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Cc: "Mulbarton Parish"; [REDACTED]
Subject: EN010080 - Hornsea Project Three, Deadline 8 Representations on behalf of Mulbarton Parish Council
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Attachments: [Ltr_Mulbarton Parish Council_EN010080.pdf](#)

Dear Sirs/Madams

Please see the attached letter sent on behalf of Mulbarton Parish Council, and submitted further to the Planning Inspectorate's letter dated 1 March 2019.

I should be grateful if you would acknowledge receipt and pass the attached to the relevant examiners.

Yours faithfully,

Simon Kelly

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Planning Inspectorate Reference: **EN010080**

By email and post

20 March 2019

Dear Sirs/Madams

Application by Orstead Hornsea Project three (UK) Ltd for an order granting Development Consent for the Proposed Hornsea Project Three Offshore Wind Farm (the Application)
Application Reference: EN010080

Deadline 8: Representations on behalf of Mulbarton Parish Council

1. I am writing on behalf of Mulbarton Parish Council (the Parish Council) further to the Planning Inspectorate's letter dated 1 March 2019 inviting further representations. Please note that the following representations relate solely to the proposed siting of the HVDC converter station / HVAC substation (the HVDC/HVAC Substation).
2. The Parish Council is generally supportive of the Application. However, it considers that the proposal to locate the HVDC/HVAC Substation on the site identified by the applicant as Option B should be rejected in favour of either the Option A Site, or alternatively, the Option E site identified by the Parish Council in its earlier representations.
3. As I will explain, the proposed location on the Option B Site is contrary to the requirement in national policy contained in NPS EN-1, in that:
 - The poor siting of the HVDC/HVAC Substation fails to meet the policy requirements for good design and sustainability;
 - The considerable harm to designated heritage assets identified by Historic England is not clearly justified. That harm must be given significant weight;
 - The conflict with Policy DM4.6 of the South Norfolk Development Management Policies Document and with its objectives is a material consideration to which further significant weight should be attached.
4. For these reasons, the Parish Council urges the examiners to reject the applicant's proposal to locate the HVDC/HVAC Substation on the Option B Site.

The Application

5. As the Examiner will be aware, the application proposes an array of up to 300 offshore wind turbines together with associated offshore and onshore infrastructure (the Application). That onshore infrastructure includes an HVDC converter station / HVAC substation (the HVDC/HVAC Substation) which the Applicant intends to locate close to the Norwich Main 400 kV substation, located between Swardeston and Stoke Holy Cross in South Norfolk.
6. The maximum design parameters of the HVDC/HVAC Substation are set out in table 3.63 of Volume 1, Chapter 3 of the Environmental Statement which accompanied the Application. An indicative 3D layout is shown in figure 3.37 on page 64 of the same document. The examiner will be aware that the maximum height and length of the of the main building will be 25m and 220m respectively, with other structures extending to 30m in height.
7. In selecting a site for the HVDC / HVAC Substation, the Applicant narrowed down its options to two possible sites as described in Chapter 4 of Volume 1 to the Applicant's Environmental Statement (Site Selection and Consideration of Alternatives) (The Alternative Sites Assessment). The locations of Options A and B are shown on the plan contained at page 32 of The Alternative Sites Assessment, and in greater details on the plans contained at (respectively) pages 2 & 3 of The Alternative Sites Assessment.
8. Option A falls within the Tas Tributary Farmland Local Landscape Character Area. Option B falls mostly within the Tas Tributary Farmland Local Landscape Character Area but also partially within the Yare Tributary Farmland with Parkland Area (Figure 4.3 of Volume 3, Chapter 4 of the Applicant's Environmental Statement (Landscape and Visual Resources) (the Landscape Assessment)).
9. The Tas Tributary Farmland character is essentially rural and undeveloped. The key characteristics include (Landscape Assessment para 4.1.2):
 - Open, gently undulating to flat and sloping landscape incised by shallow tributary valleys, the tributary streams of which are not prominent landscape features.
 - Framed open views across the countryside and into adjacent character areas.
 - Small blocks of deciduous woodland of high ecological and visual quality. These create wooded horizons which add variety to and create intimacy within the landscape.
10. The Yare Tributary Farmland and Parkland area is equally rural. The extracts from the relevant landscape character assessment set out in the Landscape Assessment at paragraph 4.1.3, note the:
 - "Gently undulating landform created by the presence of small tributary stream valleys which cut through the glacial till landscape providing a sense of restrained variety";
 - "tamed and peaceful arable farmland with scattered small farm woodlands, including ancient woodland, and medium to large-scale fields of sugarbeet and cereal surrounded by sparse hedges and hedgerow trees".

