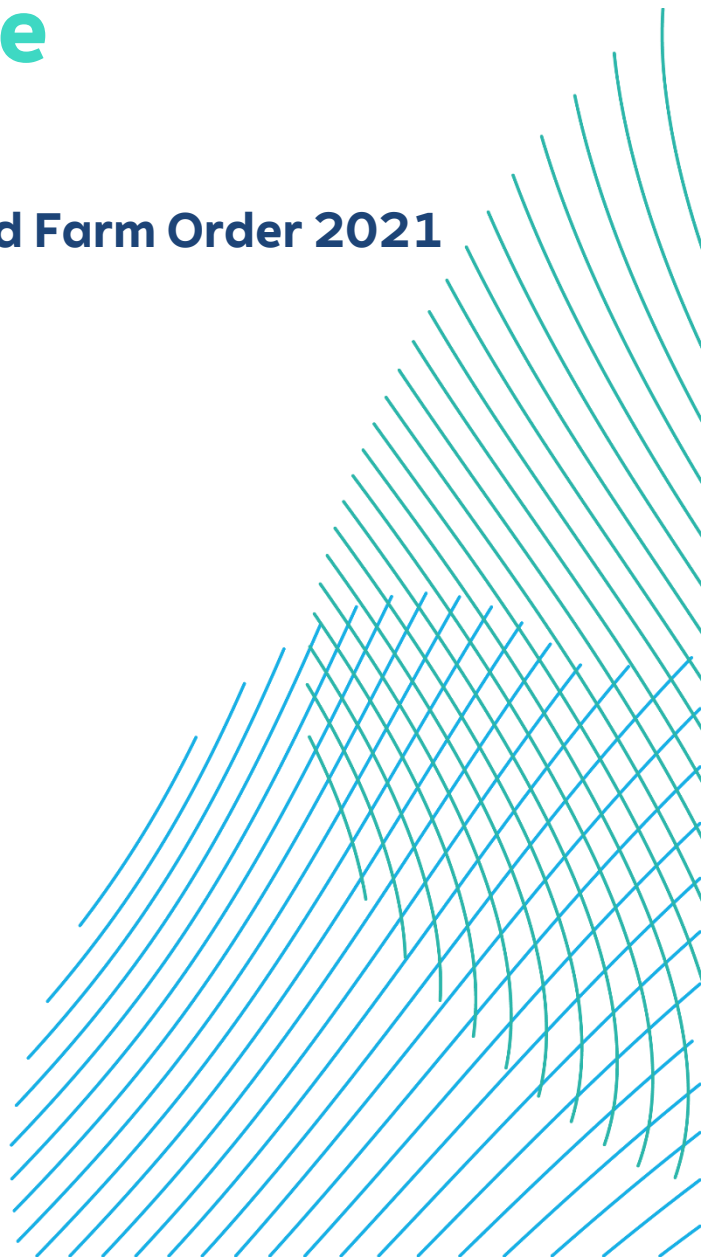




Supporting Statement

Application for a non-material change

Norfolk Boreas Offshore Wind Farm Order 2021



1.Introduction

Purpose of this statement

- 1.1 This statement is provided in support of the non-material change applications relating to the Norfolk Vanguard Offshore Wind Farm Order 2022 (the **Vanguard Order**) and the Norfolk Boreas Offshore Wind Farm Order 2021 (the **Boreas Order**) which seek changes to the benthic compensation schedules included in both orders (the **Applications**). Since the changes sought to the Vanguard Order and the Boreas Order with respect to benthic compensation are the same, this supporting statement has been prepared jointly for the Applications, which are being made concurrently.
- 1.2 If granted, the Applications would amend the Vanguard Order and the Boreas Order to make explicit reference to the use of the Marine Recovery Fund (**MRF**) in the benthic compensation schedules and would remove the requirement for a specified area of marine debris clearance to be completed before cable installation works within the Haisborough, Hammond and Winterton (**HHW**) Special Area of Conservation (**SAC**) can commence. This would align the drafting of the Vanguard Order and the Boreas Order with the provisions of the Benthic Implementation and Monitoring Plan (**BIMP**), which secures and regulates the delivery of benthic compensation under the Orders and which was approved by the Secretary of State on 17 July 2024. Further explanation of the relevant provisions of the Vanguard Order and the Boreas Order, and the provisions of the BIMP is provided in sections 2 and 3 below.
- 1.3 Importantly, the amendments to the Vanguard Order and the Boreas Order, sought as part of the Applications, would secure that a contribution to the MRF must either be made, or be legally committed to, before cable installation activities within the HHW SAC may commence.
- 1.4 This statement demonstrates that the proposed amendments to the benthic compensation schedules contained in the Vanguard Order and the Boreas Order would not result in any change to conclusions of the Environmental Statement (**ES**) or the Habitats Regulations Assessment (**HRA**) carried out as part of the original Development Consent Order (**DCO**) applications. It also demonstrates that, as there would be no change in significance of assessed impacts, there will be no change to the effects on local businesses or residents. In addition, no further compulsory acquisition powers are sought as part of the Applications, nor is there any requirement to amend the deemed marine licences included in the Vanguard Order and the Boreas Order.
- 1.5 This statement follows the advice and guidance outlined in the Planning Act 2008: Guidance on Changes to Development Consent Orders from the Department for Communities and Local Government (DCLG) (the **DCLG Guidance**).

