

# TEXT\_SizewellC\_ISH11\_Session4\_14092021

Tue, 9/14 5:36PM • 55:06

00:11

The hearing is resumed. So we look now at draft decio requirement 12. b. This was to be the subject of discussions between the applicant the MMO and ESC. So could I ask a Suffolk council what has been the outcome of those discussions and of all drafting issues now been resolved?

00:37

Isabella to four he suffered counsel. Sorry madness a bit of my understanding is that the outstanding issues have been resolved by the current drafting of this requirement.

00:58

Thank you. And I'll just check that with the applicants that that's agreed.

01:06

That's my understanding, certainly the version we've put forward at 12 B, incorporates what we think were the necessary amendments. And it's reassuring to hear that those periods have satisfied the council

01:24

and draft the CEO article 86. that's now been deleted. So again, if I asked the applicant, can you confirm that that matters now resolved?

01:41

So far as we're concerned, yes, that is to have been satisfactory. And I think it may be for others to confirm whether anyone else is happy with it. But certainly that's our proposal.

01:55

Believe I checked with the Suffolk Council, if they could confirm that

02:03

it's better to for a Suffolk Council, yes, matter, and we welcome the deletion of that article. Thank you.

02:12

Thank you. So just looking on to the question of other potential additional requirements. Could I ask see stuff, again? On the N, TF. That's the marine technical forum. This was another topic to be discussed with a Suffolk Council. And also in relation to the map, the Suffolk council proposed an additional requirement, the equivalent of condition 34 of the D marine licence. So can I just check with the Suffolk council that the issue in relation to the MTF is resolved? And you don't seek for that to the subject of

requirement? And secondly, what's the outcome of your discussions with the applicant and the MMO on the map?

03:11

as a visitor for for a Suffolk Council, on the marine technical forum, I think we're content that there needn't be a specific requirement in the decio for the formation of that body. My understanding is of the deed of obligation is that it doesn't actually include an explicit requirement for that body to be formed, there is some reference to the body. And there are some details of its constitution and proposes an annex. But we wonder if there might be a specific obligation for the formation of that body in the deed of obligation. If you'll bear with me, I'll just take instructions on the marine activities plan for a moment.

04:13

Madam apologies. I think that's the subject of ongoing discussion with MMO. And we're going to have to come back to you on that in our written summary.

04:22

No, thank you, just while you're there, and also in relation to the removal of the SC h CDF for decommissioning, and the question of whether it would be necessary and reasonable to make provision in the draft decio. for that. I also believe that discussions with the applicant were continuing on that question, so I was just wanting to check the council's present position.

04:49

Isabella ability for a software council that is now reflected, not in the DCS but in Section 10 of the CPM MP, which establishes a default policy. For its removed or subject to assessment at the appropriate time, but there is the outstanding concern which I've mentioned the Mr. Phillpotts that that come back to us on about compliance with the decommissioning plan. So we're happy that it can be addressed in the CPM MP rather than subject to a separate requirement in the DCF. All right, thank

05:23

you. That's helpful. And if I go actually to the Environment Agency, and check if they're content with that position, and if they have any other concerns into this topic, generally.

05:42

Thanks about him cameras get from the environment, if the Yes, I can confirm we haven't got any other aspects to race today.

05:53

Thank you. And I'll just pose the same question to other IPS. Right, so the applicants response.

06:08

But what I suggest is that I've taken a note of the effectiveness of drafting points raised by separate counsel and such as whether the date of obligation needs to have any any change to it. To put beyond doubt, the establishment of the marine Denholm time Stan has an existing body. I was just thinking if I could find a quick answer to that, but I think that's probably best dealt with in writing, it's helpful to know

that that is not felt necessary to have a requirement on removal of the hard coastal defence features. So far as what's in the CP MMP wasn't entirely sure, I may just missed it as I was trying to chase this point down whether it's suggested that the CP MMP needs to have more than is in it at the moment on this and if so, what that shouldn't be, I may have missed the the detail of it, in which case I apologise. I just asked Mr. For to clarify that.

