Vattenfall Wind Power Ltd

Thanet Extension Offshore Wind Farm

Appendix 18 to Deadline 6 Submission: Statement of Common Ground – Port of Tilbury London Limited and London Gateway Port Limited

Relevant Examination Deadline: 6

Submitted by Vattenfall Wind Power Ltd

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Revision B

Date	Issue No.	Remarks/ Reason for issue	Author	Checked	Approved
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VATTENFALL

Signatures

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1 Introduction

1.1 Overview

1 This Statement of Common Ground (SoCG) relates to the proposed development of the Thanet Extension Offshore Wind Farm (Thanet Extension). It has been prepared with respect to the application made by Vattenfall Wind Power Ltd (VWPL) (the Applicant) for a development consent order (DCO) to the Planning Inspectorate (PINS) under the Planning Act 2008 (the Application).

2 This SoCG with Port of Tilbury London Limited (PoTLL) and London Gateway Port Limited (LGPL) is a means of clearly stating any areas of agreement and disagreement between the parties in relation to the Application. The SoCG has been structured to reflect the request made by the Examining Authority, and following discussion with the relevant parties held during the course of the examination and in particular at meetings on Tuesday 18 December and 20 May 2019. Hereafter PoTLL and LGPL are jointly referred to as the 'Interested Parties' (IPs).

3 It is the intention that this document will help facilitate discussions between the parties during the examination and also give the Examining Authority (ExA) a sight of the level of common ground between both parties.

1.2 Approach to SoCG

4 This SoCG has been developed during the examination phase of the Application. In accordance with discussions between the Applicant and the IPs, the SoCG is focused on those issues raised by the IPs within their representations. It has also been cognisant of the request made by the Examining Authority within the 'Rule 8' letter published on the 18th December 2018.

5 The structure of the SoCG is as follows:

- Section 1: Introduction;
- Section 2: IPs' Remit;
- Section 3: Consultation;
- Section 4: Agreements Log; and
- Section 5: Matters under discussion.

1.3 The Development

6 The Application is for development consent for VWPL to construct and operate the Thanet Extension Offshore Wind Farm (Thanet Extension) under the Planning Act 2008.

7 The Thanet Extension would comprise of wind turbine generators (WTGs) and all the infrastructure required to transmit the power generated to the national grid. A maximum of 34 WTGs would be installed with a power output of 340 MW. The project would install up to four offshore export cables and may require the installation of one Offshore Substation (OSS) and up to one Meteorological Mast.

8 The key offshore components of Thanet Extension are likely to include:

- Offshore WTGs;
- OSS (if required);
- Meteorological Mast (if required);
- Foundations;
- Subsea inter-array cables linking individual WTGs;
- Subsea export cables from the OWF to shore; and
- Scour protection around foundations and on inter-array and export cables (if required).

9 The offshore elements of the project comprise an offshore export cable corridor (Work Area 3), and Work Areas 1 and 2. The latter are an area of 68.8 km^2 and comprise the Array Area (59.5 km^2) and the Structures Exclusions Zone (9.3 km^2). The latter being an area subject to restrictions on what can be placed within it, as described in Annex A of Appendix 7 of the Applicant's Deadline 5 Submission and Schedule 1, Part 3, Requirement 6 of the draft DCO. The Order Limits surround the existing Thanet Offshore Wind Farm (TOWF). It is located approximately 8 km north-east of the Isle of Thanet, situated in the County of Kent. Each WTG would have a maximum blade tip height of 250 m above Mean High Water Springs (MHWS), a maximum diameter of 220 m and a minimum 22 m clearance between the MHWS and the lowest point of the rotor.

10 Electricity generated would be carried via a maximum of four high voltage subsea cables to the landfall site, situated at Pegwell Bay. Offshore cables would be connected to the onshore cables and ultimately the national grid network at Richborough Energy Park. The onshore cable corridor is 2.6 km in length at its fullest extent.

