

Norfolk Boreas Offshore Wind Farm Issue Specific Hearing 1 and 2 Action Points Tracker

Applicant: Norfolk Boreas Limited
Document Reference: ExA.AS-11.D2.V1
Deadline 2

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Photo: Ormonde Offshore Wind Farm

Date	Issue No.	Remarks / Reason for Issue	Author	Checked	Approved
03/12/2019	01D	First draft for Deadline 2	JT	VR	JL
09/12/2019	01F	Final draft for Submission	JT	DT	JL



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Glossary of Acronyms

DCO	Development Consent Order
dDCO	Draft Development Consent Order
ExA	Examining Authority
HDD	Horizontal Directional Drilling
ISH	Issue Specific Hearing
MMO	Marine Management Organisation
NE	Natural England
NNDC	North Norfolk District Council
OCoCP	Outline Code of Construction Practice
OLEMS	Outline Landscape and Ecological Management Strategy
SAC	Special Area of Conservation
SIP	Site Integrity Plan
SoCG	Statement of Common Ground
UK	United Kingdom

1 Introduction and Purpose

- 1.1 This document outlines how Norfolk Boreas Limited (the **Applicant**) has addressed each of the Actions Points published by the Examining Authority (**ExA**) following Issue Specific Hearing 1 and 2.
- 1.2 The Action Points from the Development Consent Order (**DCO**) Issue Specific Hearing (**ISH**) 1 held on 13 November 2019 were published by the Planning Inspectorate on 14 November 2019¹; and the Action Points from ISH 2 on environmental matters held on 14 November 2019 were published by the Planning Inspectorate on 15 November 2019².
- 1.3 The intention of Table 1 and Table 2 below is to assist the ExA and Interested Parties in locating the documents – submitted at Deadline 1 and Deadline 2 - which respond to the Action Points.

Table 1: Actions arising from the DCO hearing held at The Kings Centre, King Street, Norwich, NR1 1PH on Wednesday 13 November 2019

#	Action	Party	ExA Proposed Deadline	Addressed	Submitted Deadline
1	Check plans and Design and Access Statement to confirm if the 'red lines' are the same as the Order Limits, and amend drawings as required for clarity	Applicant	D2	The Applicant has updated the Design and Access Statement (document reference 8.3) at Deadline 2 to refer to 'Order Limits' throughout.	D2
2	Review dDCO to consider implications of separating out the plans for the two scenarios in the Land Plans and consequent implications of doing so for the dDCO	Applicant	D2	The Applicant has responded at Deadline 2 in the document 'Implications of Separate Scenario Plans' (document reference ExA; AS-10.D2.V1).	D2

¹ Available here: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010087/EN010087-001249-NORB%20DCO%20Hearing%20Action%20Points%20-%202013%20November%202019.pdf>

² Available here: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010087/EN010087-001252-191114 NORB env%20HRA Hearing Action Points.pdf>

#	Action	Party	ExA Proposed Deadline	Addressed	Submitted Deadline
3	Clarify offshore Order Limits for Scenario 2 on Land Plan Offshore	Applicant	D2	The Applicant has updated the Land Plans (Offshore) in the submission at Deadline 1 (document reference 2.2 / REP1-003).	D1
4	Provide definition of remedial work	Applicant	D2	The Applicant has responded in its Written Summary of the Applicant's Oral Case at Issue Specific Hearing 1 (ExA.ISH1.D1.V1 / REP1-041) and revised text was included within the updated Outline Code of Construction Practice submitted at Deadline 1 (document reference 8.1 / REP1-018).	D1
5	Check capitalisation of the word 'Part' when referring to parts of the documents	Applicant	D2	This was amended throughout the revised draft DCO (document reference 3.1 / REP1-008) submitted at Deadline 1.	D1
6	Review arbitration and appeal procedure and the Applicant / MMO position in light of relevant SoS wind farm decisions	Applicant, MMO	ongoing	The Applicant is in ongoing discussions with the MMO and has agreed with the MMO to revisit the approach to Arbitration following the Norfolk Vanguard decision.	N/A
7	Clarify Associated Development(s) not required for Scenario 2	Applicant	D2	The Applicant has reviewed this in the dDCO and, as confirmed through the Written Summary of the Applicant's Oral Case at Issue Specific Hearing 1 (document reference ExA.ISH1.D1.V1), the full list of Associated Development is required under both Scenario 1 and Scenario 2. Accordingly, no change has been made to the dDCO.	D1

