

Norfolk Boreas Offshore Wind Farm

Statement of Common Ground

**Maritime and Coastguard Agency
(Version 4)**

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Glossary of Acronyms

CIA	Cumulative Impact Assessment
DCO	Development Consent Order
DML	Deemed Marine Licence
EIA	Environmental Impact Assessment
ERCoP	Emergency Response Cooperation Plan
ES	Environmental Statement
FSA	Formal Safety Assessment
HDD	Horizontal Directional Drill
HVDC	High Voltage Direct Current
IHO	International Hydrographic Organization
km	Kilometre
km ²	Square Kilometre
LiDAR	Light Detection and Ranging
LMP	Lighting and Marking Plan
m	Metre
MCA	Maritime and Coastguard Agency
MGN	Marine Guidance Note
MMO	Marine Management Organisation
MW	Mega Watt
NRA	Navigation Risk Assessment
OREI	Offshore Renewable Energy Installation
PEIR	Preliminary Environmental Review
SAR	Search and Rescue
SoCG	Statement of Common Ground
TH	Trinity House
UKHO	United Kingdom Hydrographic Office

Glossary of Terminology

Baseline	Existing conditions within the array area or export cable route including navigation features and vessel routes.
Development Principles	A set of rules defining how the layout will be designed post consent. The rules have been agreed with the Maritime and Coastguard Agency (MCA) and Trinity House (TH) to ensure safe navigation of third-party surface vessels and Search and Rescue (SAR) helicopters and surface vessels.
Formal Safety Assessment (FSA)	A structured and systematic process for assessing the risks and costs (if applicable) associated with shipping activity.
Interconnector cables	Offshore cables which link offshore electrical platforms within the Norfolk Boreas site.
Marine Guidance Note (MGN)	A system of guidance notes issued by the MCA which provide significant advice relating to the improvement of the safety of shipping and of life at sea, and to prevent or minimise pollution from shipping.

Navigation Risk Assessment (NRA)	A document which assesses the overall impact to shipping and navigation of a proposed Offshore Renewable Energy Installation (OREI) based upon FSA.
Project interconnector search area	The area within which the project interconnector cable would be installed.
Safety Zone	A marine zone demarcated for the purposes of safety around a possibly hazardous installation or works/construction area under the Energy Act 2004 and Electricity (offshore Generating Station Stations (Safety Zones) (Applications Procedures and Control of Access Regulations 2007 (SI No 2007/1948)).

1 INTRODUCTION

1. This Statement of Common Ground (SoCG) has been prepared with the Maritime and Coastguard Agency (MCA) and Norfolk Boreas Limited (hereafter 'the Applicant') to set out the areas of agreement and those areas for which it has not been possible, within the Norfolk Boreas examination, to reach agreement in relation to the Development Consent Order (DCO) application for the Norfolk Boreas Offshore Wind Farm (hereafter 'the project'). A full description of the project can be found in Chapter 5 of the Environmental Statement (Document reference 6.1.5 of the Application, APP-218).
2. This SoCG comprises an agreement log which has been structured to reflect the topics of interest to the MCA with regard to the Norfolk Boreas DCO application (hereafter 'the Application'). The agreement logs (Section 2) outline all topic specific matters agreed and those areas for which it has not been possible, during the Norfolk Boreas examination, to reach agreement between the MCA and the Applicant.
3. The Applicant has had regard to the guidance for the examination of applications for development consent (Department for Communities and Local Government, 2015) when compiling this SoCG.

1.1 Consultation with the Maritime and Coastguard Agency

4. 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, APP-027).
5. 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.
6. During formal (Section 42) consultation, the MCA provided comments on the Preliminary Environmental Information Report (PEIR) by way of a letter dated 11th December 2018.
7. Table 1.1 provides an overview of meetings and correspondence undertaken with the MCA. This final version takes into consideration all consultation with the MCA including Relevant Representation and any consultation. Minutes of the pre application 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, APP-027).

