

Vattenfall Wind Power Ltd

Thanet Extension Offshore Wind Farm

Appendix 12 to Deadline 6 Submission: Statement of Common Ground – Maritime & Coastguard Agency

Relevant Examination Deadline: 6


Submitted by Vattenfall Wind Power Ltd

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Revision B

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1 Introduction

1.1 Overview

- 1 This Statement of Common Ground (SoCG) relates to the proposed development of the Thanet Extension Offshore Wind Farm (Thanet Extension). It has been prepared with respect to the application made by Vattenfall Wind Power Ltd (VWPL) (the Applicant) for a development consent order (DCO) to the Planning Inspectorate (PINS) under the Planning Act 2008 (the Application).
- 2 This SoCG with the Maritime & Coastguard Agency (MCA) is a means of clearly stating any areas of agreement and disagreement between the two parties in relation to the Application. The SoCG has been structured to reflect the topics of interest to the MCA on the Application.
- 3 It is the intention that this document will help facilitate post application discussions between both parties and also give the Examining Authority (Ex. A) an early sight of the level of common ground between both parties from the outset of the examination process.

1.2 Approach to SoCG

- 4 This SoCG has been developed during the pre-examination phase of the Thanet Extension. In accordance with discussions between the Applicant and the MCA, the SoCG is focused on those issues raised by the MCA within its response to Section 42 consultation that has underpinned the pre-application consultation between the parties.
- 5 The structure of the SoCG is as follows:
 - Section 1: Introduction;
 - Section 2: MCA Remit
 - Section3: Consultation;
 - Section 4: Agreements Log; and
 - Section 5: Matters under discussion.

1.3 The Development

- 6 The Application is for development consent for VWPL to construct and operate the Thanet Extension Offshore Wind Farm (Thanet Extension) under the Planning Act 2008.
- 7 Thanet Extension will comprise of wind turbine generators (WTGs) and all the infrastructure required to transmit the power generated to the national grid. A maximum of 34 WTGs will be installed with a power output of 340 MW. The project will install up to four offshore export cables and may require the installation of one Offshore Substation (OSS) and up to one Meteorological Mast.
- 8 The key offshore components of Thanet Extension are likely to include:
- Up to 34 Offshore WTGs;
 - OSS (if required);
 - Meteorological Mast (if required);
 - WTG Foundations;
 - Subsea inter-array cables linking individual WTGs;
 - Subsea export cables from the OWF to shore; and
 - Scour protection around foundations and on inter-array and export cables (if required).
- 9 The offshore elements of the project comprise an offshore export cable corridor (Work Area 3), and Work Areas 1 and 2. The latter are an area of 68.8 km² and comprise the Array Area (59.5 km²) and the Structures Exclusions Zone (9.3 km²). The latter being an area subject to restrictions on what can be placed within it, as described in Annex A of Appendix 7 of the Applicant's Deadline 5 Submission and Schedule 1, Part 3, Requirement 6 of the draft DCO. The Order Limits surround the existing Thanet Offshore Wind Farm (TOWF). It is located approximately 8 km Northeast of the Isle of Thanet, situated in the County of Kent. Each WTG will have a maximum blade tip height of 250 m above Highest Astronomical Tide (HAT), a maximum diameter of 220 m and a minimum 22 m clearance between the Mean High Water Springs (MHWS) and the lowest point of the blade.

- 10 Electricity generated will be carried via a maximum of four high voltage subsea cables to the landfall site, situated at Pegwell Bay. Offshore cables will be connected to the onshore cables and ultimately the national grid network at Richborough Energy Park. The onshore cable corridor is 2.6 km in length at its fullest extent.
- 11 More details on the proposed development are described in the Environmental Statement (ES) Volume 2, Chapter 1: Project Description (Offshore) (Application Ref: 6.2.1) of the Environmental Statement.

2 MCA Remit

- 12 The MCA's remit for Offshore Renewable Energy Installations (OREIs) is to ensure that the safety of navigation is preserved, and its search and Rescue capability is maintained, whilst progress is made towards government targets for renewable energy. This includes maintaining its obligations under The United Nations Convention of the Law of the Sea.

MCA Role

- 13 The MCA is a statutory consultee in the licencing and consenting process, and provides advice and guidance on the safety of navigation and Search and Rescue to the responsible consenting authority for offshore renewables in line with Marine Guidance Note (MGN) 543.

