

# ISH6\_NETZERO\_SESSION1\_19102022

00:02

So good afternoon. Can I check that everyone can hear me clearly, both in the room and on teams?

00:11

And can I ask the case team to confirm the livestream and the recording of the event has commenced?

00:17

Thank you.

00:19

So it's now two o'clock and this issue specific hearing on environmental matters in relation to the application made by netzero Teesside power limited and netzero North Sea storage limited for the proposed netzero Teesside project is now open.

00:37

My name is Kevin Gleason. I'm a charter town planner and planning inspector, employed by the planning Inspectorate. I've been appointed by the Secretary of State's levelling up housing and communities to be the lead member of the panel examining this application.

00:54

Today, I'll be chairing the hearing, providing introductory comments explaining the purpose of the hearing.

01:01

I'd now like to ask my colleagues to introduce themselves.

01:07

My name is Susan Hanson. I'm also a charter town planner. I've been appointed by the Secretary of State to be a member of the panel of inspectors to examine this application. And I'll be taking notes of action points today.

01:21

My name is Beth Davis. I'm a chartered geologist and a planning inspector. I've also been appointed by the Secretary of State to be a member of the panel for the examination, and will be leading the discussion on items three and four of the agenda.

01:34

Thank you. Together we constitute the examining authority for this application. And we'll be reporting to the Secretary of State for business, energy and industrial strategy with a recommendation as to whether the development consent order shouldn't be made.

01:52

We're supported by number of colleagues and planning inspections until the boss has since had Blackmore here today in Middlesbrough. And Paige handling the case manager of this project, together with Phoebe chalice from the case team and providing support online.

02:09

If you have any questions regarding today's hearing, or the application process in general, can you please direct these to the case team by the email address on the correspondence and they will be happy to help?

02:25

Is anyone here today who has not attended previous hearings for this examination?

02:31

Yes.

02:43

So can I please ask those who have already attended hearings to be patient for next few minutes while we're going through a few housekeeping and introductory matters that you already have heard.

02:54

So in addition to this in person meeting in Middlesbrough, this event is being held on the Microsoft team's platform. There's been both live streams and recorded

03:07

those people observing or participating through teams in order to minimise background noise. And you please make sure your devices turn to silence that you stay muted. Unless you're speaking.

03:19

Please use the Microsoft team's hands up function. There'll be advised there may be a delay before we see it. And please wait to be invited to speak at the appropriate time.

03:30

Also, please note that the chat function on Microsoft Teams is not in operation for this events. If you don't manage to ask your question or raise your points on the relevant points in in time, there will be an opportunity at the end of the meeting period to raise this under item seven on the agenda and the other business.

03:53

Now, requests have been made for any special measures or arrangements to enable participation in this hearing. I'd just like to confirm that this is correct.

04:05

I've been told there are no fire alarm tests or drills today. So in the event of a fire alarm, please exit via any of the doors in this room and use the stairs to the ground floor and congregate outside the reception area.

04:18

If you're attending virtually on teams,

04:21

the case symbol of explain to you what to do if you lose your connection and will able to adjourn for short periods. Is there any more significant connection problems

04:33

the purpose of identification for the benefits of those who may be watching the Digital recording because I please ask any points which you speak. You give your name and if you're representing an organisation who it is that you represent

04:51

well agenda for short break it's convenient point this afternoon.

04:56

But if for any particular reason anyone needs a break. It's a specific

05:00

Time, please email the case team, and we can adjust the programme to your needs.

05:06

Does anyone have any questions or concerns about technology or the general management of today's events?

05:14

Okay.

05:19

If you're taking part in the hearings, it's important that you understand that your comments will be recorded, and that the digital recording will be published and retained, usually for a period of five years from the Secretary of State's decision.

05:34

As such, the planning inspectorate is subject to the General Data Protection Regulation, it's very likely that the examining authority will ask you very unlikely examining authority will ask you to put sensitive personal information into the public domain. Without event encourage you not to include such information when speaking.

05:57

If for something for some reason, you feel it's necessary for you to further personal information will encourage you to speak to our case team. In the first instance, we will then explore with you as the information can be provided in a written format, which could then be appropriately redacted before being published.

06:17

Please bear in mind that the only official record of the proceedings is digital recording, there'll be placed on the websites, social media and similar communications arising out of this meeting won't be accepted as evidence in the examination of the application.

06:34

Thank you.

06:36

So I'll not take introductions from participants here in Middlesboro. And on teams and those who've registered speak, at this hearing.

06:46

Can if your representative, please save the person or organisation that you represent? And any preference on how you wish to be addressed? And please speak clearly into the microphone. So if we could begin with the applicants please.

07:02

Good afternoon, sir. I appear on behalf of the applicant. My name is Harry would fill part kings Council. I appear together with Miss Isabella tougher of counsel to my left. And we're instructed by Pinsent Masons on behalf of the applicants, for the purposes of today's this afternoon's hearing. There are four other speakers I anticipate calling upon. And I'll introduce those now. Briefly. To right, but one so just beyond a Mr. McDonald is Dr. Richard Lowe, Director at AECOM, from whom you've heard before previous hearings,

07:42

to his right,

07:45

Jack Bottomly, who I've just discovered is in fact, Dr. Jack Bottomly, though he doesn't use AI, so to doctors, and then to his right.

07:57

Dr. James Riley from him you've not heard before. So that's three doctors, his technical director at a calm he's responsible for HRA matters. And then to his right, Dr. Ian Campbell, again, you've heard before associate environmental scientists at a con so I I have the honour of calling for doctors today to assist you on environmental matters. Thank you very much.

08:22

And from local authority.

08:27

afternoon sir Adrian Miller, head of Planning and Development at Red Conklin and Borough Council and I'm not a doctor, unfortunately.

08:36

Thank you.

08:38

And

08:40

appearing virtually

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Can we start with South Youth Development Corporation please?

08:51

Good afternoon.

08:54

Mr.

08:59

Thank you

09:09

and then other participants appearing virtually Is there anyone else? The

09:17

indications there seems to be

09:20

pin stuff. Is there anyone else? who wishes to speak?

09:29

No, not been told there is okay. Thank you.

09:48

So if there's no one else present who's hasn't previously registered to speak, then we'll move on to item two on the agenda, which is the purpose of the hearing.

10:00

So this issue specific hearing is being held at the request of the examining authority, who wish to explore a number of matters orally in respect to various environmental issues.

10:12

The purpose of this examination is for the examining authority to examine the information submitted, both by the applicants and also by interested parties, as identified on the agenda, which has already been published, such matters related to water environments, and T stock road access.

10:32

The purpose of today's press to ask questions and seek clarification on matters related to range of environmental issues. The discussion will enable you to answer any questions that we may have. And to ensure that we have all the information that we need to make our recommendation to the Secretary of State.

10:53

The questions that we're going to ask today, we focused on those areas where we consider we need further information, or where we think the issues would benefit from examination normally.

11:06

I'd like to remind you that the examination is predominantly written process.

11:12

Since the first two sets of hearings in May in July, we've issued three sets of written questions. The received answers from both the applicants and arrangement of interested parties, together with numerous written representations, and responses to them, between deadlines to and deadline nine.

11:32

This has enabled us to obtain a detailed understanding of various environmental matters. Therefore, the topics which are on the agenda today, are limited to those where we seek a greater level of understanding and to ask questions of clarification, or seek further information from both the Africans and IPS presents.

11:56

This is the last hearing on the public timetable, given that the examination closes on centred November, which is just three weeks away.

12:05

Therefore, it's imperative that we get full answers to our questions today, followed up if necessary, by written representations, a deadline 1126 October.

