



Hearing Transcript

Project:	Sea Link
Hearing:	Issue Specific Hearing 3 (ISH3) - Day 2 - Part 2
Date:	26 March 2026

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FULL TRANSCRIPT (with timecode)

00:00:07:02 - 00:00:09:11

Hey. Welcome back. I'll resume the hearing.

00:00:13:07 - 00:00:48:20

First of all, just to say, we understand there was some people who want to make some comments on the agenda point about mental health issues. It's something that we did have one or two questions, but due to time constraints, we are going to ask them in written form as part of the action points. However, if you have any further points that you want to make on mental health matters, we've discussed already certain aspects around that, including the core working hours.

00:00:48:22 - 00:00:56:24

But if there is anything else you want to make, then please do so. Submit that in for deadline six. We'll be happy to read anything at that point.

00:00:58:03 - 00:01:31:06

Respect that. Sorry. Charlotte Fox. Doctor Charlotte Fox, on behalf of Benelux and Stunfield Parish Council, I'm sitting here with an agenda in front of me. It says number six, health and well-being, Six point one, coworking hours. I was sitting here quietly during the discussion about coworking hours waiting to talk about item six point two, mental health impacts. We have not discussed mental health impacts. And in fact, we we're developing a bit of a zoo up here. You can't see it down there, but there are a couple of animals up here that are really concerning me.

00:01:31:08 - 00:02:01:08

One of them is the elephant in the room that size will see is not background noise. Size will see is a genuine impact on the whole local community, and the other animal is a camel. And the reason I have I can see a camel in the room is that SeaLink's additional impact to the impact that we're already experiencing from sizable sea will be the straw that breaks the camel's back.

00:02:03:00 - 00:02:26:29

Health and well-being is not just confined to core working hours. Health is a state of complete physical, mental, and social well-being, and not merely an absence of disease or infirmity. I think that falling back on clean power twenty thirty is allowing an unacceptable interference with our human health.

00:02:30:15 - 00:02:46:27

Thank you. I mean, just to say that just because we haven't had any questions that we've got to ask today, it doesn't mean that we're not covering the issue. We know it's an issue within the community, and, you know, we obviously heard a lot about it as well in the open floor here in too.

00:02:47:09 - 00:03:21:15

Yes. I'm very grateful to you for that. And I I I do know you are looking at it. But the fact that it actually wasn't discussed outside coworking hours is testament to the problem that we're facing, and there isn't an instrument to properly measure mental health impacts of cumulative impact of this scale. We're we're in unprecedented territory with what we're being forced to experience, and it is an unacceptable interference.

00:03:21:20 - 00:03:39:08

So even if National Grid fall back on the the absolute determination to meet clean power twenty thirty, if they are causing an unacceptable interference on our public health, then,

00:03:41:20 - 00:04:17:06

you know, there has to be a balance. And the project cannot proceed without proper assessment of the mental health impacts, and there isn't a mechanism for doing that. There there isn't an instrument for measuring it. So National Grid say we've done a health and well-being impact assessment, and we found that it to be ceiling to be not significant not to have a significant impact. But they're only looking at a very, very small part of health and well-being.

00:04:18:03 - 00:04:32:18

I I will put it all in writing, but I I I think the fact that it was the whole topic was missed out is testament to what's going on here, that we're just being sidelined. The human impact is not being recognized.

00:04:33:08 - 00:05:06:09

Well, what we would say is that it is primarily a written process, and most of our points are made with written questions. Sometimes we feel that questions are best in the hearing forum. Sometimes we feel they're better in written form as well. So the few questions that we had on mental health, we will still be putting those questions forward, but we'll put them in writing, and that would we will then get responses to that at deadline six at the beginning of April.

00:05:07:10 - 00:05:08:06

Okay. Thank you.

00:05:08:08 - 00:05:09:03

Thank you.

00:05:11:05 - 00:05:15:00

Right. Now on to item seven, cultural heritage.

00:05:16:21 - 00:05:37:04

Excuse me again. But unfortunately, Historic England can't join us today. So the questions I had for them shall be added as action points for response deadline six. Also again, my questions are mainly for the applicant and the councils, but there will be opportunities at the end of my questions for others to comment.

00:05:43:21 - 00:05:47:02

So got a couple of questions for the councils first of all.

00:05:49:26 - 00:06:32:06

There's been a lot more information submitted, particularly around the scoped out listed buildings and on those listed buildings where there that was any assessment of harm, even if it was at the lower end of less than substantial. Are the council satisfied now with the level of detail and assessment submitted? And importantly, is there anything else that the councils think is necessary for a robust assessment of the impacts of the settings of listed buildings, the Saxman and Conservation Area and scheduled ancient monuments near the proposed developments in both Kent and Suffolk? If I come first of all for the Suffolk councils, Suffolk County Council?

00:06:32:08 - 00:06:59:02

Lois Lane, Suffolk County Council. Thank you, sir. So we've not commented at any of the deadlines on above ground heritage assets other than in relation to controls over the design of the premise bridge primarily from a landscape and visual perspective. We don't have offices that deal specifically with that. And generally speaking, we would fall behind East Suffolk and anything that their heritage officers have to say about listed buildings, etcetera. We do have comments on archaeology, but I see that's a separate agenda item.

00:06:59:07 - 00:07:02:25

Yes. Okay. Thank you. East Suffolk Council.

00:07:04:28 - 00:07:08:15

Mark Westman Smith for East Suffolk Council.

00:07:10:28 - 00:07:44:18

To put it very shortly, we are content with the extent of the analysis and scope of analysis and are not seeking further information from the applicant. Ultimately, our our position is as it was set down in the NIR in rep one one twenty eight at pages thirty to thirty four, and it comes down to a difference in assessment of the impacts on Hearst Hall and Hill Farm.

00:07:44:23 - 00:07:57:08

And I I don't think that's going to change between now and the end of the examination. So it's just a difference in assessment that you will to have be aware of and take into account and come to your own views at the end of the day when you're writing your report.

00:07:57:18 - 00:08:07:12

Yes. And it's something that we made sure we visited both those sites or the settings of those sites in our recent site visit, But thank you for that.

00:08:07:14 - 00:08:09:08

We're grateful for that. Thank you.

00:08:10:02 - 00:08:14:23

And for the Kent councils, whether Kent council or Thanet or Dover?

00:08:19:03 - 00:08:38:14

I'm Simon Mason. I'm Kirk County Council Archaeology. We we don't cover the list of buildings aspects ourselves. That would be for Thanet District Council. We obviously have presented our comments on archaeology only. And in terms of the scheduled monuments, Richborough would be the main one, which Historic England would

00:08:40:19 - 00:08:42:02

provide us to comment on.

00:08:42:05 - 00:08:45:25

Yes. Yes. Okay. Thank you. Thanet Council?

00:08:52:05 - 00:08:55:16

We have nothing further to add. Helen Johnson, Thanet Council. Thank you.

00:08:55:21 - 00:08:56:06

Okay.

00:09:01:04 - 00:09:01:28

Okay.

00:09:05:09 - 00:09:27:14

So it sounds like it's probably the case that there aren't any changes that the councils feel is needed within the draft DCO, including to any requirements, for example, to do with listed buildings or cultural heritage. Is that correct? Or is there something that one of the councils are interested in amending as part of the DCO?

00:09:29:12 - 00:09:59:22

Lois Lane, Suffolk County Council. Not on listed buildings, but on archaeology. We're generally happy with the approach that's been taken, the assessment work that's been done. We are suggesting, and we'll do it the next deadline in writing, a small change to the wording of requirement fourteen subsection four, which is just about the timing of archaeological works. We've explained before the opposition is essentially the archaeological works.

00:09:59:29 - 00:10:23:13

The completion needs to be both before pre commencement and construction works to make this more robust. So we're just simply suggesting that at the end of that requirement, it reads that all archaeological works must be carried out in accordance with the approved site specific written scheme of investigation for that stage prior to the commencement commencement of any pre commencement or construction works in that stage. So it's a it's a fairly limited change that we're proposing.

00:10:23:15 - 00:10:28:00

Okay. Thank you very much. And East Suffolk Council?

00:10:31:01 - 00:10:59:22

Mark Westman, Smith. East Suffolk Council. Just to confirm, two points. The first, the difference in assessment on the two assets I mentioned a few minutes ago doesn't lead to any proposed changes to the DCO. So the answer to your question is no. And then secondly, just to confirm that on archaeological matters, that's the purview of the county council, so we don't need to say anything on that.

00:11:00:06 - 00:11:00:21

Okay.

