

Norfolk Boreas Offshore Wind Farm

Note on

Requirements and

Conditions in the

Development Consent

Order

DCO Document 3.3

Applicant: Norfolk Boreas Limited
Document Reference: 3.3
Pursuant to APFP Regulation: 5(2)(q)

Date: February 2020
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Author: Womble Bond Dickinson

Photo: Ormonde Offshore Wind Farm

Norfolk Boreas Limited

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1. Introduction

- 1.1 Norfolk Boreas Limited (the **Applicant**) is planning to develop the Norfolk Boreas Offshore Wind Farm (the **Project**) with up to 180 turbines and an export capacity of up to 1,800 MW. The Project would be located approximately 73 km from the coast of Norfolk at its closest point to land, covering an area of approximately 725 km² in the southern North Sea.
- 1.2 As the export capacity of the Project will exceed 100 MW it is a Nationally Significant Infrastructure Project (**NSIP**) as defined under sections 14(1)(a) and 15(3) of the Planning Act 2008.
- 1.3 This note, which forms part of the Development Consent Order (**DCO**) application, and accompanying annexes, sets out the following:
- 1.3.1 Discharging authorities for the Requirements of the Development Consent Order (**DCO**) and Conditions of the Deemed Marine Licences (**DML**) for the Project.
- 1.3.2 Plans, schemes and protocols required pursuant to the DCO and DMLs.
- 1.3.3 Enforcement post-construction.

2. Discharging authorities

Onshore works

- 2.1 In relation to the discharge of Requirements, the DCO specifies who will be the discharging authority, as appropriate and on a case-by-case basis.
- 2.2 The majority of the Requirements will be discharged by the "*relevant planning authority*". Article 2 (*Interpretation*) of the DCO provides that the "*relevant planning authority*" means the district planning authority. Therefore, where a Requirement is to be discharged by the "*relevant planning authority*" this refers to North Norfolk, Broadland, and Breckland District Councils in their respective areas.
- 2.3 Requirement 21 (*Traffic*) will be discharged by the "*relevant planning authority*" in consultation with the "*relevant highway authority*" (namely, Norfolk County Council).
- 2.4 Certain Requirements also provide for consultation with specified bodies on the discharge of that Requirement, such as Natural England and Historic England.
- 2.5 Schedule 16 (*Procedure for discharge of Requirements*) sets out the process to be followed in relation to applications made to a discharging authority for any agreement or approval required by a Requirement in the DCO.

Offshore works

- 2.6 In relation to the discharge of Conditions in the DMLs, the Marine Management Organisation (**MMO**) will be the relevant authority.
- 2.7 Certain Conditions provide for consultation with specified bodies on the discharge of that Condition, for example, Trinity House, the Maritime & Coastguard Agency (**MCA**), and the relevant statutory body.
- 2.8 The In Principle Monitoring Plan (IPMP) governs a number of other plans to be drafted, however the IPMP does not have a specific condition associated with it in the DCO, hence this is shown as a dotted line within the last three diagrams in Annex 1. The IPMP is an overarching plan that provides important principles to be incorporated into the relevant final plans under the DMLs. For instance, the wording of the DMLs requires that the Construction Programme and Monitoring Plan, the Mitigation Scheme for any Habitats of Principal

Importance, the Ornithological Monitoring Plan, and the Construction Monitoring requirements must all be in accordance with the IPMP.

3. Plans, schemes and protocols

Onshore works

- 3.1 Whilst the majority of plans and schemes required pursuant to the Requirements must be submitted prior to commencement of a stage of the development, there are a number of other operational and decommissioning Requirements.
- 3.2 The Applicant has provided a number of control documents with the Application to inform the discharge of Requirements, such as the:
 - 3.2.1 Outline Code of Construction Practice (Document 8.1)
 - 3.2.2 Design and Access Statement (Document 8.3)
 - 3.2.3 Outline Written Scheme of Investigation (Onshore) (Document 8.5)
 - 3.2.4 Outline Landscape and Ecological Management Strategy (Document 8.7)
 - 3.2.5 Outline Traffic Management Plan (Document 8.8)
 - 3.2.6 Outline Travel Plan (Document 8.9)
 - 3.2.7 Outline Access Management Plan (Document 8.10).
 - 3.2.8 Outline skills and employment strategy (8.22)
- 3.3 Annex 1 to this note provides a diagram showing how the plans interrelate and correspond to particular Requirements.

