

# Norfolk Boreas Offshore Wind Farm Applicant's Response to North Norfolk District Council's Local Impact Report

Applicant: Norfolk Boreas Limited  
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*Photo: Ormonde Offshore Wind Farm*

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## Glossary of Acronyms

AC	Alternating Current
AONB	Area of Outstanding Natural Beauty
DCO	Development Consent Order
dDCO	Draft Development Consent Order
EMP	Ecological Management Plan
ES	Environmental Statement
HDD	Horizontal Directional Drilling
HVAC	High Voltage Alternating Current
HVDC	High Voltage Direct Current
ISH	Issue Specific Hearing
LIR	Local Impact Report
NNDC	North Norfolk District Council
NPPF	National Planning Policy Framework
NSIP	Nationally Significant Infrastructure Project
OCoCP	Outline Code of Construction Practice
PEIR	Preliminary Environmental Impact Report
SMP	Shoreline Management Plan
SoCG	Statement of Common Ground

## 1 Introduction

1. In accordance with the Rule 8 letter published on the 19<sup>th</sup> of November 2019, North Norfolk District Council has submitted a Local Impact Report (LIR) at Deadline 2 in relation to the application for a Development Consent Order (DCO) for Norfolk Boreas Offshore Wind Farm (the Project) as submitted by Norfolk Boreas Limited (the Applicant). This provides a summary of North Norfolk District Council's position on the Application on various matters including:

- Principle of Renewable Energy
- Choice of Transmission System
- Marine Processes
- Ground Conditions and Contamination
- Water Resources and Flood Risk
- Land Use and Agriculture
- Onshore Ecology and Onshore Ornithology
- Traffic and Transport
- Noise, Vibration and Air Quality
- Onshore Archaeology and Cultural Heritage
- Tourism, Recreation and Socio-economics
- Statement of Common Ground
- Conclusions

## 2 North Norfolk District Council Local Impact Report

### 2.1 Summary Response

2. The Applicant has responded to matters raised by North Norfolk District Council below. A Statement of Common Ground (SoCG) (ExA.SoCG-20.D2.V1, REP2-052) has also been produced between North Norfolk District Council and Norfolk Boreas Limited, which provides a summary of matters agreed and those under further discussion, as submitted at Deadline 2. The Applicant will continue to engage with North Norfolk District Council on points still under discussion in order to reach agreement in due course. Where further progress is made between the Applicant and North Norfolk District Council, an updated version of the SoCG will be submitted at an appropriate deadline. The final position of the SoCG will be submitted on or before Deadline 9 on the 29<sup>th</sup> of April 2019.

## 2.2 Full Response

**Table 2.1 Applicant's Response to North Norfolk District Council Local Impact Report**

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<p><b>1. Introduction</b></p> <p>1.1. This report sets out North Norfolk District Council's (NNDC) position in relation to the Development Consent Order (DCO) application for Norfolk Boreas offshore wind farm made under Section 56 of the Planning Act (2008).</p> <p>1.2. NNDC is an Interested Party to this Nationally Significant Infrastructure Project (NSIP) with offshore cables reaching landfall south of Happisburgh and the onshore cable corridor passing through the District.</p> <p>1.3. In responding to this NSIP application, the District Council has drawn from, amongst other things, internal expertise in relation to:</p> <ul style="list-style-type: none"> <li>• Coastal Processes</li> <li>• Landscape and Visual Impacts</li> <li>• Ecology</li> <li>• Environmental Protection</li> <li>• Economic Development</li> </ul> <p>1.4. Were NNDC assessing the application under its functions as a Local Planning Authority, it would normally seek advice from external partners including Norfolk County Council who undertake a number of functions including as Highway Authority, Public Rights of Way and Lead Local Flood Authority. As the County Council is also an Interested Party, where stated within this report, NNDC will defer matters for consideration or comment of the County Council, given their statutory roles and considered knowledge and expertise.</p>	<p>Noted. The Applicant has responded below to each of the specific points identified by North Norfolk District Council.</p>
<p><b>2. Description of North Norfolk</b></p> <p>2.1. NNDC's jurisdiction extends inland from the Mean Low-Water mark along the coastline. The proposal would affect land within NNDC stretching from the intertidal area at Happisburgh and inland along the proposed cable route and 40m wide working corridor until it passes out of the district into Broadland District Council near to Aylsham.</p> <p>2.2. North Norfolk District covers an area of 87,040 hectares (340 square miles) (excluding the Broads Authority Executive Area), with a 73km (45 mile) North Sea coastline. A significant proportion of the District is included within the</p>	<p>Noted.</p>

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nationally designated Norfolk Coast Area of Outstanding Natural Beauty (AONB) and the North Norfolk Heritage Coast. The eastern end of the District also adjoins The Broads, which has the status of a National Park.

- 2.3. The main settlements in the District comprise seven towns (Cromer, Fakenham, Holt, North Walsham, Sheringham, Stalham and Wells-next-the-Sea) and three large villages (Briston / Melton Constable, Hoveton & Mundesley), which accommodate approximately half of the District's population (101,149 at the 2011 Census).
- 2.4. The District's main road network comprises the A140 (Cromer to Norwich), the A148 (Cromer to King's Lynn - via Holt and Fakenham) and the A1065 (Fakenham to Mildenhall), as well as the more minor A1067, A149 and A1151. There is only one public rail service in the District, comprising the 'Bittern Line' linking Sheringham with Norwich (with stops between including the settlements of Cromer and North Walsham).
- 2.5. The District has a strongly rural character with agriculture, in particular arable farmland, comprising by far the largest component of land use. The District contains a large number of agricultural holdings which are predominantly arable in nature and which include areas containing some of the best and most versatile agricultural land.
- 2.6. A network of Rights of Way crosses open fields, heathlands and woodlands. Many of the large areas of coastline, heathland and woodland have open access. The Norfolk Coast Path National Trail follows the entirety of the District's coastline, linking with the Peddars Way in the west and the Paston Way in the east.
- 2.7. There are many positive aspects of the North Norfolk environment such as:
- The stunning landscape of the North Norfolk Coast AONB, carefully managed by the Norfolk Coast Partnership to ensure it can be enjoyed by generations to come.
  - The large number of internationally and nationally designated sites and nature reserves, home to many rare and protected species and landscapes.
  - The wealth of archaeological and historic environment sites throughout the district, from the prehistoric to the Cold War.
  - The rare arable plants thriving in pockets of North Norfolk farmland.
  - The conservation groups, organisations and individuals working hard to record, protect and enhance the natural environment of North Norfolk.

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<p>2.8. The District also has a significant tourism economy supporting 11,461 jobs (29% of total employment in North Norfolk) in 2018 with a total tourism value of £511m. The North Norfolk Core Strategy recognises the importance of tourism to the district. The strategic vision for North Norfolk in section 2 of the Core Strategy includes at paragraph 2.1.4:</p> <p><b>“Sustainable tourism</b>, building on the unique natural assets of the countryside and coast, will be a major source of local income and employment and will be supported by an enhanced network of long- distance paths and cycle routes such as the North Norfolk Coastal Path and Weavers Way.”</p>	
<p><b>3. Principle of Renewable Energy</b></p> <p>3.1 NNDC is fully supportive of the principle of renewable energy development in helping to tackle the challenges faced by climate change.</p> <p>3.2 On 24 April 2019, NNDC's Full Council agreed a motion declaring a Climate Emergency. With the motion the Council acknowledged:</p> <ul style="list-style-type: none"> <li>• The devastating impacts that climate change and global temperature increases will have on the lives and livelihoods of people around the world, including on the health, safety and wellbeing of North Norfolk residents;</li> <li>• The urgent need for action to be taken fast enough for there to be a chance of further climate change being limited to avoid the worst impacts of drought, floods and extreme heat;</li> <li>• The opportunity for individuals and organisations at all levels to take action on reducing carbon emissions, from both production and consumption;</li> <li>• The need to enable low carbon living across society through changes to laws, taxation, infrastructure, policies and plans;</li> <li>• The Council's responsibility to help secure an environmentally</li> <li>• sustainable future for our residents and in relation to the global effects of climate change.</li> </ul> <p>3.3 The Council resolved to;</p> <ol style="list-style-type: none"> <li>1. Declare a Climate Emergency;</li> </ol>	<p>The Applicant notes North Norfolk District Council's support of the principles of renewable energy.</p> <p>Responses to North Norfolk District Council's comments in relation to landscaping and design considerations are provided below.</p>



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<p>2. Engage and work in partnership with our partners in the public, private and community sectors, including central government to facilitate bold action to ensure North Norfolk is able to play its role in helping the UK to deliver against the commitments made nationally and internationally at the 2015 Paris Summit;</p> <p>3. Prepare an Environmental Sustainability &amp; Climate Change Strategy in line with this pledge, and, with our partners across the community, to develop an action plan and 'route map' to a sustainable, low carbon future for our community;</p> <p>4. Launch engagement with the public to:</p> <ul style="list-style-type: none"> <li>○ Improve "carbon literacy" of all citizens;</li> <li>○ Encourage and support leadership on this issue in all sectors of society;</li> <li>○ Obtain meaningful public input into the North Norfolk Environmental Sustainability &amp; Climate Change Strategy and action planning;</li> <li>○ Facilitate wide community engagement and behavioural change.</li> </ul> <p>3.4 The Declaration of a Climate Emergency has set the Council on a pathway towards doing all that it reasonably can to address the impacts of climate change. This will undoubtedly include continuing to support renewable energy National Significant Infrastructure Project proposals and working with applicants to deliver these projects in a way that minimises any adverse impacts.</p> <p>3.5 The District Council recognises the national importance of having a balanced supply of electrical generation including increasing renewable energy supplies from offshore turbines in helping decarbonise the UK's energy sector. Accordingly, the project's contribution to renewable energy is a significant <b>positive impact</b>.</p> <p>3.6 The Council has already played an active part in a number of Nationally Significant Infrastructure Projects (NSIP) including:</p> <ul style="list-style-type: none"> <li>• Ørsted Hornsea Project Three (2.4GW) offshore windfarm; and</li> <li>• Vattenfall Norfolk Vanguard (1.8GW) offshore windfarm</li> </ul>	

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<p>All of these schemes reach landfall on the North Norfolk coast with associated cable corridors and booster stations (Ørsted Hornsea Project Three) running through the District. These schemes alone (together with Vattenfall Norfolk Boreas (1.8GW) offshore windfarm) would, once built, provide enough electricity combined to power in excess of 4.5 million homes (more than 15% of total UK households). This would make a significant contribution towards the 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). It is also in line with the Climate Change Committee's recommendation in its Net Zero Report that the UK pursue a large increase in offshore wind (May 2019 pgs 23, 37, 191, 215, 254).</p> <p>3.7 At a local level, the District Council has made a significant contribution of its own through, amongst other things, the grant of planning permission for in excess of 150MW capacity of solar farms, with electrical output capable of powering over 40,000 homes, in North Norfolk. This has been delivered without significant adverse impacts on the wider landscape (including development within and/or adjacent to the Norfolk Coast Area of Outstanding Natural Beauty) through, amongst other things, careful siting and design.</p> <p>3.8 The onshore element of Norfolk Boreas passes through some sensitive and valued landscapes and this emphasises the importance of key design considerations which will help to reduce overall impacts, both short, medium and long-term.</p>	
<p><b>4. Choice of Transmission System</b></p> <p>4.1 NNDC welcomes the decision of Vattenfall to commit to the use of high voltage direct current (HVDC) transmission for both the Norfolk Vanguard and Norfolk Boreas projects. This decision was made following the Preliminary Environmental Information Report (PEIR) stage for Norfolk Vanguard at which the District Council and many local residents/business and other consultees raised concerns about the potential adverse impacts from the onshore cable relay stations needed for the high voltage alternating current (HVAC) transmission system in the East Ruston / Ridlington area of North Norfolk.</p> <p>4.2 NNDC supports the choice of HVDC for two reasons, which are interconnected:</p> <ul style="list-style-type: none"> <li>As a matter of principle: NNDC understands that HVDC is a more energy efficient manner than HVAC of transmitting energy from offshore wind</li> </ul>	<p>Noted.</p> <p>With regards to securing the HVDC transmission system, the Applicant provided a response on this in the Applicant's response to the Open Floor Hearing (Reference 11) submitted at Deadline 1, in summary:</p> <p>The Applicant's position is that because the dDCO does not consent the additional infrastructure required for HVAC technology it is not possible for the Applicant to simply switch back to HVAC. In particular:</p> <ul style="list-style-type: none"> <li>(1) The Environmental Statement does not assess the additional infrastructure;</li> <li>(2) The Order limits do not include the additional land which would be required to construct and operate the additional infrastructure; and</li> </ul>

