



# Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

## The Applicant's Comments on Trinity House Deadline 7 Submission

### Revision A

Deadline 8

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## **1 The Applicant's Comments on Trinity House's Deadline 7 Submission**

1. Trinity House submitted the following documents at Deadline 7:
  - Written Response to Examining Authority's Fourth Written Questions and Requests for Information (WQ4) for Deadline 7 [Identification No. 20032913];
  - General Summary of Oral Submissions at Issue Specific Hearing 7 for Deadline 7 [Identification No. 20032913].
2. This document presents the Applicant's comments on Trinity House's Deadline 7 submissions.

**Table 1 The Applicant's Comments on Trinity House's Responses to the Examining Authority's Fourth Written Questions**

ID	Question	Trinity House Response	Applicant's Comment
<b>Q4.19. Navigation and Shipping</b>			
<b>Q4.19.1 Navigational Risk and Effect on Navigational Safety</b>			
Q4.19.1.4	<p><b>Passage Planning Guide</b></p> <p>Provide a copy of The Passage Planning Guide referred to by Trinity House/UK Chamber of Shipping in ISH7 [EV-095 and EV-099] highlighting relevant sections, including that regarding the nautical mile clearance to wind farms.</p>	<p>Trinity House (TH) would clarify that it did not refer to a passage planning guide in its verbal submission at ISH7.</p> <p>Mr Merrylees from the UK Chamber of Shipping had referred to Witherbys Passage Planning Guide.</p> <p>TH does not use or access Witherbys Passage Planning Guide as it is a textbook and not mandatory to carry on vessels. We also believe that not all navigators will necessarily be aware of the publication.</p> <p>TH would respectfully direct the ExA to the statutory publication MGN 372 Amendment 1, Guidance to Mariners Operating in the Vicinity of UK Offshore Renewable Energy Installations issued by the MCA in 2022 (MGN372 Amendment 1 (<a href="https://publishing.service.gov.uk">publishing.service.gov.uk</a>)).</p> <p>MGN 372 Amendment 1 states in Sec 4.11.4 "These notes do not provide guidance on specific safe distances at which to pass an OREI for individual vessel types and conditions".</p>	<p>The Applicant welcomes the clarification by Trinity House on this matter and agrees the 'Witherbys Passage Planning Guidelines' is a third-party publication to aid vessels in passage planning. It is not a publication that is required under the International Maritime Organizations 'Publications Carriage Requirements' as per the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW)1978 and has no mandatory remit.</p> <p>The Applicant agrees there is no mandatory safe passing distances in official regulation or guidance.</p>

**Table 2 The Applicant's Comments on Trinity House's General Summary of Oral Submissions at Issue Specific Hearing 7**

ID	Trinity House Comment	Applicant Response
<b>General Summary of Oral Submissions at Issue Specific Hearing 7 for Deadline 7</b>		
1	<p>Trinity House (TH) attended Issue Specific Hearing 7 (ISH7) in relation to Shipping and Navigation, and any other relevant offshore and onshore matters, on 21st June 2023.</p> <p>TH was represented at the hearing by its Navigation Manager, Captain Trevor Harris.</p> <p>In response to questions from the Examining Authority ("ExA") under agenda items Nos. 3 and 4 (shipping and navigation), TH made a number of oral submissions. A general summary of which is included below.</p>	<p>The Applicant thanks Trinity House for their attendance at ISH7 and is grateful to Captain Trevor Harris for attending in person.</p>
<b>Summary of TH Oral Submissions at ISH7</b>		
2	<p>The ExA enquired whether TH had been involved in any further discussions and negotiations on shipping and navigation with the applicant. Captain Harris confirmed that TH have not had further discussions and all of its dealings in this regard with the applicant have been through written submissions to the Examination process.</p>	<p>Since ISH7 the Applicant and Trinity House have completed discussions regarding a Statement of Common Ground (SoCG) (see <a href="#">Final Statement of Common Ground with Trinity House (Revision B)</a> [document reference 12.19]) which has all matter agreed.</p>
3	<p>The ExA enquired, when taking into account the National Policy Statement EN-3 paragraph 2.6.165, whether the development posed an unacceptable risk to navigational safety. Captain Harris reaffirmed the TH position in its written submission at Deadline 5 that it acknowledged the reduction in width and the increase in risk which this entailed but would not go as far as to say that the risk was unacceptable. Albeit shipping would appreciate as much sea room as is possible. As TH is unsure what area of the proposed order limits will be used the mitigation measures to be implemented could vary. There could be scenarios during the construction phase where safety zones or other mitigation would reduce the sea room to the extent where the risk becomes unacceptable.</p>	<p>The Applicant notes that Trinity House acknowledge the increased risk but do not assess it to be unacceptable. This is reflected in the agreed ALARP conclusion of the <a href="#">NRA</a> [APP-198] as documented in the SoCG [document reference 12.19].</p> <p>The Applicant welcomes the continued working with Trinity House to implement mitigation through aids to navigation should consent be granted.</p> <p>The Applicant is confident that during the construction phase the reduction in sea room will not become unacceptable through the application of normal mitigation measures, working with Trinity House, the MMO and the MCA. In relation to safety zones the Applicant highlighted in <a href="#">The Applicant's Comments on Maritime and Coastguard Agency Deadline 6 Submission</a> [document reference 21.11], that any safety zone would, in</p>

