

**Vattenfall Wind Power Ltd**

**Thanet Extension Offshore Wind Farm  
Consultation Report**

June 2018, Revision A

Document Reference: 5.1

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Revision	A

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## 1 Executive Summary

### Overview

1.1.1 This Consultation Report has been prepared by GoBe Consultants Ltd. and submitted by Vattenfall Wind Power Ltd (VWPL) to the Planning Inspectorate (PINS) in support of the application for a Development Consent Order (DCO) for Thanet Extension Offshore Wind Farm (hereafter referred to as Thanet Extension). This Consultation Report has been prepared in accordance with Section 37(3)(c) of the Planning Act 2008 (as amended) (hereafter referred to as 'The Planning Act'). It demonstrates how VWPL has complied with its duties under Sections 42, 47, 48 and 49 of the Planning Act. In summary:

- Under Section 42 of the Planning Act, bodies prescribed by Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 were consulted. In identifying a full list of Section 42 consultees, a wide interpretation of Local Authorities, landowners and other statutory organisations was adopted for the purposes of consultation;
- Under Section 47 of the Planning Act, a Statement of Community Consultation (SoCC) was developed for the project. It was published in the prescribed manner and consultation with the local community was carried out in line with the proposals set out in the SoCC.
- Under Section 48 of the Planning Act, the proposed development was publicised in the prescribed manner in local newspapers, industry publications and commercial fishing publications. The Section 48 notice occurred in parallel to statutory consultation under Section 42 of the Planning Act;
- Under Section 49 of the Planning Act, VWPL has had regard to the relevant responses to all of the consultation and publicity carried out under Sections 42, 47 and 49.

1.1.2 In considering the DCLG Planning Act 2008 Guidance on the pre-application process (January 2013), VWPL has undertaken an iterative consultation approach. The consultation undertaken by VWPL has involved statutory Section 47 and Section 42 consultation, in addition to early and ongoing non-statutory consultation with stakeholders.

1.1.3 It is a statutory requirement for promoters of a DCO application to engage in pre-application consultation with local communities, local authorities, and those who may be directly affected by the proposal. As such, VWPL produced a PEIR to inform consultees about Thanet Extension and the likely significant effects associated with construction, operation and decommissioning phases of the proposed project.

1.1.4 Early informal consultation with statutory and non-statutory stakeholders in relation to Thanet Extension began in early 2016, following VWPL's decision to progress with the EIA site characterisation work. The aim of these discussions being to gain feedback on the

initial site design and likely key issues for EIA, to inform stakeholders of expected timescales and project constraints, and (where relevant), to seek advice on the appropriateness of survey strategies.

1.1.5 VWPL prepared a Preliminary Environmental Information Report (PEIR) that would form the basis of the statutory Section 42 consultation period. The Department for Communities and Local Government (DCLG), 2015 guidance on pre-application consultation advises that applicants should include sufficient information in their PEIR 'to enable consultees to develop an informed view of the project' (paragraph 73). The PEIR was submitted on 27<sup>th</sup> November 2017 for comment by consultees to be received by 12<sup>th</sup> January 2018.

1.1.6 Following the statutory consultation period, responses were collated and considered. In having regard for those responses, VWPL incorporated additional information requested into the Environmental Statement, as well as enacting design changes to the project. Additional non-statutory consultation continued throughout the ES and DCO drafting processes so that stakeholders could be continued to be engaged up until the point of application. In the spirit of effective consultation, this will continue as the project progresses,

1.1.7 Table 2.1 summarises, in high level form, the consultation process completed by VWPL. For clarity, items in blue represent the statutory period of consultation required under the Planning Act.

1.1.8 As a result of consultation, the project design has been amended and/ or refined in a number of ways (See also Section 12.1.5). The main post-consultation changes to the project design can be summarised as:

- Refinement of the Proposed Offshore Development Boundary:
  - The north-west extent of the proposed array boundary has been reduced in size to limit interaction with the "North East Spit" pilotage and landing station and other shipping and navigational interests;
  - The proposed Offshore Export Cable Corridor (OECC) has been reduced in extent to avoid direct interaction with Ramsgate Harbour as well as the Thanet Coast Marine Conservation Zone (MCZ); and
  - The nearshore section of the OECC has been tapered towards the proposed landfall location, to limit the area potentially affected by works within the intertidal and shallow subtidal areas.
- Refinement of the Proposed Onshore Development Boundary (substation):
  - The land footprint to the south of the proposed substation location has been increased in spatial extent to allow for the relocation of local business interests.
- Refinement of Landfall and Onshore Cable Route Options:



- The onshore development boundary has been refined to remove the formerly proposed crossing of the Nemo Interconnector, to limit effects on the Pegwell Bay Country Park;
- The section of Sandwich Road formerly included within the proposed development boundary has been removed, in light of the removal of the Nemo Interconnector crossing;
- The long-term access from the Pegwell Bay Country Park car park through to the proposed landfall location has also been removed to reduce interaction with local business interests and visitors arriving by vehicle;
- The landfall options have been amended to include the option to install cable ducts under the sea wall forming the boundary of the Pegwell Bay Country Park via Horizontal Directional Drilling (HDD), to reduce the interaction with the saltmarsh and sea wall. This option is dependent on Site Investigations confirmation that excavation within the Pegwell Bay Country Park is feasible;
- The landfall options have been amended to remove the larger of the two sea wall extensions as proposed within the PEIR to reduce the extent of saltmarsh loss;
- The landfall options have been amended to remove the option to position the Transition Joint Bay within the saltmarsh, to reduce the long-term effect on the saltmarsh habitat;
- The landfall options have been updated to include clear reference to the use of a cofferdam during any work on the sea wall, to ensure that contaminant pathways are adequately controlled;
- The onshore cable route options have been updated to include the option of installing the cables within trenches within the Pegwell Bay Country Park rather than above ground berms, to reduce the long-term effects within the Country Park. This Option is also dependent on Site Investigation outputs;
- The onshore cable route options have been refined in a number of locations to reduce and refine the proposed development boundary to reduce effects associated with the cable corridor; and
- The onshore cable route in the Richborough Energy Park location have been refined to clearly account for the location(s) of existing and proposed infrastructure within the Richborough energy Park.

1.1.9 The process of refining the proposed development boundary is described in detail in Volume 1, Chapter 4: Site Selection and Consideration of Alternatives (Document Ref: 6.1.4).

1.1.10 In this consultation report, VWPL has accurately summarised the various stages of consultation that have been undertaken in order to demonstrate compliance with the requirements of the Planning Act (See Appendix A1). The report also sets out how the consultation responses provided during the statutory and non-statutory consultation have subsequently influenced the final application (VWPL’s regard to the responses received).

**Consultation summary**

1.1.11 In considering the DCLG Planning Act 2008 Guidance on the pre-application process, the scale of the proposed projects and the potential for a long development period, VWPL has undertaken an iterative approach, involving consultation on a project specific basis. The consultation undertaken by VWPL for Thanet Extension has involved a combined statutory Section 42 and Section 47 consultation, in addition to early and ongoing non-statutory consultation with stakeholders. This approach was considered the best possible way to allow project proposals that were detailed and firm enough, whilst allowing consultees to provide meaningful comments.

1.1.12 This consultation report describes the consultation activities undertaken by VWPL to date. The PINS Advice Note 14 (Compiling the Consultation Report) states that the applicant should set the scene and provide an overview of the whole pre-application stage. Figure 1-1 and Table 1.1 summarise, in chronological order, the key consultation activities that have taken place for the project since the applicant was awarded an opportunity to develop the project. References are provided to the relevant chapters of this report where more information can be found on the specific activities. A more detailed breakdown of the consultation activities is provided in Table 2.1. A compliance checklist detailing how VWPL has complied with the relevant legislation and guidance is contained in Appendix A1.

**Table 1.1 Chronological summary of the pre-application stage**

Consultation activity	Description	Duration	Reference
<i>Pre-Scoping</i>			
Early stakeholder engagement Preparation of the Scoping Report	Early informal consultation with key statutory and non-statutory stakeholders to gain feedback on the initial design and key issues for EIA.	Throughout 2016 – January 2017	Further details on early stakeholder engagement activities, including key meetings and outcomes, are described in Section 4.
<i>Scoping</i>			

Consultation activity	Description	Duration	Reference
Consultation on the Scoping Report with PINS and key stakeholders	Scoping Report submitted to PINS, who along with relevant stakeholders, provided feedback on the issues and potential impacts to be assessed in the wider EIA process.	Scoping Report Submitted in January 2017. Scoping Opinion received in February 2017	The Scoping Report (VWPL, 2017) and Scoping Opinion (PINS, 2017) are available to view on the PINS website.  The Scoping process is described in paragraph 2.4.3 <i>et seq.</i>
<i>Evidence Plan</i>			
Ongoing engagement with the Evidence Plan Group	The Evidence Plan included representatives from VWPL and their advisors on HRA and EIA matters with Natural England, the MMO, Cefas, the Environment Agency, Historic England and relevant Local Authorities.	The Evidence Plan was ongoing from May 2017 – Application across multiple stages of the project.	A more detailed breakdown of the Evidence Plan process is provided in Section 4.5 of this document.  Consultation through the Evidence Plan pre-PEIR is described in Section 4.5, with post-PEIR activities described in Section 10.2.  Table 2.1 also summarises the main activities undertaken during the Evidence Plan process.  Further information can be found in the Evidence Plan Report (Document Ref: 8.5) which accompanies the application.
<i>Pre-PEIR</i>			

Consultation activity	Description	Duration	Reference
Compiling of the PEIR	Drafting of the PEIR, undertaking of assessments, including in consultation with key stakeholders.	February 2017 – November 2017.  PEIR submitted 27 <sup>th</sup> November 2017.	More detail on this stage can be found in paragraph 2.4.7, and by looking at the PEIR, available from the Project Website.
Consultation on the SoCC with Local Authorities	As required by Section 48 of the Planning Act, a draft version of the SoCC was submitted to key local authorities (Kent County Council, Thanet District Council and Dover District Council) to gain feedback before formal publication of the document.	Draft SoCC submitted to local authorities for comment 1 <sup>st</sup> September 2017	See Section 6.3 of this report for further detail.  The draft and final versions of the SoCC are provided in Appendices C2.1 and C1.1, respectively.
<i>Statutory consultation (Section 42 and Section 47)</i>			
Statutory consultation under Section 42 of the Planning Act 2008.	Consultation documents submitted for consultation with statutory consultees and the community.	27 <sup>th</sup> November 2017 – 12 <sup>th</sup> January 2018	Details can be found in Section 5 of this report.  Summaries of responses, along with VWPL regard are contained in Section 9.
Targeted Consultation following changes to the Red Line Boundary (RLB)	Following comments received on the PEIR, the project boundary (RLB) was updated, and targeted consultation with local authorities, statutory bodies and affected landowners was undertaken.	1 <sup>st</sup> May – 30 <sup>th</sup> May 2018	This is described in paragraph 5.4.22 <i>et seq.</i> of this report.  A summary of responses received, along with VWPL regard, is contained in Section 9.31.

Consultation activity	Description	Duration	Reference
<i>Post-statutory Consultation</i>			
Post-Section 42 stakeholder engagement	Ongoing post-statutory consultation with key stakeholders to address specific concerns on project design and issues for EIA.	January 2018 – June 2018 Application submitted 27 <sup>th</sup> June 2018.	This is described in Section 10 of the report.

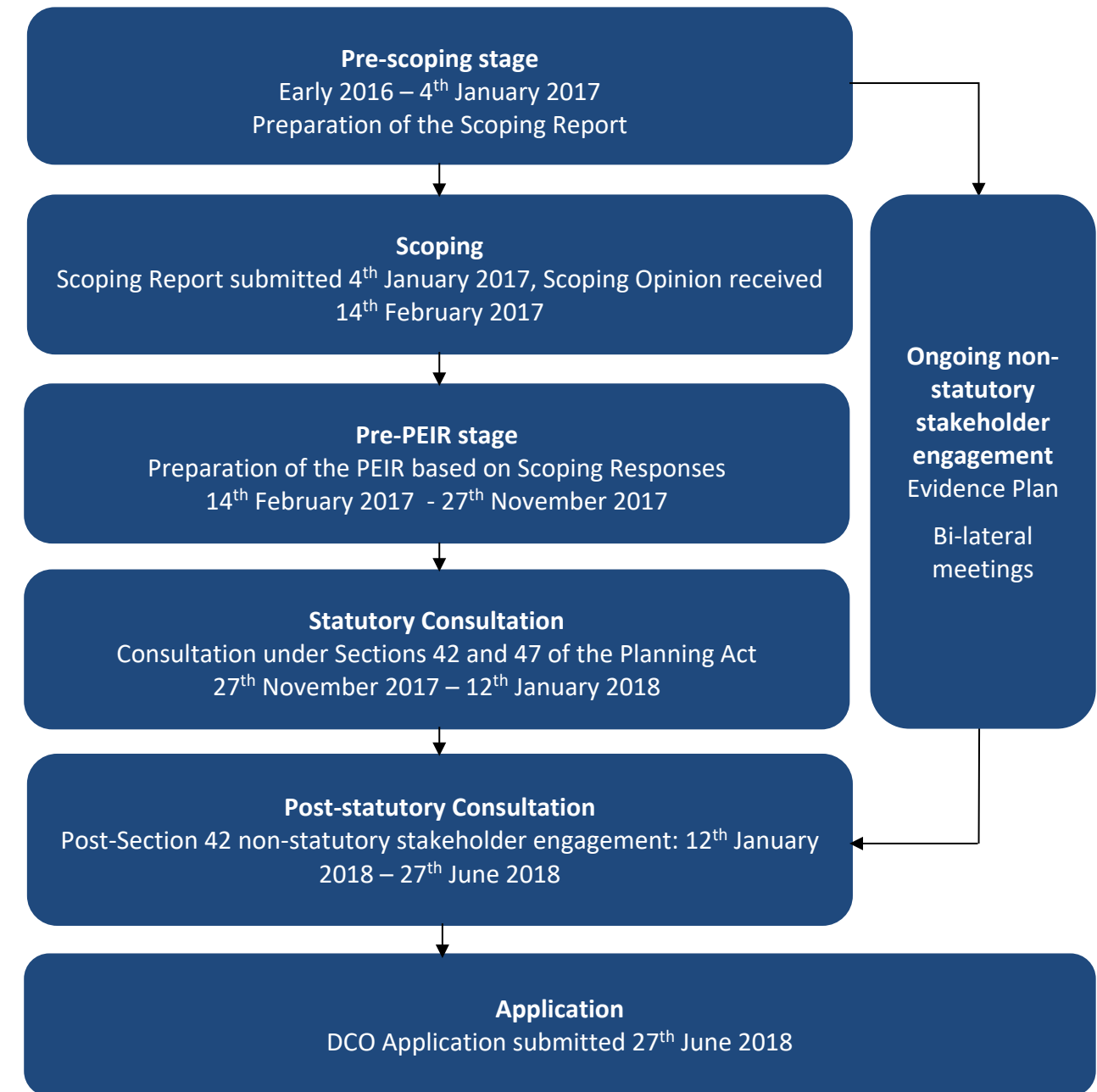


Figure 1-1 High level summary of the consultation approach

## 2 Introduction

### 2.1 Overview

- 2.1.1 This Consultation Report describes the consultation activities undertaken by Vattenfall Wind Power Ltd. (VWPL), in developing the application for a DCO for the Thanet Extension Offshore Wind Farm (Thanet Extension).
- 2.1.2 The report follows guidance provided by the DCLG, “Planning Act 2008: Guidance on the pre-application process” (January 2013) and considers advice provided by the Planning Inspectorate in Advice Note 14: Compiling the Consultation Report (April 2012, Version 2) which provides developers with guidance on the format and content of the consultation report. Further detail on relevant Legislation, Guidance and Advice is provided in Section 3 of this report.
- 2.1.3 This report details how the Applicant (VWPL) has compiled with the provisions of the Planning Act, and associated legislation, in relation to pre-application consultation for the proposed project. It has been prepared pursuant to Section 37(3)(c) of the Planning Act, and sets out the approach taken with regard to:
- Statutory consultation that has taken place during the development of the Thanet Extension application (in order to comply with Sections 42, 47 and 48 of the Planning Act) and how the consultation responses have been taken into account in shaping the final form of the Application (pursuant to Section 49 of the Planning Act); and
  - The additional, non-statutory consultation that has been undertaken on the project and which has also influenced the development of the scheme and the final Application.
- 2.1.4 In line with the advice presented in Advice Note 14, this document presents an overview of the whole pre-application stage as it relates to the Thanet Extension application. An explanation of the consultation undertaken in a high-level summary form is presented in order to ensure that the information presented is clear and concise from the outset.
- 2.1.5 By way of background, detail on VWPL (Section 2.2) and a summary of the project (section 2.3) is also provided. The structure of the Consultation Report is also outlined in section 2.5 of this document, with reference to the sections of the report where further detail is provided.

### 2.2 Vattenfall Wind Power Ltd

- 2.2.1 Vattenfall AB is a Swedish state-owned utility and one of Europe’s largest generators of electricity and heat, of which VWPL is a subsidiary. Vattenfall is also the second largest player in the global offshore wind sector. It is Vattenfall’s ambition to be at the forefront of the low carbon transition and the company is strongly committed to significant growth in wind energy, onshore and offshore. Vattenfall has invested nearly £3 billion in the UK, in onshore and OWFs since 2008 and will have nearly 1 GW in operation onshore and

offshore by 2017. Vattenfall plans to invest £5 billion in renewables in Northern Europe by 2020 and has the ambition that the UK will continue to be a growth market for Vattenfall.

- 2.2.2 VWPL has world leading experience in offshore wind, as owner of Kentish Flats 1, Kentish Flats Extension, Ormonde and Thanet (TOWF) Offshore Wind Farms (OWFs), which are currently operational in the UK. The VWPL owned European Offshore Wind Deployment Centre in Aberdeen received a Final Investment Decision in July 2016 and is expected to be operational in summer 2018. VWPL has started developing plans for the northern half of the former East Anglia Round 3 zone, which is split into two proposed offshore wind projects. Norfolk Vanguard has submitted their PEIR to PINS, and a second project, Norfolk Boreas, is in the early stages of development.
- 2.2.3 VWPL is also developing a number of European OFWs outside of the UK, including recently announced successes in securing Danish competitive tender projects Kriegers Flak and Danish Nearshore (totalling 950 MW), and is emerging as a global leader in delivering offshore wind cost reductions. In addition, VWPL has recently undertaken the world’s first decommissioning of an OWF, Yttre Stengrund in Kalmar Sound, Sweden.

### 2.3 Project Overview

#### *Project Background*

- 2.3.1 TOWF has been operational since 2010 following the acquisition of Thanet Offshore Wind Ltd by the Vattenfall group prior to construction in 2008. The site comprises 100 Vestas V90 3.0 MW turbines and is situated approximately 11 km off the east coast of Kent. In 2009, The Crown Estate (TCE) offered VWPL the right to extend Kentish Flats Offshore Wind Farm and TOWF, however only Kentish Flats Extension was taken forward at that point. In 2014, following a wider review of VWPL’s offshore wind strategy and whilst Kentish Flats Extension was under construction, the possibility of extending TOWF was revisited. TOWF is owned and operated by a subsidiary of VWPL – Thanet Offshore Wind Ltd.
- 2.3.2 In early 2015, VWPL undertook some initial desk-based feasibility work and constraints mapping using existing data and site knowledge, the results of this exercise were used to delineate a preliminary OWF site boundary and offshore cable corridor area of interest. The emphasis at this stage was to determine whether the project was likely to be economically viable, technically feasible and environmentally acceptable.
- 2.3.3 In late 2015, following a favourable outcome to early analyses, VWPL took the decision to proceed with early development activity for Thanet Extension, namely: offshore site characterisation surveys, progressing a grid connection, further cable routing work and initiation of informal engagement with key stakeholders to gain their feedback on the early design.

- 2.3.4 On 4<sup>th</sup> January 2017, VWPL submitted a Scoping Report for Thanet Extension to PINS under the Planning Act 2008. The Secretary of State's formal Scoping Opinion was received on the 14<sup>th</sup> February 2017 (PINS, 2017). Further detail pertaining to the scoping process is presented in Volume 1, Chapter 3: EIA Methodology (Document Ref: 6.1.3).
- 2.3.5 The PEIR was prepared for Thanet Extension taking into consideration the Scoping Opinion of February 2017. The PEIR was submitted for consultation on the 17<sup>th</sup> November 2017. Further detail pertaining to the document drafting process is presented in Volume 1, Chapter 3: EIA Methodology (Document Ref: 6.1.3).
- 2.3.6 This document provides a summary of the various stages of consultation that have been undertaken in order to demonstrate compliance with the requirements of the Planning Act. The report also sets out how the consultation responses provided during the statutory and non-statutory consultation have subsequently influenced the final application.

#### *Need for the Project and Site Selection*

- 2.3.7 This section is intended to provide an overview of the need for the project in terms of renewable energy generation, as well as a justification for the site chosen for the proposed development. A comprehensive and detailed description is provided in Volume 1, Chapter 4: Site Selection and Alternatives (Document Ref: 6.1.4).
- 2.3.8 The approach taken for the development of Thanet Extension has been based on early engagement with a wide range of stakeholders, landowners and occupiers. Stakeholder engagement has been a key aspect of the project design, with each phase of consultation undertaken being designed to provide opportunities for stakeholders to review and provide information to VWPL in the development of the project, influencing the relevant project design decisions that have been taken to date.
- 2.3.9 In terms of the importance of offshore wind energy, Thanet Extension is important in meeting global, EU and UK policy commitments for renewable energy and wider policy objectives for energy security, decarbonisation and economic growth. The key drivers underpinning the need for renewable energy developments are:
- The need to reduce greenhouse gas emissions, including increasing energy generation from low-carbon sources to replace high carbon energy sources such as burning coal, oil and gas; and
  - The need for energy security, including:
    - The need to secure safe, affordable, reliable energy, preferably generated in the UK for the UK market;
    - The need to replace existing energy generation infrastructure;
    - The need to meet expected electricity demand whilst meeting climate change commitments; and

- The need to maximise social and economic opportunities for the UK from energy infrastructure investment.

- 2.3.10 Specific constraints and how these have influenced the site selection process are discussed in Volume 1, Chapter 4: Site Selection and Alternatives (Document Ref: 6.1.4). However, a number of fundamental principles are inherently applied to the decision-making process throughout, which are summarised below:
- Shortest route preference for cable routing to minimise impacts by minimising footprint for the offshore and onshore cable routes as well as minimising cost (ultimately minimising cost to the consumer) and transmission losses;
  - Avoidance of key sensitive features where possible, and mitigation of impacts where this is not possible;
  - Minimisation of disruption to populated areas; and
  - The need to accommodate a range of technology sought within the design envelope and to exclude those options outwith the envelope (e.g. ruling out overhead power lines).

#### *Project Details*

- 2.3.11 The following paragraphs provide a brief overview of the key components of Thanet Extension. Volume 2, Chapter 1: Project Description (Offshore) and Volume 3, Chapter 1: Project Description (Onshore) of this ES (Document Refs: 6.2.1 and 6.3.1 respectively), which present the project description for the offshore and onshore components respectively, describe the proposed development in more detail and include consideration of all temporary and permanent works required for the construction, operation and maintenance (O&M), and decommissioning of Thanet Extension.
- 2.3.12 Thanet Extension will have a total capacity of up to 340 MW and will include offshore (including up to 34 turbines) and onshore infrastructure.
- 2.3.13 The Thanet Extension array area (the area in which the offshore turbines are located) is around 70 km<sup>2</sup> and is located approximately 8 km north-east of the Isle of Thanet. Thanet Extension area encircles the existing TOWF, which has a similar physical environment.
- 2.3.14 The Thanet Extension Offshore Export Cable Corridor (OECC) extends from the south-western boundary of the Thanet Extension array area in a south-westerly direction to Pegwell Bay on the Kent coast. The OECC will be approximately 20 km in length.
- 2.3.15 The electricity generated will be transmitted via buried High Voltage Alternating Current (HVAC) cables. From the landfall at Pegwell Bay, underground onshore cables will connect the wind farm to an onshore substation at Richborough, which will in turn connect to an existing National Grid substation.

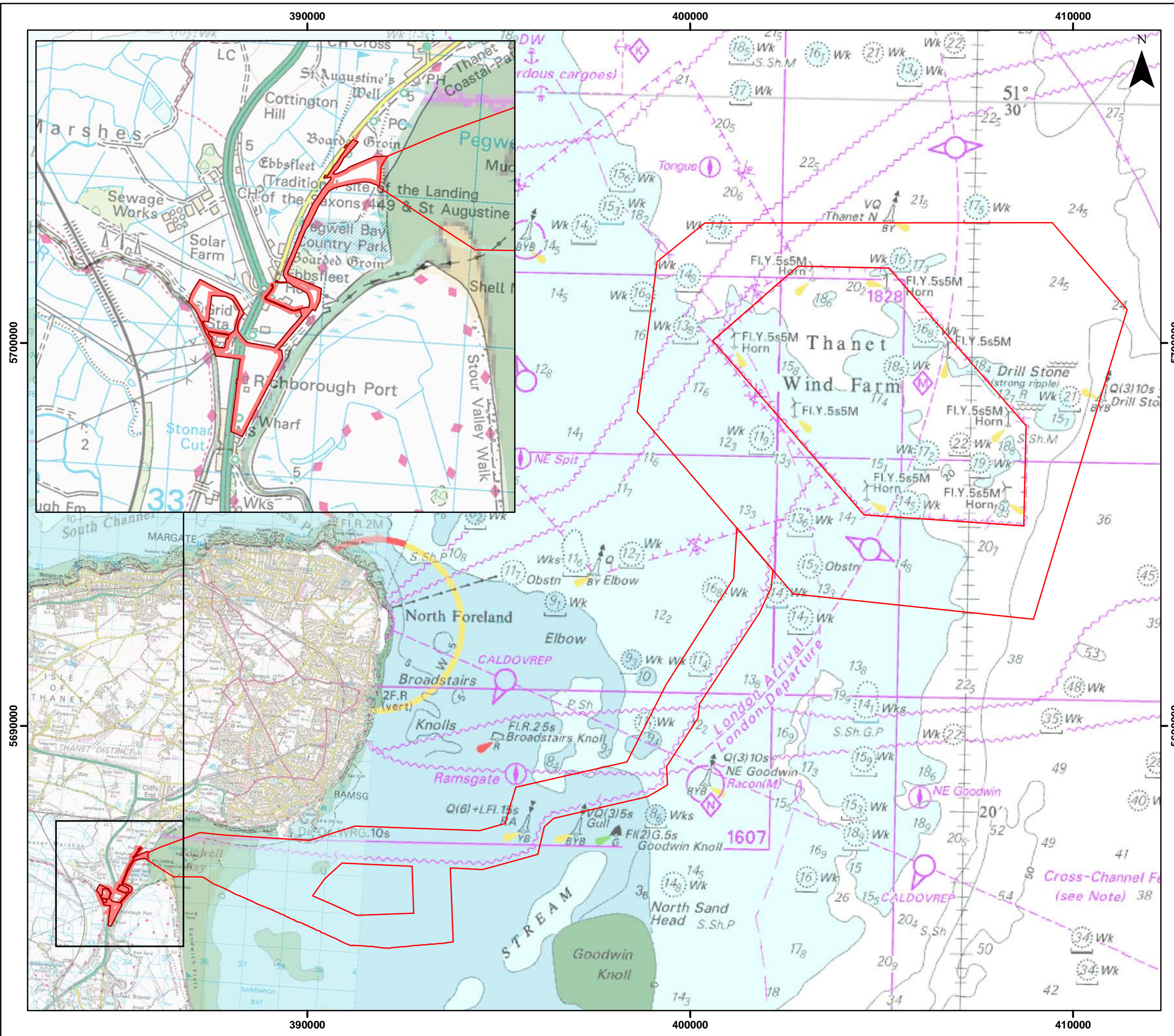
2.3.16 The onshore export cable corridor will be approximately 2.5 km in length. Proposed development boundaries of the offshore development and onshore development are shown in Figure 2-1 below.

# THANET EXTENSION OFFSHORE WIND FARM

**Figure 2.1**  
Thanet Extension Development Area

**Legend**

- Offshore Red Line Boundary
- Onshore Red Line Boundary



Datum: ETRS 1989  
Projection: UTM31N



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 © Crown copyright and database rights 2017  
 Ordnance Survey 0100031673  
 0 1 2 km 0 0.55 1.1 nm  
 1:100,000

Drg No	Fig2.1_LocationMap			<b>Figure 2.1</b>
Rev	0.1	Date	04/06/2018	
By	RM	Layout	N/A	

2.3.17 The key offshore components of Thanet Extension include:

- Wind turbine generators (WTGs) and their associated foundations;
- Offshore substation (OSS) (if required) and its associated foundations;
- Inter-array subsea cables between the WTGs;
- Subsea export cables between the wind farm and the shore;
- Mattresses or other protective substrate associated with cable crossings (if required);
- Scour protection around foundations and on array and export cables (if required);

2.3.18 The key onshore components of the wind farm are likely to comprise the following:

- Landfall site with associated transition bays to connect the offshore and onshore cables;
- Onshore underground cables with jointing bays situated at intervals along the onshore cable route as necessary;
- Temporary construction areas;
- Onshore substation in proximity to the grid connection location at Richborough Energy Park; and
- Up to two 400 kV interconnecting cable circuits linking the onshore substation to the NGET substation at Richborough Energy Park.

2.3.19 The Thanet Extension boundaries (referred to as ‘Order Limits’), including both onshore and offshore components, were selected following both engineering and environmental considerations. Further details regarding the site selection of Thanet Extension is provided in Volume 1 Chapter 4: Site Selection and Considerations of Alternatives (Document Ref: 6.1.4).

## 2.4 Overview of Consultation Process

2.4.1 This section of the Consultation Report provides an overview and narrative of the consultation undertaken for Thanet Extension, specifically in relation to both the statutory and non-statutory consultation undertaken. It includes a table summarising all consultation activities in chronological order, which also signposts to the sections within the main report where further detail on specific activities is presented in Table 2.1.

2.4.2 Further detail on the approach to the non-statutory consultation is presented in Section 4 of this report.

2.4.3 EIA Scoping was undertaken in prior to statutory consultation, with a scoping report submitted to PINS in January 2017 along with a formal request for a scoping opinion, which was received in February 2017.

2.4.4 VWPL also ran an Evidence Plan process prior to, during, and following the statutory consultation period (see Section 4.6 for further detail). The Thanet Extension Evidence Plan sought to extend the ‘standard’ remit of an Evidence Plan process beyond consideration solely of Habitats Regulations Assessment (HRA) and included technical topics such as marine and terrestrial ecology, the historic environment, landscape and visual impacts, as well as HRA aspects. The process followed in the preparation of the Evidence Plan was aimed at building a non-legally binding agreement between the developer and the relevant statutory authorities and advisors, and other relevant stakeholders on those matters to be addressed by the EIA and HRA process, the data that will be used to support the assessments and the methods to be applied in analysing the data and assessing the potential impacts of a scheme. The final Evidence Plan Report accompanies the application (Document Ref: 8.5)

2.4.5 VWPL has carried consultation under Section 42 and 47 of the Planning Act for the Thanet Extension project, to ensure that the consultees were consulted at an early stage and had multiple opportunities to comment and influence the development process. The approach to the Section 42, Section 47 and Section 48 statutory consultation is detailed in Section 4, Section 6 and Section 7 of this report, respectively.

2.4.6 VWPL produced a Statement of Community Consultation (SoCC), in consultation with the relevant local planning authorities, which describes how VWPL planned to consult with the local community during the statutory consultation phase. The approach and consultation undertaken in relation to the SoCC is outlined in Section 6.3 of this report.

2.4.7 The statutory consultation with both Section 42 and 47 consultees took place, following submission of the PEIR in November 2017. The responses from this consultation (as detailed in section 9 of this report) were considered in the further development of the project going into the final application stage and Environmental Statement.

2.4.8 Statutory consultation under Section 48 of the Planning Act was completed in 2018 and comprised the publication of the Section 48 notice in the prescribed manner (as detailed in Section 7 of this report). Community consultation is ongoing and VWPL continue to engage with the local community through local liaison (see Section 2.4.8).

2.4.9 Following the statutory consultation, additional non-statutory consultation continued prior to the submission of the DCO application in order to further discuss key issues raised. Further detail on the post-statutory consultation engagement is presented in Section 9.31 of this report.

2.4.10 Table 2.1 provides further detail on both the statutory and non-statutory consultation activities undertaken, in chronological order, and provides links to where further information on the consultation is provided. For clarity, the statutory consultation activities are highlighted within red boxes.



Table 2.1. Summary of consultation activities

Project Development Stage	Dates	Key Consultation Activities	Key Consultees	Reference
Pre-scoping early stakeholder engagement	Throughout 2016	Meetings held with KCC and TDC to provide early notification of VWPL's intention to extend TOWF, outlining the proposed boundary, programme and proposed approach to project management and consultation going forward.	Local authorities; Stakeholders with a key interest in the project; Members of the Public.	A summary of early stakeholder engagement is provided in Section 4.
		Meeting held with the Fisheries Liaison Officer on behalf of TFA to discuss the proposed project and approach to continuing engagement and communication with TFA.		
		Follow up meetings held with KCC and TDC to provide the latest details on the project including early investigations, surveys and the project programme.		
		Early engagement with KWT to provide them with project information and to gain pre-scoping feedback on key receptor topics for the EIA.		
		Meeting held with Ramsgate Harbour Master to provide an overview of VWPL's early investigations and project details.		
Scoping	Scoping Report submitted to PINS 4 <sup>th</sup> January 2017. Scoping Opinion received 14 <sup>th</sup> February 2017.	Consultation on the Scoping Report with a Scoping Opinion sought from SoS. SoS and prescribed bodies provided feedback on the Scoping Report.	SoS; Prescribed Bodies.	Scoping is described in paragraph 2.4.3.
Post-scoping stakeholder engagement	Early engagement in early 2016, to beginning of statutory consultation 27 <sup>th</sup> November 2017.	Two phases of community consultation pre-PEIR involving local engagement sessions, meetings with key stakeholders, outreach works etc. A newsletter was sent out to raise awareness and to inform the local community.	Prescribed bodies; Non-statutory consultees; Local authorities; Offshore and onshore landowners, occupiers and land interests (Section 44); Local community.	Details of pre-PEIR engagement is provided in Section 4. Details of the Evidence Plan process pre-PEIR is described in Section 4.5. See also the Evidence Plan Report (Document Ref: 8.5).
		Two rounds of early engagement were held, one in January and one in May. Newsletters were sent out to all homes in the consultation area and a hard to reach survey was undertaken to understand the broader views and attitudes towards the project.		
		Consultation on emerging project design and assessment. EIA methodologies and baseline surveys agreed with appropriate consultees. Ongoing Fisheries Liaison. Land agent began contacting landowners and occupiers		
		Evidence Plan meetings were held with the Evidence Plan and topic-specific meetings with the relevant Technical Panels.		

Project Development Stage	Dates	Key Consultation Activities	Key Consultees	Reference
		<p>A meeting was held with KWT to discuss updates to the project and establish the principles of engagement moving forward. Later meetings were also held with KWT and the Pegwell Bay Country Park Steering Committee to discuss site selection and consultation requirements, to provide ecological survey details and updates on the status of the now cancelled Thanet 132 kV Cable Replacement project.</p> <p>Meeting held with Port of London Authority (PLA) to undertake early engagement to confirm the concerns that had been highlighted during scoping. A follow-up meeting was also held to discuss work on the outline pilotage study. A bridge simulation workshop was also held with relevant shipping and navigation stakeholders.</p>		
Section 47 – SoCC preparation and publication	Early engagement on the SoCC was undertaken with local authorities from April 2017. Formal consultation feedback on the SoCC was received from key stakeholders in September 2017, with the SoCC published in November 2017.	<p>Statutory consultation with the Local Authorities on the SoCC.</p> <p>Publication of the SoCC.</p> <p>Newsletter sent out in November 2017 informing of the SoCC publication and start of the Section 42 and 47 consultation.</p>	<p>Local authorities;</p> <p>The local community through newsletters and Public Information Days.</p>	<p>Details provided in Section 6.3.</p> <p>The draft and final SoCC are provided in Appendices C2.1 and C1.1, respectively.</p> <p>Comments received on the SoCC are provided in Appendix C2.2, along with a summary of how comments were addressed.</p> <p>Early PIDs described in Section 4.5.</p>
Sections 42 and 47 – Statutory consultation period	27 <sup>th</sup> November 2017 – 12 <sup>th</sup> January 2018.	<p>PEIR was published;</p> <p>Wrote to all consultees to notify them of the deadline for responses; and</p> <p>Public Information Days and pop-up events.</p>	<p>Prescribed bodies;</p> <p>Non-statutory consultees;</p> <p>Local authorities;</p> <p>Offshore and onshore landowners and occupiers (Section 44);</p> <p>The local community through newsletters and Public Information Days (PIDs).</p>	<p>Section 42 consultation is described in Section 5.</p> <p>Section 47 consultation is described in Section 6.</p> <p>Section 9 provides a summary of responses along with VWPL regard.</p>
Targeted Consultation following changes to the RLB	1 <sup>st</sup> May 2018 – 30 <sup>th</sup> May 2018	Following changes to the Red Line Boundary post-PEIR, targeted consultation was undertaken on these changes. Although the changes were not considered to be material or result in any changes to the outcomes of assessments presented in the ES, this consultation was undertaken to afford those who would be potentially affected an opportunity to provide comments. VWPL has considered the comments received.	<p>Local authorities;</p> <p>Statutory bodies;</p>	The process of targeted consultation is described in paragraph 5.4.22, with responses received and VWPL regard described in Section 9.31.

Project Development Stage	Dates	Key Consultation Activities	Key Consultees	Reference
		The comments are summarised, along with VWPL regard had to them, in Section 9 of this document.	Those with an interest in the land affected by the changes.	
Post-Statutory Consultation Stakeholder Engagement)	Post-Section 42 consultation from 12 <sup>th</sup> January 2018 to Application on 27 <sup>th</sup> June 2018.	Non-statutory consultation on site selection and EIA. Stakeholder engagement to address responses/ concerns raised during Section 42 consultation.	Prescribed bodies; Non-statutory consultees; Evidence Plan; Local authorities; Offshore and onshore landowners and occupiers.	A summary of post-stakeholder engagement, including the Evidence Plan and stakeholder meetings, can be found in paragraph 10.2.3.  See also the Evidence Plan Report (Document Ref: 8.5).
		Further Section 42 consultation with local authorities.		
		Meeting held with key Shipping and Navigation stakeholders on the extent of the array boundary and effects on navigable sea room.		
		Meeting held with London Southend Airport (LSA) to discuss the impacts on LSA and to investigate potential mitigation.		
		Meeting held with the Pegwell Bay National Nature Reserve Steering Group, headed by KWT, where updates to the project were provided. The Steering Group includes a number of stakeholders such as KWT, National Trust, KCC and DDC.		

## 2.5 Structure of the Consultation Report

- 2.5.1 This Consultation Report describes the consultation process that VWPL has followed in terms of both the non-statutory stages of consultation and the statutory consultation and publicity stages as required under Sections 42, 47 and 48 of the Planning Act.
- 2.5.2 This Consultation Report has been structured to take account of the most recent guidance provided in the Planning Inspectorate Advice Note 14. The main sections of the report, and the content of each, are set out in Table 2.2.

**Table 2.2 Structure of the Thanet Extension Consultation Report**

Section No.	Subtitle	Overview
1	Executive Summary	The Executive Summary provides a summary of the report to enable the reader to become rapidly familiarised with the report without having to read the entire document.
2	Introduction	Provides an overview and narrative of the whole pre-application stage as it relates to the Thanet Extension project and presents a quick reference guide and summary of the consultation undertaken. An overview to the structure and approach taken in the Consultation Report is also provided.
3	Legislation, guidance and advice	Provides the regulatory context to the Consultation Report and the consultation undertaken under the Planning Act 2008. Provides detail on the relevant legislation, guidance in the context of the Consultation Report and advice and sets out the approach to the Statements of Compliance set out throughout the document.
4	Non-Statutory Consultation	Describes the non-statutory consultation conducted prior to and during the statutory Sections 42, 47 and 48 consultation and publicity stages under the Planning Act. This includes a specific section on fisheries liaison.
5	Consultation under Section 42 of the Planning Act	Sets out what has been done to satisfy the requirements of Section 42 of the Planning Act including the identification of relevant Section 42 consultees during statutory consultation process.

Section No.	Subtitle	Overview
6	Consultation under Section 47 of the Planning Act	Describes the approach to the Section 47 consultation including development of, and consultation on, the Statement of Community Consultation (SoCC), publication of the SoCC and the methods used to consult with Section 47 consultees during the statutory consultation process.
7	Statutory Publicity under Section 48 of the Planning Act	Describes the development and publication of the Section 48 notice.
8	Consultation under the EIA Regulations	Provides an overview of consultation, including with transboundary consultees, under the EIA Regulations, including a summary of how the Applicant has complied with the Regulations.
9	Summary of responses under Section 42, Section 47 and Section 48 of the Planning Act	Describes, on an ES topic basis, the responses received from Section 42 and Section 47 consultees during the statutory consultation and summarises the regard that has been had to the responses in finalising the Application, thus demonstrating compliance with Section 49 of the Planning Act. Also describes the responses received as a result of the Section 48 notification and summarises the regard that has been had to the responses in finalising the Application.
10	Post-statutory consultation engagement (pre-application)	Summarises the consultation conducted following the statutory consultation in continuing discussions on outstanding matters prior to the Application being finalised.
11	Next Steps	Provides a brief overview of the post-application stage, including the examination and continued engagement with key stakeholders.
12	Conclusions	Summarises the consultation process, the feedback received from consultees and the changes to the application, as a result of the consultation undertaken.

- 2.5.3 A number of appendices are included to supplement the information provided in the Consultation Report and are referenced through the Consultation Report. The main body of this report summarises the consultation process, responses received and the regard that has been had to those responses. A more detailed summary of the consultation

responses is presented in Appendix G. These appendices contain tables of all relevant responses received during the statutory consultation. Table 2.3 below summarises the contents of these appendices.

**Table 2.3 Summary of the appendices to the consultation report**

Appendix	Title	Overview
<i>Appendix A: Compliance Checklist</i>		
A1	Compliance Checklist	Overview of how the requirements for statutory consultation have been met by the applicant.
<i>Appendix B: Section 42 Consultation</i>		
B1.1	Regulation 6 Notification	Letter sent to PINS providing Regulation 6 notification for Thanet Extension.
B1.2	Letter Confirming Compliance with the 2017 EIA Regulations	Copy of the letter sent to PINS indicating that VWPL had voluntarily complied with the requirements of the 2017 EIA Regulations.
B2.1	Regulation 9 List Letter	Letter from PINS providing the Regulation 9 list of statutory consultees for Thanet Extension.
B2.2	Regulation 9 List	List of Regulation 9 statutory consultees as received from PINS.
B3	List of Section 42 Consultees	Full list of consultees consulted under Section 42 of the Planning Act 2008.
B4.1	Section 42 Advance Notification	Copies of the letters that were sent to Section 42, 43 and 44 consultees providing advance notification of the Section 42 consultation. Letters were sent to Section 42 and 43 consultees on the 16 <sup>th</sup> November 2017 and Section 44 consultees on the 15 <sup>th</sup> November 2017.

B4.2	Section 42 Consultation Invitation	Example of the letter sent to Section 42 consultees inviting them to provide comments on the consultation documents under Section 42 of the Planning Act 2008.
B4.3	Original PHE Section 42 Letter	Copy of the original Section 42 letter sent to PHE in November 2017.
B4.4	Second PHE Section 42 Letter	Copy of the second Section 42 letter sent to PHE in February 2017.
B5.1	Survey Access Request Letter	Letter sent to Section 44 landowner consultees asking for land access for surveys.
B5.2	RFI Letter	Request for Information sent to landowners.
B5.3	RFI Form	Request for Information Form filled out by landowners.
B5.4	Site Notice	Copy of the site notice erected in conspicuous locations.
B5.5	Site Notice Locations and Photographs	Map of the locations that site notices were erected and photographs of them as they appears on-site.
B6.1	Section 46 Notification	Letter to PINS providing Section 46 notification for Thanet Extension.
B6.2	Acknowledgement of Section 46 Notification	Letter from PINS acknowledging the Section 46 notification provided by VWPL.
B7.1	List of Targeted Consultees Following RLB Changes Post-PEIR	Full list of those consultees contacted who would be affected by changes to the RLB post-PEIR.
B7.2	Letter Sent to Targeted Consultees Informing of RLB Changes.	Copy of the letter sent to the targeted consultees following changes to the RLB post-PEIR.

