



## Hearing Transcript

<b>Project:</b>	Sea Link
<b>Hearing:</b>	Issue Specific Hearing 3 (ISH3) - Day 1 - Part 1
<b>Date:</b>	25 March 2026

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File Length: 01:29:37

FULL TRANSCRIPT (with timecode)

00:00:06:06 - 00:00:42:10

Good afternoon. Before I begin, can I just confirm with the case team that I can be heard clearly and the live streaming of this event has commenced. Thank you. The time is now 2 p.m.. I'd like to welcome you all to this issue specific hearing three for the application by National Grid electricity Transmission for an order granting development consent for the seedling project. My name is Sarah Holmes. I'm a planning inspector and a chartered civil engineer. I have been appointed by the Secretary of State to be the lead member of the panel to examine this application. I'm now going to ask my fellow panel members, who have also been appointed by the Secretary of State to examine this project to introduce themselves.

00:00:43:05 - 00:00:54:18

Good afternoon. My name is Luke Regan. I'm a planning inspector and a chartered transport planner.  
Good afternoon. My name is Doctor Richard Hunt. I'm a planning inspector and a chartered environmentalist.

00:00:56:03 - 00:01:00:19

Good afternoon. My name is Steven Rennie. I am a planning inspector and HR Town Planner.

00:01:01:29 - 00:01:37:18

Together with Nancy Thomas, we formed the Examining Authority, or Xa, for this application. I can confirm that all members of the Xa have made a formal declaration of interest, and there are no known conflicts of interest. With regard to his examining this application, there were other colleagues from the Planning Inspectorate with us today. For those who are present in the room, you may have already spoken to or heard from Louise Halloway, who is the case manager for this project. For those of you who've joined virtually, you have spoken to Emma Smith or Jacqui Kerr, our case officers in the joining conference. Together they are the case team for this project and if you have any questions or queries, they should be your first point of contact.

00:01:37:29 - 00:02:10:25

Their contact details can be found at the top of any letter you've received from us, or on the project page of the National Infrastructure website. We're also joined by another inspector, Chris MacDowell, who is observing the hearing for training purposes and has no role in this examination. In addition, there are technicians from CVS international who are attending solely for the purposes of managing the recording and the live streaming of the hearing. If you have any questions regarding the application process in general. Could I please ask that you email the case team? Who will be happy to help? I'll now hand over to Doctor Hunt who will deal with the arrangements for this meeting.

00:02:12:21 - 00:02:42:26

Before we consider the items on the agenda, we need to deal with a few housekeeping matters. I'll try to get through these as quickly as possible. Can everyone attending please make sure that your phone

is switched off or turned silent? No fire test is planned for this afternoon. Should an alarm sound, it's an emergency and we'll need to vacate the building. Emergency exits are located in the corners of the room, and the doors through which you. And the doors through which you entered the fire Assembly points are at the far end of the building outside the western entrance.

00:02:42:28 - 00:02:45:19

If anyone needs assistance, please can you let the case team know?

00:02:47:09 - 00:02:53:01

Toilet facilities, including disabled facilities, can be found to the rear of this room, past room 20 on the left.

00:02:54:17 - 00:03:26:06

And for those attending the satellite venues to minimize background noise. Please make sure your phones are switched off or turned silent. If you want to speak, please raise your hand and a roving mic will be brought to you. For those attending virtually, can I repeat the request made in the Arrangements conference that to minimize background noise, you make sure your phone is switched off or turned silent and that you stay muted with your camera turned on, turned off unless you're speaking. I'd also ask that if you want to speak, you switch your camera on and either use the razor hand function in Microsoft Teams or ask to speak at the appropriate time.

00:03:26:14 - 00:03:55:15

Can I also remind people that the chat function on teams will not work? So please don't try to use this to ask any questions or post any comments. For those people watching the live stream, should we at any point adjourn proceedings this afternoon? We'll have to stop the live stream to give us clear recording files. As a result, at the point at which we start the meeting and the live stream, you'll need to refresh your browser page. We'll remind you of this again should we need to adjourn. Do we have any members of the press in attendance.

00:03:59:22 - 00:04:31:00

As far as I'm aware, no requests have been made for any special measures or arrangements to enable participation in this meeting, such as needing to take a break for medical reasons or having to leave the event at a certain time. If anyone does need a break or extra support later on, then please do let the case team know this event is being live streamed and recorded. A letter of 19th of September, which will refer to as the rule six letter, explained that because we retain and publish the digital recordings, they form a public record to which the General Data Protection Regulation applies, or GDPR.

00:04:31:27 - 00:05:01:03

The Planning Inspectorate publishes and retains recordings for a period of five years from the Secretary of State's decision on the Development Consent Order. So if you participate in this meeting, it's important you understand that you'll be recorded and that you could incense the retention and publication of the digital recording. We are aware of a number of people who've let us know that they do not wish to be filmed. The audiovisual team are aware of this, and those people have been seated in location which is not covered by the cameras. This will also be taken into account for those speaking in this hearing.

00:05:03:29 - 00:05:06:17

Does anyone intend to film or record this meeting?

00:05:08:20 - 00:05:46:17

Nope. We will only ever ask for information to be placed on the public record. That is important and relevant to the planning decision to avoid the need to edit the digital recordings. What we would ask is that you try your best not to add information to the public record that you would normally wish to be kept private or confidential, such as your address, details, financial circumstances or details of medical conditions. If you do feel the need to refer to something that's private or confidential. Could you please discuss this with the case team first to explore whether it could be submitted in writing and then redacted? Does anyone have any questions with regards to this matter, either in the room

00:05:48:09 - 00:05:49:11

or online?

00:05:53:15 - 00:06:25:04

I move on. I just want to say a little bit about conduct during this hearing. We understand that people have strong feelings about the proposed development, but it's important to recognize that we have a process to follow. We therefore ask for good manners and respect to be shown to each other throughout this hearing. We also understand that some people feel nervous when having to speak in public. Please be reassured that we understand and that if you stumble over your words or need to repeat something, this isn't a problem. Are there any comments or questions regarding any of the points I've just made, either in the room?

00:06:27:09 - 00:06:28:12

Or online?

00:06:34:04 - 00:07:16:08

Moving on to the purpose of today's hearing. Today's issue specific hearing is being held at the examining authorities request, because we want to explore and discuss a number of environmental matters. This is to ensure that we have all the information we need to make our report to the Secretary of State. Today's hearing will be a structured discussion based on the published agenda. It's important that we get the right answers to the questions that we ask. Um, therefore, if you cannot answer the questions that are being asked or require time to get the information requested, rather than giving a restricted or potentially incorrect answer, please can you indicate that you need to respond in writing? We can then defer the response either to an action point to be submitted at deadline six.

00:07:16:21 - 00:07:49:19

Uh, sorry. We can defer the response to an action point to be submitted at deadline six, which is a 13th of April 2026. We're expecting that most of today's contributions will be from the applicant and statutory bodies in response to the direct questions we have. This is a public examination, though, so if there's a point that you want to make, please do raise your virtual hand and switch on your camera so that we can hear from you or raise your hand if you're in the room. However, whilst we'll give parties the opportunity to comment at the appropriate points, these should be in response to our questions.

00:07:49:21 - 00:07:53:08

If you have other matters or topics you wish to raise, this should be done in writing.

00:07:56:15 - 00:08:29:07

Um, as I've said before, this is predominantly written process. If we don't have time to hear from everyone who wants to contribute, we'd ask that you submit your comments writing on or before deadline six on Monday the 13th of April 2026. Finally, I'd like to remind everyone that this is not an inquiry unless we specifically request it. There'll be no formal presentation of cases or cross-examination. This means that any questions that you have for other parties need to be asked through the day. Are there any questions at this stage about the procedural side of today's hearing?

00:08:33:12 - 00:08:49:27

Nope. At rule 14, two of the examination procedure rules requires that at the start of the hearing, the examining authority shall identify matters to be considered at the hearing. These are set out in the agenda for this hearing, which is every nine 9001 in the examination library,

00:08:51:27 - 00:09:03:16

and that's available on the Spectrum's website. For the sake of expediency, I don't propose to read out all the separate agenda items now, but if the applicant could kindly share that on the screen.

00:09:10:00 - 00:09:14:24

And if you wouldn't mind just slowly scrolling through that for people to see.

00:09:17:23 - 00:09:18:12

Thank you.

00:09:19:11 - 00:09:39:14

And please note the agendas for guidance only. We may choose to move items around the agenda or add other issues for consideration. As we progress, we'll seek to allocate sufficient time to each issue to allow for proper consideration. So before we move on, are there any questions at this stage about the procedural side of this hearing or the agenda, either in the room or online?

00:09:46:10 - 00:09:55:18

The case team have provided me with a list of those interested parties and other parties who've expressed a wish to be heard today. First, could I ask the applicant to introduce themselves?

