



Planning Inspectorate  
Arolygiaeth Gynllunio

## Event Transcript

<b>Project:</b>	Sea Link
<b>Event:</b>	Issue Specific Hearing 2 (ISH2) - Day 2 - Part 3
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FULL TRANSCRIPT (with timecode)

00:00:05:09 - 00:00:37:08

Everyone. And welcome back to the continuation of this issue specific hearing. Uh, before I go further, can I just confirm with the case team that teams is working and I can be heard and seen and they've recorded a live stream and has to be commenced. Thank you. I'd just like to say, before we start again, that we knew this was going to be an ambitious agenda. We are aware that there are some people who would have liked more time to make their points orally. If you are one of those people, I would just reiterate that you are invited to submit any additional points that we haven't had time to hear in writing for deadline for.

00:00:37:20 - 00:00:53:10

As we said at the start, it's important that the WSA uses the time available to ask its questions in order that we get and gather the evidence that we need to make our recommendation. So we'll now continue working through the agenda, picking up with item 17, which is climate change.

00:00:56:00 - 00:01:27:14

Afternoon. So moving on to item 17. I have a few questions to pose with respect to the applicant's approach to climate change, and in particular with respect to the Finch ruling. I'll be going to Suffolk County Council first, and in particular with respect to their response to first written questions. Suffolk County Council say that although it is a complex matter, it may be possible to identify direct and indirect upstream and downstream effects.

00:01:27:17 - 00:01:33:19

Could I firstly come to Suffolk County Council and ask them to explain that further, please? Thank you.

00:01:35:21 - 00:02:10:19

So yes, if I can perhaps shorten matters if it helps you. We appreciate, obviously, that there is still a certain sorry Michael Bedford, Suffolk County Council. We appreciate that there is still a lot of uncertainty within all environmental disciplines as to how to take on board the Finch Supreme Court judgment. And in some, to some extent, matters are evolving. We clearly considered that, as you've indicated, that it is possible to do more to look at upstream and downstream emissions.

00:02:10:21 - 00:02:56:16

Having said that, we then have seen what the applicant submitted in response to your excuse, and we are content that there are good reasons in this particular instance why, given the uncertainties, as it were, as to who an end user might be of generated electricity and the transmission of that to effectively anonymous indeterminate users. We are prepared to accept that this is one of those instances where if you apply the Finch ruling to, is it actually possible to do an assessment, you would reasonably be able to conclude in this case that it wouldn't be possible to further assess the downstream implications? So we're content with what the applicant has explained.

00:02:57:08 - 00:03:03:12

Thank you. That's helpful. So it isn't the case. And that Suffolk believe that the applicant should be going further than they already have.

00:03:03:16 - 00:03:11:13

Having now seen what the applicant has said that they and the reasons why they said that they haven't gone any further, we're content to accept that explanation.

00:03:11:15 - 00:03:12:15

Thank you very much.

00:03:15:03 - 00:03:24:16

Can I just check at this point? Is there anyone from Kent County Council in attendance who was able to take a question with respect to climate change online?

00:03:33:26 - 00:04:07:12

I'm not seeing any hands. So perhaps as an action point, then we could invite Kent County Council to follow up with a question to them with regards to Finch as well. Um, in cancer, responding to first written questions, I didn't see a deadline three response um, setting out their position with regards to the question on Finch, which was one cc one question. So as an action point, I'd invite Kent County Council to respond to that deadline for please.

00:04:08:24 - 00:04:24:10

Um, I don't think there's anything else I particularly want to raise with regards to climate change, but I will pause for a moment just to see if anyone, either in attendance physically in the room or online, wishes to raise anything directly relevant to this matter.

00:04:27:18 - 00:04:29:06

Says yes, thank you.

00:04:29:08 - 00:05:14:11

James Burton, on behalf of uh, sees just a short point. So as as I understand it, one of the reasons the applicant is giving for not, uh, providing an assessment of, um, likely significant facts regarding downstream emissions is that the energy grid is mixed. Um, apologies if I've if I've got that wrong. Um, it strikes us as a rather straightforward thing to simply take the current mix and apply it, because I know what the applicant cause isn't saying, is it? It can't estimate the additional electricity usage from increased network capacity.

00:05:14:20 - 00:05:22:08

The sticking point seems to be, well, the the grid is mixed and some comes from renewables and some doesn't think so.

00:05:23:04 - 00:05:26:06

I'll give the applicant a chance to respond if you'd like to. Thank you.

00:05:26:08 - 00:06:03:21

Thank you, Sir Sarah, for the applicant. So it's not I mean, it is a position that it's not possible to quantify what the downstream emissions may be. And the environmental regulations are quite clear about that. You aren't supposed to guess or try to assess something that does not have any sort of reasonable basis for assessment. And we've explained in our response back, and I'm grateful to Suffolk for, um, uh, understanding of that position. Um, the situation here is that we simply don't know, um, where the future connection of generators to the grid is.

00:06:03:23 - 00:06:45:18

It depends on market forces, um, policy decisions, operator behavior, um, the availability of different generator types, none of which is in the control of the or influence of the applicant. So it's simply not possible to know what these emissions and how to quantify them. Um, in the in the final analysis. So there's no meaningful methodology that we could use that would be applied to quantify or estimate those emissions. And so that's entirely consistent with the Finch case, which makes it clear that, um, the um, purpose is to only, um, consider, uh, effects, which evidence shows are likely to occur and which are capable of meaningful assessment.

00:06:45:20 - 00:06:58:26

Those are the effects that can be are required to be assessed. and it's not possible in this case to do that. And so just by way of an update, there is of course now the Luton decision as well. High court decision which supports that approach.

00:07:00:16 - 00:07:18:02

Thank you very much. Um, if there's no one else who wishes to comment on what they've heard, I think we can perhaps promptly move on to the next agenda item. Um, so at that point, I'll take us to agenda item 18, please, which is water environment.

00:07:36:00 - 00:07:44:23

For the applicant. Could we just get a heads up as to the order that you're planning to proceed? So we make sure we have the right people, um, here at the right time.

00:07:44:25 - 00:07:48:26

Just under item 18 or just for the rest of the afternoon for the rest of the afternoon.

00:07:48:28 - 00:07:51:20

So we won't be dealing with tourism or, um.

00:07:51:22 - 00:07:54:03

Okay, just let me, um, I'll.

00:07:54:10 - 00:07:55:18

I'll do that for you.

00:07:55:20 - 00:07:56:05

Okay.

00:07:56:07 - 00:08:10:08

Thank you. So, um, we're doing whatever environment and then we'll move on to shipping and navigation. That's item 19, and then we'll move on to socioeconomics and tourism and health and well-being. So that was items 15 and 16. We've just had to shift the order a little bit.

00:08:10:16 - 00:08:11:27

Absolutely fine. Just to make sure.

00:08:11:29 - 00:08:17:18

We're if we have time we'll try and do cumulative effects. I think that will probably be tomorrow morning, if I'm being honest.

00:08:17:24 - 00:08:18:18

Thank you.

00:08:31:16 - 00:08:37:06

Just give people a moment to find the correct seats and then we'll continue on item 18.

00:08:49:07 - 00:08:49:29

Thank you.

00:09:24:19 - 00:09:48:01

Hopefully everyone's in place now and we can continue talking about water environment. So firstly I'd like to spend some time understanding the current position with respect to the flood risk assessment and associated matters. I'm hoping to cover Suffolk matters first and then move on to Kent. And as part of that discussion, I'll also be posing questions to the Environment Agency as appropriate.

00:09:50:13 - 00:10:23:25

So firstly, with regards to Suffolk County Council and the Local Impact report, we note at chapter eight that that identifies matters, including that Friston is a particularly sensitive area in terms of surface water flood risk. Given the existing flood risk to downstream receptors and therefore must be adequately assessed. I also note that the Pads document item 2.2 sets out similar themes, and that flood risk at the converter station needs to be comprehensively assessed and managed.

00:10:24:13 - 00:10:37:22

Um, if I could pause for a moment, I think it would be helpful if, firstly, the applicant can provide a response as to where discussions are and then the updated assessments in order to address those Suffolk County Council concerns, please.

00:10:37:24 - 00:10:52:11

Thank you sir. Appreciate for the applicant. I'm going to ask Miss Lisa Driscoll, um, who's sitting here to our left? Who's the water environment lead for the applicant to assist with that question. Update on where we are.

00:10:52:13 - 00:10:52:28

Thank you.

00:10:53:00 - 00:10:56:13

Lisa Driscoll for the applicant. Um, so in terms of, uh.

