



**Norfolk Boreas Offshore Wind Farm** 

# Statement of Common Ground

**National Farmers Union** 

Applicant: Norfolk Boreas Limited

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# **Glossary of Acronyms**

CAAV	The Central Association of Agricultural Valuers - Local group formed of the majority of the land agents representing affected land interests, collectively known as the Land Interest Group (LIG).
CLA	Country Land and Business Association Limited
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
HOTs	Heads of Terms
LIG	Land Interest Group
NFU	National Farmers Union
PEIR	Preliminary Environmental Information Report
SoCG	Statement of Common Ground

# **Glossary of Terminology**

Array cables	Cables which link wind turbine to wind turbine, and wind turbine to offshore electrical platforms.
Landfall	Where the offshore cables come ashore at Happisburgh South
Mobilisation area	Areas approx. 100 x 100m used as access points to the running track for duct installation. Required to store equipment and provide welfare facilities.  Located adjacent to the onshore cable route, accessible from local highways network suitable for the delivery of heavy and oversized materials and equipment.
National Grid overhead line modifications	The works to be undertaken to complete the necessary modification to the existing 400kV overhead lines.
Necton National Grid substation	The grid connection location for Norfolk Boreas and Norfolk Vanguard.
Offshore cable corridor	The corridor of seabed from the Norfolk Boreas site to the landfall site within which the offshore export cables will be located.
Offshore electrical platform	A fixed structure located within the Norfolk Boreas site, containing electrical equipment to aggregate the power from the wind turbines and convert it into a suitable form for export to shore.
Onshore cable route	The up to 35m working width within a 45m wide corridor which will contain the buried export cables as well as the temporary running track, topsoil storage and excavated material during construction.
Onshore project substation	A compound containing electrical equipment to enable connection to the National Grid. The substation will convert the exported power from HVDC to HVAC, to 400kV (grid voltage). This also contains equipment to help maintain stable grid voltage.
Trenchless crossing zone (e.g. HDD)	Areas within the onshore cable route which will house trenchless crossing entry and exit points.





### 1 INTRODUCTION

- 1. This Statement of Common Ground (SoCG) has been prepared between the National Farmers Union (NFU) and Norfolk Boreas Limited (hereafter the Applicant) to set out the areas of agreement and disagreement in relation to the Development Consent Order (DCO) application for the Norfolk Boreas Offshore Wind Farm (hereafter 'the project').
- This SoCG comprises an agreement log which has been structured to reflect the topics of interest to the NFU with regard to the Norfolk Boreas DCO application (hereafter 'the Application'). The agreement logs (section 2) outline all topic specific matters agreed, not agreed and actions to resolve between the NFU and the Applicant.
- 3. The Applicant has had regard to the Guidance for the examination of applications for development consent (Department for Communities and Local Government, 2015) when compiling this SoCG. Matters that are not agreed will be the subject of ongoing discussion wherever possible to resolve or refine the extent of disagreement between the parties.

### 1.1 The Development

- 4. The Application is for the development of the Norfolk Boreas Offshore Wind Farm and associated infrastructure. The offshore wind farm comprises of a 725km² area located approximately 73km from the Norfolk coastline within which wind turbines would be located. Norfolk Boreas would have a maximum export capacity of 1,800 megawatts (MW). The offshore wind farm would be connected to the shore by offshore export cables installed within the offshore cable corridor from the wind farm to a landfall point at Happisburgh South, Norfolk. From there, onshore cables would transport power over approximately 60km to the onshore project substation at Necton, Norfolk.
- 5. Once built, Norfolk Boreas would have an export capacity of up to 1,800MW, with the offshore components comprising:
  - Wind turbines;
  - Offshore electrical platforms;
  - Offshore Service platform;
  - Met masts;
  - Measuring equipment (light detection and ranging (LiDAR) and wave buoys);
  - Array cables;
  - Interconnector cables or project interconnector cables; and
  - Export cables.





