

Norfolk Boreas Offshore Wind Farm

Statement of Common Ground

Trinity House

(Version 4)

Applicant: Norfolk Boreas Limited
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Photo: Ormonde Offshore Wind Farm

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Glossary of Acronyms

AtoN	Aids to Navigation
DCO	Development Consent Order
DWR	Deep Water Route
DML	Deemed Marine Licence
EIA	Environmental Impact Assessment
ES	Environmental Statement
FSA	Formal Safety Assessment
HDD	Horizontal Directional Drill
HVDC	High Voltage Direct Current
IALA	International Association of Lighthouse Authorities
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
MW	Megawatt
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

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)).
Study Area	A ten nautical buffer around any proposed development area.

1 INTRODUCTION

1. This Statement of Common Ground (SoCG) has been prepared with Trinity House (TH) and Norfolk Boreas Limited (hereafter ‘the Applicant’) to set out the areas of agreement and those areas for which it has not been possible, during 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 TH with regard to the Norfolk Boreas DCO application (hereafter ‘the Application’). The agreement logs (in Table 2.1) 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 TH 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 Trinity House

4. 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, APP-027).
5. 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.
6. During formal (Section 42) consultation, TH provided comments on the Preliminary Environmental Information Report (PEIR) by way of a letter dated 26 October 2019.
7. Table 1.1 provides an overview of meetings and correspondence undertaken with TH to date. This has been a live document that has been updated as the examination progressed taking into account TH’s Relevant Representation and any further consultation. Minutes of the meetings, and pre application consultation, 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-Application Consultation

Date	Contact Type	Topic
Pre-Application		
05 June 2017	Scoping Opinion	<p>Compliance with International Association of Lighthouse Authorities (IALA) guidance - Wind farm structures should be marked in line with IALA O-139 requirements, and additional Aids to Navigation (AtoN) (e.g., buoyage) may be necessary.</p> <p>Cumulative vessel routing - Cumulative effects on shipping routes should be assessed.</p> <p>Separation distances - A buffer zone between the wind farm and the Deep Water Route (DWR) to the west should be considered.</p> <p>Transboundary - National transboundary issues should be assessed, through consultation with the Dutch authorities.</p> <p>Decommissioning plan - A decommissioning plan is required.</p> <p>Marine traffic surveys - TH noted that the Navigational Risk Assessment (NRA) should include a comprehensive vessel traffic analysis in accordance with MGN 543.</p>
29 May 2018	Consultation meeting	<p>Baseline environment - Any issues relating to alignment with platforms (oil or gas) will need to be assessed.</p> <p>Decommissioning Plan - Oil and gas decommissioning activities will need to be assessed cumulatively where information is publicly available.</p>
26 October 2018	PEIR response	Contents of letter noted.
27 January 2019	Consultation meeting	<p>Lighting and marking - No concerns marking sample layouts shown and indicated that lighting was likely to initially be done on a project in isolation basis with lights removed (turned) off as required when other projects were built or decommissioned.</p> <p>Layout design and use of Development Principles - Content with the Development Principles being noted within the DCO as long as the condition still allowed for final sign off.</p>
04 March 2019	Order Limits Change report	TH has no objections to the revised order limits and has no further comments.
09 April 2019	Consultation meeting	Layout design and use of Development Principles - Meeting to finalise and agree the wording of the development principles.
Post-Application		
21 August 2019	Teleconference	Call to discuss the first draft of the SoCG.

Date	Contact Type	Topic
December 2019	Emails	Ongoing communication regarding outstanding points within the SoCG
February 2020	Emails	Ongoing communication regarding outstanding points within the SoCG
7 April 2020	Deadline 8 Response	SoCG updated following receipt of Trinity House's deadline 8 response.

2 STATEMENT OF COMMON GROUND

1. 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.
2. Table 2.1 provides areas of agreement (common ground) and those areas for which it has not been possible, during the Norfolk Boreas examination, to reach agreement between TH and the Applicant.

