

# Norfolk Boreas Offshore Wind Farm Cover Letter to the Planning Inspectorate

## DCO Document 1.1

Applicant: Norfolk Boreas Limited  
Document Reference: 1.1  
Pursuant to APFP Regulation: 5(2)(q)

Date: 11 June 2019  
Revision: Version 1  
Author: Womble Bond Dickinson

*Photo: Ormonde Offshore Wind Farm*

Norfolk Boreas Limited

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Application for Development Consent – Covering Letter

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The Planning Inspectorate  
National Infrastructure Directorate  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

Dear Sirs

## **Planning Act 2008**

### **Norfolk Boreas Limited**

#### **The proposed Norfolk Boreas Offshore Wind Farm Order**

Norfolk Boreas Limited (the **Applicant**) are pleased to enclose an application for an Order granting development consent (the **Application**) pursuant to section 37 of the Planning Act 2008 (the **2008 Act**).

#### **1 Subject of the Application**

- 1.1 The Application is for development consent to construct and operate an offshore wind farm located approximately 73 km from the coast of Norfolk, named the Norfolk Boreas offshore wind farm (the **Project**). The Project comprises up to 180 wind turbine generators and associated onshore and offshore infrastructure, with a combined export capacity of up to 1,800 MW. The offshore Project area occupies an area of approximately 725km<sup>2</sup> in the southern North Sea.
- 1.2 The offshore Project area is located in the northern half of the former Zone 5 (East Anglia Zone) in the North Sea, which is being developed as two individual wind farms, both of which will require the appropriate statutory consents and approvals. The Project is the second offshore wind farm proposal being developed in this part of the southern North Sea by Vattenfall Wind Power Limited (**Vattenfall**) (the Applicant's parent company). With the same proposed export capacity of up to 1,800MW, the Norfolk Vanguard Offshore Wind Farm (**Norfolk Vanguard**) (also classified as a Nationally Significant Infrastructure Project), submitted its DCO application to the Planning Inspectorate in June 2018.
- 1.3 Development consent is required to the extent that development is or forms part of a Nationally Significant Infrastructure Project (**NSIP**) pursuant to section 14(1)(a) and 15(3) of the 2008 Act. As the proposed wind farm is expected to have a combined export capacity of up to 1,800 MW it is an NSIP for the purposes of the 2008 Act. It is for this reason that the Project falls within the remit of the Secretary of State.

#### **2 Documentation enclosed and application fee**

- 2.1 We enclose five USBs each containing:
  - 2.1.1 The completed and signed application form;
  - 2.1.2 The Environmental Statement (**ES**); and
  - 2.1.3 Each of the other documents listed in the Guide to the Application (Document 1.4).
- 2.2 We also enclose one further USB which contains the confidential information within the application and is labelled accordingly.
- 2.3 A fee in the sum of £7,106.00 has been submitted to the account of the Planning Inspectorate.

### 3 Application Formalities

- 3.1 The Application is made in the form required by section 37(3)(b) of the 2008 Act. The Application documentation complies with the overall requirements of section 37 and the requirements set out in:
- 3.1.1 The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the **APFP Regulations**) (as amended);
  - 3.1.2 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017;
  - 3.1.3 The published Communities and Local Government (**CLG**) Guidance (March 2015) and the Planning Inspectorate's Advice Note 6 on the preparation of application documentation (February 2016).

