



**NORTH
NORFOLK
DISTRICT
COUNCIL**

Norfolk Boreas Offshore Wind Farm

EXQ1: NNDC RESPONSE TO QUESTIONS ISSUED ON 19 NOVEMBER 2019

NORTH NORFOLK DISTRICT COUNCIL
(INTERESTED PARTY REF: 20022969)

10 DEC 2019

ExQ1 Question No.	Question to	Question	North Norfolk District Council Response
Archaeology and Heritage Assets			
Q1.0.1	The Applicant, Historic England Norfolk County Council Marine Management Organisation North Norfolk District Council Interested Parties	<p>Draft DCO and DML Archaeological WSI in intertidal zone</p> <ol style="list-style-type: none"> 1. Does the dDCO adequately cover archaeological requirements regarding the intertidal zone? (The onshore Archaeological WSI extending to Mean High Water is secured by dDCO Requirement 23.) 2. How is it proposed to secure mitigation measures for the intertidal zone included in the outline offshore Archaeological Written Scheme of Investigation? The DMLs [Schedules 10 and 12 Part 4 Condition 9(1)(h)] secure the offshore Archaeological WSI covering land seaward of Mean LOW Water which therefore excludes the intertidal zone. 3. IPs to confirm they are content with the intertidal zone being excluded from the responsibilities defined via outline Onshore and Offshore Archaeological WSIs; or make suggestions for 	In respect of archaeology, NNDC would defer to the advice of Norfolk County Council Historic Environment Service who provide advice to North Norfolk District Council in relation to all matters of archaeological heritage.

ExQ1 Question No.	Question to	Question	North Norfolk District Council Response
		amendments, additions or deletions as appropriate.	
Biodiversity, Biological Environment and Ecology			
Q2.0.5	Natural Norfolk Council England, County	Ecological data Comment on the acceptability of the onshore ecological survey data [APP-235], in particular the assumptions made by the Applicant in areas which were not accessible for the 2017 and 2018 field surveys.	As set out in the Statement of Common Ground between NNDC and Vattenfall, in respect of the existing environment, the Applicant has set out that: 'Where access for surveys was not possible a precautionary approach was adopted, i.e. assuming that relevant receptors were present, and this was captured within the assessment and a commitment to pre-construction surveys of the 'unsurveyed' areas has been made. This is set out for each ecological receptor within the ES Chapter 22 (APP-235) and committed to within the Outline Landscape and Environmental Management Strategy (OLEMS) (document reference 8.7 of the Application, APP-698) and secured through Requirement 24 Ecological Management Plan of the draft DCO'.

			<p>NNDC position is as follows:</p> <p>NNDC recognises that Vattenfall have undertaken desktop studies and Extended Phase 1 Habitat Surveys together with site specific surveys in accordance with best practice recommendations in order to inform the baseline data which underpin Environmental Statement Volume 1 Chapter 22 – Onshore Ecology and Volume 1 Chapter 23 Onshore Ornithology. Statutory and Non-Statutory designated sites are recognised within Figures 22.2 and 22.3. However, the ES recognises that not all areas have been surveyed in setting out potential impacts and cumulative impacts and therefore Vattenfall need to recognise this in making any assumptions about the proposal.</p> <p>Post-consent surveying needs to be secured within the DCO. NNDC will work with Vattenfall to ensure key ecological objectives are met.</p>
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ExQ1 Question No.	Question to	Question	North Norfolk District Council Response
Development Consent Order and Deemed Marine Licences			
Q5.1.6	Local Planning Authorities and others subject to this article	Article 12: Access to works 12(2) confers deemed consent for means of access to works if the relevant planning authority does not notify the undertaker of its decision within 28 days. Are the local planning authorities and other Interested Parties who may be subject to this deemed consent time limit content with this arrangement? If not set out why?	<p>Whilst the proposed wording of Article 12 is not substantially different to DCO wording proposed for Norfolk Vanguard and Ørsted Hornsea Project Three, NNDC recognise that the proposed wording (DCO Version 3) places emphasis on the “relevant planning authority” which, in accordance with Article 2 (Interpretation) means the district planning authority for the area in which the land to which the relevant provision of this Order applies is situated.</p> <p>In most cases the relevant planning authority will defer to the highway advice of Norfolk County Council as Highway Authority. There will be very few circumstances where highway advice would be overridden by the relevant planning authority, save inter alia, where proposals would result in substantial loss of hedgerow or trees and/or would be damaging to the character of an area.</p> <p>Subject to Norfolk County Highway Authority agreement, NNDC would not have substantive objection to Article 12 being amended to reverse text in 12 (1) (b) as follows:</p>

ExQ1 Question No.	Question to	Question	North Norfolk District Council Response
			<p>(b) with the approval of the highway authority relevant planning authority after consultation with the relevant planning authority highway authority in accordance with requirement 22 (highway accesses), form and lay out such other means of access or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised project.</p> <p>This amendment would likely enable faster turnaround of requests under Article 12 within the 28 days. However, this could be made even more precise by amending Article 12 (2) to include reference to working days rather than ‘days’ which would better accord with the procedure for discharge of Requirements as set out in Schedule 16.</p> <p>NNDC would welcome further discussion between NCC Highways, other relevant planning authorities and the Applicant to agree a way forward if the ExA consider Article 12 should be amended.</p>

