

Norfolk Vanguard Offshore Wind Farm

Note on

Requirements and

Conditions in the

Development Consent

Order



Applicant: Norfolk Vanguard Limited
Document Reference: 3.3 (version 5)

Date: 28 February 2020
Revision: Version 5
Author: Womble Bond Dickinson

Photo: Kentish Flats Offshore Wind Farm

Norfolk Vanguard Limited

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Document Reference	3.3
APFP Regulation	5(2)(q)
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1 Introduction

- 1.1 Norfolk Vanguard Limited (the **Applicant**) is planning to develop the Norfolk Vanguard Offshore Wind Farm (the **Project**) with up to 158 turbines and an export capacity of up to 1,800 MW. The Project would be located approximately 47 km from the coast of Norfolk at its closest point to land, covering an area of approximately 592 km² over two distinct areas, Norfolk Vanguard East and Norfolk Vanguard West.
- 1.2 As the export capacity of the Project will exceed 100 MW it is a Nationally Significant Infrastructure Project (**NSIP**) as defined under sections 14(1)(a) and 15(3) of the Planning Act 2008.
- 1.3 This note, which forms part of the Development Consent Order (**DCO**) application, and its accompanying annexes, sets out the following:
- 1.3.1 Discharging authorities for the Requirements of the DCO and Conditions of the Deemed Marine Licences (**DML**) for the Project;
 - 1.3.2 Plans, schemes and protocols required pursuant to the DCO and DMLs, including certified plans pursuant to Article 37 of the DCO; and
 - 1.3.3 Enforcement post-construction.

2 Discharging authorities

Onshore works

- 2.1 In relation to the discharge of Requirements, the DCO specifies who will be the discharging authority, as appropriate and on a case-by-case basis.
- 2.2 The majority of the Requirements will be discharged by the "*relevant planning authority*". Article 2 (*Interpretation*) of the DCO provides that the "*relevant planning authority*" means the district planning authority. Therefore, where a Requirement is to be discharged by the "*relevant planning authority*" this refers to North Norfolk, Broadland, and Breckland District Councils in their respective areas.
- 2.3 Requirement 21 (*Traffic*) will be discharged by the "*relevant planning authority*" in consultation with the "*highway authority*" (namely, Norfolk County Council).
- 2.4 Certain Requirements also provide for consultation with specified bodies on the discharge of that Requirement, such as Natural England and Historic England.
- 2.5 Schedule 15 (*Procedure for discharge of Requirements*) sets out the process to be followed in relation to applications made to a discharging authority for any agreement or approval required by a Requirement in the DCO.

Offshore works

- 2.6 In relation to the discharge of Conditions in the DMLs, the Marine Management Organisation (**MMO**) will be the relevant authority.
- 2.7 Certain Conditions provide for consultation with specified bodies on the discharge of that Condition, such as Trinity House, the MCA, and other relevant statutory bodies as defined in the DMLs.

3 Plans, schemes and protocols

Onshore works

- 3.1 Whilst the majority of plans and schemes required pursuant to the Requirements must be submitted prior to commencement of a stage of the development, there are a number of other operational and decommissioning Requirements.
- 3.2 The Applicant has provided a number of control documents with the Application and/or during the Examination to inform the discharge of Requirements, such as the:
- 3.2.1 Outline Code of Construction Practice (Document 8.1)
 - 3.2.2 Design and Access Statement (Document 8.3)
 - 3.2.3 Outline Written Scheme of Investigation (Onshore) (Document 8.5)
 - 3.2.4 Outline Landscape and Ecological Management Strategy (Document 8.7)
 - 3.2.5 Outline Traffic Management Plan (Document 8.8)
 - 3.2.6 Outline Travel Plan (Document 8.9)
 - 3.2.7 Outline Access Management Plan (Document 8.10)
 - 3.2.8 Outline Operational Drainage Plan (Document 8.21)
 - 3.2.9 Outline Skills and Employment Strategy (Document 8.22).
- 3.3 Annex 1 to this note provides a diagram showing how the plans interrelate and correspond to particular Requirements.

