

**Application by Norfolk Boreas Limited for an Order Granting
Development Consent for the Norfolk Boreas Offshore Windfarm Project**

Issue Specific Hearing:	Onshore effects including the draft DCO (am) and offshore effects including the draft DCO (pm)
Date:	17 March 2020 at 10:00am
Location:	The Kings Centre, 63-75 King Street, Norwich

Requested Attendees

- The Applicant
- Norfolk County Council (NCC)
- Breckland Council (Breckland C)
- Broadland District Council (Broadland DC)
- North Norfolk District Council (NNDC)
- The ExA welcomes involvement from all Interested Parties at the Issue Specific Hearing.

Coronavirus (COVID-19)

Please check the National Infrastructure project page regularly for updated advice on Coronavirus / COVID-19 and participation in hearings:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/norfolk-boreas/>

Purpose of the Issue Specific Hearing

The purpose of the hearing is to:

- Gather views from Interested Parties (IP) and highlight any pending matters for resolution on submissions to the Examination since the last Hearings in January 2020
- Seek clarification on final position or a way forward for matters that remain unresolved between IPs

AGENDA

1. WELCOME, INTRODUCTIONS, ARRANGEMENTS FOR THE HEARING

ONSHORE MATTERS

2. DEVELOPMENT CONSENT ORDER

a. Requirement 15 – Scenarios, stages, and phases of authorised development onshore

To understand the suggestions and differences of opinion over sequential approvals from the Applicant and those authorities responsible for the discharge of requirements. To include any further considerations in respect of Planning Performance Agreements.

b. Schedule 16 – Procedure for Discharge of Requirements

To understand the latest position of the Applicant and those authorities responsible for the discharge of requirements.

3. TRAFFIC AND TRANSPORT

a. Highways Intervention Scheme (HIS) for Link 34 (B1145 through Cawston)

- I. To understand NCC position in relation to the Road Safety Audit (RSA) [REP5-055].
- II. Applicant and NCC responses to Cawston PC's [REP6-042] suggestions that wing mirror steel covers on the HGVs should be included in the vehicle width, in addition to the wheelbase, in all assessments including the RSA.
- III. Does the proposed maintenance regime of grass cutting of visibility splays, address the problem highlighted in the RSA of ongoing maintenance and how would overhanging vegetation be managed?
- IV. Timescale for update of the HIS [REP4-016] for Link 34 to take on board the recommendations of the RSA.
- V. Process for reaching a way forward over the HIS for Link 34 and implications if no agreement reached before close of Examination.



b. Alternative traffic movement through Cawston

- I. Process for reaching an agreement between Applicant, NCC, Broadland DC and Cawston PC over Options 2 or 3 or 4 for the movement of construction traffic and implications if no agreement reached before close of Examination.
- II. Response from Applicant regarding NCC's concerns on options 5, and possibility of using option 5 as further mitigation alongside option 1 (current HIS).

c. Crossings at B1149 (Oulton) and Church Road (Colby, North of Banningham)

- I. Should the Trenchless Crossing clarification note [REP04-017] be updated in the light of D5 and D6 representations and should it be a document secured in the dDCO?
- II. To understand Broadland DCs view regarding the effect on hedgerow and trees in relation to a trenchless crossing of the B1149.
- III. To understand from the Applicant whether there would be any implications for Compulsory Acquisition if a trenchless crossing was included at this location.
- IV. Current positions of the Applicant and NNDC and process for reaching agreement including implications if no agreement reached before close of Examination.

4. LANDSCAPE AND VISUAL MATTERS

a. Visual assessment methodology

For the agenda items under this sub-heading, the ExA requests the Applicant to provide a brief overview, followed by a Post Hearing Note with detail. The ExA will invite comments from others after the Applicant's overview.

