

Application by Vattenfall Wind Power Limited for the Thanet Offshore Wind Farm Extension Development Consent Order

The Examining Authority's first written questions and requests for information (ExQ1)

Issued on 18 December 2018

The following table sets out the Examining Authority's (ExA's) written questions and requests for information - ExQ1. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe B to the Rule 6 letter of 9 November 2018. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and Other Persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 1 (indicating that it is from ExQ1) and then has an issue number and a question number. For example, the first question on biodiversity issues is identified as ExQ1.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact ThanetExtension@pins.gsi.gov.uk and include '**Thanet OWFE ExQ1**' in the subject line of your email.

Responses are due by **Deadline 1: Tuesday 15 January 2019**.

Abbreviations used

PA2008	<i>The Planning Act 2008 (as amended)</i>	LIR	<i>Local Impact Report</i>
Art	<i>Article</i>	LPA	<i>Local planning authority</i>
ALA 1981	<i>Acquisition of Land Act 1981</i>	MP	<i>Model Provision (in the MP Order)</i>
BoR	<i>Book of Reference</i>	MP Order	<i>The Infrastructure Planning (Model Provisions) Order 2009</i>
CA	<i>Compulsory Acquisition</i>	NPS	<i>National Policy Statement</i>
CPO	<i>Compulsory purchase order</i>	NSIP	<i>Nationally Significant Infrastructure Project</i>
dDCO	<i>Draft DCO</i>	R	<i>Requirement</i>
EM	<i>Explanatory Memorandum</i>	S	<i>Section of a statute</i>
ES	<i>Environmental Statement</i>	SI	<i>Statutory Instrument</i>
ExA	<i>Examining authority</i>	SoS	<i>Secretary of State</i>
		TP	<i>Temporary Possession</i>

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/document/EN010084-000737>

It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ1.1.1 – refers to question 1 in this table.

ExQ1	Question to:	Question:
1.1.	Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment(HRA))	
1.1.1.	The Applicant	<p>Biodiversity: Cable Landfall Location Chapter 4 of Volume 1 of the Environmental Statement [APP-040] describes the process of identifying the preferred cable landfall location. Areas of search encompassed routes within Joss Bay, Pegwell Bay and Sandwich Flats North / Bay as shown on Figure 4.5 of [APP-040].</p> <p>a) With reference to Chapter 4, can the Applicant provide further detail to support and explain its decision to screen out the Joss Bay and Sandwich Flats North/Bay locations for cable landfall, with particular reference to the comparative effects on designated nature conservation sites and inter-tidal habitats?</p> <p>b) Could the applicant please explain in full what ecological surveys were undertaken to inform its choice of landfall option (as described at paragraphs 4.9.24 – 4.9.37 of [APP-040])?</p> <p>c) Could the applicant please respond to the representation of Kent Wildlife Trust [RR-048] that alternative routes with less of an impact on designated areas have not been adequately assessed?</p>
1.1.2.	The Applicant and Natural England	<p>Habitats Regulations Assessment: Project Design Parameters Natural England’s relevant representation [RR-053] has highlighted some inconsistencies between maximum project design parameters contained within the ES project description, DCO and DMLs.</p> <p>The ExA requests that this point is addressed specifically as follows:</p>

ExQ1	Question to:	Question:
		<p>a) Summarise in tabular form all of the worst case scenario assumptions as set out in tables 1.4 – 1.35 of [APP-042] and table 5.2 of [APP-031]. Please cross-check the figures included with those presented within the DCO/DMLs.</p> <p>b) The forthcoming statement of common ground between these parties should clearly state any areas where disagreement remains as to any of the presented figures.</p>
1.1.3.	The Applicant and Natural England	<p>Habitats Regulations Assessment: Sweetman II Compliance</p> <p>Section 6 and table 6.1 of [APP-031] set out 'embedded mitigation' in relation to pollution prevention for subtidal and benthic intertidal habitats, marine mammals and onshore biodiversity which appears to be controlled by the Project Environmental Management Plan (PEMP) and Code of Construction Practice (CoCP) and potentially relied upon to rule out likely significant effects (LSE) on European Sites and their qualifying features screened into the assessment.</p> <p>a) With respect to section 7.5 of [APP-031], and having regard to the Sweetman II judgement, please could Natural England comment on the Applicant's approach in this regard?</p> <p>b) Can the Applicant please confirm their position that conclusions of no LSE have been reached without reliance on avoidance or reduction measures?</p> <p>Natural England has stated section 5.9.1 of [RR-053] that it does not agree with the conclusions at paragraphs 7.5.9 of [APP-031] that no LSE can be concluded in terms of accidental pollution. The Applicant's position as noted above also appears to contradict the evidence in table 1 of</p>

ExQ1	Question to:	Question:
		<p>Appendix I to the HRA screening report [APP-032], in which the applicant states (in respect of accidental pollution) that <i>"...a Code of Construction Practice (CoCP) which will set out measures to follow, published guidelines and best working practice for the prevention of pollution events...it is acknowledged that until these measures have been agreed, it is not possible to conclude no LSE."</i></p> <p>c) Can Natural England confirm the European Sites and qualifying features for which these concerns exist, and whether these concerns also relate to the assessment of in-combination effects.</p> <p>d) Can the Applicant please clarify the apparent contradiction noted above.</p> <p>Table 1 of Appendix I to the screening report [APP-032] (Updated Screening following ECJ Ruling (Sweetman II)) provides limited detail with regard to consideration of in-combination effects in the screening assessment. Section 9 of [APP-032] describes the approach to the assessment of in-combination effects, concluding that <i>"A full assessment of in-combination effects will be undertaken as part of the RIAA and therefore is not presented in this Report"</i>. The ExA is seeking to clarify whether the potential for in-combination effects could exist in these circumstances.</p> <p>e) Can the Applicant please explain how in-combination effects have been assessed at the screening stage, particularly for those sites and features for which no LSE has been concluded at the screening stage?</p> <p>f) Does Natural England have any comments to make on this point?</p>

ExQ1	Question to:	Question:
1.1.4.	The Applicant	<p>Habitats Regulations Assessment: Methodology Section 7.3.2 of the applicant’s Report to Inform Appropriate Assessment [APP-031] describes the definition of the study area for sub-tidal and intertidal benthic habitats including consideration of “<i>Designated sites within the maximum range of relevant effect (being up to 14 km from the project boundary)</i>”. However, paragraph 5.4.2 of the Benthic Subtidal and Intertidal Ecology chapter of the ES [APP-046] describes an assessment study area of only a 12km buffer from the proposed development site boundary. Paragraph 7.5.11 of [APP-031] also explains “a range of up to 14 km is noted, subsequently amended to 13km in the ES physical processes chapter”.</p> <p>a) Can the Applicant explain these apparent divergences in the study areas? b) Please clarify the bases on which the defined 12/13/14km study areas were derived. c) In terms of adopting a consistent study area, is it appropriate to conclude that a 12km buffer is the extent that has been fully assessed.</p>
1.1.5.	Natural England	<p>Habitats Regulations Assessment: Methodology Does Natural England have any observations on ExQ1.1.4 above and the extent of the study area?</p>
1.1.6.	The Applicant and Natural England	<p>HRA Methodology: Thanet Coast SAC Table 7.11 of [APP-032] (European and Ramsar sites for which LSE cannot be discounted) lists both “Reefs” and “Submerged or partially submerged sea caves” as relevant features. Table 8.1 and Appendix I of [APP-032]</p>

ExQ1	Question to:	Question:
		<p>describe consideration of both features of the site, but consideration of LSE is only made in respect of reefs due to the potential physical overlap.</p> <p>The ExA notes that Natural England table 2.2.2 of [RR-053] does not include the submerged caves feature as a concern. Nonetheless, no direct evidence appears to have been provided by the Applicant to explain the exclusion of the sea caves, or how this qualifying feature fits against the criteria in paragraph 7.3.2 of [APP-032].</p> <p>a) Could the Applicant please explain the basis upon which the “submerged or partially submerged sea caves” feature of the Thanet Coast SAC has been excluded from consideration of LSE, as listed in Table 7.11 of APP-032?</p> <p>b) Could Natural England please identify whether its non-reference to this feature is an oversight, or whether it is content that there is no LSE?</p>
1.1.7.	The Applicant	<p>HRA Screening and Integrity Matrices: Reference to Evidence</p> <p>The HRA screening and integrity matrices currently contain minimal references to the evidence in the supporting documents, and where it is provided: reference is typically not made to specific paragraphs.</p> <p>a) Please could the Applicant update the screening and integrity matrices presented as part of [APP-033] to provide further cross-referencing to specific paragraphs / tables / figures in the ES chapters and HRA Report.</p> <p>b) Can the Applicant please ensure that the screening matrices present all qualifying features of the sites within the body of the matrix itself (for example, the “submerged or partially submerged sea caves”</p>

ExQ1	Question to:	Question:
		feature of the Thanet Coast SAC does not appear in Matrix 1 of APP-033).
1.1.8.	Natural England	<p>HRA Screening and Integrity Matrices: Coverage The ExA notes that Natural England has specifically raised the European sites for which outstanding concerns remain in section 2.2 of [RR-053] (with further details later within that document). Specific confirmation as to any other concerns with LSE or adverse effect on integrity (AEoI) conclusions in respect of any of the European Sites would greatly assist the ExA.</p> <p>a) Does Natural England have any specific comments on the Applicant's HRA screening and integrity matrices submitted in [APP-033]? In particular, has the Applicant screened in the correct features and taken the relevant ones forward to appropriate assessment to their satisfaction?</p> <p>b) This may form part of the statement of common ground between Natural England and the Applicant.</p>
1.1.9.	The Applicant and Natural England	<p>Offshore Ornithology: Collision Risk Modelling The applicant explains that due to uncertainties in data collected and reported by the Offshore Renewables Joint Industry Programme (ORJIP) none of the assessments undertaken by the applicant use the ORJIP data (4.1.142 of APP-045). As a result, the applicant's collision risk modelling is based on the Band (2012) ("Option 2") model using only generic bird flight height data (although the applicant explains that Band "option 1" data is also presented as part of the collision risk modelling). In paragraph 5.3.1.10 [RR-053], Natural England states that site specific data could</p>

ExQ1	Question to:	Question:
		<p>make a "significant difference in the number of predicted mortalities from collision". RSPB raises similar points regarding the use of specific flight height data from the ORJIP study to inform the CRM.</p> <p>a) Please could the applicant respond in detail to the points raised by Natural England and RSPB.</p> <p>b) Could Natural England please set out its position in respect of how any such "significant differences" in the collision risk modelling outputs may have a bearing on the applicant's conclusions in respect of the conclusions of adverse effects on the integrity of the relevant European sites (from the project alone and in-combination).</p>
1.1.10.	Natural England	<p>Offshore Ornithology: Use of the Band (2012) Collision Risk Model</p> <p>The use of the Band (2012) Collision Risk Model for offshore ornithology [APP-048], while agreed as the most appropriate with Natural England, is currently under review by Natural England and Marine Scotland, and new guidance is due to be published.</p> <ul style="list-style-type: none"> • Please can Natural England provide commentary on the applicant's use of the Band (2012) Collision Risk Model and its suitability given that it is currently under review?
1.1.11.	The Applicant and Natural England	<p>Offshore Ornithology: Displacement Effects on Red-Throated Divers</p> <p>The Applicant's approach to the assessment of displacement effects on red-throated divers has made assumptions based on construction monitoring surveys for Thanet Offshore Wind Farm which found that that there was no displacement of red-throated divers beyond the site</p>

ExQ1	Question to:	Question:
		<p>boundary. Natural England’s view is that 100% displacement should be assumed out to a distance of 4km from the site [RR-053] during construction and operation of the proposed development.</p> <p>The RSPB also highlights a divergence in methodologies between the Applicant’s approach to displacement assessment and the Joint SNCB Interim Displacement advice note [RR-057]. Given the apparent difference between these methodologies, the ExA is unclear about the evidential basis upon which any appropriate assessment of the project (alone and in-combination) can be made in respect of the relevant sites for which red-throated diver is a qualifying feature.</p> <ul style="list-style-type: none"> a) Please could the Applicant respond to the specific concerns raised by Natural England and RSPB in this regard, with clear reference to the underpinning evidence. b) Where the methodology has varied from that advocated within the Joint SNCB Interim Displacement advice note, can the Applicant provide further explanation as to the reasons for this. c) In order that it is before the ExA and all interested parties, can Natural England please submit a copy of the document referred to as “<i>Joint SNCB Interim Displacement Advice Note: Advice on how to present assessment information on the extent and potential consequences of seabird displacement from Offshore Wind Farm (OWF) developments</i>” and explain its status? d) Natural England’s comment in relation to point 11.4.14 (page 11 of [RR-053]) is ambiguous. Please could it provide clarified wording in respect of construction and operational effects?

