

# **Vattenfall Wind Power Ltd**

## **Thanet Extension Offshore Wind Farm**

Appendix 21 to Deadline 7 Submission: Requests for Statements of Common Ground and Statement of Commonality – Shipping and Navigation

Relevant Examination Deadline: 7

Submitted by Vattenfall Wind Power Ltd

Date: June 2019

Revision B

Drafted By:	GoBe Consultants Ltd
Approved By:	Daniel Bates
Date of Approval:	June 2019
Revision:	B

Revision A	Original document submitted to the Examining Authority
Revision B	Revised document submitted to the Examining Authority
N/A	
N/A	

Copyright © 2019 Vattenfall Wind Power Ltd
All pre-existing rights retained

## Contents

1	Introduction .....	4
2	Statements of Common Ground.....	5
2.1	D – Air Navigation.....	5
2.2	E – Ports, shipping and commercial sea navigation.....	6
2.3	F – Recreational sea use.....	7
3	Current status of SoCGs .....	8
4	Statement of Commonality - Shipping and Navigation matters.....	13

## **1 Introduction**

- 1 Annex E (Agenda for the Issue Specific Hearing 1 (ISH1): Procedural decisions made by the Examining Authority (ExA) Rule 6 letter (PINS Ref PD-006) noted at item 1 that the ExA requested that at Deadline 1 the Applicant provides it with a tracking list of a number of documents which include Statements of Common Ground (SoCG) and commercial side agreements in line with the requests made with regards the Interested Parties (IPs) with whom SoCGs should be drafted, and the proposed topics to be covered.
- 2 The ExA Rule 8 letter requested that updated tracking lists and SoCG were to be submitted as part of the Applicant's Deadline 6 Submission. This note supersedes and provides an updated status from the revision previous documents submitted at Deadlines 1, 3, 5 and 6, and meets the requirement of the Rule 8 letter.
- 3 This document specifically provides an update on the SoCGs entered into with the IPs with Shipping and Navigational interests; and so, should be read in conjunction with Appendix 7 of the Applicant's Deadline 7 Submission which provides an the equivalent status for Non-Shipping and Navigational matters.
- 4 Section 3 provides a summary of the status of the SoCGs presented within the body of this document. Section 4 then presents a Statement of Commonality, identifying those themes of shared or common interest that developed through consideration of the Relevant and Written Representations, examination submissions, and in turn the SoCGs.
- 5 It should be noted that at Deadline 6 the UK Chamber of Shipping, Port of London Authority/ Estuary Services Limited, and London Pilot Council Statements of Common Ground were not submitted as final. An SoCG with LPC has been sought by the Applicant and will continue to seek to provide an update for the ExA before the closure of the Thanet Extension examination. The Chamber of Shipping SoCG has been submitted as final (Appendix 24 of the Applicant's Deadline 7 Submission).
- 6 The Applicant notes that PLA/ESL submitted a separate SoCG marking progress in the absence of a final position from the Applicant, an updated final version has been submitted by the Applicant as Appendices 18 and 19 of the Applicant's Deadline 7 Submission. As requested by PLA and ESL the Applicant has removed the summary section ("matters of disagreement") to be removed from these documents.

## 2 Statements of Common Ground

- 7 The following subsections present each category or topic area identified by the ExA for consideration within SoCGs of relevance to shipping and navigation interests. The approach taken by the Applicant in drafting SoCGs has been to, where possible, draft a single SoCG that captures all topics of interest or relevance. For ease of audit against the ExA SoCG request list the structure presented here however reflects topic areas, with a given relevant party appearing in each subsection.
- 8 Each section identifies the overarching topic area, relating to shipping and navigation, the parties that the ExA has requested a SoCG to be drafted with, and as noted previously identifies any stakeholders or topic areas that have not been included when drafting SoCGs.

### 2.1 D – Air Navigation

- 9 The ExA in their Rule 8 letter requested that SoCGs be drafted with the following stakeholders:
- River Oak Strategic Partners; and
  - Any other Interested/Statutory Party responsible for airport, airfield, air navigation or aviation services.
- 10 On the following matters in relation to air navigation:
- The degree to which air navigation and the integrity of navigation systems have been or can be adequately protected by the project;
  - The need for and adequacy of particular approaches to impact mitigation;
  - Effects on the proposed Manston Airport; and
  - Effects on any other relevant airport.
- 11 The Applicant has sought a SoCG with River Oak Strategic Partners. A final SoCG will be provided in the Applicant's Deadline 8 Submission.
- 12 To date there has been no response from the Civil Aviation Authority (CAA) either during Section 42 consultation, at the Relevant Representations or during the examination. Following the Preliminary Meeting the CAA have been contacted again regarding a SoCG. No response has been received to date.

