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00:01

Morning everyone and welcome to today's issue specific hearings 11 for East Anglia ONE North and East Anglia TWO offshore wind farms. Just before we introduce ourselves, Can I check with the case team that you can hear me and that the recordings, live streams and live captions have started.

00:22

Morning Caroline said I had some technical issues. on my end, I can confirm that the live streaming has started, the captions are working and restarted the internal recordings as well. Thank you very much, Mr. Williams.

00:35

And so two introductions. I'm Caroline Jones, a member of this panel, which is the examining authority for the East Anglia one North offshore wind farm application and have another panel which is the examining authority for the East Anglia to offshore wind farm application. I'm in the chair today and leading the questioning in respect of agenda items two onwards. I'm now going to ask my final fellow panel members to introduce themselves starting with Mr. Hockley.

01:02

Good morning everybody. My name is John Hockley panel member today I'll mainly be observing during the hearing, but I will be asking questions under item four D and other agenda items if and when they arise.

01:16

And good morning, everybody. I'm Rynd Smith, the lead member of these panels today I will mainly be observing during the hearing but may ask questions as and when they arise. And thankfully today, ladies and gentlemen, I can speak.

01:30

Thanks, Mr. Smith. You will note that the full panel is not here today. This is to allow the other members of our panel to work on preparation for the rest of hearings this week and next. Can I also introduce our planning Inspectorate colleagues working with us on these examinations with whom I expect you will be becoming quite familiar now. Emery Williams is the case manager leading the planning inspector at case team and you will have met him in the arrangements conference this morning. Emre is accompanied today by two case officers KJ Johannsen and Caroline Hopewell. The published agenda sets out our and your reasons for being here this morning. And that is to hold an issue specific hearing on flood risk and drainage. I'm now going to hand over to my colleague John Hoppy who will ask our participants to introduce yourselves.

02:19

Thank you, Miss Jones,

02:21

John Hockley panel members speaking again. Shortly I'll be running through our list of participants and asking them to confirm who will be linked in their contributions this morning. And before I do just a few things to note, today's hearing is being live streamed and recorded. The recordings that we make are retained and published. Therefore they form a public record that can contain your personal information, and to which the general data protection regulation applies. Does anyone have any questions about the terms on which our digital recordings are made?

02:50

Not seeing any raised hands or hearing anybody. So I'll move forward on a basic basis that this is all understood.

02:56

Turned into this morning's meeting. I'll now ask the participants to introduce themselves. If organisations attending today have a number of representatives attending could you nominate a lead representative to introduce your team on behalf of your organisation. Because I know that for a number of the organisations here today, we have several different individuals that may wish to contribute during the course of proceedings. It would also be helpful if you could let us know at which point in the agenda you anticipate participating. Can I check the name of the main speaker that we have representing the applicants today please?

03:27

Morning, sir, colonists from SEPA Wedderburn appearing on behalf of the applicants instructed by Fiona Coyle, divisional Sr Scottish Power renewables in terms of the team that we have today that will be presenting various agenda items, I'll just go through them individually. The first is Paul Davis. He is an associate director with Arup and he's a chartered engineer and a chartered water and environmental manager. He is our IPS global stormwater skills leader. He has worked on working parties that produce both the original series of SUDS manual and the updated version is also acted as an advisor and such to both Defra and MHCLG. And he's also delivered training to planning authorities in relation to the application of SUDS. He's got over 40 years experience of water engineering, and 14 years as a local government drainage officer, prior to being a private practice is a technical adviser to Scottish Power on the SUDS proposals, and he's not been directly involved in the design or the documents that have been presented but he's a technical adviser to the applicants. Secondly, hello, Elena Wicks, who's with a senior flood risk consultant with Rafa Scanning. She has 18 years experience gained with a variety of sectors having worked in for water company, the environmental agency, and also

05:00

As a land drainage officer for elite local flood authority. She's subsequently worked in private practice and has been involved in the technical lead on a number of national significant infrastructure projects, including the delivery of technical support and DCA applications from scoping to submission, and

numerous environmental statements. She's an experienced hydrologist guide and supporting colleagues and identification of appropriate hydrology approaches.

05:26

We also have Petro facente, who is an associate engineer with rocker skinning. He has 13 years experience of his as an engineer with 13 years experience of highways and infrastructure design across numerous sectors. He's developed particular expertise and drainage is designed drainage schemes in terms of Section 104106 and 185 agreements under the water industry act 1991. As well as section 238 to seven eight agreements under the highways act is experienced in using modelling software and has extensive knowledge in the modelling of drainage networks and kidding, such in both rural and urban settings. And finally, I've got Brian McGrath is the onshore consensus manager for East Anglia to the snake or north, who's a regular attender. And I think, you know, a bit of a background. In terms of matters today, I've got one matter, which is that in terms of agenda item four, we have a potential issue between 230 and 330. With availability on matters A and B. But apart from that, we don't have any other issues in relation to timings. I've got one primary matter which I wish to raise, but I think it's best left after the introductions have been made. So thank you, sir.

06:44

Thank you very much, Mr. Ennis. And that's noted. Thank you. And could I check who we have attending for Suffolk County Council today, please?

06:55

Good morning, sir. Good morning.

06:57

My name is Michael Bedford Queen's counsel, acting for Suffolk County Council, which as you know, is the lead local flood authority amongst other roles that it fulfils.

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I'm largely going to be relying on Mr. Matt Williams, who I think you've heard from before, who is the county Council's flood, water engineer.

07:22

In terms of the agenda items, we will be dealing with agenda items, two, three and four. And I suspect that I may say something on two, which are as it were overarching policy matters. But I think in terms of technical detail, you're more likely to be assisted by Mr. Williams. on matters relating to items three and four. Could I just say we do have a slight procedural query about the content of part of agenda item three. And obviously, when we get to a convenient moment, we'd like to just clarify that with you.

07:56

Okay, thank you very much, Mr. Bedford.

07:59

As noted as well, and who do we have for a Suffolk Council, please?

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Good morning, sir. sname me gold and Isa Council on the senior energy projects officer, and will primarily be obviously deferring to the county council on this matter for their technical advice, and we still support their comments going forward. So

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I obviously if we need to make a contribution, we could perhaps do that by raising our hand rather than sort of, because we won't be offering sort of technical input in these matters.

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Thank you. That's great. Thank you very much, Miss Gould. Okay, and who do we have for Stacy's here today, please.

08:50

Good morning, sir. Richard tourney here. counsel instructed on behalf of say says

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I'm joined by and I think I'm only going to be relying on Mr. Clive Carpenter of DWP consultants. And he is a fellow of the Geological Society and a chartered geologist and a member of the Chartered Institute of water and environmental management with 30 years experience of Water Resources Management and flood related matters, including most recently dealing with the construction

09:29

design for HS two. So you can explain further his qualifications and experience but that's what I'm going to be relying on for most of the agenda in terms of what we're speaking on. I'm proposing to deal with agenda item two for the phases and then I'll hand over to Mr. carpenter who will deal with the technical issues on agenda items three and four.

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Thank you very much, Mr. Attorney, and good morning.

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Okay, I think that should be everybody but is there anybody

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Who I haven't introduced?

10:07

Nope. So we'll carry on. And if we should just return to the point points mentioned there by the county council as the applicant.

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If I come to the US Mr. Bedford First, there was a procedural point you wish to raise?

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Thank you, sir. So it's simply an issue on the scope of the discussion that the panel envisages about part of agenda item three. That is say if you look at agenda item three,

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it refers simply to assessment and methodology in relation, obviously, to the construction period topic, which is the subject matter of item three, if you then move to agenda item four,

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which is looking at operational matters, item four c, looks at the outline operational drainage management plan, during the operational period. And then underneath that, we've got a heading, methodology and assessment. And then underneath that we've got, as it were some sub points effectively, of methodology, which would be the suds hierarchy, and then infiltration, attenuation and discharges as effectively elements of the hierarchy. And the only point that we just wanted to clarify, is that so far as matters of principle, are concerned, rather than matters of specific technical detail. We think that the suds hierarchy and the elements of it are equally relevant to the discussion on methodology in relation to item three a, as they are in relation to item four, and it was just to clarify that you would be happy for us to be addressing those issues as part of item three, a when we're talking about assessment and methodology under three a obeyed obviously, we wouldn't expect to be repeating ourselves when we cover the same ground when it comes up under item four.

