

**Application by Norfolk Vanguard Limited**

**Norfolk Vanguard Offshore Wind Farm**

**The Examining Authority's further (second) written questions and requests for information**

**Issued on 27 February 2019**

The following table sets out the Examining Authority's (ExA) further written questions and requests for information.

Column 2 of the table indicates **to whom questions are directed**. In no way does this preclude an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a **unique reference number** which combines a section number and a question number.

**When you are answering a question, please start your answer by quoting the unique reference number.**

Responses should be submitted by Deadline 4 (Wednesday 13 March 2019).

If you are answering a limited number of questions, responses in a letter format will suffice. If you are answering several questions, it will assist the ExA if you use a table based on that used below. An editable version of this table, in Microsoft Word, is available on request from the case team by emailing:

NorfolkVanguard@planninginspectorate.gov.uk

<b>Question to:</b>		<b>Question:</b>
<b>1.</b>	<b>General</b>	
1.6	Applicant	Paragraph 2.6.71 of National Policy Statement for Renewable Energy Infrastructure (EN-3) states that ecological monitoring is likely to be required during both the construction and operational phases. Whilst noting that Requirement 14(1)(l) of the dDCO and the 'In Principle Monitoring Plan (Offshore)' [APP-036] respectively require the submission of an ornithological monitoring plan and monitoring primarily during the pre-construction and construction phases, with much of the post-construction monitoring to be agreed, please set out how any other long-term ecological monitoring during the operational phase is to be secured in the dDCO.
1.7	NE, RSPB, MMO, TWT, WDC	Are you satisfied that long-term ecological monitoring during the operational phase of the project is adequately secured in the dDCO?
1.8	Applicant	As you have stated in the Planning Statement [APP-026] decision making in relation to NSIP projects in English waters should have regard to the appropriate marine policy document be it the MPS or an adopted marine plan. The ExA notes that the project is said to be in general accordance with the objectives and policies set out in the MPS (para 81), but it is not apparent where the East Inshore and East Offshore Marine Plans, adopted on 2nd April 2014 is dealt with in similar terms. Please identify where the EIEOMP has been submitted to the ExA or supply a copy thereof and explain how relevant policies in EIEOMP are complied with in respect of the Project.

<b>Question to:</b>		<b>Question:</b>
<b>2.</b>	<b>Principle and nature of the development, including alternatives</b>	
2.4	Applicant	<p>Paragraphs 4.8.5 and 4.8.6 of the Overarching National Policy Statement for Energy (EN-1) state that applicants must consider the impacts of climate change when planning the location, design, build, operation and, where appropriate, decommissioning of new energy infrastructure, setting out how the proposal will take account of the projected impacts of climate change.</p> <p>Please explain or direct the ExA to the relevant section of the application to demonstrate how the above has been addressed in the design, including appropriate mitigation and adaptation measures, of both onshore and offshore infrastructure for Norfolk Vanguard.</p>
2.5	Applicant	<p>Paragraph 2.3.4 of NPS (EN-3) states that applicants should set out how a proposal would be resilient to storms. Please explain or direct the ExA to the relevant section of the application documents to show how this has been addressed in the design of offshore infrastructure for Norfolk Vanguard.</p>
2.6	Applicant	<p>Paragraph 4.5.3 of EN-1 seeks to ensure that energy infrastructure developments are sustainable and as attractive, durable and adaptable as they can be, taking into account both functionality (including fitness for purpose and sustainability) and aesthetics.</p>

Question to:		Question:
		Please explain, in relation to fitness for purpose, sustainability, durability and adaptability, how Norfolk Vanguard has demonstrated good design.
2.7	Applicant	At ISH1 [EV-006 and EV-007] the Examining Authority (ExA) asked about the contention of some interested parties that the deliverability of HVDC technology was questioned by the promoters of the Hornsea Three Project. Please comment upon these representations and explain any differences in approach between the Norfolk Vanguard project and the Hornsea Three Project. Please explain the reasons behind the Applicant's confidence that HVDC can be delivered for this project.
<b>3.</b>	<b>Ecology offshore - ornithology</b>	
3.19	RSPB	Please comment on whether or not the Applicant's response to the First Examination Questions (ExQ1) [PD-008] 3.3, 3.4, 3.5, 3.7 and 3.8 [REP1-007] together with the information submitted by the Applicant at D1, specifically Appendix 3.1 Red-throated diver displacement, Appendix 3.2 Collision Risk Modelling: update and clarification, Appendix 3.3 Operational Auk and Gannet displacement: update and clarification [REP1-008 collectively], has now overcome the concerns you had previously raised in regard to these particular matters and which are reflected in the relevant topic areas that are defined as 'not agreed' in the Statement of Common Ground submitted at Deadline 1 (D1) [RSPB REP1-058].

<b>Question to:</b>		<b>Question:</b>
3.20	Applicant	Further to your response to ExQ1 3.3 a) please provide an update on the ongoing discussions regarding the use of potential biological removal versus population viability analysis modelling.
3.21	Applicant	In response to ExQ1 3.3 j) you stated that an update on apportioning rates will be provided as necessary. Please set out when this update will be provided, having regard to NE's comments in its response to ExQ's [REP2-036] in which it requested clarification on how the rates were calculated.
3.22	Applicant	In response to ExQ1 3.3 l) [REP1-007] please indicate the timescale for the presentation of the results that incorporate the kittiwake tracking data supplied by the RSPB.
3.23	Applicant	Please respond to 'Natural England's comments on Appendix 3.3 – Operational Auk and Gannet Displacement: update and clarification' [REP3-051] in which NE maintains its concerns regarding the cumulative operational displacement for auks.
3.24	Applicant	In its comments on Appendix 3.3 [REP3-051] NE notes that although it agrees with the overall conclusions, Table 3 of Appendix 3.3 contains an incorrect figure for the mean peak winter abundance for razorbill for Vanguard East. Please clarify this.
3.25	Applicant	Please provide the specific timings for when the bird surveys were conducted in each year.

Question to:		Question:
3.26	Applicant	Please respond to the RSPB's contention that as the data in Figure 1 of Appendix 3.2 are binomial then a mean of bird densities is more appropriate than using a median approach.
3.27	Applicant	In its Deadline 3 (D3) response [REP3-051] NE maintains the concerns raised in its Relevant Representation (RR) and Written Representation (WR) [RR-106 and REP1-088] regarding the seasonal definitions for lesser black-gulled gull and gannet. Please respond to these concerns.
3.28	Applicant	In its comments [REP3-051] on the Appendix 3.1 red-throated diver displacement that you have submitted at D1, NE advocated an approach similar to that taken by the Thanet Extension project and has commented that at present it is not in a position to reach any conclusion regarding the level of cumulative impact on red-throated diver from the operational phase of Norfolk Vanguard. Please respond to this.
3.29	Applicant	In its comments on Appendix 3.3 [REP3-051] NE notes that the figures cited for guillemot and puffin do not correlate with the largest BDMPS figures for the UK North Sea and Channel BDMPS in Furness (2015). Please clarify this.
3.30	Applicant	Please provide the gannet cumulative impact assessment by Deadline 4.
<b>4.</b>	<b>Ecology offshore – marine mammals</b>	
4.8	TWT and WDC	In your Written Representations [REP1-123 and REP1-124 respectively], and also TWT at the offshore environmental matters Issue Specific Hearing 2 (ISH2) [EV-009 and EV-010] and in its Post Hearing

