



National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
e-mail: ThanetExtension@pins.gsi.gov.uk

Your Ref:

Our Ref: EN010084

Date: 9 November 2018

Dear Sir/Madam

Planning Act 2008 (as amended) – Section 88 and the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 6

Application by Vattenfall Wind Power Limited for an Order Granting Development Consent for the Thanet Extension Offshore Wind Farm

Appointment of the Examining Authority

I write to you following my appointment by the Secretary of State as the lead member of a Panel who will be the Examining Authority (ExA) to carry out an examination of the above application by Vattenfall Wind Power Limited ('the Applicant'). The other members of the panel are Stephen Bradley and Jessica Powis. A copy of the appointment letter can be viewed at:

<https://infrastructure.planninginspectorate.gov.uk/document/EN010084-000741>

Invitation to the Preliminary Meeting

This letter is an invitation to the Preliminary Meeting to discuss the examination procedure and contains a number of supporting annexes.

Date of meeting: **Tuesday 11 December 2018**
Seating available from: **9.30am**
Meeting begins: **10.00am**
Venue: **Innovation House, Discovery Park
Sandwich, CT13 9FF**

Access and parking: Please use the [linked map](#) to locate **Site Access, Parking and Venue Reception Station:** Ramsgate or Sandwich
Bus: Stagecoach routes 43 and 44

Given the volume and frequency of letters the Planning Inspectorate needs to send to Interested Parties during an examination, the Planning Inspectorate aims to communicate with people by email wherever possible, as electronic communication is more environmentally friendly and cost effective for the Planning Inspectorate as a Government agency. If you are able to receive communications by email, please confirm this with us.

We would like to thank those of you who submitted Relevant Representations. These representations have assisted us when preparing our proposals regarding how to examine this application.

Purpose of the Preliminary Meeting

The purpose of the Preliminary Meeting is to enable views to be put to us about the way in which the application is to be examined. At this stage, the ExA is looking at the procedure, and not the merits of the application. The merits of the application will only be considered once the Examination starts, which is after the Preliminary Meeting has closed.

We wish to run a fair, efficient and effective meeting so that all relevant views can be heard. As such, we strongly encourage groups of individuals who have similar views on the procedure to choose one representative to speak for the group.

The agenda for the meeting is in **Annex A**. This has been set following our initial assessment of the Principal Issues arising on the application. That assessment is set out in **Annex B**. As a result of this assessment we wish to hear at the meeting from the Applicant, Interested Parties, Statutory Parties and Local Authorities where they consider changes may be needed to the draft timetable set out in **Annex C**.

Up-to-date information about the project and the Examination can be obtained from:

<https://infrastructure.planninginspectorate.gov.uk/projects/South%20East/Thanet-Extension-Offshore-Wind-Farm/>

This is the project website address from which we will make copies of all future communications and Examination documents available to the public. You can use this page to track progress of the Examination and access all relevant documents and correspondence from the links it contains. As the examination process makes substantial use of electronic documents, it will be useful to become familiar with this resource.

If you wish to receive an email notification when relevant documents and correspondence are published you can register on the project website to do so. Further information on the examination process is given in Advice Note 8.4 which is available on the Planning Inspectorate's website:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-8-4v3.pdf>

Attendance at the Preliminary Meeting

If you wish to attend the Preliminary Meeting please contact Kate Mignano, the Case Manager using the details set out at the top of this letter. Please confirm this by **midday (12 noon), Tuesday 3 December 2018**.

It will help the management of the meeting and benefit everyone if you also:

- Tell us whether you wish to speak at the meeting, and on which agenda items (**Annex A**), listing points you wish to make; and
- Notify us of any special requirements you may have (eg disabled access, hearing loop etc).

The Preliminary Meeting provides a useful introduction to the examination process. We will use it to make procedural decisions that will affect everyone participating in the Examination. The meeting provides you with an opportunity to have your say about procedural issues before these decisions are finalised. If you intend to play an active part in the Examination or you have questions about procedure it is useful to attend the meeting. However, please note that you are not required to attend the Preliminary Meeting in order to participate in the Examination.

If you are an Interested Party and do not wish to attend the Preliminary Meeting, you will still be able to make written representations and participate in any hearings that are arranged. Should you no longer wish to be an Interested Party and do not wish to be involved in the examination process, you can notify the Case Manager of this in writing.

After the Preliminary Meeting

After the Preliminary Meeting you will be sent a letter setting out the timetable for the Examination. An audio recording and a note of the meeting will also be published on the project page of the Planning Inspectorate website.

Interested Parties have the right to request an Open Floor Hearing and those persons affected by any request for compulsory acquisition or temporary possession of their land or rights may request a Compulsory Acquisition Hearing. Any other Issue Specific Hearings are at the discretion of the ExA and will be arranged if we feel that consideration of oral representations would ensure an issue is adequately considered.

Our initial suggestions for Issue Specific Hearings (ISHs) are set out in the draft timetable at **Annex C** with the particular topic indicated, although you will see further below that we have made a procedural decision to proceed with our first **Issue Specific Hearing (ISH1)** into International Issues at **2.00pm on Tuesday 11 December 2018**, shortly after the close of the Preliminary Meeting. The notification and agenda for this Hearing are set out at **Annex F** and **G** respectively.

We have also made a procedural decision to hold our second **Issue Specific Hearing (ISH2)** on Maritime, Shipping, Navigation and Safety Issues at **10.00am on Wednesday 12 December 2018**. The notification and agenda for this Hearing are set out at **Annex F** and **H**, respectively.

Beyond these initial hearings, our Examination will comprise consideration of written submissions about the proposal and oral representations made at further hearings, in addition to consideration of the application documents, policy and legal positions, site inspections and any other matters we consider to be relevant and important.

All relevant and important matters will be taken into account when we make a recommendation to the Secretary of State for Business, Energy and Industrial Strategy, who will take the final decision in this case.

Procedural decisions made by the ExA under ss89(3), 91(1) of the Planning Act 2008

We have made some preliminary procedural decisions under s89(3) of the Planning Act 2008 (PA2008) as follows.

These include:

- to ask for the preparation of tracking lists of:
 - Statements of Common Ground;
 - Commercial and side agreements; and
 - Planning obligations;and any changes to these;
- to ask for the preparation of Statements of Common Ground;
- to request the provision of certain Nemo Link development consent and Environmental Statement documents for inclusion in the Examination Library; and
- to provide notice of, Agendas for and to hold early Issue Specific Hearings into:
 - International Issues (ISH1); and
 - Maritime, Shipping, Navigation and Safety Issues (ISH2).

These procedural decisions are all set out in full at **Annex E**.

Your status in the Examination

This letter has been sent to you because you (or the body you represent) fall within one of the categories in s88(3) of the Planning Act 2008 (PA2008).

If you have made a Relevant Representation, have a legal interest in the land affected by the application, or are a relevant Local Authority where the development is proposed within your boundary (reference numbers beginning with 'TOWF-000', 'TOWF-AFP', 'TOWF-S57' or '2001'), you have a formal status as an Interested Party in the Examination.

Interested Parties will receive notifications from the Planning Inspectorate about the Examination throughout the process and may make written and oral submissions regarding the application.

If you are a statutory party (ie body specified in the relevant regulations supporting the PA2008) or a Local Authority bordering the Local Authorities in which the development is proposed; but have not made a Relevant Representation (reference number beginning with 'TOWF-SP') you will not automatically be an Interested Party.

However, following the Preliminary Meeting, you will have a further opportunity to notify the ExA that you wish to be treated as an Interested Party.

If you are not an Interested Party or a statutory party (ie body specified in the relevant regulations supporting the PA2008), you have received this letter because we wish to invite you to the Preliminary Meeting as an 'Other person' because it appeared to us that the Examination could be informed by your participation. 'Other persons' have a reference number beginning with 'NGR-OP'.

