



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

NORFOLK BOREAS OFFSHORE WIND FARM

Planning Inspectorate Reference: EN010087

Deadline 10

**Natural England's response to the Examining Authority's fourth round of written questions**

6<sup>th</sup> May 2020

Our Ref: NE.NB.D10.02.EXQ4

## Abbreviations used:

<b>AEOI</b>	Adverse Effect on Integrity	<b>OCoCP</b>	Outline Code of Construction Practice
<b>ASI</b>	Accompanied Site Inspection	<b>OLEMS</b>	Outline Landscape and Ecological Management Strategy
<b>CoCP</b>	Code of Construction Practice	<b>OSES</b>	Outline Skills and Employment Strategy
<b>DAS</b>	Design and Access Statement	<b>OTMP</b>	Outline Traffic Management Plan
<b>dDCO</b>	Draft Development Consent Order	<b>OWSI</b>	Outline Written Scheme of Investigation
<b>DML</b>	Deemed Marine Licence	<b>R</b>	Requirement
<b>EA</b>	Environment Agency	<b>RIES</b>	Report on the Implications for European Sites
<b>EIA</b>	Environmental Impact Assessment	<b>SAC</b>	Special Area of Conservation
<b>EM</b>	Explanatory Memorandum	<b>SES</b>	Skills and Employment Strategy
<b>ES</b>	Environmental Statement	<b>SI</b>	Statutory Instrument
<b>ExA</b>	Examining Authority	<b>SoCG</b>	Statement of Common Ground
<b>FFC</b>	Flamborough and Filey Coast Special Protection Area	<b>SoS</b>	Secretary of State
<b>HBMCE</b>	Historic England	<b>SPA</b>	Special Protection Area
<b>HDD</b>	Horizontal Directional Drilling	<b>SPZ</b>	Source Protection Zone
<b>HHW SAC</b>	Haisborough, Hammond and Winterton Special Area of Conservation	<b>SSSI</b>	Site of Special Scientific Interest
<b>IROPI</b>	Imperative Reasons of Overriding Public Interest	<b>TMP</b>	Traffic Management Plan
<b>ISH</b>	Issue Specific Hearing	<b>USI</b>	Unaccompanied Site Inspection
<b>LIG</b>	Land Interest Group	<b>WSI</b>	Written Scheme of Investigation
<b>LIR</b>	Local Impact Report	<b>WTG</b>	Wind Turbine Generator
<b>LSE</b>	Likely Significant Effect		
<b>MHWS</b>	Mean High Water Springs		
<b>MLWS</b>	Mean Low Water Spring		
<b>MMO</b>	Marine Management Organisation		
<b>MoU</b>	Memorandum of Understanding		
<b>NE</b>	Natural England		
<b>NCC</b>	Norfolk County Council		
<b>NNDC</b>	North Norfolk District Council		
<b>NPS</b>	National Policy Statement		
<b>NSIP</b>	Nationally Significant Infrastructure Project		
<b>OAMP</b>	Outline Access Management Plan		

## **The Examination Library**

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010087/EN010087-000897-Norfolk%20Boreas%20Examination%20Library%20PDF%20Version.pdf>

It will be updated as the examination progresses.

## **Citation of Questions**

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ4 1.0.1 – refers to question 1 in this table.

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ExQ4	Question to:	Question:	Natural England Response
<b>1. Archaeology and Heritage Assets</b>			
<b>1.0 Offshore and intertidal archaeology</b>			
		No questions	
<b>1.1 Onshore archaeology</b>			
		No questions	
<b>1.2 Onshore heritage assets</b>			
Q4.1.2.1	Broadland District Council	<b>Noise and vibration effects on the Cawston Conservation Area and listed buildings:</b> Following the Applicant's submission of its Clarification Note providing information on the potential noise, vibration and air quality effects of the Cawston Revised Highway Intervention Scheme (HIS) [REP8-028] and your response to ExQ3.1.2.2: a) Review the clarification note and submit written comments, confirming whether you agree with the Applicant's findings; and b) If you do not agree with the findings, what further mitigation do you consider necessary?	
Q4.1.2.2	Cawston Parish Council	<b>Noise and vibration effects on the Cawston Conservation Area and listed buildings:</b> Provide any comments you wish to make on the Applicant's Clarification Note providing information on the potential noise, vibration and air quality effects of the Cawston Revised Highway Intervention Scheme (HIS) [REP8-028].	
<b>2. Biodiversity, Biological Environment and Ecology</b>			
<b>2.0 Offshore benthic and marine mammals</b>			

ExQ4	Question to:	Question:	Natural England Response
Q4.2.0.1	The Applicant	<b>Marine Mammal Monitoring:</b> The Applicant to comment on NE's wording in [REP6-050] to be included in the Generation DMLs Schedules 9 and 10, which would link with the marine mammal monitoring requirements within the IPMP.	It is noted that Natural England, the MMO and the Applicant have agreed wording for these conditions.
Q4.2.0.2	Applicant Marine Management Organisation	<b>Sandeel:</b> a) Applicant to state its position regarding MMO's request for a further update to the IPMP for sediment sampling for particle size analysis in respect of habitat suitability for sandeel. b) The Applicant and MMO to provide any additional information to assist the ExA in making its recommendation regarding sediment sampling to the SoS.	
<b>2.1 Onshore ecology</b>			
		No questions	
<b>2.2 Offshore ornithology</b>			
		No questions	
<b>3. Compulsory Acquisition</b>			
<b>3.0 Compulsory Acquisition</b>			
Q4.3.0.1	The Applicant The NFU/LIG Affected Persons	Include C and P Alhusen (Bradenham Hall Farms) in the Compulsory Acquisition Objections Schedule [REP8-015] and provide an update on negotiations and discussions referred to in the Applicant's response to ExQ3.3.0.2.  Also refer to Section 9 of these questions in connection with points regarding the landscape mitigation and siting and design of the proposed	

**ExQ4 28 April 2020****Responses due by Deadline 10: Wednesday, 6 May 2020**

ExQ4	Question to:	Question:	Natural England Response
		onshore project substation.	
Q4.3.0.2	The Applicant The NFU/LIG Affected Persons	<p>The NFU [REP5-074] indicates that landowner Dillington is identified on the Compulsory Acquisition Objections Schedule [REP6-023] at Row 32 and that discussions are ongoing over access matters. The Applicant states at Deadline 6 [REP6-014] that it considers a way forward has been agreed in relation to access and that Heads of Terms have been signed.</p> <p>a) NFU / LIG to confirm whether Mr G Anderson of the Dillington Estate (Row 32 of the Compulsory Acquisition Objections Schedule) is now represented by Strutt and Parker.</p> <p>b) NFU / LIG to confirm whether Strutt and Parker is a member of the LIG?</p> <p>c) It is unclear from the responses received at Deadline 7 from NFU [REP7-042 and Deadline 8 from the Applicant [REP8-015] whether or not a specific access identified on the Access to Works plans [APP-011] is in dispute. Confirm the position.</p> <p>d) Provide an update on negotiations in relation to the completion of an Option Agreement.</p> <p>e) Is NFU/LIG satisfied with the response provided by the Applicant in REP8-015 in response to ExQ3.3.0.4? If not, why not?</p>	
Q4.3.0.3	The Applicant The NFU/LIG Affected Persons	<p>The ExA notes that James Keith is now included on the Compulsory Acquisition Objections Schedule [REP7-022]. The Applicant states at Deadline 6 [REP6-014] that it considers a way forward has been agreed in relation to access and that Heads of Terms have been signed.</p>	



