

## Hearing Transcript

<b>Project:</b>	North Falls Offshore Wind Farm
<b>Hearing:</b>	Issue Specific Hearing 2 (ISH2) - Part 6
<b>Date:</b>	10 April 2025

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**FULL TRANSCRIPT (with timecode)**

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The time is now 10:00. And this issue specific hearing two has resumed.

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I'll just check that the live stream has begun.

00:00:19:09 - 00:00:47:18

So we're now moving on to item 3.5 of the agenda offshore landscape, Visual and Seascape effects. As this is a continuation of issue two, the formal introductions provided at the beginning of the meeting will not be repeated, but where any contributions come from somebody who has yet to introduce themselves, I will ask you to briefly state who you are, as well as remind all contributors to state their name and organization before speaking.

00:00:49:17 - 00:01:12:03

The first item under agenda 3.5 relates to national landscapes and the countryside. Rights of Way Act, 2000. As amended. First bullet point. Whether the proposal enables the Secretary of State to discharge the Countryside Rights of Way Act 2000 duty, as amended by section two, four, five six of the Levelling Up and Regeneration Act 2023.

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So,

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amongst others. Suffolk and Essex Coast and Heaths National Landscape Partnership in relevant reps. And at open floor hearing one have expressed a view seeking clarity as to how the proposed development complies with various local and national policies. During issues specific hearing, one we discussed in relation to onshore landscape and visual impact, the relatively new obligation on relevant authorities authorities to seek to further the purposes of an AoNB national landscape.

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With reference to section 205 of the Levelling Up and Regeneration Act. The partnership Consider this an active duty Suffolk County Council. Share this view as set out in Local Impact Report and written representations and answers to first written questions. Suffolk County Council's position on the section 85 duty can be found in paragraph 7.31 to 7.38 of its Local Impact Report.

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That's Rep 1074. Suffolk County Council consider it likely that measures which seek to enhance the A and B would provide an opportunity for ecological enhancement as well.

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Further submissions were received at in response to examining authority question first written questions 14 .1.3 that the effects are well above the threshold of non-negligible magnitude, and therefore it's clear that the duties engaged in relation to this proposed development. Essex County Council have made similar representations concerning Dedham Vale and Labour district councillors also shared this view. Specifically with regard to

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the duty for Dedham, our national landscape.

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The applicant's position.

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Is 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 minimise the potential impacts on the NLW. At issue specific hearing one, the applicant reconfirmed this and drew attention

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to the recent High Court judgment in New Forest National Park Authority versus Secretary of State for How Communities and Local Government from March 2025, and I will invite IPS to comment on this judgment as well. Now. Either today, deadline for and through further written questions.

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The applicant has also said that the project order limits did not fall within the SE.

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And the distance from the Ouray area to the coastline within the boundary of National Landscape of approximately 40km. It is the applicant's view that the inclusion of any other reasonable measures, specifically to further purposes of the channel would not be considered reasonable, proportionate or appropriate in the context of conclusion. No significant effects. Special qualities.

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Suffolk County Council suggested that the applicant should engage with CCH and LP partnership regarding possible measures to be undertaken as per the Defra guidance, which states that those persons subject to the duty should address the question has the relevant Protected Landscape Team been approached for their view on whether or not measures help to deliver the Protected Landscapes Management Plan and further the purposes of the designation. So I will be seeking a response on that from the applicant today.

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Whereas at ish one the concern was onshore landscape effects. Issue specific hearing to today concerns offshore landscape seascape effects and this duty. I will ask the applicant and then up IPS here in person and online to expand on this.

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Be useful to hear from the applicant and IP regarding offshore concerns today. There is a difference between IPS and the applicant regarding the duty. I will then bring in attendees before hearing again from the applicant. So please initially can the applicant set out its position as to how the proposed development complies with the duty. In particular, I am noting Natural England's comments and those set out in its risk register.

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For example, I four of its risk register, which is currently read where Natural England states we advise the applicant, clearly sets out how the project proposes to enable the decision maker to further the purposes of the national landscape. Please can you set out how this has been achieved as far as practicable, how the proposal would minimise impacts and therefore conserve natural beauty? Or Whereas where it's not been possible to minimise this because of operational constraints? If any constraints exist, how has the applicant offset the residual harm by enhancing the natural beauty of the natural landscape?

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And what measures may be achieved by undertaking or contributing to initiatives within the national landscape. Could be introduced to enhance the natural beauty. I would. As stated before, I'd like to hear any comments on engagement with relevant bodies.

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I'll now turn to the applicant for a response.

00:07:15:02 - 00:07:46:05

Good morning. Uh, Clare Patrick, legal director at Pinsent Masons LLP, solicitors for the applicant. Um, as the examining authority referred to, we set out our position in our response to, um, uh, the question, um, which was rep 2-020, which was question uh, 14 .1. 13. Um, I'm not proposing necessarily to go through the reasoning.

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Um, in terms of the application of the of the duty. And but I would like to highlight that obviously NPS in one does specifically refer to that duty in paragraph five point at 10.8. Um, and to highlight that the Secretary of State should be satisfied that any measures should be sufficient, appropriate and proportionate to the type and scale of the development. Um, I also refer to NPS in three um and paragraph 2.8.253, which recognises that changes to the design or scale of wind farms, um, cannot be undertaken without significantly affecting the electricity generation output of those turbines.

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Um, and therefore the Secretary of State would expect it to be unlikely that the mitigation in the form of a reduction in scale would be feasible. And then paragraph 2.8.254 does specifically refer to the consideration of the siting and layout of the turbines and, um, an obligation to consider, um, whether

it could be designed to appropriately minimise harm whilst considering other constraints such as ecological effects, safety reasoning, um, or engineering and design uh parameters.

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We did set out in our response to the question, um, the various measures that had been undertaken by the applicant, um, in terms of, um, compliance with the duty, and that would enable the Secretary of State to, um, uh, be satisfied that the duty are being complied with. And that was specific consideration of the scale, extent and significance of any harm. Um. Um, and the, um, design of the, um, uh, projects.

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Uh, the project itself, particularly the location of the, uh, turbines we'd mentioned in our response, the, um, measures that have been taken to reduce, uh, the array area, including the removal of turbines from, uh, the northern section of the array, um, and following, um, the assessment that had been undertaken to understand the impacts, um, on the national landscape. The applicant didn't included that.

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It did not feel that any further mitigation measures, such as the removal of further turbines, um, would be warranted or would, um, meaningfully reduce the impact other than removing the turbines altogether? Um, would be the only option, which obviously would, um,

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Not meet the need for the project in terms of generation capacity. So the applicant has fully considered whether any further amendments could be made to the design of the offshore wind farm Array to minimise any impacts further, and hasn't considered that any such changes would be a proportionate or appropriate. And Mr. McCracken provide some more detail about whether those changes would or wouldn't make any difference to the conclusions of, um, no significant effects, um, as it's been set out in the ES, um, in terms of, um, an obligation to provide, um, a positive enhancement in the form of, um, some form of financial contribution.

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Um, the applicant's position is that, um, there isn't anything in, Um, the legislation or the national policy statements or the guidance that compels such measures to be provided in every case where there is any kind of impact, um, and that that requirement to take an appropriate, reasonable and proportionate approach needs to be applied on, on a case by case basis. Um, I imagine that, um, interested parties will refer you to a number of examples of development consent orders that have been granted fairly recently where, um, a decision was taken that it would be appropriate and proportionate to provide some form of financial contribution.

