

Vattenfall Wind Power Ltd

Thanet Extension Offshore Wind Farm

Appendix 19 to Deadline 7 Submission: Statement of Common Ground – Estuary Services Limited

Relevant Examination Deadline: 7

Submitted by Vattenfall Wind Power Ltd

Date: June 2019

Revision D

Date	Issue No.	Remarks / Reason for Issue	Author	Checked	Approved
08/11/2018	01	Draft for comment	GoBe	GoBe	Vattenfall
15/01/19	A	Original document submitted to the ExA	GoBe	GoBe	Vattenfall
05/02/2019	B	Addressing Deadline 1 issues – submitted by PLA without comment from the Applicant	PLA	PLA	PLA
03/05/2019	03	Revised draft for comment provided to PLA	GoBe	GoBe	Vattenfall
XX/05/19	04	Revised draft returned from PLA	PLA	PLA	PLA
29/05/19	C	Revised document submitted to the ExA	GoBe	GoBe	Vattenfall

Signatures

Signed	
Name	
Position	
For	

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	Consultees Remit	8
3	Consultation	9
3.1	Application elements under ESL’s remit	9
3.2	Consultation Summary.....	9
3.3	Post-application Consultation.....	10
4	Log of matters agreed and not agreed	12
4.1	Shipping and Navigation	12
	Table 1: Consultation undertaken with the ESL pre-application.....	9
	Table 2: Consultation undertaken with the ESL post-application	9
	Table 3: Status of discussions relating to Shipping and Navigation.	12

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 Estuary Services Limited (ESL) 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 ESL 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 In accordance with discussions between the Applicant and ESL, the SoCG is focused on those issues raised by ESL within its response to Section 42 consultation that has underpinned the pre-application consultation between the parties. It has also been cognisant of the request made by the Examining Authority within the 'Rule 6' letter published on the 9th November 2018 and the Rule 8 letter which followed the second Issue Specific Hearing on the 12th December 2018.
- 5 The structure of the SoCG is as follows:
 - Section 1: Introduction;
 - Section 2: Consultee's Remit;
 - Section 3: Consultation; and
 - Section 4: Agreements Log.

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, if consent is granted, 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:
- 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. Work Areas 1 and 2 have an area of 68.8 km² and comprise the Array Area (59.5 km²) and the Structures Exclusions Zone (9.3 km²). The Structures Exclusion Zone is 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 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 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.
- 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 Consultees Remit

- 12 ESL is a company jointly owned by the Port of London Authority (“the PLA”) and the Port of Sheerness Ltd (Part of Peel Ports Operations Limited).
- 13 ESL provides pilot boarding and landing services which those ports are required to provide. Pilotage services for the Port of London are provided from, amongst other locations, the North East Spit and the Tongue boarding stations. ESL is also a provider of non-pilotage services including, but not restricted to, personnel and stores transfer. The proposals under the draft DCO are in close proximity to these boarding locations, with the North East Spit most affected by the proposed westwards extension of the wind farm. In addition, the proposals would encroach into existing shipping lanes, lengthening journey times into the Port of London Authority’s area for services which would have to reroute around an extended wind farm.

3 Consultation

3.1 Application elements under ESL's remit

- 14 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 ESL.
- 15 ESL provides pilot boarding and landing services for the PLA. Pilotage services for the Port of London are provided from, amongst other locations, the North East Spit and the Tongue boarding stations.
- 16 The technical components of the DCO application of relevance to ESL (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); and
 - Volume 4, Annex 10-1: Navigational Risk Assessment (Application Ref 6.4.10.1);
 - Structures Exclusion Zone (PINS Ref REP4-018);
 - Navigational Risk Assessment Addendum (Revision B) (REP5-039) and associated annexes; and
 - Volume 4, Annex 10-2: Pilot Transfer Bridge Simulation Report.
 - Application document 3.1: draft Development Consent Order (Application Ref 3.1).

