



Hearing Transcript

Project:	EN010130 - Outer Dowsing Offshore Wind Project
Hearing:	Issue Specific Hearing 3 — Part 1
Date:	5 December 2024

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TRANSCRIPT_OUTERDOWSING_ISH3_SESSION1_05122024

Thu, Dec 05, 2024 1:01PM • 1:56:59

00:05

Good morning. It is now 10am on Thursday the fifth of December 2024

00:10

and time for this hearing to begin. Before I proceed any further, can I just confirm that everybody can hear me clearly? You

00:23

I'm not seeing any No, so I'll take that as a yes. Can I also confirm with the case team that the live streaming and recording of this event has commenced? Yes, it has. Thanks. Thank you. Mrs. Harroway, I would like to welcome you all to this issue specific here in three in relation to the application made by GT r4 Ltd, trading as outer dowsing offshore wind for an order granting development consent for the outer dowsing offshore winds project. This hearing is being held online only. My name is Gavin Jones, and I have been appointed by the Secretary of State to be a member of the panel to examine this application. I am now going to ask the other panel members to introduce themselves.

01:09

Good morning. I'm Rod MacArthur. I'm the Lead member of the panel examining this application. Today I'll be covering the agenda items relating to design.

01:20

Good morning. I am Gaura Joshi. I'll be leading the agenda. Agenda Item 3.6 traffic and transport.

01:28

Good morning. My name is Mark James, and I'll be leading the items relating to seascape, onshore, ecology and ornithology, as well as land use and soils.

01:38

Good morning. I'm Claire meganson, and I'll be leading agenda item, 3.2 landscape and visual effects and 3.5 Historic Environment. Thank you. Together, we constitute the examining authority for this application. We are also supported online today by Louise Haraway, the case manager and Georgiana Hannigan the case officer for the application.

02:03

This meeting will follow the agenda published on the national infrastructure planning website on the 26th of November, the examiner, the exam. Library reference for this is EV 7001,

02:15

it would be helpful if you had a copy of this in front of you. The agenda is for guidance only, and we may add other considerations or issues as we progress, we will conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. But if the discussions can't be concluded, then it may be necessary for us to prioritize matters and defer other matters to further written questions. Likewise, if you cannot answer the questions being asked or require time to get the information requested, then can you please indicate that you need to respond in writing?

02:52

Today's hearing is being undertaken virtually, using Microsoft Teams, we will make sure that you will be given a fair opportunity to participate for those people observing or participating through teams, in order to minimize background noise, can you please make sure that you stay muted unless you are speaking,

03:11

if you are participating virtually and you wish to speak at the relevant point in the proceedings, please use the raise hand function in teams. Please be patient as we may not get to you immediately, but we will invite you to speak at the appropriate time. I would also like to remind people that the chat function on Microsoft Teams has been deactivated if you don't manage to ask your question or raise your point at the relevant time, there will be an opportunity at the end of the meeting to raise this under Agenda Item three, point 10, any other matters arising,

03:44

a recording of today's hearing will be made available on the outer days in offshore wind farm section of the national infrastructure planning website, as soon as practicable after the hearing has finished.

03:56

Bearing this in mind, please ensure that each time you speak, speak clearly into the microphone, stating your name and who you are representing,

04:06

a link to the planning inspectorates privacy notice was provided in the notification for this hearing. We assume that everybody here today has familiar, familiarized themselves with this document, which establishes how the personal data of our customers is handled in accordance with the principles set out in the data protection laws. Please speak to the case team. If you have any questions about this. We

04:31

will try to adjourn for a short break at an appropriate time during the morning and the afternoon, and there will be a lunch break scheduled. We shall endeavor to get through all, or as many items that representatives from Lincolnshire County Council and the district councils may wish to speak on during the morning as we are aware that they may not be available in the afternoon.

04:56

Okay, I shall now turn to the introductions. I'm now going to ask those.

05:00

Of you who are participating in today's meeting to introduce yourselves, I appreciate we've got quite a few people today when I say your organization, organization's name, please. Could you introduce yourself, stating your name, who you represent, and which agenda item you wish to speak on? If you're not representing an organization, please confirm your name, summarize your interest in the application and convert confirm the agenda item which you wish to speak upon. Please. Could everyone also state how they wish to be addressed? For example, Mr. Mrs. Miss or miss? Can we start with the applicant and then any of their advisors? And I appreciate we've got quite a few today. So perhaps you might wish to introduce them all, or you might wish to just introduce those for the first couple of agenda items and then introduce people as we go along during today's agenda.

05:54

Good morning, sir. My name is Mr. Harry wood, Phil Park, King's Council. I'm instructed by Shepherd and weatherman on behalf of the applicants. And so as you have correctly anticipated, we have a significant number of individuals who'll be speaking on behalf of the applicants today. That obviously reflects the number of topics that are to be dealt with on the agenda, and also the need to ensure we've got the right people to answer the questions you have on each topic. What I propose is that when we come to each agenda item, I will introduce the relevant speakers. If that's acceptable. There will also be a need at various times during the day for some of those in the room to depart when they finish their agenda items and for others to come in. So if you see people coming and going at various points, I hope you'll bear with us. We just need to do that in terms of the logistics. So, so whilst I'd be happy to to introduce people for the first few items, it might be simpler if I do that when we come to each item in turn. If that's acceptable, that certainly is, Mr. Philpott, that sounds a sensible way forward. And again, we will bear with you as you need to rearrange your your seating for your team, in which case we can move to the councils. I'll start with Lincolnshire county council. Again, I'm aware there are quite a few of you. So Miss Hall, if you wanted to introduce your team or let your team introduce themselves, I shall leave that to you. But if you could start for us, please Good morning, sir. Yes, I'm Stephanie Hall, happy to be Miss Hall, and council instructed by Lincolnshire county council, so I probably follow when in a friend's example and not introduce absolutely everybody. I've got a list of, I think about seven people coming. So rather than overload you now with names that won't be relevant till potentially this afternoon, I will, though, I think, introduce the first person, just because landscape is the first agenda item we're going to get to and then. So, just for your note, we have

08:02

we're hoping to pitch in to items, 3.2

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3.5

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3.6

08:09

3.7 and 3.8

08:12

so those are the agenda items that we're hoping to speak on. And the first of those is landscape. And I've got Mr. Kevin Gillespie, who I hope will just turn his camera on and give us a wave.

08:24

Hello. My name is Kevin Gillespie. Happy to be called Mr. Kevin Gillespie. I'm a landscape architect representing Lincoln Security Council, and I'll be speaking on Item 3.2 Thank you,

08:36

sir, because we don't have anybody else until 3.5 I'll leave it there if that's acceptable, and I'll introduce the others later. Thank you very much. Miss Hall. The next person I was going to turn to representing the district councils was Mr. Dewar, but I understand we might have some trouble locating him. He may have dropped out. He was here earlier, and may have dropped out. I'll just give him the chance to speak, Mr. Dewar, or anybody else representing the three district councils, please

09:08

not seeing him, in which case I shall turn to

09:13

Mr. Allen, representing Historic England.

09:19

Thank you, sir.

09:21

Tim Allen, I'm a team leader with Historic England. I'm an archeologist, and I'm happy to be called Mr. And I'll be available on Item 3.5 if you or your colleagues on the panel have any questions for us. Thank you very much. Mr. Allen. I shall now turn to those representing TH Clements and sun Limited is that, Mr. Westmoreland Smith, again today.

09:46

Good morning, sir. Yes, it is Mark Westmoreland Smith King's Council, representing TH Clements. I'll just mention who's in the room. So as you'll appreciate, we only want to speak to Item 3.8 which.

10:00

Is later on in the schedule, but when it comes to that, we have Dr Ian Gould, who's an associate professor in soil science at the Lincoln Institute for agri Food Technology at the University of Lincoln, and you actually have his CV at appendix two to our written representation. Then Daniel Jobe, who's partner at Brown and CO property and business consultants, who are the land agents to TH Clements,

and you have his CV at appendix three to the written representation. And then lastly, Damian Pawson, who's a technical director on air quality at SWACO, UK Limited, and you have his CV at appendix four to the written representation. Thank you.

10:46

Thank you very much. Mr. Westman and Smith. Is there anybody else wishes to introduce themselves at this moment who hasn't done so already,

10:57

not seeing any other hands, in which case I shall move on to item 2.3, which is the purpose of this hearing. This hearing is intended to address matters and questions identified by us through our reading of submissions to date regarding the applicant's submitted documents and responses from interested parties.

11:18

If particular issues that have been raised do not appear in this agenda. This does not mean that the examining authority will not take them into account or potentially raise them later in the process. However, we remind you all that the examination is primarily a written process, and so it may be the case that not all issues are discussed at hearings.

11:39

A list of post hearing actions will be taken as they emerge. Please. Can the applicant also record action points as they arise?

11:47

Unless otherwise agreed, post hearing actions will be expected at deadline three, which is Friday the 13th of December. I will now hand over to Mrs. Meginson For Agenda Item 3.1 where she will give a brief introduction to the topic section.

12:04

Thank you, Mr. Jones. We'll now deal with each issue, specific topic in turn, in line with the published agenda.

