



The Planning Inspectorate

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

Issue Specific Hearing 5 (First virtual issue specific hearing)

Dates: 21 - 24 July 2020

Venue: Virtual Hearing via Microsoft Teams

How the virtual Issue Specific Hearing will run:

Introduction

Issue Specific Hearing 5 will take place in four sessions over four mornings from 21 - 24 July. Each session will focus on a topic as set out in the notification and this agenda. Representations will be heard by the Examining Authority from parties invited by the Examining Authority.

<i>Tuesday 24 July</i>	<i>Session One – Offshore ornithology</i>
<i>Wednesday 25 July</i>	<i>Session Two - Haisborough Hammond and Winterton Special Area of Conservation</i>
<i>Thursday 26 July</i>	<i>Session Three – Marine mammals</i>
<i>Friday 27 July</i>	<i>Session Four - Draft Development Consent Order and other matters</i>

Arrangements Conference – 9.30am

Each session will begin with registration at the Arrangements Conference hosted by the Case Team.

Participants must join the Arrangements Conference in order to register and be permitted access to the virtual Issue Specific Hearing.

Issue Specific Hearing 5 – 10.00am

Each session of the Issue Specific Hearing will then start at 10.00am chaired by the Lead Member of the Examining Authority, Frances Fernandes.

Joining link

The joining link for the virtual Issue Specific Hearing will be sent to parties registered to attend, the day before or on the day of each session.

Frequently Asked Questions

For any questions about the virtual hearings please refer to our [Frequently Asked Questions](#).

Agenda for Issue Specific Hearing 5

Session One – Offshore Ornithology

Tuesday 21 July 2020

9.30am	Arrangements Conference
	Registration by the Case Team

10.00am	Issue Specific Hearing
	Invited Parties: <ul style="list-style-type: none">▪ The Applicant▪ Natural England (NE)▪ The Royal Society for the Protection of Birds (RSPB)▪ The Marine Management Organisation (MMO)
1.	Welcome by Frances Fernandes, Lead Member of the Examining Authority (ExA)
2.	Procedure for running the Virtual Issue Specific Hearing While most of the questions are directed at NE and the RSPB, the Applicant and the MMO will be given an opportunity to comment on each point.
3.	Level of precaution For the Applicant and NE to update the Hearing on any further discussions on the level of precaution applied to the significance of impacts on seabird populations.
4.	Cumulative Effects <ul style="list-style-type: none">a) To determine NE's and RSPB's latest considerations of significant cumulative displacement impacts for red-throated diver, guillemot and razorbill;b) To determine NE's and RSPB's latest considerations of significant cumulative collision impacts for herring gull, lesser black-backed gull, kittiwake and great black-backed gull;c) To determine NE's and RSPB's latest considerations of combined effects of collision and displacement for cumulative projects for gannet.
5.	Alde-Ore Estuary SPA To determine NE's latest consideration of no AEoI for lesser black-backed gull population from in-combination collision effects.

6.	<p>Flamborough and Filey Coast SPA</p> <ul style="list-style-type: none"> a) To determine NE’s latest consideration of no AEoI for razorbill and guillemot populations from in-combination displacement effects; b) To determine NE’s latest consideration of no AEoI for kittiwake, populations from in-combination collision effects; c) To determine NE’s latest consideration of no AEoI for gannet populations from in-combination displacement and collision effects; d) To determine NE’s latest consideration of no AEoI for the assemblage at Flamborough and Filey Coast SPA on the basis of displacement or collision impacts for the project in-combination.
7.	<p>Compensatory Measures</p> <ul style="list-style-type: none"> a) Alde-Ore Estuary SPA The Applicant to respond to NE’s request [REP10-064, Q4.5.10.2] for a commitment to deliver measures on the ground to offset predicted collision risk mortality; b) The Applicant to state when it will submit further details of derogation cases for the relevant qualifying features of the two SPAs. The Applicant is reminded of the SoS decision letter for Norfolk Vanguard, which requires <i>“Applicants and statutory nature conservation bodies (“SNCBs”) to engage constructively during the pre-application period and provide all necessary evidence on these matters, including possible compensatory measures, for consideration during the Examination”</i>; c) Flamborough and Filey Coast SPA The Applicant to provide more details of compensation measures appropriate to the Proposed Development for kittiwake. The ExA reminds the Applicant that compensatory measures must be specific to Norfolk Boreas and not duplicate those for Norfolk Vanguard; d) General The Applicant to inform the ExA whether any compensation measures require land access rights and how these are being addressed. e) Updates To determine whether NE or the Applicant have any further updates on agreement to or requirements for compensatory measures
8.	Adjournment of Issue Specific Hearing