11 More details on the proposed development are described in the Environmental Statement (ES) Volume 2, Chapter 1: Project Description (Offshore) (Application Ref 6.2.1) and Volume 3, Chapter 1: Project Description (Onshore) (Application Ref 6.3.1) of the Environmental Statement.

2 Interested Parties' Remit

For the purpose of the Thanet Offshore Wind Farm Extension Examination, LGPL and PoTLL act jointly. Together the Interested Parties have a vested interest in the safe and efficient operation and navigability of the Thames estuary and approaches thereto allowing for the flow of goods in and out South East with no limiting factors.

2.1 LGPL

12 LGPL are the owners and operators of DP World London Gateway port (LG Port) which is located on the north banks of the Thames Estuary in Stanford-le-Hope, Essex.

13 Once fully developed, LG Port will comprise up to seven shipping berths providing additional deep sea shipping and container handling facilities with an annual throughput of 3.5 million TEU (twenty foot equivalent units), and approximately 1,900 directly employed staff. Construction and operational use of the port is consented pursuant to a Harbour Empowerment Order (HEO – Ref: 2008 No. 1261) which was made on 2 May 2008 and came into force on 16 May 2008.

14 With first operational use taking place in November 2013, LG Port currently comprises 3 operational berths. Throughput in the year ending 31 December 2018 totalled approximately 1.3 million TEU.

15 The adjacent DP World London Gateway Logistics Park (LG Park) benefits from a Local Development Order (made by Thurrock Council on 7 November 2013) which provides consent to construct and operate up to 829,700sq.m of commercial floorspace. The joint operation of LG Port and LG Park allow 'portcentric' benefits to be realised, with associated supply chain efficiency savings.

2.2 PoTLL

16 PoTLL are owners and operators of the Port of Tilbury (PoT), which is located on the north banks of the Thames in Tilbury, Essex.

17 PoT is the largest enclosed deep water port closest to the centre of London and also has a number of river berths that support port operations. It is a multi-purpose, multi-commodity port handling a wide range of commodities serving a number of markets including construction, agriculture and waste products.

18 PoT currently handles 16 millions of cargo per annum across a high number of operational berths. The port is also the home of a number of tenant operations such as the NFT Chilled distribution centre, Cemex cement manufacturing facility that can produce 1 million tonnes of cement per annum and a large scale glass recycling facility operated by URM, a leading global glass recycling organisation serving both the UK and international markets.

19 The largest grain import and export facility in the UK is located within the port and is operated by PoT.

20 PoT has recently (as of 20 February 2019) been granted development consent for the construction of a new port facility (known as Tilbury2) located adjacent to the existing port. Tilbury2 will be a dedicated Ro-Ro and CMAT (Construction Materials and Aggregates Terminal). Construction commenced on Tilbury2 when the development consent order came in to force in March 2019.

21 Having completed the development of London Distribution Park just outside the port (home to the largest Amazon warehouse in the UK) the port has options over further land in close proximity to the port to facilitate further development of distribution park facilities and PoT.

3 Consultation

3.1 Application elements under the Interested Parties' remit

22 Work Nos. 1 - 3A, the "Further Works" and the "Ancillary Works", detailed in Part 1 of Schedule 1 to the draft DCO describe the elements of Thanet Extension which may affect the interests of the IPs.

23 The IPs have interests with the Thames Estuary region and interaction between the proposed development and vessels approaching this region is therefore of interest to the IPs.

