



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES

2010

East Anglia TWO Offshore Wind Farm

Appendix A6 to the Natural England Deadline 1 Submission

Boreas submission REP-064: Natural England's response to Examining Authority's Fifth round of Written Questions

For:

The construction and operation of East Anglia Two Offshore Windfarm, a 900MW windfarm which could consist of up to 75 turbines, generators and associated infrastructure, located 37km from Lowestoft and 32km from Southwold.

Planning Inspectorate Reference: EN010078

2nd November 2020



THE PLANNING ACT 2008
THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)
RULES 2010

NORFOLK BOREAS OFFSHORE WIND FARM

Planning Inspectorate Reference: EN010087

Deadline 14

**Natural England's response to Examining Authority's
Fifth round of Written Questions**

25th August 2020

Our Ref: NE.NB.D14.01.ExWQ5

Abbreviations used:

AEOI	Adverse Effect on Integrity	OCoCP	Outline Code of Construction Practice
ASI	Accompanied Site Inspection	OLEMS	Outline Landscape and Ecological Management Strategy
CoCP	Code of Construction Practice	OSes	Outline Skills and Employment Strategy
DAS	Design and Access Statement	OTMP	Outline Traffic Management Plan
dDCO	Draft Development Consent Order	OWSI	Outline Written Scheme of Investigation
DML	Deemed Marine Licence	R	Requirement
EA	Environment Agency	RIES	Report on the Implications for European Sites
EIA	Environmental Impact Assessment	SAC	Special Area of Conservation
EM	Explanatory Memorandum	SES	Skills and Employment Strategy
ES	Environmental Statement	SI	Statutory Instrument
ExA	Examining Authority	SoCG	Statement of Common Ground
FFC	Flamborough and Filey Coast Special Protection Area	SoS	Secretary of State
HBMCE	Historic England	SPA	Special Protection Area
HDD	Horizontal Directional Drilling	SPZ	Source Protection Zone
HHW	Haisborough, Hammond and Winterton Special Area of Conservation	SSSI	Site of Special Scientific Interest
SAC	Special Area of Conservation	TMP	Traffic Management Plan
IROPI	Imperative Reasons of Overriding Public Interest	USI	Unaccompanied Site Inspection
ISH	Issue Specific Hearing	WSI	Written Scheme of Investigation
LIG	Land Interest Group	WTG	Wind Turbine Generator
LIR	Local Impact Report		
LSE	Likely Significant Effect		
MHWS	Mean High Water Springs		
MLWS	Mean Low Water Spring		
MMO	Marine Management Organisation		
MoU	Memorandum of Understanding		
NE	Natural England		
NCC	Norfolk County Council		
NNDC	North Norfolk District Council		
NPS	National Policy Statement		
NSIP	Nationally Significant Infrastructure Project		
OAMP	Outline Access Management Plan		

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ExQ5	Question to:	Question:	Natural England's Response
1. Archaeology and Heritage Assets			
1.0 Offshore and intertidal archaeology			
		No questions	
1.1 Onshore archaeology			
		No questions	
1.2 Onshore heritage assets			
		No questions	
2. Biodiversity, Biological Environment and Ecology			
2.0 Offshore benthic and marine mammals			
Q5.2.0.1	Natural England (NE)	Micrositing to mitigate impacts to archaeological and Annex 1 habitat features: In response to R17.1.21 MMO [REP13-035] stated that it is content that the information within the proposed CSIMP does provide enough detail to assist with the discharging of the plan at the post consent stage. However, MMO defers to NE on all aspects relating to HRA. Therefore, is NE content with the Applicant's response to R17.1.21 [REP13-013]? If not, what further mitigation does NE consider necessary?	Natural England respectfully agrees to disagree with the Applicant's response at REP13 – 013, question R17.1.21. Please be advised that our advice on ability to micro site presented at REP5 -081 remains unchanged. We believe that all known mitigation measures have been presented in the CSIP. Should the project be consented then the feasibility of any mitigation measures will need to be considered pre construction and should Adverse Effect on Integrity remain, this will need to be fully addressed by the competent authority.
Q5.2.0.2	The Applicant	Decommissioning in the HHW SAC: Clarify if cable as well as cable protection would be removed from the HHW SAC in decommissioning.	
2.1 Onshore ecology			
	No questions		
2.1 Offshore ornithology			

ExQ5	Question to:	Question:	Natural England's Response
	No questions		
3. Compulsory Acquisition			
3.0 Compulsory Acquisition			
Q5.3.0.1	The Applicant; NFU/LIG	Provide a detailed, track change update of the Compulsory Acquisition Objections Schedule [REP6-023] in relation to the status of negotiations [REP11-010].	
4. Cumulative effects of other proposals			
4.0 General cumulative effects, including phasing			
Q5.4.0.1	Interested Parties	Projects included in cumulative impact assessment Provide any comments that you wish to make further to the Applicant's response to the ExA question at ISH5 [REP13-016, ref 8c)] and follow up from OFH2 [REP13-014, ref 4] in which the Applicant confirms that its response to WQ1 [REP2-021, response to Q4.0.1] stands regarding not including the Dudgeon and Sheringham Shoal extension project(s) in the cumulative impact assessment for the Proposed Development.	
Q5.4.0.2	The Applicant	Cumulative impact assessment and Scenarios a) Set out succinctly why different approaches have been adopted for cumulative impact assessment for offshore (no reference to scenarios) and onshore (includes reference to and differentiates between the two scenarios). b) Would there be any difference in findings if the offshore cumulative assessment had differentiated between scenarios?	

ExQ5	Question to:	Question:	Natural England's Response
Q5.4.0.3	The Applicant	<p>Cumulative adverse effects over time in Broadland District</p> <p>At OFH3, the ExA heard submissions that there would be 11 years of cumulative construction stage adverse effects relating to traffic, noise and vibration, air quality, onshore heritage, health and visual would be felt by communities in Broadland District if the Order was consented.</p> <p>Confirm what the worst case scenario would be (duration of specific construction activities and number of years in total) for Cawston, Oulton and the crossing north of Reepham, based on the projects included in your cumulative assessment.</p>	
Q5.4.0.4	The Applicant	<p>Cumulative adverse effects on health</p> <p>a) In Table 27.5 [APP-240], justify how disturbance or obstruction of roads and footpaths can be characterised as a 'temporary' source of impact leading to potential health effects, in Cawston and Oulton, in light of your response to Q5.4.0.3.</p> <p>b) How would the assessment of cumulative effects on health effects change in light of the duration of worst case cumulative construction period (your response to Q5.4.0.3).</p>	
Q5.4.0.5	The Applicant	<p>Cumulative effects, inter-relationships and intra-project and inter-project cumulative effects</p> <p>Representations at, and in lieu of attendance at, OFH3, particularly at the Cawston and Oulton sessions) raise concerns about the cumulative, sequential, combined (when receptors would be subjected to multiple impacts) adverse effects of construction activities on communities.</p>	

