

Vattenfall Wind Power Ltd

Thanet Extension Offshore Wind Farm

Appendix 30 to Deadline 1: Written Summary of
Vattenfall's Oral Case put at the Issue Specific
Hearing 1 and Annexes

Relevant Examination Deadline: 1

Submitted by Vattenfall Wind Power Ltd

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Revision A

Drafted By:	GoBe, Apem, Brown and May Marine, Op-En
Approved By:	Daniel Bates
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1 Introductory Remarks

- 1 This note summarises the Applicant's case as presented at the Issue Specific Hearing held on 11 December 2018 at the Discovery Park, Ramsgate Road, Sandwich (the "IS Hearing").
- 2 The note follows the structure of the Agenda for the Issue Specific Hearing on Tuesday 11 December 2018 ("the Agenda"). Where an item was discussed at the IS Hearing that was not on the Agenda it has been marked as an "Additional Agenda Item".

1.2 Introduction of the Participating Parties

- 3 Scott Lyness of Counsel (Landmark Chambers) spoke on behalf of the Applicant.
- 4 Oral representations were made from the following interested parties:
 - MCA
- 5 Oral representations by way of responses were made by the following:
 - Simon Martin;
 - Roger Buisson;
 - Sally Kazer;
 - Jonathan Keer;
 - Jamie Holmes; and
 - Ed Rogers.

2 Agenda Item 2 Landscape, Seascape and Visual Impacts Outside the United Kingdom

6 The Applicant was requested to present the approach taken to assessing and documenting seascape, landscape and visual impacts outside the United Kingdom (UK).

7 *The ExA asked the Applicant to present the approach that it has taken to assessing and documenting landscape, seascape and visual impacts on key receptors outside the United Kingdom.*

8 The ExA confirmed that this is not an item that burdened the French government, but there were a few matters that the ExA wished to raise in relation to landscape, seascape and visual impacts on key receptors outside the territory of the United Kingdom (UK).

9 Simon Martin, Associate, Optimised Environments Ltd (OPEN) for the Applicant introduced the approach taken to assessing seascape, landscape and visual impacts outside the UK.

10 OPEN undertook the seascape, landscape and visual impact assessment (SLVIA) presented in Chapter 12 of the ES (PINS Ref APP-053).

11 *The ExA asked the Applicant for a sense of greater detail with regards to seascape, landscape and visual effects outside the UK.*

12 Mr Martin confirmed that, fundamentally, there has been no specific concerns or relevant representations raised on this matter by the government of France or other European states.

13 The approach taken to effects outside the UK has therefore been embedded within the overall SLVIA approach, which could be described with reference to the study area for the SLVIA and the transboundary statement in the SLVIA Chapter 12 of the ES (PINS Ref APP-053).

14 Mr Martin explained that the definition of a study area is an important and established part of SLVIA, which is recommended in LVIA guidance. The rationale for the 45 km radius SLVIA study area is explained in section 12.4 of the ES and the SLVIA study area is shown in Figure 12.3 of the ES.

15 *The ExA questioned if a Zone of Theoretical Visibility (ZTV) had been prepared.*

- 16 Mr Martin pointed to **Figure 12.4** of the ES, which shows the blade tip ZTV for Thanet Extension and highlighted the 45km radius study area shown in this figure. The ZTV influenced the definition of the study area. Mr Martin noted that the coastline of France is situated approximately 47km from Thanet Extension, at its closest point near Calais.
- 17 By reference to the EIA regulations 2017, the 45km study area was defined to extend far enough to include all areas within which significant effects could occur, using professional judgement.
- 18 The SoS scoping opinion recognises the rationale behind the 45km radius study area, on the basis of it being an outer limit where significant effects could occur and noted that justification of this should be included within the ES. This justification is provided in detail at paragraph 12.4.13 *et seq* of the SLVIA ES chapter (PINS Ref APP-053).
- 19 *The ExA questioned the SLVIA approach in relation to theoretical visibility beyond 45km, whether it would show some continuing visibility. The ExA noted that there is a zone overlapping with the French coast.***
- 20 Mr Martin confirmed with reference to Figure 12.4 on screen, that it was correct that the extent of visibility carries on beyond the 45km study area and is not 'clipped' to the study area. Guidance (SNH, 2017) recommends that the ZTV is shown to the full map page extent as this allows users to see the theoretical visibility beyond the study area. The ZTV (Figure 12.4) therefore shows theoretical visibility from France, even though it is outside the study area.
- 21 *The ExA questioned that there were viewpoints in the UK at distance of around 45 km or just outside the study area (Viewpoints 27, 28 and 29)***
- 22 Mr Martin confirmed that these viewpoints from long distance UK receptors were included based on the specific consultation the applicant had with stakeholders in Essex (coastal District Councils) on the study area at that point.
- 23 Mr Martin noted that these long distance viewpoints 27, 28 and 29 in the UK (shown in the ZTV in Figure 12.4 and wirelines in Figures 12.53, 12.54 and 12.55) (PINS Ref APP-128) provide a reasonable proxy for comparison of the potential visual effect of Thanet Extension from France at similar distances (at or beyond 47km).
- 24 *The ExA asked whether the applicant had any consultations with France about if there were any specific receptors that ought to be assessed.***

