



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Hornsea Project Three Offshore Wind Farm
(EN010080)

Correspondence received after the
close of the Examination at 23:59 on
2 April 2019

No.	From	Organisation	Date Received
1	Rt Hon Keith Simpson MP		3 April 2019
2	Tony Barnett		16 April 2019
3	Tony Barnett		15 May 2019
4	Helen & Chris Monk		16 May 2019
5	Geoff Lyon	North Norfolk District Council	31 May 2019
6	Gareth Leigh	Department for Business, Energy & Industrial Strategy	10 July 2019
7	MOD Legal Advisers	Ministry of Defence	25 July 2019
8	Rosie Sutherland	The Royal Society for the Protection of Birds	6 September 2019
9	Womble Bond Dickinson (UK) LLP	Norfolk Vanguard Limited	13 September 2019
10	Paul Wheelhouse	Scottish Government	15 September 2019
11	Andrew Guyton	Ørsted Hornsea Project Three (UK) Ltd	23 September 2019
12	Chris McMullon	Natural England	25 September 2019
13	Addleshaw Goddard LLP	Network Rail Infrastructure Limited	25 September 2019
14	Andrew Guyton	Ørsted Hornsea Project Three (UK) Ltd	26 September 2019
15	Lord Tebbit		26 September 2019
16	Greg Peck		26 September 2019
17	Alison Shaw	Oulton Parish Council	27 September 2019
18	David Chambers	NIFA	12 March 2020

19	Stephen Astley		23 May 2020
20	Phil Daniels		24 May 2020
21	Brian and Kathleen Schuil		24 May 2020
22	Alison Shaw	Oulton Parish Council	24 May 2020
23	Bob and Jill Shoals		25 May 2020
24	Michael Timewell		25 May 2020
25	Dots and Alan Williams and family		26 May 2020
26	Peter Crossley		26 May 2020
27	Stuart Roberts	National Farmers Union	26 May 2020
28	James Sheringham		26 May 2020
29	Chris Monk	Cawston Parish Council	27 May 2020
30	Paul Haddow		27 May 2020
31	Justine Luckhurst	Necton Parish Council	27 May 2020
32	Graeme Gates	Brandiston Parish Meeting	27 May 2020
33	Anne Phillips	Mulbarton Parish Council	27 May 2020
34	Lucy Sheringham		28 May 2020
35	Tony and Mary Moverley		28 May 2020

36	Chris Lambert		28 May 2020
37	Francis Farrow		28 May 2020
38	Simon Dunford		28 May 2020
39	Francesca De Vita	Ørsted Hornsea Project Three (UK) Ltd	28 May 2020
40	Clr John H Mangan		31 May 2020
41	Clr John H Mangan	High Kelling Parish Council	01 June 2020
42	Valerie Stubbs		02 June
43	Valerie Stubbs	Weybourne Parish Council	22 September 2020
44	The Hon Alok Sharma MP	Secretary of State for Business, Energy & Industrial Strategy	06 November 2020
45	Anne Phillips	Mulbarton Parish Council	11 December 2020
46	Alison Shaw	Oulton Parish Council	28 December 2020

From: SIMPSON, Keith <keith.simpson.mp@parliament.uk>
Sent: 03 April 2019 18:03
To: enquiries@pins.gsi.gov.uk
Subject: FW: Windfarm Traffic Corridor

I have received the email below from a constituent Polly Brockis about the Orstead traffic plan.

I would be most grateful for your comments on the matter raised please.

Keith

Rt Hon Keith Simpson MP

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-----Original Message-----

From: BT <[REDACTED]>
Sent: 29 March 2019 20:15
To: SIMPSON, Keith <keith.simpson.mp@parliament.uk>
Subject: Windfarm Traffic Corridor

Mr Simpson,

I write as a resident of Cawston, a village that will be blighted if the proposed Orstead traffic plan is allowed. All construction traffic for the cable corridor will run through the heart of our village - in effect dissecting it in two. 127 daily HGV two way traffic movements and up to another 277 extra two way vehicle movements! The B1145 is a council designated HGV route, and the bridge leading out of the village towards Reephams was at some time rated to carry 44 tonnes. Orstead continue returning to those facts, but anyone who lives on or drives through this route knows the road and bridges are patched up and worn, they struggle to take the current traffic. The road is narrow and windy, with hair pin bends and large areas without pavements, a car and standard lorry struggle to pass one another on this road. The school buses have to cross into the opposite side to make the corners. Orstead's glossy paperwork focused on the cable corridor; the route and impact of the construction corridor took many people by surprise, not least because it seemed an improbable and impossible route to take. We feel we were not fully informed or consulted, information and advertisements have been difficult to access.

The Cawston Parish Council and village residents have suggested The Northern Survey Road could be utilised for this Traffic, or the Orstead and Vanguard haul road. I urge you to look through the swathe of documents that are now coming out fast and furiously, before the 2nd April deadline.

Personally we will be hugely affected, our home sits right on the corner of the road, our gardens run alongside. One of the TP mitigation plans is to widen a pavement opposite us, reportedly for safety of pedestrians on that side, however it assists in the Orstead plan for one way at a time traffic by narrowing the road. It also pushes the HGVs ever closer to us. There is no pavement on our side. The noise monitoring on our home stated the db increase would be an unallowable 3.5 db so there will be some mitigation for this - road surfacing or some such, we can only guess at this as it has not yet been specified. Vibration monitoring data was "not considered significant" but in a listed building constructed in 1680, with questionable foundations and a large cellar current traffic movements can be felt in the house - a HGV passing every 6 minutes will have an effect.

I have two sons who will be affected by noise, vibrations and particulate omissions - their lives will be irrevocably changed, I would be no mother if I allowed any child to cycle out into that corridor of traffic. Use of our gardens will be negated because of the noise and dust from lorries hauling ballast and road construction materials - these are not "clean" loads. To get to friends houses, or the park, or the allotments we will all have to run the gauntlet of this traffic jam - we can only envisage this as a solid wall of traffic. Orstead's plan is for 30 working months, on the back of this proposal Vattenfall and Boreas come with even larger traffic fleets and as yet undefined timescales.

Please do not let this mad plan slide through and destroy our village and those that surround us, object to the planning inspectorate before 2nd April.

Thank you

Yours sincerely

Polly Brockis

Sent from my iPad

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From: [REDACTED]
To: "Emily Woolfenden"
Cc: "Steffan Aquarone, NNGY Liberal Democrats"; [REDACTED]; [REDACTED] [Hornsea Project Three](#)
Subject: RE: Hornsea Project Three - Response to Matters Raised at the Open Floor Hearing 25/03
Date: 16 April 2019 09:26:36
Attachments: [image001.png](#)

Dear Ms Woolfenden,

I note that I have not yet received a response from you to the further questions that I raised. I would very much appreciate the courtesy of a reply to these questions as they would assist us in understanding your position.

So, to clarify:

1. Did PHE provide earlier comments which would explain to the reader why they use the phrase "no additional comments" – addition to what?
2. Can you tell me whether your organisation received any other comments or evidence from PHE?

These are quite straightforward questions and you lawyer spoke as though she had excellent knowledge. Presumably there is a clear paper trail within your organisation and her own on which her comment would have been based and I would be most grateful for clarification concerning the points I have raised.

I do not understand your delay in providing answers to what are straightforward questions.

Yours sincerely,

Tony Barnett

From: [REDACTED]
Sent: 12 April 2019 12:37
To: Emily Woolfenden <emwoo@orsted.co.uk>
Cc: 'Steffan Aquarone, NNGY Liberal Democrats' <info@norfolklibdems.org>; [REDACTED]
[REDACTED] hornseaprojectthree@planninginspectorate.gov.uk
Subject: Re: Hornsea Project Three - Response to Matters Raised at the Open Floor Hearing 25/03

When they say they had no additional comments, were there earlier comments and if so may u see them please?

Or can you assure me that is the only comment or evidence you received from PHE?

Tony Barnett

On Fri, Apr 12, 2019 at 12:16 PM +0100, "Emily Woolfenden" <EMWOO@orsted.co.uk> wrote:

Dear Professor Barnett,

Please accept my apologies for the delay in getting back to you. I had hoped to be able to respond to you yesterday but was tied up in meetings.

Public Health England (PHE) was consulted and responded to both the Scoping Report and Preliminary Environmental Information Report (PEIR) and their advice was considered and incorporated into the application documents.

In response to the Section 56 Notice, which informed consultees that the application had been submitted and accepted by the Planning Inspectorate for examination, PHE confirmed that they had no outstanding issues and did not wish to register as an Interested Party for the purpose of the Hornsea Project Three Examination. A copy of their relevant representation is publicly available on the Planning Inspectorate's website here - <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/hornsea-project-three-offshore-wind-farm/?ipcsection=relreps&relrep=25706>

The public information line that we used during the consultation period closed when the application entered the examination phase. However I can be reached directly on my mobile (details below).

Kind regards,

Emily

Best regards,
Emily Woolfenden
Policy Advisor
Public Affairs
Ørsted UK

Ørsted
[REDACTED]

From: Tony Barnett [REDACTED]
Sent: 11 April 2019 18:26
To: Emily Woolfenden <EMWOO@orsted.co.uk>

Cc: 'Steffan Aquarone, NNGY Liberal Democrats' <info@norfolklibdems.org>; [REDACTED]
[REDACTED] HornseaProjectThree@planninginspectorate.gov.uk
Subject: RE: Hornsea Project Three - Response to Matters Raised at the Open Floor Hearing 25/03

Dear Ms Woolfenden

I understood from K-J Johannsen that you were going to respond to my enquiry this afternoon. I note that you have not done so. I also note that the telephone number you once gave me is now non-functioning.

I do hope you will be able to respond tomorrow with the information I have requested.

Yours sincerely,

Tony Barnett

From: Tony Barnett [REDACTED]
Sent: 11 April 2019 13:16
To: 'Emily Woolfenden' <EMWOO@orsted.co.uk>
Cc: 'Steffan Aquarone, NNGY Liberal Democrats' <info@norfolklibdems.org>; [REDACTED]
[REDACTED]
Subject: RE: Hornsea Project Three - Response to Matters Raised at the Open Floor Hearing 25/03

Dear Ms Woolfenden,

At the Open Floor Hearing held in Norwich on 29 March 2019, the solicitor acting for yourselves, Ms Claire Brodrick from Pinsent Masons LLP, stated that PHE had commented on your proposal. I have searched the National Infrastructure Planning website for that evidence from PHE but have been unable to find it. I would be most grateful for your assistance in finding it.

Yours sincerely,

Professor Tony Barnett

From: Emily Woolfenden <EMWOO@orsted.co.uk>
Sent: 29 March 2019 19:37
To: [REDACTED]
Cc: [REDACTED]
Subject: Hornsea Project Three - Response to Matters Raised at the Open Floor Hearing 25/03

Dear Mrs Waterson & Mr Barnett,

Ahead of Deadline 10 (1 April 2019), we have prepared a document which sets out the key issues raised at the Open Floor Hearing on Monday and identifies relevant documents where information or a response is provided (utilising the Hornsea Three Examination Library Titles and Reference Numbers), or where the information can be succinctly summarised, provides an excerpt of the relevant information.

We will submit this document to the Planning Inspectorate at Deadline 10 to be uploaded to their website, however we wanted to share this with you in advance.

Kind regards,

Emily

Best regards,
Emily Woolfenden
Policy Advisor
Public Affairs
Ørsted UK



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From: [REDACTED]
To: [Hornsea Project Three](#)
Cc: [REDACTED]
Subject: RE: HORNSEA PROJECT THREE OFFSHORE WIND FARM (EN010080)
Date: 13 May 2019 12:29:19

Dear Ms Sully,

Thank you for your kind response.

I am not concerned to assist the applicants by drawing their attention to their error, that is not at all my aim. I am however concerned to draw the misinformation provided by the Applicants to the Examiners to the attention of the latter as otherwise they will have not only incomplete information but wrong information. I was submitted my email to you on 3 April at 1353 hrs which was, I believe, within the deadline for submission.

I would politely suggest that you do ensure that this important information reaches the Examiners and that you draw my correspondence to K-J Johannsen before disposing of this important piece of information from a critically affected local interest group. This would be in the spirit of proper consultation with local interests rather than merely formal consultation. I should further tell you that I had to await a response from PHE which took rather a long time to arrive.

I trust you will feel able to take this forward as I suggest. Such action would be much appreciated by this set of local communities.

Your sincerely

Professor Tony Barnett

From: Hornsea Project Three <HornseaProjectThree@planninginspectorate.gov.uk>
Sent: 13 May 2019 12:12
To: Tony Barnett [REDACTED]; Hornsea Project Three
<HornseaProjectThree@planninginspectorate.gov.uk>
Subject: RE: HORNSEA PROJECT THREE OFFSHORE WIND FARM (EN010080)

Dear Mr Barnett

Further to your email below in relation to Public Health England (PHE), from what I can see on the documents tab, the only submission from PHE during the examination was submitted a deadline 8: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010080/EN010080-001921-Public%20Health%20England%20-%20Response%20to%20Consultation.pdf> and further refers to their responses during pre-application at the scoping stage and Applicant's consultation phase.

Please note the examination into this application has now closed. Any submissions received after the close of examination will not be forwarded to the Examining Authority. I would encourage you to contact the Applicant directly in relation to what they said at the hearing. Should you

have any further queries, please do not hesitate to contact me.

Kind regards
Kay Sully
Case Manager

From: Tony Barnett [REDACTED]
Sent: 03 April 2019 13:53
To: Hornsea Project Three <HornseaProjectThree@planninginspectorate.gov.uk>
Subject: RE: HORNSEA PROJECT THREE OFFSHORE WIND FARM (EN010080)

In response to my intervention on 26 March at the Mercure Hotel in Norwich, the solicitor acting for Orsted claimed that PHE had already responded to the issues I had raised concerning public health issues related to the proposal. I cannot see any evidence of this when I search Documents tab at:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/hornsea-project-three-offshore-wind-farm/?ipcsection=relreps&relrep=25707>

I see three references to PHE but none contains any substance.

The lawyer in question was Claire Brodrick from Pinsent Masons LLP

Professor Tony Barnett

From: Hornsea Project Three <HornseaProjectThree@planninginspectorate.gov.uk>
Sent: 03 April 2019 13:49
To: Tony Barnett [REDACTED] Hornsea Project Three
<HornseaProjectThree@planninginspectorate.gov.uk>
Cc: Chris Monk [REDACTED]
Subject: RE: HORNSEA PROJECT THREE OFFSHORE WIND FARM (EN010080)

Dear Mr Barnett

Please find a link to your submission which was published yesterday:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010080/EN010080-002053-Tony%20Barnett-%20Post%20Hearing%20Submission.pdf>

It is not clear which document you are referring to where the Applicant refers to Public Health England. Please note all documentation concerning the Examination should be listed within the Examination library which can be found here (an updated version will be published today):

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010080/EN010080-000748-06%20-%20Hornsea%203%20Examination%20Library%20Published%20Version.pdf>

Kind regards

Kay Sully
Case Manager

From: Tony Barnett [REDACTED]
Sent: 03 April 2019 13:21
To: Hornsea Project Three <HornseaProjectThree@planninginspectorate.gov.uk>
Cc: Chris Monk [REDACTED]
Subject: RE: HORNSEA PROJECT THREE OFFSHORE WIND FARM (EN010080)

I am puzzled that my post hearing submission does not appear on the website I wonder if you could explain why it does not. I submitted it and it has been acknowledged.

I would also be most grateful if you can direct me to the part of the website where I might find information detailing the claim by Orsted that their proposal has been seen and commented on by Public Health England.

My thanks for your assistance.

Tony Barnett

From: Hornsea Project Three <HornseaProjectThree@planninginspectorate.gov.uk>
Sent: 03 April 2019 10:53
To: [REDACTED]
Subject: HORNSEA PROJECT THREE OFFSHORE WIND FARM (EN010080)

Dear Sir/Madam

PROJECT NAME (REFERENCE): HORNSEA PROJECT THREE OFFSHORE WIND FARM (EN010080)

Your reference: H3WF-SP007

Please find below a link to the letter, giving notification of completion of the Examining Authority's examination. The letter can be found on the documents tab on the Hornsea Project Three Offshore Windfarm project page:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/hornsea-project-three-offshore-wind-farm/?ipcsection=overview>

If this link does not open automatically, please cut and paste it into your browser.

Yours faithfully

The Hornsea Project Three Offshore Wind Farm Team
National Infrastructure Planning
Temple Quay House

2 The Square
Bristol
BS1 6PN

Email: HornseaProjectThree@pins.gsi.gov.uk

Helpline: 0303 444 5000

Web: <https://infrastructure.planninginspectorate.gov.uk> (National Infrastructure Planning)

Web: www.gov.uk/government/organisations/planning-inspectorate (Casework and appeals)

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From: [REDACTED]
To: [Planning Inspectorate Hornsea](#)
Subject: Traffic in Cawston
Date: 16 May 2019 14:24:23

Hello

We realise that the Hornsea Examination is now closed, but we thought the Inspectors should be made aware, if possible, of the events in Cawston High Street yesterday (15/5).

Around 1130 an unannounced abnormal load tried to get through, on its way to Salle Farms. It got stuck, blocked the road for about half an hour, causing gridlock, and when trying to move off it damaged the wall at number 25 High St.

See photos attached. The driver didn't want us to take them and got quite abusive. Police were called but the driver refused to wait as requested, and when they arrived they had to catch up with him at Salle.

The drivers claimed that this was a planned route, not needing a dedicated police escort.

This was not wind farm traffic, but Orsted do have abnormal loads in their plan and in any event we would suggest that it does illustrate what can happen when a large vehicle tries to negotiate this restricted and inappropriate space.

This took place in broad daylight at a quiet period in the day.

Thank you

Helen & Chris Monk





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From: [Geoff Lyon](#)
To: [Hornsea Project Three](#); [Hornsea Project Three](#)
Cc: [Sarah Drljaca](#); [Andrew Guyton](#)
Subject: HORNSEA PROJECT 3 DCO TOURISM MITIGATION – CONSISTENCY WITH NORFOLK VANGUARD DCO
Date: 31 May 2019 16:47:04
Attachments: [NNDC Post Examination Submission 31 May 2019 Final.pdf](#)

Dear Secretary of State and Examining Authority

HORNSEA PROJECT 3 DCO TOURISM MITIGATION – CONSISTENCY WITH NORFOLK VANGUARD DCO
INTERESTED PARTY REF: 20010749

The purpose of this email and attached letter is to bring to your attention events that have occurred during the Examination of the Norfolk Vanguard Offshore Wind Farm which are relevant to the determination of an important issue for the Hornsea Project 3 Offshore Wind Farm: mitigation of its potential impact on tourism within the area of North Norfolk District Council. NNDC is the local authority within whose area both Hornsea 3 and Norfolk Vanguard make landfall and through which the cables for the two infrastructure projects pass.

Please find attached a copy of North Norfolk District Council's submission in respect of a matter which this Examining Authority should be able to take into account, as should the Secretary of State when deciding the Hornsea 3 application under section 103 of the 2008 Act.

A copy of this email has been sent to the Applicant.

I would be grateful if you could please acknowledge receipt of this email

Kind Regards

Geoff Lyon (MTCP, MRTPI)
Major Projects Manager

Geoff Lyon
Major Projects Manager
+441263 516226

North Norfolk District Council

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31st May 2019

Secretary of State and Examining Authority
Hornsea Project Three
Via email

Dear Secretary of State and Examining Authority

HORNSEA PROJECT 3 DCO TOURISM MITIGATION – CONSISTENCY WITH NORFOLK VANGUARD DCO
INTERESTED PARTY REF: 20010749

The purpose of this letter is to bring to your attention events that have occurred during the Examination of the Norfolk Vanguard Offshore Wind Farm ("**Norfolk Vanguard**"), which are relevant to the determination of an important issue for the Hornsea Project 3 Offshore Wind Farm ("**Hornsea 3**"): mitigation of its potential impact on tourism within the area of North Norfolk District Council ("**NNDC**"). NNDC is the local authority within whose area both Hornsea 3 and Norfolk Vanguard make landfall and through which the cables for the two infrastructure projects pass.

Introduction

1. The Examination for Hornsea 3 closed on 02 April 2019. The Council understands that the Examining Authority's obligation under rule 19(1) of the Infrastructure Planning (Examination Procedure) Rules 2010 ("**the Rules**") is to make a written report to the Secretary of State by 2 July 2019. Rule 19(3) envisages the Secretary of State having the power to take into consideration new evidence after the completion of the Examining Authority's examination. As there is nothing in the Rules or in the Planning Act 2008 ("**the 2008 Act**") preventing the Examining Authority from taking into account new evidence, this letter is addressed both to the Examining Authority and the Secretary of State.

Hornsea 3 and Norfolk Vanguard

2. There are significant similarities between the Hornsea 3 Project and the Norfolk Vanguard Project. Within the Examining Authority's Further Written Questions and Requests for Information issued on 19 Dec 2018 (Q2.1.2), the Examining Authority commented that "*Norfolk Vanguard is being promoted at the same time, in a broadly similar location and is of comparable scale*". The similarity is such that a number of documents submitted to the Norfolk Vanguard Examination have also been provided to the Hornsea 3 Examination (for example: Norfolk Vanguard Offshore Ornithology Chapter; Norfolk Vanguard projection assumptions for traffic impact on Oulton Street; Norfolk Vanguard Draft DCO on Requirement 8 Landscape). The cumulative impact of the projects has also been considered by both Examining Authorities.
3. The Examining Authority considering the Norfolk Vanguard project has also recognised the similarities between the projects and has been asked to be provided with documents from the Hornsea 3 examination, including the draft DCO and the draft outline Code of Construction Practice.
4. It is plainly desirable that similar approaches be taken to the two projects where they are dealing with comparable matters.

Tourism/Socio Economic Impacts of Hornsea 3 and the Need for Appropriate Mitigation

5. During the examination process for Hornsea 3, NNDC made submissions concerning the potential for the project (particularly during the construction phase) to result in tourism or socio economic impacts requiring mitigation. Submissions were made by NNDC at:
 - **Deadline 1** (Local Impact Report – Section 12 pages 22-24);
 - **Deadline 2** (Statement of Common Ground (version 4) – Socio-economics section pages 58-63);
 - **Deadline 3** (Representations Following Issue Specific Hearings on 4-7 December 2018 – para 3.7 and Appendix 2 - Report by Destination Research entitled *Economic Impacts of Tourism 2017 Results*); and
 - **Deadline 7** (Representations Following Issue Specific Hearing on 08 March 2019 For Deadline 7 – Section 4 "Tourism/Socio Economic Impacts and the need for a Community Benefit Scheme within the DCO" paras 4.1 to 4.9.)

6. Within its Deadline 7 submission at para 4.9, NNDC invited the Examining Authority ‘to consider the possibility of securing the necessary mitigation strategy to help tourism and related businesses likely to be affected during the construction phase through a further DCO requirement’. NNDC suggested that one way in which this might be achieved would be via a Community Benefit Fund, secured within the DCO.

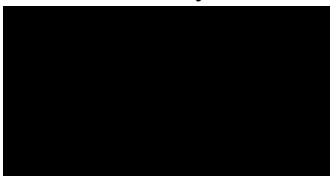
Tourism/Socio Economic Impacts of Norfolk Vanguard and the Need for Appropriate Mitigation

7. Mitigation of potential tourism/socio economic impacts is also an issue ventilated at the Norfolk Vanguard Examination. NNDC provided the report by Destination Research entitled *Economic Impacts of Tourism 2017 Results* to the Norfolk Vanguard Examining Authority and made a number of submissions, which culminated in discussion at Issue Specific Hearing 5 on the draft DCO concerning a potential requirement dealing with tourism/socio economic impacts (28 March 2019). At Deadline 6 (5 April 2019), NNDC proposed the wording for a requirement, which was further refined at Issue Specific Hearing 7 (25 April) and at Deadline 7 (2 May 2019).
8. As a result, the Examining Authority for Norfolk Vanguard included a new requirement when it published its “Examining Authority’s draft DCO schedule of changes” on 9 May 2019. A copy is attached in full at **Appendix A**. New Requirement 34, set out on pages 5-6 of that document, brings forward the concept of a ‘*tourism and associated business impact mitigation strategy*’ as a way to address the concerns expressed by NNDC. The draft requirement envisages that scheme including the payment of a contribution to improve and support tourism services like information centres or such as Visit North Norfolk and payment of a contribution to develop and run a targeted marketing campaign - both well-trodden ways of mitigating negative impacts of development on tourism.
9. The inclusion of this proposed amendment suggests the Examining Authority considers such a mitigation strategy to be necessary, reasonable and enforceable, in order to overcome the impact on tourism / the socio economic impacts of the proposed development. The Applicant, Norfolk Vanguard, has indicated it is likely to contest the inclusion of the requirement; NNDC will support its inclusion and will submit it meets the tests in paragraph 55 of the NPPF and paragraph 3 of the Conditions PPG.

Conclusion

10. The approach of the Norfolk Vanguard Examining Authority to mitigation of tourism impact – an issue which raises very similar considerations to those in play in Hornsea 3 – is in NNDC's submission a matter which this Examining Authority should be able to take into account, as should the Secretary of State when deciding the Hornsea 3 application under section 103 of the 2008 Act.
11. NNDC is therefore providing this information to the Examining Authority and the Secretary of State, and invites them to consider, in making the DCO for Hornsea 3, including a requirement similar to that proposed for Norfolk Vanguard. This is, in NNDC's submission, a preferable approach to that advocated in its Deadline 7 submissions (i.e. simply securing a Community Benefit Fund).
12. This approach would ensure similar schemes with similar impacts affecting similar locations are treated consistently and fairly by the Examining Authority and the Secretary of State, so that the proposed DCO schemes can deliver much needed renewable energy but in a way that ensures identified adverse impacts are appropriately mitigated.
13. A copy of this letter has been sent to the Applicant.

Yours sincerely



Geoff Lyon (MTCP, MRTPI)
Major Projects Manager
Tel: 01263 516226
Email: geoff.lyon@north-norfolk.gov.uk

**Appendix A – Norfolk Vanguard Examining Authority’s draft DCO
schedule of changes’ - 09 May 2019 (Requirement 34)**

Application by Norfolk Vanguard Limited for an Order granting Development Consent for the Norfolk Vanguard Offshore Wind Farm

The Examining Authority's schedule of changes to the draft Development Consent Order

Issued on 9 May 2019

Ref	ExA's suggested changes	ExA's comments
Contents		
Schedules	<p>SCHEDULE 9</p> <p>PART 5 — Procedure for Appeals</p> <p>SCHEDULE 10</p> <p>PART 5 — Procedure for Appeals</p> <p>SCHEDULE 11</p> <p>PART 5 — Procedure for Appeals</p> <p>SCHEDULE 12</p> <p>PART 5 — Procedure for Appeals</p>	Amendment consequential to Part 5 in each of Schedules 9, 10, 11 and 12
Ref	ExA's suggested changes	ExA's comments
Articles		
2	<p>—(1) In this Order...</p> <p>“the 2009 Act” means the Marine and Coastal Access Act 2009(n);</p> <p>“the 2011 Regulations” means the Marine Licensing (Licence Application Appeals) Regulations 2011(a);</p> <hr/> <p>(a) S.I. 2011/934</p>	Amendment consequential to Part 5 in each of Schedules 9, 10, 11 and 12



Ref	ExA's suggested changes	ExA's comments
Articles		
2	<p>—(1) In this Order...</p> <p>“temporary stopping up of public rights of way plan” means the plan certified as the temporary stopping up of public rights of way plan by the Secretary of State for the purposes of this Order;</p> <p>“the tourism and associated business impact mitigation strategy” means the document certified as the tourism and associated business impact mitigation strategy by the Secretary of State for the purposes of this Order;</p>	To reflect suggested amendment by NNDC
5(3) to 5(6)	<p>(3) The undertaker must consult the Secretary of State before making an application for consent under this article by giving notice in writing of the proposed application and the Secretary of State shall provide a response within four weeks of receipt of the notice.</p> <p>(4) The Secretary of State must consult the MMO before giving consent to the transfer or grant to another person of the whole or part of the benefit of the provisions of the deemed marine licences.</p> <p>(5) The Secretary of State must consult National Grid before giving consent to the transfer or grant to a person of any or all of the benefit of the provisions of this Order (excluding the deemed marine licences referred to in paragraph (2) above)</p> <p>(6) The Secretary of State must determine an application for consent made under this article within a period of eight weeks commencing on the date the application is received by the Secretary of State, unless otherwise agreed in writing with the undertaker.</p> <p><i>Subsequent sub-paragraphs renumbered accordingly</i></p>	The issue of whether it would be appropriate for a decision of the Secretary of State relating to the transfer of the benefit of the Order to be subject to arbitration has been explored in the examination. The ExA has sought evidence in relation to the justification for the approach suggested by the Applicant.
37(1)	<p>(z) the outline skills and employment strategy (8.22); and</p> <p>(aa) the Development Principles (8.23); and</p> <p>(bb) the tourism and associated business impact mitigation strategy (8.24).</p>	To reflect suggested amendment by NNDC



Ref	ExA's suggested changes	ExA's comments
Requirements		
2	<p>2.- (1) ... (e) subject to sub-paragraph (2) have a draught height of less than 22 metres from MHWS;.</p> <p>(2) (a) the number of wind turbine generators [in Norfolk Vanguard East] with a draught height of less than []m from MHWS comprised in the authorised project must not exceed [].</p> <p>(b) the number of wind turbine generators [in Norfolk Vanguard West] with a draught height of less than []m from MHWS comprised in the authorised project must not exceed [].</p> <p><i>Subsequent sub-paragraphs renumbered accordingly</i></p>	To reflect suggestions made by NE and RSPB if required following application of further collision risk model(s)
2	<p>(3) The total number of wind turbine generators must be apportioned between Norfolk Vanguard East and Norfolk Vanguard West (rounded to the nearest whole number) in accordance with the following formula—</p> <p>(a) two thirds of the total number of wind turbine generators in Norfolk Vanguard West and one third of the total number of wind turbine generators in Norfolk Vanguard East; or</p> <p>(b) half of the total number of wind turbine generators in Norfolk Vanguard West and half of the total number of wind turbine generators in Norfolk Vanguard East.</p> <p>3.—(1) The total number of wind turbine generators forming part of the authorised project must not exceed 180 and shall be configured such that at any time:</p> <p>(a) No more than two-thirds of the total number of wind turbine generators (rounded to the nearest whole number) must be located in Norfolk Vanguard West; and</p> <p>(b) No more than one half of the total number of wind turbine generators (rounded to the nearest whole number) must be located in Norfolk Vanguard East.</p>	To allow for flexibility between the minimum and maximum parameters



Ref	ExA's suggested changes	ExA's comments
Requirements		
17(1)	(1) No stage of the onshore transmission works may commence until for that stage a code of construction practice has been submitted to and approved by the relevant planning authority, in consultation with Norfolk County Council, the relevant statutory nature conservation body and the Environment Agency.	To ensure that nature conservation interests are fully considered in the CoCPs.
18	(2) The landscaping management scheme must include details of proposed hard and soft landscaping works appropriate for the relevant stage, including— ... (d) details of existing trees to be removed (d-e) details of existing trees and hedgerows to be retained with measures for their protection during the construction period; (e f) retained historic landscape features and proposals for restoration, where relevant; (f g) implementation timetables for all landscaping works; (g h) proposed finished heights, form and gradient of earthworks; and (h i) maintenance of the landscaping;	To ensure better understanding of tree removal proposed and consequent replanting considered necessary under this Requirement
19(2)	(2) Any tree or shrub planted as part of an approved landscaping management scheme that within a period of five ten years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased must be replaced in the first available planting season with a specimen of the same species and size as that originally planted unless a different species is otherwise agreed in writing with the relevant planning authority.	To reflect likely timescales for planting to become established in this locality.
20(2)	(2) The code of construction practice must accord with the outline code of construction practice and include details, as appropriate to the relevant stage, on— ... (d) construction noise and vibration (including the use of low noise reversing warnings on vehicles and temporary acoustic barriers);	To reflect concerns of NNDC



Ref	ExA's suggested changes	ExA's comments
Requirements		
26	<p>(2) Outside the hours specified in paragraph (1), construction work may be undertaken for essential activities including but not limited to—</p> <p>(a) continuous periods of operation that are required as assessed in the environmental statement, such as concrete pouring, drilling, and pulling cables (including fibre optic cables) through ducts;</p> <p>(b) delivery to the onshore transmission works of abnormal loads that may otherwise cause congestion on the local road network;</p> <p>(c) works required that may necessitate the temporary closure of roads;</p> <p>(d) onshore transmission works requiring trenchless installation techniques;</p> <p>(e) onshore transmission works at the landfall;</p> <p>(f) commissioning or outage works associated with the extension to the Necton National Grid substation comprised within Work No. 10A;</p> <p>(g) commissioning or outage works associated with the overhead line modification works comprised within Work No. 11 and Work No. 11A;</p> <p>(h) electrical installation; and</p> <p>(i) emergency works.</p> <p><i>[re-number sub-paragraphs accordingly]</i></p> <p>(5) No crushing or screening works must take place at any time on any of the mobilisation areas, without the prior written consent of the relevant local authority.</p>	<p>The ES does not consider continuous periods of operation as referred to in sub-paragraph (a) other than at landfall, nor does it consider the impact of onshore transmission works requiring trenchless installation outside of the normal working hours.</p>
34	<p>(1) No part of Works No. 4C or Work No. 5 within the District of North Norfolk may commence until such time as a tourism and associated business impact mitigation strategy has been submitted to and approved in writing by North Norfolk District Council.</p> <p>(2) The tourism and associated business impact mitigation strategy referred to in sub-paragraph (1) must include:</p> <p>(a) Details of a contribution to be paid by the undertaker to Tourism Information Centres, Visit North Norfolk, Visit Norfolk and any other relevant organisations supporting and promoting tourism in North Norfolk;</p> <p>(b) Details of a method by which the contribution by the undertaker in (a) will be apportioned to the above organisations;</p> <p>(c) Details of who will administer the strategy;</p> <p>(d) Details of how the strategy will be funded including the cost of administration;</p>	<p>Amendment reflects suggestion made by NNDC</p>

	<p>(e) Details of how any monies unspent are to be returned to the undertaker;</p> <p>(f) Details of marketing campaigns (including funding) to be run in order to market North Norfolk in advance of, during and after construction works have been completed for Norfolk Vanguard for the purpose of generating tourist footfall and spend.</p> <p>(3) The tourism and associated business impact mitigation strategy must be implemented as approved.</p> <p><i>Subsequent Requirement number(s) renumbered accordingly</i></p>	
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Ref	ExA's suggested changes	ExA's comments
Deemed Marine Licences		
	<i>The following paragraph and condition numbers refer to Schedule 9. Where there are equivalent provisions in Schedules 10, 11 and 12 the same amendments would apply.</i>	
Part 1	“the appeal parties” means the MMO, the relevant consultee and the undertaker; “business day” means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 of the Banking and Financial Dealings Act 1971;	Amendment reflects changes proposed to appeal procedure in Part 5
Part 4 Condition 9(11)	(11) In case of damage to, or destruction or decay of, the authorised project seaward of MHWS or any part thereof including the exposure of cables the undertaker must as soon as possible and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify MMO, MCA, Trinity House, the Kingfisher Information Service of Seafish and the UK Hydrographic Office.	Amendment seeks to mitigate safety risks to fishing operations.
Condition 9(12)	(12) In case of exposure of cables on or above the seabed, the undertaker must within five three days following the receipt by the undertaker of the final survey report from the periodic burial survey, notify mariners by issuing a notice to mariners, the MMO and by informing Kingfisher Information Service of the location and extent of exposure.	Amendment reflects suggestion made by MCA
Condition 14 (1)	(n) a lighting and marking plan (o) an operation and maintenance programme	Amendment reflects suggestion made by MCA
Condition 14(1)(e)	(ee) For the avoidance of doubt “distribution” in sub-paragraph (e) of this paragraph must include quantities in respect of each structure comprised in the offshore works and intended to be subject to scour and cable protection [Condition 9 in each of Schedules 11 and 12 to be amended accordingly]	To provide for certainty in the Scour Protection and Cable Protection Plan
Condition 15(1)	—(1) Any archaeological reports produced in accordance with condition 14(h)(iii) are to must be agreed with the statutory historic body.	Amendment reflects drafting protocol
Condition 15(5)	(5) Unless otherwise agreed in writing with the undertaker, the MMO must use reasonable endeavours to determine an application for approval made under condition 14 as soon as practicable and in any event within a period of six four months commencing on the date the application is received by the MMO. or if the MMO reasonably requests further information to	To reflect concerns of TH and provide certainty and consistency whilst preserving the possibility of



	determine the application for approval, within a period of four months commencing on the date that the further information is received by the MMO. For the purposes of this paragraph (5), the MMO may only request further information from the undertaker within a period of two months from receipt of the application for approval.	extension of time by agreement
Condition 15(8)	<p>(8) No part of the authorised scheme may commence until the MMO, in consultation with (8) the MCA, has given written approval of an Emergency Response Co-operation Plan (ERCoP) which includes full details of the plan for emergency, response and co-operation for the construction, operation and decommissioning phases of that part of the authorised scheme in accordance with the MCA recommendations contained within MGN543 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues” and has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that part of the authorised scheme, adequately addressed MCA recommendations contained within MGN543 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues” and its annexes. The ERCoP and associated guidance and requirements must be implemented as approved, unless otherwise agreed in writing by the MMO in consultation with the MCA. The document must be reviewed at least annually or whenever changes are identified, whichever is sooner, and any proposed changes must be submitted to the MMO in writing for approval, in consultation with MCA.</p> <p>(8) No part of the authorised project may commence until the MMO, in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that stage of the project, adequately addressed all MCA recommendations as appropriate to the authorised project contained within MGN543 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" and its annexes.</p>	Amendment reflects suggestion made by MCA
Condition 18	(2)(b) “a high-resolution full sea floor coverage swath-bathymetry survey to include a 100% coverage that meets the requirements of IHO(b) S44ed5 Order 1a, and side scan sonar, of the area(s) within the Order limits in which it is proposed to carry out construction works and disposal activities under this licence;”	To reflect HE requirements to the extent they surpass IHO(b) S44ed5 Order 1a and provide certainty over extent of works affected
Condition 20	2(e) a bathymetric survey to monitor the effectiveness of archaeological exclusion zones identified to have been potentially impacted by construction works. The data shall be analysed by an accredited archaeologist as defined in the offshore written scheme of investigation required under condition 14(h).	Amendment reflects suggestion by HE

Schedule 10, Part 3, paragraph 2(1)	Work No. 1 (phase ± 2)	To reflect the authorised works under the licence
Schedule 12, Part 3, paragraphs 2(1) – (4)	Work No. 2 (phase ± 2) Work No. 3 (phase ± 2) Work No. 4A (phase ± 2) Work No. 4B (phase ± 2)	To reflect the authorised works under the licence



Ref	ExA's suggested changes	ExA's comments
Schedules 9-12, Part 5 Appeal Procedure		
Part 5 Procedure for appeals	<p>23. The undertaker must submit to the Secretary of State, a copy of the application submitted to the MMO and any supporting documentation which the undertaker may wish to provide ("the appeal documentation").</p> <p>24. The undertaker must on the same day provide copies of the appeal documentation to the MMO and any relevant consultee.</p> <p>25. As soon as is practicable after receiving the appeal documentation, but in any event within 20 business days of receiving the appeal documentation, the Secretary of State must appoint a person and forthwith notify the appeal parties of the identity of the appointed person and the address to which all correspondence for that person's attention should be sent.</p> <p>26. The MMO and any relevant consultee must submit written representations to the appointed person in respect of the appeal within 20 business days of the date on which the appeal parties are notified of the appointment of a person under paragraph 25 and must ensure that copies of their written representations are sent to each other and to the undertaker on the day on which they are submitted to the appointed person.</p> <p>27. The appeal parties must make any counter submissions to the appointed person within 20 business days of receipt of written representations pursuant to paragraph 26 above.</p> <p>28. The appointed person must make his decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable. If the appointed person considers that further information is necessary to enable him to consider the appeal he must, as soon as practicable, notify the appeal parties in writing specifying the further information required, the appeal party from whom the information is sought, and the date by which the information is to be submitted.</p> <p>29. Any further information required pursuant to paragraph 28 must be provided by the party from whom the information is sought to the appointed person and to other appeal parties by the date specified by the appointed person. Any written representations concerning matters contained in the further information must be submitted to the appointed person, and made available to all appeal parties within 20 business days of that date.</p> <p>30. On an appeal the appointed person may— (a) allow or dismiss the appeal; or (b) reverse or vary any part of the decision of the MMO (whether the appeal relates to(2) that part of it or not);</p>	<p>To provide for an appeal procedure broadly consistent with existing statutory processes and consistent with similar DCO's</p>



and may deal with the application as if it had been made to the appointed person in the first instance.

31. The appointed person may proceed to a decision on an appeal taking into account only such written representations as have been sent within the time limits prescribed, or set by the appointed person, under this paragraph.

32. The appointed person may proceed to a decision even though no written representations have been made within those time limits, if it appears to the appointed person that there is sufficient material to enable a decision to be made on the merits of the case.

33. The decision of the appointed person on an appeal is final and binding on the parties, and a court may entertain proceedings for questioning the decision only if the proceedings are brought by a claim for judicial review.

34. If an approval is given by the appointed person pursuant to this Schedule, it is deemed to be an approval for the purpose of Part 4 of Schedule 9 as if it had been given by the MMO. The MMO may confirm any determination given by the appointed person in identical form in writing but a failure to give such confirmation (or a failure to give it in identical form) may not be taken to affect or invalidate the effect of the appointed person's determination.

35. Save where a direction is given pursuant to paragraph 36 requiring the costs of the appointed person to be paid by the MMO, the reasonable costs of the appointed person must be met by the undertaker.

36. On application by the MMO or the undertaker, the appointed person may give directions as to the costs of the appeal parties and as to the parties by whom the costs of the appeal are to be paid. In considering whether to make any such direction and the terms on which it is to be made, the appointed person must have regard to the Planning Practice Guidance on the award of costs or any guidance which may from time to time replace it.

- (1) Where the MMO refuses an application for approval under condition 14 [condition 9 in Schedules 11 and 12] and notifies the undertaker accordingly, or fails to determine the application for approval in accordance with condition 15 [condition 10 in Schedules 11 and 12] the undertaker may by notice appeal against such a refusal or non-determination and the 2011 Regulations shall apply subject to the modifications set out in paragraph (2)
- (2) The 2011 Regulations are modified so as to read for the purposes of this Order only as follows—
 - (a) In regulation 6(1) (time limit for the notice of appeal) for the words “6 months” there is substituted the words “4 months”.



	<p>(b) For regulation 4(1) (appeal against marine licensing decisions) substitute— “A person who has applied for approval under condition 15 of Part 4 of Schedule 9; condition 15 of Part 4 of Schedule 10; condition 10 of Part 4 of Schedule 11; or condition 10 of Part 4 of Schedule 12 to the Norfolk Vanguard Offshore Wind Farm Order 201[] may by notice appeal against a decision to refuse such an application or a failure to determine such an application.”</p> <p>(c) For regulation 7(2)(a) (contents of the notice of appeal) substitute— “a copy of the decision to which the appeal relates or, in the case of non-determination, the date by which the application should have been determined; and ”</p> <p>(d) In regulation 8(1) (decision as to appeal procedure and start date) for the words “as soon as practicable after” there is substituted the words “within the period of [2] weeks beginning on the date of”.</p> <p>(e) In regulation 10(3) (representations and further comments) after the words “the Secretary of State must” insert the words “within the period of [1] week”</p> <p>(f) In regulation 10(5) (representations and further comments) for the words “as soon as practicable after” there is substituted the words “within the period of [1] week of the end of”.</p> <p>(g) In regulation 12(1) (establishing the hearing or inquiry) after the words “(“the relevant date”)” insert the words “which must be within [14] weeks of the start date”.</p> <p>(h) For regulation 18(4) substitute— “Subject to paragraphs (1) and (3), each party should bear its own costs of a hearing or inquiry held under these Regulations.”</p> <p>(i) For regulation 22(1)(b) and (c) (determining the appeal—general) substitute— “(b) allow the appeal and, if applicable, quash the decision in whole or in part; (c) where the appointed person quashes a decision under sub-paragraph (b) or allows the appeal in the case of non-determination, direct the Authority to approve the application for approval made under condition 15 of Part 4 of Schedule 9; condition 15 of Part 4 of Schedule 10; condition 10 of Part 4 of Schedule 11; or condition 10 of Part 4 of Schedule 12 to the Norfolk Vanguard Offshore Wind Farm Order 201[].”</p> <p>(j) In regulation 22(2) (determining the appeal—general) after the words “in writing of the determination” insert the words “within the period of [12] weeks beginning on the start date where the appeal is to be determined by written representations or within the period of [12] weeks beginning on the day after the close of the hearing or inquiry where the appeal is to be determined by way of hearing or inquiry”</p>	
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End of schedule



Department for
Business, Energy
& Industrial Strategy

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Telephone: 020 7215 5677
Email: beiseip@beis.gov.uk
Web: www.gov.uk/beis

To:
By email only:

Your Ref:

Ministry of Defence

Our Ref:

Date: 10 July 2019

cc:
Orsted Hornsea Project Three (UK) Limited

Dear Sir or Madam,

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

Application by Orsted Hornsea Project Three (UK) Limited ("the Applicant") for an Order granting Development Consent for the proposed Hornsea Project Three Offshore Wind Farm and associated offshore and onshore infrastructure

REQUEST FOR COMMENTS FROM THE SECRETARY OF STATE FOR DEFENCE

Dear Sir or Madam,

Following the completion of the examination on 2 April 2019, the Examining Authority submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State on 2 July 2019. In accordance with section 107 of the Planning Act 2008, the Secretary of State [for Business, Energy and Industrial Strategy] has three months to determine the application.

Crown land

There is an issue relating to the compulsory acquisition of Crown land sought by the Applicant on which the Secretary of State would be grateful if the Ministry of Defence could provide further clarification.

It is understood that there was no evidence before the Examining Authority at the close of its examination that consent to the compulsory acquisition of an interest in land held otherwise than by or on behalf of the Crown has been granted for the purposes of section 135(1) of the

Planning Act 2008 in respect of Crown land at Weybourne Military Camp (plots 1-005 to 1-017, 1-017, 1-018) and land west of Cantley Lane (plots 30-029 and 30-030) in Norfolk.

The Secretary of State would be grateful for confirmation from **the Secretary of State for Defence** as to whether consent to acquisition for the purposes of section 135(1) of the Planning Act 2008 has been granted.

A response is requested by Thursday 25 July 2019.

The response should be submitted by email to:

HornseaProjectThree@planninginspectorate.gov.uk

Please also send any hard copy response to the Hornsea Project Three Offshore Wind Farm Team, Secretary of State for Business, Energy and Industrial Strategy, c/o the Planning Inspectorate, 3D Eagle Wing, Temple Quay House, Temple Quay, Bristol, BS1 6PN. If you will have difficulty in submitting a response by the consultation deadline, please inform the Project Team as soon as possible.

The response will be published on the Hornsea Project Three Offshore Wind Farm project page of the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/hornsea-project-three-offshore-wind-farm/> as soon as possible after 25 July 2019.

This letter is without prejudice to the Secretary of State's decision whether or not to grant development consent for the Hornsea Project Three Offshore Wind Farm project, and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully

Gareth Leigh

Head of Energy Infrastructure Planning



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25 July 2019

Hornsea Project Three Offshore
Wind Farm Team
Secretary of State for Business, Energy
and Industrial Strategy
c/o the Planning Inspectorate
3D Eagle Wing
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Dear Sirs

**HORNSEA PROJECT THREE OFFSHORE WIND FARM - APPLICATION FOR A
DEVELOPMENT CONSENT ORDER PURSUANT TO THE PLANNING ACT 2008**

CONSENT PURSUANT TO SECTION 135 OF THE PLANNING ACT 2008

We understand that Orsted Hornsea Project Three (UK) Limited has submitted an application pursuant to the Planning Act 2008 (the "**Act**") for development consent to construct, operate and maintain Hornsea Project Three offshore wind farm ("**Hornsea Three**").

The land required for the purposes of constructing Hornsea Three includes land which is owned by the Crown, or over which the Crown has an interest, and which therefore constitutes "Crown land" for the purposes of the Planning Act 2008.

The Crown land in question is identified in the table below and shown on the Crown land onshore and offshore plans, which form part of the DCO application documentation.

Plot Number on Land Plans	Extent of acquisition or use	Description of Land
1-005	Temporary use of land	779 square metres Track (Weybourne Military Camp) (excluding all interests of the Crown) (North Norfolk District Council)

Plot Number on Land Plans	Extent of acquisition or use	Description of Land
1-006	New Connection Works Rights Classes (a), (b), (c), (d), (e) and (f)	72251 square metres Field, agricultural land, public footpath (Weybourne FP7), tracks, drain and pond (Weybourne Military Camp) (excluding all interests of the Crown) (North Norfolk District Council)
1-007	New Connection Works Rights Classes (a), (b), (c), (d), (e) and (f), and New Construction and Operation Access Rights Classes (a), (b), (c), (d) and (e)	2782 square metres Track (Weybourne Military Camp) (excluding all interests of the Crown) (North Norfolk District Council)
1-008	New Connection Works Rights Classes (a), (b), (c), (d), (e) and (f)	20797 square metres Grassland and track (Weybourne Military Camp) (excluding all interests of the Crown) (North Norfolk District Council)
1-009	Temporary use of land	425 square metres Track (Weybourne Military Camp) (excluding all interests of the Crown) (North Norfolk District Council)
1-010	Temporary use of land	146 square metres Tracks and verges (Weybourne Military Camp) (excluding all interests of the Crown) (North Norfolk District Council)
1-011	Temporary use of land	124 square metres Track and verge (Weybourne Military Camp) (excluding all interests of the Crown) (North Norfolk District Council)
1-012	Temporary use of land	2600 square metres Access track (Weybourne Military Camp) (excluding all interests of the Crown) (North Norfolk District Council)
1-013	Temporary use of land	2075 square metres Track and verge (Weybourne Military Camp) (excluding all interests of the Crown) (North Norfolk District Council)
1-014	New Construction and Operation Access Rights Classes (a), (b), (c), (d) and (e)	4342 square metres Access track (Weybourne Military Camp) (excluding all interests of the Crown) (North Norfolk District Council)

Plot Number on Land Plans	Extent of acquisition or use	Description of Land
1-017	New Connection Works Rights Classes (a), (b), (c), (d), (e) and (f)	13114 square metres Grassland, airstrip and track (Weybourne Military Camp) (excluding all interests of the Crown) (North Norfolk District Council)
1-018	New Connection Works Rights Classes (a), (b), (c), (d), (e) and (f)	493 square metres Grassland (Weybourne Military Camp) (excluding all interests of the Crown) (North Norfolk District Council)
30-029	New Connection Works Rights Classes (a), (b), (c), (d), (e) and (f)	36236 square metres Field, agricultural land and overhead electricity lines (west of Cantley Lane) (excluding all interests of the Crown) (South Norfolk District Council)
30-030	Temporary use of land	2326 square metres Field and agricultural land (west of Cantley Lane) (excluding all interests of the Crown) (South Norfolk District Council)

Orsted Hornsea Project Three (UK) Limited has sought the consent of the appropriate Crown authority to the inclusion of powers that will apply to this Crown land in the DCO for Hornsea Three.

I confirm that the appropriate Crown authority to give consent in respect of the Crown land referred to in the table above is the Secretary of State for Defence and that the Ministry of Defence is empowered to give such consent on behalf of the Secretary of State.

Accordingly, I confirm that the Ministry of Defence hereby consents, pursuant to section 135(1) and section 135(2) of the Planning Act 2008, to:

1. The inclusion of the Crown land in the DCO for Hornsea Three;
2. The inclusion of provisions within the DCO for Hornsea Three which would apply to the Crown land;
3. Orsted Hornsea Project Three (UK) Limited's application for powers of compulsory acquisition of new rights and the imposition of restrictions over the Crown land, other than the acquisition of the interest held by the Crown; and
4. The drafting of Article 41 of the DCO.

Yours faithfully

Property Law Team

MOD Legal Advisers

Mr Rob Pridham
Hornsea Three Case Manager
Energy Infrastructure Planning
Department for Business, Energy and Industrial
Strategy
Level 3, Orchard 2
1 Victoria Street
London SW1H 0ET

6th September 2019

Dear Mr Pridham,

The Hornsea Three Development Consent Order application and the implications of Natural England's recent advice at the Norfolk Vanguard Development Consent Order examination

The RSPB is writing to draw your attention to what we consider to be significant new advice from Natural England in respect of its position on the in combination impacts on seabird populations in the North Sea arising from the construction and operation of offshore wind farms and are copying this letter to the Applicants as well as Natural England and the Planning Inspectorate. We consider it is relevant to your determination of the Hornsea Three Development Consent Order (the Hornsea Three Order).

The new advice from Natural England arose during the course of the examination of the Norfolk Vanguard Development Consent Order (DCO) application which closed on 10 June 2019 and whose Panel will report to you by 10 September 2019, in advance of the deadline for your determination of the Order. We considered it prudent to write, particularly as there is only a limited time (from 10 September to 2 October) when both applications will be with your Department for determination.

Implications for Hornsea Three of Natural England's advice in respect of Norfolk Vanguard

Natural England's advice on Norfolk Vanguard

At Deadline 8 of the Norfolk Vanguard DCO examination, Natural England submitted its *Comments on Norfolk Vanguard Ltd. Deadline 7 and Deadline 7.5 submissions in relation to Offshore Ornithology Related Matters (30 May 2019)*. Table 1 summarised Natural England's position that there would be in-combination adverse effects on integrity on:

- the breeding gannet population at the Flamborough and Filey Coast SPA (in-combination with Hornsea Three);
- the breeding kittiwake population at the same SPA (including or excluding Hornsea Three); and
- the breeding lesser black-backed gull population of the Alde-Ore Estuary SPA.

In addition to its relevance to the Norfolk Vanguard Order, the RSPB considers the first two parts of NE's advice, relating to in-combination adverse effects on the integrity of the Flamborough and Filey Coast SPA, to be directly relevant and of great importance to your determination of the Hornsea Three Order.

UK Headquarters

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Implications of Natural England's Norfolk Vanguard advice for determination of Hornsea Three

The RSPB considers the new advice is material to your determination of the Hornsea Three Order as Natural England sets out the interaction between the Norfolk Vanguard and Hornsea Three schemes and concludes there will be an in-combination adverse effects on integrity on the Flamborough and Filey Coast SPA in respect of breeding gannets and kittiwakes, arising out of both applications.

Given Natural England's unequivocal advice, we consider it both prudent and appropriate for the Secretary of State to take this new advice into account in determining the Hornsea Three Order in respect of the tests set out in the Conservation of Habitats and Species Regulations 2017 (as amended) ("the Habitats Regulations") and the equivalent tests contained in the Conservation of Offshore Marine Habitats and Species Regulations 2017. The new advice bears directly on the adverse effect on integrity test under Regulation 63 and, if the Secretary of State agrees with Natural England's advice, the need to address the subsequent derogation tests under Regulation 64 (alternative solutions and imperative reasons of overriding public interest) and Regulation 68 (compensatory measures).

To date, matters under Regulations 64 and 68 have not been fully tested in respect of offshore wind farm schemes in the UK. In this context, we consider it would be important for the Secretary of State to invite further submissions from all interested parties upon these matters. Such matters, especially compensatory measures, were not fully explored at the Hornsea Three examination.

If the Secretary of State agrees with Natural England's advice, in order to consent the Hornsea Three Order the Secretary of State will need to have clear evidence supplied by the Applicant demonstrating that there are no alternative solutions that would deliver the electricity generation offered by this scheme, that there are imperative reasons of overriding public interest that justify the consenting of this particular scheme, and, critically, evidence of the Applicant's ability to put in place effective measures to compensate for the impacts of the scheme. The RSPB's detailed submissions on this to the Hornsea Three Examination are attached.

Therefore, the RSPB recommends that the Secretary of State urgently considers the need to extend the period available to determine the Hornsea Three Order to enable effective consultation to be undertaken. As stated in our submissions to the Hornsea Three Examination, the RSPB is willing to work with the Applicant to explore these issues. However, these are complex issues and we consider it essential that all parties have sufficient time to explore them in order properly to inform your decision.

As the Secretary of State's decision on the Hornsea Three Order is due by 2nd October we would be grateful for a prompt response.

Yours sincerely,



Rosie Sutherland
Head of Environmental Law

cc Ørsted: Andrew Guyton (Hornsea Three Consents Manager)
Vattenfall: Rebecca Sherwood (Norfolk Vanguard Consents Manager)
Natural England: Emma Brown (Marine Senior Adviser)
The Planning Inspectorate: Hornsea Three Case Team

**The consideration of absence of alternatives, imperative reasons of
overriding public interest and compensation**

The Royal Society for the Protection of Birds

1 April 2019

Planning Act 2008 (as amended)

In the matter of:

**Application by Ørsted Hornsea Project Three (UK) Ltd for an Order Granting Development
Consent for the**

Hornsea Project Three Offshore Wind Farm

**Planning Inspectorate Ref: EN010080
Registration Identification Ref: 20010702**



The consideration of absence of alternatives, imperative reasons of overriding public interest and compensation

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Executive summary

The RSPB has a number of concerns with the responses provided to the Examining Authority by the Applicant in its answers to the Second Written Questions on the topic of alternative solutions, imperative reasons of overriding public interest (IROPI), and compensation. At the outset, the RSPB accepts that there is a clear public interest in producing renewable energy to reduce carbon emissions to meet the UK's climate change obligations. For this reason, the RSPB is a strong supporter of increasing renewable energy production and doing so in harmony with nature. Our concern here is ensuring this is done in a way that does not cause unnecessary harm to biodiversity, which is why the Article 6(4) tests are so important. In this context, they are critical in ensuring offshore wind farm schemes predicted to cause damage to Natura 2000 sites are only consented in the exceptional circumstances when all of those tests are met.

The concerns can be summarised as follows:

- i. Alternative solutions, IROPI, and compensation are legal tests which are applied when it is not possible to exclude the risk of an adverse effect on the integrity of one or more Natura 2000 sites designated under the Birds or Habitats Directives.
- ii. These legal tests are required to be applied in a specific sequence ordained by the Habitats Directive: first the consideration of alternative solutions, then IROPI, and finally the consideration of compensation. In its answers the Applicant has applied the tests in the wrong order.
- iii. **Approach to defining the public interest:** to frame the analysis on alternative solutions and IROPI required under Article 6(4), it is vital that the public interest(s) served by the plan or project are clearly and precisely described and the contribution of the plan or project to those public interests also described as precisely as possible. In setting out a broad description of the public interest(s) that Hornsea Three is claimed to serve, the Applicant has failed to set out the role and contribution of the project in meeting the claimed public interest(s).
- iv. **Alternative solutions:** the RSPB considers that the legal test of alternative solutions must be given a wide interpretation, and should be focused on the **ends** that the plan or project seeks to achieve (in this case low carbon electricity) and not, as the Applicant contends, the means by which that end is achieved. The RSPB consider that a key role for the competent authority is to identify the alternative solutions that can meet the public interest(s) which the plan or project serves and whether there are other, less damaging means available. To do this will require a clear view of what the relevant public interest objectives are, the contribution of the project to each of those public interests, and whether there are other ways the public need can be delivered without damaging Natura 2000 sites. We do not consider the Applicant has provided the necessary information to carry out such an analysis.
- v. **IROPI:** if the Secretary of State considers there are no alternative solutions to meet the public interest objectives, they can only approve the project if the IROPI outweighs its impact on the conservation objective. It is for the Applicant to demonstrate that the contribution Hornsea Three makes to its claimed public interests outweigh the public interest of conserving the relevant features of, for example, the Flamborough and Filey Coast SPA. The RSPB considers the Applicant has not made this case out. The Applicant's case emphasises "human health, public safety and beneficial consequences of primary importance are central planks of the case for Hornsea Three", with particular reference to combating climate change, energy security and the economic benefits deriving from those. However, at no point in its submission does the

Applicant make anything more than general statements regarding how the Hornsea Three project itself contributes to each of these public interests. Therefore, the RSPB considers this case is not made out.

