



**NORTH
NORFOLK
DISTRICT
COUNCIL**

Norfolk Boreas Offshore Wind Farm

EXQ2: NNDC RESPONSE TO QUESTIONS ISSUED ON 12 FEBRUARY 2020

NORTH NORFOLK DISTRICT COUNCIL
(INTERESTED PARTY REF: 20022969)

25 FEB 2020

ExQ2 Question No.	Question to	Question	North Norfolk District Council Response
5. Development Consent Order and Deemed Marine Licences			
5.0 General			
Q2.5.0.2	Norfolk County Council Breckland Council Broadland District Council North Norfolk District Council Natural England Marine Management Organisation	<p>Outstanding matters on the dDCO:</p> <p>The Applicant has provided responses to matters raised by the relevant planning authorities and other post-consent approval bodies at Deadlines 2, 3 and 4.</p> <p>Aside from the matters questioned below, set out any outstanding concerns with the dDCO submitted at Deadline 4 [REP4-004].</p>	<p>Any issues other than those below?</p> <p>Without prejudice, based on DCO (Version 4 – Jan 2020) and a review of Schedule 1 Part 3 (Requirements) relating to onshore matters, NNDC considers the following outstanding matters need to be addressed:</p> <p>Detailed design parameters onshore Requirement 16 (13) should be amended to include passing under Colby Road, Banningham via trenchless installation techniques.</p> <p>Provision of landscaping Requirement 19 (2) should be amended to reflect the different replacement planting periods for North Norfolk and other LPA areas away from the coast. This could be achieved via amending 19 (2) and adding a new 19 (3) as suggested below:</p>

		<p>19 (2) Any tree, hedge or shrub planted within the District of North Norfolk as part of an approved landscaping management scheme that, within a period of five ten years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased must be replaced in the first available planting season with a specimen of the same species and size as that originally planted unless a different species is otherwise first agreed in writing with the relevant planning authority.</p> <p>19 (3) Any tree, hedge or shrub planted outside the District of North Norfolk as part of an approved landscaping management scheme that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased must be replaced in the first available planting season with a specimen of the same species and size as that originally planted unless a different species is otherwise first agreed in writing with the relevant planning authority.</p> <p>Tourism and Associated Businesses NNDC still maintains that an additional requirement securing a tourism and associated business impact mitigation strategy is justified and necessary as set out in the Council’s Local Impact Report [REP2-087]. Specific suggested wording for the additional requirement is enclosed within that document at §14.21.</p>
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ExQ2 Question No.	Question to	Question	North Norfolk District Council Response
Q2.5.0.3	Breckland Council North Norfolk District Council	<p>Discharging requirements and conditions: Provide a response to Q5.0.4 [PD-008] or indicate where in the documentation this has previously been provided.</p>	<p>NNDC did not previously respond to this question because the premise of the question related to any suggested corrections or amendments.</p> <p>The ExA should be aware that, during the Norfolk Vanguard examination (Deadline 3), NNDC played a key role in suggesting amendments to the drafting of the applicant's proposed Procedure for discharge of Requirements set out within Schedule 15 of the Norfolk Vanguard DCO [REP3-055]. The applicant and NNDC subsequently worked together to finalise an acceptable scheme.</p> <p>The underpinnings of the scheme agreed between the applicant and NNDC for Norfolk Vanguard is, in effect, mirrored within Schedule 16 of the Norfolk Boreas DCO. NNDC have no further corrections or amendments to suggest at this time in relation to Schedule 16.</p>
5.1 Articles			
Q2.5.1.1	The Applicant Natural England MMO Norfolk County Council Breckland Council Broadland District Council North Norfolk District Council	<p>Article 2: Interpretation: Environmental Statement: The Applicant has stated that the "ES is a record of what is assessed, not what is permitted and therefore does not require any updates." [REP4-009, No.1].</p> <p>1. Are consenting authorities content with this position?</p>	<p>1. In the context of this DCO, NNDC is of the opinion that the Environmental Statement represents a snapshot in time based on the assessments that were carried out by the applicant on the basis of the worst-case scenario or the maximum extents of the Rochdale Envelope for this project. The decision to accept or challenge the conclusions within the ES ultimately rest with the decision maker, that being the Secretary of State guided by the advice of the ExA. Whilst NNDC have raised</p>

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		<p>2. The Applicant is invited to consider an extension to the definition of the ES in Article 2 to clarify the fixed point in time nature of the ES assessment.</p> <p>3. Consenting authorities to comment if they think this clarification is necessary.</p>	<p>some questions about the extent of survey work undertaken, where information has been absent, NNDC understand that the applicants have assumed the worst-case scenario. The only time where an update to the ES would be necessary is where the extent of the project shifts beyond the scope set out in the original ES which might occur through changes to the ‘red line’ of the DCO extent or where other elements of the project substantially change to take them outside of the current Rochdale Envelope of this project.</p> <p>2. For Applicant</p> <p>3. What purpose would there be in referring to the fixed point in time nature of the ES assessment. This is the same for all ES. This only becomes an issue if the passage of time (or variations to the project) between completion of the ES and the final DCO decision is such that the underpinning evidence can no longer be relied upon. In any event, many concerns about data capture will surely be captured within the Requirements, especially those requiring further survey work before work commences.</p> <p>We have to accept that large projects like this always carry an element of risk in respect of the age/quality/relevance of underpinning evidence supporting the ES.</p>

