From:	Shaw, John R
To:	NorfolkVanguard@pins.gsi.gov.uk
Cc:	Faulkner, Stephen; Dixon, Martin
Subject:	RE: Application by:- Norfolk Vanguard Limited for an Order Granting Development Consent for the Norfolk Vanguard Offshore Wind Farm Project
Date:	12 February 2019 13:07:35
Attachments:	image002.png image003.png image004.png Appendix.pdf Response_EN010079.pdf

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Your Ref: EN010079
My Ref: 8/1/18/0088

Dear Sir/ Madam

Application by:- Norfolk Vanguard Limited for an Order Granting Development Consent for the Norfolk Vanguard Offshore Wind Farm Project

Please find attached the Local Highway Authority (LHA) post hearing submissions arising from Issue Specific Hearings (ISH) 1 & 3.

Regards

John Shaw, Senior Engineer
| Dept: 0344 800 8020
County Hall, Martineau Lane, Norwich. NR1 2SG
Norfolk County Council

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APPENDIX 1

The Planning Inspectorate

Appeal Decision

Hearing held on 9 April 2014
Site visit made on 9 April 2014

by Susan Holland MA DipTP MRTPI DipPollCon

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 June 2014

Appeal Ref: APP/K2610/A/14/2212257
Oulton Airfield, The Street, Oulton, Norfolk

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Black Bridge Energy Ltd against the decision of Broadland District Council.
- The application Ref 20130860, dated 28 June 2013, was refused by notice dated 6 November 2013.
- The development proposed is an anaerobic digestion renewable energy facility, associated landscaping and vehicular access.

Procedural Matters

1. Notwithstanding the description of the proposed development as stated on the application form, the development is described on the Council's decision notice and on the Appeal form as a *biomass renewable energy facility*. It was confirmed at the Hearing that the development is designed and intended to process purpose-grown crops of maize and grass, and is neither designed nor adaptable to process food waste. The description given on the decision notice and on the notice of appeal is more accurately representative of the proposal, and the appeal is dealt with on the basis of the description as amended.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues are the effects of the proposed development (a) upon highway safety and convenience; and (b) upon the living conditions of neighbouring residents at The Old Railway Gatehouse with reference to noise and disturbance; in each case arising from the proposed vehicular movements to and from the site.

Reasons

Issue (a): Highway Safety and Convenience

4. The appeal site is located on land to the rear (west) of an existing turkey farm comprising around a dozen large poultry houses, and to the south-west of a farm depot for crops (peas, beans, barley, wheat, potatoes, sugar beet, and carrots) grown on the surrounding agricultural land. These establishments have separate accesses to Oulton Street (the lane). The proposed biomass

plant would have its own separate access to the lane, taken from an existing hard-surfaced track. Adequate new visibility splays at the access junction with the lane have recently been formed, by the repositioning of a hedge and fence.

5. In addition to the turkey farm and the agricultural depot, the lane serves the neighbouring residential settlement, also known as Oulton Street (Oulton Street), and the village of Itteringham to the north. For these settlements and for the existing enterprises, the lane serves as the means of access to the B1149 Holt Road. The appeal scheme would add, to the traffic generated by these sources, the traffic associated with the proposed biomass plant.

6. The biomass plant would be fuelled principally by a purpose-grown maize crop – by a particular variety of maize grown for its properties as a fuel crop. Grass and rye would form alternative/additional feedstocks. This restricted range of material would ensure the required consistency of fuel input. The maize would take a place in the normal rotation of food and fodder crops grown on the 10 subscribing farms: the number sufficient to produce a regular harvest, each year, of the overall quantity required to fuel the anaerobic digestion plant. Harvested maize would be transported to the appeal site and stored in silage clamps. The by-products of the energy generation process, in the forms of solid digestate fertiliser and liquid fertiliser, would be returned to the subscribing farms and to the land.

