

Norfolk Boreas Offshore Wind Farm Applicant's Comments on 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
BDC	Broadland District Council
BNL	Basic Noise Level
BT	British Telecom
CA	Compulsory Acquisition
CAOS	Compulsory Acquisition Objections Schedule
CSIMP	Cable Specification Installation and Monitoring Plan
CRTN	Calculation of Road Traffic Noise
DAS	Design and Access Statement
Db	Decibels
DCO	Development Consent Order
dDCO	Draft Development Consent Order
DEFRA	Department for Environment, Food and Rural Affairs
DML	Deemed Marine Licence
DMRB	Design Manual for Roads and Bridges
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
km	kilometers
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
NPC	Necton Parish Council
NPPF	National Planning Policy Framework

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 Comments on 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 in their Deadline 10 submission [REP10-034].

This document provides the Applicant's comments on interested parties' responses to the ExA's written questions published at Deadline 10. All of the responses provided at Deadline 10 have been reviewed by the Applicant, and where a response is required it has been included within this document.

1 Archaeology and Heritage Assets

1.0 Offshore and intertidal archaeology

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
No Questions				

1.1 Onshore archaeology

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
No Questions				

1.2 Onshore heritage assets

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
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> <p>a) Review the clarification note and submit written comments, confirming whether you agree with the Applicant's findings; and</p> <p>b) If you do not agree with the findings, what further mitigation do you consider necessary?</p>	<p>a) In terms of noise effects the District Council does not agree with the findings of the Clarification Note as it is considered that the basic noise level calculation assumes a speed of 20mph in free flowing traffic, in free-field conditions, with no account taken of the distance between source and receptor, nor façade or reflection effects. It is also not clear from the report whether the applicant has applied the CRTN definition of HGV's i.e. all vehicles with an unladen weight of 1525kg and above. Furthermore, the HIS requires all vehicles to brake, stop, idle and accelerate on multiple occasions along the High Street. It is therefore considered that it does not describe the actual noise levels that will be experienced by residents and pedestrians in the centre of Cawston, which will possibly be 4dBA higher when taking the façade and reflective effects as well as the closeness of dwellings to the road into account.</p> <p>In terms of vibration effects it is considered that these are acceptable based on the results of the H3 monitoring. It is suggested that the applicant undertakes its own measurement surveys prior to the commencement and approval of the construction traffic management plan.</p> <p>In terms of air quality, the District Council does agree with the findings of the Clarification Note.</p> <p>b) In order to mitigate the noise impacts the District Council consider that the applicant should reduce the number of construction HGV traffic movements through Cawston by the implementation of an alternative traffic routing agreement, see response ref: Q4.14.1.7 below.</p>	<p>a)The Applicant welcomes the acceptance of the findings of the air quality assessment and vibration assessment and notes that within the Statement of Common Ground with Broadland District Council (Version 4) submitted at Deadline 10 [REP10-036] all matters on above ground cultural heritage have been agreed and BDC stated that <i>'on the basis of the HIS and that the majority of the measures are temporary in nature, it is considered that the impacts on the designated heritage assets in Cawston are less than substantial.'</i></p> <p>The Applicant is however aware that BDC have ongoing concerns regarding noise as result of road traffic through Cawston. It is important to note, however, that the Clarification Note [REP8-028] produced provides assessment of potential road traffic noise in accordance with the latest and accepted best practice methodology (Design Manual for Roads and Bridges (DMRB), Sustainability & Environment Appraisal LA111 Noise and Vibration, Highways England 2019 and Calculation of Road Traffic Noise (CRTN), Department of Transport, Welsh Office, 1988). This methodology is agreed within the Statement of Common Ground and has previously been agreed during the Expert Topic Group for the Environmental Statement for Norfolk Boreas, Norfolk Vanguard and Hornsea Project Three. The assessment concluded no significant noise impacts, and though some specific points regarding the application of the methodology have been raised, this is the industry accepted approach, and is the most appropriate method available for assessment.</p> <p>With regards to the specific concerns raised on the Clarification Note [REP8-028]:</p> <ul style="list-style-type: none"> The traffic flows for Norfolk Boreas and Hornsea Project Three schemes utilised the same criteria for determining traffic flows from the Environmental Statement, which were carried through to the Cawston Highway Intervention Scheme assessment. The CRTN methodology used accounts only for free-flowing traffic as stated, providing the average speed of the traffic on that carriageway is within the bounds of the calculation formula (given as 20kph to 120kph). Therefore, as acceleration and braking does not form the basis of free-

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				<p>flowing traffic it is not part of the basic noise level calculation methodology.</p> <p>However, research reported in a commission by the UK Noise Association (December 2009) titled "Speed and Road Traffic Noise – The role that lower speed could play in cutting noise from traffic" Watts et al. 2005, (as reported in Page 10 of the UK Noise Association December 2009 document) states that "accelerations from 20km/h to 50km/h accounted for 10% of traffic noise while accelerating from traffic lights accounted for 5%". Table 3 from the UK Noise Association document (December 2009), (reproduced below) demonstrates that there is a relative balance in the effects of acceleration and deceleration of HGVs, therefore taking this into account would not significantly change the results of the assessment.</p> <p>Acceleration and braking noise level effects</p> <table border="1"> <thead> <tr> <th>Acceleration/deceleration</th> <th>Vehicle Type</th> <th>Noise influence</th> <th>Note</th> </tr> </thead> <tbody> <tr> <td>0.5 m/s² (acceleration)</td> <td>Heavy</td> <td>+2.1dB</td> <td>Moderate acceleration</td> </tr> <tr> <td>1 m/s² (acceleration)</td> <td>Heavy</td> <td>+4.5dBA</td> <td>High acceleration</td> </tr> <tr> <td>-1.5m/s² (deceleration)</td> <td>Heavy</td> <td>-4.5dBA</td> <td>Moderate deceleration</td> </tr> <tr> <td colspan="4">Parameters included in the Lay-by assessment</td> </tr> </tbody> </table> <ul style="list-style-type: none"> The classification of HGVs for assessment purposes is based on vehicles with a weight of >3.5t, in accordance with latest DMRB LA111 Noise and Vibration (2020). As stated in Appendix A of LA111 this is a modification to the CTRN criteria, therefore it is the correct classification in accordance with the latest guidance. The use of the Basic Noise Level calculation method from the (CRTN) is accepted as an appropriate methodology in the previous and latest guidance of the DMRB (LA111, 2019). Therefore the assessment has been undertaken using the accepted method in accordance with the latest guidance. Section 3.15 in the 2019 document states "Construction traffic BNL increases shall be calculated for roads within the construction traffic study area" and are then assessed against the impact of criteria detailed in the DMRB. Further details are presented in Appendix A of the LA111 document. <p>CRTN defines the Basic Noise Level (BNL) at a reference distance of 10m away from the nearside carriageway edge, with a definition extended to state: "The choice of reference point or distance is arbitrary and other reference distances could be used by changing the numerical values of constants appearing in certain of the predictions."</p> <p>The purpose of using this method is to demonstrate the relative change in noise level from a proposed scheme on the same receptors. Therefore, the assessment considers the baseline (baseline + growth + committed development) versus a baseline plus proposed</p>	Acceleration/deceleration	Vehicle Type	Noise influence	Note	0.5 m/s ² (acceleration)	Heavy	+2.1dB	Moderate acceleration	1 m/s ² (acceleration)	Heavy	+4.5dBA	High acceleration	-1.5m/s ² (deceleration)	Heavy	-4.5dBA	Moderate deceleration	Parameters included in the Lay-by assessment			
Acceleration/deceleration	Vehicle Type	Noise influence	Note																					
0.5 m/s ² (acceleration)	Heavy	+2.1dB	Moderate acceleration																					
1 m/s ² (acceleration)	Heavy	+4.5dBA	High acceleration																					
-1.5m/s ² (deceleration)	Heavy	-4.5dBA	Moderate deceleration																					
Parameters included in the Lay-by assessment																								

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				<p>development (baseline + growth + committed development + scheme construction traffic), whereby <u>all other parameters remain equal</u>, but deviations in traffic flow composition and speed for example may change. Therefore, the effect of the distance, façade or reflection are not a determining factor as these are parameters which 'remain equal' i.e. are the same for both the baseline and the with development scenario.</p> <p>In summary:</p> <ul style="list-style-type: none"> The Applicant has used the available appropriate guidance and methodology to assess traffic noise impacts. This is agreed within the Assessment Methodology section of the SoCG with BDC [REP10-036] and was also agreed previously through the Evidence Plan Process and for other similar projects. The appropriate HGV classification has been used in accordance with the latest DMRB LA111 guidance. The use of the Basic Noise Level calculation is accepted as an appropriate methodology in the previous and latest guidance of the DMRB and factors such as acceleration and deceleration, and distance are not determining factors within this approach. The assessment undertaken in accordance with the latest accepted guidance has not identified any significant impacts. <p>b) See comment on response to Q4.14.1.7 below.</p>
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>	<p>The Applicants "Note" (REP8-028) on these matters finds that impacts are not significant and no mitigation is necessary. This does not come as a surprise to those who have spent several years challenging such desk based modelling assumptions across many issues and trying to introduce a sense of reality and rational assessment.</p> <p>While we may not have the technical or financial resources to conduct an independent analysis of these calculations we can assure the ExA that these conclusions are at odds with the daily real life experiences of residents, who are only too well aware how models can be set up to provide the results that the author wants to show. For example:-</p> <ol style="list-style-type: none"> The Applicant assesses Cawston as merely "medium sensitivity" in its calculations despite copious evidence that this is inappropriate.. They use a basic noise calculation that compares relative not absolute levels. Calculations use 18 hour averages The calculations still use H3's questionable base data The conclusions rely on strict 20 mph adherence, when all official evidence tells us that speed will not be reduced to anything like 20mph <p>The model seems to be based on different working hours from those now proposed and to assume idling only when two of the Applicant's HGVs are approaching each other – the reality is that an HGV approaching any other vehicle, including non-wind farm HGVs, will have to stop.</p>	<p>Dealing with each point in turn:</p> <ol style="list-style-type: none"> The Applicant refers to ES Chapter 25 [APP-238] which provides details on the definitions of sensitivity of noise receptors and the categorisation of all residential properties as medium sensitivity. This is in line with best practice guidance outlined in ES Chapter 25 [APP-238], legislation and policy. The Applicant refers to the comments provided above to Broadland District Council's response to ExA Q4.1.1.2 which confirms that the use of the Basic Noise Level calculation is accepted as an appropriate methodology in the previous and latest guidance of the DMRB LA111 Noise and Vibration and was the methodology agreed with Broadland District Council. and 4. Details on the traffic data used within the assessment are explained in section 2.2.1 [REP8-028]. The assessment used the latest 2019 baseline data, which were 18hr Annual Average Weekly Traffic as required by the CRTN methodology. The data used was appropriate for the assessment undertaken in accordance with the latest guidance (DMRB LA111, 2019). The Applicant refers to the comments provided above to Broadland District Council's response to ExA Q4.1.1.2 on the speed assumptions. A mandatory 20mph speed zone will be introduced and enforced as part of the Highway Intervention Scheme. The Applicant refers to the Applicant's Comments on Deadline 6 Submissions and Other Submissions [REP7-016] where it responded to concerns previously raised by Cawston Parish Council on the 20mph limit.

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			<p>It does not take account of the effects of braking and acceleration from rest when HGVs have stopped at a passing place, their noise in moving away may be greater than for a constant speed vehicle passing.</p> <p>Apparently there are no standards for calculating or assessing noise from accelerating traffic. Just because you don't have a measure for it doesn't mean it doesn't exist or have impact on "receptors".</p> <p>There is no assessment of the impact of non HGV wind farm traffic, some 407 movements per day of staff going to and from work. These will be clustered in a short period before or after the working day, so there could be 200+ movements through Cawston around 0630-0645 and again 1915-1930. This will have a significant impact.</p>	<p>The time period is not a determining factor to the assessment. The effect of the relative change in flow, speed, and composition is important. However, the same relative change would occur over the shorter period if both 'without' (baseline) and 'with development' (baseline+growth+scheme construction traffic) scenarios were compared with the same time base. Therefore, this would not change the outcome of the assessment.</p> <p>The Applicant refers to the comments provided above to Broadland District Council's response to ExA Q4.1.1.2 on acceleration and deceleration and the assessment methodology used.</p> <p>The noise, vibration and air quality assessments within the Clarification Note utilised the same criteria for determining traffic flows as used and agreed in the Environmental Statement (Chapter 24 Traffic and Transport [APP-237], Chapter 25 Noise and Vibration [APP-238] and Chapter 26 Air Quality [APP-239]). Traffic flow data was provided for Link 34 (B1145) by the traffic specialists and is consistent with the data used within ES Chapter 24 Traffic and Transport [APP-237]. The data used is an 18hr AAWT (as required by the CTRN methodology) which is based on Total Number of Vehicles (including cars/lights), and % HGVs for each link considering the proposed working hours (7am to 7pm). Therefore the assessment has considered the non HGV wind farm traffic and the proposed working hours and has concluded no significant impact.</p> <p>With regards to the employee traffic demand, the assessment has used a conservative approach and assumed a worst case that all employees travel by car during the standard working hours. However measures to encourage mode shift / vehicle share and use of other forms of transport such as cycling or public transport are included in the Outline Travel Plan [APP-700]. Full details on how the worst case traffic flows used within the assessment have been determined are contained in Section 24.7.2.2 (Scenario 1) and Section 24.7.3.2 of ES Chapter 24 [APP-238].</p>

2 Biodiversity, Biological Environment and Ecology

2.0 Offshore benthic and marine mammals

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
Q4.2.0.1	The Applicant	<p>Marine Mammal Monitoring: 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>	

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
			<p>(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).</p> <p>Within Post-construction monitoring condition 20 (2)</p> <p>(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).</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>	
Q4.2.0.1	MMO	<p>Marine Mammal Monitoring: 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>	The MMO, NE and the Applicant have agreed on the changes to Conditions 18 and 20 in Schedules 9 and 10. These were highlighted in REP9-035 - the MMO's response to comments on written question 3.2.0.1.	Noted.
Q4.2.0.1	Natural England	<p>Marine Mammal Monitoring: 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>	It is noted that Natural England, the MMO and the Applicant have agreed wording for these conditions.	Noted.
Q4.2.0.2	The Applicant	<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 seabed 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 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</p>	

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
			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].	
Q4.2.0.2	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>a) The MMO and the Applicant have now agreed this point as the Applicant has updated the In Principle Monitoring Plan (IPMP) at Deadline 6 (REP6-045). This is shown in the SoCG (REP8-021)</p> <p>b) The MMO and the Applicant believes this point is not related to habitat suitability for sandeel but is related to the particle size analysis of dredged material to be disposed of within the Haisborough, Hammond and Winterton (HHW) Special Area of Conservation (SAC) as discussed in Issue Specific Hearing 4.</p> <p>The MMO understands that the Applicant, NE and the MMO are in agreement that the conditions proposed for particle size analysis for the Norfolk Vanguard project are not suitable.</p> <p>The MMO understands the Applicant does not believe that a condition is required due to the additional mitigation for disposal of material within the HHW SAC, set out within the HHW SAC control document (Site Integrity Plan (SIP) or Cable Specification, Implementation and Monitoring Plan (CSIMP)).</p> <p>The MMO notes that NE still require a condition or to have some commitment secured to ensure the disposal of material will be in an area with similar particle size to ensure disposal of sediment does not fundamentally change the habitat of the disposal location.</p> <p>The MMO has continued to work with the Applicant and NE to come to a final position, however the current position is that the parties have been unable to suggest a suitable solution or come to an agreement and therefore the MMO cannot provide further comments.</p> <p>The MMO highlights that it is now for the SoS to make a determination and this determination should have regard to both Hornsea Three Project and Norfolk Vanguard to be consistent across all DCOs.</p> <p>If the SoS decides it would be appropriate to include a condition within the DMLs then the MMO considers that the condition would need to meet the five tests and above all be clear and precise enough to be enforceable.</p>	<ol style="list-style-type: none"> Noted The Applicant considers that the MMO has accurately reflected the positions of the relevant parties and agrees that it is now for the Secretary of State to determine this matter with regard to decision making for both Hornsea Project Three and Norfolk Vanguard, to ensure consistency across the three projects should they be granted development consent.

