



The Sizewell C Project

9.10.2 Statement of Common Ground - Northumbrian Water Limited (Essex and Suffolk Water)

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1 INTRODUCTION

1.1 Status of the SOCG

1.1.1 This Statement of Common Ground ('SoCG') has been prepared in respect of the application for development consent under the Planning Act 2008 ('the Application') for the proposed Sizewell C Project. This version (Rev 04), dated [30.09.21], has been prepared through a programme of engagement between NNB Generation Company (SZC) Limited ('SZC Co.') as the Applicant and Northumbrian Water Limited ('NWL'), referred to as 'the parties'. NWL trades locally as Essex and Suffolk Water ('ESW').

1.1.2 NWL has engaged in the SoCG process to assist the Examining Authority as part of its normal role as a statutory consultee in connection with proposed developments which may affect the capacity of its infrastructure and water supply systems.

1.2 Purpose of this document

1.2.1 The purpose of this SoCG is to set out the position of the parties arising from the application for development consent for the construction and operation of the Sizewell C nuclear power station and together with the proposed associated development (hereafter referred to as 'the Sizewell C Project'). This SoCG has been prepared in accordance with the 'Guidance for the examination of applications for development consent' published in March 2015 by the Department of Communities and Local Government (hereafter referred to as 'DCLG guidance').

1.2.2 The aim of this SoCG is, therefore, to inform the Examining Authority and provide a clear position on the state and extent of discussions and agreement between the parties on matters relating to the proposed Sizewell C Project.

1.3 Structure of this Statement of Common Ground

1.3.1 Chapter 2 provides a schedule which detail the position on relevant matters between the parties, including any matters where discussions are ongoing. This is underpinned by Appendix A, which provides a summary of engagement undertaken to establish this SoCG.

2 POSITION OF THE PARTIES

2.1.1 Table 2.1 provides an overview of the position of the parties and any further actions planned.

Table 2.1 Position of the Parties

Ref.	Matter	NWL's Position	SZC Co.'s Position	Further Action Required	Agreed / Not Agreed / In Progress
1. Drafting of Protective Provision / Removal of Holding Objection					
1.1	NWL has submitted a number of representations and holding objections to the Application. In particular, letters submitted to the Examining Authority on 23 July 2021 and 24 August 2021 and representation made at Deadline 8 (24 September 2021).	NWL is content to withdraw its objection provided that the proposed protective provisions set out in Appendix B to this Statement of Common Ground ("Agreed Protective Provisions") are included within the Development Consent Order as made by the Secretary of State. In summary, the Agreed Protective Provisions ensure that SZC Co cannot serve notice under s41 WIA on NWL requiring it to meet its statutory duty by providing SZC Co with a domestic supply of water, and setting out the circumstances in which NWL will provide SZC Co with both a domestic and non-domestic supply of potable water – those circumstances relating to the ability of NWL to provide a sustainable water supply which has been approved through all necessary regulatory processes.	SZC Co is agreeable to the Development Consent Order being granted with the Agreed Protective Provisions.	SZC Co to include the Agreed Protective Provisions in the deadline 10 version of the Development Consent Order.	Agreed
2. Potential Sustainable Resource/Supply Scenarios Arising from WINEP					
2.1	There is an inadequacy of the water resource in the local Blyth Water Resource Zone (WRZ) within which the proposed Sizewell C Project is situated, so the current proposal is to construct a transfer main to supply Sizewell C from NWL's Northern Central WRZ which relies on abstraction from the River Waveney and its associated Waveney Augmentation Groundwater Scheme ("WAGS") operated by the Environment Agency (EA). Based on the findings of an interim Water Industry National Environment Programme ("WINEP") report, the EA informed NWL (on 26 August 2021) that a sustainability reduction may be applied to NWL's abstraction licence for the River Waveney and the WAGS abstraction licences. The EA indicated in its letter that it could reduce NWL's allowable annual quantities of abstraction by up to 60% to mitigate concerns around low flows within the river that could otherwise breach Water Framework Directive requirements. Further modelling work is being carried out to investigate this further and an update on this is being obtained by NWL as a matter of urgency. The results are now expected in mid October.	Agreed	Agreed	Complete additional "WINEP" modelling – expected mid October 2021	In Progress
2.2	If subject to the results of the additional "WINEP" modelling the EA confirm the new annual licensed quantities of water for NWL's River Waveney abstraction and the EA's associated WAGS licence, and NWL also confirm there is sufficient water resource in the Northern Central WRZ to meet forecast demand from existing customers; as well a forecast demand from future customers NWL remain committed (subject to the terms of the Agreed Protective Provisions) to supply Sizewell C's long term water	Agreed	Agreed	As for 2.1 above, plus: - NWL to complete deployable output modelling in parallel with EA's review of	Not Started

