

Vattenfall Wind Power Ltd
1st Floor
1 Tudor Street
London
EC4Y 0AH

Kate Mignano
Temple Quay House
2 The Square
Bristol
BS1 6PN

Date:
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Contact: Daniel Bates (Consents Manager)
E-mail: Daniel.bates@vattenfall.com

Phone: 07976 783478

Response to Section 51 advice for Thanet Extension

Dear Ms Mignano,

I am writing in response to your letter of 23 July 2018 and the advice provided on the Thanet Extension DCO Application under Section 51 and Section 55 of the Planning Act 2008 (the Act). This letters follows the format of the Section 51 advice, drawing in specific points highlighted in the Section 55 checklist as appropriate.

Consultees identified on a precautionary basis

The Planning Inspectorate (PINS) advised to consider the inclusion of bodies listed in the Section 55 checklist for the notice of the accepted application under Section 56(2)(a) of the Act.

The Applicant sent Section 56 notices to all the bodies listed in the Section 55 checklist and confirmed this as part of the certification of compliance, as submitted on 17 September 2018.

Section 44 consultees

PINS advised to check the list of parties consulted under Section 44 of the Act as it did not completely reflect the parties included in the Book of Reference (Document 4.3).

The Applicant reviewed the Section 44 consultee list included in Appendix B3 of the Consultation Report (Document 5.1.1) and has provided responses to the inconsistencies in Appendix 1. All parties included in the Book of Reference were notified in accordance with Section 56 of the Act.

Book of reference

Regarding the PINS advice, the Applicant will provide evidence of the consideration of all three types of relevant claim under the Act in an updated Statement of Reasons (Document 4.2) to be submitted at Deadline 1.

Environmental Statement

The Section 51 letter advised the Applicant that under the 2017 EIA Regulations not less than 30 days should be given for receipt of representations.

The Applicant provided over 30 days' notice for the deadline for representations in compliance with the 2017 EIA regulations (1 August – 12 September 2018).

Minor errors and omissions

Revised land plans as requested in the Section 51 advice will be submitted at least 10 days prior to the Preliminary Meeting. Through further diligent enquiry it has come to light that the ownership of some land parcels may contain minor differences to that presented in the submitted land plans and the Applicant wishes to investigate this fully before submitting revised plans. A schedule of the comments on the land plans and the Book of Reference and the Applicant's response is provide below.

PINS comment in Section 51 letter	Applicant's response
<p>Please provide updated Land Plans that can be read which include:</p> <p>All relevant landmarks as described in Column 2 ('Description of Land') of the BoR e.g. Pegwell Bay Country Park, Sandwich Road, Ebbsfleet Roundabout and the A256 to be reflected on the relevant Sheets associated to the Land Plans.</p> <p>Insets to assist the reader.</p> <p>All plots on the individual sheets to be provided with the correct plot reference and colour code which is consistent with the other application documents.</p>	<p>This will provided at least 10 days prior to the Preliminary Meeting</p> <p>Landmark descriptions have been added to the OS mapping for clarity.</p> <p>Insets where requested have been added.</p> <p>This has been updated as per PINS' specific comments below.</p>
PINS comment in Section 55 checklist	Applicant's response
<p>The legend on the plans identifies blue coloured plots as 'Permanent acquisition of new rights'. Should this be 'Creation of new rights' or 'Extinguishment of rights'?</p> <p>Plot 01/35 could benefit from an inset as it is unclear whether this plot is coloured green or blue. The Book of Reference refers to temporary rights and the plot is included in Schedule 7 of the DCO (Land of which Temporary Possession may be taken). However the plot is also included in Schedule 5 (Land in which only New Rights etc., may be acquired).</p>	<p>The Applicant has reviewed this wording and the description used in other applications and is content that this accurately describes the approach taken.</p> <p>An inset has been added for Plot 01/35.</p> <p>Plot 01/35 is correctly scheduled for both temporary possession and the acquisition of permanent new rights, in keeping with the Applicant's strategy for the majority of the plots within the Order Limits.</p> <p>The Book of Reference has been updated to reference both rights of temporary possession and new rights; a revised Book of Reference will be submitted at Deadline 1.</p>