<b>Question to:</b>		<b>Question:</b>
		Submission [REP3-063], you consider that an approach of setting noise limits should be adopted and that you do not support the current Statutory Nature Conservation Bodies (SNCB) advice in this regard. The ExA notes the two reports that TWT has cited in [REP3-063] with attached hyperlinks, but please provide any further relevant scientific evidence or justification that you consider casts doubt on the existing SNCB approach. Also, if you are able to, please provide a copy of the statement that was released on 7 February 2019 that TWT has referred to in [REP3-063].
4.9	Applicant, NE, MMO, TWT, WDC	At the offshore environmental matters Issue Specific Hearing 2 (ISH2) [EV-009 and EV-010] the Applicant stated that other offshore construction techniques, such as vibration or downward impulses, were being considered. At present Condition 14(f) of Schedules 9 and 10 and Condition 9(f) of Schedules 11 and 12 of the dDCO only requires the submission of a Marine Mammal Mitigation Protocol (MMMP) in the event that driven or part-driven piles are proposed to be used. Furthermore, Conditions 14(m) of Schedules 9 and 10 and 9(l) of Schedules 11 and 12 contain similar wording in relation to the submission of a Site Integrity Plan (SIP). In the event that the Applicant proposed to utilise any other construction techniques, instead of driven or part-driven piling, do you consider that a MMMP and SIP should still be submitted? Please justify your answer.
4.10	WDC	In your Written Representation [REP1-124] you indicate that you do not wish to see any pile driving, but you also raise concerns about the potential impact on prey species should gravity-based foundations be used. Which of these construction techniques do you consider would have

Question to:		Question:
		the more significant effects in the long term, and overall which would you prefer to see utilised?
4.11	Applicant, MMO, NE, WDC, TWT	A maximum hammer energy of 5,000kJ has now been specified in condition 14(1)(n) of Schedules 9 and 10 of the dDCO [REP2-017]. However, please comment on whether or not there would be any benefits in having a range of maximum hammer energies being specified in the dDCO, for example the 2,700kJ figure that relates to the worst-case scenario for a 9MW pin pile structure?
<b>5.</b>	<b>Ecology offshore – other</b>	
5.24	NE	Further to the Applicant’s response to ExQ1 5.12 [REP1-007] and your Statement of Common Ground [REP1-049] please justify why you consider that cable repairs should not be allowed for in the dDCO providing that such repairs would fall within the maximum parameters that have been assessed in the ES.
5.25	Applicant	Please comment on NE’s concerns in Annex C of its WR [REP1-088] about the use of the caveat ‘where possible’ in regard to micro-siting to avoid areas of <i>Sabellaria spinulosa</i> . How would any disagreements over the final cable route and what is ‘possible’ be resolved?
5.26	Applicant, NE	In Annex C of its WR [REP1-088] Natural England advises that a pre-construction sandwave levelling report and assessment is required. Do you consider that this is adequately secured in the dDCO, for example in



Question to:		Question:
		the wording of Condition 13 of Schedules 11 and 12? If not, then suggest additional wording that you consider should be included.
5.27	Applicant	Further to your response in Appendix 1 [REP3-004] please provide more details regarding what you consider to be the unfeasibility and potential health and safety risks for the removal of cable protection at the decommissioning stage of the project that you have referred to.
<b>6.</b>	<b>Construction - offshore</b>	
6.13	Applicant	Further to your responses to the ExQ1 6.1 and 6.2 [REP1-007], and to the discussions in this regard at the offshore environmental matters ISH2 [EV-009 and EV-010], please set out a summary of the key differences to account for the significant range of predicted for inert material to be disposed of and cable protection required for Norfolk Vanguard, Hornsea Project Three and East Anglia THREE.
<b>7.</b>	<b>Offshore archaeology and cultural heritage</b>	
7.6	Historic England, MMO	Please provide an update on your discussions in relation to the wording of Condition 15(2) of the DML (Schedule 9-10) and Condition 10(2) of the Transmission DMLs (Schedules 11-12).
7.7	Historic England	Are you satisfied with the proposed 50m archaeological exclusion zone around A1 sites and magnetic only anomalies?
<b>8.</b>	<b>Fishing and navigation</b>	
8.8	National Federation of Fishermen's Organisations (NFFO)/VisNed	Further to the amended dDCO [REP1-017] and the comments made at ISH2 [EV-009 and EV-010] please respond to the Applicant's removal of floating foundations for turbines from the project design envelope. In

Question to:		Question:
		particular, please expand on your comments in Table 3 of your Statement of Common Ground [REP1-047] in which you state that for fixed foundations and a preferred spacing of 2km+ some level of fishing activity would co-exist.
8.9	Applicant	Please respond to the comments made by the Eastern Inshore Fisheries and Conservation Authority (EIFCA) [RR-180 and REP1-040] and the NFFO/VisNed [REP1-088] that cumulative impact assessment should take into account already installed infrastructure and licensed activities.
8.10	Applicant	Further to the comments made by the NFFO at ISH2 [EV-009 and EV-010] and in [REP1-089] please expand on your views regarding the use of finding arrangements, such as the West of Morecambe Fisheries Fund.
<b>9.</b>	<b>Marine geology, oceanography and physical processes, marine water and sediment quality</b>	
	No questions at this time.	
<b>10.</b>	<b>Construction - onshore</b>	
10.2	NCC	REP3-060 refers to Norfolk County Council's Environmental Lighting Zones Policy and Maps. Could you please provide a copy of this policy and comment on the concerns raised?
10.3	Applicant	Please comment on the concerns raised within REP3-060 in relation to Rural Dark Landscapes and light pollution during the construction phase.

Question to:		Question:
10.4	Applicant	Please provide a detailed response to the questions in relation to the timeline/timings of construction and the provision of link boxes set out in the written representations of the NFU submitted at deadline 3. [REP3-049]
10.5	Applicant/NNDC	<p>Clarification Note on Landfall 24-hour vehicle requirements: the Applicant asserts that any 24-hour working which may be needed at the landfall will be agreed with the relevant planning authority in advance of construction in accordance with requirement 26 DCO. However requirement 26 provides that <i>'outside the hours specified in paragraph (1), construction work may be undertaken for essential and non-intrusive activities, including but not limited to.....(c) onshore transmission works at the landfall.....'</i></p> <p>Please comment on whether or not requirement 26 would offer any limitation upon or sufficient control in relation to the hours of working for landfall transmission works.</p>
10.6	Applicant	In relation to the above clarification note: please explain the figure of 20 personnel vehicles per day in the site mobilisation phase and 10 personnel vehicles per day in the drilling phase. Is this 20 personnel vehicles, with each vehicle performing 2 movements per day (to and from the site)? Does it relate to 20 personnel being required on site at any given time? What would the total vehicle movements be over a 24-hour period assuming shift change-overs and counting journeys to the site and from the site as separate movements?

Question to:		Question:
10.7	Applicant	The Hornsea Project Three HGV Haul Road Reduction Report has been submitted. It is noted that the reduction in HGV movements arises as a result in the reduction of the depth of the haul roads to no more than 500mm depth. Please indicate the assumed depths of the haul roads for the Norfolk Vanguard project or confirm where the relevant information can be found.
10.8	Norfolk County Council/Applicant	<p>The report referred to in the previous question explains the basis on which generated traffic was assigned onto the highway network in terms of traffic flows and using a sensitivity methodology. Is this distribution methodology and the assumptions applied consistent with those applied in the Transport Assessment the Norfolk Vanguard project?</p> <p>It is noted that the outline CTMP in relation to The Street and the B1145 at Cawston will be revisited in light of the updated data in this report. Please provide the ExA with an update as to progress in relation to these matters.</p>
<b>11.</b>	<b>Traffic, transport and highway safety</b>	
11.33	Applicant/NCC	<p>Cumulative impacts with Hornsea Three Project (H3)  To the Applicant: the ExA refers to your comments in [REP3-003] confirming that you will review the position with regard to cumulative impacts of both projects in light of the revised traffic generation figures submitted to the H3 examination. You confirm that you will include consideration of different scenarios in terms of the sequencing of the two</p>