12:17

So we'd like to remind you that deadlines are tight.

12:22

We've had the opportunity to consider all the documents, including those submitted at the most recent deadlines.

12:29

If there is a topic, which is not on today's agenda, we don't examine this as fully as you may wish. At this hearing. It may be because we have the information we need in writing already.

12:41

Or we have asked specific questions within our third set of written questions, which were issued last week on 13th of October.

12:52

I'd like to remind you that answers to those questions should be submitted by deadline 11.

12:59

are familiar with the documents that you sent in? So in answering your question, you don't need to repeat at length, something that you have already submitted.

13:08

If you want to refer to information already submitted, please look use the appropriate pins examination Library Reference.

13:17

Because I also asked for the first time using the abbreviation or acronym, or you give the full title as there may be people here today, or watching the live stream that may not be as familiar with the application or documents as you are.

13:36

So now turn to the agenda. Move 14 to the examination procedure rules, requires that at the start of the hearing, the examining authority shall identify the matters to be considered at the hearing.

13:50

The agenda for this hearing was placed on the pens websites on 11th of October 2022.

13:58

Mr. Davis will lead the discussion relating to the water environments and to stop load access at items three and four.

14:08

Nevertheless, the agenda is for guidance only. And we may add other issues with consideration as we progress will seek to allocate sufficient time

14:19

to each issue to allow proper consideration of them.

14:24

Such consideration of the issues should such consideration take longer than anticipated, it may be necessary to stay a little later. Alternatively, to prioritise matters, and defer other matters to further written questions. Finally, it's important that we get the right answers to the questions we ask. Therefore, if you can't answer the question, being asked or require time to get the information requested. Can you please in this case that you need to respond in writing? We can then defer the response to an action points to be submitted to deadline 1130

15:01

I'd just like to highlight an error in the agenda which the Atkins have pointed out. This is under item three, and specifically bullet point three, which refers to dissolved organic nitrogen, the reference should be to inorganic nitrogen. So apologies for that error

15:21

it may be helpful to have hands on your device copies of various documents, documents that you may find useful to have hand to hand are as follows.

15:32

Rep five oh 19 And o 20. The statement of common grounds with Northumbria water.

15:40

We have nine double O three and below for the habitat regulation assessment reports.

15:48

We have nine o 1516 and 17. The latest versions of the nutrient nitrogen briefing paper

15:58

the submission from Natural England dated 17th of October 2022. Regarding nutrient neutrality,

16:08

which is published as documents as

16:13

to 209, I think they'll be corrected if that's wrong.

16:19

Documents a pp 245, which is appendix nine, see the Water Framework Directive specimens.

16:28

And

16:30



finally, rep five oh 17 And oh 18. The latest sense of common grounds with South South Seas development cooperation.

16:40

And just reference

16:42

me mentioned draftable development consent order will be revision eighth of September, which is rep eight to blow three.

16:54

So before proceeding, can I ask if anyone has any comments or questions on the agenda? Or the procedure?

17:04

No. Okay, thank you very much. So I'll now pass over to Mr. Davis to lead on item three.

17:13

Thanks. Before we go on to Item three, I just want to introduce a supplementary question, which is going to relate to the EIA for the associated offshore transport and storage infrastructure. We asked for some additional information on that, PD 017. And we got your response at rep 9019. And what we'd like you to do is to talk through your response and expand on it if possible. I appreciate I've just landed that on you. So I can come back to it either i to Item four or even towards the end of the hearing. How long do you think you'd like to have to prepare for it?

18:03

If we can do it at the end, if we can perhaps take 20 minutes at the end. And then we can run through it. Yeah, that's fine. So if we have a break, would you be able to do that in a 20 minute break? That would be my hope. If we need any longer we'll let you know but I'll try and not extend it any further than necessary. That sounds great. Thank you

18:28

Okay, so starting with Northumbria water.

18:32

last update we had was the statement of common ground at D five the beginning of August.

18:40

The statement of common ground says that the applicants Northumbria water limited are continuing to engage on the option for wastewater treatment, the brand sands wastewater treatment plant, but the final selection has not been made. Could we get a progress update on that please? Yes, well, I'm going to ask Jack Bottomly to speak to that matter. So

19:04

I'll pass it over to him.

19:08

Jack Bottomly on behalf of the applicants. So yet, technical and commercial discussions are continuing between the applicants and ended up at Northumbrian Water limited.

19:20

It's now the applicants intention to use brand sands wastewater treatment plant that effluent treatment. And as as part of those discussions, Northumbrian Water are now proceeding to produce a detailed project plan for the next stages of work that they require in order to progress us towards a commercial agreement.

19:45

But in principle, they're happy that you do use brand sands Yes, so that the we have concluded some treatment trials based on the sample effluent that we provided

19:58

those treatment trials for

20:00

Presented no problems in terms of the treatment of the effluent stream or the capacity of brand sands. And neither party sees any matters in principle that prevents us to progress with that option. So we've got a timescale for when those negotiations are going to be complete.

20:18

We are await the project plan from November water that's being developed right now that will outline a schedule of of the activities to take place over the coming months to develop to to support the proposed development. But I don't have a timeline right now. But we can follow up in our third written question. We hope to have an answer for them. Okay. Are we expecting that the statement of common ground between the two parties before the end of the examination? Yes, that is our intention. We've drafted one and we're going to be sharing it with November water this week, to give them time to respond in advance of deadline 12. And you think that will be able to give us confidence that brand sans will be usable? Yeah, we hope to summarise in that statement, a common ground that there's no matters of principle that prevent us progressing. Albeit, there are further detailed works in detailed design to be done in due course, but nothing to prevent it working for the proposed development. Okay, thank you.

21:23

Then discussions. This was also in the last statement of Congress and discussions are continuing between the applicants and Northumbria water as to volume but masked by the sea. Sewage Treatment work may be capable of treating the domestic fall or discharges arising during the construction and operation of the development as a conclusion we made on that now. No matter that is, as well as the the effluent treatment and grandstands. The wider project plan that November water developing covers fall water treatment, as well as raw and potable water supply. So it's all being done as one piece of work by Northumbrian Water. The position statement Common Ground remains that we

see the volumes are fairwater as low comparative to the historical volumes produced by the steelworks. So we're confident that mass by the sea can support the development. So it is your expectation that it'll get used? Yes. That remains our case. Has there been any

22:24

suggestion from Northumbrian Water that might not be suitable? Yeah, no, there's no known issues that have been raised. Today. Again, it's one of those ones that is

22:36

agreed in principle, but is subject to detailed discussions from a technical and commercial matter. Yeah. Okay, thank you.

22:46

And then moving on to the war on potable water. The statement of common ground they said that the applicants have provided Northumbrian Water with conservative water volumes for the periods of construction and operation. And they'll continue to engage if we got any updates on that. So the water volumes remain accurate based on our understanding

23:07

and completion of feed in 2023. We'll again revisit to see whether those numbers have changed and share those with Northumbrian Water. But again, there is no principal issues have been identified with Northumbrian Water available capacity.

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The as I alluded to earlier, part of the project work that they want to take will be a full network analysis to see if they need to upgrade any pipe work from the abstraction point through to supply of sight

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that both parties believe there is adequate time to do that. Yep. So no concerns in principle raised since Thank you.

23:49

Moving on to nutrient neutrality, the HRA.

23:54

So as Mr. Eason said we received this Monday, naturally was confirmation that they're satisfied that option A would achieve nutrient neutrality based on the update nutrient nitrogen briefing paper that was submitted by the applicants to the examination at D nine, which is wrapped 9015.