B8.1	Section 42 Letter sent to East Sussex County Council and Southend-on-Sea Borough Council	Copy of the letters sent to East Sussex County Council and Southend-on-Sea Borough Council in May 2018.
B8.2	Section 42 Letter sent to additional Section 42 Consultees in May 2018	Copy of the letters sent to additional Section 42 consultees in May 2018.
B9	Statutory Declaration	Copy of the Thanet Extension Statutory Declaration and evidence of posting.
<i>Appendix C: Section 47 Consultation</i>		
C1.1	SoCC	Statement of Community Consultation for Thanet Extension.
C1.2	List of SoCC Deposit Locations	A full list of the locations that the SoCC was made available to the community.
C1.3	Letter Sent to Local Deposit Locations	Copy of the letter sent to Local Deposit Locations informing them of the SoCC and associated documents that they would be receiving from VWPL.
C1.4	SoCC Newspaper Advertisement	Copy of the advertisement published in local newspapers notifying readers of the deposit of the SoCC.
C1.5	Letter informing of SoCC Publication	Letter sent to addresses in the local consultation area informing of the publication and deposit of the SoCC.
C1.6	Facebook Advert Informing of Start of Statutory Consultation	Message posted on the Vattenfall UK Facebook page informing of the start of the statutory consultation phase.
C1.7	Statutory Consultation Activities Advert	Advertisement/ poster published informing of the start of the statutory consultation phase, and the activities run as part of that period (PIDs etc.).
C1.8	SoCC Compliance Checklist	Checklist of the commitments made in the SoCC and how they have been complied with.

C2.1	Draft SoCC	Copy of the draft SoCC that was consulted on with local authorities prior to publication.
C2.2	Local Authority Comments on Draft SoCC and how they were Addressed in the Final SoCC	Checklist of local authority comments on the draft SoCC and a description of how they have been addressed by VWPL.
C3	Statutory Community Consultation Feedback Report	Feedback report to participants in the statutory community consultation, summarising the process and their responses.
C4.1	Early Community Consultation Report	Report on the early community consultation activities undertaken in early 2016
C4.2	Early PID Advertisement	Poster advertising the times and locations of the PIDs held in January 2017.
C4.3	Drop-in Surgeries Advertisement (May 2017)	Poster advertising the times and locations of the drop-in surgery sessions held in May 2017.
C4.4	Drop-in Surgeries Advertisement (June 2017)	Poster advertising the times and locations of the drop-in surgery sessions held in June 2017.
C4.5	Early Community Consultation Feedback Form	Blank version of the feedback form used in early community consultation.
C5.1	Community Consultation Feedback Form	Copy of the feedback form handed to community consultation participants to gain feedback on the proposed scheme.
C5.2	PID Information Boards.	Document containing the information boards/ posters that were on display at PIDs.
C5.3	Offshore Wind Energy Study	Report of the market research undertaken to ascertain views of residents towards the proposal.

C5.4	Offshore Wind Energy Business Report Presentation	Presentation given summarising the Offshore Wind Energy Study Report.
C6.1	List of Local Groups	List of local community groups, including schools and colleges, that were sent a copy of the Project Information Booklet.
C6.2	Project Information Booklet	Information booklet sent to local groups, deposit locations and schools.
C6.3	Slide Pack	Copy of the slide pack/ slide presentation that made available to local groups. VWPL also used the slide pack to give presentations.
C6.4	Letter Sending Project Booklet to Deposit Locations	Cover letter sent to deposit locations with copies of the project information booklet.
C6.5	Letter Sending Project Booklet to Local Groups	Cover letter sent to local groups with copies of the project information booklet.
C6.6	Letter Sending Project Booklet to Schools	Cover letter sent to schools with copies of the project information booklet.
C7.1	Project Newsletter (January 2017)	Project update newsletter published in January 2017.
C7.2	Project Newsletter (May 2017)	Project update newsletter published in May 2017.
C7.3	Project Newsletter (November 2017)	Project update newsletter published in November 2017.
C8.1	Press Release (January 2017)	Press release to local media published in January 2017.
C8.2	Press Release (August 2017)	Press release to local media published in August 2017.
C8.3	Press Release (November 2017)	Press release to local media published in November 2017.

C9	Thanet Fisherman's Association <i>pro forma</i> objection Letter	Pre-drafted letter received by members of the TFA.
<i>Appendix D: Section 48 Supporting Documents</i>		
D1.1	Copy of the published Section 48 notice	Section 48 notice published informing of the intent to apply for a DCO.
D1.2	Copies of the Published Section 48 Notices as they Appeared in Newspapers	Copies of the printed Section 48 Notice as they appeared in newspapers.
<i>Appendix E: Non-statutory Consultation</i>		
E1.1	Minutes of Meeting with DDC (26/04/2017)	Copy of the meeting minutes from the meeting held with DDC on 26 <sup>th</sup> April 2017.
E1.2	Minutes of Meeting with Ramsgate Harbour Master (20/09/2016)	Copy of the meeting minutes from the meeting held with the Ramsgate Harbour Master on 20 <sup>th</sup> September 2016.
E1.3	Minutes of Meeting with KCC (15/01/2016)	Copy of the meeting minutes from the meeting held with KCC on 15 <sup>th</sup> January 2016.
E1.4	Minutes of Meeting with KCC (26/09/2016)	Copy of the meeting minutes from the meeting held with KCC on 26 <sup>th</sup> September 2016.
E1.5	Minutes of Meeting with KCC (31/10/2016)	Copy of the meeting minutes from the meeting held with KCC on 31 <sup>st</sup> October 2016.
E1.6	Minutes of Meeting with TDC (16/02/2016)	Copy of the meeting minutes from the meeting held with TDC on 16 <sup>th</sup> February 2016.
E1.7	Minutes of Meeting with TDC (20/09/2016)	Copy of the meeting minutes from the meeting held with TDC on 20 <sup>th</sup> September 2016.

E1.8	Minutes of Meeting with TDC (29/06/2017)	Copy of the meeting minutes from the meeting held with TDC on 29 <sup>th</sup> June 2017.
E1.9	Minutes of Meeting with TFA (05/08/2017)	Copy of the meeting minutes from the meeting held with TFA on 5 <sup>th</sup> August 2017.
E1.10	Minutes of Meeting with KWT (17/03/2017)	Copy of the meeting minutes from the meeting held with KWT on 17 <sup>th</sup> March 2017.
E1.11	Minutes of Meeting with KWT (02/05/2018)	Copy of the meeting minutes from the meeting held with KWT on 2 <sup>nd</sup> May 2018.
E1.12	Email of First Contact with KWT (27/09/2016)	Copy of the email demonstrating first contact with KWT.
E1.13	Minutes of Meeting with KWT (23/08/2017)	Copy of the meeting minutes from the meeting held with KWT on 23 <sup>rd</sup> August 2016.
E1.14	Minutes of Meeting with KCC (19/04/2018)	Copy of the meeting minutes from the meeting held with KCC on the outline LEMP on 19 <sup>th</sup> April 2018.
E2.1	Minutes of Meeting with Craig Mackinlay MP (07/03/2017)	Copy of the meeting minutes from the meeting held with Craig Mackinlay MP on 7 <sup>th</sup> March 2017.
E2.2	Minutes of Meeting with Craig Mackinlay MP (21/11/2017)	Copy of the meeting minutes from the meeting held with Craig Mackinlay MP on 21 <sup>st</sup> November 2017.
E2.3	Minutes of Meeting with Roger Gale MP (06/02/2017)	Copy of the meeting minutes from the meeting held with Roger Gale MP on 6 <sup>th</sup> February 2017.
E2.4	Minutes of Meeting with Roger Gale MP (21/11/2017)	Copy of the meeting minutes from the meeting held with Roger Gale MP on 21 <sup>st</sup> November 2017.
E3	Emails Notifying Elected Representatives of the Project	Copies of emails sent to Craig Mackinlay MP and Roger Gale MP,

		notifying them of the project in January 2017.
E4	List of Non-Statutory Meetings and Stakeholder Engagement	List of non-statutory meetings held outside of the formal consultation process, including the Evidence Plan and bi-lateral meetings held with non-statutory consultees.
<i>Appendix F: Transboundary Consultation Documents</i>		
F1	EIA Regulation 24 Notice	Copy of the published Regulation 24 notice for transboundary consultation.
F2	Regulation 24 Transboundary Screening Document	Report received from PINS advising on transboundary consultation.
F3.1	Regulation 24 Response (Belgium)	Regulation response received from Belgium.
F3.2	Regulation 24 Response (Netherlands)	Regulation response received from The Netherlands.
F3.3	Regulation 24 Response (Denmark)	Regulation response received from Denmark.
F3.4	Regulation 24 Response (France)	Regulation response received from France.
<i>Appendix G: Section 42 and 47 Responses</i>		
1.1	Responses Received from Section 42 Consultees (Offshore)	List of Section 42 responses received relating to offshore topics.
1.2	Responses Received from Section 42 Consultees (Onshore)	List of Section 42 responses received relating to onshore topics.
2.1	Responses Received from Section 44 Landowners (Offshore)	List of Section 44 responses received relating to offshore topics.
2.2	Responses Received from Section 44 Landowners (Onshore)	List of Section 44 responses received relating to onshore topics.
3.1	Responses Received from Section 47 Consultees (Offshore)	List of Section 47 responses received relating to offshore topics.



3.2	Responses Received from Section 47 Consultees (Onshore)	List of Section 47 responses received relating to onshore topics.
4	Responses Received from Targeted Consultees (Post-PEIR RLB Changes)	List of responses received from targeted consultees relating to the post-PEIR RLB changes.

2.5.4 Throughout the Consultation Report, reference is made to a number of other Application documents, particularly the ES and the draft DCO. In reading this report, due attention should be paid to the contents of these other application documents. This is particularly important in understanding how regard has been had to the consultation responses in finalising the Application.

### 3 Legislation, Guidance and Advice

#### 3.1 Introduction

3.1.1 This section provides an overview of the legislation, guidance and advice relevant to the consultation undertaken for the Thanet Extension application and puts this into context with respect to the structure and contents of this Consultation Report.

3.1.2 The requirement for a consultation report is set out in Section 37(3)(c) of the Planning Act where it is noted that an application must, among other things, be accompanied by a consultation report. Section 37(7) of the Planning Act defines the consultation report as a document giving details of:

- What has been done by the Applicant in order to comply with Sections 42, 47 and 48 of the Planning Act in relation to a proposed application that has become the application;
- Any relevant responses received to statutory consultation undertaken; and
- The account taken by the Applicant of any relevant responses.

3.1.3 The legislative context on these Sections of the Planning Act is further described in this Consultation Report as follows:

- The duty to consult under Section 42 is set out in section 4;
- The duty to consult under Section 47 is set out in section 6; and
- The duty to publicise under Section 48 is set out in section 7.

#### 3.2 Relevant legislation and guidance

3.2.1 In developing the approach to the pre-application consultation for Thanet Extension, VWPL has given careful consideration to the specific requirements set out in the following legislation and guidance:

- The Planning Act 2008 (as amended);
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the EIA Regulations);
- The Infrastructure Planning (Applications, Prescribed Forms and Procedures) Regulations 2009 (as amended) (the APFP Regulations);
- DCLG guidance on pre-application process: consultation (April 2012); and
- DCLG guidance on the pre-application process (March 2015).

3.2.2 In addition, in preparing this Consultation Report, the following guidance and advice notes have been complied with:

- The Planning Inspectorate Advice Note 3 on EIA consultation and notification (August 2017);
- The Planning Inspectorate Advice Note 6 on the preparation and submission of application documents (February 2016);
- The Planning Inspectorate Advice Note 12 on development with significant transboundary impacts consultation (December 2015);
- The Planning Inspectorate Advice Note 14 on the Consultation Report (April 2012); and
- The Planning Inspectorate Advice Note 16 on the developer's pre-application consultation, publicity and notification duties (July 2015).

3.2.3 VWPL has also taken into consideration the National Policy Statements (NPS) – specifically the Overarching NPS for Energy (EN-1), the NPS for Renewable Energy Infrastructure (EN-3) and the NPS for Electricity Networks Infrastructure (EN-5).

3.2.4 A brief summary of consultation undertaken in accordance with the EIA and Habitats Regulations is included in this report in section 8, although the primary focus of the Consultation report is consultation undertaken in accordance with Sections 42, 47 and 48 of the Planning Act.

3.2.5 By way of demonstrating how this compliance has been achieved, a compliance checklist which details how the Applicant has complied with the relevant requirements in the Planning Act, the APFP Regulations, the EIA Regulations and the DCLG Guidance, by reference to the relevant sections of this Consultation Report, is provided in Appendix A1.

## 4 Non-statutory consultation

### 4.1 Introduction

- 4.1.1 This section of the Consultation Report sets out the non-statutory consultation that VWPL has undertaken prior to, and during, the statutory consultation activities prescribed by the Planning Act. Consultation undertaken during these periods is referred to throughout the Consultation Report as ‘non-statutory consultation’ in so far as it refers to the consultation undertaken outwith the statutory pre-application consultation requirements set out under Sections 42, 47 and 48 of the Planning Act.
- 4.1.2 Following statutory Section 42 consultation on the project, VWPL undertook further non-statutory consultation and discussions with a range of consultees on the remaining key issues raised during the statutory consultation period. This non-statutory post-section 42 consultation is considered separately in Section 9.31 of this report.
- 4.1.3 VWPL has considered feedback received during all of the non-statutory consultation and, where relevant, this has helped to shape the final form of the application alongside those comments received during the statutory consultations.

### 4.2 Relevant guidance

- 4.2.1 By definition, there is no statutory requirement for non-statutory consultation to be undertaken or reported upon. However, the DCLG guidance on pre-application consultation notes, in paragraph 21, that technical expert input (from key stakeholders) will often be needed in advance of formal compliance with the pre-application requirements and that early engagement with these ‘technical’ bodies can help avoid unnecessary delays and the costs of having to make changes at later stages of the process.
- 4.2.2 In addition, paragraph 52 of the DCLG guidance suggests that applicants might wish to consider undertaking non-statutory early consultation at a stage where options are still being considered as this will be helpful in informing proposals and assisting the Applicant in establishing a preferred option on which to undertake statutory public consultation.
- 4.2.3 The Planning Inspectorate also recognises, in Advice Note 14, that applicants may have been engaged in non-statutory consultation in advance of statutory consultation under the Planning Act. It is advised in this guidance that any such consultation, not carried out under the provisions of the Planning Act, is identified separately from statutory consultation in the Consultation Report.

### 4.3 Non-statutory consultees

- 4.3.1 DCLG Guidance (DCLG, 2013) encourages applicants to consult widely on project proposals. VWPL has an extensive list of consultees that goes beyond those prescribed

by section 42 and those captured as part of the community consultation process under section 47.

- 4.3.2 Outside of the statutory consultation process, VWPL also engaged with statutory bodies and key stakeholders before, during, and after the statutory consultation period. The Evidence Plan was aimed at producing a non-legally binding agreement between VWPL and the relevant statutory authorities, advisors and other relevant stakeholders on those matters addressed by the EIA and HRA processes, the data that will be used to support the assessments, and the methods to be applied in analysing the data and potential impacts of the proposed development. Further detail on the Evidence Plan process can be found in Section 4.6.
- 4.3.3 Since the development of the existing TOWF, Vattenfall have been active in the local community and have been able to build up local knowledge and engage with non-statutory consultees through well-established local contacts and groups. Further information on the types of local liaison activities undertaken are described in Section 4.8.
- 4.3.4 VWPL carried out early community consultation in January 2017, informing local communities and stakeholders of the intention to extend TOWF. This early consultation included:
- Sending newsletters to all homes within the original consultation area (around 65,000 homes) (Appendix C7.1 and 7.2);
  - Press releases to local media (Appendix C8.1 – 8.3);
  - Advertisements in local newspapers (e.g. Appendix C1.4);
  - Letters sent to key stakeholders including parish councils and elected representatives (Appendix C1.5);
  - Distribution of information through social media channels (e.g. Appendix C1.6); and
  - A meeting with local parish councils and key residents’ associations.
- 4.3.5 All relevant stakeholders were invited to attend a PID (six were held in total), to allow them to provide early feedback. In response to this, an early feedback report (Appendix C4.1) was sent to all participants who left contact details in April 2017. The report was also made available on the project website. A further newsletter was also sent to homes within the consultation area in May 2017, which included an invitation to local surgery sessions in advance of the statutory consultation period. A copy of this newsletter which includes details of the drop-in surgeries is contained in Appendix C7.2.

#### 4.4 Non-statutory consultation process

- 4.4.1 Whilst the non-statutory consultation was not carried out under a section 42, 47 or 48 processes, VWPL considered any feedback and it has helped to shape the application. Such responses are classified by VWPL as non-statutory consultation.
- 4.4.2 This consultation took place by means of the Evidence Plan process, one-to-one meetings, workshops on specific subjects to which several different stakeholders were invited, written correspondence or telephone conversations. Wherever possible, VWPL endeavoured to minimise the consultation burden on stakeholders by ensuring that, where appropriate, multiple topics were covered in a session, suitable pre-reading was sent in advance, accurate minutes of meetings were produced, and an acceptable amount of time was allowed for post meeting comments to be submitted. A summary table of the non-statutory consultation meetings held throughout the project development is contained in Appendix E4. The meetings with the Evidence Plan are also described in the Evidence Plan Report (Document Ref 8.5).
- 4.4.3 The majority of non-statutory consultation concerned elements of the environmental impact Assessment (EIA) process such as survey scope, assessment methodologies and mitigation proposals.

#### 4.5 Early Community Consultation

- 4.5.1 VWPL undertook extensive early community consultation to gain feedback on the initial proposals in 2017. Several methods were used to inform the community of the proposals, in summary:
- A letter was sent to local parish councils, elected representatives and local groups;
  - A newsletter was sent to local homes;
  - Adverts were placed in local newspapers;
  - Press releases were distributed to local media, which resulted in coverage in local newspapers, television and radio broadcasts; and
  - Information was shared via social media.
- 4.5.2 Two rounds of early engagement, in which a hard to reach survey including over 600 participants, meetings with key stakeholders and outreach work were undertaken, were carried out in January and May 2017.
- 4.5.3 Feedback forms were also distributed to gain initial feedback, which resulted in 113 responses. The early community consultation activities and responses to the questionnaire are summarised in the Early Community Consultation Report (Appendix C4.1).

- 4.5.4 Early Public Information Days (PIDs) were also held where members of the local community could find out about the plans and provide feedback on the early proposal. The dates and locations of these early PIDs were detailed in an advertisement (Appendix C4.2)

#### 4.6 Evidence Plan

- 4.6.1 The Evidence Plan process was initially developed by the Major Infrastructure Environment Unit (MIEU) of Defra to provide a formal mechanism to agree between Applicants and statutory bodies what information and evidence an applicant for a Nationally Significant Infrastructure Project (NSIP) should submit in support of an application, with specific focus on HRA matters. However, in practice, the MIEU advises that topic areas that may be covered in an Evidence Plan can be expanded, at the request of the developer, to include broader EIA issues as well as HRA issues. For the purposes of the Thanet Extension Evidence Plan, the remit has been widened in agreement with MIEU and PINS, to EIA topics in addition to HRA aspects. As a consequence, it has been agreed that PINS take an overarching role in the process, being a member of the Evidence Plan Steering Group, and that the Evidence Plan itself is entitled an EIA Evidence Plan to distinguish it from a solely HRA related Evidence Plan. HRA matters have been addressed through the HRA Technical Panel of the Evidence Plan.
- 4.6.2 The key stakeholder for the HRA is the relevant SNCB, in this instance Natural England. For the EIA, it was appropriate for a wider group of relevant statutory authorities and non-statutory bodies to be invited into the Evidence Plan process as stakeholders. VWPL identified the following stakeholders for the Evidence Plan for Thanet Extension, all of whom agreed to participate in the process:
- Natural England;
  - Marine Management Organisation (MMO) (with their advisers Cefas);
  - Environment Agency (EA);
  - Kent County Council (KCC);
  - Dover District Council (DDC);
  - Thanet District Council (TDC);
  - Swale Borough Council;
  - Essex County Council (ECC);
  - Rochford District Council;
  - Maldon District Council;
  - Tendring District Council;
  - Canterbury City Council;

- Royal Society for the Protection of Birds (RSPB);
  - Kent Wildlife Trust (KWT);
  - Kent and Essex Inland Fisheries Conservation Authority (IFCA); and
  - Whale and Dolphin Conservation.
- 4.6.3 As stated in their Section 42 response (paragraph 9.23.8), KWT expressed disappointment with the consultation process leading up to the submission of the PEIR, stating that their concerns had been repeatedly disregarded and their views on route preference had been intentionally misrepresented. They therefore withdrew from the Evidence Plan meetings. VWPL disagree with this statement and maintain that KWT were engaged as a non-statutory consultee from an early stage of the project. VWPL continued to invite KWT to Evidence Plan meetings and involve them in the Evidence Plan Process, as well as engaging with KWT outside of the Evidence Plan. A summary of pre- and post-statutory stakeholder engagement (including with KWT) is provided in Sections 4.7 and 10.2, respectively.
- 4.6.4 The Evidence Plan comprised a series of Technical Panels:
- HRA;
  - Human Environment;
  - Hydrology and Flood Risk;
  - Marine Ecology;
  - Landscape and Visual;
  - Offshore Historic Environment;
  - Onshore Historic Environment;
  - Offshore Ornithology; and
  - Onshore Ecology.
- 4.6.5 An Evidence Plan report is submitted with the application (Document Ref: 8.5) which summarises the Evidence Plan process, the roles of those involved including the technical panels listed above and the aims and objectives of the EIA Evidence Plan. The Evidence Plan Report also summarises the outcomes of meetings and consultation undertaken through the Evidence Plan Process.

## 4.7 Additional Stakeholder Engagement

- 4.7.1 Outside of the statutory consultation activities, VWPL has engaged in non-statutory consultation activities from a very early stage. Stakeholder engagement has taken a variety of forms and has continued throughout all stages of project development up to

application. It is the intention of VWPL that this stakeholder engagement should continue.

- 4.7.2 A summary of non-statutory stakeholder engagement activities undertaken prior to and during the statutory consultation period is provided below. A summary of post-statutory consultation activities undertaken is also provided in a similar way in Section 4. These summaries are not intended as exhaustive lists of all non-statutory consultation undertaken by VWPL on the Thanet Extension, rather they are intended to provide an overview of the key activities undertaken at all stages throughout the project development.
- A meeting was held with KCC on 15<sup>th</sup> January 2016 in order to provide early notification to the attendees on VWPL's investigations into extending TOWF. The meeting outlined the proposed development boundary, timeline, project management approach, details of the early stage stakeholder engagement and details of pre-application survey work. See Appendix E1.3.
  - A similar meeting to the above was held with TDC on 16<sup>th</sup> February 2016. See Appendix E1.6.
  - A meeting was held with the Fisheries Liaison Officer of TFA on 5<sup>th</sup> August 2016 to discuss updates to the project and ongoing communication with TFA. See Appendix E1.9.
  - A follow-up meeting was held with TDC on 20<sup>th</sup> September 2016 to provide an update on VWPL's early investigations and project proposals on extending TOWF, providing that latest details on the proposal and the project programme. See Appendix E1.7.
  - A follow-up meeting was held with KCC on 26<sup>th</sup> September 2016 to provide the latest details on the proposed development, including surveys and the project programme. See Appendix E1.4.
  - On 27<sup>th</sup> September 2016, KWT were contacted in order to provide them with project information and to gain pre-scoping feedback from KWT on key receptor topics for the EIA, the approach to surveys and the approach to further engagement. Following on from this, KWT were invited to take part in the Evidence Plan process through the onshore ecology and ornithology technical panels. KWT responded stating that it would be unlikely that they would have the capacity to contribute to the technical panels and preferred to concentrate their consultation efforts on the official consultation stages of the EIA. It was also noted that if additional infrastructure across any KWT reserves was proposed, then the Head of Reserves and Chief Executive should be involved directly as a separate matter. See Appendix E1.12.
  - A meeting was held with the Harbour Master of Ramsgate Harbour and the Chairman of Sandwich Port and Haven Commissioners on 29<sup>th</sup> September 2016 to provide an overview of VWPL's early investigations and the project proposal. See Appendix E1.2.

- A meeting was held with KWT (CEO and Head of Reserves) on 17<sup>th</sup> March 2017 to discuss updates to the project, initiate engagement with KWT and establish the principles of engagement going forward. In summary, KWT highlighted the previous experience of the Nemo Link cable installation across their land that, if Thanet Extension cables were laid across their land, that they would expect a substantial and sustained payment throughout the lifetime of the cable. See Appendix E 1.10.
- On 5<sup>th</sup> April 2017, a meeting was held with the Port of London Authority (PLA) to undertake early consultation to confirm the themes of concern that had been identified through earlier documentation (e.g. Scoping Report, Maritime Traffic Survey etc.).
- A commercial fisheries teleconference call was held on 6<sup>th</sup> April 2017 with the Fisheries Liaison Officer representing TFA in order to clarify data needs and to provide updates matters relating to commercial fisheries.
- On the 14<sup>th</sup> August 2017, a follow-up meeting was held with PLA to discuss the work carried out to date and to gain feedback on the Outline Pilotage Study. Feedback was also gained on the bridge simulation, for which a simulation workshop was held with relevant shipping and navigation consultees on 20<sup>th</sup> – 21<sup>st</sup> September 2017.
- A meeting was held with KWT on 23<sup>rd</sup> August 2017 to discuss the onshore site selection and consultation requirements, and to provide KWT with an update on the Thanet Extension project. The items discussed also included a summary of the ecological field surveys conducted, the onshore cable route options and an update on the Thanet 132 kV Cable Replacement project. See Appendix E1.14. A follow-up meeting was also held on 7<sup>th</sup> September 2017 with the wider Nature Reserve Steering Group.
- On the 5<sup>th</sup> October 2017, an informal consultation meeting was held with the Pegwell Bay Country Park Steering Committee to discuss updates to the project and to provide information on the site selection process up to this point. The (now discounted) Nemo Crossing option was discussed and a site walkover was carried out within the Pegwell Bay Country Park. See Appendix E1.11.

#### 4.8 Local liaison

- 4.8.1 Vattenfall have been working in Kent for over 10 years, with an appointed Local Liaison Officer working in the community to ensure strong links and understanding of important local issues.
- 4.8.2 Over that 10 years, Vattenfall have supported a number of community events such as Broadstairs Folk Week, Discovery Planet (mixing art and science) and have been headline sponsors of the KM Bike Ride, which supports local charities, for five years.
- 4.8.3 Vattenfall undertakes regular outreach work in Thanet to local groups such as the Rotary Society, Probus, hobby groups, town societies and councils. This work also includes working with schools as well as local Cubs, Scouts and Guides groups. Vattenfall's

educational work includes a successful summer environmental education programme called 'The Coast Explorer', a programme created Vattenfall in partnership with The Crown Estate. It is now in its fifth year and has enabled more than 2000 local school children to learn about their coastal environment and renewable energy. Three years ago, The Crown Estate added a summer internship to this programme with the aim of unlocking opportunities in the marine industry for local students.

- 4.8.4 Vattenfall also have a long-established relationship with Educational Business Partnership Kent who organise events where employers can engage with schools and teachers. This work is aimed at raising children's aspirations in an economically challenged area and members of staff from the Vattenfall Operations and Maintenance unit attended this event.
- 4.8.5 Vattenfall have strong connections with the Thanet and East Kent Chamber and regularly attend business networking events, having also attended Kent's largest supplier event, Kent Vision Live, for the last five years. Vattenfall are currently working closely with KCC in improving a supplier database called 'Kent Wind Energy' which Vattenfall have contributed to for over five years and which is currently undergoing improvements, and which is funded by Vattenfall.
- 4.8.6 Vattenfall have been active in the local community since the development of TOWF and the expectation is that this engagement will only continue and improve as the Thanet Extension project progresses.

#### 4.9 Fisheries liaison

- 4.9.1 VWPL has established a good working relationship with local fishermen since the development of the existing Thanet offshore wind farm. As a result, Thanet Fishermen's Association (TFA) has been included in consultation activities from an early stage.
- 4.9.2 The benefits of early and ongoing consultation between developers and the local fishing industry have been agreed by both parties and demonstrated with TOWF. During the planning phase there were opportunities for fishermen to provide their views on the development both informally through liaison meetings and formally through the provision of representations and attendance at hearings, as well as providing data to support the EIA process.
- 4.9.3 The main forum for discussing concerns related to the proposed development has been direct communication between TFA and VWPL. The TFA membership comprises fishermen from the main fishing ports in the vicinity of the proposed development, which include Whitstable, Margate, Broadstairs and Ramsgate. TFA and VWPL have engaged in several meetings during the pre-application stage and it is expected that the TFA will continue to be updated by VWPL, with the scheduling of meetings based upon need.
- 4.9.4 As part of the application, VWPL have included an outline Fisheries Coexistence Plan (Document Ref: 8.8), which sets out the procedures to facilitate co-existence between

the proposed development and local commercial fishing interests during the construction, O&M and decommissioning phases of the project. The plan was produced with the aim of providing local commercial fishing interests with confidence in the mechanisms of fisheries liaison for the proposed development.

## 5 Consultation under Section 42 of the Planning Act

### 5.1 Introduction

5.1.1 This section of the Consultation Report sets out the activities undertaken by VWPL to comply with its duty to consult under Section 42 of the Planning Act. It provides the information relevant to the Section 42 consultation as required under Section 37(7)(a) of the Planning Act and the relevant parts of the Planning Inspectorate and DCLG guidance on pre-application consultation (summarised in Section 3).

5.1.2 VWPL carried out statutory consultation under Section 42 of the Planning Act to ensure that the prescribed consultees were engaged and had opportunities to comment.

5.1.3 Section 42 and 47 consultation was aligned to the same period, starting on the 27<sup>th</sup> November 2017, in order to simplify the process and to allow all consultees an opportunity to comment simultaneously. It should be noted, therefore, that any consultation documents employed under Section 47 described in Section 6, also formed part of the suite of document employed for Section 42 consultation. PIDs described in Section 6 also allowed both Section 47 and 42 consultees to comment.

### 5.2 Legislative context

5.2.1 Section 42 (1) of the Planning Act requires the Applicant to consult the following about the proposed application:

- a) such persons as may be prescribed;
- aa) the Marine Management Organisation (MMO);
- b) each Local Authority that is within Section 43 of the Act;
- c) the Greater London Authority if the land is in Greater London; and
- d) each person who is within one or more categories set out in Section 44 of the Act.

5.2.2 For the purposes of Section 42(a) of the Planning Act, the persons prescribed are those listed in column 1 of the table in Schedule 1 to the APFP Regulations.

5.2.3 With regard to Section 42(b), Local Authorities are defined as those within whose area the land to which the proposed application relates is located (Section 43(1) (“B”) Local Authorities). It also includes those Local Authorities that share a boundary or any part of

a boundary with the Section 42(1) (“B”) authorities (Section 43(2) (“A”) Local Authorities). A local authority (“D”) is that which is not a district council and where the land is in the area of a county council (“C”) and any part of the boundary of D’s area is also part of the boundary of C’s area.

5.2.4 For Thanet Extension, relevant Local Authorities are county councils, unitary authorities or district councils in England (Section 43(3)(a)). Section 43 was amended by the Localism Act 2011 to remove the requirement to consult with lower-tier district councils that border an upper-tier county council within which the project is located but not of course those counties and unitary authorities that border the County Council within which the development relates.

5.2.5 A full list of consultees identified in accordance with Section 42 (1) (a), (aa), (b) is included in Appendix B3 and described in more detail below.

5.2.6 For the purposes of Section 42(d), a person is within Section 44 of the Planning Act if the Applicant knows (after making diligent inquiry) that the person is an owner, lessee, tenant or occupier of the land (Category 1, Section 44(1)); is interested in the land or has power to sell and convey the land or to release the land (Category 2, Section 44(2)); or is entitled to make a relevant claim if the order sought by the proposed application were to be made and fully implemented (Category 3, Section 44(4)).

5.2.7 There is a duty on the Applicant, when consulting a person or organisation under Section 42, to notify them of the deadline for receipt of comments to the consultation (Section 45(1)). This must be a minimum of 28 days, commencing on the day after the day on which the person receives the consultation documents (Section 45(2)). Consultation documents must be supplied to the person by the Applicant for the purposes of the consultation (Section 45(3)). During statutory consultation, VWPL provided consultees with more than the minimum 28 days to respond to the consultation materials as this overlapped with the 2017 Christmas period. The statutory consultation period occurred from 27<sup>th</sup> November 2017 to 12<sup>th</sup> January 2018 (inclusive).

5.2.8 Aligned with statutory consultation under Section 42 is a requirement for the Applicant to notify the Planning Inspectorate of the proposed application under Section 46. This must be done on or before commencing consultation under Section 42 (section 46(2) of the Planning Act) and the Planning Inspectorate must be supplied with the same information as is proposed to be used for Section 42 consultation (Section 46(1)).

### 5.3 Identification of Section 42 consultees

5.3.1 The following sections provide detail on how VWPL identified Section 42 consultees for both the statutory consultation under the following three categories:

- Prescribed Bodies;
- Local Authorities (including relevant National Park Authorities); and

- Landowners and Others with an Interest in the Land.
- 5.3.2 For the remainder of the Consultation Report the consultees identified under these three groups are referred to collectively as Section 42 consultees. It should be noted that in the relevant sections of the report (e.g. response summaries and how VWPL has had regard to responses), the Section 42 consultees have been considered separately under the three categories described. A full list of the Section 42 consultees is provided in Appendix B3.

#### Prescribed bodies

- 5.3.3 Prescribed bodies cover the main statutory bodies that are to be consulted under Section 42 as part of the pre-application process. They comprise ‘technical’ bodies with specific expertise and/or statutory responsibility for a given discipline.
- 5.3.4 The starting point for identifying the prescribed bodies relevant to Thanet Extension was the list of consultees prescribed in Schedule 1 of the APFP Regulations. This list of consultees was then augmented by additional bodies which were notified of the proposed application by the Planning Inspectorate under Regulation 9(1)(a) of the EIA (hereafter referred to as the Regulation 9 list) (Appendix B2.2). The production of this list was triggered by VWPL notifying the Planning Inspectorate that it proposed to provide an ES in respect of the development under Regulation 6(1)(b) of the EIA Regulations (Appendix B1.1).
- 5.3.5 VWPL also submitted a letter explaining that VWPL would be voluntarily complying with the 2017 EIA Regulations. The 2017 EIA Regulations notification is provided in Appendix B1.2.

#### Local Authorities (Section 43)

- 5.3.6 With regard to identifying the Section 43(1) Local Authorities, the ‘land’ for the proposed development was defined as the area within which the onshore infrastructure was to lie. Given the proposed locations of the onshore cables and substation, the ‘land’ was within the jurisdiction of Kent County Council (KCC) (‘C’), Thanet District Council (TDC) (‘B’) and Dover District Council (DDC) (‘B’). Therefore, these councils were identified as the Local Authorities defined under Section 43(1) of the Planning Act with the intention being to:
- Consult the Authority on the project under Section 42; and
  - Consult the Authority on the content of the Statement of Community Consultation (SoCC) under Section 47(2) (see Section 6.3).
- 5.3.7 ‘Local Authorities’ under Section 43 also includes those local authorities that share a boundary with that authority. A local authority (‘A’) is a neighbouring local authority that shares a boundary with unitary or lower-tier district council within whose area the development is situated (‘B’). A local authority (‘D’) is that which is not a district council

and where the land is in the area of a county council (‘C’) and any part of the boundary of D’s area is also part of the boundary of C’s area.

- 5.3.8 Only local authorities that whose borders overlap with the project boundary are required to be consulted on the SoCC. Those authorities with a boundary to KCC, TDC and DDC and therefore relevant under Section 43(2) of the Planning Act (Section 43(2) (‘A’) Local Authorities), are listed below in Table 5.1.

**Table 5.1 List of local authorities identified under Section 43**

Authority	Category	Description
Thanet District Council	B	Unitary authority in which the development is situated
Dover District Council	B	Unitary authority in which the development is situated
Canterbury City Council	A	Unitary authority which shares a border with a ‘B’ authority
Shepway District Council	A	Unitary authority which shares a border with a ‘B’ authority
Kent County Council	C	Upper-tier county council in which the development is situated
Essex County Council	D	Unitary council or an upper-tier county council which shares a border with a host ‘C’ authority
Surrey County Council	D	Unitary council or an upper-tier county council which shares a border with a host ‘C’ authority
East Sussex County Council	D	Unitary council or an upper-tier county council which shares a border with a host ‘C’ authority
Southend-on-Sea Borough Council	D	Unitary council or an upper-tier county council which shares a border with a host ‘C’ authority
London Borough of Bromley Council	D	Unitary council or an upper-tier county council which shares a border with a host ‘C’ authority

Authority	Category	Description
London Borough of Bexley Council	D	Unitary council or an upper-tier county council which shares a border with a host 'C' authority
Thurrock Borough Council	D	Unitary council or an upper-tier county council which shares a border with a host 'C' authority

5.3.9 East Sussex County Council and Southend-on-Sea Borough Council were not consulted initially, and due to the distance between the proposed development and East Sussex, it was deemed that East Sussex would not be materially affected by the project. However, as consultation with unitary or upper-tier county councils that share a border with a host 'C' authority is a requirement of the Planning Act, a letter dated 17<sup>th</sup> May 2018 (Appendix B8.1) was sent to East Sussex County Council and Southend-on-Sea Borough Council to afford them the opportunity to provide comments on the project.

5.3.10 East Sussex County Council confirmed via email on 21<sup>st</sup> June 2018 that they did not wish to make any comments on the proposal in its capacity as a County Planning Authority.

5.3.11 The Planning Inspectorate Advice Note 3 (The Planning Inspectorate, July 2013) recommends that developers of offshore schemes also consult Local Authorities that may be visually impacted by the offshore elements of the proposals, even if they are not captured within the definitions set out under Section 43 of the Act.

5.3.12 Given the relatively short distance from the UK coastline, the 45 km Zone of Visual Influence for the offshore infrastructure of Thanet Extension includes a number of local authorities, listed below and shown in Figure 5-1.

- Kent County Council;
- Essex County Council
- Thanet District Council;
- Dover District Council;
- Rochford District Council;
- Maldon District Council
- Swale Borough Council;
- Shepway District Council;
- Tendring District Council; and

- Canterbury City Council.

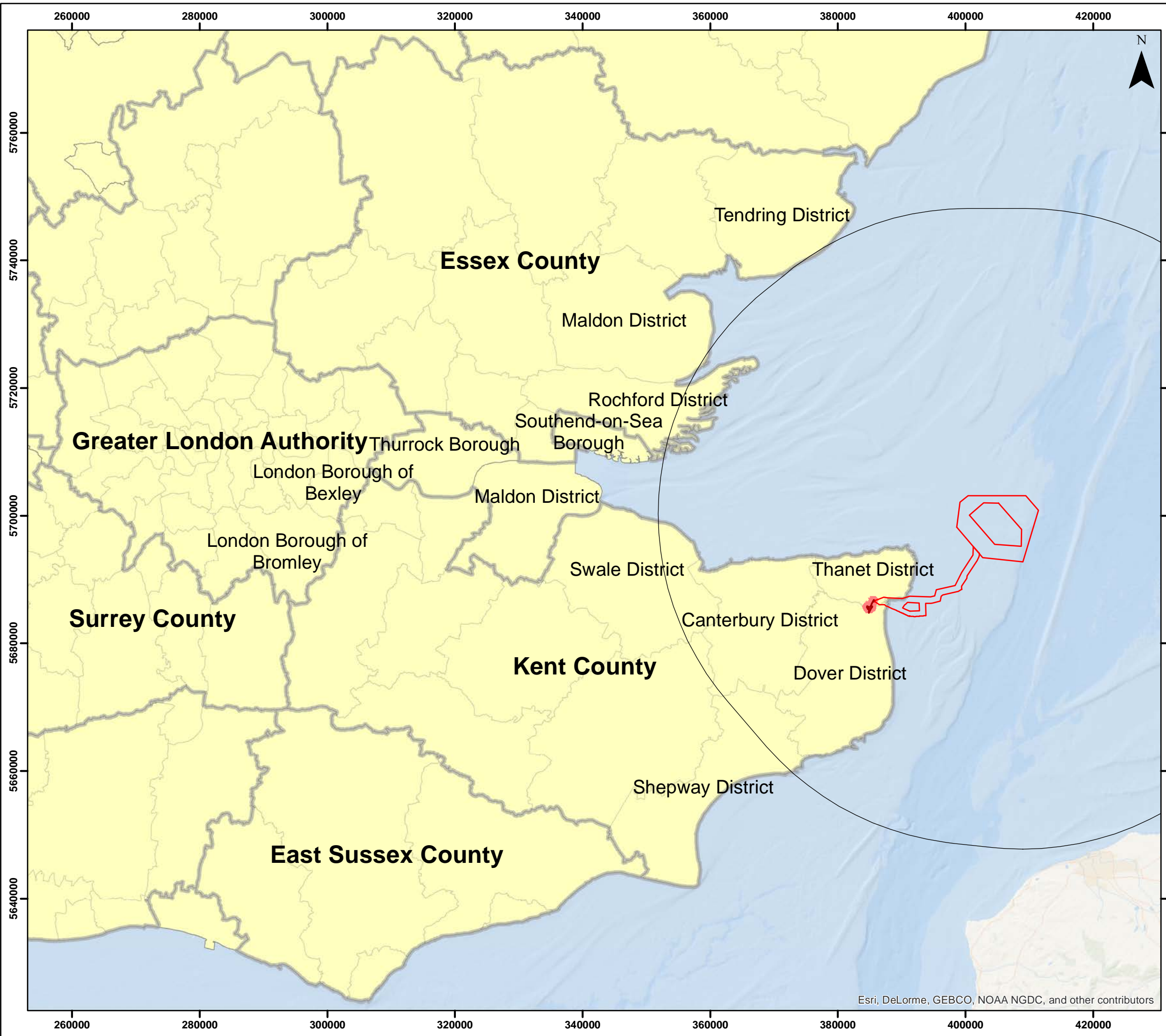
5.3.13 Southend-on-Sea council were consulted through the Evidence Plan after this was suggested in a letter from ECC in relation to LVIA in July 2017. In an email dated 27<sup>th</sup> February 2018, a response was received from Southend-on-Sea Borough Council acknowledging that they are outside of the 45 km zone of influence used in the SLVIA/LVIA process and highlighted that it would be reasonable to scope out visual impacts to Southend-on-Sea from the assessment. Nonetheless, Southend-on-Sea were afforded the opportunity in May 2018 to provide formal Section 42 comments in a letter dated 17<sup>th</sup> May 2018 (Appendix B8.1).






5.3.14 Southend-on-Sea Borough Council did not provide any comment on the proposals.



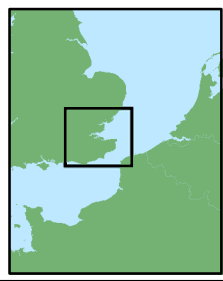
# THANET EXTENSION OFFSHORE WIND FARM

## Figure 5.1 Relevant Local Authorities

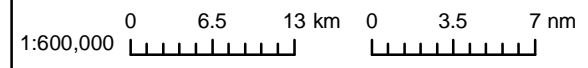


- Legend**
-  Offshore Red Line Boundary
  -  Onshore Red Line Boundary
  -  45 km Buffer Around Offshore Array
  -  County Boundary
  -  Local Authority Boundaries

Datum: ETRS 1989  
Projection: UTM31N



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Esri, DeLorme, GEBCO, NOAA NGDC, and other contributors

Drg No	Fig4.1_LocalAuthorities		
Rev	0.1	Date	04/06/2018
By	RM	Layout	N/A

**Figure 5.1**

### **Landowners and others with an interest in the land (Section 44)**

- 5.3.15 Section 42(1)(d) of the Planning Act states that the applicant must consult each person who is within one or more of the categories set out in Section 44. This includes any owner, lessee, tenant or occupier, any person interested in the land or has power to sell and convey the land and any person entitled to make a relevant claim. As part of the DCO application, VWPL is required to produce a Book of Reference to identify all landowners, occupiers, and all persons who may be affected by the scheme to allow them the chance to comment on the proposals and participate in the application process. All Section 44 consultees have been identified. Landowners and those with an interest in the land have been consulted under Section 42 and negotiations are ongoing outside the formal consultation process.
- 5.3.16 VWPL used Ardent Management Ltd., a firm of chartered surveyors, to carry out the land agency work, including land referencing as well as managing communications with identified landowners and arranging access.
- 5.3.17 Based on initial enquiries, Ardent sent a Request for Information (RFI) letter (Appendix B5.2) to all parties identified who may have an interest in the land proposed for development, asking them to complete an RFI form (Appendix B5.3) to gather details on the status of the land, the ownership, occupiers, third parties with interest, and land use.
- 5.3.18 Ardent then engaged with landowners on an individual basis to consult on project land requirements, route options, survey requirements and final land requirements.
- 5.3.19 In addition to land questionnaires and initial enquiries, site notices (Appendix B5.4) which included the Section 48 notice were placed at several conspicuous in order to gain information about unknown interests and notify any unknown interests that may exist in relation to the project. The locations that these site notices were placed are illustrated in Appendix B5.5. Eighteen locations were considered, however 13 locations had notices installed due to overgrowth around fenceposts etc.
- 5.3.20 The list of Section 44 consultees changed over the course of the pre-application period in line with refinements and changes to the proposal. As a direct result of statutory consultation, the project boundary was changed, and those affected by the additional red-line changes were re-consulted (see paragraph 5.4.22 *et seq.* for further detail).
- 5.3.21 Under Part One of the Land Compensation Act 1973, landowners may be entitled to compensation for Compulsory Acquisition of land. Landowners may be identified by the applicant within Category 3 under Section 44 of the Planning act after making diligent enquiry if their land will suffer a depreciation in value as a result of physical factors caused by the works. A Category 3 letter was sent out to landowners to notify and identify any potential Category 3 interests; none were identified.

