

00:00:05:05 - 00:00:27:24

Good morning. Can I confirm with the case team that everyone can hear me clearly? And the live streaming of the event has commenced? Thank you. It is now 10:00, and the fourth issue specific hearing is the application for development consent for the Norwich Tilbury project made by National Grid electricity transmission.

00:00:33:29 - 00:00:55:24

Made by our national grid electricity transmission. We refer to as the applicant. My name is Susan Hunt. I'm a planning inspector and a chartered town planner, and I've been appointed as the lead member of the panel to examine this application. I'm now going to ask the other panel members to introduce themselves, who have also been appointed by the Secretary of State to examine this application. Thank you.

00:00:56:20 - 00:01:13:19

My name is Christopher Butler. I'm a chartered town planner and I'm also appointed a planning inspector. I'm leading today on items number six, which is noise and vibration and items. Number eight or item number eight, which is socioeconomics. Thank you. Good morning everybody.

00:01:13:21 - 00:01:25:27

My name is John Hockley. I'm a also a planning inspector and a chartered, um, town planner. I'll be leading today on agenda items five, which is landscape and visual effects and seven aviation safety. Thank you.

00:01:28:00 - 00:01:33:17

Good morning. My name is Ken Stone. I'm a planning inspector and chartered town planner. Thank you.

00:01:36:01 - 00:02:03:23

Thank you. And as it previous hearings this week, not all of the examining authority panel members are present at every hearing. And Mr. Simms is the only one missing today. And he or he will watch the proceedings online. I can confirm that we've all made formal declarations of interest. There are no known conflicts of interest with regard to us examining this application and together we constitute the examining authority. Law often here is referred to as the Xa.

00:02:05:22 - 00:02:28:09

Other colleagues from the Planning Inspectorate here today we've got Shaun Evans, the case manager at the back of the room. She's supported by Harrison Coles and our colleagues. Dealing with the online participants are Louise Haraway and Jessica Dunlop. It's the case team who should contact regarding the application process or any technical issues you may have today.

00:02:31:03 - 00:03:02:05

So as you all know, today's hearing is being undertaken as a blended event. So we've got some of you here in the room here in Chelmsford and other people joining us virtually using Microsoft Teams. And we'll make sure however you've decided to attend. Are you given a fair opportunity to participate. So

some housekeeping preliminary matters. Please set all devices to silence. There are no alarm tests today, so if one goes off, it's the real thing and you should go out the doors.

00:03:02:07 - 00:03:28:12

You came in at both sides of the building. There are also doors on both sides of this room. The meeting point is in the car park, and also, as you'd be well aware, it's extremely hot today. Um, although we are in an air conditioned room, we're still feeling the heat, so please feel free to take jackets off if you want to. And there's plenty of water available and we will have regular breaks.

00:03:30:05 - 00:03:39:08

If anyone needs any special measures or any any arrangements to enable participation today, please, please alert the case team who are at the table at the back of the room.

00:03:42:08 - 00:04:13:09

And again, online participants, just a reminder to keep your cameras off microphones muted unless you're speaking. If at any point anyone can't hear us, whether here or online. Please raise your hand, whether physically or virtually, and sometimes there'll be a delay before we can acknowledge this. So there are a lot of people here today and many of you have registered to speak. There's no need for you to come up to the table at the front unless we've made arrangements already for you, for you to be seated there.

00:04:13:14 - 00:04:25:15

There is a roving microphone that will bring you in your seats in the audience. So please clearly raise your hand at the right time and our case team will come and find you.

00:04:28:17 - 00:04:49:00

We do aim to have a short break around 90 minutes into the hearing, so it's normally around 11:30 and we'll break for lunch around 1:00. Um, but if any breaks are required before this, including in relation to the heat, please let the case team know and they will alert us.

00:04:52:28 - 00:05:23:03

So as you will know, the event is being live streamed. It's being recorded. And we have explained that we do retain and publish digital recordings. They form a public records which general data protection regulations apply. And we do retain these recordings for a period of five years from when the Secretary of State makes their decision. So if you do participate today, it's important you understand that you will be recorded and that you consent to the record retention and publication of that recording.

00:05:27:07 - 00:05:54:24

So and also, to avoid the need to edit those recordings, please refrain from referring to private information such as your address, medical details and things like financial circumstances that that type of thing. If you do feel the need to refer to something like that in in your submissions. And please let the case team know because it's normally better for that sort of thing to be in writing, and then it can be redacted.

00:05:57:24 - 00:06:28:02

And also finally, I'd like to reiterate for this final issue specific hearing and what I said at the open floor hearing on Tuesday and other hearings this week about behaviour during the examination. We do understand people have strong feelings about the proposed developments and just it's important to recognize that we do have a process to follow and so does the applicant. And we ask for respect to be shown to each other throughout the hearing, as well as in subsequent written submissions.

00:06:29:19 - 00:06:44:28

I'd also like to remind everyone that if, if any vexatious, frivolous or libelous comments are made, you may be asked to stop speaking and such comments may be redacted from the recording as they are from as they are from written submissions.

00:06:46:15 - 00:06:55:08

I'll run through the purpose of today's hearing shortly, but does anyone have any questions about what I've just run through before I move on?

00:06:57:24 - 00:06:59:15

So no hands up. Okay.

00:07:03:11 - 00:07:34:24

So today's fourth issue specific hearing is being held by the examining authority because we wish to aurally explore and discuss a number of environmental matters. And for those who were present at or who watched the recording of the last issue specific hearing two in April, this hearing will be quite similar in approach to that and the topics as well. Um, and you should be aware that the development consent order was covered in yesterday afternoon's issue specific hearing.

00:07:34:26 - 00:07:35:16

Three.

00:07:37:27 - 00:08:21:22

So we issued a letter on the 22nd of May, known as a rule 13 letter. That's examination Library reference PD 022 that provided notification of the week's hearings, and that included a range of environmental matters planned for today. And they were including, but not limited to landscape, visual amenity, aviation safety, noise and socio economics, and this was primarily to help the parties plan for their attendance today. And it didn't give any detail as to what we would what would be included under those wider issues, because this was dependent on our review of what came in at deadline five, in particular the responses to our second written questions.

00:08:23:01 - 00:08:54:12

We've since had the opportunity to read those submissions from both the applicant and the interested parties, so that's resulted in the focus of the agenda as issued on the 15th of June. And that was updated on the 17th of June. And that only includes those issues to which we would like to examine orally and to assist in our examination of the application. So today's agenda remains as published in the examination Library reference EV 2011.

00:08:54:23 - 00:09:00:12

And it would be helpful if you had that in front of you as we run through. So we won't display it on the screen.

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

We may add other issues as we progress, and it's also taken into account what we've already heard at other hearings this week.

00:09:14:29 - 00:09:33:29

And again, like other hearings, if the answers take longer than anticipated, it may be necessary for us to prioritize some of our questions and defer others to written questions. And you may be aware that we did this same issue specific hearing to for the heritage matters.

