

Norfolk Vanguard Offshore Wind Farm Summary of the Applicant's Negotiations on Compensation Sites for Ornithology

Applicant: Norfolk Vanguard Limited
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Photo: Kentish Flats Offshore Wind Farm



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Glossary of Acronyms

ABP	Associated of British Ports
AEoI	Adverse Effect on Integrity
AOE	Alde-Ore Estuary
DCO	Development Consent Order
dDCO	Draft Development Consent Order
Defra	Department for Environment, Food & Rural Affairs
FFC	Flamborough and Filey Coast
HHW	Haisborough Hammond and Winterton
SAC	Special Area of Conservation
SoS	Secretary of State
SPA	Special Protection Area
SPR	Scottish Power Renewables
TCE	The Crown Estate

1 INTRODUCTION

1. For Norfolk Boreas, Norfolk Vanguard's sister project, interested parties have raised concerns that the level of detail provided for the compensatory measures to date is insufficient to enable the Secretary of State to have confidence that the measures can be delivered and are secured, particularly in relation to negotiations to secure compensation for ornithological sites.
2. The Secretary of State's latest request did not seek any further update in relation to negotiations in respect of ornithological compensation sites. Notwithstanding this, in light of interested parties comments on the Norfolk Boreas project as referred to above, this document summarises the Applicant's current position on negotiations for ornithological compensation sites. This information has also been submitted in relation to the Norfolk Boreas wind farm project, but applies equally to the Norfolk Vanguard wind farm project given these negotiations are being progressed jointly for Norfolk Vanguard and Norfolk Boreas.
3. In summary, the Applicant's position remains that there is no risk of an adverse effect on the integrity (AEoI) of either the Alde-Ore Estuary (AOE) Special Protection Area (SPA) or the Flamborough and Filey Coast (FFC) SPA due to Norfolk Vanguard alone or in combination with other plans and projects. This conclusion is based on a detailed, evidence-based assessment of the potential impacts, which contains considerable over-precaution. Nevertheless, even though the Applicant's primary case is that there will be no AEoI, without prejudice to this position the Applicant has spent a considerable amount of time and effort exploring the options and deliverability of compensation, in consultation with all relevant parties. This has included working with other wind farm developers (e.g. ScottishPower Renewables), to develop in-principle compensation jointly, and discussions with Defra regarding developer support for strategic approaches.
4. Given that a decision on AEoI has not been made, details for compensation, including landowner negotiations, have been progressed as far as reasonably and practically possible. Indeed, in granting consent for Hornsea Project Three the Secretary of State appears to have accepted that it is not necessary for all compensation details to be finalised in advance of consent determination, and that such matters can be adequately secured in the DCO, as explained further below.
5. The Applicant has demonstrated that it would be able to deliver compensation should it be required, and the plans are now very well developed, ensuring this can be progressed in a timely manner should compensation be requested by the SoS.
6. The following sections address site selection and land agreements for the AOE SPA and the FFC SPA.