ExQ1	Question to:	Question:
		<p>e) In light of the Applicant’s approach to the assessment of in-combination effects of displacement of red-throated diver (paragraphs 12.4.11 – 12.4.34 of [APP-031]), and the representations of Natural England [RR-053] and the RSPB [RR-057], can the Applicant provide a response to the points raised by these two bodies to further explain how the in-combination assessment has been undertaken and conclusions reached.</p>
1.1.12.	The Applicant	<p>Offshore Ornithology: Displacement Effects on Guillemot and Razorbill</p> <p>Natural England has expressed a view that the assessment of displacement effects on guillemot and razorbill during construction and operation should follow its guidance and be extended from a 1km to 2km distance from the proposed development site boundary.</p> <ul style="list-style-type: none"> The Applicant is requested to provide the relevant updated displacement matrices (to supplement those presented in section 11.4 of [APP-031]) such that the Examining Authority and parties to the examination can consider the potential range of displacement effects that may arise between the Applicant’s and Natural England’s advocated approaches.
1.1.13.	The Applicant and Natural England	<p>Offshore Ornithology: In-Combination Assessment – Other NSIPs</p> <p>The ornithological in-combination assessment assigns other projects to a “tier” depending on the certainty of their delivery. Both Hornsea Project 3 and Norfolk Vanguard are presented as tier 4 projects in Table 8.4 of [APP-031], which does not reflect the fact that both applications for development consent have now been submitted.</p>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> Please could the Applicant and Natural England advise the ExA as to intended updates to the in-combination assessment in respect of disturbance, displacement and collision risk effects in light of these changes, and the relevant sites and features for which these apply?
1.1.14.	The Applicant	<p>Offshore Ornithology: In-Combination Assessment - Other Projects Paragraph 8.5.4 of [APP-031] states that (in respect of the offshore ornithology in-combination assessment) <i>“Projects related to marine aggregate extraction, port dredgings disposal, oil and gas extraction, pipelines, shipping, coastal developments and commercial fisheries have been screened out on a series of factors including those that do not overlap spatially with Thanet Extension, those that do not give rise to effects that are cumulative with relevant effects from Thanet Extension, those that are recurring or ongoing from before the baseline period and those that are ongoing activities rather than projects with a consenting process”</i></p> <ul style="list-style-type: none"> Could the applicant confirm that this paragraph was only intended to apply in the context of the offshore ornithology assessment (on the basis that such a statement is only made under section 8.5 of the RIAA, and not in sections 8.2 or 8.3, for example)?
1.1.15.	The Applicant and Kent Wildlife Trust	<p>Offshore Ornithology: Screening in Relation to Saltmarsh Habitat Paragraph 7.5.29 of [APP-031] states that <i>“Temporary disturbance/ loss of intertidal habitat used by non-breeding European golden plover and ruddy turnstone (during construction and O&M) remains screened in and is addressed as part of the benthic intertidal assessment.”</i> Paragraph 7.5.25 of [APP-031] screens out the permanent loss of saltmarsh habitat in terms</p>

ExQ1	Question to:	Question:
		<p>of these qualifying features. On the basis that salt marsh is a supporting habitat for European golden plover and ruddy turnstone (qualifying features of the sites), Natural England states that the permanent loss during long term operation should be considered as a likely significant effect (LSE), and that the competent authority will need to consider an appropriate assessment in this respect. Natural England considers that the success of restoration in their post-construction experience of similar situations is not such that a total recovery (and therefore no permanent loss) can be assumed and LSE ruled out.</p> <ul style="list-style-type: none"> • Can the Applicant and Kent Wildlife Trust please respond to these points?
1.1.16.	The Applicant	<p>Offshore Ornithology: Screening in Relation to Barrier Effects Table 7.3 of the HRA screening report [APP-032] defines the potential for barrier effects (as "<i>The presence of the operating Thanet Extension could potentially create a barrier to seasonal migratory movements and/ or regular foraging flights</i>"). Table 8.1 of [APP-032] then concludes (on the basis of post-construction studies at operating Offshore Wind Farms) that barrier effects are not assessed as significant, and this potential effect is then not carried forward into the Report to Inform Appropriate Assessment.</p> <ul style="list-style-type: none"> • Can the Applicant clarify where further justification is provided in the application documents to support the conclusion that barrier effects are not likely to be significant?
1.1.17.	The Applicant	Marine Mammals: Methodology

ExQ1	Question to:	Question:
		<p>Natural England highlights the value in the JNCC's Joint Cetacean Protocol data with regard to harbour porpoise densities.</p> <ul style="list-style-type: none"> • Can the applicant explain the extent to which this dataset has been considered as part of the EIA and the RIAA? If it has not been considered, why not?
1.1.18.	The Applicant	<p>Marine Mammals: In-Combination Assessment Paragraphs 12.3.14 – 12.3.19 of [APP-031] explain the approach to the assessment of in-combination effects on marine mammals, and that due to uncertainties in overlapping programmes, tier 2 projects (and above) are excluded from consideration. Because of the Contract for Difference process, Natural England is of the view that other tier 2 projects identified could overlap with Thanet Extension. Whilst the ExA recognises the applicant's position that there is "<i>extreme uncertainty regarding the potential for the Tier 2, 3 and 4 offshore wind farm projects to come forward in their current form and at a timescale where piling would overlap with UXO clearance and/ or piling activity at Thanet Extension</i>", the information to inform an appropriate assessment must be based on a sufficiently precautionary approach.</p> <ul style="list-style-type: none"> • Please provide the ExA with a response to Natural England's (RR-053) regarding the exclusion of tier 2 projects.

ExQ1	Question to:	Question:
1.1.19.	The Applicant	<p>Marine Mammals: Piling Noise Effects Natural England’s relevant representation suggests that the maximum hammer energy used for piling assessed in the ES should be set out within the design parameters of the DCO and DMLs with a view to ensuring that noise generated by piling activities does not exceed that assessed within the ES. Similarly, the noise effects of UXO detonation assessed in the ES do not appear to be addressed within the DCO or DMLs.</p> <p>a) With particular regard to proposed hammer energies used during the construction phase and the effect on marine mammals, could the applicant please:</p> <ol style="list-style-type: none"> i. justify the parameters used during the worst case assessment, ii. confirm how these parameters would be secured within the DCO/DML; and, iii. address any discrepancies that exist between the DCO and the assessment in the ES in this regard. <p>b) With regard to the mitigation of noise effects of UXO detonations, please can the applicant describe how a UXO-MMMP (as referenced in table 6.1 of [APP-031]) would be secured.</p>
1.1.20.	The Applicant	<p>Marine Mammals: Construction Noise Assessment The noise impact assessment contained in [APP-048] is based on the worst-case design scenario as at this stage in the project design there is not sufficient information available to inform a full pile drivability assessment across the site.</p> <ul style="list-style-type: none"> • Please can the applicant provide an update on the full pile drivability assessment, including the likely timeframe within which it is envisaged

ExQ1	Question to:	Question:
		that this will be undertaken in order to refine the assessment in the ES?
1.1.21.	The Applicant	<p>Marine Mammals: Noise Reduction Technologies The Marine Management Organisation states that noise reduction technologies, such as bubble curtains and acoustic barriers should be considered as a primary means of reducing the acoustic impact of pile driving operations.</p> <ul style="list-style-type: none"> • Could the applicant please explain what consideration has been given to the use of these at source noise reduction technologies to mitigate the effects on marine species?
1.1.22.	The Applicant and Natural England	<p>Marine Mammals: Deemed Marine Licence (DML) Condition Wording Natural England has suggested amendments to the wording of Condition 16 of the DML at Schedule 11 to, in effect, provide for the cessation of piling activity in the event that construction noise monitoring shows a significantly different impact to that assessed in the ES.</p> <ol style="list-style-type: none"> a) Can Natural England please comment on this proposed change in respect of the conclusions of AEOI to the Southern North Sea cSAC and other relevant sites (alone and in combination)? b) Please could the applicant confirm whether or not it is agreeable to the revised condition wording proposed by NE? <ul style="list-style-type: none"> • If not, why not? • Is there alternative wording that would be acceptable to both parties?

ExQ1	Question to:	Question:
1.1.23.	Natural England, the Applicant and Marine Management Organisation	<p>Marine Mammals: Soft Start Piling Soft start piling is proposed as one form of mitigation for the possible construction noise effects on marine mammals. Natural England’s relevant representation refers to emerging evidence that soft start may not be as effective a form of mitigation as previously thought.</p> <p>a) Please could Natural England provide further detail about the latest evidence in this regard?</p> <ul style="list-style-type: none"> • What does Natural England consider to be the specific implications for Thanet Extension Offshore Wind Farm? <p>b) Could the applicant and Marine Management Organisation please respond to Natural England’s relevant representation on this matter?</p> <p>c) Please can the applicant demonstrate how mitigation in the form of soft start piling would be secured within the DCO / DMLs?</p>
1.1.24.	The Applicant	<p>Piling Noise Assessment: Harbour Porpoise Paragraphs 7.4 and 7.5 of the Marine Management Organisation’s relevant representation query the use of mean predicted impact ranges, as opposed to maximum impact ranges, in the piling noise assessment for harbour porpoise.</p> <ul style="list-style-type: none"> • Could the applicant please confirm which impact range it considers to be appropriate in this context and why?
1.1.25.	The Applicant	<p>Cumulative Underwater Noise Effects on Harbour Porpoise: Residual Effects The cumulative effects assessment [APP-039] identifies potentially significant adverse residual effects in terms of cumulative underwater</p>

ExQ1	Question to:	Question:
		<p>noise impacts on harbour porpoise (as summarised in Annex 3-1 of the ES), but with “no significant long term effect on the size or health of the population”.</p> <ul style="list-style-type: none"> • Please can the applicant provide clarity as to how it is possible to identify potentially significant adverse residual effects and then conclude no significant long term effect.
1.1.26.	The Applicant	<p>Cumulative Underwater Noise Effects on Harbour Porpoise: Mitigation</p> <p>The cumulative assessment predicts that Tier 1 and Tier 2 projects may affect 9% of the harbour porpoise population through disturbance/displacement from underwater noise, and this would lead to a moderate adverse effect on harbour porpoises. The ES states that no additional mitigation is identified, as the relative contribution of the proposed development to the cumulative effect is very low, such that were the impact of the proposed development to be removed, a moderate adverse effect would still be predicted based on the other projects assessed</p> <ol style="list-style-type: none"> a) Please could the Applicant provide additional justification for the position that no further mitigation is able to decrease the cumulative effect to below moderate? b) If these effects are based on a “worst case” scenario, is this conclusion the same for all of the foundation piling options? Could the Applicant please provide further detail in this regard.

