

INFRASTRUCTURE PLANNING

THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010

THE THANET EXTENSION OFFSHORE WIND FARM ORDER

Summary of Oral Submissions made at ISH9 and comments on the Applicant's dDCO submitted on behalf of the Port of London Authority and Estuary Services Limited
(Rule 8 letter 18 December 2018)

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Author	Winckworth Sherwood LLP
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Minerva House
5 Montague Close
London
SE1 9BB
DX: 156810 London Bridge 6

T 020 7593 5000
F 020 7593 5099

www.wslaw.co.uk

Winckworth
Sherwood

**Solicitors and
Parliamentary Agents**

1. Introduction

- 1.1 This document contains a summary of the oral representations made by both the Port of London Authority (“the PLA”) and Estuary Services Limited (“ESL”) at ISH9 on the draft Development Consent Order (“dDCO”). The comments made by Ms Alexandra Dillistone at ISH9 are reflected of the comments of the PLA and ESL on the dDCO as a whole. Therefore, this document is also the PLA and ESL’s submission to comply with the Deadline 5 requirement to submit comments on the Applicant’s dDCO.

2. Comments on Article 16 of the dDCO

- 2.1 As the point raised by the PLA at the previous dDCO ISH in relation to Article 16, Ms Dillistone raised again the point that the PLA ought to be included within Article 16 as a party which should be notified of the precise locations of the foundations of the various structures which will be constructed as part of the authorised project.
- 2.2 The PLA has accepted that, unlike comparable Orders, no protective provision is made for the PLA as the structures will be sited outside of the PLA’s harbour area. However, as a party with VTS operations in the area and given that the PLA is responsible for the issuing of notices to mariners, the PLA considers that its inclusion is necessary in this Article. The necessary protection is not afforded for the PLA elsewhere in the Order, and it needs to be given advance notice of the location of the structures in the area within which it is responsible for VTS and issuing notices to mariners.

3. Comments on Structures Exclusion Zone

- 3.1 Ms Dillistone raised a number of points which required clarification as regarding the Structures Exclusion Zone (“SEZ”). In order to avoid potentially unintended consequences, the PLA and ESL would like for there to be clarity on precisely what types of structures are excluded from the SEZ.
- 3.2 Additionally, concerns were raised by Ms Dillistone that the wording “subject to the area identified on the offshore works plan as the structures exclusion zone” was insufficient to provide certainty as to which works were being excluded and that the “temporary” nature of the exclusion left it uncertain as to the duration for which activities would be excluded.
- 3.3 Finally, there is a lack of clarity about the permitted uses of the SEZ during construction and those during operation.
- 3.4 As it stands, the SEZ does not achieve the same outcome as the PLA and ESL’s requested amendment to the Red Line Boundary (“RLB”). Ms Dillistone suggested that a possible solution would be to have a complete prohibition on activities within the SEZ but with some limitations, for example to allow for a cabling corridor. The PLA and ESL have no in principle objection to cable installation.

Structures covered by SEZ

- 3.5 Under Article 4, the undertaker has the power to “construct, operate, use and maintain the authorised project”. The authorised project covers the authorised development (Part 1 of Schedule 1) and any other development within section 32 of the Planning Act 2008. The Order also authorises the ancillary works (Part 2 of Schedule 1).
- 3.6 According to the Works Plan (Offshore), the Works which could be done in the area which will become the SEZ are Works 1, 2 and 3. This would be alongside the ancillary

works. However, as currently drafted, only Work Nos, 1(a), the 34 wind turbines, and Work Nos. 2 and 3 are excluded from the SEZ. Work Nos 1(b) to (d) – being the meteorological mast, Floating Lidar Device and wave buoy, and an unlimited quantity of inter-array subsea cables and fibre-optic cables – are not subject to the exclusion and so may still be placed within the SEZ. Ms Holgate clarified that this was not the intention and that the drafting of the dDCO would be changed according.

Scope of exclusion – excludes placement of structures only

- 3.7 The scope of the exclusions in the SEZ extends only to the placement or erection of structures; see paragraph 3(2) of Schedule 1 (Part 3) and paragraph 23 of Schedule (Part 4). The SEZ exclusion therefore places no limitation on the use of the SEZ for construction, operation, maintenance or decommissioning of any works required in connection with the remainder of the wind farm. Ms Dillistone acknowledged that the use of an SEZ is not without precedent, but stated that because of the very limited nature of the SEZ that is proposed as part of this Application, that the PLA and ESL do not believe that it achieves the limitations on activities within the SEZ that would give the PLA and ESL comfort about the risks posed by the proposed extension of the wind farm.
- 3.8 Ms Dillistone therefore suggested that a more effective drafting solution would be to clearly identify that all activities – including those linked to construction, operation, maintenance and decommissioning – are excluded within the SEZ, but provide an exception for the laying of a specified number of cables within an identified corridor that are needed to connect the wind farm. Ms Holgate agreed to consider this proposal and to contact Ms Dillistone about drafting changes to the dDCO in advance of Deadline 5.

Winckworth Sherwood LLP
Solicitors and Parliamentary Agents
On behalf of the Port of London Authority and Estuary Services Limited
29 April 2019