



Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

The Applicant's Comments on the Maritime and
Coastguard Agency's Deadline 7 Submission

Revision A

Deadline 8

July 2023

Document Reference: 22.25

Title:	
Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects Examination submission The Applicant's Comments on the Maritime and Coastguard Agency's Deadline 7 Submission	
PINS document no.: 22.25	
Document no.: C282-AN-Z-GA-00017	
Date:	Classification
July 2023	Final
Prepared by:	
Equinor	
Approved by:	Date:
Tom Morris, Equinor	July 2023

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1 The Applicant's Comments on the Maritime and Coastguard Agency's Deadline 7 Submission

1. This document presents the Applicant's comments on the Maritime and Coastguard Agency's Deadline 7 submission.

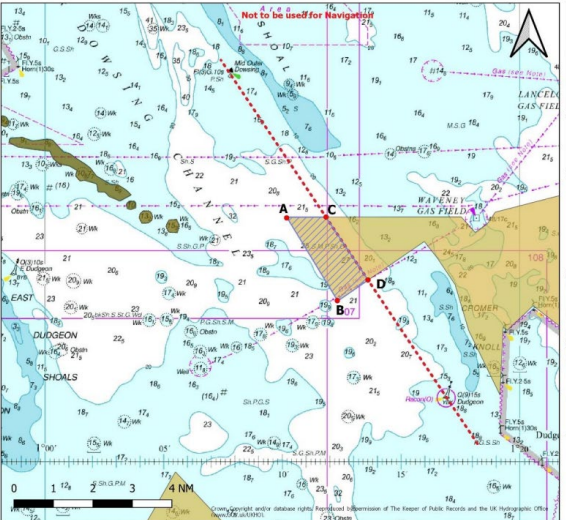
Table 1 The Applicant's comments on Maritime and Coastguard Agency's responses to the Examining Authority's Fourth Written Questions

ID	Question	Maritime and Coastguard Agency Responses	Applicant's Comment
Q4.19. Navigation and Shipping			
Q4.19.1 Navigational Risk and Effect on Navigational Safety			
Q4.19.1.2	<p>Size of Ships</p> <p>The Applicant has stated that the route west of DEP-N (Outer Dowsing Channel) has mainly smaller or mid-sized ships traversing through the area. How does this effect the assessment of collision risk through this area and does it allow more flexibility for routes through for example?</p>	<p>MCA's concerns are for when multiple vessels use the Outer Dowsing Channel and surrounding area where the interactions (frequency of encounter) increase with other commercial, recreation, fishing, oil and gas support and wind farm project vessels. Whilst there may be 'smaller or mid-sized ships' transiting through the area, we must recognise the sea room must be sufficient to allow the larger vessels found in the area to be able to manoeuvre safely and conduct collision avoidance manoeuvres.</p>	<p><u>NRA and ALARP Statement</u></p> <p>The Applicant maintains that the Navigational Risk Assessment (NRA) [APP-198] found the collision risk within the study area through the NRA process to be tolerable (if ALARP). This statement is true for all vessel types currently using the area in both a base case and future case scenario.</p> <p><u>Frequency of Vessels</u></p> <p>As per ISH 7 [EV-096] the frequency of more than two vessels being in the vicinity of DEP North (same 30 minute window) is low (less than 3.4% of the time) and when considered against the likely consequences as per the formal safety assessment methodology the risks are within ALARP parameters. This is not to say that the sea room isn't sufficient to allow vessels to safely navigate if there are two or more present (noting the International Convention for the Prevention of Collisions at Sea (COLREGS)). However, it is highlighted that the most likely occurrence is that there will not be two or more and therefore assuming the simultaneous presence of four vessels of 195 metre (m) length 'side by side' is unrealistic, unevidenced and overstates the level of risk.</p> <p><u>Probability of Four Vessels being within 30 Minute Window</u></p> <p>As detailed by the Applicant, the majority of vessels navigate past the proposed DEP-N boundary in the Outer Dowsing Channel unaccompanied by other vessels. In the long-term AIS data (2019) only 0.1% of</p>

