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

3<sup>rd</sup> June 2019

Dear Sir/Madam

**Thanet Extension Offshore Windfarm Project (EN010084)**

**Rule 17 Letter - Thanet Extension R17Q**

Thank you for the opportunity to provide a written submission at Deadline 6A. The Maritime and Coastguard Agency's (MCA) response to the Rule 17 Letter can be seen in the attached table.

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.

Yours faithfully,

Helen Croxson  
OREI Advisor  
Maritime and Coastguard Agency

**Thanet Extension Offshore Windfarm Project (EN010084)**

**Rule 17 Letter - Thanet Extension R17Q**

<b>Ref</b>	<b>Questions</b>	<b>MCA Response</b>
<b>R17Q 4.12.1</b>	<p><b>Pilotage simulation</b></p> <p>In their letter covering the Deadline 6 submission the Applicant refers to its proposed approach to a further "pilotage simulation", which is detailed in Appendix 38.</p> <p>The ExA notes that, if such a simulation were to be undertaken and concluded after Deadline 8, on the basis that the ExA cannot consider any document submitted after closure of the Examination, it could not be taken into account in the ExA's recommendations. Further, unless it were to be concluded by Deadline 7, there would be no adequate mechanism for the ExA to take account of IPs and OPs responses to it. These timelines do not appear to be immediately deliverable.</p> <p>There is a possible mechanism for the Applicant to submit such additional evidence directly to the SoS during the decision-making period. The Applicant points out that if an additional pilotage simulation were to be prepared and submitted at that time, it would</p>	

	<p>then be necessary for it – “and the results of it that may or may not necessitate changes to application documentation” – to be properly consulted on, and for the SoS to have time to consider and take into account those changes and associated consultation responses.</p> <p>The Applicant also suggests that "...should the Examining Authority be of the view that a pilotage simulation could still be necessary to inform the SoS' decision ... a procedural decision is made before close of Examination recommending that the Applicant undertakes such a simulation voluntarily and in particular that all associated parties and stakeholders continue to engage with the Applicant in order to facilitate and discuss any pilotage simulation and its results."</p> <p>The ExA has considered this request with care but indicates that it cannot make a procedural decision that binds the Applicant, IPs and OPs after the closure of the Examination. Rule 2 of the National Infrastructure (Examination Procedure) Rules 2010 (EPR) defines the term “procedural decision”, in relation to an application and under those rules as meaning ‘a decision about how the application is to be examined...’. It follows from this that the ExA’s procedural decisions cannot regulate the conduct of the Applicant, IPs or OPs once the Examination is complete and closed. The ExA may recommend that the Applicant take</p>	
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	<p>such a course of action and that IPs and OPs assist in its delivery but that is as far as it can go within its powers and, once the Examination is closed, it cannot advise on, review, question or even see any related documents.</p> <p>The MCA has maintained in its D6 submission that if such a simulation is done, it should feed into a Navigation Risk Assessment and should not simply be a validation exercise applied ex post facto to a Navigation Risk Assessment that has already been completed.</p> <p>To help the ExA form a view whether this is indeed a matter for a recommendation to the Applicant, IPs and OPs before closure of the Examination, would the IPs and OPs please provide their views "in the round" about the potential practical benefits and value of such a pilotage study to the SoS' decision, if it were to be undertaken voluntarily by the Applicant, commenting particularly on the following considerations:</p> <p>a) the potential of a simulation study to provide further valuable information for the SoS on the overall impact of the proposed development to pilot transfer operations, to general navigation in the relevant sea area and to economic sustainability of the operation of the ports of London and Sheerness; and</p>	<p>a) In order that the simulation study can provide further, <i>or, indeed, any</i>, valuable information – it needs to be structured, evidence-based and objective-led.</p> <p>The setup would need to be an accredited 'marine navigation full-mission simulator'. Further, the scenarios, exercises and conduct thereof need to be well thought out with schemes of the simulator dry runs undertaken by experienced personnel, experienced with not just marine simulation but also with pedagogical background. There ought to be clear separation, in more ways than one, between the operators of the exercise(s) and the undertakers – with the exception of the normal and nominal introductory briefing(s), it is expected that the suspense and unknown's of the exercise(s), <i>quintessential with marine navigation</i>, will be maintained to aid to the realism of such ventures.</p> <p>Suitable and considerable time for the actual exercise(s), as well as their pre and post briefs needs to be also invested. A single session or more of few hours wouldn't provide the essence of any valuable information. Just to lend some perspective analogous with an ECDIS course (STCW, short course), some 70-80% of the course of about 40 hrs is undertaken through purely simulation exercises. That's just one bit of a small part of learning outcome towards the navigational watchkeeping modules of the professional marine certificate of competency for a ship mate.</p>
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	<p>b) participation, configuration and other details of a simulation, with reference to the scope and detail set out in the Applicant's D6 Appendix 38; and</p> <p>c) the need for a further simulation to be followed by further consultation with IPs on Hazard scoring and further addendum or revision to the NRA; and</p> <p>d) the likely timeline for carrying out, documenting and delivering consultation on responses to the simulation results and consequent amendments to the application, if any, to the Secretary of State in time for appropriate consideration before the due decision date.</p>	<p>b) The participation, configuration and other details would need to be agreed by PLA, ESL and other local IPs to ensure it is representative of a real marine environment.</p> <p>c) The MCA does not require a simulation study as part of its guidance as per MGN 543. However, the need for additional assessments should be relative and undertaken in order to address the concerns raised by IPs. We would maintain that there's no need as such for a 'further simulation' for it cannot be an alternative to the whole of the NRA and would just support comparatively minor part of it being validated, howsoever professionally that may be undertaken.</p> <p>We will look to the directly affected IP's views on the Hazard scoring – whether as an addition to the Applicant's original initiative or a whole new process.</p> <p>d) Underscoring our points, as above, with the real value and efficacy of simulation study(ies), it's difficult to point to a timeline – if it's rushed then it really doesn't aid the decision-making or add value, if its too time-consuming then it may not be feasible for decision-making either.</p>
<b>4.12.3</b>	<b>D6 Appendix 22 Annex C: Supplementary Note to ExAQ3.12.34</b>	The MCA has no comment to make on this question.