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turbines sited a significant distance offshore. During the examination of Norfolk Vanguard, the Applicant accepted and confirmed during Issue Specific Hearing (ISH) 3 that this understanding is correct. Given that these infrastructure projects are aimed at securing renewable energy because of the acknowledged national need for such energy, particularly in light of the UK's climate change commitments, as a matter of principle the choice of HVDC is preferable in order to maximise the benefits of the Norfolk Boreas and Norfolk Vanguard schemes;

- In light of reduced onshore impacts: this is emphasised in the Outline Landscape and Ecological Management Strategy (OLEM) Version 2 – (REP1-020) page 8. The reduction in impacts is significant, given that HVDC requires a narrower cable corridor than HVAC and fewer onshore buildings. NNDC considers the physical onshore impact of HVDC to be significantly less and, for that reason considerably more acceptable.

4.3 Given the importance of HVDC to maximising the benefits and minimising the impacts of the project, NNDC considers it important to secure HVDC as the method of transmission in the DCO. NNDC is sensitive to the need to ensure that those cables which are required to be HVAC (both at the turbine point and where the energy is fed into the National Grid) are not via a drafting slip required to be HVDC. Accordingly, NNDC does not suggest changes to any of the technical or detailed elements of the works, nor is a general requirement proposed in the draft DCO (dDCO).

4.4 Instead, NNDC suggests two amendments to Article 2 of the dDCO:

- Add the definition: "HVDC" means high voltage direct current;
- Amend the definition of "authorised development" to mean "the development and associated development described in Part 1 of Schedule 1, which includes deployment of an HVDC export system (authorised development) and any other development authorised by this Order, which is development within the meaning of section 32 of the 2008 Act".

4.5 This wording was based on the description of HVDC as the "export system" throughout the ES, and the use of the word "includes" ensures that any necessary HVAC cable requirements outside of the HVDC export system are not prohibited.

- (3) The works description contained within the dDCO does not consent the additional infrastructure which gives rise to the concerns (e.g. the cable relay station and the additional number of cables which would be required).

The Applicant therefore concurs that, to the extent that the additional infrastructure was subsequently proposed as part of an HVAC solution, this would require a material amendment to the DCO on the basis that new environmental impacts would need to be assessed, additional land take would be required, and significant local concern would be raised.

Further, it is not necessary to stipulate HVDC through Article 2 or further secure the use of a HVDC system within the authorised development because:

- (1) AC cables are required offshore, as well as between the onshore substation and the existing National Grid substation extension, and this needs to be permitted within the dDCO; and
- (2) If technological advancements enable the future use of an HVAC system within the parameters assessed and secured by the dDCO, use of HVAC technology should not be restricted. The Applicant considers that choice of the cabling solution, provided it falls within the parameters assessed and within the bounds of the infrastructure consented under the dDCO, is a matter for the Applicant alone to determine.

In summary, the Applicant's position is that because the dDCO does not consent the additional infrastructure required for HVAC, it is not necessary or appropriate to restrict this through a Requirement or further secure the use of a HVDC system within a definition or the works description.

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<p>4.6 NNDC also proposes a fallback position if the Examining Authority considers that it is not proper or necessary to secure the choice of HVDC in the DCO. Should that be the case, NNDC requests that the Examining Authority record within its Report that a change to HVAC would necessarily be a material amendment.</p> <p>4.7 The Examining Authority may feel it sensible to record those matters in the Report even if HVDC is secured through the DCO.</p>	
<p><b>5. Marine Processes</b></p> <p>5.1 NNDC's jurisdiction extends inland from the Mean Low-Water mark. This means that an element of the marine processes falls within the consideration of the District Council at the point where offshore cables come onshore.</p> <p>5.2 The main area of interest for the District Council is in relation to the method of bringing offshore cables onshore in the Happisburgh area including the potential impact of works on nearshore coastal processes. NNDC welcome the position set out by Vattenfall at paragraph 402 of Chapter 8 of the Environmental Statement which states:</p> <p><i>'The HDD will be designed to be sufficiently far below the cliff base (including a significant margin for safety) to have no effect on the natural erosion of the cliff. The HDD will be secured beneath the surface of the shore platform and the base of the cliff, drilled from a location greater than 150m landward of the cliff edge. The material through which the HDD will pass, and through which the cables will ultimately be located, is consolidated and will have sufficient strength to maintain its integrity during the construction process and during operation. Also, the cable will be located at sufficient depth to account for shore platform steepening (downcutting) as cliff erosion progresses, and so will not become exposed during the design life of the project (approximately 30 years). Hence, the continued integrity of the geological materials and the continued depth of burial of the cables mean that they will have no impact on coastal erosion during both construction and operation'.</i></p>	<p>Noted.</p> <p>As indicated by North Norfolk District Council Requirement 17 of the dDCO includes the requirement for monitoring and remedial works if the rate and extent of landfall erosion was to extend beyond that predicted.</p> <p>As stated by North Norfolk District Council and as reflected in the SoCG with North Norfolk District Council (ExA.SoCG-20.D2.V1 / REP2-052), the agreed position between the parties with respect to the use of clean spoil from the project in relation to coastal defence matters at Cart Gap, is that this can be explored further outside of the DCO process.</p> <p>With regards to the use of the Horizontal Directional Drill at the landfall this is embedded mitigation of the project and, as per Requirement 17 of the dDCO, a landfall method statement must be submitted for approval by North Norfolk District Council, in consultation with the relevant statutory nature conservation body, prior to commencement of the landfall works and export cable (Work No 4A, 4B, or 4C).</p>

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### Coastal Erosion – Requirement Relating to Monitoring

- 5.3 During the examination of the Norfolk Vanguard wind farm, issues relating to Landfall, the Cart Gap and Coastal Erosion formed part of discussions at ISH1 and ISH 4 with submissions made by NNDC at Deadlines 3 and 6.
- 5.4 During Norfolk Vanguard ISH1, discussions focussed on the rate of coastal erosion at the landfall location with Happisburgh renowned for its high rate of coastal change resulting from, inter alia, coastal events such as high tides and storm surges. During those discussions the Applicant stated that they were conscious that coastal erosion is slightly more episodic at the moment rather than it being gradual erosion with periods of extreme erosion. The Applicant suggested that this was a function of a failure of sea defences that have exacerbated the situation. The Applicant went on to set out that they are aware of the episodic change but are also looking at longer-term change which will reach more of an equilibrium rather than as a period of catching up following failure of sea defences.
- 5.5 NNDC clarified in paragraph 6.2 of its Norfolk Vanguard Deadline 3 submission that the 'failed' sea defences referred to by the applicant consisted of timber revetment and groynes constructed between Ostend and Cart Gap in the period from 1959. In 1991, following storm damage, a 300m section of unsafe revetment was removed south of Happisburgh. Twenty-eight years have elapsed since the removal of these revetments and NNDC considered it perhaps misleading of the applicant to imply this is a recent 'failure' of sea defences. Whilst the initial rapid erosion was likely to be due to the loss of the revetments, the current ongoing erosion is a result of coastal processes and low beach levels. A timeline of Happisburgh Sea Defences covering a period of 1959 to 2015 is attached at Appendix A.
- 5.6 The Council is aware of research that has observed a phenomenon in this location known as 'coastal catch-up' and 'coastal overshoot'. This is the effect whereby historic sea defences have been removed resulting in rapid coastal erosion potentially extending beyond indicative erosion if sea defences were never constructed. Whilst the Council has adopted a Shoreline Management Plan (SMP) which indicates a 100-year erosion area, this is indicative and the rate of erosion could be greater or lesser than predicted in the SMP. The presumption by the applicant that coastal erosion equilibrium will be reached in the future is possible but is for them to consider in relation

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to the location and resilience of their assets for their designed life. It is understood that the assets to be placed within the 100-year coastal erosion zone would be the cables that are to be routed below the predicted level of beaches.

- 5.7 The key issue for NNDC is ensuring that that the landfall location remains resilient from the effects of coastal erosion for its anticipated lifetime.
- 5.8 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 dDCO (also Requirement 17) and this approach is supported by NNDC.

### Potential options for re-using clean spoil at Cart Gap to assist coastal defence

- 5.9 In respect of potential options for re-using clean spoil at Cart Gap to assist coastal defence, this matter was discussed in detail between the applicant and NNDC during the examination of Norfolk Vanguard with joint/mirrored submissions at Deadline 6. The position agreed between the parties was that the use of clean spoil from the project in relation to coastal defence matters at Cart Gap can be explored further outside of the DCO process.
- 5.10 In coming to this view the parties recognised that there are a range of factors that will need to be considered in taking this separate project forward outside of the DCO process. These include, amongst other things, understanding:
- how much clean spoil is likely to be generated;
  - how much traffic this will take off the wider network (in terms of delivering positive benefits)
  - how or where the soil will be deposited;
  - how access will be gained to cliffs;
  - how damage to cliffs will be minimised; and
  - any EIA/Habitats Regulations issues from these activities, which would need to form the basis of any separate application/consent or licence.

