



Department for
Business, Energy
& Industrial Strategy

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Email:
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To:

Norfolk Vanguard Interested Parties
Norfolk Vanguard Limited
Natural England

Our Ref: EN010079

Date: 11 October 2021

Cc Norfolk Boreas Interested Parties

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”)

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 wrote to Interested Parties on 29 April 2021 to invite them to submit their views on the procedure that should be followed in the re-determination of the Norfolk Vanguard project development consent application.
2. Having considered the submissions that were received in response to that invitation, the Secretary of State set out in his letter of 5 July 2021 that the re-determination of the Norfolk Vanguard project application would be taken forward by way of a written representations process. The Secretary of State’s letter also requested that the Applicant should provide information on a range of issues relevant to the Secretary of State’s consideration of the re-determination of the Norfolk Vanguard project application. The text of the letter can be found at:

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

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010079/EN010079-004364-NORV-Letter-from-Secretary-of-State-5-July-2021.pdf>

3. The Secretary of State issued a further request for information from the Applicant on 11 August 2021 specifically in relation to the interest features of the Flamborough and Filey Coast Special Protection Area (“SPA”) and the Haisborough, Hammond and Winterton Special Area of Conservation (“SAC”). The letter can be found at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010079/EN010079-004388-NORV Re-Determination Consultation Letter 11 August 2021.pdf>

SECRETARY OF STATE’S REQUESTS FOR ADDITIONAL INFORMATION

The Applicant’s Responses to the Secretary of State’s Previous Requests for Information

4. The Applicant provided responses to the questions set out in the Secretary of State’s letters of 5 July 2021 and 11 August 2021 and these submissions were published on the Planning Inspectorate’s National Infrastructure Planning web-page for the Norfolk Vanguard development consent application on 11 August 2021 and 26 August 2021 respectively – see link below and the Annex to this letter (which provides links to the individual responses from the Applicant):

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

5. The Secretary of State now requests comments from **Interested Parties** on the submissions made by the Applicant. Interested Parties should provide the requested information by 23.59 on 8 November 2021 to the Secretary of State c/o the Planning Inspectorate’s e-mail address for the Norfolk Vanguard development consent application:

NorfolkVanguard@planninginspectorate.gov.uk .

Haisborough, Hammond and Winterton SAC

6. (i) In respect of the in-principle compensation measures for the reef and sandbank features of Haisborough, Hammond and Winterton SAC, the **Applicant** is asked:
 - (a) To confirm the number of marine debris retrieval campaigns to be completed during the lifetime of the project; and
 - (b) To identify the existing oil and gas infrastructure proposed for removal, along with an update on engagement with the current owners of such infrastructure.
- (ii) The **Applicant** is also asked to provide:
 - (a) Details of modifications to the Norfolk Vanguard project, which would avoid the need for all cable rock protection within the SAC (except for cable crossing points).

This should include the provision of more detailed information on micro-siting and/or the use of marker buoys to protect unburied cables, by identifying their location; and

(b) Further information is also requested to demonstrate that all reefs can be avoided during cable installation.

7. The **Applicant** should provide the requested information by 23.59 on 8 November 2021 to the Secretary of State c/o the Planning Inspectorate's e-mail address for the Norfolk Vanguard development consent application:

NorfolkVanguard@planninginspectorate.gov.uk .

Dillington Hall Nature Recovery Project

8. The Secretary of State also requests that the **Applicant** and **Natural England** should consider and respond to the email of 8 September 2021 from Dillington Hall Estate at, (https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010087/EN010087-002865-Post%20Recommendation%20Submission%20-%20Dillington%20Hall%20Estate_Redacted.pdf), which highlights that the Norfolk Vanguard cable route will pass through a Natural England Nature Recovery Project ("NRP"). Information is requested on any implications the NRP has in respect of the Application and confirmation or otherwise that the conclusions of the EIA remain valid.

9. The **Applicant** and **Natural England** should provide the requested information by 23.59 on 8 November 2021 to the Secretary of State c/o the Planning Inspectorate's e-mail address for the Norfolk Vanguard development consent application:

NorfolkVanguard@planninginspectorate.gov.uk .

