

Norfolk Boreas Offshore Wind Farm Applicant's Comments on Deadline 15 Submissions

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Glossary of Acronyms

AEol	Adverse Effect on Integrity
CIA	Cumulative Impact Assessment
CLA	Cable Logistics Area
CoCP	Code of Construction Practice
CPC	Cawston Parish Council
DAS	Design and Access Statement
DCO	Development Consent Order
dDCO	Draft Development Consent Order
DfT	Department for Transport
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	Examining Authority
HGV	Heavy Good Vehicle
HIS	Highway Intervention Scheme
HP3	Hornsea Project Three
LIG	Land Interest Group
LVIA	Landscape and Visual Impact Assessment
MCC	Main Construction Compound
MMO	Marine Management Organisation
NCC	Norfolk County Council
NFU	National Farmers Union
NV	Norfolk Vanguard
OCoCP	Outline Code of Construction Practice
OCTMP	Outline Construction Traffic Management Plan
OFH	Open Floor Hearing
OLEMS	Outline Landscape and Ecological Mitigation Scheme
OPC	Oulton Parish Council
OTMP	Outline Traffic Management Plan
OWF	Offshore Wind Farm
PDR	Preliminary Design Report
RSPB	Royal Society for the Protection of Birds

1 Applicant's Comments on Deadline 15 Submissions

1. This document contains the Applicant's comments on submissions by Interested Parties at Deadline 15 of the Norfolk Boreas Examination.

1.1 REP15-005, Cawston Parish Council, Deadline 15 Submission

Summary of Submission	Applicant's Comments
<p>Cawston Parish Council intend to fully respond to deadline 14 submission at deadline 16 but have prioritised submitting new evidence following a meeting between Cawston Parish Council and Hornsea Project Three on 27th August 2020.</p> <p>Cawston Parish Council concerns remain that:</p> <p>A The applicant's HIS is not feasible, and is made even less feasible by Hornsea 3's proposal for abnormal loads, about which the applicant's HIS is silent – referencing Hornsea Project Three proposals for cable drum transportation</p> <p>B Cumulative impacts on Cawston and its residents have not been not properly assessed or mitigated - referencing a difference in the Hornsea Project Three working hours and questions the Road Safety Audit undertaken.</p>	<p><u>Hornsea Project Three Cable Drum Transportation</u></p> <p>Hornsea Project Three's specification for cable drum transportation was published in their Outline Construction Traffic Management Plan (OCTMP) submitted at their Deadline 9 [HP3 REP9-048] of the HP3 examination. This specification informed HP3 inception and development of the HIS scheme presented to the Norfolk Boreas examination at Deadline 1[REP1-024] and has been a key consideration in the Applicant's finalisation of the HIS. It is stressed that this specification has not changed during the Applicant's development of the HIS and therefore is not considered new information to inform the validity of the mitigation.</p> <p>The Applicant has been consistent in their responses to the ExA's and CPC's questioning regarding HP3 cable drum vehicles and as stated in the Applicant's comment on Deadline 13 submissions [REP14-039] Section 1.1;</p> <p><i>In the Technical Note [ExA.AS-4.D14.V1] HP3 have 'confirmed a 3.3m diameter cable drum would be largest drum to travel through Cawston', this aligns with their commitment in the HP3 Outline Construction Traffic Management Plan [HP3 REP10-048] paragraph 2.1.3.6 which states 'No HGV movements greater than 44 tonnes, or greater than 3.3 m in width will be permitted on Link 88 and 89: B1145 (through Cawston)'. This proposed cable drum would be transported by a HGV which would not be defined as an AIL under 'The Road Vehicles (Authorisation of Special Types) (General) Order 2003'.</i></p> <p>For clarity it is important to distinguish between the correct legal term 'Abnormal Indivisible Load' (which has been the subject of ExA/CPC questioning) and the informal term 'abnormal load' and the influence on the HIS design.</p> <p>Abnormal load is a generic term applied when a vehicle or load exceeds the maximum standard parameters set out in The Road Vehicles (Construction and Use) Regulations 1986 (SI 1986) for height, width and weight. This term covers a broad range of vehicles, ranging from limited load projections permitted for standard vehicles to Special Type Vehicles designed specifically for the purpose of moving loads well in excess of standard vehicle parameters (e.g. the type of vehicle specified in the OTMP for transformer movement [REP14-024]). Loads that require Special</p>

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	<p>Type Vehicles are defined as Abnormal Indivisible Loads (AILs) in The Road Vehicles (Authorisation of Special Types) (General) Order 2003(SI 1998).</p> <p>The HIS design has been progressed on the basis that the infrastructure does not need to accommodate AILs which directed that the design could be progressed for standard vehicles with momentary traffic management measures required for cable drum movements. Any additional traffic management measures which may need to be deployed by HP3 during their cable drum deliveries will be secured through the HP3 final CTMP and are in addition to the HIS.</p> <p><u>Road Safety Audit</u></p> <p>The Road Safety Audit undertaken on the HIS remains valid. The DfT sets out the processes for authorising abnormal load movements according to dimensions and weight and directs a different procedure to that of the independent Road Safety Audit process. The HP3 OCTMP [REP9-048] of the HP3 examination, commits to this procedure which involves notification to the Police to evidence the safe passage of the abnormal load movement. In addition to this required procedure HP3 have also committed to use of an escort vehicle and notification to NCC and CPC.</p> <p><u>Working Hours</u></p> <p>To clarify the HIS does not make any amendments to working hours, the working hours for each project are as defined in the respective dDCO's. The HIS (as outlined in Section 4.3.2 of the OTMP [REP14-022] does place restrictions on the times of deliveries of HGVs, namely that;</p> <ul style="list-style-type: none"> • Prohibition of HGV deliveries during term time school pick up and drop off times (7:30am – 9:00am and 3:00pm – 4:00pm, Monday to Friday); and • Prohibition of HGV deliveries from 6pm to 9am (in line with parking restrictions). <p>The parking restrictions as defined by the HIS would be in place 9.00am to 6.00pm. Cognisant of residential and business amenity the Applicant proposed the parking restriction only be in place Monday to Friday, which would subsequently also limit any HGV deliveries to Monday to Friday. Following Deadline 15 HP3 have confirmed agreement with these restrictions. This will be confirmed in an updated Statement of Common Ground with HP3, to be submitted by Deadline 18 and is further confirmed</p>

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	<p>in a proposed update to the HIS. The details of the parking restrictions in the HIS, as outlined in the OTMP Version 6 [REP14-022], will be updated as follows and an updated OTMP submitted at Deadline 18;</p> <ul style="list-style-type: none"> • <i>Parking controls to include a 'Limited Waiting' order (9:00am – 6:00pm Monday to Friday) and associated single yellow line road markings and supplementary traffic signs.</i> <p>The Applicant understands this will also be captured in the updated HP3 OCTMP</p> <p>In summary, all three projects; Norfolk Boreas, Norfolk Vanguard and Hornsea Project Three, will adopt the agreed HIS and comply with the HGV delivery windows secured within it. The HGV delivery window secured within the HIS are between 9am to 6pm Monday to Friday and excluding 3.00pm-4.00pm during school term time.</p>

1.2 REP15-006 Colin King, Deadline 15 Submission

Summary of Submission	Applicant's Comments
Response to Applicant's Comments on Deadline 13 submissions [REP14-39]	
<p>Response to Applicant's comments on Deadline 13 submissions [REP14-039], Section 1.1 response to REP13-042 from NSAG regarding the Rochdale Envelope.</p> <p>REP15-006 believes that the response provided by the Applicant suggests the substation model (converter halls) in the visualisation are shown as a possible underestimation and fail to show the worst case assumptions.</p> <p>REP15-006 considers it is not obvious that the blue dotted box is anything more than the extent of the footprint dimension.</p> <p>REP15-006 considers that the visualisations from viewpoints 2, 3 and 7 give the impression that the converter halls are built out of the site footprint.</p>	<p>Further to the response provided in the Applicant's comments on Deadline 13 submissions [REP14-039], Section 1.1 and Section 1.21, the Applicant would like to clarify that the visualisations of the onshore project substation do not underestimate the levels or extent of visibility.</p> <p>The visualisations reflect the location of the converter halls in the northern part of the site footprint. For technical and environmental reasons, there is a commitment to locate the converter buildings in the north (presented in Figures 9 and 10 of the Design and Access Statement [REP14-019]). Therefore, they will not be located further south and, therefore, the levels or extent of visibility will not increase. The visualisations show the worst case assumptions and further design iterations post consent will either maintain those levels and extent of visibility, or reduce them.</p>

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	<p>As previously stated, the blue dotted line represents the maximum extents of the onshore project substation, creating a 3D envelope around the developable area. The height of the Rochdale envelope has been set at 25m to ensure that the lightning protection masts are included, despite being relatively fine structures that will not contribute to the perceived mass of the converter halls. The converter buildings have been capped at a maximum height of 19m – 6m lower than the 25m height of the blue dotted line. These dimensions reflect the maximum dimensions which are secured through Requirements 16 (5) of the dDCO. An explanation of this approach (including the use of the blue dotted line) is provided in full in the 'Methodology Statement for the Visualisations' included as part of the Application [APP-509].</p> <p>To clarify the converter halls are contained within the site footprint in all visualisations.</p>
<p>Response to Applicant's comments on Deadline 13 submissions [REP14-039], Section 1.12 response to REP13-043 from NSAG regarding Health Receptors.</p> <p>REP15-006 concludes from the explanation provided by the Applicant that assessing the deprivation in a population and its resilience to additional negative impacts from the proposed project, can only be a tool to provide an estimation of the minimum mitigation needed. Considers there is an imbalance in the process to achieve appropriate mitigation to conceal the project from residents.</p>	<p>As stated in the Applicant's comments on REP13-043 judging a host population's sensitivities is a key part in conducting an Environmental Impact Assessment, as also stated in section 27.3.4 of ES Chapter 27 Human Health [APP-240].</p> <p>The Environmental Impact Assessment presented in the Application [APP-214 to APP-247] has fully assessed the potential environmental impacts associated with Norfolk Boreas and has identified appropriate mitigation where required, including appropriate mitigation of Landscape and Visual Impacts at the onshore project substation.</p> <p>Please see the Applicant's response to Open Floor Hearing 2 [REP13-014] Item 7, which references the previous submissions where the Applicant has responded to concerns raised regarding the landscape and visual impact at Necton.</p>
<p>Response to Applicant's comments on Deadline 13 submissions [REP14-039], Section 1.22 response to REP13-053 from Mr King regarding noise.</p> <p>REP15-006 continues to raise concerns over the use of the operational noise limits consistent with those used for the Dudgeon substation and considers that the noise limits are not understood. Refers to the 5 specific questions raised:</p> <ol style="list-style-type: none"> 1. Why do you consider it acceptable to use a noise limit 6.6dB 5mins and 3.6dB 15mins, over the average background noise level? 	<p>The Applicant refers to the comments on deadline 13 submissions [REP14-039] which confirms that the operational noise limits consistent with those imposed on Dudgeon were a requirement set by Breckland Council and have been derived and assessed in accordance with British Standard 4142. They are fully understood and appropriate. To address the specific points raised;</p> <ol style="list-style-type: none"> 1. The proposed DCO requirement was defined during pre-application consultation specifically with Breckland Council on the basis that the same noise limits were derived for the Dudgeon Scheme when operating <u>on its own</u>. However,