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			<p>the time are there four vessels within a 30-minute window. No occurrences of more than four vessels were observed.</p> <p>The MCA have put forward 3.24 nautical miles as adequate sea room for four 195m vessels passing through the Outer Dowsing Channel [REP3-134]. Only 2% of the vessels in the area are 195m or longer. This makes the probability of four vessels all being 195m or larger 1 in 6,250,000. Extrapolated out by the proportion of time that four vessels are seen in the area at once (0.01%) an occurrence of four 195m or longer vessels is a once in 3,567 year event. The lifetime of the Project is 40 years. On top of that the chances of one of those four 195m vessels being required to make an extreme collision avoidance manoeuvre such as a 360 degree turn out is less probable still noting that COLREGS (Rule 8b) provides guidance relating to reductions of speed or course alterations.</p> <p>On this basis, the Applicant is confident that the NRA has adequately considered vessels of all sizes and reaffirms that the conclusion of the NRA [APP-198] has found collision risk to be ALARP.</p>
Q4.19.1.3	<p>Frequency of Ships Passing</p> <p>The Navigational Safety Technical Note [REP3-031] states that there are on average 13 ships passing through the Outer Dowsing Channel (west of DEP-N). This could mean that for most times it is unlikely that there would be more than one ship travelling through this channel adjacent to DEP-N at any one time. How has this been considered in your assessment that concluded that</p>	<p>The Navigation Risk Assessment [APP-198] Figure 15.2 and Table 15.1 shows that 16 commercial vessels (cargo and tanker) per day use the Outer Dowsing Channel (Routes 3 and 5). The construction of DEP would increase this number to 17 as Route 9 would deviate from its current route east of Dudgeon offshore wind farm. It is important to note that these numbers do not include other vessel types captured in the traffic survey using the area, specifically recreation, fishing, oil and gas support and wind farm project vessels. The Applicant indicated</p>	<p><u>Detail of Conservative Base Case Traffic Volumes</u></p> <p>As highlighted by the Applicant at ISH 7 [EV-096], the NRA [APP-198] modelling process includes conservative assumptions on vessel numbers, and these conservatisms are included in the values in Table 15.1 which are referenced by the MCA. As stated at ISH 7 [EV-096], actual estimated vessel numbers are 14 per day passing DEP North post wind farm (this is confirmed in the Deadline 5 submission from Trinity House [REP5-096]).</p>

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	<p>the navigational risk created by the DEP-N site is unacceptable?</p>	<p>there are occasions when multiple commercial vessels use the Outer Dowsing Channel. We must also recognise that vessels use the route south of Triton Knoll offshore wind farm and that the vessels transiting through the area off DEP-North will increase the frequency of encounter. We must ensure that the risks to vessels remain tolerable (if ALARP) or acceptable at all times. It is not acceptable to MCA to say that the risks to vessels are tolerable if, for even a short time, they are exposed to a hazardous area with an unacceptable risk.</p>	<p>Contrary to the MCA assertion, this 14 per day value is inclusive of cargo vessels, tankers, passenger vessels, oil and gas support vessels, and any existing wind farm traffic, noting that the risks to all vessel types including risks associated with additional project vessel traffic have been assessed in the NRA [APP-198] and found to be ALARP.</p> <p><u>Detail of Conservative Future Case Traffic Volumes</u></p> <p>The MCA noted that <i>'the construction of DEP would increase this number to 17 per day as Route 9 would deviate from its current route east of Dudgeon offshore wind farm'</i>. Again for clarity, the 17 vessels per day value referenced by the MCA includes conservative assumptions to ensure worst case modelling has been undertaken, and contrary to the MCA assertion does include oil and gas support vessels and existing wind farm traffic.</p> <p><u>Detail of How Project Vessels Have Been Mitigated</u></p> <p>Project vessels (those associated with SEP and DEP) are mitigated through embedded measures including marine coordination and the Navigation Management Plan (NMP) which is secured in the draft DCO (Revision K) [document reference 3.1] which will ensure project vessels do not adversely interact with third party vessels.</p> <p><u>Fishing Vessels</u></p> <p>Both the long-term AIS data and the 28 days of vessel traffic survey data indicates the Outer Dowsing Channel is not a busy area for fishing (estimated <1 fishing vessel per day on average in both datasets).</p> <p><u>Frequency of Vessels</u></p> <p>As per response to Q4.19.1.2 above.</p>

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			<p>ALARP Statement</p> <p>The MCA state they <i>'must ensure that the risks to vessels remain tolerable (if ALARP) or acceptable at all times. It is not acceptable to MCA to say that the risks to vessels are tolerable if, for even a short time, they are exposed to a hazardous area with an unacceptable risk'</i>. The Applicant confirms that all risk (as evidenced by the NRA [APP-198]) are within ALARP parameters i.e. Tolerable (if ALARP) or Broadly Acceptable.</p> <p>Finally the Applicant has agreed final SoCGs with Trinity House [document reference 12.19] and the UK Chamber of Shipping [document reference 14.22] regarding the ALARP statement and whilst the Chamber advocates for more sea room their disagreement of impacts is not material to the in-isolation impacts significance as assessed by the Applicant.</p>
Q4.19.1.6	<p>Without prejudice mitigation wording</p> <p>At ISH7 [EV-096] [EV-100] it was suggested that a potential mitigation would be an exclusion of wind turbines and any other associated infrastructure from an area in between and to the west of the Mid-Outer Dowsing buoy and Dudgeon buoy, thus allowing greater sea room. The ExA acknowledges that the Applicant strongly opposes this measure and would not wish it to be proposed. Nonetheless, to aid the ExA's understanding of the possibilities before it, and to inform the SoS's decision, provide the following information without prejudice:</p>	<p>The image below (Figure 1) shows MCA's recommended 'exclusion area' or reduction to the red line boundary:</p>	<p>Noted.</p> <p>The Applicant refers to The Applicant's Comments on Maritime and Coastguard Agency Deadline 6 Submission [document reference 21.11] and the response to Q4.19.1.6 of The Applicant's Responses to the Examining Authority's Fourth Written Questions [document reference 21.5] which provide its justification for providing the alternative without prejudice surface structures free area.</p> <p>See the Works Plans (Offshore) (Without Prejudice) (Revision B) [document reference 2.7.2].</p>