<b>Question to:</b>		<b>Question:</b>
		<p>projects. Please confirm that you will cater for the situations outlined in Norfolk County Council's RR [REP3-054]. In addition please confirm that you will cater for the mitigation measures needed in a scenario in which H3 does not proceed and Norfolk Vanguard proceeds on its own.</p> <p>To the County Council: please confirm your position in relation to the mitigation measures necessary should Norfolk Vanguard proceed in isolation.</p>
11.34	NCC	Having regard to the further representations of the Applicant in relation to the question of trenchless crossings of the B1149, do you maintain your position that trenchless crossings are necessary?
11.35	Applicant	If the ExA comes to the view that trenchless crossings are necessary on the B1149- can this be catered for in the application? Does the Rochdale Envelope include sufficient land to cater for this eventuality? If not, why not, and how much additional land would be needed/how could this matter be addressed?
11.36	NCC	Please provide full justification for your contention that trenchless crossing of the A1067 is necessary?
11.37	Applicant	Having regard to the response to Q11.36 above, please provide a detailed response at deadline 5.
11.38	Applicant	Please respond to Norfolk County Council's comments in RR [REP3-053] in relation to requirement 16 of the dDCO constituting a closed list of trenchless crossing points and the counter-arguments supporting the contention that requirement 16 should be amended to make it clear that the list is not a closed list of trenchless crossing.
11.39	Applicant	The Applicant is referred to the RR from Oulton Parish Council [REP 3-057]. It is noted that further work is to be done in relation to cumulative

<b>Question to:</b>		<b>Question:</b>
		<p>impacts. In the meantime please respond to the following issues raised in that RR:</p> <ul style="list-style-type: none"> <li>- Link 68: traffic generation for all types of vehicles in relation to the Cable Logistic Area</li> <li>- Link 75: the concerns raised in relation to the use of the Blickling-Saxthorpe Road for HGV traffic</li> </ul> <p>The routing of construction traffic through the northern end of the Oulton Street</p>
<b>12.</b>	<b>Air quality and human health</b>	
12.10	Applicant/National Grid	<p>In relation to the Norfolk Vanguard and Hornsea 3 crossing point, at the Open Floor Hearing the Applicant stated that if different technologies were used (HVDC and HVAC) the magnetic fields would not interact with each other and can therefore be considered separately. At the Open Floor Hearing, Mr Pearce put forward a conflicting argument that HVAC cables would induce currents in HVDC. In his response submitted at Deadline 3 he refers to National Grid information and research carried out by Andrew Goldsworthy that supports his assertion.</p> <p>Please comment on the concerns raised by Mr Pearce and provide further information on any effects that would result from HVAC and HVDC cables crossing, including effects on both people and the environment i.e. geology, hydrology and ecology. Would any effects vary dependant on which cables go over or under each other? The cables have a minimum and maximum depth for heat dissipation, what would be the maximum depth required to achieve adequate separation between the two cables?</p>

<b>Question to:</b>		<b>Question:</b>
12.11	Applicant	How will the actual EMF figures be checked/monitored when the project is complete? Should monitoring be secured? In a scenario where the figures are more than predicted what action could be taken? Please provide draft wording for the dDCO to secure appropriate measures to cater for such a scenario.
12.12	Breckland Council	Can the Council please confirm that the Environmental Health Team have had regard to the support information submitted by Necton Parish Council at Deadline 1 which included a facsimile communication from 1996 pertaining to radioactive substance risk and explain if this does or not change their position in relation to the duty to investigate.
12.13	Ministry of Defence	In your response to the ExQ1, dated 25 January 2019 [Rep-129] you state that question 17.8, which related to the 1996 F16 plane crash, had been passed on to the relevant department. Could you please provide a response to this question?
12.14	Breckland Council	Section 26.6.1 of ES Chapter 26 [APP-350] states that, as the Swaffham Air Quality Management Area (AQMA) is approximately 1km south of the A47, it is not anticipated that there would be any significant increases in pollutant concentrations within the AQMA.  Do you agree with this assessment and, if not, please explain why not?
12.15	Applicant	Your post hearing submissions refer to delivery vehicles being turned away if they arrive at a locked compound before the consented hours of 0700 till 1900. What measures would be in place to ensure that

Question to:		Question:
		construction vehicles that are turned away do not congregate in the local area which could lead to potential increases in pollutant concentrations for local residents?
<b>13.</b>	<b>Noise and vibration</b>	
13.13	Applicant	Your post hearing submissions refer to delivery vehicles being turned away if they arrive at a locked compound before the consented hours of 0700 till 1900. What measures would be in place to ensure that construction vehicles that are turned away do not congregate in the local area which could lead to potential noise and disturbance for local residents?
13.14	Applicant	Daily start up or shut down would take place outside the hours specified in Requirement 26(1) of the DCO. Please set out what daily start up and shut down would include. Should this be included within the Outline Code of Construction Practice (OCoCP)?
13.15	Applicant, Broadland Council	What implications does Appeal Ref: APP/K2610/A/14/2212257 have for the proposed development? Was the impact of noise and vibration on the Old Railway Gatehouse taken into consideration?
13.16	Applicant/NCC	At ISH1 Norfolk County Council stated that a package of measures was being considered by Hornsea 3 in relation to mitigating the impact on the occupiers of The Old Railway Gatehouse. Please provide details of the package of measures being considered by Hornsea 3 and comment on



<b>Question to:</b>		<b>Question:</b>
		whether a similar package of measures should be secured for Norfolk Vanguard?
13.17	Applicant	<p>Please explain what would comprise the 'significantly noisy construction activities' referred to in paragraph 173 of ES chapter 26. What is meant by 'relatively short duration'?</p> <p>Would any of these activities be carried out under the continuous periods of operation referred to in Requirement 26(2)(a)? Should additional restrictions be in place to prevent continuous working at the weekend and on public holidays?</p>
13.18	Applicant	<p>Paragraph 5.11.8 of NPS (EN-1) states that a project should demonstrate good design, including through selection of the quietest cost-effective plant available, containment of noise within buildings wherever possible and the optimisation of plant layout to minimise noise emissions. Please explain, in the context of Work No. 8A and Work No.10A, how the proposal complies with this paragraph.</p>
13.19	Breckland Council	<p>dDCO Requirement 27 (R27) sets out that the noise rating level for the operational phase in relation to Work No.8A must not exceed 35dB LAeq (minutes) and 32dB LAeq (15 minutes) in the 100Hz third octave band at any time at a free field location immediately adjacent to any noise sensitive location.</p> <p>Do you agree with the above limits?</p>

Question to:		Question:
		Do you agree with the proposed monitoring of operational noise set out in dDCO R27 (3)?
13.20	Breckland Council	Operational noise arising from the modifications to the existing overhead line structure has not been considered further (Table 25.1 in ES Chapter 25). Do you agree with this approach?
13.21	Breckland Council	The extension to the existing Necton National Grid substation has not been included as part of the noise modelling presented in ES chapter 25. Do you agree with this approach?
13.22	Applicant	Please comment on NNDCs request for a mechanism to be secured to enable the relevant local authority to be made aware of complaints and for the relevant local authority to make the contractor aware of any complaints that come direct to the local authority.
<b>14.</b>	<b>Seascape, landscape and visual impact</b>	
14.26	Applicant	Please provide paper copies of the additional photomontages showing a 19m box indicating the onshore converter station which were submitted at deadline 3.[REP3-024 to REP3-030 inclusive]
14.27	Applicant	You are referred to the further evidence of North Norfolk District Council [REP3-055] in support of its contention that there should be a 10-year maintenance period for all planting. Please comment further upon the evidence submitted by NNDC at deadline 3.
14.28	NNDC	Having regard to the Applicant's post hearing submissions [REP3-003] on the mitigation measures for the impacts of hedgerow removal and

