

# **Vattenfall Wind Power Ltd**

## **Thanet Extension Offshore Wind Farm**

### **Appendix 18 to Deadline 7 Submission: Statement of Common Ground – Port of London Authority**

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
20/05/19	04	Revised draft returned from PLA	PLA	PLA	PLA
22/05/19	05	Revised draft	Vattenfall/GoBe	GoBe	Vattenfall
28/05/19	C	Revised document submitted to the ExA	GoBe	GoBe	Vattenfall
06/06/19	D	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	Port of London Authority’s Remit.....	8
3	Consultation.....	10
3.1	Application elements under the PLA’s remit .....	10
3.2	Consultation Summary.....	10
3.3	Post-application Consultation.....	11
4	Log of matters agreed and not agreed .....	13
4.1	Shipping and Navigation .....	13
Table 1: Consultation undertaken with the PLA pre-application .....		10
Table 2: Consultation undertaken with the PLA post-application.....		11
Table 3: Status of discussions relating to Shipping and Navigation. ....		13

## 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 Port of London Authority (PLA) 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 PLA on the Application.
- 3 It is the intention that this document captures the discussions held between both of the parties and also give the Examining Authority (ExA) an overview of the level of common ground between both parties.

### 1.2 Approach to SoCG

- 4 This SoCG has been developed during the pre-examination and examination phases of the Thanet Extension. In accordance with discussions between the Applicant and the PLA, the SoCG is focused on those issues raised by the PLA 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: PLA'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 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 Structures Exclusion Zone is an area subject to some 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 Port of London Authority's Remit

- 12 The PLA is the statutory harbour authority for the tidal River Thames (“the River”) between Teddington and the outer Thames Estuary. It is governed by the Port of London Act 1968 (“the 1968 Act”). Its statutory functions include responsibility for conservancy, hydrographic surveying, dredging, managing the public navigation and controlling vessel movements.
- 13 Under section 66 of the 1968 Act, the PLA’s licence is required for the construction by other people of any works in, on, under or over the River and, under section 73, for the carrying out of dredging or other comparable operations. The PLA provides moorings in the River and licenses their provision by others. As the body responsible for licensing river works and moorings, the PLA must have special regard for the unimpeded use of and access to licensed works by the PLA’s existing licensees.
- 14 The proposed extension of the wind farm under the dDCO lies outside the PLA’s statutory limits under the 1968 Act. However, the PLA’s functions include the promotion of the use of the River for freight and passengers as an important and sustainable transport corridor for London and access to the River is therefore a key concern for the PLA.
- 15 The proposals under the draft DCO are in close proximity to the PLA’s pilot boarding locations, with that at the North East Spit most affected by the proposed westwards extension of the wind farm. Moreover, the proposals have the potential to impact on the operation of the Port. The proposals would encroach into the existing shipping routes, potentially lengthening journey times into the Port for commercial services should they elect to re-route around an extended wind farm.
- 16 The PLA is a competent harbour authority for the purposes of the Pilotage Act 1987 (“the Pilotage Act”), as it has powers and duties under the 1968 Act to improve, maintain and manage the Port of London. As a competent harbour authority, the PLA – under s.2 of the Pilotage Act – is under a duty to keep under consideration whether it needs to provide pilotage services to secure the safety of ships navigating in or in the approaches to its harbour. The PLA is therefore under an obligation to provide such services as need to be provided, which clearly can extend to providing pilotage services to ensure that when vessels enter into the PLA’s statutory limits, those vessels have the benefit of a pilot.



- 17 The PLA is a trust port. Accordingly, it manages the River for the benefit of all river users and is obliged to turn its assets to account for the benefit of its statutory undertaking. As part of this obligation it must also minimise the conservancy and other charges payable under the 1968 Act by river users. The PLA is wholly funded by such charges and the other funds it generates: it does not receive any central or other Government subsidy.

## 3 Consultation

### 3.1 Application elements under the PLA's remit

- 18 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 PLA.
- 19 The PLA oversees 95 miles of the River Thames. They work to keep commercial and leisure users safe, protect and enhance the environment and promote the use of the river for trade and travel.
- 20 The technical components of the DCO application of relevance to the PLA (and therefore considered within this SoCG) comprise:
- Volume 2, Chapter 1: Project Description (Offshore) (Application Ref 6.2.1);
  - Volume 2, Chapter 10: Shipping and Navigation (Application Ref 6.2.10);
  - Volume 4, Annex 10-1: Navigational Risk Assessment (Application Ref 6.4.10.1);
  - Navigational Risk Assessment Addendum (Revision B) (REP5-039) and associated annexes; and
  - Volume 4, Annex 10-2: Pilot Transfer Bridge Simulation Report.

