

AQUIND Limited

AQUIND INTERCONNECTOR

Statement of Common Ground Between AQUIND Limited and the Maritime and Coastguard Agency

The Planning Act 2008

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AQUIND Limited

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DOCUMENT: STATEMENT OF COMMON GROUND

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DOCUMENT

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1. INTRODUCTION

1.1. PURPOSE OF THIS DOCUMENT

- 1.1.1.1. This Statement of Common Ground ('SoCG') has been prepared with the Maritime and Coastguard Agency ('MCA') to show where agreement has been reached with AQUIND Limited during the pre and post Development Consent Order ('DCO') application consultation and in the course of the DCO Examination.
- 1.1.1.2. This SoCG has been prepared by AQUIND Limited (the Applicant) and the MCA in respect of the Development, collectively referred to in this SoCG as 'the parties'.
- 1.1.1.3. The purpose and possible content of SoCGs is set out in paragraphs 58-65 of the Department for Communities and Local Government's guidance entitled "Planning Act 2008: examination of applications for development consent" (26 March 2015). Paragraph 58 of that guidance explains the basic function of SoCGs:

"A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence."

- 1.1.1.4. This SoCG comprises a record of agreement which has been structured to reflect topics of interest to the MCA on the AQUIND Interconnector DCO Application ('the Application') and covers topic specific matters agreed between both parties.
- 1.1.1.5. The position with respect to each topic of interest is presented in a tabular form.
- 1.1.1.6. This revision of the SoCG is an update to the revision submitted at Deadline 6 (REP6-049) and reflects the final positions of both parties.

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1.2. THE DEVELOPMENT

- 1.2.1.1. This SoCG relates to an application made by the Applicant to the Planning Inspectorate ('PINS') under the Planning Act 2008 ("Act"). The application was made on 14 November 2019.
- 1.2.1.2. The draft DCO is referred to as the AQUIND Interconnector DCO. The DCO, if granted, would authorise the Applicant to construct, operate and maintain infrastructure and associated development (the 'Proposed Development') including:
 - High Voltage Direct Current ('HVDC') marine cables;
 - HVDC underground cables;
 - Converter station;
 - High Voltage Alternate Current ('HVAC') cables; and
 - Fibre optic data transmission cables and associated infrastructure.
- 1.2.1.3. This SoCG is only relevant to the marine aspects of the Proposed Development which comprise of activities including the installation of marine cables that run from Mean High Water Springs ('MHWS') to the UK/France European Economic Zone ('EEZ') Boundary Line.



2. CONSULTATION

- 2.1.1.1. The parties have been engaged in consultation since the inception of the Proposed Development.
- 2.1.1.2. A summary of key meetings and correspondence between the parties can be found in Table 2.1:

Table 2.1: Consultation with the MCA

Date	Form of Contact	Summary
May 2018	Scoping Opinion Request to the MMO	Scoping response received from the MCA.
September 2018	Meeting with NAB VTS User Group	Introduction to the Proposed Development with representatives from MCA, QHM Portsmouth and ABP Southampton. Information discussed at this meeting is presented in Section 6 of Appendix 13.1 Navigation Risk Assessment of the Environmental Statement ('ES') (document reference 6.3.13.1).
October 2018	Meeting with Dover Straits Working Group	Introduction and update to the Proposed Development with representatives from Trinity House, MCA, P&O ferries, Comité Régional des Pêches Maritimes et des Elevages Marins (CRPMEM), CROSS Gris-Nez (CGN), Société Nationale de Sauvetage en Mer (SNSM) and UK Maritime Pilots Assoc Information discussed at this meeting is presented in Section 6 of Appendix 13.1 Navigation Risk Assessment of the ES (document reference 6.3.13.1).
October 2018	Scoping Opinion Request to the PINS	Scoping response received from the MCA. Responses to the MCA scoping responses are presented in Section 6.1 of Appendix 13.1 Navigation Risk Assessment of the ES (document reference 6.3.13.1).
March 2019	Section 42 Consultation	Consultation on Preliminary Environmental Information Report



