

### **ISH2\_20 Jan\_Part03**

Created on: 2023-01-20 16:13:27

Project Length: 01:27:10

File Name: ISH2\_20 Jan\_Part03

File Length: 01:27:10

#### FULL TRANSCRIPT (with timecode)

00:00:04:20 - 00:00:20:02

And it's 2:15. So will resume with session three of the hearing aids in the case to confirm everybody's heads should be if that's possible on line, I think.

00:00:22:02 - 00:00:23:01

Most people either.

00:00:26:15 - 00:00:32:16

I think you probably have noticed that we're down to four and Mr. Rennie will rejoin the session.

00:00:34:04 - 00:00:35:27

Rejoin it? Session four. Thank you.

00:00:40:22 - 00:01:19:21

Okay. We'll come on to agenda item number eight things, which is water quality and resources. And the hot one is with regard to the recent updates of the government's planning practice guidance in relation to flood risk and coastal change. So the question is, is that that was ultimately produced on the 25th of August 2022, which was after the publication of the flood risk assessment in support of the application. So I was just keen to get your thoughts about what the implications or any of the changes might be, but the work that's been undertaken for the proposed development place.

00:01:21:28 - 00:01:23:14

Julian possible for the applicant.

00:01:26:07 - 00:01:59:23

I guess what what was notable about this was that. Normally the p g changes come out at the same time or shortly after the relevant and EPF changes. And on this occasion that was quite a quite a gap. So there was a question in our minds as to the correct approach. In the meantime, I think I mean, we can dress this in writing, but I think broadly we would say we've ended up in a place that we would have done if that had come out earlier.

00:02:00:09 - 00:02:18:28

So I think it's relevant for you for us to comment on how we think we fare against the IG now that it's out. But broadly, we we we think we have ended up where we would have done if it had come out at an earlier stage.

00:02:24:22 - 00:02:33:12

Okay. Thank you. I think a note would be very useful in that respect, if that's possible. Based on getting up the end. The hearing action. Noted. Thank you.

00:02:35:17 - 00:02:37:04

Okay. Moving on to point two.

00:02:39:26 - 00:02:50:20

This is in relation to the sequential tests, the flood risk assessment, which is Examination library as zero one for section 18 .2.5

00:02:52:06 - 00:03:03:22

does not appear to apply the sequential test before then going on to consider the exceptions test. Please could the applicant comments on that phase and the appropriateness of that approach?

00:03:08:12 - 00:03:21:07

So we've set out the site selection approach and in the site selection report, we think we've applied the tests properly. Is it?

00:03:23:21 - 00:03:41:04

I'm slightly wary of this subject because of the kind of multi strands approach to it and also some of the history in terms of the way the emerging guidance came out, who we would prefer to address that question in writing, if that's all right.

00:03:43:23 - 00:03:50:09

I guess that's fine. If you could incorporate it into the why tonight, that would be useful. Please. Thank you.

00:03:59:04 - 00:04:18:26

Part three. And this is ultimately to the potential change request, which has already been indicated by the applicant site, I think post to run through the questions that I had because they may well be affected by the change request. I will consider that once it comes in and any implications it might have.

00:04:21:13 - 00:04:22:24

Nice to meet you.

00:04:24:28 - 00:04:26:17

Okay, Point four.

00:04:29:27 - 00:05:04:26

Yes. Chapter 18, which is app104 sets out. That's for impact to which is increased sediment supply and impact three, which is supply of contaminants, surface and groundwater is. Table 18 two which is in relation to the realistic worst case scenario states. It is considered that concurrent construction of both projects is the worst case scenario due to the larger construction footprint in the catchment at any one time.

00:05:06:24 - 00:05:24:16

My question is to the applicant places. Is this justifies. Given in the sequential scenario? The total quantity of absolute excavated material would be noticeably higher than in the current scenario, and the risk of supply of contaminants to surface and groundwater would occur twice rather than once.

00:05:27:20 - 00:05:38:26

Julian counsel for the applicant on. I've got a headline answer, but it may be that missed in Dennis will come in in addition if that's helpful.

00:05:40:21 - 00:06:12:08

The way we've approached this is that the receptor is this is a river water body catchment. And the essential point here is that this which is the better approach when you're analysing the effect, i.e. is it a larger area for a shorter time or smaller area for a for a longer time? And we have gone with the larger area approach on the concurrent scenario on the basis that that disturbs the most ground.

00:06:12:21 - 00:06:26:03

We think that's the correct approach. I'm just going to see if Mr. Dennis wants to come in on top of that. If that picks up the nuances in your question that the reply I've just given doesn't.

00:06:28:24 - 00:06:32:21

Yes. Thank you, Gillian. Ian Dennis. For the applicant?

00:06:34:06 - 00:07:26:28

Yes. You've summarized the main points of our response that quite well. I think what we. What I would like to, to make clear is that actually we did consider both scenarios when we were doing our assessment, and we've just selected the worst case for the for the Yes chapter. So we did so well. That is what we're presenting publicly are also background assessments. They conclude that it did cover both. And the key point that I'd like to sort of make from that analysis is that actually there isn't really any significant difference in the magnitude of effect that we have identified from each of the two scenarios, and neither scenario would result in any significant effects post mitigation.

00:07:44:24 - 00:07:47:00

Okay. Thank you very much for that.

00:07:48:16 - 00:07:49:01

Thank you.

00:07:57:15 - 00:07:59:02

Okay. Moving on to point five,

00:08:01:12 - 00:08:38:04

which is in relation to such specific hydrological risk assessments and crossing methodologies. Again, the flood risk assessment, which is says zero 14 at paragraphs 410 to 412, identifies that site specific investigations will be carried out and crossing methodology to produce that detailed design stage to identify the ground and groundwater conditions to enable a site specific hydrological risk assessment to be undertaken and to understand the potential impact of any works on flows along the watercourse and flood risk to local area.

00:08:40:02 - 00:08:49:06

Question for the applicant, please. Is it appropriate to undertake these post consents and also be aware of these measures secured in the outline code of construction practice? Please.

00:08:52:26 - 00:09:01:08

Julian Boswell again, I've got a headline answer and it may or may not be appropriate for Harris Rodriguez to come in. In addition,

00:09:03:00 - 00:09:37:17

we don't think that it is appropriate to do more work on top of the work that's already been done at this stage, i.e. we need the certainty that the DCO has been granted. We don't have a finalised design. It's extremely unlikely that it would conclude that work in due course, would conclude that it was too risky to cross here. There has already been some ground investigation taking taking place and the HDD itself is is a mitigation set.

00:09:37:26 - 00:10:05:25

So in terms of the where it's secured in the DCO, I would assume that that is in the cockpit or a supporting plan. But presumably, if you're asking the question, that means that it may not be clear enough that it's in there. So we can check that and come to that point in writing. I'm just looking to see if. His response to anything.

00:10:09:06 - 00:10:24:09

And he just put out the gun. And I guess in addition, I would just add that we have already committed to do trench. This crossing in the main rivers is sensitive receptors. So in that sense, the main mitigation have already been committed for

00:10:25:24 - 00:10:27:01

these sensitive water crossings.

00:10:30:27 - 00:10:37:25

So sorry. My colleagues just draw my attention to paragraph 104 in the c m c p, which I think addresses the point.

00:11:04:00 - 00:11:08:20

Okay, that's an everyday T just adjusting crossings rather than entrenched ones as well.

00:11:09:12 - 00:11:11:03

I did not

00:11:12:18 - 00:11:42:10

appear to have any mitigations for addressing third party flood risks and how they might be dealt with during the construction phase. Um, we do have one area of concern which we we've communicated with you. However, we have been entering into discussions with the applicant and we think it's capable of resolution within the time frame of this examination period.