Table 1.1 Pre and Post Application Consultation

Date	Contact Type	Topic
Pre-Application		
31 May 2017	Scoping Opinion	<p>Impact assessment - The MCA noted that the ES should supply detail on the possible impacts on navigational issues for both commercial and recreational craft.</p> <p>Compliance with guidance - A Navigation Risk Assessment (NRA) (document reference 6.3.15.1 of the application, App-569) will need to be submitted in accordance with Marine Guidance Note (MGN) 543 (and MGN 372) and the MCA Methodology for Assessing the Marine Navigation Safety & Emergency Response Risks of Offshore Renewable Energy Installations (OREI).</p> <p>Hydrographic surveys – MGN 543 Annex 2 requires that hydrographic surveys should fulfil the requirements of the International Hydrographic Organisation (IHO) Order 1a standard, with the final data supplied as a digital full density data set, and survey reports to the MCA Hydrography Manager.</p> <p>Emergency response resources - MCA noted that consideration will need to be given to the implications of the site size and location of search and rescue (SAR) resources and the Emergency Response Cooperation Plan (ERCoP).</p>
29 May 2018	Consultation meeting	<p>Marine traffic surveys - Agreement was reached on the marine traffic survey data that was being considered as part of the Norfolk Boreas application.</p>
11 December 2018	PEIR Response	<p>Traffic routeing - 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>Cumulative and in combination - The possible cumulative and in combination effects on shipping routes should be considered.</p> <p>Hydrographic surveys - Hydrographic surveys should fulfil the requirements of MGN 543.</p> <p>Cable burial assessment - A cable burial risk assessment will be required.</p> <p>Array layout and development principles - The turbine layout design will require MCA approval prior to construction to minimise the risks to surface vessels, including rescue boats, and SAR aircraft operating within the site.</p> <p>Safety zones -Safety zones during the construction, maintenance and decommissioning phases are supported.</p> <p>ERCoP - An ERCoP is required to meet the requirements of MGN 543.</p> <p>Construction methodology - MCA would like to see continuous construction which is progressive across the wind farm with no opportunity for two separate areas to be constructed with a gap in the middle.</p>

Date	Contact Type	Topic
24 January 2019	Consultation meeting	<p>Compliance with MGN 543 - Content that the worst case (200 turbines) has already been modelled and will not need to be redone for the 180 turbine layout.</p> <p>Removal of floating foundations - Content that the floating foundation had been removed and that tetra base foundations were now a consideration. As under keel clearance would be a minimum of 10 metres (m), MCA and Trinity House (TH) raised no concerns over this.</p> <p>Interconnector search area - No concerns with the increased interconnector search area of the High Voltage Direct Current (HVDC) options noting that worst case has already been considered.</p> <p>Accommodation platform - No concerns with accommodation platforms becoming accommodation and refuelling platforms.</p> <p>Layout design and use of Development Principles - Content with the design rules being noted within the DCO as long as the condition still allowed for final sign off.</p>
4 March 2019	Order Limits Change Report	<p>Compliance with MGN 543 - On the understanding that the amended interconnector has been assessed in line with all the requirements of MGN 543 and its annexes, including the relevant traffic surveys, and that the NRA (document reference 6.3.15.1 of the application, App-569) and Shipping and Navigation Chapter are updated to reflect the additional area, then the MCA does not have any concerns with regards to proposed change. Although it has not been subject to any site-specific surveys, the area is covered by existing data sets including the shipping and navigation data sets.</p>
18 April 2019	Consultation Meeting	<p>Layout design and use of Development Principles - Meeting to finalise and agree the wording of the Development Principles.</p>
Post-Application		
21 August 2019	Teleconference	Call to discuss the first draft SoCG.
08 December 2019	Teleconference	Call to discuss the final draft of the SOCG for Deadline 2
11 February 2020	Teleconference	Further discussion and updates on matter not yet agreed.
26 March 2020	Teleconference	Further discussion and updates on matter not yet agreed.
21 April 2020	Teleconference	<p>Further discussion to clarify that all elements of the DCO conditions relating to notifications are covered and to agree timeframes.</p> <p>The MCA has agreed a set of conditions with Trinity House and the Marine Management Organisation, and the MCA was concerned</p>