Summary of Submission	Applicant's Comments
<ol style="list-style-type: none"> 2. Why do you think it appropriate to use the same noise limit as Dudgeon, when Dudgeon's nearest sensitive receptor is next to the A47, and Vanguard's and Boreas's are in a quiet, tranquil area? 3. Why isn't there any adjustment in the sound sensitivity rating of residential properties, according to the existing character of the surrounding area, and residential properties are rated moderate regardless of whether they are near a main road, in a village, or in a quiet area? 4. Are you regarding Necton and the surrounding area as an industrial, commercial area, as you are using a noise limit greater than the measured background noise level, and only intending to partially screen a large industrial construction, in a rural area? 5. Is it acceptable to use data from only two long term sound monitoring points, and one measured for a day, out of the proposed 12? 	<p>Breckland Council required that these noise limits were met under the <u>cumulative</u> position, such that the additional onshore infrastructure must meet these limits when operating with Dudgeon i.e. Norfolk Boreas and Norfolk Vanguard operating alongside the existing Dudgeon infrastructure. Therefore the levels are more conservative than those imposed on Dudgeon and there is no increase of noise levels permitted at the sensitive receptors as a result of the DCO requirement.</p> <ol style="list-style-type: none"> 2. The Dudgeon onshore substation assessed operational noise at seven receptors. The nearest residential receptor for the Dudgeon assessment along Ivy Todd Road is represented by location ID N3. This is comparable to the measurement and receptor location for the Norfolk Boreas application Receptor NSR2. <p>Representative baseline sound survey measurements were taken at a number of receptors within the Norfolk Boreas onshore substation study area, and agreed during pre-application consultation as part of the Evidence Plan Process during Expert Topic Group meetings with relevant stakeholders. The Local Planning Authority agreed that the methodology for determining and deriving background sound levels was appropriate. As the proposed footprint of Norfolk Boreas is further from the A47, additional measurement locations were included as part of the Norfolk Boreas onshore project substation survey to determine the prevailing soundscape within the vicinity of the operational site.</p> 3. The assessment procedure outlining the receptor sensitivity and significance matrix were detailed in the Environmental Statement. This clearly stated the categorisation of residential receptors and other types of receptors for assessment purposes across the study area. All residential receptors were categorised as being of a medium sensitivity. 4. No, each receptor included in the Environmental Statement Noise and Vibration Chapter 25 [APP-238] was agreed through consultation with the Local Planning Authority and stakeholders. As stated above, residential receptors were all categorised as medium sensitivity. The assessment procedure outlining the receptor sensitivity and significance matrix were detailed in the Environmental Statement [APP-238]. The proposed DCO requirement was defined during pre-application consultation specifically by the Local Planning Authority on the basis that the same noise levels were derived for the Dudgeon Scheme on its own. For

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	<p>Norfolk Vanguard and Norfolk Boreas, the requirement is cumulative for any additional onshore infrastructure and includes the operation of Dudgeon. The noise limits used have not increased and the noise limits were deemed suitable by the Local Planning Authority to apply to all sensitive receptors within and around the project study area i.e. Necton.</p> <p>5. Yes. Long term measurement data was obtained at SSR1 (24 hrs), SSR2 (7 days) and SSR7 (7 days). The nearest measurement location to Mr King is SSR2 (Norfolk Vanguard) and ID N3 (Dudgeon). As previously stated, the measurements obtained at location SSR2 are considered representative of the residential properties along Ivy Todd.</p>

1.3 REP15-008 National Farmers Union, Comments on Responses to the Examining Authority's Fifth Round of Written Questions

Summary of Submission	Applicant's Comments
Applicants Response to Fifth Written Questions	
<p>Lighting</p> <p>NFU and LIG would like to understand better the different lighting proposals during construction and post construction</p>	<p>The Outline Code of Construction Practice (OCoCP) [REP14-003] provides guidance on lighting during construction, including;</p> <ul style="list-style-type: none"> • That perimeter and site lighting would be required during working hours and a lower level of lighting would remain overnight for security purposes. • That site lighting will be positioned and directed to minimise nuisance to footpath users, residents, to minimise distractions to passing drivers on adjoining public highways and to minimise skyglow, so far as reasonably practicable; • Use of directional beams, non-reflective surfaces and barriers and screens, to avoid light nuisance whilst maintaining safety and security obligations. <p>As secured through the OCoCP, an Artificial Light Emissions Management Plan will be prepared in accordance with Requirement 20 (2) of the dDCO and submitted as part of the final CoCP, this will include:</p>

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	<p><i>'Details of the location, height, design and luminance of all floodlighting to be used during the construction of the project, together with measures to limit obtrusive glare to nearby residential properties.'</i></p> <p>The Artificial Light Emissions Management Plan will be submitted to the local authorities for approval prior to construction commencing.</p> <p>As detailed in the Design and Access Statement [REP14-015], 'normal operating conditions <i>would not require lighting at the onshore project substation, although low level movement detecting security may be utilised for health and safety purposes</i>'. Further details will be developed and shared once the detailed design of the onshore project substation has been developed post consent.</p>
<p>Cumulative Impact: Q5.4.0.12: The Crossing with Hornsea Three OWF, North of Reepham.</p> <p>The outline wording submitted to Q5.4.0.11(b) is acceptable but the NFU and LIG would like as stated in their response to Examiners Fifth Written Questions to confirm that the method statement agreed must include the wording 'least disruptive to agricultural land and be the most thermally efficient'. Further we would like the wording in answer (c) from the Applicant to be drafted within the method statement. The NFU and LIG do not agree with Vattenfall that it is not appropriate to include a method statement in this regard in the OCoCP at this stage. The NFU and LIG believe that it is essential that this outline method statement is captured either within the OCoCP or the DAS. The wording as outlined in the Applicants response to Q5.4.0.11(f) that both parties "must act in good faith and use reasonable endeavours to co-operate with, and provide assistance to, each other as may be required" under protective provisions is not specific enough for how the cables should be installed at the crossing point. The NFU and LIG accept that a final method statement may need to be agreed after the consent of the DCO but the outline method statement as stated above must be included within the DCO as the base principal which will be followed.</p>	<p>The Applicant proposes to include the outline principles for the crossing within the OCoCP, as accepted by the NFU and LIG. An updated OCoCP will be submitted at Deadline 18 to include the outline principles quoted below. This includes further wording as requested by the NFU and LIG that so far as reasonably possible, the crossing will be least disruptive to agricultural land and be the most thermally efficient, noting that the outline principles seek to achieve these goals, however the final design will be determined post consent as part of detailed design when further details on number of cables, circuits, power flows and construction timing are known. The Applicant considers that further wording, such as that in response to part (c) of Q5.4.0.11 is not required, as this is covered by the outline principles, which provide as follows:</p> <p><i>The general principle will be that the project with the least number of cables will carry out the installation method by trenchless crossing and be below the other project. Therefore, the project with the most cables will use an open cut trench method and be located above the other project. However, if there is a good technical reason, such as beneficial for overall thermal efficiency, it may be that the project with the least cables would be more appropriately located above the other project. In the case where only one project goes ahead, the project to be constructed, will be installed using open cut methods within the subsurface. So far as reasonably possible, the crossing design and construction will be least disruptive to agricultural land and be thermally efficient.</i></p>

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	<p>This general principle will be captured in an updated OCoCP (to be submitted at Deadline 18), however as stated in the Applicant's response to the ExA fifth written questions [REP14-036] Q5.4.0.11 the specific crossing arrangement and associated method statement can only be determined following detailed design once the number of cables, circuits and power flow is identified. It is therefore not appropriate to include a method statement in this regard to the OCoCP (or DAS) at this stage.</p>
<p>Q5.9.5.8: Design and Access Statement and Outline Landscape and Ecological Management Strategy</p> <p>The NFU and LIG are concerned that there is too much responsibility being placed on Breckland Council to approve the layout, scale and external appearance of the onshore project substation as stated at paragraph 66. The NFU and LIG are aware that Breckland Council is under resourced and the design documents for the substation will require time, understanding and substantial input to make sure that the substation fits into the landscape as best as possible. Again, at paragraph 67 it is stated that the Applicant will at an early stage engage with Breckland Council in regard to reviewing the mitigation and landscape proposals and the architecture of the convertor building. The NFU and LIG would like the two landowners directly affected by the substation to also be involved at this early stage particularly in regard to the landscape proposals.</p> <p>Paragraph 71: The NFU and LIG understand that sheet metal may be the most appropriate material to use to clad the convertor station and that it is used on most modern agricultural buildings but consideration will need to be taken into account of the height of the convertor station which is to be much higher than a normal agricultural building. The NFU and LIG think that further consideration should also be given to the timber board design as highlighted in figure 4 on page 39 in the preliminary guide. No actual specific technical reasons have been given for the use of metal sheeting. It may that the use of timber boarding with metal sheeting might help in the design of the convertor building blending into the landscape. Due to the height of the building the colour used on the metal sheets will need careful design. The NFU and LIG are in agreement to the style being a modern style shed structure which is simple in form this will also follow the style of many agricultural buildings in the area.</p>	<p>The Design and Access Statement (DAS) [REP14-015] secures and details the design review process to be undertaken with respect to the onshore project substation. This includes a commitment to an early design review and the Applicant can confirm that as reflected in Plate 4 of the DAS [REP14-015] the early design review process will involve consultation with local stakeholders as well as Breckland Council. As stated in paragraphs 77 and 79, this will include consultation with relevant landowners, as well as local parish councils and residents.</p> <p>As captured in paragraph 73 through the Design Guide and the design review process, these local stakeholders will be able to provide feedback on the proposed material finishes, colour and proposed landscaping. An outline for the Design Guide is presented in Appendix 1 which identifies that this will <i>'set out the design approach and the mitigation measures to be applied in respect of the onshore project substation'</i> and <i>'will include the detailed design of the built features, considering the layout of the site and the colour and texture of the materials to be used. It will also include the detailed design of the landscape features, including tree, hedgerow and grassland planting, earthworks, water attenuation ponds and drainage, and how these are integrated to form a robust landscape framework.'</i></p> <p>This feedback will be used to inform the final detailed design. However, as the relevant local planning authority, Breckland Council are the appropriate statutory body to have the final approval of the onshore project substation design and mitigation in accordance with Requirement 16 and Requirement 18 of the dDCO.</p> <p>Sufficient information and clarity on the early design review process, the consultation, and the contents of the Design Guide is secured in the DAS as currently drafted [REP14-015] and therefore no further updates are considered necessary. The text in paragraph 75 refers to the elements of the Design Guide which the stakeholders can provide feedback on, namely the colour and material finish and the</p>

