

# Norfolk Boreas Offshore Wind Farm Implications of Separate Scenario Plans

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*Photo: Ormonde Offshore Wind Farm*

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## Glossary of Acronyms

DCO	Development Consent Order
dDCO	Draft Development Consent Order
DML	Deemed Marine Licenses
EIA	Environmental Impact Assessment
ExA	Examining Authority

## 1 Introduction

1. Norfolk Boreas Limited ('the Applicant', an affiliate company of Vattenfall Wind Power Ltd) is seeking a Development Consent Order (DCO) for the Norfolk Boreas offshore wind farm in the southern North Sea (the Application).
2. This note has been produced in response to the Examining Authority's (ExA) Action Point 2 from the DCO issue specific hearing (ISH) held on 13 November 2019, which requested the Applicant to review the dDCO to consider implications of separating out the plans for the two scenarios in the Land [and Works] Plans and consequent implications of doing so for the dDCO.

## 2 Background to Scenarios

3. Norfolk Boreas is seeking to develop the project alongside its sister company, Norfolk Vanguard Limited (Norfolk Vanguard). Norfolk Vanguard submitted a separate application for development consent in June 2018. Norfolk Boreas is currently running one year behind Norfolk Vanguard. However, should both projects obtain consent and proceed to construction, Norfolk Boreas will optimise synergies and efficiency savings from enabling works put in place by Norfolk Vanguard.
4. If both projects secure consent and proceed to construction, certain enabling works for Norfolk Boreas will be provided for and carried out pursuant to the Norfolk Vanguard DCO. This is the Applicant's preferred option. However, Norfolk Boreas needs to consider the possibility that Norfolk Vanguard may not proceed to construction. In order for Norfolk Boreas to be constructed and operated as an independent project, this possibility must be provided for within the Norfolk Boreas DCO. Thus, consent is sought for two alternative scenarios within the DCO, and both scenarios have been consulted on with stakeholders and assessed as part of the Environmental Impact Assessment (EIA):
  - **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.

### 2.1 Rationale for Co-location

5. As the Applicant outlines in the Inter-relationship Report (document reference 3.4 / APP-023), developing Norfolk Vanguard and Norfolk Boreas in sequence as a "cluster" has potential ultimate benefits for the consumer, including minimising costs through:

- a) Shared infrastructure;
  - b) Improved knowledge of constructing and operating in the area;
  - c) Phased deployment; and
  - d) Technology efficiencies.
6. Co-locating infrastructure would also minimise local disruptions and reduce overall environmental impacts. This benefit is particularly apparent through Norfolk Vanguard carrying out enabling works for Norfolk Boreas, including the installation of ducts for Norfolk Boreas across the onshore cable route length in a single construction process.

### 3 The current approach to Land Plans and Works Plans

7. As consent for Norfolk Boreas is sought for two alternative scenarios, the Order limits reflect the fullest extent of land required for both scenarios as shown on the Works Plans (document reference 2.4 / REP1-004 - 007) and Land Plans (document reference 2.1 / AS-006 - 010), by combining the Order limits for Scenario 1 and Scenario 2. Therefore, whilst only one scenario will be implemented, the widest extent of the Order limits is also shown in the figures for the ES and the other plans submitted with the application. Whilst the majority of the works and land required is the same under both scenarios, there are some key differences. For the onshore cable route, these differences are for areas of temporary works only which can be easily identified by reference to the key on each plan. However, given that there are more differences at the onshore project substation and for the National Grid extension works, which include different locations of permanent infrastructure, which cannot be identified by reference to the key as readily as along the onshore cable route, an additional sub set of Works Plans and Land Plans are shown for both Scenario 1 and Scenario 2 in these areas. The additional sub set of plans can be seen at Sheet 40a and 40b, Sheet 41a and 41b, and Sheet 42a and 42b.

#### 3.1 Reasons for the current approach

8. This approach was taken for the following reasons:
- Using one set of Order limits within which either Scenario 1 or Scenario 2 can be constructed and operated is considered to provide clarity and consistency for all stakeholders.
  - Where certain land or works along the cable route are not required for Scenario 1 but are required for Scenario 2, this can be clearly identified by reference to the key on the relevant plan. It is considered helpful to show this on one plan so that the differences between the two scenarios are

readily apparent. If these were shown across two plans, the plans would need to be compared side by side.

