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Your ref: EN010087 ExQ5  
Our ref: 20022493 Boreas Offshore  
Windfarm Project

25<sup>th</sup> August 2020

Dear Sir/Madam

**Application by Norfolk Boreas Limited for the Norfolk Boreas Offshore  
Windfarm**

**The Examining Authority's fifth round of written questions issued on 11  
August 2020**

Thank you for the opportunity to respond to the Examining Authority's fifth round of written questions ExQ5 at Deadline 14: 25 August 2020.

The Maritime and Coastguard Agency's (MCA) remit for offshore renewable energy development is to ensure that safety of navigation is preserved, and our search and rescue capability is maintained, whilst progress is made towards government targets for renewable energy.

MCA's responses to our relevant questions can be found in the attached table.

Yours faithfully,

[Redacted signature]

Helen Croxson  
OREI Advisor  
Maritime and Coastguard Agency



HM Coastguard

5.4	<b>Schedules 9 to 13 Deemed Marine Licences</b>	
<p><b>Q5.5.4.3</b></p> <p>Question to:</p> <p>The Applicant; The Marine Management Organisation (MMO); Maritime and Coastguard Agency (MCA)</p>	<p><b>ERCOP Conditions 15 and 10:</b></p> <p>Condition 15(8) in Schedules 9 and 10 and 10(8) in Schedules 11 and 12 requires MMO confirmation in writing that the undertaker has adequately addressed MCA recommendations contained within MGN543 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" and its annexes. The DML condition no longer refers explicitly to approval and implementation of an ERCOP.</p> <p>Confirm if this redrafting is accepted by MMO and MCA and confirm whether the same wording will be included in Schedule 13 of the dDCO.</p>	<p>The MCA, in conjunction with the MMO and TH, reviewed its navigation safety conditions for offshore renewable energy installations. As part of the review, it was agreed that although an ERCoP is still required, the condition of consent should refer to the requirements of MGN 543 and its annexes rather than specify an ERCoP. This is because the ERCoP is a working document to be constantly reviewed throughout the lifetime of the project and going through the process of discharging the condition multiple times is unnecessary. Therefore, we agreed the condition should instead state:</p> <p><i>No part of the authorised project 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 project, adequately addressed all MCA recommendations as appropriate to the authorised project contained within MGN543 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" and its annexes.</i></p> <p>The applicant has correctly referenced this in Schedules 9 and 10 and 10(8) in Schedules 11 and 12.</p> <p>The MCA would also expect this condition to be included in Schedule 13 for the Interconnector DML conditions. This is vital to address our concerns regarding the following condition not being included in the dDCO/DML:</p> <p><i>The MCA requirement is for a detailed cable laying plan for the Order limits, incorporating a burial risk assessment encompassing the</i></p>

		<p><i>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;</i></p> <p>On this occasion only, the MCA agreed to include the following condition instead (as the above 5% requirement is captured in MGN 543), to ensure consistency between both Vanguard and Boreas projects, and this has been addressed and agreed in our SoCG with the applicant:</p> <p><i>No part of the authorised project 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 project, adequately addressed all MCA recommendations as appropriate to the authorised project contained within MGN543 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" and its annexes.</i></p> <p>We understand that the applicant will be including this condition in Schedule 13 in the next dDCO/DML.</p>
<p><b>Q5.5.4.4</b></p> <p>Question to: Natural England (NE); The MMO, Marine &amp; Coastguard Agency (MCA);</p>	<p><b>Decommissioning of cables in HHW SAC Conditions 20 and 3(1)(g):</b></p> <p>Confirm satisfaction or otherwise with change to the dDCO [REP13- 007/008] that includes a new cable decommissioning condition 20 in Schedules 11 and 12 and removes</p>	<p>The MCA would expect to be consulted on the decommissioning programme as part of the assessment of the risk and impact on shipping and the safety of navigation. The wording appears to allow for the assessment through the decommissioning programme by the Secretary of State, and the MMO must confirm whether or not it is satisfied with the method statement.</p>

<p>Trinity House (TH); Historic England (HBMCE)</p>	<p>condition 3(1)(g) prohibiting rock or gravel dumping.</p>	<p>However, for any timings specified by the Secretary of State, we would expect sufficient timescales to be included for this consultation process to be carried out by the MMO in consultation with the MCA (and Trinity House). We would therefore want to ensure that the condition is sufficient for MMO purposes to ensure the approval process can be undertaken by the MMO in consultation with others as appropriate.</p> <p>The MCA has no concerns to raise regarding the proposed removal of condition 3(1)(g) prohibiting rock or gravel dumping.</p>
<p><b>Q5.5.4.5</b></p> <p>Question to:</p> <p>The Applicant; The Marine Management Organisation (MMO); Trinity House (TH)</p>	<p><b>MMO objection to Part 5 of Schedules 9 to 13 Procedure for Appeals</b></p> <p>Confirm satisfaction with the amendment to the Boreas dDCO/DMLs in [REP13-007/008] removing part 5 following the determination of the Norfolk Vanguard application. The MMO had previously sustained an objection to Part 5 of Schedules 9 to 13 which proposes an override of the Marine Licensing (Licence Application Appeals) Regulations 2011 (Appeal Regulations) to enable the Applicant to appeal a MMO decision or failure to determine within the prescribed time period. In SoCG [REP9-023] the parties agree with each other that it should be the Secretary of State who decides this matter. TH also supported the MMO's position in regard to arbitration or appeal and deemed refusal.</p>	<p>Although this question has not been addressed to the MCA, we would like to comment that the MCA fully supports the MMO's position regarding to arbitration, appeals and deemed refusal.</p>