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**Environment, Planning and
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BY EMAIL ONLY

15 January 2019

Dear Mr. Smith,

**Re: Application by Vattenfall Wind Power Limited for an Order Granting
Development Consent for the Thanet Extension Offshore Wind Farm –
Response to Examining Authorities First Written Questions.**

Following the Planning Inspectorate's Rule 8 letter, dated 18 December 2018, Kent County Council (KCC) submits its response to the First Written Questions.

This letter should be read in conjunction with KCC's Local Impact Report and Written Representation, where a general update on the principal submissions outlined in its Relevant Representation is provided.

**Biodiversity, Ecology and Natural Environment (including Habitats Regulations
Assessment (HRA))**

1.1.39

**Saltmarsh Mitigation, Reinstatement and Monitoring Plan: Effects of
Permanent Loss of Saltmarsh**

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'.

a) With regard to this separate document, please could the applicant outline:

- its scope and purpose
- its current status
- the intended timetable for production
- whether or not it is intended to be submitted during this Examination
- any consultation undertaken or planned; and,

- how the measures contained therein would be secured.
- b) The views of the local authorities, Natural England and the Environment Agency on the above points (i-vi) are invited.

KCC response

b) The new, separate document relating to the permanent loss of saltmarsh is an important document for the applicant to demonstrate that appropriate mitigation can be implemented, the site will be monitored, and additional works implemented, if the monitoring identifies the habitat is not re-establishing as proposed. This does therefore need to be submitted by the applicant. KCC also advises that mitigation is based on the results of saltmarsh monitoring from similar projects.

1.1.40

Saltmarsh Mitigation, Reinstatement and Monitoring Plan: Recovery Assumptions

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.

- 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?
- b) What are the potential options for managing this eventuality?

KCC response

a) This needs to be addressed within the Saltmarsh Mitigation, Reinstatement and Monitoring Plan. It needs to clarify the minimum number of years that saltmarsh monitoring will be carried out and detail the measures to be implemented if the habitat establishment has not occurred at the end of the time period. There will be a need for funding information for the re-establishment of the saltmarsh, which would need to be at the applicant's expense.

Townscape, Landscape, Seascape and Visual

1.16.1

Onshore and Seascape Landscape and Visual Impact Assessment (LVIA)

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?

KCC response

Within Options 1 and 3 for the cable route, the design, landscape and visual mitigation is adequate and takes considerations around public access, recreational use and park management into account. However, the cumulative impact with the Nemo link needs to be better understood by the applicant. There is a possibility of the two cables running parallel to each other (even if trenched) and firmer measures need to be in place to ensure a 'valley' feature is not created, which will adversely affect the management and access of the park.

KCC acknowledges that Option 2 has been removed from the DCO application. The Local Impact Report details the specific LVIA measures to be taken for Options 1 and 3.

1.16.2

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 document?

KCC response

- a) KCC is satisfied with the proposed landscape screening measures at the substation.

b) As detailed in the Local Impact Report, within Option 1 (HDD), it is stated in the Outline Landscape and Ecological Mitigation Plan (OLEMP) that a larger work area will be required (around 50x60m). It is unlikely this will be possible in the area outlined as the 'works area', as this space is not available on site. This is due to the proximity of the main road, the sustrans path and the NEMO bund leaving little space to develop a work area. The allocated space within the OLEMP will need to be reviewed with the relevant KCC officers to redetermine the 'works area'.

Within Option 3 (open trenching), the England Coast Path (ECP) will be affected, if not temporarily closed, due to the planned works. The applicant should work closely with relevant KCC officers to ensure the path is adequately re-routed to allow access across the park, whilst the works are undertaken. The OLEMP states that 'where possible, soils will be carefully restored'. This will need to be looked at in detail with KCC officers to agree the reinstatement of the soil and a method of colonisation of vegetation.

KCC would also stipulate that any stock fencing (added or removed) during the proposed works for the onshore cabling is carried out by an approved KCC contractor and at the applicant's expense.