ExQ5	Question to:	Question:	Natural England's Response
		<p>It is unclear to the ExA where the overall effects on communities such as Cawston and Oulton are set out in the assessment when taking into account cumulative effects from other projects and inter-relationships [APP-219, para 40] (also referred to as intra-project effects in the human health assessment [APP-240]).</p> <p>The intra-project cumulative assessment [APP-240, Section 27.7.1] does not take account of all impacts on one set of receptors and distinguishes in no finer detail for its site-specific assessment than "population along the onshore cable route".</p> <p>The inter-project cumulative assessment states that the geographic and temporal spread of the relevant projects means that populations would be unlikely to feel a significant increase in health effects as a result of multiple projects being constructed [APP-240, Section 27.7.2]. This is different to the representations made by Interested Parties and others at OFH3.</p> <p>a) Explain where the overall effects on communities are set out in the application documentation.</p> <p>b) provide more rapid and effective response, alongside the project wide Local Planning Authority investigation procedures [REP10-006, Section 5.2] and [REP10-012, Section 2.4]? This might also be appropriate for the period of onshore construction at the landfall for the communities at Happisburgh.</p>	
Q5.4.0.6	The Applicant; Norfolk County Council	<p>Cumulative effects at port(s)</p> <p>The ExA understands that confirmed details of the base port(s) to be utilised for offshore construction and maintenance has yet to be made in relation to</p>	

ExQ5	Question to:	Question:	Natural England's Response
		<p>offshore construction and operation of the proposed Norfolk Boreas OFW project. Once a decision was reached:</p> <p>a) How would such facilities be provided or brought into operation?</p> <p>b) What would be the mechanism for the assessing and mitigating any adverse cumulative traffic and transport effects which could arise at the port(s)?</p> <p>c) Should the Outline Travel Plan (OTP) [APP-700] include a commitment to assess car parking needs and availability during the construction phase at the port(s) to identify potential cumulative effects on the local community including those associated with offshore construction workers' car parking, in order to develop a car parking strategy, in consultation with the relevant local authority, before the commencement of the offshore works?</p> <p>d) Should the Outline Traffic Management Plan (OTMP) [REP10-016] include a commitment to assess HGV movements cumulatively, with any mitigation proposals for agreement with the relevant highway authority.</p> <p>e) Should the OTMP also include a commitment to prepare Route Access Surveys for ports other than Kings Lynn as that which is included for Kings Lynn prepared for Norfolk Vanguard OWF [REP10-020, Appendix 3].</p> <p>f) If the principle is agreed, the Applicant to include suitable wording for the OTP and OTMP, or appropriate wording secured elsewhere.</p> <p>g) If the principle is not agreed, the Applicant to provide without prejudice wording for inclusion in</p>	

ExQ5	Question to:	Question:	Natural England's Response
		<p>the OTMP and OTP to cover these points, should the ExA be minded to recommend their inclusion to the SoS.</p> <p>h) NCC to comment.</p>	
Q5.4.0.7	<p>The Applicant; Broadland DC; North Norfolk DC; Breckland Council; Cawston Parish Council; Oulton Parish Council; Happisburgh Parish Council</p>	<p>The OCoCP sets out the role of a Community Liaison Officer [REP10-013, Section 2.4] and the role of an Agricultural Liaison Officer [REP10-013, Appendix B]. The OTMP sets out the role of a Traffic Management Plan Coordinator [REP10-017, Section 5.3]. The ExA notes that there is an indicative outline of the role description for the Traffic Management Coordinator.</p> <p>a) Provide a fuller description of all three roles, including:</p> <ul style="list-style-type: none"> • key responsibilities • part time or full time; • location; • duration of contract; <p>b) The ExA notes that there would be project wide Local Planning Authority investigation procedures [REP10-016, Section 5.2] and [REP10-012, Section 2.4] in place. Is the role of the proposed Community Liaison Officer to provide an on-the-ground, local presence to enable a rapid and effective response to community concerns, in locations such as Necton, Cawston, Oulton and Happisburgh? Respond to this question in light of the representations during OFH3.</p> <p>c) Where and how are these details secured?</p> <p>d) Other Interest Parties may wish to comment.</p>	
Q5.4.0.8	The Applicant;	Community Liaison	

ExQ5	Question to:	Question:	Natural England's Response
	Broadland DC; North Norfolk DC; Breckland Council; Cawston Parish Council; Oulton Parish Council; Happisburgh Parish Council	The ExA is not clear whether the Community Liaison Officer, Agricultural Liaison Officer and Traffic Management Plan Coordinator are to be a shared resource with the Norfolk Vanguard OFW project and Hornsea Project Three if it were consented. a) Explain the relationship of each post to all three projects. b) What measures are proposed to provide a single point of contact for community liaison in the event of concurrent construction periods if the Proposed Development and Hornsea Three OWF were to both be consented and have concurrent construction periods. c) Where and how is this secured? d) Other Interested Parties may wish to comment.	
Q5.4.0.9	The Applicant; Broadland DC; North Norfolk DC; Breckland Council; Cawston Parish Council; Oulton Parish Council; Happisburgh Parish Council	Community Liaison a) Are Parish Councils to be consulted on the content and details of the Communications Plan? b) If they are, should this be included in the OCoCP? c) If they are not, why not? d) Other Interested Parties may wish to comment.	
Q5.4.0.10	The Applicant	Respond to Points in Mulbarton Parish Council's D13 submission	

ExQ5	Question to:	Question:	Natural England's Response
		Respond to the matters raised in Mulbarton Parish Council's representations at Deadline 13.	
Q5.4.0.11	The Applicant	<p>The Crossing with Hornsea Three OWF, North of Reepham</p> <p>a) Explain what is meant by 'overall thermal efficiency' with respect to the crossing of cables between Hornsea Project Three, Norfolk Vanguard and Norfolk Boreas [REP10-037, Page 16, 17].</p> <p>b) Further to matters raised by N2RS at OFH2 [EV12-002] regarding lack of certainty over HVAC or HVDC and therefore cable numbers should Hornsea Three OWF be consented, the NFU at OFH3 [EV13-011] and your statement in the latest SoCG with the NFU [REP10-037, pages 15 to 17], provide a method statement with cross-section illustrations for construction of the crossing point of cables which illustrates all the possible construction process options (open cut trench and trenchless) of the Proposed Development with both scenarios (ie with and without Norfolk Vanguard OFW) and Hornsea Three with HVAC and HVDC.</p> <p>c) In presenting the options set out the thermal efficiency factors and potential for disruption to agriculture for each option.</p> <p>d) Include in the OCoCP this method statement, or a version of it which sets out those options which would meet the "most thermally efficient crossing design".</p> <p>e) Where is the commitment by all parties to ensure that other parties could still install their cables secured [REP9-026, para 23]?</p>	

ExQ5	Question to:	Question:	Natural England's Response
		<p>f) The ExA understands that discussions are on-going with Ørsted for Hornsea Project Three to agree the most thermally efficient crossing design. What are the implications for this Examination if no agreement is reached?</p>	
Q5.4.0.12	The NFU and/or LIG	<p>The Crossing with Hornsea Three OWF, North of Reepham</p> <p>The Applicant will submit the requested method statement for construction process options at the crossing with Hornsea Three OWF at Deadline 14 (25 August 2020) at the same time as responses to these written questions.</p> <p>You are requested to provide any comments, including suggestions for amendment on this at Deadline 15 (1 September 2020).</p>	
Q5.4.0.13	The Applicant	<p>The Crossing with Hornsea Three OWF, North of Reepham</p> <p>a) In order that the ExA can be satisfied that the necessary design assurances would be in place to enable the Applicant to rely on base survey data by others as set out in the SoCG with Ørsted for Hornsea Three OWF [REP9-026, para 23], should Hornsea Three OWF proceed ahead of the Proposed Development, include a reference to the Agreement in the dDCO.</p> <p>b) Does this agreement regarding survey by others need to be reflected anywhere else in the documentation for the Proposed Development, such as the OCoCP, OLEMS, WSI etc?</p>	