24:14

Okay.

24:16

Just wanted to keep track of where we are. Are we now on the third bullet point and Item three, I just wanted to check on progress. He posted my notes. Yeah, sorry. I could have explained that more clearly. The second item was about the design and the alignment of the outfall options to Tuesday, and we dealt with that this morning. I'm grateful. Thank you apologise. Unless there was anything anyone wanted to raise on that? No, it was because it was separately on the agenda. We were waiting to see what more you might need. But if you're satisfied, you've got what you need from this morning. We're obviously happy with that. Yes, because as of nine o'clock this morning, we didn't know that you've made a decision. So yeah, that's that's done now.

25:02

Did you want me to repeat what I was up to with nutrient neutrality? If I do apologise, I simply wanted to make sure I'd kept my place and hadn't missed anything.

25:13

I'd much rather we're all clear. So thank you for that.

25:16

So Monday, we received Natural England confirmation that they were satisfied that option A would achieve nutrient neutrality based on the update to the nutrient nitrogen briefing paper, which was submitted by the applicants to the X amination, a D nine. So that was rep 9015.

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And natural England's note to us, has been recently put on the examination library as as 209.

25:45

So it'd be useful for us to understand the discussions that have led to this point.

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So I'd like a general overview of that, because we hadn't we hadn't been party to any of those discussions. And in particular, I'd like to know if there's been an in depth discussion between the parties regarding the modelling and its suitability. Thank you, I'm going to

26:06

it may be that this involves more than one speaker. So certainly,

26:10

I'm going to need to come in at some point later on to just deal with some legal matters that arise out of it in terms of the DCO. But I'm going to ask Dr. Lowe to provide you with the overview and hopefully that will assist in terms of how we've engaged with Natural England issues related to the modelling and so on.

26:33

Thank you, Richard low representing the applicants.

26:37

Yes, so we have had extensive dialogue with Natural England on this issue, as I'm sure they appreciate, given the timing of the issues issue being raised.

26:47

We undertook some detailed modelling received detailed comments back on that modelling, and I've updated the modelling accordingly.

26:55

Just in terms of where we started with the with dots. Hello, can I just interrupt you there? Because that is a question I've got later on. But it might be worth doing it. Now. We've got lots of reports and lots of references to different modelling reports. Could you if it's not impossible off the top of your head? When you say they commented on a previous model, can you tell us which one it was that they were commenting on? So which deadline did that get submitted at number nine, I believe, isn't it?

27:25

Yeah. So the preliminary modelling report that was submitted at deadline nine

27:32

oh, sorry, that was.

27:44

We'll try and find the reference number, maybe the report that was submitted in line six, which was the preliminary. So in terms of where we

27:56

started with this issue and addressing this issue. As you probably aware, in our DCA, we had a number of options under consideration for wastewater treatment. And as has been alluded to in the previous question.

28:11

What we, what we called the base case, our initial view was that we would send certain effluent streams to Branson's wastewater treatment plant for treatment and discharge through the existing northern rainwater limited consented discharge that goes into the home good, which then goes into the T's estuary or the river and then into the estuary.

28:33

When the nutrient neutrality guidance was raised, and the points raised into examination by Natural England relating to achieving neutral neutrality for the proposed development.

28:44

While Branson's effluent treatment plant can successfully treat the effluent that we would be discharging to them. The actual nitrogen content is changed, but it's ultimately still left as a nitrogen

substance that is then discharged from the treatment plant. So while the ammonia in it is treated, it would still form nitrate

29:07

as a result that still be nitrogen discharged into the estuary.

29:12

And we've agreed with Natural England that their area of concern relating to the nutrient neutrality point within the T's mouth SPCA is the seal son's mudflats. And they're worried about the data is already receiving nitrogen levels in excess of levels that they consider to be acceptable because of historic contamination and ongoing operations.

29:37

So, by us contributing additional effluent containing nitrogen into the estuary, that through the debris get into the estuary would still then become incident on to the Simpsons mudflats. So what we then looked at as we've included within the

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within the DCO itself is a return line from Branson

30:00

ans to take an equivalent level of effluent nitrogen back from Branson's wastewater treatment plant and discharge it into the tes Bay via one of the two outfalls. And as we've discussed, the replacement outfall is the area of focus and we'll come on to that as a separate point on you've addressed it this morning.

30:19

So we've done the modelling of the discharge from the replacement outfall, and looked at how that disperses into the bay. And whether that then disperses back into the estuary and onto the seal sands mudflaps which is the area of concern from Natural England.

30:37

In addition to that effluent stream, one of the other considerations is that we are abstracting raw water from the river via an author and Rewarder obstruction point, which already holds a baseline of nitrogen concentration within it that is then used for cooling purposes in the proposed development and is then discharged concentrated because of the evaporation of the cooling cycle into the tes Bay. So effectively what that is doing is diverting nitrogen containing water from the estuary and discharging it into the bay.

31:13

So the modelling we've done shows that the nitrogen levels that are incident on the mudflats are negligible.

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But in addition, when we take into account the offsetting of the reduction of nitrogen from the river that's actually also passing on to the mudflats already, we either have a neutral effect or a potentially a slightly positive effect in terms of nitrogen levels on the mudflats. So this is the information that we've presented to Natural England. We will be submitting revised report into examination deadline 11. And this will show this we've achieved this neutral neutrality, which is the point that naturally men have have made the point in their submission,

32:00

which I believe is APB 245.

32:04

That point is they're being updated into our statement of common ground with Natural England.

32:12

The way we are securing achieving that is through a proposed additional draft requirement to the DCO, which my colleague Mr. forepart will outline and explain the rationale for but that's a way of securing the use of the replacement outfall and the return line from brand sounds, which are part of what we've assessed and are included with our order limits of the of the DCO. But it will it will be that we are using that approach or an equivalent approach to achieve the nutrient neutrality on the silver sands mudflats.

32:46

Related to that, excuse me, we've agreed with Natural England that this point around the use of that effectively mitigation will be taken into an update of the HRA such that we can then also we've agreed with nurtured learned that by doing that and taking that into stage two of our report to inform the appropriate assessment, we can demonstrate neutral neutrality and therefore no adverse effect on the integrity of the SBA.

33:17

As a final point, we recognise this issue is the issue of importance for Natural England. So separately to the measures outlined in the proposed requirement. We are also offering to undertake some monitoring in and around the citizens mudflats area for nitrogen levels in the water body to help inform their understanding. And again, my colleague, Mr. forepart, will talk through how we propose to secure that monitoring provision.

33:54

Thank you, Dr. Loh.

33:57

Sorry about the reference. Thank you where it has been founded the report that was commented on relating to the effluent modelling was rep 8050. Appendix A.

34:14

Yes, and we've shared draft versions with Natural England as part of our review process with them as well. So they have had all the different documents reports directly. Let's have one that was one of my questions, the one that they just commented on. So when we received

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that 9015 that had the additional monitoring in the back of it for the new outfall, will Natural England of seeing details of that? Yes, madam. They've received that as well. Yeah. Would they have receded about the same time as us or if they had it for quite a long time? They've had it in advance of human on before we submitted it into examination. So we'd be working with them, to provide them with

35:00

The reports to give them more time to be able to comment and respond likewise with the Environment Agency on the related point relating to Water Framework Directive compliance. So we wanted to get them early sight of reports before submitting them into examinations so that we make sure that they were broadly in agreement with what we're putting forward and measures before we submitted them. So that gave them longer to that's helpful context for their comments, which were quite brief. So thank you.

35:29

In terms of what you said was, and then have they just seen the report? Or have they had their hands on the model? Have they actually had time to get into the detail of what's going on in that modelling?

