

Norfolk Vanguard Offshore Wind Farm

Applicant's Response to Request for Information

**Department for Business, Energy and Industrial
Strategy (BEIS) Request for information**

Applicant: Norfolk Vanguard Limited
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Photo: Kentish Flats Offshore Wind Farm



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Glossary

AEol	Adverse Effect on Integrity
BEIS	Department for Business, Energy and Industrial Strategy
CIA	Cumulative Impact Assessment
CRM	Collision Risk Modelling
DCO	Development Consent Order
dDCO	draft Development Consent Order
DML	Deemed Marine Licence
ES	Environmental Statement
ExA	Examining Authority
HDD	Horizontal Directional Drilling
HGV	Heavy Goods Vehicle
HHW	Haisborough, Hammond and Winterton
IROPI	Imperative Reasons of Overriding Public Interest
ISH	Issue Specific Hearing
MMO	Marine Management Organisation
NCC	Norfolk County Council
NNDC	North Norfolk District Council
OLEMS	Outline Landscape and Ecology Management Strategy
SAC	Special Area of Conservation
SIP	Site Integrity Plan
SoCG	Statement of Common Ground
SPA	Special Protection Area

1 INTRODUCTION

1. This document contains Norfolk Vanguard Limited's ('the Applicant') response to a request for information from the Department for Business, Energy and Industrial Strategy (BEIS), dated 6 December 2019 (Ref EN010079).
2. The following Appendix supports this response document:
 - Appendix 1 B1149 traffic management drawings
 - Appendix 2 Environmental assessment for trenchless crossing of B1149
3. Other documents included with the submission in response to the request for information include:
 - Summary overview on Habitats Regulations Assessment (HRA) (document reference ExA; Sum; 11.D10.2)
 - Additional Mitigation (document reference ExA; Mit; 11.D10.2)
 - Appendix 1- Updated Collision Risk Modelling (document reference ExA; Mit; 11.D10.2.App1)
 - Appendix 2 - Assessment of Additional Mitigation in Haisborough, Hammond and Winterton (HHW) Special Area of Conservation (SAC) (document reference ExA; Mit; 11.D10.2.App2)
 - Appendix 3 - Cable Protection Decommissioning Evidence (document reference ExA; Mit; 11.D10.2.App3)
 - Appendix - BT Cable Recovery Letter of Comfort (document reference ExA; Mit; 11.D10.2.App4)
 - Consultation overview (document reference ExA; Consult; 11.D10.3)
 - HHW SAC position statement (document reference ExA; Pos; 11.D10.1)
 - Ornithology position statement (document reference ExA; Pos; 11.D10.2)
 - Appendix 1 – Headroom calculations (document reference ExA; Pos; 11.D10.2.App1)
 - Updated Haisborough, Hammond and Winterton (HHW) Special Area of Conservation (SAC) Site Integrity Plan (SIP) (document 8.20)
 - HHW Cable Specification, Installation and Monitoring Plan (alternative document 8.20)
 - Outline Landscape and Ecology Management Strategy (document 8.7)
 - Habitats Regulations Derogation Provision of Evidence (document reference ExA; IROPI; 11.D10.3)
 - Appendix 1 - Flamborough and Filey Coast SPA In Principle Compensation Measures for kittiwake (document reference ExA; IROPI; 11.D10.3.App1)

- Appendix 2 – Alde-Ore Estuary SPA In Principle Compensation Measures for lesser black-backed gull (document reference ExA; IROPI; 11.D10.3.App2)
- Appendix 3 – HHW SAC In Principle compensation (document reference ExA; IROPI; 11.D10.3.App3)
- Updated draft Development Consent Order (DCO) (document 3.1)
- Schedule of Changes to the DCO (document ExA;DCOSchedule;11.D10.7)
- Guide to the Application (document 1.4)
- Note on Requirements and Conditions in the DCO (document 3.3)

1.1 Consultation

4. In preparing the responses to the request for further information, the Applicant has undertaken extensive consultation with stakeholders. This is detailed in the Consultation Overview (document reference ExA; Consult; 11.D10.3).
5. The table below responds in turn to the points raised in the Secretary of State's letter dated 6 December 2020. Where further detail is considered necessary the Applicant has provided additional standalone documents which are referred to in paragraph 3 above and throughout the response below.

1.2 Ornithology

Para no.	Request for Information	Applicant's Response
3	<p>In relation to in-combination impacts on the qualifying kittiwake feature of the Flamborough and Filey Coast Special Protection Area ("SPA") and the qualifying lesser black-backed gull feature of the Alde-Ore Estuary SPA, the Applicant, in consultation with Natural England as necessary, is invited to provide information on any mitigation, not discussed during the Examination, which could lessen or avoid any adverse effects on the integrity of these sites.</p>	<p>The Applicant has proposed additional mitigation including:</p> <ul style="list-style-type: none"> • Reduced maximum number of turbines; and • Increased draught heights <p>This is detailed in the document, Additional Mitigation (document reference ExA; Mit; 11.D10.2) and secured in the updated draft DCO (document 3.1).</p> <p>A summary of the Applicant's position regarding ornithology is provided in document reference ExA; Pos; 11.D10.2 ('Ornithology position statement').</p>
4	<p>In addition, or alternatively, the Applicant, in consultation with Natural England as necessary, is invited to provide evidence as to:</p> <ul style="list-style-type: none"> • whether there are any feasible alternative solutions to the Norfolk Vanguard project which could avoid or lessen any adverse effects on the integrity of these sites; • any imperative reasons of overriding public interest for the Norfolk Vanguard project to proceed; and • any in-principle compensatory measures proposed to ensure that the overall coherence of the network of Natura 2000 sites is protected. 	<p>The Applicant maintains that there will be no Adverse Effect on Integrity (AEoI) for either of these sites, particularly in light of the Applicant's commitment to additional mitigation measures.</p> <p>However, without prejudice to the Applicant's position regarding no AEoI, the Applicant has provided an assessment which confirms there are no feasible alternative solutions to the Project and which demonstrates Imperative Reasons of Overriding Public Interest (IROPI) for the Project to proceed in the document, HRA Derogation Provision of Evidence (document reference ExA; IROPI; 11.D10.3).</p> <p>In principle compensatory measures in relation to the kittiwake feature of the Flamborough and Filey Coast SPA and lesser black backed gull feature of the Alde-Ore Estuary SPA are provided in Appendices 1 and 2 of the HRA Derogation Provision of Evidence (document references ExA; IROPI; 11.D10.3.App1 and ExA; IROPI; 11.D10.3.App2).</p>

Para no.	Request for Information	Applicant's Response
5	Compensatory measures should, if possible, be agreed by Natural England as at least sufficient, to offset the potential residual harm to the features of the Natura 2000 sites. In order that the Secretary of State can consider fully the application, the Applicant is requested to provide as much information as possible to explain the compensatory measures proposed and the feasibility of those measures. Details of the steps required to implement the compensation and proposed timescales to establish the compensatory measures should also be provided. Where disagreement remains between the parties on the assessment and quantification of an impact, compensation proposals should be provided for a range of scenarios.	<p>Extensive consultation has been undertaken with Natural England, as detailed in the Consultation Overview (document reference ExA; Consult; 11.D10.3).</p> <p>Feedback from Natural England has been incorporated in relation to the compensatory measures provided in Appendices 1 and 2 of the HRA Derogation Provision of Evidence (document references ExA; IROPI; 11.D10.3.App1 and ExA; IROPI; 11.D10.3.App2) and detail is provided on the feasibility of those measures, steps required to implement the compensation and proposed timescales to establish the compensatory measures.</p> <p>Consultation has also been undertaken with the Marine Management Organisation (MMO) and their feedback incorporated.</p>

