



TRINITY HOUSE

The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

20 February 2023

Your Ref: EN10109

Identification No. 20032913

Dear Sir/Madam

The Sheringham Shoal Offshore Wind Farm Extension Project and Dudgeon Offshore Wind Farm Extension Project

Trinity House attended, and made submissions at, Issue Specific Hearing 1 (ISH1) in relation to Strategic Offshore Matters on Wednesday 18 January 2023. Further to ISH1, we wish to provide the following submissions at Deadline 1.

Submissions at ISH1

Trinity House made a number of submissions in response to questions from the Examining Authority (“ExA”) under agenda item 7 (shipping and navigation). Trinity House was represented at ISH1 by Captain Trevor Harris, Navigation Manager at Trinity House, and Tom McNamara, Senior Associate at BDB Pitmans LLP. The following text is a summary of the submissions made by Trinity House at ISH1.

The ExA asked whether, with regard to the proposed location of the wind farm areas, Trinity House was satisfied that the site has been selected reasonably in order to avoid or minimise disruption for shipping and important routes for the area.

Captain Harris confirmed that, insofar as relevant to its remit of navigational safety, Trinity House was content that the location of the site was appropriate and that, under the draft Development Consent Order (DCO) [AS-009], mitigation measures would be implemented to reduce risk to navigation in the area. Captain Harris confirmed that Trinity House was, however, unable to comment on any of the commercial aspects regarding deviation of shipping routes which have been raised by other parties to the examination.

The ExA also asked whether, in Trinity House’s view, there were any further measures that could be employed or implemented to further mitigate any adverse impacts on navigation. Captain Harris confirmed that, in respect of aids to navigation, in Trinity House’s view the relevant mitigation proposed by the Applicant through the draft DCO, which has been the subject of long-standing discussion with Trinity House, was appropriate and consistent with other offshore wind farm development. These measures ensure that, at the post-consent stage, the implementation of the development would be subject to appropriate controls in relation to aids to navigation.

The ExA also sought Trinity House's comments in relation to Chapter 13 (Shipping and Navigation) of the Environmental Statement [APP-099], which sets out that affected vessels would be displaced at a high frequency into a smaller navigable area than is currently available, leading to increased encounters and collision risk.

Captain Harris acknowledged that the compression of traffic into a smaller area would naturally increase the risk of encounters and collisions. However, Captain Harris noted that the measures secured by the draft DCO, for example the proposed aids to navigation management plan, would serve to mitigate that risk. Mr McNamara for Trinity House also noted that the Navigation Risk Assessment [APP-198] concludes that in relation to all impacts, which includes increased collision risk, these were assessed as being at most tolerable with additional mitigation and therefore 'as low as reasonably practicable' or ALARP.

The ExA also sought Trinity House's confirmation that it was satisfied that there would not be any adverse safety impacts on recreational vessels that might be operating within the area. Captain Harris confirmed that, whilst the Navigation Risk Assessment acknowledges that there could be an increased risk to recreational vessels when operating alongside the project and project vessels, Trinity House noted that the Applicant was proposing mitigation for this impact at the post-consent stage, notably in the form of a Navigation Management Plan. However, since this question was not directly related to aids to navigation requirements, Trinity House would defer to any comments which the Maritime and Coastguard Agency may have regarding impacts on and the safety of recreational and other vessels navigating the area.

Finally, the ExA asked whether Trinity House would envisage any negative implications on search and rescue capabilities in this area of the North Sea. Captain Harris advised that this was a matter in relation to which the view of the Maritime and Coastguard Agency and HM Coastguard should be sought.

In respect of Agenda Item 9 (Development Consent Order matters), Mr McNamara made a submission in relation to the Navigation Management Plan referred to in the Navigation Risk Assessment. This is addressed in Trinity House's response to the ExA's Written Question 1.19.1.6 below.