12:12

Just to note, the agenda was drafted before the receipt of submissions for deadline two, and we have adjusted today's agenda items where necessary, accounting for responses received, I'll now start myself with Agenda Item 3.2 landscape and visual effects.

12:28

I'd like to start if I can, with the landscape study area. If I could ask Lincolnshire county council, please in your submissions, including your principal areas of disagreement, statement that's PD, one treble one. You've stated that you consider that the study area for landscape should remain flexible until a final design concept has become firm. This is primarily for the onshore substation, which has been assessed at a five kilometer study area. You then go on to confirm that the five kilometers study area

was agreed during consultation, and that given the scale and mass of the development, it is considered an acceptable parameter, the applicant has confirmed in their response to your relevant representation that's PD, 1071,

13:17

that the maximum design scenario has been assessed. So I would like, if you can, could you please clarify your position in regard to this? IE, what are you asking for in terms of assessment beyond five kilometers, and the reasons behind your request for flexibility?

13:37

Hi, Kevin Gillespie, for Lincolnshire.

13:41

The design was based on a worst case scenario, and we agreed. We agreed that

13:50

we I just feel that,

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given that, given the open nature of the landscape and the lack of vegetation, that until the design parameters are fully established, it would be useful to keep an open mind, but having gone on site visits with both individually and with members of the application team, it is clear that,

14:13

based on what we know at the moment, on the design the five kilometers and therefore all the viewpoints that have been selected are appropriate. It was just in case unknown situations arose, and the design actually changed quite quite significantly. That's I was just trying to keep it open and flexible as possible.

14:35

Thank you for that clarification. MR. Gillespie, would the applicant like to comment on the matter before we move on. Harrywood, Philpott Casey, on behalf of the applicant, madam, as I think, is acknowledged, on behalf of the County Council, the assessment that has been undertaken, including the identification of the appropriate study area, reflect.

15:00

It's what's known in legal terms as the Rochdale envelope, and therefore it assesses a realistic worst case. And so in so far as the design might evolve, it evolves within parameters, and those parameters are used for the purposes of assessment. And so there is no justification. I don't think, in fairness to the county council, there really seem to be pushing this point for suggesting that your assessment, that is the examining authority's assessment, or that undertaken by the Secretary of State, ought to involve looking at a study area beyond five kilometers, which is really the key issue for today. So unless you think you need more assistance, I wasn't going to turn to my experts on that matter. But of course, I've got them here for further questions. You may have

15:55

no I think I'm happy to move on. It was just a point I wanted for clarification, but I do think that's very clear. Now,

16:02

okay, if we can move on now to trees and hedgerows,

16:07

I'd like to discuss the establishment and management of landscape mitigation. If I can,

16:13

Lincolnshire county council in their local impact report, that's rep 1053,

16:18

state that they consider if mitigation planning is to be used, that the success rate needs to be high and that a robust management and establishment plan needs to be agreed for 15 to 25 years. If I could ask the applicant please to comment on this statement, particularly in regard to the proposed landscape mitigation for the onshore substation, do Harry wood, Philpott, KC, on behalf of the applicant, Madam, I'm going to ask Miss Jo Phillips, who's the landscape and visual lead for onshore design and an associate director at open which is part of SLR consulting, to answer this question. You hello, Joe Phillips, on behalf of the applicant in terms of the mitigation planting and its establishment in the olems, we have the outline for the implementation of the planting, the management and the aftercare as the project progresses, and we have more certainty, post consent, we will develop this into a landscape and management strategy which puts in a lot more detail. We've had discussions with Lincolnshire county council previously about how we might ensure this a high success rate. So there's lots we can do around that in terms of ensuring good soil health that the species selected are native and appropriate for the particular conditions, and we refer to British Standards throughout what we do to make Sure we're achieving that high quality. Thank you,

18:02

given your reliance on the proposed screening to reduce significant landscape and visual effects, can I ask how you can be sure that the planning will reach the required standard to provide adequate screening at 15 years? If at the moment, you're not proposing to go beyond a standard five year maintenance period?

18:23

In terms of the five year maintenance period,

18:27

we apply this because we plant up an area. Once we get to five years, we start to thin out an area. So the establishment really happens within that first five years. And if we do get failures, they'll typically occur in that period beyond the first five years. We're looking to thin out anyway we have less likelihood

of failures. So that's why that would be appropriate. The maintenance is ongoing, which deals with the whole aftercare and pruning and all those other issues.

19:01

And in terms of how we can be sure it will provide a reliable screen, we've put in a substantial depth of planting. So previously, for this type of screen, we would have put in maybe 10 meters. The strips that we're showing are 10 to 15 meters. So we've got a good depth, and we have to be cognizant of climate change and the added pressures that might bring, in terms of periods of drought and periods of flooding. So we kind of take landscape design to a different level now, where we're very particular about understanding the soils and selecting appropriate species that are tolerant well, both to flood and drought but also to the increased risk of pest and disease. So once we get into detailed design, we'll be going through that whole process to make sure we're really maximizing the success rates of the plants going in. Thank you.

19:55

Thank you for that. If I could ask Lincolnshire county council, would you like to make any comments?

20:00

On this matter?

20:02

Yeah. Kevin Gillespie from Lincoln Security Council, it is, it is a really important thing.

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We we have been sort of engaged in consultation events where we've talked about the establishment and and the the role of the management plan. I agree with all the points that have been raised about how you try the best in terms of selection, the soil and stuff like that, and also the idea of a planting ahead.

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Obviously, the climate is sort of variable that I think we would want

20:38

to ensure that any failures were replaced, and that it was monitored. It's a question of how it's monitored and and also the issue of

20:47

some of the planning is actually off, off site, on, on, I believe, other people's land, so it's a question of how that would be managed. And

20:59

I guess that's an area that we would want clarification on, as well as consultation. But yeah, the the principles behind the management plan we agree with. It's just the practicalities of it.

21:16

Thank you.

21:18

Could I ask the applicant please just to respond to Mr. Gillespie's comments, particularly with regard to monitoring and how the planting that's off site would be monitored and managed.

21:31

In terms of monitoring, typically, you would have a team going out every six months just to kind of check up in terms of the plants, how they're doing, make sure they're thriving. What's needed in terms of the ongoing maintenance, my understanding is that there's a freehold lease, and with that, there's a requirement for the longer term maintenance, which could be potentially 25 to 30 years. And that's enshrined in the land agreement, and the responsibilities transferred to the ofto. So it is an ongoing commitment longer term, which is more than what has previously been done on projects where typically maintenance would stop at five or 10 years. Thank you.

22:16

Thank you very much. That's really helpful.

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That covers all the matters I'd planned to cover today under landscape and visual effects. But before we move on, could I ask if anybody else wishes to raise any other points in relation to landscape and visual effects?

22:37

Miss Hall, well, I

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think just just to finish off, thank you. Stephanie Hall, Lincolnshire county council, just to finish off, Mr. Gillespie's point, I think we've obviously heard from the applicant about what they propose to do during various time periods. I think we will take that away and carefully scrutinize that against the olems, and we may need to come back in writing to if there are any gaps between what is currently proposed in the document and what has been proposed verbally, just to ensure that what is stated to the XA is secured.

23:09

Thank you. Yes, that's fine. Thank you.

23:14

If we can now move on to the issue of design, I'll hand over to Mr. MacArthur.

23:21

Thank you. Mrs. Meganson, just before I proceed, can I just check whether the applicant has anything to say in response to ms hall there and then we will move on.

23:33

Harry wood, Phil Park Casey, on behalf of the applicant, sir, thank you. I'm no doubt that LCC will do what they say, and if they come up with anything, we'll respond to it at that point, but I don't need to provide a further response at this stage, sir. Thank you.

23:48

Thank you, Mr. Philpott,

23:50

now before I go into the meat of my my questions, I just I will put linkage your county council on notice. I appreciate you. May not have anticipated speaking to this agenda item, but sometimes the examining authority has other plans. I will have some questions for you just just to be aware

24:13

now, because we have a full agenda today and time is of the essence, I'm going to concentrate on one specific aspect of the design

24:25

for the purposes of today's agenda, and that is the design of the onshore substation buildings specifically. And can I begin by asking the applicant to briefly describe its design process up to this point for the onshore substation buildings, please,

24:45

sir. Harry wood, Philpott Casey, on behalf of the applicant, I'm going to return to miss Jo Phillips, sir, to answer that question.

24:55

So she's sat here to my left. I'll pass on to her now. So.

25:01

Joe Phillips on behalf of the applicant,

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the app, the applicant has followed a very full and detailed design approach.

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What we do is we've set out an overarching design vision, and then beyond that, we've got a process within the design approach document

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that details the processes we've undergone. There's a table in there that talks around consultation and how comments and views expressed at consultation events have fed into the design we also make reference to the national infrastructure Commission's four design principles, which are climate, place, people and value, and we've used them to help shape our own design principles that are bespoke for

the project that we're working on. So when we go to the design principle statement, we develop them in more detail, and they cover all aspects of the project at the moment, apart from offshore, but it's another issue that we'll come on to, and within that, we also talk about the onshore substation. The comment I would make about the onshore substation at this point, and this is common to national infrastructure projects is we do not have a detailed design at this stage that we work with the Rochdale envelope. A lot of work has gone into the siting of the Rochdale envelope, which I can talk around in a little bit more detail.