ExQ5	Question to:	Question:	Natural England's Response
		c) How would responsibility and liability be determined in the event of baseline surveys proving inaccurate?	
4.1	Onshore cumulative effects of other proposals (construction)		
		No questions	
5. Development Consent Order and Deemed Marine Licences			
5.0	General		
Q5.5.0.1	Interested Parties	Updated dDCO Provide any comments on the Applicant's updated dDCO submitted at D13 [REP13-007] to [REP13-012].	Please see our response to Qu. 5.5.4.4 below.
Q5.5.0.2	The Applicant	Schedule of Changes to the draft Development Consent Order Further to submission of [REP13-012], provide further updates with all versions of the dDCO and: a) Check all other changes such as turbine numbers in Schedules 9 and 10 are included in the Schedule of Changes. b) Check that the refs tally with changes eg Ref 05, are the Schedules correct?	
Q5.5.0.3	The Applicant	Explanatory Notes: Page 337 (Explanatory Notes) refers to certification of plans, etc as 'Article 38'. Should this be Article 37? [REP13-008]	
5.1	Articles		
Q5.5.1.1	The Applicant	Article 2: Highway Authority definition Include in Article 2, a definition for Highway Authority: ""the highway authority" means Highways England or Norfolk County Council";	
Q5.5.1.2	The Applicant	Article 16: Authority to investigate the land onshore	

ExQ5	Question to:	Question:	Natural England's Response
		<p>The NFU confirmed at OFH3 (Session 3) that either of its previously requested additions regarding equipment to be used and an estimate of how long surveys would take (to dDCO Article 16 or to the role description for the Agricultural Land Officer (ALO)) would allay the concerns of those it is representing [EV13-011].</p> <p>Notwithstanding your comments regarding additional inefficiencies and inconsistencies with the made Norfolk Vanguard DCO [REP13-015, ref 17], if the ExA came to a different conclusion from that contained in the Norfolk Vanguard DCO regarding the need for such procedures, if you wish, state a without prejudice preference for which way (Article 16 wording or wording in the ALO role description) this could be secured?</p>	
5.2 SCHEDULE 1 PART 1: Authorised Development			
		No questions	
5.3 SCHEDULE 1 PART 3: Requirements			
Q5.5.3.1	The Applicant	<p>Requirements 16 and 18</p> <p>There are questions below under Section 5.9 of these questions.</p>	
Q5.5.3.2	The Applicant	<p>Plans within the CoCP listed in Requirement 20(2):</p> <p>In answer to WQ2.15.0.9, REP5-045 confirms that the OCoCP now refers specifically to a Flood Warning and Evacuation Plan to be produced post-consent "as part of the Environmental Emergency/Incident and Response Plan".</p>	

ExQ5	Question to:	Question:	Natural England's Response
		Should both these plans be listed within R20(2) of the dDCO as specific plans to be covered by the CoCP?	
Q5.5.3.3	The Applicant, The Environment Agency (EA)	Notification to EA Environmental Incident Response teams: Signpost whether and if so, where the OCoCP Section 13 Environmental Incident and Response and Contingency has been updated to include that the 'Environment Agency incident response teams must be notified where an environmental incident could cause spillage or contamination into a watercourse including drains' reported as agreed with the EA in REP6-014.	
5.4 SCHEDULES 9 to 13: Deemed Marine Licences			
Q5.5.4.1	The Applicant	Schedules 11 & 12 Conditions 9 &14 for marine pollution contingency plan: In referring to the plan, condition 7(10) of the DMLs schedules 11 and 12 refers to Condition 14 (1)(d)(i) for the marine pollution contingency plan. However, in these transmission asset DMLs, the plan is actually secured through Condition 9 whereas it is secured in Condition 14 for the generation asset DMLs. Confirm and correct drafting error as appropriate.	
Q5.5.4.2	The Applicant	Notification of shallow buried cables: Confirm whether the amendment proposed by NFFO in the SoCG [REP9-025] to the wording of Schedules 9 and 10 Condition 9 (12) of the dDCO including the words "a state of shallow burial or exposure of" in regard to cables on or above the seabed will be effected; and whether equivalent	

ExQ5	Question to:	Question:	Natural England's Response
		condition wording will also be included in Schedules 11, 12 and 13 of the dDCO.	
Q5.5.4.3	The Applicant; The Marine Management Organisation (MMO); Maritime and Coastguard Agency (MCA)	<p>ERCOP Conditions 15 and 10: Condition 15(8) in Schedules 9 and 10 and 10(8) in Schedules 11 and 12 requires MMO confirmation in writing that the undertaker has adequately addressed MCA recommendations contained within MGN543 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" and its annexes. The DML condition no longer refers explicitly to approval and implementation of an ERCOP.</p> <p>Confirm if this redrafting is accepted by MMO and MCA and confirm whether the same wording will be included in Schedule 13 of the dDCO.</p>	
Q5.5.4.4	Natural England (NE); The MMO, Marine & Coastguard Agency (MCA); Trinity House (TH); Historic England (HBMCE)	<p>Decommissioning of cables in HHW SAC Conditions 20 and 3(1)(g): Confirm satisfaction or otherwise with change to the dDCO [REP13- 007/008] that includes a new cable decommissioning condition 20 in Schedules 11 and 12 and removes condition 3(1)(g) prohibiting rock or gravel dumping.</p>	<p>With regard to the removal of condition 3 (1) (g) from the transmission deemed marine licences (DMLs), Natural England does not agree with the removal of this condition which secures that the cable protection deployed within the HHW SAC will be possible to decommission. However, at a meeting on 24 August we agreed with the Applicant that the condition would be reinstated with an amendment to note that the restriction did not apply to cable protection deployed at cable crossings.</p> <p>With regard to the addition of condition 20 to the transmission DMLs, Natural England has concerns regarding the drafting of the condition. The decommissioning of cable protection is a significant</p>

ExQ5	Question to:	Question:	Natural England's Response
			<p>consideration within the SoS Norfolk Vanguard decision regarding the impacts within the HHW SAC. In order to ensure the success of decommissioning Natural England considers that the condition should include more provision to ensure the following is provided for each deployment of cable protection within the designated site;</p> <ul style="list-style-type: none"> • A feasibility study confirming that the cable protection planned to be deployed may be recovered, • A method statement for the decommissioning of the protection works, • A monitoring plan to assess the cable protection prior to decommissioning, • A monitoring plan to monitor the recovery of the site post decommissioning, • Wording that secures the timing of the production of the above, • A requirement to consult the relevant statutory nature conservation body (SNCB) on the above, and • A requirement that the feasibility and methodology of removal will be reviewed and updated at periods throughout the lifetime of the project. <p>At a meeting on 24 August we discussed our requirements with the Applicant and they proposed an updated condition. The updated condition does ensure consultation with the SNCB, however, does not address all of our concerns as listed above.</p>