ExQ1 Question No.	Question to	Question	North Norfolk District Council Response
Q5.3.4	The Applicant	<p>Requirement 17: Landfall method statement</p> <p>Should there be a requirement in the dDCO for sea defences around the cabling at landfall in response to various Relevant Representations, in particular Norfolk County Council's [RR-037], and concerns regarding cliff erosion in Happisburgh?</p>	<p>Whilst a response from NNDC has not been requested, as the relevant local authority for the landfall location it is appropriate for NNDC to provide a response.</p> <p>NNDC have made extensive submissions within its Local Impact Report submitted at Deadline 2 (see Chapter 5 – Marine Processes) as well as setting out its position within the Statement of Common Ground between NNDC and Vattenfall (see 2.2 Marine Geology, Oceanography and Physical Processes).</p> <p>The key issue for NNDC is ensuring that that the landfall location remains resilient from the effects of coastal erosion for its anticipated lifetime.</p>

			<p>As a direct result of the discussions between the Applicant and NNDC during the examination of Norfolk Vanguard, both parties agreed that it would be appropriate to include a requirement to monitor the landfall site within the DCO. As a result, the scope of Requirement 17 of the DCO relating to a Landfall Method Statement was extended to include a monitoring requirement and remedial works if the rate and extent of landfall erosion was to extend beyond that predicted by the applicant. NNDC note that this requirement is included with the Norfolk Boreas DCO (also Requirement 17) and this approach is supported by NNDC.</p> <p>NNDC consider that a request for Vattenfall to provide sea defences as part of the Norfolk Boreas DCO could only be made where there is compelling evidence that either the proposal presents a risk to exacerbating coastal erosion (and where mitigation of some sort would be considered necessary) or where it is clear that infrastructure will become exposed as a result of coastal change during the operational life of the wind farm.</p> <p>It is understood by NNDC that the only assets to be placed within the 100year coastal erosion zone would be the</p>
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ExQ1 Question No.	Question to	Question	North Norfolk District Council Response
			<p>cables/ducts that are to be routed below the predicted level of beaches.</p> <p>The provisions within Requirement 17 (3) are considered an appropriate way to deal with unexpected coastal change exposing Works No. 4C. However, NNDC would welcome discussion with the Applicant and other interested parties to understand if/how the Requirements could be refined further to address the concerns raised by the County Council and Relevant Representations.</p>
Q5.3.5	The Applicant, Norfolk County Council, Breckland Council, Broadland Council, North Norfolk District Council	<p>Requirement 18: Provision of landscaping</p> <ol style="list-style-type: none"> 1. Resolve the timing of approvals and implementation with the article 2 definition of 'commence', in connection with sub para (2)(d) details of trees to be removed, details of trees and hedgerows to be retained and their protection measures – which might be required prior to 'commencement'. 2. Is the intention to submit the Landscaping Management Strategy (LMS) as one complete 	<ol style="list-style-type: none"> 1. For the Applicant to respond 2. For the Applicant to respond

ExQ1 Question No.	Question to	Question	North Norfolk District Council Response
		<p>document for approval or in parts?</p> <p>3. Should para (1) refer to approval by the relevant planning authorities (in the plural) as the OLEMS refers to agreeing standards with Breckland District Council and Norfolk County Council.</p> <p>4. Should sub para (2)(a) set out more planting types than trees, such that it is clear that grass and ground flora areas are also covered?</p> <p>5. Should sub para (2)(d) also secure an auditable system for compliance with approved protection measures?</p> <p>6. Is it correct that under scenario 1, the existing trees to be removed surveys would have been undertaken by Norfolk Vanguard [APP-698 para 141]? Or does this refer only to areas of woodland?</p> <p>7. How are hedgerow trees considered? Under R18 or under R24? How does this relate to article 35 (Felling or lopping of trees and removal of hedgerows) and Schedule 14?</p>	<p>3. Requirement 15 (4) will set out the stages of the onshore transmission works to be agreed by each relevant planning authority. NNDC has assumed that stages will likely correlate with relevant planning authority boundaries so as to avoid the complexity of multi authority approval of a specific stage. If NNDC's understanding is correct then there would be no need to amend the wording of 18(1) to refer to relevant planning authorities in the plural. However NNDC agree that para 66 of the OLEMS (Version 2) should be amended to include reference to all relevant planning authorities who will need to agree Landscape Management Schemes.</p> <p>4. NNDC are content that the current wording of Requirement 18(2)(a) covers more than just trees. Making the suggested changes could actually make the reader think only those specified planting types are applicable. NNDC are unclear about the precise basis for the ExA concerns about current wording. Ultimately it will come down to the judgment of each relevant planning authority as to the detail it requires when discharging requirements. In some locations less detail will be required, in other more sensitive locations greater detail</p>

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		<p>8. Should sub para (2)(f) also refer to opportunities for advance planting. If so, should a definition of 'advance planting' be provided in article 2?</p> <p>9. Does sub para (2)(h) give enough detail about the maintenance operations and duration to be included for approval by the relevant local planning authority? And should it refer to an aftercare period as set out in the OLEMS?</p> <p>10. Is it necessary to resolve discrepancies between the description of what the landscape management scheme (LMS) would include as set out in R18 and that in the OLEMS, which includes sustainable drainage design and guidance on materials and colour of the substations [APP-698, para 65]. (Also refer to comments under R16</p> <p>11. Should the agreed procedure for joint annual inspection of all planting areas set out in the OLEMS be included as a sub para of R18 (2)?</p> <p>12. Should reference be made to the adoption of all Norfolk Vanguard mitigation planting as set out in</p>	<p>will be required. Some flexibility in the wording of Requirements is entirely appropriate and proportionate in the opinion of NNDC, particularly given the procedures for discharge of Requirements as set out in Schedule 16. NNDC understands from the Vanguard examination that the Applicant will likely contact relevant planning authorities prior to discharge of requirements to understand the level of detail required specific to each stage when discharging requirements.</p> <p>5. NNDC is concerned about the possible resource implications in discharging this suggested change to Requirement 18 (2)(d). NNDC would however be happy to listen to any suggested amendments to be put forward by the ExA which can then be considered by each relevant planning authority.</p> <p>6. For the Applicant to respond.</p>

