

Norfolk Projects Offshore Wind Farm

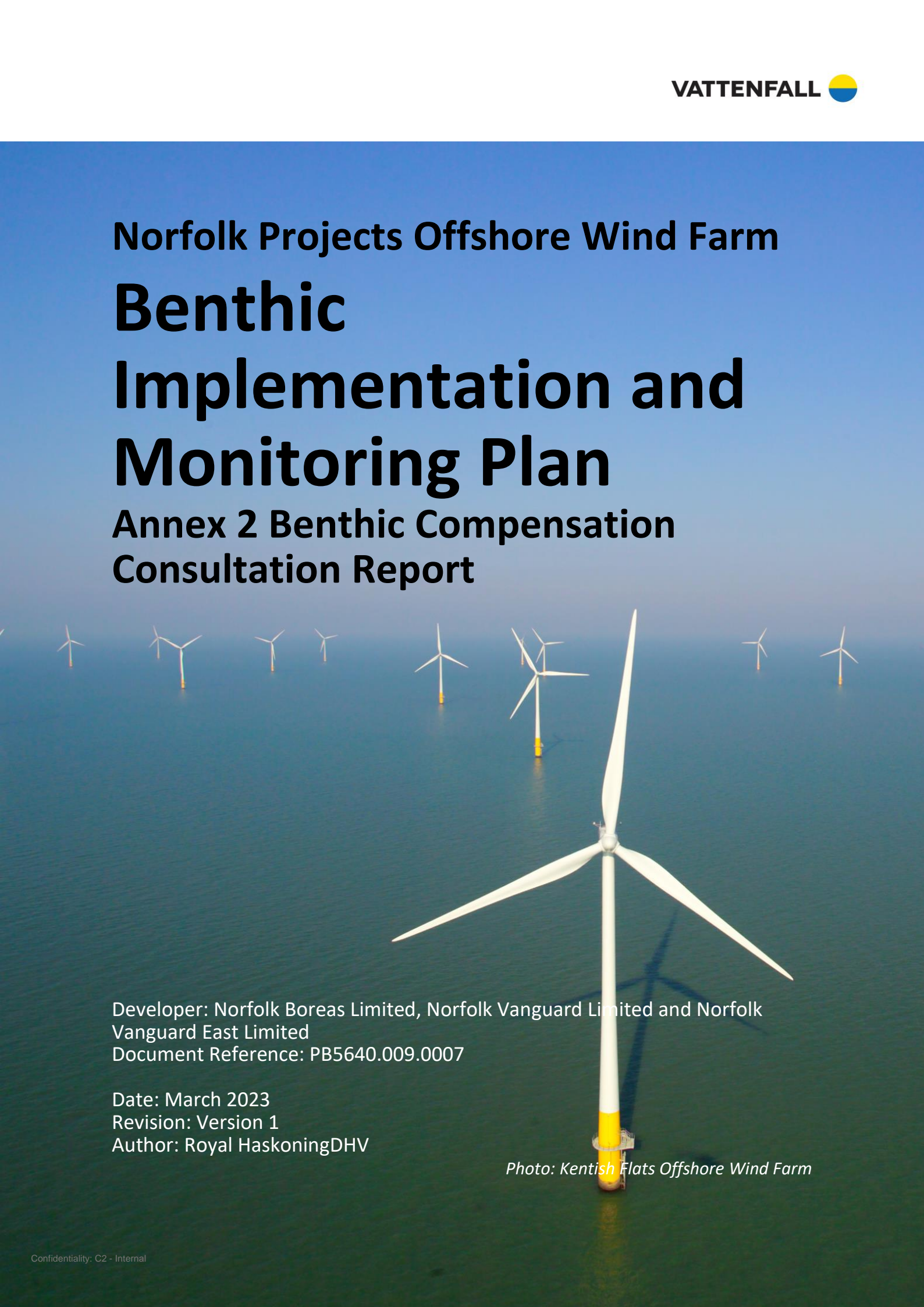
Benthic

Implementation and

Monitoring Plan

Annex 2 Benthic Compensation

Consultation Report



Developer: Norfolk Boreas Limited, Norfolk Vanguard Limited and Norfolk Vanguard East Limited
Document Reference: PB5640.009.0007

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Author: Royal HaskoningDHV

Photo: Kentish Flats Offshore Wind Farm

Date	Issue No.	Remarks / Reason for Issue	Author	Checked	Approved
04/01/2023	0.1D	Draft for internal review	SF	DT	JL
30/01/2023	01D	First full draft for BSG Review	SF	LB/DT	JL
03/03/2023	02D	Second full draft for BSG Review	DT	LB	JL
23/03/2023	01F	Final for Submission to the SoS	SF	DT/LB	JL

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Glossary of Acronyms

BEIS	Department for Business, Energy & Industrial Strategy
DCO	Development Consent Order
DESNZ	Department for Energy Security and Net Zero
EPEC	East England Plastic Coalition
EIFCA	Eastern Inshore Fisheries and Conservation and Authority
BIMP	Benthic Implementation and Monitoring Plan
BSG	Benthic Steering Group
MMO	Marine Management Organisation
NFFO	The National Federation of Fishermen's Organisations
PoW	Plan of Works
ToR	Terms of Reference

1 INTRODUCTION

1. This document reports on the consultation which has occurred to date in order to develop the Benthic compensation for the Norfolk Vanguard and Norfolk Boreas offshore wind farms (collectively referred to as the Norfolk Projects).
2. This document forms part of the Benthic Implementation and Monitoring Plan (BIMP) which is submitted to the Secretary of State (SoS) for approval prior to the compensation being delivered. Consultation will continue far beyond the point at which the BIMP is submitted and therefore this document is provided as a record of the consultation which has occurred thus far in order to establish the BIMP.

