

Thanet Offshore Wind Farm Extension Development Consent Application
Comments on Deadline 1 Representations of the Applicant and Interested Parties

On behalf of Port of Tilbury London Limited and London Gateway Port Limited

Deadline 2 (5th February 2019)

This document provides comment on the responses of the Applicant and Interested Parties in relation to the following Deadline 1 representations and is jointly submitted on behalf of Port of Tilbury London Limited (POTLL – Other Person – Ref: TEOW – OP006) and London Gateway Port Limited (LGPL – Interested Party – Ref: 20011837):

- Written Representations;
- Responses to the Examining Authority's Issue Specific Hearing 2 Action Points;
- Responses to the Examining Authority's First Written Questions; and
- Statements of Common Ground.

For clarification the following sections utilise the Examining Authority's (ExA's) document referencing and, for convenience, begin by setting out the document title and specific extract to which the comment relates (in blue type):

1a. Document Ref: [REP1-051] – Vattenfall Wind Power Limited – Response to Examining Authority's Written Questions – Supplementary EXQ1 1.12.1

Section 9 (Applicants Response Q1.12.1(c) – Paragraph 49:

“The NRA concludes (Section 6.3) that predicting trade patterns over a 20-year period involves much uncertainty, however based on the data it was considered that a reduction nationally in maritime trade, would be offset by a localised increase at the Port of London, albeit with fewer but larger vessels. Despite the likely reality that overall vessel numbers may reduce due to increase in larger draft vessels, for the purpose of the NRA a worse case 10% increase in commercial vessel activity was assumed.”

1b. Document Ref: [REP1-067] – Vattenfall Wind Power Limited – Post hearing submissions for Issue Specific Hearing 2 including written submission of oral case

Section 4 (Issue Specific Hearing 2 – Agenda Item 2. Effects on Ports, Harbours, Channels and Related Facilities) – Paragraph 36:

“It should be noted that the Applicant has considered future traffic profiles within the NRA, which utilised data and trends from 2000 – 2016 (Ref Section 6 of the Navigation Risk Assessment Application Ref 6.4.10.1). This was also related to more localised predictions (Section 6.2) and future forecasts to the PLA Thames Vision Project which forecasts trade growth to 2035. Inter-port trade is forecast to increase from 45m tonnes to between 56-93 million tonnes per year.”

With regard to the above statements POTLL and LGPL highlight that, whilst the growth assumptions which informed the NRA may appropriately represent the growth in port throughput for the UK as a whole, they are not necessarily reflective of the ports located in the Thames Estuary. This is due to the extent of planned and committed additional port infrastructure, the competitive nature of the UK ports industry and the trend towards use of ports in the South East. This is highlighted by Table

1.1 below, which indicates the growth in total throughput at DP World London Gateway (DPWLG) and Port of Tilbury London (POTL) over the 3 year period from 2015 to 2018:

Table 1 – Combined growth in throughput at DPWLG and POTL from 2015 to 2018

	Combined Growth	
	Throughput (Tonnes)	No. of Ship Visits
2015	16,315,085	2949
2016	19,276,273	3638
2017	20,776,189	3872
2018	23,614,378	4204

Notably the above indicates growth of 22.5% combined between DPWLG and POTL from 2016 (the end of the study period which informed the growth assumptions utilised in the NRA) to 2018.

In addition to the above, as the ExA is aware POTLL is awaiting determination of an application for development consent for the construction of a new port facility (known as Tilbury2) located adjacent to the existing port. The Examining Authority issued a Recommendation Report to the Secretary of State on 20 November 2018 and the deadline for the Secretary of State to make his decision is 20th February 2019. If granted consent, Tilbury2 will result in a significant increase in the total tonnage handled through the combined operation, with the Tilbury2 facility being a dedicated Ro-Ro and CMAT (Construction Materials and Aggregates Terminal).

DPWLG also anticipates significant growth. In the 2018 calendar year throughput equalled approximately 1.3 million TEU (Twenty Foot Equivalent container units) per annum (equivalent to approximately 11 million tonnes of cargo) but once fully developed DPWLG will have a capacity of 3.5 million TEU per annum.