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Q2.5.1.5	The Applicant Norfolk County Council Breckland Council Broadland District Council North Norfolk District Council	<p>Article 2: Interpretation: Onshore ‘phase’ and ‘stage’:</p> <ol style="list-style-type: none"> 1. The ExA considers that the explanation given for onshore phase by the Applicant [REP4-019] adds to clarity. Would it be helpful for a brief description to be provided in a secured document, but not the DCO itself – eg the OCoCP? 2. The explanation of onshore stage seems less clear cut, as it appears an onshore stage could be geographical or temporal. For this reason, do parties consider there would be any benefit in setting this out in a definition, such as that in the Richborough Connection Project made Development Consent Order under the interpretation for Requirements? This would read as “‘stage’ means a defined stage of the authorised development, the extent of which is shown in a scheme submitted to and approved by the relevant planning authority pursuant to Requirement 15” 3. The ExA considers that the DAS would be relevant to all three 	<ol style="list-style-type: none"> 1. NNDC considers REP4-019 is helpful and aids clarity regarding both ‘stage’ and ‘phase’. NNDC agrees with the ExA proposal to secure a brief description within the OCoCP. 2. Could the ExA please be clearer when referring to other DCO decisions and specify page numbers so as to avoid wasted time? It is assumed that the ExA is actually referring to Schedule 3 ‘interpretations’ on page 43 within the Richborough Connection Project made Development Consent Order and not that under Article 2 ‘interpretation’ on page 7. <p>It is assumed that the proposed wording defining stage for Boreas would go in to the interpretations section across pages 5-11 of the Boreas draft DCO (Version 4)? If so, NNDC would have no objection to its inclusion but question whether this additional definition really adds anything to clarify what a stage is any more that was is required under Requirement 15?</p> <p>In many ways, what would be more helpful for the relevant planning authorities is for Requirement 15 setting out Phases and Stages to happen as early as possible (once contractors are appointed for the project) and for there to be a project timetable submitted which considers when Requirement discharges are expected to be submitted and when works are envisaged to take place for each phase/stage. This will allow relevant planning authorities to ‘gear-up’ for</p>

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		<p>districts [REP4-019, Table 4] for example for link boxes. The ExA agrees that “it is likely that this would need to be refined further based on the work elements and dependent on contractor appointment and approach”. [REP4-019, para 14]. It is this point, that the ExA raised previously, and considers a process to allow greater flexibility in terms of sequential submissions for post-consent approvals for stages defined under R15 might be helpful.</p> <p>4. Are the post-consent discharging local authorities content with the way in which all matters pertaining to one stage (potentially district-wide except for substation and landfall) and all requirements (Schedule 16 1.(1)) would be submitted and need approval within the specified 8 week time period prior to works being able to be commenced?</p> <p>5. Do parties consider that further clarification under R15, that enabled the contractor to submit proposals for partial approvals of stages be helpful?</p>	<p>expected requirement discharge processes, brief politicians at a local level and help deliver better outcomes.</p> <p>It is suggested that Requirement 15 be amended after paragraph (4) to read:</p> <p>(5) The written scheme required under paragraph (4) shall also include a timetable for the expected submission of information to discharge relevant Requirements associated with each stages of the onshore transmission works together with an indication as to when each stage is expected to commence and complete.</p> <p>(6) The written scheme must be implemented as notified under paragraphs (4) and (5).</p> <p>3. Not sure what question the ExA is asking?</p> <p>4. Not a problem subject to suggested changes to Requirement 15 set out above to secure an expected timetable.</p>

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			5. Yes, see answers to 4) and 2). However, NNDC are keen to avoid ‘bitty’ and ‘disjointed’ submissions which add to cost/time of discharge of Requirements. Applicant needs to clarify how they think they will award contracts and how this will likely impact on the Requirements discharging process.
Q2.5.1.9	The Applicant Norfolk County Council Breckland Council Broadland District Council North Norfolk District Council Marine Management Organisation Natural England	<p>Article 37: Certification of Plans: The ExA notes the Applicant’s response in its Written Summary of Oral Case submitted at the DCO ISH [REP1-041] to its point regarding the need for ensuring the final DCO relates to updated documents. The Guide [REP3-002] as mentioned, captures version updates on a deadline by deadline basis, which includes many documents which would not be certified. The ExA considers there is a need to capture the versions of the documents and plans to be certified, in a document which is itself certified, so that future users (such as post consenting discharging authorities) can readily ensure that they are using the right version of a document.</p> <p>[REP1-041] also states that the Applicant will submit an update to</p>	<p>1-3 – Applicant to respond.</p> <p>4. NNDC agree that it is important for all parties to readily and easily be able to access all relevant plans and documents, especially at Requirement discharge stage. NNDC welcomes the approach to document management used by PINS for NSIP projects with an Examination Library. NNDC would envisage a similar approach being used to bring together all the final versions of documents that form the basis of the final DCO decision and which could include the Note on Requirements and Conditions in the Development Consent Order. This would at least allow a good and consistent starting place at the point of DCO consent. However, Requirements discharge will fall to each separate relevant authority to manage within their existing systems and procedures and experience suggests that this is where divergence to procedures and practice is likely.</p> <p>Perhaps the Applicant can explain how they intend to refer to existing and still relevant documents when discharging Requirements and</p>

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		<p>the Note on Requirements and Conditions in the Development Consent Order [APP-022] at the end of the Examination to capture the latest (and final draft) version of each relevant plan or document. Including this as the overall reference could also benefit from the diagrammatic representations of the relationships between plans.</p> <ol style="list-style-type: none"> 1. Clarity is requested about the level of detail the Applicant is considering in its updating of [APP-022]. The ExA considers that all documents or plans would need their versions citing. 2. The Applicant to set out how it proposes to ensure that all documents which were updated could be captured in its updating process and to comment on the desirability of this document [APP-022] being certified. 3. Following on from the Applicant's position regarding the fixed point in time assessment provided by the ES and its position that the "relevant parameters consented are set out in the DCO/DML itself, and that is what should be relied upon post consent" [REP4-009, 	<p>include sets of up to date lists of documents they are relying on for each stage of the projects so that all parties know the basis for works being undertaken. This requires robust document management by all parties. Could this be secured under further amendments to Requirement 15 in terms of holding an up to date document library relevant to each stage of the onshore transmission works.</p>