If you are not sure about your status in the Examination, please contact the Case Manager using the details at the top of this letter. Information regarding the formal status of Interested Parties and how you can get involved in the process is set out in the Planning Inspectorate Advice Note 8 Series on the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

Award of Costs

We also draw your attention to the possibility of the Award of Costs against Interested Parties who behave unreasonably. You should be aware of the relevant cost guidance "Awards of costs; examinations of applications for development consent orders" which applies to National Infrastructure projects. This guidance is available at:

<https://www.gov.uk/government/publications/awards-of-costs-examinations-of-applications-for-development-consent-orders>

Management of Information

The Planning Inspectorate has a commitment to transparency. Therefore, all information submitted for this project (if accepted by the ExA) and any record of advice which has been provided, is published at:

<https://infrastructure.planninginspectorate.gov.uk/projects/South%20East/Thanet-Extension-Offshore-Wind-Farm/>

All Examination documents can also be viewed electronically at the locations listed in **Annex D**.

Please note that in the interest of facilitating an effective and fair Examination, we consider it necessary to publish some personal information. To find out how we handle your personal information, please view our Privacy Notice.

We look forward to working with all parties in the examination of this application.

Yours faithfully

Rynd Smith

Lead Member of the Examining Authority

Annexes

- A** Agenda for the Preliminary Meeting
- B** Initial Assessment of Principal Issues
- C** Draft timetable for examination of the application
- D** Availability of Examination documents
- E** Procedural decisions made by the Examining Authority
- F** Notification of Hearings under Section 91 of the Planning Act 2008
- G** Agenda for ISH1 Issue Specific Hearing into International Issues
- H** Agenda for ISH2 Issue Specific Hearing into Marine, Shipping, Navigation and Safety Issues

This communication does not constitute legal advice.
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

Agenda for the Preliminary Meeting

Date: **Tuesday 11 December 2018**
Seating available from: **9.30am**
Meeting Start Time: **10.00am**
Venue: **Innovation House, Discovery Park,
Sandwich, CT13 9FF**

09.30am	Seating available from
Item 1 (10.00am)	Welcome and introductions
Item 2	The Examining Authority's (ExA's) remarks about the examination process
Item 3	Initial Assessment of Principal Issues – see Annex B
Item 4	Deadlines for submission or publication of: <ul style="list-style-type: none"> • Written Representations (WRs) • Local Impact Reports (LIRs) • Responses to the ExA's Written Questions (ExQs) • Statements of Common Ground (SoCGs) • Notifications relating to hearings • Procedural requests relating to these items that have been submitted to the Planning Inspectorate by 3 December 2018
Item 5	Hearings and Accompanied Site Inspection (ASI): <ul style="list-style-type: none"> • Date(s) of ASI(s) to application site and surrounding area • Date of Issue Specific Hearing on draft Development Consent Order (ISH DCO) • Dates reserved for Open Floor Hearing(s) (OFHs) • Time period reserved for further Issue Specific Hearings (ISHs) • Time period reserved for Compulsory Acquisition Hearing (CAH) • Procedural requests relating to these items that have been submitted to the Planning Inspectorate by 3 December 2018
Item 6	Any remaining submissions regarding procedural matters not set out in the agenda that have been submitted to the Planning Inspectorate by 3 December 2018
Item 7	Any other matters
	Close of the Preliminary Meeting

Please note: Please be available from the start and throughout the meeting. The agenda is subject to change at the discretion of the ExA. The ExA will conclude the meeting as soon as all relevant contributions have been made. If there are any additional matters to be dealt with, or submissions take a considerable amount of time, the ExA may change the order of the agenda items and may introduce breaks in the proceedings.

Initial Assessment of Principal Issues

This is the initial assessment of the principal issues arising from consideration by the Examining Authority (ExA) of the application documents and Relevant Representations received. It is not a comprehensive or exclusive list of all relevant matters; regard will be had to all important and relevant matters in reaching a recommendation after the Examination is concluded. The identified Principal Issues are listed in alphabetical order and should not be taken to imply an order of importance.

The policy and consenting requirements and documents associated with the Planning Act 2008 (PA2008) are an integral part of the Examination and are therefore not set out as separate Principal Issues. In addition, it should be noted that a number of these Principal Issues set out below have an interrelationship and overlap and these will be reflected in the Examination.

1. Biodiversity, Ecology and Natural Environment

- Baseline survey methodology and assessment, with particular reference to ornithology.
- Monitoring.
- Change to the ecological value of marine and terrestrial habitats, species and ecological value.
- Implications for European Sites and their qualifying features.
- Timing of works and potential seasonal effects.
- Potential cumulative and in-combination impacts
- Effects in England and outside the UK.

2. Construction

- Temporary work sites and storage.
- Exclusion zones.
- Cable laying and foundation installation.

3. Compulsory Acquisition (CA), Temporary Possession (TP) and other Land or Rights Considerations

- The CA and TP case.
- Objections to it.
- Human rights considerations.

4. Draft Development Consent Order (DCO)

- The structure of the DCO.
- The appropriateness of proposed requirements.
- Relationships with other projects and consents.
- Deemed Marine Licence matters.

5. Debris, Waste and Contamination

- Management of waste, debris and potential contaminants in marine sediments.
- Management of contaminated land.
- Effects on environmental receptors.

6. Electric and Magnetic Fields (EMFs)

- Compliance with regulatory policy and guidelines.
- Effects on environmental receptors.

7. Electricity Connections and Other Utility Infrastructure

- The onshore connection point.
- Relationship with Nemo and Richborough projects.
- Implications for the electricity and gas transmission and distribution systems.

8. Environmental Statement General

- Approaches to the identification of significance and risk.
- Site and route selection and alternatives.
- Effects outside the United Kingdom.

9. Fishing and Fisheries

- Effects on fishing and fisheries.
- Access.
- Safety.

10. Historic Environment

- Effects on the onshore terrestrial historic environment including geo-archaeology, buried archaeology, setting of designated assets and Conservation Area matters.
- Effects on the intertidal terrestrial historic environment
- Effects on the inshore marine historic environment including military remains.
- Effects on the offshore marine historic environment.
- Archaeological investigation, monitoring and supervision.

11. Marine and Coastal Physical Processes

- Scouring and scour protection, sand wave effects, other deposition and reef formation.
- Effects on the coast (wave climate, deposition, erosion and flooding).
- Climate change effects.

12. Navigation – Marine and Air

- Maintenance of safe air and marine navigation during construction and operation.

- Effects on shipping lanes, vessel tracks and routes, pilot transfer locations, anchorages, ports, airways and airports including displacement and safety matters in adverse weather conditions.
- Effects on emergency planning, search and rescue operations.
- Effects on navigational safety and effectiveness of proposed lighting and marking.
- Changes to bathymetry including deposition and other changes to vessel channels and safe operating distances.
- Radar effects for shipping and aircraft.
- Combination effects and assessment of ALARP risk levels.

13. Noise and other public health effects

- Construction, maintenance and decommissioning noise effects on marine and terrestrial environments.
- Operational noise effects on marine and terrestrial environments.

14. Other Projects and Proposals

- The effects of the application on other constructed and proposed major projects nearby including offshore wind farms and the Nemo, Richborough and Manston projects.
- Cumulative and in-combination effects with other major projects and proposals.
- The effects of other major projects on the application.

15. Socio Economic Effects

- General economic and employment effects of the construction and operation of the proposed offshore wind farm including local tourism, heritage and arts industries.
- Specific economic and employment effects on local fishing industry
- Specific economic and employment effects on shipping and port operations.

16. Townscape, Seascape, Landscape and Visual

- Adequacy of assessment methodology and approach.
- Extent of study area including effects outside the United Kingdom.
- Cumulative effects with the existing Thanet OWF.
- Cumulative effects with other nearby OWFs cumulative effects with other terrestrial and marine infrastructure.

17. Transportation and Traffic

- Means and effects of transporting construction materials and personnel to site by sea.
- Effects on transport networks on land.

18. Water Environment

- Water Framework Directive.
- Flood Risk Assessment.
- Marine water column effects.

Draft timetable for examination of the application

The Examining Authority (ExA) is under a duty to complete the examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

The ExA's examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at Hearings.

