

Norfolk Vanguard Offshore Wind Farm

Statement of Common Ground

Maritime and Coastguard Agency

Applicant: Norfolk Vanguard Limited
Document Reference: Rep4 - SOCG - 31.1

Version 5
Date: June 2019
Author: Anatec Limited

Photo: Kentish Flats Offshore Wind Farm



Date	Issue No.	Remarks / Reason for Issue	Author	Checked	Approved
5 October 2018	00	First draft for Internal review	Anatec		
03 December 2018	01D	First draft for Norfolk Vanguard Limited review	Anatec	RS	RS
14 December 2018	02	Updated with MCA Comments	Anatec	RS	RS
08 and 09 January 2019	03	Updated with MCA Comments	Anatec	RS	RS
12 March 2019	04	Updated following ISH	Anatec	SW	RS
19 April 2019	05	Updates	Anatec	SW	RS
05 June 2019	06	Updates following call with MCA	Anatec	JT	RS

Table of Contents

1	Introduction	1
1.1	The Development	1
1.2	Consultation with the Maritime and Coastguard Agency	2
2	Statement of Common Ground	3
2.1	Chapter 15: Shipping and Navigation	3

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.

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. A draft of the SoCG was submitted at Deadline 4 which considered the MCA's Relevant Representation and responses to the Examining Authority's first written questions submitted at Deadline 1. The final version of the SoCG is provided at Deadline 9 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).
MCA	18 th April 2019	Agreement on Design Rules and discussion on outstanding DCO/DML conditions.
MCA	5 th June 2019	Teleconference on outstanding DCO/DML queries.

Table 2 Shipping and Navigation

Topic	Norfolk Vanguard Limited Comments	Maritime and Coastguard Agency Comments	Final position
Consultation			
Consultation	The MCA has been adequately consulted regarding Shipping and Navigation to date.	No further comment.	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.	No further comment.	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.	No further comment.	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.	No further comment.	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.	No further comment.	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.	No further comment.	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 Comments	Maritime and Coastguard Agency Comments	Final position
	The worst case scenarios identified for each effect are appropriate based on the information presented in the Project Description.	No further comment.	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.	No further comment.	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.	No further comment.	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.	No further comment.	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 Comments	Maritime and Coastguard Agency Comments	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.	No further comment.	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.	No further comment.	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.	No further comment.	Agreed It is agreed that a SAR checklist will be completed post consent. See also DCO /DML Conditions.
Layout design and Use of Design Rules	MCA and the project have agreed Design Rules. The intention of the rules is to ensure effective layout approval in conjunction with the MCA (and TH).	No further comment.	Agreed 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 design rules. 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

Topic	Norfolk Vanguard Limited Comments	Maritime and Coastguard Agency Comments	Final position
			acceptable as per MGN 543 by submitting a safety justification.
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.	No further comment.	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			
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.	No further comment.	Agreed 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). 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 address MCA recommendations contained within MGN543'. The requirements laid out by these conditions will be displayed and agreed within 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. An Aids to Navigation Management Plan will be submitted as per condition 14(k).

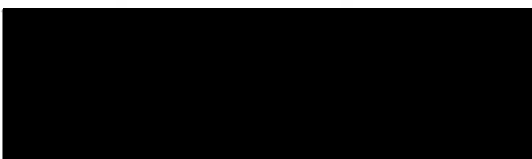

Topic	Norfolk Vanguard Limited Comments	Maritime and Coastguard Agency Comments	Final position
Hydrographic surveys	The applicant is content to provide hydrographic survey data as required by MGN 543.	No further comment.	Agreed It is agreed that as required by MGN 543, detailed and accurate hydrographic 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.	No further comment.	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)			
Article 38(2) and Condition 15(5)	Article 38(2) has been amended in line with the Panel's approach to Hornsea Project Three (for consistency) and it is clear that MMO approvals are not subject to arbitration. Condition 15 (6) (currently "(6) Where the MMO fails to determine an application for approval under condition 14 within the period referred to in sub-paragraph (5) or refuses the application for approval, the undertaker may appeal to the Secretary of State in accordance with the procedure in Part 5 of this licence")	The MCA fully supports the MMO's position with regards to Arbitration and deemed approval/refusal.	Not Agreed