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Um, however, the applicant's position is that, um, uh, the impacts of those schemes are not directly comparable, um, to the proposed development in this case. And therefore, um, they don't set a form of precedent that every, every scheme that identifies any impact should provide Financial, uh, contribution. Um, if you would like some further information in terms of how the proposed

development differs, for example, from the recently granted at Grampian two offshore wind farm, in terms of the nature of the impacts on the national park, then Mr.

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McRae is able to do so, if that would be useful. Thank you.

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Thank you. Yes, Mr. McRae? Anything to add so far? And also the point which which may have been missed in my preamble about involvement of relevant bodies within the National Landscape area.

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For the applicant, just in respect of that last point, in terms of engagement on the topic of additional enhancements and compensatory measures. There have not been any discussions on that point. Obviously, in terms of the assessment that's been carried out in the U.S., then there has been consultation on that basis. But I'll let miss McCrea respond to the other point.

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Thank you. Thank you.

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Good morning. Paul MacRae, landscape architect, on behalf of the applicant.

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So the I think the two points to respond on were whether changes to the scheme would further reduce the impacts. And then

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the point about ramping two. Is that correct? Please think so in relation to further changes to the scheme. So the between the preliminary environmental impact report and the ES, there was a substantial reduction in the proposed scheme by the removal of the the Northern Array, and that had a

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a material change to the outcome of the seascape landscape and visual impact assessment, um, with reduced effects reported uh in the environmental statement as in comparison to the pier.

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Um, so so yes, as as Broderick has said that further changes would have an incremental,

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uh, reduction in, in effects. However, that would continue to impact on the ability of the project to, to generate electricity. Um, that we would not anticipate that.

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small changes to the layout would have material or further material differences to the level of impacts

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that would be anticipated. Uh, without.

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Uh, without, you know, removing a large proportion of the, the array that would, would significantly affect its, its ability to generate.

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Turning to to ramp in two.

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Um, so the ramp two is proposed off the, the south coast of England, as I'm sure you know. Um, the, uh, the project there,

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as I understand it, uh, proposes turbines, which are slightly smaller than the ones that North Falls are proposing. I think it's 325m.

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However, they would be located less than 20km from the South Downs National Park.

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Adjacent to the Grampian One project, which is around 15km from the national park, so relatively close to the designated area. And contrasting that with 40km at North Falls.

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It would also occupy a wide horizontal spread in many views from the national park. Because the Grampian two array is. I think it's around 15km in overall length and that's set parallel to the coast and to the the national park, so it would occupy a much broader, um section of the view as seen from the national park. And again, in comparison to North Falls, which is a smaller, more compact array.

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And the final point I would make in relation to Grampian two, um, is that it is, is also, uh, around 31km from the Isle of Wight national landscape.

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Uh, so again, so again, slightly closer than North Falls is to the Suffolk and Essex Coast and Heaths.

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But in that case, the examining authority for Grampian two accepted that there would be no significant effects on the national landscape at that distance.

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Okay.

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Okay. Having heard that response, I'm going to invite local authorities and other IP's starting with, I think those in the room. So Suffolk County Council, Mr. Gundy. However, I would normally turn to Mr. Gumby, but it's Mr. Bedford today. If you could introduce yourself and, um, respond to what you've heard and if there is anything to add to those submissions that you've previously made.

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Thank you.

00:19:17:03 - 00:19:51:06

Thank you sir. Um, my name is Michael Bedford, King's counsel. Uh, I'm instructed by Suffolk County Council, counsel in relation to this offshore wind farm, and specifically to deal with this particular issue, uh, in relation to the, um, impacts on the national landscape. That's the Suffolk, Essex Coast and Heaths national landscape, which obviously we've addressed in our local impact report. I appreciate that there are also separate comments about the Dedham Vale AoNB, but we're not dealing with those today.

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Um, so can I deal with, uh, the, um, this first bullet point on the statutory duty? First, if I can raise two initial points, and then I want to make some more substantive points and particularly deal with what we've just heard from the applicant. Um, the first initial point, which we would like, uh, to invite, uh, the applicant to clarify, not necessarily today because it can be in the post hearing submissions, but there is a point that the statutory duty applies to what are defined as relevant authorities.

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And there is no doubt, I think, in anybody's mind, that the Secretary of State, as the decision maker in relation to this case, is one of those relevant authorities. And so that isn't, I say, an area of any controversy, but it's our view, as we have set out in our written material. And this is in footnote two. And it's a little bit obscure, but it's in footnote two of annex one to our answers to the XQ ones.

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That's rep 2059. It's our view that not only is the Secretary of State a relevant authority, we consider that the applicant itself is also a relevant authority by virtue of being a deemed statutory undertaker.

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And we've set out in that footnote, uh, why we think that, um, and we would welcome. Uh, some clarification from the applicant that it accepts that it is indeed a relevant authority for the purposes of the section 85 A1, uh, duty. And the reason why we think that that ought to be clarified is because there may and I do stress the word may there may be differences between what is required to discharge the duty, depending on whether it's a duty that is placed only on the decision maker, or whether it is a duty that is also placed on the project promoter.

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And so I say we think it ought to be clarified that, uh, uh, does the applicant share our view that it is itself subject to the duty? Um, and that obviously will help inform what goes beyond that. We haven't seen any comment from the applicant in response to that particular point that we put in at rep 2059. It



was not picked up in anything, certainly, that we've read in what the applicant said at um, deadline three.

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So that's why I say that's an initial point we'd welcome some clarification on. Um, the second initial point, uh, which it would be helpful if there could be some, uh, clarification today, uh, from Mr. McRae, if that is possible, is, uh, because and the reason why we want that clarification is it helps inform the application of the facts Next to the statutory duty we've looked at.

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Obviously, the note, the technical note that the applicant has provided Rep 3044,

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which seeks to explain its assessment of the special qualities of the National Landscape, stroke AoNB and the Heritage Coast. And we are intending to provide our written comments on that technical note at deadline for, uh, on the 25th of April. Um, as you would expect, but it would very much help us in understanding, uh, what is said in that note.

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If the applicant could provide some further clarification today of its approach. And in particular, there is set out in the note a table four which goes through various of the special qualities and indicates the applicant's assessment on the scale of change that the proposals, as now formulated, will have on those special qualities, and in a number of respects, that scale of change is identified as being a medium scale of change.

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However, then when you come to what is said, uh, or sorry I should say that is then summarised in paragraph 22 of that note as to the outcome of that exercise. But then when you come to paragraph 23 of that note, uh, it is said by the applicant that the magnitude of impact on what is, I think, agreed to be a high sensitive receptor. That's to say, the national landscape and its special qualities.

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The magnitude of impact is put by the applicant in paragraph 23 as low.

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We've looked at the methodology in app

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170. That's the Slavia methodology. We note that that doesn't seek directly to provide an explanation of the approach taken to the special qualities assessment, and that is confirmed, I think, at paragraph 14 of the technical note. Rep 3044

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and so at the moment, we are not clear on the reasoning process that has allowed a series of medium scale of change effects on the special quality to then be said to come to a magnitude of impact, which

is said to be low. And that obviously then feeds into the question of significant or not significant for EIA purposes.

