

Norfolk Boreas Offshore Wind Farm

Statement of Common Ground

Natural England

(Version 3)

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Glossary of Acronyms

AEol	Adverse Effect on Integrity
ALC	Agricultural Land Classification
BDMPS	Biologically Defined Minimum Population Size
BMV	Best and Most Versatile
CIA	Cumulative Impact Assessment
Cefas	Centre for Environment, Fisheries and Aquaculture Science
CoCP	Code of Construction Practice
CRM	Collision Risk Model
DCO	Development Consent Order
DML	Deemed Marine Licence
EIA	Environmental Impact Assessment
ES	Environmental Statement
ESS	Entry Level Stewardship Scheme
ETG	Expert Topic Group
ExA	Examining Authority
HDD	Horizontal Directional Drilling
HRA	Habitats Regulations Assessment
HVAC	High Voltage Alternating Current
HVDC	High Voltage Direct Current
LiDAR	Light Detection and Ranging
LSE	Likely Significant Effect
MarESA	Marine Evidence based Sensitivity Assessments
MarLIN	Marine Life Information Network
MCZ	Marine Conservation Zone
MMMP	Marine Mammal Mitigation Protocol
MMMZ	Marine Mammal Mitigation Zone
MMO	Marine Management Organisation
OCoCP	Outline Code of Construction Practice
OLEMS	Outline Landscape and Environmental Management Strategy
O&M	Operation and Maintenance
PBR	Potential Biological Removal
PEIR	Preliminary Environmental Information Report
PVA	Population Viability Analysis
pSPA	potential Special Protection Area
RoC	Review of Consents
SAC	Special Area of Conservation
SCI	Site of Community Importance
SIP	Site Integrity Plan
SMP	Soil Management Plan
SNCB	Statutory Nature Conservation Bodies
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
SoCG	Statement of Common Ground
UXO	Unexploded Ordnance

Glossary of Terminology

Array cables	Cables which link wind turbine to wind turbine, and wind turbine to offshore electrical platforms.
Evidence Plan Process	A voluntary consultation process with specialist stakeholders to agree the approach to the EIA and information to support the HRA.
Export Cables	Cables that transmit power from an offshore electrical platform to the onshore project substation
Interconnector cables	Offshore cables which link offshore electrical platforms within the Norfolk Boreas site
Landfall	Where the offshore cables come ashore at Happisburgh South
Mobilisation area	Areas approx. 100 x 100m used as access points to the running track for duct installation. Required to store equipment and provide welfare facilities. Located adjacent to the onshore cable route, accessible from local highways network suitable for the delivery of heavy and oversized materials and equipment.
National Grid overhead line modifications	The works to be undertaken to complete the necessary modification to the existing 400kV overhead lines.
Necton National Grid substation	The grid connection location for Norfolk Boreas and Norfolk Vanguard.
Norfolk Boreas Site	The Norfolk Boreas wind farm boundary. Located offshore, this will contain all the wind farm array.
Offshore cable corridor	The corridor of seabed from the Norfolk Boreas site to the landfall site within which the offshore export cables will be located.
Offshore electrical platform	A fixed structure located within the Norfolk Boreas site, containing electrical equipment to aggregate the power from the wind turbines and convert it into a suitable form for export to shore.
Offshore export cables	The cables which transmit power from the offshore electrical platform to the landfall.
Offshore project area	The area including the Norfolk Boreas site, project interconnector search area and offshore cable corridor.
Offshore service platform	A fixed structure (if required) providing accommodation for offshore personnel. An accommodation vessel may be used instead.
Onshore cable route	The up to 35m working width within a 45m wide corridor which will contain the buried export cables as well as the temporary running track, topsoil storage and excavated material during construction.
Onshore project substation	A compound containing electrical equipment to enable connection to the National Grid. The substation will convert the exported power from HVDC to HVAC, to 400kV (grid voltage). This also contains equipment to help maintain stable grid voltage.
Project interconnector cable	Offshore cables which would link either turbines or an offshore electrical platform in the Norfolk Boreas site with an offshore electrical platform in one of the Norfolk Vanguard OWF sites.
Project interconnector search area	The area within which project interconnector cables would be installed.

The Applicant	Norfolk Boreas Limited
The Norfolk Vanguard OWF sites	Term used exclusively to refer to the two distinct offshore wind farm areas, Norfolk Vanguard East and Norfolk Vanguard West (also termed NV East and NV West) which will contain the Norfolk Vanguard arrays.
Trenchless crossing zone (e.g. HDD)	Areas within the onshore cable route which will house trenchless crossing entry and exit points.

1 INTRODUCTION

1. This Statement of Common Ground (SoCG) has been prepared by Norfolk Boreas Limited (hereafter the Applicant) with initial input to Version 1 from Natural England (NE) (together 'the parties') to set out the areas where the Applicant considers, following discussion with Natural England, that there is agreement and areas for ongoing discussion in relation to the Development Consent Order (DCO) application for the Norfolk Boreas Offshore Wind Farm (hereafter 'the project'). A full description of the project can be found in Chapter 5 of the Environmental Statement (document reference 6.1.5 of the Application, APP-218).
2. This SoCG comprises an agreement log which has been structured to reflect the topics of interest to Natural England with regard to the Norfolk Boreas DCO application (hereafter 'the Application'). The agreement logs (section 2.1 to 2.7) outline all topic specific matters agreed and those which are subject to ongoing discussion between Natural England and the Applicant.
3. The Applicant has had regard to the Guidance for the examination of applications for development consent (Department for Communities and Local Government, 2015) when compiling this SoCG. Matters that are not agreed will be the subject of ongoing discussion wherever possible to resolve or refine the extent of disagreement between the parties.
4. It is the intention that this document will help facilitate post-application discussions between the parties and also give the Examining Authority (ExA) sight of the level of common ground between both parties during examination process.
5. Natural England wish it to be noted that the SoCG is a developer led process, with the Applicant providing the drafting and Natural England agreeing the wording, at deadlines at the beginning and at the end of the examination. The document does not provide full detail on any issues; however, Natural England will provide a Risk and issues log with its outstanding issues outlined in full. This log is owned by Natural England and reflects their position; it should not be taken as a representation of the Applicant's position.
6. Natural England intends to update the Risk and issues log as issues are discussed and potentially resolved. Natural England propose that the issues log will be submitted at appropriate deadlines throughout the Examination. Natural England have also proposed that a further SoCG will only be submitted near the end of examination once all issues have been either resolved or progressed as far as possible, in order to reduce resource requirements by the need to repeat efforts. It should be noted that these proposals represent the view of Natural England only.

7. The Applicant will maintain this SoCG as a record of its understanding on how issues have been progressed. However, it should be noted that, although issues and updates to this SoCG have been discussed with Natural England, in view of Natural England's position as outlined in paragraph 6 above, final updates to this document have not been approved by Natural England. Within the agreement logs '(D2)' and '(D6)' denotes the deadline at which the update was made and thus demonstrate where issues have been progressed since the original submission on the 4th November 2019.

1.1 Consultation with Natural England

8. This section briefly summarises the consultation that the Applicant has had with Natural England. For further information on the consultation process please see the Consultation Report (document reference 5.1 of the Application, APP-027).

1.1.1 Pre-Application

9. The Applicant has engaged with Natural England regarding the project during the pre-Application process, both in terms of informal non-statutory engagement and formal consultation carried out pursuant to Section 42 of the Planning Act 2008. Due to similarities between the Norfolk Boreas project and its 'sister' project Norfolk Vanguard, which is progressed one year ahead of Norfolk Boreas, early consultation with stakeholders was conducted for both projects concurrently. Although latterly, consultation has been undertaken separately for the two projects, Norfolk Boreas has had regard to the Norfolk Vanguard consultation and many of the agreements achieved for the Norfolk Vanguard project also apply to the Norfolk Boreas project.
10. During formal (Section 42) consultation, Natural England provided comments on the Preliminary Environmental Information Report (PEIR) by way of a letter dated 27th November 2018.
11. Further to the statutory Section 42 consultation, meetings were held with Natural England through the Evidence Plan Process.
12. Table 1 provides an overview of the key meetings and correspondence undertaken with Natural England for both projects. Minutes of the meetings are provided in Appendices 9.29 to 9.32, 9.43 to 9.45 (pre-Section 42) and Appendices 27.2 and 28.1 (post-Section 42) of the Consultation Report (document reference 5.1 of the Application, APP-027).

1.1.2 Post-Application

13. As part of the pre-examination process, Natural England submitted a Relevant Representation to the Planning Inspectorate on the 31st August 2019. Natural England has also engaged throughout the Examination deadlines. A series of

meetings have been held between the Applicant and Natural England since the Application was submitted. These are summarised in Table 1. Norfolk Boreas Limited has also been present at a number of meetings held between Natural England and the Norfolk Vanguard project as many of the issues relevant to Norfolk Vanguard also apply to Norfolk Boreas.

Table 1 Summary of Consultation with the Natural England

Date	Contact Type	Topic
Pre-Application		
21 st March 2016	Benthic and Geophysical Survey Scope Meeting	Discussion on the required scope of the geophysical surveys to inform the approach to the offshore surveys which cover the Norfolk Boreas offshore cable corridor and part of the project interconnector search area. The surveys were conducted in Summer/Autumn 2016
22 nd June 2017	Email from the Applicant	Provision of survey reports relevant to the Norfolk Boreas offshore cable corridor and project interconnector search area. These were discussed at the Norfolk Vanguard Benthic Ecology and Marine Physical Processes Expert Topic Group meeting held on the 7 th July 2017.
17 th November 2017	Email from the Applicant	Provision of a report demonstrating that the sediment contaminant samples and benthic ecology samples collected and analysed were sufficient to characterise the Norfolk Boreas site.
1 st November 2017	Letter from the Natural England	Letter confirming that no additional sampling is required.
16 th January 2018	Email from the Applicant	Provision of the following draft technical reports to support the Information to Support HRA report: <ul style="list-style-type: none"> • Appendix 7.1 ABPmer Sandwave study; and • Appendix 7.2 Envision Sabellaria data review
January/ February 2018	Emails from the Applicant	Provision of the following Method Statements to Natural England: <ul style="list-style-type: none"> • Marine Physical Processes, Marine water and Sediment Quality, Benthic and intertidal Ecology, Fish ecology (see Appendix 9.16 of the Consultation Report document reference 5.1.9.16 of the application APP-053); • Marine Mammal ecology (see Appendix 9.26 of the Consultation Report document reference 5.1.9.26 of the application APP-063); • Offshore ornithology (see Appendix 9.27 of the Consultation Report document reference 5.1.9.27 of the application APP-064); and • Onshore Ecology and Archaeology (see Appendix 9.17 of the Consultation Report document reference 5.1.9.17 of the application, APP-054).
12 th March 2018	Norfolk Boreas- Marine mammal ETG Meeting	Agreement on the methods used to conduct the assessment (minutes provided in Appendix 9.43 of the Consultation report (document reference APP-082)).

Date	Contact Type	Topic
14 th March 2018	Norfolk Boreas- Marine Physical Processes, Benthic Ecology and Fish ETG meeting	Agreement of the methods to be used in the EIA (minutes provided in Appendix 9.43 of the Consultation report (document reference APP-080).
17 th October 2018	Email from the Applicant.	Early provision of relevant chapters of the PEIR Chapter.
7 th December 2018	Letter from the Natural England	Natural England response to the Norfolk Boreas PEIR.
18 th February 2019	Onshore Ecology and ornithology ETG meeting	Onshore Ecology and Ornithology progress meeting to discuss section 42 responses and approach to Environmental Statement (document 5.1.28.1 of the Application, APP-192).
21 st February 2019	Marine Mammals ETG meeting	Comments on PEIR and agreement on the approach to HRA (minutes provided in Appendix 28.1 of the Consultation report (document reference 5.1.28.1 of the Application, APP-192)).
27 th February 2019	Offshore Ornithology ETG meeting	Comments on PEIR and agreement on the approach to HRA (minutes provided in Appendix 28.1 of the Consultation report (document reference 5.1.28.1 of the Application, APP-192)).
22 nd March 2019	Email from the Applicant	Provision of draft Norfolk Boreas Information to Support Habitats Regulations Assessment (HRA) report.
22 nd March 2019	Email from the Applicant	Provision of draft DCO and other draft DCO documents for review
23 rd April 2019	Letter from Natural England	Email from Natural England providing comments on the HRA
13 th June 2019	Email from the Applicant	Provision of early access to relevant documents from the DCO application.
Post-Application		
31 st August 2019	Relevant and Written Representations	Natural England's initial feedback on the DCO application.
30 September 2019	Email to Natural England	First draft of this SoCG provided to Natural England
21 st October 2019	Meeting	To discuss Natural England's Relevant Representation and the draft SoCG
28 th November 2019	Meeting to discuss WQs and progression of the issues log	To discuss WQs where collaboration was requested by the ExA and to progress NE's issues log and the Applicant's SOCG

Date	Contact Type	Topic
8 th January 2020	Meeting to progress outstanding issues	To discuss outstanding issues including updates made to control documents at D1 and further assessment and mitigation measures.
9 th January 2020	Email	Further information provided by the Applicant on outstanding DCO issues.
20 th January 2020	Email	The Senior case officer provided comments on the outstanding issues within the DCO as he had not been present at the previous January meetings.
17 th February 2020	Meeting to discuss outstanding issues	This meeting was in part held with the MMO to address a number of issues which were raised during ISH4. In addition, the Applicant was intending discuss many outstanding issues with Natural England and to run through Natural England's Risk and issues log (in order to update the SoCG). However, due to illness Natural England had not reviewed the relevant documents are therefore were not in a position to be able to advance any of the issues.

2 STATEMENT OF COMMON GROUND

14. Within the sections and tables below, the different topics and areas of agreement (marked as green) and areas for ongoing discussion (marked as orange) between Natural England and the Applicant are set out. Areas where agreement cannot be reached will be marked as red and notes for Examiners and/or competent authority are marked as purple.

2.1 Marine Geology, Oceanography and Physical Processes

15. The project has the potential to impact upon Marine Geology, Oceanography and Physical Processes. Chapter 8 of the Norfolk Boreas Environmental Statement (ES) (document reference 6.1.8 of the Application, APP-221) provides an assessment of the significance of these impacts.
16. Table 2 provides areas of agreement (common ground) and areas of ongoing discussion regarding Marine Geology, Oceanography and Physical Processes.

