

## References:

- A. SoS Letter – Request for comments from IPs on submissions made by Applicant - 11<sup>th</sup> November 2021
- B. SoS Letter – Request for additional information following the High Court’s decision - 5<sup>th</sup> July 2021
- C. Approved Judgement – The Hon. Justice Holgate – Pearce v SoS for BEIS – 18<sup>th</sup> February 2021
- D. Norfolk Boreas Examination - Norfolk Boreas Carbon Footprint Assessment – 20<sup>th</sup> August 2020
- E. Norfolk Vanguard Examination – Information from the Norfolk Boreas Examination – submitted 11<sup>th</sup> August 2021
- F. EN010087-000661-6.2.29.5 ES - Figure 29.5 Scenario 1 – Zone of Theoretical Visibility of Onshore Project Substation – 27th June 2019
- G. EN010087-002848 - Norfolk Boreas Offshore Transmission Review – 20 August 2021
- H. ESO Open Letter on OTNR - 27th September 2021
- I. Norfolk Vanguard Appendix 1: Integrated Offshore Transmission Project Conclusions & Recommendations – submitted 30 May 2019

Dear Secretary of State,

As an Interested Party (IP) we are grateful for the opportunity to provide comment by written response to the SoS BEIS’s letter dated 11<sup>th</sup> November 2021 (Reference A) for the re-determination of the Norfolk Vanguard windfarm project. We note the deadline for IPs to respond was subsequently extended to 23:59hrs on Friday 19<sup>th</sup> November 2021.

The SoS’s letter at Reference B, detailed that the re-determination would proceed by way of written representations but, importantly, separately to the determination of the Norfolk Boreas project. Also, the letter notified that *“full account of the overlap of certain matters”* would be taken into consideration.

### **Judgement by Judicial Review (JR)**

The Norfolk Boreas consultation closed on 21<sup>st</sup> October 2021. However, in this re-determination process of Norfolk Vanguard, it is our contention that: without the IPs having knowledge from, or reference to, the ExAR for Norfolk Boreas, then the SoS’s decision to continue to carry out separate consultations on the Norfolk Vanguard and Norfolk Boreas DCO applications, is contrary to the advice from the JR which quashed the consent for Norfolk Vanguard. This decision has placed the public at an unfair disadvantage with respect to the current and applicable planning legislation.

The DCO Application for Norfolk Vanguard was notified as complete by the ExA on 11<sup>th</sup> June 2019 with Norfolk Boreas’s DCO Application being accepted by the separate ExA on 4<sup>th</sup> July 2019; almost exactly a year between the two applications as the Developer had intended in their submissions. Following on, the subsequent unlawful consent for Norfolk Vanguard was granted, with the consent then being contested and quashed, and all whilst the Norfolk Boreas examination was still ongoing. In their submissions the Developer wrongly but consistently argued that the CIA for the sister projects of Norfolk Vanguard and Norfolk Boreas would be carried out with the Norfolk Boreas examination. Indeed, on 11<sup>th</sup> December 2019 in response to the Norfolk Boreas ExA’s request for details on the implications of one project proceeding without the other, the Developer introduced the following “Scenarios” into its application:

- Scenario 1 – Norfolk Vanguard proceeds to construction and installs ducts and other shared enabling works for Norfolk Boreas.
- Scenario 2 – Norfolk Vanguard does not proceed to construction and Norfolk Boreas proceeds alone. Norfolk Boreas undertakes all works required as an independent project.

However, the outcome of either “Scenario” in the decision for the Norfolk Boreas DCO was dependent on knowing whether Norfolk Vanguard had been consented or not and the ExAR for Norfolk Vanguard would undoubtedly be available with or without that consent, but available for scrutiny.