Thus, whilst a trend to increased average ship size (and thus capacity) may be expected, it is likely to occur alongside a significant increase in the number of vessel visits to Thames-based port facilities. POTLL and LGPL suggest therefore that the growth assumptions which inform the NRA are flawed.

2. Document Ref: [REP1-067] – Vattenfall Wind Power Limited – Post hearing submissions for Issue Specific Hearing 2 including written submission of oral case

Section 4 (Issue Specific Hearing 2 – Agenda Item 2. Effects on Ports, Harbours, Channels and Related Facilities) – Paragraph 37:

“The applicant anticipates that further information on traffic forecasts will be placed before the examination but in general terms it is noted at this stage that an increase in volume of trade does not correlate to mean more ships and indeed the trend towards larger (deeper draft) vessels servicing these ports (e.g. London Gateway) is likely to result in fewer vessels using the western side of the extension (aka Route 4) and entering the Thames using SUNK via Black Deep in accordance with Pilotage Directions”.

The information provided in Table 1 relates to port growth in terms of total throughput and number of vessel visits. In the time that has elapsed since Deadline 1 POTLL and LGPL have had an opportunity to collate information regarding the mix of vessel visits to POTL and DPWLG respectively in the period 1st December 2017 to 30th November 2018 (the period for which data was presented in the Deadline 1 submissions). Such information is set out in Table 2 below:

Table 2 – Mix of vessels visiting DPWLG and POTL by length

Vessel Length	POTL		DPWLG	
	Number	%	Number	%
0 – 50m	1191	33.0	1	0.1
50 – 100m	436	12.1	0	0
100 – 150m	711	19.7	18	1.7
150 – 200m	909	25.2	121	11.4
200 – 250m	325	9.0	165	15.6
250 – 300m	32	0.9	482	45.6
300 – 350m	1	0.0	204	19.3
350 – 400m	0	0.0	67	6.3

Noting that the vessel traffic survey data which informed the Applicant's NRA stated that vessels up to 299m in length are currently able to transit through the inshore route (paragraph 36 of the Applicant's response to EXQ1.12.1(a) – Document Ref: [REP1-051]) on that basis, the above data indicates that nearly 100% of POT bound vessels have the potential to be impacted by a reduction in sea room in the inshore channel. Indeed, notwithstanding DPWLG's capacity to accommodate the largest vessels up to 400m in length, it is to be noted that 74.4% of DPWLG bound vessels are of 300m or below and thus also have the potential to be affected. Therefore, whilst in future years DPWLG may exhibit a trend towards increased average vessel sizes the potential impact on DPWLG bound vessels is likely to remain significant.

3. Document Ref: [REP1-017] – Vattenfall Wind Power Limited – Response to Relevant Representations

Table 14, response to Representation Number LG-4:

“The applicant would also like to confirm that the pilotage simulation study was undertaken in consultation with the Port of London Authority pilots and practitioners and was based on an agreed set of representative parameters as defined by the participants. London Gateway has not provided any detailed substantiation of the concerns identified, which will be addressed by the Applicant as and when further evidence is submitted.”

We take the opportunity to reiterate that neither POTLL nor LGPL were (a) invited to participate or comment on the pilotage simulation study prior to submission of the application for Development Consent Order; or (b) included in the statutory or non-statutory pre-application consultation process. Thus, aside from the Relevant Representations, which are intended to summarise overarching views and are not an appropriate vehicle for detailed comments, POTLL and LGPL were not afforded any opportunity to provide a detailed substantiation of their concerns before Deadline 1. POTLL and LGPL are now fully engaged with the examination process and are seeking to substantiate the concerns identified by the two ports.

