

## The Thanet Extension Offshore Wind Farm Order

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### Summary of Oral Submissions made at ISH2 submitted on behalf of the Port of London Authority and Estuary Services Limited

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## **1. Introduction**

1.1 This document contains a summary of the oral representations made by both the Port of London Authority (“the PLA”) and Estuary Services Limited (“ESL”) at ISH2 on Marine, Shipping, Navigation and Safety Issues (“ISH2”) in respect of an application for Development Consent submitted by Vattenfall Wind Power Limited (“the Applicant”) for the Thanet Extension Offshore Wind Farm Order (“the DCO”).

1.2 At the conclusion of ISH2 the Examining Authority (“ExA”) explained that it would not impose a formal deadline on the submission of summaries of oral submissions but that each interested party (“IP”) and the Applicant could voluntarily give an undertaking to exchange a summary at a date earlier than Deadline 1. Such undertakings would be mutual such that an IP (or the Applicant) could only benefit from the early submission of another if it too had made an early submission. The legal representatives for the PLA, ESL, Port of Tilbury London Limited (“PoTLL”), DP World London Gateway (“DWLG”) and the Applicant each gave such an undertaking.

1.3 Structure

1.3.1 The structure of this summary will follow the Agenda for ISH2 as provided at Annex H of the Rule 6 letter published on 9 November 2018 and is as follows:

Section 1 – Introduction

Section 2 – Effects on Ports, Harbours, Channels and Related Facilities

Section 3 – Effects in relation to Shipping Services and Interests

Section 4 – Effects in relation to Lights and Navigation

Section 5 – Effects in relation to Pilotage

Section 6 – Maritime Safety: Working with Environmental Statement (“ES”) and the Navigation Risk Assessment (“NRA”)

Section 7 – Any Other Marine and Related Considerations

## **2. Effects on Ports, Harbours, Channels and Related Facilities**

2.1 Ms Dillistone of Winckworth Sherwood LLP explained on behalf of the PLA and ESL that the Western aspect of the extension of the wind farm applied for in the Applicant’s DCO application severely reduces the access to and, therefore, the competitiveness of both the Port of Tilbury and DP World London Gateway.

2.2 She went on to explain that the Western extension provides a greatly increased risk to navigation in the area. The PLA and ESL have substantial practical experience of operating in this area and, in their view, the prudent mariner would not want to use the NE Spit pilot boarding station because of the reduced sea room at the Western side of the extended wind farm site. This will force vessels to use the alternative Tongue pilot boarding station. This station is further out into the channel which brings a number of disadvantages. Firstly, the alteration in route to utilise the Tongue station will increase costs in terms of greater journey times, fuel costs and crew costs. In addition the Tongue station is more susceptible to adverse weather conditions.

2.3 There was some discussion during PoTLL and DWLG’s comments of the impact of the DCO on the future development that those Ports either already have authorisations for

or are awaiting authorisation of. Future development is clearly relevant, but the PLA and ESL were clear that, even without future development, the proposed expansion will pose a risk to navigation and diminish the existing capabilities of these Ports and ESL's pilotage services.

- 2.4 Ms Dillistone then introduced Richard Jackson, a coxswain for ESL, to give further detail on pilot boarding locations and shipping routes which will be affected by the western expansion of the wind farm site.
- 2.5 Mr Jackson explained that deeper draft vessels en route to DP World London Gateway generally require deep water pilot boarding positions. These include the Tongue deep water and NE Goodwin boarding stations. Mr Jackson stated that the Navigation Risk Assessment submitted by the Applicant ("NRA") appears to dismiss any concerns about these boarding stations on the basis that they are rarely used. It fails to recognise that there are large vessels which do require these. From a financial perspective these large ships using these deep water boarding stations represent a much greater proportion of ESL's business than smaller ships using the boarding stations on the other side of the wind farm. Mr Jackson explained that ESL is providing services to increasing numbers of larger ships (with a draft of up to 11m at present) in the area to the South West of the extension, many of which are using the DP World London Gateway.
- 2.6 Mr Jackson then moved on to discussing the ability of ESL to work in inclement weather conditions. The Chair of the ExA queried whether ESL provided the only pilotage service in the area. In response, Mr Jackson explained that there is pilotage available in Dover which can be used if all ESL stations go off-station. However, he said that the reason ESL go completely off-station relatively infrequently at present is because of the NE Spit station; even if the Sunk goes off-station, the NE Spit station is generally protected and can continue to operate. If the Applicant's DCO were to be made in its current form, then NE Spit would not be able to perform that function, and pilotage services would more frequently need to be performed from Dover.
- 2.7 Mr Jackson reinforced the point that a pilot will always need sea room in order to manoeuvre a ship of any size. He explained that the existing anchorage (Margate Roads) to the west of the NE Spit station is often heavily used, which can provide a squeeze on operations from the west of the NE Spit station. Currently this squeeze can be accommodated by executing operations further east. However, the proposed western extension of the wind farm will reduce the area available to the east, putting the use of the NE Spit station at risk.
- 2.8 In response to a query from the Chair, Mr Jackson explained that part of ESL's concern, shared by the PLA, stems from the condensed thoroughfare of what was being referred to as 'the inner channel'. He said that this was already a busy shipping route and the expansion of the wind farm would cause the same number of ships to have to travel in a much smaller space. He said that a prudent mariner is likely to be more cautious than the NRA suggests. The NRA allows for half a mile passing space for vessels from the red line boundary of the extended wind farm but in practice, Mr Jackson argued, masters of ships are more cautious and allow for greater sea-room. He explained that he thought the inner channel would become almost redundant because a significant amount of traffic will divert to avoid the congestion and risk to their vessels.
- 2.9 There followed some discussion between the ExA, Mr Jackson and Ms Dillistone about the interaction of different types of vessel in the area. Mr Jackson explained that when a ship taking a pilot gets to the boarding station it will receive instructions regarding its speed and heading depending on the weather conditions. These instructions can put the ship at odds with other traffic in the area. In performing pilotage services, ESL coxswains are required to consider the full range of traffic in the area, including