00:11:44:25 - 00:11:53:28

I do have my colleague, Mr. Ben Freeman, who is a technical specialist in flood risk. If you have any further questions.

00:11:55:22 - 00:12:04:14

And could you just toss your on the line? I will ask in relation to the sequential test whether you're content that that's being applied properly just whilst you're on the line, please.

00:12:05:01 - 00:12:11:24

I think it might be best to to refer that one to my colleague, Mr. Freeman.

00:12:14:08 - 00:12:21:02

I hope he says he may have had if he if he is having problems connecting. I will take that up, but

00:12:22:24 - 00:12:24:18

if not better for him.

00:12:25:20 - 00:12:29:08

Okay. Would you like me to go to the county Council and then come back on that point?

00:12:31:23 - 00:12:34:12

Like the Norfolk County Council that plays.

00:12:47:23 - 00:12:57:16

Hello, sir. My colleague Sharon Love is here from the lead local flood authority. And she is a teacher. And I have a message. Thank you. Perfect. Thank you.

00:12:58:23 - 00:13:02:05

Hello, Sarah. Los Angeles Local flood of 40. I'm.

00:13:03:28 - 00:13:20:00

Honestly, we haven't had heavy dialogue about the crossings with the applicant. I understand this has been principally between the EIA and the IDB as they have a more significant number of water crossings.

00:13:22:00 - 00:13:29:15

Crossings to consent. We have just started discussions recently. And I'm yet to respond to them.

00:13:30:21 - 00:13:33:04

Okay. Thank you. It is a general principle.

00:13:34:20 - 00:13:42:16

What is your view on leaving such methodologies and assessments to post consensus rather than being part of the examination place.

00:13:43:09 - 00:13:53:20

For ordinary watercourses? If it was part of a town and country planning process, the consents wouldn't be applied, or until they had planning permission and were

00:13:55:10 - 00:14:00:27

about to put some works out on site. It would be normally done in advance.

00:14:02:12 - 00:14:09:10

And normally we apply the same set of rules under the lander and eject. So

00:14:10:29 - 00:14:11:19

I hope that helps.

00:14:12:10 - 00:14:26:03

Okay. Thank you. That's useful. And in terms of the same question that I just asked, the orientation agency at the end, in terms of the sequential tests, just once you on the line, do you have any thoughts in terms of how that's being applied? Is part of the application the LLF?

00:14:26:05 - 00:14:34:24

I wouldn't normally comment on the application of the sequential tests. This is normally done by a local planning authority rather than the other way.

00:14:36:15 - 00:14:39:20

So I haven't looked at it in any more detail than I normally would.

00:14:43:12 - 00:14:49:05

Thank you. Thank you. Can we get back to the Environment Agency or not?

00:14:55:10 - 00:15:03:04

I proposed to the Environment Agency. I believe my colleague is still trying to get back into the meeting, having encountered some problems.

00:15:05:25 - 00:15:24:02

But I think it's like I mean, I can come to other interested parties if there are any. He might have something to say to give us a little bit more time. So I will do that. So is there anyone else who wishes for something in relation to water resources inequality from around the table or virtually.

00:15:36:00 - 00:15:38:25

Okay. We're still having some issues by today's.

00:15:41:12 - 00:15:42:23

At one time. I hoped there might be someone

00:15:45:16 - 00:15:46:01

like.

00:15:53:14 - 00:15:53:29

It's.

00:16:02:02 - 00:16:26:02

Okay. I'll probably make a note that will ask the apartment agency with a written question with our first round. So that's fine. Thank you for that input. Okay. And that's there. So I'll hand over to the applicant before we close the discussion on water quality and resources. If you like something in relation to the input from Norfolk County Council in the please.

00:16:29:21 - 00:16:33:23

Julia most often acting for anything specific to say in response.

00:16:36:28 - 00:16:44:09

Okay. In that case, I will hand over to Mr. McArthur. He will take us through to number nine and some to landscape.

00:16:45:28 - 00:16:49:00

Thank you, Mr. Manning. So coming on to.

00:16:51:00 - 00:17:32:18

The first point in understanding Item nine Examining authorities notes its comments made by interested parties in the relevant reps. And at this stage I would like to invite interested parties in attendance to give an overview of their response to the applicants landscape Visual impact assessment, with particular emphasis given to areas that interested parties believe have yet to be resolved, or where disagreement over baselines methodologies and effectiveness of mitigation might remain. We are mindful of the fact that detailed responses may also be made by interested parties in their written representations and do not therefore expect any party to go into significant detail when answering headlines are fine.

00:17:33:16 - 00:17:58:25

Before I come to shoot for interested party, I will. I will note at this point that there are some interested parties not in attendance today and I will request their response via action points and I will assist them in responding to cross-reference any further detail responses and written recs as necessary. So I'll come first to Norfolk County Council, please.

00:18:22:09 - 00:18:24:02

We can't hear you, Mr. Faulkner.

00:18:34:09 - 00:18:40:00

Nothing? No. It's just one of those afternoons, isn't it? We'll come back to you, Mr. Faulkner.

00:18:41:29 - 00:18:44:27

Can I go to North Norfolk District Council, please?

00:18:49:15 - 00:18:50:22

And I hope you can hear me okay.

00:18:52:04 - 00:18:52:19

We can.

00:18:57:06 - 00:18:59:24

Hey, did you ever think the question you wanted me to respond to or did you?

00:19:02:09 - 00:19:29:25

An overview, if you can, of your response to the applicants landscape. Visual impact assessments, particularly, you will appreciate that you will be going through the statement process and submitting written responses at deadline one. But what we would like is if you have any areas of disagreement, particularly over baselines, methodology, effectiveness, mitigation, that kind of thing, just headlines are fine.

00:19:32:01 - 00:20:02:26

I mean, are we pleased to hear there's lots of greens on the statements of common ground? So actually, we've we've managed to agree a lot of lots of the key areas. We've been happy with the periods for replacement planting and previous examinations for wind farms who've been arguing that for North Norfolk need a ten year replacement planting period and the applicant has provided a similar replacement planting period. So we're we're happy with that, with the content, with the methodology. So in the main, it's.

00:20:02:28 - 00:20:12:12

Craig. We're just trying to finalize some of the smaller details on on in statements of common ground. But there's nothing of note that inspectors need to worry themselves with at this point in time.

00:20:14:29 - 00:20:20:06

Thank you. That's not it. I will come then on to Norfolk and Broadland District Council. This.

00:20:23:12 - 00:20:36:20

Pat Curtis on behalf of South Norfolk and Broadland District Council. I echo my fellow colleagues comments. It is just made in that sense. We are equally dealing with points through the statement of common ground.

00:20:39:02 - 00:20:53:24

And I have got my colleague here to actually pick up on the further two points that you have on the agenda on the on the landscape, as I say. But we are continuing to work with the applicant to resolve any issues that we do have.

00:20:57:25 - 00:21:05:12

Thank you. That's noted as well. I will come back now to Norfolk County Council. Let's just have one more go, shall we?

00:21:07:15 - 00:21:12:12

Thank you, sir. Can you hear me now? We can say good luck. Thank goodness.

00:21:14:18 - 00:21:41:25

We don't have any direct comments to make of landscape masses. We. We consider those to be detailed points to be picked up by the relevant local planning authorities, North North District Council and South Norfolk and Broadland District Council and through the various stages of the process. We have not raised any landscape or ecological issues or objections to to the proposal. So thank you.

00:21:44:12 - 00:21:55:12

Thank you, Mr. Faulkner. Before I go back to the applicant, I would just ask if there are any other interested parties have anything that they'd like to raise on this agenda item at this point.