11. However, the Yare Tributary Farmland and Parkland has the additional characteristic of the “[p]resence of large parkland estates particularly associated directly with the tributary valleys. Estate railings, prominent gatehouses, boundary fences and tree-lined”.
12. Notwithstanding that this ‘parkland’ character is not a prescribed characteristic of the Tas Tributary Farmland local character area, this comment clearly applies equally well to the area within which the Option A Site is located (as is clear from the Historic England comments on the proposed siting of the HVDC/HVAC Substation).

Option A¹

13. Option A is a roughly rectangular field, situated south of the existing electricity substation. The Option A site appears to have an ordnance level of 20-25m AOD, which is lower than the nearby substation (Landscape Assessment, Figure 4.8).
14. The site is bounded to the east by a railway line, beyond which is the A14 (and beyond that part of a golf course, and then the Grade II Dunstall Hall). Hickling Lane forms the southern boundary of the proposed operational site. The land to the west of the site boundary comprises further fields and woodland, beyond which is a public bridleway which continues the alignment of Gowthorpe Lane (Gowthorpe lane turns to the north west where it meets Hickling Lane) and forms an identifiable western boundary feature. The whole of this area (including the land to the west of the identified site) is included in the application’s PEIR boundary. Gowthorpe Manor (Grade II*) and related buildings lie further to the west, beyond a substantial bank of trees.
15. It is not immediately clear from the Applicant’s materials why the operational site boundary is so constrained to the west. There is no evidence that this site is covered by any landscape designations and in any event, the site is substantially screened by existing trees and woodland.
16. Access to the site is possible from Hickling Lane, albeit, it is also conceivable that access could be secured by extending the service lane to the existing substation through to the Option A Site. That service road gives access to the A140, which in turn is accessed from the A47 Norwich ring road. It is not clear from the Application materials we have reviewed in the limited time available, whether the potential for access using the existing substation service lane has been explored.
17. In local policy terms, the Option A site falls within the Norwich Policy Area as defined in Appendix 4 to the Joint Core Strategy for Broadland, Norwich and South Norfolk (amended January 2014); South Norfolk Joint Core Strategy 2014 (the JCS). The Norwich Policy Area is a larger area within which the JCS encourages major growth and development on sustainable sites (see for example, statement at Policy 9 of the JCS: “The Norwich Policy Area (NPA) is the focus for major growth and development”).

¹ Notably, no area measurements have been provided within The Alternative Sites Assessment for either Option A or Option B.

Option B

18. Option B is a roughly square site, lying in the 'elbow' between the B1113 and the A47, directly adjacent to both roads. Again, the site currently comprises an open field. Unlike the Option A site, the Option B site is highly visible, being screened only by relatively low hedgerows. It sits within the Norwich Southern Bypass Landscape Protection Zone, partly within a viewing cone towards Norwich, and the B1113 at this point is designated an 'undeveloped approach' in local plan policy. It appears that access will be taken directly from the B1113.

19. Policy DM 4.6 of the South Norfolk Local Plan, Development Management Policies Document (October 2015) requires development in this area to:

"... not harm and where possible ... enhance the landscape setting of Norwich with regard to the following considerations:

NSBLPZ

All development proposals within the Norwich Southern Bypass Landscape Protection Zone (NSBLPZ), as shown on the Policies Map, should have regard to protecting the openness of the Zone and, where possible, enhancing the landscape setting of the southern bypass, including the practice of wild flower planting and management regimes.

Key Views

All development proposals located within the Key Views 'cones' shown on the Policies Map should ensure they do not obstruct the long-distance views to and from the City.

Undeveloped Approaches

All development proposals within the visual zone of influence viewed from the identified Undeveloped Approaches to Norwich should reinforce and avoid undermining the rural character of the Undeveloped Approaches to Norwich.

...

Development which would significantly harm the NSBLPZ or the landscape setting of the Norwich urban area will not be permitted."

20. In addition, the Option B site lies within the setting of the following listed buildings and parkland:

- Mangreen Hall (Gd II*), Mangreen Lodge (Gd II) a Gd II listed barn at Hall Farm, and the Grade II wattle cottage (all to the South West)
- Gowthorpe Manor and related 17th Century Barn (Gd II*) (to the South)
- The registered park to Intwood Hall (to the North West); and
- Keswick Hall (Grade II) and parkland to the north.