ExQ1	Question to:	Question:
1.1.27.	The Applicant, Natural England and Marine Management Organisation	<p>Southern North Sea cSAC: Review of Consents</p> <p>The ExA is aware that a Review of Consents in respect of the Southern North Sea cSAC is being undertaken¹, and that the Department for Business, Energy & Industrial Strategy (and the Marine Management Organisation) has published a draft HRA for consultation.</p> <ul style="list-style-type: none"> • Taking this into account, can the Applicant, NE and the Marine Management Organisation provide further comments on potential in-combination disturbance impacts to marine mammals of the Southern North Sea cSAC?
1.1.28.	The Applicant	<p>Offshore Ecology: Fish and Fisheries</p> <p>The Marine Management Organisation raises a number of detailed matters in respect of the assessment of effects on fish ecology and fisheries.</p> <p>a) Please could the applicant provide a table which responds in turn to the points raised by the Marine Management Organisation in relation to assessment of the effects on fish ecology (in particular Herring, Sole and Sandeel) at paragraphs 6.2-6.17 of its relevant representation (RR-049).</p>
1.1.29.	The Applicant	<p>Offshore Ecology: Shellfish</p> <p>The Marine Management Organisation considers that the data indicates that the magnitude of the impact from loss or restricted access to traditional fishing grounds on the potting fleet should be increased from 'minor' to 'medium'.</p>

¹ <https://www.gov.uk/government/consultations/southern-north-sea-review-of-consents-draft-habitats-regulations-assessment-hra>

ExQ1	Question to:	Question:
		<p>a) Could the applicant please respond to the Marine Management Organisation's reasoning at paragraph 6.29 of its relevant representation?</p>
1.1.30.	The Applicant	<p>Benthic Ecology: Subtidal Biogenic Reef Paragraph 2.7.28 of APP-043 states that Drill Stone Reef, within the array area, is thought to be formed by Sabellaria Spinulosa reef. However, APP-046 indicates that there is no such reef within the study area.</p> <p>a) Could the applicant please clarify whether or not there is believed to be the presence of Sabellaria Spinulosa reef within the study area, providing full reference to the supporting evidence. b) Could the applicant and NE please respond to the suggestion of Kent Wildlife Trust and the Marine Management Organisation that post-construction benthic monitoring, to include monitoring of scour protection / cable protection to measure the presence of biogenic reefs and species on the sediment overlaying the cables, should be incorporated into the conditions of the DML.</p>
1.1.31.	The Applicant	<p>Benthic Ecology: Construction Effects Section 5.8 of APP-046 sets out the key parameters for the assessment of effects on benthic ecology and Table 5.10 presents the worst case scenario that has been defined for the main potential effects assessed, in line with the Rochdale Envelope approach.</p> <p>a) In respect of table 5.10 of APP-046, please can the applicant confirm how the impacts of deposition of sediment from 'pre sweeping', in terms of temporary habitat loss and disturbance, has been taken into</p>

ExQ1	Question to:	Question:
		<p>account as part of the assessment?</p> <p>b) Please could the applicant respond to the specific points raised by NE in respect of the scale of deposition material, and the effects of that material resulting from sandwave clearance as described at 5.10.33 of APP-046, where it is stated that <i>"The impacts of sediment deposition are not known at this stage as the volume of material that may need to be removed is unknown."</i></p>
1.1.32.	The Applicant	<p>Benthic Ecology: Operation and Maintenance Effects APP-042 describes a number of maintenance activities in respect of the offshore infrastructure. The effect of these activities does not appear to have been carried through to the benthic ecology chapter (APP-046).</p> <p>a) Please could the applicant provide an assessment of the effects of these maintenance activities on benthic ecology.</p> <ul style="list-style-type: none"> • Please include details of the maximum design scenario assessed in line with Table 5.10 of APP-046.
1.1.33.	The Applicant, Natural England and the Marine Management Organisation	<p>Benthic Ecology: Post-Construction Monitoring Section 5 of [APP-149] states that post-construction monitoring will consist of geophysical surveys of the whole development site, but Table 5.5 of APP-046 states that post-construction monitoring will only be undertaken where core reef is identified within the order limits during pre-construction surveys. The Marine Management Organisation (paragraphs 5.5 -5.8 of its representation) raises concerns with this approach and the methodology proposed for defining core reef.</p> <p>In addition, the Marine Management Organisation questions whether there is sufficient evidence to demonstrate that only one year of post-</p>

ExQ1	Question to:	Question:
		<p>construction monitoring is sufficient and recommends post construction monitoring is extended to three years.</p> <p>a) Could the applicant please clarify the approach to post-construction monitoring in this regard?</p> <p>b) Please could the applicant respond to the Marine Management Organisation's concerns about the methodology for defining core reef.</p> <p>c) Please could the applicant explain how the proposed monitoring strategy set out in APP-147 and APP-149 is sufficient to understand the longer term effects of the proposed development?</p> <ul style="list-style-type: none"> • Comments from Natural England and the Marine Management Organisation are also invited on this point.
1.1.34.	The Applicant	<p>Benthic Ecology: Decommissioning</p> <p>[APP-046] recognises that direct loss of benthic species and habitats could occur as a result of removal of foundations during the decommissioning phase.</p> <ul style="list-style-type: none"> • Could the applicant please confirm whether or not it deems it appropriate to include a condition within the DMLs requiring that a survey of any species, habitats and reef structures present on the foundation structures is undertaken prior to decommissioning.
1.1.35.	Natural England, Marine Management Organisation and all IPs	<p>Subtidal and Benthic Intertidal Habitats: In-Combination Assessment</p> <p>In respect of the Subtidal and Benthic Intertidal Habitat in-combination assessment, paragraph 8.2.4 of [APP-031] states that "<i>...it is considered that there is potential for LSE in-combination with Thanet Extension. The</i></p>

ExQ1	Question to:	Question:
		<p><i>potential for such an effect will vary, depending on parameters such as the timing of works and the nature of those works, with these to be considered in full in the determination of AEoI</i>". Paragraph 12.2.1 of [APP-031] then explains that no plans of projects have been scoped into the in-combination assessment (of AEoI) for Subtidal and Benthic Intertidal Habitats.</p> <ul style="list-style-type: none"> • Are Natural England, Marine Management Organisation and any other parties satisfied that an in-combination assessment of AEoI for Subtidal and Benthic Intertidal Habitat effects has not been undertaken on the basis that no relevant plans or projects are identified (paragraph 12.2.1 of [APP-031])? If not, why not?
1.1.36.	The Applicant	<p>Saltmarsh Habitat: Study Approach Table 5.9 of Chapter 5 of Volume 2 of the Environmental Statement [APP-046] provides details of the Valued Ecological Receptors within the project's benthic ecology study area.</p> <p>a) Could the applicant please explain why Saltmarsh has not been included in this table? b) Please could the applicant provide full details for Saltmarsh equivalent to those set out in Table 5.9.</p>
1.1.37.	The Applicant	<p>Saltmarsh Habitat: Effects of Landfall Option 2 Under Landfall Option 2, the sea wall extension would result in the permanent loss of an area of inter-tidal Saltmarsh. Table 5.10 [APP-046] sets out the maximum design scenario assessed.</p>

ExQ1	Question to:	Question:
		<p>a) What is the evidential basis for the applicant’s statement at paragraph 5.11.19 (APP-046) that the saltmarsh in this area extends between approximately 45 – 110 m in a seaward direction from the location of the existing sea wall?</p> <p>b) Please could the applicant provide full details of the basis upon which its statements about the quality of the saltmarsh habitat across the Pegwell Bay area, and the landfall location in particular, are made</p> <p>c) Could the applicant please respond to the concerns of the Environment Agency that the seawall extension proposed under Landfall Option 2 could bisect the existing continuous saltmarsh habitat leading to its fragmentation.</p> <p>d) Could the applicant please respond to the concerns of the Environment Agency and Natural England that the seawall extension would cause local erosion / scour of saltmarsh habitats immediately adjacent to it.</p> <p>e) Please could the applicant respond to the Environment Agency’s evidence about the value of Saltmarsh at Pegwell Bay in providing a food source and refuge for a range of marine fish species</p> <ul style="list-style-type: none"> • Please explain how the impact of the permanent loss of saltmarsh on fish and fisheries has been assessed.
1.1.38.	The Applicant and Natural England	<p>Mitigation of Effects on Intertidal Habitats: Saltmarsh Mitigation, Reinstatement and Monitoring Plan</p> <p>Paragraphs 11.2.20, 11.2.22 and 11.2.25 of [APP-031] state that on the basis of the Saltmarsh Mitigation, Reinstatement and Monitoring Plan (SMRMP) [APP-147], no potential for AEOI to the intertidal habitats used by the designated features of the Thanet Coast and Sandwich Bay SPA</p>

ExQ1	Question to:	Question:
		<p>and Ramsar sites exist for the project alone (in relation to temporary habitat loss or disturbance during construction and decommissioning). In their relevant representation, Natural England raises a series of “further mitigation and management measures” that they would like to see implemented.</p> <p>a) Could the applicant respond as to whether or not it intends to incorporate these measures into the SMRMP?</p> <p>b) In light of these additional measures, could Natural England confirm its residual potential concerns (in terms of AEOI) relate to the permanent loss of habitat and assessment of an additional species in the Ramsar invertebrate assemblage (bug <i>Orthotylus rubidus</i>)?</p>
1.1.39.	<p>The Applicant, Natural England, Environment Agency, Kent Wildlife Trust, Kent County Council, Thanet District Council and Dover District Council</p>	<p>Saltmarsh Mitigation, Reinstatement and Monitoring Plan: Effects of Permanent Loss of Saltmarsh</p> <p>The applicant’s Saltmarsh Mitigation, Reinstatement and Monitoring Plan [APP-147] relates to the temporary construction effects of the export cable. The document states (para 1.2.1) that ‘any permanent loss of saltmarsh will be addressed in a separate document through further consultation with the relevant stakeholders’.</p> <p>a) With regard to this separate document, please could the applicant outline:</p> <ul style="list-style-type: none"> • its scope and purpose • its current status • the intended timetable for production • whether or not it is intended to be submitted during this examination

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> • any consultation undertaken or planned; and, • how the measures contained therein would be secured. <p>b) The views of the local authorities, Natural England and the Environment Agency on the above points (i-vi) are invited.</p>
1.1.40.	The Applicant, Natural England, Environment Agency, Kent Wildlife Trust, Kent County Council, Thanet District Council and Dover District Council	<p>Saltmarsh Mitigation, Reinstatement and Monitoring Plan: Recovery Assumptions</p> <p>NE’s relevant representation has referred to the experience of the recent construction of the NEMO link, from which it states that the saltmarsh has been slower to recover than expected.</p> <p>a) In this context, how would the need for further post-construction mitigation (if required, depending on the success of the restoration) be determined and delivered within the provisions of the Thanet Extension Offshore Wind Farm DCO?</p> <p>b) What are the potential options for managing this eventuality?</p>
1.1.41.	Natural England	<p>Information to Inform an Appropriate Assessment: Conservation Objectives</p> <p>In light of the references to conservation objectives, site improvement plans and supplementary advice for sites considered to be likely to experience significant effects as a result of the proposal (provided in section 9 of the RIAA [APP-031], can NE confirm that all the relevant information is correct such that an appropriate assessment could be made in light of those conservation objectives?</p>
1.1.42.	Natural England and the Applicant	<p>Information to Inform an Appropriate Assessment: Flamborough and Filey Coast pSPA</p> <p>With regard to the Flamborough and Filey Coast pSPA, the ExA is aware</p>

ExQ1	Question to:	Question:
		<p>that on 23 November 2018 Natural England published recommendations to DEFRA² regarding the outcomes of a consultation process on the formal designation of this SPA (as well as the Flamborough Head pSPA, which would not appear to have been identified as being potentially affected by the proposed development).</p> <ul style="list-style-type: none"> • Can Natural England and the Applicant please comment on the implications of this consultation outcome in respect of: <ol style="list-style-type: none"> i. The status of the pSPA; ii. Implications on the assessment undertaken by the applicant (and their conclusions); and, iii. Any other relevant matters that may have a bearing on the Secretary of State's ability to undertake an appropriate assessment in respect of the pSPA (such as revised conservation objectives).
1.1.43.	Dover District Council	<p>Habitats Regulation Assessment: Cable Route Selection Dover District Council's relevant representation [RR-029] questions whether sufficient information in relation to the cable route selection has been provided for an Appropriate Assessment to be undertaken.</p> <ul style="list-style-type: none"> • Please could Dover District Council explain the basis for raising this question and the specific nature of its concerns in this regard?