### **Non-statutory consultees considered under Section 42**

- 5.3.22 Although technically non-statutory consultees, a number of stakeholders (including TFA, KWT and RSPB) were identified as having a key interest in the project, and as such were treated as Section 42 consultees. The non-statutory consultees treated as such are listed in Appendix B3).
- 5.3.23 As such, their responses are considered as Section 42 responses which are summarised, along with VWPL regard, in Section 9 of this Consultation Report.

### **5.4 Undertaking consultation under Section 42**

- 5.4.1 As detailed in Section 2.4, VWPL carried out statutory consultation under Section 42 of the Planning Act. VWPL wrote to all Section 42 consultees in advance of statutory consultation to notify them of a deadline for receipt of consultation responses and that this deadline was more than 28 days starting from the day after receipt of the consultation documents. The Thanet Extension Statutory Declaration is included in Appendix B9.
- 5.4.2 Before and after statutory consultation period, VWPL continued to consult the Section 42 consultees on an ad-hoc, informal basis. This ongoing non-statutory consultation is detailed in Sections 4 and 9.31 of this Consultation Report; this section deals with Section 42 consultation only.
- 5.4.3 The following sections provide specific details on the consultation undertaken during the period of statutory consultation.

#### **Notifying the Planning Inspectorate under Section 46**

- 5.4.4 Prior to commencing statutory Section 42 consultation, VWPL notified the Planning Inspectorate of its intention to submit an application for development consent for Thanet Extension as required under Section 46 of the Planning Act. The notification was sent on 22<sup>nd</sup> November 2017, a copy of which is provided in Appendix B6.1. Acknowledgement from PINS of receipt of the letter and attached documentation dated 30<sup>th</sup> November 2017 can be found in Appendix B6.2.
- 5.4.5 In accordance with Section 46(1), the notification to the Planning Inspectorate was accompanied by the same information that was provided to the Section 42 consultees, consisting of the PEIR documents and Non-Technical Summary.

#### **Notification given to Section 42 consultees in advance of statutory Section 42 consultation**

- 5.4.6 Prior to the commencement of the statutory consultation period, a pre-consultation letter was sent (Appendix B4.1) on 15<sup>th</sup> November 2017 to Section 44 consultees and on 16<sup>th</sup> November 2017 to Section 42 and 43 consultees providing advanced warning of the upcoming consultation and to notify them of the deadline for receipt of consultation

responses. The letter listed the Thanet Extension PEIR documents which were going to be made available at the start of the consultation period.

#### **Statutory Section 42 consultation**

- 5.4.7 All consultees listed in Appendix B3 (the Section 42 consultees) were invited in writing to provide comments on the proposed Application under Section 42 of the Planning Act. The wording of the letters sent to Section 42, 43 and 44 consultees on 22<sup>nd</sup> November 2017 is provided in Appendix B4.2
- 5.4.8 Prior to submission, Section 42 consultation was also undertaken with the Equality and Human Rights Commission, the Gas and Electricity Markets Authority, and the Kent Resilience Forum. A letter dated 18<sup>th</sup> May 2018 was sent to these consultees, giving them from the 22<sup>nd</sup> May 2018 until 19<sup>th</sup> June 2018 to respond (Appendix B8.2).
- 5.4.9 The following Thanet Extension PEIR consultation documents were provided to the consultees. These documents were made available in the form of hard copies, as well as digital copies available online, or by USB memory sticks.
- A Non-Technical Summary (NTS) of the PEIR;
  - Volume 1 of the PEIR (introductory chapters);
  - Volume 2 of the PEIR (offshore chapters);
  - Volume 3 of the PEIR (onshore chapters);
  - Volume 4 of the PEIR (offshore annexes);
  - Volume 5 of the PEIR (onshore annexes); and
  - Volume 6 of the PEIR (LVIA).
- 5.4.10 Since statutory consultation under Sections 42 and 47 of the Planning Act were undertaken simultaneously, documents and activities employed under section 47 (Section 6) also formed part of the suite of documents and activities employed under Section 42.
- 5.4.11 The letter and the above consultation documents constituted the Section 42 ‘consultation documents’ as required under Section 45(3) of the Planning Act. In accordance with Section 45(2), the letters gave the deadline for receipt by VWPL of the consultees’ comments to the consultation as 12<sup>th</sup> January 2018. With the start of the consultation being 27<sup>th</sup> November 2017, this constituted a consultation period exceeding the minimum 28-day period required under Section 45(2) of the Planning Act) (46 days). The letters also included VWPL’s telephone number alongside the postal and email address to which Section 42 comments should be sent.
- 5.4.12 Consultation documents were available online and in libraries. For those unable to access the documents from the memory stick or from the VWPL website, the letter explained that consultees should contact VWPL to request the documents in another format.
- 5.4.13 In order to reduce confusion, the deadline for responses was deliberately co-ordinated to be the same as that of the Section 47 consultation.
- 5.4.14 One consultee formally requested an extension to the deadline due to staff illness, which was provided. Thanet District Council provided a response on 17<sup>th</sup> January 2017, after their deadline was extended to this date.
- 5.4.15 Public Health England (PHE) were sent a letter dated 22<sup>nd</sup> November 2017 (Appendix B4.3), which was not received. When VWPL were made aware that PHE had not received the letter, a second letter was sent on the 12<sup>th</sup> February 2018 (Appendix B4.4) offering PHE, as a statutory consultee, the opportunity to provide comments on the consultation material as soon as reasonably practicable. PHE were also reminded that they would be afforded an opportunity to review and comment on the DCO application at submission. Further consultation in April 2018 with PHE agreed a suitable structure for the consideration of potential effects on health, with agreement reached on the topic areas to be considered.
- 5.4.16 London Southend Airport were contacted directly both prior to and after the formal consultation. A series of teleconferences and a final face to face meeting in March 2018 was held to discuss the relevant information within the PEIR, and to agree appropriate mitigation.. It should be noted that LSA are not a statutory consultee under the APFP Regulations.
- 5.4.17 As required by Section 42 of the Planning Act, consultation was undertaken with landowners and persons interested in the land (as defined in the definitions under sub-sections (1) to (6) of Section 44 of the Act).
- 5.4.18 Letters following the same template as detailed in Appendix B4.1 were sent to all onshore landowners or parties with an interest in land associated with the proposed application providing the same information and documents as provided to all Section 42 consultees. Information was also provided about the PIDs that were to be held in accordance with Section 47 of the Planning Act.
- 5.4.19 Letters were sent to East Sussex County Council and Southend-on-Sea District Council on 17<sup>th</sup> May 2017 (Appendix B8.1) advising them that as statutory consultees, they may have already been contacted by PINS in relation to the Thanet Extension project. They were provided with the consultation documents provided to all Section 42 consultees and given from 21<sup>st</sup> May 2018 to 18<sup>th</sup> June 2018 to provide comments. Consideration and responses to these comments was given in preparation of the application, with responses summarised along with VWPL regard in Section 9.

- 5.4.20 Section 42 letters dated 18<sup>th</sup> May 2017 were also sent to the Equality and Human Rights Commission, the Gas and Electricity Markets Authority (OfGEM) and the Kent Resilience Forum (Appendix B8.2) inviting responses to the proposal. They were given from 22<sup>nd</sup> May 2018 until 19<sup>th</sup> June 2018 to provide responses. These are summarised, along with VWPL regard in Section 9.
- 5.4.21 Following the period of statutory consultation, VWPL reviewed all responses and any late responses. All responses were recorded and considered in the further development of the project. Such responses are summarised in the tables in Appendix G.

#### **Targeted Consultation post-PEIR**

- 5.4.22 After the formal statutory consultation period from 27<sup>th</sup> November to 12<sup>th</sup> January 2018, VWPL considered the responses received. With further consideration of the onshore cable route and onshore substation in terms of having regard to the responses received, VWPL made amendments to the onshore development boundary. In some areas this resulted in a reduction of the proposed development boundary, whilst it was widened in others to accommodate for existing and planned infrastructure at Richborough Energy Park and relocation of local business interests at the substation location.
- 5.4.23 Although the changes are considered minor in nature and do not lead to any new or materially different environmental effects to those presented in the PEIR, the changes may result in effects to land and areas of interest which did not form part of the original Section 42 consultation on the initial proposed development boundary.
- 5.4.24 VWPL sent a letter dated 1<sup>st</sup> May 2018 (Appendix B7.2) to all those potentially affected by the changes including landowners experiencing an increase to the order limits on their land (listed in Appendix B7.1) advising them of the changes and inviting responses to these changes. The deadline for receipt of these responses was 30<sup>th</sup> May 2018. The consultation materials for this targeted consultation included plans comparing the PEIR boundary with the final Red Line Boundary.
- 5.4.25 Landowners who were not affected by the changes continued to be engaged through other channels including the Evidence Plan and through bi-lateral meetings such as the meeting held with KWT on 2<sup>nd</sup> May 2018 (paragraph 10.2.6 *et seq.*).
- 5.4.26 The responses to this targeted consultation are summarised in Section 9.31 of this Consultation Report, alongside VWPL regard had to those comments. VWPL highlighted in its letter that, considering the late stage of project design, that only a limited amount of changes may be able to be made to the project. VWPL did, however, endeavour to take into account any responses received, and requested that any comments on the additional consultation materials be provided as soon as reasonably practicable.

## **6 Consultation under Section 47 of the Planning Act**

### **6.1 Introduction**

- 6.1.1 This section of the Consultation Report sets out the activities undertaken by VWPL to comply with its duty to consult under Section 47 of the Planning Act. It provides the information relevant to statutory Section 47 consultation as required under Section 37(7)(a) of the Planning Act and the relevant parts of the Planning Inspectorate and DCLG guidance on pre-application consultation (summarised in Section 3.2).
- 6.1.2 VWPL carried out statutory consultation under Section 47 of the Planning Act. This approach was taken to ensure that the Section 47 consultees were engaged from an early stage in the development of the project and had multiple opportunities to comment.

### **6.2 Legislative context**

- 6.2.1 Section 47(1) of the Planning Act requires the Applicant to prepare a Statement of Community Consultation (SoCC). The SoCC should set out how the Applicant intends to consult the local community on the proposed application. There is a duty on the Applicant to consult the relevant Local Authorities in respect of the content of the SoCC (Section 47(2)) because their knowledge of the local area may influence decisions on the geographical extent of consultation and the methods that will be most effective in the local circumstances.
- 6.2.2 Local Authority responses to consultation on the content of the SoCC should be received by the Applicant within a 28-day period (commencing on the day after the day on which the Local Authority receives the request for comments).
- 6.2.3 Consultation documents must be provided to the Local Authority at this stage, providing information which allows the authority to make an informed response to the SoCC consultation (Sections 47(3) and 47(4)). Section 47(5) of the Planning Act requires the Applicant to have regard to any response provided by the Local Authority that is received within the 28-day period.
- 6.2.4 The DCLG guidance on pre-application consultation notes that where a proposed project lies offshore, it is suggested that promoters should engage with the MMO as well as

coastal Local Authorities closest to the proposed development, who will be able to advise as to what consultation might be appropriate<sup>1</sup>.

6.2.5 In developing the SoCC, regard must be had to the EIA Regulations and relevant guidance about pre-application procedure. Regulation 10 of the EIA Regulations stipulates that the SoCC must set out whether the proposal is EIA development and, if so, how the Applicant intends to publicise and consult on the PEIR (see also section 6.3).

6.2.6 The Localism Act 2011 amended the provisions in respect of publication of the SoCC under Section 47(6) of the Planning Act. With effect from 1 April 2012, the amendments set out in the Localism Act 2011 provide that once the SoCC has been finalised, the Applicant must make the statement available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land (Section 47(6) of the Planning Act as amended), publish a notice stating where and when the statement can be inspected (Section 47(6)(a) as amended) and the Applicant must carry out consultation in accordance with the proposals set out in the statement (Section 47(7)).

### 6.3 Statement of Community Consultation (SoCC)

6.3.1 This section sets out the process that was undertaken in developing the SoCC for Thanet Extension. As set out in Advice Note 14, the Consultation Report must provide evidence of how the Applicant has complied with the SoCC preparation process required under the Planning Act. The Advice Note also advises that evidence should be submitted which shows which Local Authorities were consulted about the content of the draft SoCC; what comments were received from Local Authorities; confirmation that they were given 28 days' notice to provide their comments and a description of how the Applicant had regard to the Local Authorities' comments. The following sections summarise the consultation undertaken on the SoCC.

6.3.2 Section 47(2) of the Planning Act states that before preparing the SoCC, the Applicant must consult each Local Authority that is within Section 43(1) about what is to be in the statement. A Section 43(1) authority is a Local Authority within whose area the land lies to which the proposed application relates (in the case of an offshore wind farm such as Thanet Extension this relates to the area within which the onshore elements of the scheme lie). The Section 43(1) authorities for Thanet Extension, and therefore the statutory consultees that were consulted on the content of the SoCC under Section 47(2), were defined as TDC, DDC and KCC. Other local authorities in the wider area identified within the Landscape and Visual Zone of Influence were also sent copies of the draft SoCC (see Appendix C2.1), however no comments were received from these other local

authorities. TDC, DDC and KCC were consulted on a working draft of the SoCC (Appendix C2.1) in September 2017. Comments on the draft SoCC (Appendix C2.2) were taken into consideration when drafting the final SoCC (see Appendix C1.1). A summary of how these comments were addressed is also contained in Appendix C2.2.

6.3.3 The SoCC described how the consultation would be carried out, giving detailed information on the consultation activities. The SoCC identified a community consultation area following consideration of those likely to be impacted by the project – both in terms of new potential infrastructure onshore, and visual impact onshore and offshore. As such, the area covered the locality surrounding potential landfall points, the onshore cable corridor and the onshore substation area. In addition, communities most likely to experience significant visual impacts were included (Figure 6-1). In order to ensure that those beyond the primary consultation area who may have an interest in the project were informed, advertisements were placed in the Isle of Thanet Gazette. Dates of key consultation activities were also advertised on this newspaper, as well as in the East Kent Mercury, the Kent on Sunday and Fishing News.

6.3.4 Newsletters were sent to all homes within the consultation area (Figure 6-1), as well as to elected representatives, parish councils and local groups.

6.3.5 The SoCC was made available for inspection on the dedicated VWPL website, in hard copy at the local deposit locations listed in Appendix C1.2. In addition, the Applicant is required to make the statement available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land (Section 47(6) of the Planning Act as amended). In this regard the updated SoCC was made available via:

- A letter was sent to all homes within the consultation area (Appendix C1.5);
- Adverts were placed in local newspapers and posters were made available locally (see Appendix C1.7);
- Letters were sent to elected representatives and parish councils within the consultation area boundary, as well as local groups. Local parish councils were also offered a meeting with a member of the project team;
- Adverts were placed on Facebook to raise awareness locally and to encourage hard to reach groups, particularly younger people, to participate. The @VattenfallUK twitter account was also used to advertise events; and

<sup>1</sup> Footnote 2 to paragraph 17 of the DCLG guidance.

- Local e-newsletters to those who have registered their interest in the project were sent to them directly via an e-mail mailing list.

#### 6.4 Statutory consultation under Section 47

- 6.4.1 The purpose of the statutory consultation was to allow those within the local community who may be affected by the proposed project to consider the proposal and offer their feedback, as well as to gather information about the local community to help refine the consultation process.
- 6.4.2 The statutory Section 47 public consultation deliberately coincided with the Section 42 consultation period to avoid confusion, commencing on 27<sup>th</sup> November 2017 and ending on 12<sup>th</sup> January 2018.
- 6.4.3 Section 47(7) of the Planning Act states that the Applicant must carry out consultation in accordance with the proposals set out in the SoCC. The following section sets out how Section 47 consultation was carried out, in terms of the information that was sent to consultees, the PIDs that were held, and the mechanisms employed for making communities aware of the consultation.

##### Consultation documents

- 6.4.4 VWPL wanted to create opportunities for as many people as possible to get involved with the consultation. To do so, VWPL made sure the following documents were prepared and available:
  - Information boards – at local PIDs and ‘pop-up’ events (Appendix C5.2);
  - A Project Booklet (Appendix C6.2) – which was sent to local groups listed in Appendix C6.1;
  - Online information hub – an information hub was created on the project webpage [www.vattenfall.co.uk/thanetextension](http://www.vattenfall.co.uk/thanetextension);
  - Slide pack – slide presentation was made available for local groups to use if requested. The presentation was also used by VWPL to give presentations (Appendix C6.3);
  - 3D virtual model – a model showing what the project might look like at local drop in events;
  - Photomontages – to ensure the community could gain an understanding of the likely visual impact from a suite of viewpoints (See Volume 2, Chapter 12: SLVIA (Document Ref 6.2.12) and Volume 3, Chapter 2: LVIA (Document Ref: 6.3.2); and
  - A NTS, which summarise the results of the PEIR.
- 6.4.5 The following methods were available to provide feedback to us during the consultation period:
  - Feedback forms (Appendix C5.1) at local drop in events to provide detailed feedback on the proposal;
  - Freepost feedback forms, which were sent with the Project Booklet (Appendix C6.2) to local groups;
  - Online survey version of the feedback form that could be filled in at any time throughout the consultation period;
  - Feedback sheets at local events; and
  - A project email address was also available to contact the project team.
- 6.4.6 A suite of documents was produced and used across the Section 47 consultation process to enable effective consultation with stakeholders and local communities. The documents used are summarised in Table 6.1.

- Feedback forms (Appendix C5.1) at local drop in events to provide detailed feedback on the proposal;
- Freepost feedback forms, which were sent with the Project Booklet (Appendix C6.2) to local groups;
- Online survey version of the feedback form that could be filled in at any time throughout the consultation period;
- Feedback sheets at local events; and
- A project email address was also available to contact the project team.

6.4.6 A suite of documents was produced and used across the Section 47 consultation process to enable effective consultation with stakeholders and local communities. The documents used are summarised in Table 6.1.

**Table 6.1 Suite of consultation documents employed under Section 47**

Document	Purpose	Made available / provided to
SoCC	Produced to publicise the way in which the developer will consult with the local community	Local deposit locations (Appendix C1.2). Project Website. PID events. Upon request by phone/ email/letter. Advert published in local press.
PEIR NTS	Produced to provide an independent assessment of the project’s likely significant environmental effects on the existing baseline conditions.	Local deposit locations (Appendix C1.2). Project Website. PID events (hard copies and on USB memory sticks). Upon request by phone/ email/letter. A further USB memory stick was available on request which contained other draft application documents and indicative offshore and onshore plans.

Document	Purpose	Made available / provided to
Press release	Produced to announce the start of the community consultation events	Project website. Distributed to local media.
Project Website	An online presence of the project where project information and key documents, press releases and contact details were provided.	Contained within the 'Projects' section of the Vattenfall UK website.
Project newsletters	Produced to inform the local community of project updates, as well as the start of community consultation events.	Distributed to local community. Available through a subscription list.
Project Information Booklet	The purpose of the Project Information Booklet was to provide the essential information about the proposed project in an accessible and easy to read format.	Distributed to the local community. Available at PIDs and pop-up events. Upon request by phone/ email/ letter.
Community consultation feedback form	Produced to invite feedback on the proposals. Members of the public were able to fill in these forms at the PIDs or post them back to VWPL after the events.	Public Information Days. Pop-up events.
Online questionnaire	Online version of the community consultation feedback form described above, allowing another channel for feedback by the local community to be provided.	Project Website.

Document	Purpose	Made available / provided to
PID panels	Produced to provide a short summary of key areas of the project which will be of interest to members of the public visiting the PID events.	PID events. Project website.
Posters	Produced to advertise the PIDs.	Displayed on public notice boards near the PIDs.

***Making communities aware of the consultation***

- 6.4.7 The relevant consultation documents (as presented in Table 6.1) were deposited for inspection at local libraries.
- 6.4.8 The VWPL website ([www.vattenfall.co.uk/thanetextension](http://www.vattenfall.co.uk/thanetextension)) was updated prior to the statutory consultation period under Section 47. The website included general information pages on the project including project description and key statistics. In addition, a consultation page was developed which set out the elements of the project that were being consulted on, information on the PIDs and links to the SoCC and the key consultation documents listed in Table 6.1.
- 6.4.9 During the statutory consultation, press releases were picked up by the wider media and copies of the articles published are provided in Appendices C8.1 to C8.3.
- 6.4.10 The map shown in Figure 6-1 shows the area defined for consultation activities. People living within the area were directly informed of local consultation events via direct postal communication and informed of opportunities to meet with VWPL representatives.

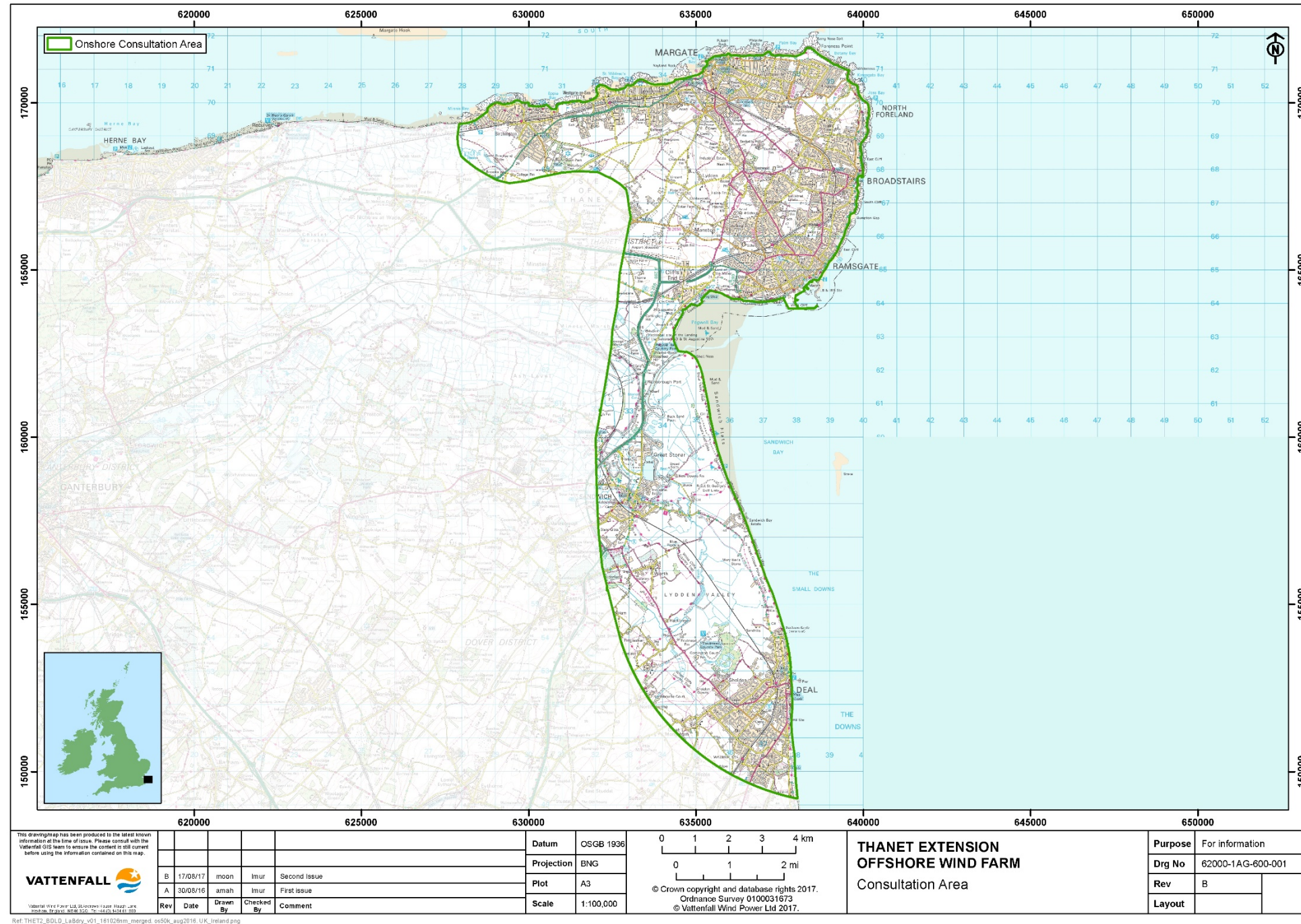


Figure 6-1 Area defined for community consultation activities (from SoCC (Appendix C1.1))



6.4.11 The consultation area was developed following a consideration of those likely to be impacted by the project, both in terms of new potential infrastructure onshore, and visual impact onshore and offshore. As such, the area covered the locality surrounding the landfall, onshore cable corridor and substation, as well as those communities most likely to experience visual impacts.

6.4.12 In addition, to ensure those beyond the consultation area who may have an interest in the project were informed, adverts were placed in the newspaper locations listed in above (paragraph 6.3.3).

6.4.13 VWPL also compiled a list of local groups who were provided with the opportunity to respond in the consultation. The relevant local authorities were consulted and provided input into this. A full list is provided in Appendix C6.1. The following groups and individuals were sent a letter (Appendix C1.5) approximately two weeks in advance of the events, inviting them to the exhibitions, along with a hard copy of the SoCC.

- Community groups or organisations with postal addresses in the consultation area, or who are active within the consultation area (as defined by the SoCC);
- Parish councils wholly or partly within the consultation area;
- District and county councillors with wards/divisions wholly or partly within the consultation area; and
- Members of UK and European Parliaments with local constituencies wholly or partly within the consultation area.

6.4.14 Local groups (including schools and colleges) were sent project booklets as part of the consultation. A full list of these local groups can be found in Appendix C6.1.

6.4.15 VWPL also sent posters to local parish councils, and groups and local shops were approached and requested to display posters to advertise the consultation.

#### **Public information days and pop-up events**

6.4.16 Vattenfall held a series of PIDs, where the public were able to get involved with the consultation, meet the project team and provide their feedback. The dates and timings were confirmed through the channels outlined in Section 6.4. The PIDs were held at the locations identified by Table 6.2.

6.4.17 In addition to the local drop-in sessions, Vattenfall also held Pop-up sessions at locations locally with high footfall, that were convenient and accessible to local people. These locations are also identified in Table 6.2. At these sessions, people were encouraged to provide feedback either at the pop-up location, or through the relevant channels previously described. People were also offered copies of the project booklet (Appendix C6.2), which contained the same information that was displayed on the information boards at the PIDs.

**Table 6.2: The locations of PIDs and pop-up sessions.**

Location	Address	Date and Time
<i>Public Information Days</i>		
Royal Temple Yacht Club	6 Westcliff Mansions, Ramsgate, Kent, CT11 9HY	5 <sup>th</sup> December 2017, 2pm – 7pm
Queens Road Baptist	2 Queens Road, Broadstairs, Kent, CT10 1NU	6 <sup>th</sup> December 2017, 2pm – 7pm
The Turner Contemporary	Rendezvous, Margate, Kent, CT9 1HG	7 <sup>th</sup> December 2017, 2pm – 7pm
The Guildhall	Cattle Market, Sandwich, Kent, CT13 9AH	8 <sup>th</sup> December 2017, 2pm – 7pm
Cliffsend Village Hall	Foads Lane, Cliffsend, CT12 5JH	9 <sup>th</sup> December 2017, 10am – 5pm
The Astor Theatre	Stanhope Road, Deal, CT14 6AB	13 <sup>th</sup> December 2017, 2pm – 7pm
The Botany Bay Hotel	The Kingsgate Function Room, Marine Drive, Kingsgate, Broadstairs, Kent, CT10 3LG	6 <sup>th</sup> January 2018, 10 am – 5pm
<i>Pop-up events</i>		
Innovation House	(reception area), Discovery Park, Ramsgate Road, Sandwich, CT13 9FF	12 <sup>th</sup> December 2017, 10am – 2:30 pm
The Co-op	27 Park Street, Deal, CT14 6AG	13 <sup>th</sup> December 2017, 10am – 5pm
Bettshanger Park	Sandwich Road, Deal, CT14 0BF	14 <sup>th</sup> December 2017, 10am – 5pm
The Co-op	78-80 Station Road, Birchington, CT7 9RA	18 <sup>th</sup> December 2017, 10am – 5pm
The Co-op	Moat Sole Road, Sandwich, CT13 9AL	5 <sup>th</sup> January 2018, 10am – 5pm

Location	Address	Date and Time
The Community Hub	(Next to Claire’s Accessories), Westwood Cross Shopping Centre, 23 Margate Road, Broadstairs, CT10 2BF	7 <sup>th</sup> January 2018, 10am – 5pm
Wilkos	21-31 York Street, Ramsgate, CT11 9DS	8 <sup>th</sup> January 2018, 10am – 5pm
Tesco Metro	25 High Street, Broadstairs, CT10 1LP	9 <sup>th</sup> January 2018, 10am – 5pm

6.4.18 The following information was available to view at the PIDs:

- SoCC;
- PEI;
  - NTS;
  - Project Description;
  - Photomontages;
  - Scoping Report; and
  - Site Selection Report.
- Project Booklet;
- Feedback Form;
- PID panels;
- Information booklets on wind energy; and
- Virtual Reality (VR) goggles to experience a 3D model of an offshore wind farm.

**Consultation with elected representatives**

- 6.4.19 Elected Representatives were engaged at an early stage of project development (January 2017) (see Appendix E3).
- 6.4.20 Elected representatives such as councillors and MPs were also invited to attend meetings to give them an opportunity to meet with the VWPL team and discuss the proposals in advance of the public consultation events.
- 6.4.21 Meetings were held with elected representatives throughout the pre-application process to ensure they were kept up to date with the project on the basis that they would

disseminate the information to their constituents. Details of these meetings are outlined in Table 6.3 below. Elected representatives also attended PIDs at the Botany Bay hotel.

**Table 6.3 Meetings held with local Elected Representatives**

Elected Representative	Date	Meeting Outcomes
Craig Mackinlay	7 <sup>th</sup> March 2017	Appendix E2.1
	21 <sup>st</sup> November 2017	Appendix E2.1
Roger Gale	6 <sup>th</sup> February 2017	Appendix E2.3
	21 <sup>st</sup> November 2017	Appendix E2.4

**Engaging with the harder to reach**

6.4.22 Vattenfall also made additional effort for those people who are harder to reach by creating opportunities to ensure all local residents and groups have equal opportunity to get involved. VWPL conducted a local sample survey to inform the hard to reach engagement, as well as to assess attitudes to the project. The survey was completed as a face-to-face interview on the street or in the home using a tablet computer in May 2017. A total of 748 residents were interviewed.

6.4.23 Following consultation with the authorities the following approach was undertaken:

- Young people - Project packs were sent to local schools and briefing sessions were offered to local colleges;
- Older people - Project packs were sent to a list of local groups representing older people, and they were offered the opportunity to have a face to face session with a member of the team;
- Disabilities – Vattenfall made sure information was made available in appropriate formats to local groups with key needs. All events were held in locations with disabled access;
- Those with low levels of literacy/education and non-native English speakers: Information provided was written in Plain English, and the use of diagrams and images were employed where possible to aid explanation and understanding of key technical issues that are relevant.
- Residents who work outside the district: As well as the online survey, which was accessible 24/7, weekend and early evening consultation events were held. Facebook adverts were also promoted locally to raise awareness of the survey and the opportunity to share their views on the Project.

- Requesting documents in alternative formats: The project team could be contacted by phone, email or in writing to discuss needs should documents be required in an alternative format.

## 6.5 Compliance with the SoCC commitments

6.5.1 In accordance with Section 47(7) of the Planning Act, consultation was carried out in accordance with the proposals set out in the SoCC, and no inconsistencies were identified between the SoCC commitments and the way in which community consultation was undertaken. The following commitments set out in the SoCC, were fulfilled during the statutory consultation:

- What VWPL consulted on and when;
- PIDs;
- Availability of consultation documents;
- Local community consultees;
- Newsletters and factsheets.

6.5.2 Compliance with the SoCC commitments are set out in Appendix C1.8 of this document.

6.5.3 Statutory community consultation under Section 47 of the Planning Act took place in accordance with the SoCC. In summary:

- A draft SoCC (Appendix C2.1) was prepared which sets out how the applicant proposed to consult with the community and was consulted upon with the relevant authorities in whose area the proposed development lies (Section 47(2));
- Statutory consultation on the draft SoCC with the relevant local authorities on the SoCC ran from 1<sup>st</sup> September 2017 until 29<sup>th</sup> September 2017, allowing a period of 28 days for responses (Section 47(3));
- The consultation documents comprised the draft SoCC (Section 47(4));
- VWPL considered all relevant comments received on the draft SoCC (Section 47(5)) (Appendix C2.2);
- Notice of the SoCC was published in local and national newspapers. Copies of the SoCC were also made available on the VWPL website and at local deposit locations (Section 47(6));
- The consultation process was carried out in accordance with the SoCC (Section 47(7)). A compliance checklist highlighting the commitments of the SoCC against a description of how VWPL has complied with those commitments can be found in Appendix C1.8 of this document;

- The SoCC stated that the application comprised an EIA development and how VWPL intended to publicise and consult on the PEIR (Regulation 10 of the EIA regulations); and
- VWPL had regard to the DCLG Guidance on the pre-application process (Section 50).

## 6.6 Additional community consultation activities undertaken

6.6.1 Over and above the commitments made in the SoCC, VWPL continued to keep local communities informed and continued to consult by means of community update meetings and meetings held with elected representatives. This included preparation for the consultation undertaken in early 2017. As these consultation activities fell outwith the statutory period of Section 47 consultation and are detailed in Sections 4 and 9.31 of this report.

6.6.2 Since the development of the existing TOWF, Vattenfall have actively engaged in the local community. The more detail on these activities can be found above in Section 4.8 of this report.

## 7 Statutory publicity under Section 48 of the Planning Act

### 7.1 Introduction

7.1.1 This section of the Consultation Report sets out the activities undertaken by the VWPL to comply with its duty to publicise the proposed application under Section 48 of the Planning Act. It seeks to provide the information relevant to Section 48 publicity as required in the Consultation Report under Section 37(7)(a) of the Planning Act and the relevant parts of the Planning Inspectorate and DCLG guidance on pre-application consultation (summarised in Section 3).

7.1.2 Since statutory consultation under Sections 42 and 47 of the Planning Act were conducted simultaneously, all activities employed under Section 47 (PIDs, project booklet and website etc.) also formed part of the activities and documents employed under Section 42.

### 7.2 Legislative context

7.2.1 Section 48(1) of the Planning Act requires the Applicant to publicise a proposed application at the pre-application stage. Regulation 4 of the APFP Regulations prescribes the manner in which an Applicant must undertake this publicity. Regulation 4(2) sets out what the publicity must entail, including the publishing by the Applicant of a notice, and Regulation 4(3) provides detail of the matters which must be included in that notice.

7.2.2 In developing and publishing the notice, regard must be had to the EIA Regulations and relevant guidance about pre-application procedure. Regulation 11 of the EIA Regulations stipulates that, where the application for development consent is an application for EIA development, the Applicant must at the same time as publishing the notice of the

proposed application under Section 48(1), send a copy of the notice to the consultation bodies and to any person notified to the Applicant by the Planning Inspectorate in accordance with Regulation 9(1)(c) of the EIA Regulations.

7.2.3 Guidance provided by the Planning Inspectorate and DCLG pertinent to Section 48 publicity can be summarised as follows:

- The Planning Inspectorate Advice Note 16 on Pre-Application Stages notes that it would be helpful if the published deadlines for receipt of views on the application set out in the Section 48 notice are as close as possible to deadlines given in the Section 42 consultation.
- DCLG Guidance on Pre-Application Consultation notes in paragraph 41 that Section 48 publicity is an integral part of the local community consultation process and, where possible, the first of the two required local newspaper advertisements should coincide approximately with the beginning of the consultation with communities. However, given the detailed information required for the publicity in secondary legislation, aligning publicity with consultation may not always be possible, especially where a multi-stage consultation is intended.

### 7.3 The Thanet Extension Section 48 notice

#### *Development of the notice*

7.3.1 The Section 48 notice was prepared with reference to the above legislation and guidance documents. A copy of the final notice is provided in Appendix D1.1. Appendix D1.2 illustrates how these adverts appeared in the publications they were published in.

#### *Timing and publicising the notice*

7.3.2 VWPL publicised (in accordance with the requirements of Section 48) the application to coincide with the statutory Section 42 and 47 consultations. This approach reflected VWPL's stakeholder engagement strategy to prioritise consultation with those most affected by the proposals.

7.3.3 Regulation 4(2) of the APFP Regulations requires the notice to be published as set out below.

7.3.4 The Applicant must publish a notice, which must include the matters prescribed by paragraph (3) of this regulation, of the proposed application –

- a) for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;
- b) once in a national newspaper;

c) once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and

d) where the proposed application relates to offshore development –

- i. once in the Lloyd's List; and
- ii. once in an appropriate fishing trade journal.

7.3.5 The notices appeared in the press at the start of the Section 42 and Section 47 consultation period, three weeks before the start of the PIDs, and so acted as both publicity about the intended application as well as publicity about the PID events.

7.3.6 Copies of the Section 48 notice were sent to all consultation bodies (listed in Appendix B3) on 29 October 2017. The notice was sent in advance of publication with the consultation documents and with a formal request for comment on the proposed application under Section 42 of the Planning Act. VWPL were not notified by the Planning Inspectorate of any persons under Regulation 9(1)(c) of the EIA Regulations to which copies of the notice and the consultation materials should be sent.

7.3.7 It was stated in the accompanying letter that the attached Section 48 Notice would be published in accordance with Regulation 4 of the APFP Regulations and the provision of the Section 48 notice to consultees was in order meet VWPL's obligations under Regulation 11 of the EIA Regulations.

7.3.8 The letter also confirmed that as previously advised the deadline for responses to the consultation was 12<sup>th</sup> January 2018.

7.3.9 Copies of the Section 48 Notice as it appeared in the publications listed above are provided in Appendix D1.2. The notice was also made available on the project website. The Section 48 notice appeared in the following newspapers:

- Thanet Extra (15<sup>th</sup> and 22<sup>nd</sup> November 2017);
- East Kent Mercury 16<sup>th</sup> and 22<sup>nd</sup> November 2017);
- Isle of Thanet Gazette (17<sup>th</sup> and 24<sup>th</sup> November 2017, SoCC notice was also published on 10<sup>th</sup> November 2017);
- Kent on Sunday (19<sup>th</sup> November 2017);
- The London Gazette (22<sup>nd</sup> November 2017);
- The Times (23<sup>rd</sup> November 2017);
- Fishing News (23<sup>rd</sup> November 2017); and
- Lloyd's List (23<sup>rd</sup> November 2017).

7.3.10 The deadline for responses to be received, as set out in the Section 48 Notice, was 12<sup>th</sup> January 2018, consistent with the deadline for responses from the Section 42

consultation and in accordance with the Planning Inspectorate Advice Note 16 which states that it would be helpful if the published deadlines for receipt of views on the application are as close as possible to deadlines in the Section 42 consultation.

## 8 Consultation under the EIA and Habitats Regulations

### 8.1 Introduction

8.1.1 The EIA Regulations contain provisions that are relevant to the pre-application consultations. These may be summarised as follows:

- Regulation 6 requires that the Applicant, before carrying out consultation under Section 42 of the Planning Act, must notify the Planning Inspectorate that it proposes to provide an ES in respect of the proposed development (this in the case where the Applicant has chosen not to seek a screening opinion);
- Regulation 8 sets out matters relating to the request for a Scoping Opinion;
- Regulation 9 sets out the procedure to facilitate preparation of ESs and includes provisions for the notification of the consultation bodies of their duties in providing information to facilitate the environmental statement, the provision of a list of those bodies so notified to the Applicant, and notifying the Applicant of those persons considered to be likely to be affected or have an interest in the project or unlikely to become aware of the proposed development by the others means set out in Part 5 of the Act;
- Regulation 10 requires that the SoCC prepared under Section 47 of the Planning Act should identify whether the proposed application constitutes EIA development and how the Applicant intends to publicise and consult on the PEI;
- Regulation 11 requires that the Applicant, at the same time as publishing notice of the proposed application under Section 48 of the Planning Act, must send a copy of that notice to the ‘consultation bodies’ and to any person notified to the Applicant under Regulation 9(1)(c); and
- Regulation 24 deals with matters relating to Transboundary effects.

8.1.2 Guidance on matters related to the EIA regulations is provided in the Planning Inspectorate advice notes as follows:

- Advice Note 14 refers to the EIA Regulations and states that applicants may wish to draw attention to consultation responses received under the EIA process, but any reference to this consultation should be kept separate from the statutory consultation carried out under the provisions of the Planning Act; and

- The Planning Inspectorate Advice Note 16 also suggests that the Consultation Report should confirm any steps taken by the Applicant to comply with Regulation 11 of the EIA Regulations.

### 8.2 EIA consultation

8.2.1 VWPL requested a formal Scoping Opinion (pursuant to Regulation 6 of the EIA Regulations) from the Planning Inspectorate in January 2017 which was accompanied by a Scoping Report (containing all of the information required under Regulation 6(3) of the Regulations). A Scoping Opinion was received from the Planning Inspectorate in February 2017. The Scoping Opinion is included in the application documents. A letter confirming voluntary compliance with the 2017 EIA Regulations was sent to PINS on 14<sup>th</sup> June 2018.

8.2.2 Scoping responses received from the stakeholders have been considered during the development of the PEIR and the ES. Detail on the comments received via the Scoping process, and how VWPL has considered these, are detailed in the respective topic specific chapters of the ES.

### 8.3 Transboundary consultation

8.3.1 Being located off the Kent coast, it is noted that the proposed development area is located adjacent to several UK international boundaries including France, Belgium and the Netherlands. The Planning Inspectorate welcomed the early consideration of transboundary effects in its Scoping Opinion and advised that early engagement with the relevant European States should be carried out as further information on the transboundary impacts are realised.

8.3.2 VWPL sought to provide the Planning Inspectorate with the information they need to comply with their duties under Regulation 24 of the EIA Regulations (and by inference the Espoo Convention (1991)). As such, consideration was given to the potential environmental effects on other EEA states. A transboundary statement has been included in each of the topic-specific ES chapters, as well as forming a major part of the Report to Inform Appropriate Assessment (RIAA).

8.3.3 VWPL published a Regulation 24 notice for transboundary consultation (Appendix F1), as well as a transboundary screening document (Appendix F2). Regulation 24 responses from EEA states are contained in Appendices F3.1 to F3.4.

8.3.4 Consultation focused on sectors with an interest in Thanet Extension or transboundary stakeholders who would potentially be affected by the project. These have focused on shipping and navigation, marine mammals, commercial fisheries and HRA issues.

## 8.4 Compliance with EIA Regulations

- 8.4.1 Table 8.1 details how VWPL’s pre-application consultation has complied with statutory requirements under the EIA Regulations, and if appropriate, where further detail is presented within the Consultation Report.
- 8.4.2 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 came into force in the UK on 16<sup>th</sup> May 2017 (‘the EIA Regulations’). Regulation 37 of the 2017 EIA regulations provides transitional measures for projects for which an ES was submitted or where a Scoping Opinion was sought before 16<sup>th</sup> May 2017. In such cases, the provisions of the EIA Regulations (as amended) will continue to apply.
- 8.4.3 Therefore, for the purposes of Thanet Extension, as the Scoping Report was submitted on the 4<sup>th</sup> January 2017, the EIA Regulations (as amended) remain the relevant consideration. However, as a matter of good practice and in order to ensure as robust an EIA as possible, the requirements of the 2017 EIA regulations were applied in the ES. In keeping with this, a letter confirming voluntary compliance with the 2017 EIA Regulations (Appendix B1.2) was submitted to PINS on 14<sup>th</sup> June 2018 prior to the application.