3 Consultation

3.1 Application elements under the MCA's remit

- 14 Work Nos. 1 - 3A, detailed in Part 1 of Schedule 1 of the draft DCO describe the elements of Thanet Extension which may affect the interests of the MCA.
- 15 The technical components of the DCO application of relevance to the MCA (and therefore considered within this SoCG) comprise:
- The draft DCO (Application Ref 3.1);
 - Volume 2, Chapter 10: Shipping and Navigation (Application Ref 6.2.10);
 - Volume 4, Annex 10-1: Navigation Risk Assessment (Application Ref 6.4.10.1);
 - Structures Exclusion Zone (PINS Ref REP4-018);
 - Thanet Extension Structures Exclusion Zone Consented Works Clarification Note (REP5-013);
 - Navigational Risk Assessment Addendum (Revision B) (REP5-039); and
 - Draft Development Consent Order (as submitted to Deadline 5) (REP5-019).

3.2 Consultation Summary

- 16 This section briefly summarises the consultation that VWPL has undertaken with the MCA. Engagement during the pre-application phase, both statutory and non-statutory, is summarised in Table 1.

Table 1: Consultation undertaken with the MCA pre-application

Date & Type:	Detail:
January 2016 Meeting	Pre-scoping meeting
December 2015 – January 2016 Email correspondence	Pre-scoping
January 2017 Meeting	Scoping response meeting
December 2017 Meeting	NRA Meeting
January 2018 Meeting	NRA Meeting
January 2018, S42 Consultation	Comments relating to the Preliminary Environmental Information Report
February 2018 Meeting	Post-S42 Meeting
March – April 2018 Correspondence	Review of the NRA

3.3 Post-application Consultation

- 17 VWPL has engaged with the MCA since the Thanet Extension development was accepted for examination by the Planning Inspectorate on 23rd July 2018. A summary of the post-application consultation with the MCA is detailed in Table 2.

Table 2: Consultation undertaken with the MCA post-application

Date/ Type:	Detail:
23 rd August 2018 – MCA & THLS Meeting	Meeting to discuss initial thoughts on the Application, process for agreeing SoCG.
4th October 2018 – MCA & THLS Meeting	Meeting to discuss the relevant representation, SoCG, and next steps for issue resolution on the outputs of the NRA.
12 th February 2019 – MCA & THLS	Meeting to discuss potential project amendments, scope for compromise and further control measures
27 th February 2019 – All IPs	Shipping workshop post-hearings to discuss sea room requirements.
21 st March 2019 – MCA & THLS	Meeting to present the SEZ, approach to the hazard workshop and approach to the NRA addendum.
29 th March 2019 – all IPs	Hazard workshop – MCA attended as observers
2 nd April 2019 – MCA/PLA/ESL/London Gateway/Tilbury	Call on outcomes from hazard workshop
22 nd May 2019	Meeting to go through the SoCG

4 Agreements Log

- 18 The following section of this SoCG identifies the level of agreement between the parties for each relevant component of the application material (as identified in Section 3.1). In order to easily identify whether a matter is “agreed” or indeed “not agreed” a colour coding system of green and orange is used in the “final position” column to represent the respective status of discussions.

4.1 Project Description (Offshore)

- 19 The offshore project description outlines the parameters and methods for the construction, operational and maintenance and decommissioning phases with regard to the offshore elements. Table 3 identifies the status of discussions relating to this topic area between the parties.

Table 3: Status of discussions relating to Project Description (Offshore)

Discussion Point	Thanet Extension Position	MCA Position	Final Position
Project Description	The project description, and transposition into the relevant chapter and NRA annex, appropriately describes the project for the purposes of EIA.	<i>Agreed</i>	Agreed

4.2 Shipping and Navigation

- 20 The Project has the potential to impact upon Shipping and Navigation and these interactions are duly considered within Volume 2, Chapter 10: Shipping and Navigation (PINS Ref APP-051/ Application Ref 6.2.10) of the ES. In addition, the NRA is presented within Volume 4, Annex 10-1: Navigational Risk Assessment (PINS Ref APP-089/ Application Ref 6.4.10.1) and the Navigation Risk Assessment (Revision B) (PINS Ref REP5-039). Table 4 identifies the status of discussions relating to this topic area between the parties and is informed through meetings held post-application as noted in Table 2.