24 The main technical components of the DCO application of relevance to the Interested Parties (and therefore considered within this SoCG) comprise:

- Volume 2, Chapter 1: Project Description (Offshore) (Application Ref 6.2.1);
- Volume 2, Chapter 10: Shipping and Navigation (Application Ref 6.2.10);
- Volume 4, Annex 10-1: Navigational Risk Assessment (Application Ref 6.4.10.1);
- Annex 10-2: Pilot Transfer Bridge Simulation Report (Application Ref 6.4.10.2);
- Annex 11-1: Radar Line of Sight Analysis (Application Ref 6.5.11.1);

Safety Zone Statement (Application Ref 7.2);

- Structures Exclusion Zone (PINS Ref REP4-018);
- Thanet Extension Structures Exclusion Zone Consented Works Clarification Note (REP5-013);
- Navigational Risk Assessment Addendum (Revision B) (REP5-039); and

Draft Development Consent Order (as submitted to Deadline 5) (REP5-019).

3.2 Consultation Summary

25 This section briefly summarises the consultation that VWPL has undertaken with the IPs.

Table 1: Consultation undertaken with the IPs

Date & Type:	Detail:
18th December 2018 post ISH2 teleconference	Discussion held on the content and nature of the SoCG
21 December 2018	SoCG supplied in draft by VWPL
15 January 2019	SoCG returned in draft to VWPL by the IPs
14 February 2019	Meeting between VWPL and IPs
27 February 2019	Navigation workshop
29 March 2019	Hazard workshop
2 April 2019	Hazard workshop teleconference
7 May 2019	Revised draft SOCG returned in draft by VWPL to the IPs
16 May 2019	Revised draft SOCG returned in draft by the IPs to VWPL
20 May 2019	SOCG meeting held

4 Agreements Log

26 The following section of this SoCG identifies the level of agreement between the parties for each relevant component of the application material (as identified in Section 3.1). In order to easily identify whether a matter is “agreed” or indeed “not agreed” a colour coding system of green and orange is used in the “final position” column to represent the respective status of discussions.

4.1 Shipping and Navigation

27 The Project has the potential to impact upon Shipping and Navigation receptors, including commercial shipping interests, and these interactions are duly considered within Volume 2, Chapter 10: Shipping and Navigation (Application Ref 6.2.10) of the ES. In addition, the NRA is presented within Volume 4, Annex 10-1: Navigational Risk Assessment (Application Ref 6.4.10.1). Table 2 identifies the status of discussions relating to this topic.

Table 2: Status of discussions relating to Shipping and Navigation.

Discussion Point	Applicant's Position	Interested Parties Position	Final Position
Study area	The study area used to inform the assessment of the project on shipping and navigation receptors was appropriate.	Agreed.	Agreed
Red Line Boundary (i.e. Order limits) revision	The revision made to the red line boundary following Section 42 consultation reduces interaction in the primary area of concern. The SEZ was introduced at Deadline 4 to seek to address IP concerns. See comments on SEZ.	The IPs responded to the revision made to the Order limits following section 42 consultation (which did not include the IPs)at Deadline 1 and commented that they are of the view that the supporting assessments were not sufficiently extensive and robust. The IPs suggested that the application for development consent should be informed by a robust assessment of the impacts on shipping and port activities, including the ability of ports located along the Thames estuary to operate in an efficient and competitive manner and the wider economic impacts of any restrictions the proposals may place on such activities). Until such assessment was carried out, the IPs offered a suggested revision to the Order Limits excluding development on the Western development of	Not agreed

Discussion Point	Applicant's Position	Interested Parties Position	Final Position
		the scheme.	
SEZ	The SEZ accurately reflects and exceeds the searoom requirements for passing vessels as detailed within the IALA spatial planning guidance for calculating sea room.	It is agreed that the transit of vessels when considered in isolation of other activities taking place in the sea space should be accounted for by the introduction of the SEZ. This does not, however, account for the size and mix of vessels likely to transit the inshore channel including the boarding of pilots at the NE Spit. A Pilotage Simulation Study is therefore required in order to inform assessment of space requirements for vessel passage alongside pilotage operations. The likely future growth in the Thames Estuary also needs to be properly considered in assessing the adequacy of the	Agreed for transit of vessels isolation only