Responses to the ExA's First Written Questions and requests for information

Trinity House has provided responses to the ExA's First Written Questions and requests for information in the table appended to this letter.

The draft DCO

Trinity House has engaged in constructive discussions with the Applicant in relation to the draft DCO and the DMLs contained in Schedules 10 to 13 (inclusive) of the draft DCO. Trinity House understands that a small number of agreed changes will be incorporated within the revised draft DCO to be submitted by the Applicant at Deadline 1.

Draft Statement of Common Ground ("SoCG")

Constructive discussions have also taken place with the Applicant in relation to a draft SoCG. Trinity House understands that an agreed draft SoCG will be submitted to the Examining Authority by the Applicant at Deadline 1.

We trust that this submission is of assistance and would ask that all correspondence regarding this matter is addressed to myself at [REDACTED]@trinityhouse.co.uk and to Mr Steve Vanstone at navigation@trinityhouse.co.uk

Yours faithfully

[REDACTED]
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Legal Advisor

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For the benefit and safety of all mariners

[REDACTED]
The Corporation of Trinity House is a Registered Charity

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Trinity House's responses to the Examining Authority's First Written Questions and requests for information

Q1.7.2.1	Applicant Trinity House Maritime and Coastguard Agency Natural England East Inshore Fisheries and Conservation Authority Interested Parties	<p>Restricted Fishing The ES states: "The Applicant considers the most effective way this could be achieved would be to restrict fishing on sandeel, and with respect to prey availability for Sandwich tern, sprat or juvenile herring in UK waters. However, this would need to be implemented either by Defra in the case of sandeel or the relevant Inshore Fisheries and Conservation Authority (IFCA) in the case of sprat and juvenile herring fisheries within UK inshore waters." [APP-069, Paragraph 127].</p> <p>All</p> <p>a) What is your assessment of the economic effects on fishing communities if such restrictions were imposed?</p> <p>Applicant</p> <p>b) How would DEFRA or the IFCA implement such fishing restrictions?</p> <p>c) How would such restrictions be secured in the dDCO and could the dDCO be able to compel another organisation to enact such restrictions?</p> <p>d) Do the powers of a Development Consent Order allow for the imposition of byelaws or restrictions of the type suggested in the ES?</p>
Q1.19.1.3	Applicant Trinity House Maritime and Coastguard Agency	<p>Vessels and Electro-Magnetic Fields Within ES Chapter 13 [APP-099], there is no clear reference or assessment as to the potential impact of EMF upon navigation and magnetic compasses, for example. In respect of this:</p> <p>a) Can the Applicant explain why the assessment has not been undertaken or signpost as to where this may have taken place?</p> <p>b) Can Trinity House and MCA set out whether there is a real risk of effects of EMF upon navigating ships and/ or what measures sailors employ to counteract any effect on their navigation equipment.</p> <p>Trinity House response In relation to part b) of this question, regarding the risk of effects of EMF on navigating ships and measures</p>

