

### Hearings Action Points

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

Actions arising from the **Issue Specific Hearing 2 (ISH2)** held at Discovery Park, Sandwich on **12 December 2018**.

Attendees at ISH2 should note that, consequent of the ExA's review of actions after the closure of the hearing, some actions that related closely to matters intended to be raised in Examination Questions (ExQ1) have been consolidated into the draft ExQ1. Only those matters raised as actions and without such a relationship are recorded here.

	<b>Action</b>	<b>Party</b>	<b>Deadline</b>
1	<p><b>Written Summaries of Oral Submissions</b> All participants of ISH2 are to provide a written summary of their oral submissions, cross referenced as relevant to the matters addressed in this action list.</p>	All hearing participants	Deadline (D)1
2	<p><b>Initial Statement of Submissions: Port of Tilbury London Ltd (PoTLL)</b> PoTLL is an 'Other Person' and has not made a relevant representation. It is requested to submit an initial statement of submissions providing information equivalent to a relevant representation, amounting to a summary statement of case and principle issues relevant to its case.</p>	Port of Tilbury London Ltd (PoTLL)	D1
2	<p><b>Submission of Nautical Chart</b> The Applicant is requested to submit a wide area nautical chart showing and naming all primary channels into the Thames Estuary, sands, markers etc, the Sea Zones from the Sea Zones plan [OD-008] and the Thanet Offshore Wind Farm Extension (OWFE) project Red Line Boundary (RLB) but excluding all other project data. The chart must extend to include the following limits:</p> <ul style="list-style-type: none"> <li>• Outer Gabbard cardinal mark;</li> <li>• EURO-W mid-channel marker;</li> <li>• North East Goodwin cardinal mark;</li> </ul>	The Applicant	D1



	Action	Party	Deadline
	<p>and</p> <ul style="list-style-type: none"> <li>Sea Reach No.1 South channel marker.</li> </ul> <p>The Applicant is requested to locate and highlight the following existing Pilot Boarding Stations and approximate zones of manoeuvre on the chart:</p> <ul style="list-style-type: none"> <li>Tongue;</li> <li>Sunk;</li> <li>NE Goodwin; and</li> <li>NE Spit.</li> </ul>		
3	<p><b>Effects on Ports and Harbours</b></p> <p>For each of London Gateway Port Ltd (LGPL), PoTLL and for other port facilities within the Port of London Authority (PLA) area that concern the PLA, please provide a table with supporting explanatory text showing:</p> <p>a) A <b>port baseline position</b> for the most recent fully reported year in terms of:</p> <ul style="list-style-type: none"> <li>annual tonnage;</li> <li>split between bulk tonnage and containers (container traffic is conventionally recorded in Twenty Foot Equivalent Units (TEU));</li> </ul> <p>a) <b>Forecast growth</b> year by year commencing in 2019 within the reasonable planning time horizon<sup>1</sup> (intended growth), taking account of organic traffic growth, vessel mix change trends and intended facility build-out that is within the scope of any existing consents;</p> <p>b) <b>Additional growth projections</b> within the reasonable planning time horizon (potential growth), arising from any proposed developments currently subject to development</p>	London Gateway Port Ltd (LGPL); PoTLL, Port of London Authority (PLA)	D1

<sup>1</sup> The **reasonable planning horizon** is considered to be up to +35 years from 2019, on the basis that if a Development Consent Order were to be granted for Thanet OWFE, it might have a 5 year commencement and a 30 year operational phase. However, it is accepted that reasonable forecasts or projections beyond eg a +20 year horizon from 2019 may be difficult to obtain and that different organisations adopt different planning horizons. Please explain the basis for the adoption of planning horizons in any forecasts or projections.



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<p>consent processes or provided for in strategic plans but not consented (for any such developments, please identify the stage to which plans have progressed as of 2019, an indicative commissioning and a completion year);</p> <p>c) Intended and potential changes in the <b>vessel traffic mix</b> using the port within the reasonable planning time horizon;</p> <p>d) <b>maximum draft of vessels</b> currently able to access the port;</p> <p>e) Intended and potential changes in the <b>maximum draft of vessels</b> using the port within the reasonable planning time horizon;</p> <p>f) Any <b>capital dredge proposals to deepen existing channels</b> to enable access by deeper draft vessels within the reasonable planning time horizon and an indicative year at which such access might become available;</p> <p>g) Any <b>capital dredge proposals to widen or make new channels</b> to increase capacity, rationalise or reduce the access distance to the port by any vessels within the reasonable planning time horizon and an indicative year at which such access might become available;</p> <p>h) A statement of the <b>number of ships projected to be diverted</b> per annum where this is alleged to be due to the construction of the Thanet OWFE - provided for a notional base year of 2020 in which the OWFE might commence construction and for subsequent years within the reasonable planning horizon and setting out a basis for the suggested need for diversion;</p> <p>i) An <b>aggregate analysis of projected additional time and distance</b> required for diverted ships to access the port per annum,</p> <p>{ additional time (hours) and additional distance (nm) }  x ships subject to the restriction (Number)</p>		



