

Norfolk Boreas Offshore Wind Farm Applicant's Responses to the Examining Authority's Fourth Round of Written Questions

Applicant: Norfolk Boreas Limited
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Glossary of Acronyms

AEol	Adverse Effect on Integrity
AOD	Above Ordnance Datum
BT	British Telecom
CA	Compulsory Acquisition
CAOS	Compulsory Acquisition Objections Schedule
CSIMP	Cable Specification Installation and Monitoring Plan
DAS	Design and Access Statement
DCO	Development Consent Order
dDCO	Draft Development Consent Order
DEFRA	Department for Environment, Food and Rural Affairs
DML	Deemed Marine Licence
EA	Environment Agency
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	Examining Authority
FFC	Flamborough and Filey Coast
GIS	Gas Insulated Switchgear
HDD	Horizontal Directional Drilling
HGV	Heavy Goods Vehicle
HHW	Haisborough Hammond and Winterton
HIS	Highway Intervention Scheme
HoTs	Heads of Terms
HRA	Habitats Regulations Assessment
HVAC	High Voltage Alternating Current
HVDC	High Voltage Direct Current
JNCC	Joint Nature Conservation Committee
KIS-ORCA	The Kingfisher Information Service - Offshore Renewable & Cable Awareness project
LPA	Local Planning Authority
M	Metres
MCA	Maritime and Coastguard Agency
MGN	Marine Guidance Note
MMO	Marine Management Organisation
NCC	Norfolk County Council
NFFO	National Federation of Fishermen's Organisations
NFU	National Farmers Union
NNDC	North Norfolk District Council
OAMP	Outline Access Management Plan
OCoCP	Outline Code of Construction Practice
OLEMS	Outline Landscape and Ecological Management Strategy
OTMP	Outline Traffic Management Plan
PPA	Performance Planning Agreement
RPA	Relevant Planning Authorities
SAC	Special Area of Conservation
SIP	Site Integrity Plan

SoCC	Statement of Community Consultation
SoCG	Statement of Common Ground
SoS	Secretary of State
SPA	Special Protection Area
TCE	The Crown Estate
TBC	To be Confirmed
TH	Trinity House
UK	United Kingdom

Glossary of Terminology

Array cables	Cables which link wind turbine to wind turbine, and wind turbine to offshore electrical platforms.
Cable logistics area	Existing hardstanding area to allow the storage of cable drums and associated materials and to accommodate a site office, welfare facilities and associated temporary infrastructure to support the cable pulling works.
Cable pulling	Installation of cables within pre-installed ducts from jointing pits located along the onshore cable route.
Ducts	A duct is a length of underground piping, which is used to house electrical and communications cables.
Evidence Plan Process	A voluntary consultation process with specialist stakeholders to agree the approach to the EIA and information to support the HRA.
Interconnector cables	Offshore cables which link offshore electrical platforms within the Norfolk Boreas site.
Jointing pit	Underground structures constructed at regular intervals along the onshore cable route to join sections of cable and facilitate installation of the cables into the buried ducts.
Landfall	Where the offshore cables come ashore at Happisburgh South.
Landfall compound	Compound at landfall within which HDD drilling would take place.
Landfall compound zone	Area within which the landfall compounds would be located.
Link boxes	Underground chambers or above ground cabinets next to the cable trench housing low voltage electrical earthing links.
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.
Mobilisation zone	Area within which a mobilisation area would be located.
National Grid new / replacement overhead line tower	New overhead line towers to be installed at the National Grid substation.
National Grid overhead line modifications	The works to be undertaken to complete the necessary modification to the existing 400kV overhead lines.
National Grid overhead line temporary works	Area within which the work will be undertaken to complete the necessary modification to the existing 400kV overhead lines.
National Grid substation extension	The permanent footprint of the National Grid substation extension.
National Grid temporary works area	Land adjacent to the Necton National Grid substation which would be temporarily required during construction of the National Grid substation extension.
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.
Norfolk Vanguard	Norfolk Vanguard offshore wind farm, sister project of Norfolk Boreas.
Offshore service platform	A platform to house workers offshore and/or provide helicopter refuelling facilities. An accommodation vessel may be used as an alternative for housing workers.
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.
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 400kV cable route	Buried high-voltage cables linking the onshore project substation to the Necton National Grid substation.
Onshore cables	The cables which take power and communications from landfall to the onshore project substation.
Onshore infrastructure	The combined name for all onshore infrastructure associated with the project from landfall to grid connection.
Onshore project area	The area of the onshore infrastructure (landfall, onshore cable route, accesses, trenchless crossing zones and mobilisation areas; onshore project substation and extension to the Necton National Grid substation and overhead line modifications).
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.
Onshore project substation temporary construction compound	Land adjacent to the onshore project substation which would be temporarily required during construction of the onshore project substation.
Overhead Line	An existing 400kV power line suspended by towers.
Pre sweeping	The practice of dredging the seabed to prepare it for foundation or cable installation. It is either used to provide a level surface on which to place foundations or to allow cables to be installed at a sufficient depth to minimise the chance of them becoming exposed.
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 sites.
Project interconnector search area	The area within which the project interconnector cables would be installed.
Running track	The track along the onshore cable route which the construction traffic would use to access workfronts.
Safety zones	An area around a vessel which should be avoided during offshore construction.
Scour protection	Protective materials to avoid sediment being eroded away from the base of the foundations as a result of the flow of water.
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.
The project	Norfolk Boreas Wind Farm including the onshore and offshore infrastructure.
Transition pit	Underground structures that house the joints between the offshore export cables and the onshore cables
Trenchless crossing compound	Pairs of compounds at each trenchless crossing zone to allow boring to take place from either side of the crossing.

Trenchless crossing zone	Areas within the onshore cable route which will house trenchless crossing entry and exit points.
Workfront	A length of onshore cable route within which duct installation works will occur, approximately 150m.

The Applicant's Responses to the Examining Authority's Fourth Round of Written Questions in regard to the Norfolk Boreas Application.

The Examining Authority (ExA), published a fourth round of Written Questions (WQs) on 28 April 2020.

The Applicant has responded to each of their relevant questions, detailed in numerical order in Sections 1 to 16 of this document.

1 Archaeology and Heritage Assets

1.0 Offshore and intertidal archaeology

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

1.1 Onshore archaeology

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

1.2 Onshore heritage assets

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.1.2.1	Broadland District Council	<p>Noise and vibration effects on the Cawston Conservation Area and listed buildings:</p> <p>Following the Applicant's submission of its Clarification Note providing information on the potential noise, vibration and air quality effects of the Cawston Revised Highway Intervention Scheme (HIS) [REP8-028] and your response to ExQ3.1.2.2:</p> <ul style="list-style-type: none"> a) Review the clarification note and submit written comments, confirming whether you agree with the Applicant's findings; and b) If you do not agree with the findings, what further mitigation do you consider necessary? 	

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.1.2.2	Cawston Parish Council	<p>Noise and vibration effects on the Cawston Conservation Area and listed buildings</p> <p>Provide any comments you wish to make on the Applicant's Clarification Note providing information on the potential noise, vibration and air quality effects of the Cawston Revised Highway Intervention Scheme (HIS) [REP8-028].</p>	

2 Biodiversity, Biological Environment and Ecology

2.0 Offshore benthic and marine mammals

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.2.0.1	The Applicant	<p>Marine Mammal Monitoring:</p> <p>The Applicant to comment on NE's wording in [REP6-050] to be included in the Generation DMLs Schedules 9 and 10, which would link with the marine mammal monitoring requirements within the IPMP.</p>	<p>The Applicant responded to this question previously [REP7-017] providing clear reasons why the conditions proposed by Natural England are not appropriate or necessary. However, following further discussion with Natural England and the MMO the following conditions have been agreed between all three parties (the MMO, Natural England and the Applicant) which will be included within the draft DCO submitted at Deadline 10. The agreed conditions are as follows:</p> <p>Within Pre-construction monitoring condition 18 (2) ...</p> <p><i>(d) undertake or contribute to any marine mammal monitoring referred to in the in principle monitoring plan submitted in accordance with condition 14(1)(b).</i></p> <p>Within Post-construction monitoring</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>condition 20 (2)</p> <p><i>(e) undertake or contribute to any marine mammal monitoring referred to in the in principle monitoring plan submitted in accordance with condition 14(1)(b).</i></p> <p>Agreement on this issue is reflected within the latest Statements of Common Ground with both the MMO (submitted at deadline 9 [REP9-023]) and Natural England (submitted at deadline 10 [ExA.SoCG-17.D10.V4]).</p>
Q4.2.0.2	The Applicant, Marine Management Organisation	<p>Sandeel:</p> <ol style="list-style-type: none"> Applicant to state its position regarding MMO's request for a further update to the IPMP for sediment sampling for particle size analysis in respect of habitat suitability for sandeel. The Applicant and MMO to provide any additional information to assist the ExA in making its recommendation regarding sediment sampling to the SoS. 	<p>As presented in the Applicant's Responses to the Examining Authority's Third Round of Written Questions [REP7-017], the Applicant and the MMO are in full agreement regarding the collection of particle size data for <u>sandeel</u> habitat suitability assessment. The IPMP was updated at Deadline 5 [REP5-032] and at Deadline 7 [REP7-012] to reflect the initial request made by the MMO and a request for a further amendment to the text. Both parties have agreed that these amendments resolve all remaining issues relating to sandeel and this was reflected in the Statement of Common Ground provided at Deadline 8 (see the last line in Table 5 [REP8-021]).</p> <p>As highlighted by the MMO in their response to written questions this question may be in relation to the area of disagreement between the Applicant and Natural England regarding Natural England's advice that a condition should be included within the dDCO to ensure that sediment disposed of within the <u>Haisborough Hammond and Winterton SAC</u> is of the same particle size as the seedbed on which it is being deposited.</p> <p>In the Applicant's Comments on Responses to the Third Round of Written Questions [REP8-015] the Applicant commented on the MMO's response to this question (3.2.0.2) outlining several reasons why the Applicant does not consider a condition relating to particle size to be, necessary, appropriate, enforceable or indeed the best</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>method to achieve Natural England's stated purpose of ensuring that the seabed sediment remains of the same particle size.</p> <p>The Applicant has discussed this further with the MMO and Natural England and all parties agree that it is not possible to advance this issue further during the Norfolk Boreas Examination, and that the precise drafting of any condition, and indeed whether a condition should be included at all, will depend on the outcome of the SoS's determination of Hornsea Project Three and Norfolk Vanguard.. See also Natural England's response to DCO documents submitted at Deadline 9 [REP9-038].</p>