00:09:58:06 - 00:10:28:15

Good afternoon sir. My name is Sarah King's Counsel, and I'm instructed on behalf of the applicant by Mr. James Parker from BCP. And I appear here today with Mr. Hugh Flanagan as well, of counsel. We're both from Francis Taylor Building. And, um, we anticipate, um, sharing the agenda today. So I'll deal with, um, water environment and he will deal with traffic and socio economic impacts and, uh, tourism, which I think is as far as you're planning to go today with the agenda.

00:10:28:25 - 00:10:40:25

Um, I have an expert here, Miss Driscoll, who will Miss Lisa Driscoll, who will be the expert in relation to water environment. And in due course, Mr. Flanagan will introduce his witnesses.

00:10:42:29 - 00:10:49:15

Now, can I ask the local authorities and the councils to introduce themselves? So if we start with them. Suffolk County Council.

00:10:50:06 - 00:11:13:05

Good afternoon sir. Lois Lane of Council of Cornerstone Barristers and I'm instructed by Suffolk County Council. I have Mr. Zachary Farndon to my right. Who's a senior planning officer? We're also joined online by Jason Skilton from the lead local flood authority, in relation to agenda item three and potentially by other officers in due course. But I'll introduce them when we get to those agenda items.

00:11:14:06 - 00:11:14:29

Thank you.

00:11:15:08 - 00:11:16:29

Um, Kent County Council.

00:11:22:14 - 00:11:28:17

Gardening, sir. My name is Neil Clark. I am here representing Kent County Council in the lead local flood authority function.

00:11:30:18 - 00:11:35:00

Thank you. Next we have East Suffolk Council.

00:11:38:15 - 00:12:11:07

Good afternoon, Mark Weston Smith, Kings council of Francis Taylor Building, appearing on behalf of East Suffolk Council. I'm instructed by Brian Greenwood. He's a partner at Clyde and Co and I have with me Graham Studley, who's the principal planner and Sola lead at the council. For today's purposes, it's item five we're interested in and I have Simon Charlesworth, who's the sector development and trade lead at the council, and Alexis Corless who's the size Wolsey tourism program manager.

00:12:11:13 - 00:12:12:06

Thank you.

00:12:12:24 - 00:12:13:20

Thank you.

00:12:14:08 - 00:12:16:08

Next Dover District Council.

00:12:18:02 - 00:12:22:24

Good afternoon sir. I'm Rachel Morgan, principal planning officer for Dover District Council. Thank you.

00:12:23:22 - 00:12:24:18

Thank you.

00:12:26:26 - 00:12:29:07

Thanks to you have Thanet District Council.

00:12:33:15 - 00:12:37:21

Good afternoon. I'm Helen Johnson, lead officer for the Lake District Council. Thank you.

00:12:38:04 - 00:12:38:25

Thank you.

00:12:39:12 - 00:12:41:06

Um, Friston parish Council.

00:12:45:09 - 00:12:47:17

Michael Marney representing Friston parish council.

00:12:50:03 - 00:12:53:06

Um, we have Westland Parish Council.

00:13:01:18 - 00:13:05:22

Okay, we'll move on. And Stanfield Parish council.

00:13:06:27 - 00:13:11:27

Yes. Hello. Good afternoon. It's Charlotte Fox on behalf of Penland Stanfield Parish Council.

00:13:12:23 - 00:13:13:14

Thank you.

00:13:15:14 - 00:13:17:03

Uh, Snape parish council.

00:13:19:24 - 00:13:24:00

Uh, good afternoon, Andrew MacDonald, representing Snape Parish Council.

00:13:25:14 - 00:13:26:08

Thank you.

00:13:26:28 - 00:13:28:08

Aldeburgh town Council.

00:13:28:28 - 00:13:38:09

Good afternoon, Sir David Mackie, Kings Council, but appearing in my capacity as a resident of Aldeburgh on behalf of Aldeburgh Town Council.

00:13:38:15 - 00:13:39:08

Thank you.

00:13:39:29 - 00:13:42:10

Uh, Leiston. Come Sizewell town council.

00:13:50:26 - 00:13:58:20

Don't appear to have anyone from Leiston, but we'll check on the list if the case team could check that one. Thank you. Uh, Ramsgate town council.

00:14:06:23 - 00:14:08:14

Saxmundham town council.

00:14:10:29 - 00:14:16:10

Good afternoon. It's Geraldine Barker representing Saxmundham town council. Thank you.

00:14:16:24 - 00:14:17:16

Thank you.

00:14:17:18 - 00:14:19:18

And Woodbridge town council.

00:14:27:04 - 00:14:29:14

I have Mr. Saunders and Mr. Saunders.

00:14:29:16 - 00:14:30:03

Sorry.

00:14:34:02 - 00:14:41:03

Okay, we'll move on. Uh, next, if we can turn to the statutory bodies and who have the Environment Agency.

00:14:43:25 - 00:14:53:21

Good afternoon everyone. So my name is Louise Mackay. I'm a chartered town planner representing the Environment Agency. I've also brought along my colleague today, Luke Taylor, who's our flood risk engineer.

00:14:54:19 - 00:14:55:16

Thank you.

00:14:57:11 - 00:15:01:01

And do we have the Maritime and Coastguard Agency?

00:15:05:04 - 00:15:06:12

Okay. Thank you.

00:15:06:29 - 00:15:15:22

Um, can I just check whether that is all of the councils who are in attendance and all of the statutory bodies that are in attendance?

00:15:20:22 - 00:15:21:07

No.

00:15:21:27 - 00:15:53:24

No one's putting up their hands. I'll. I'll take that as a yes. Um, so I'll now read out the interested parties. And in the interest of time, I won't be asking these people to introduce themselves at this point. So we have, uh, James Burton, Rich Dellums, Fiona Gillmor, Rupert Thornley Taylor and Matthew Denny from Suffolk Energy Action Solutions or C's. We have Colin Innes from ScottishPower renewables, George Cooper and Edward Parish obsidian from Southminster Marshes.

00:15:55:05 - 00:15:56:00

We have

00:15:57:25 - 00:16:28:02

Robin Sanders. East Suffolk Community Energy Partnership, Emma Waller, Kent Wildlife Trust Michael Marney also representing. Sources. Councillor Rebecca Wing from Green Party Paul Atkinson, Sarah Bailey, Norman Bates, Susan Bridges, Ian. Brown, Stephanie Bunn, Sarah. Courage, Elizabeth. Duffield, Joan. Ellis, Marianne. Fellows, Brett. Griffiths, Michael. Hills, Luigi. Beltran, Andrew.

00:16:28:04 - 00:16:49:28

MacDonald, Karen. Mackenzie, Stephen. Palmer, Henrietta. Palmer, Caroline. Pope. Glynnis. Robertson. Sheridan. Stein. David. Stephens. Piers. Sturridge. Tessa Wojcik. Gordon. Young. And finally, Gillian Horrocks, Melissa Jones, and Alexandra Laporte.

00:16:51:21 - 00:16:57:02

Is there anyone I haven't listed who wishes to be heard today or to participate in the hearing?

00:17:01:21 - 00:17:05:15

There's no one in the room and no hands online.

00:17:07:16 - 00:17:12:15

Um. In that case, I'll now pass over to Miss Holmes to take us through the next item on the agenda.

00:17:14:13 - 00:17:47:17

Thank you. So item two matters arising from its Q3. On Monday, the ECA published our third written questions. And these can be found at Examination Library reference PD 023. These are questions on matters that we considered can be covered in writing and don't need discussion. However, as I set out in the agenda in a moment, I will ask if there's any matters arising. For me, it's Q3 that anyone does

wish to raise. First, I'd just like to highlight three of the questions. So could the applicant just start by sharing questions three Gen one and three Gen two from Q3.

00:18:01:00 - 00:18:20:18

So these are two questions related to critical national priority or CMP as it's often referred to. Can the applicant now share figure two of the overarching National Policy Statement for energy. That's in one. And this is the November 2023 version, which is the relevant version of the NPS for the decision making on this project.

00:18:27:08 - 00:18:59:23

Thank you. So this figure explains the application of CMP in decisions relating to environmental impact assessments. I wonder why you could zoom in a little bit more. It's a little bit small. I don't know if everyone else can see it. Thank you. So at the moment we're working our way down the left hand side of the flowchart, and we're at point five examination. And in just over a month, when the examination closes on the 5th of May, we'll be entering the recommendation stage, which is 0.6, as part of our recommendation to the Secretary of State.

00:18:59:25 - 00:19:30:20

The WSA need to give our opinion as to whether we consider the applicant has demonstrated the mitigation hierarchy has been applied. This is to assist the Secretary of State if they consider they need to apply CMP in their decision making, i.e. moving from point seven. Secretary of state decision following the blue arrow to the CMP box on the right hand side. Currently, the examiner authority is not convinced that the applicant has demonstrated that all residual impacts are those that cannot be avoided, reduced, or mitigated.