Offshore works

- 3.4 The DMLs set out a number of Conditions requiring notifications, plans and surveys at various points during pre-construction, construction and operation.
- 3.5 The Applicant has provided a number of control documents with the Application and/or during the Examination to inform the discharge of Conditions, such as the:
- 3.5.1 Outline Written Scheme of Investigation (Offshore) (Document 8.6)
 - 3.5.2 Outline Offshore Operations and Maintenance Plan (Document 8.11)
 - 3.5.3 Offshore In Principle Monitoring Plan (Document 8.12)
 - 3.5.4 Draft Marine Mammal Mitigation Protocol (Document 8.13)
 - 3.5.5 Outline Project Environmental Management Plan (Document 8.14)
 - 3.5.6 Outline Scour Protection and Cable Protection Plan (Document 8.16)
 - 3.5.7 In principle Norfolk Vanguard Southern North Sea Special Area of Conservation Site Integrity Plan (Document 8.17)
 - 3.5.8 Outline Marine Traffic Monitoring Strategy (Document 8.18)
 - 3.5.9 Outline Fisheries Liaison and Co-existence Plan (Document 8.19)
 - 3.5.10 Outline Norfolk Vanguard Haisborough, Hammond, and Winterton Special Area of Conservation Site Integrity Plan or the outline Norfolk Vanguard Haisborough, Hammond and Winterton Special Area of Conservation Cable Specification, Installation and Monitoring Plan (Document 8.20)
 - 3.5.11 Development Principles (Document 8.23).
- 3.6 For version 4 of this document, submitted to the Examining Authority on 6 June 2019, the Applicant provided an overview of the status of the outline plans to be certified under Article 37 of the DCO (Annex 2). The Applicant has updated Annex 2 in version 5 of this document to outline the documents that are considered to form part of the environmental statement and

control plans following a request for further information from the Secretary of State in a letter dated 6 December 2020.