		<p>that the content of some of these conditions from the Norfolk Boreas DCO were not visible within the SoCG, as agreement of condition 9 (10) was based on the understanding that all other UKHO requirements were adequately addressed. The MCA therefore sought reassurance that these standard elements (outlined below) were covered within the dDCO. As discussed between the parties, the bold text below demonstrates where the relevant conditions are covered in the dDCO to the MCA's satisfaction:</p> <p><i>1) The Kingfisher Information Service of Seafish, must be informed of details of the vessel routes, timings and locations relating to the construction of the authorised project or any part thereof by email to kingfisher@seafish.co.uk :-</i></p> <ul style="list-style-type: none"> • <i>at least 14 days prior to the commencement of offshore activities, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data; and</i> • <i>as soon as reasonably practicable and no later than 24 hours of completion of all offshore activities.</i> <p><i>Confirmation of notification must be provided to the MMO within 5 days.</i></p> <p>This is as per Condition 9(7) (Schedule 9-10) and replicated in Condition 4(7) (Schedule 11-12) and Condition 3(7) (Schedule 13).</p> <p><i>2) The undertaker must ensure that a local notice to mariners is issued at least [14 days] prior to the commencement of the authorised project or any part thereof advising of the start date of each Work No.<insert> and the expected vessel routes from the construction ports to the relevant location. Copies of all notices must be provided to the MMO and UKHO within 5 days.</i></p> <p>This is as per Condition 9(8) (Schedule 9-10) and replicated in Condition 4(8) (Schedule 11-12) and Condition 3(7) (Schedule 13) noting that the Applicant has agreed 10 days instead of 14 days. This is taking into account the need for consistency between the sister projects and the potential single Marine Co-ordination Centre.</p> <p>Additionally, the UHKO will also receive notifications under Condition 9(7).</p> <p>The MCA expressed the importance of the UKHO needing the information prior to work commencing, not within 10 days of it starting. This is covered by condition 9(10) but has now been amended to include the word 'prior' to ensure clarity that the information should be issued within advance (updated dDCO to be submitted at Deadline 10). The Applicant and MCA have again agreed 10 days . This is taking into account the need for consistency</p>
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Date	Contact Type	Topic
		<p>between the sister projects and the potential single Marine Co-ordination Centre.</p> <p><i>3) The undertaker must ensure that local notice to mariners are updated and reissued at weekly intervals during construction activities and at least 5 days before any planned operations (or otherwise agreed) and maintenance works and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction and monitoring programme approved under deemed marine licence condition <insert>. Copies of all notices must be provided to the MMO and UKHO within 5 days.</i></p> <p>This is as per condition 9(9) (Schedule 9-10), and replicated in Condition 4(9) (Schedule 11-12) and Condition 3(9) (Schedule 13).</p> <p><i>4) The undertaker must notify the UKHO of the completion [(within 14 days)] of the authorised project or any part thereof in order that all necessary amendments are made to nautical charts. Copies of all notices must be provided to the MMO within 5 days.</i></p> <p>This is as per Condition 9(10) (Schedule 9-10) and replicated in Condition 4(8) (Schedule 11-12) and Condition 3(7) (Schedule 13), noting the Applicant and the MCA have agreed to 10 days instead of 14 days. This is taking into account the need for consistency.</p>

2 STATEMENT OF COMMON GROUND

8. The project has the potential to impact upon shipping and navigation. Chapter 15 of the Norfolk Boreas Environmental Statement (ES) (document reference 6.1.15 of the Application, APP-228) provides an assessment of the significance of these impacts.
9. Table 2.1 provides areas of agreement (common ground) and those areas for which it has not been possible to reach agreement, during the Norfolk Boreas examination, regarding shipping and navigation between the MCA and the Applicant.
10. This SoCG represents the final position of the parties.

