

Norfolk Vanguard Offshore Wind Farm

Chapter 7

Technical Consultation

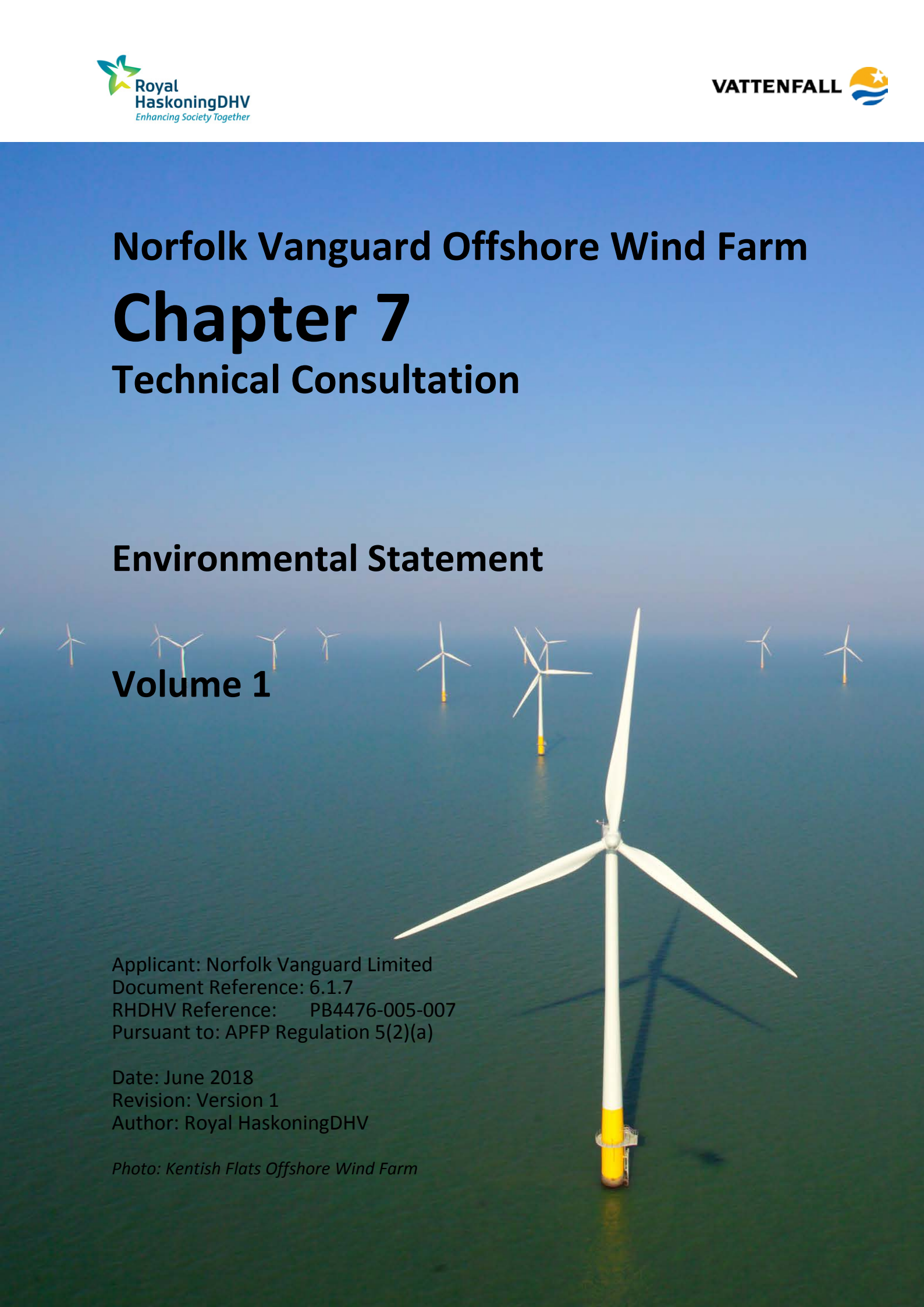
Environmental Statement

Volume 1

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Environmental Impact Assessment Environmental Statement

