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Ruari Lean
Norfolk Vanguard Limited

Your Ref:

Our Ref: EN010079

Date: 24 July 2018

By email

Dear Mr Lean

Planning Act 2008 – Section 51

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

Advice Following the Issue of Decision to Accept the Application for Examination

On 24 July 2018 the Secretary of State decided that the application for the proposed Norfolk Vanguard Offshore Windfarm satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008).

The Planning Inspectorate's (the Inspectorate's) [Acceptance checklist](#) and the Applicant's application documents have been published and made available on the [project page](#) of the National Infrastructure Planning website.

In undertaking checks at the Acceptance Stage, the Inspectorate made some initial observations in relation to the application. This letter comprises advice to the Applicant provided under section 51 of the PA2008 to be read in conjunction with the Acceptance checklist issued alongside it. The Applicant should pay attention to its content, and consider how appropriate action might be taken in response.

Habitats Regulations Assessment (HRA)

The Inspectorate is aware that there was an error in the number of bird species (red-throated diver, little gull and common scoter) on the original citation for the Greater Wash SPA, which has since been updated by the Joint Nature Conservation Committee (JNCC). The Applicant should be prepared to explain the extent to which the corrected numbers may or may not affect the findings in the Environmental Statement and the information for the HRA process.

With regard to the in-combination collision assessment for lesser black-backed gulls of the Alde-Ore SPA, the HRA Report states that 'preliminary estimates' of collision mortality have been used for Hornsea Project Three and Thanet Extension wind farms.

Applications for these projects have recently been submitted to the Planning Inspectorate. The Applicant is therefore requested to provide an update to their in-combination assessment, utilising relevant data included in these applications. The Applicant is also requested to revise the collision risk assessment for other relevant sites and features.

The Inspectorate notes that the Applicant has not provided a set of screening and integrity matrices as advised in Advice Note 10 Habitats Regulations Assessment. The Applicant is requested to provide screening and integrity matrices for all European sites for which there is an effect pathway.

Works and Land Plans

The Inspectorate has noted that there are a number of discrepancies between information contained in the Book of Reference and the Land Plans. Please see the comments below;

- The legend on the plans identifies blue coloured plots as 'Permanent acquisition of new rights'. It would be helpful to the Inspectorate if the Applicant could clarify whether this should read '*Creation of New Rights*' or '*Extinguishment of Rights*'?
- A series of plots for '*Permanent Freehold Acquisition*' shaded pink on the Land Plans, sheets 40-42 (Doc 2.02). However the Book of Reference (BoR) (Doc 4.3) confirms that these plots are for permanent acquisition. It is also noted that plot 41/21 is shaded pink on Land Plan sheet 41, and that the BoR states that permanent rights are sought for this plot. Please can the Applicant clarify the rights being sought for this plot?
- The following plots identified in the Land Plans, sheets 40 – 42 (Doc 2.02); 40/13, 40/15, 40/17, 40/18, 40/19, 40/21, 40/22, 40/24, 40/25, 40/29, 40/30, 41/02, 41/04, 41/06, 41/19, 41/20, 41/21, 41/26, 41/29, 41/31, 41/34, 41/35, 41/36, 41/37, 41/38 and 42/01) are also listed on page 24 of the Explanatory Memorandum (doc 3.2) as 'freehold plots'. Aside from plot 41/26 which is identified as being required for Work No. 10b, none of these plots appear in the draft DCO in relation to a work number. Please can the Applicant provide clarification on this?
- The Works Plans in combination with the Land Plans appear to indicate that the freehold plots are required in relation to work numbers 8A & B; 9; 10A, B & C; 11 & 12. This does not appear to be reflected in the draft DCO. It would be helpful if the Applicant could provide clarification on the requirements for these plots as part of the land required for the development and provide clarity on issues in relation to compulsory acquisition during the examination.

