



Department for
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To:

All Norfolk Vanguard Interested Parties

All Norfolk Boreas Interested Parties

Your Ref:
Our Ref: EN010079
EN010087

Date: 29 April 2021

cc:

Dear Sir or Madam,

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

Application by Norfolk Vanguard Limited (“the Applicant”) for an Order granting Development Consent for the proposed Norfolk Vanguard Offshore Wind Farm and associated offshore and onshore infrastructure (“the Norfolk Vanguard project”)

REQUEST FOR INFORMATION FOLLOWING THE HIGH COURT’S DECISION TO QUASH THE NORFOLK VANGUARD OFFSHORE WIND FARM ORDER 2020

1. Following the High Court judgment handed down on 18 February 2021¹ that quashed the Secretary of State for Business, Energy and Industrial Strategy’s (“the Secretary of State”) decision of 1 July 2020 to grant development consent for the Norfolk Vanguard project, the Secretary of State will now take steps to redetermine the application for development consent submitted by Norfolk Vanguard Limited on 8 June 2018.
2. The Secretary of State is, therefore, writing to all Interested Parties to the Norfolk Vanguard project and the Norfolk Boreas offshore wind farm project (the “Norfolk Boreas project”) to set out a process to remedy the failure to assess the cumulative landscape and visual impacts of the Norfolk Vanguard and Norfolk Boreas projects in the Norfolk

¹ <https://www.judiciary.uk/judgments/pearce-v-secretary-of-state-for-business-energy-and-industrial-strategy/>

Vanguard examination and decision-making process. In particular, in respect of the proposals for locating onshore substation infrastructure at Necton in Norfolk.

3. In the decision letter of 1 July 2020, which has now been set aside, the Secretary of State noted the Examining Authority had concluded that because of the limited information available on the Norfolk Boreas project, consideration of the cumulative landscape and visual effects between the Norfolk Vanguard project and the Norfolk Boreas project should be considered as part of the examination of the development consent application for the Norfolk Boreas project. At the time that the Examining Authority reached that conclusion, the examination of the Norfolk Boreas project had not commenced and the Norfolk Boreas examination was still ongoing at the time that the Secretary of State adopted that conclusion in the decision letter of 1 July 2020.
4. The Secretary of State considered that the examination of the Norfolk Boreas project could be expected to provide more details on the landscape and visual effects of the Norfolk Boreas project, in particular in respect of the design of the Norfolk Boreas substation. The design of that substation was important because the Secretary of State considered that without some further detail of the design, it was not possible to fully assess the potential cumulative effects of it and the Norfolk Vanguard substation, for instance, whether the design of the two substations would complement each other. The Secretary of State also considers that it is necessary to be certain how any potentially acceptable designs of the substations would be secured. The Secretary of State accepts that this information could have been requested during the examination of the Norfolk Vanguard project or subsequently during the decision-making period for that project. However, now that the Norfolk Boreas examination has been completed, he has been able to consider if any further relevant information was produced during that examination.
5. The Secretary of State notes that during the course of the examination in respect of the Norfolk Boreas project, following representations from Interested Parties about the landscape and visual effects of the Norfolk Boreas onshore substation at Necton, Norfolk Boreas Limited amended its Design and Access Statement to include as further information a preliminary design report, which would guide and inform a Design Guide and the detailed design of the Norfolk Boreas onshore project substation; details of the Design Guide process which would, amongst other things, allow Interested Parties to provide feedback on the design of the substation; and a commitment to undertake a design review at an early stage in that design process. He further notes from the amended Design and Access Statement that “the design and development of the onshore infrastructure will also be considered cumulatively with Norfolk Vanguard and consideration will be given to a design approach which can be applied across both projects”. In the light of this, the Secretary of State intends to take the *Norfolk Boreas Offshore Wind Farm Design and Access Statement (Version 5 – August 2020)*² into consideration in the redetermination of the application for development consent for the Norfolk Vanguard Offshore Wind Farm.

² [https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010087/EN010087-002453-8.3%20Design%20and%20Access%20Statement%20Figures%20\(V%20ersion%205\)%20\(Part%201%20of%204\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010087/EN010087-002453-8.3%20Design%20and%20Access%20Statement%20Figures%20(V%20ersion%205)%20(Part%201%20of%204).pdf)

6. The Secretary of State now intends to proceed to make an evaluation of any harm that might derive from the landscape and visual impacts of the proposals to locate the Norfolk Vanguard substation(s) at Necton and of the weight to be accorded to those impacts taking into account the cumulative effects with the Norfolk Boreas project drawing on: the original materials submitted and the representations already made in the Norfolk Vanguard examination; the additional materials that the Secretary of State has identified from the Norfolk Boreas application (as referred to in paragraph 5 above); and any additional information on cumulative landscape and visual impacts that may be provided to him as part of the re-determination process including references to material submitted as part of the Norfolk Boreas examination. On the assumption that the Norfolk Vanguard project is decided first (noting that any evaluation will be made against the baseline at Necton as it exists at the moment), the Secretary of State will weigh the outcome of that evaluation in a reassessment of the overall planning balance for Norfolk Vanguard and consider any implications arising for Norfolk Boreas.
7. Except in relation to this specific and targeted joint consultation on onshore landscape and visual cumulative impacts, the applications for development consent in respect of the Norfolk Vanguard project and the Norfolk Boreas project will continue to be dealt with separately and the Secretary of State's decisions on those applications will not necessarily be issued at the same time.
8. Notwithstanding the comments above, before proceeding any further, the Secretary of State will consider any representations from Interested Parties on the following matters:
 - the procedure which the Secretary of State now proposes to follow;
 - whether as part of that procedure, he should ask the Planning Inspectorate to re-open the examination to consider the cumulative landscape and visual impacts at Necton;
 - whether Interested Parties agree with the Secretary of State's assessment of the situation set out at paragraph 6 above regarding the additional materials that will put him in a better position to make the assessment of cumulative landscape and visual impacts in the redetermination of the Norfolk Vanguard application and whether Interested Parties consider there to be any further documents submitted as part of the Norfolk Boreas examination that would be helpful in this regard.
9. The Secretary of State requests that any representations that Interested Parties wish to make pursuant to paragraph 8 above be provided to him by 23.59 on 20 May 2021. The Secretary of State will consider all representations received which address procedural matters and will write again to all Interested Parties setting out whether any representations made have resulted in any change to the procedure which he now proposes to follow.
10. Please note that the Secretary of State is not, at this stage, requesting representations on the substantive question of the acceptability or otherwise of the cumulative landscape and visual effects between the Norfolk Vanguard project and the Norfolk Boreas project. The Secretary of State will set out all those matters which he wishes to invite Interested

Parties to make further representations on when he confirms the procedure for the redetermination of the Norfolk Vanguard project.

11. The Examining Authority submitted a Report and Recommendation in respect of its findings and conclusions on the Norfolk Vanguard application to the Secretary of State on 10 September 2019. The Examining Authority's Report and Recommendation can be found on the Planning Inspectorate's web site at:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/norfolk-vanguard/>

Yours faithfully

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Gareth Leigh
Head of Energy Infrastructure Planning