

**INFRASTRUCTURE PLANNING**  
**THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010**  
**THE THANET EXTENSION OFFSHORE WIND FARM ORDER**

---

**Comments on the draft Development Consent Order submitted by the Applicant at Deadline 5 submitted on behalf of the Port of London Authority and Estuary Services Limited**

---

Unique Reference Number	EN010084
Document Ref.	PLA 20 / ESL 20
Author	Winckworth Sherwood LLP
Date	3 May 2019

---

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](http://www.wslaw.co.uk)

**Winckworth**  
Sherwood

**Solicitors and  
Parliamentary Agents**

DCO reference	Comment
<p>Article 16 – Public rights of navigation</p>	<p>The PLA has raised at previous ISHs that it is essential for navigational safety for the PLA to be notified of the precise locations of the foundations of the various structures which will be constructed as part of the authorised project. It should therefore be included within Article 16.</p> <p>No protective provision has been made for the PLA, which is a departure from previous Development Consent Orders which affect the PLA’s operations. The PLA accepts the lack of protective provisions in this case, as the structures will be sited outside of the PLA’s statutory harbour area. However, as a party with VTS (Vessel Traffic Services) 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 and to do otherwise would prejudice navigational safety. 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. The PLA is responsible, as VTS provider, for managing shipping traffic, suggesting best routes and ensuring that vessels are on routes that do not conflict with each other, or with marine structures. Without knowing where the structures will be, the PLA will be unable to perform this function in full, which may increase the navigational and collision risk to vessels.</p> <p>The action points arising from ISH9 included a request from the ExA that the Applicant engage directly with the PLA about whether the PLA ought to be a named notifiable party. The Applicant has not amended the wording of Article 16 in the revised dDCO submitted by the Applicant at Deadline 5 to include the PLA, nor has it given any comfort to the PLA as to how the risk to navigational safety will be mitigated. The continued exclusion of the PLA from the notice requirement in the latest dDCO is therefore of critical concern for the PLA.</p>
<p>Schedule 1 Parts 1 and 3</p>	<p>The PLA and ESL welcome the amendments made by the Applicant at Deadline 5 to the dDCO.</p> <p>The amendment to paragraph 6 of Part 3 of Schedule 1 helpfully clarifies that no infrastructure that forms part of Work No. 1 (a) to (c), Work No. 2, in connection with Work No.s 1 to 3, Further Work (a), nor Ancillary Works (a), (c) and (d) may be installed within the structures exclusion zone (SEZ). And no part of any wind turbine generator, including its blades, may oversail into the SEZ. This, together with the deletion of the “subject to” wording in Part 1 of Schedule 1 resolves the PLA and ESL’s concerns with that previous wording and the uncertainty as to which of Work</p>

	<p>Nos. 1 to 3 were being excluded and that the “temporary” nature of the exclusion.</p> <p><i>Cabling works within SEZ</i></p> <p>The laying and maintaining of cabling will still be permitted within the SEZ. The PLA and ESL recognise the need for cabling, to provide a connection for the proposed wind farm extension. However, it is still unclear as to where precisely these cables will be and the timing of cabling works. As a result, the Applicant would be permitted by the DCO to interfere with navigation within the SEZ for an unlimited period and over an unlimited area within the SEZ. This clearly does not achieve the certainty which the PLA and ESL are seeking when it comes to resolving their concerns in so far as they relate to the use of the SEZ by the Applicant and the impact of that use on navigational safety.</p> <p><i>Construction, operation, maintenance and decommissioning</i></p> <p>The amendment to paragraph 6 of Part 3 of Schedule places a limitation on the “installation” of certain Works within the SEZ. It does not limit the use of the SEZ for the operation, maintenance or decommissioning of Works which are not within the SEZ. The Applicant will therefore have the power to use the SEZ in connection with the operation, maintenance and decommissioning of the rest of the wind farm. These activities, if undertaken within the SEZ, could be highly disruptive to navigation and pose a risk to navigational safety, as described in detail in the PLA and ESL’s previous submissions and those of other IPs. The PLA and ESL would therefore request that the dDCO be amended to exclude the use of the SEZ other than for cabling, provided that the cable locations and associated works are clearly identified and limited on the works plans.</p>
Schedule 11 Part 4	<p>In relation to paragraph 5 of Part 4 of Schedule 11, see comments on Schedule 1 above under the heading ‘<i>Construction, operation, maintenance and decommissioning</i>’, and the issues that arise from restricting the SEZ activities to “installation” only.</p>