

Hearing Transcript

Project:	North Falls Offshore Wind Farm
Hearing:	Issue Specific Hearing 1 (ISH1) - Part 1
Date:	2 April 2025

Please note: This document is intended to assist Interested Parties.

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Name: NF_2APR_ISH1_PT1.mp3

File Length: 01:39:12

FULL TRANSCRIPT (with timecode)

00:00:03:03 - 00:00:40:28

It's now 10:00 and time for this hearing to begin. I'd like to welcome you to this issue specific hearing, which will consider onshore environmental effects for the North Falls Offshore wind farm project. Before I go further, please can I check that everyone here can hear me clearly? Perhaps someone at the back of the room. Thank you very much. Please, can I also check with the case manager, Mr. Berman, that the live streaming and recording of this event has begun? Thank you for confirming that.

00:00:42:06 - 00:00:56:08

My name is Wendy McKay. I've been appointed by the Secretary of State to be lead member of the panel to examine this application. I'm now going to ask the other panel members to introduce themselves.

00:00:59:15 - 00:01:09:15

Good morning. My name is Matthew Shrigley. I am an inspector and a chartered town planner, appointed by the Secretary of State to be a member of the panel to examine the application. Thank you.

00:01:12:25 - 00:01:22:25

Good morning. My name is Jonathan Medlin, and I'm a chartered town planner appointed by the Secretary of State to be a member of the panel to examine this application.

00:01:25:19 - 00:01:36:27

Good morning. My name is Helen Van Milligan. I am a solicitor and also a chartered town planner, and have been appointed by the Secretary of State to be a member of the panel to examine this application.

00:01:40:17 - 00:01:49:21

Good morning. My name is Anthony Johnson. I'm a chartered civil engineer, and I've been appointed by the Secretary of State to be a member of the panel to examine this application.

00:01:51:23 - 00:02:25:24

Thank you. Together, we constitute the examining authority for this application. And I'll now deal with a few housekeeping matters for those attending in person. Please can I ask everyone to either turn off or set all devices and phones to silent during the hearing, so as not to interrupt anyone who may be speaking? The toilets are situated in the public area of the hotel, just outside this room and are accessible. There is no fire alarm testing scheduled during the hearing today.

00:02:26:12 - 00:02:54:01

Therefore, if the fire alarm does go, please leave the building by the nearest clear exit and do not return until instructed to do so by staff. The assembly point is on the sunken lawn, and there is an

alternative muster point in the main car park, which is opposite the front entrance. Is there anyone present who would require assistance in the event of a fire or other emergency?

00:02:58:16 - 00:03:22:01

Now. A short mid-morning break will be taken at around 1130. And a longer lunchtime break around 1:00, with a short mid-afternoon break at about 330. If the hearing is not concluded by that time. For those attending virtually, please, please, could I ask you not to use the team's chat function?

00:03:25:09 - 00:04:00:27

Now, the meeting will follow the agenda published on the National Infrastructure Planning website on Monday, 24th of March, 2025. Exam library Reference EV 501. It would be helpful if you had a copy of this in front of you. The agenda is for guidance only and we may add other considerations or issues as we progress. We will conclude the hearing as soon as all relevant contributions have been made and all questions are asked and responded to.

00:04:01:23 - 00:04:35:22

However, if the discussions can't be concluded, then it may be necessary for us to prioritise matters and defer some matters to further written questions. Likewise, if you cannot answer the questions being asked or require time to get the information requested, then please can you indicate that you need to respond in writing? The next deadline for the submission of written responses is deadline for, which is the 25th of April, 2025.

00:04:38:01 - 00:04:59:27

Now, today's hearing is being undertaken in a hybrid way, meaning some of you are present with us at the hearing venue and some of you are joining us virtually on Microsoft Teams. We may we will make sure that however you have decided to attend today, you will be given a fair opportunity to take part.

00:05:02:00 - 00:05:36:25

Now, a recording of today's hearing will be made available on the North Falls Offshore Wind Farm section of the National Infrastructure Planning website, as soon as practicable after the hearing is finished. With this in mind, please ensure that you speak clearly into a microphone stating your name and who you are representing each time before you speak. For those present, you will see that tabled microphones have an on off feature.

00:05:37:12 - 00:05:52:17

Please ensure that your microphone is only switched on whilst you are speaking. If you are not at a table with a microphone, there is a roving microphone. So please wait for this to be brought to you before you speak.

00:05:54:03 - 00:06:24:29

A link to the planning Inspectorate's Privacy Notice was provided in the notification for this hearing. We assume that everybody here today has familiarized themselves with this document, which establishes how the personal data of our customers is handled in accordance with the principles set out in data protection laws. Please speak to the case manager if you have any questions about this. I'll now ask my colleague, Mr.

00:06:25:01 - 00:06:29:25

Medlin, to explain the purpose of this issue. Specific hearing.

00:06:32:11 - 00:07:09:15

Thank you. So let me briefly explain the purpose of this issue specific hearing and how it will proceed. The issue specific hearing provides an opportunity for the issues raised by interested parties, and in particular, the differences between them to be explored further, as indicated in the agenda. Questioning at the hearing will be led by a member of the panel, supported by the other members of the panel. I would ask for those present not to interrupt whilst another person is giving evidence, even though you may disagree strongly with what is being said.

00:07:10:14 - 00:07:16:16

It's important that everyone has a fair opportunity to put their case without interruption or other distraction.

00:07:18:17 - 00:07:56:03

The Delg guidance for the Examination of Applications for Development Consent explains that the Tsar may refuse to hear evidence which is, in its view, irrelevant, vexatious, or frivolous, relates to the merits of a national policy statement, repeats other representations already made, or relates to compensation for compulsory acquisition of land, or an interest in or over land. Additionally, the Zay may request any person behaving in a disruptive manner to leave the hearing or to remain.

00:07:56:12 - 00:08:00:03

Only if that person complies with specified conditions.

00:08:02:23 - 00:08:07:13

My colleague, miss McKay will now deal with the introductions for the day.

00:08:08:26 - 00:08:47:02

Thank you. I'm now going to ask those of you who are participating in today's hearing to introduce yourselves. When I state your organization's name, please could you state your own name and who you represent and which agenda item you wish to speak on? If you are not representing an organization, please confirm your name, summarize your interest in the application, and also confirm the agenda item upon which you wish to speak. Please, could everybody also state how you would wish to be addressed? Could I start with the applicant and any of the advisors who represents the applicant today.

00:08:49:15 - 00:09:20:05

Good morning. My name is Claire Broderick. I'm a legal director at Pinsent Masons LLP. Solicitors for the applicant. North Falls offshore wind farm limited. Um, the applicant has various team members here today. Um, sat in front of the microphones. Are those dealing with, uh, agenda item, uh, 3.1? Um, but I will let them introduce themselves. And then when we move on to, uh, further agenda items, then the relevant experts will introduce themselves.

00:09:20:07 - 00:09:23:10

Thank you. At that time, I can be referred to as Miss Broderick.

00:09:26:12 - 00:09:40:27

Good morning. My name is Paul MacRae. I'm a landscape planner at, um, representing the applicant. I will be answering questions in relation to landscape and visual impact assessment matters. Thank you.

00:09:43:21 - 00:09:56:14

My name is Caroline Osborne. I also work at Lucy. I am a landscape architect. Um, I'm representing the applicant. Um, I will be answering questions in relation to landscape and design.

00:09:59:25 - 00:10:10:19

Morning. My name is David Reid. I'm the engineering manager for North Falls. I'm a chartered electrical engineer with the Institute of Engineering and Technology, and I can be referred to as Mr. Reid. Thank you.

00:10:13:01 - 00:10:31:20

Good morning. My name is Gordon Campbell. Um, I work for Royal Haskin DHB on behalf of the applicant. Um, I'm a principal environmental consultant and a chartered environmentalist with the Institute of Environmental Management and Assessment. Um. And I could be referred to as Mr. Campbell. Thank you.

00:10:33:25 - 00:10:42:09

Good morning. Um, my name is Cormac Rooney. Um, I'm incense manager with North Wales Offshore Wind Limited. Um, and I can be referred to as Mr. Rooney. Any.

00:10:48:17 - 00:10:49:19

Thank you, thank you.

00:10:51:07 - 00:10:55:29

And that completes the list for this particular agenda item of those advisors.

00:10:57:15 - 00:10:58:19

For the applicant. Yes that's correct.

00:10:58:21 - 00:11:12:05

Thank you. Right. I'll move on to the organizations and individuals that have given notice of their intention to speak. Um, do we have Barbara moss Taylor of the Environment Agency present?

00:11:20:01 - 00:11:23:15

And I'll move on to Essex County Council.

00:11:28:15 - 00:11:33:23

Good morning. Eleanor Storey, representing Essex County Council. I can be referred to you as Eleanor.

00:11:42:24 - 00:11:54:22

Good morning, Mrs. Carol Wallace. I'm the principal planner for Essex County Council. Uh, we also joined by other technical consultees on remotely for relevant sections as well. Thank you.