Topic	Norfolk Vanguard Limited Comments	Maritime and Coastguard Agency Comments	Final position
	has been amended in line with recommendations from the Examining Authority pursuant to their Schedule of Changes on 9 May 2019. Further to the Applicant's previous submissions, it is necessary and proportionate to have an appeal process linked to the DMLs. The current appeals process follows that set out in the Marine Licensing Regulations 2011. The Applicant has prepared a position statement with the MMO, submitted at Deadline 9, to outline this further.		
Condition 15(8) and Condition 10(8)	MCA Request replacement of existing ERCoP condition. The following text has been agreed- <i>No part of the authorised scheme may commence until the MMO, in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that stage of the authorised scheme adequately addressed all MCA recommendations as appropriate to the authorised scheme contained within MGN543 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" and its annexes.</i> This will be inserted at the D9 DCO.	This is a welcome change which should improve the process for discharging MCA related conditions. The ERCoP remains an important document, which must be discussed and agreed with MCA however, it is a working document throughout the lifetime of the development. The purpose of this revision is to ensure the applicant discusses all requirements of MGN 543, and demonstrates all aspects are addressed, as agreed appropriate.	Agreed
Condition 9(12)	Agree to inclusion of wording to provide notification to MCA (and this has been included in the dDCO submitted at Deadline 8); however five days is appropriate timing for	Five days notification may be appropriate for other notifications throughout the DML however, if the applicant is	Not Agreed

Topic	Norfolk Vanguard Limited Comments	Maritime and Coastguard Agency Comments	Final position
	notification. Three days is an onerous time frame in which the Applicant would need to respond. This is also not consistent with the other timeframes in the DML (of five days) for similar notifications.	aware of an exposed cable, which is a potential hazard for fishing/trawling/anchoring etc., the fishing industry should be notified pretty quickly for safety purposes. Three days has been used / or requested for other projects by the fishing industry, and the MCA do not consider three days to be onerous.	
Requirement for a Lighting and Marking Plan	Formalising the Lighting and Marking process into a consent document would limit the ability to respond to consultation in a fluid manner, which is necessary in order to effectively meet guidance requirements whilst balancing the concerns of various stakeholders. The requirement to light and mark is met effectively in Conditions 10 and 11 of the Generation DMLs (Schedule 9-10) and Condition 5 and 6 of the Transmission DMLs (Schedule 11-12) (IALA requirements and condition 15(7) requirements under MGN 543 (MCA SAR lights, ID marking etc).	Agreed on the understanding that the MCA requirements as per MGN 543 and its annexes are specifically addressed elsewhere within the DCO/DML. The lighting and marking arrangements as per MGN 543 are vitally important to the safety of navigation and in order for the MCA to maintain its SAR obligations in the UK.	Agreed
'and its annexes'	No further comment.	There are annexes contained in MGN 543 which refer to other guidelines which are separate documents to MGN 543 although still directly mentioned in MGN 543 – I.e. SAR annex and Hydrographic Survey guidelines. We are concerned these might	Agreed 'And its annexes' will be added to MGN 543 references within the DCO/DML.

Topic	Norfolk Vanguard Limited Comments	Maritime and Coastguard Agency Comments	Final position
		be disregarded if we don't make it crystal clear it means all its annexes as well. As standard it should say throughout 'MGN 543 and its annexes' to ensure all our requirements are included.	
Export Cable Monitoring Plan	<p>Condition 14(1)(g) (Schedule 9-10) and Condition 9(1)(g) provides that the Applicant must submit a cable specification, installation and monitoring plan which must include details for monitoring offshore cables (including fibre optic cables) including cable protection during the operational lifetime of the authorised scheme. This must also include a risk based approach to the management of unburied or shallow cables. This plan will go to the MMO who will decide who to consult.</p> <p>The Applicant recognises that the MCA will need to be consulted by the MMO in respect of the monitoring elements of this plan as well as any cable burial or protection that impacts on navigational safety as defined within MGN 543.</p>	Agreed on the understanding that the MCA is consulted.	Agreed
Conditions not listed above	All other conditions contained within the DCO and DML are agreed.	Agreed on the understanding that those changes requested and agreed by the applicant are now showing in the DCO.	Agreed

The undersigned agree to the provisions within this SOCG

Signed	
Printed Name	
Position	OREI ADVISOR
On behalf of	Maritime and Coastguard Agency
Date	06 / 6 / 19

Signed	R. Sherwood
Printed Name	Rebecca Sherwood
Position	Norfolk Vanguard Consents Manager
On behalf of	Norfolk Vanguard Ltd (the Applicant)
Date	06 June 2019