00:21:59:24 - 00:22:07:26

And I don't see any signs online or in the room, so I will come back to the applicant. No doubt you are quite happy to hear that.

00:22:09:28 - 00:22:20:24

Julian Boswell for the acting. Yes, I think what's just been said is consistent with what's in the relevant reps and and the engagement that we're having with the two district councils in particular.

00:22:22:21 - 00:22:58:20

Thank you. Now, just following up on that, on the same agenda item, the National Trust in their relevant representation raised a couple of issues which I'd like to bring to this to this hearing. In their relevant reps, they noted that in their view it was not clear to the trust what. Landscape of water, cultural and ecological mitigation and enhancements were proposed. And a second point which I would like to come to as well, was the observation that parts of the cable corridor will cross trust ineligible land.

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So coming to the first points, first of those two points,

00:23:06:14 - 00:23:32:27

we've know that the applicant will respond in writing to to the trust in detail. It did find one. And again, don't therefore expect a detailed response at this stage, but for the benefit of the hearing nevertheless. Can I ask the applicant whether it believes it has made its proposals for landscape or cultural and ecological mitigation clear, and if so, to signpost which application documents contain this application. But this information.

00:23:42:26 - 00:23:46:02

Colin Goodrum landscape does not have the design

00:23:48:02 - 00:24:02:23

responsible for the LPGA. On behalf of the applicant, I'm aware of the National Trust's response, obviously in the vicinity of Sheringham Park. The main works within their

00:24:04:25 - 00:24:13:02

and their land relates to the HDD and the compound within the woodland, which I believe you saw yesterday.

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Clearly, we're removing what are poor quality forestry trees in that area and the intention is very much to



00:24:25:25 - 00:24:37:17

ensure those biodiversity enhancement in that area, probably by creation of heathland and other habitats rather than replanting with coniferous trees.

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The actual process or the the way that's controlled will be through the local landscape management plan and the ecological management plan refer to that.

00:24:51:21 - 00:25:14:07

Thank you. But just to clarify, you believe that that information is currently set out in sufficient detail to satisfy the trusts and their concerns? Yes. Thank you. Following on then coming to the second point, which I mentioned, and this issue may be explored in further detail that any potential compulsory acquisition hearing, but for the time being.

00:25:16:24 - 00:25:27:28

The examining source would like to learn a little more about the officer's approach to dealing with the issue of acquiring or otherwise seeking rights over land held by the National Trust with inalienable rights.

00:25:32:02 - 00:25:33:23

Julian possible for the applicant.

00:25:37:24 - 00:26:08:13

This is obviously in establishing the crops up from time to time. And as you say, it's really a compulsory acquisition point in that the National Trust is restricted as to what it can do with inalienable land. There are classic solutions to that where nevertheless works are required and inalienable land. And ultimately what counts is whether the National Trust is

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resist meaningfully resisting what is being proposed or is

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is.

00:26:21:01 - 00:26:44:04

Or there is sort of compulsory acquisition with intent, as it were. So I haven't refresh my memory as to what's in the statement of reasons as to the latest position. But we are engaging with the National Trust to to seek to agree an agreed by agreed way forward.

00:26:46:06 - 00:27:09:16

Thank you. If you've read my mind, you've answered my follow up question with that question. I don't want to go particularly deeply into this topic because, as you say, we will probably deal with it further on down the line. But for the benefit, the hearing could could you give us an overview of what's actually involved in acquiring ineligible land?

00:27:29:21 - 00:27:53:23

Got to be of the applicant. I am advised that this is a work in progress with the National Trust. I also understand Jane Kenny is their agent and and does a meeting in the diary in the not too distant future. So I think it's a work in progress for the time being. Would you like to respond further at line one in writing?

00:27:55:26 - 00:28:04:22

Yes, but I want to manage your expectations, and it may not. It's likely to say not much more than what I have said.

00:28:06:16 - 00:28:07:27

Is happening, which is.

00:28:08:10 - 00:28:23:20

Let me just finish this point, which is to come to that question asked for just for the benefit of those who are less well versed in the subject, what is actually involved in acquiring inalienable land? How does one go about doing that?

00:28:25:27 - 00:29:00:11

The essential point is that the National Trust can not agree to sell you inalienable land, and therefore, in the end it has to be done by compulsory acquisition. And so, for example, so happens to be the case that my firm also acts for the National Trust. So we acted for the National Trust in relation to Stonehenge, the DCM for that. And so there was, you know, just using that as an example.

00:29:00:13 - 00:29:20:00

That ended up with a situation where necessarily there was compulsory acquisition, but it was effectively it was done in the context of a wider negotiation between the promoter and the National Trust. And so the outcome of that will be a matter of public record and in that particular example.

00:29:22:10 - 00:29:24:00

Thank you all so much. Merci.

00:29:25:10 - 00:29:56:02

Um, just to say that both with relation to National Trust Land and Crown Land, it is our intention to seek an update quite regularly through the examination because in both matters your as stated in your statement of reasons, it's talks are ongoing, so we don't want to get too far down the examination. And I appreciate that both these matters do take the length of the examination to resolve, but we want to make sure that we keep the pressure up so there is some kind of resolution before rewriting the report.

00:29:57:14 - 00:29:58:00

Understood.

00:30:01:06 - 00:30:04:24

So before I move on, I would just check again whether any.

00:30:07:06 - 00:30:18:13

And raised anybody wishes to raise any further points on this particular agenda item. And I'm not saying that anybody wants to contribute. So we will move on to the next item on the agenda.

00:30:20:09 - 00:30:50:10

And I'll begin this topic by exploring the applicant's approach to securing retention, management and maintenance of both existing and replacement planting, such as hedgerow, hedgerows and trees. I'll come first to again to all of the interested parties and ask if they currently hold the view that the wording of the draft DCO is sufficient to secure the retention, management and maintenance of both existing and replacement planting for the lifetime of projects where this might be required and in all cases for a sufficient period of time.

00:30:51:27 - 00:30:57:18

I will use the same order that I began with. Must go to Norfolk County Council first. These.

00:31:01:10 - 00:31:31:29

Thank you, sir. I don't think I've got any detail response to make on this particular point. We are putting all local impact report together and will make we deadline one and there will be comments on other cultural issues. But I don't think just looking through all comments we've made to date, we have raised any objections or significant issues that there are detailed comments which I think will be best. Best place between writing in all local impact reports to. Thank you.

00:31:33:04 - 00:31:36:15

Thank you, Mr. Faulkner. I'm coming then to North Norfolk District Council.

00:31:40:09 - 00:32:03:09

Geoff Lloyd North Norfolk District Council. Yeah, we've read the requirements set out. It's going to level and requirements trial, but broadly happy with those. As I said earlier, it secures a ten year retention of a replacement planting period. We just like to reserve the right to make any minor suggested tweaks to the TCO wording as the examination progresses. But we're broadly content at this stage of what's being proposed.

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Thank you, Mr. Lion. Coming to South Norfolk, Broadland District Council, please.

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Clark Curtis. On behalf of South African Voting District Council, I echo north northwest view. We are broadly content. We have suggested some minor alterations to the requisite one of the requirements. However, that is obviously a discussion with the applicant. Thank you.

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Thank you. And then once more, coming to any other interested parties who may wish to raise anything.

00:32:46:18 - 00:32:51:00

And again, I see no hands raised, so I will. Come on.

00:32:53:12 - 00:33:02:11

Mr. Boswell, I will come back to you shortly. But perhaps I can ask you a follow up question before before you do respond

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in terms of specific, specifically identify or identifying which specific trees and hedgerows the applicant might seek to remove during the construction phase of the proposed development.