ExQ4	Question to:	Question:	Natural England Response
		<p>a) Is NFU / LIG satisfied with the Applicant's answer at [REP8-015] in response to ExQ3.3.0.5 in relation to AC141 and AC143? If not, why not?</p> <p>b) NFU / LIG – confirm whether Heads of Terms have been signed as indicated by the Applicant in [REP6-014]. If not, what are the matters that are preventing agreement.</p>	
Q4.3.0.4	The Applicant The NFU/LIG Affected Persons	<p>The ExA notes the inclusion of the Trustees of the Bawdeswell Estate on the Compulsory Acquisition Objections Schedule [REP7-023]. The Applicant states at Deadline 6 [REP6-014] that it considers a way forward has been agreed in relation to AC120 and that Heads of Terms have been signed by both sets of Trustees.</p> <p>a) Add Bawdeswell to the Compulsory Acquisition Objections Schedule.</p> <p>b) As Heads of Terms have been signed, justify why it is necessary to retain AC120 within the DCO, when recourse to remedy any breach of an agreement could be sought through the Courts and the powers of Compulsory Acquisition are a last resort power.</p> <p>c) What certainty would the landowner have that Access AC120 would not be used if it were to remain in the DCO?</p>	
Q4.3.0.5	The Applicant The NFU/LIG Affected Persons	<p>The ExA notes the progress with discussions in respect of access matters with landowner Padulli (Row 27 of the Compulsory Acquisition Objections Schedule) and that the Applicant has agreed not to use AC50, although Heads of Terms are still to be signed.</p>	

**ExQ4 28 April 2020**

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ExQ4	Question to:	Question:	Natural England Response
		If Heads of Terms are agreed, update the DCO to remove AC50 or justify why it is necessary to retain this access.	
Q4.3.0.6	The Applicant The NFU/LIG Affected Persons	With reference to Siely (Row 14 of the Compulsory Acquisition Objections Schedule) NFU / LIG to confirm whether as per the Applicant's summary at Deadline 6 [REP6-014], Heads of Terms have been agreed and signed.  a) With reference to AC1, the NFU states that 'discussions are ongoing in respect of protecting third party rights over the access'. The Applicant has explained its approach to AC1 in REP7-017 and reiterated this at [REP8-015]. Has progress been made to resolving this issue between the parties? If not, why not?	
Q4.3.0.7	The Applicant The NFU/LIG Affected Persons	a) Mutimer (Row 38 of the Compulsory Acquisition Objections Schedule) [REP6-023]. The ExA notes the Applicant's confirmation that Heads of Terms have been agreed to utilise AC54 and not AC53. As Heads of Terms have been signed, justify why it is necessary to retain AC53 within the DCO, when recourse to remedy any breach of an agreement could be sought through the Courts and the powers of Compulsory Acquisition are a last resort power.  b) What certainty would the landowner have that Access AC53 would not be used if it were to remain in the DCO?	c)
Q4.3.0.8	The Applicant The NFU/LIG Affected	With reference to Carrick (Row 34 of the Compulsory Acquisition Objections Schedule): a) Update progress with agreeing Heads of Terms in relation to AC131.	

**ExQ4 28 April 2020****Responses due by Deadline 10: Wednesday, 6 May 2020**

ExQ4	Question to:	Question:	Natural England Response
	Persons	b) What issue if any, remains outstanding and what is being done to overcome this?	
Q4.3.0.9	The Applicant The NFU/LIG Affected Persons	<p>The ExA notes inclusion of plots 12/03 &amp; 12/05- Acquisition of Permanent New Rights, re Albanwise Ltd, Row 39 of the Compulsory Acquisition Objections Schedule [REP7-023].</p> <p>a) What are the practical issues referred to by NFU in relation to 'site specific matters' and what steps are being taken to resolve these and in what timescale? [REP8-015].</p> <p>b) Explain what is meant by a 'rebuttal presumption'.</p>	
Q4.3.0.10	The Applicant The NFU/LIG Affected Persons	<p>The ExA notes inclusion of plots 24/05, 24/10, 24/16 &amp; 25/04 - Acquisition of Permanent New Rights.</p> <p>a) Re Christopher S Wright, Row 49 of the Compulsory Acquisition Objections Schedule. Explain what is meant by a 'rebuttal presumption'.</p> <p>b) If Heads of Terms are signed with the landowner, justify why it would be necessary to retain AC56 within the DCO, when recourse to remedy any breach of an agreement could be sought through the Courts and the powers of Compulsory Acquisition are a last resort power.</p> <p>c) What certainty would the landowner have that Access AC56 would not be used if it were to remain in the DCO?</p>	
Q4.3.0.11	The Applicant The NFU/LIG Savills	Savills to confirm it is content with the approach to the Salle Estate as set out by the Applicant in response to ExQ3.3.0.13 [REP8-015].	

**ExQ4 28 April 2020****Responses due by Deadline 10: Wednesday, 6 May 2020**

ExQ4	Question to:	Question:	Natural England Response
	Affected Persons		
Q4.3.0.12	The Applicant The NFU/LIG Affected Persons	The ExA notes that Rows 35 and 52 refer to M and D Jones. What are the concerns of the landowners in relation to AC128 and AC129 and how are these being resolved? [ExQ3.3.0.14 – REP8-015]	
Q4.3.0.13	The Applicant The NFU/LIG Affected Persons	Landowner Begg appears not to be identified on the Compulsory Acquisition Objections Schedule and does not appear to have submitted any specific representations into the Examination. a) Update the Compulsory Acquisition Objections Schedule as necessary. b) NFU/LIG confirm whether you are satisfied with the response from the Applicant in relation to landowner Begg and effects on blackcurrant planting [ExQ3.3.0.14 – REP8-015].	
Q4.3.0.14	The NFU/LIG Affected Persons	Are you content with the response provided by the Applicant to ExQ3.3.0.17 [REP7-017].	
Q4.3.0.15	The Applicant The Crown Estate	a) Given the response provided at Deadline 8 [REP8-015] to ExQ3.3.0.16, what are the ongoing matters that are preventing the Commissioners providing their consent to the compulsory acquisition proposals? b) If these matters are resolved, when are the Commissioners anticipating that written consent will be provided?	
Q4.3.0.16	The Applicant National Grid Gas	Following on from the response provided at [ExQ3.3.0.18, REP7-017], provide a further update regarding:	

ExQ4	Question to:	Question:	Natural England Response
	National Grid Electricity Cadent Gas Highways England Environment Agency	a) Confirm that signed agreement has been reached with National Grid Gas, b) Confirm whether signed agreement has now been reached with National Grid Electricity, and if not, why not; c) Confirm whether signed agreement has now been reached with Cadent Gas and if not, why not; d) Confirm whether agreement has been or is likely to be reached with the Environment Agency over its position in relation to deemed refusal [REP7-062]. e) Provide all protective provisions in their agreed form, or if not agreed, provide any additional information to assist the ExA in making its recommendation to the SoS.	
Q4.3.0.17	The Applicant	Respond to the matters relating to Compulsory Acquisition raised in REP8-035.	
Q4.3.0.18	The Applicant	The ExA notes the answer provided at REP5-045, ExQ2.3.0.21 and REP7-017 ExQ3.3.0.26. a) Why is the flexibility provided by these rights necessary? b) Should it be limited in any way?	
<b>4. Cumulative effects of other proposals</b>			
<b>4.0</b>	<b>General cumulative effects, including phasing</b>		
		No questions	
<b>4.1</b>	<b>Onshore cumulative effects of other proposals (construction)</b>		
Q4.4.1.1	The Applicant	<b>The Crossing Point, north of Reephram:</b> Confirm if all the issues raised by the NFU regarding	

ExQ4	Question to:	Question:	Natural England Response
		configuration of cables at the Crossing Point in para 2.4 of its 22 January 2020 letter to the SoS regarding the Hornsea Three OFW are detailed and confirmed in the agreement with Ørsted in the event of Scenario 2 for the Proposed Development.	
<b>5. Development Consent Order and Deemed Marine Licences</b>			
<b>5.0 General</b>			
Q4.5.0.1	The Applicant Marine Management Organisation	<b>Outstanding matters in the dDCO of concern to MMO:</b> Provide an update on progress in resolving issues raised by the Marine Management Organisation (MMO) [REP6-014] related to ExQ2.5.0.2: - Cable Crossings; - Disposal Site queries and references; - Definition of Inert.	
<b>5.1 Articles</b>			
Q4.5.1.1	The National Farmers' Union	<b>Article 16: Authority to survey and investigate the land onshore:</b> Which are the two DCOs that your response to ExQ3.5.1.2 refers?	
<b>5.2 SCHEDULE 1 PART 1: Authorised Development</b>			
		No questions	
<b>5.3 SCHEDULE 1 PART 3: Requirements</b>			
Q4.5.3.1	Breckland Council Broadland District Council North Norfolk	<b>Requirement 15: Scenarios, stages and phases of authorised development onshore:</b> The Applicant provided responses at Deadlines 7 and 8 to ExQ3.5.3.1 to ExQ3.5.3.5 [REP8-015], with additional wording for Requirement 15(4).	