Item	Matters	Due Dates
1	Preliminary Meeting (PM)	Tuesday 11 December 2018 (10.00am)
2	Issue Specific Hearing 1 (ISH1) ISH1 on International Issues	Tuesday 11 December 2018 (2.00pm)
3	Issue Specific Hearing 2 (ISH2) ISH2 on Marine, Shipping, Navigation and Safety Issues	Wednesday 12 December 2018 (10.00am)
4	Issue by the ExA of: <ul style="list-style-type: none"> • Examination Timetable • The ExA's Written Questions (ExQ1) 	As soon as practicable following the Preliminary Meeting
5	Deadline 1 Deadline for receipt of: <ul style="list-style-type: none"> • Comments on Relevant Representations (RRs) • Summaries of all RR's exceeding 1500 words • Written Representations (WRs) • Summaries of all WRs exceeding 1500 words • Local Impact Reports from any local authorities • Statements of Common Ground (SoCG) requested by the ExA – see Annex E • Responses to the ExA's Written Questions 	Tuesday 15 January 2019 (12 noon)

	<ul style="list-style-type: none"> • Comments on updated application documents • Responses to any further information requested by the ExA • Post hearing submissions including written submissions of oral case • Nominations of suggested locations and justifications for site inspections for consideration by the ExA • Notification of wish to attend an Accompanied Site Inspection (ASI) • Draft Itinerary to be provided by the Applicant for an ASI • Notification from any Affected Person of wish to speak at a Compulsory Acquisition Hearing (CAH) • Notification of wish to speak at any of the further Issue Specific Hearings (ISHs) • Notification of wish to speak at an Open Floor Hearing (OFH) • Applicant's Tracking List of SoCGs and agreements. 	
6	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> • Notification of ASI 	<p>Tuesday 29 January 2019</p>
7	<p>Deadline 2</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on WRs and responses to comments on RRs • Comments on Local Impact Reports • Comments on responses to the ExA's Written Questions • Revised draft DCO from Applicant • Responses to any further information requested by the ExA • Comments on any additional information/ 	<p>Tuesday 5 February 2019</p> <p>(12 noon)</p>

	submissions received by Deadline 1	
8	Accompanied Site Inspection (If Required)	Monday 18 February 2019
9	Issue Specific Hearing 3 (ISH3) ISH3 on Environmental matters, Ecology, HRA and other matters	Tuesday 19 February 2019 (morning)
10	Issue Specific Hearing 4 (ISH4) Date reserved to hold an ISH4 on Marine, Shipping, Navigation, Safety and Recreational Sea Use (if required)	Tuesday 19 February 2019 (afternoon)
11	Open Floor Hearing (OFH1) Date reserved to hold an OFH (if required)	Tuesday 19 February 2019 (evening)
12	Issue Specific Hearing 5 (ISH5) ISH5 on Landscape and Visual, Seascape and Historic Environment Issues	Wednesday 20 February 2019 (morning)
13	Issue Specific Hearing 6 (ISH6) ISH6 on Fishing and Fisheries	Wednesday 20 February 2019 (evening)
14	Compulsory Acquisition Hearing (CAH1) CAH1 on the Applicant's compulsory acquisition (CA) and temporary possession (TP) case and on any CA and TP objections (if there are requests to be heard)	Thursday 21 February 2019 (morning)
15	Issue Specific Hearing 7 (ISH7) ISH7 on the draft Development Consent Order (dDCO)	Thursday 21 February 2019 (afternoon)
16	Deadline 3 Deadline for receipt of: <ul style="list-style-type: none"> • Responses to any further information requested by the ExA • Post hearing submissions including written submissions of oral case 	Tuesday 5 March 2019 (12 noon)

	<ul style="list-style-type: none"> • Comments on any additional information/submissions received by Deadline 2 • Applicant's Tracking List of SoCGs and agreements identifying any changes since Deadline 1 • Applicant's Tracking List of Application Documents and Plans identifying any changes since Deadline 1 • Applicant's Tracking List of changes to mitigation measures 	
17	<p>Publication by ExA of:</p> <ul style="list-style-type: none"> • The ExA's Further Written Questions (ExQ2) (if required) 	Tuesday 12 March 2019
18	<p>Deadline 4</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Applicant's revised draft DCO • Responses to ExA's Further Written Questions (ExQ2) (if issued) • Responses to any further information requested by the ExA • Comments on any additional information/submissions received by Deadline 3 	Tuesday 2 April 2019 (12 noon)
19	<p>Issue Specific Hearing 8 (ISH8)</p> <p>Date reserved to hold ISH8 on International, Shipping, Marine, Environmental and other matters (if required)</p>	Wednesday 24 April 2019 (morning)
20	<p>Open Floor Hearing 2 (OFH2)</p> <p>Date reserved to hold a OFH2 (if required)</p>	Wednesday 24 April 2019 (evening)
21	<p>Compulsory Acquisition Hearing (CAH2)</p> <p>Date reserved to hold a CAH2 (if required)</p>	Thursday 25 April 2019 (morning)
22	<p>Issue Specific Hearing 9 (ISH9)</p> <p>ISH9 on the draft Development Consent Order (dDCO)</p>	Thursday 25 April 2019 (afternoon)

23	<p>Deadline 5</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Comments on Applicant’s revised dDCO • Comments on responses to the ExA’s Further Written Questions (if required) • Responses to any further information requested by the ExA • Post hearing submissions including written submissions of oral case • Comments on any additional information/ submissions received by Deadline 4 	<p>Tuesday 30 April 2019</p> <p>(12 noon)</p>
24	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Report on the Implications for European Sites (RIES) • The ExA’s preferred dDCO or dDCO commentary (if required) 	<p>Tuesday 7 May 2019</p>
25	<p>Deadline 6</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Final SoCGs • Comments on the ExA’s draft DCO or dDCO commentary (if required) • Comments on the RIES • Responses to any further information requested by the ExA • Comments on any additional information/ submissions received by Deadline 5 	<p>Tuesday 28 May 2019</p>
26	<p>Time reserved for issue by the ExA of:</p> <ul style="list-style-type: none"> • Any further information requests under Rule 17 (if required) 	<p>Tuesday 28 May 2019</p>
27	<p>Deadline 7</p> <p>Deadline for receipt of:</p>	<p>Tuesday 4 June 2019</p>

	<ul style="list-style-type: none"> • Responses to comments on the ExA's draft DCO or dDCO commentary (if required) • Responses to comments on the RIES • Responses to any further information requested by the ExA • Comments on any additional information/submissions received by Deadline 6 • Final DCO to be submitted by the Applicant in the SI template with the SI template validation report • Applicant's Tracking List of SoCGs and agreements identifying any changes since Deadline 3 • Applicant's Tracking List of Application Documents and Plans identifying any changes since Deadline 3 • Applicant's Tracking List of changes to mitigation measures, identifying any changes since Deadline 3 	(12 noon)
28	The ExA is under a duty to complete the examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.	Tuesday 11 June 2019

Deadlines

Where a deadline is set on a date for the submission of any documents to the ExA, the documents must be received by the ExA by 12 noon on that day. Persons submitting documents are requested to ensure that they allow sufficient time for collation and transmission, to ensure that submissions do not breach this time requirement. The acceptance of documents received after the expiry of a deadline is subject to the exercise of discretion by the ExA.

Publication Dates

All information received will be published on the project website as soon as practicable after the deadline for submissions. An Examination Library will be kept up to date throughout the Examination and can be accessed via the project page. Each document will be afforded a unique reference. These references will be used by the ExA during the Examination and can be obtained from:

<http://infrastructure.planninginspectorate.gov.uk/document/EN010084-000711>

Hearing Agendas

Please note that we will aim to publish a detailed draft agenda for each hearing on the project website at least five working days in advance of the hearing date; but the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

Report on the Implications for European Sites (RIES)

Given that the Applicant has provided a Habitats Regulations Assessment (HRA) Report to inform an appropriate assessment with the DCO application ([\[APP-031\]](#), [\[APP-032\]](#) and [\[APP-033\]](#)), the ExA may decide to issue a RIES during the Examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority to fulfill the requirements of the Habitats Regulations. It does not set out the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the relevant Secretary of State.

The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of the Habitats Regulations and/ or Regulation 28 of the Offshore Marine Regulations.

Availability of Examination documents

All application documents including Relevant Representations and application documents are available on the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/thanet-extension-offshore-wind-farm/?ipcsection=docs>

Documents can be viewed electronically at the following locations. Please note that you may need to bring a form of ID to use the computer at these locations.

