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Yana Bosseva,  
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MYO Dashwood, 69 Old Broad Street, London, EC2M 1QS

16 July 2024

Dear Yana Bosseva,

**PLANNING ACT 2008**

**NORFOLK PROJECTS OFFSHORE WIND FARMS VERSION 2 BENTHIC IMPLEMENTATION AND MONITORING PLAN**

1. Thank you for your application for the Secretary of State to approve the Version 2 Benthic Implementation and Monitoring Plan (“BIMP”) to cover both Norfolk Boreas and Norfolk Vanguard Offshore Wind Farms (“the Projects”) in accordance with the requirements of Part 3 of Schedule 19 of The Norfolk Boreas Offshore Wind Farm Order 2021 and Part 3 of Schedule 17 of The Norfolk Vanguard Offshore Wind Farm Order 2022 (“the Development Consent Orders”).
2. The Development Consent Orders for the projects require a Benthic Implementation Plan (“BIMP”) to provide compensatory measures due to the predicted adverse impacts of cable installation and protection works upon the Haisborough, Hammond, and Winterton Special Area of Conservation (“HHW SAC”).
3. The application was received by the Department on 18 March 2024, and included a Version 2 Benthic Implementation and Monitoring Plan, Benthic Compensation Consultation Report (Annex 2), Marine Debris Search Area Identification Desk Study (Annex 3), Further Information to Support Education, Awareness, and Facilities to Limit Further Marine Debris (Annex 4), and a Funding Statement. The Funding Statement was provided to the Secretary of State as a confidential version, with a redacted version made available for public consultation. That public consultation ran from 28 March 2024 to 19 April 2024.

Responses to the Secretary of State’s consultation

4. Consultation responses were received from the Marine Management Organisation (“the MMO”) and Natural England (“NE”). These were published on the project web pages on 29 April 2024. The Secretary of State has given careful consideration to these responses.
5. The MMO had no comments to make but noted that a marine licence application for debris removal had been submitted by the Applicant and is currently being processed.

6. NE reviewed the BIMP, Annex 2, and Annex 3. It did not comment on Annex 4 or the Funding Statement.
7. NE agreed that there is a high probability of insufficient marine debris within the HHW SAC to meet the debris removal requirements of the Development Consent Orders. NE welcomed the consideration of other locations beyond the HHW SAC for debris removal and acknowledged that these efforts have the potential to meet the debris removal requirements of the Development Consent Orders and have a positive impact on the marine environment. NE, however, continued to advise that marine debris removal does not provide the necessary compensation to offset the impacts of disturbance and/or loss of Annex I sandbank and reef features of the HHW SAC.
8. NE also agreed that due to the nature of marine debris removal campaigns, the only monitoring that can realistically take place is assessing the quantity, material, and type of debris removed, and the state of the marine environment before and after removal. NE questioned the robustness of the proposed conversion rates from weight to area for marine debris to demonstrate success in meeting the debris removal requirements of the Development Consent Orders.
9. NE acknowledged the challenges of delivering project-level benthic compensation and suggested that strategic compensation measures proposed within the Norfolk Vanguard and Boreas examinations be revisited.

#### The Secretary of State's consideration of the BIMP and the consultation responses

10. Under paragraph 29 of Part 3 of Schedule 19 of The Norfolk Boreas Offshore Wind Farm Order 2021, the BIMP must include the following:
  - (a) details of any further survey work required to confirm the presence and condition of marine debris;
  - (b) details of the location, nature, and size of material to be removed from the HHW SAC, which should equate to no less than 8.3 hectares to compensate for the predicted effects of cable installation and protection;
  - (c) a method statement for its removal, to include the vessel type, tools used and mitigation for how impacts on the surrounding habitat will be minimised;
  - (d) a programme of works for removal which must ensure that 8.3 hectares of marine debris has been removed prior to commencement of any cable installation works in the HHW SAC;
  - (e) proposals for monitoring in accordance with the principles set out in the HHW SAC compensation plan as well as proposals for reporting of monitoring;
  - (f) success criteria, adaptive management measures, details of alternative search areas outside the HHW SAC to remove the required quantum of marine debris if 8.3 hectares cannot be recovered from the HHW SAC itself and details of further marine debris removal work that might be carried out if the actual effects of cable installation and protection on the HHW SAC are greater than anticipated;