2.1 Onshore Ecology

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

2.2 Offshore Ornithology

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

3 Compulsory Acquisition

3.0 Compulsory Acquisition

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.3.0.1	The Applicant The NFU/LIG Affected Persons	<p>Include C and P Allhusen (Bradenham Hall Farms) in the Compulsory Acquisition Objections Schedule [REP8-015] and provide an update on negotiations and discussions referred to in the Applicant's response to ExQ3.3.0.2.</p> <p>Also refer to Section 9 of these questions in connection with points regarding the landscape mitigation and siting and design of the proposed onshore project substation.</p>	<p>The Applicant has been in negotiations with Mr Allhusen for over a year regarding the rights required for cables across his land and the land required permanently.</p> <p>The land that is affected by the cable corridor is split into two ownerships. One area of land is owned by Mr C and Mrs P Allhusen. The other part is separately owned by Mr C and Mrs P Allhusen along with two trustees. The land required permanently is that element owned only by Mr C and Mrs P Allhusen.</p> <p>HoTs have been agreed for the cable easement rights across both landowners' land, however negotiations are still ongoing regarding the land for permanent acquisition.</p> <p>Mr & Mrs Allhusen have queried a few aspects regarding the proposed use of their land. At the time of writing the Applicant has addressed the basis of the Allhusen's concerns on subjects such as light emission from the construction site and converter station; species selection within the screening planting and the realignment of the planting to resolve a farm access issue. Discussions are ongoing and progressing in a constructive manner.</p> <p>The Applicant has committed to involve Mr & Mrs Allhusen as a stakeholder in the formal consultation process over the final design of the converter station building. This commitment is formally captured in the Design and Access Statement submitted at Deadline 7 (REP7-005) at paragraph 76:</p> <p><i>"Engagement could take place, with a range of stakeholders who are likely to have an interest in determination of aspects that can help mitigate visual impacts as far as possible but will include Necton</i></p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<i>Parish Council, Holme Hale Parish Council, relevant landowners and closest located residents to the Onshore Project Substation. The range of stakeholders to be consulted and that can input into the process would be determined in light of the information provided by the Design Guide, and in collaboration with Breckland Council"</i>
Q4.3.0.2	The Applicant The NFU/LIG Affected Persons	<p>The NFU [REP5-074] indicates that landowner Dillington is identified on the Compulsory Acquisition Objections Schedule [REP6-023] at Row 32 and that discussions are ongoing over access matters. The Applicant states at Deadline 6 [REP6-014] that it considers a way forward has been agreed in relation to access and that Heads of Terms have been signed.</p> <ul style="list-style-type: none"> a) NFU / LIG to confirm whether Mr G Anderson of the Dillington Estate (Row 32 of the Compulsory Acquisition Objections Schedule) is now represented by Strutt and Parker. b) NFU / LIG to confirm whether Strutt and Parker is a member of the LIG? c) It is unclear from the responses received at Deadline 7 from NFU [REP7-042 and Deadline 8 from the Applicant [REP8-015] whether or not a specific access identified on the Access to Works plans [APP-011] is in dispute. Confirm the position. d) Provide an update on negotiations in relation to the completion of an Option Agreement. e) Is NFU/LIG satisfied with the response provided by the Applicant in REP8-015 in response to ExQ3.3.0.4? If not, why not? 	<p>c) The Applicant has been in discussions with the newly appointed Land Agent and the Applicant has now been informed that there are some points to discuss regarding the accesses on his client's land. The Applicant will continue to engage with the Agent to resolve these matters.</p> <p>d) HoTs for an Option Agreement have been signed and discussions are ongoing between the solicitor acting for the Applicant and the Solicitor acting for the Landowner regarding the final wording for the agreement.</p>
Q4.3.0.3	The Applicant The NFU/LIG Affected Persons	<p>The ExA notes that James Keith is now included on the Compulsory Acquisition Objections Schedule [REP7-022]. The Applicant states at Deadline 6 [REP6-014] that it considers a way forward has been agreed in relation to access and that Heads of Terms have been signed.</p>	<p>The Applicant confirms that HoTs for an agreement have been signed and legal discussions are now underway in relation to the Option Agreement.</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
		<ul style="list-style-type: none"> a) Is NFU / LIG satisfied with the Applicant's answer at [REP8-015] in response to ExQ3.3.0.5 in relation to AC141 and AC143? If not, why not? b) NFU / LIG – confirm whether Heads of Terms have been signed as indicated by the Applicant in [REP6-014]. If not, what are the matters that are preventing agreement. 	
Q4.3.0.4	The Applicant The NFU/LIG Affected Persons	<p>The ExA notes the inclusion of the Trustees of the Bawdeswell Estate on the Compulsory Acquisition Objections Schedule [REP7-023]. The Applicant states at Deadline 6 [REP6- 014] that it considers a way forward has been agreed in relation to AC120 and that Heads of Terms have been signed by both sets of Trustees.</p> <ul style="list-style-type: none"> a) Add Bawdeswell to the Compulsory Acquisition Objections Schedule. b) As Heads of Terms have been signed, justify why it is necessary to retain AC120 within the DCO, when recourse to remedy any breach of an agreement could be sought through the Courts and the powers of Compulsory Acquisition are a last resort power. c) What certainty would the landowner have that Access AC120 would not be used if it were to remain in the DCO? 	<p>a) As noted, the Trustees of the Bawdeswell Estate have been added to the Compulsory Acquisition Objections Schedule.</p> <p>b) The DCO provides the Applicant with the authority for the access to be used for the purposes of the authorised project. It also provides for that use to be secured using compulsory acquisition powers if necessary. As such retaining authority for the relevant access in the DCO to be used is critical. The second issue then is whether compulsory acquisition powers should be authorised for that use. The Applicant maintains that those powers should be authorised.</p> <p>It has been the Applicant's strategy to always seek agreement with the landowners. This has been progressed through continuous engagement. The use of compulsory acquisition powers would always be a last resort.</p> <p>Whilst agreeing heads of terms with a landowner demonstrates significant progress, those heads of terms cannot be relied upon by either the Applicant or landowner. Once the option agreement is exchanged both parties will have a contractual agreement which is enforceable. That option agreement with the Trustees of the Bawdeswell Estate will provide for the Applicant not to exercise</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>compulsory acquisition powers against the Trustees of the Bawdeswell Estate provided that the terms of the option agreement are complied with.</p> <p>Until such time as the option agreement is in place the Applicant needs to retain the ability to use compulsory acquisition powers against the Trustees of the Bawdeswell Estate, and subsequently should the terms of the option agreement not be complied with. In addition the Applicant may need to utilise compulsory acquisition powers against any unknown third party, due to any subsequent title issues which arise even if the agreement reached is to use that access.</p> <p>Once the option agreement is in place with the Trustees of the Bawdeswell Estate then both the Applicant and the Trustees of the Bawdeswell Estate have a binding commitment (with recourse to remedy any breach through the Court), with the Trustees of the Bawdeswell Estate permitting the Applicant to use the alternative access and the corresponding commitment from the Applicant to the Trustees of the Bawdeswell Estate not to utilise compulsory acquisition powers for the DCO access.</p> <p>c) As part of ongoing engagement with the Trustees of the Bawdeswell Estate it may be that an alternative access solution can be agreed and this would be done on an exceptions basis specific to the Trustees of the Bawdeswell Estate. That would be the subject of a separate contractual agreement contained in the option agreement but Access AC120 has been assessed for the authorised project and is part of the Application. Access AC120 is the access which will be used</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>unless there is an agreement to the contrary with the Trustees of the Bawdeswell Estate.</p>
Q4.3.0.5	The Applicant The NFU/LIG Affected Persons	<p>The ExA notes the progress with discussions in respect of access matters with landowner Padulli (Row 27 of the Compulsory Acquisition Objections Schedule) and that the Applicant has agreed not to use AC50, although Heads of Terms are still to be signed.</p> <p>If Heads of Terms are agreed, update the DCO to remove AC50 or justify why it is necessary to retain this access.</p>	<p>The DCO provides the Applicant with the authority for the access to be used for the purposes of the authorised project. It also provides for that use to be secured using compulsory acquisition powers if necessary. As such retaining authority for the relevant access in the DCO to be used is critical, and there is no alternative access included within the DCO to serve the same purpose as AC50. The second issue then is whether compulsory acquisition powers should be authorised for that use. The Applicant maintains that those powers should be authorised.</p> <p>It has been the Applicant's strategy to always seek agreement with the landowners. This has been progressed through continuous engagement. The use of compulsory acquisition powers would always be a last resort.</p> <p>Whilst agreeing heads of terms with a landowner demonstrates significant progress, those heads of terms cannot be relied upon by either the Applicant or landowner. Once the option agreement is exchanged both parties will have a contractual agreement which is enforceable. That option agreement with Mr Padulli will provide for the Applicant not to exercise compulsory acquisition powers against Mr Padulli provided that the terms of the option agreement are complied with.</p> <p>Until such time as the option agreement is in place the Applicant needs to retain the ability to use compulsory acquisition powers against Mr Padulli, and subsequently should the terms of the option</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>agreement not be complied with. In addition the Applicant may need to utilise compulsory acquisition powers against any unknown third party, due to any subsequent title issues which arise even if the agreement reached is to use that access.</p> <p>Once the option agreement is in place with Mr Padulli then both the Applicant and Mr Padulli have a binding commitment (with recourse to remedy any breach through the Court), with Mr Padulli permitting the Applicant to use the alternative access and the corresponding commitment from the Applicant to Mr Padulli not to utilise compulsory acquisition powers for the DCO access.</p>
Q4.3.0.6	The Applicant The NFU/LIG Affected Persons	<p>With reference to Siely (Row 14 of the Compulsory Acquisition Objections Schedule) NFU / LIG to confirm whether as per the Applicant's summary at Deadline 6 [REP6-014], Heads of Terms have been agreed and signed.</p> <p>a) With reference to AC1, the NFU states that 'discussions are ongoing in respect of protecting third party rights over the access'. The Applicant has explained its approach to AC1 in REP7-017 and reiterated this at [REP8-015]. Has progress been made to resolving this issue between the parties? If not, why not?</p>	<p>a) HoTs have been signed with Mr Siely. The Applicant believes that concerns regarding the access AC1 have now been resolved due to the explanation as previously submitted and confirmation that AC1 is an operational access rather than one potentially to be used through the cable pulling phases.</p>
Q4.3.0.7	The Applicant The NFU/LIG Affected Persons	<p>a. Mutimer (Row 38 of the Compulsory Acquisition Objections Schedule) [REP6-023]. The ExA notes the Applicant's confirmation that Heads of Terms have been agreed to utilise AC54 and not AC53. As Heads of Terms have been signed, justify why it is necessary to retain AC53 within the DCO, when recourse to remedy any breach of an agreement could be sought through</p>	<p>a. The DCO provides the Applicant with the authority for the access to be used for the purposes of the authorised project. It also provides for that use to be secured using compulsory acquisition powers if necessary. As such retaining authority for the relevant access in the DCO to be used is critical. The second issue then is whether compulsory acquisition powers should be authorised for that use. The Applicant maintains that those powers should be authorised.</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
		<p>the Courts and the powers of Compulsory Acquisition are a last resort power.</p> <p>b. What certainty would the landowner have that Access AC53 would not be used if it were to remain in the DCO?</p>	<p>It has been the Applicant's strategy to always seek agreement with the landowners. This has been progressed through continuous engagement. The use of compulsory acquisition powers would always be a last resort.</p> <p>Whilst agreeing heads of terms with a landowner demonstrates significant progress, those heads of terms cannot be relied upon by either the Applicant or landowner. Once the option agreement is exchanged both parties will have a contractual agreement which is enforceable. That option agreement with Mr Mutimer will provide for the Applicant not to exercise compulsory acquisition powers against Mr Mutimer provided that the terms of the option agreement are complied with.</p> <p>Until such time as the option agreement is in place the Applicant needs to retain the ability to use compulsory acquisition powers against Mr Mutimer, and subsequently should the terms of the option agreement not be complied with. In addition the Applicant may need to utilise compulsory acquisition powers against any unknown third party, due to any subsequent title issues which arise even if the agreement reached is to use that access.</p> <p>Once the option agreement is in place with Mr Mutimer then both the Applicant and Mr Mutimer have a binding commitment (with recourse to remedy any breach through the Court), with Mr Mutimer permitting the Applicant to use the alternative access and the corresponding commitment from the Applicant to Mr Mutimer not to utilise compulsory acquisition powers for the DCO access.</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>b) As part of ongoing engagement with Mr Mutimer it may be that an alternative access solution can be agreed and this would be done on an exceptions basis specific to Mr Mutimer. That would be the subject of a separate contractual agreement contained in the option agreement but Access AC53 has been assessed for the authorised project and is part of the Application. Access AC53 is the access which will be used unless there is an agreement to the contrary with Mr Mutimer.</p>
Q4.3.0.8	The Applicant The NFU/LIG Affected Persons	<p>With reference to Carrick (Row 34 of the Compulsory Acquisition Objections Schedule):</p> <p>a) Update progress with agreeing Heads of Terms in relation to AC131.</p> <p>b) What issue if any, remains outstanding and what is being done to overcome this?</p>	<p>a) The Applicant remains in discussions with the relevant landowner and their Land Agent, HoTs have not as yet been signed.</p> <p>b) The landowner does not wish for the access AC131 to be used and believes an alternative solution exists. The Applicant has set out its position in relation to the alternative offered through correspondence with the Landowner and Land Agent and also in a detailed response to Q3.3.0.10.</p>
Q4.3.0.9	The Applicant The NFU/LIG Affected Persons	<p>The ExA notes inclusion of plots 12/03 & 12/05- Acquisition of Permanent New Rights, re Albanwise Ltd, Row 39 of the Compulsory Acquisition Objections Schedule [REP7- 023].</p> <p>a) What are the practical issues referred to by NFU in relation to 'site specific matters' and what steps are being taken to resolve these and in what timescale? [REP8-015].</p> <p>b) Explain what is meant by a 'rebuttal presumption'.</p>	<p>a) The Applicant remains in negotiations with the Landowner with a hope to reaching agreement in the near future.</p> <p>b) Where land adjoins a highway and that highway has no registered title, there is a legal presumption that the ownership of the adjoining land (on either side) extends to the middle or half width of the highway under a principle known as "ad medium filum" ("up to the medium line"). There is case law which supports this provision in <i>Berridge v Ward (1861) 142 E.R. 507</i>:</p> <p><i>"Where a piece of land which adjoins a highway is conveyed by general words, the presumption of law is, that the soil of the highway usque ad medium filum [up to the medium line] passes by the conveyance, even though reference is made to a plan annexed, the measurement and colouring of which would exclude it."</i></p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>However it is possible that evidence can contradict this which is why it is a rebuttable presumption. Examples of this may arise from the previous division of an estate where once private roads may have become public highway and ownership of that road expressly retained by the original estate owner so that the new owners either side of that highway do not have title conveyed to them. The Applicant has not seen any evidence to contradict this overall ad medium filum principle with no known separate owner of the highway hence why the adjoining owner is listed in the Book of Reference schedule for the relevant plots.</p> <p>If the road is classified as a public highway and adopted, the rule is also subject to the highway surface and the necessary amount of airspace above being vested in the Highways Authority. As a result there are two interests in each half of the highway – the presumed owner of the subsoil (being the adjoining owner) and the Highways Authority.</p> <p>The consequence of this is that both the Highways Authority and the adjoining owner are listed in the Book of Reference for those plots and the adjoining landowner's interest is addressed in the CA Objections Schedule to include the relevant highway plot.</p>
Q4.3.0.10	The Applicant The NFU/LIG Affected Persons	<p>The ExA notes inclusion of plots 24/05, 24/10, 24/16 & 25/04 - Acquisition of Permanent New Rights.</p> <p>a) Re Christopher S Wright, Row 49 of the Compulsory Acquisition Objections Schedule. Explain what is meant by a 'rebuttal presumption'.</p> <p>b) If Heads of Terms are signed with the landowner, justify why it would be necessary to retain AC56 within the DCO, when recourse to remedy any breach of an agreement could be sought through the Courts and the</p>	<p>a) Where land adjoins a highway and that highway has no registered title, there is a legal presumption that the ownership of the adjoining land (on either side) extends to the middle or half width of the highway under a principle known as "ad medium filum" ("up to the medium line"). There is case law which supports this provision in <i>Berridge v Ward (1861) 142 E.R. 507</i>:</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
		<p>powers of Compulsory Acquisition are a last resort power.</p> <p>c) What certainty would the landowner have that Access AC56 would not be used if it were to remain in the DCO?</p>	<p><i>"Where a piece of land which adjoins a highway is conveyed by general words, the presumption of law is, that the soil of the highway usque ad medium filum [up to the medium line] passes by the conveyance, even though reference is made to a plan annexed, the measurement and colouring of which would exclude it."</i></p> <p>However it is possible that evidence can contradict this which is why it is a rebuttable presumption. Examples of this may arise from the previous division of an estate where once private roads may have become public highway and ownership of that road expressly retained by the original estate owner so that the new owners either side of that highway don't have title conveyed to them. The Applicant has not seen any evidence to contradict this overall ad medium filum principle with no known separate owner of the highway hence why the adjoining owner is listed in the Book of Reference schedule for the relevant plots.</p> <p>If the road is classified as a public highway and adopted, the rule is also subject to the highway surface and the necessary amount of airspace above being vested in the Highways Authority. As a result there are two interests in each half of the highway – the presumed owner of the subsoil (being the adjoining owner) and the Highways Authority.</p> <p>The consequence of this is that both the Highways Authority and the adjoining owner are listed in the Book of Reference for those plots and the adjoining landowner's interest is addressed in the CA Objections Schedule to include the relevant highway plot.</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>b) The DCO provides the Applicant with the authority for the access to be used for the purposes of the authorised project. It also provides for that use to be secured using compulsory acquisition powers if necessary. As such retaining authority for the relevant access in the DCO to be used is critical. The second issue then is whether compulsory acquisition powers should be authorised for that use. The Applicant maintains that those powers should be authorised.</p> <p>It has been the Applicant's strategy to always seek agreement with the landowners. This has been progressed through continuous engagement. The use of compulsory acquisition powers would always be a last resort.</p> <p>Whilst agreeing heads of terms with a landowner demonstrates significant progress, those heads of terms cannot be relied upon by either the Applicant or landowner. Once the option agreement is exchanged both parties will have a contractual agreement which is enforceable. That option agreement with Mr Wright will provide for the Applicant not to exercise compulsory acquisition powers against Mr Wright provided that the terms of the option agreement are complied with.</p> <p>Until such time as the option agreement is in place the Applicant needs to retain the ability to use compulsory acquisition powers against Mr Wright, and subsequently should the terms of the option agreement not be complied with. In addition the Applicant may need to utilise compulsory acquisition powers against any unknown</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>third party, due to any subsequent title issues which arise even if the agreement reached is to use that access.</p> <p>Once the option agreement is in place with Mr Wright then both the Applicant and Mr Wright have a binding commitment (with recourse to remedy any breach through the Court), with Mr Wright permitting the Applicant to use the alternative access and the corresponding commitment from the Applicant to Mr Wright not to utilise compulsory acquisition powers for the DCO access.</p> <p>c) As part of ongoing engagement with Mr Wright it may be that an alternative access solution can be agreed and this would be done on an exceptions basis specific to Mr Wright . That would be the subject of a separate contractual agreement contained in the option agreement but Access AC56 has been assessed for the authorised project and is part of the Application. Access AC56 is the access which will be used unless there is an agreement to the contrary with Mr Wright .</p>
Q4.3.0.11	The Applicant The NFU/LIG Savills Affected Persons	Savills to confirm it is content with the approach to the Salle Estate as set out by the Applicant in response to ExQ3.3.0.13 [REP8-015].	
Q4.3.0.12	The Applicant The NFU/LIG Affected Persons	The ExA notes that Rows 35 and 52 refer to M and D Jones. What are the concerns of the landowners in relation to AC128 and AC129 and how are these being resolved? [ExQ3.3.0.14 – REP8-015]	HoTs for an Option Agreement have been signed with the Landowner. The Applicant has also been in discussions with the Land Agent acting for the Landowner and understands the concerns relating to the accesses. The Applicant has agreed to utilise alternative accesses where the cable corridor crosses the highway rather than the accesses shown as AC128 and AC129. As with other access agreements referred to above this will be documented through the

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>private agreement. Access AC128 and AC129 are the accesses which will be used unless there is an agreement to the contrary with M and D Jones.</p> <p>The access will remain in the DCO for the below reasons.</p> <p>The DCO provides the Applicant with the authority for the access to be used for the purposes of the authorised project. It also provides for that use to be secured using compulsory acquisition powers if necessary. As such retaining authority for the relevant access in the DCO to be used is critical. The second issue then is whether compulsory acquisition powers should be authorised for that use. The Applicant maintains that those powers should be authorised.</p> <p>It has been the Applicant's strategy to always seek agreement with the landowners. This has been progressed through continuous engagement. The use of compulsory acquisition powers would always be a last resort.</p> <p>Whilst agreeing heads of terms with a landowner demonstrates significant progress, those heads of terms cannot be relied upon by either the Applicant or landowner. Once the option agreement is exchanged both parties will have a contractual agreement which is enforceable. That option agreement with M and D Jones will provide for the Applicant not to exercise compulsory acquisition powers against M and D Jones provided that the terms of the option agreement are complied with.</p> <p>Until such time as the option agreement is in place the Applicant needs to retain the ability to use compulsory acquisition powers</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			against M and D Jones, and subsequently should the terms of the option agreement not be complied with. In addition the Applicant may need to utilise compulsory acquisition powers against any unknown third party, due to any subsequent title issues which arise even if the agreement reached is to use that access.
Q4.3.0.13	The Applicant The NFU/LIG Affected Persons	Landowner Begg appears not to be identified on the Compulsory Acquisition Objections Schedule and does not appear to have submitted any specific representations into the Examination. a) Update the Compulsory Acquisition Objections Schedule as necessary. b) NFU/LIG confirm whether you are satisfied with the response from the Applicant in relation to landowner Begg and effects on blackcurrant planting [ExQ3.3.0.14 – REP8- 015].	a) Begg as referred to by the NFU, is in relation to a Director for Gorgate Limited (Rosie Begg) who are included in the Book of Reference as the legal entity with an interest in land. Gorgate Limited have been added to the CAOS as submitted at deadline 10.
Q4.3.0.14	The NFU/LIG Affected Persons	Are you content with the response provided by the Applicant to ExQ3.3.0.17 [REP7-017].	
Q4.3.0.15	The Applicant The Crown Estate	a) Given the response provided at Deadline 8 [REP8-015] to ExQ3.3.0.16, what are the ongoing matters that are preventing the Commissioners providing their consent to the compulsory acquisition proposals? b) If these matters are resolved, when are the Commissioners anticipating that written consent will be provided?	All matters with The Crown Estate (TCE) have been resolved. The Applicant expects TCE to confirm the same in writing to the ExA before the end of the examination.
Q4.3.0.16	The Applicant National Grid Gas National Grid Electricity Cadent Gas	Following on from the response provided at [ExQ3.3.0.18, REP7-017], provide a further update regarding: a) Confirm that signed agreement has been reached with National Grid Gas, b) Confirm whether signed agreement has now been reached with National Grid Electricity, and if not, why not;	a) Agreement has been reached with National Grid Gas. b) Agreement has been reached with National Grid Electricity. c) Agreement has been reached with Cadent Gas.