12:22

Okay, thank you. Mr. Bedford. If I could just go back to Mrs. Jones, please. Yes, thank you. Thank you, Miss alkaete Mr. Belford? Yes, absolutely. That that's that's perfectly acceptable to

12:33

bring that up then in relation to construction as well. I'm grateful we thought it was but it was just because it wasn't explicit. We thought we just make it explicit. Thank you. No problem.

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Thank you. Miss Bedford. Thank you, Mrs. Jones. And the accident, I believe had a procedural point they wish to raise as well.

12:54

Yes, coins mark the applicant, it wasn't so much a procedural point, it was a matter which I thought would be better addressed up front rather than waiting for the topic matter. Because of the matter, which has been discussed with the County Council. I just wanted to make our position very clear up front as opposed to perhaps waiting for further discussion. So I just wanted to flag in terms of the I've got two points. The first relates to the fact that the outline operational drainage management plan submitted that deadline six,

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rep six, hyphen double 07 team

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was submitted as been drafted to take into account two scenarios. The first was on an infiltration only solution which adopts the minimum feasible infiltration rate.

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And secondly, a surface water body attenuation solution, which incorporates no infiltration, they're effectively presented as solutions which fall into extremes of both infiltration and surface water body attenuation.

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So that that's what the document sets out. But insofar as we then have had subsequent meetings with the council or meeting with the council, is that we clarified at that meeting,

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that the applicants are committed to seek to adopt full infiltration, as the primary solution were practical, subject to other matters, such as landscaping, and access needs and biodiversity being met. Insofar as full infiltration is not practicable, any shortfall will be made up in terms of attenuation, which is in the next year of the hierarchy.

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In terms of of the process, the detailed design will have to ultimately reflect the final substation design which will be created through

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The consultation and taken forward in the substation design principles statement. And once that aspect has reached

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its conclusion, then the final operation drainage management plan, which requires approval would be submitted. But I just wanted to set that context upfront before we get into the detail subsequently to ensure that there's no misunderstanding of the applicants position in that regard.

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Thank you. Thank you.

15:33

That that's that's noted. And, obviously, we'll discuss these details within the main body of the hearing. But just before we move on, Mr. Bedford, is there anything that the county council wish to raise on on that point, then?

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Sir,

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Mr. Evans is quite right, there has been discussion and hopefully useful dialogue between the County Council and the applicants in relation to this matter. And obviously, we welcome the principle that Mr. Ennis has indicated of

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being committed to adopt full infiltration. So far as practicable as, as it were, the first priority and that obviously, better records with the hierarchy than the the current information before the examination. I think we simply see, in a sense, a practical issue, given where we are at with the course of the examination.

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Our understanding, and Mr. Innes didn't, I think, refer to this directly. But it was perhaps implicit, was that there may well be an update to the outline.

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Operational drainage management plan being prepared with the intention of submitting it, which we understood, may well be intended to be submitted at deadline eight. Well, obviously, that's very late in the day, and clearly doesn't really allow for interrogation and discussion, certainly is to issue specific hearing, as it were.

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readily. So. So the two points we'd raise is, firstly, is it the intention of the applicant to submit a revised

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outline operational drainage management plan to the examination? And if so, deadline eat? That's the first point. So just welcome some clarification on that. And then secondly, we would say that, given that we have got, as it were the technical experts here today. And given the importance of the issue, inserts, it's the detail which is important, we still think that we need to have the exploration of the matters, in order that the panel has a good understanding of the technical issues.

17:56

Notwithstanding I say that there may be a shift from what is presently presented in the outline, operational drainage management plan, which is Mr. Ennis rightly said, presents as it were two extremes. And it may well be that there is a practical ground somewhere between those two extremes, which is is achievable. So so we would obviously, as a we were happy to participate in the discussion, and we think the discussion will be useful to you. But we would welcome some clarification from the applicant as to whether we are expecting now to see an updated outline operational drainage management plan.

18:37

Thank you, Mr. Bedford. That's useful. Just before I revert back to the applicants, I did mention that, obviously, I think we've we've probably kind of strayed into the main body of the hearing here, really to

a to a certain degree. And while it's very useful, obviously to get this stuff out front. If I could you just check

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if safeties wish to raise anything at this point before I just go back to the applicants briefly.

19:05

So rich tourney here. I think we'll probably hold off and see what the applicant says, Well, maybe if there are questions about what's going to come next. We can deal with this at the end of the hearing as well. We might come back to that. But the moment I'll stay quiet.

19:21

Thank you, straight you. So thank you very much, Mr. Turney. Okay, Mr. Ennis, was there anything that you want to come back on finally there?

19:30

Yes, conus above the applicant. The position is that we we will submit an updated version of the outline operational drainage management plan

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at deadline eight.

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Insofar as it is unlikely to involve any further technical matters, it will be to express in more forthright terms, the principles over which the final design will take place as opposed to what

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Not getting off to do more studies and things like that. It's purely that to reflect those principles and obviously, then it becomes a document of which the final document has to be in accord with. So those principles will set forward at the effect of the standard, which we should be working to in terms of any final design.

20:24

Thank you, Mr. Ennis is very useful. Okay, if we could receive them.

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Just as a gentle reminder for all our speakers today, and you've all done it so far, so thank you very much. Each time you speak, if you could just say your name and who you represent. This will help anyone watching the hearings to follow proceedings.

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And anyone who is not participating directly in a session, but is observing it is welcome to set out any observations about what they hear today in writing by deadline eight, which is the 25th of March.

20:53

So the introductions are now complete. And I'll now hand back to my colleague, Mrs. Jones to lead the next part of this session.

21:00

Thank you very much. Mr. Hockley. Just moving on to agenda item two, which is the policy framework, I don't expect this item to take a considerable length of time this morning, as compliance with policy is likely to be repeated elsewhere, on to other items when we are discussing things in more detail, but I thought it was worth at the outset asking parties just to set out their understanding of the policy framework both at the national level and the local level. And where they consider the proposals comply with or conflict with those policies and the weight that they consider should be attached to those policies. So in the first instance, I'm going to start with the National Policy Statement, em one, and section 5.7, which deals with flooding, just starting with the applicant. Could you set out

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your understanding of the requirements of the NPS and whether you consider the proposals comply with those requirements.

22:02

comments about the applicant how we've broken this down is that I'm going to do with the N one and subsequently Mr. Davis is going to deal with the other policy documents. Our general position is that n one, obviously is of its time. And there have been subsequent developments and guidance, which are now being considered in terms of the process, which post date em one, but when you can take from bn one as the N one set, so the broad framework for flood risk, it applies the sequential analysis and the principles arising from that

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equally in terms of 579, it deals with the decision making, and in terms of it identifies the utilisation of the sequential test, that proposals needs to be in line with relevant national local flood risk management strategy. Priority has been given to the use of sustainable drainage systems. So insofar as our general premise on n one is it sets the framework and principles, but it's fairly clear from the terms of the N one, but it also recognises that this is not the place for the detail of many of the matters of which we are going to discuss today. It does reference documents, which have now been superseded, and whether it's been updated material in relation to such and such design. And finally, in relation to mitigation. It identifies a range of measures, including sustainable drainage systems, and in particular identifies infiltration and attenuation as potential opportunities.