² <https://www.gov.uk/government/consultations/flamborough-and-filey-coast-potential-special-protection-area-pspa-and-flamborough-head-possible-special-area-of-conservation-psac>

ExQ1	Question to:	Question:
1.1.44.	The Applicant	<p>Marine Conservation Zone Assessment: Goodwin Sands In its relevant representation [RR-053], Natural England highlights that the Goodwin Sands rMCZ is now a proposed Marine Conservation Zone (pMCZ). It is not satisfied that it can be concluded beyond all reasonable scientific doubt that the project would not hinder the conservation objectives of the Goodwin Sands pMCZ. Paragraph 5.3.3 of the MCZ Assessment [APP-083] states that <i>"MCZs not designated or brought forward for consultation are not required to be considered however the Applicant has undertaken a proxy MCZ assessment for the Goodwin Sand rMCZ..."</i>. Chapter 6.2.5 of the ES [APP-046] also explains that <i>....whilst the habitats in the vicinity of Goodwin sands are considered where appropriate the Goodwin Sands rMCZ has not been brought forward for consultation and is not therefore considered within this assessment or the associated MCZ assessment"</i>.</p> <ul style="list-style-type: none"> • Can the applicant please provide a revised Marine Conservation Zone Assessment to reflect the change in status from Goodwin Sands rMCZ to pMCZ after it was included in Tranche Three of MCZ consultation, which was announced on 8 July 2018.
1.1.45.	The Applicant	<p>Goodwin Sands pMCZ: Benthic Ecology The ES does not clearly set out evidence to demonstrate that no benthic Features of Conservation Importance in the Goodwin Sands rMCZ would be affected by the proposed cable works.</p> <ul style="list-style-type: none"> • Please could the Applicant clarify the data sources used in arriving at the conclusion that no benthic Features of Conservation Importance in the Goodwin Sands rMCZ would be affected by the cable works,

ExQ1	Question to:	Question:
		including site preparation works such as sandwave clearance, and provide further explanation as to how this data has informed the assessment.
1.1.46.	Marine Management Organisation, the Applicant	<p>Goodwin Sands pMCZ: Other Consents Kent Wildlife Trust’s relevant representation [RR-048] refers to an extant consent to dredge part of the Goodwin Sands pMCZ.</p> <p>a) Could the Marine Management Organisation please provide a copy of that consent, including a map showing the extent of the permitted works.</p> <p>b) Please could the applicant clarify to what extent the ES has evaluated the cumulative impacts of the proposed dredging activity as part of the assessment for Thanet Extension Offshore Wind Farm?</p>
1.1.47.	Natural England	<p>Onshore Biodiversity: Survey Methodology Section 5.6 of [APP-061] describes “Uncertainty and Technical Difficulties Encountered” as part of the onshore biodiversity assessment. Access restrictions prevented access to certain parts of the study area, which has affected a number of surveys including the Phase 1 habitat survey and surveys for great crested newts, reptiles, bats, water vole and otter. In some cases survey restrictions were temporary but in other areas surveying has been prevented entirely. The applicant states that most of these cases refer to areas in which significant effects are unlikely or where existing data is available. In addition, changes to the red line boundary have meant that some areas were not subject to a full suite of surveys. This includes the proposed tenant relocation area, which was added to the red line boundary in early 2018.</p>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> Please can Natural England provide commentary as to the sufficiency of the Applicant's assessment in the onshore biodiversity aspect chapter, and in particular whether the worst case scenario has been adequately assessed, in light of the survey access restrictions?
1.1.48.	Natural England and the Applicant	<p>Onshore Biodiversity: Terrestrial Invertebrates Natural England at page 38 of its relevant representation [RR-053] states that "Given the relatively limited invertebrate survey work to date and <u>the potential reliance on embedded mitigation</u> we would advise that a conclusion of no AEOI on the Ramsar invertebrate assemblage through temporary habitat loss / disturbance is premature".</p> <ul style="list-style-type: none"> a) Could Natural England confirm whether, in light of this comment, they expect further definition of invertebrate surveys and at what stage (eg as embedded mitigation through the OLEMP)? b) Does Natural England consider that further work is necessary to enable the ExA to reach meaningful conclusions around AEoI during this Examination? c) Could the Applicant indicate whether they intend to carry out further work?
1.1.49.	The Applicant and Forestry Commission	<p>Onshore Biodiversity: Trees and Woodlands Please could the applicant provide a comprehensive statement outlining any trees or woodlands that are likely to be lost as a result of the project.</p> <ul style="list-style-type: none"> a) What mitigation measures are proposed to minimise the risk of net deforestation as a result of the project and how are those measures (if any) secured?

ExQ1	Question to:	Question:
		b) What compensation measures (if any) are proposed and how are those measures secured? c) Do the applicant and Forestry Commission consider that any Ancient Woodlands and Ancient or Veteran Trees would be affected by the project? • If so, please provide details.
1.1.50.	The Applicant	<p>Onshore Biodiversity: Classification of Scrub In describing habitat types within the study area, Tables 5.7 and 5.8 together with Figures 5.4a-5.4d of Chapter 5 of Volume 3 of the Environmental Statement [APP-061] refer to 'Scrub- Dense/Continuous' and 'Scrub- Scattered'.</p> a) Noting the contents of the relevant representation of the Forestry Commission, please could the applicant provide further clarity sufficient to ensure the correct classification of the identified scrub land. b) In particular, clarity is sought as to the extent to which any of the identified scrub land should be considered to be woodland for the purposes of the EIA regulations.
1.1.51.	The Applicant	<p>In Principle Monitoring Plan Natural England has raised concerns that there is no In Principle Monitoring Plan (IPMP) included within the application, which it appears to have been expecting to be submitted as part of the application as a result of correspondence through the evidence plan process. The ExA recognises the existence of the Schedule of Mitigation document [APP-135] but nevertheless requires further clarity on this point.</p>

ExQ1	Question to:	Question:
		<p>a) Please can the Applicant explain why an IPMP does not form part of the application?</p> <p>b) Could the Applicant please confirm whether or not such a plan will be prepared and if so, by when?</p> <p>c) If an IPMP is not to be made available at Deadline 1, can the Applicant please provide a single document which consolidates all of the monitoring requirement plans and provides clarity as to what relevant monitoring will be carried out to validate conclusions within the ES and HRA Reports.</p> <ul style="list-style-type: none"> i. Please do so by onshore and offshore topic areas, and in particular in respect of ornithology and benthic ecology. ii. Please set out how each of these monitoring commitments would be secured as part of the DCO/DMLs.
1.1.52.	The Applicant	<p>Project Environment Management Plan (PEMP)</p> <p>The PEMP appears to be relied upon as one form of embedded mitigation to reach a conclusion of no adverse effects on site integrity. DML conditions include some headline requirements for inclusion in the PEMP, but little further detail has been provided.</p> <p>a) Could the applicant please explain why it is appropriate for the PEMP to be secured through DML condition rather than DCO requirement?</p> <p>b) Can the applicant provide an outline structure for the PEMP and a table itemising the particular environmental performance that will be secured within it?</p>

ExQ1	Question to:	Question:
1.1.53.	The Applicant	<p>Ornithology Clarification in Non Technical Summary Please review and clarify [APP-129] Non Technical Summary: Offshore Ornithology para 120, which seems to be incorrectly proofed.</p>
1.1.54.	Natural England	<p>Competent Authority for HRA Point 2 of the Actions arising from Issue Specific Hearing 1 (ISH1) requests that the Applicant provides legal submissions on the question of who is the competent authority for HRA appropriate assessment when the relevant sites are in France. It further seeks views as to whether the Secretary of State can call on UK statutory nature conservation bodies (SNCBs) for advice on these sites.</p> <p>a) Can Natural England (which was not represented at ISH1) please provide its considered opinion in respect of this matter? b) In particular, it would assist the Examining Authority to understand whether Natural England considers its remit to include providing advice as to the likely significant effects of projects in England or English waters on European sites in France or French waters?</p>
1.2.	Construction	
The ExA has no further questions in relation to Construction Effects at this time.		
1.3.	Compulsory Acquisition, Temporary Possession and other Land or Rights Considerations	
1.3.1.	Applicant	<p>National Trust Land The Book of Reference [APP-027] Parts 1, 3 and 5 identify that the application proposal affects land or rights held by the National Trust, but seeks in all instances to describe the land or rights sought as 'excluding interests held by the National Trust...'</p>

ExQ1	Question to:	Question:
		<p>With regard to the outcomes from on-going diligence, the Applicant is asked to confirm that the application proposal does not seek to compulsorily acquire any land belonging to the National Trust which is held by the Trust inalienably and subject to the operation of s130 PA2008.</p>
1.3.2.	National Trust	<p>National Trust Land Does the National Trust consider that the proposed development seeks to compulsorily acquire any land belonging to the National Trust which is held by the Trust inalienably and subject to the operation of the Planning Act 2008 (as amended) section 130 (s130 PA2008)?</p>
1.3.3.	Applicant	<p>Commons, open spaces etc. Part 5 of the Book of Reference [APP-027] suggests that the Applicant seeks to acquire land and/or rights in Pegwell Bay Country Park that is defined as public open space.</p> <p>The Applicant is asked to confirm whether the identified land is subject to the operation of s131 PA2008, or rights over such land are subject to the operation of s132 PA2008?</p>
1.3.4.	Applicant	<p>Commons, open spaces etc. With regard to the outcomes from on-going diligence, the Applicant is asked to confirm that the application proposal does not seek to compulsorily acquire any land forming part of a common, open space or fuel or field garden allotment subject to the operation of s131 PA2008, or rights over such land subject to the operation of s132 PA2008, other than the plots already identified.</p>