Date	Form of Contact	Summary
		('PEIR'). Response received from MCA. Responses to the MCA s.42 comments are presented in Table 6.6 of Appendix 13.1 Navigation Risk Assessment of the ES (document reference 6.3.13.1).
08 July 2019	Email	Draft deemed Marine Licence ('DML') shared with the MCA, NAB VTS User Group for review.
16 July 2019	Email	Request for clarification from MCA on calculating compass deviation percentages along the marine cable route.
26 July 2019	Email	Draft DML shared by MCA with the Dover Straits Working Group for review. No feedback from this Working Group received.
07 August 2019	Email	Confirmation received from MCA that compass deviation calculations should be across the whole navigable cable route from the UK to France.
09 August 2019	Email	Feedback received from MCA on draft DML.
05 September 2019	Email update for meeting with NAB VTS User Group	Update provided on Proposed Development and on-going consultation with Langstone Harbour.
04 March 2020	s. 56 Consultation	Relevant Representation ('RR') received from MCA.
04 March 2020	Meeting with NAB VTS User Group	Update provided on the Proposed Development.
10 March 2020	Email	Draft SOCG shared with MCA for review.
18 March 2020	Teleconference	Discussions on draft SOCG and DML.
27 March 2020	Email	Applicant requesting clarifications on requested amendments to the DML conditions.



Date	Form of Contact	Summary
11 May 2020	Email	MCA providing further steer on amendments to the DML requested.
11 June 2020	Email	Updated draft SOCG shared with MCA for second review, along with meeting notes from 18 March 2020
20 June 2020	Email	MCA provided further comment on amendments to DML.
13 August 2020	Email	Revised SoCG shared with MCA to finalise condition wording and definitions agreement in Table 4.1.
25 August 2020	Email	MCA provided further comment on amendments to DML and proposed that the SoCG is final.
01 September 2020	Email	Proposed final SOCG (Rev 001) issued to MCA.
01, 02, 15 and 16 December 2020	Email	Communications between both parties to resolve and agree additional matters submitted by MCA at Deadline 4 in regard to the DML.
23 December 2020	Email	Proposed final SOCG (Rev 002) issued to MCA.
26 January 2021	Email	The Applicant provides the ES Addendum 2 (REP7-067) to the MCA for consultation.
04 and 05 February 2021	Emails	Feedback from the MCA received by the Applicant in regard to the information within the ES Addendum 2. MCA expressed concern in relation to navigable depths being reduced by more than 5% and also advised that the Applicant should consult with the French Cross Gris-Nez authorities who monitor the southern lane of the Traffic Separation Scheme (TSS) mid-channel.
08 February 2021	Email	The Applicant describes the mitigation secured in the DML to ensure that navigable depths are not compromised



Date	Form of Contact	Summary
		and notifies the MCA of their intention to engage the French authority using the contact details provided by the MCA.
11 February 2021	Email	Applicant copies the MCA into the email sent by the Applicant to the French CROSS Gris-Nez authority.
15 February 2021	Email	MCA advise that they are content with the navigable depth mitigation in the DML and that they can sign the SoCG. MCA also request that the TSS issue is left as an item 'under discussion' until such a time a response from the French authority is received stating that they are content with current mitigations in place or that any concerns that they have can be dealt with through post-consent documentation.
22 February 2021	Email	Applicant shares response received from CROSS Gris-Nez authority with MCA.
22 February 2021	Email	The Applicant provides a new revision of the SoCG (Rev 003).

2.2. SUMMARY OF TOPICS COVERED BY THE SOCG

- 2.2.1.1. The following topics discussed between the parties are commented on further in this SoCG.
 - Environmental Impact Assessment ('EIA');
 - Navigation Risk Assessment ('NRA');
 - · Shipping, Navigation and Other Marine Users; and
 - Deemed Marine Licence ('DML').
- 2.2.1.2. For the avoidance of doubt, matters not covered in this SoCG have not been discussed between the parties as they have not been raised by the MCA in their capacity as statutory consultee and primary advisors to the Marine Management Organisation ('MMO').



