



Awel y Môr Offshore Wind Farm

Statement of Common Ground 13 – UK Chamber of Shipping

Deadline 4

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RWE Renewables UK Swindon Limited

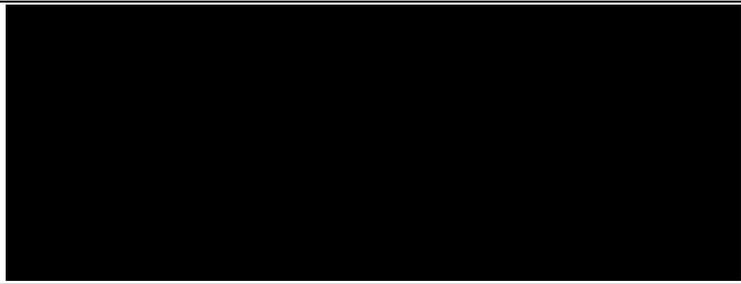
Windmill Hill Business Park
 Whitehill Way
 Swindon
 Wiltshire SN5 6PB
 T +44 (0)8456 720 090

[Redacted]

Registered office:
 RWE Renewables UK Swindon Limited
 Windmill Hill Business Park
 Whitehill Way
 Swindon

Signatories

Signed	
Name	Robert Merrylees
Position	Policy Manager (Nautical & Safety) & Analyst
For	The UK Chamber of Shipping

Signed	
Name	Paul Carter
Position	Senior Consents Manager
For	RWE Renewables UK Swindon Limited

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1 Introduction

1.1 Background

- 1 This Statement of Common Ground (SoCG) has been prepared between Awel y Môr Offshore Wind Farm Limited (hereafter referred to as 'the Applicant') and the United Kingdom (UK) Chamber of Shipping (CoS) to set out the areas of agreement and disagreement between the two parties in relation to the proposed Development Consent Order (DCO) application for the Awel y Môr Offshore Wind Farm (hereafter referred to as 'AyM').
- 2 This SoCG covers the topics of relevance to CoS in the marine environment seaward of Mean High-Water Springs (MHWS).
- 3 The need for a SoCG between the Applicant and CoS was set out within Rule 6 letter issued by the Planning Inspectorate (PINS) on 23 August 2022.
- 4 Following detailed discussions undertaken through pre-application consultation, the Applicant and CoS have sought to progress a SoCG. It is the intention that this document provides PINS with a clear overview of the level of common ground between both parties. This document will facilitate further discussions between the Applicant and CoS and will be updated as discussions progress prior to and during the Examination.

1.2 Approach to SoCG

- 5 This SoCG began development during the pre-examination phase of AyM. In accordance with discussions between the Applicant and CoS, the SoCG is focused on issues raised during bi-lateral meetings and matters raised in statutory consultation responses.
- 6 The SoCG is structured as follows:
 - ▲ **Introduction:** Outlining the background to the development of the SoCG;
 - ▲ **CoS remit:** Describing the remit of CoS, the relevance of their interest in the Application, the main areas of discussion within the SoCG and a summary of consultation to date; and

- ▲ **Agreements Log:** A record of the positions of the Applicant alongside those of CoS as related to the topics of discussion and the status of agreement on those positions.

1.3 The Development

- 7 The Application is for development consent for the Applicant to construct and operate the proposed Awel y Môr project under the Planning Act 2008.
- 8 AyM will comprise up to 50 Wind Turbine Generators (WTGs) and will include infrastructure that is required to transmit the power generated by the turbines to the offshore substation via inter-array cables, before being transmitted via export cables to the proposed onshore substation located to the west of St Asaph Business Park (SABP) and then to the existing National Grid Bodelwyddan substation.
- 9 The key offshore components of AyM will include:
 - ▲ WTGs with associated foundations and scour protection;
 - ▲ Inter-array cables and associated cable protection;
 - ▲ Up to two Offshore Substation Platforms (OSPs) with associated foundations and scour protection;
 - ▲ Up to two offshore export cable circuits and associated cable protection;
 - ▲ A meteorological mast (met mast);
 - ▲ Permanent Vessel Moorings (PVMs) and
- 10 More details on the offshore aspects of the proposed development are described in the Environmental Statement (ES) Volume 2, Chapter 1: Offshore Project Description (APP-047).

