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Our ref: NFFO/3781/DR
Your ref: EN010079

Department for Business Energy and Industrial Strategy
1 Victoria Street
London
SW1H 0ET

Via Email to: NorfolkVanguard@planninginspectorate.go.uk

27th April 2020

Dear Sir/Madam,

Application by Norfolk Vanguard Limited for an Order Granting Development Consent for the Norfolk Vanguard offshore Wind Farm Project

Response to Secretary of State Consultation letter dated 6th December 2019 and information provided in response

The following is offered in response to the request for comments from Interested Parties to the above specifically to respond to in principle compensatory measures proposed to ensure that the overall coherence of the network of Nature 2000 sites is protected.

Among the measures proposed include a number that directly or indirectly are likely to implicate commercial fishing activities, including:

Compensation measures for Haisborough Hammond and Winterton SAC¹

- Reduction of intrusive fishing methods (in addition to existing measures)
- Extension of the Haisborough Hammond and Winterton (HHW SAC) (applicant preferred proposed option) – supported by Natural England in principle.

¹ Response to the Secretary of State's consultation letter of 6 December 2019 - Habitats Regulations Derogation, Provision of Evidence Appendix 3 – Haisborough, Hammond and Winterton Special Area of Conservation (SAC) – In Principle Compensation Measures

Compensation measures for Kittiwake including the closure of sandeel fishing to benefit kittiwakes at Flamborough and Filey Coast (FFC SAC) – supported by Natural England in principle².

Such measures to compensate for the impacts of one industry by removing or reducing the impacts of another, particularly one that is already being impacted directly by the large expansion of offshore renewable energy and marine protected areas, would cross a significant Rubicon, having implications well beyond the current project. It is therefore of concern that such options are being considered, and in the case of two of the proposals, that they should be supported in principle by Natural England.

No attempt has so far been made by the applicant to consult with the fishing industry, nor has any detailed consideration of the potential negative impacts of implementing such measures on other marine users been considered. This would include, for example, the effects of fisheries displacement, something which Natural England has commissioned work on³. Nor has consideration been given to compensating those who would bear the impact of such measures.

Under these circumstances these measures should not proceed.

The following observations are also offered on specific options.

Extension of Haisborough Hammond and Winterton SAC

The original designation of SACs are based entirely upon a scientific methodology, indeed it has been ruled that social and economic factors cannot be used to influence the site designation of SACs. In this case of the extension of the HHW SAC would be motivated explicitly for socio-economic reasons.

Closure of sand eel fishing to benefit kittiwakes at Flamborough and Filey Coast

In the case of closing fisheries to sand eel fishing in the FFC SAC, the applicant references guidance that compensation should not be used to address issues that are causing designated habitats or species to be in an unfavourable condition (ref footnote 2, paragraph 41), goes on to base the case for this option on the basis of on the condition of the species, before concluding there is no justification for such an approach.

Notwithstanding our opening comments above, it is even more surprising therefore that Natural England is supportive of this option in principle and that it would work to facilitate its implementation.

² Response to the Secretary of State's consultation letter of 6 December 2019 - Habitats Regulations Derogation, Provision of Evidence Appendix 1 – Flamborough and Filey Coast Special Protection Area (SPA) - In Principle Compensation Measures for Kittiwake

³ <http://publications.naturalengland.org.uk/publication/5674265573064704>

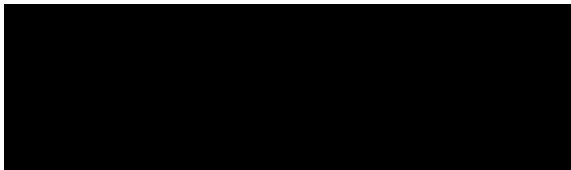
Removal of Marine Litter

In the case of removing marine litter (ref. footnote 1, paragraph 4.2.4 p23), we would welcome further discussion with the applicant, relevant regulators and statutory advisors to explore whether and how support may be given for example is the establishment and improvement of port reception facilities to enable the collection and disposal of marine litter which the fishing industry potentially along with others could contribute to. As marine litter is not easy to regulate for finding ways to generate improvements through compensation could be an important mechanism to generate improvements for all.

Cable Protection

Finally, we note that should there be a failure to either rebury or protect any cable assets that become exposed within HHW SAC as a result of decisions relating to the impacts on site integrity this would present a risk to other mariners, including those undertaking fishing activities, and we would urge strongly against any decisions that would compromise safety. Unless the applicant can provide assurance that any exposed cable can be reburied, we therefore oppose the proposal by the applicant that no cable protection be used in the priority areas of the HHW SAC to be managed as reef⁴ (foot note 4, para 36, p11).

Yours sincerely,



Dale Rodmell
Assistant Chief Executive

⁴ Norfolk Vanguard Limited, Response to the Secretary of State's consultation letter of 6 December 2019 - Summary Overview on Habitats Regulations Assessment (HRA)