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		<p>No.1], the ExA considers that the Schedule of Mitigation, which provides the link between the ES and the DCO/DML should be certified. The Applicant is invited to comment.</p> <p>4. Views are requested from discharging authorities on the points above.</p>	
5.3 SCHEDULE 1 PART 3: Requirements			
Q2.5.3.6	The Applicant North Norfolk District Council	<p>Requirement 19: Implementation and maintenance of landscaping: The Applicant has committed to a ten-year aftercare period for trees replaced within the North Norfolk District Council (NNDC) area, set out in the SoCG [REP2-052] and the response to NNDC’s LIR [REP3-011, section 13]. The Applicant therefore to amend the dDCO Requirement 19(2), the introduction to the OLEMS [REP1-021] (and any other relevant documents) for the avoidance of doubt, to reflect the ten year after-care period for trees in the NNDC area. This is referred to the Secretary of State’s request for comment in the Norfolk Vanguard letter as set out in paragraph 18 [REP3-012].</p>	<p>1. The position of NNDC throughout the examination of both Norfolk Vanguard and Norfolk Boreas in relation to the aftercare period has always been that this should be a 10-year period for <u>all</u> planting types within North Norfolk. This is based on evidence presented to the ExA for both NSIP schemes (as set out at REP2-087 – Section 13 and Appendix B, C & D)</p> <p>Whilst the commitment from Vattenfall for ten-year aftercare periods for trees in North Norfolk is welcomed, at no time has NNDC sought to split out the replacement planting/aftercare periods for trees as opposed to hedges and shrubs. NNDC will continue to request a 10-year aftercare period for all tree, hedge and shrub planting within North Norfolk, which is supported by the evidence submitted by NNDC. This position will be reiterated to the Secretary of State in relation to Norfolk Vanguard.</p>

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		<ol style="list-style-type: none"> 1. The Applicant and NNDC to set out their positions regarding the difference in aftercare period for trees (ten years) and other plant material such as shrubs (assumed to be five years). 2. What is the proposed aftercare period for tree species planted small as hedge replacement material? 3. Are the soil conditions which justify the extended aftercare period for trees different for shrubs? 	<ol style="list-style-type: none"> 2. NNDC remain of the opinion that a 10 year aftercare period for all planting types in North Norfolk should be required under Requirement 19(2) 3. No. Whilst the evidence presented by NNDC related to trees; other shrubs and hedge plants within North Norfolk are also subject to the same challenging growing conditions and so should also be subject to a 10-year aftercare period so as to ensure <u>all</u> planting is able to properly establish.
Q2.5.3.4	The Applicant Norfolk County Council Breckland Council Broadland District Council North Norfolk District Council	<p>Requirement 29: Onshore decommissioning: Are local authorities satisfied with the decision period for this requirement being 8 weeks (as set out in Schedule 16) as for all other requirements?</p>	<ol style="list-style-type: none"> 1. NNDC is content with an 8-week determination period in relation to onshore decommissioning. Schedule 16 does afford some flexibility, for example, under 1(3)(c) to agree, in effect, an extension of time provided both parties are agreeable and act reasonably in agreeing to any such requests. <p>If an 8-week period is considered too short to discharge Requirement 29 then an alternative timescale could be considered but this would require additions/amendments to Schedule 16 to, in effect, mirror Article 39 paragraphs 1 and 2 but with the alternative timescale relevant to Requirement 29. NNDC considers this change unnecessary and, in all likelihood, may never be needed for this DCO if a re-powering proposal comes forward in the future.</p>

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5.7 SCHEDULE 16: PROCEDURE FOR DISCHARGE OF REQUIREMENTS			
Q2.5.7.1	The Applicant Norfolk County Council Breckland Council Broadland District Council North Norfolk District Council	<p>Discharge of requirements: During the Onshore ISH [EV6-005], the potential use of Planning Performance Agreements (PPA) was discussed. The Applicant asserted that a smooth discharge process is necessary for fast-moving projects such as this and therefore properly resourced approval mechanisms are in its best interests. The Applicant also cited discharge of requirements on a consistent basis across authorities is important and, in this regard a possible approach would be to appoint a co-ordinator.</p> <ol style="list-style-type: none"> 1. The ExA acknowledges the prematurity of a PPA being in place prior to consent, but in order to give any weight it would assist if the Applicant could set out the thinking in more detail than currently provided in the written summary of oral case [REP4-014]. 2. Local authorities are invited to set out how expertise of the kind necessary to assess post consent approval designs and details for discharging requirements could be accessed, secured and assured. 	<p>1. Whilst this question is for the Applicant to respond to, the ExA should be aware that on 21 Feb 2020, NNDC (together with Norfolk County Council and Breckland) were sent an email from Jake Laws on behalf of Vattenfall which, in effect, sought to set out the applicant’s position on discharging requirements and approach to PPAs. This put forward, amongst other things, the idea of a single coordinator role for discharging requirements across all LPA authorities. A copy of this email is attached at Appendix A. NNDC responded back to Vattenfall on the same day stating that:</p> <p>‘..at no stage has NNDC agreed ‘in principle’ to the approach to a PPA set out at point 1) in your email through a single coordinator role across all LPAs. Such a role is likely to be ultra-vires unless authority is delegated by the relevant planning authority to that co-ordinator. To date, such an approach has not been supported by NNDC and I see no reason why that position should or will change.’</p> <p>Subsequent discussion with the Council Leader at NNDC has confirmed that NNDC would be opposed to the idea of a single-coordinator role on the basis that ‘we need to have ability to act in our own best interests at all times’. A single-coordinator role idea is therefore strongly opposed.</p>

