

Norfolk Vanguard Offshore Wind Farm

Statement of Common Ground

Network Rail Infrastructure Limited



Applicant: Norfolk Vanguard Limited
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Author: Ardent

Photo: Kentish Flats Offshore Wind Farm

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1 INTRODUCTION

1. A Statement of Common Ground (SoCG) with Network Rail Infrastructure Limited and Norfolk Vanguard Limited (hereafter ‘the Applicant’) was requested by the Planning Inspectorate in the Norfolk Vanguard Rule 8 Letter (dated 19 December 2018) to include impacts on the operations of statutory undertakers and protective provisions.
2. This SoCG has been prepared with Network Rail Infrastructure Limited and Norfolk Vanguard Limited (hereafter ‘the Applicant’) to set out the areas of agreement and disagreement in relation to the Development Consent Order (DCO) application for the Norfolk Vanguard Offshore Wind Farm (hereafter ‘the project’).
3. **Update for Deadline 4:** The Applicant and Network Rail Infrastructure Limited remain in discussions on the protective provisions. The Applicant is confident that agreement will be reached shortly and the Applicant will update the Examining Authority accordingly. The remainder of this SoCG remains unchanged from the version submitted at Deadline 1.
4. This SoCG comprises an agreement log which has been structured to reflect topics of interest to Network Rail Infrastructure Limited on the Norfolk Vanguard DCO application (hereafter ‘the Application’). Topic specific matters agreed, not agreed and actions to resolve between Network Rail Infrastructure Limited and the Applicant are included.
5. 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 Network Rail Infrastructure Limited

9. This section briefly summarises the consultation that the Applicant has had with Network Rail Infrastructure Limited. For further information on the consultation process please see the Consultation Report (document reference 5.1 of the Application).

10. Network Rail is a statutory undertaker and owns, operates and maintains the majority of the rail infrastructure of Great Britain. As a statutory undertaker Network Rail is consulted on and involved in a large number of DCOs.

1.2.1 Pre-Application

11. The parties have been in regular dialogue regarding the Project since September 2017 and discussions are on-going in order to conclude commercial and technical arrangements to accommodate the works. The parties consider that appropriate agreements will be agreed within the timeframes required by the Project. The Applicant has engaged with Network Rail Infrastructure Limited 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.

12. Further to the statutory Section 42 consultation, the parties have corresponded regularly.

1.2.2 Post-Application

13. Network Rail Infrastructure Limited submitted a Relevant Representation to the Planning Inspectorate on 14 September 2018. Table 1 outlines the key points raised in this representation and the current position as agreed on these matters.

2 STATEMENT OF COMMON GROUND

14. Within the sections and tables below, the different topics and areas of agreement and disagreement between Network Rail Infrastructure Limited and the Applicant are set out.
15. The project has the potential to impact upon assets owned and operated by Network Rail Infrastructure Limited.
16. Table 1 provides areas of agreement (common ground) and disagreement regarding any required land agreement and Protective Provisions.

Table 1 Statement of Common Ground

Topic	Norfolk Vanguard Limited and Network Rail discussion points	Network Rail Infrastructure Limited position	Final position
Consultation			
Land and Property Agreement and Protective Provisions			
Matters raised in representation.	Network Rail considers that there is no compelling case in the public interest for the acquisition of the Compulsory Powers and Network Rail considers that the Secretary of State, in applying section 127 of the Planning Act 2008, cannot conclude that new rights and restrictions over the railway land can be created without serious detriment to Network Rail's undertaking; no other land is available to Network Rail which means that the detriment can be made good by them. Network Rail also objects to all other compulsory powers in the Order to the extent that they affect, and may be exercised in relation to, Network Rail's property and interests.	Under discussion	The applicant is working with Network Rail to conclude Heads of Terms (HoTs) for an easement to pass cables underneath the railway and the other additional agreements and documents referred to below.
	In order for Network Rail to be in a position to withdraw its objection Network Rail requires agreements with the Applicant that regulate: <ul style="list-style-type: none"> - the manner in which rights over Plot 10/04 and any other railway property are carried out including terms which protect Network Rail's statutory undertaking and agreement that compulsory acquisition powers will not be exercised in relation to such land; and 	Under discussion	The applicant is working with Network rail to conclude Heads of Terms (HoTs) for an easement to pass cables underneath the railway and maintain the cables, and the following agreements and documents: <ol style="list-style-type: none"> 1. A framework agreement that describes and attaches the draft agreements

Topic	Norfolk Vanguard Limited and Network Rail discussion points	Network Rail Infrastructure Limited position	Final position
	<p>- the carrying out of works in the vicinity of the operational railway network to safeguard Network Rail's statutory undertaking.</p>		<p>that will need to be entered into and the protective measures for the benefit of Network Rail that will need to be complied with by the Applicant;</p> <ol style="list-style-type: none"> 2. An Asset Protection Agreement to detail how Network Rail's assets will be protected during the construction and operation of the scheme; and 3. Protective Provisions (see below).
	<p>In order for Network Rail to be in a position to withdraw its objection Network Rail requires agreements with the Applicant that regulate the inclusion of protective provisions in the DCO for its benefit. Network Rail notes and welcomes the fact that there are protective provisions for its benefit in the Order and, if necessary, will provide detailed comments on, and amendments to, the protective provisions when it submits its detailed Written Representation.</p>	<p>Under discussion</p>	<p>The Applicant has included Protective Provisions within the draft DCO specifying protective measures for the benefit of Network Rail or requiring the Applicant to agree such measures. Network Rail has provided initial comments on the draft Protective Provisions. Discussions between the parties in relation to the draft Protective Provisions are ongoing and the parties hope to agree a final form of the Protective Provisions and submit these to the Examining Authority during the course of the Examination.</p>

The undersigned agree to the provisions within this SOCG

Signed	
On behalf of	
Date	

Signed	R Sherwood
Printed Name	Rebecca Sherwood
Position	Norfolk Vanguard Consents Manager
On behalf of	Norfolk Vanguard Ltd (the Applicant)
Date	12 March 2019