Background

- 1.6 RWE Renewables UK Limited is the parent company of Norfolk Vanguard West Limited (previously known as Norfolk Vanguard Limited), Norfolk Vanguard East Limited, and Norfolk Boreas Limited. Those companies are developing three offshore wind projects under the Vanguard Order and the Boreas Order, known respectively as the Vanguard West, Vanguard East and Boreas projects. Norfolk Vanguard West Limited and Norfolk Boreas Limited were the applicants for the Vanguard Order and the Boreas Order respectively. To facilitate the development of the Vanguard East project, on 3 March 2023, Norfolk Vanguard West Limited and Norfolk Boreas Limited each transferred part of the benefit of the respective Orders to Norfolk Vanguard East Limited.
- 1.7 Norfolk Vanguard West Limited, Norfolk Boreas Limited, and Norfolk Vanguard East Limited each have the benefit of agreements for lease with The Crown Estate in respect of (i) part of the wind farm array area and (ii) the offshore cable corridor. Therefore, each hold an interest in the seabed to which the respective Orders relate. For the avoidance of doubt, the Applications do not seek any onshore changes or a change to any order limits shown on the Works Plans.
- 1.8 The Applications to which this statement relates are being made by Norfolk Vanguard West Limited and Norfolk Vanguard East Limited in respect of the non-material change sought to the Vanguard Order, and by Norfolk Vanguard East Limited and Norfolk Boreas Limited in respect of the non-material change sought to the Boreas Order. These companies are together referred to as the **Undertakers** in this statement.
- 1.9 The Vanguard Order granted consent for the development of an offshore wind farm comprising two distinct areas located in the southern North Sea, approximately 70km and 47km from the coast of Norfolk respectively at the nearest points.
- 1.10 The Boreas Order granted consent for the development of an offshore wind farm located approximately 73km from the coast of Norfolk at the nearest point.
- 1.11 Offshore cables transmitting power from the offshore array areas consented under the Vanguard Order and the Boreas Order make landfall south of Happisburgh. From there, underground cables continue approximately 60km to onshore project substations. The onshore project substations will contain converter stations, which will convert the exported power from high voltage direct current (HVDC) to high voltage alternating current (HVAC) and connect into the existing National Grid substation near Necton in Norfolk.
- 1.12 A non-material change to the Boreas Order was approved by the Secretary of State on 20 September 2022 (**Boreas NMC1**), which reduced the consented number of wind turbine generators (**WTGs**) from 158 to 137 and removed the maximum gross electrical output capacity included in the original Boreas Order.