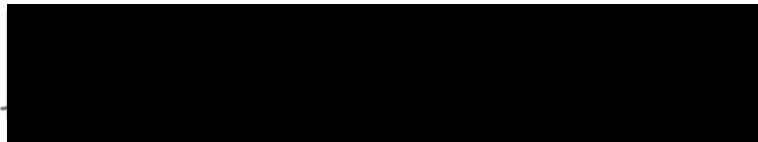
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June 2018

For and on behalf of Norfolk Vanguard Limited

Approved by: Ruari Lean and Rebecca Sherwood

Signed:



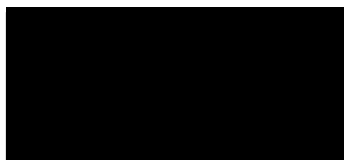
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Glossary

DCLG	Department for Communities and Local Government
DCO	Development Consent Order
EEA	European Economic Area
EIA	Environmental Impact Assessment
EIFCA	Eastern Inshore Fisheries Conservation Authority
EPP	Evidence Plan Process
ES	Environmental Statement
ETG	Expert Topic Group
EU	European Union
HRA	Habitat Regulations Assessment
IDB	Internal Drainage Board
IPC	Infrastructure Planning Commission
MMO	Marine Mammal Organisation
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
PEI	Preliminary Environmental Information
PEIR	Preliminary Environmental Information Report
RSPB	Royal Society for the Protection of Birds
SoCC	Statement of Community Consultation
SoCG	Statements of Common Ground
UK	United Kingdom
VWPL	Vattenfall Wind Power Limited
WDC	Whale and Dolphin Conservation
WFD	Water Framework Directive

7 TECHNICAL CONSULTATION

7.1 Introduction

1. This chapter of the Environmental Statement (ES) outlines the approach taken to consultation relating to the Environmental Impact Assessment (EIA) for the Norfolk Vanguard Offshore Wind Farm project (herein 'the project').
2. This chapter outlines the technical EIA consultation which has taken place to inform the Development Consent Order (DCO) application. Using the term "technical consultation" distinguishes it from all other aspects of consultation that have taken place in relation to the project and specifically focuses on consultation relating to the ES. Consultation in relation to the EIA includes statutory consultation (i.e. scoping and consultation undertaken in accordance with Section 42 of the Planning Act 2008 as amended (herein 'the Planning Act'), see section 7.2.1) and in accordance with Regulation 12 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (herein known as 'the EIA Regulations'), and non-statutory consultation (e.g. through the Evidence Plan Process (EPP), see section 7.3.2).
3. A summary of relevant technical consultation responses and the account taken of them by Norfolk Vanguard Limited is given in each technical chapter of the ES and where feedback has informed the site selection or project design; this is outlined in Chapter 4 Site Selection and Assessment of Alternatives and Chapter 5 Project Description, respectively.
4. All consultation, including technical, community, landowner, other stakeholders and statutory consultation under Sections 42, 47 and 48 of the Planning Act, is recorded in the Consultation Report (document reference 5.1) which accompanies the DCO application. A Statement of Community Consultation (SoCC) was published in October 2017 in accordance with Section 47 of the Planning Act. Consultation undertaken following publication of the SoCC is considered to be 'formal' under the Planning Act and prior to publication of the SoCC, the consultation undertaken was 'informal'.
5. Consultation is a continuous process throughout the development of the project, and stakeholders will continue to be consulted post DCO submission, where appropriate. The chapters of this ES have been prepared taking into account responses to pre-application consultations as outlined above. Where necessary, in order to allow finalisation of the ES and DCO application, a cut-off of the 1st May 2018 has been used for consultation information that has been incorporated in the ES. Consultation after this date will be given due consideration to inform the ongoing project development and examination.
6. Norfolk Vanguard Limited recognises that effective and meaningful consultation is an integral part of its development activities and is committed to ensuring an open and transparent approach to its consultation and engagement activities.
7. Following submission of the DCO application, Norfolk Vanguard Limited will endeavour to agree Statements of Common Ground (SoCG) on certain key technical issues to aid the

Planning Inspectorate in understanding where there is agreement or outstanding disagreement with stakeholders. More details are provided in section 7.5 of this chapter.