ExQ1	Question to:	Question:
1.3.5.	Applicant	<p>Crown land With regard to the outcomes from on-going diligence, the Applicant is requested to provide and at each subsequent deadline to maintain and resubmit a table identifying any Crown interests subject to PA2008 s135 with reference to the latest available Book of Reference and the Land Plans, to identify whether consent is required with respect to s135(1)(b) and/or s135(2) and what progress has been made to obtain such consent(s).</p> <p>Written evidence of consent(s) obtained must be provided at the first available deadline and in any case by Deadline 6.</p> <p>The table should be titled ExQ1.3.5: Crown Land and Consent and provided with a version number that rolls forward with each deadline. If at any given deadline, an empty table is provided, a revised table need not be provided at any subsequent deadline unless the Applicant becomes aware that the data and assumptions on which the empty table was provided have changed.</p>
1.3.6.	Applicant	<p>Compulsory acquisition and temporary possession: general With regard to the outcomes from on-going diligence, the Applicant is requested to complete the attached Objections Schedule with information about any objections to the compulsory acquisition and temporary possession proposals in the application and at each successive deadline to make any new entries, or delete any entries that it considers would be appropriate, taking account of the positions expressed in relevant representations and written representations, giving reasons for any additions or deletions.(See Annex A to ExQ1 below).</p>

ExQ1	Question to:	Question:
		<p>The Objections Schedule should be titled ExQ1.3.6: Schedule of CA and TP Objections and provided with a version number that rolls forward with each deadline. If at any given deadline, an empty table is provided, a revised table need not be provided at any subsequent deadline unless the Applicant becomes aware that the data and assumptions on which the empty table was provided have changed.</p>
1.3.7.	Applicant	<p>Statutory undertakers: land or rights The Applicant is requested to review relevant representations and written representations made as the examination progresses alongside its land and rights information systems and to prepare and at each successive deadline update as required a table identifying and responding to any representations made by statutory undertakers with land or rights to which PA2008 s 127 applies. Where such representations are identified, the Applicant is requested to identify:</p> <ul style="list-style-type: none"> a) the name of the statutory undertaker; b) the nature of their undertaking; c) the land and or rights affected (identified with reference to the most recent versions of the Book of Reference and Land Plans available at that time); d) in relation to land, whether and if so how the tests in PA2008 s127(3)(a) or (b) can be met; e) in relation to rights, whether and if so how the tests in s127(6)(a) or (b) can be met; and f) in relation to these matters, whether any protective provisions and /or commercial agreement are anticipated, and if so:

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> i. whether these are already available to the ExA in draft or final form, ii. whether a new document describing them is attached to the response to this question or iii. whether further work is required before they can be documented; and <p>g) in relation to a statutory undertaker named in an earlier version of the table but in respect of which a settlement has been reached:</p> <ul style="list-style-type: none"> i. whether the settlement has resulted in their representation(s) being withdrawn in whole or part; and ii. identifying any documents providing evidence of agreement and withdrawal. <p>The table provided in response to this question should be titled ExQ1.3.7: PA2008 s127 Statutory Undertakers Land/ Rights and provided with a version number that rolls forward with each deadline. If at any given deadline, an empty table is provided, a revised table need not be provided at any subsequent deadline unless the Applicant becomes aware that the data and assumptions on which the empty table was provided have changed.</p>
1.3.8.	Applicant	<p>Statutory undertakers: extinguishment of rights and removal of apparatus etc.</p> <p>The Applicant is requested to review its proposals relating to CA or TP of land and/ or rights and to prepare and at each successive deadline update a table identifying if these proposals affect the relevant rights or relevant apparatus of any statutory undertakers to which PA2008 s138 applies. If such rights or apparatus are identified, the Applicant is requested to</p>

ExQ1	Question to:	Question:
		<p>identify:</p> <ul style="list-style-type: none">a) the name of the statutory undertaker;b) the nature of their undertaking;c) the relevant rights to be extinguished; and / ord) the relevant apparatus to be removed;e) how the test in s138(4) can be met; andf) in relation to these matters, whether any protective provisions and /or commercial agreement are anticipated, and if so:<ul style="list-style-type: none">i. whether these are already available to the ExA in draft or final form,ii. whether a new document describing them is attached to the response to this question oriii. whether further work is required before they can be documented; andg) in relation to a statutory undertaker named in an earlier version of the table but in respect of which a settlement has been reached:<ul style="list-style-type: none">i. whether the settlement has resulted in their representation(s) being withdrawn in whole or part; andii. identifying any documents providing evidence of agreement and withdrawal. <p>The table should be titled ExQ1.3.8: PA2008 s138 Statutory Undertakers Apparatus etc. and provided with a version number that rolls forward with each deadline. If at any given deadline, an empty table is provided, a revised table need not be provided at any subsequent deadline unless the Applicant becomes aware that the data and</p>

ExQ1	Question to:	Question:
		assumptions on which the empty table was provided have changed (for example as a consequence on ongoing diligence).
1.3.9.	Applicant and National Grid Electricity Transmission (NGET)	<p>Richborough Connection and Substation The application proposal includes land on which the consented Richborough 400kV substation would be constructed within the Order limits.</p> <p>a) NGET [RR-027] states that it is 'concerned' about the prospect of CA and/ or TP affecting this land. It is requested to explain why CA and/ or TP is inappropriate, with reference to the effect that it would have on:</p> <ul style="list-style-type: none"> i. the intended operational land required for the transmission and substation facilities proposed to be developed in the Richborough Connection; and/ or ii. any other land that NGET may hold that is intended to be non-operational. <p>b) The Applicant is asked to explain why CA and/ or TP is required and whether or not its needs could be met by any alternative provisions, a lease or other legal agreement relating to NGET intended operational and/ or non-operational land.</p> <p>c) NGET is requested to identify whether any alternative provisions, a lease or a legal agreement could address its concerns.</p>
1.3.10.	Applicant and Nemo Link Ltd.	<p>Nemo Link Onshore Facilities The application proposal includes land on which the Nemo Link interconnector is sited within the Order limits.</p>

ExQ1	Question to:	Question:
		<p>a) Is Nemo Link Ltd or any related body that might operate the Nemo Link interconnector or facilities related to it classed as a statutory undertaker for the purposes of PA2008?</p> <p>b) Nemo Link Ltd [RR-010] states that it objects to CA and/ or TP affecting this land and related facilities. Nemo Link Ltd is requested to explain why CA and/ or TP is inappropriate, with reference to the effect that it would have on:</p> <ul style="list-style-type: none"> i. the operational land of the interconnector; and/ or ii. any other land that Nemo Link Ltd may hold that is associated with the interconnector. iii. Nemo Link Ltd is requested to identify whether any affected land is operational land and if it contains any apparatus that might be affected. <p>c) The Applicant is asked to explain why CA and/ or TP is required and whether or not its needs could be met by any alternative provisions, a lease or other legal agreement relating to NGET intended operational and/ or non-operational land.</p> <p>d) NGET is requested to identify whether any alternative provisions, a lease or a legal agreement could address its concerns.</p>
1.4.	Draft Development Consent Order (DCO)	
	The ExA will raise detailed DCO questions in a schedule to the Agenda to the DCO Issue Specific Hearing in February 2019. It has no further questions in relation to the DCO at this time.	
1.5.	Debris, Waste and Contamination	
1.5.1.	The Applicant	Onshore Site Investigation and Contaminated Land and Groundwater Plan Table 6.12 of ES Chapter 6.3.6 [APP-062] states that " <i>The contaminated</i>

ExQ1	Question to:	Question:
		<p><i>management plan (CLGP) [sic] will be drafted following SI works”, whereas page 13 (item 6.2) of the Schedule of Mitigation [APP-135] states that “Site investigation works to inform final design and potential hazards” will be secured by the Contaminated Land and Groundwater Plan. Can the applicant clarify this apparent discrepancy?</i></p>
1.5.2.	The Applicant	<p>Onshore Site Investigation Please identify what additional site investigation works requiring access to private land still need to be carried out / completed pursuant to applications made under s53 PA2008?</p> <p>In relation to this question, please:</p> <ol style="list-style-type: none"> a) Identify any plots of land remaining to be investigated (using BoR / Land Plan plot references); b) Itemise the outstanding investigations and explain whether, irrespective of access considerations, there are any elements of these with particular seasonal or timing requirements (and if so please itemise these); c) With regard to the fact that you are now engaged in a separate application process under s53 PA2008, please estimate when investigations are likely to be complete; and d) Where investigations are completed, at the next relevant deadline up to Deadline 6, please provide a report of investigations. e) If any investigations remain incomplete at Deadline 6, please provide a report at that deadline identifying how you intend to address the need for site investigation works that may need to be carried out after the closure of the Examination.

ExQ1	Question to:	Question:
		<p>It should be noted that it is distinctly preferable for all site investigations to be complete in sufficient time to be reported to the Secretary of State (SoS) by the ExA. However, this question cannot affect the exercise of discretion by the SoS under s53 PA2008 which is a separate matter to this Examination.</p>
1.6.	Electric and Magnetic Fields (EMFs)	
1.6.1.	All IPs	<p>Effects on Human Health Public Health England states that it is satisfied that the project would not pose a significant risk to public health in terms of the potential impact of electric and magnetic fields.</p> <ul style="list-style-type: none"> • Do any IPs disagree with this view? If so, please explain why.
1.6.2.	The Applicant, Natural England and Marine Management Organisation	<p>Effects on Benthic Ecology The embedded mitigation identified within the ES includes burying offshore cables to a maximum target depth of 3m "<i>where possible</i>" to reduce received Electric and Magnetic Field effects on benthic species. As cables will be buried to a maximum target depth only where possible, there is some uncertainty as to how these embedded mitigation measures will be secured.</p> <ol style="list-style-type: none"> In respect of table 5.11 of APP-046, can the applicant explain (with reference to the DCO, DMLs and/or other documents) how the embedded mitigation measures identified are capable of being secured as part of the scheme design? What will be the approach taken in areas where it is not possible to bury cables at the desired depth and where are the EMF effects of

ExQ1	Question to:	Question:
		<p>this scenario assessed?</p> <p>c) As no significant effects resulting from the proposed development are identified, no further mitigation is proposed as necessary beyond those measures embedded in the project design. Please could NE and the Marine Management Organisation confirm whether or not they are satisfied that no further mitigation is proposed?</p>
1.7.	Electricity Connections and Other Utility Infrastructure	
1.7.1.	The Applicant	<p>Richborough Connection and Substation: Integrity of and access to existing 132kV underground cable:</p> <p>In its Relevant Representation [RR-027], National Grid commented: <i>"Between National Grid's 400kV substation and UKPN's 132kV substation will be a 132kV underground cable. Careful consideration will need to be given by the Thanet Extension Offshore Windfarm project team to ensure none of the proposed works impact on the integrity of this cable. Unfettered access to this cable will also need to be maintained at all times."</i></p> <p>Please provide a detailed response on this matter?</p>
1.7.2.	Nemo Link Ltd.	<p>Nemo Link Onshore and Offshore Facilities</p> <p>Nemo Link Ltd identifies [RR-010] that there is insufficient information in the application document set to enable it to reach a full understanding of the impacts of the proposed development on the Nemo Link interconnector. Nemo Link Ltd is requested to identify:</p> <p>a) Whether additional information is required in relation to works at sea and/ or works on land?</p> <p>b) What additional information it considers would be necessary to</p>

ExQ1	Question to:	Question:
		enable the impacts to be fully understood?
1.7.3.	The Applicant	<p>Nemo Link Onshore and Offshore Facilities With reference to ExQ1.7.2 the Applicant is requested to address responses to that question with additional information and, where appropriate mitigation proposals at Deadline 2.</p>
1.7.4.	The Applicant	<p>Landfall Option 2 Double Berm If the Option 2 landfall were to be adopted, resulting in a “double” berm where the Thanet Offshore Wind Farm Extension cable route runs in parallel with Nemo Link, would the applicant confirm whether this would result in an “M-form” berm? If the answer to this question is yes:</p> <ul style="list-style-type: none"> • How will drainage of the resulting valley between berm crests be managed.
1.8.	Environmental Statement General	
	The ExA will examine the ES generally at Issue Specific Hearings. It has no questions at this time.	
1.9.	Fishing and Fisheries	
	The ExA will examine this issue at an Issue Specific Hearing and in ExQ2. It has no questions at this time.	
1.10.	Historic Environment	
	The ExA will examine this issue at an Issue Specific Hearing and in ExQ2. It has no questions at this time.	
1.11.	Marine and Coastal Physical Processes	
1.11.1.	The Applicant	<p>Scour Protection: Volumes The Marine Management Organisation has provided detailed comments in paragraphs 1.12-1.20 and 1.59 of its relevant representation [RR-049] regarding the maximum total volumes of scour protection presented within the ES project description and limited by requirement in the DCO or condition in</p>