4. Document Ref: [REP1-079] – Vattenfall Wind Power Limited – Statement of Common Ground – Port of Tilbury and London Gateway

With regard to the Statement of Common Ground (SOCG), Pinsent Masons (legal representatives for POTLL and LGPL) received an initial draft document on 21/12/2018 (1st Draft). This was considered, amended to include the views of POTLL and LGPL and returned to the Applicant on 15/01/2019 (2nd Draft). However, POTLL and LGPL take the opportunity to highlight that the document submitted by the Applicant at Deadline 1 (under the above-mentioned document reference) appears to comprise

the 1st Draft and does not represent the views of POTLL and LGPL. We remain committed to further discussions with the applicant regarding the SOCG.

For reference, the 2nd Draft is included at **Appendix 1**.

APPENDIX 1

2nd Draft of the Statement of Common Ground



Vattenfall Wind Power Ltd

Thanet Extension Offshore Wind Farm

Statement of Common Ground –

~~consultee~~ Interested Parties

Relevant Examination Deadline: ~~XXX~~ Deadline 1

Submitted by Vattenfall Wind Power Ltd

Date: ~~November~~ January 2019

Revision **A**

Date	Issue No.	Remarks / Reason for Issue	Author	Checked	Approved
08/11/2018	01	Draft for comment	GoBe	GoBe	Vattenfall

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Comment [PM1]: PM comment – we suggest that LGPL and PoTLL are referred to as "Interested Parties" as opposed to a "Consultee" throughout, given that the Examination has commenced. The Table of Contents will therefore also need revising.

1 Introduction

1.1 Overview

- 1 This Statement of Common Ground (SoCG) relates to the proposed development of the Thanet Extension Offshore Wind Farm (Thanet Extension). It has been prepared with respect to the application made by Vattenfall Wind Power Ltd (VWPL) (the Applicant) for a development consent order (DCO) to the Planning Inspectorate (PINS) under the Planning Act 2008 (the Application).
- 2 This SoCG with ~~the~~ Port of Tilbury [London Limited \(PoTLL\)](#) and London Gateway [Port Limited \(LGPL\)](#)—is a means of clearly stating any areas of agreement and disagreement between the ~~two~~ parties in relation to the Application. The SoCG has been structured to reflect the request made by the Examining Authority, and following discussion with the relevant parties on ~~Monday 17th~~ [Tuesday 18](#) December. Hereafter ~~Port of Tilbury~~[PoTLL](#) and ~~London Gateway~~[LGPL](#) are jointly referred to as the ‘Interested Parties’ (IPs).
- 3 It is the intention that this document will help facilitate ~~post-application~~ discussions between both parties [during the examination](#) and also give the Examining Authority (ExA) an early sight of the level of common ground between both parties from the outset of the examination process.

1.2 Approach to SoCG

- 4 This SoCG has been developed during the examination phase of the ~~Thanet Extension~~[Application](#). In accordance with discussions between the Applicant and the IPs, the SoCG is focused on those issues raised by the IPs within their representations. It has also been cognisant of the request made by the Examining Authority within the ‘Rule 8’ letter published on the 18th December 2018.
- 5 The structure of the SoCG is as follows:
 - Section 1: Introduction;
 - Section 2: ~~Consultee’s~~[IPs’](#) Remit;
 - Section 3: Consultation;
 - Section 4: Agreements Log; and

- Section 5: Matters under discussion.