Table 2.1 Agreement Log – Shipping and Navigation

Topic	Norfolk Boreas Limited's position	MCA's Comment	Final position
Consultation			
Consultation	Consultation – The MCA has been adequately consulted regarding shipping and navigation to date.	Agreed.	Agreed It is agreed that the consultation has been adequate to date
Environmental Impact Assessment			
Existing environment	Marine traffic surveys – Marine traffic survey data collected for Norfolk Boreas for the characterisation of shipping and navigation are suitable for the assessment.	Agreed.	Agreed It is agreed that the marine traffic survey data collection is as per MGN 543 and therefore suitable for the assessment.
	Traffic routeing – The NRA (document reference 6.3.15.1 of the application, App-569) and ES (document reference 6.1.15 of the Application, APP-228) adequately characterises the baseline environment in terms of shipping and navigation including normal and adverse weather routeing.	Agreed.	Agreed It is agreed that the NRA (document reference 6.3.15.1 of the application, App-569) and ES (document reference 6.1.15 of the Application, APP-228) adequately characterises the baseline environment in Chapter 15: Shipping and Navigation of the ES which includes the NRA.
Assessment methodology	Compliance with guidance – Appropriate legislation, planning policy and guidance relevant to shipping and navigation has been used.	Agreed.	Agreed It is agreed that the appropriate legislation, planning policy and guidance has been used in the NRA (document reference 6.3.15.1 of the application, App-569) and Chapter 15:

Topic	Norfolk Boreas Limited's position	MCA's Comment	Final position
			Shipping and Navigation of the ES (document reference 6.1.15 of the Application, APP-228).
	Compliance with guidance – 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.	Agreed It is agreed that the approach adopted in Chapter 15: Shipping and Navigation of the ES (document reference 6.1.15 of the Application, APP-228) is appropriate to assess navigational safety impacts from the proposed project on shipping and navigation receptors.
	Identification of impacts – The potential impacts identified within the chapter represent a comprehensive list of potential effects on shipping and navigation from the project.	Agreed.	Agreed It is agreed that the Applicant has comprehensively identified navigational safety impacts on shipping and navigation receptors from the project.
	Worst case scenario – The worst case scenarios identified for each effect are appropriate based on the information presented in the Project Description (Chapter 5: Project Description, APP-218).	Agreed.	Agreed It is agreed that the design parameters of the project presented in Chapter 15: Shipping and Navigation of the ES (document reference 6.1.15 of the Application, APP-228) would result in a worst case scenario for shipping and navigation impacts.

Topic	Norfolk Boreas Limited's position	MCA's Comment	Final position
			It is noted that floating foundations have been removed from the Application.
Compliance with MGN 543	The NRA (document reference 6.3.15.1 of the application, App-569) has been undertaken in line with required guidance including MGN 543.	Agreed.	Agreed It is agreed that the NRA (document reference 6.3.15.1 of the application, App-569) 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.
	ERCOP – It is agreed that an ERCoP will be undertaken post consent in line with MGN 543.	The DCO / DML condition will reflect MGN 543 Annex V, which includes the SAR checklist, of which an ERCoP will be required. Agreed.	Agreed It is agreed that an ERCoP will need to be in place and agreed with the MCA prior to any offshore construction (and prior to/during the operation and maintenance phase).
	SAR Checklist – A SAR Checklist will be completed as per MGN 543.	The DCO / DML condition will reflect MGN 543 Annex V, which includes the SAR checklist completed to the satisfaction of MCA.	Agreed It is agreed that a SAR checklist will be commenced as soon as practicable and discussed/agreed throughout the post consent process, as per MGN 543 Annex V.
Impact assessment	The definitions used for magnitude and sensitivity are appropriate.	Agreed.	Agreed It is agreed that the definitions used for magnitude and sensitivity are appropriate for

Topic	Norfolk Boreas Limited's position	MCA's Comment	Final position
	<p>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 when considering the embedded mitigations</p>	<p>Agreed</p>	<p>shipping and navigation as shown in Chapter 15: Shipping and Navigation of the ES (document reference 6.1.15 of the Application, APP-228).</p> <p>Agreed</p> <p>It is agreed that, in accordance with the outcome of the assessment presented in Chapter 15: Shipping and Navigation of the ES (document reference 6.1.15 of the Application, APP-228) that the adopted measures for minimising impacts on shipping and navigation receptors are sufficient to bring risks to tolerable levels.</p>
<p>Safety zones</p>	<p>The Applicant will submit an application (post consent) for the use of safety zones. The following safety zones are being considered at this stage in order to manage navigational safety risks identified:</p> <ul style="list-style-type: none"> • Up to 500m during construction and decommissioning rolling with activity. • Up to 500m, major maintenance (as defined in Part 1, Regulation 2 of the 2007 Regulations) during the operation phase. 	<p>Agreed. These will be considered by MCA on a case by case basis.</p> <p>The MCA supports the use of safety zones during construction, major maintenance and decommissioning, triggered by large construction vessels. However, safety zones triggered by the use of Service Operation Vessels during major maintenance are currently not supported by the MCA. A case would need to be included and considered as part of the safety zone application</p>	<p>Agreed</p> <p>The post consent use of construction, major maintenance and decommissioning safety zones are noted and supported <i>by the MCA</i>.</p> <p>It is noted that safety zones triggered by the use of service operation vessels during major maintenance are currently not supported by the MCA and a case would need to be included and considered as part of the safety zone application phase post consent, should the Applicant consider using this type of vessel.</p>

