



Hearing Transcript

Project:	Norwich to Tilbury
Hearing:	Issue Specific Hearing 2 (ISH2) - Day 2 - Part 3
Date:	29 April 2026

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00:00:05:09 - 00:00:37:21

Okay. Thank you very much for all returning so promptly. Um, it's now 1140 and the issue specific hearing is resumed. Um, I would just like to remind everybody when they are speaking, if you could make sure that you speak into the microphones, please. We had a few comments that, um, some, uh, some of the comments on that audible. So if we could all, um, do that, that'd be great. Thank you. Um, if we could now move on to, um, I just have a quick question about the whole food rules. Um, and this is to the applicant.

00:00:39:18 - 00:01:14:10

Um, I note in your answer to LV 1.20 that application of the rules typically involves, um, judging alternative solutions which can present conflicting rule compliance. Um, given this and noting several queries from various IPS About the age of the Holford rules. Um, are they still relevant for a project in today's world and our most judgments on rooting, going to conflict, going to create conflict with one, one or the other rule that makes sense.

00:01:14:21 - 00:01:53:08

Yes it does. Russell Harris KC in terms of the Holford rules, um, they are continue to be fit for purpose and are contained not only in N-1 as is presently the N for this project, but also in the other published N1 um, which shows that it remains part of government guidance. I'll ask Mr. Royston to deal with the conflict point. Um, but we are obliged, I would say, by n1 to, uh, have regard to, where appropriate, the Holford rules and they remain up to date in that respect.

00:01:55:15 - 00:02:33:09

You know, pull in for the applicant. Um, I think when you look at the Holford rules, and the same will apply for the whole lot rules as well for, um, sort of subsection citing, um, the almost the nature of the, the scope of the things that are covered, um, does mean that, um, there will be some sort of conflict. So for example, one of the rules, um, sort of favours going through, um, valleys. But if that valley is includes some ancient woodland or some other environmental feature that is sort of, um, one of the other rules says you should avoid, there is inevitably a conflict.

00:02:33:11 - 00:03:06:26

So that sort of, um, as the circumstance that we're, um, refer to that where it is then a case of finding a, a balance. So whichever, when you're looking at alternatives, um, you know, one, um, going sort of to the east of a feature, one going to the west of a feature, they will encounter different environmental features, attributes, um, properties, etc. so it is making that, um, sort of balanced decision, um, about the sort of the preferred solution.

00:03:06:28 - 00:03:14:06

So bearing in mind all of those different impacts and effects that are caused informed by the assessments from the technical specialists.

00:03:16:06 - 00:03:17:00

Thank you.

00:03:20:15 - 00:03:32:11

There is a hand up online, but oh, two hands up in line. But I will come to you at the agenda end of this agenda item. Um, that's okay. But if you could leave your virtual hands up. That's useful. Thank you. Um.

00:03:34:29 - 00:04:04:03

Just move on. Now to the issue of master plans. Um, which, um, refers to our question LV 1.28. Um, and this, uh, question arose from a query from, uh, Suffolk County Council. Um, and in our response to our request for master plans covering landscape ecology, archaeology, rights of way and heritage assets. You noted that there was an issue of principle there which needs to be understood.

00:04:05:25 - 00:04:29:04

Noting that the council, from where it originated from Suffolk, as I said, considered them to be a compensation method. So if I could come to Suffolk first on this matter, please. I don't want to necessarily go into the whole mitigation issue right now because it comes on later in the agenda. Um, but if I could have your response to the applicant's response to LV 1.28, please.

00:04:37:23 - 00:04:43:11

Thank you sir. Michael Bedford sorry, I'm just making sure I've got that response fully in front of me.

00:05:39:23 - 00:06:40:01

Yes. I think the overarching response is that there is a divergence of view between the applicant and the, um, certainly the county Council on the proper role of mitigation, where you are dealing with landscapes which are not designated landscapes, and where, um, we say that the um, proper interpretation of the guidance in, in one read as a whole is that the applicant is obliged to do what can be done to minimise the effects on the landscape, which can include measures of compensation as much as measures of mitigation, using the narrow sense of mitigation rather than mitigation for all steps in the the hierarchy.

00:06:40:18 - 00:07:16:26

And I think it's perhaps helpful just and I'll try to do it in this summary form as I can, but if you start with n1 at paragraph 4.1.5, which is the overall approach, and the second bullet point, which requires amongst the overarching balance that the Secretary of State will have to conduct to look at all potential adverse impacts, and also to look at what is being done to address those impacts, including via the mitigation hierarchy.

00:07:17:27 - 00:07:49:09

And then when you then go on and work through the guidance on mitigation for two, ten, four, 211 and 4212, and compensation should be included for residual impacts as far as possible. Um, and we say that means looking at what is feasible in the specific circumstances and not, as it were, what an applicant may choose or not choose to do as a matter of its own discretion.

00:07:49:28 - 00:08:22:16

We do note that the applicant accepts that in relation to landscape, that the mitigation hierarchy includes compensation or offset offsetting where possible, and that just as a reference, both paragraph three point 10.4 and 3.1.23 of the applicant's rep 2030, that's their comments on the local impact reports. Uh, makes that point clear.

00:08:23:29 - 00:08:58:10

Uh, and, um, we say that when you then look at section 5.1 of the N1 on landscape, it's consistent with that overall approach. And we would draw attention particularly five 10.6 that projects need. And we stress that word need projects need to be designed carefully, taking account of the potential impact on the landscape. That the aim is to minimise harm by providing reasonable mitigation where possible and appropriate.

00:08:59:09 - 00:09:33:19

At 5.10 .12 so far as non designated areas are concerned. Again, it's important to look at what the guidance is. Um the guidance is that where you're impacting on a non designated area. That's not a reason in itself to refuse consent as that may unduly restrict acceptable development. So you've also got to look at that reason as to why it's not appropriate to rely on it for refusal.

00:09:34:01 - 00:10:07:26

What it's not saying is that impacts on non designated landscapes as it were, fall out of account. Just because you shouldn't refuse a project because it impacts on non designated landscapes. It's not saying you're not still obliged. Bear in mind those earlier references to the need to minimize adverse impacts and to mitigate impacts on landscape. You're not obliged to do as much as you can as part of your proposal.

00:10:07:28 - 00:10:39:08

And we see that that's also confirmed by what is said at 5.10 .27 on what mitigation should be intended to achieve, including that it should achieve a well designed scheme and 5.1.28 on the importance of offsite measures. And then the Secretary of State's decision making function at 5.1.37 to ensure that development is designed carefully, taking into account environmental effects on landscape.

00:10:39:18 - 00:11:10:13

And so I think our concern without getting then into the merits of individual locations. But our concern is that the applicant's approach has been to regard itself as precluded from going further because of its, we say, misreading of the guidance in N1 about the role of compensation where there are impacts on non designated landscapes.