1.3 The Development

- 6 The Application ~~is~~ for development consent for VWPL to construct and operate the Thanet Extension Offshore Wind Farm (Thanet Extension) under the Planning Act 2008.
- 7 The Thanet Extension ~~would~~ ~~will~~ comprise of wind turbine generators (WTGs) and all the infrastructure required to transmit the power generated to the national grid. A maximum of 34 WTGs ~~would~~ ~~will~~ be installed with a power output of 340 MW. The project ~~would~~ ~~will~~ install up to four offshore export cables and may require the installation of one Offshore Substation (OSS) and up to one Meteorological Mast.
- 8 The key offshore components of Thanet Extension are likely to include:
 - Offshore WTGs;
 - OSS (if required);
 - Meteorological Mast (if required);
 - Foundations;
 - Subsea inter-array cables linking individual WTGs;
 - Subsea export cables from the OWF to shore; and
 - Scour protection around foundations and on inter-array and export cables (if required).
- 9 The array area ~~would~~ ~~will~~ have a maximum size of 70 Km² and surrounds the existing Thanet Offshore Wind Farm (TOWF). It is located approximately 8 km ~~n~~~~North~~~~_~~east of the Isle of Thanet, situated in the County of Kent. Each WTG ~~would~~ ~~will~~ have a maximum blade tip height of 250 m above Mean High Water Springs (MHWS), a maximum diameter of 220 m and a minimum 22 m clearance between the MHWS and the lowest point of the rotor.
- 10 Electricity generated ~~would~~ ~~will~~ be carried via a maximum of four high voltage subsea cables to the landfall site, situated at Pegwell Bay. Offshore cables ~~would~~ ~~will~~ be connected to the onshore cables and ultimately the national grid network at Richborough Energy Park. The onshore cable corridor is 2.6 km in length at its fullest extent.



- 11 More details on the proposed development are described in the Environmental Statement (ES) Volume 2, Chapter 1: Project Description (Offshore) (Application Ref 6.2.1) and Volume 3, Chapter 1: Project Description (Onshore) (Application Ref 6.3.1) of the Environmental Statement.

2 ~~Consultee's~~ Interested Parties' Remit

For the purpose of the Thanet Offshore Wind Farm Extension Examination, LGPL and PoTLL act jointly. Together the Interested Parties have a vested interest in the safe and efficient operation of the Thames estuary allowing for the flow of goods in and out South East with no limiting factors.

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LGPL

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LGPL are the owners and operators of DP World London Gateway port (LG Port) which is located on the north banks of the Thames Estuary in Stanford-le-Hope, Essex.

Once fully developed, LG Port will comprise up to seven shipping berths providing additional deep sea shipping and container handling facilities with an annual throughput of 3.5 million TEU (twenty foot equivalent units), and approximately 1,900 directly employed staff. Construction and operational use of the port is consented pursuant to a Harbour Empowerment Order (HEO – Ref: 2008 No. 1261) which was made on 2 May 2008 and came into force on 16 May 2008.

With first operational use taking place in November 2013, LG Port currently comprises 3 operational berths. Throughput in the year ending 31 December 2018 totalled approximately 1.3 million TEU.

The adjacent DP World London Gateway Logistics Park (LG Park) benefits from a Local Development Order (made by Thurrock Council on 7 November 2013) which provides consent to construct and operate up to 829,700sq.m of commercial floorspace. The joint operation of LG Port and LG Park allow 'portcentric' benefits to be realised, with associated supply chain efficiency savings.

PoTLL

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PoTLL are owners and operators of the Port of Tilbury (POT), which is located on the north banks of the Thames in Tilbury, Essex.

12 ~~XXX~~

12 PoT is the largest enclosed deep water port closest to the centre of London and also has a number of river berths that support port operations. It is a multi-purpose, multi-commodity port handling a wide range of commodities serving a number of markets including construction, agriculture and waste products.

13 PoT handles 16 millions of cargo per annum across a high number of operational berths. The port is also the home of a number of tenant operations such as the NFT Chilled distribution centre, Cemex cement manufacturing facility that can produce 1 million tonnes of cement per annum and a large scale glass recycling facility operated by URM, a leading global glass recycling organisation serving both the UK and international markets.

14 The largest grain import and export facility in the UK is located within the port and is operated by PoT.

15 PoT is awaiting determination of an application for a development consent order that has been submitted to the Secretary of State for Transport for the construction of a new port facility (Tilbury 2) located adjacent to the existing port. Tilbury 2 would result in a doubling of the total tonnage handles through the combined operation, with the Tilbury2 facility being a dedicated Ro-Ro and CMAT (Construction Materials and Aggregates Terminal).

Having completed the development of London Distribution Park just outside the port (home to the largest Amazon warehouse in the UK) the port has options over further land in close proximity to the Port to facilitate further development of distribution park facilities and PoT.