### 3.2 Consultation Summary

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

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

Date & Type:	Detail:
26 <sup>th</sup> January 2016 Meeting	Introduction to the project and initial summary of PLA concerns
November 2016 Meeting	Pre-scoping meeting
January 2017 Email correspondence	Pre-scoping
February 2017	Scoping Response
May 2017 Meeting	Pilotage study meeting
July 2017 Meeting	Pilotage study meeting
September 2017 Meeting	Pilotage study workshop
December 2017 Meeting	NRA Meeting
January 2018, S42 Consultation	Comments relating to the Preliminary Environmental Information Report

### 3.3 Post-application Consultation

22 VWPL has engaged with the PLA 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 PLA is detailed in Table 2.

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

Date/ Type:	Detail:
August 2018	<p>VWPL presentation to PLA and ESL regarding submitted application, confirmation of jurisdiction, findings of the bridge simulation.</p> <p>Comment from PLA: The PLA 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>Meeting with LPC. PLA in attendance.</p>
April 2019	<p>Call to inform the PLA about 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

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

### 4.1 Shipping and Navigation

- 24 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). 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	PLA 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 provides 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 the PLA. In particular, it does not encompass the Tongue DW anchorage or the relocated Tongue DW boarding position.</p>	Not agreed.
Red Line Boundary revision	<p>The revision made to the red line boundary following Section 42 consultation reduces interaction with the Port of London Authority area of concern.</p>	<p>It is not agreed that the red line boundary (RLB) as applied for addresses the PLA’s concerns about the geographical extent of the scheme.</p> <p>The RLB plan (shared with the PLA in May 2018) showed a marginal decrease in the proposed area for the western extent of the site, which the accompanying statement suggested was a reduction by approximately 50% in comparison to an earlier pre-submission</p>	<p>This statement has been superseded by the introduction of the SEZ.</p>

Discussion Point	Thanet Extension Position	PLA Position	Final Position
		<p>plan showing the extent of the scheme RLB. In fact, the area by which the RLB had been reduced was minimal.</p> <p>The PLA acknowledged that its concerns had been considered, and that an attempt had been made to address them. However, the PLA still has a number of concerns regarding the proposal. The extent reduction of 50% was a 50% reduction of the north west tip, which is a very small part of the overall proposed extension area; in practice, the reduction was therefore much smaller than the figure of 50% suggests. The reduction does not address PLA concerns regarding the reduction in sea room to the west of the windfarm, which affects the shipping corridor running north west/south east between the windfarm and the shore.</p>	

Discussion Point	Thanet Extension Position	PLA Position	Final Position
		<p>The existing windfarm already presents challenges to Pilots, especially during busy times within the Port of London Authority’s area, and particularly during periods of strong winds. The existing windfarm has already pushed vessels navigating this channel west. The extension, even with the proposed modification, would continue to push vessels further west towards shallower waters, and reduce the width of sea room by 50%. The PLA made it clear to the Applicant that despite some changes to the proposed Application, its concerns – raised at both Scoping stage of the DCO process, and via its response to the PEIR – remain.</p>	



Discussion Point	Thanet Extension Position	PLA Position	Final Position
		<p>The PLA invited further engagement from the Applicant in email correspondence in May 2018. Although a further meeting was held in August, this was by way of update by the Applicant, not a consultation.</p>	
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 searoom recommendations within the IALA SP document recommend safety buffers outside of a lane/route. Safety buffers should be in addition to a route area calculation not within it.</p>	Not agreed

Discussion Point	Thanet Extension Position	PLA Position	Final Position
	<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>		
SEZ	<p>The IALA guidance is based on case studies for ports and port approaches busier than those present within the study area of concern and is therefore suitably precautionary.</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>The IALA guidance provides a suitably precautionary approach where its recommendations are taken into account.</p>	Not agreed

Discussion Point	Thanet Extension Position	PLA Position	Final Position
		<p>The PLA 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 met ocean 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>	
SEZ	<p>The introduction of the SEZ provides 2nm clear sea room with a 1nm buffer in relation to the NE Spit pilot diamond. It is agreed than in the</p>	<p>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.</p>	Not agreed