- 1.13 An equivalent non-material change to the Vanguard Order was made on 28 September 2022 (**Vanguard NMC1**), which reduced the consented number of WTGs from 158 to 145 and removed the maximum gross electrical output capacity included in the original Vanguard Order.
- 1.14 A second non-material change to the Vanguard Order was made on 13 December 2023 (**Vanguard NMC2**), which approved an increase in the number of underground cable ducts to be installed at landfall from two to four.

2. The requirements under the Boreas Order and Vanguard Order for benthic compensation measures

- 2.1 The Boreas Order and the Vanguard Order contain schedules requiring the provision of benthic compensatory measures for impacts on the Annex 1 sandbank and reef features of the HHW SAC, which may arise through cable installation and cable protection activities.
- 2.2 The Boreas Order and the Vanguard Order specified that the compensatory measures for the identified impacts on the HHW SAC must take the form of the identification and retrieval of marine debris, as well as the provision of education, awareness and facilities to limit further marine debris. This reflected the lack of consensus within government at the time as to whether the extension or new designations of marine protected areas (**MPAs**) could be considered as a suitable strategic compensation measure for benthic impacts. As explained further below, since the decisions on the Vanguard Order and Boreas Order were originally taken there has been a change of consensus as to the use of extensions to MPAs and designation of new MPAs as a strategic compensation measure.
- 2.3 The compensatory measures under the Boreas Order and the Vanguard Order were to be secured through the submission and approval of a benthic implementation and monitoring plan (**BIMP**).
- 2.4 The form and content of the BIMP was required to be shaped by a Benthic Steering Group (**BSG**), which was required to be constituted and consulted on the BIMP before it was submitted to the Secretary of State for approval, in consultation with the Marine Management Organisation (**MMO**) and the statutory nature conservation body, Natural England.

2.5 The BIMP was required to accord with the relevant principles contained in the HHW SAC compensation plan (a document produced during the consenting process), as well as to include certain specified information, including a requirement for at least 8.3 hectares of marine debris to be removed. This figure corresponds to the maximum area of the HHW SAC which would be affected by the works authorised under each of the Vanguard Order and the Boreas Order in the worst-case assessment scenario. A provision in the Vanguard Order (which was made subsequently to the Boreas Order) has the effect that in calculating the required area of debris removal under that Order, regard is to be had to any marine debris removal which has been carried out under the Boreas Order, in respect of impacts which are shared across both Orders. This has the effect that if the offshore wind farms authorised under both Orders are implemented the total area of marine debris removal required is 10.7 hectares.

2.6 Paragraph 32 of Part 3 of Schedule 19 to the Boreas Order and paragraph 32 of Part 3 of Schedule 17 to the Vanguard Order require an annual monitoring report to be submitted to the Secretary of State to report on the progress being made towards satisfying the benthic compensation requirements in the respective Orders.

2.7 Of particular relevance to the Applications is paragraph 30 of Part 3 of Schedule 17 to the Vanguard Order (the relevant provision in the Boreas Order is in identical terms) which provides that:

30. *The BIMP must be carried out as approved, unless otherwise agreed in writing by the Secretary of State in consultation with the MMO and the relevant statutory nature conservation body. In particular, no cable installation works in the HHW SAC may be commenced unless the required area of marine debris has been removed in accordance with the programme referred to in paragraph 29(d).*

2.8 The effect of this paragraph and its relationship with the BIMP is returned to in section 5 below.

2.9 The Vanguard Order and the Boreas Order also require the BIMP to provide for adaptive management measures to be implemented in the event that the required quantum of marine debris cannot be identified or removed from within the HHW SAC.

