

Norfolk Boreas Offshore Wind Farm Additional information for the HHW SAC position paper

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Glossary of Acronyms

AEol	Adverse Effect on Integrity
DML	Deemed Marine Licence
HHW	Haisborough Hammond and Winterton
MMO	Marine Management Organisation
NE	Natural England
SAC	Special Area of Conservation
SIP	Site Integrity Plan
CSIMP	Cable Specification, Installation and Monitoring Plan
DCO	Development Consent Order

1 Introduction

1. As presented in the Applicant's Haisborough Hammond and Winterton (HHW) Special Area of Conservation (SAC) Position Paper [REP5-057] the Applicant is confident that a conclusion of no Adverse Effect on Integrity can be made pre-consent based on the evidence already submitted during the Examination. Notwithstanding this position the Applicant has been working with Natural England (NE) and the Marine Management Organisation (MMO) to further mitigate effects as far as possible and is therefore prepared to make an additional commitment to fully:

Decommission cable protection within the HHW SAC at the end of the project life where it is associated with unburied cables due to ground conditions¹

2. This commitment will be secured within the HHW SAC control document (Document reference 8.20).
3. Given the Applicant's position that the proposed mitigation (including the additional mitigation presented here) can allow no AEoI to be concluded, and following further discussions with the MMO and NE, the Applicant is also proposing an alternative approach to securing the mitigation for cable installation and cable protection in the HHW SAC. This could instead be conditioned through a Cable Specification, Installation and Monitoring Plan (CSIMP) for the HHW SAC, to be submitted to the MMO (in consultation with NE) in advance of commencement of licensed activities.
4. The Applicant has introduced this option to enable consideration of it during the Examination and to allow the Secretary of State to determine whether:
 - to retain the existing Grampian condition and **HHW SAC Site Integrity Plan** (HHW SAC SIP); or
 - to incorporate the alternative condition and **HHW SAC CSIMP** (instead of the Grampian condition and the HHW SAC SIP).
5. Further details on the drafting of these options within the dDCO (Schedules 11 and 12, Part 4, Condition 9(1)(m)) are provided in section 4 of this document.
6. The HHW SAC SIP (in accordance with the Outline HHW SAC SIP submitted at Deadline 6 (5 March 2020) and the HHW SAC CSIMP (in accordance with the Outline HHW CSIMP, Appendix 1 of this document) contain the same mitigation commitments and are hereafter referred to as the 'HHW SAC control document 8.20'.

¹ Where cable protection is required at cable crossings some of all of this will need to remain in situ for safety reasons and to maintain the integrity of the asset which has been crossed.

7. This same optionality has also been presented to the Secretary of State by the Norfolk Vanguard project (28 February 2020) in response for the Secretary of State's request for further information.

2 Summary of Mitigation

8. Since the Norfolk Boreas application was submitted in June 2020 and in consultation with both NE and the MMO, the Applicant has made further significant reductions to the design envelope and put forward further and extensive mitigation for Norfolk Boreas, including:
 - A commitment to reduce the amount of cable protection due to unburied cable within the HHW SAC from 10% to 5%;
 - A commitment to use no cable protection in the priority areas to be managed as *Sabellaria spinulosa* reef within the HHW SAC unless otherwise agreed with the MMO in consultation with NE;
 - Commitment to a number of disposal principles to promote recovery of Annex I sandbank features (further detail is provided within The HHW SAC control documents (document reference 8.20) whilst avoiding deposition of material on Annex I *S.spinulosa* reef.
9. The Applicant has also been working in conjunction with Norfolk Vanguard Limited to reassess every aspect of the design envelope and search for further possible mitigation for both projects. As a result the following additional mitigation is proposed:
 - A new commitment to decommission cable protection at the end of the Norfolk Boreas project life where it is associated with unburied cables due to ground conditions (where required for crossings this will be left *in situ*); and
 - Progressing agreements for the removal of disused cables in order to minimise the number of crossing locations that would require cable protection.
10. These additional commitments, increase confidence and certainty in the Applicant's original conclusion that there will be no Adverse Effect on Integrity of the HHW SAC either alone or in-combination.