1.1 Alde-Ore Estuary SPA

1.1.1 Compensation site selection

7. The Applicant has developed the in-principle compensation proposals for the lesser black-backed gull feature of the AOE SPA over a period of 18 months, with the first submission made in response to the letter from the SoS on the 6th December 2019, and submitted by the Applicant on the 28th February 2020. Considerable discussion and consultation has taken place between the Applicant and Natural England, as well as other stakeholders, over this period.
8. To illustrate the process that has been undertaken, the timeline of development of the AOE SPA lesser black-backed gull compensation proposals is set out below:
 - On the 6th December 2019 the SoS requested the Applicant, in consultation with Natural England, to provide, *inter alia*, ‘in-principle compensatory measures proposed to ensure that the overall coherence of the network of Natura 2000 sites is protected’.
 - The Applicant submitted a detailed in-principle compensation proposal for the AOE SPA on the 28th February 2020, which identified measures to improve productivity of the lesser black-backed gull population as the most appropriate management option, with this most likely to be achieved through installation of a fence to exclude mammalian predators, in particular foxes.
 - On the 1st July 2020 the SoS granted consent for the Norfolk Vanguard project and determined that an adverse effect on the integrity (AEoI) of the AOE SPA could be ruled out, and therefore there was no requirement for the Applicant to deliver the in-principle compensation measures.
 - Following the High Court's decision to quash the Norfolk Vanguard DCO (on the 24th February 2021), on the 5th July 2021 the SoS, with respect to the AOE SPA compensation proposals, requested details of strategic options, evidence for site acquisition or leasing and an implementation timetable for delivery and objective achievement.
 - On the 2nd August 2021, the Applicant provided an updated AOE SPA in-principle compensation proposal which addressed the SoS's requests of 5th July 2021. This summarised efforts made by Natural England and Defra to develop strategic compensation, but which ultimately were considered by Defra to be beyond the Project's required timeline. Nonetheless the Applicant has continued to work with other relevant developers to progress compensation options. The Applicant also confirmed that discussions were underway with landowners identified as supportive by Defra, and that land rights was still not regarded as a barrier. The proposed timetable for putting the compensation in place was also provided.

9. Following the provision of in-principle compensation for AOE SPA in February 2020, Natural England were in agreement with the proposed measures: *Natural England considers that it is achievable to have a suitable location identified and a predator proof fence erected before the construction of the windfarm* (Natural England 2020).
10. Since then Natural England's position on compensation (as stated in relation to Norfolk Boreas¹) appears to have changed, and they now appear to be applying a position more akin to that adopted for onshore projects in cases where it has already been accepted that adverse effect on integrity will arise.
11. This undoubtedly influences the degree to which proposals can be developed prior to consent. The request to provide offshore compensation proposals is much more recent and best practice approaches are still being developed to facilitate this, unlike the tried and tested measures previously adopted onshore. More importantly, the degree of detail which can be provided can only be commensurate with the level of agreement on whether AEol arises (and therefore whether compensation is or is not, in fact, required). The reasons why AEol arises, and the features affected, will influence the type of compensation required as well as its location, such that a determination (or agreement) on this is required before proposals can be fully developed. Similarly, agreement on the scale of the impact is also essential because this influences the location(s) and design of the compensation measures to be provided.
12. Under these circumstances, before compensatory measures have been made a requirement by the SoS, it is not reasonable or practicable to expect the Applicant to progress significantly beyond in principle discussions with landowners or to secure separate planning permission for the measures (where this would be required). In any event, doing so would not necessarily provide evidence of deliverability unless agreement had been reached on the most suitable location and structure. If land agreements and planning permission are obtained for compensation measures before they are agreed and/or approved, there is a risk that agreements and permissions will need to be revised to reflect different, final approved measures to be taken forward. In practice, landowners also request a level of certainty on the type and design of compensation measures to be hosted so that this can be incorporated in land agreements before they are entered into. Indeed, the SoS appeared to recognise these practical issues in the consent award for Hornsea Project Three which did not require

¹ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010087/EN010087-002861-EN010087%20351731%20Norfolk%20Boreas%20Annex%205%20Natural%20England%20overview%20of%20a%20appraisal%20of%20compensation%20measures.pdf>

compensation proposals to be developed to the extent Natural England are now requesting.

13. Nevertheless, the Applicant has continued to progress the compensation proposals as far as possible, to give all interested parties confidence that these could be delivered in the event they are required by the SoS, as explained further below.