00:11:00:23 - 00:11:01:08

Thank you.

00:11:01:10 - 00:11:11:19

Thank you very much. And is there anything from the Kent side on how the heritage is dealt with with the DCO or even the control documents?

00:11:14:26 - 00:11:25:10

Sorry, Mason. Can we cancel? In terms of archaeology, we are still going through the process of assessment of the geoarchaeology elements and looking for the

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effects of the scheme on that with due to an update soon. We're generally satisfied with the level of assessment in terms of archaeology and this pretty thorough evaluation and survey works that have been carried out and are talking through the mitigation

00:11:43:09 - 00:11:54:08

escalation proposals with the applicant at this present time. We still to preview the final wording in the DCO

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Mhmm.

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Requirements, but we'll do that as soon as possible.

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Okay. Thank you. And could I just ask the applicant if we had some more information submitted at deadline five? Is there anything more that we would expect to be submitted in terms of survey work or reports or anything like that.

00:12:15:07 - 00:12:36:02

Thank you. So Sarah Kubeshak for the applicant. I think we have provided quite a lot of information, so we're not anticipating providing anything more. The only thing that we do intend to do is to update the ES for deadline six to reflect the additional assessments in relation to historic matters. The planning statement and the heritage statement will also be updated.

00:12:36:10 - 00:12:43:28

Okay. Is that mainly to do with that Bronze Age enclosure that was discovered at some point? Is that more broad?

00:12:44:00 - 00:12:45:25

I think it's more to do with the heritage impacts.

00:12:45:28 - 00:12:46:13

Okay.

00:12:46:15 - 00:12:48:24

Yeah. The the the assets that we've assessed.

00:12:48:26 - 00:13:07:08

I'll have a look at that then. Yeah. For the applicant as well, can the applicant update us on the works and planned way forward for that Bronze Age D shaped enclosure? How is what is the approach likely to take in terms of the cable past that?

00:13:07:21 - 00:13:15:14

Thank you, sir. Sarukhopeshak for the applicant. I'm going to ask mister Shipley, who's sitting here to my left, and he'll be able to give you as much detail as you want on that.

00:13:15:16 - 00:13:16:03

Thank you.

00:13:16:13 - 00:13:46:21

Doctor Shipley, on behalf of the applicant, the current way forward is to avoid it. So we had the change request put in. We've done some additional evaluation trenching in the area of the change request. There's no archaeology appear there, and the view is now that we're going to avoid the g shaped enclosure. If we do need to go through it, we've agreed with Suffolk County Council that the whole site would be excavated rather than just the section of the cable trench. But currently, as it stands, we'll be avoiding it. It will be preservation in situ.

00:13:47:13 - 00:14:00:25

Why would you need to go through it? Is that because maybe if you would getting to the point of actually doing the works, there's something that could be uncovered that you it would be better to go through the sites? Yeah. It just allows that flexibility. So rather

00:14:00:27 - 00:14:08:01

than taking out of the order limits, will remain within the order limits, but currently on the latest mitigation plans, it's done as preservation in situ and will avoid it.

00:14:08:03 - 00:14:12:03

I see. And subaccount council, do you have any comments on what you've heard?

00:14:12:20 - 00:14:34:29

Les Lane, subaccount council. So our our position is that we would strongly support avoiding it as a preferred option effectively. But my understanding, we unfortunately, our archaeological officer has to step away at midday, which is now. But my understanding is that that we wouldn't object to excavation of the site in its entirety if it could be robustly demonstrated that avoidance was not feasible.

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Okay. Well, if you did have any comments to the contrary of that, let us know.

00:14:39:02 - 00:14:39:20

Thank you.

00:14:39:22 - 00:14:42:14

Okay. And

00:14:44:06 - 00:14:46:06

in terms for the councils,

00:14:50:28 - 00:15:09:22

does the council disagree with any of the applicants' assessments regarding any of the non designated heritage assets, of which there are many in both Kent and Suffolk? So I guess this might be more of a district council issue for the non designated heritage assets. But does any council want to come in and mention those?

00:15:19:25 - 00:15:23:18

Yeah. It's g s s is that East Suffolk Council?

00:15:23:25 - 00:15:47:19

It's it. Mark Wessonsmith, the East Suffolk Council. No. We don't have any concerns in relation to nondesignated heritage assets. The only real above ground one is Woodhouse Farm, and we are in agreement with the assessment and approach taken there.

00:15:48:27 - 00:15:49:21

Thank you. This is the

00:15:49:23 - 00:15:52:18

one that was listed but not listed now. Yes. I understand. Okay?

00:15:52:20 - 00:15:53:26

Correct. Correct.

00:15:54:03 - 00:15:54:20

Thank you.

00:15:56:24 - 00:16:03:04

Anything from Fanate on I think they would all be in Fanate rather than Dover, the

00:16:04:19 - 00:16:06:17

nondesignated heritage assets.

00:16:07:06 - 00:16:10:14

Dylan Johnson, Fanate, district council. We've got nothing further to add. Thank you.

00:16:10:27 - 00:16:13:26

Okay. Thank you. Thanks for just clarifying that for me.

00:16:15:21 - 00:16:34:13

One more question for the applicant. There was discussion yesterday in relation to flood risk that there might be changes to the proposed Framos Bridge approach from the western side. Would this have an impact on the nearby heritage assets, setting of? Would that therefore need some reevaluation?

00:16:36:08 - 00:16:41:24

Hertz Hall is quite close, for example, and potentially on the wider landscape.

00:16:42:08 - 00:16:52:28

Sarah, appreciate for the applicant. So no, I don't believe it would. It's a very limited change. I think it's about sixty millimeters or one hundred millimeters, but I can ask that to be confirmed by mister Buckley.

00:16:54:04 - 00:17:19:26

Yes. Buckley, behalf of the applicant, the changes of are a hundred mil lifting of the access road, not the ramps or the bridge itself. Yes. It's just the access road, and that would be would have been slightly down in the ground, but we're talking about potential buns either side anyway. So it it doesn't affect the approach to Hertzel, and it's on the west side rather than the east side. So it's the side further away from Hertzel.

00:17:19:29 - 00:17:33:24

Okay. But if that could be just confirmed in writing and whether there is any potential impacts and just so it's been addressed basically in terms of heritage and landscape I think as well. Thanks. Thank you.

00:17:38:16 - 00:17:39:27

Hand up in the Suffolk Hub.

00:17:47:06 - 00:18:21:27

Appearing on behalf of suffers seas and also myself in a personal capacity. I've made various representations to the inquiry on heritage and landscape, and I'm in the receipt of the applicant's rep five one four one, which is very detailed. I regret as being someone who's self employed. I haven't had enough time to reply to this in detail, which I will do. I'd like to raise a few points which have arisen from not just discussions today, but but in various representations.

00:18:22:11 - 00:18:30:27

First of all, thank you for going on your unaccompanied site view starting at ICON going on to SNAEP.

00:18:32:22 - 00:19:01:06

One thing I would I don't know whether you did this by car or by on foot, but there is actually a public footpath that goes from SNAEP to ICON alongside the River Edge. And this is another example of tranquility which was mentioned earlier on today about snake moltings. It's very special. It's in the a o n b in the Heritage Coast and the multiple sort of habitat and natural environment designations.

00:19:02:29 - 00:19:36:02

And the point about some butt offs, which I think has been missed by the applicant, is that it is not just a listed building. And we are certain now from Suffolk County Council Psychological Investigations that some bottle of water here and this is Ikan Ho as bead described in the Anglo Saxon Chronicle. Now the point here is about where is the significance? And you don't just have significance from a building in its its setting, what it looks like, how you can see it.

00:19:36:06 - 00:19:58:07

It's also its historic interest. And here, the historic interest is St. Bartolff himself and what he did and how that can be interpreted in in the landscape, in in the the time characteristics that you see in the landscape, which is, as I said before, the the the church on this promontory.

00:19:59:25 - 00:20:33:09

And that is unique. And that comes to my second point, which is the area of search. I've said that the the area of search is too small. National Grid's visual impact provision twenty fourteen had the five kilometer area of search to look at both the impacts of the pylons. That hasn't been done. It's been excluded. And I think it's it's a thread through the council's response today about its its attitude to the impact on heritage assets.

00:20:34:26 - 00:21:05:21

I quite understand where they're coming from and historically, can do. But I still think there is this huge gap in the environmental assessment on on heritage and landscape to do with this area of search. I've raised many points that the PEIR ZTV, the Friston application ZTV plans all show the visibility of both Friston and the converter stations across the south of the old estuary and the old estuary itself.