Question to:		Question:
		proposed replacement measures, do you wish to comment further? (n.b it is not necessary to address the question of the appropriate maintenance period).
14.29	Applicant	In your LVIA assessment of potential impacts during construction and operation you categorise the significance of effect as 'significant' or 'not significant' with no further quantification of significant effects. Please explain the reason for this and comment upon how the cumulative assessment has been undertaken in light of this. [APP-315]
14.30	Applicant	LVIA methodology [APP-315]: are there definitions provided for receptor value, susceptibility to change and overall sensitivity?
14.31	Applicant	In the LVIA post-construction mitigation has been taken into account when reaching a conclusion that there are no likely significant effects. How can the ExA be assured that this does not result in the significance of construction effects not being fully taken into account? [APP-353]
14.32	Applicant	Please confirm what efforts you have made in monitoring the examinations of other projects in the wider area (such as Hornsea Three Project and Thanet) and any actions you have taken in terms of updating the cumulative effects assessment.
14.33	Breckland Council	<p>Please could you provide a response to FWQ14.4 in relation to the methodology, baseline data, assumptions, modelling and conclusions of the LVIA.</p> <p>Please confirm that you accept the assessment of potential cumulative impacts.</p> <p>Please comment on the mitigation and management measures set out in the Outline Landscape and Ecological Management Strategy (OLEMS), the</p>

<b>Question to:</b>		<b>Question:</b>
		Outline Access Management Plan and the Outline Code of Construction Practice.  Please identify any outstanding issues.
14.34	Breckland Council/Necton Parish Council	NPS EN-3 makes clear that among other things consent for a development should not be refused solely on the ground of an adverse effect on visual amenity unless an alternative layout within the identified site could be reasonably proposed which would minimise any harm, taking into account other constraints that the Applicant has faced such as ecological effects, while maintaining safety or economic viability of the application. Please clarify what alternative layout within the identified site, as opposed to land outside the Order Limits, you propose if any, in relation to the siting of the substation/additional substation or its component parts.
<b>15.</b>	<b>Onshore archaeology and cultural heritage</b>	
15.12	Applicant, Historic England	Please provide an update on your discussions regarding HE's concerns raised in their letter dated 17 January 2019 in relation to the definition of 'commence'.
15.13	Historic England	Could you please provide a written response setting out your views with respect to the amended conclusions within the errata document on the impacts on the significance of heritage assets including the Grade I listed Church of St Andrew.
15.14	Applicant	In its Local Impact Report Broadland Council raise concerns regarding the increase in traffic within the Cawston Conservation Area and the potential detrimental impact that heavy goods vehicles could have on listed

Question to:		Question:
		buildings along the High Street. Could the Applicant please address these concerns and provide an assessment of potential impacts and any mitigation that may need to be included in the OCoCP.
15.15	Applicant	Please comment on NCC's Deadline 1 submission [REP1-130] that Requirement 23(3) is superfluous.
<b>16.</b>	<b>Geology, ground conditions, drainage, pollution and flood risk</b>	
16.30	Applicant	The UK Climate Projections 2018 (UCKP18) was published on 26 November 2018. Do the projections have any implications for the conclusions drawn in chapters 4 and 8 of the ES or on the risk of the development being affected by coastal change?
16.31	Applicant	In the event that cables were to become exposed due to coastal erosion what mitigation or remediation measures may be required? How would this be monitored?  Paragraph 5.510 of (EN-1) seeks to ensure that proposed developments will be resilient to coastal erosion and deposition, taking account of climate change, during the project's operational life and any decommissioning period. How has the resilience to costal erosion during the decommissioning period been addressed?
16.32	Applicant, NNDC	Please provide an update on your discussions regarding the potential options for Cart Gap sea wall.
16.33	Applicant, NCC	Please provide an update on your discussions regarding Norfolk County Council's request that the surface water drainage scheme should be subject to a separate requirement.
16.34	Applicant, EA	Please provide an update on your discussions regarding the storage of spoil within the floodplain
<b>17.</b>	<b>Aviation and radar</b>	

Question to:		Question:
	No further questions at this time	
<b>18.</b>	<b>Land use and recreation</b>	
18.27	Applicant	Table 5.3.6 included in ES Chapter 5: Project Description, is very high level and provides no detail of how construction will take place. You clarified at ISH3 that pre-construction works could start in 2020 and take two years, followed by duct installation which takes a further two years and then a further two years for the cable pull, joint and commission. Please amend the Table to include a key to the diagram and provide detail as to what Phase 1 and 2 is referring to. Do you agree that given the timeline it is possible that agricultural land could be taken out of production for 6 years?
18.28	Applicant	It is understood that you intend to lay the ducts and reinstate approximately 150m sections at a time such that areas of land may be able to come back in to agricultural use within the second two-year period when ducting is carried out. Please: <ul style="list-style-type: none"> <li>(i) detail how field drainage will be reinstated before the sub and top soil is reinstated on these 150m sections;</li> <li>(ii) explain when the joint bays will be constructed and what is the land area required for this construction;</li> <li>(iii) explain what happens if there is a fault on the cables during testing; and</li> <li>(iv) confirm when the cables for the Boreas project will be pulled through the ducts and the joint bays for this project be constructed?</li> </ul>
18.29	Applicant	Please provide further information on:

<b>Question to:</b>		<b>Question:</b>
		<ul style="list-style-type: none"> <li>(i) How and when would discussions will take place with landowners and occupiers on the location of the link boxes;</li> <li>(ii) What the configuration will be if link boxes are grouped together;</li> <li>(iii) Whether all link boxes will be manhole covers and confirm that no cabinets above ground will be installed.</li> </ul>
18.30	Applicant	Taking account of the NFU/LIG's submissions at [REP3-049] including the Appendices thereto, please provide an update on drafting an outline soil management plan which includes details of the Agricultural Liaison Officer (ALO) and the role that will be undertaken, general principles of how soil will be treated and aftercare carried out and for the main principles of how field drainage will be reinstated to be clarified. Please provide an indicative timetable for agreeing an outline soil management plan, linked to the CoCP such that it is binding under the DCO and gives assurance to landowners and occupiers.
18.31	Applicant	Please comment on the wording that the NFU and LIG would like to see being included in the soil management plan to cover how field drainage and irrigation systems will be treated pre and post construction as set out in [REP3-049] at Appendix B.
18.32	Applicant	Please comment on the wording that the NFU and LIG would like to see being included in the soil management plan/CoCP to cover pre-construction survey of soils and the detail to be included in a record of condition, and soil storage and treatment as set out in [REP3-049] at Appendices C and D.
18.33	Applicant/Relevant Planning Authorities	Horizontal Directional Drilling is not proposed at the crossings of two further Norfolk Trails, the Wensum Way and Weaver's Way, nor the

<b>Question to:</b>		<b>Question:</b>
		majority of the crossing points of the general Public Rights of Way (PRoW) network.  Do you agree that the County Council as the Highways Authority should be the relevant local authority to agree the management of PRoW's including the Trails network?
18.34	NNDC, Happisburgh PC	Are you content with the measures proposed by the Applicant to ensure that the commitment not to use the beach car park is enforced, as outlined in the Applicant's response to ExQ1 11.32 at Deadline 1?
18.35	NFU/LIG	A response is awaited to ExAQ1_18.1 to 18.9, and 18.17
18.36	Applicant	In the section of the SoCG with NFU [REP1-051] relating to access to land and the haul road you refer to a commitment of no more than 20% of the haul road that will need to be left in situ or reinstated during the construction phase of the Project. Please provide more detail as to how this figure is arrived at, whether this takes into account all works that may be necessary to the land due to the Boreas project and how the commitment would be secured within the DCO or elsewhere.
18.37	Necton Parish Council	Do you agree with the reply that the Applicant gave to WQ18.21 [REP1-007]? If not please comment further
18.38	Breckland Parish Council	With reference to your SoCG [REP1-037] with the Applicant please provide an update as to whether you maintain an objection, and if so why, to the Applicant's position set out in Table 7 (land use and agriculture) on the assessment methodology, findings and approach to mitigation
<b>19.</b>	<b>Socio-economic, including tourism</b>	