1.1.2 Update on compensation site selection, along with details of when the site is expected to be secured

14. As noted in the above timeline, the Applicant progressed potential compensation site options initially with the assistance of Defra. A number of potential sites in the Orford Ness area, close to, or within the AOE SPA were considered. The short timescales involved and the lack of certainty as to whether compensation measures would be required, including the form and scale they would ultimately take, reduced the ability of some of those parties to assist in delivery of the compensation at that particular point in time. However, the Applicant (working with the Norfolk Boreas project, and in collaboration with ScottishPower Renewables (SPR)) has identified a suitable preferred location for the delivery of lesser black back gull compensation in the event that it is deemed necessary by the Secretary of State.
15. The land parcel in question is situated within the AOE SPA and is owned by Cobra Mist Ltd. The Applicant is currently negotiating Heads of Terms with Cobra Mist Ltd with a view to ultimately securing a lease of the site in the event that compensation for the lesser black gull feature of the AOE SPA is deemed necessary by the SoS. The letter included in Appendix 2 confirms that Cobra Mist Ltd is supportive of the Applicant's proposals. The Applicant considers that given that the current derogation case is proposed on a without prejudice basis, and it cannot be assumed that compensation will be required, it is not appropriate to progress negotiations beyond Heads of Terms. As explained above, until the scale of impact, and hence degree of compensation required, has been determined by the SoS, the precise area of land and the precise terms for acquiring an interest in the land sufficient to deliver the type of compensation which the SoS may ultimately approve following consent award is not yet known. Until this point, flexibility to use alternative sites, or alter the precise boundaries of the land or the terms on which it is to be acquired, needs to be maintained in the event that the preferred site, or detailed proposals put forward by the Applicant are not approved by the Secretary of State (for whatever reason).
16. Notwithstanding this, in order to progress land negotiations as far as possible for a without prejudice case, the Applicant has undertaken a site visit with an experienced ornithologist who has confirmed that the habitat in the proposed area is suitable to provide any compensation which may be required by the SoS. The habitat was noted as

being similar to that recorded in studies of breeding success in this species (Ross-Smith et al. 2015), and that vegetation management in the nonbreeding season would also maintain and enhance its suitability. Lesser black-backed gulls were also observed breeding on the roofs of adjacent buildings, from which colonisation of the site would readily occur. As a consequence of these positive findings the Applicant is progressing negotiations of the necessary documents but it is not expected that these will be entered into until the requirement for compensation has been fixed and agreed.

17. More recently, engagement has progressed with The Crown Estate in their capacity as landowner, who has also confirmed their willingness, in principle, to support the Applicant to deliver compensation should this be required (see Appendix 5 of this document). This support relates to any form of compensation and is therefore also relevant to compensation for the FFC and Haisborough Hammond and Winterton (HHW) Special Area of Conservation (SAC) should this be required.

1.1.3 Confirmation of how the purchase/ lease of the proposed site will be secured in the DCO.

18. In response to the Secretary of State's request for information dated 5th July 2021, the Applicant submitted draft conditions which could be included in the DCO to secure the compensatory measures. At that stage, the relevant conditions for each compensatory measure were included in section 4.6 of the respective In Principle Compensation documents. However, noting that the SoS may wish to modify the draft conditions proposed, the conditions have been removed from the relevant documents but are still contained in a standalone extract of Schedule 17 to the dDCO (ExA.AS-1.D13.V1). The conditions have also been updated to address some comments from Natural England and the RSPB made in relation to similar conditions proposed for the Norfolk Boreas project.
19. As can be seen from Part 2 of draft Schedule 17, conditions have been proposed to secure compensatory measures for lesser black-backed gull. In particular, paragraph 2 requires submission to the Secretary of State of a lesser black back gull compensation strategy for the Secretary of State's approval. The strategy must be submitted no later than 18 months prior to the operation of any wind turbine generator forming part of the authorised development. As outlined under paragraph (4)(b), the strategy must include a statement confirming how the necessary land and/or rights will or have been secured to deliver the measures. The strategy must then be carried out as approved unless otherwise agreed with the Secretary of State.
20. Therefore, the Applicant considers that the requirement to provide evidence that the necessary land rights have or will be secured to deliver the compensatory measures is already adequately secured within draft Schedule 17 already proposed. Indeed, this is

similar to the approach which the SoS took in granting consent for Hornsea Project Three, where a condition of the DCO required that the compensation plan to be submitted for approval by the SoS contains "details of landowner agreements demonstrating how the land will be bought or leased".

