

**From:** [Geoff Lyon](#)  
**To:** [Hornsea Project Three](#)  
**Subject:** Deadline 7 NNDC submission  
**Date:** 14 March 2019 19:18:17  
**Attachments:** [Deadline 7 NNDC Submission Post ISH - 14 Mar 2019.pdf](#)

---

Dear Examining Authority,

Please find attached the Hornsea Project Three Deadline 7 response from North Norfolk District Council (INTERESTED PARTY REF: 20010749).

Please could you confirm receipt of this document.

Kind Regards

Geoff Lyon  
Major Projects Manager

**Geoff Lyon**  
Major Projects Manager  
+441263 516226

---

---

North Norfolk District Council

This E-mail and any files transmitted with it are private and intended solely for the use of the individual or entity to whom they are addressed. It may contain sensitive or protectively marked material up to **OFFICIAL-SENSITIVE** and should be handled accordingly. If you are not the intended recipient, the E-mail and any files have been transmitted to you in error and any copying, distribution or other use of the information contained in them is strictly prohibited. Please notify the sender immediately if you have received it in error.

Nothing in this E-mail message amounts to a contractual or other legal commitment on the part of the Council unless confirmed by a communication signed by a properly authorised officer of the Council.

We may have to make this message and any reply to it public if asked to under the Freedom of Information Act 2000, Data Protection Act 1998 or for litigation. All emails maybe monitored in accordance with relevant legislation.

<http://www.north-norfolk.gov.uk>  
Follow us on Twitter - <http://twitter.com/NorthNorfolkDC>

---

Think before you ink - do you really need to print this?

---

This email has been scanned by the Symantec Email Security.cloud service.  
For more information please visit <http://www.symanteccloud.com>

---



**NORTH  
NORFOLK  
DISTRICT  
COUNCIL**

# Hornsea Project Three Offshore Wind Farm

**REPRESENTATIONS FOLLOWING  
ISSUE SPECIFIC HEARING ON  
08 MARCH 2019 FOR DEADLINE 7**

**NORTH NORFOLK DISTRICT COUNCIL**  
(INTERESTED PARTY REF: 20010749)

MAR 2019

## Table of Contents

<b>1. Introduction.....</b>	<b>2</b>
<b>2. Landscape Matters including Outline Landscape Plan.....</b>	<b>2</b>
<b>3. Suggested Further Amendments to the draft DCO .....</b>	<b>5</b>
<b>4. Tourism/Socio Economic Impacts and the need for a Community Benefit Scheme within the DCO</b>	
<b>5. Report on the Implications for European Sites (RIES).....</b>	<b>8</b>
<b>6. Statement of Common Ground .....</b>	<b>10</b>

## 1. Introduction

- 1.1. These are North Norfolk District Council's written submissions following Issue Specific Hearing 9 on the Draft Development Consent Order. They do not cover in writing all the matters on which oral submissions were made, but expand or elucidate where required. Also enclosed are comments requested by the Examining Authority for Deadline 7.

## 2. Landscape Matters including Outline Landscape Plan

- 2.1. NNDC welcomes the indication from the Applicant that it will be accepting and incorporating the wording of Requirement 8 in full as proposed by the LPAs into the DCO.
- 2.2. NNDC are working with the Applicant and South Norfolk and Broadland District Councils to review the applicant's comments on the Outline Landscape Plan (OLP) and Outline Ecological Management Plan (OEMP) in order to agree an acceptable way forward.
- 2.3. Undertaking this review, it has emerged that there is a clear difference of opinion between the Applicant and NNDC on the most appropriate approach to landscape mitigation and periods for maintenance. Furthermore, it is also becoming apparent that there is a difference of understanding between the Applicant and relevant LPAs as to terms used within the DCO submission including those within the OLP and OEMP. This is affecting the ability for parties to agree an acceptable way forward. Such confusion arises with terms used such as:
- Onshore Cable Corridor; and
  - Enhancement Corridor
- 2.4. There is no clear definition of what the above terms mean and, in particular, the term Onshore Cable Corridor appears to have many different meanings across the DCO submissions, which does not help in the production of a Landscape Plan.

