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Our ref : Orsted/Rule 8
Your ref : EN010080
Date : 7 November 2018

National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
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Dear Sir/Madam

The Planning Act 2008 - Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8

Application by Orsted Hornsea Three (UK) Ltd. for an Order Granting Development Consent for the Hornsea Three Offshore Wind Farm

I write with reference to your letter dated 9 October 2018 in which you set out the Examination timetable and the publication of the Examining Authority's Written Questions and other important information about the Examination. This letter gives Broadland District Council's written responses to the Examining Authority's written questions.

For ease of reference, in each case the ref. no. and question/request for information is set out in bold, followed by the District Council's response.

Ref: Q1.8.9

NT [RR-056] and BDC [RR-057] refer to the impact of the main construction compound on the Blickling Conservation Area. The applicant, NT and BDC are requested to provide their respective assessments of the impact of the construction compound proposals on the setting and significance of the Blickling Conservation Area. Can BDC also provide a plan showing the boundary of the conservation area?

Response:

Based on the available information it is considered that the position of the main construction compound at Oulton is unlikely to have a detrimental impact on the setting and significance of the Blickling Conservation Area. However further details in respect of the layout and use of the compound, including fencing and lighting are to be submitted and agreed with the District Council through the final Code of Construction Practice to allow a detailed assessment of these impacts including on heritage assets. In addition, the agreed route of staff and main construction vehicles, together with the likely number of traffic movements associated with these are still to be agreed with the District Council as the Access Strategy progresses – see later responses.

A copy of the Blickling Conservation Area plan is attached.

Ref: Q1.10.7

The ES [APP-082] concludes that there would be a minor adverse effect on tourism.

Please provide further details of the economic effects on the tourist industry in Norfolk, including from:

- **seasonal traffic impacts;**
- **impacts on public rights of way (including the Norfolk Coast Path National Trail);**
- **the demand for accommodation; and**
- **the implications of the proposed phasing options.**

Are there any local areas where economic effects would be concentrated? What measures could be proposed to mitigate any such impacts?

Response:

It is considered that there is unlikely to be any impact in Broadland on seasonal traffic as it is noted that the main construction traffic is to avoid A-roads and the centre of Reepham. There is likely to be an impact on the use of public rights of way in Broadland during a specific phase of construction, but it is not considered to be significant.

There is likely to be a small reduction in the demand for accommodation in Broadland during a specific phase of construction, but it is not considered to be significant.

The proposed construction period for a two phase build is estimated to be 8 years, this extended development period is a concern, however it is assumed that except for around the main construction compound, the impact will be transitory as the development moves along the cable corridor.

There is potential for the economic effects of the proposal to be concentrated in Reepham as a result of the Hornsea Three and Norfolk Vanguard cable routes crossing at a point just north of the town. To mitigate against this the construction phases of the two separate cable routes at the crossing point should be co-ordinated to ensure that the construction period is not substantially elongated, this could include the installation of ducting at this point so that the cables can then be pulled through without requiring further excavation.

In summary Broadland agrees that the effect on tourism in Broadland would be minor adverse.

Ref: Q1.11.1

Do you agree with the methodology, baseline data and predicted traffic movements used to assess traffic and transport impacts in the ES [APP-079]? Please identify any outstanding issues.

Response:

Norfolk County Council as the Highway Authority is commenting on the Traffic and transport issues on behalf of the District Council.

Ref: Q1.11.25

Please comment on the Outline Construction Traffic Management Plan [APP-176] and set out any amendments or additions you consider are required.

Response:

The principles of the OCTMP are acceptable although concern has been expressed about the suitability of the route for staff and heavy construction vehicles in proximity of the main construction compound at Oulton and for this reason an alternative Access Strategy has been requested, the details of which are still to be agreed. Also see response to question Ref: Q1.15.16 below.

The construction route through Cawston village is also an outstanding issue in this respect. See Local Impact Report and SoCG.