00:10:56:15 - 00:11:47:05

Flood risk at Stafford and particularly the flood risk sensitivities at Friston, the flood risk assessment, um, has addressed that sensitivity. Um, drawing on, um, Environment Agency national data sets as well as local surface water management plans and modeling data. Um, we've engaged closely with Suffolk County Council and the district councils, um, to understand the sensitivities at Friston and most recently at deadline three, the applicant submitted a more detailed drainage strategy for Suffolk, um, which sets out in um, further detail, building on the appendix that was provided in the flood risk assessment, how um, our project would manage surface water arising from its construction and operation.

00:11:47:20 - 00:12:00:16

Um, and so on receipt and review of that, um, drainage strategy. Um, I consider that that will go some way to, um, addressing some of those last outstanding comments.

00:12:02:10 - 00:12:10:23

Thank you. So, um, just to help me, the flood risk assessment itself hasn't been updated, has it? That remains as submitted alongside the original application.

00:12:10:25 - 00:12:13:03

Lisa Driscoll for the applicant. That's correct.

00:12:14:06 - 00:12:30:21

Um, can I invite Suffolk to comment in terms of whether the, um, the deadline, three submissions and in particular the drainage strategy, um, has gone how far it's gone really to address those local impact report and Pads document concerns. Thank you.

00:12:31:11 - 00:12:37:09

Thank you sir. Michael Bedford, Suffolk County Council. Um, I'll bring in, um,

00:12:39:06 - 00:13:10:23

the, county council's flood and water engineer, Mr. Jason Skilton, in a moment. But if I can just say by way of introduction, we are still in the process, I think, of reviewing the information that's coming in that deadline, three submissions. So I don't think we're able to give you a categorical answer at this stage as to whether it has provided sufficient reassurance or not, but we will obviously set out our views at deadline for when we've properly reviewed that document. But I just bring in Mr.

00:13:10:25 - 00:13:21:01

Skilton and he can give you perhaps, an overview of the key points of concern in relation to the flood risk assessment and what we expect to see addressed. Thank you.

00:13:23:23 - 00:14:08:05

Daphne and Jason Skilton, Suffolk County Council local lead flood authority and the CIP lead the team. Um, so we have reviewed the the Fra was submitted, which was March 2025. Um, and it also had a supplementary amendment which the Environment Agency requested. Um, going through it, we're generally happy with it, but we have noted that probably another supplementary amendment needs to be done with regard to the surface water maps, that the climate change allowance hasn't been adhered to, that that will be required with regard to yourselves reviewing that with regard to the sequential exception test, if you choose to go down that route on the Fra.

00:14:09:06 - 00:14:44:04

With regard to the the drainage strategy. Of course, we've had the national standards for sustainable drainage come in, uh, the latter part of last year. And whilst the applicant has actually said they're adhering to that, the principle that we've got is standard one, um, of that document under runoff destination hasn't been adequately reviewed. Um, and for the sort of the panel to make it simpler, what that means is priority one is the collection of non-potable water.

00:14:44:07 - 00:15:04:07

So i.e. water reuse. Um, and we would like clarity, um, from the applicant on, you know, that that point and how they're going to use reuse water both during the operational phase during construction and also decommissioning if at all that's, that's suitable.

00:15:06:10 - 00:15:40:15

With regard to the operational drainage, if that's okay. Panel could continue. There's a lot of information. I'm sorry. Um, the operational drainage. We have received an outline strategy in in two parts, one in the flood risk assessment. And there was also volume nine in the examination submission document 9.17.1, which was the Suffolk Drainage Strategy Panel. Sorry, Planning Inspectorate. Um, document. We still feel that that's actually lacking in sufficient detail for us to take that forward.

00:15:40:17 - 00:15:55:03

It's it's a good first step, but really we're asking for more detail from that. And I'm happy to take that way and discuss it with the applicant in sort of, um, a meeting outside of here if, if you're happy to do so.

00:15:57:01 - 00:16:06:25

Um, yes. But I mean, are you able just to, um, signpost a couple of those deficiencies and, and just explain in broad terms what additional detail you'd like, please?

00:16:06:28 - 00:16:40:22

Sure. So normally when we look at this sort of outline detail and we do have some guidance within our sub guidance, which is a document we use, we list out the the document requirements. We would we would want. So we're looking at essentially for a hydraulic assessment of of the runoff rates. We're looking for typical sort of cross-sections of the um the subs features they're proposing to use. We'd of course look for assessment of the run off destinations as per the National Standards for Sustainable Drainage.

00:16:41:07 - 00:17:11:20

We would look for an impermeable area plan, flood exceedance, flow pass. So. So there's a fair bit we would we would ask that could give us a good indication that the strategy has been considered in full, um, and can be implemented, um, and taken forward. Um, the power should note, of course, with regard to the Kiln Lane um, substation SPR are actually delivering as we speak. Um and infiltration basin as part of their development.

00:17:12:08 - 00:17:50:02

Um, whilst that's going on at the moment, of course, we just would need assurance that if that, uh, private venture didn't go forward on, on, we were left without the converter at the substation being delivered. Uh, we know that Sealink have it within their, um, submission that they would survive. So, again, we would need the detail to satisfy us that an infiltration basin could be used on that site. We would also want detail with regard to the Saxmundham converter station, about how they're going to manage the surface water with regard to the attenuation basins, um, and how they provide biodiversity and amenity value.

00:17:50:04 - 00:17:54:13

So we're just looking a bit more assurance that that's all being considered.

00:17:56:25 - 00:18:02:28

Okay. Thank you very much. Um, is there anything that the applicant wishes to respond to on those points at the moment?

00:18:02:29 - 00:18:34:06

Please just go for the applicant. Um, we would welcome further discussions with, uh, Suffolk and the other, um, district and county councils. We're arranging that meeting, um, hopefully take place next week or the week after. Um, and with regards to the further detail, um, I'd just like to highlight that, um, there is a react commitment that secures that, um, when the detailed design is available. Um, the contractor would prepare that detailed plan, which will be submitted to the local authorities for approval.

00:18:35:26 - 00:18:43:18

And Suffolk County Council, is it that you are looking for the detail to be provided in advance of that which will be secured in the RAC?

00:18:44:06 - 00:19:17:00

Um, we'd be looking for some of the details, so we're looking for typical arrangements with regards to the sub speeches to make sure they adhere to, um, our guidance with regard to the design of side slopes, wet dry benches, exceedance, etc.. So we would welcome that meeting, which um, I know is coming forward in a couple of weeks. Um, the other point I would like to raise if I can, um, sir, is with regard to the construction surface water, um, drainage management, um, we've seen that that's sort of been mentioned in a few documents.

00:19:17:02 - 00:19:30:21

And what we would like to suggest is that is, um, included in as part of a DCO submission. Um, so which will cover the construction and the commissioning, uh, sorry, in the decommissioning of the site if it's permitted.



00:19:32:05 - 00:19:34:24

Okay. Thank you. Um.

00:19:35:26 - 00:19:37:21

Sir, could I comment, please?

00:19:37:26 - 00:20:12:21

Uh, could I just get through a few more? I'm aware that you want to speak. I'll just. I'll come to you shortly. Thank you. Um. Um. Just one. I'm still speaking to the Suffolk County Council. Um, officer there. Um, just with respect to the pads. Document and item 2.2 in particular, you mentioned there, I believe that, um, you think there should be a requirement for a surface water drainage management plan, which ultimately should be approved by you in the capacity of the lead local flood authority? Um, before I just come to Suffolk to explore that.

00:20:12:23 - 00:20:26:06

Can I just quickly see if the applicant has a position with regards to that Suffolk County Council request for a surface water drainage management plan to be approved by the LRF. Is that something you've considered?

00:20:26:17 - 00:20:34:24

This is just go for the applicant. Yes, that is something that is considered, and I believe there is an existing commitment to prepare that plan in the back.

00:20:35:19 - 00:20:56:07

Okay. So is it is it Suffolk that. Um, there's some things that are at your end to see whether that commitment goes as far as you need it to. Um, just aware that there seems to be a loose end in the parts disagreement summary document at the moment, which suggests that there is a greater commitment needed with regards to a surface water drainage management plan.

00:20:56:28 - 00:21:03:16

So if I can say we'll review the documentation, and if we think that the risk needs reinforcing, we will say so.

00:21:03:23 - 00:21:05:10

Yes, please. Thank you very much.