recreational vessels. The interaction between ships and leisure craft is not adequately reflected in the NRA, partially because leisure craft are not required to carry AIS, and because the traffic representations throughout the NRA are so dense in presentation that individual vessel interactions are very hard to recognise. Mr Jackson went on to say that whilst the NRA mentions the seasonal bias it does not go far enough to represent seasonal variations in leisure traffic. The impact of all small craft, commercial or otherwise is not fully represented in the NRA.

- 2.10 In response to a question from the ExA regarding any foreseeable changes to routes coming into or out of the estuary, Ms Cathryn Spain, Harbour Master for Port of London Lower District, explained that there were some feasibility studies under way for potential dredging options. These will cover both Fisherman's Gat and the North Edinburgh Channel. The intention of the PLA would be to increase the depth of one of these to allow deep water vessel use, particularly for vessels coming from the South. Ms Spain explained that these vessels would then want to use the NE Spit station rather than the Sunk.

### **3. Effects in relation to Shipping Services and Interests**

- 3.1 Ms Dillistone explained that the PLA and ESL had touched on a number of issues relevant to this agenda item in their earlier comments. Both entities consider that shipping lanes will be encroached upon by the expanded wind farm. This will bring ships closer to each other, to the shore and to the wind farm and will inevitably lead to more collisions. The PLA and ESL do not accept the Applicant's premise that the same number of vessels will use the inshore channel; instead, they consider it more likely that ships will redirect their journeys. Nevertheless, if the Applicant is correct, it would mean that the same number of ships would be making the same manoeuvres but in a much smaller area.
- 3.2 Mr Jackson went on to explore ESL's concerns about the data used in the NRA. The figures gathered in winter were taken in the lightest data window that could have been used. The site survey which references passenger vessels was over a two week early summer period which would not accurately reflect traffic in the area. Although the data splits out different types of traffic, it does not deal with interactions between vessels and therefore is not representative of the whole picture.

### **4. Effects in relation to Lights and Navigation**

- 4.1 The PLA and ESL's concerns in respect of this Agenda item were dealt with at other points during the ISH and neither organisation made separate oral submissions on this Agenda item.

### **5. Effects in relation to Pilotage**

- 5.1 Mr Jackson began his oral submissions in relation to this agenda item by outlining that the action of shipping and landing a pilot is not a static process. A ship must be kept under way and it must continue to interact with everything else around it. The pilot needs sufficient time to get on board, get to the bridge and have a handover with the master. They will need to factor in weather, tide, type and size of ship and other factors.
- 5.2 Mr Jackson explained that the main concern of ESL and the PLA was the reduction in sea room. The closest point of the extended wind farm to the NE Spit pilot station would be 1.7 miles. At this point there is a lot of crossover traffic which needs to be taken into account.

