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Coastguard
Agency

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Your ref: **20012643**

Our ref: Thanet Extension Offshore
Windfarm Project (EN010084)

15 January 2019

Dear Sir/Madam

Thanet Extension Offshore Windfarm Project (EN010084) Examination Authority Actions and Questions

The MCA's 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. This includes our obligations under The United Nations Convention on the Law of the Sea.

In response to the Examination Authority's Actions and Questions raised at Issue Specific Hearing 1 (ISH1) held on 11 December 2018, and Issue Specific Hearing 2 (ISH2) held on 12 December 2018, the MCA would like to comment as follows:

Action 5: *Submissions on Shipping in French Waters. The Maritime and Coastguard Agency (MCA) is to provide a summary statement of its oral submissions on the implications of the proposed development for international shipping in French waters, which may be drawn to the attention of the French Government.*

Rakesh Pandit – Navigation Safety Nautical Policy Lead, representing the Maritime and Coastguard Agency (MCA).

As a respected and responsible maritime administration, flag and coastal state, the UK under UNCLOS obligations (as exercised by the International Maritime Organisations, within the navigation safety context) is obliged to ensure that any hazards to safety of navigation (among other things) are carefully considered, both from UK visiting and coastal transiting ships (coastal State responsibilities and obligations under the IMO Member State Audit Scheme (IMSAS)).

For any offshore developments (oil & gas and offshore renewables) especially beyond the UNCLOS Baseline (as mentioned in SOLAS Ch. V, Safety of Nav regs), any



HM Coastguard

significant changes (temporary and/or permanent) need to be promulgated to wider shipping via various Maritime Safety Information dissemination measures.

Although the development is within the UK territorial sea and well within the UK's EEZ, under the UNCLOS 'right of innocent' passage we must be mindful of international issues within the UK waters. Due to the close proximity to Dover Strait many international ships would/may transit the area, as well as visiting foreign ships to nearby UK coastal ports.

Muhammad Khan – VTS Manager, MCA

Routeing measures, such as Traffic Separation Schemes, precautionary area, areas to be avoided etc.,) need to inform the IMO's Technical Committee on Nav Safety (Sub-Committee on Navigation, Communications and Search and Rescue) for international dissemination and consensual approval.

MCA's concerns with regard to international shipping is the safety of navigation, due to restricted sea room, and more pressure placed on pilots and other vessels with Pilotage Exemption Certificate (PEC). With the extent of the current Red Line Boundary (RLB) to the west, along with the collective impact of the extension, the MCA does not accept that the increase in risk is acceptable. This is because the traffic passing between the windfarm and the coast will be squeezed further to the west, frequency of encounters will increase, and small vessels will be in close proximity to larger vessels, in an already highly complex area for navigation.

MCA would like to highlight that the Dover Strait (busiest in the world) is operated by both UK and France and that France might have some Safety of Navigation concerns with regards to Thanet Extension from vessel using NE Lane (French controlled Dover Strait Lane) and coming towards SUNK / Thanet Windfarm side.

French Government Interaction

Below is the sent to our French Government contacts by Muhammad Khan:

“Dear Melaine,

Please note I have attended a Planning Inspectorate (PINS) hearing regarding Thanet windfarm extension on 11 Dec 2018 at Sandwich, Margate, UK. During the Issue Specific Hearing 1 (ISH1) on 11 Dec 2018 the issue discussed was *'the Impact of the extension in relation to shipping, navigation and maritime safety across the maritime border of the UK'*.

I understand the French Government was consulted and have provided their concerns in couple of letters in which Safety of Navigation matter were not directly addressed. Although, in which no one could attend the hearing and represent French perspective on 11 Dec.

The Examining Authority (ExA) has asked us (MCA) to get in touch with our French colleagues or our navigation safety counterparts, and try and request some more robust direct representation from your perspective by the Deadline 1 which is 15 Jan 2019. This is to do with Safety of Navigation impacts on the French side with regards

to Thanet Windfarm extension. If you have any concerns then please raise them directly with the planning inspectorate on <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/thanet-extension-offshore-wind-farm/>

If you are not the right person, then please feel free to pass on to your colleagues or anyone related to this issue.

Response Received:

Dear Muhammad, Dear Mrs. Croxson,

After some checks, it appears that the developer (Vattenfall Wind Power Limited) consulted the relevant *Direction Interrégionale de la Mer (DIRM)* in November 2017 based on a Preliminary Environmental Information Report - PEIR. The DIRM issued the enclosed letter of observations in January 2018 (in French).

Regarding safety of navigation, brief comments are included (§2). Potential impact on navigation is considered to be limited to UK waters, especially the shipping route towards the Thames passing between North Foreland and the SW boundary of the windfarm.

The letter also notes that the safe distance between shipping routes and windfarms boundaries is maintained as recommended in both UK and French guidance. This allows to minimise impact on safety of navigation, and also to mitigate the risks to the French coastline and related interests, in the event of an accident.

Best regards,

Melaine Loarer
Bureau du sauvetage et de la circulation maritimes (SM1)
Direction des affaires maritimes
01 40 81 70 83

Actions arising from the Issue Specific Hearing 2 (ISH2) held on 12 December 2018.