21. In its written representations, and in respect of the impact on Mangreen Lodge, Historic England note that:

"... the scale of the substation means it would be very visible in views from the surrounding landscape and potentially from the Hall and its grounds. Its presence in the landscape would impact on the way in which the Hall is experienced from the west and north and potentially

in longer views from the south. The development would erode the rural landscape setting that contributes to the significance of the Hall and would result in a considerable degree of harm". (para 2.3)

22. In respect of the likely impact on Gowthorpe Manor, Historic England comments:

"[The buildings] occupy an isolated position in the rural landscape. Like Mangreen Hall this is a country house at the centre of an agricultural estate and the surrounding rural landscape contributes to understanding how the building functioned historically and the aesthetic character of the site ... It is likely that the substation would be visible from the land that surrounds the heritage assets. The development would impact on the way the manor is experienced, and the erosion of the rural setting would again cause considerable harm to the significance of the listed buildings". (paras 2.4 – 2.5)

23. With respect to Intwood Hall, Historic England notes that "[t]he historic landscape at Intwood Hall comprises the gardens and parkland to the country house. ... the park was laid out in the mid-nineteenth century and is roughly fan shaped with the hall and park facing out the south east as the park expands in this direction. The register of historic parks and gardens describes how this looks across a landscape of well wooded farmland and that the Hall, located on the highest ground, enjoys views across the park to the countryside beyond ... This wider rural landscape was intended to contribute to the enjoyment of the park and the rural landscape illustrates the function of Intwood as a country house". (para 2.6).

24. In respect of Keswick Hall, the examiner is asked to note that the entrance to the Option B Site and the related cable corridor are in the direct line of sight to Keswick Hall. Obviously, no tree screening can be planted across either site entrance or along the cable corridor. Unsurprisingly therefore, the Statement of Common Ground dated March 2019 records South Norfolk's concerns about the impact on the parkland at Keswick Hall and the setting of Keswick Hall. In South Norfolk's view, "if the proposed onshore HVDC converter station is constructed, any landscape mitigation planting will not adequately mitigate for the loss to the landscape character and visual impacts or the impacts on the setting of Keswick Hall and its parkland". The Statement of Common Ground goes on to observe that "If the height were to be reduced to 15m through the use of HVAC technology, then the mitigation would be more successful".

Site Assessment

25. The Applicant's assessment of the relative merits of Options A and B is set out at table 4.4 of The Alternative Sites Assessment. The Applicant's reasons for preferring Site B are set out in table 4.4. However, it is unclear from this table, what specific considerations the Applicant took into account in reaching that conclusion.

26. Somewhat more detailed comments are contained at paragraphs 4.10.7.16 and 4.11.5.2 of The Alternative Sites Assessment. Paragraph 4.10.7.16 of The Alternative Sites Assessment records that both Options A and B are:

"... positioned positively in relation to the onshore cable corridor search area ... however, Option A's proximity to the railway line directly to the east and the Norwich Main substation to the north made it physically more constrained than Option B. Furthermore, Option B was

significantly less constrained in terms of both access and existing services and utilities, as well as possessing a greater availability of land for potential mitigation to be implemented”.

27. Paragraph 4.11.58.2 in turn records that:

“The constraints on the physical availability of the land at the two substation options fed into the assessment of “Mitigation and Access” (Table 4.5²). It was determined that Option B provided a greater availability of land for potential mitigation to be implemented. Option A was comparatively constrained by the railway line directly to the east and by the Norwich Main NGET substation to the north. In addition, an assessment of the potential access to Option B identified that this was significantly less constrained and would involve less highway works and the associated construction disruption”.

28. It appears therefore that the main concerns relate to accessibility and the availability of land for mitigation. The precise nature of that mitigation is wholly unclear from this document.

Option E

29. Mulbarton Parish Council has already made representations on a potential further site location, which they have called Option E, and I will not repeat those here. It suffices to note that as set out in their representations, the Option E site is located to the immediate north of the existing substation on land forming part of a quarry. The benefits of this site are set out in those representations, and I will not repeat them here. I will only note for the benefit of the examiners that there is no assessment by either the Applicant or the statutory consultees of the benefits of Option E in comparison with Options A and B. It is therefore at this stage unclear whether the balance of benefits and harms of Option E would outweigh the balance of benefits and harms of locating the converter substation on the sites identified in Options A and B.