2.1 Onshore Ecology

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
No Questions				

2.2 Offshore Ornithology

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
No Questions				

3 Compulsory Acquisition

3.0 Compulsory Acquisition

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
Q4.3.0.1	The Applicant	<p>Include C and P Alhusen (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 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></p>	
Q4.3.0.1	The NFU/LIG	<p>Include C and P Alhusen (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>Discussions are on- going and positive although the Landowner is waiting for a response on a number of issues which are yet to be received. The delay in receiving this information is assumed due to the current challenges being experienced due to COVID 19.</p>	<p>As noted by the NFU and the Applicant in the response above, the Applicant remains in ongoing discussions with the Landowner and Land Agent and matters are progressing in a positive nature. The request relating to outstanding information is underway and we would hope to be able to provide this to the Landowner shortly and continue with productive and positive discussions.</p>
Q4.3.0.2	The Applicant	<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> <p>a) NFU / LIG to confirm whether Mr G Anderson of the Dillington Estate (Row 32 of the Compulsory Acquisition</p>	<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>	

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
		<p>Objections Schedule) is now represented by Strutt and Parker.</p> <p>b) NFU / LIG to confirm whether Strutt and Parker is a member of the LIG?</p> <p>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.</p> <p>d) Provide an update on negotiations in relation to the completion of an Option Agreement.</p> <p>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>		
Q4.3.0.2	The NFU/LIG	<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> <p>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.</p> <p>b) NFU / LIG to confirm whether Strutt and Parker is a member of the LIG?</p> <p>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.</p> <p>d) Provide an update on negotiations in relation to the completion of an Option Agreement.</p> <p>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>	The agent acting Strutt & Parker will submit a response to this question at the next deadline.	Noted.
Q4.3.0.3	The Applicant	<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>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?</p> <p>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.</p>	The Applicant confirms that HoTs for an agreement have been signed and legal discussions are now underway in relation to the Option Agreement.	
Q4.3.0.3	The NFU/LIGs	<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>	The agent acting Strutt & Parker will submit a response to this question at the next deadline.	Noted.

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
		<p>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?</p> <p>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.</p>		
Q4.3.0.4	The Applicant	<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> <p>a) Add Bawdeswell to the Compulsory Acquisition Objections Schedule.</p> <p>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.</p> <p>c) What certainty would the landowner have that Access AC120 would not be used if it were to remain in the DCO?</p>	<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 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>	

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
			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 unless there is an agreement to the contrary with the Trustees of the Bawdeswell Estate.	
Q4.3.0.4	The NFU/LIG	<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? 	The agent acting Brown & Co will submit a response to this question at the next deadline.	Noted.
Q4.3.0.5	The Applicant	<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. 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 agreement not</p>	

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			<p>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>	
Q4.3.0.5	The NFU/LIG	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. If Heads of Terms are agreed, update the DCO to remove AC50 or justify why it is necessary to retain this access.	Access for construction has been agreed. A proposal for access post construction has been made and is being considered.	The Applicant notes the response by the NFU and wishes to clarify that the proposal has been put forward by the Applicant and is being considered by the Landowner.
Q4.3.0.6	The Applicant	<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>	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.	
Q4.3.0.6	The NFU/LIG	<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>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>	AC1 is an access for post construction. The landowner would like the track to be used for maintenance issues as it is wide enough. The field access for any post operational works only.	The Applicant will consider the proposed alternative access solution and discuss this further with the landowner through the discussions on the private Option Agreement.
Q4.3.0.7	The Applicant	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 the Courts and the powers of Compulsory Acquisition are a last resort power.	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. It has been the Applicant's strategy to always seek agreement with the landowners. This has been progressed through continuous	

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
		b. What certainty would the landowner have that Access AC53 would not be used if it were to remain in the DCO?	<p>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> <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>	
Q4.3.0.7	The NFU/LIG	<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 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>	The landowner is pleased that AC53 is no longer required and looks forward to receiving formal confirmation	The Applicant is involved in ongoing discussions with the Land Agent regarding AC53, however it has previously been confirmed that the proposed alternative access is suitable and this will be captured through the private Option Agreement. The Applicant refers the NFU and the ExA to its response to Q4.3.0.7 submitted at Deadline 10 [REP10-034] for reasons why it is necessary for AC53 to remain within the DCO.
Q4.3.0.8	The Applicant	<p>With reference to Carrick (Row 34 of the Compulsory Acquisition Objections Schedule):</p> <p>a) Update progress with agreeing Heads of Terms in</p>	a) The Applicant remains in discussions with the relevant landowner and their Land Agent, HoTs have not as yet been signed.	

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
		relation to AC131. b) What issue if any, remains outstanding and what is being done to overcome this?	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.	
Q4.3.0.8	The NFU/LIG	With reference to Carrick (Row 34 of the Compulsory Acquisition Objections Schedule): a) Update progress with agreeing Heads of Terms in relation to AC131 b) What issue if any, remains outstanding and what is being done to overcome this?	Discussions are ongoing however progress is being delayed due to current circumstances. Appendix 24.5 Scenario 1 & 2 clearly shows cable pulling is a substantial operation which will conflict with existing enterprises and business that have rights over the track and land adjoining the track. Clarity and agreement is being sought how the applicant proposes to mitigate these issues in real terms.	The Applicant provided a detailed response to the question regarding AC131 in its response to Q3.3.0.10 in the third round of written question responses (REP7-017), and would refer to that response. Discussions will remain ongoing in the hope that a private agreement can be reached.
Q4.3.0.9	The Applicant	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]. 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]. b) Explain what is meant by a 'rebuttal presumption'.	a) The Applicant remains in negotiations with the Landowner with a hope to reaching agreement in the near future. 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</i> (1861) 142 E.R. 507: <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> 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. 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. 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.	
Q4.3.0.9	The NFU/LIG	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].	Discussions are ongoing in respect of ensuring sufficient rights are retained so the adjoining land is not affected by the scheme.	Noted.

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
		<ul style="list-style-type: none"> 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]. b) Explain what is meant by a 'rebuttal presumption'. 		
Q4.3.0.10	The Applicant	<p>The ExA notes inclusion of plots 24/05, 24/10, 24/16 & 25/04 - Acquisition of Permanent New Rights.</p> <ul style="list-style-type: none"> a) Re Christopher S Wright, Row 49 of the Compulsory Acquisition Objections Schedule. Explain what is meant by a 'rebuttal presumption'. 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 powers of Compulsory Acquisition are a last resort power. c) What certainty would the landowner have that Access AC56 would not be used if it were to remain in the DCO? 	<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</i> (1861) 142 E.R. 507:</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> <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</p>	

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
			<p>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 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>	
Q4.3.0.10	The NFU/LIGs	<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 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>	No comment	No comment.
Q4.3.0.11	The NFU/LIG	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].	Accepted.	Noted.

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
Q4.3.0.12	The Applicant	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]	<p>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 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 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.</p>	
Q4.3.0.12	The NFU/LIG	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]	This has been raised again with the applicant and waiting confirmation	The Applicant has confirmed to the Land Agent that the alternative accesses proposed could be used and discussions will continue regarding these alternatives through the private Option Agreement negotiations. The Applicant refers the NFU and the ExA to its response to Q4.3.0.12 submitted at Deadline 10 [REP10-034] for reasons why it is necessary for AC129 to remain within the DCO.
Q4.3.0.13	The Applicant	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) 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	

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
		<ul style="list-style-type: none"> 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]. 	Limited have been added to the CAOS as submitted at deadline 10.	
Q4.3.0.13	The NFU/LIG	<p>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.</p> <ul style="list-style-type: none"> 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]. 	The agent acting Strutt & Parker will submit a response to this question at the next deadline.	Noted.
Q4.3.0.14	The NFU/LIG	Are you content with the response provided by the Applicant to ExQ3.3.0.17 [REP7-017].	The NFU and LIG are happy with the response given by the Applicant at REP7 -017 to Q3.3.0.17 except there are some site-specific accesses still under discussion.	Noted.
Q4.3.0.15	The Applicant	<ul style="list-style-type: none"> 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	<p>Following on from the response provided at [ExQ3.3.0.18, REP7-017], provide a further update regarding:</p> <ul style="list-style-type: none"> 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; c) Confirm whether signed agreement has now been reached with Cadent Gas and if not, why not; 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]. 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. 	<ul style="list-style-type: none"> 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. 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>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> <ul style="list-style-type: none"> 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. 	

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
			deemed refusal in the context of the Environment Agency protective provisions at Schedule 17, Part 7.	
Q4.3.0.16	Cadent Gas	Following on from the response provided at [ExQ3.3.0.18, REP7-017], provide a further update regarding: <ul style="list-style-type: none"> 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; c) Confirm whether signed agreement has now been reached with Cadent Gas and if not, why not; 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]. 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. 	I am pleased to be able to write and confirm that Cadent Gas Limited is now in a position to withdraw its objection to the DCO application relating to Norfolk Boreas Offshore Wind Farm now that a signed agreement has been reached with the Applicant. Accordingly please treat this email as the formal notice of withdrawal of the objection previously lodged by Cadent Gas Limited. This correspondence also addresses Q4.3.1.16 of the Examining Authority's fourth round of written questions.	Noted and the Applicant welcomes this confirmation from Cadent Gas.
Q4.3.0.16	Environment Agency	Following on from the response provided at [ExQ3.3.0.18, REP7-017], provide a further update regarding: <ul style="list-style-type: none"> 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; c) Confirm whether signed agreement has now been reached with Cadent Gas and if not, why not; 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]. 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. 	There is no likelihood of agreement being reached. The Environment Agency's position remains that the Protective Provisions should reflect the principles of the environmental permitting regime and default to deemed refusal. This issue is addressed in the final Statement of Common Ground submitted at Deadline 9.	Noted. The Applicant refers the ExA to its response to WQ4.3.0.16 submitted at Deadline 10 [REP10-034].
Q4.3.0.17	The Applicant	Respond to the matters relating to Compulsory Acquisition raised in REP8-035.	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: 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: <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</i>	

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
			<i>wish to acquire over land for the cable requirements, rather than a value to acquire existing easements which need to be stopped up."</i>	
Q4.3.0.18	The Applicant	The ExA notes the answer provided at REP5-045, ExQ2.3.0.21 and REP7-017 ExQ3.3.0.26. a) Why is the flexibility provided by these rights necessary? b) Should it be limited in any way?	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 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:	Interested Parties' Response at Deadline 10	Applicant's Comments
No Questions				

4.1 Onshore cumulative effects of other proposals (construction)

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
Q4.4.1.1	The Applicant	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.	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.	

5 Development Consent Order and Deemed Marine Licences

5.0 General

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
Q4.5.0.1	The Applicant	<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] "The MMO has discussed this further with the Applicant and is content that this definition is no longer required for the Norfolk Boreas project".</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>	
Q4.5.0.1	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; <p>Definition of Inert.</p>	<p>Cable Crossings: The MMO and the Applicant have now agreed this point and this has been updated in the SoCG (REP8-021).</p> <p>Disposal Site queries and references: The MMO has agreed this with the applicant. The MMO welcomes the inclusion of the disposal site reference numbers in the dDCO (REP07-003/004) and the MMO is content with the update to the Site Characterisation Report submitted at Deadline 7 (REP7-013).</p> <p>Definition of Inert: The MMO has discussed this further with the Applicant and is content that this definition is no longer required for the Norfolk Boreas project. This has been updated in the SoCG (REP8-021).</p>	The Applicant and the MMO are agreed on all of these matters.

5.1 Articles

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
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>	<p>Which are the two DCOs that your response to ExQ3.5.1.2 refers?</p> <p>In regard to the DCO application by Highways England for the A303 Stonehenge it has been agreed in the OEMP that the following wording would be agreed under the role of the ALO:</p> <p><i>"The ALO will provide preconstruction survey information to landowners including company name, survey type and equipment to be used, an estimate of how long the surveys are expected to take.</i></p> <p>The wording below is included in the Article within the DCO</p> <p><i>15 (3) The notice required under paragraph (2) must indicate the nature of the survey or investigation that the undertaker intends to carry out.</i></p> <p>The NFU as requested would like similar wording to be agreed in the DCO and OEMP for Norfolk Boreas.</p> <p>The NFU believes that a trial hole does not encompass a borehole and so if Vattenfall wish to undertake boreholes this does need to be stated in</p>	<p>The Applicant refers to the response provided in the third round of written questions, (Q3.5.1.2) [REP10-034]. The Applicant notes the information provided by the NFU, however, the Applicant considers the previous response provided explains its position, as follows (and there is no change from the Applicant's position now in light of the NFU's latest comments):</p> <p><i>The Applicant resists any wording which would limit the Applicant to surveys and investigations for a specified duration and with the use of equipment that was only previously specified prior to the survey/investigation. As the Applicant explained in its comments on the NFU's response to Q5.1.7 at Deadline 4 [REP4-011], to do so would add an additional inefficiency on those undertaking the surveys – for example, in the event an extra investigation was required the team would need to withdraw from the land and serve additional notices, then remobilise on site and enter the land a second time. This would increase the overall duration of occupancy on the landowner's land and potentially increase the risk of damage to land and crops.</i></p>

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
			<p>the DCO. A borehole and a trial hole have been separately identified in the voluntary Option Agreement.</p> <p>Wording below is taken from the DCO for A30 Chiverton to Carland Cross.</p> <p><i>Article 22: 1 (b) without limitation on the scope of sub-paragraph (a), make any excavations or trial holes or boreholes in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer and subsoil and groundwater</i></p> <p>The exact wording is also included in the DCO for the A303 Stonehenge under Article 15.</p>	<p><i>In any event, as outlined in Appendix B of the OCoCP [REP5-010], the Agricultural Liaison Officer will be appointed by the Applicant prior to the commencement of pre-construction activities and will be the prime contact for ongoing engagement about practical matters with landowners, occupiers and their agents before and during the construction process. This includes undertaking pre-construction and day-to-day discussions with affected parties to minimise disruption to existing farming regimes and timings of activities. It is through this avenue that landowners could raise questions on the surveys.</i></p> <p>The Applicant responded to the point regarding bore holes and trial pits in its Written Summary of the Applicant's Oral Case at Issue Specific Hearing 1 and the Applicant refers the NFU and the ExA to document reference REP1-041. This point was again addressed in the responses to the first round of written questions in response to question 5.1.7 [REP2-021]. In summary:</p> <p>The Applicant considers that the powers within Article 16 in relation to surveying and investigating land include powers for certain excavation works and to make bore-holes. In particular, boreholes are encompassed within trial holes to investigate the subsoil, which is referred to in Article 16(1)(b):</p> <p><i>"..make trial holes in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer and subsoil and remove soil samples".</i></p> <p>Archaeological excavations fall within archaeological investigations under Article 16(1)(c): <i>"...carry out ecological or archaeological investigations on such land"</i>.</p> <p>Article 16 follows precedents from other offshore wind farm DCOs including East Anglia Three (2017) and Hornsea Project Two (2016), the draft Norfolk Vanguard DCO, the draft Hornsea Project Three DCO, and the draft Thanet Extension DCO. Where voluntary agreements are negotiated with landowners, rights of access to survey and investigate land would be exercised under those agreements in any event and specific provisions negotiated where appropriate for a relevant landowner.</p> <p>In the event that works are required which do not fall within Article 16 and are not on land where voluntary agreements have been completed, the Applicant would rely on temporary possession powers under Article 26 of the dDCO to carry out those works.</p> <p>Accordingly, the Applicant does not consider it necessary to amend the dDCO.</p>