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	<ul style="list-style-type: none"> 50m pre commissioning around all structures. 		
<p>Layout design and use of Development Principles</p>	<p>The Applicant has consulted with the MCA (and TH) on Development Principles that will ensure that the post consent layout approval process is undertaken effectively. The intention of the Development Principles is to ensure effective layout approval by the MMO in consultation with the MCA (and TH) and then should a layout with a single line of orientation be taken forward, a safety justification will need to be submitted to demonstrate that is acceptable.</p> <p>It is noted that the NRA includes wording within the Development Principles section that was subsequently amended after it was submitted. Therefore the text within the <i>Norfolk Boreas Offshore Wind Farm Development Principles: Layout Design Rules</i> (DCO document reference 8.23) reflects the correct and agreed principles (as agreed May 2019).</p>	<p>Agreed – noting this relates to the process for achieving layout acceptance. We note that the NRA assesses just one line of orientation.</p> <p>Although the Development Principles (as shown in DCO document reference 8.23 of the Application) are agreed by MCA, the MCA will still need to be consulted on the layout. The MCA will expect safety justification as per MGN 543 to detail why fewer than two lines of orientation should be acceptable from both the safety of navigation and SAR perspectives.</p>	<p>Agreed</p> <p>It is agreed that the final turbine layout design will be agreed in writing with the MMO in consultation with MCA and TH 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 Deemed Marine Licence (DML) Condition 14(1)(a) – Design Plan in accordance with the parameters defined within the Development Principles.</p> <p>The Development Principles were agreed with the MCA in May 2019.</p> <p>It is agreed that the NRA (document reference 6.3.15.1 of the application, App-569) 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</p>

Topic	Norfolk Boreas Limited's position	MCA's Comment	Final position
			fewer is 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.	Agreed.	Agreed Based on the information provided within the NRA (document reference 6.3.15.1 of the application, App-569) and Chapter 15: Shipping and Navigation of the ES (document reference 6.1.15 of the Application, APP-228) it is agreed that cumulative impacts, including main route deviations caused by the project, are unlikely to be significant on the understanding that appropriate mitigation measures (as noted in the Chapter 15: Shipping and Navigation) are implemented.
Project Interconnector (Norfolk Boreas to Norfolk Vanguard) search area	The project interconnector search area was increased in size during the application phase and assessed accordingly.	No further comments. Agreed.	Agreed No concerns were raised with the increased size of project interconnector search area of the HVDC options noting that an appropriate worst case has already been assessed.
Mitigations			
Lighting and marking	Lighting and marking arrangements will be developed post consent and is considered an embedded mitigation within the NRA (document reference 6.3.15.1 of the	Agreed that the lighting and marking will be considered post consent in line with the requirements of MGN 543.	Agreed

Topic	Norfolk Boreas Limited's position	MCA's Comment	Final position
	<p>application, App-569) and will be undertaken in compliance with the relevant DCO/DML conditions.</p>		<p>The conditions and process are in place to further discuss lighting and marking post consent.</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 address MCA recommendations contained within MGN 543'.</p> <p>The requirements laid out by these conditions will be displayed and agreed within a Lighting and Marking Plan (LMP); however that plan 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(1)(k) (Schedule 9-10) and condition 9(1)(k) (Schedule 11-12).</p> <p>An Aids to Navigation Management Plan is not required for the Project Interconnector assets under Schedule 13 given that there is no above ground infrastructure associated with this DML.</p>

