

Norfolk Vanguard Offshore Wind Farm

Statement of Common Ground

Maritime and Coastguard Agency



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

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1 INTRODUCTION

1. This Statement of Common Ground (SoCG) has been prepared with the Maritime and Coastguard Agency (MCA) and Norfolk Vanguard Limited (hereafter ‘the Applicant’) to set out the areas of agreement and disagreement in relation to the Development Consent Order (DCO) application for the Norfolk Vanguard Offshore Wind Farm (hereafter ‘the project’).
2. This SoCG comprises an agreement log which has been structured to reflect topics of interest to the MCA in the Norfolk Vanguard DCO application (hereafter ‘the Application’). Topic specific matters agreed, not agreed and actions to resolve between the MCA and the Applicant are included.
3. The Applicant has had regard to the Guidance for the examination of applications for development consent (March 2015) when compiling this SoCG. Points that are not agreed will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.

1.1 The Development

4. The Application is for the development of the Norfolk Vanguard Offshore Wind Farm (OWF) and associated infrastructure. The OWF comprises two distinct areas, Norfolk Vanguard (NV) East and NV West (‘the OWF sites’), which are located in the southern North Sea, approximately 70 kilometres (km) and 47km from the nearest point of the Norfolk coast, respectively. The location of the OWF sites is shown in Chapter 5 Project Description Figure 5.1 of the Application. The OWF would be connected to the shore by offshore export cables installed within the offshore cable corridor from the OWF sites to a landfall point at Happisburgh South, Norfolk. From there, onshore cables would transport power over approximately 60km to the onshore project substation and grid connection point near Necton, Norfolk.
5. Once built, Norfolk Vanguard would have an export capacity of up to 1800 Megawatts (MW), with the offshore components comprising:
 - Wind turbines;
 - Offshore electrical platforms;
 - Accommodation platforms;
 - Met masts;
 - Measuring equipment (LiDAR and wave buoys);
 - Array cables;
 - Interconnector cables; and
 - Export cables.

1.2 Consultation with the Maritime and Coastguard Agency

6. This section briefly summarises the consultation that the Applicant has had with the MCA. For further information on the consultation process please see the Consultation Report (document reference 5.1 of the Application).

1.2.1 Pre-Application

7. The Applicant has engaged with the MCA on the project during the pre-Application process, both in terms of informal non-statutory engagement and formal consultation carried out pursuant to Section 42 of the Planning Act 2008.
8. During formal (Section 42) consultation, the Maritime and Coastguard Agency provided comments on the Preliminary Environmental Information Report (PEIR) by way of a letter dated 11th December 2017.
9. Table 1 provides an overview of meetings and correspondence undertaken with the MCA. Minutes of the meetings are provided in Appendices 9.15 – 9.26 (pre-Section 42) and Appendices 25.1 – 25.9 (post-Section 42) of the Consultation Report (document reference 5.1 of the Application).

1.2.2 Post-Application

10. This is a live document that is being updated as the project progresses. This updated draft takes into account the MCA's Relevant Representation and responses to the Examining Authority's first written questions submitted at Deadline 1. This draft is submitted for Deadline 4 in accordance with the Rule 8 letter.

2 STATEMENT OF COMMON GROUND

11. Within the sections and tables below, the different topics and areas of agreement and disagreement between the MCA and the Applicant are set out.

2.1 Chapter 15: Shipping and Navigation

12. The project has the potential to impact upon Shipping and Navigation. Chapter 15 of the Norfolk Vanguard ES (document reference 6.1 of the Application) provides an assessment of the significance of these impacts.
13. Table 1 provides an overview of meetings and correspondence undertaken with the MCA regarding Shipping and Navigation.
14. Table 2 provides areas of agreement (common ground) and disagreement regarding Shipping and Navigation.