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			<p>2. NNDC set out its position with regard to Discharge of Post Consent Approval in Section 6 of its Deadline 4 submission [REP4-031].</p> <p>NNDC welcomes the suggestion of a Planning Performance Agreement but certainly not in the form of a single coordinator role set out in 1) above.</p> <p>The wider public interest, not to mention the interests of the applicant, are best served through having an effective and timely post consent requirement discharge process.</p>

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			<p>For this to happen, it will be important that all those with a need to participate in the discharge of requirements processed are effectively recompensed for their time and to ensure that adequate resources in place for parties to achieve the timescales set out in Schedule 16 – Procedure for Discharge of Requirements.</p> <p>Rather than a single PPA for all LPAs, NNDC would envisage a series of PPAs, one for each relevant planning authority which identifies those involved at that Authority in the discharge process (including internal expertise such as Environmental Protection, Landscape, Ecology and Coastal Officer). This PPA would also link back to the commitments to be made to meet the timescales set out in Schedule 16.</p> <p>For all Requirements where consultation is required, for example with the Highway Authority, Environment Agency, relevant statutory nature conservation body, Historic England, each of these bodies would also need their own PPAS to reflect those involved and with commitments to be made to meet the timescales set out in Schedule 16.</p> <p>NNDC would be happy to share its ideas further on how a series of PPAs could be developed and will seek to provide further information for Deadline 6.</p>

ExQ2 Question No.	Question to	Question	North Norfolk District Council Response
9. Landscape and Visual Effects			
9.3 Landscape effects			
Q2.9.3.1	The Applicant North Norfolk District Council	<p>Adverse construction stage landscape and visual effects at landfall and cable installation in North Norfolk area:</p> <p>1. Report on progress of the discussions to resolve differences set out in the SoCG with North Norfolk District Council (NNDC) regarding how construction stage landscape and visual impacts would be addressed [REP2-052, Table 10].</p> <p>2. Provide any additional wording for the dDCO or any other document which is under discussion.</p>	<p>1. The Landscape matters held as ‘under discussion’ in the SoCG [REP2-052 Table 10] primarily relate to two ongoing issues:</p> <p>a) Agreeing the appropriate aftercare period for all planting types in North Norfolk – NNDC evidenced the need for a ten-year period but the applicant only wishes to apply this to new trees; and</p> <p>b) Resolving the trenchless crossing issue at Colby – NNDC considers and agrees with the applicant’s LVIA conclusions that ‘loss of any trees here would have a significant effect’. During a recent teleconference with the applicant on 21 Feb 2020, NNDC proposed an alternative solution to enable trenchless crossing under Colby Road. In landscape terms this enables trees above the cable route to be saved and replacement trees planted where the new road way would be inserted. More detail on this alternative is set out in response to Q2.12.0.3 below and at Appendix B.</p>

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			<p>NNDC considers that, in light of limited progress, the topics in Table 10 ‘Approach to Mitigation’ and ‘Wording of Requirement(s) currently indicated as ‘Agreed’ should actually be moved back to the status of ‘under discussion’.</p> <p>2. In respect of further DCO amendments, NNDC has provided amended wording for Requirements 16 and 19 in response to Q2.5.0.2 above.</p>
9.5 Outline Landscape and Ecological Management Strategy (OLEMS)			
Q2.9.5.1	Norfolk County Council Breckland Council Broadland District Council North Norfolk District Council	<p>OLEMS: Local authorities dealing with post consent approvals to confirm whether they are content with the Applicant’s response to Q9.5.5 [REP2-021]. This includes retention of the current OLEMS terminology and lack of certainty, as this would be dealt with post consent, in more detail scale in the Landscape Management Scheme.</p>	<p>NNDC have reviewed the updated OLEMS [REP1-021] and note the wording set out on Page 6 para 20: ‘It is expected that the schemes of planting and aftercare for the onshore cable route would be delivered by contractors who can demonstrate appropriate experience and capacity to deliver effective and robust aftercare and provide a consistent quality of work across the whole project. Norfolk Boreas Limited would seek to work collaboratively with Breckland Council, North Norfolk District Council, Broadland District Council and Norfolk County Council to develop planting specifications for tendering for this work;...’</p>

ExQ2 Question No.	Question to	Question	North Norfolk District Council Response
			<p>NNDC has no immediate concerns about the words highlighted above in para 20.</p> <p>The alternative is for the paragraph to be more affirmative that ‘schemes of planting ...will be delivered by contractors who can demonstrate appropriate experience...’ and that ‘Norfolk Boreas Limited will work collaboratively..... ‘ but, at the end of the day it is the wording in Requirement 24 that bites and it is what is submitted in the final LEMS that is to be approved, not the outline document.</p> <p>Can relevant planning authorities or the Secretary of State actually prevent Vattenfall or any other wind development from employing contractors who can’t demonstrate appropriate experience and capacity to deliver effective and robust aftercare and provide a consistent quality of work across the whole project? How can we compel applicants to work collaboratively with relevant planning authorities? This comes down to issues of ethos and ethics of the applicant and contractors they employ and strays outside of planning merit in a DCO application and into areas that would need to be included in future contracts for difference funding requirements for offshore wind projects, something which NNDC would welcome further discussion in the future with the relevant Secretary of State.</p>