2 ESTABLISHING THE BENTHIC STEERING GROUP

2.1 Defining the membership

3. The membership of the Benthic Steering Group (BSG) has been determined through consultation with parties named in paragraph 27 of the Compensation Schedules (Natural England as the statutory nature conservation body and the MMO). To ensure a broad representation of experience and expertise during the development of the compensation measures other members are consulted as advisory bodies.
4. As named in the DCO, it is intended that the core members of the BSG are:
 - a) The Norfolk Projects (Norfolk Vanguard and Norfolk Boreas);
 - b) Natural England; and
 - c) The Marine Management Organisation (MMO).
5. Consultation has been conducted in accordance with the Plan of Works which has been agreed with the BSG and approved by the Secretary of State for the Department for Business, Energy & Industrial Strategy (BEIS)¹ (Norfolk Projects 2022). Core members have and will continue to be consulted on matters pertaining to (but not limited to): benthic ecology, identification and locating marine debris, nature and size of material to be removed, methodologies for removal, mitigation of impacts of removal, programme for removal, monitoring success criteria, marine debris awareness campaign, details of how impacts on reef habitats will be minimised, details of disposal locations. Reaching agreement with core members on these issues has been and will continue to be the primary focus of the BSG.
6. The following advisory members were not named in the DCO but were also invited to form part of the steering group:
 - The Eastern Inshore Fisheries and Conservation Authority (EIFCA); and
 - The National Federation of Fishermen's Organisations (NFFO).
7. Advisory members have and will continue to be consulted on aspects of the Benthic Implementation and Monitoring Plan (BIMP) which are relevant to their area of expertise for example the NFFO will be consulted on the possible locations of the marine debris and elements of the marine debris awareness campaign.

2.2 Plan of Works

8. Natural England requested that a Plan of Works (PoW) should be agreed by email and review of draft documents as they would not have resource to attend the meetings, therefore their requested approach was implemented by the group.
9. The first draft of the BSG PoW was emailed to all members for review on March 10th 2022, with a request for comments to be returned by March 23rd 2022.

¹ As of the 7th February 2023 now the Department for Energy Security and Net Zero (DESNZ)

10. A reminder email was sent to Natural England on 14th April 2022, requesting comments on the BSG PoW.
11. Natural England returned comments on the BSG PoW on the 21st April 2022.

3 STEERING GROUP MEETINGS

3.1 Steering Group Meeting 1

12. Invitation letters were emailed to core and advisory members of the BSG on the 8th and 9th of February 2022 by Jake Laws and David Tarrant. The invitations included a request for a response to be returned by February 11th or February 15th 2022 depending on when the email was issued.
13. Signed invitations to engage as a member of the BSG and the date they were returned are listed below and the letters can be found in Appendix 1 of this document:
 - MMO (10/02/2022).
 - NFFO (15/02/2022);
 - EIFCA (08/03/2022); and
 - Natural England (21/04/2022).
14. Natural England agreed via email on 11th February 2022 to participate in the BSG and provided signed invitation letters 21st February 2022.
15. Defra declined the invitation to engage as a member of the BSG due to resourcing constraints.
16. A selection of provisional dates for all three BSG meetings were arranged using Doodle poll and links were emailed to all core and advisory members on 1st March 2022. Members were asked to use the Doodle poll links to fill in their availability for BSG meetings. For the first BSG meeting which was set to be held in early April, members were requested to respond by 4th March 2022. A reminder email was sent on the 3rd March 2022 reminding all members to fill in their availability using the Doodle poll links.
17. Natural England were unable to find availability for the proposed dates and confirmed they would not attend the first BSG meeting held on 7th April 2022.
18. A first draft PoW was sent to all members of the BSG for review on the 10th March 2022. A deadline of the 23rd March 2022 was set for members to return their comments on the draft PoW.
19. In preparation for the first BSG meeting, an initial agenda was emailed to members on 21st March 2022. The final agenda was later emailed to members on 1st April 2022.
20. As Natural England were not available for the first BSG meeting, they were asked to provide comments on the skeleton BIMP prior to the first BSG meeting. Comments were returned on 21st April 2022.

3.2 Steering Group Meeting 2

21. Date options were circulated on 14th April 2022, the most mutually available date was the 1st July. On the 16th July Norfolk Projects were informed that no representative from Natural England would be attending the meeting.
22. Pre meeting material was circulated on the 16th June which included:
 - Final meeting minutes from Norfolk Projects BSG Meeting 1: No comments from attendees of the meeting were received and therefore the draft minutes circulated on the 14/4/2022 were taken as final;
 - A proposed agenda for the second BSG meeting: along with a request for any amendments or additions to be provided by the 22th June so that the final Agenda could be issued on the 24th June.
 - Womble Bond Dickinson's (Vattenfall's legal advisors) advice note to seek clarification on how to interpret the Benthic Compensation Schedules.
 - A covering letter explaining how Vattenfall intend to inform BEIS of progress;
 - An exert from the BSG Actions log; and
 - A first draft of the BSG Agreement log which will form part of this consultation report accompanying the BIMP
23. Due to the fact that neither the MMO nor Natural England were able to attend the Benthic Steering group meeting scheduled for the 1st of July, the decision was made to postpone to the 2nd or 3rd August. It was felt that a with only 3 for the 5 members present the meeting would not be quorate.
24. In light of postponing BSG meeting 2 to the start of August, and due to the imperative nature that agreement on the first two aims (outlined below) for meeting 2, progress was sought after through email correspondence. An email was sent with the following attachments:
 - BSG meeting 2 slide pack
 - Draft letter from Vattenfall (Confidential)
 - HHW SAC Schedule 19 and 17 compensation provisions
25. With regard to the 1st Aim of the meeting which was to consider the interpretation of the benthic compensation condition and how to discuss this with other relevant stakeholders it was agreed that once all members of the steering group had confirmed their position discussions would held with other stakeholders
26. With regard to the 2nd Aim *"To agree the survey locations for the Marine Debris identification surveys"* the following actions was issued:
 - In lieu of the BSG meeting 2 postponement a report detailing the area of search selection process for marine debris survey (based on that which has been approved by the SoS for Hornsea project 3) will be circulated. Following this we hope that the area of search can be agreed as the surveys are planned for mobilisation on the 1st August.

