

INFRASTRUCTURE PLANNING
THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010
THE THANET EXTENSION OFFSHORE WIND FARM ORDER

Comments on Responses to Action Points from ISH2
Submitted on behalf of the Port of London Authority and Estuary Services Limited
(Rule 8 letter 18 December 2018)

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Responses by the Applicant

| Action Point | Response summary/extract | PLA/ESL comments |
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| 2A | <p>“The Applicant has prepared the following schematic plot which provide the detail requested and is included at Annex A of this submission.”</p> <p>“Further figures are also included at Annex B providing a localised schematic of the sea room and distances associated with the NE Spit and Tongue Pilot Boarding Station with distance lines added in response to a 2nm buffer around each around the pilot boarding station and the proposed RLB plus a pecked line showing the RLB plus 450m lie of maximum extent of the potential 500m rolling safety zones buffer (as relates to the safety zone area from construction activity).</p> | <p>ESL and the PLA consider that the 2nm is working sea room and an addition buffer should be added to it. ESL would suggest a 1nm additional buffer.-</p> <p>-Annex B appears to include a larger area west of the no anchoring line. This cannot be assumed which they later agree because of anchored vessels but it is included here in a calculation of sea room.</p> <p>-The NE spit diamond is shown as a rigid boarding point. This is not the case and it should be seen as a guide because it requires flexibility in terms of sea room.</p> |
| 5 | <p>“The Applicant has not considered any dredging of the Fishermans Gat and has not been made aware of any formal proposals for dredging of the Fishermans Gat”</p> | <p>The PLA is only at the stage of undertaking route option analysis for dredging proposals in this area. Should the PLA develop formal proposals for future dredging before the end of the examination period for this proposal, it will share these with the Applicant.</p> <p>The dredging of Fisherman’s Gat is important in the context of the extension of the wind farm. The dredging may increase the number of vessels using the NE Spit Station instead of the Sunk. They may not necessarily transit the inshore route but would be significantly affected if the NE Spit was to become redundant and</p> |

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| | | <p>there was no longer a sheltered pilot station. The extended wind farm would reduce the viability of the NE Spit over the Sunk in adverse weather conditions.</p> |
| <p>9</p> | <p>3 months of data (1 December 2016 to 28 February 2017) used to support early work on pilotage study and simulation report. Subsequent vessel traffic survey data collected on two vessel traffic surveys (7 to 25 February 2017 and 15 to 29 June 2017) meeting the seasonal requirements of MGN543.</p> | <p>MGN 543 requires the Applicant to “take account of seasonal variations in traffic patterns and fishing operations”. Two sets of 14 day traffic surveys do not give enough detail from which to make a reliable assessment of the effects of the extended wind farm on navigation in the area.</p> <p>It is not clear why a different AIS data set was used for the NRA and ES. The ES used 2 months AIS (Dec 16/Jan 17 – 10.4.4, page 10-7 of ES).</p> <p>It is also unclear how the 3 month AIS data set informed the bridge simulator (traffic survey was carried out Feb/June 17 before the simulator September 2017).</p> <p>The MCA does not prescribe what is required to take account of seasonality, so there is some flexibility. However, the approach should have been discussed with stakeholders, and the PLA and ESL have concerns about the length and variety of data sets and periods cherry picked for the ES and NRA. In particular:</p> |

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| | | <ul style="list-style-type: none"> • 1 month (Dec 2016) AIS data was used in collision modelling; • 2 months AIS (ES/NRA); • 3 months AIS (pilotage study/NRA); • 28 day traffic survey (30 days AIS) (NRA/ES); • 12 months AIS (NRA); • 2 (or 3 months, not clear) for NRA gate analysis; and • Not clear what time period is represented in Figure 13: Use of Anchorages in Thames Estuary (NRA page 31). |
| 12 | <p>“A cooperation plan with the Port of London Authority (PLA) has been proposed to ensure that suitable coordination and notification is given to mariners of construction activities, particularly PLA pilots.”</p> | <p>As per the comments made by the PLA in relation to this “PLA cooperation plan” at Deadline 1, no discussions on this plan have been held with the Applicant. To apply its name to a cooperation agreement, the PLA would expect to have seen a copy of the document and be involved in its drafting. However, other than a mention of the possibility of drafting the plan in a meeting held in August 2018, the Applicant did not raise the matter further, nor</p> |