26:34

So when we were looking at how to site the onshore substation, there's a broad range of considerations. And we use a process. We have a multi disciplinary team with specialists who've got extensive experience and knowledge in the siting of onshore substations.

26:54

And we use constraint mapping that covers all sorts of aspects, from archeology, hydrology,

27:01

soils, land use, all those considerations. So it's quite an extensive analysis to understand where's best to put the substation. Another key consideration is making sure there's a substantial separation distance from residential properties. So in terms of the mitigation hierarchy, where the best thing we can do is avoid significant effects in the first place. This is why the siting of the substation has been a critical factor in the design process. So when we went to Pier, we had three options for the onshore substation. We had one up at Lincolnshire node. We had one to the west of the river welland in surf fleet Marsh, and we had one to the east in western Marsh. And that was quite useful in the sense that it enabled us to test out those three alternatives. The option that we went for in the end was the one to the west of the river welland, which is in surf fleet Marsh, and that's the one that forms the application, and part of the thinking behind that we the newest property is 740 meters.

28:10

The only settlement is surfing seas end, which is further down to the south. So we've got very kind of low impact. We've managed to avoid significant effects through the careful sighting. In that respect, we also have the river well, and which, although it's not a huge feature, there's an embankment of about four four meters, and that creates a visual divide, which is quite useful because it means we've contained the visibility to that western side largely, and it means that we've reduced the potential for cumulative significant effects with National Grid and other developments that might occur to the east of the river well, and

28:49

you, you touched on

28:52

the matter of detailed design briefly in your answer. And I think to be clear, there is, there is not, and I don't believe ever has been an expectation that the applicant would come at application stage to

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to an examination with a with a design which is developed to a detail stage. But in terms of the

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onshore substations built buildings, specifically, what stage would you say the design of those is at at the moment,

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Gary Rocha on behalf of the applicant

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we're currently reviewing with regard to technologies that's been applied between AIS and GIS technology. This is under review at the moment and will be subject to detailed engineering after the DCO.

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Thank you.

29:56

I'm afraid I didn't catch your name clearly there. Could you? Would you mind just repeat?

30:00

It, please? Yep. Mr. Garish roach.

30:03

Mr. Roach. Yes.

30:06

So Harry wood Philpott on behalf of the applicant. So Mr. Roche is the onshore civil engineer for the applicant, and so he's on hand today to deal with any engineering matters. And in terms of your question about the stage of design, that's why we thought we'd bring him in there to explain that at the moment, we're still at a stage where the technology is yet to be selected, and he's obviously the person who can answer questions about that.

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Thank you for that clarification. Mr. Philpott,

30:43

excuse me,

30:45

given whether the design is at and the constraints that you have that prevent you moving forward significantly beyond what to significantly develop the way,

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for want of a better expression, the look and feel of the of the buildings,

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that still raises a concern within the examination, that these are ultimately the onshore elements with with the greatest visual impact.

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And I wonder if,

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well, I will ask the applicant to comment on,

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really, how the mitigation of the impact of these buildings can be meaningfully assessed if the buildings themselves haven't gone through a process of design at this stage.

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So I wonder if, in order to answer that question, it might help if I first ask, I think it may be Mr. Roche is the most appropriate person, just to explain what the difference in the technology might mean in terms of what you have on the ground. And then in the light of that, I'll ask Miss Phillips to explain how the assessment proceeds, bearing in mind that level of flexibility at this stage, would that? Would that be helpful? Sir, if I think to set the scene, I think it would be helpful the examining authority is aware of the differences between air insulated and gas insulated structures, and that is set out within the examination documents. So a brief overview is helpful, but I wouldn't want Mr. Roach to go into a great deal of detail

32:30

understood. So I'll ask Mr. Roche to be brief in that respect. But it might, I think it does provide context for what you're about to hear.

32:41

Mr. Gary Roche on behalf of the applicant.

32:45

So we have both selections of an AIS air installation, switch gear and gas installed. Switch gear, the gas installed switch gear is more compounded, but it does require a larger size structures in order to facilitate this technology. So from an over from the rock shield envelope, it would require a smaller footprint, but it does have more of a visual aspect in regards to increased size of buildings. Thus, in terms regards to our 16 meter building envelope, air insulated switch gear basically has lower building count, but also lower the equipment is of dough, not as high as the GIS the dope, which the air, is used as part of the oil, as opposed to the gas. Aspect, this is the larger footprint with regards to the GIS, gas insulated fish gear, which is both options that we have in place at the moment,

33:40

I'll pass it, pass it on to Joan.

33:46

Yeah, just in terms of what we've assessed, we've got Rochdale envelope, and we've looked at both AIS and GIS. And although we don't have a final design to work with, what we've shown in the visualizations are indicative models. So typically, the look and feel of that type of development doesn't change much, and it enables us to make a relatively accurate assessment

34:12

in terms of AIS and GIS, and your reference to buildings in the AIS and there won't be buildings, it's very much exposed infrastructure. There's maybe some small buildings, and with the GIS, we do have enclosure typically called converter stations.

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So the project, like all these projects, is engineering led, and there's limited flexibility in terms of changing the design of the building. It'd be similar to a wind farm or solar farm, where you don't really have the capacity to redesign the turbines or redesign the solar panels. So where we do have scope and where we do have opportunities in terms of the design is.

35:00

Around the application of color. And when we go back to the LVA and we think, Well, we're going to be experiencing the this development from a minimum of 700 800 up to a kilometer, and you won't really see the detail

35:15

on the onshore substation. So you've got to think about what will be the impression from those distances. So color is possibly one of the greatest potentials to us in terms of color and pattern and how we work with that, with the building, but also landscape design, and we've shown on site and off site planting and it being quite extensive. So that's kind of our opportunities, really, in terms of progressing the design.

35:44

Thank you, sir. Harry wood Philpott, on behalf of the applicant, I just wanted to add my understanding is that so far as this particular part of the project is concerned, there is nothing unusual, let alone unique about the nature of the infrastructure that is proposed here, and so in terms of the ability to undertake an assessment that is meaningful and allows one to gain a realistic understanding of the likely landscape and visual impact effects, we are in a position where there is quite a bit of experience in the development of these sorts of

36:29

pieces of kit, and that that also helps you not dealing with something where there's no precedent that you can't see one in action. And so it in addition to the fact that you're, although there are, there's flexibility in the parameters, as has been explained in reality, once you go down one infrastructure route

or the other, the actual flexibility is relatively limited in terms of what you can do, but there is quite a bit of learning out there as to what they look like and what they what happens at the detailed design stage. We're not trailblazing in that respect.

37:11

That's understood. Mr. Philpott, thank you. I suppose the response to that is that whilst, whilst the number of these buildings exists from an architectural point of view, they're largely pretty unsatisfactory. And there is, there is a requirement within the NPS for for good design

37:32

coming back to Miss Miss Phillips, you raised the point in terms of the the options that exist in the scenario where buildings are present, the options that exist are largely come down to the choice of color. I take issue with that, and I don't believe that's even

37:54

an accurate reflection of your own design principle statement. There is more to that, and there's there's more that can be done.

38:02

But to tie into that point, can I ask the applicant? Have

38:07

has the applicant engaged any consultant to provide architectural advice on the design of the buildings? At this stage, I

38:29

uh, so Harry with Philpott on behalf of the applicant. So the I'm told the answer is no at this stage, because until we have identified the supplier, architectural input is not considered to be timely. In other words, we need to know who the supplier will be and what we're dealing with, before we seek the input of an architect. The other point just said that I wanted to clarify having heard your comments on the point I was making about experience in other projects. What I'm referring to there is not simply the experience of these things as built, but also experience within the team, and more generally in the industry, of those projects which have been approved more recently, and particularly approved in circumstances where the examining authority and the Secretary of State is having regard to modern policy on design and where those projects have then are then going through the detailed design stage and learning from that. So it's not simply that we are not the first project to build these things, but we're also not the first project to take an application to take this issue through examination, and others have then gone on to the next stage of detailed design, in the light of MPs policy on design, so we're able to learn from that, as well as simply what has been built. So I wouldn't want what I was saying to be misconduct.

40:00

Strewed as saying, Well, we're here proposing something that is that hasn't learned from more recent policy and more recent decision making. It's quite the opposite. We're able to benefit from those earlier

processes. And as you've as you've said, we have designed documents which seek to learn from that experience, seek to take those policy, modern policy cues,

40:28

given the constraints that exist, and put those into a form where, so far as there is scope for good design in the detailed at the detailed stage that is then reflected in what remains up for grabs.

40:43

Thank you. Thank you, Mr. Philpott, for that clarification. I will move on to the next, next topic of my questioning, which is

40:53

coming on to the applicant's response to the examining authorities. Question. First, written questions, ex, Q, 1d, E, S, 1.2

41:05

I'd like the applicant if, if they can, to expand on on its response in a little bit more detail, the applicant's response notes that its design review panel provided some feedback and set set that feedback out in in

41:21

in its response.

41:25

And I think just just to reiterate where within the applicants design stage, this internal design process feed, where within that design stage, this this feedback sits.