Table 1 Summary of Consultation with the Maritime and Coastguard Agency

Date	Contact Type	Topic
Pre-Application		
MCA and Trinity House (TH)	12th January 2016 Consultation meeting with MCA and TH.	Overview of initial proposed project and agreement on guidance to be used including Marine Guidance Note (MGN) 543.
MCA	November 2016 Scoping Opinion	The MCA noted that the ES should supply detail on the possible impacts on navigational issues for both commercial and recreational craft. A Navigation Risk Assessment (NRA) will need to be submitted in accordance with MGN 543 (and MGN 372) and the MCA Methodology for Assessing the Marine Navigation Safety & Emergency Response Risks of Offshore Renewable Energy Installations (OREI).
MCA and TH	24th May 2016 Consultation meeting with MCA and TH.	Agreement was reached on the survey methodology proposed by Norfolk Vanguard including dates and time period.
MCA	17th March 2017 Consultation meeting with MCA and TH.	MCA noted the MGN requirement for two lines of orientation but would consider a safety case for one line of orientation, where appropriate. MCA noted that synchronisation between East Anglia Three, Norfolk Vanguard East and Norfolk Boreas would be required.

Date	Contact Type	Topic
MCA	11th December 2017 PEIR Response	<p>MCA noted that the development area carries a significant amount of through traffic, and attention needs to be paid to routeing; particularly in heavy weather ensuring shipping can continue to make safe passage without significant large scale deviations.</p> <p>The possible cumulative and in combination effects on shipping routes should be considered.</p> <p>Hydrographic surveys should fulfil the requirements of MGN 543.</p> <p>A cable burial risk assessment will be required.</p> <p>The turbine layout design will require MCA approval prior to construction to minimise the risks to surface vessels, including rescue boats, and Search and Rescue (SAR) aircraft operating within the site.</p> <p>Safety zones during the construction, maintenance and decommissioning phases are supported.</p> <p>An Emergency Response Cooperation Plan (ERCoP) is required to meet the requirements of MGN 543.</p>
Post-Application		
MCA	14th September 2018 Relevant Representation	<p>The project has undertaken a detailed NRA in accordance with MCA guidance (MGN 543 and its supporting annexes, and risk assessment methodology), and we are satisfied that all aspects of the NRA have been adequately addressed, including the traffic surveys. However, there are still aspects of the project that will need to be discussed beyond consent, and concerns which will need to be addressed and agreed with the MCA, as follows:</p> <ul style="list-style-type: none"> - Layout design; - Deep Water Routes; - Marking and lighting; - ERCOPs; - Construction scenarios; - Mooring arrangements; - Hydrographic surveys; - Cable routes; and - Safety zones.
MCA	12th September 2018 Consultation Meeting	<p>Approach to post consent layout development discussed including the consideration of design rules to guide array design.</p> <p>Agreement on the process for the completion of the SoCG.</p>

Date	Contact Type	Topic
MCA	16 th January 2019	Response to Written Questions including: <ul style="list-style-type: none"> • Requirements for lighting and marking. • Arbitration Clause. • Hydrographic survey requirements. • Linear construction programme. • Cable protection methods.
MCA	27 th January 2019	Discussion on the Design Rules; including agreement on amendments. Final version of Design Rules currently with MCA and TH for comment (Feb 2019).

Table 2 Shipping and Navigation

Topic	Norfolk Vanguard Limited position	Maritime and Coastguard Agency Position	Final position
Consultation			
Consultation	The MCA has been adequately consulted regarding Shipping and Navigation to date.	Agreed	It is agreed by both parties that the consultation has been adequate.
Environmental Impact Assessment			
Existing environment	Marine traffic survey data collected for Norfolk Vanguard for the characterisation of Shipping and Navigation are suitable for the assessment.	Agreed	It is agreed that the marine traffic survey data collection is as per MGN 543 and therefore suitable for the assessment.
	The ES adequately characterises the baseline environment in terms of Shipping and Navigation.	Agreed	It is agreed that the ES adequately characterises the baseline environment in Chapter 15: Shipping and Navigation of the ES which includes the NRA.
Assessment methodology	Appropriate legislation, planning policy and guidance relevant to Shipping and Navigation has been used.	Agreed	It is agreed that the appropriate legislation, planning policy and guidance has been used in Chapter 15: Shipping and Navigation of the ES.
	The potential impacts identified within the chapter represent a comprehensive list of potential effects on Shipping and Navigation from the project.	Agreed	It is agreed that the Applicant has comprehensively identified navigational safety impacts on Shipping and Navigation receptors from the project.
	The Formal Safety Assessment (FSA) based approach to the assessment of effects is deemed appropriate for the purposes of predicting changes to the receiving environment.	Agreed	It is agreed that the approach adopted in Chapter 15: Shipping and Navigation of the ES is appropriate to assess navigational safety impacts from the proposed Project on Shipping and Navigation receptors.