3. MATTERS WHICH ARE AGREED

- 3.1.1.1. The following subsections provide the details of the matters where agreement has been reached between the parties for each technical discipline.
- 3.1.1.2. The Proposed Development has the potential to impact on the following areas which are relevant to the MCA:
 - shipping, navigation and other marine users. Chapter 13 (Shipping, Navigation and Other Marine Users) of the Environmental Statement ('ES') (Ref: APP-128); and
 - cumulative effects. Chapter 29 (Cumulative Effects) of the ES (Ref: APP-144).
- 3.1.1.3. Tables 3.1 to 3.5 outline the areas of common ground that have been reached in relation to the assessments undertaken and the DML.
- 3.1.1.4. The RR on the application made by the MCA was received on 19 February 2020.
- 3.1.1.5. Further engagement was undertaken with MCA through iterative reviews of the draft SOCG and a teleconference held in March 2020 to discuss the draft SOCG and Examination process. The MCA also submitted further comments on the DML at Deadline 4 (REP4-039 and REP4-040) and provided feedback in February 2020 on ES Addendum 2 (REP7-067) in relation to the CCF Cable Crossing which was submitted at Deadline 7.
- 3.1.1.6. The agreements made during these consultations to date outlined in Section 2 and the RR have been used to populate the tables below and inform this SoCG.

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Table 3.1: Matters Agreed: Shipping, Navigation and Other Marine Users

Ref	Description of Matter	Agreed Position
EIA		
MCA 3.1.1	Existing Environment	The sources of information within the ES adequately characterises the baseline conditions in terms of shipping activity and marine users within the Proposed Development and surrounding area i.e. the Study Area (Ref: APP-128, Section 13.5).
MCA 3.1.2		The list of potential impacts assessed in the ES is appropriate and the appropriate methodologies (i.e. International Maritime Organisation ('IMO') Formal Safety Assessment ('FSA') methodology) have been employed (Ref: APP-128, Section 13.4; APP-393).
MCA 3.1.3	Assessment Methodology	The worst case scenarios for impacts presented in the ES, are appropriate for the Proposed Development (Refs: APP-128, Section 13.4.3; APP-356).
MCA 3.1.4		Appropriate legislation, planning policy and guidance has been used to inform the assessment (Refs: APP-128, Section 13.2; APP-113).
MCA 3.1.5		The assessment of impacts for construction, operation and decommissioning presented in the ES are appropriate (Ref: APP-128, Section 13.6; APP-393).
MCA 3.1.6	Assessment Conclusions	The conclusions presented within the ES regarding the tolerability of risk to shipping and navigation are appropriate (Ref: APP-128, Section 13.4.2, Table 13.5; APP-393).
MCA 3.1.7		The assessment undertaken of effects of the Proposed Development cumulatively with other relevant plans and projects is appropriate (Refs: APP-128, Section 13.7; APP-394; APP-144).
MCA 3.1.8		The assessment of transboundary effects resulting from the Proposed Development is considered to be appropriate (Refs: APP-128, Section 13.7.3; APP-144).
MCA 3.1.9	Mitigation	It is agreed that given the effects of the Proposed Development, the mitigation measures proposed are considered appropriate and are adequately captured within the DML (Refs: APP-128, Section 13.8; APP-489; APP-019, Schedule 15).



Table 3.2: Matters Agreed: DCO and Deemed Marine Licence

Ref	Description of Matter	Agreed Position
MCA 3.2.1	Construction Activities	The DML is sufficiently drafted with appropriate conditions to ensure that construction activities will not result in unacceptable navigational risk to shipping and other marine users.
MCA 3.2.2	Operational Activities	The DML is sufficiently drafted with appropriate conditions to ensure that operational and maintenance activities will not result in unacceptable navigational risk to shipping and other marine users.
MCA 3.2.3	Mitigation	The DML sets out appropriate mitigation measures to minimise risk to shipping and navigational safety as a result of the Proposed Development.
MCA 3.2.4	Notifications	In order to provide mechanism to ensure notification to cable exposures occurs in three days of the developer becoming aware of it. The following conditions to the DML are agreed. - Draft DCO (Ref: REP7-013) Schedule 15, Part 2, 2(13) and new licence condition Part 2, 2(14): (13) In case of damage to, or destruction or decay of, the authorised development seaward of MHWS or any part thereof the undertaker must as soon as possible and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify the MMO, the MCA, Trinity House, the Kingfisher Information Service of Seafish and the UK Hydrographic Office. (14) In case of exposure of the marine HVDC cables on or above the seabed, the undertaker must within three days following identification of any exposure of the marine HVDC cables, issue a notice to mariners and Kingfisher Information Service of Seafish informing of the location and extent of the exposure. Copies of all notices must be provided to the MMO, the MCA, Trinity House and the UK Hydrographic Office within 5 days. The term 'notice to mariners' has been replaced with 'local notification to mariners' within the DML. - Draft DCO (Ref: REP7-013) Schedule 15, Part 2, 2(7) has been amended to the following: (7) The undertaker must inform the Kingfisher Information Service of Seafish by e-mail to kingfisher@seafish.co.uk of details regarding the vessel routes, timings and locations relating to the construction of the authorised development or relevant part — (a) at least 14 days prior to the commencement of marine activities for inclusion in the Kingfisher Fortnightly Bulletin and marine hazard awareness data; and (b) as soon as reasonably practicable and not later than 24 hours on completion of construction of all licensed marine activities' and confirmation of notification in accordance with this paragraph (7) must be provided MMO within 5 days. The term 'working days' has been removed from the DML and has been replaced by 'days' and number of days