1.3 Haisborough, Hammond and Winterton Special Area of Conservation (SAC)

1.3.1 Site Integrity Plan

Para no.	Request for Information	Applicant's Response
6	The Applicant has stated that up to 5% of the cable length within the Haisborough, Hammond and Winterton Special Area of Conservation ("SAC") may require cable protection. Throughout the Examination, Natural England maintained a position that cable protection is not appropriate within the Haisborough, Hammond and Winterton Special Area of Conservation ("SAC"). The Secretary of State understands that both parties are agreed that a commitment by the Applicant to follow a Site Integrity Plan ("SIP") approach would facilitate the identification of a final mitigation solution prior to construction. However, it is not clear whether any mitigations solutions currently exist. The Applicant, in consultation with the Marine Management Organisation and Natural England as necessary, is invited to provide information on the	<p>The Applicant has proposed additional mitigation including:</p> <ul style="list-style-type: none"> No cable protection will be deployed in priority areas to be managed as reef Cable protection associated with unburied cables will be decommissioned (cable protection associated with cable crossing will be left <i>in situ</i>) <p>In addition, the Applicant is progressing agreements to remove dis-used cables at cable crossing points in order to reduce the requirement for cable protection in the HHW SAC as a result of cable crossings.</p>

Para no.	Request for Information	Applicant's Response
	<p>specific mitigation solutions that would address the potential effects of cable protection on the SAC features.</p>	<p>The additional mitigation is secured through the updated Site Integrity Plan (SIP). However, Natural England (NE) and the (MMO) have raised concerns with the Applicant's approach to the HHW SAC Grampian condition and the associated SIP. Therefore, following further discussions between the parties, the Applicant is proposing an alternative option to the Grampian condition and SIP. This enables the Secretary of State to secure the mitigation by either retaining the HHW SAC Grampian condition and SIP, or by replacing this with an alternative condition accompanied by a Cable Specification Installation and Monitoring Plan, specifically for the HHW SAC. Both approaches secure the mitigation put forward during the Examination and the additional mitigation now proposed. Both approaches are included in the draft DCO, denoted by square brackets, to enable the Secretary of State to retain the preferred option.</p> <p>The Applicant's approach to further mitigation and the optional conditions to secure this, is explained further in the Additional Mitigation (document reference ExA; Mit; 11.D10.2).</p> <p>A summary of the Applicant's position regarding the HHW SAC is provided in document reference ExA; Pos; 11.D10.1 ('HHW SAC position statement').</p>
6	<p>In the absence of any identifiable mitigation measures, the Applicant, in consultation with Natural England, may wish to consider the provision of evidence as to:</p> <ul style="list-style-type: none"> • whether there are any feasible alternative solutions to the Norfolk Vanguard project which could avoid or lessen any adverse effects on the integrity of these sites; • any imperative reasons of overriding public interest for the Norfolk Vanguard project to proceed; and • any in-principle compensatory measures proposed to ensure that the overall coherence of the network of Natura 2000 sites is protected. 	<p>The Applicant maintains that there will be no AEoI on the HHW SAC, particularly in light of the commitment to additional mitigation measures.</p> <p>However, without prejudice to the Applicant's position regarding no AEoI, the Applicant has provided an assessment which confirms there are no feasible alternative solutions to the Project and which demonstrates IROPI for the Project to proceed in the document, HRA Derogation Provision of Evidence (document reference ExA; IROPI; 11.D10.3).</p>

Para no.	Request for Information	Applicant's Response
		<p>In principle compensatory measures in relation to the HHW SAC are provided in Appendix 3 of the document, HRA Derogation Provision of Evidence (document reference ExA; IROPI; 11.D10.3.App3).</p> <p>Consultation has been undertaken with Natural England and the MMO, as detailed in the Consultation Overview (document reference ExA; Consult; 11.D10.3). Feedback from both parties has been incorporated in relation to the compensatory measures provided in Appendix 3 of the HRA Derogation Provision of Evidence (document references ExA; IROPI; 11.D10.3.App1 and ExA; IROPI; 11.D10.3.App2) and detail is provided on the feasibility of those measures, steps required to implement the compensation and proposed timescales to establish the compensatory measures.</p>

1.3.2 Particle Size Condition

Para no.	Request for Information	Applicant's Response
7	<p>At deadlines 8 and 9 of the Examination, Natural England advised the Examining Authority that changes to sediment distribution and composition can be minimised by securing the Applicant's commitment to ensure particle size of the deposited material matches the disposal site. In view of Natural England's advice, the Secretary of State invites comments from Natural England, the Marine Management Organisation and the Applicant on the inclusion of the following subsection (g) within Condition 3(1) of Schedules 11 and 12 of the DCO (Applicant's preferred DCO submitted at Deadline 9):</p> <p><i>"Taken together with works authorised and proposed to be constructed pursuant to licences 1 and 2 (transmission)— disposal activities within the Haisborough, Hammond and Winterton Special Area of Conservation Site must not take place until the Marine Management Organisation has confirmed that the particle size composition of the disposal material is</i></p>	<p>In their Deadline 9 submission, Natural England states:</p> <p><i>"As advised in our earlier submissions [RR-106, REP1-088, REP3-051, REP4-062, REP5- 017, and REP7-075] Natural England suggests that the SIP should contain criteria that the disposal locations should meet to ensure that the dredge material will be >95% similar in particle size to disposal locations."</i></p> <p>The suggestion regarding 95% similarity was raised by Natural England at Deadline 4 in response to Q20.147 ("Please supply wording as to the requested changes to Schedule 1, Part 1"), to which Natural England responded "Natural England will work with the MMO to consider this further. One example would be the MMO's condition applied to aggregates industry which specifies that the</p>

Para no.	Request for Information	Applicant's Response
	<p><i>within 95% similarity to the particle size composition of the seabed at the disposal location.”</i></p>	<p><i>removed sediment particle size needs to be >95% similar to the disposal location. The scale of impacts to HHW SAC including volume, lengths and areas need to be more explicit in the DCO/DML”.</i></p> <p>The Applicant has engaged the MMO and Natural England on this matter and neither party has been able to provide any condition, used in the aggregates industry or otherwise, where a requirement for 95% similarity has previously been secured.</p> <p>The Applicant considers that the practicality (for any industry) of sampling all dredged sediment and areas within the disposal site in order to determine 95% similarity is unfeasible. Extensive sampling of dredged sediment would have the following limitations:</p> <ul style="list-style-type: none"> • Sampling would provide a relatively small proportion of the load so may not be representative and would not enable realistic analysis of 95% similarity. • Delays to the works, requiring sediment to be held on the vessel for long periods of time in order to facilitate sampling and analysis, would be impractical. • This approach would require onerous approvals for the MMO prior to each disposal activity. <p>The Applicant understands that both Natural England and the MMO share these concerns.</p> <p>Since Deadline 4, the Applicant recognised Natural England’s concerns that sediment should not be disposed of on an entirely different substrate and provided an Outline Site Integrity Plan (document 8.20) at Deadlines 7 and 9 which ensures that disposal locations must be agreed with the MMO in consultation with Natural England and which commits to the depositing of sediment removed from the seabed within the HHW SAC back into the HHW</p>