41:41

So noting that we are moving towards,

41:46

or the applicant hopes to move towards a detailed design stage at some point. Where would it classify its design stage at this point?

41:57

Thank you, sir. Harry wood Philpott, on behalf of the applicant, I'm going to turn to miss Phillips to respond to that question, sir.

42:07

Joe Phillips, on behalf of the applicant,

42:10

looking back to projects worked on previously, engagement with the design review panel would have typically occurred post consent, we've had the benefit of having early engagement, which has been useful, and if we're fortunate enough to get a consent as we move into the design process, we've got

connect connections, and we've got an understanding of how that's going to work as we move on and develop a more detailed program. So we welcome the opportunity to have a workshop and a site visit with the design review panel. We feel that it's important that we have that interrogation of what we're proposing, that the discussions were really worthwhile and useful, because they will be challenging what we're proposing. It comes back to doing the best we can in terms of what's fixed and what's flexible, and where we do have flexibility, really, to maximize it. So we're not just delivering good design, but the best design that we possibly can so we've, we've engaged with the design review panel. We see that as being an ongoing process, as mentioned previously. We don't currently have a design for the onshore substation, so there's scope within that. This is kind of the best time, really, to be moving on with that and looking at how we can

43:28

implement the design principles we have. How do we possibly enhance the design principles? The design principles statement and the design approach document are both live documents in the sense that they'll be iterative and they'll be developed as we go through detailed design to reflect changing ideas and to reflect the ability of the project to deliver the best design we can. Thank you.

43:56

Thank you. Ms Phillips, and to clarify, is it the intention that it will be the the remit of the design review panel to provide design focused feedback on on onshore substation building design should, should that be the the option that moves forward?

44:16

Joe Phillips, on behalf of the applicant, yes, that would be the plan.

44:21

Thank you very much. At this stage, I'll ask if any interested parties have any comments on what they've heard so far on design.

44:34

And I'm seeing no hands, so I will

44:40

nevertheless go to Lincolnshire county council, if I may.

44:45

The local authority has responded to the examining authority's written questions, des, 1.5 although in the local authority's response, which is rep, 2069,

44:57

this is actually numbered as a.

45:00

Response to question one DS 1.6

45:04

the local authorities response outlines concerns around the effectiveness of the applicant's proposed mitigation and encourage and encourages an approach which promotes a creative design solution for the onshore substation, which would create a standalone piece of and without wishing to put words into the mouth of the local authority, presumably good quality architecture,

45:27

could Lincolnshire county council expand on this in a little further detail and perhaps outline how such an approach might be pursued, and how, if at all, the council might engage with such an approach.

45:39

Thank you, sir Stephanie Hall, Lincolnshire county council. It probably won't surprise you that I won't be the one answering that question. I'm going to ask Mr. Neil McBride to turn his camera on. He's head of planning at Lincolnshire county council, and was responsible for the LIR, so can hopefully provide the XA with an answer to that point. Thank you.

46:03

Good morning. Neil McBride, LINCS county council, so I think in fairness to what the applicant has been, has been saying, we obviously recognize that

46:16

the nature of these projects that

46:20

sort of long lead in time before construction starts, but it does become difficult to have detailed design at this stage. And I think one of the one of the questions that we've posed to the applicant is around how the design panel is going to work, and how that will then,

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as we move forward, be able to contribute to

46:46

the design of the building. Obviously the expectation is that if consent is granted, that design panel will continue to to meet. And the the mechanism then for the the recommendations of that panel to

47:01

to basically be taken into consideration. So I think we'd like to see some sort of mechanism for that. We have been involved in the first design panel meeting, and understand there's another one proposed in the not too distant future, and again, we'll engage in that. So I think that's where we stand at the moment. And I'd also just maybe invite MR. GILLESPIE to to add any further comments that he might want to make that perhaps I've missed.

47:38

Yeah, Kevin Gillespie for the Lincolnshire County Council,

47:41

the issue

47:44

sort of the open nature of the landscape and the reliance on

47:49

trees, we have a few concerns that if that's not designed very well, it could kind of look a bit odd in quite an open and sparse landscape. So the idea was that rather than just having a one sided mitigation plan, which relies solely on trees and hedgerows, that it could be combined with

48:13

a feature of architecture in the landscape. So it wasn't it wasn't that it had to be hidden. It was more like the planting embedded it in the landscape. But that the planting wasn't the dominant feature. Because, you know the character, the character is open, it is big, big views, and the site will be concentrated, and just it potentially could look quite odd in that in that landscape, so many trees in such a small space and and if the design was actually a feature, you're not actually solely trying to hide it, you're trying to blend it.

48:54

Thank you, Mr. Gillespie and Mr. McBride, I will just stay with the local authority before I return to the applicant for their comments

49:04

will and this follows on from some issues that Ms Hall raised at yesterday's hearing. But does Lincolnshire county council would Lincolnshire county council seek to act as the relevant planning authority for approval of detailed onshore design parameters as set out in requirement nine of the draft DCO,

49:33

I can answer it now, but bride Lincolnshire county council, I think so we've obviously recognized where we feel that we've got some sort of expertise to to help so certainly for the ecological and landscaping requirements, you know, we felt that we would be in a good position to to be the discharging authority, and, you know, provide the.

50:00

Necessary input in relation to those requirements,

50:04

I think that we would be happy to take on

50:08

that additional requirement and become the discharging authority for that as well, if obviously the other host authorities were in agreement to that. I think there's a lot of

50:20

sort of overlap between these, these, these issues, and it might make sense that that they are dealt with, I suppose, by one discharging authority than that perhaps been split to a number. So that's something we would certainly be prepared to do if, if that was felt the best way of sort of dealing with those issues.

50:43

Thank you, Mr. McBride, I think at this stage we'll we'll raise an action point unless Mr. Durer has rejoined,

50:51

and I'm not seeing his hand come up, so we will raise an action point for

50:58

the district councils to

51:01

to respond

51:04

to that point and and in addition to to comment on whether the district councils are comfortable that they have the resources and expertise available to fully engage in the process and deliver the necessary approvals If, if, if it were not the case that that those approvals were delegated to the to the County Council.

51:28

Mr. McBride you've got your hand up

51:32

thanks. Neil mcbridency County Council, just in respect of some of that discussion yesterday, we have now heard from the host authorities that for those requirements that was discussed yesterday, 1011, and 12, that they have agreed that the county council will be the discharging authority for those which they'll confirm in writing as requested. But I just thought I would make you aware of that, because obviously that wasn't known yesterday, but subsequent discussion has confirmed that to be the case. Thank you. That's that's helpful.

52:06

I will move on now to the applicant, to if the applicant wishes to respond to anything that they've heard from Lincolnshire County Council.

52:18

Thank you, sir. Harry wood, Phil Park Casey, on behalf of the applicant, just a couple of short points, if I can, before I hand back to ms Phillips or any response on the substance of it. There was reference by Mr. McBride to the design of the building. But we've sought to make clear, depending on the technology, there may not be a building as such that the second point MR. GILLESPIE was raising concerns about the relationship between the design and also the landscaping. But of course, both the design of work number 16 under requirement nine is a matter that has to be submitted to and approved by the relevant planning authority, as is the landscaping

53:09

pursuant to requirement 10. So we don't there shouldn't be a concern about how those two relate to each other in terms of the detail, because that is very much a matter that sits within the control of the relevant authority at the detailed stage. So that needn't be a concern, provided that one assumes they will do their job properly, which we obviously all have to do for the purpose of decision making at this stage. So I was going to then pass on to miss Phillips if she had any comments about comments about the detail of what was said.

53:47

Joe Phillips, on behalf of the applicant, the first point I was going to make was just going back to this, the design process, the ongoing design process, post consent, and we would welcome the input from the design review panel, where we've got the specialist knowledge, we would also welcome the input from Lincolnshire County Council, where there's local knowledge, and that's valuable also, but we also need to make sure we include our Community Liaison Group. The applicant has done a lot of work to establish that group, and they've met four times previously. And the idea is to keep that going, but also to make sure that we're, um, drawing in the opinions of the the wider community, the people who live in that local landscape and who have to, um,

54:33

live with the development with the years to come. So that was the first point. The second point just in terms of landscape character, and we're in an area called the fence, and it stretches all the way from Skegness in the north all the way down to Cambridge in the south. And that landscape is characterized by open, arable farmland. The local landscape that we're in has been reclaimed from marshland, so that it's not a natural landscape. There's very little and.