3. Establishment of the Benthic Steering Group and submission and approval of the Benthic Implementation and Monitoring Plan

- 3.1 Subsequent to the making of the Vanguard Order and the Boreas Order, the Undertakers constituted the BSG. The BSG is comprised of representatives from the Undertakers, Natural England, the MMO, The Eastern Inshore Fisheries and Conservation Authority (EIFCA) and The National Federation of Fishermen's Organisations (NFFO).
- 3.2 The BIMP was developed through consultation and engagement with the BSG and was submitted to the Secretary of State for approval on 18 March 2024¹.
- 3.3 The consultation report² included as part of the suite of documents submitted to the Secretary of State with the BIMP provides a detailed account of the consultation and engagement that was carried out in the development of the BIMP.
- 3.4 Following a public consultation period, the Secretary of State approved the BIMP by letter dated 16 July 2024³.
- 3.5 The BIMP was formulated on the basis that it was very unlikely that a sufficient area of marine debris could be removed from within the HHW SAC itself, and accordingly the BIMP made provision for marine debris to be removed from other areas of the seabed through the use of divers, as well as the removal of marine debris through beach cleaning activities. As required under the Vanguard Order and the Boreas Order, the approved BIMP also makes provision for education, awareness and the provision of facilities to limit further marine debris.
- 3.6 Of particular relevance to the Applications, the BIMP includes provision for adaptive management measures to be implemented in the event that the required quantum of marine debris cannot be identified or removed from within the HHW SAC. This included

¹ A previous version of the BIMP had been submitted for approval on 23 March 2023 but was not approved.

² https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010079-004620-BIMP%20Annex%20%20Norfolk%20Projects%20Benthic%20Compensation%20Consultation%20Report_Redacted.pdf

³ <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010079-004625-Secretary%20of%20State%20for%20Energy%20Security%20and%20Net%20Zero%20Decision%20Letter%20-%20v2%20BIMP.pdf>

the use of a contribution to a strategic compensation measure such as the MRF. The provisions relating to adaptive management measures are set out at section 3.8.2 of the approved BIMP.

- 3.7 By enabling a contribution to the MRF to be made as an adaptive management measure to reflect any shortfall between the volume of marine debris removal required under the Vanguard Order and the Boreas Order and the volume that is able to be identified and removed, the BIMP thus ensures that all necessary compensatory measures for the impacts of the works authorised by the Vanguard Order and the Boreas Order on the protected habitats within the HHW SAC will be delivered.
- 3.8 As explained further at 4.11 and 4.12 below, the extension of existing MPAs or the designation of new MPAs is approved by the Secretary of State for Environment, Food and Rural Affairs as a strategic compensation measure and is included in the library of strategic compensation measures.
- 3.9 Through the Benthic Steering Group, Natural England has confirmed its support of this measure and that it would be suitable for the Norfolk projects as they believe *“this option from, an ecological perspective, of the designated features affected, is the most beneficial.”*
- 3.10 Importantly, whilst the BIMP envisages that a contribution to the MRF may be made as part of adaptive management as a strategic measure, the BIMP does not restrict the ability to commence cable installation works until the strategic compensation (such as a site extension or new designation) has been delivered.
- 3.11 Ultimately the delivery of an extension to the boundary of a MPA or new designation of an MPA can only be delivered by government and it would not therefore be feasible or appropriate to prevent cable installation activities within the SAC from taking place until any such extension had formally been implemented.
- 3.12 There is also precedent in the made development consent orders for the Sheringham Shoal and Dudgeon extension projects and the Rampion 2 project for permitting activities giving rise to an impact on a protected site to commence following the payment of a contribution to the MRF as a strategic compensation measure.
- 3.13 Further, paragraph 21 of the Secretary of State’s decision letter approving the BIMP records that:

“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.”