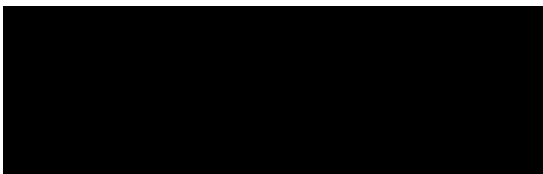
Plot 01/50 is coloured green on the land plan, showing it is temporary possession and is included in Schedule 7 of the DCO (Land of which Temporary Possession may be taken) and not in Schedule 5 (Land in which only New Rights etc., may be acquired). However the Book of Reference refers to new rights.	The Book of Reference has been updated to reference both rights of temporary possession and new rights; a revised Book of Reference will be submitted at Deadline 1.
Plot 01/55 is coloured green on the land plan, showing it is temporary possession and is included in Schedule 7 of the DCO (Land of which Temporary Possession may be taken) and not in Schedule 5 (Land in which only New Rights etc., may be acquired). However the Book of Reference refers to new rights.	The Book of Reference has been updated to reference both rights of temporary possession and new rights; a revised Book of Reference will be submitted at Deadline 1.
Plot 01/105 is coloured green on the land plan, showing it is temporary possession and is included in Schedule 7 of the DCO (Land of which Temporary Possession may be taken) and not in Schedule 5 (Land in which only New Rights etc., may be acquired). However the Book of Reference refers to new rights.	The Book of Reference has been updated to reference both rights of temporary possession and new rights; a revised Book of Reference will be submitted at Deadline 1.
The area containing plot 01/100 on sheet 1 of the Land Plan Onshore could benefit from an inset.	An inset has been added for Plot 01/100.
Plots 01/80 and 01/115 are not identified on sheet 1 of the Land Plan Onshore.	This issue has been addressed by amending the cut lines to ensure these plots are properly identified.
Plot 01/110 is only identified on sheet 2 of the Land Plan Onshore. Should this plot be assigned an 02 reference?	This issue has been addressed by amending the cut lines to ensure these plots are properly identified.
Plot 02/05 is coloured green on the land plan, showing it is temporary possession and is included in Schedule 7 of the DCO (Land of which Temporary Possession may be taken) and not in Schedule 5 (Land in which only New Rights etc., may be acquired). However the Book of Reference refers to new rights.	The Book of Reference has been updated to reference both rights of temporary possession and new rights; a revised Book of Reference will be submitted at Deadline 1.
Plot 02/85 is identified on the land plan as permanent acquisition but in the Book of Reference as new rights. This plot is not identified in the schedule 5 of the DCO (Land in which only New Rights etc., may be acquired).	This Plot is correctly shaded pink for freehold acquisition on the Land Plans, and accordingly is correctly omitted from schedules 5 and 7 of the DCO. The Book of Reference has been updated to reflect the DCO and will be submitted for Deadline 1.
In the legend 'Cable route options' does not describe what rights are being sought.	The legend has been amended to read 'Cable route options – Permanent acquisition of new rights'.
No landmarks or road names are identified on the land plans	This has been updated on Land Plans and specific land mark names, where needed, have been added to the OS mapping.
The scale is not in compliance with Regulation 5(4A) of the APFP Regulations, for the onshore plan sheet 0.	This sheet has been changed to 1:2,500.

Other comments made on the application documents in the Section 55 checklist are addressed below:

PINS comment in Section 55 checklist	Applicant's response
In relation to the dDCO Schedule 2, the dDCO refers to the works plans. This should be the onshore street works plans.	The DCO will be amended and submitted at the Deadline 1.
The Book of Reference (Doc 4.3) does not include any category three parties. No justification for this is provided in the Statement of Reasons (Doc 4.1). There are three types of Category three persons; Part 2 of the Book of Reference identifies two of these, but not the third.	Evidence for the consideration of all three types of relevant claim will be provided in an updated Statement of Reasons submitted at Deadline 1.
The Statement of Reasons (Doc 4.1), paragraph 7.4.1. Should plot 02/05 be plot 01/05?	Yes – the Statement of Reasons will be amended and submitted at Deadline 1.
There are no Limits of Deviation on the Works Plans or provided for in the Draft Order	This is correct – works will be undertaken within the Order Limits. Flexibility for the siting of cables and temporary works is provided for within the Order Limits.

I trust this addresses the points raised in the Section 51 letter but should further clarification be required, please contact myself.