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Responses due by Deadline 10: Wednesday, 6 May 2020

ExQ4	Question to:	Question:	Natural England Response
	District Council	Provide any further comment.	
Q4.5.3.2	North Norfolk District Council	<p><b>Requirement 19: Implementation and maintenance of landscaping:</b></p> <p>Response to this question negates the need for a response to ExQ3.5.3.9 from NNDC.</p> <p>a) Are you content with the Applicant's response to ExQ3.5.3.10 [REP7-017], and the changes to the dDCO at Article 27 and Requirement 19 [REP7-004] and the OLEMS [REP8-006]?</p> <p>b) If not, set out concerns and suggested way forward.</p>	
Q4.5.3.3	The Applicant	<p><b>Requirement 20: Hydrogeological Risk Assessment for abstractions within 250m of works:</b></p> <p>Note question below in Section Q4.15.0 Water Resources and Flood Risk.</p>	
Q4.5.3.4	The Applicant	<p><b>Requirement 20: Monitoring of residual adverse impacts on the water environment:</b></p> <p>Note question below in Section Q4.15.0 Water Resources and Flood Risk.</p>	
Q4.5.3.5	The Applicant	<p><b>Requirement 20: Refined conceptual site modelling for each watercourse crossing:</b></p> <p>Note question below in Section Q4.15.0 Water Resources and Flood Risk.</p>	
Q4.5.3.6	The Applicant	<p><b>Requirement 20: Risk Assessment based on chemical testing in the ground investigation reports:</b></p> <p>Note question below in Section Q4.15.0 Water Resources and Flood Risk.</p>	

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ExQ4	Question to:	Question:	Natural England Response
Q4.5.3.7	The Applicant	<b>Requirement 20: Consultation on contamination and approval of remediation:</b> Note question below in Section Q4.15.0 Water Resources and Flood Risk.	
Q4.5.3.8	The Applicant	<b>Requirement 20: OCoCP in relation to Agricultural Private Water Supplies:</b> Note question below in Section Q4.13.3 Land Use and Agriculture.	
Q4.5.3.9	The Applicant	<b>Requirement 20: OCoCP:</b> Note question below in Section Q4.13.2.1 regarding Tourism Mitigation Strategy.	
Q4.5.3.10	The Applicant	<b>Requirement 21: Traffic:</b> Note question below in Section Q4.14.1.6 regarding Cumulative traffic effects in Cawston.	
Q4.5.3.11	The Applicant	<b>Requirement 25- definition of secondary consent bodies:</b> Note question below in Section Q4.15.0 Water Resources and Flood Risk.	
Q4.5.3.12	The Applicant	<b>Requirement 25: Attenuation capacity at substations allowance for climate change:</b> Note question below in Section Q4.15.0 Water Resources and Flood Risk.	
<b>5.4</b>	<b>OTHER REQUIREMENTS</b>		
		No questions	
<b>5.5</b>	<b>SCHEDULES 9 to 13: Deemed Marine Licences</b>		
Q4.5.5.1	The Applicant Trinity House (TH)	<b>Prospects for agreement with TH on DML Conditions on cable laying plan:</b> Confirm whether agreement is likely to be reached between the Applicant and Trinity House (TH) prior	



ExQ4	Question to:	Question:	Natural England Response
		<p>to Deadline 9 and provide any additional information to assist the ExA in making its recommendation to the Secretary of State in regard to:</p> <p>a) In the light of TH REP8-034, TH request [REP6-039] to add to DML conditions [Schedule 9 Part 4 14 (1)(g) Schedule 10 Part 4 14 (1)(g), Schedule 11 Part 4 9(1)(g), Schedule 12 Part 4 9(1)(g) , Schedule 13 Part 4 7(1)(f)] suggested text commencing “... a detailed cable laying plan of the Order limits...” and</p> <p>b) TH rejection of the Applicant’s proposal to name TH in Condition 15(8) (Schedule 9-10) and Condition 10(8) (Schedule 11-12).</p>	
Q4.5.5.2	The Applicant	<p><b>Wording in DML regarding shallow burial or exposure of cables:</b></p> <p>Confirm response to VisNed/ NFFO proposal in [REP6-031] the following amendment (in red) to Schedules 9 and 10 Part 4, Condition 9 (12) the words “a state of shallow burial or exposure of” in regard to cables on or above the seabed.</p>	
Q4.5.5.3	The Applicant	<p><b>Schedules 9 and 10 Part 4, Conditions 14 (1) (c), (d), (g,) (j), 18, 19, 20 and 22:</b></p> <p>Note questions below in Section on Fishing and Fisheries.</p>	
Q4.5.5.4	The Applicant	<p><b>Schedules 11 and 12 Part 4, Conditions 9 (1) (c), (d), (g,) (j), 13, 14, 15 and 17:</b></p> <p>Note questions below in Section on Fishing and Fisheries.</p>	
Q4.5.5.5	The Applicant	<p><b>Schedule 13 Part 4, Conditions 7 (1) (c), (d), (g,) (j), 11, 12, 13 and 15:</b></p>	

ExQ4	Question to:	Question:	Natural England Response
		Note questions below in Section Q4.6.0 Fishing and Fisheries.	
<b>5.6</b>	<b>SCHEDULE 15: ARBITRATION RULES</b>		
		No questions	
<b>5.7</b>	<b>SCHEDULE 16: PROCEDURE FOR DISCHARGE OF REQUIREMENTS</b>		
Q4.5.7.1	The Applicant	<b>Table of requirements, discharge authorities and consultees and discharge process map:</b> Should the Timetable of requirements, discharge authorities and consultees and the Discharge process map [REP6-043, Appendix B and Appendix C] be certified documents, referred to in Schedule 16?	
Q4.5.7.2	Breckland Council Broadland District Council, Norfolk County Council,	<b>Table of requirements, discharge authorities and consultees and discharge process map:</b> Provide any final comments on NNDC's Timetable of requirements, discharge authorities and consultees and the Discharge process map [REP6-043, Appendix B and Appendix C].	
Q4.5.7.3	The Applicant Breckland Council Broadland District Council, Norfolk County Council, North Norfolk	<b>Schedule 16:</b> Parties to submit any additional information to assist the ExA in reaching its recommendation to the SoS.	

