



Planning and Highways Delegations Committee

Date: **Monday 19 August 2019**

Time: **2pm**

Venue: **Edwards Room, County Hall, Norwich**

Persons attending the meeting are requested to turn off mobile phones.

Membership

Voting Members:

Cllr Andy Grant
Cllr Graham Plant
Cllr Martin Wilby

Non-Voting Members:

Cllr Mick Castle
Cllr David Collis
Cllr Colin Foulger
Cllr Brian Long
Cllr Eric Seward

**For further details and general enquiries about this Agenda
please contact the Committee Officer:**

Hollie Adams on 01603 223029 or email committees@norfolk.gov.uk

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A g e n d a

1. **To receive apologies and details of any substitute members attending**
2. **Election of Chair**
3. **Election of Vice Chair**
4. **Declarations of Interest**

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is on your Register of Interests you must not speak or vote on the matter.

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is not on your Register of Interests you must declare that interest at the meeting and not speak or vote on the matter

In either case you may remain in the room where the meeting is taking place. If you consider that it would be inappropriate in the circumstances to remain in the room, you may leave the room while the matter is dealt with.

If you do not have a Disclosable Pecuniary Interest you may nevertheless have an **Other Interest** in a matter to be discussed if it affects, to a greater extent than others in your division

- Your wellbeing or financial position, or
- that of your family or close friends
- Any body -
 - Exercising functions of a public nature.
 - Directed to charitable purposes; or
 - One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);

Of which you are in a position of general control or management.

If that is the case then you must declare such an interest but can speak and vote on the matter.

5. **Any items of business the Chairman decides should be considered as a matter of urgency**
6. **Proposed amendments to the Internal Procedures for responding to Consultations on: a) Development Plans - Local Plans, Neighbourhood Plans and Marine Plans; b) Nationally Significant Infrastructure Projects; and c) Planning Obligations**

Report by the Executive Director of Community and Environmental Services.

7. **Norfolk Boreas Offshore Windfarm Consultation**

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Report by the Executive Director of Community and Environmental Services

Chris Walton
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Date Agenda Published:



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Report to Planning and Highways Delegations Committee

Item No. 6

Report title:	Proposed amendments to the Internal Procedures for responding to Consultations on: (a) Development Plans - Local Plans; Neighbourhood Plans; and Marine Plans; (b) Nationally Significant Infrastructure Projects; and (c) Planning Obligations
Date of meeting:	26 July 2019
Responsible Cabinet Member:	Martin Wilby - Cabinet Member for Highways, Infrastructure and Transport
Responsible Director:	Tom McCabe - Executive Director, Community and Environmental Services

Executive Summary/Introduction from Cabinet Member

This report sets out proposed amendments to the existing internal procedures for responding to statutory consultations on: Development plan documents - Local; Neighbourhood; and Marine Plans; Nationally Significant Infrastructure Projects (NSIPs); and Planning Obligations.

These procedures providing member involvement in strategic planning decisions have been in place for a number of years and have worked effectively, but need minor amendments to reflect the change in reporting structures brought about by the new Cabinet system of decision making.

These amended Internal Procedures will continue to provide a mechanism for responding to statutory consultations and allow:

- (a) Local members directly affected by emerging Development Plans and/or development proposals to make an input into the process;
- (b) This Committee to agree the formal response to such consultations where appropriate; and
- (c) Officers to respond under delegated officer powers or under urgent business provisions where necessary.

Statement by Martin Wilby: Considers that these proposed updates/amendments to the internal procedures are necessary in order to ensure they comply with the County Council's new governance arrangements.

Recommendations

It is recommended that the updated / amended Internal Procedures set out in Appendices A, B and C be agreed by this Committee.

1. Background and Purpose

- 1.1. The County Council through its many statutory functions, for example as Highway Authority, Lead Local Flood Authority, Minerals and Waste Planning Authority; and Local Education Authority is a consultee on the preparation / processing of:
 - (a) Development Plan documents being Local Plans (prepared by District Councils) and Neighbourhood Plans (prepared by Parish and Town Councils); and Marine Plans (prepared by the Marine Management Organisation (MMO));
 - (b) Nationally Significant Infrastructure Projects (NSIPs) – covering major infrastructure developments, such as offshore wind farms and trunk road improvements, and which are determined by the Secretary of State; and
 - (c) Those planning applications determined by District Councils, which may give rise to the need for additional / supporting County Council infrastructure, such as roads and schools, which will require the use of planning obligations to secure developer funding.
- 1.2. Procedures were therefore agreed by the County Council's Environment, Development and Transport (EDT) Committee covering the above external consultations, which has enabled member-level involvement into the process. The Procedures supplement in the case of Development Plans, the County Council's ongoing engagement with plan making bodies under the Localism Act (2011) in respect of its "duty to cooperate".
- 1.3. The County Council as a statutory consultee has the opportunity through the various consultations above to respond and influence:
 - (a) Emerging Plans prepared by District Councils; Parish and Town Councils; and the Marine Management Organisation (MMO);
 - (b) Major new infrastructure projects such as major energy projects and trunk roads improvement schemes;
 - (c) On-going residential and commercial development across the County and securing developer funding in order to mitigate the impacts of new development through the use of planning obligations to provide infrastructure.

2. Proposals

- 2.1. Existing Procedures covering the above areas were agreed by EDT Committee as follows:
 - (a) Development Plans - Local Plans; Neighbourhood Plans; and Marine Plans ([Link](#) to EDT Committee November 2014);
 - (b) Nationally Significant Infrastructure Projects ([Link](#) to EDT Committee November 2015);
 - (c) Planning Obligations ([Link](#) to EDT Committee September 2017).
- 2.2. These Procedures are still considered "fit for purpose" but need to be amended to reflect the new governance arrangements resulting in the formation of Cabinet and of this Committee. The proposed draft Procedures attached have therefore been amended to make specific reference to this Committee; and to any subsequent new procedures covering Urgent Decisions as set out in the Norfolk County Council Constitution.
- 2.3. It should be noted that in respect of the County Council's role in responding on planning obligations matters, officers are currently updating the County Council's Planning Obligations Standards, which form the basis of any consultation response. The updated Standards will need to go to Cabinet for final approval

and will not affect the procedures set out in this report.

- 2.4. The Cabinet Member for Highways, Infrastructure and Transport (Cllr Martin Wilby) has been consulted on the preparation of this report.

3. Impact of the Proposal

- 3.1. The continued use of these procedures will allow local members directly affected by any emerging Plan or proposed development to be able to feed into the County Council's corporate response and will allow this Committee where appropriate to consider such matters and make an Executive decision as a statutory consultee. The Procedures will also allow officers the ability to "fast track" a County Council response as and when required.

4. Evidence and Reasons for Decision

- 4.1. The attached amended / updated Internal Procedures are required to reflect the new governance arrangements resulting from the formation of Cabinet and of this Committee.
- 4.2. The amended / Updated Internal Procedures are set out in Appendices A (local Plans), B (NSIPs) and C (Planning Obligations). The amendments simply reflect the new County Council governance arrangements.

5. Alternative Options

- 5.1. The alternative option to amending / updating the current Internal Procedures is to abandon the procedures altogether. This option is not recommended as it would potentially distance elected members, both local members and members of this Committee, from the County Council's formal response to statutory consultations involving Plan Making; and new Development directly impacting on Norfolk.

6. Financial Implications

- 6.1. No direct financial implications.

7. Resource Implications

- 7.1. **Staff:**
There are no immediate staff implications.
- 7.2. **Property:**
There are no immediate property implications.
- 7.3. **IT:**
There are no immediate implications.

8. Other Implications

- 8.1. **Legal Implications:**
The County Council is a consultee on Development Plans - Local Plans; Neighbourhood Plans; and Marine Plans; and on NSIPs; and other development affecting the County Council as service provider. Policies and proposals can potentially have serious implications on the County Council in its role as: Highway Authority; Minerals and Waste Authority; landowner; or as service provider e.g. for schools, libraries and fire service infrastructure.

8.2. **Human Rights implications**

None at this stage

8.3. **Equality Impact Assessment (EqIA) (this must be included)**

A detailed equality impact assessment has not been carried out, however, consideration has been given to equality issues. The Council's Planning functions are subject to equality impact assessments. The amendments to the procedures attached simply relate to the County Council's role as a statutory consultee. The amended procedures will continue to allow member involvement in the decision-making process and ensure that any such decisions will have a positive impact on communities in terms of supporting and enhancing the provision of services; support well-being; and support the delivery of infrastructure to keep people safe.

8.4. **Health and Safety implications** (where appropriate)

None

8.5. **Sustainability implications** (where appropriate)

The County Council's timely input as a statutory consultee will provide an opportunity for the Authority to influence the outcome of these Plans and Proposals and ensure that appropriate County infrastructure is sought to deliver sustainable growth across the County as a whole.

8.6. **Any other implications**

None

9. **Risk Implications/Assessment**

9.1. No risk associated with this report other than those implications outlined above.

10. **Recommendation**

10.1. **It is recommended that the updated / amended Internal Procedures set out in Appendices A, B and C be agreed by this Committee.**

11. **Background Papers**

11.1. Town and Country Planning Act 1990

[Link](#);

11.2. The Town and Country Planning (Local Planning)(England) Regulations 2012; Localism Act (2011)

[Link](#)

11.3. Town and Country Planning, England – The Neighbourhood Planning (General) Regulations 2012

[Link](#)

11.4. The Planning Act 2008

[Link](#)

11.5. The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

[Link](#)

11.6. The CIL Regulations

[Link](#)

11.7. Norfolk County Council Planning Obligations Standards (2019)

[Link](#)

11.8. Norfolk County Council Planning Obligations Monitoring Statement (2018)

[Link](#)

Officer Contact

If you have any questions about matters contained in this paper, please get in touch with:

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Email address : stephen.faulkner@norfolk.gov.uk



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**Internal Procedures for dealing with Consultations on
 Development Plans covering - Local Plans, Neighbourhood
 Plans; and Marine Plans**

**Norfolk County Council (NCC)
 July 2019**

Statutory Consultations from Local Planning Authorities (LPAs); Parish and Town Councils; and the Marine Management Organisation (MMO)	Time- scale	NCC procedure
(A) Early Engagement Stages		
Responding to any consultation relating to an Authority's duty to cooperate.		Officer-level response needed at this stage (i.e. dealt with under delegated officer powers)
Scoping - Prior to any formal consultation the County Council is typically engaged with the respective Plan Making Authority in respect of any scoping work i.e. assessing what is needed to be covered in the Plan and Sustainability Appraisal (SA).		Officer-level response needed at this stage (i.e. dealt with under delegated officer powers) Case officer will where appropriate inform local members of any formal scoping consultation.
Designation of Neighbourhood Plan Area (Neighbourhood Plan only)		Officer-level response needed at this stage (i.e. dealt with under delegated officer powers)
Community Engagement exercise – e.g. public exhibitions (informal)		Case officer will attend where appropriate & practicable and inform local member/s affected by the Plan of the Community Engagement Exercise.