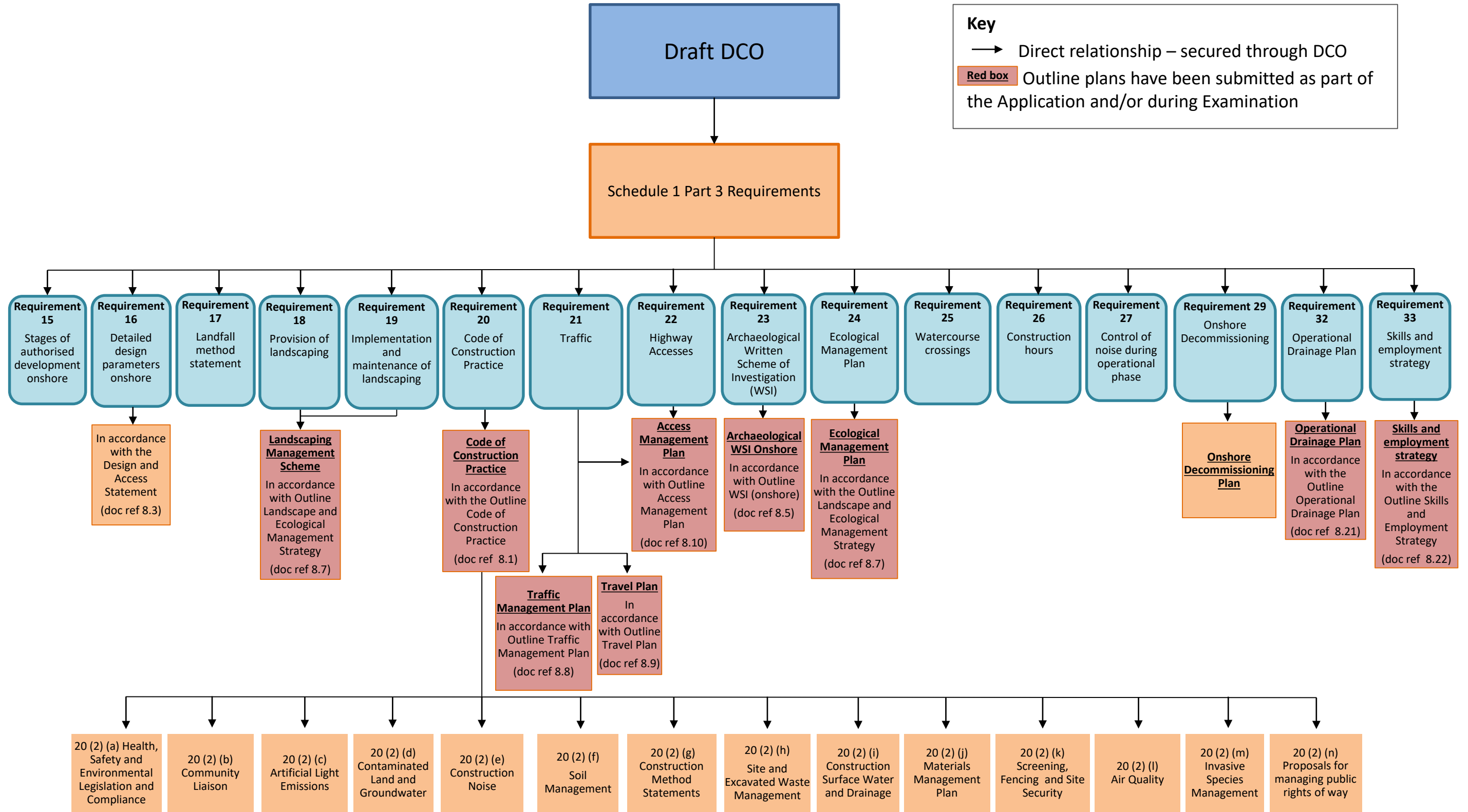
4 Enforcement

- 4.1 In relation to enforcement of the Requirements, Part 8 (Enforcement) of the Planning Act 2008 (the **2008 Act**) sets out the enforcement provisions available to the relevant planning authority (as set out in Section 173 of the 2008 Act) in the event of breach of the terms of the DCO.
- 4.2 The MMO continues to enforce marine aspects of the development, pursuant to the powers set out in the Marine and Coastal Access Act 2009 (the **2009 Act**).

ANNEX 1

DIAGRAM SHOWING MITIGATION TOPICS AND REQUIREMENTS

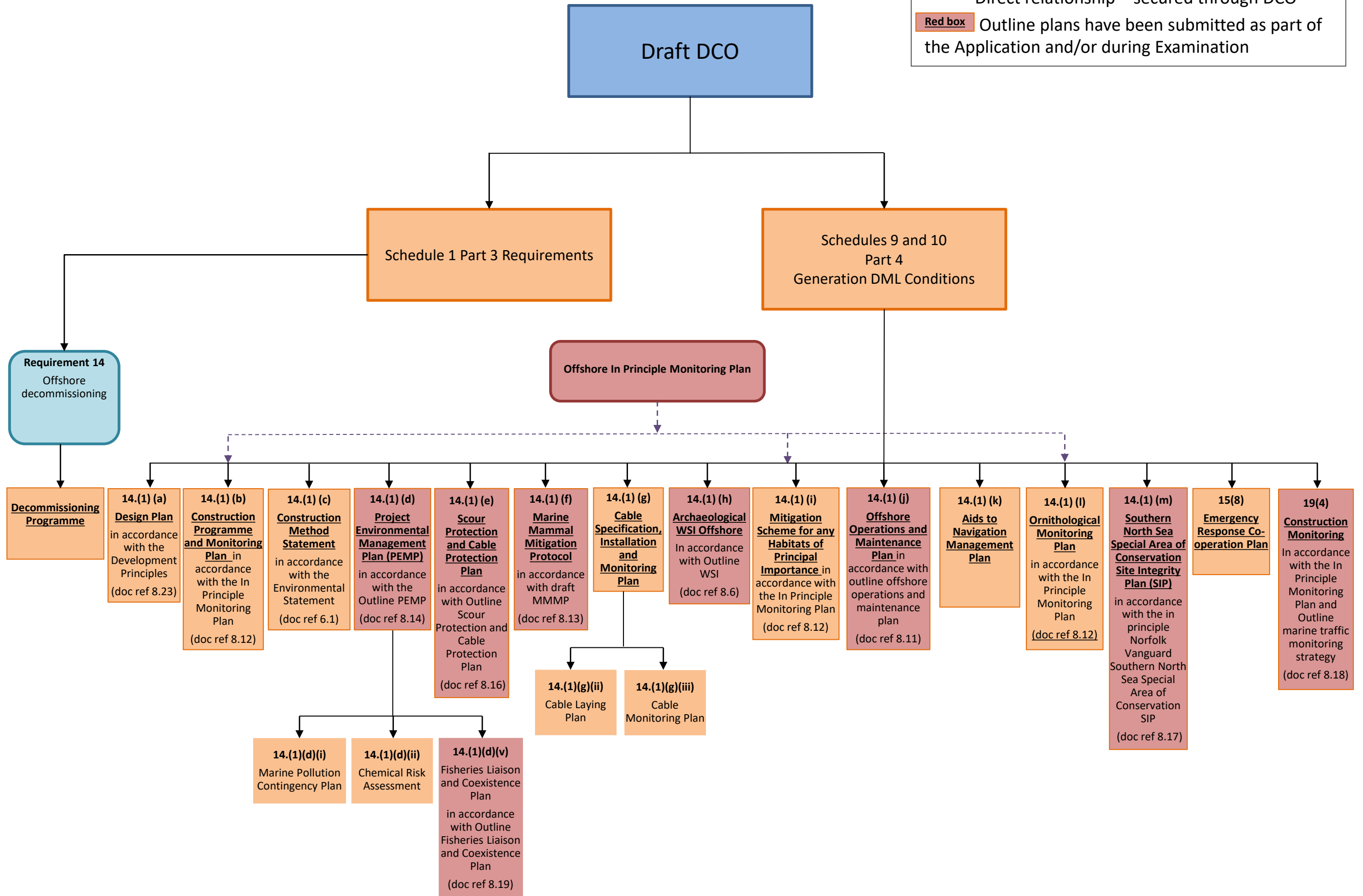
Relationship of Onshore Plans secured by the DCO