Action 1: *All participants of ISH2 are to provide a written summary of their oral submissions, cross referenced as relevant to the matters addressed in this action list.*

Tony Evans, HM Coastguard – Maritime Operations Specialist at Dover Coastguard, representing the MCA and the SUNK VTS User Group.

On this occasion, the MCA has serious concerns with regards to the degradation of safety with the Thanet Extension to the western extent, and we do not accept that the increase in risk is acceptable with the current proposed redline boundary.

This is taking into account the collective impact, and resultant changes that will be required in an already highly complex area for navigation - there will be operational implications, more pressure on pilots, and significantly more pressure on mariners with a reduction of available sea room between the western extent and the Kent Coast.

There's a significant amount of traffic, including leisure and fishing, and that traffic will be compressed, the frequency of encounters may increase, and larger vessels would then be in closer proximity to smaller vessels. We cannot conclude that the risks are reduced to ALARP with the risk controls identified in the NRA.

There is much focus on the quantitative assessment in the NRA, however, key stakeholders, experienced experts in their fields, have provided concern on a qualitative basis which cannot be ignored. In our view, the only mitigation to reduce the risk to ALARP on the western extent is to reduce the redline boundary – the worst case scenario, as currently seen in the NRA, is not acceptable to MCA as a worst case.

The MCA has strongly recommended throughout that Vattenfall reconsider the western boundary, and we welcome the opportunity to discuss further options with Vattenfall until such time the risk is considered acceptable by MCA and its stakeholders. MCA has taken into account the significant concerns raised by our stakeholders regarding this extension, and we fully support the representation submitted by the SUNK VTS User Group.

Action 7: *Red Line Boundary (RLB)* *All hearing participants requesting a reduction to the Red Line Boundary (RLB) . Where proposals to reduce the extent of proposed array area within the Thanet OWFE RLB were made at ISH2, parties making such requests are asked to provide:*

- *A plan based on the Sea Zones Plan [OD-008] identifying the extent of the proposed reduction*
- *A written justification, explaining and evidencing the need for the extent of the proposed reduction.*

See attached image.

There is a clear increase in risk with a significant reduction of available sea room on the western extent, in an already highly complex area for navigation. This means; a) the frequency of encounters increases, b) small vessels are closer to bigger vessels, and there is a reduced margin of error for pilot boarding arrangements. Whilst it is understood that the NRA mentions only a limited impact to traffic routing, it is evident that the traffic passing between the windfarm and the Kent coast will be squeezed further to the west.

The MCA has considered the increase in risk and does not find the increase acceptable, considering the qualitative assessment made by a range of master mariners and industry experts regarding real life examples of seafarer behaviour, in addition to the quantitative assessment made in the applicant's Navigation Risk Assessment. We believe that quantitative assessment of risks is unlikely to capture the true implication of risks posed by converging volume of diverse traffic, particularly during adverse weather conditions and poor visibility.

The MCA, in consultation with its stakeholders (UK Safety of Navigation Committee (UKSON), SUNK VTS User Group), do not consider that the increase in risk is suitably mitigated and, therefore, we do not consider the increase in risk is acceptable, when you take into account the collective impact of the variety of concerns raised, and the resultant changes that will be required. We believe that the consequence of collision/allision is significantly increased on qualitative assessment of the western extent; risk assessments are based on previous incidences to predict the likely future, which has its own limitations, so the qualitative assessment has to be taken into account along with the other factors.

We are also concerned regarding the future evolvement of vessels bound for UK ports and other terminals within the Thames Estuary. The NRA states that in summary, the evidence suggests that a 0.5Nm buffer is the minimum safe distance considered acceptable by ships' masters to pass a wind farm, to allow sufficient time and space to manoeuvre safely and deal with an emergency based on current traffic patterns. However, we would consider this too smaller buffer in this environment at this site-specific location, due to the complexity of general navigation in the area

Action 10: Marine Guidance Note (MGN) 543 Compliance

Any allegations of MGN 543 noncompliance on the part of the consulting team for the Applicant in the preparation of the NRA [APP-089] in terms of guidance and methodology should be documented.

There are no allegations of MGN 543 non-compliance from MCA. However, there are significant improvements that can be made to the completion of the MGN 543 checklist. The Formal Safety Assessment checklist, which is part of MGN 543, was not included in the applicants NRA making it difficult to identify the full implementation of FSA, and leaves it open to misinterpretation and assumption. This was raised with the Navigation Risk consultants who undertook the NRA.

In addition, the MCA does not specify which months of the year the traffic survey should be undertaken in MGN 543 - just that the applicant should represent summer

and winter peaks. It is up to the applicant to determine the most appropriate peak summer and peak winter time for the site-specific location to ensure the traffic surveys are representative.

In addition, there are several improvements which could be made in the completion of the MGN checklist. For example:

- a) The effect of Tides and Tidal stream section of the checklist refers the reader to section 3.4.1, which is Pilotage.
- b) The checklist asks whether the structures in the tidal stream could affect navigable water depths and their responses listed as – see section 8 which is the entire Navigation Risk Assessment Methodology chapter. This has been observed on several occasions within their submission.