Table 4: Status of discussions relating to Shipping and Navigation

Discussion Point	Thanet Extension Position	MCA Position	Final Position
Study area	It is agreed that the study area used to inform the assessment of the project on shipping and navigation receptors was appropriate.	<i>Agreed</i>	Agreed
Consultation	It is agreed that throughout the pre-application process the level of consultation and the provision of information has been sufficient in informing MCA of the development of the project and the predicted impacts on shipping and navigation.	<i>Agreed</i>	Agreed
Consultation	The Applicant considers that it was appropriate to have offered the MCA a meeting to discuss the NRA scoring prior to Application and following the meeting between the parties on 4 th October 2018.	<i>The MCA attended all the meetings it was asked to attend, however it is not appropriate for MCA to agree the hazard scores with the application without IP input, discussion and agreement around a table. The applicant must get IP approval of the scores first.</i>	Agreed
SEZ	It is agreed that the SEZ accurately reflects and exceeds the searoom requirements for passing vessels as detailed within PIANC (which informed the IALA spatial planning guidance and MGN543) for calculating sea room.		Agreed

Discussion Point	Thanet Extension Position	MCA Position	Final Position
SEZ	It is agreed that the introduction of the SEZ provides 2nm clear sea room with a 1nm buffer in relation to the NE Spit pilot diamond area.	<i>The distance between the NE Spit Buoy and the SEZ is 2.5nm. The distance is not to the satisfaction or acceptance to those carrying out pilot transfer operations. There is not 3nm sea room for the entire pilotage area.</i>	Not agreed
SEZ	It is agreed than in the area of greatest pilotage density this searoom is 3.4nm. These distances are agreed to be adequate for both transit and pilotage boarding.	<i>According to Figure 1 in Appendix 14 to the Deadline 4 Submission - Structures Exclusion Zone</i>	Agreed
SEZ	It is agreed that the SEZ provides 2.5nm sea room between the NE Spit Racon buoy and the turbines	<i>According to Figure 1 in Appendix 14 to the Deadline 4 Submission - Structures Exclusion Zone</i>	Agreed
SEZ	This distance between the Racon buoy and SEZ is adequate due to it being an area of lower pilot activity. These distances are agreed to be adequate for both transit and pilotage boarding.	<i>The distance is not to the satisfaction or acceptance to those carrying out pilot transfer operations. The distance is less than the PLA's requirement for 2nm sea room + 1nm buffer.</i>	Not agreed
SEZ	It is agreed that the SEZ provides 2.1nm between the Elbow buoy and the turbines	<i>According to Figure 1 in Appendix 14 to the Deadline 4 Submission - Structures Exclusion Zone</i>	Agreed
SEZ	This distance between the Elbow buoy and SEZ is adequate due to it being an area of lower pilot activity and complexity. These distances are	<i>The distance is not to the satisfaction or acceptance to those carrying out pilot transfer operations. The distance is less than the PLA's requirement for 2nm sea room + 1nm buffer.</i>	Not agreed

Discussion Point	Thanet Extension Position	MCA Position	Final Position
	agreed to be adequate for both transit and pilotage boarding.	<i>Lower pilot activity is not justification, it still needs sufficient sea room when it is carried out.</i>	
SEZ	It is agreed that the distance between Elbow buoy and the turbines represents the narrowest distance for the inshore route, and that sea room widens out either side of this transect and therefore the available searoom increases at all other locations within the inshore navigable area.		Agreed
SEZ	It is agreed that introduction of the SEZ provides the necessary sea room to ensure safety of navigation for transiting vessels		Agreed
SEZ	It is agreed that introduction of the SEZ provides the necessary sea room to minimise the effect on vessel activities, subject to other risk controls set out in the NRA, for transiting vessels	<i>The available sea room with the SEZ is not considered acceptable for pilot transfer operations.</i>	Agreed for transiting vessels.

Discussion Point	Thanet Extension Position	MCA Position	Final Position
Approach to NRA	<p>It is agreed that the Navigational Risk Assessment has been undertaken in line with the requirements set out in the Marine Guidance Note (MGN) 543 – Guidance on UK Navigation Practice, Safety and Emergency Response Issues and complies in full with the MGN 543 checklist.</p> <p>The Applicant submitted a revised and completed MGN 543 checklist at Deadline 1 (REP-)</p>	<p><i>It has now come to light that the applicant did not carry out a Hazard Workshop prior to application. This has since been carried out for the NRA Addendum, although not to the satisfaction of IPs. However, the intention to follow the process applied in MGN 543 and the methodology has been followed, but was restricted due to time constraints.</i></p>	Agreed
Environmental Statement Baseline and Methodology	<p>It is agreed that the shipping and navigation baseline environment has been adequately and appropriately described in the ES. Based on that information it is further agreed that the marine traffic survey data and wider data sources used are appropriate for the assessment and details a good representation of commercial traffic in the area of the project</p>	<p>Although we don't disagree with this statement, we do note that there were limitations raised with the pilotage study during the consultation period, and how 'realistic' the trials were.</p>	Agreed
Environmental Statement Baseline and Methodology	<p>It is agreed that the approach adopted in the Environmental Statement is appropriate to assess the magnitude and range of navigational</p>	<p><i>The MCA understood that the IPs had been involved in the hazard identification and risk scoring which has since come to light that the</i></p>	Not agreed