00:21:18:11 - 00:21:50:27

And I'm going to stay with Suffolk County Council just for a little bit longer please. Um, and in particular in responding to first written question one one, the Council stated that although the applicant is satisfied that the most vulnerable parts of the scheme have been cited to avoid areas at high risk of surface water flooding, there are outstanding concerns regarding the adequacy of the DCO and outline management plans in relation to minimising the residual risk for surface water flooding.

00:21:52:00 - 00:22:05:24

Um, could I please just seek to understand, do those concerns then go further than your request for the surface water drainage management plan that we've just touched upon? Thank you.

00:22:08:06 - 00:22:13:19

Again, I think I'll ask Mr. Skilton to comment on that in terms of the, uh, the technical detail.

00:22:17:02 - 00:22:56:21

So the detail is that, um, the Fra has been done and what it's done with regard to the red line is the identified areas that are at risk of surface water flooding. Um. The applicant has already taken measures to ensure that the most vulnerable parts of the development will be in the lowest areas of flood risk. Um, but because of the fact that the red line does show, um, surface water flooding within it, um, it's really sort of a policy decision about whether this application goes forward because, um, it falls on the sequential exception test, as I understand it.

00:22:58:07 - 00:23:38:14

Thank you. We are going to be talking about the exception test further down the agenda. But, um, yeah, this stage we're just seeking to understand whether in responding to that written question one WG one, there were further concerns over and above the requirement for the surface water drainage management plan. But I know that you've got that as an action point to go away and review both, um, the commitment that the applicant has in the reactor, the surface water drainage management plan, and also in doing so, if you could also set out clearly whether there are any additional concerns over and above those that will be dealt with by that plan.

00:23:38:16 - 00:23:39:12

Thank you. Okay.

00:23:39:14 - 00:23:40:15

Yeah. Thank you.

00:23:45:00 - 00:23:49:27

Um, I'll give the applicant opportunity again to comment on anything you've just heard from Suffolk.

00:23:51:22 - 00:24:23:02

Thank you. Okay. Thank you. I'll move on then. Um, and again, it's sticking with Suffolk County Council's comments on submissions received at D2, which was a deadline three. Submission reference rep 3-122. Um, hopefully there's some crossover with the things we've just been discussing, but that D3 submission identified 21 items, of which some have already been resolved, but there were some which still remained outstanding.

00:24:23:23 - 00:24:49:13

Um, at this stage. Then I'll ask the applicant to provide an update as to any progress in resolving those outstanding items that Suffolk County Councils identified at deadline three. Um, and specifically, it would be helpful, I think, given that we're all in the room together, if you could confirm if there are any specific points within that document to which the applicant disagrees. Thank you.

00:24:51:26 - 00:25:09:18

Lisa Driscoll for the applicant. Um, I think a lot of the points in that document are things that we have touched on and talked about, um, just in the previous item. And I am confident that we can if we continue to work together with Suffolk County Council, we can resolve those outstanding matters.

00:25:10:21 - 00:25:11:25

Thank you very much.

00:25:14:24 - 00:25:20:11

And I think at this point, I'll invite C's to to comment if I could. Thank you.

00:25:20:13 - 00:25:52:21

Yes, it's thank thank you. It's actually Michael Mahoney or Preston Parish Council. Um listening to this to use that offer. Use quote this is deja vu all over again. Um, this was a flood. Flood risk at Friston was a very contentious issue. Um, Friston and Humane ended up going all the way to the court of the Court of Appeal. Um, like the comment yesterday. There is, um, through the discharge process, as Mr. Skillman touched upon, which must be very close to being discharged now for the substation site.

00:25:53:02 - 00:26:29:19

Um, and I think there's a great danger of the wheel being reinvented here. And I would hope that we have a situation where, um, the plan, which is currently being considered by Suffolk County Council and Suffolk County County Council, can be the operational drainage management plan. I would also make a point which I was planning to make tomorrow, which is presently out of this, um, the draft DCO um, There is no outline. Operational drainage Management plan is not in the list of certified documents, and there's no requirement to produce an operational drainage management plan, which is in accordance with the outline plan.

00:26:29:21 - 00:26:46:04

But it would seem to me that the sensible way to take this forward, even if we are in this situation, we somehow think that EA two is not going ahead, um, that the existing plan is adopted, assuming that it's discharged by the local authorities. Thank you.

00:26:48:02 - 00:26:51:10

The applicant like to respond to what they've just heard. Thank you.

00:26:51:24 - 00:27:10:16

Uh, James Buckley, on behalf of the applicant, um, we are working very closely with ScottishPower, uh, on that plan. And we have, um, we've inputted into that plan as part of the RDD process, and it is our intention to reflect that plan. Uh, in terms of the the drainage that they are proposing as part of their ARD.

00:27:11:24 - 00:27:24:11

And with regards to the control mechanisms in the DCO that Mr. Mani was referring to. I mean, is there any intention to move away from the position? You've already gotten that echo in that regard.

00:27:24:15 - 00:27:36:00

The change book. We will be putting together an operational drainage management plan. I'd have to take away, uh, the, um, point of a draft one and come back to you on that one.

00:27:36:28 - 00:27:37:28

Okay. Thank you.

00:27:45:01 - 00:28:21:28

And I now invite the Environment Agency to join the discussion, please. Um, and in particular, I'd firstly like to ask the Environment Agency to provide an update with respect to their current position with respect to flood risk in Suffolk and the flood risk assessment, given their deadline two submission, which raised various issues, including matters that you were unable to comment on at that time. Um, I also note that the deadline three Environment agency Statement of Common Ground also suggested that there were quite a few unresolved matters.

00:28:22:02 - 00:28:30:28

So, um, yeah, if I could invite the Environment Agency leaders to join the discussion and outline their current position, please. Thank you.

00:28:33:28 - 00:29:14:26

Morgan Harrington, on behalf of the Environment Agency. So with our deadline to respond, you are correct that we there were some matters to do with flood risk and water quality that we can comment on. At the time, we did submit a late response following that original response. Um, it is on the examination library. I just don't have that at hand to give you the reference number, unfortunately. But I think you might be able to find that one in terms of flood risk in Suffolk, we do have some outstanding issues to do with the modelling with the river and to do with the Mannings roughness value are used in the modeling.

00:29:15:19 - 00:29:29:25

We also have some general concerns that apply to Suffolk as well as Kent to do where sort of the sequential approach that they've used in their development. We understand that it's for the Secretary of State to decide whether the system works.

00:29:29:29 - 00:29:41:25

We're going to be covering the sequential test in a later agenda item. So it's more really just a general concerns you've got with regards to the flood risk approach at this stage. And we can roll the

00:29:43:12 - 00:29:47:03

sequential test position to the next.

00:29:47:29 - 00:29:50:07

Okay. I will leave that one out

00:29:51:25 - 00:30:31:08

in terms of hence, we are concerned that there is going to be construction and development within the River Stour floodplain, but there's currently no commitment to provide compensation for works that are within the fluvial environment. We have been in touch with the applicant in regards to that. We

have provided some GIS shapefiles to help them understand where their development is within the fluvial elements of a floodplain, and where it needs to be avoided or compensated for.

00:30:31:15 - 00:31:10:20

There are also other elements, including, say, construction materials being stored in the fluvial flood or sorry, in the River Stour floodplain. We need commitments to ensure that they are located within the fluvial elements of that floodplain. That is roughly a high level view of the key issues we are dealing with in Suffolk and Kent. Um, there are quite a few issues in our response letter that pick out elements of that, but that's roughly how I can summarize where we are in terms of the flood risk assessment.

00:31:12:01 - 00:31:30:18

Thank you very much. That's helpful. Um, can I just ask the applicant to comment at this point? And having regard to what you've just heard from the AA and also what they've been, uh, submitting in written representations, whether there has been any progress or any, any particular, um, points of disagreement from your point of view, please. Thank you.

00:31:30:20 - 00:32:04:21

Absolutely. Lisa Driscoll for the applicant. Um, so we have been working with the Environment Agency really closely and will respond in full at deadline for to all of the, um, the points that they've raised as, um, kind of outstanding matters. I can give you a bit more information on the fluvial floodplain issue that Morgan raised. Um, we got some new information through from the Environment Agency last week. We've assessed that information and can confirm that, um, in terms of operational project infrastructure.

00:32:04:23 - 00:32:41:04

Um, we're limited to just four new pylons in that fluvial flood zone. Um. Relocating those pylons isn't possible because of the need for the project to tie into the existing, um, overhead line network. Um, but we have done an assessment to calculate, um, what that would mean in terms of, um, floodplain volume losses. Um, I've produced a technical note, and we'll submit that to the examination at deadline for um, and then seek to agree suitable mitigation with the Environment Agency and secure that likely through a new react commitment.