3.2 Consultation Summary

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

Table 1: Consultation undertaken with the ESL pre-application

Date & Type:	Detail:
August to October 2016, Pre-scoping	Email correspondence to discuss scoping
March 2017, Scoping	Meeting to discuss scoping
July 2017, Pilotage Study	Meeting to discuss pilotage study
August 2017	Discussion of pilotage study
September 2017, Pilotage Workshop	Pilotage Bridge Transfer Simulation
December 2017, NRA	Meeting to discuss the NRA
January 2018, S42 Consultation	Comments relating to the Preliminary Environmental Information Report

3.3 Post-application Consultation

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

Table 2: Consultation undertaken with the ESL post-application

Date/ Type:	Detail:
August 2018	<p>VWPL presentation to ESL and PLA regarding submitted application, confirmation of jurisdiction, findings of the bridge simulation. Comment from ESL: ESL were not asked for opinions or given an opportunity to comment on the application.</p> <p>Comment from VWPL: the response from attendees at this meeting was that they were not in a position to make specific comments due to continuing review of the application ahead of Relevant Representations. It is incorrect to suggest that VWPL did not seek opinions or refused opportunity to comment in the meeting.</p>
February 2019	<p>Meeting held with ESL and PLA to provide an opportunity to discuss the Applicant's Deadline 2 submissions on sea room and pilotage, to go through this SoCG and to discuss possible mitigation.</p>
February 2019	<p>Navigation workshop</p>
March 2019	<p>SEZ call with PLA and ESL</p>
March 2019	<p>Hazard workshop managed by Marico acting for the Applicant.</p>
April 2019	<p>Call to update ESL on outputs from the Hazard workshop</p>
May 2019	<p>Meeting with PLA, ESL and Port of Sheerness to discuss SoCG</p>

4 Log of matters agreed and not agreed

- 19 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”, “under discussion” or indeed “not agreed” a colour coding system of green, yellow and orange is used in the “final position” column to represent the respective status of discussions.

4.1 Shipping and Navigation

- 20 The Project will have an impact upon Shipping and Navigation 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) and the Navigation Risk Assessment (Revision B) (PINS Ref REP5-XXX). Table 3 identifies the status of discussions relating to this topic.

Table 3: Status of discussions relating to Shipping and Navigation.

Discussion Point	Thanet Extension Position	ESL Position	Final Position
Study area	<p>The study area used to inform the assessment of the project on shipping and navigation receptors was appropriate.</p> <p>The study area does provide coverage of the DW boarding, but not all of the anchorage. The study area has been agreed as compliant with MGN543 for the NRA with MCA.</p>	<p>The study area was not agreed with ESL. In particular, it does not encompass the Tongue DW anchorage or the relocated Tongue DW boarding position.</p> <p>MGN543 does not state a study area size and ESL would prefer the study area to encompass a larger area. This would have been particularly helpful when assessing the cumulative impact on surrounding traffic.</p>	Not agreed.
Red Line Boundary revision	<p>The revision made to the red line boundary following Section 42 consultation reduces interaction with the ESL area of concern.</p>	<p>ESL requested a reduction in the western extent of the red line boundary reduction to reduce interaction. No reduction has been made to the RLB since the application was made. Instead, the SEZ was introduced. An SEZ has the potential to be capable of resolving ESL’s concerns, but only if it excludes activities of construction, maintenance, operation and decommissioning (with the exception of the required cable connections) within the SEZ. The SEZ as proposed by the Applicant does not, and so is not sufficient in its exclusions to resolve the ESL</p>	<p>This statement has been superseded by the introduction of the SEZ, for which see below.</p>

Discussion Point	Thanet Extension Position	ESL Position	Final Position
SEZ	<p>The SEZ accurately reflects and exceeds the searoom requirements for passing vessels as detailed within the IALA spatial planning guidance for calculating sea room.</p> <p>The IALA document does not necessitate additional safety buffers, beyond reference to a 500m safety zone around structures, and indeed the consideration turning areas outside of the traffic lanes is aimed at traffic separation schemes, not general areas of navigation where turning / transiting are not undertaken in completely separate areas.</p>	<p>concerns.</p> <p>The searoom recommendations within the IALA Spatial Planning document recommend safety buffers outside of a lane/route. Annex A, Spatial Demands, states that “in some cases, co-use is possible, but that there may also be specific risks involved”. For energy projects generally, it says that limited co-use may be considered, but in relation to shipping for offshore constructions it recommends establishing a safety zone of up to 500m around those constructions (page 18). That 500m is clearly intended to be in addition to the shippingroute area calculation, not within it, otherwise it would not form a safety zone for the shipping route. The SEZ does not meet the sea room requirements.</p>	Not agreed.
SEZ	It is agreed that the IALA guidance	The IALA guidance could provide a suitably	Not agreed.

