

TRANSCRIPT_YORKSHIREGREEN_ISH2_SESSION2_24052023

00:05

Good morning, everybody. This hearing is now resumed. Can I just check with my case team colleagues that the livestream started and the recordings underway? Some nods. That's good. So before the break, we'd worked our way to the end of item four. And now we will move on to Item five in relation to landscaping visual effects. I'm going to hand over to Miss combs.

00:25

Thank you Miss powers. Just before we start on landscaping visual, Mr. Carruthers, if you're still there, the responses that we found helpful, were in the applicants responses to our first round questions, which was rep two, dash zero 38. And it was section 4.7, there was about four questions on funding. And that clarified some queries that we had. So that might be of help to you as well. So I'm going to move on to landscape and visual now. And, Mr. Attorney, we just have a few points initially that we want to clarify on visualizations, and then we'll hear further from North Yorkshire counsel. But we're also just wanting to give the applicant the opportunity to set out its opinion on the purpose of the visualizations and how they're used within the landscaping visual impact assessment. So if we could take the agenda items separately. So starting with the first one, which is to understand from the applicant is photo montages have adopted the worst case scenario in terms of the limits of deviation for existing lattice pylons to be modified. So yes, if we can take that point.

01:47

Thank you, Rich attorney for the applicant. I'll I'll ask Mr. Ferber to come straight in I think on that and just explain, perhaps if you can just explain in straight answer to the question, whether a worst case scenario has been adopted, and the approach that has been taken to those visualizations and pylons

02:05

by Neil Ferber for the applicant, so the visualizations illustrate the engineering design as it's been finalized for the environmental statement. However, at paragraph 6.8, point 19 of the IES chapter, which is apt 78. It's clarified that the assessment itself is based on the maximum height of the project, which includes the Vertical Limit of deviation of the pylons. So we acknowledged that the new pylons may increase by up to six meters in height. So five assessment purposes when we look at the montages, that's approximately a one and a half times the height between the uppermost arm of the pylon in the montage on the top of the pylon. The reason why those have not been illustrated is because there aren't design models for them at maximum height. And also, there wouldn't be a consistent increase in six meter height across all the pylons in any one view. So the reasons to technical reasons for increasing the height of a pylon would be primarily to maintain safe clearances. And that would only happen if there were any unexpected changes in ground conditions. So we're not expecting this to be something that would would be required. And if we were to show that six meter

increase on the montages in whatever format, it would, would present an unrealistic and potentially sort of misleading representation.

03:50

Thank you for that. And that can I just clarify, this is possibly not for Mr. Ferber. But maybe Mr. Fowler. In terms of So is it just the pylons that I'm the new pylons, or the pylons that are being put to sorry, I'll rephrase that. So modified pylons would not potentially have a six meter increase? Is that right?

04:20

Steve Howe Ashford? Yes, that's right, the limits deviation vertical only apply to new pylons not to existing piles to be notified.

04:28

So I think in that case, we might need to pick up particle five one C on Friday, because I think perhaps restricting a bit more in the limits of deviation would meet what Mr. Fowler has just told us. So we'll we'll pass on now but just be ready for um, Mr. Reynolds, I don't know whether it's going to be you or somebody else from North Yorkshire Council, but I just wanted To give you an opportunity to comment on what you've just heard from the applicant with regard to the six meter increase and the rationale on the photo montage is

05:09

Michael Reynolds NYC, I would want to defer to my colleague, Tim John's who's attending online. Mr. John?

05:20

Yes, Tim Johnson, in your city council, I have nothing to add at this stage. Okay,

05:25

that's very much. Thank you. So now turning to the agenda, Item five, a two. And this is just really the opportunity to understand from the applicant. It's not necessary to repeat the detail that we've seen before, but we just wanted to understand the role that the photo montages have played when the landscaping visual impact assessment is being undertaken. So if you'd like to use North Yorkshire councils point one what bearing on the judgments used in the viewpoint assessments to the video visualizations have

06:04

Neil Ferber for the accent? So because they are what is described as type three montages. So this is in reference to landscape Institute guidance, technical guidance, no 619. And it's a level of detail that it's considered to be a reasonable approximation of the infrastructure. So it's not a precise replication of all the details. When we consider the that it this is not unusual at this stage of the project where there isn't a full a fully developed design of all of every sort of component of the scheme. And without wanting to repeat too much of what was said in in our representations. In summary, we don't consider that these missions that the NYC highlight in relation to insulators, a minor latticework would have any bearings on

the judgments made in the in the LVA, in terms of the assessment levels of the magnitude of change, and the resulting visual effects or affects upon landscape character.

07:09

So what I was just trying to understand in a bit more detail is when you or whoever is undertaking the assessment, how much you're using the visualization as your tool? Or, or, and or what else are you using, such as, you know, site visits and the sort of rest of the methodology. So it's not about we read all your justifications with regards to the the nature of the things, it's just about how that how the visualizations are actually used.

07:45

So I think what we're using is we're not using visualizations from agreed locations, and then providing a viewpoint assessment on those locations. And they're almost being used as a proxy for assessment from other maybe nearby locations, you know, order to make a judgment on what the magnitude of the difference in the views would be. So they're only part of the picture in terms of the assessment. So we obviously use the Set TVs. We don't have our theoretical visibility, we use the site visits as well to establish the level of actual screening along certain routes, whether those are foot paths or roads. And we, we undertake that detailed assessment at those snapshot locations for the visualizations. But that's only one part of the of the judgments that come to reach an overall conclusion on each receptor effect.

08:43

Thank you. That's very helpful. And so, Miss Reynolds, Shall I turn to Mr. John each time with regards to this section? And say, Mr. John, have you got any reaction to what we've just heard from Mr. Farber?

09:01

Yes, Tim John's from North Yorkshire council. So yes, I've also been on site to, to, you know, make my judgments while I have to consider the judgments while while on site. My issue really is the I hear the applicants comment on the level of detail of the visualizations. But at this stage, we're unable to agree. The magnitude of change assessment based on the level of detail submitted.

