

Thanet Offshore Wind Farm Extension Agenda for Issue Specific Hearing 9 (ISH9)

Date:	Thursday 18 April 2019
Time:	2.00pm Hearing room opens ¹ from 1.30pm
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 Issue Specific Hearing 9 (ISH9)

The ExA will examine the draft Development Consent Order (dDCO) within the framework of the matters set out below, focussing on progress on the dDCO since ISH7 and matters relevant to the dDCO that have arisen in ISH8 and CAH2:

- how the dDCO responds to the project definition and addresses the relationship between the existing and proposed wind turbine generator arrays, offshore and onshore works and the grid connection;
- the following technical and drafting matters:
 - the Applicant's response to guidance in PINS Advice Notes, particularly AN13 and AN15³;
 - the justification for dDCO provisions provided in the Statement of Reasons and other relevant policy and technical matters;
 - the need for changes to other legislative provisions, ensuring that these are clear and are not unduly reductive of other persons' rights;
 - whether policy tests for requirements are met;

¹ This hearing will follow directly on from CAH2. 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.

³ The Planning Inspectorate's Advice Notes can be found at:
<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

- the relationship between the deemed marine licenses (DMLs) and the remainder of the dDCO;
- the justification for DML provisions;
- the need for and progress on protective provisions and the scope for changes to the current draft to respond to negotiations in progress;
- the need for any commercial agreements, planning obligations or equivalent side provisions and progress towards these;
- the need for and progress on Crown, statutory undertaker and any other consents; and
- technical and drafting questions identified in the Schedule to this Agenda.
- matters relevant to the dDCO arising from submissions at Deadlines 1 to 4C; and
- proposals that certain matters require security in the dDCO and the adequacy of security.

The ExA will examine matters arising from the content of individual relevant representations (RRs) and written representations (WR) at this hearing. Technical drafting considerations relating to compulsory acquisition (CA) and the temporary possession (TP) of land will be examined if necessary, but the individual affected persons (APs) concerns about their land and rights will only be examined in the Compulsory Acquisition Hearing (CAH2, 18 April 2019 at 09.30am, Agenda **Annex C**).

The ExA will examine the DMLs within the framework of its examination of the dDCO.

Participation, conduct and management of hearing

This hearing, and the intended subsequent hearing on the dDCO in April 2019 will be held without prejudice to the ExA's consideration of the broader planning merits of the Application.

All IPs are invited to participate in the hearing. Each IP is entitled to make oral representations at the hearing. However, this is subject to the ExA's power to control the hearing.

The ExA requests that the following attendees participate in ISH9 into the dDCO:

- the Applicant
- Kent County Council (KCC)
- Dover District Council (DCC)
- Thanet District Council (TDC)
- The Marine Management Organisation (MMO) in respect of the DMLs
- Any other IPs or Other Persons with an interest in the drafting of the DCO; implementation or discharge of proposed articles, requirements or other provisions; seeking protective provisions or any related side agreements.

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required. The Applicant and IPs may consider attending with the following expert advisers, but IPs may participate without expert advice:

- Engineers and project managers, responsible for project design and delivery;
- Lawyers engaged in statutory drafting, planning and environmental law; and
- Town Planners or Surveyors engaged in the negotiation of requirements and agreements relating to the use and development of land.

Guidance under the Planning Act 2008 (PA 2008)⁴ and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that it is the ExA that 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 of the person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that a person has had a fair chance to put their case. The hearing will run until all IPs have made their representations and responded to the ExA's exploration of the matters in accordance with the agenda set.

Please note that the following agenda is indicative and may be amended by the ExA at the start of the hearing session. Following practice adopted at ISH7 with attendees' support, the ExA may address multiple agenda items bearing on the dDCO by taking them in the sequence of Order provisions. Furthermore, the ExA may wish to raise other matters arising from oral submissions and pursue lines of inquiry in the course of the discussion which are not on the agenda.

⁴ DCLG: 'Planning Act 2008: Guidance for the examination of applications for development consent', 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 (ISH7)

2. Introduction by the Applicant: The Approach to dDCO Drafting and Changes to the Draft in Progress

The ExA will ask the Applicant to present and justify the dDCO, taking any active proposals for changes into account.

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

The Applicant will be provided with a right of reply.

3. Provisions for Project Definition and Elements

The ExA will review:

- The provisions for the proposed development and works;
- The proposed wind turbine generator (WTG) array area and provisions regulating WTG siting, height and generation capacity;
- The relationship between the proposed development and the existing offshore wind farm;
- Cables at sea;
- The landfall and onshore cables;
- The substation; and
- The grid connection at Richborough.

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

The Applicant will be provided with a right of reply.

4. Security: Changes since ISH7

The ExA will consider the provision and adequacy of security in the DCO.

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

The Applicant will be provided with a right of reply.

5. Protective Provisions: Changes since ISH7 and responses to CAH1 & 2

The ExA will consider the need for and progress on Protective Provisions.

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

The Applicant will be provided with a right of reply.

6. Agreements and Obligations: Changes since ISH7

The ExA will consider the need for and progress on any commercial agreements and planning obligations.

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

The Applicant will be provided with a right of reply.

7. Consent of Parties: Changes since ISH7

The ExA will consider the need for and progress on the grant of Crown consent and any other consents required from IPs.

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

The Applicant will be provided with a right of reply.

8. Other Consents: Changes since ISH7

The ExA will consider the need for and progress on any other consents beyond the DCO.

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

The Applicant will be provided with a right of reply.

9. Review of issues and actions arising

The ExA will review how and by when any actions placed on the Applicant or other IPs are to be met.

10. Next steps

11. Closure of the hearing