(B) Formal Consultation Stages		
<p>(1) Development Plans in Norfolk</p> <p>This will comprise one of the following consultations:</p> <p>(a) Local Plan - Reg 18 (Issues and Options / Preferred Options); or Reg 19 (Pre-submission);</p> <p>(b) Neighbourhood Plan – Reg 14 or Reg 16.</p>	<p>6 week dead-line</p>	<ol style="list-style-type: none"> 1. Consult local members directly affected by the Plan; 2. Depending on the content of the Plan, and whether any local member issues have been raised, the case officer will need to: <ul style="list-style-type: none"> • Prepare a Report to the Planning and Highways Delegations Committee; or • Prepare a Report to an extraordinary meeting of the Committee where a meeting cannot be fitted into the scheduled Committee cycle: or • In the case of Urgency, the case officer will check with the Head of Paid Service or in their absence the Monitoring Officer to confirm the need for an Urgent Decision. The County Council's response will then be determined by the relevant Cabinet Member in line with the County Council's Constitution; 3. Where appropriate delegated officer-level comments may be made if there are no controversial issues arising (i.e. no strategic objection being raised either to a policy or proposed allocation) , the local member is in agreement or has raised no strong concerns and the overall Plan is consistent (or not in conflict) with County Council Policy. 4. Delegated Officer officer-level comments may also be appropriate where the Plan is (a) deemed consistent with

		<p>earlier versions of the Plan and the County Council raised no previous concerns or; (b) previous concerns raised by the County Council have been satisfactorily addressed in the latest version;</p> <p>5. Case officer to respond to LPA or Parish/Town Council.</p>
(2) Local Plans prepared outside Norfolk	6 week dead-line	<p>Responses will normally be dealt with under delegated officer powers providing there are no significant cross-boundary issue/s arising i.e. where it is unlikely that an objection would be raised either to a policy or proposal, for example, relating to Transport; or Minerals and Waste; Infrastructure Delivery; or Economic Development.</p> <p>In the event of either a policy or proposal raising significant concern (i.e. likely to result in an objection being raised by the County Council) the procedures in (B)(1) above will apply.</p>
(3) Marine Plans		<ol style="list-style-type: none"> 1. Consult local coastal members directly affected by the Plan. 2. Responses will normally be dealt with under delegated officer powers providing there are no significant issue/s arising i.e. where it is unlikely that an objection would be raised either to a policy or proposal, for example, relating to Transport; or Minerals and Waste; Infrastructure Delivery; or Economic Development. 3. In the event of either a policy or proposal raising significant concern (i.e. likely to result in an objection being raised by the County Council) the procedures in (B)(1) above will apply.

(C) Duty to Cooperate		
The County Council may be consulted prior to the Examination on matters relating to Duty to Cooperate i.e. whether the County Council considers that the Plan making Authority has sufficiently engaged with the County Council under the duty to cooperate set out in the Localism Act.		Officer-level response needed at this stage (i.e. dealt with under delegated officer powers)
(D) Examination		
		The case will submit any necessary additional evidence in support of the County Council's position (i.e. written representations).
		The case officer will not normally attend the Examination, unless specifically asked to by (a) the Local Plan Inspector; or (b) the Local Planning Authority. However, the case officer will attend the Examination if the issues raised are particularly controversial and/or the members feel it appropriate.
(E) Post Examination		
Period of legal challenge	6 weeks	Where appropriate the Case Officer will instruct NPLAW to mount a legal challenge should the need arise and if this action has been sanctioned by the Planning and Highways Delegations Committee or in the case of urgency, the Executive Director of CES will take a decision normally reserved for the Committee after seeking the views of the Chair and Vice of the Committee

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Internal Procedures for dealing with Consultations on
Nationally Significant Infrastructure Projects (NSIPs)

Norfolk County Council (NCC)
July 2019

Planning Inspectorate (PINs) Key statutory deadlines for Local Authorities (LAs)	Time - scale	NCC procedure
<p>(1) Projects in Norfolk</p> <p>This includes those projects located in the County as well as those projects which have ancillary development in the County e.g. offshore wind farms with ancillary onshore (grid connection) development and consent will be granted by the appropriate Secretary of State by making a Development Consent Order (DCO).</p>		
<p>(a) Pre-Application Stage</p>		
<p>Promoter/Applicant meet/discuss their proposal with LA</p>		<p>Case Officer will meet with promoter/applicant on request.</p> <p>Case Officer to inform local member/s affected by the proposal of discussion/s. This will normally be done by email.</p>
<p>LA consulted on applicant's Statement of Community Consultation (SoCC)</p>	<p>28 Days</p>	<p>Officer-level response needed at this stage (i.e. dealt with under delegated officer powers)</p>
<p>Community Engagement exercise – e.g. public exhibitions (informal)</p>		<p>Case officer to attend where necessary and inform local County Council member</p>
<p>LA consulted on applicant's Environmental Impact Assessment (EIA) Scoping Opinion consultation.</p>	<p>28 Days</p>	<p>Delegated Officer-level response needed at this stage</p>

<p>Pre-application consultation (S42 of 2008 Planning Act)</p> <p>Assess Preliminary Environmental Information Report (PEIR)</p>	<p>Min 28 Days</p>	<ol style="list-style-type: none"> 1. Consult local members directly affected by proposal (i.e. in or adjacent to their division); 2. Depending on scale and type of the proposed development the case officer will need to: <ul style="list-style-type: none"> • Prepare a Report to the Planning and Highways Delegations Committee; o • Prepare a Report to an extraordinary meeting of the Committee where a meeting cannot be fitted into the scheduled Committee cycle: or • In the case of Urgency, the case officer will check with the Head of Paid Service or in their absence the Monitoring Officer to confirm the need for an Urgent Decision. The County Council's response will then be determined by the relevant Cabinet Member in line with the County Council's Constitution; • Where appropriate delegated officer-level comments may be made if there are no demonstrable impacts on the County Council; the local member is in agreement or has raised no strong concerns; and the proposal is consistent with County Council Policy. 3. Case officer to respond to Applicant and PINs accordingly.
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<p>(b) Acceptance</p>		
<p>Consultation from PINs on adequacy of consultation statement</p>	<p>14 days</p>	<p>Delegated Officer-level response needed at this stage</p>

(c) Pre-examination		
<p>Submission of relevant representation (Section 56 of the Planning act 2008) i.e. comment on the merits of the application</p> <p>In practice this timescale unlikely to be extended given that PINs have a very tight statutory timescale to turn around the examination.</p>	Min of 28 days	<ol style="list-style-type: none"> 1. Consult local members directly affected by proposal; 2. Depending on scale and type of the proposed development the case officer will need to either prepare: <ul style="list-style-type: none"> • Prepare a Report to Planning and Highways Delegations Committee meeting; or • Prepare a Report to an extraordinary meeting of the Committee where a meeting cannot be fitted into the scheduled Committee cycle: or • In the case of Urgency, the case officer will check with the Head of Paid Service or in their absence the Monitoring Officer to confirm the need for an Urgent Decision. The County Council's response will then be determined by the relevant Cabinet Member in line with the County Council's Constitution; • Where appropriate delegated officer-level comments may be made if there are no demonstrable impacts on the County Council; the local member is in agreement; or has raised no strong concerns and the proposal is consistent with County Council Policy. 3. Case officer to respond to PINs accordingly.
LA invited to prepare Local Impact Report (LIR) – timescale set at Preliminary Meeting		Case officer to assemble information which will underpin the LIR and consider whether there is any opportunity for preparing a joint LIR with another LA.

(d) Examination		
LA to prepare and submit LIR to IPC (i.e. setting out the impact of the development on the LA area). (LIR referred to under s60(3) of the 2008 Planning Act)	Approx 6 week s	Case officer to prepare LIR – this will be a factual paper highlighting local policies and issues. The LIR can be prepared jointly with another LA/s. The LIR may consider S106 issues and draft Requirements to be included in the DCO (i.e. mitigation measures needed).
Submission of detailed Written representations –	Min 21 days	Case office to prepare a formal statement of case.

(e) Decision		
PINs make a recommendation to the SoS within 3 months of the end of examination process		No action required at this stage.
Secretary of State makes decision within 3 months of PINs recommendations		Case Officer to inform the Committee members of the SoS's decision via email and whether any further action is needed (such as whether there is a need for mounting a legal challenge).

(f) Post decision		
Period of legal challenge	6 weeks	Where appropriate the Case Officer will instruct NPLAW to mount a legal challenge should the need arise and if this action has been sanctioned by members.
Key stages involving members is highlighted under stages (a) and (c) above.		

<p>(2) Projects in Adjacent Local Authorities or Offshore</p> <p>This includes all those projects outside Norfolk where there will not be any direct development or ancillary development in the County.</p>		
<p>(a) Pre-Application Stage</p>		
<p>Promoter/Applicant meet/discuss their proposal with LA</p>		<p>Case Officer will meet with promoter/applicant on request.</p> <p>Case Officer to inform all local member/s affected by the proposal of discussion/s. This will normally be done by email.</p>
<p>LA consulted on applicant's Statement of Community Consultation (SoCC)</p>	<p>28 Days</p>	<p>Officer-level response needed at this stage (i.e. dealt with under delegated officer powers)</p>
<p>Community Engagement exercise – e.g. public exhibitions (informal)</p>		<p>Case officer to attend where necessary and inform local County Council member</p>
<p>LA consulted on applicant's Environmental Impact Assessment (EIA) Scoping Opinion consultation.</p>	<p>28 Days</p>	<p>Delegated Officer-level response needed at this stage</p>
<p>Pre-application consultation (S42 of 2008 Planning Act)</p> <p>Assess Preliminary Environmental Impact Report (PEIR)</p>	<p>Min 28 Days</p>	<p>1 Consult local members directly affected by proposal (i.e. in or adjacent to their division);</p> <p>2 Delegated officer-level comments will be made providing:</p> <p>(a) there is no demonstrable impact on the County Council;</p> <p>(b) the local member is in agreement or has raised no strong concerns and</p> <p>(c) the proposal is consistent with County Council Policy.</p> <p>Where the above criteria are not met the case officer will need to:</p> <ul style="list-style-type: none"> • Prepare a Report to Planning and Highways Delegations Committee meeting; or • Prepare a Report to an extraordinary meeting of the Committee where a meeting

		<p>cannot be fitted into the scheduled Committee cycle: or</p> <ul style="list-style-type: none"> In the case of Urgency, the case officer will check with the Head of Paid Service or in their absence the Monitoring Officer to confirm the need for an Urgent Decision. The County Council's response will then be determined by the relevant Cabinet Member in line with the County Council's Constitution n. <p>3 Case officer will respond to the Applicant and PINs accordingly.</p>
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(b) Acceptance		
Consultation from PINs on adequacy of consultation statement	14 days	Delegated Officer-level response needed at this stage

(c) Pre-examination		
<p>Submission of relevant representation (Section 56 of the Planning act 2008) i.e. comment on the merits of the application</p> <p>In practice this timescale unlikely to be extended given that PINs have a very tight statutory timescale to turn around the examination.</p>	Min of 28 days	<ol style="list-style-type: none"> Consult local members directly affected by proposal; Delegated officer-level comments will be made providing: <ol style="list-style-type: none"> there is no demonstrable impact on the County Council; the local member is in agreement or has raised no strong concerns and the proposal is consistent with County Council Policy. <p>Where the above criteria are not met the case officer will need to:</p> <ul style="list-style-type: none"> Prepare a Report to Planning and Highways Delegations Committee meeting; or Prepare a Report to an extra-ordinary meeting of the Committee where a

		<p>meeting cannot be fitted into the scheduled Committee cycle: or</p> <ul style="list-style-type: none"> • In the case of Urgency, the case officer will check with the Head of Paid Service or in their absence the Monitoring Officer to confirm the need for an Urgent Decision. The County Council's response will then be determined by the relevant Cabinet Member in line with the County Council's Constitution. <p>3 Case officer will respond to the Applicant and PINs accordingly.</p>
LA invited to prepare Local Impact Report (LIR) – timescale set at Preliminary Meeting		Case officer to assemble information which will underpin the LIR and consider whether there is any opportunity for preparing a joint LIR with another LA.