Action 11: The RLB (red line boundary) and Safety Zones

Please provide submissions (referencing a schematic diagram showing the relationship between a turbine foundation and the RLB) on the question of whether a safety zone may occupy waters outside the RLB.

Within the current redline boundary, the developer could place a turbine foundation on or close to that redline boundary, depending whether or not blade overfly/sail is acceptable outside of the development area. The applicant can then also apply for a 500m safety zone around that turbine during construction, major maintenance and decommissioning, which would mean vessels would not be able to pass within 500m of the turbine. This could compound the traffic compression further.

Action 12: PLA Cooperation Plan

Further to NRA Tables 20, 21 and 22 (risk control options) [APP-089], a meeting held in January 2018 between the Applicant, MCA and Trinity House referred to a cooperation plan to be entered into with the PLA. Please confirm whether the plan was ever completed. If it was, please provide the plan. If it was not, please explain why not and confirm the matters that the plan was intended to address and how these might be addressed going forward.

The MCA understands that the co-operation plan was one of the proposed mitigation measures for reducing the risk to ALARP as detailed in the original draft NRA. We believe this has since been removed as an option based on ours, and other consultee concerns, raised at the time regarding its application and effectiveness as a risk mitigation measure.

Action 14: North East Spit Sea Room

Please provide a revised schematic identifying the minimum post construction sea room at North East Spit for a representative range of vessel lengths and drafts, taking account of the state of tide, met-ocean conditions and crossing traffic.

Explain the factors relevant to the identified minimum distance.

Is it the case that the minimum distance will vary dependent on met-ocean conditions? If so, please explain that variation and what that might imply for the number of days per annum that the inshore channel at North East Spit is available for a representative range of vessel lengths and drafts.

This is not something that can be stated definitively because a range of factors will apply – the terminology used in marine navigation refers to the ‘*Ship Domain*’. The International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) defines a Ship Domain as – ‘An operational zone around, above or below a vessel within which an incursion by another fixed or moving object, or another domain, may trigger reactions or processes’. The most important domain determinants include the size and speed of the vessel and the type of sea area – i.e. open waters or restricted sea areas. The prevailing environmental conditions (meteorological and hydrological) will additionally influence the size of the ship domain.

Action 15: North East Spit as a Pilot Location for Deeper Draft Vessels in Adverse Met-Ocean Conditions

Is it the case that North East Spit Pilot Station is used by larger vessels in circumstances where other stations (e.g. Sunk) come off station due to adverse conditions?

The North East Spit and Sunk Pilot Stations both serve vessels of sizes and types that are specified in appropriate Sailing Directions for the relevant port of call. It is not the case that if one pilot service is off service due to adverse conditions, the other service either will or will not be affected. The pilot boarding and landing areas are different and are subject to factors that are unique, hence the expertise required of the pilots and the pilot launch crews.

Action 17: *Pilot Transfer Bridge Simulation Report*

Please provide your assessment of the degree to which the Pilot Transfer Bridge Simulation Report [APP-090] can be relied upon or ascribed weight by the ExA. If you conclude that it is of limited reliability, please record your reasons for reaching this conclusion

The MCA believes that, as the simulation utilised experience pilots in familiar waters, the results are likely to under-represent the possibility of unfamiliar overseas masters onboard ships. This has to be taken into account when assessing the reliability of the simulation study, and whether it reflects a true picture of the potential scenarios.

In addition, the analysis detected several examples where the remaining sea room would not be sufficient. The report states the alternative would be to relocate the North East Spit station, but this option has been removed from the NRA because it has significant implications on time, distance, rostering and working hours etc.

Action 18: PLA and Other Port / Services / Regulatory Risk Data

The NRA [APP-089] references Marine Accident Investigation Branch (MAIB) data in the range 1997 to 2015. To the extent that it was suggested that the PLA or any other

Port or service provider holds any other relevant adverse event / risk logs or data sets that may not yet have been taken into account in the NRA, the extent and the availability of this data for analysis by the Applicant should be disclosed

A report will be submitted if an incident involving one or more vessels meets the criteria for a Hazardous Incident Report (HAZREP). A HAZREP is a report made by a vessel or an observing third party of a near miss incident or breach of the International Regulations for Preventing Collisions at Sea 1972 (COLREGS); HAZREPs are routinely copied to MAIB as part of the process. The Sunk Vessel Traffic Service (VTS) was established as one of a number of complimentary risk mitigation/control measures in the waters adjacent to the Sunk Pilot Station. One of the primary aims of a VTS is to minimize the likelihood of a hazardous occurrence through the provision (for example) of timely information of the position and intentions of all vessels with respect to each other.

