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**From:** [REDACTED] north-norfolk.gov.uk>  
**Sent:** 15 June 2023 17:53  
**To:** SADEP <sadep@planninginspectorate.gov.uk>  
**Cc:** [REDACTED]@equinor.com>  
**Subject:** Issue Specific Hearing (ISH) 7 - Weds 21 June 2023

Good Evening,

I have been made aware that the ExA have requested the attendance of North Norfolk District Council (NNDC) at ISH7. This is presumably in relation to Session 3, Item 5. **Removal of Existing Trees and Hedgerows, Replanting and Management** in which the ExA have identified they require 'Further reasoning, from the Applicant to clarify why it remains unable to commit to a principle of replanting lost trees and hedgerows to a defined ratio'.

NNDC have been provided with a copy of the applicant's response to the third written questions (Q3.17.3) as set out below:

<b>Q3.17.3 Effectiveness of mitigation proposals</b>	
<b>Removal of Existing Trees and Hedgerows, Replanting and Management</b>	
The ExA notes and welcomes the Applicant's position in terms of BNG [REP4-028, Q17.3.1]. However, the ExA is not convinced with the reasoning offered to explain why the Applicant is unable to commit to a principle of replacing lost trees and hedgerows at a ratio which would be satisfactory to LAs.	a) It is the Applicant's position that the framework by which ecological losses or gains should be quantified would be the DEFRA BNG Metric 4. The Applicant is therefore not proposing an in-principle ratio of tree and hedgerow replanting further to the minimum 1:1 ratio already outlined (see below for details on the rationale for this commitment).
a. Set out what you believe to be an acceptable in-principle ratio of tree and hedgerow replacement that would adequately mitigate for the loss of existing planting in terms of carbon sequestration and ecological value.	The DEFRA BNG Metric 4 provides a more robust and detailed method for measuring losses or gains than a rudimentary count of the number of trees or volume of hedgerow habitat. The metric takes account of the condition, distinctiveness and strategic significance of each feature, so that, for example, one ancient oak tree within a County

- b. Given the premise in a) above, set out the areas where flexibility might be required for tree and hedgerow replacement ratios and propose how such flexibility could be factored in.
- c. If an in-principle commitment to tree and hedgerow replacement ratios cannot be established at this stage, provide detailed reasoning explaining why.
- d. In any event, set out how a tree and hedgerow replacement ratio as set out in a) above could be secured in the dDCO

Wildlife Site could not be sufficiently mitigated for by replanting three conifers, or a length of established, species-rich hedgerow with trees could not be mitigated for by replanting a greater length of a single-species hedgerow. The metric accounts for more detail than simply the number of trees or volume of hedgerow. The Applicant has committed to using this approach to evaluate the losses or gains of SEP and DEP, rather than a more basic count of the number of features, which may not capture the underlying ecological nuances of the changes. The Applicant's commitment to BNG is detailed in the **Outline Ecological Management Plan (Revision C)** [REP3-068] and secured by Requirement 13 (1) (Ecological management plan) of the **draft DCO (Revision H)** [document reference 3.1].

Alongside the BNG commitment, the Applicant has also committed to ensuring that a minimum 1:1 ratio for tree and hedgerow replanting will be achieved. This will equate to replanting at least one tree for every individual tree removed, and replanting a length of hedgerow at least equivalent to any lengths of hedgerow removed. This commitment has been captured in Section 1.2.3 of the updated **Outline Landscape Management Plan (Revision D)** [document reference 9.18], which will be submitted at Deadline 5 and is secured by Requirement 11 (Landscape management plan) of the **draft DCO (Revision H)** [document reference 3.1].

The rationale for this is that the BNG assessment by itself could conceivably see net losses in numbers of trees or lengths of hedgerows, yet still achieve mathematical gains through the DEFRA Metric. This is because tree and hedgerow value in the Metric is partly based on condition and other factors, not just on number of trees or length of hedgerow, so it would be a mathematical possibility for the number of trees or length of hedgerow to be reduced, yet achieve net gains via enhanced

condition, for example.

The 1:1 commitment is therefore an additional principle to ensure the number of trees and length of hedgerow does not decrease as a result of the onshore cable works. By combining the 1:1 commitment with the BNG enhancement package, the Applicant is aiming to deliver both improvements in condition/ecology of habitats such as trees and hedgerows, and at the same time, ensure no losses in the overall numbers/volume. The 1:1 commitment is not, therefore, an isolated principle, but rather a back-up measure to be applied in tandem with the BNG assessment.

b) Not applicable.

c) Please refer to point (a) above. Having regard to Section 122 of the Planning Act, and specifically sub paragraph (2), the Order Limits have been designed to encompass the minimum area required to construct and operate the Project(s) and do not allow for compulsory acquisition of land for replacement planting and habitat creation which might be needed should a ratio of more than 1:1 be required of the Applicant.

d) The Applicant's commitment to BNG is secured via Requirement 13 (1) (Ecological management plan) of the **draft DCO (Revision H)** [document reference 3.1]. The Applicant's commitment to ensuring that a minimum 1:1 ratio for tree and hedgerow replanting has been captured in Section 1.2.3 of the updated **Outline Landscape Management Plan (Revision D)** [document reference 9.18], which will be submitted at Deadline 5 and is secured by Requirement 11 (Landscape management plan) of the **draft DCO (Revision H)** [document reference 3.1].

NNDC are in agreement with the Applicant's approach as set out in their response to Q3.17.3 Effectiveness of Mitigation Proposals. The proposed application of the DEFRA BNG Metric 4 will allow for detailed quantification of the ecological/arboricultural losses relating to removed vegetation and allow for a more appropriate and proportionate replacement planting than a set replacement ratio. As part of the replacement strategy, NNDC would recommend that the mitigation hierarchy is cited to demonstrate that replacement planting will be placed as close as reasonably possible to site of the removed vegetation. NNDC will confirm this position as part of the SoCG with the Applicant to be submitted in final form at Deadline 7.

Given that the Applicant and NNDC are in broad agreement on this matter, NNDC **do not** propose to attend

ISH 7.

Please can you pass this email to the ExA so that they are aware.

I have copied in the Applicant so that they are aware.

Kind Regards

**Geoff Lyon** (MTCP, MRTPI)  
Development Manager

**Geoff Lyon**  
Development Manager

[Redacted]

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