Discussion Point	Applicant's Position	Interested Parties Position	Final Position
		SEZ.	
SEZ	The IALA guidance is based on case studies for ports and port approaches busier than those present within the study area of concern and is therefore suitably precautionary.	The application of the IALA guidance has been appropriately applied for vessel transits in isolation, however it does not considered the coexistence with pilot transfers.	Agreed - however IALA guidance does not adequately account for the co-existence of pilot transfers/vessel transits in the same sea space
SEZ	The introduction of the SEZ provides searoom that is adequate for both transit and pilotage boarding.	The ports are unable to comment on whether the distances outlined are adequate for both transit and pilotage boarding until adequate assessment is provided by the Applicant. A Pilotage Simulation Study, which is representative of the size and mix of vessels likely to transit the inshore channel/board pilots at the NE Spit in the future baseline scenario, is required to inform assessment of adequate sea room.	Not agreed

Discussion Point	Applicant's Position	Interested Parties Position	Final Position
Approach to NRA	The Navigational Risk Assessment has been undertaken in line with the requirements set out in the Marine Guidance Note (MGN) 543 – Guidance on UK Navigation Practice, Safety and Emergency Response Issues.	The IPs do not agree that the Navigational Risk Assessment has been undertaken in line with the requirements set out MGN 543. Reasons for this view are given in the IPs' Written Representations.	Not agreed
Environmental Statement Baseline and Methodology	The shipping and navigation baseline environment insofar as it relates to commercial shipping has been adequately and appropriately described in the ES. Based on that information the marine traffic survey data and wider data sources used are appropriate for the assessment and details a good representation of commercial traffic in the area of the project	The IPs do not agree. See comments below regarding future traffic growth.	Not agreed
Environmental Statement Baseline and Methodology	The uplift of 10% vessel traffic set out in the NRA and NRAA is appropriate for the study area given the historic baseline and expected growth as identified by PLA in their Thames vision, and reflected in the regional planning undertaken by the MMO. Whilst the Applicant acknowledges the envisioned growth of cargo throughput at PoT and London Gateway exceed 10% over the lifetime of the project this does not equate to a	The uplift of 10% vessel traffic is insufficient to account for committed future growth in vessel traffic to POTL and DPWLG, particularly with regard to container vessels. As such the impact on the ports has not been adequately assessed. Regional planning undertaken by the MMO suggests that future growth in the South East region will be significantly in excess of 10% over	Not agreed

Discussion Point	Applicant's Position	Interested Parties Position	Final Position
	total increase in traffic in the Thames Estuary or in the inshore route beyond that assessed.	the reasonable planning horizon.	
Environmental Statement Baseline and Methodology	The baseline appropriately describes and defines the nature of routes (i.e. internationally recognised shipping lanes but locally important routes (in accordance with the NPS) and use of those lanes and routes by vessels bound for PoT/ LG.	The IPs have set out their position in respect of the designation of the inshore route in more detail in their Deadline 3 Representations in the Planning Policy Position Paper. The IPs will provide further response on policy at Deadline 7. At this stage, the IPs and the Applicant do not agree on the nature of the inshore route.	Not agreed
Environmental Statement Baseline and Methodology	The approach adopted in the Environmental Statement is appropriate to assess the magnitude and range of potential impacts on commercial shipping interests. • A pilot simulation study has been carried out which represented 99% of vessels transiting the inshore route. The study demonstrated the viability of pilot transfers for those vessels based on the pre-PEIR boundary which has subsequently been substantially reduced and therefore provides significant comfort that these activities can	The IPs consider that the following matters need to be addressed in order to assess the magnitude and range of potential impacts on commercial shipping interests: • A pilotage simulation study, which is representative of the size and mix of vessels likely to transit the inshore channel/board pilots at the NE Spit in the future baseline scenario, is required to inform sea room requirements and likelihood of incidents. The IPs consider that the original pilotage simulation study carried out by the Applicant was	Not agreed