Electronic Deposit Locations:

Local Authority/Library	Address	Opening Hours
Birchington Library	17 Alpha Road Birchington Kent CT7 9EG	Monday: 9.00 – 18.00 Tuesday: 9.00 – 18.00 Wednesday – Closed Thursday: 9.00 – 18.00 Friday: 9.00 – 18.00 Saturday: 10.00 – 14.00 Sunday – Closed
Broadstairs Library	The Broadway Broadstairs CT10 2BS	Monday: 9.00 – 18.00 Tuesday: 9.00 – 18.00 Wednesday: 9.00 – 18.00 Thursday: 9.00 – 20.00 Friday: 9.00 – 18.00 Saturday: 9.00 – 17.00 Sunday – Closed
Canterbury City Council	Military Road Canterbury CT1 1YW	Monday: 8.30 – 17.00 Tuesday: 8.30 – 17.00 Wednesday: 8.30 – 17.00 Thursday: 8.30 – 17.00 Friday: 8.30 – 17.00 Saturday – Closed Sunday – Closed
Dover Library	Market Square Dover CT16 1NX	Monday: 9.00 – 18.00 Tuesday: 9.00 – 18.00 Wednesday: 9.00 – 20.00 Thursday: 9.00 – 18.00 Friday: 9.00 – 18.00 Saturday: 9.00 – 17.00 Sunday – Closed
Deal Library	5 Broad Street Deal CT14 6ER	Monday: 9.00 – 18.00 Tuesday: 9.00 – 18.00 Wednesday: 9.00 – 20.00 Thursday: 9.00 – 18.00 Friday: 9.00 – 18.00 Saturday: 9.00 – 17.00 Sunday – Closed
Library Extra out-of-hours facility is available at this library – please ask staff for details.		

Margate Library	Thanet Gateway Plus Cecil Street Margate Kent CT9 1RE	Monday: 9.00 – 18.00 Tuesday: 9.00 – 18.00 Wednesday: 9.00 – 18.00 Thursday: 9.00 – 20.00 Friday: 9.00 – 18.00 Saturday: 9.00 – 17.00 Sunday – Closed
Ramsgate Library	Guildford Lawn Ramsgate Kent CT11 9AY	Monday: 9.00 – 18.00 Tuesday: 9.00 – 18.00 Wednesday: 9.00 – 18.00 Thursday: 9.00 – 18.00 Friday: 9.00 – 18.00 Saturday: 9.00 – 17.00 Sunday – Closed
Sandwich Library	13 Market Street Sandwich Kent CT13 9DA	Monday: 9.00 – 17.00 Tuesday: 9.00 – 17.00 Wednesday: 9.00 – 13.00 Thursday: 9.00 – 17.00 Friday: 9.00 – 17.00 Saturday: 9.00 – 13.00 Sunday – Closed
Sheerness Library	38 - 42 High Street Sheerness ME12 1NL	Monday: 9.00 – 18.00 Tuesday: 9.00 – 18.00 Wednesday: 9.00 – 18.00 Thursday: 9.00 – 18.00 Friday: 9.00 – 18.00 Saturday: 9.00 – 17.00 Sunday – Closed
Printing Costs	Black and White	Colour
Birchington Library		
A4	0.15p	0.50p
A3	0.20p	0.75p
Broadstairs Library		
A4	0.15p	0.50p
A3	0.20p	0.75p
Canterbury City Council		
A4	0.08	0.25
A3	0.16	0.35
Dover Library		
A4	0.15p	0.50p
A3	0.20p	0.75p
Margate Library		
A4	0.15p	0.50p
A3	0.20p	0.75p
Ramsgate Library		
A4	0.15p	0.50p
A3	0.20p	0.75p
Sheerness Library		
A4	0.15p	0.50p
A3	0.20p	0.75p

Link to all council library locations:
Birchington Library: http://search3.openobjects.com/kb5/kent/directory/service.page?id=HbUos4Cd6Vo
Broadstairs Library: http://webapps.kent.gov.uk/KCC.Libraries.Web.Sites.Public/LibraryDetails.aspx?aid=0&lid=83&uprn=100062281548
Canterbury City Council https://www.canterbury.gov.uk
Dover Library: https://local.kent.gov.uk/kb5/kent/directory/service.page?id=UwsqEvrXjtI
Deal Library: http://webapps.kent.gov.uk/KCC.Libraries.Web.Sites.Public/LibraryDetails.aspx?aid=0&lid=28&uprn=100062285653&wb48617274=082A2AD4
Margate Library http://webapps.kent.gov.uk/KCC.Libraries.Web.Sites.Public/LibraryDetails.aspx?aid=0&lid=81&uprn=100062305105
Ramsgate Library http://webapps.kent.gov.uk/KCC.Libraries.Web.Sites.Public/LibraryDetails.aspx?aid=0&lid=87&uprn=200002513204
Sandwich Library http://webapps.kent.gov.uk/KCC.Libraries.Web.Sites.Public/LibraryDetails.aspx?aid=0&lid=30&uprn=010034883329
Sheerness Library http://webapps.kent.gov.uk/KCC.Libraries.Web.Sites.Public/LibraryDetails.aspx?aid=0&lid=79&uprn=010035063334

Procedural decisions made by the Examining Authority (ExA)

The ExA has made the following procedural decisions under Section 89(3) of the PA2008:

1. Applicant's Tracking List: Statements of Common Ground, Commercial Side Agreements or Planning Obligations Related to the Proposed Development

The ExA requests that at Deadline 1, the Applicant provides it with a Tracking List, indexing all of the following documents that it has produced:

A. Statements of Common Ground, identifying the subject matter(s) and the involved Interested Parties or Other persons;

B. commercial side agreements¹ proposed between the Applicant and Interested Parties or Other persons, identifying the subject matter(s), the involved Interested Parties or Other persons and whether the conclusion of such an agreement is considered likely to remove the need for one or more Statement of Common Ground or lead to the withdrawal of one or more Relevant and/ or Written Representations; and

C. to the extent that any might be proposed, **any planning obligations under the Town & Country Planning Act 1990 (as amended) or other legislative provisions relevant to planning**, identifying the legislative head of power for the obligation, its subject matter(s), whether the obligation would be unilateral, bilateral or multi-lateral, if bilateral or multi-lateral the involved Interested Parties or Other persons and whether the conclusion of such an agreement is considered likely to remove the need for one or more Statement of Common Ground or lead to the withdrawal of one or more Relevant and/ or Written Representations.

At the identified timetable Deadlines 3 and 7, the Applicant is requested to update the Tracking List and to identify what changes (if any) have occurred since the previous update.

If the Applicant wishes the ExA to accord weight to commercial side agreements, evidence that these have been concluded, together with a list of the matters provided for and subscribed to by all signatories to each agreement must be provided at Deadline 7.

If the Applicant wishes the ExA to accord weight to planning obligations, signed copies must be provided at Deadline 7, together with a summary statement identifying how each obligation addresses the tests in NPPF paragraph 56.

¹ A 'commercial side agreement' means any contract, covenant or other legally enforceable mechanism under which performance or outcomes relevant to the construction, operation or decommissioning of the development proposed under the draft Development Consent Order would be delivered or guaranteed.

2. Applicant's Tracking List: Changes to Application Documents and Plans

The ExA requests that at Deadline 3, the Applicant provides it with a Tracking List, indexing any changes to Application Documents and/or Plans that have been made since the start of the Examination and explaining why the change is necessary. The Tracking List should be replaced with an updated list at Deadline 7, and this should also identify what changes (if any) have occurred since Deadline 3.

3. Applicant's Tracking List of Changes to Mitigation Measures

The ExA requests that at Deadline 3, the Applicant provides it with a Tracking List, indexing all mitigation measures and commitments and where these are secured. The list should identify whether and why any changes to mitigation measures and commitments have been proposed since the start of the Examination. The Tracking List should be replaced with an updated list at Deadline 7, and this should also identify what changes (if any) have occurred since Deadline 3.

4. Statements of Common Ground

The ExA requests the preparation of Statements of Common Ground (SoCG) between the Applicant and certain Interested Parties and Other persons.

The aim of a SoCG is to agree factual information and to inform the ExA by identifying where there is agreement and where differences lie at an early stage in the Examination process. It can also state where and why there may be disagreement about the interpretation and relevance of the information (matters not agreed).

Unless otherwise agreed at the Preliminary Meeting, SoCGs addressing the following themes should be agreed between the Applicant and relevant Interested Party(ies) or Other person(s), and submitted by the Applicant. There may be instances in which the Applicant can prepare a multilateral SoCG covering theme issues between several parties. However, bilateral SoCGs are more normal, may be easier to form within the limited timescales available and will be accepted by the ExA.

