

Norfolk Vanguard Offshore Wind Farm

Statement of Common Ground

Cadent Gas Limited

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



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1 INTRODUCTION

1. **Update for Deadline 8:** The Applicant and Cadent Gas Limited (hereafter '**Cadent Gas**') have now agreed protective provisions. Cadent Gas submitted a letter to the Planning Inspectorate withdrawing its representation on 23 May 2019. The remainder of this SoCG remains substantially unchanged from the version submitted at Deadline 5 except for relevant updating of Table 1 and Table 2 below.
2. This Statement of Common Ground (SoCG) has been prepared with Cadent Gas 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. A SoCG with Cadent Gas and 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.
4. This SoCG comprises an agreement log which has been structured to reflect topics of interest to Cadent Gas in relation to Cadent Gas' apparatus and the impacts of the Norfolk Vanguard DCO application (hereafter 'the Application') on Cadent Gas' operations. Topic specific matters agreed, not agreed and actions to resolve between Cadent Gas 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 Cadent Gas

9. Cadent Gas is a licensed gas transporter under the Gas Act 1986, with a statutory responsibility to operate and maintain the gas distribution in North London, Central and North West England. Cadent Gas wishes to protect its rights in relation to the apparatus located within or in close proximity to the Norfolk Vanguard Order limits. Cadent Gas has High Pressure Gas Mains within the Order Limits located in plots 09/03, 09/04, 09/05, 35/15 and 35/16, which will be crossed in 3 locations by the Applicants on shore cable route. Cadent Gas also has Intermediate Pressure Gas Mains within the Order Limits located in plots 09/15, 09/16, 10/02, 14/13, 14/15, 14/18, 14/20, 14/21, 35/15 and 35/16, which will be crossed in 2 locations by the Applicants onshore cable route. Cadent Gas require that adequate Protective Provisions are put in place to protect their interests in land/rights and Apparatus during the construction and operation of the Authorised Works. Cadent Gas will also require that Crossing Agreements/Deed of Consent are entered into prior to in advance of any works being carried out which cross Cadent Gas's High or Intermediate Pressure Gas Mains. The Protective Provisions ensure that a Crossing Agreement/Deed of Consent must be entered into at the necessary time on Cadent Gas's standard terms.

10. This section briefly summarises the consultation that the Applicant has had with Cadent Gas. For further information on the consultation process please see the Consultation Report (document reference 5.1 of the Application).

1.2.1 Pre-Application

11. The Applicant has engaged with Cadent Gas 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, several conference calls were held with Cadent Gas to discuss potential crossing agreements and protective provisions. These have now been agreed between the parties. Additional detail of this correspondence and the current position of the parties are set out in Table 1 and Table 2 below.
13. Table 1 provides an overview of meetings and correspondence undertaken with Cadent Gas.

1.2.2 Post-Application

14. Table 1 provides an overview of correspondence with Cadent Gas after the application was submitted.
15. Cadent Gas submitted a Relevant Representation to the Planning Inspectorate on 20 August 2018. Table 2 outlines the key points raised in this representation and the current position as agreed on these matters.

2 STATEMENT OF COMMON GROUND

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

Table 1 Summary of Consultation with Cadent Gas

Date	Contact Type	Topic
Pre-Application		
17 th October 2017	Outgoing email with attached letter	Applicant issues a letter via email to commence discussions regarding protective provisions.
27 th October 2017	Incoming call	Applicant receives initial call from Cadent Gas.
30 th October 2017	Incoming email	Applicant receives email from Cadent Gas confirming correct point of contact.
8 th November 2017	Outgoing email	Applicant emails Cadent Gas asking for infrastructure plans and draft protective provisions and included the link to the live maps on the website.
9 th November 2017	Incoming email	Applicant receives email from Cadent Gas with the latest set of plans showing where Cadent Gas has an interest in land. Cadent Gas will send the protective provisions but would still request a meeting.
10 th November 2017	Outgoing email	Applicant responded to Cadent Gas acknowledging email of the 9 th and confirming they will liaise with the team and propose a date for a meeting.
14 th November 2017	Incoming email	Applicant receives email from Cadent Gas asking if S42 dates have been decided and confirming they would like to be supplied a copy of our proposed protective provisions, to then send to their legal team for comment.
14 th November 2017	Outgoing email	Applicant responds to Cadent Gas regarding S42 dates.
15 th November 2017	Outgoing email	Applicant issues email to Cadent Gas with the protective provisions provided by the solicitors.
24 th November 2017	Incoming email	Applicant receives an email copy of Cadent Gas' protective provisions from their solicitor. Insurance provisions are still pending.
3 rd January 2018	Incoming email	Applicant receives incoming email from Cadent Gas' lawyer chasing up the need for protective provisions.
8 th January 2018	Outgoing email	Applicant emailed Cadent Gas' lawyer notifying her that their solicitors have been instructed to get in touch with her directly.