00:19:30:22 - 00:20:05:23

Hence. Now question three Gen one and the essay will be exploring these issues related to the mitigation hierarchy. Throughout this issue specific hearing through the various topics. If that decision stage, the Secretary of State is satisfied that the applicant has demonstrated that the mitigation hierarchy has been applied and therefore kind of move along the blue arrow, then the CMP presumptions set out in the blue box apply under NPS one. If a project benefits from the CMP presumptions, residual impacts are unlikely to outweigh the urgent need for this type of infrastructure.

00:20:05:25 - 00:20:13:18

However, there are exceptions to the CMP presumptions, which are detailed in the blue box to the right of the flowchart.

00:20:15:15 - 00:20:51:00

These residual impacts. So these residual impacts are onshore and offshore, which presents an unacceptable risk to unacceptable interference with human health and public safety, defense irreplaceable habitats are unacceptable risk to the achievement of net zero. The same exception applies to this presumption for residual impacts, which present an unacceptable risk to, or unacceptable interference with, offshore to navigation or onshore to flood and coastal erosion risk. Currently, the ECA does not hold all the evidence it needs to conclude that none of these exceptions would apply in this case.

00:20:51:08 - 00:20:59:00

Hence our question at three Gen two. Again, these matters will also be explored throughout this issue specific hearing through the various topics.

00:21:00:28 - 00:21:39:06

So moving on to question three Gen three the applicant deadline five submission covering letter 501 states that the applicant has submitted comments on other submissions received at deadline four, which comprises the applicant's response to selected deadline for submissions, and these are provided when it's considered helpful to do so. The applicant comments on other submissions are received at deadline format. So did my five. Met four. I'll start again. The applicants comments and other submissions received a deadline for having met 5132, and this acknowledges that some submissions are not responded to because it has.

00:21:39:08 - 00:22:11:06

It has in the applicant's view. All matters have been raised and have been responded to previously are. No further comments are necessary. We appreciate this. However, it's imperative for an infection effective and efficient examination that the applicant provides a response to every submission to demonstrate that they've considered every point made, and to enable the essay to understand that both sides of any outstanding argument. We raise this concern in the SSC two in question two gem one in relation to the applicant not responding to all of the matters raised by these at deadline five.

00:22:11:08 - 00:22:47:06

There are a number of submissions that were made, um, sorry, a deadline for the number of submissions made that the applicant has not responded to, including 4 to 1 from Suffolk County Council. The council raised a number of concerns, including those where alternative drafting was suggested for the DCO, and the UK does need to see these responses to these issues, and also from other parties that have not been responded to. So we ask that the applicant provide a response to every deadline for submission. Was not included in your deadline for submission on or before deadline six, and ensure that completed responses are provided for future submissions.

00:22:47:23 - 00:23:10:27

If you consider that a response has already been supplied to a particular point, we ask that you just signpost to the document where this has been done. So reference the examination library page number. Paragraph number. Obviously, failure to comply with this request could constitute unreasonable behaviour on procedural grounds if it causes other parties to incur unnecessary or waste expense during the examination.

00:23:12:13 - 00:23:50:18

And finally, for all parties to note, you will see that there are a number of questions in HQ three where we ask for suggested drafting for the DCO. You will have seen from the examination timetable that a few days after deadline six. The Xa will ish be issue in our schedule of changes to the draft ACO. This is where the Xa can put forward alternative drafting that we consider would be appropriate to be included in the DCO. I want to make it clear that this in no way indicates whether or not we will be recommending or approval or consent, and equally, your positive participation in supply and suggested drafting does not detract from the comments that you may have with regard to concerns about the project.

00:23:50:25 - 00:24:21:15

You are encouraged to engage with the draft ACO without prejudice to any objection in principle to the application you may maintain. The examiner authority is required, regardless of whether we recommend the application for approval or refusal to submit a draft development consent order with our recommendation reports to the Secretary of State so that they can use it if they wish to grant consent. We therefore request that if you have any suggested drafting that you've not already told us about, please submit this with the reasons why you consider this alternative. Drafting is necessary on our before deadline.

00:24:21:18 - 00:24:30:23

six, and I'm just going to put that as an action point to all parties, please. So would the applicant like to respond to any of the points I've just raised?

00:24:31:26 - 00:25:09:02

Sorry for the applicant. Thank thank you ma'am. I just make a few points. Obviously you've got the questions and we will be responding to those at the relevant deadline. I'm just picking up the first point about the mitigation hierarchy and the points that you've raised there. I mean, just for the avoidance of doubt, obviously we will be responding in in detail. Um, the applicant does consider that it has applied the mitigation hierarchy. Um, it does flag up that in terms of the policy on the mitigation hierarchy in NTP, MPs and one 2023 version.

00:25:09:08 - 00:25:46:15

Um, it doesn't require non-significant effects to be mitigated. And we refer specifically to paragraph 4.3.4. Um, and that is to consider the potential effects, including benefits of a proposal for a project, the applicant must set out the information on the likely significant environmental, social and economic effects of the development and show how any likely significant negative effects would be avoided, reduced, mitigated, or compensated for following the mitigation hierarchy. We also would refer to paragraphs 4.3.8 in this NPS and the technology specific NPS.

00:25:46:17 - 00:26:19:04

When used in relation to environmental matters, the terms effects, impacts, or benefits should be understood to mean likely significant effects, likely significant impacts, or likely significant benefits, and the EIA regs similarly referred to avoidance, mitigation and, if possible, offsetting measures in respect of significant adverse effects. And we say the same applies to monitoring when the regs talk about significant adverse effects. So in that context, when we're looking at the question of the mitigation hierarchy.

00:26:19:10 - 00:26:49:11

We would just want to draw attention to that fact that it's not just every effect that that remains or every residual effect, it is the significant effects. And we'll obviously respond in in detail to that point. Um, that's the first point insofar as, um, responding to the questions and your direction, they're about responding to every point that is in hand, and we will make sure that we do that and we take on point, uh, take on board the points you make and you check if there's anything else.

00:26:49:13 - 00:26:50:17

No. Thank you.

00:26:51:10 - 00:27:02:09

Um, can I now ask if anyone else has any queries or points that they wish to raise? Um, in regard to the third written questions, uh, Mr. Mackey, you're there first.

00:27:02:24 - 00:27:44:13

Um, madam, may I save your time by making a general point now, rather than repeating it as we go from issue to issue to David Mackey, on behalf of all the town council, Three background here is simply this that. Um, during the course of submissions over the months, all return counsel made plain its concern about a lack of contact with and consultation with the applicant, as was it right the applicant, when responding to the deadline, three submissions said.

00:27:44:15 - 00:28:18:05

To our surprise, but to our delight that the applicant has carried out an extensive programme of pre-application consultation, continues to engage with all parties in the examination process and also post consent. Quite sure what that means. The applicant will continue to engage with local communities and representatives and communities, including Aldeburgh Town Council, through and beyond the examination process. This is fortified in their written summaries of the last hearing when they said they're actively Considering potential community benefit initiatives.

00:28:18:07 - 00:28:50:24

Discussions with local authorities and community stakeholders are ongoing to help identify appropriate, appropriate local priorities. Encouraged by this, after the last hearing, we wrote to National Grid hoping to resolve some of these issues and made some progress rather than trouble you with them. We wrote on the 26th of February with six dates. We were available between then and this hearing. We got no answer.

00:28:51:00 - 00:29:27:13

And then miraculously, and of course, coincidentally, we did get a reply at eight minutes to six in the evening. This Monday, just before the hearings began. And the illumination we get from that is apologies for the delay in our response to our email. I think they mean your email. Unfortunately, there has been a lack of availability due to examination deadlines and hearings, as well as some sickness within the project project team, but conscious that the dates you've suggested have now passed.

00:29:27:22 - 00:29:53:00

We will be in touch to arrange a meeting as you request. Below, of course, has been total silence since then. Now I raise while I will at some point, on behalf of the Council, be making submissions about this sort of conduct. I only mention it now, so that it's not suggested that all the town council is not on top of the issues as much as we had hoped to be. Thank you very much.

00:29:53:25 - 00:29:57:28

Thank you. And would the applicant like to respond to Mr. Mackey on those points?

00:29:58:24 - 00:30:29:08

Thank thank you, ma'am, Sarah Shaikh for the applicant. I'll have to investigate. I think, a little bit about where and who this email went from. And we will we will report back. I know that the applicant Um, I think it's self-explanatory what that email says. People have been ill. Um, there have been pressures, so I don't think there's anything I can need to rebut there. I think it's a genuine situation. Obviously, it's regrettable if the dates have passed, but we will be in touch. Um, but I will come back with anything further that we can add to the.

00:30:29:12 - 00:30:37:17

To that as you're all together in this room today. Could maybe this afternoon, someone speak to Mr. Mackie and organise a meeting date while you're all together?