Topic	Norfolk Vanguard Limited position	Maritime and Coastguard Agency Position	Final position
	The worst case scenarios identified for each effect are appropriate based on the information presented in the Project Description.	Agreed	It is agreed that the design parameters of the project presented in Chapter 15: Shipping and Navigation of the ES would result in a worst case scenario for Shipping and Navigation impacts.
Navigational Risk Assessment	The NRA (Chapter 15.1) has been undertaken in line with required guidance including MGN 543.	Agreed	It is agreed that the NRA has been undertaken in accordance with MCA guidance (MGN 543 and its supporting annexes, and risk assessment methodology), and all aspects of the NRA have been adequately addressed, including the traffic surveys.
Assessment findings	The definitions used for magnitude and sensitivity are appropriate.	Agreed	It is agreed that the definitions used for magnitude and sensitivity are appropriate for Shipping and Navigation as shown in Chapter 15: Shipping and Navigation of the ES.
	The assessment of potential changes to Shipping and Navigation is appropriate and no impacts from the construction, operation and maintenance and/or decommissioning of the Project will be significant in Environmental Impact Assessment (EIA) terms.	Agreed	It is agreed that, in accordance with the outcome of the assessment presented in Chapter 15: Shipping and Navigation of the ES that the adopted measures for impacts on shipping and navigation receptors are sufficient to bring risk to tolerable levels.

Topic	Norfolk Vanguard Limited position	Maritime and Coastguard Agency Position	Final position
Safety zones	The Applicant will undertake an application for safety zones of up to 500 metres (m) during construction, major maintenance and decommissioning phases; and 50m pre commissioning.	Agreed	The post consent use of construction, major maintenance and decommissioning safety zones are noted and supported by the MCA.
Emergency response	An ERCoP is an embedded mitigation.	Agreed	It is agreed that an ERCoP will need to be in place and agreed with the MCA prior to any offshore construction (and during the operation and maintenance phase) being undertaken to mitigate risk associated with increased activity and coordinating responses.
	A SAR Checklist will be completed post consent to ensure that the development, where applicable, complies with the recommendations.	Agreed	It is agreed that a SAR checklist will be completed post consent. See also DCO /DML Conditions.



Topic	Norfolk Vanguard Limited position	Maritime and Coastguard Agency Position	Final position
<p>Layout design and Use of Design Rules</p>	<p>The project is currently consulting with the MCA on Design Rules that will ensure that the post consent layout approval process is undertaken effectively. The intention of the rules is to ensure effective layout approval in conjunction with the MCA (and TH).</p>	<p>Under Discussion</p>	<p>It is agreed that the final turbine layout design will require MCA approval prior to construction (post consent) to minimise the risks to surface vessels, including rescue boats, and SAR aircraft operating within the site. This final layout will be submitted as per DML Condition 14(1) - Design Plan in accordance with the parameters defined within the layout rules (once agreed). The design rules (for Norfolk Vanguard) are currently being discussed and the MCA, TH and the Applicant are confident that they will be agreed prior to the end of examination.</p> <p>It is agreed that the NRA considers the 'worst case scenario' with a minimum of one line of orientation possible; however the MCA's requirement is for at least two lines of orientation for the purposes of safe navigation for surface vessels, and SAR capabilities unless a developer can clearly demonstrate that fewer is acceptable as per MGN 543 by submitting a safety justification.</p>