Table 2 Agreement Log - Marine Geology, Oceanography and Physical Processes

Topic	Norfolk Boreas Limited position	Natural England position	Final position
Site Selection and Project Design			
Landfall	Landfall at Happisburgh South is the most appropriate of the options available, avoiding the Cromer Shoal Chalk Beds Marine Conservation Zone (MCZ).	Agreed	It is agreed by both parties that landfall at Happisburgh South is a viable option.
Landfall	The design of the landfall works will adopt a highly conservative approach to ensure cables do not become exposed as a result of erosion. A construction method statement, including cable landfall, must be agreed with the MMO prior to construction, as required under the Deemed Marine Licence (DML) Schedules 11 and 12 Part 4 Condition 9(c)(iv).	Agreed, following receipt of further information from Norfolk Vanguard Limited on 29/11/2018 Natural England (NE) is satisfied that the specific issues relating to the assessment of coastal erosion at Happisburgh have been resolved.	It is agreed by both parties that the design of the landfall works will adopt a suitably conservative approach to ensure cables do not become exposed as a result of erosion
Environmental Impact Assessment			
Existing Environment	Survey data collected for Norfolk Boreas used in the characterisation of Marine Geology, Oceanography and Physical Processes are suitable for the assessment as agreed during the survey scope meetings in March 2016 (the offshore cable corridor) and February 2017 (the Norfolk Boreas site).	Agreed	Agreed
	The ES adequately characterises the baseline environment in terms of Marine Geology, Oceanography and Physical Processes.	Agreed	Agreed
Assessment methodology	The list of potential impacts assessed for Marine Geology, Oceanography and Physical Processes is appropriate	Agreed	Agreed
	The impact assessment methodologies used provide an appropriate approach to assessing potential impacts of the proposed project. In particular: <ul style="list-style-type: none"> The assessment uses expert judgement based upon knowledge of the sites and available contextual information (Zonal and East Anglia ONE studies and modelling); therefore no new modelling (e.g. sediment plumes or deposition) was undertaken for the assessment 	Agreed	Agreed

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	<ul style="list-style-type: none"> The definitions used of sensitivity and magnitude in the impact assessment are appropriate. These are in line with the Method Statement provided in February 2018 (see Appendix 9.16 of the Consultation Report (document reference 5.1 of the consultation report) and as discussed during expert topic group meetings. 		
	<p>The worst case scenario used in the assessment for Marine Geology, Oceanography and Physical Processes is appropriate. This includes a conservative assessment for cable installation based on pre-sweeping as well as potential reburial requirements.</p>	<p>Agreed, although it is noted by Natural England in the Relevant Representation (Appendix 2 of RR-099) that there is currently no evidence that sandwave levelling ensures cables remain buried and therefore there is no future need for reburial or cable protection.</p>	<p>Agreed</p>
	<p>Cable protection will only be required at cable crossing locations and in the unlikely event that hard substrate (i.e. areas that are not Annex I Sandbank) is found along the cable route that cannot be avoided.</p> <p>The Haisborough Hammond and Winterton (HHW) SAC SIP ensures that the deployment of cable protection must be agreed with the MMO in consultation with Natural England prior to construction.</p> <p>For cables outside the HHW SAC, the Scour Protection and Cable Protection Plan (required under DCO Schedules 9 and 10 Part 4 Condition 14(1)(e) and Schedules 11 and 12 Part 4 Condition 9(1)(e)) provides the mechanism for the volume, extent and location of cable protection to be agreed with the MMO in consultation with Natural England prior to construction and Condition 22 of Schedules 9 and 10 requires that the location, volume and any other information relating to cable protection is reported to the MMO and Natural England within four months of the construction phase being complete.</p> <p>(D6) The Applicant has reviewed Natural England’s position paper and is of the opinion that the Application complies with all of the advice presented within the document. The</p>	<p>Agreed that cable protection should only be used at essential locations such as cable crossings.</p> <p>Natural England notes that past experience has shown that additional cable protection has often been required beyond that which is expected.</p> <p>Agreed, for outside of MPAs. However as noted in the Relevant Representation (RR-099) Natural England has concerns in relation to cable protection within designated sites. Please also note that the MMO and Natural England are producing a joint position on cable protection that will be available during the examination.</p> <p>(D6) Natural England submitted a draft of the position paper at Deadline 3 [REP3-023] in which they state: <i>“Where cable protection is proposed within an SAC or SPA it should be assumed that there</i></p>	<p>Area for ongoing Discussion</p>

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	Applicant agrees that Appropriate Assessment is required for the project and has submitted the Information to Support HRA Report (APP-201) in the application. The Applicant's position on the outcome of this assessment is provided in the Applicant's Haisborough Hammond and Winterton Special Area of Conservation Position Paper [REP-057] and the Additional information to the HHW SAC position paper [ExA.AS-2.D6.V1].	<i>will be a likely significant effect due to lasting habitat loss from the cable protection and an "appropriate assessment" would need to demonstrate that there would not be an adverse effect from the proposal. This is likely to be challenging in an SAC designated for its benthic habitats, therefore all alternatives will need to be fully explored. "</i>	
	The Applicant commissioned an Interim Cable Burial Study following consultation with Natural England which has allowed the Applicant to commit to reducing the cable protection contingency from 10% which is the quantity included within the application to 5%. The HHW SAC SIP (REP1-034), which has been updated to reflect this further commitment, ensures that the deployment of cable protection must be agreed with the MMO in consultation with Natural England prior to construction. Diagram 5.2 in the Outline HHW SAC SIP outlines the process regarding minimising cable protection for potential unburied cable and seeking agreement from the MMO in consultation with Natural England.	Not agreed. As outlined in Appendix 2 of the Relevant Representation (RR-099) Natural England have concerns with the principle of the HHW SIP particularly with cable protection within the SAC, even with the 5% reduction in cable protection, these commitments may still be considered insufficient to agree no AEoI at the pre-construction stage.	Area for ongoing discussion
Project alone assessment findings	The conclusions of the impact assessments of no impact or negligible are appropriate.	As stated in Appendix 2 of the Relevant Representation (RR-99 section 280) Natural England does not agree there will be negligible impact.	Agreed for all impacts apart from changes in suspended sediment concentrations due to cable installation within the offshore cable corridor
Cumulative Impact Assessment (CIA)	The plans and projects considered within the CIA are appropriate and as agreed during the expert topic group meeting in March 2018.	Agreed	It is agreed by both parties that the plans and projects included in the CIA are appropriate.
	The CIA methodology is appropriate.	Agreed	Agreed
	The cumulative impacts between Norfolk Boreas and Norfolk Vanguard in the HHW SAC will be considered further based on latest evidence and pre-construction survey findings in the development of the HHW SAC SIP.	As stated in Appendix 2 of the Relevant Representation (RR-099 Natural England does not believe that they [SIPs] are appropriate for	Area for ongoing discussion

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	(D6) The Applicant has proposed an alternative Condition which removes the Grampian element and relies on a Cable Strategy, Installation and Monitoring Plan (CSIMP). More information on this is provided in the Applicant's Haisborough Hammond and Winterton Special Area of Conservation Position Paper [REP-057]	benthic issues where a worst case scenario can be determined.	
Habitats Regulations Assessment (HRA)			
Screening of Likely Significant Effect (LSE)	The approach to HRA Screening is appropriate. The following site is screened in for further assessment as agreed during the expert topic group meeting in February 2019: Haisborough, Hammond and Winterton SAC	Agreed	Agreed
Assessment of Adverse Effect on Integrity	The approach to the assessment of AEol is appropriate.	Agreed	It is agreed by both parties that the approach to the assessment of potential adverse effects on site integrity presented in the Information to Support HRA report (APP-201) is appropriate
	<p>The physical processes of Annex I Sandbanks in the Haisborough, Hammond and Winterton SAC has the potential to recover from construction activities, within the range of natural variation.</p> <p>(D2) The Applicant has made the following commitments to promote recovery of sandbanks within the SAC should sand wave levelling be permitted:</p> <ul style="list-style-type: none"> • disposing of any dredged sediment close to the seabed using a fall pipe from the dredging vessel, • disposing of sediment within a linear strip close to the cable route; and • disposing of material updrift of the cable route to allow infill of any dredged areas as soon as possible following cable installation. 	<p>Agreed, noting that there is limited empirical evidence and sandbank recovery should be monitored (see monitoring below).</p> <p>It is also not clear how single build vs phased build and either option in combination with Norfolk Vanguard has been assessed.</p>	<p>Area for ongoing discussion (D2) Natural England are reviewing the additional commitments. (D6) Natural England welcome the commitments but it does not change their overall position</p>
	The small scale of cable protection assessed will not interfere with the physical processes (e.g. bed level, morphology, sediment transport) associated with the Annex I Sandbanks.	Not agreed. Natural England does not agree there will be negligible impact on the sandbank feature and relevant attributes (volume,	Area for ongoing discussion

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	<p>Due to the patterns of erosion, accretion and movement of sand waves naturally occurring within the offshore cable corridor (discussed in Appendix 7.1 of the Information to Support HRA report) it is expected that the cable protection may undergo some periodic burial and uncovering and therefore there would be no adverse effect on the form and function of the Sandbanks.</p> <p>(D6) As described above the Applicant has proposed an alternative Condition to that which relies on the SIP. Therefore the commitments that Natural England welcome would either be secured within the HHW SAC SIP or the HHW SAC CSIMP (collectively referred to as the HHW SAC control documents)</p>	<p>extent, morphology etc. described in the supplementary advice on conservations objectives¹).</p> <p>Natural England have a number of concerns regarding the Appendix 7.1 which are detailed within the relevant section of Appendix 2 of the Relevant Representation.</p> <p>(D6) Natural England notes that the Applicant has committed to</p> <ul style="list-style-type: none"> - ensuring that all sediment remains with the SAC - disposing of sediment upstream - to disposing of sediment at least 50m from <i>S.spinulosa</i> reef. <p>In REP4-043 Natural England confirmed that the proposed disposal location is acceptable to and welcomed retention within the SAC sandbank system. However, we wait for confirmation as to how this will be secured on the DCO/DML, once secured this may be considered resolved.</p>	
	<p>The HHW SAC SIP combined with the Transmission DML Condition 9(1)(m) allows a conclusion of no AEOL to be made at the consent determination stage on the basis that it restricts the commencement of construction until such time that mitigation measures can be adopted to rule out an AEOL.</p>	<p>Not Agreed. As stated in the Relevant Representation. Natural England do not believe that SIPs are an appropriate means of avoiding adverse effect on site integrity for benthic issues where a worst case scenario can be determined.</p>	<p>Area for ongoing discussion</p>

¹<https://designatedsites.naturalengland.org.uk/Marine/SupAdvice.aspx?SiteCode=UK0030369&SiteName=hais&SiteNameDisplay=Haisborough%2c+Hammond+and+Winerton+SAC&countyCode=&responsiblePerson=&SeaArea=&IFCAAarea=>

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	(D6) As described above the Applicant has proposed an alternative Condition however this will further be discussed with Natural England and will be up to the SoS to decide if the alternative condition is appropriate.		
Management Measures – Mitigation and Monitoring			
Monitoring	<p>The In Principle Monitoring Plan (document 8.12), provides an appropriate framework to agree monitoring with the MMO in consultation with Natural England</p> <p>As stated in the In Principle Monitoring Plan (APP-703), swath-bathymetric survey would be undertaken pre- and post-construction in order to monitor changes in seabed topography, including any changes as a result of sand wave levelling.</p> <p>It is acknowledged that the purpose of the post-construction monitoring is to address evidence gaps in this area as well as for engineering purposes.</p> <p>(D2) The Applicant has made a commitment in the updated outline HHW SAC SIP (REP1-033) to providing a pre-construction sandwave levelling report with the final SIP.</p> <p>(D6) The IPMP does commit the Applicant to preconstruction surveys as follows: <i>“A single survey within the agreed array and cable corridor survey areas using full sea floor coverage swath-bathymetric undertaken to IHO S44ed5 Order 1a standard and side-scan surveys of the area(s) within the order limits in which it is proposed to carry out construction works, including a 500m buffer area around the site of each works”.</i></p> <p>The timing of the post construction survey(s) would then be agreed with the MMO and Natural England based on the findings of the preconstruction surveys and the final project design.</p>	<p>Agreed, noting that as stated in the Relevant Representation Natural England advise that a pre-construction sandwave levelling report and assessment is required to ensure that the results of any further monitoring and specific site characteristics are taken into consideration and the impacts remain within the parameters assessed especially in relation to orientation of levelling to wave and involvement in troughs. This should be secured as part of the DML.</p> <p>(D6) NE notes that the Applicant has committed to a single post construction survey and then "Further surveys may be required at a frequency to be agreed with the MMO (e.g. 3 years non-consecutive e.g. 1, 3 and 6 years or 1, 5 and 10 years). If evidence of recovery is recorded and agreed with the MMO, monitoring will cease" within the IPMP. However, there is no mention of specific pre construction survey and/or timeframes for the post construction survey. At the moment what is meant by post construction is too ambiguous to appropriately capture the ability of sandbanks to recover.</p>	<p>Area of Ongoing discussion.</p> <p>(D2) Natural England are reviewing the additional commitment.</p> <p>(D6) Natural England welcome the commitments but it does not change their overall position</p>

Topic	Norfolk Boreas Limited position	Natural England position	Final position
Mitigation and Management	<p>All seabed material arising from the Haisborough, Hammond and Winterton SAC during cable installation would be placed back into the SAC using an approach, to be agreed with the Marine Management Organisation (MMO) in consultation with Natural England.</p> <p>The HHW SAC is an open system with sediment both entering and leaving it around the boundaries. The proposed works are over 6km from the southern boundary) and are unlikely to bring about any disruption to the transport regime. Therefore, the movement in and out of the HHW SAC as occurs at present will continue, irrespective of the proposed dredging or disposal activities as discussed in the Information to Support HRA report Appendix 7.1 ABPmer Sandwave Study.</p> <p>The methods for sediment disposal would be agreed through the Cable Specification, Installation and Monitoring Plan, required under the draft DCO Schedules 9 and 10 Part 4 Condition 14(1)(g) and Schedules 11 and 12 Part 4 Condition 9(1)(g) and would be based on latest evidence, engineering knowledge and pre-construction surveys.</p>	<p>Only agreed if material remains in the site after deposition, modelling will need to demonstrate this.</p>	<p>It is agreed by both parties that seabed material arising from the Haisborough, Hammond and Winterton SAC during cable installation would be placed back into the SAC using an approach, to be agreed with the MMO in consultation with Natural England.</p>

2.2 Benthic and Intertidal Ecology

17. The project has the potential to impact upon Benthic and Intertidal Ecology. Chapter 10 of the Norfolk Boreas ES (document reference 6.1.10 of the Application, APP-223) provides an assessment of the significance of these impacts.
18. Table 3 provides areas of agreement (common ground) and areas for ongoing discussion regarding Benthic and Intertidal Ecology.

Table 3 Agreement Log - Benthic and Intertidal Ecology

Topic	Norfolk Boreas Limited position	Natural England position	Final position
Site Selection and Project Design			
Landfall	Landfall at Happisburgh avoids impacts on the Cromer Shoal Chalk Beds MCZ	Agreed	It is agreed by both parties that landfall at Happisburgh avoids impacts on the Cromer Shoal Chalk Beds MCZ
Environmental Impact Assessment			
Existing Environment	Survey data collected for Norfolk Boreas for the characterisation of Benthic and Intertidal Ecology are suitable for the assessment as agreed in the survey planning meeting in March 2016 and the expert topic group meeting in March 2018.	Agreed	Agreed
	The ES adequately characterises the baseline environment in terms of Benthic and Intertidal Ecology. For the purposes of the EIA, the site characterisation has identified the potential extent and location of <i>S. spinulosa</i> reef as far as reasonably practicable. This has allowed the EIA to assess potential impacts on <i>Sabellaria</i> reef. The assessment does not discount “low reef”. Figure 7.2 of the Information to Support HRA report presents a map of potential <i>Sabellaria</i> reef extent based on medium to high confidence of reef presence (N.B. this includes reef of any reefiness characteristic, including low). <i>Sabellaria</i> reef identified during the Norfolk Boreas benthic surveys in 2016 and 2017 was found to be of low or medium reefiness and this is included in the assessment.	Agreed, although noting the uncertainty associated with <i>S. spinulosa</i> reef mapping due to the ephemeral nature of the reef, the analytical use of a range of datasets, and the confidence levels applied to reef presence	It is agreed by both parties that the ES adequately characterises the baseline environment in terms of Benthic and Intertidal Ecology, although noting the uncertainty associated with <i>S. spinulosa</i> reef mapping.
	The approach to <i>S. spinulosa</i> reef mapping is appropriate to inform the EIA based on the data available.	Not agreed. Natural England has uncertainty associated with <i>S. spinulosa</i> reef mapping due to the ephemeral nature of the reef, the analytical use of a range of datasets, and the confidence levels applied to reef presence Appendix 2 (RR-099).	Area for ongoing discussion. (D2) Natural England are reviewing the

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	<p>The assessment does not discount “low reef”. It should be noted however that by definition, “low reef” is inherently patchy (with only 10-20% coverage, Gubbay (2007)²) and therefore increases the potential for micro-siting. Medium reef also has high potential for micro-siting, being classified by 20-30% coverage.</p> <p>The Applicant agrees there is uncertainty associated with <i>S. spinulosa</i> reef mapping due to the ephemeral nature of the reef. The HHW SAC SIP provides a framework for further consideration of the effects on <i>Sabellaria</i> reef in the HHW SAC to be made prior to construction, based on the results of the pre-construction surveys. The surveys and the SIP will be developed in consultation with Natural England.</p> <p>(D2) The Applicant appreciates that it may not be possible to agree on the methods used for the existing mapping and therefore has also committed to undertaking a further survey in 2020 of <i>S.spinulosa</i> reef within the section of the cable corridor located within the HHW SAC 2020. This, combined with the Norfolk Vanguard pre-construction surveys, will allow the Applicant to have a much clearer understanding of the extent of Annex I reef within the SAC and what the risks are to the project.</p>	<p>(D6) NE note Applicant's comments in response to RR (AS-024) (D0). However concerns remain as outlined in NE ISH comments, oral rep [REP4-43] and D5 submissions.</p>	<p>additional commitments. (D6) Natural England welcome the commitments but it does not change their overall position</p>
	<p>The mapping of potential <i>S. spinulosa</i> reef by Envision on behalf of Norfolk Boreas (and Norfolk Vanguard Limited) identifies potential reef areas which are largely consistent with areas Natural England has identified (as shown on Figure 2.1 below).</p>	<p>Agreed</p>	<p>Agreed</p>

² Gubbay (2007) Defining and managing *Sabellaria spinulosa* reefs: Report of an inter-agency workshop 1-2 May, 2007