Table 2.1 Agreement Log – Shipping and Navigation

Topic	Norfolk Boreas Limited position	TH Comment	Final position
Consultation			
Consultation	Consultation - TH has been adequately consulted regarding shipping and navigation to date.	No further comment	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.	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.
	Traffic routeing - The NRA and Environmental Statement (ES) adequately characterises the baseline environment in terms of shipping and navigation including normal and adverse weather routeing. This includes cumulative traffic routeing .	No further comment	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.
	The baseline environment section of the NRA includes consideration of oil and gas assets within the study area.	No further comment	Agreed
Assessment methodology	Compliance with Guidance - 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 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).

Topic	Norfolk Boreas Limited position	TH Comment	Final position
	Identification of impacts - 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.
	Compliance with guidance - The 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 (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.
	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).	No further comment	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.
Safety zones	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: <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. • 50m pre commissioning around all structures. 	No further comment	Agreed The post-consent use of construction, major maintenance and decommissioning safety zones are noted and supported by TH.

Topic	Norfolk Boreas Limited position	TH Comment	Final position
Cable Specification and Installation Plan	The Applicant will submit a Cable Specification, Installation and Monitoring Plan post-consent in accordance with the details secured in Condition 14(1)(g) of the Generation DMLs (Schedule 9-10), Condition 9(1)(g) of the Transmission DMLs (Schedule 11-12), and Condition 7(1)(f) of the Project Interconnector DML (Schedule 13).	TH notes that it may be necessary for the cables to be protected by rock armour, concrete mattresses or similar protection which may reduce under keel clearance depths.	Agreed
Cumulative and transboundary impact assessment	The cumulative (and in combination) and transboundary assessment of potential changes to shipping and navigation is appropriate and no cumulative impacts will be significant in Environmental Impact Assessment (EIA) terms. This includes considerations of cumulative vessel routeing .	With appropriate risk mitigation measures in place TH agrees.	Agreed
Decommissioning plan	As stated in Schedule 1 requirement 14 of the DCO no offshore works may commence until a written decommissioning programme, in compliance with any notice served upon the undertaker by the Secretary of State pursuant to section 105(2) of the 2004 Act, has been submitted by the Applicant to the Secretary of State for approval.	No further comment - Agreed	Agreed
Mitigation and Management			
Lighting and marking Schedule 9 Part 4 10, Schedule 10 Part 4 10, Schedule 11 Part 4 5, Schedule 12 Part 4 5, Schedule 13 Part 4 4.	Appropriate aids to navigation, including lighting and marking arrangements, will be developed post-consent and agreed with MCA and TH. This will include compliance with IALA O-139.	No further comment	Agreed It is agreed that all lighting and marking arrangements will need to be agreed with TH. The requirements laid out by these conditions will be displayed and agreed within a Lighting and Marking

Topic	Norfolk Boreas Limited position	TH Comment	Final position
			<p>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>
Layout design and use of Development Principles	<p>Development Principles - The Applicant has consulted with TH on Development Principles 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 TH (and MCA) post consent.</p>	No further comment	<p>Agreed</p> <p>It is agreed that the final turbine layout design will be agreed in writing with the MMO in consultation with TH and the MCA prior to construction (post consent) to minimise the risks to surface vessels within the site. This final layout will be submitted as per DML Condition 14(1)(a) - Design Plan in accordance with the parameters defined within the Development Principles. The Development Principles were agreed with TH on the 24th April 2019.</p>
	<p>Separation distances – Separation distances between Norfolk Boreas and the DWR are as agreed on Norfolk Vanguard and East Anglia projects in order to maintain alignment and continuity.</p>	No further comment	<p>Agreed</p> <p>It is agreed that alignment and continuity should be maintained.</p>
Draft DCO and DML			
Arbitration and Appeals	The Applicant's position remains the same as that put forward during the Norfolk Vanguard examination and	Trinity House's position remains the same as that	Not Agreed