7.2 Policy and Guidance

7.2.1 The Planning Act

8. As detailed in Chapter 3 Policy and Legislative Context, the project is defined under Part 3, Section 15(3) of the Planning Act 2008 as a Nationally Significant Infrastructure Project (NSIP). Norfolk Vanguard Limited has therefore undertaken pre-application consultation in accordance with the requirements of the Planning Act 2008 and the EIA Regulations.
9. The relevant sections of Part 5, Chapter 2 of the Planning Act 2008 are:
 - Section 42 – Duty to consult;
 - Section 43 – Local authorities for the purpose of section 42(1)(b);
 - Section 44 – Categories for purposes of section 42(1)(d);
 - Section 45 – Timetable for consultation under section 42;
 - Section 46 – Duty to notify the Secretary of State of proposed application;
 - Section 47 – Duty to consult local community;
 - Section 48 – Duty to publicise; and
 - Section 49 – Duty to take account of responses to consultation and publicity.

7.2.2 National Policy Statements

10. Consultation has been undertaken with reference to the relevant National Policy Statements (NPS) which form the primary national guidance documents for NSIPs. These documents encourage applicants to carry out pre-application consultation with a range of stakeholders. The relevant NPS for the project are:
 - EN-1 - Overarching NPS for Energy;
 - EN-3 - Renewable Energy Infrastructure; and
 - EN-5 - Electricity Networks, which covers the electrical infrastructure in conjunction with EN-1.

7.2.3 EIA Regulations

11. Consultation is explicitly referenced in the EIA Directive (85/337/EEC) and is a key element of the EIA Regulations.
12. The EIA Directive (2014/52/EU) was published in the European Union's (EU) Official Journal in April 2014. Directive 2014/52/EU amends Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment.
13. Under Article 3(2) of the Directive, transposed by Regulation 37, the EIA Regulations 2017, where an ES is submitted or where a scoping opinion has been sought before 16 May 2017, the project can benefit from transitional provisions to continue under the provisions of the EIA Regulations 2009. Whilst it is considered that the project benefits from the transitional

arrangements, in order to ensure the EIA is of high quality and undertaken in accordance with best practice, Norfolk Vanguard Limited has voluntarily sought to comply with the EIA Regulations 2017 in the preparation of this ES. the new Directive within this ES.

14. The EIA Regulations set out a process by which statutory stakeholders are to be notified about the intention to submit an ES and consulted on the information to be provided in the ES. It places a duty on these stakeholders to enter into consultation with the promoter of an EIA development and to provide any environmental information they hold that is relevant to the preparation of the ES. The EIA Regulations also make provisions for the local community to be informed and consulted about the EIA development.
15. The EIA Regulations place a greater emphasis on consultation on the content of the ES, whereas the NPS highlight specific topics and stakeholder groups to consult. As such, Norfolk Vanguard Limited's approach to consultation has been informed by both the NPS and the EIA Regulations to ensure a thorough and robust consultation programme.
16. For the project, the relevant sections of the EIA Regulations relating to pre-application consultation are:
 - Regulation 8(1)(b) - Notify the Secretary of State in writing that the applicant proposes to provide an ES (note, however, that the initial notification made in October 2016 to the Secretary of State was made pursuant to Regulation 6(1)(b) of the EIA Regulations 2009);
 - Regulation 10 - Application for a Scoping Opinion;
 - Regulation 11- Procedure to facilitate preparation of ES;
 - Regulation 12 - Consultation statement requirements;
 - Regulation 13 - Pre-application publicity under section 48 (duty to publicise); and
 - Regulation 32 - Development with significant transboundary effects.

7.2.4 Planning Inspectorate Advice Notes

17. The Planning Inspectorate has published a series of advice notes in relation to NSIPs. The advice notes are non-statutory but provide advice and information on a range of issues arising throughout the whole life of the application process.
18. Norfolk Vanguard Limited's approach to consultation has been informed by a range of the Planning Inspectorate's Advice Notes, with particular reference to:
 - Advice Note 3: EIA Consultation and Notification (August 2017);
 - Advice Note 7: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping (December 2017);
 - Advice Note 10: Habitat Regulations Assessment (HRA) (November 2017); and
 - Advice Note 14: Compiling the Consultation Report (April 2012).