07:16

Thank you, Isabella. For a Suffolk counsel. There's a reference in Section 10 of the CPM MP to the production of a monitoring and mitigation cessation report, which is to include various recommendations including whether the hard coastal defence features should be removed or some other mitigations should be provided. And our concern is whether there is any mechanism requiring adherence to that those recommendations effectively, which is a point I think Mr. Philpott touched on earlier and said he'd come back to us and I'm grateful for that.

07:51

Yes, I am having now heard that. That is what I was talking about earlier where I said I take instruction. So I haven't had a chance to do that yet. But that is something we'll come back on. Thank you. Great to mystify

08:05

No, thank you. Right. That brings us to the close of that agenda item eight. So I'll hand back now to Mr. Humphrey.

08:14

Thank you, Miss McCoy. Well, returning to the agenda item six, which is the water monitoring and response strategy, which as 236 was submitted to set out the principles of the monitoring and mitigation approach should monitoring identify construction works within the main development side, leading to materially worse environmental effects on groundwater levels or quality at the site or surrounding area. The precise monitoring arrangements for the sysvol marshes triple si would be set out in a revised water level management plan that is currently owned by the East Suffolk internal drainage board. The Suffolk coastal friends of yours have made several representations rep 2436 rep five to seven one about the adequacy of the underlying monitoring and modelling and thus effectiveness of both the water monitoring and response strategy and the consequent implications for the water level management plan. The deadline 70 applicants has submitted a water monitoring plan setting out the proposed water monitoring arrangement I would like to understand from interested parties outstanding concerns before taking into account the latest submission. Firstly, I'd like to hear from Suffolk coastal friends of yours, please.

09:41

Yes, thank you very much. Rachel Porsche here. Thank you. Yes, we have ongoing concerns about The water quality monitoring. There's quite a lot of information about strategies to keep levels per se. But we don't really see any trigger events for actions if the water quality deteriorates, and then what the remedial actions might be. We're concerned because of the possible impact on the rare plants and

invertebrates of the trip. Nephi. I wonder if we could bring in Dr. mode to comment on this and possibly adoption, though. There are they are both our advisors on this matter. Thank you.

10:47

Thank you. Yes. First, Mr. Lowe, please.

11:00

Yeah, hello. I think I think David was gonna comment on the water quality. Okay, thank you, Mr. mouldeu, please. Hello, thank you.

11:16

We've seen Mr. Lowe and myself, I've got a bit of record and heated and hopefully concise list of issues to be joined. So if you could follow me that would be nice and neat in terms of the process. Firstly, just in terms, one, one of my points is, excuse me, water quality. I've got a couple of points to make first, just in terms of responding to the water monitoring plan. Firstly, current versus guideline water table regime, the current water table regime within the triple Si, as determined by the applicant for its monitoring programme since 2011. That is outside the guideline regime as stated in the literature, as determined by a combination of a collation of relevant data from a national basis. It must be assumed that a shift towards the guideline regime would result in the improvement of M 22. In the planning system as a whole, as I understand it, this would be sometimes referred to as betterment, particularly in the field of flood risk assessment. So setting the trigger levels based on the historic data from the site itself will have the effect of maintaining a sub optimal regime or level regime and not allowing for an improvement, either natural or through management. So we suggest that we should be aiming for for betterment here given the opportunity of pesticide management. Secondly, also relating to trigger levels. Excuse me, during the warmer months of the year, the trigger levels are set at the 30th and 17 percentiles. On average, that means obviously, that water levels will be beyond threshold trigger levels for 60% of the time. So we're querying whether this is an excessive degree of control with related management overheads for whichever part is managing, managing that. I'd also like to add the point that I would expect that the war the monitoring system would be upgraded to be delimited. Such that alarm may be made automatically to allow appropriate, appropriately fast response to present prevent damage to the triple si. I will make a note on water quality. But I need to caveat this with the fact that I'm not the water quality expert, we have a water quality expert on our team who can't be with us today. So this is not not within my area of expertise. But the monitoring frequency seems to be very insufficient in intelligence frequency, but also its spatial distribution. And so as not to be able to highlight any issues and allow adequate action. Just For comparison, a single household household biodigester would normally be required to have a monthly monitoring of nitrogen and phosphorus over a period of a year. So one of the biggest planning applications in the UK should, we would expect to have a higher monitoring load. And this is especially within the especially important within the context of the expected change in water supply mechanisms for the triple si area, which would change the proportion of surface water and groundwater towards more domination of surface water. So we feel that this failed to take into account the fragility of the tripolar habitat and their sensitivity to even subtle changes in water quality. So I think that's a good point to hand over to Mike