00:11:58:08 - 00:12:03:24

Thank you. And, uh, is there anyone else from Essex County Council?

00:12:06:28 - 00:12:07:13

No.

00:12:07:21 - 00:12:19:21

Um. Good morning. Um, to both yourself and the remainder of the panel. My name is Mark wood. I'll spell that for you for the purposes of the recording. It's w o d g e r.

00:12:21:08 - 00:12:39:19

I'm the technical and operations lead for the CIP team at Essex County Council. And I'm a chartered town planner. It's unlikely I'll speak in person today, ma'am, as obviously I'll be, um, communicating with officers that are sat across the table from you. Thank you.

00:12:40:13 - 00:12:47:19

No thank you. And thank you for explaining that. If I move on. Do we have anyone from Suffolk County Council?

00:12:49:19 - 00:13:24:00

Yes, ma'am. Um, my name is Graham Gunn. I'm national infrastructure planning manager. Um, you can call me Mr. Gumby or Graham. Don't mind too much. Um, I'm joined on my right. I'm Company by Clara Pearson. She's a graduate project officer. Um, and we're also, um, joined online by Mrs. Zelda Cutting. She's a landscape senior landscape officer. Um, and also in line, we've got Steve. Mary. He's the highways manager and traffic manager.

00:13:24:23 - 00:13:53:04

And also online, Julia Cox. Um, she's a senior engineer in tips and projects. And that's to do with highways. Uh, I will strict myself to today's matters. I guess on that that front, you'll be grateful to hear. Um, and we would today in particular like to, um, make comments at 3.1 landscape and visual impact and design and at 3.3 traffic and transportation.

00:13:59:12 - 00:14:05:26

Thank you very much, Mr. Gumby. Have we anyone from Ardley Parish Council here today?

00:14:08:22 - 00:14:13:15

Good morning. Um, Carolyn Mason, parish councillor for Ardley Parish Council.

00:14:19:03 - 00:14:28:08

Good morning. James Blythe from, uh, on the parish council. Um, I get called all sorts of things, but you can call me James.

00:14:28:23 - 00:14:40:11

Thank you very much. I shall do that. And, um, can I just check? Are there any particular items you were going to speak on today or particularly interesting. Thank you. I don't think we've indicated.

00:14:40:13 - 00:14:50:21

Specifically, but I think about the cumulative effect on the on the community and the landscape would be something we'd like to comment on. Thank you.

00:15:01:27 - 00:15:06:29

Is there anyone, um, representing Tendring District Council here today?

00:15:09:09 - 00:15:42:27

Good morning chair. Um, my name is Jacob Joshua. Um, for the recording, I'll spell. My surname is J.A. or Emma. Uh, I'm happy to be referred to as Jacob or Mister Asma in acknowledgement. The, you know, my surname is a bit difficult to pronounce. Um, I'm working for Tendring District Council. I'm a planning policy and development management officer. and on behalf of Tendring, I'll speak on items 3.1, 3.3 and 3.4 today.

00:15:44:02 - 00:15:44:22

Thank you.

00:15:50:26 - 00:15:56:29

Um, can I just also check if Gillian Christmas is in the room today?

00:15:58:03 - 00:15:58:24

Thank you.

00:16:00:18 - 00:16:01:05

Yeah.

00:16:01:29 - 00:16:12:15

I'll just just wait and we'll get a microphone brought to you. Or you can come forwards, if that helps. Yes, I'm Julian Christmas. I live in Bentley Road, Little Bromley.

00:16:13:27 - 00:16:17:16

Um, that's all I can say at the moment.

00:16:19:27 - 00:16:27:14

All right. Have have you seen the agenda for today and are there any particular items that you have an interest in?

00:16:27:16 - 00:16:34:03

Yes, I have an interest in the water supply for Bentley Road. the whole of Bentley Road

00:16:35:19 - 00:16:38:01

because nobody can answer my questions.

00:16:52:18 - 00:17:04:19

Right. I was just checking. We we may be although this is this is is one it is over over the two days. It may be that we don't get to that topic until tomorrow.

00:17:05:21 - 00:17:06:07

So just.

00:17:06:17 - 00:17:08:24

Just as long as you understand that.

00:17:08:29 - 00:17:09:28

I'll be here tomorrow.

00:17:09:29 - 00:17:30:28

Right. Thank you. But obviously if there are any other topics as we go along that you wish to comment on. So I think, for example, you mentioned the in your in your submission, the question of vibration and the fact of traffic on the road. So we may we may get to something along those lines in the afternoon that you would wish to comment on.

00:17:32:13 - 00:17:39:27

How snow has not got any normal footings on the front of it, because that's fine.

00:17:39:29 - 00:17:46:09

We'll come on to that as and when we get to that topic. But I was just trying to explain the order of events to you.

00:17:49:09 - 00:17:58:10

Can I just check if there is anyone else in the room who wishes to speak at the hearing today that hasn't already introduced themselves?

00:18:04:03 - 00:18:24:07

Right. I'll now move on to virtual attendees. Um, we've had some introductions for them already, so I'll be trying to find those that have not introduced themselves already. So, um, perhaps we could go to Baber District Council first.

00:18:26:03 - 00:18:28:22

And is it bronchitis? Good morning.

00:18:28:24 - 00:18:29:09

Ma'am. Yes.

00:18:29:11 - 00:18:51:10

Brian Curtis, principal planning officer for the district council. Um, I can be addressed as Miss Curtis, please. Thank you. Agenda items 3.1, 3.8 and possibly 3.9. Um, I'll be referring to rep 1063. Um, and I'm supported by my colleague Catherine Bailey, who's also joined virtually. Thank you.

00:18:53:04 - 00:18:59:04

Thank thank you. Um, so perhaps Catherine Bailey could just introduce herself.

00:19:00:07 - 00:19:02:15

Hello, I'm Catherine Bailey.

00:19:02:28 - 00:19:17:28

Um, I'm a chartered landscape architect, and, uh, I can be referred to as Catherine. And I'm supporting both Baber District Council and Essex. Tendring district, Essex councils.

00:19:19:02 - 00:19:32:22

Oh, thank you, thank you. Um, I'll move on now. And that is Suffolk and Essex coast. And he's This national landscape partnership is. Simon starts here.

00:19:33:15 - 00:20:08:23

Good morning ma'am. Good morning everyone. Uh, I'm Simon Amsterdam and that is a m s t u t z. Um. Please refer to me as Simon Amsterdam. I'm the national landscape manager. Uh, manager of a staff team. Uh, a national landscape, being the new brand for the nationally designated Area of Outstanding Natural Beauty. Uh, today I will be representing the Suffolk and Essex Coast and Heaths National Landscape Partnership.

00:20:09:16 - 00:20:28:20

Um, of around 20 organisations. And also the Dedham Vale National Landscape Partnership, which is another 20 organisations. Uh, I'm particularly interested to speak at items 3.1 and in particular bullets one and five. Thank you.

00:20:29:00 - 00:20:43:22

Thank you. Now, for Suffolk County Council. I sold a cutting. Um, was mentioned. Um, so is she present at the moment? Perhaps she could introduce herself. Um, now.

00:20:45:04 - 00:20:46:02

Good morning, ma'am.

00:20:46:09 - 00:20:48:20

It's already cutting for Suffolk County Council.

00:20:49:04 - 00:21:08:17

I'm the senior landscape officer, and, um, I would predominantly possibly want to speak for 3.1 item agenda item 3.1 landscape, although with the caveat that, um, I'm sort of more of an observer because the onshore landscape is within Essex.

00:21:10:27 - 00:21:11:18

Thank you.

00:21:12:14 - 00:21:13:00

Thank you.

00:21:14:06 - 00:21:20:05

And can I just check if there is anyone else online for Suffolk County Council?

00:21:29:09 - 00:21:39:27

So if I can then move on to Essex County Council. Is there anyone that hasn't been mentioned that already that is online for Essex County Council?

00:21:43:17 - 00:21:44:14

Morning, mum.

00:21:44:19 - 00:21:45:04

And my.

00:21:45:06 - 00:21:45:21

Name.

00:21:45:23 - 00:21:46:15

Is Teresa O'Connor.

00:21:46:25 - 00:21:47:10

And I'm.

00:21:47:12 - 00:21:47:27

Representing.

00:21:47:29 - 00:22:00:09

Essex County Council, but also provide advice to Tendring District Council. And I'll be speaking about agenda items 3.2. Historic environment and archaeology.

00:22:02:03 - 00:22:03:12

You can call me Theresa.

00:22:04:18 - 00:22:05:26

Thank you Theresa.

00:22:07:23 - 00:22:20:19

Good morning. I'm Joseph Hoff. I'm here on behalf of Essex County Council for agenda item 3.3 Traffic and Transport. Um, I do not mind whether I'm addressed as Mr. Hoff, Joseph or Joe. Thank you.

00:22:20:29 - 00:22:21:19

Thank you.

00:22:30:29 - 00:22:39:08

Um, right. So just checking that there's no one else attending virtually for Essex County Council.