To that end, there are many cases where HMCG have intervened whilst observing situations in the Sunk VTS area which then do not necessarily get logged as a record because the risk mitigation/control objective of the VTS has been fulfilled. Therefore there are no additional data sets HMCG could provide, but we can provide several recent examples to demonstrate the complex navigational operating environment

ExA1 Questions		
1.12.1.	The Applicant, Port of London Authority, Estuary Services Ltd, London Pilots, London Gateway Port Ltd, Port of Tilbury London Ltd, Trinity House and the Maritime and Coastguard Agency	<p>Navigability of the inshore approach to NE Spit pilot station</p> <p>Several Interested Parties and Other Persons at Issue Specific Hearing 2 (ISH2) raised concerns about continued prudent navigation by deep-draught vessels “north-south/south-north” inshore of the proposed Thanet Extension Offshore Wind Farm. Evidence on use of the “inshore route” by large commercial vessels restricted in their ability to manoeuvre (“RiAM”) by reason of length, type or draught (i.e. on passage between the Dover Strait and the Princes Channel or the Fishermans Gat; to take refuge anchorage at Margate Roads or Tongue anchorages; or to transfer pilots at North East Spit or on passage between the Dover Strait and the northerly extent of the deep-water channels into the Thames at Sunk) as follows:</p> <p>Question: a) what would be a reasonable maximum size of vessel by length, type or draught that is able to prudently use the inshore route at present in moderate met-ocean conditions?</p> <p>b) What is an estimated existing annualised use of the inshore route by “RiAM” vessels in baseline conditions of sea-room without the Thanet Offshore Wind Farm Extension (TEOWF);</p>

		<p>c) What would be a reasonably foreseeable annualised future use of the inshore route by “RiAM” vessels based on trend for change of vessel size using the Thames ports and anchorages as a whole in baseline conditions of sea room without TEOF; </p> <p>d) What would be a reasonably foreseeable annualised future use of the inshore route by “RiAM” vessels as a consequence of the reduction in sea room due to the pinch-point presented between the NE Spit bank and the proposed TEOF Red Line Boundary plus 500m. proposed safety zone during construction and maintenance, with vessel size mix and volume of traffic using the Thames ports and anchorages as a whole as per baseline;</p> <p>e) What would be a reasonably foreseeable annualised future use of the inshore route by “RiAM” vessels as a consequence of the reduction in sea room due to the pinch-point presented between the NE Spit bank and the proposed TEOF Red Line Boundary plus 500m. proposed safety zone during construction and maintenance with reasonable predictions of change of traffic mix based on trend for change in vessel size and number of vessels using the Thames ports and anchorages as a whole.</p>
<p>The MCA supports the concerns raised by other consultees regarding pilot boarding and landing. There is a clear interface with the safety of navigation; longer passage plans, deviation, impact on pilotage boarding, which result in additional requirement on navigators, lookout personnel; ships’ Safety Management Systems); emergency response preparedness etc.</p> <p>It is highly likely that large vessels will be tidally constrained at specific times, and it is then when the risk increases. We expect these results would look different to the applicant’s NRA which averages these movements out over a 24h period.</p>		
1.12.3.	<p>The Applicant, Port of London Authority, Estuary Services Ltd, London Pilots, London Gateway Port Ltd, Port of Tilbury London Ltd,</p>	<p>Conditions for pilot transfer simulation</p> <p>Responding to concerns raised at ISH2 about the continued ability to board pilots in adverse MetOcean and draught-constrained vessel manoeuvring conditions at the existing NE Spit pilot station, please identify whether the Bridge Simulation of feasibility of pilot transfer was adequate or not, covering the following points:</p> <p>a) to what extent can the ExA rely on the conclusions of the Simulation carried out?</p>

	Trinity House and the Maritime and Coastguard Agency	<p>b) how many simulated runs in different MetOcean conditions would provide a reasonably robust test of feasibility and operating risk?</p> <p>c) what variables in MetOcean conditions would be reasonably representative of baseline normal operating conditions which would enable the NE Spit pilot station to remain “on station” without the proposed Thanet Extension?</p> <p>d) to what extent the exercise represented “real world” conditions in respect to local knowledge and communications ability in English of the actors in the simulation and their learning gained by performing multiple runs during the simulation?</p> <p>e) to what extent did the exercise incorporate impinging factors such as small vessels without AIS and crossing traffic?</p> <p>f) are there any other relevant factors or considerations that should have been taken into account?</p>
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As stated as part of Action 17, the MCA believes that there are limitations to the reliability of the simulation study, as it used experience pilots in familiar waters and is unlikely to reflect the variety of real life scenarios experienced in the marine environment at that location.

1.12.5.	Maritime and Coastguard Agency	<p>Hierarchy of appropriate risk assessment: This MCA/DECC 2013 methodology advises the development of a “hierarchy of assessment” (see Annex D1 p63 Table 1). With respect to this recommended hierarchy of Navigation Risk Assessment would MCA confirm to what extent it is satisfied that for the Thanet Extension Offshore Wind Farm application to date:</p> <p>a) “Site Specific Assessment” has been carried out; and</p> <p>b) This was carried out in compliance with Definition 4 on page 65. Ref.: MCA/DECC 2013 Methodology Annex D1 p63 Table 1</p>
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The key features of the Methodology are that developers should:

1. Produce a submission that is proportionate to the scale of the development and the magnitude of the risks.
2. Produce a submission based on assessing risk by Formal Safety Assessment (FSA) using numerical modelling and/or other techniques and tools of assessment

acceptable to government and capable of producing results that are also acceptable to Government.