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And furthermore, what that effectively some of the tests are so tied to five 720, Cyclades and surface water drainage systems should cope with events that exceed the design capacity of the system. So that excess water can be safely stored or conveyed from the site without adverse impacts. And then states at 5721 surface water drainage arrangements for any project should be such that the volumes and peak flow rates of surface water leaving the site are near greater than the rate prior to the proposed project unless specific offsite arrangements are made. And finally, it five 722 it may be necessary to

provide surface water storage and filtration to limit and reduce both peak rate. So in terms of a document, our position would be the principles are still largely good.

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And in terms of some of the elements that there has been further guidance offered, which probably gives greater detail and against which you can consider matters and more detail. So that would be our position on n one.

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Thank you very much, Mr. Anderson. If I could pose the same question to Suffolk County Council, please.

25:12

Thank you, Miss Jones, Michael Bedford Suffolk County Council,

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I think we would give a somewhat similar answer. In terms of the overall position, obviously, no one, because of the effect of Section 104 has a particular role as being the the relevant NPS. But it is also the oldest of the sequence of documents that you're going to refer to.

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And it

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sets out overarching principles, it does, specifically promote the prioritisation of suds, we will refer particularly to paragraph 5.7 point nine and 5.7 point 10, both in relation to construction and operation. But you then probably do need to turn to the later documents for further detail. I think our position in terms of compliance or otherwise, is that at the moment, we don't see that the proposals are fully compliant with the suds hierarchy in the way that they have been presented. That turns more on the detail of as it were the subordinate documents, but if we're right about that, it would follow them that there would be a conflict with the objectives that are set out in the end as a consequence.

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Thank you very much. Mr. Bedford.

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I'll come to East Suffolk Council. Are you deferring completely to

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the county, the county council through it throughout? Would you rather that I just went to the county council and asked you to raise your hand if you would like to come in?

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And namely gordi Suffolk council? And yes, I think we're priority on matters of the technical nature, obviously, you did raise

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raise a point around local policy. And obviously we have some policies, local policies in terms of the cific local plan, which relates to these methods. And they've been set out in our local impact report. So I just refer back to those policies. But obviously, we have policies on on flood risk and obviously policy on sustainable urban drainage systems, which seeks, as Mark benford has said, those local policies support the prioritisation of the of the suds systems. So probably that's all I would add on that. But yes, on technical matters, we'll be deferring to the county council. Is there anything you would like to comment on national policy?

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And no, I think we support the comments raised by the county council, we're in that in that matter.

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Thank you very much.

28:02

Could I pose the same question then two cc's. Please.

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Richard tourney four sizes.

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agree with what Mr. Bedford says about em one and its statutory weight by virtue of Section 104.

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The detailed consideration obviously is in Section 5.7. Although there are a few other points in the MPs that the examining authority should, in my submission have in mind.

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The first point that we'd make about compliance with with em one and section 5.7 is that the primary aim reflected in 573 is to direct development away from flood risk. And that's the sequential test. And then moving on to questions about mitigation and so on. And we say, we've explained in detail already, that the sequential test has been breached in this case, there hasn't been a proper demonstration of an absence of sequentially preferable sites in terms of flood risk. So that's sort of the first point of policy non compliance.

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And then

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the next point we draw attention to is 5.7, point five of the NPS, which sets out the minimum requirements for flood risk assessment, and we'll come on to the detail of where we say that the flood risk assessment falls short, but we do say that when you mark the applicants work against those criteria, which are detailed in 5.7 point five, there are shortfalls for example, the failure to consider the impact on people and property from the flood risk events, the failure to properly characterise potential receptors. So we'll come on to the detail of that.

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In terms of 579, it says that the

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The first point to consider is whether there's an appropriate flood risk assessment, we say there are shortfalls in that. The second point is has the sequential test been applied, and we say it hasn't. So, in a sense, that's two crosses straight away.

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In terms of the

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compliance with national and local flood policy, we say, again, there are problems, which will come into the detail of and we agree with the county Council's view about a failure to properly demonstrate that the priority has been given to suds in this case. So we do say that when one looks at each of the deterministic points, at 5.7, point nine, the examining authority should on balance be given crosses against that and concluding that the proposal as a whole doesn't comply with part 5.7 of e and one.

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Just very briefly, if I may

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refer to a couple of other points, obviously, there's the detail of the exception test. But the applicant

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effectively overlooks that because of the because of the failure to carry out the sequential so So in a sense, we don't get to the exception test, because we fall at the first hurdle. But clearly, that also has to be met if if

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the proposal is coming forward in error of flood risk. And then on mitigation at 5.7 point 82 5.7 point 21. Weird emphasise that the MPs is concerned with the detail of mitigation here, because of trying to be satisfied that there isn't going to be an increase flood risk elsewhere. So as an overarching point, we say it's no good for an applicant to say, well, that will all be dealt with a detailed design stage. Rather, they've got to show that the mitigation is present here. And now that will result in that outcome of no increased flood risk elsewhere.

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And then just very briefly, there are a couple of other points in the in em one, which we just asked the examining authority to note. First of all, the overarching requirement for good design of energy infrastructure includes taking into account flood risk. So if flood risk hasn't properly been taken into account, we say you should report that also, there's a shortfall on good design, and the reference error is 4.5. Point three. And then finally, it is in the context of the appraisal of sustainability. But there's reference at 1.7 point three to the cumulative effects of

32:48

energy development, and how those should be addressed. And it notes that there may be cumulative negative effects on flood risk, depending on amongst other things, the clustering of new energy and other infrastructure. And it notes that the energy NPS is set out mitigation for cumulative negative effects by requiring the decision made to make it consider the accumulation of effects as a whole in their decision making on individual applications for development consent. And we say that this is a case in point, specifically identifying a risk of cumulative flood effects. And the need to assess those and then in brackets the absence of evidence on those points. So we say not compliant with em, one on flood risk matters. That's our starting point on the flood risk issue as a whole.

33:45

Thank you very much, Mr. Attorney, I'm going to proceed through the rest of the policy section before returning to the applicants to respond to any submissions made some to this agenda item. And so the next thing I'll move on to is the MPP F and that is section 14 and again, to the applicants if they could set out whether they consider the proposals combined with the MPP F and what weight should be attached.

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Thank you, Mr. Jones, Paul Davis, on behalf of the applicant. I've been asked to

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talk on nppf. But I feel I need to highlight that I've only recently been invited

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to this team. So if there are issues that refer to

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history on the site, I would probably have to defer to other colleagues

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try to answer those questions, but with regards to nppf.

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The applicant is aware that

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the nppf was published.

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In March 2012, and it has been significantly revised on several occasions since then. And the primary purpose of it is to set out the government's planning policy in England, how they're expected to be applied, there are approximately just over 200 paragraphs in NPF. And only 10 of those actually refer to flood risk in detail and all the paragraphs 1552165.

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This is a regulation that is applied by the local planning authority, they are the primary driver behind the application of this

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and there are other console T's such as the LFA that are console to do development

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in order to allow the planning authority to

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decide if this has been enforced, the is

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another element of powers which have been proposed for the mifa directly, and that was under the floods and Water Management Act. And that was under a section called schedule three. But at this moment in time that hasn't been implemented, but the LFA are still consultive to the LPA under nppf, at this moment in time,

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with regards to the application of the nppf there are additional resources available, there is what is referred to as the MTB G, the national policy planning policy guidance, which is the government website that gives additional

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advice and more detail than the basic nppf itself. And one of the elements of that, for example, is table to the MPB j, which talks about flood risk vulnerable vulnerability classifications, and it defines what is essential infrastructure and essential infrastructure. And that section is infrastructure that is located in a flood risk area for operational reasons, including electricity, generating power stations,

37:07

that need to remain operational in times of fluid. So that is a specific classification that is highlighted within the document. One of the issues with all these documents is they tend to cascade and rely on each other to get a complete story. And you need to make sure that you are referring to all the different elements and all the different sections to lead on with regards to this specific document. As I've said, there are only certain sections 1552166 that cover flooding. And within that section, there are only two

paragraphs that specifically referred to subs. And those are paragraphs 163 and paragraph 165. And the

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detail within those sections are fairly broad. And basically, they both simply state that development

38:04

should must incorporate sustainable drainage systems, unless there is clear evidence that that would be inappropriate. And that is effectively as much detail as is contained within the two sections.