1.2 Flamborough and Filey Coast SPA

1.2.1 Update on compensation site selection

21. The Applicant has continued to progress negotiations with the Port of Lowestoft and several sites within the port have been identified as being suitable by both parties. During 2021 the Applicant has also undertaken a detailed study of kittiwake breeding site preferences and success rates at artificial breeding sites along the North Sea coast between Dunbar and Lowestoft. The results of this will be used to ensure that whichever site in the port is selected, the conditions will be optimised for successful kittiwake nesting.
22. The Applicant has been negotiating Heads of Terms with the port and is at an advanced stage in this process, as indicated in the letter included in Appendix 1. For the reasons identified above in relation to lesser black-backed gull, it is not considered reasonable or practical to require the Applicant to progress negotiations for necessary land rights beyond heads of term stage. As explained above, until the scale of impact, and hence degree and nature of compensation required, has been determined by the SoS, the precise area of land and the precise terms for acquiring an interest in the land sufficient to deliver the type of compensation which the SoS may ultimately approve following consent award is not yet known. Until this point, flexibility to use alternative sites, or alter the precise boundaries of the land or the terms on which it is to be acquired, needs to be maintained in the event that the preferred site, or detailed proposals put forward by the Applicant are not approved by the Secretary of State (for whatever reason).
23. Notwithstanding this, in order to progress land negotiations as far as possible for a without prejudice case, the Applicant, in discussion with the landowner and following a site visit with an ornithologist, has identified a number of potential locations which are considered suitable and appropriate for installation of a structure. These have been informally discussed with Natural England, along with presentation of the structural designs, to provide an opportunity for feedback into both aspects. Comments received have been used to refine the plans.
24. Finally, in the event that additional, or alternative, locations beyond those identified at Lowestoft Port are required, discussions with landowners at other nearby locations including those within Great Yarmouth Borough Council and Peel Ports Great Yarmouth Port landholdings are also being progressed, as indicated by the letters in Appendices 3 and 4 of this document.

25. As explained above, engagement has recently progressed with The Crown Estate in their capacity as landowner, who has also confirmed their willingness, in principle, to support the Applicant to deliver compensation should this be required (see Appendix 5 of this document). This support relates to any form of compensation and is therefore also relevant to compensation for the FFC SPA and HHW SAC should this be required.

1.2.2 Confirmation of how the purchase/ lease of the proposed site(s) will be secured in the DCO

26. In response to the Secretary of State's request for information dated 11th August 2021, the Applicant submitted draft conditions which could be included in the DCO to secure the compensatory measures. At that stage, the relevant conditions for each compensatory measure were also included in the respective In Principle Compensation Appendix. However, noting that the SoS may wish to modify the draft conditions proposed, the conditions have been removed from the relevant Appendix but are still contained in a standalone extract of Schedule 17 to the dDCO (ExA.AS-1.D13.V1). The conditions have also been updated to address some comments from Natural England and the RSPB made in relation to similar conditions proposed for the Norfolk Boreas project.

27. As can be seen from Part 1 of draft Schedule 17, conditions have been proposed to secure compensatory measures for kittiwake. In particular, paragraph 2 requires submission to the Secretary of State of a kittiwake compensation strategy for the Secretary of State's approval. The strategy must be submitted no later than 18 months prior to the operation of any wind turbine generator forming part of the authorised development. As outlined under paragraph (4)(b), the strategy must include a statement confirming how the necessary land and/or rights will or have been secured to deliver the measures. The strategy must then be carried out as approved unless otherwise agreed with the Secretary of State.

