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Ministry of Defence and Norfolk  
Vanguard Limited

Your Ref:

By email

Our Ref: EN010079

Date: 22 January 2019

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Dear Sir/Madam

**Planning Act 2008 (as amended) and the Infrastructure Planning  
(Examination Procedure) Rules 2010 (as amended) – Rule 17**

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

**Request for further information**

The Examining Authority has now considered the Statement of Common Ground (SoCG) between the Ministry of Defence (MOD) and the Applicant dated January 2019. The position appears to have moved on following the MOD representation dated 6 December 2018 when the MOD confirmed that it was still considering mitigation proposals and that, to safeguard its position, it was appropriate to make provision in the examination schedule to consider the impacts of the development upon national defence interests. The MOD further indicated that some, or all, of the evidence in relation to this matter may need to be handled as confidential information in the interests of national security.

The SoCG sets out events since the MOD industry-wide statement of 24 August 2018. It records that the Applicant submitted further mitigation proposals to the MOD on 23 December 2018 which appear to be acceptable in principle to the MOD. The Examining Authority notes that the SoCG records the agreement that '*a technical mitigation solution is technically feasible and it is reasonable to consider that such a solution can be implemented*'. The SoCG notes that agreement upon the appropriate wording and timing of such mitigation measures is still to be agreed.

On the basis of the above it would appear that agreement between the parties is possible. Upon such agreement, the Examining Authority presumes that the MOD would remove its objection and the technical issues would no longer be a live issue within the examination. In the event that a resolution is not reached between the parties and the issues need to be ventilated in the examination, the MOD has already indicated that some or all of those matters might need to be heard in a Closed Hearing. **The purpose of this letter is to place the parties on notice of the**

**actions which may need to be taken in the event of no agreement and the likely timescales for such actions.**

Any interested party can make a request direct to the Secretary of State (SoS) for a Direction preventing certain representation being heard in public. The request will be publicised by the SoS and following responses, a direction made about precluded persons. A person would have to be appointed to represent the interests of precluded persons. Anyone attending the closed hearings, including the Examining Authority will require security clearance which will take several weeks to obtain. A secure venue would need to be procured for any closed hearing.

Both parties are aware of the statutory nature of the prescribed timetable. The Examining Authority is therefore concerned to ensure that any request for a closed hearing is made expeditiously so as not to prejudice the timetable of the examination. All evidence must be heard before the end of the examination on the 10 June 2019. The onus is on the MOD to submit a request for a closed hearing should it feel that one is necessary to hear the relevant evidence. It may be that not all of the evidence is sensitive and drafting issues concerning the DCO and the timing of mitigation measures may be such matters. If this is the case then notwithstanding the ongoing discussions regarding these issues it may be that the MOD is already in a position to confirm that a closed hearing would not be necessary.

In the circumstances the Examining Authority requests a response to this letter by **Wednesday 30 January 2019 (Deadline 2)** setting out the position and providing a clear indication as to whether or not a closed hearing is to be requested.

Yours faithfully

*Karen Ridge*

**Lead Member of the Panel of Examining Inspectors**

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