- vi. **Compensatory measures:** The Applicant states clearly that it has not identified any relevant compensation. The RSPB notes that securing such measures is the responsibility of the Applicant. If the Examining Authority and/or Secretary of State conclude that an adverse effect on the integrity of one or more of the sites highlighted cannot be excluded the Applicant's failure to secure such measures would jeopardise the ability of the Secretary of State to consent the scheme as the SoS would not have any confidence the compensatory measures required under Article 6(4) had been secured. Therefore, in line with *Managing Natura 2000*, consent could not be granted. In addition to this overarching problem, the RSPB is concerned about the approach that the Applicant has adopted in terms of the selection of compensation, its quantum, the evidence base required to demonstrate its likelihood of success, its location, timing and the role of Natural England in selection of compensation.
- vii. Based on the Applicant's submission, the RSPB considers that the Examining Authority and Secretary of State have not been provided with the necessary information to consent the Hornsea Three project on the basis of no alternative solutions, IROPI and securing of necessary compensatory measures. Therefore, based on the information presented to the Examination, the RSPB considers consent cannot be granted.

Introduction

1. This document represents the RSPB's response to points raised by the Applicant in its answers to the Examining Authority's Questions 2.2.7 and 2.2.44 set out in Appendix 63 at Deadline 4 and *Applicant's Comments on Interested Parties' Responses to the ExA's Second Written Questions submitted at Deadline 4* for Deadline 5. Due to the importance of these issues we have produced this document to publicly set out where our views on these issues differ from those of the Applicant.
2. In approaching the Applicant's responses the RSPB notes paragraph 3.1 the Answers to the ExA's questions states: "The Applicant's primary case is that Article 6(4) is not engaged in relation to the FFC SPA, the NNSSR SAC or the WNNC SAC as a result of Hornsea Three (either alone or in combination)." The RSPB has not made representations about either the North Norfolk Sandbanks and Saturn Reef SAC or the Wash and North Norfolk Coast SAC, and will not repeat our representations about our concerns with the Flamborough and Filey Coast SPA (FFC SPA) here. The focus of this document is solely upon the steps which will need to be taken if the Examining Authority and/or the Secretary of State are unable to conclude that Hornsea Project Three will avoid an adverse effect on the integrity of one or more Natura 2000 sites.
3. The RSPB expressed concerns about the potential impacts of offshore wind farms upon the Flamborough Head and Bempton Cliffs SPA and FFC SPA (which now subsumes the former designation) (the FFC SPA) throughout the Hornsea One and Hornsea Two examinations. Both schemes are significantly closer to the FFC SPA than Hornsea Three and are likely *individually*, to be significantly more harmful to the FFC SPA than Hornsea Three. We argued at the Hornsea Two Examination that other schemes should be consented in preference to Hornsea Two¹. However, both schemes were consented and are now under construction. If it is not possible to exclude the risk of an adverse effect on the integrity of the Flamborough and Filey Coast SPA it will be because of the impacts of Hornsea Three in combination with Hornsea One and Hornsea Two. If this is the case it is regrettable that the potentially least damaging of the four Hornsea schemes, due to it being the furthest from the FFC SPA, is the one which has reached this threshold.
4. The RSPB consider that the invocation of the approach set out in Article 6(4) of the Habitats Directive (92/43/EEC)² should not be approached lightly. The very limited number of cases where it has been deemed appropriate to use this approach gives a clear indication of the high thresholds that have to be passed in order to do so.

Identification of adverse effect on integrity

5. The RSPB note the statement in paragraph 3.7 of the Applicant's Answers, that "NE's conclusion appears to be based on founded principally on uncertainty (which the Applicant does not accept)", coupled with the request for NE to set out its reasoning "and evidence regarding the extent of harm it identifies in respect of the integrity". This approach has the requirements of

¹ Initially in our Written Representations (15 July 2015) and then in our *Final submission on alternative solutions under the Habitats Regulations* (10 December 2015).

² This provision is transposed into domestic legislation via regulation 64 of The Conservation of Habitats and Species Regulations 2017 (SI 1012) and regulation 29 of The Conservation of Offshore Marine Habitats and Species Regulations 2017 (SI 1013). For ease of reference in this document we refer to Article 6(4), but that should be understood to include reference to these provisions where appropriate.

the test backwards - it is for the Applicant to satisfy the Examining Authority that an adverse effect on integrity upon Natura 2000 sites can be **excluded**.

6. The RSPB note the Applicant's statement:

There are two potential categories of adverse effect conclusion as a result of the *Waddenzee*³ case:

- (a) A positive conclusion of adverse effect, typically as a result of construction works within the Natura 2000 site as a result of e.g. a port, which is known in advance and can be the subject of advance consideration in terms of appropriate compensation inside and outside (e.g. by way of replacement habitat) the affected site and detailed discussion with the relevant SNCB to agree a deliverable and funded set of proposals; and
- (b) A conclusion based on uncertainty of effect due to an absence of evidence or issues of interpretation of the available evidence, such that, in applying the precautionary principle as required by *Waddenzee* an adverse effect cannot be ruled out.⁴

7. The Applicant then continued:

The present case would seem to fall into the second category. It is submitted that, in various respects, a conclusion based on uncertainty and precaution must necessarily be approached differently to one based on clear, positive evidence of a demonstrable adverse effect on integrity.⁵

8. The RSPB disagrees with this assertion. The Habitats Directive is focused on conservation and sets out one requirement, which is to ensure on the basis of robust science that the integrity of Natura 2000 sites is maintained. To this end it makes no difference whether a scheme is required to proceed to consideration of alternative solutions, imperative reasons of overriding public interest and compensation because it is definitely causing harm or because there is insufficient certainty that harm will not be caused. – the key issue is to ensure that if the scheme goes ahead that there will be no long-term harm to the integrity of the wider Natura 2000 network.

9. *Managing Natura 2000* addresses this point:

According to the Court **the appropriate assessment should contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt** as to the effects of the works proposed on the site concerned (C-304/05 paragraph 69).⁶

Managing Natura 2000 further states:

Where doubt remains as to the absence of adverse effect on the integrity of the site linked to the plan or project being considered, the competent authority will have to refuse authorisation (C-127/02 paragraph 57).⁷

³ C-127/02, *Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw, Natuurbeheer en Visserij*.

⁴ Ørsted's Detailed response to the ExA Q2.2.7 and Q2.2.44, paragraph 7.7.2.

⁵ Ørsted's Detailed response to the ExA Q2.2.7 and Q2.2.44, paragraph 7.7.3.

⁶ *Managing Natura 2000 sites – The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC* (21/11/18) C(2018) 7621 final, section 3.6.1.

⁷ *Managing Natura 2000*, section 3.7.3.

Evaluating alternative solutions, imperative reasons of overriding public interest, and compensation

10. The RSPB considers that it is essential that renewable energy, like all other development, is delivered through the least environmentally damaging schemes. The purpose of the alternative solutions and IROPI tests is to decide where the balance lies between the public interest in conserving our biodiversity and the public interest(s) which may be provided by the scheme.
11. Article 6(4) takes as its starting point that it has not been possible to avoid an adverse effect on the public interest of conserving the biodiversity protected by the impacted Natura 2000 sites, which in turn defines the loss to the public interests protected by the EU Birds and Habitats Directives. In order to carry out the critical exercise set out in Article 6(4) it is vital that:
 - i) The public interest(s) served by the plan or project are clearly and precisely described; and
 - ii) The contribution of the plan or project to those public interests is described as precisely as possible.

These are critical preliminary steps to tackling the Article 6(4) tests as they enable the decision-maker to determine:

- a) Whether there are less damaging, feasible alternative solutions by which the plan or project's contribution to the defined public interest(s) could be met; and if not
- b) Whether the plan or project's contribution to the public interest(s) outweighs the damage it will cause to the public interests served by the impacted Natura 2000 sites.

It is not enough to couch Article 6(4) arguments in generalities of meeting broadly described public interests: the role of the specific plan or project in meeting the claimed public interest(s) must be precisely described. At this stage we simply note that the Applicant's statement lacks the necessary precision with regard to the contribution of its project to the claimed public interest(s). Therefore, it will be incumbent on the Examining Authority and Secretary of State to carry out this analysis.

12. At the outset, the RSPB accepts that there is a clear public interest in producing renewable energy to reduce carbon emissions to meet the UK's climate change obligations. For this reason, the RSPB is a strong supporter of increasing renewable energy production and doing so in harmony with nature. Our concern here is ensuring this is done in a way that does not cause unnecessary harm to biodiversity, which is why the Article 6(4) tests are so important. As we go on to argue, we do not consider the Applicant has set out a robust case justifying the Hornsea Three project itself in this context.
13. Without going in to detail at this stage, it is worth summarising the key planks of the Applicant's public interest objective arguments.⁸ They draw on the contribution of offshore wind in general to the Government's legal and policy objectives (primarily at a UK level) to:
 - a) Increase renewable energy to reduce carbon emissions to combat climate change;
 - b) Increase security of energy supply; and

⁸ Ørsted's Detailed response to the ExA Q2.2.7 and Q2.2.44, paragraph 5.6.1

c) Economic benefits deriving from (a) and (b).

14. The Applicant then seeks to categorise these primarily under the Article 6(4) heading of public interest tests, primarily the headings of:

- Human health
- Public safety
- Beneficial consequences of primary importance to the environment.

15. However, it is important to note that at no point in its submission does the Applicant make anything more than general statements regarding how the Hornsea Three project itself contributes to each of these public interests i.e. taking each of the claimed benefits (increased renewable energy, improved energy security, economic benefits):

- i) How do each of these elements contribute to human health, public safety and beneficial consequences of primary importance to the environment and precisely which aspects of these broad categories will benefit?
- ii) What part of the UK population/economy will benefit from these public interests; and in turn
- iii) What contribution will the project itself make to each public interest claimed?

This is essential analysis to provide the framework necessary to carry out the alternative solutions and IROPI tests. At present, this case is not made out.

Adverse effects on site integrity

16. The RSPB note the statement in the Applicant's Answers (at paragraph 3.8) that the consideration of alternative solutions, IROPI and compensatory measures "can only be done if the precise nature and quantified extent of any contended adverse effect on integrity is identified". The RSPB respectfully contends that the potential levels of harm can be derived from the modelled outputs of the likely impacts, with the Population Viability Analysis model giving a strong indication of the likely scale of the impact over the lifetime of the offshore wind farm, and using that to quantify the level of harm, and thus compensation, that may be required. It is the RSPB's view that the outputs of this analysis are sufficient to demonstrate reasonable scientific doubt as to the absence of adverse effects on the integrity of the FFC SPA. As per the Applicant's request the RSPB is willing to have further discussions to consider the position further. We make this offer without prejudice to the Applicant's position that Article 6(4) of the Habitats Directive is not engaged.

17. The Applicant notes that "Hornsea Three is not in or near to the FFC SPA, which is some 149 km (approximately) from Hornsea Three".⁹ This is not relevant to considerations of impacts of the offshore array area on the FFC SPA – it is the effect that the scheme might have upon the FFC SPA which is the sole consideration.

18. Throughout its response the Applicant places significant emphasis on DEFRA's document *Habitats and Wild Birds Directives: guidance on the application of article 6(4) – Alternative solutions, imperative reasons of overriding public interest (IROPI) and compensatory measures*. The RSPB note that this is a statement of the UK Government's policy interpretation of the law,

⁹ Ørsted's Detailed response to the ExA Q2.2.7 and Q2.2.44, paragraph 2.2.

and therefore cannot be considered to be legally definitive. The RSPB highlights the Explanatory note at the start of the guidance that: “This guidance is issued as a stand-alone document on an interim basis.” (contents page). We also note that the document is now more than six years old and that there has been a significant body of recent European Court of Justice decisions which may impact upon it. These judgments have been reflected in the European Commission’s revised version of the *Managing Natura 2000* sites guidance.¹⁰ We make reference to this revised guidance in our response. To the extent that there is disagreement between the 2012 DEFRA guidance and the 2018 European Commission guidance we consider that the latter must be preferred.

19. It is important to note that the tests set out in paragraph 4.5 of the Applicant’s Answers are presented in the wrong order, with imperative reasons of overriding public interest (IROPI) being considered before the absence of alternative solutions. The three elements are sequential legal tests and consequently they must be approached in the correct sequence. *Managing Natura 2000* is clear:

The **absence of alternatives must be demonstrated**, before proceeding with the examination of whether the plan or project is necessary for imperative reasons of public interest (Court ruling in Castro Verde case C-239/04, paragraphs 36 – 39).¹¹

20. Similarly, IROPI must be established before the issue of compensation can be considered. All three tests must be satisfied in order for a scheme to be consented under this regime.
21. However, we note that in terms of discussion between parties during the examination process, it is appropriate to discuss such matters in parallel in order to inform the Examination fully. However, there has been no serious discussion of compensatory measures to date.

Alternative solutions

22. Given the statement from *Managing Natura 2000* in paragraph 19 above it is clear that the absence of alternative solutions is the most important question to address. *Managing Natura 2000* is clear:

The decision to go ahead with a plan or project must meet the conditions and requirements of Article 6(4). In particular, it must be documented that:

1. the alternative put forward for approval is the least damaging for habitats, for species and for the integrity of the Natura 2000 site(s), regardless of economic considerations, and that **no other feasible alternative exists** that would not adversely affect the integrity of the site(s);¹² (our emphasis)

It is within the context of feasibility that the question of alternative solutions must be considered.

¹⁰ *Managing Natura 2000 sites – The provisions of Article 6 of the ‘Habitats’ Directive 92/43/EEC* (21/11/18) C(2018) 7621 final.

¹¹ *Managing Natura 2000* (section 3.7.4, page 57).

¹² *Managing Natura 2000*, section 5.2, page 56.

Is “need” unconstrained?

23. Before considering feasibility, the RSPB notes the contention made by the Applicant that “UK renewable energy targets are therefore essentially unconstrained. This is highly relevant to the consideration of alternatives to Hornsea Three and other offshore wind farms.”¹³

24. Similar arguments were advanced by SMartWind (now owned by Ørsted) at the Hornsea Two examination. In Appendix J to its Deadline II response it stated:

The Applicant would make a very general point, however, that it considers the question of alternatives to be a false premise in the context of the Project.

The concept of alternatives must be seen and gauged against the purpose and nature of the individual project subject to the assessment. In the case of the Project, as noted in Section 8 of the Statement of Reasons, the Project is principally designed to deliver renewable energy generating capacity for the UK to address the need for such in accordance with the UK’s legal obligations.

Regulation 3 of The Promotion of the Use of Energy from Renewable Sources Regulations 2011 (2011/243) places a duty on the Secretary of State to ensure that at least 15% of energy consumption in the UK is from renewable sources by 2020. Crucially, this key target is unconstrained. It is not a fixed percentage or a cap and, accordingly, the Applicant would submit that there can be no ruling out of projects meeting an unconstrained need on the basis of alternative solutions.

The central objective of the current UK Government energy policy is to ensure the security of energy supply whilst responding to the challenge of climate change by reducing carbon emissions. To meet these objectives, it is recognised that more energy infrastructure is needed with an increased emphasis on energy generation from renewable and low carbon sources. The need for this infrastructure is fully recognised in many areas of Government policy and the need to reduce carbon emissions is further enshrined in European law and international obligations, which has been transposed into a range of UK legislation. The Project will accord with these policies and help compliance with the relevant legislation and so will assist the Government in meeting its energy policy obligations.

25. The RSPB rejected this assertion at the Hornsea Two Examination¹⁴ and rejects it now. The Government’s decision on 11th September 2015 to refuse consent for the Navitus Bay offshore wind farm demonstrated its willingness to reject a nationally significant offshore wind farm scheme due to its environmental impacts. If, as the Applicant contends, the demand for offshore wind was unconstrained, the Secretary of State would have been obliged to consent the scheme despite its perceived harm. Further, the constraints that the Government has put on Contract for Difference bidding rounds¹⁵ indicates a further restriction on delivery of which the Government is clearly aware. This is also described in the Applicant’s statement.¹⁶

¹³ Ørsted’s *Detailed response to the ExA Q2.2.7 and Q2.2.44*, paragraph 5.6.16.

¹⁴ See Final submission on alternative solutions under the Habitats Regulations for The Royal Society for the Protection of Birds, paragraphs 54 to 70.

¹⁵ The *Contracts for Difference (CfD): Draft Budget Notice for the third allocation round* indicates that the Government will release £60m for the third CfD round, with an overall capacity cap of 6GW (Department for Business, Energy and Industrial Strategy, 20 November 2018).

¹⁶ Ørsted’s *Detailed response to the ExA Q2.2.7 and Q2.2.44*, paragraph 5.6.26.

26. The decision letter rejecting the Navitus Bay Development Consent Order addressed the interplay between the NPS policy statements and the potential impacts for an application:

... The Secretary of State accepts that the need for the development of the kind represented by the Application Development and the TAMO is in accordance with the policy set out in the relevant NPSs (EN-1 and EN-3) but she considered that, in this case, the potential impacts of the Application Development and the TAMO are of such a scale that they outweigh the policy imperatives set out in those Statements....¹⁷

27. The Navitus Bay decision makes it clear that policy-driven consideration of need does not trump considerations of impact, and that consequently rejection of applications is justifiable if the decision-maker concludes that the impacts of the scheme are considered sufficiently serious.

28. In terms of the nature of the impact, the RSPB stated at Hornsea Two:

63. It is worth noting that the visual impacts on the WHS [World Heritage Site] were considered to be essentially temporary – capable of being addressed as soon as the turbines are removed. This needs to be contrasted with the likely ecological impacts of the Hornsea Project 2 scheme where the impacts upon the various populations of birds will require a number of years to recover, if indeed they can. The Hornsea Project Two impacts are not readily reversible.

64. The RSPB submits that if transient aesthetic impacts justify the refusal of an NSIP renewable energy scheme then ecological impacts upon the designated species of a European site clearly justify refusal of the Hornsea Project 2 scheme. The RSPB contends that the fact that the Secretary of State could justify refusal on the basis of visual, green belt and National Park impacts clearly demonstrates that it is acceptable to reject a scheme on Natura 2000 grounds.

29. The Secretary of State subsequently rejected the Myndd Y Gwynt onshore wind farm NSIP application. The Secretary of State's consideration of national energy policy was extremely limited:

The Secretary of State has had regard to the Energy National Policy Statements ("NPS") EN-1 (Overarching National Policy Statement for Energy) and EN-3 (NPS for Renewable Energy Infrastructure).¹⁸

Beyond this there was no consideration of energy issues such as need by the Secretary of State. Again, this counters the argument that need is unconstrained and that potentially damaging schemes should be consented.

30. In relation to Hornsea Project Three, it is worth noting that the Myndd Y Gwynt scheme was refused because the Applicant had failed to provide sufficient ecological information in the HRA, such that:

38. The Secretary of State cannot grant development consent ***because she is not able to conclude that there is no adverse effect on the integrity*** of the red kite feature of the Elenydd – Mallaen SPA. She is therefore refusing the Application in accordance with

¹⁷ Secretary of State's Decision Letter, 11 September 2015, paragraph 52. The "TAMO" was a reduced 630 MW "Turbine Area Mitigation Option" scheme introduced by the Applicant in an attempt to address concerns about the original 970 MW scheme's likely impacts.

¹⁸ Decision Letter, paragraph 9.

regulation 61(5) of The Conservation of Habitats and Species Regulations 2010. (our emphasis)

31. There was no requirement for Natural Resources Wales to prove that the scheme would have an effect – instead the onus was on the Applicant to demonstrate that there was no adverse effect on the integrity of the SPA. This is the approach required by the Habitats Regulations and Habitats Directive. Consequently we contend that the situation there relates closely to the present situation.

32. At Hornsea Two the RSPB noted:

69. Two key points can be taken from these Government decisions:

- The impacts of a scheme must be taken into account and may justify its refusal, even in the context of a clear national need for renewable energy generating infrastructure; and
- Applicants must fully comply with the requirements of the Habitats Regulations. A failure to support sufficient information to enable a proper conclusion at any stage of the assessment process is sufficient to justify the refusal of the application.

We stand by those points in relation to Hornsea Project Three.

What alternative solutions should be considered?

33. For ease of reference we have drawn together several key points made by the Applicant in relation to alternative solutions that rely upon the DEFRA guidance. We respond to them below.

Paragraphs 13 and 14 of the DEFRA guidance confirm that the competent authority must use its judgement to ensure that the framing of alternatives is reasonable by reference to the identified objectives, as they provide the context and set the scope for consideration of alternative solutions.¹⁹

34. We return to the issue of reasonableness at paragraph 37 below.

35. The Applicant sets out points from the DEFRA guidance:

DEFRA's guidance states that what must be considered are (our [Ørsted's] emphasis): "*other feasible ways to deliver the overall objective of the plan or project*". The word 'feasible' is important and is also used in the MN 2000 guidance. DEFRA explain that this means (our [Ørsted's] emphasis):

*"The consideration of alternatives should be limited to options which are financially, legally and technically feasible. An alternative should not be ruled out simply because it would cause greater inconvenience or cost to the applicant. However, there would come a point where an alternative is so very expensive or technically or legally difficult that it would be unreasonable to consider it a feasible alternative."*²⁰²¹

While the DEFRA guidance advises that the "do-nothing" options should be considered, it acknowledges this would rarely be a true alternative:

¹⁹ Ørsted's Detailed response to the ExA Q2.2.7 and Q2.2.44, paragraph 6.3.3.

²⁰ DEFRA guidance, paragraph 18.

²¹ Ørsted's Detailed response to the ExA Q2.2.7 and Q2.2.44, paragraph 6.4.1.

“Normally this would not be an acceptable alternative solution because it would not deliver the objective of the proposal. However it can help form a baseline from which to gauge other alternatives. It can also help in understanding the need for the proposal to proceed, which will be relevant to any later consideration of the IROPI test...”²²²³

36. The RSPB agree that the need to tackle pressing climate change is such that a “do nothing” approach is inappropriate. However, we are clear that the need to tackle climate change must be carefully considered through the legal tests and that the consenting of a potentially damaging scheme must have been clearly demonstrated by satisfying all of the tests.
37. The RSPB consider that a key role for the competent authority is to identify the alternative solutions that can meet the public interest(s) which the plan or project serves. To do this will require a clear view of what the relevant public interest objectives are, the contribution of the project to each of those public interests, and whether there are other ways the public need can be delivered without damaging Natura 2000 sites. The RSPB consider that the alternative solutions to be considered should not be limited by the Applicant’s view or definition of the need: the competent authority should ensure that all alternative solutions to the plan or project have been considered. We note the Applicant’s position:

DEFRA explain in their guidance²⁴ that the competent authority must use its judgement to ensure that the framing of alternatives is reasonable. With regard to the specific example of an offshore wind farm they state (second bullet, our [Ørsted’s] emphasis added):

“In considering alternative solutions to an offshore wind renewable energy development the competent authority would normally only need consider alternative offshore wind renewable energy developments. Alternative forms of generation (e.g. building a nuclear power station instead) are not alternative solutions to the project as they are beyond the scope of its objective.”²⁵

38. The Applicant expands upon this argument:

... Other forms of renewable energy generation are not alternatives to offshore wind because the UK Government has determined that it is necessary for the energy mix to include a substantial component of offshore wind (irrespective of other forms of renewable energy generation that may be developed). This is evident from NPS EN-1 and EN-3, the latter stating that offshore wind is expected to provide a “*significant proportion of the UK’s renewable energy generating capacity up to 2020 and towards 2050*”²⁶. Developing solar or onshore wind farms does not deliver that objective. Moreover, the UK Government has set its mind against future onshore wind development at this time, and neither onshore wind nor solar can be developed at the same scale as offshore wind and do not provide the same level of economic benefit.²⁷

It is important to note that the constraints on onshore wind development mentioned relate only to England. Although energy policy is reserved to the UK government, planning policy in relation

²² DEFRA guidance, at paragraph 17.

²³ Ørsted’s Detailed response to the ExA Q2.2.7 and Q2.2.44, paragraph 6.5.1.

²⁴ DEFRA guidance, at paragraph 13.

²⁵ Ørsted’s Detailed response to the ExA Q2.2.7 and Q2.2.44, paragraph 6.6.1.

²⁶ NPS EN-3, at paragraph 2.6.1.

²⁷ Ørsted’s Detailed response to the ExA Q2.2.7 and Q2.2.44, paragraph 6.6.2.

to the construction of onshore wind farms is a matter for the devolved governments. Scottish, Welsh and Northern Ireland government planning policy is far more supportive of onshore wind development. Given that the search for alternative solutions should be at a UK level (in line with the public interests served), it is the RSPB's view these are relevant to the consideration of alternative solutions to meet the public interests described by the Applicant.²⁸

39. Therefore, the RSPB disagrees with the Applicant. As highlighted above, the refusal to countenance onshore wind is a domestic policy constraint that only applies in England. Further, we consider that if it is possible to deliver the desired level of renewable energy generating capacity within the required time frame that it does not matter whether this comes from one or two large schemes or a number of smaller schemes. We note that the Applicant also raises the issue of economic benefit: We consider that this may be an entirely inappropriate consideration in the context of alternative solutions. In addition, it is not clear to whom the economic benefit is supposed to accrue, or indeed what the economic benefits are, which makes it particularly difficult for other parties to make representations about them or for decision-makers to take them into account.
40. The RSPB fundamentally disagrees with the approach recommended by DEFRA quoted in paragraph 37 above as we consider that its consideration of alternatives is unduly narrow. We contend that the DEFRA guidance has to be read in a manner which accords with the revised *Managing Natura 2000*. This states:

All feasible alternatives that meet the plan or project **aims**, in particular, **their relative performance with regard to the site's conservation objectives, integrity and contribution to the overall coherence of the Natura 2000 network** have to be analysed, taking also into account their proportionality in terms of cost. They might involve alternative locations or routes, different scales or degrees of development, or **alternative processes**.²⁹ (our emphasis)

41. *Managing Natura 2000* clearly frames the consideration of alternative solutions around the **designated site** and not the individual scheme which is being proposed. It also clearly envisages alternative **means** to achieve the **aims** of the project - in this case the provision of renewable energy.
42. For the avoidance of doubt the RSPB disagrees with elements of the statement in the DEFRA guidance that:

In considering alternative solutions to an offshore wind renewable energy development the competent authority would normally only need consider alternative offshore wind renewable energy developments. Alternative forms of energy generation (e.g. building a nuclear power station instead) are not alternative solutions to this project as they are beyond the scope of its objective.³⁰

43. This approach appears to be contradicted by *Managing Natura 2000* cited at paragraph 40 above. The RSPB considers that a nuclear power station may not be an appropriate alternative³¹, but we consider that measures such as energy efficiency and/or alternative forms of renewable

²⁸ Ørsted's Detailed response to the ExA Q2.2.7 and Q2.2.44, paragraph 6.3.2.

²⁹ *Managing Natura 2000*, section 3.7.4, page 57.

³⁰ DEFRA guidance, at paragraph 13, second bullet point.

³¹ This view is set in terms of the types of energy generation, rather than in the context of the recent withdrawal of the Moorside and Wylfa schemes.

energy generation would be appropriate alternatives and within the scope of its objective, which is to help combat climate change (the same could be argued in terms of energy security and economic growth). Energy efficiency would help reduce the need for the scheme, whereas the alternative renewables (e.g. solar) would contribute towards the Government's renewable energy targets. Ultimately the question is the *aim* that the scheme seeks to achieve – which is to reduce greenhouse gas emissions whilst ensuring that “the lights stay on” by ensuring that the nation's electricity demand is matched by a sufficient supply of renewable energy. In considering the implications of adopting an alternative solution, it is important to note that to the end user it is not possible to discern the way in which the electricity that is being consumed was generated. We contend that this has a significant bearing on the range of potential alternative solutions. Consequently, the restriction to offshore wind is an unjustified restriction of the scope of the consideration of alternatives, as other renewable energy schemes as well as energy efficiency measures that seek to reduce demand would also serve the overall end as we have set it out in this paragraph. This also accords with the DEFRA guidance:

In some cases wide ranging alternatives may deliver the same overall objective, in which case they should be considered.³²

44. The DEFRA guidance also notes

The consideration of alternatives should be limited to options which are financially, legally and technically feasible. An alternative should not be ruled out simply because it would cause greater inconvenience or cost to the applicant.³³

In the event that the Examining Authority and/or the Secretary of State are minded to disagree with the RSPB's position on alternative solutions, we draw attention to the fact that there are already a number of consented offshore wind farms which have yet to be funded which would be capable of providing energy outputs to match that of Hornsea Three. Consequently these offer valid alternatives to the Hornsea Three scheme that meet the narrow test set out by the Applicant and would comply with the extract from DEFRA's guidance at paragraph 37 above.

No feasible locations outside the Hornsea Zone

45. The Applicants have sought to restrict consideration of alternative solutions to the former Hornsea Zone. The RSPB notes the statements made by the Applicant in relation to the Strategic Environmental Assessment work which supported the Round 3 leasing process:

In the UK context, this application is found on, initially, an extensive and rigorous UK wide zone selection process undertaken over many years originally by the Government and TCE and, subsequently, by an equally extensive and rigorous project specific site selection process within the former Hornsea Zone.³⁴

And further:

In parallel, DECC concluded a Strategic Environmental Assessment (“SEA”) in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations). As set out in NPS EN-3, through this Offshore Energy SEA (“OESEA”)(DECC, 2009), the Government assessed *“the environmental implications and spatial interactions of a plan/programme for some 25GW of new offshore wind capacity, on top of existing plans*

³² DEFRA guidance, at paragraph 13.

³³ DEFRA guidance, paragraph 18.

³⁴ Ørsted's Detailed response to the ExA Q2.2.7 and Q2.2.44, paragraph 6.7.2.

for 8GW of offshore wind". The OESEA included consideration of alternatives to the draft plan/programme for all elements covered by the SEA, including future offshore wind leasing. The Government concluded there were no overriding environmental considerations to prevent the achievement of the plan/programme.³⁵

46. The RSPB does not wish to engage in a detailed discussion over an assessment and consultation exercise that was conducted nearly 10 years ago. However, we do wish to highlight for the record the concerns that the RSPB and the Statutory Nature Conservation Bodies set out about the "extensive and rigorous" process that was undertaken at the time.
47. The RSPB made detailed comments on the Offshore Energy Strategic Environmental Assessment (June 2009). We highlight some key points that we made at the time which are pertinent for this case in terms of alternatives and cumulative effects (text in bold italics are our emphasis now):

However, this SEA fails to consider a wide range of alternatives for each activity (section 5.16), ***nor has it undertaken a satisfactory assessment of likely cumulative effects*** (sections 5.5.4 & 5.14), particularly for birds.³⁶

In our view, the above conclusion does not adequately reflect the likely significance of the Draft Plan's effects on birds at a population level. While significant displacement, barrier and collision effects ***might be unlikely, significant effects cannot be ruled out in the absence of a strategic-level Cumulative Impact Assessment (CIA) of the offshore wind element*** of the Draft Plan.³⁷

Most of the RSPB's objections to OWF proposals ***have related to cumulative effects of multiple wind farms and impacts on the relevant SPA populations*** (e.g. Sheringham Shoal), rather than implying biogeographical population level impacts.³⁸

The SEA identification and evaluation of the potential cumulative effects of multiple offshore licences is unsatisfactory, particularly with respect to birds. The claim made in section 5.5.4 that there are unlikely to be cumulative effects on biogeographical populations is not supported by a robust assessment. This effect cannot be ruled out for specific species depending on the scale of multiple wind farms and other developments affecting species across occupied sea areas, including transboundary effects.³⁹

We ***recommend that a strategic level Cumulative Impact Assessment (CIA) is undertaken***, ideally led by DECC, as project level CIA is unlikely to adequately predict cumulative effects. This CIA could underpin the assessment of cumulative and in-combination effects for the Appropriate Assessment of the Draft Plan.⁴⁰

³⁵ Ørsted's Detailed response to the ExA Q2.2.7 and Q2.2.44, paragraph 6.7.9.

³⁶ UK Offshore Energy Plan – SEA for Offshore Oil and Gas Licensing and Wind Leasing – Environmental Report Consultation, Response by The Royal Society for the Protection of Birds, page 8.

³⁷ UK Offshore Energy Plan – SEA for Offshore Oil and Gas Licensing and Wind Leasing – Environmental Report Consultation, Response by The Royal Society for the Protection of Birds, page 11.

³⁸ UK Offshore Energy Plan – SEA for Offshore Oil and Gas Licensing and Wind Leasing – Environmental Report Consultation, Response by The Royal Society for the Protection of Birds, page 14.

³⁹ UK Offshore Energy Plan – SEA for Offshore Oil and Gas Licensing and Wind Leasing – Environmental Report Consultation, Response by The Royal Society for the Protection of Birds, page 16.

⁴⁰ UK Offshore Energy Plan – SEA for Offshore Gas and Oil Licensing and Wind Leasing – Environmental Report Consultation, Response by The Royal Society for the Protection of Birds, page 17.

The assessment of Alternative 3, the preferred alternative, concludes that there are potential negative effects due to barrier effects and changes in food availability, and potential minor negative impacts upon birds due to collision and behavioural changes (p.109). However, the overall conclusion is that these effects are not significant at a strategic level. As mentioned above, our view is that the criteria for determining significance are unclear and the data to make such an assessment are not robust. We therefore believe that some of these potential negative/minor negative effects are as likely to be significant at the biogeographical scale as they are likely to be insignificant and as such, we cannot make a definitive determination either way. Therefore, the most we can say is that there is no evidence that there is a significant effect, but equally, there is no evidence to show that there is not a significant effect.⁴¹

48. A paper written by the RSPB, *Assessing Marine Cumulative Effects in SEAs: An Overview of Basic Principles (August 2008)* which was appended to the RSPB's response to the Offshore Energy Strategic Environmental Assessment concluded:

The scale of the Round 3 programme implies potential for significant cumulative effects both within and between the development zones proposed by the Crown Estate. (page 4) (our emphasis)

49. The Joint Nature Conservation Committee's (JNCC) response to the Offshore Energy Strategic Environmental Assessment Research Programme, representing the collected views of the Countryside Council for Wales, Natural England and Scottish Natural Heritage, noted:

We also agree, subject to important caveats, that the environmental data presented in the SEA provides no conclusive evidence that overriding environmental considerations will prevent the achievement of the plan/programme. However we do have concerns with respect to the evidence base and with some of the interpretation. In our view ***there are significant environmental risks that need to be effectively managed to ensure the plan/programme can be delivered.*** We are not convinced that the recommendations as currently represented are sufficiently robust to ensure that environmental risks will be adequately addressed.⁴² (our emphasis)

50. The JNCC continued:

In our view there is significant uncertainty with respect to the likely impacts of implementing the plan/programme on birds. For example, locations of marine SPAs have yet to be finalised. We believe ***the evidence base for likely cumulative impacts at the strategic/population level needs to be improved*** and that the recommendations could more clearly reflect this need.⁴³ (our emphasis)

Our principal concern with the SEA conclusion that there is unlikely to be a significant effect on birds, is the ***lack of available evidence in the form of synthesised post-construction monitoring reports*** from the UK. ***Available evidence is not appropriate for assessment of***

⁴¹ UK Offshore Energy Plan – SEA for Offshore Gas and Oil Licensing and Wind Leasing – Environmental Report Consultation, Response by The Royal Society for the Protection of Birds, page 19.

⁴² JNCC response, page 2.

⁴³ JNCC response, page 2.

the impacts of the draft plan, due primarily to differences in scale and site characteristics.⁴⁴
(our emphasis)

51. Natural England's response to the Offshore Energy Strategic Environmental Assessment noted:

We are surprised that there are no specific recommendations to gather more data or initiate research into specific topics such as modelling displacement or barrier effects and ways in which cumulative effects on birds might be assessed and mitigated.

Whilst we support in general the conclusion that there are more numerous and potentially greater sensitivities in coastal waters, the SEA does acknowledge that there are data gaps further offshore, especially for up to date bird distributions, therefore ***we are concerned that there could be areas beyond territorial waters which may be more sensitive to windfarm development than areas within where we can have greater confidence in the data available.***⁴⁵ (our emphasis)

52. Drawn together these concerns highlight the lack of available data, coupled with the lack of an assessment of cumulative impacts which prevent firm conclusions being drawn on the likely cumulative effects arising from offshore wind farms in Round 3. This criticism would not be expected of a rigorous evaluation of potential areas for development. However, as stated in paragraph 46 above, the RSPB highlights these historic concerns not to be drawn into further debate but rather to draw attention to the importance of good strategic level assessment and to highlight that any problems arising now are a legacy of potential historic deficiencies. The question for all parties now is how to proceed in dealing with the current application if the Examining Authority and the Secretary of State are unable to exclude the risk of an adverse effect on the integrity of one or more Natura 2000 sites.

53. The Applicant offers the following conclusions with regard to site selection:

- (a) Developers can only bid for the right to develop sites or zones made available by TCE. Sites not within areas identified to date by the TCE are not legally available.
- (b) The location/boundaries of the former Hornsea Zone were outside the control of the Applicant and locations outside the former Hornsea Zone are not legally available to the Applicant (i.e. not feasible). Furthermore, the coordinates within the Agreement for Lease awarded by TCE mean Ørsted has to focus development projects within identified areas of the former Hornsea Zone.
- (c) But in any event, the identification of the former Hornsea Zone was the output of a robust Government and TCE process involving SEA on the environmental implications of developing 25GW of offshore wind (which encompassed the Round 3 proposals) to identify indicate relative levels of constraint and opportunity, and an AA by TCE of its plan to award the 9 ZDAs. The former Hornsea Zone, within which Hornsea Three is located, was identified through this process.
- (d) There is no good published evidence that identifies other less constrained sites which could host a comparable large-scale offshore wind proposal and avoid or

⁴⁴ JNCC response, page 8.

⁴⁵ Natural England response, section 3, Birds.

have less impact on Natura 2000 interests. No one has identified an alternative location that could replace the current proposal wholesale.

- (e) The notion that as yet unidentified and unconstrained areas exist to deliver the scale of development required, without the same or similar effects on the same or other Natura 2000 interests is speculative, as is the proposition that it is possible that a number of smaller schemes, developed incrementally across a wider geographical area, could come forward and deliver the same benefits, without similarly giving rise to impacts on Natura 2000 interests (cumulatively if not individually). Neither can reasonably be viewed as an alternative to Hornsea Three.⁴⁶

54. The RSPB offers the following comments in relation to the points in paragraph 53 above, repeating the lettering used by the Applicant:

- (a) The restrictions on bidding locations are a constraint introduced by a domestic procedure. However, there are other schemes (in all phases of the consenting process) within other licensed zones that are legally available and could act as alternative solutions within the offshore wind sector.
- (b) As with (a) above, this is a domestic procedural constraint and is not a relevant consideration here. The alternative solutions that should be considered include ones which are not open to the Applicant.
- (c) The RSPB has highlighted a number of concerns that were raised at the time that the assessments were undertaken. It would be inappropriate to disregard them when considering issues now that were raised then.
- (d) At paragraph 44 above the RSPB has highlighted that other potentially less constrained sites have already been consented and are merely waiting for appropriate funding to enable them to proceed.
- (e) The RSPB observes that The Crown Estate has publicly announced ongoing Round 3 Extensions and Round 4 leasing rounds which seek to identify other areas of future offshore wind development. In addition, subject to appropriate assessment, other schemes could be delivered across a wider geographical area to deliver the same benefits: in the absence of an exercise to evaluate these possible alternatives it is not appropriate to rule them out of consideration.

Imperative reasons of overriding public interest

55. The DEFRA guidance is clear on IROPI:

In practice, plans and projects which enact or are consistent with national strategic plans or policies (e.g. covered by or consistent with a National Policy Statement or identified within the National Infrastructure Plan) are *more likely* to show a high level of public interest. ***However consideration would still need to be given to whether, in a specific case, that interest outweighs the harm to the affected site(s) and therefore whether IROPI can be demonstrated.***⁴⁷ (our emphasis)

⁴⁶ Ørsted's Detailed response to the ExA Q2.2.7 and Q2.2.44, paragraph 6.7.10.

⁴⁷ DEFRA guidance, paragraph 26.

56. The RSPB respectfully submit that this statement, coupled with the points flagged above in relation to alternative solutions and the refusal by the government of two renewable energy NSIPs provide a clear steer that damaging proposals are highly unlikely to satisfy the tests.

57. The Applicant states:

The DEFRA guidance advises⁴⁸ that NPS and other documents setting out Government policy (e.g. the UK Renewable Energy Roadmap) provide a context for competent authorities in considering Article 6(4) and that projects which enact or are consistent with national strategic plans or policies (e.g. such as those provided for in NPS EN-1 and EN-3) are more likely to show a high level of public interest.⁴⁹

58. The RSPB consider that it is helpful to separate this précis out into its constituent text (paragraphs 18 and 26):

National Policy Statements and other documents setting out Government policy (e.g. the UK Renewable Energy Roadmap) provide a context for competent authorities considering the scope of alternative solutions they will assess.⁵⁰

The other element of the text (paragraph 26) has been set out at paragraph 55 above.

59. Although these documents do provide a context for considering Article 6(4) they are by no means determinative. The RSPB considered this issue during the course of the Hornsea Two Examination⁵¹. We attach copies of the relevant documents.

60. The Applicant states:

As noted above, the DEFRA guidance explains⁵² that a project which enacts or is consistent with national strategic plans or policies such as one (or more) NPS, is likely to show a high level of public interest. Offshore wind projects such as Hornsea Three are covered by and strongly supported in principle by:

- (a) EN-1 Overarching National Policy Statement for Energy (July 2011); and
- (b) EN-3 National Policy Statement for Renewable Energy Infrastructure (July 2011).⁵³

61. The Applicant also states:

Hornsea Three enacts and is consistent with national strategic policy in NPS EN-1 and EN-3 and therefore demonstrates a high level of public interest^{54, 55}.

62. In relation to these points raised by the Applicant it is important to note paragraph 1.7.13 of EN-1, which states:

Habitats Regulation Assessments (HRA) have been carried out and published for the non-locationally specific NPSs EN-1 to EN-5 and for EN-6 which does specify sites suitable for development. As EN-1 to EN-5 do not specify locations for energy infrastructure, the HRA is a

⁴⁸ See paragraphs 14 and 26.

⁴⁹ Ørsted's *Detailed response to the ExA Q2.2.7 and Q2.2.44*, paragraph 5.6.2.

⁵⁰ DEFRA guidance, paragraph 14.

⁵¹ Set out in paragraphs 25, 26, 27, 28 and 32 above.

⁵² DEFRA guidance, at paragraph 26.

⁵³ Ørsted's *Detailed response to the ExA Q2.2.7 and Q2.2.44*, paragraph 5.6.30.

⁵⁴ DEFRA guidance, paragraph 26.

⁵⁵ Ørsted's *Detailed response to the ExA Q2.2.7 and Q2.2.44*, paragraph 5.11.1

high-level strategic overview. Although the lack of spatial information within the EN-1 to EN-5 made it impossible to reach certainty on the effect of the plan on the integrity of any European Site, the potential for proposed energy infrastructure projects of the kind contemplated by EN-1 to EN-5 to have adverse effects on the integrity of such sites cannot be ruled out. The HRA explains why the Government considers that EN-1 to EN-5 are, nevertheless, justified by imperative reasons of overriding public interest, while noting that **its conclusions are only applicable at the NPS level and are without prejudice to any project-level HRA, which may result in the refusal of consent for a particular application.** Section 1.7 of EN-6 sets out details of the nuclear HRA. (our emphasis)

63. This sentence in EN-1 is particularly important. In the context of the national overarching policy on energy it makes it clear that it is necessary for individual projects to be assessed on their own merits under Article 6(4) and that it is perfectly feasible for applications to be refused as a result of its project-level HRA.

64. Critically, *Managing Natura 2000* states:

It is for the competent authorities to weigh up the imperative reasons of overriding public interest of the plan or project against the objective of conserving natural habitats and wild fauna and flora. **They can only approve the plan or project if the imperative reasons for the plan or project outweigh its impact on the conservation objective.**⁵⁶ (our emphasis)

It will be up to the Applicant to demonstrate, in relation to the FFC SPA species which will be affected, that this requirement is being met. As *Managing Natura 2000* sets out, they will need to demonstrate that the contribution Hornsea Three makes to its claimed public interests outweigh the public interest of conserving the relevant features of the FFC SPA.

Considerations of health and safety public interest arguments

65. The Applicant has made a number of statements about health and safety and their importance in the consideration of IROPI. For ease of reference the RSPB includes the key excerpts here.

While the full range of IROPI can apply for Hornsea Three, it is important to recognise that considerations relating to human health, public safety and beneficial consequences of primary importance are central planks of the case for Hornsea Three.⁵⁷

... the most important reasons which may arise in the context of IROPI, and the considerations which must carry most weight, are those arising under the heads (i) 'human health', (ii) 'public safety' and (iii) 'primary beneficial consequences for the environment'.⁵⁸

The RSPB consider that the Applicant's arguments on these points merit careful consideration, focusing especially upon the circumstances within which, in the RSPB's view, health and safety issues can be properly considered.

66. The Applicant relied on the DEFRA guidance and section 5 of *Managing Natura 2000*:

The ambit of IROPI is not precisely defined but the EC and DEFRA guidance articulates some broad principles:

⁵⁶ *Managing Natura 2000*, box, page 59.

⁵⁷ Ørsted's Detailed response to the ExA Q2.2.7 and Q2.2.44, paragraph 5.4.1.

⁵⁸ Ørsted's Detailed response to the ExA Q2.2.7 and Q2.2.44, paragraph 5.4.2.

- (a) **Urgency and importance:** There would usually be urgency to the objective(s) and it must be considered “indispensable” or “essential” (i.e. imperative). In practical terms, this can be evidenced where the objective falls within a framework for one or more of the fundamental values for citizens’ life (health, safety, environment);⁵⁹

67. The Applicant then continues to expand on this by referring to combatting climate change and the threats it poses to human well being:

Combating climate change and contributing to the provision of affordable and sustainable energy for future generations are objectives of fundamental social and environmental as well as economic importance which fall into the categories ‘human health’, ‘public safety’ and ‘primary beneficial consequences for the environment; as these are the most important forms of IROPI, the case for Hornsea Three carries substantial weight.⁶⁰

The Applicant has also mentioned the role of increased energy security in relation to human health and public safety⁶¹.

68. The Applicant has contended that

The relevant public interests relating to Hornsea Three must be set against the weight of the interests protected by the Birds and Habitats Directives, having regard to the nature and extent of the harm identified to the relevant Natura 2000 interests. The overriding nature of the public interests engaged in this case should be evident from the suite of legislation and policy documentation summarised above and need not be repeated. In this case, in terms of the approach to the balancing exercise, two key points should be borne in mind:

...

- (b) Second, related to the above, not all IROPI weigh equally in the balance. Hornsea Three would deliver benefits relating to human health, public safety and beneficial consequence of primary importance for the environment. These considerations carry greatest weight because these reasons are capable of automatically overriding the competing public interest of preserving priority habitats and species.⁶²

69. We have several comments on the approach described by the Applicant. First, we fundamentally disagree with the assertion that the considerations of human health, public safety and beneficial consequence of primary importance for the environment can “automatically” override competing public interests. By definition, they are public interests to be weighed in the balance following careful analysis. There is nothing “automatic” about it: Article 6(4) demands a deliberative and careful approach in determining where the balance of public interest lies in any specific case. Therefore, praying them in aid of an IROPI argument does not negate the need for that balancing exercise to be carried out.

70. Second, the Applicant does not go on to set out how the provision of renewable energy through this specific project directly contributes to human health, public safety and beneficial

⁵⁹ Ørsted’s Detailed response to the ExA Q2.2.7 and Q2.2.44, paragraph 5.5.1.

⁶⁰ Ørsted’s Detailed response to the ExA Q2.2.7 and Q2.2.44, paragraph 5.11.5. Similar statements are made at 5.6.1(a), 5.7.1 and 6.5.4.

⁶¹ Ørsted’s Detailed response to the ExA Q2.2.7 and Q2.2.44, paragraph 5.6.1(b).

⁶² Ørsted’s Detailed response to the ExA Q2.2.7 and Q2.2.44, paragraph 5.9.2.

consequences of primary importance for the environment. The RSPB argues that it is not enough to make the case in only the most general of terms, given that IROPI is predicated on a careful balancing exercise between the competing public interests of the need to avoid the residual adverse effects on Natura 2000 sites and the contribution of the project to the claimed public interests. The Applicant has failed to make out its IROPI case in terms that establish precisely the contribution of its project to the claimed public interests. The RSPB considers this makes it difficult for the Secretary of State to undertake the IROPI assessment necessary under Article 6(4).

Compensation

71. The RSPB notes the Applicant's statement:

the Applicant has not identified any relevant compensation at this stage. This is reasonable, particularly since a real and fundamental doubt exists as to whether an adverse effect will actually arise in practice and if so what the extent of that impact may be.⁶³

We consider that the decision not to identify compensation is a matter for the Applicant, but note that if the Examining Authority and/or Secretary of State conclude that an adverse effect on the integrity of one or more of the sites highlighted cannot be excluded that this would jeopardise the ability of the Secretary of State to consent the scheme as the SoS would not have any confidence the compensatory measures required under Article 6(4) had been secured. Therefore, in line with *Managing Natura 2000*, consent could not be granted.

72. The RSPB notes the Applicant's statement:

The Applicant is open to discuss this matter in principle on a without prejudice basis with NE to understand its views on compensatory measures, in the event that the Applicant's primary case that Article 6(4) need not be invoked at all is not accepted and the Secretary of State is considering this question. In this context it is noted that DEFRA advise that competent authorities and SNCBs should help applicants identify suitable compensatory measures^{64, 65}.

We are willing to enter into such discussions. However, the onus remains on the Applicant to identify and secure any necessary compensation measures.

73. The Applicant sets out its position in relation to compensation, based on the DEFRA guidance:

DEFRA's guidance recognises that in designing compensation requirements, competent authorities and SNCBs should ensure the requirements are "*flexible to ensure adequate compensation without going further than necessary*"⁶⁶. DEFRA has in contemplation a case where the anticipated harm to a site proves to be less than anticipated, such that compensatory measures could be scaled-back. The issue is more acute where the adverse effect may not arise at all, such that compensation was never "necessary". In this context it may be noted:

⁶³ Ørsted's Detailed response to the ExA Q2.2.7 and Q2.2.44, paragraph 7.3.

⁶⁴ DEFRA guidance, at paragraph 30.

⁶⁵ Ørsted's Detailed response to the ExA Q2.2.7 and Q2.2.44, paragraph 7.4.

⁶⁶ DEFRA guidance, at paragraph 33.

- (a) research projects continue (e.g. the Offshore Renewables Joint Industry Programme – ORJIP) with government and industry funding intended to provide a firmer evidence base;
- (b) there are key disputes between the Applicant and NE, particularly over the adequacy of the baseline characterisation and the correct approach to risk assessment (notably Collision Risk Modelling). However, on some of the points NE has previously provided different advice, their advice now differs from that being provided by other SNCBs (eg SNH). Furthermore, projects have recently been consented in Scotland (Near na Gaoithe) that have a similar, if not greater, proportional effect on the same species which form the qualifying interest features of other SPAs. The implication is that if the current application were being decided in Scotland, under the same Habitats regime, no issue of adverse impact on the SPA might arise.
- (c) other approved plans or projects may not proceed, or where they do proceed, may not fully-build out to the size and extent consented or assessed in the corresponding EIA, such that the conclusion of adverse effect on integrity is likely to have been predicated on a false cumulative baseline (on a precautionary basis). This is addressed further in Appendix 4 of the Applicant’s Deadline 1 submission (Analysis of precaution in cumulative and in-combination assessments – as-built scenarios)[REP1-148].⁶⁷

74. The Applicant developed this point:

This principle is reflected in DEFRA’s guidance at paragraph 32, which states bluntly: *“Competent authorities should not require more compensation than is needed to ensure the integrity of the network of European sites is maintained”*. This further underlines the importance of DEFRA’s advice that SNCBs should provide their view on *“the extent of any AEol and the compensatory measures required”*⁶⁸ (our [Applicant’s] emphasis).⁶⁹

75. The RSPB notes the Applicant’s position. However, *Managing Natura 2000* is clear that compensatory measures “are intended to offset the residual negative effects of the plan or project so that the overall ecological coherence of the Natura 2000 network is maintained.”⁷⁰ Consequently, the fundamental requirement for compensatory measures is that there should be certainty that they will address the adverse effect on integrity caused by the particular scheme. This has to be approached on a precautionary basis, and as a result of this, and the requirement that compensation is normally in place before the adverse effect is experienced, it is likely that compensation measures will be required to err on the cautious side.

76. Further, the Applicant poses the question:

(c) If compensatory measures are identified as necessary and become available, how would they be calibrated and allocated between offshore projects which collectively have given rise to the conclusion of adverse effect on integrity?⁷¹

77. The RSPB consider that this question is fundamentally misplaced. The position is clear: if a scheme cannot exclude the risk of an adverse effect on the integrity of a Natura 2000 site (whether the impact arises from the scheme alone or in combination with other plans or

⁶⁷ Ørsted’s Detailed response to the ExA Q2.2.7 and Q2.2.44, paragraph 7.7.4.

⁶⁸ DEFRA guidance, at paragraph 9.”

⁶⁹ Ørsted’s Detailed response to the ExA Q2.2.7 and Q2.2.44, paragraph 7.9.3.

⁷⁰ *Managing Natura 2000*, bullet point 2, section 3.7.6, page 60.

⁷¹ Ørsted’s Detailed response to the ExA Q2.2.7 and Q2.2.44, paragraph 7.7.5(c).

projects) it is for that scheme to demonstrate why there are no alternative solutions, that imperative reasons of overriding public interest exist, and, crucially, it is then up to that scheme to secure the compensation necessary to address the impacts that the scheme may have if it is consented. Whether this arises from the scheme on its own or in combination with other plans or projects is immaterial: it is for this scheme to compensate as it is this scheme which has, so to speak, “broken the camel’s back”.

Evidence for the compensation measures

78. The RSPB notes the Applicant’s statement:

The Applicant would agree that measures for which there is no reasonable prospect of success should not in general be considered and that evidence would need to be provided as to the technical feasibility. However, it is not the case that there must be empirical evidence as suggested. It is recognised that compensatory measures by their nature be novel.⁷²

We note *Managing Natura 2000*’s position in relation to this:

Compensatory measures must be feasible and operational in reinstating the ecological conditions needed to ensure the overall coherence of the Natura 2000 network. The estimated timescale and any maintenance action required to enhance performance should be known and/or foreseen right from the start before the measures are rolled out. This must be **based on the best scientific knowledge available**, together with specific investigations of the precise location where the compensatory measures will be implemented. **Measures for which there is no reasonable guarantee of success should not be considered** under Article 6(4), and the likely success of the compensation scheme should influence the final approval of the plan or project in line with the prevention principle. In addition, when it comes to deciding between different possibilities for compensation, the most effective options, with the greatest chances of success, must be chosen.⁷³ (our emphasis)

The RSPB contend that the stipulations cited above place very clear limitations upon the Applicant’s contention that there does not need to be empirical evidence. *Managing Natura 2000* makes it clear that there must, at a minimum, be a reasonable guarantee of success. Reliance on “technical feasibility” alone without any empirical evidence would not provide that reasonable guarantee. Therefore, we fundamentally disagree with the Applicant’s argument on this key point. The compensatory measures must therefore be both credible and feasible, rather than simply technically feasible.

79. The RSPB also notes the overall statement about compensatory measures provided by DEFRA which reflects the guidance in *Managing Natura 2000*:

The competent authority, liaising with the SNCB and others as necessary (and, before consent is granted, consulting the appropriate authority) must have confidence that the compensatory measure will be sufficient to offset the harm. This can be a complex judgement and requires consideration of factors including:

⁷² Applicant’s Comments on Interested Parties’ Responses to the ExA’s Second Written Questions submitted at Deadline 4: response to Natural England’s answer to Q2.2.8.

⁷³ *Managing Natura 2000*, section 3.7.11.

- The technical feasibility of the compensatory measures as assessed based on robust scientific evidence. Measures for which there is no reasonable expectation of success should not be considered
- Whether there is a clear plan for undertaking the compensation, with the necessary provision of management and objectives for the duration over which compensation will be needed
- Distance from the affected site. In general compensation close to the original site will be preferable, but there may be instances where a site further away will be better suited, in which case it should be selected. This judgement must be based solely on the contribution of the compensatory measures to the coherence of the network of European sites
- Time to establish the compensatory measures to the required quality
- Whether the creation, re-creation, or restoration methodology is technically proven or considered reasonable.⁷⁴

Based on this, DEFRA is stating that the technical feasibility of such measures must be based on robust scientific evidence. Logically this will need to be empirical in nature. This will need to be expanded upon with a clear evaluation of the types of measures that are required to compensate for the predicted impacts of the scheme. This will need to consider whether different types of compensatory measures are required for the different species that are likely to be affected. A final consideration will need to be given to selecting a suitable location to ensure that the measures that will be brought forward will not be affected by the same scheme that they are being introduced to compensate for. We return to this final point at paragraph 81 below.

80. The DEFRA guidance continues: “Competent authorities should require no more compensation than is needed to ensure the integrity of the network of European sites is maintained.”⁷⁵ The DEFRA guidance continues:

In designing compensation requirements competent authorities and SNCBs should ensure the requirements are flexible enough to **ensure adequate compensation** without going further than necessary. This recognises that **in some cases compensation requirements will need to cater for uncertainty over the harm that might be caused** by a proposal or the effectiveness of compensation measures, or to account for any time lag before compensatory habitat becomes established. For example:

- **If there is uncertainty** about the success of the proposed measures, **the compensation area might need to be larger than the area damaged**
- Potential actions may be required as a condition of consent in case compensation proves to be less successful than anticipated
- It may be that anticipated harm to a site proves to be less than anticipated, or compensation measures are more successful than expected. Where feasible, compensation requirements should be sufficiently flexible to scale back the

⁷⁴ DEFRA guidance, paragraph 31.

⁷⁵ DEFRA guidance, paragraph 32.

compensation required in such cases. Habitats legislation should not be used to force applicants to over-compensate.⁷⁶ (our emphasis)

This guidance clearly envisages that due to uncertainty the provision of sufficient compensation has to err on the side of caution. This is distinct from “over-provision” and relates to the ability of human interventions to replicate precisely the ecological functions provided by habitats and any other functions relied upon by the impacted species. The RSPB would not argue for over-provision of compensatory measures, but given the precautionary nature of the Directive any argument that what is being required represents over-provision would need to be clearly evidenced.