- 25 Mr Martin explained that there was no SLVIA specific consultation with the French government / agencies, as these consultations were embedded in the rest of the consultation process on transboundary impacts.
- 26 ***The ExA asked if the Applicant would have received any formal consultation responses that were specific to landscape, seascape and visual impacts on key receptors outside the United Kingdom, would they have been assessed.***
- 27 Mr Martin confirmed that receptors and representative viewpoints would have been considered and assessed, had they been requested by France or other European states.
- 28 ***The ExA asked whether in terms of obtaining what the visual impact may be at that distance (equivalent to the nearest point on the French coast), were the viewpoints included sufficiently good indicators of this potential impact.***
- 29 Mr Martin confirmed that the long distance viewpoints in Essex (Viewpoints 27, 28 and 29) provide a sufficiently good indicator of the potential scale of visual effect that may be experienced from the closest parts of the French coast.
- 30 Viewpoint 29 (***Figure 12.55***) is identified as being the best indicator, since it provides an open view across open sea, without for example, being restricted by intervening offshore wind farms that are visible in the foreground in other views e.g. Viewpoint 27.
- 31 Mr Martin noted that they are representative of the closest areas of France, at approximately 47km near Calais. The visual effect resulting from the French coast that extends east at longer distances away (towards Dunkirk) is less than that shown in these viewpoints.
- 32 ***The ExA explained that they haven't fully concluded if they ought to complete a site inspection. It is clear that they are auditing a number of identified receptors in the UK, but there are no specific receptors to assess in France. Whether the French government are interested in these effects or not, there is a proportionality work ethic burden on the ExA and on the Applicant. The ExA confirmed that this conversation with the Applicant has helped find the relevant balance for a sensible process for assessment of seascape, landscape and visual effects outside the UK.***
- 33 Mr Martin noted that the discussion had focused on visual effects and that the effects of Thanet Extension on seascape character in France is also assessed in ***Section 12.10*** of the ES. This includes an assessment of seascape character areas (SCAs) within French waters (as shown in ***Figure 12.12a-b***).

- 34** *The ExA was reminded that there is an issue about relative elevation of potentially sensitive receptors and viewpoints on the French coast which may be different to the UK coast. The French coast may be different to the configuration and low elevation of the Essex coast, which protects these areas, to a degree that the French coast could at least theoretically be exposed to. The ExA questioned whether those factors taken into consideration.*
- 35 Mr Martin replied that these factors had been taken into consideration in the SLVIA. Viewpoint 29 provides a good proxy for long distance views across open sea at around 45km from Thanet Extension, from a low-lying coastal location (approximately 5m above ordnance datum (AoD)).
- 36 The elevation of the closest parts of the French coastline between Calais and Dunkirk has found to be of generally similarly low-lying elevation, often between 0-10m in height AoD and therefore comparable to the elevation of the Essex coastline and the viewpoints located in Essex.
- 37 Parts of the French coast, such as further to the west of Calais are locally more elevated, for example around the Cap Gris Nez, and are likely to be more comparable to elevations of the Dover coastline on the other side of the English Channel.
- 38 Mr Martin referred the ExA to viewpoints included in the SLVIA from elevated positions on the Dover coast in the UK, including Viewpoint 10 (St Margaret's at Cliffe), Viewpoint 23 (South Foreland Lighthouse) and Viewpoint 24 (Dover Castle), however cautioned that these viewpoints were located closer to Thanet Extension at 30-35km, than the nearest part of the French coastline at 47km. The visibility of the Thanet Extension and scale of visual effect was therefore likely to be notably lower from the closest parts of France than these viewpoints in Dover.
- 39 Supplemental to the ZTV in Figure 12.4 of the ES, a further ZTV has been produced for the ExA's consideration (Annex A to this document), which takes account of the elevation of the French coast using a digital terrain model (DTM) representing the landform in France.
- 40** *The ExA stated that they had already visited these viewpoints in Dover as part of their unaccompanied site visit (23rd October), however there was a need to revisit these because visibility on that day was poor.*
- 41** *The ExA confirmed that they have a much clearer appreciation of the Applicant's starting point and as there were no requests for specific receptors, on that basis they were content to move on to the next matter. There were no other interested parties who wished to raise matters in relation to this item.*

