

# **Vattenfall Wind Power Ltd**

## **Thanet Extension Offshore Wind Farm**

Appendix 11 to Deadline 2 submission: Comments on Interested Party Responses to ExA Action Points arising from Issue Specific Hearing 2 – Shipping and Navigation

Relevant Examination Deadline: 2

Submitted by Vattenfall Wind Power Ltd

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## 1 Introduction

- 1 This note has been drafted in order to provide responses to submissions made by other Interested Parties (IPs) in response to a request made by the ExA during Issue Specific Hearing 2 (ISH2) on 12/12/2018, and through reference to the ISH2 Action Points document PINS Ref EV-003.
- 2 As noted within the Applicant's Action Points submission at Deadline 1 (Appendix 28 (REP1-012)) some of the actions related closely to matters intended to be raised in Examination Questions (ExQ1) which were consolidated in the draft ExQ1 document. Detailed commentary on all ExQ1 responses received is provided in Appendix 10 of this Deadline 2 submission.
- 3 The remainder of this document presents each Action Point as recorded within PINS Ref EV-003, through reference to the received IP Action Point responses, and provides a response from the Applicant.

## 2 ExA Action 1 – Written Summaries of Oral Submissions

4 The ExA Action Point was:

5 ***Written Summaries of Oral Submissions - 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.***

6 The Applicant's written summaries of oral submissions are provided under separate documents, ISH2 oral summary being at Appendix 31 of the Deadline 1 submission (REP1-067).

7 The Applicant has reviewed other Interested Parties (IPs) oral summaries and can confirm agreement with those reviewed. For the avoidance of doubt the Applicant can confirm receipt and review of the following IP oral summaries:

- London Pilots Council – REP1-104
- Maritime and Coastguard Agency – REP1-109
- Trinity House REP1-129
- Port of London Authority and Estuary Services Limited – REPs 1-144 and 1-145 respectively

8 A single matter arising is considered relevant for consideration of the Examining Authority with regards the summary of oral submission provided by ESL. It is noted within REP1-145 that Mr Richard Jackson confirmed a general apprehension about the suitability of the simulation exercise. It is firmly the position of the Applicant that all participants were given fair and reasonable opportunity to influence the simulation, to recommend additional parameters, conditions, or indeed to submit that an alternative simulator could be used. Notwithstanding this the Applicant would draw the ExA's attention to paragraph 5.10 wherein it is suggested that the gradings were not understood. As can be seen from Appendix 25, Annex K to the Applicant's Deadline 1 submission (REP1-046) the pilotage inception report clearly suggests at section 4.1 that the grading process was submitted to participants.

9 A related matter arising that the Applicant would draw to the attention of the ExA is again the note within paragraph 5.10 regarding the use of a tug. Whilst the Applicant would agree that it would perhaps have been more representative to use a simulated pilot cutter (if this were available) the use of a less able, less dynamic, less manoeuvrable vessel would, under any measure, be considered to introduce a greater level of confidence in the outcomes of the simulation. In short, if a transfer in challenging conditions with a tug is possible, the use of a pilot cutter would only be more so.

### **3 ExA Action 2 - Initial Statement of Submissions: Port of Tilbury London Ltd (PoTLL)**

10 The ExA Action Point is:

***Initial Statement of Submissions: Port of Tilbury London Ltd (PoTLL) PoTLL is an 'Other Person' and has not made a relevant representation. It is requested to submit an initial statement of submissions providing information equivalent to a relevant representation, amounting to a summary statement of case and principle issues relevant to its case.***

11 This action was for PoTLL and the Applicant can confirm that a Written Representation has been received and responded to according to the themes emerging. The Applicant responses are provided at Appendix 2-5 of this Deadline 2 submission.

## 4 ExA Action 2(A) – Submission of Nautical Chart

12 It is noted that in PINS Ref EV-003 the following Action has inadvertently been numbered as a duplicate 'Action Point 2'. For ease of reference the Applicant has renumbered it as Action Point 2A.