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<p>Paragraph 72: It is stated that the information in the preliminary design guide will inform the development of the design guide. The NFU and LIG believe that local stakeholders in particular the landowners affected, and the local community of Necton Village should be able to first comment on the information provided in the preliminary design guide as is stated in appendix 3.</p> <p>Paragraph 73: As stated above the NFU and LIG would like the two landowners directly affected by the convertor building to be included in the final decision of what material is used to cover the structure of the building which will then lead on to local stakeholders being consulted on the material, finish and colour. The NFU and LIG would like to see the detail in the second part of paragraph 73 outlined in a new paragraph as this wording is to do with the landscaping around the building as set out below:</p> <p><i>“It is also recognised that the local community have experience of growing trees and other plants in the local area. Through consultation on the Design Guide, the Applicant would welcome the opportunity to share local knowledge on native species that are suited to local conditions. This would ensure that the ‘palette’ of species selected would present the best opportunity for successful establishment and growth”.</i></p> <p>The NFU and LIG would like to see two clear parts to the design guide, part 1 focusing on the material, the finish and colour used for the building and part 2 focusing on the landscaping and the planting to be carried out. There will be local stakeholders who may have vast experience in building design and colours and others who have great knowledge in landscape design and tree planting. Vattenfall must make use of this knowledge.</p> <p>Paragraph 74: The NFU and LIG think it is essential that the plans as outlined in this paragraph are shared and consulted on with local stakeholders. It is going to be very important to state in the Design Guide how and when local stakeholders will be consulted to make sure that this consultation is carried out.</p> <p>Plate 4 and Paragraph 77: The NFU and LIG would like to see that landowners affected, and some local stakeholders should be consulted on the ‘Provisional details on layout, scale and design are developed’ as stated in the second bubble and should also be involved in the design guide with Breckland Council. The NFU</p>	<p>landscaping proposals (as per the text quoted in the response) it is not necessary for this information to be presented in a new paragraph.</p> <p>The Preliminary Design Report (PDR) (secured in Appendix 3 of the DAS [REP14-015]) explored the use of timber as a potential material option. This was, however, discounted due to the number of disadvantages, including: serious fire risk; high maintenance; susceptibility to water leaks; and that small scale wooden cladding can emphasise the large scale of the structure. As stated in the PDR sheet metal is the most appropriate material for the onshore project substation, and further details in terms of the specification and finishes will be further explored during the design review process.</p>

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<p>and LIG do not believe that it should be down to Breckland Council in agreeing what aspects highlighted in the design guide are open to influence by local stakeholders. Further Breckland Council should not have the final say on the final design. This should be done through an elected local forum.</p> <p>Paragraph 78: As stated in this paragraph it will be important to consider who should be involved in any stakeholder analysis. Paragraph 80: The NFU and LIG would like to see the desired process that will be used for engagement and consultation being set out now and agreed as part of the DCO. It cannot and should not be left to the Applicant and Breckland Council.</p> <p>Paragraph 82: The NFU and LIG feel that it is very important that the information gathered from the engagement with local stakeholders is carried out and implemented and the final design cannot be changed. It therefore should not be that Breckland Council has the final say on the design this must come from the local forum which is elected to represent the local stakeholders.</p>	
Onshore project substation and National Grid Substation Extension Landscaping (DAS [REP14-015])	
<p>Paragraph 96: The NFU and LIG would like to see that it is stated that Norfolk Boreas must plant trees both 'nurse' and 'core' species which are a mix of whips and well established young stock. It is important that some planting is already established to help the building fit in to its surroundings quicker. Waiting 20 years for the nurse stock to reach 8m in height is too long. When the building is 19m in height nurse stock at 8m is not going to provide substantial screening of the building.</p> <p>Paragraph 97: It is important the landowners directly affected, and the elected local forum have a say in the landscaping works design. It is stated that the bund could be 2m in height using material which will be excavated to level the site for the building. The NFU and LIG would like further clarification on the width of bunding proposed for the landscape planting and how these groundworks will assist reduce the height of the convertor station. Planting should also take place on all sides of the convertor building and the width of screening needs to be increased from the specified width of 7m (as set out in OLEMS document 8.7) to 30m to allow for the best possible visual and noise mitigation.</p>	<p>The OLEMS [REP14-020] at paragraph 67 secures an additional commitment with regards to the size of individual trees for the proposed mitigation planting, namely that <i>'While the majority of the tree planting around the onshore project substation and National Grid substation extension will be small whips, these will be complimented by larger planting in select locations.'</i></p> <p>In addition, paragraph 66 includes a commitment to exploring advance planting, and where this is possible these areas could have approximately three or four years of growth prior to operation.</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. As secured in the OLEMS [REP14-020] at paragraph 71: <i>'During the development of the landscape management scheme for the onshore project substation, the use of bunding and level changes will be given further consideration as part of the overall detailed design in consultation with Breckland Council. There will also be consideration regarding opportunities to extend the</i></p>

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	<p><i>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> <p>However, the details of the landscape mitigation measures, such as proposed bunding, will only be developed further once the detailed design of the onshore project substation is available, post-consent. The Applicant has engaged in constructive dialogue with the relevant landowner regarding several facets of the screening planting and will continue to do so as the design is developed.</p>
Other matters	
<p>NFU and LIG seek a commitment from Vattenfall that the woodland will be maintained throughout the lifetime of the convertor station to ensure that the mitigation measures continue to be effective.</p>	<p>An appropriate aftercare period of 5 years is secured through Requirement 19 of the dDCO for all planting in the Breckland administrative area. This period of aftercare is sufficient to ensure the species planted are given a greater level of attention to ensure successful establishment. Following this initial aftercare period the planting will need less attention and as secured by Requirement 18(2)(h) of the dDCO, details of any longer term maintenance will be detailed in the final landscape management scheme, to be approved by Breckland Council, in consultation with the relevant statutory nature conservation body. Furthermore, in accordance with Requirement 19(1) of the dDCO all landscaping works must be carried in accordance with the relevant recommendation of the appropriate British Standards.</p>
<p>Fencing needs to be erected including deer fencing. NFU and LIG would like further clarification of the fencing proposal.</p>	<p>As secured by Requirement 20(2)(k), the final CoCP will include details of fencing appropriate for each stage of the onshore transmission works, and any specific requirements will be discussed and agreed with the relevant landowners as part of the land agreements.</p>

1.4 REP15-009- Natural England Cover letter and comments on responses to the Examining Authority's Fifth Round of Written Questions

Summary of Submission	Applicant's Comments
Cover letter	
<p>1. Decommissioning and Deemed Marine Licence Condition 3 (1) (g).</p> <p>Within our document reviewing the Norfolk Vanguard and Hornsea Project Three decisions submitted at Deadline 14 [REP14-067] Natural England stated that there is currently insufficient certainty/evidence that cable protection can be successfully decommissioned at the end of 30 years. We would like to clarify that this is an industry wide position regarding all forms of cable protection. However, Natural England stands by the advice we provided at Deadline 9 and 10 regarding the Boreas specific decommissioning evidence and proposed mitigations/commitments to use only concrete mattresses or similar type product. Based on the evidence presented we agree that this type of cable protection has the greatest likelihood of successfully being decommissioned and therefore cable protection over sub-optimally buried cables for the Boreas project was not considered to be a permanent impact. This mitigation is secured through the now amended Deemed Marine Licence Condition 3 (1) (g). This advice remains in place for the Boreas application and therefore with this mitigation in place the risk of an adverse effect on integrity (AEoI) has been reduced. However, due to the lasting impacts over the lifetime of the project, uncertainty that habitats will recover to their pre impacted state and to a lesser extent the permanent impact of cable protection at cable crossings (for which cable protection has also been significantly reduced), we cannot advise beyond reasonable scientific doubt that there will be no AEoI.</p>	<p>The Applicant welcomes this clarification and agrees that, due to the commitment to decommission cable protection and the securing of this through Condition 3(1)(g) (Schedule 11-12) of the dDCO, impacts will not be permanent.</p> <p>The Applicant disagrees with Natural England's position that due to the long term temporary impacts caused by cable protection AEoI cannot be ruled out. Further information is provided within:</p> <ul style="list-style-type: none"> • The Haisborough Hammond and Winterton Special Area of Conservation Position Paper [REP5-057]; • Assessment of Additional Mitigation in the Haisborough, Hammond and Winterton Special Area of Conservation [REP10-043]; • The Applicant's Response to the Examining Authority's Request for further information R17.1.24 [REP13-013].
<p>2. Updates to key benthic documents</p> <p>At Deadline 11 the Applicant reported that it had completed a second agreement with BT to allow the Applicant to cut and remove the remaining two out of service cables located within the Haisborough, Hammond and Winterton Special Area of Conservation (HHW SAC). At Deadline 14 the following documents were updated by the Applicant to reflect the agreement reached and the associated reduction in the area impacted by cable protection:</p>	<p>The Applicant notes that the further reductions are welcomed by Natural England, however it disagrees with Natural England and maintains that AEoI due to cable protection can be ruled out. In the row above the Applicant provides references for the evidence in support of the Applicant's position.</p>

Summary of Submission	Applicant's Comments
<ul style="list-style-type: none"> • EIA and DCO reconciliation Document (Document 6.7); • Outline Scour Protection and Cable Protection Plan (Document 8.16); • Outline Norfolk Boreas Haisborough Hammond and Winterton Special Area of Conservation Site Integrity Plan (Document 8.20); and • Outline Norfolk Boreas Haisborough Hammond and Winterton Special Area of Conservation Cable Specification, Installation and Monitoring Plan (Document 8.20). <p>Natural England is content with the changes made to the documents listed above. We also welcome the further reduction in the number of cable crossings down to two, which has resulted in a significant reduction in permanent impacts from cable protection. However, this does not change our advice provided at Deadline 9 and Deadline 14 where we advised that an AEoI on HHW SAC cannot be ruled out beyond all reasonable scientific doubt for cable protection proposed to address sub-optimally buried cables.</p>	
<p>3. Decommissioning Development Consent Order (DCO) requirement</p> <p>As advised in our Deadline 14 response [REP14-064] and comments provided on the Applicant's response to fifth round of written questions also provided at Deadline 15 (Our Ref: NE.NB.D15.01.AppExWQ5) Natural England proposes that the following wording could be included as a Development Consent Order (DCO) requirement to secure the decommissioning of the cable protection within the HHW SAC. Given the importance of successfully decommissioning cable protection within the Norfolk Vanguard OWF decision Natural England considers that it is appropriate for decommissioning within the HHW SAC to be appropriately secured through a specific DCO requirement or Deemed Marine Licence (DML) condition. The wording provided below could be amended to be included within a DML, if the Secretary of State considers that a marine licence condition is more appropriate after consideration of MMO guidance on such matters.</p> <p><i>XX. —(1) The obligations under paragraphs (2) and (3) shall only apply if and to the extent that—</i></p>	<p>The Applicant's firm position is that it has been agreed with the MMO and Natural England that Condition 3(1)(g) adequately secures the commitment to decommission relevant cable protection within the HHW SAC, therefore the Applicant does not see the need for a second condition which would in effect duplicate the commitment secured by Condition 3(1)(g).</p> <p>Whilst it should be noted that no condition equivalent to Condition 3(1)(g) was included in the Norfolk Vanguard DCO, the Applicant recognises that the SoS may wish to include a condition which more closely aligns with the decommissioning condition in the as made Norfolk Vanguard Order (condition 19 Schedule 11-12). If the SoS was minded to follow this approach (rather than the preferred mechanism secured by Condition 3(1)(g)), the Applicant has the following comments on the amended condition proposed by Natural England:</p> <p>As a point of principle, the Applicant considers that for the sake of consistency it would be appropriate for the condition to follow the form of drafting contained in the as made Order for Norfolk Vanguard as far as possible.</p> <p>As mentioned in the Applicant's response to Q5.8.3.2 [REP14-036] the Applicant is of the opinion that the additional points that Natural England wish to be included are</p>