**Table 8.1: Compliance with EIA regulations**

EIA Regulation requirement	Action and comment	Further detail
Regulation 6	The Applicant notified the Planning Inspectorate in its letter dated 3 <sup>rd</sup> January 2017. Confirmation received.  VWPL also submitted a letter confirming voluntary compliance with the 2017 EIA Regulations on 14 <sup>th</sup> June 2018.	Section 5.4  Appendix B1.1  Appendix B1.2
Regulation 9	Regulation 9 letter from the Planning Inspectorate received 14 <sup>th</sup> February 2017 with an accompanying list of Regulation 9 consultation bodies and interested persons.	Appendix B2.1
Regulation 10	The SoCC provided relevant detail as required under Regulation 10.	Section 6.3
Regulation 11 (2009 EIA Regs)	The Applicant sent a copy of the Section 48 notice to the relevant consultation bodies at the time of publication of the Section 48 notice.	See Section 7.

## 8.5 Habitats Regulation Assessment

- 8.5.1 In accordance with DCLG Guidance (DCLG, 2013), VWPL consulted UK statutory bodies (Natural England, the MMO, the Centre for Environment, Fisheries & Aquaculture Science (Cefas)) and non-statutory bodies, as well as transboundary consultees, in order to gain evidence to inform the RIAA which accompanies the application (as required under Regulation 5(2) of the APFP Regulations).
- 8.5.2 On the basis of the information available when undertaking screening, it was determined that the proposed development could potentially either, by itself, or in combination with other plans or projects, have a likely significant effect on a number of designated European sites. As the proposed development is not directly connected with, or necessary to, the management of the screened European sites, it was determined that an appropriate assessment of the implications of the proposed development, in respect of the conservation objectives applicable to the relevant European sites, should be undertaken.
- 8.5.3 HRA Screening for Thanet Extension was undertaken and in November 2017, an HRA Screening Report submitted for comment alongside the PEIR. Further consideration of Responses received during the statutory consultation period incorporated and was submitted as part of the RIAA that accompanied the application. Responses to the HRA Screening Report along with VWPL regard are summarised in Section 9.29.
- 8.5.4 Prior to submission of the application, the RIAA was submitted to all members of the HRA Evidence Plan Technical Panel (see Section 4.6) for review. Comments were received from KWT, RSPB and Natural England with the latter providing guidance on the Sweetman Ruling in particular, for which the RIAA has been updated accordingly. Final comments were given consideration in the final report.

## 9 Summary of Relevant Responses and Regard Had to Consultation

### 9.1 Introduction

- 9.1.1 This section of the Consultation Report sets a summary of the responses received to the statutory consultations and sets out how the Applicant has complied with its duty under Section 49 of the Planning Act to have regard to consultation responses received under Sections 42, 47 and 48 of the Planning Act.
- 9.1.2 The following sections of the Consultation Report summarise the key issues that were raised during consultation and how VWPL took account of relevant responses. In some instances, VWPL did not change aspects of the project in accordance with consultation feedback. Where this applies, it is clearly explained.

9.1.3 In most cases, consultation was an iterative process taking place over long time periods. As the purpose of this report is to demonstrate how the applicant has consulted under Sections 42, 47 and 48 of the Planning Act, and to document all consultation in this report would be neither practicable nor helpful, the intention is to draw out the key issues, with focus on the statutory consultation period. This is in-line with DCLG guidance and PINS Advice Note 14 on compiling the consultation report. Information on non-statutory consultation is also provided in this document, in Sections 4 and 10.

9.1.4 The responses are summarised below by their relevance to the chapters of the ES or other application document. No comments were received that specifically related to Volume 1, Chapter 1: Introduction, Volume 1, Chapter 2: Policy and Legislation (Document Ref: 6.1.1 and 6.1.2 respectively), Volume 2, Chapter 15: Offshore Conclusions (Document Ref: 6.2.15), or Volume 3, Chapter 12: Onshore Conclusions (Document Ref: 6.3.12). To avoid unnecessary repetition, any comments relating to Volume 2, Chapter 14: Interrelationships (Document Ref: 6.2.14) are captured within the relevant subject sections.

9.1.5 Care has been taken to ensure that the responses are categorised into subjects appropriately. Where a response referred to multiple subjects or documents, that response is referenced in each subject table that it refers to. Tables of all relevant responses to the statutory consultation period and the regard had to those comments are provided in Appendix G, whereas the responses and VWPL regard comments listed below are intended as a summary to capture the themes and key issues identified. Regard has been had to each individual comment in Appendix G.

9.1.6 Comments received by consultees have been sorted by ES chapter topic where applicable. Where broader comments were provided that related to the proposal in general, or did not relate to a specific ES topic, these are summarised in Section 9.2.17 below, along with VWPL regard.

9.1.7 Regard had to consultation responses has been had through a number of different channels. In most cases, these comments were addressed through further information or clarification provided in the ES chapters submitted with the application. Where specific responses in the form of letters sent, meetings held or further discussions, this has been noted in the relevant sections.

### Legislation and guidance

#### *The Planning Act*

9.1.8 Section 49(2) of the Planning Act requires the Applicant to have regard to relevant responses to the consultation and publicity that has been undertaken under Sections 42, 47 and 48. A relevant response for the purposes of Sections 42, 47 and 48 is defined in Section 49(3) as:

(a) a response from a person consulted under Section 42 that is received by the Applicant before the deadline imposed;

(b) a response to consultation under Section 47(7) that is received by the Applicant before any applicable deadline; and

(c) a response to publicity under Section 48 that is received by the Applicant before the deadline imposed.

9.1.9 Section 37(7) states that the Consultation Report should, inter alia, give details of:

(b) relevant responses to the statutory consultation and publicity under Sections 42, 47 and 48 of the Planning Act; and

(c) the account taken of any relevant responses.

#### *Guidance*

9.1.10 The following paragraphs of the DCLG guidance are relevant to this Section of the Consultation Report:

- Paragraph 61 - the Consultation Report should, among other things:
  - Set out a summary of relevant responses to consultation;
  - Provide a description of how the application was influenced by those responses, outlining any changes made as a result and showing how significant relevant responses will be addresses; and
  - Provide an explanation as to why responses advising on major changes to a project were not followed, including advice from statutory consultee on impacts.
- Paragraph 62 - it is important to show how the information received by applicants during consultation has been used to shape and influence the project;
- Paragraph 87 - during the pre-application stage Applicants should have regard to relevant responses to publicity and consultation. Promoters should therefore be able to demonstrate that they have acted reasonably in fulfilling the requirements of Section 49 of the Planning Act; and
- Paragraph 94 - Applicants should be able to demonstrate that they have acted reasonably in fulfilling the requirements of the Planning Act, to take account of responses to consultation and publicity although the Government recognises that applicants and consultees will not always agree about whether or how particular impacts should be mitigated.

9.1.11 The Planning Inspectorate Advice Note 14 on compiling the Consultation Report (see the Compliance Checklist at Appendix A1) states that it should draw together a summary of

the relevant responses to the separate strands of consultation; and the account taken of responses in developing the application from proposed to final form, as required by Section 49(2).

- 9.1.12 The Advice Note also states that a summary of responses by appropriate category should be included together with a clear explanation of the reason why responses have led to no change, including where responses have been received after deadlines set by the Applicant.

#### *Data protection*

- 9.1.13 The General Data Protection Regulation (GDPR) is a regulation on data protection within EU law. It was adopted in April 2016 and came into force on 25<sup>th</sup> May 2018, replacing the 1995 Data Protection Directive.

- 9.1.14 Consultee details held as part of the statutory consultation process will fall within the definition of data, which applies to *'any data that can be used to identify an individual, and so includes names and email addresses'*. In light of this new regulation, VWPL have ensured that arrangements already in place for data handling were compliant by the time the new provisions came into force.

- 9.1.15 It is important that VWPL, or any company holding data, can identify what data they have in their possession, its origin and the lawful basis for holding such data. In the case of Thanet Extension, this legal basis for holding data can be found within Article 6, paragraph 1(c) of the GDPR: *'possessing is necessary for compliance with a legal obligation to which the controller is subject'*. There is therefore an exemption for processing data due to the legal obligation to consult under Section 42 and Section 47 of the Planning Act.

- 9.1.16 The data collected needs to be:

- Held for as long as necessary for the purpose;
- Be kept up to date;
- Be regularly reviewed for retention or deletion; and
- Where appropriate, securely deleted.

- 9.1.17 In practice, this means that there should be a clear and logical audit trail for the processing and handling of data by VWPL and other companies involved in the Thanet Extension project. The data has been clearly and logically stored to ensure it is up to date, and that any details no longer required have been appropriately deleted. In compliance with this, VWPL committed to holding data for the period of the examination. Data will be regularly reviewed during this period and appropriately archived or deleted at determination.

## 9.2 Overview

- 9.2.1 All responses from the Section 42, 47 and 48 consultations are detailed in this chapter and summarised below. Formal responses, as well as responses highlighted in meetings held during the statutory consultation period, have been included in this consultation report and in each relevant chapter to provide a detailed response where appropriate.

- 9.2.2 Section 42 consultees such as prescribed bodies, local authorities and landowners with an interest in the land have been considered separately to section 47 consultees such as members of the public, elected representatives and non-statutory organisations.

- 9.2.3 A list of all the individual responses received, including a brief summary of the response and a list of the issues raised, are set out in Appendix G.

- 9.2.4 VWPL categorised all of the issues according to which chapter of the ES the response related to, in order to enable the presentation of responses by appropriate category in both the main consultation report and associated appendices. It is important to note that each issue raised is given equal importance, regardless of the frequency in which it is raised.

- 9.2.5 Many responses received contained comments relevant to more than one topic. In these cases, the response has been broken down and separated across the relevant topics as appropriate. A small number of comments received were not able to be categorised into a specific ES topic if, for example, the comment related to general consultation. These comments are summarised, along with VWPL regard, below in paragraph 9.2.17 *et seq.*

- 9.2.6 All comments received have had due regard paid to them by the applicant. In many cases this has resulted in amendments to the project and/ or changes or additions to the application documentation (i.e. ES, DCO etc.) or have led to further discussion and agreement (where possible) with consultees. The comments made, and regard had to each are detailed in the following sections. Where comments have not led to a change in the project design or application documents, this have been detailed and the applicant's position has been presented and justified.

### *Section 42 responses*

- 9.2.7 In total, 40 responses were received from 39 Section 42 consultees (Natural England sent two responses). Comments are considered by ES topic in subsequent sections. PIDs formed part of both the Section 42 and 47 consultation, and as such, the sections below include Section 42 and 47 responses.

- 9.2.8 Responses were categorised according to the topic area(s) they concerned. Where responses concerned specific areas of the project design, this was broken down further (e.g. onshore cable route). Nine responses (22.5%) made comments about the site selection process, with most of these being concerned with the onshore cable route and land fall (20%). Nine of the 40 (22.5%) responses did not wish to make any comment on



the consultation documents. Figure 9-1 indicates the percentage of total Section 42 responses that concerned each topic.

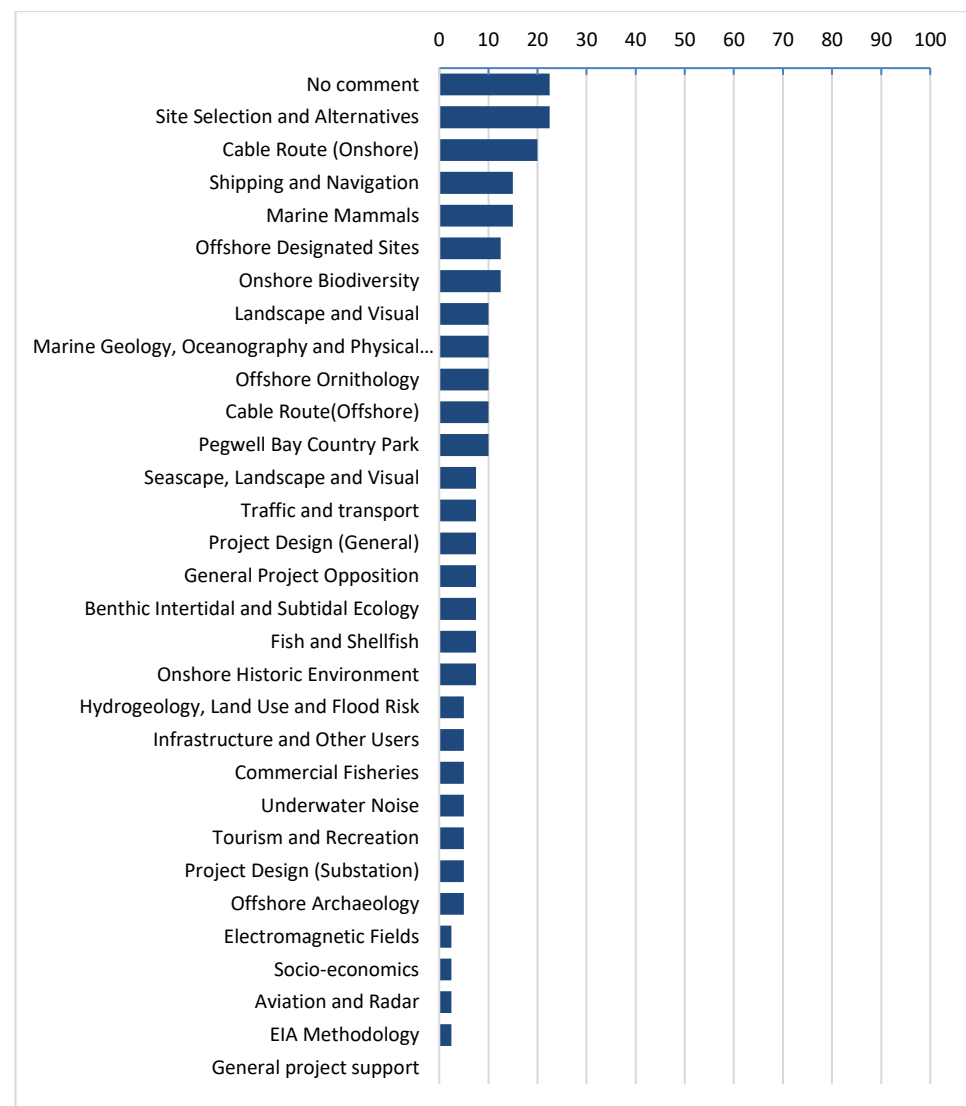


Figure 9-1 Percentage of total responses relating to each category

- 9.2.9 Some comments received related to formatting errors such as typographic mistakes, mis-numbering and incorrect references, rather than relating directly to a specific chapter or subject area. Any such issues raised were subsequently amended in the ES or relevant document, and for the sake of simplicity are grouped here rather than within the specific chapter sections below.
- 9.2.10 Comments were also received that requested clarification on terms, definitions and unclear text, as well as requests for summaries of information in the form of summary tables. These issues have been resolved in the ES where appropriate and are covered here, rather than being addressed in the topic-specific sections below.

- 9.2.11 Where consultees raised issues that were relevant to multiple topics, these are discussed in detail within the most relevant topic area, with cross references provided within the other topic areas for the purpose of the avoidance of unnecessary repetition.
- 9.2.12 Many of the Section 42 responses noted the absence of the proposed 132 kV cable replacement project for the existing Thanet Offshore Wind Farm from the assessments in the PEIR. This was due to the fact that a scoping report had not yet been submitted for the project, and so was not required to be included according to the cumulative impact assessment methodology. However, as a result of the decision to no longer pursue the 132 kV replacement project it is not possible, or necessary, to assess the two projects either cumulatively or in-combination. To avoid unnecessary repetition, this issue has not been included for each and every chapter/ subject area.
- 9.2.13 Several comments received also related to the use of three tiers in the cumulative assessments within the chapters, with some requesting that the methodology be changed to accommodate a greater number of tiers. For the sake of simplicity, where this issue was raised in individual chapter responses, they are considered here and have not been included within the individual topic sections below. The use of three tiers (as per Advice Note Seventeen (PINS, 2015) was agreed through the Evidence Plan process in June 2017 and it was subsequently discussed further and clarified in a further Evidence Plan meeting (26<sup>th</sup> January 2018), and additional information about the agreed tiering approach was provided within Volume 1, Chapter 3: EIA Methodology (Document Ref: 6.1.3).
- 9.2.14 Based on Vattenfall’s local knowledge and experience, as well as the desire to include all relevant stakeholders in consultation, several significant non-statutory consultees including TFA and RSPB) were identified who were treated as part of the formal Section 42 consultation. These stakeholders are identified in Appendix B3 under ‘significant consultees’. The responses of these consultees and VWPL regard are therefore captured under the ‘Section 42 responses and VWPL regard’ sections of each of the ES topic headings (Sections 0 to 9.29) below. It should also be noted that several of those significant consultees identified were also included in the Evidence Plan process, described in Section 4.6 of this document as well as in the Evidence Plan Report (Document Ref: 8.5).
- 9.2.15 TFA submitted its own official response to the PEIR and encouraged its members to submit their own responses in the form of a pre-written *pro forma* letter. In total, 18 of these letters were received from TFA members, as well as the TFA response itself, indicating their concerns over impacts to commercial fisheries. The TFA responses are discussed in Section 9.13. Whilst individual responses were from members of the public and therefore fall under Section 47 consultation, these have been included a separate section detailing the TFA member responses.
- 9.2.16 As described previously, VWPL undertook additional Section 42 Consultation with 5 statutory consultees in May 2018, including the bordering local authorities of East Sussex County Council and Southend-on-Sea Borough Council, OfGEM, the Equality and Human

Rights Commission and the Kent Resilience Forum. A response was only received from East Sussex County Council, indicating no comment.

9.2.17 As described previously above, a small number of comments received did not fit into an ES topic, instead relating to general consultation. These responses, along with VWPL regard, are summarised below:

- KWT stated in their response that they have been disappointed with the consultation process leading up to the submission of the PEIR, noting that there had been various stakeholder meetings and Evidence Plan meetings in late 2017. KWT felt that these meetings did not provide participants with the necessary technical information necessary to evaluate the proposal. KWT felt that there had been considerable difficulty with communication prior to PEIR submission, stating that they had voiced their concerns on environmental matters pre-PEIR, but that their views had been disregarded. As a result of this, KWT felt that reluctantly withdrawing from the Evidence Plan process post-Section 42 was the best course of action. VWPL fundamentally disagree with the position of KWT and maintain that KWT have been engaged as a significant consultee from a very early stage (post-scoping in 2017). VWPL have continued to invite KWT to Evidence Plan meetings, as well as holding bi-lateral meetings post-statutory consultation. Details of engagement with KWT are summarised in this report.
- Several responses were raised relating to land ownership. Land ownerships are under ongoing consultation with all relevant parties and will be taken forward in the post-consent phase.
- The MMO noted that the PEIR referred to mitigation that would be secured through reports, such as the Marine Pollution Contingency Plan, and requested that these must be secured through conditions in the DML. VWPL noted this response and have secured the relevant reports through conditions in the DMLs.
- The MMO also noted that the project has included the possible installation of one met-mast, which must be assessed in all relevant chapters. The provision for a met-mast has now been included in all relevant assessments.
- The MMO noted that a matrix has been used to calculate the significance of effects and noted instances where these were not defined as ‘adverse’ or ‘beneficial’. Definitions of ‘adverse’ and ‘beneficial’ have since been added to all chapters, with the EIA methodology chapter also updated to reflect this.

9.2.18 A summary of all responses as well as the regard VWPL have had to those comments, are captured within Appendix G of this report.

**Section 47 responses**

9.2.19 67 responses (plus 10 general feedback sheets completed by VWPL staff following verbal feedback at PIDs and pop-up events) were logged in total.

9.2.20 Of these, 33 were feedback sheets completed by members of the public in which feedback was provided in response to specific questions. The feedback form responses are summarised in section 9.29 below and are therefore not included within the topic-specific sections.

9.2.21 A variety of community feedback was received during the statutory consultation period, including requests for further information in the ES on certain topics, suggestions for maximising the level of local benefit from the project and enhancing the local environment and community. In some cases, the feedback offered by participants was conflicting. For example, some expressed positive views towards the turbines whilst others have the opposite view. Different preferences were also expressed regarding the approach to the landfall and cable works. Whilst feedback has been considered equally, clear decisions have been made and it is explained in this report and throughout the ES how these conclusions have been reached.

9.2.22 Section 47 responses in relation to specific topics are described in the ‘Section 47 responses and VWPL regard’ sections of the individual ES topic headings (Section 0 to 9.29) below.

**Targeted consultation following changes to the Red Line Boundary Post-PEIR**

9.2.23 As described in paragraph 5.4.22 *et seq.*, VWPL undertook targeted consultation with relevant stakeholders (see Appendix B7.1 for targeted consultee list).

9.2.24 The responses to the targeted consultation are summarised in Section 9.31, alongside the regard had to those comments by VWPL.

**Design changes and mitigation initiated as a result of Section 42 and 47 consultation**

9.2.25 As a result of responses received from stakeholders during the statutory consultation period, a number of changes or refinements to the project design have been implemented. Further measures to mitigate against potential impacts have also been adopted for the application. Although many of the documents listed under ‘other mitigation’ are requirements of legislation or best practice, these have been refined through consultation with the relevant parties including through the Evidence Plan. These are summarised in Table 9.1 below.

**Table 9.1 Design changes and additional mitigation adopted for the application**

Measure	Description	Key consultation	Reference
<i>Project design refinements/ mitigation</i>			
Refinements of the proposed offshore	The north-western extent of the proposed array	Primarily to address concerns from shipping and navigation	Volume 2, Chapter 1: Project

Measure	Description	Key consultation	Reference
development boundary (array)	boundary has been reduced in size.	stakeholders over reductions in navigable sea room and impacts to the North-East Spit pilot boarding and landing station.  Will also serve to address concerns of other stakeholders over issues including commercial fisheries.	Description (Offshore) (Document Ref: 6.2.1).  Volume 1, Chapter 4: Site Selection and Alternatives (Document Ref: 6.1.4).
Refinement of the proposed offshore development boundary (OECC).	The part of the OECC that overlaps with the Ramsgate harbour dredged channel and a 100 m buffer around the Ramsgate harbour limits has been sectioned off as a 'cable exclusion area'. No project infrastructure will be installed in this area, but it may be used for anchor handling activities.	Primarily to address concerns from Ramsgate Harbour but will also reduce direct effects on the Thanet Coast MCZ as well as the Thanet Coast SAC.	
	The nearshore section of the OECC boundary has been tapered towards the landfall location (see Figure 2-1) to limit the area potentially affected by works within the intertidal and shallow subtidal areas.	Primarily in relation to concerns over impacts to intertidal habitats from Natural England and KWT.  This also allowed the area of interest to be more focused.	
Refinement of the proposed onshore development boundary (substation)	The land footprint to the south of the proposed substation location has been increased in spatial extent.	This has been done to allow for the relocation of local business interests at the Richborough Port site.	Volume 3, Chapter 1: Project Description (Onshore) (Document Ref: 6.3.1).
Refinement of the proposed onshore	Long-term access from the Pegwell Bay Country Park	Addressing comments received by KCC and KWT	

Measure	Description	Key consultation	Reference
development boundary (landfall)	through to the proposed landfall location has been removed to reduce interaction with local business interests and visitors arriving by vehicle.	over impacts to the Pegwell Bay Country Park as a business.	Volume 1, Chapter 4: Site Selection and Alternative (Document Ref: 6.1.4)
	The landfall options have been amended to include the option to install cable ducts under the sea wall forming the boundary of the Pegwell Bay Country Park via HDD to reduce the interaction with the saltmarsh and sea wall. This option is dependent on Site Investigation works confirming that excavation within the Country Park is feasible.	In relation to responses from KCC, KWT and National Trust over the preference for underground installation of the onshore cables as opposed to in an above ground berm.	
	The landfall options have been amended to remove the larger of the two sea wall extensions as proposed in the PEIR to reduce the extent of the saltmarsh loss.	Primarily due concerns from Natural England over potential impacts to intertidal habitats and permanent loss of saltmarsh.	
	The landfall options have been amended to remove the option to position the TJBs within the saltmarsh, to reduce long-term effects on the saltmarsh habitats.	Primarily to address concerns from Natural England over permanent loss of saltmarsh habitat.	
	The landfall options have been updated to include clear reference to the use of a cofferdam during any work on the sea wall, to ensure that contaminant	To address concerns from EA over potential contaminant pathways from the historic landfill site within Pegwell Bay Country Park.	

Measure	Description	Key consultation	Reference
	pathways are adequately controlled.		
Refinement of the proposed onshore cable route options	Removal of the proposal to cross the Nemo Interconnector cable in order to limit effects on Pegwell Bay Country Park.	To address concerns from KWT over the scale of the berm required for this crossing.	
	The section of Sandwich Road formerly included within the proposed development boundary has been removed in light of the removal of the Nemo Interconnector crossing described above.	As above.	
	The onshore cable route options have been updated to include the option of installing the cable within trenches within the Pegwell Bay Country Park rather than in above-ground berms, to reduce the long-term effects within the Country Park. This option is also dependent on Site Investigation outputs.	To address concerns from KCC and KWT on the preference for undergrounding infrastructure.	
	The onshore cable route options have been refined in a number of locations to reduce and refine the proposed development boundary to reduce effects within the cable corridor.	Since discounting the Nemo Crossing option proposed at the PEIR stage as a result of consultation with KCC, KWT and National Trust, the cable corridor was able to be refined.	
	The onshore cable route in the Richborough Energy	To allow for existing and planned infrastructure	

Measure	Description	Key consultation	Reference
	Park location have been refined to clearly account for the location(s) of existing and proposed infrastructure in the Richborough Energy Park.	within the Richborough Energy Park.	
<i>Other mitigation</i>			
Navigation Risk Assessment	Considers possible impacts to shipping and navigation.	Developed through consultation with key Shipping and Navigation stakeholders including the MCA, Trinity House, PLA and ESL.	Volume 2, Chapter 10: Shipping and Navigation (Document Ref: 6.2.10) Volume 4, Annex 10-1: Navigation Risk Assessment (Document Ref: 6.4.10.1)
Code of Construction Practice	Outlines the in-principle management measures which will be taken by VWPL to manage the potential environmental impacts during the construction of Thanet Extension.	The CoCP was developed to answer questions from a range of stakeholders over environmental management measures to be implemented during construction.	Document Ref: 8.1
Public Rights of Way Strategy	Outlines the approach to managing PRowS during construction, including the provision of alternative routes.	Developed after Section 42 consultation with KCC, TDC and Natural England.	Volume 3, Chapter 4: Tourism and Recreation (Document Ref: 6.3.4) Document Ref: 8.4

Measure	Description	Key consultation	Reference
Onshore Written Scheme of Investigation	A method statement to cover the suite of archaeological works for the onshore works.	Produced primarily to address responses from Historic England.	Document Ref: 8.5
Offshore Written Scheme of Investigation	A method statement to cover the suite of archaeological works for the offshore works.	Produced primarily to address responses from Historic England.	Document Ref: 8.6
Landscape and Ecological Management Plan (LEMP)	Details the proposed approach to post-construction management of the landscape and ecological features.	Produced to address concerns from key ecological stakeholders and parties including Natural England, KCC and KWT to outline the approach to ecological and landscape mitigation and reinstatement measures.	Document Ref: 8.7
Traffic Management Plan	Outlines the approach to managing traffic movements during the construction of Thanet Extension.	Produced to address concerns from the Highways Agency, local authorities and the local community due to concerns over traffic disruption during construction.	Document Ref: 8.8
Draft Marine Mammal Mitigation Protocol (MMMP)	Sets out the approach to mitigate against impacts to marine mammals during construction.	Mainly to address concerns by Natural England over impacts to marine mammals during construction.	Document Ref: 8.11
Draft UXO Specific Marine Mammal Mitigation Protocol	Sets out the approach to mitigate against impacts to marine mammals during UXO clearance works.	Mainly to address concerns by Natural England over impacts to marine mammals during UXO clearance activities.	8.12

Measure	Description	Key consultation	Reference
Saltmarsh Mitigation and Reinstatement Plan	Outlines the approach to mitigating and compensating for potential impacts or losses to saltmarsh habitats.	Produced in response to comments from ecological stakeholders including Natural England and KWT over impacts to the saltmarsh and how these would be mitigated and compensated for after construction.	Document Ref: 8.13
<i>Sabellaria spinulosa</i> Mitigation Scheme	Details the proposed methodology for the identification of 'core reef' areas of <i>Sabellaria spinulosa</i> along with proposed mitigation zones.	Produced in response to concerns primarily from Natural England.	Document Ref: 8.15
Fisheries Coexistence Plan	Sets out the procedures in place to facilitate co-existence between the Thanet Extension project and local commercial fishing interests during construction, O&M and decommissioning.	Produced following consultation with key fisheries stakeholders, including TFA.	Document Ref: 8.17

### 9.3 EIA Methodology (Volume 1, Chapter 3)

#### Main Stakeholders

9.3.1 Comments relating to EIA methodology were received from four Section 42 consultees during the statutory consultation period. Summaries of all stakeholder responses, along with a summary of how VWPL has had regard to those comments, are contained in Appendix G. The following stakeholders provided a response with respect to EIA methodology:

- Natural England;
- MMO;
- Dover District Council; and
- Agence Française pour la Biodiversité (French Agency for Biodiversity).

9.3.2 Responses to this topic, as well as the regard had to them, are described within the consultation table of Volume 1, Chapter 3: EIA Methodology (Document Ref: 6.1.3) of the ES. Full lists of the responses received from consultees during the statutory consultation, including the issues raised in the responses, are presented in Appendix G.

#### Key Issues Raised

9.3.3 For this section (EIA Methodology), the responses included are those that relate directly to the EIA Methodology chapter and those that apply broadly to the methods applied to other chapters. Responses that relate to the methods applied within an individual chapter are included within the relevant subsequent chapter sections.

#### Section 42 responses and VWPL regard

9.3.4 Natural England highlighted that it is essential to assess the realistic worst-case scenario with regard to the specific impact being assessed (i.e. that the worst-case scenario may be different depending on the impact or receptor in question). This was clarified in the ES text throughout all relevant Rochdale envelope sections of technical chapters, and within the EIA Methodology chapter.

9.3.5 The French Agency for Biodiversity (Agence Française pour la Biodiversité (AFB)) raised some confusion over the EIA methodology. Their comments, and VWPL regard are summarised below.

- Explanation was requested as to how the magnitude of the impact and sensitivity of the receptor are used to derive the significance of the impact. Additional clarification was provided on the determination of significance in the ES.
- It was requested that all effects deemed minor or above be considered as potentially significant in EIA terms with regard to cumulative, transboundary and inter-related

effects. VWPL referenced section 3.6 of the chapter which describes the cumulative assessment methodology, as well as additional information in Volume 1, Annex 3-1: Cumulative Impact Assessment. The potential for multiple non-significant impacts to result in significant effects is assessed in Volume 2, Chapter 14: Inter-relationships (Document Ref: 6.2.14).

- The requirement for a global view of the study areas for each topic was highlighted. In response, VWPL considered that the ES chapters have done this appropriately, referencing the relevant chapters.
- It was suggested that minor effects should be fully assessed to ensure all potentially significant cumulative, transboundary and inter-related effects are assessed. VWPL highlighted the cumulative assessments carried out in each chapter, as well as the inter-relationships chapter, and stated that all impacts had been fully assessed, regardless of the significance concluded. Transboundary impacts are also assessed in the RIAA.

9.3.6 The MMO highlighted instances within the PEIR where effects are not defined as adverse or beneficial, as is stated within the methodology. In response, all instances of this have been amended to ensure that effects are defined as adverse or beneficial, as well as by their significance. Conclusions were also reviewed and corrected as appropriate to ensure they correlate with the significance matrix methodology.

9.3.7 Dover District Council requested that the repowering of the existing TOWF be included in the cumulative impacts assessment, however as this is not currently a planned project, there is insufficient information available for this and it has not been included.

9.3.8 The main issues raised with respect to EIA Methodology concerned the tiering system and the inclusion of the (now cancelled) Thanet 132 kV Cable Replacement project, which are discussed above in paragraph 9.2.12.

#### Section 47 responses and VWPL regard

9.3.9 No Section 47 responses were received directly in relation to the EIA Methodology chapter

### 9.4 Site Selection and Alternatives (Volume 1, Chapter 4)

#### Main Stakeholders

9.4.1 The consultees who provided responses to the Site Selection and Alternatives chapter were:

- The National Trust;
- Dover District Council;
- The Environment Agency;

- Kent Wildlife Trust;
- Kent County Council;
- Natural England;
- Ramac; and
- Thanet District Council.

#### **Key Issues Raised**

9.4.2 The key issues covered in consultation on the site selection and alternatives chapter were:

- The location of the cable landfall;
- The onshore and offshore cable routes;
- The consideration of existing infrastructure; and
- The site selection methodology.

#### **Section 42 responses and VWPL regard**

9.4.3 Kent Wildlife Trust raised several concerns over the site selection and consideration of alternatives, which are summarised along with VWPL regard, below.

- KWT stated that it is important that ‘attrition’ be given full consideration in the EIA process and that previous cable laying in the Country Park does not set a precedent in planning terms. The laying of previous cables was not considered as a precedent, however it was the position of VWPL that where parallels, lessons and analogous results are available, these should be taken into account. It is also noted that the Nemo cable forms part of the existing baseline environment in the assessment.
- KWT stated that they were not consulted prior to the submission of the Scoping Report, and therefore had no opportunity to become involved until a ‘favoured route’ had already been selected. VWPL noted that KWT were consulted prior to the submission of the Scoping Report and invited to take part in the Evidence Plan process.
- KWT pointed out that one of the considerations when selecting a route should be ‘minimising where practicable land designated for nature conservation. VWPL highlighted that the Site Selection chapter has been updated to provide further information with regard to minimising effects on designated sites, and further consideration has been given in the RIAA.
- KWT commented that as there had been no agreement on which option would be chosen, all potential cable route options should be assessed in all chapters in order to make an informed decision on which route should be taken forward on the basis of

environmental impact. The Site Selection chapter has been updated to provide further information for the justification of the final route chosen.

- KWT highlighted that the Pegwell Bay and Sandwich Bay options were appraised during Stage 4 of the site selection, although there was no reference to the presence of the landfill site at Pegwell Bay until a later stage, suggesting that the ES should clarify whether the presence of the landfill site was considered at this stage in line with KCC’s response. The ES was updated accordingly, and the project design has been updated to introduce undergrounding options for infrastructure within the Country Park through consultation with wider stakeholders.
- KWT stated that they were unable to form a considered view on the application as, in their opinion, insufficient technical information was provided in relation to the rationale for route selection. They also felt that there had been inadequate consultation. The route selection process, including the consideration of alternatives and consultation has been provided in the Site Selection chapter, as well as in the Evidence Plan Report (Document Ref: 8.5) and the Consultation Report (Document Ref: 5.1). VWPL acknowledges that the process and consultation referred to is not considered to be adequate by KWT. In light of this, the Site Selection and Alternatives chapter was updated to provide further information with regards to the appraisal process, the rationale for the final route chosen, and the phases of consultation undertaken.

9.4.4 The National Trust raised several concerns over the assessment of site selection and alternatives in the PEIR, which are summarised along with VWPL regard below.

- National Trust highlighted that they are landowners at Sandwich and Pegwell Bay, which is directly affected by the proposed development. They made it clear that this land is held inalienably under Act of Parliament and cannot be sold or disposed of. VWPL acknowledged the National Trust ownership within Sandwich and Pegwell Bay and has responded to their concerns through design changes, detailed within the ES chapter, as well as other relevant documents.
- National Trust highlighted their objection to the proposed development on the grounds that the assessment presented at PEIR did not take adequate account of the numerous designations in the area. VWPL acknowledged these concerns and has responded through provision of the RIAA. An MCZ Assessment has also been undertaken which gives consideration to sites designated under the MCAA. VWPL acknowledges that National Trust do not consider the documentation presented at PEIR to adequately justify the final route options with regards to designated sites. VWPL disagree and consider that a robust appraisal of route selection has been undertaken. The Site Selection and Alternatives chapter has been updated with further information regarding the appraisal process and the rationale for the final route chosen.

- National Trust stated that they did not want previous leasehold easements with the TOWF and Nemo cables to set a precedent for cable installation under National Trust land. VWPL does not consider these previous developments to set a precedent, however where parallels, lessons and suitably analogous results are available it is the position of VWPL that these should be taken into account.
  - National Trust did not consider that the PEIR met the requirements of the Habitats Regulations and general EIA good practice. VWPL highlighted that the PEIR was agreed as fit for purpose by the Evidence Plan.
  - National Trust considered that the PEIR:
    - Did not give a sound rationale for crossing the NNR. The rationale for crossing the NNR has been provided in the ES chapter, with further information on the route selection and appraisal process.
    - Did not take account of the cumulative effects of the existing cables. The cumulative effect of projects in the O&M phase has been considered in all relevant chapters, with clearer reference to these sections added.
    - Did not mention the failure of the existing TOWF cable. The Thanet Cable Replacement project was referenced in the PEIR but has subsequently been withdrawn.
    - Should have included the existing disturbed TOWF route as an option for Thanet Extension. This option was considered as an option during the site selection process and the chapter has been expanded to provide further detail in response to Section 42 feedback.
    - Did not give sufficient ecological information reasons for the chosen route, to which further information has been provided in the ES chapter.
    - Did not demonstrate why the other routes were rejected or how they have been fully considered, to which further information has been provided in the ES chapter.
  - National Trust did not consider the PEIR to adequately reflect them as a landowner in the site selection process. Further information has been provided within the chapter to describe this process in more detail.
  - National Trust raised concerns over the terminology used in the desk-based assessment for the landfall options as regards ‘constraints’ as opposed to ‘criteria’ in the desk-based appraisal. The chapter was updated to take account of the preference for criteria to be used as terminology. The Site Selection chapter clearly explains that the assessment considers criteria that include a number of ‘constraints’.
  - Further information was provided in the ES chapter to address comments concerning the identification of landfall choices at Stage 2.
  - Further information was added to the ES to address concerns over the perceived lack of detail provided on the conclusions of assessments at each stage to identify landfall options. This was also provided through the Consultation Report, Evidence Plan Report and bi-lateral meeting minutes.
  - National Trust considered that the assessment approach to identifying options was simplified and inadequate. Further information was provided within the chapter to clarify that the criteria were not weighted or scored, and how the process of considering the criteria was undertaken.
  - Further information was provided in the ES chapter to address concerns over the perceived lack of clarity in the route option selection process.
  - Further information was also provided in the ES chapter to address comments over the landscape and visual impact and socio-economic appraisals within the route selection process.
  - National Trust stated that in the absence of appropriate and sufficient information on the site selection process, they would not be able to provide substantive comment on the PEIR. Further information was subsequently provided in the ES chapter.
  - National Trust felt that the offshore route and landfall locations were a major incursion into the NNR, the outline proposals on the National Trust area of saltmarsh was unacceptable, and the landfall dissecting the Country Park would involve significant new structures which would detract from the public’s use and enjoyment of the general area. The project design has been updated to reduce the landfall option which would result in the greatest loss within the saltmarsh, the option to locate TJBs within this area has also been removed. Further project design refinement has been undertaken to introduce ‘underground’ options for infrastructure within the Country Park.
- 9.4.5 Dover District Council’s comments on the PEIR, along with VWPL regard, are summarised below.
- DDC raised that landscape and ecological designations were not included on all figures. The ES chapter has been updated accordingly.
  - DDC suggested that a cumulative assessment of the replacement and proposed cable routes should be undertaken to assess the cumulative impact of the proposed works. VWPL noted that the Thanet Cable Replacement project has been withdrawn since the publication of the PEIR, and the ES has been updated accordingly.
  - DDC highlighted that recent changes to the onshore cable route and substation location needs to be considered in more detail. Further information was subsequently provided in the ES.
  - DDC suggested that the ES should include the site selection criteria and all information about the alternatives considered. Further information has been provided in the ES.



- DDC considered the initial scoping and site options with reference to the options at Pegwell Bay and Sandwich Bay and concluded acceptance in relation the discounting of the southern Sandwich Bay option, particularly from a technical, consenting and commercial perspective. VWPL noted this response and provided further information concerning this process in the ES chapter.
- Further information regarding the final options taken forward was requested, which has been provided in the ES chapter.
- DDC considered that the effects on Pegwell Bay Country Park were not sufficiently assessed. Further information was provided in the ES chapter and the relevant technical ES chapters were also updated accordingly.
- DDC requested that further LVIA consideration be given in respect of the substation, cable route and landfall within the site selection, particularly with reference to views from the English Coastal Path at Sandwich Flats. Further information was provided in the ES chapter, and additional viewpoints were considered in the LIVA chapters.

9.4.6 The EA also made several comments on the PEIR, which are summarised, along with VWPL regard, below.

- EA raised concerns over the fragmentation of saltmarsh habitat at landfall due to the extension of the sea defence. The project design has been updated to limit this, such that the area of saltmarsh affected is reduced, and fragmentation is no longer an issue.
- EA stated that there was no consideration given to the pre-PEIR options and not enough detail provided on the rejection of these routes. The Site Selection chapter has been updated to provide further information. VWPL noted that the project has sought to balance all relevant criteria, including consideration of intertidal habitats.
- EA did not feel enough justification had been given for the exclusion of the burial of infrastructure. The project design as since been updated to include undergrounding of infrastructure within the Country Park and reduce the of saltmarsh lost at landfall.
- EA requested information about the effect of reducing the number of cables coming to shore, and on consideration of carrying out the project in conjunction with the proposed cable replacement for the existing wind farm. The project design has since been updated to reduce the landfall option which would result in the greatest loss of saltmarsh. Furthermore, the Thanet Cable Replacement project has been withdrawn. Project refinement has also resulted in undergrounding of infrastructure within the Country Park being considered within the ES.
- EA concluded that in the absence of the information requested, they could not agree that the site was an appropriate place to make landfall. Further information was provided in the chapter to justify this location, and design changes were brought forward to address key concerns by the EA.

9.4.7 KCC responded stating that they had initially accepted the approach for installing cables in the Country Park above ground, since it had followed the precedent set by Nemo. However, on further review, KCC wished to see the consideration of alternative options for installing infrastructure in the Country Park since it may affect the ability to access and maintain the closed landfill site. In response, the project design was updated to include underground options for installing cables within the Country Park, and to eliminate the option for crossing Nemo.

9.4.8 Natural England's comments on the Site Selection chapter are summarised below, along with VWPL regard.

- Natural England encouraged further information regarding mitigation, offsetting and biodiversity enhancement. The ES chapter has since been updated and an outline LEMP has been included with the application.
- Natural England advised that it should be made clear that consultation is still ongoing, and that further justification should be provided regarding the grid connection, HDD constraints, onshore route appraisal, consultation with stakeholders and the consideration of alternatives. Further information has been provided in the ES chapter regarding site selection and alternatives. This consultation report summarises the consultation with stakeholders. Further information can also be found in the Evidence Plan Report (Document Ref: 8.5).
- Natural England requested further refinement options and mitigation are brought forward for consideration. The project design has since been updated to reduce the landfall option which would result in the greatest area of loss within the saltmarsh. The option to locate the TJBs within this area has also been removed following consultation. Further project design refinement has been undertaken to introduce underground options for infrastructure within the Country Park.
- Natural England Acknowledged that revisions to the original proposal had been made since scoping, but highlighted interactions with the Outer Thames SPA leading to displacement of Red Throated Diver occurring over distances greater than 4 km. This was noted and assessed in the relevant chapters and documents. The array boundary has been reduced in extent resulting in a greater distance from the Outer Thames Estuary SPA.
- Natural England requested further information regarding 'minimising the length of HDD' and highlighted concerns over impacts to the saltmarsh. The project design has since been updated to reduce the landfall option which would result in the greatest area of loss within the saltmarsh. The option to locate the TJBs within this area has also been removed following consultation. Further project design refinement has been undertaken to introduce underground options for infrastructure within the Country Park.