Legal and Policy Background

30. The examiners will be aware that where (as here) there is a national policy statement in force in relation to the proposed development, section 104 of the Planning Act 2008 applies.

31. Section 104 (2) imposes a duty³ on the Secretary of State to determine an application in accordance with the relevant national planning policy statement. That duty is subject to a limited number of exceptions, including where approving an application in accordance with national policy would breach other statutory duties (s. 104 (5)) and where the Secretary of State considers that the adverse impacts of the proposed development would outweigh its benefits (s. 104 (7)).

32. Section 10(3) of the Planning Act 2008 requires the Secretary of State to have regard, in designating a National Policy Statement, to the desirability of good design. Hence, quality of design is a significant issue.

² Notably, there is no table 4.5 within The Alternative Sites Assessment, hence it is not possible to check this statement.

³ See comment of Sale LJ at paragraph 6 of *Thames Blue Green Economy Limited v The Secretary of State for Communities and Local Government [2015] EWCA Civ 876* (at paragraph 6) that section 104 requires the Secretary of State to “decide the application in accordance with any relevant planning policy, except to the extent that one or more of subsections (4) to (8) applies”

33. Relevant national policy to the issues raised in this representation is contained in national policy statements EN-1 (Overarching Policy Statement for Energy). The quality of design and the importance of siting as part of design is addressed repeatedly in EN-1 (emphasis added below).
34. At section 4.5 of EN-1, the policy states:
- “[a]pplying good design to energy projects should produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible” (para 4.5.1).
 - “Good design is also a means by which many policy objectives in the NPS can be met, for example the impact sections show how good design, in terms of siting and use of appropriate technologies can help mitigate adverse impacts such as noise” (para 4.5.2).
35. In light of the above, and the importance which the Planning Act 2008 places on good design and sustainability, Paragraph 4.5.3 of EN-1 requires the decision maker to be satisfied that energy infrastructure developments are “sustainable and, having regard to regulatory and other constraints, are as attractive, durable and adaptable ... as they can be. In so doing, the [decision maker] should satisfy itself that the applicant has taken into account both functionality (including fitness for purpose and sustainability) and aesthetics (including its contribution to the quality of the area in which it would be located) as far as possible”. The same paragraph goes on to state “there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, landform and vegetation”.
36. At paragraph 5.9.8, EN-1 advises that: “Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate”. There is a similar emphasis on minimizing landscape harms through appropriate siting at paragraphs 5.9.17 and 5.9.22.
37. With specific reference to the impact of a proposal on a designated heritage asset EN-1 advises that:
- the decision maker must “take into account the desirability of sustaining and, where appropriate, enhancing the significance of heritage assets, the contribution of their settings and the positive contribution they can make to sustainable communities and economic vitality” (EN-1, paragraph 5.8.13)
 - “[t]here should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be ... Loss affecting any designated heritage asset should require clear and convincing justification (paragraph 5.8.14).
 - “When considering applications for development affecting the setting of a designated heritage asset, the IPC should ... weigh any negative effects against the wider benefits of the application. The greater the negative impact on the

significance of the designated heritage asset, the greater the benefits that will be needed to justify approval” (paragraph 5.8.18).

38. In discharging the s. 104(7) duty (to determine the application in accordance with relevant national policy unless the adverse impacts would outweigh the benefits), the Secretary of State must have regard to all material considerations. Those consideration will inevitably include conflicts with local plan policies. Hence, while the Secretary of State is not required by statute to give determining weight to breaches of the local plan, he/she must necessarily have regard to them and consider what weight to attach to them.

Discussion

39. On any assessment, the HVDC/HVAC Substation is a substantial piece of development in the countryside. With this in mind, and in the light of the above policies, key considerations in determining the siting of the HVDC/HVAC Substation location will be the need to:

- take account of and minimize the potential impact on the landscape;
- conserve the significance of any affected heritage asset and only allow harm where there is a clear and convincing justification.

40. To be as close as possible to the existing Norwich Main 400kV substation, it is inevitable that the HVDC/HVAC Substation will be located within the nearby countryside, the essential characteristics of which have been summarised above.

41. The adverse impacts of that development at the Option B Site in landscape and heritage terms are clear from the various consultation responses and objections to the proposal, and, in particular, from Historic England’s representations. Historic England considers that “the scale of the substation means it would be very visible in views from the surrounding landscape” with the effect that it would “erode the rural landscape”. English Heritage go on to conclude that this will result in a “considerable degree of harm” to a number of designated heritage assets. By the same token, the landscape itself will be harmed, as will the purposes for which the South Norfolk Development Management Policies Document has put the protective policy DM4.6 in place.