Ref	Description of Matter	Agreed Position
		Relevant contacts have been included in the DML as follows; - Draft DCO (Ref: REP7-013) Schedule 15, Part 2, 2(11):
		(11) The undertaker must notify HM Coastguard at least 14 days prior to commencement of the licence activities or any part of them advising of the start date of Works No. 6 and Works No. 7 by e-mail to the relevant zone contacts (zone15@hmcg.gov.uk or zone16@hmcg.gov.uk) and a copy of that notice must be provided to the MMO within 5 days.
MCA 3.2.5	Pre- construction plans and documentation	In consultation with MCA, the following condition to the DML is agreed; - Draft DCO (Ref: REP7-013) Schedule 15, Part 2, 4 (1)(c)(iii): (iii) a detailed cable laying plan for the Order limits seaward of MHWS, incorporating a burial assessment which includes the identification of any part of the marine HVDC cables that exceeds 5% of navigable depth referenced to chart datum and, in the event of the identification of any area of cable protection that exceeds 5% of navigable depth, details of any steps (to be determined following consultation with Trinity House and the MCA) 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.
MCA 3.2.6	Post construction surveys	Reference to sonar has been removed from the DML and reference to MGN 543 hydrographic survey guidelines included in the following conditions; - Draft DCO (Ref: REP7-013) Schedule 15, Part 2, 10(3): (3) Within 3 months of completion of construction of the authorised development the undertaker must submit International Hydrographic Office (IHO Order 1A) approved Multi Beam Echo Sounder survey data and report to the MMO, the MCA and Trinity House and UK Hydrographic Office, meeting MGN 543 hydrographic survey guidelines and confirming the final clearance depths over the marine HVDC cables and the associated cable protection. If any area is identified as a possible danger to navigation by the MMO, the MCA, Trinity House and/or UK Hydrographic Office, the undertaker must exhibit such markings with lights, marks, sounds, signals or other aids to navigation as are reasonably required by the MMO, the MCA Trinity House and/or UK Hydrographic Office unless otherwise agreed. - Draft DCO (Ref: REP7-013) Schedule 15, Part 2, 12(11): (11) Within 4 weeks of the completion of laying of any new cable protection following the completion of construction, unless otherwise agreed with the MMO, the undertaker must submit International Hydrographic Office (IHO Order 1A) approved Multi Beam Echo Sounder survey data and report to the MMO, the MCA and UKHO, meeting MGN 543 hydrographic survey guidelines and confirming the final clearance depths over the protected cables where the new cable protection has been laid. Once this data has been assessed, if any area is identified as a possible danger to navigation it may require marking with aids to navigation at the undertakers expense.



Ref	Description of Matter	Agreed Position
MCA 3.2.7	Mitigation	Reference to the 'marine emergency action card' has been removed from the DML at: - Draft DCO (Ref: REP7-013) Schedule 15, Part 2, 4(3) — No part of the licensed activities may commence until a statement confirming how the undertaker has taken into account the MCA Safety Guidance in so far as is applicable to that part of the licensed activities has been submitted to and approved by the MMO, in consultation with the MCA. The definitions for MCA Safety Guidance and the Marine Emergency Action Card are agreed to be included at paragraph 1 of Part 1 to Schedule 15 (DML) to ensure there is sufficient clarity regarding what is required to discharge the condition as follows; "MCA Safety Guidance" means those aspects of MGN543 "Offshore Renewable Energy Installations (OREIs) — Guidance on UK Navigational Practice, Safety and Emergency Response Issues" and its annexes that are relevant to the authorised development. "Marine Emergency Action Card" means the MCA bespoke Emergency Action Card template that will be completed to inform emergency response actions during the construction of the authorised development.