7. On an annual basis, 30,000 tonnes of input biomass would be delivered to the site, by tractor and 15-tonne trailer units. 17,500 tonnes of liquid biofertiliser would be transported from the site in 27-tonne tankers. Additional movements would be required for the removal of solid digestate fertiliser. Some removal of the solid digestate could take place in the empty trailers, so saving on movements; but the overlap would be limited, and outgoing movements would take place throughout the year. However, the maize harvest itself would be concentrated into a 2-month period of the year, in September-October, and the grass harvest, somewhat earlier, from June to early August. During the harvest period, tractor/trailer movements would be frequent, at about 8 trips per hour (4 in, 4 out) over a continuous 10hr-14hr day.

8. Though 2 cars may pass each other, if driven with care, over much of the lane, the carriageway is not wide enough for a vehicle larger than a car to pass any other vehicle except at the existing informal 'passing places'. These have been formed over time by overrunning and consequent erosion of the low banks and grass verge. (There is no footway on the lane). Approximately halfway between the site access and the junction with Holt Road the lane bends sharply, preventing visibility between the passing places on either side of the bend. Elsewhere on this stretch, the lane runs straight and visibility is good. At the point where a former railway line crossed the lane, now marked by a broad elevation or 'hump' in the surface, stands the cottage known as The Old Railway Gatehouse.

9. The proposal is to formalise several of the existing 'passing places', and to reposition and/or create others, to provide 6 individual passing places in all. The Highway Authority is satisfied that, subject to some repositioning, 6 passing places would meet the need; that opposing HGV tractor/trailer units would be able to pass each other at the new passing places; and that intervisibility between passing places would be adequate.

10. It is acknowledged that in this highly agricultural area, some movement of crops in large vehicles - tractor/trailer combinations, tankers, or other HGV – is 'normal' and to be expected by other road users. Nevertheless, the traffic movements generated by the appeal proposal would be problematic for the following reasons. Firstly, they would be very frequent and concentrated on this particular stretch of lane over a period of several months each year. Secondly, during that time the movements would continue at high frequency over a very long working day, extending from early morning until late evening, and into periods of dusk and darkness. Thirdly, the existing mix of traffic on the lane, revealed by the surveys submitted with the transport assessment, includes domestic cars, agricultural vehicles, tankers and other HGVs: the existing turkey farm and agricultural depot themselves generating HGV traffic.

11. Fourthly, each passing place proposed would not be long enough to contain more than 1 HGV at a time: so that the driver of any vehicle following one of the Appellant's tractor-trailer units would have to anticipate, accurately, the arrival of an opposing vehicle in order to avoid being left facing such a vehicle on the narrow part of the lane. In such cases the only option would be to reverse the length of the previous stretch, to gain refuge in the earlier passing place: a manoeuvre which would be difficult for some drivers and for the drivers of some large vehicles, including tractor-trailers, and particularly in conditions of poor light, dusk and darkness. The consequences of a mistake could be especially severe in the area around the passing place closest to the junction with the B1149 Holt Road. Here, northbound traffic positioned on the B1149 ready to turn right into the lane could be left stranded and exposed in that position while waiting for 2 HGVs to pass on the lane itself close to the junction, and would be unable to exit the B1149 whilst the first passing place was still occupied; or, worse, might turn into the lane unaware that a HGV was about to exit.

12. The proposed arrangement would markedly intensify and exacerbate the difficulties presented by the current arrangement, in which the drivers of vehicles are obliged to engage in a form of 'musical chairs' or 'running the gauntlet' on the narrow lane. The provision of more formal passing places would neither eliminate nor sufficiently ameliorate the consequences of the proposed increase in traffic movements of the most problematic form of vehicle and at the most problematic times.

Conclusion on Issue (a)

13. The conclusion is therefore that the proposed development would be likely to result in material harm to highway safety and convenience. The proposal would fail to comply with statutory saved Policy TRA14 of the Broadland District Local Plan Replacement 2006 in that it would *endanger highway safety [and] the satisfactory functioning of the highway network*; with companion Policy GS3(d) in respect of highway safety; and with the National Planning Policy Framework (the Framework) at paragraph 32, in that despite the proposed improvements to the highway network the cumulative impacts of the proposed development would be *severe*.