### 4 Description of the Project

- 4.1 As outlined in Section 1 (Subject of the Application) above, Vattenfall is also developing Norfolk Vanguard, a 'sister project' to Norfolk Boreas. Norfolk Vanguard's development programme is approximately one year ahead of Norfolk Boreas and as such the application for Norfolk Vanguard was submitted in June 2018. Should both projects receive consent and proceed to construction, Norfolk Boreas would share a grid connection location and also much of the offshore and onshore cable corridors with Norfolk Vanguard. Therefore, Vattenfall has adopted a strategic approach to planning infrastructure for the two projects with the aim of optimising overall design and reducing impacts and disruption where practical. If both projects secure consent and proceed to construction, certain enabling works will be provided for and carried out pursuant to the Norfolk Vanguard DCO. This is the preferred option. However, Norfolk Boreas needs to consider the possibility that Norfolk Vanguard may not proceed to construction. In order for Norfolk Boreas to also stand as an independent project, this possibility must be provided for within the Norfolk Boreas Application. Thus, consent will be sought for the following two alternative scenarios within the DCO, and both scenarios have therefore been assessed as part of the Environmental Impact Assessment (**EIA**):
- 4.1.1 **Scenario 1** – Norfolk Vanguard proceeds to construction and installs ducts and other shared enabling works for Norfolk Boreas.
  - 4.1.2 **Scenario 2** – Norfolk Vanguard does not proceed to construction and Norfolk Boreas proceeds alone. Norfolk Boreas undertakes all works required as an independent project.
- 4.2 A full description of the project including the works required under each scenario is provided in Chapter 5 Project Description of the ES (Document 6.1). Appendix 5.1 contains a detailed comparison of what is included in the two different scenarios across all onshore elements of the project and the Inter-relationship Report (Document 3.4) explains the relationship between both projects with respect to the Project infrastructure and Order limits
- 4.3 The Application seeks consent for the development outlined above and described in full in Schedule 1 of the draft Development Consent Order (the **Order**) (Document 3.1). The development, which is the subject of the Application, also contains associated development under Section 115 of the 2008 Act including the infrastructure necessary to connect the Project to the National Grid.
- 4.4 Schedule 1 of the draft Order contains all of the electrical infrastructure required for the Project, summarised as follows:
- 4.4.1 The offshore electrical components for the Project consisting of array cables that transmit power to the electrical platforms, interconnector cables that transmit power between the offshore platforms, project interconnector cables that transmit power from the wind turbine generators or the Project offshore platforms to a platform within the Norfolk Vanguard project and export cables that transmit the power from the wind turbine generators to landfall. The offshore electrical assets also consist of up to two offshore electrical platforms.
  - 4.4.2 At landfall, the electrical works consist of up to two pairs of marine cables laid in ducts installed under the cliff by long Horizontal Directional Drilling (**HDD**). An

additional drill is included in the impact assessment worst case scenarios where applicable, to provide a contingency in the unlikely event of a HDD failure; and up to two onshore transition pits to house the connection between the offshore cables and the onshore cables.

- 4.4.3 Onshore connection works, subject to different scenarios dependent on whether Norfolk Vanguard proceeds, as described in Table 1:

**Table 1:** summary of the two scenarios

<b>Scenario 1</b> <i>Norfolk Vanguard proceeds to construction and installs ducts and carries out other shared enabling works to benefit Norfolk Boreas</i>	<b>Scenario 2</b> <i>Norfolk Vanguard does not proceed to construction and Norfolk Boreas proceeds alone. Norfolk Boreas undertakes all works required as an independent project</i>
<ul style="list-style-type: none"> <li>i. Pulling up to two pairs of HVDC cables and associated communication cables through pre-installed ducts</li> <li>ii. 12km (approx.) running track alongside the cable route</li> <li>iii. 300m extension to the access road installed by Norfolk Vanguard to the onshore project substation</li> </ul>	<ul style="list-style-type: none"> <li>i. Cable duct installation and pulling up to two pairs of HVDC cables and associated communication cables through ducts</li> <li>ii. Trenchless crossings (for example HDD) at various roads, railways and sensitive habitats</li> <li>iii. Mobilisation areas and compounds for trenchless crossings</li> <li>iv. 60km (approx.) running track alongside the cable route</li> <li>v. A47 junction improvement works to install a right turn/ filter and new exit at the Spicers Corner junction</li> <li>vi. 1.8km access road to the onshore project substation</li> <li>vii. Modification to the existing overhead line network in the vicinity of the Necton National Grid substation.</li> </ul>

