

From: [Waters, Laura](#)
To: [Norfolk Boreas](#)
Subject: Response To Application Number EN010087 at Norfolk Boreas
Date: 19 February 2020 09:48:12
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[ExA written questions cumulative impacts discharging socio economics Feb 2020.docx](#)

Your Ref: EN010087

Dear Sir/Madam

**Application by Norfolk Boreas Limited for the Norfolk Boreas Offshore Windfarm.
The Examining Authority's written questions and requests for information (ExQ2)
Issued on 12 February 2020**

I refer to your requests for further information or written comments Issued on 12 February 2020.

Please find attached answers to the cumulative impact assessment, discharging of requirements and conditions and socio-economic effects of your request from Norfolk County Council (NCC).

Regards

Laura Waters

Laura Waters,
Senior Planner MRTPI
Infrastructure Development
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Norfolk County Council



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26 February 2020

Norfolk County Council Responses

Identification reference: 20022890

4.1 Onshore cumulative effects of other proposals (construction)			
Q2.4.1.1	The Applicant, Norfolk County Council, Broadland District Council, and relevant Parish Councils, The Applicant, Norfolk County Council, Broadland District Council, and relevant Parish Councils, such as Cawston PC	<p>Construction effects at the Crossover with Hornsea Project Three north of Reepham: The Applicant's response to Q1.4.1(1) provides some clarity. In response to Q1.4.1(2), it is stated that the potential overlap of Hornsea Project Three onshore cable works with Scenario 2 duct installation of the proposed development is considered the worst-case scenario.</p> <p>1. Could an alternative view be that activities happening at the same time which would reduce the length of time over which the impacts occurred, could be deemed preferable to local communities and therefore the worst-case scenario might be one that extends over the longest time period of time?</p> <p>2. Has the Applicant considered the potential to compress works over the shortest period of time possible and has this been a topic of discussion in the terms of the Cooperation Agreement with Ørsted [REP2-056, section 2.4]?</p> <p>3. Would it be possible to require programming which has the least adverse cumulative effects (should both projects be consented), which would impose time limits over which works were undertaken in this Co-operation Agreement and for that to be secured in the proposed development's dDCO or OCoCP?</p>	<p>1. Any highway related matters related to most appropriate timing of works on part of an ongoing discussion between the applicant and NCC highways.</p>

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5. Development Consent Order and Deemed Marine Licences			
5.0 General			
Q2.5.0.2	The Applicant, Norfolk County Council, Broadland District Council, and relevant Parish Councils, The Applicant, Norfolk County Council, Broadland District Council, and relevant Parish Councils, such as Cawston PC	Outstanding matters on the dDCO: 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. Aside from the matters questioned below, set out any outstanding concerns with the dDCO submitted at Deadline 4 [REP4-004] .	The substantive outstanding issue for NCC is relating to Highway matters, which the ExA have covered in the further written questions.
5.1 Articles			
Q2.5.1.1	The Applicant Natural England MMO Norfolk County Council Breckland Council Broadland District Council North Norfolk District Council	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] . 1. Are consenting authorities content with this position? 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. 3. Consenting authorities to comment if they think this clarification is necessary.	1. NCC are content with this position. The ExA will be aware of the ongoing discussion relating to outstanding highway matters and the ES will need to be updated to reflect progress made on this matter.

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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 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.4. Are the post-consent discharging local authorities content with the way in which all matters pertaining to one stage	<p>The County Council welcomes as much clarity as possible relating to the definition of terms in the DCO.</p> <p>4. The specified 8 week approval time period will be tight for the County Council but is something that can be worked to. The County Council would note that under the SLA our Natural environment team are going to be doing a lot of work to assist the districts in discharging requirements but will not be recognised as formal consultees.</p> <p>The County Council suggests that the 20 day and 42 day deadlines for requesting further information in S2 of Schedule 16 is removed or loosened to ensure the relevant information required for discharging requirements is provided. If information is not provided within this tight timescale the only other option is to refuse the application and go into an appeal. This concern was previously raised by the County Council in our response to written questions for deadline 2 (see REP2-084 Q5.7.1).</p>
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		<p>(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? 5. Do parties consider that further clarification under R15, that enabled the contractor to submit proposals for partial approvals of stages be helpful?</p>	
Q.2.5.1.9	<p>The Applicant Norfolk County Council Breckland Council Broadland District Council North Norfolk District Council Marine Management Organisation Natural England</p>	<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 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> <p>1. Clarity is requested about the level of detail the Applicant is considering in its updating of [APP-022]. The ExA</p>	<p>The County Council welcomes the suggestion for a certified set of plans and documents, which would assist in the discharging of the DCO.</p>

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		<p>considers that all documents or plans would need their versions citing.</p> <p>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.</p> <p>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, 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			
Q2.5.3.4	<p>The Applicant Norfolk County Council Breckland Council Broadland District Council North Norfolk District Council</p>	<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>	<p>The specified 8 week approval time period will be tight for the County Council but is something that can be worked to. The County Council would note that under the SLA our Natural environment team are going to be doing a lot of work to assist the districts in discharging requirements but will not be recognised as formal consultees.</p> <p>The County Council suggests that the 20 day and 42 day deadlines for requesting further information in S2 of Schedule 16 is removed or loosened to ensure the</p>

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			<p>relevant information required for discharging requirements is provided. If information is not provided within this tight timescale the only other option is to refuse the application and go into an appeal. This concern was previously raised by the County Council in our response to written questions for deadline 2 (see REP2-084 Q5.7.1).</p>
<p>5.7 SCHEDULE 16: PROCEDURE FOR DISCHARGE OF REQUIREMENTS</p>			
<p>Q2.5.7.1</p>	<p>The Applicant Norfolk County Council Breckland Council Broadland District Council North Norfolk District Council</p>	<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> <p>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].</p> <p>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>	<p>1. A PPA or equivalent mechanism with the applicant would be an appropriate way forward. Any such PPA or mechanism would need to include all authorities involved in the discharge of the requirements in the DCO, including the County Council. The County Council in its role as lead local flood authority, highway authority, historic environment and green infrastructure will be providing information to the District Councils that will enable them to discharge the DCO. Financial reimbursement will be necessary in order for NCC to deliver this responsibility.</p>

