

Norfolk Vanguard Offshore Wind Farm

Statement of Common Ground

National Farmers Union



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

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Glossary

CAAV	The Central Association of Agricultural Valuers - Local group formed of all the majority of the land agents representing affected land interests, collectively known as the Land Interest Group (LIG).
CLA	Country Land and Business Association Limited
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
HOTs	Heads of Terms
LIG	Land Interest Group
OWF	Offshore Wind Farm
NFU	National Farmers Union
PEIR	Preliminary Environmental Information Report
SoCG	Statement of Common Ground

1 INTRODUCTION

1. A Statement of Common Ground (SoCG) with the NFU and Norfolk Vanguard Limited (hereafter ‘the Applicant’) was requested by the Planning Inspectorate in the Norfolk Vanguard Rule 6 Letter (dated 9 November 2018).
2. The Planning Inspectorate asked that the SoCG include impacts on farming and land use.
3. This Statement of Common Ground has been prepared by the Applicant to set out the areas of agreement and disagreement with the National Farmer’s Union (NFU) in relation to the Development Consent Order (DCO) application for the Norfolk Vanguard Offshore Wind Farm (hereafter ‘the project’) based on consultation to date. Detailed input from the NFU on the SoCG is currently outstanding and the Applicant will continue to engage with the NFU to progress this SoCG.
4. This SoCG comprises an agreement log which has been structured to reflect topics of interest to NFU on the Norfolk Vanguard DCO application (hereafter ‘the Application’). Topic specific matters agreed, not agreed and actions to resolve between NFU and the Applicant are included.
5. The Applicant has had regard to the Guidance for the examination of applications for development consent (March 2015) when compiling this SoCG. Points that are not agreed will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.

1.1 The Development

6. The Application is for the development of the Norfolk Vanguard Offshore Wind Farm (OWF) and associated infrastructure. The OWF comprises two distinct areas, Norfolk Vanguard (NV) East and NV West (‘the OWF sites’), which are located in the southern North Sea, approximately 70km and 47km from the nearest point of the Norfolk coast respectively. The location of the OWF sites is shown in Chapter 5 Project Description Figure 5.1 of the Application. The OWF would be connected to the shore by offshore export cables installed within the offshore cable corridor from the OWF sites to a landfall point at Happisburgh South, Norfolk. From there, onshore cables would transport power over approximately 60km to the onshore project substation and grid connection point near Necton, Norfolk.
7. Once built, Norfolk Vanguard would have an export capacity of up to 1800MW, with the offshore components comprising:
 - Wind turbines;
 - Offshore electrical platforms;

- Accommodation platforms;
 - Met masts;
 - Measuring equipment (LiDAR and wave buoys);
 - Array cables;
 - Interconnector cables; and
 - Export cables.
8. The key onshore components of the project are as follows:
- Landfall;
 - Onshore cable route, accesses, trenchless crossing technique (e.g. Horizontal Directional Drilling (HDD)) zones and mobilisation areas;
 - Onshore project substation; and
 - Extension to the existing Necton National Grid substation and overhead line modifications.

1.2 Consultation with NFU

9. The NFU is the national body representing the interests of landowners and farmers across the United Kingdom.
10. This section briefly summarises the consultation that the Applicant has had with NFU. For further information on the consultation process please see the Consultation Report (document reference 5.1 of the Application).
11. Table 1 provides an overview of meetings and correspondence undertaken with NFU.

1.2.1 Pre-Application

12. The Applicant has engaged with NFU on the project during the pre-Application process, both in terms of informal non-statutory engagement and formal consultation carried out pursuant to Section 42 of the Planning Act 2008.
13. There has also been over 50 rounds of individual correspondence via phone and email between the NFU/Land Interest Group (LIG) and the Vattenfall Land Manager, regarding the drafting of the Heads of Terms (HoTs) between January 2018 and May 2018.

1.2.2 Post-Application

14. The NFU submitted a Relevant Representation to the Planning Inspectorate on 14th September 2018.
15. Discussions with the NFU are on-going in the post-application phase and this SoCG is a live document that will be updated as consultation on the project progresses.

2 STATEMENT OF COMMON GROUND

16. Within the sections and tables below, the different topics and areas of agreement and disagreement between NFU and the Applicant are set out.

2.1 Land Use and Agriculture

17. The project has the potential to impact upon farm land and farming businesses. Chapter 21 of the Norfolk Vanguard ES (document reference 6.1.21 of the Application) provides an assessment of the significance of these impacts.