00:09:36:23 - 00:10:03:18

And also today, if we ask you a question and you're unable to answer it as fully as you would like or, um, you require some more time or it looks like we're running out of time. Please tell us that. Tell us that, and you can respond in writing. And we'd rather you do that than give an incomplete answer today. And that can be submitted at deadline six, which is the 7th of July.

00:10:05:11 - 00:10:24:09

And also if we if we don't ask a question that you were expecting or cover a matter that you've got concerns about, it doesn't necessarily mean that we believe the matter has been addressed. It could be that we're still examining those matters, and we may well issue further questions, but they would be via a rule 17 letter.

00:10:28:26 - 00:11:09:26

And from the examination timetable, you'll be aware that this is the last of the hearings that we will be holding for the Norwich Tilbury project, and the examination will close by the 10th of August, and this is six and a half weeks away. The scale of the project is extensive, both in terms of the project itself, the amount of material submitted and the geographical area which it covers. However, we only have the same amount of time for as any other nationally significant infrastructure project to hold the examination, and this is set out in the Planning Act 2008 for a maximum period of six months.

00:11:10:26 - 00:11:28:12

We have throughout the examination received numerous requests to hold hearings on certain topics and in different locations. However, there is simply insufficient time within the six month examination period to hold hearings on every issue and every area in which the order limits pass through.

00:11:31:14 - 00:11:52:18

And again, as we've said before, it is primarily a written process, and it is for us as the examining authority to decide what issues will be discussed during the hearings this week. We've already received a

good deal of submissions in writing through deadlines 1 to 5 A and all of which have been or will be responded to by the applicant.

00:11:54:03 - 00:12:27:03

So today's hearing will be focused to those matters which we seek further clarification on, further our understanding of the application and to inform our recommendation to the Secretary of State. Our questions will be primarily directed to the applicant, and it is therefore inevitable that their submissions will take more time. We will also seek comments from local authorities where required. Submissions by interested parties here today will be at our discretion in the interests of relevance, efficiency or fairness.

00:12:27:16 - 00:12:58:28

We may ask interested parties direct questions on certain matters, particularly interest groups and parish councils that are here today, but there will not be time for pre-prepared or lengthy oral submissions by interested parties. Instead, these should be submitted in writing at deadline. Seven comments today should be focused. Should not repeat previous points made in writing or orally at previous hearings, including the open floor hearings that were held in February and on Tuesday this week.

00:13:01:22 - 00:13:33:16

And I'd also like to briefly say something about our site inspections. To date so far, we've carried out six sets of unaccompanied site inspections since October 2025, and these are both during the examination and in the pre examination period, as well as an accompanied site inspection on the 27th of May. Annex B of our most recent unaccompanied site inspection notes published earlier this month. They do include lists of the locations we have visited

00:13:35:10 - 00:14:04:22

And the number and length of our site. Inspections made to date throughout the order limits of the Norwich Tilbury project has been unprecedented for any nationally significant infrastructure project. I would also like to highlight that the locations listed in NXP of our notes is a summary only, and due to the sheer number and range of locations seen, some may not be listed and other locations have been visited multiple times.

00:14:06:14 - 00:14:39:21

Additionally, due to the extensive geographical area and the limited time available, the majority of locations have been viewed via car rather than on foot. However, rest assured, we have a thorough and detailed understanding of the area of the individual settlements, the landscapes and the heritage assets. Also, our site inspections are continuing throughout the examination And we carried out further visits this week and we will issue additional notes next week.

00:14:41:23 - 00:15:12:28

So moving on. And because we've got a lot to get through today, I again like to highlight the examination is a pretty dominantly written process. So if we don't have time to hear from everybody during this week's hearings, we ask you to submit your comments in writing at deadline six, which is 7th of July. And another reminder, this is not a planning inquiry. So there's no formal presentation of cases or cross-

examination. So any questions you have for other parties need to be asked through us as the examining authority.

00:15:16:25 - 00:15:24:01

Are there any questions at this stage about what I've just run through before we go on to introductions?

00:15:28:19 - 00:15:34:17

No. Hands up. Thank you. I'll now pass over to Mr. Stone, who will take introductions today.

00:15:36:04 - 00:16:07:29

Thank you very much. A recording of today's hearing will be made available to Ordinary Norwich to Tilbury project page of the National Infrastructure Planning website as soon as practicable after the hearing has finished. Therefore, please ensure that you speak clearly into a microphone stating your name and, if relevant, the organisation or person you are representing each time before you speak. This is so that it can be accurately recorded who is making the submissions and makes searching in the transcript much easier for all.

00:16:08:27 - 00:16:40:24

There is a roving microphone for those participants who are not seated around the front table, so please raise your hand and wait for the microphone to come to you before saying anything. Those seated at the table. You may need to press the button on the microphone so the light comes on, and please remember to switch it off when you have finished speaking. Please note that for virtual participants, we can't see your full name on the screen, so we may call you or refer to you by your initials as displayed on the screen.

00:16:41:15 - 00:17:01:14

Please remember to switch your camera and microphone on when we prompt you, and to switch them off when you have finished speaking. For those attending virtually that do not wish to be filmed, just switch your microphone on when we prompt you and to switch it off again when you have finished speaking.

00:17:04:03 - 00:17:13:17

So two introductions. Firstly, can the applicant introduce the members of the team who will be speaking today, whether in person or online?

00:17:14:19 - 00:17:26:23

Russell Harris KC for the applicant. Good morning. I'm assisted by Paul Grace who sits to my left. You are likely to hear from Naomi Hayes, Peter Miller, Paul Royston, Rebecca Greatorox and Laura Cargill.

00:17:29:19 - 00:17:50:06

Thank you very much. Now I can ask the local authorities, and then I'll move on to the parish councils to introduce themselves. I would just ask the main speaker for each council to introduce themselves and any representatives that they are that that are likely to make any contributions. So firstly Suffolk County Council.

00:17:51:26 - 00:18:07:24

Thank you sir. Michael Bedford, King's counsel for Suffolk County Council. Um, I do have some technical officers here, but it may be more convenient to introduce them if we get to those topics, because I don't necessarily know that I'm going to need to ask them to contribute.

00:18:08:12 - 00:18:13:27

That's fine. Thank you very much. Okay. Could I ask? Essex County Council.

00:18:16:13 - 00:18:38:24

Good morning sir. Ring of Council representing Essex County Council today. Uh, I've got a couple of officers in the room. I don't think you'll hear from them. And then I think I've got up to six supporting officers and consultants on line, so I won't I won't run through all of those. Now, I'll take the same approach as Mr. Bedford and introduce them as and when you need to hear from them.

00:18:40:15 - 00:18:55:09

Okay. Thank you very much. We're having a little bit of difficulty with the sign there. We can just about take you out, but if you just, uh, make sure that you are articulate and speak clearly, then hopefully that will be okay. But just to let you know that there is a it's a little bit muffled.

00:18:55:22 - 00:18:57:15

Okay. I'll see what I can do.

00:18:57:25 - 00:19:02:18

Thank you. Um, can we now move to Norfolk County Council?

00:19:05:15 - 00:19:16:25

Good morning, sir Richie Barrett instructed on behalf of Norfolk County Council. Likewise. Um, I don't expect to call on other officers today, but if I do, I'll introduce them at the appropriate time.