Para no.	Request for Information	Applicant's Response
		<p>SAC to ensure no sediment is lost from the system, enabling recovery of the sandbanks.</p> <p>In addition, Norfolk Boreas (Norfolk Vanguard's 'sister' project, which is currently at Examination and for which Norfolk Vanguard is consenting enabling development) has made the following commitments since the close of the Norfolk Vanguard Examination and these have now been incorporated in the updated Norfolk Vanguard HHW SAC control document 8.20¹:</p> <ul style="list-style-type: none"> • Dispose of any material dredged from the seabed for sandwave levelling (also referred to as pre-sweeping) in a linear "strip" along the cable route. • Dispose of material close to the seabed. This will be achieved through the use of fall pipe (also referred to as a down pipe) employed by the dredging vessel. <p>The HHW SAC control document also recognises that it may not be possible to observe all the criteria proposed for sediment disposal at all locations due to the requirement for a buffer from Annex 1 Sabellaria reef, and therefore when determining the location of disposal areas within the SAC the following criteria would be used:</p> <ul style="list-style-type: none"> • Priority 1 – material to be disposed of no closer than 50m to any Annex 1 <i>S. spinulosa</i> reef identified during the preconstruction surveys • Priority 2 - Dispose of material up drift of the cable route, to allow infill to occur as quickly as possible following cable installation. • Priority 3 - Dispose of material as close as possible to cable route. <p>As set out above, in order to ensure that material is deposited at the most appropriate locations to fulfil the criteria above, Norfolk Vanguard Limited has</p>

¹ Either an HHW SAC Cable Specification, Installation and Monitoring Plan or a HHW SAC Site Integrity Plan (see Additional Mitigation, document reference ExA; Mit; 11.D10.2 for further details)

Para no.	Request for Information	Applicant's Response
		<p>made a commitment through the HHW control document 8.20 that, should sandwave levelling be required and permitted, material will be disposed of using a fall pipe (also referred to as a down pipe) employed by the dredging vessel.</p> <p>As per the Outline HHW SAC SIP (document 8.20) submitted at Deadline 9 of the Norfolk Vanguard Examination, the location and method for sediment disposal must be agreed with the MMO in consultation with Natural England, therefore the above principles would be subject to agreement based on the final design and pre-construction surveys in any event.</p> <p>The Applicant maintains that the HHW SAC control document 8.20, secured through Condition 9(1)(m) of DCO Schedules 11 and 12, provides a high level of commitment to ensure sediment disposal is agreed with the MMO in consultation with Natural England. The commitments provided in Section 5 of the SIP, exceed those required of the dredging industry.</p> <p>The disposal principles listed above and contained in the SIP ensure appropriate sediment disposal which must be agreed with the MMO in consultation with Natural England and so a 95% condition is not considered necessary, or achievable.</p>

1.4 Marine Mammals

1.4.1 Vibro Piling and ‘blue hammer’

Para no.	Request for Information	Applicant’s Response
8	At the second Issue Specific Hearing and the subsequent written summary the Applicant provided details of other construction techniques that were being trialled including vibropiling and the ‘blue hammer’ that are construction techniques which use vibration and hydro power respectively.	<p>The Applicant refers to vibropiling and the ‘blue hammer’ in the In Principle Norfolk Vanguard Southern North Sea Special Area of Conservation (SAC) Site Integrity Plan (SIP) (document 8.17). The In Principle SIP provides a range of indicative mitigation measures which will be considered as the final SIP is developed, in consultation with the MMO and other relevant bodies (see section 2.3 of document 8.17).</p> <p>Vibropiling and the ‘blue hammer’ are included in the In Principle SIP as examples, along with the following other examples of potential mitigation measures including:</p> <ul style="list-style-type: none"> • Alternative foundation types; • Alternative installation methods (e.g. vibro-piling, double walled piles and Blue Hammer); • Noise reduction at source (e.g. bubble curtain, hydro-sound dampers, screens or tubes, and cofferdams); or • Scheduling of pile driving to avoid exceedance of acceptable thresholds. <p>The SIP provides a framework for further discussion and consultation by Norfolk Vanguard Limited with the Marine Management Organisation (MMO) and other relevant stakeholders post consent to agree the exact details of any required project related management measures. This will be based on the best available information at that time as well as the final design of Norfolk Vanguard.</p> <p>Vibro-piling and Blue Hammer are in the early stages of development and it is therefore not possible to provide information on the likely noise levels associated with these techniques. As discussed above, these are potential measures which will be considered during the development of the SIP if the</p>
9	<p>In view of possible use of vibro piling and ‘blue hammer’ construction techniques, the Applicant, in consultation with Natural England as necessary, is invited to provide information on the likely noise levels associated with these techniques. In addition, the Secretary of State invites comments from Natural England, the Marine Management Organisation and the Applicant on the inclusion of the following amended conditions in the DCO (Applicant’s preferred DCO submitted at Deadline 9):</p> <ul style="list-style-type: none"> • <i>Condition 14(1)(f) of Schedules 9 and 10, and Condition 9(1)(f) of Schedules 11 and 12. In the event that piled foundations or any other construction method that may have an impact on marine mammals, such as vibro-piling or ‘blue hammer’, are proposed to be used, a marine mammal mitigation protocol, in accordance with the draft marine mammal mitigation protocol, the intention of which is to prevent injury to marine mammals and following current best practice as advised by the relevant statutory nature conservation bodies.</i> • <i>Condition 14(1)(m) of Schedules 9 and 10, and Condition 9(1)(l) of Schedules 11 and 12. In the event that piled foundations or any other construction method that may have an impact on marine mammals, such as vibro-piling or ‘blue hammer’, are proposed to be used, a site integrity plan which accords with the principles set out in the in principle Norfolk Vanguard Southern North Sea Special Area of Conservation Site Integrity Plan, and which the MMO is satisfied would provide such mitigation as is necessary to avoid adversely affecting the integrity (within the meaning of the 2017</i> 	

Para no.	Request for Information	Applicant's Response
	<p><i>Regulations) of a relevant site, to the extent that harbour porpoise area protected feature of that site.</i></p>	<p>technology is suitably developed at that time, along with a wide range of other potential mitigation solutions. The selected mitigation measures will be based on the final design of Norfolk Vanguard and best available information prior to construction.</p> <p>The SIP ensures that there will be no AEOI as dDCO Schedules 9 and 10 Part 4 condition 14(1)(m) and Schedules 11 and 12 Part 4 condition 9(1)(l) requires that construction cannot commence until <i>“the MMO is satisfied that the plan, provides such mitigation as is necessary to avoid adversely affecting the integrity (within the meaning of the 2017 Regulations) of a relevant site, to the extent that harbour porpoise are a protected feature of that site.”</i></p> <p>Furthermore, Conditions 14(1)(f) and 14(1)(m) of Schedules 9 and 10, and conditions 9(1)(f) and 9(1)(l) of Schedules 11 and 12, were updated during the Examination to state <i>“in the event that piled foundations are proposed to be used”</i> (rather than the former text <i>“in the event that driven or part-driven pile foundations are proposed to be used”</i>). This ensures that any form of installation technique associated with installing a piled foundation type is captured by these conditions. This would therefore incorporate vibropiling and Blue Hammer and specific mention of these techniques in the condition is not required.</p> <p>The Applicant understands that the MMO and NE agree with the Applicant's position.</p> <p>The Applicant therefore maintains that the following existing draft DML Conditions are appropriate:</p> <p>Condition 14(1)(f) of Schedules 9 and 10, and Condition 9(1)(f) of Schedules 11 and 12:</p>