Topic	Norfolk Vanguard Limited position	Maritime and Coastguard Agency Position	Final position
Cumulative Impact Assessment (CIA)	The cumulative (and in-combination) assessment of potential changes to Shipping and Navigation is appropriate and no cumulative impacts will be significant in EIA terms.	Agreed	Based on the information provided within Chapter 15: Shipping and Navigation of the ES it is agreed that cumulative impacts including main route deviations caused by the project cumulatively are unlikely to be significant on the understanding that appropriate mitigation measures (as noted in the Chapter 15: Shipping and Navigation) are implemented.
Mitigation and Management			

Topic	Norfolk Vanguard Limited position	Maritime and Coastguard Agency Position	Final position
Lighting and marking	A lighting and marking options will be developed post consent and is considered an embedded mitigation with the NRA. The MCA have requested a Lighting and Marking Plan, this plan would be developed as standard post consent by the Applicant.	Agreed	<p>It is agreed that the turbine numbering system follows a 'spreadsheet' principle and is consistent with other wind farms in the area as per DML Condition 14(1)(a)(ix).</p> <p>It is agreed that all lighting and marking arrangements will need to be agreed with the MCA and TH in accordance with DML Conditions 10 and 11. Condition 15 also includes a requirement for the applicant to 'adequately addressed MCA recommendations contained within MGN543'.</p> <p>The requirements laid out by these conditions will be displayed and agreed within a Lighting and Marking Plan however that plan (as discussed at the Issue Specific Hearing) will not be a separate condition to avoid duplication of requirements.</p> <p>An Aids to Navigation Management Plan will be submitted as per condition 14(k).</p>
Mooring arrangements	It is agreed that any mooring arrangements associated with floating foundations will require further presentation of detail on the anchor and line spread, monitoring during construction and operation, recovery of turbines and third party verification (in line with guidance on regulatory expectations developed by the MCA and Health and Safety Executive (HSE)).	Agreed	It is agreed that third party verification and additional technical detail on floating foundations will be presented to the MCA by the Applicant post-consent should these foundation types be selected.

Topic	Norfolk Vanguard Limited position	Maritime and Coastguard Agency Position	Final position
Hydrographic surveys	The applicant is content to provide hydrographic survey data as required by MGN 543.	Agreed	It is agreed that as required by MGN 543, detailed and accurate hydrographic surveys will be undertaken periodically at agreed intervals as per MGN 543 (DML Condition 16). It is noted that Condition 20 covers a requirement Hydrographic requirement intended for consideration by the MMO as part of post construction surveys.
Construction scenario	It is agreed that a design plan will form part of the post consent documentation. The potential for linear development will be discussed at this point.	Agreed	DML Condition 14(1)a requires a design plan to be submitted and approved by the MMO in consultation with the MCA and Trinity House prior to licensed activities commencing. A cable specification, installation and monitoring plan will also be submitted as per DML Condition 14(1)(g) and will consider any changes to under keel clearance depths as per the requirements of MGN 543.
Draft Development Consent Order (DCO)			
Standard conditions	Standard conditions have been included within the Norfolk Vanguard DCO application, where applicable.	Under Discussion	MCA would like to review wording in the amended DCO before agreeing this matter.
Newly requested condition – Submission of a SAR Checklist	It is agreed that the SAR checklist will not be included as a separate condition within the DCO to avoid duplication of the requirements contained within it; essential requirements are in themselves already consent conditions e.g. layout and lighting and marking. However, the Applicant is content to comply with MGN 543 and its annexes (where applicable) including the completion of a SAR checklist post consent.	Agreed	It is agreed that the SAR checklist will not be included as a separate condition within the DCO. It is also agreed that the Applicant is content to use the SAR Checklist (as per MGN 543 and its annexes) to guide and record post consent discussions.

The undersigned agree to the provisions within this SOCG

Signed	
Printed Name	
Position	OREI ADVISOR
On behalf of	Maritime and Coastguard Agency
Date	12/03/19

Signed	
Printed Name	Rebecca Sherwood
Position	Norfolk Vanguard Consents Manager
On behalf of	Norfolk Vanguard Ltd (the Applicant)
Date	12.03.2019