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There is no reference within nppf itself to any standards. But there is a published non statutory technical standard, that the head of it says this should be used in accordance with nppf. So it's almost like a reverse reference. And that was produced by Defra and is has been in place since 2015.

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That

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document sets out the design standards that they're expecting to see. It's not a huge tome of a document, it's actually only four pages.

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But that sets out effectively 14 standards that should be applied by the NPF when looking at flood risk or sustainable drainage, those criteria

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I don't feel I need to go to in detail at this stage.

39:22

But I'm quite happy to answer any of those. And the questions that will come later, but it sets out for example, for Greenfield sites the peak flow should not exceed one in one year are under wanting 100 year flow and the peak volume should not exceed a one and 100 year six hour volume. So those are the criteria that are contained within the nonstatutory

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technical standards. There is an alternative version of those technical standards that has been produced by local governments themselves, because I think they probably felt the four pages was a

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Not fully explaining.

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But that isn't backed by the legislation itself is just regarded as, as good practice by the industry.

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Several mentions have been made of the hierarchy, I would point out the hierarchy isn't actually explicitly stated within nppf. And it's not actually referred to within the technical standards. It is however, referred to within the local government standards, and is generally regarded as a good practice.

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One of the points I would make about the local government one is, it hasn't really been kept up to date since it was originally published. And quite a few of the references in it are no longer valid, is referring to the wrong sections in other documents. But the general principles are still there.

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So that's a sort of second or third level below. And one, you then have another level, which is the local requirements, and the local planning authority will make its own local policies. And these can be produced, such as supplementary planning documents or supplementary planning guidance. And these will implement local standards that could differ from the National requirements. And in many areas, these methods are used to actually implement the requirements for sustainable drainage, or even flood risk. And in this area, the east of a council for coastal local plan, which was adopted in September 2020. Has policies on flood risk and holistic water management, and has policies and sustainable drainage systems, sections 9.57 to 9.6, which results in policy SC lp 9.6, specifically on sustainable drainage systems,

42:00

you know, makes points of you know, incorporating landscaping and things like that. Do you want to come in? colour? Yeah, just curious about the African, I think probably the, the, the inspector was probably trying to, to go through this in a structured way. And I fully appreciate that you got to the MPP, and then extended it because there's a cross reference back to that, and the supplementary guidance, but I suspect we should probably stop there and allow other parties to talk about the nppf. And then we'll probably come back to that local, local bit later, or otherwise, we'll get out of kilter. We'll be talking about five or six documents all at once. And it was my understanding from the agenda that we're trying to keep it quite segregated. I don't know if that's, that's, that's helpful, but I thought that I really were have no problem I was at the end.

42:50

around it with

42:52

that's a sort of full spectrum.

42:56

That's, that's fine. Thank you. Mr. Ellis. Can you see my notes?

43:01

Yeah. Okay. And then I'll move on to Suffolk County Council, then please, if we could, it's just just the nppf. At this at this stage, if you could the same question that I posed initially, please.

43:16

Thank you, Mr. Jones, Michael Bedford, Suffolk County Council, and then literally just keeping it to the nppf. Mr. Davis has obviously highlighted the overall suite of paragraphs which are applicable to flood and drainage matters. And of those, as he's indicated, it is 163165, which draws specific attention to suds

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and the

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issue of utilising subs unless there's clear evidence that that would be inappropriate. That is clearly

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given that the latest iteration of the nppf data from 2019, that is the most up to date, part of government guidance, appreciate that it's in the nppf and therefore, not in a national policy statement, which will have some effect on its weight. But it seems to us that given that it's the most up to date, part of national guidance, it will command considerable weight in this regard.

44:24

There is a point I'll pick up later when we come on to the NPP G. And certainly we don't accept that the hierarchy that Mr. Davis referred to only exists as it were at the local level, but I think that's an MPP g point rather than specifically an MPP f point. Coming to the MPP g next.

44:43

Thank you. Mr. Bedford. I'm with the Suffolk Council. I'd like to add anything to what Mr. Bradford has just said. made me go the Suffolk council No, we would have nothing further to add. Thank you. Thank you. In that case, I will tend to say C's please

45:02

Thank you, rich attorney for spaces, just briefly on the nppf

45:12

that I wanted to emphasise paragraph 158 of the nppf and the importance of the sequential test. And there's a point of interpretation which is just worth dwelling on for a short moment. Paragraph 158 says that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. And then development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk. And then the sequential test should be used in areas known to be at risk now or in future from any form of flooding.

45:51

And it's just a point which is important to understand. Em one because n one refers to the sequential test in terms of flood zones One, two and three, whereas the nppf makes clear that the sequential test applies to all forms of flooding. So that will include pluvial, flooding,

46:12

surface water issues as applied to this site. So this site is an area which is at risk of flooding, even though it's characterised as flood zone one for the purposes of flood risk

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characterization in the EIA, guidance and so on. So, what the nppf makes clear is that you have to apply the sequential test to sites such as this, even though they lie in flood zone one. And that's reflected in just for reference in the in the more up to date national policy statements that change in the nppf in national policy is reflected. So for example, if you look at the airport's national policy statement as one of the most recent in 2018, it refers to the MPP f test of what is a sequential test what has to be shown.

47:04

So that's the first point to make on the nppf.

47:09

And of course, we say that the mtbf has not complied with in that regard, because there are other sites which are available, which have a lower risk of flooding.

47:19

And, finally, just to emphasise consistently with the N one,

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the mtbf requires that development does not increase flood risk elsewhere. That's paragraph 163. That can be read entirely consistently with requirements in the end one, again, we say on the evidence that's before the examination that is also not complied with. Thank you.

47:43

Thank you very much, Mr. Attorney. Okay, now I'm going to turn to the NPP G, in particular, paragraph 80, which you think is relevant here. And I will turn to the applicants in the first instance and ask the same question again, whether you consider the proposals comply with the NPP G and what we should be attached.

48:05

If, if the applicants would like to come back on and don't feel that you need to repeat anything that you have

48:11

already already already said that noted.

48:16

I'm happy to

48:20

courts have half the applicant, paragraph 80 in its terms, starts off with the word Generally, the aim should be discharged surface runoff as high up the following hierarchies drainage options as reasonably practicable into the ground, two surface water body and then subsequently, soft water, sir, in terms of what the applicant has done in terms of its assessment is it's assessed it between one and two. And demonstrated as far as the applicant is concerned that it can provide a system which would discharge within the top two tiers of the hierarchy, the extent to which it can achieve tier one will be subject to the extent to which we ultimately have a size of a substation and other infrastructure to have to deal with. And then at that point, it will be to maximise one and if necessary to go to two. But in terms of the assessment, what we've done is to make sure the fallback position of two is achievable. And that is what the applicants have demonstrated in the material that was submitted to this examination.

49:32

But I think also relevant to this and I don't think you can look at paragraph 80 in isolation is that you also need to go on and look at effectively paragraph 82.