00:11:10:15 - 00:11:39:12

And we think that that is in a sense handicapped the applicant in making effective progress to deal with some of these things which we have identified. So without getting into the locations, but we think that that's the position. So largely speaking, it's a disagreement between us about how you should apply on one in particular to the circumstances of landscape impacts here. And because we disagree about that necessarily, we're sort of apart on where you then get to.

00:11:41:12 - 00:11:52:20

Thank you, Mr. Bedford. Um, yeah. If I could ask Mr.. For your views on, uh, the general views, obviously I've read your response to LV 1.28. Um, but yeah, the general approach there. Thank you.

00:11:52:26 - 00:12:24:20

Um, on the general approach, the general approach put forward by the local authorities, quite clearly, and we give the quote in our answer, is that all residual impacts after mitigation still have to be compensated. This was a point that the learned friend in terms took a TNO, um, in TNO that is set out at um 3.9.56, where the panel set out the approach that Fran Gest advanced.

00:12:24:29 - 00:13:16:25

They then summarized their consideration of that between, um, 3.9.142 and 3.9 to 1.57. They did so accurately, and I don't read that out, but I would ask you to go to it and to the links that are still live to the relevant legal submissions that under and delay that they concluded in relation to that submission. This they said that the examining authority understands the local authority's concerns, that some of the impacts cannot be fully mitigated, but does not concur that this should automatically mean that some form of compensation should be required, and they were right to do that for the reasons I am just about to outline any such.

00:13:17:05 - 00:13:49:27

Any such compensation would require to be required by a requirement. Sorry for all the requirements. Requirements can be added and should be added where appropriate. See section 120 of the Planning Act. But as we heard this morning, requirements should be necessary, precise, enforceable, relevant to the development, relevant to planning, and reasonable in all other respects.

00:13:54:06 - 00:14:30:23

Ian, one makes it perfectly clear. Again, as we heard this morning, that some significant residual impacts are likely for any overhead line for any, um, in CIP, and particularly for an overhead line. CENICEN5. We're also told that residual impacts are likely to be outweighed by the public need for um, CNI, including, uh, for example, in circumstances where harm is occasioned to national landscapes.

00:14:31:19 - 00:15:30:06

Compensation. Although part of the mitigation hierarchy cannot reduce residual impacts of a proposal. And that's the point that Maloney friend fails to grapple with that line, although it's not in the existing N-1 was added for this very reason. At paragraph 4.2.25 of the adopted, but not not the determinative for the purposes of this case, but it is to be given significant weight where it's appropriate, and that's a matter of judgment for you, and where this expresses this relationship between compensation and its place in the overall mitigation hierarchy, I would suggest that it's a clarification that has come about as a result of the arguments that have been going on, legal and otherwise, in this case, and in TNO and in other cases across the country.

00:15:31:15 - 00:16:12:03

No part of N1 and no part of N5 states that all residual harm has to be compensated for or offset. If that was the test, it would have said so. And it doesn't. And it doesn't because it's not thought proportionate or necessary or economic or in many cases achievable to achieve, uh, addressing a residual harm by some form of compensation, particularly if that compensation has to be necessary to the grant of permission.

00:16:12:08 - 00:16:56:10

This issue of compensation being somehow a different creature in the mitigation hierarchy was grappled with specifically by the TNO panel. Their conclusion on that was that they agreed with the position advanced by National Grid. And you'll find that at, um, paragraph 3.9.196 and 3.9.197. I've already indicated what their formal provision formal ruling was, in effect, that compensation was different and there's no requirement for full compensation of things that are only partially mitigated.

00:16:56:12 - 00:17:38:24

Now, that doesn't mean the compensation is never an appropriate, um, provision for a requirement. So some compensation is required where possible. So for example, habitat replacement compensation is statutorily required under the habitat regulations, habitat regulations. And similarly in policy terms compensation for loss of trees is required, and when the N makes it a requirement which can force its way into a formal requirement in the document, it says so.

00:17:38:26 - 00:17:56:00

So, um, I don't know if you would be helpful if you could go to N1 to chapter five, because there's a very good example of one such. And at paragraph 5.11.27. Just bear with me.

00:18:07:25 - 00:18:09:19

We deal with the issue of trees.

00:18:17:07 - 00:18:51:24

And you'll see 51127 dealing with an environmental issue where woodland loss is unavoidable. Compensation schemes will be required, and the long term management and maintenance of newly planted trees should be secured. So that sentence there provides another example of where compensation is required. Where possible, it might not always be possible, but there are statutory reasons which might require compensation in certain circumstances and policy reasons.

00:18:51:29 - 00:19:30:11

Another example is the furthering the aims of the national landscape, for example, where that clearly calls for something that does a little more than just mitigate and therefore in all respects where compensation is required, either under statute or under policy, this proposal provides that, um, compensation elsewhere. If compensation is to be secured by requirement, then that compensation must be truly necessary to the grant of the DCO.

00:19:30:13 - 00:20:03:24

That that part of government guidance which falls from the court originally in Newberry is not wiped away because this is a DCO. And, um, it's made perfectly clear in the guide on the contents of the DCO that, um, I'll give you the reference to that. It's um, paragraph 17. And in in the wonderful world of referencing of these documents, it's ID zero four, dash 017-20240430.

00:20:03:27 - 00:20:34:12

That will be on the transcript, sir. But, um, it's made clear that the the rules and the law in relation to, um, requirements, um, are set out in the NPP, f and the PPG are directly applicable to Decodes. So elsewhere, if you're seeking compensation, you have to have a a foothold in that necessity requirement.

00:20:34:14 - 00:21:13:29

If it's to be secured by a requirement, compensation must be truly necessary to the grant of the DCO. In other words, without that compensation, the DCO should not be granted. In other words, the absence of the compensation that's being sought by a local authority outweighs the public benefits and results in the DCO being refused. Now, what my friend is in, in effect, saying is the fact that it's not necessary or wouldn't lead to a reason for refusal doesn't mean that the councillors can't ask for it, but for the decision maker.

00:21:14:01 - 00:21:48:23

With respect, the absence of compensation can only found a reason for refusal if it is necessary to the grant of consent now, in terms of landscape computation. And now we can all do word searches. But in any event, there is simply no reference in N1 or N5 to a requirement for all residual um landscape impacts to be compensated simply not there.

00:21:48:25 - 00:22:06:15

And it's not there for a reason where it is needed. N1 deals with it. The best my learned friend could come up with was paragraph five, ten, six, and I'd ask you to look carefully at that because it's been really carefully drafted.

00:22:14:24 - 00:22:50:03

He referred you to projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operation and other relevant constraints, the aim. The aim should be to minimise harm to the landscape and then these words providing reasonable mitigation where possible and appropriate. So for for all of those reasons, there's no automatic, um compensation that can be sought by way of a requirement that you can read into the mitigation hierarchy.

00:22:50:05 - 00:23:20:12

You've got to look at the document as a whole. And when you look at the document as a whole, our submission is we have provided sufficient, um, mitigation and where appropriate, sufficient compensation and that the residual impacts are vastly and substantially outweighed by the public benefits, including. Um, well, I'm just going to mention two things. First thing is rapid delivery.