Discussion Point	Thanet Extension Position	ESL Position	Final Position
	<p>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.</p> <p>In applying the IALA guidance the Applicant has considered the general navigational use of the area and provided further buffers to account for turning vessels, pilotage and areas of general navigational complexity.</p>	<p>precautionary approach where its recommendations are taken into account.</p> <p>ESL does not agree that the Applicant has sufficiently followed the IALA guidance. The IALA SP document recommends multiple factors for consideration when assessing the study area and how ‘busy’ they are. As well as traffic volume, IALA recommends that reduced visibility, presence of leisure craft and additional WFSV traffic, ship characteristics (e.g. squat), room for larger vessels to make a round turn, poor MetOcean conditions, visual impact on navigation and radar, vessels RIAM and vessels engaged in boarding/landing a pilot and access to shelter (anchorage) all be assessed. The Applicant has not assessed these.</p> <p>ESL does not agree that the case studies referenced within the IALA SP are all related to busier areas. ESL also remains concerned about the interpretation of how ‘busy’ the inshore route is treated as being by</p>	

Discussion Point	Thanet Extension Position	ESL Position	Final Position
		the Applicant (see below).	
SEZ	The introduction of the SEZ provides 2nm clear sea room with a 1nm buffer in relation to the NE Spit pilot diamond area. It is agreed that in the area of greatest pilotage density this searoom will be 3nm, increasing to 3.4nm. These distances are adequate for both transit and pilotage boarding.	The SEZ provides 2nm + 1nm buffer from the Margate roads anchorage, not the NE Spit diamond. The inner diamond is 2nm + 0.5nm buffer from the SEZ. The distance of 3.4nm is a thin line running East/West and ESL believes it is too narrow and will reduce flexibility due to the western extent of the 3.4nm areas proximity to the Margate Roads anchorage and the NE Spit bank itself.	Not agreed.
SEZ	It is agreed that the SEZ provides 2.5nm sea room between the NE Spit Racon buoy and the turbines, and that this is adequate due to it being an area of lower pilot activity. These distances are agreed to be adequate for both transit and pilotage boarding.	The 2.5nm does not include a buffer/safety zone so does not provide enough sea room. This is a high traffic area for passage, a key access/exit point from the boarding ground and the Margate Roads anchorage. It also provides deeper water for vessels that can't cross the NE Spit bank. ESL considers its use as an area for boarding/landing to be important and therefore it's overall 'lower pilot activity' should not be used to validate a reduction in sea room.	It is agreed that the SEZ provides 2.5nm between NE Spit Buoy and the SEZ. And that there is 2.1nm between the Elbow Buoy and the SEZ. It is not agreed that this is adequate sea room.

Discussion Point	Thanet Extension Position	ESL Position	Final Position
SEZ	The SEZ provides 2.1nm between the Elbow buoy and the turbines, and that this is adequate due to it being an area of lower pilot activity and complexity. These distances are adequate for both transit and pilotage boarding.	There is 2.1nm between Elbow Buoy and the SEZ. However, the reduction in searoom is greater at the Elbow/SEZ and therefore for the same reasons as stated above, ESL do not consider that there is adequate sea room between Elbow buoy and the SEZ. The Elbow area can be an important working area for ESL in poor MetOcean conditions.	It not agreed that the 2.1nm between Elbow Buoy and the SEZ provides adequate searoom.
SEZ	The distance between Elbow buoy and the turbines represents the narrowest distance for the inshore route, than that and that sea room widens out either side of this transect and therefore the available searoom increases at all other locations.	It is agreed that the Elbow is the narrowest point between the SEZ and the inshore route. However, it is not agreed that it is acceptable to reduce access to two of the main entry/exit points to the inshore route (i.e. Elbow to SEZ and NE Spit to SEZ). It should be noted that any 'increase' in sea room is relative to the original RLB extension proposal, and any development to the SW/W/NW is a reduction in sea room at the inshore route.	Not agreed
SEZ	The introduction of the SEZ provides the necessary sea room to minimise the effect on ESL's activities, subject to other controls.	The SEZ does not provide the necessary sea room to minimise the effect on ESL's activities. The controls to which the SEZ is subject are not sufficient to ensure that no activities, other than the placement and maintenance of the necessary cable connections, will	Not agreed.