15:07

Yes. All right. So following on from David, we, we've highlighted in previous submissions, written and oral submissions that the hydrological supporting conditions for m 22. Sand Meadow community, which is the interest feature here in all the literature, and that goes for the other weapon vegetation communities as well in all the literature, the these supporting conditions are expressed in terms of the the water table elevation relative to the ground surface. And but the the applicant is both persisted in nature in Unreal, referring continuously to this shallow piece of metric groundwater levels within the triple si. Now, there's a possibility that these two variables have significantly different values at any single location. And therefore, that the pizza metric water level is not a good substitute for the water table elevation within the triple si. And that there's therefore a risk that the ecohydrological Impact Assessment has been based on. And I think more importantly, in this context, future monitoring and impact mitigation will be based on fundamentally the wrong variable. I think, you know, it's really this really significant point. Now we, in our previous submissions, we asked for an empirical comparison of water table elevation, and P symmetric levels within the triple si basically to test whether the two variables do have significant value significantly different values within within the triple si. And this would easily be done by going out and installing some what are called det wells, which are fully screened to the surface so that they capture the watertight elevation. And then comparing the water levels measured in those dead welds with the pizza metric levels measured in the shallow pizza limiters that the applicant has installed and has been imposed, been monitoring. But we, you know, we requested this in previous submissions where it doesn't seem to have been taken up. And there's no evidence, no evidence has been provided that the values are the same as we would expect from Dec wells and the water table elevation. So and, you know, we still recommend that and we still like to see that thing that's important. And a related point, and I think this just illustrates what the applicant doesn't really appreciate the the importance, the importance of assessing water table elevation relative to the ground surfaces, and that's illustrated in plate 3.1 in the September 2021 water management plan that we're talking about. Now this this shows multiple time series water level graphs. And the water levels on the y axis are expressed in metres loT so metres relative to ordnance datum. And also there's no ground surface elevation, it would make it slightly better if there was a horizontal line for each time series graph showing the ground surface elevation. But that's not even marked on the graphs. But the text within the water management plan says that that those that plate is included as a comparison to guideline regimes. And as I've just said previously, all of the guideline regimes are expressed as water table elevation relative to the ground surface. So as far as it goes the plate that plate is completely useless to that for the purpose that it's put in there for me it just can't be used. And so the question in relation to this is just the applicant have any plans to measure the water table elevation in the site, and then to compare the values that they measured with those that they've been measuring or contemporary values for the shallow pizza metres that they've got in place as well. So that we can be at least reassured that the you know that they're very similar set the same or very similar values

19:58

and Then the second point that I'd like to make is that in Section 3.1 point seven of the water management plan, the applicant draws attention to the fact that there's, there's, there's a, there's micro topography within the offene Meadow within the triple si. So there's the small scale topographic variation. And they highlight the fact that the maximum range or the kind of characteristic range of that micro topography is about naught point one metres or 10 centimetres. And then we compare that with the guideline if you look at the guideline ecohydrological guidelines for water level ranges from 22 that's

