



Gareth Leigh
Department for Business, Energy and Industrial Strategy (BEIS)

BY EMAIL

20 May 2021

Our Ref: 20012715
Your Ref: EN010079/EN010087

Dear Gareth

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

The Wildlife Trusts (TWT) welcome the opportunity to provide further information on the redetermination of Norfolk Vanguard. Although we have no further comments at this stage on the redetermination process with regards to the impacts of onshore substation infrastructure at Necton, we would like to outline our views on the redetermination process as a whole. We welcome, as outlined in paragraph 10 of the BEIS letter date 29th April 2021:

"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."

Our interpretation of this statement is that the Secretary of State will consider a broad range of issues in the redetermination of Norfolk Vanguard. TWT would like to emphasise that the redetermination must take account of recent planning decisions, such as Hornsea Three, into the process. It is our view that compensation is required for Haisborough, Hammond and Winterton SAC and Flamborough and Filey Coast SPA. We have outlined our position on cabling protection impacts on Haisborough, Hammond and Winterton SAC and the requirement for compensation in Appendix A.

We look forward to continuing our engagement on the redetermination of Norfolk Vanguard.

Yours sincerely



Dr Lissa Batey
Head of Marine Conservation
The Wildlife Trusts

Appendix A: TWT position on Norfolk Vanguard

1. Norfolk Vanguard – reduction and mitigation

We welcome that Norfolk Vanguard has taken steps to reduce and mitigate impacts from cabling on Haisborough, Hammond and Winterton SAC.

2. TWTs position on Norfolk Vanguard and impacts to Haisborough, Hammond and Winterton SAC

It is TWTs position that compensation will be required due to the habitat loss from cable protection within Haisborough, Hammond and Winterton SAC. This is for the following reasons:

- Haisborough, Hammond and Winterton SAC is in unfavourable condition.
- Cable protection will negatively impact the following attributes which contribute to the conservation objectives of the site:
 - Extent and distribution of habitats
 - Sediment composition and distribution
 - Presence and spatial distribution of biological communities
- Despite the potential for decommissioning, these impacts will affect the SAC for the lifetime of the project.
- This means that for 30 years, the site will remain in unfavourable condition, as cable protection will impede the recovery of the site (confirmed by the Secretary of State as part of the Hornsea 3 decision¹ - please see section 3), contrary to the conservation objectives and therefore the Habitats Regulations.
- This would also mean that UK would not meet the requirements under the Marine and Coastal Access Act 2009 and commitment under OSPAR to achieve an ecological coherent Marine Protected Area network. This would also be contrary to objective 8 of the East Marine Plan:

“To support the objectives of Marine Protected Areas (and other designated sites around the coast that overlap, or are adjacent to the East marine plan areas),
individually and as part of an ecologically coherent network.”

3. Taking account of the Hornsea Three planning decision with regards to cable protection impacts on protected benthic habitats

TWT would like to make it clear that our view on the application of the Hornsea Three decision is relevant to any planning decision where a cable is place through a Marine Protected Area.

¹ [Paragraph 6.22, Hornsea Three decision letter](#)

Although we appreciate that Norfolk Vanguard have taken steps to reduce their design envelope and to implement mitigation measures to reduce impacts from cable protection, any cable protection in a designated site, especially one which is in unfavorable condition, will have a negative impact on the site for the lifetime of the project.

The Hornsea Three decision states that habitats subjected to cable protection:

- a. will experience the effects of habitat loss, habitat modification and changes in epifauna communities
- b. will be impacted in the long-term
- c. will impede the restoration of the Annex 1 habitats for the duration that cable protection is in place, and
- d. will not meet the Conservation Objectives for the protected site.

This information must be taken into account in the re-determination of Norfolk Vanguard. Haisborough, Hammond and Winterton SAC is already in unfavourable condition and any future cable protection, no matter how small, will impede the recovery of this site.