If a commercial or other agreement supplants the need for a detailed SoCG, the Applicant is asked to explain that, pursuant to the process outlined in Procedural Decision 1.

On this basis, SoCGs are requested to be prepared to address the subject matters and involving interested parties as follows:

Natural environment and Habitats Regulation Assessment

A. the Applicant, Environment Agency, Natural England, Marine Management Organisation, National Trust, Kent Wildlife Trust, RSPB, relevant local authorities, relevant representatives of Overseas Public Authorities and any other Interested/Statutory party responsible for the management of the natural environment, habitats and species to include:

- the adequacy of base data, impact assessment methodologies, construction, operational and decommissioning effects on or in respect of:
 - marine sediment characterisation, turbidity and water quality;
 - coastal processes;
 - marine fish stocks;
 - shellfish stocks;
 - marine mammals;
 - marine and terrestrial bird species, including the calculation of prospective bird strike mortality effects;
- the relevance of impacts in individual European Sites;
- the adequacy of specific assessments of impact on individual European Sites and the qualifying features / species contained in those sites;
- the need for and adequacy of particular approaches to impact mitigation and the mechanism for securing any mitigation through the draft DCO or Marine Licence;
- the selection and effects of the cable route and landfall;
- a summary statement of matters agreed; and
- a summary statement of matters not agreed or outstanding.

Access, highways and transportation effects

B. the Applicant and relevant local authorities, to include:

- the adequacy of access, highway, other transport provision for construction, maintenance and decommissioning;
- a summary statement of matters agreed; and
- a summary statement of matters not agreed or outstanding.

Other consequential onshore effects

C. the Applicant and relevant local authorities, to include:

- the economic effects of the project;
- a summary statement of matters agreed; and
- a summary statement of matters not agreed or outstanding.

Air navigation

D. the Applicant, River Oak Strategic Partners (and to the extent that there has been any engagement with them, the Civil Aviation Authority, NATS en route plc), **and any other Interested/Statutory Party responsible for airport, airfield, air navigation or aviation services** to include:

- the degree to which air navigation and the integrity of navigation systems have been or can be adequately protected by the project;
- the need for and adequacy of particular approaches to impact mitigation;
- effects on the proposed Manston Airport;
- effects on any other relevant airport;
- a summary statement of matters agreed; and
- a summary statement of matters not agreed or outstanding.

Ports, shipping and commercial sea navigation

E. the Applicant, Port Authorities and Operators, UK Chamber of Shipping and Shipping Interests, the Marine Management Organisation, Trinity House, the Maritime & Coastguard

Agency, Pilotage, and any other Interested/Statutory party responsible for maritime navigation, safety and shipping services to include:

- the degree to which the operational needs of commercial ports and harbours have been adequately protected by the project;
- the degree to which shipping channels, access to navigable rivers and canal navigations, anchorages, navigational aids and systems at sea have been adequately protected by the project;
- the effect of the project on commercial shipping movements during construction, operation and decommissioning;
- a summary statement of matters agreed; and
- a summary statement of matters not agreed or outstanding.

Recreational sea use, boating and yachting

F. the Applicant, the Marine Management Organisation, Trinity House, the Maritime & Coastguard Agency and any other Interested/Statutory party involved in recreational sea use to include:

- the degree to which the needs of recreational sea use has been adequately protected by the project;
- the need for and adequacy of any particular approaches to impact mitigation;
- a summary statement of matters agreed; and
- a summary statement of matters not agreed or outstanding.

Fishing and fisheries

G. the Applicant, the Marine Management Organisation/Cefas, and Interested/Statutory parties involved in fishing to include:

- the degree to which access to commercial and recreational fisheries has been adequately protected during the construction, operation and decommissioning of the project;
- a summary statement of matters agreed; and
- a summary statement of matters not agreed or outstanding.

Historic environment

H. the Applicant, Historic England, English Heritage, relevant local authorities, the Marine Management Organisation and any other Interested/Statutory Party involved in the historic environment or archaeology to include:

- the adequacy of base data, impact assessment methodologies, construction, operational and decommissioning effects on the historic marine environment;
- the adequacy of base data, impact assessment methodologies, construction, operational and decommissioning effects on the setting of terrestrial heritage assets;
- the need for and adequacy of particular approaches to impact mitigation;
- a summary statement of matters agreed; and
- a summary statement of matters not agreed or outstanding.

*Recreational use of the foreshore***I. the Applicant, National Trust, Kent Wildlife Trust, relevant local authorities and any other Interested/Statutory Party involved in the management of Pegwell Bay and other foreshore areas** to include:

- the adequacy of base data, impact assessment methodologies, construction, operational and decommissioning effects on the foreshore and Country Park;
- the need for and adequacy of particular approaches to impact mitigation;
- a summary statement of matters agreed; and
- a summary statement of matters not agreed or outstanding.

*Seascape, landscape and visual impact assessment***J. the Applicant, relevant local authorities, Historic England, Natural England, and relevant representatives of Overseas Public Authorities,** to include:

- agreed approaches to seascape, landscape and visual impact assessment;
- the adequacy of mitigation;
- a summary statement of matters agreed; and
- a summary statement of matters not agreed or outstanding.

*Energy undertakers***K. the Applicant, National Grid Electricity Transmission (NGET) and Gas (NGG), Nemo Link and any other Interested/Statutory Party involved in energy transmission or distribution,** to include:

- effects of the proposed development on transmission and distribution infrastructure;
- a summary statement of matters agreed; and
- a summary statement of matters not agreed or outstanding.

*Military affairs***L.** The ExA notes that the **Ministry of Defence (MoD)** does not object to the proposed development. However, in the context set by multiple Relevant Representations raising concerns about civil/ merchant shipping a statement of common ground could valuably be prepared to include:

- a review of actions necessary and agreed to safeguard military shipping;
- consideration of actions (if any) necessary and agreed to safeguard military aviation;
- a summary statement of matters agreed; and
- a summary statement of matters (if any) not agreed or outstanding.

5. Nemo Link Approval Process

The Applicant is to provide electronic copies of the development consent instrument for Nemo Link with any requirements or conditions applicable to the passage of cables across Pegwell Bay to the landfall location and across Pegwell Bay Country Park, together with any Environmental Statement documents relevant to soil / subsurface / groundwater

conditions at the landfall and in Pegwell Bay, bearing on the decision to use a surface bund to house the Nemo Link cables in that location and on the intended landscape treatment of that bund. The documents are to be supplied in a form such that they can be entered into the Examination Library for this Examination.

6. Issue Specific Hearings (ISHs)

Having considered matters raised in Relevant Representations and in a representation from an Other person that it has accepted, the ExA takes the view that it is necessary to hold ISHs to enable matters and issues to be clarified before the finalisation of Written Representations. It has provided notice of and Agendas for the following ISHs in the Rule 6 Letter and Annexes:

- A. ISH1** into International Issues at 2.00pm on Tuesday 11 December 2018 to which an Other person (the Government of France) has been invited (see Annex G); and
- B. ISH2** into Maritime, Shipping, Navigation and Safety Issues at 10.00am on Wednesday 12 December 2018 (see Annex H).

Notification of Hearings under Section 91 of the Planning Act 2008

The first Issue Specific Hearings (ISH1 and ISH2) will be held as follows:

Date	Hearing	Starting Time	Venue	Access and Parking
Tuesday 11 December 2018	Issue Specific Hearing on International Issues (ISH1)	2.00pm	Innovation House Discovery Park Sandwich CT13 9FF	Free parking available at venue
Wednesday 12 December 2018	Issue Specific Hearing on Marine, Shipping, Navigation and Safety Issues (ISH2)	10.00am	Innovation House Discovery Park Sandwich CT13 9FF	Free parking available at venue

The agenda for the Issue Specific Hearing on International Issues (ISH1) is available at **Annex G**. The agenda for the Issue Specific Hearing on Marine, Shipping, Navigation and Safety Issues is available at **Annex H**.

Every effort will be made to ensure that the items in the agendas will be discussed on the day.

Those Interested Parties (IPs) who wish to speak at the hearings listed above should notify the Case Manager (Kate Mignano) at the postal or email address in the covering letter by **midday (12 noon), Tuesday 3 December 2018**.

