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Graham Davey

Our Ref: EN10087

Date: 04 July 2019

By email

Dear Mr Davey

Planning Act 2008 (as amended) – Section 51

Application by Norfolk Boreas Limited for an Order Granting Development Consent for the Norfolk Boreas Offshore Wind Farm

Advice following issue of decision to accept the application for Examination

On 4 July 2019 the Secretary of State decided that the application for the above project satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008). The Planning Inspectorate's section 55 Acceptance of Applications Checklist (the Checklist) has been published and made available on the project page of the National Infrastructure Planning website:

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

In undertaking checks at the acceptance stage, the Planning Inspectorate made some observations in relation to the application. This letter comprises advice to the Applicant, provided under section 51 of the PA2008, in respect of those observations. The Applicant should pay attention to its content and consider the appropriate action to be taken.

Habitats Regulations Assessment

1. The HRA Report (Doc 5.3) explains that the Applicant has taken account of matters discussed during the Norfolk Vanguard examination until 20 March 2019 (Deadline 5). The Inspectorate is aware that numerous HRA related submissions were made past this date, including revised collision risk modelling and displacement assessments and revisions to the Haisborough, Hammond and Winterton SAC Site Integrity Plan. The Applicant is therefore requested to confirm whether any matters discussed after Deadline 5 on Norfolk Vanguard have a bearing on the Norfolk Boreas assessment, including the in-combination

assessment, and if so, to submit any necessary revisions. The Applicant should consider whether this information is likely to be of interest to Interested Parties and if/how it might be made available to them for the purposes of informing relevant representations.

2. The Applicant's screening matrices (Doc 5.3.5.3) and Table 2.1 of the integrity matrices (Doc 5.3.6.1) identify a likely significant effect (LSE) for "*Wintering and passage waterbird assemblage including as named features shoveler, wigeon, gadwall, Bewick's swan, whooper swan, ruff*" at Bredyon Water SPA and Ramsar, Broadland SPA and Ramsar and North Norfolk Coast SPA and Ramsar. However, there is inconsistency in the information in that no integrity matrices have been provided for these sites, nor are these features addressed in the HRA Report (Doc 5.3) or accompanying screening appendix (Doc 5.3.5.2). The Applicant is advised to provide information to clarify this inconsistency and if necessary provide information to address the situation.
3. The screening and integrity matrices are intended to provide a clear audit trail demonstrating that all relevant European sites and their features have been considered. The Inspectorate has identified a number of points that require correction or clarification particularly in relation to the screening and integrity matrices where a LSE has been identified. These are detailed below.
 - (i) The Applicant has chosen to combine a number of SPA and Ramsar sites into single matrices (for example, but not limited to, North Norfolk Coast SPA and Ramsar site, Broadland SPA and Ramsar site, Bredyon Water SPA Ramsar site). In these instances, the Ramsar criterion have not been separately identified in the matrices. In addition, the Applicant has combined a number of SPA qualifying features into single rows in some matrices. The Inspectorate considers that this dilutes the intended purpose of the matrices. The Applicant is therefore advised to submit revised screening and integrity matrices that include SPA qualifying features on independent rows, in accordance with those listed in Natural England's conservation advice and so that relevant Ramsar criterion are also identified in separate rows. Supporting footnotes should be provided for each feature/criterion.
 - (ii) The footnotes in the screening matrices do not provide references to where the supporting evidence for the conclusions can be found in the application documents. The Applicant is advised to include references to specific paragraphs of documents to provide the clear audit trail in support of the conclusions drawn.
 - (iii) For some sites (eg Norfolk Valley Fens SAC), a number of effects are considered in the screening matrix (and LSE identified); however these are combined into a single effect in the integrity matrices. The Applicant is advised to revise and submit the matrices so that consistent effect headings are presented across the screening and integrity matrices.

- (iv) The Haisborough, Hammond and Winteron SAC screening matrix identifies different potential effects from those in the integrity matrices. The Applicant is advised to revise and submit matrices to address this inconsistency.

Consultees

4. It is noted in box 6 of the checklist that the Applicant does not appear to have consulted the following potentially relevant bodies:

- Homes England
- Harlaxton Gas Networks Limited
- Historic England - East of England

Given the individual circumstances of this case, and taking a precautionary approach to ensure that all persons potentially affected by, or potentially likely to have an interest in, the application are given the opportunity to participate fully in the examination of the application, the Planning Inspectorate suggests that the Applicant may wish to include the above bodies amongst those on whom they serve notice of the accepted application under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary.

Book of Reference (BoR) and Land Plans

5. It is noted that there are some discrepancies between the BoR and Land Plans as detailed in box 30 of the checklist. The Applicant is advised to carry out a full check of the BoR and land plans to ensure all information provided is clear and consistent.

We trust you find this advice helpful, however if you have any queries on these matters please do not hesitate to contact our office using the contact details at the head of this letter.

Yours sincerely

Kay Sully

Kay Sully
Case Manager

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