

Norfolk Boreas Offshore Wind Farm

Note on

Requirements and

Conditions in the

Development Consent

Order

DCO Document 3.3

Applicant: Norfolk Boreas Limited
Document Reference: 3.3
Pursuant to APFP Regulation: 5(2)(q)

Date: October 2020
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Author: Womble Bond Dickinson

Photo: Ormonde Offshore Wind Farm

Norfolk Boreas Limited

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Document Reference	3.3
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Author	Womble Bond Dickinson
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1. Introduction

- 1.1 Norfolk Boreas Limited (the **Applicant**) is planning to develop the Norfolk Boreas Offshore Wind Farm (the **Project**) with up to 158 turbines and an export capacity of up to 1,800 MW. The Project would be located approximately 73 km from the coast of Norfolk at its closest point to land, covering an area of approximately 725 km² in the southern North Sea.
- 1.2 As the export capacity of the Project will exceed 100 MW it is a Nationally Significant Infrastructure Project (**NSIP**) as defined under sections 14(1)(a) and 15(3) of the Planning Act 2008.
- 1.3 This note, which forms part of the Development Consent Order (**DCO**) application, and accompanying annexes, sets out the following:
- 1.3.1 Discharging authorities for the Requirements of the Development Consent Order (**DCO**) and Conditions of the Deemed Marine Licences (**DML**) for the Project.
- 1.3.2 Plans, schemes and protocols required pursuant to the DCO and DMLs.
- 1.3.3 Enforcement post-construction.

2. Discharging authorities

Onshore works

- 2.1 In relation to the discharge of Requirements, the DCO specifies who will be the discharging authority, as appropriate and on a case-by-case basis.
- 2.2 The majority of the Requirements will be discharged by the "*relevant planning authority*". Article 2 (*Interpretation*) of the DCO provides that the "*relevant planning authority*" means the district planning authority. Therefore, where a Requirement is to be discharged by the "*relevant planning authority*" this refers to North Norfolk, Broadland, and Breckland District Councils in their respective areas.
- 2.3 Requirement 21 (*Traffic*) will be discharged by the "*relevant planning authority*" in consultation with the "*relevant highway authority*" (namely, Norfolk County Council).
- 2.4 Certain Requirements also provide for consultation with specified bodies on the discharge of that Requirement, such as Natural England and Historic England.
- 2.5 Schedule 16 (*Procedure for discharge of Requirements*) sets out the process to be followed in relation to applications made to a discharging authority for any agreement or approval required by a Requirement in the DCO.

Offshore works

- 2.6 In relation to the discharge of Conditions in the DMLs, the Marine Management Organisation (**MMO**) will be the relevant authority.
- 2.7 Certain Conditions provide for consultation with specified bodies on the discharge of that Condition, for example, Trinity House, the Maritime & Coastguard Agency (**MCA**), and the relevant statutory body.
- 2.8 The In Principle Monitoring Plan (IPMP) governs a number of other plans to be drafted, however the IPMP does not have a specific condition associated with it in the DCO, hence this is shown as a dotted line within the last three diagrams in Annex 1. The IPMP is an overarching plan that provides important principles to be incorporated into the relevant final plans under the DMLs. For instance, the wording of the DMLs requires that the Construction Programme and Monitoring Plan, the Mitigation Scheme for any Habitats of Principal

Importance, the Ornithological Monitoring Plan, and the Construction Monitoring requirements must all be in accordance with the IPMP.

3. Plans, schemes and protocols

Onshore works

- 3.1 Whilst the majority of plans and schemes required pursuant to the Requirements must be submitted prior to commencement of a stage of the development, there are a number of other operational and decommissioning Requirements.
- 3.2 The Applicant has provided a number of control documents with the Application to inform the discharge of Requirements, such as the:
 - 3.2.1 Outline Code of Construction Practice (Document 8.1)
 - 3.2.2 Design and Access Statement (Document 8.3)
 - 3.2.3 Outline Written Scheme of Investigation (Onshore) (Document 8.5)
 - 3.2.4 Outline Landscape and Ecological Management Strategy (Document 8.7)
 - 3.2.5 Outline Traffic Management Plan (Document 8.8)
 - 3.2.6 Outline Travel Plan (Document 8.9)
 - 3.2.7 Outline Access Management Plan (Document 8.10).
 - 3.2.8 Outline skills and employment strategy (8.22)
- 3.3 Annex 1 to this note provides a diagram showing how the plans interrelate and correspond to particular Requirements.

