

Vattenfall Wind Power Ltd

Thanet Extension Offshore Wind Farm

Statement of Common Ground – Port of London Authority

Relevant Examination Deadline: ~~XXX~~ Deadline 2

Submitted by ~~Vattenfall Wind Power Ltd~~ Winckworth Sherwood LLP on behalf of the Port of London Authority

Date: ~~November 2018~~ January 2019

Revision AB

Date	Issue No.	Remarks / Reason for Issue	Author	Checked	Approved
08/11/2018	01	Draft for comment	GoBe	GoBe	Vattenfall
05/02/2019	02	Addressing Deadline 1 issues	PLA	PLA	PLA

Table of Contents

1	Introduction	4
1.1	Overview	4
1.2	Approach to SoCG	4
1.3	The Development	5
2	Port of London Authority’s Remit	7
3	Consultation	89
3.1	Application elements under the PLA’s remit	89
3.2	Consultation Summary	89
3.3	Post-application Consultation	910
4	Agreements Log	1011
	4.2 Project Description (Offshore)	10
	4.3 <u>4.2</u> Shipping and Navigation	12
5	Matters under discussion	15 <u>23</u>
	Table 1: Consultation undertaken with the PLA pre-application	89
	Table 2: Consultation undertaken with the PLA post-application.....	910
	Table 3: Status of discussions relating to the Project Description (Offshore).....	11
	Table 4: Status of discussions relating to Shipping and Navigation.	13

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 London Authority (PLA) 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 topics of interest to the ~~National Trust~~ [PLA](#) on the Application.
- 3 It is the intention that this document will help facilitate post application discussions between both parties and also give the Examining Authority (Ex. A) 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 pre-examination phase of the Thanet Extension. In accordance with discussions between the Applicant and the PLA, the SoCG is focused on those issues raised by the PLA within its response to Section 42 consultation that has underpinned the pre-application consultation between the parties.
- 5 The structure of the SoCG is as follows:
 - Section 1: Introduction;
 - Section 2: PLA's Remit;
 - Section 3: Consultation;
 - Section 4: Agreements Log; and

~~• Section Error! Reference source not found.: Summary.~~

• [Section5: Matters under discussion.](#)

1.3 The Development

6 The Application ~~if~~is for development consent for VWPL to construct and operate the Thanet Extension Offshore Wind Farm (Thanet Extension) under the Planning Act 2008.

7 Thanet Extension will ~~-,~~if consent is granted, 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 will be installed with a power output of 340 MW. The project 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 will have a maximum size of 70 Km² and surrounds the existing Thanet Offshore Wind Farm (TOWF). It is located approximately 8 km Northeast of the Isle of Thanet, situated in the County of Kent. Each WTG 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 will be carried via a maximum of four high voltage subsea cables to the landfall site, situated at Pegwell Bay. Offshore cables 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 Port of London Authority's Remit

~~1 PLA's operations cover 95 miles of the River Thames. They work to keep commercial and leisure users safe, protect and enhance the environment and promote the use of the river for trade and travel. PLA actively engage with stakeholders along the Thames, including all river users, local authorities, the Greater London Authority, amenity and interest groups, Government and many other bodies.~~

12 The PLA is the statutory harbour authority for the tidal River Thames ("the River") between Teddington and the outer Thames Estuary. It is governed by the Port of London Act 1968 ("the 1968 Act"). Its statutory functions include responsibility for conservancy, hydrographic surveying, dredging, managing the public navigation and controlling vessel movements.

13 Under section 66 of the 1968 Act, the PLA's licence is required for the construction by other people of any works in, on, under or over the River and, under section 73, for the carrying out of dredging or other comparable operations. The PLA provides moorings in the River and licenses their provision by others. As the body responsible for licensing river works and moorings, the PLA must have special regard for the unimpeded use of and access to licensed works by the PLA's existing licensees.

14 The proposed extension of the wind farm under the dDCO lies outside the PLA's statutory limits under the 1968 Act. However, the PLA's functions include the promotion of the use of the River for freight and passengers as an important and sustainable transport corridor for London and access to the River is therefore a key concern for the PLA.

15 The proposals under the draft DCO are in close proximity to the PLA's pilot boarding locations, with that at the North East Spit most affected by the proposed westwards extension of the wind farm. Moreover, the proposals have the potential to impact on the operation of the Port. The proposals would encroach into the existing shipping lanes, lengthening journey times into the Port for commercial services that would have to re-route around an extended wind farm.

