

Gareth Leigh
Head of Energy Infrastructure Planning
Department for Business, Energy and Industrial Strategy
1 Victoria Street
London
SW1H 0ET

28 February 2020

Dear Mr Leigh

Norfolk Vanguard Offshore Wind Farm
Application reference EN010079
Response to Request for Information dated 6 December 2019

Enclosed is a response from Norfolk Vanguard Limited (the Applicant) to the Secretary of State's (SoS) letter dated 6 December 2019 (the SoS letter) required for submission on Friday 28 February 2020. A full list of documents provided in response to that letter is set out below under the heading "Response documents".

Effects on European sites

The Applicant notes that in the case of Ornithology, the SoS has requested information on any mitigation not discussed during the Examination which could "*lessen or avoid*" any adverse in-combination effects on the qualifying kittiwake feature of the Flamborough and Filey Coast (FFC) Special Protection Area (SPA) and the qualifying lesser black back gull (LBBG) feature of the Alde Ore Estuary (AOE) SPA. The further request by the SoS for evidence as to alternative solutions, imperative reasons of overriding public interest and in principle compensatory measures (the "Derogation Case") is expressed either "*in addition and/or alternatively*" to any mitigation.

Similarly, in the case of the Haisborough, Hammond and Winterton (HHW) SAC, the SoS has requested information on the specific mitigation solutions that would address the potential effects of cable protection on the SAC features. And, "*In the absence of any identifiable mitigation measures, the Applicant...may wish to consider the provision of evidence as to*" the Derogation Case.

In response to the SoS letter and following the conclusion of the Examination, the Applicant has conducted a rigorous review of the design envelope for Norfolk Vanguard and associated possible further mitigation measures. This has included engagement with the supply chain for both turbine manufacturers and construction vessels and extensive stakeholder engagement. As a result, the Applicant has now committed to further significant reductions of the maximum design envelope and to additional mitigation measures where feasible (see Additional Mitigation ExA; Mit; 11.D10.2). In summary, these include:

- A decrease in the maximum number of turbines from 180 to 158 (through removal of the 10MW and 11MW turbines from the project design envelope, with the smallest turbine now an 11.55MW turbine);
- An increase in the minimum draught height of turbines to a:
 - Minimum draught height of 35m (above Mean High Water Springs (MHWS)) for turbine models of up to and including 14.6MW capacity; and
 - Minimum draught height of 30m (above MHWS) for turbine models of 14.7MW and above.
- A commitment to no cable protection in the priority areas to be managed as reef within the HHW SAC, unless otherwise agreed with the Marine Management Organisation (MMO) in consultation with Natural England (NE); and
- A commitment to decommission cable protection at the end of the Norfolk Vanguard project life where it is associated with unburied cables due to ground conditions (where required for crossings this will be left *in situ*).

The resulting reductions to the maximum design envelope and further mitigation measures have led to very substantial further reductions in the in-combination impacts on the kittiwake feature of the FFC SPA, and on the LBBG feature of the AOE SPA; and in the potential effects of cable protection on the HHW SAC features (see Ornithology Position Statement, ExA; Pos; 11.D10.2 and HHW SAC Position Statement ExA; Pos; 11.D10.1 respectively). For kittiwake, predicted collision risks are over 50% lower compared with the estimate submitted at the close of the Examination and 85% lower than the figures in the original application, whilst for LBBG, collision risks are 46% lower compared with the estimate submitted at the close of the Examination and 73% lower than the figures in the original application.

For the HHW SAC, the additional commitments ensure that habitat loss as a result of cable protection will be long term over the life of the project, rather than permanent and that there will be no habitat loss in areas identified by Natural England as having the most potential for *Sabellaria* reef to recover ('priority areas to be managed as reef'). The Applicant is also actively progressing agreements for the removal of disused cables in order to further minimise the number

of crossing locations that would require cable protection, for which evidence is also presented. A letter of comfort from BT Subsea is included as part of the Applicant's submission; this demonstrates the advanced stages of these discussions, with a formal agreement expected to be in place imminently, and which further highlights the proactive approach the Applicant is taking to commit to as much mitigation as feasibly possible

The Applicant maintains its firm position that Norfolk Vanguard, on the basis of the maximum design envelope and mitigation measures set out during the Examination, together with the further committed reductions in the design envelope and further mitigation measures made since the conclusion of the Examination would not give rise to any adverse effect on the kittiwake qualifying feature of the FFC SPA or the LBBG qualifying feature of the AOE SPA (particularly having regard to over precaution in collision risk assessment and available headroom created by certain projects), nor on the HHW SAC features from cable protection.

Accordingly, in light of the Applicant's position, it is considered that it should not be necessary to submit evidence on the Derogation Case either "*in addition or alternatively*" (in the case of the FFC SPA and AOE SPA) or "*in the absence of any identifiable mitigation measures*" (in the case of effects of cable protection on the HHW SAC features).

Nevertheless, should the SoS conclude an adverse effect on integrity (AEoI) for any of these sites, the Applicant has enclosed the necessary information on alternative solutions, imperative reasons of overriding public interest (Habitats Regulation Derogation Provision of Evidence, ExA; IROPI; 11.D10.3) and corresponding in principle compensatory measures (Appendices 1, 2 and 3, document references ExA; IROPI; 11.D10.3.App1, 8.24, and 8.25, respectively). This information is submitted on a without prejudice basis in view of the Applicant's firm position on AEoI set out above.