00:22:48:11 - 00:22:50:29

Is there anyone attending? Virtually.

00:22:54:20 - 00:23:03:17

All right. Um, for Suffolk County Council. Do we have, um, Julia Cox?

00:23:06:16 - 00:23:16:28

Yes. Um, hello. Julia Cox. Um, from Suffolk County Council. Um, principal engineer on highways planning. And I'm joined by and with them. Steve. Mary.

00:23:17:00 - 00:23:32:25

Yes. Good morning ma'am. Um, Steve Mary from Suffolk county Council. I'm the highway manager for Suffolk. And so joining us as of a neighbouring authority and may may comment on the transport issues if we consider it necessary.

00:23:34:25 - 00:23:35:18

Thank you.

00:23:48:25 - 00:24:01:06

Write for national highways. I believe we may have to two persons tending for them. I have down Jeremy Bloom and Clara Thompson. Perhaps you could introduce yourselves if you're attending.

00:24:02:07 - 00:24:24:12

Thank you ma'am. Um, Jeremy Bloom representing National highways. I'm leading on, um, this particular DCO for National Highways. We're interested in agenda item 3.3, and we'll speak on that if we have a need to, um, and I can be referred to us, Mr. Bloom and my colleague Clara Thompson. Will introduce herself.

00:24:24:29 - 00:24:25:23

Thank you.

00:24:25:25 - 00:24:26:12

Thank you.

00:24:29:23 - 00:24:42:28

Good morning. Um, I'm Clara Thompson. I'm senior lawyer at National Highways. I don't anticipate needing to speak today as it's more technical issues. Um, but I am here if if needed at all.

00:24:44:28 - 00:24:45:21

Thank you.

00:24:48:11 - 00:24:54:27

And do I have, um, Louie fell for Stratton, Parker Farms and Leona Enterprises.

00:25:00:29 - 00:25:09:06

Is there anyone else, um, that is attending virtually that would like to speak today and would like to introduce themselves?

00:25:16:25 - 00:25:17:10

Oh.

00:25:17:12 - 00:25:18:04

Thank you.

00:25:18:25 - 00:25:50:02

Sorry, madam. Um, Terry Wallace, Essex County Council. Um, we are also joined by a heritage consultant today, but, um, she's not available until 1 p.m., and she'll be joining remotely as well. So, um, can I politely request, if we can, if it's possible to swap the two agenda item? Um, item 3.3. If we can go for highways matter after landscape matter, that might allow her to to join us after lunch, if possible.

00:25:50:20 - 00:25:51:05

Thank you.

00:25:51:07 - 00:26:08:08

Um, we'll see how we progress at the loop. We'll try and arrange that. Uh, so that was in the afternoon. She's available for the historic environment and archaeology, and I just check first if. Would that cause a difficulty for anyone else, either in the room or attending virtually?

00:26:11:28 - 00:26:18:13

No. All right, well, we'll see if we can accommodate that. We'll review that at the mid-morning break. Thank you.

00:26:24:00 - 00:26:37:28

Right. We'll now move on to the substantive part of the agenda. The first item concerns landscape and visual impact and design. And my colleague Mr. Medlin will be asking questions on this, so I'll hand over to him.

00:26:43:10 - 00:27:01:09

Okay. Item 3.1 Landscape and Visual impact and Design. The first bullet on the agenda under 3.1 really relates to national landscapes and country side Rights of Way Act 2000, as amended.

00:27:04:07 - 00:27:39:00

Amongst others. Um Suffolk and Essex Coast and Heaths National Landscape Partnership in relevant reps and an open floor hearing. One expressed a view seeking clarity as to the proposed how the

proposed development complies with various local and national policies. Specifically, there is now the obligation on relevant authorities to seek to further the purposes of an R and B, and for that refer to section 245 of the Levelling Up and Regeneration Act.

00:27:39:22 - 00:28:13:15

The partnership and others consider this to be an active duty. In a moment, I will ask Mr. Ames from the partnership and any others who share that view to confirm the definition of an active duty in this context. I believe Suffolk County councillors also raise this and share this view. And this extends also to Dedham Vale National landscape. So Babergh District Council in representations have also expressed this view about the.

00:28:15:18 - 00:28:18:18

Seeking to further the purposes of an AoNB.

00:28:20:20 - 00:28:42:25

The panel has noted the applicant's position um, including that the duty does not oblige a relevant authority to give less weight to other important relevant considerations, nor to reduce the scale of a proposed development to minimize the potential impacts on a national landscape, and that the project order limits do not fall within the NNL.

00:28:45:00 - 00:29:15:09

However, as noted at the accompanying accompanying site visit yesterday, there are elements of the Dedham Vale National Landscape very close to the proposed substation. So first, I will turn to the applicant to set out its position on this duty and to expand on that preamble and what appears to be a difference between the applicant and IPS.

00:29:16:05 - 00:29:29:22

I will then bring in the attendees before hearing again from the applicant. So the question really is how does the applicant see that the proposed development complies with this part of the legislation?

00:29:33:08 - 00:30:07:02

Clare project for the applicant. And we refer to our response to question uh 14 .1.3, which is Rep 2-020. Um, which also reflected, um, the response to the relevant representation from Suffolk and Essex coast and Heath National Landscape Partnership, which was set out in um uh relevant rep 316. Um and the applicants response is in rep 1-045.

00:30:07:09 - 00:31:03:19

Um, and we've set out there our position in respect of the duty and how that interacts, um, with other statutory obligations, both under the Planning Act for the Secretary of State in terms of determining, um, the application, um, and also in respect of the policies set out in MPs. Ian one. Um, the examining authority will obviously be familiar with the fact that the duty to seek to further is specifically referred to in paragraph 5.1.8, um of Ian one um, and that it is noted, um, that uh projects should be that are located um, outside of a nationally designated landscape, um, may have impacts and that various elements such as siting, operational and other relevant constraints will need to be taken into account.

00:31:04:03 - 00:31:37:11

Um, and that the Secretary of State should be satisfied, um, that The any measures taken are sufficient, appropriate and proportionate to the type and the scale of the development. Um, as you mentioned, um, as we said, it does the duty does not override other statutory duties. Um, and we set out in our response to the question, um, the various elements, um, that the applicant had taken into account in relation to the siting and design of the onshore substation.

00:31:38:02 - 00:31:44:14

Um, whilst also being mindful of the various technical constraints that apply to that infrastructure.

00:31:47:22 - 00:32:19:02

Most of the, um, comments that have been raised by um stakeholders relate to the impacts of the offshore elements of the project. Um, which I note is on, um, the agenda for ish to um, in particular, Natural England's um comments relate to the offshore elements. So, um, we're happy to discuss the onshore elements sort of from a technical perspective.

00:32:19:04 - 00:32:37:19

But I think we just wanted to be clear whether we are solely focusing on the impacts of the onshore substation today, or whether you wanted us to go through the comments that have been raised by Suffolk and the national landscapes in relation to offshore impacts, or whether we're saving that for for next week, essentially.

00:32:37:21 - 00:32:38:06

Yes.

00:32:38:08 - 00:32:48:21

I think Thursday next week we will be revisiting or certainly looking at this from the angle of the offshore impacts today, if we could focus on the onshore.

00:32:51:04 - 00:33:10:24

Clare project, the applicant at that, that's fine. In that case I will hand over to Mr. MacRae, who will just briefly explain the position taken in relation to the assessment of the onshore. uh, substation. Um, and then I can come back and explain how that fits with the duty.

00:33:10:26 - 00:33:11:11

Thank you.

00:33:16:27 - 00:33:56:09

Paul MacRae for the applicant. So the onshore Elvia chapter of the environmental Statement focuses on a two km study area around the onshore substation. And that was agreed with the the relevant stakeholders at the time of of the assessment. That does include a very small part of the southern edge of the Dedham Vale National landscape, uh, which is uh, a small area of fields just to the north of the main road, um, just north of the onshore substation site.

00:33:57:29 - 00:34:35:15

The zone of theoretical visibility that was generated for the onshore substation, and which is included in um, figure uh 30.2 of the uh, the chapter uh, does show that there is a small amount of visibility

within that area. Uh, potential visibility of the the substation buildings. Um, it's important to note that visibility does not equate to visual impact in that context.

00:34:36:02 - 00:35:10:03

Uh, a visualization was produced from a location within the Dedham Vale National landscape, and that's included as as viewpoint eight within the pack of visualizations that were submitted. Um, that particular view indicates that the substation would be almost fully screened by intervening vegetation, Ancient trees and other buildings that are located between the viewpoint and the onshore substation site.

00:35:11:15 - 00:35:14:12

So it's the it's our view that the

00:35:16:06 - 00:35:48:12

visibility of the onshore substation would only ever be glimpsed at most from any location within the AoNB national landscape. Um, and so that the conclusion is that there would be no impacts of the onshore substation on the national landscape or on visual receptors, um, people using that landscape for recreation or enjoying the, the national landscape for, for those purposes.