00:23:20:16 - 00:23:51:03

At a time when billions of pounds of, um, constraint costs for every period missed are ratcheting up and are paid by consumers. And second, ensuring security of domestic supply particularly. And the N1 mentions the issues in Ukraine. Now we've got further and worse issues which mean that that imperative becomes even more urgent.

00:23:51:19 - 00:24:37:03

Um, those benefits are those benefits vastly outweigh any residual harms which are identified now, notwithstanding those discussions, because they are matters of principle which we thought it appropriate to raise. There are useful discussions going on between the all the councils, but we've learned, friends council in particular, and the applicant with a view to seeing whether, um, the local authority can come forward with a series of landscape measures, um, which we believe might be capable of falling within one or more of the, um, proper bits of a requirement.

00:24:37:14 - 00:25:19:12

Um, either that or that we can provide somehow by way of a voluntary arrangement, as took place in BT. And oh, and then we'd need to address you on what weight you can give it, if any, etc.. So it's not as if the in-principle position has closed down all those options, but particularly in terms of landscape, there are, um, constructive discussions taking place between the parties, and we are exploring the mechanisms for presenting those and the outcome of those and the weight which you give to those in the same way as was referred to in the TNO decision, and the inspector.

00:25:19:14 - 00:25:32:12

The examiners there specifically referred to that in the context of this in principle discussion and legal dispute that was raised in the circumstances of that case.

00:25:33:24 - 00:25:35:13

Thank you, Mr. Harris. Um,

00:25:37:08 - 00:25:58:19

I mentioned before, I didn't necessarily want to go to the whole mitigation issue. We've kind of gone there, but anyway, that's fine. Um, speed things up later on, hopefully. Um, I, I understand your position. I understand the position of, um, the Suffolk County Council. I think the as you the words you used, I believe, is, um,

00:26:00:11 - 00:26:26:09

that you consider that the county's view is that all residual impacts have to be compensated. And I'm not saying that it's necessarily the view of the council, but is there a the, um, a middle ground between that and the first line of paragraph 4.2.12 of and one, which states that applicants should set out how residual impacts will be compensated for as far as possible.

00:26:27:08 - 00:27:06:13

That's what we're exploring Russell Harris KC. That's what we're exploring. Um, for us where possible, includes um, having regard to, uh, our duties to do things economically and proportionately. It also includes, where possible, having regard to the CIL regulations, as mentioned earlier. And so, um, that's really carefully drafted because a lot of the um, compensation provisions that I spoke of, which are required, aren't absolute either. So it's compensation, comp compensation where appropriate and uh, as, as required and as far as possible even then.

00:27:06:15 - 00:27:38:05

So for all of those reasons, um, there is the potential for a middle way, but I think it would mean at establishing and persuading you that the compensation, however it was labeled, was necessary to the grant of consent. Because how otherwise is it to be secured? It's either secured by a requirement which requires a necessity and the other test, or by a section 106, which requires necessity or one of the other tests, or by a side agreement which you can't take into account if it's not necessary.

00:27:38:07 - 00:28:10:18

So this idea that somehow there is an ask which is permissible but not required of us, sort of tends towards the buying of a permission, which is what the courts were saying should not happen. I'd also say that Ofgem will be looking very, very carefully at the nature of the expenditure that is applicable

and appropriate in the circumstances of this case, and something which isn't necessary to the grant. Permission is very unlikely to get authorisation I can I can explain that to you.

00:28:10:20 - 00:28:46:29

Or perhaps that's something we should do in writing by deadline or. Um, so so there is the potential for a middle way. And I suspect, aside from all of the hullabaloo in, uh, the hearings, uh, that there is some, um, good and proactive negotiation taking place behind the scenes. I know there was a meeting last Thursday. One of our major complaints in relation to the response that you've read is that we didn't really have anything concrete from the local authority upon which we could apply the relevant tests.

00:28:47:09 - 00:28:56:12

Um, and I know I think some schemes and some potential funding is being suggested. And so, um, your middle way might be the ultimate way.

00:28:56:21 - 00:29:17:16

Thank you. I have it said the middle way coffee, and I obviously mentioned it a better way. I maybe I phrased that slightly incorrectly because obviously M1 is what it is. It says, you know, you should set out how residual impacts will be compensated for as far as possible. It's what you read into that as far as possible, I guess is the the difference between parties there.

00:29:18:21 - 00:29:30:10

Russell Harris KC yes, but you've got to read the document as a whole and you've got to read the statute and you've got to read the guidance when it comes to what is a legitimate ask and what isn't understood.

00:29:30:14 - 00:29:39:20

Um, the, the discussions between yourselves and the councils. What kind of timings are we looking at in there in terms of our examination timetable?

00:29:41:10 - 00:29:43:14

Um, just bear with me a second.

00:29:52:02 - 00:29:54:21

I think all parties are working for deadline five.

00:29:54:28 - 00:30:01:15

Okay, so deadline five. That will be an agreed or an agreed position or not? Yes.

00:30:01:24 - 00:30:12:22

It'll it'll be where we've reached. Um, That's what I'm being told from behind. I think there was a productive meeting last week, last Thursday, I think in relation to that.

00:30:12:24 - 00:30:47:12

Okay. Thank you. Um, if I just could move back to the to the issue of master plans. Um, originally, and notwithstanding the mitigation and residual effects, um, considerations, um, I think the part of the

lead up for, for our, for our question, LV 1.28 is that we were more of the view at that stage, that visual master plans would be visual plans, if you like, would be useful for the areas in question in that, in that LV 1.28.

00:30:47:16 - 00:31:08:01

So to combine the individual plans, if you like, that you've already submitted for those topic areas so you can illustrate the various constraints, opportunities, and the potential effects that are proposed development on a single plan for those specific areas. If those could be produced.

00:31:09:28 - 00:31:25:09

Russell Harris KC yes, they can be produced. And right at the end of the answer, I think we said very happy to produce those so long as the sort of fundamental issue is understood, and we will proceed with that now in combination with Malone, for instance.

00:31:26:08 - 00:31:30:14

Thank you. Would the plans potentially be available for deadline for.

00:31:40:09 - 00:31:43:13

We'll do our best, but I'm being told we can't guarantee that.

00:31:43:15 - 00:31:47:13

Okay. So deadline five at the at the outlier okay. Yes, please. Thank you.

00:31:50:02 - 00:32:06:14

Okay. Um, that was the end of my, uh, questions on the general generality, if you like, on landscape. Visual. Um, I will come to you in a second if we if the councils have anything they wish to raise in terms of general issues.

00:32:11:21 - 00:32:15:26

Um, I'll just go to Essex County Council online, please.

00:32:17:20 - 00:32:32:25

So can I just check whether you're intending to come back to this point about compensation or not? Obviously you've heard some quite detailed, um, points made, which I have something to say about, but I don't know if you want to hear that. Now, if you want to come back to that later in the agenda.