42 ***There were no other actions requested by the ExA.***

3 Agenda Item 3 Biodiversity Effects and Matters Relevant to Habitats Regulations Assessment (HRA) Arising from France and French Waters

3.1 Agenda Item 3 (a) Bird Species, 3 (c) European Sites and (d) Other protected sites/ habitats

43 Dr Roger Buisson, Principal Ornithologist and Mr Sean Sweeney, Ornithology Technical Specialist, APEM Ltd on behalf of the Applicant addressed matters relevant to offshore ornithological receptors - birds - and the European Sites and other protected sites / habitats for which they are interest features.

44 The following agenda items were covered:

- Agenda Item 3: Biodiversity Effects and Matters Relevant to HRA Arising from France and French Waters
- Agenda Item 4: Biodiversity Effects and Matters Relevant to HRA Arising from Other Countries

45 Dr Buisson noted that no representations have been received from countries other than France (Agenda Item 3) that relate to birds and the sites / habitats for which they are interest features. Accordingly, Agenda Item 4 would not be spoken to unless raised by the Examining Authority.

HRA screening Process for birds

46 Dr Buisson explained that the HRA screening process was carried out in a stepwise process originally presented in the HRA Screening Report (PINS Ref APP-032/ Application Ref 5.2.1) and updated in the Report to Inform Appropriate Assessment (PINS Ref APP-031/ Application Ref 5.2). Within the HRA Screening Report (APP-032) the stepwise process is summarised in Section 3.2 and Figure 3.1 and the detail of the screening criteria applied for the initial identification of European and Ramsar sites given in Section 7.2 and Table 7.1. Paragraphs 7.2.4 and 7.2.5 (PINS Ref APP-032/ Application ref 5.2.1) note the additional criteria applied to offshore birds. Within the Report to Inform Appropriate Assessment (PINS Ref APP-031/ Application ref 5.2) the stepwise process is summarised in Section 2.3 and Figure 2.1 and the detail of the screening criteria applied for the initial identification of European and Ramsar sites given in Section 7.2 and Table 7.1. Paragraph 7.2.2 (PINS Ref APP-031/ Application Ref 5.2) notes the additional criteria applied to offshore birds.

- 47 Dr Buisson explained that the screening process was carried out in accordance with best practice and published guidance including that produced by The Planning Inspectorate (The Planning Inspectorate, 2017).
- 48 Dr Buisson explained that the screening process was discussed with Natural England through the Evidence Plan process and described in the EIA Evidence Plan Report (PINS Ref APP-137/ Application Ref 8.5).
- 49 Dr Buisson explained that this screening process was applied to transboundary sites, including the sites in French waters, in the same way that it was applied to UK sites.
- 50 Dr Buisson explained that the first step in the screening process was to apply a filter to ensure that all bird species were included that were known to occur in the Thanet Extension offshore array ornithology study area (the area of the proposed array and a 4 km buffer) in more than very small numbers and was described in the Offshore Ornithology Baseline Technical Report (PINS Ref APP-077/ Application Ref 6.4.4.1).
- 51 That determination of the bird species to include in the Offshore Ornithology Baseline Technical Report (PINS Ref APP-077/ Application Ref 6.4.4.1) was based on the 26 consecutive months of offshore survey data available. In order to provide the Examining Authority with clarification (following on from the brief verbal explanation provided during ISH1) on the approach taken to filter bird species for inclusion in the detailed accounts in the Offshore Ornithology Baseline Technical Report (PINS Ref APP-077/ Application Ref 6.4.4.1) the following criteria/thresholds were applied:
- All species only recorded on a single occasion within the Array Area were omitted
 - All species only recorded within the 4 km buffer (and not the Array Area) on three or less occasions were omitted
 - All species only recorded on a single occasion within the Thanet OWF were omitted

