

The Planning Inspectorate  
National Infrastructure Directorate  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

27 June 2018

Dear Ms Mignano

## **Planning Act 2008**

### **Vattenfall Wind Power Ltd**

#### **The proposed Thanet Extension Offshore Wind Farm Order**

We are pleased to enclose an application for an Order granting development consent (the **Application**) pursuant to section 37 of the Planning Act 2008 (the **2008 Act**) on behalf of Vattenfall Wind Power Ltd (the **Applicant**).

## **1 Subject of the Application**

- 1.1 The Application is for development consent to construct and operate an extension to the existing Thanet Offshore Wind Farm off the coast of Thanet, Kent (the **Project**), to be located approximately 8km offshore (at the closest point). The Project comprises up to 34 wind turbine generators and associated onshore and offshore infrastructure, with an installed capacity of up to 340 MW. The offshore array site occupies an area of approximately 70 km<sup>2</sup>.
- 1.2 Development consent is required to the extent that development is or forms part of a Nationally Significant Infrastructure Project (**NSIP**) pursuant to section 14(1)(a) and 15(3) of the 2008 Act. As the proposed wind farm is expected to have a capacity of up to 340 MW it is an NSIP for the purposes of the 2008 Act. It is for this reason that the Project falls within the remit of the Secretary of State.

## **2 Documentation enclosed and application fee**

- 2.1 We enclose two hard copies of:
  - 2.1.1 The completed and signed application form;
  - 2.1.2 The Environmental Statement (**ES**); and
  - 2.1.3 Each of the other documents listed in the Guide to the Application (Document 1.3).

- 2.2 We also enclose six USBs containing the documentation at 2.1.1 – 2.1.3 above.
- 2.3 A fee in the sum of £6,939 has been submitted to the account of the Planning Inspectorate (**PINS**).

### **3 Application Formalities**

- 3.1 The Application is made in the form required by section 37(3)(b) of the 2008 Act. The Application documentation complies with the overall requirements of section 37 and the requirements set out in:
- 3.1.1 The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the **APFP Regulations**);
- 3.1.2 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended); and
- 3.1.3 The published Communities and Local Government (**CLG**) Guidance (March 2015) and PINS' Advice Note 6 on the preparation of application documentation (October 2014).
- 3.2 The Application seeks consent for the development outlined above and described in full in Schedule 1 of the draft Development Consent Order (the **Order**) (Document 3.1) and in the ES (Documents 6.1.1 onwards and the entirety of Document category 6). The development, which is the subject of the Application, also contains associated development under Section 115 of the 2008 Act including the infrastructure necessary to connect the Project to the National Grid. Further explanation on the approach to associated development is contained in the Explanatory Memorandum (Document 3.2).

### **4 Consent Flexibility**

- 4.1 The Order provides for flexibility in relation to the generating station and its associated development. The Applicant has given careful consideration to the guidance in the National Policy Statements and PINS' Advice Note "Rochdale Envelope", together with the pre-application discussions with PINS. In the Applicant's view, the inclusion of the flexibility provided for in the Order is fundamental to whether or not the Order is fit for purpose, and therefore whether or not the Project will proceed.
- 4.2 The Environmental Impact Assessment (**EIA**) which has been carried out in support of the Application has been careful to take account of the flexibility which is sought in the Order. This matter is addressed in the ES and in all cases the parameters referred to in the Order have been adopted in the ES.
- 4.3 Where optionality is presented in the Application, the EIA and supporting documents takes full account of these options. The Applicant continues to seek to reduce optionality where practicable; however, the Application is not contingent on this.
- 4.4 Further explanation on the Applicant's approach to the Rochdale Envelope is contained within the Explanatory Memorandum.

### **5 Deemed Marine Licences**

- 5.1 Included within the Order at Schedules 11 and 12 are two deemed marine licences, dealing with generator and cable assets respectively, as provided for in Section 149A of the 2008 Act. The approach to the split of the licences is discussed in more detail in the Explanatory Memorandum. The Order, and the deemed marine licences, have been the subject of consultation with, and comment by the Marine Management Organisation (**MMO**), the Maritime and Coastguard Agency (**MCA**) and Trinity House.
- 5.2 Where possible or appropriate the Applicant has sought to take comments into account in the documents submitted, but it should not be assumed that any of these organisations have approved the detailed form of the draft Order and deemed marine licences. The Applicant expects to have further discussions to refine some aspects of the detail of the Order and deemed licences after acceptance, as has taken place with other accepted NSIP applications.