00:21:06:08 - 00:21:41:21

And yet the the plan that the applicant submitted for the this DCO doesn't show it. Why? Is it because they made a mistake in Princeton and the PIR? Have they used different criteria? They used the camera to different heights. They used woodland shade it, which wasn't done for the PIR. There's serious questions about the methodology here, which has not been answered. And in my rep my the next submission in April, I will provide some evidence on this for the XA to consider in detail.

00:21:42:04 - 00:22:12:15

But you can see how it does link into all these other aspects of heritage and landscape. A few other brief points. It's been mentioned about Sternfields. It's group of listed buildings not having to be assessed as a group. Now I think this is this is negligent by the the applicant because Sternfield in the

East Suffolk Local Plan has no designation as a settlement. It's in the countryside. So that brings in the landscape character.

00:22:13:12 - 00:22:50:27

Now just because it's not visible, it doesn't mean to say that it doesn't have to be assessed because because you can mitigate, visibility with planting, but you can't mitigate character with planting. Now this is a long established hamlet, many years and and centuries in the making. It has also got the list of buildings have group value, which is a which is a category that historically put on their designations. Also, if you think about its setting, it it is unusual for Suffolk in some sort of quite striking valleys and dips and ups and downs past the church.

00:22:51:10 - 00:23:16:04

And then you come to the bridge over the from us, which is so narrow. It's it's it only takes traffic in one direction. These these are parts of the the countryside character which which makes Stanfield, have its own grouping. And therefore, the effects of these very large converter station sites so close to it will affect its character. And I don't think that we can just take that on board.

00:23:17:26 - 00:23:49:08

There's been some discussion about lighting at night, and I see that the some visuals have been provided. But I can I think they're just missing the point? The point about the night sky is that you're not just looking in one direction. Right? You may be able to see, you know, the glow on the horizon from Felixstowe or from Ipswich or from Seismo. It but people are there to look at the night sky, the extraordinary darkness, whether it's the stars, the different brightness and the fact that they rotate throughout the year. All that is part of perception.

00:23:49:23 - 00:24:23:01

And the the applicant shouldn't be constrained in its views just by taking one of the the the verified views and saying, this is what we see at night. That's a fifty millimeter camera, you know. At the night, you're looking at this three hundred and sixty degree dome above you and, you know, trying to work out where where the planets are and the North Star. Oh, yeah. All all that is is that the the thing which should be assessed. How is it going to be affected? You know, is it what what the difference does the moon make when it's when it's waxing and waning? That isn't in in the in the assessment.

00:24:25:05 - 00:24:57:11

I think the the the the application is the relying professional judgment, you know, as as as an architect who's who's given done lots of ESs, that is an option open. But I have a feeling that in this application, it's being applied too often, too loosely. And there are times when it should be things should be looked at in more detail. This this applies to the design, which is obviously what we're looking at at the what we see in the visualizations and we're making assessments on them.

00:24:58:18 - 00:25:31:15

I wonder if one of the reasons why National Grid are not committing to the design, which they have promoted in in the design documents, which which I think are quite competent and they can make a decision on it, is that and then there is it's revealed in one of the other documents that they're waiting for the final design to be done by someone else. So this looks like to me, it's a design and build

contract where National Grid don't want to commit something because the the person who actually wins the tender will be due to the detailed design.

00:25:31:22 - 00:25:52:02

Now I've done design and build contracts, and the key thing here is the employer's requirements that the client has to be absolutely certain that he can control the cost and the design works. Now at this stage, the client here at National Grid, I don't think has set a strong enough brief for design and build if that's the route he's going to go down.

00:25:52:23 - 00:26:15:22

So could I let the applicant come back on some of those points to to give them a chance? Obviously, you are gonna be putting this in writing the deadline six as well. What I'd like to do is get the applicant to be able to respond on that, but also, I think, as an action point to to respond on those the particular points that the gentleman has raised. Sorry, I didn't get your name at the start as well.

00:26:15:24 - 00:26:19:10

I'm Nicholas Bridges. I'm a chartered architect and live locally.

00:26:20:10 - 00:26:25:04

Thank you very much. So do you wanna respond to

00:26:25:23 - 00:26:31:02

sorry. Appreciate for the applicant. I I I think we probably will just pick up those points in writing.

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I scope know that

00:26:35:20 - 00:26:49:13

of the work that we've done has been robust. It's been in consultation with Historic England. But I can ask I can ask for any comments from Gillian, if you want to.

00:26:50:00 - 00:27:24:20

Thank you, Gillian Scott for the applicant. Just to say that I think we have provided a response to Nicholas Bridges' comments at rep five one four one. And he today is making further points related to those responses that we have provided. But I'm not sure that there's anything really additional in what he has said today that we can respond to. So I think we will need to to have Nicholas Bridges' written questions to to be able to provide any additional response that's necessary.

00:27:24:23 - 00:27:38:11

Okay. Thank you. Well, if there is anything from today that you can even if it's just signposting to us where those responses are and for Mr. Peters as well to see. But thank you for that.

00:27:41:24 - 00:27:47:14

what I look to do now though is is move on. So thank you for your comments today on cultural heritage.

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But could I just before you do that

00:27:50:06 - 00:27:50:21

Yeah.

00:27:50:23 - 00:28:17:27

I've just got one point which may be helpful to you in terms of the updates on the archaeological issues. You did comment that historic England weren't here, and they couldn't be here. And I can give you this update that they have confirmed to us Uh-huh. On the twenty fifth of March, so very recently, that they feel that all matters in relation to the archaeological updates will be agreed by deadline six. And the statement of common ground will ought to be concluded by then.

00:28:20:13 - 00:28:22:25

That's good to hear. Thank you very much.

00:28:25:00 - 00:28:33:00

So thank you for that. I shall now pass on to my colleague, Mr. Reagan, to discuss the next agenda item, which is cumulative effects. Thank you.

00:29:05:00 - 00:29:13:22

Good afternoon, all. We're now moving on to agenda item eight, cumulative effects, and specifically eight point one.

00:29:16:12 - 00:29:20:05

Firstly, I have some questions for the applicant, if I may.

00:29:22:14 - 00:30:05:18

In responding to action point hundred and eleven at deadline four, you sought to quantify possible significant effects on residential receptors and concluded that they would be likely to be moderate and not major. I'd like to explore two points on this. The first one being having regards to what Suffolk County Council have said in responding to second written questions at deadline five, please can the applicant explain their position with respect to possible significant effects on nonresidential receptors, of which there were some identified for road users, public right of way users and recreational users.

00:30:05:26 - 00:30:06:11

You.

00:30:07:11 - 00:30:13:29

You, sir. Hugh Flanagan for the applicant. I'm going ask Mr Pilkington, who's the EIA lead on cumulative, to field that question, please. You.

00:30:15:13 - 00:30:57:10

Nigel Pilkington for the applicant. We have given further consideration to, to those receptors, and we'll be providing, a written update. I can provide a verbal update now, but, I can provide we will be providing a written update, which will supplement our response to a p a hundred eleven. That will be

submitted at deadline six. But in summary, we've looked at the the other receptor types. So in terms of uses of public rights of way, we had three public rights sections of public rights of way where we were identifying significant effects, and they were bridleway four nine one ten zero.

00:30:57:25 - 00:31:29:25

In Suffolk, in Kent, we had Saxonshaw Way, e e four e e four two. And in Kent, again, football f, a footpath t e thirty seven. So looking at each of them in turn, we we gave some thought to what a major impact on a public right of way user would look like. And it's our view that major impacts relate to where there's long permanent closures, where there's also the introduction of noise, for example.

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Because we are talking here about cumulative intra project cumulative effects.

00:31:37:00 - 00:31:42:16

You know, if there was a long section of the King Charles third coastal path, for example,

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we don't have cumulative effects on public rights of way that are in that in that that come anywhere close to that. What we have is short a short section of Bridal Wave four nine one ten, which will be diverted temporarily for a period of four weeks.

00:32:04:23 - 00:32:42:13

Access across using that public right away will be preferential to the users in all instances. We are looking at a further measure in following discussion last week with Suffolk County Council in relation to a setback of vehicles that are waiting for users to cross. In particular, that's in relation to the fact that it's a bridle way and potentially scaring horses. So that's something we're giving thought to now. So on that basis, the impact on that bridle way in Suffolk, we would say, is far more likely to be moderate.

