



# The Planning Inspectorate

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To: The Applicant,  
Natural England,  
The RSPB,  
The MMO and  
Eastern Inshore Fisheries and  
Conservation Authority

Your Ref:

Our Ref: EN010087

Date: 17 July 2020

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Dear Sir/Madam

**Planning Act 2008 (as amended) and The Infrastructure Planning  
(Examination Procedure) Rules 2010 (as amended) – Rule 17**

**Application by Norfolk Boreas Limited for an Order Granting Development  
Consent for the Norfolk Boreas Offshore Wind Farm**

**Request for further information**

The Examining Authority has amended its approach to the virtual Issue Specific Hearing (ISH5).

The first three sessions were due to take place on 21-23 July and are now replaced by the questions in Annex A of this Rule 17 request for further information.

The deadline for responses is Deadline 13, 29 July 2020 except for R17.1.31, where it is Deadline 14, 25 August 2020.

Yours faithfully

*Frances Fernandes*

**Frances Fernandes**  
**Lead member of the Panel of Examining Inspectors**



Reference	Respondent:	Deadline for Response:	Question:
	<b>General</b>		
<b>R17.1.1</b>	Natural England, RSPB	D13	In the light of the SoS decision letters for Norfolk Vanguard and Hornsea THREE published on 1 July 2020, can NE and the RSPB give their current positions for the Proposed Development.
	<b>Level of Precaution</b>		
<b>R17.1.2</b>	Applicant, Natural England, RSPB	D13	To provide the latest considerations on the level of precaution applied to the significance of impacts on seabird populations, and how headroom could be taken into consideration when assessing AEoI.
	<b>Cumulative Effects</b>		
<b>R17.1.3</b>	Natural England, RSPB	D13	NE and the RSPB to provide their latest conclusions on significant cumulative displacement impacts for red-throated diver, guillemot and razorbill.
<b>R17.1.4</b>	Natural England, RSPB	D13	NE and the RSPB to provide their latest conclusions on significant cumulative collision impacts for herring gull, lesser black-backed gull, kittiwake and great black-backed gull.
<b>R17.1.5</b>	Natural England, RSPB	D13	NE and the RSPB to provide their latest conclusions on combined effects of collision and displacement for cumulative projects for gannet.
	<b>Alde-Ore Estuary SPA</b>		
<b>R17.1.6</b>	Natural England	D13	NE to provide its latest conclusions on no AEoI for lesser black-backed gull population from in-combination collision effects.



Reference	Respondent:	Deadline for Response:	Question:
<b>Flamborough and Filey Coast SPA</b>			
<b>R17.1.7</b>	Natural England	D13	NE to provide its latest conclusions on no AEoI for razorbill and guillemot populations from in-combination displacement effects.
<b>R17.1.8</b>	Natural England	D13	NE to provide its latest conclusions on no AEoI for kittiwake, populations from in-combination collision effects.
<b>R17.1.9</b>	Natural England	D13	NE to provide its latest conclusions on no AEoI for gannet populations from in-combination displacement and collision effects.
<b>R17.1.10</b>	Natural England	D13	NE to provide its latest conclusions on no AEoI for the assemblage at Flamborough and Filey Coast SPA on the basis of displacement or collision impacts for the project in-combination.
<b>Compensatory Measures</b>			
<b>R17.1.11</b>	Applicant	D13	<b>Alde-Ore Estuary SPA:</b> The Applicant to respond to NE's request [REP10-064, Q4.5.10.2] for a commitment to deliver measures on the ground to offset predicted collision risk mortality.
<b>R17.1.12</b>	Applicant	D13	The Applicant [REP11-007, Q4.5.10.2] states that there were different opinions on what the best options for compensation measures would be and the Applicant would continue to engage with NE to further develop this measure post consent. The Applicant is reminded of the SoS decision letter for Norfolk Vanguard, which requires " <i>Applicants and statutory nature conservation bodies ("SNCBs") to engage constructively during the pre-application period and provide all necessary evidence on these matters, including possible compensatory measures, for consideration during the Examination</i> ".



Reference	Respondent:	Deadline for Response:	Question:
			The Applicant, therefore, to submit further details of agreed compensation measures for the relevant qualifying features of the SPA at D13.
<b>R17.1.13</b>	Natural England	D13	What compensatory measures does NE consider suitable to deliver for lesser black-backed gull?
<b>R17.1.14</b>	Applicant	D13	<b>Flamborough and Filey Coast SPA</b> Similar to R17.1.12, the Applicant to provide additional details of compensation measures appropriate to the Proposed Development for kittiwake at D13. The ExA reminds the Applicant that compensatory measures must be specific to Norfolk Boreas and not duplicate those for Norfolk Vanguard.
<b>R17.1.15</b>	Natural England	D13	What compensatory measures does NE consider suitable to deliver for kittiwake?
<b>R17.1.16</b>	Applicant	D13	<b>General</b> The Applicant to inform the ExA whether any of the compensation measures under consideration would require land access rights. If so, what rights would be sought and where and how are these being addressed.
<b>R17.1.17</b>	Applicant, Natural England	D13	<b>Updates</b> The Applicant and NE to detail any further updates on agreement to or requirements for compensatory measures.
<b>Haisborough Hammond and Winterton SAC</b>			
<b>R17.1.18</b>	Natural England	D13	<b>Cable Protection:</b> NE to clarify the statement in the SoCG [REP10-038, p13] that while it does not agree to no AEoI, it acknowledges that mitigation would



