

**APPLICATION BY VATTENFALL WIND POWER LIMITED FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE THANET OFFSHORE
WIND FARM EXTENSION**

ISSUE SPECIFIC HEARING 2 (ISH2) ON SHIPPING, NAVIGATION AND MARITIME SAFETY ISSUES

WRITTEN SUMMARY OF ORAL SUBMISSIONS

OF

PORT OF TILBURY LONDON LIMITED AND LONDON GATEWAY PORT LIMITED

DEADLINE 1 (15 JANUARY 2018)

Agenda Item/ Issue	Response	Relevant document references
(1) Welcome, introductions and arrangements for this Issue Specific Hearing 2 (ISH2)		
<ul style="list-style-type: none">In attendance on behalf of Port of Tilbury London Limited (PoTLL) and London Gateway Port Limited (LGPL): Trevor Hutchinson (TH Planning and Transportation); Colin Hitchcock (Harbour Master, LGPL); Geoff Holland (Harbour Master, PoTLL); Robbie Owen (Pinsent Masons LLP); and Matthew Carpenter (Pinsent Masons LLP).		

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	<ul style="list-style-type: none"> • Robbie Owen on behalf of LGPL and PoTLL explained that LGPL and PoTLL appeared at the hearings in their capacity as Interested Parties and Other Persons, respectively. The two parties were aligned in their position in respect of the Examination and a joint Written Representation (the Joint Written Representation) would be submitted to the Examination at Deadline 1. He agreed to provide an Initial Statement of Submissions for PoTLL (due to PoTLL not submitting a Relevant Representation) also to be submitted for Deadline 1. • He set out that PoTLL and LGPL are responsible for two major ports located on the river Thames, referred to below as, respectively, Port of Tilbury and London Gateway. Both ports therefore constantly use the shipping lanes in the vicinity of the proposed development and have a vested interest in safe and efficient navigation in and out of the Thames estuary. • Mr. Owen provided some initial information regarding both ports in terms of their location, capacity and status. He explained that this would be set out more fully in the Joint Written Representation; however, for context he explained that the two ports' combined capacity amounts to approximately two thirds of the cargo tonnage transiting the river Thames. • He agreed that LGPL and PoTLL's Written Summary of Oral Submissions would be provided to the Applicant by no later than 7 January 2018. 	
<p>(2) Effects on Ports, Harbours, Channels and Related Facilities</p> <p>The ExA will ask IPs responsible for and operating any ports, harbours and channels to summarise their positions and to identify the following:</p>		
<p><i>(a) What if any implications would the siting of the proposed development have on shipping inbound to or outbound from particular ports or harbours, on the use of navigation channels or any designated anchorages (and any foreseeable modifications to these facilities).</i></p>	<ul style="list-style-type: none"> • Robbie Owen on behalf of LGPL and PoTLL explained that the concern of LGPL and PoTLL is that the siting of the proposed development would reduce the access to (and therefore competitiveness of) ports located on the river Thames including London Gateway and Port of Tilbury. • He explained that the proposals would cause an increased cost to shipping due to increased sailing distances which would be brought about by the proposed development. This increase was due to encroachment by the proposed development into existing shipping lanes and well established shipping routes, necessitating considerable re-routing of traffic. This would result in increased journey times (and associated fuel costs) and potential loss of well established trade. Essentially, the need to navigate around the development in addition to the increased costs of pilotage was a major concern for LGPL and PoTLL. 	<ul style="list-style-type: none"> • Navigation Risk Assessment (Document Reference: APP-089) • Joint Written Representation

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	<ul style="list-style-type: none"> • The proposed development would also cause a significant reduction in resilience to turbulent weather (with regard to pilot boarding) with a knock-on effect of potential delays and therefore further increased costs to shipping. There were potential implications for larger vessels wishing to access the North East Split pilot boarding station, which LGPL and PoTLL understood would offer significantly restricted access should the development proposals go ahead. This would have the effect of lengthening pilotage distances and making piloting operations less resilient to adverse weather conditions. The increased costs outlined above would mean that the import/export of freight could become more costly and could therefore cause a detrimental effect on UK competitiveness. The overall result would be an adverse effect of the price of goods to UK markets. • Colin Hitchcock on behalf of LGPL and PoTLL explained that the site of the existing development, i.e. the current Thanet Offshore Wind Farm (OWF) is acceptable to LGPL and PoTLL as it allows masters of vessels to keep a safe distance from both the OWF and the Kent coast, ensuring that key shipping lanes remain open and utilised. If, however, the OWF was extended as proposed then there would not be sufficient safe sea room to navigate past the OWF between the OWF and the North Kent coast. • Mr. Hitchcock explained that LGPL and PoTLL did not agree with the conclusions of the assessment carried out in the Navigation Risk Assessment (Document Reference; APP-089) and that in his professional opinion, prudent mariners would not be happy to use the south-west shipping lane between the shore and the Order Limits of the proposed OWF. He explained that the practice and so expectation of a 50m safety zone during operation exacerbated the position and that in his professional opinion, no master of a vessel acting safely would wish to get anywhere near that close to a wind turbine, particularly considering that modern container vessels are up to 400m in length; greater clearance would therefore need to be allowed for in considering the effect of the proposed development on the narrowing of shipping lanes. • He added that the increased navigation time and distance which would be caused by the proposal was material and that it would impact heavily on whether ports within the river Thames were able to operate competitively or not. 	