Table 3.3: Matters Agreed: Cable Burial and Protection

Ref	Description of Matter	Agreed Position
EIA		
MCA 3.3.1	Cable burial	The proposals for cable burial are clearly set out in the ES and are appropriate to minimise risks to navigational safety following the installation of the cable. The MCA will be consulted on pre-construction documentation and MCA will be notified prior to commencement of works as required by the DML. The proposals for cable burial works are described in the following Application documents; - Chapter 3 Description of the Proposed Development (APP-118), Sections 3.5.6 to 3.5.9 and ES Addendum 2 (REP7-067); - Appendix 3.2 Marine Worst Case Design Parameters (APP-356), Table 2; - Appendix 3.4 Additional Supporting Information for Marine Works (APP-358); - Appendix 13.1 Navigation Risk Assessment (APP-393), Sections 2 and 4.3. Assessments of cable installation and operational and maintenance works are presented in the following Application documents; - Chapter 13 Shipping, Navigation and Other Marine Users (APP-128) in Sections 13.6 and 13.7 and mitigation measures are described in Sections 13.6 and 13.8. - Appendix 13.1 Navigation Risk Assessment (APP-393) Sections 14 and 15 and mitigation measures are proposed in Section 14.4 and 14.6. Mitigation measures are summarised within Table 1.1 of the Mitigation Schedule (REP2-005) and are secured through the DML as follows; - DCO Schedule 15, Part 2, 2 Notifications and Inspections; - DCO Schedule 15, Part 2, 4 Pre-construction Plans and Documentation; - DCO Schedule 15, Part 2, 10 Post Construction Surveys; - DCO Schedule 15, Part 2, 11 Cable Burial Management Plan; and - DCO Schedule 15, Part 2, 12 Maintenance of the authorised development.
MCA 3.3.2	Cable protection	The proposals for cable protection are clearly set out in the ES and the impacts to shipping and navigation in the area as a result of cable protection have been suitably identified and assessed, with appropriate mitigation proposed to minimise risk to shipping and navigation in the area. The proposals for cable protection are described in the following documents;



Ref	Description of Matter	Agreed Position
		 Chapter 3 Description of the Proposed Development (APP-118), Section 3.5.6 and ES Addendum 2 (REP7-067); Appendix 3.2 Marine Worst Case Design Parameters (APP-356), Table 3; Appendix 3.4Additional Supporting Information for Marine Works (APP-358) Section 1.3.4; Appendix 13.1 Navigation Risk Assessment (APP-393), Sections 2 and 4.3.
		Assessments for cable protection are presented in the following documents; - Chapter 13 Shipping, Navigation and Other Marine Users (APP-128) in Sections 13.6 and 13.7 and mitigation measures are described in Sections 13.6 and 13.8 Appendix 13.1 Navigation Risk Assessment (APP-393) Sections 14 and 15 and mitigation measures are proposed in Section 14.4 and 14.6. Mitigation measures are summarised within Table 1.1 of the Mitigation Schedule (REP2-005) and are secured through the DML.



Table 3.4 Matters Agreed: Dover Straits TSS

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Table 3.5 Matters Agreed: Navigation Risk Assessment

Ref	Description of Matter	Agreed Position
MCA 3.5.1	NRA	The mitigation proposed in the NRA is appropriate to minimise impacts on shipping and navigation resulting from the Proposed Development. The MCA will be consulted on pre-construction documentation and notified prior to commencement of works as required by the DML.
MCA 3.5.2	NRA	Risks to shipping and navigation in the area as a result of the Proposed Development are as low as reasonably practicable ('ALARP'). The MCA will be consulted on pre-construction documentation and notified prior to commencement of works as required by the DML.



4. SIGNATURES

Signed on behalf of the Maritime and Coastguard Agency:



Printed name: Nick Salter

Position: Offshore Renewables Lead

Date: 22/02/2021

Signed on behalf of AQUIND Ltd.:



Printed name: Kirill Glukhovskoy

Position: Managing Director

Date 22/02/2021

