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Your ref: **20012643**
Our ref: Thanet Extension Offshore
Windfarm Project (EN010084)

29 April 2019

Dear Sir/Madam

Thanet Extension Offshore Windfarm Project (EN010084) ISH8 Shipping and Navigation: Hearing Action Points

Thank you for the opportunity to provide a written submission at Deadline 5 on the Action Points arising from ISH 8 Shipping and Navigation. The MCA's remit for offshore renewable energy development is to ensure that safety of navigation is preserved, and our search and rescue capability is maintained, whilst progress is made towards government targets for renewable energy.

The MCA would like to confirm that the Statement of Common Ground (SoCG) between MCA and Vattenfall has not yet been agreed, and we are not able to confirm acceptance of the 'agreed' positions currently showing within the draft SoCG. The MCA hopes that discussions will progress, and we will then be in a position to agree some (if not all) of the SoCG by the next deadline.

In response to the Examination Authority's Action Points raised at Issue Specific Hearing 8 (ISH8) held on 16 and 17 April 2019, the MCA would like to comment as follows:

Action 4: Policy Position on Sea Lanes or Routes

IPs to submit final policy positions on the questions of:

a) which (if any) routes approaching London and Sheerness ports does the definition of '...recognized sea lanes essential to international navigation...' apply, with reference to UNCLOS 1967; and whether the proposed TEOW development could cause interference with their use (NPS EN-3 para 2.6.161).

And:

b) which (if any) routes approaching London and Sheerness ports does the definition of 'strategic routes essential to regional, national and international trade' (NPS EN-3 para 2.6.162) apply, and whether or how the proposed TEOW development could



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cause 'disruption or economic loss to the shipping and navigation industries with particular regard to approaches to ports' (NPS EN-3 para 2.6.162)

The MCA's position remains the same as our response to the Examining Authority dated 5 March 2019 on the ISH5 Action Points at deadline 3. The area of concern is an area of sea to the west of the existing Thanet windfarm and while it is not an IMO designated routing measure, the area of sea is actively used by all vessel types, including large commercial and international vessels. It is therefore considered an essential area for navigation and of strategic importance for vessel operation and accessing ports. The SUNK TSS and Dover Straits TSS, both internationally recognised and established sea lanes, are in close proximity to the north and south of the TEOW site and, therefore in an operational sense, the area of sea should be treated as a recognised sea lane.

Action 5: Policy Considerations – EN-3 para 2.6.166

Relevant IPs to respond in writing to the question of whether the scheme has been 'designed to minimise [the] effects on recreational craft and that appropriate mitigation measures, such as buffer areas ...allow for recreational use outside of commercial shipping routes'?

The MCA would like to ensure that as part of the mitigation measures, the turbine layout is designed in accordance with MGN 543 with multiple lines of orientation, and appropriate lighting and marking.

Action 10: Maritime and Coastguard Agency oral submissions

Maritime and Coastguard Agency and THLS to submit a written copy of their oral submissions in relation to ISH8 Agenda Items 5 and 6 at D5. They are requested to add observations on the conduct of the March and April stakeholder workshops including whether they consider that there might be scope for additional mitigation and risk controls to be introduced to achieve or to reduce to lower in the range of As Low as Reasonably Practicable (ALARP) mitigation of any of the primary navigation risks that have been identified by the Applicant.

During its oral submission, the MCA noted that the applicant's approach to undertaking the NRA is generally in line with MGN 543. However, it is the detail that informs the assessment and the result that are not agreed. This disagreement is based on IPs' qualitative assessment which must be considered in addition to somewhat purely quantitative assessment presented by the applicant. The MCA was content for local IPs to lead on local issues not agreed under Agenda Item 5.

The MCA provides a methodology guideline for assessing risk titled "*Methodology for Assessing the Marine Navigational Safety & Emergency Response Risks of Offshore Renewable Energy Installations (OREI)*", which is based on the IMO's Formal Safety Assessment for its rule-making process. A Hazard Identification Study is, understandably, the most common technique for assessing risks to shipping and navigation from Offshore Renewable Energy Installations and the recommended process is described in chapter 5. Usually, a full hazard identification workshop takes place before an NRA is completed, and well before planning applications are submitted to PINS, thus allowing time to study the results, resolve issues and obtain agreement with the IPs.

The MCA's observation of the workshop held on 29 March 2019 was that the applicant was constrained by the need to produce a revised risk assessment in a very short time period, due to the tight deadlines in the examining procedure. As such only four hazards were explicitly assessed with the IPs after which the applicant completed the scores for the remaining 14 hazards without direct IP input. Risk control measures were not discussed during this workshop. During the telephone conference with the IPs on 2 April 2019, none of the scores were discussed either. Instead, the IPs raised concerns on the suitability of the hazard list.

The applicant submitted their NRA Addendum on Friday 5 April 2019 (Deadline 4B) and IPs had just three working days to review the document and provide their comments by 10 April 2019 (Deadline 4C). Such tight timescales did not provide adequate time for IPs to give enough consideration for their concerns and it did not provide any time to allow discussion of these concerns for finding an agreed position. The applicant should have allowed for more time to conduct additional stakeholder engagement, with ideally a full hazard identification workshop with all relevant IPs held in advance of the planning application to the Examining Authority to ensure agreement of the risk assessment.

Whilst the risk assessment may have resulted in risk scores that the applicant deems tolerable with mitigation, these mitigation measures or risk controls have not been agreed between the applicant and IPs. The MCA would therefore recommend that, in order to reduce risks to ALARP, the applicant further considers increasing the available sea room between the NE Spit buoy and SEZ boundary to a distance that is acceptable for continued safe pilot transfer operations.

With regard to the risk control measures identified in the Chapter 5.5 of the NRA Addendum, the MCA has the following points to make:

- a. Paragraph 134 - 'Promulgation of Information' should be an embedded risk control measure. The issuing of Notices to Mariners, notification to fishing industry and the charting of hazards is a very common risk control measure utilised within the shipping industry in order to ensure other vessels in the vicinity can safely plan and conduct their passage.
- b. Paragraph 143 - 'Optimise TEOW line of orientation and symmetry' is a duplicate of 'Layout plan to be submitted to MCA [and Trinity House] for approval prior to construction' in Paragraph 133. Part of this approval process is to ensure the turbine layout design allows for vessels and SAR helicopters to safely transit through the wind farm, therefore it aims to optimise line of orientation and symmetry.

Action 20 – Updated Simulation Report

The MCA will comment on this action at the appropriate deadline, as per Action table.

Development Consent Order

Having considered the ISH9 Hearing Action Points on the Development Consent Order the MCA will provide its comment on the draft DCO at Deadline 5A.

Yours faithfully,

Helen Croxson
OREI Advisor
Maritime and Coastguard Agency