2 CoS' remit

2.1 Introduction

- 11 The elements of AyM which may affect the interests of CoS are those covering the intertidal and offshore areas seaward of MHWS, namely those described in the Offshore Project Description chapter of the ES (APP-047). These elements are covered in Part 1 of the draft DCO (AS-014) and will also require a Marine Licence to be granted by Natural Resources Wales (NRW) as the relevant Marine Licensing authority.
- 12 The key application documents forming the basis of discussions with CoS are as follows:
- ▲ The Shipping and Navigation chapter of the ES (APP-055); and
 - ▲ The Navigation Risk Assessment (NRA)(APP-111).
- 13 Whilst CoS retains an interest in the following areas, CoS has not made comment on these areas and as such, they are not covered by this SoCG:
- ▲ Commercial Fisheries;
 - ▲ Aviation, military and communications; and
 - ▲ Other Marine Users and Activities.

2.2 Consultation Summary

- 14 This section briefly summarises the consultation that the Applicant has undertaken with CoS including both statutory and non-statutory engagement during the pre-application and post-application phases.

Table 1: Consultation undertaken with CoS pre-application.

DATE	CONSULTATION PHASE/ TYPE	CONSULTATION AND KEY ISSUES RAISED	APPLICANT'S RESPONSE
28 th September 2020	Meeting with UK Chamber of Shipping (CoS)	Discussed on going consultation strategy.	Full details of the consultation process are provided in the NRA (APP-111).
6 th May 2021	Hazard Workshop	Request long term MAIB data considered within the NRA.	As described in Section 12.1 of the NRA (APP-111), a total of 20 years of MAIB data has been considered.
12 th October 2021	Section 42 Response	Recommended that the layout design should give due consideration to shipping and navigation, citing specifically the traffic associated with the anchorage in Dulas Bay/Point Lynas.	The Applicant provided a response to the Section 42 consultation in Table 2 of the shipping and navigation chapter of the ES (APP-055).
		Stated strong preference for two lines of orientation across the development, unless sufficient safety justification be made to the MCA.	

DATE	CONSULTATION PHASE/ TYPE	CONSULTATION AND KEY ISSUES RAISED	APPLICANT'S RESPONSE
		<p>Stated navigational concern over the modelled position of the isolated Met Mast structure within the Other Infrastructure Zone.</p> <p>Stated it should be considered that a drifting allision may result in higher consequences than a "low impact" contact, particularly in adverse weather conditions.</p> <p>Stated near miss incidents have occurred around the UK between wind farm structures and commercial vessels which have experienced loss of power, leading to emergency anchoring, subsequent anchor drag, and rescue tug use to keep the vessel from alliding with the structure. Such incidents lead to ship operators incurring significant costs.</p> <p>Stated implications for SAR capabilities in the area need careful consideration.</p> <p>Stated view that the assessed frequency of certain impacts should be raised including powered and drifting allision risk and impacts on SAR responders</p>	

DATE	CONSULTATION PHASE/ TYPE	CONSULTATION AND KEY ISSUES RAISED	APPLICANT'S RESPONSE
		<p>Stated supports for burial of interconnector and inter-array cabling wherever possible to minimise reduction of water depth and snagging risk.</p> <p>Supports the application and use of safety zones during construction, decommissioning and periods of major maintenance for the safety of life. However, the application or use of safety zones for protection of property or assets is not supported.</p>	
2 nd August 2022	Natural Resource Wales Marine License Consultation	The Chamber fully supports the Government's obligations to achieve Net Zero Carbon by 2050 and welcomes the development of offshore renewable energy to succeed. The ports and shipping industries play an essential in enabling those targets to be achieved by providing bases and vessels for construction, operation & maintenance, and decommissioning. The Chamber also asserts that the planning and consultation system must support both the UK's offshore renewable goals and the wider shipping industry to ensure that navigational safety is not	The Applicant is providing a point by point response to NRW on all consultation matters raised on 25 November 2022.

DATE	CONSULTATION PHASE/ TYPE	CONSULTATION AND KEY ISSUES RAISED	APPLICANT'S RESPONSE
		<p>compromised nor economic contribution from the shipping industry jeopardized.</p> <hr/> <p>Met Mast location</p> <ul style="list-style-type: none"> ▶ As raised at PEIR, the Chamber does not support the installation of an isolated Met Mast structure inside the Other Infrastructure Zone as indicated as possible in paragraph 104 of document 6.2.1, due to isolated structures posing an elevated risk to navigational safety. " ▶ Whilst the Chamber welcomes that following PEIR where concerns were raised by Trinity House and the Chamber, the Other Infrastructure Zone has been shifted to be more considerate the commercial navigation, the Chamber is not aware of strong reason why there needs to be an isolated structure at all, and the Met Mast cannot be within the array area and aligned to WTGs. ▶ The Chamber notes that the final layout and positioning of the array and Met Mast are to be agreed with Trinity House and MCA as part of a marine licence condition but issues its view here. <hr/> <p>Impact of allision</p>	