7.2.5 Guidance

19. Norfolk Vanguard Limited's approach to consultation has also been informed by the following guidance documents:
 - Department for Communities and Local Government (DCLG), March 2015 Planning Act 2008 - Guidance on the pre-application process; and
 - Infrastructure Planning Commission (IPC), 29 March 2010. IPC Guidance Note 1 on Pre-Application Stages (Chapter 2 of the Planning Act 2008) Revision 1.

7.3 Approach to EIA Consultation

20. Norfolk Vanguard Limited has conducted an iterative EIA consultation process on the project. The process described in this chapter is documented in full in the Consultation Report (document reference 5.1).
21. In order to inform the EIA, Norfolk Vanguard Limited has consulted on the project on a non-statutory (e.g. through the EPP, see section 7.3.2) and statutory basis since 2016 as the EIA and project design processes progressed.

7.3.1 Overview to Date

22. At the start of the project development process, Norfolk Vanguard Limited (Vattenfall Wind Power Ltd (VWPL) at the time – a parent company of Norfolk Vanguard Limited) notified the Secretary of State of its intention to undertake an EIA and provide an ES in respect of the project in October 2016. Initial meetings were also held with a number of organisations to introduce the project.
23. Norfolk Vanguard Limited commenced non-statutory technical consultation via the EPP (see section 7.3.2) in March 2016.
24. In October 2016, Norfolk Vanguard Limited (VWPL at that time) submitted a Scoping Report to the Planning Inspectorate. The Secretary of State then issued the Norfolk Vanguard Scoping Opinion in November 2016.
25. Since scoping, Norfolk Vanguard Limited has continued to engage in technical consultation via the EPP as well as undertaking extensive community consultation (the details of which are presented within the Consultation Report (document reference 5.1) submitted with the DCO application).
26. Norfolk Vanguard Limited consulted stakeholders in accordance with section 42 and section 47 of the Planning Act 2008 (as amended) with the submission of the Preliminary Environmental Information Report (PEIR) in November 2017. This was preceded by publication of a SoCC in October 2017. Norfolk Vanguard Limited has reviewed consultation responses received and in light of the feedback, has made a number of key decisions in relation to site selection and the project design which are outlined in Chapter 4 Site Selection and Assessment of Alternatives and Chapter 5 Project Description, respectively.

7.3.2 Evidence Plan Process

27. Norfolk Vanguard Limited consulted with stakeholders on a non-statutory basis prior to application submission through the EPP. Key consultation during this stage is recorded in the relevant chapters of the ES and the Consultation Report.
28. The EPP is a mechanism to help agree the information to be provided to the Planning Inspectorate as part of the DCO application, such that the project can show compliance with the EIA Regulations and the Conservation of Habitats and Species Regulations 2017.
29. The EPP aimed to assist all parties in the process during the evolution of the proposed DCO application, by:
 - Giving greater certainty to all parties on the amount and range of evidence to be presented within the application;
 - Providing structure and enhancing the efficiency of discussions to allow identification of key environmental and consenting issues;
 - Enabling time and resource requirements to be planned and optimised for all parties;
 - Helping address and agree issues earlier in the pre-application stage where possible so that robust, streamlined decisions could be taken, and additional data could be collected as required; and
 - Providing a platform to debate advice on particular topics between multiple agencies / stakeholders.
30. The EPP did not replace or duplicate existing requirements and was formulated to fit with the Planning Act 2008 DCO application process, including the statutory pre-application consultation processes.
31. Norfolk Vanguard Limited undertook the majority of EIA consultation through the EPP. EIA Consultation that was undertaken outside the EPP is detailed in section 7.3.3. The EPP also covered HRA consultation, which has influenced the Information to Support HRA Report (document reference 5.3).
32. While the EPP was intended to provide a positive tool in the consenting process, the involvement of statutory consultees in agreeing any methodologies was done on a 'without prejudice basis', and did not fetter their ability to make independent comments at the statutory consultation stage of the project. It was recognised that input to the EPP was at an officer-level (or other role level as applicable) and may not have influenced the final comments made at the statutory consultation stages by elected members or board members.