Relationship of Offshore Plans secured by the DCO (Generation DMLs)

Key

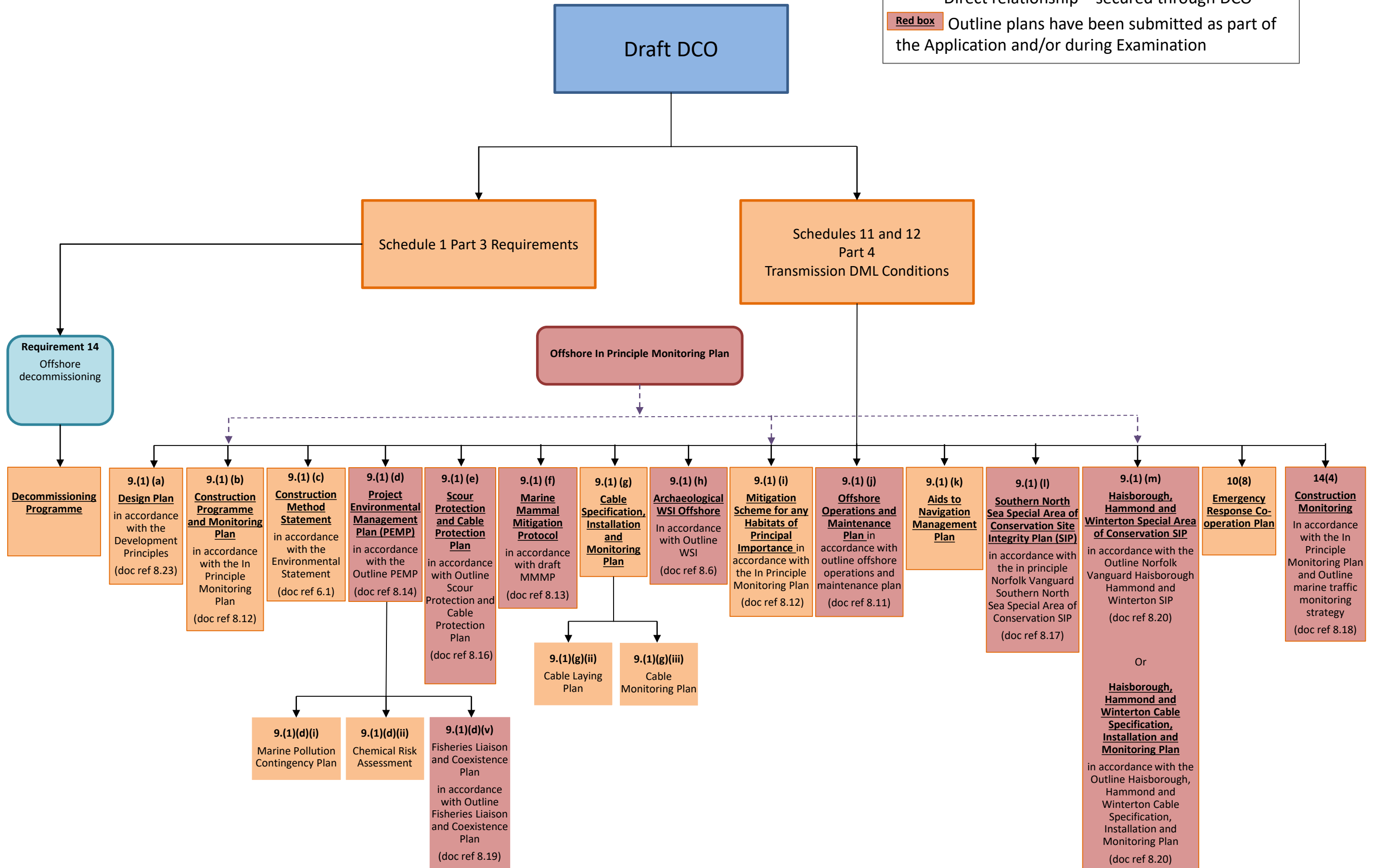
- Direct relationship – secured through DCO
- Red box** Outline plans have been submitted as part of the Application and/or during Examination