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<p>Construction methodology</p>	<p>It is agreed that a Design Plan will form part of the post consent documentation. The potential for linear development will be discussed at that point. However, it is noted that many factors influence construction and linear development may not be an option that is possible however mitigations such as construction buoyage, notifications and lighting will be in place to ensure Mariners are aware of the current areas of construction and are able to passage plan effectively.</p>	<p>The construction methodology should be undertaken in a manner least likely to impact safe navigation, utilising appropriate mitigation to ensure safe passage planning.</p>	<p>Agreed</p> <p>DML Condition 14(1)(a) (Schedule 9-10), Condition 9(1)(a) (Schedule 11-12), and Condition 7(1)(a) (Schedule 13) requires a Design Plan to be submitted and approved by the MMO, in consultation with the MCA and TH, prior to licensed activities commencing.</p>

Topic	Norfolk Boreas Limited's position	MCA's Comment	Final position
Draft DCO and DML			
Arbitration and Appeals	The Applicant's position remains the same as that put forward during the Norfolk Vanguard examination and through the joint position statement with the MMO (Appendix 3 of the Applicant's Comments on Relevant Representations document [AS-024]). The Applicant considers that it would be prudent for the Secretary of State to apply consistency in the arbitration and appeals approach across Norfolk Vanguard and Norfolk Boreas.	The MCA fully supports the MMO's position with regards to Arbitration and appeals.	Not agreed Awaiting Norfolk Vanguard Determination.
Pre-construction plans and documents and Post Consent Construction Plans Schedule 9 Part 4 18, Schedule 10 Part 4 18 (Schedule 11 Part 4 13 Schedule 12) and Schedule 13	Hydrographic Surveys – The Applicant has already undertaken pre construction surveys and will provide that data collected to the MCA. Going forward and in order to ensure consistency with the Norfolk Vanguard DCO the Applicant would like to maintain the principles from the previous wording contained within the DCO and DMLs as follows: Pre-construction plans and documents <i>A full sea floor coverage swath-bathymetry survey that meets the requirements of IHO S44ed5 Order 1a, and side scan sonar, of the area(s) within the Order limits in which it is</i>	Agreed. The MCA is content with the condition wording remaining the same (as per the Applicants position) between Norfolk Vanguard and Norfolk Boreas with the caveat that data must be provided to them to the full extent of the 'red line boundary' (the order limits). This goes beyond MCA's post construction requirements which is just for the export cable routes. On the understanding that MCA requirements as per MGN 543 Guidelines are	Agreed Hydrographic data to the standard <i>IHO S44ed5 Order 1a</i> will be provided to the MCA as soon as possible (prior to construction). It is noted that this sets no precedent going forward for other projects.

Topic	Norfolk Boreas Limited's position	MCA's Comment	Final position
Schedule 9 -10, Part 4 16; Schedule 11-12, Part 4 11; Schedule 13, Part 4 9.	<p><i>proposed to carry out construction works.</i></p> <p>Post-construction plans and documents <i>The undertaker must conduct a swath bathymetric survey to IHO S44ed5 Order 1a across the area(s) within the Order limits in which construction works were carried out and provide the data and survey report(s) to the MMO, MCA and UKHO.</i></p>	adhered to for post construction, we have no issue with this wording.	
Schedule 9 Part 4 9 (8) ,Schedule 10 Part 4 9 (8) ,Schedule 11 Part 4 4 (8), Schedule 12 Part 4 4 (8) Schedule 13 Part 4 3 (8)	<p>Applicant to maintain 10 days to ensure consistency with the Norfolk Vanguard Project, as follows:</p> <p><i>The undertaker must ensure that a local notice to mariners is issued at least 10 Days prior to the commencement of the authorised project or any part thereof advising of the start date of each Work No.<insert> and the expected vessel routes from the construction ports to the relevant location.</i></p>	<p>Agreed as per email dated 26th March. On this occasion, MCA is content to align with Norfolk Boreas regarding the period for Notices to Mariners. This is taking into account the need for consistency between the sister projects, and the single Marine Co-ordination Centre.</p> <p>This by no means sets any precedence going forward, and the MCA will continue to expect the agreed standard navigation conditions of consent (as agreed between MCA, MMO and TH) to be put in place for all future projects.</p>	<p>Agreed</p> <p>Noting this sets no precedence for future projects.</p>
Schedule 9 Part 4 9 (10) ,Schedule 10 Part 4 9 (10) ,Schedule 11 Part 4 4 (10), Schedule 12 Part 4 4 (10) Schedule 13 Part 4 3 (10)	<p>Applicant has requested that the following is kept to ensure consistency with the Norfolk Vanguard Project, but has added the word 'prior' to the condition to add some clarity as follows and the updated DCO will be submitted at Deadline 10: -</p> <p><i>The undertaker must notify the UK Hydrographic Office both of the</i></p>	<p>Agreed as per email dated 22nd April, following a presentation given on the 21st April.</p> <p>The MCA was concerned that content of the condition 9(10) brought together too many elements of the MCA's preferred condition and that the meaning of these conditions was 'lost' within the Norfolk Boreas DCO. The MCA therefore sought reassurance from the Applicant</p>	<p>Agreed as per the comments in Table 2.1 Agreement Log – Shipping and Navigation.</p> <p>Noting this sets no precedence for future projects.</p>