00:33:17:03 - 00:33:22:05

Can I ask you to briefly set out how these are identified at this stage? These.

00:33:23:22 - 00:33:26:02

I will ask my colleague.

00:33:28:18 - 00:33:48:10

Generous. Rodriguez, respond. Perhaps you could go through. We had, we weren't quite sure how you were going to play this one. So we've we've prepared a short sort of summary, and I think that you and Mr. Rodriguez will be able to answer your question in the course of presenting that.

00:33:50:05 - 00:34:47:24

Thank you. So yeah, you're he just for the Vegas for the applicant. You will hear us talking a lot about mitigation by design. So I think that is it would be good to take a bit of time to describe what we mean by reputation based on what we have done in the process. So where we had the the peer consultation, so once we finished the consultation, we had a very broad data set, if an emphasis were coming from, of course the community. So the people that to the community we got the feedback from their from their land owners as well as information from the owners we had, We have concluded most the majority of the quality surveys, including the Phase one Habitat survey, as well as a particular species that as you know, butterflies, those within defined like between trees, well known as that piece of trees that could have potential for better roosting that normally is sort of like a proxy as well for this sort of old inventories.

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We also had then the input from the different

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environmental as well. So we have for example, we also have archaeology. So as I said, it was a vast dataset. We put all that in my informant. So we have everything. And yes, so the Amelia with the assets. And from that then we had an integrated approach where we organized quite many workshops where everyone was in the room with all these different inputs, and there were pods and parts of the DCO boundary also within the capability to define the best solutions.

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So that always finding the one that will have the least impact. So in that sense, the approach has always been first avoids. So by keeping the sensitive sectors and sensitive features outside of the order limits. So the very first thing is avoiding and then if they cannot avoid them, then they are within the order limits. Then comes the next step of mitigation. So once again, I mean, of course we have aerial photography as well as part of all of this.

00:35:58:23 - 00:36:34:01

So with that we have identified a first instance. You could see that the sensitive features, we also had quite very many site visits that as well help to confirm the different features that we have that we have identified. And then based on this, we have also set up our our design as assets in areas where you could not avoid the features than, for example, having trenches crossing. So allowing the cable corridor to have to be widened so that we could have drones closing at those those points.

00:36:34:07 - 00:36:41:05

So with that is how we identified and how we defined the different crossings that we have in the crossing agreement that I sent you to that.

00:36:44:14 - 00:36:44:29

Thank you.

00:36:46:18 - 00:36:47:07

And.

00:36:49:27 - 00:36:51:22

I suppose, in in a similar vein.

00:36:53:14 - 00:37:06:02

The proposed methodology for securing the means of replanting at the appropriate time in the process, as well as identifying and securing the quantity of replacement replanting which might be required.

00:37:25:09 - 00:37:50:16

So, Colleen Goodrum, on behalf of the applicant, in terms of having obviously avoided or reduced the amount of hedgerow loss and treatment of possible play, there will be some hydro loss where the corridor will cut through and some tree loss intention is that hedgerows will be replaced on the longer line. They aren't at the moment, so they'll be 100% replacement

00:37:52:21 - 00:38:26:01

and the species of that will be dictated by the ecological management plan. But broadly, native species, again, feeding into this biodiversity net game strategy that we've adopted in terms of trees, clearly we cannot plant a tree directly on top of the where that where the cable is and stump of the easement. So again a like for like replacement in terms of numbers but in locations within the order limits but outside of the corridor the cable easement.

00:38:29:23 - 00:38:31:11

Thank you. That's. That's not it.

00:38:34:00 - 00:38:50:04

Does the applicant intend to submit during the course of the examination a camp construction environmental management plan or and outline of or a cultural management strategy or an equivalent document.

00:39:02:19 - 00:39:33:27

So they say obviously there's a construction practice, there's a outline landscape management plan, there's an outline ecology management plan which sets the broad framework, albeit there's quite a little detail in some of those documents in terms of replacement planting and mitigation. The intention is that those plans would be finalized post consent and the requirements may provision for that.

00:39:35:22 - 00:39:47:16

And the documents that you've just referenced mentioned, is it the applicant's view that these are sufficient to secure measures that you've just discussed within the draft this year?

00:39:49:07 - 00:39:50:13

Yes. Yes, it is

00:39:52:11 - 00:39:57:03

under the topic of landscape and seascape. We've had three

00:39:58:23 - 00:40:08:22

expert topic groups with all the stakeholders, and these matters have been discussed as part of that. So there's a fair amount of confidence amongst the parties that.

00:40:10:26 - 00:40:24:22

The strategy strategies that those documents set out are appropriate and that it would be appropriate to fill out the detail post consent. Not dissimilar to many other developed processes.

00:40:29:16 - 00:40:33:01

And where are these documents secured at the moment within the draft this year?

00:40:36:14 - 00:40:41:13

I believe it's requirement 11 and 12, but my colleagues will.

00:40:42:29 - 00:40:43:26

With that.

00:40:46:00 - 00:40:51:12

Think 13 is probably the ecology management plan, but then just checks and

00:40:53:11 - 00:40:54:06

ten is 11,

00:40:56:00 - 00:40:57:19

11 is landscape, isn't it?

00:41:01:18 - 00:41:05:15

And 13 is ecology requirement 11 and 13.

00:41:08:23 - 00:41:10:20

Thank you. And.

00:41:13:09 - 00:41:29:04

Remaining for a brief moment longer with the disco part seven, which is subtitle Miscellaneous in general I some. By some 3435 of that section.

00:41:32:06 - 00:41:35:27

Do you believe that the wording of that is sufficiently strong to.

00:41:38:05 - 00:41:42:14

To sufficiently control the management of trees within.

00:41:44:02 - 00:41:44:21

The order limits.

00:42:18:06 - 00:42:31:07

Jimbo's opening that can. Yes. I mean, we think we followed practice from other discos. We have no excuse. But there's a particular concern that you have. It would be helpful to understand it.

00:42:33:07 - 00:42:40:24

I suppose my my question really is what defines reasonably in this case, I suppose,

00:42:42:18 - 00:42:57:13

and I suppose it takes the question to, to the end of the process where the. Without sufficient control, the question of what, what is reasonable to remove is left in the hands of a contractor unless it's defined

00:42:59:13 - 00:43:11:27

what, what is there to prevent a contractor at this stage to make a judgment call on what they believe is a reasonable tree? Because it's a little bit in the way. Where it may not otherwise need to be removed.

00:43:14:25 - 00:43:17:10

Or indeed may not be desirable, to be honest.

00:43:28:03 - 00:43:29:13

Two members of the applicant.

00:43:34:05 - 00:44:12:29

I suppose in the end, one can't keep defining and defining everything. I think the headline position would be that reason be is given its natural meaning. Your point then is well, what criteria is going into reasonable ness? And it must be some kind of balance between what the impact of not doing that thing is compared to, you know, what the need is to to do it. I'm not aware that this wording, as you know, is regarded as problematic from the various schemes that it's been applied to.

00:44:14:02 - 00:44:44:01

And so it's in the context of if in the worst case, if somebody was abusing that, as I said earlier on another point. And perhaps surprisingly, this regime is is directly criminal. So if you are in breach of a requirement, you are potentially committing a criminal offence and you could be prosecuted. So I think that does provide discipline on contractors not to abuse that.

00:44:45:22 - 00:44:49:20

I understand the points. I think.