Ref: Q1.12.2

Do you agree with the Applicant's noise assessment methodology, including the baseline monitoring [APP-080]?

Response:

Agree with the standard cable construction noise assessment methodology, including baseline monitoring; however the District Council has requested further evidence of the noise levels that can be expected from HDD, which has not been specified.

Ref: Q1.12.6

Paragraph 4.1.1.1 of the Outline Code of Construction Practice [APP-179] sets out proposed core working hours for construction. These appear to extend beyond standard construction working hours, including starting at 07:00 on Mondays to Saturdays. Bearing in mind the proximity of some work sites to residential properties (and the period of construction of the HVDC convertor/HVAC substation), what is the justification for these working hours? Should provision be made for reduced hours or no working on Bank Holidays?

Response:

Standard construction working hours should be used which recommends a start time of 8.00am Monday – Saturday and there should be no working during Bank Holidays or national public holidays.

Ref: Q1.12.7

The Outline Code of Construction Practice [APP-179] allows for continuous working hours in certain circumstances. Under a maximum design scenario for continuous working hours, what would be the effects on the living conditions of local residents? Are further mitigation measures required in the Outline Code of Construction Practice to manage and mitigate the effects of continuous working hours?

Response:

Continuous working hours could have the potential for unacceptable effects on living conditions as a result of noise and disturbance. Further mitigation in the outline CoCP should state that any continuous working hours should only be in exceptional or emergency circumstances.

Ref: Q1.12.11

The applicant has provided an Electro-Magnetic Fields Compliance Statement [APP-087]. Do you agree with this statement?

Response:

Yes.

Ref: Q1.13.8

The definition of 'onshore site preparation works' in Article 2 includes site clearance, demolition and archaeological investigations. It is noted that similar drafting has been

adopted in some other projects. Nevertheless, these may well be substantial works in their own right, particularly in relation to the clearance of vegetation along the cable corridor. Vegetation clearance could take place in areas which have yet to be subject to ecological surveys. What is the justification for excluding site clearance and demolition from the definition of 'commence' in the particular circumstances of this application? How would pre-construction surveys be secured through the dDCO if site clearance would not amount to commencement? How would Requirement 16, relating to archaeological investigations, operate if those investigations were themselves excluded from the definition of commencement?

Response:

Norfolk County Council is commenting on the archaeological issues on behalf of the District Council.

Ref: Q1.13.9

The definition of 'onshore site preparation works' in Article 2 appears to be broader than the equivalent wording within the definition of 'commence' in the Hornsea Two Offshore Wind Farm Order 2016. Specifically, it includes diversion and laying of services and the creation of site accesses. What is the justification for adopting a broader definition in this case? How would relevant mitigation measures be secured, such as those in the Outline Code of Construction Practice [APP-179], given that the detailed versions of mitigation documents may not be approved until after the 'onshore site preparation works' have taken place?

Response:

It is considered that the works described as onshore site preparation works are unlikely to have a significant adverse effect in Broadland District.

Ref: Q1.13.21

Article 10(2) would enable the undertaker to use streets that have been temporarily stopped up as temporary working areas. Would the drafting of Article 10 provide satisfactory mitigation for any potential impacts on the living conditions of local residents?

Response:

It is noted that the use of a street that has been temporarily stopped up could be used as a temporary working area but only once the street authority has been consulted and they may attach reasonable conditions. Therefore it is considered that any potential impacts on the living conditions of local residents could be safeguarded by the imposition of 'reasonable conditions' by the street authority.

Ref: Q1.13.23

Article 12 would enable the undertaker to seek approval for accesses to the highway, other than those listed in Schedule 5. Approval would be deemed to have been given if no decision was notified within 28 days. Would the drafting of Article 12 provide a reasonable timescale for such requests to be properly considered?

Response:

Norfolk County Council as the Highway Authority is commenting on the Traffic and transport issues on behalf of the District Council.

