

Vattenfall Wind Power Ltd

Thanet Extension Offshore Wind Farm

Statement of Common Ground – Estuary Services Limited

Relevant Examination Deadline: ~~4~~2

Submitted by ~~Vattenfall Wind Power Ltd~~ Winckworth Sherwood LLP on behalf of Estuary Services Limited

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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 Estuary Services Limited (ESL) 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 ESL 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 (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 pre-examination phase of the Thanet Extension.~~ In accordance with discussions between the Applicant and ~~the Chamber of Shipping~~ ESL, the SoCG is focused on those issues raised by ~~the~~ ESL within its response to Section 42 consultation that has underpinned the pre-application consultation between the parties. It has also been cognisant of the request made by the Examining Authority within the 'Rule 6' letter published on the 9th November 2018 and the Rule 8 letter which followed the second Issue Specific Hearing on the 12th December 2018.
- 5 The structure of the SoCG is as follows:
 - Section 1: Introduction;
 - Section 2: Consultee's Remit;
 - Section 3: Consultation;

- Section 4: Agreements Log; and
- Section 5: Matters under discussion.

1.3 The Development

- 6 The Application ~~is~~ 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 Consultees Remit

- 12 ~~Estuary Services Limited~~ ESL is a company jointly owned by the Port of London Authority ("the PLA") and the Port of Sheerness ~~Limited to provide a boarding and landing service for pilots joining and leaving ships trading to London and Medway.~~ Ltd (Part of Peel Ports Operations Limited).
- 13 ESL provides pilot boarding and landing services which those ports are required to provide. Pilotage services for the Port of London are provided from, amongst other locations, the North East Spit and the Tongue boarding stations. The proposals under the draft DCO are in close proximity to these boarding locations, with the North East Spit most affected by the proposed westwards extension of the wind farm. In addition, the proposals would encroach into existing shipping lanes, lengthening journey times into the Port of London Authority's area for services which would have to reroute around an extended wind farm.

3 Consultation

3.1 Application elements under the Chamber of Shipping's remit

14 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 Chamber of Shipping.

~~2 The ESL seek to deliver for our members trusted specialist expertise, lobbying and influence at a UK level on maritime issues across national, European and international government and governmental bodies.~~

15 [ESL provides pilot boarding and landing services for the PLA. Pilotage services for the Port of London are provided from, amongst other locations, the North East Spit and the Tongue boarding stations.](#)

16 The technical components of the DCO application of relevance to ~~the~~ ESL (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
- Application document 3.1: draft Development Consent Order (Application Ref 3.1).

3.2 Consultation Summary

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

Table 1: Consultation undertaken with the ESL pre-application

| Date & Type: | Detail: |
|-------------------------------------|---|
| August to October 2016, Pre-scoping | Email correspondence to discuss scoping |
| March 2017, Scoping | Meeting to discuss scoping |
| July 2017, Pilotage Study | Meeting to discuss pilotage study |
| August 2017 | Discussion of pilotage study |
| September 2017, Pilotage Workshop | Pilotage workshop |
| December 2017, NRA | Meeting to discuss the NRA |
| January 2018, S42 Consultation | Comments relating to the Preliminary Environmental Information Report |

3.3 Post-application Consultation

- 18 ~~VWPL has engaged with the~~ [There has been minimal engagement between VWPL and](#) ESL since the Thanet Extension development was accepted for examination by the Planning Inspectorate on 23rd July 2018. A summary of the post-application consultation with the ESL is detailed in Table 2.

Table 2: Consultation undertaken with the ESL post-application

| Date/ Type: | Detail: |
|--|---|
| Liaison through the examination process August 2018 | Receipt of the relevant representations. VWPL presentation to ESL and other parties regarding submitted application, confirmation of jurisdiction, findings of the bridge simulation. ESL were not asked for opinions or given an opportunity to comment on the application. |

4 Agreements Log

- 19 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

- 20 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 3 identifies the status of discussions relating to this topic.