Relationship of Offshore Plans secured by the DCO (Transmission DMLs)

Key

- Direct relationship – secured through DCO
- Red box Outline plans have been submitted as part of the Application and/or during Examination



ANNEX 2

STATUS OF OUTLINE PLANS

DCO Article 37 reference	Document	Document Reference	Date submitted	Version	Status and update
(a)	Environmental Statement	6.1	June 2018	1	This refers to the final version as submitted with the Application. However, there are a number of other documents submitted during the course of the Examination which the Applicant considers should be certified as forming part of the Environmental Statement (under Document Reference 6.1 and Article 37(1)(a) of the dDCO). These documents are listed below for ease of identification.
	Technical Appendices and Figures	6.2	June 2018	1	
[Examination document considered to form part of the Environmental Statement]	Change Report	Pre-ExA; Change Report; 9.3	December 2018	1	Final version as submitted on 12 December 2018.
[Examination document considered to form part of the Environmental Statement]	Minor Change Request: Amendment to land rights sought at the existing National Grid Substation	ExA; ISH1; 10.D4.1	Deadline 4 / 13 March 2019	1	Final version as submitted at Deadline 4.
[Examination document considered to form part of the Environmental Statement]	Cumulative Impact Assessment – Traffic and Transport (+ appendices)	ExA; ISH1; 10.D5.1	Deadline 5 / 20 March 2019	1	Final version as submitted at Deadline 5.
[Examination document considered to form part of the Environmental Statement]	Appendix 3.1 Red-throated diver displacement	ExA; WQApp 3.1; 10.D1.3	Deadline 1 / 16 January 2019	1	Final version as submitted at Deadline 6
[Examination document considered to form part of the Environmental Statement]	Appendix 3.2 Collision Risk Modelling: update and clarification	ExA; WQApp3.2 ; 10.D1.3	Deadline 1 / 16 January 2019	1	Final version as submitted at Deadline 7