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	<p>where this is alleged to be due to the construction of the Thanet OWFE - provided for a notional base year of 2020 in which the OWFE might commence construction and for subsequent years within the reasonable planning horizon; and</p> <p>j) Projected <b>aggregate additional shipping operating costs</b> per annum alleged to be caused by (h) and (i), for the base year and subsequent forecast years within the reasonable planning horizon.</p>		
4	<p><b>Consideration of Thanet OWFE in Tilbury 2 NSIP Application Documents</b> Please submit the Tilbury 2 NSIP examination document library as an entry to the examination document library for this examination.</p> <p>Please identify if and if so where in the Tilbury 2 NSIP Application and Examination document set the effects of the Thanet OWFE proposal were addressed.</p> <p>Where any hearing participants refer to shipping traffic forecasts or projections taking account of the potential development of Tilbury 2, these are requested to be based on data available in the Tilbury 2 NSIP application document library.</p> <p>Where any hearing participants cite an individual reference within the Tilbury 2 NSIP examination document library, please identify the relevant document by name, PINS library document reference [in square brackets] but appending the prefix T2, document section and/or page number.</p>	<p>PoTLL</p> <p>PoTLL</p> <p>All hearing participants</p> <p>All hearing participants</p>	<p>D1</p> <p>D1</p> <p>All deadlines and submissions</p> <p>All deadlines and submissions</p>
5	<p><b>Fishermans' Gat</b> Is there a live proposal to capital dredge Fishermans' Gat? If so, from what year would this be operational and to what depth would the channel then be</p>	The Applicant, PLA	D1



	Action	Party	Deadline
	maintained and what would be the maximum draft of vessels using the channel?		
6	<p><b>Use of the inshore<sup>2</sup> vs offshore<sup>3</sup> channels and effects of diversions</b> Please provide evidence to support the assertion that the Thanet OWFE will entail a 90 min / 25 nm increase in approach or departure for shipping.</p> <p>a) What assumptions are made about the size, draft and channel routing of vessels leading to this conclusion; b) What are the fuel cost consequences of this diversion; c) What if any relevant additional air emissions and/or air quality effects might flow from this diversion; and d) If there is a Fisherman’s Gat capital dredge proposal, could it mitigate this diversion and if so, to what extent?</p>	PoTLL, LGPL	D1
7	<p><b>Red Line Boundary (RLB) Reduction Requests</b> Where proposals to reduce the extent of proposed array area within the Thanet OWFE RLB were made at ISH2, parties making such requests are asked to provide:</p> <ul style="list-style-type: none"> <li>• A plan based on the Sea Zones Plan [OD-008] identifying the extent of the proposed reduction;</li> <li>• A written justification, explaining and evidencing the need for the extent of the proposed reduction.</li> </ul>	All hearing participants requesting a reduction to the Red Line Boundary (RLB)	D1
8	<p><b>RLB Reduction Requests: Responses and Commercial Viability Analysis</b> Where proposals are submitted in response to ISH2 Action 7, please provide an in-principle response.</p> <ul style="list-style-type: none"> <li>• Is the proposal accepted or (for</li> </ul>	Applicant	Deadline (D)2

<sup>2</sup> The term ‘**inshore channel**’ is used by the ExA to refer to a channel passing between the existing Thanet Offshore Wind Farm and North Foreland, broadly from Goodwin in the SE Sector, crossing the SW Sector to Margate Road and North East Spit in the NW Sector shown on the Sea Zones Plan [OD-008].

<sup>3</sup> The term ‘**offshore channels**’ is used by the ExA to refer to channels and shipping lanes located to the north and east – outside of the existing Thanet Offshore Wind Farm.



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	<p>reasons) rejected in whole or part;</p> <ul style="list-style-type: none"> <li>If the effect of a RLB reduction request would be to leave insufficient array area for a commercially viable project, this should be identified.</li> </ul>		
9	<p><b>Navigation Risk Assessment (NRA) Survey Effort</b></p> <p>Please clarify the source and content of the additional 3 month winter AIS data set employed in the NRA [APP-089], in addition to the standard summer and winter survey periods referred to. Please explain how this additional data has been aggregated into the summer and winter survey data?</p>	Applicant	D1
10	<p><b>Marine Guidance Note (MGN) 543 Compliance</b></p> <p>Any allegations of MGN 543 non-compliance on the part of the consulting team for the Applicant in the preparation of the NRA [APP-089] in terms of guidance and methodology should be documented.</p>	All hearing participants	D1
11	<p><b>The RLB and Safety Zones<sup>4</sup></b></p> <p>Please provide submissions (referencing a schematic diagram showing the relationship between a turbine foundation and the RLB) on the question of whether a safety zone may occupy waters outside the RLB.</p> <p>If in your submission it can, please provide a plan showing the proposed RLB with an additional pecked boundary representing the aggregate maximum extent of waters outside the RLB that can be affected by safety zones.</p>	The Applicant, PoTLL, LGPL, Maritime and Coastguard Agency (MCA) and Marine Management Organisation (MMO)	D1
12	<p><b>PLA Cooperation Plan</b></p> <p>Further to NRA Tables 20, 21 and 22 (risk control options) [APP-089], a meeting held in January 2018 between the</p>	The Applicant, MCA, Trinity House and PLA	D1