13 The ExA Action Point is:

***The Applicant is requested to submit a wide area nautical chart showing and naming all primary channels into the Thames Estuary, sands, markers etc, the Sea Zones from the Sea Zones plan [OD008] and the Thanet Offshore Wind Farm Extension (OWFE) project Red Line Boundary (RLB) but excluding all other project data. The chart must extend to include the following limits:***

- ***Outer Gabbard cardinal mark;***
- ***EURO-W mid-channel marker;***
- ***North East Goodwin cardinal mark; and •***
- ***Sea Reach No.1 South channel marker.***

14 ***The Applicant is requested to locate and highlight the following existing Pilot Boarding Stations and approximate zones of manoeuvre on the chart:***

- ***Tongue;***
- ***Sunk;***
- ***NE Goodwin; and***
- ***NE Spit.***

15 The Applicant has prepared schematics which were submitted at Deadline 1 as requested (REP1-025 (Nautical Chart) and REP1-049 (Schematics of Safety Zones)).

16 Further to these submissions it should be noted that the WTG blades, and any associated physical infrastructure, must remain within the Order limits. The maximum design envelope is for a WTG swept area/blade radius of 110m, therefore WTGs and the associated safety zones will be, under maximum design scenario, 110m within the proposed Order Limits.

17 As the 500m construction/substantive maintenance works area would extend from the Centrepoint of a given WTG in reality it would not extend to a full 500m beyond the Order Limits.

## 9 ExA Action 3 – Effects on Ports and Harbours

18 The ExA Action Point is:

19 ***For each of London Gateway Port Ltd (LGPL), PoTLL and for other port facilities within the Port of London Authority (PLA) area that concern the PLA, please provide a table with supporting explanatory text showing:***

- a) ***A port baseline position for the most recent fully reported year in terms of: o annual tonnage; o split between bulk tonnage and containers (container traffic is conventionally recorded in Twenty Foot Equivalent Units (TEU));***
- aa) ***[actually labelled (a) but updated to (aa) for ease of reference]. Forecast growth year by year commencing in 2019 within the reasonable planning time horizon<sup>1</sup> (intended growth), taking account of organic traffic growth, vessel mix change trends and intended facility build-out that is within the scope of any existing consents;***
- b) ***Additional growth projections within the reasonable planning time horizon (potential growth), arising from any proposed developments currently subject to development consent processes or provided for in strategic plans but not consented (for any such developments, please identify the stage to which plans have progressed as of 2019, an indicative commissioning and a completion year);***
- c) ***Intended and potential changes in the vessel traffic mix using the port within the reasonable planning time horizon;***
- d) ***maximum draft of vessels currently able to access the port;***
- e) ***Intended and potential changes in the maximum draft of vessels using the port within the reasonable planning time horizon;***
- f) ***Any capital dredge proposals to deepen existing channels to enable access by deeper draft vessels within the reasonable planning time horizon and an indicative year at which such access might become available;***
- g) ***Any capital dredge proposals to widen or make new channels to increase capacity, rationalise or reduce the access distance to the port by any vessels within the reasonable planning time horizon and an indicative year at which such access might become available;***



- h) A statement of the number of ships projected to be diverted per annum where this is alleged to be due to the construction of the Thanet OWFE - provided for a notional base year of 2020 in which the OWFE might commence construction and for subsequent years within the reasonable planning horizon and setting out a basis for the suggested need for diversion;**
- i) An aggregate analysis of projected additional time and distance required for diverted ships to access the port per annum, [equation] where this is alleged to be due to the construction of the Thanet OWFE - provided for a notional base year of 2020 in which the OWFE might commence construction and for subsequent years within the reasonable planning horizon; and**
- j) Projected aggregate additional shipping operating costs per annum alleged to be caused by (h) and (i), for the base year and subsequent forecast years within the reasonable planning horizon.**