- Further information was requested on the weighting of options in the site selection process. More information was provided in the ES chapter.
  - Natural England recognised the constraints represented by the Joss Bay option, however highlighted that the alternatives resulted in comparable interactions with designated sites. Further information was provided in the ES chapter regarding the route appraisals.
  - Natural England highlighted that they had previously flagged in-combination effects from repeated cable installation within Pegwell Bay. In-combination/ cumulative effects have been assessed in all relevant chapters in the ES. Recovery of intertidal habitats has been covered through a saltmarsh mitigation and reinstatement plan secured through the DCO.
  - Natural England were not satisfied that that onshore ecology comparison between options made reference to survey data. VWPL noted that survey effort was focused according to resources available, and that initial desk-based studies reviewed water bodies and targeted bird surveys before the decision was made to drop the southern option. At the time of option appraisal, detailed analysis of the data was not available.
  - Natural England requested evidence for the uncertainty of the effectiveness of mitigation measures during the appraisal of the northern vs. southern options. Information has been added to the ES chapter submitted with the application explaining that HDD was not considered viable due to the likelihood that dune systems could not be avoided, and that dunes by their nature are not considered optimal HDD routes.
  - Natural England pointed out that the saltmarsh is not a designated feature of the SSSI, however VWPL highlighted that it is a notified feature, and the habitat role during the winter period is noted in the RIAA and has been updated accordingly.
  - Natural England also highlighted concerns over the effectiveness of the seasonal restriction for works in the saltmarsh, as previous projects had been unable to adhere to it. VWPL undertook a strategic review and it was concluded that a seasonal restriction would be workable in practice, along with other measures included in the biodiversity chapter.
  - Concern was raised over the permanent loss of saltmarsh and requested that further alternatives and compensation should be presented to allow Natural England to assess the alternative options. The relevant chapters have been updated accordingly, as well as including updates to the project design.
  - Natural England acknowledged that saltmarsh affected by the existing TOWF did recover within two years, however raised concerns over the permanent loss of saltmarsh habitat from Thanet Extension. In response, alternative design has been brought forward in recognition of this, dependent on planned SI works to determine their feasibility. It was also noted that the loss of saltmarsh is not considered to be significant in terms of its scale, quality and non-native species mix present.
  - The assertion that the area of saltmarsh is of lower biodiversity was questioned, with further data on this requested. VWPL pointed out that this assertion was made by the EA and Natural England through an Evidence Plan meeting held in 2017. The landfall chosen represents what is understood to be degraded habitat as well as being the narrowest point of saltmarsh within the bay. The relevant chapters have been updated to account for the changing nature of the saltmarsh over time.
  - Natural England pointed out that the option to make landfall further north in Pegwell Bay represents an area where saltmarsh recoverability was proven and would avoid problems associated with the Country Park. The project details have been updated and alternatives have been brought forward that reduce or avoid loss in the saltmarsh, subject to SI works to determine their feasibility.
  - Natural England requested further detail on the risks associated with HDD and why earlier options were deemed to have such a high degree of uncertainty. Further justification was provided in the ES chapter, and VWPL highlighted that HDD over large distances, particularly within saltmarsh, bring risk of failure. The Site Selection and Project Description chapters have been updated accordingly.
  - Natural England concluded that they were unable to fully assess the conclusions made in the PEIR with regard to site selection due to a lack of information on alternative landfall options. Further information has been provided in the ES chapter and the project design has been updated to address the key concerns.
- 9.4.9 Ramac questioned whether a substation with a smaller footprint could be established, and whether the location could be secured at an alternative location such as adjacent to REP. The space at REP was deemed to be too small from an engineering perspective, as well as being too constrained by existing or planned infrastructure. Ramac also asked why cables could not be landed utilising the Nemo corridor where practicable. VWPL did investigate alternative routes, stating that the location of the substation dictates the cable route to a certain extent. It was also highlighted that the cable route does follow Nemo wherever practicable to do so. The ES chapter was updated accordingly.
- 9.4.10 The concerns of TDC are outlined below, along with VWPL regard.
- TDC requested more information over the technical aspects and constraints which led to scoping out of the initial landfall options, highlighting that site designations did not appear to have driven the ultimate choice of landfall. VWPL noted this response and highlighted that a number of aspects were considered including socio-economics and landscape and visual impacts. Further information has been provided in the Site Selection chapter to make this clear.
  - TDC highlighted information presented in the project booklet which stated that the aim of route selection was to ‘route the cable to avoid key hazards’ and pointed out the risk at Pegwell Bay associated with the historic landfall present. VWPL highlighted that all

options have hazards and risks associated with them and updated the ES chapter to provide clarification.

- VWPL noted TDC's concern that a number of risks associated with the chosen route were identified. These are given full consideration in the ES.

#### **Section 47 responses and VWPL regard**

9.4.11 No Section 47 comments were received specifically in relation to the Site Selection and Alternatives chapter.

### **9.5 Project Description (Offshore) (Volume 2, Chapter 1)**

9.5.1 Comments relating to the offshore project description chapter mostly requested additional information, as well as clarifications on text, which have been provided in the updated chapter. There were several responses to other chapters that have resulted in offshore project design changes. Where consultation has resulted in project design changes, these are detailed in the relevant topic section. These changes are also reflected in the updated project description chapter (Volume 2, Chapter 1: Project Description (Offshore) (Document Ref: 6.2.1) which includes the most up to date project design information. These changes are summarised in paragraph 12.1.5 of this document as well as Table 9.1.

### **9.6 Marine Geology, Oceanography and Physical Processes (Volume 2, Chapter 2)**

#### **Main Stakeholders**

9.6.1 Comments relating to marine geology, oceanography and physical processes were received from five Section 42 consultees during the statutory consultation period. Summaries of all stakeholder responses, along with a summary of how VWPL has had regard to those comments, are contained in Appendix G. The following stakeholders provided responses with respect to marine geology, oceanography and physical processes:

- MMO;
- DDC;
- EA;
- PLA; and
- Natural England.

9.6.2 Responses to this topic, as well as the regard had to them, are shown in the consultation table of Volume 2, Chapter 2: Marine Geology, Oceanography and Physical Processes (Document Ref: 6.2.2) of the ES. Full lists of the responses received from consultees

during the statutory consultation, including the issues raised in the responses, are presented in Appendix G.

#### **Key Issues Raised**

9.6.3 The key topics that were discussed during consultation were:

- The potential impacts of foundations and other infrastructure on wave regimes;
- Effects of scour and dredging spoil;
- The potential impacts on hydrodynamic and tidal processes;
- The use of a cofferdam in the intertidal; and
- The extent of cable protection.

#### **Section 42 responses and VWPL regard**

9.6.4 Overall, the MMO considered the PEIR to be comprehensive for physical processes, however they raised a number of points in relation to marine geology, oceanography and physical processes:

- It was suggested that the volume of material to be removed due to sand waves should be fully defined in the ES, as the extent and nature of any specific dredging activities was not sufficiently clear in the PEIR. The volumes of material which may be removed during sandwave clearance have now been included within Table 2.16 of the chapter.
- It was recommended that the southern loop of the offshore cable corridor be given full categorisation in the ES, and that a recognised and consistent particle-size grading unit be used in figures. Potential impacts associated with cable installation have been assessed in full, and a consistent particle size grading system has been applied to Figure 2.14.
- Sections of the chalk should be shown in order to demonstrate where there is a risk of chalk becoming exposed from dredging or drilling activities. Information describing the location/ presence of chalk has been added to the chapter.
- The MMO were concerned that a potential elevation of 1.7m in the shallow waters of Pegwell Bay would be significant in terms of changes to wave characteristics and sediment transport and asked that the worst-case change and associated impacts be considered in the ES. It was suggested that the methodology be shown for the indicated ~2.5% and ~2.7% changes in wave height, and also be shown graphically, in relation to paragraphs 2.11.12 and 2.11.18. Because the values were deemed to be small in absolute and relative terms, presenting no concern with regard to changes in sediment transport, it was not considered necessary to determine or illustrate this.

- The MMO were concerned that whilst the height of cable protection measures may only be 0.5m above the natural seabed level, this may still inhibit natural bedload transport. It was recommended that this potential impact be assessed in the ES. Similarly, in relation to the technical report, it was noted that the existing TOWF had to install over 200m of cable protection, and that impacts on sediment transport from even relatively low cable protection measures could be significant if this length of protection is required again. The extent of cable protection measures is set out in the maximum design scenario.
  - Long-term sediment winnowing by the virtually continuous suspended sediment plumes would be a slow process, but one that is potentially significant. The MMO suggested that detail on where and when the sediment samples were taken should be provided, along with estimates that can be made of the rate of winnowing to determine when (and if) a significant change in particle size can be measured. Additional information on the samples taken are now shown in Figure 2.2 of the chapter, along with a description of the changes associated with turbid wakes. Effects as a result of these changes are also now considered within the benthic ecology chapter.
  - The MMO would welcome the development of a Scour Protection Plan lined with the proposed Cable Protection Plan to determine the likely scour depths and volumes associated with the final design and to justify the proposed mitigation measures. In response, a full Cable Burial Risk Assessment will be undertaken post-consent (pre-construction) to ensure that appropriate levels of conservatism are factored into the Cable Installation Plan, and where required the Scour Protection Plan.
  - Clarification was sought on how the figure of 9,600 m<sup>3</sup> of sediment removal required for each suction caisson foundation was calculated. An explanation of how this figure was calculated is set out in Table 2.16 of the chapter.
  - A diagram was recommended with regard to the theoretical '80 diameters' impact on turbulence, along with clarification as to whether this extends beyond the proposed project area. A diagram of the flood and eff interaction between TOWF and Thanet Extension was also suggested, showing the size and orientation of the potential impact footprint along with the proposed project boundary. This is now illustrated in Figure 2.5 within the chapter.
  - Clarity was sought on how the natural variability of sandbanks was determined. Literature was referenced to explain how this conclusion was determined, along with expert judgement.
  - With regard to the technical annex, it was suggested that the differences between Digital Terrain Model (DTM) and Digital Surface Model (DSM) should be explained, as well as any impacts this has on the interpretation. It was also suggested that the Partrac Metocean study and the interpretation should be explored in detail in the ES. The MMO recommended that clarification be provided as to whether the four different water depths presented in Table 23 were obtained from four Acoustic Wave and Current (AWAC) meters, or whether this data was interpolated onto different water depths. The response also recommended that consideration be given to the AWC data. Clarification regarding the differences between models was added to Volume 4, Annex 2-1: Marine Geology, Oceanography and Physical Process (Document Ref: 6.4.2.1). Outputs from the Partrac study have been included (paragraph 2.7.4), along with discussion of surge related influence (paragraph 2.7.5).
- 9.6.5 Dover District Council raised a concern that the land take during the construction process as well as during operation was significant and likely to have a long-term effect on physical processes. Clarification was sought as to whether these effects were qualified, whether different scenarios were considered, and whether these permanent changes to the shape of the coastline will have an effect on tidal patterns, mudflats, and the movement of sediment. Using updated project design information, this assessment has been refined within the chapter and the land take reduced accordingly.
- 9.6.6 The EA sought clarification on the effects of erosion, sediment transport and deposition on the directly affected, and surrounding, area of mudflat. Clarification was subsequently added to the chapter.
- 9.6.7 The Port of London Authority raised concern that their comment in the Scoping Opinion regarding potential impacts to the NE Spit did not appear to be addressed within the PEIR, although impacts to sandbanks generally were considered. PLA were concerned about the migration of sandwaves into navigable waters, together with the reduction in sea room as a result of Thanet Extension, and objected to the proposed development on that basis. In response to this, clarification was added that the morphology of the feature will be determined by tidal currents and sediment supply, which will not be influenced by the Thanet Extension array considering the distance between them.
- 9.6.8 Natural England provided several comments on the assessment of impacts on marine geology, oceanography and physical processes. Their key concerns regarded the proposed landfall options, mainly due to the proposed permanent loss of saltmarsh, which is supporting habitat for the Thanet Coast and Sandwich Bay SPA and is a notified feature of the Sandwich Bay to Hacklinge Marshes SSSI. Natural England were concerned that there was no assessment of potential impacts to changes in physical processes, the potential for leachate contamination, or the functional importance of the loss of bird habitat within the SPA or SSSI. The options for landfall have been refined, eliminating the requirement for a large permanent loss of saltmarsh habitat, and these changes are reflected in the subsequent assessment. Other comments from Natural England, along with VWPL regard, are listed below:
- The effects of extending the sea defence and Country Park upon the natural physical processes such as erosion and accretion within the Bay. The requirement for a large extension of the sea wall has been eliminated from the project design. A smaller modification to the sea wall may be required and has been fully assessed within paragraph 2.10.57 *et seq.* of the chapter.

- Further detail and justification was requested regarding:
  - the proposed installation techniques in areas including seabed ridges and rocky outcrops;
  - the need for scour protection;
  - the assumptions made for material during the jetting of inter-array cable;
  - sandwave clearance, disposal of dredged material and sediment plumes; and
  - the permanent loss of saltmarsh and increasing the sea defences seaward.
  - Further information regarding these comments was made in Table 2.2 of the chapter.
- Natural England also raised concerns about the implications of the increase in SPM concentrations caused by turbid wakes for ecological receptors. The implications for ecological receptors due to the redistribution of suspended materials through the water column is discussed elsewhere in the ES (e.g. Benthic Ecology and Fish and Shellfish Ecology). Clarification was added to the chapter (Table 2.2).
- Natural England sought clarification on how export and inter-array cables will be placed in order to avoid excessive and unwanted scour around those assets. It was suggested that additional scour protection should be a last option, and that every effort should be made to avoid excessive scour. Furthermore, it must be ensured that any sandwave clearance does not exacerbate further erosion and necessitate further rock protection. Proposed installation techniques for cable installation in areas of rocky outcrops and seabed ridges were described in 'Volume 2, Chapter 1: Project Description (Offshore) (Document Ref: 6.2.1).
- It was advised that the impacts to the Goodwin Sands rMCZ should be assessed. Comments in relation to this advice are further discussed in the Benthic Subtidal and Intertidal Ecology section below (Section 9.9).
- With regard to inter-array cables, clarification was sought as to what the assumption that 50% of the material would be ejected from the trench during jetting was based upon. Clarification was added within the maximum design scenario table.
- Clarification was sought as to whether the 10m trench width stated is the cumulative width of four cables, or for each cable. Natural England were concerned that this seemed very wide, if for a single trench. Clarification was added in the ES chapter.
- Natural England were concerned that cable protection for 25% of the cable route seemed high. This was informed by (amongst other things) previous experience from TOWF and has been set out within the maximum design scenario table.
- It was advised that the disposal of any dredged material would have to be carefully placed to avoid any habitats of conservation importance within the array area.

Consideration of where any sediment plumes may migrate too would also need to be assessed. A full assessment has been provided within Volume 4, Annex 2-1: Marine Geology, Oceanography and Physical Processes Technical Annex (Document Ref: 6.4.2.1), and the implications assessed within Volume 2, Chapter 5: Benthic Subtidal and Intertidal Ecology (Document Ref: 6.2.5).

- With regard to sandwave clearance, Natural England commented that the evidence as to whether sandwave clearance is an effective method of ensuring asset burial is lacking. If sandwave clearance was to result in sufficiently buried cable, it may be preferable if no additional cable protection is required. Sandwave clearance within MPAs would not be the first option as it leads to additional disturbance to, and removal of, the feature. Any works within an MPA would be subject to further discussion and assessment. Natural England advised that any sandwave material should be deposited upstream in order to allow natural reworking of the sediment, which would be particularly critical in an MPA. The Project Design has been updated to fully quantify the need and proposed locations for sandwave clearance where necessary, and the ES updated accordingly.
- Natural England commented on the lack of further discussion in relation to the potential permanent loss of saltmarsh and increasing the sea defences seaward, as these would have impacts on the physical processes surrounding this area, and has the potential to act as a barrier, effectively splitting the saltmarsh into two areas. The project design has since been refined to remove the need for a large amendment to the sea wall.
- Clarification was required to determine the worst-case in terms of turbid wakes. Consideration of the potential spatial extent of turbid wakes has been provided in Volume 4, Annex 2-1: Marine Geology, Oceanography and Physical Processes (Document Ref: 6.4.2.1).
- Similar to the MMO's comment about sediment winnowing, Natural England raised a comment about whether the effects of coarsening in substrate had been measured or predicted, and the potential for this to change the underlying species which colonise the area, importantly the benthos, fish and bird species. A description of this has been provided in paragraph 6.11.73 *et seq.* of the chapter.
- If the equilibrium of scour can be reached or determined relatively quickly, and the effect of the current scour are not severe, Natural England's preference was to not use additional scour protection and monitor the situation closely to see how the scour progresses. VWPL acknowledge this and will ensure that scour protection is only deployed where required, which would be in line with the scour protection management plan submitted post-consent.
- It was noted by Natural England that the turbid wakes at the existing TOWF are not a result of ongoing local scour, rather increased vertical mixing in the monopile wake.

- More detail on the background SSC/ SPM levels was requested, so that a percentage elevation could be determined. In response to this, it was noted that these levels are highly variable, and therefore it is not appropriate to quote a fixed value.
  - Further consideration was suggested for the landfall proposals given in the PEIR and the potential effects of extending the sea defences outwards into the saltmarsh, which could have major effects on the sediment transport regime in the bay. The landfall options have since been refined and are fully considered within the assessment.
- 9.6.9 The detailed responses from Section 42 consultees and a record of how VWPL has had regard to the comments raised in the responses are set out in Appendix G.

#### **Section 47 responses and VWPL regard**

- 9.6.10 Aside from the Section 47 responses provided within feedback forms (Section 9.29), one Section 47 response related to marine geology, oceanography and physical processes. A member of public (MoP) raised concerns about how potential changes to physical processes would ultimately change the nature of the seabed to become rockier, encouraging benthic organisms more associated with hard substrate, and the implications of this on the use of gillnetting by commercial fishermen. VWPL noted this response and considered that these concerns have been assessed within the relevant chapters.
- 9.6.11 The responses from Section 47 consultees and a record of how VWPL has had regard to those comments is set out in Appendix G.

## **9.7 Marine Water Quality and Sediment Quality (Volume 2, Chapter 3)**

### **Main Stakeholders**

- 9.7.1 Comments relating to marine water and sediment quality were received from three Section 42 consultees during the statutory consultation period. Appendix G, contains summaries of all stakeholder responses, along with a summary of how VWPL has had regard to those comments. The following stakeholders provided responses with respect to marine water and sediment quality:
- MMO;
  - Natural England; and
  - Environment Agency.
- 9.7.2 The responses in relation to this chapter are summarised in the consultation table of Volume 2, Chapter 3: Marine Water and Sediment Quality of the ES. Full lists of the responses received from consultees during the statutory consultation, including the issues raised in the responses, are presented in Appendix G.

### **Key Topics Discussed**

9.7.3 The key topics that were discussed during consultation were:

- Bathing water quality;
- Contaminated sediments; and
- The effects of spoil on marine water and sediment quality.

### **Section 42 responses and VWPL regard**

- 9.7.4 Overall, the MMO were satisfied that the PEIR presented sufficient data to support the conclusions made regarding the release of sediment contaminants. A number of comments were raised within the MMO response in relation to marine water and sediment quality. These are summarised below alongside the regard that VWPL has had to the comments:
- The MMO raised that there was a lack of detail on the extent and nature of specific dredging activities associated with the project (e.g. bed preparation). It was suggested (also in response to Marine Geology, Oceanography and Physical Processes) that the activities and volumes associated with dredging and spoil be defined and assessed in the ES. In response, Additional information about the proposed methods and volumes for seabed preparation were provided in the chapter (Table 3.10) and within Volume 2, Chapter 1: Project Description (Offshore) (Document Ref: 6.2.1).
  - It was noted that the numbers and locations of samples taken during the geotechnical surveys (Fugro 2016; 2017) were not described in the main report, and within the annexed reports, the number of samples for contaminant testing was poorly detailed. It was suggested that a map be presented within the PEIR of the contaminant testing sites, and that more detail be presented in the PEIR chapter, rather than in the appendices. It was also suggested that the number and location of samples should follow the OSPAR guidance. In response, a map was included that detailed the survey locations, and additional clarification in the chapter with regard to sample number and location. OSPAR guidance was also applied and referenced as appropriate.
  - The assessment methods described the use of Cefas Action Levels to interpret chemical contaminants. It was recommended that these should not be the sole criteria used for the chemical assessment, and that contaminants data be interpreted relative to background ranges (e.g. OSPAR background concentrations). Further analysis and context was added to the contaminant analysis within the chapter.
  - It was noted that interpretation of the contaminants analysis was given for metals only, and that other contaminants should be summarised as well. Subsequently, additional text was added with respect to non-metal contaminants.

9.7.5 Natural England also raised a number of comments with respect to the marine water and sediment quality assessment, which are summarised below along with a summary of VWPL regard. Overall, Natural England were satisfied that the maximum design parameters had been adequately identified for the purposes of the marine water and sediment quality assessment and agreed with the conclusions of the assessment.

- A key issue raised was the potential for leachate contamination from the historic landfill at Pegwell Bay during construction. In response, the potential impacts from leachate contamination has been included in the assessment.
- Natural England suggested that a figure be included in the chapter to show the locations of sediment sampling, or other such signposting to where such information can be found. A concern was raised that seabed sediment classification did not cover the whole of the OECC. A figure has since been included within the ES chapter, which shows the locations of the sediment samples taken.

9.7.6 The Environment Agency raised no issues with the marine water and sediment quality assessment, nor the associated WFD assessment annex.

#### **Section 47 responses and VWPL regard**

9.7.7 No responses from Section 47 consultees were received directly in relation to water quality and sediment quality.

### **9.8 Offshore Ornithology (Volume 2, Chapter 4)**

#### **Main Stakeholders**

9.8.1 Comments regarding Offshore Ornithology were received from two Section 42 consultees during the statutory consultation period. Appendix G contains summaries of all stakeholder responses, along with a summary of how VWPL has had regard to those comments. The following stakeholders provided responses with respect to offshore ornithology:

- Agence Francaise pour la Biodiversite (AFB);
- Natural England; and
- RSPB.

9.8.2 Responses in relation to Offshore Ornithology are shown, alongside how regard has been had to those comments, in the consultation table of Volume 2, Chapter 4: Offshore Ornithology of the ES. Full lists of the responses received from consultees during the statutory consultation, including the issues raised in the responses, are presented in Appendix G.

#### **Key Topics Discussed**

9.8.3 The key topics discussed in relation to offshore ornithology included:

- Collisions of birds with rotating blades;
- Potential impact on feeding patterns;
- Disturbance, displacement and barrier effects on birds; and
- Cumulative impacts on seabird populations.

#### **Section 42 responses and VWPL regard**

9.8.4 Natural England submitted two separate responses in relation to offshore ornithology. The first response was specifically to advise VWPL that the Outer Thames Estuary pSPA had been as of the 31<sup>st</sup> October 2017 classified by the UK Government and had been submitted for registration by the European Commission on 14<sup>th</sup> November 2017. The site is now subject to the provisions of the Conservation of Habitats and Species Regulations 2017.

9.8.5 The second Natural England response in relation to offshore ornithology formed part of the comprehensive Natural England response to the entire PEIR. In this response, Natural England raised several comments, which are summarised, along with VWPL's regard, below:

- Natural England agreed with the species identified as the species most sensitive to the potential impacts from the project. This response was noted in the ES chapter, with details on the species identified in the assessment section.
- Natural England suggested that whilst the collision risk to all species is likely to not be significant for the project alone, they would need to see results based on the full survey data before any final agreements could be made. It was noted in the ES chapter that a full 24 months data has now been supplied in the ES.
- Natural England disagreed with the assumption that no Red Throated Diver would be displaced from the 4 km buffer to the proposed extension and advised that the assessment should be based on an assumption that 100% displacement would occur out to 4 km. It was noted in the ES chapter that the use of site-specific evidence on disturbance and displacement continued through the final ES chapter. However, the provision of additional displacement matrices have been included as an annex to the Ornithology chapter.
- Natural England welcomed the use of the Masden Model for collision risk modelling, however advised that as it is currently undergoing testing, that the Band (2012) model is used. The Band (2012) CRM model has now been used in the ES calculations.

- Natural England suggested that the method for assessing cumulative impacts on red throated diver by taking figures from other Environmental Statements was not appropriate, and that instead, it would be more appropriate to base the assessment of cumulative effects by taking a diver density distribution from a single source (e.g. JNCC distribution data). A revised assessment based on these principles was agreed through consultation with Natural England and RSPB on this topic and an updated assessment has been included in the ES chapter.
  - Natural England requested that the assessment of potential displacement mortality for each season should be presented separately and across the whole annual cycle. Presentation of potential disturbance and displacement effects as an annual impact has since been included in the ES chapter.
  - Natural England noted that a number of species were excluded from the PEIR assessment based on the fact that they are not commonly recorded in site-specific surveys and advised that these should be re-assessed once all survey data is collected. Further assessment and screening was completed for the final ES chapter once the full 24 months of aerial data was collected, with the key species remaining the same as those for PEIR. In comparison to other OWFs, the assessment screened in species which were recorded at a level of abundance that would not normally be screened in, as to provide a precautionary approach.
  - Natural England noted that displacement for razorbill and guillemot were considered within a 1 km buffer based on post-consent monitoring from TOWF. Whilst they recognised that site-specific evidence from TOWF was given as the reason for assessing out to 1 km, Natural England recommended that 100% displacement rates should be considered out to 2 km. It was clarified in the ES that the use of site-specific evidence on displacement levels continues through the assessment in the final ES. However, provision of additional displacement matrices has been given in an annex to the ES chapter.
  - Natural England suggested that it was not clear how the potential collision height was derived, and that it should be specified whether site-specific heights were derived from digital aerial surveys, or from the ORJIP Bird Avoidance Study undertaken at TOWF. Clarification was provided in the ES that CRM was completed using SOSS02 data due to uncertainties in the site-specific datasets from aerial surveys and the ORJIP study. The aerial digital survey data was used to undertake a parallel set of CRM that has been presented in an annex to the chapter. ORJIP data has not been used for any assessments.
- 9.8.6 As described in paragraph 5.3.22, several non-statutory consultees were identified as having a key interest in the project and were subsequently included as Section 42 consultees, including RSPB and TFA. Overall, the RSPB considered that the PEIR appeared comprehensive, with relevant information being highlighted, but considered that this was not always done in the clearest way, and that data was incomplete at the time of the PEIR. The RSPB had several points to make with regard to offshore ornithology:
- RSPB considered that the use of the 2013 post-construction data for TOWF to inform the assessment was not discussed during meetings prior to PEIR and therefore did not have the opportunity to comment on the suitability of these data. It was clarified in the ES that reference to the site-based evidence, including the 2013 monitoring data, was discussed as part of the Evidence Plan process.
  - RSPB disagreed that they had previously raised the possibility of using historical data to verify any months of the current survey programme without two years' data available and highlighted their position that in-line with Natural England, the collection of a full 24 months data is needed for the assessment. This could be supplemented with historical data for context but should not be considered as a substitute. In the ES, it was clarified an agreement was recorded in Evidence Plan meetings on how to prepare data appropriately for the ES, which has subsequently been completed in accordance with that agreement. VWPL also notes that a full 24 months aerial digital data has now been collected and used in the assessment.
  - RSPB recommended that a displacement rate of up to 100% should be considered for red-throated diver within the site and a 4 km buffer around the site. IN the ES, VWPL noted that the use of site-specific evidence on displacement levels continues through the assessments. However, provision of additional displacement matrices was also included as an annex to the ES chapter.
  - RSPB also recommended that auk displacement should be considered out to 2 km as per SNCB guidance, even if the current 1 km scenario is presented alongside this. As with Red-throated diver, the sue of site-specific evidence continued through the assessments in the final ES chapter, however the provision of additional matrices was included as an annex to the chapter.
  - The RSPB were in agreement with the position of Natural England that, whilst there is uncertainty around the validity of the outputs of the Masden (2015) model for CRM, that the previous Band (2012) model should be used. They also recommended that a full 24 months site-specific data should be used but agree with the use of BTO flight height distributions. In the ES, the chapter was revised to use the Band (2012) model, with a full 24 months pf data used in-combination with SOSS02 flight height data.
  - RSPB suggested the use of a 'common' underlying dataset of red-throated diver abundance to circumvent any issues surrounding the use of historical ES data, such as the SeaMaST data. In the ES, a revised assessment based on these principles was agreed through consultation with RSPB and Natural England was undertaken.
- 9.8.7 Comments received from AFB are summarised, along with VWPL regard, below:
- AFB requested consideration of the potential inter-annual variability of seabirds for foraging range and wintering areas. It was noted in the ES chapter that the assessments presented in the ES make use of two yeas data, providing a stronger basis on which to



make assessments and reducing the uncertainties surrounding potential issues such as inter-annual variation. In addition, a separate report on historic data and its comparison to more recent data collected has been included as an annex to the ES chapter.

- AFB requested information on how potential mortality rates associated with displacement of seabirds were identified. Clarification was provided in the ES that there is no reference to defining actual mortality rates associated with displacement rates. Many other factors are precautionary in the consideration of disturbance and displacement impacts, whilst it is commonly assumed that rates of mortality between 1-5% are presented for assessment of this potential effect. In addition, displacement matrices are provided for all species based upon the data deemed appropriate in the ES chapter, with additional matrices providing a full range of displacement and mortality rates are provided in an annex to the ES chapter.
- AFB requested consideration of potential cumulative effects from disturbance and displacement effects from various French OWFs, and also requested consideration of numerous French SPAs. Consideration of these wind farms and sites is given in the transboundary assessment section of the ES chapter, as well as in the RIAA.
- AFB requested consideration of collision risk for French SPA qualifying species. This was subsequently included and assessed in the RIAA.
- AFB requested consideration of the potential effects of collision risk to account for French OWFs in terms of the most sensitive species to this impact and a number of French SPAs. Consideration has now been given to the species and designated sites during screening for the RIAA.
- AFB referenced the breeding colony of Northern Gannet in Alderney where there is a Ramsar site. This was further considered for the assessment, however based on existing evidence from tagging studies, it was screened out as the gannet from this site do not move as far north at Thanet Extension.
- AFB requested that the proposed Dunkirk OWF should be considered in cumulative assessments for Thanet Extension. The project was considered, however due to no details being available on birds it was not considered in the cumulative assessment. Consideration of the project was also given in the screening for the RIAA.
- AFB also requested that the potential for a barrier effect on migratory and foraging routes of seabird species associated with French SPAs and qualifying species should be considered. It was clarified in the ES chapter that seabirds breeding in France are too far from Thanet Extension to present a significant barrier effect. Barrier effects have been considered for all seabirds and colonies within the UK. This is highly unlikely to be any different when considering French sites.
- AFB requested consideration of changes in prey availability during construction, operation and maintenance phases as a result of habitat disturbance and an increase in

noise, suggesting that consideration be given to all development activities in this part of the English Channel and North Sea. It was clarified in the ES that the ornithology assessment relies on assessments from other chapters, which did not conclude that significant effects would occur on prey species. Consideration of this has also been given in the RIAA.

#### *Section 47 responses and VWPL regard*

- 9.8.8 Apart from the feedback form responses detailed in Section 9.30 below, no comments were received from Section 47 consultees that specifically related to the offshore ornithology chapter.

### **9.9 Benthic Subtidal and Intertidal Ecology (Volume 2, Chapter 5)**

#### *Main Stakeholders*

- 9.9.1 Responses were received from 5 statutory consultees on Volume 2, Chapter 5: Benthic Intertidal and Subtidal Ecology (Document Ref: 6.2.5), which are summarised in Appendix G. The consultees that provided comments on this chapter were:

- MMO;
- Natural England;
- KWT;
- Environment Agency; and
- Dover District Council.

- 9.9.2 The responses are summarised in Table 5.5 of the chapter and are also contained in full in Appendix G.

#### *Key Topics Discussed*

- 9.9.3 The key topics discussed regarding benthic ecology were:

- Cumulative impacts on marine and intertidal ecological receptors;
- The design of proposed survey and monitoring plans;
- The loss of marine and intertidal habitats; and
- Potential impacts in the O&M phase.

#### *Section 42 responses and VWPL regard*

- 9.9.4 The MMO raised several comments relating to the Benthic Ecology chapter, which are summarised, along with regard had to those comments by VWPL, below:

- Due to the observation of turbid wakes at the existing TOWF site, the MMO suggested that the effects of turbid wakes on benthic invertebrates and fish be included within the assessment of operational impacts. As a result, turbid wakes have been assessed as an O&M impact within the benthic ecology chapter (Section 5.11).
- The MMO noted that direct and indirect seabed disturbances leading to the release of sediment contaminants was included in the maximum design scenario table but was not included within the assessment. This has since been updated, with a section added reflecting the impacts associated with the release of sediment contaminants.
- The MMO commented that the intertidal biotopes detailed in the chapter did not match those detailed in the intertidal characterisation. In response to this, the biotopes within the chapter were updated to reflect those identified in the intertidal characterisation surveys, alongside a brief description of the most common species recorded.
- It was noted that the description given for Pegwell Bay did not correspond to the information provided in the intertidal characterisation report. In response, the dominant species identified in the chapter have been updated to reflect those recorded in the characterisation surveys.
- The MMO requested further information on the assessment of 'core reef' *Sabellaria* areas. A proposed methodology for the core reef assessment along with proposed mitigation zones around core reef features has been produced and submitted to the Evidence Plan participants, as well as being presented in the *Sabellaria spinulosa* Mitigation Scheme (Document ref: 8.15).
- The MMO raised several comments that the descriptions of the biotopes identified were misleading in that they were based on the species most likely to be encountered in those biotopes, rather than the species actually found in the samples. It was suggested that the biotopes be reviewed, and the description of the characterising species be revised detailing the species that were actually encountered. In response, VWPL pointed out that the report refers to mosaics of biotopes rather than single biotopes specific to individual stations, and the stations containing these mosaics were identified by multivariate analysis. In addition to this, the report clearly presents these results in relation to the taxa actually recorded within the survey area. Additional clarification has been added to Table 5.5 of the Benthic chapter.
- Similarly, the MMO felt that the intertidal biotopes assigned in the characterisation report and PEIR chapter were misleading. Clarification was provided in Table 5.5 of the benthic chapter, with some biotopes being re-designated to more accurately reflect the combination of the biological community and the sediment samples.
- It was noted that the PEIR contained no information regarding benthic monitoring. Because of high confidence in the ES predictions based on the site-specific knowledge gained from the post-construction monitoring undertaken for TOWF, baseline surveys

will be undertaken pre-construction to inform micro-siting around sensitive biogenic reefs, and it is proposed that post-construction monitoring only occurs if core reef is identified within the order limits.

- The MMO considered that the stony reef assessment is not appropriate for the chalk bedrock identified in video surveys and stated that no further assessment would be required. The stony reef assessment methodology was subsequently complemented through reference to other assessment methods provided by MMO and Natural England, and evidence was used to confirm the presence of chalk bedrock as opposed to chalk reef.

9.9.5 Natural England also made several comments, which are described below alongside the regard had to those comments by VWPL.

- Concern was raised over the permanent loss or relocation of up to 4,811 m<sup>2</sup> of saltmarsh within an SPA and SSSI, to which VWPL responded with a change in project design reflected in the project description chapter, reducing this area of permanent loss of saltmarsh habitat.
- Natural England stated that it should be made clearer whether the effects of sediment plumes on benthic ecology have been sufficiently assessed. Clarification was added within the chapter on the contribution of sediment plumes to impacts from increases in SSC and sediment deposition.
- Clarification was requested on O&M scenarios as to whether the actual worst-case scenario has been assessed. Additional information has been provided in the maximum design scenario table in the chapter, and these details subsequently assessed in the O&M impacts section. Additional information on O&M activities was provided in the project description chapters, as well as the Outline Operation and Maintenance Plan.
- Natural England welcomed discussions on the core reef (*Sabellaria spinulosa*) approach, stating that they were keen for further discussion regarding this. It was suggested that in the absence of agreeing the approach to core reef, a pre-construction survey would need to be undertaken. In response, clarification was sought through the Evidence Plan process, and the core reef approach was sent to Natural England as part of the *Sabellaria spinulosa* Mitigation Plan for consultation.
- It was noted that details regarding *Sabellaria* and Drillstone reefs were missing from the benthic chapter; these details have now been incorporated into the benthic chapter. Where *Sabellaria* is identified, mitigation measures will be applied. Further detail on Drillstone reef is provided in Section 5.7 of the benthic chapter.
- Natural England noted that the habitats were generally referred to as widespread and common with a large amount of focus on ubiquitous habitats rather than areas with more sensitive habitats such as chalk and potential *Sabellaria* reef. They also noted that gravels

recover more slowly than mobile sands and recommended that this be considered throughout the assessment. Responding to this, VWPL noted that no chalk reef was identified during the benthic characterisation surveys, and that *S. spinulosa* reef was only recorded at one location. Any reef habitats identified will be subject to mitigation, and chalk bedrock has been presented in the Physical Processes chapter.

- Natural England stated that it was unclear whether the impacts of sediment plumes were assessed in the benthic chapter. Clarification has been provided regarding the contribution of sediment plumes to impacts from increases in SSCs and sediment deposition.
- It was raised that there was no full assessment of impacts from sandwave clearance or cable maintenance. An assessment of the impacts from sandwave clearance has now been provided in the ES. The full range of O&M activities have been assessed in the ES following a review of the activities presented in the PEIR.
- Natural England felt that there was insufficient discussion about the impacts of visible chalk plumes from cable installation. Specific discussion of the impacts of chalk plumes have been included with in the assessment of increases in SSCs and deposition.
- Natural England questioned the confidence of installation techniques, based on the issues experience with the existing TOWF and highlighted that a realistic worst-case scenario should be assessed. In response, VWPL stated that the installation methodologies assessed have been selected based on lessons learned from TOWF, and that the selected methodologies will be sufficient.
- Natural England wished to see further consideration of the Goodwin Sands rMCZ. As discussed at the Evidence Plan meeting on 29/01/18, the habitats and features of the rMCZ have been assessed as part of the ES (specifically in Volume 4, Annex 5-3: MCZ Assessment (Document Ref: 6.4.5.3)). The assessment demonstrated no likely significant adverse effects on the features of the rMCZ.
- It was questioned why the Phase 1 intertidal habitat survey did not go into detail about saltmarsh quality. VWPL noted that the survey scope was agreed through the Evidence Plan as discussed at the Evidence Plan meeting on 29/01/18 and saltmarsh was not sampled.
- Natural England considered that the loss of habitat and colonisation of hard substrate, though O&M impacts, should be considered as a result of the construction and mentioned in the relevant sections. In the benthic chapter, the long-term impacts were considered as part of the O&M phase due to their long-term nature, rather than as short-term impacts only relevant during the construction/ decommissioning phases. The loss of colonised habitat has also been considered as a separate impact during decommissioning.
- It was requested that data for the existing TOWF be included in seabed substrate figures. The data for TOWF is not available for inclusion within the ES, however further detail was provided in Section 5.7 of the chapter. VWPL also notes that full consideration of the challenges that arose during the installation of TOWF were considered when identifying installation methodologies for Thanet Extension.
- Natural England questioned the assertion that *Sabellaria* reefs in the area have limited longevity compared to those in The Wash area. Additional evidence was provided to support this in the ES.
- It was questioned why sediment classification data missed some sections of the OECC. VWPL clarified that this was due to the surveys being carried out based on the boundary presented at scoping, which has since been revised, also noting that the survey data is only available up until the point of the working depth of the vessel, excluding some of the shallower parts of the OECC.
- Natural England noted that despite the saltmarsh north of the river Stour being of a 'lower quality', it still represents an important habitat to a range of species and should not be disregarded. In response, VWPL noted that the quality of the saltmarsh had not need incorporated into the impact assessment, and that the point was made to identify the differing quality of the saltmarsh throughout the region. It should also be noted that the statements made with regard to saltmarsh quality refer to information received from Natural England at the Evidence Plan meeting on 26/05/17.
- Natural England stated that the NERC (BAP) habitats listed should be afforded protection from any damaging works. Mitigation measures for habitats of conservation importance will be agreed prior to construction.
- It was suggested that a figure be included to demonstrate the direct disturbance to the intertidal area from cable installation, and that the tracking of vehicles be considered. This was noted by VWPL, and the disturbance has been presented in the impact assessment.
- VWPL noted Natural England's comment that it is important that any changes to the methodology post-consent would not represent the worst-case scenario and clarified that the worst-case for each receptor has been presented such that any changes from the scenario described would be of a lesser impact.
- Natural England wished to see more consideration of sensitivity and recovery of all habitats across the array and cable areas in the text, rather than just the dominant habitats that are more likely to display recovery. The impact assessments were subsequently updated to include additional information on the less common habitats.
- Natural England noted the lack of discussion around the effects of permanent loss of saltmarsh habitats. The assessment text was expanded with further justification of the assessment outcomes.

- Natural England disagreed with the assertion that cable repair/ maintenance would comprise a single event in each location based on lessons learned from TOWF and other projects. Further information on the O&M activities, including the repair and maintenance of cables, has now been included in the maximum design scenario table, as well as being included in the offshore project description chapter.
- It was questioned whether impacts from increased SSCs and deposition could be reduced by carrying out works at low tide in order to reduce the distance from surface release to the seabed, and whether sediment needed to be deposited at the surface at all. VWPL clarified that this represents the worst-case for increases in SSCs and deposition as it would result in the largest plume and sediment being advected over the greatest possible distance. Any tidal restrictions would be excessively onerous from an engineering point of view and would significantly extend the construction programme.
- Natural England also questioned the tolerance of the identified biotopes to smothering. It was clarified through reference to relevant literature that the biotopes in question are highly resistant to changes in SSC and also to smothering from sediment deposition.
- Further information on sandwave clearance methodologies and volumes was requested as this would form the basis of the parameters permitted in the DML. Further detail on the volume of sediments to be removed was added in the chapter and subsequently discussed in the assessment.
- Natural England requested that plumes from trenching through chalk should be considered. VWPL clarified that the impacts of chalk plumes have been included in the assessment of increases in SSC and deposition with specific discussion added on the impacts from chalk plumes.
- Natural England noted that it was difficult to monitor turbine colonisation at TOWF, and that there was insufficient evidence that TOWF would not act as a stepping stone for non-natives. Text in the ES chapter was clarified to note the limitations of colonisation studies, and clarification was provided that the addition of Thanet Extension would not significantly increase the risk of spreading non-native species.
- Natural England disagreed with the assessment outcome that the permanent loss of saltmarsh would be of minor significance. Since the end of the statutory consultation period, the design of the seawall extension has been refined and reduced to prevent any fragmentation of the saltmarsh.
- It was noted that the area of impact from cable maintenance activities were not assessed in full and therefore this could not be permitted in the DML. Further information on the O&M activities has been included in the chapter as well as being included in the assessment.
- Natural England raised concerns that repeated increased SSC events could impact the resilience of a species. In response, VWPL noted that the short lifetime and rapid

reproduction rate of the characterising benthic species, combined with the likelihood of recolonization from surrounding areas contributes to the overall resilience of both the species and biotopes.

- It was questioned whether there would be additional mitigation for saltmarsh loss, and what mitigation would be put in place for *Sabellaria*. In response, a saltmarsh monitoring plan has been produced and submitted as part of the ES and no further mitigation beyond restrictions in construction footprint has been proposed. In relation to *Sabellaria* mitigation, the core reef assessment methodology was submitted as part of the Evidence Plan and also as part of the ES.
  - Natural England did not feel that the references cited for chalk reef were appropriate. VWPL noted that these references were designed for stony reef in the first instance, however stated that this was appropriate due to it taking account of the reef definition for both bedrock and stony reef.
  - Natural England noted that the video images presented in Figure 5.1 were of poor quality and suggested that the use of a sonar camera may be more appropriate for capturing images of *Sabellaria*. The use of a sonar camera will be considered for the post-consent surveys, the scope of which would be agreed with the MMO and its advisors.
  - It was also suggested that *Sabellaria* was clearly an important species in the area as it was found in a third of all samples. However, further surveys showed only one sample contained potentially low-grade *S. spinulosa* reef. Other samples contained fragments of crust or individuals. Pre-construction surveys will assess the location of *S. spinulosa* reef and microsite any construction to avoid direct impact.
  - It was questioned whether the heterogenous nature of sediments across the site may suggest that cable installation may not be straightforward and may involve a variety of techniques to successfully bury the cables. Volume 2, Chapter 1: Project Description (Offshore) (Document Ref: 6.2.1) provides a range of installation techniques considered for use. In addition to this, lessons learned from the Existing TOWF have been taken on board when considering the methods of cable installation.
- 9.9.6 Kent Wildlife Trust also raised a number of concerns relating to Benthic Ecology, which are summarised below, along with the regard had to them by VWPL:
- They suggested that lessons should be learned from cable installation and landfall of cables from other offshore wind farm projects in The Wash SSSI, and that every effort should be made to ensure that the features of the designated sites at Pegwell Bay are not exposed to further damaging development. VWPL highlighted that some parts of The Wash SSSI have been assessed as unfavourable, and that many of the units within the SSSI have not been assessed since 2009, prior to the construction of the Lincs and Race Bank offshore wind farms, and that the majority of units were assessed as unfavourable recovering rather than unfavourable declining. Furthermore, for those units where the

unfavourable status had additional information, multiple reasons were given for degradation of the site.