5.2 SCHEDULE 1 PART 1: Authorised Development

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
No Questions				

5.3 SCHEDULE 1 PART 3: Requirements

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
Q4.5.3.1	Broadland 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.	No further comment.	Noted.
Q4.5.3.1	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.	NNDC have reviewed the submissions from the Applicant at D7 and D8 and understands the reason why some degree of flexibility has been incorporated in to Requirement 15 (4) to allow subsequent minor variations to the written scheme. It is important for all parties involved in Requirement discharge to have an understanding of the bigger picture of stages of construction. NNDC accept that tweaks and minor changes to stages may occur with a project of this scale but would not wish to see frequent amendments to the written scheme which would potentially fragment the process and could lead to confusion for all parties if not carefully managed.	The Applicant welcomes NNDC's acceptance of Requirement 15(4) as drafted.
Q4.5.3.1	Breckland 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.	Breckland Council is of the view that it is important to understand the programme at the earliest stage to allow proper planning of resource. A clear timetable needs to be submitted in advance for the agreement of all RPAs and any changes agreed with RPAs' not just "notifying" them. PPAs' can be utilised to do this but again the RPA has to be able to control the process. All RPAs' need to be able to anticipate, fund and resource appropriately with proper notice.	The Applicant will continue to work with all the relevant planning authorities through the development of the PPA to enable resources planning, funding and programming.
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	Please see NNDC's response to ExQ3.5.3.9 dated 01 May 2020 [REP7-072] (set out again below for ease of reference) On 11 March 2020, NNDC wrote to the applicant on the subject of Article 27 and Requirement 19 with some suggested amendments to the wording of these parts of the DCO. This was followed up with a teleconference on 19 March (following the cancellation of the ISH planned for 17 March). The applicant was to consider further the wording proposed by NNDC. NNDC notes the updated draft DCO (version 6) submitted by the applicant at Deadline 7 (REP7-003 & 004) and that revisions have been made, inter alia, to Article 27 and Requirement 19. This includes the insertion of a new definition of the maintenance period for North Norfolk in relation to the maintenance of landscaping in Article 27 and Requirement 19 has been amended along the lines suggested by NNDC so as to secure a ten-year replacement planting period. NNDC wishes to thank the applicant for these changes and, subject to these provisions being included within the final DCO, this matter is now agreed between the parties.	The Applicant is pleased an agreed position could be reached with NNDC and can confirm that the updates are included in the final dDCO submitted at Deadline 10 [REP10-003].
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:	Interested Parties' Response at Deadline 10	Applicant's Comments
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:	Interested Parties' Response at Deadline 10	Applicant's Comments
No questions				

5.5 SCHEDULES 9 to 13: Deemed Marine Licences

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
Q4.5.5.1	The Applicant	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: 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	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]. In summary: <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].	

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
		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).	<ul style="list-style-type: none"> 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 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. 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 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 'and Trinity House' from (Condition 15(8) (Schedule 9-10) and Condition 10(8) (Schedule 11-12)) of the dDCO submitted at Deadline 10.</p>	
Q4.5.5.1	Trinity House (TH)	Prospects for agreement with TH on DML Conditions on cable laying plan:	a) TH acknowledges the Applicant's response in this regard at Deadline 8 and notes that different positions have been articulated by interested parties during this Examination	The Applicant notes Trinity House's response and has no further comments to make.

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
		<p>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>on how this aspect might be most appropriately addressed.</p> <p>Whilst TH and the Applicant have continued in dialogue on this point for Deadline 9, this unfortunately remains an aspect to which consensus has not been realised. This is identified in the Statement of Common Ground between TH and the Applicant accordingly.</p> <p>TH's position remains, therefore, as outlined at Deadline 8 and previously during the Examination process. In particular, TH would respectfully reiterate its previous comments that it is important for reasons of marine navigational safety for the requirement to be directly secured in the DMLs to the draft DCO as per its suggested wording.</p> <p>Indeed, TH believes that its suggested approach and the proposed wording would provide clarity on this point and which might potentially otherwise be overlooked by referring to MGN543. In addition, TH considers that its proposed drafting gives further clarity detailing which key navigation stakeholders should be consulted (by the MMO) on this important safety issue, as well as, in TH's opinion, allowing the MMO to easily enforce the condition. Therefore, TH remains of the view that it is important for this provision to be reflected in the DCO for Norfolk Boreas notwithstanding the potential outcome of the Norfolk Vanguard application.</p> <p>b) Following TH's Deadline 8 submission and following further dialogue with the Applicant on this aspect, TH understands that the Applicant is prepared, in line with TH's request, to remove TH from the Applicant's proposed wording at Condition 15(8) (Schedule 9-10) and Condition 10(8) (Schedule 11-12). TH would therefore like to confirm to the ExA that it is in agreement with the Applicant's approach in this regard.</p>	
Q4.5.5.1	MMO	<p>Prospects for agreement with TH on DML Conditions on cable laying plan:</p> <p>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>The MMO supports the Trinity House request for this addition and believes it is now for the SoS to decide whether a condition is required.</p>	<p>As shown in the Statement of Common Ground with Trinity House [REP9-028], the Applicant and Trinity house have not reached agreement on this matter during the Norfolk Boreas examination. Both Parties agree that it is now for the Secretary of State to determine this matter with regard to decision making for both Hornsea Project Three and Norfolk Vanguard, to ensure consistency across the three projects should they be granted development consent.</p>

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
Q4.5.5.2	The Applicant	Wording in DML regarding shallow burial or exposure of cables: 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>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 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 .</p>	
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:	Interested Parties' Response at Deadline 10	Applicant's Comments
No Questions				

5.7 SCHEDULE 16: PROCEDURE FOR DISCHARGE OF REQUIREMENTS

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
Q4.5.7.1	The Applicant	Table of requirements, discharge authorities and consultees and discharge process map:	The Applicant refers the ExA to its response to this question (Q3.5.7.1) at Deadline 7 [REP7-017].	

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
		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>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 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	Broadland District 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].	No further comment.	Noted.
Q4.5.7.2	Breckland 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].	Answered as part of Deadline 9 responses	The Applicant provided comments on Breckland Council's response in the Applicant's Comments on Deadline 9 Submissions and Other Submissions [REP10-033], which welcomed Breckland Council's agreement that the documents should not be secured in the DCO.
Q4.5.7.2	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 DCO requirements set out in NNDC's Submission (5 March 2020) Appendix B, relating to who needs to be involved in the Discharge of Requirements seems reasonable. In addition, the Process Map in Appendix C of the above NNDC submission seems sensible / pragmatic.	Noted.

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
		the Discharge process map [REP6-043, Appendix B and Appendix C].	Notwithstanding the above comments, the County Council will need to work closely with the respective Discharging Authorities to ensure those Requirements set out in the Development Consent Order (DCO), relating to County Council matters, are properly / sufficiently addressed.	
Q4.5.7.3	The Applicant	Schedule 16: Parties to submit any additional information to assist the ExA in reaching its recommendation to the SoS.	The Applicant refers the ExA to its previous response to this question (Q3.5.7.4) at Deadline 7 [REP7-017]. The Applicant also notes that Breckland Council has nothing further to add to this point [REP9-031].	
Q4.5.7.3	Broadland District Council,	Schedule 16: Parties to submit any additional information to assist the ExA in reaching its recommendation to the SoS.	No further comment.	Noted.
Q4.5.7.3	North Norfolk District Council	Schedule 16: Parties to submit any additional information to assist the ExA in reaching its recommendation to the SoS.	NNDC has nothing further to add to its previous submissions on this matter.	Noted.
Q4.5.7.3	Breckland Council	Schedule 16: Parties to submit any additional information to assist the ExA in reaching its recommendation to the SoS.	Schedule 16 (1) (3) – This indicates an 8 week decision period. It is considered that this is a short timeframe having regard to the matters to be considered by Breckland Council in relation to the Sub-station. It is considered that a maximum of 16 weeks as would normally benefit an EIA planning application would be more appropriate. Alternatively or alongside, the Schedule is specific about the ability of RPAs' to agree with the applicant through a PPA the precise timetable for discharging conditions	The Applicant refers the ExA to its previous response to this question (Q3.5.7.4) at Deadline 7 [REP7-017], which states that Schedule 16 does give sufficient flexibility to agree an appropriate extension to the standard 8 week period under paragraph 1(3)(c) of Schedule 16. Given this, it is considered that the time periods specified strike the right balance to enable discharges within a reasonable and proportionate period.
Q4.5.7.3	Norfolk County Council,	Schedule 16: Parties to submit any additional information to assist the ExA in reaching its recommendation to the SoS.	Norfolk County Council has no further comments to make.	Noted.
Q4.5.7.4	The Applicant	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].	On 16 April 2020, the Applicant provided a detailed note to the relevant planning authorities (RPAs) on Planning Performance Agreements (PPAs). In summary the note covered: 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; 5. matters to consider in the PPA including resource, timing, programme, discharge, and performance standards on each party; and 6. discharging bodies and consultees (including NNDC's Appendix B table from [REP6-043]). The Applicant will continue to engage with RPAs and hold discussions on the PPA in the event that development consent is granted.	
Q4.5.7.4	Broadland 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].	A PPA with the applicant, which provides a consistent approach with all authorities involved in the discharge of the requirements of the DCO, is considered appropriate. No objection in principle to this including a single coordinator role and the mechanism for the applicant resourcing the discharge of the requirements by the	The Applicant welcomes the feedback from Broadland District Council and will continue to engage with them on the PPA and the process and mechanisms for discharging conditions.

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
			authorities but further details from the applicant about the processes and mechanisms required are awaited.	
Q4.5.7.4	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].	Please see NNDC's response to ExQ3.5.7.5 dated 01 May 2020 [REP7-072]. In addition, further comments were provided within Section 5 of NNDC's combined Deadline 8 & 9 submissions dated 04 May 2020 [REP9-059]. NNDC has nothing further to add to its previous submissions on this matter.	The Applicant notes the feedback provided by NNDC in response to ExA Q3.5.7.5 and NNDC's Deadline 8 & 9 submissions on the PPA, and continues to work with NNDC to progress the details of the PPA.
Q4.5.7.4	Breckland 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].	Any co-ordinator will need to be funded by the applicant. Its role should be confined to just managing the process. It should not be a discharging body. Each RPA should retain the ability to discharge plans within its own administrative area following its own democratic process. BDC would support individual PPAs' with each RPA which provides funding for each RPA to manage its process and engage appropriate support and resource. It does, however, see sense in all RPAs' meeting regularly together and with the applicant through the auspices of any co-ordinating group.	The Applicant acknowledges Breckland Council's position and will continue to work with Breckland Council and all the relevant planning authorities to progress the details of the PPA.
Q4.5.7.4	Norfolk County 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].	The position of Local Authorities in Norfolk has, it is felt, been correctly summed up in the applicant's response above (REP6-014) i.e. <i>"that the RPAs wish to maintain the authority to discharge plans for their administrative area, rather than delegate function to a lead local discharge authority such as Norfolk County Council."</i> On this basis it is felt appropriate that the applicant should put forward, inter alia, : <i>"individual PPAs for each respective discharging authority...."</i> <i>As set out in the above representation.</i> It is felt that further discussion with the applicant, possibly/probably post DCO, will be necessary / appropriate in order to ensure that any PPA prepared is efficient and consistent between all the respective RPAs.	The Applicant welcomes the feedback from NCC and will continue to engage with all the relevant planning authorities on the PPA and the process and mechanisms for discharging conditions.

5.8 SCHEDULE 17: PROTECTIVE PROVISIONS

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
No Questions				

5.9 CONSENTS, LICENCES AND OTHER AGREEMENTS

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
No Questions				

5.10 COMPENSATION TO PROTECT NATURA 2000 NETWORK

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
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, "an implementation timetable including timescales for delivery of the artificial kittiwake nest sites". 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, "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." Furthermore, 'Compensation measures should normally be delivered before the adverse effect on the European site occurs'.</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 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> <p>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</p>	<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</p>	

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
		<p>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>	<p>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 "timescales for the measures to be delivered", which must then "be carried out as approved, unless otherwise agreed in writing with the Secretary of State". 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 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, "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."</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 over-compensate 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>	
Q4.5.10.2	The Applicant	<p>Part 2: Alde-Ore Estuary Special Protection Area:</p> <p>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</p> <p>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>	<p>As noted in Natural England's Deadline 9 response to the Applicant's in principle compensation measures for the Alde-Ore Estuary SPA [REP9-047], our view is whilst the Applicant's proposal to fund a project coordinator and scoping study is helpful, there must be a commitment to delivering measures on the ground that would offset the predicted collision risk mortality. We believe that predator-proof fencing for lesser black-backed gull at the Alde-Ore Estuary SPA has the most potential to be considered as an appropriate compensatory measure to address collision mortality impacts. However, there are other factors, including site suitability and management issues, which need to be considered in determining a suitable location for such fencing. We consider that it is achievable to have a suitable location identified and a predator-proof fence erected before the construction of the windfarm.</p>	<p>The Applicant provided responses to Natural England's comments on this topic [REP9-047] in Table 1.17 of the Applicant's Deadline 10 submission [REP10-033].</p> <p>In summary, the Applicant and Natural England have agreed on the measures most likely to achieve the stated objective, however following discussions with a range of relevant stakeholders the Applicant became aware that there were different opinions on what the best options would be. Consequently, the Applicant considered that the best approach would be to facilitate a consensus on this prior to delivery of the measure. However, it is important to note that facilitating agreement on the identified measure is not an alternative to delivering the measure thus identified, and should be seen as the first step to delivery of the measure. If the Secretary of State considers that compensatory measures must be delivered, following a finding of AEoI,</p>

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
Q4.5.10.3	The Applicant	<p>Part 3: Haisborough, Hammond and Winterton Special Area of Conservation: 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> <p>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>	<p>(a) Whilst condition 3(2) refers to [REP7-027], condition 3(1) requires "a strategy to promote an extension to the Haisborough, Hammond and Winterton Special Area of Conservation". 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 "no later than 12 months prior to commencement of any offshore works". 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 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>the Applicant will continue to engage with Natural England to further develop this measure post consent.</p>

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
			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 ensuring its delivery.	

6 Fishing and fisheries

6.0 Fishing and fisheries

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
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 view of legal protection afforded to cables and access to fishing grounds.</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> <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> <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>	

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
			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.	

7 Grid connection

7.0 Grid connection

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
No Questions				

8 Habitats Regulation Assessment

8.0 River Wensum SAC

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
No Questions				

8.1 Norfolk Valley Fens SAC

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
No Questions				

8.2 Southern North Sea SAC

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
Q4.8.2.1	Marine Management Organisation	Discussions with Regulators Group: MMO to provide any updates of discussions with Regulators Group [REP7-040]	The MMO attended a meeting on 23 April 2020 and will continue to meet monthly going forward. The MMO can advise that due to Covid-19 there is an expected delay in progress and potential funding. However, there is a proven manual mechanism in place which calculates and documents overall underwater noise risk, and is held and managed by Offshore Petroleum Regulator for Environment and Decommissioning	Noted.

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			(OPRED). The forum are still discussing finer details and funding in relation to a more technology driven documenting platform with public access.	