The re-determination has caused a reversal of these circumstances as, given the timescales on paper, the outcome and ExAR for Norfolk Boreas will not be published before the current re-determination process has concluded. Clearly, the outcome for Norfolk Vanguard's DCO is now reliant on the outcome of the Norfolk Boreas DCO otherwise the Developer's argument for the placement of the CIA with Norfolk Boreas will be further undermined and potentially impugned. Therefore, without the re-determination consultation being able to review the ExAR for Boreas or understand any potential decision, IPs will have been unfairly disadvantaged by the SoS's approach to the re-determination of Norfolk Vanguard which, in the circumstances, would be wholly inappropriate and contrary to the advice from the Judgement at Reference C (emphasis added):

*180. Paragraph 11c of NVL's submissions relies upon "the importance in the public interest of determining applications for nationally significant infrastructure projects such as this without undue delay" as a factor influencing the timing of the Defendant's decision. That does indeed reflect one of the purposes of the PA 2008 and the procedural timetables it contains (see also the case law cited in [9] above). **But that consideration does not override the need for compliance with EIA legislation and with principles of public law and procedural fairness.** It is most unfortunate that there has been a failure to grapple with an important issue in the Vanguard decision (and before the Boreas decision) and that this has resulted in delay to the determination of an important application. But that only serves to underscore the need for care now to be taken to avoid future procedural steps in relation to either project being impugned.*

We maintain that the SoS decision to deal with Norfolk Vanguard and Norfolk Boreas as two separate and independent DCO applications is fundamentally flawed and should have been carried out for one larger development, as a whole. We respectfully refer the SoS BEIS to Reference C, paragraphs 132 to 136, with especial note of paragraph 135 (emphasis added):

*135. The Defendant has decided that the cumulative impacts at Necton should be assessed solely in the Boreas examination and decision and not also in the Vanguard process, despite (1) the availability of information to enable him to make an evaluation of those impacts and (2) the Court of Appeal's judgment in Larkfleet. **The Defendant's approach has had the effect, absent consideration of those cumulative effects, of making it easier to obtain consent for Vanguard, and providing a "foot in the door" making it easier to obtain consent for Boreas.** Although there is no evidence that NVL sought those outcomes, **the Vanguard DCO decision has had a "precedent effect" for decision-making in relation to Boreas upon which, understandably, NVL has relied heavily in the Boreas examination.** In view of the familiar North Wiltshire line of authority on consistency in decision-making, these were highly likely, if not inevitable, consequences of the Defendant's decision to approve the DCO for Vanguard. **These were obviously material considerations which went directly to the rationality of the decision.***

Therefore, the current situation regarding the re-determination is that any consent for Norfolk Boreas, it being that Boreas's DCO decision will likely be announced first, would also be "a foot in the door" for Norfolk Vanguard. There may well have been "... no evidence that Norfolk Vanguard Ltd (NVL) sought ..." the "precedent effect" outcome in its submissions to the ExA. However, the CEO of Vattenfall (parent company of NVL) has made clear the company's attitude towards the UK's planning laws and process through a recent newspaper article in the Sunday Times (Business Section Interview – 7<sup>th</sup> November 2021). It must also be noted that, through the parent company's CEO, the Developer has had the opportunity to lobby the Government which flies further in the face of the "procedural fairness" advocated by Judge Holgate with respect to the planning process.

In the absence of the ExAR and DCO decision for Norfolk Boreas, it is our absolute contention that the re-determination of Norfolk Vanguard is procedurally unfair. Therefore, we ask that the SoS BEIS either release the ExAR for the Norfolk Boreas DCO application, for review by public consultation, prior to any consent for either of the two projects, or rewind the planning process for one large windfarm project.

## COP26 & Norfolk Vanguard's Future

Whilst the overall output and detail from COP26 was expansive, there were consistent threads through the conference which are pertinent to offshore renewable energy developers, and therefore, applicable to the Norfolk Vanguard project. These were:

- a. Sustainability.
- b. Collective Responsibility.
- c. Looking to the Future.

In the much vaunted 'Planning Balance' there is nothing in Norfolk Vanguard's application which is:

