

# Norfolk Vanguard Offshore Wind Farm Cover Letter to the Planning Inspectorate



Applicant: Norfolk Vanguard Limited  
Document Reference: 1.1  
Pursuant to APFP Regulation: 5(2)(q)

Date: June 2018  
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Author: Womble Bond Dickinson

*Photo: Kentish Flats Offshore Wind Farm*

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June 2018

For and on behalf of Norfolk Vanguard Limited

Approved by: Rebecca Sherwood and Ruari Lean

Signed:

[Redacted signature]

[Redacted signature]

Date: 07/06/2018

Norfolk Vanguard Limited

Norfolk Vanguard Offshore Wind Farm

Application for Development Consent – Covering Letter

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The Planning Inspectorate  
National Infrastructure Directorate  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

Dear Sirs

## **Planning Act 2008**

### **Norfolk Vanguard Limited**

#### **The proposed Norfolk Vanguard Offshore Wind Farm Order**

Norfolk Vanguard Limited (the **Applicant**) are pleased to enclose an application for an Order granting development consent (the **Application**) pursuant to section 37 of the Planning Act 2008 (the **2008 Act**).

#### **1 Subject of the Application**

- 1.1 The Application is for development consent to construct and operate an offshore wind farm located more than 47 km from the coast of Norfolk (the **Project**). The Project comprises up to 200 wind turbine generators and associated onshore and offshore infrastructure, with an export capacity of up to 1,800 MW. The offshore array site occupies an area of approximately 592 km<sup>2</sup> over two distinct areas, Norfolk Vanguard East and Norfolk Vanguard West.
- 1.2 The offshore array is located in the northern half of the former Zone 5 (East Anglia Zone) in the North Sea, which is being developed as two individual wind farms, both of which will require the appropriate statutory consents and approvals. The Project is the first to be proposed. The Norfolk Boreas offshore wind farm, the Applicant's sister project, comprises the next stage of development of this area and will be subject to a separate application for Development Consent.
- 1.3 Development consent is required to the extent that development is or forms part of a Nationally Significant Infrastructure Project (**NSIP**) pursuant to section 14(1)(a) and 15(3) of the 2008 Act. As the proposed wind farm is expected to have an export capacity of up to 1,800 MW it is an NSIP for the purposes of the 2008 Act. It is for this reason that the Project falls within the remit of the Secretary of State.

#### **2 Documentation enclosed and application fee**

- 2.1 We enclose two hard copies of:
  - 2.1.1 The completed and signed application form;
  - 2.1.2 The Environmental Statement (**ES**); and
  - 2.1.3 Each of the other documents listed in the Guide to the Application (Document 1.4).
- 2.2 We also enclose five USBs containing the documentation at 2.1.1 – 2.1.3 above.
- 2.3 A fee in the sum of £6,939 has been submitted to the account of the Planning Inspectorate (**PINS**).

### 3 Application Formalities

- 3.1 The Application is made in the form required by section 37(3)(b) of the 2008 Act. The Application documentation complies with the overall requirements of section 37 and the requirements set out in:
- 3.1.1 The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the **APFP Regulations**) (as amended);
  - 3.1.2 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017;
  - 3.1.3 The published Communities and Local Government (**CLG**) Guidance (March 2015) and PINS' Advice Note 6 on the preparation of application documentation (February 2016).

### 4 Description of the Project

- 4.1 The Application seeks consent for the development outlined above and described in full in Schedule 1 of the draft Development Consent Order (the **Order**) (Document 3.1) and in Chapter 5 Project Description of the ES (Document 6.1.05). The development, which is the subject of the Application, also contains associated development under Section 115 of the 2008 Act including the infrastructure necessary to connect the Project to the National Grid.
- 4.2 The option to install the onshore cable ducts for a future project (Norfolk Boreas offshore wind farm) is included in the Order. This provides that the onshore cable ducts for Norfolk Boreas could be laid at the same time (if practicable) as the installation of the onshore cables for the Project. This will minimise repeated disturbance to landowners and the public and would also facilitate the permanent reinstatement and landscaping works. The Order also includes the option for shared offshore infrastructure between the Project and Norfolk Boreas in the form of an offshore electrical platform.
- 4.3 In due course, a separate application for development consent is expected to be submitted for Norfolk Boreas comprising the offshore array and infrastructure, the related offshore and onshore export cables, the onshore substation and any further works to lay or to pull the onshore cables through any (previously laid) onshore ducts. A scoping opinion for Norfolk Boreas was applied for in May 2017.
- 4.4 The application includes the option to construct the Project in either one or two phases.
- 4.5 Further details of this approach are set out in the Explanatory Memorandum (Document 3.2), Statement of Reasons (Document 4.1), and ES (Document 6.1).

### 5 Consent Flexibility

- 5.1 The Order provides for flexibility in relation to the generating station and its associated development. The Applicant has given careful consideration to the guidance in the National Policy Statements and PINS' Advice Note "Rochdale Envelope", together with the pre-application discussions with PINS. In the Applicant's view, the inclusion of the flexibility provided for in the Order is fundamental to whether or not the Order is fit for purpose, and therefore whether or not the Project will proceed. This approach is discussed in more detail in the Explanatory Memorandum.
- 5.2 The Environmental Impact Assessment (**EIA**) which has been carried out in support of the Application has considered the flexibility which is sought in the Order. This matter is addressed in the ES and in all cases the parameters referred to in the Order have been adopted in the ES.
- 5.3 Further explanation on the Applicant's approach to the Rochdale Envelope is contained within the Explanatory Memorandum.