Discussion Point	Thanet Extension Position	ESL Position	Final Position
		take place within the SEZ.	
SEZ	The introduction of the SEZ provides the necessary sea room to minimise the effect on vessel activities, subject to other controls.	The SEZ does not provide the necessary sea room to minimise the effect on other vessel activities.	Not agreed.
SEZ	Whilst the Applicant does not consider that there is a need for pilot operations to change as a result of the project, it is understood that any residual effects on pilotage following the introduction of the SEZ, as presented by ESL, would relate to changes to the current operational practices of pilotage in the area. Some pilot transfers for large vessels may occur outside of the	The project will change current operational practices of pilotage in the area, even with the SEZ in place, as the DCO does not place sufficient restrictions on activities taking place within the SEZ. ESL's concerns about the effects on pilotage are outlined in its Deadline 3 documents.	Not agreed.

Discussion Point	Thanet Extension Position	ESL Position	Final Position
	<p>inshore route and others may be delayed should the NE spit be off station in adverse weather to a greater extent than today</p>		
<p>Consultation – pre-application</p>	<p>Throughout the pre-application process the level of consultation and the provision of information has been sufficient in informing consultees of the development of the project and the predicted impacts on shipping and navigation.</p> <p>ESL’s position is clear but not shared by Applicant. ESL were given multiple opportunities to comment on the approach and outcomes during the bridge simulation study, and on the project through Section 42 consultation in December 2017.</p>	<p>This is not agreed.</p> <p>ESL has raised continuous and consistent concerns regarding the extension application and these have not been addressed. It is felt that the level of consultation and provision of information during the pre application process has not reflected the importance that should have been attached to the navigation consultation, nor the importance of the role of ESL in this area. After the bridge simulator study ESL were invited to one consultation, in December 2017, which maintained ESL’s position of disagreement. This meeting was about the project more broadly; the simulation was not discussed and there was no specific post-simulator consultation.</p>	<p>Not agreed.</p>

Discussion Point	Thanet Extension Position	ESL Position	Final Position
Consultation – post-application	Consultation has been undertaken in order to progress relevant matters with ESL during the examination process including provision of data where requested. The parties continue to seek compromise and agreement on outstanding matters.	There has been consultation post-application and information has been shared by all parties where possible.	Agreed.
Approach to NRA – baseline data	<p>The baseline data used to inform the NRA is representative and fit for purpose.</p> <p>The Applicant has undertaken a baseline data review and concludes that the data presented in the NRA and that gathered from boat based surveys is appropriate and representative of the amount of traffic and the spatial extent of traffic in the area.</p> <p>We note the proposition from ESL</p>	<p>This is not agreed because ESL still has concerns regarding the disparity between the interpretation of the traffic survey data and ‘further’ data analysis particularly with regard to area usage (specifically traffic density).</p> <p><i>Seasonality:</i> ESL does not consider seasonal representation is accurately reflected in the NRA. Whilst ESL appreciates MGN 543 does not dictate what constitutes ‘seasonality’ we would suggest that the choice of traffic study periods should be explained and possibly consulted upon with affected stakeholders prior to the NRA being published. This</p>	Not agreed.

Discussion Point	Thanet Extension Position	ESL Position	Final Position
	<p>regarding non-AIS vessels to NE/E/SE. The MGN survey data was supplemented by other data sources for non-AIS vessels (as set out in the baseline data review) and it is not considered that this presents a gap in data.</p>	<p>was not done in this case.</p> <p><i>Site Survey:</i> Survey conducted for the minimum time frame required by MGN 543. ESL also has concerns with the area of study as the NRA states that the study (AIS/Radars/visual) was conducted from within the western extent of the development. Vessels without AIS could possibly be under represented due to the existing TOW blocking radar/visual study to the NE/E/SE. The on site survey was focussed on the Inner Route, and the survey vessel did not carry out any survey to the east of the windfarm. The site survey was therefore selective and is not sufficiently representative.</p>	
<p>Approach to NRA – pilot simulation</p>	<p>It is agreed that the pilot simulation study provides a robust basis for concluded the feasibility of pilot transfers in the NE spit area.</p>	<p>This is not agreed. With regards to boarding and landing feasibility ESL would suggest that the simulator study would need to contain a more detailed scenario assessment including, but not limited to, human factors and poor MetOcean conditions.</p>	<p>Not agreed</p>

