

# **Vattenfall Wind Power Ltd**

## **Thanet Extension Offshore Wind Farm**

Appendix 21 to Deadline 6 Submission: Statement  
of Common Ground – Trinity House (TH)

Relevant Examination Deadline:6

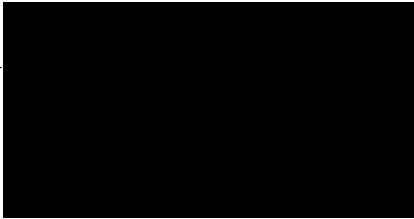
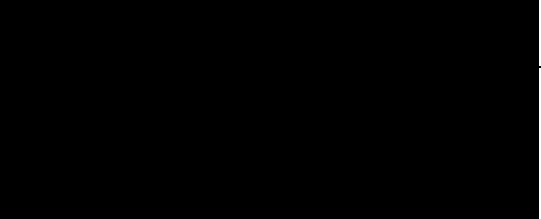
Submitted by Vattenfall Wind Power Ltd

Date: May 2019

Revision B

Date	Issue No.	Remarks / Reason for Issue	Author	Checked	Approved
09/11/2018	01	Draft for review	GoBe	GoBe	VWPL
14/01/2019	02	Reviewed draft returned.	TH	TH	VWPL
14/01/2019	A	Original document submitted to the ExA	GoBe	GoBe	VWPL
03/05/19	03	Revised document provided to TH	GoBe	GoBe	VWPL
14/05/19	04	Revised draft returned by TH	TH	TH	VWPL
17/05/19	05	Revised draft sent to TH following meeting			
28/05/19	B	Revised document submitted to the ExA	GoBe	GoBe	VWPL

**Signatures**

Signed		28th May 2019
Name	T.B.Harris	
Position	Navigation (Examiner) Manager	
For	Trinity House	
Signed		
Name	Daniel Bates	
Position	Thanet Extension OWF Consent Manager	
For	Vattenfall Wind Power Limited	

## Table of Contents

1	Introduction .....	5
1.1	Overview .....	5
1.2	Approach to SoCG .....	5
1.3	The Development.....	6
2	TH Remit.....	8
3	Consultation .....	9
3.1	Application elements under the TH’s remit.....	9
3.2	Consultation Summary.....	9
3.3	Post-application Consultation.....	10
4	Agreements Log .....	12
4.2	Project Description (Offshore) .....	12
4.3	Shipping and Navigation .....	14
5	Matters under disagreement.....	27
	Table 1: Consultation undertaken with the TH pre-application .....	10
	Table 2: Consultation undertaken with the TH post-application .....	11
	Table 3: Status of discussions relating to Project Description (Offshore). .....	13
	Table 4: Status of discussions relating to Shipping and Navigation. ....	15

## 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 the Trinity House (TH) is a means of clearly stating any areas of agreement and disagreement between the two parties in relation to the Application. The SoCG has been structured to reflect the topics of interest to the TH on the Application.
- 3 It is the intention that this document will help facilitate post application discussions between both parties and also give the Examining Authority (ExA) an early sight of the level of common ground between both parties from the outset of the examination process.

### 1.2 Approach to SoCG

- 4 This SoCG has been developed during the pre-examination phase of the Thanet Extension. In accordance with discussions between the Applicant and the TH, the SoCG is focused on those issues raised by the TH within its response to Section 42 consultation that has underpinned the pre-application consultation between the parties.
- 5 The structure of the SoCG is as follows:
  - Section 1: Introduction;
  - Section 2: TH Remit;
  - Section3: 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 Thanet Extension will 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 will be installed with a power output of 340 MW. The project will 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:
- Up to 34 Offshore WTGs;
  - OSS (if required);
  - Meteorological Mast (if required);
  - WTG 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<sup>2</sup> and comprise the Array Area (59.5 km<sup>2</sup>) and the Structures Exclusions Zone (9.3 km<sup>2</sup>). 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 Northeast of the Isle of Thanet, situated in the County of Kent. Each WTG will have a maximum blade tip height of 250 m above Highest Astronomical Tide (HAT), a maximum diameter of 220 m and a minimum 22 m clearance between the Mean High Water Springs (MHWS) and the lowest point of the blade.