00:32:33:09 - 00:32:43:00

No, thank you. We'll come back to that later on. Thank you. My point before was that I think a couple of my questions have gone now, but I will open the floor to that point in that agenda item later on.

00:32:43:02 - 00:32:44:12

Okay. Thank you.

00:32:44:14 - 00:32:49:07

Thank you. Um, Miss Pearson, I believe.

00:32:50:06 - 00:33:16:14

Rosie Pearson from East Anglia. Two quick points. One is that Ofgem does not just require the cheapest solution, it does require that communities and environmental factors are taken into account. Uh, the other is that the mitigation hierarchy, as you well know, can start with a void before ending the compensation. Compensation as the last resort. Um, and I agree with the Bedford that the non designated landscapes do require, um, more flexibility from the applicant in terms of how they avoid the harm.

00:33:17:17 - 00:33:27:29

Thank you. Um, if we could go to, um, John Blake on line now, please. Um, thank you for your patience, Mr. Blake. I believe it's probably a comment about the Holford rules.

00:33:29:02 - 00:34:00:02

Yes. Uh, thank you, sir. John Blake, um, I am representing, uh, the north west and south west of Chancellor Parishes group, which is a group of nine parish councils in the Chelmsford area. And. Yes, um, what I'd like to do is to go back to your question a while back now about the Holford rules and rule six in particular. Uh, our view is that there is a very clear tension between rule six and env one and, um, envy.

00:34:00:11 - 00:34:34:23

Uh, five. If I just do it with the, um, v1 first. So paragraph five, ten, four, uh, says landscape effects arise not only from the sensitivity of the landscape, but also the nature and magnitude of the proposed of the change proposed. So obviously, if you have, um, uh, if you apply rule six to liberally, um, you would forever be going through areas where there is no, uh, pylon infrastructure or similar infrastructure at the moment.

00:34:35:03 - 00:35:18:25

Um, and therefore the magnitude of the change will be greater. And that's what we're arguing with the situation in Chelmsford, where the application proposes to go through greenfield site effectively rather than trying to, um, use the, uh, the existing lines. Uh, with an eye to rationalisation, which takes us on to m, uh, five, um, which says, um, and I'm looking at paragraph two, ten, five and the third bullet point, which I think is the same in both the old and new versions.

00:35:19:03 - 00:35:50:29

Um, that in terms of, uh, mitigation, the applicant must, um, consider the rationalization, reconfiguration and or undergrounding of existing electricity networks in the vicinity. Now, obviously, if you rely too heavily on Holford rule six, then you lose that opportunity because, uh, you're avoiding, uh, you're tending to avoid existing lines rather than looking at the, uh, capacity for rationalising them.

00:35:51:15 - 00:36:28:16

Um, now our proposal, I'm sure you know, so I won't go into detail about it, but it broadly is. Is that the, uh, a better route is to the east and south of Chelmsford, rather than the north and west? Um, and one of our main reasons is that the mitigation opportunities through rationalisation, um, obviously

only exist to the east, where the lines are currently. We have a fundamental disagreement with the applicant, which again, I won't go into now because, um, it would take too long.

00:36:28:28 - 00:37:01:24

Uh, we we don't agree that mitigation through reconfiguration and rationalisation is impossible, which they seem to maintain, although we're not quite sure. Um, but it's clearly because they haven't read our written, uh, representation in sufficient detail. That's rep 1261. It's extremely detailed, so they do need to read it in detail before they give us a considered response.

00:37:02:17 - 00:37:10:23

Um, thank you, Mr. Blake. Uh, Mr. Blake, we will come on to questions about that, uh, rep later on when we when we talk about great and little Waltham as well.

00:37:11:20 - 00:37:31:05

Okay. Thank you sir. So so I would just say sort of in conclusion to this point is that, uh, I agree I agree with Mr., uh, that Mr. raison, that there is a tension between different rules. We feel they put not enough weight on rules two, four and five and too much on six.

00:37:33:16 - 00:37:44:17

Thank you. Um, if we could go now to, um, online. Simon and of the, um, Dedham Vale National Landscape Partnership, please. And again, thank you for your patience.

00:37:45:21 - 00:38:21:03

Thank you very much. Simon Amstutz Amstutz from national landscape manager from the Dedham Vale. National landscape and story partnership. I just wanted to go back to the, uh, the Holford rules. Um, and the copy of the Holford rules on the National Grid's website. Uh, in the in the preamble to to the rules, it does say that, uh, um, that, um, National Grid therefore intends to employ them as the basis of the company's approach to overhead lines routing.

00:38:21:16 - 00:38:39:02

And it then goes further, goes on to say that the Holford rules remain a valuable tool in selecting and assessing potential route options. And I'll bring that to your attention, because there was some discussion about the relevance of the Holford rules. Thank you.

00:38:40:27 - 00:38:42:05

Thank you, Mr. Amstutz.

00:38:44:00 - 00:39:14:14

Okay. Um, I believe that's all the hands. Um, so we will revert to the applicant, please. Um, there's queries there from pylon to East Anglia. Um, and obviously, um, the questions about the Holford rules. Um, also, if you could earlier on we had a question, um, when we were talking about limits of deviation, it was a question from the floor about the, um, the RBA and whether it was, um, their query about it being a just a desk based exercise.

00:39:14:27 - 00:39:20:01

If you could give me a short reply on that, if possible. Thank you.

00:39:28:16 - 00:40:08:18

It's been Hilda for the applicant. Yeah. We prepared the residential visual amenity assessment AP 233. In undertaking that, we undertook site surveys, uh, to local places of public access. So public rights of way. Public highways. We studied maps, models, topography, vegetation, plans and that all contributed towards our understanding of the likely effects of the scheme on the residential visual amenity assessment.

00:40:11:02 - 00:40:11:24

Thank you.

00:40:20:21 - 00:40:58:14

Russell Harris KC and in relation to the statutory duties of National Grid, um cost is one of the issues. But of course environmental uh duties exist under schedule nine as well. And that was one of the areas I had in mind. Um, that there might be some, um, room for manoeuvre with the local authorities in relation to expenditure on those sort of enhancements outside of the DCO, um, uh, requirements.

00:40:58:16 - 00:41:31:12

That is what was utilized in, um, Bramford case. Um, and that's one of the areas that, um, I was indicating that there was a conversation between the parties, uh, outside of this process. The other was the, uh, requirement to do a 3 to 1, uh, planting of tree replacements and the locations for those and whether they could be utilized in the way that, um, Mr. Bedford's, um, clients might think appropriate.

00:41:31:14 - 00:41:53:15

And another avenue, which, again, was considered in TNO was voluntary. Um, uh, payments to local areas, uh, under a different regime, which also is capable of being useful in the construction of something that the local authority might find appropriate.

00:41:56:01 - 00:42:00:29

Thank you. And then the final point was the the point I raised around the halal food rules, I believe.