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ExQ4	Question to:	Question:	Natural England Response
	District Council		
Q4.5.7.4	The Applicant Breckland Council Broadland District Council, Norfolk County Council, North Norfolk District Council	<b>Planning Performance Agreements:</b> Provide final views from all parties since the response to responses to further written questions provided by the Applicant [REP6-014, responses to ExQ2.5.7.1].	
<b>5.8</b>	<b>SCHEDULE 17: PROTECTIVE PROVISIONS</b>		
		No questions	
<b>5.9</b>	<b>CONSENTS, LICENSES AND OTHER AGREEMENTS</b>		
		No questions	
<b>5.10</b>	<b>SCHEDULE 19: COMPENSATION TO PROTECT NATURA 2000 NETWORK</b>		
Q4.5.10.1	The Applicant	<b>Part 1: Flamborough and Filey Coast Special Protection Area:</b> Condition 1(2) states nest sites should be "implemented as approved and suitable for use prior to first operation of any wind turbine generator". As this is a compensation measure, the ExA requires a greater lead in time than 'prior to'.	
Q4.5.10.2	The Applicant	<b>Part 2: Alde-Ore Estuary Special Protection Area:</b> a) Condition 2 (2), the Applicant to provide greater commitment to implement the measures for improving breeding success prior to	As noted in Natural England's Deadline 9 response to the Applicant's in principle compensation measures for the Alde-Ore Estuary SPA [REP9-047], our view is whilst the Applicant's proposal to fund a project coordinator and scoping study is helpful,

ExQ4	Question to:	Question:	Natural England Response
		<p>commencement of the offshore works.</p> <p>b) In Appendix 2 [REP7-026] the Applicant states that it may not be possible to have the complete package in place prior to operation. This goes against guidance to have compensation in place in advance of harm happening. The Applicant to review.</p>	<p>there must be a commitment to delivering measures on the ground that would offset the predicted collision risk mortality. We believe that predator-proof fencing for lesser black-backed gull at the Alde-Ore Estuary SPA has the most potential to be considered as an appropriate compensatory measure to address collision mortality impacts. However, there are other factors, including site suitability and management issues, which need to be considered in determining a suitable location for such fencing. We consider that it is achievable to have a suitable location identified and a predator-proof fence erected before the construction of the windfarm.</p>
Q4.5.10.3	The Applicant	<p><b>Part 3: Haisborough, Hammond and Winterton Special Area of Conservation:</b></p> <p>Commitment solely to a strategy is vague and refers to the in principle compensation measures, which says that a SAC extension is the preferred option.</p> <p>a) The Applicant to provide a more explicit condition.</p> <p>b) A SAC extension would likely take a long time, but Condition 3 (1) only requires the strategy to be submitted 12 months before commencement of offshore works which the ExA considers may not be long enough.</p> <p>c) An extension to the SAC is out of the Applicant's control, how deliverable is this and what actual input can the Applicant have to it?</p>	
<b>6. Fishing and fisheries</b>			
Q4.6.0.1	The Applicant	<b>Potential damage to cables resulting from</b>	

ExQ4	Question to:	Question:	Natural England Response
		<b>fishing activity:</b> Provide a response to NFFO/VisNed request in [REP6-031] that the Applicant clarify under what circumstances it would regard damage resulting from fishing activity to be the result of a wilful intent or negligence on the part of a fishing vessel operator, in view of legal protection afforded to cables and access to fishing grounds.	
Q4.6.0.2	National Federation of Fishermen's Organisation (NFFO)	<b>Safety zones around Service Operation Vehicles (SOVs):</b> In the SoCG [REP6-031] with NFFO/VisNed regarding the proposed application of 500m statutory safety zones around Service Operation Vehicles (SOVs) the Applicant states that safety zones would only be required in relation to major maintenance works and therefore, any loss of grounds associated with this would be very localised and short term. Provide an update on NFFO/VisNed final position on this matter.	
<b>7. Grid connection</b>			
		No questions	
<b>8. Habitats Regulation Assessment</b>			
<b>8.0</b>	<b>River Wensum SAC</b>		
		No questions	
<b>8.1</b>	<b>Norfolk Valley Fens SAC</b>		
		No questions	
<b>8.2</b>	<b>Southern North Sea SAC</b>		

ExQ4	Question to:	Question:	Natural England Response
Q4.8.2.1	Marine Management Organisation	<b>Discussions with Regulators Group:</b> MMO to provide any updates of discussions with Regulators Group [REP7-040]	
<b>8.3</b>	<b>Haisborough, Hammond and Winterton SAC</b>		
Q4.8.3.1	The Applicant, Marine Management Organisation, Natural England	<b>Alternative to the Site Integrity Plan:</b> a) The Applicant to explain the process to be followed in the event that "a SIP was not taken forward then an equivalent document capturing all the commitments made in the SIP would still be required", as suggested in the response to ExQ2.8.3.2 [REP5-045]. Would an alternative condition resolve this? b) MMO and NE [REP7-040] both emphasise the need to decide on AEoI at consenting stage. Can the parties confirm that this will be the case?	b) With regards both the SIP and CSIMP Natural England has concerns about (a) the practical suitability of the proposed Grampian condition and (b) the legality of the use of this condition. Please see Natural England's Position Statement [REP9-045] for further explanation of why these concerns remain.
Q4.8.3.2	The Applicant, Natural England	<b>Cable Burial:</b> Natural England [REP6-033, p10] does not agree with cable protection within the SAC and considers commitments to be insufficient to agree no AEoI. Have further discussions altered this view?	Natural England note [REP9-045] The Applicant has committed to follow a cable burial hierarchy i.e. to always attempt to re-bury a cable before using cable protection, and a requirement to seek a new marine licence for any new areas of cable protection which might be required. In addition, the Applicant has committed to agree the cable route, to continue to explore opportunities to minimise the impacts from cable installation, as well as to agree the location, extent, type and quantity of any cable protection with the MMO in consultation with Natural England prior to deployment.

ExQ4	Question to:	Question:	Natural England Response
			Furthermore on 5 May the Applicant and Natural England have agreed a new condition and updated wording within the SIP and CSIMP which secures the mitigation to decommission cable protection. An updated DCO and outline documents will be provided by the Applicant at Deadline 10. This mitigation does not remove our conclusion that we cannot say beyond reasonable scientific doubt no AEoI on the HHW SAC. However, we do acknowledge that as this mitigation is now appropriately secured the risk of an AEoI has been significantly reduced. All of these commitments are welcomed and Natural England welcomes this additional commitment to mitigate the impacts to the SAC.
Q4.8.3.3	The Applicant	<b>Derogation:</b> The Applicant [REP7-027] only addresses habitat loss from cable protection. If the ExA recommends there is an AEoI from other potential impacts, then the derogation case would not address this. The Applicant to comment.	
<b>8.4</b>	<b>Offshore ornithology</b>		
		No questions	
<b>8.5</b>	<b>Greater Wash SPA</b>		
		No questions	
<b>8.6</b>	<b>Flamborough and Filey Coast SPA, Alde-Ore Estuary SPA and Haisborough Hammond and Winterton SAC</b>		
		No questions	
<b>8.7</b>	<b>Flamborough and Filey Coast SPA</b>		

ExQ4	Question to:	Question:	Natural England Response
		No questions	
<b>9. Landscape and Visual Effects</b>			
<b>9.0</b>	<b>The Applicant's landscape and visual assessment</b>		
		No questions	
<b>9.1</b>	<b>The Applicant's visual assessment</b>		
		No questions	
<b>9.2</b>	<b>Alternatives considered</b>		
Q4.9.2.1	The Applicant	<p><b>The decision to use HVDC over HVAC transmission technology:</b></p> <p>Necton Parish Council considers it was not involved in the consultations regarding the decision to use HVDC for the Proposed Development [REP8-030]. There have also been representations which seem to indicate that consultation was not clearly undertaken for the Proposed Development, that it was only mentioned at consultation events thought to be focussed on the proposed Norfolk Vanguard OWF [REP7-058], and the local MP for Mid Norfolk considers that the true scale of the proposals were not explained sufficiently to locals [RR-042].</p> <p>The Consultation Report states that Parish Councils were appropriately briefed to feed into the Works Plans [APP-027, para 52], the pros and cons of HVAC and HVDC were communicated and illustrations of HVAC and HVDC options for the substations were presented [APP-027, Table 17.2 page 143] and [APP-094, page 8b] and a handful of people preferred HVAC with one reason being because the visual impact of the substations would</p>	



