

# Norfolk Boreas Offshore Wind Farm Issue Specific Hearing 5 Action Points Tracker

Applicant: Norfolk Boreas Limited  
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Deadline 13

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*Photo: Ormonde Offshore Wind Farm*

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## Table of Contents

**1 Introduction and Purpose..... 4**

### Table of Tables

Table 1: Action Points From Issue Specific Hearing 5 DCO and Other Matters - 24 July 2020 ..... 4

## Glossary of Acronyms

DAS	Design and Access Statement
DCO	Development Consent Order
dDCO	Draft Development Consent Order
DML	Deemed Marine Licence
ExA	Examining Authority
HHW	Haisborough, Hammond and Winterton
HP3	Hornsea Project Three
ISH	Issue Specific Hearing
NE	Natural England
NNDC	North Norfolk District Council
NV	Norfolk Vanguard
SAC	Special Area of Conservation

## 1 Introduction and Purpose

- 1.1 This document outlines how Norfolk Boreas Limited (the **Applicant**) has addressed each of the relevant Actions Points published by the Examining Authority (**ExA**) following Issue Specific Hearing 5.
- 1.2 The Action Points from the Issue Specific Hearing 5 (**ISH5**) on the DCO and other Matters, held virtually on 24 July 2020, were published by the Planning Inspectorate on 24 July 2020<sup>1</sup>.
- 1.3 The purpose of Table 1 below is to answer the Action Points and/or assist the ExA and Interested Parties in locating the relevant documents which respond to the Action Points.

**Table 1: Action Points From Issue Specific Hearing 5 DCO and Other Matters - 24 July 2020**

#	Action	Party	ExA Proposed Deadline	Addressed	Submitted Deadline
1	Noted that NE are intending to submit interim position paper subject to ongoing dialogue with Applicant	Natural England	D13	n/a	n/a
2	Submit updated dDCO R16, relevant schedule and works plans for trenched crossing B1149	Applicant	D13	The Applicant has updated the draft DCO (document reference 3.1, version 8) and submitted updated Works Plans (document reference 2.4, version 3)	D13
3	Revisit definition in dDCO of <b>local</b> highway authority in the Interpretation section	Applicant	D13	As explained during ISH5, definitions of "highway" and "highway authority" are included in Article 2 'Interpretation' of the dDCO. As currently drafted, the definition adopts the definition of "highway" in section 328(1) of the Highways Act 1980 (1980 Act), and "highway authority" in section 1 of the 1980 Act. The dDCO does not refer to "local highway authority" expressly, although the Applicant considers that this is already encompassed within	D13

<sup>1</sup> Available here: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010087/EN010087-002322-NORB ISH5 Hearing Action Points FINAL.pdf>

#	Action	Party	ExA Proposed Deadline	Addressed	Submitted Deadline
				<p>the definition of "highway authority" under section 1 of the 1980 Act to the extent relevant to the dDCO.</p> <p>Section 1(1) of the 1980 Act sets out the circumstances in which the Minister is the highway authority, subject to Section 1(1A) where the highway authority is Highways England (as the strategic highways company). Sub-sections (1) and (1A) broadly cover trunk roads and motorways, as well as circumstances in which either the Minister or Highways England have been named as the highway authority for the highway in question.</p> <p>Section 1(2) explains that, outside Greater London, the county council is the highway authority for all highways in the county, whether or not maintainable at the public expense, save for those which the Minister or Highways England is the highway authority (as set out in Section 1(1) and 1(1A) and subject to any other provision of the 1980 Act, or an order made under it or any other Act).</p> <p>Therefore, where reference is made in the dDCO to "highway authority", this refers to Highways England and Norfolk County Council as relevant. The local authorities will be familiar with this approach and who to consult; it is therefore not considered necessary to include an additional definition of "local highway authority" or to make use of that term in the dDCO.</p>	
4	Confirm in detail how the Hornsea3 commitment to adopt the "revised Highway Intervention Scheme" that has now successfully been through the road safety audit could be legally secured in the Boreas examination	Applicant	D13	The Applicant has responded to this point in the written summary of oral submissions for ISH5 under Agenda Item 4(e)(document reference ExA.ISH5.D13.V1). The Applicant is also engaging with Hornsea Project Three (HP3) in order to discuss options for providing further comfort that HP3 will adopt the revised Highway Intervention Scheme.	D13
5	Seek in-principle agreement with NE on change to dDCO regarding decommissioning cable protection in HHW SAC	Applicant	D13	<p>The Applicant is currently seeking final agreement with Natural England and has a meeting scheduled for the second week of August (the earliest date NE could attend).</p> <p>As the Applicant explains in the written summary of oral submissions for ISH5 in response to Agenda Item 4(h) (document reference</p>	n/a