18. Table 2 provides an update on the points raised through the relevant representation submitted by the NFU and the areas of agreement (common ground) and disagreement.

Table 1 Summary of Consultation with NFU

Date	Contact Type	Recipients	Topic
Pre-Application			
07.09.16	Meeting	NFU	Project introduction
23.09.16	Email	NFU	Update in relation to Scoping Report & Public Information Day (PID's)
12.10.16	Email	CAAV	Introduction to project and copy of newsletter with PID details
13.10.16	Email	CLA	Introduction to project and copy of newsletter with PID details
06.01.17	Email	NFU/CLA/ CAAV	Project update
20.01.17	Email	NFU/CLA/ CAAV	Project update, copy of survey letter and possible route plan
08.03.17	Email	NFU/CLA/ CAAV	Project update re RFI letters, copy of referencing and meeting letter & newsletter
27.03.17	Meeting	NFU	Attendance at NFU meeting at Barnham Broom to advise on project
24.04.17	Email	NFU/CLA/ CAAV	Update on project, PID's, landowner meetings and surveys
15.06.17	Email	NFU/CLA/ CAAV	Update on consultations with landowners, forthcoming newsletter and link to project website.
28.09.17	Email	NFU/CLA/ CAAV	Letter re. geophysical surveys

Date	Contact Type	Recipients	Topic
19.02.18	Meeting	NFU/CAAV	Meeting with land agent group with NFU present.
28.02.18	Email	NFU/CLA/ CAAV & Agents	Copy of proposed Heads of Terms (HOT's) & Payment schedule
16.03.18	Email	NFU/CLA/ CAAV & Agents	Information on updates to the Order limits following consultation, letter re. HVDC onshore cable solution and requesting agents details.
16.03.18	Email	NFU/CLA/ CAAV & Agents	Copy of Landowner Pack issued
02.05.18	Email	NFU/CLA/ CAAV & Agents	Update on consultations and advise of negotiations with agents group re HOT's
Post-Application			
17.08.18	Email	NFU/CLA/ CAAV & Agents	Update to all parties regarding application submission and acceptance.
14.09.18	Representation	PINS	NFU submitted a relevant representation to PINS.
06.11.18	Call	NFU	Applicant called NFU to attempt to arrange a meeting but mailbox full and unable to leave a message.
13.11.18	Call	NFU	Applicant called NFU to attempt to arrange a meeting but mailbox full and unable to leave a message.
19.11.18	Email	NFU	VF email NFU to attempt to arrange a meeting.
22.11.18	Email	Applicant	NFU response stating they have been away and would like some dates for meeting.
22.11.18	Email	NFU	Applicant response asking for suggested dates.

Table 2 Statement of Common Ground

Topic	Summary of NFU position	Summary of Norfolk Vanguard Limited position	Final position
Consultation and Engagement	Requested further specific details of scheme; information not forthcoming	<p>HOTs were issued by the Project in January 2018, with on-going discussions held with the working group until agreement of the HOTs in May 2018 .</p> <p>Construction timescales have previously been discussed with the working group. Chapter 5 of the Environmental Statement (ES) provides an indicative onshore construction programme including a summary of the main construction activities and sequence associated with installation of the Norfolk Vanguard onshore infrastructure. Final project timings cannot be provided until post-consent and subject to a Financial Investment Decision for the Project.</p>	
	No progression in negotiations in the last month (September 2018)	HOTS negotiation are on-going and there have been a number of recent queries raised e.g. access and Agricultural Holdings Act (AHA) Tenancies. HOTs continue to be progressed and Norfolk Vanguard expect a number of further terms to be completed by the start of 2019.	
	Draft option and easement still not sent out to agents or landowners	Option agreements have not yet been completed. Once completed, these will be sent to the landowners who have already agreed HOTs with Vattenfall. A meeting will be put in place between the acting solicitors and Vattenfall's legal counsel / solicitors. The option agreements will reflect the detail of the HOTs.	
Compulsory Acquisition and Compelling Case Requirement	Failure to conduct negotiations	Letters have been issued to landowners offering meetings since early 2017. Vattenfall and its agents have been negotiating with all landowner interests who have requested meetings and Vattenfall's in-house Land Manager has had a large number of rounds of negotiation with the LIG in particular with their lead representative. A select number of parties have refused meetings / made no contact, despite a number of communications and reminders of offers to meet with them. Consultation with landowners is ongoing and HOTs are being agreed where possible.	
	No meaningful negotiations have taken place regarding the site for the converter substation and access routes	The landowners affected by the proposed substation and access are not represented by the LIG.	