Topic	Norfolk Boreas Limited position	Natural England position	Final position
Assessment methodology	Appropriate legislation, planning policy and guidance relevant to Benthic and Intertidal Ecology has been used.	Agreed, but with the caveat that there is disagreement between the parties on the application of the Habitats Directive. Please see Natural England issues log which will be submitted at Deadline 2.	Ongoing discussion
	The list of potential impacts on Benthic and Intertidal Ecology assessed is appropriate.	Agreed	Agreed
	The EIA impact assessment methodology is appropriate and is in line with the Method Statement provided in February 2018 (See Appendix 9.16 of the consultation report, APP-053) and agreed during the Norfolk Boreas ETG in March 2018 (APP-066). (D2) The Applicant believes that this can be agreed as the position relates to EIA and not HRA. The EIA defers assessment of effects on features to the Information to support HRA (document 5.3, APP-201).	Agreed, with the exception of assessment of impacts on the HHW SAC. Further details are provided within the Relevant Representation (RR-099).	Agreed, except for the assessment of impacts within the HHW SAC
	The worst case scenario used in the assessment for Benthic and Intertidal Ecology is appropriate.	As stated in the Relevant Representation (RR-099) more information on cable burial operations is needed for us to agree this position. We acknowledge that much of the technical detail will only be available post-consent, and as such, we strongly recommend that the Applicant's assessment must be considered with sufficient precaution added to allow for significant, post-consent increases in worst case scenarios, especially when operations occur within Marine Protected Areas. Please see following point.	Area for ongoing discussion
	Should additional cable protection be required during maintenance this would be subject to additional consent/licensing. (D6) The Applicant updated the Outline Operations and Maintenance Plan OOOMP (document reference 8.11) to make it explicit that cable protection be required during maintenance this would be subject to additional consent/licensing.	Agreed, for outside of MPAs. However as noted in the Relevant Representation (RR-099) this should be made explicit in the Outline Scour and Cable protection Plan. Please also note that the MMO and Natural England are producing a joint position statement on cable protection that will be available during examination.	(D6) Agreed

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	<p>It is the Applicant's preference to cut and remove redundant cables where possible. This requires agreement from the owners of the redundant cable, and therefore until this can be agreed post consent, an assumption that nine existing cables will be crossed has been assessed in order to provide a conservative assessment.</p> <p>In the HHW SAC, the cable installation method and deployment of cable protection must be agreed with the MMO in consultation with Natural England through the HHW SAC SIP.</p> <p>(D6) Every effort is being made by the Applicant to reduce the number of crossings by removing disused cables where agreement can be reached with the cable owners. An Out of Service Cable Recovery Agreement is close to finalisation with BT Subsea who own a number of out of service assets within the HHW SAC. Appendix 3 of the Applicant's Additional information to the HHW SAC position paper (document reference ExA.AS-2.D6.V1.App2) demonstrates the advanced stages of these discussions by way of a Letter of Comfort from BT Subsea.</p> <p>Outside the HHW SAC, the cable installation methodology will be agreed with the MMO through the Construction Method Statement. The Scour Protection and Cable Protection Plan will be updated as the final design of the project develops and must be agreed with the MMO prior to construction. This will include justification of the location, type and volume/area of essential cable protection based on crossing agreements and preconstruction surveys.</p>	<p>Agreed, however Natural England advises that where there are out of service cables, in the HHW SAC, it would be better to reduce impacts by cutting cables rather than introducing unnecessary hard substrate to cross redundant cables. In addition, where strictly necessary the type of cable protection should be selected on the basis of least environmental impact at each particular location.</p>	<p>It is agreed by both parties that it is preferable to cut and remove redundant cables where possible subject to agreement from the cable owner(s). However Natural England reserve the right to review its position once the joint position statement on cable protection has been published.</p>

Topic	Norfolk Boreas Limited position	Natural England position	Final position
Assessment findings	The characterisation of receptor sensitivity is appropriate. <u><i>Sabellaria spinulosa</i> reef</u> Gibb <i>et al.</i> (2014) ³ reports that <i>S.spinulosa</i> reef has medium sensitivity to habitat change where the change represents an increase in fine sediments which is not applicable to Norfolk Boreas. Gibb <i>et al.</i> (2014) also states that <i>Sabellaria spinulosa</i> reef is considered to be 'Not Sensitive' to a change which results in increased coarseness.	Mostly agreed, however all references in the document should note that <i>S. spinulosa</i> reef has medium sensitivity to heavy smothering and habitat change and high sensitivity to habitat loss.	Mostly agree apart from for <i>S. spinulosa</i> reef
	The magnitude of effect is correctly identified.	As stated in the Relevant Representation (RR-099) the magnitude of the impact to <i>S.spinulosa</i> reef is only low if micro-siting is possible. Natural England has several concerns related to the Applicant's ability to successfully microsite to avoid <i>S.spinulosa</i> reef. These are provided in the relevant representation (Appendix 2).	Area for ongoing discussion
	There would be no permanent loss of <i>S. spinulosa</i> reef as this is an ephemeral species which is likely to recolonise.	Not agreed. Evidence presented to date is in relation to recovery of individuals and not Annex I reef. And particularly disagree due to potential for cable protection.	Not Agreed
	The impact significance conclusions of negligible or minor adverse for Norfolk Boreas alone are appropriate.	Not agreed. Natural England has concerns relating to the significance conclusions made for impacts on <i>S.spinulosa</i> reef (further detail is provided within the Relevant Representation, RR-099).	Area for ongoing discussion
CIA	The plans and projects considered within the CIA are appropriate as agreed during the expert topic group meeting in March 2018.	Agreed	Agreed
	The cumulative impacts between Norfolk Boreas and Norfolk Vanguard in the HHW SAC will be considered further in the development of the HHW SAC SIP (APP-711).	Not agreed. Natural England has a number of concerns with the HHW SIP and its suitability for use for the project; these are detailed in Natural England's Relevant Representation (Appendix 2).	(D6) Agreed in view of the alternative condition. Natural England has concerns in

³ Gibb, N., Tillin, H., Pearce, B. & Tyler-Walters, H. (2014). Assessing the sensitivity of Sabellaria spinulosa reef biotopes to pressures associated with marine activities. Available at: http://jncc.defra.gov.uk/PDF/JNCC_Report_504_web.pdf

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	<p>(D2) The Applicant is working with Natural England to understand their concerns with the SIP and whether it is the document itself or the associated DCO condition which Natural England disagree with.</p> <p>(D6) As described above the Applicant has proposed an alternative Condition which does not rely on the SIP.</p>		relation to the mechanism of the HHW SIP, but this is covered elsewhere.
Habitats Regulations Assessment (HRA)			
Screening of LSE	<p>The approach to HRA Screening is appropriate. The following site is screened in for further assessment as agreed during the expert topic group meeting in February 2019:</p> <ul style="list-style-type: none"> Haisborough, Hammond and Winterton SAC. 	Agreed	Agreed
Assessment of Adverse Effect on Integrity	<p>The effects on the HHW SAC will be considered further through the HHW SAC SIP based on pre-construction survey findings, available evidence and latest guidance prior to construction.</p> <p>(D2) The Applicant is working with Natural England to understand their concerns with the SIP and whether it is the document itself or the associated DCO condition which Natural England disagree with.</p> <p>(D6) As described above the Applicant has proposed an alternative Condition which does not rely on the SIP.</p>	Not agreed. Natural England has a number of concerns with the HHW SIP and its suitability for use for the project; these are detailed in Natural England's Relevant Representation (RR-099, Appendix 2).	(D6) Agreed in view of the alternative condition. Natural England has concerns in relation to the mechanism of the HHW SIP, but this is covered elsewhere.
	<p>The communities of Annex I Sandbanks in the Haisborough, Hammond and Winterton SAC will recover as the physical processes of the Sandbanks recover within the range of natural variation as the communities are habituated to highly mobile sediments.</p>	Not agreed, Natural England acknowledges that the mobile nature of this particular sandbank system would make it more likely to recover from changes in structure than less mobile ones however as noted in the relevant representation there is currently no evidence that Natural England has seen that sandwave levelling ensures cables remain buried and there is no future need for reburial or cable protection. Whilst this has been asserted by a	Area for ongoing discussion

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	<p>Based on available data, micrositing around <i>S. spinulosa</i> reef is likely to be possible. However, it is acknowledged that <i>S. spinulosa</i> reef extent may change prior to construction of Norfolk Boreas and therefore pre-construction surveys are required to determine the extent of <i>S. spinulosa</i> reef at that time. A cable specification, installation and monitoring plan, must be agreed with the MMO in consultation with Natural England as discussed under 'Mitigation and Management' below. This will provide the mechanism to agree cable routing/micrositing.</p> <p>In the unlikely event that micrositing around <i>S. spinulosa</i> reef is not possible, a small proportion of reef may be temporarily disturbed. <i>S. spinulosa</i> in its individual and reef forms, is known to be ephemeral and opportunistic and can be expected to recover/recolonise within the range of natural variation. Therefore, a small proportion of temporary disturbance to <i>S. spinulosa</i> reef would not cause an adverse effect on the restoration objective of the Haisborough, Hammond and Winterton SAC.</p> <p>The following references provide examples of evidence that <i>S. spinulosa</i> reef can be expected to recover/recolonise: Tillin and Marshall, 2015; OSPAR Commission, 2010; Holt, 1998; Cooper <i>et al.</i>, 2007; Pearce <i>et al.</i>, 2007.</p> <p>As stated in Natural England's position, there is a high likelihood that <i>Sabellaria spinulosa</i> reef will recover/develop following cessation of disturbance</p>	<p>number of projects we are yet to understand if this is the reality.</p> <p>Not agreed, Natural England has outlined concerns within the Relevant Representation (RRO-99) regarding the Applicant's ability to microsite around Sabellaria reef.</p> <p>Not agreed, there is currently a restore objective for reef features of HHW SAC. Site management measures are being developed for other operations likely to damage the interest features of the site and will be implemented in the future. In the absence of those pressures there is a high likelihood that <i>Sabellaria spinulosa</i> reef will recover/develop. One such management measure that is being considered is the use of fisheries byelaws to protect areas where <i>Sabellaria spinulosa</i> reef have been shown to be regularly present. Therefore, it is hoped that more extensive <i>Sabellaria spinulosa</i> reefs will be restored in these areas, and that existing encrusting and low quality reef will develop into higher quality reef habitat. Natural England would therefore advise that cable installation activities are avoided in these areas.</p> <p>In addition, the evidence presented in the HRA to support conclusions on recoverability relates only to individuals/abundance, but not to reef. Thus we have limited confidence in the ability of reef to recover from cable installation activities. Therefore, we further</p>	<p>Area for ongoing discussion</p> <p>Area for ongoing discussion</p>

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	<p>from fisheries. This ability to recover would also apply following cable installation.</p> <p>Cable protection would not affect the potential of <i>S. spinulosa</i> reef to recover within the Haisborough, Hammond and Winterton SAC as <i>S. spinulosa</i> reef can be expected to colonise cable protection as an artificial substrate, in accordance with the UK Biodiversity Action Plan Priority Habitat Description for <i>S. spinulosa</i> Reefs (JNCC, 2016⁴):</p> <p><i>“S. spinulosa requires only a few key environmental factors for survival in UK waters. Most important seems to be a good supply of sand grains for tube building, put into suspension by strong water movement....The worms need some form of hard substratum to which their tubes will initially be attached, whether bedrock, boulders, artificial substrata, pebbles or shell fragments.”</i></p> <p>The HHW SAC SIP ensures that the deployment of cable protection must be agreed with the MMO in consultation with Natural England prior to construction. Diagram 5.2 in the Outline HHW SAC SIP outlines the process regarding minimising cable protection for potential unburied cable and seeking agreement from the MMO in consultation with Natural England.</p> <p>(D2) The Applicant has undertaken a further study to ascertain where, within the SAC, cable burial is likely to be more difficult. The study is provided in the updated HHW SAC SIP (REP1-033).</p>	<p>advocate that the standard mitigation measure of avoidance is adhered to.</p> <p>Not agreed, Natural England does not consider the colonisation of artificial sub-sea structures as beneficial as it is not natural change. Natural England considers that the cable protection will result in permanent loss of habitat.</p> <p>(D6) NE notes and welcomes that cable protection within the priority areas has now be excluded by the Applicant. However, the ability to micro site cables remains a concern.</p>	<p>Area for ongoing discussion</p> <p>(D2) Natural England is reviewing the further study.</p> <p>(D6) Natural England welcome the study and additional commitments but it does not change their overall position</p>

⁴ <http://jncc.defra.gov.uk/page-5706>

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	<p>(D6) The Applicant has made the commitment not to install any cable protection in the “priority areas to be managed as <i>S. spinulosa</i> Annex I reef” identified by NE within the HHW SAC, unless otherwise agreed with the MMO in consultation with NE.</p> <p>The HHW SAC SIP combined with the Transmission DML Condition 9(1)(m) allows a conclusion of no AEoI to be made at the consent determination stage on the basis that it restricts the commencement of construction until such time that mitigation measures can be adopted to rule out an AEoI.</p> <p>If a solution cannot be agreed for that would allow the MMO in consultation with Natural England to be confident that there would be no AEoI, the Applicant would need to consider: a New Marine Licence application, a variation to existing red line boundary or a variation to the Transmission DML Condition 9(1)(m) to allow a finding of AEoI should the project satisfy the HRA Assessment of Alternatives, Imperative Reasons of Overriding Public Interest (IROPI) and Compensatory Measures tests.</p> <p>(D6) As described above the Applicant has proposed an alternative Condition which does not rely on the SIP.</p>	<p>Not Agreed. Natural England have a number of concerns with the HHW SIP and its suitability for use for the project, these are detailed in Natural England's Relevant Representation, Appendix 2 (RR-099).</p>	<p>Area for ongoing discussion</p>
Management Measures – Mitigation and Monitoring			
<p>Mitigation and Management</p>	<p>A 50m buffer from <i>S. spinulosa</i> reef is proposed for disposal of sediment in accordance with advice provided by Natural England by email to the Norfolk Vanguard Project.</p> <p>The method by which sediment within the SAC would be disposed of would be agreed through the HHW SIP</p>	<p>Not Agreed. As noted in the Relevant Representation (RR-099), for offshore designated sites the appropriate buffer is normally 500m and therefore further justification for a reduced buffer should be considered to ensure a consistent approach across sites and industry. If the sediment is to be surface released then this needs to be taken account of and release points identified at</p>	<p>Area for ongoing discussion (D6) Natural England are reviewing how these commitments are secured</p>

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	<p>(D2) The Applicant has committed to disposing of sediment within the SAC via a fall pipe from the dredging vessel. This gives better control over the accuracy of the disposal and allows the 50m buffer to be maintained. The commitment to the use of a fall pipe is made within the updated version of the outline HHW SAC SIP submitted at Deadline 1 (REP1-033) and secured by Condition 9(1)(m) of the Transmission DMLs (Schedule 11-12).</p> <p>(D6) The Commitment would be secured through HHW control documents (whether that is the SIP or the CSIMP)</p>	<p>specific states of the tide that will ensure the resting place of the bulk of the material is a minimum of 50m from <i>Sabellaria spinulosa</i> reef identified in pre-construction surveys (noting <i>Sabellaria spinulosa</i> is tolerant to a certain amount of smothering, but the volumes being discussed here are large). This needs to be a licence condition.</p> <p>(D6) NE notes the commitment to not releasing sediment at the surface, and using a fall pipe, therefore this issue is may be resolved once this mitigation is secured within DCO or certified documentation.</p>	
	<p>The Conditions of the DMLs (Schedules 9, 10, 11 12, and 13; Part 4) state that a cable specification, installation and monitoring plan, must be agreed with the MMO. This includes a detailed cable laying plan, incorporating a burial risk assessment to ascertain suitable burial depths and cable laying techniques. This gives the MMO and their advisors the opportunity to input to the cable laying plan including the cable route and potential for micrositing.</p>	<p>Agreed, noting that on the basis of current survey data micrositing around reef in cable corridor should be possible but due to its ephemeral nature, this may not be the case pre-construction.</p> <p>It should be noted that these conditions do not address Natural England's current adverse effect on integrity concerns. But are in line with standard OWF licence requirements.</p>	<p>It is agreed by both parties that the cable specification, installation and monitoring plan gives the MMO and their advisors the opportunity to input to the cable laying plan including the cable route and potential for micrositing.</p>
	<p>The HHW SAC SIP ensures that the deployment of cable protection must be agreed with the MMO in consultation with Natural England prior to construction. Diagram 5.2 in the Outline HHW SAC SIP outlines the process regarding minimising cable protection for potential unburied cable and seeking agreement from the MMO in consultation with Natural England.</p>	<p>Natural England agrees that cable protection for the HHW SAC must be agreed with the MMO in consultation with Natural England prior to construction. However, Natural England currently have a number of concerns with the HHW SIP and its suitability for use for the project, these are detailed in Natural England's Relevant Representation (RR-099, Appendix 2).</p>	<p>Area for ongoing discussion</p>

