



**NORTH  
NORFOLK  
DISTRICT  
COUNCIL**

# Norfolk Boreas Offshore Wind Farm

## **REPRESENTATIONS FOLLOWING ISSUE SPECIFIC HEARING ON 21 JANUARY 2020**

**NORTH NORFOLK DISTRICT COUNCIL**  
(INTERESTED PARTY REF: 20022969)

DEADLINE 4 – 30 JANUARY 2020

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## 1. Introduction

- 1.1. These are North Norfolk District Council's written submissions following Issue Specific Hearing 3 on onshore effects including the draft Development Consent Order ("dDCO"). They do not cover in writing all the matters on which oral submissions were made, but expand or elucidate where required, in light of the Action Points published by the Examining Authority after the hearings. They also address the matters on the Hearing Agenda which the Examining Authority decided should be dealt with in writing.
- 1.2. These submissions therefore address the following matters wholly in writing:
  - Link 69 – North Walsham, Little London Road;
  - Updating of the Outline Traffic Management Plan;
  - Cable Duct Installation;
  - The terminology of the OLEMS; and
  - Tourism Impacts.
- 1.3. The following matters were addressed at the hearing and are briefly expanded upon below:
  - The trenchless crossing at Colby;
  - Construction hours;
  - Landfall at Happisburgh;
  - Discharge of post consent approvals.
- 1.4. For ease, all these matters will be addressed in the order of the Hearing Agenda.

## **2. Traffic and Transport**

### **North Walsham, Little London Road**

- 2.1. The Examining Authority held over for written questions the query about Link 69 (North Walsham, Little London Road from the B1145 Lyngate Road junction to an access point approximately 210m east) and asked about the effects of street closures 8a-8b, 8c-8d, 8e-8f and 8g-8h on residents and local traffic movements NNDC raised in relation to Link 69.
- 2.2. There is a high risk of adverse impacts on dwellings close to the highway and users of the area due to the large number of vehicle and HGV movements predicted as part of the construction process. A detailed mitigation plan is required at the earliest stage to address the potential impacts of noise/vibration, dust, lighting and other pollution impacts at this site. Mitigation measures should utilise the Best Practical Means available and refer also to the guidance within British Standard 5228 (2009 and 2014) Code of Practice for noise and vibration control on construction and open sites, as appropriate.
- 2.3. Mitigation measures could include measures such as reduced hours for traffic movements, pilot vehicles, selection of the quietest vehicles, low noise reversing warnings, equipment and methods, improved and/or alternative access routes and provisions of barriers.
- 2.4. As mentioned in the above British Standard, consideration should be given to further measures such as noise insulation or temporary rehousing, where best practical means of mitigation have been applied but noise levels are still such that widespread community disturbance or interference with activities is likely to occur.

## **Communications Plan**

- 2.5. REP2-021, Table 14 proposes a Communications Plan. NNDC notes that it is substantially similar to that in the Norfolk Vanguard COCP.
- 2.6. It is important that the Communications Plan include both a Complaints System and a Community Liaison Committee. The appointment of a Community Liaison Officer would also form part of the Communication Plan, secured by the Requirement. One of the reasons that NNDC considered these matters to be important, and would be open to greater detail being provided by the Appellant, is that the Communications Plan will be an aspect of addressing the impact of construction activities on tourism and recreation, as well as residential and local amenity.
- 2.7. NNDC notes that, while the Community Liaison Committee and Officer, and the Complaints System, could flag socio-economic impacts and other impacts on tourism, there is presently no mechanism for mitigating or addressing these impacts. This is one of the reasons that NNDC considers there is a need for a tourism requirement [see §§14.20-14.23 of REP 2-087 NNDC's Local Impact Report ("**LIR**")]. Were such a requirement to be included in the DCO, then complaints or issues raised through the mechanisms set up by the Communications Plan could be addressed under the Tourism Mitigation Strategy, by being brought to the attention of the strategy administrator, who would then be able to take the relevant steps. This is addressed further below.

## **Trenchless Crossing at Colby**

- 2.8. NNDC welcomes the Applicant's oral submissions that:
- there will be a strong case for trenchless crossing where there are particular features, "such as a line of mature trees", which can be taken in a leap with a trenchless crossing; and
  - the decision to require trenchless crossing should not be driven by the monetary cost of such crossing, but on the basis of balancing the environmental costs and benefits.