- 9 Electricity generated will be carried via a maximum of four high voltage subsea cables to the landfall site, situated at Pegwell Bay. Offshore cables will 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.
- 10 More details on the proposed development are described in the Environmental Statement (ES) Volume 2, Chapter 1: Project Description (Offshore) (PINS ref APP-042/ Application Ref 6.2.1) of the ES.

## 2 TH Remit

- 11 Trinity House is the General Lighthouse Authority for England, Wales, the Channel Islands and Gibraltar with powers principally derived from the Merchant Shipping Act 1995 (as amended). The statutory role of Trinity House as a General Lighthouse Authority includes the superintendence and management of lighthouses, buoys and beacons within our area of jurisdiction.



### **3 Consultation**

#### **3.1 Application elements under the TH's remit**

- 12 Work Nos. 1 - 3A, detailed in Part 1 of Schedule 1 of the draft DCO describe the elements of Thanet Extension which may affect the interests of the TH.
- 13 The technical components of the DCO application of relevance to the TH (and therefore considered within this SoCG) comprise:
- The draft DCO;
  - Volume 2, Chapter 10: Shipping and Navigation (Application Ref 6.2.10);
  - Structures Exclusion Zone (PINS Ref REP4-018);
  - Thanet Extension Structures Exclusion Zone Consented Works Clarification Note (REP5-013);
  - Volume 4, Annex 10-1: Navigational Risk Assessment (Application Ref 6.4.10.1); and
  - Navigational Risk Assessment Addendum (Revision B) (REP5-039).

#### **3.2 Consultation Summary**

- 14 This section briefly summarises the consultation that VWPL has undertaken with the TH. Engagement during the pre-application phase, both statutory and non-statutory, is summarised in Table 1.

**Table 1: Consultation undertaken with the TH pre-application**

Date & Type:	Detail:
January 2016 Meeting	Pre-scoping meeting
December 2015 – January 2016 Email correspondence	Pre-scoping
January 2017 Meeting	Scoping response meeting
January 2018 Meeting	NRA Meeting
January 2018, S42 Consultation	Comments relating to the Preliminary Environmental Information Report
February 2018 Meeting	Post-S42 Meeting
March – April 2018 Correspondence	Review of the NRA

### 3.3 Post-application Consultation

15 VWPL has engaged with the TH since the Thanet Extension development was accepted for examination by the Planning Inspectorate on 23<sup>rd</sup> July 2018. A summary of the post-application consultation with the TH is detailed in Table 2.

**Table 2: Consultation undertaken with the TH post-application**

Date/ Type:	Detail:
23 <sup>rd</sup> August 2018 – MCA & TH Meeting	Meeting to discuss initial thoughts on the Application, process for agreeing SoCG.
4 <sup>th</sup> October 2018 – MCA & TH Meeting	Meeting to discuss the relevant representation, SoCG, and next steps for issue resolution on the outputs of the NRA.
12 <sup>th</sup> February 2019 – MCA & TH	Meeting to discuss potential project amendments, scope for compromise and further control measures
27 <sup>th</sup> February 2019 – All IPs	Shipping workshop post-hearings to discuss sea room requirements.
21 <sup>st</sup> March 2019 – MCA & TH	Meeting to present the SEZ, approach to the hazard workshop and approach to the NRA addendum.
29 <sup>th</sup> March 2019 – all IPs	Hazard workshop
16 <sup>th</sup> May 2019	SoCG meeting between TH and the Applicant

## 4 Agreements Log

- 16 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.

### 4.2 Project Description (Offshore)

- 17 The offshore project description outlines the parameters and methods for the construction, operational and maintenance and decommissioning phases with regard to the offshore elements. Table 3 identifies the status of discussions relating to this topic area between the parties.