- 2.5. In the Environmental Statement (ES) Volume 1 Chapter 3: Project Description (APP-058) paragraph 3.7.3.2 sets out that the Hornsea Three Onshore Cable Corridor *'consists of an 80 m (although a wider corridor is provided for in certain limited locations as shown on the Works Plans – Onshore (document reference number A2.4.2)) temporary easement, within which a 60 m permanent easement post installation is located. An overview of the Hornsea Three onshore cable corridor is presented in Figure 3.29, with more detailed routing shown on the Works Plans – Onshore (document reference number A2.4.2).'*
- 2.6. Neither the onshore works plan (A2.4.2) nor the cable corridor presented in Figure 3.29 nor any other documents available to NNDC appear to provide any clarity about whether reference to the onshore cable corridor during construction stage has the same meaning as the onshore cable corridor during the operational stage, i.e. is the cable corridor the permanent easement or both permanent and temporary easement? Such clarity becomes important when reference is made to the onshore cable corridor in the Outline Landscape Plan (Feb 2019) at para 6.1.1.3. Here reference is given to the fact that *'Trees will not be planted above the onshore cable corridor'*. This paragraph (and para 1.1.1.4) of the OLP (Feb 2019) introduce the term 'enhancement corridor' with reference to a 100m enhancement corridor intended for *'hedgerow gap filling and hedgerow tree planting...where practicable and as agreed with the landowner.'* This raises further questions as to how the 100m enhancement corridor is defined, particularly in the context of the lack of clear definition for the onshore cable corridor.
- 2.7. NNDC recognise that at this stage it may not be possible for the Applicant to narrow down design options given the wide envelope for different transmission systems. However, it would be possible to clarify how the onshore cable corridor during the operational phase is to be defined in terms of whether this includes both temporary and permanent land take or just the latter for exclusion of mitigation trees. It is preferable in NNDC's view for this clarification to happen during the examination process, to avoid difficulties arising after the DCO is made.
- 2.8. The extent of permanent land take for the cable corridor is likely to be influenced by the final chosen transmission system. Based on the evidence heard in ISH 1 and

ISH 3, it is clear that use of HVDC transmission is likely to require a narrower cable corridor on the basis of fewer cables meaning, in theory, a larger area for potential landscape mitigation and enhancement along the cable corridor within the order limits and increased potential for replacement tree planting. These are considerations that again weigh heavily in favour of HVDC transmission for this project.

- 2.9. Until such time as further clarification is provided about the extent of the onshore cable corridor and the scope for mitigation hedge and tree planting, it is not possible for NNDC to conclude discussion on an appropriate solution for the Outline Landscape Plan. NNDC would welcome further discussion with the Applicant and South Norfolk and Broadland District Councils in order to progress these matters and to complete an Outline Landscape Plan with which all parties can agree. A meeting has been requested with Ørsted and other relevant LPAs to take forward this matter urgently.

### 3. Suggested Further Amendments to the draft DCO

#### Requirement 9

- 3.1. NNDC welcomes the suggested amendment of Requirement 9(2) in respect of the 10-year replacement planting requirement. In discussion it has become clear that the period running from “planting” creates a practical difficulty around the replacement period, which could cause confusion for relevant local planning authorities and other interested parties in knowing when the ten-year replacement planting period commences for each phase of the project.
- 3.2. In light of this, NNDC recommends that Requirement 9(2) is amended further to read:

9(2) - Any tree or shrub planted as part of an approved landscape plan that, within a period of ten years ~~after planting commencing upon the first generation of power from the authorised project (or, in the case of a multi phased project, within a period of ten years commencing upon the first generation of power by each phase of the authorised project)~~ is removed by the undertaker, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased must be replaced in the first available planting season with a specimen of the same species and size as that originally planted unless otherwise approved in writing by the relevant planning authority.
- 3.3. This avoids multiple 10-year periods running at different times, beginning every time a tree is planted. Given the length of the cable route, this could lead to significant practical problems. Unless the Applicant kept records for each planting and provided those to the relevant LPA, it would be difficult to know when the Applicant’s obligations in relation to planting begin and end. In order to simplify this, NNDC suggests that a universal date be applied across the whole of the cable route, and given the Applicant is obliged under Requirement 24 to notify when the first generation of power takes place, this appears to be a suitable date. It has the virtue of simplicity.

- 3.4. For a multi-phase project, the 10-year period would run from the first generation of power for each phase.

#### Requirement 24

- 3.5. In light of proposed changes to Requirement 9(2) the following amendments to Requirement 24 are proposed:

24 - The undertaker shall notify the relevant planning authority and the MMO upon first generation of power from the authorised project not less than seven days after the occurrence of this event. In the case of a multi-phased project, the undertaker shall notify the relevant planning authority and the MMO upon first generation of power from each phase of the authorised project, not less than seven days after the occurrence of this event.

- 3.6. It is considered that these changes enable relevant planning authorities to plan resource allocation more effectively and provides simplicity and clarity for all parties including other interested parties concerning mitigation planting. In multi-phased schemes, Requirement 6 will provide the necessary clarity on the phases of construction proposed by the Applicant providing the necessary link with Requirement 24.

## **4. Tourism/Socio Economic Impacts and the need for a Community Benefit Scheme within the DCO**

- 4.1. During the process of updating the Statement of Common Ground, whilst the position of the Applicant is noted, there is concern nonetheless from NNDC that the Applicant does not appear to recognise the potential impact of the project during the construction phase on small tourism businesses, nor has an appropriate mitigation strategy been proposed to address those impacts.
- 4.2. During consideration of the Ørsted Hornsea Project Three proposal the Applicant has contended that with appropriate strategies in place to manage the impacts (such as through the submission of an Outline Code of Construction Practice,



Outline Construction Traffic Management Plan, Outline Ecological Management Plan and Outline Landscape Plan) this would negate any impacts on tourism related businesses, particularly within the sensitive areas in North Norfolk.

- 4.3. NNDC provided evidence to the Examination at Deadlines 3 and 4 in respect of concerns about potential impacts on the tourism economy, especially during the construction phase. To date the Applicant has not, in the opinion of NNDC, provided a satisfactory response and this has led to the latest statement of common ground recording this matter not in agreement between the parties
- 4.4. Whilst the impact of the project on local tourism may not be considered 'significant' by the Applicant at a regional level, at a local level the impacts have the potential to be lasting and, in some cases could be permanent if businesses are forced to close due to loss of trade attributable to the impact of construction activities affecting tourism draw, no matter how well managed or controlled through a CoCP or CTMP. The Applicant needs to go further to identify mitigation to help tourism (and related) businesses adversely affected by construction activities including how smaller businesses can be compensated so as to avoid their permanent loss/closure.
- 4.5. Impact on the tourism economy is one area where a Community Benefit Fund (CBF) may need to be secured within the DCO and where it may be considered by the ExA and Secretary of State to be both important and relevant to ensure that such impacts, particularly at construction phase, are properly managed and/or mitigated. This is so given that it is NNDC's position that there is still the potential for adverse impacts on the tourism economy despite the controls proposed to be put in place through various DCO requirements.
- 4.6. If the Secretary of State considers it both important and relevant that a CBF is secured as part of the proposal, then he is perfectly entitled to take that into account. This is the flexibility given by section 104(2)(d) of the 2008 Act.