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	<ul style="list-style-type: none"> At the request of the ExA, Mr. Owen agreed that PoTLL and LGPL would include an estimate of the number of vessels passing through the channels impacted by the proposals in the Joint Written Representation. These figures would include figures taking into account proposed growth of the ports and would account for increased costs to the ports including additional steaming time and pilotage. 	
<p><i>(b) Whether they object to any extension of the Thanet Offshore Wind Farm in principle and if so, why.</i></p>	<ul style="list-style-type: none"> PoTLL and LGPL do not object to the extension of the Thanet OWF in principle however they contend that the current proposed siting is not acceptable. The general principle of an Offshore Wind Farm is perfectly acceptable to both PoTLL and LGPL however the likely detrimental effect of the siting of the proposed development means that it cannot be considered acceptable by port operators in the river Thames. As explained in more detail below, PoTLL and LGPL consider that the extent of the proposed development needs to be reduced in order to be considered acceptable to port operators on the river Thames. 	
<p><i>(c) Whether they consider that extension of the Thanet Offshore Wind Farm can in principle be made acceptable by mitigation and, if so, what that mitigation is and whether in their view any additional mitigation is required, over and above that offered by the Applicant.</i></p>	<ul style="list-style-type: none"> Robbie Owen on behalf of LGPL and PoTLL explained that PoTLL and LGPL consider that the proposed Thanet Offshore Wind Farm extension <u>can</u> in principle be made acceptable by mitigation. This mitigation would be for the Order Limits to be reduced to remove the areas of concern. Colin Hitchcock on behalf of LGPL and PoTLL highlighted the problematic areas of the proposed Order Limits on the zones plan contained within the Navigation Risk Assessment and explained that there would need to be a significant reduction in the Order Limits with large areas of the proposed western and north-western boundary of the extension needing to be removed in order to avoid the key deep water shipping routes. LGPL and PoTLL would provide a plan of their proposal for reduction of the Order limits at Deadline 1 as part of the Joint Written Representation. Mr. Owen added that it would be possible for the Secretary of State to amend the Order Limits however the ExA may need to consider whether it required additional environmental information in relation to a reduced scheme. The ExA explained that as what was being suggested was a substantial reduction in the 	<ul style="list-style-type: none"> Navigation Risk Assessment (Document Reference: APP-089). Joint Written Representation

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	Order Limits, the Applicant would need to make a judgement in respect of the commercial viability of such a reduced scheme.	
<i>(d) Whether they are neutral in respect of the proposed development.</i>	<ul style="list-style-type: none"> No – as set out above, LGPL and PoTLL have significant concerns in respect of the proposed development. 	
<i>(e) Whether they support the proposed development and if so, why.</i>	<ul style="list-style-type: none"> With the current proposed Order Limits in place, PoTLL and LGPL are not able to support the proposed development due to the concerns outlined above. 	
<i>(f) Any other items of concern relating to the effects of the proposed development on the operation of ports, harbours and channels.</i>	<ul style="list-style-type: none"> PoTLL and LGPL will set out their concerns in full in their Joint Written Representation. 	<ul style="list-style-type: none"> Joint Written Representation
(3) Effects in relation to Shipping Services and Interests The ExA will ask IPs representing or providing services to shipping and navigation to summarise their positions and to identify the following:		
<i>(a) What if any implications would the siting and boundaries of the proposed development have on shipping routes and density of traffic.</i>		
<i>(b) What if any observations they have on the shipping route and density data employed in the ES and NRA.</i>		
<i>(c) Whether they object to any extension of the Thanet Offshore Wind Farm in</i>		