Para no.	Request for Information	Applicant's Response
		<p> <i>"In the event that piled foundations are proposed to be used, a marine mammal mitigation protocol, in accordance with the draft marine mammal mitigation protocol, the intention of which is to prevent injury to marine mammals and following current best practice as advised by the relevant statutory nature conservation bodies."</i> </p> <p> Condition 14(1)(m) of Schedules 9 and 10, and Condition 9(1)(l) of Schedules 11 and 12: </p> <p> <i>"In the event that piled foundations are proposed to be used, the licensed activities, or any phase of those activities must not commence until a site integrity plan which accords with the principles set out in the in principle Norfolk Vanguard Southern North Sea Special Area of Conservation Site Integrity Plan has been submitted to the MMO and the MMO is satisfied that the plan, provides such mitigation as is necessary to avoid adversely affecting the integrity (within the meaning of the 2017 Regulations) of a relevant site, to the extent that harbour porpoise are a protected feature of that site.</i> </p> <p> The Applicant notes that Natural England, in their letter to Norfolk Vanguard Limited dated 19 December 2019 stated: <i>"Natural England believes that vibro-piling and 'blue hammer' technologies were already captured by the condition, therefore defers to the Applicant and MMO on this matter."</i> </p> <p> The Applicant understands from consultation with the MMO that they are also satisfied that all installation techniques associated with installing piled foundations are adequately secured. </p>

1.4.2 Water Quality

Para no.	Request for Information	Applicant's Response
10	<p>The Applicant's Information for the Habitats Regulations Assessment document assesses the effect of changes to water quality on harbour porpoise from the Project alone, but it is noted that an assessment of this effect in-combination with other plans and projects has not been provided. The Applicant, in consultation with Natural England as necessary, is invited to provide information on this matter to inform the Secretary of State's HRA.</p>	<p>As outlined in the Applicant's Information to Support HRA (document 5.3), the assessment of any effect of changes to water quality on harbour porpoise from the Project alone, indicates that the risk of accidental release of contaminants (e.g. through spillage) will be mitigated through appropriate contingency planning and remediation measures for the control of pollution. As outlined in Section 8.4.1.3 of document 5.3 and the ES Chapter 9 Marine Water and Sediment Quality (document 6.1), Norfolk Vanguard Limited is committed to the use of best practice techniques to minimise the potential for pollution throughout all construction, operation, maintenance and decommissioning activities. A draft Project Environmental Management Plan (PEMP) (document reference 8.14) has been submitted with the DCO application. This includes the appropriate mitigation measures to reduce the risk of any accidental spills or release of contaminants. In addition, a Marine Pollution Contingency Plan (MPCP) will be developed and agreed post-consent.</p> <p>Also, as outlined in the Applicant's Information to Support HRA (document 5.3) the assessment of any effect of changes to water quality due to any increased suspended sediments would be highly localised and temporary.</p> <p>There is therefore no potential for any in-combination effects and no in-combination impact pathways have been identified.</p> <p>This is supported by the BEIS (2018) Review of Consents (RoC) draft HRA², which identified that although there is potential for disturbed sediments to impact on the water quality, the extent and duration of any impacts are predominantly localised and temporary. Harbour porpoise detect prey using</p>

² Review Of Consented Offshore Wind Farms in the Southern North Sea Harbour Porpoise SCI/ Candidate SAC draft HRA Consultation, November 2018. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/753011/Consultation_RoC_SNS_cSAC_HRA.pdf.

Para no.	Request for Information	Applicant's Response
		<p>echolocation and therefore localised and temporary increased sediment loads are not predicted to impact on their ability to detect prey. Noise arising from construction activities may also cause harbour porpoise and their prey to avoid the areas of highest suspended sediment concentrations.</p> <p>The RoC draft HRA (BEIS, 2018) concluded that, based on the relatively localised area of potential impact on water quality within the SAC and the temporary nature of any effects, there will not be a likely significant effect from offshore wind farm activities on the water quality within or adjacent to the SAC, either alone or in-combination and no further assessment was required.</p> <p>Based on the RoC and the Applicant's conclusions in the Information to Support HRA (document 5.3) that any effects will be highly localised and temporary, there is no pathway for in-combination effects and therefore this has not been assessed.</p> <p>Following consultation, the Applicant understands that the MMO and Natural England agree with the Applicant's position.</p>

1.5 Traffic Movements at Cawston

Para no.	Request for Information	Applicant's Response
11	<p>The Secretary of State is aware of concerns raised by local residents in respect of potential HGV movements along the B1145 ('link 34' in the Applicant's Environmental Statement) road through Cawston both in relation to traffic movements potentially generated by the Norfolk Vanguard project on its own, but also in combination with traffic that might be generated by the proposed Hornsea Project Three Offshore Wind Farm ("H3").</p>	<p>The Applicant submitted a Cumulative Impact Assessment (CIA) at Deadline 5 (ExA; ISH1; 10.D5.3) which identified the requirement for mitigation along the B1145 through Cawston (Link 34) associated with the combined peak construction traffic flows for both Norfolk Vanguard and Hornsea Project Three.</p>

