

From:

Sent: 09 October 2023 15:36

To:

Cc:

Subject: Norfolk Vanguard NMC2 consultation - Natural England's Advice

Dear All

RE: Norfolk Vanguard non-material change application consultation
Natural England case reference: 10430: 452512

Please find attached Natural England's advice for the Norfolk Vanguard NMC2 consultation. For ease of reference, please find Natural England's updated comments in **green** in the consultation letter you have previously provided.

If you have any further queries please do not hesitate to contact.

The advice provided in the attached document titled "DAS 452512 - Natural England's further comments to Norfolk Vanguard NMC2 consultation 09.10.2023" has been through Natural England's Quality Assurance process. The advice provided within the Discretionary Advice Service is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information which has been provided. It does not constitute a statutory response or decision, which will be made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course. The final judgement on any proposals by Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance or law. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

Kind regards
Zara Ziauddin

APPENDIX 7 DETAILED RESPONSE TO NATURAL ENGLAND'S COMMENTS

Natural England Summary

In principle Natural England believes that the proposed changes are unlikely to have a significant impact on nature conservation. However, inconsistencies within the documents about the project design means we are unable to advise with certainty. We have included the details below where clarification is required. Please note that these are in addition to those raised by the SoS in their letter dated 21 July 2023

Applicant's response

The Applicant welcomes Natural England's confirmation that the changes would be unlikely to have a significant impact on nature conservation. The Applicant does not consider that there are inconsistencies within the document regarding the project design. However, further clarification is provided in response to Natural England's comments below.

Natural England Comment

- 1. Paragraph 16 of the 'Supporting Statement for increase in ducts and drills at Landfall' identifies that cable protection would be in the form of concrete mattresses or rock protection. However, throughout Table 2 of the same document it specifically states that 'rock protection' will not be used. This is something to which Natural England would support given removal challenges associated with rock protection. Therefore, please could it be confirmed that Rock protection will not be used?*

Applicant's response

The current design for duct and cable installation at landfall does not include the use of rock protection, however consent was awarded with the ability to deploy rock protection at the exit point of the duct and there is no proposal to amend this as part of the non-material change (NMC) application.

Natural England correctly identifies that paragraph 16 of the supporting statement informs that the ES assesses the use of "permanent protection (in the form of concrete mattresses or rock protection) at the offshore exist point". Paragraph 16 then explains that the worst case "anticipated within the ES is now not likely to be required". Therefore paragraph 16 aligns with Table 2. Whilst not anticipated for the current design, should rock protection be used the quantities would be controlled by the DCO and these would not be exceeded as a result of the NMC.

Whilst we recognise the NMC will not exceed the amount of rock protection amounts listed in the DCO dML, we would still welcome commitments by NVG to minimise the

environmental impacts as much as possible as will be the case when we are formally consulted on the Cable Specification Installation and Monitoring plan. Therefore, our preference remains that should protection be required alternative cable protection is used at the exit pits.

Natural England Comment

- 2. There is no discussion in regards to increases in the potential area and volume of cable protection within the near shore and the potential for this to disrupt sediment transport. Please could evidence be provided to support conclusions?*

Applicant's response

As stated in row 11 of Table 1 there will be no increase in the area or volume of cable protection (from that controlled by the DCO) as a result of the NMC. Therefore, as this has not changed from that assessed within the ES there is no requirement to address this further within the Supporting Statement.

As this is a NMC there needs to be clear evidence as to why the conclusions remain fit for purpose. If the unbundled cable is within the parameters of the assessment what are the implications of the NMC. How do they fit in with the original assessment? Please follow due process and provide justification and evidence to validate the conclusion.

Natural England Comment

- 3. Duct diameter in the text is reduced down to 600mm, but in the table it is set as 500m. Please would the Applicant clarify which duct size is now correct?*

Applicant's response

The detailed design for the Horizontal Directional Drill (HDD) has not been completed and therefore the exact diameter of the drill is not yet known, however it will be within the range of 500mm to 600mm. The maximum volume of material extracted and used to inform traffic movements (through removal of this material) assumed the larger diameter (600mm) to consider a worst-case scenario. The diameter for the drill is only directly relevant to receptors associated with the topic of traffic (due to the amount of waste material removed from the site) and whether the diameter of the drills were to be 500mm or 600m it would not change impacts on any receptors in other topics assessed within the ES.

Thank you for the clarification that 600mm will be the worst case scenario to be considered as part of the permission.

Natural England Comment

- 4. Throughout the 'Supporting Statement for increase in ducts and drills at Landfall' it is stated that 0.7% increased area of impact from cable installation is not significant,*

but there is no consideration of the sensitivity of the habitat and that will be impacted where the increased area of impact will be occurring and implications for its supporting habitat functionally for mobile interest features from designated sites. The statement should be updated to consider the sensitivity of the habitat being impacted as well as the area.

Applicant's response

Within the ES no habitats of high sensitivity or habitats which would provide particular support for mobile interest features from designated sites were identified within the nearshore areas, either through site specific surveys, or desk-based data gathering. The habitat of the nearshore area was characterised as being predominantly Circalittoral mixed sediment SS.SMx.CMx with some areas of possible SS.SCS.CCS.MedLumVen which were assessed as being of low to medium sensitivity. The ES identified a low magnitude of impact and, as stated in the NMC, increasing the area of disturbance by 0.7% would not increase the magnitude of impact from that assessed in the ES. With a low magnitude of impact and, at worst, medium sensitivity, the significance of the impact would remain as minor adverse and not significant, as originally presented in the ES.

Therefore, the statement made in the Supporting Statement that the increase “*would be very small (approximately 0.7%) and would therefore not change the impact significance within the ES*” remains valid.

Natural England thanks NVG for the evidence and agrees if only considering the impact of cable installation only within the intertidal area. However, please see above points in relation to cable protection and could the same please be provided for the onshore exit pit location?

Natural England Comment

- 5. It is not clear from the text and the tables and the response to the Secretary of States queries the exact distance from shore the cables will be unbundled. For example the table on page 21 states ‘The NMC will only affect the nearshore area (within 2km of the coast)’, which is not specific. Through in reading other sections it seems that the cables are likely to be unbundled 750m from the exit pits, but the exit pits could be between 750 and 1000m from coast. More detailed on this would be welcomed.*

Applicant's response

The detailed design for the HDD has not been completed and therefore the exact length of HDD and location of the exit points are not yet known, however this will be within a range of 750m to 1,000m from the coast. The location at which the export cables become unbundled will also be determined on completion of the detailed design but will be within 750m of the exit point of the HDD. Therefore, the maximum distance from the coast for the point at which the cables become unbundled would be 1750m (1,000m plus 750m), which is within 2km of the coast.

The DCO was granted on the basis that specific locations for cable exit points within the offshore cable corridor were not fixed. Furthermore, the Norfolk Vanguard DCO allows for up to four export cables to be located within work number 4a (the Landfall Zone) so even when unbundled, the cables would remain within the constraints of the DCO.

Once determined, these details will be provided in a number of discharge documents as required by the DCO including; the Landfall Method Statement (Requirement 17), the Design Plan (as required under condition 9 (1) (a) of the Transmission Deemed Marine Licences (DML)), and the Cable Specification Installation and Monitoring Plan (as required by Condition 9(1)(g) of the Transmission DMLs), all of which Natural England are named as a consultee.

Natural England thanks NVG for the clarification that the unbundling will happen no more than 1750m from the coast and we would expect this to be included within any NMC permission. This is required to inform other sustainable development consultations.