## 6 Habitats Regulations

- 6.1 The Application documents include a Habitats Regulations Assessment (**HRA**) Report (Report to Inform Appropriate Assessment, Document Ref: 5.2), as required by Regulation 5(2)(g) of the APFP Regulations. This Report identifies all relevant European sites and provides sufficient information for the competent authority to determine whether an appropriate assessment is required for the Project. In preparing the HRA Report, the Applicant has been mindful throughout of PINS' Advice Note 10 "Habitat Regulations Assessment".
- 6.2 The Applicant is aware of the European Court of Justice case of *People over Wind and Sweetman v Coillte Teoranta* dated 12 April 2018 (Case C-323/17). The approach to screening for the Habitats Regulations Assessment (HRA) was agreed with Natural England and, as part of its DCO application, the Applicant has provided Information to Support the HRA to enable the Secretary of State to carry out an Appropriate Assessment. For the purposes of the information provided, mitigation has not been taken into account at the screening stage.

## 7 Compulsory Acquisition

- 7.1 The Applicant is seeking authority within the Order to acquire compulsorily land and interests and other related powers to support the delivery of the Project, details of which can be found in the Book of Reference (Document 4.3) and Statement of Reasons (Document 4.1). Adequacy of funding for compensation is dealt with in the Funding Statement (Document 4.2).
- 7.2 Part of the land in respect of which rights only are to be acquired compulsorily for the purposes of the Order is also considered to be open space land under Section 132 of the 2008 Act. It is considered that Section 132(3) of the 2008 Act applies, i.e. that the open space land, when burdened with the rights to install, inspect and maintain the cables, will not be any less advantageous to persons in whom it is vested, other persons, if any, if entitled to rights of common or other rights, and to the public. The Applicant has included a Section 132 Statement to this effect within the Statement of Reasons (Document 4.1).

## 8 Other Consents

8.1 Details of other consents and licences not forming part of the Order, which the Applicant or others will be seeking in relation to the proposed Project and its associated development, are set out at Document 5.4. A number of these applications will be progressed in parallel with the consideration of the draft Order by the Secretary of State. The Applicant will update PINS periodically in relation to the progress of these applications.

## **9 Pre-application Consultation**

9.1 The Applicant has had careful regard to the pre-application consultation requirements of the 2008 Act, the guidance on pre-application consultation issued by CLG and PINS, and its pre-application discussions held with PINS, as required by sections 50 and 55(4) of the 2008 Act.

9.2 As required by section 37(3)(c), the Application is accompanied by the Consultation Report (Document 5.1) which provides details of the Applicant's compliance with sections 42, 47, 48 and 49 of the 2008 Act. The responses of statutory and non-statutory consultees are listed and summarised in the Consultation Report and these have informed the evolution of the Application and the Project overall.

## **10 Other Matters**

10.1 Under Regulation 5(2)(l) of the APFP Regulations, an applicant is required to provide a plan of certain nature conservation sites and features and an assessment of any effects on those sites and features likely to be caused by the proposed development. There is an equivalent requirement under Regulation 5(2)(m) in relation to certain historic sites and features. The plans are attached as separate documents (Documents 2.10 and 2.11) but the assessments are provided in the ES and not as stand-alone documents.

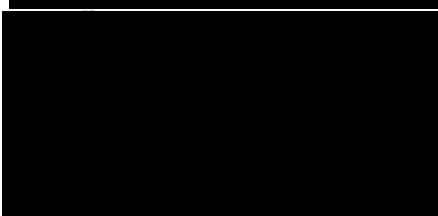
10.2 In April, 2018 Vattenfall underwent a change to its brand, defining its clear purpose to power climate smarter living and goal of enabling fossil fuel free living within a generation. The documentation associated with this application was in preparation prior to this change, and as such contains the company's old logo. New materials moving forward will use our new branding, including new logo.

10.3 The Applicant is aware that consultation on the third tranche of Marine Conservation Zone (MCZ) designations was launched by Defra on 8 June 2018. The Application includes an assessment of the Goodwin Sands rMCZ in the Marine Conservation Zone Assessment (Document 6.4.5.3)

10.4 We look forward to hearing from you in relation to the formal acceptance of the Application.

Should you require any further clarifications or assistance please contact Daniel Bates on 07976 783478 or [daniel.bates@vattenfall.com](mailto:daniel.bates@vattenfall.com) in the first instance.

Yours faithfully



Helen Jameson

Project Manager