

02 May 2019

Sian Evans
The Planning Inspectorate
National Infrastructure Directorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Womble Bond Dickinson (UK) LLP

3 Temple Quay
Temple Back East
Bristol
BS1 6DZ

Tel: 0345 415 0000
Fax: 0345 415 6900
DX: 200561 Bristol Temple Meads

josh.taylor@wbd-uk.com
Direct: +44 (0)117 989 6838

Our ref:
VJR2/JT8/47583.46
Your ref:

Dear Sirs

Norfolk Vanguard Offshore Wind Farm Development Consent Order (DCO) (the Project)
Case reference no: EN010079
The Applicant: Norfolk Vanguard Limited

Deadline 7 Submissions

We write further to the Planning Inspectorate's Rule 8 letter dated 19 December 2019 (the Rule 8 letter). In accordance with the deadlines at Annex A of the Rule 8 letter, we enclose the following in response to Deadline 7:

1. Response to further information requested by the Examining Authority (ExA) including additional submissions and updated DCO outline plans;
2. Post hearing submissions including written submissions of oral cases;
3. Updated Statements of Common Ground (SoCG) and Statement of Commonality of SoCG;

The Applicant refers the ExA to the Guide to the Application (Document Reference 1.4 (Version 8)) for a full list of documents submitted by the Applicant as part of Deadline 7.

Action Points

The Applicant has responded to Action Points raised throughout the issue specific hearings. The documents and position statements submitted in response to the Action Points are identified in the Guide to the Application. The Applicant has included an update below in relation to relevant actions that are currently ongoing and/or captured within associated examination documents.

Environmental Issue Specific Hearing 6 (ISH6):

Action Point 27 from ISH6 requested a position statement on any areas not agreed in SoCGs. The Applicant has updated the Statement of Commonality (document reference ExA; Commonality; 10.D1.4 (version 4)) in order to capture the latest agreements with stakeholders. The Applicant has also advanced various position statements with stakeholders (as outlined in the Guide to the Application) and the Applicant explains its position further in relation to outstanding matters in the documents being

Womble Bond Dickinson (UK) LLP is a limited liability partnership registered in England and Wales under number OC317661. VAT registration number is GB123393627. Registered office: 4 More London Riverside, London, SE1 2AU, where a list of members' names is open to inspection. We use the term partner to refer to a member of the LLP, or an employee or consultant who is of equivalent standing. Womble Bond Dickinson (UK) LLP is authorised and regulated by the Solicitors Regulation Authority.

Womble Bond Dickinson (UK) LLP is a member of Womble Bond Dickinson (International) Limited, which consists of independent and autonomous law firms providing services in the US, the UK, and elsewhere around the world. Each Womble Bond Dickinson entity is a separate legal entity and is not responsible for the acts or omissions of, nor can bind or obligate, another Womble Bond Dickinson entity. Womble Bond Dickinson (International) Limited does not practise law. Please see www.womblebonddickinson.com/legal notices for further details.

submitted at Deadline 7, in particular the Written Summary of ISH6 (ExA; ISH6; 10.D7.1) and Written Summary of the DCO hearing (ExA; ISH7; 10.D7.2).

Action Point 28 from ISH6 asked the Applicant to provide conservation objectives for the Outer Thames Estuary Special Protection Area (SPA); Broadland SPA and Ramsar; Breydon Water SPA and Ramsar; and North Norfolk Coast SPA and Ramsar. In accordance with Action 28, the conservation objectives for these SPAs have been submitted at Deadline 7 (ExA; ISH6; 10.D7.13), however it should be noted that there are no separate conservation objectives in respect of the relevant Ramsar designations.

Development Consent Order (DCO) Hearing:

At Issue Specific Hearing 7 (ISH7) on 25 April 2019, the Examining Authority requested that the Applicant provide an update on the status and timescales for all plans under Article 37 of the draft DCO. The Applicant has updated the Note on Requirements and Conditions in the draft Development Consent Order (document reference 3.3) to provide an update on these plans in response to Action Point 6 from ISH7.

In relation to Action Point 3 and 4, the Applicant has been in further discussions with the MMO in relation to the appropriateness of arbitration, appeal and deemed discharge provisions for the DMLs. In the time since ISH7 it has not been possible to reach a joint position on this matter. However, the Applicant has reflected on the MMO's oral submissions at ISH7 and has sought to further amend the dDCO to accommodate the MMO's concerns as far as possible by:

- Including a 6 month period for submission and determination of plans, with 2 months to request further information and an additional 4 months from receipt of the further information to determine the application;
- Removing the deemed approval provision;
- Including a bespoke appeals procedure which aligns with the process for discharge of Requirements in Schedule 15 (we understand this is preferred by the MMO to application and amendment of the existing Marine Licensing (Licence Application Appeals) Regulations 2011); and
- Including the bespoke appeals procedure in a new Part 5 of the DMLs, so the DMLs can be read as a stand-alone document (which we understand to be the MMO's preference).

The Applicant will continue to engage with the MMO with a view to agreeing a joint position statement on this matter for Deadline 8, failing which the Applicant will submit a statement setting out its preferred position with alternative drafting options.

Action Point 24 asked for an update on protective provisions. Unfortunately in the time available since ISH7 it has not been possible to finalise outstanding commercial matters with National Grid, Cadent and Network Rail. As a result, the protective provisions for these parties have yet to be inserted into the draft DCO. It is anticipated that the agreed form of protective provisions will be inserted into the final version of the draft DCO to be submitted at Deadline 8, and the parties are working together to achieve this.

In relation to Action Point 26 from ISH7, the Applicant has seen the email dated 2 May 2019 sent by NATS to the Planning Inspectorate and can also confirm that engagement is continuing with NATS in order to secure mitigation to avoid adverse effects on the Cromer Primary Surveillance Radar. The parties are working to achieve this before the close of the examination and a further update on this matter will be provided at Deadline 8. It should be noted that whilst a new Requirement 34 has been included in the dDCO in this respect, the form of this Requirement has not yet been agreed with NATS.

We would be grateful if you could kindly confirm safe receipt.

Yours faithfully

Womble Bond Dickinson (UK) LLP