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So I say, um, I, I hope I've explained, as it were, are, um, confusion sufficiently that the applicant can offer some explanation and if that is forthcoming, uh, today, that would certainly help us when we come to provide our written comments on that technical note, um, in, uh, deadline for and that itself feeds into obviously, uh, if the duty applies at what it requires and therefore what its, uh, uh, discharge may or may not be in a particular case.

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So, sir, I apologize for that lengthy introduction of two preliminary points before we get to the substantive point. But because they are both things where we're effectively seeking further information, I did want to outline those at the outset. So then moving on to the more substantive, uh, matters. Uh, the first point I think we would want to emphasize is that the effects on the national landscape and its special qualities that are reported, uh, in the application and in particular, uh, in the, um, Slavia, that's app 043 and also expanded on in the technical note.

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Uh rep 3044. Uh, those, um, effects are all residual effects after, uh, the changes that were made in the evolution of the application.

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That is to say, the removal of wind turbine generators from the parts of the northern array. The reductions in height are all those matters are, as it were, baked into the assessment. It would be, in a sense, slightly double counting, uh, to be relying on those as in some way showing discharge of the duty. Because what you need now to look at is the project that is before you,

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which is after all of those effects have been taken place, and the assessment from the applicant of the project, which is before you, is as set out in the SLV. And that is still showing adverse impacts on the national landscape and on its special qualities. And that is the, as it were, the starting point for then Considering whether or not it's possible for the new statutory duty to be satisfactorily discharged by the proposal simply in its current format,

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and we are not persuaded, as we have indicated in the Local Impact Report, based on the findings of the SLV, that the proposal as currently formulated, and in the absence of any offsetting through compensatory measures or explanation of why they are not realistically achievable, is currently in a state that the statutory duty is able to be discharged, whether that's by the applicant or by the applicant and the Secretary of State.

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And can I also just say, then, when we come on to the issue of policy And primarily this is actually an issue of law rather than an issue of policy. But on the issue of policy and in the text that we have in EN1 at paragraph 5.1.8, which does address, uh, statutory duty, uh, the important phrase is that the

Secretary of State should be satisfied that measures which seek to further the purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development.

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And we very much emphasize that word sufficient because uh, that, uh, carries with it, as it were, the implicit question sufficient for what purpose? To which we say, well, the answer is obvious, sufficient to enable the decision maker to be satisfied that statutory duty is discharged. And that, um.

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Is something which has to be brought into play when one is considering the question of appropriateness or reasonableness of measures. Whatever one is considering has to meet that test of being sufficient. So we do want to emphasize that. Then if I can then continue on this issue of the adverse effects. Um, firstly, we do not agree that merely because using AI language, the effects on the AoNB and its natural beauty indicators are assessed by the applicant as not significant in AI terms that that means that they are not negative effects.

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And.

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On that point, we do note

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that in the recent uh, Luton uh extension development consent order, uh decision, which was the 3rd of April 2025, uh, that the Secretary of State concluded that the effects there on the special qualities of the Chilterns AoNB, which were a type of indirect effect in the sense that it was the impact on the relative tranquillity of the Chilterns AoNB, uh, from Overflights in the airspace above the AoNB.

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There was no physical development being proposed within the AoNB.

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The Secretary of State concluded that the effects on the special qualities of the Chilterns AoNB would not be significant. That was his conclusion.

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I apologise, I should say that was her conclusion. Um, but nonetheless, the Secretary of State still required a compensation payment of a financial sum to fund the conservation or enhancement measures within the AoNB, in order that she could be satisfied that the duty was discharged. Um, we'll provide the full references in our post hearing submissions, but can I can I just first of all, inquire with something which is a DCO Secretary of State decision.

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Do you require us to provide you with extracts from it? Is a link sufficient, or do we not even need a link because it's something that you're able to access yourselves? I'm we have a completely neutral position on that, but we just would quite welcome some guidance as to what you would prefer.

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Thank you. Okay. Um.

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We do have access to that.

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Thank you. So we simply give you the paragraph references that we want you to pay.

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Yeah. On the other hand, other people might not have. So it might. Would you like the purpose of the for the purposes of the examination and to allow everybody to have ready access to it? I think it would be helpful if you could either put, um, a link to the judgement in or a copy of the judgement and copies of the relevant extracts.

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Yes.

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Well, yes. Well, we'll do all of those things then, so there's no doubt about that. But then simply I as I will provide the full references in our post submission. But if I can simply say at this stage that the particular references are from it's 208 to 210, that's two zero 8 to 210 213, and then 218 of Secretary of State's decision and also article 54 of the made DCO.

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But coming back to the project here, the residual negative effects identified in the SLV, even if they are properly to be understood to be of low magnitude. That goes back to my first query of a little bit more explanation. But even if they are properly regarded as low magnitude, inevitably means that they are still negative effects as the applicant makes it clear, uh, in, uh, the, uh, methodology.

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This is, um, in, um, it's pages 2 to 3 of the SLV methodology at 170. I'm afraid there isn't a paragraph number, but it's where it goes from the bottom of page two to the top of page three. It confirms that the applicant's approach is that the identified effects are to be treated as adverse or negative. So, um, the residual effects that the applicant has identified in SLV, a.

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Being negative effects means there is inevitably a failure to conserve the AoNB and its special qualities. And I'm using their, um, conserve to mean keeping it free from harm.

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And we also note that, of course, nothing is proposed by way of enhancement measures to offset or compensate for those negative effects as at present.

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We are obviously aware of the recent High Court case that the New Forest National Park Authority and Secretary of State for housing, Communities and Local Government, a judgment that was referred to by Mr. Medlin a short while ago. Um. 2025726 admin and will provide that if it's not, I think the applicants already said they are going to provide that. So I think that's something that you're going to receive. Um, first point to note about that case, uh, which I think the examining authority is generally familiar with, is of course, it didn't, uh, address, uh, the point about, uh, Impacts on a protected area.

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They're a national park in terms, so it doesn't assist on the point that I was making earlier that we don't agree that just because you're below the level of significance for EIA, therefore that's sufficient to satisfy the duty. Um, one can slightly infer that if being below the level of significance was enough to meet the duty, and since the New Forest case wouldn't have got off the ground in the sense that what was there being considered was a relatively modest residential extension to the rear of an existing dwelling, which, on any view of the EIA regulations, obviously it would be the Tcpa EIA regulations in that case, but it's the same schedule's definition on any view that would not have been EIA development.

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And if it was enough to simply say, well, I'm proposing development in or adjacent to a protected landscape, which is not likely to have significant environmental effects. Therefore, I'm satisfying the duty. I say that case would never have got off the ground. Clearly it did get off the ground, albeit that on its own particular facts, the inspector concluded, and the judge upheld, that there would not be adverse effects on the relevant protected area.

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Um, but what what is we say? Uh, significant, uh, is that, um, in paragraph 77 of the judgment, the judge does take the position that to achieve the aim of conserving a protected area requires it to be preserved, intact and maintained in its existing state.

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And we say it inevitably follows from the findings of the SLV in this case, that that objective is not achieved by the North Fork proposal as currently formulated. And we would draw specific attention to tables 29.21 and 29.39 of the SL via app 043.

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There is a point which arises in the New Forest case that we do have a reservation about, and that's to say the correctness of the New Forest finding at paragraph 79 and 86 that the duty can be met by conserving alone without any enhancement.

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But I'm pleased to be able to say to you that that's not a point that we need to labor in this particular case,

00:41:11:07 - 00:41:19:23

because as we see it, the findings of the SLV are clear that here there is a failure to conserve.