28. Therefore, the Applicant considers that the requirement to evidence that the necessary land rights have or will be secured to deliver the compensatory measures is already adequately secured within draft Schedule 17 already proposed. Indeed, this is similar to the approach which the SoS took in granting consent for Hornsea Project Three, where a condition of the DCO required that the compensation plan to be submitted for approval by the SoS contains "details of landowner agreements demonstrating how the land will be bought or leased".

1.2.3 Details of alternative compensation measures to be adopted, should the preferred compensation sites not be secured

29. Alternative compensation could take the form of different measures or different sites (or both). In the current case of in-principle kittiwake compensation, the Applicant

identified two measures, provision of nesting structures and reduction of the North Sea sandeel fishery.

30. The Applicant considers provision of artificial nesting structures to be the most feasible and deliverable option. Lowestoft remains the Applicant's preferred location for this and discussions between Vattenfall, SPR and ABP continue positively with a view to securing a lease for the land in question should compensation be deemed necessary by the SoS. As explained above, in the event that alternative, or additional, locations beyond those identified at Lowestoft Port are required, discussions with landowners at other nearby locations such as those within Great Yarmouth Borough Council and Peel Ports Great Yarmouth landholdings are also being progressed, as well as with The Crown Estate as indicated by the letters in Appendices 3, 4 and 5 of this document.
31. Although provision of an offshore structure for kittiwake to nest on has been considered, this is not currently being taken forward since it introduces considerable additional challenges, including the ongoing ability to monitor usage and breeding success etc. Therefore, alternative onshore locations are strongly preferred before an offshore option would be considered.
32. As detailed in the Applicant's compensation submissions (document reference 8.26 latest version submitted on 19 November 2021 (previously referenced as ExA; IROPI; 11.D10.3 FFC SPA in-principle compensation)), the only other potentially suitable measure identified in the Defra review of seabird compensation (Furness et al. 2013) is a reduction or closure of the sandeel fishery which operates on the Dogger Bank. However, while the Applicant would strongly support such a measure if brought forward by Government as part of a strategic measure to provide compensation, it is not considered feasible or deliverable for the Applicant to progress this independently. Indeed, these challenges of deliverability for developers have been accepted and acknowledged by Natural England (see Natural England's cover letter submitted with respect to the Norfolk Boreas project on 20th August 2021² in response to the SoS's letter dated 9th July 2021). Therefore beyond an offer of support where a strategic option is made available, it is not possible for the Applicant to progress this as an option within the timescales that may be required. However, as requested by Natural England, the draft conditions for the DCO have been drafted to enable some flexibility to include this should it become available in the future.

² <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010087/EN010087-002853-EN010087%20351731%20Norfolk%20Boreas%20Post%20Examination%20Consultation%20Natural%20England%20response%20letter%20final1.pdf>

2 REFERENCES

Furness, R.W., MacArthur, D., Trinder, M. and MacArthur, K. 2013. Evidence review to support the identification of potential conservation measures for selected species of seabirds. Report to Defra.

Natural England. 2020. Annex 12: Natural England's comments on Norfolk Vanguard Habitats Regulations Derogation, Provision of Evidence Appendix 2 Alde-Ore Estuary SPA In Principle Compensation Measures for Lesser black-backed gull, Document Reference 8.24. April 27th 2020.

Ross-Smith, V., Johnston, A. and Ferns, P.N. 2015. Hatching success in Lesser Black-backed Gulls *Larus fuscus* - an island case study of the effects of egg and nest site quality. *Seabird*, 28, 1-16.

APPENDIX 1. ABP LETTER OF COMFORT

Mr Laws
Vattenfall Wind Power Ltd
5th Floor 70
St Mary Axe
London
EC3A 8BE

19th October 2021

Dear Mr Laws

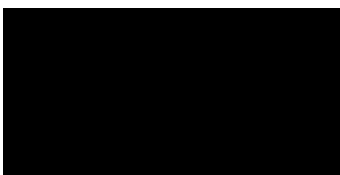
**Norfolk Vanguard and Norfolk Boreas Offshore Wind Farms
Artificial kittiwake nesting facility at The Port of Lowestoft**

We write further to our letter dated 25 September 2020 where we confirmed our in-principal agreement to assist in delivering artificial nesting sites for kittiwakes at the Port.