7.3.2.1 Expert Topic Groups

33. The EPP was divided into Expert Topic Group (ETG) areas which followed the topics covered by the EIA and HRA:

- Offshore:
 - Marine Physical Processes (nearshore and offshore);
 - Offshore Ornithology;
 - Water and Sediment Quality;
 - Benthic and Intertidal Ecology;
 - Marine Mammal Ecology;
 - Fish and Shellfish Ecology; and
 - Offshore Archaeology.
 - Onshore:
 - Onshore ecology (including onshore ornithology);
 - Onshore Water Quality, Water Framework Directive (WFD) and Flood Risk;
 - Traffic and Transport;
 - Air Quality;
 - Noise;
 - Health Impact Assessment;
 - Socio-Economics;
 - Tourism and Recreation;
 - Onshore Archaeology;
 - Landscape; and
 - Land Use.
34. To discuss the detail of these topics, separate groups of experts from relevant bodies were convened. These groups had the following functions:
- Agree the relevance, appropriateness and sufficiency of data for a specific assessment (including both site specific and contextual) and determine whether to continue or halt specific survey work and / or analysis);
 - Agree the methods for data analysis;
 - Agree assessment scenarios for the ES;
 - Agree methods for assessment(s) (including where possible interpretation of impact and levels of significance and potential mitigation or management measures); and
 - Agree whether and when to change the evidence requirements and collect additional evidence, including how these should be collected and analysed, updating the plan and timetable as necessary.
35. The process was iterative and each group worked through the above functions, reaching agreements as far as possible during the pre-application period. SoCG will be prepared where applicable, and any outstanding areas of disagreement will be noted in the relevant SoCG and (if appropriate) will be deliberated during examination.
36. Although the EPP was not part of the statutory consultation, it provides the audit trail for documents produced by Norfolk Vanguard Limited.

7.3.2.2 Consultation meetings

37. A summary of the consultation meetings held under the EPP is provided in Table 7.1 below.

Table 7.1 Overview of meetings under the EPP (to date)

Date	Activity	Consultees
21 st March 2016	Steering Group Meeting	The Planning Inspectorate, Natural England, Marine Management Organisation (MMO)
21 st March 2016	Benthic and Geophysical Survey Scope Meeting	Natural England, MMO
21 st March 2016	Offshore Ornithology and Marine Mammals Survey Scope Meeting	Natural England, MMO
20 th September 2016	Steering Group Meeting	The Planning Inspectorate, Natural England, MMO
24 th January 2017	Landscape, Land use, Health Impact Assessment, Socio-economics and Tourism Scoping Expert Topic Group Meeting	Norfolk County Council, Broadland District Council, Breckland Council, Natural England, Environment Agency
24 th January 2017	Onshore Ecology and Ornithology Scoping Expert Topic Group Meeting	Norfolk County Council, Natural England, Norfolk Wildlife Trust, Breckland Council, Environment Agency
25 th January 2017	Water Quality, WFD, Flood Risk, Land Quality and Geology Scoping Expert Topic Group Meeting	Environment Agency, Norfolk County Council, Anglian Water
25 th January 2017	Traffic & Transport, Air Quality and Noise Scoping Expert Topic Group Meeting	Norfolk County Council, Breckland District Council, Broadland District Council
1 st February 2017	Onshore Archaeology Scoping Expert Topic Group Meeting	Historic England and Norfolk County Council
1 st February 2017	Offshore Archaeology Scoping Expert Topic Group Meeting	Historic England and Norfolk County Council
15 th February 2017	Marine Mammals Scoping Expert Topic Group Meeting	Natural England, The Wildlife Trust, Whale and Dolphin Conservation (WDC) and Cefas
15 th February 2017	Offshore Ornithology Scoping Expert Topic Group Meeting	Natural England and Royal Society for the Protection of Birds (RSPB)
16 th February 2017	Benthic and Intertidal Ecology, Fish Ecology, Marine Physical Processes and Marine Water and Sediment Quality Scoping Expert Topic Group Meeting	Natural England, MMO, Environment Agency, Cefas, Eastern Inshore Fisheries Conservation Authority (EIFCA) and The Wildlife Trust
27 th February 2017	Traffic and Transport Expert Topic Group Meeting	Highways England
20 th April 2017	Water Quality, WFD, Flood Risk Expert Topic Group Meeting	Internal Drainage Board (IDB)