00:30:37:19 - 00:30:40:21

Yeah, I think that's a very good, very good suggestion, and we will do that.

00:30:40:23 - 00:30:41:18

Thank you.

00:30:42:02 - 00:30:44:10

Madam. Thank you for a very helpful suggestion.

00:30:46:09 - 00:30:48:14

Sir. Mr. Burton, please.

00:30:49:24 - 00:30:52:10

Thank you, madam. James Burton Council.

00:30:52:21 - 00:31:33:23

On behalf of Suffolk Energy Action Solutions, or sees three points or brief. Firstly, regarding your questions, three Gen one and three Gen two, we have noted the applicant's interesting response to us regarding need at last. Um, and we see that the applicant is attempting to hang on to critical national priority status. To flag to you. We will be putting something in writing at deadline six on on that in accordance with the way you have indicated you wish to receive submissions on an evidence on need.

00:31:33:25 - 00:32:02:27

So that's the first point. Um, of course we don't accept what the applicant says. Um, second point, um, your point timetabling point about suggestions regarding the DCO and drafting. I've understood that, but could I just confirm that that is all suggestions regarding DCO drafting, whether or not they are raised by your exec? Three questions specifically.

00:32:03:06 - 00:32:03:28

Yes.

00:32:04:01 - 00:32:13:18

Yes, any any drafting. Obviously, if it's in relation to its Q3, great. But this is something that has not been raised. Please bring it up. And then we can. We can consider it.

00:32:14:00 - 00:32:25:10

Madam, do you want those documents flagged in with any specific title? Do you want them? Do you want. Do you want separate documents with drafting suggestions for DCO?

00:32:25:12 - 00:32:42:13

That makes it easier. Because for us, because obviously deadline six is on the Monday and we have to get our drafting out on the Friday. So if we can pick it out quickly. Um, and can you make sure that you include with that the reasons why you think that drafting should be should be in there and the sort of the evidence.

00:32:42:15 - 00:33:11:21

Text and the reasons like a, like a good old fashioned planning condition. Yeah. And then, um, the third point, uh, just very quickly in response to, um, Casey, um, well, flagging for the applicant's benefit as much as anyone else. Of course, the applicant may think that certain effects are not significant, but if the panel disagree and the applicant has a mitigated, that is a fail.

00:33:12:11 - 00:33:13:00

Thank you.

00:33:14:13 - 00:33:20:02

Thank you. Has anyone else got any points they'd like to raise in relation to its Q3? Anyone online?

00:33:23:11 - 00:33:34:02

Not seeing any other hands. So I'll move on. Um, so I'll press now to, um, Mr., uh, Regan to cover item three on the agenda.

00:33:37:12 - 00:34:04:08

Thank you for that. So yeah, we're now moving on to item three, which is three agenda items under the header of Water Environment. So turning to 3.1 first if I may, which is flood risk. There are several matters that I'd like to explore under this item. But firstly I'd like to invite Suffolk County Council, if I may. Um, just to really understand their current position on the applicants flood risk assessment.

00:34:06:09 - 00:34:32:12

In Suffolk County Council submissions at both deadline four and deadline five, it appeared that there was only one related outstanding matter for the applicant to review the Flood Risk Assessment and Supplier Supplementary Document for Climate Change maps for surface water. Firstly, I just checked with Suffolk County Council that I've understood the position you have stipulated at those deadlines, please.

00:34:32:27 - 00:35:04:20

Lois Lane, first, Suffolk County Council. Thank you sir. Um, uh, broadly, yes. So we did request a note including climate change allowance maps for flood risk. We have obviously now seen rep 5134, which is that surface water flood risk and climate change technical note. And that does resolve our concerns in respect of climate change and surface water flood risk more broadly. You've obviously seen what our remaining outstanding, uh, minor.

00:35:04:22 - 00:35:39:29

Technical issues on this were in our rep for 150. At page 58 we there's now been the revised drainage strategy as well. And there's been constructed discussions going on between the A and the applicant. Um, we've sent back some minor points of technical points on, uh, documents received at deadline five. But the direction of travel is is positive. And we're anticipating that all of our outstanding concerns in relation to surface water flood risk can be resolved fairly shortly.

00:35:40:03 - 00:35:53:27

Um, we do have on line, Mr. Skilton. Uh, so if you've got specific technical questions about about minor matters outstanding, I'm sure he'd be able to address those. But but the top line is that the direction of travel is positive.

00:35:55:14 - 00:36:29:29

Thank you for that. That's that's helpful. And with regards to the, um, applicants D5 submission at 5134 on the climate change map this year, you'll probably have noticed there's an excuse three question in that regard as well, so we'd obviously appreciate a detailed response to that as well, please. Um, so staying with Suffolk County Council, if I may. Um, we've obviously heard from various interested parties throughout the examination who voiced significant concerns with regards to the possible effects of the Sealink proposals on flooding and flood risk.

00:36:30:13 - 00:36:59:23

Um, in the case of Suffolk, that's particularly been highlighted in and around Friston, is it given the direction of travel that you've just referred to? Um, and the, the council's um, emerging position with regards to the agreement on the applicant's flood risk assessment? Is it that you agree with the applicant's, uh, conclusions in the flood risk assessment with regards to those flood risk matters that I've just touched upon? Thank you.

00:37:00:18 - 00:37:14:08

Uh, thank you. Lois Lane for Suffolk County Council. I might pass over here to Mr. Skelton because I think he'll be better able than I am to comment on on the technical position in respect of Friston. So if he's online, hopefully he can join us. Thank you.

00:37:16:14 - 00:37:41:02

Good afternoon. Jason. Scotland, Suffolk County Council LFA. Uh, yes. As uh, KC Lois Lane has said, yeah, we are working in a good direction of travel with the applicant with regard to both the Friston site and also the Saxmundham site with regard to resolving issues around, um, the surface water drainage to an acceptable conclusion to national standards.

00:37:43:17 - 00:37:45:08

Thank you very much. That's helpful.

00:37:49:14 - 00:38:24:27

Um, if I could just now move to Kent County Council, who I believe we have online, um, I know that to date, Kent County Council has largely been aligning their position with respect to flood risk matters with the Environment Agency. But hopefully you are on the call and if that is the case, please could I

invite you to set out any additional concerns you may have with respect to the applicants flood risk assessment and approach? I'm not asking you to cover any of the live environmental agency positions, because we'll be exploring those shortly.

00:38:24:29 - 00:38:25:24

Thank you.

00:38:26:24 - 00:38:51:26

Thank you sir. Yes, sir. Neil Clark, Kent County Council representing the lead local authority. Um, much the same as what has just been said. We are we have been in talks with the applicant. We are generally satisfied with the contents of the flood risk assessment and its conclusions, and we do not have any particularly onerous concerns. And there may be certain matters, but we are satisfied that they can be dealt with under recommendations and requirements going forwards.

00:38:54:04 - 00:39:05:27

Thank you very much. Um, at this stage, please. And could I invite the EA to contribute and to have the EA online? Hopefully.

00:39:06:29 - 00:39:13:04

Yes you do. So it's Louise McKay here from the Environment Agency. Um, so just to give you a little bit of a summary of where we are.

00:39:13:06 - 00:39:47:16

So let's if I just work through the initial questions I've got, hopefully that will keep me on track with my questioning and cover the things that you're going to say. If there's anything you wish to add, then by all means you can contribute that when we get an appropriate point. Um, firstly, then turning to the Environment Agency Deadline five submission, which was wrap 5173. And from reading that, that suggested that you had 13 unresolved points with regards to flood risk and a further one additional resolved point with regards to flood modelling.

00:39:48:04 - 00:39:56:25

Um, I know deadline five wasn't a massively long time ago, but it does. Deadline five submission still represent your current Position.

00:39:57:23 - 00:40:19:17

I would say no. No it doesn't. Um, so we've had extensive conversations with the applicant and we've been working very closely with them. So we believe we found our way forward. And so now we're just waiting on the applicant to provide us updated documents to confirm that way forward. And that should resolve, um, the majority, pretty much all the flood risk concerns we've got.

00:40:21:04 - 00:40:38:22

Okay. So just in the interest of of informing this hearing, um, could I just you in a position to go through those 13 flood risk points and one resolved flood modelling points so I can understand what is going to be reported as resolved shortly and what the current still live issues are.

00:40:38:24 - 00:40:46:06

Please, yes, I can, but I think I'll invite my colleague Luke Taylor to give, um, our flood risk engineer to give you a more detailed response.

00:40:46:09 - 00:40:47:09

Thank you very much.

00:40:51:09 - 00:40:51:24

Hi.

00:40:51:26 - 00:40:59:28

Luke Taylor from the Environment Agency. So, um, I suppose, uh, if you're happy for me to go through them in a piecemeal manner, would that be agreeable?

