



ISH5: Hearing Action Points

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

Actions arising from the **Issue Specific Hearing 5 (ISH5)** held at Discovery Park, Sandwich on **20 February 2019**.

Action	Party	Deadline
1	<p>Policy Considerations All IPs to provide full and specific details of what they consider to be the important and relevant policy considerations to this case.</p>	All Interested Parties D3
2	<p>Legal submissions Written legal submissions are sought from applicant, Trinity House (THLS), the MCA and other IPs concerned with the following matters:</p> <ul style="list-style-type: none"> • Who determines what is a sea lane for the purposes of EN3 para 2.6.61-63 – how is a sea lane recognised? What is the appropriate applicable provision of UNCLOS, if one exists? What are the consequences of this? • Whether a sea lane is required to be formally charted and/or designated? • To what extent are the provisions of IMO FSA MEPC.2/Circ12/Rev.2 capable of being something that constitute part of or directly derived from the UK’s membership of the IMO and hence an international obligation relevant to s104 of the PA2008? 	All Interested Parties D3
3	<p>Submission of International Maritime Organisation (IMO) Formal Safety Assessment (FSA) guidance The Applicant is to submit IMO FSA MEPC.2/Circ12/Rev.2 into the examination as an examination library document.</p>	The applicant D3
4	<p>Peer Review or other expert review: IMO FSA</p>	Maritime and Coastguard Agency D3



	Action	Party	Deadline
	<p>The MCA is to provide a view on whether peer review or external expert review is a mandated or required element of compliance with IMO FSA MEPC.2/Circ12/Rev.2</p> <p>If so, has this been adequately addressed within the Thanet OWFE NRA? If not, what more should be done?</p>		
5	<p>Navigation Risk Assessment (NRA): written submissions in respect of Agenda Item 4</p> <p>Before Deadline 3 and through the agreed 'Technical Workshop' process, the Applicant is to Prior to D3, the Applicant identify the extent to which a SoCG on these technical matters can be compiled.</p> <p>All Interested Parties are to make written submissions encapsulating their responses to matters relating to technical considerations of the Navigation Risk Assessment (NRA) using the structure of the items listed under Item 4 of the agenda.</p> <ul style="list-style-type: none"> • Technical responses focusing on matters still in technical dispute and identifying what solution, if any, there might be to the areas of disagreement. • Best positions on progress: an indication from the Applicant and IPs whether or not there is the potential for a convergence of opinions or whether a fully adjudicated position is going to be required going forward. • If a matter is still unagreed /contended at D3, submissions should identify which technical matters require adjudication by the ExA, views that expert evidence will be provided, whether cross-examination may be sought and how much hearing time might be needed to inform preparation of an amendment to the examination timetable. <p>The Applicant and IPs should note - any amendments to the red line boundary (RLB) would be at D4. Submissions at D3</p>	All parties	D3



	Action	Party	Deadline
	should include a 'route map' proposing means of responding procedurally to any changes (eg timetable changes – new ISH date(s) and also the potential for additional written deadline Deadline 4a in w/c 8 April.		
6	Vessel deviation distance The Applicant and IPs are to provide their latest position on the most likely distance of deviation around the Thanet OWFE should use of the inshore route not be prudent, taking account of the possible need for inbound and outbound vessels to undertake a 'dip' to pick up or set down a pilot at the NE Spit diamond.	The Applicant and IPs	
7	Technical workshop The Applicant is to organise a technical workshop <u>as soon as possible</u> to cover the matters stated under Item 5 of the agenda with a view to securing agreement. The Applicant to provide update on progress in this regard at D3.	The Applicant and IPs	Progress update by D3