- 4.4.4 Jointing pits and link boxes to facilitate cable pulling, at intervals along the cable route;
- 4.4.5 Cable logistics area near Oulton to allow for the storage of cable drums and associated materials close to the cable route;
- 4.4.6 Construction of an onshore project substation in proximity to the existing Necton National Grid Substation together with associated equipment, a temporary construction compound and a mobilisation area at Spicers Corner;
- 4.4.7 Extension to the existing Necton National Grid Substation;
- 4.4.8 Up to 12 400kV underground cables between the new onshore project substation and the existing Necton National Grid Substation;
- 4.4.9 Temporary construction areas and access roads, together with works to secure vehicular and/or pedestrian means of access including the creation of new tracks, footpaths, and/ or widening, upgrades, creation of bell mouths, creation of temporary slip roads and improvements to existing tracks, footpaths and roads;
- 4.4.10 Planting to provide screening for permanent infrastructure;

- 4.5 The application includes the option to construct the Project in either one or two phases.
- 4.6 Further details of this approach are set out in the Explanatory Memorandum (Document 3.2), Statement of Reasons (Document 4.1), and ES (Document 6.1).

## **5 Consent Flexibility**

- 5.1 The Order provides for flexibility in relation to the generating station and its associated development. The Applicant has given careful consideration to the guidance in the National Policy Statements and the Planning Inspectorate's Advice Note "Rochdale Envelope", together with the pre-application discussions with the Planning Inspectorate. In the Applicant's view, the inclusion of the flexibility provided for in the Order is fundamental to whether or not the Order is fit for purpose, and therefore whether or not the Project will proceed. This approach is discussed in more detail in the Explanatory Memorandum.
- 5.2 The EIA which has been carried out in support of the Application has considered the flexibility which is sought in the Order. This matter is addressed in the ES and in all cases the parameters referred to in the Order have been adopted in the ES.
- 5.3 Further explanation on the Applicant's approach to the Rochdale Envelope is contained within the Explanatory Memorandum.

## **6 Deemed Marine Licences**

- 6.1 Included within the Order at Schedules 9 to 13 are deemed marine licences (**DMLs**), as provided for in Section 149A of the 2008 Act. The drafting of the DMLs allows for the transfer of the DMLs for the generation and transmission assets to separate companies if necessary. It also allows for phasing of the Project as set out above. The approach to the split of the DMLs is discussed in more detail in the Explanatory Memorandum. The Order, and the DMLs, have been the subject of consultation with, and comment by, the Marine Management Organisation (**MMO**).
- 6.2 Where possible or appropriate the Applicant has sought to take comments into account in the documents submitted, but it should not be assumed that any of these organisations have approved the detailed form of the draft Order and DMLs. The Applicant expects to have further discussions to refine some aspects of the detail of the Order and DMLs after acceptance, as has taken place with other accepted NSIP applications.

## **7 Habitats Regulations**

- 7.1 The Application documents include a Habitats Regulations Assessment (**HRA**) Report (Document 5.3), as required by Regulation 5(2)(g) of the APFP Regulations. This Report identifies all relevant European sites and provides sufficient information for the competent authority to determine whether an appropriate assessment is required for the Project.
- 7.2 As a result of the judgements of the ECJ in Case C-323/17 *People Over Wind and Peter Sweetman v Coillte Teoranta* on 12 April 2018, Case C-164/17 *Edel Grace and Peter Sweetman v An Bord Pleanála* on 25 July 2018 and Case C-461/17 *Holohan v An Bord Pleanála* stricter interpretations of Articles 6(3) and (4) of the Habitats Directive are now required.
- 7.3 The Planning Inspectorate issued Advice Note 5/18 on 9 May 2018: Consideration of avoidance and reduction measures in Habitats Regulations Assessment: *People over Wind, Peter Sweetman v Coillte Teoranta*. This states (at paragraph 5) that competent authorities cannot take account of any integrated or additional avoidance or reduction measures when considering at the HRA screening stage whether the plan or project is likely to have an adverse effect on a European site.
- 7.4 In preparing the HRA Report, the Applicant has been mindful throughout of the Planning Inspectorate's Advice Note 10 "Habitat Regulations Assessment", Advice Note 5/18 and the case law above.