(d) Examination		
LA to prepare and submit LIR to IPC (i.e. setting out the impact of the development on the LA area). (LIR referred to under s60(3) of the 2008 Planning Act)	Approx 6 weeks	Case officer to prepare LIR – this will be a factual paper highlighting local policies and issues. The LIR can be prepared jointly with another LA/s. The LIR may consider S106 issues and draft planning conditions (i.e. mitigation measures needed).
Submission of detailed Written representations –	Min 21 days	Case office to prepare a formal statement of case.

(e) Decision		
PINs make a recommendation to the SoS within 3 months of the end of examination process		No action required at this stage.
Secretary of State makes decision within 3 months of PINs recommendations		Case Officer to inform the Committee members of the SoS's decision via email and whether

		any further action is needed (such as whether there is a need for mounting a legal challenge).
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(f) Post decision		
Period of legal challenge	6 weeks	Where appropriate the Case Officer will instruct NPLAW to mount a legal challenge should the need arise and if this action has been sanctioned by members.

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**Internal Procedures for responding to: Consultations on
Planning Applications potentially requiring Infrastructure as set
out in the County Council's Planning Obligations Standards**

**Norfolk County Council (NCC)
July 2019**

Proposals in areas not charging a Community Infrastructure Levy (CIL)

The County Council will seek developer contributions in line with its agreed Planning Obligations Standards. Obligations sought will be expected to be contained in a legal agreement (S106 agreement) agreed between the Local Planning Authority (LPA); the applicant; and the County Council.

Proposals in CIL Charging Areas

It is important for the County Council to continue to respond on proposals within CIL Charging areas in order to:

- (a) Identify County Council requirements which will need to be captured through S106 and/or planning condition e.g. fire hydrants and any necessary land transfer;
- (b) provide important evidence as to whether existing County Council facilities, such as schools, can accommodate planned growth and if so whether there is any financial contributions needed (i.e. through CIL funding);
- (c) provide a mechanism for seeking CIL funding.

Planning Applications Stages	Time - scale	NCC procedure
(a) Pre-Application		
Applicant and/or agent seeking pre-application advice; or Local Planning Authority seeking advice on allocated or potentially allocated site.	No formal deadline but aim for 28 days 6 weeks on major sites	Case officer will prepare a response within 28 days under delegated officer powers. This period may be extended on major sites requiring further investigation (up to 6 weeks) The response will reflect the County Council's most up to date agreed Planning Obligations Standards.
(b) Formal Application		
The County Council	Min	The case officer will:

will be consulted by the Local Planning Authority (LPA) under the agreed County-wide Planning Obligations Protocol (2014)	21 Days	<ol style="list-style-type: none"> 1. Consult local member/s directly affected by the proposal (NB comments will only be sought in respect of the County Council's potential infrastructure requirements in line with its agreed Planning Obligations Standards. Any other comments not directly related to these Standards will either be forwarded onto other teams in the County Council or to other organisations e.g. District Council as LPA). 2. Respond within 21 days of receipt of the application. A detailed officer-level response will be made justifying the need for the County Council's requirements. This will be done under delegated officers powers in accordance with the County Council's Constitution (Appendix 5 Scheme of Delegated Powers to Officers – Section B Specific Designation), providing: <ul style="list-style-type: none"> (a) The requirements sought are consistent with the County Council's agreed Planning Obligations Standards (Policy); and; (b) the local member has been informed of the proposed response; (c) the application is unlikely to raise any controversial issues of a strategic nature. 3. Where the local member is not in agreement the officers approach in respect to seeking developer funding in line with the agreed CC's Standards, then the case officer will: <ul style="list-style-type: none"> • Prepare a Report to a Planning and Highways Delegations Committee meeting; or • In the case of Urgency, the case officer will check with the Head of Paid Service or in their absence the Monitoring Officer to confirm the need for an Urgent Decision. The County Council's response will then be determined by the relevant Cabinet Member in line with the County Council's Constitution.;
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(c) Appeals		
Submission of relevant representation to the Planning Inspectorate	Normally 28 days	<p>The case officer will:</p> <ol style="list-style-type: none"> 1. Inform local members directly affected by the Appeal; 2. Prepare Evidence for submission to the Planning

(PINs)		Inspectorate: 3. Attend Hearing or Inquiry as needed to defend the County Council's case.
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Report to Planning and Highways Delegations Committee

Item No. 7

Report title:	Norfolk Boreas Offshore Windfarm Consultation
Date of meeting:	19 August 2019
Responsible Cabinet Member:	Councillor Martin Wilby (Cabinet Member for Highways, Infrastructure and Transport)
Responsible Director:	Tom McCabe - Executive Director, Community and Environmental Services
Is this a key decision?	No

Executive Summary/Introduction from Cabinet Member

Consultation by Vattenfall (a Swedish Energy Company) for an offshore wind farm 73km off the Norfolk coast comprising: up to 200 turbines; and ancillary onshore supporting infrastructure including: buried cable route (approximately 60 km); extending the existing sub-station at Necton; and construction of a new sub-station (close to Necton Sub-station). The proposal has a generating capacity of 1.8 Giga Watts, which is sufficient to provide 3.9 million homes with electricity. Given the scale of the development it is deemed to be a Nationally Significant Infrastructure Project (NSIP) and will be determined by the Secretary of State for Business, Energy and Industrial Strategy.

This is a formal Development Consent Order (DCO) consultation under Section 56 of the Planning Act 2008. This is the final opportunity to make any formal representations on the merits of the proposal prior to the statutory Examination, although the County Council will have an opportunity to submit a Local Impact Report (LIR) under S60 (3) of the Act ahead of the Examination.

Members will be aware that comments on the pre-application version of this project (Section 42) were agreed under delegated chief officer in consultation with the Chair and Vice Chair of EDT Committee and sent to the applicant in November 2018.

Norfolk Boreas has a "sister project", called Norfolk Vanguard, which is approximately one year ahead of Norfolk Boreas in its development. In order to minimise local impacts a strategic decision was made by the applicant early on to colocate, or 'share' as much of the infrastructure with Norfolk Vanguard. This would allow Norfolk Vanguard to undertake some work which would be common to both projects thereby reducing environmental impacts.

Much of the key infrastructure relevant to Boreas will be delivered through the Norfolk Vanguard project. However, in the event Norfolk Vanguard does not proceed to construction and Norfolk Boreas proceeds alone it would need to install all onshore infrastructure as an independent project.

Recommendations

It is recommended that the County Council:

- 1. Supports the principle of this offshore renewable energy proposal, which is consistent with national renewable energy targets and objectives, subject to: The implementation of appropriate highway; historic environment; and surface water conditions / requirements being resolved through the DCO.**

1. Background and Purpose

- 1.1. This is a DCO application for an offshore windfarm and onshore ancillary grid connection infrastructure in Norfolk, which will be determined by the Secretary of State for Business, Energy and Industrial Strategy. The application is defined as a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008.
- 1.2. Members will recall that the pre-application version of this proposal was dealt with under delegated chief officer powers in consultation with the Chair and Vice Chair of this Committee in November 2018. The comments sent on behalf of the County Council broadly supported the proposal subject to a number of detailed matters being resolved (see Impact of Proposal below). Members will also recall that the proposal for the “sister project” (Vanguard) was considered by the Environment, Development and Transport Committee (EDT) [Committee on 7 September 2018](#) and was supported subject to a number of detailed matters being resolved. This proposal, through the Environmental Impact Assessment (EIA) and accompanying Environmental Statement (ES), has considered the cumulative impacts arising from both schemes along with the Hornsea Three Offshore Wind Farm considered by the EDT Committee on 6 July 2018.
- 1.3. The DCO application is now being handled by the Planning Inspectorate under Section 56 of the above Act. This is the final opportunity to respond to the DCO application ahead of the formal Examination process and a response will facilitate the Council’s involvement in the Examination process should this be necessary. The County Council will also, however, be able to submit a Local Impact Assessment (LIR) under S60(3) of the Act ahead of the Examination providing further details and evidence in respect of the application’s overall impact on the County Council’s function.
- 1.4. The County Council is a statutory consultee and can make comments on the DCO Application and the supporting Environmental Impact Assessment (EIA) / Environmental Statement (ES).

2. The DCO Proposal

- 2.1. The Norfolk Boreas project comprises: offshore wind turbines, offshore electrical platforms, an offshore accommodation platform, offshore export cables, array cables, cables connecting the project with the Norfolk Vanguard and Boreas projects, landfall, onshore cables, an onshore project substation and an extension to the existing National Grid substation at Necton, including associated overhead line modification works. The applicant is committed to the use of HVDC technology which has removed the need for an additional Cable Relay / Booster station, which is welcomed.
- 2.2. If both the Norfolk Vanguard and Norfolk Boreas projects secure consent and progress to construction, the advantages of shared infrastructure will be realised. However, the Norfolk Boreas project needs to consider the possibility of the Norfolk Vanguard project not being built. For Norfolk Boreas to be considered as an independent project by the Planning Inspectorate, this scenario must be provided for within the Norfolk Boreas DCO application. Therefore, there are two scenarios which are considered within the DCO application:

- **Scenario 1** - Norfolk Vanguard proceeds to construction and installs ducts and other shared enabling works for Norfolk Boreas. This scenario

is optimal and the most probable outcome.

- **Scenario 2** - Norfolk Vanguard does not proceed to construction and Norfolk Boreas proceeds alone. The Norfolk Boreas EIA will also consider associated constraints and opportunities, under Scenario 2.

2.3. The table below shows which elements would be included under Scenario 1 and which would be included under Scenario 2.

2.4.