- 52 The list of birds occurring in very small numbers or very infrequently (in accordance to the criteria / thresholds set out in the above bullets) is given in Section 5.2 of the Offshore Ornithology Baseline Technical Report (PINS Ref APP-077/ Application Ref 6.4.4.1). The raw counts, abundance estimates and densities of all those species omitted from detailed species accounts within the Offshore Ornithology Baseline Technical Report (PINS Ref APP-077/ Application Ref 6.4.4.1) were included within the appendices of the same document. The logic of this part of the screening process that was being applied was that if a species occurred in very small numbers or very infrequently then the assessment of potential impacts at an EIA and HRA level could only be no more than negligible.
- 53 Dr Buisson explained that after that first step a series of screening criteria were applied that is given in Section 7.2 and Table 7.1 of the Report to Inform Appropriate Assessment (PINS Ref APP-031/ Application Ref 5.2). The five criteria that were applied to SPA or Ramsar sites with bird interest features were:
- i. SPA or Ramsar site overlaps with Thanet Extension boundary
 - ii. SPA or Ramsar site overlaps with the potential extent of impacts associated with/ emanating from Thanet Extension
 - iii. SPA or Ramsar site has interest features that nest and raise their young within that protected site during the breeding season and forage offshore during the breeding season to feed their young
 - iv. SPA or Ramsar site has interest features that nest and raise their young within that protected site during the breeding season and subsequently occur in the region of Thanet Extension outside of the breeding season, either on migration (passage) or throughout the winter
 - v. SPA or Ramsar site has interest features that use that protected site in the non-breeding season (i.e. they are not breeding interest features) and subsequently occur in the region of Thanet Extension on migration (passage)

Application of the HRA screening process for birds to French waters

- 54 Dr Buisson noted that the screening process and the criteria listed above were applied to transboundary sites, including the sites in French waters.

- 55 Dr Buisson explained that the Report to Inform Appropriate Assessment (PINS Ref APP-031/ Application Ref 5.2) set out the application of the process to two sites in French waters - Bancs des Flandres SPA and Cap Gris Nez SPA. These two sites are the nearest transboundary SPAs with offshore or marine bird interest features. Only these two French sites had the screening process described in detail in the Report to Inform Appropriate Assessment (PINS Ref APP-031/ Application Ref 5.2). This was because a logical step wise process was being applied that if these two close sites were screened out then any transboundary sites further away are, by logical extension, also screened out.
- 56 Dr Buisson noted that the submissions from the French Government on 17th October 2018 (OD-009) and of 10th December 2018 (AS-006) identified four SPAs that they considered should have been included in the screening process:
- Bancs des Flandres SPA
 - Cap Gris Nez SPA
 - Estuaire de la Canche SPA
 - Littoral Seineo-marin SPA
- 57 Dr Buisson explained that the location of these four sites is illustrated on the new Figure that has been provided for ISH1 (provided in Appendix 27 to Deadline 1 (Applicant responses to ExQ1)). The two closest sites, Bancs des Flandres SPA and Cap Gris Nez SPA, were screened out as described earlier. The other two sites, Estuaire de la Canche SPA and Littoral Seineo-marin SPA, are further away from Thanet Extension than either Bancs des Flandres SPA or Cap Gris Nez SPA at ~100 km and ~160 km respectively. As described above in the screening process, if a closer transboundary site with the same interest feature(s) have been screened out then any transboundary sites further away are, by logical extension, also screened out. For this reason the Estuaire de la Canche SPA and Littoral Seineo-marin SPA have been screened out.

Comparison of the outcome of the HRA screening process for birds for UK waters and French waters

- 58 The Examining Authority asked ***if those sites raised by the French Government were in UK waters, had been screened by the process described and had been screened out, would that have raised anything that Natural England might find disconcerting?***

- 59 Dr Buisson explained that the difference in screening outcomes between sites along the French Channel coast and sites along the North Sea coast of England and Scotland arose because of the migratory behaviour of the birds concerned. For birds breeding at sites in England and Scotland to the north of Thanet Extension there is the possibility that as they move down on migration through the southern North Sea they might pass across or by the site of the proposed Thanet Extension. For that reason, a number of such coastal sites with seabird breeding colonies were screened in.
- 60 Dr Buisson explained that with respect to the French sites the migratory movements of the breeding bird populations are southward and as a result of that they do not pass across or by the site of the proposed Thanet Extension. That is why the outcome of the screening of English and Scottish sites differs to that of the French sites.
- 61 Dr Buisson noted that at the screening stage the assessment team applied its technical understanding of bird migratory movements but as it is a qualitative process at that stage, the reporting of that screening process did not include the detail of our understanding of migratory movements as set out in the scientific literature.

