## **ISH9** Hearing Action Points: The Development Consent Order

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

Actions arising from the Issue Specific Hearing 9 (ISH9) held at Discovery Park, Sandwich on 18 April 2019.

## **Action Points**

	Action	Party	Deadline
1	Article 33 Hedgerows Applicant to check the need for a formal discharge procedure for Art 33.	The Applicant	D5
2	Art 36 Trinity House Applicant to insert drafting to deal with notice for demarcation buoyage.	The Applicant	D5
3	Article 16 Public Rights of Navigation: approvals Subsections 2, 3 & 4 sequence and content. Precedent to be researched and reconsidered and alternative wording to be proposed by THLS at D5 to the effect that the provisions shall not take effect until express approval to submitted plans has been received from THLS.  The Applicant to respond at D6.	THLS and The Applicant	D5 and D6
4	Article 16 Public Rights of Navigation: notification Reconsideration to be undertaken by both parties regarding whether PLA should be a named notifiable party under Article 16 (in regard to its VTS operations and issue of notices to mariners).  The Applicant to engage directly with PLA with a view to submitting agreed (or consulted) drafting at D5	PLA and the Applicant	D5
5	Article 36 and Article 41 Arbitration THLS believe that this article needs to go further to exclude public bodies exercising statutory duties or obligations	The Applicant and THLS	D5

	Action	Party	Deadline
	from arbitration procedures. (Similar representations were also received from other statutory bodies at CAH1.) THLS has submitted draft wording but the Applicant does not at this time agree this  Applicant to research precedent and for the consideration of TH and the ExA by D5 to draw attention to any public domain information and present structured argument. This review is to include consideration of and submission in of relevant documents arising from the Norfolk Vanguard and Hornsea 3 examinations.  TH to review and submit further representations at D5		
6	<ul> <li>Structures Exclusion Zone (SEZ) activities</li> <li>Activities allowable within the SEZ to be defined more clearly:</li> <li>The Applicant to produce a further note to clarify the intended purpose of the SEZ, included activities, safety zones and subsea installations.</li> <li>The Applicant to review the balance of provisions in the DCO and DMLs.</li> <li>The Applicant to consider a schedule as a means to singly define what is permissible in the SEZ rather than what is excluded and as a single means of reference for both the DCO and DMLs.</li> <li>THLS to consider the provisions in the light of safe navigation concerns at D6.</li> </ul>	The Applicant and THLS	D5
7	<ul> <li>SEZ definition and grid coordinates         Applicant to:         <ul> <li>amend the DCO and DMLs to include a definition of 'Structures Exclusion Zone' within Article 2</li></ul></li></ul>	The Applicant	D5

	Action	Party	Deadline
	action 6 this may involve the development of a schedule).		
8	Audit of grid coordinates Revision needed of header row of latitude and longitude columns; audit of all coordinates to be redone after review and insertion of SEZ coordinates.	The Applicant	D5
9	Intertidal zone matters Insert wording (where needed) in DCO and DMLs in order to clarify cross- boundary 'handshake': consultation and approval procedures in the intertidal zone. [Ref. Action Point 13 from the ISH8 Natural environment Action Points.]	The Applicant	D5
10	<ul> <li>Notification to Kingfisher</li> <li>Notification 6 para (7) to Kingfisher should be 14 days not 10.</li> <li>Applicant to change and remove email address</li> </ul>	The Applicant	D5
11	Requirements for turbine lighting Sustaining of turbine ID lighting as an informal aid to navigation by fishing vessels to be drafted to THLS satisfaction with cross-reference in the FCLP.  • Applicant to draft by D5	The Applicant	D5
12	<ul> <li>Construction monitoring</li> <li>Discussion needed with THLS regarding traffic monitoring to review drafting.</li> <li>Applicant to take up with THLS and propose solution at D5</li> </ul>	The Applicant	D5
13	Notification of cable exposure Consideration to DML or FCLP to include timely notification for safety to fisherman of any cable exposure.  • Applicant to present at D5	The Applicant	D5
14	Relevant Body in Condition 10(4) Applicant to define relevant body (Natural England) in Part 4 Conditions item 10(m).	The Applicant	D5



	Action	Party	Deadline
15	Documents to be Certified version control:  Document version control column to be added to document schedule.	The Applicant	D5
16	<ul> <li>Explanatory note: hard copies</li> <li>Thanet DC or Kent CC to be a repository of hard copies.</li> <li>Applicant to liaise with relevant body to ensure willingness to host hard copy document set and adapt drafting accordingly.</li> </ul>	The Applicant	D5
17	Timetable for preferred draft DCO: Applicant's preferred draft DCO to be submitted at D5. All IPs to submit final commentary at D5A.	The Applicant and IPs	D5