Ref.	Matter	NWL's Position	SZC Co.'s Position	Further Action Required	Agreed / Not Agreed / In Progress
	<p>demand during commissioning and operations. It is common ground between the parties that this demand comprises an annual average of 2.2 MI/d of potable water; and a peak demand of 2.8 MI/d of potable water. The parties agree that the interim WINEP results demonstrate that there is insufficient water available to meet Sizewell C's construction demand, hence the accepted change 19 proposals for temporary desalination.</p>			<p>additional WINEP modelling results.</p> <ul style="list-style-type: none"> - NWL to reconsider scope/programme to deliver transfer main if sufficient water is available <p>NWL will confirm whether it can supply SZC's long term water supply from its Northern/Central WRZ following completion of the WINEP modelling (expected in mid-October 2021) and subject also to confirmation from the EA on annual licensed quantities.</p>	
2.3	<p>If however it is confirmed that there is insufficient water available, new supply schemes will need to be identified in NWL's Water Resources Management Plan 2024 which may take longer to deliver.</p> <p>Under these circumstances, the parties agree that Sizewell C's long term water supply is unlikely to be available until the late 2020s at the earliest, despite use by NWL of reasonable endeavours to establish the supply as soon as possible, and there is significant risk that it could take longer.</p>	Agreed	Agreed	<p>As for 2.1 above, plus:</p> <ul style="list-style-type: none"> - NWL to complete deployable output modelling in parallel with EA's review of additional WINEP modelling results. - NWL to continue to progress Water Resources Management Plan 2024 studies, including options appraisal to identify preferred new water supplies. 	Not Started
3. Assumed Backstop Date for Sizewell C's Long Term Water Supply to be Available					
3.1	<p>As noted in item 2.3 above if NWL needs to develop new water resources to meet the demand of its existing and future customers, including Sizewell C, it is unlikely that Sizewell C's long term supply can be provided until the late 2020s at the earliest. In discussions between the parties, 2030 has been identified by the applicant as the backstop date for this long term supply to be fully available, this date corresponding with the end of construction and prior to commencement of commissioning of Unit 1.</p>	Agreed	Agreed	None	Agreed



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NOT PROTECTIVELY MARKED

Ref.	Matter	NWL's Position	SZC Co.'s Position	Further Action Required	Agreed / Not Agreed / In Progress
4. NWL Commitment To Delivering Sizewell C's Long Term Water Supply					
4.1	NWL's commitment to delivery SZC's long term water supply is set out in the Agreed Protective Provisions submitted as Appendix B to this SoCG.	Agreed	Agreed	None	Agreed
5. Phase 1 Water Tankering					
5.1	Sizewell C's main water supply during construction is temporary desalination as proposed in accepted Change 19. For the initial 9-12 months of construction, whilst the temporary desalination plant is being installed, Sizewell C's water supply would be met by water tankers. Water tankers would need to be filled outside the local Blyth WRZ, where sufficient licensed headroom exists. NWL has indicated that the water tankers cannot be filled from its Suffolk network, irrespective of the outcome of the additional abstraction sustainability ('WINEP') modelling. NWL has identified a number of potential options within its Essex Supply Area, subject to further investigation and negotiation with the applicant.	Agreed	Agreed	NWL to complete assessment work. Further negotiation.	In Progress

NOT PROTECTIVELY MARKED

APPENDIX A: ENGAGEMENT ON THE SOCG

A.1.1. The preparation of this SoCG has been informed by a programme of discussions between the parties, and are summarised in **Table 2.2**.