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
	Highways England Environment Agency	<p>c) Confirm whether signed agreement has now been reached with Cadent Gas and if not, why not;</p> <p>d) Confirm whether agreement has been or is likely to be reached with the Environment Agency over its position in relation to deemed refusal [REP7-062].</p> <p>e) Provide all protective provisions in their agreed form, or if not agreed, provide any additional information to assist the ExA in making its recommendation to the SoS.</p>	<p>d) The Applicant refers the ExA to the Applicant's comments on the Environment Agency's response to Q2.3.0.29 submitted at Deadline 6 [REP6- 014], as well as the Applicant's response to Q3.5.8.7 at Deadline 7 [REP7-017]. The Applicant has not been able to reach agreement with the EA in relation to deemed refusal .v. deemed approval. The Applicant considers that the timeframe within the protective provisions at Schedule 17, Part 7 - together with a deemed discharge mechanism - is appropriate and proportionate in order to unlock nationally significant infrastructure development projects in a timely manner.</p> <p>The Applicant has followed existing precedent, and has sought to maintain consistency with offshore wind schemes of a similar nature including Hornsea Project Two, Triton Knoll, Hornsea Project Three and Norfolk Vanguard. This is of particular importance in the case of consistency with the Norfolk Vanguard dDCO in which it is likely that a coordinated approach for the discharge of requirements/conditions would be adopted. Accordingly, variations in the timetable for post-consent approvals could lead to confusion and error.</p> <p>e) The protective provisions included within Schedule 17 of the dDCO submitted at Deadline 10 (document reference 3.1 (version 7)) are the agreed form protective provisions, save in relation to deemed approval .v. deemed refusal in the context of the Environment Agency protective provisions at Schedule 17, Part 7.</p>
Q4.3.0.17	The Applicant	Respond to the matters relating to Compulsory Acquisition raised in REP8-035.	<p>A response has been provided at Deadline 9 to the matters raised in REP8-035, in the Applicant's Comments on Deadline 8 Submissions Norfolk Boreas Offshore Wind Farm (ExA.ASR.D9.V1), stating the below:</p> <p>The Applicant refers to the response provided to the ExA's Further Written Questions Q2.3.0.26 [REP5-145] which addressed the matter of the historic rights believed to be held by Mr King, which stated:</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p><i>“The Applicant has explored the position further with its legal advisors. The position remains that the rights referred to as described in a 1972 Conveyance are not available to be viewed anywhere and therefore cannot be ascertained. The Applicant has made previous contact with Mr Colin King regarding these rights, however Mr King also does not hold a copy of the 1972 Conveyance and does not know to what it refers. Therefore the rights referred to in title NK440779 and benefitting Colin King, Jacqueline Claxton and Paul King have been included in those plots of land falling within this title as a precaution until any clarity on the rights is received. If Mr King is able to provide evidence of what type of rights exist over the affected land, the Applicant will seek to acquire these rights by agreement. If an agreement is unable to be reached, the Applicant will seek to utilise any compulsory powers awarded. The Applicant would like to also correct the statement regarding a 'value per square metre'. The agreed value that is being offered through the private agreements, is in relation to the easements Vattenfall wish to acquire over land for the cable requirements, rather than a value to acquire existing easements which need to be stopped up.”</i></p>
Q4.3.0.18	The Applicant	<p>The ExA notes the answer provided at REP5-045, ExQ2.3.0.21 and REP7-017 ExQ3.3.0.26.</p> <ul style="list-style-type: none"> a) Why is the flexibility provided by these rights necessary? b) Should it be limited in any way? 	<p>In response to ExQ3.3.0.26 in REP0-017 the Applicant outlines that the flexibility is required in order to minimise the extent of the interests acquired. These provisions are accepted practice in other DCOs where it is only necessary to acquire limited interests in land such as rights as opposed to the freehold. The Applicant has identified where interests in subsoil are likely to be required for cable rights and where overhead electric lines will be located but one example where the surface and airspace rights are required but not finalised until there is detailed design is with link boxes which are above surface structures. Retaining flexibility is therefore crucial across the Order Land and should not be limited any further. It is not in the Applicant's interest to acquire anymore interests than are</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			necessary so as to minimise the compensation payable in the event that compulsory acquisition powers are required in the absence of agreement.

4 Cumulative effects of other proposals

4.0 General cumulative effects, including phasing

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

4.1 Onshore cumulative effects of other proposals (construction)

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.4.1.1	The Applicant	<p>The Crossing Point, north of Reepham: Confirm if all the issues raised by the NFU regarding configuration of cables at the Crossing Point in para 2.4 of its 22 January 2020 letter to the SoS regarding the Hornsea Three OFW are detailed and confirmed in the agreement with Ørsted in the event of Scenario 2 for the Proposed Development.</p>	<p>The agreement between the Applicant and Ørsted in relation to the crossing point between the projects, is still in draft and agreement has not yet been concluded on all matters. The Applicant has noted the points raised by the NFU and has sought to agree the principles of the crossing point through the final SOCG which has been submitted at deadline 10 and the position is agreed between the Applicant and the NFU. The Applicant will seek to address with the concerns of the NFU and ultimately the landowner affected within the technical constraints of the crossing, but currently an agreement with Ørsted is outstanding.</p>

5 Development Consent Order and Deemed Marine Licences

5.0 General

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.5.0.1	The Applicant Marine Management Organisation	<p>Outstanding matters in the dDCO of concern to MMO:</p> <p>Provide an update on progress in resolving issues raised by the Marine Management Organisation (MMO) [REP6-014] related to ExQ2.5.0.2:</p> <ul style="list-style-type: none"> - Cable Crossings; - Disposal Site queries and references; - Definition of Inert. 	<p>As presented in the Applicant's Responses to the Examining Authority's Third Round of Written Questions (question 3.5.0.1 [REP7-017]) all matters relating to cable crossings and disposal site queries and references were agreed for Deadline 6 and 7 respectively.</p> <p>In relation to the definition of inert, as stated in the MMO's Responses to the Examining Authority's Third Round of Written Questions [REP7-040] "<i>The MMO has discussed this further with the Applicant and is content that this definition is no longer required for the Norfolk Boreas project</i>".</p> <p>Therefore, the Applicant and the MMO are in complete agreement on all three issues. This was reflected in the SoCG submitted at Deadline 8 [REP8-021].</p>

5.1 Articles

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.5.1.1	The NFU	<p>Article 16: Authority to survey and investigate the land onshore:</p> <p>Which are the two DCOs that your response to ExQ3.5.1.2 refers?</p>	

5.2 SCHEDULE 1 PART 1: Authorised Development

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

5.3 SCHEDULE 1 PART 3: Requirements

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.5.3.1	Breckland Council Broadland District Council North Norfolk District Council	Requirement 15: Scenarios, stages and phases of authorised development onshore: The Applicant provided responses at Deadlines 7 and 8 to ExQ3.5.3.1 to ExQ3.5.3.5 [REP8-015], with additional wording for Requirement 15(4). Provide any further comment.	
Q4.5.3.2	North Norfolk District Council	Requirement 19: Implementation and maintenance of landscaping: Response to this question negates the need for a response to ExQ3.5.3.9 from NNDC. a) Are you content with the Applicant's response to ExQ3.5.3.10 [REP7-017], and the changes to the dDCO at Article 27 and Requirement 19 [REP7-004] and the OLEMS [REP8-006]? b) If not, set out concerns and suggested way forward	
Q4.5.3.3	The Applicant	Requirement 20: Hydrogeological Risk Assessment for abstractions within 250m of works: Note question below in Section Q4.15.0 Water Resources and Flood Risk.	Noted.
Q4.5.3.4	The Applicant	Requirement 20: Monitoring of residual adverse impacts on the water environment: Note question below in Section Q4.15.0 Water Resources and Flood Risk.	Noted.

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.5.3.5	The Applicant	Requirement 20: Refined conceptual site modelling for each watercourse crossing: Note question below in Section Q4.15.0 Water Resources and Flood Risk	Noted.
Q4.5.3.6	The Applicant	Requirement 20: Risk Assessment based on chemical testing in the ground investigation reports: Note question below in Section Q4.15.0 Water Resources and Flood Risk.	Noted.
Q4.5.3.7	The Applicant	Requirement 20: Consultation on contamination and approval of remediation: Note question below in Section Q4.15.0 Water Resources and Flood Risk.	Noted.
Q4.5.3.8	The Applicant	Requirement 20: OCoCP in relation to Agricultural Private Water Supplies: Note question below in Section Q4.13.3 Land Use and Agriculture.	Noted.
Q4.5.3.9	The Applicant	Requirement 20: OCoCP: Note question below in Section Q4.13.2.1 regarding Tourism Mitigation Strategy.	Noted.
Q4.5.3.10	The Applicant	Requirement 21: Traffic: Note question below in Section Q4.14.1.6 regarding Cumulative traffic effects in Cawston.	Noted.
Q4.5.3.11	The Applicant	Requirement 25- definition of secondary consent bodies: Note question below in Section Q4.15.0 Water Resources and Flood Risk.	Noted.
Q4.5.3.12	The Applicant	Requirement 25: Attenuation capacity at substations allowance for climate change: Note question below in Section Q4.15.0 Water Resources and Flood Risk	Noted.

5.4 OTHER REQUIREMENTS

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No questions			

5.5 SCHEDULES 9 to 13: Deemed Marine Licences

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.5.5.1	The Applicant Trinity House (TH)	<p>Prospects for agreement with TH on DML Conditions on cable laying plan: Confirm whether agreement is likely to be reached between the Applicant and Trinity House (TH) prior to Deadline 9 and provide any additional information to assist the ExA in making its recommendation to the Secretary of State in regard to:</p> <p>a) In the light of TH REP8-034, TH request [REP6-039] 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 commencing “... a detailed cable laying plan of the Order limits...” and</p> <p>b) TH rejection of the Applicant's proposal to name TH in Condition 15(8) (Schedule 9- 10) and Condition 10(8) (Schedule 11-12).</p>	<p>a) The Applicant has responded to TH's submission through the document titled Applicant's Comments on Deadline 8 Submissions [REP9-011] and through the final agreed SoCG with TH submitted at Deadline 9 [REP9-028].</p> <p>In summary:</p> <ul style="list-style-type: none"> It has not been possible to agree the wording of the condition with Trinity House, noting that the principle of the condition is agreed and it is only the additional wording in relation to 5% navigable depth of cable protection that remains not agreed within the SoCG [REP9-028]. The Applicant will be fully compliant with the requirement to seek consultation on any cable protection that exceeds the 5% safety margin as defined within Marine Guidance Note (MGN) 543. Accordingly, the Applicant is mindful of the need to ensure concise drafting in the DCO and avoid unnecessary repetition. The Applicant considers that consistency should be maintained between the Norfolk Vanguard DCO and the Norfolk Boreas DCO. This is particularly important from a contractor compliance perspective. Having additional

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>text regarding 5% of navigable depth in one project condition and not the other could cause confusion and error, as it might imply that only one project needs to comply with the 5% navigable depth element of the condition. Whereas both projects will comply fully with the requirement, as per MGN 543.</p> <ul style="list-style-type: none"> • In any event, TH will be consulted on the final design plan - which covers cables - pursuant to Condition 14(1)(a) (Schedule 9-10) and Condition 9(1)(a) (Schedule 11-12). TH has therefore different avenues to raise (non) compliance with this element of the condition and can, ultimately, withhold approval of the design plan until TH is satisfied that this element is complied with; and • The Applicant does not consider that the drafting proposed by TH would in any way increase (or decrease) navigational safety under these circumstances. This is because the same requirement - to identify any cable protection exceeding 5% of navigable depth and outline steps to determine safe future navigation - is already secured by Condition 15(8) (Schedule 9-10), and Condition 10(8) (Schedule 11-12) through compliance with MGN543. To impose different wording between Norfolk Vanguard and Norfolk Boreas in this respect could, to the contrary, result in greater scope for error and inconsistency when it comes to discharge of, and compliance with, conditions. <p>In short, there are no prospects for agreement on this matter. The Applicant, however, considers that the points put forward previously and outlined above are justifiable</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>reasons for ensuring consistency with precedent and the Applicant's sister project.</p> <p>b) The Applicant previously considered that adding TH to the MGN543 condition provided a further opportunity of for TH to ensure compliance with MGN543. However, following the Deadline 8 response from TH and further discussions with TH, the Applicant has agreed to remove the wording '<i>and Trinity House</i>' from (Condition 15(8) (Schedule 9-10) and Condition 10(8) (Schedule 11-12)) of the dDCO submitted at Deadline 10.</p>
Q4.5.5.2	The Applicant	<p>Wording in DML regarding shallow burial or exposure of cables:</p> <p>Confirm response to VisNed/ NFFO proposal in [REP6-031] the following amendment (in red) to Schedules 9 and 10 Part 4, Condition 9 (12) the words "a state of shallow burial or exposure of" in regard to cables on or above the seabed.</p>	<p>The Applicant's view is that the wording of Condition 9 is appropriate and should remain as currently drafted.</p> <p>The wording currently proposed with regards to the notification of cables exposures is as follows: <i>'In case of exposure of cables on or above the seabed, the undertaker must within three days following identification of a potential cable exposure, notify mariners by issuing a notice to mariners and by informing Kingfisher Information Service of the location and extent of exposure. Copies of all notices must be provided to the MMO and MCA within five days'.</i></p> <p>The Applicant also notes that the condition wording above has been agreed with both the Maritime and Coastguard Agency (MCA) and Trinity House for Norfolk Boreas in their respective final Statements of Common Ground (REP9- 024 and REP9-028).</p> <p>Furthermore, the proposed wording takes account of the agreed changes (between the Applicant and MCA) as part of the updated Norfolk Vanguard draft DCO submitted following a consultation letter from the Secretary of State dated 6</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			December 2019. The consistency with Norfolk Vanguard is of relevance, importantly post consent, when it is likely a single marine coordination centre will be responsible for issuing both project notices. In addition, keeping consistency is important from a contractor compliance perspective and to avoid confusion amongst stakeholders .
Q4.5.5.3	The Applicant	Schedules 9 and 10 Part 4, Conditions 14 (1) (c), (d), (g,) (j), 18, 19, 20 and 22: Note questions below in Section on Fishing and Fisheries.	Noted.
Q4.5.5.4	The Applicant	Schedules 11 and 12 Part 4, Conditions 9 (1) (c), (d), (g,) (j), 13, 14, 15 and 17: Note questions below in Section on Fishing and Fisheries.	Noted.
Q4.5.5.5	The Applicant	Schedule 13 Part 4, Conditions 7 (1) (c), (d), (g,) (j), 11, 12, 13 and 15: Note questions below in Section Q4.6.0 Fishing and Fisheries.	Noted.