3. Estimate the “Base Case” level of risk based on existing densities and types of traffic and the existing marine environment.

4. Predict the “Future Case” level of risk based on the predicted growth in future densities and types of traffic and reasonably foreseeable future changes in the marine environment.

On this occasion we do not have any major concerns with regards to the process the applicant has followed with regards to FSA in their NRA. Our concerns are regarding the conclusions made, the risk mitigations applied and the overall assessment of the risks being tolerable.

In addition, as stated in the response to Action 10 The Formal Safety Assessment checklist which is part of MGN 543 was not included in their NRA making it difficult to identify the full implementation of FSA, and leaves it open to misinterpretation and assumption. This was raised with the Navigation Risk consultants who undertook the NRA.

1.12.10.	Maritime and Coastguard Agency and Marine Management Organisation	<p>Acceptability of pollution, loss of vessel, operational downtime:</p> <p>Please advise what considerations in regard to acceptability of risk should be taken into account when the assessed risk has major or catastrophic consequences that are not necessarily loss of life (including Pollution, Loss of Vessel, Major Operational Downtime); and</p> <p>a) at what level of assessed frequency can hazards with major or catastrophic consequences be assessed to be acceptable risks?</p> <p>b) to what extent it is reasonable for acceptability of major risks in confined sea room to be assessed by separate analysis of component hazards as opposed to assessment of combination and interactive effects?</p>
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MCA are still in the process of obtaining all information on this question and will submit this to the Examining Authority as soon as possible.

1.12.11.	The Applicant, Port of London Authority, Estuary Services Ltd, London	<p>Recommendation not to take forward additional risk control</p> <p>Please comment on the concluding recommendation in the Navigation Risk Assessment (NRA) not to take forward additional risk control measures that had been considered in the NRA as further mitigation? [APP-089] NRA 8.5.3 Table 22 items 1, 2, 3 and 4 and Conclusions</p>
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	Pilots, London Gateway Port Ltd, Port of Tilbury London Ltd, Trinity House and the Maritime and Coastguard Agency	
Several of the original risk control measures identified at the PEIR stage were removed because MCA and others were concerned that there were significant implications for third parties, and/or significant cost implications.		
1.12.16.	Maritime and Coastguard Agency, Trinity House.	Effects of increased density of traffic inshore at high water: Please comment on the assessment in NRA p70 that the effect of increased density of vessel traffic inshore as a displacement effect of the Thanet Extension would not be significant to the risk to navigational safety and identify whether this conclusion is conditional on state of tide and size of vessels only. Ref [APP-089] NRA p 70
Tide is an important factor in this area. As stated in 1.12.1, large vessels will likely be tidally constrained at specific times, and at those locations at that specific time is when the risk increases. Smaller vessels may or may not use the available sea room at high tide depending on a variety of factors; size of vessel, conditions, and experience etc.		
1.12.22.	Maritime and Coastguard Agency	Risk computed as addition of Frequency and Consequence ratings Would MCA please explain why the “Formal Safety Assessment” approach to risk management used for NRA does not multiply numbers for Frequency by numbers for Consequence, as is done in other risk management approaches where Risk is computed as Probability (Frequency) multiplied by Impact (Consequence). <i>[APP-089] Annex B Methodology page B-2 "Risk is the product of a combination of the consequence of an event and the frequency with which might be expected to occur"</i>
The Methodology we follow is based on the guidelines for the FSA used in the IMO rule making process. FSA uses the classic definition on risk as a combination of probability and consequence and has to take into consideration the human element.		

The MCA would also like to comment on the Draft Development Consent Order as a separate submission, in particular to ensure that the navigation safety related conditions of consent are fit for purpose, and to raise our concerns regarding the proposed process for Arbitration for the Thanet Offshore Windfarm extension.

Yours faithfully,

Helen Croxson
OREI Advisor
Maritime and Coastguard Agency

Legend

-  Order limits
-  Work No. 1
-  Work No. 2
-  Work No. 3
-  Work No. 3A

Sea Zone Boundaries

- (a) - A from Existing Array (a) due West (90 degrees)
- (b) - B from Existing Array (b) via NE Goodwin to shore (210 degrees)
- (c) - C from existing Array (c) to shore (N Foreland)
- (d) - D from existing array (d) to London Array North West (320 degrees)

Where a sea zone intersects with the English coast less than 13nm from the centroid of the Existing Thanet OWF Array, the English coast forms its outer boundary.

Where a sea zone does not intersect with the coast for a distance of 13nm or greater, an arc with a radius of 13nm from the centroid of the Existing Thanet OWF Array forms its outer boundary.

