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To:

The Applicant;  
Mid-Norfolk Railway Preservation Trust  
Broadland District Council  
The Marine Management Organisation

Your Ref:

Our Ref: EN010087

Date: 18 August 2020

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Dear Sir/Madam

**Planning Act 2008 (as amended) and The Infrastructure Planning  
(Examination Procedure) Rules 2010 (as amended) Rule 17**

**Application by Norfolk Boreas Limited for an Order Granting Development  
Consent for the Norfolk Boreas Offshore Wind Farm**

**Request for further information**

**1. Compulsory Acquisition**

**To: the Applicant and the Mid-Norfolk Railway Preservation Trust**

The Mid-Norfolk Railway Preservation Trust is identified in the Book of Reference as being the Freehold Owner of Plot 33/06. This is described as "1400.22 square metres of land being disused railway track (North of bridge 1695), trees and shrubbery to the north of Northall Green, Norfolk." [REP11-006].

The Book of Reference states that the type of interest sought is the acquisition of permanent new rights and the Statement of Reasons provides the Applicant's justification for the use of Compulsory Acquisition powers, including paragraph 7.9.12 Major Crossings [REP5-007].

In the dDCO, Article 20 Compulsory Acquisition of Rights gives effect to Schedule 6 – Land in which only New Rights etc., may be acquired. Plot 33/06 is identified in this schedule [REP13-007].

The Applicant is requested by Deadline 14 (25 August) to respond to the following:

1. provide further justification for compulsory acquisition of new rights in land (having regard to the guidance in *Guidance Planning Act 2008: procedures for the compulsory acquisition of land* including consideration of need, the compelling public interest case and alternatives) in relation to the issues raised in the representation from Mid-Norfolk Railway Preservation Trust [AS-079]. In so doing, detail the steps that are being taken to address the specific matters

set out in s127 of PA2008 and to ensure that there is no detriment to the undertaking. The Applicant is reminded that if the objection is not withdrawn by the end of the examination, and the relevant statutory test is not met, the Secretary of State will be unable to authorise powers relating to that statutory undertakers land; if it is considered that the Mid Norfolk Railway Preservation Trust is not a statutory undertaker for the purposes of s127 full justification should be provided;

2. confirm the position in relation to s138 and the necessity for interference;
3. notwithstanding whether or not the Mid-Norfolk Railway Preservation Trust is a statutory undertaker, consider whether protective provisions should be drafted and agreed for the benefit of Mid-Norfolk Railway Preservation Trust and how this might be achieved before Deadline 16. If not, why not.

Mid Norfolk Railway Trust is requested to:

1. respond to the Applicant's comments by Deadline 15 (1 September).

## **2. Noise effects in Cawston**

### **To: the Applicant and Broadland District Council**

There remains outstanding disagreement between the Applicant and Broadland District Council over whether significant adverse levels of noise could occur in Cawston during construction based on the cumulative impact assessment.

The ExA is contemplating the inclusion of an additional requirement as follows:

#### **Noise monitoring in Cawston**

*X.\_\_(1) The relevant stage of the authorised development may not commence until for that stage written details of a noise impact monitoring and mitigation scheme for Cawston has been submitted to and approved by the relevant planning authority.*

*(2) The noise impact monitoring and mitigation scheme to include:*

- (a) baseline noise levels;*
- (b) the locations to be monitored and the methodology to be used to collect the required data;*
- (c) the periods over which noise will be monitored;*
- (d) the submission of survey data and interpretative report;*
- (e) a mechanism for the future agreement of mitigation measures, should they be required.*

*(3) The scheme approved under sub-paragraph (1) must be implemented by the undertaker in the event of Hornsea Three OWF being consented with an overlapping construction period.*

The Applicant and Broadland District Council are requested by Deadline 14 (25 August) to:

1. give their opinion on the need and appropriateness of such an additional requirement. Both parties are invited to suggest without prejudice amendments to the wording if they wish.
2. If either party considers that a different approach such as the inclusion of wording in the Outline Traffic Management Plan (OTMP) under Section 5.6 would be more

appropriate you are invited to suggest appropriate wording and locations in the OTMP for inclusion.

3. As the Applicant's current position is that there would not be a significant adverse effect, the Applicant is asked to provide without prejudice wording for at least one way (requirement or the OTMP) for inclusion in the Order to cover this point, should the ExA be minded to recommend the need for noise monitoring and mitigation in Cawston to the SoS.

Both parties are requested to respond to each other's comments by Deadline 15 (1 September).

### **3. Statement of Common Ground with the MMO: Commercial Fisheries To: the Applicant and the MMO**

Under commercial fisheries in the SoCG between the Applicant and the MMO, there is a statement on cumulative impact assessment (CIA) as follows: "*The cumulative impact conclusions of negligible or minor significance are appropriate*". [REP9-023, page 45].

This appears to be inconsistent with the findings of the CIA [APP-245, Table 32.8] in which moderate adverse (and therefore significant) effects are predicted for certain commercial fisheries (Dutch, Anglo-Dutch and Belgian beam trawling and Dutch seine netting).

The Applicant and the MMO are requested by Deadline 14 (25 August) to:

1. provide an explanation for the apparent discrepancy and/ or update the SoCG if required.
2. Or if necessary, the Applicant is asked to provide an update to the CIA.

Yours faithfully

*Frances Fernandes*

**Frances Fernandes**  
**Lead member of the Panel of Examining Inspectors**