- a. Sustainable: the development is a single use point-to-point windfarm with a 25 year life span, leaving a polluting legacy from concrete piling, cable ducting and industrialisation of greenfield areas for decades if not centuries to come.
- b. A collective responsibility: the Applicant has historically refused to collaborate with the neighbouring windfarms or become a pathfinder project for the OTN. The Applicant has claimed that Norfolk Vanguard is collaborative with Norfolk Boreas which is wholly inconsistent with the argument for separate planning applications as has been challenged by JR. The collective responsibility with respect to 'Climate Change' for Vattenfall, Ørsted, Equinor and SPR would be to collaborate and build the OTN for the UK thereby placing Norfolk Vanguard at the *vanguard* for offshore renewable energy.
- c. Looking to the future: the only future that NVL (the Applicant) is required to provide is a profitable return for its parent company, that being Vattenfall. Vattenfall's CEO has recently publicly voiced opinion on how to build a profitable windfarm, with the certain knowledge that part of that profitability is dependent on the successful sale of Norfolk Vanguard's planned radial transmission system (noting that this includes the transmission system for Norfolk Boreas as a whole transmission system) through OFTO. If Norfolk Vanguard is to be successful as a proponent for climate change, then an urgent change to legislation is required. As this is the SoS BEIS's overall responsibility, the change for the future could commence by **not granting consent** for the environmentally damaging Norfolk Vanguard and Norfolk Boreas projects in the form presented in their DCO applications, by way of a split consent for the windfarm but not the transmission system (precedent set by Triton Knoll).

Furthermore, the Applicant's lack of any meaningful engagement with the OTNR, save for complaining about assurances for payments to offshore developers if CfDs and OFTO auctions were to become defunct, are a clear indication that, on balance, Norfolk Vanguard is not all about contributing positively to 'Climate Change' and not in accord with COP26's output.

If the UK is to meet its zero emissions target for 'Climate Change' then it is imperative that the less environmentally damaging OTN is urgently consider as an alternative for both Norfolk Vanguard and Norfolk Boreas.

We note that the Prime Minister is also in agreement with the development of an offshore grid as, in an answer to a PMQ question on 15<sup>th</sup> November 2021 regarding the legislative framework to enable the OTN, he answered thus, and we quote:

*"My hon. Friend is absolutely right. We have proceeded at such a pace that the cables come ashore in a way that is confused and very far from optimal. We need to ensure that we work with the regulator to develop a proper grid to bring the energy onshore in an organised way, and that work is under way."*

Therefore, in the context of the application for Norfolk Vanguard, the time has come for the SoS BEIS to ... *work with the regulator* ... and **not to consent** the radial transmission system for Norfolk Vanguard pending

the legislation to enable the OTN; this will potentially include the radial transmission system for Norfolk Boreas.

## **Substation Design**

In the SoS's submissions to the Norfolk Vanguard ExA we note the importance given for the consideration of the cumulative impacts for the onshore substation infrastructure at Necton. Also, that these considerations should not be limited to ... any particular aspect, and importantly, ***should not be limited to design issues***, despite there being a lack of information on the design of the substation. The design of the substation and cumulative impacts, in accumulation with those for Norfolk Boreas, were at the core of the JR but the Applicant continues to pay little attention to these details in its submissions.

We maintain that the only way to deal with the issues surrounding the design and cumulative assessment of the 'Substation Complex' at Necton is for the SoS to assess both projects as if they were one. Also, as the design aspects of the substation are complex with respect to planning legislation, we believe an Independent Design (IDR) review would be appropriate but we will address the issue in a separate submission.

## **Carbon Impact Assessment**

The ExA for the Norfolk Boreas offshore windfarm published a Rule 17 request for information on 20 July 2020, which included the following request of the Applicant (reference R17.1.31):

***"In support of the 'zero net carbon' Climate Change Act 2008 (2050 Target Amended) Order 2019 Act made on 26 June 2019, the Applicant to provide a carbon footprint for the Proposed Development, separately providing carbon assessments for onshore and offshore facilities."***

Given the timing of the Norfolk Boreas ExA's Rule 17 request and that the Applicant has supported the continuance of separate EIA's for Norfolk Boreas and Norfolk Vanguard, we contend that there should have been a separate 'Carbon Impact Assessment' provided for the Norfolk Vanguard ExA and consultation during the re-determination process. The 2019 Act made 26<sup>th</sup> June 2019 being pertinent to both applications.

We respectfully refer to the Judgement at Reference C, para. 174, as follows:

*174. The procedural consequences of a quashing order will normally depend upon the nature of the legal error or errors which have led to it being made. It is not too difficult to think of a fundamental error affecting the application process from the outset, which would therefore require the matter to be rewound to the beginning, notwithstanding rule 20 of the 2010 Rules.*

As the Norfolk Boreas Carbon Impact Assessment was submitted on the request of that ExA, it would be inappropriate to comment on the contents with the exception that: the details contained in the Assessment are pertinent to that project alone and do not read across to the Norfolk Vanguard project.