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<p>5.11 Discussions centred on understanding the types of materials likely to arise from the Vanguard project that could be re-used, including options to capture material within 'geobags' or 'geocubes' to increase its effectiveness for coastal applications. The Applicant agreed to provide estimates of volumes and materials to NNDC. These discussions will also now need to consider materials arising from the Boreas project.</p> <p>5.12 A future application for consent will be explored between both parties and relevant landowners, at the appropriate time outside of the DCO process. Both parties recognise there are benefits in exploring this project further: for the Applicant in reducing the cost of transporting and disposing of materials off site and for NNDC through reducing traffic movements and allowing clean spoil to be used for coastal defence purposes. However, these benefits are not necessary to address any of the impacts of the Norfolk Vanguard or Norfolk Boreas DCO applications. In essence, it may provide additional benefit, but it is not a matter which the ExA can or should factor into its decision-making.</p> <p>5.13 The Applicant and NNDC agreed that the Cart Gap project is also not necessary to address coastal erosion (although it is hoped it would provide a sensible additional benefit, with the aim of reducing coastal erosion). The parties agree that this, combined with a monitoring requirement, adequately addresses the issue of coastal erosion.</p> <p>5.14 NNDC agree the proposal is unlikely to be adversely affected by the now completed Bacton sand engine coastal protection scheme north of the site at Bacton Gas Terminal and along the coast towards Bacton and Walcott.</p> <p>5.15 In the likely event of the DCO being granted, NNDC would not expect that any subsequent changes from the 'long' HDD option to bring cables onshore to the use of open cut trenching could be permitted within the scope of a 'nonmaterial' amendment as this would take the proposal outside the scope of the Environmental Statement. 'Open cut trenching' would represent the very worst option for NNDC, hence why there is strong support for 'long' HDD.</p>	
<p><b>6. Ground Conditions and Contamination</b></p> <p>6.1 Environmental Statement Chapter 19.5.3 [APP-232] sets out the assumptions and limitations associated with the data sources used to inform the report.</p>	<p>Noted. The Applicant refers to the Outline Code of Construction Practice (OCocP) (Version 2) (REP1-018) which contains proposed control measures related to</p>

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<p>NNDC cannot reasonably consider at this stage that sufficient survey data has been collected to undertake the assessment. Whilst proposed construction activities are predominantly taking place in agricultural fields where the risk of contamination is likely to be low, contaminated land could be discovered at any point along the proposed works, especially where human activity has occurred. The assessment cannot therefore rule out the potential for unknown contamination to be identified during the construction phase. The key factor is to ensure there is an appropriate strategy in place to deal with contamination should it arise and NNDC will work with the Applicant to help deliver an acceptable strategy.</p> <p>6.2 The Applicant has proposed to address contamination as part of the Code of Construction Practice under Requirement 20 and as set out currently in the Outline Code of Construction Practice (OCoCP) (Version 2). NNDC agreed a similar Requirement as part of the Norfolk Vanguard DCO. Subject to agreement of final wording for the associated OCoCP to reflect the most up to date position, NNDC consider that the mitigation of impacts associated with ground conditions and contamination are appropriate and adequate.</p>	<p>ground conditions and contamination. This includes the requirement to produce a written scheme for the management of contamination of any land and groundwater, which will be submitted to the local authority for approval. The document will also provide procedures to follow in the event of encountering unexpected contamination during construction. This is secured by Requirement 20(2)(d) in the dDCO.</p> <p>The SoCG with North Norfolk District Council (ExA.SoCG-20.D2.v1 / REP2-052) details these matters in relation to ground conditions and contamination as agreed.</p>
<p><b>7. Water Resources and Flood Risk</b></p> <p>7.1 In respect of the impact of the project on water resources and flood risk within NNDC jurisdiction, NNDC defer to the expert advice of the Environment Agency in respect of the strategic overview of the management of all sources of flooding and coastal erosion, and to the advice of Norfolk County Council Lead Local Flood Authority in respect of developing, maintaining and applying a strategy for local flood risk management in this area and for maintaining a register of flood risk assets. NNDC also defer to the advice of Norfolk Rivers Internal Drainage Board who manage assets within/along/near the route of the proposed onshore cable corridor.</p>	<p>Noted.</p> <p>The Applicant is engaging with Norfolk County Council and the Environment Agency in relation to potential impacts on water resources and flood risk. The SoCG with the Environment Agency (ExA.SoCG-7.D2.V2 / REP2-044) and Norfolk County Council (ExA.SoCG-19.D2.V1/ REP2-050) details these matters in relation to water resources and flood as agreed, or subject to further discussion as appropriate.</p>
<p><b>8. Land Use and Agriculture</b></p> <p>8.2 NNDC consider that the primary consideration for land use and agriculture relates to the timing of works (such as avoiding taking agricultural land out of production for long periods of time) how works are undertaken (to be agreed within the OCoCP) including the method for handling/storing soils. The commitments made by Vattenfall through use of HVDC with a smaller working corridor, the commitment to ducting both Norfolk Vanguard and Norfolk Boreas at the same time all contribute to reducing the Rochdale</p>	<p>Noted.</p>



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<p>envelope of the project. As such the significance of any impacts are dependent on the requirements to be agreed within the DCO.</p> <p>8.3 NNDC welcome the suggested embedded mitigation and additional mitigation committed to within the OCoCP and secured through Requirement 20.</p>	
<p><b>9. Onshore Ecology and Onshore Ornithology</b></p> <p>9.1 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 [APP-235] and Volume 1 Chapter 23 Onshore Ornithology [APP-236]. 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 any assumptions about the proposal need to take account of this. Similar issues were raised by NNDC in relation to Norfolk Vanguard.</p> <p>9.2 NNDC are supportive of proposed DCO Requirement 24 'Ecological Management Plan' subject to agreement to the final Outline Landscape and Ecological Management Strategy (OLEMS) document which underpins the requirement and which should ensure key ecological objectives are met.</p>	<p>The Outline Landscape and Ecological Management Strategy (OLEMS) (REP2-020) contains a commitment to pre-construction surveys in areas where ecological surveys have not been possible during the 2017 and 2018 surveys ; the findings of which will inform the final Ecological Management Plan (EMP). The OLEMS and EMP are secured through DCO Requirement 24.</p>
<p><b>10. Traffic and Transport</b></p> <p>10.1 NNDC do not wish to comment on traffic and transport matters and defer such matters of consideration to Norfolk County Council, who are the Highway Authority covering North Norfolk and who are the technical experts who would normally give highway advice to the District Council.</p>	<p>Noted.</p> <p>The Applicant is engaging with Norfolk County Council in relation to potential traffic and transport impacts and the SoCG with Norfolk County Council (ExA.SoCG-19.D2.v1 / REP2-050) details these matters as agreed, or subject to further discussion as appropriate.</p>
<p><b>11. Noise, Vibration and Air Quality</b></p> <p>11.2 NNDC consider that the measures set out in the draft DCO (Requirement 20 - Code of Construction Practice and Requirement 26 – Construction Hours) provide an effective way to help to minimise any adverse impacts to noise and vibration during the construction phase. These requirements reflect the progress made by the Applicant working with NNDC and other Local Authorities during the Norfolk Vanguard examination.</p>	<p>Noted, the Applicant welcomes confirmation from North Norfolk District Council that Requirement 20 and 26 provides an effective way to minimise any adverse impacts to noise and vibration.</p> <p>The Applicant acknowledges that the SoCG with North Norfolk District Council (ExA.SoCG-20.D2.v1 / REP2-052) highlights that certain noise related matters are subject to further ongoing discussions. North Norfolk District Council are currently</p>

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<p>11.3 However, the ExA should be aware of the extensive discussions that took place between the Applicant and NNDC during the Norfolk Vanguard examination, including numerous written submissions. These matters included:</p> <ul style="list-style-type: none"> <li>• Consideration of potential impacts related to continuous periods of operation;</li> <li>• Construction noise (including at Little London and Happisburgh);</li> <li>• Traffic/HGV Movements (including Little London and Happisburgh)</li> <li>• Fencing to compounds at Happisburgh and MA8 near Holly Farm Barningham.</li> </ul> <p>11.4 NNDC will continue to work with the applicant to ensure the DCO requirements and underpinning OCoCP documents continue to deliver their intended purpose. Where gaps in information remain or where issues raised during the Norfolk Vanguard examination can be captured within a single submission for ease of understanding by the ExA then NNDC is happy to work with the Applicant to deliver this so as to aid discussions at the next Issue Specific Hearing on 21 January 2020.</p>	<p>reviewing the information and the Applicant is awaiting further information on their concerns and will continue to engage through the SoCG.</p>
<p><b>12. Onshore Archaeology and Cultural Heritage</b></p> <p>12.2 NNDC consider that the commitment by Vattenfall to use HVDC transmission has, amongst other things, negated the need for onshore cable relay stations and has narrowed the width of the cable corridor. This means that, whilst there will be some impacts to heritage assets and their settings, this impact will occur primarily at construction stage and are therefore of a temporary nature.</p> <p>12.3 NNDC consider that these impacts are all on the 'less than substantial' scale and the operational phase of the windfarm is considered unlikely to result in unacceptable impacts. On this basis, the considerable public benefits associated with the windfarm would more than outweigh the 'less than substantial' harm to heritage assets within North Norfolk.</p> <p>12.4 In respect of archaeology, NNDC defers to the advice of Norfolk County Council Historic Environment Service who provide advice to NNDC in relation to all matters of archaeological heritage.</p>	<p>Noted.</p> <p>The Applicant is engaging with Norfolk County Council in relation to potential impacts on onshore archaeology and cultural heritage and the SoCG with Norfolk County Council (ExA.SoCG-19.D2.V1 / REP2-050) details these matters as agreed.</p>

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### 13. Landscape and Visual Impact Assessment

- 13.1 NNDC consider that Vattenfall have given appropriate regard within Chapter 29 of the ES [APP- 242] to relevant national policy and relevant Local Policy and material planning considerations including the NNDC revised 2018 Landscape Character Assessment and new Landscape Sensitivity Assessment (with particularly reference to renewable energy and low carbon development)
- 13.2 NNDC consider that there will be some residual landscape and visual effects after the construction phase associated with tree and hedgerow removal. It is noted that the onshore cable route easement would prevent replacement trees being planted and this will require careful consideration with regard to mitigation planting.
- 13.3 Landscaping matters formed a regular topic of discussion during the Norfolk Vanguard examination with submissions from NNDC at Deadlines 3, 4, 6, 7 and 8. The key landscape issues being raised by NNDC relate to:
- 1) **The need for a 10-Year Replacement Planting Period rather than 5 years under DCO Requirement 19 (2); and**
  - 2) **Replacement Tree Planting within the NNDC area.**

#### The need for a 10-Year Replacement Planting Period under DCO Requirement 19 (2)

- 13.4 During the examination of Norfolk Vanguard, NNDC set out the evidential basis as to why a 10-year replacement planting period should be applied within its area of jurisdiction given that plants take longer to reach a point of establishment. Whilst the ExA for Norfolk Vanguard indicated they were minded to agree with the ten-year replacement planting period proposed by NNDC as evidenced in the ExA draft DCO schedule of changes published 09 May 2019, the final Norfolk Vanguard DCO decision is awaited and the Applicants for Norfolk Boreas have not proposed a 10-year replacement period within their latest draft DCO (Version 3). NNDC therefore resubmits the relevant evidence again below for the ExA to consider.
- 13.5 The Norfolk Vanguard NSIP decision and requirements within it in relation to landscape matters will become a material planning consideration of substantial weight in the determination of the Norfolk Boreas NSIP. The ExA will also be aware of the impending decision of the Secretary of State

#### 10 Year replacement planting period

The Applicant has committed to a 10 year aftercare period for trees replaced within North Norfolk to reflect the challenging growing conditions closer to the coast. This is detailed in Section 6.7.3 in the OLEMS (Version 2) (REP1-020) and included in the final Landscape Management Strategy post-consent, which is secured through dDCO Requirement 18 and 19.

#### Replacement tree planting within the North Norfolk District Council area

As indicated by North Norfolk District Council Requirement 18 (d) of the dDCO includes the requirement for details of existing trees to be removed to be included in the Landscaping Management Scheme. With respect to replacement tree planting, the Applicant's position is included in the SoCG with North Norfolk District Council (ExA.SoCG-20.D2.v1 / REP2-052), which states that:

Under Scenario 2 the Applicant has committed to seeking to avoid mature trees during construction where possible through micro-siting the cable route in order to retain as many trees as possible. To assist with this the Applicant has committed to a reduced working width at hedgerows (reduced to up to 16.5m). However, it is not possible to replace trees within this gap as this would be above the operational cables.

The Applicant will commit to replacing trees as close as practicable to the location where they were removed, outside of the permanent operational easement and subject to landowner agreements. With this commitment to replace trees as close as possible to the location where they are removed, combined with reinstatement of the hedgerow, will assist in minimising the identified impact. This is detailed in Section 9.1.3.1 of the OLEMS (Version 2) (REP1-20). Under Scenario 1 hedgerows removals in North Norfolk will be undertaken by Norfolk Vanguard and no additional removals are required by Norfolk Boreas. NNDC are currently reviewing the information and the Applicant and will continue to engage through the SoCG.