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Q2.9.5.3	The Applicant North Norfolk District Council	<p>OLEMS wording regarding replacement tree planting in North Norfolk:</p> <p>1. In the opinions of the Applicant and NNDC, does the wording in the updated OLEMS [REP1-021, para 142, bullet 5] overcome the matter not agreed in the SoCG with NNDC regarding replacement tree planting for hedgerow trees that are removed after micro-siting of the cable corridor has taken place?</p> <p>2. If not, what is being done to resolve this matter? NNDC to submit its proposed alternative wording if this remains as a point of difference.</p>	<p>1. NNDC welcomes the commitment from the applicant at OLEMS paragraph 142 bullet 5 that:</p> <p>‘Any trees removed along the cable route within North Norfolk will be replaced as close as practicable to the location where they were removed, but outside of the operational easement. This would be subject to landowner agreements’.</p> <p>The key issue is to understand the process that Norfolk Boreas Limited would go through to secure that landowner consent for replacement planting and what happens if, for whatever reason(s), this consent cannot be secured and there is a net loss of trees within hedgerows in North Norfolk as a result of the proposal. In this scenario, could additional tree planting be delivered/secured in a location or locations where landowner agreement has been secured? This is not necessarily ideal as replacement should be as close as possible to where removal occurs but this may help to avoid net loss in the worst case scenario.</p> <p>2. NNDC suggest a further bullet point be added to OLEMS paragraph 142 as follows:</p> <ul style="list-style-type: none"> • Where landowner agreement cannot be secured for replacement tree planting as close as practicable to the location where they were removed, Norfolk Boreas limited and/or its appointed

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			contractor will provide an alternative scheme or schemes for replacement tree planting ensuring no net loss of trees within hedgerows in North Norfolk, which are an important landscape characteristic in this area.
12. Onshore construction effects			
12.0 Cable corridor and ducting			
Q2.12.0.3	North Norfolk District Council	<p>Trenchless crossing at Church Lane, Colby:</p> <p>NNDC to consider its position regarding the pros and cons of a trenchless crossing at Church Lane, Colby in response to the Applicant's explanation [REP4-017].</p>	<p>NNDC has considered the applicant's Clarification Note submission in relation to trenchless crossing at Church Lane, Colby [REP4-017]. NNDC notes the position of the applicant as set out across paragraphs 32 to 44 of this document.</p> <p>In the context of considering this document, the ExA should be aware of the Important Hedgerows Plan prepared by the applicant [APP-018] where sheet 13 of 42 relates to the Colby Road area. This plan identifies six 'Important Hedgerows' affected by the project in this area alone.</p>

			<p>Whilst NNDC consider that the applicant is perhaps seeking to overplay the negative HGV and construction traffic impact consequences associated with trenchless crossing compared against open cut trenching, it is nonetheless recognised by NNDC that there would be greater construction associated impacts for trenchless crossing. However, these construction related impacts would occur over a relatively short-term duration compared against the operational lifespan of the project and do have to be carefully weighed against the positive benefits of trenchless crossing including avoiding removal of sections of six Important Hedgerows and roadside trees which are an intrinsic landscape feature of the rural character of Colby Road.</p> <p>In discussing this matter with the applicant, particularly with regard to alternative access points, NNDC has suggested consideration of an alternative vehicular access point to the north of the proposed cable corridor - see annotated plan of the proposal attached at Appendix B. This would be located at a point where there is an existing break in the tree line on the western side of Colby Road at the entrance to Hall Farm and Hall Farm Cottages. Existing access tracks could be partly used to form a new works access entrance with no loss of trees on this side of the road. On the eastern side of Colby Road, a new access could be created through the existing hedge. Whilst this may require removal of one or two semi-mature trees, the advantage of using this location is</p>
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			<p>that replacement trees (and hedging) could be planted where gaps are created because the access would fall outside of the permanent easement area. These two accesses could allow new running track to be laid which will enable access to the trenchless crossing under Colby Road and thus negating the need to remove sections of three Important Hedgerows No.77, 78 and 79..</p> <p>NNDC fully recognise that this alternative proposal carries additional considerations, namely those related to impacts to residents living nearby at Colby Hall Farm, Hall Farm, Hall Farm Cottages and Banningham Hall, amongst others who use the existing road network. These impacts have not been assessed by the applicant and fall outside the red line area of the DCO application.</p> <p>Ultimately it is a matter of planning judgment for the ExA. The applicant is reluctant to consider alternatives beyond what they have considered within the ES, but this is not in itself justification for the existing option they are pursuing. What is at stake here is avoiding disturbance of three out of six Important Hedgerows along this part of the route as well as the integrity of the tree lined road. The character of Colby Road would be permanently affected by the open cut trenching option proposed by the applicant with permanent easements preventing replacement trees being planted in the same or similar locations. Acknowledging that there will be some additional short term noise disturbance to</p>
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			neighbouring residents from the alternative proposed by NNDC, the benefits of saving the trees and Important Hedgerows are considered to more than outweigh any temporary harm to residential amenity.
12.1 Mobilisation areas			
Q2.12.1.3	The Applicant Breckland Council Broadland District Council North Norfolk District Council	<p>Temporary facilities:</p> <p>The ExA is not persuaded by the Applicant’s response to Q5.2.2 [REP2-021] and [REP2-030] in the matter of restricting heights of temporary facilities in the dDCO, although it acknowledges that each location would be different in terms of sensitivity of receptors, and micro-siting within the mobilisation zones would take place at a later date.</p> <p>1. If the worst-case scenario assessed is that the height of welfare facilities and storage units would be 3m [REP2-030, para 11], where is this secured? Why would this not be included in the dDCO?</p> <p>The ExA is not convinced that the Best Practical Means in the OCoP [REP1-019, section 9.1] gives enough certainty that adverse construction effects on visual and</p>	Due to the timing of school holidays and annual leave, working patterns and other workload commitments, a view from the Council’s Environmental Protection Team has not been possible to include here to meet the timescale for Deadline 5. The view of NNDC in respect of this question will be provided to the ExA either soon after Deadline 5 or by no later than Deadline 6.