Topic	Norfolk Boreas Limited position	TH Comment	Final position
	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.	put forward during the Norfolk Vanguard examination.	
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 will maintain 10 days to ensure consistency with the Norfolk Vanguard Project (as per the draft DCO submitted):</p> <p><i>The undertaker must ensure that a 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>	Agreed	<p>Agreed</p> <p>Noting this sets no precedence for future projects.</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>Condition wording within 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>	No further comment - Agreed	<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 updated Norfolk Vanguard DCO.</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) ,	<p>The Applicant requests that wording is maintained as per that within the Norfolk Vanguard DCO for the following reasons:</p> <ul style="list-style-type: none"> The consistency with Norfolk Vanguard is important, especially from a contractor 	Not Agreed – See Comments on responses to third round of written questions - Deadline 8	<p>Not Agreed</p> <p>It is noted that Norfolk Boreas intends to await the determination of Norfolk Vanguard.</p>

Topic	Norfolk Boreas Limited position	TH Comment	Final position
<p>Schedule 13 Part 4 7(1)(f)</p>	<p>compliance perspective, as having the additional text regarding 5% of navigable depth in one project condition and not the other could cause confusion as it might imply, on the face of it, that only one project needs to comply with; whereas both projects will comply fully with the requirement as per MGN 543. Therefore the Applicant considers it is best practice for both DCOs to align in this respect. The Applicant recognises that TH might want to have this condition amended on DCOs going forward – for transparency – but given the sister projects here (Norfolk Vanguard and Norfolk Boreas) the Applicant considers there is the need for an exception to this general rule.</p> <ul style="list-style-type: none"> Furthermore, the Applicant considers that the points raised previously carry significance and are persuasive reasons for not adding the additional text: TH has the ability to review and has input into the cable details at various points – all of which are prior to construction. TH has therefore different avenues to flag compliance with this requirement and can, ultimately, withhold approval of the design plan until it is complied with (secured through Schedule 9-10, 14(1a) and Schedule 11-12, 9 (1a) which cover agreement with the MMO in consultation with Trinity House and MCA on the length and arrangements of all cables as part of the design plan). <p>The Applicant also believed that adding TH to the MGN543 condition provided a further opportunity of</p>	<p>response letter date 07/04/20.</p>	

Topic	Norfolk Boreas Limited position	TH Comment	Final position
	<p>protection for TH (again, prior to any construction) and the Applicant had made the amendment on the updated DCO submitted at D7 (Condition15(8) (Schedule 9-10) and Condition 10(8) (Schedule 11-12)) as follows:</p> <p>(8) No part of the authorised scheme may commence until the MMO, in consultation with the MCA and Trinity House, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that stage of the project, adequately addressed 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.</p> <p>Following the D8 response from Trinity House and discussion with Trinity House, the Applicant has agreed to remove the wording ‘and Trinity House’ from (Condition15(8) (Schedule 9-10) and Condition 10(8) (Schedule 11-12)) given the concerns over additional onus/remit it put upon them.</p>		
<p>Schedule 9 Part 4 19 (1) (4), Schedule 10 Part 4 20 (1) (d) and Schedule 9 Part 4 20 (2) (4), Schedule 10 Part 4 20 (1) (d)</p>	<p>Given that Norfolk Boreas Limited has submitted a ‘outline marine traffic monitoring strategy’ the Applicant requests the condition reads (as per the draft DCO submitted):</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’ and</i></p>	<p>No further comment</p> <p>TH was concerned that given the wording of the current strategy document (Outline Marine Traffic Monitoring Strategy) TH may not receive reports and also that there are</p>	<p>Agreed</p> <p>Norfolk Boreas Limited notes that the Outline Marine Traffic Monitoring Strategy must be updated post consent to include submission to TH.</p> <p>No changes are required to the condition as both parties are in agreement.</p>

Topic	Norfolk Boreas Limited position	TH Comment	Final position
	<p data-bbox="465 276 1084 435"><i>- Post-construction 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 data-bbox="465 472 1061 531">This condition includes the requirements requested by the MCA and TH.</p>	<p data-bbox="1106 276 1386 408">no specific timeframes regarding report submissions to relevant authorities.</p> <p data-bbox="1106 472 1386 671">TH would therefore welcome consultation on the Outline Marine Traffic Monitoring Strategy document in due course.</p>	

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

Printed Name	Trevor Harris
Position	Navigation (Examiner) Manager
On behalf of	Trinity House
Date	29/04/20

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