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<i>principle and if so, why.</i>		
<i>(d) Whether they consider that extension of the Thanet Offshore Wind Farm can in principle be made acceptable by mitigation and, if so, what that mitigation is and whether in their view any additional mitigation is required, over and above that offered by the Applicant.</i>		
<i>(e) Whether they are neutral in respect of the proposed development.</i>		
<i>(f) Whether they support the proposed development and if so, why.</i>		
<i>(g) Any other items of concern relating to the effects of the proposed development on shipping</i>		
<i>(4) Effects in relation to Lights and Navigation</i> <i>The ExA will ask Trinity House and any other IP responsible for navigation aids, markers, buoys, radio, radar and related facilities to summarise their positions and to identify the following:</i>		
<i>(a) Whether they object to any extension of the Thanet Offshore Wind Farm in principle and if so, why.</i>		
<i>(b) Whether they consider that extension of the Thanet</i>		

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<i>Offshore Wind Farm can in principle be made acceptable by mitigation and, if so, what that mitigation is and whether in their view any additional mitigation is required, over and above that offered by the Applicant.</i>		
<i>(c) Whether they are neutral in respect of the proposed development.</i>		
<i>(d) Whether they support the proposed development and if so, why.</i>		
<i>(e) Whether there is a sound basis in the application document set from which to draw conclusions about radio and radar interference and its mitigation.</i>		
<i>(f) Noting Requirement 6 secures lighting for air navigation safety, whether any specific proposals for navigation safety require additional security in the Development Consent Order (DCO) or a Deemed Marine Licence (DML).</i>		
<i>(g) Any other items of concern relating to the</i>		

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<i>effects of the proposed development on lights and navigation.</i>		
(5) Effects in relation to Pilotage The ExA will ask bodies and persons providing pilotage services to summarise their positions and to identify the following:		
<i>(a) What if any implications would the siting of the proposed development have on the provision of pilotage services.</i>	<ul style="list-style-type: none"> • Colin Hitchcock on behalf of LGPL and PoTLL raised a concern in respect of the tight turnaround timings for shipping lines using ports and how this could be impacted by the proposal. He explained that in practice, shipping lines book a slot at ports for cargo to be unloaded and that it can be very difficult to accommodate them should a slot be missed. Delays caused by changes to the provision of pilotage services could therefore be detrimental to both port operators and users. • Mr. Hitchcock outlined concerns in respect of the Pilot Transfer Bridge Simulation Report (Document Reference: APP-090). He explained that a full response would be provided in the Joint Written Representation but in brief, he raised concerns in respect of the following factors: (1) the vessel speed of transfer; (2) the weather conditions; and (3) the sea states. 	<ul style="list-style-type: none"> • Pilot Transfer Bridge Simulation Report (Document Reference: APP-090) • Joint Written Representation
<i>(b) Whether they object to any extension of the Thanet Offshore Wind Farm in principle and if so, why.</i>		
<i>(c) Whether they consider that extension of the Thanet Offshore Wind Farm can in principle be made acceptable by mitigation and, if so, what that mitigation is and whether in their view any additional mitigation is required, over and above that offered by the Applicant.</i>		

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<i>(d) Whether they are neutral in respect of the proposed development.</i>		
<i>(e) Whether they support the proposed development and if so, why.</i>		
<i>(f) Any other items of concern relating to the effects of the proposed development on pilotage services.</i>		
<p>(6) Maritime Safety: Working with the Environmental Statement (ES) and the Navigation Risk Assessment (NRA)</p> <p>The ExA will ask the Applicant to explain the approach to risk assessment in relation to marine safety as documented in the ES and the NRA, with particular reference to the following:</p>		
<p><i>(ExA's numbering)</i></p> <p><i>(f) The methodological basis for findings that marine risks have been reduced as low as reasonably possible (ALARP);</i></p>		
<p><i>(g) The basis for the relationship between risks controlled to ALARP, tolerable risks and the consistency of approaches taken in relation to navigation risk and marine safety and the assessment of risk significance in the ES more broadly;</i></p>		

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<i>(h) A review of the components of risks in the marine environment, to include consideration of effects on collision risk, contact risk and grounding risk and an explanation of embedded and any possible additional mitigation;</i>		
<i>(i) A review of the safety effects of the displacement of vessel traffic as an effect of the proposed development;</i>		
<i>(j) Other observations on the relationship between the ES, the NRA and EIA practice.</i>		
IPs with interests in marine safety will be asked:		
<i>(k) If they consider the identification, assessment and management of shipping and navigation risks in the ES and NRA to be sound?</i>	<ul style="list-style-type: none"> • Robbie Owen on behalf of LGPL and PoTLL outlined that neither LGPL nor PoTLL were consulted before the DCO application was made by the Applicant and as such no opportunity was afforded to either port to comment on the draft Environmental Statement or the draft Navigation Risk Assessment. • Mr Owen outlined that there was a difference of view between the Applicant and the ports regarding the acceptability of risks assessed within the NRA. Such assessment of risk was a matter of judgement which LGPL and PoTLL would comment on in more detail in the Joint Written Representation. 	<ul style="list-style-type: none"> • Joint Written Representation
<i>(l) If so, what has led them to that conclusion?</i>	<ul style="list-style-type: none"> • PoTLL and LGPL did not consider the identification, assessment and management of shipping and navigation risks in the ES and Navigation Risk Assessment to be sound for a 	<ul style="list-style-type: none"> • Joint Written

