



TRINITY HOUSE

22 March 2019

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

Your Ref: EN010080

Identification No. 20010148

Hornsea Project Three Offshore Wind Farm Project Further Written Representations for Deadline 8

Dear Sir

We refer to the above application for development consent.

Trinity House ("TH") attended and made oral submissions at Issue Specific Hearing 9 into the draft Development Consent Order ("dDCO") on Friday 8 March 2019 ("the ISH"). TH subsequently submitted its post hearing submissions to the Examining Authority (ExA) in respect of this ISH on 11 March 2019.

At the request of the ExA, this submission included, *inter alia*, TH's proposed amendments to article 37 (arbitration) in its post-written submissions. This followed concerns raised by TH at the ISH, and in its previous written representations in relation to the application, regarding the potential for it to be subject to arbitration in the DCO.

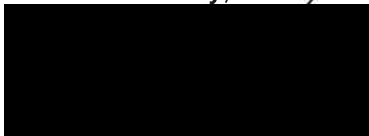
In its previous submissions to the ExA on the Hornsea Three Offshore Wind Farm project TH highlighted that the scope of the arbitration provisions was also under examination as part of the separate Norfolk Vanguard and the Thanet Offshore Wind Farm applications. TH further highlighted in this regard that the matter had also been considered as part of the Wylfa Newydd project application. In this case, the latest dDCO for that scheme includes an amendment recognising that TH would not be subject to the arbitration provision in that Order.

TH would like, therefore, to take the opportunity at Deadline 8 in relation to the Hornsea Three project to highlight to the ExA the recent developments arising in respect of the examination of the **Norfolk Vanguard** application. In this case the applicant for that application has submitted wording, in response to the ExA's further written questions on 27 February 2019, reflecting that the *Saving Provision* for TH in that Order (and as also appears in the dDCO for Hornsea Three at Article 40) is **not** overruled by the arbitration provisions in that Order. In this case TH has stated that it welcomes the clarification and supports the inclusion of wording in the DCO for that application that reflects the understanding in this regard.

Given the broad understanding that has been reached with the applicants regarding the scope of the arbitration provision in the case of the Wylfa Newydd and Norfolk Vanguard projects we consider, therefore, that it might be appropriate to draw this aspect to the attention of the ExA with regard to its examination of the issue in respect of Hornsea Three.

We trust that these further representations are helpful and would request please that all correspondence regarding this matter continues to be addressed to myself at russell.dunham@thls.org and to Mr Steve Vanstone at navigation.directorate@thls.org

Yours faithfully, /



Russell Dunham ACII
Legal & Risk Advisor

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