**Table 3: Status of discussions relating to Project Description (Offshore).**

Discussion Point	Thanet Extension Position	TH Position	Final Position
Project Description	The project description, and transposition into the relevant chapter and NRA annex, appropriately describes the project for the purposes of EIA.	<i>TH 041018 – Agreed</i>	Agreed

### **4.3 Shipping and Navigation**

- 18 The Project has the potential to impact upon Shipping and Navigation and these interactions are duly considered within Volume 2, Chapter 10: Shipping and Navigation (PINS Ref APP-051/ Application Ref 6.2.10) of the ES. In addition, the NRA is presented within Volume 4, Annex 10-1: Navigational Risk Assessment (PINS Ref APP-089/ Application Ref 6.4.10.1) and the Navigation Risk Assessment (Revision B) (PINS Ref REP5-039). Table 4 identifies the status of discussions relating to this topic area between the parties and is informed through meetings held post-application as noted in Table 2.

**Table 4: Status of discussions relating to Shipping and Navigation.**

Discussion Point	Thanet Extension Position	TH Position	Final Position
Study area	It is agreed that the study area used to inform the assessment of the project on shipping and navigation receptors was appropriate.	<b>TH 041018 – Agreed</b>	Agreed
Consultation	It is agreed that throughout the pre-application process the level of consultation and the provision of information has been sufficient in informing TH of the development of the project and the predicted impacts on shipping and navigation.	<b>TH 041018 – Agreed</b>	Agreed
SEZ	It is agreed that the SEZ accurately reflects and exceeds the sea room requirements for passing vessels as detailed within the IALA spatial planning guidance (and MGN543) for calculating sea room.	<b>TH agree</b>	Agreed
SEZ	It is agreed that the IALA guidance <sup>1</sup> is based on case studies for ports and port approaches and that it recommends, on the basis of the volume of traffic transiting the inshore route, that	<b>TH Agreed</b>	Agreed

1

World Ocean Council, Nautical Institute and IALA special planning paper titled “The Shipping Industry and Marine Spatial Planning – A Professional Approach–November 2013”

Discussion Point	Thanet Extension Position	TH Position	Final Position
	passing traffic should consider 2 or 3 vessels side by side. The approach of the Applicant has been to apply 4 concurrent vessels and that this is suitably precautionary.		
SEZ – pilot boarding area	It is agreed that the introduction of the SEZ provides 2nm clear sea room with a 1nm buffer in relation to the NE Spit pilot boarding area, measured from the sector light / edge of the no anchoring area.	<b><i>TH would not wish to comment concerning pilot boarding operations or defined area.</i></b>	n/a
	It is agreed that this distance is adequate for vessel transit and general navigation.	<b><i>TH Agreed</i></b>	Agreed
	It is agreed than in the area of greatest pilotage density this searoom is 3.4nm and that this is adequate	<b><i>TH will not comment on pilotage operations.</i></b>	n/a
SEZ – NE Spit Racon	It is agreed that the SEZ provides 2.5nm sea room between the NE Spit Racon buoy and the turbines.	<b><i>TH Agree with this factual statement.</i></b>	Agreed
	It is agreed that this distance is adequate for vessel transit and general navigation	<b><i>TH Agreed</i></b>	Agreed
	It is agreed that due to it being an area of lower pilot activity this searoom is adequate for pilot transfers	<b><i>TH will not comment on pilotage operations.</i></b>	n/a



Discussion Point	Thanet Extension Position	TH Position	Final Position
SEZ – Elbow buoy	It is agreed that the SEZ provides 2.1nm between the Elbow buoy and the turbines.	<b><i>TH Agree with this factual statement.</i></b>	Agreed
	It is agreed that this distance is adequate for vessel transit and general navigation due to it being an area of lower pilot activity and complexity	<b><i>TH will not comment on pilotage operations.</i></b>	n/a
	It is agreed that this searoom is adequate for pilot transfers and due to it being an area of lower pilot activity and complexity.	<b><i>TH will not comment on pilotage operations.</i></b>	n/a
SEZ	It is agreed that the distance between Elbow buoy and the turbines represents the narrowest distance for the inshore route, and that sea room widens out either side of this transect and therefore the available searoom increases at all other locations.	<b><i>TH Agree</i></b>	Agreed
SEZ	It is agreed that introduction of the SEZ provides significant mitigation to allow the necessary sea room to ensure safety of general navigation subject to other controls.	<b><i>TH Agreed</i></b>	Agreed
SEZ	It is agreed that introduction of the SEZ provides the necessary sea room to reduce the effect on vessel activities, subject to other controls.	<b><i>TH Agreed</i></b>	Agreed