00:42:03:10 - 00:42:34:03

But yes, for Easton, for the applicant. Um, again, the Holford six is about, um, sort of wire scape issues. Um, we've looked at that very closely and everything from putting the, um, positioning of the proposed line alongside the, um, existing overhead line of the 401 in various locations. There are different options over different sections, both in between Norwich and Bramford and south from Bramford to Tilbury.

00:42:34:10 - 00:42:55:19

Um, the specific example Mr. Blake was referring to were responded to, um, to the, one of the written questions. And we have considered the the detail of the proposal, which has various combinations of paralleling the existing routes of the east side of Chelmsford. Combinations of

00:42:57:12 - 00:43:14:23

undergrounding the existing one through two and suchlike. But we continue with our position that there are some technical challenges to the routing of that which they will set out in. I think its document. 8.9.1 and question alt 1.6.

00:43:16:21 - 00:43:25:12

Thank you. Okay. We'll now move on to, um, agenda item 8.3, which concerns the Waveney Valley.

00:43:33:13 - 00:44:08:26

There may well be general questions in this area as well which should apply to other areas as well, which you'll see as we'll go. And this first one could possibly be one of those. So this question to the applicant, please. And um, I know in your response to LV 1.29 that you consider that in line with the mitigation hierarchy, the lattice pylon effects must be unacceptable in policy terms before Te pylons are considered. Um, yesterday in the aviation safety section, um you stated similar regarding lower height pylons as well.

00:44:09:04 - 00:44:16:14

In terms of the mitigation hierarchy. Um, and I was wanted to ask where you consider that arises from in policy terms.

00:44:24:16 - 00:44:25:01

Um.

00:44:25:15 - 00:45:19:08

Again, I think, um, as an overall picture, our, um, decision making on routing and siting is given both by the sort of Ian one Ian five Ian three, um, side of things. But we also have to be mindful of the other duties under the Electricity Act to be economic and efficient. So as a consequence of that, that sort of mitigation hierarchy of um, progressing to sort of more expensive, more impactful techniques is is this like, you know, is the sort of, um, hierarchy that we adopt and on that basis, therefore sort of moving from the starting presumption of the overhead lattice, the standard lattice, um, we have to sort of get to the position that that becomes, um, unacceptable to then test and move on to the um of the through the mitigation hierarchy.

00:45:19:10 - 00:45:29:18

And initially, of course, that testing of that um, uh, example of the standard lattice involves, um, alternative routes and positioning.

00:45:31:09 - 00:45:41:19

Okay. Thank you. So it's not specifically something from planning policy is more your requirements under the Electricity Act. Is that fair?

00:45:43:12 - 00:46:03:10

I'd defer to Mr. Harris and others as to whether there were elements within the planning policy that could be tied, but the the broader picture is that that brought the broader range of duties that bring that we have to do is in terms of developing and seeking approval to for the projects that we develop.

00:46:05:15 - 00:46:09:12

And that's correct. Your summary is correct. So Russell Harris KC okay.

00:46:09:14 - 00:46:11:13

Thank you for that. That's useful. Um.

00:46:13:28 - 00:46:44:12

I understand that point. I guess the point that that would lead me to is and I'm not specifically talking specifically about the Waveney Valley here, um, because I know that you've looked at lower height pylons for the Waveney Valley, but in one of the, uh, answers, which I can't put my finger on right now, but it's one of the, written questions. And you mentioned that lower height pylons were the cost of them was basically in the same ballpark as standard lattice pylons.

00:46:49:03 - 00:47:23:14

The again, the the, the the balancing of different factors also comes in. So, um, there are again, colleagues who will be able to on my left will be able to sort of provide further detail. But for example, the the low height lattice tends to be the inherently it's a shorter squatter, um, sort of structure and as a consequence has other effects in a larger scale effects on closer visual receptors, for example. So a crossing of hedgerows can be more impactful with more tree and hedgerow removal.

00:47:23:16 - 00:47:52:19

So it is a sort of a combination of factors that would also come to play in that type of thing. But again, the generality is we start with the standard, there are again consequences of swapping between standard to low height. That again, it would be better to keep it as a as the run of standards rather than dropping in a low height, unless there was a compelling factor to to drive you to towards that change.

00:47:53:11 - 00:48:23:20

Thank you. Yeah I understand the other the potential issues with the low height ones, and I'm sure we'll come on to that later when we talk about Great and Little Waltham. But it's I suppose it's more of an issue. I understand that lower height pylons may have some benefits in terms of landscape and visual, but also they may have other adverse effects. So you have to take that into account when you're deciding which which is the best option. But that doesn't necessarily mean it's it's a step up the mitigation hierarchy. Is it

00:48:25:07 - 00:48:27:08

shouldn't they be on the same level effectively?

00:48:29:01 - 00:48:53:29

I understand the the point you're making. But say, when we're looking at the the sort of hierarchy, there's this different balance of factors that do sort of come into this way as well. So I think that's why we have that as that, that step up because of the generally additional, um, consequences of the broader cross arms and the, the landscape and visuals. So that's the approach that we've, we've taken.

00:48:54:01 - 00:49:26:23

Okay. Thank you. Um, it's uh, there's a previous consultation around the Waveney Valley, um, which obviously considered undergrounding through the Waveney Valley. Um, and I understand that that was ruled out primarily due to ground conditions. Um, and obviously that's not part of the proposal

before us, but I wondered to consider it as an option in the first place, and must have meant, to a certain extent, that you considered it was justified in landscape or visual impact terms.

00:49:31:11 - 00:50:15:22

Full reason for the applicant. Um, the, uh, again, I'll confine the reference in the, uh, the relevant. Um, design development report that led up to that conclusion, but it was never identified on the basis of a single factor. I don't think we considered at the time that landscape and visual factors as a single factor, that the level of effect was sufficient, but potentially in combination with other factors it may have done. And again, with the, um, feedback from the um authorities, it was, um, taken forward out of an abundance of caution to make sure we tested that particular option, because it was, um, that sort of combination could have and it was potential.

00:50:15:24 - 00:50:33:05

So we needed also for, um, we were still investigating, um, some of the, um, influencing factors around the peat and the geology. So hence it was, uh, considered in that way to allow that decision to be fully informed by all the information that was available.

00:50:34:00 - 00:51:11:17

Thank you. Yes, I understand that the reasons why you ruled it out, the peat and the geology and so on. I guess I guess the point I'm trying to make is that there was the option put forward there of, of undergrounding and as, as we've heard many times, and there's many in written responses that, you know, lots of people have put forward the option of undergrounding in various different places along the route. Um, for the local specific reasons. But as far as I'm aware, this was the only option along the route where you specifically had undergrounding as well.

00:51:11:19 - 00:51:19:01

So what was different about this area where you thought undergrounding was worth looking at?

00:51:20:10 - 00:51:50:23

A poor reason for the applicant? Um, again, I'll find the paragraph in the design Development report, but it was the, um, as was at the time, the combination of factors at the time on the information that we knew at the time that led us to conclude it, it may meet the appropriate test threshold, 2.9.18, I think 3.23. It is in the N5. So that was the reason it was identified.

