



TRINITY HOUSE

The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

4 May 2020

Your Ref: EN010087
Identification No. 20022478

The Norfolk Boreas Offshore Wind Farm Project Draft Development Consent Order

Written Response to the Examining Authority for Deadline 10 following Examining Authority's Fourth Round of Written Questions – ExQ4 – 28 April 2020)

Dear Sir / Madam

We refer to the above application for development consent.

We respectfully request to submit to the Examining Authority (ExA) a written response, as below, for Deadline 10 in response to the ExA's fourth round of written questions (ExQ4).

ExA's Question Q.4.5.5.1

To Applicant and Trinity House:

Prospects for agreement on DML Conditions for notice to mariners period and cable laying plan:

Confirm whether agreement is likely to be reached with Trinity House (TH) prior to Deadline 9 and provide any additional information to assist the ExA in making its recommendation to the Secretary of State in regard to:

a) In the light of TH REP8-034, TH request [REP6-039] to add to DML conditions [Schedule 9 Part 4 14 (1)(g) Schedule 10 Part 4 14 (1)(g), Schedule 11 Part 4 9(1)(g), Schedule 12 Part 4 9(1)(g) , Schedule 13 Part 4 7(1)(f)] suggested text commencing "... a detailed cable laying plan of the Order limits..." and

TH acknowledges the Applicant's response in this regard at Deadline 8 and notes that different positions have been articulated by interested parties during this Examination on how this aspect might be most appropriately addressed.

Whilst TH and the Applicant have continued in dialogue on this point for Deadline 9, this unfortunately remains an aspect to which consensus has not been realised. This is identified in the Statement of Common Ground between TH and the Applicant accordingly.

TH's position remains, therefore, as outlined at Deadline 8 and previously during the Examination process. In particular, TH would respectfully reiterate its previous comments that it is important for reasons of marine navigational safety for the requirement to be directly secured in the DMLs to the draft DCO as per its suggested wording.

Indeed, TH believes that its suggested approach and the proposed wording would provide clarity on this point and which might potentially otherwise be overlooked by referring to MGN543. In addition, TH considers that its proposed drafting gives further clarity detailing which key navigation stakeholders should be consulted (by the MMO) on this important safety issue, as well as, in TH's opinion, allowing the MMO to easily enforce the condition. Therefore, TH remains of the view that it is important for this provision to be reflected in the DCO for Norfolk Boreas notwithstanding the potential outcome of the Norfolk Vanguard application.

b) TH rejection of the Applicant's proposal to name TH in Condition 15(8) (Schedule 9-10) and Condition 10(8) (Schedule 11-12).

Following TH's Deadline 8 submission and following further dialogue with the Applicant on this aspect, TH understands that the Applicant is prepared, in line with TH's request, to remove TH from the Applicant's proposed wording at Condition 15(8) (Schedule 9-10) and Condition 10(8) (Schedule 11-12). TH would therefore like to confirm to the ExA that it is in agreement with the Applicant's approach in this regard.

Statement of Common Ground Between the Applicant and TH

TH would like confirm to the ExA please that the Applicant's Statement of Common Ground (Version 4) as at Deadline 9: 28.04.2020) with TH appropriately reflects the final positions between the parties in respect of the matters detailed therein.

Please address all correspondence regarding this matter to myself at russell.dunham@trinityhouse.co.uk and to Mr Steve Vanstone at navigation.directorate@trinityhouse.co.uk.

Yours faithfully,

Russell Dunham

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Legal & Risk Advisor

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