Discussion Point	Thanet Extension Position	ESL Position	Final Position
	<p>The Applicant notes ESLs position at Deadline 3 where it was accepted that the simulation provides evidence of feasibility but does not agree on the degree to which the study has been used in the NRA. Can ESL confirm this position?</p>	<p><i>Human Factors:</i> ESL do not consider that human factors were fully represented in the bridge simulator study. Such relevant factors would include limits on the local knowledge of Masters, differing language skills and contravention of the ColRegs (International Regulations for Preventing Collisions at Sea).</p> <p>ESL’s position stated at Deadline 3 was that it is possible for a simulation to provide evidence of feasibility but only where the simulation addresses the other issues previously raised by ESL, for example in relation to the representation of human factors. So far, these other issues have not been addressed.</p>	
<p>Approach to NRA – sea lanes</p>	<p>Sea lanes are appropriately recognised and the inshore route is not a formal sea lane.</p> <p>The Applicant notes the position of ESL at Deadline 4 confirming that</p>	<p>This is not agreed.</p> <p>It would appear the NRA only recognises 1 sea lane and frequently describes all other possible lanes as ‘routes’. ESL believes this should have been raised/discussed with affected stakeholders as under MGN 543 the ‘routes’ included could have been</p>	<p>Not agreed.</p>

Discussion Point	Thanet Extension Position	ESL Position	Final Position
	<p>the inshore route is not a formal sea lane.</p> <p>It is not clear how a route should be recognised as a sea lane in the absence of formal definition.</p>	<p>considered sea lanes.</p> <p>ESL accepted the MCA’s position on sea lanes. ESL still accept the MCA’s position that the area should be considered a sea lane (as they have stated in their ISH8 action point responses). In the absence of a formal definition it would be a more prudent approach to follow MGN543 para 2.2 and ‘weight’ the inshore route as a sea lane.</p>	
<p>Approach to NRA – hazard log</p>	<p>The Hazard Log adequately identifies the relevant risks.</p>	<p>ESL agree that the Hazard Log adequately categorizes the relevant risks of collision, contact, obstruction, grounding and swamping/capsize. Extent of risks remains to be discussed.</p>	<p>Agreed.</p> <p>The quantification of risks is not agreed and is addressed below.</p>
<p>Approach to NRA – hazard log</p>	<p>It is agreed that the Hazard Log adequately quantifies and scores the relevant risks.</p>	<p>This is not agreed because ESL has concerns with the definitions within the hazard log and disagree with how risk has been quantified and the scores that have been applied.</p> <p>a) ESL has concerns over the definition of <i>Large Commercial</i> as anything over 75m in length. This</p>	<p>Not agreed.</p>

Discussion Point	Thanet Extension Position	ESL Position	Final Position
	<p>These differences occur principally between evidence and experience as far as IP is concerned.</p> <p>a) These categories were split out in the NRA addendum, however as the NRA identifies the most likely and worst credible risks, the highest consequence in that category will be assessed, with other collisions accepted to have a lower consequence.</p> <p>b) The worst credible consequence looks at what is reasonably the worst outcome; for example it is not assumed that it is credible that a large passenger vessel colliding</p>	<p>means that a cruise ship with potentially 300+ passengers carries the same scoring as a 100m feeder container vessel. The only similar characteristic we would agree with in the <i>large commercial</i> category is that they are all over 75m, the category seems too broad.</p> <p>b) A collision between a passenger vessel and a tanker has the same scoring as two small container vessels. A passenger vessel could be carrying hundreds of passengers and the consequence of collision in such a case would be far higher.</p> <p>c) ESL has concerns over some of the scoring. It is not clear why a collision between a large commercial vessel and a fishing vessel would be a 2 (people scores/most likely) but a collision between a large commercial vessel and a leisure vessel would be a 3. It is possible that this purely reflects the fact that in the second situation, there is a 'member of the public' involved. This needs to be clarified.</p>	

Discussion Point	Thanet Extension Position	ESL Position	Final Position
	<p>with a tanker would lead to the loss of all lives on the passenger vessel.</p> <p>c) The scoring in the NRA was reviewed by mariners and technical experts from Marico.</p> <p>The frequency of 10 vessels per day was taken from baseline data. The baseline data report submitted at Deadline 4 confirms that these assumptions remain valid.</p>	<p>It is unclear whether the frequency is based on the 10 movements per day stated in the NRA</p> <p>ESL served 5503 vessels at the inner boarding/inshore route area in 2018 (15 vessels per day). This figure does not include any vessel not taking a pilot or the pilot boat itself. Any, and all, vessels interacting with the inshore route should be included in an assessment of traffic frequency.</p>	
Approach to NRA – hazard log	The scores presented within the Hazard Log are accurate	This is not agreed because ESL have concerns about the low scoring of collisions between large commercial and fishing/leisure/small commercial and the general scoring approach.	Not agreed.
Environmental	The shipping and navigation	This is not agreed and ESL has previously commented	Not agreed