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		<p>the OLEMS [APP-698, para 141] for scenario 1?</p>	<p>7. In theory hedgerow trees could relate to both as they could have landscape and ecological implications (hence why an OLEMS has been produced). How a hedgerow is assessed will depend on many things including how it is being managed. NNDC would be happy to consider further once the Applicant has confirmed their understanding.</p> <p>8. Advanced planting should be considered as part of Requirement 18 (2)(f) but there is a danger that providing a definition of 'advanced planting' may provide too prescriptive a definition without the flexibility that may be of assistance in securing early planting subject to landowner consent. NNDC do not want to overcomplicate the process and create unintended adverse consequences for early delivery of planting.</p> <p>9. The OLEMS is used to inform the discharge of requirement 18 (h) and the Applicant will be setting out proposed maintenance regimes. NNDC are concerned again about trying to be too prescriptive in the DCO wording. Current wording is acceptable.</p>

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			<p>10.NNDC has no comments on this question</p> <p>11. No - this will vary for each relevant planning authority.</p> <p>12. NNDC are unclear of the issue. By the time Boreas is implemented, there will be knowledge as to whether Scenario 1 or Scenario 2 is being taken forward and this will be reflected in the submissions made in relation to discharge of Requirements including Requirement 18. NNDC are happy to consider any proposed amendments by the ExA.</p>
Q5.3.7	The Applicant and Interested Parties	<p>Requirement 20: Code of Construction Practice</p> <ol style="list-style-type: none"> 1. Should contact details of the Agricultural Liaison Officer [APP-692, Appendix B] be added to the list of details to be submitted prior to commencement? 2. Should relevant local authorities approve all pre-commencement site work and preparation and if so, how? 3. Should the OCoCP include details on controlling dust during construction (particularly on parts of the route that are in close 	<ol style="list-style-type: none"> 1. For the Applicant/Others to respond 2.NNDC are unclear about the scope of the question. Requirement 20 (4) covers specific pre-commencement works. Perhaps the Applicant can explain what other pre-commencement works are envisaged which would fall outside of R20(4). NNDC has set out its position on noise in Section 11 of the Local Impact Report and within the SoCG (see 2.8 Noise, Vibration and Air Quality and the matters Under Discussion).

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		<p>proximity to homes and businesses)?</p> <p>4. Does the effect on private water supply needs to be given further consideration in this requirement?</p>	<p>3. NNDC understood the OCoCP (version 2) already addressed the issue of dust at paragraphs 126.</p> <p>4. NNDC are considering this point and will update the ExA by Deadline 4.</p>
Q5.4.1	The Applicant and relevant local planning authorities	<p>Requirement 31: Amendments to approved details</p> <p>1. The Applicant is requested to set out its justification for this Requirement.</p> <p>2. Are local planning authorities and others responsible for post consent approvals content that the provisions in this Requirement for amendments and variations are justified?</p> <p>3. If not explain the need for such a requirement and/ or propose alternative wording.</p> <p>4. Specifically, is the wording <i>“that the subject matter of the agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.”</i> is sufficiently tightly drawn?</p>	<p>1. For the Applicant</p> <p>2. NNDC recognise Requirement 31 is to enable minor variations to the proposal (akin to a non-material amendment under Section 96A of the TCPA 1990). Without this, any deviations from the approved plans or details would either be unlawful or need a new DCO consent. NNDC is happy to consider very minor changes under Requirement 31 but has set out its position on more fundamental amendments to the DCO in Section 4 of its Local Impact Report related to Choice of Transmission System. Perhaps to aid clarity, the Applicant could set out some scenarios or examples of the sort of changes envisaged to be agreed under Requirement 31.</p> <p>3. N/A</p> <p>4. See 2 above</p>
Q5.4.1	The Applicant Interested Parties	Reinstatement	NNDC would welcome clarity from the Applicant on this point.

ExQ1 Question No.	Question to	Question	North Norfolk District Council Response
		Is there provision to ensure reinstatement for areas used temporarily during construction. If not, why not? If so, where is this set out and secured in the dDCO?	
Q5.4.3	Interested Parties	<p>Any other requirements? Interested parties are requested to set out any other areas which they consider should be covered by requirements and to provide initial drafting of such additional requirements. In so doing, IPs are advised that all requirements must be precise and enforceable, necessary, relevant to the development and reasonable in all other respects.</p>	<p>The ExA is requested to consider NNDC's submission in Section 14 (Tourism, Recreation and Socio-Economics) of the Local Impact Report. There is an area of disagreement between the parties but NNDC will continue to assert that the Norfolk Boreas DCO should include a requirement for a tourism and associated business impact mitigation strategy to address the likely adverse impacts on the tourism sector within North Norfolk.</p> <p>New Requirement suggested (drawn from Norfolk Vanguard ExA schedule of proposed changes set out at Appendix L of NNDC's Local Impact Report):</p> <p>(1) No part of Works No. 4C or Work No. 5 within the District of North Norfolk may commence until such time as a tourism and associated business impact mitigation strategy has been submitted to and approved in writing by North Norfolk District Council.</p>

ExQ1 Question No.	Question to	Question	North Norfolk District Council Response
			<p>(2) The tourism and associated business impact mitigation strategy referred to in subparagraph (1) must include:</p> <ul style="list-style-type: none"> (a) Details of a contribution to be paid by the undertaker to Tourism Information Centres, Visit North Norfolk, Visit Norfolk and any other relevant organisations supporting and promoting tourism in North Norfolk; (b) Details of a method by which the contribution by the undertaker in (a) will be apportioned to the above organisations; (c) Details of who will administer the strategy; (d) Details of how the strategy will be funded including the cost of administration; (e) Details of how any monies unspent are to be returned to the undertaker; (f) Details of marketing campaigns (including funding) to be run in order to market North Norfolk in advance of, during and after construction works have been completed for Norfolk Boreas for the purpose of generating tourist footfall and spend. <p>(3) The tourism and associated business impact mitigation strategy must be implemented as approved.</p>