<b>Question to:</b>		<b>Question:</b>
19.29	Applicant, NCC, RPAs	<p>In the Applicant's response to NCC's LIR [REP2-005] you state that the decision to establish a Community Benefit Fund (CBF) would be made post Financial Investment Decision (FID) and the potential for a CBF is outwith the DCO consenting regime and therefore wider community benefits should not be taken into account when determining the application.</p> <p>If a development plan policy relating to the provision of a community benefit appears to you to be relevant to development proposed within the Order limits what is your view as to the applicability of the policy in light of the DCO consenting regime? Please list any such policies.</p>
19.30	Applicant	<p>In Chapter 31 ES, Socio-economics [APP-355] you state your key challenge is that the resident workforce is ageing, low skilled and low paid and as a result, many of the available high value jobs go to an imported workforce. You have committed to procuring 50% of your supply chain from the UK, however you state "at present some technologies and skillsets relating to offshore wind development are not available in the UK market and must therefore be procured externally.</p> <p>In light of a Brexit outcome that may remove freedom of movement of persons and/or place obstacles on supply chains, please provide an update of your workforce strategy, explaining how you propose to overcome difficulties in managing a flexible workforce that can be transferred as required from one project to another within Europe."</p>
<b>20.</b>	<b>Content of the draft DCO (dDCO)</b>	

Question to:		Question:
20.119	Applicant	Please consider and comment briefly on the additional wording provided by Trinity House related to Article 38, as set out in [REP3-062], in particular the circumstances in which it would accept the wording including any amendment thereto which it considers expedient to make.
20.120	Breckland DC	You have suggested [REP3-03] that Requirements be imposed in the DCO relating to the assessment/remediation of contamination at the site of the plane crash near Necton. Please supply wording for the Requirement(s).
20.121	Applicant	<p>"Drafting Suggestions for the dDCO" have been submitted by NNDC at [REP3-055]. Please comment on these including with reference to:</p> <ul style="list-style-type: none"> <li>i) The HVDC export system;</li> <li>ii) The amendments proposed to R18, R19 and R20;</li> <li>iii) Schedule 15, including the tracked changes version of the whole schedule provided at Appendix 5.</li> </ul> <p>Given that AC cables are required offshore, as well as between the onshore substation and the existing National Grid substation extension, and this needs to be permitted within the dDCO, how might the dDCO be amended to provide for the necessary savings in that regard, if it is recommended that the use of a HVDC system within the works description is to be explicitly secured within the DCO?</p>
20.122	MMO	Considering the Applicant's response at [REP3-005] to the question whether total disposal volumes could be broken down into different disposal activities, and the number of cable crossings to be stated in the Deemed Marine Licence (DML), do you maintain that further changes are required to the dDCO?

<b>Question to:</b>		<b>Question:</b>
		If so please explain why briefly, with particular reference, in the case of SAC specific volumes, to the stated need to ensure the amount of disposal and works within the SAC remains within those assessed and approved.
20.123	Applicant	Have you considered further the drafting of the definition to specifically restrict the reference to further associated development to that development listed at paragraphs (a) to (p) and (a) to (b) in the description of the authorised development at Schedule 1 Part 1 (after the Works descriptions and before paragraph 2)? If so, please provide any proposed change to the dDCO.
20.124	RPA's	In light of the Applicant's stance at the ISH3 regarding Article 11 [REP3-005] and the temporary stopping up of streets, that it would not be possible to provide an exhaustive list of what might be included in a temporary working site and that this should be given its plain meaning, please confirm whether you are content with that approach and if not why not.
20.125	Applicant	Requirement 12 relates to Ministry of Defence (MoD) requirements to maintain defence aviation safety. Please provide an update as to whether timescales for complying with any direction have been agreed with the MoD such that any lighting considered necessary for aviation safety is in place and operational for the wind turbines and any other relevant structures during and after construction.
20.126	Applicant	Requirement 13 secures technical mitigation for impacts on Air Defence Radar (ADR). Please provide an update on discussions with the MoD as to including reference to timescales for implementation of the approved mitigation prior to the first use of the wind turbines.

Question to:		Question:
20.127	NCC	How, if at all, would you propose to amend Requirement 16(7) of the dDCO to secure that the Traffic Management Plan allows for trenchless installation techniques to be used in other locations than those specified?
20.128	Applicant	Please provide an update as to what further revisions have been agreed with the Relevant Planning Authorities, or are now proposed as to Requirement 20, Code of Construction Practice, in particular: (i) the extent to which pre-commencement works are adequately secured, and (ii) whether to include reference to 'vibration' at Requirement 20(2)(e)
20.129	Applicant	Please provide an update on discussions as to who is to take the lead in relation to discharge of R21 (traffic matters), R22 (highway accesses), R23 (archaeological WSI) and R25 (watercourse crossings).
20.130	Applicant	What amendment is proposed if any as to R21 to secure pre-commencement mitigation referred to in the relevant plans?
20.131	Relevant Planning Authorities	Please consider and comment on the response of the Applicant in ISH3 [REP3-005] as to construction hours set out in R26 and inform the ExA of any further concerns and consequential proposed amendments to R26.
20.132	Applicant Relevant Planning Authorities	What is understood by the term "non-intrusive" and is it intended to exclude activities that would have some limited but adverse impact? Is there merit in separating out the "essential" and "non-intrusive" activities in R26?
20.133	NNDC	Have you considered, following ISH3, alternatives to the wording of R26(2) and if so please provide any alternative wording proposed?
20.134	Applicant	Please provide an update as to whether the relevant planning authority should be notified of cessation of commercial operations and to include

<b>Question to:</b>		<b>Question:</b>
		reference to the timing for implementation of the decommissioning plan at R29(2), supplying any proposed amendments to the dDCO.
20.135	Applicant	In relation to the discharge of consents set out in R31, please explain in more detail why the principle of minimising delays post consent is particularly important for offshore wind projects in the context of meeting Contract for Difference milestones.
20.136	Applicant	Do you agree with the MMO's understanding that notwithstanding the intended inclusion of the intertidal area within R29, there will still be a need for permission from the MMO for the decommissioning stage and that a marine licence will be required for decommissioning including the intertidal area?
20.137	MMO	In relation to the transfer of benefit of the DMLs please comment on the Applicant's response in ISH3 to the issue of whether co-operation should be the subject of a condition in the DMLs, on the assumption that the approach to co-operation will deal with confidential or sensitive commercial arrangements between the parties.
20.138	Applicant	Please comment on the MMO's proposed wording at 3.2.1 of [REP3-046] of a cooperation condition within the Schedule 1, Part 3, Requirements, and in relation to the DMLs at Schedules 9, 10, 11, and 12.
20.139	Applicant	Conditions 14 (1) and 15 (2) set out the requirements for the Applicant to submit all preconstruction documentation at least 4 months prior to the commencement of the construction works. The MMO has provided detailed reasoning [REP3-046] in particular at points 1.2.6 and 4.1.2, as to why the timescales should be set at least 6 months to allow sufficient time for repeat rounds of stakeholder consultation if required.