Offshore works

- 3.4 The DMLs set out a number of Conditions requiring notifications, plans and surveys at various points during pre-construction, construction and operation.
- 3.5 The Applicant has provided a number of control documents with the Application to inform the discharge of Conditions, such as the:
 - 3.5.1 Outline Written Scheme of Investigation (Offshore) (Document 8.6)
 - 3.5.2 Outline Offshore Operations and Maintenance Plan (Document 8.11)
 - 3.5.3 Offshore In Principle Monitoring Plan (Document 8.12)
 - 3.5.4 Draft Marine Mammal Mitigation Protocol (Document 8.13)
 - 3.5.5 Outline Project Environmental Management Plan (Document 8.14)
 - 3.5.6 Outline Scour Protection and Cable Protection Plan (Document 8.16)
 - 3.5.7 In principle Norfolk Boreas Southern North Sea Special Area of Conservation Site Integrity Plan (Document 8.17)
 - 3.5.8 Outline Marine Traffic Monitoring Strategy (Document 8.18).
 - 3.5.9 Outline Fisheries Liaison and Co-existence Plan (Document 8.19)

3.5.10 Outline Norfolk Boreas Haisborough, Hammond, and Winterton Control Document (Document 8. 20)

3.5.11 Outline Operational Drainage Plan (Document 8.21)

3.5.12 Development Principles (8.23).

4. Enforcement

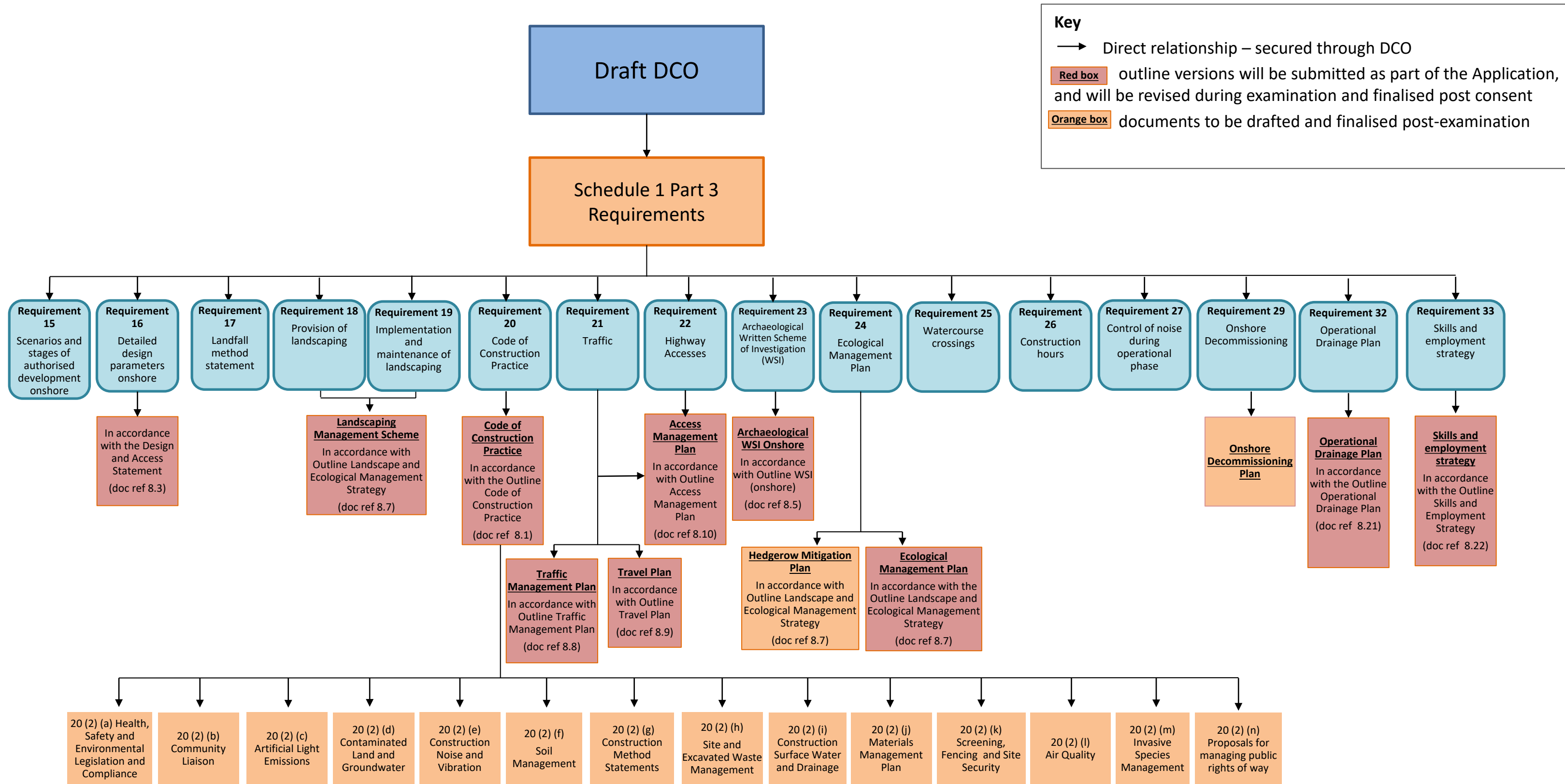
4.1 In relation to enforcement of the Requirements, Part 8 (Enforcement) of the Planning Act 2008 (the **2008 Act**) sets out the enforcement provisions available to the relevant planning authority (as set out in Section 173 of the 2008 Act) in the event of breach of the terms of the DCO.