Offshore works

- 3.4 The DMLs set out a number of Conditions requiring notifications, plans and surveys at various points during pre-construction, construction and operation.
- 3.5 The Applicant has provided a number of control documents with the Application to inform the discharge of Conditions, such as the:
 - 3.5.1 Outline Written Scheme of Investigation (Offshore) (Document 8.6)
 - 3.5.2 Outline Offshore Operations and Maintenance Plan (Document 8.11)
 - 3.5.3 Offshore In Principle Monitoring Plan (Document 8.12)
 - 3.5.4 Draft Marine Mammal Mitigation Protocol (Document 8.13)
 - 3.5.5 Outline Project Environmental Management Plan (Document 8.14)
 - 3.5.6 Outline Scour Protection and Cable Protection Plan (Document 8.16)
 - 3.5.7 In principle Norfolk Boreas Southern North Sea Special Area of Conservation Site Integrity Plan (Document 8.17)
 - 3.5.8 Outline Marine Traffic Monitoring Strategy (Document 8.18).
 - 3.5.9 Outline Fisheries Liaison and Co-existence Plan (Document 8.19)

3.5.10 Outline Norfolk Boreas Haisborough, Hammond, and Winterton Special Area of Conservation Site Integrity Plan (Document 8. 20)

3.5.11 Outline Operational Drainage Plan (Document 8.21)

3.5.12 Development Principles (8.23).

4. Enforcement

4.1 In relation to enforcement of the Requirements, Part 8 (Enforcement) of the Planning Act 2008 (the **2008 Act**) sets out the enforcement provisions available to the relevant planning authority (as set out in Section 173 of the 2008 Act) in the event of breach of the terms of the DCO.

4.2 The MMO continues to enforce marine aspects of the development, pursuant to the powers set out in the Marine and Coastal Access Act 2009 (the **2009 Act**).