35:40

So they haven't, they haven't got a copy of the model itself, nor do I think they are nor have they sorted or not, I don't know that they would be in a position to use the model themselves, the Environment Agency have had a couple of copies of the model. And

35:57

one issue that we'll come to on a separate agenda item is the timing of response from the Environment Agency on waterfree Madrid of compliance, which my colleague will talk through. But yes, so naturally going to haven't sought the model itself. So we've presented the results. But we've also held a number of meetings with them to present the findings and to talk with their specialists around the issues. Okay. I can I can appreciate they haven't looked at the modelling themselves.

36:24

Have they, in your meetings with them had sight of how you've handled input to the model? And have they got a good understanding of what the error is associated with that model?

36:40

It's a good question, madam. So we we've sought to explain the limitations of the model and the accuracy of the model as part of our overall understanding,

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which is why in terms of the way we've reported the results to them, and as part of the modelling report, we've included discussion around the the accuracy of the model within that, because otherwise, you end up with potentially with diminishing value associated with the model, and the model will still provide you with minor concentrations, which perhaps aren't credible, they're more around modelling uncertainty. So yes, we've certainly discussed that issue with them.

37:20

I think the reassurance that they have is that we aren't

37:27

overly reliant upon the exact number that comes out of the model or to the exact location, I think there are a couple of points of relevance here one, we have looked into 3d models. So therefore, we have looked at the dispersion patterns at different levels and depths within the water body. And certainly around the seal sands mudflats, the only areas where any nitrogen is being picked up through the modelling is at the deeper waters, not on the mudflats themselves. So there's a first point of reassurance there, it's only water depth, that you're showing any mixing even with recognising the point you're making about the model uncertainty.

38:04

And the second point is this offsetting point around the raw water that's abstracted from the river for us and the proposed development is directly removing nitrogen from the system. So we make sure that we are modelling that return into the bay, so that we are taking account of it. But that offsetting of water that otherwise would be incident on the mudflats is quite a noticeable concentration. And therefore, even when we're at the noise level of the accuracy of the model, that offsetting is compensating more than that. So it's a positive position in terms of actually potentially being slightly positive. Regarding nutrient neutrality, as opposed to just our as arguing neutrality on the basis of the accuracy of the model. Yeah, I understand.

38:53

We'll probably come on to it under the Water Framework Directive discussion, this

38:58

question over load versus concentration. But for the purposes of the HRA, our Natural England happy with the approach you've taken to

39:11

quantifying the impacts of nitrogen as load on their particular concern as to science rather than the concentration of the water?

39:22

Yes, madam they they have reported verbally and in writing that they are happy with the approach we've presented the assumptions and the methodologies that we've we've adopted and the conclusions of our assessment. So, I think the point around the concentrations is that there are fluctuations depending on the tide

39:44

and depending on the weather conditions, and therefore, the actual concentration varies over time. So hence, we have to look at the load we have to look at the sort of annual loading as well as part of the assessment but yes, they are showing that they are in writing and that will be reflected

40:00

The updated statement of common ground. Okay, thank you I

40:07

think we can move on to this proposed mitigation. Yes. That's where I take over.

40:17

If I can just set the context for this, which is which is explained in red 9017. So that's the nutrient nitrogen briefing paper that went in and then line nine. And to give you the I'll give you the references to the parts that I'm referring to. You may recall section 3.5, which is headed effluent handling options with the draft DCO is explains there are a number of options to handle the effluent that contains nitrogen and then it lists what those are Mr. Philbin? Would you give me one minute just to open that up? Of course, I do apologise. Yeah, that was rep 9017. It is indeed. So that's the nutrient nitrogen briefing paper and the first place that I want to go to is internal page seven.

41:35

Which section was that 3.5 as a sub heading effluent handling options with the draft DCO I suspect that should be within the draft DCO. But that's the that's the heading.

41:50

I've got that. Thank you.

41:54

Mr. Gleason. Mrs. Hunt Did you want a little bit more time to find it?

42:00

Thank you. So as you'll have seen, this describes the options for handling the relevant effluent,

42:09

which includes the offsite treatment options. But it explains at 3.5 Point two, that the DCO makes provision for all of those options through the two works that are identified. So work number one, which includes wastewater treatment plant and building an effluent ponds and work number five, which is wastewater disposal works, including pipelines to brand sands and into the tees Bay. And at this stage, no final decisions have been made on how to handle the effluent containing nitrogen. So

42:48

there are different ways in which this can be done.

42:52

And the DCO in schedule one is drafted in a way that allows for those options to be

43:02

constructed and operated without the need for any change to the DCO. So it's not like

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the other options, which we discussed this morning. Whether choices to be made at this stage is Do we go this way do go that way. The works are defined broadly enough to enable these options to be

43:23

determined at the detailed design stage. And the next reference in this document that it's just worth going to its own internal page 24 Paragraph 7.2 point nine.

43:46

And this explains about the nature and status of option A which we have seen obviously described and assessed, explains it's important to understand that that option is only one potential means by which nutrient neutrality can be achieved. But it demonstrates that this is readily achievable within the scope of the proposed development. But there may be other ways of dealing with this, which will be at least as good, if not better. And then it explains why in those circumstances, it's neither necessary nor desirable to pin that down now, because it may be a detailed design stages an even better way of doing it.

44:28

But what the assessment demonstrates is it in principle, we can achieve at least the position that's demonstrated through option A and maybe that that can be done better in due course, and then explains in that context, the nature of the requirement that is proposed, so that is that the undertaker has to submit details of the final design measures for

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approval, and then demonstrate to the satisfaction of the discharging authority that will ensure known

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80 increase in net in nutrient nitrogen loads at seal sand. So that was the principle that we explained in that document. And we have subsequently

45:11

proposed to Natural England, our form of words, which will, in due course, deadline 12 find its way into the final version of the DCO.

45:26

The draft requirement was provided to Natural England by email on the 13th of October, and discussed with them at the meeting on the 14th of October.

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In a post meeting email on the same day, so 14th of October, they confirmed the wording of the requirement was acceptable to them. And what I'll do if it's assists, it's a relatively short requirement, but if I just read through what it says and then you'll get a note of it, obviously in a deadline 11.

46:03

So it's in three parts. The first part

46:08

says that no part of the authorised development other than permitted preliminary works may commence until an effluent nutrient nitrogen safeguarding scheme has been submitted to and after consultation with Natural England approved by the relevant planning authority. And then the second part, the undertaking must implement the effluent nutrient nitrogen safeguarding scheme as approved, unless otherwise agreed with the relevant planning authority following consultation with Natural England. And then the third part, the effluent nutrient, nitrogen safeguarding schemes submitted pursuant to paragraph four must demonstrate that wastewater from operation of the authorised development is controlled and discharged. So that it will not cause a net increase in total nitrogen concentrations in water within the T's estuary at seal sands mud flats. So, you will see that the way that that is structured reflects the idea that what the scheme will comprise and precisely how one will achieve that result

47:19

is left for the next stage having demonstrated in principle, it can be done that one can discharge that requirement. But it's made clear what it must deliver and that it will therefore achieve what Natural England is, is seeking. So if I pause there before going on to the monitoring point, just in case you've got any questions about that? Yep. Can you repeat the third part again, please? Yes, indeed, the effluent nutrient nitrogen safeguarding scheme submitted pursuant to paragraph one must demonstrate that wastewater from operation of the authorised development is controlled and discharged. So that it will not cause a net increase in total moisture and concentrations in water within the T's estuary at seal sands mudflats.