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	<p>number of reasons which would be explained in more detail in the Joint Written Representation. In summary:</p> <p>(a) As set out in the NRA, to test whether pilotage could still be safely conducted at NE Spit with the extension in place, a simulation study was conducted with the PLA and ESL. The simulations carried out were based on vessels of up to 240 metres and even these simulations made boarding questionable. This is, however, more worrying when considering that PoTLL and LGPL are regularly visited by vessels of up to 400 metres. The simulation also took place in sterile conditions without fishing boats or leisure craft interrupting manoeuvres. The baseline conditions for the simulation were therefore inadequate and the testing of pilotage is insufficient.</p> <p>(b) The NRA states that the proposed extension of the wind farm with the revised redline boundary, i.e. the Order limits as now proposed in the application, without any additional traffic management or risk controls, would increase the collision risk within 5nm by 54%. This is not acceptable in the view of PoTLL and LGPL.</p> <p>(c) The simulation study reports that there will be reduced sea room as a result of the proposed development and PoTLL and LGPL are of the view that this will render Pilotage in the form currently provided untenable.</p> <p>(d) The NRA concludes (on the basis of the simulations) that pilotage would remain feasible, albeit with a reduced margin for error. This reduced margin for error is not acceptable in the view of PoTLL and LGPL.</p> <p>(e) The NRA states that the PLA Vessel Traffic Services system could manage the water space without reference to the fact that the present system is an information only system and a major financial injection</p>	<p>Representation</p> <ul style="list-style-type: none"> • Navigation Risk Assessment

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	<p>would be required to upgrade to a full navigation safety system.</p> <p>(f) The submitted vessel traffic tracks highlight that with the present arrangements masters have adequate sea room to allow for a safe passage. With the inclusion of the additional turbines as a result of the proposed development, Masters would require additional sea room which would not be available.</p>	
<p><i>(m) If not and in respect of which particular elements of the risk assessment have they concluded that the treatment of marine risks is not sound?</i></p>	<ul style="list-style-type: none"> As above 	
<p><i>(n) In relation to (h), could additional mitigations satisfy any concerns raised?</i></p>	<ul style="list-style-type: none"> Yes - as explained above in response to 2(c) the proposed reduction to the western and north-western boundary of the proposed Order Limits in order to avoid shipping lanes would satisfy the concerns of PoTLL and LGPL. 	
<p><i>(o) If they consider that any additional information is required to enable the Secretary of State to conclude that maritime risks are appropriately managed and that relevant mitigation is in place?</i></p>	<ul style="list-style-type: none"> PoTLL and LGPL consider that it is necessary for the Applicant to revise the NRA in order to addresses the concerns stated. It is considered that the pilotage simulation was insufficient (as set out above) and this will therefore need to be repeated. 	
<p>(7) Any Other Marine and Related Considerations</p> <p>The ExA may raise any other minor and consequential topics bearing on transboundary topics as is expedient, having regard to the readiness of the persons present to address such matters, including but not limited to:</p>		

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<i>(a) Economic and employment effects on marine industries.</i>	<ul style="list-style-type: none"> • LGPL and PoTLL will provide further information on the economic and employment effects on marine industries in the Joint Written Representation. 	
<i>(b) Social and economic and employment effects on marine communities.</i>		
<p>(8) Procedural Decisions (If Required)</p> <p>The ExA will review whether there is any need for procedural decisions about additional information or any other matter arising from Agenda items 2 – 7.</p> <p>Submissions will be sought from the Applicant and any relevant IPs or Other Persons before determining whether a decision may be required, what it might address and whether particular timescales for performance are required.</p> <p>If the ExA determines to make any procedural decisions it may make these decisions orally (subject to confirmation in writing) or may reserve its decisions to be made in writing after the closure of the hearing.</p>		
<p>(9) Review of issues and actions arising</p> <p>To the extent that matters arise that are not addressed in any procedural decisions, the ExA will address how any actions placed on the Applicant, IPs or Other Persons are to be met and consider the approaches to be taken in further hearings, in the light of issues raised in this hearing. A written action list will be published if required.</p>		
<p>(10) – (11). Next steps and Closure of the hearing</p>		