09:37

Thank you, I'm so and there's lumps in just in relationship to what you've seen from the photo montage is that difference?

09:48

It is, I mean, it obviously you know, visualizes and have a bearing but of course, I've been on site myself, so I've had opportunity to, you know, see the landscape in person.

10:01

So I don't think we've seen anything along those lines in the submissions from North Yorkshire council at present, I think we've seen the detail about the comments about the installations and sexual icon, the pylons, which I'll come to some of that in a minute. But in terms of you having undertaken a separate assessments and coming to reaching a different conclusion, can you remind me if I've forgotten or missed something as to where that's been submitted?

10:39

It's possibly not that sort of level of details probably possibly not been submitted to date. But we can take a come back to you on that one.

10:47

I think if like if you're making the case that you disagree with the applicant over the magnitude of change, based on things other than the visualizations, then we do need to see that in in writing. So if that could be a submission for deadline for that. Is that possible? Yes, of course. Thank you very much. Mr. SAHNI, I don't know whether you want to make any comment on that or

11:14

reached any for the African, it would, of course be helpful to see that I know there is a further process of discussion to the statement, common ground process. So it may be that some of those points will be raised then but I think we do need to know what the precise differences so that we can respond. Mr. Ferber can then consider it in detail.

11:37

So um, I think that's the point on these the first two points, so I'm not going to take points for which, well, I don't really need to take point four, because I think there isn't agreement at this stage. And we're not quite sure where the level of disagreement is. But we're awaiting some further comments from Mr. John's. So that will be helpful. I'm. So there's just a couple of points that I'd like to now look at in terms of the comments on the visualizations. So I have Mr. Tony, initially, I had a couple of questions for probably for Mr. Ferber just on some of the recent submissions. So do you think we could have on the screen view points C, which is rep two or 31? Figure three point 10. And there was a question from North Yorkshire just about where the the mounting and the 19 mounting and planting was. So could that be pointed out? Do you think just for the benefit of well, probably for Mr. John

12:56

Neal Ferber for the applicant. So the mounting which would be up to two meters high is located with number five. So the A 19. Is the obviously the linear feature. That one's sort of on the north. Yeah, that's correct. So that the Earth mounts in two locations that are up to two meters high. So Item five, and then that there needs to be a break where the overhead lines pass over the 19. And then the mounting extends to meet an existing hetero in number two.

13:43

Thank you very much. Mr. Ferber. Mr. Johnson has that clarified these questions from the from North Yorkshire's point of view?

13:51

Yeah. Tim Jones from North Yorkshire council. So I saw this plan with the applicant on a call last Friday for the first time. So I am now clear on that two meter mounting. That's that's all very clear. Thank you.

14:03

Okay. Thank you very much. And then if we could just turn to viewpoint II, I mean, this may well also have been resolved, but the witches rep 2046 viewpoints a year zero, please. So the point that North Yorkshire Council is making with regard to the A 63 and it's low hetero and whether that's presented on the visualization or not, if this point has been clarified through a meeting, then just just say it's been clarified.

14:36

Neal Ferber for the action. We've attempted to clarify via email after the meeting, but I don't we haven't had a response on that.

14:47

Mr. John, are you satisfied with whatever you've heard from the applicant?

14:51

Yes, I can respond. Now. My issue was with the not the baseline visualization, but the proposed visualization which I Live, we can see that I just found it inaccurate in the sense that there is an existing small hedge row to the northern edge of the a 63. And what I can see in the visualization on the screen, there is the mounting that extends over that existing hedge row, which I don't believe would actually be the case in reality.

15:24

Neal Ferber for the applicant, there's a hedgerows to the south of the 63 that the mound proposed mount sits on top off, which would obviously be removed. But there isn't any impact on the hedgerows along the x 63 itself. So that's why we were a little bit confused. And obviously, the mountain would appear closer towards you, because obviously, the substation is extended towards you in that view.

15:57

Mr. John, is there is there anything further that you want to add at this stage?

16:01

I just wanted this is quite detailed. I just wondered if we could we could again, cover this at a later date.

16:06

I think that would be probably with both of you with the relevance, photo montage on screens or even paper in a face to face meeting. And perhaps I think if if a response on how this has been resolved by deadline for would be really helpful.

16:26

I knew of her before that can that's fine. I think if Mr. Jones could sort of mark up something identified precisely where he thinks the arrow is that would assist.

16:35

Thank you. Yes, I will endeavor to do that.

16:40

And so now I just like to move on to the annotated closer montages, which show the Rochdale envelope and also the photo montages with vegetation affected. And these were submissions that we requested in our first round questions. And they were submitted, as we're up to 8472048. deadline to so Mr. John, I, you've commented on some of the other points, but you I just wondered if you had any further comments on those annotated photo montages that you wish to make at this stage?

17:15

I'm sorry, check. Would you just be able to? I'm looking at the agenda. Would you just remind me which item we're looking at there, please?

17:28

It's five, a

17:30

five. Yeah. Five. And then the little circular bullets.

17:36

Okay. Yeah.

17:43

Excuse me, Michael Reynolds NYC again, is this something that we could pick up a deadline for?

17:49

You could? Yes, by all means. Okay. Thank you. So that's an action for deadline for.

18:03

And so I just turned now to ask if Leeds City Council or city of York, either of those two councils also have comments on these, but again, we'd be happy to take comments in writing a deadline for if that's more convenient. So can I just turn to them as white?

18:25

Yes, hi, I've got nothing to add on that. Thank you.

18:28

Thank you, Mr. Baldry.

18:30

Likewise, from the city of York, nothing to add at this stage, but we can pick things up written questions later on. Thank you.

18:43

So I think now, I'm sorry, maybe I have jumps around in the agenda. So I think we'd like to hear now, just a bit about the the shortcomings that you feel are evident on the visualization. So this is back to Mr.

John's, in terms of the applicants. explanation. So we have we've had an explanation in the deadline three response. So whether that explanation is with regards to the visit visualizations is acceptable to you, or if you're still the difference that you feel with terms of the magnitude of change is not is it you've said it's it's greater than the points on the visualizations, but just to understand your views on the on the visualizations?

