

**Thanet Extension Offshore Wind Farm
Agenda for the Issue Specific Hearing 6 (ISH6):
Fishing and Fisheries Issues**

Date:	Wednesday 20 February 2019
Time:	6.30pm Hearing room opens from 6.00pm ¹
Venue:	Building 500 ² , Discovery Park Ramsgate Road, 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 6 (ISH6)

ISH6 is being held to enable the Examining Authority (ExA) to examine the effects of the proposed development in terms of:

- navigation and maritime safety for fishing vessel operators;
- access to fishing grounds;
- social and economic effects relevant to vessel operators and the fishing industry more broadly, including onshore services and facilities; and
- to enable representatives of the Thanet Fishermen, Commercial Fishermen's rights and individual fishing Interested Parties (IPs) to present their submissions.

It should be noted that general submissions on shipping, navigation and maritime safety for sea users other than the fishing industry are being heard in the immediately preceding hearing ISH5 from 10.00am on Wednesday 20 February 2019.

Submissions relevant to marine ecology, species and habitats other than those relating to species of economic relevance to the fishing industry will be heard in the preceding hearing ISH3 from 10.00am on Tuesday 19 February 2019.

¹ This hearing will follow directly on from ISH5. If intending participants arrive to find that hearing is still in session, they are requested to sit at the rear of the hearing room until that hearing concludes.

² Building 500 is adjacent to and in the same building complex as Discovery House.

Participation, conduct and management of hearing

This is the sixth 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 fishing and fisheries effects of the proposed development.

A significant number of Relevant Representations (RRs) raise concerns about fishing and fisheries effects. The ExA wishes to provide a hearing that:

- enables it to hear from the Applicant, statutory advisory and regulatory bodies; and
- to hear from representative bodies for the fishing community and from individual fishermen, providing them with an opportunity to be heard.

The business of an ISH is limited to the matters identified in the agenda. The first part of this hearing will hear from the Applicant, statutory and advisory regulatory bodies. However, the second part of this agenda specifically envisages hearing from the representatives of the fishing industry and individual fisherman in a manner that is equivalent to an Open Floor Hearing, where fishing industry related IPs are able to explain the important and relevant considerations arising from their submissions. The ExA specifically intends to ensure that all oral submissions with a bearing on fishing and fisheries are drawn in to this hearing and to avoid the need for members of the fishing community to have to attend the separate Open Floor Hearing (OFH1) unless there are non-fishing matters that they intend to raise.

Oral submissions on non-fishing subject matters or from persons who are not fishing industry related 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 the Open Floor Hearing (OFH) to be held on 19 February 2019 commencing at 6-30pm (see Agenda Papers, **Annex G**). There are no defined subject matters in the OFH Agenda and IPs may raise any important and relevant matter. Whilst a second OFH is reserved in April 2019, in the absence of any requests to be heard at that hearing, IPs should not assume that it will proceed.

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 Environment Agency;
- Marine Management Organisation (MMO) and CEFAS;
- the Maritime and Coastguard Agency (MCA);
- Kent County Council;
- Dover District Council;
- Thanet District Council;
- Thanet Fishermen (Mr Merlin Jackson, Mr Peter John Nicols, Mr Thomas Henry Brown);
- Commercial Fishermen's Rights UK (Mr Peri Percy, Mr Martin Jackson);
- Mr C Attenborough;
- Mr K Castro;

- R Cooper & Sons (Mr B Cooper);
- Mr M Gosman;
- Mr G Hambly;
- Mr R Hambly;
- Mr C Howland;
- Mr J R Lowe;
- Mr B Parker (Mr Merlin Jackson);
- Mr M Philbrick;
- Mr G Pulman;
- Mr C Redmond;
- Mr Jack Ryan; and
- Mr Jason Lee Ryan.

The named IPs and Other Person have been invited for the following reasons:

- As public bodies with policy and regulatory responsibilities in the marine environment, including responsibility for civil navigation, sea use, fisheries and fishing;
- As bodies representing the fishing community; and
- As individual fishermen.

The ExA 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 **12 February 2019** to confirm their attendance.

Further Interested Parties (IPs) who are interested in fisheries and fishing effects may attend the hearing but must contact the Planning Inspectorate by **12 February 2019** 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 fisheries and fishing issues may also request to participate in the Examination and to be heard, contacting the Planning Inspectorate by **12 February 2019**. 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 6.00pm.

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 navigation, maritime safety, fisheries and fishing policy and regulation, fisheries and fishing, 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/wp-content/uploads/projects/EN010084/EN010084-000829-Sea%20Zones%20Plan.pdf>

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 6 (ISH6)

2. Effects on Fisheries and Fishing

The ExA will ask the Applicant to review measures taken to mitigate the effects of the proposed development on fishing and fisheries.

The ExA will ask bodies responsible for maritime safety, navigation, sea use, fishing and fisheries regulation for their observations on the impacts of the proposed development on fisheries and consequential effects on navigation by fishing vessels in the vicinity of the windfarm.

The Applicant will be provided with a right of reply.

3. Oral Submissions from Fisheries and Fishing Representative Bodies

The ExA will hear bodies representing fisheries and fishermen on:

- a) Effects on navigation and operational safety for fishing vessels.
- b) Economic and employment effects on the fishing industry.
- c) Social and economic and employment effects on fishing communities.
- d) General effects on the operation of vessels.
- e) Effects on access to fishing grounds.

The ExA may extend an opportunity for the Applicant, IPs and Other Persons to raise relevant matters.

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

4. Oral Submissions from Individual Fishermen

The ExA will hear individual fishermen on:

- a) Effects of the proposed development on the operation of particular fishing vessels and fishing methods.
- b) Effects of the proposed development on access to particular fishing grounds.

The ExA may extend an opportunity for the Applicant, IPs and Other Persons to raise relevant matters.

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

5. 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.

6. 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.

7. Next steps

8. Closure of the hearing