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| | <p>“Given the wider concerns raised by a number of stakeholders in relevant representations, the Applicant proposes to submit a draft shipping cooperation plan which will set out the information to be provided (and which will expand on the structure set out in the NRA) that will be submitted at Deadline 2.”</p> | <p>share any of its proposed contents with the PLA.</p> <p>The PLA and ESL will review this document once it has been submitted. However, it does not seem appropriate to refer to it as a PLA cooperation plan on the basis that the PLA has had no role in drafting it and no prior consultation has taken place on it.</p> |
| 13 | <p>“the Applicant wishes to note that as concluded in the Pilot Transfer Bridge Simulation Report (PINS Ref APP-/ Application ref 6.4.10.2) all simulation runs were completed successfully, and Pilot transfer operations continue to be feasible at North East Spit Station across the full range of operational conditions even with the reduced navigable sea room caused by the extended wind farm layout.”</p> | <p>The PLA and ESL have raised extensive comments on the reliability of the Pilot Transfer Bridge Simulation in their Deadline 1 submissions.</p> <p>However, the Applicant states that all simulation runs were completed successfully. This is not accurate: the Pilot Transfer Bridge Simulation Report states, at paragraph 6, that “13 of the 14 runs were successful and 1 run (no.4) was judged to be marginal”. Even if the test conditions were representative of real life conditions, which the PLA and ESL do not accept, a 1 out of 14 ‘marginal’ result would in practice be a high risk and high stress environment for working pilots.</p> <p>The PLA and ESL disagree with the ultimate conclusions being drawn from the Simulation Report. It cannot be said that pilotage operations continue to be feasible “across the full range of operational conditions” because only very</p> |

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| | | <p>limited, optimal conditions were tested during the simulation. The fact that even in these optimal conditions and without human error being factored in one in 14 of the runs was marginal illustrates that the proposed wind farm extension presents a significant increase in risk.</p> |
| 15 | <p>“It is of note that the PLA passage planning guide (http://www.pla.co.uk/Safety/Passage-Planning-Guide) to the Thames Estuary shows the Tongue pilot station as a Deep Water pilot boarding station, and as such it would be expected that a Deep Draught vessel would utilise the Tongue pilot boarding station if the SUNK station had gone off station due to adverse weather. A further issue with NE Spit during adverse weather from the SE is that this coincides with higher utilisation of Margate Roads anchorage, due to vessels seeking shelter, which impinges on the available sea room for NE Spit. Therefore, pushing pilot boarding further to the north closer to Tongue.”</p> | <p>ESL and the PLA would agree with this point. When the wind direction is between West through to South East the Margate Roads anchorages can become very busy. As a result of this ESL will tend to operate boarding and landing to the East of the boarding ground toward the existing TOW site. If a deeper draft vessel is to be served (up to 12m draft) it can facilitate it to the East of the inner boarding ground.</p> <p>The area to the east of the inner boarding ground could be utilised for these larger vessels if the Tongue boarding area is unavailable.</p> |
| 16 | <p>“In general, the acceptable closest safe passing distance for all sizes of vessel is 5 cables which is 0.5nm or 926 metres. The Masters of vessels which operate predominantly in coastal waters and frequently call into ports would, however, be prepared to pass at a closer distance.”</p> | <p>ESL and the PLA consider that pilot boarding and landing operations cannot be directly compared to a shipping channel being used for ships on passage. Whilst they acknowledge that vessels can pass 0.5nm from each other, they would not consider this as an acceptable baseline vessel buffer assumption in the context of pilot boarding and landing.</p> |

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| | | <p>In addition, the Applicant’s discussion concerning Action Point 16 assumes optimum metocean conditions and vessel familiarity with the area of operation which is not always the case.</p> |
| 17 | <p>“In brief the simulation was undertaken and drafted in consultation with agreed parties, with all parties being given adequate time and opportunity to comment on the suitability of the inception report, the parameters to be considered and employed during the simulation, and the report itself. Feedback was not forthcoming with regards requests for change, for elements to be clarified.”</p> | <p>Although ESL did see the inception report before the study, they did not comment on it. It did not indicate that a tug would be used instead of a pilot launch. They did not disagree with it on the basis of what the simulations were intended to demonstrate. The simulation study was only able to look at a range of vessels in isolation, with average conditions. It did not cover a full range of vessel sizes, types and metocean and traffic conditions. The Applicant has placed too much weight on the outcome of these simulations and has not considered these limitations of the study.</p> <p>The attendance of the Bridge Simulation by representatives of ESL and the PLA cannot be taken to imply that both entities accepted that the Simulation was fully compliant with good practice, nor that they agreed with the conclusions being drawn from it. Both organisations sent representatives to provide their expertise as pilots or coxswain launches. The test was therefore carried out by pilots or coxswains with more experience than pilots of vessels using the area in real-life scenarios. The pilots and coxswains expressed their</p> |

