

**Application by Norfolk Boreas Limited for an Order Granting Development Consent for the Norfolk Boreas Offshore Windfarm Project**

<b>Issue Specific Hearing:</b>	Offshore effects including the draft Development Consent Order
<b>Date:</b>	22 January 2020 at 10.00am
<b>Location:</b>	Blackfriars Hall, St Andrew's Plain, Norwich, NR3 1AU

**Requested Attendees**

- The Applicant
- Eastern Inshore Fisheries Conservation Association
- Historic England
- Marine Management Organisation
- Maritime & Coastguard Agency
- Natural England
- Royal Society for the Protection of Birds
- The Wildlife Trusts
- Whale and Dolphin Conservation

**Purpose of the Issue Specific Hearing into Offshore effects including the draft Development Consent Order.**

The main purpose of this hearing is to:

- Seek clarity and resolution, if possible, of matters where differences exist between parties and to establish those matters where parties consider resolution is unlikely;
- Seek other clarifications from submissions at D2 and D3;
- Establish or confirm the views of other Interested Parties as to the appropriateness, proportionality or efficacy of proposals;
- Agree and/or request further work or refinement of existing documents which would form part of the dDCO or are secured through the dDCO;
- Consider the implications of the recently issued consultation for Norfolk Vanguard, in which the Secretary of State considers a number of HRA matters remain unresolved. It has sought further information on alternatives, compensation and IROPI [REP3-012]. These are also highly relevant to the Norfolk Boreas Offshore Windfarm Project.

## **Agenda**

### **1. Welcome, introductions, arrangements for the hearing**

### **2. Archaeological Written Scheme of Investigation**

- I. To understand how micro-survey of potential archaeological assets at the offshore sites and landfall HDD prior to construction activities will be planned and executed.
- II. To understand how delivery of embedded mitigation, e.g. AEZs, and actions to be taken would be secured in the post-consent offshore archaeological WSI.

### **3. Shipping and Navigation**

- I. To clearly understand from the Applicant, preferably visually, the restrictions to navigation between the northern extremity of the Proposed Development and Sean Field PP and PD infrastructure (including separation distance between infrastructure and safety zones during construction and maintenance).
- II. To understand how vessels navigate within WTG arrays and the likelihood of impact of single line of orientation to recreational vessels and commercial fishing vessels.

### **4. Fishing**

- I. To understand whether assessment of the magnitude of effects on fisheries should be based on a percentage loss of access to grounds and whether cumulative impact assessment of past losses or restrictions of access to fishing grounds would represent double-counting.
- II. To understand whether the Fisheries Co-existence and Liaison Plan as drafted is sufficient to mitigate risk to fishing vessels in the vicinity of service vessels related to survey, construction and maintenance activities

### **5. Marine Mammals**

#### **a) Noise monitoring**

- I. To explore concerns regarding noise disturbance to cetaceans from foundation construction using various piling and non-piling techniques and the opportunities to minimise noise by foundation design.
- II. To understand whether the additional construction techniques including vibro-piling and 'blue hammer', proposed for Norfolk Vanguard, referenced in the SoS letter, are appropriate to Norfolk Boreas.
- III. To explore whether noise monitoring is necessary for more than just the first few piles of each foundation type.
- IV. To understand the need to monitor marine mammals themselves which has been raised by NE & TWT.
- V. To identify whether there are any construction techniques, other than piling, under consideration that could result in noise impacts.

### **b) Mitigation**

- I. To understand concerns regarding the appropriateness of JNCC 2010 guidelines and the effectiveness of in-situ methods for mitigation, including soft-starts, marine observers, passive acoustic monitoring, etc. To consider whether there are newer, proven, alternatives such as bubble curtains, which could be adopted.

### **c) In-combination effects**

- I. To fully understand the arguments regarding whether in-combination effects are likely to cause AEOI.
- II. To review positions between the Applicant, WDC, NE and MMO regarding the appropriateness of using the SIP at consenting stage to address the in-combination impacts from piling.

### **d) Water quality**

- I. To understand the potential in-combination effects of changes to water quality on harbour porpoise.

## **6. Benthic Ecology**

### **a) Haisborough, Hammond and Winterton SAC**

- I. To understand the implications to Norfolk Boreas of the SoS letter to Norfolk Vanguard regarding specific mitigation solutions that would address the potential effects of cable protection on the SAC features. This will also investigate the implications of the possibility that micro siting may not be possible.
- II. To understand the strategy for disposal of sediments within the SAC, including the need for a condition specifying particle size, modelling of deposition and protection of Annex 1 reef.
- III. To understand how AEZs and A2 anomalies overlay on the Sabellaria Spinulosa reef features where the cable corridor transits the HHW SAC and how this may influence opportunities for micro siting of the cable route and the possible minor amendments to Red Line Boundary or exclusions related to fishery bylaws.
- IV. To understand the regulators views on whether O & M activities should be excluded from the SAC, and implications for the Applicant.
- V. To explore potential implications of a scenario where AEOI cannot be excluded with the Applicant, regulators and IPs including whether there are any feasible alternative solutions, any imperative reasons of overriding public interest for the project and any in-principle compensatory measures.

## **7. Offshore Ornithology**

### **a) In-combination impacts of kittiwake, gannet and auks of Flamborough and Filey Coast SPA, black backed gull of the Alde-Ore Estuary SPA**

- I. To understand the implications to Norfolk Boreas of the SoS letters to Norfolk Vanguard and Hornsea Three (for kittiwake) regarding additional requirements for further mitigation to lessen or avoid any adverse effects on the integrity of these sites, to include possible compensatory measures.
- II. To consider the Applicant's comments that RSPB has misinterpreted the PVA results, and the implications of this.
- III. To understand from NE what its view is regarding the Applicant's assessments provided at D2, and whether there is agreement on no AEOI for each SPA.

**b) Collision Risk Modelling**

- I. To understand the need, or otherwise, for PVA for little gull of Greater Wash SPA.
- II. To understand whether a range-based approach to CRM for flight height estimates is appropriate.
- III. To explore whether as-built or consented wind farms should be considered for in-combination effects.

**c) Level of precaution in the assessment**

- I. To consider the arguments relating to precaution and the conclusions drawn from applying density dependence, and the Applicant's conclusion of no AEOI even when applying precaution.

**8. Draft Development Consent Order**

- I. To consider the implications for the Norfolk Boreas DMLs of the proposed amendments put forward by the SoS in its letter in relation to Norfolk Vanguard in paragraphs 30-33 inclusive [REP3-012].