10. The information submitted to the Secretary of State in response to the requests in paragraphs 5, 7 and 9 above will be published on the Norfolk Vanguard web-page on the Planning Inspectorate's National Infrastructure Planning web-site –

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

11. Once the Secretary of State has considered the submissions that have been made to him, he will decide whether any further consultation is to take place. Interested Parties should not assume that further rounds of consultation will be required.

12. This letter is without prejudice to the Secretary of State's consideration of whether to grant or withhold development consent for the Norfolk Vanguard project. Nothing in this letter is to be taken to imply what the eventual decision might be or what final conclusions

the Secretary of State may reach on any particular issue which is relevant to the determination of the application.

Yours faithfully

[REDACTED]

Gareth Leigh
Head of Energy Infrastructure Planning

Annex

List of Documents Submitted by the Applicant (with links) – in order as they appear on PINS' Norfolk Vanguard web-page - earliest upload first

11 August 2021

- Response to the Secretary of State's consultation of 5 July 2021 - 8.26 In Principle Habitats Regulations Derogation, Provision of Evidence Appendix 1 Flamborough and Filey Coast SPA In Principle Compensation Measures (Version 2)

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004380-8.26%20In%20Principle%20Habitats%20Regulations%20Derogation,%20Provision%20of%20Evidence%20Appendix%201%20Flamborough%20and%20Filey%20Coast%20SPA%20In%20Principle%20Compensation%20Measures%20\(Versions%201%20and%202\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004380-8.26%20In%20Principle%20Habitats%20Regulations%20Derogation,%20Provision%20of%20Evidence%20Appendix%201%20Flamborough%20and%20Filey%20Coast%20SPA%20In%20Principle%20Compensation%20Measures%20(Versions%201%20and%202).pdf)

- Response to the Secretary of State's consultation of 5 July 2021 - Norfolk Boreas Document Index

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004387-Norfolk%20Boreas%20Document%20Index.pdf>

- Response to the Secretary of State's consultation of 5 July 2021 - 1.4 Guide to the Application (Version 12)

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004374-Applicant's%20Guide%20to%20the%20Application%20\(Versions%201%20to%2012\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004374-Applicant's%20Guide%20to%20the%20Application%20(Versions%201%20to%2012).pdf)

- Response to the Secretary of State's consultation of 5 July 2021 - Applicant's Response to the Requests for Additional Information

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004383-Applicant's%20Response%20to%20the%20Requests%20for%20Additional%20Information.pdf>

- Response to the Secretary of State's consultation of 5 July 2021 - Updated information on cumulative and in-combination effects with the Dudgeon and Sheringham Shoal Extension Projects

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004386-Updated%20information%20on%20cumulative%20and%20in-combination%20effects%20with%20the%20Dudgeon%20and%20Sheringham%20Shoal%20Extension%20Projects.pdf>

[combination%20effects%20with%20the%20Dudgeon%20and%20Sheringham%20Shoal%20Extension%20Projects.pdf](#)

- Response to the Secretary of State's consultation of 5 July 2021 - 8.3 Design and Access Statement (Version 2) Figures (Part 1 of 2)

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004377-8.3%20Design%20and%20Access%20Statement%20\(V%20ersion%202\)%20Figures%20\(Part%201%20of%202\).pdf](#)

- Response to the Secretary of State's consultation of 5 July 2021 - 8.3 Design and Access Statement (Version 2) (Tracked Changes)

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004376-8.3%20Design%20and%20Access%20Statement%20\(V%20ersion%202\)%20\(Tracked%20Changes\).pdf](#)

- Response to the Secretary of State's consultation of 5 July 2021 - 8.27 Onshore Project Substation Masterplan

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004382-8.27%20Onshore%20Project%20Substation%20Masterplan.pdf](#)

- Response to the Secretary of State's consultation of 5 July 2021 - Summary of Norfolk Boreas Environmental Statement Information with respect to Cumulative Impacts

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004385-Summary%20of%20Norfolk%20Boreas%20Environmental%20Statement%20Information%20with%20respect%20to%20Cumulative%20Impacts.pdf](#)