55:00

Nature or natural habitats across the local or wider landscape. So when we consider, yeah, undoubtedly it's open, but that's not to say there aren't trees. There are trees stripping along the A one, six and in other locations. So there are definitely trees within that landscape. When we start to consider the appropriateness of what we're showing in the mitigation planting, albeit indicative we've got to think about because it's open now. Does that mean to say we need to keep it open in perpetuity, or is there an opportunity to enhance this local landscape, not just in terms of the visual effect, but also the landscape can take multiple boxes, in terms of ecology, green infrastructure, nature corridors, as well as increasing soil health, all those, those things. So in terms of the appropriateness, if we're in a landscape such as the Norfolk Broads or the Suffolk coast and Heath, yet you wouldn't want to plant trees, because that special landscape quality that you wouldn't want to lose in a landscape like this,

where we've got heavily modified agricultural fields and very little natural habitat, then it could be seen as a positive enhancement to the local landscape character. We've also got to remember, it's a very small pocket. It's essentially one kilometer or so around the substation. If you're on that river well and embankment, you can see open farmland as far as the coast. You can see for miles and miles. So it would be just a very small pocket where we would consider that to be a landscape enhancement. Thank you. Thank

56:42

you, Mrs. Phillips and Mr. Philpott. I did

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not understand MR. GILLESPIE as saying that trees were not an appropriate

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elements to be incorporated into the landscape. I think I took his comment to more encourage the integration of the landscape design with a quality building design. Should the solution be,

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or the proposal that comes forward to be a building?

57:14

MR. Gillespie, you're welcome to come in and far more deny that, but otherwise, otherwise Otherwise, I will move on. Miss Gillespie, yeah. Kevin Gillespie, for Lincolnshire, no, I'm not against planting trees. I just wanted, rather than it being the only solution which I which I know the design process has has looked at, has gone into great detail, and have sat in on the consultation events. And I, I do think there's, there's merit in sort of using planting as well as other options, which hopefully would allow it to sit more comfortably, rather than just a block of planting. And with there's a, you know, there's a question of whether the planting will actually screen the structure or buildings, whatever, whatever it evolves into. But no, I certainly wasn't saying, Don't plant trees.

58:12

Thank you, Mr. Gillespie. I'll come back to the applicant if there's anything further they would like to add or to respond to that.

58:19

Sir, Harry would filter on behalf of the applicant. First of all, that certainly reflects my understanding of what I was responding to, not that MR. GILLESPIE was against trees per se,

58:32

but that the question of the two things needing to be looked at carefully at the next stage. That's why I was pointing out that both of those matters have to be considered and approved, and that that's the vehicle that allows for adequate control over that. But I know that

58:52

Ms Phillips has a further point to make, so I'll just pass on to her briefly. Now. Thank you,

58:57

Joe Phillips, on behalf of the applicant, I understand the point that Kevin's making, and I agree. I understand that he wasn't talking about having no trees. And the refinement of the landscape design is definitely something we would like to work with Lincolnshire county council on was consent as we go through the design development. So there's scope to do that, and we would welcome that opportunity. Thank you.

59:20

Thank you both. I'll move on then to my my final question for now, on on design related matters, coming to the applicant's response to examining authorities written questions.

59:34

Question 1d, E, S, 1.6

59:38

I'm mindful that all parties involved in the examination of large and complex projects such as the proposed development are under pressure to make responses within constrained timescales, and we must all be able to forgive the occasional keyboard slip. But I wonder whether the applicant would

59:55

would like to go a little further, or perhaps take the opportunity to revise.

1:00:00

Its response to this question. In particular, I wonder whether the applicant intended to make repeated reference to advice note 15 in this context, as I understand it, advice, note 15 relates to the guidance on DCO drafting i

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So Harry wood Philpott, on behalf of the applicant, I'm just looking at that answer now.

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And as you say, it does refer to advice. Note 15, just checking the position. I don't

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believe that that would be what was intended, but I'll just, I'll just check and see if there's a quick answer for you,

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and just my understanding of the answer, just reminding myself of what it says is because of the way in which it is framed by response to the advice on good design. My understanding of it is that that is what it is intended to refer to. And as you say, 15 may be a slip that certainly would be an approach and understanding of that answer that reflects what you've just heard from Ms Phillips earlier in this

morning's session, where she explained how the project accords with the with good design principles. But at the moment, no one is either confirming or correcting. So perhaps if we can provide you with confirmation of what that should refer to

1:01:48

at either later today or at deadline three. But my current understanding, in looking at it is that it's a reference back to the advice that is referred to in the question.

1:02:01

I'm sure it is, but you'll understand that it's quite important for us to have answers to the to the questions that we've asked and referenced to the given that our question centered around the advice note on good design, we want an answer to that relates to that,

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and I'm happy for you to revise the answer,

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to rise the answer and submit it at deadline three. I think that's absolutely fine, but I would also ask, and this was asked, but perhaps wasn't clear enough, but I'd like the applicant in that revised response to also,

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if possible, map the steps it's taken along its design process so far to the steps

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that are set out within the advice page on good design which are illustrated by the good design process diagram.

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Would that be possible for deadline three? Please,

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Sir Harry wood Thorpe, on behalf of the applicant, so yes, very happy to do that. I'm told that can be done by deadline three. We'll also take up the opportunity to clarify the advice note to which this answer should be referring, and we'll supply the

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further note alongside that,

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thank you, Mr. Philpott, we will record that as an action point then for the applicant to provide a revised response to our question. DS 1.6

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with that additional information.

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That brings me to the end of my questions on design, and I will hand you over now to Mr. James for the next item on the agenda.

1:03:48

Thank you. So moving on to agenda. Item 3.4 landscape, seascape and visual effects, particularly in relation to the offshore reactive compensation platforms, the applicant's response to our first written questions, SV, 1.5 and SV 1.6 that's rep 2051,

1:04:09

I refer to a technical engineering review of the parameters used for the orcp maximum design scenario to be submitted no later than deadline four, and that this will confirm the maximum height of the mass and antennae on those platforms. I'd just like to set the opportunity to ask the applicant if they could expand on what that review might consist of, please, and whether there could be any consequential updates to the assessment of effects. I

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Greg Thompson for the applicant,

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essentially, at this point in time, it would be premature to essentially prejudge the outcome of an ongoing engineering review into the parameters of the.

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A offshore reactive compensation platform

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that review is primarily looking at the size of the structure,

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which you will have seen in the answers to

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the written questions that you've just referenced, rep 2051,

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in terms of masts and antennae, and if that review essentially does lead potentially to a change in those parameters, the base point for which the masks an antennae would be measured from would essentially be different. Therefore, until we've completed that review, we can't essentially confirm those heights, but we will do that for deadline four. In terms of the assessment, I would have to ask

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my advisor from open, Mr. Simon Myers, to come in on that.

1:06:02

Do Simon Myers for the applicant,

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we would, we would have to review the assessment judgments that we've made in light of those design parameters and how they change.

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They could adjust as a consequence of of the platform changing, the envelope changing. I don't think it's much more I can say at the moment.

1:06:25

Okay, thank you. At this stage, it was just to get a better hand than what might be coming our way at deadline four, really. So that's just a useful clarification on the status of that.

1:06:36

Moving on, then to consider the lighting on the orcps the applicant respond. Response to first request, S V, 1.7

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confirms that there's a possible requirement for operational lighting on the platforms during emergency maintenance, but that this will be limited to the walkways, stairways or task lighting, and that this has low levels of lighting intensity when in use and will not be visible from the coast.

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It's just to seek clarity from the applicant on how the commitment for low lighting intensity is secured

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and how that would be ensured that that would be no greater than that effect that's been outlined in the response to the question.

1:07:19

Harry wood, Phil Park Casey, on behalf of the applicant. So I'm going to turn the moment to

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Mr.

1:07:29

Thompson for that, but for the response to that particular point. So before I do, I just wanted to give the job titles for those who you've just heard from, and you're about to hear from again. So Mr. Thompson is the offshore consent manager for the applicant, and Mr. Simon Myers, who heard from, is a landscape architect and slbia specialist at open which is part of SLR consulting, so that that's who you

have heard from, and you're about to hear from again, in the case of Mr. Tomlinson. So sorry for not introducing them before, but you know who they are now. So I'll pass over to Mr. Thompson again. Thank you.

1:08:17

And so just to assist Mr. Thompson, my understanding of your question is, the issue is,

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where is there a commitment to the type of lighting that has formed the basis of the assessment? Just want to check that that is what you were ultimately seeking a response on. That's correct. The response to our question referred to low levels of lighting intensity that would be used. I'm just seeking clarity as to whether or not that's actually not secured anywhere. Thank you, sir. I just wanted to check for Mr. Thompson spoke. Thank you.

1:08:49

Greg Thompson, for the applicant, I think there's, first of all, it is worth explaining that there will obviously be various different lighting as well as set out in that answer that you referred to in rep 2051,

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essentially that includes navigational lighting and such like. I think at this stage it may be appropriate if we were to respond at a future deadline, deadline for perhaps with a more detailed offshore reactive compensation platform, lighting management plan.

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Thank you. We welcome that. Thank you.

1:09:33

So finally, football, I think that means, in terms of what you'll get in due course, there would be a plan, and then there would need to be a means within the development consent order of ensuring compliance with that plan. And once we've developed the document, we can then take a view as to precisely how that's best captured in the DCA. Thank

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you.

1:10:00

We'll note that as an action point.

1:10:06

Moving on, then, in terms of offshore design, the applicant has committed to update in the design approach documents, that's app 292

1:10:15

and the design principle statements, that's at 293 to include relevant offshore infrastructure, such as the orcps and again, intended to submit versions of these at deadline for can the African just confirm whether or not those updates are likely to include provision for future design review of the offshore elements?