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<p>for the Ørsted Hornsea Project Three NSIP scheme which will also carry significant weight in the determination of Norfolk Boreas, particularly with regard to whether a ten-year replacement planting period is reasonable and proportionate.</p> <p>13.6 NNDC's evidence is partly based on the Forestry Commission Ecological Site Classification Decision Support System (ESC-DSS). This is a PC-based system to help guide forest managers and planners to select ecologically suited species to sites, instead of selecting a species and trying to modify the site to suit. The system is designed to match key site factors with the ecological requirements of different tree species and woodland communities, as defined in the National Vegetation Classification (NVC) for Great Britain.</p> <p>13.7 Results from two sample sites along the cable route have been included at Appendix B, using the Establishment Management Information System (EMIS) decision tool option to demonstrate that the prevailing site conditions will result in slow establishment. The following data was required to be inputted: Grid references and soil types:</p> <ul style="list-style-type: none"> <li>• Cable route location North of Felmingham (Vernon Wood) (Grid ref: TG 243 306); and</li> <li>• Cable route location West of Whimpwell Green (Grid ref: TG 373 300)</li> </ul> <p>13.8 The sample sheets indicate there are limited species that are suitable for the site conditions and, given the site conditions, yields are not expected to be high. A copy of the Ecological Site Classification Manual is attached at Appendix C.</p> <p>13.9 NNDC are aware that the Forestry Commission specify a standard 10-year replacement period for all new planting that is subject to a Replanting Notice.</p> <p>13.10 A period of 10 years of aftercare and replacement provides for greater formal protection when establishing tree stock. At 10 years of growth, a tree will have reached a size where it would be subject to Forestry Commission Felling Licence Regulations (i.e. 8cm girth at 1.3m above ground level). After only 5 years, as proposed by the Applicant, trees would</p>	<p>With regards to the crossing at Colby Road (Church Road), north of Banningham access to land either side of Colby Road, is required directly from the road. In order to make access, an opening in the hedgerow either side of Colby Road will be required. Allowing for a bellmouth with appropriate visibility for safe access and egress represents a gap of approximately 15m in the hedgerows either side of Colby Road. As such, a trenchless crossing here would not remove the necessity to open a gap in the hedgerow.</p> <p>The Applicant has committed to seeking to avoid mature trees during construction where possible through micro-siting the cable route in order to retain as many trees as possible. To assist with this the Applicant has committed to a reduced working width at hedgerows (up to 16.5m). However, it is not possible to replace trees within this gap as this would be above the operational cables.</p> <p>The Applicant has committed to replacing trees as close as practicable to the location where they were removed, outside of the permanent operational easement and subject to landowner agreements (OLEMS, Version 2, REP1-020). This commitment to replace trees as close as possible to the location where they are removed, combined with reinstatement of the hedgerow, will assist in minimising the identified impact.</p>

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<p>not have reached sufficient maturity to be protected by these Regulations and so could be removed without requiring formal consent.</p> <p>13.11 Other than in the main river valleys, the Boreas onshore cable is to be routed through freely draining, slightly acid, loamy soils. The principle characteristics of this soil type relate to a free-draining nature and a low fertility as they are vulnerable to the leaching of nutrients. These principle soil characteristics will have a negative impact on vegetation establishment and will require additional and longer term maintenance to ensure that planting receives sufficient nutrients to thrive and outcompete other undesirable vegetation and does not succumb to drought conditions. The local soil characteristics together with the local climatic stresses (salt tolerance, wind exposure and drought) placed on any new planting in the District means that the additional care and longer term maintenance is crucial to the success of the planting. Soil data for the District has been derived from Cranfield University's free to use Soilsclapes dataset, available at <a href="https://www.cranfield.ac.uk/themes/environment-andagrifood/landis/soilsclapes">https://www.cranfield.ac.uk/themes/environment-andagrifood/landis/soilsclapes</a> (Not able to provide dataset as a physical print copy – see Soilsclapes Brochure at Appendix D).</p> <p>13.12 In respect of landscaping schemes, it is standard practice within NNDC to impose a ten-year replacement planting period condition on major developments where landscape planting is an important element of the proposal. Examples of a number of planning decisions in which NNDC has imposed a 10-year period is enclosed at Appendix E including for a number of onshore solar farms (50MW). Copies of the actual decision notices can be provided if necessary for the ExA.</p> <p><u>Replacement Tree Planting within the NNDC area</u></p> <p>13.13 During the examination of Norfolk Vanguard, NNDC expressed within the Statement of Common Ground submitted at Deadline 4 (REP4-016) disappointment that:</p> <p><i>'the applicant considers no replacement trees are to be provided within the NNDC authority area. In respect of replacement planting, it is the expectation of NNDC that where trees are to be removed along the cable route (for example, where removal cannot reasonably be avoided), these should be replaced within reasonable proximity as part of the Provision of</i></p>	

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<p><i>Landscaping (DCO Requirement 18) and appropriately managed as part of the Implementation and Maintenance of Landscaping (DCO Requirement 19) for a period of ten years after planting'.</i></p> <p>13.14 Following Norfolk Vanguard Issue Specific Hearings 4 and 5, NNDC discussed a range of issues with the Applicant including matters relating to Replacement Landscaping. In particular, discussions focussed on trees that may be lost along the route of the onshore cable which cannot be avoided through micro-siting and which cannot be avoided through use of HDD. The Applicant indicated that the use of HDD will not be likely to avoid single trees and this raised the possibility of a net loss of biodiversity where trees are not to be replaced.</p> <p>13.15 NNDC asked the Applicant to confirm the maximum number of trees with the potential to be lost along the cable route with the potential to explore whether replacement planting can be secured within 'temporary' rather than 'permanent' land take areas or with agreement of landowners outside of the DCO area. It was NNDC's position that the DCO should not result in a net loss of trees within hedgerows which are an important landscape characteristic in this area.</p> <p>13.16 The Applicant provided further information concerning trees which will be affected within North Norfolk. In the Applicant's view, one hedgerow which has significant susceptibility from a landscape character perspective will be impacted, with the loss of 3-4 trees. Other hedgerows with trees will be crossed where tree losses will amount to approximately 36 trees in the worst case. The Applicant indicated further micrositing would be undertaken following the Arboricultural survey to reduce this number, where possible.</p> <p>13.17 The Applicant identified key locations along the onshore cable corridor where a significant effect would occur in relation to loss of trees, referring to Norfolk Vanguard ES Chapter 29, Table 29.10 (APP-353). Within North Norfolk District, one of these key locations is alongside Colby Road, north of Banningham where roadside trees are identified as being most susceptible to the project. The same information appears in Chapter 29 of the Boreas ES, Table 29.11.</p>	

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<p>13.18 In this location the road is characterised by a row of trees of varying age along both sides of the road forming a continuous canopy (See photos at Appendix F submitted as part of Norfolk Vanguard examination). Loss of any trees here would have a significant effect, as agreed within the Applicant's LVIA and it is considered that there is little scope for replacement tree planting within the immediate vicinity.</p> <p>13.19 NNDC concluded that, in this location, cabling should be installed via trenchless installation techniques so as to avoid the loss of the 3-4 trees identified. NNDC strongly recommended that this location, known as Colby Road (Church Road), north of Banningham (See Plan and photographs at Appendix F) should be added to the list of trenchless crossings set out within the draft Vanguard DCO Requirement 16 (17).</p> <p>13.20 NNDC were concerned about the lack of clarity within the Environmental Statement about the other 36 trees that the Applicant has indicated could be removed within North Norfolk. In its drafting at Norfolk Vanguard Deadline 7, DCO Requirement 8 did not make provision for the written landscape plans to include details of those trees to be removed. This information was considered important by NNDC in order to be able to agree appropriate mitigation and to identify where it can be accommodated.</p> <p>13.21 It is NNDC's position that hedgerow replacement alone cannot compensate for the loss of hedgerow trees resulting from this development. The DCO should not result in a net loss of trees within hedgerows which are an important landscape characteristic in this area. The concern about loss of trees in North Norfolk is not addressed by the Applicant securing no overall net loss of trees over the whole project, through tree planting in other areas, such as around the substation in Necton. While tree planting is of course welcome, and it is right to ensure no overall net tree loss over the whole project, the issue within the North Norfolk district is that trees within hedgerows are an important landscape characteristic. The Updated North Norfolk Landscape Character Assessment (2018) lists the "Valued Features and Qualities" of the Low Plains Farmland character type (through which the cable route passes), and lists as third out of eight "woodlands, hedgerows and hedgerow trees". A net loss of trees within hedgerows will thus have a negative impact.</p>	

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<p>13.22 In light of concerns about potential tree loss, NNDC have discussed with the Applicant whether replacement planting can be secured within 'temporary' rather than 'permanent' land take areas or with agreement of landowners outside of the DCO area (as has been secured within the Hornsea Project Three scheme). This is a matter where discussions will likely continue with the Applicant in order to identify an agreed way forward for Norfolk Boreas.</p> <p>13.23 As a result of the above, NNDC proposed amendments to Vanguard DCO Requirement 18 to add (d) details of existing trees to be removed.</p> <p>13.24 This additional text at new (d) enables a better understanding of the extent of tree and hedge removal being proposed and enable a clearer appreciation of the compensation and mitigation planting considered necessary to be secured under this Requirement.</p> <p>13.25 NNDC welcome the position of the Applicant with regard to Requirement 18(d) of the Norfolk Boreas draft DCO (Version 3) subject to agreement to the final Outline Landscape and Ecological Management Strategy (OLEMS) document which underpins the requirement.</p>	
<p><b>14. Tourism, Recreation and Socio-Economics</b></p> <p>14.1 NNDC notes the information contained within Chapter 30 of the ES [APP-243]. During the examination of the Norfolk Vanguard NSIP, NNDC made numerous submissions concerning the impact of the proposed windfarm construction activities on tourism within North Norfolk, arising from direct impacts and from the impacts of negative perceptions caused by awareness of the construction activity taking place. NNDC have concerns that the impact of the project on tourism is again being downplayed by the Applicant. Because of the high level of dependence of the North Norfolk economy on tourism (£511m total tourism value, 11,461 jobs (29% of total employment) in 2018) any impact upon that sector will have a disproportionately high impact upon the overall economy of the District. (Source: Economic Impact of Tourism – North Norfolk 2018 produced by Destination Research/Sergi Jarques – Copy attached at Appendix G and 2017 report attached at Appendix H).</p> <p>14.2 In respect of the baseline environment set out in ES Chapter 30 NNDC would challenge the assumption set out at paragraph 259 that 'Outside of</p>	<p>The Applicant notes this response. The matters which North Norfolk District Council raise in relation to tourism impacts do not affect the conclusions of the ES set out in ES Chapter 30 Tourism and Recreation (document reference 6.1.30 / APP-243). The Applicant's firm view is that there are no such impacts on tourism.</p> <p>As indicated by North Norfolk District Council, the Norfolk Vanguard applicant responded in detail to this topic as part of the Norfolk Vanguard examination and the Applicant has therefore included the document titled Position Statement North Norfolk District Council Requested Requirement to Address Perceived Tourism Impacts as Appendix 1 to this document. The Applicant therefore refers the ExA and North Norfolk District Council to this document for a complete response to this topic.</p> <p>In addition, the Applicant also has significant concerns in relation to the principle of the Requirement put forward by North Norfolk District Council. The Applicant</p>