- 20 The Applicant notes that this Action Point was for other Interested Parties. As noted in the Applicant's response to ISH2 Action Points the Applicant submits that full consideration is given within the NRA and ES to the future baseline environment.
- 21 The Applicant notes that Port of Tilbury/London Gateway has provided responses to this Action Point, as have Port of London Authority (PLA). The responses to parts a-g of the PoT/LG response are statements regarding the current operating capacity and future plans for the ports and as such the Applicant has nothing further to comment at the current time.
- 22 The PoT/LG response to part (h) and therefore related to part (c) with regards vessel traffic mix predictions does, however, merit some further consideration by the Applicant. The Applicant would wish to draw the ExA's attention to the statements made by PoT regarding maximum vessel drafts currently accessing the ports (12.5m – 16.4m) and those forecasted to access the ports (15m-18m). In this context it is important to note that whilst PoT/LG identify 3533 and 1054 vessels per annum visit the ports, it is evident through reference to the PLA stated 'critical depth' for NE Spit which is currently 8.6m that the larger draft vessels (of which PoT/LG do not provide a breakdown) will not utilise the inshore route. Instead they would access other pilot stations. The Applicant has also noted in its Deadline 1 submission (Appendix 25, Annex M) that the critical depths for Fisherman's Gat and Princes Channel are 8.6m and 8.0m respectively. Therefore, Fisherman's Gat and Princes Channel (which are outside of the study area) are considered the areas of limiting depth for vessels transiting through NE Spit on route to terminals in the Thames Estuary (rather than depth limitations in the area of NE Spit itself).

- 23 The Applicant notes that PoT/LG are not, at this time, able to provide the information requested by the ExA to address points (i) and (j) of this Action, so no response from the Applicant is therefore provided.
- 24 Port of London provided further information identifying the contribution of PoT/LG in addition to the wider Port forecast as requested by the ExA. Again, at this stage the Applicant has no comment to make on what it is assumed are factual responses to points (a) to (h), noting again that the maximum draft identified by PLA for access of the wider port is in excess of what the PLA would consider appropriate for vessels making passage in the ‘inshore route’ (~16m with a maximum draft of 15.8m accessing the Port in 2018). Again, as with PoT/LG the PLA have not provided a response to point (h) due to the availability of data. The Applicant would note that the number of vessels accessing the ‘inshore route’ on an annual basis has been identified within the application documents, further information with regards the activities being undertaken (anchorage/pilotage) is provided at Appendix 3 to this deadline 2 submission. It is the Applicant’s position that there remains sufficient searoom to undertake pilotage and vessel management manoeuvres following the introduction of the proposed Thanet Extension project. Further information to this end is provided in Appendix 3 of this Deadline 2 submission, on the theme of Written Responses in relation to ports/re-routeing.
- 25 As for PoT/LG the Applicant notes that PLA have been unable to provide the information requested by the ExA to address points (i) and (j), no response from the Applicant is therefore provided.

## 5 ExA Action 4 – Consideration of Thanet OWFE in Tilbury 2 NSIP Application Documents

26 The ExA Action Point is:

***Please submit the Tilbury 2 NSIP examination document library as an entry to the examination document library for this examination.***

***Please identify if and if so where in the Tilbury 2 NSIP Application and Examination document set the effects of the Thanet OWFE proposal were addressed.***

***Where any hearing participants refer to shipping traffic forecasts or projections taking account of the potential development of Tilbury 2, these are requested to be based on data available in the Tilbury 2 NSIP application document library.***

***Where any hearing participants cite an individual reference within the Tilbury 2 NSIP examination document library, please identify the relevant document by name, PINS library document reference [in square brackets] but appending the prefix T2, document section and/or page number.***

27 The Applicant notes that PoT have confirmed that no consideration was given to the Thanet Extension project as part of the Tilbury2 DCO application, the study area being limited to the immediate area of the proposed port. It is also noted that navigational issues beyond the study area were explicitly left to the PLA as competent harbour authority (PoT Navigation Risk Assessment). If the increase in vessel traffic as a result of PoT expansion in combination with the continued expansion other local ports would potentially lead to impacts beyond the immediate area of the development, the assumption is that this would have been considered by the PLA. Given no concerns appear to have been raised on this matter during the examination of Tilbury2 DCO, the Applicant questions why this now considered an issue in relation to Thanet Extension, a project that was sufficiently developed to be appropriately considered during the examination of Tilbury2.

## 6 ExA Action 5 – Fishermans Gat

28 The ExA Action Point is:

***Is there a live proposal to capital dredge Fishermans' Gat? If so, from what year would this be operational and to what depth would the channel then be maintained and what would be the maximum draft of vessels using the channel?***

29 As confirmed at Deadline 1 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 via the PLA, MMO Marine Case Management System (MCMS) or the PINS project register, and so does not consider this reasonably foreseeable in the context of projects that should be included within the cumulative effect assessment.