4. Developments since the approval of the Benthic Implementation and Monitoring Plan

- 4.1 Following the acquisition of the Vanguard West, Vanguard East and Boreas projects from Vattenfall by RWE, it was determined that it would not be possible to proceed with the removal of marine debris using underwater divers as this would not be compliant with RWE's health and safety policies with respect to underwater working. The Secretary of State and the BSG were notified accordingly.
- 4.2 On 28 January 2025, the Undertakers submitted the annual monitoring report covering the period 2024 (the 2024 monitoring report) to the Secretary of State. This report explained that with respect to debris removal from within the HHW SAC, a total of 32 marine debris targets were identified, although only 3 of the 32 targets were successfully removed owing to a combination of a failure to re-detect some of the targets and due to possible adverse environmental impacts from attempting to remove them. The total area of the 3 targets successfully removed from the HHW SAC equates to less than 3m², less than 1% of the required quantum of debris removal under the Vanguard Order and the Boreas Order.
- 4.3 The 2024 monitoring report also set out that a total of 5,518kg of marine debris was removed from beaches through partnerships with Norfolk Beach Cleans and Keep Britain Tidy. Under the approved conversion factor of 1kg to 2.37m², this equates to 1.31ha and therefore approximately 12% of the required quantum of debris removal.
- 4.4 In the 2024 monitoring report the Undertakers explained that they proposed to discontinue any further marine debris removal activities given that it was unlikely that there were any remaining viable targets within the HHW SAC and more generally in the light of RWE's position with respect to the use of divers for marine debris removal. As only approximately 12% of the required quantum of marine debris removal was achieved in 2024, the Undertakers notified the Secretary of State by way of the 2024 monitoring report that they proposed to trigger the processes outlined in section 3.9 of the BIMF to provide for adaptive management measures, to be implemented from 2025.
- 4.5 The Undertakers' preferred form of adaptive management measure is to make a contribution to the MRF. Such contribution would represent the shortfall between the quantum

of marine debris removal required under the Vanguard Order and the Boreas Order and the quantum which has been delivered at the relevant date.

- 4.6 The BIMP requires proposals for adaptive management measures to be submitted to the Secretary of State for approval, including details as to how the measures will be implemented in accordance with the commitments secured under the BIMP.
- 4.7 The BIMP also requires that proposals are put before the BSG for consultation prior to being submitted to the Secretary of State. On 8 January 2025 members of the BSG were provided with the 2024 monitoring report for review. It was agreed with the BSG members that in order to trigger the adaptive management option contained within the BIMP that a non-material amendment to the Vanguard Order and the Boreas Order would be required.
- 4.8 On the 15 April 2025 a draft of the proposed wording for the amendments to the Vanguard Order and Boreas Order to be made by way of the Applications was circulated to the BSG ahead of a meeting that was held on the 22 April 2025. During the meeting the changes were presented to BSG members. No comments were received during the meeting which would result in a change to the proposed wording.
- 4.9 BSG members were given an additional period of time to provide comments on the draft proposed wording. The MMO responded to confirm that they were in agreement with the wording of the proposed changes and noted that it may be helpful if a definition of “Defra” was included. EIFCA had no comments regarding the wording, and Natural England made some comments reflecting on the way in which the MRF will be implemented for the project.
- 4.10 As noted above, whilst the BIMP provides for adaptive management measures to be triggered in the event that an insufficient quantum of marine debris removal is achieved, the terms of the benthic compensation schedules in the Vanguard Order and the Boreas Order are drafted such that the required quantum of marine debris removal must be achieved before cable installation activities within the HHW SAC can commence. This gives rise to an inconsistency which cuts across the purpose of the adaptive management measures in the BIMP which are triggered where the required quantum of marine debris removal cannot be achieved.
- 4.11 On 29 January 2025, in a written ministerial statement (WMS) made to Parliament⁴, the Department for Environment, Food and Rural Affairs (Defra) committed to the designation of new marine protected areas and/or the extension of existing marine protected areas to deliver sufficient strategic compensation to compensate for likely environmental effects of offshore wind development. The WMS also confirmed that the delivery of new or extended marine protected areas would be managed by Defra, and funded by the offshore wind developers that successfully apply to use the measure

⁴ <https://questions-statements.parliament.uk/written-statements/detail/2025-01-29/hcws394>

through the MRF. The WMS further confirmed that, owing to the lead times for designation of new MPAs, where the MRF is used by a developer the Secretary of State for Energy Security and Net Zero and the MMO may consider permitting adverse effects to occur before compensation is in place.

4.12 On 31 March 2025, Defra commenced a consultation on the establishment of the MRF which confirmed that offshore wind developers will be able to make contributions to the MRF once it is operational in autumn 2025.

4.13 Since confirmation from government of the pending establishment of the MRF has now been provided, the option of a contribution to the MRF has become the proposed option for adaptive management for the Vanguard West, Vanguard East and Boreas projects.