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<p>The Norfolk Coast AONB, the countryside of North Norfolk and Breckland is not regarded as a direct draw for tourism although it is well regarded by local recreational users and an intrinsic aspect of the visitor's experience'.</p> <p>14.3 Due to high quality landscapes and the existence of many important heritage assets, tourism benefits are not just limited to areas within the Norfolk Coast AONB or coastal resorts. Many popular cycle and walking routes are located outside of the AONB.</p> <p>14.4 In respect of the ES assessment findings, NNDC consider that the onshore cable route goes through some attractive and sensitive parts of North Norfolk District, especially between Happisburgh and North Walsham and this area is attractive to tourists throughout the year and host to visitor accommodation, facilities and some attractions including walking and cycling.</p> <p>14.5 In this regard, whilst NNDC believes the long-term impacts of the cable route on the tourism economy will be benign, the Council has very significant concerns that during the cable corridor construction phase there will be serious impacts on local tourism businesses such that the construction works will have a substantial impact on the income of tourism businesses in the Happisburgh to North Walsham area, which needs greater recognition by Vattenfall.</p> <p>14.6 During the Norfolk Vanguard examination, NNDC made representations in its Deadline 3 submission in respect of the report by Biggar Economics Wind Farms and Tourism Trends in Scotland (July 2016) referred to by the Appellant within ES Chapter 30.</p> <p>14.7 NNDC invited the Examining Authority to place little weight on this report, for the following three reasons:</p> <ul style="list-style-type: none"> <li>• The focus of the report, and the research it cites in section 3, concerns onshore wind farms, not on the construction impacts of large offshore wind farms. Indeed, "construction impacts" are not considered at all;</li> <li>• The report and the underlying research on which it was based concerned visual impact of onshore turbines or wind farms, not disruption impact experienced during the construction period of very large offshore projects;</li> </ul>	<p>notes that any requirements should adhere to the tests set out in paragraph 55 of the National Planning Policy Framework (NPPF) (2019). The Applicant is of the view that it does not meet the tests, that it is:</p> <ul style="list-style-type: none"> <li>• necessary;</li> <li>• relevant to planning and;</li> <li>• to the development to be permitted;</li> <li>• enforceable;</li> <li>• precise and;</li> <li>• reasonable in all other respects.</li> </ul> <p>It should be noted that the Overarching National Policy Statement for Energy (EN-1), through paragraph 4.1.7 and 4.1.8 adopts these tests in the consideration of whether requirements or development consent obligations should be imposed.</p> <p>In particular, compensation is not considered necessary to mitigate impacts identified in the ES and, as such, is not relevant to planning or the development to be permitted. Further, the Requirement is not sufficiently precise and does not set out appropriate parameters to enable it to be enforceable. Given the lack of parameters, particularly the level of compensation which may be required, it cannot be considered reasonable.</p> <p>The Applicant also has a particular concern that the Requirement is directed towards the payment of compensation, and whether this is appropriate in the context of the advice set out in the Planning Practice Guidance (PPG) which states:</p> <p><i>"No payment of money or other consideration can be positively required when granting planning permission. However, where the 6 tests [referenced above] will be met, it may be possible to use a negatively worded condition to prohibit development authorised by the planning permission until a specified action has</i></p>

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<p>• The report concerns Scotland and examines the relationship “between the development of onshore wind energy and the sustainable tourism sector in Scotland” (pg 1). “Sustainable tourism” has a definition specific to Scotland, which is referenced but not set out in footnote 4 on pg 6. It is therefore not relevant to general tourism impact in North Norfolk.</p> <p>14.8 Within its Deadline 3 submission for Norfolk Vanguard, NNDC also included a report by Destination Research entitled Economic Impacts of Tourism 2017. This showed the value of the tourism economy to NNDC and that seasonality is levelling out. A copy of this report is attached at Appendix H. The 2018 report by Destination Research entitled Economic Impacts of Tourism has also been published which shows an increase in total tourism value, an increase in the number of tourism jobs and an increase in the percentage of tourism jobs as a percentage of total employment. A copy is attached at Appendix G.</p> <p>14.9 At Deadline 4 of the Norfolk Vanguard examination NNDC expressed concern within the Norfolk Vanguard Statement of Common Ground that: <i>‘The applicant does not appear to recognise...[the]...potential impact on small tourism businesses nor has an appropriate mitigation strategy been proposed. Whilst the impact on local tourism may not be considered ‘significant’ 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. 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’.</i></p> <p>14.10 NNDC considered that addressing the impacts on tourism and related businesses needed to be included within the DCO Requirements and, at Norfolk Vanguard Deadline 6, put forward wording for a new Requirement concerning Tourism and Associated Business.</p> <p>14.11 Following this the Applicant and NNDC met to discuss potential tourism impacts and agreed that they would undertake further work together with a view to formulating some sensible joint actions for assuaging the</p>	<p><i>been taken (for example, the entering into of a planning obligation requiring the payment of a financial contribution towards the provision of supporting infrastructure).”</i></p> <p>Whilst the Applicant acknowledges that the draft Requirement is negatively worded, the Applicant's view is that it does not meet the PPG tests. Further, the Applicant is not aware of any local policy which supports North Norfolk District Council's position.</p> <p>To the extent that North Norfolk District Council propose that this matter can be dealt with through a section 106 Agreement, the Applicant's position would not change. The compensation which North Norfolk District Council wishes to secure does not meet the tests set out under Regulation 122 of the Community Infrastructure Levy Regulations 2010, that it is:</p> <ol style="list-style-type: none"> <li>1. necessary to make the development acceptable in planning terms;</li> <li>2. directly related to the development; and</li> <li>3. fairly and reasonably related in scale and kind to the development.</li> </ol> <p>In particular, compensation is not necessary to mitigate any impacts identified in the ES; it would not be possible for claimants to prove that compensation was required as a direct result of the development; and there is no quantum of compensation specified so that it can be said that the compensation sought is fairly and reasonably related in scale and kind to the development.</p>

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<p>concerns of local tourism-reliant businesses. NNDC welcomed and supported this collaborative approach.</p> <p>14.12 By Deadline 7 of the Norfolk Vanguard examination, there remained a substantive disagreement between the parties – the Applicant disagreed that there will be significant local tourism impacts within NNDC's boundaries and emphasised that the construction time within the area will be short. What was considered to be missing in the Applicant's analysis is the perception impact, which is different from the Applicant's fine and precise understanding of the construction process. NNDC's position is that short-term impacts do not necessarily translate into short-term perception of tourists about where they will visit and stay. Evidence attached in Appendix I shows perception impact on tourism which NNDC has experienced in other comparable circumstances (this evidence was also provided to the Norfolk Vanguard examination.</p> <p>14.13 As a result, NNDC's view remained that the Applicant has, in the ES and its later analysis, underestimated the significance of the impact on tourism. Accordingly, in order to make the development acceptable in planning terms, a requirement mitigating tourism impact was considered necessary.</p> <p>14.14 Such a requirement is supported in policy terms. The Overarching National Policy Statement for Energy (EN-1) requires applicants to assess relevant socio-economic impacts, including effects on tourism (§5.12.3). NNDC's Core Strategy sets out the importance of tourism to the economy of North Norfolk: see §§2.7.19. The Core Strategy also acknowledges that "the main tourism appeal in North Norfolk is based on the unique natural environmental assets", so "it is important to protect these". Accordingly, policy SS5 on the economy provides that the tourism industry will be supported and that proposals should not have a detrimental environmental impact which in turn might negatively impact tourism.</p> <p>14.15 NNDC has, since its Norfolk Vanguard Local Impact Report, challenged the Applicant's assumption that the countryside of North Norfolk is not a direct draw for tourism, outside of the Norfolk Coats AONB. The onshore cable route goes through attractive and sensitive parts of North Norfolk district, especially between Happisburgh and North Walsham. Figure 7 in the Core Strategy, entitled "Tourism Asset Zones" (pg 96), identifies Happisburgh as</p>	

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<p>a “coastal service village” asset, and §3.4.28 identifies North Walsham as part of a “rural” asset zone.</p> <p>14.16 The NPPF also recognises the importance of tourism to rural economies (such as North Norfolk) and paragraph 83 requires that decisions should enable “sustainable rural tourism” which “respects the character of the countryside”. Plainly for this policy to achieve its aim, it requires both positive support for rural tourism businesses and, more relevant for present purposes, it requires mitigation of potential negative impacts from non-tourism development on sustainable rural tourism.</p> <p>14.17 NNDC in its Norfolk Vanguard Deadline 6 submissions proposed the text of a draft requirement. The Applicant challenged the appropriateness and necessity of the requirement based on the ES. As set out above, the ES does not adequately address the tourism impact. If the Examining Authority accepts that the Applicant has underestimated this impact and accepts that there is the potential for substantial negative impact on tourism, then in order for permission to be granted that impact must either be mitigated by a requirement, or the Examining Authority must set out how the benefits of the proposal outweigh the negative impacts on tourism. In NNDC’s submission, the Applicant has not provided any evidence that such a balancing exercise favours making the DCO despite the negative impacts on tourism. NNDC’s evidence all points to the need for a requirement to be imposed.</p> <p>14.18 As a matter of principle, a negatively worded requirement can require a mitigation strategy that envisages payment by the Applicant of a contribution to address an impact – see paragraph 005 of the PPG on the Use of Planning Conditions (“the Conditions PPG”). Furthermore, paragraph 011 of the Conditions PPG states that, where a condition or a section 106 agreement could be used to overcome a planning objection to a development, then a condition should preferably be imposed.</p> <p>14.19 The requirement proposed by NNDC at Norfolk Vanguard Deadline 6 envisaged a mitigation scheme which addresses tourism impact in two ways:</p>	

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<ul style="list-style-type: none"> <li>• Via the payment of a contribution out of which compensation can be awarded to local tourism and associated businesses impacted by the development; and</li> <li>• Via marketing activity to combat negative perception and to assist with generating tourist footfall and spend.</li> </ul> <p>14.20 The Appellant in discussions raised concerns about the practicality of linking the payment of the contribution to compensation to local tourism and associated business. Although NNDC considers that such a scheme could be workable, it recognises the need for the Applicant to be confident in what is being proposed. Accordingly, NNDC suggested a different destination for the payment of the contribution: it could be paid to existing Tourism Information Centres and to Visit North Norfolk and/or Visit Norfolk, both organisations with which NNDC works closely. Appendix J provides further information about Visit North Norfolk (including the pages on areas relevant to the DCO and the “About” page of the organisation) and Appendix K provides further information about Visit Norfolk. Appendix K and L were provided to the Examining Authority for Norfolk Vanguard</p> <p>14.21 NNDC therefore proposes the following amended wording to the draft DCO requirement: Tourism and Associated Businesses</p> <p>X - (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 NNDC.</p> <p>(2) The tourism and associated business impact mitigation strategy referred to in sub-paragraph (1) must include:</p> <ol style="list-style-type: none"> <li>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;</li> <li>b) Details of a method by which the contribution by the undertaker in (a) will be apportioned to the above organisations;</li> <li>c) Details of who will administer the strategy;</li> </ol>	

North Norfolk District Council Local Impact Report	Applicant's Response
<p>d) Details of how the strategy will be funded including the cost of administration;</p> <p>e) Details of how any monies unspent are to be returned to the undertaker;</p> <p>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 Vanguard for the purpose of generating tourist footfall and spend.</p> <p>(3) The tourism and associated business impact mitigation strategy must be implemented as approved.</p> <p>14.22 The payment of a contribution to improve and support tourism services like information centres or such as Visit North Norfolk and payment of a contribution to develop and run a targeted marketing campaign are well trodden ways of mitigating negative impacts of development on tourism. A mitigation strategy incorporating these measures would be reasonable and enforceable, and the detailed scheme would be precise. Accordingly, the proposed requirement would meet all the tests in paragraph 55 of the NPPF and paragraph 3 of the Conditions PPG.</p> <p>14.23 NNDC welcomed the subsequent Norfolk Vanguard Examining Authority schedule of changes to the draft Development Consent Order (Issued 09 May 2019) and the proposed inclusion of new Requirement 34 (tourism and associated business impact mitigation strategy) which address concerns raised by NNDC at Deadline 7. A copy of Requirement 34 set out by the Norfolk Vanguard ExA is attached at Appendix L.</p> <p><b>Evidence of Perception Impact</b></p> <p>14.24 At Norfolk Vanguard Deadline 8, the Appellant provided a Position Statement on NNDC's Request to Address Perceived Tourism Impacts [REP8-071]. This document challenged the evidence provided by NNDC at Deadline 7 concerning the tourism impact of negative perceptions in relation to particular areas. The Applicant also made submissions concerning the lawfulness of the proposed tourism requirement.</p>	