00:35:52:18 - 00:36:09:18

Sorry, could I just ask? I mean, the key point here is that sort of the wording of the duty. So the obligation to seek to further the purpose of the OMB. Can you explain to me how you have turned your mind to that, and how you say that this application achieves that?

00:36:15:26 - 00:36:50:12

Clear project for the applicant. Um, so from the applicant's perspective, the um reference to seek to further has has two elements to it. In the first case, you're, um, determining whether there is, in fact any impact on the national landscape. And then if there is an impact, then you go on to the next stage in the process, which is to, um, determine that the nature of that impact and whether it can be, um, reduced or whether it's justifiable, and whether any additional measures may need to be put in place.

00:36:50:18 - 00:37:03:27

Um, what Mr. MacRae was saying is that in respect of the onshore, uh, substation, um, because there is no impact then. Our view is that the duty has been discharged in that respect.

00:37:06:20 - 00:37:30:25

No. Thank you. So you're reading that as a duty, not in effect, to create any impact rather than a positive element of furthering those purposes. And, you know, for example, you know, how does the application rate specifically to those purposes.

00:37:32:23 - 00:38:22:29

Clear for the applicant? Yes. That's correct. We don't believe it goes. It's a positive duty to consider it, rather than for every application to include enhancement measures for the national landscape. And there was a High Court case that was published, um, last week, which we can submit into the examination, which you may be familiar with. It was a slightly different set of circumstances, in the sense that it related to a national park rather than a national landscape, but that dealt with the point

about the extent of the duty to seek to further and specifically looked at the point about whether, if you have no impact, then you have fulfilled that duty.

00:38:23:01 - 00:38:34:09

So we believe our reasoning that we put forward in our written submissions before is supported by that more recent, um, case on looking at the meaning of the of the wording.

00:38:34:12 - 00:38:50:11

Yeah, we are familiar with that recent case law. It wasn't on the specific section of the act, but it would be helpful if that was put in together with a clear summary of your reasoning and thoughts behind that and what you've explained today.

00:38:53:15 - 00:39:38:03

Thank you. Yes. As miss McKay said, we we have. We are familiar with that High Court decision fairly recently. So please do submit at the next deadline. Having heard the applicant there, I'm going to bring in some of the local authorities in the room, and we'll be turning to other IPS later to respond or to give further information on that point about the the duty to further and their views as to whether or not the application regarding onshore impact does further the purposes of the areas of national landscape.

00:39:38:05 - 00:39:42:00

So, first of all, um, Essex County Council.

00:39:44:15 - 00:39:47:15

Is there anything you'd like to add to what you've heard?

00:39:48:12 - 00:39:49:14

Nothing. Thank you.

00:39:54:23 - 00:39:56:22

Suffolk County Council.

00:39:58:07 - 00:40:13:00

Suffolk County council. No, I think we in terms of the. Furthering the purposes, um, discussion. Um, we'd like to cover that, um, as I think you previously suggested, um, in the hearing that's going to refer to offshore impacts. Thank you.

00:40:17:00 - 00:40:32:21

Could I, could I just ask the council as well? Is there anything that you wanted to say in terms of the principle? You've you've heard how the applicant views the actual principle and the High court case that was mentioned. Anything that you would wish to add at this stage on that.

00:40:34:06 - 00:40:40:29

Suffolk County Council? Uh, no, I'd rather not. I think that's I'd leave that to those, uh, very qualified them myself. Thank you.

00:40:44:12 - 00:40:46:04

Mr. mayor.

00:40:46:27 - 00:41:17:02

Tendring Jacob. Yachtsmen for Tendring district Council. And I'd just like to make two points. So, um, the the panel asked us yesterday was there wasn't a specific, you know, um, action for anyone, but, um, there was confusion, uh, on the site visit, that last stop in terms of where the national landscape boundary is in that point. So I've checked this morning, um, on three different platforms, um, tendering, district councils, mapping, uh, platform.

00:41:17:04 - 00:41:51:06

I've checked the national landscape website themselves. Um, and I've checked on, um, the third one. Oh, yeah, the Norwich City Tilbury um, website. Um, and I can confirm that that position where we stood yesterday was actually in the national landscape within the boundaries well within. And the, um, in fact, the southern boundary, according to what I've seen this morning when I checked it, the southern, the southernmost boundary of the national landscape, actually extends approximately 30 to 40m further to the south.

00:41:51:15 - 00:42:38:06

So towards towards where the Northville substation will be located. That's the first point of clarity I just wanted to provide. And then secondly, um, and I know, um, you're going to turn to the, um, online participants in a, in a minute, but I think tendering would like to understand to what degree um, the applicants have approached, um, you know, the national landscape team, um, in terms of, uh, meaningful, meaningful collaboration, um, and, um, and whether whether they are satisfied or, I guess, whether the panel is satisfied that the measures proposed as part of this application will help to deliver the Protected Landscapes management plan, because that seems to be the test.

00:42:39:00 - 00:42:40:23

That's all I wanted to say. Thank you.

00:42:41:04 - 00:42:55:29

Thank you, Mr. Yasmeen. Yes. For the benefit of those who were not on the Site visit yesterday when we reached VP zero eight within the national landscape.

00:42:57:18 - 00:43:18:04

We felt that we would benefit from that detailed plan, just illustrating exactly where that viewpoint is in relation to the national landscape boundary, which we did not have during the site inspection, and an action point was taken to provide that. So that will be gratefully received into the examination.

00:43:19:24 - 00:43:21:04

Thank you, Mr. Yazbek.

00:43:21:06 - 00:43:35:04

Just could I just say, and I think also, Mr. Yates, if you could provide in writing that information that you just given to your knowledge as to the boundary, that a deadline for that would also be very helpful.

00:43:36:06 - 00:43:36:26

Thank you.

00:43:38:18 - 00:43:46:07

Do representatives from Babergh District Council wish to comment specifically around the Dedham Durham Vale.

00:43:47:15 - 00:44:19:12

Yes, sir. Thank you. Bronchitis for the District Council. Just to refer the panel, please, to the guidance regarding the, um, strengthened duty. And that that does include the setting of protected landscapes where functions are undertaken on land outside the designation and that it applies equally. And I don't think we have the same understanding as the applicant in terms of the effect that the development would have on the setting of the national landscape. So we believe the duty does apply.

00:44:20:02 - 00:44:20:23

Thank you.

00:44:22:20 - 00:44:23:20

Thank you for that.

00:44:31:23 - 00:44:38:20

Are there any other local authorities who wish to respond? Okay, Mr. Blythe.

00:44:39:20 - 00:45:05:05

So, um, there's just an observation. I heard the word. It can be glimpsed and that it would be. I believe the other word was mostly screened. Um, that sounds as though it's sort of, um, unclear precisely as to precisely how non-visible it'll be from even from where we stood.

00:45:06:29 - 00:45:31:14

Thank you. Uh, I think I'll just ask the applicant or the representative to respond to the level of certainty and in terms of landscape and visual, the definition or the meaning of glimpse and what level of certainty the applicant has around that screening before moving on to Mr.. Mr.. Very briefly, thank you.

00:45:32:27 - 00:45:55:24

Paul macrae for the applicant. Uh, certainly. That's uh I'm happy to to answer that. So when I used the word glimpse I would mean that it would be. It would not be a noticeable feature in the view. So if you were standing at that viewpoint and enjoying that view from Dedham Road at the

00:45:57:09 - 00:46:28:15

the substation would not be a noticeable feature in my view. Uh, when you're walking along that road or in other areas of the national landscape. So there may be opportunity, there may be, um, occasions where you could potentially see a small part of the development in a gap between some trees. It's obviously not possible to be categorical about that. Uh, but the, the general.

00:46:30:15 - 00:46:44:09

Uh, well, what what I'm trying to say is that any views would be minimal and difficult to, to make out unless you were specifically looking to identify that feature in the view.

00:46:44:19 - 00:46:47:01

Okay. Thank you for clarifying.

00:46:48:17 - 00:46:49:02

Now.

00:46:51:25 - 00:46:57:01

There is a couple of hands. There's one in the room from Suffolk County Council.

00:47:00:16 - 00:47:08:00

And Suffolk County Council I might call on as Alder to speak first because I think she's speaking on that matter. But I may build on what she says afterwards. So thank you.

00:47:08:02 - 00:47:11:11

Okay. Thank you. And online.

00:47:13:17 - 00:47:16:17

Um, we only I only have the

00:47:18:03 - 00:47:24:24

initial which may be in reverse order. Oh, perfect. Thank you. Yes. There's one hand up.

00:47:24:26 - 00:47:55:15

If it's already cutting or Suffolk County Council. I just really wanted to second, um, Ron Curtis's point, and I'm not following the applicant's argument that there is no impact And would be grateful for some further clarification on that potentially. And you know, whilst the visibility of the substation from the dead and Vale A and B might be quite minor or in in glimpses, they're probably more than one glimpse from one location.