00:41:00:00 - 00:41:26:21

Um, I just think if you could just give us a headline position, if you go through them sequentially, I think I think the first, um, matter you had unresolved at deadline five was EOW 64. So maybe if you could just talk us through very briefly. Um, what's a bit what the what the issue was and whether it's been resolved or not for each of those 13 items on flood risk and one on flood modeling, that would be helpful. Thank you.

00:41:27:05 - 00:42:03:24

Thank you. Thank you sir. So starting with EA 064, this relates to the temporary bridge over the River Stour. And our request was that the elevations are shown in metres above Ordnance Datum, so we can understand it relative to design, flood levels, sensitivity testing, etc.. And in we had a meeting with the applicant on the 19th of March where they, agreed that they would provide these drawings by deadline six, so that issue hopefully will be resolved on receipt of the drawings.

00:42:04:21 - 00:42:45:26

Considering EA 065, this relates to the sequential approach to flood zone three B and uh. Notably, um is in the context of a sequential approach and therefore part B of the exception test. Um, and there there is a consideration, uh, in the notes of table two of the PPG, paragraph 79 that is relevant here, uh, which considers for development in flood zone three B the applicant to demonstrate that it remains operational safe for users in times of flood.

00:42:45:28 - 00:43:27:10

There's no net loss of flood storage and it doesn't impede, uh, flood risk elsewhere. So following our meeting on the 19th of March, um, the applicant presented information relating to this. Um, they didn't include any of this in the post meeting summary of actions of that. But that I think was no site. Essentially, they're looking to split this assessment up into, uh, spatially between Suffolk and Kent. I think, uh, in the context of Suffolk, the only matter of potential concern, um, is the temporary attenuation pond at coordinates 640430262030.

00:43:27:25 - 00:43:59:06

The applicant has suggested that this is outside of flood zone three B, and I believe, using professional judgment, that it will not inhibit flood flow routes. So we would anticipate that this information is presented as part of the flood risk assessment for our consideration. Um, once they, uh, are able to

update, update that we can provide a view for the Suffolk side in the context of Kent, and they've suggested that ground raising isn't proposed as part of the haul roads.

00:43:59:12 - 00:44:37:00

Um, and we'll seek to secure that through an appropriate, uh, control document, um, to ensure that it's within the DCO in relation to the temporary bridge within flood zone three. B uh, we're awaiting information on this, um, such as method statements, perhaps an outline design. Um, and we can also secure this through appropriate control documents. We would seek, uh, the summary presented in our meeting to be, um, for Kent and Suffolk to be included in the Fra so that there's a clear paper trail for the decision making.

00:44:38:11 - 00:45:12:22

Um, and we'll provide a response to that once it's formalized, um, in the context of EO EA 066. Uh, this, um, relates to part B of the exception test. But I think essentially there was a miscommunication in, um, in the ex 1.3.2 of the Fra document app 292 that suggested local increase in flood risk. Um, there might be local localized increase in flood risk, but there seems to be a miscommunication.

00:45:12:24 - 00:45:21:12

So they, um, are, I believe, updating that wording to better represent the intention of what they meant.

00:45:23:01 - 00:46:00:24

Considering moving on to EA 068, this relates to stockpile location, um, setback and flood zones i.e. flood zone three B and commitment W06 following our meeting on the 19th of March. Um, they are seeking to update the wording of W06 uh for Office storing stockpiles and materials, um, in relation to materials and flooding. 3BI think in this case, similarly to the suffer content, they are proposing to split this up due to the constraints of Kent.

00:46:00:26 - 00:46:30:26

I think the majority of the site is flood zone three B so understandably we need to take a risk based approach that's proportional. So for Suffolk, it's um, apparently achievable to not store materials or have stockpiles in three b and that I think that they can limit this to flood zone one. So we would look for them to make that commitment. So that's positive for Kent. Um, the applicant needs to suggest some wording on this matter for our consideration.

00:46:30:28 - 00:47:01:14

And um, we will await this and provide comment, um, to see if this issue can be resolved for E069. Um, I believe this relates to a commitment to reinstate land, um, following the construction phase. Um, and following our meeting, they're going to update commitment zero six to include temporary works as well, if they haven't already. Um, so we'll update.

00:47:01:16 - 00:47:38:04

We'll await the update wording and then provide comment on that for EA 070. Um, this relates to flood storage compensation and uh, most notably the attenuation ponds. Um, I think this relates to part B of the exception test as well. Following our meeting on the 19th of March. Um, the applicant's proposed update to the Fra with information requested. And, uh, once again, we'll take a view on

whether this, uh, their proposal is compliant with policy and whether a commitment is needed in addition to the information provided.

00:47:39:00 - 00:47:57:29

Considering EA 075, which relates to no loss of flood storage or an appearance of flood flows as the result of the whole roads. And notably, this also relates to commitment W0 six, and we consider this to be relevant to part B of the exception test. Um.

00:48:01:09 - 00:48:42:24

We will they they've committed to updating W06 um, in relation to the loss of flood storage relating to whole roads. Um, so I think they're suggesting that there won't be a loss of, uh, flood storage in the design approach that they take with that. So therefore perhaps compensation wouldn't be required, but we would await the wording on receipt considering EA 076. Um, this relates to the request for a 16 metre setback for from tidal watercourses and the wording within mitigation commitments G 14 and Theory two.

00:48:43:03 - 00:49:16:24

I think G14 is not so much flood risk related, but more pollution related. But nonetheless, this was part of our original issue. Um, the applicant has updated W0 two but not GG one four. We requested other activities that also be included within the definition in our response stated to the applicant on the 10th of March. Um, this, uh, we, we requested that include, uh, margins for compound areas and heavy machinery.

00:49:16:26 - 00:49:55:09

So we're waiting on a response for this request, and then we'll take a view. Um, considering EA 079, which relates to the commitment MP zero six and, uh, the monitoring of, uh, the landfill and the foreshore. Um, Following our meeting on the 19th of March. They are looking to update the flood risk assessment to include more evidence, more of an evidence base relating to the impacts of coastal erosion and flood risk over the project lifetime.

00:49:55:15 - 00:50:31:18

Using information from the Marine Physical Processes and Environmental Assessment, um, we would expect consideration of, uh, an update for MP zero six with a proportionate commitment to monitoring the remediation to prevent cable exposure. The applicant's seemingly very confident that this isn't needed, and therefore the commitment shouldn't be too onerous in our view, considering EA 081, which relates to the promised bridge decommissioning and in my view relates to part B of the exception tax.

00:50:32:19 - 00:51:04:07

The applicant, um, is looking to retain the crossing uh Past the operational phase of the development so it won't be decommissioned. So they're going to update the flood risk assessment to include the additional information they presented in our meeting to help characterize the flood risk to the western approach road to the promised bridge. Um, in part because this may be inundated and therefore that could affect operability of the the bridge itself in times of flood.

00:51:05:08 - 00:51:36:29

So they were amenable to potentially raising the road if need to be. So that was positive. Um, so that is to be determined. Um, we're sure that the applicant will maintain responsibility of the crossing post decommissioning. So that prevents the possibility of legacy issues. Um, in regards to maintenance and, um, I suppose essentially we're waiting on them to clarify their proposed design life.

00:51:37:01 - 00:51:41:25

Um, but they did suggest it could be in place in perpetuity. Um.

00:51:44:00 - 00:52:14:12

So we're happy with the crossing itself at the deck bridge level, because this is above the design flood level. Um, but our main concern is relates to the western approach road. So we're waiting on the information related to that. It's notable that there's a sensitivity in the modelling to the Mannings and roughness value. Um, and given that the bridge, uh, may be retained in perpetuity. This raises a question about what an appropriate design life is in this context.

00:52:14:19 - 00:52:58:08

Um, it wouldn't necessarily be the 1 in 100 plus climate change. It might be appropriate to consider other, um, sensitivity assessments in that context, considering EA 083. This relates to the bridge construction method statement and outline design. And I believe this is for the River Stour. So following our meeting on the 19th of March, the applicant was prepared. Um, the high level, uh, method statement to share with the AA, which we haven't yet received, but that's positive that they're preparing it and they wish to emphasize that the bridge would be constructed, um, offline and lifted into place.

00:52:58:10 - 00:53:36:12

So there would be no construction work over the river channel. Um, I think we essentially need to see what they present and take a view. Um, based off that, considering EA 088, um, which relates to details emitted from, uh, relating to the HDD exit pits and the use of rock bags and concrete mattresses. Um, I think that following our meeting, they were within our meeting. They did present some information. Um, they they presented some extracts from the construction method, technical note, and, uh, the distances from the main river for the cofferdam.

00:53:36:15 - 00:54:12:19

Which were relevant? I think that, um. We're taking a view on this. We haven't yet decided that sufficient. Uh, it wouldn't be myself. Makes the decision. It would be our Kent side flood risk specialist, whereas I'm more focused on the Suffolk side. So I need to follow that up. Um, after the meeting and, um, moving on to EA 089, uh, the omission of details regarding mitigation for storage of materials within the river floodplain. The applicant, uh, in our meeting on the 19th of March, suggested some wording, um, which we will review.