49:49

And it's headed up when would a sustainable drainage system being appropriate? Now, that's obviously dealing with the principle of whether or not you should have a sub scheme and ultimately, the matter

50:00

That particular paragraph is dealing with a planning application. But it's a judgement made by the planning authority after receiving rice advice from the lead local flood authority, but what is important is the second paragraph of 82, which is the judgement of what is reasonably practicable should be by reference to technical standards, which references the 2015 ones which Mr. Davies referenced from Defra and taking into account design and construction costs. And then goes on in paragraph 83. To say are the Department of Environment Food and Rural Affairs technical standards for sustainable drainage systems mandatory? It then goes on to describe the technical standards provided government relates to design construction operation and terms of the overall viability of proposed development, expected compliance for technical standards is unlikely to be reasonably practicable, if more expensive than complying with building regulations provided that where there is a risk of flooding, the development will be safe and flood risk is not increased elsewhere. Similarly, a particular discharge route would not normally be reasonably practicable, when alternative would cost less to design and construct. Now, I just put that context because it's relevant to going back to paragraph 80. When we're talking about what is reasonably practicable in the context of considering the drainage hierarchy, in terms of the guidance, and as I say, the applicants position before this examination, is that we have tested

51:41

at least effective infiltration and also a full tier two, assuming that there's no tier one available. And within that we have demonstrated that the proposal can adequately produce a sustainable drainage system in accordance with the hierarchy.

52:03

Thank you very much. Mr. Ellis. I posed the same question to Suffolk County Council please.

52:12

Thank you, Mr. Jones.

52:14

And in terms of the references in the NPP G, Mr. And Mrs. identified the paragraphs that you would need to consider obviously, this is in

52:28

using the NPP g terminology, this is all in ID seven of the nvb G.

52:39

And I think the the point that we would emphasise, Well, firstly, a hierarchy is clearly recognised, and is mandated in the MPP G. And the hierarchy means properly going through as it were that kind of cascade mechanism. And not,

53:01

we're just paying lip service to it. There is a an element to which the applicants approach, as it were, is to meld together the top two tiers of the hierarchy, and treat them as it were as a combined tier, which they're clearly not clearly infiltration sits at the top of the hierarchy. And I think where we have really

53:27

diverged from the applicant is on whether, in fact, it has been demonstrated by clear evidence that it's not practicable to follow the hierarchy in this case. And in particular, we don't accept that there have been technical constraints or cost constraints provided to show that the infiltration option cannot be achieved to a greater extent than has been proposed. So because we just don't think the evidence has been provided to support that proposition.

54:05

Obviously, that moves us more into agenda item three and four. But in terms of the approach to the MPP G, we say that it clearly sets out a hierarchy that is relevant guidance that you should attach weight to because it gives you the detail as to how one goes about implementing both the nppf and em ones prioritisation towards suds. And we don't think that that's been achieved by what is presently being put before we

54:36

get over sorry, I just just draw attention to one point which I should have picked up on the nppf itself, just in terms of paragraph 165 as well as referring obviously, to suds subparagraph a, it particularly

draws attention to the role of the lead local flood authority and taking into account their advice and an incentive it goes without saying but it's worthwhile

55:00

out that that is specifically referenced again in the nppf. Thank you. Thank you very much. Mr. Bedford.

55:08

Would a civic council like to to add anything?

55:15

Navy go to Suffolk Council. Nothing further to add and we support this mission for the county council. Thank you. In that case, I'll turn to Stacy's please.

55:27

Rich 10 informal

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spaces are lost that the evidence

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submissions on VPP G. So I won't say anything about those

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terms.

55:44

Sorry, Mr. Turney, can you hear me?

55:47

I can. Yes. Yes. Just video. Yeah, I was just there to suggest that. Thank you.

55:56

Carry on.

56:01

King, can you hear me now, madam? Yes, I can hear you.

56:09

Thank you.

56:11

In terms of what's said by Mr.

56:16

Mr. Bedford, on, on suds, I adopt what he says. I just add a couple more points in respect of the pbg. More generally. First of all, it confirms the point I've made about the interpretation of the sequential test. That's to say that the aim should be to keep development out of areas affected by other sources of floodings that link to

56:46

previous level flooding. And secondly is identifies the need more, and the detail of the site specific flood risk assessment, which reflects in large part what is said in the

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in the NPS

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on

57:08

risk assessment, but it's an important further confirmation as to the need for a proportionate flood risk assessment for a particular site.

57:16

And finally, I know that the applicant is Mr. Davis raised the point about the ppg, referring to the essential utilities being located within a flood risk area for operational reasons. But of course, there's no suggestion that that is the case for this proposal. It's never been suggested that this facility must be located in a flood risk area, for operational reasons. And indeed, there are other sites where there is no such risk. So those are the points I made on the bbg.

57:52

Thank you very much, Mr. Turney. And finally, under this agenda item, I'm going to turn to local local policy. In that sense, I know the local impact report refers to as CLP 3.4 9.5 9.6. And we also have the Suffolk food risk management strategy. There's also the forest and surface water management plan. So turning to the applicants in the in the first instance,

58:21

could you set out how you consider the proposals comply with and again, what weight should be attached please?

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close above the applicant. Before we leave other guidance, I just want to say that they're given the specific reference in the mpg that you cannot leave out of account, the Defra guidance on sustainable drainage systems, because that is cross referenced in the mpg documentation. And therefore, I think it's important, just a, we do not need to go into the detail of that at the moment, but I just wanted to make sure that that wasn't lost in being part of that key policy chain.

59:06

And setting out standards in terms of of the local plan policy. In terms of the policy itself 9.6

59:18

sets it requirement for

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if we're over 1000 square metres, there should be a slope book sustainable drainage system, the applicants should accept there should be a sustainable drainage systems. So we're not in dispute about whether there should or should not be one, there will be one. The second point is that in planning policy terms, a lot of the drivers are by the planning considerations that should go into the planning of a sub system. They specifically require under policy 9.6 for it to be integrated into landscaping screen and greener green infrastructure provision. Secondly, it should contribute to the design quality of the scheme and it should deliver sufficient

1:00:00

And appropriate water quality and aquatic biodiversity improvements, and then states that the runoff from the new development must be restricted to green field runoff rates wherever possible. And so that's the test that is planning policy. And these are certainly objectives that we have sought and would achieve in terms of the provisions that have been put forward. But I think one of the points is that the planning policy highlights the importance of not looking at the subsystem in isolation, and in making sure that it's incorporated in a manner that actually fits well with the development and shouldn't be viewed as a sort of separate engineering project and isolation. So we would draw attention to that particular aspect because that is exactly the approach that the applicants have adopted in the formulation of its proposals, and how the islands fit with the with the sustainable and urban drainage systems. I think it is important also to acknowledge that within the planning policy, there is a reference back in paragraph nine point 60 of the local plan to the latest advice of the lead local authority at Suffolk County Council

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and serious suds manual. And the Suffolk flood risk management strategy should all be consulted when considering subs planning, design and maintenance. So what they're viewing those documents is the within the local plan. There are almost guidance documents to which you should have regard when formulating your proposals. And again, and my submission. That's exactly what the app has had. It has had regard to all these documents in the formulation of the proposals. And effectively that has been what is reflected in particularly the operational drainage plan. And in particular, the document that has been raised quite extensive is Appendix A to the Suffolk flood risk management strategy, which provides guidance in respect of such systems. And that is of a fairly detailed nature will obviously come on and look at that. And I'll perhaps ask Mr. Davis just to comment briefly on that document, because that's moves away from being a policy document. But it is linked through the local plan. And it's referenced to it to being guidance that we should have regard to in formulating these proposals. So that's Mr. Davis, perhaps just a CXO a few words on Appendix A of the Suffolk flood risk management strategy.

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As was

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stated earlier on, all these documents linked to each other, and each form a part of the whole of the guidance and the appendix A document

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restates many of the

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requirements of the other elements.

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And from what I've seen that there's there's nothing that in the current proposal that doesn't meet the desires of those standards within that document. I would also add, just to come back on a possible misunderstanding on one of my earliest statements with regards to

1:03:16

essential infrastructure,

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it needs to be recognised and given weight that this is an essential infrastructure. And as such, the nppf itself basically says that the priority should be to make sure that it continues to operate during a flood, whether it is in a floodplain or not.

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There is potentially always risk of flooding through the extreme event that nobody has taken into account, and nppf and the other documents recognise that essential infrastructure, the first priority must be to make sure that it continues to operate during these types of events. Otherwise, the implications of other elements of infrastructure won't be available pump stations, etc, that are supplied by this station will fail. So I think it needs to be given additional weighting that this is an essential infrastructure site and it needs to be available and needs to be given a higher priority. Just keep it operational than it does to look up flood risk in other areas.

