



Norfolk Boreas Case Team
Planning Inspectorate
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(Email only)

MMO Reference: DCO/2017/00002
Planning Inspectorate Reference: EN010087
Identification Number: 20022925

7 October 2020

Dear Ms Fernandes,

Planning Act 2008, Norfolk Boreas Limited, Proposed Norfolk Boreas Offshore Wind Farm

MMO Deadline 17 Response

On 11 June 2019, 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 Boreas Limited (the “Applicant”) for determination of a development consent order for the construction, maintenance and operation of the proposed Norfolk Boreas Offshore Wind Farm (the “DCO Application”) (MMO ref: DCO/2017/00002; PINS ref: EN010087).

The Applicant seeks authorisation for the construction, operation and maintenance of the DCO Application, comprising of up to 158 wind turbine generators together with associated onshore and offshore infrastructure and all associated development (“the “Project”).

This document comprises the MMO comments in respect of the DCO Application submitted in response to Deadline 16.

This written representation is submitted without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. 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.

1. Comments on REP16-031: The Wildlife Trust’s Deadline 16 response

1.1 The MMO understands there are still disagreements in relation to Adverse Effect on Integrity (AEoI) on the Haisborough, Hammond and Winterton Special Area of Conservation (HHW SAC) between the Applicant and Natural England and recognises that the Wildlife trust has similar concerns. The MMO defers to NE in these matters as the Statutory Nature Conservation Body on Habitat Regulation matters.

1.2 The MMO understands that it is a matter for the Secretary of State (SoS), in light of NE’s comments and the information provided by the Applicant, to determine whether sufficient information is available to conclude for certainty that there is no AEoI on the site at consenting stage.

1.3 The MMO highlights The Wildlife Trust’s comments below:

We recommend the inclusion of a condition on the face of the Development Consent Order or as a deemed marine licence condition to review the original findings of the HRA for Haisborough, Hammond and Winterton SAC before construction commences. This is for the following reasons:

- The project will be refined and therefore a check must be made to ensure the worst-case scenario assessed at the time of application still stands.*
- New site condition information will be available. Many Marine Protected Areas are declining in condition, and this sort of information must be taken into account before project construction commences.*
- There may be new in-combination impact factors which may need to be taken into account.*

This approach will ensure that the appropriate monitoring, mitigation and compensation measures are in place to ensure that the conservation objectives for sites are met. We emphasise that this condition must not allow the deferring of the HRA conclusions, mitigation, monitoring and any derogation measures until the pre-construction phase.

1.4 The MMO's position has remained consistent throughout examination that any decision on AEoI should be made at the consenting stage and not pushed forward to a later date by the discharging of plans post consent. Although The Wildlife Trust advises they do not want to defer the HRA conclusions to the post consenting stage, the MMO believes adding an additional condition to the DML to undertake an in-combination assessment or review of the site condition could defer these conclusions.

1.5 In terms of project refinement, for the HHW SAC the MMO notes that the Applicant has proposed 2 options to the SoS to take into account the final design and ensure the impacts are within the worst-case scenario assessed within the EIA. Option 1 is the HHW SAC Site Integrity Plan (SIP) with a Grampian Condition and Option 2 is the HHW SAC Cable Specification, Installation and Monitoring Plan (CSIMP) with a plan submission condition prior to construction beginning.

1.6 The MMO's understanding is that the purpose of discharging of documents post consent is not to postpone a decision on AEoI but to agree the fine detail of the proposed works covered by the plans, the issue of no AEoI already having been considered and made during examination.

1.7 As the CSIMP and relevant condition does not include reference to AEoI our view is that this document is the preferred and most appropriate option to capture all details and information required for the HHW SAC.

1.8 The MMO reiterates HHW SAC SIP and Grampian condition is not appropriate as the condition refers to AEoI. The MMO believes that this condition would require a detailed review of the site's integrity in relation to AEoI at post consent stage when discharging the plan. It is the MMO's view that any decision on AEoI should be made at the consenting stage.

1.9 The MMO does not believe an alternative DML condition as requested by The Wildlife Trust is required.

2. Comments on Deadline 16 responses

2.1 The MMO has no comments on any of other documents submitted at deadline 16 at this time.

Yours Sincerely



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