ExQ1 Question No.	Question to	Question	North Norfolk District Council Response
Grid connection			
Q7.0.4	National Grid CPRE Norfolk Interested Parties who made comment about ORM	<p>Offshore Ring Main</p> <p>The Applicant has responded to matters raised in relation to an Offshore Ring Main (ORM) [AS-024, Table 28, No. 3].</p> <p>Do IPs wish to comment further?</p>	<p>NNDC notes the position of various parties in relation to an Offshore Ring Main. NNDC recognises the concerns from residents and businesses within North Norfolk about the potential impacts resulting from the construction phase of multiple NSIP projects affecting the same communities. Projects affecting North Norfolk include:</p> <ul style="list-style-type: none"> • Sheringham Shoal (constructed) • Dudgeon (constructed) • Ørsted Hornsea Project Three (awaiting SoS approval) • Vattenfall Vanguard (awaiting SoS approval) • Vattenfall Boreas (in examination) • Equinor – Extensions to Sheringham Shoal and Dudgeon (Scoping stage) <p>In the absence of a coordinated UK Strategic Plan in relation to the connection of offshore wind farms to onshore electricity infrastructure, projects are working in isolation and this means that onshore cable routes that could be shared are not being shared.</p>

ExQ1 Question No.	Question to	Question	North Norfolk District Council Response
			<p>NNDC would welcome a more coordinated approach in relation to offshore wind so that the transition in helping decarbonise the UK's energy sector can be made without causing significant medium/long-term detriment to affected communities.</p> <p>Whilst an Offshore Ring Main is one way to take forward a more coordinated approach, it may not be the only option and, at this stage, no specific details of what this approach would look like have been discussed or debated with affected communities. This discussion is important in order to understand and assess whether an offshore ring main can deliver potential public benefits, to understand what any project would entail and to understand whether this is a viable proposition in the national interest.</p> <p>Meanwhile, there are currently three of the world's largest offshore windfarm NSIP proposals affecting North Norfolk that have been or are going through the examination process awaiting a Secretary of State decision with further schemes in the pipeline. These three schemes alone would, once built, provide enough electricity combined to power in excess of 4.5 million</p>

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			<p>homes (more than 15% of total UK households). Delaying these projects indefinitely until a coordinated UK Strategic Plan is in place may not be compatible with UK's commitment towards 'net zero' greenhouse gases to be delivered by 2050 through the duty in section 1(1) of the Climate Change Act (as amended by the Climate Change Act 2008 (2050 Target Amendment) Order 2019). Significant delay would also undermine the Climate Change Committee's recommendation in its Net Zero Report that the UK pursue a large increase in offshore wind (May 2019).</p> <p>Given its Declaration of a Climate Emergency in April 2019, NNDC fully recognises the weight that should be afforded to renewable energy proposals that can help the UK towards addressing impacts of climate change.</p> <p>Whilst NNDC would have genuine concerns that significant delays to the determination of NSIP projects, whilst the feasibility of an offshore ring main is explored, may not be considered in the longer term national interest, it has to offset those concerns against genuine local concerns in relation to</p>

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			<p>highways and tourism impacts during extended phases of construction.</p> <p>NNDC will explore the options available in pursuing a UK Strategic Plan for offshore wind and renewable energy post the general election on 12 Dec 2019. NNDC will update the ExA should its position on this matter substantially change.</p>
Landscape and Visual Effects			
Q9.0.1	Local Planning Authorities Natural England Interested Parties	<p>Methodology and its application Provide comments on the Applicant's landscape and visual assessment methodology, clearly distinguishing between those on the actual methodology and those on its application as described in the ES and supporting documents [APP-242, APP-484 to APP-582, APP-677 to APP-678].</p>	Please see the NNDC comments as set out in the Local Impact report and those set out in the Statement of Common Ground submitted at Deadline 2.
Q9.1.2	Relevant Planning Authorities	<p>Study area parameters Do you have any comments relating to the study areas adopted for the</p>	No comments.

ExQ1 Question No.	Question to	Question	North Norfolk District Council Response
		onshore project substation/ substation extension and the landfall site, and the selection of representative viewpoints?	
Q9.1.8	Local Planning Authorities	Cumulative effects Are you content with the list of projects included in the assessment of potential cumulative landscape and visual effects [APP-242, Table 29.14]?	Content.
Q9.2.5	CPRE Norfolk [RR-046], East Ruston Parish Council [RR-041], No to Relay Stations (N2RS) [RR-020] and [RR-053], and the Additional Submission [AS-012]	Are you satisfied with the response from the Applicant in its response to RRs, which sets out that HVDC export infrastructure was assessed under the Environmental Statement and therefore the project to be consented is for an HVDC export infrastructure system only; and an HVAC export system could not be constructed under the terms of the draft DCO [AS-024, Table 26, No. 84]. If not set out what further explanation you require.	Please see NNDC position as set out in the Local Impact Report (Section 4. Choice of Transmission System - paras 4.3 to 4.7)
Q9.3.5	The Applicant, Local Planning Authorities	Hedgerows where removal assessed an adverse significant effect in Scenario 2 1. Applicant to plot the hedgerows where significant adverse effects are located in Scenario 2 at Blickling Road, N of Aylsham; Silvergate Lane, NW of Aylsham;	3. NNDC note this does not relate to hedgerows within NNDC jurisdiction.