- 16 The PLA is a competent harbour authority for the purposes of the Pilotage Act 1987 (“the Pilotage Act”), as it has powers and duties under the 1968 Act to improve, maintain and manage the Port of London. As a competent harbour authority, the PLA – under s.2 of the Pilotage Act – is under a duty to keep under consideration whether it needs to provide pilotage services to secure the safety of ships navigating in or in the approaches to its harbour. The PLA is therefore under an obligation to provide such services as need to be provided, which clearly can extend to providing pilotage services to ensure that when vessels enter into the PLA’s statutory limits, those vessels have the benefit of a pilot.
- 17 The PLA is a trust port. Accordingly, it manages the River for the benefit of all river users and is obliged to turn its assets to account for the benefit of its statutory undertaking. As part of this obligation it must also minimise the conservancy and other charges payable under the 1968 Act by river users. The PLA is wholly funded by such charges and the other funds it generates: it does not receive any central or other Government subsidy.

3 Consultation

3.1 Application elements under the PLA's remit

18 Work Nos. 1 - 3A, detailed in Part 1 of Schedule 1 of the draft DCO describe the elements of Thanet Extension which may affect the interests of the PLA.

19 The PLA oversees 95 miles of the River Thames. They work to keep commercial and leisure users safe, protect and enhance the environment and promote the use of the river for trade and travel.

20 The technical components of the DCO application of relevance to the PLA (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);~~;~~
[and](#)
- [Volume 4, Annex 10-2: Pilot Transfer Bridge Simulation Report.](#)

~~4 Given the concerns raised by PLA within their relevant representation with regards migration of sandwaves the following technical component of the DCO application that is relevant to the PLA is:~~

- ~~• Volume 2, Chapter 2: Marine Physical Processes (Application Ref 6.2.2).~~

3.2 Consultation Summary

21 This section briefly summarises the consultation that VWPL has undertaken with the PLA. Engagement during the pre-application phase, both statutory and non-statutory, is summarised in Table 1.

Table 1: Consultation undertaken with the PLA pre-application

Date & Type:	Detail:
26th January 2016 Meeting	Introduction to the project and initial summary of PLA concerns
November 2016 Meeting	Pre-scoping meeting
January 2017 Email correspondence	Pre-scoping
February 2017	Scoping Response
May 2017 Meeting	Pilotage study meeting
July 2017 Meeting	Pilotage study meeting
September 2017 Meeting	Pilotage study workshop
December 2017 Meeting	NRA Meeting
January 2018, S42 Consultation	Comments relating to the Preliminary Environmental Information Report

3.3 Post-application Consultation

- 22 ~~VWPL has engaged with the PLA since~~ [Since](#) the Thanet Extension development was accepted for examination by the Planning Inspectorate on 23rd July 2018, ~~one meeting has taken place between VWFL and the PLA~~ [one meeting has taken place between VWFL and the PLA](#) A summary of the post-application consultation with the PLA is detailed in Table 2.

Table 2: Consultation undertaken with the PLA post-application

Date/ Type:	Detail:
-------------	---------

August 2018	Discussion VWPL presentation regarding submitted application, confirmation of jurisdiction, findings of the bridge simulation. The PLA were not asked for opinions or given an opportunity to comment on the application.
----------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

4 Agreements Log

- 23 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

- 24 The Project ~~has the potential to~~ will have an impact upon Shipping and Navigation 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 4 identifies the status of discussions relating to this topic.

Table 4: Status of discussions relating to Shipping and Navigation.

Discussion Point	Thanet Extension Position	PLA Position	Final Position
Study area	It is agreed that the study area used to inform the assessment of the project on shipping and navigation receptors was appropriate.	<u>The study area was not agreed. In particular, it does not encompass the Tongue DW anchorage or the relocated Tongue DW boarding position.</u>	
Red Line Boundary revision	It is agreed that the revision made to the red line boundary following Section 42 consultation reduces interaction with the Port of London Authority area of concern.	<p><u>Not agreed.</u></p> <p><u>The revised plan (shared with the PLA in May 2018) showed a marginal decrease in the proposed area for the western extent of the site, which the accompanying statement suggested was a reduction by approximately 50%. The new western boundary had also been aligned in an attempt to allow more efficient routing of vessels travelling north east past the turbine array.</u></p> <p><u>The PLA acknowledged that its concerns had been considered, and that an attempt had been made to address them, However, the PLA still has a number of concerns regarding the proposal. The extent reduction of 50% was a 50% reduction of</u></p>	