#	Action	Party	ExA Proposed Deadline	Addressed	Submitted Deadline
				ExA.ISH5.D13.V1), the Applicant has updated version 8 of the dDCO to include the decommissioning condition within Schedule 11-12. As a result of including the decommissioning condition, the Applicant considers that it is appropriate to remove condition 3(1)(g) from the Transmission Licence DMLs. This is because condition 3(1)(g) was included to secure the commitment to decommissioning of cable protection; it would therefore be superfluous to have condition 3(1)(g) as well as the new decommissioning condition. The Applicant has updated version 8 of the dDCO accordingly, although it should be noted that the removal of condition 3(1)(g) has not been agreed by Natural England and will be the subject of further discussions between the parties.	
6	Schedule 15: change the time period from 20 days to 28 to be consistent with NV	Applicant	D13	The Applicant has submitted an updated draft DCO (document reference 3.1, version 8) capturing this change.	D13
7	Provide update on changes made in Schedule 16 of the NV DCO and whether these should apply to Schedule 17 of the NB dDCO.	Applicant	D13	<p>The Applicant has made the relevant changes from Schedule 16 of the Norfolk Vanguard DCO to Schedule 17 of the Norfolk Boreas dDCO at Deadline 13 (document reference 3.1, version 8).</p> <p>The Applicant has obtained approval from National Grid, Cadent Gas, and Network Rail to change the protective provisions at Part 2, 3, and 4 respectively of the dDCO. Cadent Gas have also informed the Applicant that the reference in the Cadent protective provisions should be to paragraph 6 and 7 of the Specification for safe working in the vicinity of Cadent's assets requirements for third parties SSW22.</p> <p>The changes to remainder of the protective provisions are minor drafting changes and do not affect the principle of the provisions. The Applicant is, however, informing the relevant statutory undertakers (Anglian Water, the Environment Agency, and Hornsea Project Three) of these changes.</p>	D13
8	Comments on the implications of the Norfolk Vanguard decision to be	NNDC	D13	n/a	n/a

#	Action	Party	ExA Proposed Deadline	Addressed	Submitted Deadline
	submitted as soon as possible and no later than Deadline 13				
9	Changes to dDCO regarding BT cable protection	Applicant	D13	The Applicant has submitted an updated draft DCO (document reference 3.1, version 8) capturing these changes.	D13
10	Further clarification regarding definition of “commence”	Applicant	D13	The Applicant has updated the draft DCO (document reference 3.1, version 8) to provide further clarification on the definition of Norfolk Vanguard 'commencing' for the purposes of Requirement 15.	D13
11	Respond to securing early involvement of a design review eg in the Design and Access Statement (DAS) in line with NIC recommendations, to consider design approach across the proposed substations' area at Necton	Applicant	D13	The Applicant has submitted a response in document Position Statement Early Involvement of Design Review (ExA.AS-4.D13.V1). The Applicant will submit an updated DAS for Deadline 14 confirming the design approach.	D13
12	Provide materials options for the converter halls and sketch design options for layout, massing and “agricultural style” for the proposed onshore project substation in light of more certainty regarding Norfolk Vanguard, for inclusion in the DAS	Applicant	D14	The Applicant will further consider material options and submit an updated DAS for Deadline 14.	D14
13	Review potential for avoidance of reflective material on NG substation extension	Applicant	D13	The Applicant refers to its response to Q2.5.3.3 of the Examining Authority's Further Written Questions [REP5-045] and its comments on deadline 4 submissions and additional submissions [REP5-051] regarding Breckland Council's REP4-026. Materials used for the electrical equipment, primarily aluminium, steel and ceramics/polymers, are dictated by the electrical and structural technical performance required to safely and efficiently operate	D13



#	Action	Party	ExA Proposed Deadline	Addressed	Submitted Deadline
				<p>the equipment at 400 kV. Therefore, it is not possible to alter the appearance and finishes of the electrical equipment.</p> <p>Notwithstanding this, the Applicant is seeking to engage further with National Grid on this point.</p>	
14	Schedule of Changes to be updated with all changes including the footnote numbering, year changes etc. without current reference numbering being changed (i.e. additional references, do not need to be in date sequence as to when they were inserted in the DCO, but should just continue from the existing numbering sequence)	Applicant	D13	<p>The Applicant has updated the Schedule of Changes as requested (document reference ExA.SCh.D13.V7).</p> <p>The Applicant has reviewed the previous All-Tracked Changes DCO (REP10-005) and has incorporated two additional entries within the Schedule of Changes from version 4 of the dDCO. The Applicant has included these footnotes under a new heading (Omissions from Schedule of Changes at previous deadlines) within the Schedule of Changes.</p> <p>The footnote referencing restarts at (a) on each relevant page. Therefore, where the DCO has been updated such that the text connected to a footnote moves to the previous page(s) or to the subsequent page(s) then the footnote moves to correspond with this change. This may give the appearance of a new footnote in the track change version of the DCO; however this can be as a result of the relocation of the footnote rather than an entirely new footnote.</p>	D13
15	Submit updated dDCO in track changes (to include all track changes from Application onwards)	Applicant	D13	The Applicant submitted document 3.1 Norfolk Boreas Updated Draft DCO (Version 8) (All Tracked Changes) at Deadline 13.	D13
16	Review if REP7-015 is missing a witness signature and needs substitution	Applicant	D13	The Applicant has reviewed REP7-015 and the Applicant can confirm that the document has been duly executed as a deed acting by two authorised signatories, and as such a witness is not required.	D13
17	Comments on the implications of the Norfolk Vanguard decision	Applicant	D13	The Applicant has submitted Implications of the Norfolk Vanguard Decision on Norfolk Boreas (document reference ExA.AS-4.D13.V1) at Deadline 13.	D13