- Response to the Secretary of State's consultation of 5 July 2021 - 8.24 In Principle Habitats Regulations Derogation, Provision of Evidence Appendix 2 Alde-Ore Estuary SPA In Principle Compensation (Version 2)

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004379-8.24%20In%20Principle%20Habitats%20Regulations%20Derogation,%20Provision%20of%20Evidence%20Appendix%202%20Alde-Ore%20Estuary%20SPA%20In%20Principle%20Compensation%20\(V%20ersion%202\).pdf](#)

- Response to the Secretary of State’s consultation of 5 July 2021 - 8.25 In Principle Habitats Regulations Derogation, Provision of Evidence Appendix 3 Haisborough, Hammond and Winterton SAC In Principle Compensation (Version 2)

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004381-8.25%20In%20Principle%20Habitats%20Regulations%20Derogation,%20Provision%20of%20Evidence%20Appendix%203%20Haisborough,%20Hammond%20and%20Winterton%20SAC%20In%20Principle%20Compensation%20\(Versions%202\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004381-8.25%20In%20Principle%20Habitats%20Regulations%20Derogation,%20Provision%20of%20Evidence%20Appendix%203%20Haisborough,%20Hammond%20and%20Winterton%20SAC%20In%20Principle%20Compensation%20(Versions%202).pdf)

- Cover Letter Response to the Secretary of State’s request for additional information of 5 July 2021 - Cover Letter

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004373-Applicant's%20Cover%20Letter%20for%202%20August%202021%20Submission.pdf>

- Response to the Secretary of State’s consultation of 5 July 2021 - 8.3 Design and Access Statement (Version 2) Figures (Part 2 of 2)

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004378-8.3%20Design%20and%20Access%20Statement%20\(Versions%202\)%20Figures%20\(Part%202%20of%202\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004378-8.3%20Design%20and%20Access%20Statement%20(Versions%202)%20Figures%20(Part%202%20of%202).pdf)

- Response to the Secretary of State’s consultation of 5 July 2021 - Information from the Norfolk Boreas Examination

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004384-Information%20from%20the%20Norfolk%20Boreas%20Examination.pdf>

- Response to the Secretary of State’s consultation of 5 July 2021 - 8.3 Design and Access Statement (Version 2) (Clean)

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004375-8.3%20Design%20and%20Access%20Statement%20\(Versions%202\)%20\(Clean\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004375-8.3%20Design%20and%20Access%20Statement%20(Versions%202)%20(Clean).pdf)

26 August 2021

- Response to Secretary of State’s Request for Further Information dated 11 August 2021 - Updated Population Viability Analysis Flamborough and Filey Coast SPA

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004399->

[Updated%20Population%20Viability%20Analysis%20Flamborough%20and%20Filey%20Coast%20SPA.pdf](#)

- Response to Secretary of State’s Request for Further Information dated 11 August 2021 - Cover Letter

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004397-The%20Applicant's%20Cover%20Letter%20for%2025%20August%202021%20Submission.pdf](#)

- Response to Secretary of State’s Request for Further Information dated 11 August 2021 - The Applicant's Response to the Request for Further Information - Appendix 3 - Review of Cable Installation Protection Mitigation and Habitat Recoverability

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004400-The%20Applicant's%20Response%20to%20the%20Request%20for%20Further%20Information%20Appendix%203%20Review%20of%20Cable%20Installation%20Protection%20Mitigation%20and%20Habitat%20recoverability.pdf](#)

- Response to Secretary of State’s Request for Further Information dated 11 August 2021 - The Applicant's Response to the Request for Further Information

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004396-The%20Applicant's%20Response%20to%20the%20Request%20for%20Further%20Information.pdf](#)

- Response to Secretary of State’s Request for Further Information dated 11 August 2021 - Extract of Schedule 17 to the draft DCO Compensation to protect the coherence of the Natura 2000 Network

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-004398-Extract%20of%20Schedule%2017%20to%20the%20draft%20DCO%20Compensation%20to%20protect%20the%20coherence%20of%20the%20Natura%202000%20Network.pdf](#)