2.1 Decommissioning of cable protection

11. As discussed above the Applicant has made a new commitment to decommission cable protection at the end of the Norfolk Boreas project life. This would be applicable to cable protection which has been placed in areas where cable burial to the optimum depth has not been possible, and it is only applicable to cable protection placed within the boundaries of the HHW SAC. The commitment does not include cable protection placed at cable crossings as this may be required to remain in place for health and safety reasons and to maintain the integrity of the asset

which has been crossed. In this respect, it is noted that: “*Natural England is less concerned about cable crossing points compared to un-impacted areas, as it is unlikely for reef to be present*” [REP4-038].

12. The commitment to decommission cable protection has been made possible following a market review of suppliers, the details of which are provided in Appendix 2 of this document. The commitment ensures that there will be no permanent habitat loss as a result of cable protection and reinforces the conclusion of no AEoI for the HHW SAC.
13. As discussed in section 3, this commitment is secured in the HHW SAC control document (in either section 5.5.4.2 of the Outline HHW SAC SIP or section 4.5.4.2 of the Outline HHW SAC CSIMP (Appendix 1 of this document)).

2.2 Removal of disused cables

14. Every effort is being made by the Applicant to reduce the number of crossings by removing disused cables where agreement can be reached with the cable owners. An Out of Service Cable Recovery Agreement is close to being finalised with BT Subsea who own a number of out of service assets within the HHW SAC. It is expected that the agreement will be finalised before the close of Examination. Appendix 3 of this document confirms the advanced stages of these discussions in the form of a letter of comfort issued by BT Subsea.
15. While it is recognised that it is not possible to include the reduction in volume of cable protection that this will represent in the current assessment, it does enable the Applicant to demonstrate commitment that it will be possible to reduce the number of crossings from six to two per cable. This will reduce the maximum area occupied by cable protection associated with cable crossings from 12,000m² to 4,000m². The locations of the disused BT Subsea cables are shown in Figures 1 and 2 of Appendix 3.

3 HHW SAC Control Document 8.20

16. The existing Grampian condition (Condition 9(1)(m) of the Transmission DMLs) secures the HHW SAC SIP and requires the MMO to be satisfied that there remains no AEoI at the point of construction. Whereas the alternative condition secures a Cable Specification, Installation and Monitoring Plan for the HHW SAC, which contains the same mitigation but does not require further considerations of AEoI by the MMO at the point of construction.
17. All mitigation, including the new mitigation described in sections 2.1 and 2.2 is secured in the HHW SAC control document 8.20. This control document could be

either an HHW SAC Site Integrity Plan (SIP) or an HHW SAC Cable Specification, Installation and Monitoring Plan (CSIMP), as explained in the sections below.

3.1 Updated HHW SAC SIP

18. Version 1 of the Outline HHW SAC SIP was provided by the Applicant as part of the Norfolk Boreas DCO Application (11 June 2019) with the aim of providing confidence to Natural England that there would be no AEoI of the HHW SAC due to the ephemeral nature of *Sabellaria spinulosa* reef and its potential for recovery within the HHW SAC before cable installation (further detail is provided in the Applicant's Haisborough Hammond and Winterton Special Area of Conservation Position Paper [REP5-057]).
19. It should be noted that a number of updates have been made to the Outline HHW SAC SIP (document 8.20) since it was submitted as part of the Application [firstly REP1-034 and currently an updated version submitted at Deadline 6].
20. As stated in the control document, the Applicant is committed to developing compatible mitigation solutions for Norfolk Boreas and Norfolk Vanguard. As such, the Norfolk Boreas HHW SAC SIP has been updated to reflect additional commitments made for Norfolk Vanguard in its submission to the Secretary of State on 28 February 2020.