- 4.7. NNDC has assumed, based on other recent DCOs, that discussions regarding any CBF (other than those matters designed to address direct impacts of the proposal) would be undertaken outwith the NSIP process. It is possible that a CBF addressing specific impacts could be secured through the DCO while a more general CBF could be negotiated outside of the DCO process.
- 4.8. NNDC will look to commence a dialogue with Ørsted as soon as reasonably practicable outside of the DCO process on a range of Community Benefits it wishes to secure.
- 4.9. However, NNDC invite the ExA to consider the possibility of securing the necessary mitigation strategy to help tourism and related businesses likely to be affected during the construction phase through a further DCO requirement.

## **5. Report on the Implications for European Sites (RIES)**

- 5.1. In respect of the RIES published by the ExA on 21 February 2019, NNDC note that, in respect of European sites that are within or have boundaries adjacent to the NNDC area it appears there is some dispute between the Applicant and the statutory consultees/Interested Parties (IPs) regarding:
- the Wash and North Norfolk Coast SAC - specifically the features of sandbanks which are slightly covered by water all the time and reefs;
  - the Greater Wash SPA – specifically red-throated diver, common scoter and sandwich tern;
  - North Norfolk Coast SPA – specifically pink-footed goose (non-breeding).
- 5.2. At all these sites, a Likely Significant Effect (LSE) cannot be ruled out –all parties are in general agreement on this (apart from a few issues with Natural England (NE) surrounding the adequacy of the baseline data). With respect to the appropriate assessment and adverse effects on integrity, the Applicant concludes that the project would not adversely affect the integrity of the European

sites considered within the assessment (including those listed above), however, NE and IPs disagree. NE have advised the ExA that because of its concerns regarding the baseline data and the approach to the assessment of in combination impacts on seabirds, it is unable to agree that all sites likely to experience significant effects have been identified. NE also advises that it is unable to exclude adverse effects on the integrity of any SPA where these are a feature and that the conservation objectives of designated sites would not be hindered as a result of the proposal. Furthermore, NE are unable to agree that the 'achievement of the conservation objectives' of the Wash and North Norfolk Coast SAC would not be affected.

- 5.3. Annex 4 of the REIS document identifies the areas of dispute surrounding the various sites and features in some detail. With respect to the North Norfolk Coast SPA/Ramsar, there remains some concern (by the RSPB and NE) about the adequacy of the PFG mitigation plan and the timeframes and surveying required to implement this. There are also some concerns regarding the magnitude of impact on the features of the sandbanks and reefs of the WNNC SAC and the ability successfully to bury the cable and the cable protection requirements, and the impacts these will have on the features.
- 5.4. There are some quite detailed areas of concern (raised by the MMO, NE, TWT and RSPB) regarding some of the designated sites off the North Norfolk coast and within NNDC. NNDC are a Relevant Authority (RA) under the Conservation of Habitats and Species Regulations for the Wash and North Norfolk Coast European Marine Site (EMS) (which incorporates the NNC SPA/Ramsar and the WNNC SAC) and therefore have specific duties as a RA, which include having a statutory obligation to safeguard the conservation interest features of the EMS. The ability to achieve the conservation objectives (CO) of some of the designated sites are being questioned by NE and IPs.
- 5.5. NNDC request that the ExA (and Secretary of State) as ultimate decision maker fully examine the issues to ensure that the conservation objectives of the designated sites can be achieved. Furthermore, although NNDC have not raised

any further issues for the PFG mitigation plan, as a signatory to this document, NNDC would want assurances that it is adequate and fit for purpose.

## **6. Statement of Common Ground**

- 6.1. NNDC have worked with Ørsted to take forward the Statement of Common Ground (SoCG) with many areas agreed whilst other areas are marked as not agreed and as the final position between both parties. There are some areas where further discussion is required as set out above in relation to Landscape and impacts on Tourism.
- 6.2. Ørsted have indicated that the latest copy of the SoCG will be provided to the ExA at Deadline 7.

14 March 2019