00:41:23:02 - 00:41:59:06

And therefore, we don't need to invite you to deal with the scenario. Well, if you conserved, do you have to do more than that and also enhance, because we say that the applicant is not able to achieve the first element, which is to conserve. So all all I'm saying is we'd like to reserve our position because there may be other cases where we might want to disagree with what Mr. Justice Mould said about that particular point. But we don't need to invite you or the Secretary of State in this case to grapple with that and therefore, um, or the normal practices.

00:41:59:25 - 00:42:30:07

You don't seek to decide things that you don't need to decide. And I say we're not. We're not needing to pursue that argument. We should say just so that it's something that is, uh, in the examination. We do note that in the, um, the Gatwick Northern Runway Development Consent Order examination, the secretary state's minded two letter. That's the letter of the 27th of February, um, 2025.

00:42:32:29 - 00:43:08:28

That does look to the applicant in that case to provide something by way of enhancement, even though the exa in that case considered that those proposals would conserve the relevant landscape. So. Secretary of state in the Gatwick case certainly looks to be applying the phrase conserve and enhance to mean that you have to achieve both. But I say that's that's simply a straw in the wind at the moment, which we don't need to ask you to resolve.

00:43:10:29 - 00:43:47:00

I think can I then just picking up on the points that the applicant made about the ramp in two decision? Well, I think that came out on Friday, and I think we've not yet fully absorbed everything in relation to that. So we'll make any further, um, submissions in our, um, um, post hearing submissions. But um, in short, we would certainly entirely accept the point that each case has to turn on its own merits, and there will be points of factual distinction between, uh, cases.

00:43:48:00 - 00:44:20:19

Um, and it doesn't follow that because somebody in one case has made a contribution that necessarily all people, in all cases will have to make contribution. It clearly will be case specific. So that much we would agree with the applicant about. But I say we say that it's very clear on the applicant's own evidence in this case there are residual adverse impacts. And we say that bearing in mind, particularly the need for measures to be sufficient to meet the statutory duty that the applicant needs to do more.

00:44:21:11 - 00:45:05:09

And we would certainly invite the applicant to engage with the National Landscapes Partnership, of which we are a sponsoring, uh, body, uh, and also to engage with us on measures that can be taken in order to address those residual adverse effects. And can I make it quite clear that we are not saying that the measures that we are looking to the applicant to come forward with would be measures that would remove some physical parts of the development, that's to say, removing wind turbine generators from parts of the array areas.

00:45:06:04 - 00:45:27:23

So we're not asking for, as it were, a lesser development. We're accepting essentially the development is as it is. But what we're saying is that if that development, which is as it is, has residual adverse impacts, then offsetting measures need to be brought forward.

00:45:29:21 - 00:46:17:11

And those offsetting measures need to be related in scale and kind to the residual adverse impacts. And they need to have a nexus of some form in planning terms that can relate them to those offsetting impacts. It's obviously we're talking about offsetting or compensation rather than mitigation, using those as different concepts. And what we're looking at the area of is the negative impacts, impact on the appreciation and perception of the special qualities of the national landscape, in particular along the coastal strip of the national landscape.

00:46:17:22 - 00:46:35:29

And so we would be thinking that the first intense part of call would be measures which can improve the accessibility of the national landscape, and particularly that coastal strip to be appreciated.

00:46:37:20 - 00:47:09:24

And whether that is, let's say, for example, measures that relate to improving access for persons who may be mobility impaired, whether it relates to linking up sections of coastal paths with other routes to enable more access to the coastal areas. In a sense, I say that that we think is all up for sensible discussion, but that we think could be things that you could see well, that has a nexus with how people appreciate and experience the coast.

00:47:10:14 - 00:47:40:15

And if there are negative impacts on that experience through the presence of the wind turbine generators, then as it were, offsetting measures in relation to accessibility to the coast could be seen to have a reasonable nexus that can therefore be related to offsetting that impact. So so I know I've taken rather a long time to elaborate those points, but it is an important issue for us and those are our matters on your first bullet point. Thank you.

00:47:41:03 - 00:48:03:06

Thank you. Yes, there's a fair bit there. So I would ordinarily invite other IPS to come in at this point, but I think we will move to your initial points on behalf of Suffolk County Council, which were whether or not the applicant is a relevant authority in the discharge of the duty.

00:48:07:11 - 00:48:20:18

And then the technical note. So on those first two initial points and the other points. Can I put that over to the applicant for a response? I appreciate.

00:48:20:20 - 00:48:21:05

That.

00:48:21:15 - 00:48:25:06

Some of that may come through at the post hearing notes.

00:48:26:23 - 00:49:00:04

Clare project for the applicant. I will let Mr. Mackay come back on the specific points in the technical note. Um, in relation to the first point about whether the applicant is a statutory undertaker. I will confirm the position in our written submissions. I'm aware of the submissions made by five estuaries on that particular point. However, what I would say is it is our position that there isn't, um, a practical distinction in terms of the application of the duty.

00:49:00:10 - 00:49:35:14

Um, the applicant here is, uh, a special purpose vehicle set up entirely to promote this particular development. It doesn't have wider statutory undertaker functions. It's licences, uh, for this particular, um, development. Um, and as I mentioned earlier, in terms of consideration of the duty, um, that was done via the design of the proposed development and the decision, as Mr. McRae mentioned, to remove the Northern array, um, to reduce Use impacts on the national landscape.

00:49:35:26 - 00:50:09:24

Um, was part of, um, the recognition that that duty applied. Um, it was helpful, um, to receive confirmation, um, that it was not being suggested that in order to comply with the duty. Further amendments should be made to the scheme in terms of reducing its scale, um, or its, uh, array layout. And that is essentially the applicant's position, is that it has considered whether any further amendments should be made to the scheme, um, in order to reduce impacts further.

00:50:09:28 - 00:50:52:20

Um, but didn't identify any changes that could be made that wouldn't have the result of severely impacting the generation capacity of the scheme at that point is recognised, um, in the MPs in terms of, of, of consideration of siting and layout. Um and in particular the fact um mentioned in paragraph 5.1.34 of n uh one, which states um, that. Obviously the aim is to avoid harming um or to minimise adverse effects, but that the fact that a proposed project will be visible from a designated area should not in itself be a reason to refuse consent.

00:50:52:22 - 00:51:34:21

So our view, is there sort of two elements to the duty. One is to see whether any, um, amendments could be made to the scheme to try and minimise harm. And our position is there isn't any further anything further that that could be done, which seems to be accepted by, um, Suffolk County Council. And then there is a secondary question which is whether, um, any form of enhancement or compensatory measures should be made, as was said, to offset the harm caused. Our position is that there is nothing in the policy documents that um or requires, As um, a form of compensation measure to be put forward regardless of the level of harm.

00:51:34:23 - 00:52:09:20

It seemed to be being implied that any harm, regardless of its significance, required automatically some form of compensatory measure. And our position is, is that that is not the case. And that, as was mentioned, every case needs to be considered individually. Um, and our view is that it's not proportionate or appropriate in this particular circumstance to provide, um, a form of compensatory measure because of the, um, uh, extent of harm being minimal in our, uh, in the, in the conclusions of the assessment.