It would help with the management of the hearings if by the same date you can let the Case Manager know:

- whether you wish to speak at the hearings and on which agenda items, listing points you wish to make; and
- of any special needs you may have (e.g. disabled access, hearing loop).

Please ensure that you include your IP reference number in your correspondence.

The hearing venue will be open 30 minutes prior to the start of the hearings to enable a prompt start. Hearings will finish as soon as the Examining Authority (ExA) deems that all those present have had their say and all necessary issues have been covered.

Depending on the number of parties wishing to speak, it may be necessary to limit the time allocated to each speaker.

The ExA reserves the right to rearrange the agenda for these hearings on the day. If discussion of an issue takes longer than anticipated, it may have to be completed at a later date or responded to by the relevant deadline date within the Examination Timetable.

Agenda for the Issue Specific Hearing 1 (ISH1): International Issues

Date:	Tuesday 11 December 2018
Time:	2.00pm Seating available from 1.30pm
Venue:	Innovation House, Discovery Park, Sandwich, CT13 9FF
Access and Parking:	For pedestrian and vehicular access, parking arrangements and the reception location, please use the attached map . Car park shown on the attached map. Public transport Bus Discovery Park, Ramsgate Road Stagecoach 43 and 44 5 minute walk to venue Train Ramsgate or Sandwich Stations Taxi to venue

Purpose of the Issue Specific Hearing 1 (ISH1)

ISH1 is being held for the following purposes:

- To enable the Examining Authority (ExA) to inquire into the possible effects of the proposed development within waters and on land outside the United Kingdom.
- To review those Environmental Impact Assessment (EIA) and Habitats Regulations Assessment (HRA) considerations, including matters arising from the application documentation and representations relating but not limited to possible effects outside the United Kingdom on:
 - landscape, seascape and visual impact assessment;
 - bird species;
 - marine mammal species;
 - habitats;
 - European Sites (nature conservation sites of community interest);
 - fisheries; and
 - shipping, navigation and marine safety.
- To provide an opportunity for (amongst others) the government of France to be heard on these matters.
- To consider the provision of information on these matters in the application documents, whether any other information might be required and to make such procedural arrangements as might be required for this purpose.

- To identify whether there are any other matters of relating to possible effects outside of the United Kingdom that require to be examined and to make arrangements for this to occur.

Participation, conduct and management of hearing

This is the first ISH to be held in this Examination. It is being held because the Examining Authority (ExA) wishes to question the Applicant about the approach that it has taken to identifying and assessing the effects of the proposed development within waters and on land outside the United Kingdom.

The government of France has requested to become involved in the Examination and has expressed interest in the subject matters identified in this agenda.

The ExA considered that it was fair and appropriate to draw matters relevant to effects of the Proposed Development outside of the United Kingdom into a single early hearing:

- enabling persons who may wish to attend from overseas to have their issues addressed at a single hearing;
- enabling the ExA to consider whether any other information is required from the Applicant on these matters;
- if necessary, how and when such other information should be obtained; and
- if necessary, how Interested Parties (IPs) and Other Persons might be provided with opportunities to view and comment on that information.

The Examination Timetable has made substantial provision to hear environmental matters which arise within waters and on land within the United Kingdom at later hearings. The matters to be heard in this hearing have been selected with reference to their interest to persons resident outside the United Kingdom. The ExA will not hear submissions relating to waters or land within the United Kingdom at this hearing, unless they are of relevance to consideration of effects outside of the United Kingdom. An ISH into domestic environmental matters will be held on 19 February (ISH3) and time is reserved for a possible further hearing on 24 April (ISH8).

The business of an ISH is limited to the matters identified in the agenda. Oral submissions on other subject matters or from persons who are not IPs may only be heard at the discretion of the ExA. It is strongly preferable that any such issues arising from IPs are brought to an Open Floor Hearing (OFH) where there is no subject matter Agenda and IPs may raise any important and relevant matter.

Participation in the hearing is subject to the ExA's power to control the hearing.

Invited Participants

The following persons are invited to attend and participate in this hearing:

- the Applicant;
- representatives of the government of France;
- Natural England (NE) and if relevant the Joint Nature Conservation Committee (JNCC) in relation to HRA; and
- the Maritime and Coastguard Agency (MCA) in relation to shipping, navigation and marine safety across the maritime border of the United Kingdom.

Invitees are requested to contact the Planning Inspectorate by **3 December 2018** to confirm their attendance.

Other Interested Parties (IPs) who are interested in potential effects of the Proposed Development outside of the United Kingdom may attend the hearing but must contact the Planning Inspectorate by **3 December 2018** if they wish to be heard. A request to be heard should outline the items on this agenda on which they wish to speak and provide a summary outline of the issues that they wish to raise.

Other Persons (who are not already registered as IPs) who wish to raise matters (for example, individuals and community organisations from France; or governments, individuals and community organisations from other countries) may also request to participate in the Examination and to be heard, contacting the Planning Inspectorate by **3 December 2018**. A request to participate and to be heard should outline the items on this agenda on which they wish to speak and provide a summary outline of the issues that they wish to raise. The ExA has discretion about whether to hear Other Persons and the hearing will be managed in the interests of ensuring that invited persons and IPs issues are fully heard within the allotted time.

The ExA requests that invited participants and those who have requested to make oral representations attend at the appointed start time of 2.00pm.

Hearing Guidance

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required. The Applicant, IPs and Other Persons may attend with expert advisers relevant to planning and environmental effects matters and environmental impact assessment (EIA) (experts on topics including seascape, landscape and visual impact assessment, HRA, biodiversity, fisheries, shipping, navigation and maritime safety are likely to be relevant), but IPs and Other Persons may equally participate without expert advice if they wish.

Guidance under the Planning Act 2008 (as amended) (PA2008)² and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that

² 'Planning Act 2008: Guidance for the examination of applications for development consent', (DCLG March 2015).
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418015/examinations_guidance-final_for_publication.pdf

the ExA will probe, test and assess the evidence through direct questioning of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA.

Cross-questioning is regulated by the ExA and is only seldom employed at hearings. Cross questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure that representations are adequately tested or to ensure that a person has had a fair chance to put their case.

This agenda may be amended by the ExA at the start of the hearing session. Furthermore, the ExA may wish to raise matters arising from oral submissions Relevant Representations (RRs) and Written Representations (WRs), and pursue lines of inquiry in the course of the discussion which are not listed on the agenda.

The hearing will run until all the ExA is content that all matters on the agenda have been addressed.

Agenda

1. Welcome, introductions and arrangements for this Issue Specific Hearing 1 (ISH1)

2. Landscape, Seascape and Visual Impacts Outside the United Kingdom

The ExA will ask the Applicant to present the approach that it has taken to assessing and documenting landscape, seascape and visual impacts on key receptors outside the United Kingdom.

The ExA will invite submissions from invited Other Persons who wish to raise matters in relation to this item.

The Applicant will be provided with a right of reply.

3. Biodiversity Effects and Matters Relevant to Habitats Regulations Assessment (HRA) Arising from France and French Waters

The ExA will ask the Applicant questions in relation to the environmental effects of the proposed development on the following topics.

- a) Bird species.
- b) Marine mammal species.
- c) European Sites.
- d) Other protected sites / habitats.
- e) Any other items of concern relating to biodiversity and/or HRA arising from France or French waters?

The ExA will invite submissions from any representative of the government of France and (if present) from Other Persons resident in France who wish to raise matters in relation to these items.

The ExA will seek comments from the NE and JNCC as appropriate.

The Applicant will be provided with a right of reply.

4. Biodiversity Effects and Matters Relevant to Habitats Regulations Assessment (HRA) Arising from Other countries

The ExA will ask the Applicant questions in relation to the environmental effects of the Proposed Development on the following topics.

- a) Bird species.
- b) Marine mammal species.
- c) European Sites.
- d) Other protected sites / habitats.
- e) Any other items of concern relating to biodiversity and/or HRA arising from other countries or their waters?

At the time of writing, there were no requests from the governments of any other countries. The ExA will invite submissions from any representative of such government or Other Persons resident in those countries who may be present and wish to raise matters in relation to these items.

If necessary, the ExA will seek comments from the JNCC.

The Applicant will be provided with a right of reply.

