

Norfolk Vanguard Offshore Wind Farm

The Applicant's Written Representations

Applicant: Norfolk Vanguard Limited
Document Reference: ExA; WR; 10.D1.2

Date: January 2019
Author: Womble Bond Dickinson

Photo: Kentish Flats Offshore Wind Farm



Table of Contents

1	Introduction	1
2	Executive Summary	1
3	Background	1
4	Project Design.....	2
5	Relevant Policy	2
5.1	National Policy Statements	2
5.2	Marine Policy Statement.....	3
6	Draft Development Consent Order.....	4
7	Compulsory acquisition.....	4
8	Environmental Statement	5
9	Habitats Regulations.....	5
10	Conclusion	5

1 INTRODUCTION

1. In accordance with Rule 8(1)(a) and Rule 10(1) and (2) of the Infrastructure Planning (Examination Procedure) Rules 2010, this document constitutes a Written Representation prepared by Norfolk Vanguard Limited (the Applicant) in connection with the Development Consent Order (DCO) application for the Norfolk Vanguard Offshore Wind Farm (hereafter the Project).

2 EXECUTIVE SUMMARY

2. In summary, this Written Representation addresses and references:
 - Relevant policy framework and compliance, including the strong policy support for offshore wind farms and onshore electricity networks infrastructure in National Policy Statements (NPS) EN-1, EN-3 and EN-5.
 - The key features of the draft DCO and Deemed Marine Licences (DMLs), including flexibility provided.
 - The conclusions of the environmental assessment as detailed in the Environmental Statement (ES) (Document 6.1) in the context of the policy framework, including proposed mitigation, cumulative assessment and compliance with the topic assessment guidance in NPS EN-1 and EN-3.
 - The Information for the Habitats Regulations Assessment (Document 5.3), its taking full account of Advice Notice 10, and its accompanying matrices to inform the report on the implications for European Sites.
 - Compulsory acquisition and the compelling case in the public interest for compulsory acquisition powers to be granted under the DCO.

3 BACKGROUND

3. The application for a DCO under the Planning Act 2008 for the Project was submitted by the Applicant to the Planning Inspectorate (PINS) on 26 June 2018 (the Application). The Application was made in the form required by the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009, the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the 2009 EIA Regulations) and published guidance and relevant advice notes. The Application was accepted by PINS on 24 July 2018.

4 PROJECT DESIGN

4. The full project description is set out in the ES Chapter 5 Project Description (Document 6.1.05) and referenced in the Planning Statement (PS) which accompanies the DCO application (Document 8.2) at Section 1.2. Site selection and assessment of alternatives is addressed in ES Chapter 4 Site Selection and Assessment of Alternatives (Document 6.1.04) and at Section 1.2.1 of the PS and, in particular, the consultation that has been taken into account during the onshore and offshore site selection and the key decisions on project design in the light of consultation feedback; these documents further outline that the Project is compliant with EN-1 in relation to site selection.
5. Additional detail on the importance of offshore wind energy (and by extension, the Project) in meeting global, European Union and United Kingdom policy commitments for renewable energy and wider policy objectives for UK energy security, decarbonisation and economic growth is outlined in the ES Chapter 2 Need for the Project (Document 6.1.02).

5 RELEVANT POLICY

5.1 National Policy Statements

6. ES Chapter 3 Policy and Legislative Process (Document 6.1.03) presents a review of the national policy and legislative context which is of relevance to the Project and is discussed in the PS at Section 2.2. The primary policy guidance for decisions by the Secretary of State (SoS) on offshore wind farms such as the Project is the Overarching NPS for Energy (EN-1), in combination with the relevant technology specific NPS for Renewable Energy Infrastructure (EN-3) and the NPS for Electricity Networks Infrastructure (EN-5). Under section 104(2) of the Planning Act 2008, the Secretary of State must also have regard to any local impact report, any relevant matters prescribed by the Regulations, the Marine Policy Statement and any applicable Marine Plan and any other matters which the decision maker thinks are both important and relevant to its decision.
7. Part 2 of EN-1 outlines the policy context for the development of nationally significant energy infrastructure. Part 3 sets out the need for new Nationally Significant Infrastructure Projects (NSIP) for energy in the UK and notes (at paragraph 3.1.4) that the SoS should give substantial weight to the contribution which projects would make towards satisfying this need when considering applications for development consent under the Planning Act 2008. Further aspects of the need for the Project to ensure the UK is able to meet its targets are discussed

in the PS at Section 1.3, including the need to reduce greenhouse gas emissions (1.3.1), the role of offshore wind (1.3.1.1), the need for energy security (1.3.2) and the need to maximise economic opportunities (1.3.3).

8. EN-1 makes clear (at paragraph 3.3.15) that there is an urgent need for new (and particularly low carbon) energy NSIPs to be brought forward as soon as possible, and certainly in the next 10 to 15 years. New renewable energy projects need to continue to come forward urgently to ensure that the UK meets its target of sourcing 15% of its total energy from renewable sources by 2020 (paragraph 3.4.1). Offshore wind is expected to provide the largest single contribution towards the 2020 renewable energy generation targets (paragraph 3.4.3).
9. Given the level and urgency of need for such infrastructure, EN-1 makes clear that the SoS should start with a presumption in favour of granting consent to applications for energy NSIPs unless any more specific and relevant policies set out in the relevant NPS clearly indicate that consent should be refused (paragraph 4.1.2).
10. Other matters which the SoS should take into account are set out in EN-1 paragraphs 4.1.3 - 4.1.9.
11. The Project, with a proposed export capacity of up to 1,800MW, will make a very substantial contribution to the UK's 2030 climate and energy targets, and to satisfying the need for new renewable energy NSIPs.
12. In conjunction with EN-1, EN-3 provides the primary basis for decision making on renewable energy infrastructure applications and sets out the assessment requirements for renewable energy infrastructure (including offshore wind energy). It reiterates the basic assessment principle, as set out in EN-1, that the national need for energy infrastructure has already been demonstrated and acknowledges that offshore wind has the potential to form a considerable proportion of the UK's renewable generating capacity up to the year 2020 and beyond.
13. In conjunction with EN-1, EN-5 provides the principal guidance for decision making on Nationally Significant Electricity Network Infrastructure, and in the case of the Project, its onshore elements, as these will comprise of transmission and electrical network infrastructure.