North Norfolk District Council Local Impact Report	Applicant's Response
<p>14.25 It should be noted that in these submissions the Applicant's use of "perceived tourism impact" is a misnomer – it is not the tourism impact that is "perceived". The impact arises from negative perceptions. A better description would be "Actual Tourism Impact of Negative Perceptions".</p> <p>14.26 In essence, the Applicant challenged NNDC's Norfolk Vanguard Deadline 7 evidence, provided by NNDC's specialist officer with significant experience of tourism matters in general and tourism in NNDC in particular, on the basis that it would have been preferable to address the perception impact from the construction of the Dudgeon Offshore Wind Farm (onshore construction 2015/2016) and the Sheringham Shoal Offshore Wind Farm (onshore construction 2010/2011). The Applicant asserted, based on the statistics from NNDC's Norfolk Vanguard Deadline 6 evidence showing overall growth in tourism over the period 2013-2017, that there was no adverse perception impact on tourism as a result of the construction of the other off-shore windfarms.</p> <p>14.27 NNDC considered that the Applicant's approach belied its lack of expertise in assessing tourism impact. The statistics at §17 of the Applicant's Position Paper were district-wide statistics. In other words, they were at a macro level, not a micro level. They did not show anything about tourism impact in the particular areas where Dudgeon and Sheringham Shoal made landfall and where construction took place. They certainly did not undermine NNDC's evidence concerning coastal erosion perception impacts, which was based on micro-level impact at particular places when perception of those areas changed. NNDC's choice of comparator was the correct choice.</p> <p>14.28 Furthermore, the overall district-wide levels of tourism are contingent on a wide number of factors, including the weather and the exchange rate, which again showed why those statistics cannot be assumed to show a lack of tourism impact from the Dudgeon or Sheringham Shoal schemes.</p> <p>14.29 The Applicant also relied on the approach taken by the Hornsea 3 Examining Authority. NNDC did not, during that examination, propose the type of Requirement now under consideration in relation to the Norfolk Vanguard project. NNDC therefore wrote to the Hornsea 3 Examining Authority and the Secretary of State, bringing their attention to the approach of the Norfolk Vanguard Examining Authority and inviting them to take a similar approach.</p>	

North Norfolk District Council Local Impact Report	Applicant's Response
<p><b>Lawfulness of the Proposed Requirement</b></p> <p>14.30 The Applicant contested the lawfulness of the proposed requirement on two bases. The first is that it is not necessary or directly related to the proposed development because the tourism impact from negative perception has not been evidenced, relying again on the fact that tourism “steadily increased” following the onshore construction periods of the last two offshore wind farms (§§22-23). For the reasons given above, this was a misunderstanding of what the tourism statistics show. NNDC relies on its evidence, provided at both Norfolk Vanguard Deadline 6 and Deadline 7, that the proposed requirement was necessary and directly related to the development.</p> <p>14.31 The second basis on which the Applicant contested the lawfulness of the proposed requirement is that it will not be fairly and reasonably related in kind and scale to the development because there is no “mechanism”, either in policy or currently agreed with the Applicant, to assess the requisite level of financial contribution.</p> <p>14.32 However, there is nothing in the case law concerning conditions, or in the PPG, that suggests a requirement for financial contributions will fail the test if there is no mechanism in an SPD or similar policy document for its calculation. The proposed requirement envisages the Applicant producing a mitigation strategy for submission and approval by NNDC. That will ensure that NNDC and the Applicant agree suitable figures for the requisite contributions NNDC submitted at Norfolk Vanguard Deadline 7, this is a well-trodden way of mitigating negative impacts of development on tourism. A mitigation strategy incorporating these measures would be reasonable and enforceable, and the detailed scheme would be precise. Accordingly, the proposed requirement would meet all the tests in paragraph 55 of the NPPF and paragraph 3 of the Conditions PPG.</p> <p>14.33 NNDC’s position in light of what is set out above is 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>	



North Norfolk District Council Local Impact Report	Applicant's Response
<p><b>15. Statement of Common Ground</b></p> <p>15.1 At the time of submission of this Local Impact Report (Deadline 2 – 10 Dec 2019), NNDC and Vattenfall have been working together to produce a Statement of Common Ground.</p> <p>15.2 This will ensure that ahead of the Issues Specific Hearings in January 2020, there will be a clear understanding of the areas of agreement and areas of disagreement to enable focussed discussion at the Issue Specific Hearings.</p> <p>15.3 Vattenfall have confirmed that they will submit the latest iteration of the draft/interim Statement of Common Ground to the Planning Inspectorate.</p> <p>15.4 Many of the issues raised within the Statement of Common Ground are captured within this Local Impact Report.</p>	<p>Noted. The Applicant confirms the SoCG with North Norfolk District Council was submitted at Deadline 2 (ExA.SoCG-20.D2.V1 / REP2-052).</p>
<p><b>16. Conclusions</b></p> <p>16.1 NNDC welcome and support the principle of renewable energy development to help meet the challenges of climate change and support the development of stronger and resilient electricity networks capable of reducing reliance on fossil fuels and to reduce the need to import electricity from outside of UK waters.</p> <p>16.2 NNDC welcome the commitments made by Vattenfall including the use of HVDC transmission and the commitment to bring cables on shore via the 'long' HDD option. These are all factors which have helped to reduce the potential adverse impacts of the project.</p> <p>16.3 Nonetheless, the proposed Norfolk Vanguard project has the potential to result in some impacts across North Norfolk District, particularly during construction and it is important that those adverse impacts are reduced as much as possible and appropriate mitigation provided. Many of the potential impacts are or can be made acceptable through the drafting of the Development Consent Order.</p> <p>16.4 However, there remain some areas of disagreement between the parties in relation to the impacts associated with Norfolk Boreas and Norfolk Vanguard including impacts on:</p> <ul style="list-style-type: none"> <li>• Tourism (requiring specific mitigation set out and evidenced by NNDC);</li> <li>• Landscape (requiring longer periods of replacement planting as set out and evidenced by NNDC);</li> <li>• Residential amenity during construction including: <ul style="list-style-type: none"> <li>○ Consideration of potential impacts related to continuous</li> </ul> </li> </ul>	<p>The Applicant has responded to the points raised by North Norfolk District Council and will continue to engage during the course of Examination and through the SoCG (ExA.SoCG-20.D2.v1 / REP2-052).</p>

North Norfolk District Council Local Impact Report	Applicant's Response
<ul style="list-style-type: none"> <li>○ periods of operation;</li> <li>○ Construction noise (including at Little London and Happisburgh);</li> <li>○ Traffic/HGV Movements (including Little London and Happisburgh</li> <li>○ Fencing to compounds at Happisburgh and MA8 near Holly Farm Barningham.</li> </ul> <p>The majority of matters or issues are capable of being resolved either through existing proposed requirements within the draft DCO, amendments to specific requirements in the draft DCO, introduction of new requirements or clarifications to Outline documents supporting specific requirements.</p> <p>16.5 NNDC will continue to work with Vattenfall to resolve outstanding matters and to ensure that the maximum amount of community benefits can be secured both through the Development Consent Order process and through individual negotiation for the wider benefit of North Norfolk.</p>	

## **Appendix 1 Norfolk Vanguard Position Statement North Norfolk District Council Requested Requirement to Address Perceived Tourism Impacts**

# Norfolk Vanguard Offshore Wind Farm Position Statement North Norfolk District Council Requested Requirement to Address Perceived Tourism Impacts



Applicant: Norfolk Vanguard Limited

Document Reference: ExA; AS; 10.D8.12

Deadline 8

Date: 30 May 2019

Author: Royal HaskoningDHV

*Photo: Kentish Flats Offshore Wind Farm*

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## 1 TOURISM IMPACTS

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### 1.1 Introduction

1. This document has been prepared in response to evidence provided by North Norfolk District Council at Deadline 7 related to the potential for tourism impacts within North Norfolk resulting from the construction of Norfolk Vanguard Offshore Wind Farm (the Project).
2. This note includes the assessment criteria set out within the Overarching National Policy Statement (NPS) for Energy (EN-1) and a summary of the assessment that was undertaken, including key project design decisions (embedded mitigation) that were specifically identified to minimise potential impacts to tourism within North Norfolk.
3. Potential tourism impacts associated with the construction and operation of Norfolk Vanguard were considered in full within Environmental Statement (ES) Chapter 30 Tourism and Recreation submitted in June 2018 (DCO document 6.1.30).

### 1.2 Planning policy

#### 1.2.1 National Policy Statement (NPS)

4. The NPS for Energy (EN-1) identifies tourism aspects<sup>1</sup> to be taken into account, and the associated assessment requirements. These assessment requirements are set out in Table 30.1 of ES Chapter 30 Tourism and Recreation, which is repeated below. Table 30.1 also identifies how each of the NPS EN-1 assessment requirements was taken into account within the assessment.

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<sup>1</sup> Tourism is not identified as one of the general impact topics for assessment within EN-1, but tourism is identified within other related topics which have been captured.

**Table 1.1 (from ES Chapter 30) NPS assessment requirements**

NPS Requirement	NPS Reference	ES Reference
<p>The ES should include an assessment of the effects on the coast. In particular, applicants should assess the effects of the proposed project on maintaining coastal recreation sites and features.</p>	<p>EN-1 section 5.5.7 (5.5 Coastal change)</p>	<p>One of the objectives of the site selection process was to avoid valuable natural assets such as the North Norfolk Coast Area of Outstanding Natural Beauty (AONB) and the Broads National Park. This allowed it to avoid corresponding clusters of tourism and recreation assets.</p> <p>In response to consultation with stakeholders a horizontal drilling design (HDD) has been developed that will not require closure of either the coastal footpaths or the beach.</p> <p>An assessment of impact on coastal processes, marine water, and water resources is undertaken in:</p> <ul style="list-style-type: none"> <li>• Chapter 8 Marine geology, oceanography and physical processes</li> <li>• Chapter 9 Marine water and sediment quality; and</li> <li>• Chapter 20 Water Resources and Flood Risk, respectively.</li> </ul>
<p>Applicants will need to consult the local community on their proposals to build on open space, sports or recreational buildings and land. Taking account of the consultations, applicants should consider providing new or additional open space including green infrastructure, sport or recreation facilities, to substitute for any losses as a result of their proposal.</p> <p>Applicants should use any up-to-date local authority assessment or, if there is none, provide an independent assessment to show whether the existing open space, sports and recreational buildings and land is surplus to requirements.</p>	<p>EN-1 paragraph 5.10.6 (Land use, including open space, green infrastructure and green belt)</p>	<p>As part of the consultation process the project has consulted with non-statutory stakeholders, local communities, and the public. Their responses have been instrumental in the development of the project and embedded mitigation, including a commitment to high voltage direct current and removal of the cable relay station and use of a long HDD at the landfall. This is detailed in Chapter 4 Site Selection and Assessment of Alternatives, the Consultation Report and is detailed with regards Tourism and Recreation in section 30.3 of the ES.</p> <p>The project will not build permanent above ground infrastructure on publicly accessible open space, sports or recreational buildings and land. As set out above, the long HDD ensures that closure of the beach is not required.</p>
<p>This assessment should consider all relevant socio-economic impacts, which may include: the provision of additional local services and improvements to local infrastructure, including the provision of educational and visitor facilities; and effects on tourism.</p>	<p>EN-1 section 5.12.3 (Socio-economic)</p>	<p>Chapter 30 considers impacts to tourism and recreation receptors. Chapter 31 Socio-Economics discusses impacts to socio-economic receptors. Both short and long-term effects are considered in section 30.8 and Chapter 31 Socio-Economics.</p> <p>The use of below ground infrastructure and siting wind turbines 47km offshore limits opportunities for potential benefit to tourism suppliers. However, due to the proposed siting of the Norfolk Vanguard landfall at Happisburgh South,</p>

NPS Requirement	NPS Reference	ES Reference
		an area recognised as an internationally important region for Lower Palaeolithic archaeology, the project has undertaken an engagement process with a specific independent academic steering group in relation to the Ancient Humans of Britain project. This engagement process aims, in part, to maximise knowledge gained from pre-construction and construction activities. Opportunities for public engagement on the basis of any data obtained are currently under consideration, with approaches similar to the Jurassic Coast and Deep History Coast projects being explored. It is hoped that this knowledge will be used by appropriate stakeholders and this engagement is discussed further in Chapter 28 Onshore Archaeology and Cultural Heritage.