19:39

Yeah, Tim John's from North Yorkshire council. So I think, yeah, in summary, I did make some quite detailed comments about quite a number of visualization visualizations, which obviously won't be appropriate to go into all of those now, but in summary, the main issue we had was the fact that the insulators were not showing a normal Some of the some of the steelwork to the pylon towers. And for that reason, we're unable to agree, some of the judgments made in terms of magnitude of effect or making magnitude of change.

20:16

But suddenly, I asked, Do you think this is going to be a continued point of disagreement? I mean, do you see a way forward? In terms of are you expecting the applicant to make any changes to the photo montages? Or any maybe additional sort of explanation in the landscape methodology? Are you looking for anything like that? Or are you basically saying you think it's going to be a sustained difference of opinion?

20:50

Well, it would certainly help us. It would certainly help us if there was more detail provided in the visualizations

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that you're not accepting the points that the applicant has made with regards to the stage of development. And the the sort of the the, the point was I asked Mr. Ferber to explain in terms of the role that the visualization takes within the the overall assessment.

21:27

Yeah, I understand that, you know, the level of detail. They've prepared the visualizations, too, but I would say for for a consultation, such as ourselves, it's an insufficient detail at this stage for us to agree on the magnitude of change judgments.

21:44

So are you saying that they don't meet the technical level type three and the landscape Institute guidance?

21:52

I'm not saying that. I just, I'm just saying that additional detail is required to help us agree. The levels, you know, the the magnitude of change of the assessment.

22:08

Think what would help us Mr. Ferber is a notes which could possibly, probably most logically sit in the landscape, methodology document rather than on every photo montage that sets out briefly the points that you've made in the reps that you've made. So we don't need the whole wording from the rack because we've got that, but it's something that would be then within the environmental statement, this is just setting out what the law, the type three is as achieving, and, and why. So I think that would be helpful. And perhaps, if you're meeting with Mr. John's, then perhaps the wording of that could be discussed and, you know, agreed, if possible. I'm not asking for the photo montages to be expanded upon at this stage. I think that we'll try and find an approach that is based on the sort of explanation of Mr. Jones, I don't know whether you want to respond to that.

23:28

I hear your suggested way forward. I still think that some work to the visualisations would be of benefit.

23:41

But perhaps you can take that with Mr. Ferber as well, in terms of what whether you're suggesting that all of detail points that you've made in the two submissions, you're you would like those included or whether there's a lighter touch approach to changes to the visualizations. I'm not sure we can go much further at this stage, Mr. Turney. But if you wish to say anything,

24:11

Richard, anything I was just going to emphasize? For Mr. John's really that what, what we do say is that there's a suite of material here and enough to make a judgment on the visual effects, including the magnitude of change judgment. And the visualization is just part of that. We don't rest on that as the sort of complete comprehensive material for assessment of magnitude of change, but it's informed as Mr. Ferber said site visit, we've got the design drawings, which can helpfully be used as a cross reference against the visualizations. And necessarily in projects such as this, we have to take a proportionate approach, showing excessive detail runs the risk of suggesting that those matters are fixed when actually As with most n sips, there's a nationally significant infrastructure projects as a parameter A based approach. So that's why we think what we've done to date is appropriate. And Mr. Ferber is considered the technical answer to that. But as an overarching project, we are asking for an order which sets parameters rather than which defines these matters.

25:18

Thank you. And that's why I was so keen to understand from Mr. Ferber the role in the process, which we've now heard, Mr. Ferber, you wanted to make another point

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on the offer. But for the African thing, it was just a very brief one reason why technical guidance note those 619 was developed was for this very reason, and why they had different types of visualizations, because it was often a conflict in inquiries in years gone by where, you know, one side would be asking for more detail, and it wasn't appropriate at that stage of the project. So I would refer back to the technical guidance note as being something that's just tried to address address these issues.

25:53

And if my memory serves me correctly, then there was a discussion at some pre AP stage and that was in the consultation report that type three was agreed.

26:02

Neal Ferber for the AP exam. That's correct. Thank you.

26:10

I'm just going to turn now to other IPs in the room, whether anybody else, either here or virtually has anything further to say, on this point. I don't see any hands raised. So now we're going to move on to the LBI addendum. Um, so quite a long story.

26:32

short enough. Is this the appropriate place to talk about landscaping for skeleton Springs was a bit later on?

26:40

It's a bit later on? I should have said at the beginning, but I have got it in my speaking notes. So I'll bring you in at the correct correct time.

26:48

On one question of Mr. Ferber, and

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they weren't question to me, and I'll ask Mr. Tory.

26:55

So when Mr. was talking about whether it's the worst case scenario, am I right in saying that it isn't the worst case scenario, there's a six meter flex.

27:08

Now, I don't think you're quite correct. But Mr. Ferber, I think you better apply for that.

27:14

The photo montages show the engineering solution. In some circumstances, there may be a requirement for the pylons to be up to six meters higher, but that wouldn't be across the board. And it would be only required if the local ground conditions were not as predicted. So the clearance would have to be increased, therefore the pylon to be increased. So to all with every pylon, six meters high would be unrealistic. However, the assessment has always verged on the side of being conservative. So for example, at skeleton springs where the magnitude assessment results in moderate, which could often be significant, we said, well, we assess it's significant because it accounts for things like the limit of deviation, and making sure that we're not under assessing anything.

28:10

So if they do have to grow by six meters, guess what happens in the construction of the lattice.

28:19

Reach 20. For the African, there's obviously, there's more steel involved in the taller pylons. But I think what we would really emphasize is that the this is sort of taking the point slightly how to turn the visualizations are based on a design, which is taken into account existing constraints. So for example, where we need angle towers, and so on, those have been taken into account, we've got to get higher clearances, those have been taken into account in the design to date. So the limits of deviation ensure that if the project encounters a problem that isn't anticipated in the design to date, so something we haven't yet factored in, that we're able to still deliver the project by raising some of the pylons, it would mean more steel, obviously because there'd be another rise in the in the pylons. But it's not a change that we expect at the moment. And as Mr. Ferb has explained, it would it would give a false impression if you were to show them all with a six meter raise, because it's a deviation from what is actually designed and expected on the scheme.

