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25 August 2021

**Norfolk Vanguard Request for Further Information**

Dear Mr Leigh,

**Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010**

**Re-determination of application by Norfolk Vanguard Limited (Applicant) for development consent for the Norfolk Vanguard Offshore Wind Farm (Norfolk Vanguard)**

**Response to the Secretary of State's Request for Further Information dated 11 August 2021.**

We refer to your letter dated 11 August 2021 which confirms no submissions were received from Interested Parties, other than the Applicant, by the deadline of 2 August 2021 in response to the letter dated 5 July 2021, and which requested further information from the Applicant.

In response to the request for further information, the Applicant now encloses the following documents:

1. Applicant's Response to the Request for Further Information
2. Updated Population Viability Analysis: Flamborough and Filey Coast SPA
3. Extract of Schedule 17 to the draft Development Consent Order: Compensation to protect the coherence of the Natura 2000 Network

Following the Applicant's previous submission on 2 August 2021, the Applicant has continued to engage with Natural England and the MMO regarding potential impacts to and mitigation for the:

- Haisborough Hammond and Winterton SAC including sandwave levelling activities; and
- Flamborough and Filey Coast SPA populations, PVA, collision risk and potential mitigation measures.

**Extract of Schedule 17 to the draft Development Consent Order: Compensation to protect the coherence of the Natura 2000 Network**

The Applicant has also continued to engage with Natural England and the MMO to agree, as far as possible, the appropriate form of conditions to be included in the draft Development Consent Order (dDCO) in the event that the SoS concludes that adverse effects on integrity cannot be ruled out and compensation must be delivered. In light of those further discussions, an updated version of the draft conditions is enclosed with this submission.

Agreement in principle has been reached on many aspects of the conditions, save in relation to whether it is appropriate to set minimum periods for consultation with the MMO and Natural England and also whether it is appropriate for compensation to be delivered following construction, and potentially, during operation of the Project.

The Applicant does not consider it appropriate for minimum timescales for consultation to be set within the dDCO given the compensation plans will be submitted to the SoS for approval, and the SoS will then conduct consultation with the MMO and Natural England as the SoS considers appropriate. In relation to the timing of delivery of compensation measures, EC Guidance states that “*in principle, the result of implementing compensation has normally to be operational at the time when the damage is effective on the site concerned*”. However, it also recognises that there will be certain circumstances and cases where this is not possible, and the Applicant considers the Norfolk Vanguard project to be an example of such a case.

In relation to compensation for the predicted potential collision mortality of 21 kittiwakes from the Flamborough and Filey Coast SPA, the Applicant has developed proposals for constructing and installing artificial kittiwake breeding colonies which will deliver considerable over-compensation in terms of recruits to the North Sea population (and hence birds available to recruit to the SPA population). This means that even if there should be a short delay in providing the nesting structures, any shortfall in accrued mortality at the operational wind farm which could result will be rapidly repaid within a small number of years, following which the new breeding colonies will continue to over-compensate the impacts for the lifetime of the project. The same over-compensation has been incorporated into the Applicant’s compensation proposals for lesser black-backed gull, guillemot and razorbill and therefore, as with kittiwake, any short delays between the wind farm becoming operational and the compensation delivering the necessary measures will be rapidly repaid.

With respect to the Haisborough Hammond and Winterton (HHW) Special Area of Conservation (SAC), the Applicant maintains that as it will not be known whether an effect on the HHW SAC will occur until export cable installation is complete, compensation should not be required prior to the effect. This is especially so given that the evidence presented demonstrates the very low likelihood that any cable protection (and therefore compensation) will, in fact, be required. To require advance delivery of compensation without knowing whether, in practice, any Adverse Effect on Integrity (AEoI) would in fact arise, or the precise amount of the impact for which compensation should be provided, would set an undesirable precedent for future projects and is likely to lead to unnecessary delay of the delivery of the project in the face of the urgent need for deployment of renewable energy to meet the Government’s ambitions for net zero and 40GW by 2030. In addition, a requirement to deliver compensation in advance of understanding the scale of the impact (if indeed needed at all) would unnecessarily (and potentially significantly) increase the costs of the project’s delivery and therefore ultimately the cost of energy for consumers.

### **Updated PVA: Flamborough and Filey Coast**

In the attached submission, the Applicant has responded to the request to provide further information on the latest in-combination assessments for collision and/or displacement effects for kittiwake, gannet, guillemot and razorbill from the Flamborough and Filey Coast (FFC) SPA and an assessment of the population consequences with and without the development derived from updated Population Viability Analysis (PVA) modelling. It was requested that the results should be provided with and without Hornsea Project Four Offshore Wind Farm. Following consultation with Natural England and taking into account advice provided by Natural England, the Applicant has also included the preliminary collision and displacement estimates for the Dudgeon Extension Project (DEP) and Sheringham Extension Project (SEP), using the data provided for those applications in their Preliminary Environmental Information Report (PEIR), since these projects are at the same stage in the consenting process as Hornsea Project Four. The Applicant

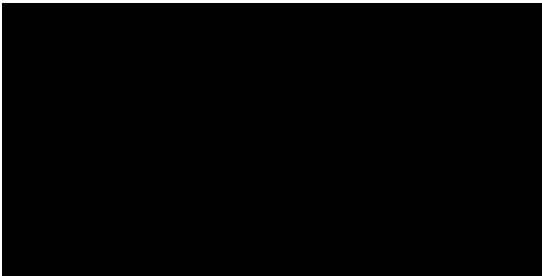
has therefore provided results from PVA models conducted with and without Hornsea Project Four Offshore Wind Farm and the DEP and SEP wind farms. It is clear from the PVA outputs that for all species the additional impact on the populations resulting from the contribution from Norfolk Vanguard is extremely small and would almost certainly be undetectable.

### **Further Evidence of Sandwave recovery**

In the Applicant's Response to the Request for Further Information document the Applicant provides examples of where sandwaves have recovered from dredging (also known as pre-sweeping) that occurred during cable installation at offshore wind farms. This evidence demonstrates that with sandy mobile seabed conditions such as those experienced at the HHW SAC sandwaves that have been dredged fully recover and that recovery usually occurs very quickly (often within a year). The evidence provided includes recent studies from Race Bank offshore wind farm as well as a review of numerous offshore wind farms from around the UK. The Applicant considers that the evidence submitted provides further certainty that a conclusion of no Adverse Effect on Integrity can be made for the HHW SAC.

We trust the enclosed documents deal fully with the request for further information. If however, any further clarification is required, please do not hesitate to contact us.

Yours faithfully



Jake Laws

For and on behalf of

Norfolk Vanguard Limited