Location of compensation

81. The RSPB notes the Applicant’s statement:

It is not the case that compensation in all cases must be in the same biogeographical region. MN 2000 notes (pages 62/63) that the Birds Directive does not provide for biogeographical regions, or selection at EU level. However, by analogy, it gives an example that *the overall coherence of the network* may be ensured if compensation fulfils the same purposes and function along the same migration path; and compensation areas are accessibly with certainty by the birds usually occurring on the site affected by the project.⁷⁷

82. From the page numbers given above it is clear that the statement above is a reference to the revised version of *Managing Natura 2000*. We consider that the reference to biogeographical regions does not necessarily accurately reflect the position, and consequently we set out the full text below.

In order to ensure the overall coherence of Natura 2000, the compensatory measures proposed for a project should therefore: a) address, in comparable proportions, the habitats and species negatively affected; and (b) provide functions comparable to those which justified the selection criteria for the original site, particularly regarding the adequate geographical distribution. Thus, ***it would not be enough for the compensatory measures to concern the same biogeographic region*** in the same Member State.

The distance between the original site and the place of the compensatory measures is not necessarily an obstacle ***as long as it does not affect the functionality of the site, its role in the geographic distribution*** and the reasons for its initial selection.⁷⁸ (our emphasis)

83. Further, *Managing Natura 2000* states that in relation to SPAs it

could be considered that *the overall coherence of the network* is ensured if:

- compensation fulfils the same purposes that motivated the site’s classification under Article 4(1) and (2) of the Birds Directive;
- compensation fulfils the same function along the same migration path; and
- the compensation areas are accessible ***with certainty by the birds usually occurring on the site affected by the project.*** (our emphasis)⁷⁹

⁷⁶ DEFRA guidance, paragraph 33.

⁷⁷ *Applicant’s Comments on Interested Parties’ Responses to the ExA’s Second Written Questions submitted at Deadline 4: response to Natural England’s answer to Q2.2.8.*

⁷⁸ *Managing Natura 2000*, box, page 63.

⁷⁹ *Managing Natura 2000*, section 3.7.7, pages 62-63.

84. *Managing Natura 2000* is clear:

The compensatory measures have to ensure that a site **continues** contributing to the conservation at a favourable status of natural habitats types and habitats of species ‘within the biogeographical region concerned’, in short, ensure the maintenance of the overall coherence of the Natura 2000 network. (our emphasis)⁸⁰

85. The RSPB interprets the cumulative implications of these statements in *Managing Natura 2000* to indicate a strong preference for compensatory measures to be located in the same biogeographical region **and** to show a strong connection with the existing site. However, the RSPB recognises that there is an inherent challenge in this context: the bird populations provided for by the compensatory measures must not be subject to the same adverse effects giving rise to the need for those very compensatory measures. This is likely to have significant implications for the identification of a suitable location for compensatory measures, especially in and around the North Sea where we would, by definition, be reaching a critical threshold of cumulative adverse effects on site integrity. As referred to at paragraph 79 above, the RSPB consider that these requirements will present significant challenges to the Applicant to be able to demonstrate that the necessary compensatory measures are both sufficiently connected to the Flamborough and Filey Coast SPA to compensate for the impacts from the offshore array whilst sufficiently removed to be confident that birds using the compensatory measures will not be harmed by the array area.

Timing of compensation

86. The RSPB has already considered the issue of the technical feasibility of the compensatory measures at paragraphs 78 to 80 above. Expanding upon those points, if the Applicant proposes to rely upon measures that are considered to be “technically feasible” but which have never been tested, then logically these measures should be provided many years in advance of the predicted damage in order to test the effectiveness of the measures empirically and allow time to make any adjustments to the compensatory measures before any damage has occurred. Otherwise there will be a high risk of a negative effect that the compensation is supposed to address. This underlines the inherent uncertainty in proceeding in the absence of scientific evidence that the compensation measures will succeed and strongly suggests that consent could not be given in such circumstances.

87. The RSPB notes the Applicant’s statement:

It is not the case that any compensatory measures must always be completed before any work on the plan or project may proceed. In some cases damage to European sites may necessarily occur before the compensatory measures are fully functioning. The DEFRA guidance also recognises that there may also be circumstances where the compensatory measures will take a long time to become fully-functioning. This is set out in paragraph 36 of the DEFRA guidance.⁸¹

88. For ease of reference the RSPB sets out paragraph 36 of the DEFRA guidance in full here:

Where possible, compensation measures should be complete before the adverse effect on the European site occurs. However, in some case damage to European sites may necessarily

⁸⁰ *Managing Natura 2000*, section 3.7.8, page 63.

⁸¹ *Applicant’s Comments on Interested Parties’ Responses to the ExA’s Second Written Questions submitted at Deadline 4: response to Natural England’s answer to Q2.2.8.*

occur before the compensatory measures are fully functioning. ***There may also be circumstances where the compensatory measures will take a long time to become fully-functioning (e.g. re-creation of woodland).*** In such circumstances it may be acceptable to put in place measures which do not provide a complete functioning habitat before losses occur – provided undertakings have been made that the measures will in time provide such a habitat, and additional compensation is provided to account for this. Such cases require careful consideration by the competent authority in liaison with SNCBs. (our emphasis)

89. *Managing Natura 2000* states:

as a general principle, a site should not be irreversibly affected by a project before the compensation is in place. However, there may be situations where it will not be possible to meet this condition. For example, the recreation of a forest habitat would take many years to ensure the same functions as the original habitat negatively affected by a project. Therefore ***best efforts should be made to ensure that compensation is in place beforehand, and, in the case this is not fully achievable, the competent authorities should consider extra compensation for the interim losses that would occur in the meantime;***⁸² (our emphasis)

90. *Managing Natura 2000* also makes it clear that:

Time lags ***must not be permitted***, for example, ***if they lead to population losses*** for any species protected on the site under Annex II to the Habitats Directive or Annex I to the Birds Directive;⁸³ (our emphasis)

91. The RSPB considers that it will be for the Applicant to clearly demonstrate why it is not possible for necessary compensation measures to be put in place before the offshore wind array is constructed, and that this would need to be justified solely on the basis of the length of time required to properly establish the ecological functions that the compensation is seeking to provide. In addition, the Applicant would need to demonstrate that delays would not lead to any population losses and what additional compensatory measures it proposed to put in place to cover any period whilst the main compensation measures were still being delivered.

92. Given the considerations above, the RSPB considers that the requirements for compensation will be difficult to identify and secure. In particular it will be essential for the Applicant to be able to clearly demonstrate that any measures proposed are truly compensation (as required under Article 6(4) of the Habitats Directive) rather than necessary for site management (under Article 6(2) of the Habitats Directive). Measures that should be delivered to address current problems with the condition of the site will not be acceptable as they arise from a separate obligation.

The role of Natural England in identifying compensatory measures

93. In paragraph 3.6 of Appendix 63 the Applicant states:

The DEFRA guidance sets out the Government's expectation that applicants and statutory nature conservation bodies ("**SNCBs**") will engage constructively, and that SNCBs will provide their view on "***the extent of any AEoI and the compensatory measures required***"⁸⁴

⁸² *Managing Natura 2000*, section 3.7.8, bullet point 1, page 63.

⁸³ *Managing Natura 2000*, section 3.7.15, bullet point 4, page 69.

⁸⁴ DEFRA guidance, at paragraph 9.

(our emphasis). DEFRA add that where Article 6(4) is engaged, they expect SNCB to play a role in helping to identify compensatory measures.

94. The RSPB notes that the expectation is that the SNCB will “have a role in helping”, but ultimately the requirement to provide adequate compensatory measures (if required) is a matter for the Applicant. If the Applicant wishes the scheme to go ahead and it is unable to demonstrate to the required standards that an adverse effect on integrity of one or more Natura 2000 sites cannot be avoided then the onus is clearly upon it to demonstrate to the Secretary of State that it has identified and legally secured the necessary compensation, with appropriate advice from Natural England. We consider that the role of the SNCB is limited to helping evaluate the quantum of compensation required and offering advice on the suitability of measures proposed. The RSPB would strongly resist any other interpretation of this point in the guidance.
95. The RSPB wishes to be involved in any future discussions about the design and implementation of compensatory measures if these are deemed necessary by the Examining Authority and/or the Secretary of State.

Concluding remarks

96. The RSPB has produced this document to set out its views on the appropriate way to approach the legal tests that will need to be considered in the event that the Examining Authority and/or the Secretary of State are unable to conclude that the risk of an adverse effect on the integrity of one or more Natura 2000 sites can be excluded on the basis of the best available scientific information. The RSPB’s view is that, based on the evidence that has been presented to the Examination, that it is not possible to exclude the risk of an adverse effect on the integrity on the Flamborough and Filey Coast SPA.
97. Based on the Applicant’s submission, the RSPB considers that the Examining Authority and Secretary of State have not been provided with the necessary information to consent the Hornsea Three project on the basis of no alternative solutions, IROPI and securing of necessary compensatory measures. Therefore, based on the information presented to the Examination, the RSPB considers consent cannot be granted.
98. The RSPB reserves the right to amend or make further submissions on this issue, in particular if the issue falls to be considered further after the close of the Examination.

Appendices

- A. Offshore Energy Strategic Environmental Assessment – Consultation Feedback (DECC, June 2009)
- B. *Managing Natura 2000 sites – The provisions of Article 6 of the ‘Habitats’ Directive 92/43/EEC* (21/11/18) C(2018) 7621 final
- C. *Contracts for Difference (CfD): Draft Budget Notice for the third allocation round* (Department for Business, Energy and Industrial Strategy, 20 November 2018)

Hornsea Two Examination Documents

- D. Written Representations from the RSPB
- E. The Applicant’s Response to RSPB’s Written Representations, Appendix J to the Response submitted for Deadline II
- F. Final submission on alternative solutions under the Habitats Regulations for the Royal Society for the Protection of Birds (10 December 2015)

13 September 2019

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Our ref:
VJR2/VJR2/47583.46
Your ref:

Dear Sirs

**The Hornsea Three Development Consent Order application
Implications of Natural England's recent advice at the Norfolk Vanguard Development Consent
Order examination**

We refer to the letter sent to you from the RSPB, dated 6 September 2019, in connection with an application for development consent for the Hornsea Project Three Offshore Wind Farm, which is currently before the Secretary of State for determination. The RSPB's letter was copied to our client, Vattenfall Wind Power Ltd, because it concerns matters considered at the examination into an application for development consent for the Norfolk Vanguard Offshore Wind Farm (**Norfolk Vanguard**), which is being promoted by Norfolk Vanguard Limited, a subsidiary of Vattenfall Wind Power Ltd. As we understand from the Planning Inspectorate, the Examining Authority's report into the Norfolk Vanguard examination was sent to the Secretary of State on 10 September 2019.

The RSPB's letter seeks to draw attention to Natural England's position, as presented at the Norfolk Vanguard examination, on in-combination impacts on seabird populations in the North Sea arising from the construction and operation of offshore wind farms. In particular, the RSPB states that Table 1 of Natural England's comments on Norfolk Vanguard's Deadline 7 and Deadline 7.5 submissions, summarises Natural England's position that there would be in-combination adverse effects on integrity on breeding populations of gannet and kittiwake at the Flamborough and Filey Coast Special Protection Area (**SPA**) and lesser black-backed gull at the Alde-Ore Estuary SPA such that, to the extent that the Secretary of State agrees with Natural England's advice, it is then necessary for the Secretary of State to consider the derogation tests contained in the Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (**Habitats Regulations**).

The document referred to by the RSPB also sets out Natural England's advice that offshore wind farm projects located in the North Sea should consider raising turbine draught height as mitigation to minimise contributions to in-combination collision totals as far as possible. In this respect, the Secretary of State should be aware that following the advice received from Natural England at Deadline 7.5, Norfolk Vanguard put forward an increase in draught height which significantly reduced in-combination impacts. This mitigation was proposed in addition to mitigation previously introduced by Norfolk Vanguard during the course of the examination relating to turbine sizes and turbine layout design which also reduced in-combination impacts.

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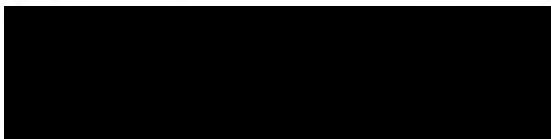
Importantly, the position set out in RSPB's letter was not Natural England's position at the close of the Norfolk Vanguard examination. Natural England did not positively state that there would be an adverse effect on integrity, but rather that Natural England was not able to rule out adverse effect on integrity for those in-combination impacts. For ease of reference we attach a copy of the final Statement of Common Ground between Norfolk Vanguard and Natural England, submitted at Deadline 9, which confirms this (see pages 47 and 48).

This is a highly relevant distinction given that Norfolk Vanguard's clear and firm position was that there would be no in-combination adverse effects. This differed from the view of Natural England due to Natural England's approach to assessment which, in Norfolk Vanguard's strong view, greatly over-estimates impacts and produces predictions which are not only highly precautionary but also highly improbable. Norfolk Vanguard presented evidence to this effect at the Norfolk Vanguard examination.

Ultimately, it is a matter for the Secretary of State to determine whether an incombination adverse effect will occur. Indeed this was the approach on the East Anglia THREE Offshore Wind Farm, where the Secretary of State was able to conclude that there would be no adverse effect on integrity despite Natural England's position that an adverse effect on integrity on the kittiwake population at the Flamborough and Filey Coast SPA as a result of incombination impacts, could not be ruled out. Where the Secretary of State determines that there is no adverse effect on integrity, it will not then be necessary to address the derogation tests under the Habitats Regulations.

We trust this clarifies the position.

Yours faithfully



Womble Bond Dickinson (UK) LLP

Copy to

1. Orsted: Andrew Guyton (Hornsea Three Consents Manager)
2. Natural England: Emma Brown (Marine Senior Adviser)
3. The Planning Inspectorate: Hornsea Three Case Team
4. RSPB: James Dawkins



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Rt Hon Alok Sharma MP
Secretary of State for Business, Energy and Industrial Strategy
House of Commons
London
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15 September 2019

Dear Alok,

HORNSEA 3 OFFSHORE WIND FARM: MINDED TO APPROVE

I trust you and your family and friends are keeping well in such troubling times and that you are coping with the additional burdens we all face at this time.

I write in relation to the notification of 1 June 2020 that you are “minded to approve” the application for the Hornsea 3 Offshore Wind Farm. The Habitat Regulations Assessment published alongside this notification concluded that an adverse effect on the integrity of the Flamborough and Filey Coast SPA, through an impact on the kittiwake qualifying feature, could not be ruled out beyond scientific doubt. This means that the Development does not meet the integrity test, and that the derogation provisions set out in the Habitats Regulations may be applied. These include an assessment of alternatives, Imperative Reasons of Overriding Public Interest (IROPI) and environmental compensation.

I understand that you are seeking further information on these issues from the applicant (Orsted), and that this will include additional information on proposed environmental compensation measures. Marine Scotland and NatureScot (formerly Scottish Natural Heritage) have been approached by Orsted to establish whether the Scottish Government would be open, in principle, to compensation measures for Hornsea Three being delivered within Scotland.

The Scottish Government is concerned that seeking compensation at sites geographically distant from the affected area may reduce the benefit of that compensation. Environmental compensation, to have the greatest effect on affected species, should be deployed as close to the relevant site as possible, as detailed in both [European Commission](#) and [Defra](#) guidance on compensatory measures.

The Scottish Government is keen to work with Orsted on this issue, recognising the economic and environmental benefits of the deployment of offshore wind, and its crucial importance to our net zero and green recovery ambitions.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

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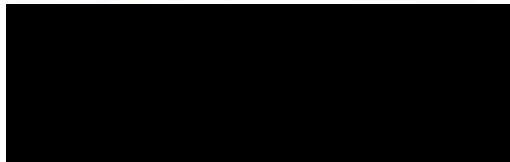


However, I also wanted to share our emerging views on this matter with you, and to flag that this is an area which I believe would require discussion in more detail and where the aim could be to target agreement of some key principles would be helpful to guide this and future approaches to such scenarios, given that they are likely to arise increasingly with the expected expansion in offshore renewables developments.

I trust that these issues will form part of the consideration by you, or the Minister of State, Kwasi Kwarteng, of the evidence of compensation measures to be put in place to ensure compliance with the Habitats Regulations.

I would welcome hearing your thoughts on developing some shared inter-governmental principles to guide approaches to such situations in the future. This would ensure that we take a consistent approach to such matters, and one which is clearly understood by applicants.

Kind regards



PAUL WHEELHOUSE

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

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Norfolk Vanguard Offshore Wind Farm

Statement of Common Ground

Natural England

Applicant: Norfolk Vanguard Limited
Document Reference: Rep3 - SOCG - 13.1
Revision: 3

Date: June 2019
Author: Royal HaskoningDHV

Photo: Kentish Flats Offshore Wind Farm



Date	Issue No.	Remarks / Reason for Issue	Author	Checked	Approved
22/08/18	00	First draft for Internal review	GK/ST	JA	JA
23/08/18	01D	First draft for Norfolk Vanguard Limited review	GK/ST	JA	JA
05/09/18	02D	Second draft for legal review	GK/ST	JA	JA
10/10/2018	03D	Third draft for Norfolk Vanguard Limited review	GK/JA	AD	AD
17/10/18	04D	Fourth draft for Norfolk Vanguard Limited review	GK	JA	JA
12/11/18	05D	Fifth draft for Norfolk Vanguard Limited review	GK	JA	JA
20/11/18	06D	Sixth draft for Norfolk Vanguard Limited review	GK	JA	JA
03/01/19	07D	Seventh draft	GK/JA	GK/JA	JA
08/01/19	08D	Eighth draft	GK/JA	GK/JA	JA
11/01/19	09D	Ninth draft	GK/JA	GK/JA	RS
18/03/19	10D	Tenth draft	MT	EVD	RS
06/006/19	11F	Final SOCG at Deadline 9	MT/GK/JA	EVD	RS

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Glossary

AEol	Adverse Effect on Integrity
ALC	Agricultural Land Classification
BDMPS	Biologically Defined Minimum Population Size
BMV	Best and Most Versatile
CIA	Cumulative Impact Assessment
Cefas	Centre for Environment, Fisheries and Aquaculture Science
CoCP	Code of Construction Practise
CRM	Collision Risk Model
DCO	Development Consent Order
DML	Deemed Marine Licence
EIA	Environmental Impact Assessment
ES	Environmental Statement
ESS	Entry Level Stewardship Scheme
ETG	Expert Topic Group
ExA	Examining Authority
HDD	Horizontal Directional Drilling
HRA	Habitats Regulations Assessment
HVAC	High Voltage Alternating Current
HVDC	High Voltage Direct Current
LiDAR	Light Detection and Ranging
LSE	Likely Significant Effect
MarESA	Marine Evidence based Sensitivity Assessments
MarLIN	Marine Life Information Network
MCZ	Marine Conservation Zone
MMMP	Marine Mammal Mitigation Protocol
MMMZ	Marine Mammal Mitigation Zone
MMO	Marine Management Organisation
NV East	Norfolk Vanguard East
NV West	Norfolk Vanguard West
OCoCP	Outline Code of Construction Practice
OLEMS	Outline Landscape and Environmental Management Strategy
O&M	Operation and Maintenance
OWF	Offshore Wind Farm
PBR	Potential Biological Removal
PEI	Preliminary Environmental Information
PEIR	Preliminary Environmental Information Report
PVA	Population Viability Analysis
pSPA	potential Special Protection Area
RoC	Review of Consents
SAC	Special Area of Conservation
SCI	Site of Community Importance
SMP	Soil Management Plan
SNCB	Statutory Nature Conservation Bodies
SPA	Special Protection Area

SSSI	Site of Special Scientific Interest
SoCG	Statement of Common Ground
UXO	Unexploded Ordnance
WCS	Worst Case Scenario

Terminology

Array cables	Cables which link the wind turbines and the offshore electrical platform.
Landfall	Where the offshore cables come ashore at Happisburgh South.
Mobilisation area	Areas approx. 100 x 100 m used as access points to the running track for duct installation. Required to store equipment and provide welfare facilities. Located adjacent to the onshore cable route, accessible from local highways network suitable for the delivery of heavy and oversized materials and equipment.
National Grid overhead line modifications	The works to be undertaken to complete the necessary modification to the existing 400 kV overhead lines.
Necton National Grid substation	The existing 400 kV substation at Necton, which will be the grid connection location for Norfolk Vanguard.
Offshore accommodation platform	A fixed structure (if required) providing accommodation for offshore personnel. An accommodation vessel may be used instead.
Offshore cable corridor	The area where the offshore export cables would be located.
Offshore electrical platform	A fixed structure located within the wind farm area, containing electrical equipment to aggregate the power from the wind turbines and convert it into a more suitable form for export to shore.
Offshore export cables	The cables which bring electricity from the offshore electrical platform to the landfall.
Onshore cable route	The 45 m easement which will contain the buried export cables as well as the temporary running track, topsoil storage and excavated material during construction.
Onshore project substation	A compound containing electrical equipment to enable connection to the National Grid. The substation will convert the exported power from high voltage direct current (HVDC) to high voltage alternating current (HVAC), to 400 kV (grid voltage). This also contains equipment to help maintain stable grid voltage.
The OWF sites	The two distinct offshore wind farm areas, Norfolk Vanguard East and Norfolk Vanguard West.
Trenchless crossing zone	Temporary areas required for trenchless crossing works (e.g. HDD).

1 INTRODUCTION

1. This Statement of Common Ground (SoCG) has been prepared between Natural England and Norfolk Vanguard Limited (hereafter ‘the Applicant’) to set out the areas of agreement and disagreement in relation to the Development Consent Order (DCO) application for the Norfolk Vanguard Offshore Wind Farm (hereafter ‘the project’).
2. This SoCG comprises an agreement log which has been structured to reflect topics of interest to Natural England on the Norfolk Vanguard DCO application (hereafter ‘the Application’). Topic specific matters agreed and not agreed between Natural England and the Applicant are included.

1.1 The Development

3. The Application is for the development of the Norfolk Vanguard Offshore Wind Farm (OWF) and associated infrastructure. The OWF comprises two distinct areas, Norfolk Vanguard (NV) East and NV West (‘the OWF sites’), which are located in the southern North Sea, approximately 70 km and 47 km from the nearest point of the Norfolk coast respectively. The location of the OWF sites is shown in Chapter 5 Project Description Figure 5.1 of the Application. The OWF would be connected to the shore by offshore export cables installed within the offshore cable corridor from the OWF sites to a landfall point at Happisburgh South, Norfolk. From there, onshore cables would transport power over approximately 60 km to the onshore project substation and grid connection point near Necton, Norfolk.
4. Once built, Norfolk Vanguard would have an export capacity of up to 1800 MW, with the offshore components comprising:
 - Wind turbines;
 - Offshore electrical platforms;
 - Accommodation platforms;
 - Met masts;
 - Measuring equipment (Light Detection and Ranging (LiDAR) and wave buoys);
 - Array cables;
 - Interconnector cables; and
 - Export cables.
5. The key onshore components of the project are as follows:
 - Landfall;
 - Onshore cable route, accesses, trenchless crossing technique (e.g. Horizontal Directional Drilling (HDD)) zones and mobilisation areas;

- Onshore project substation; and
- Extension to the existing Necton National Grid substation and overhead line modifications.

1.2 Consultation with Natural England

6. This section briefly summarises the consultation that the Applicant has had with Natural England. For further information on the consultation process please see the Consultation Report (document reference 5.1 of the Application).

1.2.1 Pre-Application

7. The Applicant has engaged with Natural England on the project during the pre-Application process, both in terms of informal non-statutory engagement and formal consultation carried out pursuant to Section 42 of the Planning Act 2008.
8. During formal (Section 42) consultation, Natural England provided comments on the Preliminary Environmental Information Report (PEIR) by way of a letter dated 11th December 2017.
9. Further to the statutory Section 42 consultation, several meetings were held with Natural England through the Evidence Plan Process.
10. Table 1 to Table 11 provide an overview of meetings and correspondence undertaken with Natural England. Minutes of the meetings are provided in Appendices 9.15 to 9.26 (pre-Section 42) and Appendices 25.1 to 25.9 (post-Section 42) of the Consultation Report (document reference 5.1 of the Application).

1.2.2 Post-Application

11. As part of the pre-examination process, Natural England submitted a Relevant Representation to the Planning Inspectorate on the 31st August 2018. Natural England has also engaged throughout the Examination deadlines. A series of meetings have been held between the Applicant and Natural England since the Application was submitted.

2 STATEMENT OF COMMON GROUND

12. Within the sections and tables below, the different topics and areas of agreement and disagreement between Natural England and the Applicant are set out.

2.1 Marine Geology, Oceanography and Physical Processes

13. The project has the potential to impact upon Marine Geology, Oceanography and Physical Processes. Chapter 8 of the Norfolk Vanguard Environmental Statement (ES) (document reference 6.1 of the Application) provides an assessment of the significance of these impacts.
14. Table 1 provides an overview of meetings and correspondence undertaken with Natural England regarding Marine Geology, Oceanography and Physical Processes.
15. Table 2 provides areas of agreement (common ground) and disagreement regarding Marine Geology, Oceanography and Physical Processes.
16. Minutes of Evidence Plan meetings can be found in Appendix 9.16 and Appendix 25.6 of the Consultation Report (document reference 5.1 of the Application).

Table 1 Summary of Consultation with Natural England in relation to Marine Geology, Oceanography and Physical Processes

Date	Contact Type	Topic
Pre-Application		
21 st March 2016	Benthic and Geophysical Survey Scope Meeting	Discussion on the required scope of the geophysical surveys to inform the approach to the offshore surveys conducted in Summer/Autumn 2016 (see Appendix 9.16 of the Consultation Report).
2 nd February 2017	Email from the Applicant	Provision of the Marine Physical Processes Method Statement (see Appendix 9.2 of the Consultation Report).
16 th February 2017	Benthic and Intertidal Ecology, Fish Ecology, Marine Physical Processes and Marine Water and Sediment Quality Scoping Expert Topic Group Meeting	Discussion of Scoping responses and approach to Environmental Impact Assessment (EIA) and Habitats Regulations Assessment (HRA) (see Appendix 9.16 of the Consultation Report).
22 nd June 2017	Email from the Applicant	Offshore HRA Screening (Appendix 5.1 of the Information to Support HRA Report (document 5.3)) provided for consultation.
22 nd June 2017	Email from the Applicant	Provision of draft PEIR documents (Chapter 8 and Appendix 10.1 of the ES (Fugro survey report) to inform discussions at the Norfolk Vanguard Benthic Ecology and Marine Physical Processes Expert Topic Group meeting.

Date	Contact Type	Topic
5 th July 2017	Benthic and Intertidal Ecology and Marine Physical Processes PEI Expert Topic Group (ETG) Meeting	Discussion of HRA Screening (see Appendix 9.16 of the Consultation Report).
16 th January 2018	Email from the Applicant	Provision of the following draft technical reports to support the Information to Support HRA report: <ul style="list-style-type: none"> • Appendix 7.1 ABPmer Sandwave study; and • Appendix 7.2 Envision Sabellaria data review
31 st January 2018	Marine Physical Processes and Benthic Ecology HRA ETG meeting	PEIR feedback and comments on approach to HRA (see Appendix 25.6 of the Consultation Report).
22 nd February 2018	Email from the Applicant	Provision of draft Norfolk Vanguard Information to Support HRA (document 5.3).
22 nd February 2018	Letter from Natural England	Natural England advice regarding potential impacts from the offshore cable installation to Annex I habitat within the Haisborough, Hammond and Winterton (HHW) Special Area of Conservation (SAC).
15 th March 2018	Email from Natural England	Natural England advice on <i>Sabellaria spinulosa</i> reef in HHW SAC.
23 rd March 2018	Letter from Natural England	Feedback on the draft Information to Support HRA report.
Post-Application		
31 st August 2018	Relevant Representation	Natural England's initial feedback on the DCO application.
17 th October 2018	Email from the Applicant	First draft SOCG provided by the Applicant
18 th October 2018	SoCG Meeting	Discussion regarding the drafting of the SoCG
21 st November 2018	Email from the Applicant	Second draft SOCG provided by the Applicant
30 th November 2018	Email from the Applicant	Clarification notes (Appendices 1-3 of the SoCG) provided by the Applicant
23 rd January 2019	SoCG Meeting	Ongoing discussions regarding the HHW SAC
8 th March 2019	SoCG Meeting	Ongoing discussions regarding the HHW SAC
28 th March 2019	SoCG Meeting	Discussion regarding the HHW SAC Site Integrity Plan (SIP)
21 st May 2019	SoCG Meeting	Discussion regarding the HHW SAC SIP

Table 2 Statement of Common Ground - Marine Geology, Oceanography and Physical Processes

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
Site Selection and Project Design			
Landfall	Landfall at Happisburgh South is the most appropriate of the options available, avoiding the Cromer Shoal Chalk Beds Marine Conservation Zone (MCZ).	Agreed	It is agreed by both parties that landfall at Happisburgh South is a viable option.
Landfall	The design of the landfall works will adopt a highly conservative approach to ensure cables do not become exposed as a result of erosion. A construction method statement, including cable landfall, must be agreed with the MMO prior to construction, as required under the Deemed Marine Licence (DML) Schedules 11 and 12 Part 4 Condition 9(c)(iv).	Agreed, following receipt of further information on 29/11/2018 Natural England is satisfied that the specific issues raised in the Relevant Representation relating to the assessment of coastal erosion at Happisburgh have been resolved.	It is agreed by both parties that the design of the landfall works will adopt a suitably conservative approach to ensure cables do not become exposed as a result of erosion
Environmental Impact Assessment			
Existing Environment	Survey data collected for Norfolk Vanguard for the characterisation of Marine Geology, Oceanography and Physical Processes are suitable for the assessment and as agreed in during the survey scope meeting March 2016.	Agreed	It is agreed by both parties that sufficient survey data has been collected to undertake the assessment.
	The ES adequately characterises the baseline environment in terms of Marine Geology, Oceanography and Physical Processes	Agreed	It is agreed by both parties that the existing environment of Marine Geology, Oceanography and Physical Processes has been characterised appropriately for the assessment.
Assessment methodology	Appropriate legislation, planning policy and guidance relevant to Marine Geology, Oceanography and Physical Processes has been used.	Agreed	It is agreed by both parties that appropriate legislation has been considered.
	The list of potential impacts assessed for Marine Geology, Oceanography and Physical Processes is appropriate	Agreed	It is agreed by both parties that appropriate impacts on Marine Geology, Oceanography and Physical Processes have been assessed.
	The impact assessment methodologies used provide an appropriate approach to assessing potential impacts of the proposed project. This includes: <ul style="list-style-type: none"> The assessment uses expert judgement based upon knowledge of the sites and available contextual information (Zonal and 	Agreed	It is agreed by both parties that the impact assessment methodologies used in the EIA are appropriate.

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>East Anglia ONE studies and modelling); therefore no new modelling (e.g. sediment plumes or deposition) was undertaken for the assessment</p> <ul style="list-style-type: none"> The definitions used of sensitivity and magnitude in the impact assessment are appropriate. <p>These are in line with the Method Statement provided in February 2017 (see Appendix 9.2 of the Consultation Report (Application document 5.1) and as discussed during expert topic group meetings.</p>		
	<p>The worst case scenario used in the assessment for Marine Geology, Oceanography and Physical Processes is appropriate.</p> <p>This includes a conservative assessment for cable installation based on pre-sweeping as well as potential reburial requirements.</p>	<p>Agreed, although it is noted by Natural England that there is currently no evidence that sandwave levelling ensures cables remain buried and therefore there is no future need for reburial or cable protection.</p>	<p>It is agreed by both parties that the worst case scenario used in the assessment for Marine Geology, Oceanography and Physical Processes is appropriate.</p>
	<p>As discussed in the Change Report (document reference Pre-ExA;Change Report;9.3), the increase in the maximum number of piles per offshore electrical platform from six to 18 (36 in total for two platforms) does not affect the conclusions of ES Chapter 8 Marine Geology, Oceanography and Physical Processes.</p>	<p>Agreed</p>	<p>It is agreed by both parties that the proposed increase in the maximum number of piles per offshore electrical platform from six to 18 (36 in total for two platforms) does not affect the conclusions of ES Chapter 8 Marine Geology, Oceanography and Physical Processes.</p>
	<p>Regardless of whether the project is installed in a single or two-phased scenario, export cable installation will be undertaken for one cable pair at a time and therefore the main difference between the scenarios would potentially be the duration between the installation of one HVDC cable pair and the next.</p> <p>The export cable corridor is in a dynamic environment and therefore sandwave bedforms are continually being formed, modified, converging and bifurcating as</p>	<p>The HHW SAC SIP combined with the Grampian condition at DML 9 (1)(m) restricts the commencement of construction until such time that mitigation measures and/or alternative options can be adopted to rule out AEol. NE also acknowledge that the SIP commits the Applicant to providing a robust evidence base and mitigation measures for which they can be held to account.</p>	<p>It is agreed by both parties that the HHW SAC SIP and associated Transmission DML Condition 9(1)(m) provides the framework to agree cable installation methods post-consent and restricts the commencement of construction until such time that mitigation measures can be adopted to rule out AEol.</p>

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>they migrate through the cable corridor area. The scale of the sand movement through the cable corridor is of such large magnitude that the impact of the bed levelling operations during installation will be of comparatively minimal impact to the form and function of the sandwaves and sand bank feature regardless of the phasing scenario.</p> <p>The HHW SAC SIP allows the method for cable installation to be reviewed prior to construction, based on latest evidence and survey findings, and this must be agreed with the MMO in consultation with Natural England.</p>		
	<p>Cable protection will only be required at cable crossing locations and in the unlikely event that hard substrate (i.e. areas that are not Annex 1 Sandbank) is found along the cable route that cannot be avoided.</p> <p>The HHW SAC SIP ensures that the deployment of cable protection must be agreed with the MMO in consultation with Natural England prior to construction. Diagram 5.2 in the Outline HHW SAC SIP outlines the process regarding minimising cable protection for potential unburied cable and seeking agreement from the MMO in consultation with Natural England.</p> <p>For cables outside the HHW SAC, the Scour Protection and Cable Protection Plan (required under DCO Schedules 9 and 10 Part 4 Condition 14(1)(e) and Schedules 11 and 12 Part 4 Condition 9(1)(e)) provides the mechanism for the volume, extent and location of cable protection to be agreed with the MMO in</p>	<p>Agreed that cable protection should only be used at essential locations. Natural England notes that past experience has shown that additional cable protection has often been required beyond that which is expected.</p>	<p>It is agreed by both parties that the HHW SAC SIP and associated Transmission DML Condition 9(1)(m) provides the framework to agree cable protection deployment post-consent and restricts the commencement of construction until such time that mitigation measures can be adopted to rule out AEoI.</p>

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	consultation with Natural England prior to construction. The Applicant commissioned an Interim Cable Burial Study following consultation with Natural England which has allowed the Applicant to commit to reducing the cable protection contingency from 10% to 5%. The HHW SAC SIP ensures that the deployment of cable protection must be agreed with the MMO in consultation with Natural England prior to construction. Diagram 5.2 in the Outline HHW SAC SIP outlines the process regarding minimising cable protection for potential unburied cable and seeking agreement from the MMO in consultation with Natural England.	Due to ongoing concerns with cable protection within the SAC, even with the 5% reduction in cable protection, these commitments may still be considered insufficient to agree no AEOL at the pre-construction stage.	It is agreed by both parties that cable protection must be agreed through the HHW SAC SIP in accordance with Transmission DML Condition 9(1)(m). If a solution cannot be agreed, the Applicant would need to consider a Marine Licence application or a variation to the Transmission DML Condition 9(1)(m) to allow a finding of AEOL should the project satisfy the HRA Assessment of Alternatives, Imperative Reasons of Overriding Public Interest (IROPI) and Compensatory Measures tests.
	Cable protection is assessed as permanent habitat loss in Chapter 10 Benthic Ecology, section 10.7.5 due to the likelihood of leaving cable protection <i>in situ</i> following decommissioning.	Agreed	It is agreed by both parties that habitat loss from cable protection should be considered a permanent impact
Assessment findings	Norfolk Vanguard Limited acknowledges that the scale of suspended sediment should be classified as high. This results in a medium magnitude of effect taking into account the duration, frequency and reversibility which are classified as negligible. This has no change to the resulting negligible impact significance on Marine Geology, Oceanography and Physical Processes receptors.	Agreed Natural England states that near field effects of suspended sediment in the offshore cable corridor should be of greater scale than the 'low' classification identified in the ES due to the large volume of proposed dredging and material released.	It is agreed by both parties that near field effects of suspended sediment in the offshore cable corridor should be of greater scale than the 'high' classification.

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	Norfolk Vanguard Limited acknowledges that the scale of seabed level changes should be classified as medium as stated by Natural England in their relevant representation. This has no change to the overall magnitude classification which remains low taking into account the duration, frequency and reversibility which are classified as negligible and therefore no change to the impact significance presented in the ES. Appendix 7.1 of the Information to Support HRA report shows that Sandwaves are expected to recover within approximately 1 year.	Not agreed. Natural England does not agree that the magnitude of seabed level changes is low given the large volumes dredged.	Not agreed.
Cumulative Impact Assessment (CIA)	The plans and projects considered within the CIA are appropriate and as agreed during the expert topic group meeting in July 2017.	Agreed	It is agreed by both parties that the plans and projects included in the CIA are appropriate.
	The CIA methodology is appropriate. Chapter 8 Marine Geology, Oceanography and Physical Processes of the ES states that theoretical bed level changes of up to 2mm are estimated as a result of cumulative impacts of Norfolk Vanguard cable installation and dredging at nearby aggregate sites. This level of effect has no potential to affect the Marine Geology, Oceanography and Physical Processes of the Haisborough Hammond and Winterton SAC as stated in the Information to Support HRA report (document 5.3).	Agreed, with the exception that combined suspended sediment increases associated with aggregates and Norfolk Vanguard cable installation should be considered for Haisborough Hammond and Winterton SAC.	The CIA methodology is agreed by both parties with the exception of the inclusion of suspended sediment as a result of aggregates in the in-combination assessment for the Haisborough, Hammond and Winterton SAC.
	The cumulative impacts between Norfolk Vanguard and Norfolk Boreas in the HHW SAC will be considered further based on latest evidence and pre-construction survey findings in the development of the HHW SAC SIP.	It is agreed that cumulative impacts with Norfolk Boreas must be considered when developing the Norfolk Vanguard HHW SAC SIP.	It is agreed by both parties that cumulative impacts with Norfolk Boreas must be considered when developing the Norfolk Vanguard HHW SAC SIP post consent.

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
Habitats Regulations Assessment (HRA)			
Screening of Likely Significant Effect (LSE)	The approach to HRA Screening is appropriate. The following site is screened in for further assessment as agreed during the expert topic group meeting in July 2017: Haisborough, Hammond and Winterton SAC	Agreed	It is agreed by both parties that the designated sites and potential effects screened in for further assessment are appropriate.
Assessment of Adverse Effect on Integrity	The approach to the assessment of AEoI is appropriate.	Agreed	It is agreed by both parties that the approach to the assessment of potential adverse effects on site integrity presented in the Information to Support HRA report (document 5.3) are appropriate
	The physical processes of Annex 1 Sandbanks in the Haisborough, Hammond and Winterton SAC has the potential to recover from construction activities, within the range of natural variation. See comments on phasing in the Assessment Methodology section above.	Agreed, noting that there is limited empirical evidence and sandbank recovery should be monitored (see monitoring below). It is also not clear how single build vs phased build and either option in combination with Norfolk Boreas has been assessed.	It is agreed by both parties that the physical processes of Annex 1 Sandbanks in the Haisborough, Hammond and Winterton SAC has the potential to recover from construction activities, within the range of natural variation.
	The small scale of cable protection assessed will not interfere with the physical processes (e.g. bed level, morphology, sediment transport) associated with the Annex 1 Sandbanks. Due to the patterns of erosion, accretion and movement of sand waves naturally occurring within the offshore cable corridor (discussed in Appendix 7.1 of the Information to Support HRA report) it is expected that the cable protection may undergo some periodic burial and uncovering and therefore	Not agreed. Natural England does not agree there will be negligible impact on the sandbank feature and relevant attributes (volume, extent, morphology etc. described in the supplementary advice on conservations objectives ¹).	Not agreed

1

<https://designatedsites.naturalengland.org.uk/Marine/SupAdvice.aspx?SiteCode=UK0030369&SiteName=hais&SiteNameDisplay=Haisborough%2c+Hammond+and+Winterton+SAC&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=>

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>there would be no adverse effect on the form and function of the Sandbanks.</p> <p>The HHW SAC SIP combined with the Transmission DML Condition 9(1)(m) allows a conclusion of no AEOL to be made at the consent determination stage on the basis that it restricts the commencement of construction until such time that mitigation measures can be adopted to rule out an AEOL.</p>	<p>Agreed. Noting that the commitments presented in the HHW SAC SIP may still be considered insufficient to agree no AEOL at the pre-construction stage. If a solution cannot be agreed, the Applicant would need to consider a DCO variation or a Marine Licence application.</p>	<p>It is agreed by both parties that the HHW SAC SIP combined with the Transmission DML Condition 9(1)(m) allows a conclusion of no AEOL to be made at the consent determination stage on the basis that it restricts the commencement of construction until such time that mitigation measures can be adopted to rule out an AEOL.</p>
Management Measures – Mitigation and Monitoring			
Monitoring	<p>The In Principle Monitoring Plan (document 8.12), provides an appropriate framework to agree monitoring with the MMO in consultation with Natural England</p> <p>As stated in the In Principle Monitoring Plan (document 8.12), swath-bathymetric survey would be undertaken pre- and post-construction in order to monitor changes in seabed topography, including any changes as a result of sand wave levelling.</p> <p>It is acknowledged that the purpose of the post-construction monitoring is to address evidence gaps in this area as well as for engineering purposes.</p>	<p>Agreed</p>	<p>It is agreed by both parties that the In Principle Monitoring Plan (document 8.12), provides an appropriate framework to agree monitoring with the MMO in consultation with Natural England.</p>
Mitigation and Management	<p>As stated in the Site Characterisation Report (document 8.15) all seabed material arising from the Haisborough, Hammond and Winterton SAC during cable installation would be placed back into the SAC using an approach, to be agreed with the Marine Management Organisation (MMO) in consultation with Natural England.</p> <p>The Haisborough, Hammond and Winterton SAC is not a closed system and it presently has sediment both entering and leaving it around the boundaries.</p>	<p>Only agreed if material remains in the site after deposition, modelling will need to demonstrate this.</p>	<p>It is agreed by both parties that seabed material arising from the Haisborough, Hammond and Winterton SAC during cable installation would be placed back into the SAC using an approach, to be agreed with the MMO in consultation with Natural England.</p>

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>The proposed works are some distance from the boundaries (at over 6 km from the southern boundary) and are unlikely to bring about any disruption to the transport regime. Therefore, the movement in and out of the Haisborough SAC as occurs at present will continue, irrespective of the proposed dredging or disposal activities as discussed in Information to Support HRA report Appendix 7.1 ABPmer Sandwave Study.</p> <p>The methods for sediment disposal would be agreed through the Cable Specification, Installation and Monitoring Plan, required under the draft DCO Schedules 9 and 10 Part 4 Condition 14(1)(g) and Schedules 11 and 12 Part 4 Condition 9(1)(g) and would be based on latest evidence, engineering knowledge and pre-construction surveys.</p>		

2.2 Benthic and Intertidal Ecology

17. The project has the potential to impact upon Benthic and Intertidal Ecology. Chapter 10 of the Norfolk Vanguard ES (document reference 6.1 of the Application) provides an assessment of the significance of these impacts.
18. Table 3 provides an overview of meetings and correspondence undertaken with Natural England regarding Benthic and Intertidal Ecology.
19. Table 4 provides areas of agreement (common ground) and disagreement regarding Benthic and Intertidal Ecology.
20. Minutes of Evidence Plan meetings can be found in Appendix 9.16 and Appendix 25.6 of the Consultation Report (document reference 5.1 of the Application).

Table 3 Summary of Consultation with Natural England in relation to Benthic and Intertidal Ecology

Date	Contact Type	Topic
Pre-Application		
21 st March 2016	Benthic and Geophysical Survey Scope Meeting	Discussion on the required scope of the benthic surveys to inform the approach to the offshore surveys conducted in Summer/Autumn 2016 (see Appendix 9.16 of the Consultation Report).
21 st March 2016	Letter from Natural England	Feedback on benthic survey methodology.
20 th April 2016	Letter from Natural England	Review of the Geophysical and Grab Sampling Impact Assessment.
2 nd February 2017	Email from the Applicant	Provision of the Benthic Ecology Method Statement (see Appendix 9.2 of the Consultation Report).
16 th February 2017	Benthic and Intertidal Ecology, Fish Ecology, Marine Physical Processes and Marine Water and Sediment Quality Scoping Expert Topic Group Meeting	Discussion of Scoping responses and approach to EIA/HRA (see Appendix 9.16 of the Consultation Report).
27 th February 2017	Email from Natural England	Natural England's position on Haisborough, Hammond and Winterton SAC.
8 th March 2017	Email from Natural England	Natural England's advice on Cromer Shoal MCZ
22 nd June 2017	Email from the Applicant	Offshore HRA Screening (Appendix 5.1 of the Information to Support HRA report) provided for consultation.

Date	Contact Type	Topic
22 nd June 2017	Email from the Applicant	Provision of draft documents (Chapter 8 of the PEIR and Appendix 10.1 of the ES (Fugro survey report)) to inform discussions at the Norfolk Vanguard Benthic Ecology and Marine Physical Processes Expert Topic Group meeting.
5 th July 2017	Benthic and Intertidal Ecology and Marine Physical Processes PEI ETG Meeting	Discussion of HRA Screening. (see Appendix 9.16 of the Consultation Report).
16 th January 2018	Email from the Applicant	Provision of the following draft technical reports to support the Information to Support HRA report: <ul style="list-style-type: none"> • Appendix 7.1 ABPmer Sandwave study; and • Appendix 7.2 Envision Sabellaria data review
31 st January 2018	Marine Physical Processes and Benthic Ecology HRA ETG meeting	PEIR feedback and comments on approach to HRA (see Appendix 25.6 of the Consultation Report).
13 th February 2018	Email from Natural England	Confirmation from Natural England that the standard best practice advice to the aggregates industry is a 50m buffer around <i>Sabellaria spinulosa</i> reef.
19 th February 2018	Email from Natural England	Provision of example Site of Community Importance (SCI) Position Statement in relation to sandbanks from the Dogger Bank Teesside OWF.
22 nd February 2018	Email from the Applicant	Provision of draft Norfolk Vanguard Information to Support Habitats Regulations Assessment (HRA) (document 5.3).
22 nd February 2018	Letter from Natural England	Natural England advice regarding potential impacts from the offshore cable installation to Annex I habitat within the Haisborough Hammond and Winterton SAC.
15 th March 2018	Email from Natural England	Natural England advice on <i>Sabellaria spinulosa</i> reef in Haisborough, Hammond and Winterton SAC.
23 rd March 2018	Letter from Natural England	Feedback on the draft Information to Support HRA report
Post-Application		
31 st August 2018	Relevant Representation	Natural England's initial feedback on the DCO application.
17 th October 2018	Email from the Applicant	First draft SOCG provided by the Applicant
18 th October 2018	SoCG Meeting	Discussion regarding the drafting of the SoCG
21 st November 2018	Email from the Applicant	Second draft SOCG provided by the Applicant
23 rd January 2019	SoCG Meeting	Ongoing discussions regarding the Haisborough Hammond and Winterton SAC

Date	Contact Type	Topic
8 th March 2019	SoCG Meeting	Ongoing discussions regarding the Haisborough Hammond and Winterton SAC
28 th March 2019	SoCG Meeting	Discussion regarding the Haisborough Hammond and Winterton SAC Site Integrity Plan (SIP)
21 st May 2019	SoCG Meeting	Discussion regarding the Haisborough Hammond and Winterton SAC SIP
3 rd June 2019	Email from the Applicant	Draft of final SOCG provided by the Applicant

Table 4 Statement of Common Ground - Benthic and intertidal ecology

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
Site Selection and Project Design			
Landfall	Landfall at Happisburgh avoids impacts on the Cromer Shoal Chalk Beds MCZ	Agreed	It is agreed by both parties that landfall at Happisburgh avoids impacts on the Cromer Shoal Chalk Beds MCZ
Environmental Impact Assessment			
Existing Environment	Survey data collected for Norfolk Vanguard for the characterisation of Benthic and Intertidal Ecology are suitable for the assessment and as agreed in the survey planning meeting in March 2016 and the expert topic group meeting in February 2017.	Agreed	It is agreed by both parties that sufficient survey data has been collected to undertake the assessment.
	<p>The ES adequately characterises the baseline environment in terms of Benthic and Intertidal Ecology.</p> <p>For the purposes of the EIA, the site characterisation has identified the potential extent and location of <i>S. spinulosa</i> reef as far as reasonably practicable. This has allowed the EIA to assess potential impacts on <i>Sabellaria</i> reef.</p> <p>The assessment does not discount “low reef”. Figure 7.2 of the Information to Support HRA report presents a map of potential <i>Sabellaria</i> reef extent based on medium to high confidence of reef presence (N.B. this includes reef of any reefiness characteristic, including low). <i>Sabellaria</i> reef identified during the Norfolk Vanguard benthic surveys in 2016 was found to be of low or medium reefiness and this is included in the assessment.</p>	Agreed, although noting the uncertainty associated with <i>S. spinulosa</i> reef mapping due to the ephemeral nature of the reef, the use of a range of datasets, and the fact that the applicant has only assessed medium/high quality reef as reef	It is agreed by both parties that the ES adequately characterises the baseline environment in terms of Benthic and Intertidal Ecology, although noting the uncertainty associated with <i>S. spinulosa</i> reef mapping due to the ephemeral nature of the reef and the use of a range of datasets.
	<p>The approach to <i>S. spinulosa</i> reef mapping is appropriate to inform the EIA based on the data available.</p> <p>The assessment does not discount “low reef”. It should be noted however that by definition, “low reef” is</p>	Not agreed. Natural England has uncertainty associated with <i>S. spinulosa</i> reef mapping due to the ephemeral nature of the reef the use of a range of datasets, and the	It is agreed by both parties that there is uncertainty associated with <i>S. spinulosa</i> reef mapping due to the ephemeral nature of the reef. The HHW SAC SIP provides a framework for further consideration of the

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>inherently patchy (with only 10-20% coverage, Gubbay (2007)²) and therefore increases the potential for micro-siting. Medium reef also has high potential for micro-siting, being classified by 20-30% coverage.</p> <p>The Applicant agrees there is uncertainty associated with <i>S. spinulosa</i> reef mapping due to the ephemeral nature of the reef. The HHW SAC SIP provides a framework for further consideration of the effects on <i>Sabellaria</i> reef in the HHW SAC to be made prior to construction, based on the results of the pre-construction surveys. The surveys and the SIP will be developed in consultation with Natural England.</p>	<p>fact that the applicant has only assessed medium/high quality reef as reef.</p>	<p>effects on <i>Sabellaria</i> reef in the HHW SAC based on the results of the pre-construction surveys.</p>
	<p>The mapping of potential <i>S. spinulosa</i> reef by Envision on behalf of Norfolk Vanguard Limited identifies potential reef areas which are largely consistent with areas Natural England has identified (as shown on Figure 2.1 below).</p>	<p>Agreed</p>	<p>It is agreed by both parties that the mapping of potential <i>S. spinulosa</i> reef by Envision on behalf of Norfolk Vanguard Limited identifies potential reef areas which are largely consistent with areas Natural England has identified.</p>
	<p><i>S. spinulosa</i> is an ephemeral, rapidly growing opportunistic species; pre-construction surveys targeted at establishing the presence, location and extent of <i>S. spinulosa</i> reef habitats are therefore required to enable effective micro-siting where possible.</p> <p>The assessment provides consideration of the impacts if micro-siting is possible and if it is not possible (see Assessment Findings sections below).</p> <p>The HHW SAC SIP ensures that the cable routes, including micro-siting must be agreed with the MMO in consultation with Natural England prior to construction. Diagram 5.1 in the Outline HHW SAC SIP outlines the</p>	<p>Parameters/clear commitments are required in the DCO rather than the simple statement “where possible”.</p> <p>Natural England would want to see that all Annex I <i>S. spinulosa</i> will be avoided.</p> <p>The impact on <i>Sabellaria spinulosa</i> reef needs to be fully assessed if micro-siting is not possible and cable installation is still permitted.</p>	<p>It is agreed by both parties that the HHW SAC SIP ensures that the cable routes, including micro-siting must be agreed with the MMO in consultation with Natural England prior to construction.</p> <p>The HHW SAC SIP must also provide further consideration of the effects on <i>Sabellaria spinulosa</i> reef if micro-siting is not possible and construction can only be permitted to commence if the MMO, in consultation with Natural England, agrees that there will be no AEol.</p>

² Gubbay (2007) Defining and managing *Sabellaria spinulosa* reefs: Report of an inter-agency workshop 1-2 May, 2007

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>process regarding seeking agreement for micro-siting from the MMO in consultation with Natural England. This provides clear commitments with regards to defining what is meant by micro-siting “where possible”.</p> <p>The effects on <i>Sabellaria spinulosa</i> reef if micro-siting is not possible will be further considered in the HHW SAC SIP based on available evidence and pre-construction surveys. Construction will only be permitted to commence if the MMO, in consultation with Natural England, agrees that there will be no AEoI.</p>		
Assessment methodology	Appropriate legislation, planning policy and guidance relevant to Benthic and Intertidal Ecology has been used.	Agreed	It is agreed by both parties that appropriate legislation has been considered.
	The list of potential impacts on Benthic and Intertidal Ecology assessed is appropriate.	Agreed, subject to consideration of cleaning activities (see below).	It is agreed by both parties that the list of potential impacts on Benthic and Intertidal Ecology assessed is appropriate, with the exception of clean activities (see below)
	Operational cleaning of offshore infrastructure would consist of jet washing with seawater and therefore, only natural materials would enter the marine environment i.e. marine growth, bird guano and seawater. Whilst it is not possible to quantify the exact volume of the materials to be deposited, due to the small scale of the deposit that will be mixed with seawater, it is considered that such a deposit will quickly dissipate and is not capable of being deposited in sufficient volume to be capable of affecting water quality. No chemicals would be used in this process. The number of estimated operational visits are included as part of the operation and maintenance (O&M) activities described in Chapter 5, section 5.4.18.	Not agreed, details are still required of the volumes of material being deposited in the marine environment.	Not agreed
	The impact assessment methodology is appropriate, and is in line with the Method Statement provided in February 2017 (see Appendix 9.2 of the Consultation	Agreed	It is agreed by both parties that the impact assessment methodologies used in the EIA are appropriate.

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	Report (Application document 5.1) and agreed during the topic group meeting in February 2017.		
	The worst case scenario used in the assessment for Benthic and Intertidal Ecology is appropriate.	Agreed	It is agreed by both parties that the worst case scenario used in the assessment is appropriate
	As discussed in the Change Report (document reference Pre-ExA;Change Report;9.3), the increase in the maximum number of piles per offshore electrical platform from six to 18 (36 in total for two platforms) does not affect the conclusions of ES Chapter 10 Benthic Ecology.	Agreed	It is agreed by both parties that the proposed increase in the maximum number of piles per offshore electrical platform from six to 18 (36 in total for two platforms) does not affect the conclusions of ES Chapter 10 Benthic Ecology.
	Should cable protection be required during maintenance this would be subject to additional licencing.	Agreed	It is agreed by both parties that should cable protection be required during maintenance this would be subject to additional licencing.
	<p>It is the Applicant's preference to cut and remove redundant cables where possible. This requires agreement from the owners of the redundant cable, and therefore until this can be agreed post consent, an assumption that nine existing cables will be crossed has been assessed in order to provide a conservative assessment.</p> <p>In the HHW SAC, the cable installation method and deployment of cable protection must be agreed with the MMO in consultation with Natural England through the HHW SAC SIP.</p> <p>Outside the HHW SAC, the cable installation methodology will be agreed with the MMO through the Construction Method Statement. The Scour Protection and Cable Protection Plan will be updated as the final design of the project develops and must be agreed with the MMO prior to construction. This will include justification of the location, type and volume/area of</p>	<p>Agreed</p> <p>Natural England advises that where there are out of service cables, in the Haisborough Hammond and Winterton SAC, it would be better to reduce impacts by cutting cables rather than introducing unnecessary hard substrate to cross redundant cables. In addition, where strictly necessary the type of cable protection should be selected on the basis on least environmental impact at each particular location.</p>	It is agreed by both parties that it is preferable to cut and remove redundant cables where possible subject to agreement from the cable owner(s).