8.3 Hasiborough, Hammond and Winterton SAC

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
Q4.8.3.1	The Applicant,	<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 AEoI 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 (AEoI) 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: <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> <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</p>	

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			<p>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 AEoI 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 documents 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 (AEoI). Whilst it is correct that the final number and precise route of the cable has yet to 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 AEoI 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>	
Q4.8.3.1	MMO	<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 AEoI at consenting stage. Can the parties confirm that this will be the case?</p>	<p>a) The MMO notes this is directed to the Applicant. The MMO is aware of the alternative condition and Plan proposed CSIMP. In relation to securing mitigation measures the MMO notes that the CSIMP would also have this requirement therefore agrees with Natural England's proposal that the CSIMP should in fact be the 'Cable Specification, Installation, Mitigation and Monitoring Plan.' The MMO welcomes the CSIMP plan and related condition as an alternative route to capture all information required at post consent stage and the MMO is content with the principle and the mechanism behind the CSIMP. Notwithstanding this the MMO has concerns that approval of the CSIMP could result in the need for further consideration of Adverse Effect on Integrity by the MMO post consent, leading to potential delay regarding</p>	<p>a) The Final position of the MMO and the Applicant with regard to the CSIMP is provided at page 95 (Table 8) of the SoCG [REP9-023].</p> <p>In response to Natural England's proposed change in title of the document to include "mitigation" the Applicant does not fundamentally object to this name change, but it does consider that a change in name at this late stage of the examination would be unhelpful and lead to confusion given that so many of the Examination submissions thus far refer to the document under its current title. This could, however, be addressed as part of the final submission of the document post consent.</p> <p>As previously stated the Applicant considers that the approval by the MMO of the CSIMP is no different to the MMO's role in discharging any Marine Licence condition which may give rise to a Likely Significant</p>

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
			<p>the sign off of this document. The MMO notes that this is a risk for the Applicant.</p> <p>b) The MMO does not agree that the use of the SIP and the Grampian condition is a suitable mechanism to manage the uncertainty the Applicant has explained regarding the cable route and location of Annex I habitat.</p> <p>The MMO understands there is still disagreement regarding adverse effect on Integrity (AEoI) between the Applicant and Natural England (NE).</p> <p>The MMO emphasises that while the MMO defers to NE on these matters, the MMO still strongly believes that a decision should be made on AEoI at consenting stage and supports NE's position.</p> <p>The MMO understands that if no agreement on AEoI is agreed during examination it will be a matter for the SoS, in light of NE's comments and the information provided by the Applicant, to determine whether sufficient information is available to conclude for certainty that there is no AEoI at consenting stage when conducting the project Habitats Regulation Assessment.</p> <p>This MMO notes the Applicant is in agreement that it is now for the SoS to decide as part of the decision.</p>	<p>Effect on a European site, and is therefore an integral and usual part of the MMO's role as regulator of marine activities.</p> <p>b) The final position of the MMO and the Applicant with regard to the SIP is provided at page 91 (Table 8) of the SoCG [REP9-023]. As the MMO state here, whilst the Applicant and Natural England do not agree that AEoI can be ruled out for the HHW SAC, following the securing of further mitigation at Deadline 10, Natural England's view is that this has, "significantly reduced the risk of AEoI" (see page 13 of the SoCG with Natural England [REP10-038]).</p> <p>It is the Applicant's firm view that there is no AEoI on the HHW SAC. The information provided to inform a Habitats Regulations Assessment [APP-201] has been undertaken on the basis of a worst case scenario, using the best information currently available. The Applicant has also submitted evidence to demonstrate that there can be a high degree of confidence that the position assessed will not change prior to construction notwithstanding the proposed introduction of fisheries management measures. As Natural England agree in [REP9-045, paragraph 1.64], the mitigation measures relied on in support of the Applicant's conclusion that there is no AEoI are also adequately secured through the dDCO and associated certified documents. Accordingly, there can be no doubt as to the certainty of the Applicant's conclusions, and therefore no doubt that there will be no AEoI on the HHW SAC.</p>
Q4.8.3.1	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 AEoI at consenting stage. Can the parties confirm that this will be the case?</p>	<p>b) With regards both the SIP and CSIMP Natural England has concerns about (a) the practical suitability of the proposed Grampian condition and (b) the legality of the use of this condition. Please see Natural England's Position Statement [REP9-045] for further explanation of why these concerns remain.</p>	<p>The Applicant has provided a full response to Natural England's Position Statement [REP9-045] and to Natural England's Comments on the Outline Norfolk Boreas Haisborough Hammond and Winterton Special Area of Conservation Site Integrity Plan and Cable Specification, Installation and Monitoring Plan [REP9-039] in section 1.15 and section 1.9 respectively of the Applicant's response to Deadline 9 submissions and other submissions [REP10-033]. The Applicant has also responded to Natural England's comments on the legality of the SIP and the Grampian condition within section 6 of the Applicant's position paper [REP5-057] as referred to in the Applicant's response to Q4.8.3.1 above. In summary, a full Habitats Regulations Assessment (HRA) Report [APP-201] has been submitted to enable consideration of adverse effect on integrity and therefore to allow appropriate assessment to be undertaken at the consenting stage. Further, the Applicant's firm position is that there is no adverse effect on integrity as a result of the Project alone or in-combination. However, if during approval of the CSIMP or SIP any further considerations of adverse effect on integrity are required, this would be no different to what is required before discharging any Marine Licence condition which may give rise to a Likely Significant Effect on a European site, and is therefore an integral and usual part of the MMO's role as regulator of marine activities.</p> <p>Finally, it should be noted that the submissions made by Natural England at Deadline 9 predate the agreement with Natural England to include the following commitment within Condition 3(1)(g) of the Transmission DMLs:</p> <p><i>(7) In the Haisborough, Hammond and Winterton Special Area of Conservation, cable protection measures must not take the form of rock or gravel dumping.</i></p>

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
				With the inclusion of this commitment alongside the previous commitment to decommission cable protection, Natural England have agreed that impacts from cable protection on the HHW SAC will not be permanent and, in their view, this significantly reduces the risk of AEol to the HHW SAC (see the Statement of Common Ground with Natural England [REP10-38] and Natural England's response to Q4.8.3.2 below).
Q4.8.3.2	The Applicant,	<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> <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. <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>	

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			<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>	
Q4.8.3.2	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>Natural England note [REP9-045] The Applicant has committed to follow a cable burial hierarchy i.e. to always attempt to re-bury a cable before using cable protection, and a requirement to seek a new marine licence for any new areas of cable protection which might be required. In addition, the Applicant has committed to agree the cable route, to continue to explore opportunities to minimise the impacts from cable installation, as well as to agree the location, extent, type and quantity of any cable protection with the MMO in consultation with Natural England prior to deployment.</p> <p>Furthermore on 5 May the Applicant and Natural England have agreed a new condition and updated wording within the SIP and CSIMP which secures the mitigation to decommission cable protection. An updated DCO and outline documents will be provided by the Applicant at Deadline 10. This mitigation does not remove our conclusion that we cannot say beyond reasonable scientific doubt no AEol on the HHW SAC. However, we do acknowledge that as this mitigation is now appropriately secured the risk of an AEol has been significantly reduced. All of these commitments are welcomed and Natural England welcomes this additional commitment to mitigate the impacts to the SAC.</p>	<p>As stated above the Applicant's firm position is that no AEol to the HHW SAC can be concluded for all effects. The latest commitment to no rock or gravel dumping within the HHW SAC as a form of cable protection has further reinforced this conclusion. As highlighted here by Natural England the Applicant has taken significant steps to mitigate as far as possible any effects to the designated features of the SAC and ensure there is no hindrance to their anticipated recovery. The Applicant's firm position therefore is that these commitments are sufficient to allow the Secretary of State to conclude no AEol.</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 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</p>	

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
			<p>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:	Interested Parties' Response at Deadline 10	Applicant's Comments
No Questions				

8.5 Greater Wash SPA

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
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:	Interested Parties' Response at Deadline 10	Applicant's Comments
No Questions				

8.7 Flamborough and Filey Coast SPA

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
No Questions				

9 Landscape and Visual Effects

9.0 The Applicant's landscape and visual assessment

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
No Questions				

9.1 The Applicant's visual assessment

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
No Questions				

9.2 Alternatives considered

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
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]. 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) 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? b) Did Necton PC attend that earlier event? c) When did that event take place? d) Were the pros and cons of HVDC and HVAC communicated at that earlier event? e) Was that earlier event for the purpose of consulting on Norfolk Vanguard OWF, the Proposed Development, or both?</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> <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</p>	

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		<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>l) How will you ensure effective and constructive engagement and consultation over the design process and Design Guide, which ensure transparency?</p> <p>m) Include words in the DAS that set out a protocol to cover this.</p>	<p>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 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 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.</i></p>	

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			<p><i>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'. 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</p>	

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			<p>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> <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 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>	

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			<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> <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 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>	

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			<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 with the context in which consultation would take place prior to construction.</p>	
Q4.9.2.1	Necton Parish Council	<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]. 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) 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>The decision to use HVDC over HVAC transmission technology: In point f) the Examining Authority (ExA) states 'NSAG don't seem to be aware' of the difference in substation dimensions relating to the different technologies. None of the Necton Parish Councillors were aware of the significant difference in substation dimensions either. If the applicant had illustrated this difference in dimensions of the HVDC versus HVAC substations in a way that could be understood during their consultation at any point, there would have been many comments from interested persons from the area of Necton and these don't seem to be available. The decision to use AC versus DC transmission technology was presented as a decision that was the province of Vattenfall only and was not a subject for discussion. It was presented as a decision that was driven by the available technology and any effect on the infrastructure at Necton would be minimal. As the ExA has become aware of the high level of concern from Necton residents during the examination process, the ExA will probably have been expecting that the consultation process would have highlighted this as a significant issue. Had any information been available during the consultation process to Necton Parish Council (NPC), NSAG and other interested persons, you can be sure they would not have been shy in giving their views to Vattenfall! This is just one example that supports statements from NSAG and NPC who together represent the views of a large cross section of Necton</p>	<p>The Applicant has in response to Q4.9.2.1 at deadline 10 provided evidence that the difference in appearance between a High Voltage Alternating Current (HVAC) and a High Voltage Direct Current (HVDC) onshore project substation was included in consultation material. From the March 2017 (Phase II) consultation this distinction was made clear and additional visual aids were developed to assist consultees in understanding both HVAC and HVDC options, including a 3D visualisation model, which was developed and refined as proposals were refined, to show stakeholders and communities how the Applicant's thinking was progressing following each stage of consultation.</p> <p>The Applicant continued to consult regarding constraints and opportunities and other views on Project proposals with respect to both HVDC and HVAC transmission options until after Phase III consultation. Feedback received throughout engagement with communities and stakeholders indicated that the differences between the deployment of HVAC and HVDC transmission systems were well understood, and this is why consultation materials continued to reference and to illustrate both options, and to ensure that worst case scenarios in relation to impacts resulting from the design envelope, were apparent, and understood.</p> <p>The Applicant did not suggest at any stage that the "effect [of HVAC or HVDC] on the infrastructure at Necton would be minimal".</p>

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		<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>l) How will you ensure effective and constructive engagement and consultation over the design process and Design Guide, which ensure transparency?</p> <p>m) Include words in the DAS that set out a protocol to cover this.</p>	<p>residents, that the public consultation in Necton was not complete or adequate and did not use accurate information.</p>	<p>The Applicant did not invite discussion directly on the HVAC versus HVDC decision, as there were technical, commercial and environmental factors to be considered – it was far from clear during the early stages of Project development that an HVDC option would be technically feasible, or commercially available, i.e. deliverable. It was for this reason, that the Applicant did not ask for feedback on this topic specifically, as it may have been a disingenuous question to ask.</p> <p>As noted by Necton PC, communities and stakeholders understood this to be the case, but many continued nonetheless to make the case, as they saw it for their preferred option, including some participants attending Necton drop-in sessions and the workshop at Swaffham.</p> <p>The transparency of the Applicant's approach is clearly displayed in the two iterations of the FAQ documents shown in document 5.1.4.2 Consultation Report Appendix 04.02 - FAQ documents. The first FAQ was published in June 2017 – before a decision had been reached, while the second was dated April 2018, following the project decision to reduce the project design envelope and to commit to HVDC technology.</p> <p>The Applicant completely rejects and refutes the allegation of incomplete or inadequate consultation at Necton or anywhere else. Planning Act guidance on the pre-application process for major infrastructure projects (MHLG 2013) addresses such matters as:</p> <ul style="list-style-type: none"> • Effective pre-application consultation (para15) • Early involvement of local communities (para18) • Thoroughness of process (para 19) • Consultation of most value (para20) • Adequacy of consultation (para 22) • Thorough, effective, and proportionate consultation (para 25) <p>The Applicant consciously set out to far exceed every one of these standards for 'adequacy' in carrying out an early, inclusive, thorough and effective consultation. The 'adequacy' of the consultation, was acknowledged by all relevant local authorities, and also, crucially, by the Planning Inspectorate in accepting the DCO application.</p>
Q4.9.2.2	The Applicant	<p>Top Farm: Explain the reasoning for Lodge Farm not being considered as falling in a residential buffer zone in your consideration of alternatives.</p>	<p>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.</p>	
Q4.9.2.3	NSAG	<p>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 OWF, 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].</p>	<p>We would still think the Top Farm site would be a more suitable location for the onshore project substation, in the case described above.</p>	<p>The site at Top Farm is not large enough to accommodate both projects, and this option contradicts many in Necton who preferred to locate the Onshore Projects Substations for Norfolk Vanguard and Norfolk Boreas together, and to the East of the village e.g. "Towards Necton wood where it would be naturally screened" (a quote from document 5.1.3.2 Consultation Report Appendix 03.02 - Hearing Your Views II).</p> <p>During Phase II consultation, the Applicant was careful to inform consultees that the consultation going forward was in relation to both the Project and the Norfolk Vanguard Project. A closed (rather than an open)</p>

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				<p>question was asked of those taking part to gauge the level of understanding in relation to this point – “I understand how my comments will help to inform the development of both projects”. Overall, most participants affirmed that they understood that views they provided would inform decisions being taken in relation to both projects – as evidenced also in the Hearing Your Views II document. However, at the Necton event, while 20 of the 44 who responded agreed with the statement, and 5 respondents neither agreed nor disagreed, 14 disagreed, and only 5 responded “don’t know”. Having noted the results of respondents attending the Necton event were different from the overall results, additional focus during the consultation was put on helping local residents understand the EIA constraints and opportunities, in relation to matters most affecting them and decisions relating to the onshore project substation and connection point in particular. (All detail is included within document 5.1.3.2).</p> <p>Top Farm may be a preference for some, however, it is neither appropriate from an EIA perspective, nor does it reflect a consensus view of Necton and other local residents.</p> <p>The project has undergone an extensive site selection process (detailed in ES Chapter 4 [APP-217]) which has involved incorporating environmental considerations in collaboration with the engineering design requirements. Considerations include (but are not limited to) adhering to the Horlock Rules for the onshore project substation and Necton National Grid extension and associated infrastructure. In accordance with the Horlock Rules, the co-location of the Norfolk Boreas and Norfolk Vanguard onshore project substations will keep these developments contained within a localised area and, in so doing, will contain the extent of potential impacts.</p>
Q4.9.2.3	The NFU/LIF	<p>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].</p>	<p>The landowner C Allhusen maintains that Top Farm is a better site for Norfolk Boreas. The reduction in the number of buildings and other installations on the high and very open ground in scenario 1 by moving Norfolk Boreas to the far lower site of Top Farm would considerably reduce both the impact on the environment and the visual impact compared to having both sites on the same high site</p>	<p>Chapter 28.2.11 of the Consultation Report – Learnings from the Norfolk Vanguard examination process and community representations” shows a map, presented for illustrative purposes, to provide additional explanation on why the alternative siting suggested by some local stakeholders – at Top Farm – does not represent a viable alternative. In summary, any potential site at Top Farm is constrained from a technical perspective (by the overhead lines), it is too close to residential properties, it would result in greater visual impacts, particularly from the A47 and Spicer’s Corner and would result in additional impacts associated with preconstruction preparation. More details on constraints and opportunities and site selection are contained in Chapter 4 of the ES.</p>
Q4.9.2.3	Necton Parish Council	<p>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].</p>	<p>Since the same information was made available to both examining authorities (ExAs) and the accompanied site visits of both ExAs included Top Farm, the conclusions reached by both ExAs ought to be the same. If that’s not the case, the Secretary of State has the final say and one would hope that he will apply sense to the decision and ensure a single location is selected. If all that fails, Necton Parish Council (NPC) would prefer as much as possible of the huge infrastructure to be placed as low as possible in the landscape. Top Farm is therefore the preferred location for Boreas whatever recommendation is made by the ExA for Vanguard. In addition,</p>	<p>There is no reason in theory why the conclusions of both Examining Authorities on Top Farm should necessarily be the same, since both examinations have been conducted independently and matters relating to LVIA in particular are often subjective. In the event they were different, it would be for the Secretary of State to make a final decision on Norfolk Boreas in the knowledge of his decision on Norfolk Vanguard and having regard to such factors as co-location of substations and adopting a consistent approach to decision making.</p>

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			NPC would ask that if the ExAs come to different conclusions, an internal investigation be undertaken to understand why the Vanguard ExA did not reach the same conclusion as the Boreas ExA given that the same information was available to both ExAs.	