of the order of naught point one five metres so 15 centimetres, so that so those values are reasonably close together. And so this means that the micro the micro topographic level against which the water levels are defined, so the point in in the micro topography that you choose to express your water levels relative to the ground surface is quite critical. It's a high point you've chosen so if you go into the nether and you see a slight high point, so the top of that 10, centimetre mark or topographic variation, if you choose that high point to express your water levels against your measured water levels, and the measure water levels can appear relatively low. And if you choose a low point, the measured water levels are going to appear relatively high. Now this is an established problem. I'm working on this quite a lot, especially in other wetland settings, especially in peatlands. At the minute, we're developing statistical techniques for doing surveying around monitoring installations to get a repeatable statistic for which expresses the ground surface, the average in inverted commas grand surface elevation around an installation. So it's a it's a kind of recognised problem in the in wetland eco hydrology. But in relation to the water management plan, that document we're talking about, there's no indication as to the applicant brought it up to start with, but there's no indication as far as I can see, as to which relative ground level has been chosen for each monitoring monitoring points. To to assess where the water level is relative to the ground surface, it seems to me there's a few options it could be, it could just be the ground level at the monitoring installation. But obviously that brings in a potential bias in relation to who decided the position of the installation within the field. And what kind of criteria that perhaps or conscious criteria they were using for locating the depth well, or sorry, the shallow pizza ometer within the field. Alternatively, it could be if they've done some, you know, some small scale surveying around a dip but it could be a local micro topographic high or a low or a local micro topographic low point. And this isn't set out in the water management plan. And as I said at the start of this, this point, the fact that the micro topographic variation is of the same order. That is the guideline water level range for the for the habitat means it's absolutely crucial that we know what you know what point what level in that micro topographic variation has been chosen to express the water levels. So the question in relation to that is could the applicant explain which micro topographic point in terms of the relief has been chosen in relation to each shallow pizza? ometer.

24:15

Thank you. Before I go to the applicant, could I hear if the internal drainage board had any comments on the water level management plan at this stage? Oh, yes,

24:30

Yvonne Smith for the Suffolk internal drainage board. I'm sorry, there's a bit of an A. Thank you very much. Right We have two questions really. So one of the according to the water monitoring and response strategy, trigger levels are to be secured through the formal permitting and licencing regimes. So we would like to get clarification on the relationship between the trigger levels proposed in the draft watermark management plan and any formal permitting and licencing regimes such as, for example, on dry land drainage consent. And the other question that we have is that we'd like further information on whether the Suffolk internal drainage board would be able to contribute due to discussions held by the environment review group, if and when trigger levels are reached within the internal drainage district. Thank you very much.

25:24

Thank you. Could I ask if the Environment Agency have anything they want to add to this?

25:36

cameras get Environment Agency? Really just to note that we've we've not previously raised any comments on this matter, but we are reviewing the plan that was submitted to D seven, and will will provide comments to do.

25:51

Thank you very much. Are there any other interested parties who want to make a comment at this stage? Mr. McFarlane, please.

25:59

Um, thank you very much Ben McFarland representing Suffolk Wildlife Trust and the RSPB. Really, just to add to some of the comments made by Dr. mould and Mr. Lowe, they were very supportive of particular, particularly the water quality monitoring whereby the proposals are only two times a year we believe, which is wholly inadequate for for a site so sensitive as this. And also just just touching on the potential mitigation. So in our views, the real risk lies in the water quality less so in the water level, we believe it might be possible to maintain levels through an engineered solution. But by doing that, that will compromise the water quality that will then potentially impact on the triple Si, from what we can tell the mitigation actions are to do with grazing and hay cutting. But there's a huge amount of uncertainty that increased grazing or increased hay cutting will have any influence on a fan habitat that is suffering from very poor water quality. So we just like to raise that as a point as well. Thank you. Thank you very much. There's no other hands up. So Mr. Philpott. Thank you. So