00:47:55:17 - 00:48:42:28

So it's a, there's a sequential element to it. And then the substation is within the setting of the national landscape. And there's a distinct change in character from not having sort of industrial elements to having industrial elements. And then whilst that might be considered a cumulative impact, that inevitably power lines going to the substation, which are also visible on the horizon, which kind of draw the eye more to the substation rather than away from it. So it's, you know, I would second Miss Curtis's point that we would, you know, um, there are effects as small as there may be, but, um, that the national landscape is affected by this.

00:48:43:18 - 00:48:49:11

And then with the question marks over the effectiveness of the screening in addition to that.

00:48:49:16 - 00:48:50:01

Thank you.

00:48:50:03 - 00:48:50:18

Thank you.

00:48:50:27 - 00:48:51:19

Thank you.

00:48:53:05 - 00:49:05:19

I will turn to the applicant, uh, shortly to respond. I believe in trying to bring in Mr. Answers. But before we do that, Suffolk County Council.

00:49:07:10 - 00:49:40:23

And Suffolk County Council. Thank you. Yeah, I just wanted to build on what Zelda said there. Um, we've raised in our local impact report at paragraph 7.26 and 7.27. So that's a reference. Uh rep 1074. And also in our response to the applicants comments on our local impact report, which is rep 3068. Um, that although we appreciate that, uh, the references to viewpoint eight, um, we also consider that there are remain some unaddressed zones of theoretical visibility within the OMB.

00:49:41:02 - 00:49:52:22

And so conclusions about the effects, um, whether the duty is engaged can't fully be made until, um, all zones of theoretical visibility have undergone assessment. Thank you.

00:49:52:27 - 00:50:23:24

Yes. Thank you. Those points were noted at and on the assessed zones. I will seek further information in a moment from the applicant. Still, on the point of furthering the duty, I would like to turn to Mr. Stutz of the National Landscape Partnership. Now, as this was brought to the attention, I think, in open floor hearing one, as well as various written submissions.

00:50:23:26 - 00:50:32:06

So Mr.. Could you elaborate on what you've heard so far and any areas of disagreement with the position of the applicant?

00:50:33:12 - 00:51:07:24

Simon I'm ambassador representing the National landscape partnerships. For clarity, I represent two national landscape partnerships the Suffolk and Essex Coast and Heaths National Landscape and the Dedham Vale National Landscape. In general terms, when I'm talking about the onshore infrastructure. I'll be talking on behalf of the Dead and Vale national landscape. And when I talk about the offshore impacts I'm referring, I'm representing the Suffolk and Essex business national landscape.

00:51:07:26 - 00:51:26:19

Apologies that I have a double headed job. Could I just ask, um, the the panel. Are we only talking about onshore at this at this moment, or do you want me to make reference to offshore and the ability to meet the strengthened duty.

00:51:27:23 - 00:51:39:00

If possible, as as we have put offshore for issue specific hearing to towards the end of next week if you could keep it to the onshore. Implications. So that will be principally Dedham Vale.

00:51:40:03 - 00:51:46:16

Yep. So I thought I heard the answer. So today you just like to hear about the onshore.

00:51:47:06 - 00:51:47:29

Exactly.

00:51:48:06 - 00:52:21:22

Yeah. So so Simon National landscape Partnerships um we've covered quite a lot of ground since we started on, on this topic. And I've made a couple of thoughts that I'd like to bring to your attention. Um, what I would say to to start with, the National Landscape Partnerships welcomes the production of more sustainably produced electricity. And we see that that can reduce the drivers for climate change and help the conservation and enhancement the purpose of the national landscape.

00:52:22:09 - 00:52:25:16

Uh, we also welcome the fact that the, the, um,

00:52:27:03 - 00:52:57:11

uh, the connection point and the transmission lines Avoid the national landscape. And we also welcome a slightly off topic, but we also welcome the reduction in the offshore, uh, array. Um, uh, but the other things that I would like to, uh, to, to, to bring up is that, um, yeah, we've heard, uh, some, some thoughts around, uh, this strengthened duty.

00:52:58:01 - 00:53:29:25

Um, it should not override other, um, responsibilities and policies. Now, I can accept that, but I think there is still a requirement to demonstrate the seek to further the purpose in that, uh, revised section 85 of the Countryside and Rights Act 2000. I think this is a really important point that, yeah, planning decisions are a matter of balance, but I would I would.

00:53:30:16 - 00:54:04:13

My interpretation is that that strengthened duty the applicant as a statutory undertaken relevant authority. Therefore, they do need to demonstrate how they seek to further the purpose of the national landscape to conserve and enhance natural beauty. Um, I would also take, um, slight issue with some of the things that were said around. This only impacts a small part of the national landscape. I would very much see the national landscape as a single entity.

00:54:04:29 - 00:54:36:08

Yeah. And as such, uh, impacts on one part of the national landscape I think should be seen as impacts on the national landscape, not just because it's a small part, because I think if we go down that route, yeah, little bits of the national landscape can be, you know, sort of, um, you know, salami sliced off for want of a better phrase. So I think it's really important to think. Impact on a small part of the national landscape is impact upon the the national landscape.

00:54:37:21 - 00:55:08:01

I think there's also quite a discussion, um, around, uh, visibility of impacts. We've heard a lot about, um, yeah, sort of screening and so forth. And yeah, we, you know, developments can be screened. Uh, but that doesn't mean that the character of that area isn't, isn't impacted. And if we think of the natural beauty, um, uh, features. Yeah. Scenic quality, landscape quality, that's how you experience it.

00:55:08:14 - 00:55:26:09

And if you're looking out of a national landscape into an industrialized area, I would I would argue that that has a impact upon, uh, the, um, the, the national landscape to deliver um, its, um, statutory Purpose.

00:55:28:04 - 00:55:59:24

Um, we've heard a little about, um, a recent court case. Uh, I'm sure the panel is also aware of the recent, uh, Secretary of State decision around the lower Thames crossing. And I should have had this paragraph, uh, from there. But in that decision notice, it was something like 441. And I can provide the detail in the responses, but, um, they're in the decision that the secretary of State was talking about.

00:56:00:09 - 00:56:30:14

They weren't, uh, convinced that I think it's highways England have proposing that lower Thames crossing. Apologies if I've got the name wrong, but I think it was Highways England. They they weren't convinced that they had met that duty. And although there was, um, levels of compensation for impacts upon the Kent Downs national landscape, in that case, the door was left open or was opened for further negotiation around that.

00:56:30:16 - 00:57:03:27

Um. Degree of compensation. And I thought quite interestingly in that, um, decision notice the cost to develop those discussions were to come from Highways England because organisations like my, my own, um, are, you know, pretty restricted in the resources that they have available to enter that type of negotiations. And I yeah, I know there are people from parish councils, um, you know, in the room today who probably have even less resources than me.

00:57:03:29 - 00:57:34:12

But I thought that was an interesting, uh, um, statement within that decision. Notice that there was support for the national landscape team to, to, you know, get some professional advice on those, uh, negotiations. Um, I think the last couple of things I want to say, Um, uh, there seem to be some confusion where the national landscape boundary, uh, was, uh, as a rule of thumb, but shouldn't be relied on for legal reasons.

00:57:34:15 - 00:58:10:19

Google maps can tell you where a national landscape boundary is. But as as everyone listening to this will know that the Suffolk Coast nice AoNB was extended to what we now call the Suffolk and Essex Coast National Landscape. Uh, I think it was on the 7th of July 2020. And those maps that, um, uh, that formed part of that order signed off by the Secretary of State are available. And again, I can provide those, um, if you can't get them from easily from Natural England, I'll happily share those, uh, through any responses.

00:58:11:02 - 00:58:43:28

Uh, post this, um, uh, post this hearing. Um, and yeah, my last point is that on this issue of how a scheme proposes, meet the strengthened duty, I think there's a very interesting, uh, uh, um, representation put forward by Suffolk County Council, and it was endorsed by the Suffolk and Essex because of this national landscape at the five estuaries.

00:58:44:00 - 00:58:58:03

Hearing around how, how that um, scheme proposer, you know, could meet that strengthened duty and I would, uh, yeah, urge the panel to to have a look at what was said there. Thank you very much.

00:58:59:11 - 00:59:10:15

Thank you, Mr. Answer. That's very helpful. So those items that you may be able to submit into the examination, the next deadline is deadline for April 25th.

00:59:12:04 - 00:59:37:29

Just correcting myself. Yeah, it's April the 25th and some of those would be helpful. The the confusion around the boundary. Yes, I think it was confusion in the moment, rather seeking clarity in the moment of exactly where viewpoint eight was on the ground in relation to the boundary. And I think that's going to now be covered through, um, Essex and Tendring, just providing that detailed boundary map to us.

00:59:38:25 - 00:59:55:02

Could I just ask Suffolk County Council that your submission to the Five estuaries has been mentioned by Mr. Hampstead? Are you intending or do you feel you've already provided a similar submission to us? Because obviously there's they're separate examinations.

00:59:55:13 - 01:00:02:15

Yeah, I think I think that is the intention if we haven't, if we haven't done already. Sorry Suffolk County Council, we will do.

