

06 June 2019

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National Infrastructure Directorate  
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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 9 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 9:

1. Responses to comments on the RIES
2. Responses to comments on the ExA's draft DCO schedule of changes
3. Comments on stakeholder submissions at Deadline 8
4. Comments on stakeholder responses to Rule 17
5. Updated DCO plans.

The Applicant refers the ExA to the Guide to the Application (Document Reference 1.4 (Version 10)) for a full list of documents submitted by the Applicant as part of Deadline 9.

### **Final Draft Development Consent Order (DCO)**

Whilst the Applicant recognises that the Rule 8 letter did not schedule the submission of a draft DCO at Deadline 9, following a review of the Deadline 8 submissions the Applicant has decided to make minor amendments to the dDCO to correct minor typing errors and to address some matters raised by stakeholders in their Deadline 8 submissions. These changes largely reflect agreed positions with various stakeholders including Natural England and the MCA. The Applicant refers the ExA to the draft DCO (Tracked Change) (document reference 3.1) along with the Schedule of Changes (document reference: ExA: DCOSchedule;10.D2.6) for a full list of the minor amendments made.

The Applicant understands that NATS agrees with the proposed wording included at Requirement 34 of the draft DCO submitted at Deadline 8.

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## **Statements of Common Ground (SoCGs)**

As explained at Deadline 8, where it was not possible to agree final SoCGs with stakeholders for Deadline 8, the Applicant has continued to negotiate SoCGs with a view to submitting these at Deadline 9. Accordingly, the Applicant now encloses updated SoCGs with the following stakeholders:

1. Broadland District Council
2. Environment Agency
3. Happisburgh Parish Council
4. Marine Management Organisation
5. Maritime and Coastguard Agency
6. Natural England
7. Norfolk County Council

To the extent that any significant matters remain unresolved with the parties identified above the Applicant has also submitted position statements in relation to those matters at Deadline 9 (unless previously submitted at Deadline 8).

## **Article 37 and Certified Plans**

The Note on Requirements and Conditions (document reference 3.3 (version 4)) outlines the final plans and documents that should be considered as certified documents under Article 37 of the DCO.

## **Validation of the DCO**

The Applicant has been informed that the online validation system is encountering problems in processing the dDCO. The Applicant has been in correspondence with the validation service provider over the last few weeks, who have advised that the DCO is too large to be validated through their online system. The Applicant has therefore had to submit the DCO for validation in three parts and the Applicant is pleased to enclose proof of validation (in three parts) within this letter as Appendix 1.

## **National Policy Statements**

Section 104(3) of the Planning Act 2008 provides that the decision maker should determine this application in accordance with NPS's EN-1, EN-3 and EN-5, except to the extent that one or more of the matters set out in Section 104(4) to 104(8) apply. The Planning Statement (APP-026) which accompanied the application concludes that the application accords fully with those NPSs (see sections 2.2 and 4.1).

In the course of the examination the Applicant has made multiple submissions to the ExA up to, and including, this Deadline 9. None of these submissions, or the submissions of other parties, alter the need case for energy NSIPs set out in EN-1 or the presumption in favour of granting consent for energy NSIPs (see sections 1.3 and 3.1). No other more specific or relevant policies indicate that consent should be refused. Nor do any potential adverse effects outweigh the potential benefits of the proposal.

EN-3 reiterates the basic assessment principle, as set out in EN-1, that the national need for energy infrastructure has already been demonstrated and acknowledges that offshore wind has the potential to form a considerable proportion of the UK's renewable energy generating capacity up to the year 2020 and beyond (see sections 2.2.1 and 2.2.2).

Policies specific to the process of EIA are presented within EN-3, covering a range of topics to which the decision maker will give due regard as part of the examination and determination process. Likewise EN-5 identifies technology specific considerations (see sections 2.2.2 and 2.2.3).

The Applicant considers that due regard has been given to all of these topics for the offshore and onshore components of the project both in the Environmental Statement and in the submissions made in the course of the examination, including responses to third party submissions; Statements of Common Ground; responses to the ExA's questions and Rule 17 letters; summaries of oral cases; further design development and additional mitigation proposals; and revisions to the draft DCO.