5.2 Marine Policy Statement

14. Paragraph 4.1 of EN-1 and paragraph 2.6 of EN-3 refer to the implications of the Marine Policy Statement (MPS) in relation to offshore wind, noting that the Infrastructure Planning Commission (now SoS) must have regard to the MPS and applicable marine plans in taking any decision which relates to the exercise of any

function capable of affecting the whole or any part of the UK marine area. Further consideration of compliance with the MPS is set out in the PS at Section 2.3.

15. The Project satisfies the vision and objectives of the MPS through its contribution towards renewable energy targets, thereby helping in the development of a low carbon economy and as a sustainable economic development. Further, the assessment of the potential impacts of the Project through the completion of a detailed Environmental Impact Assessment (EIA) and by way of the conditions and requirements of the draft DCO, will ensure its sustainable nature.

6 DRAFT DEVELOPMENT CONSENT ORDER

16. The draft DCO submitted with the Application (Document 3.1) would grant development consent for an offshore generating station of up to 1,800MW, including up to 200 wind turbine generators and associated infrastructure. The draft DCO also includes draft DMLs under section 66(1) of the Marine and Coastal Access Act 2009.
17. Within the draft DCO, flexibility has been provided for the reasons explained in the Explanatory Memorandum (Document 3.2) and as endorsed by NPS EN-1 (4.2.7 - 4.2.10) and EN-3 (2.6.42-2.6.45), providing the resulting variables are fully assessed in terms of worst case effects. ES Chapter 6 EIA Methodology describes the methodology used throughout the ES assessment chapters and presents the project envelope approach. Where necessary, a range of parameters for each aspect of the project has been defined and subsequently, the worst case scenario associated with each parameter and dependent on the receptor has been used in each impact assessment. This provides confidence that the EIA process is robustly considering the likely impact of the project, whilst also allowing the project to be optimised and refined at the time of construction, noting that this may be several years after the DCO application is made. The project design envelope therefore provides the maximum extent of the consent sought. PINS Advice Note 9 (Rochdale Envelope) has also been fully considered in adopting the parameters for the proposed development in the draft DCO.
18. Other consents may be required for the Project at a later date, as detailed in Consents and Licences Required Under Other Legislation (Document 5.4).

7 COMPULSORY ACQUISITION

19. The compelling case in the public interest for compulsory acquisition powers to be granted is set out in the Statement of Reasons (Document 4.1).

8 ENVIRONMENTAL STATEMENT

20. The Application includes a comprehensive ES (Document 6.1, with supporting Appendices and Figures in Document 6.2). The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the 2017 Regulations) came into force on 16 May 2017 and transitional arrangements apply under Regulation 37, which allow the Applicant to rely on the 2009 EIA Regulations. Notwithstanding this, the Applicant has prepared the ES in accordance with the requirements of the 2017 Regulations. The ES has assessed all likely significant effects, including cumulative and in combination effects. The approach to the Rochdale Envelope is fully described in the ES.
21. In each ES topic chapter, the consultation process and key issues raised are set out, together with the paragraphs of NPS EN-1, EN-3 and EN-5 which are relevant to the assessment. Each topic chapter also sets out the worst case scenario for assessment purposes, the potential impacts and effects, proposed mitigation, cumulative impacts, inter-relationships and whether transboundary impacts are expected to occur.
22. The Applicant has had full regard to the assessment principles set out in EN-1. The technology specific offshore wind farm impacts in EN-3 have also been fully addressed in the ES and are specifically referred to in the relevant topic chapters.

9 HABITATS REGULATIONS

23. The Information to Support the Habitats Regulations Assessment (Document 5.3) which accompanies the Application has taken full account of PINS Advice Note 10 Habitats Regulations Assessment. It provides information for the competent authority to determine whether the Project is likely to have an adverse effect on the integrity of any European site and concludes that the Project, together with mitigation and monitoring as proposed, is not expected to have an adverse effect on the integrity of these sites. Matrices to inform the report on the implications for European Sites have been submitted to the Examining Authority and updates have been submitted as part of the Applicant's response to Deadline 1.

10 CONCLUSION

24. In determining applications for NSIPs of the type proposed by the Applicant, the wider benefits of offshore wind energy must be reviewed against local issues and concerns. This balancing exercise must also consider the context of national, UK and

European policies and obligations that seek to tackle climate change, deliver security of the UK's energy supply, and promote a shift to renewable energy.

25. The fundamental test to be applied in the decision making process is whether, on balance, the project is in accordance with the relevant NPSs (except to the extent that one or more of the matters set out in section 104(4) to 104 (8) applies, as detailed in Section 2.2 of the PS).
26. Once constructed, the Project would be one of the largest offshore wind projects in the world and would make a large contribution to both the achievement of the national renewable energy target (see section 2.2 of Chapter 2 Need for the Project of the ES) and to the UK's contribution to global efforts to reduce the effects of climate change. The Project alone would meet nearly 10% of the UK cumulative deployment target for 2030.
27. It is clear from the policy appraisal and assessment set out in the PS and summarised in this Written Representation that the Application accords fully with EN-1, EN-3 and EN-5.