- Including an additional sub set of plans (as has been done for Sheets 40, 41 and 42) was not considered necessary for the onshore cable route because there are no areas where additional or alternative land is required for Scenario 1. All the land required for Scenario 1 is also required for Scenario 2, and additional land is only required for Scenario 2 for temporary works areas such as mobilisation zones and trenchless crossing zones. Including an additional sub set of plans for the cable route could therefore lead to unnecessary duplication.
  - Given that additional land along the cable route is only required for Scenario 2, this can be readily identified by the key on the plan (included in the right-hand side of each sheet).
  - The key also controls and restricts the nature of the land to be acquired, for example, by referring to 'Type 1' land hatched in purple on the Land Plans is described as "Land not required under Scenario 1". This enables stakeholders to see clearly from the plan itself what is and what is not included under the relevant scenario without the need to cross-reference to the dDCO.
  - A sub-set of the Land Plans and Works Plans have already been included for the areas of difference at the onshore project substation and for the National Grid extension. The additional sub set of plans can be seen at Sheet 40a and 40b, Sheet 41a and 41b, and Sheet 42a and 42b.
  - The differences between the works for each scenario is also clarified in the works description in the dDCO at Schedule 1, Part 1, which identifies and describes any change to the nature of the Works for Scenario 1 and Scenario 2. Where the nature of the works will not change as a result of the scenarios, no reference to the scenarios is made. Similar drafting is employed in the compulsory acquisition schedules to the dDCO, which ensures clarity by including separate tables setting out the plots for which new permanent rights and temporary powers are required under each scenario (for instance, under Part 1 for Scenario 1 and under Part 2 for Scenario 2).
9. To ensure that only one scenario is implemented, and that the relevant planning authority have notice of which scenario is implemented, a requirement to this effect is included in the dDCO at Requirement 15 and an equivalent condition is included for the benefit of the Marine Management Organisation in the Deemed Marine Licences (DMLs) at Condition 8 (Schedule 9) and Condition 3 (Schedule 11). This



states that the Applicant may only implement one of the scenarios, and restricts implementation to Scenario 1 in the event that the Norfolk Vanguard DCO is commenced. It also requires the Applicant to notify which scenario is to be implemented prior to commencement of any works authorised under the DCO. In order to avoid duplication of the same notice, it is not necessary for the Applicant to notify the MMO under the Schedule 10 and/or Schedule 12 DMLs given that these licences relate to Phase 2 of the offshore project and a notification will already have been provided under the Phase 1 licence at Schedule 9 or Schedule 11 of the dDCO. Equally, the Project Interconnector secured under Schedule 13 of the dDCO will only be relevant to Scenario 1; accordingly, there is no requirement for the same notification procedure under Schedule 13 as the notification will have taken place under either Schedule 9 or Schedule 11 of the dDCO.

10. In practice a decision on which scenario is to be implemented will be made significantly in advance of commencement of the authorised development. However, the Applicant will not be in a position to make a decision on the appropriate scenario until post-consent.

#### 4 Implications for the dDCO in splitting the plans into two sets

11. If the Applicant were to split the plans into two sets of Land Plans and two sets of Works Plans – one for each scenario – then the implications for the dDCO would be as follows:

- **Definitions:** the Applicant would need to consider whether separate definitions would be needed for "land plan", "works plan" and those related definitions. The current definitions are as follows:

*“land plan” means the plan certified as the land plan by the Secretary of State for the purposes of this Order;*

*“Order land” means the land shown on the land plan which is within the limits of land to be acquired and described in the book of reference;*

*“Order limits” means the limits shown on the works plan within which the authorised project may be carried out, whose grid coordinates seaward of MHWS are set out in paragraph 2 of Part 1 of Schedule 1 (authorised development) of this Order;*

*“works plan” means the plan certified as the works plan by the Secretary of State for the purposes of this Order;*

Accordingly, if the Applicant were to introduce new definitions then the Applicant would need to revisit each reference to "land plan" and "works plan" within the dDCO in order to verify that it is used correctly, and it may



be necessary to insert new definitions – for instance "*land plan scenario 1*" and "*land plan scenario 2*." This would, however, add a further layer of complexity to the DCO drafting.

An alternative approach might be to retain the existing definitions given that "works plans" and/or "land plans" could mean either the Scenario 1 plan or the Scenario 2 plan, because in practice only one scenario will be taken forward; with Requirement 15 (and Condition 8 (Schedule 9) / Condition 3 (Schedule 11) in the DMLs) (notification and restriction as to which scenario will be commenced) providing the necessary control as to which extent of the Order land/ Order limits may be utilised.