- I. Receptor sensitivity: Further to NSAG's comments on views from motorists along the A47 [REP5-088], for the Applicant to explain how the motorists along the A47 are assessed as having the same sensitivity as residents represented by other viewpoints [APP-242].
- II. Terms used in the LVIA Method for assessment of visual impacts [APP-677, Section 6]: For the Applicant to provide clarity on the visual assessment process in terms of "value of view", "value of receptor", "susceptibility to change", "sensitivity of visual receptor", "sensitivity of view", "overall sensitivity to change".



- III. Acknowledging that the NSAG photographs from Ashill Common are unverified in terms of focal length etc – it appears possible to make out the Dudgeon and Necton substations and pylons on the photograph submitted [REP5-085, pages 5 and 6]. The Applicant to explain the decision to limit the study area for the visual assessment to 3km (notwithstanding response to Q9.1.1 [REP2-021]).

b. Alternative onshore project substation sites

- I. The Applicant to confirm whether the Top Farm site was considered as an alternative site, if this is different from Top Farm being "*reviewed as an alternative site*". If so when was it considered/ reviewed. (c/f response to Q9.2.8(2), [REP2-021, Page 112].
- II. The Applicant to clarify the heights mentioned in the above response regarding the comparison made between the Top Farm site and the proposed onshore project substation site (proposed site 65m to 70m and Top Farm 65m to 75m), in light of the dDCO secured "*existing ground levels*" set at 73m AOD (Scenario 1) and 72m AOD (Scenario 2) in Requirement 16 (8)(a) and (b).
- III. The Applicant to provide updated contour drawings at Deadline 7, with contours visible under colour shadings for substation and other assets [REP5-047, Appendix 9.1, Figures 1b and 2b].

c. National Grid substation extension

Whether Requirement 16(10) of the dDCO should set out different existing ground levels for Scenarios 1 and 2.

d. Design and Access Statement (DAS)

- I. To consider the updated DAS [REP5-013] to [REP5-017]. To hear any further suggestions from others regarding content; in particular on the design process described and the content of the Design Guide [REP5-013, Section 5.3.6 and Appendix 1].
- II. To understand why the wording focusses on "landscape design rather than the substation architecture" – how materials as well as colour of the proposed converter halls would be considered in the design process.
- III. Whether DAS content should also include reference to the National Infrastructure Commissions' Design Principles for National infrastructure, reference to the proposed district-wide post consent DASs, the examples of the agricultural style typology submitted to the Examination [REP5-0047, Appendix 9.2] and more clarity and certainty over the involvement of Necton Parish Council (at its request).

e. Replacement planting in NNDC area

This to include: Requirement 19(2) of the dDCO - period for replacement planting, the references to Article 27 of the dDCO and to the Outline Landscape and Ecological Management Scheme (OLEMS) [REP5-045, response to WQ2.5.3.6] [REP6-036, Pages 49 to 51] and [REP6-043, response to Applicant's position, Pages 3 to 6].



- I. Current positions of the Applicant and NNDC and process for reaching agreement including implications if no agreement reached before close of Examination.
- II. To explore five and ten year aftercare periods including how a ten-year obligation that relied upon landowners providing consent could be secured and how the 6 tests in relation to requirements would be met.

5. WATER RESOURCES AND FLOOD RISK

For the agenda items under this sub-heading, the ExA requests the Applicant to provide a brief overview, followed by a Post Hearing Note with detail. The ExA will invite comments from others after the Applicant's overview.

a. Culverts

The Applicant to provide an update on the position in relation to the mitigation of effects from installation of temporary and permanent culverts. Process for reaching agreement including implications if no agreement reached before close of Examination.

b. Flood Risk Assessment

The FRA para 229 [APP-586] states that 'the outline drainage design' includes capacity for attenuation of 40% above that required for the 1 in 100 year event (i.e. provides a 20% margin of safety beyond a 20% allowance for climate change) but the OODP [APP-712] only refers to 20% allowance for climate change. The Applicant to reconcile these two documents.

c. Clarification of updated OCoCP

The Applicant to clarify how the DCO secures the following subject to consultation with the Environment Agency:

- i. provision prior to construction of updated Conceptual Model in relation to groundwater and surface water;
- ii. reporting all abstractions within 250 m of the works along with a Hydrogeological Risk Assessment.

d. The Water Management Alliance

The Applicant to provide a position statement in relation to The Water Management Alliance (WMA) [REP6-057] submission seeking assurances from the Applicant that certain provisions of the WMA Member Board's Byelaws are safeguarded within Schedule 17, concerning:

- i. possible increase in total volume of water entering the Internal Drainage District;
- ii. recovery of additional costs incurred by the WMA resulting from additional flows by Surface Water Development Contribution (SWDC) that may be beyond the 'protective works' highlighted in paragraph 72 of the dDCO;



- iii. that provisions of byelaws 3 and 28 are considered and included within the 'reasonable requirements' of paragraph 71 (3c);
- iv. Article 15(3) of the dDCO which the WMA argues does not apply as the IDB regulates and maintains watercourses (as opposed to owning them).

6. CONSTRUCTION EFFECTS

For the agenda items under this sub-heading, the ExA requests the Applicant to provide a brief overview, followed by a Post Hearing Note with detail. The ExA will invite comments from others after the Applicant's overview.

a. Workfront strategy

Inclusion of the reasons for flexibility in the workfront strategy in the Outline Landscape and Ecological Management Strategy (OLEMS)

b. Noise and Vibration

The Applicant to provide an update on the position and process for reaching agreement including implications if no agreement reached before close of Examination in relation to:

- i. Old Railway Gatehouse
- ii. Noise Sensitive Receptors

c. Tourism impact

To understand outstanding matters between the Applicant and NNDC, on the following matters relating to construction on local tourism and businesses; to seek a way forward and arrive at a statement on the final positions:

- i. Construction hours
- ii. dDCO requirement



OFFSHORE MATTERS

7. BIODIVERSITY AND HRA

a. Position Statement on Derogation

The Applicant submitted an initial Position Paper on Derogation for relevant qualifying features at Flamborough and Filey Coast SPA, Alde-Ore Estuary SPA and Haisborough Hammond and Winterton SAC [REP6-025]. While the ExA is aware that compensatory measures have been proposed for Norfolk Vanguard, it reminds the Applicant that compensatory measures for Norfolk Boreas should be specifically for this project.

- I. Without prejudice, can the Applicant provide the necessary information for the SoS to consider whether the project can pass the IROPI test for each site?
- II. Can the Applicant state when it will submit its fuller derogation cases?
- III. What are NE's comments on compensation measures proposed?

b. Haisborough Hammond and Winterton SAC

The Applicant has proposed an alternative Cable Specification, Installation and Monitoring Plan (CSIMP) to the SIP [REP6-016] to address the concerns expressed by NE and MMO throughout the Examination. The Applicant to explain:

- I. How the CSIMP would be secured.
- II. How information in the SAC position paper [REP6-016] referred to in the updated SIP [REP6-011] would be secured.
- III. All IPs to provide any additional information that will help the ExA recommend a preferred option to the SoS.
- IV. The Applicant has in its Position Paper on Derogation [REP6-025] addressed alternatives for the project. Can the Applicant explain if there are alternatives for the cable route through the SAC?
- V. Applicant and MMO to state their position regarding MMO's requirement for sediment sampling for particle size analysis in respect of habitat suitability for sandeel.

c. Southern North Sea SAC

MMO to provide further details of discussions with Regulators Group [REP6-045], to include:

- I. How the management tool will work in practice?
- II. Is it a tool just for an in-combination assessment to be undertaken or for MMO to use for the actual management of various activities?
- III. When will this be finalised?

d. Flamborough and Filey Coast SPA

- I. NE cannot agree to no AEoI for gannet, guillemot, little gull and razorbill when Hornsea 3 and 4 are included. Accepting that uncertainty of the



Hornsea projects are outside of the Applicant's control, are there further measures the Applicant could provide to satisfy NE on no AEoI?