ExQ1	Question to:	Question:
		<p>the DMLs. Uncertainty between these relate to seemingly differing cable protection, scour protection and disposal volumes.</p> <p>a) Please respond to these points using a comparative schedule or similar method of presentation:</p> <ol style="list-style-type: none"> i. Please clarify the total volume of scour protection that has been assessed within the ES for the turbine structures and offshore substation; ii. Please confirm whether or not these maximum parameters are correctly reflected within the appropriate DCO requirement and DML conditions; and, iii. If not, please provide an updated version of the relevant DCO requirement and DML conditions. <p>b) Please confirm whether any scour protection is proposed for the offshore met mast foundation?</p> <ul style="list-style-type: none"> • If so, please: specify the parameters of the Rochdale Envelope, signpost to where this has been assessed within the ES and advise whether and where this should be dealt with in the DCO/DMLs.
1.11.2.	The Applicant	<p>Cable Protection: Offshore</p> <p>Natural England has raised concerns as to the worst case scenario that has been assessed for the cable protection, which is noted as 25% of the total cable length in the array area and the export cable corridor. Natural England believes that this figure is incorrect in view of the number of developments foreseen in the area.</p> <ul style="list-style-type: none"> • Please provide further justification for the worst case scenario that has been assessed for the cable protection (25% of the total cable length).

ExQ1	Question to:	Question:
		<p>The response should make reference to the maximum permissible volumes for cable protection (and lengths of cabling) that have been specified in DCO requirement 4.</p>
1.11.3.	<p>The Applicant, Natural England, Marine Management Organisation</p>	<p>Scour Protection: Additional DCO Parameters Natural England’s relevant representation [RR-053] states that additional parameters are required such that scour and cable protection should be limited by both volume of material and area of impact.</p> <p>a) Could Natural England please provide further specific detail about the recent experience alluded to in its relevant representation in this regard?</p> <ul style="list-style-type: none"> • What does Natural England consider to be the implication of this experience for Thanet Extension Offshore Wind Farm? <p>b) Please could the applicant and Marine Management Organisation respond to Natural England’s suggestion that the use of volume parameters alone no longer provides sufficient certainty?</p> <p>c) Could the Applicant please comment as to whether it would be possible and /or appropriate for the DCO and DMLs to provide maximum scour protection areas per turbine.</p>
1.11.4.	<p>The Applicant</p>	<p>Effects on Wave Climate Paragraph 2.11.94 of APP-043 states that changes to local wave height as a result of the Thanet Extension Offshore Wind Farm would dissipate over distance towards the coast and be ‘immeasurable’.</p> <p>a) Please could the applicant provide further detail to support this statement and the conclusion that there would be no morphological changes to any</p>

ExQ1	Question to:	Question:
		of the coastal feature receptors. b) Could the applicant explain how the assessment has taken account of the potential combined effects of turbines from the Thanet Extension Offshore Wind Farm together with those from the existing Thanet Offshore Wind Farm on wave regime in assessing the consequential effects on coastal geomorphology.
1.11.5.	The Applicant	<p>Effects of Migration of Sandwaves In Relevant Representation Winckworth Sherwood on behalf of Port of London Authority (PLA) [RR-054] notes ongoing concerns about the <i>“potential migration of sandwaves into navigable waters between the North East Spit and the shore. The proposals would result in an adverse impact on coastal processes, reducing further the amount of sea room...”</i>.</p> <ul style="list-style-type: none"> • Would the Applicant please provide a response?
1.12.	Navigation: Maritime and Air	
1.12.1.	The Applicant, Port of London Authority, Estuary Services Ltd, London Pilots, London Gateway Port Ltd, Port of Tilbury London Ltd, Trinity House and the Maritime and Coastguard Agency	<p>Navigability of the inshore approach to NE Spit pilot station Several Interested Parties and Other Persons at Issue Specific Hearing 2 (ISH2) raised concerns about continued prudent navigation by deep draught vessels “north-south/south-north” inshore of the proposed Thanet Extension Offshore Wind Farm. Evidence on use of the “inshore route” by large commercial vessels restricted in ability to manoeuvre (“RiAM”) by reason of length, type or draught (i.e. on passage between the Dover Strait and the Princes Channel or the Fishermans Gat; to take refuge anchorage at Margate Roads or Tonge anchorages; or to transfer pilots at North East Spit or on passage between the Dover Strait and the northerly extent of the deep-water channels into the Thames at Sunk) as follows:</p>

ExQ1	Question to:	Question:
		<p>a) what would be a reasonable maximum size of vessel by length, type or draught that is able to prudently use the inshore route at present in moderate MetOcean conditions?</p> <p>b) What is an estimated existing annualised use of the inshore route by "RiAM" vessels in baseline conditions of sea-room without the Thanet Offshore Wind Farm Extension (TEOWF);</p> <p>c) What would be a reasonably foreseeable annualised future use of the inshore route by "RiAM" vessels based on trend for change of vessel size using the Thames ports and anchorages as a whole in baseline conditions of sea-room without TEOWF;</p> <p>d) What would be a reasonably foreseeable annualised future use of the inshore route by "RiAM" vessels as a consequence of the reduction in sea room due to the pinch-point presented between the NE Spit bank and the proposed TEOWF Red Line Boundary plus 500m. proposed safety zone during construction and maintenance, with vessel size mix and volume of traffic using the Thames ports and anchorages as a whole as per baseline;</p> <p>e) What would be a reasonably foreseeable annualised future use of the inshore route by "RiAM" vessels as a consequence of the reduction in sea room due to the pinch-point presented between the NE Spit bank and the proposed TEOWF Red Line Boundary plus 500m. proposed safety zone during construction and maintenance with reasonable predictions of change of traffic mix based on trend for change in vessel size and number of vessels using the Thames ports and anchorages as a whole.</p> <p>In responding to this question, please have regard to Annex 3 of MGN:543 – "Shipping Route" Template Notes and indicate whether continued use of the "inshore" channel by "RiAM" vessels is likely to be intolerable, tolerable on the</p>

ExQ1		Question:
		basis of being ALARP (identifying the risk assessment and mitigation measures that control risk to ALARP) or broadly acceptable.
1.12.2.	The Applicant	<p>Traffic along the NW façade of the proposed RLB Responding to concerns raised at ISH2 about the survey data presented in the NRA, please present a gate analysis of the surveyed traffic passing SW-NE/NE-SW past the North West façade of the proposed RLB.</p>
1.12.3.	The Applicant, Port of London Authority, Estuary Services Ltd, London Pilots, London Gateway Port Ltd, Port of Tilbury London Ltd, Trinity House and the Maritime and Coastguard Agency	<p>Conditions for pilot transfer simulation Responding to concerns raised at ISH2 about the continued ability to board pilots in adverse MetOcean and draught-constrained vessel manoeuvring conditions at the existing NE Spit pilot station, please identify whether the Bridge Simulation of feasibility of pilot transfer was adequate or not, covering the following points:</p> <ul style="list-style-type: none"> a) to what extent can the ExA rely on the conclusions of the Simulation carried out? b) how many simulated runs in different MetOcean conditions would provide a reasonably robust test of feasibility and operating risk? c) what variables in MetOcean conditions would be reasonably representative of baseline normal operating conditions which would enable the NE Spit pilot station to remain “on station” without the proposed Thanet Extension? d) to what extent the exercise represented “real world” conditions in respect to local knowledge and communications ability in English of the actors in the simulation and their learning gained by performing multiple runs during the simulation? e) to what extent did the exercise incorporate impinging factors such as small vessels without AIS and crossing traffic? f) are there any other relevant factors or considerations that should have

ExQ1	Question to:	Question:
		been taken into account?
1.12.4.	The Applicant	<p>Consideration of effects of relocation of NE Spit pilot station: Responding to concerns raised at ISH2, please comment on the opinion recorded in minutes of Dec 2017 meeting with ESL (appended to the NRA [APP-089]) that moving the NE Spit pilot station from its current location would be sub-optimal because it had been carefully located as a consequence of the Thanet Offshore Wind Farm project to be <i>"2nm from all hazards and therefore makes maximum use of the space"</i>:</p> <ul style="list-style-type: none"> a) to what extent the proposed Thanet Extension Red Line Boundary plus safety zone during construction and maintenance would encroach within that zone of 2nm radius from the NE Spit pilot station diamond? b) to what coordinates the NE Spit boarding station diamond could be relocated in order to maintain an operating zone of "2nm from all hazards"? c) what hazards or obstacles whether geographic, physical or based on use of the sea space should be considered as bounds for this operating zone? d) What account has been taken of the consultation with Estuary Services Ltd in regard to the effects to pilot operations, to navigational safety and the operating efficiency of commercial shipping, fishing and ports of relocating the NE Spit boarding station. <p>Ref: minutes of Dec 2017 meeting with ESL appended to Section 4 of the [APP-089] NRA.</p>
1.12.5.	Maritime and Coastguard Agency	<p>Hierarchy of appropriate risk assessment: This MCA/DECC 2013 methodology advises the development of a "hierarchy of assessment" (see Annex D1 p63 Table 1). With respect to this recommended hierarchy of Navigation Risk Assessment would MCA confirm to what extent it</p>

ExQ1	Question to:	Question:
		<p>is satisfied that for the Thanet Extension Offshore Wind Farm application to date:</p> <ul style="list-style-type: none"> a) "Site Specific Assessment" has been carried out; and b) This was carried out in compliance with Definition 4 on page 65. <p>Ref.: MCA/DECC 2013 Methodology Annex D1 p63 Table 1</p>
1.12.6.	The Applicant	<p>Cumulative effects of increased density of traffic: Please provide further detail of to what extent the effects of increased congestion of traffic around the development have been assessed to increase the frequency of occurrence of the following risks in reasonable worst case MetOcean conditions in which the navigable water inshore of the proposed Thanet extension can be expected to be used:</p> <ul style="list-style-type: none"> a) ship collision; b) ship grounding; c) ship stranding; and d) ship/WTG contact.
1.12.7.	The Applicant	<p>Additive effects of Wind Farm Service Vessels on collision risk: Please clarify the statement in the NRA that the collision risk within 5nm is increased by 54% to one every 4 years plus "<i>a further 9% with the addition (of) WFSVs...</i>";</p> <ul style="list-style-type: none"> • does that translate by addition into an increase of risk of 54%+9% = 63%? <p>[APP-089] NRA para 7.3.2</p>