1:10:39

Very good Philpot on behalf of the applicant, I'm going to pass back to Mr. Tomlinson for

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this. Greg thomplinson for the applicant. Apologies if I sound repetitive, but the updates to those documents are essentially ongoing at this moment in time, in preparation for deadline for and again, at this point in time, it would be premature to pre judge what we will essentially write into those documents, but we will provide the updated documents at deadline four, as we set out in our submission at deadline two.

1:11:11

Okay, I was just keen to understand whether or not there'll be a chance for stakeholder input in so the future design details as they come forward. So perhaps if you reflect on that as you're drafting the documents,

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Greg thomplinson for the applicant in relation to the offshore reactive compensation platform, in terms of that commitment to update those two documents, that was certainly in mind when making that commitment to do so. But I think it is also important to understand that as

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offshore infrastructure, they will necessarily be primarily functional, and as such, they must obviously be also safe. And so that process, in terms of its design post consent would necessarily be engineering led, but in terms of making that commitment at deadline two in terms of the offshore reactive compensation platforms, that was certainly our expectation of where that document will go for those pieces of infrastructure.

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Okay, thank you.

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If I can turn to Lincolnshire county council at this point then

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noting your response at rep 2069,

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that's the county council is unlikely to comment on offshore elements due to the distance from the coastline.

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If there were, was there be an opportunity for further input on detailed design on the offshore reactive compensation platform, for instance,

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would the county council be in a position to offer comments on that at all so

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Stephanie Hall, Lincolnshire county council, I go to ask Mr. McBride answer that one again. Thank you.

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Bill McBride, Lincolnshire county council,

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we have any really concentrated on the onshore elements of a project, and we haven't looked at any detail regarding offshore. So

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whilst if we had an opportunity to look at it, we would do but given that our involvement has been so much on the onshore element, I don't think that we've sort of been involved to the extent necessary to really be able to offer much sort of comment for this particular aspect of it. I think that's a fair reflection, sir.

1:13:34

Okay, thank you, Mr. Oak bride.

1:13:38

That concludes all my questions in terms of seascape,

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I will now hand over to Mrs. Meganson for gender item 3.5 on the Historic Environment.

1:14:01

Thank you, Mr. James, for Historic Environment, I would like to primarily focus on the issue of the adequacy of archeological assessments at this stage, I note that both Lincolnshire county council and Historic England have concerns in relation to the adequacy of the archeological assessments undertaken to date. I also note that the applicant has revised draft DCO requirements 17, the current version of which is rep two, double 08 where they commit to further pre construction archeological works that will inform the written scheme of investigation

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in their response to the exes. First written questions. That's PD, 013,

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question one, he 1.4

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Lincolnshire county council in their document reference rep, 2069,

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advise a further trenching phase to establish a sufficient baseline.

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Across the scheme. Furthermore, the council recommend that the mallard pass wording for the archeological requirement be used for this application. I'm aware that the applicant took us through the detail of the mallard pass requirement wording in the draft DCO hearing yesterday, and why they consider it's not appropriate in this case. However, I think it is important that we reopen the discussion on this issue today, while Lincolnshire county council, Historic Environment representative and Historic England are present, if I could first, please ask Lincolnshire county council to explain the scope of trenching that they consider would provide a sufficient baseline. And secondly, if you could expand upon the detail of the mallard, pass wording that you would wish to see included in the archeological requirement, and explain why you do not consider that the current requirement 17 would provide a robust enough framework as it stands.

1:16:02

Thank you, Mum. Stephanie Hall, Lincolnshire county council, perhaps I could take those in reverse order and deal with the mallard pass wording and then

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by my expert witness, Mr. Parker Wooding, can deal with the substantive question about a sufficiency of baseline mum, just in terms of the the wording, the version that I have of requirement 17 in the rep 2008,

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my version of that has, it hasn't got sort of hasn't been taken forward to the extent that we'd be happy with it. And it certainly doesn't replicate the need for an additional exchange of documents, essentially that the mallard pass wording requires. So the mallard pass wording requires, essentially another document to be submitted to the relevant authority. In that case, that would be us. And specifically part requirement 10, part one a requires a scheme for additional trial trenching to be submitted to and approved by Lincolnshire county council with in concert with Historic England. And I think it's really that step that's missing from the promises given by the applicant at the moment, and we've heard an undertaking essentially to do further trial trenching, but the location and the scope and the extent of that isn't something that the county that the county council has any control over at present. It's not defined in the outline written scheme of investigation. There is a reference to further trial trenching, but the detail is missing. So it's it's that detail that we say should be submitted to and approved by the county council. And that's what the mallard pass wording requires. And we we say that that should be replicated here. So it's then, at that point, after that, after that documents been submitted to and approved by

Lincolnshire, then that additional trial trenching is carried out. And then at that point, the updated written scheme of investigation can be compiled, because it's only at that point that we say, well, you know enough about the below ground archeology that you can define meaningful steps about what you might do if you find something. And at the our objection is really, at the moment, you can't define with any sufficient degree of particularity the steps that you might take if you find something, if you don't know what you're going to find. So you you need this. You need the additional trial trenching we need. We would like to see, to see that in terms of its scope and extent and location of before anything else happens. And then we would like that to feed into a further iteration of the written scheme of investigation. So it's those kind of three steps that the mala pass wording provides for that we don't have here. What we have here is a is a written scheme of investigation which makes reference to Yes, additional trial trenching and yes makes reference to potential consequences that might flow for that. But it's not secured, and it's not done in a stepped way, whether the county council can have oversight over those steps as they progress, so that that's that's our concern about the wording, and why we say that the mallard pass

1:19:22

wording is preferable. I think that there was sort of a duality in the applicant's response yesterday. They were, on the one hand, telling the x A that we didn't need the mallard pass wording because the outline written scheme of investigation already provided for that, in which case, if that is right, then there has been no harm in in making that more formal, more formal, and including it on the face of the DCO, and to the extent that they were saying, well, we don't need additional safeguards and Mallard pass, the wording goes, goes too far well that that's the point of dispute, of the substance between, between our archeologist and theirs. And I think.

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Look on that note, I'll turn to Mr. Parker Wooding to respond in relation to the substance of the point, thank you.

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Thank you very much. Matt Parker Wooding, LCC, yeah, we've had a number of discussions with the applicant regarding the level of archeological work which has gone into the process for the scheme, and we've constantly referred them back to the Lincolnshire handbook for archeology, which has been produced over a number of decades and represents the collated knowledge of present and past colleagues who have been involved in the management of the Historic Environment in Lincolnshire, and this is based on their experience and knowledge of what effectively works and where. We recommend the full trial trenching, the full AP analysis for aerial photography analysis of the entire site. This is based on what we know is effective and works to determine the presence absence of archeology and its significance. And currently we have areas where the applicant has done a certain level of work, which we welcome.

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There are large portions of the site where there has been very little or no current survey work, and so effectively, we are going in without knowledge of the archeology within those areas. We do not know the risk. We cannot manage that risk, and we're seeing the implementation of the recommendation of

the Rochelle envelope, which is all well and fine in terms of flexibility, but in terms of understanding the archeology, it's problematic for us. We do not know where we're going to have cross disciplinary issues. So for example, we are hearing this morning. We are we're having

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tree planting and biodiversity net gain areas outside of the red line boundary off site. And so management of the archeological risk for those areas is a concern because it may not have been considered, and currently it's being pushed back to a later and later date within the phase phases of the development process,

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and and that is not good practice. So if we do not know about the archeology, we cannot tailor it into we cannot factor that into our our considerations, into our strategy. And what effectively we need is a comprehensive fit for purpose trenching program so we can produce a specific site specific program for mitigation.

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Otherwise we're going to lose archeology is unnecessarily. We are going to have an impact on the project time frames, and it is not the best practice that we would advocate for the scheme. Thank you and Mr. Parker wedding. So could I just also ask you whether there's a particular percentage of area covered by trial training that you would like to see? I think Lincolnshire previously asked for three to 5% is there a particular percentage on this site? We have asked for 2% with a 2% contingency as standard. However, the emerging regional guidance is going to recommend three to 5% 3% in areas where we have had

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geophysical survey coverage and 5% where we have had no geophysical survey coverage.

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Thank you.

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Thank you for that. I think before I pass to the applicant to respond, I would like, at this stage, just to ask if Historic England would like to make any comments of what of the discussion so far today.

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Thank you. Ma'am. Tim Allen from Historic England.

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In answering the X phase first questions,

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there was some confusion, I thought, between which version of the archeology requirement was current,

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the one that this is set out in our response. It's the September revision that we were looking at which did have words in that created

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a degree of feedback from additional trial trenching back into informing what acceptable schemes and mitigation then were

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ultimately as regards whether it's that or the mallard pass requirement,

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it's the local authority, are going to have to be responsible for the for managing the discharge of the consent. So I think we need to.

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To a degree defer to them, because they're going to have to be confident they can operate that, I guess, on the Secretary of State's behalf in dealing with discharge of the requirement.

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Thank you for that. If I can ask the applicant now to respond.