- 13 The Applicant has engaged with NATS en route plc and received confirmation that the turbine array as submitted will not interfere with their operations. Evidence of this correspondence was previously submitted into the examination (in Annex A to PINS Ref REP5-029 as part of the Applicant's Deadline 5 Submission).

## 2.2 E – Ports, shipping and commercial sea navigation

- 14 The ExA in their Rule 8 letter requested that SoCGs be drafted with the following stakeholders:
- Port Authorities and Operators;
  - UK Chamber of Shipping and Shipping Interests;
  - The MMO;
  - Trinity House;
  - The Maritime and Coastguard Agency;
  - Pilotage;
  - Port of Tilbury London Ltd;
  - London Gateway Ltd; and
  - Any other interested/Statutory Party/ Other Person responsible for maritime navigation, safety and shipping services.
- 15 On the following matters in relation to ports, shipping and commercial sea navigation:
- The degree to which the operational needs of commercial ports and harbours have been adequately protected by the project;
  - The degree to which shipping channels, access to navigable rivers and canal navigations, anchorages, navigational aids and systems at sea have been adequately protected by the project; and
  - The effect of the project on commercial shipping movements during construction, operation and decommissioning.
- 16 The Applicant has sought SoCGs with the listed parties, including Estuary Services Limited and London Pilots Council under the grouping of 'pilotage interests', on all matters identified and continued to work with the listed parties following ISH8. The Applicant has discussed these matters with the IPs and the final/working draft SoCGs were been submitted as part of the Applicant's Deadline 6 Submission. Updated SoCG for the working drafts have been submitted by the Applicant as part of their Deadline 7 Submissions – see Section 3.

## **2.3 F – Recreational sea use**

- 17 The ExA in their Rule 8 letter requested that SoCGs be drafted with the following stakeholders:
- MMO;
  - Trinity House;
  - MCA; and
  - Any other Interested /Statutory Party.
- 18 On the following matters:
- The degree to which the needs of recreational sea use has been adequately protected by the project; and
  - The need for and adequacy of any particular approaches to impact mitigation.
- 19 To the extent that is has been assessed in the Navigation Risk Assessment (NRA) (and NRA Addendum (NRAA)) and the Environment Statement (ES), the Applicant has engaged with MCA and Trinity House regarding recreational sea use. The Applicant has consulted with the Royal Yachting Association at Section 42 and Section 56; no response was received. Prior to this RYA were also consulted as part of the NRA (PINS Ref APP-089/ Application Ref 6.4.10.1) with responses captured in Table 8 of that document noting concerns that have been considered within the assessment. A final SoCG with the RYA, noting all matters agreed, was submitted in Deadline 3 by the Applicant (PINS Ref REP3-044).

### 3 Current status of SoCGs

20 The following table identifies the current status of each of the shipping and navigation SoCG.

Stakeholder	Relevant Topics	Status	Current Revision
Chamber of Shipping	<ul style="list-style-type: none"> <li>Port, shipping, commercial sea navigation</li> </ul>	Draft received from CoS 150119. Revision A submitted in Deadline 1. A revised draft was progressed in May 2019 between the parties. There remain matters of disagreement between the two parties – see section 4. The working draft SoCG was submitted as Appendix 4 to the Applicant’s Deadline 6 Submission. A final SoCG is submitted as Appendix 24 of the Applicant’s Deadline 7 Submission. There remain matters of disagreement between the two parties – see section 4.	C (Final)
MCA	<ul style="list-style-type: none"> <li>Port, shipping, commercial sea navigation</li> <li>Recreational boat use</li> </ul>	Sent on 09/11/18. A meeting was held with the MCA on 22nd May 2019 to progress the development of the SoCG. There remain matters of disagreement between the two parties – see section 4. The final SoCG is submitted as Appendix 12 to the Applicant’s Deadline 6 Submission.	B (Final)
MMO	<ul style="list-style-type: none"> <li>Natural environment and HRA*</li> <li>Port, shipping, commercial sea navigation</li> <li>Recreational boat use</li> <li>Fishing and Fisheries*</li> </ul>	All shipping and navigation matters are agreed between the two parties. The final SoCG was submitted as Appendix 11 to the Applicant’s Deadline 6 Submission.	D (Final)