Issue (b): Living Conditions at The Old Railway Gatehouse

14. The current occupier of The Old Railway Gatehouse initially objected to the appeal proposal, but has since withdrawn her objections following receipt of an e-mail dated 4 April 2014, in which *Philipp Lucas, on behalf of Blackbridge*

Renewable Energy Ltd, confirmed agreement to buying my property, should the above appeal be successful. Firstly, however, no legal agreement has been submitted to ensure the purchase of the property, and it could not be made the subject of a condition on any planning permission that might be granted. Secondly, the factors relating to living conditions would apply no matter who might be the residential occupier of the property: and so the issue would be likely to continue to arise even after such purchase.

15. The Old Railway Gatehouse is a small, single-storey building positioned directly adjoining the verge at the carriageway edge, and immediately adjacent to the raised platform in the carriageway which marks the route of the former railway. The windows to all habitable rooms either, in the front elevation, face directly onto the carriageway or, in the side elevations to the dwelling, face up and down the lane at close quarters to the carriageway edge. The only window which faces the rear garden is a small window belonging to a bathroom. (There is also a skylight in the open roof to the main living-room/kitchen).

16. The existing windows are double-glazed. Even so, during the site visit the sound of each vehicle which passed the cottage was clearly audible indoors with the windows closed. These vehicles were cars. Sounds of the proposed tractor-trailer units, whether laden or not, would be likely to be louder and to be perceived as disturbances. Their frequent occurrence as separate bursts of loud sound, including vibration with passage over the 'hump' in the carriageway, over long periods of the day from early morning to late in the evening at harvest time, would be likely to be a source of genuine disturbance.

17. Whilst acknowledging that when superimposed upon the existing pattern of traffic movements on the lane, *noise from [up to 8 vehicle movements per hour] would be perceived as a series of separate events rather than a continuous noise*, the Appellant insists upon an approach which works by averaging surveyed noise levels over time. On the basis of an 18-hour average (L_{Aeq}), the predicted increase is calculated to be 3dB(A) and so said to be 'minor'. The Council has followed an approach which emphasises peak flows, with the proposed 8 tractor-trailer movements per hour to be added to existing flows, and uses the L_{max} measure: in this way the Council calculates that there would be an increase of 7dB(A), which would be noticeable and intrusive. In assessing the magnitude of the noise impact, therefore, the Appellant and the Council disagree.

18. The Appellant's submitted noise evidence has been prepared using perfectly conventional measurements and numerical representations of noise. However, such representations inevitably incorporate some degree of statistical smoothing: and so in themselves understate the effects, upon the human receptor, of separate, sudden bursts of sound which conventional practice recognises to be potentially disturbing. Where such bursts of sound – as in the proposed passage of heavy tractor-trailer units– are not continuous but are frequent and regular, the human response is to expect, predict or anticipate the interruption, so that the anticipation itself adds to and prolongs the disturbance when it comes. Thus, the response is not only to the increased level of noise, but includes the anticipation of the increased noise. The presence of the hump in the road outside the Old Railway Gatehouse would intensify the bursts of sound and their suddenness.

19. Recently-issued national Planning Practice Guidance on noise does not rely upon numerical measures but on qualitative descriptors. *Noticeable* noise

ranges from *noticeable and intrusive* noise, which can be *mitigated*, to *noticeable and disruptive* noise, which should be *avoided*. The first *causes small changes in behaviour ... e.g. speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise*. The second *causes a material change in behaviour .. e.g. avoiding certain activities during periods of intrusion; where there is no alternative source of ventilation, having to keep windows closed most of the time because of the noise. ... Quality of life diminished due to change in acoustic character of the area*.

20. Having visited the interior of The Old Railway Gatehouse, listened to the sound of passing traffic on the lane, and observed the layout of the property, the nature and position of the windows, and the condition of the lane, I have no doubt that the levels and character of the traffic noise generated by the appeal proposal during periods of harvest would be at the very least *noticeable and intrusive*, and almost certainly, at times, *noticeable and disruptive* as perceived by any residential occupiers of the dwelling. The property already has double glazing: so that there is no mitigation which could be easily specified as part of a planning permission. It is possible that an alternative interior layout of the dwelling might provide appropriate mitigation: but such action is beyond the scope of conditions upon a planning permission and there is no evidence that it could be achieved.