5. Need for non-material changes

5.1 The need for the changes sought by the Applications to the Vanguard Order and the Boreas Order arises from the inconsistency between the provisions of the approved BIMP with respect to adaptive management measures, including the use of the MRF, and the terms of the benthic compensation schedules of the Vanguard Order and the Boreas Order which require a specified quantum of marine debris to be removed before cable installation activities within the HHW SAC are permitted to commence.

5.2 The inconsistency between the provisions in the approved BIMP and the wording of the benthic compensation provisions in the Vanguard Order and the Boreas Order has given rise to a significant risk of impeding the delivery of the Vanguard West and Vanguard East projects. Initial offshore construction activities under the Vanguard Order and the Boreas Order are scheduled to commence in early 2026.

5.3 Given the inconsistency described above, there is currently a lack of clarity as to the way in which the benthic compensation requirements of the Vanguard Order and the Boreas Order can be delivered given that, for the reasons explained above, it will not be possible to achieve the required quantum of marine debris removal before offshore construction under the Vanguard Order and the Boreas Order commences. This lack of clarity would prevent the full discharge of the benthic compensation requirements within the required timeframe.

5.4 In practice, therefore, the Undertakers require clarity and certainty that a contribution to the MRF can be made pursuant to the provisions of the approved BIMP by the end of 2025 and for the inconsistency in the provisions of the benthic compensation schedules to be addressed to enable cable installation activities for the Vanguard West project to

be commenced under the current timetable. This is the driver for the proposed changes to the Vanguard Order and the Boreas Order.

6. Explanation of non-material changes

6.1 The non-material changes proposed consist of the following amendments, which have been drafted having regard to recent precedent in made development consent orders which have included reference to the use of the MRF as a strategic compensation measure⁵:

6.2 Article 2 (Interpretation) of the Vanguard Order and the Boreas Order:

6.2.1 A new definition for “Defra” is proposed to be inserted for completeness due to the references to Defra in Schedule 17 of the Vanguard Order and Schedule 19 of the Boreas Order.

6.2.2 The definition of “undertaker” has been amended to reference Article 6 (Benefit of the Order) to make it clear that the undertaker in the relevant Order can include Vanguard East and any other beneficiary under Article 6 of the relevant Order.

6.3 In relation to the Boreas Order only, Schedule 1, Part 1, paragraph 2 has been updated to correct an error in three coordinates at points 29, 67 and 164. For the avoidance of doubt, the proposed amendments do not alter the order limits shown on the Works Plans for the Boreas Order.

6.4 Part 3 of Schedule 17 of the Vanguard Order and Part 3 of Schedule 19 to the Boreas Order:

6.4.1 In paragraph 30, it is proposed to remove the wording requiring that the requisite quantum of marine debris must be cleared before cable installation activities within the HHW SAC can be commenced. For the reasons explained above, this wording is inconsistent with the terms of the approved BIMP and its deletion is necessary in order to give effect to the terms of the BIMP that adaptive management measures may be triggered in the event that the required area of marine debris cannot be removed.

⁵ For example, the wording at Parts 1 to 3 of Schedule 17 of The Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 and Part 1 of Schedule 17 of The Rampion 2 Offshore Wind Farm Order 2025