Discussion Point	Thanet Extension Position	PLA Position	Final Position
	<p>area of greatest pilotage operations density this searoom will be 3nm, increasing to 3.4nm.</p> <p>These distances are adequate for both transit and pilotage boarding.</p>	<p>The distance of 3.4nm is a thin ‘band’ running East/West. The PLA 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.</p>	
SEZ	<p>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.</p>	<p>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. The PLA also considers its use as an area for boarding/landing to be important and therefore its overall ‘lower pilot activity’ should not be used to validate a reduction in sea room.</p>	<p>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.</p>

Discussion Point	Thanet Extension Position	PLA Position	Final Position
			It is not agreed that this is adequate sea room
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 SEZ. However, the reduction in searoom is greater at the Elbow/SEZ and therefore for the same reasons as stated above we don't believe there is adequate sea room between Elbow buoy and 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, and that sea room widens out either side of this transect and therefore	It is agreed that the Elbow is the narrowest point between SEZ and the inshore route.	

Discussion Point	Thanet Extension Position	PLA Position	Final Position
	the available searoom increases at all other locations.	However, it is not agreed that 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 RLB extension proposal, and any development to the SW/W/NW is a reduction in sea room at the inshore route.	
SEZ	Introduction of the SEZ provides the necessary sea room to minimise the effect on ESL's activities, subject to other controls.	The the SEZ does not provide the necessary sea room to minimise the effect on the PLA'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 take place within the SEZ.	Not agreed
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

Discussion Point	Thanet Extension Position	PLA Position	Final Position
SEZ	<p>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 the PLA, 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 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>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. The PLA’s concerns about the effects on pilotage are outlined in its Deadline 3 documents.</p>	Not agreed.
Consultation	<p>Throughout the pre-application process the level of consultation and the provision of information has been sufficient in informing PLA of the development of the project and the predicted impacts on shipping and navigation.</p>	<p>The PLA is disappointed at the lack of engagement it has received from the Applicant on all aspects affecting its interests. It is agreed that a number of meetings have been held, at which the PLA openly expressed its concerns, particularly with regard to the reduction in sea room and very real adverse impact this would have on shipping and navigation. The PLA has not been appropriately consulted on the detail of</p>	Not agreed

Discussion Point	Thanet Extension Position	PLA Position	Final Position
	<p>The PLA’s position is clear but not shared by Applicant. PLA 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>the NRA during drafting, nor given appropriate opportunity to consider the findings of the Bridge Simulation and Pilotage Study. The Applicant reduced a small proportion of the proposed extension on the western most tip. the PLA advised the Applicant by email that this did little to address concerns, with further invites for onward engagement. The Applicant was not forthcoming in arranging for further engagement.</p>	
<p>Consultation – post-application</p>	<p>It is agreed that consultation has been undertaken in order to progress relevant matters with the PLA during the examination process including provision of data where requested. The parties continue to seek compromise and agreement on outstanding matters.</p>	<p>There has been consultation post-application and information has been shared by all parties where possible.</p>	<p>Agreed</p>
<p>Approach to NRA</p>	<p>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.</p>	<p>The PLA does not agree that the NRA was fully compliant with MGN543. Most of the data used for the NRA was from all or part of a three month period over the winter, which tends to be the</p>	<p>Not agreed</p>



Discussion Point	Thanet Extension Position	PLA Position	Final Position
	<p>Issues relating to baseline data are dealt with below. The MCA have confirmed that the NRA was carried in out in accordance with MGN543.</p>	<p>quietest period of the year, for both shipping and recreational activity. Where there was seasonal variation it was still based on a month that was below the monthly average for vessels using the NE Spit pilot stations and outside of the busiest months for recreational activity.</p>	
<p>Assessment methodology</p>	<p>It is agreed that the hazman software and assessment methodologies used by the Applicant are used and accepted by the PLA. Furthermore it is agreed that the PLA and Marico Marine developed the methodology. As noted in (above reference) the methodology was developed by the Port of London Authority and Marico Marine, with intellectual property rights retained by Marico Marine.</p> <p>The Applicant does not believe the PLA has raised any objection to the use of the Hazman software.</p>	<p>The PLA is phasing out use of the hazman software and assessment methodologies in favour of a more qualitative approach that accurately reflects real-life scenarios.</p>	<p>It is agreed that these methodologies have been used by the PLA. However, they are not being used for any new risk assessments and are being</p>