Topic	Summary of NFU position	Summary of Norfolk Vanguard Limited position	Final position
HVDC Cables and Converter Station	Laying of HVDC cables will hopefully reduce the impact on land operations and farm businesses	The commitment to HVDC technology minimises environmental impacts through a reduction in the cable working width and permanent easement, removes the requirement for a cable relay station and reduces the maximum duration of the cable pull phase thereby reducing the impact on land operations and farm businesses.	Agreed
	Information requested on the size of the converter substation building, as well as appearance and external cladding	This information is available in the following DCO application documents: <ul style="list-style-type: none"> • Design and Access Statement, section 6.3, doc ref 8.3, also • ES Chapter 4 Site Selection and Assessment of Alternatives • ES Chapter 5 Project Description, • ES Chapter 29 Landscape and Visual Impact Assessment. 	

	<p>Why has such a prominent elevated site been chosen due to its visibility, particularly from the south and the west</p>	<p>The Applicant will work to ensure that mitigation proposed is proportional to the scale of the substation infrastructure, and that it mitigates the overall impact on the local area. The key mitigation in relation to landscape and visual impacts of the project substation is its location. The proposed location for the onshore project substation makes effective use of topographic undulations and existing natural screening in the form of Necton Wood and existing hedgerows. The process of identifying the preferred onshore project substation site is set out in ES Chapter 4 Site Selection and Alternatives, and a detailed assessment of visual impacts is presented in ES Chapter 29 Landscape and Visual Impact Assessment (both DCO doc ref. 6.1). Chapter 29 also provides details of the mitigation that has been committed to in order to further reduce potential visual impacts. This includes:</p> <p>Additional mitigation planting to enhance the screening effect of existing hedgerows and woodland blocks in the local area. The location of this planting and photomontages/visualisations are provided in Chapter 29 of the Environmental Statement.</p> <p>Bunds, or earth mounds, will be constructed where possible to increase the base height and maximise the effectiveness of mitigation planting as screening.</p> <p>Mitigation planting will comprise faster growing ‘nurse’ species and slower growing ‘core’ species. Core species with an average growth rate of 250mm per annum will provide 5m to 7m of growth after 20 years which will characterise the woodland structure over the long term. Nurse species would be faster growing (350mm per annum) to provide 7m to 8m of screening after 20 years.</p> <p>Where advanced planting can be achieved (in areas not affected by the construction works), this will commence in 2020 which will provide a minimum 3 years of growth prior to commencement of operation which equates to approximately 1.2m of additional growth.</p> <p>This information was also made available pre-examination in the information sheet – Onshore project Substation, accessible via the project website: https://corporate.vattenfall.co.uk/contentassets/bf0e5e31bbab467eaf02040c7b17513a/180-vattenfall-substation-info-sheet.pdf</p> <p>Issues related to visual impact and mitigation have been considered in part or in full in the following submission documents:</p>	
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Topic	Summary of NFU position	Summary of Norfolk Vanguard Limited position	Final position
		<p>Chapter 4 of the ES Site Selection and Alternatives (doc ref 6.1 – all ES chapters) Chapter 29 of the ES – Landscape and Visual Impact Assessment Section 17 of the Consultation Report – Overview of Non-Statutory Consultation and influence on the Project (doc ref 5.1) Section 23 of the Consultation Report – Summary of responses Received under Section 47 of the 2008 Act Appendix 4.2 of the Consultation Report – FAQ Documents Appendix 12.7 of the Consultation Report - Phase I Non-Statutory Exhibition Materials Appendix 12.8 of the Consultation Report – Phase II Non-Statutory Exhibition Materials Appendix 14.1 of the Consultation Report – June 2017 Newsletter Appendix 14.8 of the Consultation Report – Necton Substation Workshop Presentations Appendix 20.10 of the Consultation Report - Formal Consultation Public Exhibition Boards Appendix 20.14 of the Consultation Report – February 2018 Newsletter Appendix 22.1 of the Consultation Report – Section 42 Responses and regard had by the Applicant Design and Access Statement, section 5.2 (doc ref 8.3).</p>	
	<p>Questions as to why site is not close to the National Grid substation, which is not as visible</p>	<p>Appendix 4.9 of the ES Chapter 4 Site Selection and Alternatives - Onshore Project Substation Site Selection (doc ref 6.2.4.9) (see response above)</p>	
	<p>Screening provided by land form and existing features has not been taken advantage of</p>	<p>Appendix 4.9 of the ES Chapter 4 Site Selection and Alternatives - Onshore Project Substation Site Selection (doc ref 6.2.4.9) (see response above)</p>	
<p>Construction and funding</p>	<p>Further clarification needed on timings of construction and how construction will take place for the Boreas scheme</p>	<p>Final project timings for both Norfolk Vanguard and Norfolk Boreas cannot be provided until post-consent and subject to a Financial Investment Decision for the projects. Further information will be detailed in the Option Agreement. This has been discussed with the LIG and detailed in the HOTs regarding compensation for compounds and working areas.</p>	