If the two DCO applications are to continue to be considered separately then we ask that both the ExA for Norfolk Vanguard and SoS BEIS ensure the consistency of information provided for public consultation, especially with regards to the re-determination of Norfolk Vanguard.

We have made previous representation that the 'Carbon Impact' of the development – Norfolk Vanguard - would take a considerable time to be offset by the windfarm. With the precedence of information provided to the Norfolk Boreas ExA, we respectfully request either, the same for Norfolk Vanguard, or, a Carbon Impact Assessment for both windfarms as if they were a whole, given that they would share

infrastructure. The construction, operation & maintenance and decommissioning of this infrastructure would entail the generation of Green House Gas (GHG) emissions from:

- Embedded carbon and GHGs - the emissions caused by the extraction and refinement of raw materials and their manufacture into the commodities and products that make up the components of the wind turbine generators and their associated physical infrastructure.
- Carbon and other GHG emissions arising from combustion of fuels and energy used during installation and construction, operating and maintaining the project components over its lifetime and in decommissioning.
- The release of GHG emissions from the trenching and excavation of arable farmland.
- The loss of ecological Carbon and GHG absorbing farming, plants and trees.

The overall cumulative impact of Norfolk Vanguard, even as a stand-alone windfarm should not be ignored by the ExA, nor allowed to be understated by the Applicant.

### **Information from the Norfolk Boreas Examination**

At Reference E, the Applicant submitted details in response to the SoS BEIS's request for additional information, as follows:

*"...the Secretary of State requests that the Applicant should provide any additional information on the cumulative impacts of the proposed Norfolk Vanguard project that will assist him in considering the impacts of the proposals to locate the Norfolk Vanguard substation(s) at Necton. The additional information should include but not necessarily be limited to assessments of landscape and visual effects, construction and operational noise effects, the impacts of artificial lighting at the substation sites and any potential water run-off from the substations. That information might include any material which was produced as part of the application, or during the examination, of the Norfolk Boreas project which the Applicant considers may be relevant to the Secretary of State's consideration of the cumulative effects of the substation infrastructure (including any proposed mitigation)."*

Despite representations in the Norfolk Vanguard examination from multiple IPs regarding the many cumulative impacts and effects from both projects that remain unresolved, the SoS disappointingly chose to include only those issues surrounding the Necton substation in the re-determination.

The unresolved issues in the Norfolk Vanguard examination for the onshore environment in Norfolk include, but are not limited to:

- The punishing construction traffic impacts over many years routing through particular villages such as Oulton, Cawston and Necton, with no resolution for the HIS by local planners.
- The unstable and unpredictable effects on the eroding cliffs at the landfall site at Happisburgh.
- The massive, unwarranted, and unprecedented intrusion into the rural landscape of the enormous converter halls and associated infrastructure at Necton.
- The trenching of Norfolk as a cumulative impact with multiple other projects which are also in planning.

We contend that: to resolve the issues regarding cumulative impacts presented both to the JR and the Norfolk Vanguard examination, the Applicant's submission of information from the Norfolk Boreas examination is woefully inadequate; the EIA impacts have also been grossly understated.

Our comments on the information are as follows:

- **Landscape & Visual Effects:**

For Norfolk Vanguard, the ES assessments of cumulative impacts were presented in table 29.17 of the ES and summarised in paragraph 174 of chapter 29 (emphasis added): -

*“Table 29.17 shows the detail of the assessment for each receptor. In summary, **the onshore project substation and National Grid substation extension for Norfolk Vanguard in conjunction with the onshore project substation and National Grid substation extension for Norfolk Boreas would have a significant cumulative effect on landscape character in the localised parts of the Settled Tributary Farmland LCT – River Wissey Tributary Farmland LCU and Plateau Farmland LCT – Beeston Plateau LCU and Pickenham Plateau LCU but would not have significant effects on the remaining parts and all other LCUs. In respect of the representative viewpoints, significant cumulative effects would arise from Lodge Lane to the immediate south of the site and a very localised section of Ivy Todd Road to the south-west. These effects would all occur within 1.2 km of the onshore project substation, making them localised.**”*

The visual impacts of the proposed substation complex are **not localised** as is clear in the graphic at Reference F, which was submitted by the Developer in the ES. Furthermore, there is no question whatsoever that the substation would not be seen from many kilometres away. To put the size of the development into context, the impacted area of land the substation would be built on, according to the graphic, is approximately twice that of the whole village of Necton. To be clear, the substation infrastructure, if it were consented, would dominate the rural landscape.