- 6.4.2 In paragraph 32, a tailpiece of 'unless otherwise agreed with the SoS' has been added to the requirement for annual submission of the results from the monitoring scheme. The purpose of this amendment is to ensure that once the relevant contributions or compensation is provided, there is no residual requirement to submit further reports.
- 6.4.3 Paragraph 33 is proposed to be amended to caveat that it is subject to the new paragraphs 35 and 38(b) explained below and to also remove the wording which confirmed that the completion report required approval from the SoS and other relevant bodies and then subsequently the provisions under this Part would be discharged. This has been removed and replaced with the wording explained below in paragraph 38.
- 6.4.4 In order to give effect to the provisions of the BIMP which permit a contribution to the MRF to be made as an adaptive management measure, new paragraphs 35 to 38 are proposed to be added.
- 6.4.5 Proposed paragraph 35 would bring the wording of the benthic compensation schedules in line with the approved BIMP by providing for the possibility of a contribution to the MRF as an adaptive management measure in the event that (whether in whole or part) it is not possible to deliver the required quantum of marine debris removal.
- 6.4.6 Paragraph 36 makes further provision in relation to the calculation of the payment that may be made to the MRF as an adaptive management measure. In particular, the drafting at paragraph 36(a) clarifies that account must be taken of the proportion of the overall marine debris required where the impact on the HHW SAC is shared with either the Boreas Order or the Vanguard Order (as the case may be).
- 6.4.7 Further, paragraph 36(b) clarifies that, in calculating the payment which may be made to the MRF, account must be taken of the amount of material which has already been removed pursuant to the activities undertaken under the approved BIMP as recorded by the most recent monitoring report at the time the payment is to be made. This drafting is necessary to ensure that credit is given in the calculation of the MRF contribution to the activities which have already been undertaken, as described in section 4 above.
- 6.4.8 Paragraph 37 provides that, where it is confirmed that a contribution to the MRF is to be made as an adaptive management measure, no cable installation activities within the SAC may commence until an implementation and monitoring plan has been approved by the Secretary of State, and that the contribution to the MRF has been quantified and either paid or contractually committed to be paid. This drafting therefore ensures that the contribution to the MRF is quantified and legally secured before cable installation activities within the HHW SAC may lawfully

commence. Further security is provided by the requirement that an implementation and monitoring plan must be approved by the Secretary of State.

- 6.4.9 Paragraph 38 provides that no further obligations under the benthic compensation schedule will arise following one of two trigger events, being respectively (a) the approval by the Secretary of State (following consultation with the MMO and statutory nature conservation body) of a completion report of the activities required under the BIMP or (b) payment of the contribution to the MRF as an adaptive management measure. This drafting is necessary to provide that, in the event that a contribution to the MRF as an adaptive management measure is elected and that contribution is paid, there will be no further obligations under the benthic compensation schedule, as in those circumstances the delivery of the benthic compensation requirements under the Vanguard Order and the Boreas Order (including with respect to adaptive management) would have been fully discharged by the making of the contribution to the MRF.

7. Materiality of the changes

Consideration of the effects of the change on the Environmental Statement

- 7.1 Paragraph 12 of the DCLG Guidance specifies that a change should be treated as material if it would require an updated Environmental Statement to take account of new, or materially different likely significant effects on the environment.
- 7.2 The proposed changes to the benthic compensation schedules of the Vanguard Order and the Boreas Order would not affect the conclusions of the Environmental Statement as the changes do not change the design of the project and would not give rise to any materially new or different significant environmental impacts in comparison to those originally assessed.

Consideration of the effects of the change on the Habitats Regulations Assessment

- 7.3 Paragraph 14 of the DCLG Guidance specifies that a change should be treated as material if it would require a new Habitats Regulations Assessment.
- 7.4 The proposed amendments to Article 2 of the Orders and Schedule 1 of the Boreas Order do not affect the conclusions of the Habitats Regulations Assessment.

7.5 The proposed changes to the benthic compensation schedules of the Vanguard Order and Boreas Order would not affect the conclusions of the Habitats Regulations Assessment, and nor do they change either the substance of the compensatory measures which are required under the Vanguard Order or the Boreas Order, nor the terms of the approved BIMP. Instead, the proposed changes would simply align the wording of the benthic compensation schedules in the Vanguard Order and the Boreas Order with the provisions of the approved BIMP with respect to the use of adaptive management measures in the event that the required area of marine debris cannot be removed.

7.6 Accordingly, as there would be no increase in effect on any national site network, there is no requirement for an update to the Habitats Regulations Assessment carried out for the Vanguard Order and the Boreas Order, or for a new Habitats Regulations Assessment to be carried out as a result of the changes proposed.