00:44:51:14 - 00:45:20:24

West. I'm not familiar with all of the the other the cases that you cite. It may well be the case that the wording may not be too similar at all, but it could well be that the those applications were supported by more detailed information about which trees were identified as being suitable for removal and more importantly, perhaps which were not. And that is information which I feel is lacking at the moment and wonder whether

00:45:22:11 - 00:45:35:28

a suite of information which more clearly defines those matters would help to strengthen this issue. Sir, can I ask Mr. Goodrem to supplement what I what I've said? Because I think it will assist

00:45:38:06 - 00:45:46:14

as a further piece of information. There will be a pre-construction ecology survey which will have further detail to trees which are in the vicinity.

00:45:48:03 - 00:45:49:24

But on a more general point, then

00:45:51:12 - 00:46:01:20

clearly there will be a contract in place between Equinor and the contractor to implement the work. And in terms of landscape work, if you take,

00:46:03:08 - 00:46:12:15

for instance, the CNI, the Joint Council Landscape Industry Standard Contract for Landscape works on this site that includes clauses that

00:46:14:06 - 00:46:19:12

contractually bind the contractor not to remove trees, which on

00:46:22:00 - 00:46:49:04

that which which without permission, if you like, and the contractor would be supervised on site by landscape trunks of work. So I think the controls that because clearly on any construction site a contractor can potentially cause the damage to do something it shouldn't. But it's it's it's their duty of care as a contractor. And any contract contract is in place provides the controls.

00:46:51:24 - 00:46:58:11

So that's that. I would say it's very much of a it's a post consent, it's a contractual issue, and

00:47:02:01 - 00:47:05:00

that should be sufficient, in my view, on a project of this nature.

00:47:07:12 - 00:47:17:03

Thank you. So I will close this site shortly. But in closing off now, I guess I'll finish by just asking that whether you

00:47:18:19 - 00:47:37:16

were asking you to confirm perhaps that you are of the view that we examining authority don't need to have a site during the examination of trees, particularly which it's believed should not be removed within, you know, not so not at this stage.

00:47:39:07 - 00:48:10:26

A. Requirement 1180 requires details of plants, of trees and hedges to be removed and retained to be included in the landscape plan to be approved by the LPA. So there is a known involved. The LPA through that request understand. But you don't believe that's something that needs to come before this examination. Not that level of detail. No, not the nature of this project. Okay. I will I will just put that question back to the floor, if you like.

00:48:11:13 - 00:48:19:06

So coming back to interested parties again, beginning with North with Norfolk, the Norfolk County Council, please.

00:48:22:28 - 00:48:29:03

Thank you, sir. I don't think I've got any further comments to make and defer to my colleagues, the district councils. Thank you.

00:48:30:26 - 00:48:34:16

Thank you, Mr. Faulkner. Coming to North Norfolk District Council, please.

00:48:35:27 - 00:49:14:01

Thank you, Chef. Lyon, North Norfolk District Council. So although we've said we've got lots of greens in our statements of common ground, we did raise with the applicant a couple of issues just before Christmas. First, today is about Weybourne Woods, because there is an area, I think it's a hundred by 50 metre area of woodland that will be cleared out for a drill entry exit compound. So we've asked for the applicant just to explain how or where the replacement trees would go for those that are lost within that sort of area. So just to get us, ask for a bit of clarification on that, because we would prefer to see replacement trees as close to where they're being lost.

00:49:14:05 - 00:49:46:25

So rather than just being there and being replaced somewhere else miles away, we would like to do that as close as we can to where they're being lost. It's pleasing to see that that will be within the red line limits, but also need to be clarified that we can provide the necessary replacement. So for Weybourne Woods, also we've raised questions about important hedgerows that currently there does not appear to be an assessment in line with the HEDGEROW regulations of 1997. So it's not possible to assess the impact of the cable corridor on important hedgerows.

00:49:46:27 - 00:50:05:21

So that's been flagged without the guidance. But if you're aware today and also we've noted the comments from South Norfolk Council about the lack of certainty about note that no agents or veteran trees will be impacted along a DCO. And we've also requested clarification from the applicant on that point. Thank you.



00:50:07:22 - 00:50:12:11

Thank you, Mr. Lyon. I will. Come on then. To South Norfolk. Important District. A place.

00:50:13:18 - 00:50:46:15

Good afternoon, sir. My name is Cassandra and I'm the ecology and biodiversity officer for South Norfolk Council. And I've got a statement from Hugh Cockles, who's a quality biodiversity and tree manager from the councils. So it's an answer to your question previously and also relates to points two and three. So currently and reiterates what Geoff Line sets the currently, we do not have some of the information. So the submitted aquaculture report says there are no ancient woodlands or veteran changes within the DCA boundary.

00:50:47:09 - 00:51:22:10

This is based on the results of desktop survey using available data from ancient tree inventory and records of known trees. And the same applies to ancient woodland. Whilst this is useful when the ancient woodland inventory was drawn up, it did not include woodlands less than two hectares in size. So there are still many smaller ancient woodlands which are not recorded. The ancient tree inventory is constantly being updated and again, there are still many veterans which are not recorded in order to fully assess the impacts on ancient and veteran trees that would be necessary to provide a full survey of the entire DCO boundary.

00:51:22:21 - 00:51:58:02

And this will allow for an implication assessment to be prepared and a method statement and tree protection plan for the whole of the route. And with this information, we will note the implications and be able to implement adequate protection, which would in turn prevent unnecessary damage and loss of trees. So in line with the Forest Commission and Natural England setting advice on protection of edge and trees, fetch and tree buffer zones should be identified so that 15 times the stem diameter or five metres outside the canopy spread, whichever is greater. So given this trees which are outside the DCO boundary which could be implicated, should also be identified.

00:51:59:01 - 00:52:11:10

And I'd also like to reiterate Geoff's point that the hedge survey has only identified hedges of ecological importance under the hedgerow mix, and they have not looked at historical importance. Thank you very much.

00:52:14:09 - 00:52:15:17

Thank you, Mr..

00:52:17:12 - 00:52:21:12

Are there any other interested parties who have any comments at this stage? Please.

00:52:23:00 - 00:52:55:13

Jonathan Betts from the Norfolk Parishes Movement for an Offshore Transmission Network. I noticed there was reference to significant replanting of trees and hedgerows. And of course we've just come through one of the hottest summers on record. So I wonder what provision the applicant has made for the continued viability of trees and replanted trees and hedgerows to ensure that after they are planted, they do actually survive and become what they should become.

00:52:57:16 - 00:53:04:16

Thank you, Mr. Betts. Before I come back to the applicant, I always check whether there are any other interest.

00:53:11:08 - 00:53:12:10

Julian Bond with them,

00:53:14:04 - 00:53:21:08

as both North and South America have indicated, and remembering that this is a strategic discussion.

00:53:23:08 - 00:53:57:11

There's an ongoing engagement in relation to the sense of common ground, and I think it's better that we take forward those points in that context than we can reply either to a written question that comes up on the same subject or in in our deadline. One response today to those points. In terms of Mr. Betts, his point about replanting, there's a provision in requirement 12 two that secures replanting of trees for a ten year period which is intended to address the point that he's raising in terms of Mr.

00:53:57:13 - 00:54:01:22

Allister's point about criminal enforcement.

00:54:03:10 - 00:54:10:03

I think the general view is that that's a matter as part for the local planning authority, as part of its

00:54:12:28 - 00:54:15:24

the discharging authority in relation to

00:54:17:10 - 00:54:20:01

in relation to the requirements under the DCM.

00:54:24:04 - 00:54:24:19

Thank you.

00:54:26:11 - 00:54:33:03

If there are no further points to be raised on this item, I will then move onto the next agenda item.

00:54:34:21 - 00:54:40:17

Missing the conference was a question from all this about prosecution.