27. By the 6th July all members of the steering group had provided their position on the whether 8.3 hectares could be interpreted as an area of search.
28. On the 8th of July, in lieu of the meeting 2 postponement the Norfolk Projects circulated the revised and updated marine debris search area identification desk study to show the BSG the work done to select an Area of Search and an adaptive management area of search. The BSG was given 14 days to comment and provide feedback. A reminder email was sent out on the 19th July.
29. On Monday 1st August, The Norfolk Projects circulated BSG Plan of Works document after BEIS had reviewed. They requested a revision of the wording in the section on Dispute Resolution Mechanism. They request that we change

“if the dispute has not been resolved following a referral in accordance with this section, the details would be presented to the Secretary of State for Business Energy and Industrial Strategy alongside the documents for which the Secretary of State has to give approval and the Secretary of State would determine whether to approve those documents.”

to

“if the dispute has not been resolved following a referral in accordance with this section, the core members shall settle the dispute by mediation in accordance with the Centre for Effective Dispute Resolution (CEDR) Model Mediation Procedure. Unless otherwise agreed between the core members, the mediator will be nominated by CEDR.”?

30. The rescheduled BSG meeting 2 took place on Tuesday 2nd August from 14:00 – 17:00. Minutes and actions were circulated on Monday 8th – 4 working days later.
31. On 2nd of August, The Norfolk Projects circulated a comparison of the Norfolk Projects and Hornsea 3 plan of works section on dispute resolution. The MMO, NFFO, EIFCA and Natural England were asked if they had any objections to the inclusion of the paragraph being included in the Plan of Works.

3.3 Steering Group Meeting 3

32. Ten meeting date options were circulated on 9th August 2022 the most mutually available date was the 6th December 2022. Natural England representatives on the BSG were not able to attend however quorum was reached with NFFO, EIFCA, and the MMO in attendance.
33. Pre meeting material was circulated on the 22nd November 2022 which included:
 - Final Minutes from Norfolk projects BSG Meeting 2: No comments from attendees of the meeting were received and therefore the draft minutes were taken as final;
 - A proposed Agenda for the third BSG meeting: along with a request for any amendments or additions was issued;
 - The Agreement log (see Appendix 2 for the most recent (March 2023) version of the Agreement log); and

- A confidential first draft of the BIMP.
34. Natural England declined the invitation to attend BSG meeting 3 but agreed to send comments on the first full draft of the BIMP to allow their comments to be discussed with other BSG members during the meeting. However, the comments were not provided until Friday 16th January.
35. The meeting was successful, reaching agreement on the Norfolk Projects plans and methods for progressing the benthic compensation conditions in line with the project schedule.
36. Key areas of discussion revolved around:
- Further consideration was given to the interpretation of condition in line with how Hornsea Project Three's similar condition had been interpreted.
 - An update on the marine debris awareness campaign.
 - Refinement of the success criteria with a definition of "sufficient" marine debris removed before switching gear to the adaptive management area of search.
37. The result of this discussion were the following key actions for the BSG:
- The Norfolk Projects to provide the BSG with an update on discussions with other stakeholders.
 - The BSG to provide comments on the draft BIMP before COP Tuesday 13th December
 - BSG to send through fishing for litter contacts to the Norfolk Projects
 - The Norfolk Projects to contact Ghost fishing UK and ocean plastic pots NGO's to pursue collaboration with them on the Marine Debris Awareness Campaign
 - The Norfolk Projects to draft a definition in the success criteria of the BIMP to articulate a "sufficient" ratio of targets removed vs targets identified in BIMP Draft 2 for the BSG to review and agreement upon.
38. Meeting minutes for BSG Meeting 3 and a doodle poll for BSG Meeting 4 w/c 13th February were circulated on the 9th December.
39. During the meeting a timetable was agreed for finalising the BIMP (provided in Appendix 3). This timeline included receipt of all comments on the BIMP by the 13th December the provision, by the Norfolk Projects team of Draft 2 by the 21st December. A chaser email was sent to the MMO, Natural England and NFFO for their comments on draft 1 BIMP on 12th December. Natural England Comments on Draft 1 of the BIMP were not returned until late on the 16th December and therefore not all of Natural England's comments could be addressed in Draft 2. A final chasing email was issued for BIMP draft 2 comments from the BSG on the 19th of January, the day before the comments were due (20th). Natural England gave notice that they would comment on the BIMP 3 draft. The NFFO provided comments in an email on 22nd December. The EIFCA provided comments on BIMP 2 draft on the 24th January.

3.4 Steering Group Meeting 4

40. Ten date options were provided via doodle poll on 9th December, and in order to ensure that a date was secured in members calendars prior to the Christmas break an invite was sent for 13th February 2023.
41. On the 30th January, two weeks prior to meeting 4, the following material was circulated to the BSG for their review:
 1. Draft meeting agenda for comments/amends;
 2. Meeting 3 minutes;
 3. Agreement Log (see Appendix 2 for the most recent (March 2023) version of the Agreement log);
 4. An extract from the action tracker showing outstanding actions; and
 5. BIMP draft 3 for review and comments
42. The meeting was quorate with all members present. Key areas of discussion revolved around:
 - Approve previous minutes from BSG meeting 3
 - The approach to adaptive management: there was full agreement from the BSG that an alternative to marine debris removal should be included.
 - When the cables could be installed.
 - A more explicit reference to the monitoring strategy.
 - Continued pursuit for approval by the regulator at key decision points in accordance with the Benthic compensation schedules paragraph 32.
 - Report on progress with the Marine awareness campaign
43. Following discussions with other stakeholders it was determined that the benthic compensation condition would not be interpreted as referring to an area of search and therefore the revised draft 3 of the BIMP was based on a success criterion of retrieving a quantum of debris rather than clearing an area of search.
44. After the meeting, BSG members responded with comments which were implemented into the final version of the BIMP.
45. The main actions following the meeting were for the Norfolk Projects to update the BIMP to address all comments and discussion points. Vattenfall then issue Version 4 of the BIMP on the 3rd of March for final review and sign off by BSG by the 17th March.

3.5 Steering Group Meeting 5 - 8

46. As illustrated in section 3.7 of the BIMP, steering group meetings 5 to 8 have been scheduled to allow the group to convene at key decision points. The aims of these meetings will be for Norfolk Projects to provide the evidence and for the steering group to form its proposals which will then be submitted to the regulator for approval.

