

INFRASTRUCTURE PLANNING
THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010
THE THANET EXTENSION OFFSHORE WIND FARM ORDER

**Response to Secretary of State's letter dated 6 January 2020 submitted on behalf of
the Port of London Authority and Estuary Services Limited**

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1. Introduction

- 1.1 The PLA and ESL submitted their response to the Secretary of State's request for further information on 13 December 2019. The response document (PLA 31 / ESL 31) addresses their concerns with the second Pilot Transfer Bridge Simulation ("**PTBS**") carried out by Vattenfall ("**the Applicant**").
- 1.2 Having had the opportunity to consider the responses submitted by other Interested Parties in December, the PLA and ESL note that the feedback given on the second PTBS reflects their own concerns. In particular, they note the concerns shared by the Port of Tilbury London Limited ("**PoTLL**") and London Gateway Port Limited ("**LGPL**") and the Maritime and Coastguard Agency ("**MCA**") in their responses. The PLA and ESL have the following comments on the responses of these IPs.

2. PoTLL and LGPL's response

- 2.1 At paragraph 3.1 of their response, PoTLL and LGPL note the "tight timescales" given by the Applicant for feedback on the original specification for the second PTBS. PoTLL and LGPL noted that as a result their own feedback was limited. The PLA and ESL identified similar concerns in their December submission.
- 2.2 PoTLL and LGPL identify at paragraph 3.3 that "the Ports do not undertake navigation and pilotage operations" and, for this reason, "defer to the Interested Parties with direct responsibility for such operations with regard to matters such as appropriate met ocean conditions, simulation locations, appropriate number of simulations, simulator set up and configuration and run grading". The PLA and ESL have responsibility for such operations and they have provided comments on such matters in PLA 31 / ESL 31, which are summarised below.
- 2.2.1 At page 18 of that document, the PLA and ESL set out extensive comments about the inadequacy of the simulation of different Met Ocean conditions. In particular, they raised that the lack of local experience would have made it difficult for simulation participants to know whether conditions were being accurately represented. Additionally, they identified that a number of runs were carried out to complete transfers in conditions that ESL know from experience would have been extremely dangerous.
- 2.2.2 Similarly, the PLA and ESL raised issues about the adequacy of the simulation locations used at pages 13, 15, 34 and 35 of PLA 31 / ESL 31. Neither the Tongue boarding position nor the Elbow were adequately assessed because each had too few runs simulated in their areas. Additionally, there were concerns raised about the fact that the Margate Roads anchorage was not fully included in the simulation.
- 2.2.3 The PLA and ESL's comments on the adequacy of the number of runs are set out from page 12 of PLA 31 / ESL 31. In summary, they do not consider the number of runs carried out sufficient to draw meaningful conclusions on the acceptability of risk.
- 2.2.4 Additionally, the PLA raised a number of concerns in relation to the inadequacy of the simulator set up and configuration including in relation to night runs and reduced visibility (at page 15), ladder assignment (at page 25), run times (at page 27), emergencies and operational difficulties (at page 28) and launch operation (at page 30). It cannot therefore be said that the set up and configuration of the simulator was accurate and the PLA and ESL remain

concerned about the lack of weight afforded in the second PTBS to how ESL conducts its day to day operations in the area.

- 2.2.5 Finally, with reference to run grading, the PLA and ESL identified at page 20 of PLA 31 / ESL 31 that they disagreed with 94 of the lees used in the study. It would, therefore, follow that the PLA and ESL cannot agree with the grading of such runs as successful.
- 2.3 The PLA and ESL agree with the statement at paragraph 3.6 of PoTLL and LGPL's response document that there is "no evidence that the matters raised by the Ports in their response to consultation on the Specification dated 30 July 2019...were afforded due consideration by the Applicant and to the contrary, they appear to have largely been dismissed out of hand". The PLA and ESL raised at page 12 of PLA / ESL 31 that the number of runs would need to be greatly increased to provide reliable results; this was not done. Similarly, the PLA and ESL had identified concerns about marginal runs being repeated but it does not seem these were acted upon.
- 2.4 For these reasons, the PLA and ESL agree with the conclusions of paragraphs 3.6 and 3.7 of the PoTLL and LGPL response and specifically the statement at 3.6 that "[i]f the second PSTB was intended to robustly address the concerns of IPs then it is reasonable to expect that the views of IPs were given significant weight. This does not appear to the Ports to have been the case."
- 2.5 At paragraph 3.10 of PoTLL and LGPL's response, the Ports raise concerns about the role played by Marico Marine and, specifically, it is stated that its role should have been "as a consultee/observer contributing in a similar and equal capacity as other interested parties" but was not so limited. This reflects the PLA and ESL's views given throughout the Examination and on the subsequent second PTBS about the extent of Marico Marine's control over the PTBSs and the lack of willingness to enable the IPs to participate in a meaningful manner in such a way as to inform the PTBSs. The fact that the second PTBS ultimately took place at short notice at a time when the PLA and ESL were unable to attend supports this.
- 2.6 The PLA and ESL support the assessment in paragraphs 3.14 to 3.20 of PoTLL and LGPL's response document illustrating that the results of the simulation do not evidence safety in pilot operations.
- 2.7 Finally, the PLA and ESL fully agree with the conclusions set out at (a), (c) and (d) of paragraph 3.22. Conclusion (b) relates to the representation of future traffic growth. This is a matter within the expertise of PoTLL and LGPL so the PLA and ESL would defer to their opinion on this.

3. MCA response

- 3.1 The PLA and ESL note that the MCA raises a concern that "for the most part of the simulation exercises, main and affected IPs were absent" and that this meant that "the applicant's simulation exercises weren't quite subject to nuanced cross verification and validation by the directly affected parties involved in pilot transfers". This reflects a number of concerns identified in PLA 31 / ESL 31, particularly that the day-to-day practices of ESL were not considered during the simulation.
- 3.2 Additionally, the PLA and ESL consider the MCA's remark that "there has been a failure to obtain IP agreement regarding the risk to pilots, along with the other NRA related aspects, including the embedded and additional risk controls measures as detailed in

the MCA responses throughout the examination, and the acceptability of the final risk scores as ALARP” as a useful and accurate summary of the position.

4. Conclusion

- 4.1 In summary, the PLA and ESL’s concerns about the analysis of the impacts of TEOW on shipping and navigation remain. The second PTSB report has not changed this position and the risk scores have not been reduced to ALARP. In the PLA and ESL’s view if consent were granted to the TEOW it would pose an unacceptable risk to shipping and navigation in the affected area.

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