00:19:18:01 - 00:19:19:06

Thank you very much.

00:19:20:24 - 00:19:29:05

We had similar issue there, by the way, in terms of the nature of the sound, it's not particularly clear in the room to us.

00:19:29:23 - 00:19:31:23

So I'll look into that. Thank you.

00:19:32:11 - 00:19:42:11

Thank you very much. And I move to the district council's, um, Babergh District Council and Mid Suffolk District Council.

00:19:43:21 - 00:19:55:12

Good morning sir. Thank you, Brian Curtis for Baber District Council and Mid Suffolk District Council. I'm also joined online by a number of technical officers that I'll introduce as and when we need to to speak. Thank you.

00:19:58:02 - 00:20:12:05

Thank you very much. Again we seem to be having some difficulties with sound in it. It's it's a bit muffled for us, so bear with us if we ask you to repeat at certain stages during the the hearings.

00:20:14:09 - 00:20:18:06

If I can move next to Braintree District Council.

00:20:19:23 - 00:20:29:08

Good morning, Sir Matthew Wilde, principal planner, Braintree District Council. I've also got some technical officers online and we'll call upon them as and when required. Thank you.

00:20:29:16 - 00:20:35:05

Thank you very much. Next we have Colchester City Council.

00:20:36:20 - 00:20:39:05

Good morning, James Ryan Colchester City Council.

00:20:40:10 - 00:20:45:09

Thank you very much. Um, South Norfolk district council.

00:20:46:08 - 00:20:52:09

Good morning. Claire Curtis, South Norfolk district council. I also have some technical officers who may wish to speak.

00:20:54:20 - 00:20:55:16

Thank you.

00:20:55:18 - 00:20:56:23

Thank you very much.

00:20:58:24 - 00:21:00:21

Chelmsford city council.

00:21:01:23 - 00:21:04:15

What is everything about Chelmsford City Council?

00:21:07:00 - 00:21:13:05

Thank you very much. And finally for the council's Thurrock Council.

00:21:24:05 - 00:21:30:10

Hi. Um, sorry. Um, Emily Jones here. Thurrock Council. I'm just representing on landscape matters.

00:21:30:29 - 00:21:32:04

Thank you very much.

00:21:32:09 - 00:21:33:03

Thank you.

00:21:34:03 - 00:21:39:24

If I can move to Irish Council's next, um, Ardleigh parish Council.

00:21:42:24 - 00:21:48:24

Good morning, Chris Whitfield. Uh, Councillor Chris Whitfield and councillor Carolyn Mason Ardley parish council.

00:21:50:23 - 00:21:51:25

Thank you very much.

00:21:56:06 - 00:22:01:09

I skipped out Tendring District Council. Apologies for that.

00:22:05:29 - 00:22:11:28

Indeed, yes. Um, my name is Jacob Joshua and I'm representing Tendring District Council. Thank you.

00:22:12:16 - 00:22:13:19

Thank you very much.

00:22:15:19 - 00:22:24:15

So back to the parish come onto then. The next parish council is north west and south west of Chelmsford. Parishes group.

00:22:26:18 - 00:22:36:05

Good morning, Sir John Blake, uh, representing the parishes group. Um and I will attend for item five, if that's okay, sir. Thank you.

00:22:36:12 - 00:22:37:17

Thank you very much.

00:22:39:25 - 00:22:53:19

Okay. If I can move on to the statutory parties. Can I ask the statutory parties again to introduce themselves again with the main speaker introducing representatives? So firstly, can we have the Ministry of Defence?

00:22:59:19 - 00:23:02:13

Good morning, John Wilson for the Ministry of Defence.

00:23:03:17 - 00:23:05:09

Okay. Thank you very much.

00:23:12:00 - 00:23:24:17

We had national highways and Lower Thames crossing previously identified. I wish to speak, but I believe that they have now indicated that they are not here. Just checking on that.

00:23:27:00 - 00:23:29:14

Thank you very much. So if I can then move

00:23:31:11 - 00:23:46:21

to interested parties. I think with organizations first, uh, again asking them to introduce themselves. So the first organization I have is a general Aviation Awareness Council.

00:23:47:15 - 00:23:52:25

Good morning. And, Bartleby, on behalf of the General Aviation Awareness Council. Thank you.

00:23:53:26 - 00:23:59:21

Thank you very much. Next I have Highlands, East Anglia.

00:24:01:06 - 00:24:05:29

Good morning, Rosie Pearson from pylons East Anglia, here in the room with Martin Snook.

00:24:06:06 - 00:24:14:08

Um and joined online by Simon Newsome and Rebecca Flatman from the Landscape Partnership. Should you wish to ask them about the report on the Cone Valley.

00:24:16:06 - 00:24:22:08

Many thanks. Okay. If I can move to Norfolk Gliding Club.

00:24:23:17 - 00:24:24:23

Yeah. Uh, Tony.

00:24:24:25 - 00:24:31:03

Griffiths. Norfolk gliding club and, uh. Yeah. Nobody else would be.

00:24:32:01 - 00:25:08:15

Thank you very much. Uh, we have a number of individuals who have identified a wish to. To speak at some. I will read out their names. Uh, and those who have indicated I wish to speak or to observe only. So we have, uh, Charles McLean, Jenny McLean and Joanne Elliott. And then those who are wishing to observe only we have Jane Marshall, Diane Whitfield, Carolyn Mason, Suzanne Boswell Davis, Martin Snook and Jane Snook.

00:25:09:29 - 00:25:21:25

Uh, that's all the parties that I have in terms of interested parties, organizations and councils. Um, is there anybody else in the room today who would wish to speak? Sorry.

00:25:21:27 - 00:25:24:15

Good morning. David Burns villages against pylons.

00:25:24:20 - 00:25:25:07

Sorry.

00:25:25:09 - 00:25:30:20

David Burns from villages against pylons. We are a group of residents in the North Colchester area.

00:25:37:24 - 00:25:40:13

Thank you very much. Anybody else in the room?

00:25:42:01 - 00:25:45:28

Know anybody else online? I have one hand up there. Um.

00:25:47:13 - 00:25:53:04

Yeah. Hi, that's William Petersen, Birstall parish council. Thinking, Mr. Saltz, on the parish councils. Thank you very much.

00:25:53:12 - 00:25:55:16

Sorry. Could you just repeat that? That was a bit.

00:25:56:07 - 00:25:58:28

William Petersen, Birstall parish council.

00:26:02:15 - 00:26:03:13

Got that. Okay.

00:26:03:24 - 00:26:05:04

Yes. Thank you very much.

00:26:05:06 - 00:26:06:00

Thank you.

00:26:14:12 - 00:26:30:23

Thank you very much. I think that's everybody who has either registered and indicated a wish that they may wish to speak today. So we will move on to the main discussion point and agenda item four. And we shall I shall pass to Mr. Butler. Thank you very much.