4 EAST ENGLAND PLASTIC COALITION

47. On 19th August, an initial meeting between the East England Plastic Coalition (EEPC) and the Norfolk Projects took place to explore scope for collaboration and support to discharge the Norfolk Project's benthic compensation requirement (Norfolk Boreas Offshore Windfarm Order 2021 - Sch19, Pt 3, Para 28(b) and the Norfolk Vanguard Offshore Windfarm Order 2022 - Sch17, Pt 3, Para 28(b)) "To Develop Education, Awareness and Facilities to Limit Further Marine Debris to develop education, awareness and facilities to limit further marine debris").
48. Four collaboration areas were identified and progressed with Vattenfall for approval:
- Collaboration Area 1: Bins
 - Collaboration Area 2: Amnesty Day Skips
 - Collaboration Area 3: Investigation into the development of a code of best practice for fishing in the HHW SAC
 - Collaboration Area 4: Engagement with Fishermen
49. During subsequent meetings with the EEPC on the 20th October 2022, 3rd February 2023 and 2nd March, further discussions of how these collaboration areas were progressed were held, which resulted in the finalisation of the proposals which are presented within the BIMP as well as a formal letter of agreement from the EEPC and the Eastern IFCA to participate in the work provided the BIMP is approved.
50. The proposal for collaboration with the EEPC was presented to the BSG on during meeting 3 and was given full support by all members present. As Natural England is limiting its advice to ensuring that no further damage to designated site features will occur in the delivery of compensation measures it has not provided advice on these proposals.
51. As the plans for the marine debris campaign developed, the EEPC contacted the EIFCA to seek further support. The Eastern IFCA agreed work in partnership with to EEPC and the Norfolk Projects to help deliver and coordinate these collaboration areas.
52. On the 28th February 2023, the EEPC issued a separate proposal to Vattenfall outlining the request to part-fund the EEPC Secretariate team, as well as to issue the funds to cover the project management and reporting side of the proposed campaign for the first year. Vattenfall accepted this proposal on the 2nd March 2023 irrespective of the success of the agreement with EIFCA and EEPC as a gesture of good intent (evidence of this is provided in Annex 4 of the BIMP). Vattenfall are determined to develop a successful marine debris awareness, education and provision of facilities campaign and the early release of funds (Prior to BIMP approval) demonstrates this.
53. During the development of the proposal with the EEPC it was identified that there may be some overlap between the measures being undertaken by Hornsea Project Three to discharge the compensation requirements for that project and those proposed for the Norfolk Projects. As a

result, a series of meetings were held with Hornsea Project Three on the 14th December 2022, 1st February 2023 and the 17th March 2023. These meetings are ongoing with the intention of establishing a combined effort to increase the positive impact in Norfolk and Suffolk.

5 OTHER CONSULTATION

54. Following Natural England's advice that an extension to the HHW SAC should be considered as an option for adaptive management the Norfolk Projects consulted DEFRA on the 10th January 2023 to understand their position on whether an SAC could be extended. Defra's official position was that it could not support the extension of the HHW SAC as a form of adaptive management. BEIS (now Department for Energy Security and Net Zero (DESNZ) have been keep apprised of progress by The Norfolk Projects team throughout the development of the BIMP.

6 AGREEMENT LOG

55. As described throughout this document an Agreement Log which is included as Appendix 2 of this report has been progressed by the BSG. This was updated during each meeting and circulated prior to and following each meeting. Members have been asked to review the Agreement Log and if necessary make any amendments in track changes in order to more accurately reflect their position.
56. Emails from BSG members verifying that the Agreement Log represents a true record of their position, and that they have contributed to the production of the have been provided to the SoS with the submission of this document.
57. The Agreement log will be kept as a live document and updated to reflect key decisions made during the delivery of the Benthic compensation and the document presented in Appendix 2 shows the Agreement log at the time of submission of the BIMP.

7 REFERENCES

Norfolk Projects (2022). Benthic Steering Group Plan of Work. Version 3. Document reference PB5640.009.0003.

Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010087/EN010087-002986-Norfolk%20Projects%20Benthic%20Steering%20Group%20Plan%20of%20works.pdf>

APPENDIX 1 SIGNED INVOLVEMENT LETTERS FROM THE BSG

Provided below are letters signed by members of the BSG confirming their intention to engage with the Norfolk Projects BSG.

Eastern Inshore Fisheries and Conservation
Authority
6 North Lynn Business Village
Bergen Way
King's Lynn
Norfolk PE30 2JG

Vattenfall Wind Power Ltd
Norfolk Boreas Ltd
5th Floor
70 St Mary Axe
London
EC3A 8BE

Date:
09/02/2022

Contact:
E-mail:

Phone:

The Norfolk Boreas Offshore Wind Farm Order 2021, Schedule 19, Part 3


Haisborough, Hammond and Winterton Special Area of Conservation: Delivery of measures to compensate for cable installation and protection

Invitation to engage as a member of the Benthic Steering Group

Dear Eastern Inshore Fisheries and Conservation Authority

Vattenfall's Norfolk Boreas Offshore Windfarm is being developed by Norfolk Boreas Limited. We are writing to you in relation to the benthic compensation specified within the Development Consent Order (DCO) for the Wind farm and detailed in documents supporting the Secretary of State's Decision letter.

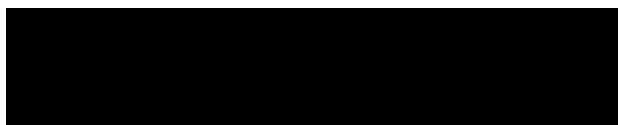
In accordance with Schedule 19 Part 3 of the Norfolk Boreas DCO, a benthic compensation steering group (BSG) must be formed to consult on the preparation, scope, and delivery of the benthic compensation, prior to submission to the Secretary of State for approval. Should Norfolk Vanguard Offshore Wind Farm also be awarded development consent a combined Benthic Steering Group will be progressed.

Prior to commencement of the authorised development the plan of work for the BSG must be approved by the Secretary of State. The requirement is detailed in paragraphs 23 and 24, of Schedule 19, Part 3 (pp 372 of the 

As an advisory member of the Benthic Steering Group you will be invited to input into the process on aspects which directly relate to your organisation, you will be sent relevant documents to review and will be requested to join steering group meetings as appropriate.

We would like to convene the Benthic Steering Group as soon as possible and following your acceptance of this invite we will aim to set up a first meeting in early March. At this initial meeting we would like to progress as far as possible the plan of work for the BSG which will include:

- (a) terms of reference of the BSG;
- (b) the membership of the BSG;
- (c) details of the schedule of meetings, timetable for preparation of the Benthic Implementation and Monitoring Plan (BIMP) and reporting and review periods; and



(d) the dispute resolution mechanism.