00:32:41:23 - 00:32:52:15

Okay. So presumably there's still, um, some discussions to be had with regards to the need for any floodplain compensation, and that's effectively where you are with that.

00:32:52:17 - 00:32:53:10

I would agree. Yeah.

00:32:54:05 - 00:32:56:12

Okay. Understood. Thank you.

00:33:07:26 - 00:33:42:19

I'll move on to Kent now, if I may. And again, starting at the position I set out in the Kent Local Impact Report that identified issues with respect to the Minster converter station and substation

footprint insofar as that land drains are present, which address surface water and the associated fields, and they could be affected in a manner which increases the risk of flooding. Um, is there anybody from Kent County Council, flood risk authority and attendance online, please?

00:33:46:03 - 00:33:47:28

Not seeing any hands?

00:33:49:27 - 00:34:08:10

Um. I'm aware. Turn to the applicant. And I'm aware that the applicant has responded to the local impact report in that regard. But could they briefly summarize how that issue of the current function of the land drains in the area addressing surface water has been addressed. Please.

00:34:10:21 - 00:34:43:23

Please address for the applicant with regards to the project's interactions with existing agricultural and other land drainage infrastructure. There is a commitment within the RAC which secures that, um, the project would ensure that those features where we interrupt them or otherwise interact with them would be re provided. Um, and during construction, there would be means to ensure that those land drainage routes can carry on operating. So that is secured via a commitment in the Reac.

00:34:43:29 - 00:35:04:29

Thank you very much. Um, I'll come back to the Environment Agency, please. Um, and just in particular, um, if there are any outstanding concerns from their point of view with regards to, um, flood risk in Kent and the function of those land drains in the vicinity of the Minster convert station and substation, please.

00:35:10:26 - 00:35:21:25

Morgan. Hangman. On behalf of the Environment Agency. I think we'll need to get back to you in writing in that one. We can make sure we get a response back by deadline for.

00:35:23:20 - 00:35:25:15

That would be helpful. Thank you very much.

00:35:27:02 - 00:35:28:20

Um, I can say.

00:35:29:08 - 00:35:52:17

Sorry just because I had my hand raised before. Before you came to me, that question. Um, just want to check with you regarding, uh, we were talking about erosion earlier in terms of marine physical changes. Do we want to have, like, a sort of a section at the end of this, this item where we talk about erosion and flood risk, or should we leave the conversation we had earlier?

00:35:53:16 - 00:36:22:14

Um, I think it's very important that we get answers to the, the kind of items on the agenda. And we have got quite a packed Agenda still to get through. Um, it would be incredibly helpful if we could have your position in that regard in writing, though. Um, which would obviously be considered in the

same manner as a, um, oral submission. Um, so if you could set up anything you wish to in that regard in writing and submit that at the next deadline, we can consider that as appropriate. Thank you.

00:36:22:25 - 00:36:24:12

Okay. No said thank you.

00:36:25:24 - 00:36:29:19

Can see a hand up at this point. Is it? Councillor wing?

00:36:29:27 - 00:36:30:12

Yes.

00:36:30:14 - 00:37:14:09

Thank you. Thank you. Uh, it's very disappointing that we don't have KCC representation here, which is really disappointing because we would have wanted to have heard what they have to say about the potential flood risk and climate change. Uh, but I know you've been sent footage from Southminster Marshes, and anybody who knows that area knows that it is the vast length of the year. That area is completely underwater, it's waterlogged and there's a very high water table most of the time. So we are very worried about what will what will happen to the water that is displaced by the buildings that are going up, that are quite substantial in terms of the loss of land that acts as a soaking point to soak that water away naturally, and also the runoff.

00:37:14:20 - 00:37:49:22

Uh, I also have concerns about cumulative impact and where that runoff is going to go. And that runoff will be going obviously in, in, in a smaller number of directions all at once. So we are very, very worried about on site flooding, but especially more about offsite flooding. And we're also worried about the contamination of, of the of the water which our local farmers use. It can destroy their businesses. We're also worried about boreholes that will obviously disrupt the the the ancient soil and and strata below.

00:37:49:24 - 00:38:23:20

And whether because the water table is so high, any boring that goes on has the potential to disrupt The the, the sub, the, the, the land. And there is a potential for that, for leaching of impurities to go into the, into the watercourse. Uh, so that's all I've got to say, really, we're extremely worried about risk of flooding and where water is going to be diverted to, given the water table is so high. And for large parts of the year, the land is extremely flooded.

00:38:23:22 - 00:38:31:10

Understood. Thank you, councillor. And I'm sure that, um, you'll be putting those into, um, written submissions as well. Pleased. Um.

00:38:31:12 - 00:38:32:04

Thank you.

00:38:32:21 - 00:38:40:27

And, um, I know that the applicant will be responding to that in due course anyway, but is there anything that you wish to comment on based on what you've heard now?

00:38:41:02 - 00:38:59:10

Lisa Driscoll for the applicant. Um, just to raise awareness that deadline for we intend to submit a technical note, um, linked to, um, the Minster converter station, the ground improvements that are necessary there. And it will address lots of the issues just raised by Councillor Wing.

00:39:00:10 - 00:39:01:13

Thank you very much.

00:39:05:23 - 00:39:42:01

I think if there's no one else who has anything in particular to raise on what we just covered under 18.1, which is flooding in the flood risk assessment, I'd like to move on to the next agenda item, which is the application of the sequential and exception test, please. Um, and firstly, the Environment Agency. I know that you are, um, moving into that territory with some of your earlier questions, but, um, in particular, if I could just invite you now, please, to explain your concerns with regards to the applicant's, um, approach with regards to the sequential test.

00:39:47:10 - 00:39:55:28

Morgan. Hangman, on behalf of the Environment Agency, I think it'd be best if I defer to my colleague Luke Taylor, who is our flood risk specialist?

00:39:56:13 - 00:39:57:06

Thank you.

00:40:01:19 - 00:40:40:18

Hi there. Dick Taylor of the Environment Agency. Uh, in regard to the sequential, uh, applying a sequential approach on the Suffolk side on which I'll limit my comments to that, to that extent, so far, our concerns relating to the sequential test and sequential approach mainly apply to the placement of a few attenuation ponds. We're seeking for them to be moved out of the design flood extent to avoid, uh, an interaction between, um, surface water flooding and fluvial flooding to prevent an exasperation of that issue.

00:40:45:20 - 00:40:53:03

Okay. Can I ask the applicant to come in to the and respond to the EA's request with regards to those ponds moving? Thank you.

00:40:53:27 - 00:41:17:18

Please, just call for the applicant. Um, we are aware that there are a small number of ponds that encroach into surface water flood zones. Um, the plant, the ponds have been placed in certain positions to make sure that they can function as intended. Um, and therefore there's, there's often quite limited kind of potential to, to move them and still achieve kind of their function.

00:41:20:14 - 00:41:35:15



Okay. So in terms of the current position between the A and yourselves, the I have asked you to explore moving it, and your position is that there's no intention or, uh, opportunity for those to be relocated.

00:41:35:20 - 00:41:42:02

Well, we'll carry on discussing the matter like we have got a written response that they'll receive, um, with deadline for.

00:41:42:04 - 00:42:28:08

Yeah. Thank you. If we could have an update, please, at deadline four from both the a and and yourselves on on that point and the sequential tests Um, implications. That will be helpful. Thank you. Um, it's just sticking with the sequential test. Um, and the Environment Agency again, in the EA Statement of Common Ground at deadline three, I think there was a suggestion from the EA that there was some uncertainty with regards to whether the applicant was using the highest vulnerability category, um, or considering the development in component parts, rather than one holistic thing where the highest vulnerability category is the applicant able to confirm their approach there.

00:42:28:10 - 00:42:29:03

Thank you.

00:42:30:06 - 00:42:50:03

Lisa Driscoll for the applicant. Um, yes. I can confirm that the project has been treated as essential infrastructure in terms of its, um, MPF vulnerability category. Um, and that is clearly stated in, in the flood risk assessment. Um, so it has the project hasn't been compartmentalised into different vulnerability categories.

00:42:50:05 - 00:42:52:29

Okay. So it's using the highest vulnerability category.

00:42:53:01 - 00:42:53:16

Correct.

00:42:53:18 - 00:43:00:18

Yeah. Okay. Does he wish to come in and comment there. Thank you, Mr. Taylor.