ExQ5	Question to:	Question:	Natural England's Response
			<p>There was also a question raised on the appropriate location of such a condition, i.e. whether this should be within the DCO or DML. Natural England defers to the MMO as the enforcing body for the DML regarding the appropriateness of locating such requirements within the DML. However, we are willing to provide draft wording for both a decommissioning condition and requirement at Deadline 15 to provide an alternative to the ExA and SOS if it would be helpful.</p>
Q5.5.4.5	<p>The Applicant; The Marine Management Organisation (MMO); Trinity House (TH)</p>	<p>MMO objection to Part 5 of Schedules 9 to 13 Procedure for Appeals</p> <p>Confirm satisfaction with the amendment to the Boreas dDCO/DMLs in [REP13-007/008] removing part 5 following the determination of the Norfolk Vanguard application. The MMO had previously sustained an objection to Part 5 of Schedules 9 to 13 which proposes an override of the Marine Licensing (Licence Application Appeals) Regulations 2011 (Appeal Regulations) to enable the Applicant to appeal a MMO decision or failure to determine within the prescribed time period. In SoCG [REP9-023] the parties agree with each other that it should be the Secretary of State who decides this matter. TH also supported the MMO's position in regard to arbitration or appeal and deemed refusal.</p>	
<p>5.5 SCHEDULE 14: HEDGEROWS</p>			
Q5.5.5.1	The Applicant	<p>Schedule 14</p> <p>Update Schedule 14 and/ or the Important Hedgerow Plans to resolve seeming anomalies as follows:</p>	

ExQ5	Question to:	Question:	Natural England's Response
		a) Potentially important hedgerow 62 appears in the Schedule but not on plan; b) Hedgerow 296 is important on plan and potentially important in Schedule 14; c) Potentially important hedgerow 297 appears on plan but not in Schedule 14; and d) Important hedgerow 295 appears on plan but not in Schedule 14.	
5.6 SCHEDULE 15: ARBITRATION RULES			
	No questions		
5.7 SCHEDULE 16: PROCEDURE FOR DISCHARGE OF REQUIREMENTS			
	No questions		
5.8 SCHEDULE 17: PROTECTIVE PROVISIONS			
Q5.5.8.1	The Applicant; National Grid; Cadent Gas; Network Rail; Anglian Water; The Environment Agency; Ørsted	Changes to Protective Provisions consistent with Vanguard made DCO: The ExA notes the update provided by the Applicant at ISH5. Can it now confirm that any drafting changes made to Protective Provisions in response to the making of the Norfolk Vanguard Development Consent Order are now agreed by all parties [REP13-008 and REP13-012; REP13-016]. Other parties may wish to comment.	
Q5.5.8.2	The Applicant; The Environment Agency (EA)	Part 7 para 73 Presumption of deemed consent or refusal: The ExA notes the continuing disagreement between the Applicant and the Environment Agency in relation to deemed discharge mechanism [REP9-020]. The ExA also notes the position set out by the	

ExQ5	Question to:	Question:	Natural England's Response
		Applicant at ISH5 [REP13-016]. Does either party wish to add anything further?	
5.9	CONSENTS, LICENCES AND OTHER AGREEMENTS		
	No questions		
5.10	SCHEDULE 19: COMPENSATION TO PROTECT NATURA 2000 NETWORK		
	No questions		
6.	Fishing and fisheries		
Q5.6.0.1	The Applicant; Trinity House (TH)	<p>Request for specific DML wording to be added re reduction in clearance depth:</p> <p>Trinity House (TH) stated in [REP8-034] and confirmed in the SoCG [REP9-028] that it continues to disagree with the Applicant regarding the DML condition wording and maintains its request for specific wording to be added on the grounds that a reduction of over 5% in clearance depth may cause a significant hazard to navigation without the timely risk mitigation that TH are concerned to secure in the DMLs.</p> <p>TH requested to signpost where in the examination alternative drafting has been provided, and if no drafting is available, provide suitable wording for consideration.</p>	
Q5.6.0.2	National Federation of Fishermens' Organisations; (NFFO)/ VisNed	<p>Assessment of loss of fishing grounds during the operational phase:</p> <p>Confirm satisfaction or otherwise with the Applicant's position in [REP9-025] that the revised minimum worst-case turbine spacing proposed is sufficient to make fishing viable for beam trawlers and that NFFO/VisNed confirmed in their final SoCGs for East Anglia One and East Anglia Three</p>	

ExQ5	Question to:	Question:	Natural England's Response
		that the spacing proposed would be sufficient to allow fishing safely to resume within the operational sites; and that safety zones would only be required in relation to major maintenance works and therefore, any loss of grounds associated with this would be very localised and short term.	
7. Grid connection			
	No questions		
8. Habitats Regulation Assessment			
8.0 River Wensum SAC			
	No questions		
8.1 Norfolk Valley Fens SAC			
	No questions		
8.2 Southern North Sea SAC			
	No questions		
8.3 Haisborough, Hammond and Winterton SAC			
Q5.8.3.1	Natural England	For clarification, in [REP13-038] NE, in its response to R17.1.22, refers to comments in the risk and issue log provided at D12. The ExA has no record of this log. The last log [REP10-065] was submitted at D10, is this the one NE intended to refer to?	Our apologies. Yes, the log submitted at Deadline 10 was the log to which we intended to refer.
Q5.8.3.2	The Applicant; Natural England	To update the ExA on the outcome of the meeting scheduled for 13 August in [REP13-013].	At the meeting on 13 August the discussion relating to the Haisborough, Hammond and Winterton SAC focussed on the need for an appropriate decommissioning condition. Our response to Qu. 5.5.4.4 above provides more detail. Natural England would also draw your attention to our other Deadline 14 response (Our Ref:

ExQ5	Question to:	Question:	Natural England's Response
			NE.NB.D14.03.BenImp) which addresses the SoS decision and minded to documents of Vanguard and Hornsea 3 respectively.
8.4 Offshore ornithology			
Q5.8.4.1	Natural England	For in-combination effects, does NE have a view on the following scenario? Each OFW considered could be said to have a de minimis effect on bird mortality. However, at what point does a number of de minimis effects accumulate into a significant effect?	<p>Natural England has significant reservations regarding the use of 'de minimis' arguments to rule out adverse effects on integrity when a project contributes to an in-combination impact on European sites, particularly where it has been established that impacts have already reached a level resulting in a negative assessment on site integrity. This is because if there is an existing effect on site integrity, any further addition to that effect will only exacerbate the impact.</p> <p>Natural England has advised since the Hornsea Project Two examination that we cannot rule out an adverse effect on the integrity of the kittiwake feature of the Flamborough & Filey Coast SPA (FFC SPA) due to in-combination collision mortality from existing, consented and planned offshore windfarms. Natural England has also previously advised that we cannot rule out an adverse effect on the integrity of the lesser black-backed gull (LBBG) feature of the Alde-Ore Estuary SPA (AOE SPA) due to in-combination collision mortality from existing, consented and planned offshore windfarms.</p> <p>Subsequent to Hornsea Project Two being consented, further projects contributing to in-combination impacts on either or both of these SPAs have been approved. Most recently, Norfolk Vanguard has been consented and Hornsea 3 has</p>