00:54:12:21 - 00:54:45:00

I think that this needs to be formalized by them before we can take a view. Um, and I think that this is potentially a complicated issue due to, um, the extensive nature of flood zone three D but as I said before, we'll take a risk based approach and try and form a, an appropriate commitment if we can. Uh, considering EA 091, which I believe is the 14th this year and the last one. Um, this relates to the positioning of temporary ponds.

00:54:45:18 - 00:55:18:02

And, um, the applicant has presented some information in the meeting, but this needs to be presented within the Fra to be formalized, or we can take a view. Um, I think there will be a loss of flood storage, uh, from the temporary attenuation ponds which are proposed, I believe, to be in place for circa two years. So I think we are awaiting more information in that context before we form a view as to whether what they presented is acceptable.

00:55:18:12 - 00:55:19:06

Thank you.

00:55:20:15 - 00:56:02:18

Thank you. That was helpful. And I know we've swayed into the next agenda item with some sequential and exception, um, item discussions, but hopefully we can save some time by covering that now, so thank you. Um, so given where the EA is today with their discussions with the applicant. Um, is there like, are there any, um, substantive outstanding points which you feel would present an unacceptable risk to flooding? And if so, which of those items you just talked us through are those items which are the ones which are still in play as potentially presenting an unacceptable outcome to the EA?

00:56:05:19 - 00:56:47:02

Big tailor, the Environment Agency? Um, I think in my view, all of these issues are resolvable. It's just about whether we get the right evidence based, um, such that the decision maker can have confidence in that. I think that the key issues on the Suffolk side are, um, similar to the last issue specific hearing. They are the, uh, retention of the firmus crossing and the attenuation basin. I think for the Kent side, it's probably the temporary crossing and the approach to, um, loss of flood storage during the construction phase.

00:56:47:04 - 00:57:11:11

That seemed to be the most relevant. So it's, in my view, solvable. Um, it's just about whether the right evidence base is presented and myself. What I mean, such that it would hopefully not increase flood risk, er, flood risk elsewhere during any phase of the development or post development, even with the thrombus crossing itself, if it's to be retained.

00:57:14:02 - 00:57:56:03

Thank you. That's helpful. Um, so it seems like there has been a lot of progress made since since deadline five. Um, I think it's appropriate at this stage. Could I ask for an action point, please? Um, and that effectively is to both the applicant and the Environment Agency. The first part of that action point is, please can you provide a summary that you've articulated today as to where you are at with resolving all of the concerns that were previously expressed at deadline five? Um, the next part of that action point, if I may, is to, um, set out any outstanding, um, live issues of which we need to be aware.

00:57:56:28 - 00:58:12:07

Um, and the third point, if I may, is, please, can you work together and, and draft appropriate mechanisms which would secure any additional mitigations and commitments if the Secretary of State deem those to be necessary? Thank you.

00:58:14:06 - 00:58:37:28

Um, I'm going to come to the applicant now to give them a general opportunity to reply. But as part of that response, if I may, the EA identified that you're going to be addressing quite a number of their concerns in an update today. So as part of your update, please can you also let us know when that flood risk assessment will be submitted to the examination? Thank you.

00:58:38:10 - 00:59:15:17

Thank you, sir, for the applicant. Um, can I just thank the EA for setting out all of those points and doing my work to some extent for me, because those are points I would have gone through, um, as well. Um, if I just give an update generally. Um, we have worked extensively with the Environment Agency and, uh, we're grateful for their focus, consideration that they've given to this matter. Um, recently, um, we consider that we've agreed actions which will satisfy each of the remaining concerns of the EA, and we appreciate that they haven't seen all the wording as yet, but it is drafted and it will be drafted in the terms that they have sought from us.

00:59:15:19 - 00:59:56:24

So we will be meeting their requirements. Um, the actions so far then are updates to the flood risk assessment, and we anticipate that being at deadline six. These will include and I'll just give you a brief overview if you have more detailed questions on that, we will deal with those. These will include additional data on coastal erosion and flood risk, drawings of the Frommer's and style bridges showing their soffit levels to Mod, and a high level construction method statement for the Star Bridge. There'll be details of flood conditions on the Western approach to the Frommer's bridge, and additional information and assessment of the two temporary drainage ponds located in Flood zone three, Suffolk and flood zone three B Kent.

00:59:56:26 - 01:00:43:26

And those are the same points that you heard just now from the EA, which we are addressing in the Fra. In terms of commitments, we're going to update commitments to address and secure the commitments that we've agreed to do to address the other issues. So these will be updates to commitments W0206G 14. In fact we are updating as well. And W 35 um these commitments will secure floodplain compensation storage, prevent and restrict temporary works activities in flood zones free and in areas of high medium surface water flood risk, for example, um material storage hole road construction and secure the removal of temporary works and reinstatement of the land again that will reflect the issues that you've just heard mentioned, which will be in these updates.

01:00:43:28 - 01:00:51:02

And as I say, we have the wording. We will, um, make sure to get those formalized soon. Um.

01:00:54:10 - 01:01:24:21

In terms of the other issues, the method statement in relation to ID 83 is in fact ready. So we can send that over, um, straight away to the EA. Um, in terms of the other issues, I think they are, they are as, as described by the EA. Um, we are as I say, we have the wording, we have the um, commitment wording, which we'll send over. And although it's not been formalized as yet, um, I think we can I think we all anticipate that there will not be any outstanding issues with the EA.

01:01:25:03 - 01:01:35:09

I have nothing to say about Suffolk. It's as as said, we have sent over the information that they sought and our understanding is as reflected to you that they are now content.

01:01:36:08 - 01:01:38:00

Thank you for that. That's helpful.

01:01:41:11 - 01:01:54:11

Can I just check? I'm intending to move on to agenda item 3.2 shortly. Is there anybody else, either online or physically, in the room, that wishes to comment on the discussions we've just had about flood risk in general?

01:01:59:28 - 01:02:02:17

I can see a hand online the initials EA.

01:02:10:20 - 01:02:15:16

Thank you sir. Edward on behalf of submit to the marshes.

01:02:18:02 - 01:03:01:07

So the, um The examining authority will be aware of recent additional submissions made by statements the Masters in respect of flooding due to high groundwater. Um, what we did was submitted video footage and at the panel's request, a map of the extent of the marsh and a recent flood warning advice for the area. Now, it's not it's not clear to us that these concerns have been properly taken into account address, let alone resolved, and the applicant has produced a response that's rep 5122 and that's section three.

01:03:01:09 - 01:03:28:17

They've got a bespoke section addressing or proposing to address our concerns. What they've said is that, um, it's understood submits. The marsh's concern is the site that the site is prone to groundwater flooding and the lands also referred to flood as a floodplain and essentially the overall response by the applicant is to say that this is simply an example of a very sustained period of rainfall. Um, now.

01:03:31:05 - 01:04:00:11

We would respectfully submit that it would assist the examination if the relevant statutory bodies, particularly the EA, could comment on that response from the applicant and whether they agree with the conclusions on this issue. We provided quite a lot of evidence showing considerable flooding over a large number of areas. Um, so we'd like to know whether the other bodies take the same view as the applicant, that this is simply, um, not a concern in their view. Thank you.

01:04:01:24 - 01:04:13:03

Thank you for that. Firstly, I'm going to give the applicant a chance to respond. And then if I if I may, I'm going to invite the EA and Kent County Council to respond to anything they've just heard. Thank you.

01:04:14:00 - 01:04:19:12

Sir. For the applicant, I think it would be useful for you to hear from Miss Driscoll on on this.

01:04:21:22 - 01:04:53:06

Lisa Driscoll for the applicant. I think with regards to flood risk, Mr. Marsh's, as you've heard from the Environment Agency and County Council, who are the statutory bodies for Kent, we have worked really closely with them in preparing our flood risk assessment, and that document has obviously been reviewed by those parties, and they've had many opportunities to give us their feedback, and we've worked with them to address any comments and concerns and the issues raised in the representation from safe Minster Marshes.

01:04:53:14 - 01:05:26:29

Um, those concerns haven't been reflected by those statutory bodies. Um, so I think the information that we presented at deadline five in response, um, describe that the, the, the conditions that um, have been recently experienced are linked to the inability of rainfall to infiltrate into the ground. And that's, um, an impact of the nature of the underlying soils and geology, and as we have had a significant period of sustained rainfall, that rainfall is sitting on the surface of the soil.

01:05:27:08 - 01:05:33:10

Um, and that's what our assessments have concluded based on the ground investigation data that we've collected.

01:05:35:09 - 01:05:45:03

Thank you for that. Um, is there anything else that either the EEA or Kent County Council wishes to add over and above what they've already said with regards to save Minster Martin?