Discussion Point	Thanet Extension Position	PLA Position	Final Position
		<p><u>the north west tip, which is a very small part of the overall proposed extension area; in practice, the reduction was therefore much smaller than the figure of 50% suggests. The reduction does not address PLA concerns regarding the reduction in sea room to the west of the windfarm, which affects the shipping corridor running north west/south east between the windfarm and the shore.</u></p> <p><u>The existing windfarm already presents challenges to Pilots, especially during busy times within the Port of London Authority's area, and particularly during periods of strong winds. The existing windfarm has already pushed vessels navigating this channel west. The extension, even with the proposed modification, would continue to push vessels further west towards shallower waters, and reduce the width of sea room by 50%. The PLA made it clear to the Applicant that</u></p>	

Discussion Point	Thanet Extension Position	PLA Position	Final Position
		<p><u>despite some changes to the proposed Application, its concerns – raised at both Scoping stage of the DCO process, and via its response to the PEIR – remain.</u></p> <p><u>The PLA invited further engagement from the Applicant in email correspondence in May 2018. Although a further meeting was held in August, this was by way of update by the Applicant, not a consultation.</u></p>	
Consultation	It is agreed that throughout the pre-application process the level of consultation and the provision of information has been sufficient in informing PLA of the development of the project and the predicted impacts on shipping and	<p><u>Not agreed.</u></p> <p><u>The PLA is disappointed at the lack of engagement it has received from the Applicant on all aspects affecting its interests. It is agreed that a number of meetings have been held, at which</u></p>	

Discussion Point	Thanet Extension Position	PLA Position	Final Position
	navigation.	<u>the PLA openly expressed its concerns, particularly with regard to the reduction in sea room and very real adverse impact this would have on shipping and navigation. The PLA has not been appropriately consulted on the detail of the NRA during drafting, nor given appropriate opportunity to consider the findings of the Bridge Simulation and Pilotage Study. The Applicant reduced a small proportion of the proposed extension on the western most tip. the PLA advised the Applicant by email that this did little to address concerns, with further invites for onward engagement. The Applicant was not forthcoming in arranging for further engagement.</u>	
Approach to NRA	It is agreed that the 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.	<u>Not agreed. Most of the data used for the NRA was from all or part of a three month period over the winter, which tends to be the quietest period of the year, for both shipping and recreational activity. Where there was seasonal variation it was still based on</u>	

Discussion Point	Thanet Extension Position	PLA Position	Final Position
		<p><u>a month that was below the monthly average for vessels using the NE Spit pilot stations and outside of the busiest months for recreational activity</u></p>	
<p>Environmental Statement Baseline and Methodology</p>	<p>It is agreed that the shipping and navigation baseline environment 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</p>	<p><u>Not agreed</u> <u>In order to assess the collision risk as part of the NRA, Marico undertook collision risk modelling using one month's worth of AIS data from December 2016.</u> <u>In December 2016 ESL served 474 vessels, whereas in August 2017 they served 578. August is also a much busier month in terms of windfarm support vessels and recreational vessels. See table below.</u> <u>The AIS data tracks that were used for the NRA were from December 2016 to February 2017. for the period Jan 2016-December 2017 these are the three quietest three months in terms of vessels served by ESL from Ramsgate. They also undertook monitoring in the area for 2 weeks in</u></p>	

Discussion Point	Thanet Extension Position	PLA Position	Final Position
		<p><u>February and June 2017, to allow for seasonal variation. However, even in June 2017 the number of vessels served at the NE Spit was below the average monthly total for the year. Also, the summer monitoring was conducted well before the peak of recreational activity, which occurs during the school summer holidays.</u></p> <p><u>Therefore the PLA cannot agree that the marine traffic survey data used were appropriate for the assessment and detail a good representation of commercial traffic in the area of the project.</u></p>	
<p>Environmental Statement Baseline and Methodology</p>	<p>It is agreed that the approach adopted in the Environmental Statement is appropriate to assess the magnitude and range of navigational safety impacts from the proposed Project on the users of commercial vessels</p>	<p><u>Not agreed - See above</u></p>	