29:27

And, Mr. Stevenson, we'll come to the detail of the views that your clients are interested in later, and I asked Mr. Ferber to, to comment on that.

29:38

That's fine. That's fine. I understand. What not a good set out yet, but I don't think they made the radar. I wanted to tease this out that actually, if they do have to increase the height by six meters, the actual visual impact of that particular pylon will be greater than it is seen on the current visual visualization.

30:04

That is correct. But I think the point that I've been laboring is that the visualization isn't the only elements of the assessment. And when we come to skeleton springs, then I don't think I wasn't really

30:21

wasn't resorted I wasn't really, it wasn't a site specific. Okay. It was for everybody. And, you know, people in the countryside, they will, they will just look at him. When they

30:36

reach said, if the African think just to emphasize, they would be higher than shown on the visualizations, naturally, because there'll be a variation upwards. But the assessment that we have carried out and reported in the ies would be the same, because we've taken into account the limits of deviation in making those judgments. So the overall assessment of effect would be the same. Yes, they would look different if they were raised beyond the design height, pursuant to the limits of deviation, they would look different than as shown in those visualizations.

31:11

So I am going to move on to the LV IA addendum now, because there's quite a lot of points here. And I'm, I assume you'll have read into the level of detail of the agenda item that we are curious about the findings of this assessment. And so we just wanted to set out why we're interested in pursuing this further. So this is about the how the sensitivity assessment of the traveller community as a receptor has

been derived. And I think it's fair to say before we hear from Mr. Ferber that we don't find the turning the caravans around so the windows can't see the view to be. We're not convinced that that's a persuasive argument. And what we saw on site yesterday is that most if not all caravans have windows on at least three sides. So I think we'd like to hear the justification for the assessments based on the points, the bullet points in the five b one.

32:20

Bridges, and if the applicant I'll hand over to Mr. Ferber, I think we've got your stare, both from the way the questions were posed and the way you've just put it now. So we understand the concern. I think once Mr. Ferber explains his position, it might help if he goes on to explore what the consequences would be, if he were to adopt your position or the position that we perceive from the questions in terms of the susceptibility of the receptors. I think that might be a helpful next step. But if Mr. Ferber explains why he got to where he got to, and then moves on from that,

32:55

thank you very much.

32:56

Neil Ferber for the accent. So I think the starting point, really is to look at how we derive sensitivity. So we're obviously looking at a combination of the value of the view and the susceptibility to change. And the approach we've taken is consistent with table six C dot three in Appendix C, which is the OVI methodology, AP 110. And that methodology notes that even with a medium value and a high susceptibility, the methodology allows professional judgment to reach the conclusion that sensitivity can be either medium or high. So our purpose in identifying the susceptibility as medium to high as in, you obviously recognize the split category was to provide some transparency on why an overall medium sensitivity was concluded. However, should others consider that the susceptibility of the travelers to change as a result of the project were to be high, then the professional judgment in accordance with that table 63 would still determine the overall sensitivity to meet medium and not high. So appreciate that's a slightly sort of technical explanation of how you combine the value and susceptibility to come up with sensitivity. But I think in practical terms, in addition to the fact that we've recognized within the assessment, about the flexibility of of touring caravans to modify orientation and accept you don't, don't accept that as a reason. I think we also have to acknowledge that the susceptibility of those receptors living in already living in close proximity to a pylon would mean that their susceptibility to changes in relation to pylons is less than somebody that has a view where there aren't any pylons already in, in, in the view. And I think we we make reference to that in Bolivia three, and we've got an extract which I'd ask your permission if we could share on the screen.

35:17

Yes, please do.

35:21

times. So it's the clivia three extract. So at paragraph 635. So this basically just to introduce it for purposes of the of the wider inquiry, this sets out the how you go about assessing visual sensitivity, which is a combination of the value of a view and the susceptibility of the users or people to to those

change. And I think a paragraph 635, just to read the first line is that the fact that the division is not black and white, and in reality, there will be a gradation and susceptibility to change. And that each project needs to consider the nature of the groups of people who will be affected, and the extent to which their attention is likely to be focused on views and visual immunity. And our assessment is that if you are living in a house with fixed view, so for example, from sort of large, large windows are facing open farmland, and there aren't any pylons in that view, or they're very distant than your susceptibility is higher than if you live directly next to a pylon. So notwithstanding the fact that we think that the ability to modify orientation is a relevant consideration, it is really the context of how the views are framed already. And that, I think, finally would like to say that just taking Richards point of, well, how would it feed through if you consider them to be high sensitivity? So we would acknowledge that, you know, professional judgment may come to alternative conclusion on sensitivity when people haven't considered these issues, maybe in as much detail. So, for example, what would happened if the travelers were of high sense visual sensitivity to the project? Well, this wouldn't materially change our assessment conclusions in relation to the construction phase, because we've already assessed that it's been significant in any event. And I don't believe that in relation to operational effects at year one. Regardless of the sensitivity, I don't think you could legitimately describe the changes being visually significant when the pylon though is 50 meters taller, is over 50 meters further away from most of the caravans. So I think on a practical basis, we would stand by the conclusions as a sort of whether or not they were significant, that they would still be significant at a construction phase, and that they but they wouldn't be significant at an operational pace.

38:16

Thank you, and this will be set out in the post hearing note. Thank you. Um, so I'm, I haven't brought my hold copy of clivia three with me. It's too heavy. I think there's probably other paragraphs that I might have used. But anyway, I think setting that out in in the hit the hearing notes will be helpful. Mr. Carruthers, I just wondered, and this is obviously affecting the residents in the areas that you're representing for the the landowners, have you got anything that you'd like to add or comment on what you've heard?