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	<p><i>commencement (within ten days prior), progress and completion of construction (within ten days) of the licensed activities in order that all necessary amendments to nautical charts are made and the undertaker must send a copy of such notifications to the MMO within five days.</i></p>	<p>that all elements were covered – this is explained above in Table 2.1 Agreement Log – Shipping and Navigation where it is shown that multiple conditions meet the MCA's requirements.</p> <p>It is noted that condition 9(10) addresses the following MCA preferred conditions:</p> <p><i>The undertaker must notify the UKHO of the completion (within 14 days) of the authorised project or any part thereof in order that all necessary amendments are made to nautical charts. Copies of all notices must be provided to the MMO within 5 days.</i></p> <p>Noting the Applicant and the MCA have agreed 10 days instead of 14 days. This is taking into account the need for consistency between the sister projects and the potential single Marine Co-ordination Centre.</p> <p><i>2) The undertaker must ensure that a local notice to mariners is issued at least 14 days prior to the commencement of the authorised project or any part thereof advising of the start date of each Work No.<insert> and the expected vessel routes from the construction ports to the relevant location. Copies of all notices must be provided to the MMO and UKHO within 5 days.</i></p>	

Topic	Norfolk Boreas Limited's position	MCA's Comment	Final position
		<p>The MCA expressed the importance of the UKHO needing the information prior to work commencing not within 10 days of it starting. This is covered by condition 9(10) but has been amended to include the word 'prior' to ensure clarity that the information should be issued within advance. The Applicant and MCA as above have also agreed 10 days . This is again taking into account the need for consistency between the sister projects and the potential single Marine Co-ordination Centre.</p> <p>The progress referred to in condition 9(10) is relates to the MCA's requirement for weekly notice to mariners required by the MCA's preferred condition. As well as being secured in condition 9(10) is also covered in other conditions as noted in table 2.1.</p>	
<p>Schedule 9 Part 4 9 (12), Schedule 10 Part 4 9 (12), Schedule 11 Part 4 4 (12), Schedule 12 Part 4 4 (12) Schedule 13 Part 4 3 (12)</p>	<p>Condition wording with the DCO to reflect the changes made to the Norfolk Vanguard DCO –</p> <p><i>'In case of exposure of cables on or above the seabed, the undertaker must within three days following identification of a potential cable exposure, notify mariners by issuing a notice to mariners and by informing Kingfisher Information Service of the location and extent of exposure. Copies of all notices must be provided to the MMO and MCA within five days'.</i></p>	<p>Agreed.</p>	<p>Agreed</p> <p>Wording has been amended on the Norfolk Boreas draft DCO submitted at Deadline 5 to reflect the changes agreed (between the Applicant and the MCA) as part of the Norfolk Vanguard draft DCO.</p>