- Kent Wildlife Trust also raised concerns regarding the impact of the cable route on the Thanet Coast MCZ, in particular on the chalk reef feature, and any loss of this feature as a result of cable installation. In response, VWPL noted that the geophysical surveys of the cable corridor did not identify any areas of chalk reef, but the OECC was modified to take a precautionary approach and avoid the MCZ. Further detail is provided in Volume 4, Annex 5-3: MCZ Assessment (Document Ref: 6.4.5.3).
  - VWPL noted that Kent Wildlife Trust did not agree with the decision of the SoS that the impacts of operational noise should be scoped out of the assessment for benthic ecology. VWPL considered the impacts from operational noise at the scoping stage and agree with the decision of the SoS provided in the formal Scoping Opinion. VWPL highlighted that operational noise has been recorded from a range of operational turbines, and that noise from shipping and other sources can be significantly louder.
  - Kent Wildlife Trust stated that placement of WTG foundations in soft rock communities should be avoided, and that further survey should be carried out to identify the presence or absence of subtidal chalk and associated soft rock communities could be incorporated into the ES. VWPL responded, stating that baseline surveys may be carried out prior to construction, and that mitigation measures (including micrositing) for habitats of conservation importance will be discussed and agreed with the relevant parties prior to the construction of the wind farm as part of the post-consent process.
- 9.9.7 The Environment Agency also had several comments regarding the assessment of impacts to benthic ecology, which are summarised alongside VWPL regard below:
- The Environment Agency were concerned about the extension of the sea wall and the effects this would have in terms of loss of mudflat and saltmarsh habitat, habitat fragmentation, as well as erosion and sediment transport. Since the end of the statutory consultation, the project design has been refined to eliminate the need for a large extension to the sea wall, and as a result will mean a reduced area of habitat loss and will no longer cause a fragmentation of the saltmarsh habitat. Relevant assessments have been updated with regard to physical processes following this change in design.
  - The Environment Agency were also concerned about the thermal effects cables could have on the mudflat, given their burial depth of approximately 1 m. VWPL consider that any thermal effects to the mudflat will be minimal and are not considered to result in heating beyond the natural variation.
- 9.9.8 Dover District Council questioned whether an assessment with respect to coastline changes of between 20 and 50 m had been included, and that the worst-case 50 m change had been given limited consideration. Consideration of the change to the coastline has been incorporated into the assessment. Dover District Council also raised

that assumptions on the impact to the saltmarsh during construction could be more defined based on previous experience at TOWF. VWPL noted that previous experience demonstrated that the saltmarsh was fully recovered within 3 years post-construction.

#### *Section 47 responses and VWPL regard*

- 9.9.9 No Section 47 responses were received relating directly to Benthic Subtidal and Intertidal Ecology, outside of the feedback form responses outlined in Section 9.29.

### **9.10 Fish and Shellfish Ecology (Volume 2, Chapter 6)**

#### *Main Stakeholders*

- 9.10.1 The stakeholders who provided responses with respect to fish and shellfish ecology were:

- Natural England;
- MMO; and
- Kent Wildlife Trust.

- 9.10.2 Full lists of the responses received from consultees during statutory consultation are presented in Appendix G.

#### *Key Topics Discussed*

- 9.10.3 The key topics that were discussed during the consultation were:

- Spawning grounds for herring and sandeel;
- Auditory impacts to fish;
- The impacts of O&M works; and
- Long-term habitat loss.

#### *Section 42 responses and VWPL regard*

- 9.10.4 Natural England provided a number of comments in response to the fish and shellfish chapter, which are summarised along with VWPL regard below:

- Further information in relation to the anticipated O&M works throughout the lifetime of the project. As a result, additional detail on the O&M activities has been added in the maximum design scenario table in the chapter, which has been incorporated into the assessment.
- Natural England had concerns regarding impacts to herring and sandeel spawning and nursery grounds from increased SSC and loss of habitat, querying whether mitigation options could be considered to avoid impacts. In response, additional study was

- undertaken on potential spawning grounds. Mitigation outside of the embedded mitigation measures were not deemed necessary.
  - Natural England also queried whether there would be scope under best practice to instigate a seasonal restriction on cable installation between August and October, in order to avoid impacts to spawning herring and sandeel. This was discussed through the Evidence Plan, and it was deemed that additional mitigation such as a seasonal restriction was not necessary. Natural England also raised the possibility of micrositing to avoid prime areas of sandeel habitat. Additional study on potential habitat was undertaken and this was again, not deemed necessary in the context of wider habitat availability.
  - It was suggested that the inclusion of a map depicting sediment types would be helpful in the chapter. Several figures have been added depicting the sediment type according to freely available, as well as site-specific data.
  - Several concerns were raised regarding the worst-case scenario considered, including impacts from site preparation works, disturbance from cable repair works, operational noise and decommissioning. Further information has since been provided within the maximum design scenario table, and this information was incorporated into the relevant assessments.
  - Natural England advised that a draft Project Environmental Management Plan (PEMP) should be submitted alongside the application. Through discussion with the Evidence Plan, this was not deemed necessary and a draft PEMP has not been included with the application. A PEMP will be produced post-consent for approval by the MMO.
  - It was suggested that it should have been made clear that sessile eggs and mobile larvae are at risk of direct damage during construction. Clarification was added within the relevant assessment sections.
  - Natural England queried the conclusion that there is no overlap between herring spawning grounds and the project. Further clarification was provided regarding auditory impacts and overlap with spawning grounds for herring.
  - The absence of information regarding operational noise impacts to fish communication and disturbance to prey was noted by Natural England. Additional documentation regarding these issues has been referenced within the relevant assessment sections.
  - Natural England queried whether oil and gas pipelines were considered in the cumulative assessments. VWPL clarified that no oil and gas interests were identified within the study area.
  - In relation to the cumulative assessment, Natural England questioned the approach to assessing impacts in-combination with the Nemo Interconnector. VWPL clarified that the approach to the Nemo Interconnector was agreed in the Evidence Plan. Additional information on the volumes of displaced material was also incorporated into the cumulative assessment.
- Natural England were unable to agree with the conclusion that no specific mitigation is necessary, relating particularly to impacts from SSCs and changes in habitat type to spawning and nursery grounds, given the lack of detail regarding proposed O&M activities and the lack of quantitative cumulative assessment. Additional information was provided regarding O&M activities was provided in the maximum design scenario table and included in the relevant assessments.
  - Natural England noted that the mantis shrimp was also recorded at sampling station BT02. VWPL noted this and described the presence of the mantis shrimp in the baseline environment section.
- 9.10.5 The MMO also made several comments regarding the assessment of impacts to fish and shellfish ecology, which are summarised below along with VWPL regard.
- VWPL noted the MMO's consideration that the surveys carried out followed best practice to provide a general description of the species found within the wind farm area.
  - The MMO noted that in the fish characterisation survey strategy there were 5 sites proposed along the cable route, but that only four were detailed in the PEIR. Clarification was added to the chapter highlighting that the fish characterisation survey report stated that four otter trawls and four beam trawls were carried out along the OECC. It was also deemed that reference sites were not required.
  - The MMO highlighted that the spring and autumn fish characterisation surveys represent a snapshot in time and recommended therefore that the results be used with caution, especially regarding herring and sandeel, the stocks of which spawn at specific times of the year. Additional study was undertaken regarding potential herring and sandeel spawning grounds.
  - The MMO also highlighted that the proposed development is in close proximity to nursery grounds for seabass, and that they should be considered in the context of the special measures in place on them. Further information has been added regarding seabass in the context of the special protection measures. This was also incorporated into the assessment of changes to fishing pressures.
  - It was recommended that the study area should be increased to include the extent of the underwater noise modelling, since this could be audible over tens of kilometres. In response, the description of the study area has been amended to reflect the ranges and extents of the various impacts, including underwater noise.
  - The MMO made recommendations for the soft-start procedure for piling. Though not specifically relevant to fish and shellfish, the soft-start procedure has been clarified in the draft Marine Mammal Mitigation Protocol (MMMP) (Document Ref: 8.11).

- It was noted that mackerel and sandeel, for which information on spawning and nursery grounds is provided, were not included in the species list within the baseline environment section. These species have since been included in the species list.
  - The MMO noted that there was little information provided on how much sediment deposition is acceptable with regard to tolerance of sandeel eggs to sediment movement. The ES was updated with text amended to reflect this.
  - The conclusion that the proposed development does not overlap with high intensity spawning sites for sandeel was queried. Text was added to the ES clarifying that the proposed development overlaps with low-intensity sandeel spawning habitat, rather than high-intensity, in addition to the further study carried out on potential spawning habitat for herring and sandeel.
  - The MMO suggested that a short, specialised survey should be carried out, as well as using sediment samples to inform the sediment type, indicating preferred habitat. A specialised sandeel survey was not carried out, however additional study was undertaken to identify areas of preferred spawning habitat based on freely available sediment data as well as site specific data.
  - The MMO were satisfied that sufficient information had been provided so that a cockle survey within Pegwell Bay was not necessary.
  - The MMO considered that enhanced shellfish populations within the proposed development area would not be noticeable in the short-term, except for a brief period around the construction phase, and that if shellfish populations were enhanced, that this would be followed by an increase in predator species. VWPL noted this response, which is reflected in further text within the relevant assessment section.
  - Further clarification was sought as to why the potential effects of underwater noise from construction (other than piling) were considered in detail for marine mammals, but not for fish and shellfish. Further information was added, with reference to literature regarding the effects of noise from other activities on fish and shellfish.
- 9.10.6 Kent Wildlife Trust also had several comments in response to consultation on the fish and shellfish chapter, which are summarised below alongside the regard had to those comments.
- It was requested that species that are likely to be vulnerable to smothering by suspended sediments during construction should be specifically defined and easy to reference. Additional clarification was added regarding the species likely to be affected by smothering.
  - Kent Wildlife Trust stated that the loss of habitat during construction and decommissioning should not be scoped out of the assessment. However, the impact of loss of habitat during these periods was included within the assessment (paragraph

6.10.3). The impact during decommissioning is considered to be of no greater significance than in the construction phase. Similarly, it was also stated that the potential impacts of EMF on fish and shellfish should not be scoped out of the assessment. As above, the effects were not scoped out and were included in the assessment (paragraph 6.11.33).

- Kent Wildlife Trust suggested that areas of high species abundance, and areas where abundance was skewed by one or two species, should be given consideration in terms of micro-siting. VWPL noted this, however further mitigation was not deemed to be required. Similarly, it was suggested that the timing of construction activities should be carefully planned to as to reduce the impact on certain species, however again, mitigation in addition to the embedded mitigation was not deemed to be required as no significant effects were predicted.
- Further information was requested on the effects of vibrations in the sediment on sandeels. The effects of vibration on marine fauna, including sandeels, were discussed within the assessment (paragraph 6.10.52), in addition to further study undertaken on preferred habitat and potential spawning areas for sandeel.
- Further justification was sought for the conclusion of low magnitude given for the impact of long-term habitat loss. This conclusion was reviewed and was deemed to be appropriate in the context of the wider habitat available.

#### *Section 47 responses and VWPL regard*

9.10.7 No Section 47 responses, outside of those already described for the feedback forms (Section 9.29), were received specifically in relation to fish and shellfish ecology.

### **9.11 Marine Mammals (Volume 2, Chapter 7)**

#### *Main Stakeholders*

9.11.1 The consultees who provided comments on the marine mammals chapter were:

- MMO;
- Dover District Council;
- Kent Wildlife Trust;
- Natural England; and
- The French Government (Agence française pour la biodiversité (AFB)).

#### *Key Topics Discussed*

9.11.2 The key topics that were consulted on, and to which stakeholders provided comments were:

- The potential effects of construction noise on marine mammals, in particular harbour porpoise.
- The approach to the noise assessment and underwater noise modelling;
- Mitigation; and
- Noise from unexploded ordnance (UXO).

#### **Section 42 responses and VWPL regard**

9.11.3 The MMO provided several responses to the marine mammals chapter, which are summarised along with VWPL regard below.

- The MMO questioned the used of SEL (single strike) thresholds for the assessment of instantaneous PTS. VWPL highlighted that this had been included in the PEIR as a comparison to other projects that have used this metric in this way (agreed through the Evidence Plan process). This has now been removed from the ES.
- VWPL noted the MMO response welcoming the assessment of non-piling noise during construction and welcomed the assessment of operational noise.
- The MMO highlighted that the potential for UXO clearance has not been assessed in the PEIR and noted that a full assessment should be carried out in the ES. In response, UXO clearance has been assessed within the relevant chapters of the ES, including Volume 2, Chapter 7: Marine Mammals (Document Ref: 6.2.7).

9.11.4 Dover District Council raised its concern with regard to the harbour seal haul-out site on the bank of the river Stour. Additional text was added clarifying the assessment of effects on this site. The landfall impact assessment has been expanded to include the three final landfall options and their potential impact on seal haul-outs in Pegwell Bay.

9.11.5 Kent Wildlife Trust also had several comments to make about the marine mammals chapter, which are summarised below, along with VWPL regard.

- A request was made for the Option 2 cable route to be shown on maps showing the seal haul-out site in Pegwell Bay. The landfall options have since been amended and have been illustrated in the relevant figures in the Project Description (Onshore) chapter (document ref: 6.3.1). the landfall impact assessment has been expanded to include the three final landfall options and their potential impacts on seal haul-outs in Pegwell Bay.
- KWT stated that the impact of increased vessel movements should be considered in more detail with regards to marine mammals. In response, the level of predicted increase in vessel movements was assessed in relation to figures and references provided by KWT. Levels of predicted increase in vessel movement has been expressed relative to the Heinanen & Skoy (2015) threshold value (see also Natural England response below).

- KWT could not agree that impacts from UXO clearance could be scoped out of the assessment. UXO clearance has subsequently been assessed in the relevant ES chapters, including Volume 2, Chapter 7: Marine Mammals (Document Ref: 6.2.7)
- KWT highlighted that it is important that a site-based approach is undertaken to the Southern North Sea cSAC HRA. Since the designation of this site, more monitoring on the impacts of offshore wind farms on harbour porpoise is required. VWPL noted this response. Potential impacts to the conservation objectives of the Southern North Sea cSAC are covered in the Report to Inform Appropriate Assessment (RIAA) Document Ref: 5.2).

- KWT highlighted that caution should be used when comparing disturbance and displacement population impacts against the Interim Population Consequences of Disturbance (iPCoD). VWPL highlighted these uncertainties but noted that the iPCoD framework currently represents the best understanding of the effects of piling noise on harbour porpoise.

- In relation to the cumulative assessment, KWT stated that mitigation must be considered in light of the conclusion of moderate significant effects identified from underwater noise. VWPL clarified that that the moderate cumulative effect would still exist even without considering Thanet Extension, and that any mitigation applied would not reduce this conclusion. VWPL also highlighted that UXO clearance, oil and gas seismic surveys and harbour construction projects are included within the cumulative impacts assessment (see also Volume 1, Annex 3-1: Cumulative Impact Assessment (Document Ref: 6.1.3.1).

- KWT raised concerns over inconsistencies in the approach to the sensitivity assessment criteria used across a range of offshore wind farm project. VWPL reviewed this and made small edits to the definitions of magnitude and sensitivity to ensure consistency with other current offshore wind projects. KWT did not agree that dolphins should be scoped out of the impact assessment, and that as dolphins have been recorded at other nearby offshore wind farms, they should be included in mitigation plans. VWPL clarified that dolphins were scoped out of the assessment in agreement with the Evidence Plan panel. Whilst not assessed as part of the impact assessment, dolphins will be included in mitigation plans as the standard JNCC mitigation measures apply to all cetacean species.

9.11.6 Natural England provided several responses in relation to marine mammals, which are summarised along with VWPL regard, below.

- It was queried whether there are any further datasets that illustrate turbidity in the Thames Estuary in relation to the confidence in the assumption that porpoise can be detected in the top two metres of water and did not believe that the SCANS III summer estimate should be chosen as the most robust abundance estimate until the remaining



nine months of aerial survey data becomes available. Information has since been presented regarding turbidity surveys.

- Natural England (along with DDC and KWT) requested further details on the impacts on seal haul-outs at the landfall and in relation to pile-driving. VWPL subsequently expanded the landfall impact assessment to include the three final landfall options and their potential impacts on seal haul-outs in Pegwell Bay.
- Natural England requested the inclusion of JCP III (Joint Cetacean Programme) data, which has now been presented in the ES.
- Along with the MMO, Natural England questioned the use of SEL (single strike) noise level in the assessment of instantaneous PTS. VWPL highlighted that this had been included in the PEIR as a comparison to other projects that have used this metric in this way (agreed through the Evidence Plan process). This has since been removed from the ES.
- Natural England noted the conclusion of moderate effects on harbour porpoise in the cumulative assessment, and suggested that no matter the size contribution, mitigation must be considered. VWPL responded, stating that no amount of project-specific mitigation at Thanet Extension would be able to reduce the cumulative assessment significance level.
- VWPL noted Natural England's response that they would welcome further work to be undertaken in relation to monitoring the operational noise of larger turbines to update evidence in this area.
- Natural England questioned why grey seal Management Units assessed included the Scottish East Coast Management Unit, highlighting that other wind farms further north are not using this Management Unit in their assessments. In response, the grey seal Management Unit was amended.
- Natural England requested clarification on why the dose response curves included behavioural reactions down to 120 dB SEL (single strike) when other studies have used 145 dB SEL. VWPL responded stating that the 145 dB SEL is a fixed threshold, assuming a 100% response within and 0% outwith. Whereas the fate behind the dose-response curve does suggest a small response out to 120 dB, the response range is between 120 and 180 dB because the Subacoustech report stated that noise levels were usually above 120 dB and a maximum of 135 dB.
- Natural England questioned the reasoning for the OSS soft-start at 20 blows per minute, compared to 15 blows per minute for WTGs. This difference has been clarified by VWPL engineers.
- Natural England highlighted that sub-bottom profiler surveys are voluntary notifications only, therefore there may be more surveys than recorded on the Marine Noise Registry. ES text has been amended to reflect this.

9.11.7 AFB's comments in relation to the marine mammals chapter are summarised, along with VWPL regard, below:

- AFB requested additional information be provided on the connectivity with French seal haul-out sites. Grey seal connectivity with the Wadden Sea and French haul-outs has been outlined in the ES.
- AFB requested that the Dieppe-Le Tréport offshore wind farm be scoped into the cumulative impact assessment. This site has now been included within the cumulative impact assessment in the ES.
- AFB recommended changing the PTS sensitivity score for porpoise and seal species. Small edits to the definitions of PTS sensitivity have been made and sensitivity scores have been adjusted to ensure consistency with the other current offshore wind farm projects.
- AFB also highlighted that it is necessary to take into account non-UK SACs and SPAs and their functional areas in an Appropriate Assessment to ensure sustaining good environmental status and the integrity of the Natura 2000 network and its features. VWPL highlighted that this is covered in the RIAA (Document Ref: 5.2), rather than the marine mammals chapter

#### *Section 47 responses and VWPL regard*

9.11.8 No Section 47 responses were received specifically concerning marine mammals.

## **9.12 Offshore Designated Sites (Volume 2, Chapter 8)**

### *Main Stakeholders*

9.12.1 The following stakeholders provided comments with respect to offshore designated sites:

- Natural England;
- MMO;
- Kent Wildlife Trust.

9.12.2 Full lists of the responses received from consultees during statutory consultation are presented in Appendix G.

### *Key Topics Discussed*

9.12.3 The key topics that were discussed during the consultation were:

- How assessments have been made and how species of conservation interest have been considered;

- The approach to consideration of recommended designations; and
- The Habitats Regulations Assessment (HRA).

#### **Section 42 responses and VWPL regard**

9.12.4 Natural England had a number of comments to make regarding the Designated Sites Chapter, summarised alongside VWPL regard below.

- Natural England noted that the Outer Thames Estuary pSPA has now been designated and should be treated as one whole site with the relevant new features. The updates have been included in the assessment.
- Additional Information was requested on the expected specifications and installation methodologies for the cofferdam. In response, additional information has been included within the maximum design scenario. More information is also included in the project description chapter as regards details on the cofferdam.
- Natural England encouraged further consultation in order to mitigate and compensate any potential impacts or losses to saltmarsh habitat in the Sandwich Bay and Hacklinge Marshes SSSI. In response, a Saltmarsh Mitigation and Reinstatement Plan has been drafted (Document Ref: 8.13) and submitted alongside the application.
- It was suggested that pre-construction surveys should extend further than those listed under Annex 1 of the Habitats Directive and should include a review of habitats listed in Section 41 of the NERC act. The chapter specifically assessed potential effects on the designated sites themselves. Relevant habitats and species are assessed (when present) in the relevant chapters (e.g. benthic ecology or offshore ornithology).
- It was requested that the Goodwin Sands rMCZ should be given more consideration in the assessment, given that Defra are now in the process of considering a third tranche of MCZ designations. In response, further consideration of the Goodwin Sands rMCZ has been given in Volume 4, Annex 5-3: MCZ Assessment (Document Ref: 6.4.5.3) in relation to the proposed habitats and features of the MCZ (in the absence of any conservation objectives or Advice on Operations for the proposed site).

9.12.5 The MMO also recommended that the Goodwin Sands rMCZ should be given full consideration. However, as above, in the absence of conservation objectives or Advice on Operations for the site, a detailed MCZ Assessment is not possible, and the site has been addressed in the MCZ Assessment in the context of the habitats and features present.

9.12.6 Kent Wildlife Trust raised two points in relation to the Designated Sites Chapter:

- KWT noted some uncertainties over the presence of *Sabellaria spinulosa* reef in the Thanet Extension area and stated that it would be essential to undertake pre-

construction surveys to determine the distribution of reefs to avoid damage. Clarification was provided on the survey results within the ES chapter.

- It was suggested that the South Marine Plan (not yet published) should be considered in addition to the East Marine Plan, since both lie adjacent to the Thanet Extension Area. As the publication of the South Marine Plan is not due until Summer 2020, it was not possible to include it in the context of the assessment.

#### **Section 47 responses and VWPL regard**

9.12.7 No Section 47 responses were received that related specifically to the Offshore Designated Chapter.

### **9.13 Commercial Fisheries (Volume 2, Chapter 9)**

#### **Main Stakeholders**

9.13.1 Inshore and offshore independent fishermen were consulted, alongside national and international representatives of the fishing industry. A number of responses were pre-drafted objection letters from TFA members (a copy of this letter can be seen in Appendix C9). Six stakeholders provided comments in relation to commercial fisheries:

- MMO;
- KWT;
- TFA; and
- The French Government; and
- MoPs.

9.13.2 Full lists of the responses received from consultees during statutory consultation are presented in Appendix G.

#### **Key Topics Discussed**

9.13.3 The key topics discussed in relation to commercial fisheries included:

- The importance of consultation with non-statutory fishing organisations;
- Fisheries Liaison Plans;
- The comprehensive assessment of impacts on commercial fisheries; and
- Potential displacement of fishermen from traditional fishing grounds.

**Section 42 responses and VWPL regard**

9.13.4 The MMO suggested that 2016 data on commercial landings and vessel movements should be included in the assessment. In response, the most recently available data from 2016 was included in the chapter.

9.13.5 KWT provided several comments on the commercial fisheries chapter, which are summarised alongside VWPL regard below.

- KWT stated that in their view, displacement is a cumulative impact, especially in relation to the sole fishery which it views as most valuable. In response, VWPL stated that cumulative impacts have been assessed as part of the EIA process, and that displacement has been considered in that process.
- KWT expressed concern that assessments were not based on comprehensive datasets and requested that MMO data for vessel 12 – 15 m in length, and up-to-date VMS data on French fishing vessels be obtained. VWPL requested the MMO data for fishing vessels 12 – 15 m in length, however this was unavailable. More information on the French fishing fleet in the form of IFREMER data was also requested from the French Authorities on 22<sup>nd</sup> February 2018 however this has not been provided to date.
- Clarification was sought on which groups will be responsible for creating the code of conduct and cooperation between fishing vessels and the developer, and whether this will occur prior to construction. A Fisheries Liaison and Co-existence Plan has been drafted and accompanies the application (Document Ref: 8.17).

9.13.6 The French Government provided two responses that related to commercial fisheries, summarised along with VWPL regard below:

- A more detailed analysis of the impacts on the French fishing fleet was requested, including cumulative impacts from Brexit, other wind farms and marine protected areas. They also suggested using the most up-to-date VALPENA data (as opposed to the less current IFREMER data). In response, VWPL outlined that the cumulative assessment is being carried out according to current UK legislation, within which marine protected areas, other fishing activities and Brexit are not considered as projects (in the context of cumulative impact assessments. With regard to data, options for obtaining VALPENA data were investigated, but were cost prohibitive. As stated above, a request for IFREMER data was requested on 22<sup>nd</sup> February 2018, however this has not been received to date.
- It was suggested that consultation should be undertaken with French fishermen. In response, a conference call was arranged so that the project could be updated with additional information on French fishing activity in the area and to discuss the views of French skippers.

9.13.7 As described in paragraph 9.2.14, several non-statutory consultees were identified as having a key interest in the project and were included in Section 42 consultation, including RSPB and TFA. The TFA responses, along with VWPL regard, are summarised below.

- The TFA expressed their concerns about alternative fishing grounds, which overlap with existing Dutch fishing grounds. In response, VWPL pointed out that Succorfish data shows alternative fishing grounds are currently used within UK waters. VWPL recognised that restrictions will be in place however this is minimal in relation to the overall grounds of the Dutch fleet in the North Sea.
- TFA noted that data for the <10 m vessels is lacking and difficult to quantify, and while the assessment recognises that the VMS data is not directly relevant to these vessels, the main data sources are still based upon ICES rectangles and MMO surveillance sightings. VWPL states in response that the MMO data and ICES rectangles are the best data available (acknowledged by TFA), and the limitations of the data are noted within the ES. The MMO and ICES data has also been supplemented with Succorfish data.
- TFA proposed that bottom drift surveys and trawl surveys should be undertaken for all drifts and tows that cross into the proposed development footprint. No additional commercial fish surveys have been required as this area has been extensively surveyed previously and sufficient data exists to robustly characterise the receiving environment.
- TFA considers that the loss of ground to bottom drifters and trawlers is permanent in relation to turbine construction and cable protection. In response, VWPL stated that these impacts in the construction phase are not considered significant. The impacts are considered permanent in the O&M phase. The Succorfish data has been assessed and does not indicate a higher level of impact as it illustrates a range of ground used in the region.
- TFA suggested that bottom drift netting and surface drift netting should be differentiated as they are operated over different grounds, and because bottom drift netting is the primary method used by the Ramsgate vessels. In order for this to be assessed, data was required from TFA. Anecdotal information was sent in February 2018 and it is understood that bottom drift netting is the primary gear used by the Ramsgate vessels. However, no clear illustrative separation of the grounds for each method was provided, so this was not progressed.
- TFA disagreed with the conclusion of medium magnitude impacts due to restricted operational range. VWPL appreciate that time constraints and return visits to port are sometimes necessary to switch gear, however some vessels carry multiple gear types. Clarification was provided in the ES.
- TFA disagreed with the statement that risks only occur when vessels infringe on safety areas, and highlighted other areas where risks occur. VWPL detailed the risks to fishing

vessels in the shipping and navigation chapter of the ES and clarified that risks will be avoided by a coexistence plan, and that vessels will follow strict safety regulations.

- It was requested that vessels are allowed passage through the construction area as long as they are observing safety zones around vessels and structures, noting that steaming times will be increased and disagreeing that this impact will be discernible. VWPL detailed the specifics of passage through the proposed development in the Coexistence Plan (Document Ref: 8.17) and stated that the Succorfish data shows vessel flexibility in transit route choices, indicating that the proposed development would not significantly add to vessel steaming times.
- TFA disagreed with the assessment of negligible impacts to towed and static fishing activity without ‘very significant’ mitigation. TFA also disagreed that certain fishing methods could continue post-construction and disagreed that potters are working inside operational windfarms. VWPL noted that impacts to specific methods have been assessed following current UK legislation, and that most vessels are able to use multiple gear types (with time constraints). VWPL also noted that no impacts have been found during monitoring in the existing TOWF. The Fisheries Liaison and Co-existence Plan (Document Ref: 8.17) captures arrangements for access within the proposed development.
- TFA considered that the sensitivity and magnitude scales used in relation to the inshore fleet were not representative. VWPL noted that the Succorfish data showed vessels travelling somewhat offshore. The Fisheries Liaison and Co-existence Plan (Document Ref: 8.17) clarifies queries relating to the EIA process, and clarification was also provided in the chapter.

9.13.8 As previously described, members of TFA were encouraged to send a *pro forma* objection letter (Appendix C9) highlighting the main concerns of the TFA. 18 of these responses were received. These concerns were largely set out in the formal response from TFA and therefore individual responses have not been set out. Where TFA members provided their own response in addition to the TFA *pro forma* (as a Section 47 consultee), these are highlighted under Section 47 responses as members of the public.

#### **Section 47 responses and VWPL regard**

9.13.9 A number of MoPs wrote in outlining their concerns about impacts to commercial fisheries. These responses are summarised, along with VWPL regard, below:

- A Whitstable fisherman noted his concerns about existing windfarms in addition to the proposed development and the impacts on loss of ground, methods and navigational safety. The fisherman also noted that fish and shellfish are not uniformly distributed, and so fishing grounds are valuable. Existing offshore wind farms have been considered in the initial baseline assessment and the cumulative assessment.

- A MoP raised concerns about the displacement during and after construction as well as the logistical difficulties of avoiding infrastructure. VWPL responded stating that the assessment takes into account loss of ground due to restriction of access during construction, and that alternative fishing grounds have been identified, also pointing out that after construction, the wind farm will be open for fishermen to access.
- Another MoP was concerned about changes to catch rates after new structures are introduced, and about EMF affecting fish and shellfish migration. In response, VWPL stated that fish surveys have been conducted and commercially valuable species have been characterised. The fish and shellfish chapter assessed the impact of EMF and did not find the potential impacts to be significant.

## **9.14 Shipping and Navigation (Volume 2, Chapter 10)**

### **Main Stakeholders**

9.14.1 Responses were received from the following stakeholders regarding shipping and navigation from the following stakeholders:

- UK Maritime Pilots Association (UKMPA);
- The Port of Sheerness;
- The MMO;
- The Maritime and Coastguard Agency (MCA);
- Trinity House Lighthouse Service (THLS);
- The Port of London Authority (PLA);
- Estuary Services Ltd (ESL);
- Thanet District Council;
- Thanet Fishermen’s Association; and
- MoPs.

### **Key Topics Discussed**

9.14.2 Key topics discussed relating to the shipping and navigation chapter included:

- The Navigational Risk Assessment (NRA);
- The layout and orientation of the wind farm;
- Reduction in navigable water depth due to the presence of infrastructure; and
- Pilot boarding stations.

**Section 42 responses and VWPL regard**

9.14.3 The UKMPA provided several responses relating to shipping and navigation, which are summarised below, along with VWPL regard.

- It was noted that the navigation simulations were carried out utilising personnel who are expertly familiar with the area in focus, however there was no input from ship masters who were either familiar with visiting the area or who have never visited the area. VWPL responded stating that utilising local pilots and drawing upon their knowledge, experiences and feedback was felt to provide the strongest available insight for bridge simulation into how a breadth of marine users might choose to act under the constrained conditions. Furthermore, it was noted that ship masters are qualified to a high international standard and have significant experience in navigating constrained waterways, even if they had not transited the route before.
- UKMPA noted several other limitations of the MARIN simulator, such as metocean conditions and the replacement of turbines with oil rigs. These limitations were identified in the ES chapter, with further clarification and explanation provided as appropriate.
- UKMPA stressed that in considering the navigational safety effects of the proposed extension, it is not simply a case of how the ships will have to be manoeuvred within the reduced available sea-room, and how this affects the hazardous process of transferring pilots from pilot boats to and from ships. VWPL responded, stating that the risk to life is a key concern of the project, and the NRA assesses whether the project's impact can be mitigated to As Low as Reasonably Practicable (ALARP).
- UKMPA highlighted that some of the assertions made in the PEIR were made from the point of view of a mariner familiar with the area. For visiting mariners, aspects such as safety margins would be considered worse. VWPL noted this as a fair assertion, and the ES chapter and NRA was updated to reflect this.
- UKMPA suggested that the recommendations made concerning traffic management systems would require sophisticated skills not currently available at ESL, and would require capital investment in equipment, personnel and training for this. VWPL noted that there was a recognised requirement for additional traffic control.
- UKMPA raised concern that the existing wind farm is not lit in line with international standards, and that there are numerous white lights which may obscure navigation lights. It was clarified in the ES that the lighting of the extension would be in agreement with the MCA and Trinity House and submitted as part of the layout and Aids to Navigation plan prior to construction.

9.14.4 Several concerns were raised by the Port of Sheerness, which are summarised below, along with VWPL regard:

- Port of Sheerness registered their objection to the project, which was noted.

- Concerns were raised over the reduction in space on the safety of navigation. Clarification was provided in the ES that the reduction in sea room is not considered to be intolerable, and that this was assessed as part of the NRA.
- Port of Sheerness questioned the potential interference with marine navigation equipment. In response, it was clarified in the ES that the impacts on communications, radar and positioning equipment was reviewed as part of the NRA, utilising evidence from existing developments and studies.
- Concerns were raised over the impacts to pilotage operations, in terms of additional transit time to the pilot boarding station. In the ES, clarification was provided that this impact has been thoroughly assessed through the NRA.
- Port of Sheerness highlighted concerns over commercial impacts to their port, if reduction in sea room and navigational safety were to make it less competitive against other ports. VWPL noted that it was not considered in the ES chapter that the extension would make ports in the Thames Estuary less competitive.

9.14.5 The MCA raised several comments on the shipping and navigation chapter, which are summarised along with VWPL regard, below:

- MCA were concerned about the reduction in available sea room along with western/south western edge of the boundary, considering that this area carries a significant amount of through traffic to three major ports. The array boundary has since been amended for the ES, reducing the extent of the western edge and reducing the impact of reduction in navigable sea room at this location.
- The MCA raised concerns over the impacts to the safety of pilotage operations due to the reduction in navigable sea room. It was clarified in the ES that, whilst transfers remain feasible, there was a reduced 'room for error'. In response, the western edge of the array boundary has been reduced in extent to reduce impacts to navigable sea room.
- The MCA suggested that some of the risk mitigation measures identified in the PEIR would have significant time, cost and resource implications. In response, through consultation with key stakeholders post-PEIR, the mitigation measures have been refined into more practical measures for the ES chapter and NRA.
- MCA recommended that the western edge of the wind farm boundary should be reconsidered. The NRA has analysed the impacts of this corner on both pilotage and collision risk, with the final array boundary being reduced in extent to limit interaction with shipping and navigation interests.
- MCA suggested that an Emergency Response Cooperation Plan (ERCoP) would be required to meet the requirements of the MCA guidance. It was clarified in the ES that an ERCoP would be submitted post-consent for approval once the final turbine locations were determined.

- MCA noted radar effects of a wind farm on ships' radars as an important issue and highlighted that the effects would need to be assessed on a site-specific basis taking previous reports into consideration. It was noted by VWPL in the ES that the impact on communications, radar and positioning equipment has been reviewed as part of the NRA, with information from existing studies used. The impact has been judged in the ES chapter and NRA to be tolerable.
  - MCA responded highlighting their preference for continuous construction with no opportunity for two separate areas to be constructed with a temporal gap between. It was clarified in the ES that the construction methodology would be provided to the MCA for review post-consent, but that it is likely to be built in a single phase of construction.
- 9.14.6 THLS advised against developing to the west of the existing TOWF as it would pose a risk to mariners and did not feel that aids to navigation would adequately mitigate these risks. Additional buoyage has since been discounted as mitigation, and the western edge of the array boundary has been reduced in extent to limit interactions with shipping and navigation interests.
- 9.14.7 ESL raised several concerns over the potential impacts to shipping and navigation, which are summarised, along with VWPL regard, below.
- ESL raised their objection to the project on the grounds that it would have a serious impact on navigational safety for vessels transiting through the area and would have a negative impact on ESL as a business. VWPL noted this and recognised that if the relocation of pilotage stations was deemed necessary, this would have an impact on ESL's business. The western edge of the array boundary has since been reduced in extent to limit interaction with shipping and navigation interests.
  - ESL noted that the assessment considered only 3 months of AIS data, and that this data was from winter months, which is typically a less busy time. The seasonal concerns of ESL were noted, and the NRA now considers summer and winter 2017 vessel traffic survey data.
  - ESL were concerned that the pilotage study examples all took place in good weather conditions. They recognised the merits of the pilotage study and bridge simulations, however noted that the data within them did not represent enough detail to provide a picture of the high volume and variety of the traffic present. Through further discussions, a greater understanding of the background traffic and interactions has been considered as part of the NRA and through collision risk modelling.
- 9.14.8 TDC provided several comments relating to shipping and navigation, which are summarised along with VWPL regard below:
- TDC noted that the boundaries for the cable routeing options would infringe on the limits of the Port of Ramsgate, and that works within this area would effectively close the port to vessels which utilise the dredged channel approach. VWPL noted in the ES chapter that cable exclusion zone, in which no infrastructure would be installed, has been adopted for the ES. This area encompasses the dredged channel and a 100 m buffer around the harbour limits.
  - TDC were concerned that the cable routeing boundaries overlapped with the Pegwell Bay licensed spoil ground TH140, which may have ramifications on the ability of the Port of Ramsgate to maintain safe depths. This was subsequently addressed in the NRA with further detail provided in the ES chapter.
  - TDC highlighted the potential impact to the NE Spit pilot station and considered that the extension should be minimal with respect to the northern and western edges of the array. The western edge of the array boundary has since been reduced in extent to limit interactions with shipping and navigation interests.
- 9.14.9 The MMO also had several comments on the assessment of impacts to shipping and navigation receptors, which are summarised along with VWPL regard below.
- MMO noted that the PEIR was based on work undertaken in advance of the NRA which would develop the study further. The NRA has since been carried out and develops the themes of the PEIR, providing further study, analysis and consultation.
  - The MMO were concerned that no distances for proposed safety zones were stipulated in the PEIR. Following further stakeholder consultation, mitigation has been refined into more practical measures, with safety zones only recommended in the construction and decommissioning phases.
  - The MMO recommended that an aids to navigation plan be conditioned as part of the DML. In the ES, it was clarified that a layout plan as well as an aids to navigation plan would be submitted for review post-consent.
  - It was noted that periodic monitoring and continuous hazard assessment would be used to assess the effectiveness of mitigation measures. They considered that the CBRA would be an ongoing process which would also need to be conducted post-consent. VWPL noted this response.
- 9.14.10 PLA made several comments on the shipping and navigation assessment and provided several responses which are summarised along with VWPL regard, below.
- PLA commented that any extension to the west of the existing TOWF would represent a significant increase in the risks to navigation for all types of vessel using the area, especially those using the North East Spit pilot boarding and landing area. In the ES, it was clarified that VWPL is in agreement that the extension would reduce the sea room to the western edge, the impacts of which have been investigated through the ES and NRA. The western edge of the array boundary has subsequently been clipped to reduce

- it in extent, limiting interaction with shipping and navigation interests, including the pilotage station.
  - As with ESL, PLA raised concerns about the impacts of the project on the commercial interests of PLA and ESL if the NE Spit pilotage station were to be relocated. VWPL noted in the ES chapter that the array boundary has been reduced in extent, limiting interaction with the pilotage station such that relocation is no longer deemed necessary as mitigation.
  - PLA reiterated concerns that any extension of the wind farm to the west would have serious adverse impacts to the safety of shipping and navigation and may force vessels to transit around the outside of the wind farm to the east, resulting in longer transit times and shipping delays. VWPL noted these concerns which were assessed as part of the ES chapter and NRA. The western edge of the array boundary has been reduced in extent to limit interaction with shipping and navigation interests.
  - PLA highlighted impacts including loss of the line of sight were inbound vessels may no longer be visible to outbound vessels, backscatter of lights and loss of radar targets. It was clarified in the ES that the large size of the turbines considered would necessitate increased spacing between turbines, increasing visibility through the wind farm compared to the existing turbines. Lighting arrangements and layout will be determined post-consent.
  - PLA also recommended that the assessment should robustly consider the risk and impacts of changes to ship movements, in particular the increased risk of pollution incidents and emissions to air by waiting vessels. Clarification was provided in the ES that the risk of pollution has been considered as part of the NRA, and air quality impacts are not included in the scope of the shipping and navigation chapter.
- 9.14.11 The French Government recommended compliance with the 5 nm safety distance between the wind farm and the Traffic Separation Scheme (TSS) recommended by the MCA. VWPL clarified that the proposed extension is 5 nm from the Dover Straits TSS and is therefore not considered to have an impact on this international traffic route. The French Government considered that the potential impacts of the wind farm are concentrated exclusively in British waters.
- 9.14.12 As discussed previously, several non-statutory consultees were treated as Section 42 consultees, including TFA. As such, their responses are considered as Section 42 responses. Comments received from the TFA are summarised below, alongside VWPL regard:
- In their response, TFA stated that additional navigation buoys as mitigation would be likely to add to the impact of loss of ground. Additional buoyage is no longer being considered as mitigation, and clarification has been provided in the ES chapter and the NRA.

- TFA were concerned that Thanet Extension would push fishing vessels further into increasingly close contact with other shipping that would also be pushed into decreased water space. This impact was assessed in the ES chapter and the NRA, with mitigation including safety zones included.
- TFA noted that fishermen regularly use the turbine platform lights to assist with navigation through the existing wind farm and that these lights (although not navigation lights) should be properly maintained with future turbines. VWPL noted this response and have assessed the use of lighting for navigation in the ES chapter.

#### **Section 47 responses and VWPL regard**

- Aside from concerns raised in feedback forms (Section 9.30), one MoP raised concerns about impacts to shipping and navigation. A comment was received that sea room should be maintained inshore as there would be greater traffic near East Margate and that cable routing at junctions should be sunk into seabed channels to reduce impacts from reduction in navigable depth. It was clarified in the ES that collision risk has been carefully assessed in the NRA, and that cable protection, including at cable crossings, would be considered as part of a CBRA.

### **9.15 Infrastructure and Other Users (Volume 2, Chapter 11)**

#### **Main Stakeholders**

9.15.1 Consultation comments were received from five stakeholders in relation to infrastructure and other users within the study area for Thanet Extension. The main stakeholders were:

- Nemo Link Ltd;
- Natural England
- MMO;
- KWT; and
- The Coal Authority.

9.15.2 Full lists of the responses received from consultees during statutory consultation are presented in Appendix G.

#### **Key Topics Discussed**

9.15.3 The key topics that were discussed in the consultation were:

- Cable crossing procedures;
- Clarification on the position of UXO clearance details; and

- Cumulative impacts.

#### **Section 42 responses and VWPL regard**

- 9.15.4 Nemo Link Ltd expressed concern with the level of information within the PEIR on the proposed methods and impacts for crossing the Nemo Link Project's subsea cables. VWPL will agree a detailed cable crossing method with Nemo Link Ltd prior to construction and cable crossing scenarios can be found in Volume 2, Chapter 1: Offshore Project Description (Document Ref: 6.2.1).
- 9.15.5 Natural England queried the lack of oil and gas pipelines within the assessment. Oil and Gas activities were scoped out due to the lack of presence in the area.
- 9.15.6 The MMO requested clarification on the position and therefore assessment of UXO clearance within the project, i.e. separate activity or preparatory work. VWPL did not assess UXO impacts in the PEIR but have assess their impacts within the ES in appropriate sections.
- 9.15.7 The consultation response received from KWT indicated that the cumulative impacts within the infrastructure and other users chapter only included other offshore wind farms. KWT suggested that dredging, navigation, fisheries, coastal developments and UXO clearance are also included. The cumulative assessment for the areas suggested by KWT have been included in the appropriate chapters i.e. shipping and navigation. KWT were also a member of the EIA Evidence Plan Technical Review Group which formed the list of projects to be considered for cumulative impact assessments.
- 9.15.8 The Coal Authority had no specific comment to make after consulting their records of historic and potential future coal mining activities. VWPL noted their response and thanked them for taking the time to respond.

#### **Section 47 responses and VWPL regard**

- 9.15.9 There were no Section 47 responses in relation to the Infrastructure and Other Users chapter of the Thanet Extension ES.

### **9.16 Seascape, Landscape and Visual Impacts (Volume 2, Chapter 12)**

#### **Main Stakeholders**

- 9.16.1 The following stakeholders provided feedback during the consultation period with respect to the Seascape, Landscape and Visual Impacts chapter:
- Essex County Council;
  - Maldon District Council;
  - Tendring District Council;

- Rochford District Council;
- Southend-on-Sea Borough Council;
- Dover District Council;
- Swale Borough Council;
- Thanet District Council; and
- Shepway District Council.