Agenda for Issue Specific Hearing 5

Session Two – Haisborough Hammond and Winterton Special Area of Conservation

Wednesday 22 July 2020

9.30am	Arrangements Conference
1.	Registration by the Case Team

10.00am	Issue Specific Hearing
	Invited Parties <ul style="list-style-type: none">▪ The Applicant▪ Natural England (NE)▪ The Marine Management Organisation (MMO)▪ Eastern Inshore Fisheries and Conservation Authority
1.	Welcome by Frances Fernandes, Lead Member of the Examining Authority
2.	Procedure for running the Virtual Issue Specific Hearing
3.	Cable Protection <ul style="list-style-type: none">a) NE to clarify the statement in the SOCG [REP10-038, p13] that while it does not agree to no AEoI, it acknowledges that mitigation will significantly reduce the risk of an AEoI. Can NE, therefore, confirm whether or not there is no AEoI after agreed mitigation? The ExA is of the view that a decision should be made on AEoI at the consenting stage.b) Is NE content with the detail in the IPMP on pre- and post-construction surveys?
4.	Reef features <ul style="list-style-type: none">a) The Applicant to comment on NE's advice [REP10-038, p21] that there are uncertainties that micro-siting as a mitigation measure will be 100% achievable. NE advise that all reef, including low and patchy reef, should be avoided by micro-siting but it is not confident that this will be possible;b) Do NE still have remaining concerns that avoidance of Sabellaria spinulosa reef may not be possible and that it is unable to advise no AEoI?

5.	<p>Sandbank features</p> <p>Does NE have remaining concerns that the Applicant’s measures for promoting recovery of sandbanks [REP10-038, p83] will change the sediment composition of the seabed? If so, what additional measures does it consider are necessary?</p>
6.	<p>SIP and CSIMP</p> <p>a) Does the Applicant accept NE’s and MMO’s view that the CSIMP should be re-named Cable specification, Installation, Mitigation and Monitoring Plan?</p> <p>b) NE expresses concern in [REP9-039, p4] that there is no evidence presented that a 30-year temporary cable protection would have no impact on site conservation objectives. Does NE still have concerns and if so, can the Applicant address these?</p> <p>c) In the light of the SoS decision on Norfolk Vanguard, what is NE’s and MMO’s final conclusion regarding the appropriateness of both the SIP and CSIMP for undertaking appropriate assessment and addressing uncertainties related to cable laying?</p>
7.	<p>Compensatory Measures</p> <p>Notwithstanding the Applicant’s view that it is not possible to conclude the precise size of any compensatory measures [REP11-008, p27] pending the SoS decision, the ExA requires details of possible compensation measures in the event of no AEOI for one or more features of cable protection, cable installation, Annex I reef or Annex I sandbank.</p>
8.	Adjournment of Issue Specific Hearing

Agenda for Issue Specific Hearing 5

Session Three – Marine mammals

Thursday 23 July 2020

9.30am	Arrangements Conference
1.	Registration by Case Team

10.00am	Issue Specific Hearing
	Invited Parties <ul style="list-style-type: none">▪ The Applicant▪ Natural England (NE)▪ The Marine Management Organisation (MMO)▪ Eastern Inshore Fisheries and Conservation Authority (Eastern IFCA)
1.	Welcome by Frances Fernandes, Lead Member of the Examining Authority
2.	Procedure for running the Virtual Issue Specific Hearing
3.	South North Sea SAC <ul style="list-style-type: none">a) Does NE and MMO still consider that it is not appropriate to equate the use of the SIP process to its use in the SNS SAC, in relation to the disturbance of marine mammals?b) The MMO to provide an update on discussions with Regulators Group regarding underwater noise risk;c) Eastern IFCA to confirm its final position on compensatory measures, taking account of the Applicant's response [REP11-008]
4.	Adjournment of Issue Specific Hearing