Consideration of the effects of the change on compulsory acquisition

7.7 Paragraph 15 of the DCLG Guidance specifies that a change should be treated as material if it would authorise the acquisition of any land, or an interest in or rights over land that was not authorised through the original development consent order.

7.8 No changes to compulsory acquisition or temporary possession powers are sought as part of the Applications and therefore there is no change to or effect on the extent of compulsory acquisition powers authorised under the Vanguard Order and the Boreas Order as originally made.

Consideration of the effects of the change on business and residents

7.9 Paragraph 16 of the DCLG Guidance explains that the potential impact of the proposed changes on local people will be a consideration in determining whether a change is material.

7.10 As the changes proposed are minor corrections and clarifications and wording to address an inconsistency between the benthic compensation schedules in the Vanguard Order and the Boreas Order and the terms of the approved BIMP and are therefore solely related to offshore matters, it is not considered that there would be any potential impacts on local businesses or residents.

8. Publicity and Consultation

8.1 This section explains how the publicity and consultation requirements for non-material change applications under the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (as amended) (the 2011 Regulations) have been complied with.

Pre-application consultation

8.2 Informal pre-application consultation has been undertaken with the members of the BSG to inform them of the proposed changes and solicit their opinions. Defra have also been briefed on the nature and scope of the Applications.

Post-application consultation

8.3 Regulations 6 and 7 of the 2011 Regulations specify how a non-material amendment application is to be publicised and consulted on.

8.4 Regulation 6 requires a notice of a non-material change application to be published for two consecutive weeks in one or more local newspapers and in any other publication necessary in order to ensure that notice of the non-material change application is given in the vicinity of the land.

8.5 The Applications will be published in the following publications:-

8.5.1 Eastern Daily Press (in the 15 May and 22 May 2025 editions)

8.5.2 Fishing News (in the 14 May and 21 May 2025 editions)

8.6 As required by regulation 7 of the 2011 Regulations, applicants for a non-material change application are required to consult:

8.6.1 each person for whose benefit the development consent order to which the application relates has effect;

8.6.2 each person that was, in accordance with section 56 of the Planning Act 2008, notified of the application for the development consent order which is the subject of the application; and

- 8.6.3 any other person who may be directly affected by the changes proposed in the application.
- 8.7 Regulation 7(3) of the 2011 Regulations specifies that an applicant for a non-material change application is not required to consult a person or authority falling within 8.6.1 to 8.6.3 above if it has obtained the written consent of the Secretary of State.
- 8.8 On 14 April 2025 the Secretary of State provided consent to the Undertakers consulting a reduced list of consultees in respect of the Applications, in addition to specifying that another party, Defra, should also be consulted.⁶
- 8.9 The reduced list of consultees approved by the Secretary of State will accordingly, in addition to Defra, be consulted on the non-material change applications.

9. Conclusion

- 9.1 The information provided in this statement demonstrates that the changes proposed in the Applications, including changes to the benthic compensation schedules contained in the Vanguard Order and the Boreas Order would not be material having regard to the tests set out in the DCLG Guidance. In particular:
- 9.1.1 There would be no change to the significance of any impacts assessed in the original Environmental Assessments, and nor would the changes sought give rise to any materially new or different significant environmental effects;
- 9.1.2 There would be no additional effects on the national sites network and therefore no change in the conclusions of the original Habitats Regulations Assessments, or in the substance of the compensatory measures that are secured by the Vanguard Order and the Boreas Order. The terms of the amendments sought would align the wording of the Vanguard Order and the Boreas Order with the approved BIMP. In particular, the proposed amendments would ensure that payment into the MRF must either be made or legally committed before cable installation activities within the HHW SAC may commence;
- 9.1.3 There would be no change to the scope of compulsory acquisition or temporary possession powers authorised by the Vanguard Order or the Boreas Order; and

⁶ [https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010079-004627-Norfolk%20Vanguard%20Regulation%207\(3\)%20Letter.pdf](https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010079-004627-Norfolk%20Vanguard%20Regulation%207(3)%20Letter.pdf)

9.1.4 The changes proposed would not give rise to any additional effects on businesses or local residents.