Sea Zone Names

- A to B - SE Sector: Dover Strait Approach
- B to C - SW Sector: Foreland - Elbow
- C to D - NW Sector: Princes Channel Approach
- D to A - NE Sector: Sunk TSS Approach

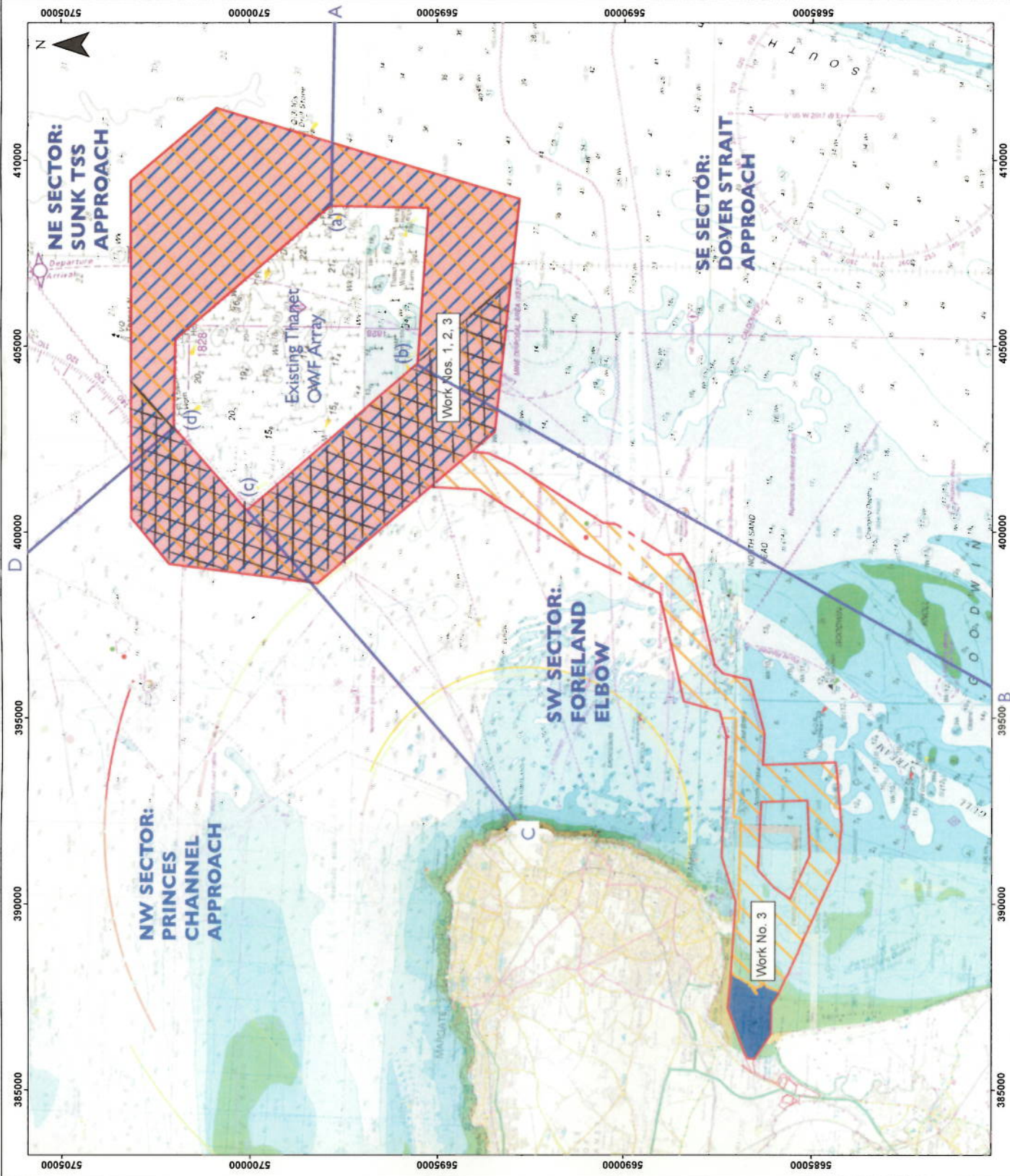
Sea zone names, boundaries and boundary definitions added by the Examining Authority, November 2018.

Datum: ETRS 1989
Projection: UTM31N



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Scale @ A1 - 1:50,000

0	0.65	1.3 NM	0	1	2 km	
Drw No	2.5_TEOW_Offshore_works_plans				Date	22/06/2018
Rev	0.1				PN	Check
By					ISL	



MINISTÈRE DE LA TRANSITION ÉCOLOGIQUE ET SOLIDAIRE

Direction interrégionale de la mer
Manche Est – mer du Nord

Le Havre, le 12 janvier 2018

Mission de coordination des politiques publiques
de la mer et du littoral

Madame, Monsieur,

Par courrier du 16 novembre 2017, vous consultez la France sur votre projet d'extension de parc éolien en mer situé au large des côtes du Kent sous la dénomination « Thanet Extension Offshore Wind Farm ».

Conduite sur la base d'un rapport préliminaire d'informations environnementales (PEIR) en date de décembre 2017, cette consultation intervient en amont de la demande formelle du « Development Consent Order » (DCO), auprès des Etats membres pour lesquels de potentiels impacts transfrontaliers auraient été identifiés.

Ce projet appelle de ma part les observations suivantes :

1) Bon état écologique des eaux marines

Au titre du pilotage de la mise en œuvre de la directive cadre stratégique pour le milieu marin (DCSMM)¹, je vous informe que le plan d'action pour le milieu marin de la sous-région marine Manche-mer du Nord (PAMM MMN), dont les objectifs environnementaux visent l'atteinte ou le maintien du bon état écologique des eaux marines d'ici 2020, est opérationnel depuis avril 2016. Ces objectifs ont vocation à garantir notamment la préservation des enjeux liés à la protection des espèces et habitats d'espèces dites d'intérêt communautaire.