5.6 SCHEDULE 15: ARBITRATION RULES

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

5.7 SCHEDULE 16: PROCEDURE FOR DISCHARGE OF REQUIREMENTS

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.5.7.1	The Applicant	<p>Table of requirements, discharge authorities and consultees and discharge process map: Should the Timetable of requirements, discharge authorities and consultees and the Discharge process map [REP6-043, Appendix B and Appendix C] be certified documents, referred to in Schedule 16?</p>	<p>The Applicant refers the ExA to its response to this question (Q3.5.7.1) at Deadline 7 [REP7-017].</p> <p>The Applicant does not consider that either of these appendices should be secured in the DCO for the following reasons:</p> <ul style="list-style-type: none"> • Appendix B (Discharge authorities): the requirements within the DCO set out who must be consulted. Whilst it is helpful for the Applicant to understand who NNDC may consult with internally, this is for the council/discharging body to decide at their discretion. To secure this detail in the DCO might make the process too rigid and inflexible, when in practice the councils may need to call on other consultees beyond those listed. It should also be noted that the other relevant planning authorities have not inputted into NNDC's Appendix B and there are a number of 'TBCs' within the fourth column of the table. • Appendix C (Discharge Map): this appendix mirrors the process set out in Schedule 16. It would therefore be unnecessary duplication to secure a map of the same process within the DCO. <p>Furthermore, it would not be suitable to refer to Appendix B and C as certified documents as the Article 37 and Schedule 18 certified documents are those referred to within the DCO. There is no appropriate mechanism to refer to Appendix B and C of REP6-043 within the DCO. The Applicant also stresses that the consultation and approval process is stipulated by the requirements at Schedule 1, Part 3 of the DCO.</p> <p>The Applicant notes and concurs with Breckland Council's response published on 30 April 2020 [REP9-031] which states that the DCO Requirements and Discharge Process Map submitted by NNDC are helpful but are not agreed by all LPAs, and it removes</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>the ability to discuss the requirements and processes dependent on the outcome of the examination. It is a good starting point but does not need to be part of the DCO.</p> <p>The Applicant has, however, included Appendix B within the PPA note sent to the councils in mid-April. This could therefore be a platform for further discussion and form part of the PPA in the event that development consent is granted.</p>
Q4.5.7.2	Breckland Council Broadland District Council, Norfolk County Council,	Table of requirements, discharge authorities and consultees and discharge process map: Provide any final comments on NNDC's Timetable of requirements, discharge authorities and consultees and the Discharge process map [REP6-043, Appendix B and Appendix C].	
Q4.5.7.3	The Applicant Breckland Council Broadland District Council, Norfolk County Council, North Norfolk District Council	Schedule 16: Parties to submit any additional information to assist the ExA in reaching its recommendation to the SoS.	<p>The Applicant refers the ExA to its previous response to this question (Q3.5.7.4) at Deadline 7 [REP7-017].</p> <p>The Applicant also notes that Breckland Council has nothing further to add to this point [REP9-031].</p>
Q4.5.7.4	The Applicant Breckland Council Broadland District Council, Norfolk County Council, North Norfolk District Council	Planning Performance Agreements: Provide final views from all parties since the response to responses to further written questions provided by the Applicant [REP6-014, responses to ExQ2.5.7.1].	<p>On 16 April 2020, the Applicant provided a detailed note to the relevant planning authorities (RPAs) on Planning Performance Agreements (PPAs).</p> <p>In summary the note covered:</p> <ol style="list-style-type: none"> 1. the legal background to PPAs; 2. the legal mechanism to allow joint working between RPAs; 3. previous examples of PPAs including a joint lead authority approach and an appointed coordinator approach; 4. relevant examples and suggestions for the Norfolk Boreas project including either (1) a joint lead authority, (2) a single coordinator, or (3) backfilling an RPA role on a temporary basis;

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>5. matters to consider in the PPA including resource, timing, programme, discharge, and performance standards on each party; and</p> <p>6. discharging bodies and consultees (including NNDC's Appendix B table from [REP6-043]).</p> <p>The Applicant will continue to engage with RPAs and hold discussions on the PPA in the event that development consent is granted.</p>

5.8 SCHEDULE 17: PROTECTIVE PROVISIONS

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

5.9 CONSENTS, LICENCES AND OTHER AGREEMENTS

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

5.10 COMPENSATION TO PROTECT NATURA 2000 NETWORK

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.5.10.1	The Applicant	<p>Part 1: Flamborough and Filey Coast Special Protection Area:</p> <p>Condition 1(2) states nest sites should be “implemented as approved and suitable for use prior to first operation of any wind turbine generator”. As this is a compensation measure, the ExA requires a greater lead in time than ‘prior to’.</p>	<p>The purpose of requiring nest sites to be suitable for use 'prior to' first operation is to provide a clear, precise and enforceable trigger to ensure that the nest sites are made available prior to any collision risk occurring, and therefore prior to any adverse effect occurring. The 'prior to' trigger does not set a lead-in time for delivery of the nest sites. The lead-in time will be approved by the Secretary of State through the previous condition 1(1) under which details of the nest sites must be provided for approval with, amongst other matters, <i>"an implementation timetable including timescales for delivery of the artificial kittiwake nest sites"</i>. This condition allows the appropriate timing of nest site delivery to be discussed with Natural England (and approved by the Secretary of State) once precise details of the nest site scheme (i.e. design, size and location of the nest sites) are known.</p> <p>In any event, it should be noted that the guidance (DEFRA 2012), which was referred to in [REP7-026], states, <i>"in principle, the result of implementing compensation has normally to be operational at the time when the damage is effective on the site concerned. Under certain circumstances where this cannot be fully fulfilled, overcompensation would be required for the interim losses."</i> Furthermore, <i>'Compensation measures should normally be delivered before the adverse effect on the European site occurs'</i>.</p> <p>Whilst efforts will be made to encourage kittiwakes to colonise the structure for the purpose of breeding (e.g. using decoys and playback of kittiwake calls from other colonies), successful colonisation and hence compensation, is dependent on bird behaviour and other biological aspects. Therefore it is not wholly within the Applicant's power to guarantee this will occur to the required degree in advance of wind turbine operation. In such</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>cases the proposed compensatory measures should <i>over-compensate</i> for the predicted impact magnitude. As the proposed size of the artificial nesting colony has been designed to accommodate a colony capable of producing many more adult recruits than the magnitude of the project's collision risk (a maximum of 14 individuals using Natural England's preferred modelling parameters, or 6 using the Applicant's preferred parameters), the Applicant considers the proposed in-principle compensation complies with the guidance on this matter.</p> <p><i>DEFRA (2012): Habitats and Wild Birds Directives: guidance on the application of article 6(4) Alternative solutions, imperative reasons of overriding public interest (IROPI) and compensatory measures. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69622/pb13840-habitats-iropi-guide-20121211.pdf.</i></p>
Q4.5.10.2	The Applicant	<p>Part 2: Alde-Ore Estuary Special Protection Area:</p> <ul style="list-style-type: none"> a) Condition 2 (2), the Applicant to provide greater commitment to implement the measures for improving breeding success prior to commencement of the offshore works b) In Appendix 2 [REP7-026] the Applicant states that it may not be possible to have the complete package in place prior to operation. This goes against guidance to have compensation in place in advance of harm happening. The Applicant to review. 	<p>a) The compensation proposed expressly recognises that it may not be possible to implement and deliver all the measures for improved breeding success prior to first operation, and as a result it is not appropriate to secure this in the relevant condition (whether prior to first operation and therefore any collision risk occurring, or prior to commencement of offshore works as referred to by the ExA). As set out in response to (b) below, principles of overcompensation have been employed to account for this in accordance with guidance. Notwithstanding this, condition 2(3) does require that the strategy to be approved by the Secretary of State contains "<i>timescales for the measures to be delivered</i>", which must then "<i>be carried out as approved, unless otherwise agreed in writing with the Secretary of State</i>". This ensures that the measures are delivered at an appropriate point, considering the detail of the measures to be delivered and the magnitude of over-compensation applied and following</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>consultation with Natural England. In particular, the strategy must accord with the principles for compensation submitted in [REP7-026] (which would be a certified document if compensation was required) which states, at paragraph 78:</p> <p><i>"The timetable for delivery of the measures would be approved by the Secretary of State in consultation with Natural England, with the aim that this would be initiated well in advance of operation of Norfolk Boreas. If this was required for both Norfolk Boreas and Norfolk Vanguard this would be approached strategically, with the aim of obtaining approval on a joint basis, and therefore initiated well in advance of the operation of both projects."</i></p> <p>b) The guidance, which was included in [REP7-026], states, <i>"in principle, the result of implementing compensation has normally to be operational at the time when the damage is effective on the site concerned. Under certain circumstances where this cannot be fully fulfilled, overcompensation would be required for the interim losses."</i></p> <p>The Applicant has applied the principle that, as a time between the compensation being fully operational and the impact occurring cannot be ruled out (for example due to both logistical and biological reasons, the latter of which being at best only partially within the Applicant's control), then the proposed compensatory measures should <i>over-compensate</i> for the predicted impact magnitude. As the proposed predator exclusion plan would permit an increase in productivity several orders of magnitude larger than the project's maximum estimated collision risk of two individuals (using Natural England's preferred modelling parameters), the Applicant considers the proposed in-principle compensation complies with the guidance on this matter.</p>
Q4.5.10.3	The Applicant	Part 3: Haisborough, Hammond and Winterton Special Area of Conservation:	(a) Whilst condition 3(2) refers to [REP7-027], condition 3(1) requires <i>"a strategy to promote an extension to the Haisborough,</i>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
		<p>Commitment solely to a strategy is vague and refers to the in principle compensation measures, which says that a SAC extension is the preferred option.</p> <ul style="list-style-type: none"> a) The Applicant to provide a more explicit condition. b) A SAC extension would likely take a long time, but Condition 3 (1) only requires the strategy to be submitted 12 months before commencement of offshore works which the ExA considers may not be long enough. c) An extension to the SAC is out of the Applicant's control, how deliverable is this and what actual input can the Applicant have to it? 	<p><i>Hammond and Winterton Special Area of Conservation</i>". As such, this is already expressly stated and therefore is considered to be clear, precise and enforceable, and not vague.</p> <p>(b) Condition 3(1) requires the strategy to be submitted "<i>no later than 12 months prior to commencement of any offshore works</i>". Therefore, it does not preclude that strategy being submitted at an earlier point in time, however the purpose of the condition is to set the latest time by which the strategy must be submitted. The strategy must also include timescales for the measures to be delivered (see condition 3(2)(c)) which is one of the matters which must be approved by the Secretary of State in consultation with Natural England. As for offshore ornithology (and explained in the responses to WQ4.5.10.1 and WQ4.5.10.2 above), it is recognised that there may be a period of time between the impact occurring and compensation being fully delivered, therefore the proposed compensatory measures have been designed to <i>over-compensate</i> for the predicted impact magnitude. As the proposed extension would secure compensation which is several orders of magnitude larger than the project's worst case scenario impact, the Applicant considers the proposed in-principle compensation complies with the relevant guidance. By requiring timescales for delivery of the measures to be approved, the condition ensures that the measures are delivered at an appropriate point, considering the detail of the measures to be delivered and the magnitude of over-compensation applied, and following consultation with Natural England and the MMO, and approval by the Secretary of State.</p> <p>(c) As explained in paragraphs 63 and 72 of [REP-027], the HHW SAC has clear areas of potential for extension where the Annex I reef and Annex I sandbank features extend beyond the existing SAC site boundary (as shown on Natural England's existing mapping). As such this measure is considered feasible and</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>deliverable. As also set out in paragraph 4.3 of [REP7-027], the Applicant would have a significant and key role in delivery of the compensation measures, in particular:</p> <ul style="list-style-type: none"> • Seeking agreement of the proposed approach with Natural England, JNCC and Defra; • Assisting in the development of an Area of Search in accordance with the JNCC Marine Selection Process and Guidance – indeed, the Applicant may undertake this process or fund a third party to do so; • Provision of ongoing support to progress agreement of an extension boundary for submission as a draft SAC; • Provision of ongoing support during formal public consultation and progression to reach SAC status – likely to be through funding for an appropriate person for a certain period of time. <p>Therefore, the Applicant considers there to be a high degree of certainty in the delivery of the proposed measure and the Applicant would have a key role in ensuing its delivery.</p>

6 Fishing and fisheries

6.0 Fishing and fisheries

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.6.0.1	The Applicant	<p>Potential damage to cables resulting from fishing activity: Provide a response to NFFO/VisNed request in [REP6-031] that the Applicant clarify under what circumstances it would regard damage resulting from fishing activity to be the result of a wilful intent or negligence on the part of a fishing vessel operator, in</p>	<p>The Applicant has responded to the NFFO/Visned on this point within the Applicant's Comments on Written Representations [REP3-007] at Table 1.3.</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
		<p>view of legal protection afforded to cables and access to fishing grounds.</p>	<p>As stated with section 14.7.1 of Chapter 14 Commercial Fisheries (APP 227) of the Environmental Statement (ES), existing legislation does not prevent fishing from occurring within operational wind farm sites and Vattenfall is committed to facilitating co-existence with the relevant sectors of the fishing industry. With regard to cable burial Chapter 14 of the ES states that:</p> <p><i>“In respect of potential loss of fishing grounds associated with the presence of array, interconnector/project interconnector and export cables, as outlined in section 14.7.1, cables will be buried where possible to at least 1m depth and where burial is not possible (i.e. due to hard ground or at crossings) cables will be protected. In addition, in line with standard practice in the North Sea offshore oil and gas industry, measures would be undertaken to ensure that where cable protection is required, the protection methods used are as far as practically possible, compatible with fishing activities. It is therefore assumed that during the operational phase, the presence of cables, would not result in any material loss of fishing grounds and that fishing activity will be able to continue normally with the exception of any safety zones around maintenance works, where required, and discrete areas where temporary advisory safety zones may be necessary (i.e. around sections of offshore cables which may become exposed during the operational phase)”.</i></p> <p>Ground conditions within the site are such that the Applicant expects to be able to achieve the 1m minimum burial depth for at least 90% of inter array and export cables.</p> <p>Where cable protection is required the locations will be communicated to mariners. Where sandwaves are present the Applicant is advocating that seabed levelling to the “bed reference level” occurs prior to cable installation to minimise the possibility of any cables becoming exposed and therefore the need for repeated work.</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>In, addition if cables become exposed a Notice to Mariners will be issued and notification provided to The Kingfisher Information Service - Offshore Renewable & Cable Awareness project (KIS-ORCA) as per condition 4(12) of the transmission licence DMLs. This goes beyond the standard DML conditions which, in addition to the points outlined previously, further reduces the risk of accidental cable damage.</p> <p>In relation to the specific point raised by NFFO/Visned, as explained in [REP3-007], Vattenfall does not have a policy on when claims for damage to cables would be brought and each case would be judged on its merits. In addition, Vattenfall has never sought to prosecute under the Submarine Telegraph Act 1885, and is not aware of any prosecutions having been brought by any other undertaker of an UK offshore wind farm.</p>
Q4.6.0.2	National Federation of Fishermen's Organisation (NFFO)	<p>Safety zones around Service Operation Vehicles (SOVs): In the SoCG [REP6-031] with NFFO/VisNed regarding the proposed application of 500m statutory safety zones around Service Operation Vehicles (SOVs) the Applicant states that safety zones would only be required in relation to major maintenance works and therefore, any loss of grounds associated with this would be very localised and short term. Provide an update on NFFO/VisNed final position on this matter</p>	

7 Grid connection

7.0 Grid connection

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

8 Habitats Regulation Assessment

8.0 River Wensum SAC

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

8.1 Norfolk Valley Fens SAC

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

8.2 Southern North Sea SAC

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.8.2.1	Marine Management Organisation	Discussions with Regulators Group: MMO to provide any updates of discussions with Regulators Group [REP7-040]	