Stakeholder	Relevant Topics	Status	Current Revision
	<ul style="list-style-type: none"> <li>• Historic Environment*</li> </ul> <p>(*Summarised in Appendix 3 of the Applicant’s Deadline 6 Submission)</p>		
Port of London Authority	<ul style="list-style-type: none"> <li>• Port, shipping, commercial sea navigation</li> </ul>	Sent on 08/11/18. PLA submitted revised draft as part of their Deadline 2 Submission. Meetings were held with the PLA (and ESL) on 11 <sup>th</sup> February 2019 and 21 <sup>st</sup> May 2019 to progress the development of the SoCG. The working draft SoCG was submitted as Appendix 17 to the Applicant’s Deadline 6 Submission. A final SoCG is submitted as Appendix 18 of the Applicant’s Deadline 7 Submission. There remain matters of disagreement between the two parties – see section 4.	D (Final)
Estuary Services Limited	Port, shipping, commercial sea navigation	Sent on 08/11/18. PLA submitted revised draft as part of their Deadline 2 Submission. Meetings were held with the ESL (and PLA) on 11 <sup>th</sup> February 2019 and 21 <sup>st</sup> May 2019 to progress the development of the SoCG. The working draft SoCG was submitted as Appendix 5 to the Applicant’s Deadline 6 Submission. A final SoCG is submitted as Appendix 19 of the Applicant’s Deadline 7 Submission.	D (Final)

Stakeholder	Relevant Topics	Status	Current Revision
		There remain matters of disagreement between the two parties – see section 4.	
River Oak Strategic Partners	<ul style="list-style-type: none"> <li>Air navigation</li> </ul>	Response received on 14/01/19. Revised draft was sent on 14/01/19, no confirmation on final position received to date. The Applicant and River Oak Strategic Partners (RSP) have been in discussion regarding both developments throughout the examination process. All matters in the SoCG are agreed between the two parties. The working draft SoCG is submitted as Appendix 19 to the Applicant’s Deadline 6 Submission. It should also be noted that a SoCG between RSP and Vattenfall Wind Power Limited has been signed and submitted as part of the Manston Airport DCO examination. The substantial matters are largely similar between both SoCGs. A final signed SoCG is expected to be submitted by the Applicant to Deadline 8 with all matters agreed.	B (Final)
RYA	<ul style="list-style-type: none"> <li>Recreational boat use</li> </ul>	Revised version received on 21/1/19 and a final agreed SoCG was included at Appendix 28 of the Applicant’s Deadline 3 submission (PINS Ref REP3-044).	C (Final)
Port of Tilbury	<ul style="list-style-type: none"> <li>Port, shipping, commercial sea navigation</li> </ul>	Issued for consideration on the 21/12/18, 1 <sup>st</sup> draft included at Deadline 1	B (Final)

Stakeholder	Relevant Topics	Status	Current Revision
		subject to further discussion of received 'marked up pdf'. Response received on 150119. A meeting was held with the PLA and ESL on 20 <sup>th</sup> May 2019 to progress the development of the SoCG. There remain matters of disagreement between the two parties – see section 4. The final SoCG was submitted as Appendix 18 to the Applicant's Deadline 6 Submission.	
London Gateway	<ul style="list-style-type: none"> <li>• Port, shipping, commercial sea navigation</li> </ul>	Issued for consideration on the 21/12/18, 1 <sup>st</sup> draft included at Deadline 1 subject to further discussion of received 'marked up pdf'. Response received on 150119. A meeting was held with the PLA and ESL on 20 <sup>th</sup> May 2019 to progress the development of the SoCG. There remain matters of disagreement between the two parties – see section 4. The final SoCG was submitted as Appendix 18 to the Applicant's Deadline 6 Submission.	B (Final)
London Pilots Council	<ul style="list-style-type: none"> <li>• Port, shipping, commercial sea navigation</li> </ul>	A draft was provided to LPC on 3rd May 2019 by the Applicant. Unfortunately, the SoCG could not be progressed, for submission to Deadline 6 and 7, due to prior time commitments for the relevant representatives of the LPC. The Applicant	A (in progress)

Stakeholder	Relevant Topics	Status	Current Revision
		has continued to seek a SoCG (or similar) with the LPC which can be submitted into the examination, however no response has yet been received.	
Trinity House	<ul style="list-style-type: none"> <li>• Port, shipping, commercial sea navigation</li> <li>• Recreational boat use</li> </ul>	A meeting was held with the Trinity House on 16 <sup>th</sup> May 2019 to progress the development of the SoCG. There remain matters of disagreement between the two parties – see section 4. The final SoCG was submitted as Appendix 21 to the Applicant’s Deadline 6 Submission.	B (Final)

## 4 Statement of Commonality - Shipping and Navigation matters

21 The following section describes the common themes or areas of commonality that have arisen through the shipping and navigation interest submissions into the examination.