39:00

Maybe Mr. Carruthers isn't there at the moment. Okay, I'll turn to Mr. John's

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I think to add

39:12

Thank you. Is there anyone else in the room who wishes to comment on this point?

39:25

Um, so I'd like to really just turn to the construction stage where you've identified that whatever the assessment on the sensitivity, then you're going to have a significant adverse effect. And we just think this area needs a little bit more creative thinking in terms of mitigation because of those adverse effects. And some of those are significant and some of them are interrelated using the app McKinsey yes terminology. And that means there's a potential for accumulation of interrelationships between the

adverse effects, which is based on MPSC and one para four to six. So, notwithstanding the fact that we understand there hasn't been contractor input yet, and we understand the reasons for that has any consideration been given to how construction works close to the traveler residents could be best achieved. And what we'd like to do, Mr. Turney, I'm I'm not going to put you on the spot. Right. Now, I'm going to suggest that we come back to this under agenda item 12, which is when we're looking at the cumulative cumulative being the intra related as well as the inter related. But we hope this just gives you a bit of time perhaps over the lunch break to, or maybe even this evening, if we have to go over to tomorrow, but just a bit of time to talk about a massive so we wonder if securing a site specific construction affects Mitigation Scheme for posts consent approval for this particular site, on the face of the DCO would be an appropriate way forward. So we're not saying that it would need to be set out, but that there would be a requirement for that specific Mitigation Scheme to be agreed with North Yorkshire Council prior to commencement, that could include aspects such as access arrangements, phasing, whether any of the residents, caravans could be temporarily relocated further away from where the construction was screening specific community liaison, excetera. So just if a bit of discussion could and we could have some response to that. And we may, of course, come back to that on Friday, in terms of the DCO

42:01

bridges only for the applicant, thank thank you for allowing us some time to think about that. I know, it's something we have considered. But that's a helpful steer that will take away at lunchtime and come back to you.

42:10

Thank you. And I think we've got an appropriate agenda item anyway to pick us up on. Um, and in terms of the operational stage, then I'm, I think, you know, I'm presuming that the the case for the mitigation, it would be this it would comprise planting, which would be subject to the AIA under requirements eight to one a. Is that right? Mr. Ferber do purpose reaction? That's correct. Yeah. So I think we'll leave that particular agenda item point and just move on to the next, which is the which is the outline, landscape mitigation strategies, and ongoing input to the landscape mitigation proposals, the scheme for mitigation planning, and Mr. Stevenson, I've got some questions for the council's and the applicant, but then I'll come to you at the end of this section. I'm so I'm I'm going to take items one and two together. And again, this ranch Legos, Mr. John's, for this as well. So Mr. Johnson, if you can update us whether there's been any further work that has taken place, or work that the council wants to take place during the examination period. We've noted that the updated deadline three statements of common ground that the applicant is seeking to meet with offices or may well have already met. And I think the second thing is if you could explain what the specific concerns are about the outline, landscape mitigation strategies, not complementing the surroundings.

43:50

Thank you. Yeah. Tim Jones from North Yorkshire council. So just to update you, we met with the applicant last Friday to talk about the outline, outline landscape mitigation strategies, and it was a very helpful meeting. And I think we've agreed a way forward on that.

44:06

And will that will that lead to any further submissions from the applicant during the course of the examination?

44:17

I think I defer to the applicant Sorry. Yeah. Rich said

44:21

if the applicant I don't I don't think so. I think we've just talked about how the detail will be worked up and delivered in due course, thank you

44:44

um, so I think I'll just ask Miss Miss Wyatt. Now in response to our question 548 B, which was Do you consider the permanent landscape works which would be based on the outline landscape creation structure? studies to be adequately secured. And you said no. And I presume that was in connection with the ongoing management and maintenance. Is that correct?

45:15

Yes, I think it is.

45:16

Okay. Thank you. So I'm going to move on now to point four.

45:30

So we're aware that the council's have said that they're clear about the content about the split between the schemes to be submitted under requirements eight, one A, which is the linear and eight one B, which is generally the nonlinear but we're not clear. So I'm attempting to put myself in the role of an officer handling requirements eight one a scheme submission for a stage. And I don't know against what I would be assessing its suitability, in terms of delivering mitigation, which would be for adverse effects for biodiversity landscape and visual. And so I just like to understand what I would be looking at to assess the post consent submission against

46:27

is it worth getting that one up on the screen that requirement? Eight? Oh, yes, maybe DC has to hand.

46:34

Just it doesn't say much other than it relates to the AIA, which is the arboricultural impact assessment, but we could have that on the screen if that's possible.

47:09

This is really about whether there should be something somewhere that isn't available at the moment whether there should be something in the outline tree and head true. Or if there should be an outline tree and a head true protection strategy. If that would be an appropriate place. It's just that if drawings are submitted, which show mitigation planting, then at present, I'm I don't know where I would wearing

my officer hat, where I would go to understand if they were achieving what the the environmental, the environmental statement has assessed and what the mitigation would be stated as

48:00

also before the advent so think eight one A is making reference to scheme of for mitigation planting, as in all planting away from the substations, which would accord with the Ebola cultural impact assessment, that in itself would be updated to the tree and hetero protection strategy. th P s in shorthand. And then Part B eight one B would be the landscape strategy is making reference to the detailed landscape that will be developed in relation to will be developed from the outline landscape mitigation strategy, which will be around the substations.

48:44

Yeah, so we did clarify this as the DCO. Hearing earlier. The only relates to the skete. The areas for which there are outlined landscape mitigation strategies at present, I'm perfectly content with that. I'm not really asking about that. I'm asking about eight, one A and within the AIA, there is nothing at present. That even sets the basis for which the design for the mitigation would be set out, in my view.

49:20

Yeah, I think that's because it's needs to be updated as the th PS to accord with the final engineering design.

49:28

That means we've got nothing in the examination that is demonstrating how the mitigation will be achieved. This is set out as being required, some of which is the adverse landscape and visual effects.