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	essential cable protection based on crossing agreements and preconstruction surveys.		
Assessment findings	<p>The characterisation of receptor sensitivity is appropriate.</p> <p>Chapter 10, Table 10.15 (mentioned in the Natural England relevant representation) refers to the sensitivity of receptors identified in NV East where <i>S. spinulosa</i> individuals were recorded. Individuals are less sensitive than reef and therefore have been classified as low sensitivity. Tables 10.14 and 10.16 refer to the sensitivity of receptors identified in NV West and the offshore cable corridor, respectively, where <i>S. spinulosa</i> reef has been identified. <i>S. spinulosa</i> in these areas has been identified as having medium sensitivity to heavy smothering in accordance with the Marine Life Information Network (MarLIN) Marine Evidence based Sensitivity Assessments (MarESA). However, the Information to Support HRA report states that as embedded mitigation requires that sediment would not be disposed of within at least 50m of <i>S. spinulosa</i> reef (in accordance with advice from Natural England), there would be no heavy smothering. <i>S. spinulosa</i> is not sensitive to light smothering or increased suspended sediment.</p> <p>Gibb <i>et al.</i> (2014)³ reports that <i>Sabellaria spinulosa</i> reef has medium sensitivity to habitat change where the change represents an increase in fine sediments which is not applicable to Norfolk Vanguard. Gibb <i>et al.</i> (2014) also states that <i>Sabellaria spinulosa</i> reef is considered to be 'Not Sensitive' to a change which results in increased coarseness.</p>	<p>Mostly agreed, however all references in the document should note that <i>S. spinulosa</i> reef has medium sensitivity to heavy smothering and habitat change and high sensitivity to habitat loss.</p> <p>In addition, Natural England disagrees with some of the sensitivity assessments in table 10.7.2, for example coarse sediment has high sensitivity to habitat change as does subtidal sand. We advise that 10.7.5.2.2 and Table 10.21 is changed to reflect this.</p>	Not agreed

³ Gibb, N., Tillin, H., Pearce, B. & Tyler-Walters, H. (2014). Assessing the sensitivity of *Sabellaria spinulosa* reef biotopes to pressures associated with marine activities. Available at: http://jncc.defra.gov.uk/PDF/JNCC_Report_504_web.pdf

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	The magnitude of effect is correctly identified.	Agreed, noting the change in the scale of suspended sediment and seabed level changes in relation to the offshore cable corridor discussed in Section 2.1.	It is agreed by both parties that the magnitude of effect on benthic ecology is correctly identified.
	There would be no permanent loss of <i>S. spinulosa</i> reef as this is an ephemeral species which is likely to recolonise, as agreed during the Expert Topic Group meeting on the 31 st January 2018 (Appendix 25.6 of the Consultation Report).	Not agreed. Evidence presented to date is in relation to recover of individuals and not Annex I reef. And particularly disagree due potential for cable protection.	Not agreed
	There would be no temporary habitat loss of <i>S. spinulosa</i> reef if micro-siting is possible. The magnitude would be low if micro-siting is not possible through a small proportion of reef	Not agreed	Not agreed
	The impact significance conclusions of negligible or minor adverse for Norfolk Vanguard alone are appropriate.	Not agreed	Not agreed
CIA	The plans and projects considered within the CIA are appropriate as agreed during the expert topic group meeting in July 2017.	Agreed	It is agreed by both parties that the plans and projects included in the CIA are appropriate.
	The cumulative impacts between Norfolk Vanguard and Norfolk Boreas in the HHW SAC will be considered further in the development of the HHW SAC SIP.	It is agreed that cumulative impacts with Norfolk Boreas must be considered when developing the Norfolk Vanguard HHW SAC SIP.	It is agreed by both parties that cumulative impacts with Norfolk Boreas must be considered when developing the Norfolk Vanguard HHW SAC SIP post consent.
Habitats Regulations Assessment (HRA)			
Screening of LSE	The approach to HRA Screening is appropriate. The following site is screened in for further assessment as agreed during the expert topic group meeting in July 2017: <ul style="list-style-type: none"> Haisborough, Hammond and Winterton SAC. 	Agreed	It is agreed by both parties that the designated sites and potential effects screened in for further assessment are appropriate.
Assessment of Adverse Effect on Integrity	The effects on the HHW SAC will be considered further through the HHW SAC SIP based on pre-construction	Agreed	It is agreed by both parties that the effects on the HHW SAC must be considered further through the HHW SAC SIP based on

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	survey findings, available evidence and latest guidance prior to construction.		pre-construction survey findings, available evidence and latest guidance prior to construction.
	The communities of Annex 1 Sandbanks in the Haisborough, Hammond and Winterton SAC will recover as the physical processes of the Sandbanks recover within the range of natural variation as the communities are habituated to highly mobile sediments.	Not agreed, Natural England acknowledges that the mobile nature of this particular sandbank system would make it more likely to recover from changes in structure than less mobile ones. But, there are no empirical data that relate to interventions of similar spatial and temporal scale to the proposals and for this particular sandbank system to support the modelling. Therefore, Natural England continues to have residual concerns in relation to the overall impacts to the form and function of the Annex I sandbank sandwave fields and their potential recoverability.	It is acknowledged by both parties that effects on the HHW SAC will be considered further through the HHW SAC SIP based on pre-construction survey findings, available evidence and latest guidance prior to construction.
	Based on available data, microsites around <i>S. spinulosa</i> reef is likely to be possible. However, it is acknowledged that <i>S. spinulosa</i> reef extent may change prior to construction of Norfolk Vanguard and therefore pre-construction surveys are required to determine the extent of <i>S. spinulosa</i> reef at that time. A cable specification, installation and monitoring plan, must be agreed with the MMO in consultation with Natural England as discussed under 'Mitigation and Management' below. This will provide the mechanism to agree cable routing/microsites.	Agreed on the basis of survey data collected to date there should be room to microsite around reef in the nearshore section of the cable corridor. But it is more uncertain beyond 12nm as shown in Figure 4.1 of the SIP. It should be noted and taken into consideration by the decision-maker now that this may not be the case pre-construction and therefore there is an outstanding risk to the project	It is agreed by both parties that, on the basis of survey data collected to date, there should be room to microsite around reef in the nearshore section of the cable corridor but there is more uncertainty beyond 12nm. There is also uncertainty associated with what the extent of reef will be at the pre-construction stage and therefore this presents a risk to agreeing the HHW SAC SIP prior to construction.
	In the unlikely event that microsites around <i>S. spinulosa</i> reef is not possible, a small proportion of reef may be	Not agreed, there is currently a restore objective for reef features of	Not agreed. It is acknowledged by both parties that effects on the HHW SAC will be

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>temporarily disturbed. <i>S. spinulosa</i> in its individual and reef forms, is known to be ephemeral and opportunistic and can be expected to recover/recolonise within the range of natural variation. Therefore, a small proportion of temporary disturbance to <i>S. spinulosa</i> reef would not cause an adverse effect on the restoration objective of the Haisborough, Hammond and Winterton SAC.</p> <p>The following references provide examples of evidence that <i>S. spinulosa</i> reef can be expected to recover/recolonise Tillin and Marshall, 2015; OSPAR Commission, 2010; Holt, 1998; Cooper <i>et al.</i>, 2007; Pearce <i>et al.</i>, 2007).</p> <p>As stated in Natural England's position, there is a high likelihood that <i>Sabellaria spinulosa</i> reef will recover/develop following cessation of disturbance from fisheries. This would also apply following cable installation.</p>	<p>HHW SAC. Site management measures are being developed for other operations likely to damage the interest features of the site and will be implemented in the future. In the absence of those pressures there is a high likelihood that <i>Sabellaria spinulosa</i> reef will recover/develop. One such management measure that is being considered is the use of fisheries byelaws to protect areas where <i>Sabellaria spinulosa</i> reef have been shown to be regularly present. Therefore it is hoped that more extensive <i>Sabellaria spinulosa</i> reefs will be restored in these areas, and that existing encrusting and low quality reef will develop into higher quality reef habitat. Natural England would therefore advise that cable installation activities are avoided in these areas.</p> <p>In addition, the evidence presented in the HRA to support conclusions on recoverability relates only to individuals/abundance, but not to reef. Thus we have limited confidence in the ability of reef to recover from cable installation activities. Therefore, we further advocate that the standard mitigation measure of avoidance is adhered to.</p>	<p>considered further through the HHW SAC SIP based on pre-construction survey findings, available evidence and latest guidance prior to construction.</p>

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>Cable protection would not affect the potential of <i>S. spinulosa</i> reef to recover within the Haisborough, Hammond and Winterton SAC as <i>S. spinulosa</i> reef can be expected to colonise cable protection as an artificial substrate, in accordance with the UK Biodiversity Action Plan Priority Habitat Description for <i>S. spinulosa</i> Reefs (JNCC, 2016⁴):</p> <p><i>"S. spinulosa requires only a few key environmental factors for survival in UK waters. Most important seems to be a good supply of sand grains for tube building, put into suspension by strong water movement....The worms need some form of hard substratum to which their tubes will initially be attached, whether bedrock, boulders, artificial substrata, pebbles or shell fragments."</i></p> <p>The HHW SAC SIP ensures that the deployment of cable protection must be agreed with the MMO in consultation with Natural England prior to construction. Diagram 5.2 in the Outline HHW SAC SIP outlines the process regarding minimising cable protection for potential unburied cable and seeking agreement from the MMO in consultation with Natural England.</p>	<p>Not agreed, Natural England does not consider the colonisation of artificial sub-sea structures as beneficial as it is not natural change. The cable protection will result in permanent loss of habitat.</p>	<p>Not agreed.</p>
	<p>The HHW SAC SIP combined with the Transmission DML Condition 9(1)(m) allows a conclusion of no AEOL to be made at the consent determination stage on the basis that it restricts the commencement of construction until such time that mitigation measures can be adopted to rule out an AEOL.</p>	<p>Agreed. Noting that the commitments presented in the HHW SAC SIP may still be considered insufficient to agree no AEOL at the pre-construction stage. If a solution cannot be agreed, the Applicant would need to consider a Marine Licence application or a variation to</p>	<p>It is agreed by both parties that the HHW SAC SIP combined with the Transmission DML Condition 9(1)(m) allows a conclusion of no AEOL to be made at the consent determination stage on the basis that it restricts the commencement of construction until such time that mitigation measures can be adopted to rule out an</p>

⁴ <http://jncc.defra.gov.uk/page-5706>

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
		the Transmission DML Condition 9(1)(m) to allow a finding of AEol should the project satisfy the HRA Assessment of Alternatives, IROPI and Compensatory Measures tests.	AEol. Noting that the commitments presented in the HHW SAC SIP may still be considered insufficient to agree no AEol at the pre-construction stage
Management Measures – Mitigation and Monitoring			
Mitigation and Management	<p>A 50m buffer from <i>S. spinulosa</i> reef is proposed for disposal of sediment in accordance with advice provided by Natural England by email on 13th February 2018.</p> <p>The Outline HHW SAC SIP stated that the location(s) of sediment disposal must include a minimum buffer of 50m from <i>S. spinulosa</i> reef and will therefore be informed by the pre-construction surveys. The methodology and location for sediment disposal must be agreed with the MMO in consultation with Natural England through the HHW SAC SIP.</p>	Agreed, but please also see Point 17 of Appendix 2 of Natural England's Rel. Rep.	It is agreed by both parties that sediment disposal must include a minimum buffer of 50m from <i>S. spinulosa</i> reef and will therefore be informed by the pre-construction surveys. The methodology and location for sediment disposal must be agreed with the MMO in consultation with Natural England through the HHW SAC SIP.
	The Conditions of the DMLs (Schedules 9, 10, 11 and 12; Part 4) state that a cable specification, installation and monitoring plan, must be agreed with the MMO. This includes a detailed cable laying plan, incorporating a burial risk assessment to ascertain suitable burial depths and cable laying techniques. This gives the MMO and their advisors the opportunity to input to the cable laying plan including the cable route and potential for micrositing.	Agreed, noting that on the basis of current survey data micrositing around reef in cable corridor should be possible but due to its ephemeral nature, this may not be the case pre-construction.	It is agreed by both parties that the cable specification, installation and monitoring plan gives the MMO and their advisors the opportunity to input to the cable laying plan including the cable route and potential for micrositing.
	The HHW SAC SIP ensures that the deployment of cable protection must be agreed with the MMO in consultation with Natural England prior to construction. Diagram 5.2 in the Outline HHW SAC SIP outlines the process regarding minimising cable protection for potential	Natural England supports the consideration and assessment of the impacts of a realistic worst case scenario (WCS) as this enables the examining authority to understand the full implications of an	It is agreed by both parties that the HHW SAC SIP ensures that the deployment of cable protection must be agreed with the MMO in consultation with Natural England prior to construction. Diagram 5.2 in the Outline HHW SAC SIP outlines the process

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	unburied cable and seeking agreement from the MMO in consultation with Natural England.	application prior to granting consent. However, it should not necessarily follow that this WCS is permitted.	regarding minimising cable protection for potential unburied cable and seeking agreement from the MMO in consultation with Natural England.
Monitoring	The In Principle Monitoring Plan (document 8.12), provides an appropriate framework to agree monitoring with the MMO in consultation with Natural England	Agreed	It is agreed by both parties that the In Principle Monitoring Plan (document 8.12), provides an appropriate framework to agree monitoring with the MMO in consultation with Natural England.

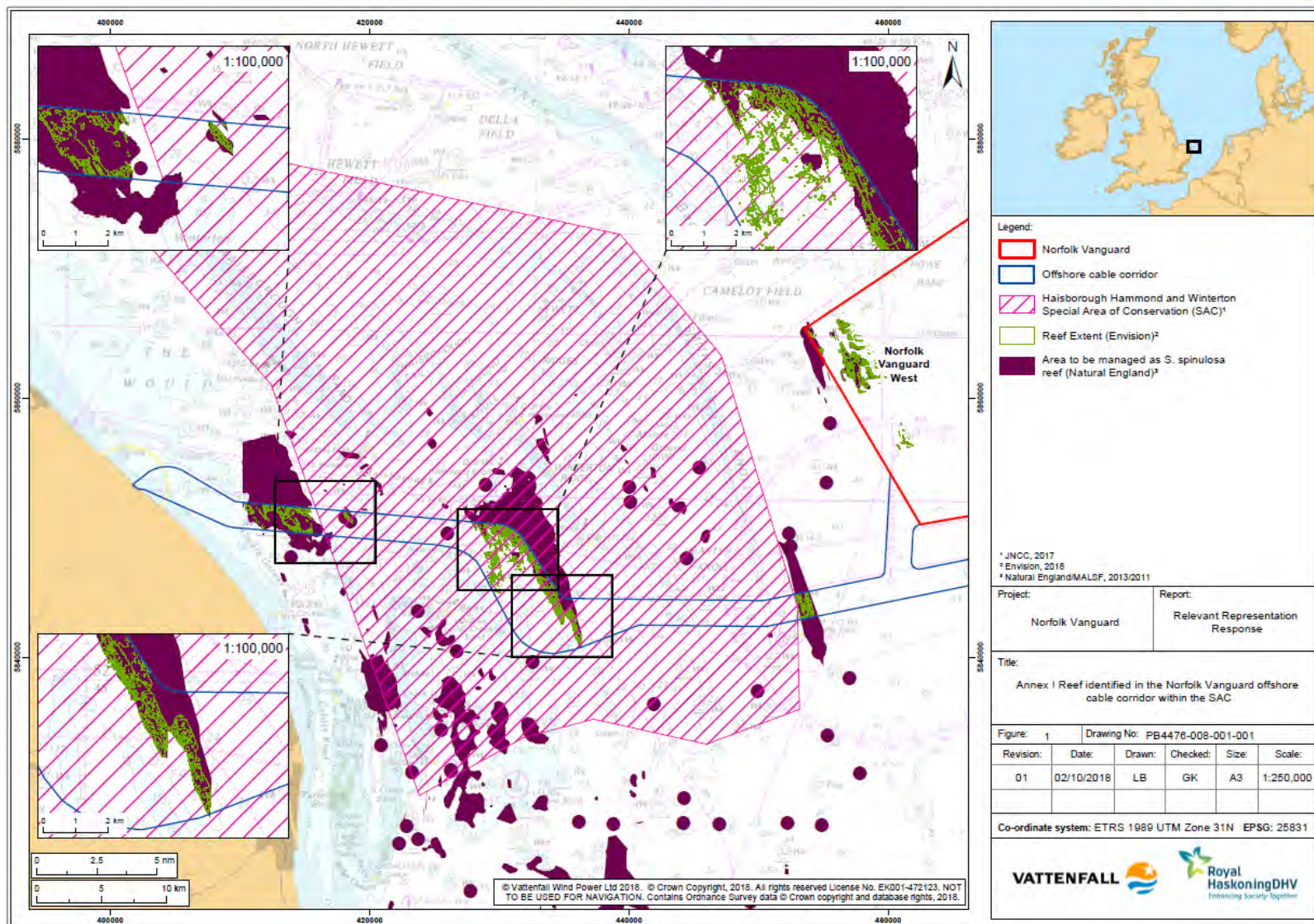


Figure 2.1 *Sabellaria spinulosa* reef mapping by the Applicant and Natural England

2.3 Fish and Shellfish Ecology

21. The project has the potential to impact upon Fish and Shellfish Ecology. Chapter 11 of the Norfolk Vanguard ES (document reference 6.1 of the Application) provides an assessment of the significance of these impacts.
22. Table 5 provides an overview of meetings and correspondence undertaken with Natural England regarding Fish and Shellfish Ecology.
23. Table 6 provides areas of agreement (common ground) and disagreement regarding Fish and Shellfish Ecology.
24. Minutes of Evidence Plan meetings can be found in Appendix 9.16 of the Consultation Report (document reference 5.1 of the Application).

Table 5 Summary of Consultation with Natural England in relation to Fish and Shellfish Ecology

Date	Contact Type	Topic
Pre-Application		
21 st March 2016	Benthic and Geophysical Survey Scope Meeting	Agreement that no further fish surveys were required to inform the EIA.
2 nd February 2017	Email from the Applicant	Provision of the Fish Ecology Method Statement (see Appendix 9.2 of the Consultation Report).
16 th February 2017	Benthic and Intertidal Ecology, Fish Ecology, Marine Physical Processes and Marine Water and Sediment Quality Scoping Expert Topic Group Meeting	Discussion of Scoping responses and approach to EIA/HRA (minutes provided in Appendix 9.16 of the Consultation Report).
Post-Application		
31 st August 2018	Relevant Representation	Natural England's initial feedback on the DCO application.
17 th October 2018	Email from the Applicant	First draft SOCG provided by the Applicant
18 th October 2018	SoCG Meeting	Discussion regarding the drafting of the SoCG
21 st November 2018	Email from the Applicant	Second draft SOCG provided by the Applicant

Table 6 Statement of Common Ground - Fish and shellfish

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
Environmental Impact Assessment			
Existing Environment	The ES adequately characterises the baseline environment in terms of Fish and Shellfish Ecology. No site specific survey data is required for the characterisation of Fish and Shellfish Ecology as agreed by email on 13 th April 2016.	Agreed	It is agreed by both parties that the existing environment for fish and shellfish has been characterised appropriately for the assessment.
Assessment methodology	Appropriate legislation, planning policy and guidance relevant to Fish and Shellfish Ecology has been used.	Agreed	It is agreed by both parties that appropriate legislation has been considered.
	The list of potential impacts on Fish and Shellfish Ecology assessed is appropriate	Agreed	It is agreed by both parties that appropriate impacts on fish and shellfish have been assessed.
	The impact assessment methodology is appropriate, and is in line with the Method Statement provided in February 2017 (see Appendix 9.2 of the Consultation Report (Application document 5.1) and agreed during the topic group meeting in February 2017.	Agreed	It is agreed by both parties that the impact assessment methodologies used in the EIA are appropriate.
	The worst case scenario used in the assessment for Fish and Shellfish Ecology is appropriate.	Agreed	It is agreed by both parties that the worst case scenario used in the assessment is appropriate
	As discussed in the Change Report (document reference Pre-ExA;Change Report;9.3), the increase in the maximum number of piles per offshore electrical platform from six to 18 per platform (36 in total for two platforms) does not affect the conclusions of ES Chapter 11 Fish and Shellfish Ecology.	Agreed	It is agreed by both parties that the proposed increase in the maximum number of piles per offshore electrical platform from six to 18 (36 in total for two platforms) does not affect the conclusions of ES Chapter 11 Fish and Shellfish Ecology.
Assessment findings	The characterisation of receptor sensitivity is appropriate.	Agreed	It is agreed by both parties that fish and shellfish sensitivity is appropriately characterised.
	The magnitude of effect is correctly identified.	Agreed	It is agreed by both parties that the magnitude of effects on fish and

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
			shellfish are appropriately characterised.
	The impact significance conclusions of negligible or minor adverse for Norfolk Vanguard alone are appropriate.	Agreed	It is agreed by both parties that the impact significance for fish and shellfish is appropriately characterised for Norfolk Vanguard alone.
Cumulative Impact Assessment (CIA)	The plans and projects considered within the CIA are appropriate.	Agreed	It is agreed by both parties that the plans and projects included in the CIA are appropriate.
	The CIA methodology is appropriate.	Agreed	It is agreed by both parties that the CIA methodology is appropriate.
	The cumulative impact conclusions of negligible or minor significance are appropriate.	Agreed	It is agreed by both parties that the impact significance for fish and shellfish is appropriate for cumulative impacts.
Management Measures – Mitigation and Monitoring			
Mitigation and Management	Given the impacts of the project, the embedded mitigation outlined in Section 11.7.1 of Chapter 11 is adequate.	Agreed	It is agreed by both parties that the embedded mitigation proposed is appropriate.
Monitoring	<p>Given the minor impacts of the project, no monitoring is proposed for fish and shellfish ecology.</p> <p>The In Principle Monitoring Plan provides framework to agree monitoring post consent.</p>	<p>Agreed as Natural England acknowledges the applicant will seek to address these concerns post consent. Natural England is concerned that no further monitoring or independent surveys are proposed regarding Fish and Shellfish ecology within the In Principle Monitoring Plan. Sandeel and herring habitat is of particular interest as these are important prey species including for harbour porpoise of the Southern North Sea SAC and the Greater Wash SPA.. However Natural England would defer to Cefas on this issue.</p>	It is agreed by both parties that the In Principle Monitoring Plan (document 8.12), provides an appropriate framework to agree monitoring with the MMO in consultation with Natural England.

2.4 Marine Mammals

25. The project has the potential to impact upon Marine Mammals. Chapter 12 of the Norfolk Vanguard ES (document reference 6.1 of the Application) provides an assessment of the significance of these impacts.
26. Table 7 provides an overview of meetings and correspondence undertaken with Natural England regarding Marine Mammals.
27. Table 8 provides areas of agreement (common ground) and disagreement regarding Marine Mammals.
28. Minutes of Evidence Plan meetings can be found in Appendix 9.24 and Appendix 25.9 of the Consultation Report (document reference 5.1 of the Application).

Table 7 Summary of Consultation with Natural England in relation to Marine Mammals

Date	Contact Type	Topic
Pre-Application		
21 st March 2016	Meeting	Discussion on the required aerial survey methodology (see Appendix 9.17 of the Consultation Report).
2 nd February 2017	Email from the Applicant	Provision of the Marine Mammals Method Statement (Appendix 9.13 of the Consultation Report).
15 th February 2017	Marine Mammals Scoping Expert Topic Group Meeting	Discussion of the scoping responses and approach to EIA/HRA (minutes provided in Appendix 9.24 of the Consultation Report).
22 nd June 2017	Email from the Applicant	Provision of HRA Method Statement (Appendix 9.13 of the Consultation Report) to inform discussions at the Marine Mammals Topic Group meeting.
6 th July 2017	Marine Mammals pre-PEI ETG Meeting	Marine mammal HRA Screening agreed and approach to HRA discussed (minutes provided in Appendix 9.24 of the Consultation Report).
25 th October 2017	Email from the Applicant	Provision of the Marine Mammals PEIR Chapter.
8 th December 2017	Marine mammal ETG Conference call	Marine mammal PEIR comments and approach to HRA.
3 rd January 2018	Email from Natural England	Written advice on approach to the marine mammal HRA and clarifying PEIR feedback following meeting on the 8 th December 2017.
23 rd March 2018	Letter from Natural England	Feedback on the draft Information to Support HRA report.
26 th March 2018	Marine Mammal ETG Conference Call	Discussion of feedback on the draft Information to Support HRA for Marine Mammals (minutes provided in Appendix 25.9 of the Consultation Report).

Date	Contact Type	Topic
13 th April 2018	Email from the Applicant	Provision of draft In Principle Southern North Sea cSAC Site Integrity Plan (document 8.17) for review.
Post-Application		
31 st August 2018	Relevant Representation	Natural England's initial feedback on the DCO application.
17 th October 2018	Email from the Applicant	First draft SOCG provided by the Applicant
18 th October 2018	SoCG Meeting	Discussion regarding the drafting of the SoCG
21 st November 2018	Email from the Applicant	Second draft SOCG provided by the Applicant
3 rd June 2019	Email from the Applicant	Draft of final SOCG provided by the Applicant

Table 8 Statement of Common Ground - Marine mammals

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
Environmental Impact Assessment			
Existing Environment	Survey data collected for Norfolk Vanguard for the characterisation of marine mammals are suitable for the assessment.	Agreed	It is agreed by both parties that sufficient survey data has been collected to undertake the assessment.
	The ES adequately characterises the baseline environment in terms of marine mammals.	Agreed In addition to project specific surveys, sufficient background characterisation data from previous strategic surveys have been included. Species assessed are harbour porpoise, grey seal and harbour seal.	It is agreed by both parties that the existing environment for marine mammals has been characterised appropriately for the assessment.
Assessment methodology	Appropriate legislation, planning policy and guidance relevant to marine mammals has been used.	Agreed	It is agreed by both parties that appropriate legislation has been considered.
	The list of potential impacts on marine mammals assessed is appropriate.	Agreed	It is agreed by both parties that appropriate impacts on marine mammals have been assessed.
	Harbour porpoise, grey seal and harbour seal are the only species of marine mammal required to be considered in the impact assessment.	Agreed Other marine mammal species are at such low density that it is not necessary to assess further.	It is agreed by both parties that appropriate species of marine mammal have been assessed.
	The reference populations as defined in the ES are appropriate.	Agreed	It is agreed by both parties that appropriate reference populations have been used in the assessment.
	The approach to underwater noise modelling and assessment of impacts from pile driving noise for marine mammals follows current best practice and is therefore appropriate for this assessment as agreed during the expert topic group meeting in February 2017.	Agreed	It is agreed by both parties that the approach to underwater noise impact assessment is appropriate
	The impact assessment methodology is appropriate.	Agreed	It is agreed by both parties that the impact assessment methodology is appropriate

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	The worst case scenario for Norfolk Vanguard alone used in the assessment for marine mammals is appropriate.	Agreed.	It is agreed by both parties that the worst case scenario used in the assessment is appropriate
	As discussed in the Change Report (document reference Pre-ExA;Change Report;9.3), the increase in the maximum number of piles per offshore electrical platform from six to 18 (36 in total for two platforms) does not affect the conclusions of ES Chapter 12 Marine Mammals.	Agreed	It is agreed by both parties that the proposed increase in the maximum number of piles per offshore electrical platform from six to 18 (36 in total for two platforms) does not affect the conclusions of ES Chapter 12 Marine Mammals.
	Unexploded Ordnance (UXO) clearance is considered in the EIA to provide a conservative assessment but would be subject to additional licencing once the nature and extent of UXO present is known following pre-construction surveys. This licencing would be supported by a UXO Marine Mammal Mitigation Protocol (MMMP)	Agreed	It is agreed by both parties that UXO clearance will be licenced separately
Assessment findings	The characterisation of receptor sensitivity is appropriate.	Agreed	It is agreed by both parties that marine mammal sensitivity is appropriately characterised for each species and impact.
	The magnitude of effect is correctly identified.	Agreed	It is agreed by both parties that the magnitude of effects on marine mammals are appropriately characterised.
	The impact significance conclusions of negligible or minor for Norfolk Vanguard alone are appropriate.	Agreed	It is agreed by both parties that the impact significance for marine mammals is appropriately characterised for Norfolk Vanguard alone.
Cumulative Impact Assessment (CIA)	The plans and projects considered within the CIA are appropriate.	Agreed	It is agreed by both parties that the plans and projects included in the CIA are appropriate.

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>The CIA methodology is appropriate.</p>	<p>Agreed</p>	<p>It is agreed by both parties that the CIA methodology is appropriate.</p>
	<p>The cumulative impact conclusions of negligible or minor significance are appropriate.</p> <p>The Southern North Sea SIP (DCO Schedules 9 and 10 Part 4 Condition 14(1)(m) and Schedules 11 and 12 Part 4 Condition 9(1)(l))) provides the framework to agree appropriate mitigation measures based on the latest guidance and provides the mechanism for the MMO to ensure that disturbance can be limited to an acceptable level, as piling cannot commence until the MMO is satisfied that there would be no adverse effect on integrity.</p> <p>As outlined in the In Principle Site Integrity Plan (Table 2.1 of document 5.3), it is proposed that the Site Integrity Plan would be updated to capture all relevant assessments and mitigation measures. This will include updating the in-combination assessment, taking into account the conclusions of the RoC process.</p> <p>The Applicant agrees that a strategic mechanism is required from the Regulator to ensure that disturbance can be limited to an acceptable level. In accordance with the Marine Management Organisation's Deadline 6 submission, the Applicant considers that the current requirement for a SIP is sufficient to allow any mechanism to be fully incorporated without need for variation.</p>	<p>It is the view of Natural England that the assessment of any future plan or project, such as Norfolk Vanguard, is unable to fully complete any in-combination assessment and Habitat Regulation Assessments until: -</p> <p>The RoC consent process has concluded and the predicted level of disturbance to the Southern North Sea SAC from the consented projects is agreed; and</p> <p>b) A mechanism is in place to ensure that disturbance can be limited to an acceptable level.</p>	<p>It is agreed by both parties that a strategic mechanism is required from the Regulator to ensure that disturbance can be limited to an acceptable level. The current requirement for a SIP is sufficient to allow any mechanism to be fully incorporated without need for variation.</p>

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
Habitats Regulations Assessment (HRA)			
Screening of LSE	The Approach to HRA Screening is appropriate. The following sites are screened in for further assessment: <ul style="list-style-type: none"> Southern North Sea SAC Humber Estuary SAC The Wash and North Norfolk Coast SAC 	Agreed	It is agreed by both parties that the designated sites and potential effects screened in for further assessment are appropriate.
Assessment of Adverse Effect on Integrity	The approach to the assessment of AEoI is appropriate.	Agreed in part, however, as a result of the in-combination effect of underwater noise during the construction period at the project (from piling and UXO clearance), the Information to Support the HRA indicates that there is potential for LSE. Natural England advises that without the Site Integrity Plan and a mechanism to control subsea noise from multiple sources, there could be the potential for an adverse effect on the integrity of the Southern North Sea SAC because of potential impacts on harbour porpoise. This is not an issue unique to the project and work will need to be undertaken to reduce the noise levels of multiple wind farms potentially constructing at the same time. This has been reflected in the Environmental Statement.	It is agreed by both parties that the approach to the assessment of potential adverse effects on site integrity presented in the Information to Support HRA report (document 5.3) are appropriate
	The reference populations as defined in the Information to Support HRA report are appropriate.	Agreed	It is agreed by both parties that appropriate reference populations have been used in the Information to Support HRA report.
	The conclusions of the Information to Support HRA report are appropriate for Norfolk Vanguard alone.	Agreed	It is agreed by both parties that there would be no AEoI as a result of Norfolk Vanguard alone
	The conclusions of the In-combination Assessment provided in the Information to Support HRA report are appropriate.	Effectively the Worst Case Scenario (WCS) presented in the HRA will be that all consented projects and those in the planning	It is agreed by both parties that a strategic mechanism is required from the Regulator to ensure that

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>The Site Integrity Plan (DCO Schedules 9 and 10 Part 4 Condition 14(1)(m) and Schedules 11 and 12 Part 4 Condition 9(1)(l))) provides the framework to agree appropriate mitigation measures based on the latest guidance and provides the mechanism for the MMO to ensure that disturbance can be limited to an acceptable level, as piling cannot commence until the MMO is satisfied that there would be no adverse effect on integrity.</p> <p>As outlined in the In Principle Site Integrity Plan (Table 2.1 of document 5.3), it is proposed that the Site Integrity Plan would be updated to capture all relevant assessments and mitigation measures. This will include updating the in-combination assessment, taking into account the conclusions of the RoC process.</p> <p>The Applicant agrees that a strategic mechanism is required from the Regulator to ensure that disturbance can be limited to an acceptable level. In accordance with the Marine Management Organisation's Deadline 6 submission, the Applicant considers that the current requirement for a SIP is sufficient to allow any mechanism to be fully incorporated without need for variation.</p>	<p>system will undertake 'noisy' pre-construction site preparation and construction activities at the same time which will almost certainly result in an Adverse Effect on Integrity (AEoI). We recognise that this is an unrealistic WCS because for no other reason it is not technically feasible. However, it does remain probable that two, or more, projects will wish to undertake noisy activities at the same time and depending on the combination of projects there remains a high risk of an AEoI.</p> <p>It is also the view of NE that the assessment of any future plan or project, such as Norfolk Vanguard, is unable to fully complete any in-combination assessment and Habitat Regulation Assessments until: -</p> <p>The RoC consent process has concluded and the predicted level of disturbance to the Southern North Sea SAC from the consented projects is agreed; and</p> <p>b) A wider mechanism is in place to ensure that disturbance can be limited to an acceptable level.</p>	<p>disturbance can be limited to an acceptable level. The current requirement for a SIP is sufficient to allow any mechanism to be fully incorporated without need for variation.</p>
Mitigation and Management			
Mitigation and Management	<p>The Site Integrity Plan, in accordance with the In Principle Site Integrity Plan (application document 8.17) provides an appropriate framework to agree mitigation measures for effects on the Southern North Sea SAC with Statutory Nature Conservation Bodies (SNCB)s and the MMO prior to construction.</p>	<p>Agreed, however Natural England would like to see the applicant commit to a final detailed SIP being produced at least 4 months (preferably 6) prior to commencement of pile driving. And would support this being a condition in the DCO</p>	<p>It is agreed by both parties that the Site Integrity Plan provides an appropriate framework to agree mitigation measures for effects on the Southern North Sea SAC with SNCBs and the MMO prior to construction.</p>

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>The MMMP, in accordance with the draft MMMP (application document 8.13), provides an appropriate framework for securing marine mammal mitigation measures in agreement with and the MMO prior to construction.</p> <p>A final MMMP will be submitted at Deadline 9 and will include reference to Condition 19(3)</p>	<p>Largely agreed. Natural England would suggest that the outline MMMP should be updated to reflect the changes we have proposed to DML Condition 19 (3) i.e. the during construction noise monitoring condition.</p> <p>Details are required regarding establishment of Marine Mammal Mitigation Zone (MMMZ) in the revised MMMP post consent.</p> <p>Natural England expects to be further consulted on the development of the MMMP for piling and UXOs prior to construction.</p>	<p>It is agreed by both parties that the MMMP provides the framework for securing marine mammal mitigation measures prior to construction.</p>

2.5 Offshore Ornithology

29. The project has the potential to impact upon Offshore Ornithology. Chapter 13 of the Norfolk Vanguard ES (document reference 6.1 of the Application) provides an assessment of the significance of these impacts.
30. Table 9 provides an overview of meetings and correspondence undertaken with Natural England regarding Offshore Ornithology.
31. Table 10 provides areas of agreement (common ground) and disagreement regarding Offshore Ornithology.
32. Minutes of Evidence Plan meetings can be found in Appendix 9.17 and Appendix 25.8 of the Consultation Report (document reference 5.1 of the Application).

Table 9 Summary of Consultation with Natural England in relation to Offshore Ornithology

Date	Contact Type	Topic
Pre-Application		
21 st March 2016	Meeting	Discussion on the required aerial survey methodology (see Appendix 9.17 of the Consultation Report).
21 st March 2016	Letter from Natural England	Natural England's review of the ornithological survey strategy.
15 th February 2017	ETG meeting	Discussion on the draft Offshore Ornithology PEIR Chapter (minutes provided in Appendix 9.17).
14 th March 2017	Email from Natural England	Natural England feedback on Offshore Ornithology Method Statement.
8 th May 2017	Email from Natural England	Natural England advice on population modelling methods for assessing impacts of the Vanguard OWF.
22 nd June 2017	Email from the Applicant	Offshore HRA Screening (Appendix 5.1 of the HRA (document 5.3)) provided for consultation.
7 th September 2017	Email from the Applicant	Provision of draft offshore ornithology PEIR Chapter 13.
6 th October 2017	ETG meeting	Discussion of comments on the draft PEIR chapter (minutes provided in Appendix 9.20).
11 th December 2017	PEIR response	Comments on the PEIR chapter
22 nd February 2018	Email from the Applicant	Provision of draft Norfolk Vanguard Information to Support Habitats Regulations Assessment (HRA) (document 5.3).
23 rd March 2018	Letter from Natural England	Feedback on the draft Information to Support HRA report
26 th March 2018	Offshore Ornithology HRA Conference Call	Project update and comments on HRA for Offshore Ornithology (minutes provided in Appendix 25.8).

Date	Contact Type	Topic
Post-Application		
31 st August 2018	Relevant Representation	Natural England's initial feedback on the DCO application.
17 th October 2018	Email from the Applicant	First draft SOCG provided by the Applicant
18 th October 2018	SoCG Meeting	Discussion regarding the drafting of the SoCG
21 st November 2018	Email from the Applicant	Second draft SOCG provided by the Applicant
23 rd January 2019	SoCG Meeting	Discussion of offshore ornithology assessment status and next steps
8 th March 2019	SoCG Meeting	Discussion of offshore ornithology assessment status and next steps and updating the SoCG
20 th March 2019	Email from Natural England	Proposed red-throated diver mitigation for operation and maintenance vessel movement.
27 th March 2019	Meeting prior to Issue Specific Hearing 4	Discussion of offshore ornithology assessment status and next steps in run up to submissions at Deadline 6.
17 th April 2019	Receipt of Natural England's interim review of Deadline 6 submissions.	Clarification of responses to updated assessments and identification of outstanding aspects.
23 rd April 2019	Conference Call	Discussions of areas of agreement and disagreement in advance of Issue Specific Hearing 6.
2 nd May 2019	Receipt of Natural England's Deadline 7 submission (Final review of the Applicant's Deadline 6 and Deadline 6.5 submissions).	Clarification of responses to updated assessments and identification of outstanding aspects.
9 th May 2019	Conference Call	Discussions regarding timetable leading up to Deadline 8.
14 th May 2019	Updated assessment	Revised project alone and in-combination collision risk assessment following increase in turbine draught height from 22m to 27m above Mean High Water Springs (MHWS).
20 th May 2019	Conference Call	Discussion of collision revisions following turbine draught height increase.
31 st May 2019	Receipt of Natural England's Deadline 8 submissions	Natural England's position on the Applicant's updated submissions up to Deadline 7 and including the Deadline 7.5 CRM submission.
3 rd June 2019	Conference Call	Discussion of final positions and submissions
4 th June 2019	Updated SoCG	Submitted to Natural England for review

Table 10 Statement of Common Ground - Offshore ornithology

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
Environmental Impact Assessment			
Existing Environment	Survey data collected for Norfolk Vanguard (and East Anglia FOUR, now NV East) for the characterisation of offshore ornithology are suitable for the assessment.	Agreed.	Agreed.
	The methods and techniques used to analyse offshore ornithological data are appropriate for characterising bird distributions and estimating populations.	Agreed.	Agreed.
	The method used to determine flight heights is appropriate.	Agreed.	Agreed that generic flight height data (Johnston et al. 2014) will be used due to data reliability concerns raised by aerial surveyor.
	The method used to assign unidentified birds to species is appropriate.	Agreed.	Agreed.
	The methods used to define the relevant months for seabird breeding seasons for use in assessments, presenting both the full breeding seasons as advised by Natural England, and the Applicant's preferred migration-free breeding months, are appropriate.	Agreed	Agreed
Assessment methodology			
General	Appropriate legislation, planning policy and guidance relevant to offshore ornithology has been used.	Agreed.	Agreed.
	The list of potential impacts on offshore ornithology assessed is appropriate.	Agreed.	Agreed.
	The methods for determining impact significance on offshore ornithological receptors is appropriate.	Agreed	Agreed.
	The worst case scenario used in the assessment for offshore ornithology is appropriate.	Agreed	Agreed.
	Differences between single and two phased approaches to construction are trivial in terms of ornithology impacts.	Agreed	Agreed.
	The characterisation of receptor sensitivity is appropriate	Agreed	Agreed.

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
Construction impact methods	The lists of potential construction impacts and ornithology receptors assessed are appropriate.	Agreed.	Agreed.
	The methods used to estimate impacts during construction, including cable laying operations, based on mean density estimates and presenting both Natural England's preferred rates and the Applicant's evidence based rates (for displacement and mortality) are appropriate.	Agreed	Agreed
Operation impact methods	The sources of operational impact assessed are appropriate	Agreed	Agreed
	The lists of ornithology receptors assessed for each impact are appropriate. Species included were those with impacts above minimal thresholds (e.g. >10 collisions per year).	Agreed	Agreed
	Methods used to assess operational displacement presented in the ES and subsequent revisions submitted at Deadline 1 (WQApp3.1; 10.D1.3), Norfolk Vanguard Offshore Wind Farm Offshore Ornithology: Operational Auk Displacement: update and clarification (ExA; WQApp3.3; 10.D1.3)), Deadline 6 (ExA;AS;10.D6.17) and Deadline 8 (ExA;AS;10.D8.10) are appropriate. Note that Natural England requires presentation and assessment using their preferred displacement and mortality rates.	Agreed	Agreed
	Method for assessing seabird collision risk is appropriate: using Band option 2, presenting results for mean seabird density (and 95% c.i.), Natural England advised species specific avoidance rates (+/- 2 SD), BTO flight height estimates (and 95% c.i.) and Natural England advised nocturnal activity rates.	Agreed	Agreed

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	Non-seabird migrant collision assessment submitted at Deadline 3 and updated at Deadline 6, as per Natural England's request (Norfolk Vanguard Offshore Wind Farm Migrant non-seabird Collision Risk Modelling ExA; AS; 10.D6.18_Migrant Non-Seabird Collision Risk Modelling Revision of Rep-038) is appropriate.	Agreed	Agreed
	Methods for assessing barrier effects are appropriate.	Agreed	Agreed
	Methods for assessing indirect effects are appropriate.	Agreed	Agreed
Impact assessment findings – project alone (EIA)			
Construction impacts	The magnitude of effects and conclusions on significance resulting from impacts during construction are correctly identified and predicted. No impacts of greater than minor adverse significance are predicted.	Agreed when using Natural England's preferred rates and methods (as presented in the Applicant's Deadline 1 submissions).	Agreed
Operation impacts	The magnitude of effects and conclusions on significance resulting from displacement impacts during operation are correctly identified and predicted. No impacts of greater than minor adverse significance are predicted.	<p>Agreed, for gannet, razorbill, guillemot and puffin subject to the following caveat: extended breeding season for gannet (although it is agreed that this does not alter the conclusions). No impacts predicted to be greater than minor adverse for these species.</p> <p>Agreed for red-throated diver, using Natural England's preferred rates and methods for Norfolk Vanguard East.</p> <p>Not agreed for red-throated diver, using Natural England's preferred rates and methods for Norfolk Vanguard West and Norfolk Vanguard East and West combined (moderate adverse effect).</p>	Agreed for all species using Natural England's preferred rates except red-throated diver at Norfolk Vanguard West and Norfolk Vanguard East and West combined (moderate adverse effect).

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	Using the Band collision model, with Natural England's preferred input parameters and model methods, the magnitude of effects and conclusions on significance resulting from collision impacts for seabirds and non-seabird migrants during operation are correctly identified and predicted. No impacts of greater than minor adverse significance are predicted for all species.	Agreed. It should be noted that this agreement has only been reached following discussions between Natural England and the Applicant and agreement to focus the assessment on the deterministic Band model.	Agreed
	Following design revisions to the Project, with removal of the 9MW turbine from the design envelope, revised layout across Norfolk Vanguard East and West (no more than two-thirds of the turbines in NV West or half the turbines in NV East) and a 5m increase in draught height (from 22m to 27m above Mean High Water Springs), the Project has reduced the average collision predictions by 65% and therefore makes a significantly smaller contribution to cumulative and in-combination collision totals for all species.	Agreed	Agreed
	The magnitude of effects and conclusions on significance resulting from barrier effects during operation are correctly identified and predicted. No impacts of greater than minor adverse significance are predicted.	Agreed	Agreed
	The magnitude of effects and conclusions on significance resulting from indirect effects during operation are correctly identified and predicted. No impacts of greater than minor adverse significance are predicted.	Agreed	Agreed
Decommissioning impacts	The magnitude of effects and conclusions on significance resulting from impacts during decommissioning are correctly identified and predicted. No impacts of greater than minor significance are predicted.	Agreed that decommissioning impacts are likely to be no worse than those during construction. However, Natural England notes that further consultation will be required (at the time decommissioning is being planned) to ensure potential impacts are minimised.	Agreed

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
Cumulative impact assessment (EIA)			
Cumulative construction assessment	The plans and projects considered within the CIA are appropriate	Agreed	Agreed
	The magnitude of effects and conclusions on significance resulting from cumulative impacts during construction are correctly identified and predicted. No impacts of greater than minor adverse significance are predicted.	Agreed.	Agreed.
Cumulative operation assessment	The plans and projects considered within the CIA are appropriate.	Agreed. Although it should be noted that there remains uncertainty about the magnitude of effects to be assigned to other projects currently in Examination or not yet determined. Natural England has raised concerns about the validity of the assessment for the Hornsea THREE application, and advises that the associated values are unlikely to reflect the impacts of this development should it be consented.	Agreed
	The magnitude of effects and conclusions on significance resulting from cumulative displacement impacts during operation are correctly identified and predicted and no impacts of greater than minor adverse significance are predicted for red-throated diver.	Not agreed. Natural England considers that cumulative displacement of red-throated diver will result in a moderate adverse impact, although Natural England acknowledges the relatively small contribution of Norfolk Vanguard to this impact.	Not agreed

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>The magnitude of effects and conclusions on significance resulting from cumulative displacement impacts during operation are correctly identified and predicted and no impacts of greater than minor adverse significance are predicted for guillemot, razorbill, puffin and gannet.</p>	<p>Agreed for puffin</p> <p>Not agreed for guillemot and razorbill, for which Natural England is unable to rule out a significant (moderate adverse) cumulative impact).</p> <p>For gannet, NE has considered displacement effects in addition to collision mortality, and conclude a moderate adverse effect on gannet at the EIA cumulative scale. Please see the row below. We have not considered displacement effects separately.</p>	<p>Agreed for puffin</p> <p>Not agreed for guillemot and razorbill.</p>
	<p>Using the Band collision model option 2, with Natural England's preferred input parameters (see above) and methods, combined with like for like figures for other projects (as far as possible given the information available), the magnitude of effects and conclusions on significance resulting from cumulative collision impacts for seabirds during operation are correctly identified and predicted.</p> <p>It should be noted that this conclusion includes the cumulative assessment for little gull, for which Natural England has suggested other wind farms should be included (Deadline 9 submission; Dudgeon, East Anglia ONE, East Anglia THREE). However, no collision estimates are available for these projects therefore a conclusion of no significant impact is appropriate for this species, based on the best available evidence.</p>	<p>Agreed for herring gull, lesser black-backed gull and little gull, though given the lack of information regarding potentially relevant projects, NE's conclusions regarding the latter species are made with lower confidence.</p> <p>Not agreed for gannet, kittiwake and great black-backed gull (for which Natural England is currently unable to rule out a significant moderate adverse cumulative impact).</p>	<p>Agreed for herring gull, lesser black-backed gull and little gull.</p> <p>Not Agreed for gannet, kittiwake and great black-backed gull</p>
Habitats Regulations Assessment (HRA)			
Screening of LSE	The Approach to HRA Screening is appropriate.	Agreed	Agreed
	<p>The following sites and species should be screened in for further assessment:</p> <ul style="list-style-type: none"> Alde-Ore Estuary Special Protection Area (SPA) (lesser black-backed gull); 	Agreed (note that with respect to the Greater Wash SPA Natural England considers that an LSE cannot be ruled for common scoter, however there is no AEOI for the project alone or in-combination).	Agreed

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<ul style="list-style-type: none"> Flamborough and Filey Coast potential Special Protection Area (SPA) (gannet, kittiwake, guillemot, razorbill and puffin, the latter as a named component of the seabird assemblage); Greater Wash SPA (red-throated diver and little gull) Outer Thames Estuary SPA (red-throated diver). 		
Assessment	The approach to the determination of AEol is appropriate.	Agreed	Agreed
	Conclusion of no AEol alone for lesser black-backed gull population at Alde-Ore Estuary is appropriate, on the basis of predicted collisions for the Project (following reductions due to removal of 9MW turbine, revised layout and increase in turbine draught height).	Agreed	Agreed
	Conclusion of no AEol for lesser black-backed gull population at Alde-Ore Estuary is appropriate, on the basis of in-combination collisions.	Not Agreed. Natural England advises that an Adverse Effect on Integrity cannot be ruled out due to the levels of in-combination collision mortality predicted.	Not Agreed
	Conclusion of no AEol alone for gannet population at Flamborough and Filey Coast SPA is appropriate on the basis of the predicted collisions for the Project (following reductions due to removal of 9MW turbine, revised layout and increase in draught height), displacement and combination of both collisions and displacement and the predicted consequences from PVA.	Agreed	Agreed
	Conclusion of no AEol for gannet population at Flamborough and Filey Coast SPA is appropriate on the basis of in-combination collisions, displacement and combination of both and the predicted consequences from PVA.	Agreed for assessment excluding Hornsea Project Three. But Natural England advises that it cannot rule out AEol with inclusion of Hornsea Project Three (due to the significant levels of uncertainty with that project's assessment).	Agreed with exclusion of Hornsea Project Three. Not Agreed with inclusion of Hornsea Project Three.

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	Conclusion of no AEol alone for kittiwake population at Flamborough and Filey Coast SPA is appropriate on the basis of the predicted collisions for the Project (following reductions due to removal of 9MW turbine, revised layout and increase in draught height) and the predicted consequences estimated from PVA.	Agreed	Agreed
	Conclusion of no AEol for kittiwake population at Flamborough and Filey Coast SPA is appropriate on the basis of in-combination collisions and the predicted consequences estimated from PVA.	Not agreed: Natural England advises that an Adverse Effect on Integrity cannot be ruled out due to the levels of in-combination collision mortality predicted.	Not Agreed
	Conclusion of no AEol for razorbill population at Flamborough and Filey Coast SPA is appropriate on the basis of alone and in-combination displacement and the predicted consequences estimated from PVA.	Agreed for assessment excluding Hornsea Project Three. But Natural England advises that it cannot rule out AEol with inclusion of Hornsea Project Three (due to the significant levels of uncertainty with that project's assessment).	Agreed with exclusion of Hornsea Project Three. Not Agreed with inclusion of Hornsea Project Three.
	Conclusion of no AEol for guillemot population at Flamborough and Filey Coast SPA is appropriate on the basis of alone and in-combination displacement and the predicted consequences estimated from PVA.	Agreed for assessment excluding Hornsea Project Three. But Natural England advises that it cannot rule out AEol with inclusion of Hornsea Project Three (due to the significant levels of uncertainty with that project's assessment).	Agreed with exclusion of Hornsea Project Three. Not Agreed with inclusion of Hornsea Project Three.
	Conclusion of no AEol for puffin population at Flamborough and Filey Coast SPA is appropriate on the basis of alone and in-combination displacement and the predicted consequences estimated from PVA.	Agreed with regard to the puffin component of the seabird assemblage feature of the FFC SPA. Not agreed regarding the assemblage feature more generally where Natural England advises that it cannot rule out AEol due to impacts predicted to the kittiwake feature (component of the assemblage) in-combination, and to the gannet, razorbill and guillemot features (also components of the assemblage) with the inclusion of Hornsea Project Three.	Agreed with regard to the puffin component of the assemblage Not agreed regarding the assemblage feature more generally due to impacts predicted to individual qualifying features, which are also components of the assemblage.

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>Conclusion of no AEol for the red-throated diver population at the Greater Wash SPA is appropriate on the basis of project alone construction displacement. This includes a commitment to restrict the number of main cable laying vessels within the SPA between January and March to one (previously up to two were assessed), and to avoid construction in the SPA during these months if possible.</p>	<p>Agreed. Regarding cable installation/reburial works from other windfarms, Natural England has reviewed the predicted cable installation timetables for consented projects due to undertake cable installation or remedial works and considers that these are highly unlikely to overlap temporally with cable installation from Norfolk Vanguard.</p> <p>Regarding in-combination impacts from operational arrays, given the reduction of impact now proposed by the Applicant in the most sensitive period for red-throated divers, Natural England has concluded that the limited temporal and spatial contribution of the project to such in-combination affects does not, on balance, warrant such an assessment.</p> <p>However, we do have residual concerns with the levels of windfarm-associated activity consented proposed within the Greater Wash SPA, and anticipate that this issue will need more detailed exploration for future projects.</p>	Agreed
	<p>Conclusion of no AEol for the red-throated diver population at the Greater Wash SPA is appropriate on the basis of in-combination construction displacement. This includes a commitment to restrict the number of main cable laying vessels for Norfolk Vanguard within the SPA between January and March to one (previously up to two were assessed), and to avoid construction in the SPA during these months if possible.</p>	<p>Agreed, on the basis of the restriction to one vessel. As the avoidance of this period is not secured, being only 'if possible', Natural England's agreement places no weight on this aspect of the Applicant's position.</p>	Agreed

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	Conclusion of no AEol for the red-throated diver population at the Greater Wash SPA and Outer Thames Estuary SPA is appropriate on the basis of project alone and in-combination operation displacement.	Agreed, following agreement to adopt best practice vessel operation measures whilst traversing the SPA (as secured in the draft DCO Requirement 14(d)(vi)) and as set out in the Outline Project Environmental Management Plan (PEMP) (as submitted at Deadline 7).	Agreed
	Conclusion of no AEol for the little gull population at the Greater Wash SPA is appropriate on basis of project alone collisions.	Agreed	Agreed
	Conclusion of no AEol for the little gull population at the Greater Wash SPA is appropriate on basis of in-combination collisions, based on the best available evidence.	Agreed on basis that in-combination assessment includes all appropriate and publicly available collision estimates for other wind farms (although Natural England notes that confidence in this conclusion is reduced as a consequence).	Agreed
Management Measures – Mitigation and Monitoring			
Mitigation	The Applicant has taken significant steps to reduce Norfolk Vanguard's predicted impacts and to minimise the contribution to cumulative and in-combination impacts through the removal of the 9MW turbine, revised layout and 5m increase in turbine draught height from 22 to 27m above MHWS.	Agreed	Agreed
Monitoring	<p>The proposed monitoring, which will be developed through the Ornithological Monitoring Plan in accordance with the In Principle Monitoring Plan (IPMP), (document 8.12), is adequate.</p> <p>For information the IPMP states:</p> <ul style="list-style-type: none"> • The aims of monitoring should be to reduce uncertainty for future impact assessment and address knowledge gaps. To this end, Norfolk Vanguard Limited will engage with stakeholders and the methodology would be developed through the Ornithological Monitoring Plan (required under Condition 14(1)(I) of the Generation DMLs (Schedule 9 and 10 of the DCO)). 	Agreed	Agreed

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>As for marine mammals (section 4.5), there may be little purpose or advantage in any site specific monitoring for offshore ornithology and therefore a strategic approach may be more appropriate in providing answers to specific questions where significant environmental impacts have been identified at a cumulative/in-combination level.</p> <ul style="list-style-type: none"> • As well as validation of key predictions within the ES regarding impact levels, aspects for consideration will include collision risks (e.g. improvements to modelling, options for mitigation and reduction), displacement (e.g. understanding the consequences of displacement) and improving reference population estimates and understanding of colony connectivity. 		

2.6 Onshore Ecology and Ornithology

33. The project has the potential to impact upon Onshore Ecology and Ornithology. Chapters 22 (Onshore Ecology) and 23 (Onshore Ornithology) of the Norfolk Vanguard ES (document reference 6.1 of the Application) provides an assessment of the significance of these impacts.
34. Table 11 provides an overview of meetings and correspondence undertaken with Natural England regarding Onshore Ecology and Ornithology.
35. Table 12 provides areas of agreement (common ground) and disagreement regarding Onshore Ecology and Ornithology.
36. Minutes of Evidence Plan meetings can be found in Appendix 9.19 and Appendix 25.1 of the Consultation Report (document reference 5.1 of the Application).

Table 11 Summary of Consultation with Natural England in relation to onshore ornithology

Date	Contact Type	Topic
Pre-Application		
8 th August 2016	Email	Draft Onshore Winter/Passage Bird Survey Scoping Report provided (Appendix 23.1 of the ES).
15 th September 2016	Email	Comments on draft survey specification for wintering/autumn and spring passage bird survey.
18 th November 2016	Email	Provision of the amended Onshore Winter/Passage Bird Survey Scoping Report following comments on the survey specification (provided in Appendix 23.1 of the ES).
14 th January 2017	Email	Provision of the Onshore Ecology and Ornithology Method Statement (provided in Appendix 9.3).
24 th January 2017	Meeting	Introduction to the project, approach to ecological surveys, discussion on the method statement.
13 th March 2017	Email	Comments on onshore wintering bird survey methodology
3 rd April 2017	Email	Agreement on Phase 2 survey methodologies.
18 th July 2017	Meeting	Discussion on interim survey results, project update, initial findings of assessment and approach to mitigation.
11 th December 2017	Email	Feedback on the PEIR from Natural England.

Date	Contact Type	Topic
22 nd January 2018	Meeting	Discussion on PEIR feedback, survey results and updates to the project.
5 th February 2018	Email	Provision of advice from Natural England regarding great crested newt mitigation alternatives.
6 th February 2018	Email	Review of Onshore Ecology and Ornithology baseline reports.
9 th February 2018	Email	Provision of the Norfolk Vanguard Bat Activity Survey Report (Appendix 22.4 of the ES (document 6.2).
19 th February 2018	Meeting	Discussion on the baseline report from the onshore ornithological surveys.
22 nd February 2018	Email	Provision of draft Norfolk Vanguard Information to Support Habitats Regulations Assessment (HRA) (document 5.3).
6 th March 2018	Email	Natural England comments on bat activity survey report.
12 th March 2018	Meeting	Discussion on the outcomes from the assessment and the approach to great crested newt mitigation (minutes provided in Appendix 25.1).
23 rd March 2018	Email and PDF	Clarifications following HRA meeting 22 nd February 2018 sent to Natural England.
23 rd April 2018	Great Crested Newt – Draft Licence Meeting	Discussion on the draft great crested newt mitigation licence (minutes provided in Appendix 25.1).
23 rd April 2018	Onshore Habitats Regulations Assessment Meeting	Discussion of Natural England comments on the onshore ecology section of the HRA Report (minutes provided in Appendix 25.1).
Post-Application		
31 st August 2018	Relevant Representation	Natural England's initial feedback on the DCO application.
17 th October 2018	Email from the Applicant	First draft SOCG provided by the Applicant
18 th October 2018	SoCG Meeting	Discussion regarding the drafting of the SoCG
21 st November 2018	Email from the Applicant	Second draft SOCG provided by the Applicant
30 th November 2018	Email from the Applicant	Clarification notes (Appendices 1-3 of the SOCG) provided by the Applicant
21 st January 2019	SoCG Meeting	

Date	Contact Type	Topic
27 th February 2019	SoCG Meeting	Ongoing discussions regarding onshore ecology assessment and clarification notes – SoCG to be updated following the Issue Specific Hearing on 27 th March 2019
18 th March 2019	Email from Natural England	Natural England response to clarification notes submitted by the Applicant.
15 th April 2019	Email from Applicant	Further Clarification Note on 'Outstanding unresolved issues identified by NE' issued by the Applicant
30 th April 2019	Email from Natural England	Natural England response to clarification note submitted by the Applicant (dated 15 April 2019).
21 st May 2019	Call	Discussion on approach to mitigating for qualifying species associated with Broadland SPA / Ramsar.
23 rd May 2019	Email from Applicant	Applicant's proposed approach to mitigating for qualifying species associated with Broadland SPA / Ramsar.
29 th May 2019	Email from Natural England	Natural England response to proposed approach to mitigating for qualifying species associated with Broadland SPA / Ramsar.
3 rd June 2019	Call	Further discussion on approach to mitigating for qualifying species associated with Broadland SPA / Ramsar.