4.2 The MMO continues to enforce marine aspects of the development, pursuant to the powers set out in the Marine and Coastal Access Act 2009 (the **2009 Act**).

ANNEX 1

DIAGRAM SHOWING MITIGATION TOPICS AND REQUIREMENTS

Relationship of Onshore Plans secured by the DCO



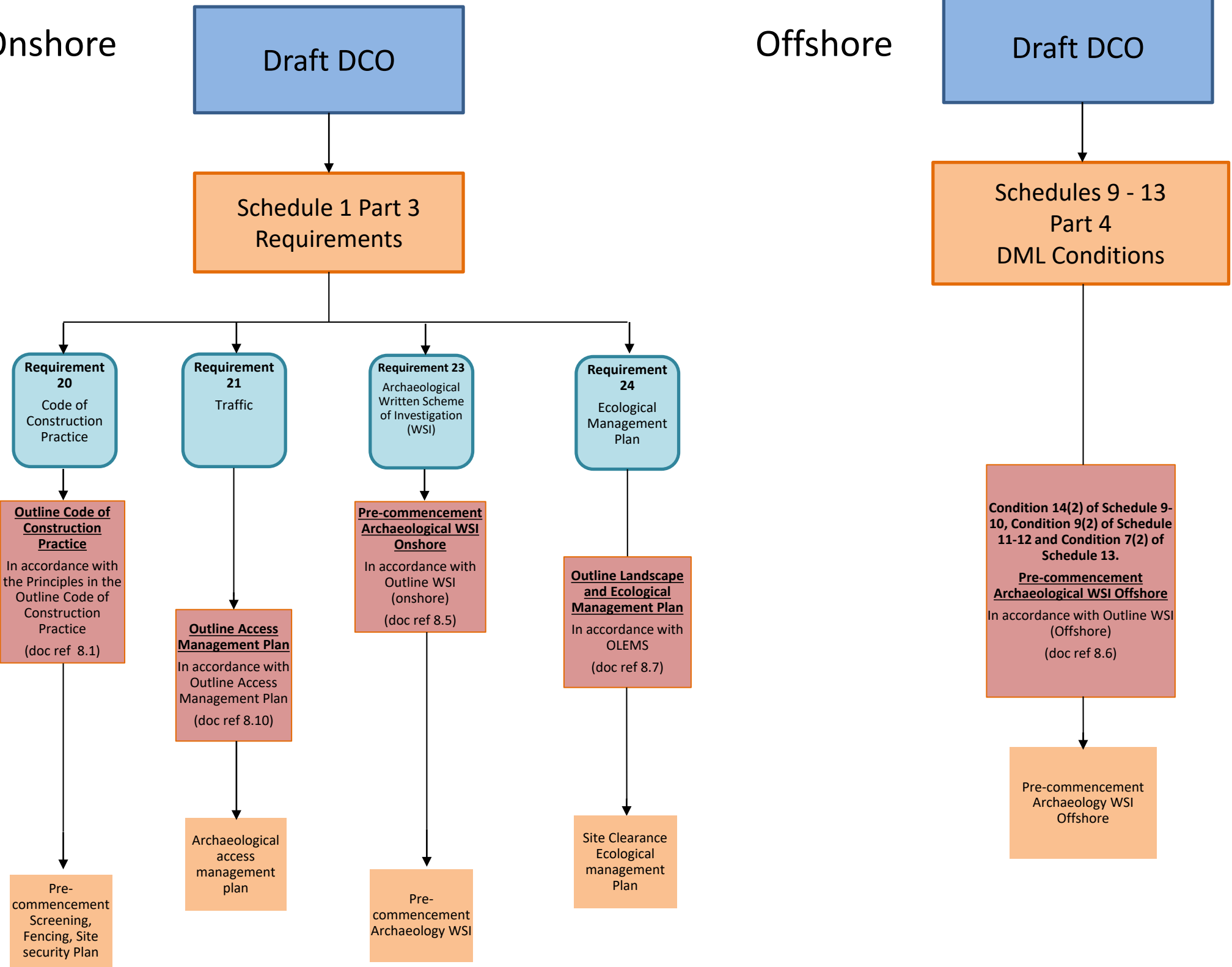
Relationship of Pre-commencement Plans secured by the DCO and DML's