In accordance with the SoS letter, in preparing its response, the Applicant has consulted fully with the key stakeholders, most notably NE and the MMO, and written feedback from the parties has been considered in the Applicant's submissions. The Applicant has shared information on a without prejudice basis to provide parties with the opportunity to consider and contribute towards the development of both the design envelope reductions and further mitigation measures, and compensatory measures for Norfolk Vanguard. A record of consultation is set out in the Consultation Overview (ExA; Consult; 11.D10.3).

In order to deliver 40GW of offshore wind by 2030, and at least 75GW by 2050 (as per the Committee on Climate Change's recommendation) to meet the UK's long-term net zero commitments, the UK urgently needs to deploy significant volumes of large-scale, low carbon generation. Furthermore, the recent Sector Deal and net zero analysis by the Committee on Climate Change (CCC) seeks around 30GW of offshore wind to be deployed by 2030. Norfolk Vanguard would contribute a substantial 1.8GW towards this total and, together with the DCO application

for its 'sister' project Norfolk Boreas (currently in Examination and for which Norfolk Vanguard would provide enabling development) a combined potential capacity of 3.6GW.

The Applicant is therefore confident that should the SoS conclude an AEoI in any case, the Derogation Case submitted, which can be found in the Habitats Regulations Derogation Provision of Evidence (document reference ExA; IROPI; 11.D10.3), provides the necessary information to support a clear and overriding case for Norfolk Vanguard to be consented. This includes an extensive assessment of alternative solutions which concludes that there are no feasible alternatives to deliver the project objectives or need for the project, as well as a compelling case that Norfolk Vanguard should be granted for imperative reasons of overriding public interest.

Notwithstanding the above, it is noted that, 'in-principle' compensatory measures have been requested by the SoS. Whilst the Applicant has submitted considerable detail on potential compensatory measures, in the event that the SoS concludes that further details are required, beyond those already provided, in order to make a decision on the application by 1 June 2020 the Applicant respectfully requests that it is notified by the SoS as soon as possible following this submission and, if possible, no later than 27 March 2020.

Other requests for information or comments

The SoS letter also requests information and comments on onshore issues and in relation to proposed new or amended DCO Articles, Conditions or Requirements. The Applicant's point by point response is set out in Applicant's Response, ExA; WQ; 11.D10.1.

Response documents

Submitted with this letter via the Planning Inspectorate's Project Portal, in response to the SoS letter, the Applicant has provided the following:

- Summary Overview on HRA (document reference ExA; Sum; 11.D10.2);
- Applicant's Response (document reference ExA; WQ; 11.D10.1);
 - Appendix 1 B1149 traffic management drawings (document reference ExA; WQ; 11.D10.1.App1)
 - Appendix 2 Environmental assessment for trenchless crossing of B1149 (document reference ExA; WQ; 11.D10.1.App2)
- Additional Mitigation (document reference ExA; Mit; 11.D10.2);
 - Appendix 1 Updated Collision Risk Modelling (document reference ExA; Mit; 11.D10.2.App1)

- Appendix 2 Assessment of Additional Mitigation in HHW SAC (document reference ExA; Mit; 11.D10.2.App2)
- Appendix 3 Cable Protection Decommissioning Evidence (document reference ExA; Mit; 11.D10.2.App3)
- Appendix 4 BT Cable Recovery Letter of Comfort (document reference ExA; Mit; 11.D10.2.App4)
- Consultation Overview (document reference ExA; Consult; 11.D10.3);
- HHW SAC Position Statement (document reference ExA; Pos; 11.D10.1);
- Outline Norfolk Vanguard Haisborough, Hammond and Winterton Special Area of Conservation Site Integrity Plan (clean and tracked change) (document 8.20);
- Outline Norfolk Vanguard HHW SAC Cable Specification Installation and Monitoring Plan (alternative document 8.20);
- Comparison of the Outline HHW SAC Site Integrity Plan and the Outline HHW SAC Cable Specification Installation and Monitoring Plan (document reference ExA; Compare; 11.D10.1)
- Ornithology Position Statement (document reference ExA; Pos; 11.D10.2);
 - Appendix 1 Headroom Worked Examples (document reference ExA; Pos; 11.D10.2.App1)
- Habitats Regulations Derogation Provision of Evidence (document reference ExA; IROPI; 11.D10.3);
 - Appendix 1 – Flamborough and Filey Coast SPA In Principle Compensation Measures for kittiwake (document reference ExA; IROPI; 11.D10.3.App1)
 - Appendix 2 – Alde-Ore Estuary SPA In Principle Compensation Measures for lesser black-backed gull (document reference 8.24)
 - Appendix 3 – Haisborough, Hammond & Winterton SAC In Principle Compensation Measures (document reference 8.25)
- Outline Landscape and Ecological Management Strategy (clean and tracked change) (document 8.7);
- Draft DCO (clean and tracked change) (document 3.1);
- Draft DCO Schedule of Changes; (document reference ExA;DCOSchedule;11.D10.7)
- Guide to the Application (document 1.4); and

- Note on Requirements and Conditions in the Development Consent Order (document 3.3).

Hard copies of the Applicant's Response to the SoS can be issued on request.

The Applicant would be grateful if safe receipt of this Response could be acknowledged. If any further information, clarification or other assistance is required, please do not hesitate to contact us further.

Yours faithfully

Rebecca Sherwood

Norfolk Vanguard Consents Manager
Norfolk Vanguard Offshore Wind Farm