ExQ4	Question to:	Question:	Natural England Response
		<p>be greater [APP-027, para 182]. A further workshop overview event was arranged for Necton [APP-027, Section 14.3].</p> <p>a) It is clear that Necton Parish Council was invited to the Necton Substation Workshop overview event on 19 July 2017 [APP-131], but was it invited to the earlier event where the illustrations of the HVAC and HVDC options for the substations were displayed?</p> <p>b) Did Necton PC attend that earlier event?</p> <p>c) When did that event take place?</p> <p>d) Were the pros and cons of HVDC and HVAC communicated at that earlier event?</p> <p>e) Was that earlier event for the purpose of consulting on Norfolk Vanguard OWF, the Proposed Development, or both?</p> <p>f) The July 2017 Necton Substation Workshop presentations [APP-132] show visualisations for HVAC and HVDC. However, some attendees eg NSAG don't seem to be aware that was the case [REP3-025] and [REP3-030, comment on response to Q9.4.1]. Were the differences in substation dimensions relating to the different transmission technologies explained at the workshop?</p> <p>g) Was the Necton Substation Workshop for the purpose of consulting on Norfolk Vanguard OWF, the Proposed Development, or both?</p> <p>h) Did the Necton Substation Workshop overview event consult specifically on the Proposed Development?</p> <p>i) Had the decision been taken by this stage to use HVDC technology for the Proposed</p>	

ExQ4	Question to:	Question:	Natural England Response
		<p>Development?</p> <p>j) Why do you think the feedback from that July 2017 workshop does not mention the effects of HVAC or HVDC [APP-133]?</p> <p>k) Was Scenario 2 consulted upon [REP4-052]?</p> <p>l) How will you ensure effective and constructive engagement and consultation over the design process and Design Guide, which ensure transparency?</p> <p>m) Include words in the DAS that set out a protocol to cover this.</p>	
Q4.9.2.2	The Applicant	<p><b>Top Farm:</b> Explain the reasoning for Lodge Farm not being considered as falling in a residential buffer zone in your consideration of alternatives.</p>	
Q4.9.2.3	<p>Necton Parish Council</p> <p>NSAG</p> <p>The NFU/LIF</p> <p>Landowners and other IPs</p>	<p><b>Top Farm location, Scenario 1:</b> All those who consider Top Farm to be a more suitable location for the onshore project substation for the Proposed Development are asked whether they would retain that opinion if the SoS were to consent the Norfolk Vanguard OFW, with its onshore project substation on the site indicated for the Proposed Development's Scenario 1, as shown on Norfolk Boreas drawings eg [REP7-019, Figure 1b].</p>	
<b>9.3</b>	<b>Landscape effects</b>		
		No questions	
<b>9.4</b>	<b>Visual effects</b>		
		No questions	
<b>9.5</b>	<b>Outline Landscape and Ecological Management Strategy (OLEMS)</b>		

ExQ4	Question to:	Question:	Natural England Response
		No questions	
<b>9.6</b>	<b>Good design</b>		
Q4.9.6.1	The Applicant	<p><b>Design and Access Statement (DAS) – Works no. 10A:</b></p> <p>If the SoS agrees with your view not to change the wording of Requirement 16 (9) regarding approvals for Work No. 10A [REP4-013, Page 20, point iv] and further to your response to Q3.9.6.2, the ExA is of the view that the colour and finish of materials of the small control buildings which would form part of the proposed National Grid substation extension (for both scenarios) should be controlled and secured. From USIs undertaken by the ExA, the pale colour of the small control buildings of the existing Necton substation are clearly visible, close to and from a distance, as illustrated on the visualisation for the Necton Substation Access [APP-512], photograph of Dudgeon substation [REP3-030], NSAG's unverified (zoomed in) photograph from Ashill Common [REP5-085] and the ExA's USI to ES viewpoints and Ashill Common.</p> <p>a) How can the ExA be assured that consideration would be given to mitigation of adverse visual effects through use of appropriate colour and attention to good design through sensitive use of materials for the small control buildings?</p> <p>b) If not in the DAS, does Requirement 16(2) need widening to cover these buildings, or should Requirement 18(2)(j) be extended to cover this?</p>	
Q4.9.6.2	The Applicant	<p><b>Proposed National Grid substation extension: levels, cut and fill and bunding:</b></p> <p>Your response to ExQ3.5.3.6 does not accord with</p>	

ExQ4	Question to:	Question:	Natural England Response
		<p>what was pointed out to the ExA on the ASI on 23 January 2020 at the Necton substation site. This is the first time the ExA has become aware of plans that would maintain a constant ground level with the existing substation for both scenarios. In fact, the impression gained at the ASI was contrary to that, when the change in level between the Necton substation site and the eastern plot (Scenario 1 extension), which is lower, was specifically pointed out to the ExA.</p> <p>It appears from a spot-height (70.7m) in the DAS [REP7-010, Figures 7 and 8] and the submitted plans with contours [REP7-019] that the existing substation is at a level between 70m AOD and 71m AOD.</p> <p>Also note comments from Necton PC [REP5-063] and NSAG [REP5-085] and [REP6-014] regarding levels at the proposed National Grid substation extension sites.</p> <p>a) Notwithstanding what has been assessed in the LVIA, what would the criteria be for setting the level at which the Scenario 1 and Scenario 2 substation extensions are set?</p> <p>b) Confirm that Requirement 18(g) would cover the setting of ground levels for Work No. 10A.</p> <p>c) If not how can the ExA be satisfied that the tests in NPS EN-1 for good design can be met in terms of siting relative to existing landform and character?</p>	
Q4.9.6.3	Breckland Council	<p><b>Design and Access Statement (DAS) – comments requested:</b></p> <p>The Applicant updated the DAS at Deadline 7</p>	

ExQ4	Question to:	Question:	Natural England Response
		<p>responding to third round questions from the ExA (specifically Q3.9.6.2 and Q3.9.6.3) [REP 7-017] and [REP7-006] to [REP7-010]. This question supersedes Q3.9.6.5.</p> <p>a) Provide any comments and/ or any further points you consider should be included or amended to the updated DAS submitted at Deadline 7 [REP7-006] to [REP7-010];</p> <p>b) Specifically, is there anything you wish to add about the process of engagement set out in the DAS and/ or Requirements, when considering Necton Parish Council's views [REP8-030, last three para page 2]; and</p> <p>c) Are you content with the role that Breckland Council would play in determining the best form of engagement with the local stakeholders as stated [REP7-006, para 77 to 78] in light of recent and earlier comments from Necton Parish Council [REP8-030], [REP2-083], from the local MP for mid Norfolk [RR-042] and from a consultation workshop attendee [REP3-025]?</p>	
Q4.9.6.4	Necton Parish Council	<p><b>Design and Access Statement (DAS) and Outline Landscape and Ecological Management Strategy (OLEMS) – comments requested:</b></p> <p>This question supersedes ExQ3.9.6.5.</p> <p>The ExA acknowledges your Deadline 8 representation [REP8-030] and has asked further questions of the Applicant. However, should the Secretary of State be minded to consent the Proposed Development, it would use HVDC transmission technology [AS-024, Table 26, No. 84].</p> <p>You ask for Requirements to be tied to the DCO to</p>	