DATE	CONSULTATION PHASE/ TYPE	CONSULTATION AND KEY ISSUES RAISED	APPLICANT'S RESPONSE
		<ul style="list-style-type: none"> ➤ The Chamber disagrees with the statement in paragraph 85 of 6.2.9 that, "Should a powered collision incident occur, it is anticipated that the impact energy would largely be absorbed by the structure rather than the vessel, noting the high level of construction standards for commercial vessels operating at sea, and the low likelihood of a vessel colliding at high speed." ➤ The Chamber finds no evidence for the assertion that the impact energy would largely be absorbed by the structure rather than the vessel, and requests the statement be critically examined. The Chamber would also state that whilst it is correct to state that commercial vessels are of high construction standard, they are also of wide range of ages up to 40 years old and such standard is strongly influenced by maintenance and upkeep over the vessel's life. Hence it is incorrect to assume that all vessels transiting the area will be of such high construction standard. ➤ Such an assertion about the high level of construction standards for commercial vessels is used repeatedly in 6.2.9 and the Chamber asks where the evidence for such is sourced. 	

DATE	CONSULTATION PHASE/ TYPE	CONSULTATION AND KEY ISSUES RAISED	APPLICANT'S RESPONSE
		<p>Loss of power and drift</p> <ul style="list-style-type: none"> ▶ The Chamber raises concern to the statement in paragraph 158 in 6.2.9 that a vessel drifting perhaps unpowered can drop anchor or use its thrusters. The Chamber raised the concern as vessels are known to black out (lose power) and drift whilst restarting engines, and there has been a serious near miss in the North Sea whereby a vessel lost power and began to drift, was unable to correctly drop anchor due to extensive cabling and needed emergency towage assistance at significant financial cost to keep itself from alliding with a turbine. To suggest that a ship which has lost power can use thrusters as a mitigation is to misunderstand that it does not have power. ▶ Furthermore, the statement that CTVs or other small wind farm service craft, which are not designed for towing or pushing, are going to be able to lend meaningful assistance to a larger vessel which is drifting is inaccurate and presents a false degree of safety cushion. 	

DATE	CONSULTATION PHASE/ TYPE	CONSULTATION AND KEY ISSUES RAISED	APPLICANT'S RESPONSE
		<ul style="list-style-type: none"> ➤ The Chamber supports paragraph 158 of 6.2.1 where it is assumed that all infrastructure will be complete removed. The Chamber supports this as leaving infrastructure in situ as this can present a navigational safety hazard as well as prevent future use of the seabed or sea area. " ➤ The Chamber acknowledges that final layout will be agreed between the developer, MCA and Trinity House post consent, but reasserts its strong recommendation for at least two lines of orientation. 	

3 Agreements Log

- 15 The following sections of this SoCG set out the level of agreement between the Applicant and CoS for each relevant component of the Application. The tables below detail the positions of the Applicant alongside those of CoS and whether the matter is agreed or not agreed.
- 16 In order to easily identify whether a matter is 'agreed', 'not agreed' or an 'ongoing point of discussion, the agreements logs in the tables below are colour coded to represent the status of the position according to the criteria in Table 2 below.

Table 2: Position status key.

POSITION STATUS	COLOUR CODE
The matter is considered to be agreed between the parties	Agreed
The matter is neither 'agreed' or 'not agreed' and is a matter where further discussion is required between the parties, for example where relevant documents are being prepared or reviewed.	Ongoing point of discussion
The matter is not agreed between the parties, however the outcome of the approach taken by either the Applicant or CoS is not considered to result in a material outcome on the assessment conclusions.	Not agreed – No material impact
The matter is not agreed between the parties and the outcome of the approach taken by either the Applicant or CoS is considered to result in a materially different outcome on the assessment conclusions.	Not agreed – material impact

Table 3: Status of discussions relating to shipping and navigation.