ExQ5	Question to:	Question:	Natural England's Response
			<p>received a 'minded to approve' decision. Norfolk Boreas, East Anglia One North and East Anglia Two are all currently proceeding through their Examinations, and Hornsea Project Four are expected to submit an application to PINS before the end of 2020. Furthermore, The Crown Estate has leased a number of sea areas adjacent to existing 'Round 2' windfarms for development of extension projects. As a result of the existing and future pressures that are likely to impact these populations, it is critical that project-specific contributions to in-combination impacts are appropriately considered.</p> <p>Natural England advises that an adverse effect on SPA integrity cannot be ruled out once an in-combination total (even were it made up of multiple 'de minimis' effects) reaches or exceeds a level at which it is considered that the high-level conservation objectives for the site in question cannot be achieved. This advice has not been affected by the recent BEIS Habitats Regulation Assessments regarding Thanet Extension, Norfolk Vanguard and Hornsea Project Three OWFs.</p> <p>As set out in our Deadline 4 response [REP4-039], where predicted impacts equate to 1% or below of baseline mortality for a population (e.g. colony population) then this level of impact could be considered non-significant. However, while 1% baseline mortality can be considered to be insignificant in the context of the population in isolation, it does not follow that there is no need to include this level of additional mortality in an assessment of in-combination impacts. Where</p>

ExQ5	Question to:	Question:	Natural England's Response
			<p>predicted impacts, including in-combination impacts, equate to greater than 1% of baseline mortality of the relevant population (e.g. colony population), then we advise this is given further consideration, e.g. through population modelling to determine the significance of the mortality for the population in question.</p> <p>As quantitative thresholds applied to metrics are inevitably arbitrary Natural England advises that a range of site- and project-specific factors need to be considered when making integrity judgements. Population metrics need to be considered with reference to the site trend, population status and SPA conservation objective. As it is not known what the growth rate of a specific feature of a colony will be over the next 30 years, this uncertainty should be considered when judging the significance of predicted impacts against the conservation objectives for the feature. In interpreting the metrics from a PVA, the counterfactual of growth rate and counterfactual of population size metrics at the end of the impact (e.g. after 30 years) should be considered against a realistic assessment of the current and potential future population trend.</p> <p>Appropriate Assessment conclusions should then be made against the high-level conservation objectives for the sites, which includes an objective to <i>'maintaining or restoring...the population of each of the qualifying features.'</i> This in turn poses the question of whether the population in question requires maintaining at its current level, or restoring to a favourable level. In Natural England's finalised conservation advice for both</p>

ExQ5	Question to:	Question:	Natural England's Response
			<p>qualifying features, we advise that the 'population abundance' attribute requires a 'restore' target, due to the historic declines of both species at their respective sites. In other words, the populations in question are currently in unfavourable states and the conservation objective for the site is to restore it to their previous favourable state.</p> <p>This has important consequences for in-combination effects, as each additional impact beyond an already detrimental level, be it in terms of reduced colony growth rates or population abundance, will take the population further away from its desired state and the attainment of the required favourable condition more difficult e.g. by making the population more prone to stochastic events (such as winters with low survival rates or breeding seasons with poor food availability), or impairing the effectiveness of conservation measures.</p> <p>In other words, these impacts would be contrary to the high-level conservation objectives of the site. Regarding this we note the following statement in the ECJ judgement on Joined Cases C-293/17 and C-294/17 Coöperatie Mobilisation for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others, which states:</p> <p><i>"In circumstances such as those at issue in the main proceedings, where the conservation status of a natural habitat is unfavourable, the possibility of authorising activities which may subsequently affect the ecological situation of the sites concerned seems necessarily limited."</i></p>

ExQ5	Question to:	Question:	Natural England's Response
			<p>This highlights a critical role of the Appropriate Assessment in identifying whether or not there is a risk of a project's in-combination contribution further undermining the conservation objectives to restore the site, particularly where it has already been established that there is a likely significant effect from that project, this test being in some respects analogous to a consideration of whether an impact might be 'de minimis'.</p> <p>There are particular risks associated with in-combination impacts on breeding seabird SPA features. LBBG and especially kittiwake have relatively large foraging ranges, which makes these species prone to a series of in-combination impacts 'stacking up', as birds will be fairly widely distributed in the breeding season. This means birds from the FFC SPA kittiwake and AOE SPA LBBG colonies will be interacting with multiple southern North Sea OWF in the breeding season, and with additional projects in the non-breeding periods. Hence there is an associated risk that in ruling out adverse effects on the basis that the individual project being considered has a minor contribution to the in-combination collision total, that total, which has already reached a level where adverse effects could arise, will only increase.</p> <p>Furthermore, as that in-combination total continues to increase with additional offshore wind farm projects consented in the North Sea, the percentage contribution from individual consent-seeking projects to that increasing total will tend to decrease, which could lead to further decisions being made on the basis of individual projects</p>

ExQ5	Question to:	Question:	Natural England's Response
			<p>having minor contributions. In the context of impacts that have already reached a detrimental level, this 'de minimis'-based approach to further impacts clearly risks the impacts on these SPAs becoming examples of 'death by a thousand cuts', which is precisely the scenario that the emphasis on considering ongoing impacts in the Habitats Regulations was intended to avoid.</p>
8.5 Greater Wash SPA			
	No questions		
8.6 Flamborough and Filey Coast SPA, Alde-Ore Estuary SPA and Haisborough Hammond and Winterton SAC			
Q5.8.6.1	The Applicant	<p>In the event that no AEOI could not be agreed for all or any of the HRA sites and without prejudice, is the Applicant willing to work with NE and the ExA in providing a fully developed derogation case to submit to the SoS by the end of the Examination?</p>	
Q5.8.6.2	Natural England	<p>Accepting that NE have strategic decisions to make resulting from the SoS letters referring to Norfolk Vanguard, Hornsea 3, and other recent OWF decisions, can it provide its best estimation of being able to provide definitive decisions on AEOI by the end of the Examination?</p>	<p>We note that the Hornsea Project Three Applicant has only provided updated figures for the revised design parameters for FFC SPA kittiwake in their information provided post examination, with no updated collision predictions provided for the other key species for cumulative/in-combination collision assessments (gannet, LBBG, herring gull or great black-backed gull), or updated abundance estimates taking account of the additional data submitted post examination to feed into displacement assessments (gannet, guillemot and razorbill).</p> <p>We can therefore update the FFC SPA kittiwake in-combination collision total to account for the revised</p>

ExQ5	Question to:	Question:	Natural England's Response
			<p>central predicted figure for Hornsea Project Three of 73 adult collisions (compared to 182 as presented by the Boreas Applicant in REP2-035) and to remove the Thanet Extension project contribution to the in-combination total. These updates bring the FFC SPA kittiwake in-combination collision total including Hornsea 3 (but excluding Hornsea Project Four due to the uncertainty in the figures for this project as from the PEIR, as set out in REP4-040) to 434 kittiwakes. This total again equates to more than 1% of baseline mortality of the colony (3.34% of FFC SPA designated population or 2.90% of FFC SPA mean 2016-17 census data). Considering the outputs from the density independent Hornsea Project Three FFC SPA kittiwake PVA for demographic rate set 2 for matched runs¹, if the additional mortality from the windfarm is 450 adults per annum (closest PVA outputs available to predicted 434 mortalities for in-combination total including Hornsea Project Three but excluding Hornsea Project Four) then the population of FFC SPA after 30 years will be 13.7% lower than it would have been in the absence of the additional mortality. The population growth rate would be reduced by 0.5%. If it is assumed that the population is stable then this would mean that the population would be 13.7% lower than the current population size. This would be counter to the</p>