9.3 Landscape effects

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
No Questions				

9.4 Visual effects

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
No Questions				

9.5 Outline Landscape and Ecological Management Strategy (OLEMS)

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
No Questions				

9.6 Good Design

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
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</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</p>	

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		<p>be given to mitigation of adverse visual effects through use of appropriate colour and attention to good design through sensitive use of 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>electrical equipment. There may be some small portable buildings housing secondary equipment such as protection and control panels but these will be no greater 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>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> <p>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?</p> <p>b) Confirm that Requirement 18(g) would cover the setting of ground levels for Work No. 10A.</p> <p>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>	<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 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> <p>a. Provide any comments and/ or any further points you consider should be included or amended to the</p>	<p>a – Breckland Council responded at Deadline 9 to question 3.9.6.5 which addresses similar issues and relies on that response.</p> <p>b - Breckland Council is aware of the view of Necton Parish Council that it is not representing the views of Necton. It points out that Necton PC represent residents of Necton. It is the role of Breckland Council to represent the views of the residents of Breckland. BDC will seek to ensure thorough the discharge process that the applicants maximise landscaping, screening and mitigation for the sub-station. It is also important to minimise impact through choice</p>	The Applicant commented on Breckland Council's response to Q3.9.6.5 in the Applicant's Comments on Deadline 9 submissions and other submissions [REP10-033] and welcomed Breckland Council's agreement on the updates made in the DAS [REP7-005].

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		<p>updated DAS submitted at Deadline 7 [REP7-006] to [REP7-010];</p> <p>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</p> <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>	<p>of technology and not ruling any screening/landscaping options out including bunding and possible level changes to minimise the impact of the development. The Examining Inspector and the Secretary of State needs to be confident, given the differing impacts of the two technology choices, that the technology choice is not made purely for economic reasons.</p> <p>c- Yes</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> <p>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.</p> <p>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 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>	<p>a) A contribution to effective mitigation can also be made by specifying a lower ground level (datum) for the installations. NPC would like the ground level datums for the National Grid extensions and Converter halls to be set as follows:</p> <p>National Grid extensions:</p> <ul style="list-style-type: none"> 62 metres for the south east extension. Alternatively, the installation can follow the slope of the ground but cannot exceed 13 metres above ground level at any point. The north west extension to use the same datum level as the Dudgeon substation. <p>The height of the National Grid extensions to be limited to 13 metres above the applicable datum level.</p> <p>Converter halls datum level to be set at the 65 metre contour line. All buildings higher than 13 metres above the datum should be sunk into the ground such that their height above the datum does not exceed 13 metres.</p> <p>b) Further items to be included in the DAS.</p> <p>In REP7-006 Design principles for the onshore substation and national grid substation:</p> <p>On page 16, paragraph 41: NPC would like additions: 'The masts on the converter halls will be made of non-reflective materials' and 'The National Grid exterior equipment and exposed wiring will have a non-reflective finish to avoid shining in the sun'.</p> <p>On page 16, paragraph 42: NPC would like an addition: 'The landscape planting will be of saplings at least 2 metres in height' and 'Additional tree planting will be done to shield vulnerable viewpoints selected in consultation with local interested parties' and "Gaps in shielding planting will be closed so far as is reasonably practicable through the use of staggered or other planting options'.</p>	<p>a) The Applicant refers to the Applicant's comments on responses to the ExA's further written questions Q2.5.2.2 and Q2.9.6.4 where responses on these points previously raised by NSAG have been provided. In summary;</p> <p>At the National Grid substation extension the existing ground level at 69 metres AOD and the height of the external electrical equipment at 15m above existing ground level are secured through Requirement 19 of the dDCO. This is considered appropriate and has been assessed within the Environmental Statement. The Applicant also refers to the response to the ExA's Fourth written questions Q4.9.6.2 and the response to the ExA's Further Written Questions Q2.9.3.4 for further information.</p> <p>With regards to the onshore project substation convertor halls the Applicant has considered the lowering of buildings into the ground but in terms of landscape and visual considerations, the options of lowering the ground level or lowering buildings into the ground / slope were considered and discounted. In order to cut a level platform of 250m x 300m at a lower ground level or excavate subterranean buildings it would require a huge amount of earthworks and would fundamentally alter the character of the local landscape.</p> <p>b) Dealing with each point in turn:</p> <p>Page 16, paragraph 41: The Applicant refers to the response to the ExA's Further Written Questions Q2.9.4.3 [RE6-014] on the requirements for the lightning protection masts which states that the design of the lightning protection at the onshore project substation will be determined to industry standard requirements during detailed design following the appointment of an HVDC supplier. Lightning protection conductors are required to comprise of highly conductive materials such as aluminium and copper to provide the necessary protection performance and as dictated by industry standards. The lightning protection conductors are narrow and slender rods which will limit visual</p>

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			<p>On page 20, paragraph 60: NPC would like an addition: 'To screen the new installation, a 10- metre-high earth bank will be placed along the 65-metre contour line between Necton and the substations. The bank will run between 20 metres away from the A47 and the sugar beet pad track on Necton Farm that runs from Ivy Tod road and is marked as a double dotted line on the ordinance survey map. This earth bank to be planted with trees.'</p> <p>NPC welcome the local input into the converter hall colour preference already included in paragraphs 70, 74, 76, pages 22–24 and in the section Outline for The Norfolk Boreas Design Guide principles on pages 33-4</p> <p>On page 26, paragraph 89: NPC would like an addition: 'The exterior lighting installed will be of a type that illuminates in a downward direction only'.</p> <p>On page 26, paragraph 92: NPC would like an addition 'Earth banks 15 metres in height will be built around the complete outer circumference of the converter halls compound and planted with trees' and 'These trees will have an additional 5 years of aftercare making 10 years in total because of the challenging growing conditions on the artificial banks'.</p> <p>c) Further OLEM points On page 6 of document REP8-006 it states that 'replacement planting after the 5-year aftercare period would be at the discretion of Norfolk County Council'. Could this be changed to at the discretion of Necton Parish Council or Breckland Council?</p>	<p>impact and light reflectivity. Therefore, the proposed addition to the DAS is not appropriate.</p> <p>Page 16, paragraph 42: Details on landscape planting are secured through the OLEMS [REP10-014], the details of the proposed landscape scheme will be developed post-consent and approved by Breckland Council which will include details of the location, number, species, size and density of any proposed planting. Therefore the proposed addition to the DAS is not necessary.</p> <p>Page 20, paragraph 60: The Applicant refers to the Applicant's comments on responses to the ExA's further written questions, Q2.5.2.2 where it explained why the creation of a 10m high bund or even 15m bunds are not appropriate and therefore should not be detailed in the DAS</p> <p>The Applicant will welcome NPC's engagement on the convertor hall colour.</p> <p>Page 26, paragraph 89: The DAS [REP7-005] confirms that normal operating conditions would not require lighting at the onshore project substation, some low-level movement detecting lighting may be used for health and safety purposes, determined by health and safety requirements. Therefore the proposed addition to the DAS is not necessary.</p> <p>Page 26, paragraph 89: Please refer the comment above (in response to the amendment to Page 20, paragraph 60). Bunds of 15m are not appropriate and should not be detailed in the DAS. An appropriate aftercare period of 5 years is proposed for all planting in the Breckland administrative area and no evidence has been submitted to demonstrate that this aftercare period is not sufficient. Therefore it is not necessary to secure an extended aftercare period.</p> <p>c) Requirement 19(3) of the dDCO secures that Breckland Council, as the relevant planning authority, will approve replacement planting during the aftercare period: <i>'Any other tree, hedge or shrub planted as part of an approved landscaping management scheme that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased must be replaced in the first available planting season with a specimen of the same species and size as that originally planted unless a different species is otherwise approved by the relevant planning authority.'</i></p>
Q4.9.6.5	NSAG	Design and Access Statement (DAS) and Outline Landscape and Ecological Management Strategy (OLEMS) - comments requested: 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].	Our only response it that we appear to have been brushed aside by the applicant once again. This demonstrates that a face to face OFH is essential, which would require a delay.	NSAG have submitted a number of written submissions to the examination establishing their concerns and the Applicant has provided comments to each submission throughout the process.
Q4.9.6.6	The NFU	Design and Access Statement (DAS) - comments requested: The Applicant updated the DAS at Deadline 7 responding to third round questions from the ExA (specifically ExQ3.9.6.2 and	The NFU would still like to see the wording in the DAS at paragraph 70 made clearer.	The Applicant can confirm that the 'relevant landowners' does include the landowners directly impacted by the onshore project substation and the Applicant is committed to engaging with them as the development

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		<p>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> <ol style="list-style-type: none"> Are you content with the reworded DAS? Provide any comments, amendments or further points for consideration for inclusion in the updated DAS submitted at Deadline 7 [REP7-006] to [REP7-010]. Do you have any further comment in this regard? 	<p>The NFU would like to confirm that the relevant landowners referred to in paragraph 76 of the DAS are the two landowners who will be directly affected by the converter station. The NFU would like to see that these two landowners are consulted along with Breckland Council at the first stage of consultation on materials and colour. Also to be consulted on in regard to the landscape design along with the chosen plants. This needs to be stated in the DAS at paragraph 70.</p> <p>It is agreed that it should then be open to the local community for further consultation.</p>	<p>progresses. However, it is not considered appropriate to name individuals within the DAS.</p> <p>As stated in the DAS further details of who and how the consultation on the Design Guide will be undertaken (which will include information on material, colour, and landscaping) will be agreed with Breckland Council once the design guide information is available.</p>
Q4.9.6.7	The Applicant	<p>Design and Access Statement (DAS) and Outline Landscape and Ecological Management Strategy (OLEMS):</p> <p>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):</p> <p><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	<p>Future approvals:</p> <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> <ol style="list-style-type: none"> 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? Is there anything further you would wish to see incorporated regarding Scenario 1, where the Norfolk Vanguard substations may have preceded the design 	See deadline 9 response to Q3.9.6.7	The Applicant commented on Breckland Council's response to Q3.9.6.7 in the Applicant's Comments on Deadline 9 submissions and other submissions [REP10-033].

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		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:	Interested Parties' Response at Deadline 10	Applicant's Comments
No Questions				

10 Marine and Coastal processes

10.0 Marine and Coastal processes

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
No Questions				

11 Navigation

11.0 Navigation

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
No Questions				

11.1 Aviation and Radar

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
No Questions				

12 Onshore construction effects

12.0 Cable corridor and ducting

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
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> <p>b. Provide any further comments on your position regarding a trenchless crossing; and</p> <p>c. Any comments on the aforementioned Norfolk Vanguard document, which in the case of the Proposed Development would be relevant to Scenario 2.</p>	<p>a) NCC note the applicant now accepts it would be possible to provide a trenchless crossing design capable of being accommodated within the existing order limits. Whilst accommodating an HDD at this location may constrain the project design prior to detailed design, nevertheless we argue that when balanced against the concerns raised by both NCC and Broadland District Council, the Applicants reason is not sound or justifiable.</p> <p>It is NCC's position that trenchless crossing is the most appropriate method to minimise the overall impacts. NCC also direct the ExA's attention to the fact that subsequent to our Deadline 5 submission, Broadland District Council also raised concerns with open cut trenching, due to impact upon hedgerow.</p> <p>Whilst NCC still disagrees with the Applicants overall assessment in relation to trenchless crossings, nevertheless we do agree that should the SoS be minded to accept trenchless crossing of the B1149, then this location will need to be included as an addition at Requirement 16(13), with reciprocal changes in Schedule 6 and Schedule 8 of the dDCO.</p> <p>NCC maintains its view that an open cut method of duct installation at this specific point on the B1149 is not appropriate.</p> <p>b) NCC maintains its view that an open cut method of duct installation at this specific point on the B1149 is not appropriate.</p> <p>NCC note the Applicant now accepts traffic signals would be required 24 hours a day, reducing the carriageway to one-way flows. With this in mind, we note the Applicants reference to paragraph D5.1.6 of Chapter 8: -</p> <p>"...On roads where flows are very high, overload of the controlled area is possible and exceptional delays may result. This can occur with two-way flows as low as 1300 vehicles per hour (for sites about 50m long)"</p> <p>However, the Applicants have only quoted part of the text which goes on to say: -</p> <p>...and with a one-way flow of 900 vehicles per hour (for longer sites with balanced flows) with signal control."</p> <p>The B1149 peak hourly traffic flows (Norfolk Boreas; combined with Hornsea3; plus baseline traffic) are forecast to be in the order of 900 movements and signal control is required for in excess of 50m, thereby reducing the road to single flows. Accordingly, exceptional delays may result.</p> <p>Chapter 8 goes on to say – "...If this is likely to occur, the designer will have to consider the implications and possible alternative options, for</p>	<p>The Applicant refers to the Applicant's Comments on Deadline 9 and Other Submissions [REP10-033] section 1.26 where it has addressed the points raised by NCC regarding the B1149.</p> <p>The Applicant's position remains that evidence has been submitted to the examination which demonstrates that open cut crossing methods are appropriate and feasible at this location. The Applicant has addressed every issue raised by NCC to reach a position where NCC has no technical reason to object to the open cut crossing method.</p>

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			<p>example, diversions or restrictions on the hours of working". Neither of these are possible given (i) the route needs to be kept open for the abnormal loads associated with Hornsea 3 and (ii) traffic signals are required 24 hours per day preventing restrictions on the hours of working.</p> <p>Whilst NCC have not raised an objection relating to driver delay, nevertheless we wish to point out that such an impact lies on the cusp of acceptability and it is not as clear cut as the Applicants indicate.</p> <p>NCC recognises that Norse laboratory has provided a construction specification, however the issue of long-term maintenance liability remains a significant concern, particularly given the potential for other future large-scale projects and their associated HGV load movements. Rural road structure can vary greatly, and with an increasing volume of base level traffic (notwithstanding the additional loading from these HGV movements) any weakening of the surface construction derived from breaking open the bound and subgrade layers will greatly increase the risk of carriageway failure for years to come.</p> <p>NCC notes no detailed project timeframe has been provided and whilst the Applicant states a full and detailed construction method statement could be included within the final CoCP, as secured by Requirement 20(2)(g) of the dDCO, that would be too late to make the appropriate assessment. NCC have not seen a breakdown to show how the figure of up to 72 daily additional HGV movements along the B1149 and The Street at Oulton has been derived - for example is that just for one day? We are not clear what "up to" actually means and are not convinced it would be every day for 8 weeks which seems to be implied.</p> <p>Whilst the Applicants indicate active construction works would not be required outside of construction hours, that does not address the point we make. NCC's point is that disruption would take place 24 hours per day as a direct result of the traffic signals, including noise associated with traffic stopping and starting at the signals during night-time hours.</p> <p>NCC note the Applicant's contractor will be expected to use their best endeavours to programme the works to avoid the cumulative AIL scenario and this is welcomed. It would need to be captured in the final CTMP, if the ExA agrees with the Applicants that open cut trenching is appropriate.</p> <p>NCC note the Applicants comment that: - "...NCC's current position can be interpreted as contradictory; effectively advocating an access with associated traffic management and environmental impact in the same location that the lesser impacts of an open cut trench are objected to."</p> <p>However, the Applicants are not comparing like with like. NCC's assessment is that whilst not ideal, trenchless crossing for this</p>	