3.2 HHW SAC CSIMP

21. The MMO and NE have concerns with the Grampian condition associated with the HHW SAC SIP which requires the Applicant to demonstrate that there will be no AEoI on the HHW SAC post consent to the satisfaction of the MMO in consultation with Natural England.
22. As the Applicant is not reliant on the Grampian condition to conclude no AEoI (and given it was only introduced to address Natural England's concerns that *Sabellaria spinulosa* may re-establish within the cable corridor between grant of consent and cable installation to such an extent that micro-siting may not be possible) the Applicant is proposing an alternative approach to securing the mitigation for cable installation and cable protection in the HHW SAC as requested by Natural England and the MMO. This alternative condition requires a CSIMP for the HHW SAC to be submitted to the MMO (in consultation with NE) in advance of commencement of licensed activities.
23. The HHW SAC CSIMP contains all the mitigation contained within the outline HHW SAC SIP, save that there are references within the HHW SAC SIP to a requirement for the MMO to be satisfied that the mitigation continues to avoid AEoI post consent.

24. The Applicant is content to offer this alternative condition because the Applicant is confident that the mitigation secured will enable the Secretary of State to rule out AEoI at the consent decision stage.
25. In addition, placeholders have been added to the CSIMP to deal with the matters usually contained in a cable specification, installation and monitoring plan post consent (as identified in condition 9(1)(g)(i) to (iv) of the DMLs). An outline HHW SAC CSIMP is provided as Appendix 1 to this document.
26. In the event that the Examining Authority recommends that the Secretary of State should accept this alternative approach when determining the Norfolk Boreas DCO application, and proposes the amendment to condition 9(1)(m) as set out in section 4.2, an amendment to condition 9(1)(g) is also proposed to clarify that the Cable Specification, Installation and Monitoring Plan referred to in condition 9(1)(g) applies outside of the HHW SAC only. This proposed amendment is also included in section 4.2 below.

4 DCO Conditions

4.1 Condition associated with the HHW SAC SIP

27. The existing condition securing the HHW SAC SIP is contained in Schedules 11 and 12, Part 4, Condition 9(1)(m) of the draft DCO submitted at Deadline 5 of the Norfolk Boreas Examination [REP5-004]:

“The licensed activities, or any phase of those activities must not commence until a site integrity plan which accords with the principles set out in the outline Norfolk Boreas Haisborough, Hammond and Winterton Special Area of Conservation Site Integrity Plan has been submitted to the MMO and the MMO (in consultation with the relevant statutory nature conservation body) is satisfied that the plan provides such mitigation as is necessary to avoid adversely affecting the integrity (within the meaning of the 2017 Regulations) of a relevant site, to the extent that sandbanks and Sabellaria spinulosa reefs are a protected feature of that site.”

4.2 Condition associated with the HHW SAC CSIMP

28. If considered appropriate, the alternative condition to secure the HHW SAC CSIMP is proposed as follows:

“9(1) The licensed activities or any part of those activities must not commence until the following (as relevant to that part) have been submitted to and approved in writing by the MMO

(m) A cable specification, installation and monitoring plan for the installation and protection of cables within the Haisborough, Hammond and Winterton Special Area

of Conservation which accords with the principles set out in the outline Norfolk Boreas Haisborough, Hammond and Winterton Special Area of Conservation Cable Specification, Installation and Monitoring Plan such plan to be submitted to the MMO (in consultation with the relevant statutory nature conservation body) at least six months prior to commencement of licensed activities.”

29. In the event that the Secretary of State accepts the alternative approach and adopts the alternative condition 9(1)(m) as set out in section 4.2, the following amendment to condition 9(1)(g) is proposed to clarify that the Cable Specification, Installation and Monitoring Plan referred to in condition 9(1)(g) applies outside of the HHW SAC only:

“9(1) The licensed activities or any part of those activities must not commence until the following (as relevant to that part) have been submitted to and approved in writing by the MMO

(g) A cable specification, installation and monitoring plan for the installation and protection of cables outside of the Haisborough, Hammond and Winterton Special Area of Conservation, to include