Offshore elements	Scenario 1 Both projects go ahead	Scenario 2 Boreas only
Landfall		
Landfall compounds	✓	✓
Transition pits	✓	✓
Cable pulling	✓	✓
Onshore Cable Route		
Pre-construction works	✓	✓
Cable duct installation via open cut trenching	x (Installed by Norfolk Vanguard)	✓
Cable duct crossings (e.g. hedgerows, underground services, roads or tracks, watercourses)	x (Installed by Norfolk Vanguard)	✓
Trenchless crossings (e.g. by underground drilling) and associated areas to drill from	x (Installed by Norfolk Vanguard)	✓
Mobilisation areas	x (Not required)	✓
Running track for construction vehicles to move along the route	✓ (approx. 12km)	✓ (approx. 60km)
Construction of accesses to the cable route	✓	✓
Cable pulling	✓	✓
Cable logistics area for storage of cables and machinery	✓	✓
Construction of underground cable jointing pits	✓	✓
Onshore Project Substation		
Pre-construction works	✓	✓
A47 junction improvement	x (Installed by Norfolk Vanguard)	✓
Access road to onshore project substation	✓ (Extension of road installed by Norfolk Vanguard by approx. 125m)	✓ (approx. 1.8km)
Construction of onshore project substation	✓	✓
Screening	✓	✓
National Grid Substation Extension and Overhead Modifications		
Pre-construction works	✓	✓
Extension to existing Necton National Grid Substation	✓ (easterly direction)	✓ (westerly direction)
National Grid Overhead line modifications	x (Installed by Norfolk Vanguard)	✓
Screening	✓	✓

2.5

If Norfolk Vanguard is approved and progresses as set out in Scenario 1 above the following infrastructure will be required to deliver the Norfolk Boreas project:

(a) Offshore

Location and Distance Offshore	:	Located in one distinct area approximately 73 km respectively off the Norfolk coast (see Maps attached).
Total Site Area		725 sq.km.
Proposed Capacity	:	Installed capacity of 1.8 Giga-Watt (sufficient to supply 1.3 million households with electricity).
Number and size of turbines	:	Range between 90 x 20MW to 200 x 9MW turbines with a maximum tip height of up to 350 metres
Offshore works	:	Interconnector Cables and foundations:
	:	Up to four cables to landfall totalling 500 km (400 within the offshore cable corridor and 100 within the Norfolk Boreas site).
	:	Up to 2 Offshore electrical (sub-station) platforms and 1 accommodation platforms. Maximum size 35,000 sqm. per platform and maximum height of up to 100 m.

(b) Onshore Work

Landfall Location	:	Immediately south of Happisburgh (1.5 km zone identified - see Maps attached) – all associated infrastructure will be located underground.
Cable route		<p>Buried cable route between Happisburgh and grid connection at Necton Substation – approximately 60 km (See Maps attached).</p> <p>Up to 4 cable trenches will be required along an identified 45 m search corridor. The eventual corridor to be submitted with the application (S56) will be 100m; sufficient to accommodate both the Vanguard and Boreas projects in one duct laying operation.</p> <p>The above works would be sufficient to facilitate both the Vanguard and Boreas Projects and forms part of the Vanguard application.</p>
Necton - National Grid Sub-station (Extension)	:	<p>The existing Necton National Grid substation (140 m x 145 m) would require an extension to accommodate the Norfolk Boreas connection points (see Map):</p> <ul style="list-style-type: none"> • Easterly extension 130 m; • Westerly extension 200 m <p>(total Foot-print 26,000 sq.m.)</p> <ul style="list-style-type: none"> • Maximum height 15 m. <p>The extension would take the existing sub-station from 20,300 sqm. to 65,250 sqm. (tripling the size i.e. when the Norfolk Vanguard (part) is taken into account as well). The above works would be sufficient to facilitate both the Vanguard and Boreas Projects.</p>

<p>Necton - New Sub-station Boreas Project</p> <p>HVDC Convertor</p>	<p>:</p> <p>A new onshore substation will be required with a total maximum land requirement to the perimeter fence of 250m x 300m (75,000 sqm.);</p> <p>Maximum building height 19 m (HVDC);</p> <p>Plus temporary construction area 200 m x 100 m (20,000 sqm.);</p> <p>The proposed substation will be located near to the Necton National Grid Substation – see Map attached.</p> <p>This is in addition to a similar size sub-station needed for Norfolk Vanguard project.</p>
<p>Overhead Line Modifications</p>	<p>:</p> <p>Two new overhead line towers would be required in close proximity to the existing corner tower (to the north east of the existing Necton substation) with a maximum height of 55m. The existing corner tower would be demolished such that the net new number of towers is one.</p> <p>Alternatively, the existing corner tower could be modified, and one new terminal tower constructed in close proximity. The design approach taken will be confirmed at the detailed design phase.</p> <p>The above works would be sufficient to facilitate both the Vanguard and Boreas Projects and forms part of the Vanguard application.</p>
	<p>:</p> <p>Construction time approximately 24-30 months for sub-station and pylon work (this includes groundworks and civil construction elements).</p>
<p>Ancillary Works</p>	<p>:</p> <p>The onshore work will require, <i>inter alia</i>:</p> <p>Construction compounds (see Map)– i.e. support buildings private road and hard standing;</p> <p>Construction of temporary haul roads and access tracks along the onshore cable route;</p> <p>Archaeological and ground investigation;</p> <p>Improvements to highway verges;</p> <p>Highway and private access roads;</p> <p>Works to move sewers, drains; and cables;</p> <p>Works affecting non-navigable rivers, streams or water courses;</p> <p>Landscaping and other works to mitigate any adverse effects of the construction; operation, maintenance or decommissioning of the project including ecological monitoring and mitigation works.</p>
	<p>:</p> <p>Construction timetable for above onshore works:</p> <ul style="list-style-type: none"> • The pre-construction works for the onshore cable route would have been completed by Norfolk Vanguard and commencing in 2022 • There are two programmes for installing landfall duct installation - the preferred option is to do them after Norfolk Vanguard in 2024 and 2025. There is however a potential for option for them

	<p>to be installed at the same time as Vanguard.</p> <ul style="list-style-type: none"> • The cable pulling is scheduled for 2026 to 2027 • Offshore project substation to be completed in two phases by 2026-2027 • The National Grid substation extension works are likely to run in parallel to the onshore project substation works, commencing with pre-construction works in 2022.
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2.6 In the event Norfolk Vanguard does not proceed to construction and Norfolk Boreas proceeds alone. Under this scenario 2, Norfolk Boreas would install all onshore infrastructure as an independent project, including duct installation, all enabling works and modification to the existing overhead lines at Necton National Grid substation. There would not be any need to extend the National Grid Substation at Necton in relation to the Norfolk Vanguard (part) and the cable corridor and landfall work would be reduced in scale.

A more detailed explanation of the two scenarios and the similarities/differences between them is shown in Appendix 1.

3. Impact of the Proposal - Assessment

Overview

3.1 The principal role of the County Council in responding to the above wind farm proposal, and the onshore infrastructure requirements, will be in respect of the Authority's statutory role as:

- Highways Authority;
- Minerals and Waste Planning Authority;
- Lead Local Flood Authority; and
- Public Health Responsibilities.

3.2 In addition, the County Council has an advisory environmental role and economic development function, which also needs to feed into any response made to the above windfarm proposal.

3.3 Other statutory consultees include:

Natural England	Highways England
Historic England	Drainage Boards
Marine Management Organisation	Public Health England
Maritime and Coastguard Agency	Energy and utility companies with cable and pipeline interests
Civil Aviation Authority	Parish, District and other County Councils

3.4 The remainder of this section of the report assesses the Environmental Statement (ES) and other supporting documentation in respect of the County Council's key functions and sets out the Authority's proposed response / comments. The response largely relates to the onshore infrastructure required to connect the electricity generated to the National Grid. It should be noted that officers are in continuous contact with the applicants of both offshore windfarms with regard to over-coming any technical issues.

- 3.5 The proposal has a maximum capacity of 1.8 Giga Watts (1,800 MW) of electricity, sufficient to power approximately 3.9 million households (i.e. this represents more than nine times as many dwellings in Norfolk (2011)). Current operational offshore capacity in the UK is just over 4 GW (2015), therefore if consented the Norfolk Boreas proposal would potentially increase the UK's installed capacity by 45%.
- 3.6 The proposal will generate thirty times more energy than the Scroby Sands wind farm (60 MW) and more than five and half times more energy than the Sheringham Shoal wind farm (317 MW). As such the proposal would make a serious contribution to the Government's Renewable Energy targets and objectives (see Section 5 below).

Comment

- 3.7 The principle of this offshore renewable energy proposal is supported as it is consistent with national renewable energy targets and objectives, subject to the detailed comments below being satisfactorily resolved with the applicant. The Environmental Statement (ES) has considered the cumulative impacts arising from both the Norfolk Vanguard (sister project) and the Hornsea Project Three offshore Wind Farm Projects in its assessment.

Grid Connection and Electricity Supply Issues

- 3.8 The decision was taken to use High Voltage Direct Current (HVDC) technology. This decision removes the requirement for a cable relay station and decreases the working width of the onshore cable corridor from 50m to 35m, thereby reducing potential impacts along the cable corridor.
- 3.9 Grid connection is proposed at Necton and would involve, as indicated above, a significant extension to the existing sub-station taking it from just over 20,000 sqm to over 65,000 sqm (total footprint with the Norfolk Vanguard Project). In addition, there would be the need for a new substation for both the Norfolk Vanguard and Norfolk Boreas projects comprising a further 75,000 sqm each. There would also be a need for up-grading the power lines comprising a new tower (worst case scenario).
- 3.10 Members will be aware that County Council officers have been in discussion with Vattenfall and other potential offshore windfarm developers regarding the potential for electricity generated from these proposals to be used within the local distribution networks (132 kv and below) i.e. to assist where there are electricity deficits. These discussions have also involved National Grid who have made a formal and legally binding grid connection "offer" to Vattenfall.
- 3.11 National Grid have indicated that the onshore cables from the wind farms will ultimately belong to a future Offshore Transmission Operator (OFTO). In such circumstances, where the main connection point for the OFTO system is at a transmission substation (National Grid), the regulatory arrangements governing OFTO infrastructure do not provide for secondary interconnection between the OFTO system and a local distribution network operator (DNO)(i.e. UK Power Networks). In other words, there is no opportunity of "tapping" into the transmission cables and feeding into the local electricity transmission network.

Comments

- 3.12 It is felt that Vattenfall should work with National Grid and UK Power Networks to consider options regarding the potential to feed electricity into the local transmission networks.

In addition, the County Council will continue to work with the Local Enterprise Partnership (LEP) through the TRI - Local Energy Strategy ([endorsed by ETD Committee in July 2018](#)), in order to lobby central government to make legislative changes to overcome the obstacles to secondary inter-connection raised above.

Socio-Economic Issues

- 3.13 There are potentially significant economic benefits that may arise from the Boreas proposal in terms of:
- Local employment creation;
 - Business sectors affected by construction; and
 - Operations and Maintenance (O&M) of the wind turbines.
- 3.14 The ES suggests that the Norfolk Boreas and Norfolk Vanguard projects will in total create up to 481 jobs during construction and up to 175 jobs during operation. The ES indicates that “there is the potential for moderate long-term benefits to the region due to increased employment across the supply chain serving the offshore wind industry”.
- 3.15 The County Council’s Economic Development team has enjoyed regular, constructive dialogue with many members of the Vattenfall team. The company is engaging with local supply chain companies and seems keen to ensure that local businesses can benefit as far as possible from a wide range of contracts as they emerge. The company also shares the County Council’s ambition to attract new investment into the area, in particular new manufacturing capacity and has been working with County Council’s Economic Development Team in a number of areas. The company has an excellent relationship with Gt Yarmouth Port, which hopefully will lead to its use both during the construction phase and later in respect of operations and maintenance (O&M).
- 3.16 It is understood that Vattenfall has signed a Memorandum of Understanding with Peel Ports Great Yarmouth in 2017 to explore locating the Swedish energy group’s operations base at the East Anglian facility. Both Vattenfall and Peel Ports expect to finalise their agreement in due course. If Vattenfall build both wind farms, they expect to employ up to 150 skilled, local technicians to maintain their projects for a minimum of 25-years.
- 3.17 The County Council is working with all energy companies and the New Anglia LEP to promote this sector and develop a Skills Strategy for the types of skills required for young people in schools and colleges. In addition, the County Council is working to create:
- Apprenticeships,
 - Work experience; and
 - Internship opportunities at an appropriate stage.
- 3.18 Vattenfall has included a Skills and Employment Strategy Planning Condition / Requirement within the Boreas DCO, ensuring that there is a skills legacy to the project. A similar requirement has been included in the Norfolk Vanguard DCO after discussion with the County Council at the Examination Hearings earlier in the year.

