

Norfolk Vanguard Offshore Wind Farm Note on Requirements and Conditions in the Development Consent Order

Applicant: Norfolk Vanguard Limited
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Photo: Kentish Flats Offshore Wind Farm



Norfolk Vanguard Limited

Norfolk Vanguard Offshore Wind Farm

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1 Introduction

- 1.1 Norfolk Vanguard Limited (the **Applicant**) is planning to develop the Norfolk Vanguard Offshore Wind Farm (the **Project**) with up to 180 turbines and an export capacity of up to 1,800 MW. The Project would be located approximately 47 km from the coast of Norfolk at its closest point to land, covering an area of approximately 592 km² over two distinct areas, Norfolk Vanguard East and Norfolk Vanguard West.
- 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 15 (*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, such as Trinity House, the MCA, and the relevant statutory body.

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 and/or during the Examination 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 Operational Drainage Plan (Document 8.21)
- 3.2.9 Outline Skills and Employment Strategy (Document 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 and/or during the Examination 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 Vanguard Southern North Sea candidate 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 Coexistence Plan (Document 8.19)
 - 3.5.10 Outline Norfolk Vanguard Haisborough, Hammond, and Winterton Special Area of Conservation Site Integrity Plan (Document 8.20).
 - 3.5.11 Development Principles (Document 8.23)
- 3.6 At Issue Specific Hearing 7 on 25 April 2019, the Examining Authority requested that the Applicant provided an update on the status and timescale for submission of all revised plans that are relevant for the purposes of Article 37 of the draft DCO. In accordance with Action Point 6 from ISH7, the Applicant has provided an overview of the status of the outline plans at Annex 2 to this document.

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

Insert plan of plans diagrams x 3

ANNEX 2

STATUS OF OUTLINE PLANS

DCO Article 37 reference	Document	Document Reference	Date submitted	Version	Status and update
(a)	Environmental Statement	6.1	June 2018	1	Final version as submitted with the Application
(b)	Land plan	2.2	Deadline 4 / 13 March 2019	3	Final version as submitted at Deadline 4
(c)	Works Plans	2.4	Deadline 2 / 30 January 2019 (onshore) Deadline 4 / 13 March 2019 (offshore)	2	Onshore: final version as submitted at Deadline 2. Offshore: final version as submitted at Deadline 4.
(d)	Access to Works Plan	2.5	Deadline 2 / 30 January 2019	2	Final version as submitted at Deadline 2
(e)	Temporary Stopping up of Public Rights of Way Plan	2.6	Deadline 2 / 30 January 2019	2	Final version as submitted at Deadline 2
(f)	Important Hedgerows Plan	2.11	Deadline 2 / 30 January 2019	2	Final version as submitted at Deadline 2
(g)	Book of Reference	4.3	Deadline 4 / 13 March 2019	3	Final version at close of Examination
(h)	Outline Code of Construction Practice	8.1	May 2019	2	Updated for Deadline 7, final version for Deadline 8
(i)	Design and Access Statement	8.3	June 2018	1	Final version as submitted with the Application
(j)	Outline Written Scheme of Investigation (Onshore)	8.5	June 2018	1	Final version as submitted with the Application
(k)	Outline Written Scheme of Investigation (Offshore)	8.6	June 2018	1	Final version as submitted with the Application
(l)	Outline Landscape and Ecological Management Strategy	8.7	Deadline 7 / 2 May 2019	2	Updated for Deadline 7, final version for Deadline 8
(m)	Outline Traffic Management Plan	8.8	Deadline 7 / 2 May 2019	2	Updated for Deadline 7, final version for Deadline 8

(n)	Outline Travel Plan	8.9	June 2018	1	Final version as submitted with the Application
(o)	Outline Access Management Plan	8.10	Deadline 2 / 30 January 2019	2	Final version as submitted at Deadline 2
(p)	Outline Offshore Operations and Maintenance Plan	8.11	Deadline 7 / 2 May 2019	2	Updated for Deadline 7, final version for Deadline 8
(q)	Offshore In Principle Monitoring Plan	8.12	Deadline 7 / 2 May 2019	2	Updated for Deadline 7, final version for Deadline 8
(r)	Draft Marine Mammal Mitigation Protocol	8.13	June 2018	1	Final version as submitted with the Application
(s)	Outline Project Environmental Management Plan	8.14	Deadline 7 / 2 May 2019	2	Updated for Deadline 7, final version for Deadline 8
(t)	Outline Scour Protection and Cable Protection Plan	8.16	Deadline 7 / 2 May 2019	2	Updated for Deadline 7, final version for Deadline 8
(u)	In Principle Norfolk Vanguard Southern North Sea candidate Special Area of Conservation (cSAC) Site Integrity Plan	8.17	June 2018	1	Final version as submitted with the Application
(v)	Outline Marine Traffic Monitoring Strategy	8.18	June 2018	1	Final version as submitted with the Application
(w)	Outline Fisheries and Co-Existence Plan	8.19	Deadline 2 / 30 January 2019	1	Final version as submitted for Deadline 2
(x)	Norfolk Vanguard Haisborough, Hammond, and Winterton Special Area of Conservation Site Integrity Plan	8.20	Deadline 7 / 2 May 2019	1	Introduced for Deadline 7, final version for Deadline 8
(y)	Operational Drainage Plan	8.21	Deadline 7 / 2 May 2019	1	Introduced for Deadline 7, final version for Deadline 8
(z)	Skills and Employment Strategy	8.22	Deadline 7 / 2 May 2019	1	Introduced for Deadline 7, final version for Deadline 8

(aa)	Development Principles	8.23	Deadline 7 / 2 May 2019	1	Final version produced at Deadline 7
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