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So, that operates effectively as a limitation on the

48:26

judgement that can be exercised by the relevant planning authority has to deliver that objective.

48:33

I can

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see several potential problems with that in terms of

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tying down what net increases what timescale it is, obviously ties in with your monitoring, who makes those decisions is that all going to be part of the affluence safeguarding scheme

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or the the effluent safeguarding scheme has to be such as to satisfy the relevant planning authority, that it will achieve that outcome. So, whatever is necessary in order to

49:12

achieve that outcome will have to be contained within the scheme. If there are concerns about the meaning of any terms within the requirement, we can consider that to consider any if any of those matters need to be defined within the DCO. But in principle, those are matters that are capable of being addressed, either through drafting or alternatively through the exercise of the discretion of the relevant planning authority advised by Natural England as to what is necessary in order to achieve the objective in paragraph three. But so far, Natural England hadn't raised any concerns in principle that it isn't achievable via that requirement or

50:00

No. And as I said, my understanding is that they are have confirmed that that form of requirement is acceptable to them, that they will obviously have an opportunity to comment on it during the examination, once they've seen it in the draft DCO, a deadline 12. But it's something which has been discussed, shared with them and discuss with them, and they've indicated their content with it.

50:30

Yeah, I think Dr. Lowe may be able to add something further on this. Thank you, Richard low representing the applicants. So yes, I think there's a recognition within Natural England that we've identified a solution which addresses the neutral neutrality point, which is the key point wanted to try and achieve during the examination. But there's a recognition that the detailed design of the plant hasn't yet been completed, which is why we wanted to use a requirement to allow us to potentially identify an alternative option, which may even be more beneficial in the longer term, and not restrict ourselves now to a defined solution. If there's a better solution that becomes available after the detailed design. And so the wording is, the drafting of that requirement is intended to allow us to continue with the detailed design, explore other options, if there are any that are available, and perhaps use those, if we can achieve a better outcome. Clearly, they would need to be consulted to that process. So that's the intention in terms of why we've structured it in that way. And that's the scheme that we've identified in that requirement

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would then have to be submitted to allow us to understand what we could do and how we could do it.

51:48

Obviously, if there's an alternative drafting that perhaps needs to be strengthened, we can take that away as a point of if that's appropriate. If there's something relating to timescales, for example, that you mentioned, then we're happy to consider that. But this was the way we're trying to identify to say, we don't want to close off the solution at this stage where there's another potential benefit that could be realised through further design work. And I can appreciate that makes complete sense at a high level, we're going to need to be able to recommend that the HRA is satisfied, and at the moment, it's relying

on a scheme of mitigation by a requirement in the DCO that we haven't really got any detail about. So will we get some understanding of what's likely to be in the safeguarding scheme before the end of the examination? What madness comes back to the point principle that I set out at the start, that the approach has been to demonstrate that there is an option, which has been modelled and assessed,

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which would achieve it. So we would deliver the relevant outcome and therefore, there is no issue. But that a scheme can be delivered pursuant to this requirement, which would deliver the the required result.

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At this stage, having demonstrated that, it's not necessary in order to be able to reach a positive conclusion on this issue, to determine that that must be the scheme.

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It's different if you have a situation where there is any one way of doing it.

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And that you need to pin it down at this stage is not that's not the situation we're in, there may be other ways of doing it. The DCA was drafted in a way that allows for that flexibility to achieve if it's possible and improved environmental outcome. But there is in circumstances where it's demonstrated that the requirement is capable of being discharged, and that a form of mitigation will have to come forward because the development cannot take place. Without that being discharged. It's not necessary in those circumstances, to investigate one potential way of doing that in further detail, because it may be that that is ultimately entirely academic exercise. Because once you've established it can be done, then all of that detail can be dealt with at the next stage of the post DCO stage. And it could well be that in the meantime, and other way of doing it emerges, which is preferable in which case that will be the thing that has worked up in detail. And so there's no necessity for the purposes of decision making. I would suggest to go into further detail about this particular option, once it's been established that it can work is within the capacity of the

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relevant works and it would be capable of delivering the desired result because you're not then leaving it

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In a situation where there is uncertainty as to whether acceptable mitigation can be delivered, it then then moves into the territory of

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leaving it to the the decision making of the relevant planning authority to determine whether the particular scheme that is submitted is or is not satisfactory. So what we need to understand the first place is whether or not it can be done. That's the stage we're at. So we do need to ask questions about

the detail of it and how it's going to work. Natural England have said that they are happy in principle, and by the looks of it quite a high level, they haven't had a good look at the inputs or

55:38

the model itself. They're happy as long as this requirement is there. And I think it's reasonable that we understand the details of this requirement. And then what's going to be in that safeguarding scheme, even if that's at a high level, but at the moment, we just got a title, I think we do need to understand what the thinking is and how that will perform.

55:58

A good mitigation I appreciate the scheme could change potentially quite substantially, and that you're saying it will have to meet a certain quality of discharge, I understand that and that the safeguarding scheme could change, but for the one that we have before us, I want to see that in principle, it can be done, what would it look like in that case? Yes, as I understand, Option A

56:22

provides that option A shows that there is an option, which has been assessed, which shows that it can be done and that that is the option that has been discussed with Natural England, and that they are satisfied with so if in the end, Option A is the one that is pursued,

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they will be satisfied with that that would satisfy the terms of the requirement.

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Once it's been established that option A works and the the nature of Option A is explained in the nutrient nitrogen paper.

57:04

If there are particular details that you would like in order to understand

57:10

how it's been assessed, why the conclusions have been reached, in particular, how it's been concluded that that is feasible, we can seek to assist with that.

57:22

But at the moment, I'm not entirely sure what further details you need. We're happy to do what we can, obviously to reassure you.

57:32

But are there particular details you would like to have

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in relation to the option that's been assessed? Yes. So Natural England is saying that looks at that option.

57:44

As long as that the mitigation is secured by the requirement, and at the moment, we don't, we've got that high level requirement that you've very helpfully read out to us. But we don't really understand what's going to be in that safeguarding scheme. So I think if at least at a high level, we can understand what it's likely content to contain because it it does form part of the DCO potentially.

58:16

Manifest want to make sure I've I've understood is that Natural England are satisfied with with the requirement on the basis

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that it is not necessary at this stage to provide further detail of an individual option, an individual scheme, because, as I said, having been satisfied that a scheme can be addressed, can be designed to achieve the end result that is specified in item three.

58:51

Putting more detail about the scheme into the requirements effectively, will either be of no effect, legally, because let's say for example, that you said which must be in the form of option A or another option which achieves the same outcome would achieve exactly the same effect legally as this does.

59:14

It wouldn't actually add anything to it. And any option that you described there for in the requirement wouldn't take you to a different position.

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And because Natural England recognise that it's neither necessary, nor desirable to pin it down further at this stage, because you might end up delivering a worse environmental outcome by doing that, and if you maintain flexibility

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it doesn't on on the face of it lend itself to narrowing the requirement. Further, that the scheme is

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therefore deliberately kept

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at large in terms of the requirement,

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because that is both all that is required in order to

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deliver the necessary outcome in terms of overcoming what would otherwise be an obstacle to obtain development consent.

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But it's also better in the public interest, because it ensures that whatever emerges, will not be sub optimal in environmental terms, then if we sought to pin it down further, so yeah, I totally understand all of that you've made yourself very clear I, I completely understand you want to keep the flexibility. That's, yeah, makes sense.

1:00:41

But I would like to know more about what's going to be in that I appreciate it's going to be very flexible. But at the moment, I've just got a title. And I think it would be very useful to have some high level sense of what's going to go into that scheme. If it's going to go into the DCO.