Topic	Norfolk Boreas Limited position	Natural England position	Final position
		<p>Please note that Natural England and the MMO hope to provide further clarification on this during the examination.</p>	
Monitoring	<p>The In Principle Monitoring Plan (APP-703) provides an appropriate framework to agree monitoring with the MMO in consultation with Natural England.</p>	<p>Agreed, Natural England advises in the relevant representation that a pre-construction sand wave levelling report and assessment is required to ensure that the results of any further monitoring and specific site characteristics are taken into consideration and the impacts remain within the parameters assessed especially in relation to orientation of levelling to wave and involvement in troughs. This should be secured as part of the DML.</p> <p>Please note that depending upon project determination and discussion through examination, pre-construction benthic monitoring of all features within the MPA additional monitoring to that of Annex I sandbanks would be required.</p>	<p>It is agreed by both parties that the In Principle Monitoring Plan (document 8.12), provides an appropriate framework to agree monitoring with the MMO in consultation with Natural England.</p> <p>The principles set out in the IPMP reflect that monitoring of all Annex I features will be required to demonstrate that the designated features within the SAC are not significantly impacted by the construction of the project and that the project has not inhibited recovery of the SAC toward favourable condition.</p>

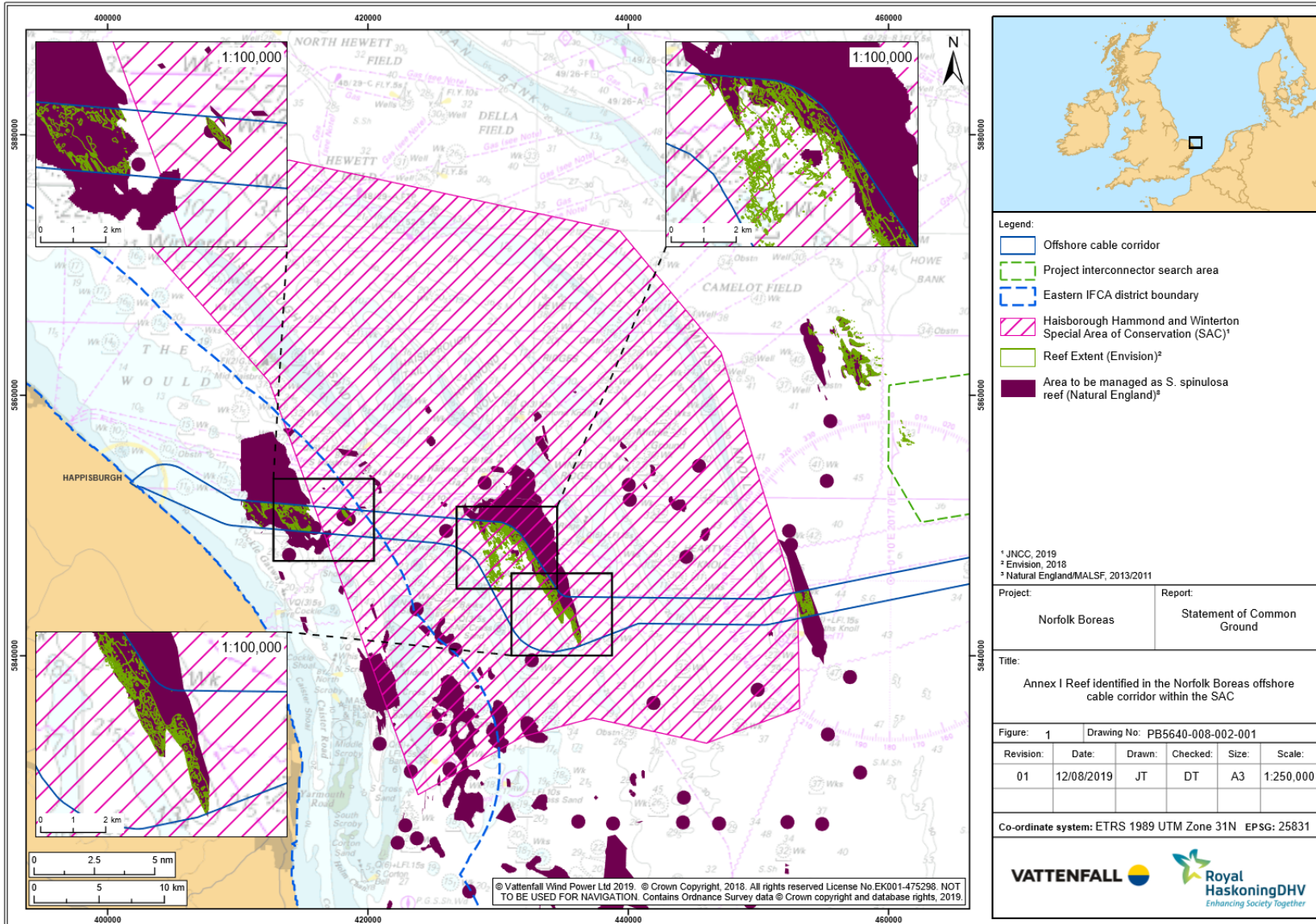


Figure 1 *Sabellaria spinulosa* reef mapping by the Applicant and Natural England

2.3 Fish and Shellfish Ecology

19. The project has the potential to impact upon Fish and Shellfish Ecology. Chapter 11 of the Norfolk Boreas ES (document reference 6.1.11 of the Application, APP-225a) provides an assessment of the significance of these impacts.
20. Table 4 provides areas of agreement (common ground) and areas for ongoing discussion regarding Fish and Shellfish Ecology.

Table 4 Agreement Log - Fish and Shellfish Ecology

Topic	Norfolk Boreas Limited position	Natural England position	Final position
Environmental Impact Assessment			
Existing Environment	<p>The ES adequately characterises the baseline environment in terms of Fish and Shellfish Ecology.</p> <p>(D2) Section 22.7.5.17 ES Chapter 22 Onshore Ecology (document 6.1.22, APP- 235) considers the potential impact of open cut trenching on fish species during construction. The species identified as potential receptors were freshwater species and therefore the Applicant considers that this is dealt with in the onshore ecology sections.</p>	<p>The ES Fish and Shellfish ecology focuses mainly on marine species and there is currently only limited assessment of freshwater or diadromous sp or consideration of potential impacts of proposed project infrastructure such as open cut trenching on fish species. We would like further information regarding potential impact of open cut trenching and management measures on fish species.</p>	(D2) The Applicant understand that Natural England are content that the assessment is dealt with under the heading of onshore ecology.
Assessment methodology	Appropriate legislation, planning policy and guidance relevant to Fish and Shellfish Ecology has been used.	Agreed	Agreed
	The list of potential impacts on Fish and Shellfish Ecology assessed is appropriate.	Agreed	Agreed
	The impact assessment methodology is appropriate, and is in line with the Method Statement provided in February 2018 (see Appendix 9.16 of the Consultation Report (APP-053)) and agreed during the topic group meeting in March 2018.	Agreed	Agreed
	The worst case scenario used in the assessment for Fish and Shellfish Ecology is appropriate.	Agreed	Agreed
Assessment findings	The characterisation of receptor sensitivity is appropriate.	Agreed	Agreed
	The magnitude of effect is correctly identified.	Agreed	Agreed
	The impact significance conclusions of negligible or minor adverse for Norfolk Boreas alone are appropriate.	Agreed	Agreed
Cumulative Impact Assessment (CIA)	As agreed through the EPP, the methodology including the plans and projects considered within the CIA and the outcomes of the assessment are appropriate.	The CIA should incorporate all proposed developments within the Zones of Influence	Ongoing discussion

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	The Applicant undertook a screening exercise and screened out all developments apart from wind farms and aggregate sites.	and not be limited to just wind farms and aggregate.	
Management Measures – Mitigation and Monitoring			
Mitigation and Management	As agreed through the EPP, given the impacts of the project, the embedded mitigation outlined in section 11.7.1 of Chapter 11 is adequate.	If necessary would like to see incorporation of mitigation for fish species at open cut trenching locations. NE note the commitment within Schedule of Mitigation (159) and oCoCP (140) to select techniques that can allow fish passage to be maintained in watercourses which support migratory fish species such as brown trout, where appropriate and consider this matter resolved	(D6) Agreed These matters are also covered under the Topic of Onshore Ecology (see section 2.6).
Monitoring	Given the minor impacts of the project, no monitoring is proposed for fish and shellfish ecology. The In Principle Monitoring Plan provides a framework to agree monitoring post consent.	Agreed	Agreed

2.4 Marine Mammals

21. The project has the potential to impact upon Marine Mammals. Chapter 12 of the Norfolk Boreas ES (document reference 6.1.12 of the Application, APP-225) provides an assessment of the significance of these impacts.
22. Table 5 provides areas of agreement (common ground) and areas for ongoing discussion regarding Marine Mammals.

Table 5 Agreement Log – Marine Mammal Ecology

Topic	Norfolk Boreas Limited position	Natural England position	Final position
Environmental Impact Assessment			
Existing Environment	Survey data collected for Norfolk Boreas for the characterisation of marine mammals are suitable for the assessment.	Agreed	Agreed
	The ES adequately characterises the baseline environment in terms of marine mammals.	Agreed	Agreed
Assessment methodology	Appropriate legislation, planning policy and guidance relevant to marine mammals has been used.	Agreed	Agreed
	The list of potential impacts on marine mammals assessed is appropriate.	Agreed	Agreed
	Harbour porpoise, grey seal and harbour seal are the only species of marine mammal required to be considered in the impact assessment.	Agreed Other marine mammal species are at such low density that it is not necessary to assess further.	Agreed
	The reference populations as defined in the ES are appropriate.	Agreed	Agreed
	The approach to underwater noise modelling and assessment of impacts from pile driving noise for marine mammals follows current best practice and is therefore appropriate for this assessment as agreed during the expert topic group meeting in March 2018.	Agreed	Agreed
	The impact assessment methodology is appropriate.	Agreed	Agreed
	The worst case scenario for Norfolk Boreas alone used in the assessment for marine mammals is appropriate.	Agreed.	Agreed
	Unexploded Ordnance (UXO) clearance is considered in the EIA to provide a conservative assessment but would be subject to additional licensing once the nature and extent of UXO	Agreed	Agreed

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	present is known following pre-construction surveys. This licensing would be supported by a UXO Marine Mammal Mitigation Protocol (MMMP).		
Assessment findings	The characterisation of receptor sensitivity is appropriate.	Agreed	Agreed
	The magnitude of effect is correctly identified.	Agreed	Agreed
	The impact significance conclusions of negligible or minor for Norfolk Boreas alone are appropriate.	Agreed	Agreed
Cumulative Impact Assessment (CIA)	The plans and projects considered within the CIA are appropriate.	Agreed	Agreed
	The CIA methodology is appropriate.	Agreed	Agreed
	The cumulative impact conclusions of negligible or minor significance are appropriate.	Natural England is broadly in agreement that the implementation of the SIP is appropriate. However as stated in the Relevant Representation (RR-099) a mechanism needs to be developed by the regulators to ensure continuing adherence to the SNCB thresholds over time. Multiple SIPs will be developed, piling can take place over several years, and new projects can come online during this time. Should potential exceedance of the thresholds occur, a process for dealing with this issue needs to be in place – the affected developers / industries will need to work together with the regulator and SNCBs to prevent adverse effect on the Southern North Sea SAC.	It is agreed by both parties that a strategic mechanism is required from the Regulator to ensure that disturbance can be limited to an acceptable level. The current requirement for a SIP is sufficient to allow any mechanism to be fully incorporated without need for variation. However, without a mechanism in place to manage the SIPs then Natural England are concerned that an AEoI could remain.
	<p>The Southern North Sea SIP (DCO Schedules 9 and 10 Part 4 Condition 14(1)(m) and Schedules 11 and 12 Part 4 Condition 9(1)(l)) provides the framework to agree appropriate mitigation measures based on the latest guidance and provides the mechanism for the MMO to ensure that disturbance can be limited to an acceptable level, as piling cannot commence until the MMO is satisfied that there would be no adverse effect on integrity.</p> <p>As outlined in the In Principle Site Integrity Plan (Table 2.1 of document 5.3), it is proposed that the Site Integrity Plan would be updated to capture all relevant assessments and mitigation measures.</p> <p>The Applicant agrees that a strategic mechanism is required from the Regulator to ensure that</p>	<p>Until the mechanism by which the SIPs will be managed, monitored and reviewed is developed, Natural England are unable to advise that this approach is sufficient to address the in-combination impacts and therefore the risk of adverse effect on</p>	

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	disturbance can be limited to an acceptable level. In accordance with the Marine Management Organisation's Deadline 6 submission in the Norfolk Vanguard examination, the Applicant considers that the current requirement for a SIP is sufficient to allow any mechanism to be fully incorporated without need for variation.	integrity on the Southern North Sea SAC cannot be fully ruled out.	
Habitats Regulations Assessment (HRA)			
Screening of LSE	The Approach to HRA Screening is appropriate. The following sites are screened in for further assessment: <ul style="list-style-type: none"> • Southern North Sea SAC • Humber Estuary SAC • The Wash and North Norfolk Coast SAC • Winterton-Horsey Dunes SAC • Klaverbank SAC • Noordzeekustzone SAC 	Agreed	It is agreed by both parties that the designated sites and potential effects screened in for further assessment are appropriate.
Assessment of Adverse Effect on Integrity	The approach to the assessment of AEoI is appropriate.	Agreed	Agreed
	The reference populations as defined in the Information to Support HRA report are appropriate.	Agreed	Agreed
	The conclusions of the Information to Support HRA report are appropriate for Norfolk Boreas alone. For the in-combination assessment of grey seal, to take into account the wide ranging movements of the species and the large area covered by the in-combination projects that have been included, it is much more appropriate to use the wider reference population for assessment, which includes the South East England, North East England, and South Coast Scotland MUs and the	Agreed, however Natural England would welcome further discussion with the Applicant regarding their conclusion of no adverse effect on integrity of the Humber Estuary SAC considering up to 37% of the grey seal population of the SAC could potentially be impacted from Norfolk Boreas and all other projects and plans. (D6) as stated in Natural England's responses to Examining Authority's first round of written questions (REP2-080). Natural England is in	(D6) Agreed

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	<p>Waddensee. Using this wider reference population for the assessment results in a total of 6.6% of the grey population being potentially temporarily disturbed. In addition, not all grey seal that have been predicted to be temporarily affected from the in-combination projects included will be from the Humber Estuary SAC, due to the large distances between the projects assessed and the Humber Estuary SAC.</p> <p>With the implementation of the Southern North Sea SAC SIP to reduce in-combination disturbance effects to harbour porpoise, the in-combination effect of disturbance to grey seal will also be reduced.</p>	<p>agreement with the explanation provided by the Applicant to this point in AS-024. Natural England considers it is reasonable to put the impact to grey seal in the context of the wider in-combination reference population here and agrees it is unlikely that all the grey seal potentially impacted will be from the Humber Estuary SAC.</p>	
	<p>The conclusions of the In-combination Assessment provided in the Information to Support HRA report are appropriate.</p> <p>See position above regarding the CIA conclusions above.</p>	<p>Effectively the Worst Case Scenario (WCS) presented in the HRA will be that all consented projects and those in the planning system will undertake 'noisy' pre-construction site preparation and construction activities at the same time which will almost certainly result in an Adverse Effect on Integrity (AEoI). We recognise that this is an unrealistic WCS because for no other reason it is not technically feasible. However, it does remain probable that two, or more, projects will wish to undertake noisy activities at the same time and depending on the combination of projects there remains a risk of an AEoI.</p> <p>It is also the view of Natural England that the assessment of any future plan or project, such as Norfolk Boreas, is unable to fully complete any in-combination assessment and Habitat Regulation Assessments until a wider mechanism is in place to ensure that</p>	<p>It is agreed by both parties that a strategic mechanism is required from the Regulator to ensure that disturbance can be limited to an acceptable level. The current requirement for a SIP is sufficient to allow any mechanism to be fully incorporated without need for variation.</p>

Topic	Norfolk Boreas Limited position	Natural England position	Final position
		disturbance can be limited to an acceptable level.	
Mitigation and Management			
Mitigation and Management	The Offshore In Principle Monitoring Plan (document reference 8.12 of the Application, APP-703) provides an appropriate framework to agree monitoring of effects on marine mammals with Statutory Nature Conservation Bodies (SNCB)s and the MMO prior to construction.	As stated in the Relevant Representation (RR-099) Natural England considers it is not sufficient to just commit to undertaking strategic marine mammal monitoring. Marine mammal monitoring should seek to answer questions or validate assumptions made in the environmental assessment and it is those questions and issues that should be included in the monitoring plan. Natural England acknowledges that marine mammal assessment issues are likely to be very similar across projects and it may be that monitoring is best undertaken at or between several projects to address these issues and find answers to the original questions. How this is devised and undertaken is for discussion and agreement between the Applicant and other developers, and Natural England will be happy to work with them to achieve this. (D6) This was discussed with the Applicant on 17 th February 2020 and NE will provide some proposed wording at Deadline 6.	Area for ongoing discussion
	The Site Integrity Plan, in accordance with the In Principle Site Integrity Plan (document reference 8.17 of the Application, APP-708) provides an appropriate framework to agree mitigation measures for effects on the Southern North Sea SAC with Statutory Nature Conservation Bodies (SNCB)s and the MMO prior to construction.	Agreed, however Natural England note that 4 months is not much time to agree the final SIP so it will be imperative that as much information and review as possible is undertaken as soon as possible, particularly after the final project design has been decided.	It is agreed by both parties that the Site Integrity Plan provides an appropriate framework to agree mitigation measures for effects on the Southern North Sea SAC with SNCBs and the MMO prior to construction.