00:32:44:07 - 00:33:01:17

And possibly even not significant. But, you know, we did as an abundance of caution and and reflective of uncertainty, which is inherent in in this type of assessment because it's bringing together different we've talked about before that it's bringing different topics together.

00:33:03:03 - 00:33:23:18

You know, we we we remain of the view that it could be significant, but if it if it does occur and it is significant, it's highly likely to be moderate. And really, the the explanation for Saxonshore Way e forty two and t e thirty seven is the same. We're looking at temporary effects.

00:33:26:21 - 00:33:54:15

You know, due so the Saxonshore Way, again, that's a short length that's affected temporarily. It's fully reinstated following construction. There may be a short term closure, which will be one to five days, but much more likely a local diversion of up to four weeks. So a very similar situation to the bridleway in Suffolk. And in terms of footpath t e thirty seven, that will be diverted, I think, for the duration of construction, but it's a sixty meter section

00:33:56:00 - 00:34:01:06

that that will be temporarily diverted and again fully reinstated following

00:34:01:21 - 00:34:02:06

and

00:34:02:08 - 00:34:21:01

I believe that one is to separate users from traffic. So again, fully reinstated at the completion of construction. So our view is that each of those significant effects on public rights of way and ergo users of the public rights of way would be moderate at most.

00:34:24:00 - 00:35:03:01

It's really a similar situation with regards to road users. We have identified several roads where travelers on that on those routes will experience some traffic disruption, albeit not not typically significant. And at the same time, may have views of the construction. And if they're not in a vehicle, then they may they may be, you know, may be able to hear construction happening as well. But again, you know, we we gave thought to what what would a, you know, what would a major effect because it's, you know, it that's the highest level of effect.

00:35:03:03 - 00:35:32:14

What would a major effect on on road users look like? And we would we would say that a major effect an example of a major effect would be, you know, large permanent increase in traffic numbers due to new infrastructure that would impact previously high quality views from the highway. So it's something like a new roll on roll off ferry or something like that on the coast. And, we're we're we're not that project. You know, we're not having that type of effect.

00:35:34:07 - 00:35:43:29

Given that we are having temporary effects on a fairly limited number of road links based on a relatively short lived traffic peak,

00:35:45:29 - 00:35:48:15

we consider that they would be moderate at most.

00:35:51:00 - 00:36:00:02

And in terms of recreational users, I think that, you know, when we were talking about recreational users, we were talking about users of of the public rights of waste that really conflated together.

00:36:03:27 - 00:36:40:22

Thank you for that. I'm gonna invite Suffolk County Council's views on what you've just said in one moment. But if I can just pose the second part of that question to you at this stage, please. And that's just for for clarity, really. In that same response, Suffolk County Council also suggested that a precautionary approach should be taken whereby the degree of effect is is considered to be major rather than moderate. I'm aware of what you just said on that, but what's your position with regards to the decision maker taking that precautionary approach and considering those effects to be major? Thank you.

00:36:42:08 - 00:37:19:08

Nigel Pilkington for the applicant. What I would say is that in identifying the potential for significant effects on residential on residential properties, the precautionary approach we took was to identify them as significant because as I explained in the in the last hearing, having delved into detail, which we which you wouldn't usually do for environmental impact assessment, but we have done to try and answer this question. We haven't actually identified an individual property that would experience a significant inter project cumulative effect.

00:37:20:09 - 00:37:40:26

So on on that basis, I don't think, you know as I say, the the the the precaution that we've taken is to identify them as significant. But having done the additional work, we are confident that if significant effects were to occur for a residential property that they would

00:37:40:28 - 00:37:46:21

be moderate at most. And same question with regards to nonresidential receptors, please.

00:37:48:04 - 00:37:49:24

Nigel Pilkington for the applicant.

00:37:52:05 - 00:38:17:21

Hopefully, the explanation as you've you've alluded to that I've provided and will provide further detail on deadline six will explain our position that we we don't think a precautionary approach is needed in terms of saying that the impacts are major because we will be providing and have provided during this issue specific hearing our reasoning for them being moderate.

00:38:21:29 - 00:38:31:22

Okay. Thank you. Try that again. Suffolk, is there anything that you'd like to respond to based upon what the applicants just shared? Thank you.

00:38:32:06 - 00:39:12:24

Lois Lane, Suffolk County Council. We don't have a great deal to add over and above what we've already put in writing. So, essentially, our our comments on the precautionary approach, set out in response to the first round of questions in rep three one hundred and one, and then again in our response to the second round of questions, rep five two hundred and four. We think that it's essentially it is quite hard to divorce this in the interproject effects from the interproject effects. And the reason we say that it's appropriate to take a precautionary approach is because what both residential receptors and nonresidential receptors will be experiencing with this project.

00:39:13:06 - 00:39:44:14

It sits within the context of this really intense period of NSIP development locally, and it can't be divorced from that. In terms of of specific mitigation measures that we think are necessary to deal with that, we've set those out in our rep five two zero four. Particularly in regards to public rights of way, we would still endorse what we've said at pages forty nine to fifty one of that document. And we've also proposed some revised wording for commitment g g forty of the RAAC, which we stand behind.

00:39:44:16 - 00:39:55:12

So we we yes. We don't essentially have hugely much more to add than that, but we still say that there is a justifiable case here for a precautionary approach to be taken.

00:39:57:03 - 00:40:06:06

Thank you. Before I move on with some further questions, can I just invite, in particular, any of the councils to comment on what they've just heard?

00:40:11:20 - 00:40:14:02

Is yeah. East Suffolk. Thank you.

00:40:15:06 - 00:40:52:06

Mark Westman Smith for East Suffolk Council. Just to say that this is another area where we're on all fours with Suffolk County Council. We've set out our position in rep five one eight nine, pages thirty three to thirty six. And all we would say is that I think the applicants acknowledge this in its response now. There is a level of uncertainty in this assessment that warrants a precautionary approach and that would point towards major rather than moderate.

00:40:52:15 - 00:41:16:18

But whatever the final view is on the appropriate category of effect, both in play are significant, and the decision maker will need to put material weight against those effects, whether it's properly categorized as moderate or major on a precautionary basis. Thank you.

00:41:19:06 - 00:41:22:03

Thank you for that. I'm seeing one more hand up online.

00:41:26:12 - 00:42:11:25

Good morning, ladies and gentlemen. Marianne Fellows, Albur resident. A very quick question, really. How can something with the footprint of Wembley Stadium and higher than the church tower in Saxmandom for residents of Manor Gardens in Saxmandom that are nearby and for people driving along the roads that will see that be anything other than major when there is nothing there currently. So the applicant has chosen to cite this infrastructure in a rural landscape, national landscape, special protected characteristics where there is nothing currently, and that is the difficulty.

00:42:11:27 - 00:42:12:12

Thank you.

00:42:14:17 - 00:42:16:17

Thank you for that, mister Burton.

00:42:17:16 - 00:42:59:00

Thank you, sir James Burton, for seas. Sir, we endorse everything said by Suffolk County Council and East Suffolk County Council of Monarch, their new friends for those authorities and indeed Ms. Fellow's point. I want to make this point, if I may. And it comes back again to the environmental impact assessment regulations and and their interaction with policy. It's not enough for the applicant to produce a document or documents that say, this is a cumulative impact assessment, intra or inter.

00:42:59:05 - 00:43:31:05

It's about the quality of evidence. A badge alone does not suffice. And across essentially every topic area, there is an inadequacy of evidence, and there is, as a result, uncertainty and gaps. And the law is very clear in those circumstances. The decision maker must take a precautionary approach. And yes, on this subtopic we are discussing here, that means you shift up to major.

00:43:31:07 - 00:43:34:23

But the issue applies more broadly, of course. Thank you.

00:43:35:03 - 00:43:35:29

Thank you.

00:43:37:25 - 00:43:38:29

Moving on then.

00:43:41:15 - 00:44:07:19

In second written questions, DXA requested that all councils identify what mitigation they considered to be necessary to mitigate significant intra project cumulative effects, and that was set out in question two CE intra one. We're very aware of all of the responses that we received from the councils in that respect. But at this stage, I'd like to explore the Suffolk County Council response, please.

00:44:09:13 - 00:44:37:16

I'd also like to say at this stage that I intend to cover the matter of discussing any additional mitigation of significant cumulative intra project effects under the next agenda item, so please do keep any detailed points in that regard until then. But at this stage, Suffolk County Council, you identified the need for additional mitigations, including proportional mental health and well-being monitoring plans

00:44:40:03 - 00:44:46:22

along with other Prow and Bridal Way interventions. Would you like to just briefly

00:44:49:03 - 00:44:53:28

those for the benefit of the hearing, and I'll then seek the applicant's response? Thank you.