- 6. The key onshore components of the project are as follows:
  - Landfall;
  - Onshore cable route, accesses, trenchless crossing technique (e.g. Horizontal Directional Drilling (HDD)) zones and mobilisation areas;
  - Onshore project substation; and
  - Extension to the Necton National Grid substation and overhead line modifications.

### 1.2 Consultation with NFU

- 7. The NFU is the national body representing the interests of landowners and farmers across the United Kingdom.
- 8. This section briefly summarises the consultation that the Applicant has had with the NFU. For further information on the consultation process please see document 5.1, Consultation Report (APP-027).
- 9. Table 1 provides an overview of meetings and correspondence undertaken with NFU.

### 1.2.1 Pre-Application

- 10. The Applicant has engaged with the NFU on the project during the pre-Application process, both in terms of informal non-statutory engagement and formal consultation carried out pursuant to Section 42 of the Planning Act 2008.
- 11. There has also been over 50 rounds of individual correspondence via phone and email between the NFU/Land Interest Group (LIG) and the Vattenfall Land Manager, regarding the drafting of the Heads of Terms (HoTs) between January 2018 and May 2018.

### 1.2.2 Post-Application

- 12. The NFU submitted a Relevant Representation to the Planning Inspectorate on 23<sup>rd</sup> August 2019.
- 13. Discussions with the NFU (alongside the LIG) are on-going in the post-application phase and this SoCG is a live document that will be updated as consultation on the project progresses.





### 2 STATEMENT OF COMMON GROUND

14. Within the sections and tables below, the different topics and areas of agreement and disagreement between the NFU and the Applicant are set out.

### 2.1 Land Use and Agriculture

- 15. The project has the potential to impact upon farm land and farming businesses. Chapter 21 of the Norfolk Boreas ES provides an assessment of the significance of these impacts.
- 16. Table 2 provides an update on the points raised through the relevant representation submitted by the NFU and the areas of agreement (common ground) and disagreement.

Table 1 Summary of Norfolk Boreas Specific Consultation with NFU/CLA/CAAV/LIG

Date	Contact Type	Recipients	Topic
Pre-Applicati	on		
10.09.2018	Meeting	NFU Applicant LIG	A site meeting at Necton with NFU, LIG, A landowner represented by LIG and the Applicant.
23.08.2019	Representation	PINS	NFU submitted a relevant representation to PINS for Norfolk Boreas.
Post-Norfolk	Boreas - Application		
05.08.19	Meeting/Conference Call	NFU Applicant LIG	A meeting and conference call held between the Applicant, lead members of the LIG, the LIG solicitors and the NFU to discuss the private agreement documentation and outstanding concerns.
August, September, October, November 2019	Emails and calls	NFU, LIG, LIG Solicitors, Applicant.	Throughout August and September there were numerous email and telephone exchanges between the Applicant and the LIG/LIG solicitors. The purpose of these ongoing discussions was to reach agreement on the precedent form of the Option Agreement and the Deed of Easement. The NFU have been party to a number of these discussions and the NFU and LIG are working together to resolve outstanding concerns with the Applicant. As of the start of October 2019, the Applicant has agreed the template form of the private agreement documentation and this addresses a number of the concerns raised.