Discussion Point	Thanet Extension Position	TH Position	Final Position
SEZ	It is agreed that the activities that may occur outside of the SEZ (but within the red line boundary) are appropriately defined, noting that blades must be outside the SEZ meaning that foundations will be at least 80m away from the SEZ boundary. This is additional mitigation that ensures turbine construction vessels presence within the SEZ will be minimised.	<i>TH Agreed</i>	Agreed
SEZ	It is agreed that installation of cables within the SEZ is acceptable, subject to risk controls.	<i>TH Agreed</i>	Agreed
Approach to NRA	It is agreed that 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 and complies in full with the MGN 543 checklist. The Applicant submitted an updated version of the MGN543 checklist at Deadline 2 (REP2-030) completing the missing section previously referred to.	<i>TH Agreed</i>	Agreed

Discussion Point	Thanet Extension Position	TH Position	Final Position
Environmental Statement Baseline and Methodology	It is agreed that the shipping and navigation baseline environment has been adequately and appropriately described in the ES. Based on that information it is further agreed that 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	TH Agreed	Agreed
Environmental Statement Baseline and Methodology	It is agreed that the approach adopted in the Environmental Statement is appropriate to assess the magnitude and range of navigational safety impacts from the proposed Project on the users of commercial vessels	<b>TH 041018 – Agreed</b>	Agreed
Environmental Statement Baseline and Methodology	It is agreed that the design parameters of the project would result in the worst case collision and allision scenario for commercial vessels.	<b>TH 041018 – Agreed</b>	Agreed
Tolerability definition and assessment	It is agreed that the tolerability of risk is appropriately defined and assessed.	<b>TH 041018 – TH recognise that MCA do not write its own guidance on tolerability however the statement drafted with MCA and TH is agreed.</b>	Agreed

Discussion Point	Thanet Extension Position	TH Position	Final Position
Environmental Statement assessment	It is agreed that the Applicant has adequately assessed navigational safety impacts on users of commercial vessels from the Project.	<b>TH 041018 – Agreed</b>	Agreed
NRA addendum - approach	It is agreed that the approach to the NRA addendum and the hazard workshop was presented to TH in advance for comment. The approach taken by the Applicant is appropriate and matches NRA standard practice.	<b>TH Agree</b>	Agreed
NRA addendum - approach	It is agreed that 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 terms of navigational safety should be determined on the basis of whether ALARP can be achieved.	<b>TH agree that increase in risk does not inherently mean that a project is unacceptable, but that this should be based on agreement of ALARP.</b>  <b>An ALARP outcome should not be determined by quantitative assessment alone and qualitative assessment must be taken into account.</b>	Agree subject to caveat on determination of ALARP
NRA addendum – approach	It is agreed that the NRAA appropriately considers both quantitative and qualitative assessment in reaching the conclusion of ALARP.	<b>Further to the 2 workshops the NRAA was extrapolated from 4 scenarios where quantitative and qualitative data was reached by consensus. TH agree with the statement in part.</b>	Agreed in part

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.	<i>TH Agree</i>	Agreed
NRA addendum – approach to hazard workshop	It is agreed that the approach to the hazard workshop was presented to TH in advance for comment.	TH Agree	Agreed
NRA addendum – hazard log	It is agreed that the hazard categories were agreed in the hazard workshop with clear confirmation of hazards to include/preclude from discussion.	<i>TH Agree</i>	Agreed
NRA addendum – hazard log	It is agreed that the baseline and inherent scoring of hazards 1-4 was discussed and a consensus was reached in the hazard workshop	<b><i>TH Agreed</i></b>	Agree
NRA addendum – hazard log	It is agreed that, given the timeframes the baseline and inherent scoring of the remaining hazards in the hazard log, completed by Marico with mariner input, and sent around for comment by IPs, is appropriate and commonplace.	<b><i>TH Agreed</i></b>	Agreed