Topic	Summary of NFU position	Summary of Norfolk Vanguard Limited position	Final position
	Confirmation is sought whether Vattenfall have the funding required for both schemes.	The details on funding are provided in the Funding Statement (Document Reference 4.2).	
Cumulative Impact	Confirmation is sought for whether a cumulative affect assessment has been addressed of both Vanguard and Boreas schemes along with the Orsted Scheme Hornsea 3.	<p>Cumulative impacts have been considered in all the onshore ES chapters (19 to 31) and Chapter 33 provides a summary of all onshore cumulative impacts.</p> <p>The assessment methodology for the CIA considers whether impacts on a receptor may occur on a cumulative basis between Norfolk Vanguard and other projects, activities and plans (either consented or forthcoming) in the onshore study area. This includes both Norfolk Boreas and Hornsea Project Three. The scope of the CIA (in terms of relevant issues and projects) has been agreed with relevant consultees during the pre-application process.</p> <p>In addition, cumulative impacts are discussed within the following other submission documents.</p> <p>Section 23 of the Consultation Report – Responses received under Section 47 of the 2008 Act Appendix 14.4 of the Consultation Report – Cable Relay Station Workshop Presentation Appendix 14.8 of the Consultation Report – Necton Substation Workshop Presentation Appendix 22.1 of the Consultation Report – Section 42 Responses and regard had by the Applicant</p>	
Jointing bays and Link Boxes	How many HVDC cables required are likely to be for the link boxes, as well as the link box locations. Preference is that all link boxes are located within field boundaries	Vattenfall have given commitments in the HOTs that where possible the link boxes will be located at field boundaries. However, where this is not possible, consultation will take place with the landowner to discuss the potential locations of the link boxes. In some cases, there may be no other option but to have these outwith field boundaries. Landowners will be compensated appropriately for these as detailed and agreed in the HOTs. Details of the design considerations associated with link boxes is included within the Design and Access Statement, section 6.2, doc ref 8.3	

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Field Drainage	<p>Insufficient detail received by LIG in regard to how reinstatement of field drainage will take place</p>	<p>Initial information regarding land drainage has been set out in the Outline COCP as submitted as part DCO application (Section 8 of the COCP, Doc ref 8.1). This includes commitment for a local specialised drainage contractor to undertake surveys to locate drains and create drawings both pre- and post-construction, and ensure appropriate reinstatement in consultation with landowners and occupiers. The pre-construction drainage plan will include provisions to minimise water within the working area and ensure ongoing drainage of surrounding land. (Section 8.1 and 11.1.4 of the Outline CoCP, document 8.1).</p> <p>Land drainage systems would be maintained during construction, where possible, and reinstated on completion. Following construction, field drainage systems and ditches would be fully reinstated where possible in consultation with landowners / occupiers.</p> <p>A Surface water and Drainage Plan is secured through Requirement 20(2)(i) of the draft DCO.</p> <p>Since DCO submission, the Applicant has conducted a full onshore cable route engineering visual inspection (where access allowed – approximately 85% of cable route length) to gather information of existing above ground drainage arrangements and have requested details of existing drainage arrangements (particularly subsurface) from landowners. This information will be used to develop the Surface Water and Drainage Plan in due course, which will form part of the final CoCP and is secured through DCO Requirement 20.</p>	
	<p>No details provided on how any increase in surface run off water from the haul road or construction compounds will be dealt with, therefore there is a flood concern</p>	<p>The Outline CoCP (document 8.1) provides details of the principles of construction drainage, with an acknowledgement that a detailed Surface Water and Drainage Plan (Requirement 20 (2)(i)) will be developed, agreed with the relevant regulators and implemented.</p>	