ExQ2 Question No.	Question to	Question	North Norfolk District Council Response
		<p>other amenity would be addressed in an holistic way for sensitive receptors in proximity to mobilisation areas.</p> <p>2. The Applicant and local planning authorities to comment on whether there should be a process set out and secured in the dDCO, which post consent, would identify those construction areas where consideration needs to be given to adverse effects on neighbouring communities (not just for noise and vibration).</p> <p>3. If so, where would this be best located, and should it set out layout/ mitigation principles for specific compounds which go further than the mitigation currently set out in the OCoCP [REP1-019]?</p>	
12.2 Noise and Vibration			
Q2.12.2.5	The Applicant Norfolk County Council Breckland Council Broadland District Council North Norfolk District Council	Enhanced mitigation: In the response to ExA Written Questions [REP2-021, Q1.12.2.4] and the updated OCoCP [REP1-018], there is reference to need for enhanced measures at certain receptors.	Due to the timing of school holidays and annual leave, working patterns and other workload commitments, a view from the Council's Environmental Protection Team has not been possible to include here to meet the timescale for Deadline 5. The view of NNDC in respect of this question will be provided to the ExA either soon after Deadline 5 or by no later than Deadline 6.

ExQ2 Question No.	Question to	Question	North Norfolk District Council Response
		<ol style="list-style-type: none"> 1. Applicant to clarify how it would be determined whether enhanced mitigation would be required during construction? Would there be any consultation with the LPAs to determine this? 2. Are LPAs confident that the enhanced mitigation measures identified by the ES Chapter 25 [APP-238] would achieve the noise reductions identified in Tables 25.34, 25.36, 25.37 and 25.39 of the ES? 	
12.3 Construction Hours			
Q2.12.3.6	The Applicant North Norfolk District Council	<p>Construction Hours:</p> <ol style="list-style-type: none"> 1. Provide further clarity on the types of locations that are considered sensitive receptors when determining construction hours; are areas of importance to local community and local economy considered sensitive receptors? For instance, has regard been given to tourist areas in Happisburgh and North Walsham as sensitive receptors when determining construction hours? 2. NNDC to comment. 	Due to the timing of school holidays and annual leave, working patterns and other workload commitments, a view from the Council's Environmental Protection Team has not been possible to include here to meet the timescale for Deadline 5. The view of NNDC in respect of this question will be provided to the ExA either soon after Deadline 5 or by no later than Deadline 6.

ExQ2 Question No.	Question to	Question	North Norfolk District Council Response
13. Socio-economic effects			
13.4 Public Health			
Q2.13.4.2	Broadland District Council Breckland District Council North Norfolk District Council	<p>Human Health:</p> <ol style="list-style-type: none"> 1. In light of the evidence submitted by Corpusty and Saxthorpe Parish Council [REP2-068], and other IPs [REP4-053] and [REP4-056], do you have further concerns to add to your Local Impact Report [REP2-065, paragraphs 5.1 and 5.2]? 2. Comments also invited from other District Councils 	<p>1. NNDC note this question is directed to Broadland District Council in respect of their Local Impact Report.</p> <p>2. NNDC recognises that to date it has not, either individually or cumulatively in relation to NSIP projects for Norfolk Vanguard, Norfolk Boreas or Ørsted Hornsea Project Three, raised concerns about particulate matter associated with construction of these projects. Comments raised by NNDC in relation to matters of Environmental Health have primarily focussed and noise and vibration disturbances associated with construction.</p> <p>The applicant has sought to provide comment on the subject of Construction phase dust and fine particulate matter within Chapter 26 of the ES in relation to Air Quality [APP-239] and impacts on Human Health within ES Chapter 27. NNDC note that the applicant has indicated at ES Chapter 27 para 315 that:</p> <p>‘After consideration of potential health effects during the construction and operation phases of the project, there are not predicted to be any significant effects on physical or mental health as a result of the project under either Scenario 1 or Scenario 2.’</p>

ExQ2 Question No.	Question to	Question	North Norfolk District Council Response
			<p>NNDC acknowledges the representation made on the subject of human health including by Professor Tony Barnett on behalf of Corpusty and Saxthorpe Parish Council [REP2-068]. Professor Barnett, through his association with the London School of Hygiene and Tropical Medicine, is understood to have a wealth of knowledge on the subject of particulate matter and its potential impacts on human health.</p> <p>NNDC's position is that, if there is evidence to demonstrate a link between adverse health impacts associated with particulate matter from construction of the Norfolk Boreas scheme and cumulatively in relation to the construction of other NSIP projects including Norfolk Vanguard and Ørsted Hornsea Project Three, then these impacts must weigh against the grant of the Development Consent Order. The weight that this issue should attract is a matter for the decision maker, in this case the ExA and the Secretary of State.</p> <p>NNDC considers that, notwithstanding the position of the applicant, any such adverse impacts evidenced from poor air quality on human health associated with the construction of the project should be recorded as a ground for concern for NNDC within Section 11 of its Local Impact Report.</p>