00:26:31:06 - 00:27:11:20

All right. So thank you. Uh, agenda item four relates to the change requests submitted and accepted by the examining authority. Um, and in accordance with regulation 14, two of the Infrastructure Planning Compulsory Acquisition Regulations 2010, uh, the examining authority will now give an opportunity to any additional interested party or an additional affected person who, as a result of the accepted change request submitted by the applicant to amend the Development Consent Order application to make an oral submission or representation in relation to any matter previously discussed at issue specific one or issue specific hearing two.

00:27:12:04 - 00:27:25:08

Are there any additional interested parties or additional affected persons present who wish to make an oral representation in relation to either issue specific one. Issue specific hearing 1 or 2 present?

00:27:28:14 - 00:27:39:04

No indication in the room and I've got no indication online. So in that case we're going to move on to agenda item five, which is landscape and visual. And Mr. Hockney.

00:27:42:18 - 00:27:55:03

Thank you very much. Um, so yeah, agenda item five landscape and visual. And we'll start off with as on the agenda mitigation, um, and compensation and mitigation hierarchy. Um,

00:27:56:21 - 00:28:33:19

I understand that the applicant's position is essentially that MPs, M1 and M5 acknowledge that there are likely to be adverse impacts, including landscape and visual impacts caused by large infrastructure projects on many occasions. And then there is not a need in all circumstances to compensate fully for such impacts. I also note the examining authority's response on the Brantford to Twin Stead DCO cited by the applicant, where that authority concluded that they understood 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.

00:28:34:00 - 00:29:00:22

Compensation, although part of the mitigation hierarchy cannot reduce the residual impacts of a proposal. However, I note that A1 specifically states applicants must apply the mitigation hierarchy, demonstrate that it has been applied, and should set out how residual impacts will be compensated for as far as possible. Are you. The question to the applicant first, are you confident that your application compensates residual impacts as far as possible?

00:29:03:12 - 00:29:36:28

Russell Harris KC for the applicant. The answer to that question is yes for the reasons set out in our answers as set out. I think I should say, just so there's no misunderstanding of the position, that we retain our position as a matter of law, as understood by the TNO, um, panel, that there is no requirement in law or policy for landscape harm necessarily to be offset or compensated. We're talking about offsetting and compensation as opposed to mitigation.

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

If there were such a requirement, then we think N5, which is dealing specifically with overhead lines, would say so and it would identify a methodology, etc. for offsetting. Um, it simply doesn't. And there's a good reason why it doesn't, which we again, have set out in writing and are happy to do so. Um, again, notwithstanding that, um, because of the questions that you asked and because of action .27, um, and your, um, uh, query to us.

00:30:12:14 - 00:30:42:13

Would there be a middle way? Uh, we have explored with the local authorities entirely without prejudice to our main contention, the potential for additional works which would fall into the category, I think, of offsetting. And, you know, because we've both both parties have set it out, that that's been done in an open, constructive and positive way. Um, what I can bring you up to date with where we are, if you like.

00:30:42:15 - 00:31:17:17

And the answer to your question is we don't think any of this additional, um, compensation or offsetting is necessary. But if the Secretary of State, who is ultimately the decision maker, or you as the panel, believe that it is or might be, we have thought constructively that we ought to give you a potential mechanism to achieving such further offsetting, even though we repeat that, we don't believe that it is legally required for the purposes of the um, N1 and N5 um matrix.

00:31:17:24 - 00:31:19:14

Um, so, um.

00:31:22:02 - 00:32:05:14

So, so far as that is concerned. Just to bring you up to date, we approached all of the relevant local authorities. We had responses, um, responsibly from uh, local authorities along all of the line. And, um, as that last week, we were provided with a section 106, um, draft, which you won't have seen because of the time which it's come to us. Um, but you will see it shortly where parties are aiming to identify

mechanisms such that if the Secretary of State takes the view that the compensation is inadequate, that there'd be ability to enhance the compensation.

00:32:05:16 - 00:32:44:04

Again, all subject to our legal submission, that that isn't necessary. And without prejudice to that. Negotiations have been positive. The general position adopted is not finalized. And we haven't heard back from all local authorities. But the general mechanism identified is that the applicant makes a payment. If the Secretary of State thinks it's appropriate, it'll be blue lined in the usual way, and that the local authority can apply that to the sort of offsets that it believes might be appropriate in the particular circumstances of its local authority area.

00:32:44:12 - 00:33:18:11

I have Peter Miller here. Um, but I'll stop in a minute because you've answered it. You asked me a direct question. I wanted to give a direct answer, but we have Peter Miller, who can explain the liaison with the local authorities and also we've got Naomi Hayes Hayes, who can explain the section 106, um, concept. Um, uh, we learned friend and I have discussed this yesterday. It may not be the only mechanism. There may be other mechanisms that are legally sufficient in the event that the Secretary takes a different view to, to us.

00:33:18:20 - 00:34:00:23

Um, but but in short, we believe answer to your question that we have provided appropriate compensation as per N1 and that, for example, goes to um replacement woodland. 3 to 1. We've we've met the habitats requirements insofar as they arise. And importantly, the requirement to do more than mitigate in um in designated landscapes, paragraph 2922 of yen five, which specifically and solely Identifies times when the type of mitigation for pylons might need to go beyond mitigation.

00:34:00:25 - 00:34:17:27

It's a really, really critical paragraph 2922. Um, so so I'll pass it back to you if you like. We think we have for those reasons. If we haven't, we are going further. Um, and that's working well with the local authority. It's a.

00:34:20:14 - 00:34:35:02

The Planning Act was meant to ensure that local authorities and others worked constructively. And that's happening. And we're confident that if you take the different view or the sector state takes a different view, then further compensation can be provided by a mechanism or another.

00:34:36:12 - 00:34:49:09

Thank you for that. Um, just before that would be useful the more detail. But just before that I'd just like to explore a little bit. Your, your your legal position if you like, that you've just outlined for us and you've outlined in the past as well. Um,

00:34:51:09 - 00:35:20:16

I think you said and forgive me if I misrepresent you, but you said that you didn't think there was any legal requirement to provide compensation, and which I don't think anyone has ever put forward. It's just there has been doubt expressed whether the, the, um, compensation has, has gone as far as possible in effect. Um.

00:35:23:00 - 00:35:30:03

Is there an argument that while compensation doesn't remove or alter adverse effects, that it may be capable of offsetting it?

00:35:31:24 - 00:36:08:19

Yes, in theory, that's that's correct. Um, and, um, what what we've said is that we don't believe that compensation is required for the particular impact of landscaping, impact of N5 infrastructure, which was the exact argument that was made at TNO, and we maintain that argument. So we have said nothing more than was said on our behalf at TNO. Um, the councillors began the case and I probably roughly, um, uh, characterize their position.

00:36:08:21 - 00:36:39:07

But if if you read it, it certainly reads this way that all impacts needed to be offset. Um, I don't think they now take that position. I think they take the position that it is a matter of judgment. And to that extent, the parties are much closer together. Um, we take the view that if there was reading N1 and N5 together, a requirement to offset that would clearly be set out in the primary document dealing with overhead lines.