1.16.3

Landscape and Visual Effects of Cable Alignments in Pegwell Bay Country Park and National Nature Reserve

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.

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.

- 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).

KCC response

a) KCC's preference is for the Transition Joint Bay (TJB) to be underground, as this will reduce the impact on access and recreation in the Park. If the TJB is sited overground, this will adversely affect the flat coastal path. Under Option 1, the sea wall would be kept as it currently is. Under Option 3 (trenching), if the England Coast Path (ECP) is temporarily diverted, KCC would like to see the entire section of the coast path upgraded within the Country Park, as the construction work is carried out. The position of the TJB within the Red Line Boundary (RLB) needs to be agreed with KCC and sited away from the busy crossroads area of the internal path structure. This would not only reduce disruption to walkers, but also reduce the need to reinstate the public walkway.

b) Within Option 3 (trenching), if the planned route is centered within the RLB, this will result in the trench and TJB being sited on the busiest section (crossroads) of the Country Park. The OLEMP states that 'where possible, soils will be carefully restored'. Reinstatement of soil and the method of recolonisation of vegetation will need to be agreed with KCC, as set out in OLEMP section 2.1.7 – 2.1.12. It would be sensible to keep the trench line away from the footpaths altogether.

c) KCC has no comments on this question.

1.16.4

Offshore Works

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 taken and why?

KCC response

KCC has no comments on this question.

Transportation and Traffic

1.17.4

Management of Construction Traffic Effects

From your standpoint as a Highway Authority and LPA, are you content that construction traffic effects are adequately managed?

KCC response

KCC is satisfied that the impact on the wider highway network is acceptable. The principles of site access points, traffic management and mitigation during construction are acceptable, but the detailed measures for each access point will need to be agreed through submission of the Construction Traffic Management Plan. These detailed measures will need to include; appropriate visibility splays, temporary signage/traffic management measures, suitable parking and turning facilities for all vehicles, and construction details for new access to/from the highway. KCC is satisfied that such appropriate measures can be agreed for each access point.

1.17.5

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 your area of responsibility are adequately managed?

KCC response

KCC is satisfied that operational traffic effects are adequately managed.

Water Environment

1.18.5

Risks to Controlled Waters

Cable Landfall Options 1 and 3 would involve running underground cables through the historic landfill site at Pegwell Bay.

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?

KCC response

KCC supports the measures proposed, as they demonstrate an appropriate degree of understanding of the potential engineered difficulties that may be present. At present, KCC is unsure of an agreement that either Thanet District Council, the Environment Agency or KCC might be able to legally provide. This could be in the form of a license or wayleave across KCC land, suitably caveated to deal with any long-term problems associated with the engineering works.

The former landfill site is monitored on a regular basis for ground and surface water and landfill gas. Assessments on site performance are continually undertaken and the current Environmental Assessment Report dates from 2016. These reports are routinely prepared on a two to three-year cycle and contain a wealth of baseline data, narrative and conclusion.

1.18.6

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.

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?

KCC response

KCC has no comments on this question.

1.18.7

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 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.

- 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?
- 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?

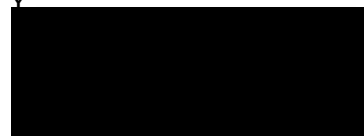
KCC response

a) KCC recognises there is a lack of baseline information for the site investigation works. The site investigation works have not been carried out prior to the DCO and this gives considerable cause for concern, as the definitive engineering method is not yet confirmed (option 1 or 3). As there are two current options for cabling, the mitigation measures and impact of the route are unknown at present.

b) KCC can confirm that the array of mitigation measures are unknown at this stage. KCC looks forward to working with the applicant and Planning Inspectorate as the project progresses through the Examination process and will welcome the opportunity to comment on matters of detail further, as may be required throughout the Examination.

Should you require any additional information or clarification, please do not hesitate to contact me.

Y



Stephanie Holt-Castle

Interim Director - Environment, Planning and Enforcement