### 1.2.2 National planning policy framework

5. Within the NPPF (2019), local planning authorities are provided with guidance for determining planning applications. This states that:

*“Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.*

*Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.*

*Planning obligations must only be sought where they meet all of the following tests:*

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.”*



These tests are referred to within paragraph 4.1.7 of NPS EN1 which provides that requirements should only be imposed in relation to development consent that are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects. EN1 also states that the decision maker should take into account the guidance in Circular 11/95, as revised, on “The Use of Conditions in Planning Permissions” or any successor to it, which is now the Planning Practice Guidance (as referred to in the Applicant's Summary or Oral Submissions from Issue Specific Hearing 6 (document reference: ExA; ISH7; 10.D7.2)).

### 1.2.3 Local planning policy

6. Local planning policy relevant to North Norfolk is set out in Table 30.2 of ES Chapter 30 Tourism and Recreation, which is repeated below (adapted to only show those sections relevant to North Norfolk).

**Table 1.2 Relevant local planning policies (adapted)**

Document	Policy/guidance	Policy/guidance purpose	ES reference
North Norfolk Core Strategy (2008) to 2021	Para 2.7.19	The main tourism appeal in North Norfolk is based on the unique natural environmental assets and it is also important to protect these.	One of the objectives of the site selection process was to avoid valuable natural assets such as the North Norfolk Coast Area of AONB and the Broads National Park. In addition, all statutory and non-statutory designated sites have been avoided.
	Policy SS1	The North Norfolk countryside is a principal element in the rural character of North Norfolk and is enjoyed by residents and visitors. The quality and character of this area should be protected and where possible enhanced, whilst enabling those who earn a living from, and maintain and manage, the countryside to continue to do so. Therefore, while some development is restricted in the Countryside, particular other uses will be permitted in order to support the rural economy, meet local housing needs and provide for particular uses such as renewable energy and community uses.	Impacts to recreational use of the area are considered in section 30.8. Impacts to landscape are discussed in chapter 29 Landscape and Visual Assessment.

Document	Policy/guidance	Policy/guidance purpose	ES reference
	Policy SS2	In areas designated as Countryside development will be limited to that which requires a rural location and is for renewable energy projects.	Impacts to recreational use of the area are considered in section 30.8. Impacts to landscape are discussed in Chapter 29 Landscape and Visual Impact Assessment.
	Policy SS4	Renewable energy proposals will be supported where impacts on amenity, wildlife and landscape are acceptable.	Impacts on recreational use of the area are considered in section 30.8. Impacts on biodiversity are discussed in Chapter 22 Onshore Ecology. Impacts on landscape are discussed in Chapter 29 Landscape and Visual Impact Assessment.
	Policy SS4:	North Norfolk has a distinctive architectural heritage and attractive rural landscapes and the Council wishes to ensure that development proposals conserve and enhance these features wherever possible.	Impacts on tourism, leisure and recreation are discussed in section 30.8. Impacts on architectural heritage are discussed in Chapter 28 Onshore Archaeology and Cultural Heritage. Impacts on landscape are discussed in Chapter 29 Landscape and Visual Impact Assessment.

### 1.3 Tourism and recreation assessment

7. The methodology for assessing potential impacts on tourism and recreation receptors was discussed and agreed in 2017 as part of the evidence plan process. The methodology followed is set out in detail in sections 30.4 and 30.5 of ES Chapter 30.
8. Tourism and recreation receptors were a key consideration during site selection and design development. These decisions are captured as commitments embedded into the project design, including:
  - The location of the landfall and onshore cable route has been designed to avoid the high value tourism assets of the Norfolk Coast AONB and the Norfolk Broads National Park;
  - Coastal towns and villages have been avoided where possible;
  - A long horizontal directional drill (HDD) has been selected at the landfall to avoid the need for closures of the coastal path and the beach at Happisburgh;

- Onshore duct installation will be undertaken in a sectionalised manner with workfronts operating from mobilisation areas distributed along the cable route. Each workfront will work on a short length (approximately 150m) each week to excavate, install ducts, backfill and reinstate, i.e. areas can be reinstated within 1-2 weeks of the works starting; and
  - The beach car park at Happisburgh will not be used by the Project construction team.
9. The presence of temporary works are anticipated to represent a temporary disturbance of low magnitude to the tourism and recreation assets in the immediate vicinity of the landfall and inland due to traffic and visual disruption. The impacts are localised, short term and reversible. The sensitivity/value of the receptors are medium (regional importance) and the magnitude of effect is low (works are visible from the tourist attraction but there are no direct impacts.) representing an impact of **minor adverse** significance, i.e. not significant in EIA terms.
10. The landfall works represent the most significant part of the Norfolk Vanguard construction works in North Norfolk. The drilling duration for the installation of ducts at the landfall under the worst case assumption is 20 weeks. This assumption does not include 24 hour working which would reduce the total duration to 14 weeks. With appropriate mitigation measures in place (noise absorption barrier) potential noise impacts associated with 24 hour working are reduced to **negligible** at the nearest noise sensitive receptors. These measures are captured within the Outline Code of Construction Practice and secured through Requirement 20(2)(e) which requires a construction noise management plan to be produced for each stage of the works and approved by the relevant planning authority prior to works commencing.

#### 1.4 Perceived impacts upon tourism

11. Within their Deadline 7 submission North Norfolk District Council (NNDC) acknowledge that *“the environmental impacts of the proposed scheme, including those resulting from the construction phase, have been evaluated and substantially evidenced by the Applicant”*. NNDC go on to state that *“what has not even been estimated, is the quantum of impact resulting from the perception of a scheme of this magnitude”*.

12. NNDC go on to provide evidence of “*the perception impact on tourism which NNDC has experienced in other comparable circumstances*”. The example provided is of coastal erosion on the North Norfolk coast, evidenced with the following statement “*marking the areas of coastal erosion on maps appeared to make those areas less desirable destinations*”. However, this perceived effect is not evidenced beyond this statement.
13. NNDC go on to propose that a new Requirement is included within the Development Consent Order (DCO) to address the potential for a perceived impact through the Applicant contributing to various organisations responsible for promoting tourism in North Norfolk with the express purpose of generating tourist footfall and spend.

### 1.5 Comparable activities

14. Whilst NNDC has identified the effect of coastal erosion on tourism perceptions, a more direct comparison would be other offshore wind farm developments which have been constructed within North Norfolk. A comparison of the Norfolk Vanguard proposal alongside Dudgeon Offshore Wind Farm (‘Dudgeon’) and Sheringham Shoal Offshore Wind Farm (‘Sheringham Shoal’) (all with landfalls in North Norfolk) is provided in Table 1.

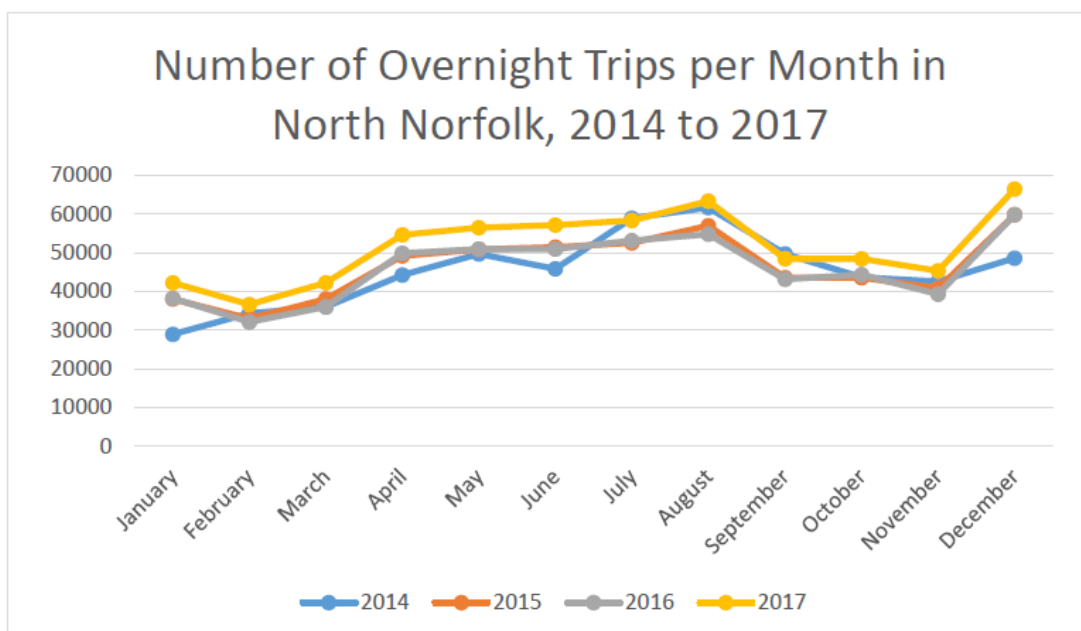
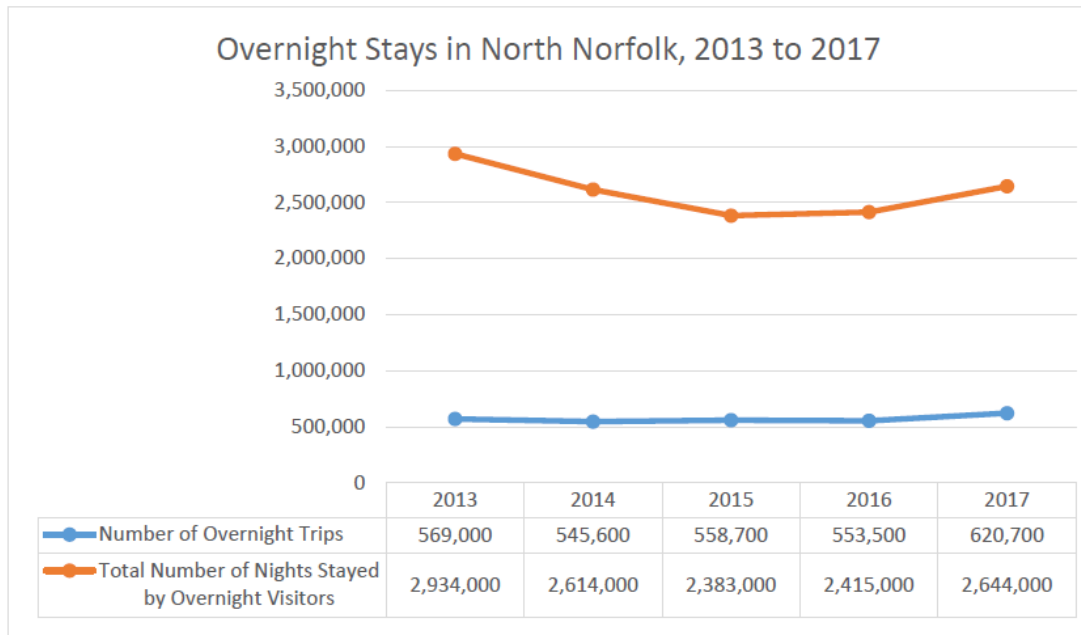
**Table 1 Comparison of Relevant Offshore Wind Farm Project within North Norfolk**