- II. The Applicant to explain why gannet, razorbill and guillemot are not included in the Position Paper on Derogation [REP6-025].

e. Greater Wash SPA

NE cannot agree to no AEoI for cumulative/in-combination displacement of red-throated diver. The Applicant to explain why this feature is not included in the Position Paper on Derogation [REP6-025].

f. Collision Risk Modelling

- I. The Applicant and IPs to state their final position on PVA modelling, and whether agreement is possible within the Examination.
- II. The Applicant and IPs to state their final position on headroom, and whether agreement is possible within the Examination.

g. Marine Mammal Monitoring

The Applicant to comment on NE's example condition to be provided prior to Deadline 6 [REP6-077] for monitoring.

h. Climate Change

Accepting that the Applicant has designed in accordance with UKCP18, but considering the number of extreme events which have occurred over the last few months, the Applicant to expand on its response to Further Written Question 2.16.0.1 [REP5-045] to provide assurance that adaptation for offshore, landfall and onshore elements of the proposed project will be resilient to climate events more extreme than those considered in UKCP18.

8. FISHING AND FISHERIES

For the agenda items under this sub-heading, the ExA requests the Applicant to provide a brief overview, followed by a Post Hearing Note with detail. The ExA will invite comments from others after the Applicant's overview.

- I. The Applicant to provide update on whether agreement with Eastern IFCA is likely to be reached by Deadline 8 on export cable route restrictions in relation to MPA Byelaw Restricted Area 36 and if agreement is not reached what the Applicant's final position is.
- II. The Applicant to provide an update on whether any further agreement with NFFO/VisNed is likely to be reached by Deadline 8 on the following matters of disagreement recorded in the SoCG at Deadline 6, and if agreement is not reached, what the Applicant's final position is:



- i. assessment of impact by subgroupings of vessels;
- ii. spacing between structures to facilitate resumption of fishing activity;
- iii. effects of 500m safety zones around Service Operation Vehicles (SOV) for maintenance activities;
- iv. gear snagging risk mitigation including notification of shallow burial of cables when discovered;
- v. cumulative impact assessment of losses of fishing activity in relation to assumptions on resumption of towed gear fishing activities.

9. DEEMED MARINE LICENCE

- I. The Applicant to confirm whether agreement is likely to be reached with Trinity House (TH) prior to Deadline 8 on matters below remaining to be agreed, as referenced in the SoCG [REP6-039], including:
 - i. The Applicant's request to replace a 10 day period for notice to mariners prior to commencement instead of 14 days [dDCO/DMLs Schedule 9 Part 4 9 (8), Schedule 10 Part 4 9 (8), Schedule 11 Part 4 4 (8), Schedule 12 Part 4 4 (8), Schedule 13 Part 4 3 (8)] to ensure consistency with the Norfolk Vanguard Project, awaiting determination;
 - ii. TH request to add to DML conditions [Schedule 9 Part 4 14 (1)(g) Schedule 10 Part 4 14 (1)(g), Schedule 11 Part 4 9(1)(g) , Schedule 12 Part 4 9(1)(g) , Schedule 13 Part 4 7(1)(f)] suggested text [REP6-039] commencing "... a detailed cable laying plan of the Order limits...".
- II. It appears unlikely that agreement will be reached between the Applicant, NE and MMO regarding four- or six-month submission periods in Schedule 9/10/13 Part 4 Condition 15 (4). The Applicant, MMO and NE to provide any additional information to assist the ExA in making its recommendation to the SoS.
- III. Progress in resolving issues with MMO related to Further Written Question 2.5.0.2 [REP6-014].

10. FUTURE SUBMISSIONS

At Deadline 7, 8 and 9 the Applicant to provide an additional track changed version of the dDCO which includes all track changes made to date from version 1, with clear colour differentiation for each set of changes.

11. CLOSE OF ISSUE SPECIFIC HEARING