00:43:01:17 - 00:43:44:17

Yes. Thank you. Luke Taylor, the environment. So just, um, I think our concern in that context, uh, maybe partially down to semantics, the terminology water compatible was used, um, which also coincides with a definition within the vulnerability classifications. And um, from our perspective, it has a knock on effect on um, if it's essential infrastructure. And it's in flood zone three B, then we would seek um, that their flood flow routes need to be considered, uh, flood storage compensation, whereas if it's defined as water compatible, that's less of a concern.

00:43:44:29 - 00:43:57:23

So this is um, within the policy itself. So in that context, it it has a knock on effect on what we would seek. As a consequence. Um, so like I said, I think it's perhaps partially down to semantics.

00:44:00:14 - 00:44:11:14

Okay. So is there still a difference of opinion that needs resolving now, Mr. Taylor? Or are you saying that as it's down to semantics, it's it's something which you have reached an acceptable position? Um.

00:44:12:12 - 00:44:15:12

So I think, uh, in it, it's

00:44:17:09 - 00:44:31:27

something that we need to explore further in the context of, uh, the applicant providing compensatory flood storage and, uh, reassurance that flood flow routes aren't inhibited. Um, I think it is resolvable, but we would require further discussion with the applicant on this matter.

00:44:32:02 - 00:44:49:19

Okay. Thank you. So please, could I ask a deadline for then, uh, the EA and, uh, the applicant, if you could, as an action point, just set out where you've got to with this discussion so we can clearly see for the benefit of everybody While the remaining areas of deference are. Please. Thank you.

00:44:51:04 - 00:45:01:21

Um, Suffolk County Council. Um, is there anything that you wish to comment on at this stage with regards to the sequential test, based upon what you've heard? Thank you.

00:45:01:23 - 00:45:37:07

Thank you sir. Michael Bedford, Suffolk County Council I think the point that is of concern to us, because we don't think it's been adequately, uh, demonstrated is insofar as there are temporary, um, either construction works, whether it's for storage of materials and or temporary accesses to enable the construction. Uh, a number of those are located within the, um, flood zones and need to be shown that they can justify their locations there by reference to a sequential test.

00:45:37:09 - 00:45:49:22

Um, we're not at the moment persuaded that there's been enough information provided to show that there are not lower risk locations for a number of those facilities.

00:45:52:07 - 00:45:57:04

Understood. Thank you. The applicant wish to respond to what they've heard. Thank you.

00:45:57:27 - 00:46:04:24

Lisa Driscoll for the applicant. Um, I think probably best to respond in writing on that one. That's agreeable.

00:46:05:07 - 00:46:21:05

Thank you. And again, if perhaps as an action point, I could ask. Suffolk County Council, in the capacity of local lead flood authority and the applicant, just to set out any areas of deference or indeed agreements with regards to the approach regarding the sequential test. Thank you.

00:46:45:12 - 00:46:49:08

I'm going to move on to the exception test. Now if I could, please.

00:46:54:22 - 00:47:26:27

And again, if I could invite the Environment Agency to contribute at this stage and in particular, we've read your response to the first written questions 1W1WE1 and note that you've raised other issues with respect to the flood risk assessment and effectively its compliance with the exception test, but for everyone's benefit. Could the EA briefly explain your concerns? Um, if there are any over and above that you've already covered with regards to the previous item on the agenda? Thank you.

00:47:31:03 - 00:48:02:08

Morgan Hagman from the Environment Agency. I don't believe there's anything that we haven't covered already in regards to the exceptions test. When we speak about, say for example, the river floodplain is about ensuring that the development does not displace flood storage and therefore increase flood risk elsewhere, which would cause a failure of part two of the exceptions tests. So, in short, no, I don't think there's anything else, any other issues to add that we haven't mentioned thus far?

00:48:04:05 - 00:48:17:12

Thank you very much. Um, does anyone else, either in the room or online, wish to comment on item 18.2? In the application of the sequential and exception tests before we move on to the next item?

00:48:17:14 - 00:48:52:17

So can I just. Michael Bedford, Suffolk County Council just on the exception test. Um, it broadens out into a wider issue in terms of whether or not there are wider sustainability benefits, which brings into account, obviously, the need for the project and this is of that nature, but it also brings into account the extent to which the overall package measures put forward by the applicant. It has sufficient local community benefits to feature in that application of the exception test that you could reach that judgment.

00:48:52:23 - 00:49:09:23

I don't think that we can, in a sense, come to a conclusion for you at this stage, because elements of the project and the benefits that go with it are still unfolding. But if we just put that down as a reservation at this stage, that that's an issue that you will obviously have to address in due course, and it's a matter that we do have some issues about.

00:49:09:25 - 00:49:17:22

Indeed. Yeah. So that's the first part of the first bullet of the second part of the exception test. Yes. Understood. Thank you.

00:49:21:28 - 00:49:25:18

And see a hand on line, counselor wing, if you'd like to come in. Thank you.

00:49:25:27 - 00:49:53:00

Thank you. It's just that this might be a reference to KCC, but the only surface stage one surface water management plan we can actually find is from 2012. So we're just wondering weather. If weather, any any evidence has been based on that plan. And we're quite worried that that we need. There needs to

be a more up to date, uh, water management plan that's used. If, if if it has been used, that's all I want to say.

00:49:55:02 - 00:50:00:20

Because the applicant able to comment on whether that document referred to has, has been relied upon.

00:50:00:29 - 00:50:16:29

Lisa Driscoll for the applicant. Um, that document wouldn't have been relied upon to inform or flood risk assessment. Um, for for Kent and Suffolk, we've drawn upon, um, you know, the latest available, um, data and mapping from the Environment Agency.

00:50:17:15 - 00:50:26:17

Okay. Thank you very much. Um, councillor Wang, if you if you could lower your hand, please, if if that's just a thank you very much.

00:50:28:21 - 00:50:40:17

Um, I'd like to move on to the next agenda item, please. 18.3, which is the effects on the achievement of the environmental objectives of the Water Framework Directive.

00:50:44:01 - 00:51:03:09

And firstly, if I could continue the discussion with the Environment Agency and then responding to question one W6, the EA noted that there are other outstanding issues regarding surface water that are yet to be resolved before they could.

00:51:05:21 - 00:51:39:07

Sorry, I just missed a question. I'll stop and start again. Again, sticking with the EA, but my previous question I've just skipped over and it's with regards to the river from bridge crossing and in responding to written questions W1W6. Um, this is regarding your discussions with regards to a four metre bridge soffit heights being acceptable subject to legal approval of wording for requirements in the draft DCO.

00:51:40:01 - 00:51:53:16

Um, can the EA at this stage please just update everyone as to the kind of current position with regards to that legal approval of the wording for the requirement? Thank you.

00:51:56:07 - 00:52:18:01

Morgan Hagman on behalf of the Environment Agency. The writing has now had a review from our account managers, and I am just waiting to have a look at myself, and then I can provide it as a response and deadline for, and thereby request it to be input into the draft amendment consent order.

00:52:19:10 - 00:52:33:13

Okay. Thank you. And does the applicant currently have any concerns or anything they wish to raise with regards to the the EA's position with regards to that Requirement.

00:52:35:07 - 00:52:52:16

Nigel Pilkington for the applicant. We've been working very closely with the Environment Agency on the principles and the wording of the requirements, and we feel that agreement is very close on it. So we look forward to seeing the next iteration. Thank you.

00:52:55:03 - 00:53:16:13

And now moving on to the Environment Agency's response to question one six. The Environment Agency noted that there are other outstanding issues regarding surface water, which are yet to be resolved. Before they could declare that the project is Water Framework Directive compliant in its entirety.

00:53:18:03 - 00:53:32:05

At this stage, please can the Environment Agency just provide a brief update on what those matters are and in particular focus on any of those which currently appear to be problematic? Thank you.

00:53:37:00 - 00:54:17:05

By Lucy Horton for the Environment agency. Um, so I'm the water quality technical specialist, so I'll try and summarize this briefly. So in principle, um, at our relevant rep stage, which was R1 586, we raised a number of issues. So I'm just going to use those codes if that's okay with you. Um, they're the same that I've gone throughout the rest of our documents. So we initially raised some concerns about, uh, water quality monitoring, um, relating to the hundred River and River frameworks that we've requested. Um, so in our late deadline two submission, which was rep 2144, and it was also repeated in the statement of Common Ground, which was Rep 3088.

00:54:17:07 - 00:54:48:20

Sorry. Rep 3063. Um, we've requested, uh, that a monitoring plan, um, can provide details for some frequency, quantity and location of monitoring um, throughout the construction and decommissioning phases to be confident that mitigation measures are working as they expect. Um, our second issue is in relation to, um, potential fire water at the proposed substations. So we have concerns over fire water containment, um, such as kind of in the event of a fire.