49:44

I think it's because the th PS is necessary necessarily responding to the final engineering design that will actually show less trees, obviously with the AIA and the In the trees and hedgerows potentially affected plans, they're showing the potential areas of planting affected because that's taken into account the limits of deviation. So when there's a final design and the impact has been reduced, the th PS would be the source on which to base the detailed landscape plans that would discharge that requirement.

50:28

Is there a case for some kind of stepping stone? documents between what we've got at present, which gives nothing? And what would go into the th PS?

50:41

I don't think so for two reasons. I think the first reason is that we don't have a final design. So we can only set out principles.

50:50

And those that those principles aren't set out anywhere at present,

50:54

yeah, there's set out in the CSCP that we would replace. For example, if a length of hedgerow was lost, it would be replaced either in the same location if that was feasible, or as close as possible to it. Or that it the same applies to trees as well. So there is that there is that sort of commentary?

51:17

And in your professional opinion, is that commentary in the cicp sufficient or an officer to work out whether the designs that they've been had submitted to them is achieving what the mitigation? Yeah,

51:34

but yes, I think it is, because it's quite a simple sort of strategy, that if you, as a result of the works that are away from the main substation, and Cseh carriers, that those works typically involve quite localized removal of vegetation. So replacement of a section of hedgerow, if it's not possible there, then compensating for nearby would, would would be a would be an appropriate response. I think the other issue that we did raise at scoping stage with pins, was how we assess the localized removal of vegetation away from the substation and see six sites, and that was agreed with pins that we could scope that out, because there wasn't the potential for those localized removals in their own right to be significant in terms of AI regulations. So we do consider that the securing under the requirements as they're currently drafted. notwithstanding any confusion that might be present, it is in terms of level of detail presented that this, this inquiry is sufficient to allow the local authority to sort of discharge their obligations.

52:50

So I'm going to ask the local authorities now what they think, Mr. John, so I'm sorry.

52:59

Yes, chair, it's something that I did raise in in our local impact report was my concern about lack of evidence of mitigation outside the substation areas.

53:13

So what would help you? I mean, you may well be the officer that was receiving those those drawings as a basis stage, what would help you over and above what you've got at present in undertaking that assessment and approval?

53:29

Well, certainly some key drawings of where along the route mitigation would take place. And in terms of locations, that would certainly assist.

53:42

So I think what Mr. Ferber is saying that the is that the locations would come later, because at the moment, they don't know where the specific removal will be. And I think that's the point that we as the panel will acknowledge and accept. So is there. Is there anything else other than what is set out in the C code or construction practice? I think perhaps this is going to be one that it might be easier for you to give some thought to and come back to us that deadline for but I'm at what Mr. Ferber is saying is that

the principles for mitigation planting, which would be delivered under requirements eight, one a are set out in the code of construction practice. And Mr. Ferber, can you just remind us of the particular paragraphs there is that I mean, I think I had some confusion about whether is it annex 31 Three

54:47

average 20 for the applicant that in terms of the CSCP itself, just just for your note, there's a couple of references, but reinstatement to planting is dealt with it 2.3 dot 21 And now Then there's also measure eight to nine, which is concerned with retention and then restoration of trees and hedgerows. I think that was where there was a referencing error which will correct which I think you picked up in your in your agenda item. So there's, it's a reference, the reference should be to annex three ie three, rather than to Annex C. In the, in the AIA, the Alboran cultural impact assessment. So there is a referencing error, but it's those two places ATO nine and paragraph 2.3 dot 21. On on reinstatement. I think more generally, obviously, the the thrust of Article eight one A is to is really focused around retention, retention, avoidance of harms to trees, and hedgerows, but also then reinstatement and incentive think the word mitigation is perhaps what's causing some confusion because it's really about retention. And reinstatement might be more precise terms. Because that's what's anticipated in the cicp. So the detail that's being approved under eight one A is really about the method, the identification of how and which trees and hedgerows will be protected, retained and protected, and where they will last how they will be reinstated.

56:45

So there's a difference between reinstatement and mitigation.

56:49

Think in in EIA terms, I think reinstatement might be regarded as a mitigation measure for sort of losses that are being assessed more generally. So loss of vegetation, you might say, as being mitigated. But then we get into sort of mitigation versus compensation arguments. And certainly, retention is a mitigation measure retention and protection is a mitigation measure, because we're reducing the impact of the project on three resource. But I think it's important to recognize that the focus of under Article eight one A is about those measures in the COC P which are concerned with, first of all, retention and protection. And secondly, with reinstatement of lost planting.

57:38

So it's like a hierarchy really have it Don't, don't remove it if you don't have to. And

57:44

it is and I think that's why we say that brilliant that the starting point on this is not so much leaping to the AIA. And then underneath that the tree and headrow protection strategy, it's actually sort of starting with the CCP and the measures that that contains in respect of construction impacts on vegetation. And then you go into the detail of the of the th PS the train hydro protection strategy and how that is going to be developed.

58:17

And climate. Yeah. Rob?

58:21

That's correct.

58:26

I think we understand all of that, but I think there's still a point for me is still but um, when the hierarchy gets to the stage of tree removal, then how do we know what will go? How can we assess whether what goes back is in accordance with, well, what is it in accordance with so I'm not going to repeat myself? I think I'm perhaps will. Mr. John is going to give some comments at deadline for so I think we'll await those. I will just ask Mr. Miss Weiss and Miss Baldwin supporter in a minute if they've got any comments. But I think I'm just also I mean, we can pick this up on Friday, but requirements 10 Doesn't make any reference to anything other than removal protection, and management. And you are saying now that reinstatement can on occasions, although it's the last sort of stand, that it can include new planting, and so I think we just need some clarification on on that.

59:43

Which is only for the African. Yes. We'll take that away. And also I think in respect of Friday's issue specific hearing on the DCO. We have been looking at the wording of Article eight in light of sort of requirements eight in light of your questions. So I will give that for those parts, we can return to them Friday. Thank you.

1:00:11

Sorry, my laptop won't recognize my face at the moment. I don't know what's wrong with this.