Table 3: Status of discussions relating to Shipping and Navigation.

| Discussion Point | Thanet Extension Position | ESL 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>Not agreed:</u> <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 in the primary area of concern. | <u>Not agreed:</u> <u>Whilst ESL acknowledges that any red line boundary reduction would reduce interaction we do not agree that the current reduction addresses our primary area of concern. For clarity, the reduction in the RLB was not proposed by ESL.</u> | |
| Consultation | It is agreed that throughout the pre-application process the level of consultation and the provision of information has been sufficient in informing consultees of the development of the project and the predicted impacts on shipping and navigation. | <u>Not agreed:</u> <u>ESL have raised continuous and consistent concerns regarding the extension application and these have not been addressed. It is felt that the level of consultation and provision of information during the pre application process has not reflected the importance that should have been attached to the navigation consultation, nor the importance of the role of ESL in this area. After the bridge simulator study ESL were invited to one consultation, in December 2017, which</u> | |

| Discussion Point | Thanet Extension Position | ESL Position | Final Position |
|------------------------|---|---|----------------|
| | | <p><u>maintained ESL’s position of disagreement. This meeting was about the project more broadly; the simulation was not discussed and there was no specific post-simulator consultation.</u></p> | |
| <p>Approach to NRA</p> | <p>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.</p> | <p>For transparency it should be noted that the MCA have agreed this position with the Thanet Extension project. The position of ESL may agree or disagree with that position.<u>Not agreed:</u></p> <p><u>Seasonality:</u> <u>ESL does not consider seasonal representation is accurately reflected in the NRA. Whilst ESL appreciates MGN 543 does not dictate what constitutes ‘seasonality’ we would suggest that the choice of traffic study periods should be explained and possibly consulted upon with affected stakeholders prior to the NRA being published. This was not done in this case.</u></p> <p><u>Site Survey:</u> <u>Survey conducted for the minimum time frame required by MGN 543. ESL also has concerns with the area of study as the NRA states that the study (AIS/Radars/visual) was conducted from within the western extent of the development. Vessels</u></p> | |

| Discussion Point | Thanet Extension Position | ESL Position | Final Position |
|------------------|--|---|----------------|
| | | <p><u>without AIS could possibly be under represented due to the existing TOW blocking radar/visual study to the NE/E/SE.</u></p> <p><u><i>Human Factors:</i></u> <u>ESL do not consider that human factors were fully represented in the bridge simulator study. Such relevant factors would include limits on the local knowledge of Masters, differing language skills and contravention of the ColRegs (International Regulations for Preventing Collisions at Sea).</u></p> <p><u><i>Recognition of Sea Lanes:</i></u> <u>It would appear the NRA only recognises 1 sea lane and frequently describes all other possible lanes as ‘routes’. ESL believe this should have been raised/discussed with affected stakeholders as under MGN 543 the ‘routes’ included could have been considered sea lanes.</u></p> | |
| Approach to NRA | It is agreed that the Hazard Log adequately identifies the relevant risks. | <p><u>Agree that the Hazard Log adequately categorizes the relevant risks of collision, contact, obstruction, grounding and swamping/capsize. Extent of risks remains to be discussed.</u></p> | |

| Discussion Point | Thanet Extension Position | ESL Position | Final Position |
|------------------|---|---|----------------|
| Approach to NRA | It is agreed that the Hazard Log adequately quantifies and scores the relevant risks. | <p><u>Not agreed:</u> <u>We have concerns with the definitions within the hazard log and disagree with how risk has been quantified and the scores that have been applied</u> <u>a) ESL have concerns over the definition of <i>Large Commercial</i> as anything over 75m in length. This means that a cruise ship with potentially 300+ passengers carries the same scoring as a 100m feeder container vessel. The only similar characteristic we would agree with in the <i>large commercial</i> category is that they are all over 75m, the category seems too broad.</u> <u>b) A collision between a passenger vessel and a tanker has the same scoring as two small container vessels. A passenger vessel could be carrying hundreds of passengers and the consequence of collision in such a case would be far higher.</u> <u>c) ESL has concerns over some of the scoring. It is not clear why a collision between a large</u></p> | |