00:54:48:22 - 00:55:28:06

While we recognise that that is a low risk, there is potential for fire, water, um, in runoff, but also fire suppressing agents to potentially get into the water environment. So we've requested details again in our, uh, late submission to deadlines and repeated in the statement of Common Ground, previously referred to, uh, for a shut off valve, um, which would close automatically. And further details can be seen in those submissions. Uh, and lastly, there's a couple of aspects during construction that we seek further confirmation on, uh, with regard to concrete washout and, uh, disposing of dewatering, um, which could have water quality impacts during construction.

00:55:28:08 - 00:55:50:28

And for that, um, we deem that actually if we can be named on requirement six, uh, which is the construction management plans specifically. Oh, which is the construction drainage management plan, and Q which is the operational drainage management plan. Um, that would probably satisfy our construction issues, but our fire, uh, at the substation and monitoring and still undergoing discussion.

00:55:52:15 - 00:56:00:21

Thank you. That's helpful. Is there anything from the applicant's point of view that you wish to comment on in regards to what they've just heard from the Environment Agency?

00:56:01:06 - 00:56:21:23

Lisa Driscoll for the applicant, um, I agree that's a good reflection of where we are with those. Um, I think there's a total of five outstanding matters. And, um, we are currently, um, just finessing some updates to react commitments that will, um, address those points. And we're confident that we'll, we'll be able to resolve them.

00:56:23:00 - 00:56:26:15

Thank you very much. So is that going to be something that's submitted at the next deadline.

00:56:26:17 - 00:56:28:24

That will come in the next iteration of the week. Yeah.

00:56:28:26 - 00:56:29:28

Thank you very much.

00:56:37:10 - 00:56:48:08

Um, just before I move on from Water Framework director matters, can I invite Suffolk? If there is anything in particular you wish to comment on based upon what you've heard?

00:56:49:27 - 00:56:57:07

Thank you, sir. Mike Bedford, Suffolk County Council, thank you for that opportunity. But no, there isn't anything we want to add on. Water Framework Directive matters.

00:56:57:09 - 00:56:58:12

Thank you very much.

00:57:04:16 - 00:57:35:03

I think given that, uh, Kent County Council aren't in attendance, perhaps I could pose as an action point to them for them to respond with any issues with regards to outstanding matters with regards to the Water Framework Directive. Um, and unless anybody else in the room or online wishes to comment on the objectives of the Water Framework Directive. I think we can swiftly move on to the next agenda item

00:57:36:24 - 00:57:38:07

not seeing any hands.

00:57:41:12 - 00:57:48:24

So at this point, I'll hand over to Mrs. Thomas for the next item on the agenda. Thank you sir.

00:57:50:29 - 00:58:16:23

Forgive me sir. Forgive me for raising something out of order. It is simply that I now know from Aldeburgh Town Council. But they. Could you just move your microphone across to. I now know

from all return counsel that they associate themselves with the observations made by Lynne Walker this morning on the question of the serious recent erosion. Thank you. Thank you, Mrs. Thomas.

00:58:18:12 - 00:58:28:06

Thank you. The next item is item 19, which is shipping and navigation Is. Is everybody in place who wants to be involved with this?

00:58:29:10 - 00:58:33:06

Thank you, Sarah, for the applicant. They are, I believe.

00:58:36:10 - 00:59:15:22

Thank you. Um, so firstly, I just wanted to ask about the, um, the outline navigation installation plan and the areas of interest. Um, I just want to check that the areas still align with the areas identified by stakeholders because I, I some of the deadline three um, comments and representations seems to indicate there's some change. Um, would it be helpful to show. Um plate 1.1 of the outline navigation installation plan just so that I can understand which areas are in dispute?

00:59:22:08 - 00:59:24:21

So I think that's A.S. 104.

00:59:42:14 - 00:59:45:26

Is that plan being displayed shortly?

00:59:45:28 - 00:59:48:00

It is. It's in train.

00:59:48:02 - 00:59:53:11

Yeah. Thank you. Is the Maritime and Coastguard Agency here today?

00:59:55:12 - 01:00:08:14

Good afternoon. Yes. Helen Croxton Maritime and Coastguard Agency and I am joined today by our sunk vessel traffic services manager and our nautical lead here to answer your questions.

01:00:08:20 - 01:00:09:17

Thank you.

01:00:16:20 - 01:00:32:21

Okay, well, while we're waiting for the plan, um, Could the Maritime and Coastguard Agency just let me know whether the there is still some areas that aren't quite agreed in terms of the areas of interest for the navigation and installation plan?

01:00:35:21 - 01:00:51:22

Okay, so just to clarify, are we talking here about the, um, the content of the navigation installation plan itself, or are we specifically referring to navigable depth and safeguarding those areas because at the moment they're slightly to slightly different things?

01:00:52:02 - 01:00:58:24

I think I just want to know whether the defined areas of interest have changed or need to change.

01:00:58:28 - 01:01:36:06

You know, from our perspective. So just set the scene from the NCA. Obviously, we are responsible for implementing the UK government's maritime safety policy, and we also have a specific interest for the sun carrier, because we have delegated responsibilities as the national competent authority to manage the sunk vessel traffic Services. So we have several areas of interest that are currently under discussion with the applicant, and we're working very closely with them to agree the way forward to one secure the 22 metre safeguarded depth for the future dredging areas as agreed by the ports.

01:01:36:27 - 01:02:07:08

Outside of those areas, we would then like to safeguard the navigable depth and in particular prevent anchor strikes by deep draught vessels operating in the vicinity of the sunk deep water Anchorage. So we're looking to ensure adequate burial as per recommendations in the depth of lowering in the cable burial risk assessment as submitted by the applicant, and that includes the potential for anchor interaction with the associated protection measures.

01:02:07:10 - 01:02:39:16

So we are aiming in that particular area of the sunk deepwater Anchorage for no depth reduction. If the applicant is able to achieve the burial as per depth of learning, but where that is not achievable. Further discussion will be required where they may intend to apply the 5% maximum reduction requirement. In addition to that, we also have an interest in the the commitment by the applicant to the 12.5m depth reduction below chart date and within the long Sand head area.

01:02:39:18 - 01:03:18:27

The two way route and at the northeast bit or where depth allows. If there is sufficient water depth, they should be able to achieve the maximum 5% reduction in naval navigational depth, whichever provides the greater depth. And we have worked with the Port of London Authority to agree a condition for the Development Consent Order, which is the appropriate mechanism to secure this, which addresses both aspects. And finally, we would like to ensure that there is a defined area for avoiding for the Sea Link project to avoid concurrent activity with other projects going on in the area.

01:03:18:29 - 01:03:21:04

We're now straying into other areas.

01:03:21:06 - 01:03:24:22

So that's fine, but that is another area of interest for us.

01:03:24:24 - 01:03:46:21

Thank you. I think that's already been agreed. Um, so the Port of London Authority has, um, suggested a certified plan for future dredging depths and a DCO requirement. I just should that be a CML condition or a DCO requirement? Was my first thought.

01:03:47:10 - 01:03:55:18



Uh, Sara Shaikh for the applicant. Um, I will turn to the team. Uh, there's Doctor Robin Jones there, and she will, I think, assist with this.

01:03:56:12 - 01:04:30:29

Robin Jones, on behalf of the applicant. Um, yes, we can confirm that there's currently three areas for future safeguarding of water depth that have been proposed by the port. Um, they're the sunk pilot boarding area, the long sand head, two way root crossing area, and also the north east spit area. Um, in all cases we would also make allowance for an overdressed tolerance as well. Um, the applicant can confirm that our current position is to secure these within protective provisions at this time. Draft protective provisions have been sent to both Port of London Authority and have.

01:04:31:01 - 01:04:40:22

At this stage, it's gone through two rounds of reviews. And as of today, we've also sent, um, draft protective provisions as well. To London Gateway Port um, for their review and comment.

01:04:41:05 - 01:04:50:16

So, am I to take it that you're not wanting to have a condition in the DML in relation to dredging debt?

01:04:50:18 - 01:04:55:27

At this point, I'll refer to, um, my colleagues, uh, at BCP to comment.

01:04:55:29 - 01:04:57:09

Thank you. Thank you.

01:04:59:13 - 01:05:03:27

Um, James Parker for the applicant. I think at the moment, based.

01:05:03:29 - 01:05:04:14

On.