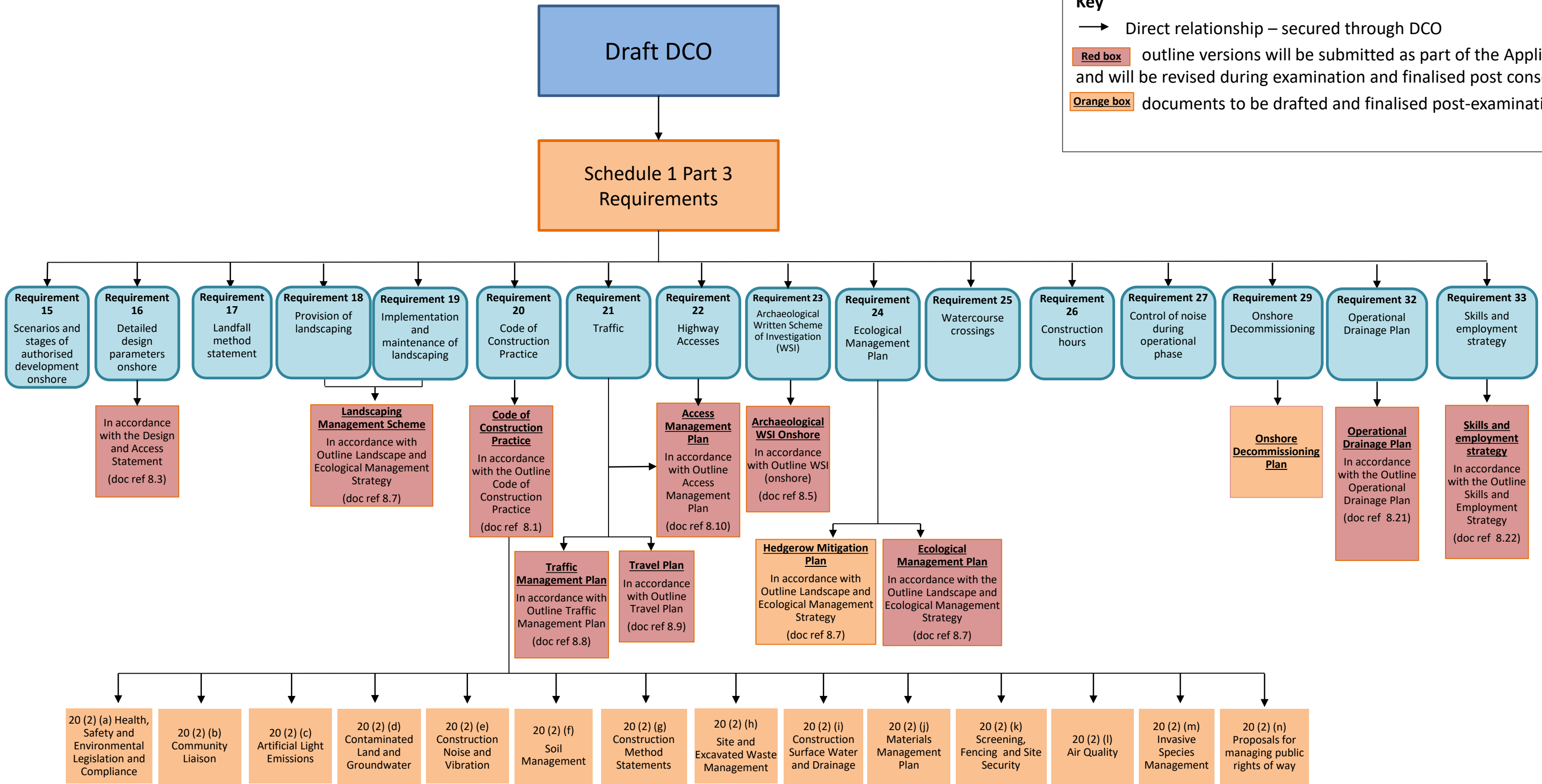
ANNEX 1

DIAGRAM SHOWING MITIGATION TOPICS AND REQUIREMENTS

Relationship of Onshore Plans secured by the DCO

Key

- Direct relationship – secured through DCO
- Red box** outline versions will be submitted as part of the