00:52:09:22 - 00:52:23:24



So I think that there is the as I say, at the point of disagreement is whether the duty requires compensatory measures to be made for any degree of harm, uh, rather than only, um,

00:52:25:20 - 00:53:00:00

but when we recognize that in terms of utilizing significance. We're not saying that just because it's not significant doesn't mean that compensatory measures shouldn't be appropriate in certain circumstances. And obviously, the decisions that have been referred to have identified cases where compensatory measures have been considered to be appropriate, even though in EIA terms it is not significant. However, in this particular case, our view is that given the level of harm or impact, um, such a financial contribution is not considered to be appropriate and proportionate.

00:53:00:02 - 00:53:12:03

And that's due to the distance of, uh, the turbines from the national landscape. But I will pass over to Mr. MacRae, uh, just to respond.

00:53:12:05 - 00:53:28:08

I just clarify in your response, you were referring to policy, uh, requirements. Do you make a distinction between the policy requirements as opposed to the statutory duty is set out in the act.

00:53:30:07 - 00:53:32:14

For the applicant. And

00:53:34:09 - 00:54:05:23

so the statutory duty is to seek to further. It is not must further. So our view is that you need to explore opportunities. Um, however, that statutory duty as is recognised in the um government guidance, does need to be considered in the context of other statutory duties, and it specifically states it's not intended to override, um, other statutory duties in the Planning Act 2008.

00:54:05:26 - 00:54:38:03

The Secretary of State is under a statutory duty under section 104. Um, in relation to the application of the MPs. Um, and our view is that therefore you have to consider, um, the measures that need to be taken to comply with the duty to seek to further in the context Text of the duty to make a decision in accordance with the MPs and the MPs approaches to what is proportionate and appropriate in the circumstances. Balancing the need for renewable energy.

00:54:38:07 - 00:55:10:22

The amendments that could be made to a particular proposed development, without having a significant impact on the generating capacity of that particular infrastructure, and the general tests regarding general policies regarding critical national priority infrastructure. So I think we obviously a statutory duty is distinct from policy in terms of priority, but our view is that you do have to consider that statutory duty in accordance with the statutory duty under the Planning Act 2008 as well.

00:55:11:16 - 00:55:12:03

Thank you.

00:55:12:17 - 00:55:16:17

Just pass to Mr. McRae to respond on the technical note point that was raised.

00:55:16:19 - 00:55:17:07

Thank you.

00:55:20:27 - 00:56:10:13

All for the applicant. So the technical note at paragraph 22, as has been pointed out, summarises that the scale of change on certain perceptual aspects is judged to be medium. And the following paragraph confirms that the magnitude of change to the special qualities will be low. The methodology document, which is um, the appendix 29.1 uh, clarifies that scale of change and magnitude of change are two separate stages, and the judgment and the magnitude of change also considers other factors as well as the scale of change.

00:56:11:04 - 00:56:27:28

Um, and those include the geographical extent and reversibility of the effect. And that's the reason why the two judgments are different, so we're satisfied that the technical note is correct. Thank you.

00:56:28:28 - 00:56:29:21

Okay.

00:56:30:05 - 00:56:30:22

Thank you.

00:56:35:28 - 00:56:36:22

On the

00:56:38:19 - 00:56:52:11

Suffolk County case, on those two preliminary points, have you anything to add before we move through. And I will like to bring in other IPS, including the partnership shortly in case there's anything further.

00:56:53:21 - 00:57:27:10

Thank you sir. Michael Bedford uh, Suffolk County Council on uh, the first point about, uh, whether the applicant accepts that it is itself subject to the duty. We note that the applicant is going to provide a considered response to that in their post hearing submission. So we'll defer any further comment until we've seen that. um, on the issue about, uh, the technical node explanation.

00:57:28:02 - 00:58:16:17

I if I can ask through you, sir, as a potential follow up to clarify. Um, is it the applicant's, uh, approach that, um, it is suggesting that what is a medium scale of change becomes a low magnitude impact because the applicant is taking the view that only parts of the national landscape are going to experience the negative effects of, uh, the, um, adverse effects on the, uh, special qualities.

00:58:17:16 - 00:58:47:15

And, it's for that reason, as it were, that the applicant has suggested that the geographic extent is small. I think, in the terminology that the applicant is using for geographic extent, and it's for that

reason that the applicant has downgraded, if I can call it that, a medium scale of change to becoming a low magnitude impact.

00:58:50:02 - 00:58:51:24

Thank you. Yes, we we.

00:58:51:26 - 00:58:52:11

Have.

00:58:53:16 - 00:59:04:27

Similar questions under a further bullet point. So I will allow that question to be responded to now on the on the scale of magnitude of change.

00:59:26:06 - 00:59:28:09

All McRae for the applicant.

00:59:30:23 - 00:59:45:15

The, uh, the point about the geographical extent is, is applying to the areas where the the effect would be experienced. Uh, so that is

00:59:47:10 - 00:59:50:05

a smaller area than the whole of the

00:59:51:21 - 00:59:53:04

national landscape.

00:59:55:06 - 00:59:56:26

Um, so it's it's

00:59:58:18 - 01:00:14:11

trying to combine the Elvia approach, which is prescribed in GL, BIA three with a consideration of effects on special qualities, which are, uh.

01:00:16:02 - 01:00:22:01

which. Which are are common to the national landscape as a whole.

01:00:26:20 - 01:00:27:26

Is that clear enough?

01:00:30:03 - 01:00:38:22

I think so, and in the interests of moving the discussion on, I will just invite Suffolk County councillors.

01:00:38:24 - 01:00:43:22

But I just ask, so is that a yes to the question?

01:00:47:19 - 01:00:52:04

Uh, yes. In terms of the way it's been judged in the methodology. Yes.

01:00:52:27 - 01:00:53:12

Okay.

01:00:56:08 - 01:01:04:09

On those points, Mr. Bedford, is there anything to add that I will bring the discussion forward under this point as well after this?

01:01:04:11 - 01:01:25:18

Thank thank you, sir. Michael Bedford, Suffolk County Council. No. Listening in on the call is the county council's landscape adviser is all cutting. So she's heard that exchange. I think that will simply feed into what we say in our written comments on the technical note at deadline for. I don't want to waste any more time on that, but thank you very much for that opportunity to obtain that clarification.

01:01:26:04 - 01:01:26:25

Thank you.

01:01:27:07 - 01:01:37:26

So there does appear a fair weight of information to come through at deadline for the deadline for is April 25th. So over two.

01:01:37:28 - 01:01:38:13

Weeks.

01:01:38:16 - 01:01:52:28

Away from that. And responses to that will then follow at deadline five end of May. In between those two deadlines, there is the issuing.

01:01:53:00 - 01:01:53:15

Of.

01:01:54:03 - 01:02:00:03

Examining authority second set of written questions in mid-May. The date is is.

01:02:00:05 - 01:02:02:21

May 13th.

01:02:02:23 - 01:02:07:24

Or thereabouts. Um, and there will be further questions relating to this that

01:02:09:14 - 01:02:14:12

the examining authority wishes to interrogate before

01:02:16:06 - 01:02:49:16

picking up some of those other points that Suffolk County Council made. Following on from the preliminary points, I'm going to see if other ISPs wish to speak to this point on the duty, and I can see that the National Landscape Partnership, Mr. Amsterdam has immediately raised a hand. Mr. Amsterdam. You've heard some of the you've heard the discussion so far. Is there anything you'd like to add on that duty? I know it's been raised through your reps to date.