Topic	Norfolk Boreas Limited's position	MCA's Comment	Final position
<p>Schedule 9 Part 4 14 (1)(g) Schedule 10 Part 4 14 (1)(g), Schedule 11 Part 4 9(1)(g), Schedule 12 Part 4 9(1)(g), Schedule 13 Part 4 1(1)(g)</p>	<p>Applicant requests the following to ensure consistency with the Norfolk Vanguard Project.</p> <p>The Applicant agrees with the requirements of the condition requested by MCA, however the Applicant considers that the additional wording within the amended condition is already addressed by compliance with MGN 543 (schedule 9-10, 15(8) and Schedule 11-12, 10(8)) and therefore the changes are unnecessary text unnecessary extending the length of the DCO.</p> <p>It is also noted that the Applicant requests that the wording in both the Norfolk Vanguard and Norfolk Boreas DCOs remains the same to prevent confusion.</p> <p>–</p> <p><i>A cable specification, installation and monitoring plan, to include—</i></p> <p><i>(i) technical specification of offshore cables (including fibre optic cables) below MHWs, including a desk-based assessment of attenuation of electro-magnetic field strengths, shielding and cable burial depth in accordance with industry good practice;</i></p> <p><i>(ii) a detailed cable (including fibre optic cables) laying plan for the Order limits ,incorporating a burial risk assessment to ascertain suitable burial depths and cable</i></p>	<p>Agreed. This is on the understanding that the requirements, as below, will be addressed by the applicant. The MCA requirement is for a detailed cable laying plan of the Order limits, incorporating a burial risk assessment encompassing the identification of any cable protection that exceeds 5% of navigable depth referenced to chart datum and, in the event that any area of cable protection exceeding 5% of navigable depth is identified, details of any steps (to be determined following consultation with the MCA and Trinity House) to be taken to ensure existing and future safe navigation is not compromised or such similar assessment to ascertain suitable burial depths and cable laying techniques, including cable protection.</p> <p>This requirement is included in the agreed navigation conditions with TH and the MMO. We are cautious of relying on the MGN 543 pre-construction condition for this purpose, as it may be missed by the applicant.</p>	<p>Agreed</p> <p>Condition wording will remain the same noting the MCA's expectation that any changes to water depth by more than 5% are consulted upon as per MGN 543.</p> <p>It is noted that this sets no precedent going forward for other projects.</p>

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	<p><i>laying techniques, including cable protection; and</i></p> <p><i>(iii) proposals for monitoring offshore cables (including fibre optic cables) including cable protection during the operational lifetime of the authorised scheme which includes a risk based approach to the management of unburied or shallow buried cables.</i></p> <p>Schedule 11 and 12 additionally state:</p> <p><i>(iv) appropriate methods such as a trawl or drift net to be deployed along Work No. 4A and 4B (export cables and fibre optic cables), following the survey referred to in condition 15(2)(b) to assess any seabed obstructions resulting from burial of the export cables and fibre optic cables.</i></p>		
<p>Schedule 9 Part 4 19 (1) (4), Schedule 10 Part 4 20 (1) (d)</p>	<p>Given that Norfolk Boreas has submitted a 'outline marine traffic monitoring strategy' we request the condition reads –</p> <p><i>Construction monitoring must include traffic monitoring in accordance with the outline marine traffic monitoring strategy, including the provision of reports on the results of that monitoring periodically as requested by the MMO in consultation with the MCA and Trinity House.'</i></p>	<p>Agreed based on the wording of the outline marine traffic monitoring strategy.</p>	<p>Agreed</p>

Topic	Norfolk Boreas Limited's position	MCA's Comment	Final position
	Which includes the requirements requested by the MCA and TH.		
<p>Schedule 9 Part 4 15 (8), Schedule 10 Part 4 15 (8), Schedule 11 Part 4 10 (8), Schedule 12 Part 4 10 (8)</p>	<p>With reference to the need for an ERCoP the following text has been agreed and has been inserted into the DCO (as per the Norfolk Vanguard DCO) –</p> <p><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></p>	<p>Agreed. This is in line with our condition.</p>	<p>Agreed</p>

The names inserted below are to confirm that these are the current positions of the two parties contributing to this SOCG

Printed Name	Helen Croxson
Position	OREI Advisor
On behalf of	Maritime and Coastguard Agency
Date	27/04/2020

Printed Name	Jake Laws
Position	Norfolk Boreas Consents Manager
On behalf of	Norfolk Boreas Limited (the Applicant)
Date	29/04/2020