Question to:		Question:
		Please review, including the representations about this matter by NE at Deadline 3, and confirm whether the timescales proposed are acceptable or list any of the points with which you take issue and explain why.
20.140	Applicant	Do you agree the addition to condition 19 recommended by the MMO at 4.1.3 of [REP3-046]? If not please explain why not, adding any alternative wording and any desired response to the reasoning adopted in the second paragraph of 4.1.3.
20.141	Network Rail	<p>Please specify in detail what are the outstanding matters concerning</p> <ol style="list-style-type: none"> <li>1. protective provisions for the benefit of Network Rail and</li> <li>2. property and asset protection agreements that remain in dispute, with a commentary that enables the ExA to understand exactly what is at issue here.</li> </ol> <p>Please refer in the commentary, in particular to paragraphs 2.9, 2.10 and 2.11 of your previous representations in [REP1-063].</p>
20.142	Applicant Cadent Gas	Please provide an update as to whether the position regarding insurance and surety provisions affecting Cadent Gas and as referred to in their D3 submissions [REP3-040] has now been agreed and if not explain the nature of any outstanding dispute.
20.143	National Grid	<p>Please specify precisely what wording of the Protective Provisions as they apply to you, and are set out in Schedule 16, Part 2, remain in dispute, with a commentary that enables the ExA to understand exactly what is at issue here.</p> <p>Please refer in the commentary to the issues generally highlighted in Table 2 of the Statement of Common Ground [REP1-048]</p>

<b>Question to:</b>		<b>Question:</b>
20.144	Applicant	<p>In Table 5.6 of Chapter 5, Project Description, relating to the infrastructure seabed footprint, a figure of 157m<sup>2</sup> is presented for LiDAR for 2 x monopiles + scour protection. The description of parameters in dDCO/DML as currently worded in R10 and Schedules 9 and 10, Part 4, 7(2) allows for 157m<sup>2</sup> per foundation.</p> <p>Should this be amended, as suggested by NE in its submissions at D3, [REP3-051], to reflect the figures presented in the ES, i.e. 157m<sup>2</sup> in total for both LiDAR measurement buoys, and if not why not?</p>
20.145	Applicant	<p>Do you agree with NE's comments in [REP3-051] that Schedules 11 and 12, Part 4, 3(1)(b) should be amended to reflect the lower maximum amount of scour protection for the offshore electrical platforms presented in the ES, namely 35,000m<sup>3</sup> as in Table 5.15 and Table 5.6 rather than up to 100,000 m<sup>3</sup>? If not please explain why not.</p>
20.146	Applicant	<p>Regarding NE's comments in [REP3-051] as to Schedule 1, Part 1, should disposal volumes be split according to type of material, for example drill arisings, boulders, sand and mud? If not please explain why not.</p> <p>Please comment on the recommendation that the maximum volumes taken within the Haisborough, Hammond and Winterton SAC should be detailed separately to ensure the impacts to the designated site remain within the impacts assessed, and whether the wording should also limit the area of impact from removal of substances for disposal to the area assessed.</p>
20.147	NE	<p>Please supply wording as to the requested changes to Schedule 1, Part 1.</p>

Question to:		Question:
20.148	Applicant	Schedule 1, Part 1 & Schedules 9-12 Part 3 1(f): please clarify the apparent discrepancy between the total of 414,762m <sup>3</sup> included in the Change Report and a value of 414,761m <sup>3</sup> listed in the draft DCO /DML.
20.149	Applicant	Schedule 1, Part 3, Requirement 2(b) Schedules 9 and 10, Part 4, Condition 2(1)(b): please confirm the maximum height of a wind turbine generator to the centreline of the generator shaft (when measured from HAT) will be revised in the next dDCO from 200m to 198.5m, in accordance with the parameter assessed in the ES.
20.150	Applicant	Schedule 1, Part 3, Requirement 5; Schedule 9 & 10, Part 4, condition 3; and Schedule 11 & 12, Part 4, condition 2: please clarify why the ES includes a figure of 222,086m <sup>2</sup> for the export cable whereas a total figure of 122,086m <sup>2</sup> has been included in draft DCO.
20.151	Applicant	Natural England note that, for the total amount of scour protection for the offshore infrastructure a figure of 53,095,038m <sup>3</sup> is included in the updated draft DCO, but a figure of 53,195,398m <sup>3</sup> is included in the Explanatory Memorandum. Please clarify the difference.
20.152	Applicant	Schedule 14 (paragraph 7(2)). Please comment on the particular status of NE pointed out in its objections to the arbitration provisions in the dDCO [REP3-051] as to whether they affect your position and if not why not.
20.153	NCC	You have recommended two requirements concerning archaeological investigation as set out in paragraph 1.11 of your Additional Submission - Accepted at the discretion of the Examining Authority and published on 4 February 2019. [A document reference has been requested] Please consider how this interacts with R23 as currently drafted and provide any proposed amendments to R23.



Question to:		Question:
20.154	Applicant	Please provide an update as to whether Condition 12(5) could be clarified to provide that materials other than inert materials of natural origin must be screened out before the inert materials are disposed of at the site and supply any proposed amended wording to Condition 12(5) of Schedule 9 and 10, and Condition 7(5) of Schedule 11 and Schedule 12
20.155	Applicant	Please provide an update as to the consideration being given to the request from NCC for a skills requirement to be included in the dDCO. In this connection please explain in further detail the statement in your note of ISH3 that CfD eligibility requires Vattenfall to produce a Supply Chain Plan assessed and marked by the Secretary of State for Business, Energy and Industrial Strategy.
20.156	Applicant	NCC proposes a surface water and drainage requirement but you consider that, to the extent that this was not already dealt with by R20, it would be preferable to include any further detail in the outline CoCP. Please give an update on the position with regard to NCC's proposed wording in its Additional Submission - Accepted at the discretion of the Examining Authority.
20.157	Applicant NFFO	Please provide an update as to discussions and any changes agreed to Condition 20(2) and Condition 9(9) and 9(11) which relate to the monitoring of cables and notification of exposed cables.
<b>21.</b>	<b>Monitoring, mitigation and management plans</b>	
	These matters are covered elsewhere	
<b>22.</b>	<b>Compulsory acquisition (CA)</b>	

<b>Question to:</b>		<b>Question:</b>
22.41	Applicant	Additional information has been received from Happisburgh REACT regarding holiday lets [REP3-060]. Which of the owners referred to has the Applicant engaged with personally (or their representative) and how has it been explained to each owner the basis, including relevant timescales, on which compensation may be payable to them under the DCO or other relevant legislation including under Land Compensation Act 1973 Part 1?
22.42	Applicant	The NFU/LIG continue to await a draft Option and Easement to progress voluntary negotiations. Please confirm that this documentation can now be issued to the NFU/LIG.
22.43	Applicant	The ExA is concerned that all persons affected by the use of CA powers in the DCO should receive a detailed timeline and timings of the different parts of construction for both the Vanguard project and the Boreas project. Please explain how and when this detail will be provided.
22.44	Applicant	How would a landowner contact the Applicant once the development is constructed and in operation to seek permission, where there is a restrictive covenant in place, to carry out agricultural related activities?
22.45	Applicant	Please comment on the request from the NFU/LIG set out in [REP3-049] to see specific details recorded in the DCO as to what each compound site/mobilisation unit will be used for.
22.46	Applicant	<p>Would the running track remain in place after the 150m sections of ducting have been reinstated or will the running track be removed at the same time?</p> <p>If it was to remain in place, how long would this be for? Please clarify what appears to be conflicting statements in Chapter 5: Project Description and the OCoCP, paragraph 2.5.5.</p>

Question to:		Question:
22.47	NFU/LIG Applicant NCC NNDC	Are you satisfied that it has been shown how exactly construction of the different cables will take place at the crossing point, with the Orsted development in two phases and the Vanguard and Boreas proposed developments? Please provide reference to submitted documents as appropriate.
22.48	NFU/LIG	Please set out briefly your remaining concerns as to the funding for the development.
22.49	Applicant	Given that the National Trust maintains its objection to the proposed acquisition of its interests in its inalienable land, would the Applicant please clarify its position regarding the use of CA powers in relation to such land.
22.50	National Trust Applicant	Please list the outstanding topics that are currently under discussion between the parties. Please provide a brief summary of the parties' position on each topic, or otherwise indicate where the only outstanding issue on a particular topic pertains to commercially confidential matters.
22.51	Applicant	Please provide an update of the Schedule of Compulsory Acquisition.
<b>23.</b>	<b>Habitats Regulations Assessment</b>	
23.64	Applicant	Please comment on the views expressed by the RSPB in its Comments on Applicant's Response to Written Questions [REP2-034] in which concerns are maintained over elements of the collision risk modelling and consequently they consider that adverse effects on integrity (AEOI) cannot be ruled out for the following: The kittiwake population of Flamborough and Filey Coast SPA (FFC SPA) alone and in-combination; The gannet population of FFC SPA alone and in-combination; The lesser black-backed gull population of the Alde-Ore Estuary SPA alone and in-combination.