00:44:55:13 - 00:45:29:03

Lois Lane, Suffolk County Council. Yes. Thank you, sir. So on the mental health mitigation and monitoring fund proposed, we we touched on this in relation to the health and well-being item earlier, and it seems that this is an area where there's probably not going to be agreement between us and the applicant. But in essence, we say that that a targeted mitigation in the form of of contributions to a fund here would be appropriate given the potential effects on mental health from a whole range of sources.

00:45:29:05 - 00:46:00:22

So traffic disruption, potential sleep disruption, potential noise impacts from extend extended working hours outside of core hours on certain occasions. And that as you've heard, it can be quite hard to assess those impacts in ISO. They can be assessed in isolation. It can be quite hard to assess them

cumulatively, but we still consider that sorry. I'm going to yes. Monitoring and mitigation plan, I should say, rather than fund. And but we yes.

00:46:00:24 - 00:46:38:14

In essence, we we've heard from the applicant this morning that they don't consider that monitoring is necessary. It seems that this is likely to be something that will need to be a decision for the panel. And then on the mitigation proposed for public rights of way, so there's certain measures about construction hours here, but there also was a proposal that the county council has made for a new public right of way to run east west along the b one one nine to link into other parts of the public right of way network.

00:46:38:24 - 00:47:33:22

The applicant's position on that has they've come back and said that that would be an enhancement rather than mitigation. And because the only assessed significant effect on the public right of way network is that bridal way that that we heard about a moment ago, bridal way four one ninety four nine ten, I should say. On that point, effectively, our position is that there is a cumulative potential degradation of the public right of way network as a result of this project, which whilst impact on individual public rights of way might not rise to the threshold of significance, the experience for someone using that public right of way network might be quite seriously degraded by individually non significant effects.

00:47:33:27 - 00:47:46:10

And in essence, that's why we say that this this new paralog along the the b one one nine sort of route would be appropriate and would be mitigation rather than enhancement.

00:47:48:22 - 00:47:51:13

Thank you. And to the applicant, would you like to respond?

00:47:51:25 - 00:47:53:21

Sir, can I just make a quick point, please?

00:47:54:29 - 00:47:56:00

Hear from the applicant first.

00:47:56:02 - 00:48:00:14

Well, it might be relevant to how they respond. That's all. Okay.

00:48:01:03 - 00:48:01:25

If it's

00:48:02:02 - 00:48:33:19

Yes. Very quick. This point about monitoring. Earlier on, the discussion of the measures that they were doing about engagement and all the rest of it. But without monitoring or a survey, you don't have any hard evidence of the impact on mental health, which these projects are having. I'm delighted that SCC has picked up this point. There was some work done about a year ago, but I think there is a need for ongoing survey evidence to give you a proper evidence base as to the impact on mental health.

00:48:33:21 - 00:48:37:26

People turning up for sessions and all the rest of it doesn't achieve that. Thank you.

00:48:37:28 - 00:48:38:13

That's the

00:48:38:15 - 00:48:42:09

one I wanted to Thank you. And to the applicant, if you would like to respond to what you've just heard. Thank you.

00:48:42:11 - 00:49:17:07

Sai Rupeshak for the applicant. Yes, just dealing with the monitoring plan for mental health and well-being, I don't think the response from the applicant was that it was not necessary. Think it was more sophisticated than that. The point was that it's not really possible to isolate the impacts from ceiling alone without picking up, as I put it earlier, background noise created by Sizwell C. So I don't think it's going to achieve know, while it's it's in a sense, there are monitoring plans for different things, in this particular context, it's not going to achieve the outcome or any outcome.

00:49:20:06 - 00:49:49:19

Just by way of example, residents' perceptions, for example, to stress and well-being, how would you attribute those impacts to Sizwell C or to Ceiling? So for that reason, we don't think it's actually meaningful just to have a plan, which doesn't actually measure or deliver the outcomes. I won't repeat the measures that we have already suggested and that I suggested earlier that the applicant would put forward in response to your colleague, mister Reni's questions. I'll turn to mister Flanagan to pick up any of the other points.

00:49:51:07 - 00:50:10:24

You. Hugh Flanagan for the applicants. On the B1119 point, so you've got quite a full response from us on that in Rep five thousand one hundred twenty five, which deals with Suffolk's alternative access proposal, but also deals with this specific point about the B1119 and what Suffolk would like there. And

00:50:12:10 - 00:50:51:14

Ms. Lane referred to enhancement versus mitigation, and we do say what they're talking about really is enhancement. But also, it's important we say not to get too hung up on the terminology. The sort of key point is that we do not say that is justified, what's being suggested, in light of the impact. So regardless of how you class it, as Mr. Pilkington has explained, the nature of the impact, periods of diversion of two periods of four weeks each. And then what's being proposed, there's obviously cumulative effects, but that's the that's the particular local impact.

00:50:51:29 - 00:51:02:20

And then what's being proposed is a permanent new public right of way in respect of that. That is a complete mismatch, we say, and it's also

00:51:04:05 - 00:51:30:13

across someone's private land. So we need to show a compelling case in the public interest to put a new public right of way, permanent public right of way across someone's land. And in respect of the the nearest impact we're talking about is two periods of four weeks each. And so if the reason's more fully articulated there, we do say that that is not justified, and it's important to look at the whole picture we say in respect of that. Second, mister Pilking has got anything to add on that

00:51:30:15 - 00:51:45:29

for can I just interject with one question just just to help me? Yeah. So is it then your position that you are accepting there is a significant adverse effect in that regards with regards to the the prow, and it and it is something which remains unmitigated.

00:51:46:26 - 00:52:18:07

Keep finding it for the applicant. It's the the cumulative significant impact is, mister Poehl, you can explain, moderate. And as I understand, it's the Both significant. The yeah. Cumulative is significant, and it's moderate. And as I understand, the case put by Suffolk is, well, if you look at that sort of network wide position with a a cumulative significant effect, that would justify some mitigation.

00:52:18:29 - 00:52:47:23

And so you look at the mitigation hierarchy, and then they get to, well, let's compensate with a new permanent public right of way. But it it doesn't follow that just because you have that significant residual cumulative effect that whatever compensation is put forward must right and must be adopted. It still must be proportionate and justified. Sorry. It looks like you're about to

00:52:47:28 - 00:52:50:05

No. No. No. I'm listening intently to what you're saying.

00:52:50:07 - 00:53:31:03

Yeah. Grateful. So it must be proportionate and justified, and that is policy is clear on that, and that applies to compensation even more so than the rest of the mitigation hierarchy because the mitigation hierarchy does treat compensation a bit differently. But it so we look at compensation, is it proportionate, is it justified? And and this is this specific example is a case where it's clearly not. We say what's being proposed by by Suffolk at least. And so to the extent that there is that significant residual cumulative effect, we've obviously got commitments, mister Pilkington can speak to, about how that will be addressed, g g forty, etcetera.

00:53:31:18 - 00:53:54:26

But policy recognizes that nationally significant infrastructure will result in some significant residual effects. And so that is not an objection in itself to nationally nationally significant infrastructure. We said that's an important point of principle, which we need to start from and keep in mind in the process.

00:53:55:03 - 00:54:51:27

Thank you. We're swaying into the next agenda item, which is the mitigation hierarchy. And I do want to revisit this in further detail then. But I suppose the reflection I'll make at this stage is it appears to me that you think that what Suffolk are requesting in terms of any kind of mitigation to compensate or offset the harm relinquishes the applicant's responsibility to almost complete that journey through the

mitigation hierarchy because just because you don't agree with the the scale and the the mitigation requested, presumably doesn't mean that that relinquishes you you have the duty to complete that that mitigation hierarchy test and ultimately get down to that bottom level where you have to ultimately consider offsetting or some kind of compensation.

00:54:52:00 - 00:54:56:26

I'll just leave it leave that with you to discuss some of the next agenda items when you have full opportunity.

00:54:57:10 - 00:55:00:24

That that's fine. Yeah, I I would like to come back on that. But if it's the next agenda item, I'll

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

I think it it fit fit more nearly there. Thank you.

00:55:06:14 - 00:55:40:25

I've talked about a few things there, and I'd just like to finish off by talking specifically about what Suffolk County Council have said and other councils have said with regards to what they deem to be appropriate mitigations to respond to those significant effects in that deadline five submissions. I know that there is perhaps some differences with regards to whether mental health and well-being plans would basically form an appropriate form of mitigation or not.