Summary of Submission	Applicant's Comments
<p><i>(a) cable protection is installed as part of the authorised project within HHW SAC as at the date of the grant of the Order; and</i></p> <p><i>(b) it is a requirement of the written decommissioning programme approved by the Secretary of State pursuant to sections 105 (requirement to prepare decommissioning programmes) of the 2004 Act, including any modification to the programme under section 108 (reviews and revisions of decommissioning programmes), that such cable protection is removed as part of the decommissioning of the authorised project.</i></p> <p><i>(2) Within such timeframe as specified within the decommissioning programme approved by the Secretary of State, but no later than 4 months prior to each deployment of cable protection, the undertaker shall produce:</i></p> <p><i>(i) A decommissioning feasibility study on the proposed protection.</i></p> <p><i>(ii) A method statement for recovery of cable protection.</i></p> <p><i>(iii) A monitoring plan to include appropriate surveys of cables within HHW SAC that are subject to cable protection, to assess the integrity and condition of that cable protection and determine the appropriate extent of the feasibility of the removal of such cable protection having regard to the condition of the cable protection and feasibility of any new removal techniques at that time.</i></p> <p><i>(iv) A monitoring plan to include appropriate surveys of cables with HHW SAC that are subject to cable protection to assess their ongoing impact on the HHW SAC. This plan must include appropriate surveys to assess the cable protection in the 6 months immediately prior to decommissioning and propose appropriate surveys to monitor the recovery of the area of the HHW SAC impacted by the cable protection installation and decommissioning after works are completed.</i></p> <p><i>and submit the above to the Secretary of State for approval following consultation with the MMO and the Statutory Nature Conservation Body.</i></p> <p><i>(3) The undertaker shall review and where appropriate update the decommissioning feasibility study required under 23 (2) (i) at regular periods not exceeding five years. The updated study will be submitted to the Secretary of</i></p>	<p>already addressed in the original condition, or can be dealt with under section 105 and section 108 of the Energy Act 2004. In particular:</p> <ul style="list-style-type: none"> • The feasibility study element is already referred to in the original condition and the Applicant considers has already been secured within the Outline HHW SAC control documents (see below in comments on Q2.8.3.2); • The requirement for a Method Statement is already referred to in the original condition; • A Monitoring plan to assess integrity is already referred to in the original condition; • As explained in REP15-003 section 1.4, monitoring to assess ongoing impacts to the HHW SAC will not produce any meaningful results as the impact of most concern is that of habitat loss. As the habitat is lost due to the presence of cable protection that habitat cannot be surveyed. Therefore, the Applicant sees no merit in undertaking such surveys as they would not improve either the project's or the industries' understanding of the impacts of cable protection on habitat loss. • Monitoring plan/surveys to assess recovery could be covered under s105(d) which requires provisions for restoration (and, in any event, further detail required for this plan/surveys would be agreed as part of a Marine Licence for the decommissioning works); and • Updates to study/ plans could be covered under s108(1) of the Act. <p>All of the above points were discussed with Natural England and the MMO during meetings in August 2020 (see the Applicant's response to written Question Q5.8.3.2 [REP14-036]).</p> <p>The Applicant would be content with the remaining changes that Natural England requires and therefore taking into account the above, the Applicant's preference (in the event the SoS decided this additional condition was necessary notwithstanding condition 3(1)(g)) would be the following:</p> <p><i>20.—(1) The obligations under paragraphs (2) and (3) shall only apply in respect of—</i></p> <p><i>(a) cable protection, apart from at cable crossing locations with existing cables and pipelines, which is installed as part of the authorised project within the Haisborough,</i></p>

Summary of Submission	Applicant's Comments
<p><i>State for approval, following consultation with the MMO and the Statutory Nature Conservation Body.</i></p> <p><i>(4) The undertaker shall produce a final updated method statement for recovery of cable protection required at (2) (ii) no later than 4 months prior to the planned decommissioning. The final method statement for recovery of cable protection will be submitted to the Secretary of State for approval, following consultation with the MMO and the Statutory Nature Conservation Body.</i></p> <p><i>(5) Within such timeframe as specified within the decommissioning programme approved by the Secretary of State, the undertaker shall endeavour to recover the cable protection to the extent identified in the survey and according to the methodology set out in the method statement submitted pursuant to (4) above.</i></p>	<p><i>Hammond and Winterton Special Area of Conservation as at the date of the grant of the Order;</i></p> <p><i>(b) These obligations do not permit the decommissioning of the authorised scheme, and no authorised decommissioning activity shall commence until a decommissioning programme in accordance with an approved programme under section 105(2) of the 2004 Act has been submitted to the Secretary of State for approval and all relevant consents have been granted under the Marine and Coastal Access Act 2009.</i></p> <p><i>(2) No later than 4 months prior to each deployment of cable protection, except where otherwise stated or unless otherwise agreed in writing by the MMO, the undertaker must submit the following documents for approval by the MMO:</i></p> <p><i>(a) A decommissioning feasibility study on the proposed protection.</i></p> <p><i>(b) A method statement for recovery of cable protection.</i></p> <p><i>(c) A Monitoring Plan including appropriate surveys of cables situated within the Haisborough, Hammond and Winterton Special Area of Conservation that are subject to cable protection to assess the integrity and condition of that cable protection and determine the appropriate extent of the feasibility of the removal of such cable protection having regard to the condition of the cable protection and feasibility of any new removal techniques at that time, along with a method statement for recovery of cable protection.</i></p> <p><i>(d) A monitoring plan to include appropriate surveys following decommissioning to monitor the recovery of the area of the HHW SAC impacted by cable protection.</i></p> <p><i>(3) No cable protection can be deployed until the MMO, in consultation with the Statutory Nature Conservation Body approve in writing the documents pursuant to (2) above.</i></p> <p>The Applicant is working with the MMO and Natural England to reach agreement on the above wording and during recent meetings (4th and 7th of September 2020 respectively) both parties have indicated support for the above wording (in the case of Natural England this is pending a further review by the benthic specialist) and therefore the Applicant is confident that agreement can be reached. The final</p>

Summary of Submission	Applicant's Comments
	<p>positions will be provided in respective SoCGs which will be submitted at Deadline 18 (12th October 2020).</p> <p>As stated above the Applicant is in agreement with the Natural England and the MMO that, with the inclusion of the amended Condition 3(1)(g) within the Transmission DMLs, Condition 20 is not required. The Applicant understands that the SoS may wish to include Condition 20 to ensure consistency with Norfolk Vanguard and that he may wish to amend it based on requests from the Natural England and the MMO. Should this happen the Applicant has provided its version of the proposed Condition which it is confident will be agreed by both the MMO and Natural England. The Applicant is therefore content for the SoS to determine firstly whether Condition 20 is required (as well as whether it should be included as a Requirement or a DML condition), and if it is the Applicant would advocate the wording provided above.</p>
<p>4. Compensatory Packages: Alde-Ore Estuary Special Protection Area (SPA).</p> <p>Natural England are aware that the Applicant is intending to propose revised wording to the draft Development Consent Order (DCO) to make specific reference to the strategy including 'measures to install predator proof fencing'. Natural England advises that providing this wording is included in the DCO this would resolve any outstanding issues that Natural England has with this particular compensatory package and we are therefore content with the compensatory package for lesser black-backed gulls at Alde-Ore Estuary SPA.</p>	<p>As noted in REP15-004, the Applicant sent Natural England a revised version of the draft DCO wording which includes the reference to install predator proof fencing, as requested by Natural England, and the Applicant received agreement from Natural England that this satisfied their concerns regarding the proposed compensation for lesser black-backed gull at Alde-Ore Estuary SPA. The revised dDCO containing the update will be submitted at Deadline 18 (document reference 3.1 (version 8)).</p>
<p>5. Compensatory Packages: Flamborough and Filey Coast SPA.</p> <p>On 28 August 2020, Natural England provided further advice to the Applicant with regards to the Norfolk Boreas in principle Flamborough and Filey Coast Special Protection Area (SPA) kittiwake compensation proposal. This advice included a range of potential additional information and possible changes that could be made to the DCO compensatory requirements that in our expert opinion would enhance the compensatory package. However, Natural England notes that the time remaining to provide and agree such information within examination is very limited.</p>	<p>The Applicant has reviewed the advice provided by Natural England and intends to address all of the points raised by Natural England as far as is possible, given the late timing of this advice with respect to the Examination. The Applicant has agreed a programme of consultation with Natural England, which both parties are confident will facilitate the submission of further information in the form of an addendum to Appendix 1 of the Applicant's derogation case [REP11-012] at Deadline 16 (28th September).</p> <p>The Applicant has also updated Part 1 of Schedule 19 of the dDCO (the condition relating to the FFC compensatory measures) to address Natural England's comments that this should be drafted so as not to preclude alternative compensatory measures (i.e. alternatives to an artificial nesting structure) if other measures became available</p>