Question to:		Question:
23.65	Applicant	In regard to the collision risk Band model, can you revise the input and output spreadsheets using mean densities? Also please run the option 2 as advised by NE.
23.66	NE and RSPB	Can you confirm whether the use of mean density values is advocated in any particular guidance?
23.67	NE and RSPB	Can you comment on whether AEOI could be ruled out for collision risk for any features of the European sites currently under discussion, should the ExA be minded to agree to the use of median values?
23.68	NE	In relation to the Hornsea Project Three data, the Applicant can only base its in-combination assessment on the information available to it. Therefore, please can you comment on the in-combination assessments on this basis. Are you able to provide any indication of how the relevant figures for Hornsea Project Three could change and affect the in-combination assessment?
23.69	NE	Further to the ExQ1 3.16, please assess and comment on any areas of disagreement regarding the Applicant's Deadline 3 submission 'Migrant non-seabird Collision Risk Modelling' [REP3-038].
23.70	Applicant	Having regard to [REP3-038] and impacts to non-seabird migrants of the Breydon Water SPA, Broadland SPA, and North Norfolk Coast SPA it is not clear whether you have: <ul style="list-style-type: none"> <li>i. concluded no likely significant effects (LSE); or</li> <li>ii. identified a LSE but concluded no AEOI.</li> </ul> Please can you confirm which is the case. If you consider there to be a LSE, please can you provide the integrity matrices for these sites.
23.71	Applicant	Please comment on NE's ongoing concerns regarding the apportionment figure used for the breeding season for lesser black-backed gull at the

Question to:		Question:
		Alde-Ore Estuary SPA. In [REP2-034] the RSPB considers that it is not entirely clear how an apportioning figure for the Alde-Ore Estuary SPA of 3.5% for lesser black-backed gulls during the chick-rearing season has been derived from the data, and that the figure of 2,000 pairs quoted for the years in question is inaccurate. Please justify how you have arrived at these figures and explain the extent to which you have had regard to the theoretical approach proposed in SNH 2018 Guidance which takes into account foraging range and colony factors.
23.72	Applicant	Please clarify how the seasonal apportionment figures for gannet at FFC SPA that you have cited in response to ExQ1 23.44 have been calculated, as these are slightly lower than the figures calculated by NE [REP3-038].
23.73	NE	Do you have any further comments regarding collision risk mortality to herring gull from the Alde-Ore Estuary SPA?
23.74	Applicant	Please comment on NE's ongoing concerns regarding the breeding season apportionment figure of 16.8% used for kittiwake at FFC SPA.
23.75	Applicant	In your response to ExQ1 23.32, you stated that you would provide a screening response for Bancs des Flandres SPA and Cap Gris-Nez SPA. Please can you provide the screening exercise that you proposed at D1.
23.76	Applicant	Please respond to NE's comments regarding LSE screening for auks at FFC SPA. In particular, do you agree with NE that a LSE should be screened in for guillemot, razorbill and seabird assemblages, including puffin, at the FFC SPA as a result of operational displacement. If so, then please provide an updated integrity matrix for this site.
23.77	NE	Please confirm whether your concerns regarding operational displacement of auks at FFC SPA are in respect of the project alone or in-combination with other plans or projects.

Question to:		Question:
23.78	Applicant	Please respond to NE's concerns regarding impact to the gannet feature of FFC SPA during the non-breeding season as a result of operational displacement from the project alone. Do you agree with NE that there could be a LSE and if not, then please justify your position. If so, please provide an updated integrity matrix for this site.
23.79	NE	Can you please explain whether, using the figures you have calculated with apportionment rates of 4.8% for autumn and 6.5% for spring, you consider there to be an AEOI to gannets of the FFC SPA during the non-breeding season? Please provide further justification for the use of these apportionment rates.
23.80	Applicant	Please can you confirm whether the conclusions of the HRA Report with regard to displacement of gannet from the FFC SPA would alter should adult mortality rates be applied to the assessment, and justify this.
23.81	Applicant	Please can you provide the clarification note regarding in-combination operational displacement of gannet at the FFC SPA?
23.82	Applicant	Please respond to the concerns that have been raised regarding the assessment of nocturnal activity rates for gannet and kittiwake at FFC SPA.
23.83	NE and RSPB	Having regard to the Applicant's response at D1, please can you expand on your concerns regarding nocturnal activity rates?
23.84	Applicant	Please provide an update regarding the kittiwake tracking data and revisiting the breeding season apportionment at FFC SPA.
23.85	Applicant	What is your response to NE's comments regarding common scoter at Greater Wash SPA? Do you agree or disagree with NE's view that a LSE should be identified, and please justify your conclusion? If you agree then please provide an updated integrity matrix for this site.

Question to:		Question:
23.86	Applicant	Please provide an update on the collision risk modelling for little gull at Greater Wash SPA.
23.87	Applicant	Please respond to NE's comments regarding the construction phase displacement of red-throated diver for the Greater Wash SPA from the construction of the offshore export cable (either from the project alone or in-combination), and from the potential displacement as a result of vessel movements during the operational stage. Please explain what implications for construction operations NE's request for seasonal restrictions on cable laying would have?
23.88	Applicant	As recommended by NE, please present an in-combination operational displacement assessment for red-throated diver at Greater Wash SPA.
23.89	Applicant	In relation to red-throated diver from the Outer Thames Estuary SPA and Greater Wash SPA, NE has commented that it cannot rule out AEOI and has referred to mitigation measures that were secured for East Anglia THREE. Please provide an update on this matter, including what these measures are and whether you would be willing/able to employ them?
23.90	Applicant	In response to the concerns raised by NE [REP3-051] please provide an update on progress made regarding the assessment of in-combination collision risk at Greater Wash SPA.
23.91	NE	In its response to ExQ1 the Applicant states that it cannot agree to no cable protection being installed. Consequently, are there any measures that the Applicant could implement that would satisfy you and lead you to be able to conclude that there would be no AEOI resulting from the installation of cable protection within the Haisborough, Hammond and Winterton SAC (HHW SAC)?
23.92	NE	You raised comments in your RR [RR-106] on the Applicant's Outline Scour Protection and Cable Plan, and the Applicant has responded that

Question to:		Question:
		the Plan would be updated as the final design develops. Do you have any further comment to make, and does the relevant Condition in the DMLs provide you with sufficient comfort that there would be no AEOI to the HHW SAC for scour protection and cable protection?
23.93	NE	Do you have any further comments to make following the Applicant's confirmation that the proposed cable protection would remain in place upon decommissioning?
23.94	Applicant and NE	Do you have any further comments to make regarding the issue of micro-siting within the HHW SAC?
23.95	Applicant	Please explain whether there is a specific reason why a sandwave levelling, seabed preparation and disposal plan cannot be secured as a separate Condition in the Deemed Marine Licences (DMLs)?
23.96	NE	Please explain why sandwave levelling, seabed preparation and disposal warrant a separate plan and why this cannot be secured as part of the detailed cable specification, installation and monitoring plan that is secured through Condition 9(1)(g) of Schedules 11 and 12 of the DMLs?
23.97	Applicant	What is your response to the mitigation measures suggested by NE at D1 [REP1-088] to decrease impact on the HHW SAC? Are you willing to commit to any of these measures (such as the reduction of footprint associated with vessel stabilisation, through the use of alternative work vessels, the provision of evidence to quantify footprint of rock armouring potentially required and the reuse of existing stabilisation material footprints)?
23.98	NE	Are you content that a detailed cable laying plan would be secured through condition 9(1)(g) of Schedules 11 and 12 of the DMLs? Would you still also require the submission of a burial risk assessment?