27:21

now I've got a couple of speakers who can hopefully pick up some of those points of detail, but I'll introduce them in a moment. But it's perhaps worth just reminding ourselves that the water monitoring response strategy is a subject of a requirement. And requirement seven includes the requirement for a water monitoring plan to be agreed with East Suffolk council following consultation with amongst others environmental agency RSPB and natural England the internal drainage board and the local lead flood authority. That's the list of people who must be consulted. And that that water monitoring plan must be developed in general accordance with the main development site water monitoring response strategy and the draft water monitoring plan. And so the the water monitoring plan is in draft its purpose, the purpose of putting these in now is obviously to draw comments on what it might contain. And so to make sure that the draft that is in position at the end of the examination is one that is suitable for that purpose, but it's not the final document. So it's helpful to have comments and views and we're happy to engage with people that are home what it might contain. And now with that introduction, I've got two speakers. Stuart Smith, from Atkins, who's at the far end of the table here, someone the exam assembling authorities not heard from before he'll take the lead in response to these matters. And depending on whether he feels anything in relation to groundwater, goes beyond his area of expertise. He may call upon Mr. Mark Lee from Atkins, who the examination has heard from before, but I'm going to ask Mr. Smith to sort of introduce Mr. Atkins to Mr. Lee wrote from Atkins to the extent he feels it necessary. And broadly speaking from Suffolk coastal Friends of the Earth, have a number of points made about trigger levels and the levels that They are aimed at being outside the guideline regime for

m 22. habitat. So I'd like that point to be addressed as also the question of where they are set in percentile terms. Frequency of monitoring was also raised. That's also been a point raised later on. Then we had a question about micro topographical differences, and how that variation is to be addressed. And on the back of that whether or not plate 3.1 in the water monitoring plan was fit for purpose or something to be used for the purposes of monitoring and mitigation. And then, I think there were some specific points from the internal the drainage board, first of all, about the relationship between trigger levels in the draft water monitoring plan, and drainage consents. And then also, I think, whether they might be involved in response to anything, which needs to be done where the monitoring reveals a need for action. I may have oversimplified those points, but that's my sort of spotless shortlist of the points that were raised. So I'm going to ask Mr. Smith to respond to this. But

31:42

I just say, as part of that, and a piece of metric level issue is that,

31:47

yes, and the relationship between ICR, I should have picked that up the relationship between those levels, and other means of measuring the water table.

32:03

Good afternoon, Stuart Smith, on behalf of the applicant. So firstly, in relation to the triggers, we have explicitly and definitely moved away from the published data. And we made that clear in issue specific hearing seven reasons behind that. And a follow up sub subsequently with our written sort of record of our reasons for doing that is the the published literature are based upon evidence that's collected and collated from a range of sites where femto is present. And it's got, it's got a reasonable range of sites. And what you get by using that, that collated data is an aggregate of what's observed across those sites, rather than the specifics of what are the conditions that are observed at a particular site. recognising that the importance of cyber marshes triplus I, and natural England commented on this in ice age seven, we feel the most appropriate means of controlling the regime, the ultimate management regime and of protecting the site is to to use our site specific data, rather than falling back onto the the aggregated data that are available in the published literature. The first point is associated with that, in terms of the triggers, there's a question associated with whoever the the 30th and 70 cent sales person provider mean that the site is out of regime for essentially 60% of the time. What we're intending to do with by using the baseline data set, what we're looking to do is define the maximum range that's been observed. And that's the range that's been observed since 2011. We've discounted the period of, of surface inundation that we're observing at the moment from that, and then it gives us a narrower range. And then within that, where they're looking to constrain so that so that we have a aced a relatively stable regime for the duration of the construction. That means that we can have a more resilient have a more a protected site, so that we can get early, early signal of if there are changes that are that may cause an effect that may cause harm in ecologically, which should take far longer to appear. So we're looking to respond and respond quickly. The choice of 35 and 70 percentile, as opposed to say 20th. And 80th means that we've got a relatively narrow range compared with what might otherwise be chosen. But if we welcome comments from other stakeholders, from other interested parties, if they've got a different threshold, and they'd like us to observe it associated with the micro topographic variability, this was principally sort of investigated as a consequence of concerns raised about the