- 9.16.2 Full lists of the responses received from consultees during statutory consultation are presented in Appendix G.

#### **Key Topics Discussed**

- 9.16.3 The key topics that were discussed during the consultation were:

- Direct and indirect impacts on seascape quality and character; and
- Direct and indirect impacts on visual receptors.

#### **Section 42 responses and VWPL regard**

- 9.16.4 ECC noted that the applicant sought to engage with the Essex District Councils (Rochford, Maldon and Tendring) in June 2017 but that no comments were received. ECC advised that there remained an ongoing need to formally consult with the Essex coastal authorities of Rochford, Maldon and Tendring, and the unitary authority of Southend-on-Sea Borough Council as the appropriate neighbouring statutory consultees in accordance with the NSIP process. VWPL undertook consultation with the Essex coastal authorities, and further consultation undertaken with these authorities as well as Southend-on-Sea Borough Council has been summarised in the SLVIA chapter.
- 9.16.5 Essex County Council also raised concerns over viewpoints from Essex county not being represented within the assessment even though they fall within the 45 km study area. VWPL acknowledge Essex County Councils concern. However, all of the Coastal authorities in Essex are on the very edge or outside the 45 km radius used as the SLVIA study area. VWPL noted that all of the coastal authorities in Essex are on the very edge, or just outside, the 45 km radius of the SLVIA study area, with only small areas of Rochford District, Maldon District and Tendring District being within the study area. The PEIR considered that the offshore WTG array would not result in significant landscape and visual effects on coastal areas of Essex. Additional written assessment has been provided in the ES chapter and additional viewpoints from key locations in Essex have also been included.
- 9.16.6 Maldon District Council replied to consultation to confirm that they had no comments. VWPL have added a viewpoint at Dengie Marshes in to the ES.



9.16.7 Tendring District Council were consulted in February 2018 with no comment received. VWPL have added an additional viewpoint at Clacton-on-Sea in the ES.

9.16.8 Rochford District Council confirmed the agreement with Essex County Council that in general no significant impacts will occur from the project. However, at least one view point from Foulness Island, which is within 45 km, should be assessed. VWPL have added a viewpoint at Foulness Island to the ES assessment.

9.16.9 Southend-on-Sea Borough Council agree that visual effects from Thanet Extension can be scoped out due to the land area in question being situated outside of the 45 km study area. Subsequently, this area has remained scoped out by VWPL.

9.16.10 DDC made several comments on the SLVIA chapter, which are summarised, along with VWPL regard, below:

- Concerns regarding the method of assessing SLVIA and the use of latest guidelines (GLVIA 3) were raised by DDC. The SLVIA assessment conducted by VWPL is based on the latest available guidance, including GLVIA 3, Natural England's guidance and other publications which are all referenced with the chapter.
- DDC also presented concerns about how more turbines of larger size, closer to the coast than Thanet OWF would impact the character of that part of the sea from land and the transition occurring at the periphery of the proposed extension. These concerns were noted by VWPL and assessed in detail within the SLVIA chapter of the ES.
- DDC noted that the relevant seascape character areas for land-based assessment from Dover District are C5A, I1A, I2A and I3A. VWPL responded stating that the effects of the Offshore WTG array on these seascape character areas are assessed in the SLVIA chapter.
- DDC also acknowledge that the presence of TOWF in any baseline assessment means any change in seascape as seen from shore relates to the TEOW turbines which are closer to shore. VWPL acknowledges that the closest WTGs contribute more to the scale of change and effects experienced. The potential change and effects are assessed in the SLVIA ES chapter.
- DDC state that three facets of the Dover Strait seascape are affected. The distinctiveness of Sandwich and Pegwell Bays, the 'open aspect' feature of Broadstairs Knolls and Ramsgate Road SCA is lost, and the southern peripheral turbines have an effect on 'spread' when seen from land. VWPL acknowledge the three effects stated by Dover District Council and further assessment relating to effects on the Dover Strait Seascape are provided in the SLVIA ES chapter.
- DDC acknowledge the visual effects of TEOW are mitigated by the pre-existing TOWF. However, the TEOW uses turbines which are considered to have adverse impacts on views and are the same as those that have adverse effects on particular SCAs of the Dover Strait. VWPL acknowledge that Dover District Council acknowledges the mitigating effect

of the existing TOWF. The area of concern, the north-west turbine grouping and the southern three turbines are assessed in the SLVIA chapter in the ES.

- DDC also raised concerns regarding visibility on clear sunny days leading to reflection which may not be captured in the illustrations. VWPL have encompassed this response and acknowledged it is useful in showing the worst-case visual effects.
- Specific concerns were raised by DDC with regard to viewpoint 7, 8, 9, 10, 18, 19, 20, 21, 22, 23 and 24. VWPL have assessed the worst-case project envelope in the ES as shown in the photomontages. The final constructed array could result in a different appearance with some turbines appearing less 'separate'. With the exception of viewpoint 8, the visual effects of the Offshore WTG Array from each viewpoint was assessed as not significant.
- DDC propose considering mitigation at viewpoint 8 due to the location of WTG's 1, 14, 15, 18, 19 and 20. VWPL noted the comments on these viewpoints, and provided further justification within the ES chapter. VWPL also noted that the assessment concluded that visual effects on these viewpoints would not be significant.
- DDC suggested that the cumulative assessment should also consider the 'inter-related effects of the offshore and onshore elements, as these will not proceed in isolation and should relate to each relevant chapter. Inter-related effects have been considered within the SLVIA chapter, and are also considered in Volume 2, Chapter 13: Inter-relationships (Document Ref: 6.2.13) of the ES.
- DDC summarised that, in respect of both seascape character and visual effects, there are proposed specific turbine locations on wireline drawings that will result in significant adverse impacts to Viewpoint 8 and suggested that consideration should be given to mitigation of such effects. VWPL noted that the array area has been partially reduced at its north-western corner. This change has resulted in a new worst-case WTG layout, with the WTGs in the north-western part of the original boundary being moved to other areas in the final RLB. This change reduces the partial enclosure in the view in the view of Sandwich and Pegwell Bay, with a larger separation afforded between the coast and the offshore array.

9.16.11 Comments received from Swale Borough Council are summarised below, along with VWPL regard:

- The primary concern raised by Swale Borough Council was centred on the visual impact on residents and visitors to Swale. This concern has been addressed by VWPL in the preliminary assessment within the SLVIA chapter.
- Swale Borough Council agree that landscape character areas 7, 11, 13, 15 and 33, whilst medium or high value and are likely to experience a low scale of change and/ or effects.

VWPL note the comments made by Swale Borough Council that the TEOWF will not result in significant effects on the landscape character.

- Swale Borough Council also raised issues with cumulative effects from multiple windfarms especially with respect to gaps between developments closing. VWPL have noted the response including the positive aspects of retaining breaks between each farm in the view from certain locations, in this instance Leysdown. Further assessment of the cumulative impacts of the offshore WTG array from Swale and coastal communities of North Kent has been included in the ES chapter.

9.16.12 Comments from TDC are summarised, along with VWPL regard had to those comments, below:

- TDC noted that the proposal would result in a visual impact and change in landscape from key viewpoints from within the District, and welcomed the recognition of the sensitivity of this stretch of coastline. The visual effects of the offshore WTG array from viewpoints in Thanet District and the sensitivity of the coastline have been assessed within the SLVIA chapter. TDC acknowledged that the increase in turbine height compared to the existing turbines would have some effect on the skyline beyond Margate in views from the west, however accepted that the significance of these views to the overall character and significance of the heritage assets would be limited and would be assimilated as part of the skyline views. VWPL noted this comment and highlighted that the visual effects of the offshore WTG array on the viewpoints in Thanet District are assessed in the ES chapter.
- VWPL noted TDC's response stating that they were satisfied with the way in which visual impacts, in terms of the landscape and historic environment, have been assessed.
- TDC were concerned about the impact that the increased height and increased proximity of the new turbines would have on the visual amenity of the Thanet coastline and recommended that the turbine height be reduced to overcome these concerns. VWPL highlighted that the SLVIA and visualisations represent the worst-case scenario (i.e. maximum WTG size at the closest point). Having larger WTGs means that fewer WTGs overall are required overall to achieve the same generating capacity, are more efficient, and are important in reducing costs passed on to consumers.

9.16.13 Shepway District Council acknowledged they are on the edge of the 45 km study area and that blade tips may be visible from this area but will have a minimal impact at the most. It is also stated that some areas on map PB5894-SCO-2-31 which are shown be able to see the turbine blades may not be able to due to vegetation. VWPL note that vegetation is not included in the model.

### *Section 47 responses and VWPL regard*

9.16.14 There were no Section 47 responses with reference to the SLVIA chapter of the Thanet Extension ES, aside from the comments received from feedback forms (Section 9.29).

## **9.17 Offshore Archaeology (Volume 2, Chapter 12)**

### *Main Stakeholders*

9.17.1 The main stakeholders for offshore archaeology were:

- Historic England; and
- Kent County Council.

### *Key Topics Discussed*

9.17.2 The key topics discussed during the statutory consultation relating to offshore archaeology were:

- The importance of the archaeological Written Scheme of Investigation (WSI); and
- The need for continued consultation with Historic England with respect to offshore archaeology.

### *Section 42 responses and VWPL regard*

9.17.3 Historic England had a number of comments to make regarding the offshore archaeology chapter, which are summarised, along with VWPL regard, below.

- Historic England requested that a WSI be produced to outline how mitigation can be effectively instigated. A WSI will be produced, outlining how mitigation would be effectively completed, and reported upon in good time before construction is planned.
- Further detail was requested relating to the maximum design scenario, with more information about the maximum burial depth of the export cable. The maximum design scenario table was updated with details about cable depth, with areas of concern due to cable depth described in Section 13.11 of the chapter.
- Historic England stated that the delivery of mitigation must be planned so that survey commissioning, interpretation and reporting can be completed in order to inform the final engineering design. Timing of mitigation was detailed within the chapter, and the WSI will include a rationale for the discrimination and strategy detailing prescriptive survey techniques.
- Historic England noted that Historic Seascape Characterisation (HSC) was not identified in the scoping summary of impacts to be assessed in the PEIR and suggested that

identifying potential change should be part of the ES. In response, the chapter was updated to include HSC in the assessment.

- Historic England also made several comments relating to the Archaeological Review of Geophysical and Geotechnical Data Technical Annex, which has resulted in the annex being updated to reflect requests for clarification where relevant.

9.17.4 Kent County Council welcomed the commitment to agree a draft WSI with Historic England, which would include the provision of Archaeological Exclusion Zones (AEZs), and also welcomed the intention to undertake further sampling of cores from the array area. The WSI will be produced in agreement with Kent County Council and Historic England and will include a methodology for assessing and agreeing A2 archaeological receptors.

#### **Section 47 responses and VWPL regard**

9.17.5 No Section 47 responses, other than those received from feedback forms outlined in Section 9.30, were received that related to offshore archaeology.

### **9.18 Inter-relationships (Volume 2, Chapter 13)**

9.18.1 No comments were received during the statutory consultation period that related directly to inter-relationships. Any responses that were made regarding other topics that have resulted in changes or updates to chapters have been reflected in the updated inter-relationships ES chapter.

### **9.19 Project Description (Onshore) (Volume 3, Chapter 1)**

9.19.1 No comments were received the related solely to the onshore project description chapter, however there were several responses to other chapters that have resulted in onshore project design changes. Where consultation has resulted in project design changes, these are detailed in the relevant topic section. These changes are also reflected in the updated project description chapter (Volume 3, Chapter 1: Project Description (Onshore) (Document Ref: 6.3.1). A summary of the project design changes is also included in paragraph 12.1.5.

### **9.20 Onshore Landscape and Visual Impact Assessment (Volume 3, Chapter 2)**

#### **Main Stakeholders**

9.20.1 The following stakeholders provided comments in relation to the onshore LVIA:

- Dover District Council.

9.20.2 There was some overlap of the comments on the onshore LVIA and SLVIA. For simplicity, only responses relating to the onshore infrastructure are included here, with all concerns about offshore infrastructure included in Section 9.16 (SLVIA) above.

9.20.3 Responses are shown alongside the regard had to those comments in the consultation table in Volume 3, Chapter 2: Onshore Landscape and Visual Impact Assessment. Summaries of all responses received and VWPL regard are provided in Appendix G of this report.

#### **Key Topics Discussed**

9.20.4 The key topics discussed during the consultation in relation to landscape and visual impacts were:

- Direct and indirect impacts on landscape character;
- Direct and indirect impacts on visual receptors; and
- The siting and design of the onshore cable route and onshore substation.

#### **Section 42 responses and VWPL regard**

9.20.5 Dover District Council provided several comments on the onshore LVIA. These comments are summarised below, along with the regard VWPL has had to those comments:

- DDC raised that in respect of landscaping, limited information was provided in the PEIR and requested further details and consideration of the timing of any mitigation works, the mechanisms for securing any landscape works and whether these could be implemented at the early stages of construction. Outline landscape mitigation proposals have since been included in the ES chapter.
- DDC pointed out that certain viewpoints agreed with DDC were rejected when the final substation location was fixed. They found it unfortunate that they were not re-consulted on viewpoints in light of the final substation location. In response, additional viewpoints were presented at the time of finalising the design of the substation location during an Evidence Plan meeting in October 2017. The 5 km buffer was established using the final substation location.
- DDC noted the lack of winter views in the worst-case Rochdale envelope, and suggested that a worst-case would be to position the substation building closest to the corner by the roundabout. The LVIA assessed the worst-case as being that the substation could be located anywhere within the proposed development boundary. In relation to winter vegetation and seasonality, VWPL noted that winter photomontages are not a requirement of the LVIA guidance and were not requested through the Evidence Plan, however additional visualisations showing winter vegetation have been provided in the LVIA chapter of the ES.
- It was considered that the assertion that mitigation in respect of the proposed substation, onshore cable route and landfall has involved sensitive siting and design, is weak given the reasoning in the site-selection, and without better LVIA considerations for public footpaths. VWPL highlighted that there is very little difference in the bare

ground potential visibility of a proposed substation located at either the proposed substation location within the site at Richborough Port or the location to the west within REP. The LVIA therefore supports the site selection of the Richborough Port substation site. No significant effects were identified for walkers on recreational routes within Sandwich Flats, and additional reference figures were provided in the ES.

- DDC suggested that additional tree planting on the northern boundary of the proposed substation would assist in screening views from the A256, and that views from Shellness may be filtered by planting on the north-east boundary. Further information has been provided, with an outline Landscape Strategy has been described within the ES chapter.
- DDC reserved the right to comment until there is more information relating to visual impacts on Sandwich Flats and Shellness, in relation to the effects on the Sandwich Bay Landscape Character Area. This information has been provided within the ES chapter.
- Concern was raised about views visibility of the site along the estuary and mudflats which encompass Pegwell village and Ramsgate Harbour. An additional viewpoint has been included within the assessment (Viewpoint 9 – Pegwell, promenade).
- DDC noted erroneous nomenclature in relation to the ‘adopted Kent Coastline Walk’ and considered the preliminary assessment weak in respect of the England Coastal Path (Viewpoint 4), considering that a closer viewpoint of the proposed substation is available. The ES was updated accordingly and VWPL considered that Viewpoint 4 still represents the worst-case view from this path due to a combination of the elevation of the flood berm with enough setback from the nature reserve trees to allow a clear line of sight to Richborough Port.
- DDC considered that the assertion that there would be no visibility of the proposed substation from the Stour Valley Walk is unreasonable without any viewpoint analysis from this route near Sheerness. LVIA considerations from Sandwich Flats have been incorporated within the ES, as well as a Stour Valley Walk Preliminary Assessment.
- It was recommended that cumulative visual impacts with regard to Nemo Link be reviewed. As an existing project, Nemo Link was considered as part of the LVIA baseline.
- DDC considered that the visual impact assessment was incomplete in respect of the proposed substation and recommended that the selection of further viewpoints be undertaken, to include winter views. Additional winter photography has been provided for selected viewpoints and an alternative substation location represented in one viewpoint.
- It was noted that proposed bunds/ berms were not modelled in the LVIA and would need to be included to offer an accurate representation of the likely impacts. VWPL noted that the photomontages and other graphic materials were for representative purposes and should not be a substitute for the written LVIA. The proposed cable route option for crossing Nemo Link has since been discounted and therefore it was not necessary to

asses a berm crossing Nemo Link. The existing Nemo Link berm as currently constructed has been assessed as part of the existing baseline environment.

- DDC noted that there was little reference to the impact on the use and users of the Country Park, or changes to the shoreline. VWPL noted that whilst impacts on the recreational use of the park is not the subject of an LVIA, the use and users of the Country Park are acknowledged in the sensitivity assessment of landscape and visual receptors. Effects on the coastline of the Country Park as a result of the proposed cable route and landfall options are assessed within the ES.
- Figure 12.11 was updated in light of three onshore turbine projects being cancelled. Similarly, Figures 2.8a and 2.8b were slightly inaccurate in that they included a cancelled solar farm.
- DDC noted that the proposed onshore cable route enters Dover District on the northern boundary of Bay Point, which is private land which is well screened from public views. It was expected that visual effects would be restricted to the construction and decommissioning periods and that these would not be significant. A similar scenario was envisaged for the cable run along Richborough Port, although there would be a greater effect on the users of the River Stour and England Coast Path. The ES has been updated to consider the effects on the variant of the English Coastal Path that is currently open.
- There was disagreement with Figure 2.4a, as the nomenclature of certain paths was wrong. Clarity was requested on understanding what constitutes a ‘principal visual receptor’. Clarification on this term has been provided in the ES.
- DDC requested information on the timescale to reinstate vegetation and landscaping and a fuller consideration of the landscape reinstatement works. An outline Landscape Strategy and indicative Substation Landscape Mitigation Planting have been included within the ES chapter.
- DDC suggested that it would be helpful to have a visualisation of infrastructure associated with the substation. This has been included in the ES, including visualisations of winter views and an alternative substation location from selected viewpoints.
- DDC suggested that selected figures in the PEIR chapter were slightly inaccurate as they included a solar farm project for which planning permission has lapsed. The cumulative assessment section of the ES was updated accordingly.
- DDC suggested that a more detailed plan with respect to the Nemo Link crossing berm was required in order to assess the impact and to identify differences between the PEIR options proposed. The route of the Nemo Link cable has been added to relevant figures, and the proposed Nemo Link crossing option has been discounted for the ES.
- Details on the cofferdam were requested to be included in the cumulative impact assessment. This area was subsequently shown on the relevant figures.

- DDC asked whether visual and landscape impact during construction had been considered, with particular reference to Pegwell Bay and Pegwell Bay Country Park. It was advised that this would need to be addressed in the cumulative assessment. Construction impacts have been considered throughout the LVIA ES chapter.
  - DDC were also concerned that limited information on the design of the substation was provided, considering its size and potential to raise landscape and visual impacts. A detailed description of the substation design has been included in Volume 3, Chapter 1: Project Description (Onshore) (Document Ref: 6.3.1). VWPL noted that the assessment has considered a worst-case scenario for all landscape and visual receptors.
  - DDC requested further detail on the landscape mitigation for the onshore substation, which has been provided in the outline Landscape Strategy described in the ES, with additional information on substation landscape planting.
  - DDC provided several comments relating to the viewpoints assessment. To address these, the ES was amended accordingly, and additional viewpoints were assessed, including winter views from selected locations and additional reference photographs for context.
  - DDC were concerned that changes at the landfall resulting in changes to coastline and heights and forms of the landscape were not considered permanent changes. VWPL clarified that construction impacts and O&M impacts are considered separately within the ES, with construction impacts considered ‘short-term’ and O&M impacts considered ‘long-term’.
- 9.20.6 KCC provided two comments relating to LVIA, which are summarised below along with VWPL regard:
- KCC commented that optimal colonisation of the chalk berm could take several hundred years and advised that neither the chalk berm nor the chalk habitats would be significantly beneficial to the Country Park or its landscape and habitats. KCC stated that the applicant should instead seek to install the cables below ground. Since PEIR, the preferred option has been to install cables below ground, which is dependent on the outcome of SI works within the Country Park. An outline Landscape Mitigation Strategy has been included in the ES chapter and an outline LEMP has also been included with the application (Document Ref: 8.7).
  - KCC noted that after construction, even with mitigation, the site would change visually from being flat to having undulating ground levels, crossings and reduced views. KCC also highlighted potential issues for footpath users and the business success of the Country Park, which relies on positive customer experiences. The potential to cross Nemo Link has been discounted, and preferred options for underground installation of cables have been included with the ES. An outline LEMP has also been included with the application.

- 9.20.7 VWPL noted TDC’s response which welcomed the recognition of the sensitivity of coastline and expressed satisfaction with the way in which the visual impacts in terms of the landscape and historic environment were assessed.

#### *Section 47 responses and VWPL regard*

- 9.20.8 Apart from the responses received through feedback forms (Section 9.29), no Section 47 were received that related to the onshore LVIA assessment.

### **9.21 Socioeconomics (Volume 3, Chapter 3)**

#### *Main Stakeholders*

- 9.21.1 Comments on the Socio-economics chapter were received from:

- Thanet District Council;
- Dover District Council; and
- A MoP.

#### *Key Topics Discussed*

- 9.21.2 The key topics discussed in relation to socioeconomics were:

- The provision of jobs for the local community;
- The local supply chain; and
- The socio-economic impact on the surrounding area.

#### *Section 42 responses and VWPL regard*

- 9.21.3 Thanet District Council raised the question as to whether there could be opportunities to develop links with Further Education colleges within the Thanet District, as well as supporting local apprenticeships. It was also suggested that a visitor centre within the district for use by the local population and visitors would provide educational information about the wind farm and facilitate engagement with the project. Thanet District Council raised concern that land-based construction activities would bring disruption to enjoyment of the area over the construction period. This issue has been assessed separately within Volume 3, Chapter 4: Tourism and Recreation (Document Ref: 6.3.4). Vattenfall already have close links to local education, and the likelihood is that this would continue as the Thanet Extension project progresses. Any further agreements for visitor information and educational links would be considered outwith the application process.

- 9.21.4 Dover District Council suggested that the chapter should also consider relevant policy produced by them. This issue has been addressed in Sections 3.4 and 3.6 of the socioeconomics chapter.

### **Section 47 responses and VWPL regard**

9.21.5 A MoP raised concerns over where the turbines would be manufactured as well as the ability of the project to both generate and support local employment. Section 3.12 of the report details three sourcing scenarios, each considering a different proportion of UK-based business. The effects of construction, O&M and decommissioning on jobs were set out in Sections 3.20, 3.21 and 3.22 of the chapter, respectively.

## **9.22 Tourism and Recreation (Volume 3, Chapter 4)**

### **Main Stakeholders**

9.22.1 Responses were received from three statutory consultees during the statutory consultation. Comments on the tourism and recreation chapter were received from the following stakeholders:

- Dover District Council;
- Kent County Council; and
- Natural England.

### **Key Topics Discussed**

9.22.2 The key topics discussed during consultation relating to tourism and recreation were:

- Potential impacts on Public Rights of Way (PRoW), including footpaths and cycle tracks;
- Potential impacts to Pegwell Bay Country Park; and
- Potential impacts to water sports activities.

### **Section 42 responses and VWPL regard**

9.22.3 Responses from Dover District Council are summarised below, along with VWPL regard.

- Dover District Council suggested that the use of the Country Park for most onshore work will make sections of the park largely unusable for over a year, with access to the park severely constrained. The effects of construction, O&M and decommissioning were assessed in Sections 4.10, 4.11 and 4.12, respectively.
- It was argued that the short, medium and long-term impacts on the Bay Point Sports Club needed to be considered. VWPL is negotiating directly with the Bay Point Sports Club, and as such, no further action was required in the ES chapter.
- Dover District Council also argued that the impacts on users of the Country Park and the immediate area were undervalued. As the EIS has considered the individual elements of the Country Park during construction, O&M and decommissioning, the outcomes were deemed appropriate.

9.22.4 Kent County Council also provided a number of comments on the tourism and recreation chapter, which are summarised below, along with the regard had to those comments.

- Kent County Council noted that the PRoW network in the area is heavily used, providing significant opportunities for outdoor recreation and active travel. They stated that existing PRoWs should be maintained during the project to ensure the long-term operation does not have any detrimental impacts. In response, VWPL stated that no PRoW will be lost, with embedded mitigation provided in Section 4.9 of the report, with additional detail provided in the Access Strategy (Document Ref: 8.4) prepared as part of the EIA process.
  - It was suggested that the England Coast Path, which is not yet fully operational, should be considered in the EIA due to the possibility of this path opening. The effects of construction, O&M and decommissioning on the English Coast Path were assessed within the ES.
  - Kent County Council suggested that efforts should be made to minimise path closures and retain access along popular routes. Where temporary closures are required, it was suggested that convenient diversion routes should be provided. In response, embedded mitigation measures (Section 4.9 of the chapter) that will be put in place during construction included the provision of temporary routes. Furthermore, the Access Strategy delivered as part of the EIA process outlined additional measures to minimise adverse effects.
  - Kent County Council argued that the proposals to install a berm alongside the Nemo Link cable would have a significant compound [cumulative] impact, resulting in negative impacts on the Pegwell Bay Country Park. Cumulative impacts of construction, O&M and decommissioning were assessed in Section 4.13 of the chapter. Embedded mitigation includes the provision of ramps with appropriate gradients where PRoWs cross cables.
  - It was suggested that Thanet Extension would significantly impact on the operation of the Country Park as a business during construction, and post-construction, resulting in decreased visitor numbers and therefore reduced income for KCC and the onsite refreshments operator. The impacts arising from the construction and O&M of Thanet Extension were assessed in Sections 4.10 and 4.11 of the chapter in the context of the data provided by KCC on visitor numbers during the construction of the Nemo Interconnector.
- 9.22.5 Natural England raised concerns around the impacts to Pegwell Bay Country Park, and whether impacts might displace visitors to more sensitive areas of the coast, resulting in greater impacts to designated sites. This impact was considered in the assessment, and the Access Strategy developed as part of the EIA offers solutions to ensure that disruptions are minimal to reduce the displacement of visitors to other (potentially sensitive) areas.

**Section 47 responses and VWPL regard**

9.22.6 No Section 47 responses, aside from those from feedback form responses outlined in Section 9.30, were received relating specifically to tourism and recreation.

**9.23 Onshore Biodiversity (Volume 3, Chapter 5)****Main Stakeholders**

9.23.1 Responses relating to the onshore biodiversity chapter of the PEIR were received from the following stakeholders:

- Dover District Council;
- The Environment Agency;
- Kent County Council;
- Kent Wildlife Trust;
- Natural England; and
- Thanet District Council.

**Key Topics Discussed**

9.23.2 The key topics discussed during the statutory consultation related to the potential impacts to onshore habitats and species, including:

- Birds;
- Protected sites (SPAs, SSSIs etc.) and their features; and
- Proposed monitoring and environmental management strategies during construction.

**Section 42 responses and VWPL regard**

9.23.3 Dover District Council noted that the ecological interest for the project is predominantly within the Thanet District, and were content to defer to Natural England and KWT. However, they also noted that although the cable route within Pegwell Bay is not within their boundary, it does have the potential to affect the ecology of Sandwich Bay National Nature Reserve (NNR), which is within the DDC boundary. An assessment of the impacts to the NNR and important ecological receptors within the Country Park has been updated within the ES.

9.23.4 The Environment Agency did not consider the PEIR chapter to be complete as further ecological surveys had not been completed. Further survey requirements were reviewed in discussion with the Evidence Plan panel, surveys were commissioned accordingly and the ES chapter as well as technical annexes were updated accordingly.

9.23.5 Kent County Council made a number of comments in relation to the onshore biodiversity chapter, which are summarised along with VWPL regard below.

- KCC noted that the PEIR highlighted areas where there may be a need for additional surveys, depending on the final route. KCC advised that where there is a need for additional surveys, they must be completed prior to the submission of the DCO application. In response, updates to the baseline data have been included in the ES and relevant technical annexes.
- KCC had expected the applicant to have reviewed the success of previous mitigation that has been carried out (e.g. for Thanet Windfarm and Nemo Link) to inform the detailed mitigation strategies, particularly within designated sites. Mitigation undertaken for Nemo Link has been reviewed and incorporated within embedded mitigation proposals within the ES.
- KCC recommended that the finalised cabling route will need to follow the least sensitive route to ensure the impact on the designated sites will be minimised. Volume 1, Chapter 4: Site Selection and Alternatives (Document Ref: 6.1.4) describes the options and process undertaken to the preferred selection.

9.23.6 Natural England provided several responses to the consultation, which are summarised below, along with the regard had to them.

- Natural England welcomed that site investigation will be undertaken to determine the feasibility of trenching and burying onshore assets within the Country Park. They also requested further information regarding the feasibility of landfall options further north and south, particularly surrounding HDD restraints. Further information has been provided in Volume 1, Chapter 4: Site Selection and Alternatives (Document Ref: 6.1.4).
- Natural England noted that there are currently a lot of survey gaps, and therefore much of the survey information is missing. As previously described, further survey requirements were reviewed, in consultation with the Evidence Plan panel, and this was reflected in the updated ES chapter and relevant technical annexes. Natural England are now in agreement with the survey data presented, through the Evidence Plan process.
- The submission of a Construction and Environmental Management Plan (CEMP) as soon as possible was encouraged. A draft Code of Construction Practice (CoCP) (Document Ref: 8.1) has been included as part of the application.
- Natural England wished to see greater consideration of the possible effects of visitor displacement to more sensitive areas of the coast, and how this could be mitigated. This was discussed further through the Evidence Plan and further detail on this was provided in the ES. Embedded mitigation measures were also updated within the ES chapter.
- Further detail was requested in relation to invertebrate and plant assemblages of SSSIs. VWPL responded by updating the assessment of effects on the Ramsar wetland

invertebrate assemblage included in the ES chapter, and by updating embedded mitigation measures.

- Natural England noted that impacts from dust during construction were assessed with reference to the standard 50 m buffer, rather than the 200 m buffer suggested during scoping. The assessment of dust impacts was updated in Volume 3, Chapter 9: Air Quality (Document Ref: 6.3.9), which includes a consideration of ecological receptors within 200 m.
- Natural England requested further information on how the species recorded during the breeding bird surveys have been determined as being representative of the Sandwich Bay to Hacklinge Marshes SSSI notified feature ‘breeding bird assemblage – lowland open waters and their marshes’. The assessment of effects on SSSI breeding bird assemblages in the ES chapter was subsequently updated.
- Natural England noted that the embedded mitigation table included in the PEIR was quite generic and queried the reference to designated sites assets in the table as these would be covered by the DCO. The embedded mitigation table has since been updated.
- Natural England agreed with the conclusion that adverse impacts on SPA qualifying features European golden plover and ruddy turnstone from construction would not be significant following avoidance of the key months of October to March for all intertidal and shoreline works. VWPL noted this response.

9.23.7 Natural England requested that SSSI notified features ringed plover, grey plover and sanderling are considered individually. Natural England agreed that avoidance of the key months of October to March for all intertidal and shoreline works is likely to be successful but raised concerns regarding ringed plover, peak numbers for which often occur during spring and autumn passage. The assessment of effects on grey plover, sanderling and ringed plover has been subsequently included in the ES chapter, and embedded mitigation measures have been updated.

9.23.8 Comments received from KWT are summarised below, along with VWPL regard, below:

- KWT queried the cable route selection suggesting that a ‘favoured route’ has already been selected prior to consultation. KWT believe that the proposed cable route is potentially a highly environmentally damaging choice, likely to cause significant harm to an internationally and nationally designated site and strongly object to the proposal. Volume 1, Chapter 4: Site Selection and Alternatives (Document Ref: 6.1.4) describes the options and process undertaken to the preferred selection. VWPL consider that the site selection process has been a robust procedure and has identified the most suitable route from an environmental and consenting point of view.
- KWT stated that the PEIR did not provide sufficient evidence or justification for route selection and therefore does not meet the requirements of the EIA regulations in terms of consideration of alternatives. Volume 1, Chapter 4: Site Selection and Alternatives

(Document Ref: 6.1.4) describes the options and processes undertaken to the preferred selection.

- KWT expressed concerns regarding cumulative impacts and highlighted the potential for cumulative impacts in relation to the repair of cables for the existing Thanet Offshore Wind Farm. Cumulative effects have been assessed in the ES and the 132 kV Thanet Cable Replacement project is no longer being pursued and is therefore not included in the cumulative assessment.
- KWT also expressed disappointment with the consultation process leading up to the submission of the PEIR, stating that KWT concerns have been disregarded repeatedly and their views on route preference have been intentionally misrepresented. KWT has therefore withdrawn from the Evidence Plan meetings. Details of the consultation process surrounding this are included in Section 4.6 of this document.

9.23.9 Comments received from the RSPB are summarised below, alongside VWPL regard:

- The RSPB considered that the chapter lacked detail on the amount of intertidal habitat potentially used by SPA designated species that would be permanently lost. A more detailed GIS-based analysis has been undertaken in the ES, and habitat loss was re-assessed in light of the updated project design information. It is also worth noting that the area of permanent intertidal habitat loss has been significantly reduced after refinements in the project design.
- RSPB considered that with only one year of data collection, the conclusions on the magnitude of impacts might be premature. Further survey requirements were reviewed in consultation with the Evidence Plan panel. However, it was noted that given programme constraints, it is too late to undertake meaningful additional bird surveys, and VWPL suggested that in light of seasonal restrictions and the large volume of existing data, one year of winter bird survey data is sufficient. RSPB also stated that they felt the winter seasonal restriction (October to March) on construction activities within the SPA and SSSI was an effective mitigation measure for most of the designated wintering bird species. Survey methods were agreed through the Evidence Plan process and updates to the baseline data have been included in the ES and relevant technical annexes.
- RSPB highlighted uncertainties regarding the usage of inland non-intertidal habitat used by golden plover, suggesting that a single year of surveys may not reflect importance and that daytime surveys will not fully reflect golden plover usage. Survey methods were agreed through the Evidence Plan process, and updates to the baseline data have been included in the ES and relevant technical annexes.
- RSPB suggested that further consideration and better mitigation could be provided for nightingale, cuckoo and turtle dove. Embedded mitigation measures are listed in the ES chapter.



- RSPB noted that little terns were identified as a designated SPA species although no assessment of the potential impacts from the scheme was undertaken. The ES chapter was updated accordingly, and the location of the little tern colony was verified. It was determined that the historic little tern breeding site would not be affected.
  - The RSPB welcomed the effort to mitigate impacts on Schedule 1 birds, however requested more information on how noise impacts will be mitigated, as well as evidence that screening is an effective mitigation measure. Further detail regarding proposed mitigation measures in respect of Schedule 1 birds has been included in the outline LEMP as well as in the ES chapter. RSPB disagreed that ‘embedded mitigation for planned O&M in the form of timing’ will mitigate for permanent ‘land take/ land cover change’ in designated or functionally linked habitats. VWPL noted this and agreed, providing updated embedded mitigation measures within the ES chapter.
- 9.23.10 TDC noted that KCC, Natural England and EA would be their key consultees on biodiversity and their expertise should be relied upon. They also noted that construction dust and noise and vibration impacts on ecological receptors should be reviewed by the relevant ecological officers at KCC and Natural England. VWPL noted this response.

#### **Section 47 responses and VWPL regard**

- 9.23.11 No Section 47 comments other than those received through feedback forms (Section 9.30) were received that related directly to onshore biodiversity.

### **9.24 Ground Conditions, Land Use and Flood Risk (Volume 3, Chapter 6)**

#### **Main Stakeholders**

- 9.24.1 Responses were received in relation to the ground conditions, land use and flood risk chapter from the following stakeholders:
- Health and Safety Executive (HSE);
  - The Coal Authority;
  - Dover District Council;
  - The Environment Agency;
  - Thanet District Council; and
  - Natural England.

#### **Key Topics Discussed**

- 9.24.2 Key topics discussed during the statutory consultation included:

- The historic landfill site within Pegwell Bay Country Park;

- The potential for leachate contamination; and
- The sea wall at the landfill;

#### **Section 42 responses and VWPL regard**

- 9.24.3 VWPL noted the HSE response that the onshore connection to the National Grid is not within the consultation zones of any major hazard site of pipeline.
- 9.24.4 VWPL also noted the Coal Authority response that the area does not contain any recorded risks from past coal mining activities, and there are no surface coal resources present.
- 9.24.5 VWPL noted the response from Dover District Council stating that they had no concerns relating to the chapter and deferred to the Environment Agency and Thanet District Council. Dover District Council also suggested that a figure should be included in the ES illustrating the land use. Effects on tourism and leisure are presented in Volume 3, Chapter 4: Tourism and Recreation (Document Ref: 6.3.4).
- 9.24.6 The Environment Agency suggested that site assessments may need to include additional risk parameters based on investigation findings and depending on the final design options chosen. In response, VWPL noted that the assessment was based on the maximum adverse scenario, which took the worst-case site conditions in key parameters for the assessment.
- 9.24.7 Thanet district council made several comments relating to the chapter, which are summarised below, along with VWPL regard.
- TDC stated that intrusive site investigation and groundwater monitoring would need to be undertaken in the landfill site to inform appropriate mitigation. The chapter acknowledged this, and further site investigation works will take place post-consent to inform the detailed design.
  - TDC advised that risks of asphyxiation from ground gas build up should be considered in mitigation for the O&M phase. Further information was also requested with regard to works within the sea defence and the use of cofferdams. Additional information was provided, and an outline of proposed mitigation measures was put forward for O&M procedures at the landfill, and on good construction industry practice for cofferdams.
  - It was noted that works should be carried out in a strictly controlled manner to ensure that contaminants are not exposed, and that protection of controlled waters must be ensured. Provision for temporary surface water control measures was added within the embedded mitigation.
- 9.24.8 Natural England’s main concern was in relation to PEIR Option 1 and the potential for leachate contamination during construction. The chapter has taken the potential for leachate contamination into account. The updated landfill options that are being taken

forward for application are described in Volume 3, Chapter 1: Project Description (Onshore) (Document Ref: 6.3.1).

#### **Section 47 responses and VWPL regard**

9.24.9 No Section 47 comments other than those received through feedback forms (Section 9.30) were received that related directly to ground conditions, land use and flood risk.

### **9.25 Historic Environment and Cultural Heritage (Volume 3, Chapter 7)**

#### **Main Stakeholders**

9.25.1 The following stakeholders provided comments on the consultation documents:

- Historic England;
- Dover District Council;
- Thanet District Council; and
- Kent County Council.

9.25.2 Responses are listed along with the regard had to those comments in the consultation table of Volume 3, Chapter 7: Historic Environment and Cultural Heritage. Full lists of the responses received from consultees during statutory consultation are also presented in Appendix G.

#### **Key Topics Discussed**

9.25.3 Key topics discussed during consultation relating to the onshore historic environment were:

- Archaeological considerations at the landfall area;
- Potential impacts on conservation areas and listed buildings; and
- Effects on the historical setting in terms of the landscape and historic environment.

#### **Section 42 responses and VWPL regard**

9.25.4 Overall, Historic England were supportive of the PEIR as provided for known archaeological assets and the potential for more to exist. They also agreed with the likely effects assessed, although highlighted that there would need to be further investigation. Historic England had several comments to make with regard to the assessment of impacts on the historic environment and cultural heritage:

- It was noted that Historic England published updated guidance on the setting of historic assets, and it was suggested that this updated guidance should be referred to in the ES. Historic England also stated that they were consulting on a revised edition of published

conservation principles and suggested that terminology was reviewed for consistency with the latest version of these. Further detail was provided in the ES.

- Historic England Agreed that the impacts to designated heritage are chiefly as a result of a change in their setting. It was suggested that impacts to the historic townscape of Margate as appreciated in views may be greater than the assessment concluded, and further assessment may be warranted. More detail was added to the discussion of change in setting of the Margate Conservation Area in the ES.
- In relation to the elements of the First World War military port at Richborough, Historic England agreed with the desk-based assessment of what might remain considering the major post-World War Two changes. Reference to a detailed 1918 plan of the port available at The National Archives was provided. Further detail was added to the assessment of the effects on Richborough Port in the ES.
- Concern was raised about harming the surviving remains of the ferry berth, as these could be used to understand the major logistical role of Richborough Military Port, although the ferry berth is outside the red line boundary. Further detail was added to the ES regarding effects on the ferry berth and transport infrastructure at Richborough Port.
- Historic England pointed out that there is emerging evidence that Pegwell Bay may have been the base port for Caesar's 54 BC expedition to Britain. It was advised that the Historic Environment EIA team liaise with professors at the University of Leicester who are leading a research project into this potentially highly significant event. Further consultation regarding the effects on the early-Roman site has been undertaken with Kent County Council and an updated assessment has been presented.

9.25.5 Dover District Council considered that the PEIR demonstrated a robust methodology for the identification of the designated heritage assets on which there is potential for effects. They also agreed with the conclusion of minor effects, with no requirement for mitigation. It was noted that DDC would defer to the Kent County Council Archaeologist for any further comments. VWPL noted this response.

9.25.6 Thanet District Council found the assessment overall to be well presented and were satisfied with the focus of the assessment. TDC stated that they were content with the assessment for the purposes of their historic environment interests. TDC considered that there would be some effect on the skyline beyond Margate in views from the west, but that the significance of these views to the overall character and significance of the heritage assets would be limited. TDC were satisfied with the way in which the visual impacts in terms of the historic environment were assessed. More detail was provided in the discussion of the change in the setting of the Margate Conservation Area.

9.25.7 Kent County Council had a number of comments to make in relation to the assessment of potential impacts to the onshore historic environment:

- Kent County Council stated that the landfall option in Sandwich Bay would be more likely to directly affect the onshore heritage assets, given the length of the route to the substation site. They also stated that the landfall in Pegwell Bay was preferable from an onshore heritage point of view. This response was noted and VWPL agree that the Pegwell Bay option is preferable from an onshore cultural heritage point of view.
- Concerns were raised over the construction of the substation on the extant bank of the boarded groin, and it was suggested that these impacts should be further assessed when the design measures are more advanced, with preservation being the preferred mitigation measure. The assessment of effects on the visible elements of the boarded groin has been updated to reflect the revised project design.
- With regard to the anti-invasion defences at Pegwell Bay, KCC suggested that it may be appropriate to ensure that the design of the cable route should take account of the potential impact, and that mitigation be provided through avoidance rather than a programme of recording. Other direct effects on archaeology can be mitigated through an agreed WSI, and this should include the appropriate investigation and recording. The assessment of effects on the anti-invasion defences has been updated to reflect changes in project design.
- In relation to the Boarded Groin, it was highlighted that the impact of the development has been considered minor in relation to the substation construction. KCC expected to see some further detail setting out the effects of the substation and the earthworks involved with the cable route and the proposed mitigation. The assessment of effects on the boarded groin arising from substation construction has been updated to reflect the revised project design.
- KCC noted that the assessment of the Pegwell Bay anti-invasion defences has been based on the general observation of the existing division in the Country Park, however the impact may be greater if additional visual barriers are introduced that screen the views to and from the defences. Further assessment of this and appropriate mitigation was requested. As above, the assessment of effects on the anti-invasion defences has been updated to reflect the revised project design.

#### **Section 47 responses and VWPL regard**

- 9.25.8 No Section 47 responses, other than those received via feedback forms (Section 9.29) were received relating directly to the historic environment chapter.

### **9.26 Traffic and Transport (Volume 3, Chapter 8)**

#### **Main Stakeholders**

- 9.26.1 Responses were received from several stakeholders in relation to the traffic and transport chapter, listed below:

- Highways England;
- Dover District Council; and
- Kent County Council.

#### **Key Topics Discussed**

##### 9.26.2 Key topics discussed included:

- Consideration of traffic and access policy;
- Transportation of abnormal loads;
- Potential impacts to the strategic road network; and
- The development of a traffic management plan to be implemented in the construction phase.

#### **Section 42 responses and VWPL regard**

##### 9.26.3 Highways England raised several comments, which are summarised below along with VWPL regard.

- Highways England raised concerns relating to the impact of staff travel on the strategic road network during construction, with particular interest in working hours. In response, working hours were provided in the maximum design scenario table, with information on routeing and distribution identified.
- Concerns were also raised about impacts to the safety, reliability or operation of the strategic road network. Impacts to the strategic road network have been discussed in the ES chapter.
- It was suggested that a separate assessment should be undertaken to identify suitable routes to transport Abnormal Indivisible Loads (AILs). In response, an AIL desk study was included with the ES (Volume 5, Annex 8-1: Abnormal Indivisible Load Access Study (Document Ref: 6.5.8.2)).
- Confirmation was requested of the likely volume of trips associated with the project per day, as well as an indication of the temporal profile. The volume of trips associated with Thanet Extension has been included in Table 8.11 of the chapter. It was not possible to confirm the temporal profile until the pre-construction phase when more detail on the delivery movements is known.