Conclusion on Issue (b)

21. The conclusion is therefore that the proposed development would, on balance, be likely to result in material harm to the living conditions of residential occupiers of The Old Railway Gatehouse with reference to noise and disturbance. The proposal would fail to comply with the requirements of statutory saved Policy GS3(d) of the Local Plan that the surrounding highway network should be able to *accommodate the traffic likely to be generated without significant detriment to the amenity of nearby occupiers*.

Other Matters

Noise (other sources) and Odours

22. As part of the appeal site visit, the site of an existing biogas plant of similar construction, at Spring Farm, Taverham, was also visited. Odours are said to have been a problem at that site: however, it was not demonstrated that the biogas plant itself was the source. At the time of the visit the Spring Farm site was odour-free. The digestion process itself is contained within the dome of the tank; the gas produced is said to be odourless; and the silage clamps have a smell similar to other such installations on farms.

23. The turbines themselves are noisy, but they are contained within a well-insulated building. Extractor outlets also produce a noise which might carry; but the proposed layout would place buildings between these and any potential residential receptors in the settlement of Oulton Street.

Character of the Area

24. The surrounding area is rural and largely agricultural in character. The immediate surroundings include a number of extensive agricultural buildings, including the adjacent cluster of turkey sheds and, not far beyond, the buildings of the agricultural depot. From the site boundary, other large farm

buildings are visible. The proposed anaerobic digestion plant would be marginally higher than these, but any visual impact would be lessened by the adjacent tree belt and, from the available viewpoints, perspective would have the effect of reducing its apparent height.

25. The site occupies part of a former airfield. The National Trust claims that this is a heritage asset; and also cites links with the Grade 1 Listed Building of Blickling Hall. The Hall is separated from the site by several kilometres and by intervening woodland: so that the proposal would have no visual impact upon it. As for the airfield, though the turkey sheds have been built upon parts of it, the runway layout continues to be reflected in the arrangement of field boundaries and tracks, and is clearly visible in aerial photo representation. The appeal proposal would not interrupt that layout, but would occupy one of the fields. No evidence has been submitted sufficient to demonstrate that the appeal proposal would interfere irreparably with the historical authenticity of the airfield.

Renewable Energy Policy

26. The proposed biogas plant would generate clean, renewable energy from local biomass: sufficient energy (electricity) for around 4,000 homes. The Framework states clearly, at paragraph 97, that *to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources*; and at paragraph 98 that they should *recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.*

27. In this case the Council has, in its approach to the proposal, complied with the requirements of the Framework, and has acknowledged the contribution of the proposal to providing renewable energy. The Council has granted planning permission for other such developments locally, including those put forward and operated by the current Appellant. However, in stating that *local planning authorities should ... approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable*, the Framework necessarily and appropriately qualifies its encouragement for renewable energy development. The Council's refusal of the current proposal is based upon the impacts of the traffic generated by it, and to that extent the proposal would not comply with the provisions of the Framework.

Overall Conclusion

28. Whilst some relevant matters are in favour of the proposal or at least neutral in their effect upon it, these are both individually and collectively insufficient to outweigh the conclusion based upon consideration of the main issues: which is, on balance, that the appeal should be dismissed.

S Holland

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Trevor Ivory	Solicitor, of Howes Percival, Norwich
Mr Alan Presslee	of Cornerstone Planning Consultants, Cringleford
Dr William Mezzullo	Associate Director, Project Development at Future Biogas
Mr Jon Myhill	of Future Biogas
Mr Adrian James	Noise Consultant, of Adrian James Acoustics Ltd, Norwich

FOR THE LOCAL PLANNING AUTHORITY:

Ms Ruth Sainsbury	Senior Planning Officer, Broadland DC
Mr Graham Parry	Noise Consultant, Accon UK Ltd, Aldermaston
Mr John Shaw	Senior Highways Engineer, Norfolk County Council
Cllr Claudette Bannock	Councillor (Taverham South ward), Broadland DC

INTERESTED PERSONS:

Mr Paul Killingback	Chair, Oulton Parish Council
Ms Alison Shaw	Former Chair, Oulton Parish Council
Mr Sam Booker	Local resident, Oulton Street
Ms Anne Roy	Local resident, of The Old Railway Gatehouse