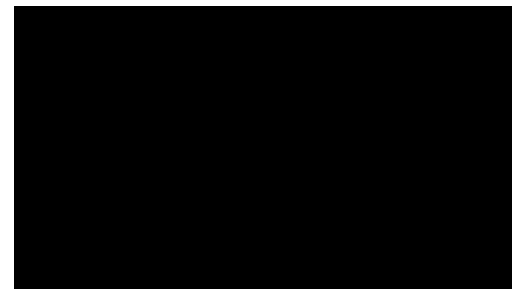
These will form the Plan of Works required to discharge Schedule 19, Part 3 (13).

We would be grateful if you would please respond to this letter by countersigning below to confirm your understanding of the request and your organisations intention to engage with Norfolk Boreas Limited.

If you have any queries in relation to this letter, please do not hesitate to contact Ruari

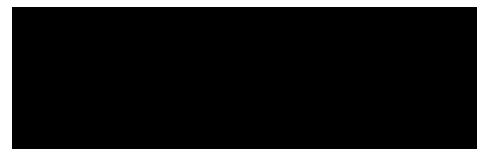


For and on behalf of Norfolk Boreas Limited,



Ruari Lean
Norfolk Boreas and Norfolk Vanguard Project Manager

On behalf of the Eastern Inshore Fisheries and Conservation Authority I confirm participation on the Norfolk Boreas Benthic Steering Group.



08/03/2022

Date

Marine Management Organisation
Lancaster House,
Hampshire Court
Newcastle upon Tyne
NE4 7YH

Vattenfall Wind Power Ltd
Norfolk Boreas Ltd
5th Floor
70 St Mary Axe
London
EC3A 8BE

Date:
08/02/2022

Contact:
E-mail:

Phone:

The Norfolk Boreas Offshore Wind Farm Order 2021, Schedule 19, Part 3

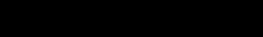
Haisborough, Hammond and Winterton Special Area of Conservation: Delivery of measures to compensate for cable installation and protection

Invitation to engage as a member of the Benthic Steering Group

Dear Marine Management Organisation,

Vattenfall's Norfolk Boreas Offshore Windfarm is being developed by Norfolk Boreas Limited. We are writing to you in relation to the benthic compensation specified within the Development Consent Order (DCO) for the wind farm and detailed in documents supporting the Secretary of State's Decision letter.

In accordance with Schedule 19 Part 3 of the Norfolk Boreas DCO, a benthic compensation steering group (BSG) must be formed to consult on the preparation, scope, and delivery of the benthic compensation, prior to submission to the Secretary of State for approval. Should Norfolk Vanguard Offshore Wind Farm also be awarded development consent a combined Benthic Steering Group will be progressed.

Prior to commencement of the authorised development the plan of work for the BSG must be approved by the Secretary of State. The requirement is detailed in paragraphs 23 and 24, of Schedule 19, Part 3 (pp 372) of the 

As a Core member you will be invited to review all documentation, attend all steering group meetings, develop and agree the plan of works (see Schedule 19, Part 3 paragraph 24 (a) – (d) and proactively engage to develop and progress the benthic compensation.

We would like to convene the Benthic Steering Group as soon as possible and following your acceptance of this invite we will aim to set up a first meeting in early March. At this initial meeting we would like to progress as far as possible the plan of work for the BSG which will include:

- (a) terms of reference of the BSG;
- (b) the membership of the BSG;
- (c) details of the schedule of meetings, timetable for preparation of the Benthic Implementation and Monitoring Plan (BIMP) and reporting and review periods; and



(d) the dispute resolution mechanism.

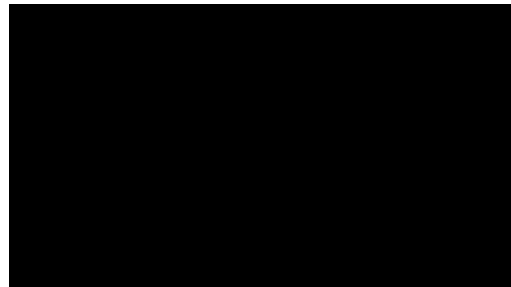
These will form the Plan of Works required to discharge Schedule 19, Part 3 (13).

We would be grateful if you would please respond to this letter by countersigning below to confirm your understanding of the request and your organisations intention to engage with Norfolk Boreas Limited.

If you have any queries in relation to this letter, please do not hesitate to contact

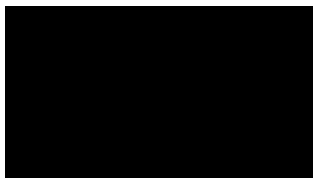


For and on behalf of Norfolk Boreas Limited,



Ruari Lean
Norfolk Boreas and Norfolk Vanguard Project Manager

On behalf of the Marine Management Organisation I confirm participation on the Norfolk Boreas Benthic Steering Group



10/02/2022

Signature

Date

Natural England
Lancaster House,
Hampshire Court
Newcastle upon Tyne
NE4 7YH

Vattenfall Wind Power Ltd
Norfolk Boreas Ltd
5th Floor
70 St Mary Axe
London
EC3A 8BE

Date:
15/02/2022

Contact:
E-mail:

Phone:

The Norfolk Boreas Offshore Wind Farm Order 2021, Schedule 19, Part 3


Haisborough, Hammond and Winterton Special Area of Conservation: Delivery of measures to compensate for cable installation and protection

Invitation to engage as a member of the Benthic Steering Group

Dear Natural England,

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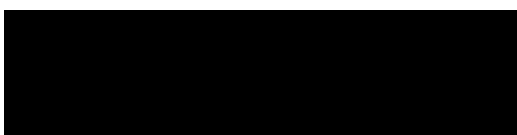
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Prior to commencement of the authorised development the plan of work for the BSG must be approved by the Secretary of State. The requirement is detailed in paragraphs 23 and 24, of Schedule 19, Part 3 (pp 372) of the 

As a Core member you will be invited to review all documentation, attend all steering group meetings, develop and agree the plan of works (see Schedule 19, Part 3 paragraph 24 (a) – (d) and proactively engage to develop and progress the benthic compensation.