Table 2.2 SOCG meetings held between the parties

Date	Details of the Meeting
Weekly progress meetings between SZC Co and NWL held from March – June 2021	To discuss progress in relation to: <ul style="list-style-type: none"> - SZC demand forecast - SZC site mains requisition - Status of various technical studies
30 June 2021	Meeting to discuss outcome of NWL’s technical studies and programme to construct transfer main
12 July 2021	Follow up meeting to discuss programme scenarios (the “optimistic”, “most likely” and “worst case”)
19 July 2021	Meeting with NWL and legal team on water supply
11 August 2021	Meeting with NWL and legal team on water supply
24 August 2021	Stakeholder workshop on draft Site Water Supply Strategy prior to submission to PINS at D7
31 August 2021	Stakeholder workshop on interim WINEP results
15 September 2021	Meeting with NWL to discuss status/next steps
24 September 2021	Senior management meeting between the parties
29 September 2021	Legal meeting between parties on drafting of Protective Provision
30 September 2021	Meeting to discuss/agree SoCG for Deadline 9



SIZEWELL C PROJECT – STATEMENT OF
COMMON GROUND – SZC CO. AND NWL

NOT PROTECTIVELY MARKED

APPENDIX B: AGREED DRAFTING FOR PROTECTIVE PROVISION



**PROTECTIVE PROVISION DCO DRAFTING
ESSEX AND SUFFOLK WATER – WATER SUPPLY**

[The following drafting to be inserted into Part 7 of Schedule 18 of the draft DCO at Deadline 10. Part 7 already provides protections for 'Essex and Suffolk Water'. The terms 'ESW' is defined in the DCO as being the trading name of NWL. As we have agreed this use of the term 'ESW' in relation to the existing protective provisions with NWL's other set of lawyers we would like to use of that defined name for these water supply provisions too, which will sit in the same section of the DCO, otherwise it would be very confusing.]

Water Industry Act 1991

1. Unless otherwise agreed by ESW in its absolute discretion, the undertaker will not serve notice on ESW pursuant to section 41 or any other notice under the Water Industry Act 1991 in so far as it relates to domestic supply (or any equivalent provision with a similar effect consequential on non-household retail exit) in relation to the authorised development and hereby withdraws any such notice which the undertaker may have served on ESW prior to the coming into force of this Order.

Supply of potable water to the authorised development

2. (1) Subject to either condition 1 or condition 2 being satisfied, and subject to the terms and conditions of any agreement made under section 55 Water Industry Act 1991 or determination by the Authority under section 56 Water Industry Act 1991 (or any equivalent provisions with a similar effect), ESW will use its reasonable endeavours to supply the authorised development with:
 - (a) an annual average of 2.2 Ml/d of potable water; and
 - (b) a peak demand of 2.8 Ml/d of potable water

as soon as reasonably practicable.

Condition 1

3. The Environment Agency has confirmed the new annual licensed quantities of water for ESW's River Waveney abstraction licence (7/34/19/*S/0108) and the Environment Agency's Waveney Augmentation Groundwater Scheme abstraction licence.
4. Following satisfaction of paragraph (3), ESW, acting reasonably, has confirmed to the undertaker that there is sufficient sustainable water resource in the Northern Central Water Resource Zone to meet forecast demand from its existing customers and forecast demand from its future customers, including demand from the undertaker for the authorised development.

Condition 2



5. New supply schemes have been identified in ESW's Water Resources Management Plan 2024 (WRMP24).
6. Following satisfaction of paragraph (5), the Department for Rural Affairs and Agriculture has approved ESW's WRMP24.
7. Following satisfaction of paragraph (6), the Authority has approved the required supply schemes from ESW's approved WRMP24 in its Final Determinations for the 2024 Price Review.

Interpretation

"Authority" has the meaning given in the Water Industry Act 1991;

"condition 1" means the satisfaction of the conditions set out in paragraphs 3 and 4;

"condition 2" means the satisfaction of the conditions set out in paragraphs 5, 6 and 7;

"domestic supply" has the meaning given in the Water Industry Act 1991;

"WINEP process" means the water industry national environment programme process which informs the Authority's price review process for the period 2025 to 2030 (PR24); and

"WRMP 24" means Water Resource Management Plan 2024.