Table 12 Statement of Common Ground - Onshore ecology and ornithology

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
Environmental Impact Assessment			
Survey methodology	<p>Survey methodologies for Phase 1 Habitat Surveys are appropriate and sufficient, and were agreed during the Expert Topic Group meeting held in January 2017.</p> <p>Phase 1 habitat surveys were undertaken in February 2017. Whilst the Applicant acknowledges that the optimum period for Phase 1 Habitat Survey is between March and September the findings of the Phase 1 survey are considered appropriate to characterise the habitats present within the study area.</p> <p>The Applicant has committed to undertaking any post-consent surveys at the optimum time of year, which is captured in the updated Outline Landscape and Environmental Management Strategy (OLEMS) that was submitted at Deadline 7 and secured through Requirement 24.</p>	<p>Survey data was only collected for 50% of onshore cable route where access was available and in a suboptimum period. Any future surveys should aim for better coverage and be completed within the appropriate survey season.</p>	<p>Not agreed for surveys completed in the past, Survey data was only collected for 50% of onshore cable route where access was available and in a suboptimum period.</p> <p>Agreed, for future surveys. Natural England notes the commitment within the OLEMS to undertake post consent surveys at the optimum time of year and refer the applicant to Natural England's standing advice.</p>
	<p>Survey methodologies for Phase 2 Surveys are appropriate and sufficient, and were discussed during the Expert Topic Group meeting held in January 2017 and agreed via email on 3rd April 2017.</p>	<p>Agreed</p>	<p>Both parties agree that Phase 2 survey scopes are appropriate.</p>
Existing Environment	<p>Survey data collected for Norfolk Vanguard for the characterisation of onshore ecology and ornithology are suitable for the assessment.</p>	<p>Not agreed for phase 1 habitat surveys completed in the past. Survey data was only collected for 50% of onshore cable route where access was available and in a suboptimum period.</p>	<p>Agreed</p>

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
		Agreed, for future surveys. Natural England notes the commitment within the OLEMS to undertake post consent surveys at the optimum time of year and refer the applicant to Natural England's standing advice.	
	The ES adequately characterises the baseline environment in terms of onshore ecology and ornithology.	Natural England is satisfied that the ES and subsequent Clarification Notes adequately characterise the baseline environment.	Agreed
Assessment methodology	Appropriate legislation, planning policy and guidance relevant to ecology and ornithology has been considered for the project (listed in section 22.2 and 23.2 in Chapter 22 Onshore Ecology and Chapter 23 Onshore Ornithology respectively).	Natural England is satisfied that future surveys will adhere to guidance on completion during optimum survey period.	Agreed
	The list of potential impacts on onshore ecology and ornithology assessed is appropriate, based on feedback at Section 42 consultation.	Since section 42 consultation the Applicant has provided a number of Clarification Notes and potential impacts assessed are appropriate.	Agreed
	The impact assessment methodologies used for the EIA provide an appropriate approach to assessing potential impacts of the project. This was discussed and agreed during the Expert Topic Group meetings in January and September 2017.	Agreed	It is agreed by both parties that the impact assessment methodologies used in the EIA are appropriate.
	The worst case scenario presented in the ES, is appropriate for the project.	Agreed	It is agreed by both parties that the worst case scenario

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
			presented in the ES, is appropriate for the project.
Assessment findings	<p>Dereham Rush Meadow Site of Special Scientific Interest (SSSI), Holly Farm Meadow SSSI, Whitwell Common SSSI and Booton Common SSSI, whilst predominantly surface water fed are also partly groundwater fed – from the underlying chalk aquifer (based on WETMECS data).</p> <p>The onshore duct installation works comprise open cut trenching (to 1.5m) and trenchless crossings to bury cable ducts (down to typically 6-8m below ground level). There is no direct pathway between the construction works and the underlying chalk aquifer, and detailed groundwater assessment is not deemed necessary.</p> <p>In terms of surface water flows, Dereham Rush Meadow SSSI and Holly Farm Meadow SSSI are upstream of the works and would not be affected by surface water quality effects associated with the construction works. Booton Common SSSI is considered in detail within the HRA Report at Section 9.3.3.2, which concludes no AEol. Whitwell Common SSSI is fed by Booton Common SSSI and the findings for Booton Common SSSI would be equally applicable to Whitwell Common SSSI.</p> <p>The Applicant provided clarification regarding the water supply mechanisms to these water dependent designated sites to Natural England on 27th February 2019. Natural England's concerns were withdrawn in a response on 18th March 2019.</p> <p>In addition, the Applicant has committed to develop a scheme and programme for each watercourse crossing, diversion and reinstatement which will include site specific details of the</p>	<p>Natural England is satisfied with the Water Dependant Designated sites Clarification Note provided.</p> <p>Natural England agrees with the conclusion of no Likely Significant Effect to Booton Common SSSI and the Norfolk Valley Fens SAC from open cut trenching and dewatering or directional drilling based on the conceptual model and the mitigation measures, which have enabled a conclusion of low or negligible risk. Therefore we agree with the conclusions of no adverse effect on integrity.</p>	Agreed

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>sediment management measures and pollution prevention. This scheme will be submitted to and, approved by the relevant planning authority in consultation with Natural England. This is secured through Requirement 25 of the draft DCO.</p> <p>With these commitments in place there will be sufficient control measures to safeguard designated sites in relation to sediment control, pollution prevention and reinstatement of all work areas at watercourse crossings.</p>		
	<p>Groundwater</p> <p>The potential for the construction works to affect groundwater supply to nearby designated sites was undertaken and provided to Natural England. This considered:</p> <ul style="list-style-type: none"> • Dereham Rush Meadow SSSI (0.4km away); • Holly Farm Meadow, Wendling SSSI (0.9km away); • Whitwell Common SSSI (1.2 km away); • Booton Common SSSI (0.6km away). <p>The Applicant provided clarification regarding the water supply mechanisms to these water dependent designated sites to Natural England on 27th February 2019. Natural England's concerns were withdrawn in a response on 18th March 2019.</p> <p>The findings are equally applicable to other groundwater sites located further from the construction footprint, i.e.:</p> <ul style="list-style-type: none"> • Bradley Moor SSSI (3.8km away) • Buxton Heath SSSI (4km away) • Southrepps Common SSSI (3.5km away); • Potter & Scarning Fens, East Dereham SSSI (3.2km away); <p>On this basis detailed groundwater assessment is not deemed necessary.</p>	<p>Natural England is satisfied with the Water Dependant Designated sites Clarification Note provided.</p> <p>Natural England agrees with the conclusion of no Likely Significant Effect to Booton Common SSSI and the Norfolk Valley Fens SAC from open cut trenching and dewatering or directional drilling based on the conceptual model and the mitigation measures, which have enabled a conclusion of low or negligible risk. Therefore we agree with the conclusions of no adverse effect on integrity.</p>	<p>Agreed,</p>

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>The landfall area is underlain by sandy clay and sand to a depth of approximately 18m below ground level – refer to Chapter 19 Ground Conditions and Contamination, section 19.6.1.1. Horizontal Directional Drilling (HDD) through this loose material would generate limited vibration effects; in addition, the loose material itself is a poor propagator of vibration effects. Vibration is best propagated through hard surfaces and the looser the material the more any potential vibration effect becomes dampened.</p> <p>As such there is no propagation pathway for vibration effects between the works (either 130m away or up to 20m below) and known sand martin nesting sites.</p> <p>The Applicant provided further clarification regarding the potential for noise and vibration effects on sand martins to Natural England on 27th February 2019. Natural England's concerns were withdrawn in a response on 18th March 2019.</p>	<p>Following receipt of further information on 27 February 2019 Natural England is satisfied that the specific issues we have raised in previous correspondence relating to the assessment of impacts to sand martins at Happisburgh Cliffs have been resolved.</p>	<p>Agreed</p>
	<p>Ancient Woodland and trees</p> <p>Trenchless crossing techniques are proposed to be used at any location where mixed lowland deciduous woodland is present and which cannot be avoided, and no works will take place within 15m of any woodland. A pre-construction survey will be undertaken by an appropriately experienced arboriculturalist which will inform site-specific measures to protect trees adjacent to the works.</p> <p>With reference to the two options east of the substation. The Applicant has committed to the southern part of these two options, which avoid the 0.15ha of woodland referred to. This is presented in the Change Report submitted to the Examination in December 2018 (Pre-ExA; Change Report; 9.3).</p>	<p>Agreed. We agree with a 15m buffer between the project area and ancient woodland and trees.</p> <p>We note that trenchless crossing techniques (e.g. HDD) are proposed to be used at any location where mixed lowland deciduous woodland is present and which cannot be avoided, and no works will take place within 15m of any woodland.</p>	<p>It is agreed by both parties that the measures proposed will protect trees and ancient woodland during the works.</p>

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	Measures to protect trees are captured within the OLEMS and secured through Requirement 24 Ecological Management Plan, which will require consultation with Natural England prior to discharge.	<p>We note that the area east of the substation will avoid the 0.15ha of woodland as presented in the Change Report 9.</p> <p>We support the engagement of an appropriately experienced arboriculturalist.</p>	
	<p>Badgers</p> <p>The procedure outlined within the OLEMS for badger main setts within the project area which require to be closed and destroyed will include other types of setts which may be found within (previously un-surveyed) areas of the project area. This will be captured within the Ecological Management Plan, secured through DCO Requirement 24, which will require consultation with Natural England prior to discharge.</p>	<p>Agreed on the basis that this captured within the final EMP allowing sufficient controls to be put in place.</p> <p>We advise that the procedure outlined for badger main setts within the project area which require to be closed and destroyed (para 408) should include other types of setts which may be found within (previously un-surveyed) areas of the project area.</p>	Both parties agree that the measures for main sett closure (and applied to other setts) are appropriate.
	<p>Wintering and breeding birds</p> <p>To account for potential noise disturbance a buffer of 300m from designated sites (where birds are qualifying features) was identified and potential noise impacts considered. This was agreed with Natural England in January 2017 (Onshore Wintering Bird Surveys Survey Methodology Approach Update). Beyond this no additional requirement was identified to assess potential disturbance effects.</p> <p>In addition, further measures to deal with the risk of damaging or destroying ground nesting birds' nests (i.e. skylarks) during</p>	Natural England is satisfied that further measures to reduce risk of damaging or destroying ground nesting birds' nests (i.e. skylarks) during construction have been incorporated within the OLEMS.	Agreed

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>construction have been included in the OLEMS submitted at Deadline 7.</p> <p>On this basis the assessment of impacts for construction, operation and decommissioning presented are consistent with the agreed assessment methodologies.</p>		
	<p>Air Quality Potential air quality impacts have been assessed for designated sites within 200m of the road transport network that will be required during construction. This is presented in Chapter 26 Air Quality, section 26.7.5.2.2. Felbrigg Wood SSSI was identified as a designated site with the potential for air quality impacts due to its proximity to the nearest road network (A148 between King's Lynn and Cromer). A transect was walked through the designated site, at 50m intervals set back from the road up to 200m. Air quality measurements were taken and included within an air quality model. The results of this are presented in Table 26.31 of Chapter 26. This shows that there will be a short-term 2% increase in critical nitrogen load within 50m of the A148, reducing to 1% at 100m from the A148 and 0% beyond that. This has been assessed as to be an impact of negligible significance.</p> <p>The Applicant has committed to producing an Air Quality Management Plan (AQMP), as part of the final CoCP, for each stage of the works (secured under Requirement 20(l)) which will deliver mitigation that has been identified within Chapter 26 Air Quality. The final CoCP must be submitted and approved by the relevant planning authority in consultation with Natural England.</p> <p>The traffic related air quality impact assessment was based on the worst case construction traffic on identified transport</p>	<p>The report has identified possible air quality effects from increased road traffic on Felbrigg Wood SSSI which is designated for lichens along with its invertebrate assemblage and beech woodland community. We advise that further information is required on woodland species within 200m of the road that will be affected and on the timings, number of vehicles and how polluting the vehicles are likely to be etc. If there is likely to be an effect on a designated feature, the OLEMS should include mitigation measures to reduce changes in air quality, e.g. using efficient vehicles, reducing number of vehicles/time on the road, timing of construction to support biodiversity, possible use of barriers etc.</p> <p>Natural England welcomes that an Air Quality Management Plan is being developed and agreed prior to construction. We advise that this</p>	Not agreed

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>routes, and also cumulatively with Hornsea Project Three, based on their reported construction traffic. No traffic related air quality impacts were identified for ecological receptors for Norfolk Vanguard alone or cumulatively with other projects, and no air quality mitigation has been identified that would be captured within any AQMP to be developed post-consent.</p> <p>Norfolk Vanguard will confirm the Project's actual traffic numbers within the final Traffic Management Plans to be produced post-consent. Provided traffic numbers remain wholly within the worst case scenario that was assessed there would be no requirement to update the air quality impact assessment. The Applicant does not believe that is appropriate for Norfolk Vanguard to commit to undertaking a subsequent cumulative air quality impact assessment, post-consent, to account for future projects that may be progressed by Highways England or to account for changes to Hornsea Project Three. It is for future projects to undertake their own cumulative impact assessment to take Norfolk Vanguard into account and to ensure any mitigation required for their identified cumulative impacts is secured in their own consent. Similarly if Hornsea Project Three discovers that their actual traffic numbers fall outside of their worst case scenario then it will fall to them to revisit their own CIA.</p>	<p>plan incorporates a commitment to consider air quality in combination, in light of the final construction vehicle routes, vehicles and vehicle numbers in combination with other plans and projects including Hornsea 3 and Highways England, as these may have changed in the interim between EIA and construction.</p> <p>We therefore do not feel it is appropriate for AQMP or TMP to look just at construction areas. We advise it consider the final transport network and vehicle numbers for the proposed development. Natural England welcomes the commitment to consult Natural England on the Final AQMP and TMP, prior to construction. We advise the applicant that their application should be in line with recent case law and refer the applicant to the Wealden Judicial Review and the Dutch Judgement.</p>	
	<p>Land Use/Soils The onshore cable duct installation strategy will be conducted in a sectionalised approach in order to minimise impacts. Construction teams would work on a short length (approximately 150m section) with topsoil stored adjacent to</p>	<p>Natural England welcomes the information supplied within the clarification note and can confirm that our concerns with regard to Agricultural Land Classification</p>	<p>Agreed</p>

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>the excavated trench. Once the cable ducts have been installed, the section would be back filled and the top soil replaced before moving onto the next section. This would minimise the amount of land being worked on at any one time and would also minimise the duration of works on any given section of the route. This embedded mitigation is specified through the ES and secured through the Outline Code of Construction Practise (OCoCP) (section 2.5.1). . Topsoil should be reinstated where it originated.</p> <p>The Natural England dataset over this part of Norfolk is no longer broken down into Agricultural Land Classification (ALC) Grades 3a and 3b soils. Norfolk Vanguard has calculated the total extent of land that will be permanently lost within Chapter 21 Land use and Agriculture - 7.5ha for the onshore project substation and 3ha for the National Grid extension works. As a worst-case this is assumed to be best and most versatile (BMV) land.</p> <p>Mitigation measures identified for soil management are captured within the OCoCP. A Soil Management Plan (SMP) will be developed and approved prior to commencing each stage of the works. The scope of the SMP is detailed in Appendix A of the OCoCP. The SMP will form part of the final approved Code of Construction Practise (CoCP) for each stage of the works and is secured through Requirement 20.</p> <p>The Applicant provided further clarification regarding ALC breakdown across the works areas and the reinstatement of soils to Natural England on 27th February 2019. Natural England's concerns were withdrawn in a response on 18th March 2019.</p>	<p>needing to be split further to allow for an assessment of impact to Best and Most Versatile (BMV) to be undertaken are withdrawn.</p> <p>Natural England welcomes the commitment made in the clarification note to update Section 8 (soil management) of the Outline Code of Construction Practice (OCoCP) to confirm that topsoil will be stored adjacent to the excavated trench and will be reinstated where it originated. Natural England, therefore, withdraw our concerns in this regard.</p>	

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>Land Use/ Agri environment</p> <p>Within the study area there are Entry Level Stewardship Schemes (ESS) with Higher Level components. A commitment will be made within the private agreements between Norfolk Vanguard Limited and the landowner/occupier to compensate for losses incurred due to potential impacts on ESS during the construction phase of the project.</p> <p>In addition, the applicant will discuss any Countryside Stewardship agreements with landowners and the Rural Payments Agency post-consent. These will form part of the private agreements described above.</p>	<p>There are both Higher Level Stewardship and Higher Tier Countryside Stewardship agreements along the cable route. Due consideration will need to be given to ensure the delivery of these schemes will not be hindered or compromised.</p> <p>We note that during the construction period there would be the potential for impacts on agri-environment schemes within the onshore project area which will be specific to individual landowners / occupiers.</p> <p>We note that the onshore cable route crosses Entry Level (34.13ha, 6.4% of onshore project area) and Entry Level plus Higher Level (117.8ha, 22.2% of onshore project area) Stewardship Scheme agreements.</p> <p>The applicant will need to discuss any Countryside Stewardship agreements with the landowners and the Rural Payments Agency (this is no longer administered by Natural England) at the earliest possible opportunity.</p>	Agreed

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>The assessment of cumulative impacts is consistent with the agreed methodologies.</p> <p>The Applicant confirms that the assessment of in-combination impacts is in line with the Waddenzee judgement.</p>	<p>Natural England is satisfied from the information provided that the cable route will not have a cumulative impact with Hornsea 3 on Booton common SSSI and Norfolk Valley Fens SAC.</p>	<p>Agreed.</p>
Mitigation and Management			
Approach to mitigation	<p>All mitigation measures required are outlined in the Outline Code of Construction Practice and OLEMS.</p> <p>As stated earlier the Applicant does not believe that is appropriate for Norfolk Vanguard to commit to undertaking a subsequent cumulative air quality impact assessment, post-consent, to account for future projects that may be progressed by Highways England or to account for changes to Hornsea Project Three. It is for future projects to undertake their own cumulative impact assessment to take Norfolk Vanguard into account and to ensure any mitigation required for their identified cumulative impacts is secured in their own consent. Similarly if Hornsea Project Three discovers that their actual traffic numbers fall outside of their worst case scenario then it will fall to them to revisit their own CIA.</p>	<p>We would like to see further commitments with regards traffic management and air quality to designated sites, as discussed above.</p> <p>We are satisfied that other mitigation measures stated in EIA and consultation are outlined in OCoCP and OLEMS.</p>	<p>Not agreed for cumulative air quality impacts</p> <p>Agreed for all other mitigation</p>
	<p>River Wensum SAC</p> <p>Further detail on the approach to sediment management within the River Wensum catchment was provided to Natural England on 27th February 2019. Natural England responded on 18th March 2019 and withdrew most concerns. Further clarification was provided on 15th April. Natural England withdrew their remaining concerns in a response on 30th April. The commitments outlined within these clarification notes have</p>	<p>Natural England is satisfied with the information as provided within the OCoCP and look forward to being consulted on the site specific water crossing plans.</p>	<p>Agreed</p>

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>been captured in an update to the OCoCP submitted to the examination at Deadline 7.</p> <p>In addition, the sediment management measures to mitigate potential water quality impacts during construction are presented within the Information to Support HRA Report (document 5.3) at paragraph 1166 and have also been included in the updated OCoCP.</p> <p>The Applicant has committed to develop a detailed scheme and programme for each watercourse crossing, diversion and reinstatement, which will include site specific details regarding sediment management and pollution prevention measures. This scheme will be submitted to and, approved by the relevant planning authority in consultation with Natural England. This commitment is secured through Requirement 25 (Watercourse Crossings) of the draft DCO.</p> <p>With these commitments in place there will be sufficient control measures to safeguard designated sites in relation to sediment control, pollution prevention and reinstatement of all work areas at watercourse crossings.</p> <p>Targeted surveys of the Desmoulin's whorl snail were undertaken in the floodplain of the River Wensum (southern bank) within the habitat and species study area, however this species was not recorded during any survey. A pre-construction survey of the floodplain habitat on the northern bank of the River Wensum will be undertaken, to understand the distribution of Desmoulin's whorl snail in the areas adjacent to the onshore project. This survey has in fact been completed (as part of the Norfolk Boreas ecological surveys) and no Desmoulin's whorl snails were found during these surveys</p>		

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>either. There are no plans for further invertebrate surveys to be undertaken along the River Wensum.</p> <p>The only other invertebrate species associated with the SAC are white-clawed crayfish. The commitment to a trenchless crossing will avoid direct interaction with the habitats that support white-clawed crayfish.</p>		
	<p>Wintering and breeding birds in wider countryside Mitigation measures for wintering and breeding birds are set out in the OLEMS, paragraphs 227 to 230. This includes measures to minimise effects on ground nesting birds such as, no winter works undertaken in consecutive years, keep winter crop stubble low during breeding bird season and set aside ground nesting areas beyond 50m of the cable route prior to works.</p> <p>Further measures to deal with the risk of damaging or destroying ground nesting birds' nests (i.e. skylarks) during construction have been included in the OLEMS submitted at Deadline 7.</p> <p>If any protected species are unexpectedly found (all bird species are protected) then works will cease immediately. This is specified at paragraph 236 of the OLEMS.</p>	<p>Natural England notes the inclusion of further measures to reduce risk to ground nesting birds within the OLEMS.</p>	<p>Agreed</p>
	<p>Soil Mitigation measures identified for soil management and reinstatement are captured within the OCoCP. A SMP will be developed and approved prior to commencing each stage of the works which will specify the site specific methods that will be employed. The detailed scope of the SMP is included in Appendix A of the OCoCP. The SMP will form part of the final</p>	<p>Agreed, Natural England is satisfied that OCoCP and SMP will contain sufficient detail with regards soil management and mitigation.</p>	<p>Agreed</p>

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>approved CoCP for each stage of the works and is secured through Requirement 20.</p> <p>Further information regarding sediment control and reinstatement of all works areas has been captured in an update to the OCoCP submitted at Deadline 7.</p> <p>The Applicant has committed to delivering a detailed SMP as part of the final CoCP to be produced post-consent. This will contain site specific detail with regards soil management and mitigation.</p>		
	<p>Semi natural habitats Any topsoil strip of semi-natural grassland habitats , within 10m of any watercourses within the River Wensum catchment will be undertaken using a deep turf strip to increase the effectiveness of subsequent reinstatement . This has been captured within an update to the OLEMS submitted at Deadline 7.</p> <p>The Applicant has committed to develop a scheme and programme for each watercourse crossing, diversion and reinstatement, which will include site specific details regarding the reinstatement of semi-natural habitats in proximity to watercourses. This scheme will be submitted to and approved by the relevant planning authority in consultation with Natural England. This commitment is secured through Requirement 25 (Watercourse Crossings) of the draft DCO.</p>	<p>Reseeding may not be appropriate in semi-natural habitats or land with permanent vegetative cover, where deep turf stripping and reinstatement may be more appropriate. Reseeding will only be effective when carried out in suitable growing conditions, otherwise it risks extended periods of bare ground, liable to erosion.</p> <p>Agreed, Natural England has provided advice and is satisfied this is reflected in the OLEMS, we look forward to being consulted on the site specific crossing plans.</p>	Agreed
	The use of trenchless crossing techniques at County Wildlife Sites is acceptable subject to detailed design.	Agreed	It is agreed by both parties that the use of trenchless crossings

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	This was discussed and agreed (in principle) during the Expert Topic Group meeting in January 2018.		at CWS are acceptable, subject to detailed design.
	The provision of an Ecological Management Plan (based on the OLEMS submitted with the DCO application, document reference 8.7) is considered suitable to ensure potential impacts identified in the Ecological Impact Assessment are appropriately minimised.	Natural England looks forward to being consulted on the EMP.	Agreed
	The mitigation proposed for great crested newts is appropriate and proportionate (as outlined in the draft great crested newt mitigation licence, circulated and discussed at April 2018 meeting).	Agreed, Natural England is satisfied that the great crested newt plans reflect our advice given earlier in the year. The report identifies where licences may be required for bats and water voles.	Agreed
HRA			
Screening of LSE	<p>The methodology and sites screened in for the HRA as presented in Appendix 5.2 of the Information to Support HRA report (Application document 5.3) are considered appropriate, considering sites within 5km of onshore infrastructure. This was agreed during the Expert Topic Group meeting in July 2017.</p> <p>Further consideration of non-seabird migrants (including those associated with Broadland and Breydon SPA) was submitted to the Examination at Deadline 3 (ExA; AS; 10.D3.6). This assessment concluded no LSE non-seabird migrants associated with Broadland and Breydon SPA.</p>	Agreed, Natural England is satisfied that the conditions as laid out within the OLEMS in relation to Broadland SPA/Ramsar swan and geese species and ex situ habitats, reflect our advice and that with additional mitigation there will be no Adverse Effect on Integrity for the features of the site.	Agreed

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>The approach to HRA screening is appropriate. The following sites were screened in for further assessment:</p> <ul style="list-style-type: none"> • River Wensum; • Paston Great Barn; and • Norfolk Valley Fens. <p>This was agreed during the Expert Topic Group meeting in July 2017.</p> <p>The Applicant provided clarification regarding the water supply mechanisms for water dependent designated sites (including Dilham Component SSSI -part of The Broads SAC) to Natural England on 27th February 2019. Natural England's concerns were withdrawn in a response on 18th March 2019.</p>	<p>Agree, Natural England is satisfied that the site specific management plans for water crossings as secured through conditions will lead to no Adverse Effect on Integrity to the Broads SAC.</p>	<p>Agreed</p>
	<p>Broadland SPA/Ramsar</p> <p>Wintering/passage bird surveys were undertaken for the full survey period, October – March, was collected for the following habitats:</p> <ul style="list-style-type: none"> • Agricultural land within 5km of the Broadland SPA and Ramsar site, and also within – or within a precautionary 1km disturbance buffer of – the onshore infrastructure; • Coastal habitats within 5km of the Broadland SPA and Ramsar site, and also within – or within a precautionary 1km disturbance buffer of – the onshore infrastructure; and • Lowland fen, rivers and lakes and lowland heathland habitats of the Hundred Stream within 5km of the Broadland SPA and Ramsar site, and also within – or within a precautionary 1km disturbance buffer of – the onshore infrastructure 	<p>Agreed, Natural England is satisfied that the conditions as laid out within the OLEMS received from the applicant 03.06.19 in relation to Broadland SPA/Ramsar swan and geese species and ex situ habitats, reflect our advice and that there will be no Adverse Effect on Integrity for the features of the site.</p>	<p>Agreed</p>

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>The results of these surveys demonstrated low levels of wintering birds and the site was screened out for further consideration within the HRA report.</p> <p>Further discussions have been held between the Applicant and Natural England in June 2019. Commitments have been included within the updated OLEMS submitted at Deadline 9 to:</p> <ul style="list-style-type: none"> • Potentially undertake a second year of wintering bird surveys and undertake an assessment of predicted crop patterns to assess the potential use of the affected areas by foraging goose and swan species (see bullet point three below). • If required provide suitable alternative habitat (by introducing feed) for potentially displaced qualifying species associated with Broadland SPA / Ramsar site elsewhere within the Order limits or (subject to separate landowner agreements) within nearby fields. • The Applicant may progress directly to delivering the above mitigation without undertaking the second year of survey, subject to agreement with Natural England. 		
Information to support HRA	<p>River Wensum SAC</p> <p>Further detail on the approach to sediment management within the River Wensum catchment was provided to Natural England on 27th February 2019. Natural England responded on 18th March 2019 and withdrew most concerns. Further clarification was provided on 15th April. Natural England withdrew their concerns in a response on 30th April. The commitments outlined within these clarification notes has been captured in an update to the OCoCP submitted to the examination at Deadline 7. This includes details of the approach to construction drainage and maintaining interceptor drains / sediment traps.</p>	<p>River Wensum SAC</p> <p>Agreed, Natural England is satisfied that our advice has been taken into consideration.</p> <p>The Applicant has committed to develop a scheme and programme for each watercourse crossing, diversion and reinstatement, which will include site specific details</p>	Agreed

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>Cable trench arrangement The cable trench arrangement is described within Chapter 5 of the ES Project Description. Plate 5.16 shows the trench arrangement and the extent of stabilised backfill (cement bound sand). The cement bound sand will represent a stabilised layer within which the cable ducts are secured. There will be approximately 10cm of cement bound sand above and below the cable ducts. Above the cement bound sand will be approximately 1m of subsoil and topsoil. The cement bound sand will represent an impermeable barrier. A detailed assessment of potential changes to subsurface flows is presented in Chapter 20 Water Resources and Flood Risk at section 20.7.6.1.1. As a result of the limited spatial extent of permanent impermeable development along the cable route, the effect is considered to be of negligible magnitude.</p> <p>Drainage A Surface Water and Drainage Plan (Requirement 20 (2)(i)) will be developed, agreed with the relevant regulators and implemented to minimise water within the cable trench and other working areas and ensure ongoing drainage of surrounding land. This typically includes interceptor drainage ditches being temporarily installed parallel to the trenches and soil storage areas to provide interception of surface water runoff and the use of pumps to remove water from the trenches during cable installation. Drainage would remain in place for the duration of the construction period.</p> <p>The Applicant has committed to develop a scheme and programme for each watercourse crossing, diversion and reinstatement, which will include site specific details regarding sediment management and pollution prevention measures. This</p>	<p>regarding sediment management and pollution prevention measures. This scheme will be submitted to and approved by the relevant planning authority in consultation with Natural England. This commitment is secured through Requirement 25 (Watercourse Crossings) of the draft DCO. This should be captured within the CoCP.</p>	

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	scheme will be submitted to and approved by the relevant planning authority in consultation with Natural England. This commitment is secured through Requirement 25 (Watercourse Crossings) of the draft DCO.		
Assessment of Adverse Effect on Integrity	<p>The approach to undertaking the assessment is appropriate</p> <p>Booton Common SSSI (part of Norfolk Valley Fens SAC), is located 0.6km from the onshore cable route. Broad Fen, Dilham component SSSI (part of The Broads SAC) is located 3.6km from the onshore cable route.</p> <p>The Applicant provided clarification regarding the water supply mechanisms to these water dependent designated sites to Natural England on 27th February 2019. Natural England's concerns were withdrawn in a response on 18th March 2019.</p> <p>These sites, whilst predominantly surface water fed are also partly groundwater fed – from the underlying chalk aquifer (based on WETMECS data).</p> <p>There is no direct pathway between the works and the underlying chalk aquifer that these sites are dependent upon, and detailed groundwater assessment is not deemed necessary.</p> <p>The conclusions of no adverse effect on site integrity in the Information to Support HRA report (document 5.3) for these two sites are appropriate.</p> <p>With reference to the two HDD crossings near to Blackwater Drain – this is in fact a single HDD crossing with individual</p>	<p>Natural England is satisfied with the assessment of adverse effect on integrity, with the COCP and OLEMS.</p> <p>Agreed, Natural England is satisfied that our advice has been taken into consideration. Natural England is satisfied with the information as supplied in subsequent Clarification Notes throughout the examination process. The design of all watercourse crossing will be submitted to and approved by the relevant planning authority in consultation with Natural England, prior to the commencement of each stage of the onshore transmission works. This is secured through Requirement 25 of the draft DCO. With this mitigation Natural England is content that there is sufficient evidence to conclude no adverse effect on integrity on Norfolk Valley Fens SAC.</p>	<p>It is agreed by both parties that the approach to the HRA is appropriate.</p> <p>Agreed</p> <p>The Applicant has committed to develop a scheme and programme for each watercourse crossing, diversion and reinstatement, which will include site specific details regarding sediment management and pollution prevention measures. This scheme will be submitted to and approved by the relevant planning authority in consultation with Natural England. This commitment is secured through Requirement 25 (Watercourse Crossings) of the draft DCO.</p>

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>compounds depicted at each end of the crossing, for entry and exit of the HDD. This trenchless crossing is needed for crossing the proposed Hornsea Project Three cables for technical requirements. Impacts at watercourse crossings are predominantly related to the introduction of temporary culverts to provide access either side of the watercourse. Whether the crossing technique is trenched or trenchless, a temporary culvert will be required for access either side of the Blackwater Drain. However, each crossing (whether trenched or trenchless) is not considered to result in a significant effect when assessed individually. Impacts resulting from the use of temporary culverts would be reversible once the structures have been removed and the area reinstated. The natural hydrology would recover immediately upon structure removal, and geomorphology and associated physical habitats are also expected to recover rapidly. The use of these techniques is therefore not considered to result in significant adverse effects.</p> <p>The design of all watercourse crossing will be submitted to and approved by the relevant planning authority in consultation with Natural England, prior to the commencement of each stage of the onshore transmission works. This is secured through Requirement 25 of the draft DCO.</p>		
	<p>Sediment management and water quality measures have been identified and are described in Section 11.1 of the outline CoCP; Requirement 20 of the draft DCO sets out that no stage of the onshore transmission works may commence until for that stage a final CoCP has been submitted to and approved by the relevant local planning authority. This would provide site</p>	<p>Works to facilitate the trenchless crossing of the River Wensum may take place within the River Wensum floodplain north of Penny Spot Beck, which we advise should be avoided as it is part of a</p>	<p>Agreed</p>

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>specific details for sediment management informed by the detailed design and appointment of the Principal Contractor.</p> <p>Further detail on the approach to sediment management within the River Wensum catchment was provided to Natural England on 27th February 2019. Natural England responded on 18th March 2019 and withdrew most concerns. Further clarification was provided on 15th April. Natural England withdrew their concerns in a response on 30th April. The commitments outlined within these clarification notes has been captured in an update to the OCoCP submitted to the examination at Deadline 7. This includes details of the approach to managing bentonite breakout.</p> <p>In addition, the Applicant will develop a scheme and programme for each watercourse crossing, diversion and reinstatement which will include site specific details of the sediment management measures including their use and removal. This scheme will be submitted to and, approved by the relevant planning authority in consultation with Natural England. This is secured through Requirement 25 of the draft DCO.</p> <p>Both the final CoCP and watercourse specific crossing schemes will also include site specific details of management and monitoring procedures in case of bentonite breakout at trenchless crossings.</p> <p>With these commitments in place there will be sufficient control measures to safeguard designated sites in relation to sediment control, pollution prevention and reinstatement of all work areas at watercourse crossings.</p>	<p>Countryside Stewardship agreement to improve the site integrity of the River Wensum SAC. Agreed, Natural England is satisfied that our advice has been incorporated.</p> <p>Please see our response to the OCoCP at Deadline 8.</p> <p>Natural England is satisfied that with these commitments in place there will be sufficient control measures to safeguard designated sites in relation to sediment control, pollution prevention and reinstatement of all work areas at watercourse crossings.</p>	

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>All hedgerows within 5km of Paston Great Barn SAC that will be temporarily removed during construction (130m) were identified. 82m of these hedgerows have been confirmed as supporting foraging Barbastelle bats (based on bat activity surveys undertaken by the Applicant) and are accordingly classified as important hedgerows for foraging Barbastelle bats. On this basis, the 82m of hedgerows are all considered to be important Barbastelle features and the assessment has been undertaken on this basis.</p> <p>Further clarification on these matters was provided to Natural England on 27th February. Natural England responded on 20th March withdrawing their concerns, subject to the development of a hedgerow mitigation plan, post-consent, in consultation with Natural England. The plan should include for the improvement of the hedgerows either side of the section to be removed, development of scrub/rough grassland margins and consideration of planting more mature hedge plants to reduce recovery time. In addition, monitoring should be in place for 7 years or until the original hedgerow has recovered fully. These measures have been included in the update OLEMS submitted at Deadline 9.</p> <p>Paragraph 1185 of the Information to Support HRA Report (document 5.3) provides details of the anticipated hedgerow recovery for the affected 82m of hedgerow (3-7 years) – recovery meaning to “mature up to a standard whereby the hedgerow is providing value for commuting and foraging barbastelle bats”. All hedgerows temporarily removed will be replaced in their original locations, i.e. replacement hedgerows will be planted above the buried cables.</p>	<p>Natural England is satisfied our advice has been taken into consideration regarding Paston Great Barn SAC and hedgerow removal. With the conditions within the OLEMS and the Hedgerow Mitigation Plan we are satisfied that there will be no Adverse Effect on Integrity of the Barbastelle population of Paston Great Barn SAC.</p>	<p>Agreed</p>

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>Details of hedgerow mitigation are provided at Paragraph 1186 of the Information to Support HRA Report which includes a commitment for hedges to become overgrown either side of the section to be removed prior to construction. All bat and hedgerow mitigation measures are also captured within the OLEMS and secured through Requirement 24 of the draft DCO (Ecological Management Plan), which will require consultation with Natural England prior to discharge.</p> <p>On this basis, the approach to determining the value of hedgerows for Barbastelle bats and the approach to mitigation, is appropriate and sufficient.</p>		
	<p>A mosaic of approximately 11ha of broadleaved woodland, rank grassland, hedgerows and drainage ditches around Witton is used by foraging Barbastelle bats associated with the Paston Great Barn colony. Accordingly, this 11ha has been classified as an important feature for foraging Barbastelle bats and the assessment has been undertaken on this basis (impacts relate to the temporary severance of a hedgerow linking Paston Great Barn to this area).</p> <p>Further clarification on these matters was provided to Natural England on 27th February. Natural England responded on 20th March withdrawing their concerns, subject to the development of a hedgerow mitigation plan, post-consent, in consultation with Natural England. The plan should include for the improvement of the hedgerows either side of the section to be removed including and should be in place for 7 years or until the original hedgerow has recovered fully. These measures have been included in the update OLEMS submitted at Deadline 7</p> <p>Details of hedgerow mitigation / restoration are provided at Paragraph 1186 of the HRA Report which includes a</p>	<p>Natural England is satisfied our advice has been taken into consideration regarding Paston Great Barn SAC and hedgerow removal. We are satisfied that with the conditions within the OLEMS regarding hedgerows there will be no Adverse Effect on Integrity of the Barbastelle population of Paston Great Barn SAC.</p>	Agreed

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
	<p>commitment for hedges to become overgrown either side of the section to be removed prior to construction. All bat and hedgerow mitigation measures are also captured within the OLEMS and secured through Requirement 24 Ecological Management Plan, which will require consultation with Natural England prior to discharge</p> <p>On this basis, the approach to determining the value of features for Barbastelle bats is appropriate and sufficient to inform the assessment.</p>		
	<p>A 300m buffer zone for potential noise impacts to birds which are features of designated sites was agreed with Natural England in January 2017 (Onshore Wintering Bird Surveys Survey Methodology Approach Update). The assessment provided within the application has been undertaken on the basis of that formal agreement of the methodology. The 300m buffer was based on an average of the disturbance buffers detailed in Ruddock and Whitfield (2007) and is an appropriate distance for the basis of the assessment.</p> <p>Further evidence of the agreement of the 300m buffer was provided to Natural England on 27th February 2019. Natural England responded on 18th March 2019 withdrawing their concerns on this matter.</p>	Natural England is satisfied with the agreement on the 300m buffer.	Agreed
	The conclusions of no adverse effect on site integrity for all onshore sites presented in the Information to Support HRA report (document 5.3) are appropriate	Agreed, Natural England is satisfied with the further information provided in clarification notes, OCoCP and OLEMS that there will be no adverse effect on integrity from the proposed development on onshore	<p>Agreed</p> <p>The Applicant has committed to producing a Hedgerow Mitigation Plan (part of the final EMP, secured through requirement 24), site specific</p>

Topic	Norfolk Vanguard Limited position	Natural England position	Final position
		European sites with the mitigation in place, with the Hedgerow Mitigation Plan, site specific water crossing plans COCP and OLEMS to be drawn up and agreed post consent.	water crossing plans (secured through Requirement 25) and final COCP (secured through Requirement 20) to ensure that there will be no adverse effect on integrity from the proposed development on onshore European sites.

2.7 Development Consent Order

37. Natural England was provided with a draft of the Development Consent Order for review prior to submission. Comments were addressed where possible.
38. Natural England's relevant representation, submitted to the Planning Inspectorate on the 31st August 2018 includes comments on the draft DCO which Norfolk Vanguard Limited has addressed where possible. Comments from Natural England regarding the draft DCO have been responded to at each relevant Examination Deadline.
39. The draft DCO has been amended and submitted at Deadline 8.

2.8 References

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The undersigned agree to the provisions within this SOCG

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Printed Name	K. Louise Burton
Position	Senior Adviser Southern North Sea
On behalf of	Natural England
Date	06 June 2019

Signed	R Sherwood
Printed Name	Rebecca Sherwood
Position	Norfolk Vanguard Consents Manager
On behalf of	Norfolk Vanguard Ltd (the Applicant)
Date	06 June 2019

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31 July 2019

Hornsea Project Three Offshore Wind Farm (EN010080) - Ornithological Comparison Data

Our ref. HOW03_CON_20190731

Dear Mr Leigh,

Following the completion of the Hornsea Project Three Offshore Wind Farm ('Hornsea Three') Development Consent Order (DCO) Examination (EN010080) and the Examining Authority issuing their Recommendation Report to the Secretary of State (SoS) for Business, Energy and Industrial Strategy (BEIS) on 2 July 2019, Hornsea Project Three Ltd. ('the Applicant') would like to draw the SoS's attention to the collection of supplementary ornithological baseline comparison data by the Applicant.

During the Hornsea Three Examination, submissions by Natural England were made regarding aspects of the Applicant's approach, evidence and assessment conclusions in respect of offshore ornithology. These submissions focused on the characterisation of the ornithological baseline derived from digital aerial surveys collected for Hornsea Three and the adequacy of digital aerial surveys covering the winter period.

The Applicant's position on ornithological baseline characterisation is documented in the Hornsea Three DCO application and submissions made through the Examination¹. Without prejudice to the Applicant's position, the Applicant commissioned an additional four digital aerial ornithological surveys during the winter period of 2018/2019.

The purpose of collecting the data was:-

- to respond to and address concerns raised by Interested Parties within their relevant representations;
- in recognition that Natural England felt unable to advance discussion through the Examination on ornithology impacts given their position that 24 months of survey data should be collected;
- in recognition that the collection of supplementary data further increases the accuracy of the Applicant's ornithological collision risk models and therefore adds to confidence in their outputs; and
- to test whether such supplementary data accords with the evidence provided in the Environmental Statement as submitted into the Examination.

¹ REP1-131 'Applicant's Comments on Relevant Representations', Annex 7 – Full response to Natural England (RR-097), the Applicant's response to part 5.2 (page 293), REP1-141 'Baseline Characterisation Sensitivity Testing', REP3-004 'Written summary of Applicant's oral case put at Issue Specific Hearing 2', section 4.1 'Baseline characterisation' and REP10-038 'Offshore Ecology Matters Closing Legal Submission on behalf of the Applicant', paragraph 5.2 Ornithology Baseline Issues.

It was recognised by the Applicant that due to the long lead-in time required to undertake, evaluate and report on the findings, the data would not be available prior to the close of the Examination, and therefore could not be relied upon in Examination. The Applicant is now making the findings from these surveys available to SoS at the earliest opportunity. The results of these surveys are presented in the attached report 'Hornsea Project Three Offshore Wind Farm Ornithology Baseline Data Comparison', prepared by NIRAS Consulting Ltd. (NIRAS) on the request of the Applicant.

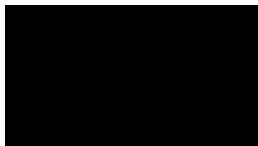
The attached report demonstrates that the supplementary comparison data falls within the confidence limits of the 2016/17 surveys. As such this report corroborates the Applicant's evidence presented in the Hornsea Three Environmental Impact Assessment (EIA) and during Examination, and does not change any predicted impacts. The Applicant believes this information will assist the SoS.

The Applicant's position remains that the data available during the Examination is sufficient to reach conclusions in respect of EIA and Habitats Regulations Assessment (HRA); analysis of the supplementary data is shown to corroborate those assessments carried out to date. It thus increases the accuracy of the Hornsea Three ornithological models. As there has been no meaningful change in the collision risk estimates for any species, the conclusions remain unchanged but with increased confidence.

The Applicant advised Natural England on 19 July 2019 of the comparison data just prior to the report being finalised, with the aspiration that the two parties could discuss the report in advance of submission to the SoS. Natural England responded stating that, if the SoS was so minded to accept the report and undertake consultation, Natural England along with other Interested Parties², would review the report and respond in line with SoS process. In keeping with this preference, the Applicant has sent a copy of the report to Natural England who will await further instruction from the SoS.

The Applicant is cognisant of the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010, which provides an opportunity for the SoS to request comments on the Hornsea Three DCO application to address any outstanding issues which the SoS may have. Notwithstanding any further requests for comments by the SoS, in accordance with Section 107 of the Planning Act 2008, the Applicant awaits the determination of the Hornsea Three DCO application, anticipated on 2 October 2019.

Yours Sincerely,



Andrew Guyton

Hornsea Project Three Consents Manager

Tel 

cc. Stuart Livesey, Hornsea Project Three Project Manager

² Project Interested Parties:- Natural England (and Joint Nature Conservation Committee as advisors to Natural England on ornithological matters), Royal Society for the Protection of Birds, The Crown Estate, The Wildlife Trusts, Marine Management Organisation and Marine Scotland (as the authority responsible for the integrated management of Scotland's seas.)



Hornsea Project Three Offshore Wind Farm Ornithology Baseline Data Comparison

July 2019

Document Details

NIRAS Project Number	UKN0387
NIRAS Contact Name	Matthew Hazleton
Document Title	Hornsea Project Three – baseline data comparison
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3					

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1. Executive Summary

- 1.1.1. There was considerable discussion during the Hornsea Three examination in relation to the baseline characterisation of Hornsea Three area. The Applicant characterised the baseline using data obtained from twenty aerial surveys alongside a meta-analysis of an extensive historical boat-based dataset collected to characterise the former Hornsea Zone and to inform the applications for previous projects within that zone. It was the Applicant's position that there was sufficient and representative baseline data for the purposes of impact assessment and that the species present, their distribution and abundance and any variability in those was understood sufficiently for this purpose. Evidence submitted throughout the examination supporting this position illustrated that there was no indication that the Hornsea Three area was of particular importance to key species during the period December to March, nor that the conclusions of EIA or HRA were particularly sensitive to assumptions about the densities that were likely to be observed. It was considered that the approach taken to quantify risk to key species during all seasons in the Hornsea Three location allowed for consideration of the appropriate level of precaution and that the assessment conclusions reached on the basis of these risk assessments were robust.
- 1.1.2. Hornsea Three now has data from four aerial surveys which were conducted at Hornsea Three between January and March 2019. The opportunity has been taken to investigate these data to see whether they indicate variability in the density of key species that is significantly different to that assumed in the application and examination of Hornsea Three. This report presents these data comparing the population estimates derived against those calculated from aerial surveys conducted in 2016-2018. To illustrate what implications any differences have for impact assessment, collision risk modelling and displacement, analyses have been conducted and the resulting collision risk estimates and displacement mortalities compared to those calculated during the Hornsea Three examination.
- 1.1.3. The data collected from the additional aerial surveys provide useful confirmation that the baseline for the Hornsea Three application captured the variability present in seabird populations present at Hornsea Three. The population estimates calculated from the additional surveys for Hornsea Three plus a 4 km buffer are very similar to those collected during the original survey programme and, in all cases, within the variability that was assumed for that time of year as part of the original baseline characterisation of Hornsea Three. This variability in the abundance of birds during this period of the annual cycle is limited, as stated by the Applicant in its application and examination submissions.
- 1.1.4. Collision risk modelling and displacement analyses indicate that any changes to impact magnitudes are negligible and immaterial in assessment terms for both EIA and HRA assessments. The further analysis provided through the examination and set out in this report therefore confirms the findings and conclusions of the EIA and RIAA and the position of the Applicant throughout the application and examination.
- 1.1.5. In summary, although the data available during the examination was sufficient to reach conclusions in respect of EIA and HRA assessments, analysis of the additional data is shown to corroborate the assessments carried out to date. It thus increases the accuracy of the Hornsea Three ornithological models, which in turn lowers the chance of statistical error. As there has been no meaningful change in the collision risk estimates for any species, the conclusions remain unchanged but with increased confidence.

2. Introduction

- 2.1.1. Baseline characterisation of Hornsea Project Three (Hornsea Three) was achieved using data from twenty aerial surveys undertaken between April 2016 and November 2018. There was therefore only one year of data available for December to March from the aerial survey programme. In addition to the data from aerial surveys and as discussed throughout the Evidence Plan process (see Consultation Report Annex 1 – Evidence Plan (APP-035) of the Environmental Statement), the Applicant used data from the wider Hornsea zone comprising an extensive historical boat-based dataset providing three years of data between March 2010 and February 2013, to understand the likely density and variability of key species during the period December – March.
- 2.1.2. The use of a dataset comprising twenty months of aerial survey data was the source of considerable discussion during the examination of Hornsea Three with Natural England refusing to provide conclusions based on what they perceived to be an incomplete baseline dataset.
- 2.1.3. Throughout the application and Examination the Applicant maintained that there is no indication that the Hornsea Three area is of particular importance to key species during this period (December to March), nor that the conclusions of EIA or HRA are sensitive to assumptions about the densities that are likely to be observed. It is considered that the approach taken to quantify risk to key species during all seasons in the Hornsea Three assessments allows for consideration of the appropriate level of precaution and that the assessment conclusions reached on the basis of these risk assessments is robust.
- 2.1.4. Hornsea Three now has data from four aerial surveys which were conducted between January and March 2019. One survey was undertaken in January 2019, two in February 2019 and one in March 2019.
- 2.1.5. This report presents a comparison between the baseline population estimates and densities for fulmar, gannet, kittiwake, lesser black-backed gull, herring gull, great black-backed gull, guillemot, razorbill and puffin, at Hornsea Three for those months for which only one year of data was collected to inform the Hornsea Three application (December to March). The aim is to determine whether the additional data indicate the abundance of these species during this period vary significantly from those assumed in the application, or whether they reinforce the assumptions made in the assessment that accompanied the Hornsea Three application. Consideration is given to the implications this has for collision risk modelling and displacement analyses and the resultant effect on Environmental Impact Assessment (EIA) and Habitat Regulations Assessment (HRA) conclusions as presented for Hornsea Three.

3. Data comparison

3.1 Overview

- 3.1.1. The population estimates and densities obtained from the additional four aerial surveys have been compared to the corresponding population estimates and densities used for kittiwake and other species of interest in the Hornsea Three application in this section. Population estimates for Hornsea Three plus a 4 km buffer are used for comparison, as this is consistent with the data that were used to identify Valued Ornithological Receptors in the impact assessment that accompanied the application. To identify any differences between the data incorporated into assessments in the Hornsea Three EIA and RIAA and the data collected as part of the additional aerial surveys, densities from Hornsea Three alone are used, consistent with the density data used for collision risk modelling (CRM) in the Hornsea Three application. Discussion is then provided considering whether any differences would result in any significant changes (increases or decreases) to the collision risk estimates calculated as part of the Hornsea Three application.

3.2 Additional aerial surveys

Four aerial surveys have been undertaken by Hi-def Aerial Surveying Ltd. between January 2019 and March 2019. One survey was conducted in January and March with two conducted in February. It was not possible to complete a December survey due to timing of commissioning of the survey and limited suitable weather windows. The surveys covered the Hornsea Three array area plus a 4 km buffer and followed an identical methodology to that used for the original aerial surveys undertaken to support the Hornsea Three application. Following the completion of the aerial surveys the data collected have been processed and analysed to provide population estimates and densities for all species observed for three different areas, Hornsea Three alone, Hornsea Three plus a 2 km buffer and Hornsea Three plus a 4 km buffer. For guillemot, razorbill and puffin availability bias (correction of estimates to account for diving individuals) has been taken into account in the resulting population estimates and densities. For each of three areas population estimates, densities and associated confidence metrics have been provided for birds in flight, birds sitting on the water and all birds (flying and sitting birds combined).

3.3 Baseline data

Overview

- 3.3.1. The following species-specific sections present population estimates for Hornsea Three plus a 4 km buffer for the key species as considered in the assessments for Hornsea Three EIA and HRA. Population estimates are presented from the aerial surveys undertaken to support the application (blue and orange data points) and from the additional aerial surveys (green data points). This allows for a comparison within months (January, February and March), the trend in abundance within a year and the variability between population estimates.

Fulmar

3.3.2. Figure 3.1 presents population estimates of fulmar for Hornsea Three plus a 4 km buffer.

3.3.3. The population estimates calculated from the additional aerial surveys in January and February 2019 are higher than those calculated from the aerial surveys undertaken in the same months in 2017. The estimate in March 2019 is slightly lower than that predicted in 2017. There is no clear trend in the estimates calculated for fulmar with estimates varying between years. When examining the individual months, the additional estimate in March 2019 is very similar to that predicted in March 2017. In February 2019, the two estimates obtained are very similar and only slightly higher than that predicted in February 2017. In January 2019, a higher estimate was recorded than in January 2017. The estimate is also higher than any other estimate recorded during the non-breeding season suggesting that this estimate is slightly anomalous and may have been influenced by other factors (e.g. unusual weather events preceding the survey). The effect this has on the magnitude of impacts for which fulmar was considered in the RIAA is provided in Section 3.5.

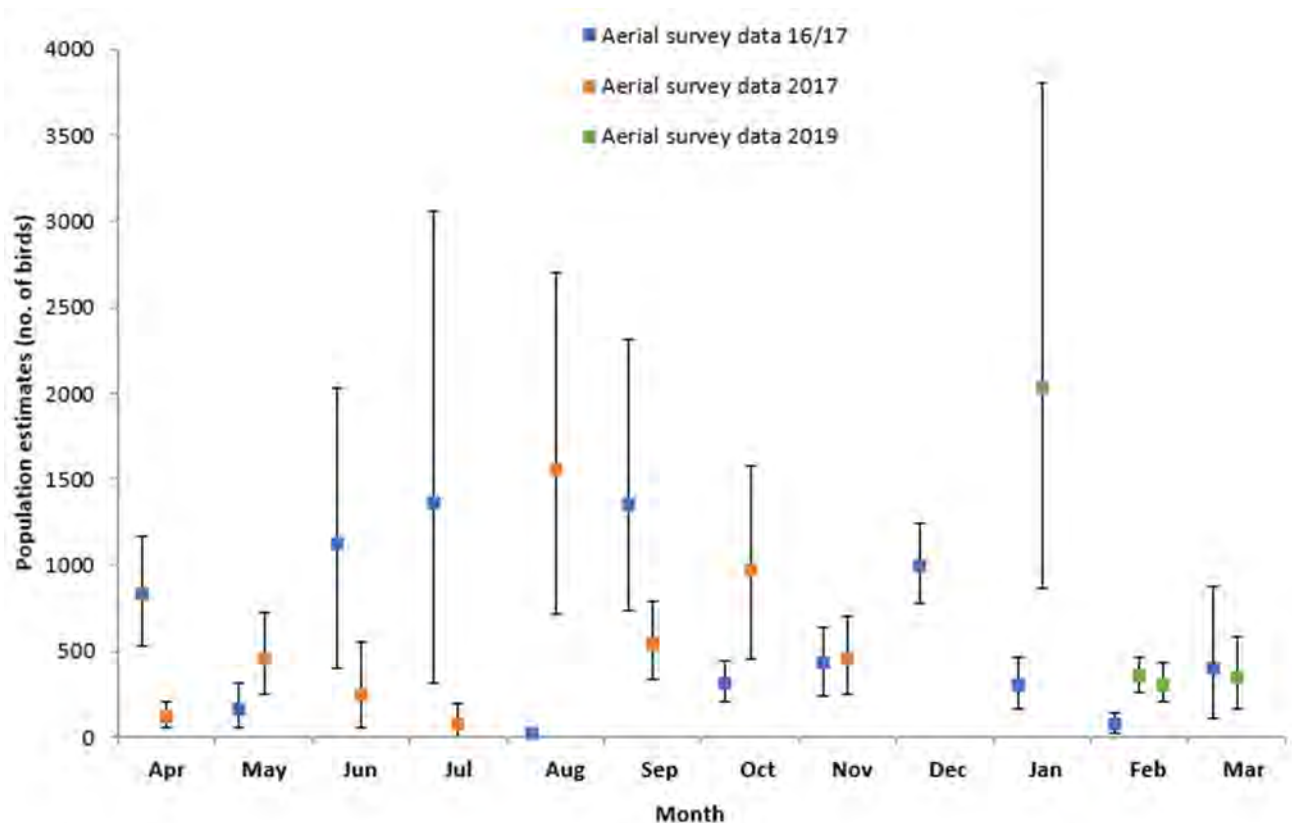


Figure 3.1: Population estimates (plus 95% confidence intervals) of fulmar obtained from aerial surveys undertaken across Hornsea Three plus a 4 km buffer

Gannet

3.3.4. Figure 2.2 presents population estimates of gannet for Hornsea Three plus a 4 km buffer.

3.3.5. The population estimates calculated from the additional aerial surveys (Jan, Feb and Mar 2019) are lower than those calculated from the aerial surveys undertaken in the same months in 2017, with the exception of January for which the population estimate in 2019 is slightly higher. The estimates do however, fall within the range of estimates calculated for other months and follow the trend expected in the seasonal abundance of gannet, being low in winter months and beginning to increase into March (Furness, 2015). When examining the individual months, the additional estimates in February and March fall within the confidence intervals associated with the original estimates. However, the additional estimate calculated for January is very similar indicating that the variability in this month is limited, especially when compared to estimates obtained in breeding season months.

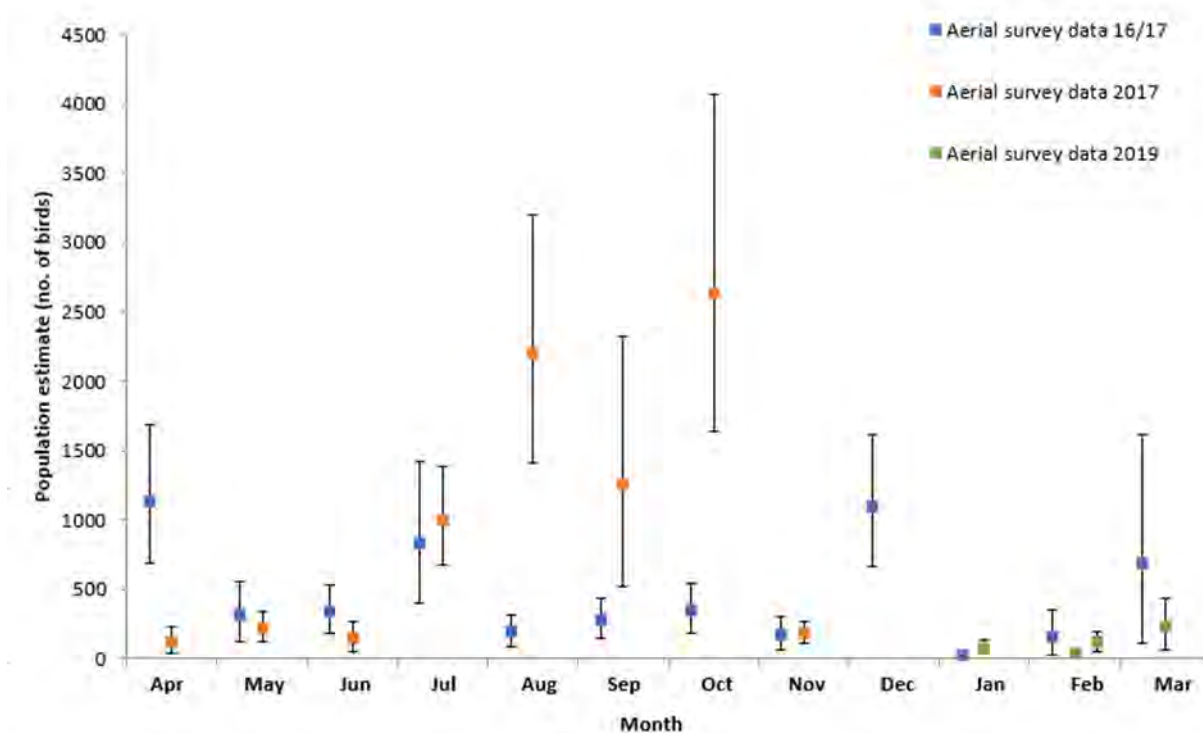


Figure 3.2: Population estimates (plus 95% confidence intervals) of gannet obtained from aerial surveys undertaken across Hornsea Three plus a 4 km buffer

Kittiwake

3.3.6. Figure 3.3 presents population estimates of kittiwake for Hornsea Three plus a 4 km buffer.

3.3.7. The population estimates calculated from the additional aerial surveys (Jan, Feb and Mar 2019) are slightly higher than those calculated from the aerial surveys undertaken in the same months in 2017. The estimates do however, fall within the range of estimates calculated for other months and follow the trend expected in the seasonal abundance of kittiwake being low in winter months and beginning to increase into March. When examining the individual months, the additional estimates fall within the confidence intervals associated with the original estimates with the exception of February. However, the two additional estimates calculated for February are very similar indicating that the variability in this month is limited, especially when compared to estimates obtained in breeding season months. The increase in abundance between the two datasets in March is potentially due to the timing of surveys. The survey in 2017 was undertaken on the 10th March whilst the survey in 2019 was undertaken on the 18th March. The abundance of kittiwake in UK waters is likely to increase as March progresses (Furness, 2015) and, if the timing of migration was similar in both years, this is likely to have affected the number of birds recorded in the two respective surveys. As a result, the increase in March is not unexpected and still within the variability expected at this time of year.