**Table 2 Agreement Log** 

Topic	Summary of NFU position	Summary of Norfolk Boreas Limited position	Final position
Consultation and Engagement	- There have been constructive and proactive face to face meetings with Vattenfall and their agents. Heads of terms were sent out May 2018 and some of these have been signed by landowners who are in agreement to the principles of the scheme set out. But in the last few months further specific details have been requested in regard to the build for the voluntary agreements. Negotiations are still on going.  The format of the precedent Option Agreement and Deed of Easement have now been agreed but there are a few outstanding matters which still need to be covered off in the voluntary agreements in regard to specific build details. 29.11.19	At the time of writing (04 November 2019), there have been 80 landowners who have signed the heads of terms (HoTs) for an option agreement out of the 100 parties affected with a further two in agreement in principle and preferring to move to the Option documentation rather than sign the HoTs.  It is also the Applicant's understanding that the format of the precedent Option Agreement and Deed of Easement have now been agreed with the NFU/LIG and therefore these matters are agreed.  The outstanding matters referred to will continue to be discussed as the Option Agreements and Deeds of Easement are agreed by individual parties. 05.12.19	Under discussion
HVDC Cables and Converter Station	- It has been clarified by Vattenfall that they have and are applying for a DCO on HVDC cables and this will involve building a converter substation. The laying of HVDC cables should hopefully reduce the impact on land operations and farm businesses as the easement width required will be less and it is likely that only a small number of link boxes will be required which are situated on the surface of the	The commitment to HVDC technology minimises environmental impacts through a reduction in the cable working width and permanent easement, removes the requirement for a cable relay station and reduces the maximum duration of the cable pull phase thereby reducing the impact on land operations and farm businesses.  The maximum duration for cable pulling has reduced from a potential six year period under a previously consulted upon HVAC solution, to a maximum four year period under a committed to HVDC solution. This is a reduction of 2 years as a result of the HVDC commitment. For completeness, these timescales consider both Norfolk Vanguard and Norfolk Boreas under Scenario 1.	Agreed





Topic	Summary of NFU position	Summary of Norfolk Boreas Limited position	Final position
	ground.  It is stated that the commitment to HVDC will reduce the maximum duration of the cable pull phase. We would still like clarification on this taking into consideration the cable pull time on the Vanguard scheme as it is the overall length of time that will impact the landowners and occupiers that is of concern. 29.11.19		
	Landowners are requesting further information on the converter substation which is to be sited near to the National Grid substation at Necton. We understand that the converter station is needed to convert the current from DC back to AC to enter the National Grid substation. Further information has been requested on the size of the proposed building, the height, what the building will look like and the external cladding. It is understood that the building may be 25m high.  —As requested we would like further information on the size of the proposed building, the height, what will the building look like and the	Issues raised regarding the suitability of the Necton location for the onshore project substation include: site selection and landscape and visual impacts. These issues have been considered in part or in full within the following submission documents:  ES Chapter 4 Site Selection and Assessment of Alternatives (document 6.1.4, APP-217)  Including application of the Horlock Rules;  ES Appendix 4.3 Strategic Approach to Selecting a Grid Connection Point for Norfolk Boreas and Norfolk Vanguard (document 6.3.4.3, APP-539)  ES Chapter 29 Landscape and Visual Impact Assessment (document 6.1.29, APP-242)  Mitigation measures are detailed within the Outline Landscape and Ecological Management Strategy (OLEMS; document 8.7, APP-698);  Chapter 1.6.11 of the Consultation Report (document 5.1, APP-027) - Siting the onshore project substation away from as many homes as possible, while still within a practicable distance from the existing 400kV National Grid substation  Chapter 1.6.12 of the Consultation Report - Commitment to planting in key areas as early as possible  Chapter 3.5 of the Consultation Report - Early Project definition, site selection and refinement  Chapter 14 of the Consultation Report - Phase IIb non-statutory consultation	Under discussion