Discussion Point	Thanet Extension Position	ESL Position	Final Position
Statement Baseline and Methodology	<p>baseline environment 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</p> <p>The Applicant notes that the baseline, as presented in the ES and the NRA, has been appropriately validated through the use of a further 12 months of AIS data.</p>	<p>on these matters in its Written Responses submitted at Deadline1. ESL has the same concerns here as in relation to the baseline for the NRA.</p>	
Environmental Statement Baseline and Methodology	<p>The approach adopted in the Environmental Statement is appropriate to assess the magnitude and range of navigational safety impacts from the proposed Project on passage</p>	<p>Not agreed. (see above).</p>	<p>Not agreed.</p>

Discussion Point	Thanet Extension Position	ESL Position	Final Position
<p>Environmental Statement Baseline and Methodology</p>	<p>of commercial vessels</p> <p>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 employed by Tilbury2 in the PLA approved NRA that underpinned that project, and reflected in the regional planning undertaken by the MMO.</p>	<p>ESL do not agree that 10% is an adequate uplift in traffic growth. The inshore area has a highly diverse user traffic profile including commercial shipping, recreational users, WFSVs and Fishermen. ESL also notes that recreational traffic in the NRA is afforded 'steady' growth status, albeit undefined. However this is downgraded to a static/negative position in the NRAA.</p>	<p>Not agreed.</p>
<p>Tolerability definition and assessment</p>	<p>In the absence of industry specific guidance the tolerability of risk is appropriately defined.</p> <p>The Applicant's understanding is that the definition of tolerability is accepted, however the assessment and conclusion of the project being tolerable are not (see item below)</p>	<p>Not agreed.</p>	<p>Not agreed</p>

Discussion Point	Thanet Extension Position	ESL Position	Final Position
Tolerability assessment	In the absence of industry specific guidance the tolerability of risk and assessed through application of the HSE standards.	This is not agreed. ESL expressed its concerns regarding risk assessments and their interpretation/relationship with the data presented during the pilotage and simulator study meetings.	Not agreed.
Environmental Statement/ assessment	<p>The ES adequately assesses impacts on shipping routes and gives appropriate weighting on routes that whilst locally important are not international shipping lanes.</p> <p>The Applicant has identified sea lanes for the purposes of international navigation in line with the required of NPS EN-3. It is noted that at Deadline 4 ESL have accepted that the MCA will define what is a sea lane for those purposes.</p>	<p>This is not agreed because ESL believes that the ‘routes’ should have been considered ‘lanes’ and that there should have been consultation with stakeholders before assigning route/lane status. At paragraph 2.2 of MGN 543, it is stated that “<i>The Merchant Shipping (Safety of Navigation) Regulations 2002 implements the Safety of Life At Sea (SOLAS) Convention Chapter V (Safety of Navigation) 2002. This applies to all vessels on all voyages, therefore for the purposes of this document “sea lanes” are considered to be IMO-adopted routeing measures and potentially other sea routes transited by all vessel types.</i>” Within this definition the ‘routes’ included in the ES could have been defined as ‘sea lanes’.</p> <p>As noted above, ESL accepted the MCA’s position on sea lanes. ESL still accept the MCA’s position that the area should be considered a sea lane (as they have</p>	Not agreed.

Discussion Point	Thanet Extension Position	ESL Position	Final Position
		stated in their ISH8 action point responses). In the absence of a formal definition it would be a more prudent approach to follow MGN543 para 2.2 and ‘weight’ the inshore route as a sea lane.	
Accompanying documentation	The bridge simulation exercise (Application Ref 6.4.10.2) accurately reflects the study undertaken with Port of London Authority and pilotage providers.	It is agreed that the study reflects the events that took place during the simulator exercise.	Agreed.
Accompanying documentation	<p>The bridge simulation exercise (Application Ref 6.4.10.2) accurately reflects the effects on pilotage associated with the original Red Line Boundary.</p> <p>The Applicant understands that ESL considers the weight afforded to the pilot simulation in the NRA to too great, however in accordance with Deadline 3 submissions, it does demonstrate</p>	ESL does not agree that the simulation exercise accurately reflects the pilotage operation at the North East Spit for reasons previously explained ESL’s Deadline 1 submissions. Due to the limitation of this study ESL considers that the weight it is given in the NRA is disproportionate.	Not agreed.