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		practice be within the agreed buoyed off construction area agreed with Trinity House.
4	<p>The ExA enquired regarding the distances vessels will pass a windfarm, the applicant and the Maritime and Coastguard Agency (MCA) having stated varying distances. Captain Harris stated that the distance would depend on various factors including the proximity of banks, other infrastructure, and other shipping routes. Captain Harris concurred with the applicant that it appears vessels will use 0.5nm as the minimum passing distance but also stated that TH uses 1nm as the average passing distance when assessing projects.</p>	<p>The Applicant welcomes Trinity House analysis of AIS data and concurs, as documented extensively ([REP3-031] [REP5-050]) that some vessels will use 0.5nm as the minimum safe passing distance, whilst some will chose a greater distance. The Applicant's modelling uses a minimum spacing for the 90<sup>th</sup> percentile of 0.5nm and a mean route position (average passing distance) of 1nm.</p> <p>The Applicant would highlight to the ExA that this is a key point of agreement between the Applicant and Trinity House, which is central to the Applicant's case rebutting the position that has been taken by the MCA.</p>
5	<p>The ExA addressed the 0.8nm distance which has been stated by other parties, including TH, as the reduction in width of the available sea room relevant to the number of vessels in the area. Captain Harris responded that this is the distance TH used when assessing the development as this is the distance from the buoy to buoy line currently marking the bank and is in TH's opinion the ultimate edge of a safe navigational channel. Captain Harris also stated that, on average, this is not a busy area with around 13-14 vessels per day and a maximum of around 20 vessels using the area. Captain Harris then explained that when marking channels TH would assess the volume and draft of the shipping and mark the channel accordingly. This could be the 8m or, as in this instance, the 10m contour.</p>	<p>Noted. The Applicant thanks Trinity House for their clarification on the controlling depths in the area and that they are marking the 10m contour in this instance.</p>
6	<p>The ExA enquired whether it was realistic to consider the shipping lane extending to the shallow patch on the South Eastern point of the Triton Knoll bank. Captain Harris confirmed the 13m and 15m patch to the southeast of the shallowest part of the bank but did not consider that extending the perceived channel as far as this was applicable as the shipping would already have made their course assessment earlier as they approach the effective "Y" junction in the shipping lane.</p>	<p>The Applicant is in agreement that the 13m and 15m wrecks do not form prominent navigational features.</p>