Topic	Summary of NFU position	Summary of Norfolk Vanguard Limited position	Final position
Soils	<p>Limited detail regarding the treatment and reinstatement of soil during and after construction</p>	<p>Chapter 21 of the ES identifies the soil resource potentially affected by the project.</p> <p>Initial information regarding soil management during construction has been set out in the Outline Code of Construction Practice (COCP) as submitted as part DCO application (Section 8 of the COCP, Doc ref 8.1) to ensure required mitigation measures will be implemented on site to minimise any effects.</p>	
	<p>Specific details on soil management during construction and access routes to be supplied by contractor once appointed</p>	<p>This has been discussed with landowners and agreed ahead of the HOTs being issued. While all information is not available at this time, it has been agreed that full records of condition will take place pre- and post-installment.</p> <p>Soil management is secured through Requirement 20(2)(f) of the draft DCO.</p>	
Dust/Irrigation	<p>No clarification on how issues such as dust will be controlled and how the effect on irrigation can be minimised</p>	<p>Impact of dust has been assessed within ES Chapter 26 Air Quality (section 26.7.5.1). The Outline CoCP (document 8.1) sets out control measures in relation to air quality to ensure that any potential effects are adequately mitigated and details the proposed dust management measures for the construction works. This is secured through Requirement 20(2)(l) of the draft DCO.</p> <p>Issues related to dust, noise and disturbance have been considered in part or in full in the following submission documents:</p> <ul style="list-style-type: none"> Chapter 25 of the ES - Noise Chapter 26 of the ES - Air Quality Chapter 27 of the ES - Human Health Chapter 30 of the ES – Tourism and Recreation Chapter 31 of the ES – Socio-Economics 	

Topic	Summary of NFU position	Summary of Norfolk Vanguard Limited position	Final position
Access Routes to the Order Limits	<p>Issues have been raised that some of the access routes are not physically possible on the ground due to differing ground levels, and it is unsure whether all the access routes highlighted are needed.</p>	<p>Meetings were held during October and November 2018 with Vattenfall’s agents, Consents Solutions, and land agents on an individual basis to discuss and agree the Operational & Maintenance access options for specific clients.</p> <p>Accesses required for construction have been assessed individually to provide access to complete the construction works and these are secured within the Order Limits submitted as part of the application of the projects and therefore are not able to be changed. Where construction accesses are planned to also be used as O&M accesses and there are better alternatives, these will be considered on a case-by-case basis.</p> <p>Issues related to access have been considered in part or in full in the following submission documents:</p> <p>Design and Access Statement, section doc ref 8.3.</p>	
Access to land and the Haul Road	<p>Insufficient detail has been provided on how landowners will access land severed by construction works and whether they can access the haul road during construction. Also can haul road be constructed with tracking laid on the land, and how long the haul road will be in place</p>	<p>Landowners will be given an access point across the haul road as long as there are no concerns from an HSE perspective. Details on the length of construction times are detailed within ES Chapter 5 and the Outline Code of Construction Practice (CoCP) (Doc ref 8.1).</p> <p>Construction teams would work on a short length (approximately 150m section) and once the cable ducts have been installed, the section would be back filled and the top soil replaced before moving onto the next section. This would minimise the amount of land being worked on at any one time. Temporary means of access will be provided to severed fields for vehicles and machinery in order to ensure access is maintained wherever practicable and appropriate planning and timing of works will be agreed with landowners and occupiers, subject to individual agreements, to reduce conflicts.</p> <p>A commitment of no more than 20% of the haul road will need to be left in situ or reinstated during the construction phase of the Project. Vattenfall’s preferred position is to strip the top soil and use the subsoil to track over. Where this is not possible, trackway may be used. In some extreme cases Type 1 hardcore may be required for a period of time however, this is seen as the worst case scenario.</p>	

The undersigned agree to the provisions within this SOCG

Signed	
Printed Name	
Position	
On behalf of	NFU
Date	

Signed	R Sherwood
Printed Name	Rebecca Sherwood
Position	Norfolk Vanguard Consents Manager
On behalf of	Norfolk Vanguard Ltd (the Applicant)
Date	15 January 2019