##### 9.26.4 Dover District Council noted that points of access to the proposed development site would be a key consideration. Points of access were outlined within the ES chapter.

##### 9.26.5 Kent County Council requested that vehicle movements associated with taking personnel to and from port in relation to the offshore works, including AILs, should be included.

Vehicle movements are identified in Table 8.11 within the chapter. KCC also requested that closures of PROWs should be kept to a minimum and construction on or close to the routes should take the users into account. Embedded mitigation measures for PROW management are discussed within the chapter and also detailed in Volume 3, Chapter 4: Tourism and Recreation (Document Ref: 6.3.4).

#### **Section 47 responses and VWPL regard**

9.26.6 No Section 47 responses, other than those received through the feedback form responses (Section 9.29) were received directly in relation to the traffic and transport chapter.

### **9.27 Air Quality (Volume 3, Chapter 9)**

#### **Main Stakeholders**

9.27.1 The stakeholders who provided comments in relation to the air quality chapter were:

- Dover District Council;
- Port of London Authority (PLA); and
- Thanet District Council.

#### **Key Topics Discussed**

9.27.2 Key topics discussed during the consultation related to:

- The use of best practice to minimise air pollution;
- Offshore sources of air pollution; and
- Emissions from construction, including from Heavy Duty Vehicles (HDVs).

#### **Section 42 responses and VWPL regard**

9.27.3 DDC questioned the justification for scoping out traffic during construction. Following revisions to expected traffic numbers, construction traffic has now been included in the assessment. Traffic data has been included in Section 9.10 of the report. DDC also stated that they expected the cumulative impacts during O&M to be assessed. Further justification for scoping out this impact during O&M has been provided.

9.27.4 PLA recommended that air emissions from construction plant as well as vessels should be included in the construction and O&M assessments. Following revisions to expected traffic numbers, construction impacts were included in the assessment and, as above, justification for scoping out emissions impacts during O&M was provided.

9.27.5 Thanet District Council suggested that the ES would require a detailed assessment and dispersion modelling of short-term air quality impacts from HDVs on residential

receptors. Following revisions to expected traffic numbers, this has been scoped into the assessment and addressed in Section 9.10 of the chapter. VWPL noted that TDC were satisfied that the predicted construction traffic flows for the proposed development were reliable.

#### **Section 47 responses and VWPL regard**

9.27.6 No comments relating directly to the air quality chapter were received from Section 47 consultees, aside from those from feedback forms (Section 9.29).

### **9.28 Noise and Vibration (Volume 3, Chapter 10)**

#### **Main Stakeholders**

9.28.1 Responses were received from just two consultees in relation to the assessment of impacts due to noise and vibration:

- DDC; and
- TDC.

#### **Key Topics Discussed**

9.28.2 The key topics discussed during the statutory consultation included:

- Working hours during the construction phase;
- Potential noise impacts to local sensitive receptors during the construction phase;
- In the case of the onshore substation, potential noise impacts to local sensitive receptors during the O&M phase; and
- Mitigation.

#### **Section 42 responses and VWPL regard**

9.28.3 Dover District Council sought clarification on the proposed working hours during the construction phase. In response, the typical construction hours were presented in the chapter. Clarification was provided that limited weekend, evening and night time working may be required in the intertidal zone for short periods. DDC also queried whether the noise assessment included quieting traffic on Sandwich Road, the delivery of equipment and the manoeuvring of HGVs on and off site. Clarification was provided that the assessment takes account of all vehicles accessing and manoeuvring on site. The principles of Traffic Management are outlined in the CoCP. VWPL will seek to minimise quieting traffic at Sandwich Road, however typically noise from queuing traffic would be expected to be less than noise from freely moving traffic.

9.28.4 Thanet District Council provided several responses to the noise and vibration chapter, which are summarised, along with VWPL regard below.

- TDC highlighted that there are 8 residential properties with the potential to experience operational noise impacts and suggested that the BS4142 substation assessment should be considered along with existing and proposed noise sources in the vicinity and must address the issue of noise and vibration from the substation to ensure no loss of amenity. The BS4142 assessment was provided in Section 10.11 of the chapter.
- TDC recommended that baseline background modal measurements should be used to assess impact significance to ensure a worst-case approach. The modal measurements used to ascertain background noise levels in the BS4142 assessment were provided in Section 10.11.
- TDC also suggested that trench excavation alongside the Ebbsfleet properties should be restricted to 0800 – 1800 on weekdays and 0800 – 1300 on Saturdays, and that any works at this location outside these hours should not be permitted. VWPL highlighted that the proposed working hours (0700 – 1900 Monday – Friday) would typically include a one-hour set-up period and a one-hour set-down period at each end of the working day, therefore the noisier works would generally fall between 0800 and 1800.

#### **Section 47 responses and VWPL regard**

- 9.28.5 No Section 47 responses, apart from those received from feedback forms (Section 9.29) were received during the statutory consultation period.

#### **Main Stakeholders**

- 9.28.6 The main stakeholders consulted with regard to Aviation and Radar were:

- MOD;
- Belgium Air Navigation Service Provider;
- The French Directorate for Safety of Civil Aviation;
- The Netherlands Ministry of Infrastructure and Environment; and
- Offshore Helicopter Operators (listed in the chapter).

#### **Key Topics Discussed**

- 9.28.7 Turbine layout and impact on aircraft routes and flying height.

#### **Section 42 responses and VWPL regard**

- 9.28.8 No comments were received from any stakeholder with regard to Aviation and Radar.

#### **Section 47 responses and VWPL regard**

- 9.28.9 No Section 47 comments were received (other than those described for the feedback form responses in Section 9.29) from any stakeholder with regard to Aviation and Radar.

## **9.29 HRA Screening Report (Volume 6, Chapter 1)**

### **Main Stakeholders**

- 9.29.1 The main stakeholders who provided comments on the HRA Screening Report were:

- Natural England;
- MMO;
- KWT;
- EA;
- RSPB; and
- The French Government (Agence Francaise pour la Biodiversite (AFB) and Ministere de la Transition Ecologique et Solidaire (MTES)).

### **Key Topics Discussed**

- 9.29.2 The key topics discussed during consultation on the HRA Screening Report were:

- Potential impacts to internationally designated sites;
- Potential construction methods;
- Assessment methodology; and
- Cumulative impacts.

### **Section 42 responses and VWPL regard**

- 9.29.3 The responses from Natural England are summarised, along with VWPL regard, below:

- The key concern of Natural England related to the proposed permanent loss of saltmarsh at the landfall with respect to the Thanet Coast and Sandwich Bay SPA. In response, this area of potential permanent loss has been significantly reduced compared to what was presented in the PEIR. Further justification for the need for this and the associated impacts have been fully assessed within the relevant chapters and the RIAA.
- Natural England noted that the Outer Thames Estuary Extension SPA has been fully designated and should be treated as one site. Text and assessments in the RIAA has been updated to reflect this.
- Natural England re-iterated that consideration of the Habitats Regulations should not be excluded from the ES. Full consideration of the Habitats Regulations has been given in the ES and the RIAA as relevant.

- Natural England were concerned about disturbance by construction vehicles on protected sites. In response, impacts from construction disturbance have been covered in the revised screening section of the RIAA.
  - Concerns were also raised over the potential cumulative effects caused by the Thanet Cable Replacement project. This project has since been withdrawn and as such the in-combination assessment of this project is no longer required.
  - Natural England disagreed with the assumption that no red-throated divers would be displaced and advised that the assessment be based on an assumption of 100% displacement out to 4 km. VWPL highlighted that the assessment was based on site-based evidence and provided supplementary information to identify the population within the 4 km buffer to allow Natural England to draw conclusions if appropriate.
  - Natural England deemed it inappropriate to assess cumulative impacts on red-throated diver by taking data from other ESs and suggested that data should be taken from a single source such as JNCC designation data. The approach of using a single source was adopted and the SeaMaST dataset was applied in the cumulative/ in-combination assessments.
  - Natural England advised that displacement effects calculated for individual seasons should be summed across seasons to allow for assessment on the annual population.
  - Natural England advised that the Band (2012) model should be used to assess collision risk. VWPL noted this and applied the Band (2012) method to the updated assessments.
  - Natural England requested greater consideration of the possible effects of visitor displacement to more sensitive areas of the coast. This issue was screened in to the updated assessment and assessed in relation to the Thanet Coast and Sandwich Bay SPA and Ramsar.
  - Further information was requested regarding the habitat requirements of Ramsar wetland invertebrate assemblages in order to determine how they would be affected. Updates to the RIAA were provided, including the potential for LSE in respect of the wetland invertebrate assemblage at Thanet Coast and Sandwich Bay Ramsar.
  - Natural England agreed that adverse effects from construction on intertidal birds would not be significant but requested further information in a Construction Environmental Management Plan. VWPL noted that timing restrictions on intertidal construction works would apply at the landfall and produced a Code of Construction Practice included as part of the application.
- 9.29.4 The MMO suggested that UXO clearance/ detonation and the cofferdam construction need to be included in the final application. These have been assessed in all relevant chapters and documents including the RIAA.
- 9.29.5 Comments received from KWT in relation to the HRA Screening Report are summarised below, along with VWPL regard.
- KWT queried the cable route selection and suggested that a ‘favoured route’ had already been selection prior to consultation. The consideration of alternatives has been described in the RIAA, as well as in the Site Selection and Alternatives chapter.
  - KWT expressed concerns regarding the cumulative impacts, highlighting the potential for impacts in-combination with the Thanet Cable Replacement project. VWPL noted that this project has since been withdrawn and there is therefore no need to consider it for the application.
  - KWT requested that UXO impacts should be assessed, also suggesting that the marine mammal cumulative assessment needs to include all relevant activities. UXO has since been included in all relevant chapters and documents, including the RIAA and the in-combination assessment for marine mammals has included all relevant plans and projects.
- 9.29.6 The Environment Agency highlighted their concern over permanent loss of habitat at the landfall. The permanent loss of habitat has been reduced for the ES and options for undergrounding infrastructure have been included and assessed. Further justification for the need for the reduced loss of saltmarsh has been included in all relevant chapters. VWPL also noted that the works will not result in any fragmentation of the saltmarsh since the extent of the seawall works has been reduced.
- 9.29.7 Comments received from the RSPB are summarised below, along with VWPL regard.
- RSPB stated that a full 24 months of baseline ornithological data is needed for the assessment to capture seasonal variability. The assessment has been based on 3 months of boat-based survey data and 24 months of aerial survey data.
  - RSPB did not agree that the spatial extent of the displacement assessment should be limited to the array footprint and should include a 4 km buffer. VWPL highlighted that this has been based on local site-based evidence and included supplementary information to identify what the population is in the 4 km buffer.
  - RSPB suggested that the Band (2012) model for assessing collision risk be reverted to. This was applied to the RIAA and offshore ornithology chapter.
  - RSPB, similar to Natural England, requested that a single source of data be used for the cumulative/ in-combination assessments. The approach of using a single source has been adopted for the ES and the SeaMaST dataset has been applied in the cumulative/ in-combination assessment of red-throated diver disturbance and displacement.
  - RSPB requested further detail on the amount and location of intertidal habitat that is potentially used by SPA designated species and details on the mitigation measures proposed for permanent loss of designated and functionally linked habitat. Updates to the RIAA were made to reflect this. VWPL also note that the project design has been

updated to remove the option for a large seawall extension and provision for undergrounding infrastructure have been included.

- RSPB requested further information regarding the usage of inland non-intertidal habitat by golden plover, noting that usage may vary between daytime and night-time. Updates to the RIAA were made regarding the potential for LSE in respect of inland non-intertidal habitats.
- RSPB also noted that little tern were identified as a designated feature of the SPA, acknowledging that it is not currently breeding, but requested guarantees that none of the work would have an impact on the historic breeding site. Updates were made to the RIAA to assess the potential for LSE in respect of breeding little tern.

9.29.8 Responses from the French Government (AFB and MTES) are summarised, along with VWPL regard, below.

- MTES highlighted a list of French designated sites and their respective species that could be affected by Thanet Extension. VWPL clarified in the RIAA that these sites and were included in the assessment.
- MTES also requested that the in-combination assessment should include French windfarms, which were listed. VWPL subsequently updated the RIAA to include these French sites in the in-combination assessment.
- AFB questioned how effects were considered ‘significant’ and how this was assessed. VWPL clarified this in the assessment, pointing to ES topic chapters and the method followed in the RIAA.
- AFB recommended screening in qualifying mobile species that may interact with potential effects associated with Thanet Extension. VWPL highlighted that the screening ranges applied take account of the spatial extents of relevant effects.
- AFB highlighted French sites that could be affected by underwater noise from piling. VWPL clarified that these designated sites were included in the RIAA. Similar to MTES, AFB also listed several French windfarms that should be included in the in-combination assessment. These were subsequently included in the RIAA.
- AFB noted that the foraging ranges of nesting seabirds from French designated sites could overlap with Thanet Extension and that there could be effects through disturbance and displacement. VWPL noted that these sites were included in the screening stage of the HRA.
- AFB suggested that areas of functional importance for seabirds, marine mammals and fish and shellfish require consideration. VWPL noted that the assessment included consideration of the conservation objectives of the designated sites assessed, with broader issues assessed in the relevant chapters of the ES.

- AFB expressed that there was uncertainty regarding the screening ranges applied and requested further explanation. VWPL noted that the screening ranges applied take account of the spatial extents of relevant effects and clarified this in the RIAA.
- AFB requested that the Alderney West Coast and Burhou Islands Ramsar should be included for consideration. This site was included in the early scoping phase of the LSE screening process but as gannet were only recorded in small numbers, it was excluded from the scope of screening.

#### *Section 47 responses and VWPL regard*

9.29.9 No comments from Section 47 consultees were received that related specifically to the HRA Screening Report.

### **9.30 Feedback Form Responses**

9.30.1 As part of the consultation carried out under Section 47, Members of the Public were invited to complete feedback forms, which asked for responses to pre-defined questions about main areas of concern, design and routing options. The first two questions contained a tick-box question, for which quantitative feedback could be obtained, as well as a text box, where qualitative feedback could be provided. The rest of the questions could only be responded to qualitatively. The general qualitative information provided in the responses has been summarised below.

9.30.2 Feedback to the community consultation was provided in a ‘Community Consultation Feedback Report’ (Appendix C3), which breaks down the feedback received and VWPL’s response to that feedback.

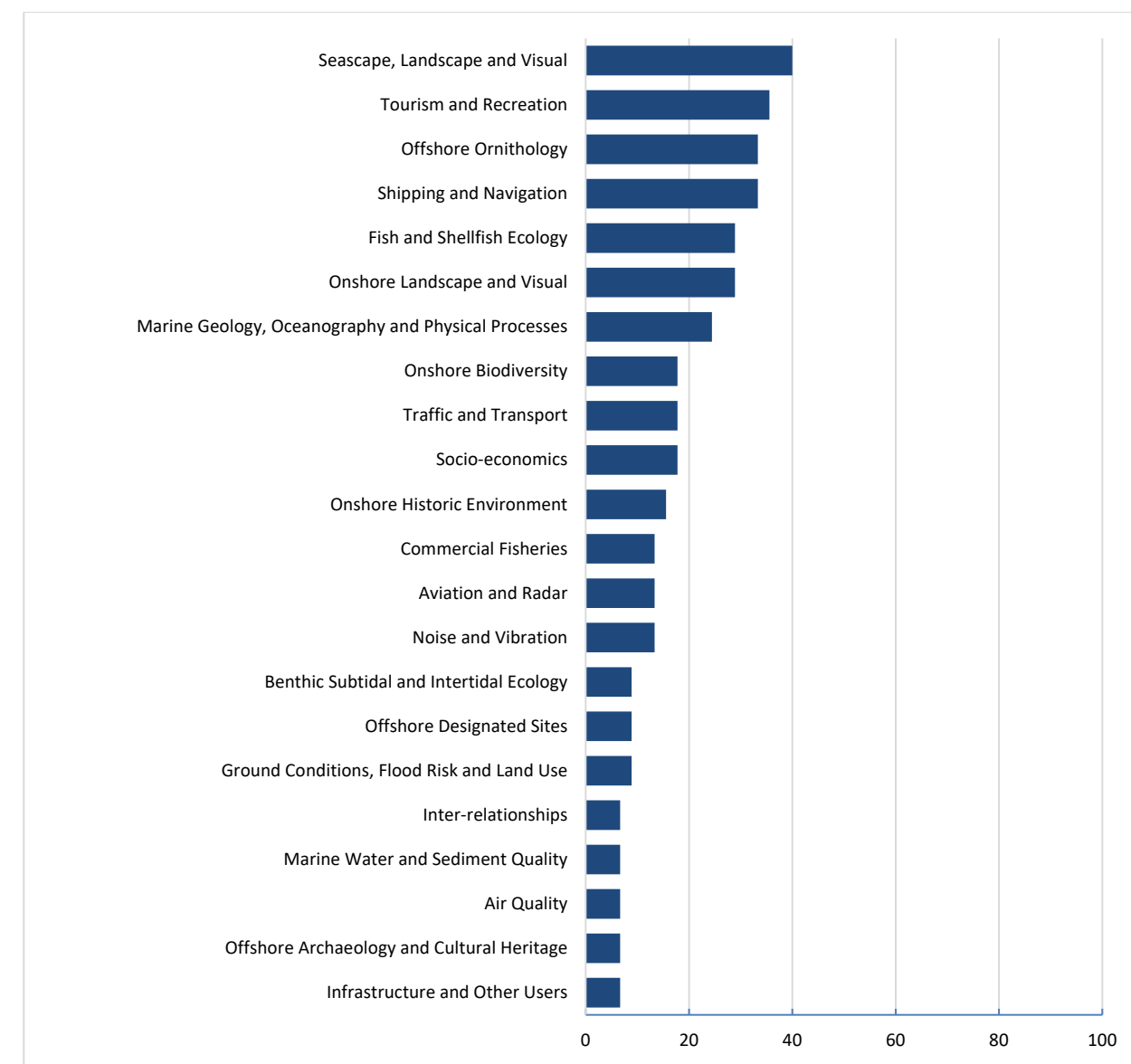
9.30.3 The responses to these feedback forms are summarised below, broken down by question. An example of the feedback form is provided in Appendix C5.1.

9.30.4 45 people filled out feedback forms, including 10 who responded to the online questionnaire. Not all respondents provided answers to every question.

#### *Question 1 – When thinking about the potential impacts of the project, what concerns do you have?*

9.30.5 Participants were invited to share their feedback on the topics described in the PEIR by ticking boxes to indicate specific areas of concern and to offer written feedback in a comment box for a longer answer.. The options given were the same as the PEIR chapter titles, although one topic area, marine mammals, was mistakenly left out of this list. However, the relevant information was included with the consultation documents and one respondent did raise concerns about marine mammals in their written response.

- 9.30.6 Figure 9-2 shows the percentage of respondents who indicated their concern about that receptor. It can be seen that the greatest level of concern surrounded seascape, landscape and visual impacts (40%).
- 9.30.7 Additional comments received raised concern about the impacts to water safety, light pollution and impacts to birds. Some participants suggested that local jobs should be supported, and that the project should involve apprenticeships and local education.
- 9.30.8 Some participants noted the difference between the worst-case layout for Thanet Extension and the uniform layout of the existing TOWF, which may result in the wind farm looking ‘cluttered’.
- 9.30.9 It was also suggested that turbines should be kept to a minimum on the north and west side of the array to reduce impacts to shipping and navigation. Since the end of the statutory consultation period, the proposed offshore development boundary has been amended, reducing the extent of the array in the north-west corner.
- 9.30.10 Other respondents indicated their support for the project, welcoming investment in the local area.
- 9.30.11 Updates were made to the project design in response to comments from a variety of stakeholders, including the local community. The project design changes are summarised in Table 9.1. The elimination of the Nemo Crossing option has been removed which would have resulted in the greatest impact in terms of onshore LVIA. The provision for undergrounding of infrastructure in the Country Park was also included. These two changes reduce the requirements for large berms, reducing potential impacts to landscape and visual, as well as tourism and recreation receptors, which were the two areas where participants indicated their greatest level of concern (Figure 9-2).



**Figure 9-2 Percentage of total respondents who indicated their concerns when thinking about the potential impacts of the project.**

**Question 2 – When thinking about all the topics that have been assessed and considered and our first proposals to minimise the impacts, are there any further approaches you think we should consider?**

- 9.30.12 Similar to Question 1, this question invited participants to indicate areas where they felt further work could be done, or further approaches to the assessment that should be considered. As with Question 1, the options given were the same as the PEIR chapter titles, although again, marine mammals was mistakenly not included in the list however this topic was included in the consultation documents provided.



9.30.13 Figure 9-3 shows the percentage of respondents who indicated areas where they felt further approaches should be considered. The topic which had the highest response was Shipping and Navigation (18%), followed by Seascape, Landscape and Visual Impacts (13%).

9.30.14 In the written responses, participant suggestions included a preference for smaller turbines, avoiding turbines closer to shore than the existing wind farm, and avoiding cable installation along Sandwich Road. Since the end of the statutory consultation period, VWPL has refined the project design to exclude crossing the Nemo Interconnected and installing cables along Sandwich Road.

9.30.15 In response to community consultation, VWPL has instigated changes to the project design, including reducing the offshore array boundary to reduce impacts to shipping and navigation receptors (see Table 9.1). In response to Question 2, shipping and Navigation was highlighted as the most indicated topic that required further consideration.

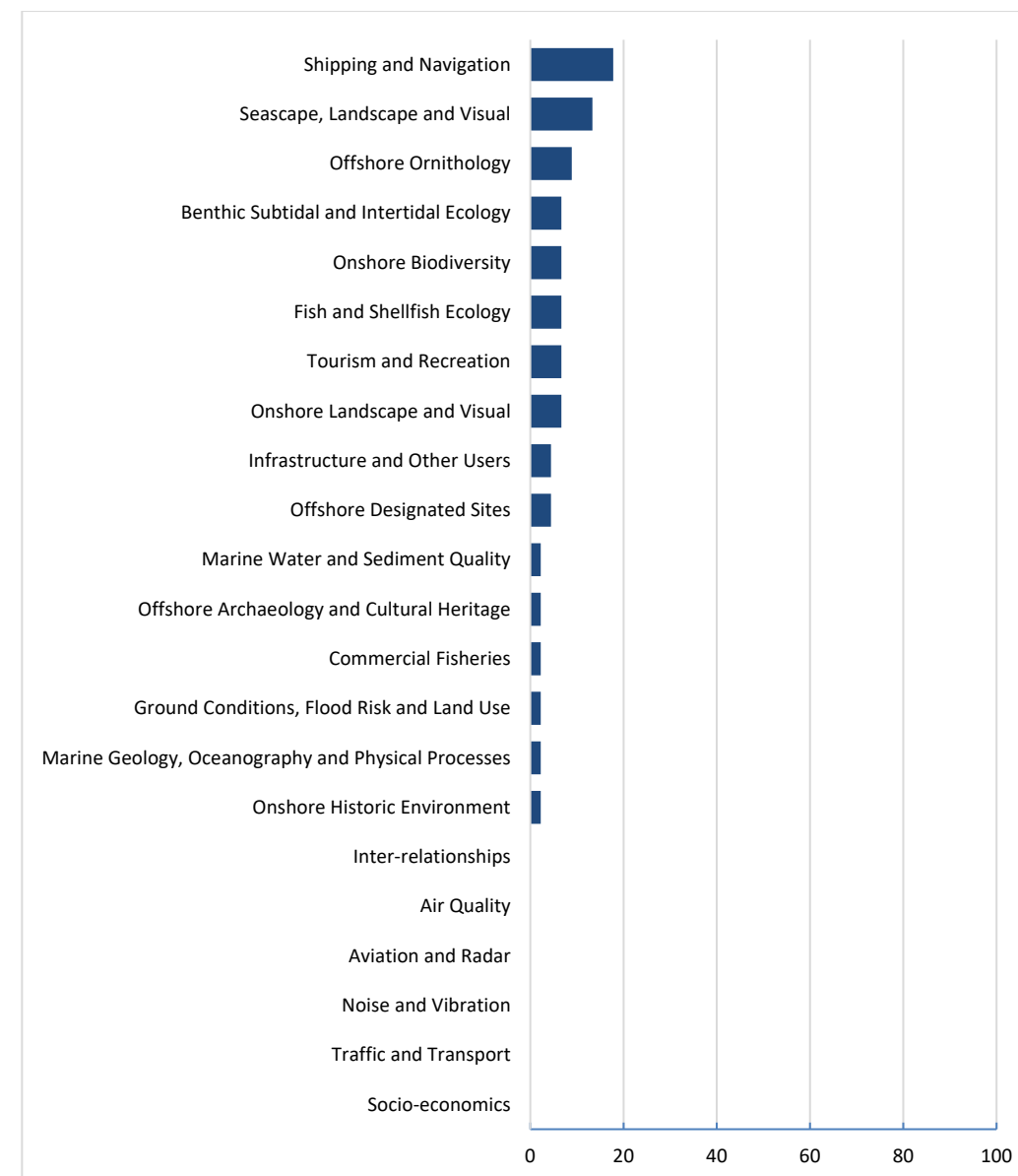


Figure 9-3 Percentage of respondents who indicated areas where further consideration should be given.

**Question 3 – Onshore, there are two potential options being considered for landfall at Pegwell Bay and routing the onshore cable. Do you have any thoughts, concerns or questions about either option?**

9.30.16 Question 3 asked participants whether they had any comments or concerns about the areas proposed for positioning wind turbines and cables.

9.30.17 Issues raised included further consideration of the visual impacts, further consultation with those impacted offshore, as well as considerations of employment. Positive feedback was received by some participants wishing to see the project progress.

9.30.18 Further viewpoints were considered and assessed in the SLVIA and Onshore LVIA chapters. The project design was also updated to reduce the requirements for berms and a large seawall extension at Pegwell Bay, reducing impacts to landscape and visual receptors.

**Question 4 – Offshore, do you have any views or concerns about the area that we are looking at to place turbines and cables, or have any further matters you think need more consideration?**

9.30.19 Under Question 4, participants were asked to share their thoughts on the options for landfall and onshore cable routeing taken forward at the PEIR stage.

9.30.20 Mixed responses were received regarding the potential options, however there was a general preference for below-ground cable installation favouring HDD or trenching, and that cables should follow the shortest route that causes the least permanent change and minimised disruption to existing pathways.

9.30.21 Since the end of the statutory consultation period, the project design has been refined. The option for crossing the Nemo Interconnector and installing the cables along Sandwich Road was removed, and below-ground installation (trenching and HDD) within the historic landfill of Pegwell Bay Country Park has been explored (subject to further Site Investigation works).

**Question 5 – Do you have any feedback of issues to raise with regard to the area being considered for the substation?**

9.30.22 Similar to Question 4, Question 5 asked participants if they had any concerns or comments about the area proposed for the onshore substation.

9.30.23 Responses included making sure it minimised effects on the landscape, as well as pathways and cycle tracks. Additional information was sought on how the area would be landscaped to suit wildlife. VWPL have produced an outline Landscape and Ecological Management Plan (LEMP) which outlines the approach that will be taken to landscaping post-construction, including provisions for wildlife.

9.30.24 Positive feedback was received on the substation location which supported building on a brownfield site.

**Question 6 – When thinking about our investment in Kent and the feedback we have received, do you agree with the priorities identified by the community to date, and do you have any views on benefits and opportunities we should focus on through our investment?**

9.30.25 In Question 6, participants were asked to share feedback on how investment should be focused to provide benefits and opportunities in the Kent area.

9.30.26 Suggestions included investment in jobs, education and apprenticeship schemes, giving local people the opportunity to be involved and preservation of the local environment.

9.30.27 There were some suggestions that more transparency is required on the economic benefits the project can bring, and that more information could be provided on the local employment efforts already in place.

**Question 7 – The maximum size of turbines that we are considering means we can produce more electricity with 28 – 34 turbines than the existing 100 turbines you see today. The layout shown shows the worst-case scenario visual impact. Is there anything specifically about the visual impact shown that is concerning to you, or anything you think we should consider when we design the actual layout, based on this worst-case scenario visual impact?**

9.30.28 Question 7 asked participants for their comments and concerns specifically about the visual impacts of the worst-case proposed turbine layout.

9.30.29 Much of the feedback focused on the lack of order and uniformity of the layout when compared to the existing turbine layout. Other points were raised included the proposed turbines being too dominant a feature on the landscape, with suggestions that turbines should be placed further out to sea towards the north and east to minimise visual impacts, whilst acknowledging that it is important to achieve the most economical outcome.

9.30.30 Since the end of the statutory consultation period, the offshore array boundary has been refined to exclude the north-western extent, which is the area closest to shore. The minimum turbine spacing was also refined so that the turbine layout could potentially be brought in alignment with that of the existing TOWF.

**Question 8 – During construction, we will prepare traffic management plans, introduce diversions to avoid closing important footpaths and access to local amenities, and work with you to minimise disruptions wherever possible. Do you have any suggestions that might be effective that we should consider to minimise impacts during construction?**

9.30.31 Under Question 8, asked participants to provide comments and suggestions for minimising impacts to traffic and transport receptors during construction.

9.30.32 Suggestions included establishing clear traffic management systems in the event of road closures (such as through social media), the provision of information well in advance of the activity being carried out and keeping footpaths open where possible.

9.30.33 VWPL have produced a CoCP which includes details on the outline approach to traffic management during the construction phase.

**Question 9 – The cost of offshore wind has decreased significantly, and it is now on average cheaper than new build nuclear and gas. This is the result of advances in technology, taller turbines, operations and maintenance efficiencies and supply chain developments. We have designed Thanet Extension with this knowledge and learning in mind so that we can build a project that we know can deliver low cost renewables. All of this has to be done whilst balancing the potential impacts of the project on the environment and communities. Do you think we're**

***getting the balance right in our current thinking and design? What else would you like us to consider?***

9.30.34 Question 9 asked participants for their feedback on the approach to the project design, considering that the costs of offshore wind have decreased significantly in recent years.

9.30.35 Comments included suggestions that projects should be futureproofed with more consideration of decommissioning and battery storage options, and the lifetime of turbines should be maximised, whilst no more turbines should be constructed closer to shore than existing ones.

9.30.36 Most comments indicated support for the project and offshore wind in general, with constructive feedback.

***Question 10 – We want to create more local jobs and give companies the chance to benefit from the project. Would you be interested in this work, or have ideas about how we can best achieve this?***

9.30.37 Question 10 asked participants whether they or their companies would be interested in local employment and benefit opportunities, as well as suggestions for how this could be best achieved.

9.30.38 There was general support for local employment and benefit opportunities, with such suggestions as using local companies where possible, more interaction with local companies and education centres, local events and art outreach opportunities, open days as well as youth employment and apprenticeships.

***Question 11 – Is there anything else you would like us to consider based on your review of the consultation materials?***

9.30.39 Responses to this question indicated that participants wanted to be kept up to date with progress and were interested in combined technology such as vehicle charging points and collaboration with solar projects in the area.

### **9.31 Targeted Consultation Post-PEIR**

9.31.1 As described in previously, VWPL undertook targeted consultation with local authorities, landowners and those with an interest in the land affected by changes to the RLB post-PEIR.

9.31.2 Though the changes were considered non-material and did not result in any changes to the outcomes of the assessments presented in the ES, VWPL engaged with the stakeholders identified, sending them a letter dated 1<sup>st</sup> May 2018 inviting them to provide comments on the changes. Consultation materials included those already provided during the statutory consultation period, as well as plans outlining the changes to the RLB post-PEIR. Consultees were given until 30<sup>th</sup> May 2018 to provide responses.

### **Main stakeholders**

9.31.3 Details of the stakeholders identified that would be affected by the RLB changes, as well as statutory bodies, are detailed in Appendix B7.1.

### **Key topics discussed**

9.31.4 The targeted consultation considered the changes to the RLB post-PEIR.

### **Targeted consultation responses and VWPL regard**

9.31.5 Three responses were received to the targeted consultation out of the 11 consulted. Two of these (Historic England and NATS) stated that they had no comment on the changes. UKPN responded stating that they had no objection to the boundary change, provided that future plans for a new 132 kV GIS switch room are taken into account as discussed in a prior meeting between VWPL and UKPN in April 2018. This was subsequently considered in the project design.

## **10 Post-Statutory Consultation Engagement**

### **10.1 Introduction**

10.1.1 This section of the consultation report sets out the non-statutory engagement that the applicant has undertaken following its statutory consultation activities as prescribed by the Planning Act. This engagement was undertaken in order to further explore some of the more complex matters raised during the statutory consultation periods and seek to resolve prior to submitting the application.

10.1.2 In continuing consultation during the post-statutory phase, VWPL has taken account of the DCLG guidance on pre-application which encourages consultation throughout the application process and beyond.

### **10.2 Summary of Post-Statutory Consultation Engagement**

10.2.1 VWPL has undertaken non-statutory consultation subsequent to the statutory consultation activities, which ended in January 2018, with both statutory and non-statutory consultees. This consultation has continued to shape the project, influence the environmental assessments, and has sought to resolve specific issues raised by consultees prior to submitting an application for Development Consent. This non-statutory consultation has formed an integral part of VWPL's approach to making appropriate and necessary amendments to the project and in developing any relevant mitigation measures.

### Targeted consultation following RLB changes post-PEIR

10.2.2 As previously described in detail in paragraph 5.4.22 *et seq.*, VWPL undertook targeted consultation with landowners, local authorities and those with an interest in the land affected by changes to the project boundary post-PEIR.

### Evidence Plan

10.2.3 Consultation has continued with the Evidence Plan Panel which is detailed in the Evidence Plan Report (Document Ref: 8.5). Notably, an Evidence Plan meeting was held in January 2018, following the statutory consultation period, in order to further discuss the responses and how best to appropriately address them.

10.2.4 The outcomes of post-statutory consultation Evidence Plan meetings are summarised, where relevant, in the consultation tables of individual chapters. A summary of post-statutory consultation Evidence Plan meetings and key outcomes are summarised below:

- A meeting was held with KCC through the Evidence Plan on the outline LEMP on 19<sup>th</sup> April 2018. A general project update was provided as well as details on ecological and SI survey requirements. It was made clear that VWPL intended to submit an outline LEMP with the application and sought feedback on preferences for inclusion in the outline LEMP, given that KCC have produced a management plan for the Pegwell Bay Country Park (provided to VWPL on 17/05/2018. See Appendix E1.14.
- The RIAA, in a draft form, was submitted to the Evidence Plan for review prior to submission. Where practicable, changes were made to the RIAA to reflect the comments received in the final RIAA included with the application.

### Other Meetings

10.2.5 Outside of the Evidence Plan, post-statutory consultation engagement was also undertaken with other key stakeholders, regarding issues such as shipping and navigation, commercial fisheries and the historic environment. Where relevant, these meetings and their outcomes have been detailed within the consultation tables of the relevant chapters.

10.2.6 A summary of the post-statutory consultation activities and key outcomes is provided below:

- A shipping and navigation meeting was held in February 2018 with representatives from THLS and the MCA, in which in part led to the reduction in the extent of the offshore array boundary due to the reduction in available sea room;
- On 14<sup>th</sup> March 2018 a meeting was held with LSA to discuss the impact that Thanet Extension could have on aviation operations from LSA and to investigate further use of a technical radar mitigation solution. It was agreed that a Non-Automatic Initiation Zone

(NAIZ) solution to the LSA Primary Surveillance Radar would be the most effective solution to mitigate the effects caused by the detectability of the Thanet Extension WTGs. Consultation with LSA is ongoing.;

- A meeting was held with members of the Sandwich and Pegwell Bay National Nature Reserve Steering Group on 2<sup>nd</sup> May 2018. VWPL provided updates on the project and informed the group of the cancellation of the Thanet 132 kV Cable Replacement project. The site selection process leading to the preferred option was discussed and the Steering Group requested further information on the site selection process and justification for the discounting of the Sandwich Bay landfall presented at Scoping in January 2017. Also discussed was the refusal of survey access to undertake ecological surveys and SI works within the site. Further information on the site selection process and re-appraisal following the cancellation of the Thanet Cable Replacement project has since been provided in Volume 2, Chapter 4: Site Selection and Alternatives (Document Ref: 6.1.4). See Appendix E1.13

## 11 Next Steps

### 11.1 Outline of the Post-Application Process

11.1.1 The submission of the application for a DCO marks the end of the pre-application period under the Planning Act. upon receipt of the application, PINS will have 28 days to decide whether or not to accept the application. If accepted, the pre-examination phase will begin, and the public will be able to share its views on the project. This period will last for three months, before the PINS examination process begins.

11.1.2 PINS will then have six months to examine the application and a further three months to make a recommendation to the SoS as to whether to grant development consent. In the event that a DCO is granted, the design and development of the project will continue to be progressed as the project moves towards construction. This phase will confirm the preferred option of construction within the Pegwell Bay Country Park, subject to the results of SI works.

### 11.2 Statements of Common Ground

11.2.1 Where possible, VWPL will be seeking to agree Statements of Common Ground (SoCGs) in collaboration with key consultees to assist PINS, the examining authority and the SoS in understanding which issues with regards to Thanet Extension have been resolved and which remain unresolved.

11.2.2 The SoCGs will set out a record of consultation undertaken to date with that stakeholder, the key agreements and outstanding issues. The SoCGs will be updated during examination to reflect ongoing consultation.

## 12 Conclusions

- 12.1.1 Since VWPL chose to progress with developing Thanet Extension, the project has been subject to extensive consultation, in terms of both non-statutory engagement and statutory consultation carried out pursuant to the Planning Act 2008.
- 12.1.2 Early non-statutory consultation has had a significant influence on the project in terms of its site boundaries and its design.
- 12.1.3 VWPL published its PEIR for Thanet Extension on 27<sup>th</sup> November 2017 and undertook a statutory Section 42 and Section 47 consultation simultaneously under the Planning Act to avoid confusion, and to allow consultees an opportunity to comment on the proposed project.
- 12.1.4 All responses to the consultation, whether they were received before the deadline for responses, or after the statutory consultation period have been considered by VWPL. Where appropriate, responses have been taken into account by VWPL in preparing its application for development consent for submission to the Secretary of State for BEIS. Where comments have not influenced the project, justification has been provided in this consultation report.
- 12.1.5 The amendments that have been made to the project as a result of the statutory consultation undertaken can be summarised as follows. Further detail can be found in Table 9.1, which summarises the changes, key discussions/ consultation that led to those changes and provides references to documents where further information can be found.:
- Refinement of the Proposed Offshore Development Boundary:
    - The north-west extent of the proposed array boundary has been reduced in size to limit interaction with the “North East Spit” pilotage and landing station and other shipping and navigational interests;
    - The proposed Offshore Export Cable Corridor (OECC) has been reduced in extent to avoid direct interaction with Ramsgate Harbour as well as the Thanet Coast Marine Conservation Zone; and
    - The nearshore section of the OECC has been tapered towards the proposed landfall location, to limit the area potentially affected by works within the intertidal and shallow subtidal areas.
  - Refinement of the Proposed Onshore Development Boundary (substation):
    - The land footprint to the south of the proposed substation location has been increased in spatial extent to allow for the relocation of local business interests.
  - Refinement of Landfall and Onshore Cable Route Options:
    - The onshore development boundary has been refined to remove the formerly proposed crossing of the Nemo Interconnector, to limit effects on the Pegwell Bay Country Park;
    - The section of Sandwich Road formerly included within the proposed development boundary has been removed, in light of the removal of the Nemo Interconnector crossing;
    - The long-term access from the Pegwell Bay Country Park car park through to the proposed landfall location has also been removed to reduce interaction with local business interests and visitors arriving by vehicle;
    - The landfall options have been amended to include the option to install cable ducts under the sea wall forming the boundary of the Pegwell Bay Country Park via Horizontal Directional Drilling (HDD), to reduce the interaction with the saltmarsh and sea wall. This option is dependent on Site Investigations confirmation that excavation within the Pegwell Bay Country Park is feasible;
    - The landfall options have been amended to remove the larger of the two sea wall extensions as proposed within the PEIR to reduce the extent of saltmarsh loss;
    - The landfall options have been amended to remove the option to position the Transition Joint Bay within the saltmarsh, to reduce the long-term effect on the saltmarsh habitat;
    - The landfall options have been updated to include clear reference to the use of a cofferdam during any work on the sea wall, to ensure that contaminant pathways are adequately controlled;
    - The onshore cable route options have been updated to include the option of installing the cables within trenches within the Pegwell Bay Country Park rather than above ground berms, to reduce the long-term effects within the Country Park. This Option is also dependent on Site Investigation outputs;
    - The onshore cable route options have been refined in a number of locations to reduce and refine the proposed development boundary to reduce effects associated with the cable corridor; and
    - The onshore cable route in the Richborough Energy Park location have been refined to clearly account for the location(s) of existing and proposed infrastructure within the Richborough energy Park.
- 12.1.6 In addition, conditions and requirements have been included in the draft DCO (incorporating the Deemed Marine Licences (DMLs)) (Document Ref: 3.1) to address specific issues raised by consultees.

12.1.7 Following statutory consultation on Thanet Extension, VWPL undertook further consultations to discuss the key issues raised during the consultation. These were held with the relevant prescribed bodies, advisors and other groups. Feedback from this engagement has been fed into the application where practicable.

12.1.8 In the spirit of effective consultation, VWPL continues to engage with a range of consultees and will continue to do so as the project progresses.

## 12.2 Compliance checklist

12.2.1 In developing the approach to consultation for Thanet Extension, VWPL has followed the specific requirements set out in relevant legislation and guidance documents.

12.2.2 This consultation report sets out the activities VWPL has undertaken under Sections 42, 47 and 48 of the Planning Act 2008 and the consultation responses received by VWPL under these Sections. Each section sets out the relevant legislative context to demonstrate how the consultation undertaken has adhered to relevant legislation and guidance.

12.2.3 A statement of compliance which details how VWPL has complied with the relevant requirements in the Planning Act, the APFP Regulations, the EIA Regulations and the DCLG Guidance, is provided in Appendix A1. The statement of compliance can be summarised as follows:

- Undertaking statutory consultation under Section 42 of the Planning Act: Section 5 and Appendices B and G of this report demonstrate that all requirements of the Planning Act and relevant regulations have been complied with and the guiding principles set out in the relevant guidance documents have been followed;
- Undertaking statutory consultation under Section 47 of the Planning Act: Sections 6 and Appendices C and G of this report demonstrate that all requirements of the Planning Act and relevant Regulations have been met and the guiding principles set out in relevant guidance documents have been followed. Compliance with the requirements set out the SoCC has been demonstrated. In relation to the EIA regulations, the SoCC provides relevant detail as required under Regulation 10. In addition, the community was provided with the consultation documents (PEIR and NTS) at local PIDs and pop-up events. Reference was made to the consultation documents in press releases and project updates. Therefore, there was no scope for confusion for members of the public on what was being consulted on during Section 47 consultation.
- Undertaking statutory consultation under Section 48 of the Planning Act: Section 7 and Appendix D demonstrate that all requirements of the Planning Act and relevant Regulations have been complied with and the guiding principles set out in the relevant guidance documents have been followed;

- Having regard to Section 42 consultation responses: Section 9 and Appendix G demonstrate that all requirements for summarising Section 42 Responses and having regard to those responses under Section 49 of the Planning Act have been met;
- Having regard to Section 47 consultation responses: Section 9 and Appendix G demonstrate that all requirements for summarising Section 47 responses and having regard to those responses under Section 47 of the Planning Act have been met; and
- Having regard to Section 48 publicity responses: Section 7 demonstrates that all requirements for summarising Section 48 responses and having regard to those responses under Section 49 of the Planning Act have been met.

12.2.4 The compliance statements demonstrate that all relevant requirements set out in the legislation have been adhered to in completing the pre-application process for Thanet Extension. Furthermore, where appropriate, guiding principles set out in relevant guidance documents have been followed in carrying out pre-application consultation for Thanet Extension.

12.2.5 In conclusion, VWPL has undertaken extensive pre-application consultation in accordance with its SoCC, in compliance with relevant legislation and in light of the guiding principles of consultation as set out in the PINS and DCLG guidance documents. VWPL has endeavoured to accurately reflect the various stages of consultation that have been undertaken and to represent the views and feedback from consultees that have been engaged in the process. It can be concluded from an analysis of the information provided in this report that the comments, views and potential impacts identified through pre-application consultation have influenced the submitted application. This influence has predominantly been in terms of the content and scope of the application documents and the final form of the application.

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