- 5.3 Mr Jackson went on to explain that pilot boats can suffer with interaction between their radar and the wind farm. When the pilot launch is operating between the wind farm and a ship, with the ship in close proximity, the radar becomes less effective combined with the fact that high sided vessels will often severely impede VHF communication with the shore side operation (including VTS), the ship itself and any other vessels the other side of the ship being served. In effect the pilot boat can become blindsided. The coxswain will have to be confident that little or no deviation will be necessary during an act of pilotage. The reduction in sea room and therefore the potential increase in congestion presents a significant planning issue for the coxswain with regard to a confident 'clear path' before he engages with the ship.
- 5.4 All of these risk factors mean that the pilots need a large amount of sea room because there is a period with no communication when everything needs to stay the same. If a captain suddenly changes route, a pilot launch can easily be damaged. Mr Jackson explained that to mitigate this it is important that there is sufficient sea room and that will not be the case if the Western expansion of the wind farm is permitted.
- 5.5 Ms Spain then spoke further on behalf of the PLA. She explained that the Western expansion of the wind farm will compromise the safety of vessels trying to undertake pilotage. The pilotage operations will be pushed out from NE Spit to either NE Goodwin or the Tongue and the Tongue itself will need to be pushed further north. This will have an impact on the pilotage service due to increased pilotage times. There will be longer transits out from Ramsgate to the boarding location. Ms Spain said that this would require more pilots to carry out the service and it will have a knock-on cost consequence for customers. In addition there will be an increased number of vessels which require a changeover of pilots to fit within shift patterns. Finally, there will need to be an increased number of pilotage vessels.
- 5.6 Ms Spain then raised concerns that all additional time in pilotage boats has an implication on pilots and leads to pilot fatigue. In addition, using less sheltered waters for pilotage operations has an implication on pilots' operating abilities. The risk of inclement weather increases the risk of pilots not being able to board vessels. Ms Spain explained that pilots currently operate in marginal conditions; it is already a high risk operation.
- 5.7 In response to a question from the ExA, Ms Spain explored the situations where pilot stations go off-station in poor weather. She explained that the Sunk pilotage station is out of use more frequently than the NE Spit. If a vessel is of deeper draft a pilot can board at the NE Spit station and then travel up to the Sunk to bring the vessel into the estuary. However, if the Western expansion of the wind farm goes ahead and the pilotage station is forced to relocate, there is a greater likelihood that both pilot stations will be out of use due to poor weather.
- 5.8 Ms Spain then explained the consequences of this. One option is for vessels to go to anchor and wait for the conditions to subside. Another option is for a pilot to be sent to a continental port to board early. However, a pilot has to be comfortable with this and this situation takes them out of operation for a much longer period. It becomes difficult to supply the demand for pilots. This was a point reinforced by other IPs in attendance at the OSH. Further issues were explored, including the congestion likely if both pilotage stations are out of use and the knock-on economic impacts of this.
- 5.9 After extensive discussion of the pilotage simulation undertaken on behalf of the Applicant by Jamie Holmes of Marico Marine, Mr Jackson responded on behalf of ESL and the PLA. He explained that he along with one of his colleagues from ESL did attend the simulator exercise. He, and his colleague were apprehensive about the use of a simulator because they do not feel it is a fair reflection of reality and it is missing too

many of the factors present in the real world. Although they did make their feelings known, they decided it was better to be a part of the exercise than not to be.

- 5.10 Mr Jackson then set out a number of concerns he had with the simulation exercise itself. There was no pilot launch on the simulator so the coxswains had to have control of a tug which does not handle in the same way. The introduction of weather variables did not appear to have much of an impact in the simulator. A concern which was raised at the time was that the outcome of each simulation was a grading of 'pass', 'medium' or 'fail' but no indication was given as to how these gradings were going to be turned into a risk assessment or how they were to be quantified. It was also mentioned that all those in attendance and participating were either pilots or experienced pilot launch crew.
- 5.11 Ms Spain concluded by saying that the results of the pilotage study were not fairly translated into the NRA.
- 5.12 In response to a query from the ExA, Mr Jackson explained that the wind strength at which the NE Spit would go off station depends on the direction of the wind. The most problematic wind direction is from the East, through North East to North at which the station would probably work up to 25mph before considering reductions in service. However, if the wind comes from the South West, they can work up to 70mph. This is possible due to the shelter afforded by the inner boarding positions proximity to the North Foreland.

## **6. Maritime Safety: Working with the ES and the NRA**

- 6.1 Ms Dillistone made brief submissions on these matters on behalf of both ESL and the PLA. Neither entity considers the NRA to be sound. Both parties wanted the ExA to be aware that although meetings had taken place with the Applicant, their comments were not taken into account and no draft NRA was provided to them for pre-application comment prior to the formal application submission.
- 6.2 ESL and the PLA have concerns about the unreliability of the pilotage simulation and made comments on this before, during and after their involvement in the simulation itself. The simulation purports to find that pilotage is feasible with the expanded wind farm but it does not set out the increased risks involved. It was carried out in sterile conditions and has limited value in reflecting real life conditions. ESL and PLA would want further simulations to be carried out.
- 6.3 In addition, Ms Dillistone explained that there were concerns regarding the months used to gather the AIS data. ESL and PLA anticipate that if further studies were carried out, these would illustrate the increased risks involved with the Western expansion and would require further mitigation by way of the reduction in the RLB at the Western side of the wind farm. The Applicant's proposed mitigation is to apply for the red line boundary under the DCO instead of applying for a DCO with a slightly larger red line boundary to the western edge of the scheme. That mitigation is insufficient to address the real risks that the Applicant's DCO would introduce, as explained during the course of this ISH.

**Winckworth Sherwood LLP**  
**Solicitors and Parliamentary Agents**  
**On behalf of the Port of London Authority and Estuary Services Limited**  
**7 January 2019**