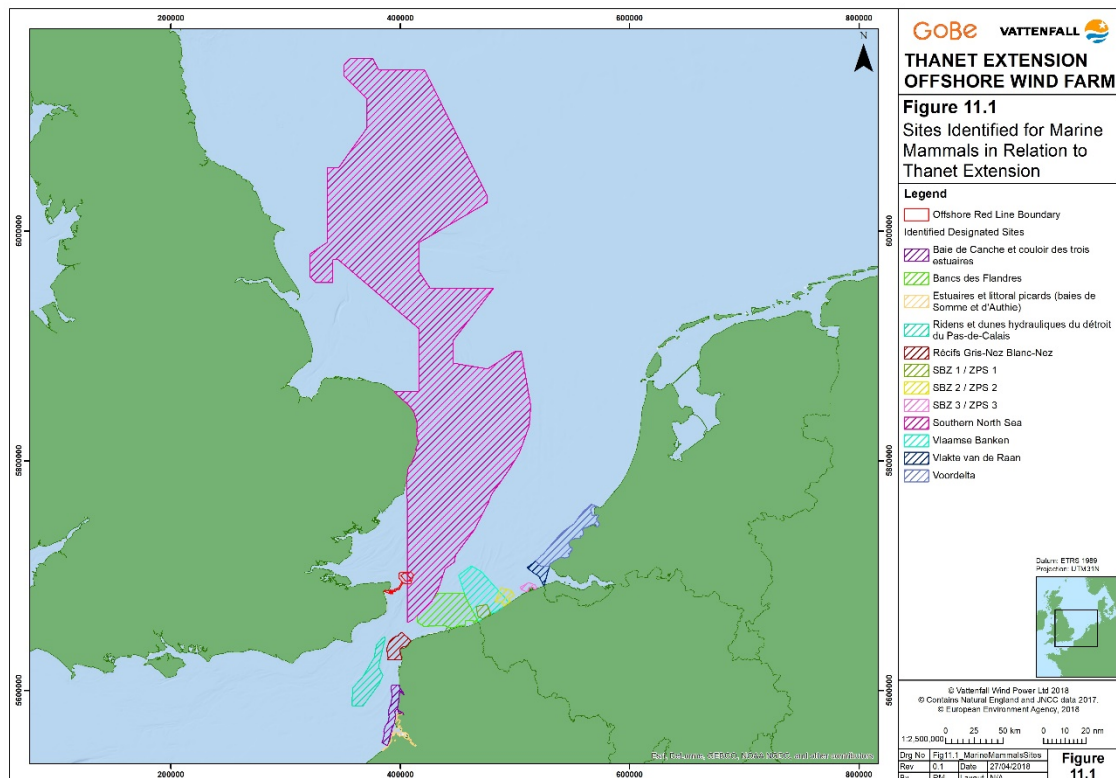
Screening of the potential for in-combination impacts on birds using French waters

- 62 The Examining Authority asked ***how had the French sites been factored in to the in-combination assessment?***
- 63 Dr Buisson explained that in the screening of other projects and the bird species to be considered in the in-combination assessment, the process had included accounting for factors such as the migratory behaviour of birds as described earlier and the existing body of knowledge about potential in-combination impacts of offshore wind farms. The result of the in-combination screening process was that there was a focus on gannet and kittiwake, which breed at French sites. These two species undergo southward migratory movements from their French breeding sites, as described with reference to migratory behaviour of birds from more northerly breeding sites within the UK. This means that the French sites with breeding gannet and kittiwake were screened out because these two species do interact with the proposed Thanet Extension site or other UK offshore wind farms further to the North.

3.2 Agenda Item 3 (b) Marine Mammal Species and 3 (c) European Sites

- 64 Sally Kazer, Principal Consultant, GoBe Consultants Ltd, for the Applicant provided a response to questions in relation to marine mammals and European Sites in French waters, as summarised below.

- 65 Please note that this Oral Case includes reference to Figure 11.1 from the RIAA, which is provided below for completeness.