Discussion Point	Thanet Extension Position	PLA Position	Final Position
<p>Environmental Statement Baseline and Methodology</p>	<p>It is agreed that the approach adopted in the Environmental Statement in describing collision risks is appropriate and reflects similar processes undertaken within the Port of London jurisdiction in order to inform management of marine safety.</p>	<p><u>Not agreed. The PLA does not accept the Applicant’s position that this inshore channel will be used by the same number of vessels after the scheme is implemented as before. These points are set out in more detail in the PLA’s Written Representations as submitted at Deadline 1..</u></p> <p><u>The Applicant has pointed out that the PLA has accepted a number of Marico NRA’s on the Thames for various projects in the past. However, the PLA has always been a consultee to any third party NRAs in the past so have had input into them and been able to comment on a draft of the document prior to application.</u></p>	

Discussion Point	Thanet Extension Position	PLA Position	Final Position
Environmental Statement Baseline and Methodology	It is agreed that the design parameters of the project would result in the worst case collision and allision scenario for commercial vessels.	<p><u>Not agreed.</u></p> <p><u>We do not agree that the worst case scenario for collision and allusion has been addressed. The collision risk modelling was undertaken based on AIS data from December, where the traffic is considerably quieter than in the height of summer. The wider data sets used in the NRA do not represent full seasonal variation.</u></p>	
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.	<p><u>Not agreed.</u></p>	
Environmental Statement assessment	It is agreed that the Applicant has adequately assessed navigational safety impacts on users of commercial vessels from the Project.	<p><u>Not agreed</u></p> <p><u>Due to the limitations of the pilotage study, and the chosen data sets which did not represent the range of traffic that may be encountered, we do</u></p>	

Discussion Point	Thanet Extension Position	PLA Position	Final Position
		<p><u>not believe that the navigational safety impacts have been adequately assessed.</u></p>	
<p>Accompanying documentation</p>	<p>It is agreed that the bridge simulation exercise (Application Ref 6.4.10.2) accurately reflects the study undertaken with Port of London Authority and pilotage providers and therefore accurately presents the effects on pilotage associated with the proposed project.</p>	<p><u>Not agreed</u> <u>The bridge simulation study report does reflect the runs that were undertaken in the PLA simulator, but does not accurately present the effects on pilotage associated with the proposed project. The simulation exercise that was undertaken only demonstrated that it would be possible, in certain conditions, to board and land a pilot within the area of reduced sea-room, but did not represent the full range of environmental and traffic conditions, vessels, lack of local knowledge and other situations that may be encountered.</u></p>	

Discussion Point	Thanet Extension Position	PLA Position	Final Position
Wider application	It is agreed that the physical processes chapter (Application Ref 6.2.2) adequately considers the risk of potential migration of sandwaves and accurately concludes that there is a negligible risk of effect on sandwaves within the region.	<u>The PLA assumes that the appropriate mitigation has been put in place to ensure any impact from sandwaves is appropriately dealt with and would like confirmation of such from the Applicant.</u>	
The DCO and risks of navigation channel sedimentation	It is agreed that the physical processes chapter (Application Ref 6.2.2) adequately considers the risk of potential sedimentation at a study area scale and accurately concludes that there is a negligible risk of effect of sedimentation study area.	<u>As above.</u>	

Discussion Point	Thanet Extension Position	PLA Position	Final Position
<p>The DCO and risks of navigation channel sedimentation</p>	<p>It is agreed that the Condition within the DCO and deemed Marine Licences (Application Ref 3.1) regarding bathymetric monitoring is appropriate to monitor changes in seabed morphology associated with the project.</p>	<p><u>This is a matter yet to be discussed between the Applicant and the PLA.</u></p>	

5 Matters under discussion

25 This summary section identifies those matters raised by the PLA during the pre-application consultation that have yet to be resolved and ~~are~~ will be subject to ~~ongoing~~ discussion ~~as of~~ at the ~~last~~ first substantive consultation meeting to be held with the PLA. The parties will discuss whether:

- Measures can be proposed in addition to those presented in the ES ~~are~~ which will be sufficient to minimise navigational safety impacts to users
- Mitigation measures ~~implemented~~ can be proposed which are sufficient to bring risk to tolerable levels.
- Based on the information provided within the Environmental Statement and NRA, whether the Applicant is able to amend its proposals to make the predicted impacts ~~are~~ tolerable.