8.3 Hasiborough, Hammond and Winterton SAC

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.8.3.1	The Applicant, Marine Management Organisation, Natural England	<p>Alternative to the Site Integrity Plan:</p> <p>a) The Applicant to explain the process to be followed in the event that “a SIP was not taken forward then an equivalent document capturing all the commitments made in the SIP would still be required”, as suggested in the response to ExQ2.8.3.2 [REP5- 045]. Would an alternative condition resolve this?</p> <p>b) MMO and NE [REP7-040] both emphasise the need to decide on AEol at consenting stage. Can the parties confirm that this will be the case?</p>	<p>a) In response to the ongoing consultation with Natural England and the MMO, the Applicant submitted an alternative to the SIP at Deadline 6 in the form of the Norfolk Boreas Haisborough, Hammond and Winterton Special Area of Conservation Outline Cable Specification, Installation and Monitoring Plan [REP6-017]. As explained in the Haisborough Hammond and Winterton position paper [REP5-057] this secures the same mitigation as provided in the Site Integrity Plan, however removes the requirement for the MMO to be satisfied that there would be no Adverse Effect on Integrity (AEol) of the Haisborough, Hammond and Winterton (HHW) SAC during the post consent stage, recognising that this is the key area of concern for Natural England and the MMO.</p> <p>At Deadline 7, a revised draft DCO was submitted [REP7-004] which includes an alternative to condition 9(1)(m) of the Transmission DMLs (Schedules 11 and 12), should the Secretary of State be minded to adopt the use of the Cable Specification, Installation and Monitoring Plan instead of the Site Integrity Plan. The alternative wording of this condition states:</p> <p><i>A cable specification, installation and monitoring plan for the installation and protection of cables within the Haisborough, Hammond and Winterton Special Area of Conservation which accords with the principles set out in the outline Norfolk Boreas Haisborough, Hammond and Winterton Special Area of Conservation Cable Specification, Installation and Monitoring Plan such plan to be submitted to the MMO (in consultation with the relevant statutory nature conservation body) at least six months prior to commencement of licensed activities.</i></p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>This revised wording removes the following component of the condition associated with the SIP: <i>“and the MMO (in consultation with the relevant statutory nature conservation body) is satisfied that the plan provides such mitigation as is necessary to avoid adversely affecting the integrity (within the meaning of the 2017 Regulations) of a relevant site, to the extent that sandbanks and sabellaria spinulosa reefs are a protected feature of that site”.</i></p> <p>The Applicant considers that the CSIMP control document and corresponding condition are suitable to secure the relevant mitigation for the HHW SAC if the HHW SAC SIP and Grampian condition are not considered appropriate for use by the Secretary of State. The Applicant understands that the MMO and Natural England agree with this position, as set out in their respective Statements of Common Ground [REP9-023] and [ExA.SoCG-17.D10.V4].</p> <p>b) As stated in various submissions, such as the HHW SAC Position Paper [REP5-057], the Applicant is confident that an AEol can be ruled out at this stage. This position is discussed further in response to Q4.8.3.2 below. The CSIMP and the HHW SIP are both outline documents fully describing the current mitigation proposed and both of these document are certified documents (8.20) under Article 37 and Schedule 18 of the dDCO. Neither approach seeks to defer Appropriate Assessment at the consenting stage. A full Information to support Habitats Regulations Assessment (HRA) Report has been provided with the application [APP-201] which concludes that there is no adverse effect on integrity (AEol). Whilst it is correct that the final number and precise route of the cable has yet to</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>be determined, the HRA has been undertaken on the basis of a worst case scenario.</p> <p>The Applicant has sought to demonstrate that assessment of the worst case scenario, considered on the basis of the best information currently available, and the likelihood that this information will not change prior to construction, enables an AEol to be ruled out at the stage of consent determination. In the event that new information becomes available between consent determination and construction (i.e. during the discharge of relevant DML conditions) which would alter the assessment undertaken at the consent determination stage, the MMO will be required to take this into account before discharging any dML conditions in the usual way. This is no different to the MMO's role in undertaking any other Appropriate Assessment which is required before arriving at any determination (i.e. the grant of a Marine Licence) which may have an adverse effect on the integrity of a European site. This is an integral and usual part of the MMO's role as regulator of marine activities.</p>
Q4.8.3.2	The Applicant, Natural England	<p>Cable Burial: Natural England [REP6-033, p10] does not agree with cable protection within the SAC and considers commitments to be insufficient to agree no AEol. Have further discussions altered this view?</p>	<p>The Applicant and Natural England have continued discussions but remain in disagreement regarding the potential for cable protection to cause an AEol on the HHW SAC (the latest positions on this matter are further explained within the Statement of common Ground [ExA. ExA.AS-1.D10.V1]). However, the Applicant would note that it has followed Natural England's advice note regarding consideration of small scale habitat loss within SACs in relation to cable protection [REP1-057] which states that Natural England would consider there to be no likelihood of an AEol where any one (or more) of the following can be demonstrated:</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<ul style="list-style-type: none"> • That the loss is not on the priority habitat/feature/sub feature/supporting habitat, and/or • That the loss is temporary and reversible, and/or • That the scale of loss is so small as to be de minimis and/or • That the scale of loss is inconsequential including other impacts on the site/feature/sub feature. <p>Through the various mitigation commitments made by the Applicant (including decommissioning cable protection to ensure the loss would be temporary, reducing the quantity of cable protection and avoiding Annex I reef and priority areas to be managed as reef) the Applicant considers that all of the above are demonstrably met in the case of Norfolk Boreas.</p> <p>It is important to note that, at 0.004% of the Sandbank feature and between 0% and 0.023% the predicted extent of the reef feature, the habitat loss is in one case equal to, and in two cases considerably less than, the scale of Annex I habitat loss on a number of other European sites for which AEol was ruled out and development consent granted, as summarised in Natural England (2016), including:</p> <ul style="list-style-type: none"> • Hinkley Point C - habitat loss of a small area of potential Sabellaria reef within the rock armour barge berthing and unloading area. This area equated to less than 0.05% of the SAC reef feature and was not considered significant. • Walney Extension - habitat loss of intertidal mudflats and sand flats due to cable installation and rock armour. 0.41% of overall 600ha of feature was affected and the Appropriate Assessment concluded no AEol. • Kentish Flats Extension - habitat loss of 0.003% of Special Protection Area (SPA). The Secretary of State (SoS) and Natural England agreed this loss to be negligible.

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>Since Deadline 9 the Applicant has also reached agreement with BT to cut disused cables within the HHW SAC reducing the number of cable crossings required within the SAC from 12 to 8 which has led to a reduction in the worst case scenario of 4,000m². Further information is provided in the HHW SAC control document (8.20).</p> <p>The total habitat loss within the HHW SAC associated with Norfolk Boreas could be up to 0.028km². This represents 0.0018% of the 1,468km² SAC area.</p> <p>Furthermore, the Applicant has committed to decommissioning cable protection within the HHW SAC installed to protect cables which are not buried to the optimum depth. The result of this commitment is that all impacts associated with cable protection would only be temporary. Further information regarding Natural England's and the Applicant's position on this as mitigation is provided in the Applicant's comments on deadline 9 submissions [ExA.ASR.D10.V1].</p>
Q4.8.3.3	The Applicant	<p>Derogation: The Applicant [REP7-027] only addresses habitat loss from cable protection. If the ExA recommends there is an AEOL from other potential impacts, then the derogation case would not address this. The Applicant to comment.</p>	<p>The details of the compensatory measures would be subject to the conclusions of the Appropriate Assessment and would require consideration of an appropriate extent, proportionate to the level of impact resulting in an AEOL.</p> <p>The in principle compensatory measures proposed for Norfolk Boreas are in line with those proposed for Norfolk Vanguard on the assumption that the Appropriate Assessments for both Norfolk Vanguard and Norfolk Boreas would reach the same conclusions as both projects have the same level of effect. As a result, the In Principle Habitats Regulations Derogation, Provision of Evidence; Appendix 3 Haisborough, Hammond and Winterton SAC In Principle Compensation [REP7-027] focusses on cable protection as this was the focus of the Secretary of State's request for further information in relation to Norfolk Vanguard. The Applicant considers that the</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>derogation cases for the two projects should remain as alike as possible to ensure compensation measures are compatible to allow combined implementation, if that is required.</p> <p>Notwithstanding this position the indicative extension area shown in Figure 4.4 of [REP7-027] covers 120km² which would provide nearly 50 times the spatial extent required to compensation for the 2.45km² worst case potential disturbance area in the HHW SAC for Norfolk Boreas (and nearly 25 times and the 4.9km² for Norfolk Boreas and Norfolk Vanguard combined).</p> <p>The Applicant's position is therefore that an extension to the HHW SAC would be the most appropriate measure to deliver compensation for any potential effect (including both habitat loss and disturbance) arising from Norfolk Boreas and Norfolk Vanguard on both Annex I Reef and Annex I Sandbank, and that the indicative area of extension provisionally identified would be sufficient to compensate for all such potential effects.</p>

8.4 Offshore ornithology

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

8.5 Greater Wash SPA

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

8.6 Flamborough and Filey Coast SPA, Alde-Ore Estuary SPA and Haisborough Hammond and Winterton SAC

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

8.7 Flamborough and Filey Coast SPA

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

9 Landscape and Visual Effects

9.0 The Applicant's landscape and visual assessment

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

9.1 The Applicant's visual assessment

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

9.2 Alternatives considered

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.9.2.1	The Applicant	<p>The decision to use HVDC over HVAC transmission technology: Necton Parish Council considers it was not involved in the consultations regarding the decision to use HVDC for the Proposed Development [REP8-030]. There have also been representations which seem to indicate that consultation was not clearly undertaken for the Proposed Development, that it was only mentioned at consultation events thought to be focussed on the proposed Norfolk Vanguard OWF [REP7-058], and the local MP for Mid Norfolk considers that the true scale of the proposals were not explained sufficiently to locals [RR-042].</p> <p>The Consultation Report states that Parish Councils were appropriately briefed to feed into the Works Plans [APP-027, para 52], the pros and cons of HVAC and HVDC were communicated and illustrations of HVAC and HVDC options for the substations were presented [APP-027, Table 17.2 page 143] and [APP-094, page 8b] and a handful of people preferred HVAC with one reason being because the visual impact of the substations would be greater [APP-027, para 182]. A further workshop overview event was arranged for Necton [APP-027, Section 14.3].</p>	<p>a) The Applicant undertook a number of early consultation events, as shown on 'Plate 2 Norfolk Boreas and Norfolk Vanguard overarching consultation timeline' on Page 23 of the Consultation Report. In March 2017, more detail (cf what was available during the scoping phase the previous Autumn) regarding the proposals for Norfolk Vanguard and Norfolk Boreas were shared with stakeholders, including local communities, including potential dimensions of the onshore project substations (considering both HVDC and HVAC solutions). Information describing this phase of consultation - Phase II consultation activities – is provided in Chapter 13 of the Consultation Report 'Phase II non-statutory consultation period (refining the project)'. Within this Chapter, Section 13.2 - paragraph 325 details the topics covered by the consultation, including 'The revisions and refinements which had been made in the identification of the onshore project substation location, as well as 3D visualisations of both the HVAC and HVDC options'. The consultation materials can be viewed in Appendix 12.9 of the Consultation Report 'Phase II non-statutory exhibition materials'.</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
		<p>a) It is clear that Necton Parish Council was invited to the Necton Substation Workshop overview event on 19 July 2017 [APP-131], but was it invited to the earlier event where the illustrations of the HVAC and HVDC options for the substations were displayed?</p> <p>b) Did Necton PC attend that earlier event?</p> <p>c) When did that event take place?</p> <p>d) Were the pros and cons of HVDC and HVAC communicated at that earlier event?</p> <p>e) Was that earlier event for the purpose of consulting on Norfolk Vanguard OWF, the Proposed Development, or both?</p> <p>f) The July 2017 Necton Substation Workshop presentations [APP-132] show visualisations for HVAC and HVDC. However, some attendees eg NSAG don't seem to be aware that was the case [REP3-025] and [REP3-030, comment on response to Q9.4.1]. Were the differences in substation dimensions relating to the different transmission technologies explained at the workshop?</p> <p>g) Was the Necton Substation Workshop for the purpose of consulting on Norfolk Vanguard OWF, the Proposed Development, or both?</p> <p>h) Did the Necton Substation Workshop overview event consult specifically on the Proposed Development?</p> <p>i) Had the decision been taken by this stage to use HVDC technology for the Proposed Development?</p> <p>j) Why do you think the feedback from that July 2017 workshop does not mention the effects of HVAC or HVDC [APP-133]?</p> <p>k) Was Scenario 2 consulted upon [REP4-052]?</p>	<p>As a key stakeholder, Necton Parish Council, were invited by the Applicant to all Phases of its non-statutory and statutory consultations.</p> <p>Section 13.2 of the Consultation Report details the variety of methods the Applicant used in order to inform key stakeholders and local residents, where and when they could attend consultation events. The information published highlighted the opportunities available to all to learn about how project proposals were progressing and to feed in views, ideas and concerns to inform future refinement of the proposals. Paragraph 313 explains that all councils within the consultation area were invited to the public events via letter and email, and paragraph 316 explains newsletters containing information about the consultation was issued to parish councils, including Necton Parish Council.</p> <p>b) During each phase of pre-application consultation, the Applicant held drop-in sessions at the Necton Rural Community Centre, (apart from the July 2017 workshop, which was held at the Green Britain Centre in order to take advantage of the larger space available there). The Necton Rural Community Centre is booked through contacting the Necton Parish Council Clerk, so of course, Necton PC would have been aware in advance of the general public, of the intention to hold public events in Necton.</p> <p>In total 884 people attended the nine Phase II public consultation events, including 152 attendees to the event at Necton Rural Community Centre, which was the highest attended event of the Phase II series. See Appendix 3.2 of the Consultation Report 'Hearing Your Views II' for a summary of Phase II consultation.</p> <p>Several Necton Parish Councillors did attend the consultation</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
		l) How will you ensure effective and constructive engagement and consultation over the design process and Design Guide, which ensure transparency? m) Include words in the DAS that set out a protocol to cover this.	<p>event, and some also provided feedback, although there was not an official response from Necton Parish Council at this stage.</p> <p>c) The Applicant held nine public consultation events during Phase II non-statutory consultation, including one at Necton Rural Community Centre. This took place on Friday 24th March 2017 between 1pm and 7pm. See Table 13.1 of the Consultation Report 'List of public exhibition events during Phase II of the non-statutory consultation'.</p> <p>d) The Applicant presented both HVAC and HVDC options during Phase II non-statutory consultation. Information boards 8a and 8b in Appendix 12.9 of the Consultation Report 'Phase II non-statutory public exhibition materials' make clear the physical appearance of the onshore project substations will depend on the final choice of technology for the transmission system, and provides a description of both HVAC and HVDC substations, including compound dimensions and the expected maximum heights of buildings within the compounds.</p> <p>At the public events, members of the Project team were on hand to talk through the exhibition boards and materials, and helped to answer any questions coming from people participating at the drop-in exhibitions.</p> <p>e) The Applicant made clear that the Phase II non-statutory consultation was to develop both the Project and the Norfolk Vanguard Offshore Wind Farm. Appendix 12.9 of the Consultation Report 'Phase II non-statutory public exhibition materials' includes a record of the information boards on display at the public events, which clearly explain both projects are being developed with synergies, and feedback received to the consultation would help the development of both the Project and</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>the Norfolk Vanguard Offshore Wind Farm. The first information board displayed at the public events stated:</p> <p><i>“This is the first opportunity to comment directly on Norfolk Boreas. Where appropriate, the research and assessments undertaken, and feedback received regarding the Norfolk Vanguard project is also helping to shape Norfolk Boreas.”</i></p> <p>Another example of this was on information board 3b, which explained how both projects would work together. An extract from this board read:</p> <p><i>“Each project will require a separate onshore project substation. These will be co-located and works coordinated in order to minimise disruption and impacts. National Grid works, including substation extension and modification of overhead lines, will accommodate connections for both Norfolk Vanguard and Norfolk Boreas, however consenting and construction of the onshore project substation will be undertaken independently.”</i></p> <p>These are just a few examples from the information boards which indicate the proposals were relevant and aimed to help develop both the Project and Norfolk Vanguard.</p> <p>There information was relevant to just one project, this was made clear within the consultation materials. For example, information board 7b included dimensions for the HVDC and HVAC cable easements with brackets clearly marked '(Norfolk Vanguard only)'.</p> <p>f) The Applicant has included information relevant to the Necton Substation workshop within Chapter 14 of the Consultation Report 'Phase IIb non-statutory consultation workshops'.</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>Appendix 14.8 of the Consultation Report 'Necton substation workshop presentations' includes the presentation slides shown at the Necton Substation workshop on 19th July 2017.</p> <p>At the workshop, the Applicant talked participants through the constraints and opportunities already considered by the EIA process, to which many of those attending had already contributed during Phase I and II consultation events and consultation responses. The Applicant explained how these constraints and opportunities, along with technical and engineering factors led to the identification of four potential substation footprints, which could be considered appropriate for the siting of the Norfolk Boreas and Norfolk Vanguard substations. The Applicant also illustrated potential mitigation planting for each possible footprint option 1-4. The Applicant explained the similarities between footprint options one and two, in terms of setting, topography, proximity to Necton village and other dwellings. Similarly, options three and four shared certain characteristics, but would present different potential impacts (and opportunities) cf options one and two. The Applicant explained that two series of photomontages had been prepared for the workshop, to illustrate the main types of potential landscape and visual impact assessments considered in the case of either option one or two – illustrated by option 1, and a second set representing option 3 or 4, illustrated using the footprint for option 4. The photomontages and visualisations of the proposed onshore project substations illustrated these options in relation to both HVAC and HVDC solution options. These photomontages and visualisations were also presented at the Necton Substation drop-in event held the following day on 20th July 2017.</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>g) The Necton Substation Workshop, consulted on both the siting of the onshore project substations for the Proposed Development and Norfolk Vanguard, as is clearly explained in the invitation letter (5.1.14.6 Consultation Report Appendix 14.06 - Invitation letter to Necton substation workshop).</p> <p>h) Yes, the Necton Substation Workshop overview event consulted specifically on the Proposed Development, as is evidenced above.</p> <p>i) The Applicant had not made a decision on whether to adopt an HVAC or HVDC solution when the Necton Substation Workshop was held on 19th July 2017.</p> <p>The Applicant took both transmission options to Phase III non-statutory consultation, which started in November 2017. This consultation is detailed within Chapter 18 of the Consultation Report 'Phase III non-statutory consultation (having regard to Norfolk Vanguard statutory consultation)'.</p> <p>Following the Phase III non-statutory consultation, where over 780 written responses were received, the feedback was carefully considered and an HVDC transmission system was committed to for both the Project and Norfolk Vanguard. The feedback and key issues raised at Phase III, and where within the documentation an HVDC transmission system was committed to, can be viewed in Table 18.14 of the Consultation Report 'Summary of responses to Norfolk Vanguard section 47 and regard had by VWPL Limited'.</p> <p>j) The feedback received to the Necton Substation workshop is captured within Appendix 14.9 of the Consultation Report 'Necton substation workshop feedback report'. In fact, there are a few references to both HVAC and HVDC within the feedback</p>