We would like to convene the Benthic Steering Group as soon as possible and following your acceptance of this invite we will issue a draft Plan of Works for your review. Then at the first meeting we would like to formally sign off the Plan of Works for the BSG which will include:

- (a) terms of reference of the BSG;
- (b) the membership of the BSG;
- (c) details of the schedule of meetings, timetable for preparation of the Benthic Implementation and Monitoring Plan (BIMP) and reporting and review periods; and
- (d) the dispute resolution mechanism.



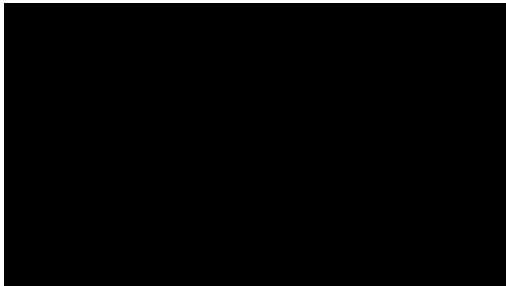
These will form the Plan of Works required to discharge Schedule 19, Part 3 (13).

We would be grateful if you would please respond to this letter by countersigning below to confirm your understanding of the request and your organisations intention to engage with Norfolk Boreas Limited.

If you have any queries in relation to this letter, please do not hesitate to contact Dave Tarrant



For and on behalf of Norfolk Boreas Limited,



Ruari Lean
Norfolk Boreas and Norfolk Vanguard Project Manager

On behalf of Natural England I confirm participation on the Norfolk Boreas Benthic Steering Group.




Signature

21st April 2022

Date

The National Federation of Fishermen's
Organisations
30 Monkgate
York
YO31 7PF

Vattenfall Wind Power Ltd
Norfolk Boreas Ltd
5th Floor
70 St Mary Axe
London
EC3A 8BE
Tel: 

Date:
09/02/2022

Contact:
E-mail: 

Phone: 

The Norfolk Boreas Offshore Wind Farm Order 2021, Schedule 19, Part 3


Haisborough, Hammond and Winterton Special Area of Conservation: Delivery of measures to compensate for cable installation and protection

Invitation to engage as a member of the Benthic Steering Group

Dear National Federation of Fishermen's Organisations

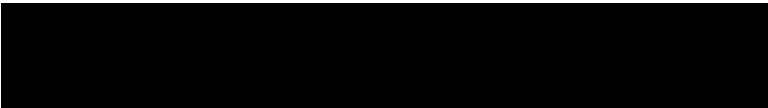
Vattenfall's Norfolk Boreas Offshore Windfarm is being developed by Norfolk Boreas Limited. We are writing to you in relation to the benthic compensation specified within the Development Consent Order (DCO) for the Wind farm and detailed in documents supporting the Secretary of State's Decision letter.

In accordance with Schedule 19 Part 3 of the Norfolk Boreas DCO, a benthic compensation steering group (BSG) must be formed to consult on the preparation, scope, and delivery of the benthic compensation, prior to submission to the Secretary of State for approval. Should Norfolk Vanguard Offshore Wind Farm also be awarded development consent a combined Benthic Steering Group will be progressed.

Prior to commencement of the authorised development the plan of work for the BSG must be approved by the Secretary of State. The requirement is detailed in paragraphs 23 and 24, of Schedule 19, Part 3 (pp 372 of the 

As an advisory member of the Benthic Steering Group you will be invited to input into the process on aspects which directly relate to your organisation, you will be sent relevant documents to review and will be requested to join steering group meetings as appropriate.

We would like to convene the Benthic Steering Group as soon as possible and following your acceptance of this invite we will aim to set up a first meeting in early March. At this initial meeting we would like to progress as far as possible the plan of work for the BSG which will include:

- (a) terms of reference of the BSG;
 - (b) the membership of the BSG;
 - (c) details of the schedule of meetings, timetable for preparation of the Benthic Implementation and Monitoring Plan (BIMP) and reporting and review periods; and
- 

(d) the dispute resolution mechanism.

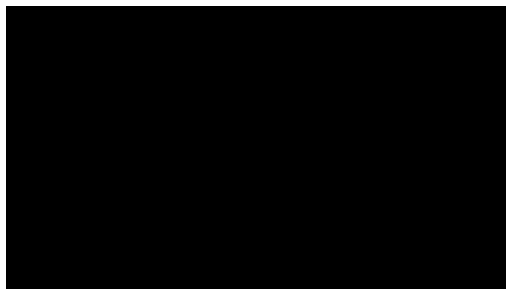
These will form the Plan of Works required to discharge Schedule 19, Part 3 (13).

We would be grateful if you would please respond to this letter by countersigning below to confirm your understanding of the request and your organisations intention to engage with Norfolk Boreas Limited.

If you have any queries in relation to this letter, please do not hesitate to contact Ruari



For and on behalf of Norfolk Boreas Limited,



Ruari Lean
Norfolk Boreas and Norfolk Vanguard Project Manager

On behalf of the National Federation of Fishermen's Organisations I confirm participation on the Norfolk Boreas Benthic Steering Group.



Signature

15/02/22

Date

APPENDIX 2 AGREEMENT LOG

Provided below is the BSG Agreement Log at the time of submission of the BIMP to the Secretary of State.

Norfolk Projects Offshore Wind Farms Benthic Steering Group Agreement Log



Developer: Norfolk Boreas Limited, Norfolk Vanguard and Norfolk Vanguard East Limited
Document Reference: PB5640.008.0022

Date: March 2023
Revision: Version 1
Author: Royal HaskoningDHV

Photo: Kentish Flats Offshore Wind Farm

Date	Issue No.	Remarks / Reason for Issue	Author	Checked	Approved
16/06/2022	0.1	For BSG information	DT	LB	JL
08/08/2022	0.2	For BSG update	SF	DT	JL
09/12/22	0.3	For BSG update following meeting 3	SF	DT	JL
30/01/23	0.4	For BSG review prior to meeting 4	DT	LB	JL
02/03/2023	0.5	For BSG review prior to BIMP issue	LB	DT	JL
23/03/2023	1.0	Version for submission to the SoS	LB/DT	BSG	BSG