Comments

- 3.19 The County Council welcomes the inclusion within the draft DCO of a Planning Requirement, which will ensure that a Skills and Employment Strategy is prepared. Notwithstanding this the County Council should continue to work pro-actively with Vattenfall to demonstrate the economic benefits of using the Port

facilities at Great Yarmouth for:

- Construction; assembly and manufacture of windfarm components; and
- Operations and maintenance.

The County Council should also continue to work with the applicant to develop the creation of apprenticeships; work experience and internships.

Wider Community Issues and Impact on Business

- 3.20 The agreed position in the Statement of Common Ground at the end of the Norfolk Vanguard examination on this topic was: “Norfolk Vanguard Ltd. is committed to exploring options for delivering a provision for communities, with the aim of recognising hosts and accounting for change, where benefits acknowledge and address tangible local change. The form of the benefit and its purpose will be explored with relevant stakeholders at the appropriate time, separate to the DCO process.” This same commitment will be made by Norfolk Boreas.
- 3.21 The reduction in the potential impacts and disruption to business as a consequence of using HVDC technology is welcomed, however, it is felt that Vattenfall should commit to providing appropriate compensation for businesses and communities adversely affected by the construction works.

Commercial Fishing

- 3.22 While commercial fishing is an offshore issue, it is considered appropriate to comment on the impacts the above proposal may have on this sector as Norfolk is home to many commercial fishing activities from its numerous ports and landing areas (i.e. potential economic issue).
- 3.23 The ES considers the impact of the proposed windfarm and ancillary infrastructure (offshore cable route; substations; convertor stations and accommodation blocks) on the commercial fishing sector. The type of fishing carried out in the Array area principally comprises:
- Local UK Static gear Fishing potting by UK vessels (i.e. for brown crab, lobster and Whelk);
 - Dutch Vessels undertaking trawling
- 3.24 The impacts arising are most likely during construction leading to temporary loss, or restricted access to, fishing grounds and leading to increased steaming times to alternative fishing grounds. However, the ES concludes that the impacts will largely be negligible in the longer term.
- 3.25 The ES also points out that the impact on commercial fishing has been reduced as a consequence of:
- (a) Reducing the number of turbines to a maximum of 180; and
 - (b) Committing to using HVDC technology which uses fewer cable (on the seabed) thus reducing potential snagging issues of fishing gear.
- 3.26 In terms of mitigation and minimising impact, the applicant has indicated that they will include, for example:
- The provision of timely notices to mariners and the fishing community on any proposed works;
 - Undertaking appropriate liaison with all relevant fishing interests; and
 - Ensuring the layout of the windfarm minimises any future disruption to fishing in the area.

Comments

- 3.27 The County welcomes the revised/amended design of the above proposal and mitigation measures set out in the applicant's ES. However, where there is likely to be a demonstrable impact (i.e. during: construction; operation and/or decommissioning) on commercial fishing affecting communities in Norfolk, it is considered that Vattenfall should provide appropriate compensation (i.e. disturbance payments) to those fishing businesses affected. It is understood that Vattenfall are prepared to provide compensation in appropriate circumstances.

Local Highways

- 3.28 Detailed discussions and negotiations will remain on-going throughout the application process, particularly in respect of construction traffic management plans; and other travel related planning. Notwithstanding these ongoing discussions, officers have assessed the traffic implications arising from both scenarios as follows: -

Scenario 1 - Vanguard and Boreas are both delivered, and Vanguard installs ducts and carries out other shared enabling works prior to Boreas commencing.

For the main part, traffic impacts have already been assessed during the formal Norfolk Vanguard public hearings, which were conducted by the Planning Inspectorate. The only predicted additional highway impact relates to Boreas pulling cables through ducts that will have been installed by Norfolk Vanguard.

Phasing for the pulling of cables will be determined by the number of offshore phases. If two offshore phases are undertaken, the cables will be pulled through the ducts in up to two separate phases and the onshore project substation will also be constructed in up to two separate phases. Boreas will reuse Norfolk Vanguard accesses to the onshore cable route for cable pulling, including construction accesses and any retained/ reinstalled sections of running track. Cable drums will be delivered by HGV low loader to open joint pits and loaded onto a temporary hard standing. A winch is attached to the cable, pulling the cable off the drum from one joint pit to another, through the buried cable ducts. Cable jointing can be conducted once both lengths of electrical cable that terminate within a joint pit have been installed.

Comment - At this stage the traffic impact from the cable pull has not yet been assessed but it is not expected to be significant.

Scenario 2 Norfolk Vanguard does not proceed, and Boreas proceeds alone.

The main civil engineering works will take place first, which will comprise the installation of the cable ducts along the full length of the onshore cable route; after this, the electrical infrastructure (onshore cable pulling and substation plant) will be installed either in a single phase or in two separate phases. Under this scenario, the traffic impacts should be less than those already assessed by the Planning Inspectorate as part of the Vanguard project. This is because the duct installation generates the most traffic, but under this scenario less duct installation will be required – i.e. only ducting for Boreas rather than ducting for both Boreas and Vanguard. To ensure only one scenario is implemented, and that the relevant local authority have notice of which scenario is implemented, a requirement to this effect is included in the Development Consent Order.

Programme of works

The current indicative construction programmes anticipate that Norfolk Vanguard is expected to undertake pre-construction works in 2020 – 2021 with the main duct installation works taking place in 2022 - 2023. Under Scenario 1, Norfolk Boreas anticipates commencing construction in 2022 with operation and maintenance commencing in 2028/9.

Comment – Under Scenario 1 (Norfolk Vanguard proceeding) the County Council as Highway Authority does not have any additional comments to make to those made to the Norfolk Vanguard scheme and discussed at the Examination Hearings. However, in the event of Scenario 2 and the Boreas Scheme continuing as an independent project the County Council would need to repeat the concerns/issues raised to the Norfolk Vanguard scheme (see Appendix 2).

Public Health

- 3.29 The County Council would expect detailed matters relating to construction noise and local environmental health to be addressed by the relevant District Councils. Providing the District Councils are satisfied with the proposal in relation to the above matters, the County Council would not wish to raise any public health concerns at this time.

Flooding and Drainage

- 3.30 The Boreas Project has provided a Non-technical Summary together with outline plans including an Outline Operational Drainage Plan. (8.21) and Environmental Statement Volume 1 - Chapter 20. These documents are still at high level, but mirror what has previously been submitted (i.e. included in the Preliminary Environmental Impact Report).

At this stage it has not been determined what method of discharging surface water will be utilised in the final design and no assessment of the current or proposed runoff rates has been undertaken. However, the aim will be to discharge surface water runoff as high up the hierarchy of drainage options as reasonably practicable, (that is: i) into the ground (infiltration); ii) to a surface water body; iii) to a surface water sewer, highway drain or another drainage system; or iv) to a combined sewer). Detailed infiltration testing will be undertaken in accordance with Buildings Research Establishment (BRE) Digest 365 Soakaway Design within the above ground operational areas. If infiltration is proven to be unfavourable, then Greenfield runoff rates for the site shall be agreed. The post development runoff rates will be attenuated to the equivalent Greenfield rate for all rainfall events up to and including the 1% annual probability (or 2 l/s/ha). **This approach laid out in the outline plan is acceptable to the LLFA.**

Comments

- 3.31 It is noted that the maximum land take areas for the construction of the project substation and National Grid (NG) substation extension and the permanent footprint of the NG substation extension have increased, **which must be accounted for in any drainage calculations.**

It is also noted at for trenched crossing locations the cable will be buried a minimum of 1.5m below the bed level, as opposed to 2m in the trenchless crossing scenarios. **Clarification of this minimum depth is required.**

It should be noted that where the proposals involve works to any ordinary watercourse (temporary or permanent) a consent will be required. The number of these, where applicable, should be determined and applications **for block, or phased consents should be made to the appropriate authority**, including the flood and water management team at Norfolk County Council or the Internal Drainage Board. Also, a number of access routes will need to cross existing ditches and watercourses and environmental permits and consents are likely to be required for each crossing point.

All issues previously raised in the comments sent to the applicant in respect of the pre-application consultation in November 2018 still apply.

All the above matters should be addressed by the applicant and covered through appropriate Planning Conditions / Requirements. It is understood that as part of the submitted DCO, Planning Requirements are set out which would enable the above matters to be resolved post consent through:

- (a) An agreed Operational Drainage Plan to be agreed with the County Council as LLFA and the Environment Agency;
- (b) Code of Construction Practice with specific reference to surface water drainage; and
- (c) Water Course Crossing requirements.

Subject to the inclusion of these Requirements in the final DCO, the County Council does not have any objection to the proposal in terms of surface water drainage matters.

Local Member Comments

3.32 Response from Cllr Seward (North Walsham East Division):

My comments are confined to that part of the application that goes through my North Walsham East Division i.e. from Happisburgh (where the cable pipeline comes onshore) to North Walsham.

My comments reflect what I already submitted on the previous Vanguard application. The site south of Happisburgh village where the landfall takes place for both Vanguard and Boreas is in an area where there is ongoing and significant cliff erosion. There are no sea defences in place and none are planned. Vattenfall's response to date has been that the cabling under the Cliffs is deep enough and the site where the cabling reaches the surface is far enough back from the cliffs to prevent any of it being disturbed by cliff erosion. This is unproven. There should be a Planning condition that appropriate sea defences are erected to protect the relevant cliffs from erosion.

My understanding is that the laying of the cables for Boreas is in pipe work installed for Vanguard. There will however, still be some disruption to communities whilst this work is carried out. Hence there should be a contribution for 'community benefits.

4. Evidence and Reasons for Decision

4.1. At a national level the key energy objectives are:

- Reducing greenhouse gases (carbon reduction);
- Providing energy security; and
- Maximising economic opportunities.

In order to meet these objectives more infrastructure is required with an increased emphasis on energy generation from renewable and low carbon sources.