- (g) programme of delivery for education, awareness, and provision of facilities to reduce further marine debris from affecting the HHW SAC;
  - (h) details of how all impacts to protected reef habitats within designated sites will be avoided; and
  - (i) details of the locations for the disposal of dredged material, and evidence that the disposal mechanism will allow sediment to be retained within the sandbank system and avoid impacts to other features, particularly reef habitats.
11. Paragraph 29 of Part 3 of Schedule 17 of The Norfolk Vanguard Offshore Wind Farm Order 2022 sets out the same requirements for inclusion in the BIMP as those listed above, save that a reduction in the total amount of debris removal is permitted in the event that both Projects proceed (as the shared cable corridor means that there would otherwise be a duplication of adverse impacts).
12. The Secretary of State notes that version 2 of the BIMP is primarily comprised of Strand 1 (The identification and retrieval of marine debris) and Strand 2 (Education, awareness, and provision of facilities to limit further marine debris).
13. Within Strand 1, five separate workstreams are proposed to meet the debris removal requirements of the Development Consent Orders:
- Work Stream 1: Marine debris removal from the HHW SAC
  - Work Stream 2: Marine debris removal from English waters (in collaboration with Ghost Fishing UK)
  - Work Stream 3: Marine debris removal from other parts of the southern North Sea (in collaboration with Stichting Duik de Noordzee Schoon)
  - Work Stream 4: Marine debris removal from beaches in southeast England (in collaboration with Norfolk Beach Cleans and Keep Britain Tidy)
  - Work Stream 5: Marine debris removal from the sea surface (in collaboration with The Ocean Cleanup)
14. The Applicant, following a series of marine debris surveys and heat mapping within the HHW SAC and Inner Dowsing, Race Bank, and North Ridge SAC, found marine debris to be present in very low densities on the seabed. The Secretary of State acknowledges that it has now become clear that there is unlikely to be sufficient marine debris within the HHW SAC to meet the debris removal requirements of the Development Consent Orders and welcomes the consideration of other locations and collaborations for marine debris removal.
15. The Secretary of State acknowledges the concerns raised by NE regarding marine debris removal as a method of compensation but considers Work Stream 1 – Work Stream 4 to be appropriate measures to meet the debris removal requirements as set out in the Development Consent Orders. He is also satisfied with the conversion rates proposed by the Applicant for use in Work Stream 2 – Work Stream 4. The decision of the Secretary of State in this letter pertains to whether the requirements in the Development Consent Orders, as detailed in paragraphs 10 and 11 above, have been met, and not a re-examination of the original consent determinations.

16. However, as the compensation is intended to ensure the overall coherence of the UK's National Site Network the Secretary of State does not consider Work Stream 5 to be an appropriate compensatory measure. As such, the Secretary of State does not consider this activity contributes towards meeting the debris removal requirements of the Development Consent Orders. It is the view of the Secretary of State that efforts should be made to expand the collaborations detailed in Work Streams 1 – 4, within UK and North Sea waters, in order to meet the requirements of the Development Consent Orders.
17. Acknowledging that Work Stream 3 involves the removal of marine debris within Dutch, French, and Belgian waters, the Secretary of State also encourages the Applicant and Stichting Duik de Noordzee Schoon to share subsequent reports with the relevant statutory nature conservation bodies of those countries to inform best practice and future assessments.
18. The Secretary of State concludes that Work Streams 1 – 4, as outlined in the BIMP and Annex 3, are appropriate and satisfy the requirements under (a), (b), (c), (d), (e), (f), and (h) in paragraph 29 of the schedules dealing with habitats compensation in each of the Development Consent Orders (as set out in paragraphs 10 and 11 above).
19. The Secretary of State notes that in relation to the requirements under paragraph 29(i) of those schedules the Applicant has provided sufficient preliminary detail as to the locations for the disposal of dredged material, and how sediment will be retained within the sandbank system and avoid impacts to other features. The Secretary of State acknowledges that the final details will be agreed in consultation with NE and the MMO, and secured through the discharge of the HHW SAC Cable Specification, Installation, and Monitoring Plan.
20. The Secretary of State also concludes that Strand 2 – the delivery of education and awareness programmes and the provision of disposal facilities – as outlined in the BIMP and Annex 4 is appropriate and satisfies the requirements under paragraph 29(g) of the schedules dealing with habitats compensation in each of the Development Consent Orders.
21. Having considered all the information before him, including the comments from the MMO and NE, the Secretary of State is satisfied that, subject to the removal of Work Stream 5 and the expansion of Work Streams 1 – 4, the BIMP complies with the requirements of Part 3 of Schedule 19 of The Norfolk Boreas Offshore Wind Farm Order 2021 and Part 3 of Schedule 17 of The Norfolk Vanguard Offshore Wind Farm Order 2022, and hereby gives his approval to the BIMP. The Secretary of State notes that if the required quantum of marine debris cannot be recovered through the expansion of Workstreams 1 – 4, then the adaptive management provisions set out in the BIMP will need to be triggered as soon as that becomes apparent.

Yours sincerely,



John Wheadon

Head of Energy Infrastructure Planning Delivery