- 66 ***The questions were asked by the ExA in response to the Regulation 32 response received from the Ministère de la Transition Ecologique et Solidaire on 10/10/2018 in French***¹. A translation of that letter is provided in Appendix 27, Annex A of the Applicant's Deadline 1 Submissions. It is noted that a further response was received from the Ministère de la Transition Ecologique et Solidaire² on the morning of 11/12/2018 (the day of the ISH1), however insufficient time was available during the day for full discussion on that. It was however noted by the Applicant that the letter did not appear to contain anything materially new from that provided within the Regulation 32 response. A request was made by the ExA to provide a written response to both letters by Deadline 1. That response is contained in Appendix 27 of the Applicant's Deadline 1 Submission for marine mammal and for ornithological issues.

¹ [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010084/EN010084-000796-Regulation%2032%20Response%20from%20France%20\(17%20October%202018\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010084/EN010084-000796-Regulation%2032%20Response%20from%20France%20(17%20October%202018).pdf)

² <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010084/EN010084-000886-Response%20to%20rule%206.pdf>

Screening

- 67 ***The first question asked by the ExA relates to screening, specifically the concern raised by the French in relation to uncertainty regarding the screening ranges applied, specifically how the 26km range applied for harbour porpoise has been derived.***
- 68 Sally Kazer (SK) noted that it is the 26km screening ranges that resulted in all but one transboundary site being screened out of LSE for harbour porpoise, with just Bancs des Flandres remaining screened in. SK highlighted that the range has been derived from Table 2 of the 'Draft Conservation Objectives and Advice on Activities' prepared by the JNCC for the Southern North Sea cSAC, which in turn draws on published literature (eg Dahne et al 2013 and Tougaard et al, 2014). The EDR is defined by Tougaard et al. (2014) as reflecting the overall loss of habitat that would occur if all animals vacated an area with a radius of the EDR around the pile driver, being equivalent to the mean loss of habitat per animal. More noise-tolerant animals will lose less than this mean area, while less noise-tolerant animals would lose more. The ExA request clarification of the JNCC reference, and SK confirmed that it relates to JNCC (2016). That reference is available on the JNCC website³.
- 69 Table 2 of JNCC (2016) found that 'A Habitats Regulations Assessment (HRA) will be considered for all new developments (coastal and marine) using pile driving within the site or within 26km'. In practice, that means that any piling activity located beyond 26km is not included within the assessment. 26km has been applied, in agreement with Natural England, as a maximum range from all noisy activities at Thanet Extension in relation to sites designated to harbour porpoise.
- 70 Effectively it is a screening range that focuses on enabling access to habitat through managing displacement from underwater noise.
- 71 ***The ExA requested further clarification on the 26km screening range to be provided for Deadline 1, with that information provided within Appendix 27.***