1:00:20

So I've heard we've heard from Mr. Jones. Yes. Miss White. Have you got any comments? In terms of the points that have been made about the the new planting this is reinstatement planting and how that would be assessed at post post consent?

1:00:37

Yeah, I think firstly, I mirror your concern about the differences between mitigation Protection Enhancement planting your statement planting? I think Terms of Reference should be applied to those particular use of words. So it's clear to everybody but I do think that potentially speaking, whatever the outcome is, I think at this stage, we should be given at least maybe some scenario basis on drawings, you know, if things was to be in this location, what we'd expect I'm not particularly clear on if there will be any mitigation planting required in leads. It's quite confusing. I understand that no trees to be removed, no existing trees and but I think potential hedgerows would so I think firming up on that would really help me out in considering the next question which you can be asking me on landscape management and maintenance. Thank you.

1:01:36

Thank you, Mr. Baldwin.

1:01:40

This stage nothing particular to add, we pick things up through the written questions. I think the only point I would make is that from from the perspective of dealing with the requirements at a later date, if any measures can be included to sort of, you know, assist us in sort of, you know, piecing all the elements together and understanding what we are in here, signposting tours, signposting tours that in the correct direction will be of benefit. There's you know, as you appreciate, there is a large amount of information that has been submitted. So we you know, any assistance in signpost into the LPS is appreciated.

1:02:28

Thank you, Mr. bouldery. I'm so I think I'm, I'm unless Mr. Ferber, you want to make a further point, I'm going to conclude on that point. And I'm going to move on to Mr. Stevenson now and the situation that's as we've we know, it is skeleton springs cottages. So I just like to pick up that point. So we visited there yesterday, we met your clients. And if you I think it'd be helpful if you'd like to just tell us a bit about the concerns of your clients. And this is in relation to the impact on views that we talked about initially when we when we visited. But as we said earlier, I know this will be tricky, but as we said earlier, if you can refrain from mentioning where your clients live, that will be appreciate. And so to get to it, so to assist you, the LV IA has referred to these receptors as new farm cottages. So you could say the receptors or you could say the receptors that new farm cottages and that will relate to what's in the environmental statements. I know, it isn't exactly what the address is, but I think it's just a more open way and we won't have to redact things about your hormone receptors, call them receptors. Perfect. Something. So yes, so if you could just really explain their concern. So

1:04:02

it could we could not read put up the first slide. We first slide we had of the Overton substation police that we had right at the beginning of this, is that possible?

1:04:15

That was the that was the word. Oh, yeah. See the outline landscape plan? Thank you.

1:04:21

Very helpful. So I will say, my clients, very kindly did a montage.

1:04:29

Which you're going to submit Deborah

1:04:30

sweat. Yes. Which will submit? Yes. Which shows photographs of of the views. And also it. It doesn't. Unfortunately, it's not this plan. So the receptors view does he go up a bit more, please?

1:04:50

Now, unfortunately, that one doesn't, but maybe if you explain where they live, where the receptors are?

1:04:59

No, good. Go keep that. So the receptors you asked

1:05:03

if it would help we could put up the works plans with number be able to go RCL is more useful. There's

1:05:10

also a break, break in the plant work plans aren't yet different from one plan.

1:05:15

Go back to the first one, please. No, that wasn't perfect. Okay. So if you go to the bottom right hand corner in the bottom corner, I can't see what the number is of the actual substation there. Brilliant. rid of that. Okay, yeah, so if you zoom out now, please. So, if you come basically, in a solid southerly direction, from that point, my two, the two receptors have a perfect view of the substation from their back garden. And their back garden is the only place that they can sit, they don't really have a front garden because it fronts onto the access road. So the headline at the bottom of this screen, the green line at the bottom, the very bottom. Yeah, that's called Hearn's gutter. And the the, the northern part of that, running up to the 19 has, is fairly well screened with large trees, mature trees. But regrettably, it's they stop about halfway down. And there is a very nice gap. But as I said, my clients back garden has a perfect view to substation. So what we would like to see is a bond put along that boundary. And the bond would have to be seven meters, a minimum of seven meters from homes gutter, and gutter is maintained by the internal drainage board. And that is the access they required to the drainage board. So ditch, so you can't go any closer than that. And you can't pass anything closer than that you shouldn't do anyway. We would like to have it's just for the gap. We're not bothered about the full length, the full length of ferns, gutter. It's just a gap that's there. We'd like to have a two meter bond there. And we'd like to have that planted as per IS IT number five that that that that we've got up there? Because the photo montage that we saw we saw on site were very helpful after it was sort of like year one of planting, wasn't it? And then it was year 10 of planting. Is that right? Yeah,

1:07:46

it was yes. Yeah. Visual face montage. We saw where it was from the railway bridge. But yeah, yeah.

1:07:54

And what my clients, and I couldn't really understand is why there is a bond been put in to the northwest of the substation cost there really isn't that that that bond there, which has a big number five, one, and it's next. And next to that there's a four and a three on the top left hand side on the left hand side. Yep, that's the railway bridge. And that's the railway line. So I'm not sure what the purpose of that bond is. And that's an and that screening is there are plenty of trees to mask the view of the substation from Skelton from soaringsem, shipped and shipped in by bending bruh. And bluntly, the trains are going to fasten to notice it. So my suggestion would be to National Grid if I was them, is to take the bunding that they've put it that big number five, and put it down in the bottom of the fields and create a woodland.

1:08:59

Thank you Mr. Stevenson. So I am going to come back to the applicant I'd suspect to be Mr. Ferber. So we do note that the new farm cottages in the landscape and visual impact assessment is one of six clusters of scattered dwellings where there are significant significant adverse effects. So I'm sure which there aren't there are significant adverse effects that's in the landscape and visual impact assessments. So which are present on mitigated and I think this is a situation where we've now had representations from the people who live there. I'm represented by Mr. Stevenson. So we understand the points that have been made by the applicant previously about not seeing mitigation close to the house in the garden and the the residents wouldn't want that anyway, that was made clear to us on site. So it's just really to respond to Mr. Stevenson's point about posed plan. I'm seeing in the gap up along Hearn's gutter and we saw it very clearly. So looking towards hands gusta on the east on the right hand side, then there's toiletries and the hopefully that will be screening but there is a gap in the in the tree line. And so we're I think that's what Mr. Stevenson is asking about.