Discussion Point	Thanet Extension Position	PLA Position	Final Position
			phased out in favour of an approach that accurately reflect real-life scenarios.
Environmental Statement Baseline and Methodology	<p>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.</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</p>	<p>Not agreed</p> <p>In order to assess the collision risk as part of the NRA, Marico undertook collision risk modelling using one month's worth of AIS data from December 2016.</p> <p>In December 2016 ESL served 474 vessels, whereas in August 2017 they served 578. August is also a much busier month in terms of windfarm support vessels and recreational vessels. See table below.</p> <p>The AIS data tracks that were used for the NRA were from December 2016 to</p>	Not agreed

Discussion Point	Thanet Extension Position	PLA Position	Final Position
	<p>the amount of traffic and the spatial extent of traffic in the area.</p>	<p>February 2017. For the period Jan 2016-December 2017 these are the three quietest three months in terms of vessels served by ESL from Ramsgate. They also undertook monitoring in the area for 2 weeks in February and June 2017, to allow for seasonal variation. However, even in June 2017 the number of vessels served at the NE Spit was below the average monthly total for the year. Also, the summer monitoring was conducted well before the peak of recreational activity, which occurs during the school summer holidays.</p> <p>Therefore the PLA cannot agree that the marine traffic survey data used were appropriate for the assessment and detail a good representation of commercial traffic in the area of the project.</p>	

Discussion Point	Thanet Extension Position	PLA Position	Final Position
Environmental Statement Baseline and Methodology	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	Not agreed - See above	Not agreed
Environmental Statement Baseline and Methodology	The approach adopted in the Environmental Statement in describing collision risks is appropriate and reflects similar processes undertaken within the Port of London jurisdiction in order to inform management of marine safety.	<p>Not agreed. The PLA does not accept the Applicant's position that this inshore channel will be used by the same number of vessels after the scheme is implemented as before. These points are set out in more detail in the PLA's Written Representations as submitted at Deadline 1.</p> <p>The Applicant has pointed out that the PLA has accepted a number of Marico NRA's on the Thames for various projects in the past. However, the PLA has always been a consultee to any third party NRAs in the past so have had input into them and been able to comment on a draft of the document prior to application. The PLA did not see a draft</p>	Not agreed

Discussion Point	Thanet Extension Position	PLA Position	Final Position
		<p>NRA prior to the Applicant’s submission of the Application, so the PLA was unable to comment. It does not follow that because the PLA has accepted NRAs prepared by Marico for other projects that it should do so for this one.</p>	
<p>Environmental Statement Baseline and Methodology</p>	<p>The design parameters of the project would result in the worst case collision and allision scenario for commercial vessels.</p>	<p>The PLA does not agree that the worst case scenario for collision and allusion has been addressed. The collision risk modelling was undertaken based on AIS data from December, where the traffic is considerably quieter than in the height of summer. The wider data sets used in the NRA do not represent full seasonal variation.</p>	<p>Not agreed</p>
<p>Environmental Statement Baseline and Methodology</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</p>	<p>Not agreed: see Deadline 6 submissions.</p>	<p>Not agreed</p>

Discussion Point	Thanet Extension Position	PLA Position	Final Position
	approved NRA that underpinned that project, and reflected in the regional planning undertaken by the MMO.		
Tolerability definition and assessment	In the absence of industry specific guidance it is agreed that the tolerability of risk is appropriately defined and assessed through application of the HSE standards.	Not agreed	Not agreed
Environmental Statement assessment	It is agreed that the Applicant has adequately assessed navigational safety impacts on users of commercial vessels from the Project.	Not agreed  Due to the limitations of the pilotage study, and the chosen data sets which did not represent the range of traffic that may be encountered, we do not believe that the navigational safety impacts have been adequately assessed.	Not agreed
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 and therefore accurately presents the effects on pilotage associated with the proposed project.	The bridge simulation study report does reflect the runs that were undertaken in the PLA simulator, but does not accurately present the effects on pilotage associated with the proposed project. The simulation exercise that was undertaken only demonstrated that	Not agreed

Discussion Point	Thanet Extension Position	PLA Position	Final Position
	<p>The PLA were involved at all stages of the development, running and wash up of the pilot simulation. The concerns being raised now were not raised at the time despite the reports being circulated and there being adequate time to comment both following the study and during Section 42 consultation.</p>	<p>it would be possible, in certain conditions, to board and land a pilot within the area of reduced sea-room, but did not represent the full range of environmental and traffic conditions, vessels, lack of local knowledge and other situations that may be encountered.</p>	
<p>Wider application</p>	<p>It is agreed that the physical processes chapter (Application Ref 6.2.2) adequately considers the risk of potential migration of sandwaves and accurately concludes that there is a negligible risk of effect on sandwaves within the region.</p> <p>The Applicant can confirm that following discussion with Natural England and MMO that there are no mitigation measures necessary for the predicted scale of effect on sandwaves. The assessment has found there to be no effect.</p>	<p>The PLA assumes that the appropriate mitigation has been put in place to ensure any impact from sandwaves is appropriately dealt with and would like confirmation of such from the Applicant.</p>	<p>Not agreed</p> <p>Potential for agreement once the Applicant provides the PLA with confirmation that appropriate</p>