ExQ2 Question No.	Question to	Question	North Norfolk District Council Response
15. Water Resources and Flood Risk			
Q2.15.0.1	Norfolk County Council Water Management Alliance (Internal Drainage Board) Breckland District Council Broadland District Council North Norfolk District Council	Proposed disapplication of secondary consent, in relation to drainage: The Applicant provides an explanation in [AS-024] table 15 item 5 for the proposed disapplication under dDCO Article 7 (3) of secondary/ additional consents, with reference to representations by Water Management Alliance [RR-104] and by Norfolk CC [RR-037]. Are parties content? If not, why not?	If disapplication of secondary consent in relation to drainage is to be applied then NNDC would maintain the view that those parties normally involved in the secondary consent process should be afforded the opportunity to participate in the discharge of related requirements. In this case Requirement 25, in relation to watercourse crossings, refers specifically to some but not all secondary consent bodies and it may be necessary to be clear who is expected to be involved so that they can be party to any Planning Performance Agreements related to consultees and the discharge of Requirements.
16. General and cross-topic questions			
16.1 Environmental Statement (ES)			
Q2.16.1.3	Interested Parties	Decommissioning: Interested Parties are invited to set out any comments they may have on the way decommissioning would be addressed. The Project Description [APP-218] sets out the future processes, which would be in accordance with best practice, rules and legislation of the time. Requirement 14 (offshore) and	NNDC recognises that decisions made today about possible decommissioning may have little relevance at the time decommissioning actually occurs in the future. In any event the applicant has made clear within the Project Description [APP-218] para 342 that: ‘No decision has been made regarding the final decommissioning policy for the onshore cables, as it is recognised that industry best practice, rules and legislation change over time. It is likely the cables would be removed from the ducts and recycled, with the jointing

ExQ2 Question No.	Question to	Question	North Norfolk District Council Response
		Requirement 29 (onshore) secure future decommissioning plans.	<p>pits and ducts capped and sealed then left in-situ.'</p> <p>For North Norfolk, the key issue is ensuring that the cost of decommissioning does not fall to the public purse, in particular for elements at landfall which may, at a future point in time, become exposed and fall onto the beach. Whilst Requirement 17 does seek to address works becoming exposed during the operation of the authorised project, this requirement would cease to take effect at the point where notice is served under Requirement 29 (3) notifying the relevant planning authority in writing of the permanent cessation of commercial operation of the onshore transmission works.</p> <p>With this issue in mind, NNDC consider that Requirement 29 could be amended/refined specifying the details that would need to be submitted as part of a decommissioning plan. This has some legal complexities for the onshore cable route in relation to ownership as NNDC understands that Norfolk Boreas Limited would be required to sell off this onshore cable asset after construction which raises the question as to who has legal responsibility and what happens if subsequent companies are wound up to avoid the responsibility of decommissioning works? NNDC would welcome further advice from the applicant on this matter.</p>

END of Questions for NNDC

Appendix A – Email from Jake Laws on behalf of Vattenfall dated 21 Feb 2020 in relation to Planning Performance Agreements

Geoff Lyon

From: jake.laws [REDACTED]
Sent: 21 February 2020 13:31
To: [REDACTED]
Cc: [REDACTED]
Subject: Vattenfall/LPAs and PPAs (ExA ISH 3 Action Point 21)

Dear All,

I hope you are well and have managed to secure some time off over half-term.

We are writing in relation to Action Point 21 from the last onshore hearing ([here](#)) as well as Written Question 2.5.7.1 ([here](#)). These are addressed to both the Applicant and the Councils. In short, it is asking for an update on how we (as the Applicant) consider the PPA will work and comments from the LPAs including on the expertise likely to be required for post-consent discharge.

We are conscious that the Vanguard team discussed a PPA with Norfolk County Council during the Norfolk Vanguard examination. We intend to build upon these conversations and, to ensure consistency across both projects and for all discharging authorities, it is likely to be that either a single PPA across all the LPAs is used or the same terms (subject to project specific amendments) are replicated across Vanguard and Boreas.

We consider that it would be premature to enter into a PPA at this stage of the consenting process, and we understand that the ExA recognise this. However, the ExA have asked for further detail on what the PPA is likely to include. We consider that the PPA would cover the following:

1. **Resource:** following discussions and feedback from the LPAs we consider that the most supported approach - together with the one that ensures efficiency and consistency - would be for the LPAs to have a single appointed coordinator or identified point of contact who could discharge, or co-ordinate the discharge of, certain Requirements on behalf of all relevant LPAs. The coordinator (funded through the PPA) would have delegated powers to discharge the Requirements providing that there was evidence that the affected LPAs and other named stakeholders were in agreement with the technical content of the submissions. The coordinator would also corroborate this with the affected LPAs before any Requirements were formally discharged.
2. **Procedure and timetable for discharge:** as you are aware, the onshore cable route spans across all three LPA boundaries (and NCC as LHA and LLFA). The Applicant therefore proposes to split the cable route into stages to coincide with the LPA administrative areas. The PPA would set out the project plan and programme for the timely discharge of Requirements across the "stages" (supported by Vattenfall funded resource (as per item 1)). There may also be sub-stages for certain works such as the landfall and the onshore project substation.
3. **Apportionment of Requirements:** linked to the above, the PPA would set out the apportionment of requirements, for instance – the landfall method statement to be discharged by NNDC with the support of the appointed co-ordinator; whereas the CoCP (or each respective CoCP for the stages) would need to be discharged by each respective RPA with support from the appointed coordinator.

If it assists, we can issue a more detailed note on this process, and engage in further discussions – would it be helpful to have a call on Monday afternoon or Tuesday next week?

