

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

Comments on the ExA's commentary on the dDCO submitted on behalf of the Port of London Authority and Estuary Services Limited

| | |
|-------------------------|-------------------------|
| Unique Reference Number | EN010084 |
| Document Ref. | PLA 22 / ESL 22 |
| Author | Winckworth Sherwood LLP |
| Date | 28 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

Winckworth
Sherwood

**Solicitors and
Parliamentary Agents**

The Thanet Extension Offshore Wind Farm Order
Port of London Authority and Estuary Services Limited
Comments on ExA's commentary on the dDCO

| Part of DCO (and ExA comment number) | PLA and/or ESL Comment |
|--------------------------------------|---|
| Art 16 (Comment No. 13) | The PLA notes the ExA's comments and the ExA's invitation to the PLA to comment on the Applicant's response at Deadline 7. |
| Art 16(2) (Comment No. 14) | <p>The PLA notes that the DCO has not been amended by the Applicant as requested by the PLA; the Applicant is therefore not required to give the PLA advance notice of the construction of new permanent structures, even though it is the PLA that is responsible for London Vessel Traffic Services (VTS) within the western side of the proposed wind farm extension. The aims and objectives of the VTS offered by the PLA are to ensure safety of life at sea, safety and efficiency of navigation, and to protect the marine environment, adjacent shore areas, work sites and offshore installations from the possible adverse effects of maritime traffic.</p> <p>Under the DCO as currently drafted, the PLA will be unaware of the precise location of new structures, which will compromise its ability to ensure those aims and objectives are met. The DCO should therefore be amended to enable the PLA to carry out its VTS functions.</p> <p>The PLA notes the ExA's comments about this omission. The PLA will comment on the Applicant's response at Deadline 7, as requested by the ExA.</p> |
| Art 16 (Comment No. 15) | The PLA notes the ExA's comments and the ExA's invitation to the PLA to comment on the Applicant's response at Deadline 7. |
| Sch 1 Parts 1 and 3 | <p>The PLA and ESL welcome the latest amendments made by the Applicant to the dDCO. However, concerns raised by the PLA and ESL at Deadline 5A remain (Document PLA 20/ESL 20).</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. The PLA and ESL's concerns would be resolved if the DCO and DCO works plans were amended to show reasonable corridors in which the works for the four offshore subsea export cables and fibre optic cables (Work No. 3) are to be authorised, instead of authorising those works anywhere within the SEZ.</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 DCO 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> |
|--|---|

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