Date	Activity	Consultees
26 th May 2017	Water quality, WFD, Flood risk Expert Topic Group Meeting	Environment Agency
5 th July 2017	Benthic and Intertidal Ecology and Marine Physical Processes PEI Expert Topic Group Meeting	Natural England, MMO, Environment Agency, Cefas and North Norfolk District Council.
6 th July 2017	Marine Mammals PEI Expert Topic Group Meeting	Natural England, The Wildlife Trust, WDC and Cefas
6 th July 2017	Offshore Archaeology PEI Expert Topic Group Meeting	Historic England
17 th July 2017	Onshore Traffic and Transport Scoping Expert Topic Group Meeting	Norfolk County Council, Highways England
18 th July 2017	Onshore Ecology and Ornithology PEI Expert Topic Group Meeting	Natural England, Norfolk Wildlife Trust, Norfolk County Council
19 th July 2017	Landscape and Visual Impacts PEI Expert Topic Group Meeting	Norfolk County Council, Broadland District Council, North Norfolk District Council, Breckland Council
19 th July 2017	Onshore Archaeology and Cultural Heritage PEI Expert Topic Group Meeting	Historic England, Norfolk County Council, Broadland District Council, North Norfolk District Council,
20 th July 2017	Onshore Noise PEI Expert Topic Group Meeting	North Norfolk District Council, Breckland Council
8 th September 2017	Onshore Water Resources, Flood Risk, Ground Conditions and Contamination PEI Expert Topic Group Meeting	Environment Agency, IDB, Norfolk County Council, Anglian Water
6 th October 2017	Offshore Ornithology PEI Expert Topic Group Meeting	Natural England, RSPB
8 th December 2017	Marine Mammals HRA Expert Topic Group	MMO, Natural England, The Wildlife Trust, WDC
22 nd January 2018	Onshore Ecology and Ornithology Expert Topic Group Meeting – PEI Responses	Environment Agency, Breckland Council, Natural England, Norfolk County Council, North Norfolk District Council, Norfolk Wildlife Trust
23 rd January 2018	Onshore Water Resources, Flood Risk, Ground Conditions and Contamination Expert Topic Group – PEI Responses	Anglian Water, Environment Agency, IDB, Norfolk County Council
24 th January 2018	Landscape and Visual Impacts Expert Topic Group - PEI Responses	Breckland Council, Broadland District Council, Norfolk Coast Partnership, North Norfolk District Council
24 th January 2018	Onshore Archaeology and Cultural Heritage Expert Topic Group – PEI Responses	Breckland Council, Broadland District Council, Historic England, National Trust, Norfolk County Council, North Norfolk District Council,

Date	Activity	Consultees
25 th January 2018	Onshore Noise Expert Topic Group -PEI Responses (email exchange in lieu of meeting)	Breckland Council
25 th January 2018	Onshore Traffic and Transport Expert Topic Group – PEI Responses	Historic England, Norfolk County Council
31 st January 2018	Marine Physical Processes and Benthic Ecology HRA Expert Topic Group	Cefas, Environment Agency, EIFCA, MMO, Natural England
12 th March 2018	Onshore Ecology Expert Topic Group - Great Crested Newt Mitigation Meeting	Natural England, Norfolk Farming and Wildlife Advisory Group
19 th February 2018	Onshore Ecology – Ornithology Expert Topic Group	Natural England
22 nd March 2018	Water Resources Expert Topic Group	Anglian Water, Environment Agency
26 th March 2018	Offshore Ornithology HRA Expert Topic Group	Natural England, RSPB
26 th March 2018	Marine Mammal HRA Expert Topic Group	Natural England, MMO, WDC and The Wildlife Trust
23 rd April 2018	Marine Mammal HRA/Site Integrity Plan	Natural England
23 rd April 2018	Onshore Ecology Expert Topic Group - Draft Great Crested Newt Licence	Natural England
23 rd April 2018	Onshore HRA Expert Topic Group	Natural England

38. In addition to the consultation activities presented above, Norfolk Vanguard Limited has met with the Planning Inspectorate and Norfolk County Councils' Planning Officer on a regular basis throughout the development of the project, to provide updates and to seek advice on subjects including the site selection process, approach to the EIA and drafting the application documents.