### 6 Deemed Marine Licences

- 6.1 Included within the Order at Schedules 9 to 12 are four deemed marine licences (**DMLs**), as provided for in Section 149A of the 2008 Act. The drafting of the DMLs allows for the transfer of the DMLs for the generation and transmission assets to separate companies if necessary. It also allows for phasing of the Project as set out above. The approach to the split of the

DMLs is discussed in more detail in the Explanatory Memorandum. The Order, and the DMLs, have been the subject of consultation with, and comment by, the Marine Management Organisation (**MMO**).

- 6.2 Where possible or appropriate the Applicant has sought to take comments into account in the documents submitted, but it should not be assumed that any of these organisations have approved the detailed form of the draft Order and DMLs. The Applicant expects to have further discussions to refine some aspects of the detail of the Order and DMLs after acceptance, as has taken place with other accepted NSIP applications.

## **7 Habitats Regulations**

- 7.1 The Application documents include a Habitats Regulations Assessment (**HRA**) Report (Document 5.3), as required by Regulation 5(2)(g) of the APFP Regulations. This Report identifies all relevant European sites and provides sufficient information for the competent authority to determine whether an appropriate assessment is required for the Project. In preparing the HRA Report, the Applicant has been mindful throughout of PINS' Advice Note 10 "Habitat Regulations Assessment".

- 7.2 The Applicant is aware of the European Court of Justice case of *People over Wind and Sweetman v Coillte Teoranta* dated 12 April 2018 (Case C-323/17). The approach to screening for the HRA was agreed with Natural England and, as set out above, information to support the HRA has been provided to enable the Secretary of State to carry out an Appropriate Assessment. For the purposes of the information provided, mitigation has not been taken into account at the screening stage.

## **8 Compulsory Acquisition**

- 8.1 The Applicant is seeking authority within the Order to acquire compulsorily land and interests and other related powers to support the delivery of the Project, details of which can be found in the Book of Reference (Document 4.3) and Statement of Reasons (Document 4.1). Adequacy of funding for compensation is dealt with in the Funding Statement (Document 4.2).

- 8.2 Part of the land in respect of which rights only are to be acquired compulsorily for the purposes of the Order is also considered to be open space land under Section 132 of the 2008 Act. It is considered that Section 132(3) of the 2008 Act applies, i.e. that the open space land, when burdened with the rights to install, inspect and maintain the cables, will not be any less advantageous to persons in whom it is vested, other persons, if any, if entitled to rights of common or other rights, and to the public. The Applicant has included a Section 132 Statement within the Statement of Reasons (Document 4.1).

## **9 Other Consents**

- 9.1 Details of other consents and licences not forming part of the Order, which the Applicant or others will be seeking in relation to the proposed Project and its associated development, are set out at Document 5.4. A number of these applications will be progressed in parallel with the consideration of the draft Order by the Secretary of State. The Applicant will update PINS periodically in relation to the progress of these applications.

## **10 Pre-application Consultation**

- 10.1 The Applicant has had careful regard to the pre-application consultation requirements of the 2008 Act, the guidance on pre-application consultation issued by CLG and PINS, and its pre-application discussions held with PINS, as required by sections 50 and 55(4) of the 2008 Act.

- 10.2 As required by section 37(3)(c), the Application is accompanied by the Consultation Report (Document 5.1), which provides details of the Applicant's compliance with sections 42, 47, 48 and 49 of the 2008 Act. The responses of statutory and non-statutory consultees are listed and summarised in the Consultation Report and these have informed the evolution of the Application and the Project overall.

- 10.3 Following the pre-application consultation, the Applicant became aware that one land interest had been transferred into new ownership. Whilst the previous land owner was consulted as part of the pre-application consultation, the new land owner has been included in the Book of Reference and will be notified of the Application and the opportunities to comment on it following acceptance of the Application.

**11 Other Matters**

- 11.1 Under Regulation 5(2)(l) of the APFP Regulations, an applicant is required to provide a plan of certain nature conservation sites and features and an assessment of any effects on those sites and features likely to be caused by the proposed development. There is an equivalent requirement under Regulation 5(2)(m) in relation to certain historic sites and features. These plans are attached as separate documents (Documents 2.8 and 2.9) however the assessments of any effects on these sites are provided in the ES and not as stand-alone documents.
- 11.2 As required by section 6 of the application form, the Applicant has completed the grid references to 6 digits, however it should be noted that the accurate location reference for the start grid reference contains 7 digits in WGS84 and UTM31N (EPSG code 32631) coordinate system and is as per the following: *Easting 506041 Northing 5853548*. The Applicant has included the correct reference within the DCO itself.
- 11.3 In April, 2018 Vattenfall underwent a change to its brand, defining its clear purpose to power climate smarter living and goal of enabling fossil fuel free living within a generation. The documentation associated with this application was prepared prior to this change, and as such contains the company's old logo. New materials moving forward after submission of the application will use the new branding, including new logo.
- 11.4 We look forward to hearing from you in relation to the formal acceptance of the Application.
- 11.5 Should you require any further clarifications or assistance please contact Ruari Lean on 01736 334 613 or [ruari.lean@vattenfall.com](mailto:ruari.lean@vattenfall.com) in the first instance.

Yours faithfully



Ruari Lean  
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Vattenfall Wind Power Limited & Norfolk Vanguard Limited