1:00:58

Flexibility appreciated, I think it would be very good for us to know at a high level what it means. So that's that, that I think, I think, and I do apologise if I'm being.

1:01:18

If I do apologise if I'm being obtuse or slow, it's simply that I need to make sure because this is our last opportunity to talk to you face to face. That is their idea of what it is precisely you're concerned. But if the idea is, for example, for an explanation within the requirement, or alternatively, by means of definitions as to what the nutrient nitrogen safeguarding scheme shall include, so that it doesn't pin it down to particular option, but it just provides you with, for example, that these are the elements in whichever option is selected. That that will be provided in terms of the information that lies within the scheme to the relevant planning authority, that I think brings one back to the question of definitions, and we can deal with that what I was nervous about, and you will have to forgive me for if I've been repeating myself, is seeking to include anything, which takes away from the essential principle that exceeds doing in caps encapsulate, I'll just check if there's anything

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that summarises it. Well, I'm sorry, I apologise for being obtuse. You'll have to forgive me for that. There's nothing I can do about that.

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But I think I think I've the Penny has finally dropped for me. Thank you. Yeah, we're not trying to tie you down to anything specific. I appreciate you can't put monitoring points in it or exact numbers for discharge and things I completely understand. But at a high level, it will contain certain definitions, it will contain provision for monitoring it, whatever it is that you've agreed with Natural England that such a document needs to include, I think for us to be able to be comfortable that in principle, this is achievable, we need to have, you know, a reasonable understanding of what's going to go into such a document.

1:03:17

So okay, yes, well, that's extremely helpful, extremely helpful. There is another related issue to do with monitoring, which I was just going to address.

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And this is this is distinct from monitoring that would be associated with the solution that comes forward in order to satisfy the requirement. So, for example, you will may well anticipate that the scheme would include a monitoring of the output from wherever the the effluent is discharged. This is a separate issue in relation to monitoring of

1:04:00

nitrogen levels around seal sands. So this is the receptor as opposed to the point where the effluent is discharged. The applicant also

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provided proposals for monitoring nutrients to Natural England for comment on the 13th of October and these were discussed at the meeting of the 14th. These are proposed as a voluntary measure

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to assist Natural England in developing data and information to enhance their understanding of nutrients in the Teays estuary. And in natural England's email the 14th of October after the meeting, they welcomed the proposed monitoring commitment. The proposal is that that would be secured by a legal agreement between the applicants and Natural England and the applicants are drafting a legal agreement for natural England's consideration. The reason it's been dealt with in that way, is because

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We don't consider that this particular monitoring commitment is necessary. It's not something that needs to be in a DCR requirement. It's not something that requires therefore a development consent obligation

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in light of the conclusions of the assessment, so the agreement and the monitoring to which would

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that it would address would not be a matter, we would say, for the Secretary of State to take into account in determining the application, but a deadline 12, we will provide you with information about the substance of what is proposed, as opposed to a draft of the agreement. For reasons I'll explain we don't think that's necessary, but we will tell you what in substance is going to be secured in the agreement. But as I've indicated, that is

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that has to do with monitoring the situation generally at seal Sans, as you might imagine,

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identifying if there is say, increases, decreases in in elevations sale sands, that may or may not be correlated at all to what we're doing. But it just helps Natural England understand generally what's going on there. But that will be a private legal agreement between the two parties outside the DCO. Yes, and we're expecting to provide you the information about it just so that you understand what's what is being referred to there. But that is not something that we're going to say is necessary or therefore forms part of the secretary state's determination. Okay, thank you. Sorry, I'm just going to ask Dr. Lowe to talk about the permit, and its relevance for the purposes of monitoring what we're doing in that context. Thank you, Richard low represented the applicants. So yes, the point that Mr. Fuller was making around the discharge monitoring of what is actually being discharged from the outfall that would be covered through the environmental permit for the proposed development. So there will be monitoring undertaken of what we release into the environment as part of our ongoing obligations under the permit. Thank you.

1:07:07

Going back to the wording of the requirement that you read out was the real part, the first part no part may commence until the safeguarding scheme has been was it approved by the local planning authority and that they had to consult Natural England or didn't? Exactly right, but approval, so Natural England are consulted. And the relevant planning authority is the determining body.

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And again, Natural England must be happy with that. For me. That's what they have communicated to us. Yes.

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One last probably minor point was the terminology around mitigation. This has been described as a Mitigation Scheme.

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This requirement and is it really mitigation in an HRA sense.

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don't really mean anything. So rigidly represented the applicants. So

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because at the moment we could still discharge effluent through Branson's effluent discharge point to Dubbo, Gert. And because we then have to adopting this what we have termed option A, we don't use the serve option A going forward. I don't think that's going to make much sense to people in several years time. So we're trying to come up with an alternative way of describing it. But effectively the use of the

1:08:30

return line from Brandon sands and the discharge, we are undertaking that measure as an additional step to address nutrient neutrality, and therefore, naturally wanted that to be taken forward. As part of the HRA assessment. Does that make sense? It does. Thank you. Yes, I think they wanted it treated as

mitigation. Yes. So those therefore weeds can't just screen out effects on because we're effectively we're like we're doing that measure to protect the

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feet designated features.

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We're going to do that.

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Okay, I think that was all of my questions on nutrient neutrality.

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When Remember again, what did we get to get that requirements submitted?

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That will be that will come in at deadline 12 But of course, you will at deadline 11 Get the written summary of the oral submissions, which will include the text that we were talking about today.

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And when are we expecting the next statement of common ground between

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Will the applicants and Natural England

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I believe that will be at deadline 12 months.

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Okay.

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Was there anyone, anybody?

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Anything anybody wants to add about nutrient neutrality before we move on to Water Framework Directive?

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memo? Can I just before we move on to another topic, mindful that you've added this extra items in relation to the offshore

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environmental effects? And the answer that was given

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to the regulation 17 request, just that I can make sure that the relevant people are available when we break and also that we know what they should be preparing in the background?

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Is there anything in particular that you can say you'd like more explanation of as part of that answer just so that we know what we should be looking at? And people can start doing that preparation? I think we wanted to hear what you had to say. And to expand on the answer that we got, which was quite sure to think we want to try and understand what if any individual effects have been identified for the offshore works.

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That's fine, we can take that. We can take that away. Thank you.

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Was there anything else on nutrient neutrality?

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So moving on to the Water Framework Directive?

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think we've clarified which reports we're talking about.

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So the latest briefing paper says following completion of the discharge modelling and updated Water Framework Directive assessment is being prepared considering water quality impacts from emissions to the T's Bay and any effects on the W F D status of the T's coastal water body.

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We hadn't had that yet. So I wondered if you could update us on where the WF D assessment is up to? Yes, I'm going to ask Dr. Ian Campbell to deal with this matter.

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Lottery in Campbell, speaking for the applicants.

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The updated W FD Water Framework Directive assessment is being finalised at the moment. And we're intending to submit that deadline 11.

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Would you be able to give us a summary of what his conclusions are at this stage? Yes. So the Water Framework Directive assessment shows that through the use of the replacement outfall, or an equivalent solution as discussed previously secured by the proposed draft nutrient national

safeguarding requirements, there'll be no significant adverse impacts to relevant WFP water bodies. And the proposed development will therefore be compliant with the Water Framework Directive objectives, the T's coastal water body, the T's transitional water body and the T's estuary.

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And as Dr. Lowe indicated earlier, discharges to T's Bay will also be regulated by the EPA through the environmental permit.

1:13:40

Thank you.