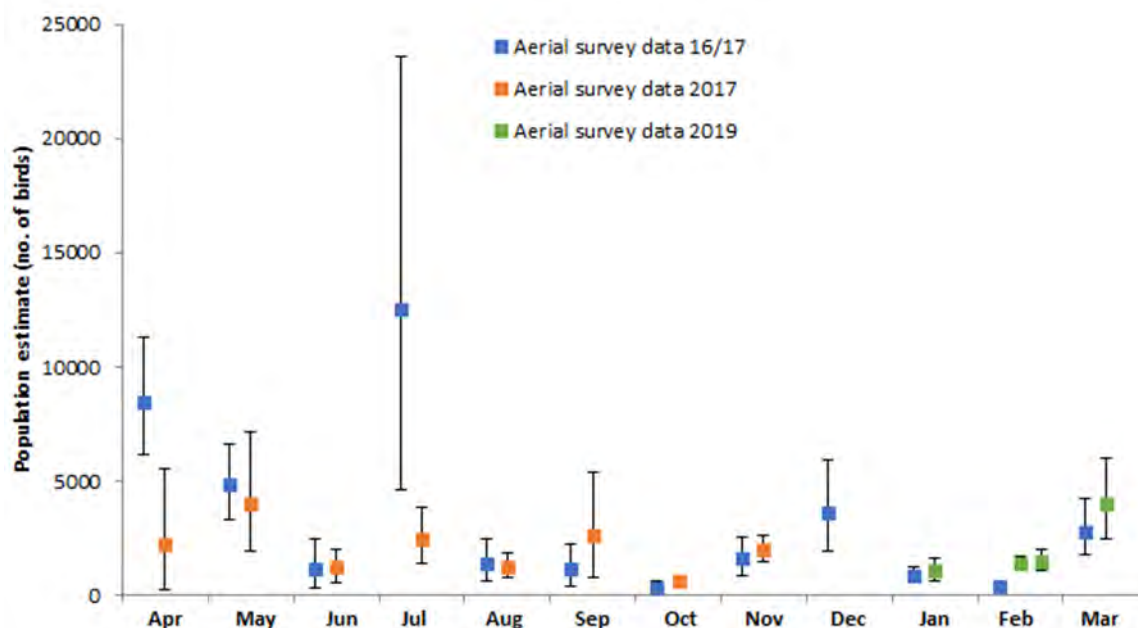


Figure 3.3: Population estimates (plus 95% confidence intervals) of kittiwake obtained from aerial surveys undertaken across Hornsea Three plus a 4 km buffer

Lesser black-backed gull

3.3.8. Figure 3.4 presents population estimates of lesser black-backed gull for Hornsea Three plus a 4 km buffer.

3.3.9. No lesser black-backed gulls were recorded in the aerial surveys conducted between January and March 2017. The species was also not recorded during two of the surveys undertaken in 2019. The population estimates calculated for the remaining two surveys were 11 (February 2019) and 33 (January 2019) birds. The estimates from the additional surveys fall within the range of estimates calculated for other months and follow the trend expected in the seasonal abundance of lesser black-backed gull with the species only occurring in notable numbers during the breeding season.

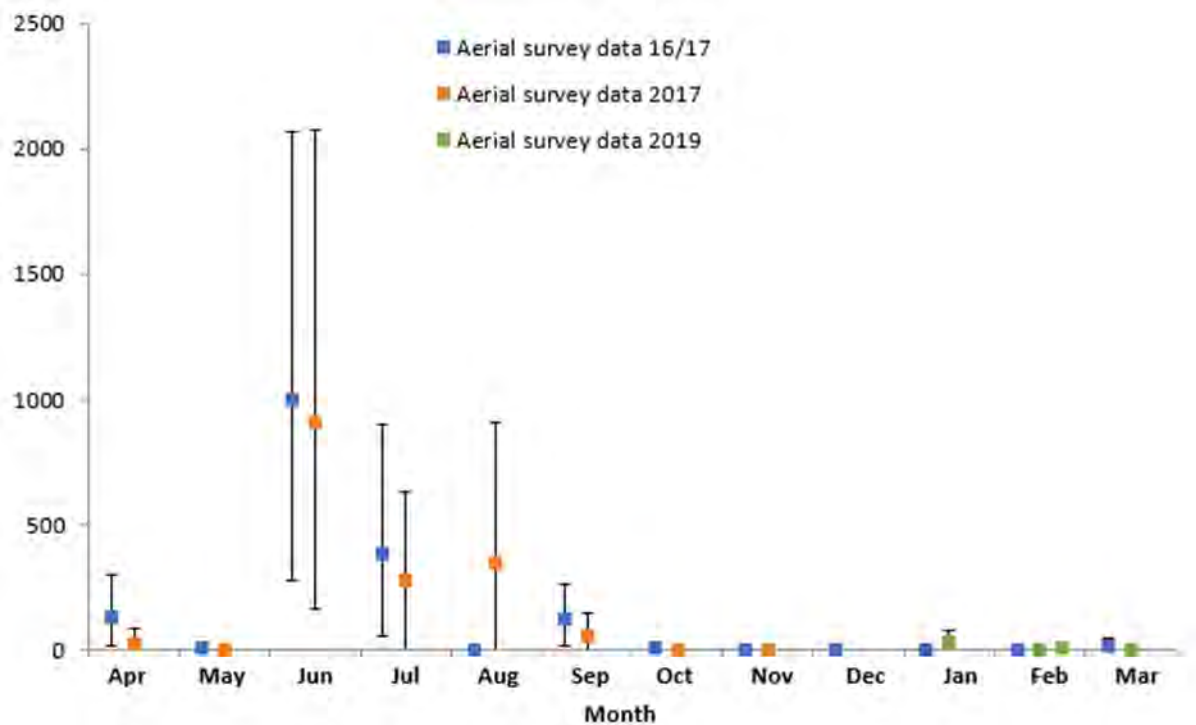


Figure 3.4: Population estimates (plus 95% confidence intervals) of lesser black-backed gull obtained from aerial surveys undertaken across Hornsea Three plus a 4 km buffer

Herring gull

3.3.10. Figure 3.5 presents population estimates of herring gull for Hornsea Three plus a 4 km buffer.

3.3.11. Population estimates of herring gull recorded between January and March 2017 were relatively low in all surveys with the species absent in January 2017. The abundance of herring gull was also low during the surveys undertaken in 2019 with the species again absent in January and also in March. In the two surveys conducted in February 2019, the population estimates were similar or lower than the estimate recorded in February 2017. There is no obvious trend in the abundance of herring gull at Hornsea Three plus a 4 km buffer with the population estimates calculated in 2019 further continuing this pattern.

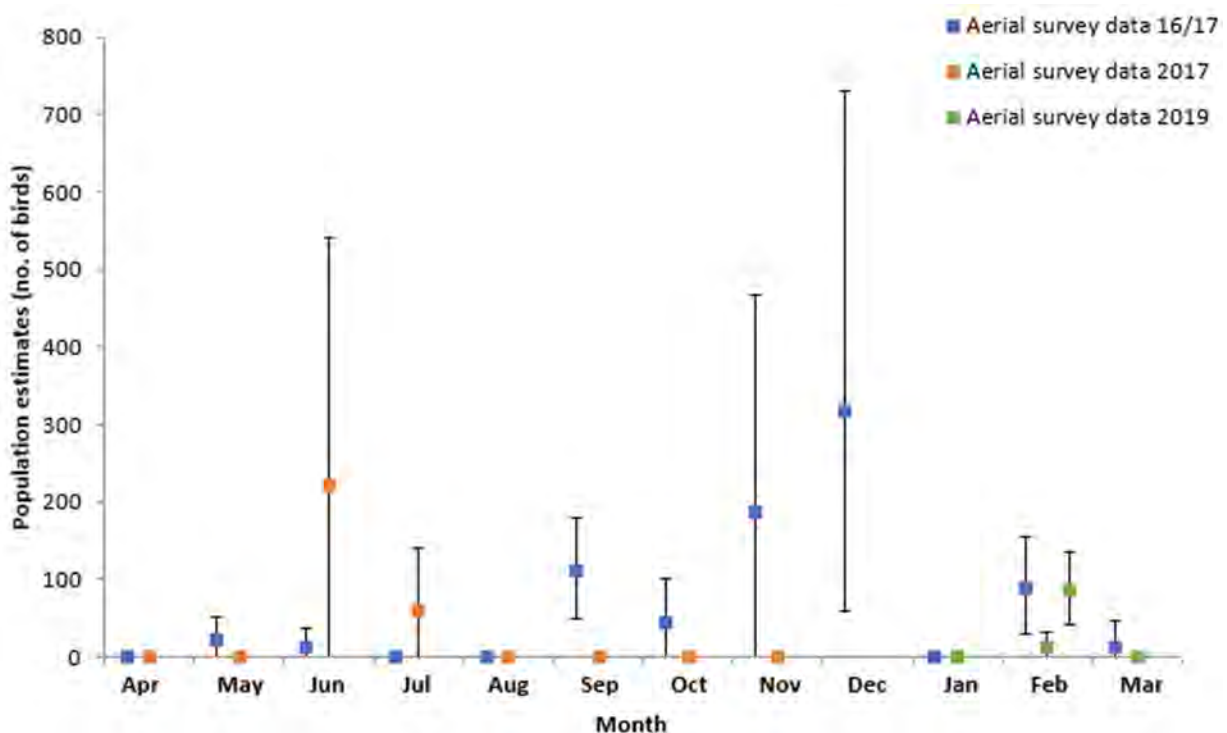


Figure 3.5: Population estimates (plus 95% confidence intervals) of herring gull obtained from aerial surveys undertaken across Hornsea Three plus a 4 km buffer

Great black-backed gull

3.3.12. Figure 3.6 presents population estimates of great black-backed gull for Hornsea Three plus a 4 km buffer.

3.3.13. The population estimates calculated for great black-backed gull from the additional surveys undertaken in 2019 are lower than commensurate surveys undertaken in 2017. The estimates fall within the range of estimates calculated for other months and appear to follow the same trend as recorded in 2017 albeit of a lower magnitude in terms of the abundance of great black-backed gull.

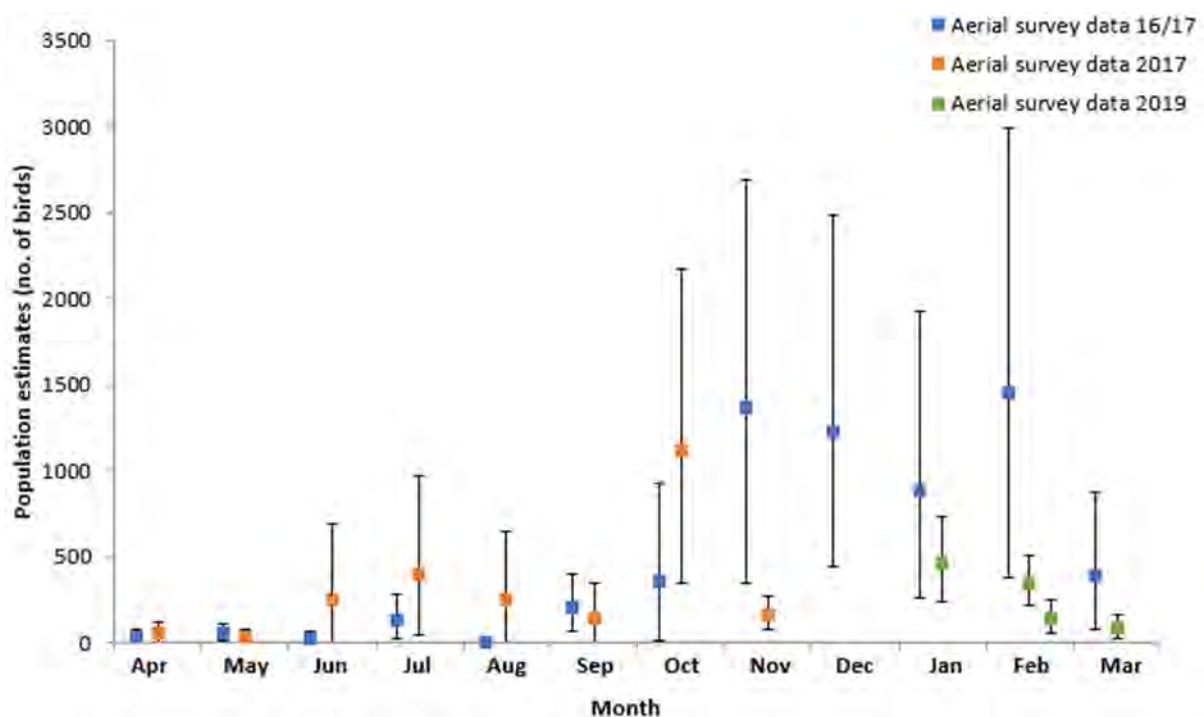


Figure 3.6: Population estimates (plus 95% confidence intervals) of great black-backed gull obtained from aerial surveys undertaken across Hornsea Three plus a 4 km buffer

Guillemot

3.3.14. Figure 3.7 presents population estimates of guillemot for Hornsea Three plus a 4 km buffer.

3.3.15. The population estimates of guillemot recorded in the 2019 aerial surveys are higher than those recorded in 2017 in all months except March. The estimates do however, fall within the range of estimates calculated for other months and follow the trend expected in the seasonal abundance of guillemot being low in winter months and beginning to increase throughout the spring (Furness, 2015). The estimates calculated in 2019 show limited variability, when compared to the estimates calculated in 2016, remaining around 5,000 individuals in all four surveys. Further to this, the two surveys undertaken in February 2019 show even less variability.

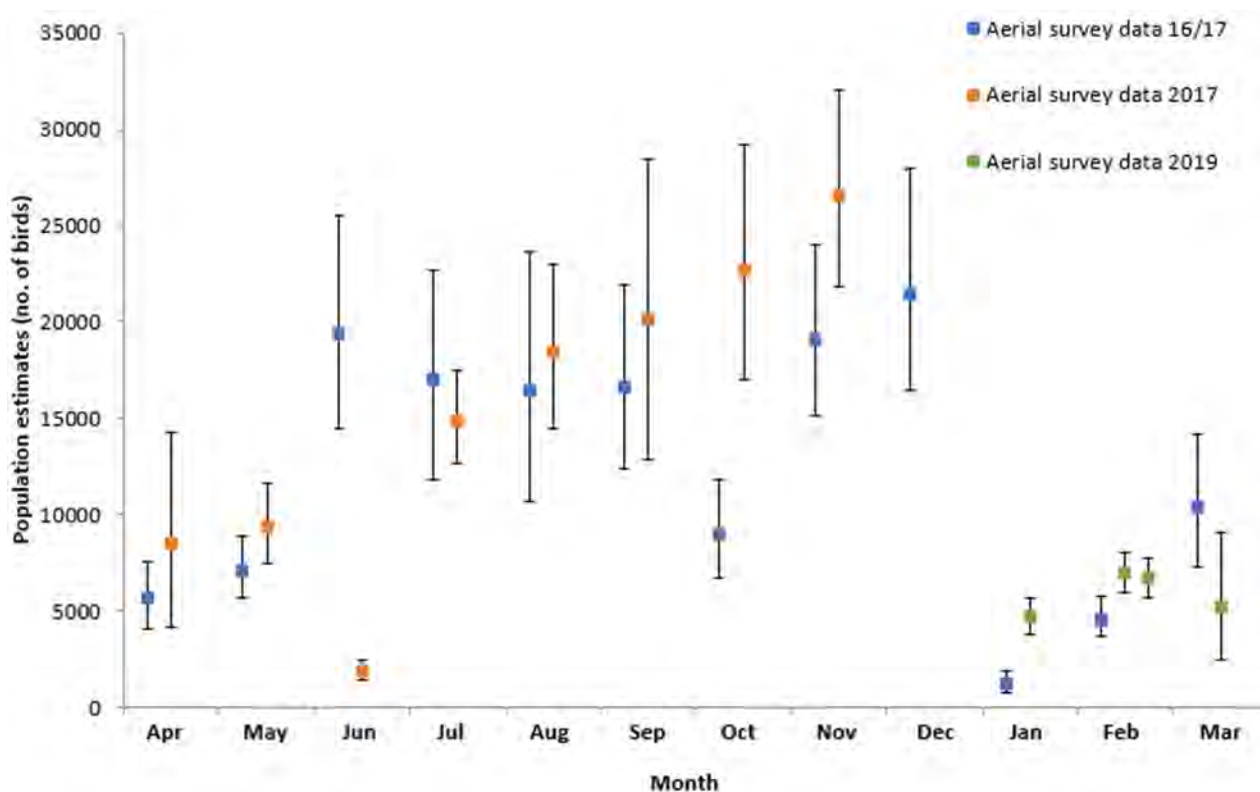


Figure 3.7: Population estimates (plus 95% confidence intervals) of guillemot obtained from aerial surveys undertaken across Hornsea Three plus a 4 km buffer

Razorbill

3.3.16. Figure 3.8 presents population estimates of razorbill for Hornsea Three plus a 4 km buffer.

3.3.17. The population estimates of razorbill recorded in the 2019 aerial surveys are higher than those recorded in 2017 in all months except March. However, the estimates fall within the range of estimates calculated for other months. The population estimates calculated in 2019 are only notably different in February, with the estimates calculated for January both relatively low (i.e. below 1000 birds) when compared to other months and the estimates for March similar. The estimates calculated in February in 2019 across two surveys are very similar but are higher than the estimate recorded in February 2017.

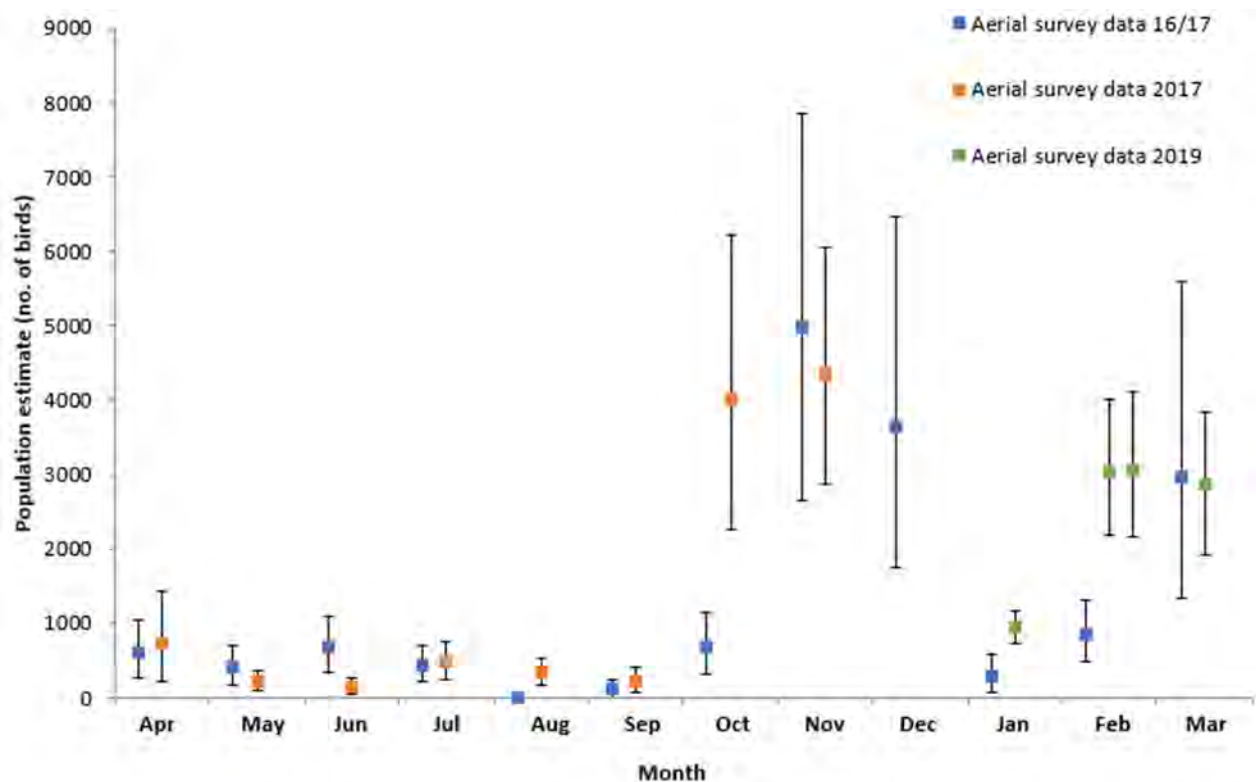


Figure 3.8: Population estimates (plus 95% confidence intervals) of razorbill obtained from aerial surveys undertaken across Hornsea Three plus a 4 km buffer

Puffin

3.3.18. Figure 3.9 presents population estimates of puffin for Hornsea Three plus a 4 km buffer.

3.3.19. The population estimates of puffin recorded in 2019 are higher in February but slightly lower in March when compared to the population estimates recorded in 2017. No puffins were recorded at Hornsea Three plus a 4 km buffer in January in both 2017 and 2019. The estimates fall within the range of estimates calculated for other months and follow the trend expected in the seasonal abundance of puffin at Hornsea Three being low throughout the year except in April and May. In March, there is little difference between the population estimates calculated in 2017 and 2019. In February, no puffins were recorded at Hornsea Three during 2017 whereas up to 73 birds were estimated from the surveys undertaken in February 2019. The populations estimated however, are still relatively low when compared to other times of the year (e.g. April and May).

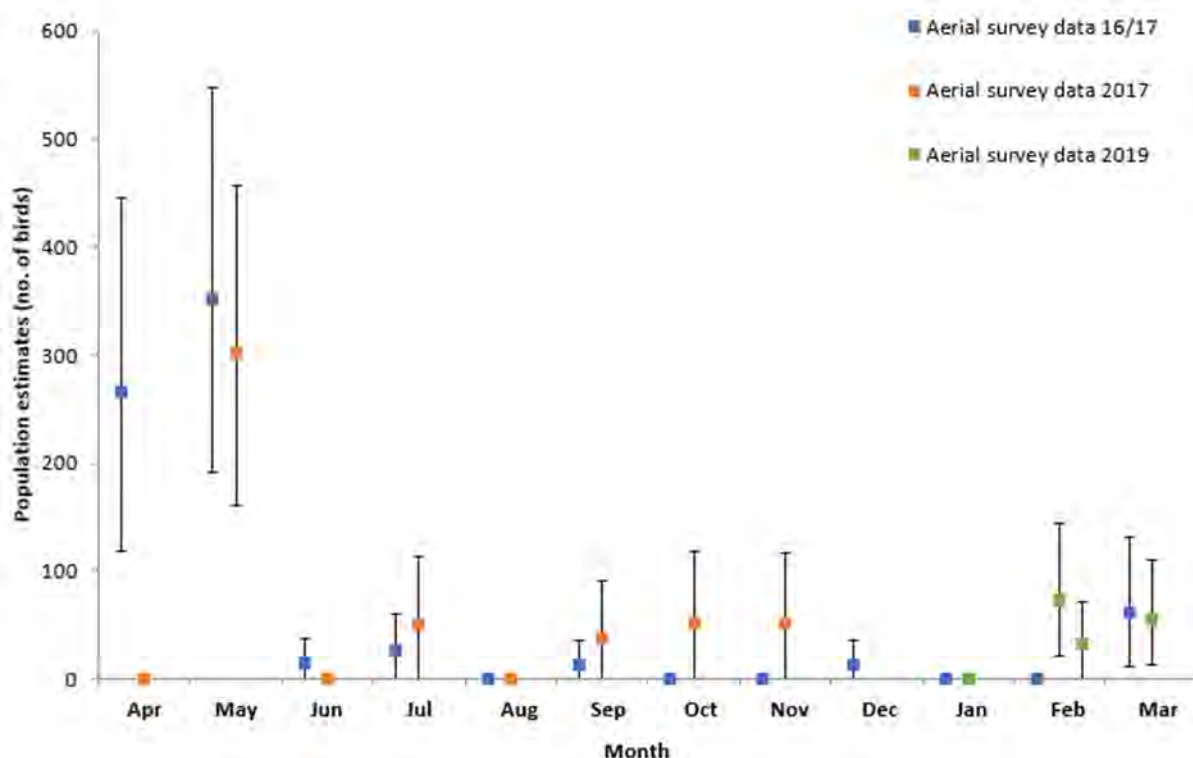


Figure 3.9: Population estimates (plus 95% confidence intervals) of puffin obtained from aerial surveys undertaken across Hornsea Three plus a 4 km buffer

3.4 Collision risk modelling

3.4.1. In the Hornsea Three application collision risk modelling (CRM) was conducted utilizing monthly densities for birds in flight from Hornsea Three alone. Where multiple densities were obtained for a month during aerial surveys (April to November) these were averaged to provide a single density value. Densities for December to March were calculated using the original aerial survey data alongside a meta-analysis of data collected as part of the boat-based survey programme for Hornsea project One and Two. For the purposes of collision risk modelling in this report, the recent survey data replaces the densities derived from the meta-analysis for January, February and March in this section with these densities averaged alongside the densities obtained from the original aerial surveys for these months.

3.4.2. Table 3.1 presents the densities for January to March used in CRM as part of the application and those calculated using the additional data for all species included in CRM. The densities used in the Hornsea Three application were calculated using the meta-analysis whereas for the additional data, the densities from the recent surveys have been averaged alongside the densities from the aerial surveys undertaken as part of the original baseline survey programme. The recent surveys did not cover December and therefore in the collision risk modelling conducted in this report, the density from the aerial survey in December 2016 is used. This approach is consistent with that applied in the collision risk modelling conducted to support the submission of REP6-042, REP-043 and REP-047 during the Hornsea Three examination.

Table 3.1: Comparison between densities (birds/km²) used for collision risk modelling as part of the Hornsea Three application and as calculated when incorporating additional data

Species	Dataset	Jan	Feb	Mar
Gannet	Original	0.02	0.14	0.08
	Additional	0.03	0.01	0.10
Kittiwake	Original	0.47	0.18	1.34
	Additional	0.46	0.34	1.44
Lesser black-backed gull	Original	0.00	0.00	0.00
	Additional	0.02	0.00	0.00
Herring gull	Original	0.00	0.04	0.00
	Additional	0.00	0.04	0.00
Great black-backed gull	Original	0.13	0.04	0.03
	Additional	0.16	0.04	0.03

- 3.4.3. For three of the species (kittiwake, lesser black-backed gull and great black-backed gull) included in the CRM undertaken for the Hornsea Three assessments, the updated density values suggest that collision risk estimates may increase, although quantifying this change requires further CRM. For gannet, there are increases and decreases in the updated density values and, therefore, without further CRM it is not clear how collision risk estimates may change. For herring gull there is no change in the monthly density values and therefore this species is not considered further.
- 3.4.4. To further investigate the potential changes CRM has been conducted for gannet, kittiwake, lesser black-backed gull and great black-backed gull. The modelling has used three turbine scenarios with different lower rotor tip heights (i.e. the base case (33.17 m), 37.5 m and 40 m) as incorporated into the Applicant's submissions from Deadline 7 onwards. The modelling has also incorporated the parameter scenarios defined in REP6-042¹ reflecting the Applicant's position, in REP6-043² reflecting the Applicant's interpretation of Natural England's position and the altering scenarios in between. The parameter scenario requested by the Examining Authority in REP9-047³ has also been included. The parameters used for each parameter scenario are presented in Appendix 1.

Gannet

- 3.4.5. Collision risk estimates for gannet using all parameter scenarios and the original and additional datasets are presented in Table 3.2, Table 3.3 and Table 3.4 for the three turbine scenarios, respectively. For the majority of scenarios there is no change in the number of collisions predicted but in a few cases, there is an increase of one collision/annum. It is considered that an increase of this magnitude is immaterial in assessment terms.
- 3.4.6. The results obtained when using the additional aerial survey data would not alter the conclusions reached in the EIA or Report to Information Appropriate Assessment (RIAA) for the relevant Biologically Defined Minimum Population Scales (BDMPS) populations or Flamborough and Filey Coast Special Protection Area (FFC SPA) population of gannet, respectively when using any of the parameter scenarios and turbine scenarios.

¹ Hornsea Project Three (2019) Appendix 28 to Deadline 6 submission - Position of the Applicant in relation to collision risk modelling issued by the Planning Inspectorate into the Hornsea Project Three Examination.

² Hornsea Project Three (2019) Appendix 29 to Deadline 6 submission -Applicant's interpretation of Natural England's position in relation to collision risk modelling issued by the Planning Inspectorate into the Hornsea Project Three Examination

³ Hornsea Project Three (2019) Appendix 19 to Deadline 9 submission – Response to ExA FQ3.1 Rule 17 – Collision Risk Modelling issued by the Planning Inspectorate into the Hornsea Project Three Examination.

Table 3.2: Collision risk estimates for gannet using a turbine lower rotor tip height of 33.17 m

Collision risk estimates	Parameter scenario							
	Natural England	1	2	3	4	5	6 (Applicant)	Examining Authority
EIA scale								
Original	49	45	21	9			8	8-10
Updated	49	46	21	10			8	8-10
HRA scale								
Original	18	16	7	3	2	2	2	3-4
Updated	18	17	8	3	2	2	2	3-4

Table 3.3: Collision risk estimates for gannet using a turbine lower rotor tip height of 37.5 m

Collision risk estimates	Parameter scenario							
	Natural England	1	2	3	4	5	6 (Applicant)	Examining Authority
EIA scale								
Original	31	29	13	9			8	8-10
Updated	31	29	13	10			8	8-10
HRA scale								
Original	11	10	5	3	2	2	2	3-4
Updated	11	11	5	3	2	2	2	3-4

Table 3.4: Collision risk estimates for gannet using a turbine lower rotor tip height of 40 m

Collision risk estimates	Parameter scenario							
	Natural England	1	2	3	4	5	6 (Applicant)	Examining Authority
EIA scale								
Original	24	22	10	9			8	8-10
Updated	24	22	10	10			8	8-10
HRA scale								
Original	9	8	4	3	2	2	2	3-4
Updated	9	8	4	3	2	2	2	3-4

Kittiwake

3.4.7. Collision risk estimates for kittiwake using all parameter scenarios and the original and additional datasets are presented in Table 3.5, Table 3.6 and Table 3.7 for the three turbine scenarios, respectively. Collision risk estimates increase when using some of the more precautionary parameter scenarios using all three turbine scenarios. However, even when using the worst-case scenario for all parameters this increase represents only six collisions/annum or approximately a 2% increase, which remains insignificant in assessment terms. When using the parameters advocated by the Applicant or provided by the Examining Authority, there is no difference in the number of collisions predicted for all three turbine scenarios.

3.4.8. The results obtained when using the additional aerial survey data would not alter the conclusions reached in the EIA or RIAA for the relevant BDMPS populations or FFC SPA population of kittiwake, respectively when using any of the parameter scenarios and turbine scenarios.

Table 3.5: Collision risk estimates for kittiwake using turbine lower rotor tip height of 33.17 m

Collision risk estimates	Parameter scenario							
	Natural England	1	2	3	4	5	6 (Applicant)	Examining Authority
EIA scale								
Original	297	218	198	38			30	43-51
Updated	303	222	202	38			31	44-52
HRA scale								
Original	181	132	120	23	11	8	7	13-15
Updated	183	134	122	23	11	8	7	13-15

Table 3.6: Collision risk estimates for kittiwake using a turbine lower rotor tip height of 37.5 m

Collision risk estimates	Parameter scenario							
	Natural England	1	2	3	4	5	6 (Applicant)	Examining Authority
EIA scale								
Original	196	144	131	28			23	33-39
Updated	200	146	133	29			23	33-39
HRA scale								
Original	119	87	79	17	8	6	5	10-11
Updated	121	89	81	17	8	6	5	10-11

Table 3.7: Collision risk estimates for kittiwake using a turbine lower rotor tip height of 40 m

Collision risk estimates	Parameter scenario							
	Natural England	1	2	3	4	5	6 (Applicant)	Examining Authority
EIA scale								
Original	154	113	102	28			23	33-39
Updated	157	115	105	29			23	33-39
HRA scale								
Original	94	69	62	17	8	6	5	10-11
Updated	95	70	63	17	8	6	5	10-11

Lesser black-backed gull

3.4.9. Collision risk estimates for lesser black-backed gull using all parameter scenarios and the original and additional datasets are presented in Table 3.8 for the three turbine scenarios, respectively. For the majority of scenarios there is no change in the number of collisions predicted but in a few cases, there is an increase of one collision/annum, which is considered insignificant in assessment terms.

3.4.10. The results obtained when using the additional aerial survey data would not alter the conclusions reached in the EIA for the North Sea population of lesser black-backed gull, when using any of the parameter or turbine scenarios.

Table 3.8: Collision risk estimates for lesser black-backed gull using three turbine lower rotor tip heights

Collision risk estimates	Parameter scenario				
	Natural England	1	3	6 (Applicant)	Examining Authority
33.17 m lower rotor tip height					
Original	17	14	12	12	7
Updated	18	15	12	12	8
37.5 m lower rotor tip height					
Original	13	11	12	12	6
Updated	13	11	12	12	6
40 m lower rotor tip height					
Original	11	9	12	12	5
Updated	11	9	12	12	5

Great black-backed gull

3.4.11. Collision risk estimates for great black-backed gull using all parameter scenarios and the original and additional datasets are presented in Table 3.9 for the three turbine scenarios, respectively. For the majority of scenarios there is no change in the number of collisions predicted but in a few cases, there is an increase of one collision/annum, which is considered insignificant in assessment terms.

3.4.12. The results obtained when using the additional aerial survey data would not alter the conclusions reached in the EIA for the North Sea population of great black-backed gull when using any of the parameter or turbine scenarios.

Table 3.9: Collision risk estimates for great black-backed gull using three turbine lower rotor tip heights

Collision risk estimates	Parameter scenario				
	Natural England	1	3	6 (Applicant)	Examining Authority
33.17 m lower rotor tip height					
Original	66	53	26	26	33
Updated	67	54	26	26	34
37.5 m lower rotor tip height					
Original	52	42	20	20	26
Updated	53	42	20	20	27
40 m lower rotor tip height					
Original	45	36	20	20	23
Updated	46	37	20	20	23

3.5 Displacement analysis

3.5.1. Table 3.10 presents the seasonal mean-peak population estimates used for all species included in displacement analysis. Only those seasonal population estimates that are affected by those months for which additional data have been collected are considered. The seasonal mean-peak populations used in the Hornsea Three application were calculated using the meta-analysis, which incorporated survey data from historical boat-based surveys that covered Hornsea Three, to calculate population estimates for the four months. The recent survey data were incorporated into the calculation by assuming they represented the second year of aerial survey data, replacing the populations calculated using the meta-analysis.

Table 3.10: Comparison of seasonal mean-peak population estimates as used in the Hornsea Three application and calculated incorporating additional data

Species	Season	Original estimate	Updated estimate
Fulmar	Pre-breeding	525	1,049
Gannet	Pre-breeding	406	527
Guillemot	Breeding	13,374	13,374
	Non-breeding	17,772	17,772
Razorbill	Pre-breeding	1,236	2,062
Puffin	Non-breeding	127	137

3.5.2. For all species except guillemot the introduction of additional data increases the respective seasonal mean-peak populations. This would lead to a commensurate increase in the predicted displacement mortality which would be directly proportional to the magnitude of increase. The consequences of these increases, however, are likely to be immaterial in assessment terms, when put in an EIA context where the Hornsea Three displacement mortality numbers are a fraction of the baseline mortality of such large populations. For RIAA purposes, resulting impacts are apportioned to relevant SPA populations with the apportioning values used in non-breeding seasons derived by calculating the contribution of the focal population (e.g. the population present at a given breeding colony) to a much larger BDMPs population. This leads to a small proportion of any predicted impact being apportioned back to the focal SPA population.

3.5.3. To determine the magnitude of increase and therefore the potential implications for EIA and RIAA conclusions, displacement analysis has been conducted for all species for which there has been an increase in seasonal mean-peak populations.

Fulmar

3.5.4. Displacement analysis for fulmar using the displacement and mortality rates advocated by the Applicant and Natural England is presented in Table 3.11. The increases in baseline mortality are negligible when applying either set of assumptions (i.e., the Applicant's or Natural England's) and for both the North Sea and the FFC SPA populations of fulmar.

3.5.5. The results obtained when using the additional aerial survey data would not alter the conclusions reached in the EIA or RIAA for either the North Sea population or FFC SPA population of fulmar when using the assumptions advocated by either the Applicant or Natural England.

Table 3.11: Displacement analysis for fulmar assessed at EIA and HRA scales

Dataset	Displacement/mortality rate (%)		Displacement mortality		Increase in baseline mortality (%)	
	Applicant	Natural England	Applicant	Natural England	Applicant	Natural England
North Sea population (EIA) (Pre-breeding BDMPS = 957,502 individuals ⁴)						
Original	10-30 / 1	10 / 1-10	1-2	1-5	<0.01	<0.01-0.01
Additional			1-3	1-10	<0.01-0.01	<0.01-0.02
FFC SPA (HRA) (FFC SPA population = 2,894 individuals)						
Original	10-30 / 1	10 / 1-10	0	0	<0.01	<0.01-0.01
Additional			0	0	<0.01	<0.01-0.01

⁴ All BDMPs populations presented in this report have been taken from Furness (2015) with baseline mortality rates sourced from Horswill and Robinson (2015)

3.5.6. The following species-specific sections present displacement analysis for all species for which displacement impacts were assessed in the Hornsea Three application. Natural England provided no advice in relation to their advocated displacement and mortality rates and therefore Natural England's advice to other projects has been followed where available for each species. Where this advice is not available the advice in JNCC *et al.* (2017) has been followed.

Gannet

3.5.7. Displacement analysis for gannet using the displacement and mortality rates advocated by the Applicant and Natural England is presented in Table 3.12. There is a negligible increase in the displacement mortality predicted in EIA terms when applying the displacement and mortality rates advocated by the Applicant and the lower end of the range of displacement and mortality rates advocated by Natural England. When applying the upper end of the rate range advocated by Natural England, the increase is slightly greater (11 birds), although in the context of the impact on gannet of no significance, as illustrated by the negligible change in the increase in baseline mortality of the North Sea population of gannet. For the FFC SPA population the increases in baseline mortality are immaterial in assessment terms.

3.5.8. The results obtained when using the additional aerial survey data would not alter the conclusions reached in the EIA or RIAA for the North Sea population or FFC SPA population of gannet, respectively when using the assumptions advocated by either the Applicant or Natural England.

Table 3.12: Displacement analysis for gannet assessed at EIA and HRA scales

Dataset	Displacement/mortality rate (%)		Displacement mortality		Increase in baseline mortality (%)	
	Applicant	Natural England	Applicant	Natural England	Applicant	Natural England
North Sea population (EIA) (Pre-breeding BDMPS = 248,385 individuals)						
Original	30-70 / 1	30-70 / 1-10	1-3	1-28	0.01	0.01-0.14
Additional			2-4	2-37	0.01-0.02	0.01-0.18
FFC SPA (HRA) (FFC SPA population = 16,938 individuals)						
Original	30-70 / 1	30-70 / 1-10	0	0-2	0.01	0.01-0.13
Additional			0	0-2	0.01-0.02	0.01-0.17

Razorbill

3.5.9. Displacement analysis for razorbill using the displacement and mortality rates advocated by the Applicant and Natural England is presented in Table 3.13. In assessment terms, there is a negligible increase in the displacement mortality predicted when applying the displacement and mortality rates advocated by the Applicant and the lower end of the range of displacement and mortality rates advocated by Natural England. This is also true when applying the upper end of the rate range advocated by Natural England with this illustrated by the increase in baseline mortality of the North Sea population of razorbill. The original displacement mortality (87 birds) represents a 0.14% increase in baseline mortality with the displacement mortality calculated using the additional dataset representing a 0.23% increase in baseline mortality. For the FFC SPA population the increases in baseline mortality are also immaterial in assessment terms.

3.5.10. The results obtained when using the additional aerial survey data would not alter the conclusions reached in the EIA or RIAA for the North Sea population or FFC SPA population of razorbill, respectively when using the assumptions advocated by either the Applicant or Natural England.

Table 3.13: Displacement analysis for razorbill assessed at EIA and HRA scales

Dataset	Displacement/mortality rate (%)		Displacement mortality (EIA)		Displacement mortality(RIAA) (%)	
	Applicant	Natural England	Applicant	Natural England	Applicant	Natural England
North Sea population (EIA) (Pre-breeding BDMPS = 591,874 individuals)						
Original	40 / 2	30-70 / 1-10	10	4-87	0.02	0.01-0.14
Additional			16	6-144	0.03	0.01-0.23
FFC SPA (HRA) (FFC SPA population = 21,140 individuals)						
Original	40 / 2	30-70 / 1-10	0	0-3	0.02	0.01-0.13
Additional			1	0-5	0.03	0.01-0.22

Puffin

3.5.11. Displacement analysis for puffin using the displacement and mortality rates advocated by the Applicant and Natural England is presented in Table 3.14. The increases in baseline mortality are negligible when applying either set of assumptions (Applicant or Natural England) and for both the North Sea population of puffin and the FFC SPA population of puffin.

3.5.12. The results obtained when using the additional aerial survey data would not alter the conclusions reached in the EIA or RIAA for the North Sea population or FFC SPA population of puffin, respectively when using the assumptions advocated by either the Applicant or Natural England.

Table 3.14: Displacement analysis for puffin assessed at EIA and HRA scales

Dataset	Displacement/mortality rate (%)		Displacement mortality (EIA)		Displacement mortality (RIAA) (%)	
	Applicant	Natural England	Applicant	Natural England	Applicant	Natural England
North Sea population (EIA) (Non-breeding BDMPS = 231,957 individuals)						
Original	50 / 1	30-70 / 1-10	1	0-9	<0.01	<0.01-0.04
Additional			1	0-10	<0.01	<0.01-0.04
FFC SPA (HRA) (FFC SPA population = 1,960 individuals)						
Original	50 / 1	30-70 / 1-10	0	0	<0.01	<0.01-0.02
Additional			0	0	<0.01	<0.01-0.02

4. Conclusions

- 4.1.1. The data collected from the additional aerial surveys provide confirmation that the baseline dataset used as part of the Hornsea Three application captured the variability present in seabird populations present at Hornsea Three. The population estimates calculated from the additional surveys for Hornsea Three plus a 4 km buffer are very similar to those collected during the original survey programme and, in all cases, within the variability that was assumed for that time of year. This variability in the abundance of birds during this period of the annual cycle is limited, as stated by the Applicant in its application and examination submissions.
- 4.1.2. The additional overall population estimates indicate limited variability in the abundance of birds at Hornsea Three between December and March. CRM and displacement analyses have been conducted incorporating the additional data to identify the implications of using the additional data for the assessments presented in the application and examination submissions.
- 4.1.3. Comparisons between collision risk estimates presented as part of examination submissions and calculated incorporating the additional aerial survey data show changes of negligible magnitude for all species. When applying the modelling parameters provided by the Examining Authority the majority of collision risk estimates are identical and for those that do change the increase is negligible (one collision/annum). The use of the additional data would therefore not alter the conclusions reached in either the EIA or RIAA for Hornsea Three. The findings in this report also support the Applicant's case during the application and examination, including the sensitivity testing submitted to the examination at Deadline 1 (REP1-141). The impact magnitudes calculated in this report fall within the variability expected during the period December to March and within the confidence intervals considered as part of the assessments presented throughout the application and examination.
- 4.1.4. Similar comparisons for displacement mortality also show that the use of the additional aerial survey data has no effect on the conclusions reached in the EIA and RIAA. The comparisons presented use the increase in baseline mortality to determine the magnitude of change with the increases in this metric considered immaterial in assessment terms for all species.
- 4.1.5. For all species, the data confirm the conclusions drawn in the EIA and RIAA in relation to limited variability in the abundance of each species and relative lower importance of these months when compared to the abundance recorded in breeding months, for example. Whilst the densities obtained for some species are slightly higher, they do not make a material difference to the overall collision rates or the displacement mortality predicted. As a result, the conclusions of the EIA/RIAA are unaffected.

5. References

Furness, R.W. (2015). Non-breeding season populations of seabirds in UK waters. Population sizes for Biologically Defined Minimum Population Scales (BDMPS). Natural England Commissioned Report NECR164.

Horswill, C. & Robinson R. A. (2015). Review of seabird demographic rates and density dependence. JNCC Report No. 552. Joint Nature Conservation Committee, Peterborough.

JNCC, Natural Resources Wales, Department of Agriculture, Environment and Rural Affairs/Northern Ireland Environment Agency, Natural England and Scottish Natural Heritage, (2017). Joint SNCB Interim Displacement Advice Note. [Online]. Available at: http://jncc.defra.gov.uk/pdf/Joint_SNCB_Interim_Displacement_AdviceNote_2017.pdf (Accessed May 2017).

Appendix 1 - Parameter scenarios for collision risk modelling

Parameter	Species	Natural England (REP6-043)		Applicant (REP6-042)		Examining Authority (REP9-047)	
1. Flight speed	Gannet	14.9	Pennycuick (1987)	13.33	Skov <i>et al.</i> (2018)	14.9	Pennycuick (1987)
	Kittiwake	13.1	Alerstam <i>et al.</i> (2007)	8.71		13.1	Alerstam <i>et al.</i> (2007)
	Lesser black-backed gull	13.1		9.8		13.1	
	Great black-backed gull	13.7				13.7	
2. Avoidance rate (%)	Gannet	98.9	JNCC <i>et al.</i> (2014)	99.5	Bowgen and Cook (2018)	99.5	Bowgen and Cook (2018)
	Kittiwake	98.9		99.0		99.0	
	Large gulls	99.5		99.5		99.3	
3. Band Model Option	Gannet	2		1/3		1	
	Kittiwake					1	
	Large gulls					3	
4. Breeding season apportioning (%)	Gannet	Unknown	REP1-211	40.4	APP-054	63.3	
	Kittiwake	– range applied		41.7		41.7	
	Large gulls	N/A					
5. Seasonality	Gannet	REP1-211		APP-054		REP1-211	
	Kittiwake	REP1-211		APP-054		REP1-211	
	Large gulls	Furness (2015)					
6. Nocturnal activity factors	Gannet	1-2	REP1-211	Breeding = 8% Non-breeding = 3%	Furness <i>et al.</i> (2018)	1-2	
	Kittiwake	2-3		Breeding = 20% Non-breeding = 17%	MacArthur Green (2018)/Furness (unpub)	2-3	
	Large gulls	2-3		3	Garthe and Hüppop (2004)	3	

Date: 25 September 2019
Our ref: [Click here to enter text.](#)
Your ref: n/a



Mr Rob Pridham
Hornsea Three Case Manager
Energy Infrastructure Planning
Department for Business, Energy and Industrial Strategy
Level 3, Orchard 2
1 Victoria Street
London SW1H 0ET

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Mr Pridham,

The Hornsea Three Development Consent Order application and the implications of Natural England's recent advice at the Norfolk Vanguard Development Consent Order examination

I am writing with respect to the recent letter you have received from the RSPB dated 6th September 2019. We thought it would be helpful to follow this up with some clarification.

Natural England's advice throughout the Hornsea 3 Examination regarding offshore ornithology issues was that insufficient baseline survey data had been collected in order to allow Natural England to make conclusions regarding the impacts of the proposal on a number of qualifying features of seabird Special Protection Areas. Without the ability to advise on – and therefore rule out – adverse effects on integrity from the project alone, it inevitably follows that we would also be unable to advise on, or rule out, Adverse Effects on Site Integrity, when considered in-combination with other plans and projects. This is consistent with current case law.

The Norfolk Vanguard Examination ran approximately two months behind the Hornsea 3 examination. In contrast with the situation at Hornsea 3, sufficient offshore ornithology baseline survey information had been collected by the Norfolk Vanguard applicant to allow us to draw conclusions regarding the impacts of the project alone on the relevant SPAs. It was therefore also possible to properly consider the extent of in-combination impacts with other plans or projects.

This proved problematic when trying to incorporate the impacts of Hornsea 3 into this assessment, given the significant lack of confidence in the baseline data collected. We therefore advised Norfolk Vanguard to present in-combination assessments that both included and excluded Hornsea 3. The latter used mortality values presented by Natural England during the Hornsea 3 examination as an illustrative analysis of the appropriate methods of analysing baseline data (there being significant methodological concerns with how Hornsea 3 analysed the data, as well as the above concerns regarding the adequacy of the baseline data itself). These figures, whilst not representing Natural England's opinion regarding the impacts of the Hornsea 3 development, represented the most appropriate evidence to use, albeit with significant short-comings.

Norfolk Vanguard followed our advice and produced such an in-combination assessment, which clarified that for some SPA qualifying features, it was possible to rule out an in-combination AEOI when Hornsea 3 was excluded from the assessment, but not when Hornsea 3 was included in the assessment, due to the high level of uncertainty regarding the impacts of the Hornsea 3 proposal.

We therefore do not consider our advice during the Norfolk Vanguard to be “new advice” as stated in the RSPB letter, rather as the logical and inevitable extension of our advice on Hornsea 3 in the light of the in-combination assessment of a subsequent Examination.

We hope that you find this clarification helpful.

Yours sincerely

A black rectangular box redacting the signature of Chris McMullon.

Chris McMullon
Principal Adviser
Natural England

cc Ørsted: Andrew Guyton (Hornsea Three Consents
 Manager)
 Vattenfall: Rebecca Sherwood (Norfolk Vanguard
 Consents Manager)
 RSPB: James Dawkins, Casework Manager
 The Planning Inspectorate: Hornsea Three Case Team

Annex 1: Summary of Natural England's Final Position on Offshore Ornithology In-Combination Issues at Close of Norfolk Vanguard OWF Examination

EIA species	Cumulative impacts position
Gannet (displacement + collision combined)	Significant (moderate adverse)
Red-throated diver (displacement)	Significant (moderate adverse)
Kittiwake (collision)	Significant (moderate adverse)
Lesser black-backed gull (collision)	Not significant (minor adverse)
Herring gull (collision)	Not significant (minor adverse) – though impacts close to a level which we would consider significant (moderate adverse)
Great black-backed gull (collision)	Significant (moderate adverse)
Little gull (collision)	Not significant (minor adverse) ¹
Guillemot (displacement)	Significant (moderate adverse)
Razorbill (displacement)	Significant (moderate adverse)
Puffin (displacement)	Not significant (minor adverse)

HRA site/feature	In-combination impacts position
A-OE SPA LBBG (collision)	Cannot ascertain no AEOI
FFC SPA Gannet (displacement + collision combined)	No AEOI excluding Hornsea 3; cannot ascertain no AEOI when Hornsea 3 included.
FFC SPA Kittiwake (collision)	AEOI
FFC SPA Guillemot (displacement)	No AEOI excluding Hornsea 3; cannot ascertain no AEOI when Hornsea 3 included.
FFC SPA Razorbill (displacement)	No AEOI excluding Hornsea 3; cannot ascertain no AEOI when Hornsea 3 included.
FFC SPA Assemblage (displacement & collision)	Cannot ascertain no AEOI due to impacts on qualifying features; no AEOI through impacts on puffin ² .
GW SPA Red-throated diver (displacement)	No AEOI
GW SPA Little gull (collision)	No AEOI ³

¹ Conclusion based on best publically available evidence, but information not publically available on some relevant in-combination projects e.g. Dudgeon

² Nb. this position relates to the displacement impacts on the puffin population of the SPA from Norfolk Vanguard being far closer to zero (less than 0.1 bird per annum) than 1 bird per annum, and therefore there is no contribution to an in-combination effect.

³ Conclusion based on best publically available evidence, but information not publically available on some relevant in-combination projects e.g. Dudgeon

From: [Johnson, Melissa](#)
To: [Hornsea Project Three](#)
Cc: [BRODRICK Claire](#)
Subject: Application by Orsted Project Three (UK) Limited (the applicant) for a DCO (the Order) for the Hornsea Project Three Offshore Wind Farm: PINS Reference H 3WF-SP054 [ADDGDD-Live.FID2981243]
Date: 25 September 2019 16:14:15

Dear Madam or Sir

We act for Network Rail Infrastructure Limited (**Network Rail**) and write to update the Examining Authority and the Secretary of State further to Network Rail's final representations at Deadline 10 [REP10-016].

Network Rail is working with the applicant to seek to agree the property documents that are required to deliver the scheme by private agreement.

Network Rail hopes to be in a position to agree these documents, withdraw its representations to the Examining Authority and submit an agreed set of protective provisions for the benefit of Network Rail (to be included in Part 5 of Schedule 9 to the Order) within the next few days.

We will update you and the Secretary of State as soon as possible and before Tuesday 1 October.

Please can you forward this email to the Secretary of State for Business, Energy and Industrial Strategy? Thank you.

Yours faithfully

Addleshaw Goddard LLP

Melissa Johnson

Consultant

for Addleshaw Goddard LLP

DDI: +44 (0)161 934 6272

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Gareth Leigh
Head of Energy Infrastructure Planning
Department for Business, Energy and Industrial Strategy
1 Victoria Street
London
SW1H 0ET

Email: beiseip@beis.gov.uk

5 September 2019

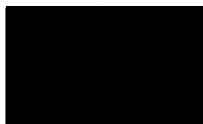
**Application for the Hornsea Three Offshore Wind Farm
Order (EN010080) – Joint Statement between Hornsea
Three and Spirit Energy**

Our ref. [HOW03_CON_05092019]


Dear Mr Leigh,

Following the completion of the Hornsea Project Three Offshore Wind Farm ('Hornsea Three') Development Consent Order (DCO) Examination (EN010080) and the Examining Authority issuing their Recommendation Report to the Secretary of State (SoS) for Business, Energy and Industrial Strategy (BEIS) on 2 July 2019, Hornsea Project Three Ltd. ('the Applicant') would like to draw the SoS's attention to the following joint statement made by the Applicant and Spirit Energy.

Yours Sincerely,



Andrew Guyton

Hornsea Project Three Consents Manager
Tel 

cc. Oliver Palasmith, Hornsea Project Three Commercial Manager
Stuart Livesy, Hornsea Three Project Manager
Max Rowe, Senior Commercial Advisor for Spirit Energy

Planning Act 2008

Application for the Hornsea Three Offshore Wind Farm Order (EN010080)

Joint statement made by the Applicant and Spirit Energy

Subject to contract

1. This joint statement is made by, Orsted Hornsea Project Three (UK) Limited (the "Applicant"), and Spirit Energy North Sea Limited, Spirit Energy Resources Limited and Spirit Energy Nederland B.V. (together "Spirit Energy") and their Co-Venturers.
2. On 1 April 2019 the Applicant and Spirit Energy submitted a joint statement to the Examining Authority for Deadline 10 [REP10-025]. That explained inter alia that progress had been made in discussions between the parties, particular items had been agreed but that further time was required to negotiate outstanding points (the "April 2019 update").
3. The April 2019 update explained that agreement between the parties was unlikely to be reached before the end of the Examination and the parties intended to provide an update to the Secretary of State after the end of the Examination, during the 3 month determination period. The purpose of this statement is to provide that update.
4. The Applicant and Spirit Energy have continued discussions on the aviation and marine topics raised during the Examination and are very close to reaching agreement, such that a draft Cooperation and Coexistence Agreement (the "Agreement") has been circulated for comment. Both parties expect the Agreement to be capable of execution before the determination of this DCO application due on 2 October 2019.
5. Assuming the Agreement is entered into, it is expected that the Applicant and Spirit Energy, on behalf of itself and its Co-Venturers', will be able to jointly confirm to the Secretary of State that they are each satisfied that their interests are protected and, on that basis, the protective provisions proposed by the parties to address Spirit Energy and its Co-Venturers' concerns would not be required.
6. Subject to receipt of the joint notification described in paragraph 5 above, which the parties will endeavour to provide prior to Monday 16th September 2019, the parties would request at that time that the Secretary of State remove any relevant protective provisions which may be included in the DCO.

Signed by: 

Name: 

for and on behalf of: Spirit Energy North Sea Limited, Spirit Energy Resources Limited and Spirit Energy Nederland B.V. and their Co-Venturers

Signed by:



Name: Andrew Guyton

for and on behalf of Orsted Hornsea Project Three (UK) Limited

Dated: 5 September 2019

Right Honourable LORD TEBBIT CH



House of Lords
LONDON SW1A 0PW

kk-Response

22 August 2019

Rt Hon Andrea Leadsom MP
Secretary of State for Business, Energy
and Industrial Energy
House of Commons
London
SW1A 0AA



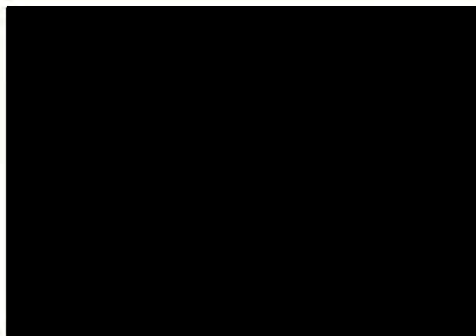
I enclose a copy of a letter recently written to you by Sir John White of Salle Park, Reepham, Norfolk.

I agree in every respect with Sir John's concern at the proposed vandalism by those carrying out the construction of the onshore cable routes in connection with the Vattenfall and Orsted offshore wind turbine projects.

Were Sir John to destroy a section of one of the mature hedges on his Estate for the convenience of access for large modern agricultural machinery he would be liable to prosecution.

As he says in his letter to you, there is no need for such vandalism. The contractors could tunnel under the hedgerow as they tunnel under roads. The proposed vandalism of the hedge is a purely cost cutting exercise.

I would add that Sir John understates his work to "modernise" the Estate which he inherited from his father. The Estate was in an appalling state of neglect with the house in danger of collapse as a consequence of his father's fatal illness and it is now a model of its kind.



c.c. Sir John White

The Rt. Hon. Andrea Leadsom MP
The Secretary of State for Business, Energy
and Industrial Strategy
House of Commons
London
SW1A 0AA

Dear Secretary of State,

Vattenfall & Orsted Offshore Wind Turbine Projects – Onshore Cable Routes

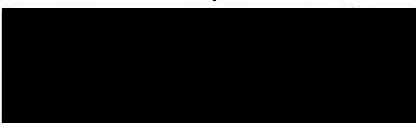
On Monday 25th February 1971, on the sudden death of my father, I inherited the Salle Estate in central Norfolk. I was only just 24 years old, I was full of energy, and I desperately wanted to modernise the Estate but also to be a responsible custodian. This entailed making the fields larger for modern day farming practices, however I formulated a programme whereby new woods and hedges were planted. The last thing I wanted was to get a reputation for vandalising the countryside. Once the newly planted woods and hedges had matured, my actions I believe were appreciated by the local community.