Discussion Point	Thanet Extension Position	ESL Position	Final Position
	feasibility.		
NRA addendum - approach	<p>The approach to the NRA addendum and the hazard workshop was presented to ESL in advance for comment. The approach taken by the Applicant is appropriate and matches NRA standard practice.</p> <p>It is not uncommon for hazard workshops to be undertaken on one day, in that respect the NRAA workshop was no different to many that the PLA will have been involved in. It is understood that no hazards were agreed during the Tilbury2 hazard workshop, it is not clear that the PLA had an objection to that process.</p> <p>The PLA were given the</p>	<p>ESL was presented with a guide to the workshop in advance.</p> <p>As reflected in the MCA’s responses to ISH8 action point 10, ESL does not agree that it is standard practice to attempt such a significant NRA amendment under restricted time pressure. Given the level of agreement and understanding that is required for a risk assessment such as this, ESL does not feel the approach has been appropriate.</p> <p>ESL was not involved in the Tilbury2 hazard workshop so is unable to comment on that process. In ESL’s experience, where hazard workshops have taken place in a day, these have been well in advance of an application being made and ample opportunity has been provided by the applicant for subsequent iterative feedback into the hazard assessment prior to the application being made. By contrast, the Vattenfall workshop was undertaken close to the end</p>	Not agreed

Discussion Point	Thanet Extension Position	ESL Position	Final Position
	<p>opportunity to express these concerns prior to and at the beginning of the workshop, and these issues were not raised to Applicant. Only subsequent to the workshop were they matters highlighted by the PLA allowing no time to address concerns or adapt the approach.</p> <p>It is the Applicant' view that the timing of the hazard workshop is not relevant to whether its approach is appropriate. There has been ample time for iterative feedback, and indeed PLA / ESL provided feedback in the form of their own re-scoring. There have been multiple opportunities to comment on the outcomes of the workshop including the SEZ material change consultation</p>	<p>of the DCO Examination process, with concerns raised on the day of the workshop not noted, and no opportunity or time allowed for comment subsequently.</p>	

Discussion Point	Thanet Extension Position	ESL Position	Final Position
	<p>period which the PLA have responded to.</p>		
<p>NRA addendum - approach</p>	<p>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.</p>	<p>ESL agrees that an increase in navigational risk alone does not render a project unacceptable. Nevertheless, ESL remains concerned about the wider impacts of this project as set out in its submissions to the ExA, and it is not satisfied that the Applicant has fully followed section 6 of the Methodology for Assessing the Marine Navigational Safety & Emergency Response Risks of Offshore Renewable Energy Installations, which is not limited to ALARP..</p>	<p>Not agreed.</p>
<p>NRA addendum – baseline data</p>	<p>The consideration of the baseline data presented in Appendix 27 to Deadline 4 presents an adequate characterisation of the receiving environment.</p> <p>The PLA when conducting their own risk assessment of the NE spit area relied entirely on AIS which</p>	<p>This is not agreed. Whilst an increase in data is a helpful addition to the existing NRA ESL still has concerns about the overall interpretation. When assessing the inshore area ESL is still concerned that a holistic approach isn't being fully utilised and instead a more sectional assessment has emerged.</p> <p>The PLA 2015 risk assessment cannot be directly compared to Vattenfall's NRAs as it was undertaken</p>	<p>Not agreed.</p>

Discussion Point	Thanet Extension Position	ESL Position	Final Position
	<p>was considered acceptable in those circumstances.</p>	<p>to look at a specific issue of concern at the time, to address recent reported near-misses between specific commercial vessels at the boarding and landing station and not a whole project. It did not solely consider AIS data, but also relied on the experience of those professionals participating in the workshop in order to ensure an appropriate and realistic assessment of risk.</p>	
<p>NRA addendum – approach to hazard workshop</p>	<p>The approach to the hazard workshop was presented to ESL in advance for comment. ESL provided additional data that included in the information pack. The approach to the hazard workshop was agreed.</p> <p>The approach for the workshop was reiterated at the start of the day and opportunity provided for IPs to comment. It was agreed at that point that the approach was</p>	<p>ESL submitted collision information on 2 incidents, the first was outside of the 5nm study area and therefore not drawn into the assessment. The second was not discussed fully due to time constraints and not reaching the relevant part of the assessment/workshop.</p>	<p>It is agreed that ESL representatives were presented with the information pack 48 hours before the workshop and that ESL submitted collision information on 2 incidents. However, the overall approach to the hazard workshop was not agreed either before or after the workshop.</p>

Discussion Point	Thanet Extension Position	ESL Position	Final Position
	<p>suitable.</p> <p>The two examples ESL provided were presented at the workshop for context to aid attendees assess possible consequences.</p>		
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.	Not agreed.	Not agreed.
NRA addendum – hazard log	It is agreed that the baseline scoring of hazards 1-4 was discussed and agreed in the hazard workshop	Agreed.	Agreed.
NRA addendum – hazard log	It is agreed that the baseline and inherent scoring of the remaining hazards other in the hazard log, completed by Marico with mariner input, and sent around for comment by IPs, is appropriate	Not agreed.	Not agreed.