1:13:42

So my next question, if the Environment Agency had sight of your conclusions and your reasoning of that yet, yes, we had a meeting with the Environment Agency on the 17th of October, which both the discharge modelling and Water Framework Directive compliance were discussed.

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We're going to have a second meeting with the Environment Agency

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on the fourth of November when they've had time to review the submit the submitted documents.

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At the meeting, the Environment Agency indicated that obviously in advance of reading the reports in detail, they accept your conclusions as we presented them to.

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This might be a question for Dr. Lowe. Do you want me to give you a minute

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with the permit

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it and the discharged limits that are going to come out of that. Have they been agreed with the Environment Agency? Or are they relying on them signing off this modelling?

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There are no limits yet agreed within the permit, and we haven't received a draft permit.

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So nothing's been specified.

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We're conscious that we we need to get effectively two points agreed with Environment Agency, one, the level of effect is acceptable from order from a director of compliance perspective. And, as Dr. Campbell outlined, and conclusions are that that is acceptable. So we need that to be agreed, we also have to make sure that they are happy with the content of the modelling report. Now, the actual effort modelling report was the same report, as we've been talking about. So the government agency have had that for only two weeks. So there is a review ongoing, so they have already responded to it. It's not as if we only gave them a report for the first time two days ago. But I think they have some

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resource constraints over the coming week, which is why we could only schedule a meeting with them on the fourth. So what I'm what we're what we're seeking to achieve with the Environment Agency is agreement in principle that the level of effect that we propose, and if summarised, is acceptable, which is the conclusion we've reached through our assessments. And then obviously, that is predicated on the modelling report still being appropriate and being properly audited, as you've already outlined as the point. So we're conscious on the timescales towards executive examinations. So we were looking to try and

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address those two points separately, because the detailed review of the report is where they have more resource constraints.

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And I think

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anecdotally, through the discussions at the meeting, environmental agency did verbally indicates that subject to the the checks of the report, the principles that we set out, and the level of effect would be acceptable for Water Framework Directive compliance perspective. So it's not the level of effect we've presented does not risk deterioration in Water Framework Directive status of the of the receiving waters. Okay, their main focus, the water body as a whole has to be considered for water very directive rather than a seal sounds. mudflats has a slightly different point, as you'll appreciate.

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But they also recognise that they don't do dis monitoring into the wider Bay anyway. So there's a separate point for them, really, in terms of

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how they what do they need for Moses was an evolving discussion around where is the compliance point? And how is that interpreted? What we're stressing to the various agencies that we need to get to a

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conclusion on this point, what we don't want what would particularly be unhelpful from our perspective is,

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after deadline 12, a number of comments and hypothetical scenarios come back out as a, as a more of an abstract discussion around the wider effects in the bay, I think we've got to try and move to a point of getting agreement.

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By the end of examination, that's what we're seeking, and we've stressed upon Environment Agency, that's what we're hoping to achieve. So the dialogue is very positive and is ongoing, but we will have to see what their response is on the on the modelling report. I see. Okay, if we got a few got any understanding of what the timescales likely to be for them to get through the modelling?

1:18:48

No, I think that the resource availability is what's hampering that. So the date with Dr. Covers outline for the meeting is where we're hoping to get some feedback by that stage. But that's post deadline 12.

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So, we want to try and get some information this week, if at all possible as we've been seeking to provide a little bit more reassurance to yourselves. So worst case, the Environment Agency goes through the modelling and they find some

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parts of it that they're not very happy with.

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I appreciate that you've agreed at a high level.

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It won't go beyond whatever the discharges or the EQs or the compliance point concentration. Is there a scenario where if they don't like the modelling, you need to go back to your design and change for instance, the effluent treatment to tighten up on levels?

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Is there likely to be a point where you can't tighten up on it any longer when you can't reach agreement with the Environment Agency.

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We're confident we can have

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Find an identifying appropriate solution through engineering methods and other approaches. I think it's merely a matter of time left and examination to go through that and demonstrate that. So I don't think from our perspective, we're confident we are confident we can find a solution.



1:20:20

The point that was previously made relating to the wording on the proposed draft requirement to address the nutrient neutrality point still applies here in that the detailed design of the plant has yet to be completed, and other solutions are being explored. So there are other alternative solutions that could be used if we needed to use them. So what we're trying to demonstrate within the examination is a solution that is achievable. Recognising that the detail design, as we've previously discussed, may identify a better alternative solution. So if the Water Framework Directive, compliance review in the modelling review identifies additional works to be required, we're confident we can achieve that. But it does come a matter of timing as to what we can provide to yourselves in the time we have left.

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And that's why we want to really focus on agree the principles of the level of effects that we know that we can achieve through different measures.

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Because the dispersion modelling report takes several days to run, interpret. So

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clearly, we don't want to receive detailed comment, we have already addressed detail comments on the modelling report previously. So we're hopeful that there won't be any fundamental challenge to those to the data and the assessments used. But we would have a significant amount of time left post review, to make changes and provide further round of updates and discussion.

1:22:00

Okay, thank you. So I think all we can say is what we are confident to be, we look to secure agreement on the level of effect such that water for a director of compliance can be addressed. And we are confident that we can do that. See, we will update the statement of common ground with the various agency accordingly. For that, and D, we will keep you informed on progress as we head towards the end of examination. Thank you, I

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think you've answered most of my questions here.

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Bear with me.

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I don't want to tread on the environment agency's toes, but I do have a I do have a couple of questions about the modelling, if I could

1:23:03

run them past someone. So one of them was that the dissolved inorganic nitrogen concentrations that have been put in and were based on the abstraction from the teas, and these are average

concentrations? And I was a bit surprised that the 95th percentile wasn't used, is that something you've agreed with the Environment Agency.

1:23:29

And those concentrations are in Campbell speaking for

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the den concentrations in the raw water that's taken from the teas were included in the preliminary modelling and the Environment Agency have reviewed that model and not commented adversely on the use of that to represent the cooling more transparency. So they've already been through that model in detail, haven't they? Yeah, yes.

1:24:01

And also that the abstraction point we use is one where we have the highest concentration, the low Wassell abstraction point. So it's kind of a reasonable worst case. That problem B is the one you're going to use though, from everything I've read. is the most likely. Yeah. Okay.

1:24:24

So that last report that came in, says that the cooling water from the blowdown waters for the power station wasn't going to be included in the assessment. That was something else I wanted to check if it had been agreed, because that's also going to be concentrated so I can't see why you treat that differently. The statement in the YouTube, YouTube NIOSH and briefing paper is incorrect. It was included in the model.

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Then, obviously, the Environment Agency working very hard to get all of these water bodies up to good status.

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If the teas is at good status in 2027, or whatever they're they're hoping to achieve, is that reflected in your model, if they do manage to make the improvements to the quality of the water through

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assisting agriculture to not pollute as much, perhaps they will have lots of ideas in place when they as part of their management plan, if the quality of the teas goes up, how is that reflected in your modelling?

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And ultimately, what you'll be discharging the effect that it'll have on the water body?

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I think that's probably something we probably need to take away and respond to, rather than provide me with an answer now.

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Richard Lowe representing the applicants, yes, we're certainly happy to take that point away and respond,

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I suppose what we are looking at is,

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so if the T's estuary status is improved, we I don't think we're compromising that through the dispersion. And we're demonstrating the level of effect that we are back into the estuary anyway, so but it's a good point. And we will consider that future baseline hypothetical scenario.