DCO Article 37 reference	Document	Document Reference	Date submitted	Version	Status and update
[Examination document considered to form part of the Environmental Statement]	Appendix 3.3 Operational Auk and Gannet Displacement: update and clarification	ExA; WQApp3.3 ; 10.D1.3	Deadline 1 / 16 January 2019	1	Final version as submitted at Deadline 6 (Gannet) and Deadline 8 (auks)
[Examination document considered to form part of the Environmental Statement]	Appendix 3.1 Ornithology Aerial Surveys: Dates and Times	ExA; FurtherW QApp3.1; 10.D4.6	Deadline 4 / 13 March 2019	1	Final version as submitted at Deadline 4
[Examination document considered to form part of the Environmental Statement]	Norfolk Vanguard Offshore Wind Farm Migrant non-seabird Collision Risk Modelling: Revision of REP3-038, addressing Natural England comments	ExA; AS; 10.D6.18	Deadline 6 / 5 April 2019	1	Final version as submitted at Deadline 6
[Examination document considered to form part of the Environmental Statement]	Norfolk Vanguard Offshore Wind Farm Offshore Ornithology: Deterministic Collision Risk Modelling	ExA; AS; 10.D6.15	Deadline 6 / 5 April 2019	1	Final version as submitted at Deadline 6
[Examination document considered to form part of the Environmental Statement]	Norfolk Vanguard Offshore Wind Farm Offshore Ornithology: Deterministic Collision Risk Modelling for revised layout scenarios	ExA; CRM; 10.D6.5.1	Late submission / 17 April 2019	2	Final version as submitted at Deadline 6.5 (17 th April 2019)
[Examination document considered to form part of the Environmental Statement]	Offshore Ornithology Cumulative and In-combination Collision Risk Assessment Update for Deadline 7	ExA; AS; 10.D7.21	Deadline 7 / 2 May 2019	1	Final version as submitted at Deadline 7

DCO Article 37 reference	Document	Document Reference	Date submitted	Version	Status and update
[Examination document considered to form part of the Environmental Statement]	Offshore Ornithology Cumulative and In-combination Collision Risk Assessment Update following Deadline 7	ExA; AS; 10.D7.21 (version 2)	Late submission / 14 May 2019	2	Final version as submitted at Deadline 7.5 (14 May 2019)
[Examination document considered to form part of the Environmental Statement]	Deterministic Collision Risk Modelling for revised layout scenarios and increased draught height	ExA; AS; 10.D7.5.2	Late submission / 14 May 2019	3	Final version as submitted at Deadline 7.5 (14 May 2019)
[Examination document considered to form part of the Environmental Statement]	Auk Displacement Assessment Update	ExA; AS; 10.D8.11	Deadline 8/30 May 2019	2	Final version as submitted at Deadline 8
[Examination document considered to form part of the Environmental Statement]	Evaluation of the Implications of the Proposals for Closed Areas to Fishing for the Commercial Fisheries Cumulative Impact Assessment	ExA; ISH6; 10.D7.14	Deadline 7 / 2 May 2019	1	Final version as submitted at Deadline 7.
[Examination document considered to form part of the Environmental Statement]	Consideration of potential impacts related to continuous periods of operation referred to in DCO Requirement 26(a) and 26(d)	ExA; AS; 10.D8.11	Deadline 8 / 30 May 2019	1	Final version as submitted at Deadline 8.
[Examination document considered to form part of the Environmental Statement]	Trenchless crossings of A1067 and B1149	ExA;AS;10.D7.5.1	Deadline 7.5 / 14 May 2019	1	Final version as submitted at Deadline 7.5 (14 May 2019)
[Examination document considered to form part of	Noise mitigation measures at the Old Railway Gatehouse	ExA; ISH6; 10.D7.7	Deadline 7 / 2 May 2019	1	Final version as submitted at Deadline 7.

DCO Article 37 reference	Document	Document Reference	Date submitted	Version	Status and update
the Environmental Statement]	Position Statement				
[Post-examination document considered to form part of the Environmental Statement]	Applicant's Response Appendix 1: B1149 traffic management drawings	ExA; WQ; 11.D10.1.App1	28 February 2020	1	Final as submitted on 28 February 2020
[Post-examination document considered to form part of the Environmental Statement]	Applicant's Response Appendix 2: Environmental assessment for trenchless crossing of B1149	ExA; WQ; 11.D10.1.A pp2	28 February 2020	1	Final as submitted on 28 February 2020
[Post-examination document considered to form part of the Environmental Statement]	Additional Mitigation: Appendix 1 Updated Collision Risk Modelling	ExA; WQ; 11.D10.2.A pp1	28 February 2020	1	Final as submitted on 28 February 2020
[Post-examination document considered to form part of the Environmental Statement]	Appendix 2 Assessment of Additional Mitigation in HHW SAC	ExA; WQ; 11.D10.2.A pp2	28 February 2020	1	Final as submitted on 28 February 2020
(b)	Land plan	2.2	Deadline 4 / 13 March 2019	3	Final version as submitted at Deadline 4
(c)	Works Plan	2.4	Deadline 9 / 6 June 2019	3	Final version at Deadline 9
(d)	Access to Works Plan	2.5	Deadline 2 / 30 January 2019	2	Final version as submitted at Deadline 2
(e)	Temporary Stopping up of Public Rights of Way Plan	2.6	Deadline 2 / 30 January 2019	2	Final version as submitted at Deadline 2