- **Proposed Mitigation**

- **Mitigation Planting.** As explained previously, with the re-determination, there is no longer a year between the DCO applications for Norfolk Vanguard and Boreas. Therefore, any planting mitigation would need to be re-assessed. However, the measures would not, by any stretch of the imagination, be sufficient to mask the complex irrespective of when planting commenced.

Irrespective of the ‘palette’ of species planted, with a total operational use of just 25 years, the planted trees will have little visual impact of any consequence.

- **Lowering & Bunding.** The Applicant has discounted lowering and bunding around the substation but the argument is flawed by the following statement:

*“In order to cut a level platform of 250m x 300m at a lower ground level would require a huge amount of **earthworks and would fundamentally alter the character of the local landscape. Similarly, the introduction of large-scale bunds would appear out of character in this traditional, rural landscape and at variance with the gently undulating landform.**”*

We find it astonishing that the Applicant could even consider that the construction of 4 huge buildings, covering a 250m x 300m area, up to 19m high, on the highest contour within 5km would not also either **fundamentally alter the character of the local landscape** or indeed **appear out of character in this traditional, rural landscape and at variance with the gently undulating landform.**

The Applicant is playing lip service to the planning process and has done so since submission of the DCO application. There were alternatives offered for the location of the substations

which would undoubtedly have allowed the Developer to “*work with the landform*” but these were erroneously disregarded.

We do not consider placing the design of the substation complex into the future, especially when considering that consent for Norfolk Vanguard has already been quashed, as being an adequate response.

- It is our contention that an **Independent Design Review** (IDR) of the proposed substation complex is required before any consent for either Vanguard or Boreas could be granted; we will address the subject of an IDR by separate response.
- **LVIA Viewpoints (VPs).** Please see Reference F for the Viewpoints (VPs) referred to by the Applicant. The VPs are all within the zone of “Higher Theoretical Visibility” and we contend it would be impossible to visually screen the four 19m tall buildings from any of the VPs.

We further contend that the LVIA effects are **not localised** and would be visible from a considerable distance away from the proposed substation. Doubling the size of the complex will obviously double this impact.

- **LVIA Visualisations.** We contend that the visualisations are not an accurate representation of the impacts from the proposed infrastructure. The choice of expert advice from “*Scottish Natural Heritage*” as providing “*the appropriate standards applicable to visualisations*” is at best tenuous! The Applicant takes great lengths to mitigate and support their utilisation but fails to provide a comparison.

We contend that the LVIA Visualisations are of a poor standard and a comparison is required for the ‘Substation Complex’ as a whole.

- **Substation Design Parameters.** We note that the Applicant describes the “Substation” as a singular project when we have contended from the outset that it is indeed a singular substation and not borne out of two separate projects.

The complex and detailed subject of ‘Design’ for both projects will be dealt with by separate submission but the consideration for the ‘Substation Complex’ must be completed as if it were for one large development.

- **Operational Noise Effects.** The Operational Noise monitoring of the current substation at Necton was flawed as only two of the noise monitoring points were serviceable. However, it is not clear what measures would be taken if the Substation Complex were **not** to meet the “Requirement 27” compliance, as has been predicted in submissions to both examinations by people living local to the existing Necton substation,

For the impact of operational noise to be properly understood, a proper, multipoint survey of the noise levels from the existing substation should be completed and submitted by the Applicant before an independent specialist, not Breckland Council, is utilised to provide advice on the results. Clearly four HVDC Converter Halls will be noisier than just two for either project in isolation.