Discussion Point	Thanet Extension Position	ESL Position	Final Position
NRA addendum – conclusions	It is agreed that the conclusion of the NRA addendum that the risks in the inshore route ALARP and that the SEZ provides sufficient sea room for marine activities is correct and reflects the same definition of ALARP utilised by PLA in the NE Spit NRA.	It is agreed that the Vattenfall NRAA concludes that the risks are ALARP and that the SEZ provides sufficient sea room. However, ESL does not agree with the methodology used to score the collision risks and therefore it does not agree that the risks are ALARP.	Not agreed.
NRA addendum – conclusions	It is agreed that the NRA addendum appropriately concludes that there is adequate sea room for the passage of vessels through the inshore route.	The southern approach at Elbow Buoy could have sea room concerns in bad weather. As a route for passage the inshore route should have enough sea room. As previously stated, we have concerns with the separation of the inshore routes usage. The area is used for passage/pilotage/fishing/recreational plus windfarm site traffic.	Not agreed.
ISH8	It is agreed that the rescoring of the NRAA hazards submitted by PLA and ESL at Deadline 4, when considered against the PLAs published guidance at the time, identifies the risks associated with the proposed project to be ALARP.	The outline PLA/ESL assessment of the NRAA hazards was undertaken in the few days that the PLA and ESL were given to comment prior to Deadline 4, and was purely an initial assessment to attempt to make a comparison between the methodologies used in the original NRA and the revised NRAA, given that the Applicant followed different methodologies for each.	Not agreed.

Discussion Point	Thanet Extension Position	ESL Position	Final Position
		Given the time frame available and the lack of information available to the PLA and ESL, it is not possible to say with accuracy that the NRAA identifies the risks as ALARP.	
Commercial mitigation	The Applicant agrees that where the Tongue pilot diamond is required to be moved as a result of TEOW, a mitigation agreement to include compensation for the commercial impacts of this movement will be required.	ESL welcomes the Applicant’s offer of a Mitigation Agreement. As well as the Tongue Pilot Diamond, there are other issues including impacts on the Elbow and NE Spit. ESL expects the Agreement to deal with the impacts of the TEOWF in the round, and not be limited to the Tongue Pilot Diamond.	Agreed
Commercial mitigation	The Applicant and ESL will start commercial discussions with the aim to conclude an agreement that mitigates, as far as reasonably possible, concerns regarding the economic and operational impact on pilotage. The Applicant and ESL will provide an update on the progress of these discussions to the Secretary of State at the start of his determination period.	Agreed. In the absence of such an agreement being concluded, ESL will maintain its objection to granting of consent for the TEOWF in its current form.	Agreed.

Discussion Point	Thanet Extension Position	ESL Position	Final Position
<p>Commercial mitigation – DCO drafting</p>	<p>The Applicant has provided drafting to PLA/ESL that the Applicant considers secures mitigation in the event that the Tongue Pilot diamond is required to be moved and allows for more general mitigation where it is evidenced by PLA that pilot transfers have been displaced as a result of the development. This mitigation agreement will be submitted to the Secretary of State for approval, following consultation with PLA and the pilotage operator.</p>	<p>The Applicant has today provided ESL with proposed draft wording to add to the DCO which the Applicant believes secures certain mitigation. There is no provision within the Examination process at this stage for consideration of these DCO amendments by the various parties. ESL will need to have detailed discussions with the Applicant over the effect of the drafting proposed, and the mechanism by which the mitigation can be secured (through the DCO or otherwise) given that we are now at the end of the Examination process.</p> <p>ESL will look to agree a mitigation agreement with the Applicant and with the PLA. In order to secure the necessary protection for ESL, it should be a pre-commencement condition that, prior to commencing the authorised works, the Applicant has entered into a Mitigation Agreement which addresses the ESL's concerns about navigational safety and the impacts of the TEOWF on the PLA's operations.</p>	<p>Not agreed</p>



This page has been left intentionally blank.