5. Fisheries Impacts in French Waters

The ExA will ask the Applicant to present the approach that it has taken to assessing and documenting fisheries impacts in French waters and to set out the approach that it has taken to data sourcing from relevant French sources and authorities.

The ExA will invite submissions from any representative of the government of France and (if present) from Other Persons resident in France who wish to raise matters in relation to these items.

The Applicant will be provided with a right of reply.

6. Fisheries Impacts Arising from other Countries

The ExA will ask the Applicant to present the approach that it has taken to assessing and documenting fisheries impacts in the waters of other countries and to set out the approach that it has taken to data sourcing from relevant overseas sources and authorities.

At the time of writing, there were no requests from the governments of any other countries. The ExA will invite submissions from any representative of such government or Other Persons resident in those countries who may be present and wish to raise matters in relation to these items.

The Applicant will be provided with a right of reply.

7. Shipping, Navigation and Marine Safety Relating to French Waters

The ExA will ask the French government and any relevant Other Persons attending from France questions of clarification about its shipping, navigation and marine safety requirements in French waters and whether the French Government is seeking any change to the proposed development.

The ExA will ask the MCA and the French government whether could be any changes to the shipping, navigation and marine safety effects of the proposed development in United Kingdom waters that might have implications for French practice and French waters.

The Applicant will be provided with a right of reply.

8. Shipping, Navigation and Marine Safety Relating to the Waters of other Countries

If there is any Other Person in attendance representing the interests of shipping, navigation and marine safety in any other country, the ExA may seek their observations.

If necessary, the Applicant will be provided with a right of reply.

9. Any Other Business

The ExA may raise any other minor and consequential topics bearing on potential effects of the Proposed Development outside of the United Kingdom as is expedient, having regard to the readiness of the persons present to address such matters.

The ExA may extend an opportunity for the Applicant, IPs and Other Persons to raise matters relevant to topics raised in this ISH that they consider it should examine.

If necessary, the Applicant will be provided with a right of reply.

10. Procedural Decisions (If Required)

The ExA will review whether there is any need for procedural decisions about additional information or any other matter arising from Agenda items 2 – 9.

Submissions will be sought from the Applicant and any relevant IPs or Other Persons before determining whether a decision may be required, what it might address and whether particular timescales for performance are required.

If the ExA determines to make any procedural decisions it may make these decisions orally (subject to confirmation in writing) or may reserve its decisions to be made in writing after the closure of the hearing.

11. Review of issues and actions arising

To the extent that matters arise that are not addressed in any procedural decisions, the ExA will address how any actions placed on the Applicant, IPs or Other Persons are to be met and consider the approaches to be taken in further hearings, in the light of issues raised in this hearing. A written action list will be published if required.

12. Next steps

13. Closure of the hearing

Agenda for the Issue Specific Hearing 2 (ISH2): Shipping, Navigation and Maritime Safety Issues

Date:	Wednesday 12 December 2018
Time:	10.00am Seating available from 9.30am
Venue:	Innovation House, Discovery Park Sandwich, CT13 9FF
Access and Parking:	For pedestrian and vehicular access , parking arrangements and the reception location, please use the attached map . Car park shown on the attached map. Public transport Bus Discovery Park, Ramsgate Road Stagecoach routes 43 and 44 5 minute walk to venue Train Ramsgate or Sandwich Stations Taxi to venue

Purpose of the Issue Specific Hearing 2 (ISH2)

ISH2 is being held for the following purposes:

- To enable the Examining Authority (ExA) to inquire into the shipping, navigation and maritime safety effects of the proposed development.
- To review the navigation risk assessment and its relationship with the navigation risk chapter of the Environmental Statement (ES).
- To provide an opportunity for ports, pilotage, shipping, navigation and maritime safety and rescue stakeholders to be heard on these matters.
- To consider the provision of information on these matters in the application documents, whether any additional information might be required and to make such procedural arrangements as might be required for this purpose.

Participation, conduct and management of hearing

This is the second ISH to be held in this Examination. It is being held because the Examining Authority (ExA) wishes to question the Applicant about the approach that it has taken to identifying and assessing the shipping, navigation and marine safety effects of the proposed development.

Because a significant number of Relevant Representations (RRs) raised concerns about shipping, navigation and maritime safety effects, the ExA considered that it was necessary to draw the matters raised into an early hearing before the submission of written representations (WRs) or the issue of written Examination Questions (ExQs):

- to review the relationship between the issues raised in individual RRs;
- enabling the ExA to consider of whether any additional information is required from the Applicant on these matters;
- if necessary, how and when additional information should be obtained; and
- if necessary, how IPs and Other Persons might be provided with opportunities to view and comment on that information.

The ExA observes that possible outcomes from this hearing might be for the Applicant:

- to prepare WRs making clear that either the matters raised in RRs have been adequately addressed in the existing application documents, or that for reasons they will set out, these matters do not need to be addressed; or
- to develop and proposed additional mitigation measures to additionally respond to the matters raised in RRs.

Dates have been reserved for further ISHs into shipping, navigation and maritime safety matters to be held on 19 February 2019 (ISH4) and 24 April 2019 (ISH8) at which any such responses can be further examined if that proves to be necessary.

In recognition of the particular needs of the fishing industry and community, fishing and fisheries issues (which may also include fishing related navigation and maritime safety issues) will be addressed at a separate ISH6 to be held on 20 February 2019.

The business of an ISH is limited to the matters identified in the agenda. Oral submissions on other subject matters or from persons who are not IPs may only be heard at the discretion of the ExA. It is strongly preferable that any such issues arising from IPs are brought to an Open Floor Hearing (OFH) where there is no subject matter Agenda and IPs may raise any important and relevant matter.

Participation in the hearing is subject to the ExA's power to control the hearing.

Invited Participants

The following IPs are invited to attend and participate in this hearing:

- the Applicant;
- the Maritime and Coastguard Agency (MCA) and the Sunk User Group;
- Marine Management Organisation (MMO);
- Ministry of Defence (MoD);
- London Pilots Council;
- Estuary Services Ltd. (Winckworth Sherwood LLP);
- Mr Richard Jackson (pilotage);
- United Kingdom Maritime Pilots Association;
- UK Chamber of Shipping;
- Mr David Ninnim (shipping)
- Port of Sheerness Ltd. (Peel Ports – London Medway);
- London Gateway Port Ltd.;
- Port of London Authority (Winckworth Sherwood LLP);
- The Corporation of Trinity House;
- Kent County Council; and

- Thanet District Council.

The named IPs have been invited for the following reasons:

- As public bodies with policy and regulatory responsibilities in the marine environment, including responsibility for civil and military navigation;
- As bodies responsible for and operating ports, harbours and channels;
- As bodies with responsibility for lights and navigation aids;
- As bodies or persons delivering pilotage services;
- As bodies or persons active in or representing the shipping industry; and
- As local authorities representing communities active in maritime industries.

The ExA is conscious that not all of the named IP invitees have objected to the proposed development. However, it would be greatly assisted by the attendance and contribution of all invited bodies because it is conscious that, in busy waters, particular actions taken to respond to the concerns of one or an associated group of IPs might inadvertently affect the interests of other individual or groups of IPs. The ExA wishes to obtain an integrated understanding of the issues raised in this hearing and to assure itself that the proposed development, mitigations and any changes to it represent the best possible balance of benefit between the interests of a broad and diverse range of marine stakeholders.

Invitees are requested to contact the Planning Inspectorate by **3 December 2018** to confirm their attendance.

Other Interested Parties (IPs) who are interested in shipping, navigation and marine safety effects may attend the hearing but must contact the Planning Inspectorate by **3 December 2018** if they wish to be heard. A request to be heard should outline the items on this agenda on which they wish to speak and provide a summary outline of the issues that they wish to raise.

Other Persons (who are not already registered as IPs) who wish to raise shipping, navigation and marine safety effects issues may also request to participate in the Examination and to be heard, contacting the Planning Inspectorate by **3 December 2018**. A request to participate and to be heard should outline the items on this agenda on which they wish to speak and provide a summary outline of the issues that they wish to raise. The ExA has discretion about whether to hear Other Persons and the hearing will be managed in the interests of ensuring that invited persons and IPs issues are fully heard within the allotted time.

The ExA requests that invited participants and those who have requested to make oral representations attend at the appointed start time of 10.00am.