¹ Hornsea Project Three Offshore Wind Farm (2019) Appendix 73 to Deadline 4 Submission – Detailed response to ExA Q2.2.30 and Q2.2.39: PVA information. Available from: [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010080/EN010080-001565-Orsted%20Hornsea%20Project%20Three%20\(UK\)%20Ltd%20-%20Appendix%2073%20-%20Detailed%20response%20to%20the%20Examining%20Authority's%20Q2.2.30%20and%20Q2.2.39.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010080/EN010080-001565-Orsted%20Hornsea%20Project%20Three%20(UK)%20Ltd%20-%20Appendix%2073%20-%20Detailed%20response%20to%20the%20Examining%20Authority's%20Q2.2.30%20and%20Q2.2.39.pdf)

ExQ5	Question to:	Question:	Natural England's Response
			<p>restore conservation objective for this feature at the site and would result in an adverse effect on the integrity of the site. Considering the same plausible future colony growth rate scenarios as we considered in REP4-040 (i.e. stable, 0.37%, 1%, and 3% per annum) and the fact that this feature has a restore conservation objective, there are indications that the predicted level of mortality would mean the population could decline from current levels should it currently be stable. Given that that we have already advised at Hornsea Project Two and East Anglia Three examinations onwards that it was not possible to rule out an AEOI on the FFC SPA from operational and consented projects due to the level of annual in-combination collision mortality predicted for kittiwake, our advice remains that there is an AEOI of this feature due to in-combination collision mortality and that includes a contribution from Norfolk Boreas.</p> <p>With regard to the appropriate Hornsea Project Three figures to include for the other species for cumulative/in-combination collision and displacement assessments for other species, we currently are not in a position to update assessments, as the updated figures to account for the revised worst case scenario or inclusion of the additional 3 months of data have not been provided by the Hornsea Project Three Applicant. Therefore, our advice currently remains as that set out in REP4-040, REP7-047, REP9-049.</p>

ExQ5	Question to:	Question:	Natural England's Response
			<p>However, as noted in our Deadline 13 response [REP13-038], for those species/site combinations where we previously concluded in REP4-040 that a significant adverse impact (i.e. moderate adverse or above) for cumulative EIA scale or AEOI for in-combination could not be ruled out irrespective of whether Hornsea Project Three was included or not, even with the removal of the contributions to these totals from Thanet Extension, the contributions from Hornsea 3 will most likely be greater than those from Thanet Extension. Therefore, it follows that in these instances our advice will most likely remain as that set out in:</p> <ul style="list-style-type: none"> • REP4-040 for the FFC SPA for auk in-combination displacement; gannet in-combination displacement and collision plus displacement; assemblage in-combination displacement and collision; • REP9-049 for the FFC SPA for gannet in-combination collision risk. <p>As noted in our response to point R17.1.6 REP13-038, our advice remains that an AEOI cannot be ruled out for in-combination collision mortality of LBBGs at the Alde-Ore Estuary SPA.</p>
8.6	Flamborough and Filey Coast SPA		
	No questions		
9. Landscape and Visual Effects			
9.0	The Applicant's landscape and visual assessment		

ExQ5	Question to:	Question:	Natural England's Response
	No questions		
9.1	The Applicant's visual assessment		
	No questions		
9.2	Alternatives considered		
	No questions		
9.3	Landscape effects		
	No questions		
9.4	Visual effects		
	No questions		
9.5	Outline Landscape and Ecological Management Strategy (OLEMS)		
Q5.9.5.1	The Applicant	Onshore project substation 12m access strip for large machinery Further to the Land Plan showing the "area to be cleared of landscaping obstruction" [REP13-020], include a cut-out plan in the DAS which illustrates the adjustments to the mitigation planting in the north east corner of the Order Limits for the onshore project substation from that currently shown on the Scenario 1 Mitigation Planting Plan [REP7-010, sheet 3 of 8].	
Q5.9.5.2	The Applicant; National Grid	Finishes for National Grid substation extension a) Further to requests and comments at OFH3, can the electrical equipment required for the National Grid substation extension be coated or manufactured with a matt finish?	

ExQ5	Question to:	Question:	Natural England's Response
		b) If so, the Applicant is requested to include relevant wording to secure this either in the DAS or in the OLEMS.	
Q5.9.5.3	The Applicant; NFU/LIG	<p>Action Point 12 from ISH5</p> <p>For clarity, the ExA is anticipating more than materials options to be submitted at D14 [REP13-017, action# 12].</p> <p>a) The action point states "sketch design options for layout, massing and "agricultural style" for the proposed onshore project substation....."</p> <p>b) An indication of scale should be provided on any sketch elevations etc eg a person or a double decker bus.</p> <p>c) Points agreed with the landowner such as the "different layout and approach to some of the landscaping and drainage features on the site" [REP13-015, page 17] should be illustrated.</p>	
Q5.9.5.4	The Applicant; NFU/LIG	<p>Layout and drainage and landscape features at proposed onshore substation</p> <p>Confirm whether the landowner of land on which the proposed onshore substation would be located is in agreement on the "different layout and approach to some of the landscaping and drainage features on the site" [REP13-015, page 17] to which the Applicant refers.</p> <p>If not set out the areas where differences still exist and what in your/ the landowner's opinion needs further resolution.</p>	
Q5.9.5.5	Breckland Council;	<p>Independent Design Review for substations</p> <p>In light of comments received at OFH2 [EV12-002] and OFH3 (Necton Session) [EV13-011], the</p>	

ExQ5	Question to:	Question:	Natural England's Response
	<p>Necton Parish Council; Holme Hale Parish Council; NSAG; the NFU and LIG; Landowners and Interested Parties with an interest in Necton</p>	<p>decision on Norfolk Vanguard, which gives greater certainty to Scenario 1, and the ExA's ongoing concern about the complexity and detail contained in post-consent approvals for R16 and R18, the resource constraints of Breckland Council and the statements in the NIC Design Principles, the ExA invited the Applicant to consider inclusion of an independent design review at an early stage in the post-consent design process for the substations area, including those for Norfolk Vanguard if appropriate. The Applicant has set out its reasons for not involving an independent design review but has committed to amending the DAS to include a design review at an early stage conducted in a local forum [REP13-018].</p> <p>Do you:</p> <p>a) Agree that an early design review should take place?</p> <p>b) If so, do you consider it should be conducted in a local forum or as an independent design review – or both?</p>	
Q5.9.5.6	<p>The Applicant; Breckland Council; Necton Parish Council; Holme Hale Parish Council; NSAG; The NFU and LIG;</p>	<p>Independent Design Review for substations</p> <p>The ExA is consulting on ways potentially to secure the input of an independent design review and invites without prejudice comments on inclusion of wording in the Design and Access Statement (DAS) and/ or the dDCO as follows:</p> <p>DAS [REP7-007,Para 67]</p> <p>The Applicant will engage with Breckland Council and at an early stage with an independent design review panel to review the mitigation and landscape</p>	