DISCUSSION POINT	APPLICANT'S POSITION	COS POSITION	POSITION STATUS
ENVIRONMENTAL IMPACT ASSESSMENT			
Planning and policy	The assessments presented in the Shipping and Navigation chapter of the ES (APP-055) and the NRA (APP-111) have had due regard to all relevant plans and policies listed in Table 1 of the ES (APP-055). The table specifically lists elements of the policy relevant to shipping and navigation.	Agreed.	Agreed
Consultation	Chamber of Shipping has been adequately consulted regarding shipping and navigation to date and is satisfied with the outcomes of consultation with other stakeholders. Written responses to the comments raised by Chamber of Shipping at Section 42 have been provided within Table 2 of the Shipping and Navigation chapter of the ES (APP-055).	No written or meeting response was provided to the Chamber's Section 42 Consultation submission. Concerns raised by the Chamber in that submission, remain and have been raised with NRW as of August 2022.	Not agreed – no material impact
Assessment scope and methodology	The EIA has identified and assessed all likely significant effects relevant to shipping and navigation as identified within the Scoping Report and Scoping Opinion, and as assessed in the Shipping and Navigation chapter of the ES (APP-055) and the NRA (APP-111).	Agreed.	Agreed
	The Shipping and Navigation chapter of the ES (APP-055) and the NRA (APP-111) have appropriately identified and assessed a worst-case scenario for shipping and navigation.	Agreed.	Agreed
Baseline characterisation	The marine vessel traffic survey data collection is as per Marine Guidance Note 654 and is therefore suitable for assessment.	Agreed.	Agreed
	The Shipping and Navigation chapter of the ES (APP-055) and the NRA (APP-111) adequately characterise the baseline environment with respect to shipping and navigation.	Agreed.	Agreed
Mitigation measures	The mitigation measures described in Section 9.9 of the Shipping and Navigation chapter of the ES are appropriate and sufficient in relation to shipping and navigation. Marine coordination and communication to manage project vessel movements (per Condition 25 of the Marine Licence Principles (REP2-022) and Item 25 of the Schedule of Mitigation (REP2-024) will include project vessel	Agreed.	Agreed

DISCUSSION POINT	APPLICANT'S POSITION	COS POSITION	POSITION STATUS
	procedures including promulgation of defined indicative project vessel transit routes to site.		
	The Framework Layout Commitments identified in Section 19.1 of the NRA (APP-111) are appropriate for informing the overarching layout design process that will be completed post-consent in the detailed design phase.	Agreed.	Agreed
Outcomes of the EIA and NRA	<p>The conclusions of the shipping and navigation chapter of the ES (APP-055) and the NRA (APP-111) appropriately reflect the potential for risks to shipping and navigation users (receptors) during the construction, operation and decommissioning phases of AyM.</p> <p>In NRA terms, the potential risks from AyM are As Low As Reasonably Practicable (ALARP) on the understanding that appropriate mitigation measures (as described in Section 9.9 of the Shipping and Navigation chapter of the ES) are implemented through the Marine Licence (as per REP1-025 Marine Licence Principles).</p> <p>In EIA terms, no significant effects have been identified on shipping and navigation receptors.</p> <p>The Applicant is cognisant of the concerns raised by CoS in ML-CoS-3.1 and ML-CoS-3.2 of REP3a-014 and has provided a response therein.</p>	<p>The Chamber does not fully agree that navigational safety concerns raised during S42 consultation have been fully considered regarding the likely impact of a powered allision incident nor the risk from drifting and unpowered allision.</p> <p>The Chamber reraised these concerns to NRW on 2 August 2022 as detailed above.</p> <p>Whilst the Chamber is not satisfied that its concerns have been fully considered, it recognises that the additional risks associated are not overly significant due to a low frequency of risk.</p>	Not agreed – no material impact
	Based on the conclusions of the EIA and the NRA, no significant cumulative effects have been identified in direct relation to AyM. It is noted that the Chamber of Shipping retain safety concerns for the shipping industry about cumulative impacts in the wider Irish Sea area from the further development of offshore wind developments.	Agreed.	Agreed
Decommissioning	A decommissioning plan (Condition 40 of the Marine Licence Principles (REP2-022)) will be developed in line with relevant legislation at the time and will give consideration to the scenario in which, during decommissioning and removal operations, an obstruction may be left that is considered a potential hazard to navigation. Such an obstruction may require additional mitigation such as charting or marking which will be discussed with the MCA and Trinity House at the time.	<p>The Chamber advises the removal of all infrastructure to a safe level below the seabed to allow safe navigation, returning the seabed to its original state and not hindering future activity or development.</p> <p>The Chamber recognizes this may not always be physically possible, but strongly recommends it should be striven for by the developer.</p>	Agreed



RWE Renewables UK Swindon Limited

Windmill Hill Business Park
Whitehill Way
Swindon
Wiltshire SN5 6PB
T +44 (0)8456 720 090

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Windmill Hill Business Park
Whitehill Way
Swindon