01:00:04:14 - 01:00:04:29

Excellent.

01:00:05:11 - 01:00:07:26

No thank you. I think that would be really helpful.

01:00:09:27 - 01:00:19:22

And I will bring in any other IPS who wish to talk to this point. But bearing in mind We have given it

01:00:21:15 - 01:00:29:04

some time now. I see Mr.. And his hand is up Mr. Ramsey's is that to come back on.

01:00:29:26 - 01:00:42:23

So sometimes it's a national landscape partnership. Sorry to not know the system. Will I get a, um, request for the detailed information that you require from me, or do I need to take a note? From what I've heard.

01:00:44:16 - 01:00:49:18

Would you just take a note from what you've heard? And we would like you to provide that, please. Thank you.

01:00:51:15 - 01:00:52:00

Thank you.

01:00:54:05 - 01:01:16:08

On this point about furthering the duty of national landscape, are there any other IPS online or in the room for? I ask the applicant to respond one more time to what they've heard, including the issues that Suffolk County Council has raised about and assessed areas within the zone of visibility.

01:01:20:24 - 01:01:21:20

Project with the applicant.

01:01:22:03 - 01:01:26:06

So, excuse me, Miss Broderick. I do now have a hand. Miss Bailey.

01:01:27:04 - 01:01:58:00

Um. Catherine. Bailey. Um. Essex county council. Barbara. District council. Tendring council. Um. Just sorry. Going back to the, um, location of the boundary of the national landscape in relation to viewpoints. Um, it might be helpful if the applicant could actually provide a plan showing, um, the two coexisting together, because I think they they didn't do that in there.

01:01:58:07 - 01:02:06:09

Um, if so, that would be a useful document because it will show how the viewpoints relate to the national landscape.

01:02:07:25 - 01:02:08:15

Thank you.

01:02:09:03 - 01:02:30:06

Okay. I think we will ask the applicant to to pick that up now as part of their response. Yes, with the further information that we get, we will be able to overlay viewpoints and boundaries, but a plan showing that would be helpful. I'm trying to think if I've seen one. Miss Broderick, sorry you were in the process of responding.

01:02:31:28 - 01:03:08:00

To the applicant. My understanding that out of the accompanied, um, site visit, um, there was an action to mark put some distances, um, measurements of the distances on the plan. So I think the applicant has taken that away, um, as an action. And it does sound like there's perhaps, um, some discussion to be had to make sure that everyone is in agreement with the exact boundary of the national landscape. Um, so we will have some discussions outside of of the hearings to make sure that the plan that does go in, hopefully is in a chosen agreed, uh, boundary on that.

01:03:08:07 - 01:03:48:10

Um, just in relation to, um, the more recent points that were made about submissions made into the Five Estuaries um examination. I think that if, um, if if Suffolk is is, uh, minded to put in its representations that it's submitted in five estuaries, then for completeness, it is probably necessary for the applicant to submit a copy of the, uh, council's opinion that was submitted into, um, the Five Estuaries examination by um, uh, Philpott Casey um, which disagrees with the position being taken by Suffolk on a number of points.

01:03:48:12 - 01:04:10:19

So I, I feel for balance. You probably need to see both sides of the arguments being submitted during the Five Estuaries examinations on, on those points. Um, before I let you come back in, in terms of the, um, theoretical visibility and, um, the assessed zones, etcetera, um.

01:04:12:12 - 01:04:45:28

We have obviously set out in relation to seascape impacts how we feel. The, um, the duty has been satisfied. Obviously, I've mentioned today that, um, the applicant's position is that there isn't an impact on onshore, um, aspects of the project. However, in the event that the Secretary of State was to disagree with our view, noting that other interested parties have expressed a different view, and then the applicant's position would be that in that circumstance, the duty is still, um, discharged.

01:04:46:03 - 01:05:18:24

Um, for for similar reasons to to those that we stated for the offshore elements of the project. And we can summarize that, um, in the written summary, if that, if that would be helpful. Um, in terms of saying how the different view is taken in terms of impact, then we the applicant's position is the duty has still been satisfied. I think it's important to note, um, when reference was made to the Lower Thames Crossing scheme. That is a very different type of projects, and its impacts on the national landscape were very different.

01:05:19:08 - 01:06:05:04

I therefore don't necessarily think it's appropriate to suggest that the position taken by the Secretary of State in terms of what national highways might need to provide in terms of financial compensatory measures, is directly applicable to this particular project, and I don't think we've seen yet any written evidence to support the fact that this particular project should be making similar types of contributions. So I just wanted to note that, um, perhaps as as we said before, in terms of what's sufficient, appropriate and proportionate for one scheme is not necessarily the same for all schemes, and the MPs in one does recognise that.

01:06:05:06 - 01:06:23:26

Um, but I'll just pass back to Mr. McRae to deal with the specific points, um, about, um, uh, that were raised in terms of, um, a sort of sequential glimpses and industrial elements, uh, for example. And then also the point about any UN assessed areas.

01:06:28:15 - 01:07:05:24

Paul MacRae for the applicant. So to take the the point first about, uh, viewpoint eight. So it's it's our understanding that the Dedham Vale National landscape boundary follows the, the Harwich Road, which is the A1 37, and that the land to the north of that road, um, within that section immediately

north of the onshore substation site, is within the Dedham Vale National Landscape. So viewpoint eight is located approximately 500m within the national landscape.

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

Um,

01:07:10:00 - 01:07:31:11

just taking some of the points that were raised in turn. I completely agree with Mr. Ramstad that the the national landscape should be considered as a whole. Uh, and I fully accept that that's that the appropriate way to consider effects on a designated area? I think the.

01:07:33:16 - 01:08:10:24

The view is that there would not be a significant landscape or visual effect on, on any part of the national landscape. Um, based on the assessments we've made, uh, we've talked about the, the definition of, of glimpsed and what that means. Um, there was a comment about sequential effects of of glimpses from different locations. Um, I think that would be again, be very limited in terms of the areas where such glimpses could be gained.

01:08:11:19 - 01:08:35:09

Um, as I've said, I think you would have to be sort of looking for views of the of the substation to be able to, to pick that out. Um, and I don't think it's. Well, it's, it's my view that that would not build up to, um, something that could be considered a sequential, significant effect on views from the national landscape.

01:08:37:02 - 01:09:10:11

Uh, and then the final point I just wanted to comment on was about the setting of the national landscape and the introduction of industrial features outside the the national landscape boundary. And I would just just highlight that the character of the land surrounding the onshore substation site is of a very different character to the landscape within the the national landscape itself. Um, which is presumably the reason the, the boundary is where it is.

01:09:10:13 - 01:09:30:23

So there are other features that are not characteristic of the natural. There are other features that are not characteristic of the national landscape which are outside that boundary, such as the large glass houses around fox ash and significant housing developments as well.

01:09:38:19 - 01:09:39:10

Thank you.

01:09:41:18 - 01:09:42:09

Thank you.

01:09:54:18 - 01:10:30:02

Paul MacRae, for the applicant. Just to add to the point, um, about UN assessed zones. So I think it just to be clear that when when we're talking about UN assessed zones, we're, we've considered those um, and we consider that the same, the same um applies that the, the, the effects would be minimal as

a result of, of, uh, views of the development, which are glimpsed at the most and in many cases quite distant from the proposed development.

01:10:31:10 - 01:10:41:01

Okay. So the UN assessed, even though they are assessed zones, they have still been taken into consideration.

01:10:44:07 - 01:11:13:28

Paul McRae for the applicant. Yes, that's correct. We have not assessed them in detail within the Elvia because we focused on the two km study area. But in response to comments made during the examination process. We have visited those locations within the national landscape. Where the TV does indicate small areas of visibility, and we have considered the potential for effects in those locations.

01:11:14:07 - 01:11:16:27

Thank you. Okay. Okay.

01:11:20:29 - 01:11:25:11

Thank you for all your responses so far. We have.

01:11:27:24 - 01:11:34:24

Moved into other points that I had to raise under this bullet point.

01:11:42:21 - 01:11:47:27

But I think some of those will now be answered at deadline for. So I'm going to

01:11:49:18 - 01:11:51:23

move to the second bullet point.

01:11:56:21 - 01:12:15:08

Which I think Relates largely, but not exclusively, to Natural England's representations in its issues. Log. Um, at appendix I with a number of risks. But whilst this is Natural England's concern, it does.

01:12:16:28 - 01:12:24:28

It is shared with other IPS, and it does flow from the discussion that we have had.

01:12:26:29 - 01:12:28:06

Therefore, I'm going to

01:12:30:06 - 01:12:39:16

raise this issue about the the degrees of concern about the Elvia regarding the proposal.

01:12:42:19 - 01:12:48:24

There are a number of these set out in Essex County Council and Tendring District Council's local impact report.