01:05:48:04 - 01:06:19:22

Thanks. It's a new Clark Kent County Council. Here is the FA. And just to say that we have seen obviously this has been raised under the examiner's question three item 3E4 for our opinion to be um, uh, sent in with regards to the applicant's report. Rep 5122 on this matter. Um, so we will be providing a written report, but I would state that we have um, undertaken a general review and we are minded to be accepting of the applicant's position statement on this.

01:06:19:24 - 01:06:34:10

We would further say as well that under item I believe 2.4% report from the applicant. It does state that groundwater monitoring has been undertaken and it did not record any groundwater emissions in that period. Thank you.

01:06:34:29 - 01:07:15:09

Thank you for that. Not seeing any more hands up either online or in the room. So I'm going to move on, if I may, to item 3.2 on the agenda. And I know we've already stepped into some of this, but it's a discussion with regards to the sequential and exception test. Um, so dealing with the first part of that, if I may, the sequential test. And again, I'm going to start with Suffolk County Council, if I may. Um, firstly, could I ask Suffolk County Council to outline their concerns with respect to the applicant's approach to the sequential test.

01:07:15:21 - 01:07:24:21

Um, the most recent position that I saw was the position stated, um, a deadline for in rep for 150.

01:07:25:26 - 01:08:04:00

Lois Lane for Suffolk County Council. Yes. So that that remains the position essentially. So we as we've set out at pages 100 to 202, in that rep for 150 on the sequential test, we are concerned about the location of temporary access works and temporary storage of construction materials. Um, and the applicant in their app 292, which is the flood risk assessment and refers to their measure W06 that they would seek to avoid storage of construction materials within flood zone three, in areas of high and medium risk of flooding from surface water, um, etc.

01:08:04:11 - 01:08:31:14

we are not satisfied that it's been demonstrated that those works couldn't be located in areas of lower Risk. Um, having said that, we have just heard, of course, that there's an update to, to, um, construction practice measure what's coming. So it may be, of course, that there are changes on the way. Um, but but in essence, our concerns haven't yet been assuaged and they're there as set out in, in rep for 150 on the sequential test.

01:08:32:08 - 01:08:44:15

Thank you for that. Can I invite the applicant to provide any updates as to whether any, any changes have been made which may address Suffolk's concerns in that regard? Thank you.

01:08:46:25 - 01:08:50:02

I'll ask Mr. Driscoll to give you the details of that.

01:08:50:15 - 01:09:12:28

Lisa Driscoll for the applicant. Um, so, yes, we have made changes to measure zero six. Um, and that measure now splits out, um, the project into the Suffolk contour scheme and the canton shore scheme. And for Suffolk, the commitment now states that, um, all materials storage will be located in flood zone one and in areas at low risk of surface water flooding.

01:09:14:16 - 01:09:28:01

Okay, so I'll take it from that. The applicant's position is that you aren't going to be providing any demonstration that they can't be provided in lower flood risk areas. You're just providing a commitment that effectively secures that. In response to what Suffolk's said.

01:09:28:03 - 01:09:30:02

Lisa Driscoll for the applicant. Yes. That's correct.

01:09:30:04 - 01:09:31:07

Got it. Thank you.

01:09:37:15 - 01:09:43:25

And again, if I could stay with Suffolk County Council and, um, specifically

01:09:45:12 - 01:10:04:07

in responding to second written questions to W two, Suffolk County Council had suggested that the temporary storage and temporary storage basin should be relocated out of fluvial Flood zone three and ideally into flood zone one, or worst case, flood zone two.

01:10:05:27 - 01:10:14:06

Can the applicant explain if there is any progress made in that regard. And if not? If it is or isn't possible. Thank you.

01:10:14:17 - 01:10:49:11

Thank you sir. Sir. For the applicant. So there has been discussion and progress with the EA on this matter. It's fluvial flooding. So it's their remit. Um they have we've confirmed that the pond is not in, um, flood zone three B, which was originally not not clear. It's in flood zone three. Eh. Um, the Environment Agency are going to review the policy wording, as you heard on that point, but they're not now asking us to move the pond. Um, we can't move it because the order limits are very constrained in that area.

01:10:49:16 - 01:11:18:06

Um, so, um, that isn't really feasible. Um, it's in a, um, topographical very low spot. Um, and it's sited to reduce impact on the landowner. So that's where we are at the moment. If there is compensatory storage required, which is something that the air is looking at. We will provide that. There will be a design solution for that, but it is very low. Low level of flooding. Um, that's what I can say at the moment. Let me just, uh, check one point though.

01:11:24:00 - 01:11:47:19

Um, if this is, um, as I said, it's not any more, um, a requirement of the EA, but if there is, um, a concern about this, there is an alternative design solution that we're looking at, which would be a linear drainage feature along the construction swathe rather than the pond. Um, so it's not going to be impossible to do that if that is required.

01:11:52:09 - 01:12:01:29

Thank you. So just to help me, um, the flood basin is in flood zone to be. It's not possible to move it into any three be sorry. Yes.

01:12:02:01 - 01:12:04:03

Three a, not 3B3A.

01:12:04:05 - 01:12:45:21

And it's not possible to move it into any lower no risk flood area due to the order limits. And given what we've just heard from the applicant, could I invite Suffolk County Council and the Environment Agency just to confirm two things really one. Does it create any unacceptable risks with regards to increased flooding with it being located in flood zone? Um three a. And secondly, um, does it create any unacceptable tensions with regards to the application of the sequential test? And I'll ask Suffolk to respond first on those things, please.

01:12:45:25 - 01:12:52:25

Lois Lane of Suffolk County Council, on that first question, sir, I'm going to defer to Mr. Skilton, who I can see has his hand up on online.

01:12:56:18 - 01:13:33:28

Good afternoon, Jason Skillman, Suffolk County Council. Um, our primary concern with regard to the temporary storage basin. It's a basin, not upon the pond, you know, retained permanent water where a basin is. Is is a temporary measure. So it's a sort of a technical term that just needs to be addressed on that. Our concern that is that if it's located in flood zone three, whether it's A or B, and there is a significant flood event from the river which indicates that basin, it then can't be used if there's a significant rainfall event from another catchment or over that catchment, and then it fills up the drainage system.

01:13:34:01 - 01:13:56:25

You can't store water twice is the essence. So what we would say is that the temporary storage basin should be located in flood zone one ideally, or at worst case, flood zone two or the applicant provides, um, a different measure to store surface water rainfall during the construction period.

01:14:02:15 - 01:14:06:27

Okay, so you are still seeking changes from the from the applicant's current position?

01:14:07:09 - 01:14:08:06

Yes we are.

01:14:10:18 - 01:14:13:11

Thank you. So the applicants response to that.

01:14:13:16 - 01:14:40:17

Well so we seek for the applicant. So as I said the Environment Agency are no longer seeking having been satisfied. It's not in the functional flood zone. It's in three A not three B. They're no longer asking us to move it. Um, they have said they'll review the policy wording to see whether or not there's a need for compensatory storage. And if there is, we will provide that. Um, and can I ask Miss Bristol to add to that as well?

01:14:41:09 - 01:15:14:29

Lisa Driscoll for the applicant. Um, so to address the county council's concern regarding the ingress of fluvial flood water into the pond and full event, meaning that there wouldn't be that storage volume there to receive the surface water runoff. Um, that basin would be designed with, um, sort of bounded crest level that is above the 100 year fluvial flood level. Um, which is actually, um, the depth of flood water in the hundred year event is actually very shallow in the order of 200mm. So it would need kind of a very significant raised bund to exclude fluvial flood water.

01:15:16:04 - 01:15:48:17

Um, I think it'd be helpful for me. It seems like it's a bit of a time lag between where Suffolk County Council are and this discussion, and where the applicant and the EA are. Perhaps. So could I please invite you to, as an action point, Suffolk County Council and the applicant to us to pull together a

position statement for the next deadline, which sets out their current position, including any retain differing disagreements with regards to siting of that um storage basin and flood zone.

01:15:48:19 - 01:15:49:18

Three a please.

01:15:51:05 - 01:15:56:04

Thank you. Does EA have any comments on this matter?

01:16:01:24 - 01:16:39:01

Little have they done? Agency. Thank you for that. Um, I think it's worth clarifying. That our preference in the context of the mitigation hierarchy is to avoid prior to controlling, mitigating or managing. And I think that the representation of the Environment Agency's view from the applicant may be slightly, um, in a different chronology to how it has actually come about. So the applicant informed us that it was not possible to move the temporary attenuation pond, um, sorry, basin.

01:16:39:03 - 01:17:19:18

And, um, therefore, uh, we've taken a view of, uh, requesting more information within the issues that I went through earlier today. So we're waiting for formalization of that information, uh, to form a view as to whether it's acceptable. However, if it is possible to move it elsewhere outside of flood zone three, I think that that we are in agreement with County Council that that would be preferable. But given the applicant's assumption that it isn't possible to move it outside of flood zone three, we have to consider alternative design solutions.