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	The MMMP, in accordance with the draft MMMP (document reference 8.13 of the application, APP-704), provides an appropriate framework for securing marine mammal mitigation measures in agreement with the MMO prior to construction.	Agreed	Agreed

2.5 Offshore Ornithology

23. The project has the potential to impact upon Offshore Ornithology. Chapter 13 of the Norfolk Boreas ES (document reference 6.1.13 of the Application, APP-226) provides an assessment of the significance of these impacts. A separate Ornithological SoCG has been progressed between the Applicant and Natural England (ExA.SoCG-17a.D0.V1).

2.6 Onshore Ecology and Ornithology

24. The project has the potential to impact upon Onshore Ecology and Ornithology. Chapters 22 Onshore Ecology (document reference of the Application 6.1.22, APP-235) and Chapter 23 Onshore Ornithology (document reference 6.1.23 of the Application, APP-236) of the Norfolk Boreas ES provides an assessment of the significance of these impacts.
25. Table 6 provides areas of agreement (common ground) and areas for ongoing discussion regarding Onshore Ecology and Ornithology.

Table 6 Agreement Log - Onshore ecology and ornithology

Topic	Norfolk Boreas Limited position	Natural England position	Final position
Environmental Impact Assessment			
Survey methodology	<p>Survey methodologies for Phase 1 Habitat Surveys are appropriate and sufficient and were agreed during the Expert Topic Group meeting held in January 2017.</p> <p>Phase 1 habitat surveys were undertaken in February 2017 and February 2018. Whilst the Applicant acknowledges that the optimum period for Phase 1 Habitat Survey is between March and September, the findings of the Phase 1 survey are considered appropriate for fulfilling their purpose, which was to characterise the broad habitats present within the study area and to provide the scope for detailed, species-specific Phase 2 surveys.</p> <p>The Applicant has committed to undertaking any post-consent surveys at the optimum time of year, which is captured in the Outline Landscape and Environmental Management Strategy (OLEMS) (document reference 8.7 of the Application, APP-698).</p>	<p>Agreed that surveys were not undertaken at the optimum time of year, but that future surveys will be, as committed to within the OLEMS and refer the Applicant to Natural England's standing advice.</p>	Agreed
	<p>Survey methodologies for Phase 2 Surveys are appropriate and sufficient, and were discussed during the Expert Topic Group meeting held in January 2017 and agreed via email on 3rd April 2017.</p>	<p>Agreed, and refer Applicant to Natural England's Standing Advice (Link) for detail.</p>	
Existing Environment	<p>Survey data collected for Norfolk Boreas for the characterisation of onshore ecology and ornithology are suitable for the assessment.</p>	<p>Agreed. Natural England notes the commitment within the OLEMS to undertake post consent surveys at the optimum time of year and refer the Applicant to Natural England's standing advice.</p>	Agreed

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	<p>The ES adequately characterises the baseline environment in terms of onshore ecology and ornithology.</p> <p>Further information on baseline environment is included in Clarification Notes produced as part of the Norfolk Vanguard Examination. These have been considered by Norfolk Boreas and submitted as an appendix to the Comments on Relevant Representations.</p>	<p>Natural England is satisfied that the ES and further information submitted within Clarification Notes as part of the Norfolk Vanguard examination adequately characterise the baseline environment. We would expect the additional information provided during the Norfolk Vanguard examination to also be submitted as part of the Norfolk Boreas examination to ensure that the baseline environment is characterised.</p>	Agreed
Assessment methodology	<p>Appropriate legislation, planning policy and guidance relevant to ecology and ornithology has been considered for the project (listed in section 22.2 and 23.2 in Chapter 22 Onshore Ecology and Chapter 23 Onshore Ornithology respectively).</p>	<p>Natural England is satisfied that future surveys if undertaken in accordance with Standing Advice, will adhere to guidance on completion during optimum survey period.</p>	Agreed
	<p>The list of potential impacts on onshore ecology and ornithology assessed is appropriate.</p> <p>Additional information provided in Clarification Notes produced as part of the Norfolk Vanguard examination have been considered by Norfolk Boreas and submitted as an appendix to the Comments on Relevant Representations.</p>	<p>During the Norfolk Vanguard examination a number of Clarification Notes were provided which provided further information on the impacts to onshore ecology and ornithology, and further commitments and mitigation incorporated within the CoCP and OLEMS. Similar information and commitments should be submitted in relation to the Norfolk Boreas application at the earliest opportunity.</p>	Agreed
	<p>The impact assessment methodologies used for the EIA provide an appropriate approach to assessing potential impacts of the project.</p>	Agreed	Agreed
	<p>The worst case scenario presented in the ES, is appropriate for the project.</p>	Agreed	Agreed

Topic	Norfolk Boreas Limited position	Natural England position	Final position
Assessment findings	<p>The receptors which have been identified and the level of sensitivity applied is appropriate.</p> <p>A 2km buffer has been applied within the assessment detailed in Chapter 22 Onshore Ecology (APP-235), Chapter 23 Onshore Ornithology (APP-236), and the Information to Support Habitats Regulations Assessment Report (APP-201), where no interest features which require larger buffer zones have been identified. Where the need for larger buffers have been identified (for example, for barbastelle bats of Paston Great Barn SAC, or bird species of the Broadland SPA/Ramsar site), this has been set out within the Information to Support Habitat Regulations Assessment Report (APP-201) (which Chapter 22 Onshore Ecology (APP-235) and Chapter 23 Onshore Ornithology (APP-236) draw on).</p> <p>A general 2km buffer for designated sites was agreed with Natural England during the Evidence Plan Process.</p>	<p>As detailed in the Relevant Representation (Appendix 4) Natural England has some concerns about how the zone of influence has been applied.</p> <p>(D6) We note a 5km ZOI for assessment of impacts to Paston Great Barn has been adopted based on foraging areas and a 5km ZOI identified in relation to Broadland SPA and Ramsar features.</p>	(D6) The Applicant understands that Natural England are content with the Zones of Influence used in the assessment.
	The magnitude of impact has been assigned appropriately.	Agreed	Agreed
	<p>The conclusions of the Onshore Ecology and Ornithology assessments of no impact to minor adverse for Scenario 1 (with mitigation) and no impact to moderate significance under Scenario 2 (with mitigation) are appropriate.</p> <p>(D2) The Applicant has submitted a clarification note on trenchless crossings and potential effects of breakout on the River Wensum (REP1-039). The Applicant anticipates that following Natural England's review of this note, this issue can be agreed.</p>	<p>As detailed in the Relevant Representation (Appendix 4) Natural England have concerns about the possible impacts of HDD drilling mud breakouts which have been experienced on a number of other OWF projects. The Relevant Representation (RR-099) provides further detail of further information required.</p> <p>(D6) NE are content with the detail provided in the Clarification Note[AS-3.D1.V1] and Method Statement [AS-5.D2.V1]. NE is content that with the methodology and safeguards as laid out, that there is unlikely to</p>	(D6) The Applicant understands that Natural England is content with the methodology and safeguards proposed for the trenchless crossing at the River Wensum, therefore the Applicant considers that the position is agreed.

Topic	Norfolk Boreas Limited position	Natural England position	Final position
		<p>be a Significant Effect from HDD bentonite breakout on the River Wensum and its features of interest. NE look forward to being consulted on the site specific water crossing plans post consent as specified within oCoCP.</p>	
<p>Embedded Mitigation</p>	<p>Ancient Woodland and trees Under Scenario 2 Trenchless crossing techniques are proposed to be used at any location (limited to those listed in Requirement 16 of the draft DCO, APP-020) where mixed lowland deciduous woodland is present and which cannot be avoided, and no works will take place within 15m of any woodland. As detailed in section 9.1 of the OLEMS a pre-construction survey will be undertaken by an appropriately experienced arboriculturalist which will inform site-specific measures to protect trees adjacent to the works, including defining root protection areas (calculated using guidance from BS5837:2012).</p> <p>(D6) The Applicant updated the OLEMS to include that <i>'The preconstruction survey mitigation will adhere to Natural England's standing advice for ancient woodland, ancient trees and veteran trees.'</i></p> <p>Badgers The procedure outlined within the OLEMS for badger main setts within the project area which require closure and destruction will include other types of setts which may be found within (previously un-surveyed) areas of the project area. This will be captured within the final Ecological Management Plan, secured through DCO Requirement 24,</p>	<p>Welcome that site specific measures for Ancient Woodland will be informed by a pre-construction survey and be in line with the Forestry Commission and Natural England's Standing Advice (Link). This commitment should be incorporated within the OLEMS. The 15m buffer is the absolute minimum required and a larger buffer may be required based on site specific circumstances. There is the potential for the wording in the OLEMS to be misconstrued and recommend this is amended to more accurately reflect the standing advice.</p> <p>(D6) We note updated OLEMS submitted at D1 welcome that preconstruction survey mitigation will adhere to Forestry Commission and NE's Standing Advice.</p> <p>Agreed on the basis that this is captured within the final Ecological Management Plan, allowing sufficient controls to be put in place.</p>	<p>(D6) The Applicant understand that Natural England are content with updated wording in the OLEMS therefore the Applicant considers that the position is agreed.</p> <p>Both parties agree that the measures for main sett closure (and applied to other setts) are appropriate.</p>

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	<p>which will require consultation with Natural England prior to discharge.</p> <p>Wintering and breeding birds To account for potential noise disturbance a buffer of 300m from designated sites (where birds are qualifying features) was identified and potential noise impacts considered. This was agreed with Natural England in January 2017 (Onshore Wintering Bird Surveys Survey Methodology Approach agreed through the Norfolk Vanguard EPP). Beyond this no additional requirement was identified to assess potential disturbance effects.</p> <p>In addition, further measures to deal with the risk of damaging or destroying ground nesting birds' nests (i.e. skylarks) during construction agreed during the Norfolk Vanguard examination have been included within the OLEMS (section 10.3.1).</p> <p>On this basis the assessment of impacts for construction, operation and decommissioning presented are consistent with the agreed assessment methodologies.</p>	<p>Natural England is satisfied that further measures to reduce risk of damaging or destroying ground nesting birds' nests (i.e. skylarks) during construction as agreed for Norfolk Vanguard should be incorporated within the Norfolk Boreas OLEMS at the earliest opportunity.</p>	<p>(D2) The measures have been included within the updated OLEMS (REP1-020) and therefore the Applicant considers that the position is agreed</p>
	<p>Air Quality Potential air quality impacts arising from vehicle movements have been assessed for designated sites within 200m of the road transport network that will be required during construction. This is presented in ES Chapter 26 Air Quality and ES Chapter 22 Onshore Ecology.</p> <p>The Applicant will commit to producing an Air Quality Management Plan (AQMP), as part of the final CoCP, for each stage of the works (this will be secured under Requirement 20(l)) which will deliver mitigation that has been identified within Chapter 26 Air Quality. The final CoCP</p>	<p>As stated in the Relevant Representation Natural England are concerned there may be in combination air quality impacts on designated sites (River Wensum SAC/SSSI and Felbrigg woods SSSI) in proximity to the traffic and transport routes and advise the Applicant include mitigation measures to reduce potential effects.</p> <p>Natural England also note the Traffic and transport chapter does not assess potential impacts with regards designated sites and</p>	<p>(D6) The measures have been included within the updated OTMP [REP5-025] and therefore the Applicant considers that the position is agreed</p>

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	<p>must be submitted and approved by the relevant planning authority in consultation with Natural England post-consent, this commitment will be captured in an update to Requirement 20 within the draft DCO.</p> <p>The traffic related air quality impact assessment was based on the worst case construction traffic on identified transport routes, and also cumulatively with other projects based on their reported construction traffic. No traffic related air quality impacts were identified for ecological receptors for Norfolk Boreas and no air quality mitigation has been identified that would be captured within any AQMP to be developed post-consent.</p> <p>In ES Chapter 22 section 22.8.1.1 the cumulative assessment of Norfolk Boreas and Hornsea Project Three, nitrogen deposition is not predicted to breach the critical load at any designated site. At two designated sites (Felbrigg Woods SSSI and River Wensum SAC/SSSI), nitrogen deposition is predicted to be 2% of the critical load, which is above the 1% threshold in the IAQM guidance for considering potential effects further. The further assessment presented in Section 22.8.1.1 of ES Chapter 22 concludes that an effect of at most negligible magnitude is predicted, resulting in a not significant impact, and as such no mitigation is required. Norfolk Boreas will confirm the Project's actual traffic numbers within the final Traffic Management Plans to be produced post-consent. Provided traffic numbers remain wholly within the worst case scenario that was assessed there would be no requirement to update the air quality impact assessment.</p>	<p>features. Advise that the final Traffic Management Plan includes a consideration of designated sites identified in proximity to routes, with mitigation measures outlined on how traffic and transport air quality impacts will be minimised.</p> <p>(D6) Natural England welcome that the Applicant will include reference to locations of designated sites within the OTMP and include a commitment that if final traffic numbers change from that assessed than the EIA of air quality impacts will be revisited (REP4-010). If the documents are updated as stated.</p>	

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	<p>(D6) The Applicant updated the OTMP [REP5-025] to include reference to the locations of the designated sites and include the following in the OTMP: <i>'In the event that the final vehicle movements differ from those set out in Appendix 1 and Appendix 2 on those links, then the assessment of air quality impacts upon designated sites presented within the Environmental Statement will be revisited to ensure that the impact level upon designated sites remains not significant.'</i></p>		
	<p>Land Use/Soils The onshore cable duct installation strategy (only required under Scenario 2) will be conducted in a sectionalised approach in order to minimise impacts. Construction teams would work on a short length (approximately 150m section) with topsoil stored adjacent to the excavated trench. Once the cable ducts have been installed, the section would be back filled and the top soil replaced before moving onto the next section. This would minimise the amount of land being worked on at any one time and would also minimise the duration of works on any given section of the route. This embedded mitigation is specified through the ES and secured through the Outline Code of Construction Practice (OCoCP). Topsoil should be reinstated where it originated.</p> <p>A Soil Management Plan (SMP) will be developed and approved prior to commencing each stage of the works. The scope of the SMP is detailed in Appendix A of the OCoCP.</p> <p>All land classified as Grade 3 has been assumed to be 'best and most versatile' (i.e. Grade 3a) land for the purpose of the assessment presented in the ES.</p>	<p>Natural England welcomes the commitment made in Section 8 (soil management) of the (OCoCP) that topsoil will be stored adjacent to the excavated trench and will be reinstated where it originated.</p>	<p>Agreed</p>

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	<p>Land Use/ Agri environment Within the study area there are Entry Level Stewardship Schemes (ESS) with Higher Level components. A commitment will be made within the private agreements between Norfolk Boreas Limited and the landowner/occupier to compensate for losses incurred due to potential impacts on ESS during the construction phase of the project.</p> <p>In addition, the applicant will discuss any Countryside Stewardship agreements with landowners and the Rural Payments Agency post-consent. These will form part of the private agreements described above.</p>	<p>There are both Higher Level Stewardship and Higher Tier Countryside Stewardship agreements along the cable route. Due consideration will need to be given to ensure the delivery of these schemes will not be hindered or compromised.</p> <p>As stated in the Relevant Representation. The applicant will need to discuss any Countryside Stewardship agreements with the landowners and the Rural Payments Agency (this is no longer administered by Natural England) at the earliest possible opportunity.</p>	Agreed
	<p>The assessment of cumulative impacts is consistent with the agreed methodologies.</p>	Agreed	Agreed.
Mitigation and Management			
Approach to mitigation	<p>All mitigation measures required are outlined in the Outline Code of Construction Practice and OLEMS (APP-698).</p> <p>As noted in OLEMS, hedgerows will be replanted in the first winter after their removal where they are removed to facilitate duct installation, with the exception of the 6m gap retained for the running track. This is the earliest time after removal when they are mostly likely to take successfully. Therefore, there would be no advantage in employing temporary planting or fencing in these areas. In addition, the 6m gap is considered likely to be too small to act as a barrier to commuting / foraging activity (JNCC, 2001; BCT, 2012),</p>	<p>We would like to see further commitments with regards traffic management and air quality to designated sites, as discussed above.</p> <p>We would like to see further detail on potential impacts of HDD outbreak and management and mitigation measures.</p> <p>We are satisfied that other mitigation measures stated in EIA and consultation are outlined in OCoCP and OLEMS.</p>	(D6) Mitigation for air quality has been agreed and therefore the Applicant considers this agreed.