DCO Article 37 reference	Document	Document Reference	Date submitted	Version	Status and update
(f)	Streets to temporarily stopped up plan	2.7	Deadline 2 / 30 January 2019	2	Final version as submitted at Deadline 2
(g)	Important Hedgerows Plan	2.11	Deadline 2 / 30 January 2019	2	Final version as submitted at Deadline 2
(h)	Book of Reference	4.3	Deadline 8 / 30 May 2019	4	Final version at Deadline 8
(i)	Outline Code of Construction Practice	8.1	Deadline 9 / 6 June 2019	3	Final version at Deadline 9
(j)	Design and Access Statement	8.3	June 2018	1	Final version as submitted with the Application
(k)	Outline Written Scheme of Investigation (Onshore)	8.5	Deadline 8 / 30 May 2019	2	Final version at Deadline 8
(l)	Outline Written Scheme of Investigation (Offshore)	8.6	Deadline 9 / 6 June 2019	2	Final version at Deadline 9
(m)	Outline Landscape and Ecological Management Strategy	8.7	28 February 2020		Final version post-examination on 28 February 2020
(n)	Outline Traffic Management Plan	8.8	Deadline 8 / 30 May 2019	3	Final version at Deadline 8
(o)	Outline Travel Plan	8.9	June 2018	1	Final version as submitted with the Application
(p)	Outline Access Management Plan	8.10	Deadline 8 / 30 May 2019	3	Final version at Deadline 8
(q)	Outline Offshore Operations and Maintenance Plan	8.11	Deadline 9 / 6 June 2019	3	Final version at Deadline 9
(r)	Offshore In Principle Monitoring Plan	8.12	Deadline 9 / 6 June 2019	3	Final version at Deadline 9
(s)	Draft Marine Mammal Mitigation Protocol	8.13	Deadline 9 / 6 June 2019	2	Final version as submitted with the Application

DCO Article 37 reference	Document	Document Reference	Date submitted	Version	Status and update
(t)	Outline Project Environmental Management Plan	8.14	Deadline 9 / 6 June 2019	3	Final version at Deadline 9
(u)	Outline Scour Protection and Cable Protection Plan	8.16	Deadline 9 / 6 June 2019	3	Final version at Deadline 9
(v)	In Principle Norfolk Vanguard Southern North Sea Special Area of Conservation (cSAC) Site Integrity Plan	8.17	Deadline 9 / 6 June 2019	2	Final version at Deadline 9
(w)	Outline Marine Traffic Monitoring Strategy	8.18	June 2018	1	Final version as submitted with the Application
(x)	Outline Fisheries Liaison and Co-Existence Plan	8.19	Deadline 2 / 30 January 2019	1	Final version as submitted for Deadline 2
(y)	Norfolk Vanguard Haisborough, Hammond, and Winterton Special Area of Conservation Site Integrity Plan	8.20	28 February 2020	3	Final version at 28 February 2020
(y)	Haisborough, Hammond and Winterton Cable Specification, Installation and Monitoring Plan	8.20	28 February 2020	1	Final version at 28 February 2020
(z)	Outline Operational Drainage Plan	8.21	Deadline 8 / 30 May 2019	2	Final version at Deadline 8
(aa)	Skills and Employment Strategy	8.22	Deadline 7 / 2 May 2019	1	Final version at Deadline 7
(bb)	Development Principles	8.23	Deadline 8 / 30 May 2019	2	Final version at Deadline 8