- **Schedules:** whilst the Schedules are already split into Parts to ensure clarity for Scenario 1 and Scenario 2, the Applicant would need to revisit the Schedules to ensure that the plan reference points referred to in the schedules are used correctly – for instance at Schedule 2 (Streets subject to Street Works).
  - **Certified plans:** given that a decision on scenarios would not be made until post-consent, the Applicant would need to include both sets of scenario plans in the list of documents for the Secretary of State to certify.
  - **Other plans:** the Applicant would also need to give consideration as to whether other plans - such as the Access to Works Plans (document reference 2.5) - would need to be split in a similar manner to that of the Land Plans and Works Plans.
12. The Applicant considers that the current DCO drafting is sufficiently clear to identify the works and land required under each scenario. The works description at Schedule 1 of the dDCO identifies and describes any change to the nature of the works for Scenario 1 and Scenario 2, and separate Parts have been provided in the Schedules, where appropriate, relating to Scenario 1 and Scenario 2; for instance, Schedule 2-6 and Schedule 8 all contain two parts – Part 1 in the event of Scenario 1 and Part 2 in the event of Scenario 2. This will provide the undertaker and discharging authorities with clarity in relation to the applicable powers and rights for each respective scenario.
13. Whilst the Land Plans and Works Plans show the differences between the scenarios, it should be noted that the powers sought in the dDCO for each scenario are very similar and, in almost all cases, the same powers will be required and the same Requirements will apply, irrespective of which Scenario is taken forward.

#### 4.1 Other considerations in splitting the plans into two sets

14. The Applicant also considers that the current approach – with both scenarios included on the same set of plans - provides greater transparency for stakeholders

and interested parties which, in turn, minimises the risk of stakeholder confusion, or the need for duplication given that stakeholder resources are often limited.

15. Changing the approach at this stage in the Examination may cause greater confusion and it could result in stakeholders (including local communities) overlooking the corresponding set of scenario plans or treating, for example, the Scenario 2 plans in isolation. In the event that two separate sets of plans were produced for the Land and Works Plans, landowners would have to compare and comment on two sets of plans and align each plan with the Book of Reference (document reference 4.3 / REP1-010) to understand how their interest is affected. The Applicant therefore considers that it is more transparent to include both scenarios on the same plan – with separate sheets for each scenario – as currently drafted, save where the complexity of the scenarios justifies the additional sub set of plans as is the case for sheets 40 to 42 inclusive.
16. Consultation was undertaken with all stakeholders on the basis that there would be one application for the two scenarios. It was considered that this would assist in stakeholder engagement by reducing the volume of applications, particularly the need to respond to two separate but almost identical proposals and, importantly, was appropriate on the basis that only one of the scenarios would only ever be taken forward.
17. Local planning authorities were also consulted at the pre-application stage on the draft Works Plans, Land Plans and the dDCO. Comments were sought on the clarity of the plans both during the application stage, particularly from their perspective of discharging authority. The approach taken was agreed with relevant stakeholders in advance of the submission of the application, who welcomed the attempt to reduce the volume of, and simplify, the application documentation whilst providing clarity on the extent of the two scenarios.
18. The local planning authorities confirmed they were content with the approach the Applicant had taken to the drafting of scenarios in the dDCO and relevant application documents at the DCO hearing on 13 November 2019, and that they support the use of one set of plans.

## 5 Concluding remarks

19. The Applicant considers that the Works and Land Plans – when read together with the dDCO, the key on the relevant plans, and the separate sub set of sheets for Scenario 1 and Scenario 2 at the onshore project substation and for the National Grid extension works – are sufficiently clear, such that the remainder of the plans for the cable route do not need to be split into two separate sets. The Applicant also considers that it is more transparent to include the full extent of the Order limits for

both scenarios under one set of plans. Finally, the Applicant believes that stakeholders are familiar with the scenarios and the plans as currently drafted, and the Local planning Authorities have agreed with the approach taken by the Applicant, all of which mitigates against the need to change the plans at this stage in the process.

20. In view of the above, the Applicant does not consider it necessary to include two sets of works plans and land plans beyond the sub sets already included for the onshore project substation and for the National Grid extension works.