#	Action	Party	ExA Proposed Deadline	Addressed	Submitted Deadline
8	Review layout of dDCO with a view to separating out Associated Development more clearly	Applicant	D2	The Applicant has reviewed other DCOs and inserted additional headings for clarity at Schedule 1 of the dDCO, submitted at Deadline 1 (document reference 3.1 / APP-020).	D1
9	Provide clarity as to where temporary structures have been defined in the ES including details of what they could comprise, height, scale and how long they could be on site	Applicant	D2	The Applicant has provided this information within the Clarification Note Temporary Structures (document reference: ExA.AS-9.D2.V1) at Deadline 2.	D2
10	Consider whether wording of Associated Development Works 4C to 12B item (p) can be tightened. Are both words 'necessary' and 'expedient' required; and if yes could it be reworded as 'expedient and necessary'?	Applicant	D2	As outlined in the Schedule of Changes to the draft DCO (document reference ExA.Sch.D0.V2/REP1-035), the Applicant has removed the words 'necessary or expedient' from item (p) of the dDCO submitted at Deadline 1.	D1
11	Post hearing note to assist understanding of the cable logistics and welfare activities proposed for the disused Oulton Airfield, when considered cumulatively with proposed adjacent projects	Applicant	D2	The Applicant has submitted Clarification Note Cable Logistics Area (document reference: ExA.AS-4.D2.V1) at Deadline 2.	D2
12	Work together to provide response to what more detail on design and function could/ should be secured for the substations and environs in the dDCO not leaving too many details to post-consent approvals, including reviewing Rochdale envelope extent	Applicant, Breckland Council	D2	The Applicant has engaged with Breckland Council and, an agreed position has been reached with regards to securing the substation design parameters and this has been included in the Breckland Council Statement of Common Ground (ExA.SoCG-2.D2.V1) submitted at Deadline 2.	D2

#	Action	Party	ExA Proposed Deadline	Addressed	Submitted Deadline
				A note on the Onshore Project Substation Design was provided to Breckland Council (provided in Appendix 1 of SoCG (ExA.SoCG-2.D2.V1)) on how the design parameters are secured through the dDCO and document 8.3 Design and Assessment Statement (DAS), why further definition is not possible at this stage and how additional information will be provided through the design process when detailed information is available. This design process has been secured through an update to the DAS, submitted at Deadline 2. Breckland Council are in agreement with the approach set out within Onshore Project Substation Design Note and welcome the commitment to include the design process in the DAS	
13	Consider how temporary compounds are illustrated in application plans with a view to providing clarity around maximum dimensions of the temporary compound	Applicant	D2	The Applicant inserted further parameters within Requirement 16(15) of the dDCO to specify the maximum area of temporary works compounds; this was included within the dDCO submitted at Deadline 1 (document reference 3.1 / APP-020).	D1
14	<i>NNDC to provide further comment on advance planting and other aspects of Requirement 18</i>	<i>NNDC</i>	<i>D2</i>	<i>N/A</i>	<i>N/A</i>
15	<i>Respond as to whether more detail is required in Requirement 18, for items for future approvals which are secured via an outline plan</i>	<i>Breckland Council</i>	<i>D2</i>	<i>N/A</i>	<i>N/A</i>