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Glossary of Acronyms

BEIS	Department for Business, Energy & Industrial Strategy
BIMP	Benthic Implementation Management Plan
BSG	Benthic Steering Group
CSIMP	Cable Specification, Installation and Monitoring Plan
EIFCA	Eastern Inshore Fisheries & Conservation Authority
HHW	Haisborough, Hammond and Winterton
MMO	Marine Management Organisation
NFFO	National Federation of Fishermen's Organisations
SAC	Special Area of Conservation

1 Background

1. This Agreement Log has been prepared between the members of the Benthic Steering Group (BSG) and the Norfolk Projects, to set out the areas of agreement or disagreement in relation to the items which require discussion as detailed in Schedules 19 and 17 of the Norfolk Boreas and Norfolk Vanguard Orders (together referred to as the Orders).
2. The members of the Benthic Steering Group include:
 - Natural England,
 - Marine Management Organisation (MMO),
 - National Federation of Fishermen's Organisations (NFFO), and
 - Eastern Inshore Fisheries & Conservation Authority (EIFCA); and
 - The Norfolk Projects
3. The Steering Group, together with its independent Chair, Dickon Howell, aim to discharge the Benthic Compensation Requirements within the Orders, whilst reducing impacts on the Haisborough, Hammond and Winterton (HHW) Special Area of Conservation (SAC).
4. The agreement log has been structured to reflect the topics of discussion between the members of the steering group and the Norfolk Projects. The agreement logs outline all topic specific matters agreed, not agreed and any actions to resolve between the BSG members. Matters that are not agreed will be the subject of ongoing discussion wherever possible to resolve or refine the extent of disagreement between the parties.

2 Agreement Log

Table 2.1 Agreement log outlining agreements made within the Benthic Steering Group.

Topic	Norfolk Projects	Natural England	MMO	NFFO	EIFCA	Outstanding Actions / Notes
Plan of Works						
Terms of Reference	Agreed 28 April	Agreed 20 May 2022	Agreed 20 May 2022	Agreed 5 May 2022	Agreed 5 May 2022	
Marine Debris Definition						
Definition of Marine debris Removal:	Proposed the following definition on the 18 August 2022 "Marine Debris removal' is specified as the removal of persistent anthropogenic material within the HHW SAC which has not been intentionally placed on the seabed, with the exception of recognised wrecks."	Agreed definition on 18 August 2022	Agreed 06 December 2022 during BSG meeting 3	Agreed 06 December 2022 during BSG meeting 3	Agreed 06 December 2022 during BSG meeting 3	
Programme of Works						
Survey Programme	Surveying the Primary Area of Search and the Secondary Area of Search will be conducted in early September 2022 with reporting in November 2022	Agreed with the current plan - 02 August 2022	Agreed with the current plan - 02 August 2022	Agreed with the current plan - 02 August 2022	Agreed with the current plan - 02 August 2022	
Agreement on the location of the Primary and secondary phase 1 adaptive management Area of Search	Heat mapping and desk-based analysis has been used to determine both the Primary Area of Search and the Secondary Area of Search, which are both 100ha (rather than 16.6ha). This allows considerable contingency should there be Annex I Sabellaria reef located within the two search areas	Natural England have some concern regarding the locations of the search area as confidential data suggests that Sabellaria is likely to be present in these locations. However Natural England do not disagree with the locations but highlight the risk that Sabellaria is likely to be present and therefore contingency is required.	Agreed the location during BSG meeting 2 on 02 August 2022	Agreed the location during BSG meeting 2 on 02 August 2022	Agreed the location during BSG meeting 2 on 02 August 2022	Norfolk Projects will develop the decision tree to be used when deciding whether or not attempt to remove debris. This will include an assessment of whether Sabellaria reef is present and if harm would be caused to that reef the decision would be made not to remove. The Decision tree will be included in the Application for a Marine Licence for the removal
Removal Programme	Either to take place in 2023 or 2024 if it is not possible to procure contractors based on the results of the identification survey. Preference for 2023 as removal will be closer to marine debris identification works and lowers the risk of losing identified debris.	No comment and Natural England position is that Marine Debris removal is not compensation	Agreed on 6 December 2022 during BSG meeting 3	Agreed in principle during BSG meeting 2 on 02 August 2022	Agreed in principle during BSG meeting 2 on 02 August 2022	

Topic	Norfolk Projects	Natural England	MMO	NFFO	EIFCA	Outstanding Actions / Notes
Marine Debris Surveys						
Target Criteria	Principles presented at BSG meeting 2 (see Benthic Implementation Management Plan (BIMP) for criteria)	Agreed in principle at BSG meeting 2 02 August 2022	Agreed in principle at BSG meeting 2 02 August 2022	Agreed in principle at BSG meeting 2 02 August 2022	Agreed in principle at BSG meeting 2 02 August 2022	
Success Criteria	<p>Proposed that success would be reached if material had been removed from the Seabed. However, following discussions at BSG3 it was agreed that further definition for success was required.</p> <p>Version 2 of the BIMP included the revised success criteria in section 7.1.1 which includes: <i>“Secondly the area of debris removed in relation to the targets set out in the DCOs as 16.6ha (for Norfolk Boreas and Norfolk Vanguard, but taking into account the quantum of marine debris removal that might be delivered by virtue of the shared cable corridor)”</i></p>	<p>At BSG meeting 2, Natural England expressed concern about defining compensation success in line with the Secretary of State’s requirement.</p> <p>Agreed in principle at BSG meeting 4 13 February 2023 with caveat that written comments be addressed in version 4 of the BIMP.</p>	Agreed in principle at BSG meeting 4 13 February 2023	Agreed in principle at BSG meeting 4 13 February 2023	Agreed in principle at BSG meeting 4 13 February 2023	
Marine Debris Removal Methodology						
Removal Feasibility based on size and nature of Debris	Proposed that a Decision Tree approach for target selection for removal is used and have proposed to adapt the example set by Hornsea Project Three and include this in the marine licence application	Natural England agree with the decision tree approach as this will reduce the risk of any further impacts to the HHW SAC.	Agreed on proposed approach during BSG meeting 3 06 December 2022	Agreed on proposed approach during BSG meeting 3 06 December 2022	Agreed on proposed approach during BSG meeting 3 06 December 2022	Norfolk Projects to finalise and specify the decision tree for debris removal.
Avoidance of Potential impacts of removal	<p>Norfolk Projects presented the embedded mitigation proposed within the removal methodology at BSG meeting 3.</p> <p>Firstly, Annex 1 Sabellaria reef would be avoided through the Heat mapping design and the decision tree process, whereby during the removal process a benthic specialist will be viewing the live feed from the retrieval ROV and if Sabellaria reef has established on an item of marine</p>	Natural England advise that removal involves monitoring. For example, might include a photo immediately after removal (taken using the ROV, and then returning to capture a second photo 1 year later.	Agreed during BSG meeting 3 06 December 2022	Agreed during BSG meeting 3 06 December 2022	Agreed during BSG meeting 3 06 December 2022	Norfolk Projects have included Year 1 post removal recoverability survey in BIMP.