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| | <p>“Furthermore, the Applicant notes that bridge simulation is considered as the second highest tier of evidence within the MCA/DECC 2013 methodology and hierarchy of assessment (second to site specific practical trials) and as such this type of study should be relied upon with confidence. This is considered pertinent in light not only of the consensus sought during the development of the simulation itself, but also in light of the conservative nature of the simulation in utilising tug vessels instead of Pilot cutters. This was particularly noted by Richard Jackson of ESL during ISH2 and it is of relevance given that tugs would be considered to slower in service transit speed and of less agile handling characteristics when compared to a pilot cutter. For all simulated pilotage operations to be completed successfully, when using a vessel of comparatively reduced manoeuvrability, is consider to be further evidence that pilot operations will be able to continue with limited if any hindrance.”</p> | <p>concerns at the meeting about the test conditions.</p> <p>The PLA and ESL consider that the use of the incorrect vessel as part of the Simulation cannot be used as an indication that pilotage operations using a pilot cutter would be successful. Instead what it illustrates is that the Bridge Simulation did not accurately reflect the actual conditions that pilotage operations occur in. This fact combined with the many other sterilising factors raised by the PLA and ESL in their Deadline 1 submission all indicate that the Bridge Simulation cannot be relied upon for the conclusion that the Applicant has chosen to draw from it.</p> |
| 19 | <p>“A draft NRA was sent to the MCA and Trinity House in March 2018 for review and comment. No substantive issues on the approach or the methodology were raised at this time.”</p> | <p>The PLA and ESL were not sent a draft of the NRA and given opportunity for comment prior to the submission of the application for the Order.</p> |

Responses by the Trinity House

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| 1 | <p>“The existing Thanet Offshore Wind Farm was referenced as being a good example of how interaction between all stakeholders led to safe operational conditions being established.”</p> | <p>Although both the PLA and ESL were able adapt their pre-existing operations in order to accommodate the construction and operation of the current wind farm, those adaptations were at the limit of what the PLA and ESL would consider is possible to continue operating safely in the area. It would not be possible to be able to adapt to a further extension in the same way.</p> <p>ESL’s operation has already been limited by the siting of the existing wind farm. If the wind farm was not in its current location, that site would be an ideal area for the boarding of pilots onto larger ships. However, obviously, due to the wind farm, that space cannot be used for that purpose.</p> <p>The searoom for boarding pilots in this area is at its limit and the PLA and ESL would not be able to further adapt their operations to safely accommodate the proposed westwards extension of the wind farm.</p> |
| 12 | <p>“The “PLA Cooperation Plan” mentioned in Action Point 12 was a mitigation measure proposed at an early stage which we could not agree with as this would need to be accepted by all parties and written into legislation for it to be considered</p> | <p>The PLA and ESL would support the comment that such a cooperation plan would need to be accepted by all parties. However, they also reiterate their earlier points regarding a lack of consultation on this proposed document. Finally, it is not clear why the Applicant</p> |

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| | suitable.” | considers it necessary to place the cooperation plan on a legislative basis. |

Responses by the Maritime and Coastguard Agency

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| 10 | “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 <u>not</u> included in the applicants NRA making it difficult to identify the full implementation of FSA, and leaves it open to misinterpretation and assumption.” | ESL and the PLA confirm that they have not seen an FSA for the application. |
| | “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.” | The PLA and ESL agree that MGN 543 does not specify when traffic surveys should be undertaken. However, the time periods used by the Applicant (7 to 25 February and 15 to 29 June 2017) do not represent the peak of either the summer of winter period and therefore this data does not appear to be compliant with the requirements of MGN 543. In addition, the PLA and ESL consider that the presence of the survey vessel outside of the current wind |

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| | | farm area had the effect of encouraging vessels to deviate from their usual routes; again, illustrating why the traffic survey data cannot be relied upon. |
| 12 | “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.” | The PLA and ESL would reiterate their above comments on this matter. |
| 18 | “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.” | The PLA and ESL agree with this point. ESL’s pilot launches also play a role in the safety of the area around the current wind farm. The lack of data on incidents is not necessarily due to the current situation being entirely safe. It is down to the existing mitigation measures being put in place which could not be stretched to cover a situation in which the searoom was reduced even further. |

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