



ISH7: Hearings 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 7 (ISH7)** held at Discovery Park, Sandwich on **21 February 2019**.

	Action	Party	Deadline
1.	DML pre-commencement: Applicant shall pursue with MMO the pre-commencement requirements in the DCO and certified document production in regard to DMLs that need further dialogue over matters of detail.	Applicant	D3
2.	Provision for transfer of benefit of DCO: Applicant to review article 5 in light of outcomes from ISH6 and the potential for future transfer to a SPV.	Applicant	D4
3.	Extinguishment of Rights of Navigation: Notice period to Authorities: The Applicant shall address concern raised direction in regard to article 16 (2) (extinguishment of rights of navigation) in respect of advance notice needed by THLS to prepare requirements for amended aids to navigation to be implemented by the Applicant under THLS.	Applicant	D3
4.	Extinguishment of Rights of Navigation - engagement with PLA- shipping cooperation plan: The Applicant shall consider drafting shipping cooperation plan to be submitted at D3 to take account of DCO provisions agreed by PLA for Tilbury 2 and Thames Tideway to provide sufficient notice to PLA to be able to issue notice to mariners in regard to extinguishment of rights of navigation.	Applicant	D3



	Action	Party	Deadline
5.	Extinguishment of Rights of Navigation- engagement of other port authorities: The Applicant to consider within shipping cooperation plan to be submitted at D3 whether notice in regard to extinguishment of rights of navigation needs to be given to ports/ port authorities other than PLA.	Applicant	D3
6.	Consequences of applicability of Article 16 to works per WTG: Applicant to consider the potential unintended consequences of drafting for notification of works in a manner that enables notification 'structure by structure', as distinct from by stage.	Applicant	D4
7.	Presentation of Certified Documents in DCO Article 35 Applicant to review presentation of certified documents, with consideration given to a tabulated schedule supporting the use of version control.	Applicant	D4
8.	Named arbitrator arrangements: Applicant to confirm whether they have consent of Centre for Effective Dispute Resolution as the named arbitrator and evidence of the qualification of that body to carry out the proposed function.	Applicant	D3
9.	Arbitration provision concerns of statutory bodies: Applicant to consider the potential for arbitration provisions to conflict with duties and obligations of statutory regulators noting Natural England and MMO have slightly different context to THLS. Applicant also to consider whether there is a need for specific provision relating to failure to determine by the SoS?	Applicant	D3
10.	Arbitration provision form of words: MMO and THLS to consider submitting suitable alternative form of words regarding arbitration provision with	MMO and THLS	D3



	Action	Party	Deadline
	reference to draft provisions in the Norfolk Vanguard dDCO.		
11.	Maximum design parameters: Applicant shall propose a consistent mechanism to define maximum design parameters in a single location to avoid potential for discrepancies.	Applicant	D4
12.	Lettered Further Works and Other Works: Applicant to consider locational specification to be added to lettered further works and other works for clarity and to avoid the potential for creating additional environmental effects not handled by the ES.	Applicant	D4
13.	Grid Coordinate audit: Applicant to carry out a GIS audit of the grid coordinates in the DCO and DMLs to ensure consistency with plans.	Applicant	D6
14.	Aviation safety: Applicant will amend the requirement to read "...exhibit and maintain..."	Applicant	D4
15.	Normal platform level lighting: Applicant will review if the provision and maintenance of normal low-level lighting has been covered in the Environmental Statement and has been duly assessed for impact. If it has been assessed: <ul style="list-style-type: none">noting submissions from the fishing community at ISH6 about the usefulness of platform level lighting as an aide to manoeuvring small fishing vessels, but that concerns arose where such lights on the constructed Thanet OWF had not been maintained, the Applicant and THLS will consider the appropriateness of maintaining that lighting for that purpose; andthe Applicant will give further consideration as to whether the maintenance of that lighting ought to be secured in the Order or a certified document.	Applicant THLS	D4



	Action	Party	Deadline
16.	Discharge of design requirement Applicant to include wording (equivalent to that for landscape design) on approval of detailed design of the substation (Work No.13) by local planning authority.	Applicant	D4
17.	Notification of commencement of works: Applicant to consider the inclusion in the order of an acceptable period for notification to the relevant LPA of commencement of works, congruent with commencement notification requirements contained within ArchWSI, CEMP, LEMP etc.	Applicant	D4
18.	Process for Discharge of Requirements Schedule 10: Applicant to review with Local Authorities the process for discharge of Onshore requirements with reference to analogous precedent DCOs	Applicant	D4
19.	Onshore Archaeological WSI Applicant to consult with HE and KCC subsequent to delivery of draft Onshore Archaeological WSI at D3.	Applicant	D4
20.	DML Maximum parameters: Applicant to continue discussions with MMO for set of design and construction parameters to appear on the face of the DMLs.	Applicant	D4
21.	Offshore pre-construction plans and documentation- submission time periods Applicant will: <ul style="list-style-type: none">• consult further with MMO on consequences of 6 months rather than 4 months advance periods for submission of pre-construction plans and documentation for approval and• provide to ExA a written submission of agreement or disagreement.	Applicant	D3