Since those initial discussions, we have been working closely with Vattenfall Wind Power Ltd to identify suitable locations within the Port to accommodate artificial nesting structures sufficient to compensate for the Norfolk Vanguard and Norfolk Boreas projects, should this be required by the Secretary of State. Several locations within the Port have now been identified as being potentially suitable for accommodating artificial kittiwake nesting facilities, and we are pleased to be progressing negotiations for heads of terms in respect of a lease of one of these sites and look forward to concluding those negotiations with you in due course.

We recognise the importance and urgency of delivering the Norfolk Vanguard and Norfolk Boreas projects, and we look forward to continuing working with Vattenfall to help facilitate the delivery of these projects.

Yours sincerely



Paul Litten
Head of Commercial, Wales and Short Sea Ports
Associated British Ports

Associated British Ports constituted under the Transport Act 1981. Reference No ZC000195



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- Immingham
- Ipswich
- King's Lynn
- Lowestoft
- Newport
- Plymouth
- Port Talbot
- Silloth
- Southampton
- Swansea
- Teignmouth
- Troon

APPENDIX 2. COBRA MIST LETTER OF COMFORT

Cobra Mist

Mr Laws
Vattenfall Wind Power Ltd
5th
Floor 70
St Mary
Axe
London
EC3A
8BE

11 October 2021

Dear Mr Laws

Norfolk Vanguard and Norfolk Boreas Offshore Wind Farms Fenced area for lesser black-backed gulls

As you know, Cobra Mist Limited owns and operate the former over-the-horizon radar and transmission facility which is situated on Orford Ness and within the Alde-Ore Estuary Special Protection Area.

We write further to our recent discussions with you in relation to the Norfolk Vanguard and Norfolk Boreas projects, which have been asked to put forward without prejudice measures to compensate for potential impacts on lesser black-backed gulls. If required by the Secretary of State, we understand that these measures are likely to be delivered through the provision of a fenced area of approximately 6 hectares or so in size, which would assist in reducing predation on lesser black-backed gulls within the Alde-Ore Estuary Special Protection Area.

Following our recent and continuing discussions with you as we work towards agreeing Heads of Terms, we are writing to confirm, that should either project be required to compensate for impacts to lesser black-backed gulls, we would in principle be willing to make available an area of our land holding which could be managed and fenced by the projects to deliver such compensation for lesser black-backed gulls.



Nicholas Gold
Director, Cobra Mist Limited

Cobra Mist Limited

Registered office: Kempston Lodge, Litcham, Kings Lynn, Norfolk PE32 2LG

Registered in England and Wales no. 09659166

VAT registration no. 237207029

APPENDIX 3. GREATH YARMOUTH BOROUGH COUNCIL LETTER OF COMFORT

Mr Laws
Vattenfall Wind Power Ltd
5th Floor 70
St Mary Axe
London
EC3A 8BE



Date: 15 October 2021
Our Ref: w:/letters/Laws

Dear Mr Laws

**Norfolk Boreas and Norfolk Vanguard Offshore Wind Farms
Artificial kittiwake nesting facility**

I am writing on behalf of Great Yarmouth Borough Council (at officer level) in relation to the Norfolk Boreas and Norfolk Vanguard Offshore wind farm developments which are supported in terms of employment generation and supply chain opportunities in a key sector for both the borough and the wider area. Alongside partners, we are also committed to developing an offshore energy Operations and Maintenance base in the South Denes peninsular of Great Yarmouth, close to the deep water outer harbour which forms part of our wider suite of Town Deal projects.