I have now reached the age of 72 and I am mortified that purely on grounds of cost, two mature hedges that I had planted now well over 40 years old, will be bulldozed instead of thrust bored under them. I feel that this is an act of wanton vandalism, especially when the contractors are prepared to thrust bore under all roadways, thus saving the roadside hedges of which there are several as shown by the enclosed map.

I understand that both of these cable projects are now with you for consideration, and I would hope that you would consider insisting that the two contractors thrust bore under these particular hedges, which are in prominent positions.

I enclose recent photographs of this hedges and I hope you will agree with me that they are worth preserving. Furthermore, the idea to replant with new hedge quicks disappoints me, as it is unlikely that I would see them return to their current maturity in my lifetime.

Yours sincerely,



Sir John W. White Bt

CC. Lord Tebbit

Greg Peck, Norfolk County Councillor and District Councillor



Hedge Line A

A

GREG PECK

COUNTY

COUNCILLOR.

6' 1" in height



Wedge Line A



Hedge Line A.



Hedge Line A.



HEDGE

B

Councillor, Greg Peck
6' 1" TALL.





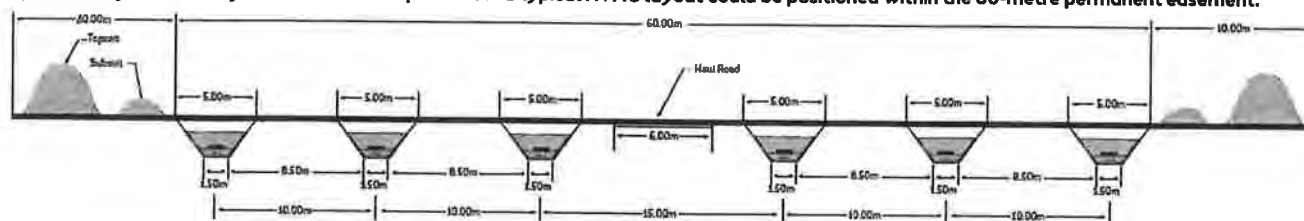
Hedge Line
B.

Section 1 – General Project Questions

Why do you require 80 metres for the onshore cable corridor?

Up to six trenches will be required to accommodate up to six circuits, each containing individual cables and fibre optics to enable communication between the wind farm and the control system. Each trench could be up to 5 metres wide at the surface reducing to 1.5 metres at the bottom. The circuits must be spaced out to minimise the mutual heating effect. This spacing enables the cables to effectively carry the large power volumes required without overheating and damaging the cable. The final width and location of each specific trench will be determined closer to the construction phase (Figure 3).

Figure 3: Diagram showing an indicative example of how a typical HVAC layout could be positioned within the 60-metre permanent easement.



What is HVAC technology, and what is HVDC technology?

HVAC stands for high voltage alternating current, whereas HVDC stands for high voltage direct current.

HVAC technology is the principle means of power transmission in all modern power systems. The vast majority of all electrical power is generated, transported and consumed as alternating current, where the voltage and current values oscillate over time at a specific frequency (50Hz in the UK, or 50 cycles per second). Transforming alternating current to higher voltages is relatively simple and enables power transmission over longer distances with reduced losses and fewer power lines than low voltage transmission.

HVDC technology is an alternative to HVAC for point-point power transmission and may be appropriate in some circumstances for bulk power transfer over long distances or between different grids. Because most electricity, including that in an offshore wind farm, is generated as alternating current it is necessary to 'convert' the alternating current to direct current (with constant voltage and current values) and 'invert' the direct current back to alternating current for onward transmission in the national grid at large converter stations using power electronics devices.

Will the cable corridor diameter be reduced with HVDC technology?

HVDC cable circuits are typically able to transport more power than HVAC cable circuits therefore if using HVDC it is possible we may be able to use a reduced number of circuits (currently the maximum is six circuits) which could result in a narrower corridor being required. We will conduct our assessments based on a realistic worst-case scenario, which could be either HVDC or HVDC technology depending on the receptor.

It should be noted that although it may be possible to reduce the number of cable circuits with HVDC technology (if this becomes a feasible and viable option for the Project), that a HVDC onshore substation solution is anticipated to lead to utilisation of the larger height of the proposed new onshore substation that would need to be built.

Why can't you commit to using DC technology?

At present, all UK offshore wind farms use HVAC technology and the technology, its capabilities and limitations are well understood. To date, HVDC has more commonly been used to transmit electricity from one grid to another in the form of an interconnector and has yet to be applied to any UK offshore wind farms. Although there is some experience in Germany, the structure of this market is quite different to the UK (in that offshore transmission connections are centrally planned and delivered by the onshore utility) and the use of DC technology for the offshore wind farms is still maturing. For an interconnector from one country to another, there is no marine infrastructure other than the cabling itself and therefore interfaces with other systems/marine platforms etc is absent (both ends of the interconnector are on dry land. However, use of DC for wind farms add additional complexity in terms of greater infrastructure interfaces offshore and in some instances technical issues, cost overruns and delays have been experienced. Furthermore, due to the increased complexity of offshore HVDC systems and limited experience, transmission reliability is lower meaning that over time, less offshore wind energy can be transmitted to the grid.

Aside from the technology maturity, there are very few suppliers in the world with the capability of producing and supplying HVDC transmission technology (for the cables and converter stations) that would be needed for a wind farm of this size, and delivery lead times can be considerably longer than for equivalent HVAC systems. In light of the above, there are risks associated with only taking the DC option forward at this time and as the developer, we are responsible for ensuring the proposed development is feasible and can be realised within a reasonable timeframe.

There is a certain level of confidence in the UK wind industry that HVDC technology will become more mature before Hornsea Project Three will connect, but there is currently no certainty. Therefore, committing to solely HVDC now could restrict or even prevent the development of the project in the future if we do not see the necessary developments in the market. We may well eventually choose to opt for HVDC transmission technology; however, it is considered that to only seek a consent (planning permission) for such a technology (and excluding HVAC) at this time could make the eventual Project unbuildable and/or unprofitable.

Due to current uncertainty, a decision on which transmission system to adopt will not be made until post consent after extensive engagement with potential systems suppliers has taken place.

Is cost the only reason you are not committing to HVDC?

No, cost is not the main reason for not committing to HVDC technology, as it is not clear which technology will represent the lowest cost until quotations are received from potential suppliers. As mentioned previously, system reliability, market availability and lead times are also major considerations when selecting a final transmission technology.

What legislation covers these works?

As a Nationally Significant Infrastructure Project (NSIP), the project will be applying for a Development Consent Order (DCO). This process is governed by the Planning Act 2008 and governs the necessary planning and compulsory purchase powers for the project.

Section 2 – Construction Works

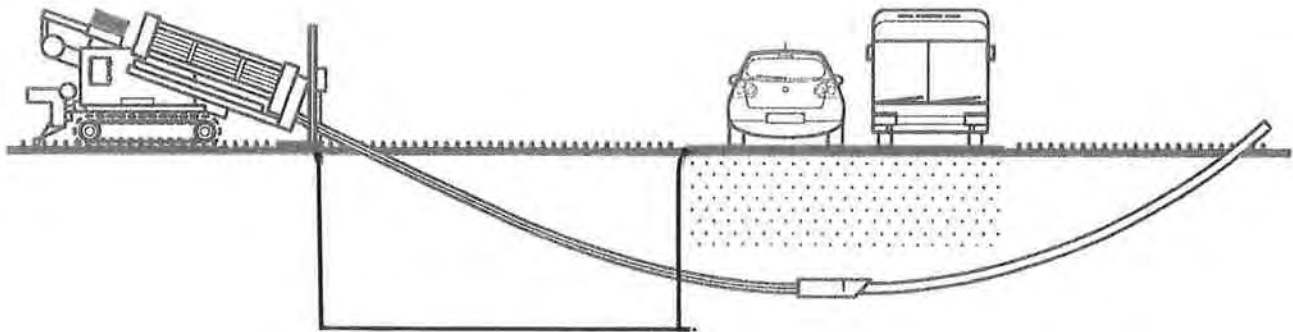
How will you install the cables?

Typically, the onshore cables will be installed using an open cut method. The trenches will be excavated using a mechanical excavator, and the export cables will be installed into the open trench from a cable drum delivered to the site via Heavy Goods Vehicles (HGVs). The cables are buried in a layer of stabilised backfill material that ensure a consistent structural and thermal environment for the cables. The remainder of the trench is then backfilled with the excavated material. Hard protective tiles, and marker tape are also installed in the cable trenches to ensure the cable is not damaged by any third party. Once the trenches are installed and the trenches backfilled, the stored subsoil and topsoil will be replaced and the land reinstated back to its previous use.

We are also considering several different trenchless methods for installing the cables at certain points along the cable route. This could include rivers, woods and major roads. Horizontal Directional Drilling (HDD) is a steerable trenchless method of installing underground cables that enables you to install cables underground over short distances with minimal impact on the surface infrastructure and surrounding area (Figure 6). We have identified over 70 points along the onshore cable route where we are proposing to HDD.



Figure 6: Diagram showing a cable being install using HDD underneath a road.



HDD is generally accomplished in three stages:

1. Directionally drilling a small diameter pilot hole along a designed directional path.
2. Enlarge the pilot hole to a diameter suitable for installing the cable.
3. Pull the cable through the enlarged hole¹.

How deep will you bury the cables?

Individual cables will be buried on land at a minimum depth of 1.2 m depending on ground conditions. Where necessary, due to there being rock, concrete or other obstacles close to the surface, the cables may need to be laid at a shallower depth of no less than 0.7 m. We have increased the minimum burial depth following feedback from farmers who had concerns about the potential interaction with land drains and any deep soil cultivations that they undertake.

How will you preserve the soil structure?

During construction of the cable trenches, the topsoil and subsoil will be stripped and stored on site within the temporary working corridor as construction of each linear section of the cable route advances. The topsoil and subsoil will be stored in separate stockpiles to allow this to preserve soil structure, and to prevent weed build-up and texture damage. We will also have plans for Soil Management, Weed Management and Bio-security.

Will the land be reinstated once the cables have been installed?

Prior to construction commencing a Schedule of Condition of the land will be taken and we have an obligation to return the land in the same state. Once the cables are installed, we will reinstate the land and to ensure it is in no worse a condition than prior to construction. We understand the importance of assessing soil structure before, during and after construction to ensure that the field drainage is maintained and will appoint a Drainage Consultant who will assess and design the mitigation scheme. Further studies into drainage and soil types are required to ensure that this is done correctly and we welcome any input from landowners as we recognise they know their land best. For example, we would be very keen to see copies of drainage plans.

¹ In some cases, ducts may be installed as a result of HDD activities that will then allow for the cables to be pulled through,

We have already spoken with and consulted with many landowners, and farmers' concerns have already fed into the cable route design. We continue to engage with landowners and will appoint an Agricultural Liaison Officer during the construction period to advise and to deal with post-construction concerns to ensure the process is managed properly.

How will you access the onshore cable corridor?

We have identified locations along the cable route where we will access the cable corridor or construction compounds during construction from the public road network. These access points will be set-up in advance of the cable laying. The route and design of these access roads will be agreed with the relevant landowners in advance of construction and where possible we have sought to use existing roads and tracks.

During construction, temporary haul roads will be installed within the 80-metre-wide corridor to facilitate the movement of construction vehicles to the site and to allow trench excavation to take place. The haul road will also help minimise interactions with the local road networks. The topsoil will be stripped and stored before any required temporary roadways are created.

The access points will have different functionalities. Some will be required to access the proposed temporary haul road itself, whereas others will be required to enable access to HDD points so that the drill can be monitored as the works are undertaken. For the latter, it would be a 4x4 or people on foot rather than construction vehicles. Further information on proposed vehicles routes and how this will be managed will be provided in the Environmental Statement that we submit alongside our DCO application.

Can anything go on top of the cable route once it's completed?

It would not be possible to place any type of construction (i.e. buildings) above the cables in case we needed to perform maintenance in the future. It would also not be possible to plant trees above the cables without prior consent to avoid damage from the roots. Hedgerows can remain/be restored and fencing/walls etc. It will be possible to continue farming crops or grazing animals above the cables once construction has completed.

What are the temporary construction compounds used for and where could they be?

Construction compounds of various sizes will be required along the onshore export cable corridor for laydown and storage of materials, plants and staff, as well as space for small temporary offices, welfare facilities, security and parking. This includes crossings of other infrastructure, joint bay and link box construction. The construction compounds will be established pre-construction and remain in place throughout the construction phase, although they may not remain in continual active use. The compounds will be removed and sites restored to their original condition when construction has been completed, unless it is considered necessary to retain some compounds during the commissioning stages of Hornsea Project Three.

We have confirmed the location for the main compound site as Oulton Airfield site in Broadland. This site operate as a central base for the onshore construction works. Up to five secondary compounds (smaller in scale) will also be required along the cable route to facilitate construction works in those areas. These compounds will be used to store equipment and welfare facilities.

What movement/type of vehicles can we expect between these compounds and the route?

Access routes will be required from the nearby road network at various places along the onshore export cable route to access the construction works as well as the various compounds along the route that may be set-up in advance of the cable laying. Vehicle movements will vary depending on their purpose but will include heavy goods vehicles as well as abnormal indivisible loads.

Measures will be implemented to minimise dust, mud and debris associated with the movement of construction vehicles between the compounds and the route, the details of which will be provided in an outline Code of Construction Practice (CoCP) which accompanies the application. Furthermore, prior to the commencement of traffic generating works, a Construction Traffic Management Plan(s) will be agreed with the relevant Local Highway Authority in consultation with the Highways Agency.

Where the cable route crosses woodland, how will this be managed?

Where we cross large sections of woodland, we will install the cable using Horizontal Direction Drilling (HDD) wherever technically possible to do so. This will involve installing the cable using a drill which runs underneath the woodland, so that we can avoid having to remove or clear trees on the surface. We have identified over 70 points along the onshore cable route where we are proposing to HDD. Locations where we are proposing to HDD are marked on the latest plans – view our Interactive Map.

Where the cable route crosses trees or hedgerows, how will this be managed?

The cable route has been designed to avoid hedgerows and trees where possible or drill underneath them using HDD. However, the Project will need to remove some trees permanently and temporarily remove some hedgerows along the cable route to allow for cable laying and to enable installation of temporary access tracks. We recognise that protection and sensitive restoration of hedgerows is important to minimise any negative impact on biodiversity or landscape resulting from loss or reduction in hedgerows and in the few instances where a small section of the hedgerow needs to be temporarily removed, it will of course be handled sensitively.

The replacement of hedgerows at the end of the construction phase to be undertaken will ensure there is no net loss of hedgerow habitat as a result of Hornsea Project Three. Furthermore, restoration of hedgerows, currently in poor condition, provides an opportunity to achieve long term benefits for the biodiversity associated with this habitat type.

How long will it take to install the cables?

The export cables will be installed in sections of between 750 and 2,500 metres at a time, with each section of cable delivered on a cable drum from which it is spooled out as it is installed. The installation of the cable is expected to take up to 30 months in total; however, work is expected to progress along the route with a typical works duration of three months at any one location. Construction may be carried out by multiple teams at more than one location along the cable route at the same time.

Will it all be built at once?

In our Preliminary Environmental Information Report (PEIR), which was published in July 2017 (available on our website www.hornseaproject3.co.uk in the Documents Library), we explained that due to the scale of the proposed development and existing regulatory framework, it could be necessary for Hornsea Project Three to be built out in up to three phases. We received a considerable amount of feedback on this aspect as part of our statutory consultation and through detailed discussions with our technical and commercial teams, we are pleased to confirm that we have been able to **reduce this to up to two phases**.

There are various possible reasons for phasing including constraints in the supply chain or requirements of the government's Contract for Difference subsidy regime which offshore wind farms currently rely on to secure a price for the electricity produced by a project.

Where built in phases, these may overlap or have a gap between the completion of construction of one phase and the start of construction of another. The total durations for each component would not exceed those assessed.

Indicative construction programmes showing how the project could be built out in both a single and two-phased approach will be included in the Environmental Statement that we submit alongside our application. Reducing the maximum number of phases has also enabled us to **reduce the maximum duration over which the onshore construction works could take place**, from eleven (previously presented) to eight years.

Can you avoid constructing during the Summer?

At this early stage in the development process, we do not know the exact timings of works, however wherever possible to do so we would endeavour to avoid the most sensitive times of year within the construction programme.

What are the working hours?

We do not know this until we get into detailed discussions with the relevant local planning authority (LPA), however, there will likely be prescribed acceptable start and end times of construction which are agreed with the LPA both during the working day and in relation to the allowance for weekend working. In certain cases, such as HDD crossings, the project may need to seek to acquire temporary abilities for 24-hour construction. However, this would need to be discussed with the relevant LPA in advance to secure permission, and consider the proximity of residential properties etc.

Will I receive any compensation for having the cables through my land?

Yes, we will compensate landowners who are directly affected by the cable through their land. Compensation is paid for the freehold depreciation of the land affected by the easement and for all reasonable and substantiated losses arising from construction of the project.

Will you pay for my Land Agent and Solicitor fees?

When we discuss the terms of any agreements we will compensate you for any reasonable land agent fees incurred. Where a solicitor's involvement is required to complete any legal agreements, we will also compensate you for their reasonable fees.

What surveys are needed on my land between now and DCO submission?

The majority of onshore survey work that is required prior to the submission of the DCO application is now complete. There are a small number of surveys which are still being conducted in relation to the ecology of the proposed onshore cable route.

I don't want to agree any terms with you, so what will you do then?

We would like to work with landowners as much as possible to resolve any concerns that you may have and reach an agreement by negotiation. However, where we cannot reach an agreement, we will be seeking compulsory acquisition powers within our DCO application so that we can acquire any necessary land rights for the project to be developed.

How will you mitigate damage to environmental schemes?

We are currently undertaking environmental surveys to identify sensitive habitats so that we can avoid these areas where it is reasonably possible to do so and identify appropriate mitigation measures. The impact on these schemes/areas will be reduced and mitigated where possible, however it would be the landowner's responsibility to arrange for the relevant area of land that would be impacted by our installation work to be either removed or temporarily taken out of any relevant scheme.

What are your proposals for dealing with loss of Basic Payment Scheme (BPS) or similar entitlements?

Ørsted will reimburse farmers for any proven loss as a direct result of our work, loss of BPS entitlements will fall under this category.

Who should I be speaking to from Ørsted about my land and any questions that I have?

For any **landowner specific questions**, please contact our Land Agents, Dalcour Maclaren:



Email: HornseaProjectThree@dalcourmaclaren.com

Land Agent dedicated project phone line: 0333 2413 455



SALLE FARMS Co.

Manor Farm, Salle, Norwich, Norfolk NR10 4SF

-  - Hedge Lines A and B. (80-100 metres in length per crossing)
-  - Crossings where thorn boring has been agreed.

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Hedge line
3



From: Greg Peck [REDACTED]
Sent: 26 September 2019 16:43
To: LEADSOM, Andrea <andrea.leadsom.mp@parliament.uk>
Subject: FW: Hornsea Project Three - Offshore Wind farm Cables

Dear Andrea,

I am the Chairman of Broadland Conservative Association. You may remember we hosted you here in our constituency in 2017.

Sorry to bother you at what I know is a difficult time for you, with the opposition and some of our rogue suspended and ex members trying to undermine the government at every opportunity. I am praying Brexit will be delivered on the 31st October deal or no deal.

However, I am not contacting you about our current difficulties. I am hoping you can support the proposal outlined in the attached email. I am also the County Councillor and District Councillor who's division and ward is most effected by the cable routes coming through Norfolk.

This proposal, if implemented, will avoid disruption in the future when all the other planned windfarms are approved. I am supporting this proposal, along with all the Norfolk MP's and Parish Councils who are impacted by the cable route.

In respect of the two current applications (Orsted and Vettenfall) which are both with you for a final decision. I have particular concern around the traffic movements through the narrow streets of Cawston in my division and the siting of both major depots in the nearby village of Oulton. This will generate at least 1000 extra HGV movements per week for up to 11 years. I am hoping that the inspectors have raised their own concerns and that any approval will at least insist on a traffic management plan that will avoid the narrow center of the village or better still a re-siting of the depots.

I am sure that you will share my concerns around the current and future cable routes planned to come through Norfolk and hope you will insist on some mitigation when granting approval.

Your support would be greatly appreciated.

Best regards,
Greg Peck,
County Councillor and Cabinet Member, Reepham Division, Norfolk County council.
District Councillor, Eynesford Ward, Broadland District Council.
Chairman, Broadland Conservative Association.

[REDACTED]

Rt Hon Andrea Leadsom MP
Secretary of State
Department for Business, Energy and Industrial Strategy

Dear Mrs Leadsom,

Re: The granting of a Development Consent Order for the offshore wind farm Hornsea Project Three

The above proposal awaits your decision on October 2nd.

Notwithstanding that this is the eleventh hour, I write to you today on behalf of 23 Parish Councils in Norfolk, to express directly our deep concerns about the onshore arrangements in this proposal and to urge you to consider using your discretionary powers to delay making a decision at this moment, to allow time for proper consideration of 2 important factors:

- 1) the urgent need now for strategic central planning of the grid connection arrangements for this and all other wind farms in the North Sea; and

2) the need to provide time for proper consideration of the Energy Emergencies Executive Committee's (E3C's) report on the recent national power outage on August 9th.

We fully understand the need for the national transition to renewable energy, and the important part played by offshore wind in that mix. However, the proposed grid connection arrangements, requiring many miles of wide cable trenches onshore and the construction of huge substations inland, would result in the - entirely unnecessary - devastation of Norfolk's environment and communities over a period of many years.

A brief statement of our position on the alternatives to the current onshore arrangements is attached below, for your consideration. It is important to note that, in a letter to Norman Lamb MP, dated July 31st this year, National Grid stated: "One possible solution which we are exploring to minimise the onshore impact of our infrastructure is for several offshore wind farms to be connected offshore via a ring main."

Meanwhile, the E3C's report will be looking in detail into the implications of the fact that (whether or not any 'blame' should be attached to Orsted's management of their Hornsea One wind farm during that incident) it appears clear from National Grid's own Interim Report at the time that the use of wind power on this scale within the grid has significant capacity to destabilise the grid, as it creates a low-inertia situation within the system, making it highly sensitive to tripping out. The National Grid is struggling to keep up with the sheer pace of change within its own system and the engineering challenges that these changes represent.

We appreciate that we are taking an unorthodox step in approaching you directly at this late stage but, given the extraordinary times we live in, we are acutely aware of the demands on your time.

Our request is simply that consideration be given to creating a little more time for the strategic planning of this important national transition.

We thank you for your consideration of this matter.

Yours sincerely,

Alison Shaw

pp Oulton Parish Council and representing 22 other Parish Councils in Norfolk

[Attachment:]

Statement for the Secretary of State at the Department for Business, Energy and Industrial Strategy regarding offshore wind from 23 Parish Councils in Norfolk

We fully understand that there is a global emergency that requires a national transition in the UK away from fossil-fuelled energy. Offshore wind is an important part of that transition.

The scale of the transition is unprecedented.

The current system of allocating **onshore** national grid connections **ad hoc and piecemeal** is no longer appropriate, and will lead to the unnecessary devastation of the very onshore environments we are trying to protect.

The PINS public examination processes of both the Orsted (Hornsea Three) and Vattenfall (Norfolk Vanguard) projects in Norfolk have proved this clearly: the two grid connection points allocated are many miles inland, requiring the construction of 115 kilometres of cable trenches, one North-South, the other West-East, and huge inland substations, resulting in massive disruption to the villages, agriculture, businesses and tourism of the whole of North Norfolk over a period of many years.

It is well known that there are between 8 and 10 further large-scale wind projects currently gearing up to enter the planning system, with similar requirements.

There is now a widespread and growing movement throughout Norfolk and Suffolk that is calling urgently for the consideration of alternative grid connection arrangements **offshore** - probably via the installation of an **Offshore Ring Main**.

We represent 23 Parish Councils and several action groups and farmers in Norfolk, who have all signed up for an ORM as **a much better – and much 'greener'** - alternative method of delivering these projects successfully. MPs representing many of the constituencies affected agree that this is a much more rational approach, and a group of them were about to meet with Claire Perry (the previous Minister For Energy and the

Clean Growth) on May 20 this year, when the meeting had to be cancelled.

We are urging you today to consider putting on hold the 2 current offshore wind farm proposals in Norfolk, to allow time for the consideration of the construction of an Offshore Ring Main for these - and the many future - projects.

Background information:

- Both developers – Orsted and Vattenfall – are not averse to the idea of an ORM - they simply tell us that they have no power themselves to make such coordinated infrastructure happen.
- They have missed this year's CfD energy auctions, and will have to wait in any case until 2021 to enter the next round.
- Given the scale of the current national transition, it would not be inappropriate to call a brief halt to the planning process for these wind farms, to allow time for coordinated national planning.

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From: [REDACTED]
To: [Energy Infrastructure Planning](#)
Cc: [FREEMAN, George](#); [Tom FENWICK](#)
Subject: FAO Mr Gareth Leigh - Re: EN010080: Hornsea Project Three Offshore Wind Farm
Date: 27 September 2019 17:23:32
Attachments: [Statement for BEIS.docx](#)

Gareth Leigh
Head of Energy Infrastructure Planning
Dept. for Business, Energy and Industrial Strategy

Dear Mr. Leigh,

I have only become aware of your name and position since receiving, as an Interested Party, a copy of your letter this morning regarding the delay in the Secretary of State's decision on the Hornsea Project Three proposal.

I write as a member of Oulton Parish Council, representing 23 Parish Councils in Norfolk who are all Interested Parties in this scheme.

We note that the reason given for the delay is the need for the SoS to receive further information on offshore matters, especially ornithology and Marine Conservation Zones.

However, I would like to draw your attention to the email letter below, sent to the Secretary of State on 25th September, regarding the deep concerns of so many communities in Norfolk about the onshore implications of the current grid connection arrangements for this proposal - especially in combination with the Norfolk Vanguard project.

We welcome the pause for thought provided by the delay announced today, and hope that it will provide time for due consideration of the need for strategic central planning, at the highest level, of this important national transition.

Yours sincerely,

Alison Shaw

pp Oulton Parish Council and 22 other Parish Councils in Norfolk

Begin forwarded message:

From: Shaw and Pearce [REDACTED]
Subject: Re: EN010080: Hornsea Project Three Offshore Wind Farm
Date: 25 September 2019 at 15:58:23 BST
To: andrea.leadsom.mp@parliament.uk, enquiries@beis.gov.uk
Cc: "FREEMAN, George" <george.freeman.mp@parliament.uk>, norman.lamb.mp@parliament.uk, therese.coffey.mp@parliament.uk, "SIMPSON, Keith" <keith.simpson.mp@parliament.uk>

Rt Hon Andrea Leadsom MP
Secretary of State
Department for Business, Energy and Industrial Strategy

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Offshore wind is an important part of that transition.

The scale of the transition is unprecedented.

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It is well known that there are between 8 and 10 further large-scale wind projects currently gearing up to enter the planning system, with similar requirements.

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We are urging you today to consider **putting on hold** the 2 current offshore wind farm proposals in Norfolk, to allow time for the consideration of the construction of an Offshore Ring Main for these - and the many future - projects.

Background information:

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tell us that they have no power themselves to make such coordinated infrastructure happen.

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From: [David Chambers](#)
To: [Hornsea Project Three](#)
Subject: NIFA response
Date: 12 March 2020 14:49:14

To whom it may concern,

We, NIFA, wish to comment on your recent letter regarding the Hornsea Project. We state this will put a heavier burden on our fishing due to most of it taking place in our static fishing area. This will incur extra costs for us.

YOURS SINCERELY DAVE CHAMBERS ch NORFPLK IND.FISHERMANS ASS.

From: [REDACTED]
To: [Enquiry Unit](#)
Cc: [Energy Infrastructure Planning](#)
Subject: Hornsea 3 & Norfolk Vanguard
Date: 23 May 2020 12:55:27

FAO: The Rt. Hon. Alok Sharma MP

and copy to: Mr. Gareth Leigh, Head of Energy Infrastructure Planning

Dept. for Business, Energy and Industrial Strategy

Dear Secretary of State

I hope you are well in this difficult time – thanks for all you are doing as a government to prevent the Corona Virus impacting our community any further.

I would be grateful if you would consider the negative impact of the **Hornsea 3 & Norfolk Vanguard** scheme on our village, road safety – particularly for our young primary child cycling to school, pollution (particularly noise and air) for the residents of the village of Cawston (Norfolk). Currently when the lorries pass our house [REDACTED] [REDACTED] our house shakes....several times an hour on week days as HGVs serve the local winery. We accept this and understand the need to support local businesses.

Our concerns relate to the proposed infrastructure plans for the Hornsea and Vanguard windfarms which run through our village. The proposals put forward will greatly increase the volume of industrial traffic navigating the narrow roads of our precious village. As a government you have rightly prioritised green/renewable energy – we agree with this and support it were we can such as encouraging both our children to cycle to school rather than take the car. As a family we are excited by the opportunities wind power offers, particularly less of a reliance on fossil fuels.

We believe this can be achieved and can allow for multiple wind farms to harness this natural energy without the need for each to have its own route to substations which requires precious countryside to be dug up and rural communities to be disadvantaged. Please consider the benefits not just to our village but also to the countless others both now and in the future that an **offshore ring main** would allow.

Imagine the strong message and incredible legacy you could leave our children with, harnessing clean, green energy that has been carefully planned and constructed with little impact on our precious natural resources.

Finally I ask you to kindly consider that both Norfolk County Council and Broadland District Council have stated that Vattenfall's proposed highway scheme is not their preferred option. Since both H3 and NV are committed to using this scheme, this is another reason to delay and find a better solution.

I hope and trust that you will consider my points and that your final decision will take into account the needs of local residents and find an alternative solution such as the off shore ring main.

Yours sincerely

Stephen Astley

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Enquiry Unit](#)
Cc: [Energy Infrastructure Planning](#)
Subject: FAO: The Rt. Hon. Alok Sharma MP
Date: 24 May 2020 12:34:13

Dear Secretary of State

I am emailing in reference to the several proposed wind farm electric cable plans that various companies (Boreas, Vanguard etc etc) are trying to gain approval for. This is something I have tried to keep involved in for months/years, while desperately attempting to be heard.

I am aware of a virtual hearing (which I have applied for) on the 30/06/2020 and plans for further similar 'meetings'. Naturally the current situation is making this difficult for all concerned.

I live in one of the key properties that will dramatically be affected if any of these plans go through. My house front wall stands within 2.5 mtrs of the damaged road outside my property on the High Street beside the junction with Church Lane. This house was built in 1780, when horses and carts were the only transport using this dirt path, that later became this road.

I have read the plans and many documents over the last year, including counter proposals and routes for all of this heavy traffic.

It does seem though, to my dismay, that this large powerful company has considerable sway over simple people like myself and that hundreds of lorries per day will thunder past my house. I MUST please beg that I am heard: my house will not stand up to this, it will literally collapse. When lorries come past now, bouncing down the road, climbing the narrow pavement to pass, my house shakes and cracks.

It will be damaged and I fear for my own safety and that of others.

I also believe that the road just up from my house, that bends round a blind corner towards the village hall, is so narrow and dangerous it will result in someone being seriously injured or killed. The path is only one meter in places, people cannot pass, and the road is too narrow for a pair of lorries to pass.

Please... refuse any of these plans to go through that use Cawston High Street as a route for hundreds of heavy good lorries per day.

It is not suitable. It is dangerous. It will result in loss of property and life.

Thank you for your time.

Best Regards

Phil Daniels

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Enquiry Unit](#)
Cc: [Energy Infrastructure Planning](#)
Subject: June 1st. deadline
Date: 24 May 2020 17:00:49

FAO The Rt. Hon.Alex Sharma M.P.

Dear Secretary of State

As residents of the Village of Cawston, Norfolk, could we please ask you to consider delaying the up coming decision on Hornsea 3 and Norfolk Vanguard to enable your Government and other interested parties to look at the merits of a coordinated Transmission System, including an Off Shore Ring Main. To do this would save our County of Norfolk having numerous 60 Kilometre scars being dug across it over the coming years, each time a Foreign Multi National Company asks to build another Off Shore Wind Farm. The Netherlands, Denmark and Germany do not do it this way, why should they be allowed to do it in our Country ?

In our local Public House in Cawston, The Bell, situated on The High Street, there are pictures from 1910 showing horse drawn carriages and local people using them, fast forward 110 years and the view is just the same, apart from the horse and carriage. this route through our Village is Vattenfall's proposed Highway scheme, but both Norfolk County Council and Broadland District Council have said that this is not their preferred option route, but as both Hornsea 3 and Norfolk Vanguard are committed to using this route could I suggest this is another reason for delaying your June 1st. decision.

I must finish by stating my Family are 100% behind renewable energy, we have Solar Panels on our property, what we are not so happy about is our Country side being dug up and more than 200 large vehicles going through our Village each day for the next goodness knows how many years.

Brian and Kathleen Schuil.

[REDACTED]

From: [REDACTED]
To: [Energy Infrastructure Planning](#)
Subject: Re: The determination of the Hornsea Project Three and Norfolk Vanguard offshore wind farms
Date: 24 May 2020 22:35:48
Attachments: [Letter to Sec. of State-Alok Sharma.docx](#)

Dear Sirs,

FAO: Mr. Gareth Leigh, Head of Energy Infrastructure Planning, Department for Business, Energy and Industrial Strategy

Please find attached below a letter from Oulton Parish Council to the Secretary of State regarding the determination of the Hornsea Project Three and Norfolk Vanguard offshore wind farms.

I would be grateful if you could pass this letter on to Mr Leigh as a matter of urgency.

Many thanks.

Yours faithfully,

Alison Shaw

pp Oulton Parish Council

Oulton, Norfolk
24th May 2020

The Rt. Hon. Alok Sharma MP
Secretary of State
The Department for Business, Energy and Industrial Strategy

Dear Mr Sharma,

Re: The determination of the DCOs for the Hornsea Project Three and Norfolk Vanguard offshore wind farms

I am writing to you today on behalf of Oulton Parish Council, who would be hosting the main construction compounds for both these projects in their current proposals, for a period of up to 10 years. The parish is situated close to the crossover point between the two onshore cable routes as they traverse the whole county of Norfolk, North-South and East-West, for a total of 115 kilometres.

The Parish Council has actively participated in the NSIP examination process for both these projects, and the sister project of Norfolk Boreas. During the past 20 months we have attended all relevant hearings and site inspections and submitted detailed written responses to almost 30 deadlines.

A fourth project – Dudgeon and Sheringham Shoal – is already at early consultation stage, and many more offshore wind projects are imminent.

While the major benefit of these projects in terms of their contribution to renewable energy targets is clear, these public examination processes have relentlessly exposed the destructive shambles that are the current onshore grid connection arrangements.

We entirely understand the need for renewable energy and support the use of offshore wind as part of the UK's lower-carbon energy mix. What we struggle to accept is the need for the environment of Norfolk to be so thoroughly devastated by one single aspect of these plans - the grid connection arrangements - which could be executed entirely differently.

The sheer scale of this necessary national transition away from fossil-fuelled energy is unprecedented. The scale of government commitment to plan and coordinate the necessary *transmission* infrastructure must also be commensurate with that challenge.

National Grid and Ofgem published substantive policy documents earlier this year, both of which suggested that the current pattern of individual radial connections to the grid for each offshore wind farm as it is built *is no longer efficient*, and that *integrated offshore infrastructure* will have to be developed. The time for that is now.

It is not too late to include both Hornsea Three and Norfolk Vanguard in such a coordinated plan. All that is needed is the vision and the political will to *start now*.

At a meeting in Westminster on March 2nd, convened by George Freeman MP to discuss this very issue, the point was made eloquently by a Suffolk MP - who is anticipating the development of the port of Lowestoft in association with these offshore wind farm developments - that the current onshore grid connection

arrangements will have such a negative impact on communities, agriculture and tourism that he fears the resulting devastation will cause the whole offshore wind farm industry to lose the support of the electorate - as indeed happened with *onshore* wind farms.

This would be a counter-productive outcome in terms of the government's renewable energy targets.

As a Parish Council, were these projects to be granted consent on June 1st, we are similarly concerned about the prospect of trying to persuade our community to accept the loss of their quality of life with a good grace, in the interests of the greater good - when everyone knows that there is a better alternative approach that could be implemented, and which would make this sacrifice unnecessary.

Very shortly after the meeting in Westminster, Covid-19 spread to our shores, and all government departments have since, quite rightly, been forced to divert all their energies into defeating the spread of the virus, and dealing now with the aftermath of the lockdown. The meeting with the Energy Minister that was requested by Norfolk MPs, to discuss the need for offshore transmission infrastructure, has understandably not yet been able to take place. However, it would be a tragedy indeed if Norfolk were to pay a lasting price in environmental devastation, as an unintended consequence of the coronavirus pandemic.

The developers of these proposals support the idea of connecting to the grid *offshore* but they are not in a position even to collaborate with each other, under the current competitive regulatory framework. This framework similarly prevents National Grid and other partners in the energy sector from cooperating in anticipatory investment in infrastructure. Given the global climate crisis, this is a shocking and excruciatingly inefficient situation, in urgent need of change.

We urge you to delay the determination of these DCOs, only in order to provide time for the proper consideration of coordinated offshore infrastructure for all offshore wind farms in the North Sea.

If this vital job is worth doing – then it's worth doing better than this.

Thank you for your consideration of this critical matter.

Yours sincerely,

Alison Shaw

pp Oulton Parish Council

- and also on behalf of the 28 Norfolk Parish Councils listed below:

Edgefield PC
Corpusty and Saxthorpe PC
Wood Dalling PC
Cawston PC
Salle PC
Heydon Parish Meeting
Kelling PC
High Kelling PC

Mulbarton PC
Swardeston PC
Happisburgh PC
Ingworth PC
Bradenham PC
Holme Hale PC
Necton PC
Weybourne PC
Blickling PC
Aylsham Town Council
Fransham PC
East Ruston PC
Swannington, with Alderford & Lt. Witchingham PC
Garvestone, Reymerston and Thuxton PC
Great Melton PC
Brandiston Parish Meeting
Plumstead PC
Brampton with Oxnead PC
Beeston Regis PC
Morston PC

From: [REDACTED]
To: [Enquiry Unit: Energy Infrastructure Planning](#)
Subject: Fwd: Construction compounds in Oulton
Date: 25 May 2020 14:54:53

Ref :- Norfolk Vangaurd , Boreas , Hornsea 3 Windfarms .

My wife and I would like to register our objection and distress at the very idea that these compounds should be built and operated in this village . Our lovely village & community is going to be decimated should the go ahead be given to allow this to carry on .Just the logistics of these compounds being set up will have a severe impact with traffic movement to and from , noise and light pollution . This just to set up the compounds . Once the compounds are up & running that impact will intensify . We would ' BEG ' that the Examining Authority and others take heed of our ' PLEA' to take note of our very ' REAL DISTRESS ' and put an end to what is an absurd situation . Regards Bob & Gill Shoals,

[REDACTED]

From: [REDACTED]
To: [Enquiry Unit](#)
Cc: [Energy Infrastructure Planning](#); [REDACTED]
Subject: FAO: The Rt. Hon. Alok Sharma MP - Offshore Windfarms -Decision on June 1st
Date: 25 May 2020 11:44:34
Importance: High

FAO: The Rt. Hon. Alok Sharma MP
Cc. FAO Gareth Leigh

Dear Minister

I am writing with regards to the final decision, due on 1st June, in respect of the DCO for both Orsted's proposed project Hornsea Three and Vattenfall's proposed project Norfolk Vanguard applications.

I learnt this week, after much lobbying, Kwasi Kwarteng (Minister for Energy) has invited Norfolk MP's to attend a meeting at the start of June to discuss the concept of an offshore ring main around East Anglia and the wider campaign for the creation of a proper strategic plan for the delivery of offshore infrastructure. I understand the MP's are currently liaising with him and his office to finalise the arrangements.

Meanwhile, the date of 1st June is impending when you are due to make a final decision on these two enormous projects. Whilst a keen supporter of 'green energy' the approach that is currently being taken will have a major impact across Norfolk on the environment, business', tourism and the wider community – all of which I am sure you are fully aware off.

I would urge you please to postpone a decision on both Hornsea Three and Norfolk Vanguard to allow for this review to be undertaken and a strategic approach to be found in respect of infrastructure from offshore wind farms across Norfolk.

I am a Director of two holiday parks in North Norfolk, Kelling Heath at Weybourne and Woodhill Park, East Runton. Together they have a combined staff headcount of 110, the majority permanently employed. Annually the parks attract 70,000 visitors to the area staying in our own letting accommodation and the touring and camping areas. These figures exclude the 440 privately owned holiday homes, a mix of private use and privately hired holiday homes. Combined the two businesses have a turnover of £10 million.

Yours sincerely

Michael Timewell
Director

[Timewell Properties Ltd. t/a Blue Sky Leisure](#)
Mill House, Market Road, Bradwell, Great Yarmouth, Norfolk NR31 9ED

[Blue Sky Leisure](#) - Registered in England No 747225 - A Division of Timewell Properties Ltd
Registered Office: Lovewell Blake & Co. Bankside 300, Peachman Way, Broadland Business Park, Norwich, NR7 0LB

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From: Dota Williams [REDACTED]
Sent: 26 May 2020 12:33
To: Enquiry Unit <Enquiries@beis.gov.uk>
Cc: Energy Infrastructure Planning <beiseip@beis.gov.uk>
Subject: FAO: The Rt. Hon. Alok Sharma MP and cc to Mr Gareth Leigh

Dear Secretary of State

(and also Mr. Gareth Leigh as Head of Energy Infrastructure Planning
Dept. for Business, Energy and Industrial Strategy)

Re **Sec of State decisions on the applications for Hornsea 3 & Norfolk Vanguard**, due at the beginning of June.

I hope that you , your families and staff are all well in these unusual times .

My husband and I, along with our children are writing to most respectfully request that a decision on the above be extended to provide sufficient time for a proper , detailed , humanitarian , environmental , common sense , empathetic , not -big business money / profit driven , exploration at government level of the merits of a coordinated transmission infrastructure, most importantly including a joint coordinated Offshore Ring Main, please , please !.

Especially as I understand that both Norfolk County Council and Broadland District Council have stated that Vattenfall's proposed highway scheme is definitely not their preferred option. Since both H3 and NV are committed to using this scheme, I feel that this is another very valid reason to delay the decision to ensure a good decision is made . A long lasting effect decision.

We are not against renewable energy done for the right reasons . We embrace the ideology and implementation of renewable energy . However if it involves trashing more of our beautiful countryside than is needed or completely ruining our village lifestyle unnecessarily (isn't that a human right ?) when there are better options that won't affect villages like ours we are all for looking at all scenarios even if that takes a bit longer time . Especially in light of recent times .

I read in the paper recently (EDP?) that one of these companies said if a decision was delayed after everything had been finalized then it would not show a commitment by the government to renewable energy. If it is true then I find this statement absolutely astounding , naive and arrogant . In the meetings I have attended I found their representatives non flexible and didn't either really listen to / or empathize with a single thing the people in the room were saying . If they had have then maybe there would no longer be objections.!

Furthermore I am sure if people who lived in this region and the rest of the UK got together , there are enough people who could devise a better scheme.

Most people , including us , in our beautiful village were I believe , deliberately kept in the dark along most of the way about just how many HGVs they were intending to run through our village and along this route .

We received glossy brochures, not I believe for the right reasons , but as a tick boxing exercise . They did not convey the full and deep intent of the actions the company had in mind which would upset the

natural centuries old harmony of our village , with its incredible amount of HGVS on our very narrow and angled roads. !

The reality i feel is that the scheme will mean they will monopolize our village road , including parking places for houses that have no off street parking and at least one house that will have lorry drivers literally looking into their bedroom!

Everyone including young children will need 100% focus to stay safe walking in our village with so many HGVS . There are also people who have mobility issues .

Village residents ,cyclists especially young village children , local farmers , our friends and relatives also like to use our roads each and everyday !

Respectfully can you please look at these brochures we received from Vattenfall /Vanguard . They stated nothing about the information people living in our village would want to know and if they had , would have definitely lodged objections way earlier . Our family being one of them . !!

With best wishes

Dots and Alan Williams and family

--

Regards

Dota Williams



From: Peter Crossley [REDACTED]
Sent: 26 May 2020 21:49
To: Enquiry Unit <Enquiries@beis.gov.uk>
Cc: Energy Infrastructure Planning <beiseip@beis.gov.uk>
Subject: Decisions on the applications for Hornsea 3 & Norfolk Vanguard

AO: The Rt. Hon. Alok Sharma MP

CC FAO: Mr. Gareth Leigh, Head of Energy Infrastructure Planning
Dept. for Business, Energy and Industrial Strategy

Dear Secretary of State

Please can the decisions be delayed on the above two projects to provide sufficient time for a proper exploration at government level of the merits of coordinated transmission infrastructure, including an Offshore Ring Main.

The situation in Cawston is that both Norfolk County Council and Broadland District Council have stated that Vattenfall's proposed highway scheme is not their preferred option. Since both H3 and NV are committed to using this scheme, this is another reason to delay.

Many thanks
Peter Crossley

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

From: [Energy Infrastructure Planning](#)
To: [Leigh, Gareth \(Energy Development & Resilience\)](#); [Thompson, Alexander \(Energy Development & Resilience\)](#); [Welford, Keith \(Energy Development & Resilience\)](#)
Subject: FW: Letter from the NFU
Date: 27 May 2020 09:25:08
Attachments: [image003.png](#)
[1057DP Alok Sharma 26.05.20.pdf](#)

To: alok.sharma.mp <alok.sharma.mp@parliament.uk>; Enquiry Unit <Enquiries@beis.gov.uk>

Cc: Energy Infrastructure Planning <beiseip@beis.gov.uk>

Subject: Letter from the NFU

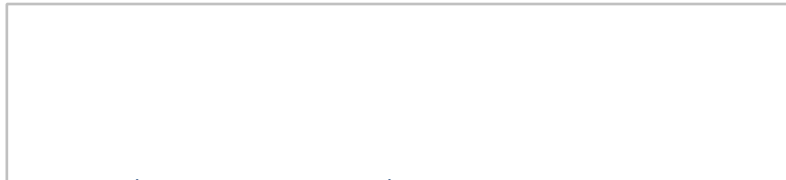
Dear Secretary of State

Hope you are well. Please see attached letter regarding Norfolk Offshore Wind Farms and Offshore Ring Main.

Regards
Stuart

Stuart Roberts
Deputy President

NFU
Agriculture House
Stoneleigh Park
Stoneleigh
Warwickshire
CV8 2TZ
Tel: 02476 858580



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Rt Hon Alok Sharma MP
Secretary of State
Department for Business, Energy and Industrial
Strategy
1 Victoria Street
London
By e-mail: alok.sharma.mp@parliament.uk
enquiries@beis.gov.uk

FROM THE DEPUTY PRESIDENT

Our ref:

Email: SR/sw/1057DP

Direct line: Louise.staples @nfu.org.uk
02476 858558

Date: 26th May 2020

Dear Secretary of State

Norfolk Offshore Wind Farms and Offshore Ring Main

We write to you in regard to two Offshore Wind Farm DCO applications which are awaiting a decision on the 1st June 2020. The two schemes are Hornsea Project Three submitted by Orsted and Vanguard submitted by Vattenfall.

You will now be aware that there are two further Offshore Wind Farms proposed. An application was submitted to PINs by Vattenfall for the Boreas Scheme and the examination for this scheme now ends on the 12th October 2020. Further, Equinor has now confirmed they are wishing to submit a DCO application for the extension of two Offshore Windfarms.

All of these Offshore Windfarms will require onshore underground cables running the electric generated to the nearest National Grid substation. This means that over the next few years Norfolk could have four cable corridors being constructed across farmland, each with a working width of 80m during construction. The cables are set to run north to south for Hornsea Three, with Equinor proposing to run a cable corridor almost parallel. In contrast the Vanguard and Boreas schemes are to run east to west.

This construction activity will take an estimated 2500 acres of productive agricultural land as well as causing significant disruption during the construction phase to both farm businesses and the local communities for many years to come. In addition, where the schemes cross each other there will be further impact on the land. This comes at a time when the importance of high quality, high welfare, healthy and safe domestically produced food is greater than ever and all options should be properly considered in order to avoid a disruption on this scale and duration.

Due to the considerable disruption and impact that the laying of the cables will have on farm businesses, the NFU has been working on behalf of its members with land agents and other stakeholders in the local community to look at whether an offshore ring main should be considered for Norfolk. This ring main would pick up the offshore cables from the windfarms before landfall and take them to a single substation on the coast.

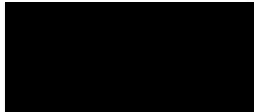
We attended a meeting with George Freeman MP, Jerome Mayhew MP and Duncan Baker MP on the 2nd March 2020 at Westminster to discuss the feasibility of an offshore ring main and we now understand that all three MPs have a meeting at the beginning of June with Minister Kwarteng to discuss the offshore ring main proposal further. They have encouraged us to reach out to you to let you know of this meeting.



Therefore, given the ongoing discussions with Minister Kwarteng, we believe that it is imperative that the decision to approve the DCO for Hornsea Three and Vangaurd on 1st June is delayed until the possibility of an offshore ring main has been properly considered.

If you have any questions at this stage, please do get in touch.

Yours sincerely



Stuart Roberts Deputy President

CC: Gareth Leigh - Head of Energy Infrastructure Planning, Department for Business, Energy and Industrial Strategy By email: beiseip@beis.gov.uk

From: James Sheringham [REDACTED]
Sent: 26 May 2020 22:05
To: alok.sharma.mp <alok.sharma.mp@parliament.uk>; Energy Infrastructure Planning <beiseip@beis.gov.uk>
Subject: Norfolk Wind Farm Applications - Hornsea Three & Norfolk Vanguard

Dear The Rt. Hon. Alok Sharma MP & Mr. Gareth Leigh,

I am writing to you both today with regard to the Norfolk Wind Farm Applications of Hornsea Three and Norfolk Vanguard.

These two public infrastructure planning applications are currently in review with a decision due to be made 01 June 2020. This decision will come two days prior to a meeting with the Minister of Energy and the Norfolk MPs regarding a coordinated offshore transmission infrastructure.

I ask you to delay the decision on these two planning applications as they should be subject to any decisions and plans arising from the meeting with the Minister of Energy. A coordinated decision is required for offshore transmission infrastructure rather than wind farms independently laying cabling all across the county and increasing the number and size of onshore substations.

Please delay these decisions allowing sufficient time for proper exploration at a government level of the merits of coordinated transmission infrastructure.

Yours sincerely,

James Sheringham
Fransham Parish Councillor, Norfolk

From: Chris Monk [REDACTED]
Sent: 27 May 2020 08:58
To: Energy Infrastructure Planning <beiseip@beis.gov.uk>
Subject: FAO - Mr Gareth Leigh, Head of Energy Infrastructure Planning

Dear Mr Leigh

For your information, email below sent to the Secretary of State.

Thanks

Chris Monk – Cawston PC

Sent from [Mail](#) for Windows 10

From: Chris Monk
Sent: Wednesday, May 27, 2020 8:55:08 AM
To: enquiries@beis.gov.uk <enquiries@beis.gov.uk>
Subject: FAO: The Rt. Hon. Alok Sharma MP

Dear Secretary of State

WIND FARM PLANNING APPLICATIONS IN NORFOLK

At Cawston Parish Council we were pleased to learn that you had agreed a five month extension to the **Norfolk Boreas** Examination timetable. We hope that this will allow the outstanding issues to be debated fully and resolved.

We note, however, that decisions on **Hornsea Three** and **Norfolk Vanguard** are scheduled for the beginning of June, and would ask that you consider delaying these decisions so that there can be a full review, led by the Government, of the merits of coordinated transmission infrastructure, including an Offshore Ring Main.

As we pointed out in our submission of 29th April, there is a specific issue here for our village, in that both these schemes intend to apply a Highway Intervention Scheme for Cawston which is still being debated in Boreas. Over the last few years the two Applicant companies have published at least seven attempts to arrive at a workable scheme, yet both Norfolk County Council and Broadland District Council have recently indicated that the present HIS is not their preferred option.

Since our previous submission, NCC have pointed out that, while it may be technically possible, they have serious concerns over driver compliance; and that the scheme could fail if parking occurs outside designated areas, traffic fails to yield at the correct points, or traffic speed is higher than 20 mph. In other words, what might look possible in an optimistic computer model is unlikely to work in the real world of Cawston High Street, where all of these events are common experiences.

BDC have also identified problems with the method of Vattenfall's noise assessment, suggesting that the true impact could be 4 dBA greater than VFs figures, which is unacceptable.

We feel that it is important that any decision taken on Hornsea 3 and Norfolk Vanguard should take these matters into account and secure comprehensive, robust, safeguards for the residents of Cawston.


Thank you for your assistance.

Kind regards

Chris Monk
Cawston Parish Council



Sent from [Mail](#) for Windows 10

From: 
Sent: 27 May 2020 08:55
To: enquiries@beis.gov.uk
Subject: FAO: The Rt. Hon. Alok Sharma MP

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We feel that it is important that any decision taken on Hornsea 3 and Norfolk Vanguard should take these matters into account and secure comprehensive, robust, safeguards for the residents of Cawston.

Thank you for your assistance.

Kind regards

Chris Monk
Cawston Parish Council



Sent from [Mail](#) for Windows 10

From: Paul Haddow [REDACTED]

Sent: 27 May 2020 09:32

To: Energy Infrastructure Planning <beiseip@beis.gov.uk>; alok.sharma.mp
<alok.sharma.mp@parliament.uk>

Subject: Hornsea Three & Norfolk Vanguard Wind Farm Applications

Dear The Rt. Hon, Alok Sharma MP & Mr. Gareth Leigh,

I am writing to you both regarding the Norfolk Wind Farm Applications - Hornsea Three and Norfolk Vanguard.

A meeting with the Minister for Energy and Norfolk MPs is due only days after a decision is scheduled to happen on 01 June 2020 for the two wind farm applications. I am writing to you to ask for this decision be delayed until after this meeting has taken place regarding a coordinated offshore transmission infrastructure. This would put an end to onshore cabling and new substations repeatedly being constructed throughout the countryside causing long term damage unnecessarily.

Please delay the decision on these applications subject to any outcomes or proposals arising from the meeting with the Minister of Energy and the MPs. A joined up approach is needed for offshore transmission infrastructure rather than individual wind farms continually impacting the Norfolk countryside and its residents.

Thank you.

Yours sincerely,

Paul Haddow
Norfolk Resident

From: nectonparishcouncil@gmail.com <nectonparishcouncil@gmail.com>
Sent: 27 May 2020 09:32
To: Enquiry Unit <Enquiries@beis.gov.uk>
Cc: Energy Infrastructure Planning <beiseip@beis.gov.uk>
Subject: FW: Determination of Hornsea Project Three and Norfolk Vanguard Offshore Wind Farms

Dear Sirs,

FAO: The Rt. Hon. Alok Sharma MP, Secretary of State for Business Energy and Industrial Strategy.

Please find attached a letter from Necton Parish Council regarding the determination of the Hornsea Project Three and Norfolk Vanguard wind farms.

I would be grateful if you could pass this letter on to the Secretary of State as a matter of urgency.

Many thanks.

Kind regards

Justine Luckhurst
Parish Council Clerk
Parish Office, Necton Community Centre, 13 Tun's Road, Necton. PE37 8EH

office: 01760 721665

website: www.nectonparishcouncil.norfolkparishes.gov.uk

Necton Parish Council
25 May 2020

The Rt Hon Alok Sharma MP
Secretary of State
The Department for Business, Energy and Industrial Strategy

Dear Mr. Sharma

Re: The Determination of the DCOs for the Hornsea Project Three and the Norfolk Vanguard Offshore Wind-farms

Necton Parish Council are writing to you today in support of the letter written by Alison Shaw on behalf of Oulton Parish Council concerning the need for a coordinated approach to providing off-shore infrastructure for the projected windfarms that are planned to be built in the North Sea.

Like Oulton Parish Council, we support renewable energy generation and are willing to play our part in making this happen. Necton already hosts the AC substations for the Dudgeon windfarm connection into the National Grid. The Norfolk Vanguard and Hornsea Three DCOs are now in the pipeline with a determination date of 1 June. Necton has been selected for the Norfolk Vanguard connection point into the National Grid.

Both Ofgem and National Grid have recently published reports detailing the economies of scale to be gained by a co-ordinated approach to connecting offshore wind-farms into the National Grid which will be made available using an off-shore method that a number of our East Anglian Members of Parliament are due to discuss with you in the near future. The off-shore infrastructure has an estimated build time of ten years and future wind-farms will undoubtedly make use of whatever infrastructure your department recommend.

The construction time for Vanguard and Hornsea Three is likely to be only a couple of years short of the availability of the off-shore infrastructure but will result in much destruction of the East Anglian countryside. In particular, the connection routes cross Norfolk in an unnecessary way that could be avoided if a more sensible allocation of National Grid connection points had been made for these two projects.

Necton Parish Council ask that you consider delaying both the Norfolk Vanguard and Hornsea Three DCOs currently in process until a decision on appropriate infrastructure is made. We understand that a short delay in the availability of green electricity would be a consequence but this would be offset by the significantly lower cost of the projects and the removal of much destruction to the Natural environment in a very beautiful part of the British Isles. The targets of the Government for renewable energy would still be met if these projects are delayed and they would be cheaper, providing a bigger benefit for the consumer.

Thank you for your consideration of this critical strategic matter.

Necton Parish Council

From: G Gates [REDACTED]
Sent: 27 May 2020 17:08
To: alok.sharma.mp <alok.sharma.mp@parliament.uk>
Cc: Energy Infrastructure Planning <beiseip@beis.gov.uk>
Subject: Hornsea Three and Norfolk Vanguard Planning Application June 1st

Dear Mr Sharma

Please see attached a letter from the Brandiston Parish Meeting (Norfolk) in connection with the upcoming planning application together with a map showing the impact of proposed cable trenches from these two schemes together with that of the Sheringham Shoal & Dudgeon Extension scheme on our Parish and on Norfolk generally.

Yours sincerely

Graeme Gates
Brandiston Parish Meeting

BRANDISTON PARISH MEETING
The Old School House
Brandiston
Norwich
NR10 4PJ

27th May 2020

The Rt. Hon. Alok Sharma MP
Secretary of State
for Business, Energy and Industrial Strategy

Alok.sharma.mp@parliament.uk

Copy to Mr Gareth Leigh
Head of Energy Infrastructure Planning
Dept. for Business, Energy and Industrial Strategy

beiseip@beis.gov.uk

Dear Mr Sharma,

We understand that two big decisions are being made on June 1st in connection with planning applications concerning the Hornsea Three and Norfolk Vanguard offshore wind farm schemes.

This is a matter of great concern to Norfolk residents living along the lines of cable trenches proposed by the contractors for these and other projects.