<p>NRA addendum – hazard log</p>	<p>It is agreed that detailed and extensive discussions regarding the qualitative aspects of the assessment were held during the hazard log workshop (and previous workshop), and the outcomes of these discussions were factored into the scoring of hazards (1-4) by the IPs.</p>	<p><i>TH Agree</i></p>	<p>Agree</p>
<p>NRA addendum – conclusions</p>	<p>It is agreed that the conclusion of the NRA addendum “that the risks in the inshore route are ALARP and that the SEZ provides sufficient sea room for general navigation” is appropriate.</p>	<p><b><i>TH Agreed</i></b></p>	<p>Agree</p>
<p>NRA addendum – conclusions</p>	<p>It is agreed that the NRA addendum appropriately concludes that there is adequate sea room for pilotage in the inshore area and the risks are ALARP.</p>	<p><b><i>Suggest this is deleted. TH will not comment on pilotage operations.</i></b></p>	<p>n/a</p>

dML(s)	<p>It is agreed that Condition 13(1)(a) and 11(1)(b)(Pre-construction plans and documentation) of the Generation Assets and Transmission Assets dML (Schedule 11 and 12 of the DCO respectively) provides adequate mitigation by ensuring the proposed final layout will be submitted for approval to the MMO; who will then in turn consult with the MCA and TH on any issues with navigational safety, prior to giving approval. This agreement includes all surface structures (structures visible above Lowest Astronomical Tide) noted within the DCO including the wind turbine generators, and offshore substation. It is agreed that the plan which is required to be agreed with the MMO in consultation with the TH under Condition 13(1)(a)(i) of the DML will include details of turbine identification marking in accordance with MGN 543.</p>	TH Agree	Agreed
dML	<p>It is agreed that article 16 (Public rights of navigation) is appropriate and necessary.</p> <p>This article is required due to the common law public rights of navigation within territorial waters which will be interfered with by the</p>	TH do not agree with current drafting of Article 16	

	<p>erection of foundations associated with the wind farm. It is therefore necessary to formally extinguish those rights through article 16. The provision for this is clearly set out in NPS EN-3 paragraph 2.6.170 – 173 and precedents have been set in a number of offshore wind DCOs where structures were proposed within territorial waters (see Rampion Offshore Wind Farm, Kentish Flats Extension and Walney Extension DCOs). It should be noted that the relevant article appears more or less unchanged in each of those DCOs.</p> <p>The Applicant acknowledges the need to inform those who may be affected by this extinguishment of rights of navigation, and has provided for that in the current drafting and will add PLA to those who will receive the plan.</p> <p>With regard to the timing of the extinguishment, it is required pre-commencement to ensure that the public rights of navigation are not interfered without the relevant parties being informed. It is also provides security to the Applicant that turbine positions cannot be lawfully occupied.</p>		
--	--	--	--



	The Applicant has used the wording proposed by TH at Deadline 4C in the dDCO.		
DCO	Article 36 - Arbitration  The use of Arbitration in the DCO is appropriate and the wording of Schedule 9 is also appropriate.	TH do not agree	Not agreed
Adequacy of provision for lighting	It is agreed that the DCO/dML provides adequate provision for Trinity House to approve the lighting and marking of the OWF in line with their noted remit through Condition 7 (Aids to Navigation) of the dML	TH Agree	Agreed
Post-construction monitoring	It is agreed that AIS monitoring Thanet Extension will be undertaken during construction and for 3 years post-construction and will be used to inform any future requirements for new or altered Aids to Navigation. This will include yearly reporting submitted to MMO, MCA and TH	TH Agreed if incorporated into DCO/DML condition.	Agreed subject to the final dML condition
ISH8	As noted in ISH8 it is agreed that under the majority of conditions the SEZ provides sufficient searoom for general navigation in the area.	TH Agreed	Agreed
ISH8	It is agreed that the NRA submitted by local operators at Deadline 4, when considered against the local operator guidance, identifies	TH have no comment to make on this.	n/a

	the risks associated with the proposed project to be ALARP.		
--	---	--	--

## **5 Matters under disagreement**

19 This summary section identifies those matters raised by Trinity House during examination that are not agreed as of the last consultation meeting held with Trinity House.

- Sufficient sea room for pilotage – TH unable to confirm regarding these specific operations
- Inclusion of arbitration of matters under Trinity House’s remit
- Inclusion of and need for Article 16 - Public rights of navigation