



THE PLANNING ACT 2008
THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)
RULES 2010

NORFOLK BOREAS OFFSHORE WIND FARM

Planning Inspectorate Reference: EN010087

Deadline 9

**Natural England's response to
DCO documents**

29th April 2020

Our Ref: NE.NB.D9.02.DCO

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1 Introduction

Please find below Natural England’s comments on the following documents as submitted at Deadlines 5, 7 and 8 of the Norfolk Boreas Examination.

2 Detailed Comments

Paragraph	Page	Comment	RAG
3.1 Norfolk Boreas Updated Draft DCO [REP7-004]			
	Schedule 19	<p>Natural England welcomes the provision of Schedule 19 covering compensatory measures. However, has the following issues with the drafting provided by the Applicant;</p> <ol style="list-style-type: none"> 1. The provisions, as currently drafted, restrict the compensatory measures to a specific compensation option for each site. Natural England does not consider it appropriate to restrict the potential compensation to these options at this time. Therefore, we would recommend that alternative draft conditions are produced which allow for a range of compensatory measures. This would allow the Secretary of State (SoS) to consider the appropriateness of the range of compensatory measures submitted. It could also allow the Applicant to adjust compensatory measures without the need to amend the DCO should new compensatory options become available. 2. All three compensation strategies include requirements for monitoring, which Natural England approves of. However, the timescales of that monitoring and reporting should also be provided with the monitoring proposal and this should be secured through the conditions of this schedule. 3. Natural England notes that both the FFC SPA and HHW SAC compensation strategies require consultation with the MMO and the relevant Statutory Nature Conservation Body (SNCB). This is appropriate for the HHW SAC, however, as RSPB manage the breeding site and conduct monitoring of the FFC SPA kittiwake colony we would advise that they should also be named as consultees on this scheme. 4. With regards to the Alde Ore Estuary SPA lesser black-backed gull (LBBG) compensation strategy, consultation is only proposed with the SNCB. However, as this would be an onshore scheme, consultation should be undertaken with the relevant Local Planning Authority. Furthermore, Natural England would recommend that consultation with the relevant land owners (National Trust and RSPB) should be secured as well as their support of the strategy will be of considerable importance to its success. 	

		<p>Cable protection SIP and CSIMP</p> <p>Please note that within our response at D9 to the SIP and CSIMP (NE.NB.D9.04) Natural England highlights that whilst the impacts from cable protection are no longer considered to be permanent; the placement of cable protection is considered to be having a lasting change on the habitat over a period of 30 years (life time of project) and beyond, as recovery will not be immediate. Therefore, for decommissioning to be considered as mitigation it would need to be restricted to concrete mattresses (or similar type product) in the DCO/dML.</p> <p>Therefore, for decommissioning to be considered as a mitigation measure then there would need to be a DCO/dML condition that restricts the type of cable protection to concrete mattresses or similar protection. This could be achieved by amending the interpretations sections to detail this as the interpretation of cable protection.</p>	
		<p>Natural England has engaged in discussion with the Applicant on the condition for 95% similar sediment and will be informed by the outcome of the deliberation of SoS in relation to Hornsea Project Three and Vanguard. It is not possible to advance this issue further and we would recommend that any determination on this issue by the SoS on these projects also apply to Boreas.</p>	
		<p>Natural England welcome that the final HHW SAC CSIMP will contain a pre-construction sandwave levelling report as requested by Natural England within their Relevant Representation (RR-099). However, to secure the report we would suggest that condition 9 (g) of the transmission DML should be updated to secure the submission of this report.</p>	
3.3 Note on Requirements and Conditions in the Development Consent Order [REP5-005]			
Annex 1 Diagram 2		<p>On the diagram showing Relationship of Pre-commencement Plans secured by DCO and DMLs, for the offshore section. Natural England considers that reference should be made here to the requirements to submit monitoring methodologies, including the new proposed plan for ornithological monitoring aims and objectives to be submitted</p>	
Schedule of Changes to the draft Development Consent Order [REP7-014]			
Point 68		<p>Natural England welcomes the change; however, as advised in our response to ExA 3rd round of written questions, we note that the minimum turbine size of 11.55MW should also be secured within the table.</p>	
8.1 Outline Code of Construction Practice [REP8-003]			
71	26	<p>Natural England welcome the clarification of mitigation for bats in para 71.</p>	
148-150	48	<p>Natural England welcomes the clarification of ecological considerations in relation to surface and groundwater resources.</p>	
154	51	<p>Welcome that ecological enhancement will be considered (subject to landowner agreement in the River Wensum flood plain.</p>	

182		Natural England welcome the amendment of para 182 to clarify response to emergency operations in proximity to SSSIs	
8.7 Outline Landscape and Ecological Management Strategy [REP8-005]			
125		Natural England welcome the amendment of wording to be at least 15m away from ancient woodlands as informed by an arboriculture survey.	
8.8 Outline Traffic Management Plan [REP8-008]			
		Natural England welcomes the Inclusion of Figure 26.5 within Appendix 8 [REP8-012] illustrating designated sites in relation to traffic routes.	
8.12 Offshore In Principle Monitoring Plan (Clean) (Version 4) [REP7-011]			
		Natural England notes that the In-Principle Monitoring Plan has been updated but that the potential monitoring required for the compensatory measures is not referenced within the updated plan.	