01:12:50:20 - 01:12:53:22

Um, the submissions, as I've mentioned from Natural England,

01:12:55:12 - 01:12:58:12

which disagrees with the SLV conclusions,

01:13:00:11 - 01:13:13:02

but no significant effects on special qualities of the channel and no significant effects of the landscape character of onshore LCS within the SW channel and SHC.

01:13:15:03 - 01:13:41:14

And no cumulative impact on landscape character special qualities. Suffolk County Council have raised the issues around mitigation for Dedham Vale and FC. NLP Vale NLP have also expressed concerns. I'm going to first turn to the applicant, set out how it would respond to the criticism.

01:13:43:19 - 01:13:57:26

As to whether or not the impacts on visual amenity during construction operation have been adequately assessed, and as Broderick and Mr. McRae, if you could briefly

01:13:59:11 - 01:14:03:04

explain how you are satisfied that the assessment is adequate.

01:14:08:09 - 01:14:41:26

Care for the applicant. Um, just to be clear, again, in respect of the split, um, our understanding is natural. England's comments relate wholly to kind of the offshore elements of the project and the adequacy of the assessment in that respect, which we are happy to deal with in today's hearing. But equally, if that is a topic that you wish to discuss at the specific agenda item for issue two, um, then again, happy to do that, then we just didn't want to duplicate, um, the matter in it.

01:14:41:28 - 01:14:54:29

And again, my understanding is from, um, other Suffolk and other interested parties. It's primarily focusing on the offshore, the assessment of the offshore impacts, Um, in that respect. So

01:14:56:15 - 01:15:07:07

before Mr. McRae launches off in his, um, explanation, I just wanted to check whether you wanted us to to deal with the with the offshore elements today or not.

01:15:07:20 - 01:15:24:03

No. As before, please. We're dealing with exclusively or where there is interrelationship, then there will necessarily be some crossover. But if you could confine your responses to the onshore elements, that would be helpful.

01:15:28:20 - 01:16:07:23

All McRae for the applicant. So we have undertaken a landscape and visual impact assessment, which is in accordance with the relevant, uh, best practice guidance from the Landscape Institute, which

would be the the guidelines for Landscape and Visual Impact Assessment, or Elvia three, as it's known. Um, the study area for the assessment for the onshore works was was set out and agreed with the stakeholders and as were the eight representative viewpoints or the, uh, the onshore substation.

01:16:08:28 - 01:16:38:03

Uh, those have been assessed individually, and visualizations are included within the submitted documents showing the appearance of the substation, um, as it would be at year one following completion. So without the, uh, the proposed mitigation and then, uh, an impression of what that, uh, mitigation may look like at year 15 once it started to mature,

01:16:39:21 - 01:17:26:04

uh, we've identified that the proposed development would have significant effects on the landscape and on views at construction and operation, but those effects would be localized and limited to an area within around a kilometre of of the onshore substation within that landscape. We acknowledge that the the mitigation that is proposed will not, in all cases, entirely mitigate the impacts of the proposed development, uh, in that it wouldn't be feasible to entirely hide the proposed development in the landscape given the scale.

01:17:26:10 - 01:17:44:15

And we also recognize the effect of the proposed mitigation in reducing available views so that, um, a view which is currently open and extensive would be more contained once the mitigation has been established.

01:17:46:24 - 01:17:59:03

Uh, However we are. We. We are satisfied that the LBA presents a an adequate assessment of those impacts at all stages of the development.

01:18:08:21 - 01:18:09:11

Thank you.

01:18:15:03 - 01:18:32:19

So in response to the adequacy of the Elvia, specifically around the onshore impacts. I'm just going to ask local authorities to set out their view very briefly. Um, and whether or not it.

01:18:35:18 - 01:18:55:25

Diverges from that of the applicant and where it if and where it does. And noting before we are referring now to the onshore impacts. So first of all, I would like to ask Essex County Council if there's anything that they wish to raise here.

01:19:05:24 - 01:19:06:10

Yes.

01:19:08:02 - 01:19:13:26

I was just going to. Sorry Eleanor. Sorry. Essex County Council, Catherine Bailey will be speaking on our behalf. She's on.

01:19:13:28 - 01:19:25:00

Line. Perfect. Thank you for that. Miss Bailey, who is online representing Essex County Council. Is there anything you'd like to respond to on that?

01:19:25:27 - 01:20:00:02

Yes. Well, we made a number of comments in our local impact report in relation to this. And um, notwithstanding what the, um, the discussions that the applicant had several years ago about the extent of the viewpoints, we still consider that they are very limited in extent. There's particular places where I believe they could have done more to demonstrate what the impacts are.

01:20:00:04 - 01:20:33:26

So by having a series of viewpoints along the public right of way to the north, um, northern boundary of the site. And it is also not clear why there are no viewpoints to the north west of the site. So from Grange Road in particular, um, which uh, for the section that runs alongside the application site, it's actually very much, um, a country lane in character.

01:20:33:28 - 01:21:04:04

So, so the nominal texture of road is a bit of a misnomer in that respect and that, At um elevation of the substation is the one that can be least mitigated with the planting, because that is the elevation from which the, um, overhead lines, um, uh, from which the cables will be, will be connecting.

01:21:04:20 - 01:21:19:28

Uh, and so it's limited in the amount of, um, planting that can happen along that, um, elevation. So, so it's important to see what the effects, um, potentially are, uh, from that direction.

01:21:21:28 - 01:21:55:27

Um, we remain concerned about the number of viewpoints in Dead and Fail. And in fact, just to bring this up again and in fact, when, um, five in the Five Estuaries examination, they uh, uh, did two additional viewpoints for us in the Dedham Vale, which, um, we can be supplied. And they did um, uh, they showed what the impacts would be cumulatively as well with the other, um, proposals in this area.

01:21:55:29 - 01:22:06:08

So the ECN and the overhead, uh, lines in particular, which I think, um, are of particular concern for all the councils involved here.

01:22:08:01 - 01:22:08:18

Um.

01:22:18:06 - 01:23:10:05

Yes. And as the applicant has identified that there are residual, um, impacts, even though they proposed that the visual ones aren't, uh, significant. Um, there is that perceptual element to landscape assessment. So it's about how people feel as much as what they actually see, which is an important element. So the fact that there are going to be residual glimpses of the substation infrastructure above the tree line, um, creates a feeling of, um, unease and a perception of the landscape, of having been industrialised and in relation to landscape impact.

01:23:10:07 - 01:23:36:04

There will be a residual significant impact on the local landscape. And if that is the case, then we want to know where the compensation for that is. Um, it isn't clear if the mitigation that is proposed, which is substantially visual in nature. It also includes a an element of compensation for landscape impact. Thank you.

01:23:37:04 - 01:23:38:22

Thank you, Mr. Bailey.

01:23:43:03 - 01:23:49:03

I'm just going to inquire as to other local authorities. Suffolk County council.

01:23:51:14 - 01:24:03:26

Thank you sir. Graham Gamby, Suffolk County Council. I don't see my colleague, uh, Mrs. cutting his hand up. So I think as far as it goes, we would endorse the comments of, um, Catherine Bailey from Essex County Council.

01:24:05:24 - 01:24:06:14

Thank you.

01:24:07:27 - 01:24:09:25

Mr. Yasmeen.

01:24:11:09 - 01:24:48:01

Uh, Jacob for Tendring District Council. So my understanding is the specific question is around the the adequacy of the Elvia. Um, so I on behalf of Tendring, we don't dispute that the LDA has been done in accordance with, with best practice and the guidance quoted by the applicant. But I think I mean Tendring, Tendring is concern in terms of. So let's start with during construction is is the impact that this project will have in both individually and in combination with all the other projects.

01:24:48:23 - 01:25:35:12

Um, you know, we are saying that the impact will be will be very considerable. Um, on the, on, on the local community. So, um, the people living in Little Bromley. Hardly. And the northern parts of Lawford and the, the, the sporadic sort of, um, you know, community in between, like in the landscape in between. Um, TDC we accept that, that the submission contains a very detailed. Yes. And this Elvia but but, um, you know, what we are saying is matters around construction, um, as you know, in combination, will, will, will, will result in a great deal of of uncertainty, uh, for local residents.

01:25:35:14 - 01:26:10:22

There's a lack of clarity around this. This project's impact, together with its in combination impact with other, other projects. Uh, lack of clarity around, um, overall timescales, individual timescales, responsibilities. Who's going to take ownership? Um, if things go wrong, you know, enforceability. I know we're going to come to enforceability. But from the perspective of of tendering and the local residents, there's a great, great deal of, of of uncertainty there in terms of, um, during operation.

01:26:12:07 - 01:26:12:22

Um.

01:26:15:08 - 01:26:48:29

Uh, during operation, I think, um, our our concern is, um, I don't know if I'm jumping the gun here. Um, but so the issue for tendering again is you can never fully screen both the, the, the substation and the in combination effects is the same. And we agree or we disagree with the applicants that the residual impacts will not be significant. And we agree with our colleagues at SCC and Catherine Bailey that there will be a residual significant impact on the local landscape.