Onshore

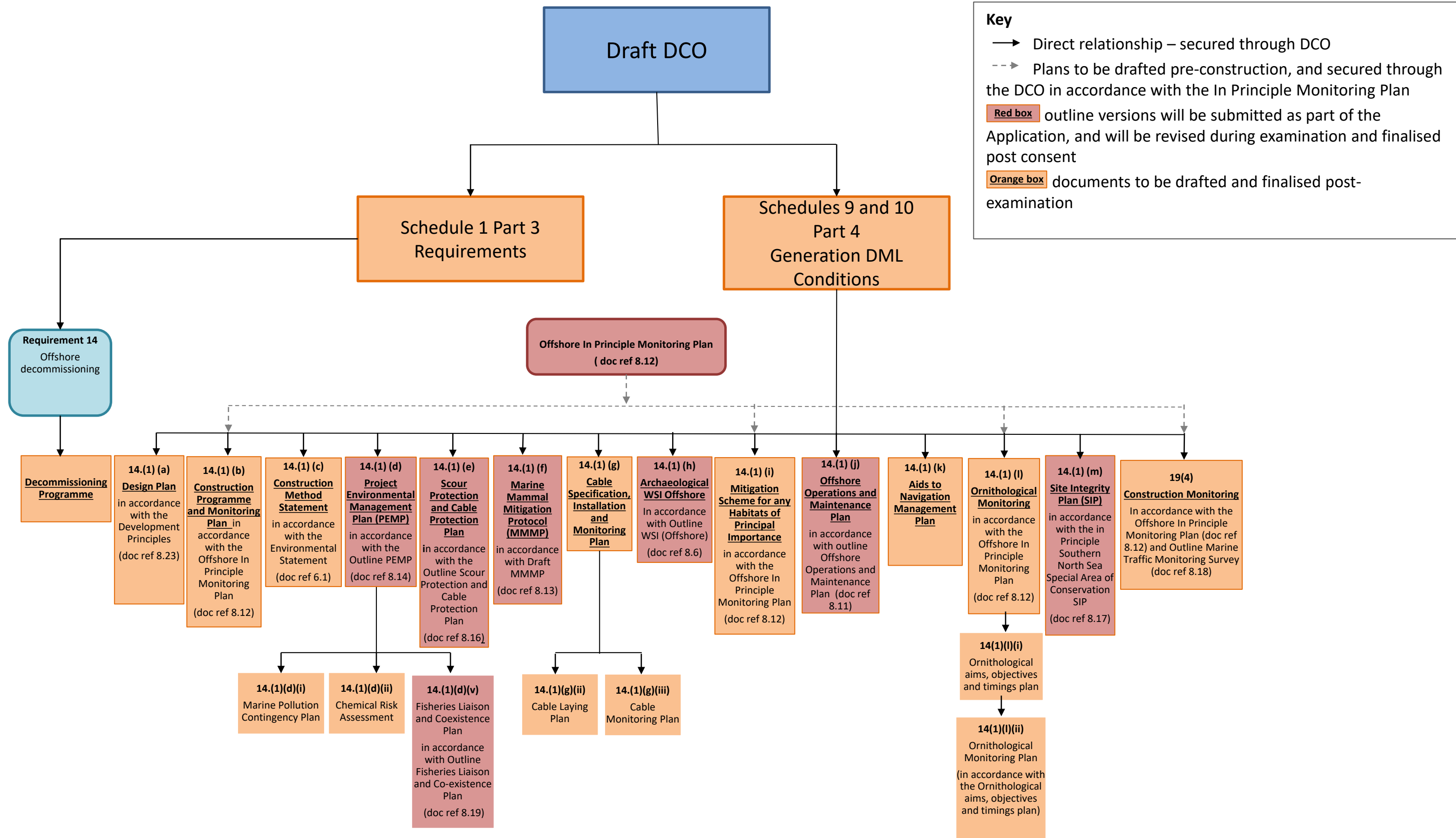
Offshore

Key

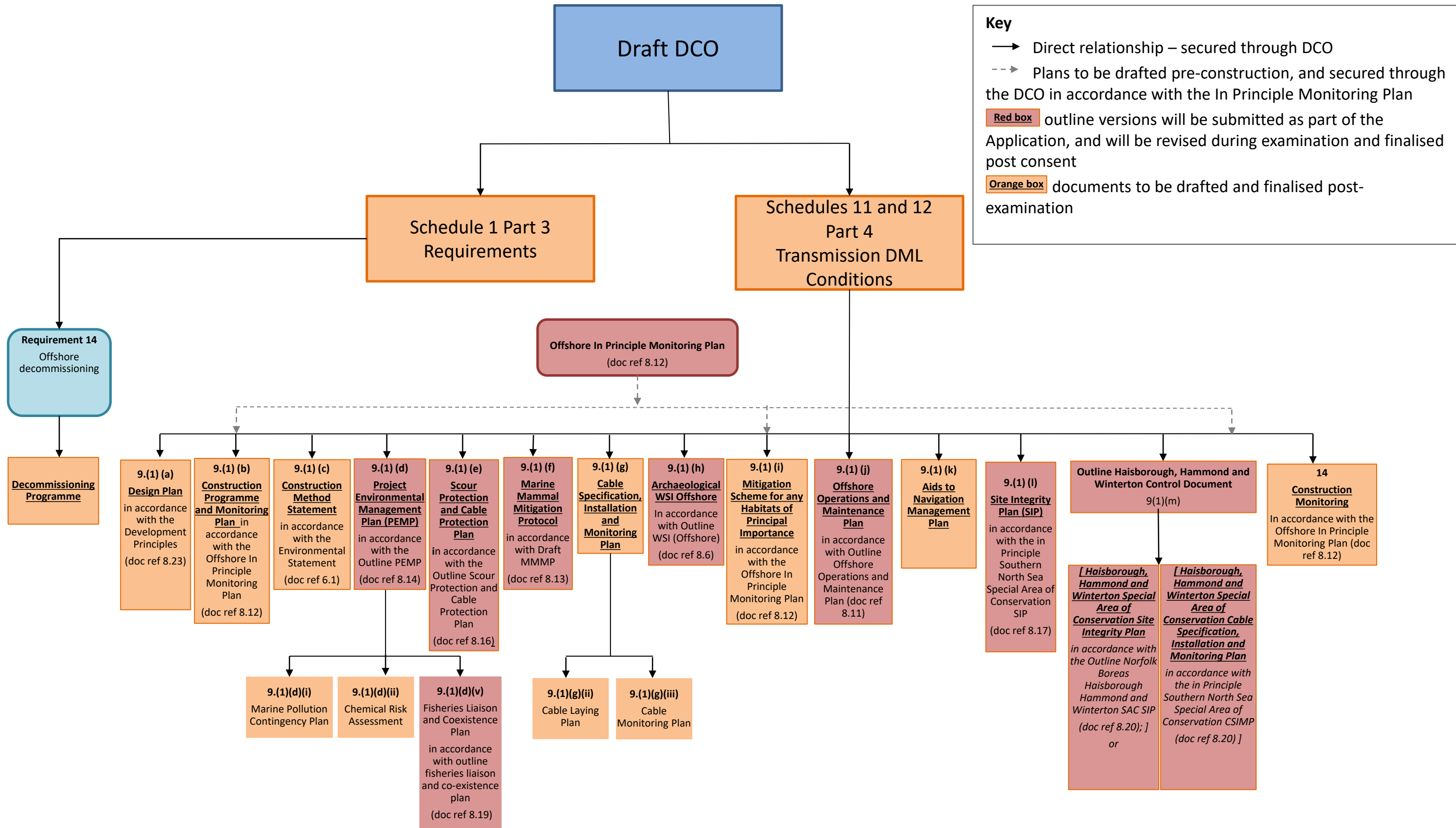
- Direct relationship – secured through DCO
- Red box** outline versions will be submitted as part of the Application, and will be revised during examination and finalised post consent
- Orange box** documents to be drafted and finalised post-examination