#	Action	Party	ExA Proposed Deadline	Addressed	Submitted Deadline
16	Applicant to check whether all National Trust objections are now agreed and if so, to establish whether the National Trust wishes to withdraw its objection	Applicant	D2	As the Applicant confirms in the Deadline 2 cover letter (document reference ExA.CL.D2.V1), the National Trust objection has been withdrawn.	D2
17	Requirement 23 - Applicant to discuss with Orsted Hornsea Project Three (UK) Ltd details of the commercial agreement so that this can be entered into this Examination	Applicant	D2	The extent of the information that can be made public is provided within the Norfolk Boreas Orsted Hornsea Project Three Statement of Common Ground (document reference ExA.SoCG-27.D2.V1) submitted at Deadline 2.	D2
18	Post hearing note setting out the implications in relation to Protective Provisions if Hornsea Project Three and Norfolk Vanguard were consented, and if subsequently the Benefit of the Order were transferred to another undertaker	Applicant	D2	The Applicant has included a response within the Statutory Undertaker Update (document reference: ExA.AS-8.D2.V1) submitted with this note at Deadline 2.	D2
19	Liaise with Coal Authority and confirm if the Coal Authority is content with an informative note being included in the Outline Code of Construction Practice. If the Coal Authority is content, to request that it confirms this in writing to the Examination	Applicant	D2	The Applicant has liaised with the Coal Authority and can confirm that the Coal Authority is content for wording to be included in the Outline Code of Construction Practice, and this was included in the version submitted at Deadline 1 (REP1-018) accordingly. The Applicant understands that the Coal Authority has written to the Planning Inspectorate to confirm their agreement to this separately.	D1
20	Provide written responses to those items set out in the first Issue Specific Hearing on the draft Development Consent Order which were not covered in the hearing	Applicant (and other attendees)	D2	The Applicant has included responses to all matters raised with the Written Summary of the Applicant's Oral Case at Issue Specific Hearing 1	D1

#	Action	Party	ExA Proposed Deadline	Addressed	Submitted Deadline
				(document reference ExA.ISH1.D1.V1/REP1-041) submitted at Deadline 1.	

Table 2: Actions arising from the Environmental Matters and HRA hearing held at The Kings Centre, King Street, Norwich NR1 1PH on Thursday 14 November 2019

#	Action	Party	ExA Proposed Deadline	Addressed	Submitted Deadline
1	<p><i>Until a Hornsea 3 decision is made by the Secretary of State it is very difficult to know how to respond. Applicant put forward several proposals in its response to Rule 6 letter</i></p> <p><i>At this stage, no reason to believe that there would be any delay to the decision on Norfolk Vanguard.</i></p> <p><i>Applicant made several proposals in its response to Rule 6 letter but no conclusive view. No action on this point.</i></p>	N/A	N/A	N/A	N/A
2	The Applicant to include site-specific watercourse crossing plans in the Outline Code of Construction Practice (OCoCP) to expand on draft Development Consent Order (dDCO) requirement 25 'Watercourse crossings'	Applicant	D2	The Applicant included a commitment to producing the plans in the OCoCP submitted at Deadline 1 (document reference: 8.1 / REP1-018).	D1
3	Post Hearing Clarification Note The Applicant to provide a clarification note on trenchless crossings and the reasons for preference for Horizontal Directional Drilling (HDD) over other trenchless techniques, with explanation of flexibility for choice of technique and how this is addressed in the dDCO	Applicant	D1	This information is included in Clarification Note on Trenchless Crossings and Potential Effects of Breakout on the River Wensum, along with an assessment of potential effects of drilling fluid breakout on	D1

#	Action	Party	ExA Proposed Deadline	Addressed	Submitted Deadline
				the River Wensum, which was submitted at Deadline 1 (REP1 -039).	
4	Post Hearing Note. Method statement for the crossing of the River Wensum and adjacent watercourses	Applicant	D2	The Applicant has submitted this method statement (document reference: ExA.AS-5.D2.V1) at Deadline 2.	D2
5	EA to liaise with Applicant and confirm through SoCG its satisfaction with content of OCoCP regarding watercourse crossings	EA Applicant	D2	The Applicant has submitted an updated SoCG with the Environment Agency (document reference: ExA.SoCG-7.D2.V2) to include this information at Deadline 2.	D2
6	Post Hearing Note on the use of Landfall HDD: consider and report on how ground investigation could be progressed more expediently during the Examination in order to inform whether an alternative technique may be preferable to HDD	Applicant	D2	The Applicant has submitted this document (document reference: ExA.AS-7.D2.V1) at Deadline 2.	D2
7	Post Hearing Note: the Applicant to signpost in the application documentation where opportunities for ecological enhancement measures are identified and the determining factors for selection	Applicant	D2	The Applicant has submitted this document (document reference: ExA.AS-6.D2.V1) at Deadline 2.	D2
8	Clarify position regarding the approach to assessment of hydrological connectivity of groundwaters and surface waters in relation to where construction activities are anticipated to take place	Applicant	D2	This information is included in the Applicant's response to Q16.2.3 in the Applicant's Responses to the ExA's Written Questions (document reference: ExA.WQ-1.D2.V1) submitted at Deadline 2.	D2