01:26:49:01 - 01:26:59:13

We have made that position clear in our local impact report. So so on that point, we disagree with the applicant. And I think the last thing to say here is, um,

01:27:00:29 - 01:27:01:18

um,

01:27:03:06 - 01:27:34:28

basically what they're trying to do is they're trying to screen, uh, what will what will be an industrial looking development, um, you know, in an, in an area that's an open landscape subject to long views. So, so that in itself, you know, the the screening together with the industrial looking, um, substations that that will appear because you're never going to be able to fully screen it, that, you know, the screening in itself will appear out of place in the open landscape.

01:27:35:00 - 01:27:35:18

Thank you.

01:27:35:24 - 01:27:58:08

Thank you, Mr. Yasmeen. Yes. The the points about the the detail design and screening about around the proposed substation. That's noted. There is a question on that that we will probably turn to after a break. Are there any other IPPs who wish to comment on, again the adequacy of the Elvia.

01:27:59:18 - 01:28:52:15

Carolyn Mason Ardley Parish Council? Um, we'd obviously like to support the comments that were made by Tendring District Council. And just speaking on behalf of our community. We are going to be absolutely devastated by not only this development, but the other three major infrastructure projects are going to hit our community. We're the we're a class classified as a rural, rural parish with the largest parish in the country, allegedly. But we feel we we think we estimate that something like 275 hectares are going to be developed on the sites we looked at yesterday, and that's 15% of our land, unprotected land, which is agricultural, best quality land that's going to be lost to this industrialization of what is rural landscape.

01:28:52:21 - 01:29:23:11

And to pick up the point that the gentleman made from the developers. About glasshouses. Glasshouses are an integral part of the agricultural horticultural community, um employers in our

area. They've been there for decades, for probably 100 years. We're part of the land, what was called the Land Settlement Association, which was an initiative to bring unemployed people into the community to grow food for our country. And that's that's grown.

01:29:23:14 - 01:29:53:18

It's developed, it's changed, but it's there as an established part of our rural community. What we're looking at here is industrialization of what is food growing area. And we really want to get that point over. And we are the highest part. We're flat. You know that from what you saw yesterday, the visuals, we're flat, we're a flat land. We're high. We're where we looked yesterday before visual point eight. I think the one before that. That's the highest part of Tendring.

01:29:54:26 - 01:30:28:04

There's no way that any of these developments are going to be screened. So you can't see them particularly. And no one was talking about that now. But taken will be enormously high. But that's part of this thought about our argument is this shouldn't be happening. This shouldn't be happening here. It should be being looked at. The the CDN should be positioned somewhere else. And if that was positioned somewhere else in a more appropriate setting, then We wouldn't be destroying our countryside.

01:30:28:06 - 01:30:28:24

Thank you.

01:30:28:26 - 01:30:42:26

Thank you. Thank you. Nathan. Yes. Obviously, we're focusing on North Falls. Um, and we are due for a break soon. I can see some hands up online. Mr.. Blythe, is there anything you need to add to your colleagues?

01:30:42:28 - 01:31:13:12

Yeah. James. Council, one further thing that I would say that has, as far as I'm aware, has not been considered anywhere. Um, it is, as has been stated, an open, flat countryside, which is the nature of the area. Um, no one, as far as I'm aware, has looked at the possibility of actually lowering the soil level on the site so that it's not poking up above the trees at all.

01:31:13:14 - 01:31:14:25

They haven't even considered it.

01:31:15:19 - 01:31:30:10

Thank you. Okay, we will move on shortly. I have two IPPs online and we'll take them in order. The first is courtesy of Baber District Council.

01:31:31:15 - 01:31:41:17

Thank you, Sir Brian Curtis district Council, just to confirm that Miss Bailey is representing district council as well as the other authorities that she's just spoken on behalf of. So just to endorse the comments. Thank you.

01:31:41:27 - 01:31:58:16

Perfect. Thank you for clarifying. And, Mr. Anderson, it's our turn to you before seeking a final response from the applicant on these various points, after which I will adjourn for a short break. So, Mr..

01:32:00:07 - 01:32:36:04

Simon, it's the national landscape partnerships. Uh, very briefly, um, yeah, I represent the national landscape partnerships. But yeah, we do recognize the community concerns outside that were very eloquently described just now. And, you know, I think we would urge the panel to to consider that. And I think the point about, uh, other infrastructure proposed, uh, in this area, we do need to consider, uh, you know, relating to the cumulative impact.

01:32:37:03 - 01:33:13:25

Um, I think we broadly, the national landscape partnership broadly, uh, recognizes and the findings of the, um, landscape visual impact assessment around the onshore infrastructure. But what we would say is that where, uh, impacts are defined as, uh, moderate, there are still impacts. And although they may not meet the, uh, environmental impact assessment threshold for significance that are still impacts, you know, both on the national landscape and the local community.

01:33:14:14 - 01:33:49:11

Uh, and yeah, in reference to an earlier point, and yeah, it's one that I accept that this should be, in my view, some form of compensation, but a proportionate compensation. And I accept the point that, um, yeah, we are looking at a different scale of impacts from the lower Thames crossing. I was just trying to make the, um, uh, the, the process, uh, relevant or the, the precedent or the word I want to use there. But yeah, I can see the proportionate, um, uh, requirement there.

01:33:49:13 - 01:33:50:09

Thanks very much.

01:33:50:21 - 01:33:54:29

Thank you, Mr. Amsterdam. So I am now going to

01:33:56:22 - 01:34:45:18

ask the applicant to respond to those points around the question and the question taking us back, what was to do with the adequacy of the Elvia? Various points of detail around the substation have been raised. I will turn to those after our break. Um, bearing in mind that we have already strayed into that territory, and therefore I will ask for those submissions to be succinct. Miss Broderick, if I could just ask you to respond to any of the points that you've heard there around, um, additional points or viewpoints needed from within Dedham Vale and those possible missing viewpoints and visualizations from the northwest of the substation site.

01:34:45:29 - 01:34:52:09

There are a few other points which I have raised about lowering of ground and so on. Thank you.

01:34:53:22 - 01:35:11:26

I think perhaps some of the other points that have strayed off the actual question issue. Perhaps you could respond to those points in writing. Um, but if you could respond in terms of the specific question that was originally put, which was the adequacy of the assessment.

01:35:14:16 - 01:35:22:29

Of the applicant. Um, thank you that yes, that's helpful. And noting that cumulative effects has its own specific agenda item later. So our understanding is that.

01:35:23:03 - 01:35:32:25

It does indeed. So, you know, we understand cumulative issues are important to people, but there is a separate agenda item to cover all of that.

01:35:35:02 - 01:35:55:11

Thank you. We wanted to make it clear we weren't avoiding the topic. It's just we'll deal with it at that specific agenda item. I will let miss McRae speak on the specific points, um, about the selection of the viewpoints and whether there is a need to produce any further viewpoints to support the assessment. Um, that has already been undertaken. Thank you.

01:35:57:14 - 01:36:33:23

All McRae for the applicant. So I yes, I recognise that there are no viewpoints on that that closest, um, edge of the development site, um, either along the, the public right of way along Barn Lane or the southern edge or southern end of Grange Road. Um, it was felt that, um, a viewpoint at that close range wouldn't actually illustrate a great deal, because it's clear that you would be standing immediately adjacent to the proposed development.

01:36:34:16 - 01:37:10:22

Um, so there is inevitably going to be an impact. And that's borne out by the assessment of effects on viewpoints two and three. So it can it can clearly be, uh, um, interpreted from those viewpoints that there would be significant effects, uh, for people walking along that, uh, western end of Barn Lane footpath or, or walking around Grange Road. Um, you get a similar series of, of open views across the site, which would be interrupted by the development and the proposed mitigation.

01:37:12:26 - 01:37:52:06

Um, so we don't feel it would be helpful, particularly to provide additional visualizations for those locations. And just to comment on a couple of points that were that were made. Um, the assessment, the Elvia does conclude that there would be a significant residual effect on the, on the landscape, but that that would be localized. So it's it's not correct to say as, as somebody did that, I think that, um, that it was found that there would be no significant residual effects.

01:37:52:08 - 01:37:59:26

There would be a significant long term effect on this landscape. And, and I think that's that's recognized in the assessment.

01:38:01:12 - 01:38:29:29

Uh, and finally, I would just just want to, to comment, um, that, uh, effects which are found to be moderate are considered to be Significance in the terms of the the EIA regulations. So there are

moderate effects on views and on landscapes outside the national landscape, which are found to be significant in the Elvia. Thank you.

01:38:30:12 - 01:38:32:11

Thank you for those points, Mr. McRae.

01:38:34:06 - 01:38:42:12

Just looking at the time, I'm going to, as foreshadowed earlier, um,

01:38:43:29 - 01:39:08:21

move to a slight adjournment for a 12 to 15 minute comfort break, after which there will be a number of points on the detailed design and some of those substation points. Again, I will ask responders not to stray into territory that has already been covered for the interest of timeliness. It's now 1139. If we could resume in 15 minutes, that would be lovely. Thank you.