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Thank you, Mr. Davis.

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If I could pose the same question to Suffolk County Council please.

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Thank you, Mr. Jones, Michael Bedford, Suffolk County Council. Madam shortly the in terms of local plan, policy.

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The local impact report has set that out. you've identified the relevant policies

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and as to them

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application and compliance with in this case, again, it comes back to, as it were the detailed issues. If we're right, in terms of what we're saying about what needs to be done, then there's not yet been compliance with the policy objectives set out there in relation to the use of sustainable urban drainage. We do recognise that it is necessary, as it were to take an integrated or holistic approach and that clearly both drainage and flood risk are planning issues, but they're not the only planning issues and therefore a, as it were, mono sighted approach, which simply looked at those and disregarded any landscape or biodiversity implications wouldn't be appropriate. But we don't see that the evidence so far provided justifies in relation to those factors, the approach that the applicant has taken or we do accept that they do need to come into the mix, when you are looking at the practicability of a particular such solution.

1:06:07

Moving on from the local planning policy position, and in your oral comments you rightly identified, which isn't I think flagged up directly in the agenda item, but you rightly identified the Suffolk flood risk management strategy as a relevant document of guidance which clearly it is, it dates from March 2016. Section 2.5 in particular, refers to the approach taken to suds and cross refers to the appendix A subordinate document which Mr. In his has referred you to just formally, you can note that the the flood risk management strategy itself comes under the requirements of Section nine of the flood and Water Management Act 2010. So, it does have statutory status in the overall process, which will have some bearing on the weight that you should give it. But I mean, more particularly, it gives more detailed local guidance as is expected on how

1:07:19

flood risk and drainage management matters should be addressed in a Suffolk context, then, so far as Appendix A is concerned the local design guide for suds it dates from May of 2018. In particular, section five provides guidance, they obviously reiterate the hierarchy and provide further guidance on how to address that hierarchy when you're looking at individual schemes. Again, I think you know, what our answer is as to whether this proposal has sufficiently yet addressed that guidance and taking it into account. And then just lastly, the Friston Water Management Studies in the sense it's not so much guidance as a piece of as it were, it's a technical study specific, obviously, to the issues of the flooding problems that were experienced in Friston in 2019. And the causes and factors that influence that. So it's obviously a relevant document for this perhaps in a slightly different category to the others in terms of not necessarily purporting to set out guidance. So I think those are the only points we would make on those matters.

1:08:30

Thank you very much. Mr. Bedford. What do you Suffolk council like to add anything in relation to local policy?

1:08:37

Hello, Naomi Goldy Suffolk Council. Apologies. So I jumped the gun earlier with mentioning the local policy. And now I did the only thing that I'd add obviously support the comments from Mr. Bedford. And then there anything I'd add, I suppose in relation to local policies that the the preamble to policy 9.6 does talk about the surface water should be discharged as high up of the drainage hierarchy as possible. So it supports obviously, what the council Council has been then saying, Thank you. Thank you very much. And and turning to Stacy's, again, please.

1:09:17

Bridge to any third spaces. Just in terms of local policies, we adopt what said by the county council. But we'd like to emphasise that the focus on stents as the correct approach to dealing with drainage matters in the construction and operational phase, in our view, rather hides the true issue here, which is there is unmitigated flood risk, which tends against this development. So we wouldn't leap to get into the policies that are about the prioritisation of suds because the starting point is that you need to be satisfied that flood risk is not going to be

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Increased elsewhere, as a result of these proposals, and we say on the evidence, you cannot be satisfied as to that. So this is a substantive flood risk issue, not a should we mitigate it in this way or that way issue. Just very briefly, the comment was made that

1:10:19

it was respect of the game back to the PPG and essential infrastructure. And there's similar references in local policies as well. But it's it's complete nonsense to say that the first priority is to make sure that this infrastructure is and remains operational. That turns the sequential test completely on its head, the first priority is to not put it in an area of flood risk. And that's absolutely clear at every level of policy. So to suggest that somehow, its characterization if it were built as essential infrastructure means that we have to put those points to one side is completely wrong. And I didn't think I need setting more on that, because it's unsustainable, suggest otherwise. So those are our points on local policies that we mainly adopt what has been said by the county council.

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Thank you very much. Now, just before I returned to the applicants to reply to the submissions made into this agenda item is that anything else anybody would like to raise?

1:11:27

not seeing any raised hands. So I will move back to the applicants if you would like to respond, in particular to anything that has been said under this agenda item? Yes, comments about the applicants, just just two points. The first is, in terms of the flood risk. The first issue is the extent to which there's a risk to the infrastructure that we're putting in place. Now, the applicants have are very satisfied that the development can adequately protect its infrastructure. And so National Grid because they've looked at

the demand as well. So in terms of that element of flood risk, that's a matter for the applicants, and they're quite satisfied, that the infrastructure that they post to protect, will be utterly protected and adequately protected from flood risk. So that's the first thing and that's the site selection point is can we essentially located a carrier, which could be surfaces, it's same one. And we can mitigate all the risks from flood, and we're perfectly satisfied that that's been properly assessed and properly evaluated. The second point is, is there a consequence for the development of this particular development in this particular location for potentially increasing flood risk elsewhere. And that's where effectively the concept of the salt system comes in, because it's managing the consequence of effectively the development altering drainage patterns that exist already, and introducing elements of hard standing, which increase, obviously, the speed of runoff and monitoring of that. So insofar as that second flood risk is concerned, and management of making it no worse than the current position, as reflected in guidance, that is the bait that we will have later about the design of the essentially the source equipment now, in my submission, when we get to it. And when we also detail the evidence, the issues that we have demonstrated is that within the top two hierarchies of the suds hierarchy, we will be able to manage the flood risk appropriately. And, as I say, we've already committed at the outset to say where the priority lies. But we've also got that fallback position is that depending on what the infiltration tests are close, and where, particularly the such infrastructure would be located at the bat, cannot be adequately dealt with. But I just want to set these broad principles back and put them in context, because I think they've been slightly put out of context and the way in which matters have been presented to you. And I'm happy for us to move on beyond policy assessment. Thank you.

1:14:15

Mr. Tony, I can see that your your hand is raised. Is it is it a new point? Or is it a point that perhaps we can discuss in more detail further on in the agenda?

1:14:25

Well, Madam, I know you don't want to in phrase so I'm quite happy to leave it. But there is a fundamental policy issue, there is a really important policy issue because what you've just been told by the applicant is simply wrong as a matter of policy. And it it discloses their failure to carry out the proper sequential assessment. It isn't right to say the appropriate approaches. Am I in flood zone one and will my infrastructure be flooded? And if so, I can build it there in terms of flood policy. That's

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Wrong, the approach is to say is this an area of flood risk? If it is, are there sequentially preferable sites, and that is, so whether the risk is going to be

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experienced by the infrastructure or elsewhere, because the job of the nppf is to and the NPS is to avoid flood risk. And that is flood risk, which very clearly is to the infrastructure to the proposal and elsewhere. So, what Mr. Ennis has said there in terms of the approach, that there's two steps, he gets the first step wrong, is quite right to say we have to consider subs as well, and those those issues about the drainage of the side. But before we do that, this site fails the policy test, because it isn't ever a flood risk, and there are sequentially preferable sides. And the applicant has continued to disregard this, it failed to take into account pluvial flooding, in its Wragge assessment, it missed the fact that this site is

vulnerable to surface water flooding, and could contribute to surface water flooding in Friston. And, and then it sits back and says, well, it's okay, because our infrastructure can be made safe. But that, in my submission completely misses the application of policy. So I know you did them on to and fro. And I know you want to move on to the substance. But there is this fundamental difference between us on that point. And

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the applicant simply is failing to acknowledge the true meaning of the policy.