Topic	Summary of NFU position	Summary of Norfolk Boreas Limited position	Final position
	external cladding . Further how will the building be sited at the location so that it fits into the landscape. The proposed site is sloping and is the highest point in the area. If the converter station is to be 25m in height this is very high and will stand out in the surrounding area. Therefore details are requested of the detailed landscape planting. 29.11.19	<ul> <li>Chapter 17 of the Consultation Report - Overview of phase 0 - phase IIb non-statutory consultation and influence on the project</li> <li>Chapter 18.7 of the Consultation Report - Summary of responses to Norfolk Vanguard Section 47 and regard had by Vattenfall Wind Power Limited</li> <li>Chapter 28.2.11 of the Consultation Report - Learnings from the Norfolk Vanguard examination process and community representations</li> <li>Appendix 3.1 of the Consultation Report - Hearing Your Views I (document 5.1.3.1, APP-028)</li> <li>Appendix 3.2 of the Consultation Report - Hearing Your Views II (document 5.1.3.2, APP-029)</li> <li>Appendix 3.3 of the Consultation Report - Hearing Your Views III (document 5.1.3.3, APP-030)</li> <li>Appendix 3.4 of the Consultation Report - Hearing Your Views IV (document 5.1.3.4, APP-031)</li> <li>Appendix 4.2 of the Consultation Report - FAQ documents (document 5.1.4.2, APP-033)</li> <li>Appendix 12.7 of the Consultation Report - Phase I non-statutory public exhibition materials (document 5.1.12.7, APP-092)</li> <li>Appendix 12.9 of the Consultation Report - Phase II non-statutory public exhibition materials (document 5.1.12.9, APP-094)</li> <li>Appendix 13.2 of the Consultation Report - March 2017 newsletter (document 5.1.13.2, APP-096)</li> <li>Appendix 14.2 of the Consultation Report - Necton substation workshop presentations (document 5.1.14.8, APP-132)</li> <li>Appendix 18.3 of the Consultation Report - Phase III non-statutory public exhibition materials (document 5.1.14.8, APP-132)</li> <li>Appendix 12.13 of the Consultation Report - Phase III non-statutory public exhibition materials (document 5.1.18.3, APP-137)</li> <li>Appendix 22.13 of the Consultation Report - Formal consultation exhibition boards (5.1.22.13, APP-177)</li> <li>Appendix 24.1 of the Consultation Report - Formal consultation exhibition boards (5.1.22.14, APP-173)</li> </ul>	





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		<ul> <li>5.1.24.1, APP-180)</li> <li>Appendix 25.1 of the Consultation Report - Section 47 responses (document 5.1.25.1, APP-181)</li> <li>Appendix 28.4 of the Consultation Report - February 2019 newsletter (document 5.1.28.4, APP-195)</li> </ul>	
Construction and funding	Landowners from the start were notified by Vattenfall that they would be looking to carry out the project as two schemes Vanguard and Boreas. Vanguard is to be constructed first, with underground cables being laid in ducts. At the same time ducts will be laid to take underground cables for the Boreas scheme. Vattenfall has stated that they will need at least 2 years to lay the ducts and cables for Vanguard. There then may be a gap of a year before the start of the Boreas scheme. Further clarification is needed from Vattenfall on timings of construction and how and when cables will be pulled for the Boreas scheme. For example will working areas just be needed for jointing bays on the Boreas scheme? Landowners do not yet understand what the interference will be from constructing Boreas following Vanguard.  We first understand from Vattenfall	Final project timings for both Norfolk Vanguard and Norfolk Boreas cannot be provided until post-consent and subject to a Financial Investment Decision for the projects. This has been discussed with the LIG and detailed in the HOTs regarding compensation for compounds and working areas.  Cable installation works for Norfolk Vanguard and Norfolk Boreas could extend up to 4 years (2 years per project) in the worst case scenario as assessed in the Environmental Statement assuming a 2-phase cable pull programme as detailed in the Norfolk Vanguard and Norfolk Boreas Outline Programme.  This cable pull period could be reduced if a 1-phase cable pull programme was employed for each project, reducing the total period to 2 years (1 year per project).  It is not proposed that cables for both Norfolk Vanguard and Norfolk Boreas be installed at the same time due to the feasibility of cable supply requirements and the technical need for close alignment with offshore installation works and associated energisation.  The Applicant has made clear that it is its intention to bid for a CfD at the earliest opportunity following a successful decision to grant development consent.  The onshore cable pulling must be conducted in line with onshore project substation construction, offshore cable installation and offshore substation installation to allow energisation of the transmission circuit within a timely manner. The up to 4 years (2 years for Norfolk Vanguard and 2 years for Norfolk Boreas) of onshore cable pulling activity is required to align with these worst case phases of potential transmission circuit commissioning.	Agreed