Discussion Point	Thanet Extension Position	MCA Position	Final Position
	<p>safety impacts from the proposed Project on the users of commercial vessels.</p> <p>The Applicant understood from a meeting with the MCA on 4th October 2018 that this was agreed, the minutes from which were submitted into the examination at Deadline 1 (REP1-021).</p>	<p><i>applicant did not obtain agreement from IPs in advance of the application.</i></p>	
Environmental Statement Baseline and Methodology	<p>It is agreed that the design parameters of the project would result in the worst case collision and allision scenario for commercial vessels.</p>	<p><i>It is noted that the results of the worst-case assessment remain under discussion and not agreed by IPs.</i></p>	Agreed
Environmental Statement Baseline and Methodology	<p>The Applicant has undertaken a baseline data review and concludes that the data presented in the NRA and that gathered from boat based surveys is appropriate and representative of the amount of traffic and the spatial extent of traffic in the area.</p>	<p><i>On the understanding that this is referring to the traffic surveys carried out in accordance with MGN 543 this can be agreed.</i></p>	Agreed
Environmental Statement Baseline and Methodology	<p>The identification of an uplift of 10% vessel traffic set out in the NRA and NRAA for the study area given the historic baseline and expected growth as identified by PLA in their Thames vision, and employed by Tilbury2 in the PLA approved NRA that underpinned that project,</p>	<p><i>The identification of a baseline uplift must be in agreement with the local IPs. Failing this a benchmark should be fully justified.</i></p>	Agreed

Discussion Point	Thanet Extension Position	MCA Position	Final Position
	and reflected in the regional planning undertaken by the MMO, is appropriate		
Tolerability definition and assessment	In the absence of industry specific guidance it is agreed that the tolerability of risk is appropriately defined and assessed through application of the HSE standards	The use of HSE guidance is acceptable by MCA as we do not provide our own in this specific area.	Agreed
Environmental Statement assessment	<p>It is agreed that the Applicant has adequately assessed navigational safety impacts on users of commercial vessels from the Project.</p> <p>The Applicant understood from a meeting with the MCA on 4th October 2018 that this was agreed, the minutes from which were submitted into the examination at Deadline 1 (REP1-021)</p>	<p><i>Without the agreement of IPs we cannot say that the applicant has adequately assessed the impact. The applicant has ‘assessed the impact’ but this implies the impact has been adequately addressed. It was previously agreed that the applicant had assessed the impact – but adequately has other implications.</i></p> <p><i>In the meeting on 4th October MCA confirmed under Agenda Item 3 that the increase in risks was not acceptable.</i></p>	Not Agreed
NRA addendum - approach	It is agreed that the approach to the NRA addendum and the hazard workshop was presented to MCA in advance for comment. Considering the time constraints, the proposed approach by the Applicant was appropriate.	<i>The intention for the proposed approach was presented to MCA in advance, and the proposed approach was considered appropriate. However, the risk scores for all 18 hazards were not discussed, nor were any of the risk controls.</i>	Agreed with regards to the proposed approach although this is not what

Discussion Point	Thanet Extension Position	MCA Position	Final Position
			happened in practice.
NRA addendum - approach	It is agreed that a project should not be regarded as unacceptable by reason only that it would increase navigational risk; and that the judgment on whether a project is acceptable in terms of navigational safety should be determined on the basis of whether ALARP can be achieved through agreed methodologies, and methodologies that align with IP guidance.	<i>The applicant may deem the risk as ALARP but the MCA and other IP do not accept the increase in risk as acceptable. Acceptance of navigational risk as ALARP which includes consideration of risk control measures, must be agreed with relevant stakeholders as acceptable.</i>	Not Agreed
NRA addendum – baseline data	It is agreed that the consideration of the baseline data presented in Appendix 27 to Deadline 4 presents an adequate characterisation of the receiving environment. The Applicant notes that paragraph 48 of Appendix 27 is referring directly to the perceived weaknesses in the MGN543 survey identified by IPs, not the AIS analysis presented in Appendix 27 which sought to validate the MGN543 survey. The successful validation of the MGN543 survey	<i>D4 Appendix 27 para 48 states: “Whilst there have been no fundamental concerns raised on utilising this data, IPs submit that this does not represent the full extent of area required for pilot transfers...”</i>	Not Agreed