Summary of Submission	Applicant's Comments
	<p>and could therefore be delivered within the timeframes of the Norfolk Boreas project. This revised drafting at Part 1 of Schedule 19 has been provided to Natural England and the MMO (on the 4th September 2020) for review. Thus far, Natural England (at a meeting on the 7th September) have indicated initial support for the revised wording, however further feedback will be provided to the Applicant following a more detailed review by Natural England ornithology specialists.</p>
<p>Natural England's response to the Applicant's responses to the Examining Authority's Fifth round of Written Questions</p>	
<p>Haisborough, Hammond and Winterton SAC</p>	
<p>Q5.2.0.2 Decommissioning in the HHW SAC</p> <p>Natural England advises that prior to cable installation there will have to be further consideration of the best cable protection options to give the greatest likelihood of successfully decommissioning.</p>	<p>At Deadline 10 the Applicant in consultation with Natural England added the following to the HHW SAC control documents REP10-027 and REP10-029:</p> <p><i>"It will therefore be the Applicant's responsibility to demonstrate in the final CSIMP [or SIP] that the chosen form of cable protection can be successfully decommissioned. The evidence to demonstrate this will be presented to the MMO for approval in consultation with Natural England as early as possible, but at a minimum within the detailed CSIMP [or SIP]."</i></p> <p>The Applicant understood that this addition had addressed Natural England's concerns which have been stated again here.</p>
<p>However, we agree with the Applicant in relation to the removal of the cables i.e. this will only be appropriate and necessary in areas where there is the potential for exposed/free spanning cables e.g. where cable protection has been removed.</p>	<p>The Applicant notes Natural England's Agreement on the points as outlined in the Applicant's original response to Q5.2.0.2 [REP14-036].</p>
<p>Q5.8.3.2 Haisborough, Hammond and Winterton SAC</p> <p>With regards to the SoS decommissioning condition, Natural England notes that the applicant considers that the Energy Act 2004 sections 105 and 108 address our requirements to be included within a decommissioning condition. However, Natural England would advise that the energy Act 2004 section 105 is not sufficiently specific to address the requirements for decommissioning within a designated site. We would note that section 105 only includes monitoring if works are left in situ. No specific mention is made of the need for a feasibility study and details on timing of submissions are not provided for Section 108 for</p>	<p>The Applicant's position on the SoS's decommissioning condition is provided above within this table (in response to 3. Decommissioning Development Consent Order (DCO) requirement).</p> <p>Further to the response above and in regard to the feasibility point, the Applicant considers that the wording added to the HHW SAC control documents ensures that the Applicant will provide evidence that the decommissioning of cable protection will be feasible (A feasibility study):</p> <p><i>It will therefore be the Applicant's responsibility to demonstrate in the final CSIMP [or SIP] that the chosen form of cable protection can be successfully be decommissioned.</i></p>

Summary of Submission	Applicant's Comments
<p>updates also lacks specific consideration for the decommissioning within a designated site. We defer to the MMO and SoS on the location of an appropriate decommissioning condition. However, we have provided a draft condition that could be included within either the DCO requirements or transmission DMLs to ensure that the cable protection works are appropriately decommissioned within the designated site. Please note, the provision of this condition does not impact on the advice provided throughout the examination regarding the impacts to the HHW SAC or to our advice that we cannot say beyond reasonable scientific doubt that the works will not have an AEoI on the HHW SAC.</p> <p>Please also see our separate response to the ExA question 5.8.6.1 also provided at Deadline 14 (Our ref: NE.NB.D14.01.ExWQ5 [REP14-064]) regarding de minimis.</p>	<p><i>The evidence to demonstrate this will be presented to the MMO for approval in consultation with Natural England as early as possible, but at a minimum within the detailed CSIMP [or SIP].</i></p> <p>With regard to the monitoring of recovery point, the Applicant considers that the scope of the monitoring would be agreed as part of the Marine Licence which authorises the decommissioning works. However, if the SoS considers this should be required as part of a Condition 20 to be added to the DCO, the Applicant would be content with this (see the Applicant's proposed Condition 20 above).</p>
Flamborough and Filey Coast SPA, Alde-Ore Estuary SPA and Haisborough Hammond and Winterton SAC	
<p>Q5.8.6.1 Derogation case</p> <p>Please see our Deadline 14 response to this question in REP14-064.</p> <p>With regard to in principle compensation measures for Flamborough and Filey Coast SPA kittiwakes, please see our Deadline 14 response to the Applicant's responses to R17.1.14 in REP14-065. As noted in REP14-065, Natural England have provided some additional advice to the Applicant on what further work could be carried out to develop greater confidence in the compensatory measures and that could also be provided within the limited time remaining prior to the end of examination.</p> <p>With regard to the Applicant's proposed updates to the dDCO regarding compensation for Alde-Ore Estuary SPA lesser black-backed gulls, as the condition now states that the strategy must include predator fencing and be submitted before any offshore works commence, and that predator fencing must then be put in place before the turbines are operational, and in the context of the predicted level of impact from Norfolk Boreas, we are satisfied with these amendments.</p> <p>With regards to the HHW SAC compensatory package Natural England can confirm we are content with the package that has been presented.</p>	<p>As noted earlier in this response and in the Deadline 15 submission (REP15-003), the Applicant received updated advice from Natural England regarding compensation for the Flamborough and Filey Coast SPA on 28th August. The Applicant has reviewed this advice and intends to submit additional information at Deadline 16 (28th September 2020). The Applicant has agreed a programme of consultation with Natural England in advance of its submission to the Examination, in order to ensure the content of the submission has been agreed as far as possible on the .</p> <p>The Applicant welcomes Natural England's agreement that the proposed compensation for the Alde-Ore Estuary SPA, which now includes a commitment to install predator proof fencing, provides the necessary level of detail and no further information is required. The updated wording will be included in the dDCO to be submitted at Deadline 18.</p> <p>The Applicant welcomes further confirmation that Natural England is content with the HHW SAC compensatory package.</p>

1.5 REP15-007 MMO, Comments on Responses to the Examining Authority's Fifth Round of Written Questions

Summary of Submission	Applicant's Comments
REP14-039: Applicant's comments on Deadline 13 Submissions	
<p>The MMO welcomes the Applicant's response to REP13-035. The MMO reiterates that the one point of disagreement remaining is in relation to the inclusion of the Haisborough, Hammond and Winterson (HHW) Special Area of Conservation (SAC) Site Integrity Plan (SIP) within the application.</p> <p>As the preferred approach of all parties is the HHW SAC Cable Specification, Installation and Monitoring Plan (CSIMP), the MMO believes the HHW SAC SIP should therefore be removed from the DCO application.</p>	<p>As explained in REP13-016 the Applicant wishes to retain both options on the basis that the Applicant recognises that the Examining Authority may wish to recommend either the HHW SIP or the CSIMP alternative approach, or that the SoS may wish to decide on the most appropriate mechanism to include in the DCO.</p>
REP14-064: EN010087_Boreas_D14_NE_ExA Fifth Round of WQs	
<p>Question 5.2.0.1: Micrositing to mitigate impacts to archaeological and Annex 1 habitat features: In response to R17.1.21 MMO [REP13-035] stated that it is content that the information within the proposed CSIMP does provide enough detail to assist with the discharging of the plan at the post consent stage. However, MMO defers to NE on all aspects relating to HRA. Therefore, is NE content with the Applicant's response to R17.1.21 [REP13- 013]? If not, what further mitigation does NE consider necessary?</p> <p>NE have provided the following response to this question:</p> <p>'Natural England respectfully agrees to disagree with the Applicant's response at REP13 – 013, question R17.1.21. Please be advised that our advice on ability to micro site presented at REP5 -081 remains unchanged. We believe that all known mitigation measures have been presented in the CSIMP. Should the project be consented then the feasibility of any mitigation measures will need to be considered pre construction and should Adverse Effect on Integrity remain, this will need to be fully addressed by the competent authority.'</p> <p>The MMO understands there are still disagreements in relation to Adverse Effect on Integrity (AEoI) on the HHW SAC between the applicant and NE and the MMO defers to NE in these matters. The MMO understands that it is a matter for the Secretary of State (SoS), in light of NE's comments and the information provided</p>	<p>The Applicant has noted NE's position and has referred the ExA (in REP15-003) to section 1.12 of REP6-013 where the Applicant responded to Natural England's REP5-081 submission (referenced here by the MMO).</p> <p>The Applicant agrees with the MMO's position that a decision on AEoI should be taken at the consenting stage. The HHW SAC SIP does not prevent this, and has been retained as an alternative to allow the SoS to include "an additional safeguarding mechanism" as was done for Norfolk Vanguard.</p>

Summary of Submission	Applicant's Comments
<p>by the Applicant, to determine whether sufficient information is available to conclude for certainty that there is no AEoI on the site at consenting stage.</p> <p>The MMO acknowledges that in discharging documents it is obliged to take the requirements of the Habitats Regulations into account. However, as stated in previous submissions (REP09-035 and REP09-036) the MMO believes that decisions on AEoI should be taken at consenting stage and that the purpose of documents like the CSIMP is to agree the fine detail of proposals rather than to allow a decision on AEoI to be postponed to a future date when the plan is discharged.</p>	
<p>Q5.5.4.4 Decommissioning of cables in HHW SAC Conditions 20 and 3(1)(g): Confirm satisfaction or otherwise with change to the dDCO [REP13- 007/008] that includes a new cable decommissioning condition 20 in Schedules 11 and 12 and removes condition 3(1)(g) prohibiting rock or gravel dumping.</p> <p>1.2.4 The Norfolk Vanguard SoS decision included Condition 19 in Schedules 11 and 12. This condition was included to enable the SoS to be certain that there was no AEoI from cable protection as it secured the inclusion of cable protection that could be decommissioned. However, since the final submission of documents to Norfolk Vanguard, discussions have developed further during the Norfolk Boreas Examination.</p> <p>The Applicant included a slightly amended version of the Norfolk Vanguard condition in the Norfolk Boreas Schedules 11 and 12 as Condition 20 and removed condition 3(1)(g).</p> <p>The MMO, NE and the Applicant have now agreed that Condition 3(1)(g), that was removed from Schedules 11 and 12 by the Applicant at Deadline 13, is the preferred condition to secure decommissioning of cable protection within the HHW SAC and believe that it should be included in the DCO: '(g) in the Haisborough, Hammond and Winterton Special Area of Conservation, cable protection must not take the form of rock or gravel dumping <i>where it is deployed to protect export cables apart from at cable crossing locations with existing cables and pipelines.</i>'</p>	<p>As stated in section 1.4 in response to Natural England's comments (3. Decommissioning Development Consent Order (DCO) requirement) the Applicant's firm position is that it has been agreed with the MMO and Natural England that Condition 3(1)(g) of the Transmission DMLs adequately secures the commitment to decommission relevant cable protection within the HHW SAC, and therefore the Applicant does not see the need for a second condition to serve a similar purpose.</p> <p>Notwithstanding this, if the SoS decides that Condition 20 should be applied to the Norfolk Boreas DMLs, or alternatively included as a Requirement of the dDCO, the Applicant would be content for this to happen. The Applicant appreciates that the MMO (here) and Natural England (in section 1.4 (3. Decommissioning Development Consent Order (DCO) requirement)) have requested further amendments to that condition/ requirement and should the SoS be minded to make these amendments, the Applicant would have the following comments on the condition proposed by the MMO (as well as the comments (many of which are the same as these) on Natural England's proposed wording in section 1.4):</p> <ul style="list-style-type: none"> Under 20(2) the Applicant would advocate that this states <i>No later than 4 months prior to each deployment....</i>rather than 6 months, to ensure consistency with the majority of other plans (see the row on timeframes within Table 7 of the MMO SoCG [REP9-023] for further discussion on four months and six months) and to maintain consistency, as far as possible with the Norfolk Vanguard DCO.

Summary of Submission

The MMO also understands that the applicant agrees with this approach and will include this condition in the final dDCO at Deadline 16.

