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MMO Reference: DCO/2016/00002
Planning Inspectorate Reference:
EN010079
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28 February 2020

Dear Gareth Leigh,

Planning Act 2008, Vattenfall Wind Power Limited, Proposed Norfolk Vanguard Offshore Wind Farm

MMO response to request for information from the Secretary of State's letter date 6 December 2019

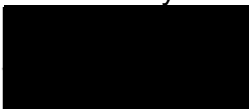
On 26 June 2018, the Marine Management Organisation (the "MMO") received notice under section 56 of the Planning Act 2008 (the "PA 2008") that the Planning Inspectorate ("PINS") had accepted an application made by Norfolk Vanguard Limited (the "Applicant") for determination of a development consent order for the construction, maintenance and operation of the proposed Norfolk Vanguard Offshore Wind Farm (the "DCO Application") (MMO ref: DCO/2016/00002; PINS ref: EN010079).

The DCO Application seeks authorisation for the construction, operation and maintenance of Norfolk Vanguard offshore wind farm, comprising of up to 180 wind turbine generators together with associated onshore and offshore infrastructure and all associated development ("the "Project").

The Secretary of State requested further information under Section 107 of the PA 2008 on 6 December 2019. This document comprises the MMO's comments in respect of the DCO Application submitted in response to this letter.

This written representation is submitted without prejudice to any future representation the MMO may make about the DCO Application. This representation is also submitted without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

Yours faithfully



Rebecca Reed
Marine Licensing Case Officer



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1. Ornithology

1.1 The MMO has been included in discussions with the Applicant and Natural England (NE) in relation to mitigation and compensation for ornithology and how any measures would be captured in the DCO. The MMO will provide comments on the Applicant's submission during the 28 day consultation period for interested parties.

2. Haisborough, Hammond and Winterton (HHW) Special Areas of Conservation (SAC)

2.1 The MMO has been in discussions in relation to the HHW SAC for both mitigation and compensation measures for the HHW SAC. The MMO will provide comments on the Applicant's submission during the 28 day consultation period for interested parties.

3. Particle size Condition

3.1 The MMO thanks the SoS for the suggested condition wording proposed in comment 7 of the SoS Section 107, however, after further consideration, it was agreed with NE and the Applicant that the condition wording was not suitably enforceable. The MMO, NE and the Applicant have tried to progress the issue but at this stage are not in agreement on the route forward or any potential wording of a condition. The MMO will review the submission by the Applicant and provide comments during the 28 day consultation period for interested parties.

4. Marine Mammals

4.1 The MMO believes the In Principle Southern North Sea SAC Site Integrity Plan allows for further discussion with the Applicant and relevant consultees at the post consent stage. The MMO understands if consent is granted, the project design parameters would include the worst case scenario at the time of consent. As the final design plan has not been agreed, and technology on noise mitigation methods progresses, the post consent discussion will agree the exact details of any required project related management measures based on the best available evidence at the time.

4.2 The MMO, the Applicant and NE are in agreement that it is not necessary to update **Condition 14(1)(f) of Schedules 9 and 10 and condition 9(1)(f) of Schedules 11 and 12** or **Condition 14(1)(m) of Schedules 9 and 10 and Condition 9(1)(l) of Schedules 11 and 12** to the proposed conditions in comments 9 of the SoS Section 107 letter.

4.3 The MMO notes that these conditions were updated during the Examination by the Applicant to state *"in the event that piled foundations are proposed to be used"*. The MMO welcomed this update at the time as this ensures that any form of installation technique installing a piled foundation type is captured by these conditions. The MMO believes that this change means there is no need to update the conditions to specifically mention vibropiling and Blue Hammer.

5. Part 4 Condition 9(12) of Schedules 9 and 10, and Condition 4(12) of Schedules 11 and 12 – notice of cable exposure

5.1 The MMO understands the Applicant has now agreed to amend the condition to delete *'five days'* and replace it with *'three days'* for the notification of cable exposure. The MMO is satisfied with the amended wording below:

*(12) In case of exposure of cables on or above the seabed, the undertaker must within ~~five~~ **three** days following identification of a potential cable exposure, ~~the receipt by the undertaker of the final survey report from the periodic burial survey,~~ notify mariners by issuing a notice to*

mariners and by informing Kingfisher Information Service of the location and extent of exposure. Copies of all notices must be provided to the MMO and MCA within five days.

6. Conditions 14(1) and 9(1) of Schedules 9 and 10, and Condition 9(1) of Schedules 11 and 12 – lighting and marking plan and operation and maintenance programme

6.1 The MMO understands that the Applicant and Maritime and Coastguard Agency are now in agreement that it is not necessary to update the conditions to include ‘*a lighting and marking plan*’ or ‘*an operation and maintenance programme*’ as part of the submission.

Yours faithfully

A black rectangular redaction box covering the signature of Rebecca Reed.

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