Topic	Norfolk Projects	Natural England	MMO	NFFO	EIFCA	Outstanding Actions / Notes
	debris it will not be removed from the seabed. Secondly, the proposed methodology for removal of marine debris does not include dredging of the seabed therefore there will be no disposal of dredged material.					
Removal Mechanism	Norfolk Projects have proposed removal by Work-Class ROV as this minimises impact to the seabed whilst also minimising HSE risk	Natural England advise that “the use of a Remotely Operated Vehicle (ROV), potentially with the option to jet around partially buried debris, is currently the most likely tool to minimise the impacts. This is because unlike with dredging and/or use of a grapnel anchor it can be targeted thus reducing the area of impact, it is less likely to remove/damage interest feature and/or can be operated more accurately in real time to avoid other interest features.”	Agreed 02 August 2022	Agreed 02 August 2022	Agreed 02 August 2022	
Adaptive management						
Phase 1 Adaptive management area of search	Norfolk Projects propose that should the success criteria not be met when removing debris from the Primary Area of Search, that a debris removal campaign should then be initiated in a Secondary Area of Search (see BIMP for further detail). All targets will be ground-truthed prior to removal to exclude potential impacts to Sabellaria that might be present.	Natural England have some concern regarding the locations of the search area as confidential data suggests that Sabellaria is likely to be present in these locations. However Natural England do not disagree with the approach.	Agreed approach at BSG meeting 2 02 August 2022	Agreed approach at BSG meeting 2 02 August 2022	Agreed approach at BSG meeting 2 02 August 2022	
Phase 2 Adaptive management - extension of the HHW SAC	The Norfolk Projects proposed in BIMP V2, that an extension of the HHW SAC could be implemented should the Adaptive Management area of search approach still not meet the Success criteria. However, following consultation with Defra, it was concluded that because they would not support this option it should be ruled out	Natural England would support this option. As from an ecological perspective it is the most beneficial.	No response given	This is fundamentally unfair in principle and therefore the NFFO do not support this option. Spatial squeeze affecting fishing businesses around the UK due to other industries and interest groups is becoming increasingly severe and this option would add to that problem	The EIFCA do not support the extension of the HHW SAC as a form of adaptive management because we do not believe other sea users (such as inshore fisheries) should be impacted by environmental compensation measures required of other sectors. Further, although Eastern IFCA accept the potential environmental benefits of the proposed measure, we query the necessity of the HHW SAC	An alternative option for adaptive management Phase 2 was agreed at BSG4 and therefore this option is no longer being progressed.

Topic	Norfolk Projects	Natural England	MMO	NFFO	EIFCA	Outstanding Actions / Notes
					extension given that the SAC was not designated to include the extension zone when implemented in 2017.	
Phase 2 Adaptive management – Marine Debris search and removal from the Inner Dowsing, Race Bank and North Ridge SAC	The Norfolk Projects proposes that in line with paragraph 29(f) of the Benthic compensation schedules, should the debris removal from the HHW SAC prove to have achieved partial success but not fully met the Success criteria the Inner Dowsing, Race Bank and North Ridge SAC would also be subject to a debris search and removal campaign.	Principle of including this was agreed at BSG4	Principle of including this was agreed at BSG4	Principle of including this was agreed at BSG4	Principle of including this was agreed at BSG4	
Phase 2 Adaptive management – payment into the Marine recovery fund	The Norfolk Projects propose that should the debris removal from the HHW SAC prove to have achieved less than 30% of its Success target then a completely different approach to adaptive management should be taken and that this should be to make payment into the Marine Recovery Fund.	Natural England agree with the principle of this option but have concerns that there is currently no certainty regarding: who will manage the fund, what projects the fund will contribute towards and how these would be, and the scale of the financial contributions by developers Principle of including this was agreed at BSG4	Principle of including this was agreed at BSG4	Principle of including this was agreed at BSG4	Principle of including this was agreed at BSG4	
Marine Awareness campaign						
Marine Awareness Campaign	Collaboration areas proposed to the East England Plastic Coalition presented and a progress report provided at BSG meeting 3 for agreement Plans for Fishing for Litter integration also positioned	As Natural England is limiting its advice to ensuring that no further damage to designated site features will occur in the delivery of compensation measures it has not provided advice on the marine awareness campaign proposals	Agreed the approach taken during BSG meeting 3 06 December 2022 and are fully supportive of the work being proposed	Agreed the approach taken during BSG meeting 3 06 December 2022 and are fully supportive of the work being proposed	Agreed the approach taken during BSG meeting 3 06 December 2022 and are fully supportive of the work being proposed	Norfolk Projects to continue to engage with organisations such as Ghost Fishing UK to identify further opportunities.

3 References

Natural England's advice note on avoid/reducing impacts from debris removal within North Sea designated site and appropriate monitoring to demonstrate effectiveness and wider benefits – June 2022.

APPENDIX 3 BIMP REVIEW AND SIGN OFF PROGRAMME

Provided below is the agreed programme of review and sign off for the BIMP

Stage	Date	Time period
Circulate V2 of the BIMP for review	21 st December	
BSG members to review document	20 th January	3 weeks
Circulate V3 of BIMP to BSG	30 th January	2 weeks
BSG to review and provide comments	13 th February – BSG meeting 4 but final written comments following meeting can be provided by the 17 th	2 weeks (with BSG meeting in the middle of this period)
SF to circulate Final version (V4) for sign off from BSG	3 rd March	2 weeks
BSG to review and provide sign off	17 th March	2 weeks
Norfolk Projects finalise and Submit to BEIS	20 th March	3 days