[(i) to (iv) to remain as currently drafted]”

5 Conclusion regarding the HHW SAC SIP and Grampian condition

30. By providing an alternative plan and condition which does not include the Grampian component (i.e. the requirement that construction could not commence until the MMO is satisfied that the plan provides such mitigation as is necessary to avoid AEol), the Applicant has sought to address the MMO and NE’s concerns on this matter.
31. The additional commitments will ensure there is no habitat loss in the priority areas that have been identified in order to facilitate the recovery of the *Sabellaria* reef feature to favourable condition.
32. By committing to avoid cable protection in these priority areas, the Applicant is ensuring that any habitat loss within the SAC (outside the priority areas to be managed as reef) would not hinder the recovery target for Annex I Reef and by committing to decommissioning cable protection the Applicant is ensuring that any loss of Annex I habitat will not be permanent.
33. In the advice note regarding consideration of small scale habitat loss within SACs in relation to cable protection (submitted at Deadline 1, REP1-057) it is stated Natural England would consider there to be no likelihood of an AEol where any one (or more) of the following can be demonstrated:

- That the loss is not on the priority habitat/feature/sub feature/supporting habitat, and/or
 - That the loss is temporary and reversible, and/or
 - That the scale of loss is so small as to be de minimis and/or
 - That the scale of loss is inconsequential including other impacts on the site/feature/sub feature.
34. The Applicant considers that all of the above are demonstrably and conclusively met in the case of Norfolk Boreas.
35. Therefore **Due to the small scale of loss, in accordance with the Natural England advice note [REP1-057] and in light of the further commitments, the Applicant maintains the position presented thus far during the Examination that there would not be an AEol on the HHW SAC.**
36. The additional mitigation is secured in Schedules 11 and 12, Part 4, Condition 9(1)(m) of the DCO, through the HHW SAC control document 8.20 (either an HHW SAC SIP or HHW SAC CSIMP).
37. The HHW SAC CSIMP and the HHW SAC SIP both provide the same suite of mitigation measures which will be agreed with the MMO in consultation with NE post consent in accordance with the outline documents included at Appendix 1 of this document and separately as an updated document 8.20 at Deadline 6 respectively.

Appendix 1 Norfolk Boreas Outline Haisborough, Hammond and Winterton Special Area of Conservation Cable Specification, Installation and Monitoring Plan

This Appendix, which is being submitted as a separate document [ExA.AS-2.D6.V1.A1], contains the Outline Cable Specification, Installation and Monitoring Plan which the applicant is proposing as an alternative option to the Outline Haisborough, Hammond and Winterton Special Area of Conservation site integrity plan. Should this plan be adopted condition 9(1)(m) of the Norfolk Boreas DCO would be changed to secure this plan rather than the Site Integrity Plan, with a corresponding change to condition 9(1)(g).

Appendix 2 Cable Protection Decommissioning Evidence

This appendix, which is being submitted as a separate document [ExA.AS-2.D6.V1.A2], contains market research which has been conducted to demonstrate that cable protection can be removed in total from the seabed during decommissioning.

Appendix 3 Letter of Comfort from BT

This appendix, which is being submitted as a separate document [ExA.AS-2.D6.V1.A3], contains a letter from British Telecom, confirming that agreement will be reached to cut and recover sections of out or service cables owned by BT which will allow the Applicant to bury the Norfolk Boreas export cables rather than constructing a cable crossing.

Appendix 4 Updated Assessment of Additional Mitigation in the Haisborough, Hammond and Winterton Special Area of Conservation

This appendix which is being submitted as a separate document [ExA.AS-2.D6.V1.A4], contains an Assessment of Additional Mitigation in the Haisborough, Hammond and Winterton Special Area of Conservation. This assessment was first submitted to the Norfolk Boreas examination as Appendix 1 of the Applicant's Haisborough Hammond and Winterton Special Area of Conservation Position Paper [REP5-057] and this version has been updated to reflect an additional commitment made by the Applicant to remove cable protection when the project is decommissioned.