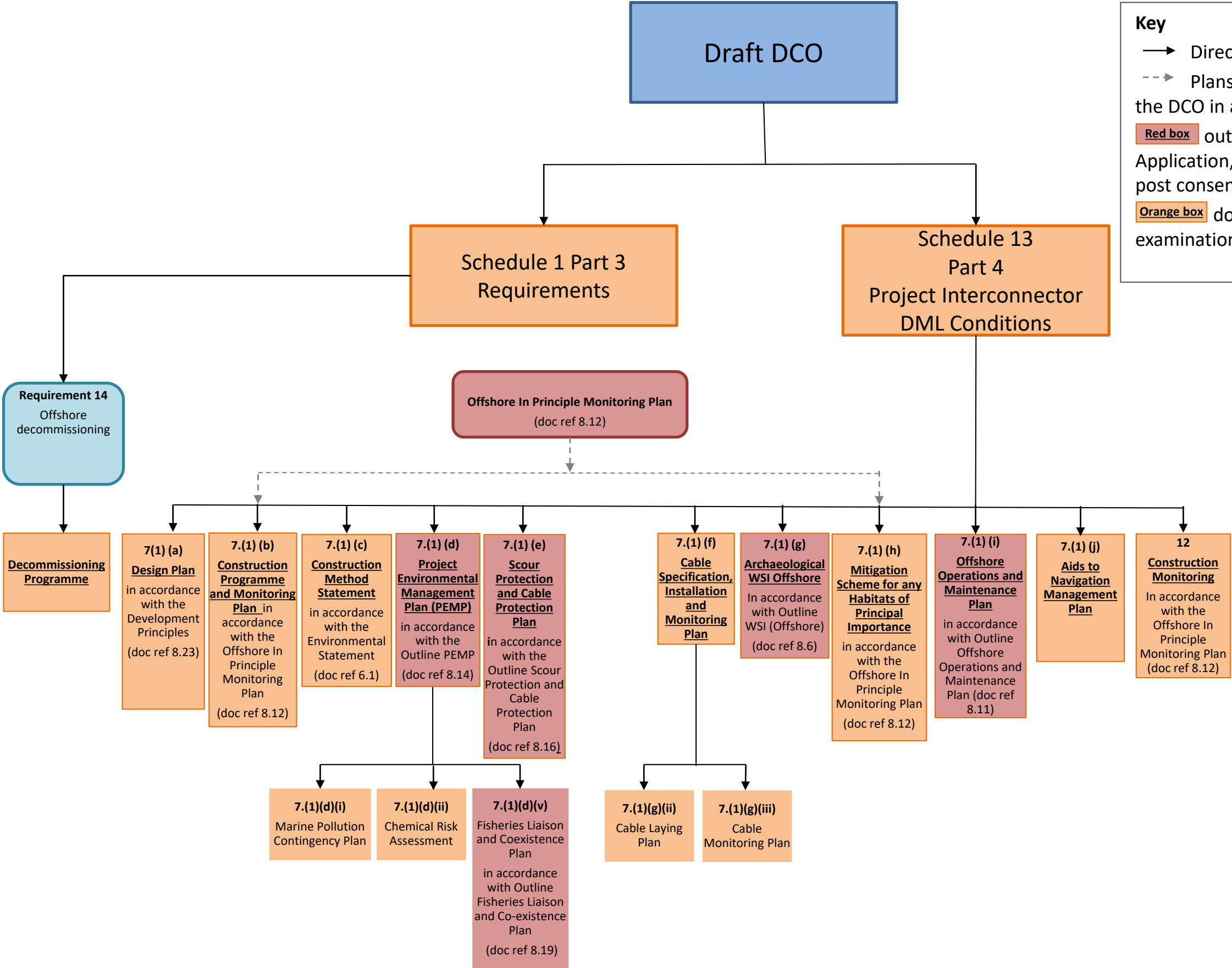
Relationship of Offshore Plans secured by the DCO (Generation DMLs)



Relationship of Offshore Plans secured by the DCO (Transmission DMLs)



Relationship of Offshore Plans secured by the DCO (Project Interconnector DMLs)



Key

- Direct relationship – secured through DCO
- - -> Plans to be drafted pre-construction, and secured through the DCO in accordance with the In Principle Monitoring Plan
- Red box outline versions will be submitted as part of the Application, and will be revised during examination and finalised post consent
- Orange box documents to be drafted and finalised post-examination