| Discussion Point | Thanet Extension Position | ESL Position | Final Position |
|--|--|--|----------------|
| | | <p>commercial vessel and a fishing vessel would be a 2 (people scores/most likely) but a collision between a large commercial vessel and a leisure vessel would be a 3. It is possible that this purely reflects the fact that in the second situation, there is a 'member of the public' involved. This needs to be clarified.</p> <p>d) It is unclear whether the frequency is based on the 10 movements per day stated in the NRA</p> | |
| Approach to NRA | It is agreed that the scores presented within the Hazard Log are accurate | <p>Not agreed:</p> <p>ESL have concerns about the low scoring of collisions between large commercial and fishing/leisure/small commercial and the general scoring approach.</p> | |
| Environmental Statement Baseline and Methodology | 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>Not agreed:</p> <p>ESL previously commented on these matters in its Written Responses submitted at Deadline1.</p> | |

| Discussion Point | Thanet Extension Position | ESL Position | Final Position |
|--|--|--|----------------|
| Environmental Statement Baseline and Methodology | 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 passage of commercial vessels | Not agreed. (see above). | |
| 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. | For transparency it should be noted that the MCA have agreed this position with the Thanet Extension project as presented within their relevant representation. The position of ESL may agree or disagree with that position. Not agreed. No discussions have been held with ESL regarding highly specific risk assessment issues. We expressed our concerns regarding risk assessments and their interpretation/relationship with the data presented during the pilotage and simulator study meetings. | |
| Environmental Statement/assessment | It is agreed that the ES adequately assesses impacts on shipping routes and gives appropriate weighting on routes that whilst locally important are not international shipping lanes. | Not agreed: We believe that the 'routes' should have been considered 'lanes' and that there should have been consultation with stakeholders before | |

| Discussion Point | Thanet Extension Position | ESL Position | Final Position |
|-----------------------------------|--|---|----------------|
| | | <p><u>assigning route/lane status. At paragraph 2.2 of MGN 543, it is stated that “The Merchant Shipping (Safety of Navigation) Regulations 2002 implements the Safety of Life At Sea (SOLAS) Convention Chapter V (Safety of Navigation) 2002. This applies to all vessels on all voyages, therefore for the purposes of this document “sea lanes” are considered to be IMO-adopted routing measures and potentially other sea routes transited by all vessel types.” Within this definition the ‘routes’ included in the ES could have been defined as ‘sea lanes’.</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.</p> | <p><u>Agree:</u> <u>The study reflects the events that took place during the simulator exercise.</u></p> | |
| <p>Accompanying documentation</p> | <p>It is agreed that the bridge simulation exercise (Application Ref 6.4.10.2) accurately reflects presents the effects on pilotage associated with the original Red Line Boundary.</p> | <p><u>Not agreed:</u> <u>ESL do not agree that the simulation exercise accurately reflects the pilotage operation at the North East Spit for reasons previously explained</u></p> | |

| Discussion Point | Thanet Extension Position | ESL Position | Final Position |
|------------------|---------------------------|--|----------------|
| | | <u>ESL's Deadline 1 submissions. Due to the limitation of this study ESL considers that the weight it is given in the NRA is disproportionate.</u> | |

5 Matters under discussion

- 21 This summary section identifies those matters raised by ~~the~~ESL during consultation and through the examination process 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 consultee~~ESL. The parties will discuss whether:
- The information provided within the Environmental Statement and NRA is sufficient to predict the impacts on shipping;
 - Measures can be proposed in addition to those presented in the ES which will be sufficient to minimise navigational safety impacts to users
 - Mitigation measures 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 ~~on commercial shipping are~~ tolerable.