

Necton Parish Council Response to the Secretary of State's Request for Information Following the High Court's Decision to Quash the Norfolk Vanguard Offshore Wind Farm Order 2020

The Secretary of State has asked for Interested Parties to comment on the proposed procedure for examining the cumulative effects of the Boreas and Vanguard projects so that a re-determination can be made on whether to approve the Vanguard DCO.

The question is in three parts:

- 1. The procedure the secretary of State intends to follow*
- 2. 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*
- 3. Whether Interested Parties agree with the Secretary of State assessment of the situation set out in 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 re-determination 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.*

The Necton Parish Council response is as follows:

Question 1

We do not agree that the procedure the Secretary of State intends to follow is appropriate to the circumstances.

We believe that the applications for Boreas and Vanguard were deliberately separated to mask both the cumulative impact and shared costing of the two projects.

- The cable run will be built by Vanguard for both projects to use and thus will significantly reduce the cost for Boreas but will be more expensive than if constructed solely for Vanguard. If only one of the projects goes ahead, this saving will not be made and we believe this could significantly alter the declared financial data for one or both projects if they continue to be considered separately.
- The cumulative impact assessment was declared by Vattenfall as not possible in the Vanguard examination because the data for Boreas was unavailable. We now know that the two projects are virtually identical so the impact of Boreas will be virtually identical and will double both the damage to the landscape and visual impact of the combined projects in Necton. Since the submissions of the two projects were months apart, not a decade apart as declared by Vattenfall to the Parish Council and residents of Necton at all stages during the consultation, the consultation and examination were both flawed in this respect and should be repeated.

At least the examination should be repeated with all the data provided and looking at both halves of the project together. In this way, all the interactions can be assessed, not just the one that formed the basis of the Judicial Review. Given the process and cost of a Judicial Review, all the cumulative impacts could not be considered and the worst one was selected. The only way to ensure a fair and accurate process is for the Planning Inspectorate to repeat

their examination of Vanguard and Boreas, but this time taken together as one entity as should have been submitted by the developer in the first place.

In addition, Vattenfall made a representation during the Boreas examination (REP13 025) quoting precedent that stated because Vanguard was approved, Boreas must also be approved. This substantiates the suspicion by many people that Vattenfall separated the two halves of the project to increase the probability for approval of the whole project. This may be an allowed tactic by the planning system but in this case has skewed the examination process to such an extent that a Judicial Review has quashed the approval of the first half, Vanguard. The planning decision-making process should be transparent to the public and in this case the transparency has been brought in to question. We would like to see the whole examination repeated to ensure there is no residual doubt on transparency in the mind of the public.

We believe the procedure the Secretary of State intends to follow is a re-determination but instead it ought to be a re-examination but this time for the combined Vanguard and Boreas projects as a single entity.

Question 2

Yes, we agree the cumulative landscape and visual impacts at Necton should be re-examined.

Question 3

No, Necton Parish Council do not believe that including additional conclusions from the Boreas examination is sufficient. The conclusions referred to in paragraph 6, which then refers to paragraph 5, are basically that a design review stage should be added to the Design and Access Statement.

The reason that we don't believe this is sufficient is that Vattenfall could commission the design review and publish the documentation and then could ignore the conclusions because they already have approval for the DCO and have complied with the requirement for a design review. Unless there are specific conditions for the cumulative mitigation of the landscape and visual impact at Necton for Vanguard and Boreas included in the Design and Access Statement, no one can be certain that sufficient mitigation will be implemented, not even the Secretary of state who we believe is trying to do the right thing and ensure adequate mitigation.

There is no guarantee that adequate mitigation will be implemented with the proposed process and we ask that a more robust method is used; ie that both projects are consulted on as if they were one project, and that specific and adequate mitigation requirements are built in to the design for before approval.

Necton Parish Council
19 May 2021