00:55:40:27 - 00:56:24:03

There's clearly differing opinions with regards to any mitigations with regards to prowls or bridal ways. Before we go on to explore the mitigation hierarchy point a little bit further, can I please propose an action point? And that's quite a straightforward one, hopefully. And it's this. If the secretary of state deems any of the mitigations that we've discussed are necessary, please can the applicant and all of the councils work together and provide a document which provides the reasonings as to whether those mitigations are or aren't deemed necessary, and if the secretary of state deems that they are necessary, provides appropriate DCO and REACT wording to secure those.

00:56:25:19 - 00:56:50:20

And I'm gonna give other parties a chance to comment on agenda item eight point one before we move on to eight point two, noting that we still have further questioning with regards to mitigation and significant cumulative effects under that next heading. But if there's anything anyone feels like they need to raise now, I will allow them to do so. And I'm seeing a hand in Suffolk.

00:56:52:20 - 00:57:29:14

Yes. Hello. My name's Elizabeth Duffield, and I live in Stonefield. I'd just like to put on the record that I strongly object to this idea that you cannot separate the significant harm from Sideswell to the harm to us living near to SeaLink. You can because it's our lived experience. And if anybody knocked on my door and asked me what I felt about it, I would be able to tell them how Seismic is affecting residents and how Seiling possibly will do.

00:57:29:16 - 00:57:30:01

Thank you.

00:57:31:27 - 00:57:37:22

Thank you for that. I'm seeing one more hand online. ER.

00:57:39:29 - 00:58:24:12

Thank you. Emma Regan, Suffolk County Council public health team. Yeah. I think I want to make a similar point. So in terms of mental health and well-being impacts being cumulative, they're unevenly distributed during the construction and early operational phase, and they may persist and evolve. So we, in public health, consider it essential to monitor these in a structured and proportionate manner through a robust framework because without that, an applicant can't demonstrate whether mental health impacts are actually occurring, who is affected, including vulnerable or seldom heard groups, and that is something that's been missing from much of this, and whether impacts are increasing, stabilizing, or resolving over time.

00:58:24:17 - 00:58:52:11

And I don't believe it's acceptable to not monitor because you might not be able to tease out overlapping effects, namely what the previous speaker said. But, also, you know, we don't seek to prescribe this specific methodology, but there are a whole range of things that could be included within monitoring arrangements. So we we're happy to work to support that. Thank you.

00:58:54:19 - 00:58:59:27

Thank you for that. I'm seeing two virtual hands up, I think. Is that the Suffolk Hub?

00:59:01:25 - 00:59:50:29

I think it's just one. Charlotte Fox on behalf of Benelin's Dunfield Parish Council. Comments about the impossibility of separating the impacts of Seizal Sea from SeaLink go to the very heart of what we're living in at the moment because cumulative impact and that the effect of that on mental health and well-being is experiential. And the we if if we're going to decide on, you know, appropriate monitoring and assessment, we actually have to look at what tool can be used to measure the mental health impacts of such a huge infrastructure in in position from so many different projects.

00:59:51:26 - 01:00:27:09

I would draw your attention again to a survey that was carried out by Suffolk Mind on behalf of East Suffolk Council that was specifically looking at mental health impacts of infrastructure. But the way it was designed, it was very clunky. It took twenty minutes to complete, and it was deliberately kept away from the campaign for setting in case it was just dismissed as a campaign tool.

01:00:27:16 - 01:00:52:20

And as a result, the the the results were not very helpful. So if a mechanism is going to be designed by which we measure the impacts of infrastructure imposition on mental health and well-being, it has to look very specifically stress at levels and anxiety that are produced by these projects.

01:00:54:27 - 01:00:56:03

Thank you for that.

01:00:58:08 - 01:01:01:02

Okay. Suffolk. Yes?

01:01:01:04 - 01:01:33:22

Yes. Hi. Zachary Fondin, Suffolk County Council. Just to briefly clarify a point in response to the applicant about the other rights of way enhancements that were referenced. I suppose just to make clear that these enhancements these, sorry, offsetting measures trace back to our local empower report, of course, and they constitute what we've identified as things that are sort of reasonably connected to the adverse effects of the project and that are feasible and would offset could fairly offset some of the adverse effects.

01:01:34:15 - 01:02:19:19

And to be clear, I think we've tried to emphasize that should the applicant have disagreed with any of these particular measures, we'd be happy to discuss any alternatives. For instance, for the for Prowl on the eleven nineteen, if the applicant feels that's disproportionate, we can look at alternative mechanisms to secure something that perhaps wouldn't be on a permanent basis, but could still provide some sort of offsetting measure. I think the council's position remains that just because it may the applicant may disagree with a certain measure proposed by Suffolk County Council that doesn't justify the no mitigation of a significant residual effect even if it is intra project cumulative? Thank you.

01:02:19:21 - 01:02:35:23

We are going to be revisiting all of these things under the next topic. If I can move on to eight point two then. Again, we are going to be revisiting some of these points, but this is specifically in the context of matters relating to the mitigation hierarchy.

01:02:50:13 - 01:03:40:00

So firstly, a headline question for the applicant, really. And this is, if I can summarize briefly your position I'll set out in the Suffolk Onshore Scheme Intra Project Cumulative Effects document that identified for residential receptors significant residential immunity and noise cumulative effects joint construction, operation and maintenance, and decommissioning activities. It's also identified for transport users potential significant transport user effects for road users, public right of way users, joint construction, operation and maintenance, and decommissioning activities, again, due to noise effects, but also increased severance, pedestrian delay, fear, and intimidation effects.

01:03:41:17 - 01:04:08:26

There were also identified potential for significant cumulative effects during the construction and decommissioning for use of specific public rights of way and bridal way bridal ways due to visual amenity, socioeconomic recreation and tourism reasons. So with that in mind and having regards to what we've already touched upon, the mitigation hierarchy,

01:04:10:11 - 01:04:25:26

If the applicant's position is there is no additional opportunity to directly address those significant effects through mitigation, please can you clearly explain why it is not possible to offset or compensate in some other way? Thank you.

01:04:29:02 - 01:05:01:18

Keith Langevin for the applicant. So I'll on the principal, and mister Pilkington will come in on the detail of the assessment. On the principal and also coming back, sir, to your question a moment ago about, you put it, is the applicant relinquishing here its obligation policy requirement to go through the mitigation hierarchy? We say the applicant is is not doing that because the mitigation hierarchy and policy does not mean need to compensate for or offset every significant residual effect.

01:05:02:19 - 01:05:43:05

And that we have that expressly in policy in MPS EN one three point one point two. It tells us that it will not be possible to develop the necessary amounts of such infrastructure, energy infrastructure, without some significant residual adverse impacts. And so when you get to the mitigation hierarchy policy in the same document, you have to read that in the context of that explanation that some significant residual adverse impacts are likely to remain. So then looking at mitigation hierarchy policy, what it requires you to do in four point ten and four point eleven, the national policy statement, is to go through those through the hierarchy.

01:05:43:24 - 01:06:17:14

And if you do have some significant residual adverse effects, you need to consider whether they can be mitigated. And indeed, if they're still there after mitigation, offset or compensated for. What you are not obliged to do is keep going until you have eliminated and eradicated residual every adverse effect or compensated for it, which we say is close to what's being suggested by Suffolk and other parties.

01:06:18:01 - 01:06:53:09

So you have to reach a you have to certainly consider offsetting and compensation, and you have to read an evidenced view on what is justified and proportionate in terms of compensation. And we do say that in respect of these significant residual adverse effects that we're talking about, so you've outlined, Mr Pilkington discussed, they do not justify the sort of compensation that Suffolk County Council, for instance, put in writing about permanent public rights of way in terms compensation.

01:06:54:27 - 01:07:17:00

And so in summary, certainly, we do not say we're relinquishing our obligation to go through the hierarchy. We've been through it. We've considered all stages of it. That discharges the policy requirement. And we say that the conclusions we've reached are justified and proportionate. So that's the principle. In terms of any assessment Before

01:07:17:17 - 01:08:01:11

we get into the detail, can you just help me with compensation and the offsetting again? Because, again, you referred to what Suffolk County Council have requested with regards to what's been referred to as compensation in terms of a new prow and not being perhaps out of kilter with the harmony effect. Can you just explain to me how that meets the requirements of the mitigation hierarchy in terms of considering appropriate compensation and and or offsetting? Because to me, it seems like there's there was there was one thing that was asked for, and that's that, to me, doesn't demonstrate that the mitigation hierarchy has been followed.