7.3.2.3 Habitat Regulations Assessment consultation

39. Norfolk Vanguard Limited has also consulted specifically on the HRA through the EPP, in line with the Planning Inspectorate's Advice Note 10: HRA (January 2017). This advises that the applicant commences consultation with the relevant statutory and non-statutory nature conservation bodies at the earliest point in the pre-application process. The Norfolk Vanguard Offshore HRA Screening Report was issued to Natural England, the MMO, The Wildlife Trust, Whale and Dolphin Conservation (WDC), the Environment Agency, Cefas, North Norfolk District Council, the RSPB and the Eastern Inshore Fisheries Conservation Authority (EIFCA). The Norfolk Vanguard Onshore HRA Screening Report was issued to Natural England, Environment Agency, Norfolk County Council and Norfolk Wildlife Trust. The Offshore and Onshore HRA Screening reports were also provided as Appendix 10.4 and Appendix 22.6 of the PEIR, respectively.

40. This on-going dialogue with the nature conservation bodies has continued throughout the EPP as the HRA process progressed.

7.3.3 Other Technical Consultation

41. Consultation for EIA topic areas for which there are long established EIA consultation processes have been undertaken outside the EPP and the details of these are provided in the relevant technical chapters, namely:
- Commercial Fisheries (Chapter 14);
 - Shipping and Navigation (Chapter 15); and
 - Aviation and Radar (Chapter 16).

7.4 Transboundary Consultation

42. Under the Espoo Convention (1991), where a development is likely to cause ‘significant adverse transboundary impact’, relevant EEA Member States should be notified as early as possible, giving them the opportunity to participate in relevant EIA procedures. The Planning Inspectorate provided transboundary notification to EEA States regarding Norfolk Vanguard on the 16th February 2017. Five EEA States confirmed that they wish to participate in the procedure for examining the application: Denmark, Netherlands, Germany, France and Belgium. In addition to this pre-application consultation, statutory transboundary consultation will be undertaken by the Planning Inspectorate in accordance with Regulation 32 of the EIA Regulations, if and when it accepts Norfolk Vanguard Limited’s application for a DCO.

7.5 Statements of Common Ground

43. Following submission of the DCO application, Norfolk Vanguard Limited will endeavour to agree SoCGs with relevant consultees to assist the Planning Inspectorate in understanding which issues have been agreed and which remain unresolved.
44. Each SoCG will set out a record of consultation undertaken to date with that stakeholder, the key agreements reached and outstanding unresolved issues.
45. Norfolk Vanguard Limited will begin drafting the SoCG in consultation with the relevant stakeholders to reflect discussions from the EPP, after the application stage. The documents will be refined and finalised through the examination phase to reflect on-going consultation.

7.6 Conclusions

46. Norfolk Vanguard Limited conducted a comprehensive and transparent pre-application consultation in relation to the EIA process, with a wide range of stakeholders. The aim of the consultation process was to meet and exceed the requirements of the Planning Act 2008 and EIA Regulations. To this end it has taken into account relevant advice and guidance published by the Planning Inspectorate and relevant United Kingdom (UK) Government departments.

47. Stakeholders have been engaged in the development process from an early stage. Norfolk Vanguard Limited acknowledge and appreciate their involvement and corresponding influence on the design of the project (as outlined in Chapter 4 Site Selection and Assessment of Alternatives) and the EIA.
48. Consultation responses have been carefully documented and considered in the ongoing development work. Responses which are considered relevant to this ES and the regard Norfolk Vanguard Limited has had to them are included in each technical chapter of the ES and in the Consultation Report.
49. SoCGs will be progressed post-submission to demonstrate inform the examination process and work towards developing mutually acceptable solutions to issues.

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