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		<p>Aylsham Road, W of Aylsham; Elsing Road, near River Wensum; B1145, N of Reepham; and B1145, W of Reepham [APP-242, Table 29.11] for 20 years. Marking up relevant sheets of the Important hedgerows plans [APP-018] would be a suitable way of presenting this.</p> <p>2. Does this significant adverse effect remain for 30 years until decommissioning? The 'duration of effect' column of Table 29.11 is not clear in this regard.</p> <p>3. Would it assist Local Planning Authorities if more detail was prepared by the Applicant during the examination for these areas in terms of planting reinstatement?</p>	
Q9.3.6	The Applicant	<p>Trees where removal assessed an adverse significant effect in Scenario 2</p> <p>1. As above, Applicant to plot where significant adverse effects are located in Scenario 2 at Colby Road, N of Banningham; Minor road near Hackford Hall; and Norwich Road, Swanton Morley [APP-242, Table 29.11].</p> <p>2. Is this a significant effect in the 'duration of effect' column, as it is</p>	<p>NNDC comment here because comments in respect of Colby Road north of Banningham have been made within NNDC's Local Impact Report (See Section 13 - Landscape and Visual Impact Assessment paras 13.17 to 13.19).</p>

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		reversible only on decommissioning? Is this also the case for The Wensum Way (also Table 29.11)?	NNDC note that the Secretary of State assessing the Norfolk Vanguard proposal has requested (See Appendix A) submissions from NNDC and other interested parties regarding, amongst other things, additions to trenchless crossings including two particular sections of the local road network – along the B1149 and on Colby Road (Church Road), north of Banningham. Deadlines for submissions extend to 28 Feb 2020. NNDC consider that this will have a bearing on the Norfolk Boreas determination.
Onshore construction effects			
Q12.2.1	The Applicant Breckland Council Broadland District Council North Norfolk District Council Interested Parties	Location of noise sensitive receptors ES Chapter 25 [APP-238, paragraph 148] states that the study area comprises the entire onshore project area. The assessment has not identified a buffer zone within which effects would be considered, rather Noise Sensitive Receptors (NSR) have been identified, as detailed in Table 25.27 and shown on Figure 25.2. These are stated to have been agreed with relevant stakeholders (Table 25.3 and paragraph 122).	NNDC will consider the Applicant's response to this question and respond by Deadline 4.

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		<p>With reference to the location of noise sensitive receptors as identified in the ES Chapter 25 [APP-238, Figure 25.2], explain why:</p> <ol style="list-style-type: none"> 1. the majority of NSRs on Map 1 of 9 are located south of the cable route, although there are some potential receptors (e.g. Chimney Farm) to the north; 2. there are no NSRs in North Walsham close to the indicative mobilisation area (see Map 2 of 9); 3. there are no NSRs in proximity of trenchless crossing (TC) 16, although there are residential properties in proximity of this area (see map 2 of 9); 4. there are no NSRs in proximity of TC6, although there are a number of farms in proximity of this area (see Map 6 of 9)? 5. IPs may wish to comment. 	
Socio-economic effects			
Q13.2.1	Norfolk County Council North Norfolk District Council	<p>Effects on tourism and recreation In light of the significance of tourism to the local economy, particularly tourism along the coast, are you content that the ES Chapter 30 Tourism and Recreation [APP-243]</p>	<p>NNDC have provided extensive submissions within Section 14 of its Local Impact Report related to Tourism, Recreation and Socio-Economics. The Statement of Common Ground (2.11 Tourism, Recreation and Socio-economics)</p>

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		sets out in adequate detail the effects of the Proposed Development and proposed mitigation on the tourism industry and recreational activities?	<p>sets out the areas of agreement, areas under discussion and areas not agreed in relation to tourism impacts</p> <p>This is one of the biggest areas of disagreement between the Applicant and NNDC. The ExA are invited to consider the submissions with the LIR and SoCG and the answer to Q5.4.3 above which includes wording for a proposed new Requirement.</p> <p>NNDC consider that this matter should be discussed in detail at the next onshore Issue Specific Hearing planned for 21 Jan 2020. It would also be helpful, without prejudice, to understand the position of the ExA on this matter.</p>

END of Questions for NNDC

**Appendix A – Department for Business, Energy &
Industrial Strategy letter dated 06 Dec 2019**



Department for
Business, Energy
& Industrial Strategy

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Email: beiseip@beis.gov.uk
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To:

Norfolk Vanguard Limited
Natural England
Marine Management Organisation
Norfolk County Council
Broadland District Council
North Norfolk District Council
Necton Parish Council

Your Ref:
Our Ref: EN010079

Date: 6 December 2019

Dear Sir or Madam,

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

Application by Norfolk Vanguard Limited (“the Applicant”) for an Order granting Development Consent for the proposed Norfolk Vanguard Offshore Wind Farm and associated offshore and onshore infrastructure (“the Norfolk Vanguard project”)

REQUEST FOR INFORMATION AND NOTIFICATION OF THE SECRETARY OF STATE’S DECISION TO SET A NEW DATE FOR DETERMINATION OF THE APPLICATION

1. Following the completion of the examination on 10 June 2019, the Examining Authority submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State on 10 September 2019. In accordance with section 107 of the Planning Act 2008, the Secretary of State has three months to determine the application.
2. There are several issues on which the Secretary of State would be grateful if the parties identified in bold could provide any updates or information as appropriate. Additional comments from any interested parties on these points will also be considered. The issues are grouped by topic heading.