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Thank you, madam. Harry wood, Philpot, on behalf of the applicant, the answer is going to be provided in stages. There are just first, if I may, before I

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go to my relevant expert. Just a couple of points I want to pick up. Once I've done that, I'll pass on to miss Charlotte Dawson, who's the archeology and cultural heritage lead and the principal consultant at SLR consulting. And then once we've heard from Miss Dawson, I'll come back to the general point about the adequacy of the requirement and the points that had been raised by Miss Hall. So I deal with it in that order, that the initial points I just wanted to raise are these.

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It was, there was a point made on behalf of the County Council about planting and off site planting. But just to be clear, all of the bng planting that we're dealing with is within the red line boundary.

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There are also

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discussions taking place with some others, such as the RSPB, in relation to possible contributions to

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bng efforts elsewhere. But those are matters that sit outside the DCO as such, they're not things we rely on for the purposes of decision making. In that sense, all the planting that we're talking about is within the red line boundaries subject to the controls and mitigation that exist in the DCO.

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The second point of clarification that I wanted to pick up

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in the contribution we've just heard from Historic England, there was a query about which version of the requirement we're dealing with, and reference to the written scheme of archeological investigation being informed by trial trenching, and if I can assist on that, the deadline two version of requirement 17 has within the first paragraph of that requirement, this provision that no stage of the onshore transmission works may commence until the written scheme of archeological investigation. And then in parenthesis, that has to accord with the outline written scheme of investigation, and it has to be informed by the archeological investigations referred to in sub paragraph two for that stage. And then sub paragraph two, the archeological investigations as part of the onshore preparation works must take place in accordance with a specific written scheme of investigation, which must accord with the outline which has been submitted to and approved by Lincolnshire county council in consultation with the relevant planning authority. And then obviously you've got part three, which is all of the archeological investigations other than those in in sub paragraph two have to be carried out with a written scheme of archeological investigation approved under sub paragraph one. I think that it's that sequence that historical England are referring to. Obviously, they'll have a chance to say if that's not what they had in mind. I don't want to comment on

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whether that's necessary until we come to the end, and then I'll deal with those matters comprehensively in one go. But I think if historical England want to look at the deadline two version. I suspect that's probably what was in contemplation.

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So against that background, I'm now going to turn to miss Dawson, who I think is joining online from a separate venue.

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Thank you. Charlotte Dawson, on behalf of the applicant.

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So obviously, LCC have concerns over the sufficiency of the baseline, particularly in respect to field evaluation and aerial photographic analysis. So if we deal with field evaluation first, I'll summarize what we've done and what we're planning to do,

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but EIA footprint of geophysical survey was undertaken, and that was guided by deposit modeling,

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in specific reference to historic coastlines and depositional environments that have been affected by Marina road.

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Region. So essentially, what that meant was that areas east of historic coastlines or areas within poor depositional environments were de scoped from geophysical survey. The rest of it was scoped in, and ultimately that was a footprint which relates to 60% of the order limits being scoped in for geophysical survey.

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So what that survey did was that it identified potential impacts and their significance, which are presented in the ES chapter in a particular table, 20.9

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since submission of EIA, we've we've completed more of that geophysical survey, and all additional areas of archeology found by geophysical since submission still concur with the impacts identified within the ES chapter.

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So essentially, the continuation of geophysical survey after submission has verified the robustness of the baseline presented at EIA. Specifically with respect to geophysical

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we didn't do trial trenching as part of the submission, but we have started trial trenching this year

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that has targeted the geophysical magnetometer anomalies first, and that was undertaken in accordance with a WSI approved by Lincolnshire County Council.

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We shared results of that trial trenching throughout this year through written reporting, and we've also provided Lincolnshire county council with access to site.

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Again, the archeology recorded by the trial trenching undertake and post admission is concurred with the impacts identified at EIA. And the key thing with the submission documents is that all the impacts that we're identifying were able to be mitigated in accordance with that our Z, the outline, onshore outline, written scheme of investigation,

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and all of the field work undertaken referencing that our z will be undertaken through WSIS approved by Lincolnshire County Council.

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The important thing about some of the mitigation provided by the Aussie is that could include preservation in situ, if it's necessary. And with respect to the 2024 works undertaken with the trial trenching. We included trial trenching at the transition joint Bay and the onshore substation, which are the only places within the order limits that won't be able to accommodate preservation in situ. And we established with our trial trenching this year that there will be no significant impacts at the transition joint bay or the onshore substation,

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but all other places where subsequent trial trenching may uncover remains that are deemed to be of high enough significance to woman population in situ that can be the mechanism exists within the Aussie to provide that that level of mitigation, if necessary.

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I should have said that the results from this year's trial trenching,

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yes, they have been provided in in written form to LCC, honey story kingdom, but they've not been submitted to examination yet, so we're planning to do that by deadline four.

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We acknowledge that not enough trial trenching has been undertaken thus far to understand mitigation requirements, and trial trenching will continue next year,

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and that will continue through another WSI to be agreed with Lincolnshire county council, hopefully in the spring, so that we can start trial trenching in late spring, early summer,

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that trial trenching will continue to target magnetometer anomalies that weren't able to be reached this year. But it will also use the results of electromagnetic survey, which is a different type of geophysical survey,

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and those results will be used to to make sure that we're trenching in areas that hold

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potential, really, rather than areas that don't, which will also look at the deposit modeling

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to determine where, where areas of negligible or no potential are.

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So I think that should give a clearer idea of where we are with trial trenches.

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Training and what our intentions with trial trenching are.

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The other point made by Lincolnshire county council

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really sits on the aerial photography side of things.

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I would stress that you don't need to use every technique to obtain a sufficient baseline,

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but we did do some aerial photography assessment. The LIDAR assessment included an aerial photography review that included a full review of Google Earth imagery

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for the whole of the order limits, full review of project commissioned satellite imagery for the whole of the order limits, and also a sample review of Historic England,

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historic imagery held at the Swindon archives. And that review indicated that a full assessment wasn't going to be needed to complement the results of the baseline assessment already collected, specifically at that time, geophysical survey and deposit modeling. It wasn't identifying anything new, and certainly in my experience, I would say that it's unusual to undertake aerial photographic analysis after a geophysical survey. Geophysical surveys ordinarily anticipated to provide a greater clarity.

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In my experience,

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just check that you're still hearing me, because I just had a bit of feedback there. Yeah, we can hear you heard a little bit of feedback, but yeah, please carry on. Thank you. So I think I was just

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summarizing that. In my opinion, once you've done a geophysical survey, aerial photographic analysis doesn't necessarily bring you anything new to target through trial trenching.

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Yes, I think, I think that probably concludes what I need to tell you at the moment, unless you've got any further questions to come back to me on

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thank you for that. I think, just really to ask given the submission from Lincolnshire County Council this morning, requesting specific amendments to requirement 17 in terms of an additional stage with the submission of a scheme for additional trial trenches to be submitted and approved.

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Further sort of defining the scope and location and an extent of any trenching that you have yourself noted is going to be taking place. If you could just comment on that request, please, Madam Harrow Philpott Casey, on behalf of the applicant, when it comes to the requirement itself and its adequacy, that was the thing I was going to come back to, having now heard what Miss Dawson says about what's been undertaken so far, and as Miss Dawson's evidence explains, and as the requirement anticipates, there is an ongoing iterative process of archaeological investigation, which continues throughout up until the works take place, and you'll have seen how the requirement includes explicit provision for further investigation and then finalization of written scheme of investigation, which would then ultimately lead to the identification of the mitigation measures that are put in place in practice and that

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process of ongoing investigation is literally ongoing at the moment, because, as Miss Dawson has explained, there's further trial trenching going on which can inform the outline written scheme of investigation, and that will continue all the way through the project. The question that arises from the County Council's

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submission is whether it is necessary to introduce a further step in the requirement that effectively requires the applicant

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before submitting a written scheme of archaeological investigation for a particular stage to go to the relevant authority and seek approval for one of the steps that would lead to the finalization of that written scheme, in other words, further trial trenching? The short answer to that question is obviously not, because if the applicant goes ahead and submits a written scheme of archaeological investigation without having undertaken adequate work, whether it's trial trenching or any other.

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Step that is necessary to produce the final version of that document, it must therefore run the risk that its application will be refused.

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And therefore it is in the applicant's interests and at the applicant's risk as to how much work in relation to any of the steps that go into the production of the document it undertakes before providing the submission. So if, for example, the county council, in its role as approving authority here, were to take the view that it did not have enough information to sign off on the written scheme of archaeological

investigation, because further trial trenching was necessary, and if it took the view that that was the right

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that was the right answer, it would refuse

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if the if the application to approve the written scheme of investigation is refused. Well, then that stage of the works can't continue until the applicant has either put that right or has initiated a stage of appeal to an independent party who will arbitrate between the two parties as to whether or not that is a reasonable decision or whether in fact, adequate work has taken place. So in other words, the solution for the County Council's problem is already within the requirement, and one doesn't need generally in the drafting of requirements to step, to set out step by step, everything an applicant must do before submitting a scheme precisely because it bears the risk of not doing enough. And so it's entirely in the applicant's hands, whether it does adequate trial trenching beforehand, and if it fails to do it to the satisfaction of the authority, it will be refused to add in another step is totally unnecessary in those circumstances, and that is simple answer to the County Council's point. It's entirely unnecessary.