L'extension du parc éolien en mer « Thanet » peut impacter des espèces et habitats d'espèces ayant justifié la désignation de sites naturels français au titre des directives cadres « Habitats/Faune/Flore »² et « Oiseaux »³, qui se retrouvent au sein de l'aire d'étude de votre projet :

- SIC FR3102002 « Bancs de Flandres », dont le Phoque gris et le Marsouin commun ont notamment justifié la désignation,

- 1 Directive cadre n°2008/56/CE du 17 juin 2008
- 2 Directive cadre n°92/43/CEE du 21 mai 1992
- 3 Directive cadre n°2009/147/CE du 30 novembre 2009

- SIC FR3102004 « Ridens et dunes hydrauliques », dont le Phoque gris, le Phoque commun et le Marsouin commun ont notamment justifié la désignation,
- SIC FR3102003 « Récifs Gris Nez Blanc Nez », dont le Phoque gris, le Phoque commun et le Marsouin commun ont notamment justifié la désignation,
- ZPS FR3112006 « Bancs des Flandres », dont le Goéland brun, le Goéland marin, le Fou de bassan et la Mouette tridactyle ont notamment justifié la désignation,
 - ZPS FR3110085 « Cap Gris-Nez », dont le Fou de bassan, la Mouette tridactyle, le Razorbill, le Plongeon catmarin et le Guillemot ont notamment justifié la désignation,
 - ZPS FR2310045 « Littoral seino-marin » dont le Fou de bassan, la Mouette tridactyle, le Razorbill, le Plongeon catmarin, le Goéland brun, le Goéland marin, le Goéland argenté et le Guillemot ont notamment justifié la désignation,
 - ZPS FR3110038 « Estuaire de la Canche » dont le Plongeon catmarin a notamment justifié la désignation.

Afin de m'assurer que le projet n'est pas susceptible de remettre en cause l'état de conservation de ces sites et par conséquent, ne porte potentiellement pas atteinte à l'atteinte des objectifs environnementaux du descripteur 1/4 « Biodiversité et réseaux trophiques » du PAMM MMN, j'ai recueilli l'avis de l'antenne Manche – mer du Nord de l'Agence française pour la biodiversité (AFB).

Si les données fournies à ce stade du projet et leur analyse sont conséquentes, l'évaluation environnementale gagnerait toutefois en précision si :

- des éléments complémentaires permettraient de justifier le choix d'écarter certains impacts, jugés non significatifs, sur des espèces d'intérêt communautaire communes avec la France. L'apport de ces compléments (dont vous trouverez le détail dans l'expertise technique détaillée de l'AFB dont transmission vous sera faite dans le courant de la semaine 03/2018) paraît justifié dans un contexte croissant de développement des énergies marines renouvelables en Manche et mer du Nord, dont l'impact des « effets cumulés » doit être évalué. Ainsi, nous vous invitons à mieux considérer ce volet en vous rapprochant notamment des porteurs de projets français des parcs éoliens en mer de Fécamp, de Courseulles s/ Mer et de Dieppe - Le Tréport afin de partager vos expériences et d'enrichir l'évaluation environnementale sur ce point. Cette concertation pourrait également être l'occasion d'échanger sur la mise en œuvre d'une stratégie partagée de management environnemental des projets en Manche Est et en partie sud de la mer du Nord.

- des éléments complémentaires permettraient de mesurer les impacts potentiels, directs et indirects, sur certaines espèces de mammifères et d'oiseaux marins et sur leurs zones de fonctionnalité (cf. expertise technique détaillée de l'AFB).

La démonstration que votre projet ne compromet pas l'atteinte du bon état écologique des eaux marines définie au titre de la DCSMM, reste en effet de la responsabilité du porteur de projet.

2) Sécurité de la navigation maritime

Les impacts potentiels liés à l'extension du parc éolien en mer « Thanet », bien que non négligeables, se concentrent exclusivement dans les eaux britanniques, et particulièrement sur la route maritime vers l'estuaire de la Tamise passant entre la pointe de North Foreland et la limite sud-ouest du parc éolien. L'extension vers le Sud-Est (environ 0,6 nq) et à l'Est (1,2 nq environ) est marginale et n'a donc pas pour effet de rapprocher le parc des grandes routes maritimes adjacentes aux eaux françaises pour lesquelles la France assure la surveillance de la navigation. Le respect de la distance de sécurité de 5 nq entre le parc et le dispositif de séparation du trafic

(DST) préconisée par la Maritime and Coastguard Agency (MCA)⁴ et la Direction des affaires maritimes (DAM) du ministère de la transition écologique et solidaire⁵ permettra minimiser les impacts sur la sécurité de la navigation et par conséquent limiter les atteintes au littoral français et aux intérêts connexes en cas d'accident entraînant une pollution marine.