Discussion Point	Applicant's Position	Interested Parties Position	Final Position
	continue to occur in this area. • The uplift of 10% is considered appropriate in light of marine planning documents and current evidence. • Consequence scoring in the NRAA has been increased for 'most likely' collisions of Class 1 or 2 vessel to address the comments raised. • The Applicant does not agree that diversion of vessels can be equated to consequences scoring of hazards.	deficient for the reasons set out in their representations. Without an updated study to support the NRA Addendum, the IPs consider the assessment of navigational impacts to be incomplete. It is to be noted that the remaining 1% of vessels which the Applicant highlights as not being represented by the NRA equates to 78 vessels in the 2017/18 baseline scenario (which would be likely to be much higher given future growth over the reasonable planning horizon and the trend towards average larger vessel sizes). It is further noted that using the Applicants scoring criteria the diversion of 78 vessels per year would be likely to result is a hazard score which is above ALARP; • Appropriate allowance should be made for uplift in the number of vessels transiting the inshore channel / boarding at the NE Spit in the future planning horizon; • Appropriate vessel traffic mix should be	

Discussion Point	Applicant's Position	Interested Parties Position	Final Position
		considered (with regard to draught and manoeuvring characteristics in addition to LOA).; • The consequence scoring needs to be rescored in particular in respect of property and stakeholders	
Environmental Statement assessment	The Applicant has adequately assessed navigational safety and economic impacts on commercial vessels from the Project.	The IPs do not agree with the position of the Applicant.	Not agreed
Environmental Statement assessment/mitigation	The mitigation and control measures included within the application documents are appropriate for the purposes of maintaining safety within the region and minimising impacts on commercial shipping interests.	The IPs cannot fully consider the adequacy of mitigation and control measures until the impacts of the SEZ have been fully and properly assessed including through a Pilotage Simulation Study.	Not agreed
NRA addendum - approach	The approach to the NRA addendum and the hazard workshop was presented to the IPs in advance for comment.	The approach was presented in advance of the hazard workshop albeit with very limited time for consideration or comment.	Agreed
NRA addendum - approach	The approach taken by the Applicant is appropriate and standard practice.	The approach taken is still not clearly understood by the IPs, particularly with regard to the scoring of consequences.	Not agreed
NRA addendum - approach	A project should not be regarded as unacceptable by reason only that it would increase navigational risk; and that the judgment on whether a project is acceptable in	The IPs consider that while it is possible for an increase in risk alone to be classed as tolerable in certain circumstances, the acceptability of the project should be determined having regard	Noted

Discussion Point	Applicant's Position	Interested Parties Position	Final Position
	terms of navigational safety should be determined on the basis of whether ALARP can be achieved.	to the appropriate policy tests. It is noted that economic impacts will be caused to the IPs if the navigational risk is perceived to be great enough to make sea users change their approach to using the inshore route and to pilot boarding.	
NRA addendum – baseline data	It is agreed that the consideration of the baseline data presented in Appendix 27 to Deadline 4 presents an adequate characterisation of the receiving environment and is representative of the breakdown of vessels within the study area.	It is agreed that Appendix 27 to Deadline 4 presents an adequate characterisation for the period considered (year to February 2018) however it does not provide an adequate characterisation of the future baseline.	Agreed
	Future traffic figures have been appropriately considered in the NRAA.	The IPs do not agree with the assessment of future growth in the data presented.	Not agreed
NRA addendum – approach to hazard workshop	The IPs provided additional data that was included in the information pack. The approach to the hazard workshop was agreed. Consequence scoring for the most likely collision scenario (i.e. a glancing blow) considers that a vessel is 'most likely' to continue to port, possibly with minor delay. It is not expected in the most likely scenario that there would any	The IPs have unresolved queries regarding the approach to hazard scoring (particularly with regard to assessment of consequence for stakeholders and property). It is noted that the clarification regarding the actions of a vessel following a glancing blow has only been offered following a meeting between the IPs/Applicant on 20 May 2019 and this was	Not agreed