00:36:39:09 - 00:37:12:24

There's nothing there to that extent. There never has been. There is no overhead line DCO that has ever required offsetting, and it would be an incredible precedent, which would run probably to tens of millions of pounds, certainly in this case already tens of millions of pounds project by project. And if that is the sort of compensation that the mitigation strategy called for, it's inconceivable in our submission that Ian five would be completely silent as to it, there's nothing there at all.

00:37:12:26 - 00:37:45:17

There are four paragraphs on mitigation, no paragraphs on overhead line compensation. And in the new N5 and in the new Ian one, it is pointed out that compensation cannot, as a matter of fact, directly compensate for overhead line for over a headline visual impact. So, um, we do maintain the line, so we're not doing it for the first time because I've read very carefully Malone and Mr.

00:37:45:19 - 00:38:16:22

Humphries submissions in TNO, and we are our diadem. Um, what we are seeking to do here with the local authority is if you take the view that there is a requirement for offsetting, i.e. not mitigating, but doing something completely separate elsewhere, which has a different effect. Uh, giving, giving you and the local local authority and the Secretary of State a mechanism by which to do that. I'm bound to say that I think the local authority's position is now very much clearer.

00:38:16:24 - 00:38:52:02

And that is they don't say that all impacts should be compensated. They've gone down. What you think you called the middle way, which is that some might be, uh, we say that would still have to pass the tests of necessity. The question being without that, would the overhead line be refused? And if that really were the legal test, that would be an N5. And we say it's not. And that's why in no other DCO for overhead line. Will you find this? Um, this offset being said to be, um, necessary.

00:38:52:04 - 00:39:25:27

You will find voluntary payments and little weight being given to them. You will find some softening and limited weight given to them. Those are forms of mitigation. Um, and as I say, the precedential effect of finding that compensation is necessary, um, are significant and the state will. I'm sure the Secretary of State will have his or her own clear view on this. Um, and we think we've given him and you sufficient, um, submissions in relation to that.

00:39:27:01 - 00:39:43:19

Okay. Thank you. But I do understand your argument, and I understand the argument of the councils as well. Um, and I hope I haven't misrepresented, misrepresented their, their views either. Um, that it is the as far as possible. Not that all effects should be mitigated. Um.

00:39:46:23 - 00:40:04:10

I noticed then that you mentioned, uh, about previous CEOs, and obviously each case is on its own merits. Um, and Mrs. Hunt described earlier how this, um, the project before it is of unprecedented scale, um, and length.

00:40:07:14 - 00:40:24:06

And I still come back to the view really is that if a, if there is a case that strategic landscape compensation package, there is a case that exists for one as part of the application along the lines of I think that what you're discussing with the councils at the moment.

00:40:28:03 - 00:40:55:14

That's not the case for the applicant. We don't accept there is a case, but we've heard what you've said and we've tried to be proactive. And that's the whole purpose of the section 106, uh, package. And if you take a different view, um, or if importantly, the Secretary of State takes that different view. Then, rather than have to refuse the application, we've provided a mechanism whereby an expression can be given to a joint position in relation to offsetting.

00:40:56:00 - 00:41:03:08

Thank you for that. Um, if you could now explain the, um, the process and the 106. Yes. And then I'll come to the council. Yeah.

00:41:03:20 - 00:41:40:09

So first, um, I'll, I'll ask Mr. Miller to explain how we reacted to our action point, which was very helpful to have, because if we didn't have that, then we wouldn't have known on a on a project of this scale where to focus our attention. So thank you very much for that. And then I'll ask him to explain how the, um,

constraints and opportunities plans come about, which jointly you read as a master plan. Um, and then where we've reached with the local authorities and maybe I'll ask, um, Miss Hayes to explain the nature and extent of the section 106 negotiations.

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They are at a fairly early stage and we realize six and a half weeks to go, but we're confident that we can provide you a mechanism by the close of the process.

00:41:50:17 - 00:41:51:07

Thank you.

00:41:52:24 - 00:42:35:28

Good morning. Peter Miller for the applicant. Um, in, uh, elaborating on the on the response, um, we, uh, wrote to all the local authorities along the line of the route, um, inviting them to give us a better understanding of the, uh, compensation enhancements that were set out in the relevant responses and the local impact reports. Um, and what followed was, um, what I would say was a very good opening discussion with, um, uh, Suffolk County Council and the Mid Suffolk District Council in the, uh, Bramford area.

00:42:36:15 - 00:43:07:01

Um, And the product of that discussion was, uh, uh, an agreement in a towards an approach to opportunities. Um, which has helped us frame, um, discussions with other local authorities and has also enabled us to produce the plans that you requested of us and that were set out in the, um, in the recent response we provided to you.

00:43:07:17 - 00:43:42:06

Um, essentially what that does is, uh, lead us to, um, an approach which is looking at supporting, um, the existing landscape fabric. Um, and the sort of conversation we had at Bramford was how do you, um, or how could you support, um, additional hedgerow planting, infilling of hedgerows where there are gaps, for example, and also um connectivity for um, improved connectivity for ecology.

00:43:42:08 - 00:44:20:09

Bearing in mind it's not just us as, um, a, um, uh, a developer of new, um, uh, power infrastructure. Come along. There's a lot of other things going on in the in the area. Um, quite a lot of which is related to the power infrastructure itself. So there are two things landscape fabric and improved ecological connectivity. Um, those useful discussions enable us to have follow up discussions with, um, further discussions with Suffolk, um, uh, Mid Suffolk District Council.

00:44:20:23 - 00:44:50:25

Um, joint discussions with Suffolk. Norfolk. Um, a discussion with Essex. Um, and we're looking for a follow up discussion with Essex, I should say. And we had a discussion with Thurrock and we've included Thurrock in in the frame of this question because in their local impact reports, they put forward a additional request for enhancements in a similar vein to the other authorities.

00:44:51:14 - 00:45:22:15

Um, where that's got us is, I think, um, uh, a sort of a broad agreement to the approach, which helps us get focused on what could happen by way of, um, exploring enhancement opportunities in each location. And we can treat that consistently. That might be useful for establishing the funding arrangements, the costs of that. We haven't quite got there with that.

00:45:22:20 - 00:45:56:27

Um, to be fair, although we have received costs from Suffolk and Essex. So there are a number of other things that we've got to take into accounts. Um, but we've got that framework which would enable us to think about what that looks like and enable a subsequent and follow up, um, conversation with with the authorities. That hasn't taken place as yet, because we're preparing for this, um, hearing today. The we think the approach is, um, uh, acceptable from the local authorities perspective.

00:45:56:29 - 00:46:32:15

And we've seen in Suffolk's response LV 1.26 that they've indicated that that is the case, but they may want to comment on on that. Um, we also know that, um, as Mr. Harris has pointed out, that they, the authorities have produced a draft section 106 agreement, which also accounts for this, um, for these opportunities. We are looking at that now. We believe the local authorities across the route are looking at that now for these particular locations and what that might mean.