Discussion Point	Thanet Extension Position	MCA Position	Final Position
	<p>data is an agreed position with other IPs including Chamber of Shipping and Trinity House.</p>		
<p>NRA addendum – hazard log</p>	<p>The hazard categories were agreed in the hazard workshop with clear confirmation of hazards to include/preclude from discussion.</p> <p>The approach to defining hazards has been used in many Navigation Risk Assessments undertaken by Dr Ed Rogers, Marico Marine and indeed other providers without issue, and was also used in the PoTLL Tilbury2 DCO Navigation Risk Assessment. The Applicant does not consider that the call on 2nd April can be considered ‘part of the hazard workshop’. Attendees were given ample opportunity to comment on the hazards prior to and during the workshop on 29th March, and in fact some hazards were added or removed at the start of the workshop to address stakeholder comments.</p>	<p><i>Prior to and at the start of the workshop, the hazard list was presented and amended with agreement from parties as to the hazards to be focussed on in the workshop. However concerns on the hazard list suitability was raised during the telecon with IPs on 2nd April 2019 which should be considered part of the hazard workshop</i></p> <p><i>The Hazard Workshop Pack was sent to IPs on the evening of 26th March which gave IPs just two days to review the hazards prior to the workshop on 29th March.</i></p>	<p>Not agreed</p>

Discussion Point	Thanet Extension Position	MCA Position	Final Position
NRA addendum – hazard log	It is agreed that the baseline scoring of hazards 1-4 was discussed and agreed in the hazard workshop		Agreed
NRA addendum – hazard log	It is agreed that the baseline and inherent scoring of the remaining hazards in the hazard log, completed by Marico with mariner input, and sent around for comment by IPs, is appropriate given the time constraints. It is not uncommon that not all hazards are assessed in a workshop and may be subsequently populated for stakeholder comment.	<i>This was the only feasible way to assign scores given the time constraints at the time. A second workshop to continue the assessment for the remaining 14 hazards was not possible.</i>	Agreed
NRA addendum – conclusions	It is agreed that the conclusion of the NRA addendum that the risks in the inshore route are ALARP and that the SEZ provides sufficient sea room for marine activities is correct.	<i>The list of risk control measures, both embedded and project specific, have not been finalised. The risk assessment has not been agreed as ALARP with the IPs.</i>	Not Agreed
NRA addendum – conclusions	It is agreed that the NRA addendum appropriately concludes that there is adequate sea room for the passage of vessels through the inshore route.		Agreed

Discussion Point	Thanet Extension Position	MCA Position	Final Position
ISH 8	<p>As noted in ISH 8, the Applicant understands that the MCA’s concerns are based primarily on those of local operators and not as a result of a detailed analysis undertaken by the MCA.</p> <p>The Applicant notes that the MCA have, during a meeting held on the 22nd May, confirmed that it has carried internal assessment of the project, alongside considering stakeholder views.</p>	<p><i>The MCA carries out its own internal assessment of the NRA and other information presented – in line with MGN 543, in discussion with in house master mariners, and in discussion with the relevant keys stakeholders and makes its own opinion of the acceptability. In this case MCA sits on the SUNK VTS User group and informed that group - and supported the written submission of the SUNK VTS User Group. This is a misunderstanding of MCA role, approach and our position.</i></p>	Agreed
ISH8	<p>It is agreed that the hazard logs submitted by local operators at Deadline 4, when considered against the PLA guidance and risk assessment templates, as published at the point of the D4C submission and ISH8, identifies the risks associated with the proposed project to be tolerable.</p> <p>MCA subsequently confirmed with the applicant they could only comment on what was submitted by the PLA at Deadline 4C. The Applicant notes the PLA’s Deadline 4c hazard scoring approach differs from their published</p>	<p><i>Only one hazard log was submitted by local operators; that of the PLA. It is noted that a different method for calculating inherent risk was used, no risk control measures were discussed and it did not draw conclusions on whether risks were ALARP.</i></p> <p><i>During the meeting on the 22nd May to discuss the SoCG, GoBe informed MCA that PLA guidance had been deleted from their website. MCA confirmed that they could only comment on</i></p>	Not agreed