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	<p>a) Applicant and MCA, show this exclusion zone on a map/diagram with an easily recognisable title.</p>	 <p>Figure 1 Recommended 'exclusion area' (blue hatched area) or reduction in f</p>	
	<p>b) In its post Examination considerations, if the ExA considers it is essential to include a provision for an infrastructure free zone in line with MCA's representations (as outlined in Section 7 and Figure 2 (Recommended Boundary Amendment) of their submission at Deadline 5) [REP5-081], Applicant and MCA advise if the map/diagram would need to be included as a certified document or if it should be included in the ES or the Offshore Project Environmental Management Plan.</p>	<p>MCA would suggest that the image showing the 'exclusion area' is referenced in the DCO as a certified document and included in pre-construction plans and documentation.</p>	<p>It is the Applicant's view that, should it be deemed essential by the Secretary of State to include provision for a surface structure free area then this would be most appropriately secured via the Offshore Works Plans without need to certify the attached figure or have it included in any other post consent documentation. See the response to Q4.19.1.6c of The Applicant's Responses to the Examining Authority's Fourth Written Questions [document reference 21.5] and the Works Plans (Offshore) (Without Prejudice) (Revision B) [document reference 2.7.2].</p>
	<p>c) Applicant and MCA, provide dDCO drafting, be it a new article, new</p>	<p>MCA would suggest that latitude and longitude coordinates of the 'exclusion area' are included</p>	<p>The most straightforward mechanism to secure a surface structures free area within the Order Limits at DEP North</p>

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	<p>requirement or amendment to an existing requirement, and any relevant definitions that puts the exclusion zone into effect.</p>	<p>in the DCO, for example: None of the infrastructure listed in Work No.*** may be installed within the area defined by the coordinates as specified below and no part of any wind turbine generator, including its blades, may overfly into the area:</p> <table border="1" data-bbox="862 518 1444 790"> <thead> <tr> <th>Point ID of the area</th> <th>Latitude (D°M.MM')</th> <th>Longitude (D°M.MM')</th> </tr> </thead> <tbody> <tr> <td>A (NW corner)</td> <td>53° 21.1541' N</td> <td>1° 10.185</td> </tr> <tr> <td>B (SW corner)</td> <td>53° 19.0449' N</td> <td>1° 12.332</td> </tr> <tr> <td>C (NE corner)</td> <td>53° 19.5696' N</td> <td>1° 13.610</td> </tr> <tr> <td>D (SE corner)</td> <td>53° 21.1558' N</td> <td>1° 11.834</td> </tr> </tbody> </table> <p>This wording is taken from another offshore wind farm DCO where a similar 'exclusion area' was proposed. MCA would also suggest that pre-construction plans required under the DML conditions e.g. construction programme and Offshore Project Environmental Management Plan, should include details of any works to be undertaken within the 'exclusion area', such as cables, and a timetable of works to be undertaken.</p>	Point ID of the area	Latitude (D°M.MM')	Longitude (D°M.MM')	A (NW corner)	53° 21.1541' N	1° 10.185	B (SW corner)	53° 19.0449' N	1° 12.332	C (NE corner)	53° 19.5696' N	1° 13.610	D (SE corner)	53° 21.1558' N	1° 11.834	<p>in the Draft DCO is to alter the Offshore Works Plans. It is not necessary to have a new article, Requirement or other provision (nor to amend any existing articles, Requirements or other provisions) to achieve a surface structures free area. See the response to Q4.19.1.6c of The Applicant's Responses to the Examining Authority's Fourth Written Questions [document reference 21.5] and the Works Plans (Offshore) (Without Prejudice) (Revision B) [document reference 2.7.2].</p>
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	<p>f) Applicant and MCA, to provide responses to the above questions in agreement in a joint statement.</p>	<p>MCA and the Applicant are not in agreement with the above 'exclusion area' and an agreed joint statement has not been reached.</p>	<p>Noted.</p>															
<p>Q4.19.1.10</p>	<p>Joint Position Statement ExA requires a joint position statement from both parties to set out what is a mutually</p>	<p>MCA recommends either a reduction to the RLB or commitment to an 'exclusion area' (as above) is required to reduced navigational risks to ALARP. This is opposed by the Applicant and as</p>	<p>Noted.</p>															

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	agreeable position to alleviate any navigational risk to ALARP.	such, it is unlikely that MCA and the Applicant will reach a mutually agreeable position to alleviate navigational risks to ALARP.	