00:51:50:25 - 00:51:58:11

And with further information needed to allow us to make that decision so prudent at the time to consider it.

00:51:58:15 - 00:52:16:24

Okay. Thank you. So would those combination of factors um, not point to, uh, uh, move up the mitigation hierarchy, if you like, for this particular area in terms of, for instance, t pylons.

00:52:18:26 - 00:52:54:02

Or reason for the applicant and the the we did consider that the the difficulty is the change of angles that that occur. Both the low height lattice and the T pylon have limitations on the the the amount of

angle change of direction. Um, and in this particular instance, there are quite large changes of angle that exceed that, um, and it was not considered on that basis technically possible on that alignment.

00:52:54:04 - 00:53:27:20

Um, yes. There could have been amendments to the alignment to account for those angles. But but equally in the particular environment and my colleagues to the left, maybe I'll add some further information. Um, there was concern that, um, in that sort of, um, shallow valley of the, the, an environment with trees around it, um, the T pylon would actually be more adverse in visual effects than the, the lattice, which, um, uh, has that sort of absorbs into the landscape in some circumstances.

00:53:27:22 - 00:53:33:13

So that's the there was a sort of technical and other reasoning behind that.

00:53:39:12 - 00:53:40:25

Okay. Thank you.

00:53:41:12 - 00:53:42:09

Can I add to that.

00:53:42:16 - 00:53:43:01

Sam.

00:53:43:03 - 00:53:46:08

Oxley for the applicant? Um, yeah. Just to.

00:53:46:19 - 00:53:47:09

Reinforce.

00:53:47:11 - 00:53:48:22

What my colleague was.

00:53:48:24 - 00:54:22:07

Just saying there. So lattice towers are designed to be visually permeable and to disappear over distance. Um, and um, t pylons are more solid structures that essentially. Well, I'm not sure if they're made of concrete, but they're they're solid towers. Um, they tend to be white or grey. You can't see through them in the same way. Um, they often to be often, uh, tend to be associated with more urban or urban edge landscapes as well.

00:54:22:27 - 00:55:00:16

Um, because they have this more architectural type form. They also require large foundations and permanent roads in order that they can be accessed and maintained. So, um, from a landscape and landscape character perspective, they're not necessarily appropriate in a, in a very rural environment like this. So that was one of the things that we would have fed into the consideration of different technologies in this area. Similarly with um, low height pylons, they are more they tend to be more bulky, they're more squat.

00:55:00:18 - 00:55:41:14

And the impacts, um, can be more severe when you're in close proximity. And some of the receptors we're thinking about in this valley, for example, um, users of the angles way are in close proximity or potentially in close proximity. And so, um, and there are also hedgerows that need to be crossed and such like so. Um, we we will have fed these in to the balance, but the, the more transparent lattice type tower is likely to be a more appropriate solution in this sort of rural environment where we're also in a valley, so we can benefit from a degree of back clothing, uh, by landform and by woodland.

00:55:41:16 - 00:55:51:15

Obviously, it's a shallow valley. So insofar as that's possible. Uh, so again, that's another reason why continuing with the lattice tower approach was considered appropriate.

00:55:52:06 - 00:55:54:01

Okay. Thank you. Um,

00:55:55:29 - 00:56:13:25

I think what I'll, I have I have more questions on the Waverly value, but I think if I just revert to the Norfolk and Suffolk councils, if they have any comment on just on the kind of the design principles discussion that we've just heard there. Uh, Mr. Bedford.

00:56:14:17 - 00:57:05:18

Thank you, sir. Um, Michael Bedford, Suffolk County Council. I don't think that we were specifically promoting an alternative form of island design to address the concerns that the Waveney Valley. We had suggested that elsewhere, Mellis Common being a location. Um, that said, um, it would no doubt be useful to see, as it were, a comparative assessment of the impacts to see if the points that were being made just now in relation to the effects of T pylons, uh, as being effectively a quasi more urban, uh, um, form of design, would have the deleterious effects.

00:57:05:20 - 00:57:44:24

But I think we we were coming at it from the angle more that the Waveney Valley has been clearly identified, as we've set out in our evidence as a sensitive area, previously a special landscape area now recognized in our assessment work as a valued landscape. And given that the undergrounding option had been explored but found not to be technically feasible. This was a location which was clearly in need of some form of, um, design approach through probably compensatory landscape measures within the area.

00:57:44:26 - 00:58:05:22

And so that was our particular strong concern. And I say we're disappointed that that has not yet borne fruit with the applicant, but we are encouraged by what Mr. Harris was saying about an ongoing dialogue and seeing if there is a way in which one can bridge the gap between our expectations and what the applicant feels it's confined to do.

00:58:09:01 - 00:58:10:10

Thank you. Um,

00:58:12:09 - 00:58:15:17

two. Um. there's a hand up online. Um.

00:58:17:21 - 00:58:20:04

Ah, yes. Norfolk. Perfect. Thank you.

00:58:20:21 - 00:58:54:14

Um. Yes, sir. Thank you. So, just to confirm, um, echo what Mister Bedford said we want, um, proposing we didn't have any proposals or comments on the specific design of the pylon we'd welcome. Um, you know, as Mister Bedford said, any further clarification on that? Uh, just we we have other comments. But just to come back specifically on the specific sensitivities here, it was very much our understanding that the reason why this, um, alternative was properly and considered in terms of undergrounding at this location was to comply with that policy.

00:58:54:16 - 00:59:10:22

2.9.2 4 to 2 five. Um, I believe that there might also have been a soils point, um, or ecology point, but having gone back, um, through the, the relevant um report I believe it's app.

00:59:12:23 - 00:59:29:15

Three, five nine, and the paragraph reference that refers it back to the policy and the concerns is 5.4.15. But just taking it back, you know, when we come back to talk about mitigation, compensation, etc., I think it's just quite important to understand, um, how we got here. Thank you.

00:59:29:28 - 00:59:55:14

Thank you. Um, if I revert then to the applicant on those points, I guess. Um, and I note from um suffix responses previously in writing about the, um, I'm not sure how to pronounce it's either. Um, except my apologies that the voila the a lower landscape recovery project. Yes. Um, if that's worth coming to as well, please.

00:59:55:16 - 01:00:38:03

Yes. Um, Russell. Harris. Casey, I may say something about the approach that we took to, uh, statutory consultation on the undergrounding because it was a precautionary position out of abundance of caution. Um, given the urgency with which the project is needed. Um, as you'll know in 52.9.2, I don't ask you to go to. It creates a strong presumption for overhead lines in general. Outside of national landscapes, that presumption is reversed in national landscapes, and the strong presumption is reversed in all cases outside of national landscapes, including the Waveney valley.

01:00:38:06 - 01:01:11:03

Now what 2924 says is that outside of nationally designated landscapes, consideration can be given to undergrounding where there might be a high potential for widespread adverse impact. And it was that plus other stated reasons which led to that statutory um consultation. Um, and I would say that National Grid ought to be congratulated for taking such a precautionary approach as opposed to anything else.