Hearing Guidance

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required. The Applicant, IPs and Other Persons may attend with expert advisers relevant to ports, pilotage, shipping, channels, marks, markers and lights, navigation, radio, radar and related systems and maritime safety, but IPs and Other Persons may equally participate without expert advice if they wish.

Guidance under the Planning Act 2008 (as amended) (PA2008)³ and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that the ExA will probe, test and assess the evidence through direct questioning of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA.

Cross-questioning is regulated by the ExA and is only seldom employed at hearings. Cross questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure that representations are adequately tested or to ensure that a person has had a fair chance to put their case.

This agenda may be amended by the ExA at the start of the hearing session. Furthermore, the ExA may wish to raise matters arising from oral submissions Relevant Representations (RRs) and Written Representations (WRs), and pursue lines of inquiry in the course of the discussion which are not listed on the agenda.

The hearing will run until all the ExA is content that all matters on the agenda have been addressed.

References to Locations at Sea and Sea Zones

To assist the identification and location of matters and issues at sea relative to the existing Thanet Offshore Wind Farm and the proposed development, the ExA has prepared an annotated version of the Offshore Works Plan identifying Sea Zones around the proposed development (the 'Sea Zones Plan').

The Sea Zones Plan has been lodged in the Examination Library under reference [OD-008]. The Sea Zones Plan can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/document/EN010084-000829>

³ 'Planning Act 2008: Guidance for the examination of applications for development consent', (DCLG March 2015).

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418015/examinations_guidance-final_for_publication.pdf

Agenda

1. Welcome, introductions and arrangements for this Issue Specific Hearing 2 (ISH2)

2. Effects on Ports, Harbours, Channels and Related Facilities

The ExA will ask IPs responsible for and operating any ports, harbours and channels to summarise their positions and to identify the following:

- a) What if any implications would the siting of the proposed development have on shipping inbound to or outbound from particular ports or harbours, on the use of navigation channels or any designated anchorages (and any foreseeable modifications to these facilities).
- b) Whether they object to any extension of the Thanet Offshore Wind Farm in principle and if so, why.
- c) Whether they consider that extension of the Thanet Offshore Wind Farm can in principle be made acceptable by mitigation and, if so, what that mitigation is and whether in their view any additional mitigation is required, over and above that offered by the Applicant.
- d) Whether they are neutral in respect of the proposed development.
- e) Whether they support the proposed development and if so, why.
- f) Any other items of concern relating to the effects of the proposed development on the operation of ports, harbours and channels.

The ExA will seek comments from regulatory and service bodies including the MCA, MMO, MoD, the shipping industry, pilotage bodies and Trinity House.

The Applicant will be provided with a right of reply.

3. Effects in relation to Shipping Services and Interests

The ExA will ask IPs representing or providing services to shipping and navigation to summarise their positions and to identify the following:

- a) What if any implications would the siting and boundaries of the proposed development have on shipping routes and density of traffic.
- b) What if any observations they have on the shipping route and density data employed in the ES and NRA.
- c) Whether they object to any extension of the Thanet Offshore Wind Farm in principle and if so, why.
- d) Whether they consider that extension of the Thanet Offshore Wind Farm can in principle be made acceptable by mitigation and, if so, what that mitigation is and whether in their view any additional mitigation is required, over and above that offered by the Applicant.
- e) Whether they are neutral in respect of the proposed development.
- f) Whether they support the proposed development and if so, why.
- g) Any other items of concern relating to the effects of the proposed development on shipping.

The ExA will seek comments from regulatory and service bodies including the MCA, MMO, MoD, ports and harbours, pilotage bodies and Trinity House.

The Applicant will be provided with a right of reply.

4. Effects in relation to Lights and Navigation

The ExA will ask Trinity House and any other IP responsible for navigational aids, markers, buoys, radio, radar and related facilities to summarise their positions and to identify the following:

- a) Whether they object to any extension of the Thanet Offshore Wind Farm in principle and if so, why.
- b) Whether they consider that extension of the Thanet Offshore Wind Farm can in principle be made acceptable by mitigation and, if so, what that mitigation is and whether in their view any additional mitigation is required, over and above that offered by the Applicant.
- c) Whether they are neutral in respect of the proposed development.
- d) Whether they support the proposed development and if so, why.
- e) Whether there is a sound basis in the application document set from which to draw conclusions about radio and radar interference and its mitigation.
- f) Noting Requirement 6 secures lighting for air navigation safety, whether any specific proposals for navigation safety require additional security in the Development Consent Order (DCO) or a Deemed Marine Licence (DML).
- g) Any other items of concern relating to the effects of the proposed development on lights and navigation.

The ExA will seek comments from regulatory and service bodies including the MCA, MMO, MoD, ports and harbours, shipping interests and pilotage bodies.

The Applicant will be provided with a right of reply.

5. Effects in relation to Pilotage

The ExA will ask bodies and persons providing pilotage services to summarise their positions and to identify the following:

- a) What if any implications would the siting of the proposed development have on the provision of pilotage services.
- b) Whether they object to any extension of the Thanet Offshore Wind Farm in principle and if so, why.
- c) Whether they consider that extension of the Thanet Offshore Wind Farm can in principle be made acceptable by mitigation and, if so, what that mitigation is and whether in their view any additional mitigation is required, over and above that offered by the Applicant.
- d) Whether they are neutral in respect of the proposed development.
- e) Whether they support the proposed development and if so, why.
- f) Any other items of concern relating to the effects of the proposed development on pilotage services.

The ExA will seek comments from regulatory and service bodies including the MCA, MMO, MoD, ports and harbours, shipping interests and Trinity House.

The Applicant will be provided with a right of reply.

6. Maritime Safety: Working with the Environmental Statement (ES) and the Navigation Risk Assessment (NRA)

The ExA will ask the Applicant to explain the approach to risk assessment in relation to marine safety as documented in the ES and the NRA, with particular reference to the following:

- f) The methodological basis for findings that marine risks have been reduced as low as reasonably possible (ALARP);
- g) The basis for the relationship between risks controlled to ALARP, tolerable risks and the consistency of approaches taken in relation to navigation risk and marine safety and the assessment of risk significance in the ES more broadly;
- h) A review of the components of risks in the marine environment, to include consideration of effects on collision risk, contact risk and grounding risk and an explanation of embedded and any possible additional mitigation;
- i) A review of the safety effects of the displacement of vessel traffic as an effect of the proposed development; and
- j) Other observations on the relationship between the ES, the NRA and EIA practice.

IPs with interests in marine safety will be asked:

- k) If they consider the identification, assessment and management of shipping and navigation risks in the ES and NRA to be sound?
- l) If so, what has led them to that conclusion?
- m) If not and in respect of which particular elements of the risk assessment have they concluded that the treatment of marine risks is not sound?
- n) In relation to (h), could additional mitigations satisfy any concerns raised?
- o) If they consider that any additional information is required to enable the Secretary of State to conclude that maritime risks are appropriately managed and that relevant mitigation is in place?

The Applicant will be provided with a right of reply.

7. Any Other Marine and Related Considerations

The ExA may raise any other minor and consequential topics bearing on transboundary topics as is expedient, having regard to the readiness of the persons present to address such matters, including but not limited to:

- a) Economic and employment effects on marine industries.
- b) Social and economic and employment effects on marine communities.

The ExA may extend an opportunity for the Applicant, IPs and Other Persons to raise matters relevant to transboundary topics that they consider it should examine.

If necessary, the Applicant will be provided with a right of reply.

8. Procedural Decisions (If Required)

The ExA will review whether there is any need for procedural decisions about additional information or any other matter arising from Agenda items 2 – 7.

Submissions will be sought from the Applicant and any relevant IPs or Other Persons before determining whether a decision may be required, what it might address and whether particular timescales for performance are required.

If the ExA determines to make any procedural decisions it may make these decisions orally (subject to confirmation in writing) or may reserve its decisions to be made in writing after the closure of the hearing.

9. Review of issues and actions arising

To the extent that matters arise that are not addressed in any procedural decisions, the ExA will address how any actions placed on the Applicant, IPs or Other Persons are to be met and consider the approaches to be taken in further hearings, in the light of issues raised in this hearing. A written action list will be published if required.

10. Next steps

11. Closure of the hearing