Para no.	Request for Information	Applicant's Response
12	The Secretary of State notes that the Applicant submitted a revised Outline Traffic Management Plan at Deadline 8 of the Examination (Revision 3 of 30 May 2019) which included proposed measures for mitigating impacts from HGVs on Cawston	A package of mitigation was identified within the CIA, which included managed parking, road safety measures and a cap to the number of daily cumulative construction heavy goods vehicle (HGV) movements. This package of mitigation would reduce the identified cumulative traffic impacts to minor adverse, i.e. the mitigation proposed on Link 34 was specifically designed to mitigate cumulative impacts associated with Norfolk Vanguard and Hornsea Project Three.
13	The Secretary of State is aware that the Applicant submitted a "position statement" to the Norfolk Vanguard Examination at Deadline 9 which set out the respective positions of the Norfolk County Council and the Applicant with regard to "Unresolved Traffic Matters". The position statement covered three topics: "Requested trenchless crossing of the B1149"; "Norfolk County Council – Link 34, B1145 Cawston – Highway Mitigation Measures"; and "The Street, Oulton – Highway Mitigation Measures"	The package of mitigation measures is based on the following peak construction traffic numbers for both projects:
14	The Secretary of State also notes that in the Statement of Common Ground between the Applicant and Norfolk County Council (submitted for Deadline 9), the Council states that its position on the B1145 Cawston – Highway Mitigation Measures, is that it "believes a suitable access strategy can be produced that mitigates impact however..... the intervention scheme drawings and proposal before us are very much "work in progress". In short, the scheme needs several changes, but we anticipate they will be amendments rather than a complete re-think"	<ul style="list-style-type: none"> • 1 week peak of 112 daily HGV movements (Norfolk Vanguard) • 22 week peak of 95 daily HGVs (Norfolk Vanguard) • 13 week peak of 44 daily HGVs (Norfolk Vanguard) • 156 week peak of 127 daily HGVs (Hornsea Project 3)
15	The Secretary of State notes from the above submissions that the Applicant and Norfolk County Council believe there is a reasonable expectation that an appropriate mitigation scheme could be brought forward for traffic movements at Cawston. However, the Secretary of State considers that it is not apparent from exchanges during Examination that these will be sufficient to offset any potential harm from in-combination traffic effects arising from the proposed Norfolk Vanguard project and H3 in the event that both were granted development consent.	The package of mitigation has been developed to accommodate the worst case peak construction traffic for Norfolk Vanguard (112 daily HGV movements) combined with the worst case peak construction traffic for Hornsea Project Three (127 daily HGV movements), i.e. 239 daily HGV movements in total.
16	The Secretary of State is considering whether it would be necessary to introduce an amendment to Requirement 21 of the last version of the ExA's DCO (submitted at Deadline 9) to provide additional mitigation for cumulative impacts that might arise in the event that both the Norfolk Vanguard project and H3 developments are granted consent. The Secretary of State would be grateful for comments from the Applicant, Norfolk County Council and Broadlands District Council on the possible incorporation of the	The outline Traffic Management Plan referred to within DCO Requirement 21, and submitted at Deadline 8 of the examination (DCO document reference 8.8 version 3, dated 30 May 2019), includes the outline conceptual design of the proposed scheme of highway mitigation along Link 34 through Cawston (Appendix 4), which captures the package of mitigation identified within the CIA submitted at Deadline 5, and therefore includes mitigation for the Norfolk Vanguard project alone as well as for cumulative impacts with Hornsea Project Three. Requirement 21 states that a final Traffic Management Plan is required for each stage of the works and must be produced in accordance with the outline Traffic

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	<p>following wording into any development consent order that might be made in respect of the Norfolk Vanguard offshore wind farm:</p> <p><i>“In circumstances where the Hornsea Project 3 DCO is made and development of the Hornsea Project 3 commences, and notwithstanding the requirement of sub-paragraph (a) of paragraph (1) above, the traffic management plan shall include, in respect of Link 34 as referred to in the Environmental Statement, revised details of a scheme of traffic mitigation which shall be submitted to, and approved in writing by, the relevant planning authority, in consultation with the highway authority.”</i></p>	<p>Management Plan. The final Traffic Management Plan would include the final design of the scheme of highway mitigation through Cawston to be approved by Broadland District Council in consultation with the local highway authority (Norfolk County Council).</p> <p>As the scheme of mitigation has been identified to specifically address cumulative construction traffic impacts associated with Norfolk Vanguard and Hornsea Project Three, the Applicant does not feel it is appropriate that in the event that both projects progress to construction that a “revised” scheme of traffic mitigation be submitted, because this implies that the existing scheme of mitigation does not specifically consider cumulative traffic impacts and that additional mitigation is required in the event that both projects progress. If the Secretary of State (SoS) is minded to include wording in the DCO in respect of the scheme of mitigation on Link 34 the Applicant suggests that the following text be included as Requirement 20 (4):</p> <p><i>“(4) The traffic management plan referred to at sub-paragraph (1)(a) must include the final detailed scheme of traffic mitigation for impacts of the authorised development alone, and any relevant cumulative impacts identified, in respect of Link 34 as referred to in Chapter 24 of the environmental statement (Link 34). The final scheme must be approved in writing by, the relevant planning authority in consultation with the highway authority”.</i></p> <p>This amendment to DCO Requirement 20 will ensure that any cumulative impacts on Link 34 will be mitigated through the scheme of mitigation contained in the final Traffic Management Plan (as currently proposed).</p> <p>The Applicant is also aware that the scheme of mitigation for Link 34 is continuing to be discussed, and details refined, as part of the examination of the Norfolk Boreas application for development consent. To acknowledge this continued process of refinement, and to ensure consistency across the two</p>

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		<p>projects in the event that both projects proceed to construction, the Applicant would be willing to accept a further amendment to DCO Requirement 20 to provide an opportunity to capture any development of the scheme of mitigation agreed as part of the Norfolk Boreas examination that can be accommodated within the Norfolk Vanguard Order limits. This could be incorporated as a new Requirement 20 (5) as follows:</p> <p><i>“(5) In circumstances where the Norfolk Boreas Development Consent Order is made and, in respect of Link 34, the Norfolk Boreas Outline Traffic Management Plan materially differs from the outline traffic management plan, the traffic management plan must include, in respect of Link 34, traffic mitigation which is consistent with the Norfolk Boreas Outline Traffic Management Plan but only to the extent that such mitigation is capable of being accommodated within the Order limits and does not give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.”</i></p> <p>In the event that this additional Requirement is included, it would also be necessary to incorporate the following definition for the 'Norfolk Boreas Development Consent Order' in the DCO:</p> <p>“Norfolk Boreas Development Consent Order” means an order made by the Secretary of State under section 114(3) (grant or refusal of development consent) of the 2008 Act for the Norfolk Boreas offshore wind farm;</p> <p>If considered necessary by the Secretary of State, this would ensure that any further mitigation developed for Link 34 as part of the Norfolk Boreas examination will be adopted by Norfolk Vanguard where possible.</p>

⁽³⁾ Section 114 was amended by paragraph 55 of Schedule 13 to the Localism Act 2011 (c. 20).

1.6 Appearance of Electrical Equipment

Para no.	Request for Information	Applicant's Response
17	The Secretary of State notes some discussion during the Examination about mitigation for the potential visual impacts of certain onshore works proposed as part of the Norfolk Vanguard project. In particular, there was discussion about design mitigation for the proposed extension of the National Grid substation at Necton (Work 10A). The Secretary of State notes that work 10A is not specifically covered in the mitigation provisions of the Applicant's proposed DCO as submitted at Deadline 9 of the Examination.	The external electrical equipment associated with Work No. 10A will comprise a range of standard electrical elements required to connect the Project to the 400 kV National Grid network, including high-level busbars, ceramic bushings and air-insulated switchgear. The design and requirements of this equipment is pre-determined by international electro-technical standards, and by National Grid's own technical specifications. The materials used for this electrical equipment, primarily aluminium, steel and ceramics/polymers, is dictated by the electrical and structural performance characteristics required to safely and efficiently operate the equipment at 400 kV. Therefore, it is not possible to alter the appearance and finishes of this electrical equipment. The appearance of the equipment comprised in Work No. 10A will be very similar to that of the equipment in the existing National Grid 400kV substation at Necton.
18	The Secretary of State is considering whether to amend Requirement 16(9) of the Applicant's proposed DCO in the following terms: <i>"The external electrical equipment comprised in Work No. 10A (the external appearance of which shall have been approved in writing by the relevant planning authority prior to commencement of its construction) must not exceed a height of 15 metres above existing ground level."</i>	The external equipment comprised in Work 10A will be located outside, i.e. not stored within buildings, whereas the electrical equipment associated with the Norfolk Vanguard onshore project substation (Work No. 8A) will be stored within buildings, and it is these buildings whose appearance and finishes can be designed in discussion and agreement with the relevant planning authority as set out in Requirement 16(2). On this technical basis, the Applicant considers that it is not possible to accommodate the suggested changes to the wording of Requirement 16(9) proposed in the Secretary of State's letter.
19	The Secretary of State asks the Applicant, Norfolk County Council and Necton Parish Council for their views on the proposed amendment.	Stakeholders