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	<p>therefore temporary planting is not considered to provide an ecological benefit in this area either.</p>	<p>(D6) NE welcome that the Applicant will include reference to locations of designated sites within the OTMP and include a commitment that if traffic numbers change than the assessment of air quality impacts will be revisited (REP4-010). (Issue may be considered green once document updated).</p>	
	<p>River Wensum SAC</p> <p>The commitments made within the OCoCP (APP-692) to sediment management in the river Wensum flood plain and wider catchment are appropriate.</p> <p>The Applicant has committed to develop a detailed scheme and programme for each watercourse crossing, diversion and reinstatement, which will include site specific details regarding sediment management and pollution prevention measures. This scheme will be submitted to and, approved by the relevant planning authority in consultation with Natural England. This commitment is secured through Requirement 25 (Watercourse Crossings) of the draft DCO.</p> <p>With these commitments in place there will be sufficient control measures to safeguard designated sites in relation to sediment control, pollution prevention and reinstatement of all work areas at watercourse crossings.</p> <p>(D2) The Applicant has submitted a clarification note on trenchless crossings and potential effects of breakout on the River Wensum (REP-039). The Applicant anticipates that</p>	<p>Natural England is generally satisfied with the information as provided within the OCoCP and look forward to being consulted on the site specific water crossing plans as secured through Requirement 25 of the DCO.</p> <p>As noted above, Natural England (RR-099) have concerns about the possible impacts of HDD drilling mud breakouts which have been experienced on a number of other OWF projects. The Relevant Representation provides further detail of what further mitigation should be included within respect to bentonite breakout.</p> <p>(D6) NE is content with the detail provided in the Clarification Note[AS-3.D1.V1] and Method Statement [AS-5.D2.V1]. NE is content that with the methodology and mitigation as laid out, that there is unlikely to be a Significant Effect from HDD bentonite breakout on the River Wensum and its features of interest. NE look forward to being</p>	<p>(D6) The Applicant understands that Natural England is content with the methodology and safeguards proposed for the trenchless crossing at the River Wensum, therefore the Applicant considers that the position is agreed.</p>

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	following Natural England's review of this note, this issue can be agreed.	consulted on the site specific water crossing plans post consent as specified within oCoCP.	
	<p>Wintering and breeding birds in wider countryside</p> <p>The mitigation measures for wintering and breeding birds set out in paragraphs 227 to 230 of the Norfolk Vanguard OLEMS (REP9-014 of the Norfolk Vanguard Examination) have been adopted and are included in updated OLEMS (REP1-020) submitted at Deadline 1.</p>	As stated in the Relevant Representation, the mitigation agreed for Broadland SPA as part of the Norfolk Vanguard Examination process has currently not been included within the Boreas OLEMS. Without mitigation there may be an effect on the SPA. Mitigation should be included and documents updated as soon as possible.	(D2) Agreed
	<p>Semi natural habitats</p> <p>Any topsoil strip of semi-natural grassland habitats, within 10m of any watercourses within the River Wensum catchment will be undertaken using a deep turf strip to increase the effectiveness of subsequent reinstatement. This has been captured within an update to the OLEMS (APP-698).</p> <p>The Applicant has committed to develop a scheme and programme for each watercourse crossing, diversion and reinstatement, which will include site specific details regarding the reinstatement of semi-natural habitats in proximity to watercourses. This scheme will be submitted to and approved by the relevant planning authority in consultation with Natural England. This commitment is secured through Requirement 25 (Watercourse Crossings) of the draft DCO.</p>	Agreed, Natural England has provided advice and is satisfied this is reflected in the OLEMS, we look forward to being consulted on the site specific crossing plans.	Agreed
	The use of trenchless crossing techniques under Scenario 2 at County Wildlife Sites is acceptable subject to detailed design. Trenchless crossing techniques are not required	Agreed	Agreed

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	under Scenario 1 as they will have been completed by Norfolk Vanguard.		
	The provision of an Ecological Management Plan (based on the OLEMS submitted with the DCO application, APP- 698) is considered suitable to ensure potential impacts identified in the Ecological Impact Assessment are appropriately minimised.	Natural England looks forward to being consulted on the final Ecological Management Plan.	Agreed
	<p>The mitigation proposed for great crested newts is appropriate and proportionate (as outlined in the draft great crested newt mitigation licence application, circulated and discussed during May to September 2019).</p> <p>A Letter of No Impediment in response to the draft great crested licence application has been issued by Natural England and will be included within the updated OLEMS to be submitted at Deadline 1.</p>	Natural England have provided a letter of No Impediment to Norfolk Boreas Limited (09 September 2019 Case Ref 10570) in response to the application which includes a number of issues which will need to be addressed before the licence application is formally submitted. A copy of the LONI should be sent to the inspectorate.	Agreed
	The OLEMS identifies where licences may be required for bats, water voles and badgers. The final Ecological Management Plan will provide full details of the licences to be sought, once full post-consent survey data has been obtained and the development scenario has been confirmed.	We advise the Applicant to submit draft wildlife licence applications as soon as possible in accordance with The Planning Inspectorate, Advice Note 11 .	Agreed
	<p>Impacts to fish species are considered within the EclA and the impact assessment is sufficient to characterise the baseline environment for this species.</p> <p>Under Requirement 25 of the draft DCO (APP-020) no stage of the onshore transmission works involving the crossing, diversion and subsequent reinstatement of any designated main river or ordinary watercourse may commence until a scheme and programme for any such crossing, diversion and reinstatement in that stage has</p>	Natural England notes in its Relevant Representation (RR-099) that there is currently insufficient information provided for Natural England to comment on the potential impact of water crossings on fish we would expect any impacts to fish to be considered in the site specific water crossing plans.	(D2) The Applicant considers that this has now been agreed.

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	<p>been submitted to and, approved by Natural England.</p> <p>(D2) The Applicant has committed to the development of a scheme and programme for each watercourse crossing, diversion and reinstatement, to be submitted to and approved by the relevant planning authority in consultation with Natural England. These commitments have been captured within an update to the OCoCP, submitted at Deadline 1 (REP1-018). The requirement for any specific mitigation with respect to fish will be considered during the development of these site specific plans.</p> <p>Where protected species mitigation measures are proposed which include displacement or translocation of species, appropriate post-construction monitoring programmes are detailed within the EclA and OLEMS.</p> <p>Post-construction monitoring for reinstated habitats and for specific species is set out within the OLEMS (APP-698). This includes details of the required aftercare period for all replanted trees and hedgerows, and post-construction monitoring requirements for water voles subject to displacement and for great crested newts subject to mitigation and translocation.</p> <p>Note also that further detail on the monitoring and maintenance requirements specifically for hedgerows will be detailed in the Hedgerow Mitigation Plan which will be developed in consultation with Natural England post-consent.</p> <p>Post-construction monitoring will be undertaken of any UKHPI and Norfolk LBAP grasslands one year after the</p>	<p>Natural England notes in its Relevant Representation (RR-099) that there is currently no onshore post construction survey or monitoring proposed to ensure protected habitats and species have been successfully reinstated post construction.</p>	<p>(D2) This was discussed with Natural England on the 28th November and has now been agreed.</p>

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	<p>completion of construction to identify failure of the grassland to naturally regenerate. This commitment has been captured in the updated OLEMS, submitted at Deadline 1 (REP1-020).</p> <p>(D2) Furthermore, the OLEMS (paragraph 163) states that <i>“If the communities have not re-established, then next steps will be determined based on the status of the restored grassland. This will involve do nothing, grazing management or reseeded, depending on the success of re-establishment after 1 year.”</i></p>		
	<p>Environmental Incident response and reporting The OCoCP (APP-692) identified that a project specific environmental emergency / incident response plan will be prepared post-consent. The plan will include a response flow chart and detail how to report and deal with an environmental incident, including the measures available to contain/clean up an incident. A contact list for notifying relevant stakeholders will be appended to the plan.</p> <p>The OCoCP (APP-692) will be updated to include this reporting requirement i.e. Natural England Site Officer to be consulted within 24 hours if any incident occurs within proximity to a designated site.</p>	<p>Natural England note in the Relevant Representation that there is currently no clarification of how terrestrial environmental incidents will be responded to and reported on. The CoCP states that a project specific environmental emergency/incident response will be prepared. Natural England would wish to see further detail as part of the DCO and expect to be consulted within 24 hours if an incident occurs within proximity to a designated site.</p>	<p>Agreed</p>
	<p>Net Gain The proposals for net gain fall outside of the NSIP consenting regime. However, the mitigation measures set out within Chapter 22 Onshore Ecology (APP-235) have been designed to result in no loss of biodiversity, with all habitats removed to be either reinstated or enhanced following construction (for example, hedgerows temporarily severed along the onshore cable route), or compensated for where</p>	<p>Other bodies such as Highways England and Network Rail who are delivering major infrastructure have committed to delivering net gain where possible. Whilst NSIPs are exempt from the statutory requirement to deliver Net Gain we recommend and consider</p>	<p>(D2) This was discussed during the call on the 28th of November. However, both parties' positions remain unchanged.</p>

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	<p>permanently lost (for example, at the onshore substation). Furthermore, for selected species (for example commuting / foraging bats), the mitigation set out within Chapter 22 Onshore Ecology (APP-235) has been designed to result in an overall enhancement in biodiversity through increasing the quality of foraging habitat provided following construction of the project. This will also apply to hedgerows at the substation site, ensuring there is no net loss of commuting / foraging habitat.</p>	<p>that Net Gain could be delivered as part of this proposal.</p>	
HRA			
<p>Screening of LSE</p>	<p>The methodology and sites screened in for the HRA as presented in Appendix 5.2 of the Information to Support HRA report (APP-201) are considered appropriate, considering sites within 5km of onshore infrastructure. The following sites were screened in for further assessment:</p> <ul style="list-style-type: none"> • River Wensum; • Paston Great Barn • Norfolk Valley Fens; and • The Broads SAC <p>(D2) The Screening matrices REP1-012) have been updated to reflect the position on the Broadland SPA and Ramsar and submitted at Deadline 1.</p> <p>(D2) The Applicant has submitted a clarification note on trenchless crossings and potential effects of breakout on the River Wensum (REP1-039). The Applicant considers that following Natural England's review of this note, this issue can be agreed.</p> <p>(D6) The Applicant has updated the Screening matrices and Integrity matrices at Deadline 6 to reflect Natural England's view that due to the risk of bentonite</p>	<p>Generally agreed, however Natural England note in the Relevant Representation that, during the Norfolk Vanguard examination it was noted that the survey data collected for onshore ornithology species was not of sufficient duration and had not been linked to crop rotations so it would not be possible to comment on where Broadland SPA and Ramsar species may be using Functionally Linked Land, during the construction phase and that there could be direct effects on ex situ habitats. The Applicant committed to providing mitigation. This is not reflected within Appendix 5.3 Screening Matrices and the tables should be updated accordingly.</p> <p>Marsh Harrier is also on the Broadland SPA citation.</p> <p>As discussed below: The River Wensum SAC -</p>	<p>(D6) The HRA matrices have been updated as agreed with NE therefore the Applicant considers this now agreed.</p>

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	<p>breakout within the River Wensum during construction that potential direct effects upon the River Wensum SAC should be screened in, as discussed in the Clarification note submitted at Deadline 1 [REP1-039].</p>	<p>The matrices presents that the use of trenchless crossing techniques will ensure no direct effects upon any of the qualifying features of the SAC. However, given the number of HDD drilling mud breakouts experienced by other wind farms recently Natural England believe that trenchless crossing does not ensure that there will be no direct effects, and further information on the HDD methodology and potential effects need to be provided.</p> <p>(D6) The updated screening Matrices does not currently screen in Direct effects on the Wensum SAC and its features, due to trenchless crossing. As discussed in our Rel Rep [099] we consider the chance of HDD break out likely enough that site and features should be screened in. We note the additional information provided in the Clarification note and Method statement for Crossing the River Wensum and adjacent Watercourses AS-5.D2.V1. Natural England is content these documents provide sufficient information with regards design, methodology and mitigation to be confident that the proposal will not adversely affect the integrity of the site. However the screening matrices should be updated accordingly.</p> <p>NE welcome that the applicant will update the screening matrices (REP4-010) and</p>	

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	<p>Broadland SPA/Ramsar</p> <p>Commitments made during the Norfolk Vanguard examination at Deadline 9 and included in the updated OLEMS for that project (REP9-014 of the Norfolk Vanguard Examination) will be adopted under Scenario 2 for the Norfolk Boreas project and the OLEMS (APP-698) will be updated accordingly and submitted to the examination at the appropriate deadline. These commitments are:</p> <ul style="list-style-type: none"> • Potentially undertake a second year of wintering bird surveys and undertake an assessment of predicted crop patterns to assess the potential use of the affected areas by foraging goose and swan species (see bullet point three below). • If required provide suitable alternative habitat (by introducing feed) for potentially displaced qualifying species associated with Broadland SPA / Ramsar site elsewhere within the Order limits or (subject to separate landowner agreements) within nearby fields. • The Applicant may progress directly to delivering the above mitigation without undertaking the second year of survey, subject to agreement with Natural England. 	<p>integrity matrices. (Issue may be considered green once document updated).</p> <p>Agreed, Natural England is satisfied that the commitments laid out within the Vanguard OLEMS in relation to Broadland SPA/Ramsar swan and geese species and ex situ habitats, reflect our advice and that there will be no Adverse Effect on Integrity for the features of the site.</p>	<p>Agreed as these commitments are incorporated within the Norfolk Boreas OLEMS</p>
<p>Assessment of Adverse Effect on Integrity</p>	<p>River Wensum SAC</p> <p>The commitment to undertake trenchless crossing techniques at the River Wensum allows direct impacts to the SAC to be ruled out.</p>	<p>Direct impacts on the River Wensum SAC have been ruled out given the use of HDD. However, given the number of HDD drilling mud breakouts that have occurred recently on other OWF projects, Natural England</p>	<p>(D6) The HRA matrices have been updated as agreed with NE, therefore the Applicant</p>

Topic	Norfolk Boreas Limited position	Natural England position	Final position
	<p>(D2) The Applicant has submitted a clarification note on trenchless crossings and potential effects of breakout on the River Wensum (REP1-039). The Applicant considers that following Natural England’s review of this note, this issue can be agreed.</p> <p>The Applicant has committed to develop a scheme and programme for each watercourse crossing, diversion and reinstatement, which will include site specific details regarding sediment management and pollution prevention measures. This scheme will be submitted to and approved by the relevant planning authority in consultation with Norfolk County Council, the Environment Agency, relevant drainage authorities, and Natural England. This commitment is secured through Requirement 25 (Watercourse Crossings) of the draft DCO.</p> <p>(D6) The Applicant has updated the Screening matrices and Integrity matrices at Deadline 6 to reflect Natural England's view that due to the risk of bentonite breakout within the River Wensum during construction that potential direct effects upon the River Wensum SAC should be screened in, as discussed in the Clarification note submitted at Deadline 1 [REP1-039].</p>	<p>advise in their Relevant Representation that that this is a regular enough occurrence to be considered a likely impact. We therefore advise that direct effects of HDD breakouts on the Wensum SAC designated features are scoped in and impacts assessed against a worst case scenario considering, scale, duration and timing. Further advice is provided in the Relevant Representation (Appendix 4).</p>	<p>considers this now agreed.</p>
	<p>The approach to undertaking the assessment is appropriate.</p> <p>(D2) The Applicant has submitted a clarification note on trenchless crossings and potential effects of breakout on the River Wensum (REP1-039). The Applicant considers that following Natural England’s review of this note, this issue can be agreed.</p>	<p>Natural England is generally satisfied with the assessment of adverse effect on integrity, with the CoCP and OLEMS. However further assessment is required with regard to bentonite breakout at the River Wensum SAC (see positions above and further comment within Appendix 4 of the Relevant Representation).</p>	<p>(D6) The Applicant understands that Natural England is content with the methodology and safeguards proposed for the trenchless crossing at the River Wensum,</p>