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
			<p>location is preferable to open cut trenching. Similarly, whilst an access for a haul road at this location is also far from ideal, nevertheless it is preferable to the alternative of taking the construction traffic through Cawston village.</p> <p>In conclusion, NCC can see nothing to change the view we have previously expressed and still wish to see a trenchless crossing method employed. NCC believe this to be reasonable, especially given the Applicants acknowledge it is within their ability to provide.</p>	
Q4.12.0.2	Norfolk County Council	<p>Church Road, Colby (open cut trench/ trenchless crossing): 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>	<p>NCC note the Applicants concerns in relation to visibility splay lengths and the duration of the works but remain satisfied that during construction, safety at the temporary accesses could be controlled and managed via appropriate traffic management measures. The exact details can be confirmed within the CTMP post consent. Accordingly, NCC reaffirm that we have no objection to the amendments proposed by NNDC.</p>	<p>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>
Q4.12.0.3	North Norfolk District Council	<p>Church Road, Colby (open cut trench/ trenchless crossing): 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]. 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 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?</p>	<p>Please see NNDC's response to ExQ3.5.3.8 dated 01 May 2020 [REP7-072]. This set out, inter alia, that 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.</p>	<p>The Applicant welcomes NNDC's withdrawal of their request for a trenchless crossing at Church Road, Colby. The Applicant is committed to minimising impacts to trees and hedgerows and appropriate commitments are included in the OLEMS (Version 5) [REP10-014].</p>
Q4.12.0.4	The Applicant	<p>Church Road, Colby (open cut trench/ trenchless crossing): 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]? b) How could some of this information such as the trees and their locations be secured? 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: <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> 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</p>	

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
			<p>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 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>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 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:	Interested Parties' Response at Deadline 10	Applicant's Comments
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>	<p>Please see NNDC's response to ExQ3.12.1.1 dated 01 May 2020 [REP7-072].</p> <p>In addition, further comments were provided within Section 2 of NNDC's combined Deadline 8 & 9 submissions dated 04 May 2020 [REP9-059]. NNDC are reasonably confident that the above matters can be satisfactorily addressed by the applicant prior to the examination closing.</p>	<p>The Applicant refers to the Applicant's Comments on Deadline 10 submissions and other submissions [ExA.ASR.D11.V1], submitted at Deadline 11, where it has commented on NNDC's Deadline 8 & 9 submissions and confirms the updates to the OCoCP requested by NNDC are included in the OCoCP (Version 5) [REP10-012] submitted at Deadline 10. As such all matters regarding the OCoCP are agreed with NNDC.</p>

12.2 Noise and Vibration

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
Q4.12.2.1	The Applicant	<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) 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</p>	

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
		<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>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>	
Q4.12.2.1	Old Railway Gatehouse	<p>Old Railway Gatehouse: 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>d) 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>e) 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? Old Railway Gatehouse – do the proposed physical alterations to your property offered by the Applicant [REP5-025] address your concerns [REP7-071]?</p>	<p>We object to this project in the strongest possible terms. If this project is given approval, then we maintain the position that our lives here will be made intolerable, even with the proposed physical alterations to our property.</p> <p>In addition, these alterations are very limited, only even attempting to deal with the southern side of the property, and in no way addressing the noise and emissions which we will receive from HGV traffic approaching from the north. None of these alterations will reduce in any way the vibration we will feel from the passing HGVs. Already we have discovered with the extra HGV traffic due to the potato store affects us with the noise. We feel that Vattenfall offering a few triple glazed windows is a joke as we can hear the traffic passing our house in every single room. It is unacceptable that they think this is a viable offer when they have not even spoken to us! The acoustic wall to go round the garden on the South of the property? What about the North side when the HGV vehicles travel from the direction of the compound back past our property? The supposed offer has clearly been made by persons who have not even visited the property to make any assumptions in keeping with their total disregard.</p> <p>However, if the Secretary of State is minded to approve, then we shall need all the help we can get.</p> <p>In that case, we request that the proposed physical alterations to our property be expanded to include the northern side of the property and all windows triple glazed including the skylight window and that all mitigation be changed now from "Optional" to "Mandatory".</p> <p>The Applicant has never made any direct contact with us, up to this date of writing, and so we obviously cannot provide "landowner agreement" at this stage, without discussion of the details with them.</p>	<p>The Applicant spoke with the residents of Old Railway Gatehouse on the 7th May 2020 and a summary of the call was sent to the residents on the 8th May 2020 as a record of that discussion. The Applicant acknowledges the views of the residents in relation to the project, and a key outcome of the discussion is that the Applicant has agreed to consider extending the physical alterations to include the northern side of the property and acoustic glazing of all windows, including the skylight windows.</p> <p>The Applicant is committed to engaging with the residents to reach a mutually acceptable form of enhanced mitigation and will continue to engage with the residents in order to achieve this.</p> <p>The enhanced mitigation is secured in the Highway Intervention Scheme (HIS) and, as noted in the final Outline Traffic Management Plan (REP10-016), the first project (either Hornsea Project Three or Norfolk Boreas or Norfolk Vanguard) to proceed to construction would deliver the full scheme of mitigation required by the HIS, including the enhanced mitigation currently included for Old Railway Gatehouse.</p> <p>Whilst the Applicant can consider the request for additional enhanced mitigation on behalf of both Norfolk Boreas and Norfolk Vanguard, should either of these projects commence construction first, it cannot do so on behalf of Orsted Hornsea Project Three. However, the Applicant will discuss this matter with Orsted Hornsea Project Three to see if they are also willing to accommodate the residents' request.</p> <p>Any further agreement reached between the Applicant and the residents of Old Railway Gatehouse will be included in the final submission of the Traffic Management Plan at the post consent stage.</p>

12.3 Construction Hours

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
			No questions	

13 Socio-economic effects

13.0 Skills and Employment Strategy

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
No questions				

13.1 Jobs

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
No questions				

13.2 Tourism

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
Q4.13.2.1	North Norfolk District Council	<p>Tourism Mitigation Strategy: 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 assist the ExA in reaching its recommendation to the SoS.</p>	<p>Please see NNDC's response to ExQ3.13.2.1 dated 01 May 2020 [REP7-072]. In addition, further comments were provided within Section 3 and Appendix A of NNDC's combined Deadline 8 & 9 submissions dated 04 May 2020 [REP9-059]. NNDC consider that the ExA now have considerable evidence to support and justify the Requirement wording suggested by NNDC at Deadline 2 [REP2-087] (Pages 32/33 – para 14.21) to be able to make a positive recommendation to the SoS for its inclusion within the DCO consent.</p>	<p>The Applicant's position with regard to potential tourism impacts resulting from negative perceptions associated with construction impacts has been presented in detail in response to the ExA's Third Written Questions Q3.13.2.1 [REP7-017].</p> <p>The Applicant refers to the Applicant's Comments on Deadline 10 submissions and other submissions [ExA.ASR.D11.V1], submitted at Deadline 11, where it has commented on the NNDC Deadline 8 & 9 submissions, including the further comments on tourism.</p> <p>The Applicant considers that there is no evidential link that the short-term construction presence associated with an offshore wind farm in North Norfolk would lead to an actual or potential impact on tourism as a result of negative perceptions. The Applicant remains of the firm opinion that the suggested Requirement wording would not meet the tests in paragraph 55 of the National Planning Policy Framework (NPPF) (2019) as embedded through paragraph 4.1.7 and 4.1.8 of EN-1.</p>

13.3 Land use and Agriculture

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
Q4.13.3.2	The Applicant	<p>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</p>	<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>	

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
		before the end of the Examination, what would be the consequences for the application?	<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 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 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</p>	

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
			<p>from the NFU yet it inserts a necessary measure of control and reasonableness as set out above.</p>	
Q4.13.3.2	National Farmers' Union (NFU)	<p>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>	<p>Provide an update on progress resolving outstanding disagreement?</p> <p>The NFU and LIG cannot accept the new proposed wording at all. The Applicant, Vattenfall, has to be responsible for the supply of water as well as the installation of the supply. It might be that it is a simple repair where a pipe is severed and so just needs a repair or a section replacing. In this instance the supply of water will not be affected.</p> <p>The reason for the inclusion of the wording '<i>where an existing private water supply to a farm is adversely and directly affected by construction</i>' covers if a borehole/spring or reservoir supply becomes contaminated by the construction works. This will need to be rectified and it might be that a new borehole is required. This is shown very clearly by the wording that was agreed within the CoCP for the A303 Stonehenge.</p> <p>As stated to Vattenfall on 6.4.2020 and again in a conference call on 21.04.2020 the words 'reasonable endeavours' are not acceptable.</p> <p>The NFU asks the Examiners to agree the wording as submitted on the 6.4.2020 in the SoCG with the NFU and the response to the third written questions on 31.3.2020.</p> <p>Wording is highlighted below which is included in the CEMP for A30 Chiverton to Carland Cross:</p> <p>A30 Chiverton to Carland Cross the wording agreed in the CEMP in Table 16.3 under RDWE3.</p> <p><i>Where an existing private water supply is adversely and directly affected by the construction of the Proposed Works and it can be demonstrated by the landowner/farmer to be reasonably required for the property/business, provide or procure or meet the reasonable cost of the provision of an alternative supply of water. Where the supply is so affected temporarily by the construction of the Proposed Works, then the alternative supply need only be supplied for the period during which it is so affected.</i></p> <p><i>Where the potential for impacts to private water supplies remains unclear, a detailed assessment of groundwater levels and flows shall be undertaken during detailed design to fully understand the potential impact upon each feature of interest. Where, following this assessment, the potential for impact remains unclear or is certain, a new private water supply (e.g. a borehole) will be established following discussion with the landowner.</i></p>	<p>The Applicant has set out its position in detail in the response provided above and the final position is as set out in the SOCG submitted at deadline 10 (REP10-037). The Applicant has included a reasonable compromise position within the OCoCP submitted at Deadline 10, and the Applicant considers that this should be the final wording for this matter [REP10-012].</p>

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
			<p>The following wording has been agreed in regard to water supplies for the A303 Stonehenge application for a DCO by Highways England. This is the latest scheme where NFU have been involved.</p> <p><i>Private water supplies:</i> <i>Where an existing private water supply to a farm is adversely and directly affected by the construction of the Scheme, the main works contractor shall, if requested by the farmer or landowner to do so, provide or procure or meet the reasonable cost of the provision of an alternative supply of water (the form and type of which shall be at the contractor's option). Where the supply is affected temporarily by the construction of the Scheme, then the alternative supply need only be supplied for the period during which it is affected.</i></p> <p><i>Where a 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 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 a permanent means of alternative supply of water (the form and type (either borehole or mains supply) shall be at the contractor's option).</i></p> <p>If agreement is not reached before the end of the Examination, what would be the consequences for the application?</p> <p>The NFU and LIG do not completely understand the question but private water supplies will have to be addressed within the Outline CoCP which at the present time there is no reference to. The NFU has now provided two lots of wording agreed in previous DCO applications where the wording 'reasonable endeavours' has not been included and it is very clear that the wording does cover for a supply of water as well as the installation.</p>	

13.4 Public Health

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
No Questions				

13.5 Other offshore industries and activities

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
No Questions				

14 Traffic and transportation

14.0 Outline Traffic Management Plan (OTMP)

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
Q4.14.0.1	Norfolk County Council	Outline Traffic Management Plan Is the OTMP now an agreed document [REP5-024 - REP5-028] or do any matters remain unresolved?	<p>There remains a possible driver compliance issue with the highway intervention scheme for link 34 at Cawston. Whilst the Applicant has incorporated possible solutions within the Outline CTMP, NCC would like to see the list of possible solutions expanded with a commitment to reduce the volume of traffic downwards from 239 HGV's per day until a point is reached where (via on site monitoring) there is no longer a compliance issue.</p> <p>The CTMP still needs to be updated to include the following: -</p> <ul style="list-style-type: none"> • Explanation of how condition surveys will be undertaken and monitored. • A method for undertaking the technical vetting for the detailed design of all off-site highway works. • Acceptance of responsibility for any part 1 claims under the Land Compensation Act that are directly attributable to the Applicant's off-site highway works. 	<p>The Applicant has undertaken further engagement with NCC and has agreed the following additional intervention measure for potential driver compliance issues, which is included in the OTMP (Version 5) [REP10-016] submitted at Deadline 10:</p> <p>"Incrementally reducing the volume of traffic passing through Cawston from 239 HGV movements through targeted intervention informed by monitoring and consultation with the Highway Authority."</p> <p>The Applicant also refers to the Joint Position Statement with NCC on the Highways Intervention Scheme submitted at Deadline 11[ExA.AS-1.D11.V1] where NCC state " We have previously identified a potential driver compliance issue, however we are now satisfied that the Applicant's proposed amendments to the OTMP, as set out within this joint position statement, are sufficient to address the issue should it arise."</p> <p>The OTMP (Version 5) [REP10-016] submitted at Deadline 10 also includes the updates requested to agree the specification for condition surveys and the method and responsibilities for off-site highway works.</p>

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

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
Q4.14.1.1	Norfolk County Council	Highway Intervention Scheme <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>	<p>a) Whilst we have no objection to the Applicants highway intervention scheme (Option 1), nevertheless we have identified a diver compliance issue. This was also identified within the Applicants Road Safety Audit which recommended a review of "...the compliance of drivers following the introduction of the reduced speed limits and introduce further measures if necessary"</p> <p>If parking occurs outside the designated parking areas; traffic fails to yield at the correct points; or if traffic speeds are much higher than 20mph, the proposed intervention scheme could fail. Whilst the RSA did not indicate what "further measures" can be introduced, it is NCC's position that the options are limited in the main to: -</p> <p>(i) Reducing the volume of traffic passing through Cawston from 239 HGV's per day until a point is reached where there is no longer a compliance issue. However, we fully understand this would lengthen the duration of the project.</p> <p><u>Or</u></p>	<p>a) The Applicant has undertaken further engagement with NCC and the intervention measures to address potential driver compliance issues have now been agreed and included in the OTMP [REP10-016].</p> <p>The Applicant refers to the Joint Position Statement with NCC on the Highways Intervention Scheme [ExA.AS-1.D11.V1] submitted at Deadline 11 where NCC have confirmed:</p> <p>"Whilst the County Council would still prefer to see a haul route aimed at removing HGV construction traffic from Cawson Village, nevertheless we are satisfied the proposed HIS for Link 34 is sufficient to mitigate against the impact arising from the Applicant's development, including the cumulative scenario with Hornsea 3.</p> <p>We have previously identified a potential driver compliance issue, however we are now satisfied that the Applicant's proposed amendments to the OTMP, as set out within this joint position statement, are sufficient to address the issue should it arise."</p> <p>The Applicant refers to the Applicant's response to the ExA's third written questions Q3.14.1.8 [REP7-017] where it has given clear reasons why an alternative haul route is not workable or proportionate. Whilst the HIS</p>