Para no.	Request for Information	Applicant's Response
		<p>The relevant planning authority for approval of the detailed design proposals associated with the National Grid extension works is Breckland Council. The Applicant discussed these points during a meeting with Breckland Council on 7 February 2020. Following that meeting Breckland Council confirmed that they are in agreement with the Applicant on this matter.</p> <p>Norfolk County Council has not commented on landscape and visual elements of the application and has deferred this responsibility to the relevant district councils.</p> <p>Necton Parish Council indicated that they did not wish to engage with the Applicant any further on the proposals for Norfolk Vanguard.</p>

1.7 Additions to Trenchless Crossings

Para no.	Request for Information	Applicant's Response
20	The Secretary of State is aware that there was consideration during the Examination of the extent of the requirements for trenchless crossing to be utilised in a number of locations along the onshore export cable route. In particular, the Secretary of State notes that at the end of the Examination, there was disagreement between the Applicant and North Norfolk District Councils and Norfolk County Council about whether two particular sections of the local road network – along the B1149 and on Colby Road (Church Road), north of Banningham – should be added to the list of trenchless crossings as set out in Requirement 16 of the Applicant's proposed development consent order as submitted to the Examination for Deadline 9.	<p>B1149 (Norfolk County Council)</p> <p>The outstanding matters between the Applicant and Norfolk County Council for the crossing of the B1149, at the close of the Norfolk Vanguard examination, related to safety concerns of the proposed traffic management measures to accommodate an open cut solution for crossing the B1149, as proposed by the Applicant. In the final position statement between the Applicant and Norfolk County Council submitted to the examination at Deadline 9 (ExA; AS; 10.D9.7), Norfolk County Council retained these safety concerns as the requested swept path drawings presented a 0.5m distance of separation (between the construction works and the live traffic) whereas for traffic in proximity to deep excavations a minimum safe working distance of 1.2m should be applied (in accordance with Chapter 8 of the Traffic Signs Manual, DfT, 2009).</p>
21	The Secretary of State would be grateful for the views of the Applicant, Norfolk County Council and North Norfolk District Council on this proposal.	

Para no.	Request for Information	Applicant's Response
		<p>A revised open cut trench roadworks design was discussed with Norfolk County Council at meetings held on 4 November 2019 and 17th January 2020. The updated design incorporates a separation distance of 1.5m (amply allowing for the required 1.2m safe working distance) and can also accommodate Hornsea Project Three cumulative traffic (including Abnormal Loads), entirely within the current Norfolk Vanguard Order limits. During the meeting held between the Applicant and Norfolk County Council on the 15th January 2020, the Council confirmed that with this updated information of the working distances there was now no technical reason to object to the proposed open cut trenching method proposed across the B1149.</p> <p>A copy of the updated layout for the traffic management measures is included as Appendix ExA; WQ; 11.D10.1.App1.</p> <p>The introduction of a trenchless crossing in this location would introduce a potentially significant noise impact to the nearest residential property and extend the construction programme for this crossing from 1-2 weeks to 9-10 weeks. In addition, the Applicant has addressed the issues raised by Norfolk County Council to reach a position where the council has no technical reason to object to the proposed crossing method. However, should the SoS be minded to include a trenchless crossing of the B1149, the Applicant has undertaken an environmental assessment of this potential change to the previously assessed working methodology, which is included as an appendix to this response (refer to Appendix ExA; WQ; 11.D10.1.App2). The assessment identifies that trenchless crossings require the flexibility to extend into the evening and night time due to the continuous nature of those activities, and in the event of evening or night time working there is the potential for significant construction noise impacts to occur at the nearest residential property. Accordingly, construction noise mitigation would be required; this would be captured within the Construction Noise Management Plan submitted with the final Code of Construction Practice, secured under DCO Requirement 20.</p>

Para no.	Request for Information	Applicant's Response
		<p>Should the SoS be minded to include a trenchless crossing of the B1149 then this will need to be included at Requirement 16(17), with reciprocal changes in Schedule 6 and Schedule 8 of the dDCO as follows:</p> <p>Schedule 1, Part 3: Requirements</p> <p><i>(17) Trenchless installation techniques must be used for the purposes of passing under—</i></p> <p><i>(s) B1149 (Work No. 6)</i></p> <p>Schedule 6: Land in which only New Rights etc., may be acquired</p> <p>Plot 19/05 will need to be removed from 'Minor crossings inc. highway' and incorporated immediately below in 'Minor crossings inc. highway required to be undertaken by trenchless crossing'.</p> <p>Schedule 8: Land of which temporary possession may be taken</p> <p>Plot 19/05 will need to be removed from works relating to "Facilitating construction and carrying out the authorised project; carrying out the authorised project; access for carrying out the authorised project" (at Work No. 6) and inserted into the row immediately following, for works "Facilitating construction and carrying out Work No. 6; trenchless crossing zone for construction and laydown and carrying out the authorised project; access for carrying out the authorised project" (also at Work No. 6).</p> <p>Finally, it would also be necessary for the Applicant to provide an updated version of the Works Plan for certification, which incorporates this additional trenchless crossing in this location.</p>

Para no.	Request for Information	Applicant's Response
		<p>Colby Road (North Norfolk District Council)</p> <p>To mitigate direct impacts to Kings Beck (a sensitive watercourse approximately 1km east of Colby Road) the running track will not be installed across the King's Beck. The only available point to access the land between Colby Road and King's Beck is Colby Road itself, i.e. to access the land either side of Colby Road (for either a trenched or trenchless crossing) temporary junctions on either side of Colby Road will be required to allow access along the running track into those parcels of land. The mouth of each junction will require a gap in the hedgerows either side of Colby Road to ensure the junctions are appropriately sized for safe access and egress. As such, a trenchless crossing in this location would not remove the necessity to create a gap in the hedgerow and remove approximately three or four immature trees, i.e. the trees that North Norfolk District Council hope to retain by introducing a trenchless crossing would still need to be removed to allow access either side of Colby Road to undertake the trenchless crossing.</p> <p>The Applicant has committed to seeking to avoid mature trees during construction where possible, through micrositing the cable route within the 45m working width in order to retain as many trees as possible. The Applicant has committed to a reduced working width at hedgerows of 20m and hedgerows will be reinstated across the full 20m area. However, it is not possible to replace trees within this 20m gap as this would be above the operational cables. The Applicant has committed to replacing trees as close as practicable to the location where they were removed (if applicable), either outside of the permanent operational easement but within the Order limits, or outside of the Order limits subject to landowner agreement. The commitment to replace trees as close as possible to the location where they are removed, combined with reinstatement of the hedgerow, will assist in minimising the identified impact.</p>