Agenda for Issue Specific Hearing 5

Session Four – Draft Development Consent Order and other matters

Friday 24 July 2020

9.30am	Arrangements Conference
1.	Registration by the Case Team

10.00am	Issue Specific Hearing
	Invited Parties <ul style="list-style-type: none">▪ The Applicant▪ Relevant local planning authorities▪ The Marine Management Organisation (MMO)
1.	Welcome by Frances Fernandes, Lead Member of the Examining Authority
2.	Procedure for running the Virtual Issue Specific Hearing
3.	DCO: Scenarios For the Applicant to confirm the position regarding scenarios it plans to include in the Norfolk Boreas dDCO following the 1 July 2020 decision by the SoS to consent the Norfolk Vanguard OWF. For other Interested Parties to comment if required/ if the position is different from that advised at ISH1, which was to retain reference to both scenarios in this dDCO with or without a consent for Norfolk Vanguard OWF [REP1-041, Agenda item 2].
4.	Implications for the Norfolk Boreas dDCO of the changes made to the consented Norfolk Vanguard DCO Recognising that this is a separate examination, the Applicant to set out implications arising from the following changes made to the consented Norfolk Vanguard DCO: All changes are listed using Norfolk Vanguard DCO numbering: <ul style="list-style-type: none">a) Article 6: Benefit of the Order;b) Article 37: and how this relates to Article 44 and Schedule 18 of the dDCO;c) Article 38: Arbitration;

	<ul style="list-style-type: none"> d) Requirement 18 and consequential later changes in the DCO and how this relates to Requirement 16 and any other changes in the dDCO; e) Requirement 21: Traffic; f) Requirement 27(3): Control of noise; g) Schedules 9 to 12, Part 5: removal of appeals procedures and consequential change to conditions; h) Schedules 9 to 12: new decommissioning of cable protection within marine areas condition; i) Schedules 9 to 12, Part 2: new language to add clarity to dealing with amendments or variations from approved plans; j) Schedules 9 to 12: amended procedure following identification of the exposure of subsea cabling; k) Schedule 14: Arbitration Rules adding a paragraph to para 1(2) and how this relates to Schedule 15 of the dDCO; l) Schedule 15: Procedure for discharge of Requirements, amendment to time scale for SoS to appoint a person as part of appeals process; m) Schedule 16: additions to refer to National Grid's policies for safe working and how this relates to the deletions that have been made to dDCO Schedule 17, for the interpretation of 'specified works' in para 13 and 29; n) Other changes proposed by the SoS which do not materially affect the DCO's effect. <p>Other Interested Parties to give their views, where these differ with those of the Applicant.</p>
5.	<p>Subsequential changes to the Norfolk Boreas dDCO For the Applicant to advise if there are any other changes to the dDCO being considered in light of the consented Norfolk Vanguard DCO.</p> <p>Also to include the revisiting of the Article 2 definition of 'commence' in the Norfolk Vanguard DCO for inclusion of the reference at R15(2) in this dDCO as agreed at ISH1 [REP1-041, R15, Ref 3].</p>
6.	<p>Requirement 18: provision of landscaping of the Norfolk Boreas dDCO For the Applicant to comment on whether Requirement 18(g) should be amended by the addition of the word 'levels' to accommodate Breckland Council's point that it is important not to rule out screening and landscape options including bunding and possible level changes to minimise the adverse impact of the development [REP10-044, response to Q4.9.6.3b]. If not here, where is the potential to consider</p>

	<p>level changes specifically set out? This point relates to both proposed substations.</p> <p>For Breckland Council to comment.</p>
7.	<p>Schedule of Changes to the Norfolk Boreas dDCO</p> <p>For the Applicant to be aware that the ExA will require an updated version of the Schedule of Changes which should list all changes to the dDCO, including footnotes, date changes etc.</p>

Close of Issue Specific Hearing 5