Kind regards



Daniel Bates
 Consents Manager – Thanet Extension Offshore Wind Farm
 Vattenfall Wind Power Ltd

Vattenfall Wind Power Ltd

Thanet Extension Offshore Wind Farm

Appendix 1 to Response to Section 51 Advice:
Section 44 consultees

Submitted by Vattenfall Wind Power Ltd

November 2018

Revision A

Drafted By:	Vattenfall Wind Power Ltd / Ardent Management Limited
Approved By:	Pete Gettinby
Date of Approval:	November 2018
Revision:	A

Revision A	Original Document submitted to the Examining Authority
N/A	
N/A	
N/A	

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1 Response on Section 44 consultees

- 1 Below are detailed responses on the list of parties referred to in the Section 51 advice (and specifically box 10 of the Section 55 checklist) received by the Applicant from the Planning Inspectorate. All parties referred to were notified following acceptance of the Application in accordance with Section 56.

The following parties who are included in the Book of Reference are not included in the list of s44 consultees (land owners) in Appendix B3 of the Consultation Report Appendices (Doc 5.1.1)

- 2 BT limited was the company name consulted at the S44 consultation stage as that was the company name provided by a utilities search. However, whilst compiling the Book of Reference and carrying out a detailed title review it became clear that the company name was British Telecommunications plc. The company addresses are the same for BT Ltd and British Telecommunications plc but it is British Telecommunications plc that own the apparatus.
- 3 Nigel Roy Cox is included in the Book of Reference due to a right of way, and a transfer dated 15th March 1974 in title K371382. No address is given on the title and, after desktop research and a 192 search, no address could be found. Unknown landowner and S42 notices were posted around the area of Nigel Roy Cox's interest but no details were received.
- 4 HSBC Bank were consulted on 22nd November 2017 and proof of postage is available. HSBC Bank were omitted from Appendix B3 of the Consultation Report Appendices (Doc 5.1.1) in error.
- 5 T & O Properties Limited were consulted on 22nd November 2017 and proof of postage is available. T & O Properties Limited were omitted from Appendix B3 of the Consultation Report Appendices (Doc 5.1.1) in error.
- 6 National Grid Holdings One were consulted on 1st May 2018 as part of targeted Section 42 consultation and are included in Appendix B7.1. They were not consulted on 22nd November 2017.

The following parties who are in the Book of Reference are not included in the list of s44 consultees (land owners) in Appendix B3 but are included in Appendix B7.1 as targeted consultees under s42, following changes to the red line boundary. These parties were sent consultation documents on 1 May 2018.

- 7 Sustrans Limited were consulted on 1st May 2018 only and therefore were not included in Appendix B3.
- 8 Vigilant Global UK Limited were consulted on 1st May 2018 only and therefore were not included in Appendix B3.
- 9 Ministry of Justice were consulted on 1st May 2018. Prior to that, consultation was sent to the Home Office (who are included in Appendix B3). Ministry of Justice were therefore only added to Appendix B7.1

Trans-Stor Logistics Limited is included in the Book of Reference and is not included in the list of s44 consultees in Appendix B3 but is included in Appendix B7.1 as a targeted consultee under s42, following changes to the red line boundary and was sent consultation documents on 9 May 2018.

- 10 Trans-Stor Logistics Limited were consulted on 22nd November 2017 and were omitted from Appendix B3 of the Consultation Report Appendices (Doc 5.1.1) in error.

The following parties are included in the Book of Reference. They are not included in the list of s44 consultees (land owners) in Appendix B3. However they were consulted as APFP Schedule 1 prescribed consultees and can be found in Appendix B3 table for s42 (APFP Schedule 1) consultees

- 11 The Coal Authority should have been referenced in both tables within Appendix B3 of the Consultation Report Appendices (Doc 5.1.1) but were consulted with on 22nd November 2017
- 12 Thanet OFTO Ltd should have been referenced in both tables within Appendix B3 of the Consultation Report Appendices (Doc 5.1.1) but were consulted with on 22nd November 2017

Philip Griffiths and P&G Scaffolding Limited have separate entries in the Book of Reference at two different addresses, however these are listed jointly in the list of s44 consultees (land owners) in Appendix B3 of the Consultation Report Appendices (Doc 5.1.1).

- 13 Phillip Griffiths and P & G Scaffolding were consulted separately. They should have appeared as two entries in list of s44 consultees in Appendix B3 of the Consultation Report Appendices (Doc 5.1.1).

There are a number of parties included in the list of s44 consultees (land owners) in Appendix B3 of the Consultation Report Appendices (Doc 5.1.1) that are not found in the Book of Reference. No justification for this has been found in the Consultation Report.

- 14 A wide approach was taken when identifying potentially affected parties for consultation. This along with changes to the red line boundary (after initial documents sent on the 22nd of November 2017), and late confirmations of 'no interest' in the scheme, resulted in a number of parties who were consulted but not included in the Book of Reference.