Discussion Point	Applicant's Position	Interested Parties Position	Final Position
	significant consequential losses.	not understood at the time of the Hazard workshop. The need for such clarification highlights that parties did not have a common view of factors relevant to scoring at the workshop.	
NRA addendum – hazard log	The hazard categories were agreed in the hazard workshop with clear confirmation of hazards to include/preclude from discussion.	This is agreed	Agreed
NRA addendum – hazard log	The baseline scoring of hazards 1-4 was discussed and agreed in the hazard workshop. The consequence scoring of the most likely occurrence of a collision involving a Class 1 or 2 vessel was increased on the basis of the IPs response.	The baseline scoring of hazards 1-4 was discussed at the workshop. The scores which subsequently appeared in the table in the NRA addendum were produced by the Applicant subsequent to the workshop and the IPs have unresolved queries in respect of such consequence scoring (particularly with regard to assessment of consequence for stakeholders and property).	Not agreed
NRA addendum – hazard log	It was appropriate that the baseline and inherent scoring of the remaining hazards in the hazard log were completed by Marico with mariner input, and sent around for comment by IPs.	Given that only the first 4 hazards had been discussed at the end of the workshop on 29 March 2019, scoring of the remaining hazards by the Applicant was the only approach available in the timescales given.	Agreed

Discussion Point	Applicant's Position	Interested Parties Position	Final Position
NRA addendum – conclusions	The conclusion of the NRA addendum that the risks in the inshore route are ALARP and that the SEZ provides sufficient sea room for marine activities is correct.	As set out above, a full assessment of the risks cannot be made until full and proper assessment is carried out including a Pilotage Simulation Study.	Not agreed
NRA addendum – conclusions	The NRA addendum appropriately concludes that there is adequate sea room for the passage of vessels through the inshore route.	As above.	Not agreed
ISH8 / PLA deadline 4c response	The NRA submitted by local operators at Deadline 4, when considered against the local operator guidance, identifies the risks associated with the proposed project to be ALARP.	No comment – the IPs have not examined such NRA	Noted
Pilotage Simulation	A navigation simulation is not required to be undertaken under MGN 543 guidelines. It is also agreed that the study previously undertaken demonstrates feasibility of pilotage operations within a smaller area of searoom than would be available within the design envelope of the proposed development (following a change to the Order Limits and introduction of the SEZ by the Applicant). Therefore, it is the Applicant's position that an additional pilot simulation study is not required to inform the NRA (or	A Pilotage Simulation Study, which is representative of the size and mix of vessels likely to transit the inshore channel/board pilots at the NE Spit in the future baseline scenario, is required to inform assessment of adequate sea room. The study previously undertaken was deficient and did not consider vessels above 240m (noting that vessels up to 333m transit/board in the area (with the potential for larger vessels in	Not agreed

Discussion Point	Applicant's Position	Interested Parties Position	Final Position
	addendum).	the future)).	
DCO	The use of an SEZ is an appropriate method by which to secure the reduction in turbine area and the SEZ is adequately secured and defined in the dML	The IPs do not agree that an SEZ is an appropriate means through which to secure the proposed mitigation. The IPs consider that an Order Limits reduction is the appropriate means. The IPs made representations in respect of the drafting of the DCO and how the SEZ is secured at Deadline 5A.	Not agreed

5 Matters of disagreement

28 This summary section identifies those matters raised by LGPL and POTLL during examination that have yet to be resolved as of the last consultation meeting held with LGPL and POTLL.

- The conclusions of the NRAA;
- The adequacy of the assessment of navigational safety and economic impacts on commercial vessels from the Project;
- The approach to carrying out a further pilot simulation study;
- The approach to the assessment of vessel growth;
- The consideration of the appropriate vessel traffic mix;
- The consequence scoring (in particular in respect of property and stakeholders);
- The applicability of policy tests; and
- The use of a SEZ as an appropriate mechanism to secure the mitigation.