00:54:40:19 - 00:54:43:03

Who was the most exciting?

00:54:46:20 - 00:54:56:21

I. The next item on the agenda does follow on somewhat from before we move on, Mr. Lyon, you have your hand up. And I don't think.

00:54:57:04 - 00:55:15:27

It was just a very, very quick point. You have him saying it really matters to the statement of common ground. Some of these messages about waving words, important hydration, ancient trees wasn't covered in statement of common ground. So maybe we just need to adjust that to make sure we do get those covered. It will be covered in our local impact reports, of course. Thank you.

00:55:17:11 - 00:55:21:22

Thank you, Mr. Lyon. Mr. Posselt, you have anything further to.

00:55:24:12 - 00:55:26:20

I will then move on to the next agenda item.

00:55:28:19 - 00:55:49:23

This was touched on by Mr. Mr. from South Norfolk District Council. This topic was. The Woodland Trust in their relevant representation Examination Library Reference r115 have identified Ringland culvert as an area of ancient woodland, which will be subject to likely direct loss and or detrimental impact

00:55:51:14 - 00:55:55:20

in order to facilitate the proposed or as a result of the proposed cabling works.

00:55:57:27 - 00:56:03:18

I've been unable to find within the app to consult or a cultural report which is in vivo.

00:56:05:03 - 00:56:05:27

It's been a long day.

00:56:07:23 - 00:56:11:03

Examination Library App 228.

00:56:13:07 - 00:56:38:20

Any any indication of oh, or records of ancient trees or ancient woodlands find within the DC boundary. Can I just ask the applicant to clarify this position where we appear to be being told by Woodland Trust that there are in fact areas of ancient woodland which the cable corridor crosses through versus statements made by the applicants in their application documents.

00:56:53:11 - 00:57:51:05

Educators are the biggest for the applicant. So we have set goals, all the information we have to use, part of the information we have. One of the layers we have in our mediation by design that I referred to to begin with, clearly these databases, the we that were mentioned. Knowing that they are not complete and they have pitfalls. But of course the more inputs you get is like how you complete databases to start with. And of course we have they're real they're real images. Now, we had this idea believe. So while everything that has been recognized as Asian, wouldn't we have definitely avoid them by the routine of the cable corridors that we have avoided that where we have found any sort of woodland, whatever it has been, fine, If he has been or not in the database, any woodland that we have found, we have then widened the corridor to accommodate the possibility of the interest in, for instance, crossing them.

00:57:51:14 - 00:58:16:20

So regardless, if it is said in a definite database that that is Asian woodland or not saying that if they're missing an issue, we're going to be able to find still when we have done them the cable route and we have avoided with then altogether when possible and were not possible, we have incorporated more space with this closing possibility of the sites.

00:58:18:28 - 00:58:19:19

Over the fence.

00:58:20:00 - 00:58:30:12

I'm going to ask Mr. Goodwin to supplement that. And just to be clear, sir, the request, the query that it would not just have risen. Is there an engine woodlands?

00:58:32:07 - 00:58:44:15

You heard a moment ago about the the inventory of veteran ancient trees, which is a partial database in terms of ancient woodlands. It's a very exacting basis maintained by.

00:58:46:18 - 00:58:59:22

Therefore I think original natural England, and that is the database. So we can say we are not affecting ancient woodlands. That concern was to do with dust and air pollution.

00:59:01:24 - 00:59:11:22

Robyn, That's a concern they raised. But in terms of cutting through and I wouldn't we're not doing that. Can I ask you to double check that. My, my.

00:59:13:18 - 00:59:43:03

Notes here at quotes. The Woodland Trust is saying that there the England culvert is an area of ancient woodland which will be subject to likely direct loss and or detrimental impacts. They write those sounds fairly clear to me. We can check that It may be the semantics of ancient woodland cattle. A little late, so we can check that stuff. Thank you. Yeah. I think general clarification on this point would be would be very welcome, please.

00:59:47:00 - 01:00:00:01

As as we covered this, I believe, in terms of IP responses. Interested parties responses. Again, I will quickly double check, but I'm wondering whether there are. Mr. Aldous, please go ahead.

01:00:02:03 - 01:00:32:17

Thank you, sir. If I may just return for a moment. The question of enforcement. Answer any cases of precedent where a local planning authority has followed through with enforcement by recourse to criminal proceedings in connection with a development consent order after consent. And what is the monitoring mechanism which sets that in motion? Does the applicant know of any precedent that we could hear about? Please read about. Thank you. Thank you, Mr. Otis. Mr.

01:00:32:19 - 01:00:33:04

Boswell.

01:00:34:25 - 01:00:37:19

Julian possible for the applicant.

01:00:40:10 - 01:00:48:21

I'm not aware of a specific example of enforcement action being taken in that way pursuant to a DCO in

01:00:52:09 - 01:00:53:24

terms of monitoring.

01:00:55:29 - 01:01:28:25

My experience over the years is that most monitoring, as it were, takes place in the form of members of the public making complaints to planning department enforcement teams who then investigate and do more than just decide that it's expedient. That's the key word in the mainstream regime to conduct enforcement. So you won't be surprised to know that I don't know everything about every DCO that's out there. So it's possible that there has been enforcement regime.

01:01:29:08 - 01:01:45:03

But you may be reassured to know that lawyers like me tell clients like equine rule on a fairly regular basis that they are at risk of criminal proceedings if they don't respect the DCO. And I believe that message filters down to contractors.

01:01:47:29 - 01:01:57:00

Thank you, Mr. Boss. Mr. told us to answer your question. Thank you. We do have a hand raised online. Mr. Curtis.

01:01:58:12 - 01:02:20:24

Clarke, her two sets of Wimbledon counsel. It is a point of order. So can I just raise that? My representatives are on behalf of both South Norfolk and Broadland District Council. They are two separate councils. They just have one officer team. So in some of the conversations we've been referred to as representing South Norfolk and I just wanted to make that clear.

01:02:21:21 - 01:02:32:01

I am aware we, we as an examining authority are aware and I apologise for my abbreviation. I'm missing out an entire district council. I went there not to do that again.

01:02:36:20 - 01:02:39:13

We have got one of the hundreds that looks like.

01:02:42:14 - 01:02:46:24

Online. Is there anybody else online? Now a legacy hand.

01:02:48:10 - 01:02:54:07

Okay. If there are no other comments raised on this agenda item, I will then move on.

01:02:56:14 - 01:03:00:21

So coming on to agenda item ten and Seascape Matters,

01:03:02:15 - 01:03:32:25

Natural England and its relevant representation makes the case that the existing offshore wind farm installations have a compromising effect on the statutory purpose of the Norfolk coast area of outstanding natural beauty. And in keeping with my running order at the moment, I will go to interested parties first to ask them whether they agree with this point of view. And again, I'll come to Norfolk County Council first.

01:03:36:15 - 01:04:06:28

Thank you, sir. I can confirm that local county council has not raised any objection to the offshore wind proposals. And indeed, our only comment really on landscape and visual impact is to say that as an authority, we we agree with the LBI al lv i a the landscape visual impact assessment undertaken by the by the applicant. But I'm happy to defer to my colleagues.

01:04:07:03 - 01:04:09:00

District Councils. Thank you, sir.

01:04:11:01 - 01:04:51:20

Thank you, Mr. Faulkner. We are talking about seascape now. So you. You perhaps inadvertently meant seascape rather than landscape or. You referred to the CIA rather than the CIA, which is a separate document. Can I take it that your statement still stands in terms of your agreement with it? Can I take it then, from your response that you don't agree with natural England's point of view that the existing offshore wind farms which are in place have a compromising effect on the statutory statutory purpose of the area of outstanding natural beauty? That's right.