Date	Contact Type	Topic
11 th January 2018	Outgoing email	Applicant emails Cadent Gas' lawyer to set up a conference call to discuss the potential impact on Cadent Gas assets in Norfolk and to discuss a crossing agreement.
15 th January 2018	Incoming email	Applicant receives confirmation of Cadent Gas' lawyer's availability.
23 rd January 2018	Conference call	Conference call to discuss potential impacts on Cadent Gas' assets.
13 th February 2018	Incoming email	Applicant receives email from Cadent Gas in relation to C3 or C4 quotes for the diversion of the high pressure equipment.
13 th February	Outgoing email	Applicant responds in relation to C3/C4 quotes.
14 th February 2018	Incoming email	Applicant receives email from Cadent Gas suggesting a call with their engineers to further understand their proposals.
16 th February 2018	Outgoing emails	Applicant emails Cadent Gas to ask for contact details of their engineers. Further email from applicant to follow up from call on 23 rd Jan and confirming details of crossing locations will follow.
16 th February 2018	Incoming email	Cadent Gas supply Applicant with contact details.
7 th March 2018	Outgoing email	Applicant's solicitor sends comments to Cadent Gas' solicitor on the protective provisions.
12 th March 2018	Incoming email	Applicant receives email from Cadent Gas asking if they have made contact with their engineers.
12 th March 2018	Outgoing email	Applicant confirms contact will be made with Cadent Gas engineers.
14 th March 2018	Outgoing email	Applicant contacts Cadent Gas' engineering contact confirming they will send crossing location plans and asks for clarification on some assets.
22 nd March 2018	Incoming email	Cadent Gas' engineering team point Applicant to another department to submit application and provide general guidelines on works around their pipes.
23 rd March 2018	Incoming email	Cadent Gas' solicitor emails their response to the Applicant's solicitor's comments on the protective provisions.

Date	Contact Type	Topic
10 th April 2018	Incoming email	Applicant receives email from Cadent Gas asking if application has been submitted.
10 th April 2018	Outgoing email	Applicant provides Cadent Gas with relevant technical information and maps of route.
12 th April 2018	Incoming email	Cadent Gas email to confirm engineering contact and that trail holes will need to be completed once a contractor is appointed, also to confirm site visits need to be booked 8-10 weeks in advance.
20 th April 2018	Incoming email	Cadent Gas email to ask for the job to be registered with their plant protection team in order to obtain reference number and ask for timescales.
29 th June 2018	Outgoing email	Applicant contacts Cadent Gas' solicitor with draft DCO and provides link to plans.
29 th June 2018	Incoming email	Applicant's solicitor receives email from Cadent Gas' solicitor asking for comments on their standard protective provisions, rather than those in the draft DCO.
Post-Application		
25 July 2018	Incoming email	Applicant's solicitor receives amended protective provisions from Cadent Gas' solicitor. Cadent Gas' solicitor confirms she suggested amendments accepted unless shown, and provides further comments.
8 th August 2018	Incoming email	Applicant receives draft from Cadent Gas' solicitor with amendments and comments. Cadent Gas' solicitor also poses a number of more general protective provision and property queries.
16 th August 2018	Outgoing email	Applicant issues offshore red line boundary data to Cadent.
20 th August 2018	Incoming email	Cadent Gas confirms receipt of red line boundary data.
20 th August 2018	Outgoing to the Planning Inspectorate	Cadent Gas submit a relevant representation to reserve their position in relation to their apparatus
21 st August 2018	Incoming email	Cadent Gas request onshore red line boundary from Applicant.
21 st August 2018	Outgoing email	Applicant confirms to Cadent Gas onshore redline boundary is forthcoming.