Para no.	Request for Information	Applicant's Response
		<p>During a call between the Applicant and North Norfolk District Council on 21 February 2020, the Council acknowledged that some tree losses are unavoidable in order to access the land between Colby Road and King's Beck and suggested that a preferred approach would be to introduce the construction accesses in proximity to the existing Hall Farm access (approximately 200m north of the currently proposed crossing of Colby Road). Whilst the Council acknowledge that this will still result in some tree losses on the eastern side of Colby Road, it indicated that this may be preferable as there are already trees missing from the western side of Colby Road in this location (due to the presence of Hall Farm and its associated farm access). The Applicant has considered this suggestion but does not feel that this option is a suitable alternative as:</p> <ul style="list-style-type: none"> • It does not avoid tree losses on Colby Road (3-4 trees would still need to be removed). • Substituting the 3-4 trees lost from one location to a location 200m further north along Colby Road would not avoid landscape impacts associated with tree losses. 3-4 trees would still be lost from this tree-lined road, and this alternative would additionally permanently change views from the main Hall Farm residential property, by opening a gap in the line of trees opposite that property. • This would introduce two construction accesses 20m from the main Hall Farm residential property. Construction traffic along this part of the running track, for duct installation works east of Colby Road, would represent approximately 48 daily HGV movements for a period of 8-10 weeks to access the works from west to east, with associated potential noise and air quality impacts to the Hall Farm residence. • It would introduce a new junction immediately adjacent to the existing farm access and a new junction directly opposite the farm access. These three junctions would also be located at a bend on Colby Road

Para no.	Request for Information	Applicant's Response
		<p>with limited visibility up and down the road. Three junctions in close proximity with limited visibility along the live road introduces a potential risk to road users.</p> <p>Overall, this suggested alternative does not avoid tree losses on Colby Road, would not avoid landscape and visual impacts associated with trees losses, would introduce new visual impacts for a new visual receptor (Hall Farm residence), would introduce construction traffic within 20m of a residential property (48 daily HGV movements for 8-10 weeks) and introduces potential highway safety concerns resulting from the arrangement of three road junctions in close proximity on a bend in the road.</p> <p>The proposed trenched crossing of Colby Road is considered appropriate given that access through the hedgerows lining Colby Road will always be necessary. Micrositing will seek to minimise tree losses, any trees removed will be replaced as close as practicable to the location where they were removed, and hedgerows will be fully reinstated. Further to this, no other alternative has been presented which reduces these impacts.</p>

1.8 Replacement Period in Landscaping Scheme

Para no.	Request for Information	Applicant's Response
22	The Secretary of State notes discussion during the Examination about the duration of any planting period, with ten year and five-year periods being proposed by North Norfolk District Council and the Applicant respectively. While it appears from the Statement of Common Ground prepared by North Norfolk District Council and the Applicant that there was agreement on a ten year planting period, the Secretary of State notes that Requirement 19(2) of the proposed DCO submitted by the Applicant for Deadline 9 of the Examination sets a five year period for remedial planting.	The Applicant committed, subject to landowner agreement, to 10 years of post-planting maintenance for replaced trees within North Norfolk, as noted in the Statement of Common Ground (SoCG) with North Norfolk (document reference: Rep3-SOCG-17.1_v3 dated 30 May 2019). This commitment was captured within an update to the Outline Landscape and Ecological Management Strategy (OLEMS) (DCO document 8.7) version 3 submitted at Deadline 8 of the Examination, and therefore secured through Requirement 18 of the DCO. The 10 year post-planting maintenance for North Norfolk reflected the potentially challenging growing conditions associated with coastal areas.
23	The Secretary of State would be grateful for comments from North Norfolk District Council and the Applicant on whether the ten-year period is agreed as a provision in any DCO that might be made by the Secretary of State.	<p>Following a meeting between the Applicant and North Norfolk District Council on 21 February 2020, the Applicant has agreed to refine the commitment within the OLEMS, specifically including replacement shrubs as well as trees for a period of ten years, subject to landowner agreement, to again reflect the potentially challenging growing conditions in this coastal area. The updated wording contained within Section 6.7.3 (Landscape Mitigation Post-Construction) of the Outline Landscape and Ecological Management Strategy (OLEMS) reads:</p> <p><i>“To ensure development of the planting to a satisfactory standard, there will be an agreed procedure for joint annual inspection of all planting areas by representatives of the relevant Local Authorities and Norfolk Vanguard Limited at the end of each growing season and for each year of the aftercare period, based on:</i></p> <ul style="list-style-type: none"> <i>• five years aftercare for trees and shrubs at the substation and along the onshore cable route, following implementation.</i> <i>• subject to landowner agreement, an additional five years aftercare with the exception of for trees and shrubs replaced within North Norfolk which will be subject to ten years of, i.e. subject to landowner agreement, ten years in total for trees and shrubs in North Norfolk’s</i>

Para no.	Request for Information	Applicant's Response
		<p> <i>administrative area - to reflect the challenging growing conditions closer to the coast).</i> </p> <ul style="list-style-type: none"> <i>areas found not to be thriving should be treated to such additional works as are required to rectify the situation within the next growing season."</i> <p> An updated version of the OLEMS is included with this submission (DCO document 8.7 version 4 dated 28th February 2020). </p> <p> It should be noted that the ten year period of aftercare for both trees and shrubs planted in North Norfolk's administrative area can only be agreed by the Applicant subject to landowner consent. The permanent rights that the Applicant can acquire over the land (Schedule 6 of the dDCO) do not extend to replacement planting outside of activities connected to cable maintenance. Therefore, where freehold land is not acquired (i.e. along the cable route), the Applicant will be reliant on temporary possession powers under Article 27 of the dDCO to maintain landscaping during the aftercare period. Article 27(12) of the dDCO limits the exercise of temporary powers in relation to any part of the authorised project to 5 years from the first export of electricity to the network. As such, the Applicant would not have rights or powers under the dDCO to maintain landscaping after the expiry of this 5 year period unless landowner consent is separately obtained. It is for this reason that the Applicant has only agreed to a 10 year period for North Norfolk's administrative area subject to landowner consent, and for this reason that this is appropriately secured in the OLEMS and not in the dDCO. </p>

1.9 Timing of Traffic Management Measures

Para no.	Request for Information	Applicant's Response
24	<p>The Secretary of State notes the importance of the consideration of traffic and transport issues during the Examination of the Application. The Secretary of State is, therefore, considering amending Requirement 21(2) of the development consent order submitted by the Applicant for Deadline 9 of the Examination, as follows:</p> <p>"The plans approved under paragraph (1) must be implemented upon prior to commencement of the relevant stage of the onshore transmission works."</p>	<p>The approved plans referred to under paragraph (1) of Requirement 21(2) are the Traffic Management Plan, Travel Plan and Access Management Plan that detail the active traffic management measures that will be implemented during the works, including activities such as construction traffic avoiding school pick up and drop off times on certain routes, ensuring that peak construction traffic numbers do not exceed agreed thresholds, and the timing of deliveries for construction. These are active measures that will be implemented during the works. On this basis it would not be accurate to state that these measures could be implemented prior to works commencing.</p> <p>Therefore, the Applicant recommends that the original wording for requirement 21(2) be retained.</p>
25	<p>The Secretary of State would be grateful for comments from the Applicant, Broadlands District Council and Norfolk County Council on the proposed revision.</p>	

1.10 Non-standard Construction Hours

Para no.	Request for Information	Applicant's Response
26	<p>The Secretary of State notes that there was consideration during the Examination of how mitigation for impacts arising from non-standard construction hours might be given effect. The Secretary of State notes the provision made by the Applicant in its proposed DCO submitted at Deadline 9 for such mitigation. However, the Secretary of State considers that the following amendment should be made to the proposed DCO in the following terms:</p> <p>"Save for emergency works, the timing and duration full details, including but not limited to type of activity, vehicle movements and type, timing and duration and any proposed mitigation, of all essential construction activities under paragraph (2) and undertaken outside of the hours specified in</p>	<p>The Applicant has no objection to and is content to accept this proposed change to the wording of Requirement 26(4).</p>

Para no.	Request for Information	Applicant's Response
	paragraph (1) must be agreed with the relevant planning authority in writing in advance, and must be carried out within the agreed time.”	
27	The Secretary of State would be grateful for comments from the Applicant and North Norfolk District Council on the proposed amended wording.	