1:42:07

Before I come back to Lincolnshire county council. Can I just ask the applicant, what current level of engagement have you? Are you having with Lincolnshire county council with regards to the current ongoing trial trenching program?

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Thank you. Madam. Howard Thompson, on behalf of the applicant, for that I have to pass back to ms Dawson, who's the person closest to that work? I think,

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yes. Charlotte Dawson, for the applicant, the works, the trial pension works commenced in August, and they finished mid to November. We have been in email correspondence, telephone correspondence within Lincolnshire county council on a regular occurrence, and we have sent them weekly reports throughout the course of the field work, apart from October, when works drew to a bit of a standstill because of the weather and Lincolnshire county council attended the trial trenching three times to monitor the works as well.

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We are due to send them a final progress report on the trial trenching and

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then next few days or weeks, which we'll call a completion statement, and we will be in touch with them in the new year to talk about the 2025 trial trenching Campaign,

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which will require approval of WSI for the placing of additional trenches next year.

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Thank you for that. Lincolnshire county council,

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thank you. Mum Stephanie Hall, Lincolnshire county council, I think Ms Dawson's answer is incredibly helpful. We've got an acknowledgement. And my note of her words was that she acknowledges that there is not enough trial trenching to understand the mitigation requirements, and therefore they're going to do more, including next year. And so what we're asking for is oversight of that. And I appreciate the point that obviously we have had some input into describing and monitoring the works undertaken so far. But the lack of trial trenching to date has two potential consequences. First one, a genuine concern that if the applicant can't quantify or describe the harm at present, um, then we've got some issues in with them, seeking consent at the moment and trying to seek a try to draw a planning balance, and secondly, that must lead to a conclusion that the current outline, written scheme of investigation is missing. Something is lacking in the potential because there's an acknowledgement that they cannot understand or describe the mitigation requirements needed. So that being the case, there is, I think, an acknowledge need for.

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A further submission of documents to be made to Lincoln County Council for us to have oversight of A, that trial trenching process, and B, a further written scheme of investigation that might govern the works proper. So that being so, I think that's probably from that agreed basis, the the rationale for the the applicant's amendments to requirement 17 at rep two and rep two in the rep 2008

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version of requirement 70. And our concern is that that sort of does half of the job, and that it does require, um, the submission of if our if archeological investigations are going to be carried out that they are carried out in accordance with a specific written scheme of investigation which must accord itself with the outline onshore written scheme of investigation. So our issue with that is it goes some way in that it acknowledges that there are further archeological investigations going on for which there will be a written scheme of investigation which will be submitted to Lincolnshire county council. What it doesn't, what it does do, though, is overly placed reliance on an outline, written scheme of investigation, which we acknowledge, which hasn't, which the applicant has acknowledged is not the final and not fit for the job. So we are reading of all parts of requirement 17 is that it all ties back to the existing outline, written scheme of investigation. And so we, we don't that. We have a number of issues with that. The main one, obviously, is the extent of trial trenching, which isn't described in the in the written scheme of investigation. So in terms there's no commitment in either requirement 17 as drafted, or there's no commitment to additional trial trenching, nor is there a commitment to a degree or extent of additional trial trenching. So all provision two, requirement 17 two does is essentially say, Well, if there are going to be archeological investigations, they need to be done in line with the outline written scheme of investigation. But if the baseline document for that is is lacking, which we say it is, and it is definitely lacking in any proposed percentage of trial trenching, then that's a rather meaningless requirement, in our view. So we have some concerns with that, but I think it's it possibly goes to a drafting point, which I'm sure we can pick up with the applicant, in terms of taking the wording of requirement 17 further, so

that we can strike a balance between what what they would like to do in practice, and how we would like that to be worded in the in the DCO, certainly we would like a more mandatory requirement to undertake trial trenching and that that is spelled out in the DCO, and that's a main point of difference in the wording between the current requirement 17 and requirement 10 in the mallard past DCO that that unambiguously refers to a requirement for additional trial trenching to take place. So I think that those are matters and mum, if we may, sort of take offline.

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But just to the second point in terms of our concerns about requirement 17, going back at all points to the outline written scheme of investigation is whilst criticism that we've discussed today is an absence of a given percentage of trial trenching our criticisms of that document don't stop there. And there are others, and I'm sure Mr. Parker Wooding could expand, but we have expanded in writing about there is, there are concerns with that document in that it doesn't deal particularly well with preservation in situ. There's an absence of methodology for assessing significance of fines. So there are a number of issues that we have with that document, and if adequacy of anything is going to be judged against the outline written scheme of involvement of investigation, that that is problematic for a number of reasons, and in terms of Mr. Philpott point that, well, we could just refuse anything submitted to us that that that is difficult to see how it would work in practice, because the outline written scheme of investigation against which the current wording of requirement 17 would require us to judge any new document. Again, it comes back to the fact that the outline written scheme of investigation is lacking in detail and substance. So we couldn't refuse a document submitted under currently worded requirement 17 if it failed to say, meet this two percentage plus 2% contingency requirement for trial trenching, because that requirement is not in the outline written scheme of investigation. So we might have a feeling that it isn't sufficient trial trenching, but the adequacy of the document on the wording of requirement 17 would be judged as against its consistency with the outline written scheme of investigation. And if that doesn't include a commitment to a particular degree of trial trenching, then it's very difficult to see how that could be reasonably refused on that basis.

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This. Thank you very much, London.

1:50:04

Thank you. I am conscious of the time and that I would like to move us towards time to have a short break. I think, from what I've heard so far today, this is a rather circular argument that is probably going to continue going backwards and forwards for some time. And I think what I would like to suggest is that we all take an action point for for all parties in potentially including Historic England, the applicant and Lincolnshire county council and any relevant district councils to offline,

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come together and have further discussions relating to

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the contents of requirement 17, and whether there needs to be an amendment to the wording, and any Suggested Wording for for such a requirement. And also, I am aware through the written representations of the other concerns

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raised by Historic England and Lincolnshire county council, with regards to the outline written scheme of investigation,

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noting it one issue in terms of preservation in situ. So I would, if I can, like to encourage all parties to come together to look at these specific issues.

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I will come to the applicant now, and I think just to see whether parties are happy to do such a thing. And what you think is reasonable in terms of timescales, I would anticipate deadline three is not realistic in terms of these further discussions, but whether a deadline for submission would be appropriate in this case,

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Madam Harry would fill pot on behalf of the applicant.

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First of all, in terms of the practical suggestion, we are content to discuss with LCC where we can and report back a deadline for but I do want to take the opportunity, if I may, to correct some rather important missteps in This Hall's analysis. One in particular, that it was said that there was an acknowledgement that what had been done so far was not enough to understand what mitigation was required. And it's important that that is not misunderstood. And I hoped that I had made that clear in my own comments,

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the outline written scheme of investigation identifies the menu of mitigation measures.

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It is not a matter of not knowing what mitigation would be appropriate to include in the outline written scheme of investigation. The question, of course, is which items from that menu of measures do you put in place at the detail stage for for implementing the works? As I sought to explain, this is clear not only from the evidence that you've heard and the evidence that's in the documentation, but from the structure of the requirement itself, that process is iterative. So to suggest that we that there is some concession that we don't have enough information at this stage to frame what should be in the order to provide for mitigation, which is the issue we're grappling with here. It's just wrong. It's a misunderstanding of the evidence. It's a misunderstanding of the legal framework in which that evidence sits. And it's rather important to correct that. Otherwise, we'll go into those discussions with LCC having grabbed the wrong end of the stick, and then we'll spend a lot of time correcting that misapprehension. It's also, if I may say so, wrong to suggest that there is not enough information in

order to undertake an informed appraisal of the likely significant effects. Not least because, as you heard a moment ago in evidence, evidence which doesn't appear to be properly reflected in the legal submissions that you've heard. You've heard evidence from Miss Dawson about the extent of archeological investigation and understanding in relation to those parts of the project where avoidance of any archeological remains discovered is not going to be practicable, and the ability to work around other areas at other parts of the route, all of which, of course, is properly reflected in the assessments that you have had. And so whilst we'll have these discussions, ultimately.

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See, the county council position is based on a misapprehension, which that it doesn't have adequate control. There is nothing that prevents it forming a judgment as to the adequacy of the information, whether it's trial trenching or anything else, that is submitted to support a written scheme of archeological investigation for approval, so we'll talk about it with them, and we'll see if there's any way in which we can help them feel comfortable that they've got adequate control.

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But ultimately, I don't, I don't want those discussions to start on the basis of a misunderstanding of the evidence or of the principles. So that's why I hope forgive me for taking the opportunity to just make those points clear. Now

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thank you that's noted,

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and thank you again for agreeing to have those further discussions. If I can ask Lincolnshire county council just to briefly comment on my point about taking further discussions. I don't really want to continue this debate for too much longer.

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Stephanie or ligature scans. I think probably we can just agree, unless somebody kicks me under the virtual table to that we can, we can continue those discussions offline. Thank you.

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Thank you for that. Okay, so we'll take an action point for those discussions to continue.

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It's now. It's 1156

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so I think it is time for us to have a short break.

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If I can adjourn at 1156 so if we take 10 minutes and return at six minutes past 12,

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just to confirm this meeting is now adjourned. You.