01:02:50:28 - 01:03:26:05

Yeah. Simon, I'm Stetson, I'm representing the Suffolk and Essex coast and national landscape. And I think as this is the first time I've spoken at this hearing, uh, for the avoidance of any doubt, I also represent the Dedham Vale National Landscape Partnership. And we spoke, um, I think, uh, on onshore issues in issues specific uh, hearing one um, and again, as it's first time I've spoken, it's Simon Amsterdam referred to as Simon Amsterdam and the second name is spelt a m s t u t z.

01:03:27:15 - 01:03:46:20

Um. National Landscape Partnership welcomes the production of more sustainable uh energy. It recognises that we are looking at a mitigated scheme. So the reduction in size of the northern array and we, uh, welcome that.

01:03:48:09 - 01:04:27:23

Um, um, and I'll just go through the points quickly because I know we're probably a little bit pushed for time. Um, I think we even with the mitigated scheme, the National Landscape Partnership, uh, recognised that, um, effects on the national landscape have been identified by the applicant, and we also recognize there is some degree of discussion about the magnitude of those, um, uh, impacts between the scheme proposer and Natural England as the government's adviser on national landscapes.

01:04:27:25 - 01:04:50:15

So I think there is some, uh, some thinking to be done, um, there, uh, in regards to, um, uh, relevant authority, the, uh, the National Landscape Partnership considers that, um, the scheme proposer is a relevant authority. And we've heard today some, uh, pushback on that.

01:04:52:12 - 01:05:34:18

Um, yeah. I suppose we would, um, wish to see how the applicant has met the section 85, uh, duty T on the mitigated scheme that is in front of us. Um, you know, we've we've seen that the scheme has been mitigated or has been reduced impact upon the national landscape through the development and through non-statutory consultation. But I think it is important that we are considering a scheme that is in front of us, and we consider that the scheme in front of us should still be subject to that duty.

01:05:35:14 - 01:06:09:18

And on that duty there's been a bit of discussion around other policy requirements, and we recognise that there are, uh, in any planning situation, there are a number of policy requirements to, to balance, and that is the skill of the examining authority and the Secretary of State to make that decision. But I think the National Landscape Partnership still consider that there needs to be a, uh, demonstration of how, uh, how they seek to further the purpose has been considered.

01:06:09:21 - 01:06:24:17

And I think the phrase is must seek to further the purpose. So yeah. So I think that, yeah, we need to see how that is done. And again, on the mitigated scheme or the scheme that is in in front of us at the moment.

01:06:26:10 - 01:06:57:22

Um, just a couple of points on uh, rep 3044 and the viewpoints. Um, I suppose the National Landscape Partnership didn't really concur with the view that, um, some of those, um, assessments were, you know, there were phrases around, there were not many people that come to Orford Ness. And I think the National Landscape Partnership's view is that it doesn't matter about how many people, but it is the magnitude of the impact.

01:06:58:11 - 01:07:54:24

And, you know, on a related point there, I think we at the National Landscape partnership. Our view is that impacts upon part of the national landscape is an impact upon the national landscape as a whole. We see the national landscape as a single entity. So if there is damage to part or is damage to the to, to, to the whole of it, and likewise, we've touched upon, uh, visibility um, and recognizing, um, that, um, that this proposal is for, uh, a significant amount of kilometers offshore, um, but you know, where it is viewed from along the, you know, the current Suffolk Coast Path, which will be upgraded to the King Charles the Third England Coast Path, which will bring better access, uh, to to the coast.

01:07:55:16 - 01:08:20:22

Um, yeah. And and I think what our concern is, is in the, uh, in the evenings, as the sun goes down, the, um, the sun has potential to reflect off those structures and make them more visible in certain conditions. So there is yeah, I think there is some thinking to be done, um, around, uh, around that.

01:08:22:13 - 01:09:00:08

Um, and I think my final points are if, um, if there was, uh, proposals for, uh, compensation for the acknowledged impacts and we recognize the scale of those impacts and the. Yeah, they are below the AIA, um, thresholds, but they are still residual impacts. Um, yeah. If there was compensation, we have, you know, the statutory OMB slash national landscape management plan, um, that could be, uh, supported delivery of that through.

01:09:00:14 - 01:09:11:00

Any compensation? Um. Um, um, funds that were made available. I think that's all I wanted to say at this moment. So thank you much for your time.

01:09:11:19 - 01:09:30:15

Thank you, Mr. Armstrong. So there are a number of further points and development of points within Mr. Anastas, on behalf of the National Landscape Partnership has set out. I think Mr. Bedford raised the point about.

01:09:32:19 - 01:09:47:28

Using his words, the double counting of some of the measures and mitigation that evolved through the design aspect of the scheme and the difference in discharging the duty to

01:09:49:23 - 01:10:05:20

at a point at which the scheme was not before the examining authority through its evolution and the removal of the northern Array, and how that weighs into discharging the duty. Before the application became an

01:10:07:14 - 01:10:29:20

incident. So I'd like to hear from the applicant on that point. I think, Mr. Amsler, it's also raised that. What what or how is the application discharging the duty as it is now, an application in terms of mitigation and possibly in terms of compensation.

01:10:33:12 - 01:11:16:19

For project the applicant? Um, I'm not sure I fully understand the distinction being made in terms of there being a resetting of the duty when the when the DCO application is submitted. Um, the NPS makes it clear that when considering the duty to seek to further the aim is to avoid any harm and then to if that's not possible, which it isn't. In this particular case, um, to um, try to minimise adverse effects by um, designing them as sensitively as possible whilst taking into um, into account other constraints and the need for the the project to generate renewable energy.

01:11:16:24 - 01:11:52:28

Um, what we have said is that those considerations have been taken into account by the applicant when developing the proposals. Um, and that can be evidenced by, um, the changes that were made to the scheme between um, the scheme presented at statutory consultation and then the, um, the, the extent of the, uh, the scheme that was submitted as part of the DCO application. Um, that decision, um, and those changes to design are relevant to the Secretary of State when they come to consider, um, the discharge of the duty as part of the decision making.

01:11:53:00 - 01:12:36:26

I don't believe there's any double counting. And what we've discussed today is whether any further changes could be made to the design. And it's been accepted, um, that there aren't any further changes. Um, and that's not something that either Suffolk County Council or the partnership are asking for in these hearings. What what they seem to be suggesting is that the there is some sort of reset, and the duty now requires compensation to be considered. And I think the point the applicant is making is that, um, that consideration of whether, on top of any the consideration of design changes, the need for compensatory measures is in the context of whether it's proportionate and appropriate to do so.

01:12:37:03 - 01:13:10:24

And the applicant's position is that we don't consider it proportionate, appropriate to do so, taking into account, um, the impacts that have been assessed, it's clear that obviously Suffolk County Council and Partnership take a different view. They obviously consider that any form of of impact, um, necessitates some form of compensation. They haven't set out why they consider it to be appropriate, proportionate to what they consider to be appropriate or proportionate in these circumstances. Um, but the, um, I don't I'm not sure we're going to reach agreement on, on this point.

01:13:11:02 - 01:13:41:13

Um, the suggestion has been that it's, it's for the applicant to, to approach the, um, er, Suffolk County Council and the partnership with, with, with some proposals. But our position is we don't believe it's a proportionate or appropriate to do so. And we haven't received anything, um, from the interested parties, um, to support the position that it is in this particular particular case. I will, however, pass to Mr. McRae, in terms I know there was a particular comment made, um, by Mr.