### 4.1 Available searoom

22 An evident theme is the position on the acceptability of proposed degree of searoom and requirements of the searoom for different operations in the study area.

23 This theme is shared by:

- MCA;
- Trinity House;
- Port of London Authority;
- London Gateway;
- Port of Tilbury;
- Estuary Services Limited;
- Chamber of Shipping; and
- London Pilots Council.

24 These matters have been the subject of additional clarification notes and ExA questions, with a workshop held on the 27<sup>th</sup> February to aid in better defining the available searoom.

25 The Applicant introduced a Structures Exclusion Zone (SEZ) as a material change to the project at Deadline 4. Several additional clarification notes on the implications of this project design change have been submitted by the Applicant on both the shipping and navigation and non-shipping and navigational aspects of the project. The Applicant submitted a consultation report on the SEZ in Appendix 28 of the Applicant's Deadline 6 Submission which provided detailed responses to each of the consultation responses received.

- 26 The area of disagreement is primarily regarding the available searoom for pilotage operations. Both the MCA and Trinity House agree that there is sufficient searoom for all activities (including transit) other than the existing pilotage operations in the study area. Both the PLA and ESL maintain a disagreement over the available searoom proposed and have requested sufficient searoom to avoid any impediment on their operations. Both PoTLL and LGLP maintain a joint position that searoom for vessel transits alone is not a specific area of concern and sufficient searoom at the elbow for vessel transits is agreed with these parties.

## 4.2 Navigational Risk Assessment

- 27 An additional evident theme is the position on the findings of the NRA, specifically on the conclusion of the acceptability of the Order Limits presented within the NRA, NRA Addendum (drafted following the introduction of the SEZ) and associated ES chapter. This theme is shared by:
- MCA;
  - Trinity House;
  - Port of London Authority;
  - London Gateway;
  - Port of Tilbury;
  - Estuary Services Limited;
  - UK Chamber of Shipping; and
  - London Pilots Council.
- 28 A hazard workshop was held with the IPs on 29<sup>th</sup> March at which initial hazards were discussed and risked scored in collaboration with the IPs. A follow up teleconference was held with the same parties on 2<sup>nd</sup> April. The Applicant has sought to engage with each of these stakeholders and submitted the final/working draft SoCG outlining final positions into Deadline 6.
- 29 There are differences between the IPs with respect to compliance of the NRA with MGN543 and the appropriateness of the baseline data. MCA, Trinity House and UK Chamber of Shipping agree that that the NRA was compliant with MGN543 and the baseline data appropriately characterised the area. PLA, ESL, PoTLL and LGLP do not agree on those matters.

### 4.3 Further pilotage simulation study

- 30 During the examination process, and during Issue Specific Hearing 8 in particular, it has become evidence that there was a disagreement over the requirement to undertake an additional pilotage simulation between the IPs and the Applicant.
- 31 This theme is shared by:
- MCA;
  - Port of London Authority;
  - London Gateway;
  - Port of Tilbury; and
  - Estuary Services Limited.
- 32 It has been agreed with the MCA that there is not a requirement to undertake a simulation under MGN543.
- 33 It is acknowledged by all parties that a simulation was undertaken by the Applicant in partnership with PLA and ESL. Full details were presented in PINS Ref APP-090/ Application Ref 6.4.10.2. This study was based on the proposed Order Limits at the time of the simulation, and so reflected the PEIR Red Line Boundary, which reduces searoom to the west of the development than the requested Order Limits (and SEZ) and so is a precautionary assessment. This study demonstrated that pilotage operations were feasible with the presence of Thanet Extension.
- 34 The Applicant notes that in their opinion the NRA (and Addendum) is robust and does not require this additional study to be undertaken. Nonetheless, as requested in Action 20 from ISH8, the Applicant has provided precise brief of what may be required if an additional pilotage simulation were to be undertaken (provided in Appendix 38 to the Applicant's Deadline 6 Submission).
- 35 The Applicant has sought to provide a response to relevant Submissions submitted by the IPs to Deadlines 6 and 6A on the navigational simulation in Annex A to Appendix 2 of the Applicant's Deadline 7 Submission. This annex seeks to provide a collated summary of the Applicant's position (and IPs) regarding the navigational simulation.