42. We are not aware of any detailed comparative assessment of the landscape and heritage impacts of locating the HVDC/HVAC Substation at the Option A site. Nor, of course, are there any significant consultation responses from authoritative bodies such as Historic England addressing the potential impacts of such siting. However, the Option A Site is less sensitive in a number of respects:

- It is lower lying than the Option B Site, and benefits from substantial existing screening vis-à-vis visual impacts on the setting of the listed Dunstall Hall and Gowthorpe Manor;
- It is more secluded than the Option B Site and physically more distant from the nearest heritage assets than the Option B Site is from Mangreen Hall and not within the setting of the park to the listed Intwood Hall or of Keswick Hall and parkland;
- It is less sensitive in local policy terms: it is not within the Norwich Southern Bypass Landscape Protection Zone, not within any protected viewing cones towards Norwich, nor within an “undeveloped approach” to Norwich.


43. It is therefore likely that development at the Option A site will have lesser landscape and heritage impacts than locating the HVDC/HVAC Substation on the Option B Site.
44. The Applicant suggests that the Option B Site is preferable, because it allows for more mitigation land. It is not immediately clear what that land will be used to mitigate, but presumably, it is intended to be used to mitigate the landscape and heritage impacts by additional screening. Unfortunately, there is no assessment of how much additional land would be required for similar mitigation if the HVDC/HVAC Substation were to be located on the Option A Site. Hence, it is difficult to make a direct comparison. However, given the seclusion of the Option A Site and the distance and existing intervening woodland between it and the heritage assets of Gowthorpe Manor and Dunstall Hall, it seems highly likely that less mitigation land would be required at the Option A Site than at the Option B site.
45. As regards the comparative accessibility of the two sites. There is no suggestion that it is not possible at all to secure adequate access to the Option A Site for both the construction and operational periods. In the time available, we have not been able to identify any viability evidence which would demonstrate that securing adequate access to the Option A Site would render the project unviable. In these circumstances, and given the considerable heritage impacts of locating the development at the Option B Site identified by Historic England (which for the reasons explained above, are likely to be greater than any heritage impact of locating the development at the Option A Site), the applicant has not provided a “clear and convincing justification” for the harms identified by Historic England and the proposal is therefore in breach of paragraph 5.8.14 of EN-1, and therefore does not conform with national policy. For this reason alone, the proposed development of the Option B Site should be rejected.
46. It is not the aim of this representation to consider the balance of potential impacts of locating the HVDC/HVAC Substation on the Option E Site. However, for the reasons set out in Mulbarton Parish Council’s earlier formal representations, it is likely that the benefits of that location would in many respects be significant.

Conclusions

47. In summary, the Applicant has identified two possible locations for the HVDC/HVAC Substation, Options A and B, and is proposing developing Option B.
48. There is no dispute that developing Option B will generate significant adverse landscape impacts, and a “considerable degree of harm” to nearby heritage assets.
49. We are not aware of any equivalently detailed assessment of locating the development on the Option A Site. However, as described above, that site has a number of inherent advantages. As a result of those advantages, if the HVDC/HVAC Substation was developed on the Option A Site it is likely to have materially lesser adverse impacts in terms of landscape and heritage harms.
50. In these circumstances, the Option A Site represents a more sustainable design, and therefore better meeting the design objectives set out in NPS EN-1. Moreover, without adequately explaining why Option A is unviable, the Applicant has not discharged the requirement at

paragraph 5.8.14 to provide a clear and convincing justification” for the harms of the proposal to the various designated heritage assets.

51. In addition, the proposed siting of the HVDC/HVAC Substation on the Option B Site conflicts with Policy DM4.6 of the South Norfolk Development Plan and harms its objectives. Although the examiner is not required to determine the Application in accordance with Local Plan policy, such a material breach of local plan policy is a material consideration which is capable of attracting significant weight, particularly where that harm lacks an adequate justification.
52. For all the above reasons, and for the reasons set out in Mulbarton Parish Council’s earlier representations, the Parish Council urges the examiners not to allow the HVDC/HVAC Substation to be located on the Option B Site. The Council considers that the balance of harms and benefits favours either the Option A Site or its suggested Option E Site.
53. I should be grateful if the examiners would have regard to this representation in reaching their recommendation.



Simon Kelly

Richard Buxton Solicitors