Date	Contact Type	Topic
22 nd August 2018	Incoming email	Cadent Gas confirms receipt of onshore red line and confirms there are a number of high pressure and low pressure interactions. Ask if Applicant has been in touch with their integrity team.
5 th September 2018	Outgoing email	Applicant confirms there has not been contact with Cadent Gas' integrity team as there is no contractor instructed. Plant protection process will begin at this point.
10 th September 2018	Outgoing email	Applicant's solicitor contacts Cadent Gas' solicitor with answers to queries. Applicant's solicitor suggests a call to provide further explanation.
12 th September 2018	Outgoing call	Applicant's solicitor has call with Cadent Gas' solicitor on protective provisions.
4 th October 2018	Incoming email	Cadent Gas' solicitor confirms an updated set of protective provisions will be prepared for Cadent shortly.
19 th October 2018	Incoming email	Cadent Gas' solicitor suggests a call to discuss NGET and Cadent Gas protective provisions as much of the initial template wording (for protection of apparatus etc) will be similar.
18 th October 2018	Incoming email	Cadent chase Applicant for plant protection submission confirmation.
19 th October 2018	Outgoing email	Applicant confirms this will be completed but currently no engineering detail can be given.
14 th November 2018	Outgoing email	Applicant confirms that after discussions with Cadent Gas plan protections the assets have been reviewed and crossings and locations identified.
14 November 2018	Incoming email	Applicant's solicitor receives email from Cadent Gas' solicitor with further comments on protective provisions.
14 November – March 2019	Incoming and outgoing emails	The parties have agreed the protective provisions as at 20 th March 2019. Cadent agreed to remove its objection to the Order on completion of contractual terms with the Promoter. It is anticipated all final negotiations will be concluded shortly and Cadent's objection removed.
March 2019 - present	Incoming and outgoing emails	Contractual terms were agreed on 23 May 2019, and Cadent Gas removed its objection to the Order on the same day. Agreed Protective Provisions are included in the dDCO at Deadline 8.

Table 2 SOCG topics

Topic	Norfolk Vanguard Limited position	Cadent Gas position	Final position
Consultation			
Consultation	Cadent Gas has been adequately consulted to date.	Agreed	It is agreed by both parties that the consultation has been adequate.
Land and Property Agreement and Protective Provisions			
Protective Provisions	The Applicant acknowledges that Cadent Gas will require protective provisions to be included within the DCO to ensure that its interests are adequately protected and to ensure compliance with relevant safety standards.	Cadent Gas will require protective provisions to be included within the DCO to ensure that its interests are adequately protected and to ensure compliance with relevant safety standards.	Following conclusion of contractual terms, the parties have reached agreement on these and Protective Provisions have been included in the dDCO submitted at Deadline 8. This allowed Cadent to withdraw its objection on 23 May 2019.
	The Applicant acknowledges that Cadent Gas reserves the right to make further representations as part of the examination process and is negotiating with the Applicant with a view to reaching a satisfactory commercial agreement.	Cadent Gas reserves the right to make further representations as part of the examination process and is negotiating with the Applicant with a view to reaching a satisfactory commercial agreement.	Following conclusion of contractual terms, the parties have reached agreement on these and Protective Provisions have been included in dDCO submitted at Deadline 8. This allowed Cadent to withdraw its objection on 23 May 2019.
	The Applicant has requested an indemnity cap in its proposed draft protective provisions. In addition, some points relating to minimum lead-in times for the Applicant to provide information prior to starting works remain under discussion.	Cadent Gas will not accept a cap on the Indemnity Provision within the Protective Provisions. If this point cannot be agreed between the Parties Cadent Gas reserves the right to make further written submissions on this point. The protective provisions set out a procedure for interaction between the parties for the diversion of any necessary apparatus and the protection of	The parties have agreed this point. No cap on the Applicant's liability has been included within the Protective Provisions in dDCO submitted at Deadline 8.