From our recent discussions with you, on behalf of Vattenfall Wind Power Ltd, we are aware that the Secretary of State for Business, Energy and Industrial Strategy has asked the applicants of the Norfolk Vanguard and Norfolk Boreas projects, to propose without prejudice compensation measures for potential impacts on kittiwakes.

We understand that the provision of artificial nesting sites is being progressed in the event that compensation measures are required by the Secretary of State, and that you are continuing to investigate the availability of sites where the artificial nesting sites could be located, including expansion of the existing colony in Lowestoft and exploration of extant offshore structures.

We are writing to confirm that should the projects or an individual project be required to provide artificial nesting sites as compensatory measures for kittiwakes, we are willing to work with you in exploring options to deliver these measures in suitable areas within the Borough Council's land holdings.

Yours sincerely,



David Glason
Director of Planning & Growth
[Redacted] [@great-yarmouth.gov.uk](mailto:[Redacted]@great-yarmouth.gov.uk)

APPENDIX 4. PEEL PORTS LETTER OF COMFORT

Mr Laws
Vattenfall Wind Power Ltd
5th Floor 70
St Mary Axe
London
EC3A 8BE

13th October 2021

Dear Mr Laws

**Norfolk Boreas and Norfolk Vanguard Offshore Wind Farms
Artificial kittiwake nesting facility**

We understand, from our recent discussions with you, on behalf of Vattenfall Wind Power Ltd, that the applicants of the Norfolk Vanguard and Norfolk Boreas projects have been requested by the Secretary of State for Business, Energy and Industrial Strategy, to provide without prejudice compensation measures for potential impacts on kittiwakes.

Our understanding is that the provision of artificial nesting sites is being progressed in the event that compensation measures are required by the Secretary of State, and that you are continuing to explore the availability of sites where the artificial nesting sites could be located.

We are writing to confirm that, in accordance with our recent and continuing discussions with you, should either project be required to provide artificial nesting sites as compensatory measures for kittiwakes, we would be willing, in principal, to work with you in delivering such measures.

Yours sincerely,



Richard Goffin
Port Director Great Yarmouth & London Medway
Peel Ports Group Limited

Peel Ports Great Yarmouth

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APPENDIX 5. THE CROWN ESTATE LETTER OF COMFORT

Ruari Lean
Project Manager
Norfolk Vanguard & Boreas Offshore Wind
Farms
Vattenfall Wind Power Ltd

Louise Rich
Senior Development Manager
Tel: 020 7851 5151
E-mail: [REDACTED]@thecrownestate.co.uk

Our Ref: Vanguard/Boreas

16 November 2021

Dear Ruari

Norfolk Vanguard and Boreas Offshore Wind Farms

The Crown Estate has been asked whether it would be open to granting estuary, foreshore and/or seabed rights should these be required for either ornithological or benthic compensatory measures under the Habitats Regulations, for either or both of the above offshore wind farms.

The Crown Estate manages these areas under the auspices of the Crown Estate Act (1961) and under the Energy Act (2004) we have responsibility for exploitation of areas for the purposes of offshore wind generation or purposes connected to such exploitation within the UK Renewable Exclusive Zone (REZ) which extends beyond 12 nautical miles to the limits of the UK continental shelf. On the basis that structures or activities are required on the seabed which are connected to the exploitation of the REZ for offshore wind electricity generation, The Crown Estate would have the power to grant rights within 12 nautical miles and outside 12 nautical miles within the REZ.

Should compensatory measures be required for the above projects and it transpires that rights from The Crown Estate would be required, we will work with Vattenfall as they progress their site selection in identifying appropriate locations for the required activities and/or structures. However, given that compensatory measures have been proposed without prejudice and there is no certainty on whether compensatory measures will, in fact, be required we cannot confirm at this time whether or not we would be able to grant rights in any particular case or location.

Yours sincerely

[REDACTED]
Louise Rich
Senior Development Manager