01:13:41:15 - 01:13:53:06

Anderson about um, evenings, um, and, um, reflections of, of the structures. And I just wanted to see whether he had anything particular to say on on that particular point. Thank you.

01:13:56:19 - 01:13:59:21

All for the applicants. Uh,

01:14:01:09 - 01:14:42:15

just to to comment on that. I mean, I'm, I don't pretend to know the area or the, the views that are available from the Suffolk coast as well as Mr. Stutz. Uh, so I will accept his his view of that. Um, I would note there will be a range of viewing conditions, and certainly when I've been to the Suffolk coast, it's been quite hard to see the existing turbines. Um, but we obviously have to consider the worst case, which is that they, they could be visible in a range of, uh, in, in certain lights and certain, um, atmospheric conditions.

01:14:42:17 - 01:14:48:15

There will be more visible. Uh, and we need to consider that. Uh, but I would. Yeah. Just,

01:14:50:17 - 01:15:02:05

I guess, draw attention to the fact that that visibility of the turbines will vary significantly depending on the the weather and the atmospheric visibility.

01:15:03:21 - 01:15:23:05

Thank you. Okay. I am soon going to bring us on, and we have started straying into other bullet points. Before doing so, I will ask Suffolk County Counsel, Mr. Bedford, if there's anything you wish to say. And I've got a further question for Mr. and Mr. Bedford.

01:15:24:02 - 01:16:21:13

Thank you sir. Michael Bedford, Suffolk county council I think what would be helpful certainly to us in understanding the applicant's position is does the applicant accept that the results of its own findings in the Via and in the technical note that there are residual adverse Verse impacts on the special qualities of the national landscape. Does the applicant accept that it therefore follows that in terms of the objective of conserving the natural beauty of the Allenby, the project as presently formulated does not achieve that objective, and that's, as it were, a step in the reasoning.

01:16:21:19 - 01:16:47:01

There can obviously be arguments about, well, if that is the case, what are the consequences in terms of the statutory duty? Noting that it is a duty to seek to further rather than a duty which absolutely requires the outcome. But it would certainly be helpful to understand whether the applicant agrees



with us that it inevitably follows from its own findings that this proposal has currently formulated does not conserve.

01:16:50:26 - 01:16:51:20

Thank you.

01:16:53:26 - 01:16:55:03

Mr. MacRae or.

01:17:14:12 - 01:17:24:21

Uh, Claire. For the applicant. Um, in terms of our findings, those are set out in the assessment. So the applicant doesn't have anything further to add on this particular point at this stage.

01:17:24:23 - 01:17:26:02

Thank you. Thank you.

01:17:29:12 - 01:17:35:11

Is that a question you can respond to at deadline for? It is a specific question.

01:17:36:05 - 01:17:39:27

Uh, Claire, project the applicant. Yes. We can give it some further consideration. Thank you.

01:17:40:17 - 01:17:41:06

Okay.

01:17:41:24 - 01:18:34:09

And Mr.. Answers. But coming back to the partnership and you mentioned some of the evening views, and you've heard what Mr. McRae has set out about the assessment, taking into account account of different conditions and the examining authority has undertaken and will undertake further unaccompanied site inspections. Are there any particular viewpoints that you'd like to draw the attention to where that sunset view might be? Um, particularly prominent, or other viewpoints that you would like the examining authority to view on a which would be an unaccompanied site inspection along the coast, which really illustrates some of your points.

01:18:34:11 - 01:18:39:17

You don't have to set them out now, but it would be helpful if we could have them by deadline for.

01:18:44:29 - 01:18:48:07

I think you're on silence.

01:18:48:09 - 01:18:48:24

Simon.

01:18:48:26 - 01:19:21:04

I'm sorry about that, Simon. I'm representing the National Landscape Partnership. Um, in response to your question, um, and I recognise, uh, what was said previously about worst case scenarios. Um, and I think, uh, you know, we do need to have these assessment at the worst case scenarios, which I'm hearing, uh, in response to your direct, uh, question. Uh, if you could give me the indulgence of, uh, submitting something by deadline for, um, I will do.

01:19:21:19 - 01:19:53:10

And just while I have your attention, um, I'm not sure if I said it previously, but the the National Landscape Partnership isn't calling, uh, for a reduction in, um. Yeah, in the current scheme, it Yeah. As I said before, for us it is about the residual impacts of the scheme that is in front of us and what we consider need to be compensatory measures.

01:19:53:12 - 01:20:01:07

As Mr. Bedford says, um, you know, the project doesn't conserve, let alone enhance. Thank you.

01:20:02:12 - 01:20:04:01

Thank you very much. Okay.

01:20:13:19 - 01:20:29:04

Before moving on, as I say, some of my following questions have been entered into. Is there anything on the first bullet point of the agenda that the applicant would like to respond to?

01:20:31:29 - 01:20:56:18

Further, and just see if there's any other IPPs either online or in the room? Now. I will then move on to the second bullet point, and that is whether adding further offshore wind turbines into the seascape setting would conserve and enhance the natural beauty of that natural landscape, or positively contribute to the special character of the Heritage Coast.

01:20:59:23 - 01:21:11:11

Again, and authorities, including the Landscape Partnership and Suffolk County Council, have expressed concerns regarding the impacts on the national landscapes, as we have already heard.

01:21:13:14 - 01:21:16:04

Natural England also has this view.

01:21:18:27 - 01:22:00:26

Its that the Suffolk Coast and Heaths National Landscape and the Suffolk Heritage with regard to the national landscape and Suffolk Heritage Coast, the potential impacts from North Paul's offshore wind farm on the natural beauty of the National Landscape Area are not fully assessed within the Slovenia. Without this, Natural England cannot agree with the applicant's assessment of no significant effects on special qualities, and Natural England advises that the impact of the North Falls offshore wind farm on the special character of the Heritage Coast is not assessed within the Sylvia at deadline three as we've heard the technical note.

01:22:01:04 - 01:22:11:02

Rep 3044 was submitted. Natural England has advised that it will review its issues long in light of this by deadline for.

01:22:13:11 - 01:22:14:11

So rather than.

01:22:16:23 - 01:22:32:09

The examiner authority summarize the technical notes, I will ask the applicant if there is anything further within that technical note that they wish to summarise and explain how it considers that the technical note overcomes these concerns.

01:22:33:26 - 01:22:37:12

In the absence of Natural England. I will invite parties to.

01:22:39:22 - 01:22:45:05

Respond to this technical note and respond to the applicants summary.

01:22:47:15 - 01:22:58:10

This strays into our previous bullet point. I will, though, invite Mr. McRae to summarize what is set out in that technical note and how

01:23:00:00 - 01:23:01:20

it's envisaged that this

01:23:03:12 - 01:23:15:03

meets or overcomes in, in some way the Natural England criticism and others of the landscape and visual impact assessments.

01:23:20:15 - 01:23:47:01

Paul McRae for the applicant. So the the Natural England relevant rep appendix that you refer to um requested that the applicant provide more information in relation to the assessment of effects on special qualities of the national landscape, and also that the applicant provided

01:23:48:16 - 01:23:56:06

a separate assessment of effects on the special character of the Heritage Coast and the

01:23:58:02 - 01:24:28:26

well. The the technical note has been provided to do exactly that, and it sets out further detail in relation to the effects on the special qualities and natural beauty factors, that of the national landscape, insofar as they may be affected by the proposed development. And we've already had some discussion about the findings of that which I don't propose to repeat. Similarly, the

01:24:30:12 - 01:25:05:18

effects on the special character of the Heritage Coast are set out in relation to the effects on the underlying landscape character. Um, and it's again considered that the effects would be moderate, minor at most, and therefore not significant. So the the overall conclusion of the technical note, um, is

that the project will not significantly affect the natural beauty of the national landscape or the special character of the Heritage Coast.