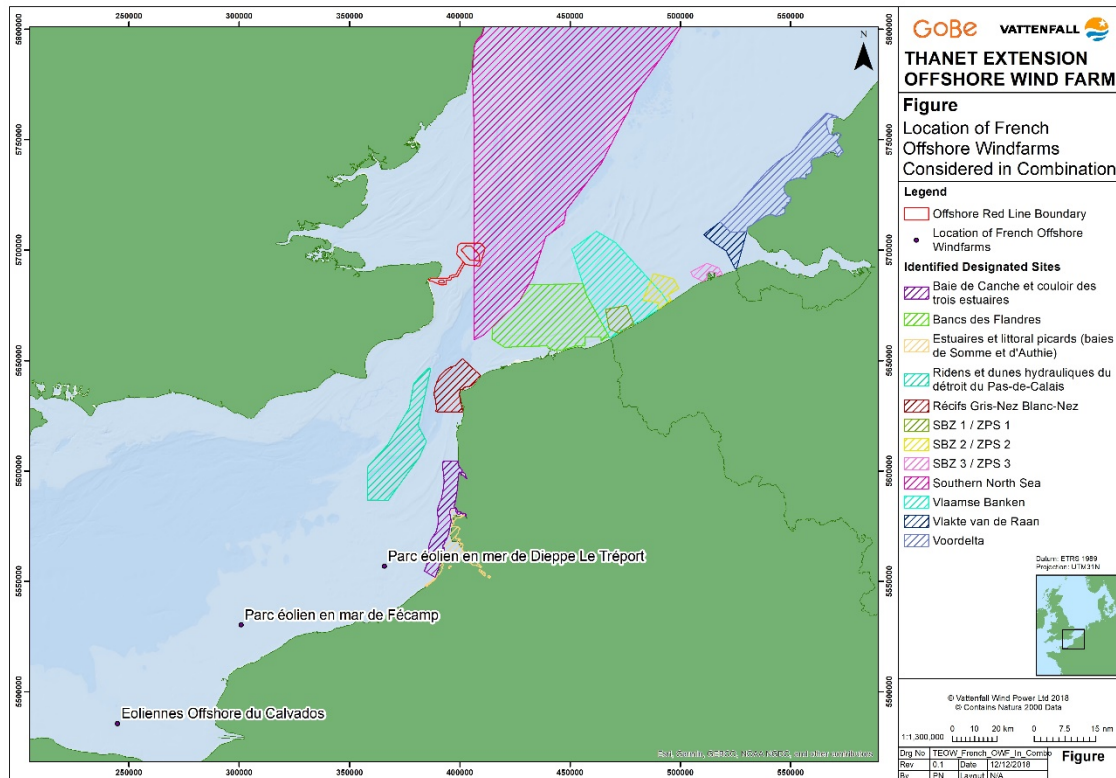
In-combination

- 72 ***The ExA also requested clarity on the projects considered in-combination.*** The differing names applied to French OWF lead to some uncertainty as regards which projects are being referenced. The projects referred to in the French responses are:
- Fecamp;

³ <http://jncc.defra.gov.uk/pdf/SouthernNorthSeaConservationObjectivesAndAdviceOnActivities.pdf>

- Courseulles-sur-mer; and
- le Treport.

73 As requested by the ExA, the location of each of these is shown in the figure below.



74 Sally Kazer confirmed that all projects considered in-combination were assessed on the same basis, regardless of the member state within which they were located. The screening process took into account the following:

- Timing of the works; and
- Range to the designated site(s).

- 75 For the three projects flagged by the French Ministère de la Transition Ecologique et Solidaire for consideration in-combination, all have been considered according to the criteria applied. Construction at Fecamp has potential to overlap in time with construction at Thanet Extension, although no specific information on the timeframe was available for inclusion within the assessment, but is relevant to in-combination effects at some of the marine mammal transboundary sites for grey seal and harbour seal only (not harbour porpoise). le Treport (referred to in the RIAA as Dieppe le Treport) had an unknown timeframe for construction but had the potential to contribute to an in-combination effect at some but not all of the marine mammal transboundary sites for grey seal and harbour seal (not harbour porpoise). Courseulles-sur-mer (also referred to as Calvados or Parc éoliennes cour seulles sur mer) is located in excess of 145km (the maximum screening distance applied for any marine mammal species) from all marine mammal transboundary sites screened in and Courseulles-sur-mer was therefore screened out from the in-combination assessment.
- 76 For marine mammals, the timeframe for Fecamp and le Treport meant these projects were screened out from further consideration – essentially because no construction timeframe was available on which to make an assessment. Timeframe of construction is a key point for assessments of underwater noise. The approach, which is followed through in the tiering of projects, is a standard approach to screening for in-combination projects in the UK.
- 77 The ExA requested that a review of the tiering of French projects in-combination be carried out, to check if the existing assessment remains valid. That information is provided in response to the ExA ISH1 Action Points (PINS Ref EX-002) which is Appendix 27 to this Deadline 1 submission.

Unexploded Ordnance

- 78 The ExA noted that during a subsequent ISH questions may be asked regarding UXO and French waters. UXO are not mentioned specifically in any of the French responses.

Further issues

- 79 ***The ExA asked if there was anything the Applicant would like to add.***

80 SK noted that the Applicant had made recent enquiries through their French colleagues into the status of the designated sites, with the information provided confirming that none of the French Natura 2000 SCIs referred to in the French correspondence have conservation objectives attached to them⁴. The furthest along in the process to establishing these is Bancs des Flandres, but nothing is available as yet. Further, SK noted that no methodology for assessing impacts on harbour porpoise has been sourced through searches or through the Applicants enquiries. In the continued absence of conservation objectives, against which determination of effect is made on a SCI, together with a lack of guidance on how an assessment should be conducted, it is considered reasonable to apply the tried and tested UK approach, which has been developed in consultation with Natural England and JNCC in the UK, to all sites considered for harbour porpoise in the HRA process.

References

- Dahne, M., Gilles, A., Peschko, V., Krugel, K., Sundermeyer, J. and Siebert, U. (2013). Effects of pile-driving on harbour porpoises (*Phocoena phocoena*) at the first offshore wind farm in Germany. *Environmental Research Letters*, Volume 8, Number 2.
- JNCC (2016). Harbour Porpoise (*Phocoena phocoena*) possible Special Area of Conservation: Southern North Sea Draft Conservation Objectives and Advice on Activities.
- Tougaard, J., Buckland, S., Robinson, S. and Southall, B. (2014). An analysis of potential broad-scale impacts on harbour porpoise from proposed pile driving activities in the North Sea. Report of an expert group convened under the Habitats and Wild Birds Directives – Marine Evidence Group.