The MMO raised concerns on the inclusion of condition 20 of Schedule 11 and 12 in REP14-058. As stated, above condition 3(1)(g) in Schedules 11 and 12 is preferred over condition 20 and the MMO and NE agree that condition 20 should be removed from the DCO.

The MMO believes that if the SoS is minded to include condition 20 in the Norfolk Boreas DCO then it should be included within the DCO and as a requirement under Requirement 14 to submit a Decommissioning Programme under the Energy Act 2004. The MMO also considers it should be updated to include the opportunity for the MMO and NE to be consulted on the information provided. The MMO supports NE as the Statutory Nature Conservation Body in the request for the addition of further information to the requirement that may not be covered within the Energy Act 2004 but is required to rule out AEol.

As stated above the preferred option for the MMO, NE and the Applicant is including condition 3(1)(g) in Schedule 11 and 12. The MMO considers the next best option is to include the proposed condition 20 as a requirement. However, if the SoS decides a DML condition should be included then, in addition to the concerns regarding the works that the MMO set out in REP14-058, the MMO suggests that the following wording should be included in Schedule 11 and 12, Part 4, Condition 20:

'Decommissioning of cable protection within the Haisborough, Hammond and Winterton Special Area of Conservation

20.—(1) The obligations under paragraphs (2) and (3) shall only apply if and to the extent that—

(a) cable protection, apart from at cable crossing locations with existing cables and pipelines, is installed as part of the authorised project within the Haisborough, Hammond and Winterton Special Area of Conservation as at the date of the grant of the Order;

(b) These obligations do not permit the decommissioning of the authorised scheme, and no authorised decommissioning activity shall commence until a decommissioning programme in accordance with an approved programme under

Applicant's Comments

- Under 20(2)(a) the Applicant considers that the requirement for a feasibility study is already secured under the SoS's existing condition and within the following commitment made in the outline HHW SAC control documents:

"It will therefore be the Applicant's responsibility to demonstrate in the final CSIMP [or SIP] that the chosen form of cable protection can be successfully decommissioned. The evidence to demonstrate this will be presented to the MMO for approval in consultation with Natural England as early as possible, but at a minimum within the detailed [SIP or] CSIMP [or SIP]." [Paragraph 78, REP14-031]

However, the Applicant would be content for the SoS to adopt 20(2)(a) as proposed by the MMO if considered it appropriate to do so.

- Under 20(2)(d), the Applicant does not consider that there is a need to undertake surveys to assess the ongoing impacts of cable protection within the HHW SAC as the impact of concern is habitat loss. Surveys to assess the impact of habitat loss will not show any meaningful results as the habitat would not be present due to presence of the cable protection. Therefore, the Applicant sees no merit in undertaking such surveys as they would not improve either the project's or the industries' understanding of the impacts of cable protection on habitat loss. The Applicant understands that this survey element has been added at the request of Natural England as outlined in Natural England's REP14-067 and as explained in the Applicant's Comments on Natural England and the MMO's Deadline 14 Submissions [REP15-004], the Applicant sees no logic in this inclusion.
- Also, under 20(2)(d), the Applicant does not consider it necessary to be specific at this stage as to when the final survey of cable protection integrity should be carried out. Condition 20(2)(c) would cover this element and the timing of surveys would therefore be agreed through that plan.
- Under 20(3) the Applicant does not consider that the MCA and Trinity House would need to be consulted as the purpose of the condition is to mitigate impacts on the HHW SAC from cable protection and, in any event, approvals by both these parties (in the context of shipping and navigation concerns) are dealt with elsewhere in the Transmission DMLs such as under Condition 9(1).

Summary of Submission

section 105(2) of the 2004 Act has been submitted to the Secretary of State for approval and all relevant consents have been granted under the Marine and Coastal Access Act 2009.

~~(b) it is a requirement of the written decommissioning programme approved by the Secretary of State pursuant to section 105 (requirement to prepare decommissioning programmes) of the 2004 Act, including any modification to the programme under section 108 (reviews and revisions of decommissioning programmes), that such cable protection is removed as part of the decommissioning of the authorised project.~~

(2) No later than 6 months prior to each deployment of cable protection, except where otherwise stated or unless otherwise agreed in writing by the MMO, ~~Within such timeframe as specified within the decommissioning programme approved by the Secretary of State,~~ the undertaker shall submit the following documents for approval by the MMO:

(a) A decommissioning feasibility study on the proposed protection,

(b) A method statement for recovery of cable protection.

(c) A Monitoring Plan including ~~shall carry out~~ appropriate surveys of cables situated ~~within the Haisborough, Hammond and Winterton Special Area of Conservation that are subject to cable protection and that are situated within the Haisborough, Hammond and Winterton Special Area of Conservation~~ to assess the integrity and condition of that cable protection and determine the appropriate extent of the feasibility of the removal of such cable protection having regard to the condition of the cable protection and feasibility of any new removal techniques at that time, and submit that along with a method statement for recovery of cable protection to the MMO.

(d) A monitoring plan to include appropriate surveys of cables with HHW SAC that are subject to cable protection to assess their ongoing impact on the HHW SAC. This plan must include appropriate surveys to assess the cable protection in the 6 months immediately prior to decommissioning and propose appropriate surveys to monitor the recovery of the area of the HHW SAC impacted by the cable protection installation and decommissioning after works are completed.

(3) ~~Within such timeframe as specified within the decommissioning programme approved by the Secretary of State,~~ No cable protection can be deployed until the

Applicant's Comments

The Applicant would be content with the remaining changes that the MMO requires and therefore taking into account the above (and Natural England's proposed wording in section 1.4), the Applicant's preference (in the event the SoS decided this additional condition was necessary notwithstanding condition 3(1)(g)) would be the following:

20.—(1) *The obligations under paragraphs (2) and (3) shall only apply in respect of—*

(a) cable protection, apart from at cable crossing locations with existing cables and pipelines, which is installed as part of the authorised project within the Haisborough, Hammond and Winterton Special Area of Conservation as at the date of the grant of the Order;

(b) These obligations do not permit the decommissioning of the authorised scheme, and no authorised decommissioning activity shall commence until a decommissioning programme in accordance with an approved programme under section 105(2) of the 2004 Act has been submitted to the Secretary of State for approval and all relevant consents have been granted under the Marine and Coastal Access Act 2009.

(2) No later than 4 months prior to each deployment of cable protection, except where otherwise stated or unless otherwise agreed in writing by the MMO, the undertaker must submit the following documents for approval by the MMO:

(a) A decommissioning feasibility study on the proposed protection.

(b) A method statement for recovery of cable protection.

(c) A Monitoring Plan including appropriate surveys of cables situated within the Haisborough, Hammond and Winterton Special Area of Conservation that are subject to cable protection to assess the integrity and condition of that cable protection and determine the appropriate extent of the feasibility of the removal of such cable protection having regard to the condition of the cable protection and feasibility of any new removal techniques at that time, along with a method statement for recovery of cable protection.

(d) A monitoring plan to include appropriate surveys following decommissioning to monitor the recovery of the area of the HHW SAC impacted by cable protection.

Summary of Submission	Applicant's Comments
<p>MMO, in consultation with the Statutory Nature Conservation Body, the MCA and Trinity House, <i>must confirm whether or not it is satisfied with the approve in writing the documents method statement</i> pursuant to (2) above.</p> <p>The MMO believes this wording is in line with the rest of the DMLs and incorporates all NE's concerns. The MMO has made it clear within this draft condition that the decommissioning of cable protection within the HHW SAC is not consented at this stage.</p>	<p>(3) No cable protection can be deployed until the MMO, in consultation with the Statutory Nature Conservation Body approve in writing the documents pursuant to (2) above.</p> <p>During a meeting on the 4th September 2020 the MMO indicated that they would be content with the wording proposed by the Applicant although they recognised that this wording may not be agreed by Natural England. The Applicant then discussed the above wording with Natural England on the 7th of September where Natural England indicated initial support of the revised wording (as presented above), however further feedback will be provided to the Applicant following a more detailed review by benthic specialists.</p> <p>As stated above the Applicant is in agreement with the MMO (and Natural England) that, with the inclusion of the amended Condition 3(1)(g) within the Transmission DMLs, Condition 20 is not required. The Applicant understands that the SoS may wish to include Condition 20 to ensure consistency with Norfolk Vanguard and that he may wish to amend it based on requests from the MMO and Natural England. Should this happen the Applicant has provided its version of the proposed Condition which it is confident will be agreed by both the MMO and Natural England. The Applicant is therefore content for the SoS to determine firstly whether Condition 20 is required (as well as whether it should be included as a Requirement or a DML condition), and if it is the Applicant would advocate the wording provided above.</p>
REP14-065: EN010087_Boreas_D14 NE Comments on other IPs Responses to Rule 17 letter	
<p>Table 2: R17.1.29: Southern North Sea Regulators Group</p> <p>The MMO notes comment 2.4.1 of REP13-035 states: 'that a mechanism has been agreed in the form of a tool.', NE has commented advising 'NE do not consider the SNS activity tracker to be an agreed mechanism in itself'.</p> <p>The MMO agrees that the full details of the mechanism still need to be finalised and welcomes NE's comments in relation to the continuous work on the mechanism.</p>	<p>The Applicant has no comment to make.</p>

Summary of Submission	Applicant's Comments
Please note the August meeting has been rearranged to take place on 3 September 2020 and NE has been invited.	
Deadline 14 Other Applicant' Submissions	
<p>The MMO has reviewed the following documents and is content with the updates:</p> <ul style="list-style-type: none"> • REP14-010: 6.7 EIA and DCO Reconciliation Document (Clean) (Version 5) • REP14-027: 8.12 Offshore In Principle Monitoring Plan (Clean) (Version 5) • REP14-029: 8.16 Outline Scour Protection and Cable Protection Plan (Clean) (Version 5) • REP14-031: 8.20 Outline Norfolk Boreas Haisborough Hammond and Winterton Special Area of Conservation Cable Specification, Installation and Monitoring Plan (Clean) (Version 2) • REP14-033: 8.20 Outline Norfolk Boreas Haisborough Hammond and Winterton Special Area of Conservation Site Integrity Plan (Clean) (Version 5) 	The Applicant welcomes this response and has no further comment to make.