01:04:52:12 - 01:04:56:14

The County Council County Council does not raise any objection on that basis.

01:04:58:14 - 01:05:01:24

Thank you, Mr. Faulkner. I'm coming then to North Norfolk. District Council Police.

01:05:03:13 - 01:05:13:21

Chief Martin North of a District Council. We've not raised the impact on hearing because a particular point. So we're not. We're not putting forward arguments and an examination.

01:05:15:26 - 01:05:21:15

Thank you, Mr. Lyon. And then I will come to South Norfolk and Broadland District Council, please.

01:05:23:10 - 01:05:30:15

Thank you, sir. I like her to staff Norfolk and Broadland District Council. We've got no comments to make in respect of that. We aren't raising any objections.

01:05:32:18 - 01:05:39:13

Thank you. Are there any other interested parties that wish to raise anything on this? Before I go back to the applicants.

01:05:45:08 - 01:05:52:09

Doesn't look like it. Mr. Boswell, is there anything that you or anybody else would like to add on this agenda item at this point?

01:05:56:18 - 01:05:57:27

Julian Boswell for the applicant.

01:05:59:18 - 01:06:15:02

From our perspective, in terms of the existing wind farms, they're part of the baseline and the baseline is agreed and the analysis goes from from there. So if this is getting at the

01:06:16:23 - 01:06:35:28

unusual argument that the I believe I'm making that I'm sorry that natural England forgive me, is making that the somehow that's supposed to be an assessment of the baseline, whatever that means, then we don't agree with that approach and we don't think that is an accepted approach.

01:06:38:25 - 01:06:56:18

Thank you. That was the answer to item three and under this. But that's fine. I think given that we've gone there already, I will perhaps shortcut some of this by asking. I think I know the answer already, but I will ask the interested parties present whether they.

01:06:58:04 - 01:06:58:19

Agree.

01:07:00:09 - 01:07:03:23

Again coming to. Norfolk County Council first.

01:07:07:12 - 01:07:15:06

So can you just clarify the question again? So. Agreed to watch. That's natural. England's.

01:07:17:19 - 01:07:31:27

Nothing and have essentially put forward the case that a cumulative impact assessment should be undertaken to inform the environment, environmental impact assessments and to ensure that both SEP under.

01:07:33:27 - 01:08:04:16

Or to ensure that the impact of both SEP and DEC on the statutory purpose of the area of outstanding natural beauty in the context of existing offshore wind farms can be made. They are making the case

that the that the baseline. The current baseline. Which includes offshore wind farm installations, is detrimental to the area of outstanding natural beauty. You have, to a large extent already answered the question. I'm just double checking that you that you agree with the point of view which that which is that they disagree with that point of view.

01:08:06:08 - 01:08:08:23

Yeah. Yes I agree with that. Thank you.

01:08:10:11 - 01:08:14:00

Thank you. And coming to North Norfolk District Council office.

01:08:15:23 - 01:08:17:23

All right. Jeff Lane of the District Council.

01:08:19:08 - 01:08:23:23

I mean, we're of the view that, yes, there will be change to the seascape. You'll see

01:08:25:11 - 01:08:57:17

turbines that will appear much taller than those that exist on the horizon. So clearly there will be a change to what people will perceive from from shore. Whether that's significant or harmful to the special qualities A and B is a money judgment point from my perspective, and that we as a district, we declared a climate emergency in 2019. So we're taking a more pragmatic approach that actually, yes, there might be some you could argue there could be some harm to the seascape from the proposal.

01:08:57:26 - 01:09:14:12

But actually, when you weigh in the balance, the benefits, the benefits of the proposal, we so that would outweigh the seascape. So we're we're not that's why we're not suggesting that the scheme would have an overall harmful impact on on the special qualities of the area to be.

01:09:17:13 - 01:09:22:20

Thank you, Mr. Lane. That's noted. And then coming to South Norfolk and Broadland District Council, please.

01:09:25:12 - 01:09:34:15

Clerk her to the South Norfolk Board and District Council. I concur with the few points I've just been made. As a district counsel, we haven't raised an objection in respect of that.

01:09:37:13 - 01:09:38:12

Thank you, Ms.. Curtis.

01:09:41:15 - 01:09:59:14

So would Julia. Most of the African. I wonder if it would assist that Mr. Goodrem just took Hughes through in the headline terms. Our position, and particularly throughout the distinction between natural beauty and the cell, the. I think it might help. I'd be happy to hear that.

01:10:02:29 - 01:10:05:06

Colin Goodrum for the the applicant.

01:10:07:01 - 01:10:26:13

So you're obviously familiar with Elvia and SBIR and the Blue Book and all of the detail within those. And clearly what our job has been in order is to assess the effect on character and views both in the seascape assessment as well as the landscape assessment.

01:10:28:16 - 01:10:35:07

And there is an additional assessment in relation to the impact on the on the special,

01:10:37:10 - 01:10:44:27

on the on the HMV itself. So within the seascape. We

01:10:46:21 - 01:11:33:24

we assess the effect. In lands in seascape and visual terms on the day when B and we assessed that as moderate slight adverse. So we do assess that within the seascape. We also look at receptors. So within and on PET this way there's the significant visual effects arising from set as there are in relation to viewpoint between Blakeney months, Mundesley and there's a specific viewpoint we looked at in sharing them all the zebo, which currently you can't have that health and safety issues where there were significant visual issues, that significant issues are just restricted to the that is way.

01:11:34:10 - 01:11:44:27

So that's very much within the seascape character and visual. And would assess them in terms of natural beauty. Then

01:11:46:16 - 01:11:57:25

it's the Norfolk Coast Aonb partnership that's responsible for managing the A20, as well as defining what the special

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character is of natural beauty. And there.

01:12:06:10 - 01:12:31:08

That they've done that. They did this originally. The designation was designated 68, and then early in the noughties, there was the first management plan, which is no longer available digitally. The 2014 219 management plan is the current management plan, and it defines natural beauty

01:12:33:24 - 01:12:36:23

in relation to the management plan

01:12:38:16 - 01:13:16:14

says natural beauty comprises. And natural beauty is obviously broad in landscape, its distinctive landscape biodiversity, geo diversity, historic and cultural environment. So those that cluster of character contributes to natural beauty, and it was split into seven different categories. We've looked at the impacts on those human beings as that called qualities of natural beauty within AP 311, which is the the assessment, see, and

01:13:18:06 - 01:13:32:23

that draws on work from the whole team in terms of biodiversity ecology. So it's more than the broad landscape point. And we agreed through the ETG process that in relation to this project then.

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Natural beauty criteria two, three and six were relevant. The rest of them don't have a bearing. What the partnership did back in 214 219 management plan was to assess the status of natural beauty. And what happened between the original time that designation and that plan was that sharing with Michelle was constructed. So there was an offshore wind farm out there in the baseline and they recorded that.

01:14:11:06 - 01:14:48:15



And just to be clear, that those the status of those natural beauty criteria is either amber is either green good in good stead? Amber there's a few threats or red. And if it goes red, it means that the natural beauty is no longer conserved or enhanced. So in terms of the purpose of this Ignatian. If if a criteria goes red, the integrity of the genuine bay is is clearly is a problem really. So within the 214 and 219 plan, the those three criteria the were referred to two, three and six.

01:14:49:05 - 01:14:55:28

Remoteness, tranquility, etc. were either amber or green. And the

01:14:58:01 - 01:15:08:26

criteria number three went from green to amber because of the development of sharing. So I and what that what they were really saying is that

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in terms of the wildness of the North Norfolk coast, A when they.