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	required for both schemes but confirmation on this is sought as during the examination of the Vanguard Scheme it became apparent that funding may be through CFD.  Vattenfall have stated in the SoCG November 2019 that cable installation could take up to 4 years being 2 years per project. This will be a very long time to have land out of agricultural production. It is further stated that this time could be reduced if a 1 phase cable pull programme was employed for each project. Then cable installation may only take 2 years which is more favourable to landowners. To reduce the impact if cable pulling does take 4 years a further explanation is requested on the areas that will need to be left open around the jointing bays that will definitely not be in agricultural production for a 4 year period.	With reference to Section 5.6.2.1 of ES Chapter 5 Project Description, a joint pit will be required for each cable circuit (comprised of two cables) with a worst case excavated area of 15m x 6m x 2m. The cable pulling and jointing process would take approximately five weeks per 800m length of cable, per circuit. Any one jointing pit could be open for up to 10 weeks to allow its neighbouring jointing pit to be opened and cables pulled from one pit to the next, dependant on the level of parallel work being conducted.  Jointing pits will not be left open throughout the up to 4 year cable pulling phase (Norfolk Vanguard and Norfolk Boreas). Each joint pit (one per circuit) will be established and reinstated within the 10 week period, per annum. 05.12.19	
Cumulative	29.11.19  Confirmation is sought from	ES Chapters 19 to 31 provide an assessment of relevant cumulative impacts. A summary is	Under
Impact	Vattenfall on whether a Cumulative Impact Assessment has addressed	provided in ES Chapter 33 Onshore Cumulative Impacts (APP-246).	discussion
	both of their schemes, Vanguard and	The assessment methodology for the CIA considers whether impacts on a receptor may occur	
	Boreas, along with the Orsted Scheme Hornsea 3 which are	on a cumulative basis between Norfolk Boreas and other projects, activities and plans (either consented or forthcoming) in the onshore study area. This includes both Norfolk Boreas and	
	programmed to be constructed at	Hornsea Project Three. The scope of the CIA (in terms of relevant issues and projects) has	





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	approximately the same time. Hornsea 3 is running north to south and Vanguard and Boreas running east to west. This greatly impacts the number of landowners affected and as this takes more land out of agricultural production.	been agreed with relevant consultees during the pre-application process.	
Jointing bays and Link Boxes	It is understood that some link boxes will be needed with the cables being HVDC cables and further clarification is sought on how many there are likely to be and the location of the link boxes. Link boxes do stand proud above ground level and so greatly interfere with agricultural operations and are a hazard to farm machinery. It is extremely important to have further design information on link boxes and the siting of them. The preference is that all link boxes are located within field boundaries. The NFU with LIG would like to request that the location of the jointing bays which will dictate the location of the link boxes need to be part of the early design consideration so that as many link boxes as possible can be located in or within the 2m range of field boundaries. 29.11.19	The location and format of the Link Boxes has been discussed at length with the LIG and the NFU. Wording has been agreed in the final form of the Deed of Easement that: 'Prior to the installation of any Link Box, the Grantee shall consult with the Grantor (and if reasonably requested by the Grantor, any relevant Occupier) as to the location and level of said Link Box and where reasonably practicable (and subject to reasonable engineering requirements or construction requirements) the Grantee shall implement the Grantor's requirements as to location and level of the Link Box.  Unless there are reasonable engineering requirements construction requirements or specific requirements by the Grantor the Link Box shall be located in or within 2 metres from a field boundary, hedge (measured from the centre of the hedge nearest to the Link Box) or other boundary structure and shall be laid level with or below the surface of the Easement Strip.'	Agreed





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Field Drainage	Land drainage is one of the main issues which landowners and occupiers are concerned about on this scheme and some detail has been agreed in the heads of terms and we have not yet seen the wording that we would like included in the draft CoCP for Boreas.  Wording has now been included in the Outline CoCP which is agreed and it has been confirmed by Vattenfall that this document will be an Appendix to the voluntary Deed of Easement. 29.11.19	The Applicant has agreed with the NFU and LIG that the Outline CoCP will be included as an Appendix to the voluntary Deed of Easement documentation.	Agreed
Soils	As above the treatment and reinstatement of soil during and after construction is one of the main issues of concern. Limited detail has been provided to landowners and occupiers. Again LIG and NFU would like certain wording to be agreed and highlighted in an outline soil management plan as part of the CoCP. It is important that soil reinstatement and aftercare is specified. Further information will be needed to show what measures will	The Applicant has agreed with the NFU and LIG that the Outline CoCP will be included as an Appendix to the voluntary Deed of Easement documentation.  The Applicant is awaiting draft wording regarding soil aftercare from the NFU for consideration of inclusion in the OCoCP. 05.12.19	Under discussion