01:08:01:13 - 01:08:06:24

It almost still seems like there has been a presumption that it's that or nothing.

01:08:10:18 - 01:08:15:02

Maybe Mr. Beer couldn't speak to whether it's that or nothing, but

01:08:17:00 - 01:08:50:10

just because it's been put forward, and if that's the way Suffolk say you would compensate or offset, policy does not require you to take that option simply because it would achieve the goal in Suffolk's mind of compensating or offsetting. If it's disproportionate, if it's not justified, the policy requirement is to set out and consider how residual impacts can be compensated. So we have done that, and we've given it consideration.

01:08:50:12 - 01:08:59:21

We've looked at what's proportionate and justified. And what's been put forward, the specific example we keep coming back to, PRAW, a permanent public right of way,

01:09:01:17 - 01:09:39:06

that does not meet those policy tests for being proportionate and justified and necessary, whether there's any additional your that or nothing points out, whether there's some different compensation or different offsetting, which might be effective and might be less disproportionate. Well, obviously, we've considered compensation generally. Mr. Pilking can speak to that. But just dealing with the level of principle, it's not right we say that you have to eradicate all these significant residual adverse impacts.

01:09:39:27 - 01:09:49:08

And unless you do that, you have some way failed the mitigation hierarchy policy. So can I hand over to mister Pilker just now on the perhaps the something or nothing point?

01:09:49:10 - 01:09:55:11

You can, but I think I think you can tell I still need some help, really, because I'm I'm struggling a bit with with

01:09:57:16 - 01:10:13:22

the kind of focus. Know we're using Suffolk as an example, but it seems to me that I mean, is it your position simply that there is no appropriate way to offset or compensate for any of those significant effects? Is that what you're saying?

01:10:13:27 - 01:10:18:26

That that that is that's the mister Pilkington question. I'll hand over to mister Pilkington at that point to deal with that.

01:10:20:09 - 01:10:54:02

Nigel Pilkington for the applicant. I think it's important to remember that and and it's actually reflected in the PIN's guidance on cumulative effects assessment. When it talk when that talks about offsetting, it says, if possible, offsetting. It doesn't say and offsetting. So what we're dealing with here is is we've talked about it before and I I is we're we're dealing with a number of impact types, different

types of impact. And it's important to recognize that with those impacts, some of them are relatively easy to compensate or offset.

01:10:54:04 - 01:11:10:01

And I should say compensation and offsetting isn't isn't throwing money at something or anything like that. It's about remedying the effect. And so when you look at something like a habitat impact, you can remedy that by creating the habitat elsewhere.

01:11:12:20 - 01:11:57:02

That's actually where compensation, I think, as a mitigation measure in the high in the hierarchy arose from. It's widely recognized that for other for other topics, you you never get to the offsetting or or compensation. For example, with noise, with air quality, with traffic, and to some extent with visual effects. They don't they don't lend themselves to that final rung of the mitigation hierarchy. So when we're dealing with an intra project cumulative effect that is as a result of a number of those types of effect that in themselves can't be remedied through compensation.

01:11:57:23 - 01:12:04:03

It's not correct that when you add them together, suddenly you can compensate them.

01:12:05:18 - 01:12:46:07

In respect of the b eleven nineteen and the permanent right of way, what we would say there is and I made the point at the last hearing about the the spatial and temporal separation. My point there is by providing a permanent one point two kilometer public right of way doesn't remedy the temporary impact on users of a bridled a seventy five meter section of a bridled way. It's not a remedy in in in the sense of what that that final layer of intra project cumulative final layer of the mitigation hierarchy is seeking to achieve.

01:12:47:01 - 01:13:22:08

It's it is an enhancement. If it was considered to be needed to remedy the effect, then actually we do have the b eleven nineteen temporary public right of way is in place throughout construction. And that's happening at the same time as the the as the bridled way, seventy five meter section of bridled way is diverted and or in use. So at the time that it's happening, the effect on the bridled way, we do have the b eleven nineteen route in place.

01:13:23:02 - 01:13:42:25

We would suggest that if it's considered that it does remedy it, it remedies it at that time. If it's not considered that it remedies it at the time, I'm I'm struggling to understand how it's considered that it being delivered after construction is complete remedies that temporary impact on the bridled way.

01:13:46:20 - 01:13:53:14

Thank you for that. I think I've asked enough questions for the moment, so I'm going take a breath.

01:13:55:04 - 01:13:57:14

I'll let yeah. Mister Burton, I'll let you come in,

01:13:57:16 - 01:13:58:01

and then

01:13:58:03 - 01:14:00:16

I'll come back to Suffolk to respond to what you've heard. Thank you.

01:14:00:18 - 01:14:31:03

Thank you very much, sir. James Burton on behalf of SEAS. I want, please, if I may, just to focus briefly on the high level policy points here, and this is largely in response to my friend, Mr. Flanagan's, submission. Now you you you will know this, but it is worthwhile just tracking through the key provisions within e n one because they do demonstrate why he and the applicant are wrong, and they're taking the wrong approach as a matter of principle.

01:14:31:05 - 01:15:01:22

So firstly, three point one point two. We need to read the whole paragraph. Of course, you need to read read the whole e n one. But what the whole paragraph read, as read properly, says is is this. However, it will not be possible to develop the necessary amounts of such infrastructure without some significant residual adverse effects. And then, of course, it goes on. These effects will be minimized by the application of policy set out in parts four and five.

01:15:01:24 - 01:15:39:19

So we see here very clearly, as you know, we're not just leaving residual these adverse significant residual adverse effects. They will be minimized. Then we go on in the policy to four point two point one two, page fifty four. Applicants should set out and this addresses the point that Mr. Pilkington came in on, where it's very important to read the policy and not perhaps paraphrase from guidance. Applicants should set out how residual impacts will be compensated for as far as possible.

01:15:40:01 - 01:15:46:11

As far as possible. That's actually a very important linguistic difference between, if possible, as far as possible.

01:15:48:11 - 01:15:59:20

Applicants should also set out any mitigation or compensation measures will be monitored and so on. But those are those are very important words, and we then see as it were the final piece of the jigsaw, of course, in

01:16:01:07 - 01:16:08:08

in section just just a little bit later in four point three point four

01:16:09:26 - 01:17:03:01

where we see that and this is, of course, general approach to environmental effects considerations. To consider the potential effects, including benefits proposed for a project, the applicant must set out information on the likely significant environmental, social and economic effects of the development and show how any likely significant negative effects would be avoided, reduced, mitigated or compensated for following mitigation hierarchy. We need to read those as a package. But where we get to contrary to the principal approach the the applicant is taking, which is wrong, is that if you have

a residual significant negative effect, got to go as far as possible, which is, of course, entirely in line with the approach that Suffolk County Council are taking, indeed, the authorities generally.

01:17:03:03 - 01:17:03:20

Thank you.

01:17:04:21 - 01:17:09:01

Thank you. Can I come to the Suffolk Cobb first, please?

01:17:10:10 - 01:17:44:16

Thank you very much. Charlotte Fox on behalf of Benel and Stamfield Parish Council. So we're having a long discussion here about a particular public right of way that has been identified as having some sort of impact. But we have a bigger problem because if National Grid has deemed that there isn't a significant cumulative impact problem and there isn't a significant health impact problem, then those topics are already covered as far as I'm concerned.

01:17:45:11 - 01:18:17:08

If we if we're going to talk about applying the mitigation hierarchy, if it hasn't been identified as a problem, then it's not a problem. But National Grid's response to any constructive challenge that there is cumulative impact problem, there is a mental health problem, is to say, no. There isn't. We've already shown you. There isn't a problem. We've done a cumulative impact assessment. We've done a mental health impact assessment, and there is no significant significant problem.

01:18:17:12 - 01:18:35:12

So, you know, we've got nothing to go on if if we have to rely on the original documentation that was provided. It's like National Grid saying, we're right now because we were right in the first place.

01:18:38:06 - 01:18:40:22

Thank you, mister Mackie.

01:18:43:01 - 01:19:21:03

David Mackie, Aldeburgh town council. Sir, the point we wish to make is a broader one. The position, so far as we're concerned, starts with National Grid itself, whose frequently asked questions on their website says, or at least last June said, quotes, we welcome the government's guidance on community benefits, which supports our view that communities should be rewarded, note rewarded, not limited, rewarded for hosting new transmission infrastructure.