01:05:04:16 - 01:05:40:18

My instructions, the expectation is that the protective provisions should offer sufficient control. But I think it's I'm going to say, let's just circle back on that one. That was my understanding. Given that you've posed the question. Um, unless anyone else wants to come in, I mean, of course, the benefit of, ah, negotiation with the particular particular body and they've named and it's the usual wording in terms of saves otherwise. Agreed. So you've got the derogation ability. And also finally, the ability alongside many sets of people to have private treaty agreements where appropriate, as opposed to the DML and everything that goes with that.

01:05:40:20 - 01:05:46:02

I mean, we'll have another circle back, but that was the current intention was BP's.

01:05:46:04 - 01:06:02:03

I know the Port of London Authority has suggested wording for a DCO or DML. Um, I think they've said DCO, but regardless, um, of wording based on similar schemes such as Five Estuaries.

01:06:03:21 - 01:06:25:26

And Homewood for the applicant. So the wording that we're securing in the piece reflects the wording that you see in the other dsos in the in the scope of the wording and the ambition of the wording. Uh, we're talking about the mechanism for securing, and the current position of the applicant is uh, is sufficient, but welcome the thoughts of the board.

01:06:26:02 - 01:06:35:18

I can see there's some hands up. So I'd be interested to hear, um, I think, um, Vicky Fowler is the first hand up that I can see there.

01:06:37:05 - 01:06:38:11

Good afternoon madam.

01:06:38:17 - 01:06:39:06

My name's.

01:06:39:09 - 01:06:39:27

Vicky Fowler.

01:06:39:29 - 01:07:15:27

I'm a partner at Gowling w CLG, and I'm representing the Port of London Authority. And I think, um, the point was, was, was touched on quite, um, quite clearly with reference to derogation ability. Um, the PLA's position is that this must absolutely be secured by a requirement. Um, the idea of having different protective provisions and negotiated protective provisions around this is not acceptable. This is a key issue for the ports and the MCA, and it really must be a requirement in terms of the protective provisions that have been offered to the Port of London.

01:07:15:29 - 01:07:41:27

That's they're not agreed. And the particular wording suggests that this depth requirement will be included in the C CIP. And of course, the C CIP is also subject to the ability to derogate and waive and vary um with the MMO approval. So this is such a key issue that we really do see the need for it to be a requirement and a certified plan, as per the other dsos that you've referenced, ma'am.

01:07:42:16 - 01:07:49:18

Okay. Thank you. Well, I would be interested to hear what you've got to say about that applicant.

01:08:06:25 - 01:08:15:06

Is there a sheikh for the applicant? Um, what we've heard, what has been said very clearly. And we will take that away and, uh, work on those points.

01:08:15:08 - 01:08:21:18

Thank you. Um, I can see there's another hand up. Is that, um, Helen Croxton?

01:08:22:10 - 01:08:55:12

Helen croxton maritime and coastguard agency. Um, so just to confirm, the Emsa fully support the Port of London's position with regards to her comments there. And secondly, just to flag that

protective provisions is not the appropriate mechanism for the Maritime and Coastguard Agency to secure the safety of navigation requirements. Having sought Department for transport legal advice and our own, um, MCA lawyers, they have confirmed that the appropriate route is the development consent or the deemed marine licence.

01:08:55:19 - 01:09:01:24

Um, and and highlight that the MMO may have an interest if that's not the case. Um going forward. Thank you.

01:09:02:14 - 01:09:15:03

Thank you. I was certainly under the impression, having read the deadline, three responses that there would be some. There would be a dco DML type conditional requirement.

01:09:15:29 - 01:09:35:07

For the applicant. So we will take away the um and consider how we secure more more broadly. But did want to make the point that the MCA's requirement, the 5%, uh, depth reduction and the applicant's intention to sign up to that is secured in the DML currently, though, both for construction and operation.

01:09:35:09 - 01:09:44:19

Yes. I think, um, I was interested in the wording put forward by the PLA, um, with the reference to the certified plan.

01:09:46:25 - 01:09:53:04

Um, Francis Tyrrell, I can see your hands up. Sorry. There's a reflection on the screen, which makes it quite difficult, but.

01:09:54:01 - 01:10:32:02

Good afternoon, madam. Thank you. Francis Gerald from additional Gaillard, on behalf of the Report Limited, I just wanted to add to the comments made on behalf of the PLA. Um, we consistently throughout this examination have said that there must be a requirement to secure the steps. Um, and just to add, and I agree entirely with what Mr. Aldous said on those points, but, um, to add to that, um, we see the steps as a fundamental parameter, fundamental kind of restraint on the extent of the development, um, and in accordance with the guidance on drafting parameters of that nature should form part of the body of the DCO.

01:10:32:18 - 01:11:05:24

So in this case, it should be a requirement on the DCO. It's a it's akin if you like to, to uh limits on maximum deviation or similar or maximum heights on a terrestrial basis. So it should be a requirement and it should be a requirement rather than a condition of the marine licence. Because as we've heard about the concern with protective provisions in terms of, um, their availability, um, that can apply to the marine licence, although obviously we have ultimate faith in the Marine Management Organisation. Uh, it would always be open to the applicant, and I'm not so suggesting that the applicant would in this case.

01:11:05:26 - 01:11:36:10

But just in terms of good order, uh, we should bear in mind that applicants can also get a different marine license, which the MMO may grant in the future. Um, and so if we are thinking about this development now, uh, and, and what we've all sort of looked at and been concerned about and agreed at, we should make sure it's a condition that bites on the consent for this development going forward. So that must mean it's a requirement. Um, just lastly, just to add if it's useful, I think your original question was about the, the, the actual shape of the areas of interest.

01:11:36:16 - 01:11:47:28

Uh, and I think some slight difference to the MCA and perhaps others on the size of that, just to say, um, the Gateway Port Limited is fairly happy with the areas of interest as defined by the PLA.

01:11:49:17 - 01:12:00:17

That's useful. Um, could could the applicant please take down the the plan now? Thank you. Thank you for for that. That's helpful. Would the applicant like to respond?

01:12:00:20 - 01:12:09:22

Yes. Thank you sir. For the applicant mum, just to say we've heard everything that's been said loud and clear, and we'll take it away and make sure that we have a strategy.

01:12:09:24 - 01:12:38:05

Okay. Thank you. I know you did say, I think on Tuesday, um, that you were working on protective provisions. ET cetera. Um, and, you know, there's a balance between keeping us updated, but I think I do need to know, in this case, um, particularly in relation to the dco, DML, um, question what what you're working towards. Um, and progress. So it'd be good to have an update at deadline for if that's achievable.

01:12:38:10 - 01:12:44:14

That should be achievable because we will go back and rationalise what we're doing and come back with a update for you.

01:12:44:16 - 01:12:45:06

Thank you.

01:12:47:17 - 01:13:16:21

Um. Excuse me. Yes. Oh, it's Alison on farm. Oh, hello. Hello. Um, just on a point on the areas of interest. So we're working constructively with Sealink on the concurrent working activities, but I think it should be noted that our areas of interest differ slightly, so we will just need to align on that because we have additional areas of interest for concurrent working in our DCO. So we just need to align with that.

01:13:16:24 - 01:13:19:09

Okay, good. Could the applicant comment on that.

01:13:19:13 - 01:13:51:17

Andrew home for the applicant. So five estuaries is right. The plate that we were looking at doesn't reflect the three areas of interest that we have been agreeing with the port authorities and indeed with

with five estuaries. Okay. That is reflected in other documentation that we have submitted. And so there is broad agreement, including with the MCA, on the three areas of interest and the geographic location and boundaries of those. Um, um, and just to, uh, um, link confidence to five issues that that is indeed what we have been agreeing.

01:13:51:24 - 01:13:56:25

Okay. So there will be an update at deadline for is that right to the.

01:13:56:27 - 01:13:57:27

We can provide an update at.

01:13:58:20 - 01:14:07:00

Okay. I think you've previously said that the navigation installation plan would be updated for deadline for. So would it be included in that?

01:14:07:12 - 01:14:19:17

It would. And we also submitting an outline see whether that has the plan in it. Okay. But there's a collection of marine documents coming which would we think demonstrate progress made with the port authorities.

01:14:19:19 - 01:14:20:04

Thank you.

01:14:20:06 - 01:14:20:23

Thank you.

01:14:37:24 - 01:14:52:12

Okay. So moving on to, um, cable exposure during operation. I think the PLA has requested commitments to be included in the Reac in that regard. Is that something that you're the applicant is able to respond on.

01:14:53:04 - 01:15:13:10

And with the applicant? Perhaps you could see clarity on exactly what commitments are required in that regard. The term cable exposure during operation, we have we have commitments in the react to, uh, lowered to the depth of lowering required as documented in the project description. So for me.