Application, and will be revised during examination and finalised post consent
- Orange box** documents to be drafted and finalised post-examination



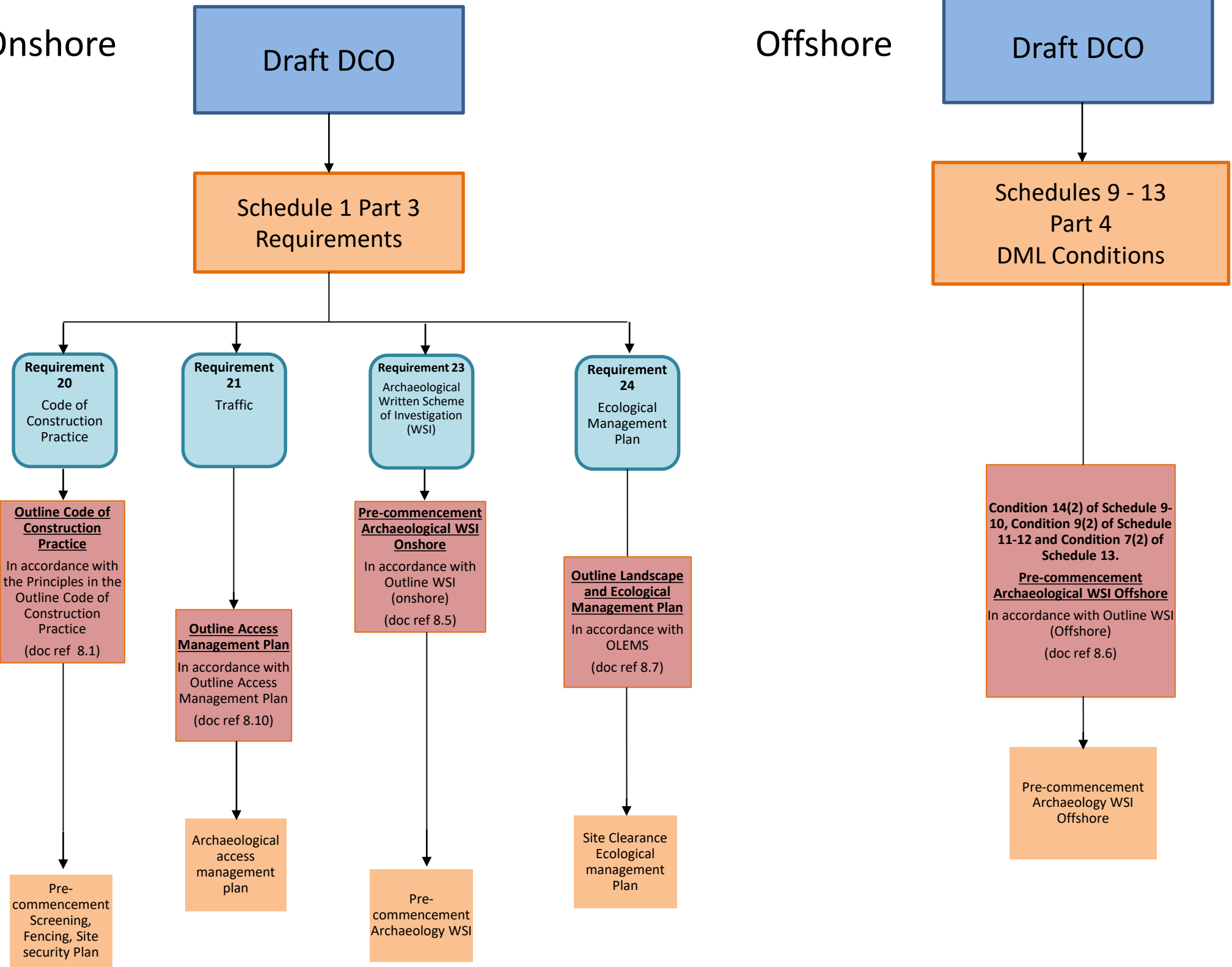
Relationship of Pre-commencement Plans secured by the DCO and DML's