ExQ4	Question to:	Question:	Natural England Response
		<p>achieve effective mitigation.</p> <p>a) The ExA is aware of your views on bunding. Is there anything else specifically you consider should be included in Requirements to achieve the effective mitigation to which you refer? If so, provide details.</p> <p>b) The DAS is secured by DCO Requirement 16(4) and sets out the process for and commitment to the preparation of a Design Guide for the proposed onshore project substation. Necton PC is now listed as one to be consulted during the design process for the onshore project substation. The ExA urges you to provide any comments and/ or any further points you consider should be included or amended to the updated DAS submitted at Deadline 7 [REP7-006] to [REP7-010].</p> <p>c) The OLEMS is secured by Requirement 18. The Applicant submitted an updated version at Deadline 8 [REP8-006]. Provide any comments and/ or any further points you consider should be included or amended to the OLEMS.</p>	
Q4.9.6.5	NSAG Other IPs	<p><b>Design and Access Statement (DAS) and Outline Landscape and Ecological Management Strategy (OLEMS) - comments requested:</b></p> <p>This question supersedes ExQ3.9.6.5.</p> <p>Provide any comments on the updated DAS submitted at Deadline 7 [REP7-006] to [REP7-010] and the updated OLEMS [REP8-006].</p>	
Q4.9.6.6	The National Farmers' Union	<p><b>Design and Access Statement (DAS) - comments requested:</b></p> <p>The Applicant updated the DAS at Deadline 7 responding to third round questions from the ExA</p>	

ExQ4	Question to:	Question:	Natural England Response
		<p>(specifically ExQ3.9.6.2 and ExQ3.9.6.3]. As stated in the Applicant's comments on your response to ExQ3.9.6.5 [REP8-015], the landowners closest to the proposed onshore project substation would be consulted [REP7-006, para 76].</p> <p>The Applicant has also responded that discussion is under way regarding location and form of the proposed onshore substation, proposed screening and planting, lighting and construction effects [REP8-015, comments on response to ExQ3.3.0.2]</p> <p>a) Are you content with the reworded DAS?</p> <p>b) Provide any comments, amendments or further points for consideration for inclusion in the updated DAS submitted at Deadline 7 [REP7-006] to [REP7-010].</p> <p>c) Do you have any further comment in this regard?</p>	
Q4.9.6.7	The Applicant	<p><b>Design and Access Statement (DAS) and Outline Landscape and Ecological Management Strategy (OLEMS):</b></p> <p>There remain ongoing requests for enhanced screening of the converter halls for the proposed onshore project substation from Necton Parish Council and NSAG (views from the south) [REP4-029] and [REP5-063] and the NFU/LIG on behalf of the landowner on which the Scenario 1 onshore project substation would be located (views from the north) [REP7-042]. For the latter you have indicated discussions are ongoing [REP8-015, response to ExQ3.3.0.2]. Breckland Council has said that the scheme should not rule out the possibility of bunding around Necton substation, details of which, if it is considered necessary and appropriate,</p>	

ExQ4	Question to:	Question:	Natural England Response
		<p>would be agreed between the District Council and the developer at the appropriate stage [REP6-041], to which you have agreed that you would work with Breckland Council further at the appropriate stage [REP7-016].</p> <p>You have indicated it is not possible until contractors are on board to determine the full extent of the substation design, and that the OLEMS and the DAS are the means by which the details will be finalised for the proposed onshore substation.</p> <p>Given the predicted adverse visual effects, and the representations made, the ExA requests that you consider including wording in the OLEMS and/ or the DAS and on the drawings which would specifically require consideration to be given to the detailed design of landform and extending the tree planting (as opposed to species rich grassland) in locations which would enhance or add to the proposed mitigation by screening.</p>	
Q4.9.6.8	Breckland Council	<p><b>Future approvals:</b></p> <p>The ExA requests a response to the following, which was previously included as ExQ3.9.6.7 in relation to an earlier version of the DAS [PD-014]:</p> <ul style="list-style-type: none"> <li>a) How would you ensure the right skills to engage in the design process (as set out in REP7-006, Plate 4) and to consult, amend if necessary and approve would be available to the Council?</li> <li>b) Is there anything further you would wish to see incorporated regarding Scenario 1, where the Norfolk Vanguard substations may have preceded the design process described in the DAS for the Norfolk Boreas Proposed Development?</li> </ul>	



ExQ4	Question to:	Question:	Natural England Response
9.7	Matters arising from the accompanied site inspection (ASI) on Thursday 23 January 2020		
		No questions	
10.	Marine and Coastal processes		
		No questions	
11.	Navigation		
11.0	Marine Navigation and Shipping		
		No questions	
11.1	Aviation and Radar		
		No questions	
12.	Onshore construction effects		
12.0	Cable corridor and ducting		
Q4.12.0.1	Norfolk County Council	<b>B1149 Crossing:</b> This question supersedes ExQ3.12.0.2 The Applicant has responded to ExQ3.12.0.2 [REP7-013] and included a document Norfolk Vanguard Environmental Assessment for Trenchless Crossing of B1149 [REP7-033]. a) Provide any further comments on your position regarding a trenchless crossing; and b) Any comments on the aforementioned Norfolk Vanguard document, which in the case of the Proposed Development would be relevant to Scenario 2.	
Q4.12.0.2	Norfolk County Council	<b>Church Road, Colby (open cut trench/trenchless crossing):</b> The ExA requests a response to the following, which	

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Responses due by Deadline 10: Wednesday, 6 May 2020

ExQ4	Question to:	Question:	Natural England Response
		<p>was previously included as ExQ3.12.0.6 [PD-014].</p> <p>Comment on the highways aspects of the Applicant's reasoning for not adopting NNDC's suggested alternative accesses which would enable a trenchless crossing [REP6-014, response to NNDC's response to ExQ2.9.3.1] regarding the introduction of new junctions, their proximity to each other and to an existing junction, their location opposite the farm access, the bend in the road and visibility, the HGV movements and the timescale (as set out in the second two bullet points). In responding include reference to and comparison with the Applicant's proposal, which also includes an access near the same bend in the road [APP-011, Sheet 13 of 42, AC59] and [REP4-017].</p>	
Q4.12.0.3	North Norfolk District Council	<p><b>Church Road, Colby (open cut trench/trenchless crossing):</b></p> <p>The Applicant provided a Position Statement containing a review of the potential environmental constraints and opportunities and information about the extent of tree removal at Deadline 7 [REP7-035] and set out its final position in response to ExQ3.12.05 [REP7-017].</p> <p>The Applicant also indicated that a constrained HDD compound within the Order limits could be implemented if the Secretary of State was minded to require a trenchless crossing at this location [REP7-017, response to ExQ3.3.0.19].</p> <p>In light of this information submitted at Deadline 7, has your position changed, or do you still consider that a trenchless crossing is required at Church Road, Colby?</p>	

ExQ4	Question to:	Question:	Natural England Response
Q4.12.0.4	The Applicant	<p><b>Church Road, Colby (open cut trench/trenchless crossing):</b></p> <p>a) Further to your response to ExQ3.12.0.5, if the SoS was to take the view that an open cut trench crossing would be appropriate in light of the evidence presented, how could there be certainty that the detail of which specific trees would need to be removed would be as contained in the Position Statement [REP7-035]?</p> <p>b) How could some of this information such as the trees and their locations be secured?</p> <p>c) Provide the relevant plans and/ or wording and identify where this would be secured.</p>	
Q4.12.0.5	The Applicant	<p><b>Church Road, Colby (open cut trench/trenchless crossing):</b></p> <p>a) If the SoS was to take the view that a trenchless crossing would be appropriate, using the constrained HDD method with a compound along the cable reserve as detailed for B1149, would any further information, such as a plan, be required to be included in the dDCO or OCoCP?</p> <p>b) If so provide details.</p>	
<b>12.1 Mobilisation areas</b>			
Q4.12.1.1	North Norfolk District Council	<p><b>Mobilisation Areas:</b></p> <p>This question supersedes ExQ3.12.1.1</p> <p>The Applicant has responded to ExQ3.12.1.2 with further details about the mechanism that would be contained in the CoCP [REP7-017] and added wording to the OCoCP [REP5-011].</p> <p>Are you content with the additional wording which the Applicant has added to the OCoCP [REP5-011, Section 3.2.1] and the explanation given in the</p>	