ANNEX 2

STATUS OF OUTLINE PLANS

Application Document No.	Examination Library Reference	Document Description	Version	Date
Part 1				
Documents forming the environmental statement to be certified				
6.1	APP-214 – APP-247	The environmental statement	1	11 June 2019
6.2	APP-248 – APP-536	Figures	1	11 June 2019
6.3	APP-537 – APP-685	Technical Appendices	1	11 June 2019
Examination documents forming part of the environmental statement				
ExA.AS-3.D1.V1 (Chapter 20) (Chapter 22)	REP1-039 (APP-233) (APP-235)	Clarification Note Trenchless Crossings and Potential Effects of Breakout on the River Wensum	1	Deadline 1 / 25 November 2019
ExA.AS-1.D2.V1 (Chapter 13)	REP2-035 (APP-226)	Norfolk Boreas Offshore Ornithology Assessment Updated + Appendices	1	Deadline 2 / 10 December 2019
ExA.AS-3.D2.V1 (Chapter 19)	REP2-014 – REP2- 019 APP-232	TerraConsult Ground Investigations Report: Parts 1-6	1	Deadline 2 / 10 December 2019
ExA.SoCG-3.D2.V1 (Chapter 25) (Chapter 26)	REP10- 036 APP-238 APP-239	Norfolk Boreas Broadland District Council Statement of Common Ground – Appendix 1 Norfolk Vanguard The Old Railway Gatehouse Noise Mitigation Measures and Air Quality Assessment	4	Deadline 10 / 06 May 2020
ExA.SoCG-3.D2.V1 (Chapter 24)	REP10- 036 APP-237	Norfolk Boreas Broadland District Council Statement of Common Ground – Appendix 2 Norfolk Vanguard Joint Position Statement with Broadland District Council –	4	Deadline 10 / 06 May 2020

Application Document No.	Examination Library Reference	Document Description	Version	Date
		Cawston Conservation Area		
ExA.SoCG-19.D2.V1 (Chapter 24)	REP16-012 APP-237	Norfolk Boreas Norfolk County Council Statement of Common Ground – Appendix 2 Norfolk Vanguard Technical Note Responding to Norfolk Council Council's Request for Trenchless Crossings of the A1067 and B1149	4	Deadline 16 / 28 September 2020
ExA.AS-5.D5.V1 (Chapter 13)	REP5-060 (APP-226)	Kittiwake Flight Speed	1	Deadline 5 / 26 February 2020
ExA.AS-8.D5.V1 (Chapter 13)	REP5-059 (APP-226)	Offshore Ornithology Assessment Update, Project Alone Collision Risks	1	Deadline 5 / 26 February 2020
ExA.AS-1.D6.V1 (Chapter 13)	REP8-025 (APP-226)	Offshore Ornithology Assessment Update, Cumulative and In-combination Collision Risk Modelling	2	Deadline 8 / 08 April 2020
ExA.AS-2.D7.V1 (Chapter 24)	REP7-033 APP-237	Environmental assessment of trenchless crossing at the B1149	1	Deadline 7 / 31 March 2020
ExA.AS-2.D8.V1 (Chapter 25) (Chapter 26)	[REP8-028] APP-238 APP-239	Clarification Note Noise, Vibration and Air Quality potential effects of the revised Highway Intervention Scheme Cawston	1	Deadline 8 / 08 April 2020
ExA.AS-8.D4.V1 (Chapter 9) (Chapter 10)	REP4-022 (APP-222) (APP-223)	Clarification Note Optimising cable routeing through the HHW SAC	1	Deadline 4 / 30 January 2020
ExA.AS-6.D5.V1 (Chapter 9) Chapter 10)	REP5-057 APP-222 APP-223	The Haisborough Hammond and Winterton Special Area of Conservation Position Paper	1	Deadline 5 / 26 February 2020

Application Document No.	Examination Library Reference	Document Description	Version	Date
ExA.AS-1.D10.V3 (Chapter 9) Chapter 10)	REP10-043 APP-222 APP-223	Updated Assessment of Additional Mitigation in the Haisborough Hammond and Winterton Special Area of Conservation	3	Deadline 10 / 06 May 2020
ExA.AS-2.D6.V1.A2 (Chapter 9) (Chapter 10)	REP6-018 APP-222 APP-223	Additional information for the HHW SAC position paper. Appendix 2 Cable Protection Decommissioning Evidence	1	Deadline 6 / 05 March 2020
ExA.AS-2.D6.V1.A3 (Chapter 9) Chapter 10)	REP6-020 APP-222 APP-223	Additional information for the HHW SAC position paper. Appendix 3 Letter of comfort from BT	1	Deadline 6 / 05 March 2020
ExA.AS-4.D6.V1 (Chapter 13)	REP6-021 (APP-226)	Headroom Position Paper and Examples	1	Deadline 6 / 05 March 2020
ExA.AS-2.D6.V1.A4 (Chapter 9) (Chapter 10)	REP6-019 APP-222 APP-223	Additional information for the HHW SAC position paper. Appendix 4 Updated Assessment of Additional Mitigation in the Haisborough Hammond and Winterton Special Area of Conservation	2	Deadline 6 / 05 March 2020
ExA.AS-1.D8.V2 (Chapter 24)	REP8-029	Updated Clarification Note Trenchless Crossings B1149 and Church Road, Colby	2	Deadline 8 / 08 April 2020
Part 2				
Other documents to be certified				
2.2	n/a	Land plan (Onshore)	4	Deadline 18 / 12 October 2020
2.2	REP1-003	Land Plan (Offshore)	2	Deadline 1 / 25 November 2019