	<p>In para 31 of D6 Appendix 22 Annex C the Applicant states: "[w]<b><i>ith regards to the consequence assessment, then it is not possible to identify whether any consequence scores are close to a category threshold as theses [sic] scores are generated based on discussions with IPS at the hazard work shop, based on a review of available data.</i></b>"</p> <p>a) Would the Applicant please help the ExA to understand why it is not possible for the Applicant's expert to identify examples in the top 4 NRAA hazard scores where the consequence assessments are close to the threshold between categories (e.g C2 to C3) and in addition please provide clarification of where the consequence scores for the Hazards 5-14 (scored by the Applicant's expert) lie close to that threshold C2 to C3.</p> <p>b) If close to category threshold assessments cannot be made, what implications (if any) does this have for the sensitivity and confidence level that might be ascribed to categorisations?</p>	
<b>4.12.4</b>	<p><b>Possible commercial agreement with Pilot Services</b></p> <p>In D6 Appendix 22 item 3.12.7 the Applicant states in relation to pilot services effects:</p>	<p>This is a matter between the applicant and pilot services and MCA has no comment to make on this question.</p>

	<p><b><i>"[s]hould appropriate relocation incur additional cost the Applicant would be willing to arrange a commercial agreement or other security to the extent that it covers the additional steaming time. Whilst the Applicant has not been able to discuss such an arrangement with the IPs, it would be reasonable to assume an evidence-based displacement payment would be most suitable, taking into account the historic use of the diamond through pilot records to set appropriate benchmarks and agreeing a per-transfer cost for transfers to a relocated diamond that were demonstrated through data provided by the IPs. This could be secured through a condition requiring approval from the SoS for the approach to determining the displacement payment and the quantum."</i></b></p> <p>This matter is not currently secured, either through the DCO or another means. To the extent that appropriate relocation might become a necessary precondition of the construction and/or operation and/or decommissioning of the TEOWF, should this be secured and if so, how?</p>	
<b>4.12.5</b>	<b>Ports, Shipping and Navigation Policy Context: UK Marine Policy Statement</b>	

	<p>Please identify any policy from the UK Marine Policy Statement<sup>2</sup> that you consider to be relevant to a decision by the SoS on the application. The Applicant is asked to respond to identified policies at Deadline 8.</p>	<p>The MCA would expect the following to apply:</p> <p>MPS Section 3.4.7</p> <p>It is also worth noting relevant policies in the NPS for Renewable Energy Infrastructure, EN3: Sections 2.6.147 – 2.6.169, in particular</p> <p>2.6.162 2.6.163 2.6.165 2.6.167 2.6.168 2.6.169</p>
<b>4.12.7</b>	<p><b>Responses to Applicant's new evidence and concluding remarks at D6</b></p> <p>The Applicant has submitted a new body of evidence relevant to shipping and navigation at Deadline 6. Please review this evidence and provide all concluding remarks in relation to it at Deadline 7. The Applicant may make closing submissions on responses to this question at Deadline 8.</p> <p>In responding to this request and without excluding a general capacity to comment on other matters, IPs and OPs are asked to provide observations on whether the following have addressed previously expressed concerns:</p>	

	<p>a) Appendix 22 responds to ExA questions on hazard scoring by HAZMAN2 software, provides additional information on expert credentials and Marico QA/QM procedures.</p> <p>b) Appendix 26 Annex C provides Applicant analysis of commercial impact to pilot services. It is not evident that IPs / OPs have been consulted.</p> <p>c) Appendix 38 sets out the specification and potential providers for a Simulation Study.</p> <p>d) Appendix 41 provides new animations of selected vessel tracks with commentary by the Applicant's experts.</p> <p>e) Appendix 42 provides new Collision Risk Modelling (CRM) post SEZ by a new consultancy. How does this compare with the Collision Risk Modelling within the Application produced by Marico? In this last respect, the Applicant is asked to provide a tabulated comparison between the Marico CRM and the new CRM.</p>	<p>a) Appendix 22 – the applicant has provided detail on HAZMAN risk scoring under 3.12.22 on how risk scores are calculated that addresses an MCA comment in our Deadline 6 response under 3.12.21 (h).</p> <p>b) The MCA has no comments to make on commercial impacts.</p> <p>c) For such a simulation study to be useful a large amount of preparatory work would be needed with the type/modelling of simulator hard/software with regard to topographical local details, constant and temporal MetOcean patterns and various types of vessels. Also, a detailed conduct of the exercise(s) will need to be prepared and agreed with IPs for how it will meet the aims and objectives. For their experience in running simulations and their independency, MCA would suggest it is conducted at one of the Maritime Training Providers.</p> <p>d) MCA comments in the Deadline 6 response under 3.12.40 are extant.</p> <p>e) MCA has no comments to make on the comparison exercise.</p>
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