In particular, and in addition to the significant levels of embedded mitigation for the Project which include a commitment to HVDC and a work front methodology to reduce construction impacts, the Applicant has, during the course of the Examination:

- Introduced a Site Integrity Plan to avoid adverse effects on the Haisborough, Hammond and Winterton SAC;
- Put forward a Highways Intervention Scheme, and introduced additional caps on HGV movements to mitigate traffic impacts on Cawston as far as possible;
- Reached agreement with Highways England on highways matters;
- Committed to trenchless crossing of the A1067;
- Removed floating foundations, increased minimum turbine spacing, put forward a Fisheries Liaison and Co-existence Plan, and committed to notify exposure of cables;
- Reached agreement with Natural England on securing appropriate mitigation to ensure that there is no adverse effect on integrity for any onshore SPAs or SACs;
- Committed to significant additional mitigation in the Outline Code of Construction Practice to address the concerns of the NFU and LIG;
- Reached agreement with the LPAs and the LHA on many of the Requirements in the dDCO (and on the level of mitigation included within the related plans);
- Reached agreement with the MoD and NATS on the Requirements included in the dDCO to avoid adverse impacts on their infrastructure;
- Reached agreement with the National Grid, Cadent Gas and Network Rail on the protective provisions included in the dDCO; and
- Agreed 78% of Heads of Terms with landowners, including agreement on Heads of Terms with the National Trust.

In the light of these matters, the Applicant remains firmly of the view that the application accords fully with the topic related policies set out in NPS's EN-3 and EN-5.

### **Habitats Regulations**

The application was accompanied by Information to support HRA (APP-045) which concluded that there would be no adverse effect on the integrity of any European site as a result of the project. During the examination the Applicant has made multiple submissions to the ExA up to and including this Deadline 9 in the form of responses to requests from Natural England for further information, assessments, reports and matrices; responses to the ExA's questions and Rule 17 letters; summaries of oral cases; position statements; further design development and mitigation; comments on the REIS; and revisions to the draft DCO.

In the case of onshore matters, Natural England agree that there is no adverse effect on the integrity of European sites. In the case of offshore matters, the Applicant has put forward Site Integrity Plans to ensure adverse effects will be avoided on the Southern North Sea SAC and the Haisborough, Hammond and Winterton SAC. For offshore ornithology, Natural England agree that there will be no adverse effect on integrity from the project alone. In addition, during the course of the Examination the Applicant has removed the 9MW turbine option, restricted array layout, and increased draught height which has reduced collision risk by 65%, such that overall the contribution of the Project to in-combination effects is very small, even using Natural England's overly precautionary methods of assessment which lead to highly improbable outcomes (as set out in document reference: ExA; AS; 10.D8.8).

In the light of these the Applicant remains firmly of the view that the project will not give rise to an adverse effect on the integrity of any European site.

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

Yours faithfully

**Womble Bond Dickinson (UK) LLP**

## **Appendix 1: Proof of Validation**

## Caroline Hall

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**From:** no-reply@publishing.legislation.gov.uk  
**Sent:** 06 June 2019 12:19  
**To:** Dawn White  
**Subject:** Internet - VALIDATION SUCCESS: SI Validation for Part1ValidationCopy\_VanguardDCO6Jun19.doc (7 Warnings)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Ms White,

Thank you for submitting your document 'Part1ValidationCopy\_VanguardDCO6Jun19.doc' for validation.

The document has validated successfully.

**Please note:** Your document contains 7 warnings which may indicate an error, it is good practice to check and correct these.

Please check the warnings and resubmit the document. To view your online validation report please click <https://publishing.legislation.gov.uk/validation/2019-06-06/14>. For documents of 25 pages or less an interactive web version of the report is available in addition to the PDF report.

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## Caroline Hall

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**Sent:** 06 June 2019 15:06  
**To:** Dawn White  
**Subject:** Internet - VALIDATION SUCCESS: SI Validation for  
Part2ValidationCopy\_VanguardDCO6Jun19.doc (13 Warnings)

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## Caroline Hall

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**From:** no-reply@publishing.legislation.gov.uk  
**Sent:** 03 June 2019 13:04  
**To:** Chloe Ryder  
**Subject:** Internet - VALIDATION SUCCESS: SI Validation for  
Part3ValidationCopy\_VanguardDCO17May19.doc (7 Warnings)

Dear Ms Ryder,

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