1.6 REP15-011 Oulton Parish Council Deadline 15 Submission

Summary of Submission	Applicant's Comments
Comments on Applicant's responses to Deadline 14	
<p><u>1. Cumulative adverse effects over time in Broadland District</u></p> <p>Refers to the Applicant's response to ExA Q5.4.0.3 [REP14-036] and reference to the cable route only implies that this has not included either HP3's Main Construction Compound (MCC) or Norfolk Vanguard/Boreas Cable Logistics Area (CLA).</p> <p>Refers to the timelines provided and believes it is unclear whether the start dates include the pre-construction works and commissioning works at the end of construction and the continuous use of the HP3 MCC. Believes that the</p>	<p>The Applicant would like to clarify that when referring to '<i>works which affect communities in Broadland District are associated with the onshore cable route construction</i>' this included all works along the onshore cable route not just the cable installation activity and as such includes the use of the HP3 MCC and the CLA.</p> <p>To clarify the CLA for Norfolk Boreas/ Norfolk Vanguard will only be in use during the cable pulling works (up to 2 years per project), and the time period for these works has been included in the worst case elapsed time presented in the response to ExA Q5.4.0.3 [REP14-036].</p>

Summary of Submission	Applicant's Comments
<p>timetable has been under estimated, particularly with regards to HP3 and provides their own timetable for Oulton.</p>	<p>The HP3 MCC will be required to support the construction of the onshore export cables, which have a proposed total duration of 30 months. The worst case in terms of total elapsed time is that this will be split over two phases; first phase early 2022 until early 2024, followed by a period of no activity, until commencing again in early 2027 and ending early 2028. The HP3 MCC would therefore be in use throughout each phase but not in the period of no activity, therefore the use of the HP3 MCC has been included in the worst case elapsed time presented in the response to ExA Q5.4.0.3.</p> <p>As stated in the Applicant's response to ExA Q5.4.0.3, <i>'Prior to these works there would be some pre-construction works such as environmental surveys. However, for the purpose of this worst case, commencement refers to the start of the main construction works on the onshore cable route'</i> and therefore does not include potential pre-construction works. However, such activities will be limited in terms of duration and level of activity such as ecological surveys.</p> <p>To clarify, the worst case activity periods presented in the Applicant's response to ExA Q5.4.0.3 include the cable commissioning works. The information presented replicates the information contained within the Project Description ES Chapter for each of the relevant projects [Norfolk Boreas Chapter 5 APP-218, Norfolk Vanguard Chapter 5 APP-239, HP3 Chapter 3 APP-058], the programme extracts from these chapters were replicated in the Applicant's response to the ExA's fifth written questions Appendix 4.1 [REP14-037]. These programmes show that for Norfolk Boreas and Norfolk Vanguard the two year cable pulling works phases includes the cable commissioning. The programme for HP3 does not specifically show commissioning however it does identify the period of activity associated with the 'onshore export cable' with no separate activity for commissioning which implies that the commissioning is included within this activity.</p>
<p><u>2. Assessment of community effects</u></p> <p>Refers to the Applicant's response to ExA Q5.4.0.5. with reference to the cumulative impact assessment which was carried out being limited to the cable route only and without consideration of wider traffic such as traffic travelling along routes from ports.</p>	<p>The EIA includes a cumulative impact assessment for all elements and all aspects of the project and is not limited to only the cable route. With reference to the traffic impact assessment presented in ES Chapter 24 Traffic and Transport [APP-237], the scope of this is detailed in Section 24.5.1 which defines a traffic and transport study area, based on the most probable routes for traffic for movement of materials and employees. The study area is depicted on ES Figures 24.2 Scenario 1 [APP-453] and 24.3 Scenario 2 [APP-454] which show the wider road network which has been</p>

Summary of Submission	Applicant's Comments
	<p>assessed, which includes the consideration of materials being imported from ports local to the project, namely Kings Lynn Port to the west and Lowestoft/Great Yarmouth Ports to the south-east.</p>
<p><u>3. Community Liaison</u></p> <p>Refers to the Applicant's response to ExA Q5.4.0.8, OPC welcome the use of a community liaison office but feel it not being shared with HP3 could be problematic and the project will have to liaise actively with each other to avoid dysfunction and gridlock.</p> <p>OPC also request there is a commitment to dedicated vehicle identifications for each project to help identify compliance issues.</p>	<p>As outlined in the Applicant's response to ExA Q5.4.0.8 the community liaison role will not be shared with HP3. However, as also outlined, both projects will actively engage to manage and coordinate any concurrent construction activities. The respective Outline Code of Construction Practice (OCoCP) as submitted for both Norfolk Boreas [REP14-012] and Hornsea Project Three both include commitments to developing project specific Communication Plans post-consent and include a framework to set out the key points of how communications will be delivered between projects.</p> <p>The OTMP [REP14-022] section 3.4 secures the commitment that vehicles will display a unique identifier in the cab of the vehicles to assist the public in reporting potential non-compliance.</p>
<p><u>4. The Old Railway Gatehouse</u></p> <p>Refers to the Applicant's response to ExA Q5.14.2.1 and raises concerns that there is not a commitment to providing acoustic barriers to the northern side of the property.</p>	<p>As stated in the Applicant's response to ExA Q5.14.2.1 the Applicant considered the request for acoustic barriers to the north by the Applicant and discussed these proposals with the residents of Old Railway Gatehouse during a site visit on 18th August 2020. During the site visit it was established that the request for barriers to the north was as a result of the visibility of the HP3 private access road and is not related to traffic using The Street. The Applicant explained this is not being used for Norfolk Boreas so would need to be discussed with HP3. Subsequently, the residents of Old Railway Gatehouse have agreed with the mitigation as proposed in the OTMP [REP14-022].</p>
<p><u>5. Outline Traffic Management Plan</u></p> <p>OPC consider that the commitment in the OTMP to not routing HGV construction traffic along Oulton Street north of the junction between the Street and Heydon Road should be extended to exclude all project traffic not just HGV traffic. Which is what was offered to the OPC Working Party when it met several times with the Applicant.</p>	<p>To clarify the OPC Working Party referred to, was a meeting attended by representatives from Norfolk Vanguard in February 2019. The Applicant understands that Norfolk Vanguard did subsequently make a commit in response to the ExA further written questions [NV REP4-040] Q11.39 that <i>'No construction traffic associated with Norfolk Vanguard will be routed along Oulton Street (residential area north of the junction between The Street and Heydon Road).'</i></p> <p>Therefore, the Applicant is prepared to make the same commitment and the OTMP paragraph 136 has been updated to the following;</p>

Summary of Submission	Applicant's Comments
	<p><i>'In addition to the above, Norfolk Boreas Limited has committed to not routing HGVs or any construction traffic along Oulton Street north of the junction between the Street and Heydon Road.'</i></p> <p>An updated OTMP will be submitted at Deadline 18.</p>

1.7 REP15-012 Polly Brockis Deadline 15 Submission

Summary of Submission	Applicant's Comments
Comment on the responses as Deadline 14	
<p>REP15-012 refers to the Applicant's response to Q5.14.1.1 that "The H.I.S has evolved substantially during the Norfolk Boreas examination and been subject to numerous revisions" and requests if could it be confirmed at what point NCC gave technical approval and are fully updated on the numerous revisions.</p> <p>REP15-022 raises queries regarding the information provided in the Technical Note; Entrance and egress onto the B1145 [REP14-44] around the required HGV stopping distances and encroaching into the road.</p> <p>Concerns are also raised regarding lack of lighting and references potential upgrading. Concerns remain over house being hit, noise, vibration and pollution effects. Expressing support for Broadland District Council's concerns over the methodology, data collection and interpretation of the noise assessment.</p>	<p>The Applicant can confirm that they have engaged with Norfolk County Council (NCC) throughout the development of the HIS and NCC are fully aware of all the revisions which have been made to the HIS. NCC confirmed they had no objection to the HIS in their response to the ExA fourth written questions [REP10-050] and following agreement on the potential driver compliance measures a Joint Final Position Statement with NCC on the HIS was submitted at Deadline 11 [REP11-016] which confirmed NCC position that; <i>'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 Hornsea3.'</i></p> <p>Please refer to the Applicant's comments to Deadline 14 submissions [ExA.ASR-D14.D15.5.V1] comments on REP14-076 and REP14-077 where the Applicant has responded to concerns raised regarding drawings previously provided. With respect to the stopping distances, please refer to the Applicant's comments on Deadline 13 submission, Section 1.1 [REP14-039], where it has responded to the same concerns raised by Cawston Parish Council, which states that <i>'All UK standards are based on dry weather conditions. The Highway Code supplements these standards by directing drivers to slow down in inclement weather conditions.'</i></p> <p>With respect to the lighting, as detailed in the Applicant's comments on response to the ExA written questions [REP3-003] Q1.2.3 the Applicant has provided an LED upgrade to existing Parish Council lights to improve amenity, this did not form part of the HIS mitigation measures. Improvement to the highway lighting has not formed part of the HIS mitigation proposal and has not been raised as part of the Road</p>

Summary of Submission	Applicant's Comments
	<p>Safety Audit (RSA) and engagement with NCC. Full details of the RSA, including the RSA brief, RSA report and recommendations and the RSA decision log are presented in Revised Cawston HIS Road Safety Audit Decision Log [REP5-055].</p> <p>Assessments have been undertaken with regards to the potential effects associated within the additional traffic movements, namely air quality, noise and vibration and effects on cultural heritage and have not identified any potential significant impacts. Please note that matters regarding air quality, vibration and cultural heritage are agreed with Broadland District Council (see SoCG REP10-036), noting that concerns did remain regarding noise.</p> <p>Please refer to the Applicant's response to the ExA Request for further information [REP14-038] Section 2 where it has responded on noise effects in Cawston and the Applicant's comments on response to the ExAs fourth written question [REP11-007] Q4.1.2.1 where the Applicant has also responded to the concerns raised by Broadland District Council on the noise assessment. In summary, the Applicant has used the available appropriate guidance and methodology to assess traffic noise impacts through Cawston, which had been previously agreed with Broadland District Council. The assessment undertaken on the potential noise effects associated with traffic through Cawston [REP8-028] did not identify any significant noise impacts or the need for additional mitigation. The Applicant is aware that Broadland District Council have concerns regarding potential noise effects associated with road traffic through Cawston during the onshore construction works and an additional commitment has been included in OCoCP [REP14-012] to undertake noise monitoring. The Applicant notes that Ms Brockis would be happy for her property be considered as part of any further noise monitoring.</p>