ExQ4	Question to:	Question:	Natural England Response
		response to ExQ3.12.1.2?	
<b>12.2</b>	<b>Noise and Vibration</b>		
Q4.12.2.1	The Applicant Old Railway Gatehouse	<p><b>Old Railway Gatehouse:</b></p> <p>The ExA notes from your response [REP7-017, Q3.12.2.2] that the physical alterations to Old Railway Gatehouse are offered as optional additional measures, and are not necessary to mitigate the effects to non-significant.</p> <p>a) Applicant, given the ongoing concerns from Broadland DC [REP7-036] and the submission from Old Railway Gatehouse [REP7-071], can you make a firmer commitment in Section 4.3.3 of the Outline Traffic Management Plan (OTMP) [REP5-025] to include the physical alterations to the property as part of the proposed mitigation, subject to approval from the property owner.</p> <p>b) Applicant to confirm to engage further with the owners of the property to get consent for the physical alterations, before the close of the Examination. If not, why not?</p> <p>c) Old Railway Gatehouse – do the proposed physical alterations to your property offered by the Applicant [REP5-025] address your concerns [REP7-071]?</p>	
<b>12.3</b>	<b>Construction Hours</b>		
		No questions	
<b>13.</b>	<b>Socio-economic effects</b>		
<b>13.0</b>	<b>Skills and Employment Strategy</b>		
		No questions	

ExQ4	Question to:	Question:	Natural England Response
<b>13.1</b>	<b>Jobs</b>		
		No questions	
<b>13.2</b>	<b>Tourism</b>		
Q4.13.2.1	North Norfolk District Council	<p><b>Tourism Mitigation Strategy:</b></p> <p>The ExA notes that there is agreement between the Applicant and North Norfolk DC that the long-term effect on the long-term effects of the cable route on the tourism economy will be not significant. The ExA further notes that the disagreement between the parties is on the impact of cable corridor construction phase on local tourism businesses, the need for a tourism and associated business impact mitigation strategy, and securing this through a requirement in the dDCO.</p> <p>a) Taking account of the Applicant's response [REP7-017, ExQ3.13.2.1] submit any additional information to assist the ExA in reaching its recommendation to the SoS.</p>	
<b>13.3</b>	<b>Land use and Agriculture</b>		
Q4.13.3.1	The Applicant The National Farmers' Union (NFU)	<p><b>OCocP in relation to Agricultural Private Water Supplies:</b></p> <p>Provide an update on progress resolving outstanding disagreement from the NFU [REP7-042] relating to wording in the OCocP 'reasonable endeavours' proposed by the Applicant regarding interference to Agriculture Private Water Supplies and the alternative wording proposed by NFU. If agreement is not reached before the end of the Examination, what would be the consequences for the application?</p>	

ExQ4	Question to:	Question:	Natural England Response
<b>13.4</b>	<b>Public Health</b>		
		No questions	
<b>13.5</b>	<b>Other offshore industries and activities</b>		
		No questions	
<b>14. Traffic and transportation</b>			
<b>14.0</b>	<b>Outline Traffic Management Plan (OTMP)</b>		
Q4.14.0.1	Norfolk County Council	<b>Outline Traffic Management Plan:</b> Is the OTMP now an agreed document [REP5-024 - REP5-028] or do any matters remain unresolved?	
<b>14.1</b>	<b>Highway Intervention Scheme for Link 34 (B1145 through Cawston)</b>		
Q4.14.1.1	Norfolk County Council	<b>Highway Intervention Scheme:</b> a) What are your views on the suitability of the revised Highway Intervention Scheme (HIS) [REP5-028, appendix 6] to mitigate the effects of construction traffic on link 34 Cawston Village, in light of the Road Safety Audit (RSA) and the Applicant's responses to the recommendations [REP5-055]. b) Respond to Cawston PC's concerns [REP5-062] [REP6-042] regarding risk to pedestrians due to the narrowness of the footway and the proximity that HGVs will be to pedestrians. Provide your views on the Applicant's response to that specific matter raised in the RSA [REP5-055, Appendix A, section 3.2.3].	
Q4.14.1.2	Norfolk County Council	<b>Highway Intervention Scheme:</b> Are you content that the revised HIS drawings reflects the recommendations of the RSA [REP5-	

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ExQ4	Question to:	Question:	Natural England Response
		055]?	
Q4.14.1.3	Norfolk County Council	<b>Highway Intervention Scheme:</b> Provide any additional information to assist the ExA in making its recommendation to the SoS in respect of the Highway Intervention Scheme.	
Q4.14.1.4	Norfolk County Council	<b>Road Safety Audit:</b> a) Would the proposed maintenance regime of grass cutting of visibility splays, address the problem highlighted in the RSA of ongoing maintenance and how would overhanging vegetation be managed? b) Provide any additional information to assist the ExA in making its recommendation to the SoS in respect of the Highway Intervention Scheme.	
Q4.14.1.5	The Applicant	<b>HGV delivery period restrictions:</b> Your response [REP7-017, ExQ3.14.1.6] does not address the ExA questions. Please respond again. Clarify the discrepancy in the HGV delivery period restrictions in the Outline Traffic Management Plan (OTMP) (Version 3) [REP5-026], between the timings set out on page 29, table 3.4 and page 38 para 122.	
Q4.14.1.6	The Applicant	<b>Cumulative traffic effects in Cawston:</b> Have you reached a formal agreement with Orsted on the detailed design of the HIS [REP5-027]? Update the SoCG with Orsted [REP6-037, page 7] to reflect this agreement. If no agreement has been reached, then submit the specific issues regarding the HIS that are not agreed. Are you likely to reach agreement before the close of this Examination?	
Q4.14.1.7	Norfolk County Council	<b>Alternative traffic movement through Cawston:</b>	

ExQ4	Question to:	Question:	Natural England Response
	Broadland District Council Cawston Parish Council	Do you have anything further to add regarding the possibility of using Option 5 [REP5-054] as further mitigation alongside Option 1 (current HIS), in light of the Applicant's response [REP7-017, ExQ3.14.1.8]?	
<b>14.2 Cable Logistics Area (CLA) along Link 68 in Oulton</b>			
Q4.14.2.1	Norfolk County Council	<b>Cycle Routes:</b> Are you convinced that the Highway Mitigation Scheme for Link 68 [REP5-026] [REP5-045] is adequate to enable NMUs to continue using The Street and Heydon Road, safely? The ExA acknowledges that this location has no national, regional or local designation as a cycle route/walking route. However, in your response take into account the ExA's observations at USI on 20 January 2020 [EV2-003], and Oulton PC's submission [REP6-044].	
<b>14.3 Link 69 Little London Road in North Walsham from the B1145 Lyngate Road to an access point 210m east</b>			
		No questions	
<b>14.4 Outline Access Management Plan and Access to Works plan</b>			
Q4.14.4.1	The Applicant	<b>Types of accesses:</b> a) Applicant to add Table 14.1 provided in Appendix 14.2 [REP7-021] to the OAMP [APP-701] or explain why it resists doing so. b) Applicant to update the OAMP in the light of consequential changes arising from ExA fourth written questions on compulsory acquisition and landowner access concerns.	
Q4.14.4.2	The Applicant	<b>Types of accesses – AC11:</b>	