30 PLA confirm within their response to this Action Point that a project is underway, however it is not understood if this project is subject to the EIA Regulations, and therefore being scoped/assessed as an EIA project, or has been considered for a Habitats Regulations Assessment, given it sits within the Margate and Long Sands SAC. As there remains no publicly accessible information on this proposal it is also unclear if this is related to the Tilbury2 development in order to facilitate access to the port, and if it would therefore form part of a plan or project for consideration within the Tilbury2 cumulative assessment.

## 7 ExA Action 6 – Use of the inshore vs offshore channels and effects of diversions

31 The ExA Action Point is:

***Use of the inshore [PINS foot note] vs offshore [PINS footnote] channels and effects of diversions Please provide evidence to support the assertion that the Thanet OWFE will entail a 90 min / 25 nm increase in approach or departure for shipping.***

- a) What assumptions are made about the size, draft and channel routing of vessels leading to this conclusion;***
- b) What are the fuel cost consequences of this diversion;***
- c) What if any relevant additional air emissions and/or air quality effects might flow from this diversion; and***
- d) If there is a Fisherman's Gat capital dredge proposal, could it mitigate this diversion and if so, to what extent?***

32 This action has not been applicable to the Applicant however the Applicant has provided responses to the Written Representations with regards 're-routeing' matters at Appendix 3 of this Deadline 2 submission.

33 As noted at Deadline 1 it is the Applicant's position that in the most onerous route diversion scenario where a vessel might determine to not transit to the west of the extension (i.e. route 4 from *Figure 46 and Table 10 of the Navigation Risk Assessment Application Ref 6.4.10.1*), and instead elect to transit round the east/north, then the increase in distance would be 11nm from 14nm to 25nm which equates to 40 minutes of transit time as opposed to 90 minutes for 25nm distance (at 16.67kts). It appears to be the case that PLA and PoT/LG base this distance on a vessel re-routeing around the proposed array boundary (and past 2 existing pilot stations) before then 'dipping down' to the NE Spit pilot station. It does not however account for the fact that this would be unlikely, and furthermore not reflective of current practice which is frequently for the pilot vessel to operate 3.5nm north of the NE Spit pilot diamond. As noted by Simon Moore on behalf of the Applicant during ISH2 this is recognised to be the case as it represents a saving in pilot 'downtime' as the pilot boat can get to the next ship more rapidly than if it were to wait for the next ship to arrive at the pilot diamond.

34 Whilst the distances above were calculated for completeness within the assessment it is the Applicant's view that this alternative transit is not a requirement as Route 4 remains navigable, for reasons explained at the ISH and in the NRA.

## 8 ExA Action 7 – Red Line Boundary (RLB) Reduction Requests:

35 This ExA Action Point is:

***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.***

36 The Applicant has noted the received proposals for all IPs, and notes that they are in essence the same. It is the Applicant's position that not only would this render the project commercially unviable it is, more importantly entirely unnecessary when considered in the context of the baseline information and current usage of the area. Appendix 2 and 3 of this Deadline 2 submission provides further information with regards the commercial viability for the proposed project and consideration of the necessary searoom to accommodate vessels turning, passing, and undergoing pilotage operations. Reference is made throughout to MGN543 Annex 3.

37 The Applicant notes in particular that ESL and PLA have both identified a need to potentially move the Tongue Deep Water diamond from its current location (1.7nm north west of the existing OWF boundary) to 2.5nm north west of its current position due to the proposed boundary reducing the space between the diamond and the existing boundary from 1.7nm to 0.7nm. The Applicant considers this to be excessive and based on an assumption that the NE Spit pilot station would no longer be used, which the Applicant disputes. The Applicant has provided evidence as to why it considers this not to be the case in response to ExQ1 and relevant representations at Deadline 1, with further response to Written Representations being included at this Deadline 2.

38 The Applicant also notes PLA's consideration that moving the no anchoring line running from the East Margate buoy to the Elbow buoy would reduce the size of the anchorage, and push vessels into the Deepwater anchorage at the Tongue. The Applicant notes this response but has not at this stage suggested changing the anchorage arrangements at Margate Roads. The PLA also mention further searoom limitations within their response to this Action Point. To avoid duplication the Applicant has collated a thematic document on re-routeing/searoom at Appendix 3 in order to bring together all stakeholder concerns and representations and address them together.