<sup>4</sup> Where the ExA refers to 'Safety Zones', it is referring to the establishment of safety zones pursuant to The Electricity (Offshore Generating Stations) (Safety Zones) (Application Procedures and Control of Access) Regulations 2007.



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	Applicant, MCA and Trinity House referred to a cooperation plan to be entered into with the PLA. Please confirm whether the plan was ever completed. If it was, please provide the plan. If it was not please explain why not and confirm the matters that the plan was intended to address and how these might be addressed going forward.		
13	<p><b>Effects on Pilot Service Efficiency and Cost</b></p> <p>Present a model of the cumulative effects of Thanet OWFE on the Pilot service as a whole, including the need for longer Pilot deployments, the number of vessels able to be served with the existing Pilot complement, the suggested need for more Pilots and any change to the cost of Pilotage to the customer.</p>	PLA/ ESL and London Pilots	D1
14	<p><b>North East Spit Sea Room</b></p> <p>Please provide a revised schematic identifying the minimum post construction sea room at North East Spit for a representative range of vessel lengths and drafts, taking account of the state of tide, met-ocean conditions and crossing traffic.</p> <p>Explain the factors relevant to the identified minimum distance.</p> <p>Is it the case that the minimum distance will vary dependent on met-ocean conditions? If so, please explain that variation and what that might imply for the number of days per annum that the inshore channel at North East Spit is available for a representative range of vessel lengths and drafts.</p>	The Applicant, PoTLL, LGPL, MCA	D1
15	<p><b>North East Spit as a Pilot Location for Deeper Draft Vessels in Adverse Met-Ocean Conditions</b></p> <p>Is it the case that North East Spit Pilot Station is used by larger vessels in circumstances where other stations (eg Sunk) come off station due to adverse</p>	The Applicant, PoTLL, LGPL, MCA	D1



	<b>Action</b>	<b>Party</b>	<b>Deadline</b>
	<p>conditions?</p> <p>If so, please explain what effect your conclusions on Action 14 might have for the number of days per annum in which such vessels will be able to access a Pilot? What implications would such change have for the Ports?</p>		
16	<p><b>Masters' and Pilots' Opinion on Vessel Proximity to Operational WTGs</b></p> <p>Provide a professional opinion on the closest safe distance between vessels and WTGs in an operational OWF. If relevant, please respond identifying the different distances relevant to a range of vessel lengths, drafts and changes in met-ocean conditions.</p>	The Applicant, PoTLL, LGPL, PLA/ ESL and London Pilots, MCA	D1
17	<p><b>Pilot Transfer Bridge Simulation Report</b></p> <p>Please provide your assessment of the the degree to which the Pilot Transfer Bridge Simulation Report [APP-090] can be relied upon or ascribed weight by the ExA. If you conclude that it is of limited reliability, please record your reasons for reaching this conclusion.</p>	The Applicant, PoTLL, LGPL, PLA/ ESL and London Pilots, MCA	D1
18	<p><b>PLA and Other Port / Services / Regulatory Risk Data</b></p> <p>The NRA [APP-089] references Marine Accident Investigation Branch (MAIB) data in the range 1997 to 2015. To the extent that it was suggested that the PLA or any other Port or service provider holds any other relevant adverse event / risk logs or data sets that may not yet have been taken into account in the NRA, the extent and the availability of this data for analysis by the Applicant should be disclosed.</p>	PLA / ESL, London Pilots, Trinity House, PoTLL, LGPL, MCA	D1
19	<p><b>NRA 'Disconnect' Resolution Workshop</b></p> <p>In circumstances where there was dispute at the hearing about the extent and timing of stakeholder engagement in the NRA [APP-089] drafting process, the</p>	Applicant	D1



	<b>Action</b>	<b>Party</b>	<b>Deadline</b>
	Applicant undertook to reflect on the value of and participation in a workshop with NRA stakeholders at this point in Examination, seeking to resolve broad areas of disconnect around methodology and findings.		
	<p><b>Social and economic effects on Ports, Shipping and Related Services</b></p> <p>Please identify and to the extent possible, quantify any alleged residual effects from the construction, operation and decommissioning of the Thanet OWFE, and identify whether you consider these to be relevant and important matters for consideration in the planning balance and acceptable or otherwise in terms of relevant NPS policy. Where effects are argued to be unacceptable, please provide reasons.</p>	PoTLL, LGPL, PLA	D1