- 4.2. The government's long-term aspiration is to increase the diversity of the electricity mix, thereby improving the reliability of energy supplies as well as lowering carbon emissions. The Government is committed to the following targets by 2030:
- A 40% cut in greenhouse gas emissions compared to 1990 levels;
 - At least a 27% share of renewable energy consumption; and
 - At least 27% improvement in energy efficiency.
- 4.3. The Energy Act 2013 includes provision intended to incentivise investment in low carbon electricity generation, ensure security of supply and help the UK meet its emissions reduction and renewable energy targets. The Climate Change Act 2008 underlines the government's commitment to addressing both the causes and consequences of climate change. The Act aims to improve carbon management and help the transition towards a low carbon economy in the UK. The Planning Act 2008 also makes specific reference to the need for local authorities to tackle climate change.
- 4.4.
 - In terms of planning, the UK's commitment to renewable energy has been captured in the following National Policy Statements (NPSs): Overarching NPS for Energy (NPS EN 1);
 - NPS for Renewable Energy Infrastructure (NPS EN 3);
 - NPS for Electricity Networks Infrastructure (NPS EN 5).The Planning Act 2008 requires the Secretary of State to have regard to the relevant NPSs when making their decision.
- 4.5. With regard to local planning issues the National Planning Policy Framework (NPPF 2018) indicates that the planning system has a key role in supporting the delivery of renewable and low carbon energy and associated infrastructure. To help increase the use and supply of renewable energy the NPPF (section 14) indicates, inter alia, that local planning authorities (LPAs) should:
- provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);
 - consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and
 - identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.
- 4.6. As the above proposal is a NSIP it will be the Secretary of State (SoS) rather than the respective LPAs who will determine the application. The SoS will need to have regard to Local Plan policies and allocations when determining the application. The individual LPAs, including the County Council, are also statutory consultees in the NSIP process and will respond having regard to their Local Plan policies and other statutory responsibilities including environmental health (District Councils).

5. Alternative Options

- 5.1. The alternative option is not to raise and forward the comments set out in this report to the Planning Inspectorate. This option is not recommended as the report proposes a series of detailed comments which need to be addressed through the Development Consent Order (DCO) process to ensure that the final consented scheme complies with County Council policies and satisfactorily mitigates any impacts where the County Council has a statutory responsibility.

6. Financial Implications

- 6.1. Staff have engaged with the applicant at the technical scoping stage; attending steering group and topic-based meetings and provided technical advice and information in respect of the County Council's statutory responsibilities. The County Council has charged for some of this advice and technical data provided.

7. Resource Implications

- 7.1. **Staff:** There are no immediate staff implications
7.2. **Property:** None
7.3. **IT:** None

8. Other Implications

- 8.1. **Legal Implications:**
The County Council's internal procedures allow for corporate response/s to be made to NSIP consultations ensuring all the County Council's statutory responsibilities are taken into account.
- 8.2. **Human Rights implications**
None
- 8.3. **Equality Impact Assessment (EqIA) (this must be included)**
A detailed equality impact assessment has not been carried out, however, consideration has been given to equality issues. The Council's Planning functions are subject to equality impact assessments. There has been local member involvement in the decision-making process (i.e. with all members consulted whose constituents will be affected by the onshore works). This will ensure that any final decisions made will have a positive impact on communities in terms of supporting and enhancing the provision of services; support well-being; and support the delivery of infrastructure to keep people safe.
- 8.4. **Health and Safety implications (where appropriate)**
None
- 8.5. **Sustainability implications (where appropriate)**
This report sets out a series of comments / recommendation which will ensure that appropriate infrastructure will be provided and actions undertaken, which will ensure that the consented scheme will be delivered in a sustainable manner.
- 8.6. **Any other implications**
None

9. Risk Implications/Assessment

- 9.1. No risk associated with this report other than those implications outlined above.

10. Select Committee Comments

- 10.1. N/A

11. Recommendation

- 11.1. It is recommended that the County Council supports the principle of this offshore renewable energy proposal, which is consistent with national renewable energy

targets and objectives, subject to: The implementation of appropriate highway; historic environment; and surface water conditions / requirements being resolved through the DCO.

12. Background Papers

- 12.1. The National Planning Policy Framework (2018)
<https://www.gov.uk/government/publications/national-planning-policy-framework-2>
The Planning Act (2008)
<http://www.legislation.gov.uk/ukpga/2008/29/contents>
The National Planning Policy Framework (2012) -
<https://www.gov.uk/government/publications/national-planning-policy-framework-2>
Energy Act (2013)
<http://www.legislation.gov.uk/ukpga/2013/32/contents/enacted/data.htm>
Norfolk Vanguard Proposal (2018) – Planning Inspectorate web-site:-
<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/norfolk-boreas/?ipcsection=docs>

Officer Contact

If you have any questions about matters contained in this paper, please get in touch with:

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If you need this report in large print, audio, braille, alternative format or in a different language please contact 0344 800 8020 or 0344 800 8011 (textphone) and we will do our best to help.

Project Description and Project Scenarios

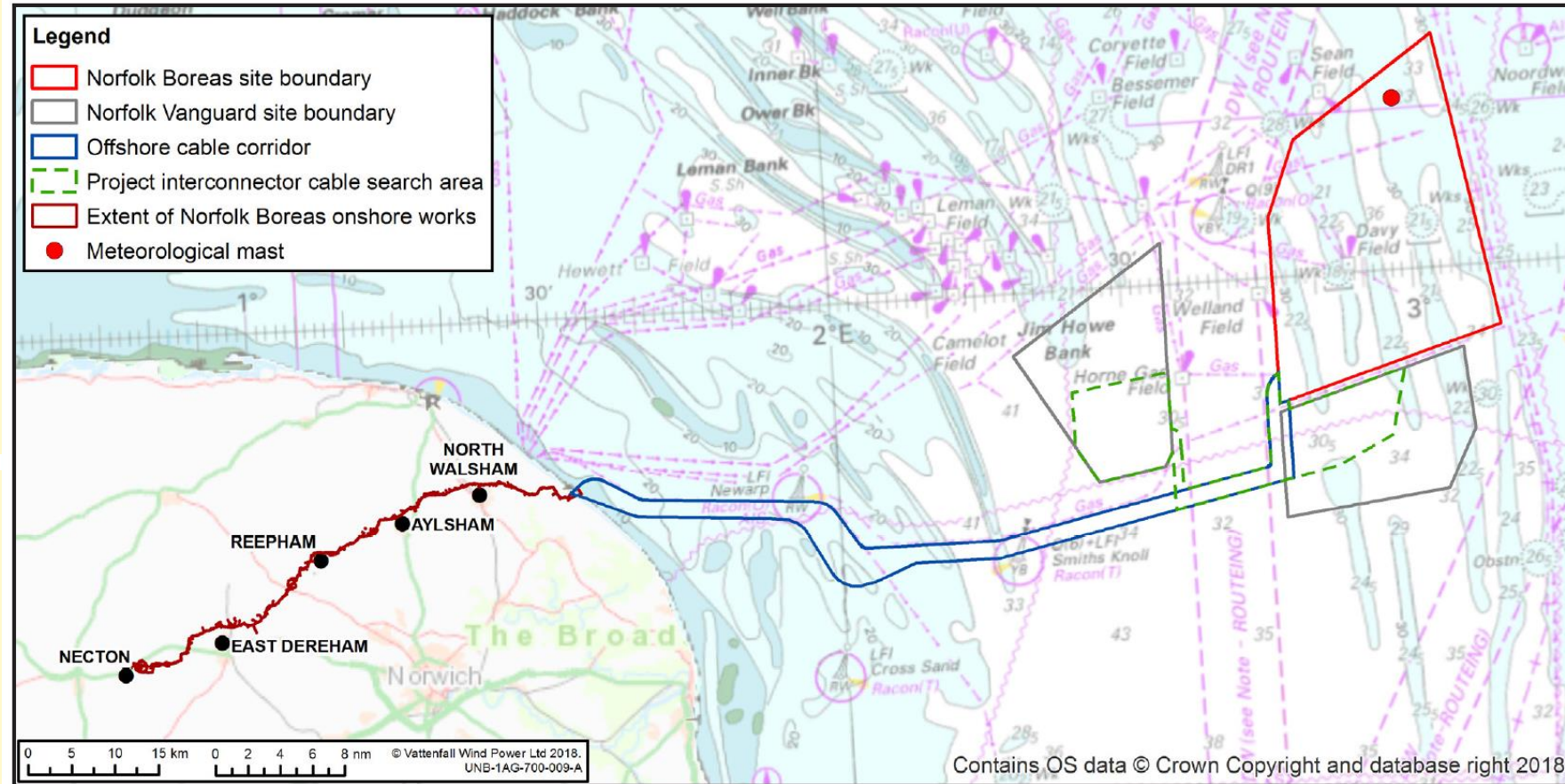
Norfolk Boreas Project Description

Offshore

- 1.8 GW export capacity
- 73km from coast of Norfolk
- Array site of 725 km² site
- 20MW maximum size of turbine
- 90-180 turbines
- Up to two offshore electrical platforms
- Shared Offshore Cable Corridor with Norfolk Vanguard

Onshore

- Landfall at Happisburgh South
- HVDC Onshore Cable Route shared with Norfolk Vanguard
- Onshore Project Substation
- National Grid Extension
- Co-location of substation infrastructure with Norfolk Vanguard



ES Chapter 5 (document 5.1.5) contains full project description

Project Scenarios – Why two?

Norfolk Boreas is seeking consent for two alternative development scenarios:

- **Scenario 1** Norfolk Vanguard **proceeds to construction**, and installs ducts and other shared enabling works for Norfolk Boreas.
- **Scenario 2** Norfolk Vanguard **does not proceed to construction** and Norfolk Boreas proceeds alone. Norfolk Boreas undertakes all works required as an independent project.

Why two scenarios?

Scenario 1 is considered the most likely and would mean both Norfolk Boreas and Norfolk Vanguard are delivered achieving associated synergies. However, Norfolk Boreas need to consider if Norfolk Vanguard does not proceed to construction, therefore also have considered Scenario 2 where Norfolk Boreas proceeds alone.

Only one scenario can be implemented which is secured by Requirement 15 within the DCO, however the decision on which will not be made until post-consent.

Further explanation on the scenarios is provided in the **Explanatory Memorandum (document 3.2)**.

Project Scenario - Scenario 1

Scenario 1

Norfolk Vanguard **proceeds to construction**, and installs ducts and other shared enabling works for Norfolk Boreas. Norfolk Vanguard would undertake:

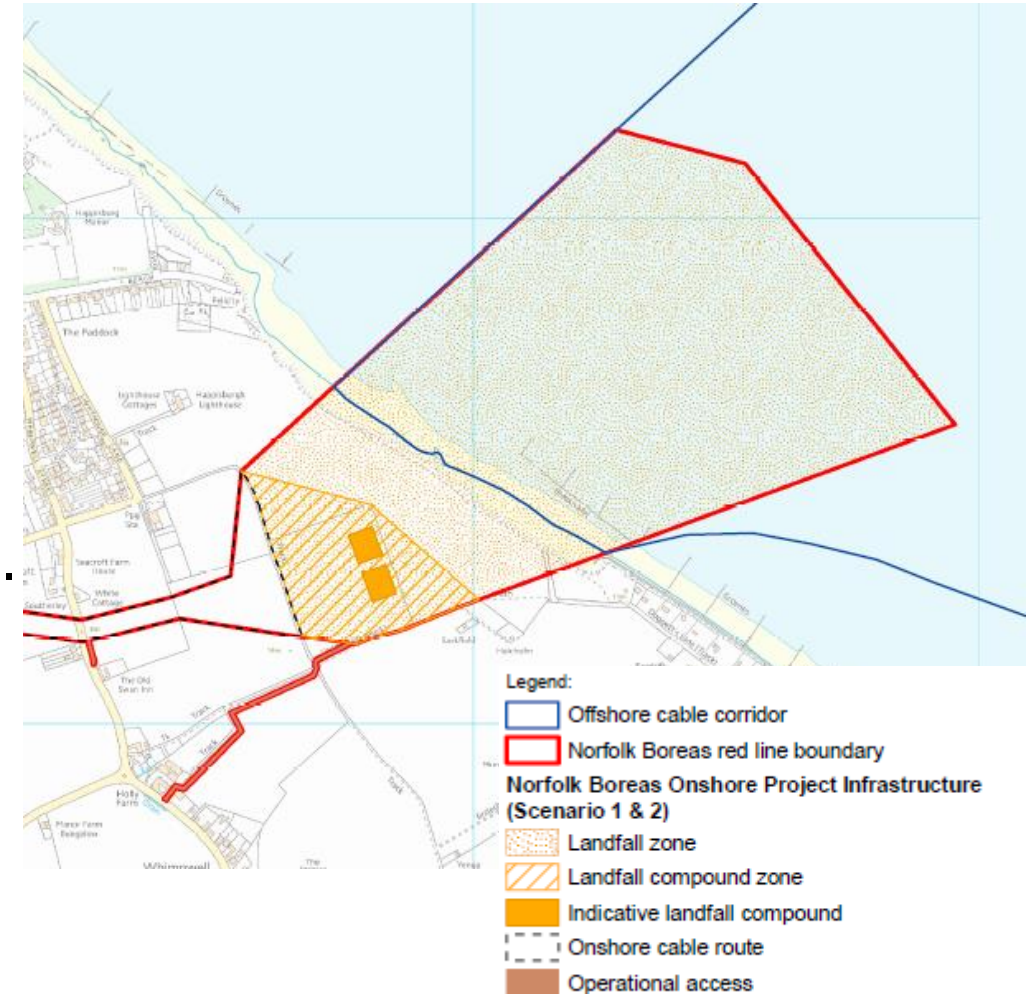
- Installation of ducts to house Norfolk Boreas cables along the entirety of the onshore cable route from the landfall zone to the onshore project substation;
- A47 junction works for both projects and installation of a shared access road up to the Norfolk Vanguard substation;
- Overhead line modifications at the Necton National Grid substation, which would accommodate both projects.

Under Scenario 1 Norfolk Boreas **works on the onshore cable route would be a cable pull through operation only**, which prevents the requirement to reopen the land across the entire cable route. This minimises the impacts of the onshore construction works and limits disruption.

Scenario 1 – Landfall & Onshore Cable Route

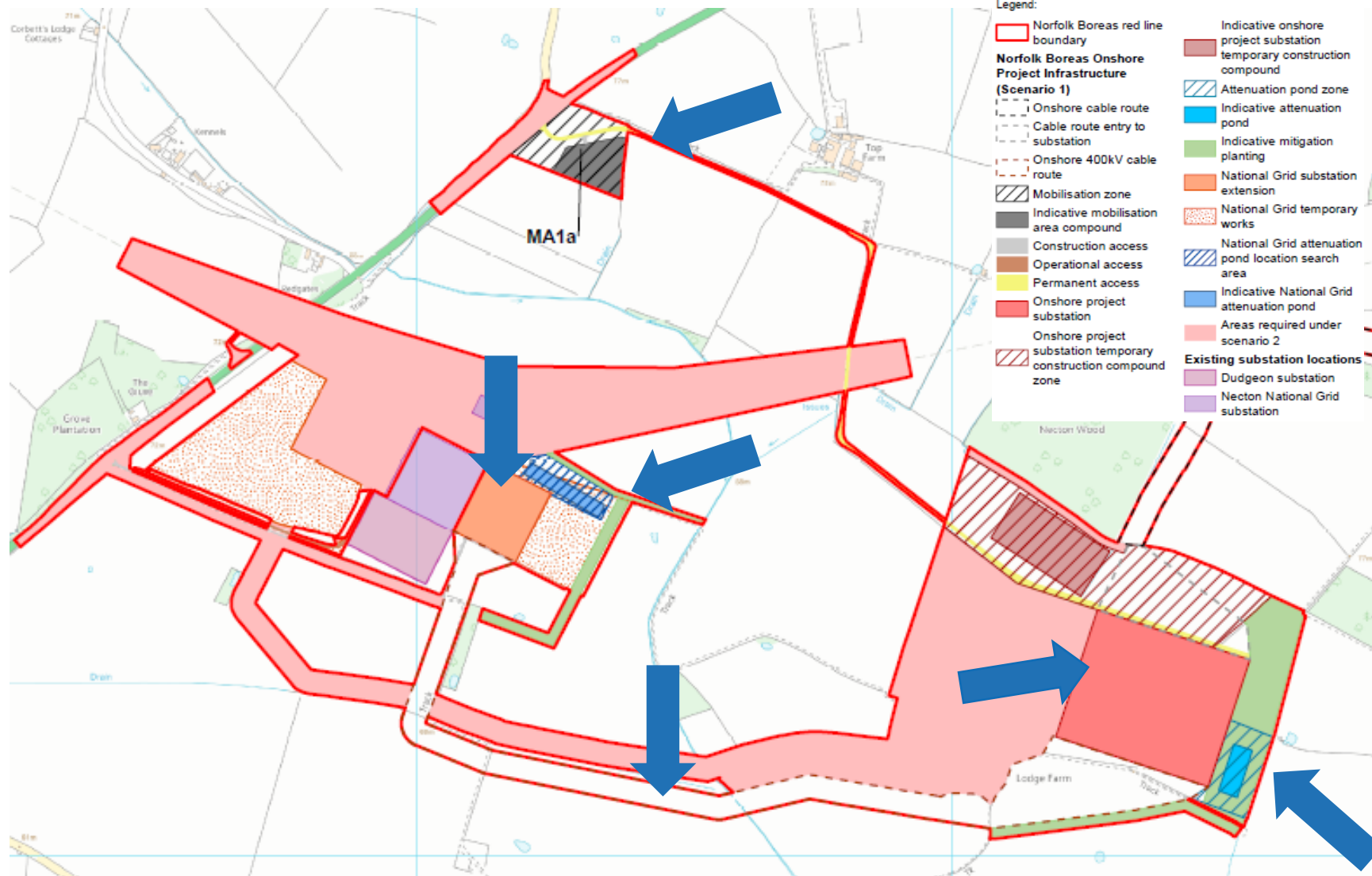
Under Scenario 1 Norfolk Boreas will undertake:

- At the landfall, a long Horizontal Directional Drill to install ducts, subsequent cable pulling operation and creation of transition pits to connect the onshore and offshore cables.
- On the cable route only cable pulling operation required. Cables will be pulled through the pre-installed ducts (already installed by Norfolk Vanguard). Requires access to and creation of jointing pits, at approximately 800m intervals.
- Up to 12km of running track will be retained or reinstalled to facilitate access to jointing pits
- Access routes for cable pulling will be the same as used for Norfolk Vanguard.



Scenario 1 - Substation

Same type of infrastructure as Norfolk Vanguard



- Construction of a new onshore project substation;
- Extend the existing Necton National Grid Substation in an easterly direction;
- Install 400kV cables to connect to extension;
- Associated drainage and landscape mitigation; and
- Use the access road installed by Norfolk Vanguard but will be extended approx. 300m;

Project Scenarios – Scenario 2

Scenario 2

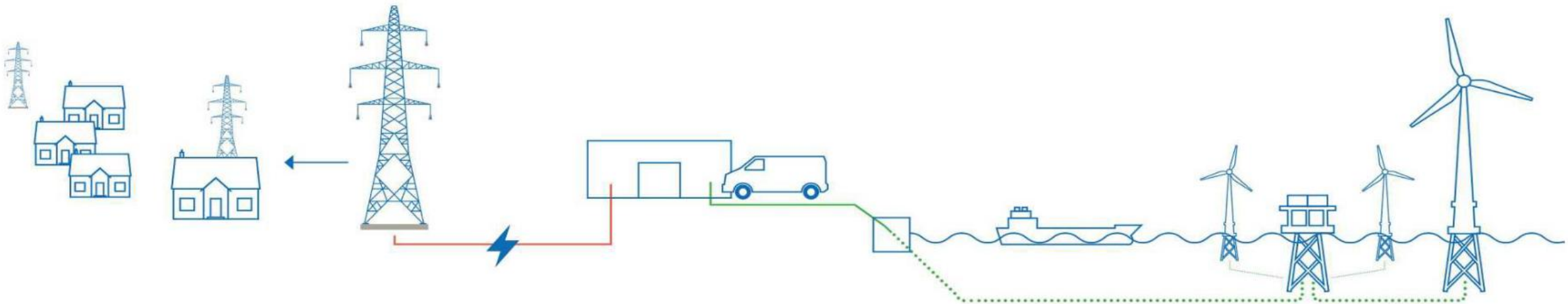
Norfolk Vanguard **does not proceed to construction** and Norfolk Boreas proceeds alone. Norfolk Boreas undertakes all works required as an independent project.

- HDD and associated works at landfall;
- **Installation of cable ducts and trenchless crossings;**
- **Establishment of mobilisation areas and full length running track;**
- Pulling of cables through the pre-installed ducts including creation of jointing pits;
- Construction of the onshore project substation;
- Extension works at Necton National Grid (**in a westerly direction**);
- Installation of 400Kv cables to connect to Necton National Grid; and
- **Modification works to the existing overhead lines.**

Project Scenarios - Scenario 2

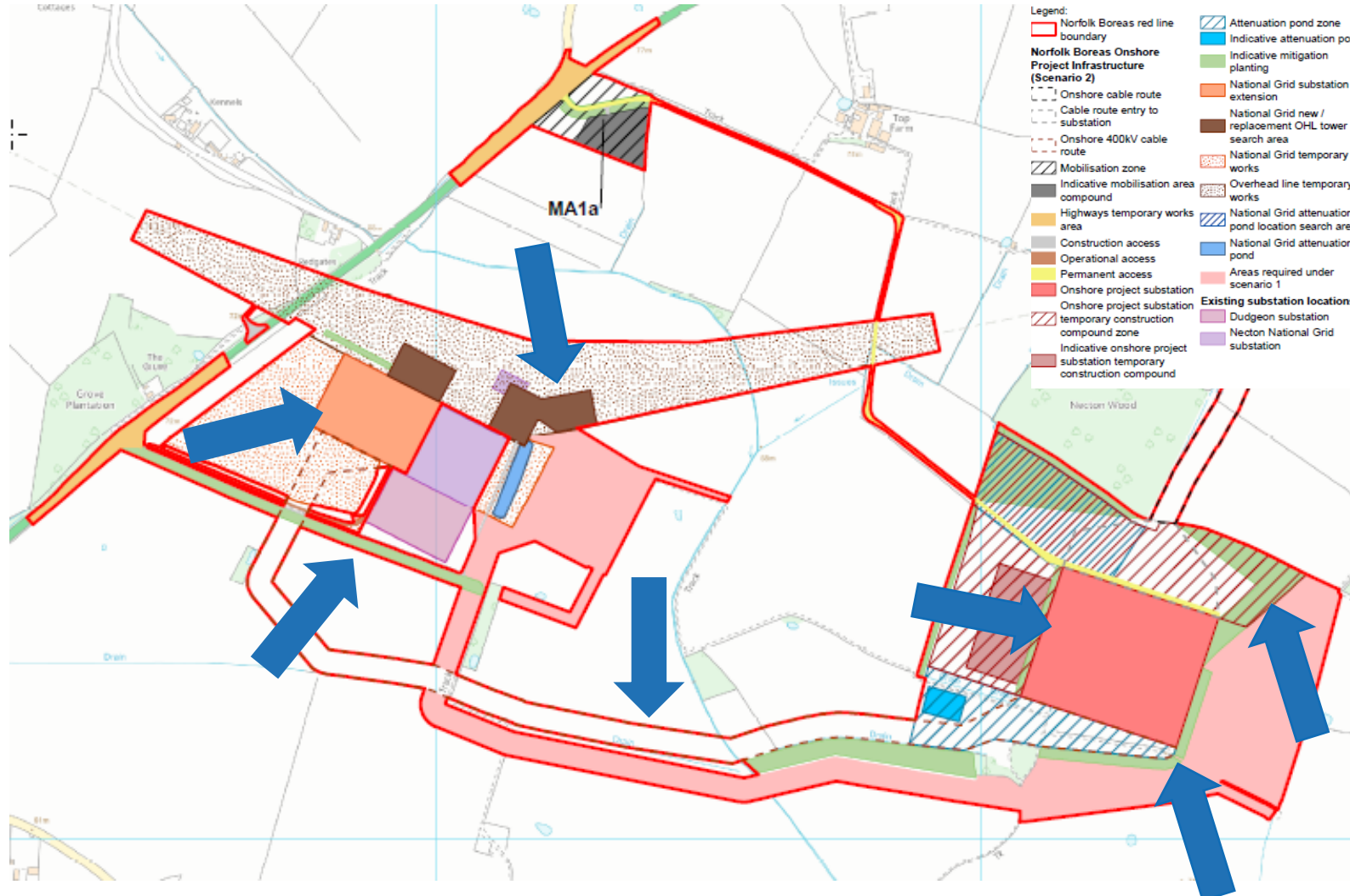
Scenario 2 is almost Norfolk Vanguard but not quite:

- Same works at the landfall;
- Same type of works on the onshore cable route but only installing ducts for one project (where as Norfolk Vanguard seeking consent to install for two projects):
- Different programme, with works commencing approximately 1 year later; and
- Different onshore project substation location.



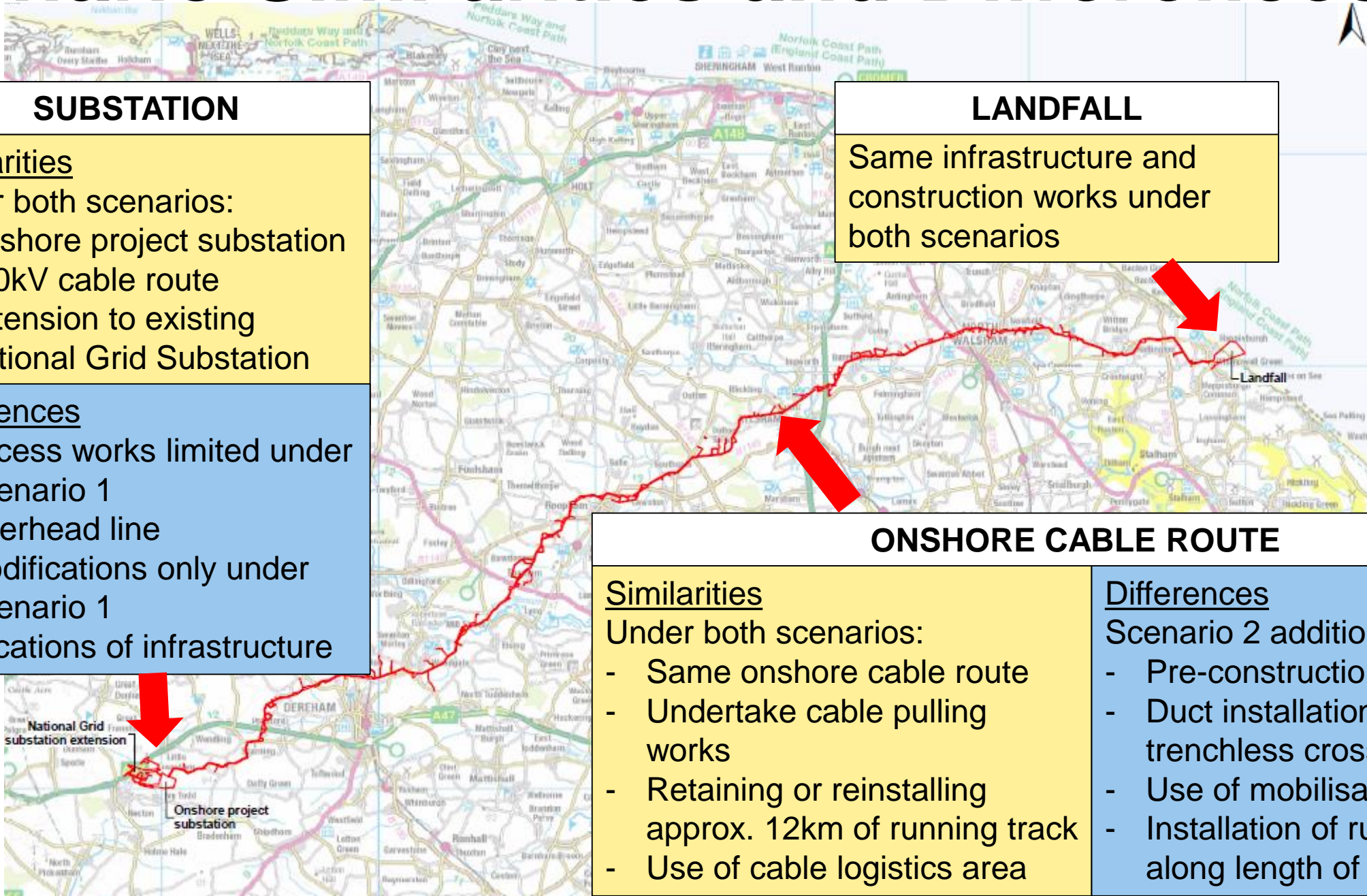
Substation – Scenario 2

Under Scenario 2 the type infrastructure at the substation is the same as Scenario 1 but the locations are different:



- The existing Necton National Grid Substation extension is in an westerly direction, 400kV cables to connect to extension and associated mitigation are all the same as Norfolk Vanguard.
- The onshore project substation is a unique location (different location to both Scenario 1 and Norfolk Vanguard);
- Additional associated landscape mitigation to reflect location.
- Modifications to existing overhead line would be required.

Scenario Similarities and Differences



SUBSTATION

Similarities

Under both scenarios:

- Onshore project substation
- 400kV cable route
- Extension to existing National Grid Substation

Differences

- Access works limited under Scenario 1
- Overhead line modifications only under Scenario 1
- Locations of infrastructure

LANDFALL

Same infrastructure and construction works under both scenarios

ONSHORE CABLE ROUTE

Similarities

Under both scenarios:

- Same onshore cable route
- Undertake cable pulling works
- Retaining or reinstalling approx. 12km of running track
- Use of cable logistics area

Differences

- Scenario 2 additional works
- Pre-construction works
 - Duct installation including trenchless crossings
 - Use of mobilisation areas
 - Installation of running track along length of cable route

A flavour of the engagement which helped shape the Norfolk Vanguard and Norfolk Boreas proposals



38 Community consultation events, and workshops



2850+ participants



1300 items of written feedback



250+ meetings with Parish Councils, local groups and representatives attended by our team



9 community newsletters have been sent direct to more than **215,000** homes and businesses along the project area; tens of statutory and non-statutory notices placed in newspapers, and social media deployed to alert local people to consultation opportunities



19 expert topic groups with national and local stakeholders, providing critical appraisal and guidance



120+ specialists who contributed to the data encompassed within the Development Consent Order



100% of landowners along the cable corridor we are proactively engaging with



20+ events and meetings to engage the local supply chain, with an estimated 580 suppliers involved



80+ separate educational engagement activities for young people, to enhance their understanding of the offshore wind sector and careers available in the industry

The numbers apply to the period October 2016 - to May 2019, ahead of finalising our Norfolk Boreas Development Consent Order Application.

Response to Norfolk Boreas DCO Application - Detailed Comments

Historic Environment

- 1.1. Chapter 28: The potential indirect impact of the proposals on the setting of designated heritage assets - which is principally relevant to the construction and operation phases of the project - and the physical impact on undesignated heritage assets with archaeological interest – principally during the construction phase are both considered. Potential impacts during the decommissioning phase are also examined.
- 1.2. The Chapter considers the historic environment implications of both scenarios for which consent is being sought – Scenario 1 in which the Vanguard OWF is constructed and Scenario 2 where Vanguard OWF is not constructed. Because of the shared cable route of the two schemes, under Scenario 1 the majority of the required post-consent archaeological works will be undertaken as part of the Vanguard Scheme and it would principally be additional works at the Necton substation site that would be carried out for the Boreas scheme. Under Scenario 2 all of the required post-consent archaeological works at landfall, along the cable route and at the substation site would be carried out under the Boreas scheme.
- 1.3. As indicated in our response to the PEIR consultation, we are satisfied that the historic environment baseline data considered and that the level of assessment undertaken are adequate and appropriate for the DCO application.
- 1.4. Subsequent to the PEIR consultation, an archaeological geophysical survey was carried out at the proposed substation site at Necton. The survey area was included in the Priority Geophysical Survey Area for the Vanguard OWF scheme but access to carry out the survey was not possible prior to the Vanguard DCO application. The survey results (which cover both the Vanguard and Boreas substation areas) have been submitted as Appendix 28.8 of the Boreas DCO application. The geophysical survey identified archaeological features associated with a known medieval moated site (which was already being avoided by the proposed infrastructure of both the schemes). The geophysical survey also identified a previously unrecorded heritage asset - a ring ditch possibly associated with a Bronze Age barrow (or less likely a post-medieval windmill). The ring ditch is located at a point where the proposed cable corridors for the Vanguard and Boreas schemes cross. As set out in the Chapter, appropriate further investigation and mitigation measures will be applied post-consent (under either Scenario 1 or Scenario 2 as appropriate).
- 1.5. The DCO application includes an Outline Written Scheme of investigation for the onshore archaeological works required post-consent. Although there are a few terminological issues (e.g. Norfolk Museums and Archaeology Service should be Norfolk Museums Service) these do not materially affect the content or deliverability of the document. The Outline Written Scheme of investigation for the onshore archaeological works is satisfactory.
- 1.6. The implementation of the programme of post-consent archaeological works set out in the Onshore Outline Written Scheme of investigation would be secured through Requirement 23 of the Draft DCO. A similar requirement was applied to the Vanguard scheme and the draft wording of Requirement 23 of the Boreas Draft DCO takes appropriate account of changes to the wording of Vanguard

DCO that were made during the Vanguard DCO Hearing process. As such the wording of Requirement 23 is acceptable and will ensure that the Outline Written Scheme of investigation for the onshore archaeological works can be implemented effectively.

- 1.7. Chapter 17 of the Environmental Statement relates to the Offshore Archaeology and Cultural Heritage. The offshore historic environment lies beyond the direct remit of Norfolk County Council Environment Service. It will be considered by Historic England who will comment as appropriate.