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			<p>received, e.g. on Page 3 under the heading Technology – there is a comment “No DC”; on Page 5 one comment states: “Irrespective of cost HVAC only”; on Page 7 another comment says “DC is desirable option”; on P 11 another comment says “if DC, think about design, camouflage, agricultural building”.</p> <p>The material illustrated in Appendix 14.8 and the feedback documented in Appendix 14.9 clearly illustrate all the relevant topics relating to taking an appropriate and sensitive siting decision were discussed with participants at the workshop and the drop-in, and from the broad and varied range of issues which participant’s touched on in their feedback, from noise, to visual impacts, to ecological constraints, to drainage and so on, it is also clear that many have considered the balance of issues and opportunities carefully.</p> <p>While some participants’ feedback could be characterised as an “anywhere but here” response, a number of participants did engage constructively with the process, and provided many valid points, all of which were given due consideration in siting decision-making.</p> <p>Participant feedback also illustrated that there is not a single unifying preference for a particular footprint, nor a particular technology either. In relation to technology choice, some have considered HVAC substations preferable, possibly because their height is lower than the infrastructure required by an HVDC solution. Conversely others consider the enclosure required for some of the HVDC infrastructure provides potential for both acoustic insulation and disguising, so that the infrastructure could resemble agricultural buildings perhaps.</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>This feedback was considered along with that of other local statutory, non-statutory and community stakeholders, in relation to the decision making process regarding the deployment of HVAC or HVDC transmission technology.. Ultimately the HVAC or HVDC technology choice has wide-ranging implications, over and above the type of infrastructure required for the onshore project substation. An HVDC system is potentially more energy efficient, over longer distances, power is transmitted by fewer cables, which delivers important offshore (benthic) mitigation solutions, and reduces impacts onshore overall, by reducing the width of the cable corridor and the related working width of the permanent easement, and eliminating the need for cable relay stations. It also reduces construction impacts by requiring less jointing pits, and enables duct installation and cable pulling to be completed more quickly relative to HVAC.</p> <p>k) The Applicant consulted on Scenario 1 and Scenario 2 as part of the Project's statutory consultation, which started in November 2018. Prior to this, the Applicant had discussed with NCC and the Local Planning Authorities how best to describe the requirement for two scenarios. Following useful advice from the LPAs and NCC, document 5.1.22.2 Consultation Report Appendix 22.02 - Statement of Community Consultation (SoCC) describes the relationship between Norfolk Boreas and Norfolk Vanguard and explains the need for two scenarios. Chapter 19 of the Consultation Report 'Project description: Scenario 1 and Scenario 2' describes the differences between the Scenarios. The Applicant developed a clear and concise infographic, shown in Plate 4 'Project elements under Scenario 1 and Scenario 2', to help the public understand the differences between the onshore elements of Scenario 1 and Scenario 2. This was included within the Consultation Summary Document, a non-technical document which explained key information about the Project (see Appendix</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>22.2 'Consultation Summary Document'). Furthermore, two online interactive maps were developed (one for each scenario) which displayed the infrastructure proposed for both, and allowed users to view the projects in their entirety, and also to zoom in to look at the detail of the project on a large scale.</p> <p>l) The process for consultation over the Design Guide is presented in the DAS [REP7-005], Section 5.3.6, which states that Necton Parish Council will be consulted along with a range of other stakeholders. The DAS also secures that once the information in the Design Guide has been developed 'Breckland Council and the Applicant would determine what type of process would best enable the desired engagement' and that 'The Applicant and Breckland Council would work together to deliver the process, and review its effectiveness – ensuring learning from previous engagement is taken on board.' So taking on lessons learnt and tailoring the engagement to the relevant stakeholders and to the information which is to be provided will help to ensure it is effective and as constructive as possible.</p> <p>m) Vattenfall is committed to open, proactive and meaningful engagement, in order to bring stakeholder views into the decision-making process. In our experience, involving people who potentially may be affected by decisions, ultimately leads to more robust, more sustainable decisions and outcomes. As outlined above, the Applicant considers that the process for engagement is sufficiently secured by the wording currently included within the DAS. The outline process described in the DAS allows for some flexibility to ensure an appropriate dialogue can be undertaken, which - considers the scope of the options to be offered, the numbers of local consultees interested in participating, together</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			with the context in which consultation would take place prior to construction.
Q4.9.2.2	The Applicant	Top Farm: Explain the reasoning for Lodge Farm not being considered as falling in a residential buffer zone in your consideration of alternatives.	Lodge Farm is not a residential property therefore no residential buffer zone was needed. There is no dwelling only a large barn which is used for agricultural purposes.
Q4.9.2.3	Necton Parish Council NSAG The NFU/LIF Landowners and other IPs	Top Farm location, Scenario 1: All those who consider Top Farm to be a more suitable location for the onshore project substation for the Proposed Development are asked whether they would retain that opinion if the SoS were to consent the Norfolk Vanguard OFW, with its onshore project substation on the site indicated for the Proposed Development's Scenario 1, as shown on Norfolk Boreas drawings eg [REP7-019, Figure 1b].	

9.3 Landscape effects

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

9.4 Visual effects

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

9.5 Outline Landscape and Ecological Management Strategy (OLEMS)

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

9.6 Good Design

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.9.6.1	The Applicant	<p>Design and Access Statement (DAS) – Works no. 10A: If the SoS agrees with your view not to change the wording of Requirement 16 (9) regarding approvals for Work No. 10A [REP4-013, Page 20, point iv] and further to your response to Q3.9.6.2, the ExA is of the view that the colour and finish of materials of the small control buildings which would form part of the proposed National Grid substation extension (for both scenarios) should be controlled and secured. From USIs undertaken by the ExA, the pale colour of the small control buildings of the existing Necton substation are clearly visible, close to and from a distance, as illustrated on the visualisation for the Necton Substation Access [APP-512], photograph of Dudgeon substation [REP3-030], NSAG's unverified (zoomed in) photograph from Ashill Common [REP5-085] and the ExA's USI to ES viewpoints and Ashill Common.</p> <p>a) How can the ExA be assured that consideration would be given to mitigation of adverse visual effects through use of appropriate colour and attention to good design through sensitive use of</p>	<p>a) The Applicant confirms that the extension works will comprise the same type of external electrical equipment similar to that currently seen at the existing Necton National Grid substation. The materials used for this equipment is pre-determined by international electro-technical standards and by National Grid's own technical specifications.</p> <p>The buildings that can be seen in the visualisations (APP-510) and REP3-030 and REP5-85 are the existing infrastructure for the Dudgeon offshore wind farm substation. This is not the element which is being extended as part of Norfolk Boreas; what is being extended is the existing Necton National Grid Substation which sits to the north, as can be seen on ES Figure 29.10b [APP-494] which is given in Appendix 1 of this document.</p> <p>The Norfolk Boreas National Grid extension will predominantly be electrical equipment. There may be some small portable buildings housing secondary equipment such as protection and control panels but these will be no greater</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
		<p>materials for the small control buildings?</p> <p>b) If not in the DAS, does Requirement 16(2) need widening to cover these buildings, or should Requirement 18(2)(j) be extended to cover this?</p>	<p>than 3m in height. These will not represent a significant visual component of the Norfolk Boreas National Grid Extension, and will not be discernible within the predominant feature - this being the electrical infrastructure - and are not of the same scale as the existing Dudgeon substation buildings. This is demonstrated by the fact that the existing National Grid control building (located to the north-west of the existing Necton National Grid Substation), which is larger than any new buildings required for the extension, is not clearly visible in the visualisation (APP-510) nor within the photographs presented in REP3-030 and REP5-85.</p> <p>b) Given the above information, the Applicant confirms its view that neither the DAS nor the dDCO need to be widened to include sensitive use of colour and materials for buildings in Work No. 10A.</p>
Q4.9.6.2	The Applicant	<p>Proposed National Grid substation extension: levels, cut and fill and bunding:</p> <p>Your response to ExQ3.5.3.6 does not accord with what was pointed out to the ExA on the ASI on 23 January 2020 at the Necton substation site. This is the first time the ExA has become aware of plans that would maintain a constant ground level with the existing substation for both scenarios. In fact, the impression gained at the ASI was contrary to that, when the change in level between the Necton substation site and the eastern plot (Scenario 1 extension), which is lower, was specifically pointed out to the ExA.</p> <p>It appears from a spot-height (70.7m) in the DAS [REP7-010, Figures 7 and 8] and the submitted plans with contours [REP7-019] that the existing substation is at a level between 70m AOD and 71m AOD.</p>	<p>a) The level at which the Scenario 1 and Scenario 2 substation extensions are set would be informed by detailed design of the extensions. Specifically, the requirements to provide safe electrical clearances and safe access and maintainability of the equipment across the site in its entirety (existing substation and extension(s)). Requirement 19 (9) and (10) secures that the maximum height of the electrical equipment (15m) is from an existing ground level of 69 AOD. Where opportunities exist in maintaining safe clearances and accessibility within the defined footprint of the extensions at a lower ground level, these can be considered.</p> <p>b) The Applicant considers that Requirement 18(2)(g) would cover the setting of ground levels for Work No. 10A.</p> <p>c) Siting the National Grid substation extensions immediately adjacent to the existing Necton National Grid substation presents good design in terms of siting relative to existing landscape</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
		<p>Also note comments from Necton PC [REP5-063] and NSAG [REP5-085] and [REP6-014] regarding levels at the proposed National Grid substation extension sites.</p> <ul style="list-style-type: none"> a) Notwithstanding what has been assessed in the LVIA, what would the criteria be for setting the level at which the Scenario 1 and Scenario 2 substation extensions are set? b) Confirm that Requirement 18(g) would cover the setting of ground levels for Work No. 10A. c) If not how can the ExA be satisfied that the tests in NPS EN-1 for good design can be met in terms of siting relative to existing landform and character? 	<p>character. The landscape management scheme proposed for the National Grid extensions, secured through Requirement 18 of the DCO, has been designed with the principal aim of reducing the effects of the project on surrounding landscape and considering local landscape character, historic landscape character and strategic landscaping (as detailed in Section 6.4 of the OELMS). Where possible, siting sensitive to the existing landform will be considered, however the technical requirements for safe operation of the site will be an overriding factor, which may require a more consistent platform level with the existing Necton National Grid substation.</p>
Q4.9.6.3	Breckland Council	<p>Design and Access Statement (DAS) – comments requested:</p> <p>The Applicant updated the DAS at Deadline 7 responding to third round questions from the ExA (specifically Q3.9.6.2 and Q3.9.6.3) [REP 7-017] and [REP7-006] to [REP7-010]. This question supersedes Q3.9.6.5.</p> <ul style="list-style-type: none"> a. Provide any comments and/ or any further points you consider should be included or amended to the updated DAS submitted at Deadline 7 [REP7-006] to [REP7-010]; b. Specifically, is there anything you wish to add about the process of engagement set out in the DAS and/ or Requirements, when considering Necton Parish Council's views [REP8-030, last three para page 2]; and 	

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
		<p>C. Are you content with the role that Breckland Council would play in determining the best form of engagement with the local stakeholders as stated [REP7-006, para 77 to 78] in light of recent and earlier comments from Necton Parish Council [REP8-030], [REP2-083], from the local MP for mid Norfolk [RR-042] and from a consultation workshop attendee [REP3-025]?</p>	
Q4.9.6.4	Necton Parish Council	<p>Design and Access Statement (DAS) and Outline Landscape and Ecological Management Strategy (OLEMS) – comments requested:</p> <p>This question supersedes ExQ3.9.6.5.</p> <p>The ExA acknowledges your Deadline 8 representation [REP8-030] and has asked further questions of the Applicant. However, should the Secretary of State be minded to consent the Proposed Development, it would use HVDC transmission technology [AS-024, Table 26, No. 84].</p> <p>You ask for Requirements to be tied to the DCO to achieve effective mitigation.</p> <ul style="list-style-type: none"> a) The ExA is aware of your views on bunding. Is there anything else specifically you consider should be included in Requirements to achieve the effective mitigation to which you refer? If so, provide details. b) The DAS is secured by DCO Requirement 16(4) and sets out the process for and commitment to the preparation of a Design Guide for the proposed onshore project substation. Necton PC is now listed as one to be consulted during the design process for the onshore project substation. The ExA urges you to provide any comments and/ or any further points you consider should be included or amended 	

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
		<p>to the updated DAS submitted at Deadline 7 [REP7-006] to [REP7-010].</p> <p>c) The OLEMS is secured by Requirement 18. The Applicant submitted an updated version at Deadline 8 [REP8-006]. Provide any comments and/or any further points you consider should be included or amended to the OLEMS.</p>	
Q4.9.6.5	NSAG Other IPs	<p>Design and Access Statement (DAS) and Outline Landscape and Ecological Management Strategy (OLEMS) - comments requested:</p> <p>This question supersedes ExQ3.9.6.5. Provide any comments on the updated DAS submitted at Deadline 7 [REP7-006] to [REP7-010] and the updated OLEMS [REP8-006].</p>	
Q4.9.6.6	The NFU	<p>Design and Access Statement (DAS) - comments requested:</p> <p>The Applicant updated the DAS at Deadline 7 responding to third round questions from the ExA (specifically ExQ3.9.6.2 and ExQ3.9.6.3]. As stated in the Applicant's comments on your response to ExQ3.9.6.5 [REP8-015], the landowners closest to the proposed onshore project substation would be consulted [REP7-006, para 76].</p> <p>The Applicant has also responded that discussion is under way regarding location and form of the proposed onshore substation, proposed screening and planting, lighting and construction effects [REP8-015, comments on response to ExQ3.3.0.2]</p> <p>a) Are you content with the reworded DAS?</p> <p>b) Provide any comments, amendments or further points for consideration for inclusion in the updated DAS submitted at Deadline 7 [REP7-006] to [REP7-010].</p> <p>c) Do you have any further comment in this regard?</p>	

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.9.6.7	The Applicant	<p>Design and Access Statement (DAS) and Outline Landscape and Ecological Management Strategy (OLEMS): There remain ongoing requests for enhanced screening of the converter halls for the proposed onshore project substation from Necton Parish Council and NSAG (views from the south) [REP4-029] and [REP5-063] and the NFU/LIG on behalf of the landowner on which the Scenario 1 onshore project substation would be located (views from the north) [REP7-042]. For the latter you have indicated discussions are ongoing [REP8-015, response to ExQ3.3.0.2]. Breckland Council has said that the scheme should not rule out the possibility of bunding around Necton substation, details of which, if it is considered necessary and appropriate, would be agreed between the District Council and the developer at the appropriate stage [REP6-041], to which you have agreed that you would work with Breckland Council further at the appropriate stage [REP7-016].</p> <p>You have indicated it is not possible until contractors are on board to determine the full extent of the substation design, and that the OLEMS and the DAS are the means by which the details will be finalised for the proposed onshore substation.</p> <p>Given the predicted adverse visual effects, and the representations made, the ExA requests that you consider including wording in the OLEMS and/ or the DAS and on the drawings which would specifically require consideration to be given to the detailed design of landform and extending the tree planting (as opposed to species rich grassland) in locations which would enhance or add to the proposed mitigation by screening</p>	<p>The Landscape mitigation measures, embedded in the indicative plans for the onshore project substation (APP-492, APP-495, APP-503, APP-508) are considered in the LVIA to be sufficient to mitigate potential landscape and visual impacts experienced in the local area, albeit in some instances over a time frame of between 15 and 25 years. While there is currently provision in the OLEMS (REP8-005) for some subtle earthwork bunds of up to 1.5m to be included along the western boundary of the onshore project substation, during the development of the landscape management scheme, the use of bunding will be given further consideration as part of the overall detailed design. There will also be consideration regarding opportunities to extend the currently proposed new areas of woodland planting, potentially into parts of those areas currently identified for species rich grassland, but without compromising improvements to the provision for bio-diversity, which is a central tenet to the mitigation strategy.</p> <p>The Applicant believes this commitment is best included in Section 6.7 of the OLEMS and the following wording has been included in the updated OLEMS (Version 5, submitted at Deadline 10): <i>'During the development of the landscape management scheme for the onshore project substation, the use of bunding will be given further consideration as part of the overall detailed design. There will also be consideration regarding opportunities to extend the currently proposed new areas of woodland planting, potentially into parts of those areas currently identified for species rich grassland, and providing these do not compromise improvements to the provision for bio-diversity.'</i></p>
Q4.9.6.8	Breckland Council	Future approvals:	

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
		<p>The ExA requests a response to the following, which was previously included as ExQ3.9.6.7 in relation to an earlier version of the DAS [PD-014]:</p> <ul style="list-style-type: none"> a) How would you ensure the right skills to engage in the design process (as set out in REP7-006, Plate 4) and to consult, amend if necessary and approve would be available to the Council? b) Is there anything further you would wish to see incorporated regarding Scenario 1, where the Norfolk Vanguard substations may have preceded the design process described in the DAS for the Norfolk Boreas Proposed Development? 	