1.11 Control of Noise During Operational Phase

Para no.	Request for Information	Applicant's Response
28	<p>The Secretary of State notes the concerns expressed during the Examination of the Application about noise impacts at the proposed substation for the project both during the operation and maintenance of the infrastructure. The Secretary of State is considering whether an amendment to proposed DCO submitted by the Applicant at Deadline 9 of the Examination should be made to cover an event where agreed noise levels have been breached. The Secretary of State's proposed amendments are as follows:</p> <p>“Control of noise during operational phase and during maintenance</p> <p>1.—(1) The noise rating level for the use of Work No. 8A and during maintenance must not exceed 35dB LAeq, (5 minutes) at any time at a free field location immediately adjacent to any noise sensitive location.</p> <p>(2) The noise rating level for the use of Work No. 8A and during maintenance must not exceed 32 dB LLeq (15 minutes) in the 100Hz third octave band at any time at a free field location immediately adjacent to any noise sensitive location.</p> <p>(3) Work No. 8A must not commence operation until a scheme for monitoring compliance with the noise rating levels set out in paragraphs (1) and (2) above has been submitted to and approved by the relevant planning authority. The scheme must include identification of suitable monitoring locations (and alternative surrogate locations if appropriate) and times when the monitoring is to take place to demonstrate that the noise levels have been achieved after both initial commencement of operations and six months after Work No. 8A is at full operational capacity. Such measurements shall be submitted to the relevant planning authority no</p>	<p>The relevant planning authority at the onshore project substation is Breckland Council. The Applicant has contacted Breckland Council and both parties have no objection to, and are content to accept, the proposed change to the wording of Requirement 27.</p> <p>The Applicant has also contacted Norfolk County Council and North Norfolk District Council who confirm that they are not the appropriate planning authorities to comment on issues related to the onshore project substation area.</p>

Para no.	Request for Information	Applicant's Response
	<p>later than 28 days following completion to confirm the rating level of operational noise emissions do not exceed the levels specified in subparagraphs (1) and (2), including details of any remedial works and a programme of implementation should the emissions exceed the stated levels.</p> <p>(4) The monitoring scheme must be implemented as approved.”</p>	
29	The Secretary of State would be grateful, for the views of the Applicant, Norfolk County Council and North Norfolk District Council on the proposed changes to the development consent order.	

1.12 Part 4 Condition 9(12) of Schedules 9 and 10, and Condition 4(12) of Schedules 11 and 12 – notice of cable exposure

Para no.	Request for Information	Applicant's Response
30	The Secretary of State notes that during the Examination there was a disagreement between the MMO and the Maritime and Coastguard Agency (MCA) on the one side and the Applicant on the other about the timescale within which notification of damage to buried cables offshore should be provided by the Applicant.	<p>The Applicant has been in discussions with the MCA and the MMO in relation to Condition 9(12) of Schedules 9-10, and Condition 4(12) of Schedule 11-12.</p> <p>The Applicant is content to amend the timescale to three days within Condition 9(12).</p>
31	The Secretary of State is considering whether to amend the Applicant's proposed DCO submitted at Deadline 9 in the following way: “Delete ‘five days’ and replace with ‘three days’.”	As part of consultation with the MCA, the MCA raised a further point in relation to the trigger for the notification to mariners within Condition 9(12).
32	The Secretary of State would be grateful for comments from the Applicant, the Marine Management Organisation and the Maritime and Coastguard Agency on the proposed change.	<p>Accordingly, the Applicant has, in agreement with the MCA and MMO, updated Condition 9(12) of the draft DCO (document 3.1) to align with the drafting within the MCA's standard conditions, as follows:</p> <p><i>(12) In case of exposure of cables on or above the seabed, the undertaker must within five three days following identification of a potential cable exposure, the receipt by the undertaker of the final survey report from the periodic burial survey, notify mariners by issuing a notice to mariners and by informing</i></p>

Para no.	Request for Information	Applicant's Response
		<p><i>Kingfisher Information Service of the location and extent of exposure. Copies of all notices must be provided to the MMO and MCA within five days.</i></p> <p>The Applicant understands that the MCA and the MMO are content with copies of the notices being provided to the MMO and MCA within five days, in line with the standard conditions. Notwithstanding this, should the Secretary of State decide that a three day timescale is appropriate for both elements of the notification then the Applicant would be content to accept this.</p>

1.13 Conditions 14(1) and 9(1) of Schedules 9 and 10, and Condition 9(1) of Schedules 11 and 12 – lighting and marking plan and operation and maintenance programme

Para no.	Request for Information	Applicant's Response
33	<p>The Secretary of State notes that during the Examination there was a disagreement between the Maritime and Coastguard Agency and the Applicant about when a Lighting and Marking Plan and an Operation and Maintenance Programme should be submitted by the Applicant to the Maritime and Coastguard Agency. The Secretary of State would be grateful for comments from the Applicant and the Maritime and Coastguard Agency on the following amendment to the Applicant's proposed DCO submitted at Deadline 9:</p> <p>Add: "(n) a lighting and marking plan." and "(o) an operation and maintenance programme."</p>	<p>Lighting and Marking Plan (LMP)</p> <p>The Applicant does not consider that it is necessary or practical to have an express condition requiring an LMP given that the lighting and marking provisions are covered by Condition 10 and 11 of the Generation DMLs (Schedule 9-10), and Condition 5 and 6 of the Transmission DMLs (Schedule 11-12) (Aids to Navigation and Colouring of Structures), as well as the requirements under MGN543. The Applicant also notes that this matter is agreed in the SoCG with the MCA (REP9-049).</p> <p>Operation and Maintenance Programme (OMP)</p> <p>The Applicant can confirm that an OMP is already secured by Condition 14(1)(j) of the Generation DMLs (Schedule 9-10), and Condition 9(1)(j) of the Transmission DMLs (Schedule 11-12), which requires on Offshore Operations</p>

Para no.	Request for Information	Applicant's Response
		<p>and Maintenance Plan to be submitted to the MMO at least four months prior to commencement of operation and to be updated and resubmitted every three years during operation.</p> <p>The Applicant does not therefore consider it necessary to amend the dDCO further in relation to a condition for an LMP or for a separate OMP.</p> <p>The Applicant has been in discussions with the MCA and the MMO in relation to these points and the Applicant understands that the MCA and the MMO are in agreement with the Applicant's approach.</p>