DOCUMENTS

Documents submitted by the Appellant

1 Appeal Decision APP/K2610/A/13/2195384 Reepham Road, Felthorpe
2 Completed S106 Planning Obligation by Saltcarr Farms Ltd and Black Bridge Energy Ltd

Link ID	Route	AADT Base Flows	Stage 2 HGV movements (two-way)		Stage 3 HGV movements (two-way)	
			Max. Daily	Hourly peak*	Max. Daily	Hourly peak*
*	Daily HGV flows divided by 10					
**	Proposed mitigation flows identified in the ES					
***	Localised widening may be required at the junction between the A140/B1145 to accommodate the largest HGVs.					

1.7.2 General Principles – Roadworks

77. Where the onshore cable route crosses roads, tracks and public rights of way, traffic management would be employed to allow construction activities to continue safely within the road. Where appropriate, single lane operation of roads would be utilised during installation, typically with signal controls to allow movements to continue. Where the normal width of the road is less than 7.2m kerb to kerb (typical width for two way traffic) then it may not be possible to undertake works in the road and maintain a single lane open for traffic. In these cases, alternative methods such as temporary road closure or diversion could be required.

78. Temporary closures or diversions would be in place for the period of time required for the duct installation (e.g. approximately one week with a maximum worst case of two weeks). To minimise the impact of closures or diversions, night working could be employed. The detailed installation method for each crossing utilising traffic management would be set out in the TMP and agreed with the relevant local authority and the NCC/HE pursuant to the discharge of Requirement 21.

79. It should be noted that trenchless crossing methods have been agreed for the following roads where standard traffic management techniques are not deemed to be suitable:

- A47;
- A140; and
- A149.

80. Following consultation with NCC, it has been raised that the traffic flows on the A1067 have increased significantly post the opening of the Norwich Northern Distributor Road and may be at such a level that standard traffic management methods are no longer suitable. Therefore, to inform the TMP submission, a survey of traffic flows will be undertaken during peak hours and an appropriate crossing method will be agreed with NCC.

through transport Expert Topic Group (ETG) meetings in January 2016, July 2017 and January 2018 to review and agree methodologies for the assessments, the Scoping Report (Royal HaskoningDHV, 2016) and the Preliminary Environmental Information Report (PEIR) (Norfolk Vanguard Limited, 2017). The ETG included transportation professionals from Norfolk County Council, Highways England and Norfolk Vanguard Limited. Whilst not a member of the Group, Suffolk County Council were kept informed of developments, noting that the south east tip of the traffic and transport study area encompassed two roads within their administration area.

28. Further details of the project consultation process are presented within Chapter 7 Technical Consultation.

29. A summary of the consultation that has been undertaken to date and has driven forward the development of this traffic and transport assessment is provided in Table 24.3.

Table 24.3 Consultation responses

Consultee	Document / date received	Comment	Response / where addressed in the ES
Norfolk County Council	25th January 2017 First Expert Topic Group Meeting	Requirement for an Access Management Plan (AMP) and Traffic Management Plan (TMP) was identified.	An outline AMP (OAMP) (document reference 8.10) and outline TMP (OTMP) (document reference 8.8) have been provided as part of the DCO application.
		Trenchless methods (e.g. HDD) to cross the A47, A140, A149. Open cut to be considered for other routes on a site by site basis and agreed with NCC.	Commitment has been made to cross the A47, A140 and A149 via trenchless methods through the Outline Code of Construction Practice (Document ref.8.1)
		NCC advised that extended morning peaks (7:30am – 9am) may require traffic management restrictions.	This has been identified and considered in detailed peak hour capacity assessments as detailed in section 24.7.7.4.