Best Regards,

Jake Laws

Consents Manager, Norfolk Boreas,

Market Development Offshore, BA Wind

Vattenfall Wind Power Ltd

Address: 1 Tudor Street, London EC4Y 0AH



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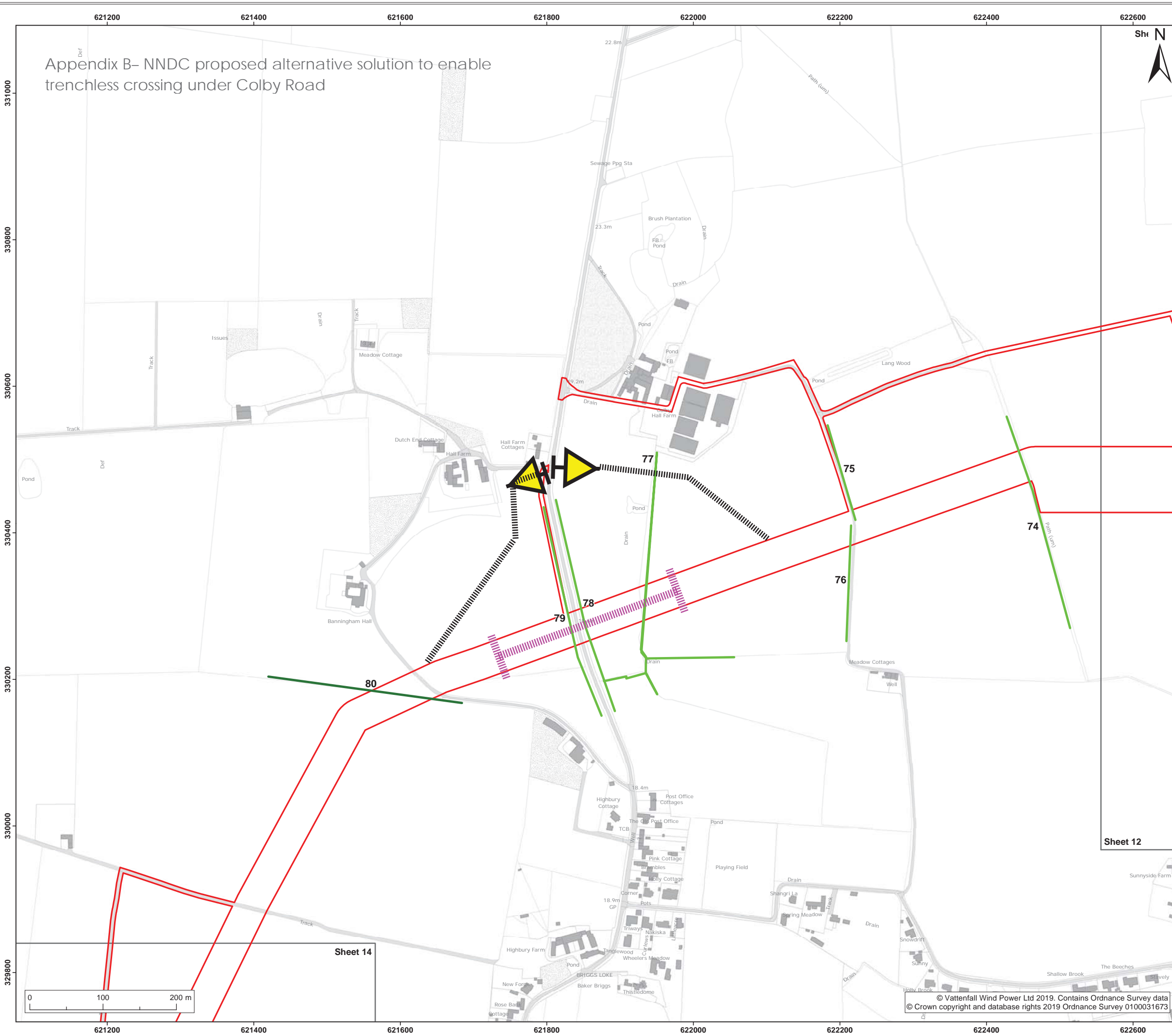


Vattenfall Wind Power Ltd

We have recently changed the registered offices of a number of our companies. The following are now registered at First Floor, 1 Tudor Street, London, EC4Y 0AH:
Vattenfall Wind Power Ltd, Vattenfall Heat UK Limited, Clashindarroch Wind Farm Limited, Vattenfall UK Sales Limited, Norfolk Boreas Limited, Kentish Flats Limited, Norfolk Vanguard Limited, Ormonde Energy Limited, Ourack Wind Farm One Limited, Ourack Wind Farm Two Limited, Thanet Offshore Wind Limited.

Appendix B – NNDC proposed alternative solution to enable trenchless crossing under Colby Road

Appendix B- NNDC proposed alternative solution to enable trenchless crossing under Colby Road



Legend:

- Order limits
- Sheet boundary
- Important hedgerow
- Hedgerow

- Proposed Vehicular Access point
- New running track
- Area for trenchless crossing

Project: Norfolk Boreas Offshore Wind Farm	Report: Development Consent Order
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Title:
2.11 Important hedgerows plan (sheet 13 of 42)

Doc Ref: 2.11	APFP Ref: 5(2)(o)	Drawing No: PB5640-007-000-025			
Revision: 05	Date: 29/04/2019	Drawn: LB	Checked: CD	Size: A1	Scale: 1:2,500
04	04/03/2019	JT	CD	A1	1:2,500

Co-ordinate system: British National Grid EPSG: 27700

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Sheet 12

Sheet 14