01:19:21:23 - 01:19:29:27

And just so there's no misunderstanding, we, as a council, expect and will seek

01:19:31:29 - 01:19:37:00

compensation, mitigation. As mister Flanagan says, we mustn't get too too

01:19:38:20 - 01:20:03:27

obsessed with terminology. I mentioned yesterday the possibility of help for the helicopter ambulance. There's a whole list of stuff that we've got that we're going to put to our friends, National Grid, and the

meeting, which is almost fixed, and which we're also going to raise with both councils. I just wanted to make that point now so there's no no misunderstanding about our position. Thank you very much.

01:20:03:29 - 01:20:10:03

Thank you very much. Next, can I go to East Suffolk online? Thank you.

01:20:12:01 - 01:20:14:10

Nicholas Wiesman. Mark sorry.

01:20:14:12 - 01:20:57:05

Mark Westman and Smith for East Suffolk council. Just briefly confirm our position that we haven't put forward specific requests for further mitigation measures in the context of intra project cumulative effects, But that is on the express basis that the mitigation for individual topic areas is suitable and does operate to minimize effects, which is the requirement, as mister Burton put out pointed out in paragraph three point one point two of MPS EN one.

01:20:57:27 - 01:21:38:15

And that's really a prior point because before you get down to the compensation levels of the hierarchy, one needs to reduce, avoid, and then reduce effects. And if one takes, for example, the cumulative assessment on residential receptors in APP o five nine, that identifies in construction visual noise and vibration, health and well-being, traffic, and transport, all of which aside from visual, to some extent, be reduced by, for example, more constrained core working hours.

01:21:38:29 - 01:22:04:23

And if those building blocks are essential to fulfill the policy requirements of reducing effects even before you get to the considerations of compensation. So whilst we don't put forward any specific mitigation measures in the context of cumulative effects, and that is predicated on some movement in mitigation measures in individual subject areas.

01:22:05:15 - 01:22:06:06

Thank you.

01:22:07:08 - 01:22:15:08

Thank you. Can I I hear from Suffolk now? We've covered quite a lot there, I just want to get your your feedback on what was said. Thank you.

01:22:15:13 - 01:23:01:08

No worries. Lane, Suffolk County Council. Thank you, sir. Yes. So we we covered a good deal of our general position on this actually in our rep four two hundred and two, specifically in response to our to the applicant's answer to examining authority question one t t sixteen. So it starts at page thirty seven in that document. And that that deals with our position both on the mitigation hierarchy and its applications point of principle and specifically on the b one one nine. As a point of of broader principle, we would just note that actually e n one doesn't require only the consideration of significant effects in the context of the application to mitigation hierarchy.

01:23:01:10 - 01:23:33:25

There's nothing in law and there's nothing in policy that suggests that you can ignore or that it's appropriate to just discount all of the non significant effects because the policy statement requires the weighing up of all of the the harms and benefits. But more specifically, in the context of this proud network point. I don't want to repeat what you've already said yourself in in your questions for the applicant, but essentially, we set out early on what we considered to be appropriate compensation if no mitigation was able to be secured.

01:23:34:09 - 01:24:13:04

We've been told that that's not appropriate, but no alternative has been suggested. We can, if necessary, in writing at deadline six, provide additional detail on why we say from a from a technical perspective that that would be appropriate compensation. But more generally, we would say that that proper application of the principle that mister Flanagan correctly set out about looking to see whether compensation was possible would require that if that compensation is not considered to be possible, necessary, justified, that it the the burden is then incumbent upon the applicant to suggest something else that would be considered more appropriate.

01:24:14:10 - 01:24:14:27

Thank you.

01:24:21:05 - 01:24:32:23

Could I ask Suffolk, do you think the applicant's current position with regards to mitigation, compensation, and offsetting measures,

01:24:34:28 - 01:24:51:11

as stated today, creates some tension with regards to the requirements of the critical national priority test? And in particular, do you think that the secretary of state would have have to grapple with the manner in which they've applied the stages of the mitigation hierarchy.

01:24:53:14 - 01:25:25:20

The science of the county council will set this out more fully in writing. But but, yes, that I mean, clearly, is some tension for for the reasons we've effectively already outlined. We we don't consider that there has been a proper demonstration that all of the identified significant adverse effects have gone through that mitigation hierarchy process, let alone the potential uncertainty that we've already raised about other possible cumulative significant effects that might arise from effects that are in and of themselves not assessed to be significant.

01:25:26:26 - 01:25:31:27

Thank you. I can see another hand online, I think. Is that the Suffolk Hub again?

01:25:35:17 - 01:26:11:17

Thank you, sir. Marion Fellows, over resident. The mitigation hierarchy in e m one is very clear, actually, and it is a mandatory sequential framework, and it should be to achieve no net loss. Sorry. No net loss. So we'll accept some loss isn't written in there. And the the other thing that we still need to consider is we're supposed to be aiming for biodiversity net gain as a result of this too.

01:26:11:29 - 01:26:27:06

So I think it's it's very worrying because these projects should not be approved if there is going to be significant residue adverse impact remaining. Thank you.

01:26:28:04 - 01:26:58:13

Thank you. I'm aware that we're running into lunch, and there's still a good way to go on this topic. So I'd just like to cover one more specific matter, which is a few questions around landscape and visual effects. Hopefully, after we've covered that, we can break for lunch and then come back and go through the same process and discussion we've just had for Kent and also cover some of the cross area matters.

01:26:59:19 - 01:27:14:26

So can I just raise with the applicant at this stage the matter with regards to landscape and visual residual significant effects? Do you have people available to to answer that here?

01:27:16:04 - 01:27:22:09

We we don't actually have our expert witness on this. I mean, if if you ask the question, we can take it away.

01:27:22:11 - 01:27:23:05

Thank you very much.

01:27:24:24 - 01:27:34:19

The environmental statement appears to show residual significant effects, which are both moderate and major at year fifteen that are not being mitigated for.

01:27:38:07 - 01:27:51:25

Really following on from the discussion that we've just had, could you please confirm to us why it's not possible to offset or compensate for those in in some other way, thus meeting the requirements of the mitigation hierarchy?

01:27:53:23 - 01:28:07:13

And as part of your response, would be helpful if you could explain to us, if no additional mitigation is necessary, how then you have met the requirements of following the mitigation hierarchy with regards to those landscape and visual effects.

01:28:08:11 - 01:28:21:25

Sorry, appreciate for the applicant. Yes. So we will do that and set it out because I anticipate there has been mitigation through that process. And we'll detail what we've done in that context and also in response to

01:28:23:11 - 01:28:26:10

the questions in the third round of questions.

01:28:26:24 - 01:28:49:25

Thank you. And I suppose that also leaps into the project cumulative effects because clearly, there's potential for those effects to be exacerbated by line link and other other schemes. So if you, again, you

could address the the interproject potential cumulative effects within that, that would be helpful.
Thank you.

01:28:54:06 - 01:29:06:10

And, again, I suppose on those landscape effects in particular, is it possible that you could reach out to the Suffolk and Kent councils consider

01:29:07:28 - 01:29:43:12

if there is a way to work with the authorities to further mitigate those landscape and visual effects. And failing that, please, could you work with them to seek if there to see if there's a way to identify any possible compensation or measures to directly offset those significant effects if the secretary of state deems to be necessary? So if you could cover that as an action point. And, again, if any mitigations are identified as part of that dialogue and that exercise, again, please do provide the the text and the mechanisms for that to be secured.

01:29:43:14 - 01:29:44:02

Thank you.

01:29:44:04 - 01:29:44:19

Thank you.

01:29:49:24 - 01:29:56:09

Gonna take one further hand from Suffolk, and then I think we need to break for lunch and and come back. Suffolk. Yes. Thank you.

01:29:56:11 - 01:29:59:27

Thank you, sir. Nicholas Bridges on behalf of CEAS in personal capacity.

01:30:02:02 - 01:30:30:15

Moving on to your point about landscape visual, also cultural heritage, where do you have these permanent these significant adverse effects? They our costs can be permanent. And I suspect that whatever the applicant may come back for with there'll be very little compensation. So we're gonna be left with residual harm, which the secretary of state will have to take into account as a possible reason for refusal. I think I wish them luck, but I I don't think they're gonna be able to do it.

01:30:31:14 - 01:30:53:15

Thank you very much. Okay. The time is now quarter past one. We've run over by fifteen minutes. Could I propose that we break until two? Hopefully, that will give everyone enough for a comfort break and and some a sandwich, and we will come back at two. And for all of those attending online, please do refresh your browser so that the stream restarts without problems. Thank you.