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13. Socio-economic effects			
Q2.13.2.2	Norfolk County Council	Compensation Fund: 1. NCC to elaborate on its request for a compensation fund for residents and businesses affected by construction in the Relevant Representations [RR-037] and in the LIR [REP2-085] .	1. The County Council are aware of arrangements the applicant will have in place for appropriate compensation to be provided to those directly impacted by the proposal. The County Council also understands that in the longer term the applicant is willing to develop a wider community benefit fund, which will be outside of the DCO process, see REP2-050 Table 9 Approach to mitigation.

From: [Shaw, John R](#)
To: [Norfolk Boreas](#)
Cc: [Dixon, Martin](#); [Waters, Laura](#); [Faulkner, Stephen](#)
Subject: Response to the Examining Authority's further written questions and requests for information (ExQ2)
Date: 25 February 2020 12:53:44
Attachments: [image004.png](#)
[image006.png](#)
[image008.png](#)
[ExA written questions transportation Feb 2020 \(002\).docx](#)

Your Ref: EN010087

Dear Sir/Madam

**Application by Norfolk Boreas Limited for the Norfolk Boreas
Offshore Windfarm
The Examining Authority's further written questions and requests for
information (ExQ2) Issued on 12 February 2020**

I refer to your requests for further information or written comments Issued on 12 February 2020

Please find attached answers to the highway elements of your request from Norfolk County Council (NCC) in its capacity as Local Highway Authority (LHA).

Regards

John R Shaw

Senior Engineer (Highways Development Management)

John Shaw, Senior Engineer

| Dept: 0344 800 8020

County Hall, Martineau Lane, Norwich. NR1 2SG



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5. Development Consent Order and Deemed Marine Licences - General			
Q2.5.0.2	Norfolk County Council	<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>Requirement 16 needs to be expanded to include the crossing point on the B1149.</p> <p>The County Councils reasons are set out in full within our written response to the applicant's clarification note on trenchless crossings submitted at deadline 5.</p>
5.7 SCHEDULE 16: PROCEDURE FOR DISCHARGE OF REQUIREMENTS			
Q2.5.7.1	<p>The Applicant</p> <p>Norfolk County Council</p> <p>Breckland Council</p> <p>Broadland District Council</p> <p>North Norfolk District Council</p>	<p>Discharge of requirements:</p> <p>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>Whilst the Local Highway Authority are not the discharging authority, nevertheless we do feed into the process.</p> <p>To ensure compliance with the Construction Traffic Management Plan, we envisage a significant requirement to co-ordinate traffic management works on the ground. We are happy to work with the applicants as soon as possible to explore how this can best be achieved to ensure a seamless approach.</p>

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14.0 Outline Traffic Management Plan (OTMP)			
Q2.14.0.1	Norfolk County Council and Interested Parties	<p>1. Response to ExA's Written Questions [REP2-084, Q14.0.1] states that, "The OTMP was updated by the applicants at Deadline 1 but is still not acceptable." After the Issue Specific Hearing 3 Onshore effects on 21 January 2020 [EV6-001 – EV6-006], and subsequent discussions with the Applicant, are there matters in the OTMP that remain unresolved?</p> <p>2. Do IPs wish to comment?</p>	<p>Two issues were raised: -</p> <ol style="list-style-type: none">1. Whether or not the proposed method of working for open cut trenching to the B1149 is safe. <p>Our previous concerns are addressed within the applicant's clarification note on trenchless crossings.</p> <p>However, in resolving the previous issue, the solution simply presents further problems as detailed within our response at deadline 5. Accordingly, the underlying problem remains.</p> <ol style="list-style-type: none">2. Clarification re the use of the cable logistics area along link 68 <p>The applicant's clarification note addresses our concerns.</p>
Q.2.14.1.5	The Applicant Norfolk County Council Broadland District Council Cawston Parish Council	<p>Cumulative traffic effects in Cawston: The Secretary of State's letter [REP3-012, paragraphs 15 and 16] regarding the Norfolk Vanguard scheme, states that the highway mitigations for B1145 Cawston link 34 would not be "sufficient to offset any potential harm from in-combination traffic effects arising from the proposed Norfolk Vanguard project and Hornsea Three in the event that both were granted development consent".</p>	<p>We have received revised drawings from the applicants which are broadly in line with our expectations. However, we have not yet received an updated road safety audit (RSA) from the applicants.</p> <p>We understand that an updated RSA was due to be submitted to the applicants by their</p>

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		<p>1. Do all parties agree that the revised Highway Intervention Scheme [REP4-016] would mitigate the cumulative effects of the Proposed Development Scenario 1 (Norfolk Vanguard and Norfolk Boreas) and Hornsea Project Three?</p> <p>2. Applicant to confirm that if Hornsea Project Three is not given consent, how is the Highway Intervention Scheme secured in the dDCO?</p>	<p>auditors on 14 February 2020, but we have not yet been provided with a copy.</p> <p>Until such time as an acceptable RSA is received, we cannot agree that a suitable mitigation scheme exists.</p>
Q2.14.1.7	The Applicant Norfolk County Council Broadland District Council Cawston Parish Council	Traffic movements in Cawston The Position Statement [REP4-020] to be submitted at Deadline 5 to include a list of all matters that are not yet agreed.	To be submitted at deadline 5