01:17:19:20 - 01:17:50:12

So we're waiting on that additional information to assess whether it addresses the two points that you raised earlier. The first being unacceptable risk in three a. So we would seek compensation and we would our assurance that it wouldn't inhibit flood flow routes. Of course, we would defer to the local flood authority in the context of surface water flood risk because, as they rightly pointed out, you can't store water twice.

01:17:50:14 - 01:18:20:13

So that needs a joined up approach in the context of the tensions with the sequential test. It's not for the Environment Agency to decide whether the sequential test is being passed, but the perspective we would take on it is whether a sequential approach has been applied. And I think that, um, that relates to the placement of whether the, uh, temporary, um, basin can be moved outside of flood zone three.

01:18:20:15 - 01:18:33:09

So if the applicant's position is that it is possible to move it outside of that, I think that that is worth exploring. If that isn't possible, then we need to see our other design solutions.

01:18:37:22 - 01:18:48:08

Okay. Um, and again, I think based upon what I've just heard, it seems like there is perhaps some further discussions needed between the EA and the applicant to.

01:18:49:08 - 01:19:26:11

Yeah. So perhaps, um, I think that, um, obviously we're having the discussion here. I think the, um, EA very fairly say, um, the applicant's position is that it can't be moved. I mean, that's something we've already discussed in some detail with the EA, so we can't take it out of flood zone three. A um, we are going to provide the information that the EA have sought. Um, and we are looking at compensatory storage if that's required. But as I say, um, if that becomes, um, protracted, there is an alternative design solution which is a linear design solution, which we'll also put to the EA, um, to, to discuss.

01:19:26:13 - 01:19:36:11

But, but, but the applicant is, is not wavering or unclear about its location. It can't be moved outside of three a the the EA are correct in that respect.

01:19:36:27 - 01:19:50:15

Okay. I'm just aware that we're quite we're quite a way into the examination and there's not much time for these things to be addressed, and indeed to give people time to consider what you're putting forward and comment on it. Um.

01:19:51:04 - 01:20:03:10

So with respect, I think we have got very far forward. There's very little I think left now between us, and I think that we're quite advanced in respect of this issue as well. So I think we can be quite hopeful.

01:20:03:16 - 01:20:18:22

Yeah, but it's not before the examination at the moment. Um, could I ask in the same vein as we asked for a an action point update now between Suffolk County Council and the applicant with regards to this matter, could ask for the same thing with the EA for the next deadline as well. Please.

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

We will do that.

01:20:23:18 - 01:20:55:18

Um, I'm just going to stick with the A for a minute. I know that you've already talked us through the outstanding, um, deadline five concerns, and that was helpful, but can I just touch upon, um, EA 065, if I may? Um, and that was the point we discussed briefly. But as part of your, uh, deadline five concerns, you did identify that you requested to address EA 65, an assessment of functional floodplain and also an assessment of the loss of floodplain storage.

01:20:56:08 - 01:21:04:06

I'm assuming that those both of those issues are still in play. Is that a fair comment? EA. Thank you.

01:21:07:15 - 01:21:39:12

Luke Taylor of the Environment Agency. I think that informally we've been presented, um, information about the areas of concern, and it has been boiled down to a couple, including the, uh, temporary basin. So I think the next step is for this to be presented in a formalized context, so that we can take a view in a more formal environment on that, down to a couple concluding.

01:21:39:14 - 01:21:39:29

Thank.

01:21:41:23 - 01:22:16:19

Thank you very much. Um, moving on to the exception test, if I may, then and I'm going to move to Suffolk County Council first, and I really want to have a discussion around the first bullet point under section 5.8.11 in NPS and one, and that effectively stipulates that the project would provide wider sustainability benefits to the community that helps with flood risk. I'm aware of the the written representations that the council have made in that regard.

01:22:16:27 - 01:22:36:28

But could I just briefly ask Suffolk County Council to set out their position? And in answering, would you please explain specifically what those wider sustainability issues are should take the form of to meet that bullet point? Thank you.

01:22:38:20 - 01:23:11:23

Lois Lane for Suffolk County Council. Yes, sir. So we've we've as you've noted, we in essence just wanted to raise the fact under bullet point one that whilst footnote 2162, that bullet point does explain that the national need for a project can form part of wider sustainability benefits, that that doesn't mean that it's exclusively national benefits, and that local community sustainability benefits can also form part of that consideration.

01:23:11:28 - 01:23:48:29

Um, in essence, always saying on on this point is just that in a context where there were at the time that we wrote our deadline for representations, quite a lot of local concern around flooding, that we considered that any local, uh, mitigation measures in respect of that would form part of the consideration for the purposes of the exception test, when you're considering whether or not it's satisfied as a panel. Um, we're not necessarily highlighting any particular measures that, uh, that we say, uh, haven't been secured.

01:23:49:01 - 01:24:15:12

But the applicant's case on the exception test. Very much focused on its national need case. Um, it may be that that, uh, there are. Mr. Skelton has other points. He wanted to come in on this on specific mitigation measures, but I think that the in terms of our representation at deadline for it was more about the general approach that we don't think that consideration of, of, uh, sustainability benefits should be confined to that national need case.

01:24:19:00 - 01:24:19:29

Okay. So.

01:24:22:07 - 01:24:41:07

Given given your current position with regards to the flood risk assessment, is your position that there needs to be some kind of, um, compensation or offsetting, um, mitigation re measures that outweigh the flood risk, as you understand it today.

01:24:45:13 - 01:25:15:12

Lois Lane, Suffolk County Council. We'll take that away in writing. We'll confirm whether or not there are, in light of where we've reached on the updated drainage strategy and other matters arising. Um, I at this stage, I wouldn't want to commit us to saying that there absolutely aren't. Um, however, it certainly is the case that a lot of the local impacts that we were concerned about at deadline four have now been resolved with the latest round of representations at deadline five.

01:25:16:11 - 01:25:34:01

Okay. Thank you. I'll look forward to seeing what you submit at the next deadline. Um, I know that we've been going for some time now, so I'll just try and bring the agenda item 3.2 to a close shortly, and then we can take a short break before continuing. Um,

01:25:35:19 - 01:25:49:29

can I again invite the EA just to confirm if there are any additional Concerns over and above what we've already talked about with regards to the exception test that you wish to mention under this agenda item.

01:25:56:20 - 01:26:35:11

At least area of the Environment Agency. I think that the important agency's role in setting the exception test comes down to part B, whether the development will be safe for its lifetime, taking into account the vulnerability of its users without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. In order for us to determine that, we would need the information that, um, to be formalized and submitted so that we can take a view as to whether it's acceptable or not. I don't think there are any other issues outside of the ones that we covered earlier this afternoon that would be relevant in that context.

01:26:36:07 - 01:26:46:27

Thank you. Well, that will hopefully you'll be present presenting your case to us in response to the action point we discussed earlier, so we can see where matters have moved to.

01:26:53:03 - 01:27:04:21

Please may I check if there are any other parties, either online or in the room, who wish to contribute at this stage, specifically on the application of the sequential and exception tests?

01:27:08:02 - 01:27:09:06

Mr. Burton.

01:27:09:24 - 01:27:45:02

Thank you sir. James Burton for sees a question of the applicant, if I may, through you. You know our position on need, that there is no need. It would be very helpful if we could be pointed to. And apologies if we've missed this in the massive documentation. Any drawing together of what it is the applicant says are sustainability benefits that outweigh Um, flood risk for the purposes of footnote 216.

01:27:50:03 - 01:27:51:28

Does the applicant have a response?

01:27:59:23 - 01:28:33:26

Lisa Driscoll for the applicant. Um, so the applicant's position is that, um, with regards to Suffolk, um, there would be no increase in flood risk to local communities. Um, during construction or operation of the project. Um, and that is secured by, um, all of the controls and mitigation measures. Um, that would be put in place and the sustainable drainage design that would serve the construction of the project and its operation. Um, so there would be no, um, sort of detriment to flood risk to local communities.

01:28:34:06 - 01:28:47:00

Um, and I think in terms of the sustainability project's benefits of the project. I think the document that would best set that out is the planning statement. It's my understanding.

01:28:49:28 - 01:28:50:22

Thank you.

01:28:53:29 - 01:28:57:28

Is there anyone else who wishes to comment on agenda item 3.2?

01:29:00:07 - 01:29:31:12

Seeing any hands either in the room or online? And given that we've been going for an hour and a half, I propose we take a comfort break before we recommence on agenda item 3.3, which is matters relating to the Water Framework Directive. The time is now 330, and I propose we take a break until 345. Those of you who are, um, attending virtually, please do refresh your browsers at 345 and restart the stream.

01:29:31:14 - 01:29:32:07

Thank you.