9.7 Matters arising from the accompanied site inspection (ASI) on Thursday 23rd January

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

10 Marine and Coastal processes

10.0 Marine and Coastal processes

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

11 Navigation

11.0 Navigation

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

11.1 Aviation and Radar

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

12 Onshore construction effects

12.0 Cable corridor and ducting

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.12.0.1	Norfolk County Council	<p>B1149 Crossing:</p> <p>This question supersedes ExQ3.12.0.2</p> <p>a. The Applicant has responded to ExQ3.12.0.2 [REP7-013] and included a document Norfolk Vanguard Environmental Assessment for Trenchless Crossing of B1149 [REP7- 033].</p>	

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
		<ul style="list-style-type: none"> b. Provide any further comments on your position regarding a trenchless crossing; and c. Any comments on the aforementioned Norfolk Vanguard document, which in the case of the Proposed Development would be relevant to Scenario 2. 	
Q4.12.0.2	Norfolk County Council	<p>Church Road, Colby (open cut trench/ trenchless crossing):</p> <p>The ExA requests a response to the following, which was previously included as ExQ3.12.0.6 [PD-014]. Comment on the highways aspects of the Applicant's reasoning for not adopting NNDC's suggested alternative accesses which would enable a trenchless crossing [REP6-014, response to NNDC's response to ExQ2.9.3.1] regarding the introduction of new junctions, their proximity to each other and to an existing junction, their location opposite the farm access, the bend in the road and visibility, the HGV movements and the timescale (as set out in the second two bullet points). In responding include reference to and comparison with the Applicant's proposal, which also includes an access near the same bend in the road [APP-011, Sheet 13 of 42, AC59] and [REP4-017].</p>	
Q4.12.0.3	North Norfolk District Council	<p>Church Road, Colby (open cut trench/ trenchless crossing):</p> <p>The Applicant provided a Position Statement containing a review of the potential environmental constraints and opportunities and information about the extent of tree removal at Deadline 7 [REP7-035] and set out its final position in response to ExQ3.12.05 [REP7-017].</p> <p>The Applicant also indicated that a constrained HDD compound within the Order limits could be implemented if the Secretary of State was minded to require a trenchless crossing at this</p>	

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
		location [REP7-017, response to ExQ3.3.0.19]. In light of this information submitted at Deadline 7, has your position changed, or do you still consider that a trenchless crossing is required at Church Road, Colby?	
Q4.12.0.4	The Applicant	<p>Church Road, Colby (open cut trench/ trenchless crossing):</p> <p>a) Further to your response to ExQ3.12.0.5, if the SoS was to take the view that an open cut trench crossing would be appropriate in light of the evidence presented, how could there be certainty that the detail of which specific trees would need to be removed would be as contained in the Position Statement [REP7-035]?</p> <p>b) How could some of this information such as the trees and their locations be secured?</p> <p>c) Provide the relevant plans and/ or wording and identify where this would be secured.</p>	<p>The Applicant refers to the Statement of Common Ground with North Norfolk District Council (NNDC) (Version, submitted at Deadline 9), where the matter regarding Church Road, Colby has now been agreed and NNDC state:</p> <p><i>'On balance, NNDC is prepared to withdraw its request for trenchless crossing under Church Road Colby on the proviso that the applicant makes every effort to protect as much of the identified Important Hedgerows and as many of the trees in the areas as possible and make a positive contribution to replanting to ensure no net loss of trees. This is secured within the updated OLEMS and through DCO Requirements 18 and 19.'</i></p> <p>The commitment to limit tree removals at Church Road, Colby has been secured in Section 9.1.3.1 of the OLEMS (REP8-005) and NNDC have welcome the inclusion of this text. The details of exactly which trees will need to be removed will be confirmed following the completion of the arboricultural survey and detailed design of the cable route. It is important to maintain the ability to undertake the final micro-siting at this stage to ensure the best possible route to minimise tree losses can be identified.</p> <p>The detail of existing trees to be removed will be included in the final Landscape Management Scheme, as secured by dDCO Requirement 18 (2) (d), which will be subject to agreement and approval by the relevant planning authority, in this case by NNDC.</p>
Q4.12.0.5	The Applicant	<p>Church Road, Colby (open cut trench/ trenchless crossing):</p> <p>a) If the SoS was to take the view that a trenchless crossing would be appropriate, using the constrained HDD method with a compound along the cable reserve as detailed for</p>	<p>As detailed in the Applicant's response to the Third Round of Written Questions [REP7-017] ExA Q3.5.3.7, the commitment to trenchless crossing methods is secured under dDCO Requirement 16(13). Therefore, should the SoS be minded to include a trenchless crossing</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
		<p>B1149, would any further information, such as a plan, be required to be included in the dDCO or OCoCP?</p> <p>b) If so provide details</p>	<p>of Church Road then this location would need to be included as an addition at Requirement 16(13), and in Schedule 6, Part 2, Scenario 2 and Schedule 8, Part 2, Scenario 2. As all works would be within the existing Order limits no additional plans would be required.</p> <p>However, as detailed in the Statement of Common Ground with North Norfolk District Council (NNDC) (Version 3 submitted at Deadline 9) the Applicant and NNDC are in agreement regarding the mitigation of any potential impacts of a trenched crossing at Church Rd, Colby and NNDC have withdrawn their request for a trenchless crossing.</p>

12.1 Mobilisation areas

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.12.1.1	North Norfolk District Council	<p>Mobilisation Areas</p> <p>This question supersedes ExQ3.12.1.1</p> <p>The Applicant has responded to ExQ3.12.1.2 with further details about the mechanism that would be contained in the CoCP [REP7-017] and added wording to the OCoCP [REP5- 011].</p> <p>Are you content with the additional wording which the Applicant has added to the OCoCP [REP5-011, Section 3.2.1] and the explanation given in the response to ExQ3.12.1.2?</p>	

12.2 Noise and Vibration

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.12.2.1	The Applicant Old Railway Gatehouse	<p>Old Railway Gatehouse:</p> <p>The ExA notes from your response [REP7-017, Q3.12.2.2] that the physical alterations to Old Railway Gatehouse are offered as optional additional measures, and are not necessary to mitigate the effects to non-significant.</p> <p>a) Applicant, given the ongoing concerns from Broadland DC [REP7-036] and the submission from Old Railway Gatehouse [REP7-071], can you make a firmer commitment in Section 4.3.3 of the Outline Traffic Management Plan (OTMP) [REP5- 025] to include the physical alterations to the property as part of the proposed mitigation, subject to approval from the property owner.</p> <p>b) Applicant to confirm to engage further with the owners of the property to get consent for the physical alterations, before the close of the Examination. If not, why not?</p> <p>c) Old Railway Gatehouse – do the proposed physical alterations to your property offered by the Applicant [REP5-025] address your concerns [REP7-071]?</p>	<p>a) As detailed in the response to ExA Q3.12.2.2 [REP7-017], the proposed alterations to Old Railway Gatehouse are offered as optional additional measures to further minimise potential perceived disturbance by the residents. The Applicant is committed to adopting these measures should the resident wish to take them forward, as detailed in the OTMP. These mitigation measures are not necessary to mitigate the effects to non-significant therefore the Applicant considers that they do not need to be secured any further than the commitment in the OTMP. However, for clarity the Applicant will add a note to the OTMP to make it clear that the Applicant is committed to implementing these measures subject to the agreement of the property owner.</p> <p>b) Whilst the Applicant considers that it may be more appropriate and productive to engage post consent when the Applicant can provide more detailed information on the construction works, timings and specifications of the measures, the Applicant is willing to engage with the owners of the property and has contacted the owners to offer further engagement at this stage.</p>

12.3 Construction Hours

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No questions			

13 Socio-economic effects

13.0 Skills and Employment Strategy

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No questions			

13.1 Jobs

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No questions			

13.2 Tourism

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.13.2.1	North Norfolk District Council	<p>Tourism Mitigation Strategy:</p> <p>The ExA notes that there is agreement between the Applicant and North Norfolk DC that the long-term effect on the long-term effects of the cable route on the tourism economy will be not significant. The ExA further notes that the disagreement between the parties is on the impact of cable corridor construction phase on local tourism businesses, the need for a tourism and associated business impact mitigation strategy, and securing this through a requirement in the dDCO.</p> <p>a) Taking account of the Applicant's response [REP7-017, ExQ3.13.2.1] submit any additional information to</p>	

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
		assist the ExA in reaching its recommendation to the SoS.	

13.3 Land use and Agriculture

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.13.3.2	The Applicant, National Farmers' Union (NFU)	OCoCP in relation to Agricultural Private Water Supplies: Provide an update on progress resolving outstanding disagreement from the NFU [REP7- 042] relating to wording in the OCoCP 'reasonable endeavours' proposed by the Applicant regarding interference to Agriculture Private Water Supplies and the alternative wording proposed by NFU. If agreement is not reached before the end of the Examination, what would be the consequences for the application?	<p>The Applicant has been engaging with the NFU on this matter but the parties have not been able to agree on the final wording.</p> <p>In summary, the Applicant has four principal issues with the NFU's drafting:</p> <ol style="list-style-type: none"> 1. The request for a new supply (whether temporary or permanent) should only be a reasonable request; 2. The cost should only relate to the installation of the water supply and not the continued cost of supplying the water; 3. The installation of an alternative means of water supply should only be within the order land (as this is the only matter under the Applicant's control); and 4. The alternative measure should only be imposed if it is viable to do so – compensation could be a more cost effective solution. <p>As the Applicant explains in its previous response to Q3.13.3.2 [REP7-017] at Deadline 7, these qualifications are all necessary given that to remove such controls could lead to a suggestion that the Applicant would need to undertake works and/or provide an alternative supply by any means. This could lead to a suggestion that the Applicant would need to invoke its compulsory acquisition powers (requiring a separate order) in order to find an alternative plot for the</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>landowner/agricultural tenant, which would not be reasonable or proportionate in the circumstances, and would not be in keeping with the principles of compulsory acquisition.</p> <p>The Applicant has put forward a suggested compromise position (with the Applicant's updates shown in red on the NFU's most recent wording), and the Applicant has included this revised wording within the updated CoCP (document 8.1) submitted at Deadline 10:</p> <p><i>"Where an existing private water supply to a farm an agricultural holding (previously notified in writing to the Developer by the landowner) is adversely and directly affected by the construction of the Scheme, the main works contractor shall, if reasonably requested by the farmer or landowner to do so, the Developer will use reasonable endeavours to provide or procure or meet the reasonable cost of the provision of installing an alternative supply of water (the form and type of which shall be at the contractor's option) within the Order Land where it is viable to do so.</i></p> <p><i>Where the supply is affected temporarily by the construction of the Scheme, then the installation of the alternative supply need only be supplied for the period during which it is affected.</i></p> <p><i>Where a reasonable request is made by the farmer or landowner for a permanent supply due to permanent severance of the existing supply caused by the construction of the Scheme, the main works contractor Developer shall, where provision of an alternative means of supply can be demonstrated by the land owner/farmer to be reasonably required for his business, provide or procure or meet the reasonable cost of the installation of a permanent means of alternative supply of water (the</i></p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p><i>form and type (either borehole or mains supply) shall be at the contractor's option) within the Order land where it is viable to do so."</i></p> <p>The Applicant considers that this drafting should be the final wording contained in the CoCP given that it reflects the principle of the request from the NFU yet it inserts a necessary measure of control and reasonableness as set out above.</p>

13.4 Public Health

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

13.5 Other offshore industries and activities

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

14 Traffic and transportation

14.0 Outline Traffic Management Plan (OTMP)

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.14.0.1	Norfolk County Council	<p>Outline Traffic Management Plan</p> <p>Is the OTMP now an agreed document [REP5-024 - REP5-028] or do any matters remain unresolved?</p>	

14.1 Highway Intervention Scheme for Link 34 (B1145 through Cawston)

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.14.1.1	Norfolk County Council	<p>Highway Intervention Scheme</p> <p>a. What are your views on the suitability of the revised Highway Intervention Scheme (HIS) [REP5-028, appendix 6] to mitigate the effects of construction traffic on link 34 Cawston Village, in light of the Road Safety Audit (RSA) and the Applicant's responses to the recommendations [REP5-055].</p> <p>b. Respond to Cawston PC's concerns [REP5-062] [REP6-042] regarding risk to pedestrians due to the narrowness of the footway and the proximity that HGVs will be to pedestrians. Provide your views on the Applicant's response to that specific matter raised in the RSA [REP5-055, Appendix A, section 3.2.3].</p>	
Q4.14.1.2	Norfolk County Council	<p>Highway Intervention Scheme</p>	

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
		Are you content that the revised HIS drawings reflects the recommendations of the RSA [REP5-055]?	
Q4.14.1.3	Norfolk County Council	Highway Intervention Scheme: Provide any additional information to assist the ExA in making its recommendation to the SoS in respect of the Highway Intervention Scheme.	
Q4.14.1.4	Norfolk County Council	Road Safety Audit: a) Would 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? b) Provide any additional information to assist the ExA in making its recommendation to the SoS in respect of the Highway Intervention Scheme.	
Q4.14.1.5	The Applicant	HGV delivery period restrictions: Your response [REP7-017, ExQ3.14.1.6] does not address the ExA questions. Please respond again. Clarify the discrepancy in the HGV delivery period restrictions in the Outline Traffic Management Plan (OTMP) (Version 3) [REP5-026], between the timings set out on page 29, table 3.4 and page 38 para 122.	As detailed in the Applicant's Comments on Response to Third Round of Written Questions [REP8-015] ExA Q3.14.1.6; there was an error in the responses provided in the Applicant's Responses to the Third Round of Written Questions [REP7-036], the correct response is below: For Link 34, Cawston the OTMP (Version 3) submitted at Deadline 5 [REP5-026] Table 3.4 sets out the following restrictions: <ul style="list-style-type: none"> • 6pm to 9am and 3pm to 4pm (Monday to Friday) Para 122 set out the restrictions as follows:

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<ul style="list-style-type: none"> • Prohibition of HGV deliveries during term time school pick up and drop off times (7:30am – 9:00am and 3:00pm – 4:00pm, Monday to Friday); and • Prohibition of HGV deliveries from 6pm to 9am (in line with parking restrictions). <p>To clarify, the HGV restriction is no deliveries between 6pm and 9am; and no deliveries between 3pm and 4pm during school term times.</p> <p>Table 3.2 was updated to reflect that the 3pm to 4pm restrictions are during school term times in the OTMP (Version 4) submitted at Deadline 8 [REP8-008] and is captured in the OTMP (Version 5) submitted at Deadline 10.</p>
Q4.14.1.6	The Applicant	<p>Cumulative traffic effects in Cawston:</p> <p>Have you reached a formal agreement with Orsted on the detailed design of the HIS [REP5-027]? Update the SoCG with Orsted [REP6-037, page 7] to reflect this agreement. If no agreement has been reached, then submit the specific issues regarding the HIS that are not agreed. Are you likely to reach agreement before the close of this Examination?</p>	<p>The Applicant refers to the latest Statement of Common Ground with Orsted (Version 4) [REP9-026] which confirms agreement on the Highway Intervention Scheme (HIS) and that:</p> <p><i>'The Applicant, Norfolk Vanguard Limited and Hornsea Project Three are committed to implement the finalised (Deadline 5) HIS as a single project mitigation or cumulative project mitigation.'</i></p>
Q4.14.1.7	Norfolk County Council Broadland District Council Cawston Parish Council	<p>Alternative traffic movement through Cawston:</p> <p>Do you have anything further to add regarding the possibility of using Option 5 [REP5- 054] as further mitigation alongside Option 1 (current HIS), in light of the Applicant's response [REP7-017, ExQ3.14.1.8)?</p>	

14.2 Cable Logistics Area (CLA) along Link 89 in Outlon

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.14.2.1	Norfolk County Council	<p>Cycle Routes</p> <p>Are you convinced that the Highway Mitigation Scheme for Link 68 [REP5-026] [REP5- 045] is adequate to enable NMUs to continue using The Street and Heydon Road, safely? The ExA acknowledges that this location has no national, regional or local designation as a cycle route/walking route. However, in your response take into account the ExA's observations at USI on 20 January 2020 [EV2-003], and Oulton PC's submission [REP6- 044].</p>	

14.3 Link 69 Little London Road in North Walsham from the B1145 Lyngate Road to an access point 210m east

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

14.4 Outline Access Management Plan and Access to Works Plan

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.14.4.1	The Applicant,	<p>Types of accesses:</p> <p>a) Applicant to add Table 14.1 provided in Appendix 14.2 [REP7-021] to the OAMP [APP701] or explain why it resists doing so.</p>	a) The OAMP focuses on the accesses which are to be used during construction, however for completeness the Applicant has added Table 14.1 from Appendix 14.2 [REP7-21] to the updated OAMP as Appendix 4 (Version 2, submitted at Deadline 10).