- **Artificial Lighting Effects.** The addition of multiple industrial buildings operating 24/7 will obviously have a cumulative effect on the landscape, especially at night. The Applicant has continuously attempted to underplay the impact of such despite the experiences of residents from the existing Dudgeon windfarm substation which is on a much smaller scale..

We contend that it would be impossible to provide even low-level security lighting for such a large complex of buildings, in an area with no artificial lighting whatsoever, without there being an adverse impact, which is accumulative with all the other adverse impacts. Obviously, four large industrial buildings will give more light pollution than just two.

- **Surface Water Management.** The area immediately below the higher ground on which the Substation Complex is proposed to be built frequently floods. It is incredulous that the Developer considers building a 200m x 300m industrial complex, with interconnecting roads, compounds, pylons, cable trenches *et al* would not have a significant adverse impact irrespective of any runoff or groundwater management.

We contend that the water management of such a large complex has been understated and poorly researched by the Applicant.

We also contend that the area adjacent to but at lower ground levels than the proposed substation will be prone to regular, damaging flooding immediately following the commencement of any proposed construction.

- **Conclusion to Information from Norfolk Boreas Examination.**

We respectfully refer the SoS to the local planning authority's, Breckland Council's, submission of a Local Impact Report under s.60(3) of the PA 2008. We ask that the SoS takes this document into account when deciding the cumulative impact of both Vanguard and Boreas. Although the Council appears to have been supportive of the principle of the Vanguard project, they did express substantial concerns about the substation development near Necton (emphasis added): -

*"The predicted change in the form of development is of considerable magnitude and size. It is considered that the proposed extension to the existing National Grid substation in Necton would appear as a **disproportionate additional development in the countryside**. By more than doubling the size of the floor area to cover 51,000 square metres supporting a built height of up to 15 metres would not usually be allowed by the Local Planning Authority except in very special circumstances. Adding to this the **75,000 square metre new substation for the 19 metre tall HVDC convertor station with higher lightning masts**, (potentially together with the Boreas development), then land coverage comparable with the core centre of Necton itself, with structures extending much further into the air, would be the outcome.*

*It is appreciated that the Applicant has gone to considerable lengths in assessing visibility and the photomontages produced are helpful. However, **on the ground it would be extremely difficult to screen a development of this huge scale**. This is defined as a national infrastructure project for a reason **and it will appear disproportionately dominant against the landscape** which is remote from Necton. The new structures would be of such a size that the perceived distance from the A47 would appear relatively short. **This would be a prominent and obtrusive feature against the skyline.***

***The cumulative landscape and visual effects of the development would create negative disbenefits in planning terms.** The Secretary of State for Energy must therefore balance the advantages of this major renewable energy project with these negative effects."*

The Local Council's observations were directed at the cumulative effects on what was described as a "sensitive landscape and visual resource."

We contend that the impact of the Substation Complex – that is the infrastructure required for both Norfolk Vanguard **and** Norfolk Boreas – would have a disproportionate impact on the location which cannot be mitigated by any possible design.

Furthermore, the information supplied to the Norfolk Vanguard ExA by the Developer from the Norfolk Boreas ExA does not address the legal issue raised during the JR that the cumulative impacts of Norfolk Vanguard with Norfolk Boreas need to be assessed without the Developer seeking a “*foot in the door*” consent for either project.

Finally, on balance of the submission of information from the Norfolk Boreas examination to the Norfolk Vanguard examination, **all** the impacts regarding mitigation, landscape, visual impact, substation design, noise, artificial light, surface water, **are cumulative** and **all have a negative impact**.

### **Offshore Transmission Network (OTN)**

Of note, in response to the SoS’s letter dated 9<sup>th</sup> July 2021, there was a submission in the Norfolk Boreas examination regarding Norfolk Boreas’s engagement with the Offshore Transmission Network Review (OTNR), as at Reference G; there is no such submission for the Norfolk Vanguard examination. Therefore, we do not know if NVL has engaged with the OTNR process or not.