Onshore

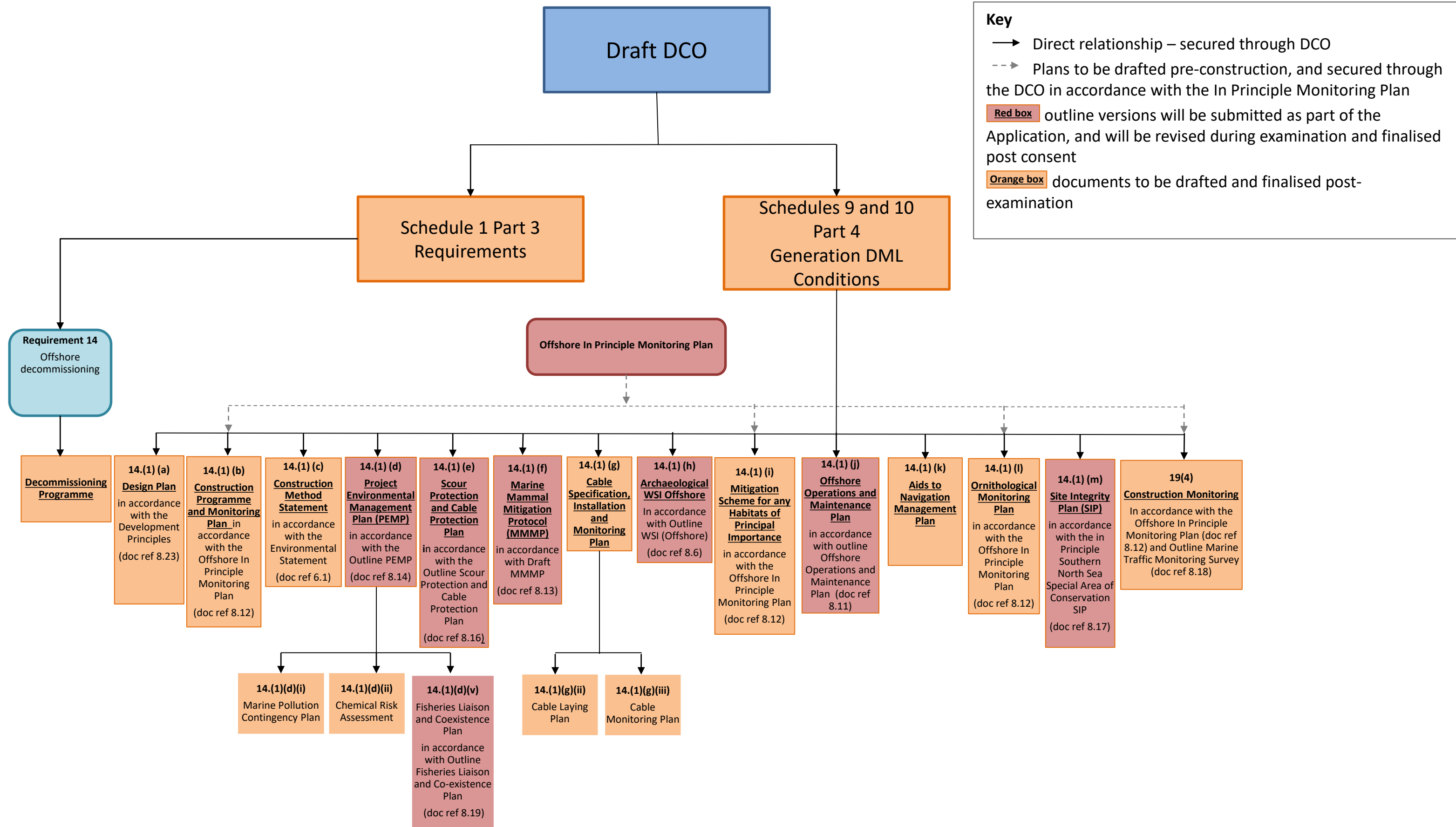
Offshore

Key

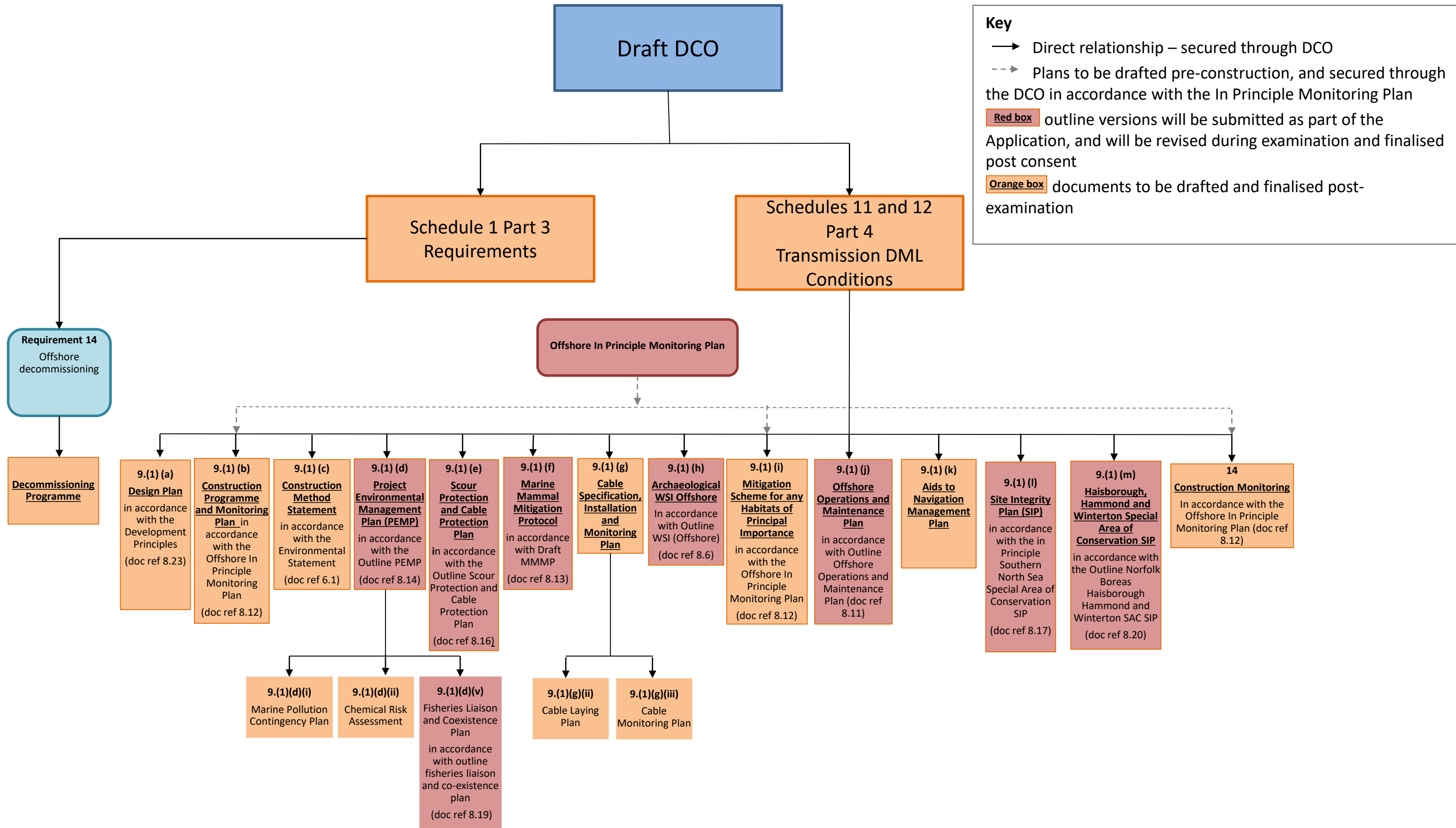
- Direct relationship – secured through DCO
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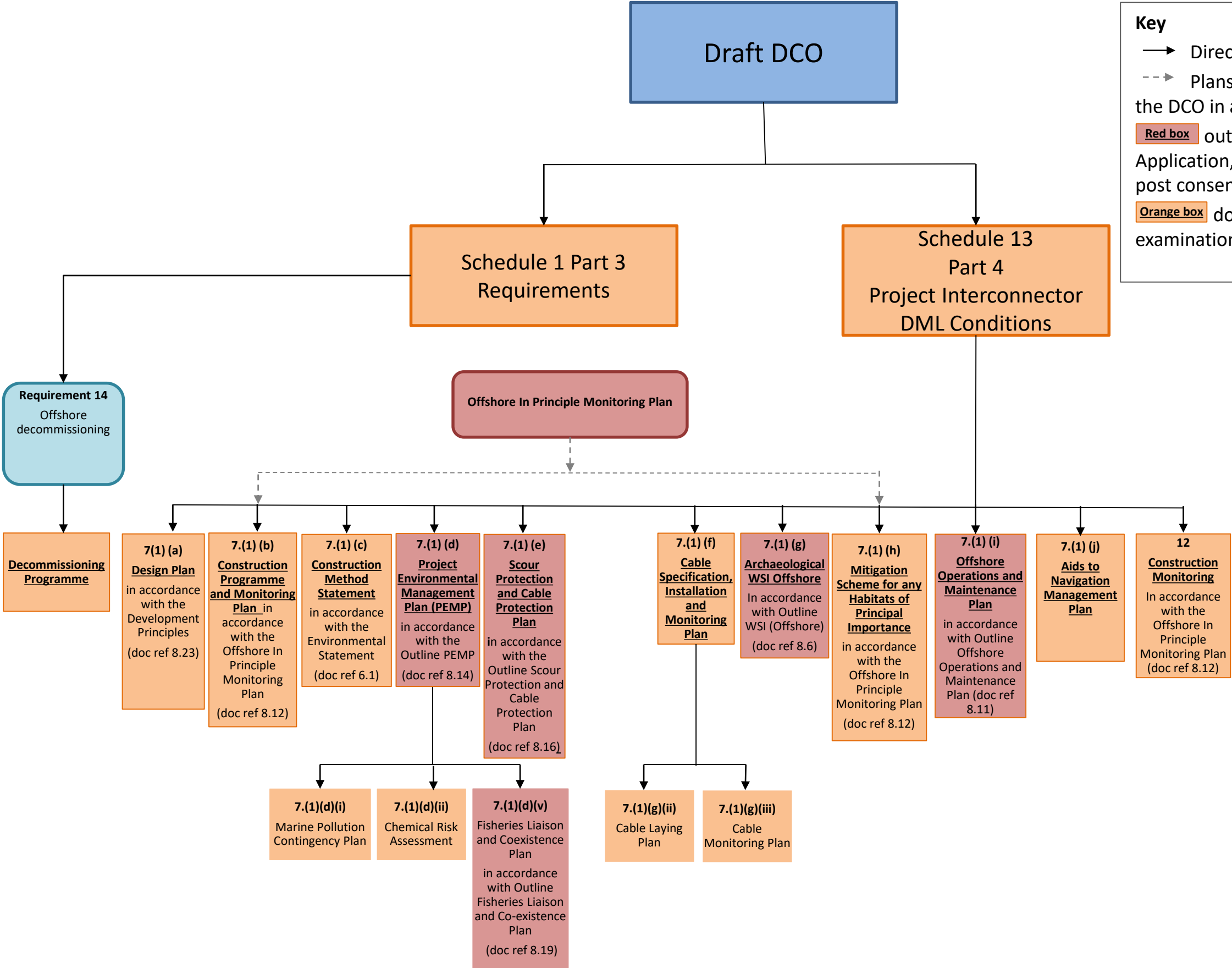
Relationship of Offshore Plans secured by the DCO (Generation DMLs)



Relationship of Offshore Plans secured by the DCO (Transmission DMLs)



Relationship of Offshore Plans secured by the DCO (Project Interconnector DMLs)



Key

- Direct relationship – secured through DCO
- - -> Plans to be drafted pre-construction, and secured through the DCO in accordance with the In Principle Monitoring Plan
- Red box outline versions will be submitted as part of the Application, and will be revised during examination and finalised post consent
- Orange box documents to be drafted and finalised post-examination