3) Pêches maritimes professionnelles

Il reste nécessaire de produire une analyse plus précise des impacts directs et indirects du projet d'extension sur les flottilles de pêche françaises (accès à la ressource, report d'activité, augmentation des temps de parcours, interférence entre métiers,...). Cette analyse doit mettre en évidence les impacts liés aux effets cumulés avec les autres activités en mer (dont aires marines protégées, Brexit, ...). Dans le contexte de développement croissant de ces activités en Manche et mer du Nord et de l'émergence de nouveaux usages des espaces maritimes, une analyse prospective des effets cumulés et de leurs impacts nous paraît indispensable à la satisfaction des besoins de planification spatiale en mer.

Les données utilisées pour dresser l'état existant de la pêche maritime française au sein de l'aire d'étude retenue sont déjà anciennes et ne permettent pas une juste appréciation des niveaux d'enjeu et des niveaux d'impact sur cette activité. Nous vous invitons donc à vous rapprocher des services de l'État français en charge des activités de pêche maritime professionnelle ainsi que des organismes représentant la profession.

Vous trouverez en pièce jointe quelques éléments d'analyse détaillés sur ce dernier volet.

Mes services restent à votre disposition pour tout renseignement complémentaire. Vous pouvez, à cet égard prendre contact la Mission de coordination des politiques publiques de la mer et du littoral à l'adresse de messagerie suivante : mico.dirm-memn@developpement-durable.gouv.fr

Le directeur interrégional de la mer,
par délégation



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4 MGN 543 Guidance on UK Navigational Practice, Safety and Emergency Response Issues

5 Note technique du 11 juillet 2016 relative aux mesures de sécurité maritime applicables à la planification d'un champ éolien en mer



MINISTÈRE DE LA TRANSITION ÉCOLOGIQUE ET SOLIDAIRE

Direction interrégionale de la mer
Manche Est – mer du Nord

Le Havre, le 12 janvier 2018

**AVIS DE LA DIRMer MEMNor SUR LE PROJET
« THANET EXTENSION OFFSHORE WIND FARM »
(UNITED – KINGDOM)**

VATTENFALL WIND POWER Ltd

annexe au courrier du 12 janvier 2018
n°001/MICO/2018

ACTIVITE DE PECHE MARITIME PROFESSIONNELLE FRANCAISE

Preliminary Environmental Information Report (PEIR)

Volume 2 chapitre 9 « Commercial Fisheries »

§ 9.4.4

Le constat est dressé qu'il n'a pas été possible d'obtenir des données récentes concernant les activités de pêche françaises. Les données IFREMER 2014 utilisées, si elles sont très utiles, ne sont pas suffisantes.

Des données plus récentes d'IFREMER et un rapprochement avec le Comité Régional des Pêches Maritimes et des Elevages Marins (CRPMEM) de la région des Hauts de France, afin d'accéder aux données VALPENA, aurait été utile. Le porteur de projet estime toutefois que le coût d'accès à VALPENA était disproportionné (cf § 9.4.7). Un subventionnement de l'étude par le FEAMP aurait alors pu être étudié.

Un rapprochement avec la Direction des pêches maritimes et de l'aquaculture (DPMA) aurait pu être également envisagé.

§ 9.5.1

Les critères d'évaluation utilisés sont pertinents. Toutefois, on peut s'interroger sur le fait que le report d'activités de pêche anticipe les autres projets éoliens, zones de protection du milieu marin à venir au cours des prochains mois et années. Il serait peut-être plus pertinent d'utiliser un critère de report pérenne (à 5 ans par exemple), compte-tenu de la densité de projets en cours en 7d et 4c

(principales zones CIEM de report). La prise en compte de ses effets cumulés et une projection prospective et dynamique dans le temps nous paraît être indispensable.

§ 9.5.6

La localisation des activités de pêche variant selon l'abondance des espèces dans une zone et le prix de vente des espèces, une zone peu fréquentée une année peut l'être davantage l'année suivante. Il conviendrait donc de lisser la fréquentation sur plusieurs années (ex: 2012,13,14,15).

§ 9.16.1

Les activités de pêche française dans la zone sont menées dans le cadre de droits historiques figurant dans le règlement 1380/2013 dit "PCP".

L'argument consistant à dire que les activités de pêche des arts traînants (chalutiers, senneurs) pourront être maintenues sur zone, selon l'appréciation individuelle des "skippers" de navire n'est pas satisfaisant, voire contestable.

En effet, il semble que pour des raisons de sécurité, et notamment en période de mauvais temps, les commandants des chalutiers évitent les parcs d'éoliennes.

Une étude (sondage, entretien) avec les CRPMEM aurait été plus utile.

Par ailleurs, considérer que l'impact est "mineur" pour la flotille chalutière française est discutable:

- rien ne dit que les pêcheurs français continueront de fréquenter la zone (cf.supra) s'il la juge dangereuse.

- la qualité des données utilisées pour la flotte française est perfectible (cf.9.4.4).

- la localisation des activités de pêche variant selon l'abondance des espèces dans une zone et le prix de vente des espèces, une zone peu fréquentée une année peut l'être davantage l'année suivante. Il conviendrait donc de lisser la fréquentation sur plusieurs années.