#	Action	Party	ExA Proposed Deadline	Addressed	Submitted Deadline
9	Submit checklists for compliance with the policies in the East Inshore and Offshore Marine Plans	Applicant	D2	The Applicant included this check list for Deadline 1 (document reference: ExA.AS-4.D1.V1 / REP1-038).	D1
10	Final Sea-bed mobility study to be submitted	Applicant	D2	The Applicant included this document for Deadline 1 (document reference: ExA.AS-2.D1.V1 / REP1-040).	D1
11	Confirm how often there will be post construction visual inspections of cable corridor – via Sub Seas Remote Vehicle	Applicant	D2	This information is included in the Applicant's response to Question 8.12.8 in the Applicant's Responses to the ExA's Written Questions (document reference: ExA.WQ-1.D2.V1) submitted at Deadline 2.	D1
12	Update Site Integrity Plans (SIP)s with the additional information discussed at hearing	Applicant	D2	The Applicant updated the Outline Norfolk Boreas Haisborough Hammond and Winterton Special Area of Conservation Site Integrity Plan accordingly and submitted this at Deadline 1 (document reference 8.20 / REP1-033). No updates were required to the Southern North Sea SIP (document reference 8.17).	D1
13	<i>MMO to respond further on appropriateness of use of a SIP at consenting stage</i>	<i>MMO</i>	<i>D2</i>	<i>N/A</i>	<i>N/A</i>

#	Action	Party	ExA Proposed Deadline	Addressed	Submitted Deadline
14	The Applicant to continue to explore wording of condition with NE and MMO for Haisborough, Hammond and Winterton SAC and South North Sea SAC	Applicant NE MMO	D2	The Applicant is in regular dialogue with Natural England and the Applicant is in the process of arranging a call to discuss this matter with Natural England in advance of the hearings scheduled for January 2020.	D2
15	Update Statement of Common Ground on noise impacts of piling on marine mammals	MMO	D2	The Applicant has included an update in the Norfolk Boreas Marine Management Organisation Statement of Common Ground (Version 2) (document reference: ExA.SoCG-10.D2.V2) submitted at Deadline 2.	D2
16	Progress Memorandum of Understanding issue with The Wildlife Trusts regarding post-consent licences for Unexploded Ordnance clearance	Applicant	D2	The Applicant has provided an update in the Written Summary of the Applicant's Oral Case at Issue Specific Hearing 2 – Environmental matters (document reference ExA.ISH2.D1.V1 / REP1-042).	D2
17	Update Ornithology Assessment Report addressing all the points in the Natural England RR	Applicant	D2	The Applicant has updated this document (document reference: ExA.AS-1.D2.V1) at Deadline 2.	D2
18	Append the No Impediment License for Great Crested Newts (dated 9 September) from NE, in the updated Outline Landscape and Ecological Strategy	Applicant	D2	The Applicant included this letter within the revised OLEMS submitted at Deadline 1 (document reference 8.7 / REP1-020).	D1

#	Action	Party	ExA Proposed Deadline	Addressed	Submitted Deadline
19	Latest position with NE on other Consents and Licenses to ensure that consents and licenses is wider than just protected species	Applicant	D2	The Applicant has submitted a revised Consents and Licences required under other legislation (document reference 5.4) at Deadline 2.	D2