01:25:09:19 - 01:25:10:10

Thank you.

01:25:11:18 - 01:25:21:10

So the technical note takes us through those impacts on the national landscape and the heritage coast, and it sets out the.

01:25:23:12 - 01:25:29:24

Special qualities. And for two of those scenic quality and relative wildness.

01:25:32:26 - 01:25:35:26

Medium impacts assessed.

01:25:37:18 - 01:25:56:25

Appreciating that the technical note was received at deadline three, it and comments on it will presumably be received into the examination at deadline, for it would be useful to hear any views from interested parties here, including the partnership on those findings

01:25:58:12 - 01:26:26:18

and any differences in opinion on this matter other than those, I suppose, which have already been raised. There will be further questions on this at examining Authority question written question two following responses and deadline for. I'll first invite Suffolk County Council to comment on anything further which hasn't been raised under the previous bullet point. On the technical note. Thank you, Mr. Bedford.

01:26:28:02 - 01:27:22:18

Thank you, Sir Michael Bedford, Suffolk County Council. Um, I think, um, two, um, main points, uh, that we would raise at this stage with the detail to follow in our, uh, comments on the technical deadline for the first is I think we probably, uh, don't agree with the applicant, uh, that, um, it is appropriate to reduce, uh, the materiality of impacts on special qualities of, uh, the AoNB at which arise particularly in the coastal parts of the AoNB with views out to the proposed development.

01:27:22:27 - 01:27:37:25

We don't agree that it's appropriate, uh, to reduce the materiality of those impacts. By reference to the fact that they are only a part of the overall AoNB,

01:27:39:15 - 01:28:11:11

and that say we think that they are materiality of an adverse impact on a special policy. It really stands in its own terms, because that is an intrinsic part of the AoNB, and it isn't appropriate to say, well, you're not adversely impacting other parts of the AoNB in this respect because there may be other parts of the AoNB where there are not views out to the wind turbines.

01:28:11:23 - 01:28:51:20

Therefore, the effect is diminished. I say we don't, we don't accept that. And we do think that the if if there were to be any kind of, um, as it were, prioritizing of elements within the AoNB. We think that in terms of the Suffolk and Essex Coast and Heaths natural landscape, that the coastal part is a primary and key part of the designation and therefore impacts on the coast, as it were, stand and should be evaluated in their own terms and should not be diminished by reference.

01:28:51:22 - 01:29:36:11

The fact, well, they're only a small part of the overall national landscape. So that's the the first point, then the second point, which is a separate point because it relates to the uh, um, Heritage Coast, uh, which is we don't consider that the approach, which appears to be taken in table five of the technical note of evaluating the significance or otherwise of effect on the heritage Coast Host by reference to overarching landscape character types, is refined enough to actually address the impacts on the Heritage Coast.

01:29:36:13 - 01:30:42:16

Because the landscape character types are broad brush, they apply to wider landscape character areas than the designated heritage Coast, and our concern is that, by instance, choosing a broader canvas for your assessment tool, you then effectively dilute the materiality of the impacts. So we have a concern about that. And then I think perhaps just the final point in terms of your the formulation of your bullet point, and obviously without rehearsing what we set out under the, the first bullet point, but in terms of the second bullet point of Our view is both in terms of the heritage Coast and the natural beauty of the national landscape that are adding further offshore wind turbines will not achieve the objectives of conserving and enhancing natural beauty or positively contribute to the special character of the Heritage Coast.

01:30:43:10 - 01:31:04:12

However, and without repeating at bullet point one, we do consider that the proposals have the potential to help achieve those objectives through providing offsetting measures. So I'm going to say that's it goes with what we said before, but that's our answer to your second bullet point. Thank you sir.

01:31:05:16 - 01:31:06:10

Thank you.

01:31:06:23 - 01:31:17:17

Mr. Amstell. I don't know if you've got anything to add on the technical note or beyond that which Suffolk County Council has set out.

01:31:18:18 - 01:31:50:15

Simon Amster It's the National Landscape Partnership. Uh, just very briefly. Um, and it builds upon the points that were made in the previous discussion on the previous bullet point. Um, you know, I suppose the National Landscape Partnership, um, notes that, um, effects on the scenic quality are assessed as medium, and the effects on relative wildness are also assessed as medium. Um, I was just scrambling around through the document.

01:31:50:27 - 01:32:28:17

Um, so and that's document, uh, rep 3044, the one we're talking about. And I couldn't immediately see, um, an assessment of on relative tranquillity, which is part of the, um, assessment processes and, and what I'm talking about, relative tranquillity. I'm considering light. Um, you know, I suppose both during Construction. But also I would assume that there will be lights on these structures, or aircraft warning lights or yes, or whatever the technical name of those is.

01:32:28:19 - 01:32:34:26

So I sort of, you know, whether it's I haven't printed off the right piece of paper, but it appears to be missing. Thank you.

01:32:35:11 - 01:32:36:00

Okay.

01:32:36:23 - 01:32:55:00

Thank you, Mr. Hamster. I'll invite the applicant to respond to those comments and note that there is a bullet point about lighting of the array a bit later. Miss the McCray.

01:33:05:21 - 01:33:18:23

Paul McCray for the applicant. Um, will need to take the comments away in relation to the Technical note. Um.

01:33:20:26 - 01:33:28:00

You know, we we consider that the approach that's been taken is, is appropriate and, and reflects the

01:33:29:28 - 01:33:45:11

recommendations that were made in Natural England's, uh, relevant rep appendix I to um, in that that the effects on the heritage coast should be considered in relation to landscape character.

01:33:47:23 - 01:33:48:15

Um,

01:33:50:09 - 01:34:08:10

the point about tranquillity um, so lighting I believe is, is referred to in the document, but I note will will come on to, to lighting. Um, but I don't believe that um or. Well, it's, it's the

01:34:09:29 - 01:34:21:04

conclusion of the Elvia that the lighting would not have significant effects on the landscape or views from the national landscape.

01:34:23:22 - 01:34:24:10

Okay.

01:34:26:05 - 01:34:26:26

Thank you.

01:34:39:06 - 01:34:46:03

The you've addressed, in part at least Natural England's comments through the technical note.

01:34:51:29 - 01:34:53:18

Natural England aren't here

01:34:55:09 - 01:35:09:05

at the examination, but there will be further questions on some of those differences once. Deadline for receipts and receipt of comments on the technical note have been received.

01:35:12:22 - 01:35:14:02

At this point.

01:35:16:08 - 01:35:17:12

I'm going to

01:35:19:07 - 01:35:49:19

check if there's any further comments on that. I think that's it for the second bullet point. We will now move to a short 15 minute break. I will take us through from bullet points three onwards when we come back. Bullet point three is again, um, in relation to Natural England's judgement of the effects of the significance of effects within the SLV, which I consider we have substantially touched on.

01:35:49:21 - 01:36:05:24

But I will, for the completeness of the agenda, refer to it before proceeding through the agenda. So it's now 1136. If everybody could return for 1151 and we will resume, then. Thank you.