## 9 ExA Action 8 – Reduction Requests: Responses and Commercial Viability Analysis

39 The ExA Action Point is:

***Where proposals are submitted in response to ISH2 Action 7, please provide an in-principle response.***

***Is the proposal accepted or (for reasons) rejected in whole or part;***

***If the effect of a RLB reduction request would be to leave insufficient array area for a commercially viable project, this should be identified.***

40 The Applicant can confirm that further information is provided at Appendix 2 to this Deadline 2 submission.

## 10 ExA Action 9 – Navigation Risk Assessment (NRA) Survey Effort

41 The ExA Action Point is:

***Please clarify the source and content of the additional 3 month winter AIS data set employed in the NRA [APP-089], in addition to the standard summer and winter survey periods referred to. Please explain how this additional data has been aggregated into the summer and winter survey data.***

42 The Applicant provided a detailed response to this at Deadline 1 and notes that no other IPs have provided alternative information in response to this Action Point. The Applicant therefore has no further comment to make at this stage.



## 11 ExA Action 10 – Marine Guidance Note (MGN)543

43 The ExA Action Point is:

***Any allegations of MGN543 non-compliance 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.***

44 Whilst the Applicant was not requested to specifically comment to this, the view was expressed at Deadline 1 that the data collected used is compliant in accordance with MGN543 (and indeed the NRA has also been undertaken in compliance with MGN 543) and has been agreed as acceptable by the MCA as reflected in the MCA relevant representation (RR-050), and reflected by Trinity House in their Oral Submission at ISH2.

45 There has been no detailed dispute with the methodology adopted including the collection of data prior to Deadline 1.

46 In response to this Action PoT/LG identified that neither party was consulted regarding the proposals. Whilst the Applicant accepts this to be the case, it is also the case that engagement has been undertaken with Port of London Authority, the statutory harbour authority. The detailed response regarding the extensive consultation undertaken was provided at Deadline 1 (REP1-007 and REP1-082). Furthermore consultation was undertaken with Ramsgate Harbour, and other relevant stakeholders not least the MCA as the statutory authority for marine navigation in this area, as well as Trinity House and ESL. As such the Applicant remains of the position that the consultation requirements of MGN 543, and as required under Section 42 of the Planning Act 2008 have been adhered to.

47 Within their WR PLA and ESL identify that *'most of the data used for the NRA was from all or part of a three month period over winter, which tends to be the quietest period of the year'*. The Applicant has demonstrated that for the purposes of initial analysis, such as the PEIR a 3 month AIS dataset was utilised. The Applicant has also confirmed that this was complementary to, rather than used in lieu of, the MGN543 compliant dataset captured during the winter of 2016/2017 and the summer of 2017; this is in line with standard practice.

## 12 ExA Action 11 – The RLB and Safety Zones

48 The ExA Action Point is:

***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. If in your submission it can, please provide a plan showing the proposed RLB with an additional pecked boundary representing the aggregate maximum extent of waters outside the RLB that can be affected by safety zones.'***

49 The Applicant has prepared schematic plots, included at Annex C of Deadline 1 submission, showing the relationship between a turbine location and the RLB and the maximum extent of safety zones that are applicable during construction and operation phases. The statement made by PoT/LG is not accurate in that they state a turbine could be placed anywhere within the RLB, for the reasons stated at Deadline 1 (in part due to the need to ensure turbine blades do not oversail the RLB) a 500m roaming safety zone would start from up to 110m within the RLB (under a maximum design scenario).

50 It is noted that the only further commentary on this matter from the MCA and Trinity House relates to a request regarding the MGN543 checklist, which was submitted with the Application. The Applicant has therefore submitted the checklist with this Deadline 2 submission (Annex E to Appendix 10).

### 13 ExA Action 12 – PLA Cooperation Plan

51 The ExA Action Point is:

***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 forwards.***

52 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. A similar approach has been proposed (and agreed) for the local fishing industry through the Fishing Liaison and Coexistence Plan (PINS Ref: APP-143)

53 Vattenfall already engage with the PLA and other local marine users such as Ramsgate harbour on an informal basis in the management of the Thanet Offshore Wind Farm. This cooperation plan would seek to formalise that process, ensuring regular communication and promulgation of information is provided to the PLA. This approach and the proposed contents of the plan is set out in Control ID No. 4 Table 21 of the Navigation Risk Assessment (NRA) (PINS Ref APP-089).