Application Document No.	Examination Library Reference	Document Description	Version	Date
2.4	REP14-002 - REP14-005	Works plan	2	Deadline 14 / 25 August 2020
2.5	APP-011	Access to works plan	1	11 June 2019
2.6	APP-012	The Temporary stopping up of public Right of Way Plan	1	11 June 2019
2.7	APP-013	The Streets to be Temporarily Stopped up Plan	1	11 June 2019
2.11	REP14-006 - REP14-009	The Important hedgerows plan	2	Deadline 14 / 25 August 2020
2.12	APP-019	The private means of access to be permanently stopped up plan	1	11 June 2019
4.3	n/a	The book of reference	4	Deadline 18 / 12 October 2020
8.1	n/a	The outline code of construction practice	7	Deadline 18 / 12 October 2020
8.3	REP14-014 - REP14-019	The design and access statement	5	Deadline 14 / 25 August 2020
8.5	REP5-018 - REP5-019	The outline written scheme of investigation (onshore)	2	Deadline 5 / 26 February 2020
8.6	REP5-020 - REP5-021	The outline written scheme of investigation (offshore)	2	Deadline 5 / 26 February 2020
8.7	REP14-020 - REP14-021	The outline landscape and ecological management strategy	6	Deadline 14 / 25 August 2020

Application Document No.	Examination Library Reference	Document Description	Version	Date
8.8	n/a	The outline traffic management plan	7	Deadline 18 / 12 October 2020
8.9	APP-700	The outline travel plan	1	11 June 2019
8.10	REP10-021 – REP10-023	The outline access management plan	2	Deadline 10 / 6 May 2020
8.11	REP5-029 - REP5-030	The outline offshore operations and maintenance plan	3	Deadline 5 / 26 February 2020
8.12	REP14-027 – REP14-028	The offshore in principle monitoring plan	5	Deadline 14 / 25 August 2020
8.13	REP5-033 - REP5-034	The draft marine mammal mitigation protocol	2	Deadline 5 / 26 February 2020
8.14	REP5-035 - REP5-036	The outline project environmental management plan	2	Deadline 5 / 26 February 2020
8.16	REP14-029 – REP14-030	The outline scour protection and cable protection plan	5	Deadline 14 / 25 August 2020
8.17	REP5-041 - REP5-042	The in principle Norfolk Boreas Southern North Sea Special Area of Conservation (SAC) Site Integrity plan	2	26 February 2020 / Deadline 5
8.18	APP-709	The outline marine traffic monitoring strategy	1	11 June 2019
8.19	APP-710	The outline fisheries liaison and co-existence plan	1	11 June 2019
8.20	REP14-033 - REP14-034	The outline Norfolk Boreas Haisborough, Hammond, and Winterton Special	5	Deadline 14 / 25 August 2020

Application Document No.	Examination Library Reference	Document Description	Version	Date
		Area of Conservation Site Integrity plan		
8.20	REP14-031 - REP14-032	Outline Norfolk Boreas Haisborough Hammond and Winterton Special Area of Conservation Cable Specification, Installation and Monitoring Plan	2	Deadline 14 / 25 August 2020
8.21	APP-712	The outline operational drainage plan	1	11 June 2019
8.22	APP-713	The outline skills and employment strategy	1	11 June 2019
8.23	APP-714	The development principles	1	11 June 2019
8.24	REP11-013	Alde-Ore Estuary Special Protection Area (SPA) - In principle Compensation	1	Deadline 11 /11 May 2020
8.25	REP7-027	Haisborough, Hammond and Winterton Special Area of Conservation (SAC) – In Principle Compensation	1	Deadline 7 / 31 March 2020
ExA.Dero.D7.V1.App1 ExA.Dero.App1.Add.D16.V2	REP11-012 & REP16-003	Flamborough and Filey Coast Special Protection Area (SPA) – In principle Compensation	1	Deadline 11 / 11 May 2020 and Deadline 16 / 28 September 2020]