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7	<p>The ExA requested TH's comments on what it had heard from the MCA and the applicant on channel widths and mitigations. Captain Harris stated that TH would defer to the MCA on channel widths as it is the primary navigational safety body, albeit that it agreed with the applicant's assessment on the depths in the area. Captain Harris explained that, with regard to further mitigation, TH would reassess, and possibly reorganise, its own aids to navigation in the area when the layouts are known and how much of the proposed order limits will be used. This is within TH's normal remit for providing aids to navigation for general navigation and could involve moving buoys further up the Outer Dowsing Channels or on to the Triton Knoll bank.</p>	<p>Whilst the Applicant notes that Trinity House defers to the MCA on what might be an appropriate safe width, we value Trinity House view on their analysis of the width as currently marked by Trinity House.</p> <p>The Applicant notes and welcomes Trinity House willingness to reassess, and possibly reorganise, their own aids to navigation as mitigation for the build out of the DEP-N array area (and the complete offshore works). In accordance with condition 13(1)(g) in schedules 10 and 11 and condition 12(1)(h) of schedules 12 and 13 of the <b>draft DCO (Revision K)</b> [document reference 3.1] an aids to navigation management plan will be agreed between the undertaker and MMO, in consultation with Trinity House prior to commencement of any activities authorised by the deemed marine licence.</p>
8	<p>The ExA enquired as to TH's judgement about the reduction of sea room and the safety risk that reduction would pose, and whether TH considered that, using the COLREGS, vessels could be navigated safely even with the reduced sea room, recognising that there could be accidents at some point. Captain Harris explained that this was on the limits of TH's remit but speaking as a seafarer vessels using COLREGs (specifically referencing Rule 8B) should be able to navigate safely in this area within the proposed order limits.</p>	<p>The Applicant welcomes Captain Harris' judgement as an experienced expert mariner and agrees that vessels will be able to safely navigate the area using COLREGS with the proposed Order Limits.</p>
9	<p>The ExA enquired regarding the 15.3m depth, which the MCA are using as the controlling depth for vessels navigating the area. Captain Harris concurred with the applicant that TH does not believe vessels are using the 15.3m as a controlling depth as they already have their courses laid down and waypoints planned for passing the windfarms from the south or the rigs to the north. Captain Harris stated that if the proposed order limits are accepted vessels would have to reassess their passage plans and may move slightly to the west.</p>	<p>The Applicant agrees with this assessment and notes that it also aligns with feedback the Applicant received from operators during the NRA process (<b>Appendix A.12 of Supporting Documents for the Applicant's Responses to the Examining Authority's Fourth Written Questions</b> [document reference 21.5.1]).</p> <p>The Applicant would highlight to the ExA that this is another key point of agreement between the Applicant and Trinity House, which support's the Applicant's rebuttal of the case for a surface structure free area, as explained in <b>The Applicant's Comments on Maritime and Coastguard Agency Deadline 6 Submission</b> [document reference 21.11].</p>



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10	<p>The ExA enquired whether TH wished to make a comment on the modelling undertaken by the applicant on traffic compression if the proposed order limits were accepted. Captain Harris acknowledged that the process was correct and that the traffic would only move slightly to the west and not across the whole area as shown in the applicant's assessment by the darker green area on the document being viewed. Captain Harris also stated this would be the same assumption TH would make when modelling the scenario.</p>	<p>The Applicant welcomes this statement and notes that this agrees with Trinity House statements made at ID4 regarding minimum safe passing distances.</p>
11	<p>The ExA enquired whether there was anything TH would disagree with and as to whether TH considered that the modelling showed what would realistically happen in practice. Captain Harris responded that, in TH's opinion, the modelling is correct.</p>	<p>The Applicant welcomes this support from Trinity House.</p>
12	<p>The ExA enquired, when discussing alternative shipping routes, as to what larger ships would do. Captain Harris agreed that there are alternative routes for larger shipping and thought that most of the larger ships would already be using the deeper water routes to the east of the proposed development. Captain Harris agreed there would be an increase in distance for vessels using the alternative route. However, it may be that the few large vessels using the current route are trying to make deadlines so had not used the deeper water route.</p>	<p>The Applicant welcomes this insight from Trinity House. This concurs with the Applicant's own assessment that generally the larger commercial vessels do not typically use this area.</p>
13	<p>The ExA stated that it understood that TH had potentially suggested an obstacle free zone and enquired as to whether this was still required in its view. Captain Harris clarified that TH had not suggested this and reaffirmed that, as TH could not be sure where the turbines would be placed, the use of safety zones that extended outside of the proposed order limits could restrict shipping further and might not be acceptable.</p>	<p>The Applicant welcomes this clarification from Trinity House.</p>
14	<p>Captain Harris briefly added that TH would defer to the MCA on the assessment of matters relating to the shipping lane. When TH has had sight of the final layouts it would suggest the aids to navigation required as mitigation, including as stated earlier, possibly moving its own aids to navigation.</p>	<p>The Applicant notes and welcomes Trinity House willingness to reassess and possibly reorganise their own aids to navigation as mitigation for the build out of the DEP-N array area (and the complete offshore works). In accordance with condition 13(1)(g) in schedules 10 and 11 and condition 12(1)(h) of schedules 12 and 13 of the <b>draft DCO (Revision K)</b> [document reference 3.1] an aids to navigation management plan will be agreed between the undertaker and MMO, in consultation with Trinity House prior</p>

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		to commencement of any activities authorised by the deemed marine licence.
15	We trust that this summary is helpful 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	Noted.