Parameter	Mitigation measures embedded into the project design	Notes
Trenchless Crossings	Commitment to trenchless crossing techniques to minimise impacts to the following specific features; • Wendling Carr County Wildlife Site; • Little Wood County Wildlife Site; • Land South of Dillington Carr County Wildlife Site; • Kerdiston proposed County Wildlife Site; • Marriott's Way County Wildlife Site / Public Right of Way (PRoW); • Paston Way and Knapton Cutting County Wildlife Site; • Norfolk Coast Path; • Witton Hall Plantation along Old Hall Road; • King's Beck; • River Wensum; • River Bure; • Wendling Beck; • Wendling Carr; • North Walsham and Dilham Canal; • Network Rail line at North Walsham that runs from Norwich to Cromer; • Mid-Norfolk Railway line at Dereham that runs from Wymondham to North Elmham; and • Trunk Roads including A47, A140, A149.	A commitment to a number of trenchless crossings at certain sensitive locations was identified at the outset. However, Norfolk Vanguard Limited has committed to certain additional trenchless crossings as a direct response to stakeholder requests.

Table 24.24 Embedded mitigation for traffic and transport

Parameter	Embedded mitigation for traffic and transport	Notes
Mobilisation Areas	Mobilisation areas would be located close to main A-roads minimising impacts upon local communities and utilising the most suitable roads. Mobilisation areas located away from population centres where practical to reduce impact on local communities and population centres.	
Duct Installation	Suitable access points and identification of optimum routes for construction traffic to use. This minimises impacts on sensitive receptors.	Details contained in the OAMP (document reference 8.10)
Cable Pull and Jointing Stage access	Suitable side accesses and road crossing locations reviewed from initial schedule of 200+ access points to 70+ realistic potential access points to minimise local route impacts.	Details contained in the OAMP (document reference 8.10)
Vehicle Movement	Construction of an (up to) 6m wide running track with an approximate length of 60km. This would reduce the number of access points required and HGV movements on the local road network. Consolidating HGVs at mobilisation areas to reduce vehicle movements along more sensitive local routes.	Details contained in the OTMP (document reference 8.8)

where possible. In some locations, isolated sections of the running track would be left in place from the duct installation works or be re-instated to allow access to more remote joint locations. It is estimated that a running track would be required for 20% of the total onshore cable route length for the cable pull and jointing works.

34. The development of the access strategy for this stage has been informed by a reduced demand for materials and employees (relative to stage 2) leading to a substantial reduction in forecast traffic demand.

35. A review of over 200 access tracks, public highway roads and running track crossing points (from the previous construction stage) has been undertaken taking into account potential joint pit locations. This has narrowed down the potential access points to the 75 locations as presented in this plan (refer to Table 1.3).

1.5 Embedded Mitigation

36. Norfolk Vanguard Limited has committed to a number of techniques and engineering designs/modifications as part of the project, during the pre-application phase, in order to avoid a number of impacts or reduce impacts as far as possible. Embedding mitigation into the project design is a type of primary mitigation and is an inherent aspect of the EIA process.

37. Full details of the embedded mitigation can be found within Chapter 5 Project description of the ES.

38. Table 1.2 sets out the designed in (embedded) mitigation measures that have been applied to the traffic forecasts contained in this OTMP.

Table 1.2 Embedded mitigation

Parameter	Embedded mitigation for traffic and transport	Notes
Trenchless Crossings	Commitment to trenchless crossing techniques at key sensitive environmental features, including but not limited to; waterways, protected wildlife sites, woodlands, long distance cycle route/footpaths, and major transport corridors to avoid significant environmental disturbance. These include avoiding specific features such as; • Trunk Roads/Principal Roads including A47, A140, A149; • Mid-Norfolk Railway; and • Network Rail.	A commitment to a number of trenchless crossings at some sensitive locations has been a project commitment from the outset. However, in light of consultation received during PEIR Norfolk Vanguard Limited has committed to additional trenchless crossings as a direct response to stakeholder requests.
Mobilisation Areas	Mobilisation areas would be located close to main A-roads	

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Your Ref: EN010079
Date: 12 February 2019

My Ref: 8/1/18/0088
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Dear Sir/ Madam

Application by: - Norfolk Vanguard Limited for an Order Granting Development Consent for the Norfolk Vanguard Offshore Wind Farm Project

Please find below the Local Highway Authority (LHA) post hearing submissions arising from Issue Specific Hearings (ISH) 1 & 3.

The Street at Oulton

This link serves mobilisation area MA7 and is identified as requiring traffic management measures. The LHA remains adamant the applicants need to mitigate against their impact.