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			<p>(ii) Introduce a one-way system with the HGV traffic entering the village but exiting via Option 5. We do not support this option as it has several significant safety problems – see our response to Q3.14.1.8 set out below.</p> <p>In response to our concern, the Applicant has agreed to intensify the monitoring regime to facilitate early warning of issues. Whilst this is welcome and would help identify the exact nature of the problem, it does not in itself provide the solution.</p> <p>The Applicants solution is: -</p> <ul style="list-style-type: none"> • Rectify any breach of requirements. We fully accept this may be a solution if the problem is limited to a breach of the requirements, but that is not the issue we have identified. • Introduce warning hazard signs. However, we have already identified the points at which poor compliance is likely to occur and there is no realistic prospect of introducing additional signage at those points. • Introduce mandatory give-way. This does not form part of the current scheme as it could make matters worse. • Increased parking enforcement. We agree this may be beneficial and necessary but offers only a partial solution. • A reduction in the cumulative HGV cap (239 HGV movements) by ensuring Norfolk Boreas and Hornsea3 traffic demand does not overlap. This may go some way to addressing the problem. <p>NCC would like to see the list of possible solutions expanded with a commitment to reduce the volume of traffic downwards from 239 HGV's per day until a point is reached where (via on site monitoring) there is no longer a compliance issue.</p> <p>b) NCC notes there are existing narrow sections of footway throughout Cawston village centre and we are aware of Cawston Parish Councils concerns. The Applicant's response to the RSA, including the specific point in relation to the narrowness of the footways was considered by NCC's development team at its sitting on Monday 9th March 2020. By way of explanation, the team comprised officers from all parts of the Highway Authority including various development management engineers; an area manager for highway maintenance; the growth and infrastructure manager; as well as an internal road safety auditor. The conclusion of the team was that it agreed with the Applicants response and had no further comment to add.</p>	<p>may not be NCC's preferred approach, it is agreed that the HIS is sufficient to mitigate against the traffic impact arising from the Project on Link 34 (Cawston) alone, and cumulatively with other projects.</p> <p>b) The Applicant welcomes the agreement from NCC on the response to the RSA, including the specific point in relation to the narrowness of the footways.</p>
Q4.14.1.2	Norfolk County Council	<p>Highway Intervention Scheme Are you content that the revised HIS drawings reflects the recommendations of the RSA [REP5-055]?</p>	<p>Please see response to Q4.14.1.1 above. Whilst we have no objection to the Applicants highway intervention scheme (Option 1), nevertheless we have identified a diver compliance issue. This was also identified within the Applicants Road Safety Audit which recommended a review of "...the compliance of drivers following the introduction of the reduced speed limits and introduce further measures if necessary" and this point still needs to be addressed within the Outline Traffic Management Plan.</p>	<p>Please see comments on the response to Q4.14.1.1 above.</p>

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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.	We have no additional points to raise.	Noted.
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.	a) NCC agree with the Applicant's proposed cutting specification for visibility splays, namely five cuts during the growing season (May to September) applied to the overhanging vegetation. b) The objective of the road safety audit is to identify aspects of engineering interventions that could give rise to road safety problems and to suggest modifications that could improve road safety. It is important to note that road safety audit is not intended to be a technical check of compliance with design requirements. Whilst the scheme passed the RSA, nevertheless NCC have raised a potential concern regarding driver compliance, namely that drivers may fail to yield at pinch points. See also our response at Q4.14.1.1.	a) The Applicant welcomes confirmation on the proposed vegetation maintenance regime. b) The Applicant refers to comments on the response to Q4.14.1.1 above which confirms that the measures regarding potential driver compliance are agreed with NCC.
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: • 6pm to 9am and 3pm to 4pm (Monday to Friday) Para 122 set out the restrictions as follows: • 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). To clarify, the HGV restriction is no deliveries between 6pm and 9am; and no deliveries between 3pm and 4pm during school term times. 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.	
Q4.14.1.6	The Applicant	Cumulative traffic effects in Cawston: 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?	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: <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>	
Q4.14.1.7	Broadland District Council	Alternative traffic movement through Cawston: Do you have anything further to add regarding the possibility of using Option 5 [REP5-054] as further mitigation alongside Option 1	Given the stated concerns about traffic noise in the centre of Cawston, an alternative traffic routing agreement is required to reduce the number of construction HGV's. It is noted that NCC Highways have some technical concerns about the use of Option 5 due to road width and alignment of	The Applicant has undertaken a cumulative impact assessment of noise and provided a further assessment specific to the implementation of the Highway Intervention Scheme (HIS). Both assessments have concluded

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		(current HIS), in light of the Applicant's response [REP7-017, ExQ3.14.1.8]?	junctions. A combined Option 5 and Option 1 is the District Council's fourth preferred option. The District Council's order of preference for the stated alternative traffic movement options is: i) Option 2, ii) Option 4, iii) Option 3, iv) Option 5 (combined with the HIS of Option 1 to provide one-way construction HGV's through the centre of Cawston) and then lastly the HIS of Option 1; which provides two-way construction HGV's through the centre of Cawston.	that there is no significant adverse effect from construction noise through Cawston. The Applicant has reduced the number of HGV movements through Cawston and sought to reduce the short-term peak in construction traffic to as low as practicable (reducing from a peak of 133 daily HGV movements in the ES to the current peak of 112 daily HGV movements, which will be for only 1 week of construction). The Applicant will also continue to work collaboratively with Hornsea Project Three to avoid peak demand overlapping to enable reduction the cumulative daily HGV movements cap (239). The Applicant has, in response to the Third Written Questions [REP7-017] Q3.14.1.8, given clear reasons why alternative options 2, 3, and 4 through Cawston are unworkable and disproportionate, including amongst other reasons, that they would not apply to either Norfolk Vanguard or Hornsea Project Three. Option 5 is not supported by NCC, as detailed in their Response to the ExA's Third Round of Written Questions [REP8-036] and therefore is unable to be progressed.
Q4.14.1.7	Norfolk County Council	Alternative traffic movement through Cawston: 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]?	NCC does not support Option 5 as the highway network is not suitable to cater for the traffic proposed due to poor junction alignment; forward visibility issues and unsuitable narrow rural lanes. In addition, the fabric of the road is insufficient to support the volume of HGV use proposed. The Applicant provided updated drawings for Option 5 during a meeting on the 16th March 2020, however apart from providing 4 additional passing places the updated drawings do not address the concerns we have raised. In addition, it is now evident the Applicant's proposal would involve infilling a drainage ditch which (apart from the obvious drainage implications) does not form part of the public highway and lies outside the Applicant's Order limits.	The Applicant acknowledges that Option 5 is not supported by NCC and as such is not being progressed further. However, Option 5 is not required to mitigate the impacts on Cawston as it is agreed with NCC that the Highway Intervention Scheme is sufficient to mitigate against the traffic impact arising from the Project on Link 34 (Cawston) alone and cumulatively with other projects.
Q4.14.1.7	Cawston Parish Council	Alternative traffic movement through Cawston: 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]?	Cawston Parish Council does not support the suggestion of Option 5 as a further mitigation. Particular issues include:- 1. This option fails to remove two-way traffic from Salle Beck Bridge, an inadequate bridge which can be avoided if other options were chosen. 2. Issues of safety, noise, vibration and air quality for those living on Heydon Road (Long Lane) 3. The dangerous junction with the B1145 at the Marriotts Way bridge 4. This is an inadequate road for heavy traffic, as noted by NCC. 5. It is the main route for Heydon residents to get to Cawston to access local services – they would find themselves travelling against the HGV traffic direction.	The Applicant acknowledges that Cawston Parish Council and NCC do not support Option 5 and as such it is not being progressed further. However, Option 5 is not required to mitigate the impacts on Cawston as it is agreed with NCC that the Highway Intervention Scheme is sufficient to mitigate against the traffic impact arising from the Project on Link 34 (Cawston), alone and cumulatively with other projects. The Applicant refers to the response to the Third Written Questions [REP7-017] Q3.14.1.8 where it has given clear reasons why the alternative options are unworkable and disproportionate. In summary, they would not apply to either Norfolk Vanguard or Hornsea Project Three, there is already a solution agreed with NCC which mitigates traffic impacts in the form of the HIS, and the other options were never proposed in the pre-application consultation. The Position Statement on Cawston Traffic [REP5-054] and the response to the ExA's Further Written Questions Q2.14.1.6 clearly sets out how the Applicant fully considered the alternative options in terms of construction methodology, environmental impacts and land requirements. Option 2 was considered unworkable, stating:

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			<p>6. There would be a temptation to rat-run through Sygate (Southgate on OS maps) for non-HGV construction traffic.</p> <p>NCCs letter (REP8-036) explains why they do not support Option 5. The letter shows their clear preference for Option 2, and we are in full agreement with that. Cawston residents should not be the victims of the Applicant's failure to use accurate data and carry out proper surveys when drawing up its original plans.</p> <p>Cawston Parish Council would like to re-emphasise that the Applicant has provided details of a viable alternative route for all Windfarm Construction Traffic avoiding the centre of Cawston, the weak railway bridge and inadequate bridge across Salle Beck. Unsurprisingly this route, originally proposed by Cawston Parish Council, is the preferred diversionary route for both Norfolk County Council and Cawston Parish Council.</p> <p>The preferred diversionary route, designated Option 2 by the Applicant in the meeting convened by the ExA between the County District and Parish Councils in February, follows the line of the Applicant's cable route from Oulton to Salle. At that meeting the Applicant made clear that it did not favour Option 2, mainly for reasons of expense and the inconvenience of reopening negotiations with landowners.</p> <p>The Applicant's inconvenience from having to implement Option 2 results from overconfidence that their plans would emerge unaltered by the National Infrastructure Planning process. Pre-judging the Application's outcome is not a justification for the Applicant trying to force through an unworkable and destructive plan for construction traffic in Cawston. Sadly, it is another display of the inflexibility and arrogance with which the Applicant regards local concerns and objections and seeks to swat them away.</p>	<p><i>Option 2 has additional significant constraints relating to construction methodology, traffic demand, the environment and additional land requirements. It would require significant additional land to extend the cable route footprint, outside the order limits and affect multiple landowners where head of terms have already been signed. It also would require an additional 50 weeks and around 9,000 additional HGV movements to construct and subsequently remove the new road. Environmentally there would be additional impacts not considered within the existing EIA: it increases the impact in respect of both footprint and duration on the River Wensum catchment, protected species and habitats, and it goes against the agreed principles with Natural England and increases the risk to groundwater by extending the footprint of the works into a Source Protection Zone 1. There are also potential impacts to noise and air quality from additional HGV movements which would require further assessment.</i></p> <p>The Applicant has submitted compelling evidence to the Examining Authority, and in turn the Secretary of State, to rule out the alternative options. They are not appropriate alternatives to the HIS especially since the agreed position between NCC and the Applicant is that the HIS is sufficient to mitigate traffic impacts on Cawston, both alone and cumulatively with other projects.</p>

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

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
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>	<p>Whilst the location has no national, regional or local designation as a cycle route/walking route, nevertheless NCC recognise there will inevitably be some use by NMU's. The only difference being in the level of demand.</p> <p>We note the ExA's observations at USI on 20 January 2020 [EV2-003], and Oulton PC's submission [REP6-044] but our view remains - the Highway Mitigation Scheme for Link 68 [REP5-026] [REP5-045] is adequate. The Highway Mitigation Scheme was assessed as part of the RSA conducted by Hornsea3 which included an assessment of suitability for NMU's. The RSA</p>	Noted.

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			covered the cumulative scenario for all three wind farms and thus is applicable for Norfolk Boreas.	

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:	Interested Parties' Response at Deadline 10	Applicant's Comments
No Questions				

14.4 Outline Access Management Plan and Access to Works Plan

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
Q4.14.4.1	The Applicant,	Types of accesses: 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. 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.	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). 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	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. a. NCC, comment on the response given by the Applicant [REP7-017, ExQ3.14.4.9]. 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? 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	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.	
Q4.14.4.2	Norfolk County Council	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	It is NCC's understanding that AC11 was intended to be an access from the B1159, but it will now be used as a haul road crossing instead. We have no objection to this change however the OAMP/OTMP will need to be updated accordingly.	The Applicant confirms that AC11 will be used as a haul road crossing only. The OAMP [REP10-021] has been updated to reflect this and no updates to the OTMP were required.

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
		<p>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>		

15 Water Resources and Flood Risk

15.0 Water Resources and Flood Risk

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
Q4.15.0.1	Environment Agency (EA)	<p>Hydrogeological Risk Assessment for abstractions within 250m of works:</p> <p>Confirm satisfaction or otherwise with the revised wording of the OCoCP [REP8-003 &004]</p>	The Environment Agency is content that the revised wording at paragraphs 110 -112 inclusive, commits the applicant to identify sensitive receptors, conduct investigations and carry out consultations with us in compliance with our recommendations.	The Applicant welcomes the Environment Agency's agreement on the revised wording regarding groundwater abstractions.
Q4.15.0.2	Environment Agency (EA)	<p>Mitigation and compensation for adverse ecological effects of culvert installation:</p> <p>Confirm satisfaction or otherwise with the revised wording of the OCoCP [REP8-003 & 004]</p>	The Environment Agency is satisfied that the revised wording at paragraphs 149 and 150 of the OCoCP provides a method and means to ensure that that mitigation and compensation of effects arising from watercourse crossings is properly addressed. It should be noted however, that due to use of the Rochdale envelope approach, it is not possible to be completely certain that the scheme submitted (and secured by Requirement 25) will be deemed satisfactory by all consultees. It is hoped that this is not the case but, it must be recognised as residual risk and the ExA should take a view accordingly	<p>The Applicant welcomes the Environment Agency's agreement on the revised wording on watercourse crossings.</p> <p>The scheme of watercourse crossings to be submitted under Requirement 25 of the dDCO following detailed design will reflect the works to be undertaken and not a Rochdale envelope approach. As secured, the scheme will be approved by the relevant planning authority in consultation with all relevant consultees, namely Norfolk County Council, the Environment Agency, relevant drainage authorities and Natural England. As such there is not considered to be any residual risk.</p>
Q4.15.0.3	Natural England (NE)	<p>Monitoring of residual adverse impacts on the water environment:</p> <p>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.</p>	Natural England feel that the commitment to post construction monitoring within the OCoCP [REP8-003] to include monitoring of the predominant geomorphological characteristics (bank form, substrate conditions, flow type, and evidence of instability, erosion or deposition) and ecological characteristics of each location is sufficient to capture aspects of the crossings which will need to be agreed with SNCB's. Though we note that the post construction monitoring of watercourse crossings has not been transferred into the OLEMS [REP8-005], and would welcome this being cross referenced.	The Applicant welcomes Natural England's agreement on the updated OCoCP. There are already cross references to the OCoCP throughout the relevant sections of the OLEMS, including in Section 9.4.3 'Additional Mitigation', and under Section 9.4 'Watercourse and Ponds', therefore an additional cross reference is not considered necessary.
Q4.15.0.3	Environment Agency (EA)	<p>Monitoring of residual adverse impacts on the water environment:</p>	The Environment Agency is satisfied that the revised wording at paragraphs 149 and 150 of the OCoCP provides a method to enable that the provision of post-construction monitoring. There is comfort given	Please refer to the comments on the Environment Agency's response to Q4.15.02 above.

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		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.	through the identification of the Environment Agency as a consultee for the approval of the relevant scheme. It should be noted however, that due to use of the Rochdale envelope approach, it is not possible to be completely certain that the scheme submitted (and secured by Requirement 25) will be deemed satisfactory by all consultees. It is hoped that this is not the case but, it must be recognised as residual risk and the ExA should take a view accordingly.	