		<p>employed by sailors to counteract those risks, these are not matters for which Trinity House is competent to advise as a General Lighthouse Authority. Trinity House would therefore defer to any response which may be submitted by the Maritime and Coastguard Agency.</p>
<p>Q1.19.1.6</p>	<p>Trinity House Maritime Coastguard Agency UK Chamber of Shipping Interested Parties</p>	<p>Marine Vessel Safety and Navigational Risk Assessment</p> <p>Are you satisfied that the Proposed Development, subject to implementation of management plans and the level of mitigation proposed by the Applicant, reduces navigational risks and safety hazards to ‘as low as reasonably possible’ (ALARP)? If not, what more needs to be done to give you reassurance?</p> <p>Trinity House response</p> <p>Subject to the observations below, Trinity House is satisfied that, insofar as relating to matters which concern the provision proposed by the Applicant in respect of aids to navigation, including the marking and lighting of structures, the management plans and other mitigation which is secured through the Deemed Marine Licences (“DMLs”) contained in Schedules 10 to 13 (inclusive) of the draft Development Consent Order (“DCO”) [AS-009] would (subject to their implementation) be appropriate. Trinity House cannot however conclude that the implementation of mitigation in the form of aids to navigation would alone be sufficient to reduce navigation risks and safety hazards to ALARP, since this is contingent on other factors, including the potential implementation of other forms of mitigation, in relation to which other regulatory bodies such as the Maritime and Coastguard Agency, may express a view.</p> <p>However, at ISH1, it was noted by Trinity House that the Navigation Risk Assessment currently refers, in a number of locations (see for example at section 21.3.1.1), to the requirement for a Navigation Management Plan to be developed by the Applicant at the post-consent stage, in order to manage crew transfer vessels (including daughter craft) during the construction and operational phase of the project. As explained by Trinity House at ISH1, the draft DCO, including the DMLs, does not currently include reference to a Navigation Management Plan. This is to be distinguished from the Aids to Navigation Management Plan (which will specify how the Applicant would ensure compliance with conditions relating to aids to navigation from the commencement of construction to the completion of decommissioning), the production and approval of which is secured by the DMLs.</p> <p>As such, it is not currently clear that the requirement to develop a Navigation Management Plan is legally secured. Trinity House would welcome further clarity in relation to this point, since this forms an important part</p>

		of the additional mitigation proposed by the Applicant in the Navigational Risk Assessment. Trinity House also notes that this forms the basis of the Examining Authority's Written Question 1.19.1.10 to the Applicant.
Q1.19.1.8	Trinity House Maritime Coastguard Agency UK Chamber of Shipping	<p>Water Depths over Cables Is it sufficient that the Applicant would consult with the MCA and Trinity House in any instances where water depths are reduced by more than 5% as a result of external cable protection to determine whether additional mitigation is necessary to ensure the safety of passing vessels? Furthermore, what type or form of mitigation would this likely be if necessary?</p> <p>Trinity House's response Trinity House considers that the requirement for consultation in relation to further mitigation is sufficient and that the associated conditions contained within the Deemed Marine Licences ("DMLs") at Schedules 10 to 13 (inclusive) of the draft Development Consent Order [AS-009] are therefore appropriately drafted.</p> <p>The cable laying plan, which must include details of any steps (following consultation with Trinity House and the Maritime and Coastguard Agency) to be taken to ensure existing and future safe navigation is not compromised where any area of cable protection exceeding 5 percent of navigable depth is identified, must in turn form part of a construction method statement to be submitted to and approved by the Marine Management Organisation under the DMLs, prior to the commencement of licensed activities.</p> <p>To the extent that Trinity House was to raise any concerns with respect to the steps proposed to be taken by the Applicant following the process of consultation provided for within the DMLs, Trinity House considers that those concerns would be a relevant and important consideration for the Marine Management Organisation in determining any application for the approval of the construction method statement. Trinity House considers that this provides sufficient confidence that any additional measures which are secured in any cable laying plan would be appropriate and reflective of any views expressed by Trinity House through the consultation process.</p> <p>As regards the form of mitigation which would likely be necessary in the event that any area of cable protection exceeding 5 percent of navigable depth was identified, this would include charting of the area affected, notices to mariners (copies of which would need to be supplied to the relevant bodies, including Trinity House, under the DMLs), and potentially the deployment of lit buoyage.</p>
1.19.2.1	Maritime and Coastguard Agency Trinity House	<p>Layout Principles for Search and Rescue Are you satisfied that the dDMLs contained with the dDCO would secure the necessary commitments to enable safe and practical search and rescue</p>

	UK Chamber of Shipping	operations? If not, what additional wording/ drafting would you wish to see inserted? Trinity House's response The Maritime and Coastguard Agency is responsible for the coordination of search and rescue operations by HM Coastguard. Trinity House therefore defers to any response submitted by the Maritime and Coastguard Agency in relation to this question.
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