ExQ1	Question to:	Question:
1.12.8.	The Applicant	<p>Effects of reduced margin for error in pilotage operations In regard to pilotage operations the NRA concludes that "<i>reduced margin for error would increase the risk of an incident.</i>" Would the applicant please explain:</p> <ul style="list-style-type: none"> a) how has this increased risk of an incident (due to reduced margin for error) been addressed in the risk assessment? b) what change of frequency of occurrence of the relevant hazards has been applied as a consequence of this reduced margin for error? <p>[APP-089] NRA p129 para 12</p>
1.12.9.	The Applicant	<p>Tolerability of Societal Concerns: In the light of concerns about risks to safe navigation inshore of the proposed Thanet Extension raised at ISH2, please review the Navigation Risk Assessment (NRA) in respect to the MCA/DECC 2013 Methodology on Tolerability of Societal Concerns which recommends "<i>...as a minimum, an overall assessment of societal risk...</i>" as: "<i>An aggregate of all entries in the risk register</i>"; including for "<i>Major risks such as collision, contact, grounding and stranding</i>"; and please state a reasoned assessment of tolerability of societal concerns in regard to the aggregate of hazards of navigation in the following sea areas between the safety zone outside the proposed Red Line Boundary of the Thanet Extension and:</p> <ul style="list-style-type: none"> a) NE Spit Bank and the transit between Elbow cardinal mark and E Margate channel mark to the west and north-west of the site; b) the transit between Elbow cardinal mark and NE Goodwin cardinal mark to the south-west and south of the site; c) South Falls bank to the east and south-east of the site; d) The transits between Falls Head cardinal mark and Thanet N cardinal mark

ExQ1	Question to:	Question:
		<p>and NE Spit cardinal mark;</p> <p>the boundaries described above define sea-room with unobstructed water depth no less than 10 metres below Ordnance Datum.</p> <p>Ref.: MCA/DECC 2013 Methodology p.25 6.2 Tolerability of Societal Concerns.</p>
1.12.10.	Maritime and Coastguard Agency and Marine Management Organisation	<p>Acceptability of pollution, loss of vessel, operational downtime: Please advise what considerations in regard to acceptability of risk should be taken into account when the assessed risk has major or catastrophic consequences that are <u>not</u> necessarily loss of life (including Pollution, Loss of Vessel, Major Operational Downtime); and</p> <p>a) at what level of <u>assessed frequency</u> can hazards with major or catastrophic consequences be assessed to be acceptable risks?</p> <p>b) to what extent it is reasonable for acceptability of major risks in confined sea room to be assessed by separate analysis of component hazards as opposed to assessment of combination and interactive effects?</p>
1.12.11.	The Applicant, Port of London Authority, Estuary Services Ltd, London Pilots, London Gateway Port Ltd, Port of Tilbury London Ltd, Trinity House and the Maritime and Coastguard Agency	<p>Recommendation not to take forward additional risk control Please comment on the concluding recommendation in the Navigation Risk Assessment (NRA) not to take forward additional risk control measures that had been considered in the NRA as further mitigation?</p> <p>[APP-089] NRA 8.5.3 Table 22 items 1, 2, 3 and 4 and Conclusions</p>
1.12.12.	The Applicant	<p>Adequacy of consultation about the NRA: In the light of concerns raised at ISH2 about the adequacy of consultation on the preparation and drafting of the Navigation Risk Assessment (NRA), please provide a document equivalent to a consultation report in matrix form,</p>

ExQ1		Question to:	Question:
			clarifying who was consulted on method and draft content respectively and reporting on the regard had to consultation responses received.
1.12.13.	The Applicant		<p>Consultation with RYA In APP-089 NRA 1.3 RYA (Royal Yachting Association) is specifically listed as a key stakeholder in MGN 543 guidance. Would the applicant please guide the ExA to where the RYA is referenced as a consultee in the [APP-028, 029, 030] list of non-statutory consultees and please provide a link to or copy of the most recent consultation communication with RYA.</p>
1.12.14.	The Applicant		<p>Clarification of impact of the development: Can the applicant please clarify the meaning of [APP-089] NRA p130 para. 19 "<i>... whilst the footprints [sic] of the developments [sic] would not cause an adverse impact, the extension would impact the routeing and navigational safety of operational vessels.</i>"</p>
1.12.15.	The Applicant		<p>Effect of control on traffic flow around the site: The NRA para 7.3.2 states that the extension of the wind farm with revised RLB would increase the collision risk within 5nm by 54%. Would the applicant confirm if it is correct to understand that introducing control on traffic flow around the site would reduce the risk by 23%? a) Does this mean a reduction in the 54% increased collision risk by subtracting 23% resulting in a residual increased collision risk of 31% (instead of an increase of 54%), or does it mean the product of (54% times (1.00 minus 0.23))? b) What would be the form of such a control on traffic flow?</p> <p>[APP-089] NRA para 7.3.2</p>

ExQ1	Question to:	Question:
1.12.16.	Maritime and Coastguard Agency, Trinity House.	<p>Effects of increased density of traffic inshore at high water: Please comment on the assessment in NRA p70 that the effect of increased density of vessel traffic inshore as a displacement effect of the Thanet Extension would not be significant to the risk to navigational safety and identify whether this conclusion is conditional on state of tide and size of vessels only.</p> <p>Ref [APP-089] NRA p 70</p>
1.12.17.	The Applicant	<p>Effects of displacement of traffic on risk in other locations: Please confirm how the NRA has accounted for the effects of displacement of traffic as an effect of the Thanet Extension increasing risk to navigation in other locations?</p> <p>[APP-089] NRA para108. "<i>cumulative impact of these developments will result in...rerouted into other lanes, increasing the risk elsewhere.</i>"</p>
1.12.18.	The Applicant	<p>Meaning of risk controls and mitigation: Can the applicant please confirm if it is correct to understand that: "risk controls" referred to in the hazard logs in [APP-129] Navigation Risk Assessment (NRA) mean the same as "mitigation" referred to elsewhere in the ES.</p>
1.12.19.	The Applicant	<p>Meaning of Acceptability and Tolerability: Can the applicant please confirm if it is correct to understand that "Acceptability of Risk" referred to [APP-089] NRA 8.6.3 means the same as Tolerability of Risk as used in [APP-129] NTS para 170 and as used in [APP-051] Shipping and Navigation and elsewhere in the NRA?</p>

ExQ1	Question to:	Question:
1.12.20.	The Applicant	<p>Principle of ALARP related to acceptability of risk: Would the applicant please explain how the principle of ALARP (As Low As (is) Reasonably Practicable) applies to subjective judgment of acceptability in relation to risks with major or potentially catastrophic consequence?</p>
1.12.21.	The Applicant	<p>Narrow band of computed numerical values for risk: The NRA explains that the risk assessment scores were combined into single numerical values using special software. Would the applicant please clarify how the computed single numerical values for risk scores typically lie within a narrow band between 2 and 5 by reference to a specific example of Annex D Hazard 12, explaining in detail as a worked example explain how a value of 5.05 for Inherent Risk (and 4.93 Residual Risk) is computed from the product of:</p> <ul style="list-style-type: none"> a) a "Most Likely Inherent Frequency rating" of 4.0 ("Likely") and b) a "Worst Credible Consequence" of 4 ("Major") <p>[APP-089] NRA Annex B Methodology page B-8 and [APP-089] NRA Annex D Hazard 12</p>
1.12.22.	Maritime and Coastguard Agency	<p>Risk computed as addition of Frequency and Consequence ratings Would MCA please explain why the "Formal Safety Assessment" approach to risk management used for NRA does not multiply numbers for Frequency by numbers for Consequence, as is done in other risk management approaches where Risk is computed as Probability (Frequency) multiplied by Impact (Consequence).</p> <p>[APP-089] Annex B Methodology page B-2 <i>"Risk is the product of a combination of the consequence of an event and the frequency with which it</i></p>

ExQ1	Question to:	Question:
		<i>might be expected to occur"</i>
1.12.23.	The Applicant	<p>Clarification: Meaning of four indices: Can the applicant please confirm if it is correct to understand that "...a single numeric value representing each of the four indices.." in [APP-089] NRA Annex B Methodology page B-8 refers to the scored columns People, Property, Environment and Stakeholders in [APP-089] NRA Hazard Logs Annexes</p>
1.12.24.	The Applicant	<p>Clarification: Meaning of Ranked Hazard List: Please confirm if it is correct to understand that the evidence presented in section 8.6 of the [APP-089] NRA Annex B Methodology is the "hazard list sorted in order of the aggregate of the four indices to produce a Ranked Hazard List" referred to in page B-8 of [APP-089] NRA Annex B Methodology?</p>
1.12.25.	The Applicant	<p>Sources of evidence used for assessing Likelihood and Consequence of incidents: Please guide the ExA to the sources of evidence used in assessing: a) Likelihood of incidents occurring in different scenarios? b) Potential Consequence of an incident?</p> <p>[APP-089] NRA 8.6.3 Acceptability of Risk: "<i>a significant amount of evidence has been collected, such as through simulation and collision risk modeling to support the assessments of the likelihood of an incident...</i>".</p>
1.12.26.	The Applicant	<p>Methodological source for numerical values given to risk criteria Please confirm the evidential basis for the numerical values allocated to risk criteria in the Hazard Logs?</p>

ExQ1 Question to:		Question:
		[APP-089] NRA Annex B NRA Methodology
1.12.27.	The Applicant	<p>Understanding Marico's Hazman software: Would the applicant please provide or guide the ExA to the provenance and credentials of "...Marico HAZMAN software" used for computation of risk, and in particular help us to understand:</p> <p>a) How many NRAs has it been used for? b) Whether the algorithms get modified as a consequence of monitoring and learning from experience?</p> <p>[APP-089] NRA Annex B Methodology page B-2</p>
1.12.28.	The Applicant	<p>Mitigation of echoes on radar requiring users to reduce gain: [APP-089] NRA Annex to Section 4 (minutes of Dec 2017 meeting with RYA and Chamber of Shipping) refers to a consultation concern that "...<i>echoes on radar which requires users to reduce gain, thereby losing smaller targets (i.e. small boats)</i>...".</p> <p>a) Can the Applicant please confirm where in the NRA to find mitigation response.</p>
1.12.29.	The Applicant	<p>Record of navigation risk workshop [APP-089] NRA Annex to Section 4 (minutes of Dec 2017 meeting with MCA) refers to a navigation risk workshop. Please confirm if this workshop has taken place and if it has where in the NRA to find the output and outcomes of this workshop.</p>

ExQ1	Question to:	Question:
1.12.30.	The Applicant	<p>Questions on Minutes of the Jan 2018 meeting with MCA and Trinity House appended to Section 4 of the NRA Please confirm:</p> <ul style="list-style-type: none"> a) Minute item 10.8: to whom "Incidents and near misses are reported..." b) Minute item 10.11: who will have the specific responsibility for maintaining "continuous watch of site by radar, AIS..." c) Minute items 10.21: Is there an agreement in existence specifying who will relocate buoyage and when?
1.12.31.	The Applicant	<p>Moveable exclusion zone Would the applicant please confirm its response to suggestions raised in minutes of Dec 2017 meeting with TFA appended to Section 4 of the [APP-089] NRA of "a 500m moveable exclusion zone around the actual construction vessel" rather than along the whole cable corridor.</p>
1.12.32.	UK Chamber of Shipping	<p>Effects to Vessel Traffic Routing UK Chamber of Shipping Relevant Representation [RR-009] opposes the view that impact of TEOWF on Vessel Traffic Routing will be minor and believes that the NRA lacks sufficient detail. Would the UKCoS expand on their objections, ideally citing particular shortfall in detail?</p>
1.12.33.	The Applicant	<p>Mitigation of Echoes on Radar Requiring Users to Reduce Gain [APP-089] NRA Annex to Section 4 (minutes of Dec 2017 meeting with RYA and Chamber of Shipping) refers to a consultation concern that "...echoes on radar which requires users to reduce gain, thereby losing smaller targets (i.e. small boats)...".</p>