accuracy of LIDAR data. So we've relied on LIDAR data for the groundwater model, and then conducted topographic survey across site on Marty's triple Si, in both long sections across the site, and then targeted survey through one of the key areas of Fen Meadow as identified by Suffolk Wildlife Trust. And the purpose of that was to really understand that Microsoft graphic variation, understand whether there was any systematic bias in the LIDAR, and how accurate the LIDAR were. So that when setting targets, or triggers sorry, when setting triggers, we could be comfortable that we were using values that are representative of the of the compartments as a whole, and not skewed by either picking up the tops of each of the topics, or the low points between the topics that are present on the site. And what we found from that analysis is there's no systematic bias, the error goes between the LIDAR and the or the difference, I should say, between the LIDAR and the the topographic survey is in both directions. And what that suggests is that there is a, we're not introducing error by, by by through the modelling, and therefore the triggers that we're basing and the data that we're using, we understand how they relate. I'm just gonna look to Mr. Phillpotts here.

36:50

There was weather I suppose there are a couple of additional points. I just want to check whether that answer covers off weather plate 3.1. In the water management water monitoring plan is fit for purpose or not, it doesn't, I think it was said that the measurements are in metres eo D. And it doesn't deal with ground surface elevation. So there's that point, the difference between the different ways of measuring the water levels. And then there was a further point which I should have added, but didn't, it was said that whilst one might be able to manage the water levels, that would be at the cost of water quality. And so if you could just cover those points, I, I should say the two points raised by the IDB if you're unable to deal with those we can take away and deal with them in writing

38:05

that apology. So in in in terms of plate 3.1. The data that are presented there is illustrative. And I'll draw your attention to plate 3.2, which shows it shows the ground level for a specific monitoring location also shows the average ground level across the compartment, which has been using different the LIDAR data. So it ties into the those micro topographic variations that you that you observe across across a compartment and plate frequency, illustrates really how we're intending to use triggers across the sites. So the distribution of points is shown and the nature of data and nature of variability shown in player 3.1. But 3.2 gives a much better representation of how with an intending to use the data. In terms of in terms of a water quality or illness. I'm picking up on that and that assess that's a key point that's been raised. And we do recognise that that the Fen Meadows is incredibly sensitive to changes in water quality. Come back to the point that we raised issue specific hearing seven, that we don't see, we don't recognise that there's going to be a change of source of water. We're not we're not indicating we're not planning a change of water supply. The whole purpose of this piece and the whole purpose is and the more the monitoring and mitigation is to ensure that the supply of societies is as per the current regime, and it's a fine tuning of that regime to to to to maintain it, rather than to a belief it was described as inundate the site or irrigate the site using surface water. That's absolutely not our intention. And then in terms of the frequency of water quality monitoring, we're happy to take that away is as as Mr. Philpott indicated. It's a it's a draft plan. We can look at the frequency of that and If we can come to a more appropriate free frequency where we the moratorium that we've currently got on this proposed is as per the existing arrangements that have been used to inform our baseline.

40:18

Thank you. I noticed Mr. Lowe you have your hand up, I don't Mr. Lowe want this to become a discussion here. And now if you have further comments, perhaps you could make them a deadline eight. But if you want something additional new to say, Now, I could hear from you

40:40

know, on balance, it's probably a debate. It's not a debating point. We're just coming back. So I'll leave it for now.

40:48

Thank you, Mr. Phil. Part, if you just before if you've got anything else to add a dislike to be certain I take away your point about this is a dialogue, you're intervene to about the water level management plan, and to refine it to have one at the end of the examination. At what point will we have a version a different version? that's taken account of the additional comments?

41:13

I'd have to take instructions on which deadline that would be. But as I said that the this is going to be a draft water monitoring plan at the end of the examination, I can check and come back to you with which deadline, it would be submitted at. So there was one of us wanted to check for completeness, whether Mr. Lee had any further points that he wanted to add, having heard what Mr. Smith said.

