little bit later in the process like the desalination plant. And I just wanted to put that on the table today. Formally as well. There is precedent here. The reason SPR EA one and EA two pins. Hearing was extended by a further three months. And I wonder if that would be appropriate here. That's certainly something that's raised as raised in the past and I think would be a good idea in this instance, but I will leave those thoughts with you Mr. Humphrey.

1:29:33

Thank you, Mr. North. Could I hear from East Suffolk council please?

1:29:41

Good morning, sir Isabella for for a Suffolk Council. Our position on this really is that ultimately the decision maker will have to be satisfied that there is a solution to the question of water supply both during construction and operation and that the likely significant effects of that solution are properly either fired and assessed. And we understand that that's a matter for consideration at a future hearing. And our position certainly will be that we'll be seeking a solution that doesn't adversely affect the AONB. Thank you.

1:30:15

Thank you, Mr. Flow. Mr. Phil, pop, do you want to respond to any of those?

1:30:21

And just briefly that so far as the water Framework Directive is concerned, I suggest that we pick that up in our note, clearly, one of the things that you in secular state will need to grapple with the implications of the proposed development. Yeah, in terms of the water Framework Directive, and we've got a separate item on that later. So it plays into this decision making process, where it sits into the water planning process we can deal with briefly in a written note. And there were two factual points, which I was going to ask. Mr. Rose come back on, first of all, the suggestion that the desalination plant for which consent is sought is not sufficient to cope with the full construction demand, there was a point raised by them by Councillor Saunders and whether or not that's right. The second specific factual point, Miss Galloway raised the question about supply for the associated development sites and where that is coming from. So I was going to ask Mr. Rose just to pick up those two points, if I may.

1:31:31

Could I Can I just add to that one point, I think I heard was this concern, because we talked about the possibility of the temporary desalination plant in change 19 becoming the a permanent desalination plant that that couldn't happen. Perhaps you could just clarify that. Yes. So

1:31:51

in terms of the the application, the application is for a temporary desalination plant, if we wanted to make it permanent, we would need to apply to change it so that it's permanent, and make sure that all the effects of that are assessed. But what you have before you hopefully, reasonably clearly in the application is for temporary dissemination plan. Thank you.

1:32:14

JOHN Rhodes for the applicant. So just trying to pick up those points quickly in terms of capacity. The temporary desalination plant has the capacity to deal with the full demand during the construction period. And that set out in the application documents and explained there in terms of the balance of supply and demand and the capacity of the desalination plant. So far as the associated development sites are concerned course they generate a much smaller water demand requirement for which we don't believe there are issues. We believe there are local technical solutions for those but we'll set those out in a note in following up from this, this hearing. Absolutely, to clarify what or confirm what Mr. Phelps said this, we made an application to you for a temporary desalination plant is not an application to extend the use of deceleration through the operational period that would require some form of change to the application. That's not our proposal. We don't think that's what it's certainly not what we suggest is the long term solution. It might might be technically possible, but it's not our proposal. We had assumed until very recently that the size of our transformation was the appropriate solution. And one of the benefits of the sizable transformation is that we bring resilience not just to sizewell C, but to local communities, as well. And as we've heard, it may be that there is an opportunity for confirmation relatively soon that that is still the likely preferred option. But we will see in the way in which you've heard that the studies will conclude whether or not the water is available for that to be continued to be the solution. And just want to say one other thing, in terms of the environmental impact of desalination, not to go into any detail at all and to recognise that we have a hearing specifically to examine this. And also to absolutely emphasise that it's not our proposal, but I think it would be appropriate to say that the assessment of the desalination plant operating at four mega litres a day compared to an operational requirement of two mega litres a day. Our assessment of it doesn't give rise to significant environmental effects. And one of the reasons for that and we've explained in the submission documents is that the water intake is so much smaller than that which has already been assessed for the main operation of the site. Something Less than 1% from the desalination plant compared to the water intake for the operational phase has already been assessed for the operation of the power stations. I'm not suggesting that's our proposal. But it's appropriate not to not to exaggerate the environmental implications of desalination. I know that you'll examine that more closely when we meet specifically for that for that purpose. Thank you. Thank you. So anything else was filled?

1:35:34

No, so we can deal with any other points in the way I've suggested.

1:35:37

Okay. Well, I'm aware of the time is 1134. I think we should have a short break till 10 to 12 1150. So we'll adjourn for the moment. Thank you.