54 Given the wider concerns raised by a number of stakeholders in written representations, the Applicant is preparing an outline shipping cooperation plan which will set out the principles which will inform a detailed cooperation plan to be provided to PLA.

55 No other stakeholders have provided comment on this matter.

## 14 ExA Action 13 – Effects on Pilot Service Efficiency and Cost

56 The ExA Action Point is as follows:

***Present a model of the cumulative effects of Thanet OWFE on the Pilot service as a whole, including the need for longer Pilot deployments, the number of vessels able to be served with the existing Pilot complement, the suggested need for more Pilots and any change to the cost of Pilotage to the customer.***

57 Whilst this question was not for the Applicant, the Applicant noted at Deadline 1 that as concluded in the Pilot Transfer Bridge Simulation report (PINS Ref APP-090/ 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.

58 In their response to this Action Point the PLA/ESL have noted that transferring activities to the Tongue, instead of NE Spit would result in 1680 hours of additional pilotage time, whilst relocating to the NE Goodwin would result in 300-400 additional hours per year. The Applicant maintains, as detailed above, that the NE Spit pilot station remains viable. Further information is provided in Appendix 4 to this Deadline 2 submission.

## 15 ExA Action 14 – North East Spit Sea Room

59 The ExA Action Point is as follows:

***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.***

60 The Applicant prepared a series of analytical schematic plots to support ExA Question 1.12.1 (the full detail of which is presented at Annex M to Appendix 25 to the Deadline 1 submission) that demonstrate a breakdown of traffic. The schematics utilise the vessel traffic survey data and show the following three key vessel activities in this area of concern with subplots analysing traffic by vessel draught, vessel length and vessel type. Volumes of traffic are tabulated on a per/24hr, 1 month and annualised basis.

61 The Applicant notes that PoT/LG and PLA have both provided information regarding space at the NE Spit, as have LPC. A detailed response on this matter has been provided in a thematic document considering the potential for re-routeing, turning circles of vessels, and the necessary searoom for vessels transiting the inshore route. This latter information is made through reference to Annex 3 of MGN543.

## 16 ExA Action 15 – North East Spit as a Pilot Location for Deeper Draft Vessels in Adverse Met-Ocean Conditions.

62 The ExA Action Point is as follows:

63 ***Is it the case that North East Spit Pilot Station is used by larger vessels in circumstances where other stations (eg SUNK) come off station due to adverse conditions?***

64 ***If so, please explain what effect your conclusions on Action 14 might have for the number of days per annum in which such vessels will be able to access a Pilot? What implications would such a change have for Ports?***

65 The Applicant notes that this has been stated by ESL and PLA, and note that the IPs state that NE Spit is used by vessels up to 300m in length and 12m in draft. The IPs also note that the number of days in the year when a pilot stations is down would increase if NE Spit were not used; no information is provided by them as to how many days this may happen.

66 The Applicant notes that PoT/LG also do not provide an understanding of the numbers of days that may be affected if the operations at NE Spit were to change. It remains the Applicants position that pilotage operations remain viable, and further information is provided at Appendix 4 to this Deadline 2 submission.

## 17 ExA Action 16 – Masters’ and Pilots’ Opinion on Vessel Proximity to Operation WTGs

- 67 The ExA requested provision of a ***professional opinion on the closest safe distance between vessels and WTGs in an operation OWF. If relevant please respond identifying the different distances relevant to a range of vessel lengths, draughts and changes in metocean conditions.***
- 68 With respect to the existing wind farm, the Applicant noted at Deadline 1 that 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.
- 69 This is reflected by LPC in their response to this Action Point, at para 16.1.
- 70 PoT/LG, consider that it should be 1nm
- 71 PLA note that this distance is 0.5nm but note that this can increase according to tidal conditions.
- 72 It remains the Applicant’s position that a ‘prudent marine buffer’ is 0.5nm. This was evidenced at Deadline 1 by reference to current practice by London Pilots navigating large container ships over 300 metres in length with drafts in excess of 13 metres through the Knock John Channel which is at the south end of the Black Deep. In places this channel is only 2 cables (0.2nm or 370 metres wide) and assuming the vessel favours the middle of the channel it passes just 1 cable (0.1nm or 185 metres) from navigation buoys with shoal water present close to the edges of the navigation channel. Often the passage is completed at relatively high speeds in excess of 16 knots.