Reference	Respondent:	Deadline for Response:	Question:
			significantly reduce the risk of an AEoI. Can NE, therefore, confirm whether or not there is no AEoI after agreed mitigation?
<b>R17.1.19</b>	Natural England	D13	Is NE content with the detail in the In Principle Monitoring Plan on pre- and post-construction surveys? If not, what additional details does it consider needs adding?
<b>R17.1.20</b>	Applicant	D13	<b>Reef features:</b> The Applicant to respond to NE's advice [REP10-038, p21] that there are uncertainties that micro-siting as a mitigation measure would be 100% achievable. NE advise that all reef, including low and patchy reef, should be avoided by micro-siting but it is not confident that this would be possible. What leads the Applicant to believe that this would be possible?
<b>R17.1.21</b>	MMO	D13	Regarding the potential impacts to Annex 1 reef and Archaeological interest features, MMO in [REP5-073] express concerns that micro-siting may not be possible and would like this to be dealt with at consenting stage rather than post consent. Is the MMO now content with the Applicant's provisions for micro-siting to mitigate potential impacts on Annex 1 reef or sandbank features and archaeological interest features? If not, what additional measures would it consider necessary?
<b>R17.1.22</b>	Natural England	D13	<b>Sandbank features:</b> NE to detail any remaining concerns that the Applicant's measures for promoting recovery of sandbanks [REP10-038, p83] would change the sediment composition of the seabed. If it does have concerns, what additional measures does NE consider would be necessary?
<b>R17.1.23</b>	Applicant	D13	<b>SIP and CSIMP:</b> Does the Applicant accept NE's and MMO's view that the Cable Specification, Installation and Monitoring Plan should be re-named Cable



Reference	Respondent:	Deadline for Response:	Question:
			Specification, Installation, Mitigation and Monitoring Plan and that mitigation should be included? If not, why not?
<b>R17.1.24</b>	Natural England, Applicant	D13	<p>a) NE expresses concern in [REP9-039, p4] that there is no evidence presented that a 30-year temporary cable protection would have no impact on site conservation objectives. Does NE still have these concerns?</p> <p>b) If so, how would the Applicant address these?</p> <p>c) What evidence can the Applicant present about the likely effects of cable protection being in place for 30 years?</p>
<b>R17.1.25</b>	Natural England, Marine Management Office	D13	In the light of the SoS decision on Norfolk Vanguard, what is NE's and MMO's final conclusion regarding the appropriateness of both the SIP and CSIMP for undertaking appropriate assessment and addressing uncertainties related to cable laying?
<b>R17.1.26</b>	Applicant	D13	<p><b>Compensatory Measures</b></p> <p>Notwithstanding the Applicant's view that it is not possible to conclude the precise size of any compensatory measures [REP11-008, p27] pending the SoS decision, the ExA requires details of possible compensation measures in the event of no AEoI for one or more features of cable protection, cable installation, Annex I reef or Annex I sandbank.</p>
<b>R17.1.27</b>	EIFCA	D13	Eastern IFCA to confirm its final position on compensatory measures, taking account of the Applicant's response [REP11-008].
	<b>South North Sea SAC</b>		
<b>R17.1.28</b>	NE, MMO	D13	If NE and MMO still consider that it is not appropriate to equate the use of the SIP process to its use in the SNS SAC, in relation to the disturbance of marine mammals, what do they consider to be an appropriate process?



Reference	Respondent:	Deadline for Response:	Question:
<b>R17.1.29</b>	MMO	D13	The MMO to provide an update on discussions with Regulators Group regarding management of underwater noise risk.
	<b>Climate Change</b>		
<b>R17.1.30</b>	Applicant	D13	The EA's National Flood and Coastal Erosion Risk Management Strategy for England (July 2020) is seeking to better prepare us for 2°C warming in global temperatures as well as planning for higher scenarios, such as a 4°C rise in global temperatures. The ExA accepts that the Applicant has considered a 2°C rise in temperature for the Proposed Development, what implications would a 4°C rise have?
<b>R17.1.31</b>	Applicant	D14	In support of the 'zero net carbon' Climate Change Act 2008 (2050 Target Amended) Order 2019 Act made on 26 June 2019, the Applicant to provide a carbon footprint for the Proposed Development, separately providing carbon assessments for onshore and offshore facilities.