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Then those open views out to see a windfarm appeared, which they recorded as a threat to tranquility, but not such that you've lost that special purpose. So that was the that was the baseline that we so that comes back at this point. But very much wind farms are in the baseline. They're agreed as recorded within the human beings partnership and documentation. So that's why I think that there is agreement. You've heard that from stakeholders.

01:15:49:07 - 01:15:55:23

So we took that status and we have subsequently assessed the impact of

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step and DEP and clearly we're adding larger turbines into those into the views. And you've seen the wildlife and some ontologies, and it's our judgment that

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those criteria are the quality of natural beauties. None of those tipping into red as a consequence of developing it. And that's taking all factors that we've considered within that report which covers everything. So that is why we say, yes, there's adverse effects on the human being in terms of visual landscape, but in terms of the assessment of the impact on the air, you embed itself as a protected landscape.

01:16:43:21 - 01:16:51:14

Then it is conserved, it is enhanced, which is obviously the test that you need to consider in your in your considerations.

01:16:54:06 - 01:17:36:25

That was quite long, wasn't it? I'm sorry. That's. That's fine. It was. It was helpful. Can I just ask you to repeat the last couple of sentences? I just want to be clear that I've understood what you're summarising. What? On summary that I'm saying that in terms of the the cell beyond the court's adverse effects, in terms of views. In the in the so if I'm a receptor in and I won't be in certain location adverse effects which are significant one or two locations that's a separate matter from the A and B as a designated landscape.

01:17:38:27 - 01:18:06:18

Protecting and enhancing natural beauty is the requirement. What I'm saying and what our assessment does is that it confirms that the that the conservation and enhancement of natural beauty is retained.

It's still in place. So the integrity of the human body is not threatened in that sense. Okay, I understand. Thank you. Excellent. Thank you. It's.

01:18:09:04 - 01:18:16:10

It leads me on quite nicely into the final item of the agenda for before we go into a break,

01:18:18:00 - 01:18:47:07

which is, as you know, that are well aware that natural England holds an opposing point of view, it's yours. And they've made a point within their relevant representation of highlighting what is an early stage in the examination, that it is unlikely that they will reach agreement or that there will be agreement reached between natural England and the applicant. On the significant significance of effects from the proposed development.

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So depending on the point of view, this could be seen as quite pessimistic or merely pragmatic

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based on past experience. Nonetheless, I think the examining authority believes that both the examination as a whole and most certainly our recommendations to the Secretary of State would benefit. Both parties were able to reach agreement over matters as a general principle.

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Can you.

01:19:18:29 - 01:19:25:07

Suggest any specific factors or or issues,

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not so much which would prevent an agreement, but any work that you can do to aid agreements between yourselves and natural England on this point specifically, but general points as well.

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Yes. Could jump for the applicant. I'm happy to do that, sir.

01:19:48:11 - 01:19:52:06

Natural England contributed to all of our three digs. And

01:19:54:01 - 01:20:12:23

whilst there is this single point about. The additionality of adding get into those views that the CIA point that they raise, which we do not accept because of this point about the existing wind farms are part of the

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baseline.

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So despite that fact in terms of.

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Well, in terms of your question of factors, then, is that we broadly agree about methodology.

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We broadly agree

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about an awful lot of the assessments

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in their peer response. And given

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the assessment at the peer stage,

01:20:47:28 - 01:21:03:29  
with the exception, I think about one judgment is is carried through into the final assessment. And what what they describe there was in fact, they raised the peer that we would likely to end up as an agree to disagree position.

01:21:05:21 - 01:21:20:04  
And their specific response, which my notes tell me, it's paragraph 57 of the of their peer response, which is appended to their relevant representation. Said there is in fact little difference between the applicants judgment and our own.

01:21:21:27 - 01:21:41:12  
And they suggest that it was simply a matter of difference in professional judgment and interpretation of the evidence. So and it's it's it won't be the first time that landscape architects professionally qualified and experienced landscape architects have a slightly different view of judgments. You encounter that before. So undoubtedly.

01:21:44:10 - 01:22:00:22  
There's a lot of agreement about the overall assessment, but they are maintaining this position in relation to the additionality point. And I would characterize that by saying, well, let's take it into a different development scenario.

01:22:02:10 - 01:22:06:10  
I've got a dual carriageway project where I'm dualling this single carriageway.

01:22:08:09 - 01:22:16:12  
If you take natural England's on from as I understand it, you'd almost take away the single current the existing single carriageway at the baseline.

01:22:18:15 - 01:22:53:29  
Then assess the impact of that road which is already there, and then assess the impact of the job of doing it. And I think that. To me, it just it's not normal practice and it it doesn't make a lot of sense. And therefore, we we sort of struggle to agree on this point because of the other factor is they they have agreed that the offshore wind farms are part of the baseline for the sale by. So to take it out of the equation in terms of the assessment of value and B, which is where they're coming from, just doesn't quite make sense sense to us.

01:22:55:08 - 01:22:57:12  
So we aren't going to agree on that.

01:23:00:09 - 01:23:41:05  
They've also there's another factor where they have a and it comes this additionality point, which is they've used a technique which is essentially a mathematical technique in relation to the apparent

height. And you'd have seen from their representation lots of maths. Basically that technique is correct mathematically, and it was a tool that SNH developed in order to understand what is the effect of the curvature of the earth, because clearly distance, curvature of the earth means you lose visibility of the bottom of the turbine.

01:23:42:03 - 01:24:09:02

And that technique is very valid in terms of understanding how much the turbine you lose. And it's one of the tests we would use in terms of making sure our subtle intelligence are correct, for instance. What they then do is set an arbitrary you think is point ful increase where potential significant effect could arise. So it's an abstract. Process which.

01:24:11:23 - 01:24:41:27

Demonstrates well how much larger the turbines will look. But that's the information that gives you the actual assessment is what you would do in the field. And clearly, we've had the balance sheet doing a very thorough and full field based SBIR. Natural England. Understandably, their resources means that they can review our work. Don't you agree with it? I think applying this apparent formula.

01:24:42:29 - 01:25:14:23

In my mind, I think has somehow increased their judgments on significance, which is why I think we're a little bit far apart. But I mean, when I say that they're not they're not here to explain some puts you in some difficulty. I understand that, sir, but that's my interpretation of. Why we can't agree. Perhaps then some of the judgments, and I would expect you actually. But we do have a fundamental difference in terms of the A and B additionality point.

01:25:15:25 - 01:25:17:14

Which we won't agree and

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is inconsistent with natural England's approach that a full. Which was which was related to science we'll see which we were involved with. So

01:25:29:23 - 01:26:05:07

it isn't a consistent approach. Natural England. Okay. Thank you. As you say, natural, natural England aren't here to to respond in person to to some of the issues that you depress. But we will we will make an action point to ask them both the same question that that I'm asking you with to in terms of finding common ground rather than areas where you agree to disagree. And what more can be done from from their points of views as well as from your point of view, which you which you've answered.

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But but also we will ask them to

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perhaps, if possible, provide some further information to support their points of view on this matter.

01:26:19:19 - 01:26:28:14

Before we adjourn for a short break, I will just ask whether there are any other interested parties that have anything that they wish to raise on this agenda item.

01:26:32:12 - 01:26:37:21

And I'm not seeing any hands in the room or online. So with that,

01:26:39:08 - 01:27:03:24

I will say that it is now 3:43 p.m. and we will take a short break at this point and resume at 4 p.m.. For attendees online, if you decide to leave the meeting during the breaks, then you can rejoin using the same link provided in your invitation email. If you're watching the livestream, then please refresh your browser to see in each subsequent session. Thank you and see you shortly.