41:45

Thank you, Mark Lee on behalf of the applicant. There's just one point I think outstanding from Dr. Lowe's comments around the water table and the relative difference between the monitoring data that we've used to characterise the hydrological and hydrogeological regime and the site. In response to the X q2, we did clarify that we are monitoring the water table rather than the piece metric surface, as Dr. Lowe indicates, therefore, we're actually measuring the metric if you will, that. Dr. Lowe is suggesting we should be Thank you

42:22

agree with so that that then I think is our response to the points that have been raised. Okay,

42:27

thank you. And just on a final point about the draft a revised draft plan, I'd like it to be a time where we could also receive some additional comment on it rather than one at the very last deadline where no one can make a comment.

42:42

unsets I anticipate that should be possible, but I have to just check before confirming which deadline it would be. Thank you.

42:50

Okay, that includes agenda item six and move on to agenda item seven. In their written representation, Rep. 2135. The Environment Agency expressed concerns and assessments have not identified all the potential impacts under the water environment water Framework Directive, regulations 2017 or adequately assess the potential for deterioration of the status of water framework water bodies affected by the development. If a deterioration in a water body status cannot be ruled out, an exemption will be required in accordance with regulation 19 of the water framework direction regulations. And at that time, they were concerned the applicant had not made this case to support this. Deadline seven in a statement of common ground, the EAS position seems to be inferring in the amber colouring of a derogation under the water Framework Directive may be required. Given the amount of time left in the examination, we would like to hear like to be in a clear position at the end of the examination, what remains outstanding and whether or not whether or not inflammation is required to support any derogate derogation that may be required. Can I first hear from the Environment Agency on the outstanding issues please?

44:10

Hello, sir current schedule from the foreign agency. Obviously we've we've received a an updated three FDA assessment deadline seven. Now we're still working our way through there are new potential pressures such as desalination proposals that we will need to consider. My understanding however, was that those comments related specifically to the Triple S icrossing primarily. And as such, I think my colleague Kirk Markin could probably give you an update of of our position on those aspects if that's okay. Thank you. Mr. Morgan, I can't hear you employed. Nope, still can't. No, I'm sorry, Mr. marcomms. Just can't hear at all. So perhaps I could try and have a go while Mr. Markey was working out the Gremlins. Thank you. So, in terms of the sorry, so, that bit of an echo thanks in terms of the the Triple S icrossing itself at deadline seven, the applicant revised, submitted a revised triplus icrossing design sheet construction phase which would remove the draining drainage pipe, which was the sort of last area of concern while the triple span bridge design remains our preferred option, we feel the removal of this pipe would further reduce the impacts to the ecology of the area including invertebrates and as and and it would also have the minimal Lund take from the triple si notwithstanding this, we consider the update data design would reduce the risk of deterioration and the water environment regulations to 2017 and reduce it to an acceptable level that would mean we would not require regulation and regulation 19 exemption. But in in terms of other aspects that that sort of being considered in the updated to be ft. addendum, there are a few aspects you might see within our statement of common ground. So those relate to the coastal defence features. So we requested that modelling extended beyond 2099. And sort of considering that further modelling in terms of the VFD aspects, there's desalination, as I outlined that we're still considering I can see Mr. marcomms popped up here. So can we have another go to see if indeed we can.

47:40

Good afternoon, sir Kirk Markham Environment Agency, can you hear me this time? This time is fine, Mr. Markham. Excellent. Could I just possibly ask for a recap on what Mr. kamin Mr. Scott had already discussed with you I don't want to sort of go over the same things if I don't need to. I can go for

48:03

it's probably best if Mr. Scan gave in.

48:08

So I've I've I've covered the the triplets icrossing. And and our opinion that a regulation 19 exemption is probably not required on balance, although the triple span bridges our preference. I also went on to say that we're in the new addendum we're considering coastal defences and desalination proposals, but we've not come to a view there. And that's as far as I.