01:15:13:14 - 01:15:30:18

I think this was in the course of London authorities. I'm sure they'll be able to assist. But um, as to how quickly those any exposures are then dealt with. Is that correct? Perhaps there is, um, Vicki Fowler available to answer on that?

01:15:31:20 - 01:16:13:00

Yes. I'm happy to commend Vicki Fowler on behalf of the Port of London Authority. Um, yes. So, so effectively, um, my understanding, if properly installed. Obviously the position of the cable shouldn't move, uh, regarding the level of water. But during the operation, what can happen is that the seabed, um, will erode, can erode, and therefore the cable becomes exposed And naturally we would expect

the applicant to want to address that. Um, the requirement that we are seeking in terms of, um, dredging depths, um, effectively applies to both the installation and the maintenance.

01:16:13:11 - 01:16:53:06

So to the extent that there is that erosion and the applicant then wants to, um, you know, basically cover the to cover the cable backup, etc., to deal with that sea erosion. Then the same depth would apply and the PLA would have the same, um, effectively protection. Um, in addition to that um, requirement, I think we would also see, um, seeking through the protective provisions, uh, remediation requirements. So again, should, should there be um, that exposure then effectively there would be that, that remediation or the ability to remediate if that's necessary.

01:16:53:22 - 01:17:03:00

Um, I am joined by members of the, um, Port of London. So if, if, if they want to comment further, then they will. But, uh, hopefully that's a helpful summary.

01:17:03:08 - 01:17:10:07

So are you saying that the cable exposure during operation could be dealt with through the protective provision.

01:17:10:19 - 01:17:17:19

And, and the requirement that that would basically apply for both both installation, operation and maintenance.

01:17:18:15 - 01:17:28:24

Okay. So are you working with the applicant to agree wording that would cover installation and operation or maintenance?

01:17:29:07 - 01:17:42:24

I, I believe that that is the case in terms of the, the, the dredging depths. Um, wording does make reference to maintenance as well as as, you know, it's just a dispute as to where, where that wording is going.

01:17:43:01 - 01:17:46:03

Yeah. Um, can the applicant respond on that?

01:17:46:22 - 01:18:29:18

Andrew home for the applicant. So the the safeguarding water depth um in WPS, but is subject to how we secure with the covers. Um, the PLA, both in terms of construction and maintenance. Um, and any, um, remedial works, uh, that affect those levels. And so it would be signing up to safeguarding both in terms of installation and operation and maintenance. Um, of course, it's in the applicant's interest to remediate any exposed cables. So we wouldn't leave a cable, um, exposed. Um, the project description does talk generally about how we would do that, but we can work with the port authorities in seeking necessary commitments in, in peace, uh, to assure them that we do that in the right way.

01:18:29:20 - 01:18:30:14

Thank you.

01:18:32:08 - 01:18:48:19

Um, so moving on to cable joints. Um, is the applicant able to commit to avoiding the placement of cable joints in the areas of interest? I believe that's what's being requested by the stakeholders.

01:18:49:21 - 01:19:22:12

And I move to the applicant. The applicant can confirm that there are no planned joints within the areas of safeguarded water depth. Um, that leaves the scenario of an unplanned joint in the case of a cable fault and repair, um, that is subject to the ongoing engineering assessment that we're doing about how we would, uh, in the case of a repair within the area of interest, um, indeed make the repair, um, and still safeguard the water depth. So we, um, the work we've done through our consultants lends confidence to our ability to do that.

01:19:22:14 - 01:19:30:06

And there will be part of the update that we have already said to the we would provide in writing and update our deadline for. Sorry.

01:19:32:15 - 01:19:39:03

Does anybody want to comment on the cable joint question? Um, Francis Tyrrell, I can see your hands up.

01:19:40:04 - 01:20:11:00

Thank you, Madam Chair. On behalf of the report, um, we welcome, uh, the applicant's confirmations about cable joints. Um, but I think, as we just heard there, um, it's an intention, but it's not secured. So, uh, we would, uh, be pleased to hear how these sorts of things on cable joints and as we'll come onto the cable crossings are going to be secured anywhere that that they won't take place in the areas of interest, because at the moment, um, we can't find anywhere where that's actually set out.

01:20:11:02 - 01:20:15:07

Although the applicant has in its responses to your question so that that is the case.

01:20:16:01 - 01:20:22:05

Where would you, um, based on previous experience, expect that to be or how would you expect that to be secured?

01:20:23:03 - 01:20:53:28

Uh, well, we can discuss this further, and I'm happy to do so with the applicant. I mean, I was going to come in just on the earlier point. It's related to this, really. Uh, the PLA in its document rep 3121, I'll set up the wording of its requirement and to dredge that, um, uh, in relation to earlier point, about all the point raised about maintenance. I think if that wording is finessed a little, we can have it to cover not only installation, but also the ongoing operation and maintenance of depth. So that is one point, I think, in relation to cable joints and and cable crossings.

01:20:54:09 - 01:21:05:13

Um, and this is, I think something we have suggested in our response is back, uh, versions of questions that we'd like to discuss this with the applicant because we don't want to problem by seeking a requirement.

01:21:05:17 - 01:21:11:28

So I'm just having a bit of trouble hearing everything you're saying. If you could just repeat the last couple of sentences.

01:21:12:00 - 01:21:13:18

Sorry. Am I clear now?

01:21:13:29 - 01:21:17:09

Um, that's a bit better. I don't know whether that's just me, but.

01:21:18:23 - 01:21:22:01

Uh, where did you get up to, ma'am, in terms of what I was saying.

01:21:22:11 - 01:21:29:15

Um, you started talking about cable joints and securing them. Well, securing. Not having them in the areas of interest.

01:21:30:27 - 01:21:31:12

Uh, sorry.

01:21:33:29 - 01:21:36:00

I've lost you completely now.

01:21:37:24 - 01:21:39:09

I think you're muted.

01:21:39:21 - 01:22:17:14

That was my fault. I dropped the papers on my on my keyboard, so apologies for that. Um, the in terms of cable joints and cable crossings. Um. Uh, they could be secured by our requirements. But we'd like to discuss further this aspect with the applicant, because I don't want to be seeking to impose a requirement on them if things aren't quite that black and white. Um, but it strikes me, and obviously subject to discussions with the PLA as well on this. This may be an area where it is best dealt with as a condition in the marine licence because that does, if necessary, give some flexibility subject to the oversight of the MMO, which I think we would be content with.

01:22:17:16 - 01:22:27:14

Um, but we do expect to see secure that general principle that there won't be cable joints and cable crossings in this area unless something untoward happens, in which case the MMO can come to a view on that.

01:22:28:02 - 01:22:30:27

Okay. Could the applicant respond on that?



01:22:31:28 - 01:22:54:05

Andrew Homewood for the applicant. So, uh, I think London game Reports position is clear. Um, in principle, we don't disagree with the need to secure. Um, there are some provisions in the react which talk about avoiding cable joints in the areas where where possible. Maybe that doesn't go far enough, and we could take that away and pick it up in discussions with Dan and Gateway and the other port authorities.

01:22:54:07 - 01:23:02:13

Thank you. If I could have an update in due course, wherever feasible, whether that's deadline for or later.

01:23:03:21 - 01:23:22:29

If I might just James Park for the applicant. You probably sensing this and this is, I think, one of the conundrums that the applicants face is you've got the juxtaposition of protected provisions, schedule three requirements AML conditions and the Ray act, for example, there. And it's just finding the right balance of the controls without unnecessary duplication. Yeah, I'm sure you appreciate it. Thank you. Mom.

01:23:23:01 - 01:23:24:01

Yeah. Thank you.

01:23:30:04 - 01:23:31:00

Mom, if I.

01:23:32:22 - 01:23:34:21

Okay. Francis, to.

01:23:35:23 - 01:24:05:11

Just come back on that one. It's a query, I think, as much as anything, because this has been referred to a couple of times. Sorry. Francis Tyrrell, additional guide on behalf of London Limited. Things are noted in the react, but the react itself isn't a constraint. It's more of a summary of things that are commitments and should show where they are committed. Um, and this is our concern, really. It's just that, um, it needs to be referenced in the react, and that is really the answer to our concerns.

01:24:05:21 - 01:24:23:10

Yeah, I understand the the concern. And I think the applicant understands that from, from what I can what I've heard, um, I think now might be a good time just to have a 15 minute break. I do still have a few questions on shipping and navigation. Okay, so

01:24:25:03 - 01:24:34:22

if those watching the live stream can remember to refresh their browser when they come back. Um, let's come back at 3:40 p.m.. Thank you.