Question to:		Question:
23.99	Applicant	Please respond to NE's comments raised in D2 [REP2-036] regarding the impacts from the disposal of dredged sediment on the HHW SAC?
23.100	NE	In relation to the Southern North Sea cSAC (SNS cSAC) please indicate whether you still have concerns that the Applicant should demonstrate that the fish assemblages (for example sandeels and herring) that are key prey species for harbour porpoise would not be adversely affected by the proposed project.
23.101	MMO	Please comment on any implications of the Southern North Sea SCI: Review of Consents for harbour porpoise, including any additional or amended conditions you would wish to see included in the dDCO.
23.102	Applicant, NE, MMO, TWT and WDC	A conclusion of no AEOI on the SNS cSAC relies on appropriate mitigation measures being secured in the final Site Integrity Plan and Marine Mammal Mitigation Protocol. However, these mitigation measures are not yet specified and there remains some doubt over how effective certain measures, such as soft start piling, actually are. Please comment further on this matter.
23.103	Applicant	Please comment on the view that consultation with TWT and WDC would best be undertaken before the SIP is submitted to the MMO.
23.104	Applicant	Please comment on the view that piling operations should cease if monitoring demonstrates that the mitigation measures being employed are not proving to be effective.
23.105	NE, Applicant	The conclusions of no AEOI for all onshore sites presented in the Information to Support HRA report (document 5.3) are not agreed by NE. NE's position is summarised in the SoCG with NE [REP1-049]. Please provide an update as to the position on this matter.

Question to:		Question:
23.106	NE/Applicant	<p>The conclusions of no adverse effect on site integrity for all onshore sites presented in the Information to Support HRA report (document 5.3) are not agreed by NE. NE's position is summarised in the SoCG with NE [REP1-049].</p> <p>Please provide an update as to the position. In particular:</p> <ul style="list-style-type: none"> <li>• Can the Applicant provide a comparison of the impact of trenched and trenchless crossing techniques on the flow of water to Botton Common SSSI and Norfolk Valley Fens SAC, as requested by NE?</li> <li>• What is the Applicant's response to NE's comments regarding the need for sensitive restoration within the River Wensum floodplain north of Penny Spot Beck?</li> <li>• Can the Applicant provide an update on the assessment of impacts to River Wensum SAC, Norfolk Valley Fens SAC and The Broads SAC when considered in-combination with the Hornsea 3 cable route?</li> </ul>
23.107	NE	<p>A Clarification Note: Bat Impact Assessment – Paston Great Barn Special Area of Conservation (SAC) is provided by the Applicant as an appendix to your SoCG with the Applicant [REP1-049]. Please identify specifically which parts of the assessment if any with which you disagree and why.</p>
23.108	Applicant	<p>NE remain concerned as set out in [REP2-037] that there is likely to be an impact on the Paston Great Barn SAC due to loss and severance of foraging and commuting habitat over at least 7 years but is unable to assess the significance of the impact without further information on</p>

<b>Question to:</b>		<b>Question:</b>
		<p>habitat to be lost and fragmented as a result of the proposed development.</p> <p>Please provide an update as to any further information provided to NE and of discussions relating to the matter.</p>
23.109	NE	Please detail your remaining concerns as to the potential impact on Paston Great Barn SAC and detail the further information you have sought from the Applicant.
<b>24.</b>	<b>Onshore Ecology</b>	
24.20	NE, Applicant	<p>NPS EN-1 Sections 5.3.16 – 5.3.17 requires the ExA to have regard to the protection of legally protected species and habitats and species of principal importance for nature conservation and to refuse consent where harm to the habitats or species and their habitats would result, unless the benefits (including need) of the development outweigh that harm, and to give substantial weight to any such harm to the detriment of biodiversity features of national or regional importance which it considers may result from a proposed development.</p> <p>Please provide an update as to the final position set out in Table 12, Statement of Common Ground - Onshore ecology and ornithology [REP1-049], specifically commenting on legally protected species and habitats and species of principal importance for nature conservation.</p>
24.21	NE	As to the impacts on groundwater supply and surface water quality for Dereham Rush Meadow SSSI, Holly Farm Meadow, Wendling SSSI, Whitwell Common SSSI and Booton Common SSSI, what further information if any is now available to aid appraisal of these effects?

<b>Question to:</b>		<b>Question:</b>
24.22	NE	<p>Appendix 2 of [REP1-049] provides an assessment of effects on certain water dependent designated sites according to their proximity to the proposed location of onshore buried cables.</p> <p>What specific further information do you require to assess the functional connections and the effects from potential changes to groundwater supply to Badley Moor SSSI, Buxton Heath SSSI, Southrepps Common SSSI, Potter &amp; Scarning Fens, East Dereham SSSI and why does the information in Appendix 2 not reasonably demonstrate that there would be no direct pathway between the construction works and the underlying chalk aquifer for these sites which are further away from the construction footprint?</p>
24.23	Applicant	<p>NE in its Response to WRs and Other Supporting Documents submitted by other parties, 30 January 2019 [REP2-037] considers there is insufficient detail in the CoCP for measures to safeguard the designated site in relation to sediment control and reinstatement of all work areas. In addition, detailed management and monitoring procedures should be provided in the CoCP in case of 'breakout' (where the drilling fluid leaves the bore and escapes into the surrounding substrate). Please comment with reference to any further changes proposed to the content of the CoCP to meet these concerns.</p>
24.24	Applicant	<p>NE identifies in its SoCG [REP1-049] what it considers to be significant limitations to the onshore ecological surveys identified in Paragraphs 82-83 of Chapter 22 ES [APP-347].</p>

Question to:		Question:
		<p>Do you agree that access for field surveys was only gained for 50% of the onshore project area and was conducted outside the optimal survey period?</p> <p>Do you agree that the procedure outlined in OLEMS [APP-031]for badger main setts within the project area which require to be closed and destroyed should include other types of setts which may be found within (previously un-surveyed) areas of the project area and if not why not?</p> <p>Do you agree that nesting and ground nesting birds should be included with OLEMS measures to safeguard protected species if they are unexpectedly found, i.e. work to cease immediately, and if not why not?</p>
24.26	NE	The Applicant states in its comments at DL2 on NE's response to FWQ 24.15 that whilst its Phase 1 habitat surveys were undertaken outside of the optimum survey window, they are deemed sufficient. Please comment.
24.27	NE	How do you propose that it be secured within the DCO that future ecological assessments undertaken will cover a greater area and are conducted within the optimum survey window?
24.28	Applicant	In light of NE's comments as to the residual impact for birds including impacts to wintering / on passage bird species, to breeding bird species and bird species during operational lighting and noise, do you intend to conduct a noise survey?
24.29	Applicant/NE	Please provide an update on the position regarding mitigation of impacts outlined in WQ24.28 above including what further changes if any are

<b>Question to:</b>		<b>Question:</b>
		proposed to the CoCP or OLEMS to deal with the risk of damaging or destroying ground nesting birds (i.e. skylarks) during construction.
24.30	Applicant	FWQ 24.16 and 24.17 related to the Applicant's approach to assessment of impacts to sand martins. NE highlighted at DL2 in its comments on the Applicant's FWQ responses that mitigation within the OLEMS should include method statements on reducing light, vibration and noise impacts on sand martins nesting in the cliff face. If HDD works are undertaken during breeding season it recommends that an Ecology Clerk of Works monitor for vibration effects to ensure works do not damage or destroy the nest of any wild bird while it is in use or being built, with a remit to stopping the works if necessary. Please comment.