ExQ4	Question to:	Question:	Natural England Response
	Norfolk County Council	<p>It is stated in the Applicant's response [REP7-017, ExQ3.14.4.9] that due to close proximity to the existing crossroads to the north, AC11 is unlikely to be approved by NCC on safety grounds, and that the Applicant can gain access to the cable corridor at AC10 and AC12.</p> <p>a) NCC, comment on the response given by the Applicant [REP7-017, ExQ3.14.4.9].</p> <p>b) NCC, provide your views on the safety of AC11, and if it is likely to be approved for access to the haul road crossing. In your view, should AC11 remain in the Development Consent Order?</p> <p>c) Applicant, you have expressed concerns about the safety of access AC11, and have identified alternative accesses that potentially make the need for AC11 redundant. Present your case to justify why AC11 is required in the Development Consent Order.</p>	
<b>15. Water Resources and Flood Risk</b>			
Q4.15.0.1	Environment Agency (EA)	<p><b>Hydrogeological Risk Assessment for abstractions within 250m of works:</b></p> <p>Confirm satisfaction or otherwise with the revised wording of the OCoCP [REP8-003 &amp; 004]</p>	
Q4.15.0.2	Environment Agency (EA)	<p><b>Mitigation and compensation for adverse ecological effects of culvert installation:</b></p> <p>Confirm satisfaction or otherwise with the revised wording of the OCoCP [REP8-003 &amp; 004]</p>	
Q4.15.0.3	Environment Agency (EA) Natural	<p><b>Monitoring of residual adverse impacts on the water environment:</b></p> <p>Confirm whether the post-construction monitoring requirement for watercourse crossings has been</p>	Natural England feel that the commitment to post construction monitoring within the OCoCP [REP8-003] to include monitoring of the predominant geomorphological characteristics (bank form,

ExQ4	Question to:	Question:	Natural England Response
	England (NE)	included is adequately secured in the updated OCoCP to the satisfaction of EA and NE.	substrate conditions, flow type, and evidence of instability, erosion or deposition) and ecological characteristics of each location is sufficient to capture aspects of the crossings which will need to be agreed with SNCB's. Though we note that the post construction monitoring of watercourse crossings has not been transferred into the OLEMS [REP8-005], and would welcome this being cross referenced.
<b>16. General and cross-topic questions</b>			
<b>16.0 General</b>			
Q4.16.0.1	The Applicant	<b>Sulfur hexafluoride (SF6):</b> a) Can the Applicant give a firmer commitment to adopt alternatives for SF6, if they become available prior to construction? b) The Applicant to provide clarity why SF6 would be used at the proposed onshore converter substation, is this due to cost or the need for a compact design? If the latter, what difference to the design envelop would alternative gases make?	
Q4.16.0.2	The Applicant	<b>Norfolk Vanguard Offshore Wind Farm responses to the Secretary of State's consultation letter dated 6 December 2019:</b> The Applicant has provided high level details of compensation for HHW SAC and FFC SPA and Alde-Ore Estuary SPA [REP7-024 – REP7-028]. Can the Applicant provide: a) Proposed options for compensation for HHW SAC in-combination with Norfolk Vanguard b) Proposed options for compensation for FFC SPA and Alde-Ore Estuary SPA in-combination with	b) Natural England note that the same in principle compensation measures for FFC SPA kittiwakes and Alde-Ore Estuary SPA lesser black-backed gulls (LBBGs) as presented by the Applicant in REP7-025 and REP7-026 have also been proposed by Norfolk Vanguard in their recent

ExQ4	Question to:	Question:	Natural England Response
		Norfolk Vanguard and Hornsea 3?	<p>submissions in response to the Secretary of State's consultation request for further information<sup>1, 2</sup>.</p> <p>FFC SPA: As noted in our Deadline 9 response to the Applicant's in principle compensation measures for the FFC SPA [REP9-046] we consider that the compensation measure mostly likely to increase the FFC SPA kittiwake productivity would be fisheries management measures to increase sandeel availability. Natural England considers this option has significant potential to deliver compensatory measures for multiple offshore windfarms (including Norfolk Boreas), noting that there are currently five offshore windfarm projects currently in examination (including Norfolk Vanguard and Hornsea 3), another likely to be submitted in 2020, and a series of seabed leases for extensions to existing North Sea windfarms. However, a more detailed analysis of the predicted scale of benefits than that presented by the Applicant in REP7-025 would help strengthen the case for implementing this measure, and to demonstrate the scale of sandeel fishing reduction that would be required.</p> <p>Alde-Ore Estuary SPA: As noted in our Deadline 9 response to the Applicant's in principle</p>

<sup>1</sup> MacArthur Green (2020) *Norfolk Vanguard Offshore Wind Farm: Habitats Regulations Derogation, Provision of Evidence – Appendix 1: Flamborough and Filey Coast Special Protection Area (SPA) – In Principle Compensation Measures for Kittiwake*. Document Reference: ExA; IROPI; 11.D10.3.App1. Available from: [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004228-ExA;%20IROPI;%2011.D10.3.App1%20Appendix%201%20Flamborough%20and%20Filey%20Coast%20Special%20Protection%20Area%20\(SPA\)%20-%20In%20Principle%20Compensation%20Measures%20for%20Kittiwake.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004228-ExA;%20IROPI;%2011.D10.3.App1%20Appendix%201%20Flamborough%20and%20Filey%20Coast%20Special%20Protection%20Area%20(SPA)%20-%20In%20Principle%20Compensation%20Measures%20for%20Kittiwake.pdf)

<sup>2</sup> MacArthur Green (2020) *Norfolk Vanguard Offshore Wind Farm: Habitats Regulations Derogation, Provision of Evidence – Appendix 2: Alde-Ore Estuary SPA – In Principle Compensation Measures for lesser black-backed gull*. Document Reference: 8.24. Available from: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004229-8.24%20Appendix%202%20Alde-Ore%20Estuary%20SPA%20In%20Principle%20Compensation%20Measures%20for%20lesser%20black-backed%20gull.pdf>

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ExQ4	Question to:	Question:	Natural England Response
			compensation measures for the Alde-Ore Estuary SPA [REP9-047], we believe that predator proof fencing for LBBGs in the Alde-Ore Estuary SPA area has the most potential to be considered as an appropriate compensatory measure to address collision mortality impacts. We also consider that it is achievable to have a suitable location identified and a predator-proof fence erected before the construction of the windfarm. Given the fairly small number of birds involved (for both Norfolk Boreas and Norfolk Vanguard) and the potential to predator-proof relatively small areas it would be feasible and may be appropriate for Norfolk Boreas to address the compensation in tandem with the sister project Norfolk Vanguard, should both be consented. We note that no collisions of LBBGs from Hornsea 3 have been apportioned to the Alde-Ore Estuary SPA (which we are content with) and therefore, there is no need to compensate in-combination with Hornsea 3 for this feature of this site.
Q4.16.0.3	All Interested Parties with whom the Applicant has engaged via a Statement of Common Ground	<p><b>Statements of Common Ground:</b></p> <p>The ExA requires confirmation that all Statements of Common Ground (SoCG) which are submitted as final by the Applicant do represent the final position from the other party.</p> <p>If submitted final SoCGs are not signed by the party other than the Applicant, confirmation should be sent in responses to these ExQ4 or by email to confirm the final status of the submitted SoCG at the latest by Deadline 11.</p>	Natural England is currently working with Applicant to finalise and sign two SoCG for Deadline 10.
Q4.16.0.4	All Interested Parties	<p><b>Effects on local community:</b></p> <p>Interested Parties are invited to submit any</p>	

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ExQ4	Question to:	Question:	Natural England Response
		additional information to assist the ExA in reaching its recommendation to the SoS not covered previously in the Examination, or in the responses provided above.	
<b>16.1</b>	<b>Environmental Statement (ES)</b>		
		No questions	
<b>16.2</b>	<b>Ground conditions and contamination</b>		
		No questions	