The ESO’s letter at Reference H contains the details pertaining to those offshore wind projects which are suitable as “opt-in projects” for the OTN, as follows:

*“Any offshore projects which have previously been through the full CION process but have not achieved both planning consent and a Contract for Difference (or equivalent) will generally be considered to be within scope of the Early Opportunities workstream. Those projects can opt-in with a pathfinder proposal to consider coordination and further information on opting-in can be found here.”*

Therefore, Norfolk Vanguard is in a position to ‘opt-in’; the project:

- Does not have planning consent.
- Does not have a Contract for Difference (CfD) and is unlikely to be able to commit to the next CfD auction.
- Has been through the full CION process with the award of Necton substation as its connection point.

Ergo, there is no logical or environmental reason why Norfolk Vanguard should not op-in as a pathfinder project for the OTN. Also, an opt-in to the OTN would contribute more positively to the planning balance being that the OTN will be more efficient for all connections whilst generating savings for both the consumer to the order of £6 billions, and the environment by precluding any onshore environmental damage from the project.

We contend that, as has been the case for the duration of the consultations for both Norfolk Boreas and Norfolk Vanguard, the Applicants have refused to accept that the OTN (or ORM in its previous guise) is a viable **Alternative** and continues to be so.

The Applicant’s parent company, Vattenfall, was a contributor to the IOTP (East) 2015 review, as at Reference I. Therefore, the Applicant would have been fully aware that a coordinated and integrated system would create vast savings for the environment and the consumer. Also, as coordinated infrastructure was considered in the IOTP (East) in 2015, there is nothing new in the OTNR other than the burgeoning number of interconnectors and offshore windfarms competing for the UK’s lucrative electricity market.

With the Applicant's knowledge of the IOTP (East) 2015 there was always a viable 'Alternative' but the opportunity to commit to the OTN should now be grasped. Indeed, the basis for the 'Holistic' design of the OTN was completed in 2015 but not adopted due to the lack of any foresight or responsibility from Ofgem or the then Energy Department – their dereliction of responsibility being another matter for another day.

The OTN would also dictate that Norfolk Vanguard and Norfolk Boreas do not need to be considered in isolation, this is the choice of the Developer – Vattenfall – for no good purpose. We ask that the SoS now make measures to incentivise Vattenfall's projects to connect to the OTN

## **Conclusion**

The decision to consent the Norfolk Vanguard DCO application was quashed as it was proven to be both unlawful and irrational. However, Justice Holgate made clear in his summing up ... *“that only serves to underscore the need for care now to be taken to avoid future procedural steps in relation to either project being impugned.”*

Whilst we are grateful for the opportunity to contribute as an IP to the Norfolk Vanguard DCO examination, we consider that the decision to separate consideration for Norfolk Vanguard from Norfolk Boreas in the re-determination process has placed us, and other IPs, at an unfair disadvantage as a principle of public law and procedural fairness. All of the elements for both Norfolk Vanguard and Norfolk Boreas projects which could contribute to a full and lawful assessment of the cumulative impacts need to be available for consideration by all of the parties.

We contend that during the re-determination of Norfolk Vanguard the significant cumulative impacts at the Necton substation have still not been properly considered. Furthermore, the overall environmental cumulative impacts for both projects could never be assessed by considering the separate applications in isolation.

Irrespective of the re-determination process and lawfulness of the application, we ask the SoS BEIS to consider that, on balance, the proposed onshore infrastructure for both Norfolk Vanguard and Norfolk Boreas will have an immediate and damaging environmental impact, will be costly for the consumer and will provide less efficient renewable energy than would be afforded by these projects connecting as pathfinders to the OTN. The two-year saving in GHG and carbon emissions alone would be sufficient to mitigate the negative impact of building the radial transmission system and there is no reason whatsoever to delay the production of electricity beyond 2030.

At a stroke, the OTN would: save hundreds of kilometres of onshore cabling; save the industrialisation of the green field site at Necton from the substation; save loss of agriculture, loss of heritage, loss of habitat; negate the immediate negative impact on climate change by the production and installation of the radial transmission system; save the consumer in the order of £6billion; and, remove the bottleneck in planning that the Developer (Vattenfall) finds frustrating.

We urge the SoS to refuse the DCO consent for both Norfolk Vanguard's and Norfolk Boreas's radial transmission system in preference of the projects becoming pathfinder projects for the OTN by way of a split consent (as per Triton Knoll).

Yours faithfully,

Ray & Diane Pearce