Discussion Point	Thanet Extension Position	MCA Position	Final Position
	guidance at the time of the deadline, which was recently removed from the PLAs website	<i>evidence in the PLA's submission to the ExA at deadline 4C.</i>	
ISH 8	As noted in ISH 8, it is agreed that the implementation of safety zones during construction and major maintenance is common practice.		Agreed
ISH 8	As noted in ISH 8, it is agreed that undertaking a navigation simulation is not a requirement of the MGN 543 guidance, however it can be used to supplement the assessment.	<i>As noted in ISH 8, a navigation simulation is an identified risk assessment technique that can be used as part of an NRA and will help inform the results</i>	Agreed
ISH 8	As noted it ISH8, it is agreed that the 'inshore route' is not a formally designated international shipping lane under UNCLOS.	<i>It is still considered an essential area for navigation and of strategic importance for vessel operation and accessing ports and, therefore in an operational sense, the area of sea should be treated as a recognised sea lane.</i>	Agreed
dML(s)	It is agreed that Condition 13 (1)(b) and Condition 11 (1)(c) Pre-construction plans and documentation) of the Generation Assets and Transmission Assets dML (Schedule 11 and 12 of	<i>The DCO and DML conditions are under discussion, and MCA has submitted its comments. The layout must be in accordance with MGN 543.</i>	Not agreed

Discussion Point	Thanet Extension Position	MCA Position	Final Position
	<p>the DCO respectively) provides adequate mitigation by ensuring the proposed final layout will be submitted for approval to the MMO; who will then in turn consult with the MCA and THLS on any issues with navigational safety, prior to giving approval. This agreement includes all surface structures (structures visible above Lowest Astronomical Tide) noted within the DCO including the wind turbine generators, and offshore substation.</p>		
dML(s)	<p>The Applicant will respond to the MCA’s proposed amendments formally at Deadline 6, however the summary position is as follows:</p> <p>Revised wording of condition 4 (ERCoP) – the Applicant does not agree that amendments are required. The process outlined by the Applicant ensures that there is a specific mechanism through which that approval is documented and evidenced by the Applicant. It would not be robust – and indeed would place the Applicant at a disadvantage - if such approval was simply provided unilaterally by the MMO.</p>	<p><i>The MCA proposes to remove the condition requiring the applicant to produce an ERCoP prior to construction. An ERCoP is an agreement between the MCA and wind farm operator only and the request for the condition comes from the MCA alone. No other stakeholders are consulted. The ERCoP is a live and working document that evolves throughout the lifetime of an OREI. MCA does not wish to be consulted on incomplete versions prior to construction which have only been submitted to meet the licence condition. Instead, MCA will follow it up directly with the applicant. While the proposed condition removes</i></p>	n/a

Discussion Point	Thanet Extension Position	MCA Position	Final Position
	<p>Condition 6 (notification of cable exposure) – this wording has been included in Condition 7 (12) of Schedule 11 and Condition 6 (12) of Schedule 12.</p> <p>Lighting and marking plan – this is provided through the aids to navigation plan.</p> <p>Operation and Maintenance programme – this is provided through the Operations and Maintenance plan, although the Applicant notes that the content of this plan will generally relate to the activities rather than timing as it is not possible to foresee when major maintenance activities will be required.</p> <p>Post-construction monitoring – the Applicant will include post-construction monitoring in the DCO at Deadline 6.</p> <p>Public rights of navigation – the Applicant does not propose any amendment to this. This is a common article for projects within territorial waters and has been accepted on multiple DCOs.</p>	<p><i>the need to sign off an ERCoP, it maintains due diligence for meeting MCA requirements.</i></p> <p><i>MCA does not agree it will put the applicant at a disadvantage.</i></p>	

Discussion Point	Thanet Extension Position	MCA Position	Final Position
	<p>Arbitration – the Applicant will provide further comment at Deadline 6; as previously set out the Applicant does not agree that it is inappropriate for parties including the MMO to be subject to arbitration in matters relating to the Order.</p>		

5 Matters of disagreement

21 This summary section identifies those matters raised by the MCA during examination that are not agreed with the MCA:

- That the inshore area is acceptable for safety of pilot transfers
- The project is assessed as ALARP and is therefore tolerable.