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That's your points are noted. And before we move on, then I will just allow the applicant, right if applied to that if they wish to do so.

1:16:46

No, thank you, madam comments about the applicant. That's fine. I'm keen to move on. Thank you. Thank you.

1:16:53

Okay, in which case, we will move on to agenda item three, which will deal with food risk and drainage during the construction phase.

1:17:01

For the next two items on the agenda, do you want to run the hearing slightly differently than participants have perhaps been used to so far in the examinations, I think it would be best if all parties or one representative sorry, from each party could remain on the screen so that rather than necessarily hearing from each party in turn, we can run the items with a little bit more interaction and facilitate some discussion between the technical experts that we do have present here today, where that would be beneficial to do so. And of course, the applicants will retain the final right of reply before we progress on to the next question. Does anyone have any issues with this before we move on?

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not seeing any hands raised? I'll take that as accepted. So if we could, in that case, have

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someone from the applicants, theses and the county council, please.

1:18:06

But I'm going to invite Mr. Williams to take on that role.

1:18:16

Hello, colleagues and pass the applicant Amina wicks. I think it's going to do with this first matter in the agenda. But we obviously have others that might appear under BNC. But it's just to give you that context that we have

1:18:28

under different agenda items. And we have different people appearing but I'll let you know if somebody's coming. Thank you.

1:18:36

And I see we have Mr. Carpenter faces as well.

1:18:40

Morning. Good morning.

1:18:43

Okay, the first instance we're going to turn to assessment and methodology to the applicants in the first instance, could you set out what you consider the status of agreement or disagreement with regard to the assessment and methodology of flood risk and surface water management during the construction phase is a present please.

1:19:05

Okay, so, um, I think in terms of the assessment and flood risk and drainage during the construction phase, we've summarised this in that yes, Chapter 20 in Section 20.3 of appendix 20.3 flood risk assessment.

1:19:21

Subsequently, the mitigation measures are outlined in the outline code of construction practice the updated version, which was submitted at D seven. In terms of the assessment and methodology of flood risk during the construction phase. This is carried out in accordance with the same policy and best practice guidance as for the operational phase. That's one of the things I'd like to point out that it considers the requirements of MPP F and its accompanying planning practice guidance. So in terms of how that

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is in accordance with with policy, the same data sources as those for the operational phase are reviewed, including into

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Three standard data sets from the Environment Agency comprising flood risk mapping from the various flood resources and then information on surface water flooding incidents from Suffolk County Council in their role as the LFA. I think However, when assessing flood risk during the construction phase, the assessment differs compared with the operational phase because it focuses on the existing flood risk both to fund the project the timescales in relation to the construction phase, whether once it's operational, whether the flood risk to elements of the project will remain the same. For example, the assessment of flood risk to the onshore cable route focuses on flood risk during construction, because once its operational, it be located below ground and therefore, is not at risk of flooding from sources such as fliegl or surface water flood risk. And at the onshore substation, the assessment and

methodology assesses the existing and future flood risk for the whole development like so from now, during construction phase through to the end of the design life.

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As as use of the site differs from the construction phase and operational phase, the approach to then setting out the measures for each of those phases is then considered separately.

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The principles for management of flood risk during the construction phase, then focus on the need to ensure that there isn't a change in surface water runoff and flood risk, no increase in sediment supply and no accidental release of contaminants, which were the item set out in chapter 20. And then included as embedded mitigation measures, which are then incorporated into the outline cater construction practice. I think, in terms of how that complies with policy and guidance. I think the assessment methodology does not does not differ in terms of it uses standard data sets and

1:21:48

seeks to look at all sources of flooding during construction phase and how they will need to be mitigated during that construction item.

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I'd like to rest on that. Madam.

1:22:03

I can't hear you Mrs. Jones. Mrs. Jones. Sorry, I was on meet. Mr. Williams, would you like to respond to that?

1:22:10

Yes, thank you. Good morning. Just to refer to what the applicant said just then the methodology is the same for both construction and operation. But what we would say is the outputs and the information we have is very different despite the methodology supposedly being the same. So again, as the applicant has said, the policy, the guidance and the datasets used are relevant in both operation and construction. What we would say is that during or in the environmental assessment, and in the outline, code of construction practice, is clearly stated that human receptors are not considered as part of the assessment as human receptors in first and that is because there is a commitment not to increase flood risk in Friston. We fully support that statement. However, if you're going to rely on that statement, and on the mitigation in the outline code of construction practice to deliver that statement, we need to see that that is deliverable. And that is key to the methodology specifically during construction, which obviously we're talking about here, we need to see that that is deliverable. Otherwise, that statement, their lack of assessment isn't justified. And that is the key point that we would like to raise in relation to assessment and methodology. The other point in terms of assessment and again, this is relevant to both construction and operation is the first in surface water management plan. We appreciate that that was not available at the time of submission of the environmental statement or the flood risk assessment. However, the assessment of that information today is not sufficient. In our view, there is in the outline, operational drainage management plan, a flood service water flood map, which overlays at

a very high scale, the proposed development on the outputs of the forest and surface water management plan. However, there is no detailed assessment of that this is acknowledged in the outline operational drainage management plan as a high confidence data set. Now, if there is a high confidence data set, we would say that that needs to be assessed for construction and operation in detail, not just in an overarching manner, acknowledging the points in it and yes, it is very similar to the information provided in the national mapping available through the Environment Agency, but it is far more detailed. And we think that that needs to be assessed in terms of the impacts that that could have on construction and operation in the form of potentially nfra addendum or in the outline codes or in the outline operational drainage management plan.

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So that that can be assessed properly.

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Thank you, Mr. Williams. Mr. Carpenter, do you have anything to add to what Mr. Williams has just said?

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I do. Thank you Madam Chair.

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Compared to the operational

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plan, which we'll be talking about in a minute, the construction phase has received very little attention by way the documentation provided by the applicant. And its responses are mostly limited to generic practices in terms of sediment reduction, and,

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and, and, and similar, similar approaches, if the lack of submission of documentation has meant that there's been a lack of opportunity to review, which I think is partly Mr. Williams point. But this lack of response shouldn't be taken to mean a lack of inadequacy. On the contrary, the lack of information provided is a serious concern. In terms of the assessment and methodology, there appears to be an entire reliance on the on the outline code of construction practice and the construction practices identified within it, there is little understanding or appreciation that the construction phase represents a different and arguably greater period of flood risk to to off site receptors, and that the challenges and engineering solutions required to overcome these are often more complex.

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More broadly, and this goes on to a point that Mr. Williams made, but also Mr. Bedford is that there has been no consideration of the baseline conditions, the no consideration of the impacts on flood flows or on the flood risk receptors, there has been a failure to consider flood risk assessment within the construction phase drainage documentation at all.

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If there had been they would have recognised the sensitivity of Friston and in particular to the issues of sediment

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deposition, which occurs throughout the drainage system within the Friston village, and the vulnerability and the increased vulnerability that poses to the village in terms of flood risk.

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I think it's just worth quickly highlighting the principal differences between a construction phase and an operational phase drainage system. In the construction phase, we're talking about much larger areas, in this particular case, we're talking perhaps twice the size of the area that would be turned into hardstanding. Under the operation, this area is over a much greater footprint but also then intercepts different runoff routes. And it's not clear at all that any of these

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all of these runoff routes can be captured within any attenuation features.

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There has been little consideration given that this water that is running off is going to likely to be highly turbid and this turbidity needs to be clarified before this water can be released from site. That verification process takes time. And that requires additional storage.

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Because there's no consideration of this, there's been no presentation of the conceptual designs, and therefore no detailed designs. And this goes back to Mr. Williams last point, which that it's not currently possible for them to demonstrate that a construction phase drainage scheme is viable because they haven't presented one.

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Thank you very much, Mr. Carpenter

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swix would you like to respond to those submissions?