Topic	Norfolk Vanguard Limited position	Cadent Gas position	Final position
		any retained apparatus, including providing the requisite plans, sections, and results of survey information (as appropriate) no later than the specified timescales set out in the protective provisions.	
		Cadent do not agree to any reductions in their standard timescales for submission of material to plant protection for protection of retained apparatus. Adequate consideration should be given on safety grounds. 56 days advance notice is not a long period. The Applicant should speak to plant protection asap in any event. Cadent's Template Protective Provisions do not include a timescale in relation to diversions. High Pressure Gas Mains Diversions have a 2 year lead in period.	The parties have agreed this point and the Protective Provisions in dDCO submitted at Deadline 8.adhere to Cadent Gas's standard timescales.
DCO	<p>Cadent Gas has requested that a restriction is placed in Article 6 of the DCO that requires the Secretary of State to approve, in consultation with Cadent Gas, the transfer of the benefit of any or all of the Order to any person other than those holding transmission licences under the Electricity Act 1989.</p> <p>The applicant has amended the Order to reflect this request, and Cadent Gas has requested some</p>	<p>Cadent Gas has requested that a restriction is placed in Article 6 of the DCO that requires the Secretary of State to approve, in consultation with Cadent Gas, the transfer of the benefit of any or all of the Order to any person other than those holding transmission licences under the Electricity Act 1989.</p> <p>This is to provide additional assurance that the Order could not be transferred to a party with insufficient financial standing to meet the Applicant's obligations towards Cadent Gas under the Order. Cadent Gas has made further minor</p>	<p>The parties have agreed that the Applicant must notify Cadent Gas of relevant transfers prior to any proposed transfer of the benefit of the DCO, and this has been included in the drafting of Article 6 included within the dDCO submitted at Deadline 8.</p> <p>Between Deadline 5 and Deadline 8, further discussions between the Applicant and Cadent Gas have resulted in a number of additional changes to the Transfer of Benefit article, which have all been agreed between the parties. These can be summarised as follows:</p>

Topic	Norfolk Vanguard Limited position	Cadent Gas position	Final position
	<p>further amendments to these changes on 07.01.19.</p> <p>These further amendments are currently under consideration by the Applicant.</p>	<p>comments in this regard on the drafting of the DCO on 07.01.19 which are have been considered by the Applicant and agreed between the parties.</p>	<p>The Article allows transfer of part or all of the benefit of the DCO, or the leasing of the same, to other parties.</p> <p>For most parties this can only be done with the consent of the Secretary of State (SOS).</p> <p>The Applicant is requesting that the SoS makes its decision after i) an 8 week notice / consultation period before making an application and being formally notified, followed by ii) an additional 8 week decision period once an application is made to transfer.</p> <p>The Applicant may transfer without the SoS' consent to a transmission licence holder - these parties are OFGEM regulated, and ensured to have strong covenant strength.</p>
			<p>The Applicant may also transfer without the SoS' consent to any party, if the time limit for claims for the compulsory acquisition of land have elapsed, and any such claims have been resolved or withdrawn.</p> <p>The Applicant has added an exception whereby it may transfer to any group company of Vattenfall AB without SoS' consent, which is agreed with Cadent Gas.</p>

Topic	Norfolk Vanguard Limited position	Cadent Gas position	Final position
			<p>Prior to any transfer, the Applicant must notify (as relevant):</p> <ul style="list-style-type: none"> • The MMO; • The local planning authority; • The SoS (in all cases); and, • Where the transfer relates to works or powers being exercised within 15m of Cadent Gas's apparatus, Cadent Gas. <p>For transferring to any party other than a transmission licence holder, or any party where all compulsory acquisition claims are 'timed out', the Applicant must also provide evidence of the financial strength / sufficient funds of the transferee.</p> <p>Cadent Gas is satisfied with the above and has withdrawn its objection to the scheme.</p>

The undersigned agree to the provisions within this SOCG

Signed	
Printed Name	
Position	
On behalf of	Cadent Gas Limited
Date	

Signed	R Sherwood
Printed Name	Rebecca Sherwood
Position	Norfolk Vanguard Consents Manager
On behalf of	Norfolk Vanguard Ltd (the Applicant)
Date	30 May 2019