1.8 REP15-013 RSPB Deadline 15 Submission

Summary of Submission	Applicant's Comments
Written submission for the Royal Society for the Protection of Birds	
<p>The RSPB's submission includes the following sections:</p> <ul style="list-style-type: none"> • The nature conservation importance of the seabirds affected by the Norfolk Boreas offshore wind farm scheme. • Legal requirements. • The RSPB's position at the end of the Norfolk Vanguard extended consultation (April 2020). • The RSPB's current position on the Norfolk Boreas examination. • The RSPB's conclusions on Norfolk Boreas and the affected SPA features of the Flamborough and Filey Coast SPA and the Alde-Ore Estuary SPA. • The RSPB's position regarding the Norfolk Boreas derogation case. • Annex 1: RSPB note on precaution (updated 1st September 2020). • Annex 2: Details of Population Viability Analysis. 	<p>The Applicant has reviewed the RSPB's deadline 15 submission and notes that a considerable amount of this submission has in fact already been submitted by the RSPB (often exactly the same text) during the examination in REP2-096, AS-041, REP9-052 and REP10-067. Accordingly, the Applicant has provided detailed responses in REP4-014, REP5-051, REP6-021, REP10-033, and REP11-008, and the Applicant does not consider it necessary to repeat the content of those submissions. Furthermore, several of the topics raised by the RSPB in REP15-013 are now superseded by updates to the methods used and the assessment itself. As an example, the RSPB's comments on kittiwake flight speed are identical to those submitted in AS-041 (as submitted in January 2020), despite being labelled as 'updated 1st September 2020'. The original submission from the RSPB preceded the Applicant's detailed evidence review (REP5-060), which provided clear justification for a reduced flight speed to be used in collision modelling, but this has not been acknowledged or considered by the RSPB. The Applicant is also unclear why the RSPB has presented its position on the Norfolk Vanguard project as at the end of the Norfolk Vanguard extended consultation. The application to be determined is for Norfolk Boreas, not Norfolk Vanguard. The RSPB's specific position on Norfolk Vanguard (to the extent that this differs to the RSPB's position on Norfolk Boreas) is not relevant to determination of the Norfolk Boreas application. As a result the Applicant has not provided any specific comments on the RSPB's position in respect of Norfolk Vanguard.</p> <p>With respect to the RSPB's key comments on:</p> <ul style="list-style-type: none"> • Headroom in collision risk assessments; these points have been addressed by the Applicant in REP4-014 (under agenda item 7) and are also discussed in detail in REP6-021. • Proposed in-principle compensation; these are primarily addressed in the Applicant's responses to Natural England (REP10-033, REP10-034, REP14-039). It should also be noted that the previous submissions from the Applicant on the matter of compensation for ornithology impacts were based on the advice received from Natural England prior to the 24th August (as

Summary of Submission	Applicant's Comments
	<p>communicated to the Applicant on the 10th July and noted in the Applicant's deadline 13 submission REP13-013 in response to R17.1.12), specifically that the information submitted in REP7-025 and REP7-026, provided an appropriate level of detail and that additional details could be agreed following award of consent and if such measures were required (this is further clarified in REP15-004 in response to R17.1.11). Notwithstanding this, further information is now being prepared by the Applicant in response to Natural England's most recent advice, as explained in REP15-004 and noted in the ExA's variation to the examination timetable under Rule 8(3), issued on 4 September 2020.</p> <ul style="list-style-type: none"> • Accumulation of small impacts; the Applicant has responded to this point at Deadline 15 (REP15-003). • Proposed compensation for lesser black-backed gull at Alde-Ore Estuary SPA; following a revision to the wording of the relevant condition in the dDCO which was agreed between the Applicant and Natural England (to be submitted at Deadline 18), Natural England has confirmed that the Applicant has addressed all of Natural England's concerns and this proposed compensation is now fully agreed (as noted in REP15-004). • Proposed compensation for kittiwake at the Flamborough and Filey Coast SPA; as set out above, the Applicant received further advice from Natural England on the 28th August and is in the process of preparing further information on these measures which will be submitted to the examination on 28 September 2020. • The RSPB's support to renewable energy developments: The RSPB regularly state that they support renewable energy developments that are located in the 'right place': <i>'the RSPB favours energy efficiency together with a broad mix of renewables, including solar, wind, biomass (for heat and power) and marine power; located and used in ways which minimise damage to the natural environment.'</i>¹ The Applicant contends that Figure 4 of REP15-13, which presents a barplot of predicted kittiwake population size decreases for each additional wind farm in the in-combination assessment, demonstrates that wind farms located in the southern North Sea in the vicinity of (and

Summary of Submission	Applicant's Comments
	<p>including) Norfolk Boreas make relatively small contributions to the overall impact in the RSPB's analysis, and therefore these qualify as wind farms which are '<i>located and used in ways which minimise damage to the natural environment</i>'. Furthermore, the mitigation introduced by the Applicant during the examination, with a reduced number of turbines and a substantial increase in draught height, which resulted in collision estimates up to 74% lower than in the original application (REP7-029), also addresses the RSPB's aim for developments to '<i>minimise damage to the natural environment</i>'. Therefore the Applicant considers that Norfolk Boreas meets the RSPB's requirements for responsible development.</p> <p>1. https://www.rspb.org.uk/our-work/our-positions-and-casework/our-positions/climate-change/action-to-tackle-climate-change/uk-energy-policy/wind-farms/ [accessed 3rd Sept 2020]</p>

1.9 REP15-014 NSAG, Late Submission

Summary of Submission	Applicant's Comments
<p>Response to Applicant's comments on Deadline 13 submissions [REP14-039], Section 1.1 response to REP13-042 from NSAG regarding the Rochdale Envelope.</p> <p>NSAG believe that the statement provided by the Applicant is an admission that the worst case assumptions are not clearly represented on the visualisations. NSAG also believe that the model does not make it clear what the blue dotted line represents and is an attempt to deceive.</p>	<p>Please refer to the Applicant's comments on REP15-006 above.</p> <p>The Applicant would like to clarify that the visualisations of the onshore project substation do not underestimate the levels or extent of visibility and do represent the worst case assumptions.</p>

1.10 REP15-015 Julian Pearson, Late Submission

Summary of Submission	Applicant's Comments
Holme Hale Parish Council (HHPC) responses to ExA fifth written questions	
<p>Q5.9.5.5. Independent Design Review for substations</p> <p>HHPC would like to see BOTH. but our concerns remain that the applicant is still intending to defer until after consent is given.</p>	<p>Please refer to the Applicant's comments on responses to the ExA's fifth round of written questions [REP15-003] Q5.9.5.5, the Applicant's position remains unchanged from that stated in REP13-018;</p> <p><i>'that any design review would be best conducted in a local forum involving the district council and local stakeholders, rather than through an independent design review panel whose objectives may differ from local stakeholder aims to ensure the onshore project substation buildings are designed to be as discreet as possible.'</i></p>
<p>Q5.9.5.6 Independent Design Review for substations</p> <p>HHPC would like additional wording for ease of understanding "The Design guide should list all 9 notes of section III, Paragraph 7 (Design) of the Horlock rules and specify how each has been addressed in the design review". This will demonstrate the established guidelines of the National Grid have been used.</p>	<p>The purpose of the Design Guide is to set out the design approach and mitigation measures to be applied in respect of the onshore project substation not to examine the application of the Horlock Rules. The Horlock Rules have been considered as part of the development of the onshore project substation location and those relevant to design are outlined within Table 4.2 of the Design and Access Statement (DAS) [REP14-014]. Therefore no additional wording is necessary.</p>
<p>Q5.9.5.8 Design and Access Statement and Outline Landscape and Ecological Management Strategy</p> <p>HHPC has no informed comment to make on this question</p>	<p>Noted.</p>
<p>Q5.16.0.1 SoS Decisions and letters regarding other NSIPs</p> <p>HHPC would like to see at least a high level design review for the mitigation of the Necton substation, PRIOR to the decision by SoS of an obstructive condition that requires that design guide to be completed, reviewed and agreed with Breckland AND an independent forum, to ensure all design notes in the Horlock rules have been addressed.</p>	<p>In the DAS [REP14-014] the Applicant has committed to undertaking an early design review and has produced a preliminary design report [REP14-045]. However, any design review can only commence once the onshore project substation designer and contractor have been appointed post consent and the provisional details on the layout, scale and design can be developed. This is to ensure that the design and any associated mitigation is based on the most appropriate and best available technology. However, the DAS secures that a design review process will be undertaken at the appropriate time and with sufficient time to inform the final detailed design.</p>

1.11 REP15-016, Broadland District Council, Late Submission

Summary of Submission	Applicant's Comments
Broadland District Council response to ExA fifth written questions	
<p>Q5.4.0.7 and Q5.4.0.8 - Community Liaison – Given that the applicant is requested to provide further information in this respect the District Council awaits their response before commenting further.</p>	<p>Please refer to the Applicant's responses to the ExA's fifth written questions [REP14-036] Q5.4.0.7 and Q5.4.0.8, where it has provided further details. The Applicant awaits any further comments from Broadland District Council.</p>
<p>Q5.4.09 – Community Liaison – d) The District Council expects that the Parish Councils will be consulted on the Communications Plan and that this is included in the OCoCP.</p>	<p>Please refer to the Applicant's responses to the ExA's fifth written questions [REP14-036] Q.5.4.0.9, which states that <i>'The Applicant would of course, have no issue should the LPA want to consult with relevant Parishes on the communication plans. We do not consider at this stage it would be necessary to write this into the OCoCP nor the OTMP.'</i></p>
<p>Q5.9.5.8 – Design & Access Statement and Outline Landscape & Ecological Management Strategy – No comment.</p>	<p>Noted.</p>
<p>Q5.14.1.1 – Outstanding concerns from Cawston Parish Council – d) The District Council notes that the HIS for Link 34 has passed its safety audit as it is technically acceptable however the District Council is concerned that the increased cumulative traffic movements in the centre of Cawston will not function as effectively as the theory may indicate due to motorists non-compliance with the scheme and the adverse implications this will have for residents and other road users in the centre of Cawston.</p>	<p>Please refer to the Applicant's responses to the ExA's fifth written questions [REP14-036] Q5.14.1.1 where it has responded on the outstanding concerns regarding cumulative impact and confirms that the OTMP [REP14-022] has been updated to commit to a reduction of cumulative HGV movements on Link 34 through Cawston at the pre-construction stage (but post consent) as part of the development of the final TMP and subsequent discharge of Requirement 21 of the dDCO.</p> <p>With regards to potential driver compliance issues, please refer to the Applicant's comments on responses to the ExA's fourth written questions [REP11-007] Q4.14.0.1 where it confirmed that the Applicant has engaged with Norfolk County Council and has agreed additional intervention measures for potential driver compliance issues, which are detailed and secured in section 5.6 of the OMTP [REP11-007].</p>
<p>Q5.14.1.3 – Additional mitigation – In response to REP13-054, the District Council would support a community fund managed by Cawston Parish Council for individual home owners and businesses to draw on for works to property required as a direct result of the additional construction traffic in Cawston.</p>	<p>Please refer to the Applicant's responses to the ExA's fifth written questions [REP14-036] Q5.14.1.3 and the Applicant's Position Statement on Meeting with Cawston Parish Council [REP13-019]. In summary the Applicant will look to deliver a wide range of community benefits which may include some benefits in-kind such as improved community amenities. However, such benefits are delivered voluntarily and are not material to the planning process.</p>

Summary of Submission	Applicant's Comments
<p>Q5.16.0.1 – SoS decisions and letters regarding other NSIP's – The District Council notes the SoS decision in respect of Norfolk Vanguard and the 'minded to approve' Hornsea Three decision and in particular the reasoning on transport, traffic and impact on living conditions of local residents. The implications for the centre of Cawston from the additional cumulative increase in construction traffic from the Norfolk Boreas project in combination with the other two projects is a concern and the District Council awaits the submission of the applicant's further proposals in this respect as required by Q5.14.1.1 – Outstanding concerns from Cawston PC.</p>	<p>Please refer to the Applicant's responses to the ExA's fifth written questions [REP14-036] Q5.14.1.1 where it has responded on the outstanding concerns from Cawston PC. The Applicant awaits any further comments from Broadland District Council.</p>