- 2.9. NNDC's position remains that the environmental and landscape impact of removing the trees at Colby (see the photos at Appendix F of NNDC's LIR REP 2-087) would have a significant effect. The Applicant's position is that its commitment to replacing 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. NNDC disputes this, given the landscape role played by the row of trees in their current location.
- 2.10. It is understood that the Applicant will provide amended plans and an assessment of the potential trenchless crossing, and NNDC will comment further at that point.

### **Outline Traffic Management Plan**

- 2.11. The Examining Authority held over for written questions whether the Outline Traffic Management Plan should be further updated given the discussions at the hearing in relation to the traffic and transport matters. NNDC's view is that it should be further updated. In particular, updates regarding the inclusion of additional mitigation measures at the Little London Road are under discussion and may result in updates to the OTMP.
- 2.12. In addition, updates would be required on additional traffic management and mitigation for works within the more sensitive non-standard construction hours, including unexpected and extended duration working in specific locations. Such extended works may be the result of alternative construction strategies, for example, for landscape and ecology reasons. The need for non -standard construction hours for continuous processes should be agreed and justified in advance, where possible (for example, during specific concrete pouring or cable pulling processes).

### **3. Construction Effects**

#### **Construction hours**

- 3.1. At the hearing the Examining Authority heard from Carol Bye, NNDC's Senior Environmental Protection Officer. She provided a list of locations that are considered sensitive receptors when determining construction hours, a number of which are related to tourism: footpaths and other walking routes; cycling routes including rural roads; bird watching areas; areas used for recreation/amenity; dog walking routes; holiday lets; shops and cafés; visitor attractions and public amenity space/play areas. Both temporary and permanent residential dwellings and gardens, as well as workplaces, schools and public buildings will also be sensitive receptor locations.
- 3.2. NNDC welcomes that the Applicant confirmed at the hearing that it agreed that these were sensitive receptors.
- 3.3. As indicated by the Examining Authority in its action points, this understanding of Noise Sensitive Receptors can be captured in the dDCO, including in the interpretation section. NNDC has provided the definition to the Applicant for it to be included in the OCoCP. NNDC will consider further whether amendments can be made to the dDCO to reflect the definition. NNDC will also work further with the Applicant to agree the process for and locations of assessment of site-specific noise sensitive receptors. It is suggested that the identification of noise sensitive receptors and the mitigation measures are progressed, and agreed where possible, at this early stage. This work would be advantageous both in terms of protecting amenity and for project planning.
- 3.4. North Norfolk District Council and the Applicant are working together to agree a process and locations of noise sensitive receptors during construction and will provide a joint position statement on this for Deadline 5.

- 3.5. NNDC notes the Appellant's responses to the Examining Authority's questions about how details of enhanced mitigation would be specified in advance. The Applicant clarified that, where out of hours works are required, separate documents will be produced which will notify the need for the works and will outline the specific details for the works, including the sensitive receptors, and identify mitigation. It appears from this that the sensitive tourism-related receptors were not specifically identified in relation to each of the works when the Appellant undertook the ES (in particular, when tourism impacts were assessed). This may be another reason why tourism-related impacts were underestimated.

### **Cable Duct Installation**

- 3.6. Exclusions in the Outline Landscape and Ecological Management Scheme may result in changes to the duct installation strategy, where alternative methods are required to protect landscape or ecology. Changes in methodology, works location and importantly duration of works, will require updated and enhanced noise and pollution mitigation. In particular, extended duration works in non-standard construction hours may result in adverse impacts on receptors. It is suggested that the identification of noise sensitive receptors and the mitigation measures are progressed, and agreed where possible, at this early stage. This work would be advantageous both in terms of protecting amenity and for project planning.

### **Landfall at Happisburgh**

- 3.7. The Examination considered whether Horizontal Direct Drilling (HDD) entry provides adequate protection for the drilled cable or transition pits from natural coastal erosion (predicted to be between 50m to 110m by 2065). The Examining Authority heard from Rob Goodliffe, NNDC's Coastal Manager. NNDC's position is neutral on the choice of technique for landfall, so long as it is a drilling-style technique rather than open trench. The technique needs to be



appropriate and, following ground investigations, there needs to be a process for determining the most appropriate technique.