00:46:32:27 - 00:46:49:27

Um, and, um, that will, I believe, lead to a discussion where there will be a meeting of minds on that. Um, and we think that that probably looks something like a heads of terms for that type of agreement. What might be possible? Um, and we're looking at the,

00:46:51:12 - 00:47:21:03

um, hearing timetable and the next two deadlines, and to work out when we could bring that forward or how that could be brought forward with the local authorities. So I think that's broadly it. We've we've developed the plans. Um, and we put those in for each one of those locations, plus, um, the Tilbury area for Thurrock. Um, and we do need to have a few more follow up conversations, but that's broadly it.

00:47:22:12 - 00:47:23:27

Thank you. That's useful.

00:47:24:12 - 00:47:31:09

Can I can I ask, um, Miss Hayes to say something about the structure of the section 106, in very broad outline, please.

00:47:34:29 - 00:47:35:18

Um.

00:47:35:22 - 00:48:07:10

Hi, Naomi. He's the the, um, applicant. So we've received as, um, Mr. Miller said, the draft section 106 from the local authorities. And, um, we're currently reviewing that with, um, looking at how we can take that forward and look to negotiate on the terms of that. Um, some areas in the draft section 106 have been, um, set out. Some of the terms have been set up quite explicitly in terms of costings.

00:48:07:12 - 00:48:25:10

There's other areas where there's less detail provided. So that's where we need to sort of focus our, um, focus our engagement with the local authorities to look to find, um, agreed positions on that going forward. Um, it'll it's likely to

00:48:27:04 - 00:48:58:27

There are likely to be schedules for the different locations which have been identified from, um, the original action upon us. Um, looking at those. Um, as Mr. Miller said, taking those opportunity plans, looking at the costings associated with those and the section 106, the draft, section 106 is drafted by the host authorities and sets out a sort of a mechanism by which a contribution is paid to the local authorities, and then they deliver.

00:48:59:05 - 00:49:39:22

I think the areas we need to, as I say, focus our attention on is in relation to the costings attached to those and the criteria attached to how that would be delivered. So it's sort of the, the, the finer details. Um, but as Mr. Miller and Mr. Harris has said that we've had really productive conversations with the local authorities, we think, you know, we can achieve that even yesterday at the hearings, we had some discussions on the on these on this process and we're looking to meet with um Essex hopefully tomorrow to to discuss this further and meet with the, the other local authorities.

00:49:39:24 - 00:49:55:23

So it's, it's ongoing at the moment, but we, we can see where we need to get to and we understand the timeframes for the examination. And all the parties are involved are understanding that we are under pressure now to deliver this. So, um, yeah, everyone's taking it forward in that manner.

00:49:56:09 - 00:50:03:12

Thank you. That's useful. Um, if I come to the council's now, please. Um, Mister Bedford, sir.

00:50:05:12 - 00:50:34:29

Thank you, sir Michael Bedford, uh, Suffolk County Council. And can I just be clear? First of all, that I think we seem to in certainly what the applicant has said, um, be covering both the first and the second bullet points of item 5.1, because we've talked not only about the issue of principle, which is the first bullet point, but we've actually then started talking about the mechanisms that I was proposing initially, at any rate, to stay with the first bullet point.

00:50:35:01 - 00:50:49:00

If you're no, that's fine. It's, um, they're going to blend into one another. I've got the range of questions about the master plans, obviously, that were submitted. Um, deadline five so we can come on. I'll come on to those as well. And you can, you know, I'll revert back to you again then as well.

00:50:49:02 - 00:51:27:10

All right. Well, okay. So if I deal then with the issues of principle, which is the first bullet point, um, and obviously we have covered a lot of this ground already in our earlier representations, particularly section 8.2 of rep 4336. And in our response to LV 2.16, in rep 5271, uh, and they deal obviously with the Bramford to twin state case and make it clear that as we see it, that was a case specific, um, statement by the ECA.

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In that case, it wasn't setting out some general principles. We do say that the available evidence, um, shows that there are adverse residual impacts, particularly on landscape, heritage and public rights of way for which there's no practical mitigation or further mitigation possible. And I'm using their mitigation in the narrow sense of something which goes to reduce the actual adverse impact. I'm not using mitigation as it's sometimes always also used.

00:52:00:00 - 00:52:46:12

The mitigation hierarchy is a broader umbrella of, um, potential tools for dealing with impacts. And, um, we we think that there is an element of, um, sort of inconsistency in the applicant's position Because on the one hand, uh, Mr. Harris, for the applicant puts to you in direct answer to your question, um, that, um, there is no requirement for landscape harm to be necessarily offset or compensated.

00:52:46:14 - 00:53:17:06

And obviously, there's an important qualifier in that formulation of no requirement for it to be necessarily offset or compensated. And then the applicant also says to you, in rather more strident terms, that landscape harm is something which simply is not required to be offset or compensated. And they say that if it were in five would say so. I'd say those two positions are not.

00:53:17:22 - 00:54:05:09

we say, consistent with each other? We say that the proper position is, as you identified at the outset in your questions. The starting point is in one paragraph, 4.2.12. Uh, in relation to um, applicant should set out how residual impacts will be compensated for as far as possible. And um, that is not written in a way which excludes from its ambit landscape impacts, nor is it written in a way which excludes impacts arising from overhead power lines.

00:54:07:09 - 00:54:39:05

N5 sits within the umbrella of N1, and we say that if N5 was intended to carve out from the approach in N1 a special position either for landscape or for overhead power lines, so that paragraph 4.2.12 of N1 did not apply to overhead lines causing landscape impacts. We say N5 would have said so.

00:54:39:12 - 00:55:18:12

It doesn't. So that's what we say about the overarching policy position in terms of N1. We also think it's important where one's looking at the issue of necessity, which again, is a part of my friend's approach that the the full phrase you need to have in mind is as set out at paragraph 4.1.8 of N1. It's dealing with, um, planning obligations, but it's necessary to make the proposed development acceptable in planning terms.

00:55:18:29 - 00:55:40:07

And that is important, we say, because it clarifies the purpose or function of the necessary or necessity test, i.e. it's what you need to do to make the development acceptable in planning terms. And that inevitably

00:55:41:23 - 00:56:13:28

entails the formulation of a planning judgment, which will be case and site specific. It will obviously be a planning judgment formed against the backdrop of any legal requirements, and it will also be formed against the backdrop of policy guidance, and it will take into account any factors which you will, indeed, the Secretary of State consider are important and relevant considerations. But nonetheless, at the heart of it, it's still a planning judgment.

00:56:14:00 - 00:56:45:03

What do you need to do in this particular case in relation to this particular project's impacts on its particular location, in order to make it acceptable in planning terms? And we don't see there's any magical mystery about that. That's in a sense, what people like you do all the time. If I can say so with respect. And then obviously, once you've got over that point of principle that it is down to a planning judgment, you then start looking at the detail, which is more what is covered partly in the next agenda item.

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Um, and we think that there is an undoubted case for there being residual adverse impacts, but which are capable in a meaningful sense of being offset. That is to say, this isn't one of those cases where you could say, well, really, given the nature of the residual impacts, there's nothing that could meaningfully be done in the locality or the vicinity in order to offset or compensate for them.