01:01:11:06 - 01:01:49:22

It was made perfectly clear that that led to a. If you like, a pretty bespoke test that is required for sites outside of the national landscape, the presumption remains. But in then, considering whether

undergrounding is the appropriate way forward, there are two further tests, and it's a particular and a bespoke assessment that's required of the landscape team. The first test is whether there is a proposal which would have widespread adverse landscape and or visual impacts that has been done as part of the consultation exercise.

01:01:49:24 - 01:02:20:09

And you will have seen that we found that it didn't, when properly understood, passed those tests. Then even if there were to be such impacts, you've then got to go on to consider whether the strong rebuttal is a strong presumption is rebutted by other factors, having regard, for example, to feasibility of alternatives and costs and other matters, and in this case the other matters were fundamental.

01:02:21:01 - 01:03:06:14

We found that there was not a widespread impact in terms of the policy, but the other provisions that you've just asked about really were profound. In particular, the Whaler Project, which is a government backed, fully fund funded, fully funded pioneer um environmental project, um responded to the statutory consultation by saying that the undergrounding would be fundamentally inconsistent with the objectives of that project, and that is by itself one of the things that goes to the feasibility of that in in wider terms, if not in technical terms.

01:03:06:16 - 01:03:41:17

There was also the objection from English Nature and the Wildlife Trust relating to, as you say, soils, but it's an ecological concern. It's an ecological concern because of the peaty nature of that. Um, and it's a unique type of, um, uh, soil landscape, which was thought to be, again, fundamentally inconsistent with undergrounding. And when all of those things were taken into account, it was by itself thought sufficient to rule out the undergrounding. And then you've got the cost, and the cost means that it wasn't economical.

01:03:41:19 - 01:03:50:17

Bearing in mind the residual impacts had been found to be acceptable in terms of the critical national infrastructure that we discussed yesterday.

01:03:50:19 - 01:03:52:14

Okay. Thank you. Um,

01:03:54:06 - 01:04:11:29

I just just nipping back a little bit that you um, earlier on the discussion around the teapot, there was discussion, uh, a comment about the, um, the technical difficulties in terms of the angles and so on, and I wondered if we could have some more information on that, potentially in writing.

01:04:13:25 - 01:04:15:10

The answer to that is yes. Russell Harris.

01:04:15:12 - 01:04:16:09

KC. Thanks.

01:04:16:11 - 01:04:19:01

And um, this will we'll do that.

01:04:19:03 - 01:04:19:25

Thank you.

01:04:22:03 - 01:04:22:22

Um.

01:04:25:13 - 01:04:40:07

I just want the this is one of the areas where it will blur into, um, heritage. But I wondered if you could talk about the Waveney Valley. Still, if you could clarify your views of the effect on the proposed development on, um, the church of Saint Remigius, please.

01:04:43:09 - 01:05:01:27

Uh, Laura Bishop for the applicant. Um, yes. So we have assessed the impact on the church of Saint Remigius, and we have concluded that, um, there would be harm caused to this asset from the development. We consider that this would be a less than substantial harm at the lower end of that scale.

01:05:05:04 - 01:05:39:06

Okay. Thank you. I guess the question here is that obviously we've we've been to to visit the Waveney Valley and we've been to visit the church as well. And we've noticed a prominent position of the church overlooking the valley at the top of the valley. If you like, uh, the clear views of the church from Dorset Lane. I apologize if I'm pronouncing that incorrectly. Um, and from the Angles Way footpath and also that historically would the church would have been seen a landmark feature. It still is a landmark feature really in that predominantly urban rural landscape.

01:05:39:25 - 01:05:47:18

Um, and whether in that respect, the harm levels would be higher than lower at the lesser substantial level.

01:05:49:09 - 01:06:25:02

Laura Bishop for the applicant. Um, so what we've considered within that is obviously the setting of the church in its totality. Um, and we do think that the harm, as you have stated, primarily arises from that view to it, from the south, from passing through the valley. Um, one of the things that we have taken into consideration is that, um, as you say, for people using the footpath in the valley, um, obviously there would be the pylons visible within that, and it is possible to get an unobstructed view of the church as you proceed east.

01:06:25:04 - 01:07:01:10

Um, with that. So obviously the overhead line would be very visible within that that view and within that landscape, it doesn't infringe on every single view within that landscape. Um, and the other thing that I would add on the other side, where I think that the, uh, the overhead line would have very little effect is on the setting of the church in the immediate environs. So for those people experiencing the church, um, as a place of worship or for an event, um, because of the vegetation that borders the churchyard itself.

01:07:01:12 - 01:07:25:09

And I think there's also some screening from the White Hart public house. I think it is to the West. Um, there would probably be some glimpsed views through that vegetation as you were to move around the churchyard. Um, but from the church itself there would be limited change in the setting. So we consider that that is also an important aspect of the setting that needs to be taken into account in the assessment.

01:07:27:08 - 01:07:39:05

Okay. Thank you for that. Um, I'll come to you in a second, sir. Um, just before, if I could ask if, um, either the councils, Suffolk or Norfolk, have any further comments on the Waveney Valley?

01:07:43:26 - 01:07:44:11

All right.

01:07:44:13 - 01:07:44:28

Mr..

01:07:45:00 - 01:07:52:08

Bedford. Sorry. Michael Bedford, Suffolk County council. So I think we'll just pick up on our comments in the deadline for submissions in our post hearing submissions. Thank you sir.

01:07:52:15 - 01:07:56:04

Thank you. Uh, and Norfolk County online, please.

01:07:57:28 - 01:08:06:08

Read for Norfolk County Council. Um, so I wanted to say a little bit about compensation. Would it be appropriate to say that here or when we come on to mitigation?

01:08:07:10 - 01:08:12:08

Um, is it specifically about the waiting valley or. Yes. Um, yes. That's fine for now.

01:08:12:14 - 01:08:54:18

Okay. Thank you. Well, so so in that case, um, the examining authority is familiar with our position. We have noted that the alternatives cannot be pursued. So we're not pursuing that, um, point. But then if you fall back on the mitigation hierarchy, where we end up is that you're not avoiding or reducing impacts. There is embedded mitigation as such. Um, and there are major and significant residual effects. So in our view, this is an appropriate and proportionate case in which to consider compensation. Um, so just to clarify, um, Norfolk is not suggesting that all residual effects have to be compensated, but we do understand the policy imperative to compensate for as far as possible.

01:08:55:01 - 01:09:31:01

Um, we also think that is, in fact, kind of the approach that we saw in Bramford, because all it says is it's not automatically the case, which we agree with. Um, and so I think I've already touched on the context point. We have to be quite, um, careful about the, you know, the reason why we're talking about this. This was considered to be a particularly sensitive location. Um, there was the you know,

you've got those points. They won't repeat them. But against that context, we think that this is, in fact, an appropriate and proportionate case where one needs compensation and where one needs compensation beyond standard measures.