Request for information

Ornithology

3. In relation to in-combination impacts on the qualifying kittiwake feature of the Flamborough and Filey Coast Special Protection Area (“SPA”) and the qualifying lesser black-backed gull feature of the Alde-Ore Estuary SPA, the **Applicant**, in consultation with **Natural England** as necessary, is invited to provide information on any mitigation, not discussed during the Examination, which could lessen or avoid any adverse effects on the integrity of these sites.
4. In addition, or alternatively, **the Applicant**, in consultation with **Natural England** as necessary, is invited to provide evidence as to:
 - whether there are any feasible alternative solutions to the Norfolk Vanguard project which could avoid or lessen any adverse effects on the integrity of these sites;
 - any imperative reasons of overriding public interest for the Norfolk Vanguard project to proceed; and
 - any in-principle compensatory measures proposed to ensure that the overall coherence of the network of Natura 2000 sites is protected.
5. Compensatory measures should, if possible, be agreed by Natural England as at least sufficient, to offset the potential residual harm to the features of the Natura 2000 sites. In order that the Secretary of State can consider fully the application, the Applicant is requested to provide as much information as possible to explain the compensatory measures proposed and the feasibility of those measures. Details of the steps required to implement the compensation and proposed timescales to establish the compensatory measures should also be provided. Where disagreement remains between the parties on the assessment and quantification of an impact, compensation proposals should be provided for a range of scenarios.

Haisborough, Hammond and Winterton SAC

Site Integrity Plan

6. The Applicant has stated that up to 5% of the cable length within the Haisborough, Hammond and Winterton Special Area of Conservation (“SAC”) may require cable protection. Throughout the Examination, Natural England maintained a position that cable protection is not appropriate within the Haisborough, Hammond and Winterton Special Area of Conservation (“SAC”). The Secretary of State understands that both parties are agreed that a commitment by the Applicant to follow a Site Integrity Plan (“SIP”) approach would facilitate the identification of a final mitigation solution prior to construction. However, it is not clear whether any mitigations solutions currently exist. The **Applicant**, in consultation with the **Marine Management Organisation** and **Natural England** as necessary, is invited to provide information on the specific mitigation solutions that would address the potential effects of cable protection on the SAC features. In the absence of any identifiable mitigation measures, the **Applicant**, in consultation with **Natural England**, may wish to consider the provision of evidence as to:

- whether there are any feasible alternative solutions to the Norfolk Vanguard project which could avoid or lessen any adverse effects on the integrity of these sites;
- any imperative reasons of overriding public interest for the Norfolk Vanguard project to proceed; and
- any in-principle compensatory measures proposed to ensure that the overall coherence of the network of Natura 2000 sites is protected.

Particle Size Condition

7. At deadlines 8 and 9 of the Examination, Natural England advised the Examining Authority that changes to sediment distribution and composition can be minimised by securing the Applicant's commitment to ensure particle size of the deposited material matches the disposal site. In view of Natural England's advice, the Secretary of State invites comments from **Natural England, the Marine Management Organisation** and the **Applicant** on the inclusion of the following subsection (g) within Condition 3(1) of Schedules 11 and 12 of the DCO (Applicant's preferred DCO submitted at Deadline 9):

“Taken together with works authorised and proposed to be constructed pursuant to licences 1 and 2 (transmission)— disposal activities within the Haisborough, Hammond and Winterton Special Area of Conservation Site must not take place until the Marine Management Organisation has confirmed that the particle size composition of the disposal material is within 95% similarity to the particle size composition of the seabed at the disposal location.”

Marine Mammals

Vibro Piling and ‘blue hammer’

8. At the second Issue Specific Hearing and the subsequent written summary the Applicant provided details of other construction techniques that were being trialled including vibro-piling and the ‘blue hammer’ that are construction techniques which use vibration and hydro power respectively.
9. In view of possible use of vibro piling and ‘blue hammer’ construction techniques, the **Applicant**, in consultation with **Natural England** as necessary, is invited to provide information on the likely noise levels associated with these techniques. In addition, the Secretary of State invites comments from **Natural England, the Marine Management Organisation** and the **Applicant** on the inclusion of the following amended conditions in the DCO (Applicant's preferred DCO submitted at Deadline 9):
 - **Condition 14(1)(f) of Schedules 9 and 10, and Condition 9(1)(f) of Schedules 11 and 12.** *In the event that piled foundations or any other construction method that may have an impact on marine mammals, such as vibro-piling or ‘blue hammer’, are proposed to be used, a marine mammal mitigation protocol, in accordance with the draft marine mammal mitigation protocol, the intention of which is to prevent injury to marine mammals and following current best practice as advised by the relevant statutory nature conservation bodies.*

- **Condition 14(1)(m) of Schedules 9 and 10, and Condition 9(1)(l) of Schedules 11 and 12.** *In the event that piled foundations or any other construction method that may have an impact on marine mammals, such as vibro-piling or ‘blue hammer’, are proposed to be used, a site integrity plan which accords with the principles set out in the in principle Norfolk Vanguard Southern North Sea Special Area of Conservation Site Integrity Plan, and which the MMO is satisfied would provide such mitigation as is necessary to avoid adversely affecting the integrity (within the meaning of the 2017 Regulations) of a relevant site, to the extent that harbour porpoise area protected feature of that site.*

Water Quality

10. The Applicant’s Information for the Habitats Regulations Assessment document assesses the effect of changes to water quality on harbour porpoise from the Project alone, but it is noted that an assessment of this effect in-combination with other plans and projects has not been provided. The **Applicant**, in consultation with **Natural England** as necessary, is invited to provide information on this matter to inform the Secretary of State’s HRA.

Traffic Movements at Cawston

11. The Secretary of State is aware of concerns raised by local residents in respect of potential HGV movements along the B1145 (‘link 34’ in the Applicant’s Environmental Statement) road through Cawston both in relation to traffic movements potentially generated by the Norfolk Vanguard project on its own, but also in combination with traffic that might be generated by the proposed Hornsea Project Three Offshore Wind Farm (“H3”).
12. The Secretary of State notes that the Applicant submitted a revised Outline Traffic Management Plan at Deadline 8 of the Examination (Revision 3 of 30 May 2019) which included proposed measures for mitigating impacts from HGVs on Cawston (see link below).