- 3.8. Requirement 17, concerning the Landfall Method Statement, requires NNDC to approve the statement in writing, in consultation with the relevant statutory nature conservation body. It will also require reporting to NNDC of results for ongoing inspection during the operation of the authorised project. This provides an adequate level of protection. While the requirement mandates that the method statement include measures for long horizontal directional drilling, other techniques are not excluded and NNDC would not be prevented from approving a method statement that chose to use Direct Pipe or Micro Tunnelling.

## **4. Landscape and Visual Effects**

### **Trees and hedgerows, OLEMS**

- 4.1. The Applicant has asserted that the trees to be taken out would be just “hedge trees” and “smaller trees” without an impact from an LVIA perspective (citing the LVIA pages 66-67). NNDC disagrees and has set out across paragraphs 13.15 to 13.17 of its LIR [REP2-087] its understanding of the worst case scenario in which the Applicant identified 36 trees to be lost in North Norfolk, the removal of which it considers would have a negative landscape impact. This is in addition to one hedgerow which has significant susceptibility from a landscape character perspective that will be impacted, with the loss of 3-4 trees. This reaffirms the need to ensure trenchless crossing techniques are used where loss of trees would result in significant effects to the landscape.

## **5. Tourism Impacts**

- 5.1. The Examining Authority held over for written questions an update on discussions regarding the impact of the cable corridor construction on local tourism and businesses.
- 5.2. NNDC's LIR [REP2-087] provided significant detail and evidence in relation to tourism impacts, starting from paragraph 14.21, including suggested wording for a DCO Requirement relating to tourism and associated businesses.
- 5.3. The Applicant has responded to the LIR in REP3-011 across pages 20-22. Essentially, the Applicant's response reiterated the ES without engaging with the flaws that NNDC has identified in the ES. Further to the flaws NNDC identified in the LIR, it also emerged during the hearing that the Applicant accepted the sensitive tourism receptors listed by NNDC but that they may not all have been assessed as part of the ES (instead being left for assessment when particular out-of-hours works are proposed).
- 5.4. Given the nature of assessment in the ES, it is NNDC's view that it is now very difficult for the Applicant to assert that there would be no impact on tourism or that any impact would be so minor that mitigation would not be needed, even where there is cumulative impact from more than one proposal going ahead.
- 5.5. Also as mentioned above, the Applicant recognises within Outline COCP that the Communication Plan will include a Complaints System, a Community Liaison Committee and the appointment of a Community Liaison Officer, and that part of the reason for this is to address potential tourism, recreation and socio-economic impacts. Without the tourism requirement proposed by NNDC, there would not be any mechanism for mitigating or addressing any impacts identified by this route.
- 5.6. Where a potential risk such as a negative impact on tourism is being considered, it is a risk that, if it materialises, would have a potentially significant impact. This

shows that a requirement is necessary. If business owners in NNDC suffer as a result of the Actual Tourism Impact of Negative Perceptions associated with the individual and cumulative impact of windfarm cable route works, it would be neither fair or reasonable that those businesses should be affected as a result of the turbine project without some form of mitigation strategy being in place.

## **6. Discharge of Post Consent Approvals**

- 6.1. The Examining Authority heard from Geoff Lyon, NNDC's Major Projects Manager, who explained that NNDC would not have specific resources allocated for the task of discharging post consent approvals as it was some way off from needing to do so. NNDC is fortunate that it has internal expertise, such as its own landscape officers and ecologists, as well as coastal engineers and environmental protection officers, to assist with the process. But this would have to be on top of officers' existing workloads which includes maintaining a five-year housing supply and dealing with other major application activities. The burden on Local Authority resources would be considerable.
- 6.2. The key element necessary to assist with post consent approvals is for the timeframe within which they would be submitted to be known and set well in advance so that NNDC can gear up to have resources in place. There are opportunities for Planning Performance Agreements to help fund a dedicated resource of local authority officer time to process the discharge of Requirements, but these agreements take a lot of work to put together which would not be practicable to undertake at this stage in the process.
- 6.3. If the Examining Authority were concerned about the strain on the discharging authorities' resources then the Applicant and the relevant authorities could enter into an agreement at this stage that Planning Performance Agreements would be put in place to cover the reasonable costs of those LPAs and relevant consultees involved in the discharge of DCO Requirements. The Examining Authority could include this commitment in its report and take it into account as

a material consideration. This would give a level of comfort to the Local Authorities especially when planning future workloads and necessary staff resources and would likely enable expeditious processing of Requirement discharge.

**30 JANUARY 2020**