1:10:21

Near Ferber for the applicant, I think, first of all, is to mention the restrictions on sort of the flood risk point of view in terms of mounding in that area. I'm not sure if Mr. Fowler or somebody else can provide sort of further commentary on that. Between the eastern edge of the substation and enhance gutter

1:10:46

the power grid that might be better by Steve until I know he's got his hand up, he's you might want to jump in on this one.

1:10:53

Just to say Mr. Anderson is our flood risk expert, but he's joining remotely for this session.

1:11:01

Though, yes, Steve Anderton representing national grid on flood risk and hydrology matters. Yes, so, there is an area of flood zone three, which extends around this section of Hearn's gutter. So I think the idea of putting a raised mound in the vicinity of the watercourse there would be problematic from a flood risk point of view. However, the the flood zones don't extend across the whole of the field between homes, gutter and substation sites. So the possibility of putting some form of bonding further towards a substation could be investigated without any flood risk issues.

1:11:47

Thank you said perhaps that could be looked at and submitted at deadline. I'll come back to Mr. Stevenson at deadline for um, but I think if there could be productive discussions with Mr. Stevenson on behalf of his clients during that process, that that would be helpful. I think. Mr. Stevenson,

1:12:07

I'm more than happy to proceed have meetings with national grid on site and colonial stars. So yeah. Obviously, what we're proposing Yes, is on land that doesn't belong to the receptors. Where does that lie? Please?

1:12:23

Well, that would be a compulsory acquisition or temporary possession matter which I'm the, if you look at the land plans, you will be able to establish who owns that land, but I suspect that National Grid is I'm fairly sure national groups looking for rights over that land. So it's, it's National Grid is going to implement something, then it will be on land that is has the right to do that. So it doesn't need to be land that belongs to the receptors.

1:12:58

And I think the area we've been talking about is the area within the Overton substation compound to the what you will have seen as around the Overton substation site, you're looking at the southern boundary of that.

1:13:10

Mr. Ferber offer for the applicant. We obviously have considered this in some detail, as you mentioned, within the environmental statement, I think there were just a couple of principles that we need to sort of set out and maybe the reasons why the mitigation strategy is as it is currently designed. So the mounting is really to along the 19. And along Overton road is to restrict public views for cyclists on end, NC, NC, and 65. And over to road and also for the numbers of road users that would get those public views along the 19. So that's where the primary mitigation has been designed with respect to private receptors. And this is certainly no disrespect to individuals who clearly value their views. But, you know, private views don't have the same planning status. So there isn't a protection of private immunity, particularly at the separation distances that we're talking about, which are in excess of 750 meters. We've also looked quite carefully at the orientation of the property and how that external space is used. And we do note that within those receptors, there is a garden area that is quite densely hedged, and the ground floor views from the properties within the garden. And so from the property itself, which is orientated slightly towards the a 19. And also the garden area we largely restricted even in winter, by the boundary planting. The views that are that are being talked about are actually from outside the garden on an allotment area where there's been a summer house erected. So that's out side the fit of what you would classify as normal immunity land. That's not withstanding the fact that those views are there. But it's just trying to put those into some, some context. We also obviously have been quite aware of the restrictions with sort of flooding and providing additional mounting or planting in areas where it isn't where we don't consider it's actually necessary. And the final point is to note that the greatest impact, which leads to the significant effect from those receptors is not the substation is actually the pylons. And it's the panels on the SP line in the other direction from the front of the property, which is why we were making the argument that the only way you're going to mitigate that is to plant in the front gardens, and then you would have shading of the front of the house. Because that's really the only place that will be effective to mitigate those views. So really, the key impact is not views of 50 meter high infrastructure on the substation, it's off the higher pylons. And that that doesn't just apply to these receptors, it applies to many of the other receptors, where we've identified there will be some adverse impacts.

1:16:19

Thank you. And I think I, you know, I understand the point you're making about public versus private, but we've had a representation from those individuals. And I think somebody earlier mentioned, when we were talking about mitigation and reinstatement, then the word enhancement was used as well. And

so I just would feel that this in the circumstances with the receptors, having appointed an agent to discuss this, but we would like further consideration to be given as to whether there could be some planting of some sort, you know, within the constraints of flood zones, etc. Considered, and however, that is described, whether it's mitigation or enhancement, then, you know, I think we just need to move forward on this. And I trust that that can be considered, as I said, with them in constant conversation with Mr. Stevenson. So I think we've run over heavily on this item. And is it appropriate to break for lunch now? So we are going to make a point? Yes, come

1:17:31

back to that, please. Go back to what was very much said. Yes. I'll take issue with quite a lot to said, which I'll put in writing, but I'm fine. It's nice to know that private individuals are so low down on national grids agenda. And I'm not gonna say any more. Yeah,

1:17:55

I think the point that Mr. Ferber was making is not about National Grid's agenda. It's about the methodology of landscape and visual impact assessment. And however unfair it feels, then I have to agree with Mr. Ferber in terms of what the guidance tells us

1:18:16

use instructed by National Grid, they can just because national guidance says this, they're instructed by National Grid,

1:18:23

what I'm asking national grid to do is to talk to you about something that would go further than what they probably have to do. And so I trust that this can be a constructive discussion that will result in something that maybe doesn't appease all your clients concerns, but that goes some way. Thank you. Thank you. So now we're going to break for lunch. And over lunch, I'm going to look at the rest of the landscape and visual agenda and see which ones we need to touch on in the hearing and whether there's any that we will use in second written questions because obviously, we've overrun on this quite significantly, and there are other topics of interest to other parties. So that's fine.

1:19:11

I think we'll say on that basis, as long as everyone's content they can get some lunch and the time that we will return it to so that we stay stay a bit on track. Okay. So on that, on that basis, we will return it TPM. Thank you for your time.