3 Consultation

3.1 Application elements under the ~~Consultees's~~ Interested Parties' remit

~~1316~~ Work Nos. 1 - 3A, the "Further Works" and the "Ancillary Works", detailed in Part 1 of Schedule 1 ~~to of~~ the draft DCO describe the elements of Thanet Extension which may affect the interests of the IPs.

~~1417~~ The IPs have interests with the Thames Estuary region and interaction between the proposed development and vessels approaching this region is therefore of interest to the IPs.

~~1518~~ The technical components of the DCO application of relevance to the Interested Parties Consultee ~~(~~and therefore considered within this SoCG) comprise:

- Volume 2, Chapter 1: Project Description (Offshore) (Application Ref 6.2.1);
- Volume 2, Chapter 10: Shipping and Navigation (Application Ref 6.2.10); ~~and~~
- Volume 4, Annex 10-1: Navigational Risk Assessment (Application Ref 6.4.10.1);
- Annex 10-2: Pilot Transfer Bridge Simulation Report (Application Ref 6.4.10.2);
- Annex 11-1: Radar Line of Sight Analysis (Application Ref 6.5.11.1);
- Safety Zone Statement (Application Ref 7.2); and
- ~~and~~
- Application document 3.1: draft Development Consent Order (Application Ref 3.1).
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3.2 Consultation Summary

~~1619~~ This section briefly summarises the consultation that VWPL has undertaken with the IPs.

Table 1: Consultation undertaken with the IPs

Date & Type:	Detail:
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Nov 2017 – January 2018; S42 consultation	Consultation undertaken with statutory and relevant non-statutory parties on Preliminary Environmental Information.
18 th December 2018/ post <u>ISH2</u> hearing teleconference	Discussion held to confirm <u>on</u> the content and nature of the SoCG
Schedule for <u>21</u> December 2018/ January 2019	<u>SoCG supplied in draft by VWPL</u>
<u>xx January 2019</u>	<u>SoCG returned in draft to VWPL by the IPs.</u>

Comment [PM2]: PM comment: LGPL and PoTLL were not consulted on the proposal thus this consultation is not relevant to this statement

4 Agreements Log

1720 The following section of this SoCG identifies the level of agreement between the parties for each relevant component of the application material (as identified in Section 3.1). In order to easily identify whether a matter is “agreed”, “under discussion” or indeed “not agreed” a colour coding system of green, yellow and orange is used in the “final position” column to represent the respective status of discussions.

4.2 Shipping and Navigation

~~1821~~ The Project has the potential to impact upon Shipping and Navigation receptors, including ~~sive of~~ commercial shipping interests, and these interactions are duly considered within Volume 2, Chapter 10: Shipping and Navigation (Application Ref 6.2.10) of the ES. In addition, the NRA is presented within Volume 4, Annex 10-1: Navigational Risk Assessment (Application Ref 6.4.10.1). ~~Table 2~~ ~~Table 4~~ identifies the status of discussions relating to this topic.

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Table 2: Status of discussions relating to Shipping and Navigation.

Discussion Point	Thanet-Extension Applicant's Position	Consultee-IPs Position	Final Position
Study area	<p>It is agreed that the The study area used to inform the assessment of the project on shipping and navigation receptors was appropriate.</p>	<p><u>4.3 The IPs do not agree with the study area used to inform the assessment and consider that a wider study area should have been used in order to capture a more representative number and type of vessels.</u></p>	
Red Line Boundary (i.e. Order limits) revision	<p>The It is agreed that the revision made to the red line boundary following Section 42 consultation reduces interaction in the primary area of concern.</p>	<p><u>The revision made to the Order limits following section 42 consultation (which did not include the IPs) was insufficient to satisfactorily increase the sea room available for both navigating vessels and pilot</u></p>	