Topic	Norfolk Boreas Limited position	Natural England position	Final position
		<p>(D6) NE is content with the detail provided in the Clarification Note[AS-3.D1.V1] and Method Statement [AS-5.D2.V1]. NE is content that with the methodology and mitigation as laid out, that there is unlikely to be a Significant Effect from HDD bentonite breakout on the River Wensum and its features of interest. NE look forward to being consulted on the site specific water crossing plans post consent as specified within oCoCP.</p>	<p>therefore the Applicant considers that the position is agreed.</p>
	<p>Paston Great Barn SAC</p> <p>The conclusion of No Adverse Effect on Integrity for the Paston Great Barn SAC is appropriate.</p> <p>The commitment to undertake preconstruction bat surveys at specific hedgerows (along North Walsham Road from Edingthorpe Green to Edingthorpe Heath and at two hedgerows between Witton and North Walsham Road) that was included in the Norfolk Vanguard OLEMS (REP9-014 of the Norfolk Vanguard Examination), will be adopted for Norfolk Boreas project and the OLEMS (APP-698) updated accordingly. The updated OLEMS has been submitted to the examination [REP1-020].</p>	<p>As stated in the Relevant Representation Natural England has concerns that there is currently no consideration of indirect effects on the SAC in accordance with the conservation objectives. The onshore cable route will pass through a number of medium to high important feeding and foraging hedgerow corridors, which link core foraging areas to the south of the cable route (Satellite Tracking data). Without appropriate mitigation this could have a LSE on the Barbastelle bat population. Suggest the Applicant refer to the Clarification Note and OLEMS for Norfolk Vanguard (Deadline 9) and incorporate similar commitments within the Norfolk Boreas DCO.</p> <p>(D6) Welcome inclusion of mitigation in OLEMS, though the area of hedge to be left to thicken up either side of gaps appears to be</p>	<p>(D6) The OLEMS has been updated as agreed therefore the Applicant considers that the position is agreed.</p>

Topic	Norfolk Boreas Limited position	Natural England position	Final position
		<p>different for Vanguard and Boreas and Applicant should clarify differences.</p>	
	<p>The conclusions of no adverse effect on site integrity for all onshore sites presented in the Information to Support HRA report (document 5.3) are appropriate.</p> <p>(D2) The Applicant has submitted a clarification note on trenchless crossings and potential effects of breakout on the River Wensum (REP1-039). The Applicant considers that following Natural England’s review of this note, this issue can be agreed.</p>	<p>Natural England have concerns regarding the possible impacts of breakout from the trenchless crossing under the River Wensum and therefore cannot yet agree with this statement.</p> <p>Natural England look forward receiving copies of supporting information and commitments with regards Broadland SPA/Ramsar and Paston Great Barns SAC being submitted as part of the DCO process.</p> <p>(D6) NE is content with the detail provided in the Clarification Note [AS-3.D1.V1] and Method Statement [AS-5.D2.V1]. NE is content that with the methodology and</p>	<p>(D6) The Applicant understands that Natural England is content with the methodology and safeguards proposed for the trenchless crossing at the River Wensum, therefore the Applicant considers that the position is agreed.</p>

Topic	Norfolk Boreas Limited position	Natural England position	Final position
		mitigation as laid out, that there is unlikely to be a Significant Effect from HDD bentonite breakout on the River Wensum and its features of interest. NE look forward to being consulted on the site specific water crossing plans post consent as specified within oCoCP.	

2.7 Development Consent Order

26. Natural England's relevant representation (RR-099), submitted to the Planning Inspectorate on the 31st August 2019 includes comments on the draft DCO (contained within Appendix 5 of the Relevant Representation) which The Applicant is addressing where possible. Comments from Natural England regarding the draft DCO, where relevant, will be responded to at each appropriate Examination Deadline.

27. Table 7 provides areas of agreement (common ground) and areas for ongoing discussion regarding the DCO. As the Applicant is responding to the MMO comments these are provided in second column and the Applicants response in the third. It should be noted that this is contrast to Tables 2 to 6 which contain the Applicants position in the second column and the MMOs response in the third.

Table 7 Agreement Log – DCO, DML and other DCO document

Topic	Natural England position	Norfolk Boreas Limited position	Final position
Development Consent Order			
DCO Schedule 1 General	All references to Natural England should be amended to the Statutory Nature Conservation Body and an interpretation should be added to define the Statutory Nature Conservation Body. (D3) Natural England notes the updated dDCO refer to the relevant Statutory Nature Conservation Body and consider this issue resolved.	The Applicant notes this and will amend the definition throughout the next version of the dDCO and DMLs.	Agreed
DCO Schedule 1 General	Natural England requests that a requirement be added to the DCO for the Applicant to confirm in writing to the MMO and Relevant Local planning Authorities once the construction phase has ended and the operations and maintenance phase has commenced. Following that notification no more activities related to the construction of the offshore wind farm may be conducted. This is to ensure clarity on when conditions applying to construction end and when conditions applying to operations and maintenance are active. (D6) Natural England notes that this condition meets a requirement to notify. However, the proposed condition was not just needed for notification. It was there to ensure a clean line between the end of construction and the beginning of operation. Included in this is a confirmation that after this date no works considered construction could take place. Recently Natural England has been involved in discussion on an OWF NSIP project in the operation phase requesting permission to do works which would fall under construction. In this case the position was put forward by the applicant that it could be construed that construction had not ended as there was no such clear indication of when construction ends. A clear condition or requirement would help prevent future disagreements.	The Applicant notes this comment. The Applicant, however, does not consider that this amendment is necessary for the following reasons: 1. The Applicant must provide the MMO with a Construction Programme and Monitoring plan in accordance with the offshore in principle monitoring plan, as secured by Condition 14(1)(b) (Schedule 9-10), Condition 9(1)(b) (Schedule 11-12) and Condition 7(1)(b) (Schedule 13). This will set out the proposed construction programme; 2. The Applicant must also provide an offshore operations and maintenance plan at least four months prior to commencement of operation of the licensed activities, pursuant to Condition 14(1)(j) (Schedule 9-10), Condition 9(1)(j) (Schedule 11-12), and Condition 7(1)(i) (Schedule 13); 3. The Applicant must notify the MMO (including Kingfisher Information Service of Seafish and the UK Hydrographic Office) upon completion of licensed activities (for example, Condition 9 (Schedule 9-10)). In the case of the Kingfisher Information Service of Seafish notification, this must be no later than 24 hours of completion of construction of all	The Applicant and Natural England agree this for the offshore notifications however Natural England are currently considering if the current wording of the DCO is appropriate for onshore notifications

Topic	Natural England position	Norfolk Boreas Limited position	Final position
	<p>(28th Jan 2020) The issue the other OWF project raised was to do with cable protection and a consideration submitted by the project that post construction/operational phase cable protection be permitted during the operational phase in accordance with permitted volumes in the DCO. i.e. there are no timing restrictions on when the permitted volumes of cable protection can be deployed. Natural England has not responded to a formal consultation process so cannot share our response.</p> <p>We wish to correct our previous comment as the project raising the issue was proposing to lay cable protection post construction, but is currently in construction, and not constructed as originally indicated.</p> <p>Please see Natural England’s Cable Protection Position Paper Draft December 2019, as submitted into Examination at Deadline 3 for further information on our advice regarding cable protection and the various phases of development.</p>	<p>offshore activities. The MMO will therefore be notified accordingly and will be in a position to share the information with relevant stakeholders, such as Natural England. The Applicant considers that this notification should, therefore, address Natural England's request. This approach is also in line with precedent, following other as made offshore wind DCOs; and</p> <p>4. In respect of the onshore works, the Applicant must submit a scheme to the LPA setting out the stages of onshore transmission works (Requirement 14). The detail of the stages and construction measures for each stage will then be secured through the Code of Construction Practice (Requirement 20), to be submitted to the LPA in consultation with Norfolk County Council, the Environment Agency and (as per the latest version of the dDCO) Natural England.</p> <p>Accordingly, there are sufficient measures contained in the DCO to provide control and transparency for the enforcement bodies - in consultation with their statutory advisers - in relation to commencement, construction, and stages of works.</p> <p>9th Jan 2020. The Applicant requested further information regarding concerns raised by Natural England at Deadline 3. Given that Natural England's concerns on the previously mentioned project were in relation to cable protection, and the Applicant has committed that any new areas of cable protection following construction would need a new marine licence, the Applicant considers that this position is now resolved.</p>	

Topic	Natural England position	Norfolk Boreas Limited position	Final position
DCO Schedule 1 General	<p>Natural England recommends that a condition be included in the DCO for the Applicant to produce a net gain DCO plan demonstrating how the proposed project will deliver net gain.</p> <p>(D6) Natural England notes that there is no legislation requiring the Applicant to commit to supporting Net Gain. However, refer to our Relevant Representation [099] Appendix 4 22.2.3 and would encourage the Applicant to consider Net Gain.</p>	<p>The Applicant does not consider this necessary or appropriate for a project of this nature. The proposals for net gain fall outside of the NSIP consenting regime. This is confirmed in the Government response to consultation dated July 2019, at page 5 as follows:</p> <p><i>"Government will continue to work on exploring potential net gain approaches for these types of development, but nationally significant infrastructure and net gain for marine development will remain out of scope of the mandatory requirement in the Environment Bill."</i></p> <p>This document can also be located at the following link: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819823/net-gain-consult-sum-resp.pdf</p> <p>The mitigation measures set out within Chapter 22 Onshore Ecology (APP-235) have been designed to result in no loss of biodiversity, with all habitats removed to be either reinstated or enhanced following construction (for example, hedgerows temporarily severed along the onshore cable route), or compensated for where permanently lost (for example, at the onshore substation). Furthermore, for selected species (for example commuting / foraging bats), the mitigation set out within Chapter 22 Onshore Ecology (APP-235) has been designed to result in an overall enhancement in biodiversity through increasing the quality of foraging habitat provided following construction of the project.</p>	Area for ongoing discussion
DCO Schedule 1 part 3 page 55, 5 and 11	<p>The total volumes for cable protection do not match the ES; I suspect this is due to not including cable crossings. Clarification required.</p> <p>The total volumes and areas for scour protection do not match the ES.</p>	<p>The Applicant notes this and will review the dDCO and make any changes accordingly. The Applicant, however, suspects that the figures Natural England are referring to can be explained by reference to the Reconciliation Document (document reference: APP-689). This document explains how the "worst case scenario" as assessed within</p>	(D6) Agreed

Topic	Natural England position	Norfolk Boreas Limited position	Final position
	<p>(D6) Following the changes to the DCO and the updated reconciliation document Natural England is satisfied that the numbers on the dDCO are correct. However, as above would recommend that the ES project description be updated to reflect the commitment to reduced volumes of cable protection.</p>	<p>the EIA has been adequately secured within the DCO and DMLs. For many of the parameters secured within the DCO it is clear that the same values have been assessed within the ES, for example the minimum gap between turbines - which is stated at requirement 2 in Schedule 1 of the DCO and also presented throughout. However, due to the fact that the DMLs are defined by a group of assets and the EIA takes a geographical approach to assessing impacts, values for other parameters, such as the maximum quantities of cable protection and/or scour protection, are not so easily cross referenced between the ES and the DCO. This is explained further in the Reconciliation Document.</p>	
<p>DCO Schedule 1 Part 3 Page 59, 20</p>	<p>The code of construction practice details Environment Agency for consultation, but not Natural England.</p> <p>(D6) Natural England notes that in the updated dDCO these changes have now been made. This issue is considered closed.</p>	<p>The Applicant has agreed to include Natural England within the list of consultees for Requirement 20 and this will be reflected within the next version of the dDCO.</p>	<p>Agreed</p>
<p>DCO Schedule 1 Part 3</p>	<p>Natural England requests that the maximum hammer energy to be used while piling be included within the requirements and within the Deemed Marine Licences. This is an important metric in the measurement of noise impact and represents a significant part of the projects Rochdale envelope.</p> <p>Following discussions with the Applicant on the 28th November 2019 Natural England is content that the maximum piling energy is secured appropriately.</p> <p>(D6) Natural England acknowledges that this condition secures the maximum hammer energy for monopoles. We note the MMO has responded in relation to hammer energy and Natural England support the MMO position.</p>	<p>The maximum amount of hammer energy is secured within the dDCO at Condition 14(3) (Schedule 9-10), and Condition 9(3) (Schedule 11-12) of the DMLs, which states the following:</p> <p>..."(3) In the event that driven or part-driven pile foundations are proposed to be used, the hammer energy used to drive or part-drive the pile foundations must not exceed 5,000kJ."</p> <p>The Applicant does not therefore consider it necessary to amend this condition further.</p> <p>(D6) The Applicant has made the changes suggested by the MMO to the latest version of the dDCO, which has been submitted at deadline 4 (Version 3). Condition 14(3) now reads:</p>	<p>(D6) Agreed</p>

Topic	Natural England position	Norfolk Boreas Limited position	Final position
	<p>28th Jan 2020 Natural England is grateful for the proposed change and can confirm we are content with this as a resolution to this issue.</p>	<p><i>In the event that driven or part-driven pile foundations are proposed to be used, the hammer energy used to drive or partdrive the pile foundations must not exceed— (a) 5,000kJ in respect of monopile foundations; and (b) 2,700kJ in respect of pin piles.</i></p>	
<p>DML Schedule 9/10/13 General</p>	<p>The DCO and ES project description provide assessment of specific volumes of boulder relocation work. However, there is no mention of this as a licensed activity nor of the limits of this licensed and potentially damaging activity within any of the DMLs.</p> <p>(D2) Following discussions with the Applicant on the 28th November 2019 Natural England is content that because boulders would not be lifted to the surface, this would not require specific mention within the DMLs</p> <p>(D6) Natural England is content with the answer provided and considers this issue closed.</p>	<p>Disposal volumes have been separated into drill arisings and dredged sediment in the dDCO. Any boulders of significant size would be relocated as assessed in the ES. These would not be lifted to the surface and are therefore not considered in the volumes for disposal. The Applicant considers that it is not practicable or necessary to distinguish between sand and mud volumes.</p> <p>Notwithstanding this, the Applicant has included the amount of boulders to be cleared within the HHW SAC within the Outline HHW SAC SIP (document reference 8.20, APP-711). This is secured within condition 9(1)(m) of the Transmission DMLs (Schedule 11-12).</p>	<p>(D6) Agreed</p>
<p>DML Schedule 9/10/13 General</p>	<p>The Offshore In Principle Monitoring Plan includes potential marine mammal monitoring. However, no DML contains any condition that would secure the requirement to conduct any agreed Marine Mammal monitoring. Natural England considers that a condition should be included to ensure that monitoring occurs.</p> <p>(D6) Natural England notes that the marine mammal mitigation protocol is a mitigation protocol and does not secure marine mammal monitoring. The monitoring of noise during construction, while a relevant impact to marine mammals and essential to ensuring impact is within the predicted levels, is not monitoring of marine mammals.</p>	<p>The Applicant must produce a marine mammal mitigation protocol, in accordance with the draft marine mammal mitigation protocol, prior to commencement of any piled foundations (Condition 14(1)(f) (Schedule 9-10) and Condition 9(1)(f) (Schedule 11-12)).</p> <p>Pursuant to Condition 20 (Schedule 9-10) and Condition 14 (Schedule 11-12), the Applicant must then submit further details, in accordance with the offshore In Principle Monitoring Plan (document 8.12, APP-703), for approval by the MMO in consultation with the relevant SNCBs. This submission must cover any proposed monitoring, including methodologies and timings, to be carried out during the construction of the authorised scheme. Noise monitoring results must be provided to the MMO within six weeks of the installation of the first four piled foundations of each piled foundation type and, if in the opinion of the</p>	<p>Area of ongoing discussion</p>