01:09:31:04 - 01:09:50:04

Um, so there is a robust policy basis for it. So and then finally, um, just endorse what Mr. Harris, I think has already said a package has been put forward. There are, um, discussions ongoing which I believe are productive and I'm grateful for those. Um, but I just wanted to clarify a position on the principle of compensation in this instance. Thank you.

01:09:50:08 - 01:09:55:17

Thank you very much. Um, we'll go to online again. Chris Bennett, I believe, of South Norfolk.

01:09:57:23 - 01:09:58:08

Yes.

01:09:58:10 - 01:10:02:09

Chris. South Norfolk senior heritage and design officer. Um, I'll just.

01:10:02:11 - 01:10:02:26

Say a.

01:10:02:28 - 01:10:03:24

Bit about the church.

01:10:03:26 - 01:10:05:07

Um, in terms of its setting.

01:10:05:18 - 01:10:37:17

Um, obviously a landmark and quite a wide rural area. Um, to the north, it's, um, been that setting has changed quite a lot with its, um, with the, um, urban development. Um, so that places even more significance on the relationship to the South, um, where it's, um, remains largely preserved. Um, and also taking into account there is a very significant asset, um, grade two star. So, um, you know, that relationship is certainly very important in terms of setting heritage asset.

01:10:37:19 - 01:11:09:02

And I'll just say another, um, points about the T Islands is, um, I think I would actually agree with that because in terms of the lattice, um, pylon being having less impact because I think the T pylons in this setting would as a sort of a design. How they're designed, etc., is to draw attention. So I think I'd agree that the pylons would, would be less harmful in terms of a design approach to lattice Python, but certainly I would advocate the undergrounding would be certainly my preferred option if that was a viable thing to do.

01:11:09:21 - 01:11:18:07

Thank you. Thank thank you, Mr. Bennett. That's useful. Um, can we get a roving mic, please? There's a gentleman on the table over here who wish to speak. Thank you.

01:11:25:21 - 01:12:06:11

Thank you. Um, David, for historic England, I'd just like to make a couple of points that really relate to your question, sir, as regards the, um, uh, the former undergrounding proposal, the setting of some Remigius is possibly unique in the heritage assets that we'll be considering. East Anglia, of course, is characterised by large scale agricultural, industrialized agriculture effectively. This is an early foundation of a church, and it sits on the edge of a river valley, which is a very redolent of its early status, and a river valley in which we have wetland and we have remarkable heathland surviving.

01:12:06:19 - 01:12:49:19

I mean, it's extremely illustrative of that early origins. Um, we've raised this as a serious concern from the very first contact in this case. And I would suggest that one of the reasons, plural, which you were asking for earlier from the colleague opposite, is one of this is one of the reasons that an undergrounding scheme was looked at. I'd also just like to comment on the heritage here. Um, assessment. We've made the point repeatedly that views towards the church and from adjacent to the church, across the valley, in the base of the valley, treating it as a dynamic and possible landscape has not been given due consideration.

01:12:49:21 - 01:13:26:15

And wait. We've made this point in the applicant's response to the representations document 8.8.1. They again respond purely really talking about views out from the churchyard. You've heard that again, views out from the churchyard. I won't go on at length, but I do think a large number of illustrations viewpoints have been produced in the Valley for various reasons, and I think if you sort of montage them all in your mind, as it were, you get a very strong sense of the way the pylons will dominate. I think it's not too strong a word, a word I would very rarely use, but I think they would dominate that, and I don't think that's given due weight here.

01:13:26:17 - 01:13:34:05

So I think we feel that the level of harm given to to the church from development is setting is understated.

01:13:34:19 - 01:13:41:23

Thank you. Do we have any more comments regarding the Waveney Valley before I revert to the applicant?

01:13:45:09 - 01:13:50:26

Not seeing any. So if I could come back to the applicant now for your response to those points. Thank you.

01:13:51:04 - 01:14:23:29

Um, just dealing with, um, the church of Saint Remigius first. There are differences of opinion, but all those differences of opinion fall within the less than substantial harm category. Um, at least the ones you've heard today. I think there are maybe 1 or 2 outliers who suggest that there is substantial harm. But, um, um, you've got local authorities saying mid-level. There's a substantial harm. Historic England saying upper level, and we're saying lower level or within lesser substantial harm.

01:14:24:01 - 01:15:05:15

Of course, when one looks at the presumption in favour of CMP infrastructure and paragraph 4217, the Secretary of State will take as a starting point that CMP infrastructure will meet the following non-exhaustive lists of tests, which include where substantial harm to or loss of significance to heritage assets should be exceptional or wholly exceptional. Now we stand by our analysis, but it's clearly a matter of judgment. But whoever's judgment from the statutory bodies that you take, you fall within something less than substantial harm as identified there by 4 to 17.

01:15:05:27 - 01:15:45:08

Um, we would also echo the position that was taken by the speaker before Historic England about, if you like, the rather urban nature of the pylons. They look as if they've been designed by an urban architect. They sit in rural, um, environments, uh, rather more harshly. And in those circumstances, the team has taken the view that they'd not be an appropriate, um, alternative to the lattice pylons, which are more easily seen through, albeit they are of course very substantial subjects.

01:15:45:10 - 01:15:50:12

Just check with the rest of my team, whether there's anything else they want to say by way of final word.

01:16:01:26 - 01:16:04:07

I think that's that's it from us, sir. Thank you.

01:16:08:04 - 01:16:10:06

Thank you, Miss Pearson. Did you want to say something?

01:16:10:28 - 01:16:45:21

Yes, please. Rosie Pearson, East Anglia. Uh, three short points. Um, with relation to two pylons I've just heard there the team has taken the decision. La. Um, we haven't been consulted on that. We've never been asked which are the most appropriate. So, uh, that's a sort of unilateral decision. Uh, I've taken very strong disagreement with the fact that lattice pylons disappear into the landscape. That's nonsense. You can see them from many, many miles away. So, um, that then, um, we have this afternoon got Virginia Fuller Brewer, now of head of heritage at Wells, who will talk to us about the lessons potential harm point.

01:16:46:13 - 01:16:48:02

Um, and

01:16:50:01 - 01:17:03:07

wasn't there the point? Oh, yes. I'm sorry. Um, with the Dedham Vale, we have got Richard Buxton, solicitor, online. Um, to address that point. He has to go 2:30. So I just wanted to make you aware that if we could somehow slot him in before he goes with lunch.

01:17:03:12 - 01:17:16:21

Um, okay. Um. Uh, so would, uh, would anybody have any objections if we flip around the next two items on the agenda? So we consider Dedham Vale before Burstow and Bramford.

01:17:18:18 - 01:17:29:07

Okay. So, um, we will, um, we'll break for lunch, and we'll return at 2:00 with, um, Dedham Vale.

01:17:31:02 - 01:17:33:10

Okay. So the hearings now adjourned. Thank you.