

31 March 2020

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Our ref:
VJR2/JT8/47583.36
Your ref:
EN010087

Dear Sirs

Norfolk Boreas Limited
Development Consent Order (DCO) application for Norfolk Boreas Offshore Wind Farm
Application Ref: EN010087

Deadline 7 Submissions

We write further to the Planning Inspectorate's Rule 8 letter dated 19 November 2019 and the amended examination timetable dated 19 March 2020. In accordance with Annex A of the amended examination timetable, we enclose the following in response to Deadline 7:

1. Responses to the Examining Authority's (**ExA**) third round of written questions;
2. Revised draft DCO and Schedule of Changes;
3. Other information (Additional Submissions) including Comments on Deadline 6/other submissions, and the Applicant's in principle draft derogation case.

The Applicant refers the ExA to the Guide to the Application (Document Reference 1.4 (Version 8)) for a full list of documents submitted by the Applicant at Deadline 7.

Draft In-Principle Derogation Case

The Habitats Regulations Assessment undertaken by the Applicant concluded that the Norfolk Boreas project would have no Adverse Effect on Integrity (AEoI) of any European site. In the absence of an AEoI, it is the Applicant's view that a derogation case should not be required. However, question Q3.8.6.1 posed by the Examining Authority (ExA) during the Norfolk Boreas Examination's third round of written questions requests that the Applicant presents a derogation case for the Alde-Ore Estuary Special Protection Area (SPA), Flamborough and Filey Coast SPA and the Haisborough, Hammond and Winterton (HHW) Special Area of Conservation (SAC) European sites. In order to respond to this question, and without prejudice to the Applicant's primary position, the Applicant has submitted an in principle derogation case at Deadline 7 [ExA.Dero.D7.V1].

The Applicant has discussed the derogation and compensation principles with Natural England during joint consultation with Norfolk Vanguard and on a call with Natural England on 24 March 2020. However, Natural England noted that the Applicant should mark the document as draft until Natural England have

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had the opportunity to comment further. The Applicant has therefore included a draft watermark on these documents [ExA.Dero.D7.V1], which can be updated prior to the end of the examination if necessary.

In Principle Monitoring Plan (IPMP) (document reference 8.12 (version 4))

Although not included in a Deadline 6 submission, the Marine Management Organisation (MMO) suggested to the Applicant that all monitoring commitments should be included within the IPMP including those which have been made and secured in the outline Haisborough, Hammond, and Winterton (HHW) SAC control document (document reference 8.20). In response the Applicant has included a separate table (Table 5.3) within the IPMP submitted at Deadline 7 which replicates the monitoring commitments from the HHW SAC control document. The Applicant has discussed this approach with the MMO and the Applicant understands that this alleviates the MMO's concern. This will be reflected in the statement of common ground with the MMO at Deadline 8.

We would be grateful if you could kindly confirm safe receipt.

Yours faithfully

Womble Bond Dickinson (UK) LLP