## 18 ExA Action 17 – Pilot Transfer Bridge Simulation Report

73 The ExA Action Point is:

***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 it is of limited reliability, please record your reasons for reaching this conclusion.***

74 The Applicant has responded to this Action within the response to ExQ 1.12.3 at Deadline 1, and remains of the view that the ExA should rely upon the bridge simulation as an adequate study as a component of the wider assessment undertaken in the overall NRA and which followed a methodology which had been accepted and supported by stakeholders during consultation.

75 Whilst the Applicant has noted the extensive consultation undertaken to inform the pilotage simulation, and provided further information at this deadline 2 submission at Appendix 4, the Applicant would note that the simulation forms but one facet of the NRA. Whilst it is disappointing that some participants have since sought to question the process, despite not having done so previously, the pilotage simulation was undertaken in adherence to the MGN543 hierarchy of assessment and in consultation with the PLA and PLA Harbour Master Cathryn Spain to complement the wider NRA and to seek to develop discussions that were ongoing with regards pilotage studies. The pilot simulation demonstrated continued feasibility of operations, however assessment the safety of navigation for pilotage and other marine uses comes from the wider NRA including collision risk modelling and as such does not rely on the outcomes of the simulation in the conclusion that risks are ALARP.

76 It is the Applicants view therefore that the ExA can ascribe weight to the pilotage simulation, but it should be seen as complementary to, but not a replacement of the wider NRA.



## 19 ExA Action 18 – PLA and Other Port / Services / Regulatory Risk Data

77 The ExA Action Point is:

***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.***

78 This Action was not applicable to the Applicant but the Applicant noted at Deadline 1 that during consultation with the MCA and Trinity House it has been confirmed that the risk logs and datasets used are fit for the purpose of undertaking a NRA.

79 The Applicant can confirm that neither PoT, PLA/ESL, LPC have provided data or reference to appropriate data sources. The MCA have noted the conditions under which incidents may be reported, and the Applicant agrees with these. Should empirical data form the basis of MCA's reference to HMCG, the Applicant would welcome the review of it.

## 20 ExA Action 19 – NRA ‘Disconnect’ Resolution Workshop

80 The ExA Action Point is:

***In circumstances where there was dispute at the hearing about the extent and timing of stakeholder engagement in the NRA [APP-089] drafting process, the Applicant undertook to reflect on the value of and participation in a workshop with NRA stakeholders at this point in Examination, seeking to resolve broad areas of disconnect around methodology and findings.***

81 The Applicant sought input from a wide variety of stakeholders when forming the baseline data and approach to NRA in December 2017 and January 2018, as set out in the consultation table on page 10-3 of the Shipping and Navigation ES Chapter (PINS Ref APP-051). Following this consultation, discussions on the content and outcomes of the NRA have been focussed with the MCA as statutory body responsible for marine safety in the waters around the Project.

## 21 ExA Action 20 – Social and economic effects on Ports, Shipping and Related Services

82 The Applicant notes that this Action Point has not been numbered within document EV-003 but has been ascribed ExA Action Point 20 for ease of reference. The ExA Action Point is:

***Please identify and to the extent possible, quantify any alleged residual effects from the construction, operation and decommissioning of the Thanet OWFE, and identify whether you consider these to be relevant and important matters for consideration in the planning balance and acceptable or otherwise in terms of relevant NPS policy. Where effects are argued to be unacceptable, please provide reasons.***

83 The Applicant notes that this question is not for the Applicant however wishes to note that socio-economic effects are an inherent part of the assessment and are included in the NRA and also the ES Chapter 10.

84 The Applicant notes that responses to this Action Point have been received by PoT/LG, and responses to these, with regards re-routeing, are presented at Appendix 3 of this Deadline 2 submission.

85 The Applicant also notes that PLA consider the proposed project may result in the Port of London being less attractive. Again responses to these are provided in Appendix 3 of this deadline 2 submission, identifying that the likely re-routeing, whilst in the Applicant's view is not required, would result in a deviation of approximately 45minutes. It is the Applicant's position that a delay of 45 minutes would simply be factored in to the standard passage planning process.