Topic	Natural England position	Norfolk Boreas Limited position	Final position
	<p>The In Principal Monitoring Plan includes commitments to marine mammal monitoring and this commitment should be appropriately secured through condition.</p> <p>(28 Jan 2020) Noise monitoring is not marine mammal monitoring, although Natural England does note that validation of noise impacts is important to ensure impacts remain within the ES and HRA assessments. However, the monitoring condition is required to secure monitoring of Marine Mammals post consent. The Boreas IPMP section 4.5.2 commits to conducting monitoring of marine mammals, potentially through a strategic programme. This monitoring should be secured through condition, as monitoring of other key species is secured, such as ornithology.</p> <p>NE discussed this in meeting 17th February. NE to provide example wording in relation to condition for D6.</p>	<p>MMO in consultation with Natural England, the assessment shows significantly different impacts to those assessed in the environmental statement or failures in mitigation, then all piling activity must cease until an update to the marine mammal mitigation protocol and further monitoring requirements have been agreed.</p> <p>(9th Jan 2020) Construction monitoring for marine mammals is secured through DML condition 14(1)(b)(iii), where a plan containing construction monitoring must be submitted to and approved by the MMO. The plan submitted and approved must accord with the IPMP, which contains details on marine mammal monitoring. Condition 19(1) also secures monitoring in accordance with the IPMP, and states that where piling is proposed the plan must include monitoring of the first 4 piled installations. Therefore no separate condition on marine mammal monitoring is required.</p> <p>The Applicant therefore considers that these measures cover Natural England's concerns in relation to marine mammal monitoring.</p>	
<p>DML Schedule 9/10/13 Part 4 Condition 12 (5)</p>	<p>This condition should be amended to ensure that any material of non-natural origin must be disposed of to an appropriate disposal site onshore. Subject to any requirements under the appropriate archaeological conditions.</p> <p>(D6) Natural England discussed this issue with the Applicant in a meeting on 29 November. The Applicant is going to consider the wording change proposed by Natural England. We would note this wording change was made on the Vanguard DCO at the request of the ExA.</p> <p>Additionally, Natural England notes that the intention may be that only material of natural origin are dredged up and then</p>	<p>The Applicant considers that all material dredged or drilled from the seabed would be of natural origin. Furthermore, all material would be disposed of within the vicinity of the dredge location and therefore would not be transported far from source. Therefore, the wording of the DCO should remain in keeping with the precedent set by previous DCO projects.</p> <p>(9th Jan 2020) Condition 12(5) of the Norfolk Boreas DMLs is identical to the final wording of condition 12(5) contained in the Norfolk Vanguard dDCO. No changes were proposed by the ExA in their schedule of changes for Norfolk Vanguard. Condition 12(5) is clear that only 'inert material of natural origin' can be disposed within the disposal sites and therefore it is not necessary to expressly state that 'Material of non-</p>	<p>(D6) Agreed</p>

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	<p>disposed. However, the reality is that there is a risk of manmade material being dredged up, this has occurred on other developments. For example parts of wrecks, detonated UXOs and other man made debris. Disposing of this material back into the marine environment could potentially be considered a breach under OSPAR and this condition should be amended to ensure that any man made material recovered is disposed of to an appropriate onshore disposal site, or as directed under the Written Scheme of Investigation (for any historically significant recoveries).</p> <p>(28th Jan 2020) Natural England notes the response and agrees that this issue may be considered resolved.</p>	<p>natural origin must be disposed of in an appropriate disposal site onshore or as otherwise required under the WSI (Offshore)', especially given that NE states this would be a breach of OSPAR in any event.</p>	
<p>DML Schedule 9/10/13 Part 4 Condition 14 (g) (iii)</p>	<p>Natural England does not agree that cable protection can be deployed under this licence for the duration of operation. The outline Operations and Maintenance plan states that cable protection may be deployed up to the full volume assessed in the ES across the full operation lifetime of the project. Cable protection to be deployed after construction has ended should be applied for under a new consent. This is due to the wide spatial and temporal scale of these construction works. Additionally the definition of maintain within the DCO and DMLs does not include construction of new works such as new areas of cable protection. Furthermore, there appears to be no provision which would require provision of updated plans and methodologies prior to each instance of additional work to allow consultation on their appropriateness and the MMO to make a determination on if the works are within those assessed in the ES, or HRA.</p> <p>(D6) the Applicant has confirmed no cable protection to be included post construction, therefore this can now be agreed</p>	<p>The Applicant can confirm that any new areas of cable protection required during the operation stage would be subject to a separate marine licence. The wording of the current DCO does not allow for the applicant to install new areas of cable protection during operation. The Outline OOMP demonstrates this in the Table in Appendix 1 that has a yes in the Additional licence likely to be required column against cable protection.</p> <p>The MMO previously advised the Norfolk Vanguard project that the wording of the draft DCO did not allow for new areas of cable protection to be installed during the operation and maintenance phase of the project. The Norfolk Boreas draft DCO uses the same wording as the Norfolk Vanguard DCO and therefore no changes to the draft DCO are considered necessary.</p> <p>Following discussions on the 28th November 2019, it has been agreed that the wording in the OOMP (REP1-027) makes clear that a separate licence would be required to install cable protection in new areas during operation.</p>	<p>(D6) Agreed</p>

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<p>DML Schedule 9/10/13 Part 4 Condition 14 (l)</p>	<p>Natural England notes there is no reference to the timing requirement within this condition and would suggest cross linking to condition 14 (b) for the avoidance of doubt.</p> <p>(28th Jan 2020) Natural England has considered the updated wording. However, our position remains unchanged. The OMP should be provided before the pre-construction monitoring so it can be ascertained that the monitoring being conducted will be the most appropriate for meeting the hypothesis of the monitoring programme.</p>	<p>The general position is that stated under Condition 15(3) in that each programme, statement, plan, protocol or scheme required to be approved under condition 14 must be submitted for approval at least four months prior to the intended commencement of licensed activities (unless stated otherwise). Condition 14(b) is an exception where it is necessary to 'otherwise state' the timeframe. The express reference to a timeframe within condition 14(1)(b) is necessary given that the four month deadline is relevant for the submission of details at different stages and prior to certain events (as opposed to that under the general Condition 15(3) position) – for instance, prior to the first survey; prior to construction; and prior to commissioning.</p> <p>(D6) Notwithstanding the above the Applicant, in agreement with Natural England, has amended this condition within the DCO submitted at Deadline 5 [REP5-004]. Condition 14 (1) (l) now reads as follows:</p> <p><i>(l) In relation to ornithological monitoring—</i></p> <p><i>(i) an outline plan setting out the aims, objectives and timing for ornithological monitoring which must be submitted to the MMO (in consultation with the relevant statutory nature conservation body) at least four months prior to the first pre-construction survey (as referred to in Condition 14(1)(b)(aa)), and</i></p> <p><i>(ii) an ornithological monitoring plan setting out the methods for ornithological monitoring which must be submitted to the MMO (in consultation with the relevant statutory nature conservation body) in accordance with the details and timescales approved pursuant to the outline plan referred to in sub-paragraph (i).</i></p>	<p>(D6) Agreed</p>

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<p>DML Schedule 9/10/13 Part 4 Condition 15 (4)</p>	<p>Natural England does not consider 4 months an appropriate timeframe to approve all plans and documentation. Documents such as site integrity plans are likely to require detailed assessment, such as habitats regulation assessment. This is likely to take multiple consultation periods of 4 weeks. Natural England would recommend this be amended to 6 months prior to commencement, to ensure sufficient time to sign off the large volume of complex documentation that will need to be submitted.</p> <p>(D3) Natural England notes the Applicant’s comments regarding the appropriateness of the four month period. However, disagrees that this period is appropriate for this project.</p> <p>Natural England notes that it has disagreed with the four month period on a number of NSIP OWF projects including but not limited to; Vanguard, East Anglia Three, and Hornsea Project Three.</p> <p>The four month period was originally designed for round one offshore wind farms. These developments were much closer to shore and far smaller. Therefore, they were much less complex and the issues within them easier to resolve. This four month period has been carried over to the NSIP by industry as a standard, however, it is no longer appropriate for projects of such orders of magnitude bigger and more complex than for that it was originally deemed appropriate. The Applicant acknowledges that in some cases it has not been possible to approve these documents within this time period which can lead to costly delays. An appeal mechanism launched at the end of a four month process is not going to reduce the risk of</p>	<p>The Applicant notes Natural England's comments. The Applicant, however, considers that the four month time frame conditioned within the DMLs is appropriate and proportionate to allow the MMO, in consultation with statutory bodies, sufficient time for stakeholder consultation and the provision of comments, whilst ensuring no unnecessary delay to the commencement of development and completion of construction works.</p> <p>This time period is contained on a number of other Offshore Wind Farm (OWF) DCOs (including The East Anglia Three Offshore Wind Farm Order 2017, the Hornsea Two Offshore Wind Farm Order 2016, the draft Norfolk Vanguard Offshore Wind Farm Order [2019], and the draft Hornsea Project Three Offshore Wind Farm Order [2020]). Four months is, therefore, well-established as an appropriate time frame for OWF schemes and one that ensures a balance is struck between the expedient discharge of the relevant conditions attached to the DML whilst allowing a reasonable period of time for consideration by the MMO and its consultees.</p> <p>The Applicant acknowledges that it has, in some recent cases, taken the MMO much longer than 4 months to discharge certain DML conditions on other OWF projects and it should be recognised that with no mechanism to encourage the determination of applications within a reasonable period (such as arbitration or appeal) the developer is then left in a position which is wholly unsatisfactory.</p>	<p>Area of ongoing discussion</p>

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	<p>delay. It is more likely to compound the issue by taking up resources that could be devoted to issue resolution, while also taking additional time to come to a determination. Natural England supports the MMO position on the appropriateness of an appeals process.</p> <p>Natural England also notes that within the recent applications for East Anglia 2 and East Anglia One North the Applicant has deemed that 6 months is an appropriate timeframe and included such within their dDCOs.</p>		
DML Schedule 9/10/13 Part 5 Appeals Process	<p>Natural England notes this condition implies only 1 survey will be conducted in any event. However, the Offshore In Principle Monitoring Plan table 4.2 highlights that in the event of damage to reef features further surveys may be needed as to be agreed with the MMO, in consultation with Natural England. Natural England would, therefore, recommend that this condition be altered to reflect that more than 1 survey may be needed. For example the use of the term appropriate surveys as used in condition 18 (2) (a).</p> <p>(D3) Natural England notes the response. However, the wording within the condition is fairly specific and could be read to imply a limit of one survey. Given the wording Natural England questions if multiple surveys could be enforced by the MMO? The condition states 'a survey' thus there is a strong implication that only one survey will be required. The wording 'appropriate surveys' would allow for one or more surveys and is more appropriate.</p>	<p>The obligations in condition 20(2)(a) are in respect of the surveys referred to in sub-paragraph (1) (i.e. all the post-construction surveys) and condition 14(1)(b) (the construction programme and monitoring plan).</p> <p>The construction programme and monitoring plan, submitted pursuant to condition 14(1)(b), must accord with the IPMP. As stated in the IPMP (document 8.12, APP-703), "post-construction survey(s) will be undertaken at a frequency to be agreed with the MMO (e.g. 3 years non-consecutive e.g. 1, 3 and 6 years or 1, 5 and 10 years)".</p> <p>In any event, the MMO must be satisfied and approve both the construction programme and monitoring plan and the post-construction surveys under condition 20. The MMO (and, by extension, Natural England) therefore has sufficient opportunity to raise any further points during this approval process.</p> <p>Accordingly, the Applicant does not consider it necessary to change the wording of the condition.</p>	(D6) Agreed

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	<p>(28th Jan 2020) Natural England notes the Applicant's position. We consider that an amendment to note 'appropriate surveys' enhances the clarity on the flexibility of this monitoring.</p> <p>(D6) Natural England reviewed the wording in the update Draft DCO (REP4-003) and accept the wording.</p>	<p>(9th Jan 2020) Whilst DML condition 20(2)(a) refers to 'a survey', this is preceded by the words 'The post-construction surveys.. must.. have due regard to, but not be limited to, the need to undertake...'. Therefore, this requires 'at least' 'a survey', and is not limited to one survey. The actual amount of surveys is governed by the plan which is approved, and therefore no change to the DML condition is required.</p> <p>(D6) Notwithstanding the above the Applicant has, in consultation with Natural England updated the draft DCO to refer to 'an appropriate survey' the relevant conditions now read as follows:</p> <p><i>(2) The post-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed with the MMO, have due regard to, but not be limited to, the need to undertake—</i></p> <p><i>(a) an appropriate survey to determine any change in the location, extent and composition of any benthic habitats of conservation, ecological and/or economic importance constituting Annex 1 reef habitats identified in the pre-construction survey in the parts of the Order limits in which construction works were carried out</i></p>	
DML Schedule 9/10/13 Part 4 Condition 20 (2) (a)	<p>At this time Natural England has no detailed comment to make on the appeals process proposed. However, we are aware such a process was proposed for the Norfolk Vanguard project. The MMO raised concerns regarding this process and Natural England support and agree with the MMO position on these concerns.</p> <p>Natural England confirms it supports the position of the MMO.</p>	<p>The Applicant notes Natural England's comments. The Applicant's position remains the same as that put forward during the Norfolk Vanguard examination and through the joint position statement with the MMO (Appendix 3 of the Applicant's Comments on Relevant Representations document).</p>	Area of ongoing discussion
DML Schedule 11/12 Interconnect or General	<p>All issues raised on Schedules 9 and 10 also apply to this schedule where similar conditions exist. To avoid repetition Natural England will only provide detail of additional issues within this section.</p>	<p>The Applicant notes this and has interpreted the representations accordingly.</p>	(D6) Agreed

Topic	Natural England position	Norfolk Boreas Limited position	Final position
DML Schedule 11/12 Interconnect or Part 4 Condition 9 (1) (m)	Natural England notes the inclusion of a Site Integrity Plan for the Haisborough, Hammond and Winterton SAC. Natural England would refer to the advice we provided on Norfolk Vanguard on the appropriateness of including a site integrity plan given that the maximum impacts of this project on the site are known. It is important that any decision made should be made on the worst case scenario and not deferred to post consent.	<p>The Applicant has set out the worst case scenario within the HRA. The Applicant believes that it is possible without the SIP to conclude no AEoI for the SAC because, in summary:</p> <ol style="list-style-type: none"> 1. The Applicant believes that neither the dredging of sand waves nor the introduction of cable protection will change the form and function of the Annex I sand banks as they will rapidly recover (as concluded in Appendix 7.1, APP-206 of the HRA) 2. The Applicant believes that the project will have the ability to microsite around confirmed <i>sabellaria</i> reef. The only locations where this will not be possible is at cable crossings; and 3. The Applicant believes that there is enough evidence to suggest that <i>sabellaria</i> would colonise cable protection. <p>However, the Applicant acknowledges that Natural England do not agree with this conclusion and therefore the SIP has been developed for Natural England and the MMO to manage any potential effects of the project on the SAC.</p> <p>(D6) The Applicant has proposed an alternative Condition which removes the Grampian element and relies on a Cable Strategy, Installation and Monitoring Plan (CSIMP). More information on this is provided in the Applicant's Haisborough Hammond and Winterton Special Area of Conservation Position Paper [REP-057].</p>	Area of ongoing discussion
Offshore Operations and Maintenance Plane Appendix 1	The table plan lists new cable protection as amber. Amber implies that a new marine licence will only be needed if cable protection exceeds the volumes assessed in the ES. Natural England's interpretation is that this is implying cable protection may be deployed across the full operation lifetime of the project. However, the wording in the table is ambiguous and Natural England would request clarification on if this is the case.	The Applicant agrees that new areas of cable protection installed during the operation phase of the project would be subject to a separate marine licence and the next version of the OOOMP will be updated accordingly.	Agreed (D6)

Topic	Natural England position	Norfolk Boreas Limited position	Final position
	<p>If the undertaker confirms their intention is for cable protection to be deployed for the lifetime of this development under this licence then Natural England would reiterate the points raised on the Vanguard case. Natural England does not agree that cable protection can be deployed under this licence for the duration of operation. Cable protection to be deployed after construction has ended should be applied for under a new marine licence. This is due to the wide spatial and temporal scale of these construction works.</p> <p>Additionally the definition of maintain within the DCO and DMLs does not include construction of new works such as new areas of cable protection. Furthermore, there appears to be no provision which would require provision of updated plans and methodologies prior to each instance of additional work to allow consultation on their appropriateness and the MMO to make a determination on if the works are within those assessed in the ES, or HRA.</p> <p>(D6) Natural England notes the Applicant agrees that this consent does not allow construction of cable protection during the operations phase.</p>		
Offshore Operations and Maintenance Plane Appendix 2	Replacement of a failed foundation is listed as amber. Given that removal and reinstallation of foundations have not been assessed in the ES, Natural England considers this should be marked as red. Any need for removal and reinstallation of a foundation will require a new Marine Licence.	<p>The Applicant agrees with Natural England and this will be updated to red in the next version of the OOOMP.</p> <p>(D6) This was included in the version of the OOOMP which was submitted at deadline 1 (RE1-027)</p>	(D6) Agreed

2.8 References

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The names inserted below are to confirm that this is the current position of the Applicant regarding this SoCG (Deadline 6)

Natural England

Printed Name	
Position	
On behalf of	
Date	

The Applicant

Printed Name	Jake Laws
Position	Norfolk Boreas Consents Manager
On behalf of	Norfolk Boreas Limited (the Applicant)
Date	05/03/2020