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Discussion Point	Thanet Extension Applicant's Position	Consultee-IPs' Position	Final Position
		<p><u>transfers. A further revision to the Order limits is required in order to allay the Interested Parties' concerns.</u></p>	
<p>Approach to NRA</p>	<p>It is agreed that the <u>The</u> Navigational Risk Assessment has been undertaken in line with the requirements set out in the Marine Guidance Note (MGN) 543 – Guidance on UK Navigation Practice, Safety and Emergency Response Issues.</p>	<p><u>4.4 [The IPs do not agree that the Navigational Risk Assessment has been undertaken in line with the requirements set out MGN 543. Reasons for this view are given in the IPs' Written Representations.</u></p> <p><i>For transparency it should be noted that the MCA have agreed this position with the Thanet</i></p>	

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Discussion Point	Thanet Extension Applicant's Position	Consultee IPs' Position	Final Position
		<i>Extension project as recorded within their relevant representation. The position of the IPs may agree or disagree with that position.</i>	
Environmental Statement Baseline and Methodology	It is agreed that the shipping and navigation baseline environment insofar as it relates to commercial shipping has been adequately and appropriately described in the ES. Based on that information it is further agreed that the marine traffic survey data and wider data sources used are appropriate for the assessment and details a good representation of commercial traffic in the area of the project	<u>The IPs agree that the shipping and navigation baseline environment insofar as it relates to commercial shipping has been adequately and appropriately described in the ES however they do not agree that the baseline adequately represents the position in respect of leisure craft and fishing vessels.</u>	
Environmental Statement Baseline and Methodology	It is agreed that the <u>The</u> baseline appropriately describes sd and defines the nature of routes (i.e. internationally recognised shipping lanes but locally important routes (in accordance with the NPS) and use of those by lanes and routes by vessels bound for PoT/ LG.	<u>The IPs do not agree with the position of the Applicant.</u>	

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Discussion Point	Thanet Extension Applicant's Position	Consultee IPs' Position	Final Position
Environmental Statement Baseline and Methodology	It is agreed that the The approach adopted in the Environmental Statement is appropriate to assess the magnitude and range of potential impacts on commercial shipping interests.	<u>The IPs do not agree with this position. The approach adopted in the Environmental Statement does not assess all potential impacts on commercial shipping including the potential impacts of fishing and leisure vessels.</u>	
Tolerability definition and assessment	In the absence of industry-specific guidance it is agreed that the tolerability of risk is appropriately defined and assessed through application of the HSE standards.	<i>For transparency it should be noted that the MCA have agreed this position with the Thanet Extension project. The position of IPs may agree or disagree with that position.</i> 4.3 <u>The IPs do not agree that the tolerability of risk is appropriately defined and assessed through application of the HSE standards. In already densely populated shipping lanes, the narrowing of the channel and navigable sea room proposed in the Applicant's proposal is above the threshold of tolerable.</u>	
Environmental Statement assessment	It is agreed that t he Applicant has adequately assessed navigational safety impacts on commercial vessels from the Project.	<u>The IPs do not agree with the position of the Applicant.</u>	

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Discussion Point	Thanet Extension Applicant's Position	Consultee IPs' Position	Final Position
Environmental Statement assessment/mitigation	It is agreed that th The mitigation and control measures included within the application documents are appropriate for the purposes of maintaining safety within the region and minimising impacts on commercial shipping interests.	<u>The IPs consider that further mitigation is required in order to maintain safety within the region and minimise impacts on commercial shipping interests.</u>	

5 Matters under discussion

~~1922~~ This summary section identifies those matters raised by the IPs [at the first hearing \(ISH2\) during the pre-application consultation](#) that have yet to be resolved and are subject to ongoing discussion ~~as of the last consultation meeting held with the IPs.~~

- [The adequacy of consultation with port operators](#)
- Influence of the proposed project on [commercial and pilot](#) vessel transit times and therefore potential impacts on ports and harbours
- [The impact of the proposed project on the competitiveness of ports located within the Thames Estuary](#)
- Adequacy of [the](#) Navigational Risk Assessment
- [The extent of the required reduction to the Order Limits in order to make the proposed project acceptable](#)
- [Adequacy of the Environmental Statement in respect of shipping and navigation](#)