16 General

16.0 General

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
Q4.16.0.1	The Applicant	<p>Sulfur hexafluoride (SF6):</p> <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>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 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>b. Proposed options for compensation for FFC SPA and Alde-Ore Estuary SPA in combination with Norfolk Vanguard and Hornsea 3?</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 Norfolk Vanguard. To the extent that the Secretary of</p>	

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			<p>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 "provide compensation for up to 300 times the combined affected area of Norfolk Boreas and Norfolk Vanguard." 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 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>	

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			<p>"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:</p> <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>	
Q4.16.0.2	MMO	<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> <ol style="list-style-type: none"> Proposed options for compensation for HHW SAC in-combination with Norfolk Vanguard Proposed options for compensation for FFC SPA and Alde-Ore Estuary SPA in combination with Norfolk Vanguard and Hornsea 3? 	The MMO defers to NE in relation to potential compensation measures.	Noted.
Q4.16.0.2	Natural England	<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> <ol style="list-style-type: none"> Proposed options for compensation for HHW SAC in-combination with Norfolk Vanguard 	<p>b) Natural England note that the same in principle compensation measures for FFC SPA kittiwakes and Alde-Ore Estuary SPA lesser black-backed gulls (LBBGs) as presented by the Applicant in REP7-025 and REP7-026 have also been proposed by Norfolk Vanguard in their recent submissions in response to the Secretary of State's consultation request for further information^{1,2}.</p> <p>FFC SPA: As noted in our Deadline 9 response to the Applicant's in principle compensation measures for the FFC SPA [REP9-046] we consider that the compensation measure mostly likely to increase the FFC SPA kittiwake productivity would be fisheries management measures to</p>	<p>b) With respect to compensation for the FFC SPA, the Applicant provided responses to Natural England's comments on this topic [REP7-046] in Table 1.16 of the Applicant's Deadline 10 submission [REP10-033]. With respect to the Alde-Ore Estuary SPA, the Applicant provided responses to Natural England's comments on this topic [REP7-047] in Table 1.17 of the Applicant's Deadline 10 submission [REP10-033].</p> <p>In summary, with respect to the FFC SPA, the Applicant agrees with Natural England that the measure which could deliver the greatest compensation is fisheries management. However, the Applicant has also given due</p>

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		b. Proposed options for compensation for FFC SPA and Alde-Ore Estuary SPA in combination with Norfolk Vanguard and Hornsea 3?	<p>increase sandeel availability. Natural England considers this option has significant potential to deliver compensatory measures for multiple offshore windfarms (including Norfolk Boreas), noting that there are currently five offshore windfarm projects currently in examination (including Norfolk Vanguard and Hornsea 3), another likely to be submitted in 2020, and a series of seabed leases for extensions to existing North Sea windfarms. However, a more detailed analysis of the predicted scale of benefits than that presented by the Applicant in REP7-025 would help strengthen the case for implementing this measure, and to demonstrate the scale of sandeel fishing reduction that would be required.</p> <p>Alde-Ore Estuary SPA: As noted in our Deadline 9 response to the Applicant's in principle compensation measures for the Alde-Ore Estuary SPA [REP9-047], we believe that predator proof fencing for LBBGs in the Alde-Ore Estuary SPA area has the most potential to be considered as an appropriate compensatory measure to address collision mortality impacts. We also consider that it is achievable to have a suitable location identified and a predator-proof fence erected before the construction of the windfarm. Given the fairly small number of birds involved (for both Norfolk Boreas and Norfolk Vanguard) and the potential to predator-proof relatively small areas it would be feasible and may be appropriate for Norfolk Boreas to address the compensation in tandem with the sister project Norfolk Vanguard, should both be consented. We note that no collisions of LBBGs from Hornsea 3 have been apportioned to the Alde-Ore Estuary SPA (which we are content with) and therefore, there is no need to compensate in-combination with Hornsea 3 for this feature of this site.</p>	<p>consideration to the need for its proposals to be proportionate and achievable. Fisheries management is not within the Applicant's power since it requires government intervention. In contrast, the construction of a structure to provide additional nesting habitat for kittiwake is something the Applicant is confident can be delivered, and for these reasons was the Applicant's preferred option. With respect to in-combination compensation, the Applicant provided a detailed response to Q4.16.0.2 at Deadline 10 [REP10-034] which sets out its position on this matter.</p> <p>With respect to the Alde-Ore Estuary SPA, the Applicant agrees with Natural England that predator proof fencing is likely to be the best compensation option, but the Applicant also considers that in the first instance there is a need for consensus among stakeholders both on what to do and where to do it, and this was set out in detail in REP7-026, in response to this question at Deadline 10 [REP10-034] and also in commenting on the response to Q4.5.10.2 above.</p> <p>With respect to in-combination compensation at Alde-Ore Estuary SPA, the Applicant provided a detailed response to this question at Deadline 10 [REP10-034] which sets out the Applicant's position on this matter.</p>
Q4.16.0.3	Broadland District Council	<p>Statements of Common Ground: 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 ExQ4 or by email to confirm the final status of the submitted SoCG at the latest by Deadline 11.</p>	The final SoCG represents the District Council's final position.	The Applicant welcomes and notes this.
Q4.16.0.3	MMO	<p>Statements of Common Ground: 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 ExQ4 or by email to confirm the final status of the submitted SoCG at the latest by Deadline 11.</p>	<p>The MMO confirms that the SoCG submitted at Deadline 9 (REP9-023) is a true representation of the final position at the close of examination as no further discussions can amend the position.</p> <p>Error! Reference source not found. of the SoCG provides areas of agreement (common ground) and disagreement regarding the DCO and DMLs.</p>	The correct reference in the SoCG with the MMO for areas of agreement and disagreement regarding the DCO and DMLs is Table 8 in section 2.9
Q4.16.0.3	North Norfolk District Council	<p>Statements of Common Ground: 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</p>	As set out within Section 4 of NNDC's combined Deadline 8 & 9 submissions dated 04 May 2020 [REP9-059], work has progressed on the Final version of the Statement of Common Ground which is expected to be submitted by the Applicant for Deadline 10. NNDC will be happy to confirm by email the final status of the submitted SoCG by Deadline 11 at the latest.	The Applicant welcomes and notes this.

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
		sent in responses to these ExQ4 or by email to confirm the final status of the submitted SoCG at the latest by Deadline 11.		
Q4.16.0.3	Natural England	Statements of Common Ground: 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 ExQ4 or by email to confirm the final status of the submitted SoCG at the latest by Deadline 11.	Natural England is currently working with Applicant to finalise and sign two SoCG for Deadline 10.	The Applicant can confirm that the final Statements of Common of Ground with Natural England for non-ornithology (REP10-039) and offshore ornithology (REP10-039) where submitted at Deadline 10.
Q4.16.0.3	Historic England	Statements of Common Ground: 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 ExQ4 or by email to confirm the final status of the submitted SoCG at the latest by Deadline 11.	We hereby confirm that the completed and signed SoCG submitted by the Applicant for Deadline 9 details the final position of Historic England regarding this proposed development project.	The Applicant welcomes and notes this.
Q4.16.0.3	Maritime & Coastguard Agency	Statements of Common Ground: 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 ExQ4 or by email to confirm the final status of the submitted SoCG at the latest by Deadline 11.	In response to question Q4.16.0.3 (ExQ4) for "All Interested Parties with whom the Applicant has engaged via a Statement of Common Ground" I can confirm that the Statement of Common Ground (SoCG) submitted as final by the Applicant at deadline 9 does represent the final position of the Maritime and Coastguard Agency	The Applicant welcomes and notes this.
Q4.16.0.3	The NFU	Statements of Common Ground: 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 ExQ4 or by email to confirm the final status of the submitted SoCG at the latest by Deadline 11.	The NFU can confirm that the SoCG submitted by Vattenfall today, 6.5.2020 is the final version of the NFU SoCG.	The Applicant welcomes and notes this.
Q4.16.0.3	Trinity House	Statements of Common Ground: 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 ExQ4 or by email to confirm the final status of the submitted SoCG at the latest by Deadline 11.	TH would like confirm to the ExA please that the Applicant's Statement of Common Ground (Version 4) as at Deadline 9: 28.04.2020) with TH appropriately reflects the final positions between the parties in respect of the matters detailed therein.	The Applicant welcomes and notes this.
Q4.16.0.4	Cawston Parish Council	Effects on local community: Interested Parties are invited to submit any additional	We would mention that the Covid19 crisis is making rural businesses generally more precarious and less able to survive further disruption of	Notwithstanding that the earliest at which any significant volumes of construction traffic would occur through Cawston is during 2023, and

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
		information to assist the ExA in reaching its recommendation to the SoS not covered previously in the Examination, or in the responses provided above	<p>trade by an onslaught of construction traffic travelling through the village for a number of years.</p> <p>In future, lockdowns and changes to working practices are likely to mean more residents are confined to their homes during the working day, thus experiencing the increased noise, vibration and air pollution from construction traffic. With reduced mobility in response to Coronavirus measures we would expect an increased number of pedestrians to be using village facilities, with consequent road safety issues arising from conflict with construction traffic.</p>	<p>therefore over 2.5 years away, the Applicant acknowledges the uncertainty that the COVID-19 crisis is currently having on many businesses, including those located in rural areas. However, impacts in relation to construction traffic will be mitigated by the Highway Intervention Scheme (HIS) as detailed in Chapter 24 Traffic and Transport of the Environmental Statement [APP-237] and secured through the Outline Traffic Management Plan [REP10-016]. It is agreed with Norfolk County Council that the HIS is appropriate to mitigate both project alone and cumulative impacts [REP9-015].</p> <p>The assessments undertaken, including in relation to noise, vibration and air pollution, and the mitigation secured in the HIS are not influenced by a potential increase in residents remaining within their homes or by the increased use of amenities by pedestrians within Cawston. As such there is no change to the conclusions of the assessments or the mitigation required as a result of COVID-19. Similarly, Chapter 31 Socio-economics of the Environmental Statement [APP-244] does not identify any significant impacts on businesses as a result of construction and these conclusions are not influenced by, and therefore will not change as a result of, COVID-19.</p>
Q4.16.0.4	Necton Parish Council	<p>Effects on local community:</p> <p>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</p>	<p>The Corona virus pandemic controls are forecast to diminish the UK output by 6% going forward. The finances of both the UK and Vattenfall/their suppliers will be less robust in the future. The near-shore loop connections recommended by Ofgem and National Grid are scheduled to give the UK a 5% saving in the cost of electricity but the more projects that use point-to-point wiring across the countryside to individual substations will each diminish the amount of this saving. The cost of joining the near-shore loops is forecast to be lower than the point-to-point wiring designed to join Boreas into the National Grid at Necton. The Secretary of State could be minded to delay the current batch of DCOs to save money for both the UK and the Applicants in these difficult financial times through the use of the future connection strategy recommended by both Ofgem and the National Grid.</p>	<p>As a pan European Energy Group, Vattenfall has put preparations in place to meet the current pandemic. Vattenfall operates societally critical infrastructure, and is therefore continuing to deliver electricity and heat even in this extreme situation. Vattenfall has sought to minimize employee risk whilst at the same time implement continuity plans to ensure that critical operations can continue.</p> <p>Vattenfall remains fully committed to deliver Nationally Significant Infrastructure and services to Norfolk and East Anglia, helping to deliver social and economic resilience and sustainable development.</p> <p>Given the current economic downturn it is the Applicant's view that it is even more pressing that projects such as these are not delayed further in order that the economy can benefit from the certainty that this investment will bring.</p>

16.1 Environmental Statement (ES)

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
No Questions				

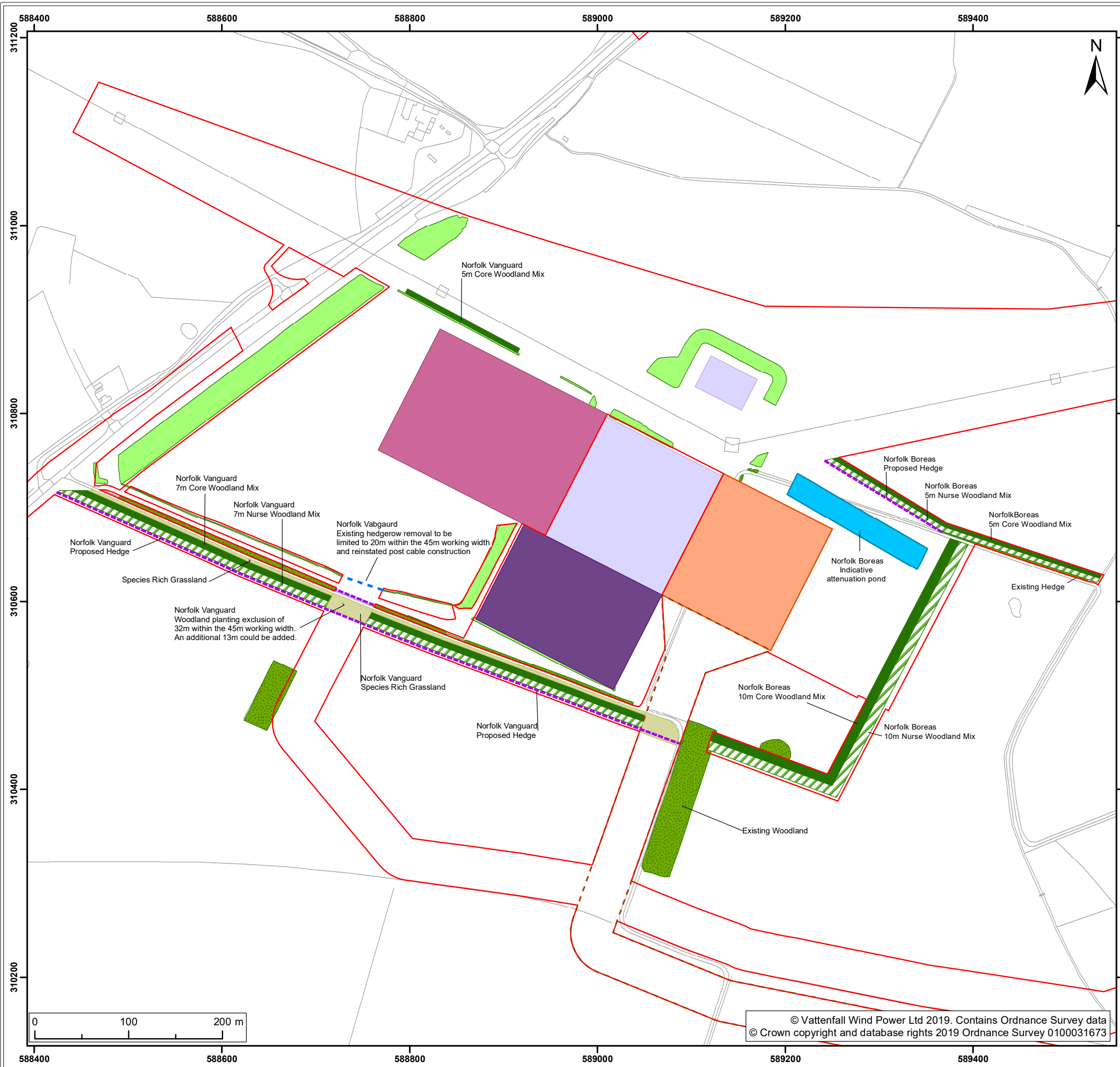
16.2 Ground conditions and contamination

PINS Question Number	Question is addressed to:	Question:	Interested Parties' Response at Deadline 10	Applicant's Comments
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

VATTENFALL

Royal HaskoningDHV
Enhancing Society Together

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