Plans showing Public Rights of Way (PRoW) to be Temporarily Stopped Up

The Inspectorate has noted that there are a number of discrepancies between the ProW Plans and the Draft DCO. Please can the Applicant provide clarity on the comments below:

- The Plans showing PRoW (Doc 2.06) are not accompanied by a standalone Key Plan.

- Schedule 3 of the draft DCO does not identify the corresponding sheet (there are 42) that illustrates the location of the stopped up PRoW, it just refers to *'the public rights of way to be temporarily stopped up plan'*.
- Schedule 3 of the draft DCO identifies that all bridleways and long distance trails, subject to be temporarily stopped up, are shown in orange on the corresponding plan. However on the plans they shown in either green or brown.
- There appears to be a discrepancy between information on Sheet 22 of 42 of the PRoW plan (Doc 2.6) and what appears in Schedule 3 of the draft DCO with regard to the stopping up points on footpath 24- Reepham FP8.

Plans showing Streets to be Temporarily Stopped Up

The Inspectorate has noted that there are a number of discrepancies between the plans showing streets to be temporarily stopped up and the Draft DCO. Please can the Applicant provide clarity on the comments below:

- Sheet 20 of 42 of the plan showing streets to be temporarily stopped up (Doc 2.07) illustrates the stopping up of an unidentified private road 59.52m in length between '20a and 20b'. However, Schedule 4 of the draft DCO does not have a listing for this description.
- There is also a duplicate listing for the stopping up of Oulton Street for approximately 70m between "20a and 20b", which is not illustrated on sheet 20 of 42 of the plan (Doc 2.07).
- Schedule 4 of the draft DCO lists the stopping up of 'Dereham Road' on page 71 as being between "31c and 31c". However, on the corresponding plan, sheet 31 of 42, (Doc 2.07) the stopping up is illustrated as being between '31c and 31d'.
- Schedule 4 of the DCO also lists an additional stopping up for 'Dereham Road' between "31d and 31d" which is not illustrated on the corresponding plan.
- Schedule 4 of the draft DCO lists the stopping up of 'Dereham Road' as being between "37d and 37e". However, on the corresponding plan - sheet 37 of 42 (Doc 2.7) it is illustrated as being between '37g and 37d'.
- Schedule 4 of the draft DCO lists the stopping up of 'Dale Road' as being between "37f and 37g". On the corresponding plan - sheet 37 of 42 (Doc 2.07) it is illustrated as being between '37e and 37f'.
- Sheet 41 of 42 of the Plan (Doc 2.07) illustrates three areas of the A47 that are to be stopped up. The third, an area 124.33m long between '41q and 41r' appears to be not listed in Schedule 4 of the DCO.

Photograph Plates

A number of photographs were submitted as part of Appendix 22.1 of the Environmental Statement (ES) 'Extended Phase 1 Habitat Survey Report Chapter 22 Onshore Ecology' and are listed below:

Onshore Ecology Annex G Plates Bats PART1; Bats PART2; Target Notes PART 1; Target Notes PART 2 and Target Notes PART 3.

As the photographs are not individually annotated it would be helpful if you could provide a more user friendly navigation tool in the form of a table where it is easy to identify what the relevant photo is in relation to.

Section 42(1)(a) persons prescribed

The Planning Inspectorate has identified the following parties based on a precautionary interpretation of the regulations that have not been consulted under s42:

- Energy Assets Networks Limited
- Energy Assets Power Networks Limited
- Fulcrum Electricity Assets Ltd
- G2 Energy IDNO Limited
- Murphy Power Distribution Limited
- Utility Distribution Networks Limited

Unless there is a good reason in each case on the basis of which the Applicant is confident that these bodies are not relevant to the proposed development, the Applicant is advised to include these bodies, or their appropriate successors, in its s56 notification exercise.

I trust that this advice is useful to you and that it will aid your preparation for the examination of the scheme.

If you have any questions about the content of this letter, please do not hesitate to contact me.

Yours sincerely

Tracey Williams

Tracey Williams
Case Manager

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