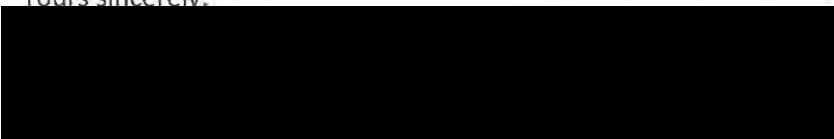
Furthermore we also understand that these planning decisions are scheduled to be made whilst alternative strategies for distributing electricity generated offshore are being considered. Possible alternative strategies include the idea of an Offshore Ring Main (ORM). The attraction of the ORM solution is that it will help avoid the digging of cable trenches across Norfolk with their associated civil engineering and construction works.

Attached to this e-mail are two maps with the trench lines of three proposed schemes and their impact on Norfolk generally and Brandiston and surrounding parishes in particular. Whilst this is a very much a local concern the disruption and negative impact anticipated for our parish applies equally along the lines of the three cable corridors making their way from the coast either to Swaffham in one case or Swardeston in case of the other two schemes.

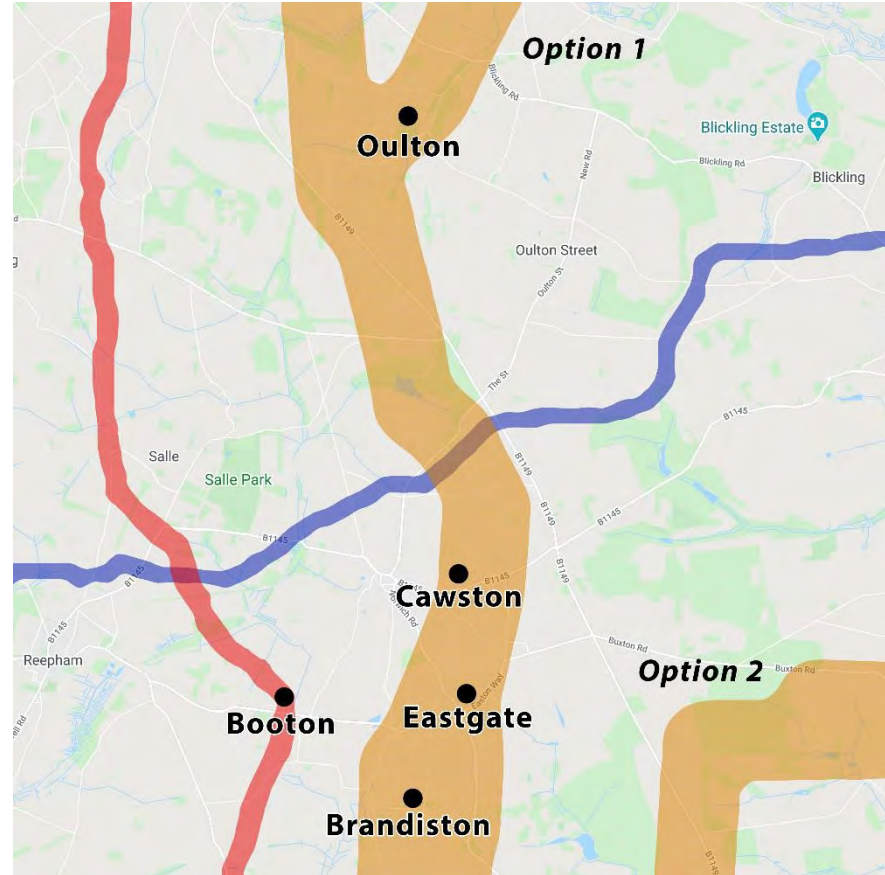
At the very least we request that no decision be made whilst consultation is ongoing concerning the ORM or other options to avoid the forming of potentially disruptive and destructive cable trenches across big areas of Norfolk.




We trust that our concerns will be factored into any decision being considered at the beginning of next week.

Yours sincerely,


G C S Gates
Chairman
Brandiston Parish Meeting

Reference Email from Brandiston Parish Meeting sent 27th May 2020



	Hornsea Project 3 - 34 miles / 55 km Company: <i>Ørsted</i>
	Norfolk Vanguard - 37 miles / 60 km Company: <i>Vattenfall</i>
	Sheringham Shoal & Dudgeon Extension - 37 miles / 60km Company: <i>Equinor</i>

From: Mulbarton Parish <mulbartonparish@btconnect.com>
Sent: 27 May 2020 17:09
To: Energy Infrastructure Planning <beiseip@beis.gov.uk>
Subject: Hornsea Three and Norfolk Vanguard Development Consent Orders

FAO Mr. Gareth Leigh

Good afternoon,

Please find attached a letter and accompanying document from Mulbarton Parish Council relating to the Hornsea Three and Norfolk Vanguard Development Consent Orders.

Kind regards
Anne

Anne Phillips
Clerk, Mulbarton Parish Council
Parish Office, The Common, Mulbarton, NR14 8AE
01508 578134
www.mulbartonpc.org.uk

Mulbarton Parish Council
The Common
Mulbarton
NR14 8AE

25th May 2020

The Rt. Hon. Alok Sharma MP
Secretary of State for Business,
Energy and Industrial Strategy

Dear Mr Sharma,

Hornsea Three and Norfolk Vanguard

We understand that a decision is due on these two projects on Monday 1st June 2020.

Naturally, we all want to see these projects go ahead, but no-one - developers, local communities, or electricity consumers - wants to see all the unnecessary disruption and devastation across the county of Norfolk that would arise from the proposed radial connection schemes currently planned for these two projects. Better choices are available, which would surely have widespread support from all of the participants in the planning process.

Specifically, we object in the strongest possible terms to the proposed building of a sub-station in Swardeston for Hornsea Three. We can see no good reason to bring the output of this project into the national grid at this location in South Norfolk. Furthermore, if either Hornsea Three or Norfolk Vanguard goes ahead on a radial basis, then the Dudgeon and Sheringham Shoal extension projects will surely follow in their wake, bringing yet more disruption and another large industrial complex to Swardeston. Attached is a discussion paper which sets out our position in more detail.

The potential use of an offshore connection scheme was not fully considered at the Hornsea Three enquiry. Had local communities been informed about this option, the outcome of the enquiry might have been quite different, and the ground could have been better prepared for future developments.

We ask that these two decisions be delayed, if only by a few weeks, to provide sufficient time for a proper exploration of the benefits of a coordinated scheme of offshore transmission infrastructure.

The Norfolk Boreas enquiry has recently been extended to October of this year, and we suggest that this could well be a suitable timeframe.

All of us want to see these important renewable energy projects move forward. We hope you will give serious consideration to allowing more time to find the best way to do so.

Kind regards,

Anne Phillips
Parish Clerk

On behalf of Mulbarton Parish Council

cc: Mr. Gareth Leigh

OFFSHORE WIND FARMS

25th May 2020

Introduction

Figure 1 shows how Norwich, and most homes and businesses in Norfolk, receive their electricity. The main supply is from the north, through the existing national grid sub-station at Walpole, near Kings Lynn. There is a second link from Bramford, near Ipswich. Norwich itself does not use enough electricity to justify a direct connection to the national grid.

Renewable energy is supplied by two recently built offshore wind farms off the Norfolk coast at Dudgeon and Sheringham Shoal, and nuclear power from Sizewell is fed into the national grid at Bramford. These facilities are more than enough to supply the local area.

Several new offshore wind farm projects are being planned to supply renewable energy to London and the south-east. In total, these Round 3 projects will produce 6,720 MW - a significant proportion of the total UK peak demand of about 40,000 MW.

Offshore ring main

In August 2015 the electricity supply industry, under the supervision of the government regulator Ofgem, carried out a feasibility study to find the best way to bring this additional energy ashore, and to feed it into the national grid connections at Walpole and Bramford.

Figure 2 shows the basic principle of the many different options that were analysed and costed. This offshore connection approach has the advantage of lower transmission losses and potentially lower costs for the consumer. It also avoids the need for extensive onshore cable works and the construction of very large industrial buildings across Norfolk.

Radial connections

Figure 3 shows the current plans of four specific projects, if approved as they stand.

Hornsea Three will dig up the Norfolk countryside not once, but twice, in making its way down to Swardeston. Given the choice of a disused gravel pit with trunk road access, the applicant chose instead a site on a hill with no vehicle access except from a local B road, bringing a 94% increase in heavy goods vehicle traffic. The proposed sub-station would be by far the largest building in this part of the county, visible for miles around, and breaching established local planning policies with no real prospect of mitigation.

Under the radial connection scheme, the Norfolk Vanguard and Norfolk Boreas projects would bring disruption and devastation to many ancient and tranquil areas of Norfolk, and would irreparably damage local communities. Then, the Dudgeon and Sheringham Shoal Extension projects would follow on, bringing more years of disruption to rural Norfolk and a second large substation at Swardeston.

Conclusion

It is difficult to see any benefit from delivering such a large part of the national supply of renewable energy into rural Norfolk. The local interest, the national interest, the aspirations of the offshore wind energy companies, and also of the final electricity consumer, are all

pulling in the same direction. With more wind farms likely to be built offshore, now is the time to establish a proper scheme of offshore connection to the national grid.

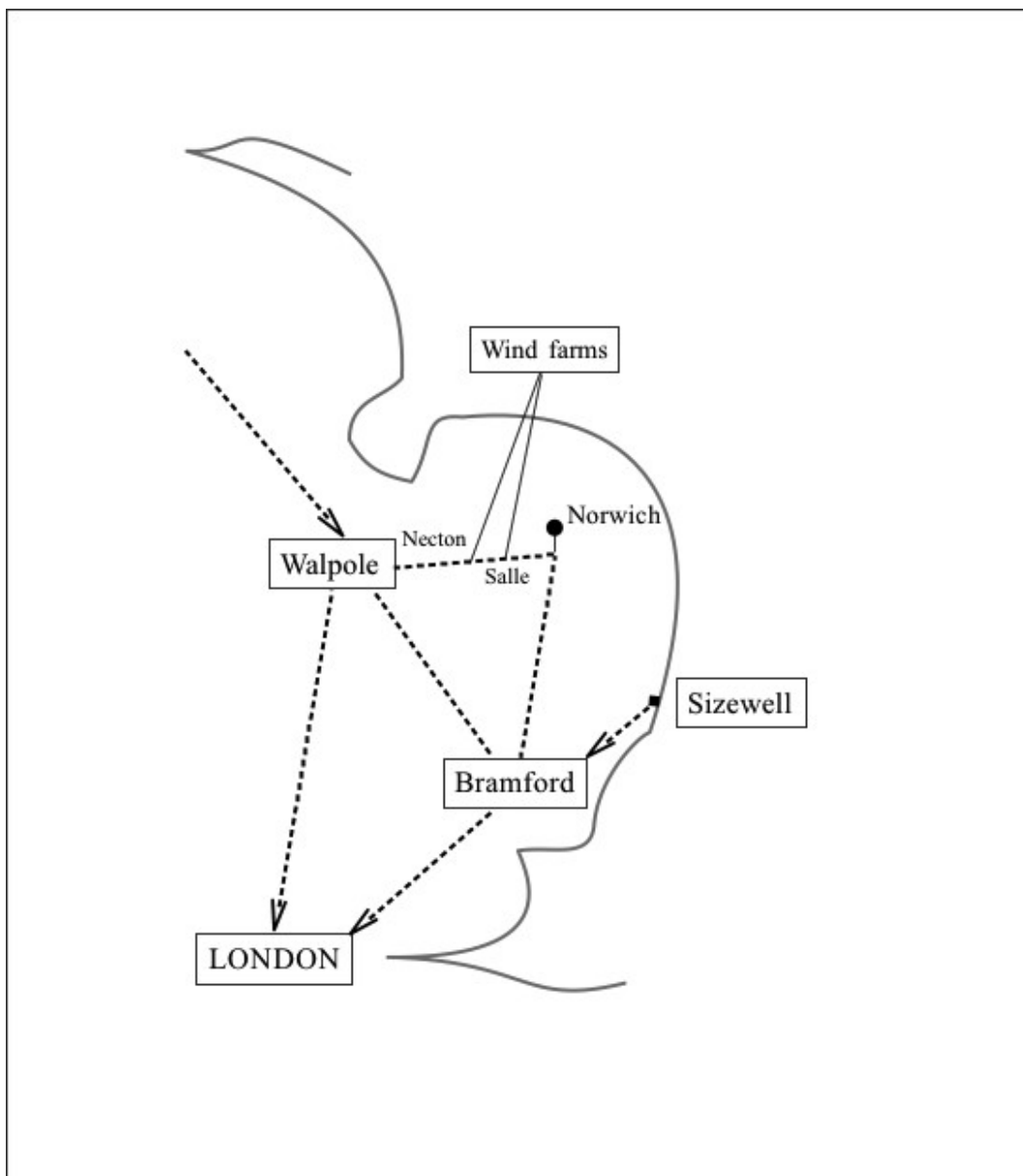


Figure 1: Supply of electricity from the national grid to Norwich

Notes:

The main electricity supply to Norwich is from Walpole, with an alternative link from Bramford.

There are two small wind farms off the Norfolk coast, already in operation. They are connected to the high-voltage national grid at Necton and Salle. The nominal output of these two wind farms, rated at 720 MW, is already more than the demand for Norwich, which is approximately 600 MW.

The output of the Sizewell B nuclear power station in Suffolk, rated at 1,200 MW, is twice the total demand for the city of Norwich and its surrounding communities.

The output from any further offshore wind farm projects will not be used in Norfolk; it is destined for consumption in the main centres of population in London and the south east, and partly in the East Midlands (Humberside).

The electricity supply industry therefore carried out feasibility studies to examine the use of a direct offshore connection scheme. It produced a fully detailed report in August 2015.

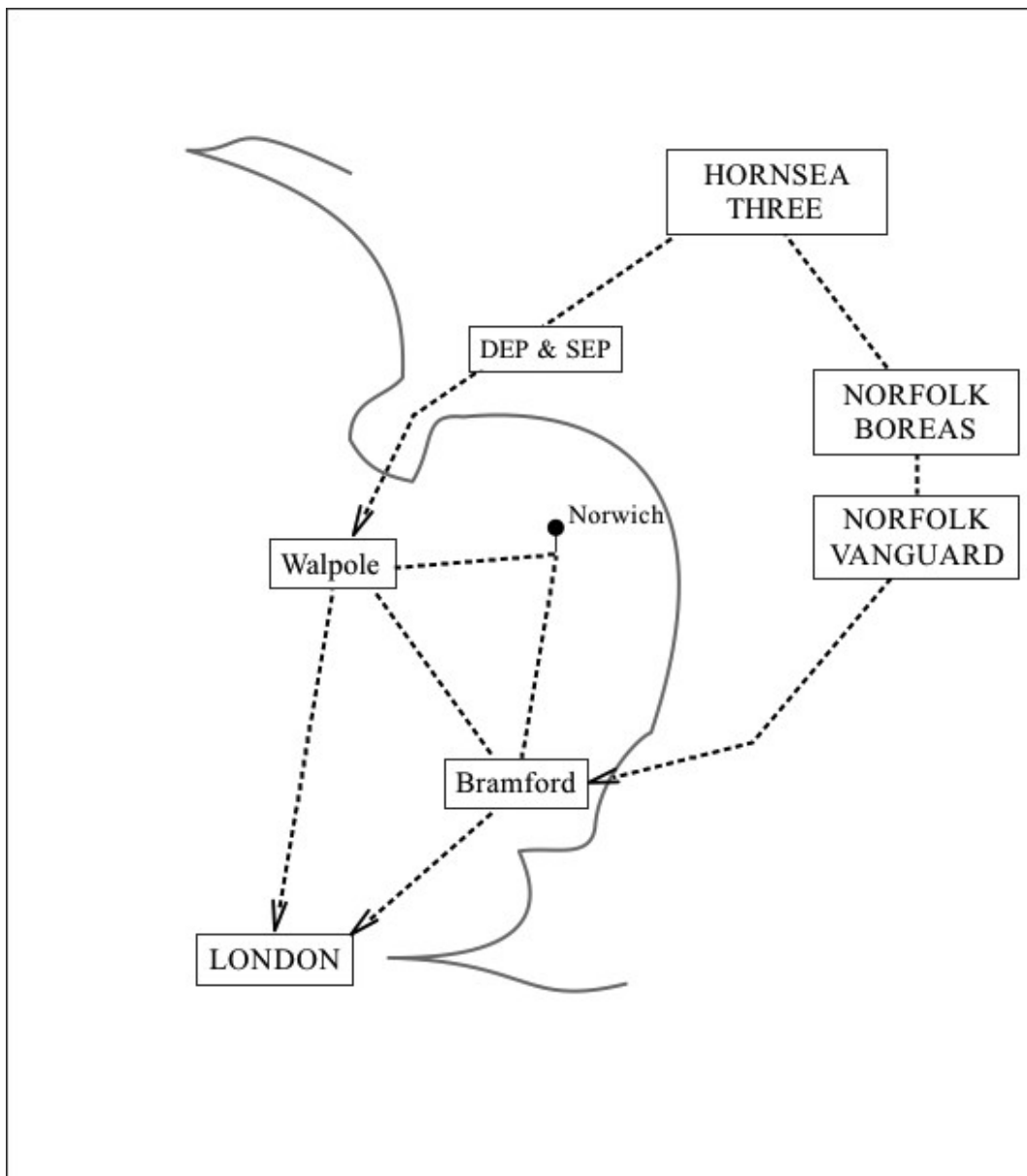


Figure 2: Supply of electricity from offshore wind farms to London

Notes:

The nominal output of the four projects currently in planning is:

Hornsea Three	2,400 MW
Norfolk Vanguard	1,800 MW
Norfolk Boreas	1,800 MW
Dudgeon and Sheringham Shoal Extensions *	<u>720 MW</u>
Total	6,720 MW

* The combined Dudgeon Extension Project (DEP) and Sheringham Shoal Extension Project (SEP).

The output from all these projects will pass through Walpole and Bramford on its way to London and the south-east. The diagram shows an example of an offshore connection scheme, joining the national grid at these two points, and avoiding unnecessary negative impacts in Norfolk.

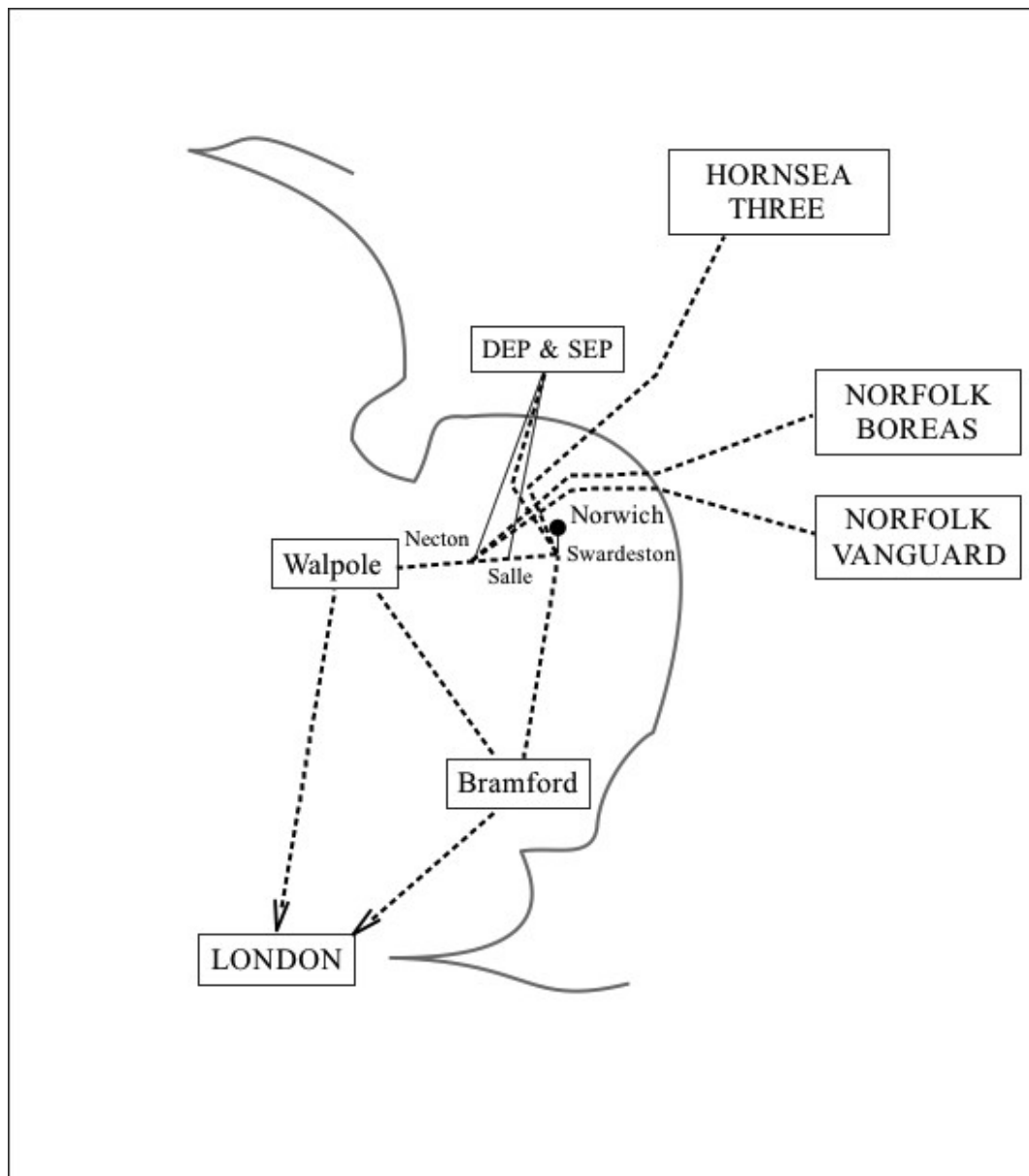


Figure 3: Proposed onshore radial connection points in Norfolk

Notes:

The connection points put forward in the planning applications for the four projects are:

Hornsea Three	Swardeston
Norfolk Vanguard	Necton
Norfolk Boreas	Necton
Dudgeon and Sheringham Shoal Extensions	Swardeston

Electricity generated by these projects will still pass through the national grid connection points at Walpole and Bramford on its way to the main centres of demand in London and the south-east.

The use of a radial connection for each project introduces many negative social, economic and environmental impacts. It may also be more expensive, with additional costs passed on to the final consumer. These difficulties would be avoided by the use of an offshore connection scheme.

From: Lucy Sheringham [REDACTED]

Sent: 28 May 2020 08:09

To: alok.sharma.mp <alok.sharma.mp@parliament.uk>; Energy Infrastructure Planning <beiseip@beis.gov.uk>

Subject: Norfolk Wind Farm Applications - Norfolk Vanguard & Hornsea Three

Dear The Rt. Hon, Alok Sharma MP & Mr. Gareth Leigh,

I am writing to you both in regard to the Norfolk Wind Farm Applications - Norfolk Vanguard and Hornsea Three.

A decision is expected on both these applications on the 1st June 2020. However, a few days later Norfolk MPs and the Minister of Energy are meeting to discuss a coordinated offshore transmission. This meeting will be used to discuss the plans and options available to stop any unnecessary onshore cabling and repeated building of huge substations on greenfield sites which is causing immense damage to the countryside and wildlife.

Therefore, I am writing to you to please ask for the decision on both these applications to be delayed to allow for the evidence of the coordinated offshore transmission discussion to be taken into account.

Thank you.

Yours sincerely,

Lucy Sheringham Norfolk
Resident

From: Tony Moverley [REDACTED]
Sent: 28 May 2020 09:33
To: alok.sharma.mp <alok.sharma.mp@parliament.uk>
Cc: Energy Infrastructure Planning <beiseip@beis.gov.uk>
Subject: Support for East Anglian Offshore Ring Main

28th May 2020

Dear Secretary of State,

As residents of North Norfolk, we are writing to express our considerable concern about the impact of proposed onshore National Grid cable connections for offshore wind farms on our immediate local area of Weybourne and Edgefield and the wider implications for the whole district. We understand that under the proposed plans, East Anglia will see approximately 40% of the UK's offshore wind generation pass through the area, having achieved landfall in various locations along the coastline and then connecting with National Grid infrastructure via onshore cable connections.

We fully support offshore wind developments in the North Sea, embracing increasing generating capacity in all forms of renewable energy and recognising the vital national importance of moving towards a zero-carbon economy as soon as practically possible (and well before the current government target of 2050). However, we strongly believe that the number of cable corridors and grid-related infrastructures now being proposed by offshore wind developments would cause intrusive impacts on the East Anglian countryside.

We back the proposals made to you by various councils and other bodies for the UK government to explore the development of an Offshore Ring Main. An ORM connecting the National Grid with one single cable connection, would potentially save the biodiversity of the North Norfolk countryside from widespread infrastructure works delivered over many years. In addition, the construction of an ORM would minimise the construction impacts on the coastal region in the short term and rationalise grid connections for greater efficiency in the long term. We strongly urge you recommend the construction of an ORM. Additionally, in light of COVID-19 pandemic negatively impacting the consultation process, we urge you to consider a (further) delay to your decision over the Hornsea Project 3 application.

Your sincerely

Tony & Mary Moverley

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

*Copied to
Mr. Gareth Leigh,
Head of Energy Infrastructure Planning
Dept. for Business, Energy and Industrial Strategy*

From: Chris Lambert
Sent: Thursday, May 28, 2020 3:18 PM
To: enquiries@beis.gov.uk
Cc: beisip@beis.gov.uk
Subject: Hornsea Three and Norfolk Vanguard applications.

FAO The Rt Hon. Alok Sharma MP
Secretary of State for Business Energy and Industrial Strategy.

and copy to Mr Gareth Leigh
Head of Energy Infrastructure Planning
Dept for Business ,Energy and Industrial Strategy.

Dear Sirs,

"We all need renewable energy but the choices made as to how it is provided and distributed ,should **not** be at the expense of everything else, least of all when you have options..
Offshore wind energy is a very important part of providing for our energy needs, but how we bring it onshore is equally as important.
It should not be necessary to repeatedly dig up large parts of the Norfolk countryside(so precious to us all for any number of reasons) over many years, when there is a viable alternative now and going forward.

All I ask as a very concerned resident of [REDACTED] ,an area that will be directly effected, that the detailed proposed alternatives that have been put forward are given very serious consideration and a fair and transparent process is followed and due time and attention is given to that before any decisions are made.

My local Oulton Parish council is acting for me and many many others in the parish and are representative of my views on this matter.
I trust that my statement will be included as part of the on-going consultations in relation to the proposed offshore wind farm developments currently being discussed..

The physical and mental well being of us all is being severely tested by these applications ,even more at this terrible time.

Thank you !

C. Lambert.

[REDACTED]
[REDACTED]

From: FRANCIS FARROW [REDACTED]
Sent: 28 May 2020 10:58
To: alok.sharma.mp <alok.sharma.mp@parliament.uk>
Cc: Energy Infrastructure Planning <beiseip@beis.gov.uk>
Subject: FAO: Gareth Leigh: East Anglian Offshore wind farms

Dear Rt. Hon. Alok Sharma MP,

I am writing to you as a concerned resident of North Norfolk where a number of wind farms are planning to be built offshore. At the moment I believe each windfarm will have its own cable connecting to the National Grid, which means a different landfall and corridor to a sub station. This I believe is unnecessary destruction of wildlife habitat and industrialisation of the countryside as there is an alternative which has been championed by local councils and that is the construction of an offshore ring main.

An Offshore Ring Main would connect to the National Grid through one single cable connection, potentially saving the North Norfolk countryside from widespread infrastructure works delivered over many years. Please consider and hopefully recommend this option to save our depleted countryside and its wildlife.

Please note I am not against offshore windfarms, in fact I spent much of my working life carrying out seabed surveys for windfarm cables.

Regards,

Francis Farrow

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: Simon Dunford [REDACTED]
Sent: 28 May 2020 18:01
To: Enquiry Unit <Enquiries@beis.gov.uk>
Cc: Energy Infrastructure Planning <beiseip@beis.gov.uk>
Subject: Urgent request regarding Hornsea Three & Norfolk Vanguard projects

FAO: The Rt Hon Alok Sharma MP, Secretary of State for Business, Energy and Industrial Strategy
CCd: Mr Gareth Leigh, Head of Energy Infrastructure Planning, BEIS

Dear Mr Sharma

As a resident of the village of Oulton in North Norfolk, I would like to make the below personal submission to you regarding the Hornsea Three and Norfolk Vanguard applications, on which I understand you are making the final decision imminently. And I would implore you to ensure that Mr Kwarteng's planned meeting with Norfolk MPs about this very issue is held **before** you make this important decision. (I understand it is currently scheduled to be the other way round.) It would seem illogical and unfair not to do the many affected residents this courtesy.

The thought of the long-term disruption that this will cause, if given the go-ahead, fills me and my family with dread. Oulton Street and the surrounding roads are narrow with no pavements and already busy with farm and other traffic – so it just doesn't seem plausible that such a major long-term development could be given the go-ahead without having a major impact on residents' right to quiet enjoyment of their homes and on the safety of pedestrians and other road users. The offshore ring main option – which I understand is being vigorously lobbied for by mid-Norfolk MP and former science minister George Freeman – seems the obvious solution if the lives of ordinary people are truly to be taken into consideration.

Yours sincerely,

Simon Dunford

[REDACTED]

[REDACTED]

From: Francesca De Vita [REDACTED]
Sent: 28 May 2020 20:43
To: KJ Johansson <KJ.JOHANSSON@planninginspectorate.gov.uk>; Thompson, Alexander (Energy Development & Resilience) <Alexander.Thompson@beis.gov.uk>; Hornsea Project Three <HornseaProjectThree@planninginspectorate.gov.uk>
Cc: Karma Leyland <KALEY@orsted.co.uk>; Oliver Palasmith <olpal@orsted.co.uk>; Sophie Lewis <SOPL@orsted.co.uk>
Subject: Hornsea Project Three [DLGL-17-6713]

Dear KJ and Alexander

I attach the following documents:

1. A joint notification on behalf of the Applicant and Spirit Energy relating to the Markham Licence Block signed for and on behalf of Spirit Energy Nederland B.V and a counter-signed version signed for and on behalf of Orsted Hornsea Project Three (UK) Limited; and
2. A joint notification on behalf of the Applicant and Spirit Energy relating to the Chiswick, Kew and Grove Licence Blocks signed for and on behalf of Sprit Energy North Sea Limited and a counter-signed version signed for and on behalf of Orsted Hornsea Project Three (UK) Limited.

The notifications confirm that agreement has been reached between the parties on 28 May 2020 and accordingly any protective provisions that may have been included in the Secretary of States DCO can be removed.

Thank you for your assistance. I would be grateful if you could acknowledge receipt.

Best regards
Francesca

Best regards,
Francesca De Vita
Lead Legal Counsel
Legal Offshore Cont. Europe and UK
Group Support



[Learn more at orsted.co.uk](https://www.orsted.co.uk)

5 Howick Place, Westminster
SW1P 1WG London
United Kingdom



[orsted.co.uk](https://www.orsted.co.uk)



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Secretary of State for Business, Energy & Industrial Strategy
1 Victoria Street
London
SW1H 0ET

28 May 2020

Planning Act 2008

Application for the Hornsea Three Offshore Wind Farm Order (EN010080)

Joint Notification made by the Applicant and Spirit Energy

1. This joint notification is made by Orsted Hornsea Project Three (UK) Limited (the "Applicant"), and Spirit Energy Nederland B.V. ("Spirit Energy") and their Co-Venturers, pursuant to paragraph 6 of a joint statement dated 26 September 2019 made by the same parties to the Secretary of State (the "Joint Statement").
2. The Joint Statement explained that the parties were negotiating the terms of a draft Cooperation and Coexistence Agreement (the "Agreement").
3. The Applicant and Spirit Energy on behalf of itself and its Co-Venturers each confirm that: (a) the Agreement was entered into on 28 May 2020; (b) their interests are protected; and (c) the protective provisions proposed by the parties during the Examination of this DCO application to address Spirit Energy its Co-Venturers' concerns are not required.
4. Accordingly, Applicant and Spirit Energy on behalf of itself and its Co-Venturers each request that Secretary of State remove any relevant protective provisions which may be included in the DCO.

Signed by:

for and on behalf of: Spirit Energy Nederland B.V. and their Co-Venturers

Signed by:

for and on behalf of Orsted Hornsea Project Three (UK) Limited



Hornsea 3
Offshore Wind Farm



Spirit Energy Nederland B.V.

Transpolis Building
Polarisavenue 39
2132 JH Hoofddorp
Netherlands

Telephone: 0031 23 5569 200
www.spirit-energy.com

Secretary of State for Business, Energy & Industrial Strategy
1 Victoria Street
London
SW1H 0ET

___ May 2020

Planning Act 2008

Application for the Hornsea Three Offshore Wind Farm Order (EN010080)

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Signed by:

for and on behalf of: Spirit Energy Nederland B.V. and their Co-Venturers

Signed by:

for and on behalf of Orsted Hornsea Project Three (UK) Limited

Secretary of State for Business, Energy & Industrial Strategy
1 Victoria Street
London
SW1H 0ET

28 May 2020

Planning Act 2008

Application for the Hornsea Three Offshore Wind Farm Order (EN010080)

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Signed by:

for and on behalf of: Spirit Energy North Sea Limited and their Co-Venturers

Signed by:

for and on behalf of Orsted Hornsea Project Three (UK) Limited



Hornsea 3
Offshore Wind Farm



Spirit Energy North Sea Limited

5th Floor
iQ Building
15 Justice Mill Lane
Aberdeen
AB11 6EQ

Telephone: 01224 415000
www.spirit-energy.com

Secretary of State for Business, Energy & Industrial Strategy
1 Victoria Street
London
SW1H 0ET

___ May 2020

Planning Act 2008

Application for the Hornsea Three Offshore Wind Farm Order (EN010080)

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Signed by:

for and on behalf of; Spirit Energy North Sea Limited and their Co-Venturers

Signed by:

for and on behalf of Orsted Hornsea Project Three (UK) Limited

From: [REDACTED]
To: alok.sharma.mp
Cc: [Energy Infrastructure Planning](#)
Subject: Request to Delay 1st June Decision pending Imminent Discussions on ORM
Date: 31 May 2020 09:13:54

Dear Alok Sharma

I write to you to add a last minute voice to request that you delay the 1st June Decision on Hornsea Three and North Vanguard Offshore Wind Projects, to allow the significant imminent discussions to take place on the proposal to create an Offshore Ring Main for future offshore wind farms. This proposal has immense potential and offers huge national economic saving benefits and huge benefits to the whole of the Norfolk countryside, which stands to suffer greatly from repeated large scale excavation projects. The timings of these two considerations could not be more skewed and this is your opportunity to redress this imbalance. I urge you to act immediately.

Yours sincerely

John H Mangan

[REDACTED]

From: [REDACTED]
To: [Enquiry Unit](#)
Cc: [Energy Infrastructure Planning](#); alok.sharma.mp
Subject: Request to Delay 1st June Decision pending Imminent Discussions on ORM
Date: 01 June 2020 00:46:41

Dear Alok Sharma

I have been authorised by the High Kelling Parish Council to write to you to at this eleventh hour, to request that you delay the 1st June Decision on Hornsea Three and North Vanguard Offshore Wind Projects, to allow the significant imminent discussions to take place on the proposal to create an Offshore Ring Main for future offshore wind farms.

This proposal has immense potential offering both huge national economic saving benefits and huge benefits to the whole of the Norfolk countryside, which stands to suffer greatly from repeated large scale excavation projects. The timings of these two considerations could not be more skewed and this is your opportunity to redress this imbalance.

We urge you to act immediately and delay the 1st June decision in order to allow the Offshore Ring Main discussions to precede it.

Yours sincerely

Clr John H Mangan
High Kelling Parish Council

home address:

[REDACTED]

From: Valerie Stubbs [REDACTED]
Sent: 02 June 2020 15:13
To: Energy Infrastructure Planning <beiseip@beis.gov.uk>
Subject: Fwd: Hornsea Three and Norfolk Vanguard windfarm applications

FAO Mr Gareth Leigh

Dear Mr Leigh,

Please could you ensure that the e-mail I sent below is passed on to the Secretary Of State Alok Sahrma,

Yours sincerely,

Valerie Stubbs

----- Forwarded message -----

From: Valerie Stubbs [REDACTED]
Date: Wed, May 27, 2020 at 9:10 PM
Subject: Hornsea Three and Norfolk Vanguard windfarm applications
To: <alok.sharma.mp@parliament.uk>
Cc: <beiseip@beis.gov.uk>

Dear Mr Sharma,

I am writing to ask you to delay making a decision regarding the Hornsea Three and Norfolk Vanguard windfarm applications.

I fully support the development of renewable energy as a key tool in the fight to control climate change. However, living in Weybourne, I have seen first hand the impact of the landfall, both in terms of the disruption to everyday life and the tourist industry, and on the habitat and countryside.

The option of an offshore ringmain around the coast of Norfolk and Suffolk would obviate the need for constant disruption to life and the land, as well as reducing the impact on the marine environment. The Covid-19 crisis has shown that things that once were deemed impossible can in fact be achieved, and quickly! Investment in the development of the technology and infrastructure could create local jobs and boost the economy, while at the same time helping the UK to achieve its zero net emissions goal.

I would therefore request that a decision on the two windfarm applications be delayed until you have had your meeting with our local MPs, the idea of an offshore ringmain has been given proper consideration and research, with the environment placed ahead of short-term economic gain.

Yours sincerely

Valerie Stubbs



From: [REDACTED]

Sent: 22 September 2020 21:55

To: Energy Infrastructure Planning <beiseip@beis.gov.uk>

Subject: FAO Mr Gareth Leigh - Hornsea 3 Landfall at Weybourne

Dear Mr Leigh,

Please could you ensure that this e-mail is passed on to the Secretary Of State Alok Sharma.

Dear Mr Sharma,

Orstead is planning to use open trench technology to bring the cables for the Hornsea 3 wind farm ashore at Weybourne. This will disturb the integrity of the shingle ridge and breach the cliff. Weybourne Parish Council believes that this would have the potential to increase the flooding risk at Weybourne, particularly as the likelihood of tidal surges will increase as climate change accelerates. The cliffs at Weybourne are extremely soft and already suffering from weathering and coastal erosion, and cutting through the cliffs is likely to exacerbate this.

Both the previous wind farms that came on shore at Weybourne successfully used Horizontal Directional Drilling (HDD). HDD takes the cable underneath the beach and the cliff, thus avoiding destabilising them.

In addition to the impact on the integrity of the geology in the area, the use of open trenches will affect the habitat in a way that would be avoided by HDD. The area is of importance to breeding and wintering birds as well as passing migrant birds in the spring and autumn, and there is thus no season of the year when disturbance could be avoided

I urge you to refuse consent for the Hornsea 3 development **OR** - if it is deemed that consent should be given due to the overriding national interest of providing renewable energy - to put a proviso into the consent, **requiring the use of HDD at the landfall site at Weybourne.**

Yours sincerely,

Valerie Stubbs, on behalf of Weybourne Parish Council

Valerie S



Department for
Business, Energy
& Industrial Strategy

The Rt Hon Alok Sharma MP
Secretary of State
Department for Business,
Energy & Industrial Strategy
1 Victoria Street
London
SW1H 0ET

Paul Wheelhouse MSP
Minister for Energy, Connectivity and the Islands
St Andrew's House,
Regent Road,
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EH1 3DG

T +44 (0) 20 7215 5000
E enquiries@beis.gov.uk
W www.gov.uk

6 November 2020

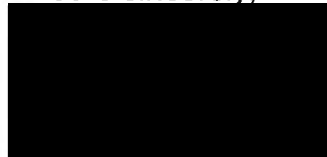
Dear Paul,

Thank you for your letter of 15 September 2020 regarding the application for development consent the Hornsea Project Three Offshore Wind Farm and my letter of 1 July 2020 in which I indicated that I was minded to consent the project.

I welcome you taking the time to write to me on this matter but you will understand that as I will be the decision-maker for the application for Hornsea Project Three, I am not able to discuss the details of that particular project. I will treat the specific points you make about the project as a representation on it and will take them into account when I make my final decision. Since you wrote, Orsted have responded to my letter of 1 July 2020. I am still considering their response which is published on the Planning Inspectorate's website¹.

More generally, I agree with you about the importance of the issue of compensatory environmental measures more widely and the necessity of taking a consistent approach which can be readily understood by stakeholders. My Department is working with other regulators, Government departments and nature advisors, including Marine Scotland, to tackle strategic barriers to deployment of offshore wind, including consideration issues around compensatory environmental measures. Your officials should contact Rose Galloway Green Rose.GallowayGreen@beis.gov.uk if they would like to know more about this work.

Yours sincerely,



THE RT HON ALOK SHARMA MP
Secretary of State for Business, Energy & Industrial Strategy

¹ <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/hornsea-project-three-offshore-wind-farm/?ipcsection=docs&stage=6&filter1=Response+to+the+Secretary+of+State%E2%80%99s+Minded+to+Approve+Letter>

Mulbarton Parish Council
The Common
Mulbarton
NR14 8AE

11th December 2020

The Rt. Hon. Alok Sharma MP
Secretary of State for Business,
Energy and Industrial Strategy

Dear Mr Sharma,

Hornsea Project Three

We wrote to you on 25th May this year to express our very serious concern about this project. On 5th June we received a reply, sent on your behalf by Mr David Claydon, explaining that an 'urgent review' was under way. A second letter on 15th June 2020 drew your attention to the importance of integrated offshore transmission in achieving the government's increased renewable energy targets.

Shortly afterwards, on 1st July 2020, your department issued a 'minded to approve' letter proposing to grant approval of the Hornsea Three application on 31st December 2020, subject only to a further consideration of offshore ecology. This was also the first time that local communities were able to see the Examining Authority's report of 1st July 2019 and the department's response.

Since then, in addition to the government's own urgent review, National Grid has begun a further consultation on integrated offshore transmission. These reviews will not be completed this year.

Now that we have seen both the Examining Authority's report, and the 'minded to approve' letter, and taking into account the offshore transmission reviews, we strongly urge that this application should not be approved at this time. The reasons for this are set out in more detail overleaf.

Kind regards,

Anne Phillips
Parish Clerk

On behalf of Mulbarton Parish Council

cc: Mr Richard Bacon, MP
South Norfolk

Mr. Gareth Leigh
Head of Energy Infrastructure Planning
Dept. for Business, Energy and Industrial Strategy

Mr. David Claydon
Enquiry Unit Advisor
Dept. for Business, Energy and Industrial Strategy

1. Grid connections

The purpose of the IOTP (East) feasibility study of 2015 was to find the most efficient method of connecting East Coast Round 3 projects to the grid with the maximum transfer of renewable energy, savings for the consumer, and minimum infrastructure. The report and its appendices were issued in August 2015 on the basis of a grid connection for Hornsea Three at Walpole, as shown in Figure 1.

In July 2016 the applicant requested a change of grid connection, and an offer at Dunston was accepted in October. The Statement of Community Consultation was issued in September 2016.

The IOTP (East) feasibility study report was not submitted into the Hornsea Three examination, but it was submitted to the Norfolk Vanguard examination in May 2019, shortly after the Hornsea Three examination had ended on 2nd April 2019. In the case of Norfolk Boreas, it was submitted by the applicant and accepted by the Examining Authority as recently as February of this year.

The ‘minded to approve’ letter for Hornsea Three states that the Secretary of State is content with the Examining Authority’s consideration of grid connection issues for Hornsea Three. If the report of the IOTP (East) feasibility study had been submitted, the outcome may have been very different.

The Electricity Act of 1989 called for transmission systems to be efficient, co-ordinated and economical; to facilitate competition in the supply and generation of electricity; and to take account of the effect on the physical environment. All of these aspects are clearly important to meeting the government’s ambition to bring higher levels of offshore wind into the onshore transmission grid. The proposed scheme of connection, shown in Figure 2, hardly seems to satisfy that expectation.

2. Cumulative effects

The existing Dudgeon and Sheringham Shoal offshore wind farms are connected at Necton and Salle, and their Round 2 Extension projects, known as DEP & SEP, could simply connect at Necton.

The assignment of capacity at Necton for Norfolk Vanguard and Boreas seems to have displaced grid connections for both Hornsea Three and DEP & SEP to Dunston, but the offer of a connection for DEP & SEP was not made until April 2019, just a few days after the Hornsea Three examination had ended on 2nd April 2019. The offer was accepted almost immediately, in May 2019.

It is now apparent that if DEP & SEP is connected at Dunston, this will disrupt use of the B1113 into Norwich for a prolonged period, coinciding with the doubling of heavy goods vehicle traffic for construction of the Hornsea Three substation. This will prompt the diversion of the morning peak commuter traffic onto country lanes. A large industrial zone will be created in open countryside, as shown in Figure 3. These cumulative effects were not identified in the Hornsea Three examination.

3. Siting of the Hornsea Three onshore substation

The methodology set out in the Scoping Report of October 2016 whereby environmental impacts would be minimised does not seem to have been followed at the onshore substation. The first public consultation suggested that a low-lying site close to the grid connection point would be used, and the possibility of excavation to reduce overall building height within the landscape was discussed.

The opportunity to take advantage of a worked-out gravel pit with existing trunk road access was also discussed, but not taken up. Instead, the proposal submitted as part of the DCO application was to use a much more prominent site, within a landscape protection zone, on rising ground and clearly visible over a wide area, and with all construction traffic diverted onto local minor roads. This led the local planning authority to oppose the use of HVDC transmission for the export cable route.

The Examining Authority’s report described the gravel pit as a quarry with plans for expansion, even though evidence had been provided showing when gravel extraction was due to end, and that the local authority had removed the planned areas of expansion from its published documentation.

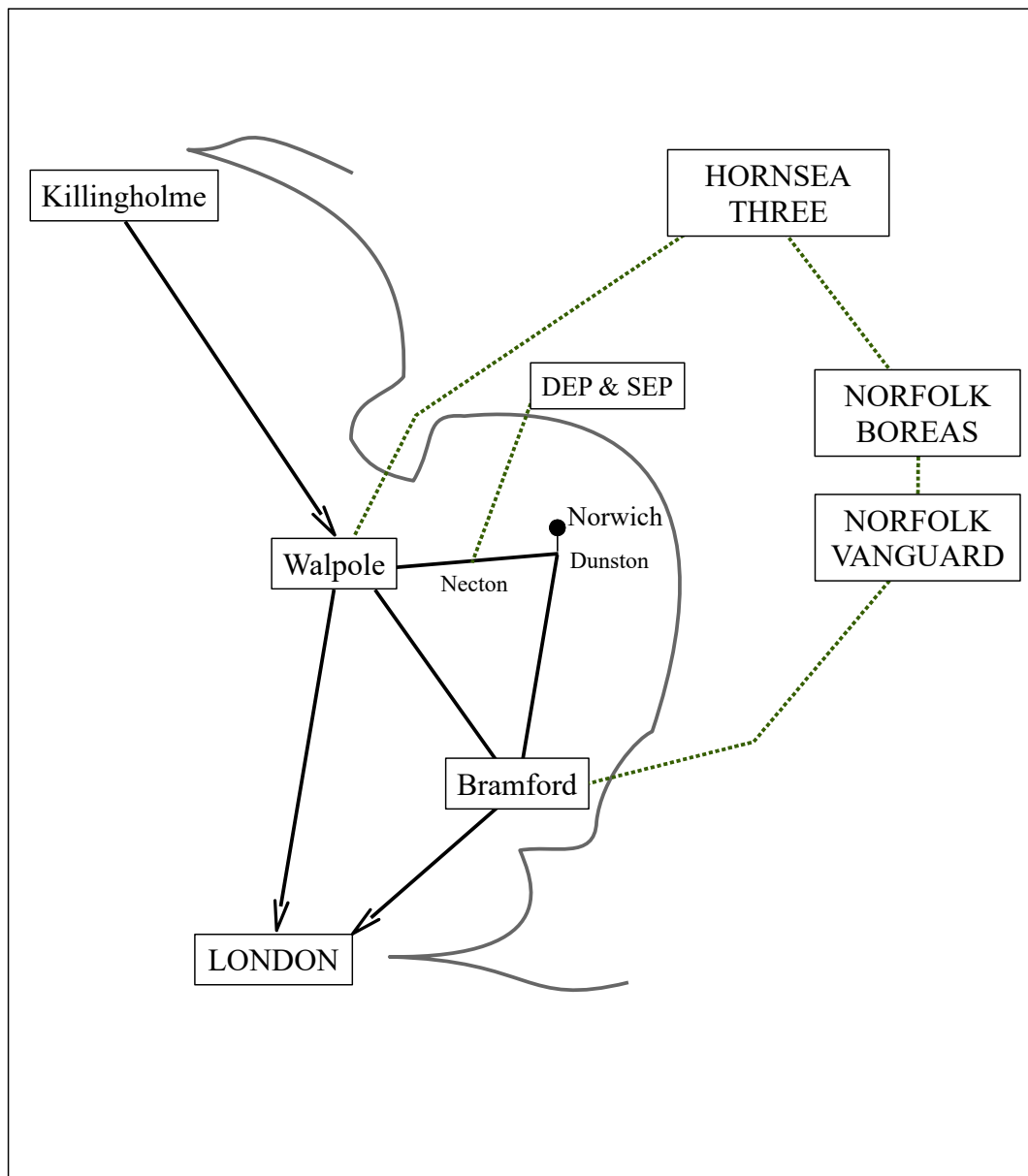


Figure 1

Integrated offshore transmission

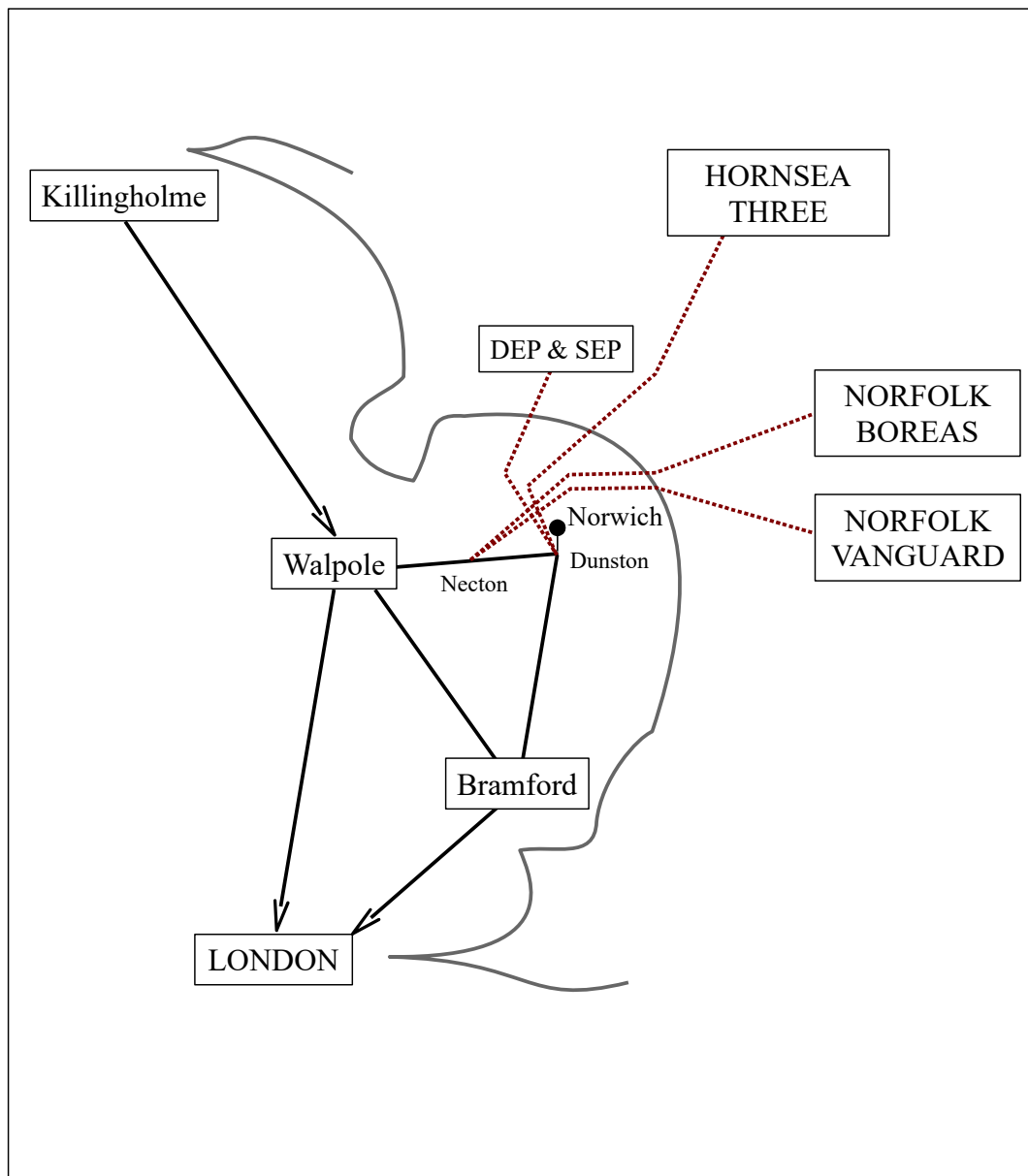


Figure 2

Point-to-point links

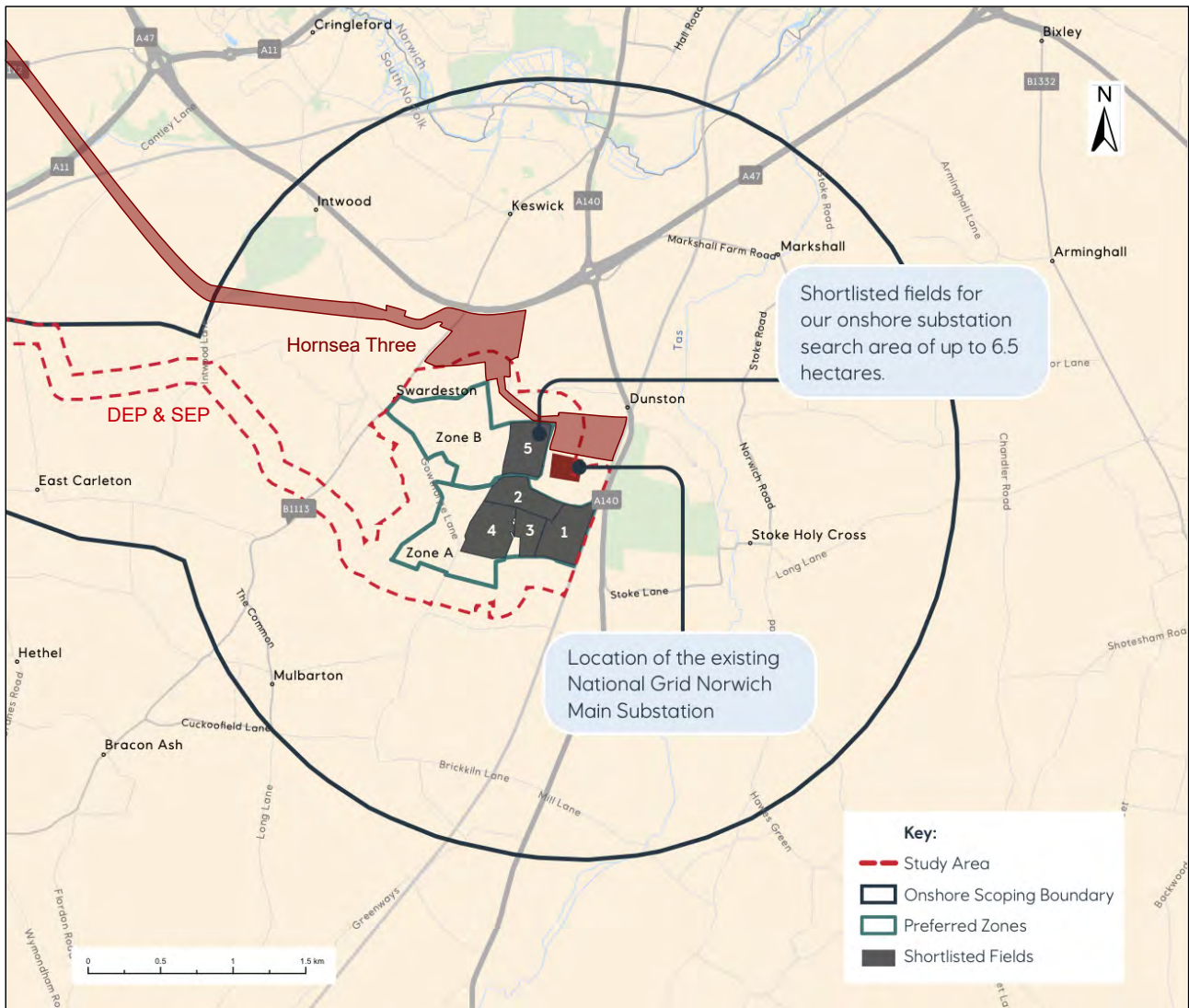


Figure 3

Hornsea Three with Dudgeon and Sheringham Shoal Extensions

The Scoping Report for the Dudgeon and Sheringham Shoal Extensions was issued in October 2019.

This diagram is reproduced from the Community Consultation Leaflet published by Equinor in July 2020, with the Hornsea Three details added.

Oulton,
Norfolk

28th December 2020

The Rt. Hon. Alok Sharma MP
Secretary of State
The Department for Business, Energy and Industrial Strategy

Dear Mr Sharma,

Re: The determination of the DCO for Hornsea Project Three offshore wind farm

At this eleventh hour, I am writing to you today on behalf of 30 Parish Councils in Norfolk, to urge you to refuse the application for the Hornsea Three offshore wind farm, on account of its current onshore grid connection proposals.

The webinars presented on December 17th by both the Department for BEIS and by NGESO presented the compelling arguments for the urgent planning and implementation of an offshore transmission network to join all offshore wind farms in the southern North Sea to the grid.

To now consent the Hornsea Three proposal in its current configuration would maroon this project from such a network and would result in both a sub-optimal use of its energy output for the next 40 years and an unjustifiable extra cost to the consumer in terms of unnecessary constraint payments.

The proposal for an onshore point-to-point grid connection for the Hornsea Three wind farm is now anomalous and has been overtaken by events.

We urge you therefore to refuse the application in its current form and to encourage the Applicant instead to join the National Grid's Offshore Coordination Project, as a pathfinder project.

Thank you for your consideration of this critical matter.

Yours sincerely,

Alison Shaw

pp Oulton Parish Council

- and also on behalf of the 30 Norfolk Parish Councils listed below:

Edgefield PC
Corpusty and Saxthorpe PC
Wood Dalling PC
Cawston PC
Salle PC
Heydon Parish Meeting
Kelling PC

High Kelling PC
Weston Longville PC
Barford with Wrampingham PC
Mulbarton PC
Swardeston PC
Happisburgh PC
Ingworth PC
Bradenham PC
Holme Hale PC
Necton PC
Weybourne PC
Blickling PC
Aylsham Town Council
Fransham PC
East Ruston PC
Swannington, with Alderford & Lt. Witchingham PC
Garvestone, Reymersdon and Thuxton PC
Great Melton PC
Brandiston Parish Meeting
Plumstead PC
Brampton with Oxnead PC
Beeston Regis PC
Morston PC