00:57:17:24 - 00:57:48:24

As the landscape just doesn't lend itself to that, or the heritage doesn't lend itself to that, or the rights of way network doesn't lend itself to that. Because obviously, if there was nothing that you could do that was meaningful and relevant and had some kind of nexus to the to the impact, then you would say compensation is not possible in this particular circumstance, but and we think helpfully, the opportunities and constraint plans very easily highlighted, there are things that can be meaningfully done.

00:57:48:26 - 00:58:19:02

They are all in geographic compass of the impacts. Many of them are of a linear nature which relate to the landscape and to nature conservation features which can be enhanced in a way which can be seen as compensating or offsetting for these residual impacts. So so that's our kind of overarching position on the points of, uh, principles.

00:58:19:15 - 00:58:23:28

Um, I think I can leave that there. Thank you sir.

00:58:25:22 - 00:58:37:12

Thank you. Um, I think I understand why I do understand your position. I understand the position of the applicant. So, um, unless, Mr. Harris, you want to come back on anything there, it's. I think we're okay with that now.

00:58:37:16 - 00:58:43:15

Um, I think we're okay with that. So, yes, we'll put our position and our response to that in writing. I don't think I need repeating.

00:58:43:17 - 00:58:58:18

It's going to happen. Okay. Thank you. So then if we can move on to the, um, the actual the mechanism that we discussed, notwithstanding your, your, your view overall, obviously, um, the, the council's want to, um, give us a brief overview from their side as well.

00:58:59:00 - 00:59:45:03

Thank you. Thank you sir. Um, in relation to um, first of all, we think the important, as it were. Um, issue is the substantive measures themselves. Um, and we think that the dialogue has been constructive. We certainly appreciate the work that the applicant has put in with obviously input from us in producing the master plans. And, uh, we think that the options they present do present a reasonable suite of measures, and we consider that those, um, opportunities could provide proportionate offsetting for the residual impacts.

00:59:46:06 - 01:00:16:17

Um, and as to how that is best, uh, delivered, I think I'd say there is dialogue ongoing, uh, in relation to using the vehicle of a section 106, um, uh, agreement that has some merit in terms of allowing for flexibility in due course, for what may or may not be the measures that are provided.

01:00:16:23 - 01:00:57:00

Um, we don't rule out at this stage. It could also be done by means of a requirement calling for a scheme to be submitted and approved, but that might have a degree less flexibility in terms of it may need to specify more the parameters of what can or cannot be the subject of those subsequent measures. So it may be that the way that it's currently being suggested is the best way. But I just put down the point, as it were, that if for some reason that turns out not to be practicable after further discussion, then I say we wouldn't exclude it being a matter that could be covered by a requirement.

01:00:57:23 - 01:01:38:05

Um, I, I don't want to trespass, Um, too much into something, which is really a matter for the examining authority to think about. But I think it would certainly help crystallize the parties making progress on this. If there was a very clear expectation from the examining authority that having consensus now heard all these arguments several times, that they've got a pretty clear view that they think that the principle is in

this instance, for the reasons that we've outlined, is clear that there ought to be a offsetting or compensation package.

01:01:38:07 - 01:02:06:22

And then in a sense, everybody knows that really that's something that we need to deliver in the remainder of the examination. But we are certainly very, very much, um, keen to carry on the working with the applicant and seeing if we can come to how we can both define the relevant measures clearly enough and then secure them in in a mechanism that makes them deliverable. Thank you sir.

01:02:07:25 - 01:02:38:09

Thank you, Mr. Bedford. Um, Mr. Harris, I'm kind of. Mr. Bedford's, uh, question there. Lead me on to my question. I was going to ask anyway, in terms of you mentioned before that obviously your overall view is that you don't think these are necessary to make the, um, development acceptable or if it doesn't pass test and necessity, in your view? Um, but the proposals that you're discussing with the council, the middle way, as we said, is this, um,

01:02:40:04 - 01:02:53:12

see if I can phrase this correctly, but are they being put forward? Um, in any event. Yes. In any event. So if Secretary of State says they're necessary or not necessary, in any event, they're still on the table, if you like.

01:02:53:14 - 01:03:43:07

Oh, um, no, I'm not sure they are on the table. In any event, we can discuss that with the local authority. Um, but our position, I think, is that they are on the table. If the Secretary of State thinks they're necessary. If he thinks or she thinks they are related to the development in an appropriate way, and if they're proportional, and the Secretary of State will want to have a wide range of considerations to bear in mind there. So that's the direct answer to your question. In response to my learned friend's point, um, we welcome the potential of other alternatives, and we will look at any requirement that they suggest is appropriate and a requirement, for example, for a scheme, um, to be submitted and approved with maybe heads of terms identified would be a useful alternative.

01:03:43:17 - 01:04:20:29

Reserve our position on that. As to my learned friend suggestion that you make a clear position on this and set it out in the examination, I don't think a lawfully that's the right thing for you to do. It's not your decision. It's the Secretary of State's decision. And the Secretary of State will know and understand his or her. Um. Uh, N5 analysis. First point. The second point, our engagement with the local authorities is not going to be tempered one way or another by that ruling, because we will await the Secretary of State's decision on that.

01:04:21:01 - 01:05:08:02

And I think it would be ill advised, if I may say so, for the panel to express a view a without legal advice, and b in advance of the examination closing. I think that sort of preliminary position could only ever be conditional. And it doesn't take us very much further forward. And you shouldn't be making those sorts of

judgments at the wrong time in the process with respect. So if my learned friend is concerned that without that our engagement will be less than full throated, he needn't be, because we're engaging with this process because the Secretary of State may take the view that he's right, or he might take or she might take the view that we're right, which they clearly did in as a matter of principle in TNO.

01:05:08:04 - 01:05:38:22

Yes it was. Every case is determined on its merits. But if you look at the way that it is framed in four parts of the TNO examiner's report, they record, identify and then summarize their conclusions based on the legal submissions. And um, in my submission, you'd have to have a very good reason to take a different view in principle in the circumstances of this case. But then I'd have to repeat all of the submissions that I made already, and I don't want to do that.

01:05:38:24 - 01:06:02:25

So, um, I with great respect to my learned friend, I don't think it is an avenue available to you to, if you like, make a preliminary decision which might, if you like, um, uh, put more fire in our belly Because there's enough fire in our belly already. There's no need for that. We're engaging with this in good faith, and that's not necessary. And I would caution against it.

01:06:04:03 - 01:06:09:20

Thank you. I just not necessarily on that point. I just want to clarify really. So

01:06:11:15 - 01:06:36:13

the section 106 and I accept that both both parties, if you like, both sides are negotiating in good faith on that. Um, if the our recommendation and the Secretary of State's decision decides that the section 106 isn't required, then what happens to those provisions within the what I'd like to do? Do none of them get carried out or is there no funding available for them?

01:06:38:00 - 01:07:10:08

Russell Harris, Casey. For the applicant, the generalized position is if the Secretary of State thinks that they aren't necessary, then they would. The general position is that the Secretary of State doesn't think they are necessary as a matter of law, applying the seal regulations, he cannot have regard to them. Then we under schedule nine have a duty to act reasonably, responsibly and in accordance with our duty to provide economic electricity.