Discussion Point	Thanet Extension Position	PLA Position	Final Position
			mitigation will be put in place
The DCO and risks of navigation channel sedimentation	It is agreed that the physical processes chapter (Application Ref 6.2.2) adequately considers the risk of potential sedimentation at a study area scale and accurately concludes that there is a negligible risk of effect of sedimentation study area.	As above.	Not Agreed
The DCO and risks of navigation channel sedimentation	It is agreed that the Condition within the DCO and deemed Marine Licences (Application Ref 3.1) regarding bathymetric monitoring is appropriate to monitor changes in seabed morphology associated with the project.	This is a matter yet to be discussed between the Applicant and the PLA.	Not Agreed



Discussion Point	Thanet Extension Position	PLA Position	Final Position
NRA addendum - approach	The approach to the NRA addendum and the hazard workshop was presented to PLA in advance for comment. The approach taken by the Applicant is appropriate and matches NRA standard practice.	The PLA was presented with a guide to the workshop in advance	Not agreed

	<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 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’s 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 the PLA provided feedback in the form of their own re-scoring. There have been multiple opportunities to comment on the outcomes of</p>	<p>As reflected in the MCA’s responses to ISH8 action point 10, we do 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, we do not feel the approach has been appropriate.</p> <p>In the PLA’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 of the DCO Examination process, with concerns raised on the day of the workshop not</p>	
--	---	---	--

Discussion Point	Thanet Extension Position	PLA Position	Final Position
	the workshop including the SEZ material change consultation period which the PLA have responded to.	noted, and no opportunity or time allowed for comment subsequently.	
NRA addendum - approach	A project should not be regarded as unacceptable by reason only that it would increase navigational risk; and that the judgment on whether a project is acceptable in terms of navigational safety should be determined on the basis of whether ALARP can be achieved.	The PLA agrees that an increase in navigational risk alone does not render a project unacceptable. Nevertheless, the PLA 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.	Not agreed.

Discussion Point	Thanet Extension Position	PLA Position	Final Position
<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 was considered acceptable in those circumstances.</p>	<p>Disagree: Whilst an increase in data is a helpful addition to existing NRA the PLA still has concerns about the overall interpretation. When assessing the inshore area we are 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 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>Not agreed</p>

Discussion Point	Thanet Extension Position	PLA Position	Final Position
<p>NRA addendum – approach to hazard workshop</p>	<p>The approach to the hazard workshop was presented to PLA in advance for comment. The approach to the hazard workshop was agreed.</p> <p>PLA did not request an independent chair, neither is that required for successful running of a hazard workshop. Marico are an independent consultancy and as such can be considered to act independently and professionally distinct from the Applicant.</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 suitable.</p>	<p>The PLA was presented with the information pack 48 hours before the workshop.</p> <p>The approach to the hazard workshop was not agreed. The workshop was chaired by Marico acting for the Applicant (and engaged by it for that purpose) and not an independent chair, a point raised by the Examining Authority at ISH8.</p>	<p>Not agreed</p>
<p>NRA addendum – hazard log</p>	<p>It is agreed that the hazard categories were agreed in the hazard workshop with clear confirmation of hazards to include/preclude from discussion.</p>	<p>Not agreed.</p>	<p>Not agreed.</p>

Discussion Point	Thanet Extension Position	PLA Position	Final Position
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 in the hazard log, completed by Marico with mariner input, and sent around for comment by IPs, is appropriate.	Not agreed.	Not agreed.
NRA addendum – conclusions	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 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, the PLA 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	Not agreed.