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010079/EN010079-003034-8.8%20Outline%20Traffic%20Management%20Plan.pdf>

13. The Secretary of State is aware that the Applicant submitted a “position statement” to the Norfolk Vanguard Examination at Deadline 9 which set out the respective positions of the Norfolk County Council and the Applicant with regard to “Unresolved Traffic Matters”. The position statement covered three topics: “Requested trenchless crossing of the B1149”; “Norfolk County Council – Link 34, B1145 Cawston – Highway Mitigation Measures”; and “The Street, Oulton – Highway Mitigation Measures” (see below).

[https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010079/EN010079-003194-ExA;%20AS;%2010.D9.7%20Norfolk%20County%20Council%20Unresolved%20Traffic%20Matters%20Position%20Statement%20\(002\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010079/EN010079-003194-ExA;%20AS;%2010.D9.7%20Norfolk%20County%20Council%20Unresolved%20Traffic%20Matters%20Position%20Statement%20(002).pdf)

14. The Secretary of State also notes that in the Statement of Common Ground between the Applicant and Norfolk County Council (submitted for Deadline 9), the Council states that its position on the B1145 Cawston – Highway Mitigation Measures, is that it *“believes a suitable access strategy can be produced that mitigates impact however..... the intervention scheme drawings and proposal before us are very much “work in progress”. In short, the scheme needs several changes, but we anticipate they will be amendments rather than a complete re-think”* (see below). This statement is also set out in the position statement mentioned above.

[https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010079/EN010079-003193-Rep3%20-SOCG%20-15.1%20Norfolk%20Vanguard%20SoCG%20-%20NCC%20\(002\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010079/EN010079-003193-Rep3%20-SOCG%20-15.1%20Norfolk%20Vanguard%20SoCG%20-%20NCC%20(002).pdf)

15. The Secretary of State notes from the above submissions that the Applicant and Norfolk County Council believe there is a reasonable expectation that an appropriate mitigation scheme could be brought forward for traffic movements at Cawston. However, the Secretary of State considers that it is not apparent from exchanges during Examination that these will be sufficient to offset any potential harm from in-combination traffic effects arising from the proposed Norfolk Vanguard project and H3 in the event that both were granted development consent.

16. The Secretary of State is considering whether it would be necessary to introduce an amendment to Requirement 21 of the last version of the ExA’s DCO (submitted at Deadline 9) to provide additional mitigation for cumulative impacts that might arise in the event that both the Norfolk Vanguard project and H3 developments are granted consent. The Secretary of State would be grateful for comments from the **Applicant, Norfolk County Council** and **Broadlands District Council** on the possible incorporation of the following wording into any development consent order that might be made in respect of the Norfolk Vanguard offshore wind farm:

“In circumstances where the Hornsea Project 3 DCO is made and development of the Hornsea Project 3 commences, and notwithstanding the requirement of sub-paragraph (a) of paragraph (1) above, the traffic management plan shall include, in respect of Link 34 as referred to in the Environmental Statement, revised details of a scheme of traffic mitigation which shall be submitted to, and approved in writing by, the relevant planning authority, in consultation with the highway authority.”

Appearance of Electrical Equipment

17. The Secretary of State notes some discussion during the Examination about mitigation for the potential visual impacts of certain onshore works proposed as part of the Norfolk Vanguard project. In particular, there was discussion about design mitigation for the proposed extension of the National Grid substation at Necton (Work 10A). The Secretary of State notes that work 10A is not specifically covered in the mitigation provisions of the Applicant’s proposed DCO as submitted at Deadline 9 of the Examination.

18. The Secretary of State is considering whether to amend Requirement 16(9) of the Applicant's proposed DCO in the following terms:

"The external electrical equipment comprised in Work No. 10A (the external appearance of which shall have been approved in writing by the relevant planning authority prior to commencement of its construction) must not exceed a height of 15 metres above existing ground level."

19. The Secretary of State asks the **Applicant, Norfolk County Council** and **Necton Parish Council** for their views on the proposed amendment.

Additions to Trenchless Crossings

20. The Secretary of State is aware that there was consideration during the Examination of the extent of the requirements for trenchless crossing to be utilised in a number of locations along the onshore export cable route. In particular, the Secretary of State notes that at the end of the Examination, there was disagreement between the Applicant and North Norfolk District Councils and Norfolk County Council about whether two particular sections of the local road network – along the B1149 and on Colby Road (Church Road), north of Banningham – should be added to the list of trenchless crossings as set out in Requirement 16 of the Applicant's proposed development consent order as submitted to the Examination for Deadline 9.

21. The Secretary of State would be grateful for the views of the **Applicant, Norfolk County Council** and **North Norfolk District Council** on this proposal.

Replacement Period in Landscaping Scheme

22. The Secretary of State notes discussion during the Examination about the duration of any planting period, with ten year and five-year periods being proposed by North Norfolk District Council and the Applicant respectively. While it appears from the Statement of Common Ground prepared by North Norfolk District Council and the Applicant that there was agreement on a ten year planting period, the Secretary of State notes that Requirement 19(2) of the proposed DCO submitted by the Applicant for Deadline 9 of the Examination sets a five year period for remedial planting.

23. The Secretary of State would be grateful for comments from **North Norfolk District Council** and the **Applicant** on whether the ten-year period is agreed as a provision in any DCO that might be made by the Secretary of State.

Timing of Traffic Management Measures

24. The Secretary of State notes the importance of the consideration of traffic and transport issues during the Examination of the Application. The Secretary of State is, therefore, considering amending Requirement 21(2) of the development consent order submitted by the Applicant for Deadline 9 of the Examination, as follows:

“The plans approved under paragraph (1) must be implemented ~~upon~~ prior to commencement of the relevant stage of the onshore transmission works.”