ExQ5	Question to:	Question:	Natural England's Response
	Landowners and Interested Parties with an interest in Necton	<p>proposals and the architecture of the convertor building of the onshore project substation, at the time when further detailed design information is available. This will be undertaken through the production of a Design Guide.</p> <p>AND</p> <p>[REP7-007, Appendix 1, first para]</p> <p>The Design Guide will be prepared by Norfolk Boreas Limited (the Applicant) and will combine input from specialist consultants and take on board findings as appropriate from the independent design review panel. This part of the Norfolk Boreas project will enable the team to undertake the detailed design of the onshore project substation and ensure that embedded mitigation is integral in this process. The Design Guide will be presented as an A3 document, and will combine text and figures to explain the proposals</p> <p>OR</p> <p>inclusion of additional wording at R16(3) to read: "The onshore project substation must be constructed in accordance with the details approved by the relevant planning authority, which must also have been subject to an early independent design review."</p> <p>OR</p> <p>Both the above.</p>	
Q5.9.5.7	The Applicant	<p>Outline Landscape and Ecological Management Strategy</p> <p>a) Update the OLEMS to cover the point regarding levels discussed at ISH5 [REP13-016, agenda item</p>	

ExQ5	Question to:	Question:	Natural England's Response
		<p>6] and also to refer to liaison with Breckland Council in this regard.</p> <p>Further to the points made at OFH2 and OFH3 (Necton Session) regarding locals' preference for some larger plant material, the ExA considers your response [REP13-014, ref 7], possibly misses the point made. Your response refers to maturity of vegetation, advance planting and the proposed areas of nurse (faster growing) and core (slower growing species). The ExA understands the request from the Necton local community to be for the planting mixes to include some larger tree plant material ("not knee high") at the time of planting and is based in part on their observations of the planting at the Dudgeon substation.</p> <p>b) The ExA welcomes the Applicant's repeated commitment to explore opportunities for advance planting but notes this is not stated in the most recent version of the OLEMS (other than a reference to the potential for Norfolk Vanguard planting to provide this function in Scenario 1) [REP10-014]. You are requested to include the commitment to explore advance planting opportunities in the OLEMS (and/ or the DAS) for the Proposed Development for both scenarios.</p> <p>c) The ExA considers that rather than leaving the matter of size of planting to be agreed as part of the R18(2)(a) submission, it would be helpful to provide a commitment in the OLEMS to a range of sizes of plant material, which would include some larger plant material at the time of planting in the vicinity of the proposed onshore substations. You are requested to provide without prejudice wording</p>	

ExQ5	Question to:	Question:	Natural England's Response
		for inclusion in the OLEMS to cover this point, should the ExA be minded to recommend its inclusion to the SoS; or to include appropriate wording in the OLEMS.	
Q5.9.5.8	Breckland Council; Broadland DC; North Norfolk DC; Necton Parish Council; Holme Hale Parish Council; NSAG; The NFU and LIG; Landowners and Interested Parties with an interest in Necton	Design and Access Statement and Outline Landscape and Ecological Management Strategy The Applicant will submit an updated DAS and an updated OLEMS at Deadline 14 (25 August 2020) at the same time as responses to these written questions. a) You are requested to submit any comments you may have on the Applicant's updated DAS and/ or the updated OLEMS at Deadline 15 (1 September 2020). b) If you have any comments on the way the Applicant has interpreted the ExA's questions above include these. c) If you consider any wording needs changing provide suggested alternative wording. d) If you think there are ongoing omissions set out what these are and how they can be remedied.	
9.5 Good design			
Q5.9.6.1	Breckland Council; Necton PC	Provision for Design Review: Comment on the Applicant's Position Statement Early Involvement of Design Review [REP13-018].	
9.6 Matters arising from the accompanied site inspection (ASI) on Thursday 23 January 2020			
	No questions		
10. Marine and Coastal processes			

ExQ5	Question to:	Question:	Natural England's Response
11. Navigation			
11.0 Marine Navigation and Shipping			
	No questions		
11.1 Aviation and Radar			
	No questions		
12. Onshore construction effects			
Q5.12.0.1	Applicant	<p>Pre-commencement works</p> <p>The ExA notes the Clarification Note on Pre-commencement Works [REP4-018] which highlights the commitments specific to the pre-commencement works included in the relevant dDCO Requirements. The ExA also notes the diagram in the updated note on requirements and conditions [REP11-004, Annex 1] showing how Management Plans and Pre-commencement Plans interrelate and correspond to particular Requirements.</p> <p>a) Applicant to include this diagram in all relevant outline management plans.</p>	
12.0 Cable corridor and ducting			
	No questions		
12.1 Mobilisation areas			
	No questions		
12.2 Noise and Vibration			
	No questions		

ExQ5	Question to:	Question:	Natural England's Response
12.3	Construction Hours		
	No questions		
13.	Socio-economic effects		
13.0	Skills and Employment Strategy		
	No questions		
13.1	Jobs		
	No questions		
13.2	Tourism		
Q5.13.2.1	The Applicant; North Norfolk District Council	<p>The ExA notes the information you have provided regarding the tourism in North Norfolk District largely in the Local Impact Report [REP2-087, Appendix G onwards], and in subsequent submissions.</p> <p>a) NNDC, comment on the Applicant's views [REP13-025, Page 11].</p> <p>b) Applicant, any further comments to NNDC [REP13-032].</p> <p>c) The ExA notes that NNDC is determining whether any further evidence can be provided and whether the draft requirement can be further refined. Final positions are sought from both NNDC and the Applicant at D14.</p>	
13.3	Land use and Agriculture		
	No questions		
13.4	Public Health		
Q5.13.4.1	The Applicant	Respond to the matters raised in the representation made by Corpusty and Saxthorpe Parish Council.	

ExQ5	Question to:	Question:	Natural England's Response
13.5 Other offshore industries and activities			
	No questions		
14. Traffic and transportation			
14.0 Outline Traffic Management Plan (OTMP)			
	No questions		
14.1 Highway Intervention Scheme for Link 34 (B1145 through Cawston)			
Q5.14.1.1	The Applicant; Norfolk County Council; Broadland District Council; Interested Parties	<p>Outstanding concerns from Cawston PC</p> <p>The ExA notes [REP11-016] that NCC is satisfied that the proposed HIS for Link 34 is sufficient to mitigate against the impact arising from the Proposed Development, including the cumulative scenario with Hornsea Project Three. However, the progress with the HIS has not alleviated concerns with residents and Cawston PC [REP13-019]. Concerns remain on matters relating to: on street carparking, risk of accident, effectiveness and compliance with the 20 mph speed limit, risk from wing mirrors, entrance and egress on to the B1145 from driveway, and incremental reduction in cumulative cap of 239 HGVs to manage driver compliance issue.</p> <p>a) In light of these outstanding concerns from the affected community, NCC and the Applicant to consider what further steps and detailed design – highway and public realm – can be secured in the OTMP before the close of this examination to maximise the mitigation provided by the HIS?</p> <p>b) Comments are sought from NCC to the above question, in light of the note of the meeting with Cawston PC and the Applicant [REP13-019].</p>	