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Flood Issues	be put in place to bring the soil back to its condition and quality before the works took place. An after care plan should be included in a code of construction or soil management plan.  The NFU confirms that wording has been included in the outline CoCP to cover soils at Appendix A. The NFU would still like to see further wording on how soil aftercare will take place. This wording to be agreed with Vattenfall. 29.11.19  No details have been provided to landowners and occupiers on how any increase in surface run off of water from the haul road or the construction compounds will be dealt with during construction. Therefore there is concern that retained land may flood during the construction works.  The NFU believes that it is particularly important that no surface water or discharge of water from the working area either runs on to adjacent land or is discharged on to adjoining land. Further if water is then discharged in to local ditches or drains then these outlets must be capable of taking the extra water. 29.11.19	The CoCP will be included as an Appendix to the voluntary Deed of Easement documentation.  The Outline CoCP (APP-692) provides details of the principles of construction drainage, with an acknowledgement that a detailed Surface Water and Drainage Plan (Requirement 20 (2)(i)) of the DCO will be developed post-consent and agreed with the relevant regulators.  The Applicant has conducted a full cable route engineering visual inspection (where access allowed – approximately 85% of cable route length) to gather information of existing above ground drainage arrangements and details of existing drainage arrangements (particularly subsurface) have been requested from landowners. This information will be used to develop the Surface Water and Drainage Plan in due course, in fulfilment of DCO requirement 20 (2)(i).	Under discussion





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Dust/Irrigation	Clarification is needed on how practical issues like dust will be controlled during construction and how can the effect on irrigation be minimised? Further if any private water supply is affected a temporary and permanent supply will be needed.  It is agreed that this has been covered in sufficient detail in the outline CoCP and that this will be an annex to the voluntary agreement. 29.11.19	The Applicant has agreed with the NFU and LIG that the Outline CoCP will be included as an Appendix to the voluntary Deed of Easement documentation.  The Outline CoCP (APP-692) gives details on air quality management control measures to be implemented which includes dust management. This document informs the final CoCP to be agreed with the relevant planning authority through Requirement 20 of the DCO.	Agreed
Private Water	The NFU believes that wording is still be included in the draft outline CoCP to cover how interference to a water supply will be dealt with. 29.11.19	The Applicant is awaiting draft wording from the NFU for consideration of inclusion in the OCoCP. 05.12.19	Under discussion
Access Routes to the Order Limits	At the present time Vattenfall has provided details of access routes it would like to use to gain access to the working strip. Issues have been raised by some of the agents that some of the access routes are not actually physically possible on the ground due to differing ground levels. In some instances there are better access routes available to reach the working strip but Vattenfall as yet has not engaged in agreeing viable access routes.  It is the understanding of the NFU and LIG that there are still access	The Applicant is engaged in on-going discussions with a small number of parties with regards to preferred alternative access routes as put forward by the landowner and their representative. The majority of access routes have been agreed with landowners through the signed HoTs.  Accesses required for construction have been assessed individually to provide access to complete the construction works and these are secured within the Order Limits submitted as part of the application of the projects and therefore are not able to be changed.  Where construction accesses are planned to also be used as O&M accesses and there are better alternatives, these will be considered on a case-by-case basis.	Under discussion





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	routes to be agreed with landowners that are needed on a temporary and permanent basis. 29.11.19		





## The undersigned agree to the provisions within this SOCG

Printed Name	Not Signed
Position	Not Signed
On behalf of	National Farmers Union
Date	

Printed Name	Jake Laws
Position	Norfolk Boreas Consents Manager
On behalf of	Norfolk Boreas Limited (the Applicant)
Date	10.12.2019