Ref: Q1.13.46

Requirement 16 provides for a scheme of archaeological investigation to be approved by the relevant planning authority (defined as district planning authority in Article 2). NCC [RR-035] has proposed alternative, more detailed drafting in which NCC would be the determining authority. Please can the applicant comment on the drafting suggested by NCC. Which authority (or authorities) should be responsible for approving the scheme?

Response:

Norfolk County Council is commenting on the archaeological issues on behalf of the District Council and would be the authority responsible for approving the scheme.

Ref: Q1.14.15

Paragraph 1.4.1.7 of the Funding Statement [APP-029] considers the arrangements for the approval of a funding guarantee and concludes that such approval should be given by the Secretary of State rather than being delegated to local authorities. Do you agree with the Applicant's conclusion?

Response:

Yes.

Ref: Q1.15.8

Please comment on the Outline Code of Construction Practice [APP-179] and comment on any potential amendments that may, in your view, be required in order the secure appropriate environmental outcomes and regulatory compliance.

Response:

The OCoCP is broadly acceptable, however further details in respect of the layout and use of the compound, including fencing, lighting and the source of electricity are to be submitted and agreed with the District Council through the final Code of Construction Practice.

Ref: Q1.15.12

Please comment on the Outline Landscape Management Plan [APP-181] and comment on any potential amendments that may, in your view, be required in order the secure appropriate mitigation of landscape and visual impacts.

Response:

It is considered that the Outline Landscape Management Plan, in so far as it affects Broadland District, is acceptable.

Ref: Q1.15.16

Several interested parties, including BDC [RR-057], have drawn attention to a dismissed planning appeal in 2014 for an anaerobic digester plant at Oulton Airfield. Please comment on the relevance and implications of that appeal decision for Hornsea Project Three, particularly in relation to the appeal Inspector's conclusions regarding effects on local highway conditions, highway safety on Oulton Street and the living conditions of local residents.

Response:

It is considered that the Inspector's decision to dismiss the appeal (PINS ref: APP/K2610/A/14/2212257) is relevant particularly as the proposed route of vehicular access for heavy goods construction vehicles and staff vehicles to and from the main construction compound is along The Street from its junction with the B1149. This is the same route that was proposed for the delivery of maize and grass for the anaerobic digester plant at Oulton Airfield, it is noted that the appeal proposal was to install 6 passing places along the length of The Street and that the harvest period for maize is between September to October and the grass harvest is June to early August. The appeal inspector in describing The Street set out that: *'the carriageway is not wide enough for any vehicle larger than a car to pass any other vehicle except at the existing informal 'passing places'*". He also noted that the area is a *'highly agricultural area, some movement of crops in large vehicles –tractor/trailer combinations, tankers or other HGV – is normal and to be expected by other road users'*. He concluded on the highway safety and convenience issue that the appeal proposal *'would be likely to result in harm to highway safety and convenience'* and that *'despite the proposed highway works, the cumulative impacts of the proposed development would be severe'*. In terms of living conditions of local residents the appeal inspector concluded that *'the proposed development would, on balance, be likely to result in material harm to the living conditions of residential occupiers of The Old Railway Gatehouse with reference to noise and disturbance'*. No other unacceptable impact on residential amenities was identified as arising from the appeal proposal.

These issues of highway safety and convenience and impact on living conditions are considered to be relevant to the Hornsea Three project perhaps even more so, as it should be noted that the heavy goods construction traffic and staff vehicles will be throughout the year for the length of the construction period for up to 8 years, rather than the limited harvest periods associated with the anaerobic digester plant. Negotiations with the applicant in respect of these issues will continue, involving the Highway Authority, Broadland District Council and Oulton Parish Council to seek an acceptable solution and the outcome of these negotiations will be set out in future Statements of Common Ground between the parties.

I trust that this response on behalf of the District Council satisfactorily responds to each of the examining authority's questions at this stage, please contact me if you require any further information in this respect.

Yours faithfully

Mr M Rooke

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