

Norfolk Vanguard Offshore Wind Farm

Statement of Common Ground

Trinity House



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 Trinity House (TH) 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 TH on the Norfolk Vanguard DCO application (hereafter ‘the Application’). Topic specific matters agreed, not agreed and actions to resolve between TH 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 Trinity House

6. This section briefly summarises the consultation that the Applicant has had with TH. 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 TH 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, TH provided comments on the Preliminary Environmental Information Report (PEIR) by way of a letter dated 8th December 2017.
9. Table 1 provides an overview of meetings and correspondence undertaken with TH. 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. Following submission of the application, TH provided a formal notification of interest in the process by way of a relevant representation dated 14th August 2018.

2 STATEMENT OF COMMON GROUND

11. Within the sections and tables below, the different topics and areas of agreement and disagreement between TH 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 TH 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 Trinity House

Date	Contact Type	Topic
Pre-Application		
MCA and TH	12th January 2016 Consultation meeting with MCA and TH.	Overview of initial proposed project and agreement on guidance to be used.
TH	November 2016 Scoping Opinion	TH noted that the Navigational Risk Assessment (NRA) should include a comprehensive vessel traffic analysis in accordance with MGN 543, assessment of the possible cumulative and in-combination effects on shipping routes and patterns and mitigation measures in line with the international Association of Lighthouse Authorities (IALA) O-139 guidance.
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.
TH	17th March 2017 Consultation meeting with MCA and TH.	MCA noted the MGN requirement for two lines of orientation but would be content to see a safety case for one line of orientation. MCA noted that synchronisation between East Anglia Three, Norfolk Vanguard East and Norfolk Boreas would be required.

Date	Contact Type	Topic
TH	8th December 2017 PEIR Response	At this stage TH would like to advise that the layout of Norfolk Vanguard East must align with adjoining wind farm projects, such as East Anglia Three. Therefore, continuous dialogue with such projects is imperative throughout the consenting process of Norfolk Vanguard TH note the possible requirement for navigational marking of the export cables and the vessels laying them. If it is necessary for the cables to be protected by rock armour, concrete mattresses or similar protection which lies clear of the surrounding seabed, the impact on navigation and the requirement for appropriate risk mitigation measures needs to be assessed.
Post-Application		
TH	14th August 2018 Relevant Representation	TH wishes to be a registered interested party due to the impact the development would have on navigation within TH's area of jurisdiction. It is likely that we will have further comments to make on the application and the draft Order throughout the application process.
TH	15 th January 2019	Comments on the draft Development Consent Order
TH	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).
TH	13 th February 2019	Submission of Oral Case

Table 2 Shipping and Navigation

Topic	Norfolk Vanguard Limited position	TH Position	Final position
Consultation			
Consultation	TH 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	TH 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.
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 15: Shipping and Navigation of the ES.

Topic	Norfolk Vanguard Limited position	TH Position	Final position
	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.
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 TH.
Cable burial and marking	The applicant will undertake a Cable Specification and Installation Plan post-consent in accordance with DML Condition 14(b).	Agreed	TH note that it may be necessary for the cables to be protected by rock armour, concrete mattresses or similar protection which lies clear of the surrounding seabed.
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 assuming that mitigation measures are implemented. Continuous dialogue with neighbouring cumulative projects, and specifically in relation to layout design, will be undertaken as required throughout the consenting process of Norfolk Vanguard.
Mitigation and Management			

Topic	Norfolk Vanguard Limited position	TH Position	Final position
Lighting and marking	Appropriate aids to navigation, including lighting and marking arrangements will be developed post-consent and agreed with MCA and TH in accordance with DML Condition 10.	Agreed	The MCA will seek to ensure the turbine numbering system follows a 'spreadsheet' principle and is consistent with other wind farms in the area. All lighting and marking arrangements will be agreed with MCA and TH as part of the post-consent process.
Layout design and Use of Design rules	The project is currently consulting with the TH 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 TH (and MCA).	Under Discussion	It is agreed that the final turbine layout design will require TH approval prior to construction (post consent) to minimise the risks to surface vessels, This final layout will be submitted as per DML Condition 14(1)- Design Plan in accordance with the parameters defined within the layout rules. 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. 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.
Deemed Marine Licence (DML)			

Topic	Norfolk Vanguard Limited position	TH Position	Final position
Standard conditions	Standard conditions with minor modifications have been included within the Norfolk Vanguard DML, where applicable.	Under discussion	Trinity House would like to review wording in the amended DML before agreeing this matter.
Arbitration Clause	Article 38 and Schedule 14 (Arbitration Rules)	Under discussion	Changes to the proposed arbitration clause are under discussion.
Outline Navigational Monitoring Strategy	Article 19(4) and Article 20(20)d – the Applicant notes the requested changes to the conditions however has posed further questions to clarify their intent.	Under discussion	Requirement for the changes is under discussion

The undersigned agree to the provisions within this SOCG

Signed	
Printed Name	
Position	
On behalf of	Trinity House
Date	13.03.2019

Signed	R Sherwood
Printed Name	Rebecca Sherwood
Position	Norfolk Vanguard Consents Manager
On behalf of	Norfolk Vanguard Ltd (the Applicant)
Date	13 March 2019