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
		b) Applicant to update the OAMP in the light of consequential changes arising from ExA fourth written questions on compulsory acquisition and landowner access concerns.	b) The Applicant refers to the responses to the fourth written questions on compulsory acquisition in Section 3 above, as the Applicant needs to retain authority for the relevant accesses no changes to the OAMP are required.
Q4.14.4.2	The Applicant Norfolk County Council	<p>Types of accesses – AC11: It is stated in the Applicant's response [REP7-017, ExQ3.14.4.9] that due to close proximity to the existing crossroads to the north, AC11 is unlikely to be approved by NCC on safety grounds, and that the Applicant can gain access to the cable corridor at AC10 and AC12.</p> <p>a. NCC, comment on the response given by the Applicant [REP7-017, ExQ3.14.4.9].</p> <p>b. NCC, provide your views on the safety of AC11, and if it is likely to be approved for access to the haul road crossing. In your view, should AC11 remain in the Development Consent Order?</p> <p>c. Applicant, you have expressed concerns about the safety of access AC11, and have identified alternative accesses that potentially make the need for AC11 redundant. Present your case to justify why AC11 is required in the Development Consent Order</p>	c) To clarify the Applicant's response to ExA Q3.14.4.9 [REP7-107]; AC11 would likely be refused as an access onto the cable route from the B1159. However, AC11 is not included in the dDCO as an access onto the cable route from the B1159. AC11 is required as a haul road crossing, controlled by traffic light management on the B1159. As such AC11 needs to be retained in the dDCO for the purpose a haul road crossing and has been added as a construction access (haul road crossing only), to the OAMP to clarify this. In addition, a review has been undertaken to ensure the OAMP identifies all 'haul road crossing only' accesses. Updated documents to include these have been submitted at Deadline 10.

15 Water Resources and Flood Risk

15.0 Water Resources and Flood Risk

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.15.0.1	Environment Agency (EA)	Hydrogeological Risk Assessment for abstractions within 250m of works: Confirm satisfaction or otherwise with the revised wording of the OCoCP [REP8-003 &004]	
Q4.15.0.2	Environment Agency (EA)	Mitigation and compensation for adverse ecological effects of culvert installation: Confirm satisfaction or otherwise with the revised wording of the OCoCP [REP8-003 & 004]	
Q4.15.0.3	Environment Agency (EA), Natural England (NE)	Monitoring of residual adverse impacts on the water environment: Confirm whether the post-construction monitoring requirement for watercourse crossings has been included is adequately secured in the updated OCoCP to the satisfaction of EA and NE.	

16 General

16.0 General

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
Q4.16.0.1	The Applicant	Sulfur hexafluoride (SF6):	a) As the Applicant explained in response to WQ3.16.0.2 [REP7-017], the selection of SF6-free switchgear products for use in the project would depend on the supplier's ability to meet the

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
		<p>a. Can the Applicant give a firmer commitment to adopt alternatives for SF6, if they become available prior to construction?</p> <p>b. The Applicant to provide clarity why SF6 would be used at the proposed onshore converter substation, is this due to cost or the need for a compact design? If the latter, what difference to the design envelop would alternative gases make?</p>	<p>project's technical and commercial requirements. These requirements relate to issues such as safety, reliability and cost, which must be considered in the design of the project alongside environmental impacts. Until such time as there is more clarity regarding the availability, performance and cost of future SF6-free switchgear products, the Applicant does not consider that it would be appropriate or reasonable to make any further commitment to use these products.</p> <p>It is expected that the switchgear at the onshore converter station will be AIS, rather than compact GIS. As such, it will contain considerably less SF6 than it would if a GIS arrangement was required for reasons of space. However, inert gases are used in AIS switchgear products for their arc-extinguishing properties, and SF6 is commonly chosen. At present, there are no suitable SF6-free products available given the high voltage and current duties required for the switchgear at this location.</p>
Q4.16.0.2	The Applicant	<p>Norfolk Vanguard Offshore Wind Farm responses to the Secretary of State's consultation letter dated 6 December 2019:</p> <p>The Applicant has provided high level details of compensation for HHW SAC and FFC SPA and Alde-Ore Estuary SPA [REP7-024 – REP7-028]. Can the Applicant provide:</p> <p>a. Proposed options for compensation for HHW SAC in-combination with Norfolk Vanguard</p>	<p>a) If the Secretary of State determines for Norfolk Vanguard that there is an adverse effect on the integrity of relevant European sites (and a derogation case is accepted), it can only be granted development consent if it secures relevant compensation measures for its residual adverse impacts to ensure that the overall ecological coherence of Natura 2000 is protected. To the extent that the Secretary of State is able to rule out adverse effect on integrity for Norfolk Vanguard but not for Norfolk Boreas, any in-combination effects would only arise as a result of the additional impacts from Norfolk Boreas alone. Therefore, irrespective of the outcome of Norfolk Vanguard, it would not be necessary for Norfolk Boreas to compensate for any combined impacts with</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
		<p>b. Proposed options for compensation for FFC SPA and Alde-Ore Estuary SPA in combination with Norfolk Vanguard and Hornsea 3?</p>	<p>Norfolk Vanguard. To the extent that the Secretary of State determines that Norfolk Boreas has an adverse effect on integrity, compensation is only required for residual adverse impacts of the Norfolk Boreas project alone, albeit these must be sufficient to ensure that the overall ecological coherence of Natura 2000 is protected.</p> <p>Notwithstanding the above, given the strategic approach to identifying and delivering the same compensation for Norfolk Boreas and Norfolk Vanguard, the Applicant's proposed option to extend the HHW SAC [REP7-027] does consider the combined effects from Norfolk Boreas and Norfolk Vanguard and the extent to which the compensation proposed would be suitable for the combined effects of both projects. Section 3.2 (Quantification of Effects) describes the worst case scenario for the project alone and in combination with Norfolk Vanguard. Section 4 of the document considers how the compensatory measures would be delivered by the project alone and how they could be delivered with Norfolk Vanguard in order to compensate for the combined effects of Norfolk Boreas and Norfolk Vanguard on the HHW SAC. Section 4.3, which considers how an extension to the HHW SAC would be delivered, makes the case that the proposed 120km² extension of the HHW SAC would <i>"provide compensation for up to 300 times the combined affected area of Norfolk Boreas and Norfolk Vanguard."</i> This section also discusses how the measures would be strategically delivered, jointly by Norfolk Boreas Limited and Norfolk Vanguard Limited, should this be required.</p> <p>b) In the same way as set out at 'a' above, if the Secretary of State determines that there is an in-combination adverse effect on the integrity of relevant European sites (and a derogation case is accepted) for Norfolk Vanguard and Hornsea Project Three, these projects can only be granted development consent if they each</p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>secure relevant compensation measures for their residual adverse impacts to ensure that the overall ecological coherence of Natura 2000 is protected. To the extent that the Secretary of State is able to rule out adverse effect on integrity for these projects but not for Norfolk Boreas, any in-combination effects would only arise as a result of the additional impacts from Norfolk Boreas alone. Therefore, irrespective of the outcome of Norfolk Vanguard and Hornsea Project Three, it would not be necessary for Norfolk Boreas to compensate for any combined impacts with either Norfolk Vanguard or Hornsea Project Three. To the extent that the Secretary of State determines that Norfolk Boreas has an adverse effect on integrity, compensation is only required for residual adverse impacts of the Norfolk Boreas project alone, albeit these must be sufficient to ensure that the overall ecological coherence of Natura 2000 is protected.</p> <p>However, similarly to the HHW SAC (see 'a' above), a strategic approach has been taken to identifying and delivering the same in-principle compensation measures for the Alde Ore Estuary SPA [REP7-026] for both Norfolk Vanguard and Norfolk Boreas, and therefore combined effects from both projects have been considered. Paragraph 68 states:</p> <p><i>"As noted above, the same compensation measures were proposed by Norfolk Vanguard. If Norfolk Vanguard is not required to deliver this compensation, then the proposed measures could be taken forward by Norfolk Boreas. Alternatively, if both projects are required to provide compensation then this could be delivered jointly by the two projects since:</i></p>

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
			<p>1. The magnitude of compensation which this would provide far outweighs both the individual and combined effects of the two projects; and</p> <p>2. The two projects are 'sister-projects' being developed jointly within the Vattenfall Wind Power Ltd group."</p> <p>In addition (and whilst combined impacts with Hornsea Project Three are not considered relevant for the reasons given above), in the case of Hornsea Project Three, it should be noted that there are no in-combination impacts as a result of Hornsea Project Three on the Alde Ore Estuary SPA.</p> <p>In relation to the FFC SPA, the type of compensation measure proposed by Hornsea Project Three is separate and different to that proposed by Norfolk Vanguard and Norfolk Boreas, such that it can be considered as compensation independently of the Norfolk Boreas and Norfolk Vanguard projects. In addition, separate compensation measures are proposed for Norfolk Boreas and Norfolk Vanguard (whilst the same type of compensation is proposed, separate artificial nesting structures are proposed for each project). Therefore, it is not necessary to consider combined effects in relation to the FFC SPA for either Hornsea Project Three or Norfolk Vanguard.</p>
Q4.16.0.3	All Interested Parties with whom the Applicant has engaged via a Statement of	<p>Statements of Common Ground:</p> <p>The ExA requires confirmation that all Statements of Common Ground (SoCG) which are submitted as final by the Applicant do represent the final position from the other party. If submitted final SoCGs are not signed by the party other than the Applicant, confirmation should be sent in responses to these</p>	

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
	Common Ground	ExQ4 or by email to confirm the final status of the submitted SoCG at the latest by Deadline 11.	
Q4.16.0.4	All Interested Parties	Effects on local community: Interested Parties are invited to submit any additional information to assist the ExA in reaching its recommendation to the SoS not covered previously in the Examination, or in the responses provided above	

16.1 Environmental Statement (ES)

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

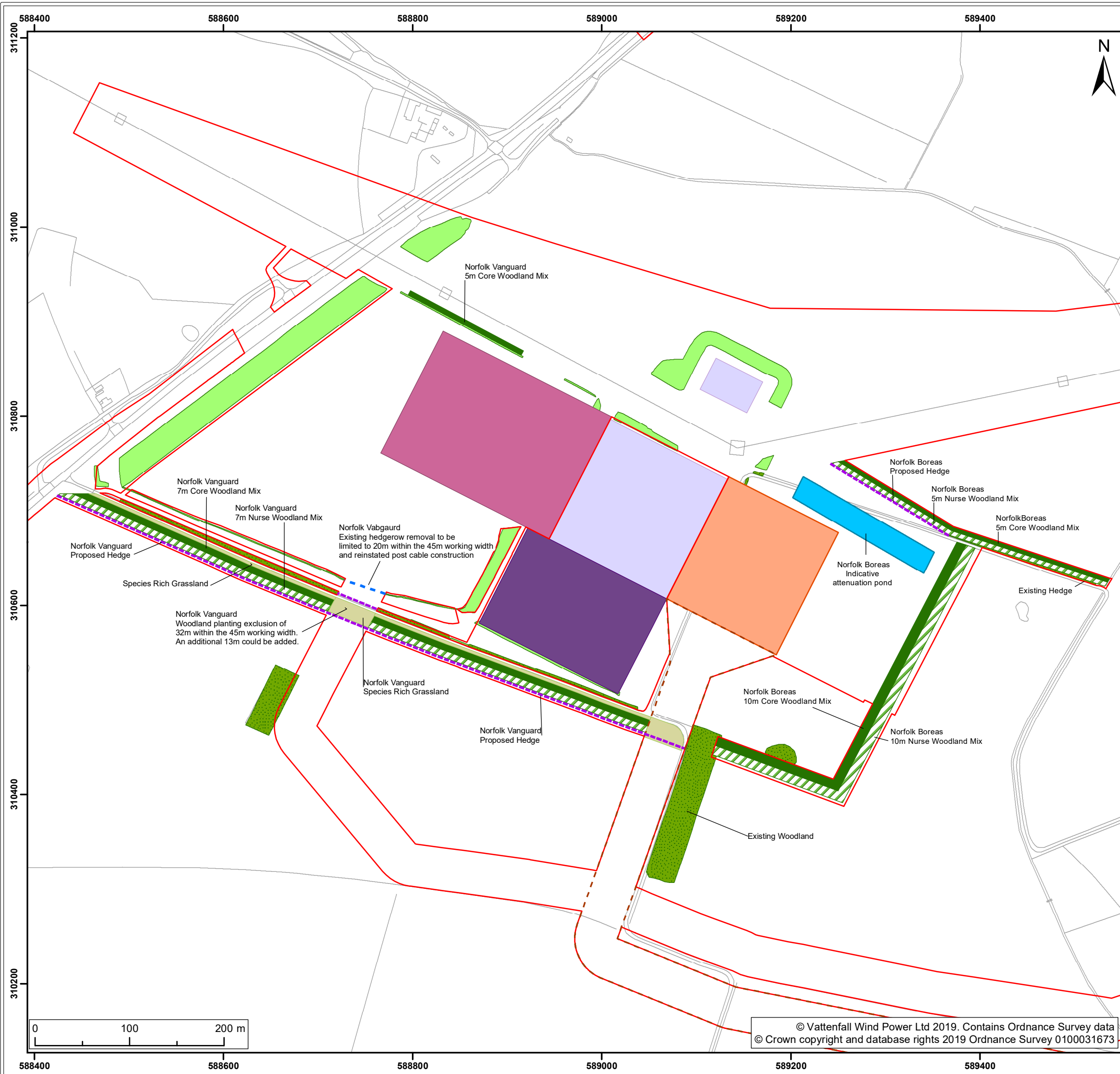
16.2 Ground conditions and contamination

PINS Question Number	Question is addressed to:	Question:	Applicant's Response:
No Questions			

REFERENCES

Natural England (2016) Small-scale effects: How the scale of effects has been considered in respect of plans and projects affecting European sites - a review of authoritative decisions. Available at: <http://publications.naturalengland.org.uk/file/5158169750798336>

APPENDIX 1 Indicative National Grid Substation Extension Mitigation Planting



Legend:

- Norfolk Boreas onshore red line boundary
- Onshore cable route
- Onshore 400kV cable route
- National Grid
- National Grid substation extension
- Norfolk Vanguard National Grid substation extension
- Existing substation locations
- Dudgeon substation
- Necton National Grid substation
- Existing mitigation area
- Dudgeon hedgerow / woodland
- Existing hedgerow / woodland
- Proposed mitigation area
- Proposed core woodland
- Proposed nurse woodland
- Proposed species rich grassland
- Indicative attenuation pond
- Proposed hedgerow
- Replacement hedge (in areas of removal)

Project:	Report:
Norfolk Boreas	Environmental Statement

Title: Scenario 1
 Indicative National Grid Substation Extension
 Mitigation Planting - Norfolk Boreas and Norfolk Vanguard

Figure: 29.10b	Drawing No: PB5640-006-029-010				
Revision:	Date:	Drawn:	Checked:	Size:	Scale:
01	13/02/2019	LA	JP	A3	1:4,000
02	21/02/2019	LA	JP	A3	1:4,000

Co-ordinate system: British National Grid EPSG: 27700

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