ExQ1	Question to:	Question:
		Please confirm where in the NRA to find mitigation response to this point?
1.13.	Noise and other Public Health Effects	
	Noise effects relating to marine fauna are dealt with under the heading of 'Biodiversity, Ecology and Natural Environment'. The ExA has no further questions in relation to Noise and other Public Health Effects at this time.	
1.14.	Other Strategic Projects and Proposals	
1.14.1.	The ExA has no further questions in relation to Other Strategic Projects and Proposals at this time.	
1.15.	Socio-economic Effects	
	To be addressed in hearings and ExQ2 (if required). The ExA has no further questions at this time.	
1.16.	Townscape, Landscape, Seascape and Visual	
1.16.1.	Kent County Council, Thanet District Council, Dover District Council and local business and resident Interested Parties	Onshore and Seascape Landscape and Visual Impact Assessment Has the Applicant proposed adequate siting and design landscape and visual mitigation measures for onshore works, taking account of public access to and recreational use of the Pegwell Bay Country Park, National Nature Reserve and foreshore areas? If not, what additional measures should be taken and why?
1.16.2.	Kent County Council, Thanet District Council, Dover District Council, Kent Wildlife Trust, Natural England, National Trust, local business and resident Interested Parties	Outline Landscape and Ecological Management Plan (Onshore) Application document [APP-142] sets out outline landscape management measures to be delivered in tandem with ecological measures. a) Are the proposed landscape screening measures at the substation set out in Chapter 3 adequate to address the landscape and visual impacts of the proposed substation (Work No.13) and if not, what changes should be made to the document; and b) Are any other landscape screening or enhancement measures to address the onshore landscape and visual effects of the proposed development required and if so, why and in what terms should they be added to the

ExQ1	Question to:	Question:
		document?
1.16.3.	Kent County Council, Thanet District Council, Dover District Council, Kent Wildlife Trust, Natural England, National Trust, local business and resident Interested Parties	<p>Landscape and Visual Effects of Cable Alignments in Pegwell Bay Country Park and National Nature Reserve</p> <p>Have adequate siting and design mitigation measures been taken to address the landscape and visual effects of cable alignments in Pegwell Bay Country Park and National Nature Reserve? If not, please identify if any additional measures are sought and for what purpose.</p> <p>In particular, please provide your assessment of the adequacy of the following measures. If you conclude that any are not adequate, please identify how you recommend that the measures should be changed.</p> <ul style="list-style-type: none"> a) Changes to the sea wall at the landfall location in Pegwell Bay Country Park (Work No.3B); b) Reinstatement and management of the cable alignment from the landfall location through Pegwell Bay south west to the boundary of the National Nature Reserve (Works Nos.4 and 4A); and c) The landscape and visual relationship between the cable alignment from the landfall location through Pegwell Bay south west to the boundary of the National Nature Reserve and the adjacent existing Nemo Link cable alignment (Works Nos.4 and 4A).
1.16.4.	Kent County Council, Thanet District Council, Dover District Council, Kent Wildlife Trust, Natural England, National Trust, local business and resident Interested Parties	<p>Offshore Works</p> <p>Has the Applicant proposed adequate siting and design, seascape, landscape and visual mitigation measures for offshore works and particular wind turbine generator (WTG) arrays, taking account of their relationship with the existing Thanet Offshore Wind Farm and the potential differences of scale between the installed and proposed WTGs? If not, what additional measures should be</p>

ExQ1		Question to:	Question:
			taken and why?
1.17.	Transportation and Traffic		
1.17.1.	The Applicant	Construction Traffic Effects: Construction Shore Base for Offshore Works Please confirm that the construction base for offshore works is not yet known. What if any steps should be taken to ensure that the construction traffic effects of the onshore base for offshore works are taken into account and managed?	
1.17.2.	The Applicant	Construction Traffic Effects: Onshore Effects on Sandwich Road Para 8.18.2 of [APP-064] ES Chapter 8: Traffic and Access identifies that there could be 'Major Adverse' effects of construction-related traffic to Sandwich Road before "proposed embedded mitigation" whereas Table 8.17 shows 'Minor Adverse' effects to Sandwich Road. Would the applicant please confirm: a) If Table 8.17 is showing 'Minor Adverse' effects subject to embedded mitigation; b) In which case, identify the embedded mitigation and confirm that it will bring about the change to effects suggested; and c) If <u>all</u> the "proposed embedded mitigation" needs to be activated in order for the adverse effects to be reduced to "Minor"	
1.17.3.	The Applicant	Operational Traffic Effects: Offshore Servicing Port Please confirm that the offshore servicing port for the operational stage is not yet known. What if any steps should be taken to ensure that the operational traffic effects of the servicing port are taken into account and managed?	

ExQ1	Question to:	Question:
1.17.4.	Kent County Council in its capacity as Highway Authority, Thanet District Council and Dover District Council	<p>Management of Construction Traffic Effects From your standpoint as a Highway Authority and LPA, are you content that construction traffic effects are adequately managed?</p>
1.17.5.	Kent County Council in its capacity as Highway Authority, Thanet District Council and Dover District Council	<p>Management of Operational Traffic Effects From your standpoint as a Highway Authority and LPA, are you content that any operational traffic effects that might arise within you area of responsibility are adequately managed?</p>
1.18.	Water Environment	
1.18.1.	The Applicant	<p>Water Framework Directive Assessment: Water Quality The Environment Agency's relevant representation [RR-043] states that the water quality elements of the Water Framework Directive (WFD) Assessment [APP-076] lacks sufficient justification for findings of WFD compliance and does not provide justification for scoping out water quality from a more detailed impact assessment.</p> <p>a) Please provide a comprehensive response to the detailed matters raised by the Environment Agency in this regard, specifically at page 8 and the top of page 9 of its representation.</p> <p>b) Please explain to what extent the Environment Agency's guidance 'Clearing the Waters for All' has been applied.</p> <p>c) Please comment on the appropriateness of a requirement within the Development Consent Order allowing for the temporary cessation of works in the event that bathing water quality deteriorates during the construction period?</p>

ExQ1	Question to:	Question:
1.18.2.	The Applicant	<p>Water Framework Directive Assessment: Baseline Conditions The ES does not appear to set out the anticipated trends in baseline conditions for the Water Framework Directive (WFD) Assessment.</p> <p>a) Please provide clarification of the anticipated trends in baseline conditions for this aspect?</p> <p>b) In the event that this will not be possible until further site investigations have taken place, please confirm when this will be undertaken.</p>
1.18.3.	The Applicant	<p>Marine Water Column Effects: Sampling Regime At paragraph 4.6 of its relevant representation [RR-049], the Marine Management Organisation has set out inconsistencies within [APP-044], and between it and [APP-082] in relation to the number of stations sampled for contaminants.</p> <ul style="list-style-type: none"> • Could the Applicant please clarify by providing full details of the sampling regime undertaken in this respect?
1.18.4.	The Applicant	<p>Marine Water Column Effects: Assumptions Table 6.7 of the Fish and Shellfish Ecology Chapter of the ES [APP-047] appears to include an inconsistency in the assumptions used for the amount of sediment that would be liquefied, with both 50% and 100% being quoted.</p> <ul style="list-style-type: none"> • Please could the Applicant clarify the amount of sediment transferred to the water column during jetting and ensure that the assessment properly reflects this assumption?

ExQ1	Question to:	Question:
1.18.5.	Environment Agency, Thanet District Council, Dover District Council and Kent County Council	<p>Risks to Controlled Waters Cable Landfall Options 1 and 3 would involve running underground cables through the historic landfill site at Pegwell Bay.</p> <ul style="list-style-type: none"> • Are the councils and the Environment Agency satisfied that the proposed design and mitigation measures would avoid a significant risk to public health in terms of contaminated land and potential impacts on controlled waters? If not, why not?
1.18.6.	Thanet District Council, Environment Agency, Natural England, Kent Wildlife Trust and Kent County Council	<p>Controlled Waters: Cumulative Effects Assessment Table 6.14 of [APP-062] outlines various potential cumulative impacts that could arise from the projects identified in Table 6.13, in combination with the Proposed Development, and provides an assessment of the potential significance of such impacts. Minor beneficial effects are identified on the impacts to human health and controlled waters, and to changes in watercourse conveyance and floodplain storage.</p> <ul style="list-style-type: none"> • Do Thanet District Council, the Environment Agency, Natural England and Kent Wildlife Trust agree that a “minor beneficial” cumulative effect alongside the Nemo link is a reasonable conclusion as to the residual effect in terms of potential impacts to human health and controlled waters, taking into account ground investigation, remediation and groundwater protection measures as secured within the DCO? If not, why not?
1.18.7.	Kent County Council, Thanet District Council and Environment Agency	<p>Mitigation Measures as a Result of Site Investigation Works Table 6.15 of [APP-062] summarises the post-mitigation residual effects of the proposed development from a ground conditions, flood risk and land use</p>

ExQ1	Question to:	Question:
		<p>perspective. As no significant effects are identified due to the presence of embedded mitigation, this table concludes that no further mitigation measures are necessary. However, both Table 6.12 and section 6.15 of [APP-062] recognise that site investigation works will be undertaken prior to construction in order to inform the final design of the proposed development, and any associated mitigation works. This suggests a lack of baseline information, particularly in relation to the landfill engineering, leaching potential of contaminants and groundwater levels. Section 6.15 states that the scope and design of the site investigation is to be agreed with Kent County Council, Thanet District Council and the Environment Agency, along with the final design of mitigation measures.</p> <p>a) Please can Kent County Council, Thanet District Council and the Environment Agency confirm that they are satisfied that the site investigation works can be appropriately delivered in the context of the DCO as drafted?</p> <p>b) Section 7 of the Code of Construction Practice explains that “potential mitigation measures” are to be “based on the investigation results”: to what extent is this array of measures known at this stage?</p>

ANNEX A

**THANET OFFSHORE WIND FARM EXTENSION:
 LIST OF ALL OBJECTIONS TO THE GRANT OF COMPULSORY ACQUISITION OR TEMPORARY POSSESSION POWERS
 (EXQ1: QUESTION 1.3.6)**

Obj No.ⁱ	Name/ Organisation	IP/AP Ref Noⁱⁱ	RR Ref Noⁱⁱⁱ	WR Ref No^{iv}	Other Doc Ref No^v	Interest^{vi}	Permanent/ Temporary^{vii}	Plot(s)	CA?^{viii}	Status of objection

ⁱ Obj No = objection number. All objections listed in this table should be given a unique number in sequence.

ⁱⁱ Reference number assigned to each Interested Party (IP) and Affected Person (AP)

ⁱⁱⁱ Reference number assigned to each Relevant Representation (RR) in the Examination library

^{iv} Reference number assigned to each Written Representation (WR) in the Examination library

^v Reference number assigned to any other document in the Examination library

^{vi} This refers to parts 1 to 3 of the Book of Reference:

- Part 1, containing the names and addresses of the owners, lessees, tenants, and occupiers of, and others with an interest in, or power to sell and convey, or release, each parcel of Order land;
- Part 2, containing the names and addresses of any persons whose land is not directly affected under the Order, but who "would or might" be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965, as a result of the Order being implemented, or Part 1 of the Land Compensation Act 1973, as a result of the use of the land once the Order has been implemented;
- Part 3, containing the names and addresses of any persons who are entitled to easements or other private rights over the Order land that may be extinguished, suspended or interfered with under the Order.

^{vii} This column indicates whether the Applicant is seeking compulsory acquisition or temporary possession of land/ rights

^{viii} CA = compulsory acquisition. The answer is 'yes' if the land is in parts 1 or 3 of the Book of Reference and National Grid are seeking compulsory acquisition of land/ rights.