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Yeah, into in terms of

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in terms of flood risk, it was as Mr. Williams noted, it was based on the flood risk information available at a time the surface water management plan came out later.

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And the information in that does as Mr. Williams notes

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reinforced the information I think in terms of flood risk that we knew about already as part of the detailed design, we will have to undertake even more detailed work there in terms of the contractor will have specifications on how they wish to take forward the construction process etc. And additionally, we need to take forward greater detail design and in as part of that we'll be having to carry out catchment hydraulic modelling to ensure that we under you know, we can design both the sub schemes and and the wider design of the substations Friston.

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And that will ensure that the final design is robust in terms of all of those items. At the moment, we have only sufficient information available to just provide the principles

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of how we will manage all of that the principle is that we will not be increasing flood risk as a result of the construction phase. We will manage it and mitigate it during that construction process.

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In the same way that we have to join the operation phase, we will have to

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ensure that surface water runoff is managed and controlled and doesn't increase that flood risk to first and so therefore on that basis

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Yes, I think the response to this is, you know, this based on the information available, we have an understanding of that flood risk.

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But we do not have the details in regard to the contractors and how they will want to take their method statements etc forward, which would determine exactly how

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the detailed design is progressed in terms of construction phase works.

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Okay, I'm just if I could ask a couple of questions. And I think the points that are being raised is that at the moment we have, because because there's been no ground investigations on in the construction route, and we have very little information on how how it's going to be managed through the construction phase. How can we be sure that the options that you've presented in the environmental statement

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are deliverable within the order limits?

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I don't know if Mr. McGinnis, you want to step in at all on that item?

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From prospered outcomes. Apologies. Could you repeat the question? Sorry.

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I think the concern is that both Mr. Williams and Mr. Carpenter are raising that, because we don't have any base, you know, the baseline investigations haven't been conducted yet. We don't have any information on on what mitigation you're going to be putting in during the construction phase. How can we without that information? How can we be sure that the options that you've presented within the environmental statement are going to be deliverable within the order limits,

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primer grounds for the outcome. So we obviously have utmost confidence that the mitigation measures can be accommodated within the order limits. that the reason for the Oak Lane court of construction practice is to set out the broad measures that could be could be applied. But the refinement offered is very much dependent on the final design of substations to final footprint delivery schedule or rebuilding one substation, and sequentially or in parallel with the second substation. The tie in that actual information that we received from the construction teams from the construction contractors as to how they are actually going to deliver the projects. For instance, do we bring forward the the establishment of the operational surf, surface knowledge prints water on the solid, so the invitation schemes to retire the construction

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sediment control measures into that operational surface water management system. So we increase the capacity. These are all questions that are subject to due to the contractors actually coming on board and given real time information in terms of how they're actually going to deploy the projects, what their construction programmes are hired to be the day might depart standing and falls over the construction period within the onshore substation, we don't start on day one with the full onshore substation in us hardstanding. So these are all things that need to be teased out during the detailed design process. But the fundamental security is that the final quarter of construction practice must be approved by the relevant planning authority. I'm not within that final quote of construction practice, there must be a construction surface water management plan that again needs to be approved by the relevant local authority. So that is the absolute security within the DCO that will ensure that the final solutions are acceptable to the to the relevant planning for the appropriate time using all the information that we have in terms of detailed design and construction techniques. Okay, yeah, I understand that and the security, the security is there. For those for those measures, to be secured in future, I think my question is, is how can you How can you be sure you say that you've got a high level of confidence, could you explain to me Where does that confidence come from? How do you know that they can be fixed within the order limits? Yeah, sure. So primer grounds for the applicants. So our experience on the East Anglia one onshore substation construction, we have incorporated temporary songs poems

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within the construction consolidation sites. So, we have ensured that the CCS sites in their own substation have sufficient capacity to accommodate both attilan surface water drainage facilities and also any residual surface water management that needs to be carried across from the actual work areas within the onshore substation itself. Very much the experience on the standard one onshore substation instruction also is that within the onshore substation site, we have the ability to to to manage micromanage, if you like operational phases of construction phases. So we can manage surface water drainage cat management and catch catchment within individual work areas. So it is very much based

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On our experience on the standard one onshore substation, where that was successfully delivered.

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Thank you. I should have said to Mr. Williams. Mr. Carpenter, if you do have anything that you would like to say at any point in time, please do raise, raise your hands.

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Mr. Carpenter.

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Thank you. Sorry. Sorry, I didn't see Mr. Williams. I'll go to Mr. Williams in the first instance as the county council the number 10. No problem.

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Quite as quick as Mr. Carpenter on the button. We completely agree with the questions you've put to the applicant. They're exactly what we'd like to know.

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We would however, highlight that the experience from construction of East Anglia one is that there were problems. And we want to see this information so that we have confidence that these problems will not be experienced again. In this specific instance, there are very different circumstances compared to East Anglia, one, East Anglia, one is not just up or just uphill over urban area, there is not the existing surface water flood risk, there is less risk in general in terms of flood risk. So whilst we appreciate the points that are made, they are very different circumstances with very different risks. In addition to that, the cable routes the applicant does rely on and this is the difference with EAA one, the fact that topsoil stockpiles can be moved in order to facilitate surface water attenuation and treatment measures, which is supported. However, we still don't know that that is sufficient. And an example of this is at the 100 River crossing the size or the width of the cable route is much narrower there. The river is obviously at a low point. And that is where the surface water from the cable corridor will want to get to. Now if the cable corridor is narrower to facilitate other mitigation measures, such as landscaping, other others, then how can there be confidence that there is still the room at the low point to attenuate surface water flows. And that's just one example. We've got many examples of work through the cable corridor, looked at the high points in the low points and looked at where there's rivers and other discharge points. And we have significant concerns and we'd like those to be addressed specifically.

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Thank you, Mr. Williams. Mr. Carpenter.

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Thank you, Madam, we will agree with the points that Mr. Williams was making about the relevance or the irrelevance of the other side, I mean, that the flood risk is a spoke to the end of this watershed and, and the flood risk receptors with those immediately. But you know, below the development area to comparison to another site is completely irrelevant.

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We appreciate the applicant doesn't have all of the details to hand but that is not to say that they cannot take undertake assessments which should provide an evidence based on the viability of construction phase drainage,

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they should be able to determine how they'll the maximum area of the site is going to be vegetated, they should be able to work out a phasing programme for that. If they can't work out a phasing programme, then we would want to be satisfied that if the entire site was de vegetated that they will be able to capture that runoff, that they will be able to attenuate it, treat it and release it so as to protect the village beneath. And the more detail the hat they have sequencing and phasing where they may say that they the whole site won't be stripped, the more they have, then they can reduce the amount of storage that they require proportionately. But the evidence base in the moment is that is that there is no because there's no design at all, there's no confidence that they can that it can be built. There's not even any mention of the return period storm events. So they will be using these going to be one in one and one one in three, one in 10, one in 50, or one in 100. We assume no climate change allowance because of the of the shortness of the construction period. But this is a fundamental design principle upon which you will then size your infrastructure. And this this hasn't been discussed. So at the very most fundamental level, the lack of the assessment, the lack of design means that there is no confidence that the construction bridge construction fees drainage can be delivered.

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Thank you very much. Mr. Carpenter. I'm going to let the applicants respond to that. But first, I'm going to take our first morning break. And just before we do, Mr. Williams, when you were referring to

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EA one issues and during construction, would it be possible for you to submit that something to us in writing for deadline eight to let us know what those issues were please? Yes, yeah, I'll have to talk to the applicant. There was a lessons learned meeting so obviously i'd need their permission to or they won't be the applicant in this instance, will it but scottishpower only their permission to share those minutes but I can certainly inquire

1:40:00

Yep, that's great. Thank you very much. Okay, well, the time is 11:40am. We'll take a short 15 minute break and return at 1155. Thank you very much, everyone.