Discussion Point	Thanet Extension Position	PLA Position	Final Position
		passage/pilotage/fishing/recreational plus windfarm site traffic.	
PLA rescoring of the NRAA hazards	It is agreed that the rescoring of the NRAA risk assessment by the PLA using the PLA's own methodology concludes that risks are moderate which is described as 'Additional controls required to reduce risk to ALARP'.	The outline PLA assessment of the NRAA hazards was undertaken in the few days that the PLA was 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. Given the time frame available and the lack of information available to the PLA, it is not possible to say with accuracy that the PLA NRAA identifies the risks as ALARP.	Not agreed.
PLA rescoring of the NRAA hazards	It is agreed that the PLA's D4c submitted hazard log criteria and scoring of 'moderate' risks is not consistent with the risk assessment for Tilbury 2 which considers 'a hazard categorised as Moderate, Minor, or Slight is	The PLA accepts risk assessments in different formats and works with applicants to ensure hazards are appropriately assessed. The PLA has previously used the Marico risk	Not agreed.

Discussion Point	Thanet Extension Position	PLA Position	Final Position
	<p>already As Low As Reasonably Practicable (ALARP) or the PLA’s own method of risk assessment which would score moderate risks as ‘Efforts should be made to reduce risk to ‘As low as reasonably practicable’ (ALARP), but activity may be undertaken’ (source: <a href="https://www.pla.co.uk/assets/fm197plariskassessmenttemplate.xlsx">https://www.pla.co.uk/assets/fm197plariskassessmenttemplate.xlsx</a>).</p> <p>Tilbury2 is a relevant project to consider as a recently approved DCO which used the PLA’s standard risk assessment methodology. Whilst the projects are clearly of a different scale in terms of infrastructure, the Applicant does not agree that this necessitates a change assessment of navigation risk, and it is not clear why there would be a difference in the scoring matrix between the that NRA and the PLA’s rescoring, when both used the PLA’s risk assessment method.</p>	<p>assessment template and methodology, which was used by Port of Tilbury Ltd for the Tilbury2 NRA, for its own assessments. However, the PLA has recently reviewed the way it undertakes risk assessments; the test of whether or not a risk is ALARP is based on more than just a score. The PLA is therefore in the process of replacing the Hazman software supplied by Marico, as well as the risk assessment template developed with Marico, so this has now been removed from the PLA website.</p> <p>With the Tilbury 2 NRA the PLA was involved in the NRA process well before the application was submitted and was satisfied that the sufficient risk mitigation had been identified to reduce the risks to ALARP. In the context of the current Application however, it is not clear to the PLA what the significance of the Tilbury 2 NRA is, given the</p>	



Discussion Point	Thanet Extension Position	PLA Position	Final Position
		differences between Tilbury 2 and the Thanet Extension proposals. The former was within the area of a different harbour authority and in terms of works was in essence a jetty extension, in a river; the assessment of risk for a large-scale wind farm extension in open waters cannot be considered in the same light.	
PLA rescoring of the NRAA hazards	It is agreed that the PLA's risk assessment submitted at Deadline 4c did not take into account additional risk controls set out in the Applicant's NRA, and that with the application of these controls the risks scores would reduce and the project would be assessed as further within ALARP	See previous response.	Not agreed
NE Spit risk assessment	It is agreed that the NE Spit risk assessment undertaken by the PLA in 2015 does not identify the region as being on the limit of tolerability in terms of navigational risk, but that risks are moderate or below.	The PLA has put forward its views throughout the Examination as to its current assessment of risk, and the risks posed by the proposed wind farm extension once constructed.	Not agreed.

Discussion Point	Thanet Extension Position	PLA Position	Final Position
NE Spit risk assessment	The 2015 NE spit risk assessment identifies a number of risk controls which have not been implemented and could, if implemented, reduce the baseline risk.	The PLA identified potential risk controls and continues to consider which of these are required to reduce risk.	Not agreed.
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.	The PLA 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. The PLA 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 PLA will start commercial and mitigation discussions with the aim to negotiate and conclude an agreement that mitigates, as far as reasonably possible, concerns regarding the economic and operational impact on pilotage. The Applicant and PLA will provide an update on the progress of these discussions to the Secretary of State at the start of their determination period.	Agreed. In the absence of such an agreement being concluded, the PLA will maintain its objection to granting of consent for the TEOWF in its current form.	Agreed.

Discussion Point	Thanet Extension Position	PLA Position	Final Position
Commercial mitigation – DCO drafting	<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 the PLA 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. The PLA 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>The PLA will look to agree a mitigation agreement with the Applicant and with ESL. In order to secure the necessary protection for the PLA, it should be a pre-commencement condition that, prior to commencing the authorised works, the Applicant has entered into a</p>	Not agreed.

Discussion Point	Thanet Extension Position	PLA Position	Final Position
		Mitigation Agreement which addresses the PLA's concerns about navigational safety and the impacts of the TEOWF on the PLA's operations.	



This page has been left intentionally blank.