ExQ5	Question to:	Question:	Natural England's Response
		<p>c) Applicant, what was the outcome of the scheduled site visit on 31 July to review the concerns about entrance and egress from the resident's driveway on to B1145. Other relevant IPs may wish to comment.</p> <p>d) Broadland DC may wish to comment.</p>	
Q5.14.1.2	The Applicant; Interested Parties	<p>Impacts of construction traffic on emergency vehicles</p> <p>a) Notwithstanding the reference to the Highway Code in the Driver Induction Packs [REP13-015] highlight specific locations of conflict between HGVs (or two HGVs travelling in opposite directions) with emergency vehicles, particularly emergency vehicles travelling to the care home on Paul Engelhard Way in Cawston [REP13-054].</p> <p>b) What is the implication of such conflicts on emergency response time, and how is it proposed to be resolved in the OTMP?</p>	
Q5.14.1.3	The Applicant; Norfolk County Council; Broadland District Council	<p>Additional mitigation</p> <p>a) Respond to the submission [REP13-054] and the specific points raised on Page 1.</p> <p>b) Comments are sought from NCC and Broadland DC.</p>	
Q5.14.1.4	The Applicant	<p>Cumulative traffic effects in Cawston</p> <p>a) With reference to Action point 4 [EV14-005] provide an update on how Hornsea Project Three's commitment to adopt the revised HIS that has now successfully been through the road safety audit [REP5-055] could be legally secured in the dDCO for the Proposed Development.</p> <p>b) Can the Applicant provide a likely timescale for the signing of the Design Interaction and Co-Operation Agreement stated in the SoCG with</p>	

ExQ5	Question to:	Question:	Natural England's Response
		Orsted [REP9-026]. Will the design Interaction and Co-operation agreement include a commitment from Hornsea Project Three to implement the revised HIS for link 34 [REP5-055]?	
Q5.14.1.5	The Applicant	<p>Monitoring and enforcement of the HIS</p> <p>It is stated [REP10-016, para 173] in the Specific Cawston Village Monitoring and Intervention Regime that further intervention measures will be agreed with NCC, to be implemented on validation of a driver compliance issue, including a reduction in the cumulative HGV cap (239 HGV movements) by ensuring Norfolk Boreas and Hornsea Project Three traffic demand does not overlap, and incrementally reducing the volume of traffic passing through Cawston from 239 HGV movements through targeted intervention informed by monitoring and consultation with the Highway Authority.</p> <p>a) What do you mean by "to be implemented on validation of a driver compliance issue"?</p> <p>b) Provide any further information on how this monitoring programme would work in practice. Update the OTMP accordingly.</p> <p>c) Could this have a knock-on effect on the duration of the project, in particular the HGV profiles through Cawston, the worst case scenario that has been assessed in the ES or any other ES parameters?</p>	
14.2 Oulton			
Q5.14.2.1	The Applicant	<p>Old Railway Gatehouse</p> <p>Confirm the steps that have been made to seek approval from the residents of Old Railway</p>	

ExQ5	Question to:	Question:	Natural England's Response
		Gatehouse for the proposed additional mitigation [REP10-016]?	
14.3	Link 69 Little London Road in North Walsham from the B1145 Lyngate Road to an access point 210m east		
	No questions		
14.4	Outline Access Management Plan and Access to Works plan		
	No questions		
15.	Water Resources and Flood Risk		
Q5.15.0.1	The Applicant	Drafting change in OCoCP regarding watercourse crossings: Correct the drafting of the OCoCP para 150 [REP8-003] regarding scheme for each watercourse crossing "...will be submitted to and approved by the relevant planning authority in consultation ..." with "...Norfolk County Council, the Environment Agency, relevant ..." drainage "...authorities and ...".	
Q5.15.0.2	National Farmers Union (NFU) and Land Interest Group (LIG)	Wording of the OCoCP regarding private agricultural water supplies: Does NFU wish to add anything further in response to the Applicant's representation regarding Private Water Supplies [REP13-015]?	
16.	General and cross-topic questions		
16.0	General		
Q5.16.0.1	Breckland Council; Broadland DC; North Norfolk DC; Norfolk CC;	SoS Decisions and letters regarding other NSIPs The Applicant has set out its view on the implications on the Proposed Development of the Norfolk Vanguard decision and the SoS Hornsea Three letter [REP13-025]. Points were also made at ISH5 [EV14-004].	

ExQ5	Question to:	Question:	Natural England's Response
	Cawston Parish Council; Holme Hale Parish Council; Necton Parish Council; Oulton Parish Council; The NFU; NSAG; Mulbarton Parish Council; The Environment Agency; Other IPs may wish to comment	a) Provide the ExA with any views you have which do not accord with the Applicant's opinion as set out in the above document and particularly Appendix 2, which sets out the relevance of the SoS Norfolk Vanguard decision on the Proposed Development, topic by topic. b) Any other matters arising as a result of the SoS Decisions and letters regarding other NSIPs, which you wish to draw to the ExA's attention should be set out here, stating implications and actions you would wish to see. Note: HRA responses do not need to be given here, as there are specific questions elsewhere.	
Q5.16.0.2	The Applicant	Implications for the Proposed Development of any decisions and/ or letters on other offshore wind farms Set out any points, not already submitted to this Examination, that you consider would be important and relevant to the SoS decision for the Proposed Development.	
Q5.16.0.3	The Applicant; Other Interested Parties	Need As it is now over a year since the application for the Proposed Development was submitted, set out any points additional to those in your application, on the need for the Proposed Development that you consider would be important and relevant to the	

ExQ5	Question to:	Question:	Natural England's Response
		planning balance case for the SoS decision. Other parties may wish to comment.	
Q5.16.0.4	The Applicant	<p>Comments on Deadline 13 submissions</p> <p>There were a number of submissions at Deadline 13 in lieu of attendance at the OFHs in July published under [EV-13] and other submissions, including post hearing submissions under [REP13].</p> <p>a) Provide responses to these if they raise matters not already addressed in your response to OFHs [REP13-014] and [REP13-015].</p> <p>b) Provide response to any other matters raised in Deadline 13 submissions, not already addressed elsewhere.</p>	
Q5.16.0.5	The Applicant; Interested Parties	<p>Additional information</p> <p>The Applicant and Interested Parties are invited to submit any additional information to assist the ExA in reaching its recommendation to the SoS not covered previously in the Examination, or in the responses provided above.</p>	Natural England refers the ExA to our additional Deadline 14 responses regarding the Implications of the Vanguard decision and Hornsea 3 letter on Norfolk Boreas Ornithology and Benthic (Our ref: NE.NB.D14.02.OrnImp and NE.NB.D14.03.BenImp respectively).
16.1 Environmental Statement (ES)			
	No questions		
16.2 Ground conditions and contamination			
Q5.16.2.1	The Applicant; Breckland Council; The Environment Agency	<p>Securing radiological investigation in OCoCP: Signpost where in the OCoCP a radiological investigation by a specialist contractor in the site area that may have been affected by the 1996 plane crash is secured, as stated in [REP13-015] response to OFH3.</p>	