01:07:10:10 - 01:07:40:22

We would not be spending millions of pounds on what the Secretary of State thinks is not necessary. So that's why I mentioned the blue pencil test, which is in every single section 106 now, certainly in the planning world, is accompanied by a provision which says, um, if, if if the decision maker thinks it's not necessary, then it won't be taken into account and therefore is ordinarily not then continued with by the applicant. And that's, that's usual.

01:07:40:24 - 01:08:27:17

Now, if there are certain elements that, um, a friend or other councillors want to identify as mitigation which is necessary, or in some other way to persuade us that whatever the Secretary of State thinks, these are so important that we should be providing them anyway, then we listen. But the general position is that we should not, as a matter of law, be offering more than is required to the grant of planning permission. And, you know, if you look at the section 106 when you see it or when you ask about it shortly, um, it is a stretch to say that, um, planting, which is some several miles away from the proposal, passes the tests of necessity related to the development and proportionality.

01:08:27:19 - 01:08:48:27

But we're engaging in good faith. And when you see, um, the section 106, you may find that none of them are necessary, or the Secretary of State might take that view, or the Secretary of State might take the view that some pass the test, but others don't. And in those circumstances, there will be enough, um, that the document will be loose limbed enough to allow that to happen.

01:08:49:22 - 01:08:59:29

Okay, thank you for that. I just wanted to clarify the position. Obviously I understand the the blue pencil clause and so on. Um, Mr. Bedford, on those specific points, was there anything you wanted to come back on?

01:09:00:22 - 01:09:01:17

Uh, no, thank you, sir.

01:09:01:19 - 01:09:04:25

Thank you. Uh, or any other councils?

01:09:07:11 - 01:09:10:11

Uh, yes. Uh, for Essex please.

01:09:12:15 - 01:09:50:25

Thank you sir. Um, so it might be helpful just to summarize Essex's, um, position on this matter. Um, I think I think so you kind of got to the heart of it with the wording in N1 and whether it's whether compensation is possible, and if it is possible, then it might be necessary to make the development acceptable. And we note that that wording is retained in the 2025 version of the N1. Um, and that's clearly a policy of general application to cover all impacts. We've obviously made previous representations on those issues, the the master plans that have been put forward by the applicant.

01:09:50:27 - 01:10:24:05

And there's obviously been ongoing discussions between the applicant and the various local authorities. Um, we say that that shows clearly that specific compensation measures are possible in this case and therefore may be considered necessary. Um, and if I may say Mr. Harris's representations, I don't think explain what those words in the policy as far as possible mean. And if his overall position is correct, the master plans themselves. Um, we view as a as a starting point, but clearly, as as things stand.

01:10:24:07 - 01:10:56:09

They're lacking kind of the detail that you would need for delivery. Um, so just to let you know that to progress matters further, um, on this issue of specific compensation. Essex sent a spreadsheet to the applicant identifying specific projects on land within Essex County Council's ownership within those sensitive areas have been identified, which arise out of the local nature recovery strategies and identify what kind of contributions could be made to support those. So we haven't had feedback on that yet.

01:10:56:11 - 01:11:24:18

I know what's been said about a meeting, possibly tomorrow, so hopefully that's something that that can be progressed. Um, but that that kind of feeds into the mechanism that you've heard about in the, in the draft section 106 at the moment, which would be financial contributions towards identified, um, programmes of the sort that I've just referred to. But obviously that's a work in progress. So, um, just just to be clear that that's Essex's position on this. Thank you.

01:11:25:02 - 01:11:30:14

Thank you very much. Um, and bronchitis for Barbara, please.

01:11:31:19 - 01:12:16:14

Thank you. Sir. Bronchitis. The baby district council and Mid Suffolk district Council. I appreciate that we're speaking about landscape and visual effects at the moment, and that you're going to come on to cumulative effects at 5.4, but I just wanted to remind the essay that, um, in our previous representations, the examination, the matters under discussion for the section 106 that are relevant to Bigger and Mid Suffolk, which include mitigation for the Waveney Valley, the Dipping Valley and Bramford substation actually include a number of different mitigation items. Um, and they are of equal value to the communities um environment and landscape in those areas, particularly, for example, the areas around Bradford substation where we know that there is a high likelihood of reasonably foreseeable significant development in that area.

01:12:16:16 - 01:12:50:15

The applicant themselves acknowledge in the interrelationship report that they are still to assess the impacts of the alchemy and battery developments to come forward. So the communities in that area, the environment in that area are significantly impacted and are likely to be significantly more so. So it's really important that we are fulfilling our roles in securing the the most optimum and effective and efficient mitigation for all of those areas. So we will be continuing discussions with the applicant on the basis of all of those requirements.

01:12:50:17 - 01:13:19:07

Sorry. Ask. So use another word. Um, and I have just a little reservation that we may be being overrun by the landscape mitigation being, um, underpinned by the policy basis and also a little concern about what happens if we don't resolve a position, um, that's mutually agreed. Um, at what time frame? So, um, those are just a couple of things I wanted to point out. Thank you.

01:13:20:21 - 01:13:25:22

Thank you. And if we could just go to, um, Rishi Parikh for Norfolk County Council, please.

01:13:27:19 - 01:14:00:05

Good morning, Sir Richard Park, Norfolk county Council. So just to formally confirm, um, our position is aligned with the county council, and particularly in this case, because of the location of the Waveney Valley, were closely aligned with Suffolk County Council. So just endorse what Mr. Bedford said. I don't propose to repeat anything. You've got our position both on principle. Well, certainly on the point of principle. You've got a position in writing and in terms of, um, the second question about what the measures might look like. We are again aligned with the Suffolk County Council.

01:14:00:07 - 01:14:03:03

So those can be taken as read for Norfolk as well.

01:14:03:21 - 01:14:22:08

Thank you very much. Um, we're just going to take our analysis, uh, not quite at the end of the agenda item, but we're just going to take a mid-morning break. So we're having some technical difficulties in a moment with a live stream. So may I make further observation, if that's okay? Um, yes, if you did. David Burns villages against pylons. Um, so.

01:14:22:10 - 01:14:24:29

The applicant has told us that if mitigation was required.

01:14:25:01 - 01:14:25:16

In.

01:14:25:18 - 01:14:52:29

Five would say so, and it does not. Um, I think those were the word used. Of course. It does, in fact, say so quite clearly. Uh, section 2.9.12. In respect of any infrastructure which crosses a protected landscape, even residual impact is unlikely, and 2.9.22 highlights the undergrounding there is required. Um, so the comment.

01:14:53:01 - 01:14:53:28

Is.

01:14:54:04 - 01:15:08:12

Clearly made only in the case where no part crosses a protected landscape or is not near to one, in a way which would have impact. Um, just to put that on record, because I think it is important to what we will discuss later on.

01:15:08:14 - 01:15:27:23

Okay. Thank you for that. Um, as I said, we will take the mid-morning break now, and when we come back, we will go to the applicant first for any comments they may wish to make on the incumbents. I've

just heard from the councils and from, uh, villages against pylons. Um, so we'll adjourn now until 820 minutes till 1135. Thank you.