48:38

Yep. Okay. I'll take on from there. If that's okay, then Kevin. Thank you. So we raised outstanding concerns that as a result of entrapment losses to some fish species from the operation of size, we'll see that a reduction in the number of fish entering the old the old and the blind water bodies had the potential to to lead to deterioration under this element under the wF D assessment. In order for us to maintain wF D compliance, we recommended requirements are included in the decio. To address this potential impact. These requirements would secure robust monitoring and provide mitigation and compensation to undertake improvements which would benefit fish in the affected water bodies should a deterioration occur. A deadline seven the applicant has submitted additional monitoring mitigation and compensation proposals via the draft date of obligation by the draft fish monitoring plan and by the deemed marine licence conditions 50 and 51. we're undertaking a thorough review of this information and will provide comments a deadline eight. It's also important to highlight through the environmental permitting regime. We will also need to complete an in combination assessment to ensure wF D compliance. This will include consideration of impacts associated with operational and construction related permits, such as the water discharge activity and combustion activity permits, we will only be able to complete this when we have determined these permits.

50:12

Thank you, Mr. Malcolm. Thank you. Is there any other IPS want to make a point on the water Framework Directive? In that case, Mr. Phil, pop, do you want to respond?

50:30

So yes, I'm obviously very pleased to hear that. Likewise, the Environment Agency doesn't consider this regulation 19 assessment would be required in relation to the triple si crossing. And I'm going to just ask, Mr. Ian Dennis, Royal haskoning, who I think will be joining remotely. So I keep my fingers crossed. So that technology works, just to provide you with an overview of where we think we are in relation to the compliance with the directive. And obviously, if you've got any questions about the assessment, he would be the person to put them to so Yeah, that looks promising are safe. Mr. Dennis can be heard as well as seen.

51:15

Thank you. Good afternoon, everybody. Ian Dennis speaking on behalf of the Good afternoon. Thank you. So yeah, in terms of where we currently stand, I actually think I don't have a huge amount to add to the update, but Mr. Scared and Mr. Markham have already provided. So there were a couple of outstanding issues with regards to the Triple S icrossing. And fish entrapment. And we have submitted the information that we we sorry, we have digested their comments, and we have changed our design for the Triple S icrossing. To to address the issue with regards to beaudrey Taktik. invertebrates. And

we've also submitted some revised plans for fish monitoring. And on the basis of those, we believe that the proposals for that for the scheme are compliant with the water Framework Directive, and do not need any further process for loss. Right. Sorry, any any further assessment for a regulation 19 exemption under under the wF DEA regulations. Note that the environmental agency have yet to comment on the desalination plant. I'm happy to discuss that now. But I think that is subject of a subject of a separate hearing. So it's perhaps best to wait.

52:58

Yes, indeed, that will be on the fifth of October. Mr. Dennison.

53:07

In which case, I don't have anything else to to add.

53:13

Thank you, Mr. Dennis. Mr. Phil. Paul, do you want to add anything else at NASA as any of you or your colleagues have any questions? Mr. Dennis, at this stage? No, I just really wanted to understand the position about the difference between the and yourselves. And it seems to be moving together. So so.

53:31

So that that's certainly the impression we have. That's our expectation. You've heard obviously, the environmental agency is still looking at a number of matters, but we think we're moving in the right direction on this.

53:41

Thank you. Well, that does the agenda for me as there are no other issues. Before I close the hearing, let me remind you that any post hearing submissions, including written summaries of the cases you have made oral in this hearing shall be submitted a deadline eight, Friday the 24th of September 2021. If there are no other matters that anyone else wishes to raise, I shall now close the hearing at many thanks to you for all your attendance and parties.

54:16

It was just a what if I may. So just one other matter if it helps, oh, you asked earlier for the timing of the revised draft. This was under item six. And I said I'd take instructions on which deadline it would be I'm totally in line eight deadline. Excellent. Yeah, I do apologise for interrupting so now I thought might

54:38

cover a while I wanted to know that thing. Okay, well, many thanks to you all for your attendance and participation at today's hearing. Time is now 1720 and this hearing is now closed.