Parameter	Norfolk Vanguard	Dudgeon	Sheringham Shoal
Onshore construction period	2022/2023	2015/2016	2010/2011
Landfall location	Happisburgh	Weybourne	Weybourne
Landfall construction methodology	HDD from drilling compound minimum 150m inland to minimum -5.5m lowest astronomical tide (LAT) offshore	Horizontal Directional Drill from beach	Horizontal Directional Drill from beach
Landfall construction programme	14-20 weeks	12-16 weeks	2 non-consecutive weeks
Number ducts at landfall	2	Up to 4	2
Temporary restrictions for the public at the beach and coastal path	No	Yes	Yes
Proximity to designated landscapes	Approximately 6km from Norfolk Coast Area of Outstanding Beauty (AONB)	Located within Norfolk Coast AONB 1.5km from Norfolk Heritage Coast	Located within Norfolk Coast AONB 1.5km from Norfolk Heritage Coast
Cable length	60km (19km in North Norfolk)	48km (20km in North Norfolk)	17km (17km in North Norfolk)

Parameter	Norfolk Vanguard	Dudgeon	Sheringham Shoal
Cable corridor working width	45m	40m	20m
Number of cable trenches	2 Norfolk Vanguard 2 Norfolk Boreas (if consented)	Up to 4	1
Cable installation programme	24 months duct installation 24 months cable pull	24 months	4 months
Cable installation construction programme breakdown	Cable duct installation undertaken in 150m sections. Approximately 2 weeks per section from topsoil strip to reinstatement	Cable duct installation undertaken in sections. Approximately 6 months from topsoil strip to reinstatement per section	Cable duct installation undertaken as a single phase and reinstated after 4 months

15. Whilst Norfolk Vanguard represents a larger offshore development, the onshore works are comparable to Dudgeon in terms of the magnitude of the development and main construction periods, and the onshore cable routes (within North Norfolk) of all three projects are similar lengths. However, key differences are that both Dudgeon and Sheringham Shoal directly interacted with tourist receptors due to their presence within the Norfolk Coast AONB and their landfall HDDs requiring a drilling compound located on the beach. These beach drills required temporary beach restrictions to the public and an intrusive construction presence for tourists using the beach and coastal path. This is in contrast to Norfolk Vanguard which, as a result of community and stakeholder feedback, has committed to the use of a long HDD at landfall to avoid restrictions or closures to Happisburgh beach and the Norfolk Coast Path and to retain open access to the beach during construction, see Outline Code of Construction Practice (OCoCP) (document 8.1), secured under Requirement 20 of the DCO.
16. In addition, both Dudgeon and Sheringham Shoal's onshore construction required large stretches of excavated trench to be left open for up to six months as part of the cable installation methodology. In contrast Norfolk Vanguard has committed to an onshore duct installation that will be undertaken in a sectionalised manner. Each workfront will work on a short length (approximately 150m) each week to excavate, install ducts, backfill and reinstate. On this basis each 150m length would be reinstated within 1-2 weeks of initial topsoil removal.

17. Despite the potential impacts within North Norfolk from the construction works for Dudgeon and Sheringham Shoal, there is no evidence that these comparable projects led to any perceived impacts on tourism. NNDC’s evidence submitted at Deadline 6 indicates that during the period of the Dudgeon construction and beyond (2015 to 2017) tourism has in fact steadily grown. Excerpts from NNDC’s Deadline 6 submission are provided below.



Data source: Jarques, Sergi (2018) *Economic Impact of Tourism 2017 Results*, Destination Research (reproduced from NNDC submission at Deadline 6).

18. NNDC consider that the potential for the construction works to be perceived negatively, which may influence where tourists visit, should be mitigated. However, based on the directly comparable Dudgeon Offshore Wind Farm, there is no evidential link that the short-term construction presence for an offshore wind farm in North Norfolk, which has been designed with embedded mitigation to avoid tourist features (beach, coastal path, AONB, coastal villages etc) and minimise construction impacts would lead to an actual or perceived impact on tourism. In fact, the Applicant is not aware of any precedent for mitigation on tourism impacts as a result of temporary construction impacts from offshore wind farms.
19. The Applicant is aware that Hornsea Project Three has a landfall and onshore cable route within North Norfolk. The Hornsea Project Three proposal makes landfall at Weybourne (within the Norfolk Coast AONB) and has not committed to a long HDD, i.e. Hornsea Project Three has the flexibility to make landfall directly on the beach and can drill or trench from there, with associated access restrictions to the public at the beach and coastal path, and an increased construction presence at those tourist receptors. Hornsea Project Three allow up to 32 months for their landfall works (in comparison to 20 weeks for Norfolk Vanguard). Furthermore, Hornsea Project Three has retained the flexibility to deliver the project using high voltage alternating current (HVAC) technology. As a result the proposal includes a HVAC booster station – a permanent above ground structure within North Norfolk with an operational footprint of 30,000m<sup>2</sup> including buildings up to 12.5m tall. HVAC technology also requires more cable systems to be installed resulting in a wider cable corridor along the entire length of the onshore cable route 80m wide compared to 45m for Norfolk Vanguard.
20. Whilst the Applicant notes that NNDC similarly challenges the Hornsea Project Three reported tourism impacts and objects to their option to make landfall on the beach, the Examining Authority found no reason to recommend such a Requirement in its schedule of changes to the draft DCO for Hornsea Project Three.

## 1.6 Lawfulness of proposed tourism Requirement

21. The Applicant considers that the Requirement as currently drafted does not meet the tests of the NPPF, or the PPG (or therefore EN1) as set out above. In particular:
  - a. *Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition... Planning obligations must only be sought where they meet all of the following tests: necessary to make the development acceptable in planning terms*
22. It is clear from the above analysis that there are no tourism impacts, whether perceived or actual, for which mitigation is required to make the development acceptable in planning terms. Embedded mitigation has been designed into the project to avoid significant effects on tourism receptors.
  - a. *directly related to the development*
23. The mitigation proposed cannot be said to be directly related to the Project. NNDC has presented no evidence that the construction of offshore wind farms gives rise to perceived tourism impacts. In fact, the Applicant's evidence shows that during and following the onshore construction periods for the last two offshore wind farms with landfalls in North Norfolk, tourism has steadily increased.
  - a. *fairly and reasonably related in scale and kind to the development*
24. The draft Requirement requires the undertaker to make a financial contribution to be apportioned between Tourism Information Centres, Visit North Norfolk, Visit Norfolk and any other relevant organisations supporting and promoting tourism in North Norfolk. However, there is no mechanism, either set in policy or agreed between the Applicant and NNDC which allows the quantum of such a contribution to be calculated (or apportioned between organisations). Without this it cannot be said that such a contribution is fairly and reasonably related in scale and kind as it is not known what level of contribution will be sought by NNDC.
25. If NNDC had concerns as to perceived tourism impacts from development, then it might have been expected that a Supplementary Planning Document which set out these concerns and, perhaps even more importantly, which sets out an open and transparent evidence-based mechanism for calculating (and apportioning) such contributions would have been adopted. This is clearly not the case. In any event, as set out above, the Applicant does not consider that any financial contribution is warranted in this case or therefore that any contribution would be fairly and reasonably related in scale and kind.



26. The Applicant is therefore firmly of the view that it would be wholly unreasonable to require mitigation for perceived tourism impacts which have no evidence base, and by way of an unquantified financial payment with no agreed or adopted mechanism for its calculation post consent.

### 1.7 Opportunities outside of the DCO process

27. The Applicant has discussed how, separate to and outside of the DCO process, NNDC may wish to engage in the Applicant's community benefit proposals to support local initiatives related to tourism and has held constructive meetings with NNDC related to this.
28. Possible areas of work which have already been discussed by the Applicant and a relevant officer of NNDC include:
- Collaborating on narrating the story of the dynamic history of the Norfolk coast, for example as part of NNDC's Deep History Coast Project;
  - A potential advertising campaign which aligns NNDC's progressive attitude toward climate crises and human adaptation / mitigation with the Applicant's own journey towards enabling fossil free living within one generation;
  - In kind support of climate adaptation plans relating to the primary tourism facility, managed by Happisburgh Parish Council – the beach car park.
29. In addition there have been preliminary discussions, which the Applicant would like to follow-up and expand upon, at an appropriate time post-consent relating to ensuring that workers involved in construction activities for Norfolk Vanguard can be appropriately accommodated by local hospitality businesses, and procure other services, such as for example catering, from local companies interested in becoming part of the local supply chain, representing a potential benefit to local businesses
30. However, the Applicant is not progressing these on the basis of any perceived tourism impacts, but as part of wider ongoing community benefit opportunities that sit outside of the DCO process.

## 1.8 Conclusion

31. Potential tourism impacts associated with the construction and operation of Norfolk Vanguard were considered in full within Environmental Statement (ES) Chapter 30 Tourism and Recreation submitted in June 2018 (DCO document 6.1.30).
32. Embedded mitigation measures have been committed to by Norfolk Vanguard to minimise potential impacts to tourism receptors, including: avoiding the Norfolk Coast AONB and the Norfolk Broads National Park; avoiding coastal towns and villages where possible; use of long HDD at the landfall; onshore duct installation undertaken in a sectionalised manner; and a commitment that the beach car park at Happisburgh will not be used by the Project construction team.
33. Residual impacts to tourism receptors were assessed as no greater than **minor adverse** significance, i.e. not significant in EIA terms, with impacts considered temporary in nature and fully reversible.
34. NNDC consider that there is the potential for the construction works to be perceived negatively which should be mitigated. However, based on other comparable offshore wind farm developments in North Norfolk (Dudgeon Offshore Wind Farm and Sheringham Shoal Offshore Wind Farm) there is no evidential link that the short-term construction presence for an offshore wind farm in North Norfolk would lead to an actual or perceived impact on tourism. In fact, the Applicant is not aware of any precedent for mitigation on tourism impacts as a result of temporary construction impacts from offshore wind farms.
35. Further to this Hornsea Project Three proposes to construct and operate an offshore wind farm that will require a landfall and onshore cable route within North Norfolk. In contrast to Norfolk Vanguard, the Hornsea Three proposal includes a landfall within the Norfolk Coast AONB; the potential for HDD works to take place on the beach with closures to the beach and coastal path; the inclusion of a permanent above ground booster station in North Norfolk covering 30,000m<sup>2</sup>, and an 80m wide cable corridor. However, the Examining Authority found no reason to recommend a Requirement for Hornsea Project Three to mitigate for perceived impacts to tourism.

36. The NPPF 2019 outlines that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. This is reflected within paragraph 4.1.7 of EN1, which also states that the decision maker should take into account the Planning Practice Guidance which replaced Circular 11/95 ("The Use of Conditions in Planning Permissions"). Based on the findings of the tourism impact assessment and the evidence of comparable projects in North Norfolk which show there is no perceived tourism impact which arises from the construction of offshore wind farms, the Applicant is firmly of the view that the suggested tourism Requirement does not meet these tests and that is not necessary and not relevant to the development. Further, it would be wholly unreasonable and lack precision to require mitigation by way of an unquantified financial payment with no agreed or adopted mechanism for its calculation post consent.