As indicated within our letter to the ExA dated 15 January, the LHA supports a mitigation scheme proposed by Ørsted (the Applicants for Hornsea 3) which we believe overcomes the issue of either Vanguard or Ørsted using link 68 independently of each other.

As the programme currently stands, Ørsted will come along first, provide the mitigation measures and will be last to leave the site. Accordingly, Ørsted are committed to providing the mitigation works and subsequently removing them with Vanguard coming along somewhere in between.

However, the concerns raised by the LHA are (i) Hornsea 3 may be delayed, such that the mitigation works will be not be in place prior to Vanguard utilising this link or (ii) Vanguard may be delayed such that the mitigation works will be provided and subsequently removed prior to Vanguard utilising this link.

At ISH1, the applicants offered to meet the LHA to try and find a solution, however, they also stated their position will be on the basis they only need to deliver only **part** of the overall mitigation scheme.

The LHA wish to make it very clear the above is unlikely to be acceptable. Our concern is Hornsea 3 may be delayed, Vanguard would then deliver part of the off-site improvement scheme and then start to use link 68. If Hornsea 3 then come on stream before Vanguard ceases to use the link, Hornsea would have to dig up link 68 whilst Vanguard are in the process of using it. Clearly, such a prospect does not work and there needs to be a more co-ordinated approach.

Appeal decision for APP/K2610/A/14/2212257

As requested at ISH1, please find a copy of the decision notice for the above Appeal (see Appendix 1 attached).

Trenchless crossings

B1149: - As we pointed out in our response to the ExA's first round of questions (see Qu 11.10 and Qu 11.11) we are waiting for an assessment of cumulative impacts from Vanguard. However, even at this early stage we are already of the opinion the B1149 needs to be crossed by trenchless crossing methods for the reasons we outlined at ISH1.

A1067: - At paragraph 80 of the Outline Traffic Management Plan (see Appendix 2 attached), the applicants have given a firm commitment to undertake a further study of traffic on the A1067 and agree an appropriate crossing method with the LHA. At ISH3 the applicants suggested this commitment is to provide any crossing method other than trenchless crossing, which is clearly not the LHA's understanding. The Northern Distributor Road has now been open for several months and we are now of the opinion that trenchless crossing needs to be undertaken.

Requirement R16 of the DCO

The text to R16 is written in such a way that it implies only the A47; A140 and A149 will be crossed by trenchless crossing methods. This is clearly contrary to the above as the assessments for the A1067 and cumulative impact have not yet been completed.

The view of the LHA is the list within R16 needs to be expanded to bring it in line with the Outline Traffic Management Plan and to capture outstanding commitments.

Applicants reasons for not amending R16

The Applicants claimed at ISH3 that the Environmental Statement (ES) contains a "closed list" of locations where trenchless crossing have been agreed and that it would not be possible to vary that list in any way.

In response: -

1. Chapter 24 of the ES Volume 1 indicates at Table 24.3 (see Appendix 3) that the default position is actually to use trenchless crossing and that "**Open cut to be considered for other routes on a site by site basis and agreed with NCC**". The LHA points out that we have not agreed to either the B1149 or the A1067 being crossed by open cut trenches.

2. Chapter 24 of the ES Volume 1 indicates at Table 24.23 (see Appendix 4) that trunk roads, **including** A47, A140 and A149 will be crossed by trenchless crossing. The word **including** very much indicates this is a minimum requirement and not as the applicants suggested at ISH3 a “closed list” that cannot be updated.

3. The Traffic Management plan indicates at table 1.2 (see Appendix 5) states "commitment to trenchless crossing techniques at key sensitive environmental features, **including but not limited to..."**

4. Notwithstanding the above, the LHA wish to point out there is nothing to prevent the ES from being updated to bring it in line with the Outline Traffic Management Plan.

LHA's proposed amendments to R16

The LHA ask that R16 be amended to make it clear the list of trenchless crossings is not a “closed list” but rather needs to be read in conjunction with the Traffic Management Plan. Accordingly, we recommend an additional item be added to the list under R16(17) as follows: -

(t) roads so indicated within the traffic management plan.

If I can be of further assistance then please let me know.

Yours sincerely

[redacted]

Senior Engineer - Highways Development Manager
for Executive Director for Community and Environmental Services