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But I think what we're showing in terms of the dispersion of the effluent into the bay, is not then coming back into the estuary such that it would then deteriorated again. But if we, if we did do that, one of our discharges is the concentrated raw water. So if they've achieved good status in the estuary, therefore, the concentration in that raw water would be lower. So therefore, the concentration we put him back in would correspondingly be lower. So I think it all ties together, but we'll take that point away, and,

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ya know, a bit rearranged because you're concentrating it. So I appreciate you're taking out a load

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from a stretch of the river, but you're then focusing it like a beam on the way out, because it's concentrated. So I don't think it's necessarily the case that if the levels in the river go down,

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because of the focus of the discharge, that you'll have an equivalent reduction, certainly when it comes to seal sands. So I'd be interested to see if that would have any effect. Yes, and I think one of the other points relating to the modelling from a from a WFD perspective, is that at the point immediately around the outfall, there is obviously an increasing concentration because of the nature of the discharge. So what the modelling is showing is how quickly that mixing zone XML are widely that extends over what period and and there are lots of variables associated with that. So the WF D compliance is based on annual averages rather than peaks. But we have they've got a tidal influence. So what the modelling is showing is not only variation with depth in the water column, but also variation with tides. So

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it's, there's not a single number answer, as I'm sure you appreciate, but it's therefore putting it into consideration around the number of hours at which there would be an exceedance associated with a mixing zone. The the extent of that makes exerted the depth within the order column. That's what we're trying to balance within the overall assessment. But certainly, we will look at the future sort of aspirational scenario of good water, body status of the estuary as part of that. Okay, thank you.

1:28:46

Surface water runoff hasn't been included. And I do appreciate that the proposed development doesn't represent a significant change in land use. were elevated nitrogen levels identified on the site.

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In Campbell, representing the applicants, sorry, in terms of surface runoff, yeah, existing surface runoff and groundwater. Groundwater.

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No, I'm not aware of that now. Yeah. But yeah, yes. Yeah. And I, assuming the Environment Agency have that's all information that would have been in the original modelling, isn't it? They will have signed off on the fact that the surface water

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discharge, and whatever's coming from groundwater didn't need to be included. Yeah. And the modelling. The modelling report doesn't

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include scenarios when there is no surface water and when there is a surface water discharge mixed with the effluent that goes out that

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the certainly the latter scenario obviously shows lower concentrations. So we've concentrated on the the kind of dry discharge

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you

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it'll be good to have the confirmation that the nitrogen levels aren't significantly elevated below the site.

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The foul water has not been included in the modelling because it assumes that the staff that are coming to work on the site live in the catchment.

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And I can see that you've quoted some Natural England guidance. I'm not sure what that guidance isn't a reference to that would be useful. I may have missed it. So apologise. Apologies if I have.

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But I think there might be a disconnect there between

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an assumption that everybody working at the site lives within the catchment. And what's in chapter 20. So that's a pp 102, which suggests that about half of the workers at construction could come from

outside the area. I don't know exactly how this is Middlesbrough and Stockton, travelled to work area overlaps with

1:31:02

the water catchments. But I think that might be something that needs looking at just because of the sheer number we're talking about. Because it's nearly 2000 construction workers for quite a long time. And if half of them are coming from outside the catchment, then that could be quite any significant additional loading. It's obviously much less for operational

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rigidly representing the applicants. So folder management, we're not proposing to do package treatment and then discharged directly into the bay associated with construction or operational workforce. So

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obviously, there's a separate discussion with T's works or SDDC, relating to foul water management on the side. But also our intention is ultimately use mescoline see for treatment of foul effluent. So whether they come from the catchment or not, we're not looking to discharge notion containing effluent from a treated at each point into the discharge. So I think we think this is a good point that we need to just make sure that we close off, but I think we're confident we don't cause any issue with that it was that cold, distant. So it probably will go to mask on see that's been confirmed. Has it? Sorry, the fall water it's going to mask on see, did I see was that being confirmed now?

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That's the position. That's the intention to use yet. Yes. So that's part of the discussion with Northumbrian Water limited.

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Something else? You know, I was just thinking the only other point that we would my colleague just mentioned, which is a sensible point, which is that the replacement outfall probably wouldn't have been constructed or would be part of the construction programme as well. So we wouldn't be using it for any discharge of construction workforce fall less want anyway. But that that isn't, that isn't the intention. That was very good point.

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I'm nearly finished with this, you'll be glad to know.

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One of my last questions relates to the accuracy of the model, because

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there's a suggestion that

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the increase in the dissolved inorganic nitrogen is less than 1% of seal sands. And then that's explained as being within the accuracy of the model. I haven't seen any detail about the accuracy of the model.

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Unless I've missed it.

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And we can provide the income of the applicants, we can provide that that would be really helpful just to back that up. Thank you. But it's also worth noting that the 1% figure also represents what is effectively detectable in the environment at that point in terms of compliance monitoring. The two things tied together. I understand I think, yeah, a little bit of extra just to put that in context would be very helpful. Thank you.

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That's the end of my questions on the WSD unless anybody's got anything they want to add

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rock armour, we don't have

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very much to ask about this now.

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So they were scoped into the appropriate assessment and no likely significant effect was concluded and the deadline eight statement of common ground records agreement on this between Natural England and the applicants. We then had an update

1:35:00

At HRA at deadline nine, with quite a lot of change in respect to the rock armour so I just wanted to check

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does the updates to that HRA did they change the assessment and we expecting any more comments on that for Natural England?

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James Riley on behalf of the applicant. So in discussions with Natural England, they wanted a, they have never been concerned that the rock island would have an adverse effect on the European side, but they wanted a fuller discussion of the rock armour and the reasons why which is what is contained in that document.

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Rep. 9003 and 004, which you're referencing.

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Therefore, what we did was, we screened in, in paragraph four, point four nine rock armour and then had that further discussion in the appropriate assessment section. So effectively, the discussions just moved to a different section. In that we then conclude that there will be no adverse effect on the integrity of the European site. So you can say the ultimate conclusion does not change.

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All we've done is provided a bit more discussion around it. We then had a meeting on so we received an email I beg your pardon from natural on 16 September after after meeting with them on the 12th. And after them having read the deadline nine document which stated that we agree with the conclusions of the HRA for rock armour, and do not envisage the introduction of rock armour to have a likely significant effect, which is the term Navy use even though they asked us to take it forward into prep assessment on the prey availability 40s With in Cleveland Coast SPCA, the potential introduction of invasive non native species is unlikely to cause adverse effect on the prey availability of the features.

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But they did say we would advise the applicant to follow standard best practice implementing biosecurity protocols. So it is common to ensure that in Raqami, bringing is clear of invasive species, and we already referenced that nature anyway, so so they're setting that as a reference. So it doesn't change the assessment in any material way. And naturally, we've confirmed that they are content with it.

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And if that isn't already included in the updated stem to common ground, it will be included in what is submitted but at line 12 I think. Perfect. Thank you.

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So questions about the tea's dark road access are largely superseded now, because our discussion about the compulsory acquisition hearing this morning, I think we've got a good understanding of where you're up to with that.

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We did wonder, Mr. Miller, if you'd like the opportunity to give the council's opinion on the tea's dock road access. And the debates around its suitability are not

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new to take advice on them. I'm coming back and writing on that. I think we've asked you a question all those lines in the last set of questions. So we'll pick that up. Yeah. That'd be great. Thank you.

1:38:34

Sorry, sir, approaching 22. Four, I suggest that we take a break now until four o'clock. Join till then. And then we'll come back and deal with that further question notes. The EIA couldn't be sufficient time, Mr. Phillips. So I hope so. I will let you know at four o'clock if it hasn't been but I at the moment I'm not being told that I haven't asked for enough time. Okay, thank you. So with a gentle four o'clock