## **8 Compulsory Acquisition**

- 8.1 The Applicant is seeking authority within the Order to acquire compulsorily land and interests and other related powers to support the delivery of the Project, details of which can be found in

the Book of Reference (Document 4.3) and Statement of Reasons (Document 4.1). Adequacy of funding for compensation is dealt with in the Funding Statement (Document 4.2).

- 8.2 Part of the land in respect of which rights only are to be acquired compulsorily for the purposes of the Order is also considered to be open space land under Section 132 of the 2008 Act. It is considered that Section 132(3) of the 2008 Act applies, i.e. that the open space land, when burdened with the rights to install or pull-through, inspect and maintain the cables, will not be any less advantageous to persons in whom it is vested, other persons, if any, if entitled to rights of common or other rights, and to the public. The Applicant has included a Section 132 Statement within the Statement of Reasons (Document 4.1).

## **9 Other Consents**

- 9.1 Details of other consents and licences not forming part of the Order, which the Applicant or others will be seeking in relation to the proposed Project and its associated development, are set out at Document 5.4. A number of these applications will be progressed in parallel with the consideration of the draft Order by the Secretary of State. The Applicant will update the Planning Inspectorate periodically in relation to the progress of these applications.

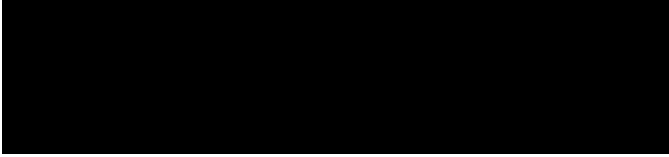
## **10 Pre-application Consultation**

- 10.1 The Applicant has had careful regard to the pre-application consultation requirements of the 2008 Act, the guidance on pre-application consultation issued by CLG and the Planning Inspectorate, and its pre-application discussions held with the Planning Inspectorate, as required by sections 50 and 55(4) of the 2008 Act.
- 10.2 As required by section 37(3)(c), the Application is accompanied by the Consultation Report (Document 5.1), which provides details of the Applicant's compliance with sections 42, 47, 48 and 49 of the 2008 Act. The responses of statutory and non-statutory consultees are listed and summarised in the Consultation Report and these have informed the evolution of the Application and the Project overall.
- 10.3 Following the pre-application consultation, the Applicant has continued to engage with those affected by both Norfolk Boreas and Norfolk Vanguard applications in attempting to conclude the acquisition of the land and rights required through agreement.

## **11 Other Matters**

- 11.1 Under Regulation 5(2)(l) of the APFP Regulations, an applicant is required to provide a plan of certain nature conservation sites and features and an assessment of any effects on those sites and features likely to be caused by the proposed development. There is an equivalent requirement under Regulation 5(2)(m) in relation to certain historic sites and features. These plans are attached as separate documents (Documents 2.8 and 2.9) however the assessments of any effects on these sites are provided in the ES and not as stand-alone documents.
- 11.2 As required by section 6 of the application form, the Applicant has completed the grid references to 6 digits, however it should be noted that the accurate location reference for the start grid reference contains 7 digits in WGS84 and UTM31N (EPSG code 32631) coordinate system and is as per the following: *Easting 503916, Northing 5899119*. The Applicant has included the correct reference within the DCO itself. These grid references reflect the full Project application site in that they cover both Scenario 1 and Scenario 2.
- 11.3 In order to ensure that the application was ready for submission, the Applicant had to impose a cut-off date of 20 March 2019 for updating the Environmental Statement (Document 6). Notwithstanding this, the Applicant has updated the Environmental Statement with any significant changes arising after the cut-off date, and the certified documents and the draft Development Consent Order are all up-to-date and reflect the position on Norfolk Vanguard as at 20 May 2019.
- 11.4 We look forward to hearing from you in relation to the formal acceptance of the Application.
- 11.5 Should you require any further clarifications or assistance please contact Graham Davey on 01736 330171 or [graham.davey@vattenfall.com](mailto:graham.davey@vattenfall.com) in the first instance.

Yours faithfully



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Vattenfall Wind Power Limited & Norfolk Boreas Limited