25. The Secretary of State would be grateful for comments from the **Applicant, Broadlands District Council** and **Norfolk County Council** on the proposed revision.

Non-standard Construction Hours

26. The Secretary of State notes that there was consideration during the Examination of how mitigation for impacts arising from non-standard construction hours might be given effect. The Secretary of State notes the provision made by the Applicant in its proposed DCO submitted at Deadline 9 for such mitigation. However, the Secretary of State considers that the following amendment should be made to the proposed DCO in the following terms:

“Save for emergency works, ~~the timing and duration~~ full details, including but not limited to type of activity, vehicle movements and type, timing and duration and any proposed mitigation, of all essential construction activities under paragraph (2) and undertaken outside of the hours specified in paragraph (1) must be agreed with the relevant planning authority in writing in advance, and must be carried out within the agreed time.”

27. The Secretary of State would be grateful for comments from the **Applicant** and **North Norfolk District Council** on the proposed amended wording.

Control of Noise During Operational Phase

28. The Secretary of State notes the concerns expressed during the Examination of the Application about noise impacts at the proposed substation for the project both during the operation and maintenance of the infrastructure. The Secretary of State is considering whether an amendment to proposed DCO submitted by the Applicant at Deadline 9 of the Examination should be made to cover an event where agreed noise levels have been breached. The Secretary of State’s proposed amendments are as follows:

“Control of noise during operational phase and during maintenance

1.—(1) The noise rating level for the use of Work No. 8A and during maintenance must not exceed 35dB $L_{Aeq, (5\text{ minutes})}$ at any time at a free field location immediately adjacent to any noise sensitive location.

(2) The noise rating level for the use of Work No. 8A and during maintenance must not exceed 32 dB $L_{Leq(15\text{ minutes})}$ in the 100Hz third octave band at any time at a free field location immediately adjacent to any noise sensitive location.

(3) Work No. 8A must not commence operation until a scheme for monitoring compliance with the noise rating levels set out in paragraphs (1) and (2) above has been submitted to and approved by the relevant planning authority. The scheme must include identification of suitable monitoring locations (and alternative surrogate locations if appropriate) and times when the monitoring is to take place to demonstrate that the noise

levels have been achieved after both initial commencement of operations and six months after Work No. 8A is at full operational capacity. *Such measurements shall be submitted to the relevant planning authority no later than 28 days following completion to confirm the rating level of operational noise emissions do not exceed the levels specified in subparagraphs (1) and (2), including details of any remedial works and a programme of implementation should the emissions exceed the stated levels.*

(4) *The monitoring scheme must be implemented as approved.*”

29. The Secretary of State would be grateful, for the views of the **Applicant, Norfolk County Council** and **North Norfolk District Council** on the proposed changes to the development consent order.

Part 4 Condition 9(12) of Schedules 9 and 10, and Condition 4(12) of Schedules 11 and 12 – notice of cable exposure

30. The Secretary of State notes that during the Examination there was a disagreement between the MMO and the Maritime and Coastguard Agency on the one side and the Applicant on the other about the timescale within which notification of damage to buried cables offshore should be provided by the Applicant.

31. The Secretary of State is considering whether to amend the Applicant’s proposed DCO submitted at Deadline 9 in the following way:

“Delete ‘five days’ and replace with ‘three days’.”

32. The Secretary of State would be grateful for comments from the **Applicant**, the **Marine Management Organisation** and the **Maritime and Coastguard Agency** on the proposed change.

Conditions 14(1) and 9(1) of Schedules 9 and 10, and Condition 9(1) of Schedules 11 and 12 – lighting and marking plan and operation and maintenance programme

33. The Secretary of State notes that during the Examination there was a disagreement between the Maritime and Coastguard Agency and the Applicant about when a Lighting and Marking Plan and an Operation and Maintenance Programme should be submitted by the Applicant to the Maritime and Coastguard Agency. The Secretary of State would be grateful for comments from the **Applicant** and the **Maritime and Coastguard Agency** on the following amendment to the Applicant’s proposed DCO submitted at Deadline 9:

Add: “(n) a lighting and marking plan.” and “(o) an operation and maintenance programme.”

The deadline for responses is 23.59 on Friday, 28 February 2020.

34. Responses on the information requested above should be submitted by email to: NorfolkVanguard@planninginspectorate.gov.uk .

35. Please also send any hard copy response to the Norfolk Vanguard Offshore Wind Farm Team, Secretary of State for Business, Energy and Industrial Strategy, c/o the Planning Inspectorate, 3D Eagle Wing, Temple Quay House, Temple Quay, Bristol, BS1 6PN. If you will have difficulty in submitting a response by the consultation deadline, please inform the Project Team as soon as possible. An explanation of the reasons for this should also be provided.

36. Responses will be published on the Norfolk Vanguard Offshore Wind Farm project page of the National Infrastructure Planning website as soon as possible after 28 February 2020:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/norfolk-vanguard/> .

37. Comments will then be invited from interested parties within a further 28 days on the above matters only (if appropriate). The Secretary of State will then consider the responses and information received in reaching a decision on the Application.

New Deadline

38. In order to allow time for the steps above to be taken, the Secretary of State will be setting a new deadline for a decision on the Application. A statement confirming the new deadline for a decision will be made to the House of Commons and the House of Lords in accordance with section 107(7) of the Planning Act 2008 as soon as possible once Parliament is in session.

39. This letter is without prejudice to the Secretary of State's decision whether or not to grant development consent for the Norfolk Vanguard project, and nothing in this letter is to be taken to imply what the eventual decision might be or what final conclusions the Secretary of State may reach on any particular issue which is relevant to the determination of the application.

Yours faithfully

Gareth Leigh

Gareth Leigh
Head of Energy Infrastructure Planning