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To: [Norfolk Vanguard](#)
Subject: NNDC Deadline 9 Submission
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Attachments: [NNDC Deadline 9 Submissions 06 June 2019 Final.pdf](#)

Dear Examining Authority,

Please find attached the Norfolk Vanguard Deadline 9 response from North Norfolk District Council (INTERESTED PARTY REF: 20012882).

Please could you confirm receipt of this document.

Kind Regards

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North Norfolk District Council
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**NORTH
NORFOLK
DISTRICT
COUNCIL**

Norfolk Vanguard Offshore Wind Farm

REPRESENTATIONS FOLLOWING DEADLINE 9 SUBMISSIONS

NORTH NORFOLK DISTRICT COUNCIL
(INTERESTED PARTY REF: 20012882)

DEADLINE 9 – 06 JUNE 2019

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1. Introduction

1.1. These are North Norfolk District Council's written submissions concerning:

- the written request from the Examining Authority dated 03 June 2019 for comments on the Applicant's document '*Consideration of potential impacts related to continuous periods of operation*' [REP8-070] submitted at Deadline 8
- the Appellant's Position Statement on NNDC's Request to Address Perceived Tourism Impacts [REP8-071] provided at Deadline 8..

2. NNDC comments with regard to document: ***'Consideration of potential impacts related to continuous periods of operation'***

2.1. NNDC have considered the contents of this document and note that appropriate British Standard 5228:2014 has been selected by the Applicant to assess noise mitigation and noise impacts.

2.2. NNDC recognise there are a number of processes such as concrete pour, cable pulling and drilling that may require 24 hour working, subject to strict definitions of works, need for continuous working and their duration and timing.

2.3. NNDC note the control measures suggested by the Applicant for fixed site works and plant such as barriers, plant noise specifications and other best practice measures. NNDC recognise that appropriate barriers in respect of design and location can be effective as noise mitigation for fixed plant and site working and the predictions made by the Applicant would appear to reasonably estimate the effectiveness of the barriers.

- 2.4. NNDC note there is a requirement for the detailed specifications of noise mitigation measures to be provided in advance of works, which is secured as part of DCO Requirements 20 and 26.
- 2.5. NNDC made representations in its Deadline 7 submission (para 5.9 to 5.13) in respect to construction noise at Happisburgh. This document '*Consideration of potential impacts related to continuous periods of operation*' seeks primarily to set out best practice mitigation in relation to use of noise barriers and construction good practice. However, the document does not provide sufficient information in relation to mitigation of noise impacts associated with HGV and other vehicle movements. NNDC's comments made at Deadline 7 therefore remain valid.
- 2.6. In respect of HGV movements, whilst the Applicant has indicated at paragraphs 20 and 21 that extended working hours would not give rise to additional HGV movements, this statement does not accord with the position previously outlined by the Applicant at paragraph 1.2.2 'Drilling' with the North Norfolk District Council Little London and Happisburgh Position Statement **[REP7-048]** concerning Happisburgh. This inconsistency is concerning to NNDC and needs to be clarified by the Applicant to ensure that adverse impacts on local residents are minimised and accord with best practical means.
- 2.7. NNDC would request the Applicant schedule traffic movements so as to avoid traffic movements in non-standard construction hours. Where traffic movements are essential for the continuous working processes, the Applicant should clarify the details of these activities (vehicle movements, number, types of vehicles and timings) and provide details of mitigation measures to accord with best practical means.

3. Tourism Impact

- 3.1. At Deadline 8, the Appellant provided a Position Statement on NNDC's Request to Address Perceived Tourism Impacts [REP8-071]. This document challenged the evidence provided by NNDC at Deadline 7 concerning the tourism impact of negative perceptions in relation to particular areas. The Applicant also made submissions concerning the lawfulness of the proposed tourism requirement.
- 3.2. It should be noted that the Applicant's use of "perceived tourism impact" is a misnomer – it is not the tourism impact that is "perceived". The impact arises from negative perceptions. A better description would be "Actual Tourism Impact of Negative Perceptions".

Evidence of Perception Impact

- 3.3. In essence, the Applicant challenges NNDC's Deadline 7 evidence, provided by NNDC's specialist officer with significant experience of tourism matters in general and tourism in NNDC in particular, on the basis that it would have been preferable to address the perception impact from the construction of the Dudgeon Offshore Wind Farm (onshore construction 2016/2016) and the Sheringham Shoal Offshore Wind Farm (onshore construction 2010/2011). The Applicant asserts, based on the statistics from NNDC's Deadline 6 evidence showing overall growth in tourism over the period 2013-2017, that there was no adverse perception impact on tourism as a result of the construction of the other off-shore windfarms.
- 3.4. The Applicant's approach belies its lack of expertise in assessing tourism impact. The statistics at §17 of the Applicant's Position Paper are district-wide statistics. In other words, they are at a macro level, not a micro level. They do not show anything about tourism impact in the particular areas where Dudgeon and Sheringham Shoal made landfall and where construction took place. They certainly do not undermine NNDC's evidence concerning coastal erosion perception impacts, which was based on micro-level impact at particular places when perception of those areas changed. NNDC's choice of comparator was the correct choice.

- 3.5. Furthermore, the overall district-wide levels of tourism are contingent on a wide number of factors, including the weather and the exchange rate, which again shows why those statistics cannot be assumed to show a lack of tourism impact from the Dudgeon or Sheringham Shoal schemes.
- 3.6. The Applicant also relies on the approach taken by the Hornsea 3 Examining Authority. NNDC did not, during that examination, propose the type of Requirement now under consideration in relation to the Norfolk Vanguard project. NNDC has therefore written to the Hornsea 3 Examining Authority and the Secretary of State, bringing their attention to the approach of this Examining Authority and inviting them to take a similar approach.

Lawfulness of the Proposed Requirement

- 3.7. The Applicant contests the lawfulness of the proposed requirement on two bases. The first is that it is not necessary or directly related to the proposed development because the tourism impact from negative perception has not been evidenced, relying again on the fact that tourism “steadily increased” following the onshore construction periods of the last two offshore wind farms (§§22-23). For the reasons given above, this is a misunderstanding of what the tourism statistics show. NNDC relies on its evidence, provided at both Deadline 6 and Deadline 7, that the proposed requirement is necessary and directly related to the development.
- 3.8. The second basis on which the Applicant contests the lawfulness of the proposed requirement is that it will not be fairly and reasonably related in kind and scale to the development because there is no “mechanism”, either in policy or currently agreed with the Applicant, to assess the requisite level of financial contribution.

- 3.9. However, there is nothing in the case law concerning conditions, or in the PPG, that suggests a requirement for financial contributions will fail the test if there is no mechanism in an SPD or similar policy document for its calculation. The proposed requirement envisages the Applicant producing a mitigation strategy for submission and approval by NNDC. That will ensure that NNDC and the Applicant agree suitable figures for the requisite contributions. As NNDC submitted at Deadline 7, this is a well-trodden way of mitigating negative impacts of development on tourism. A mitigation strategy incorporating these measures would be reasonable and enforceable, and the detailed scheme would be precise. Accordingly, the proposed requirement would meet all the tests in paragraph 55 of the NPPF and paragraph 3 of the Conditions PPG..

06 JUNE 2019