⁴ <http://reseau-manchemerdunord.n2000.fr/>

4 Agenda Item 4 Biodiversity Effects and Matters Relevant to Habitats Regulations Assessment (HRA) Arising from Other Countries

- 81 The ExA confirmed that no comments had been received from countries other than France during the transboundary consultation and therefore no questions were asked here.

5 Agenda Item 5 Fisheries Impacts in French Waters

82 *The examining authority asked for clarification of the French data sources and attempts to obtain updated datasets.*

83 JK provided an overview of French consultation, which was undertaken on 14th March 2017 and a subsequent call on 11th April 2017. During the call it was highlighted that activity was by less than five vessels, so the project is within an area of low intensity French activity.

84 JK outlined that Brown & May Marine Limited (BMM) had been in regular correspondence with French authorities in attempts to obtain data. JK highlighted that this had been via French nationals working out of BMM's French office, so there should be not linguistic confusion or national reticence.

85 JK confirmed emails had been issued on 6th February 2018 to Direction des Peches Martimies et de l'Aquaculture (DPMA) with a follow up on 16th May 2018. No Updated VMS data had been forthcoming and therefore document timetable deadlines meant that the baseline and ES had to be compiled without new data. An audit trail demonstrating the efforts made to acquire this data from the French authorities is provided in response to the ExA (ISH1) Action Points document (EV-002) which is included at Appendix 27 of this Deadline 1 submission.

86 *The examining authority asked if there was a financial element to this lack of new data.*

87 JK replied no as there is an expectation that data may need to be purchased and this would be acceptable within regular budget constraints.

88 JK highlighted that the lack of French data has been the case for other UK projects both currently undertaking hearings and those which have recently completed their passage through the planning process.

89 *The Examining Authority requested that BMM provide a document outlining an audit trail of available data, the dates of application for new data and responses if received.*

90 *The Examining Authority also requested an outline of why the data used is seen as robust and still relevant to current fishing activities by the French fleet.*

91 JK confirmed that these documents would be produced.

6 Agenda Item 6 Fisheries Impacts Arising from other Countries

- 92 The ExA confirmed that no comments had been received from countries other than France during the transboundary consultation and therefore no questions were asked here.

7 Agenda Item 7 Shipping, Navigation and Marine Safety Relating to French Waters

- 93 ***The ExA asked whether the Applicant wished to summarise any potential effects in relation to shipping, navigation and marine safety on French waters that emerge as a consequence of the proposed development.***
- 94 JH explained the position that it is the Applicants position that there are no adverse effects on French practices and to French Waters.
- 95 JH presented *Figure 11 'Shipping Routes' of the Navigation Risk Assessment Application Ref 6.4.10.1* showing internationally recognised sea lanes in wider context (see NPS EN-3 2.6.155 and 2.6.161), traffic separation schemes and navigation routes and anchorages.
- 96 JH noted that the project Red Line Boundary is 5nm clear of Traffic Separation Schemes and internationally recognised sea lanes and is also outside of the CALDOVREP IMO Mandatory reporting area and Channel Navigation Information Service (operated by Maritime Rescue Co-ordination Centre in Dover and CROSSS Gris Nez in France).
- 97 The proposed extension is within 12 nm of the UK coast and a further 13 nm from the UK/ France marine border. Whilst shipping is a multinational industry with vessels of many nationalities transiting past the area of the proposed extension, they abide by international regulations and when in territorial or port waters, by local regulations. These impacts are therefore inherently included within the overall shipping and navigation assessment (*Ref Paragraph 10.17 of Volume 2, Chapter 10 (Application Ref 6.2.10) of the Environmental Statement*).
- 98 The study area extends to 5nm beyond the Red Line Boundary. The vessel traffic survey data (in accordance with MGN543) obtained within this study area is a key component of the assessment and inherently includes traffic departing to and arriving from international destinations.

- 99 In terms of re-routing specifically, it should be noted that whilst the project may result in some minor change in distance travelled of vessels in association with displacement by the scheme this is not considered significant in the context of overall journey route distances. For example, the greatest magnitude of route diversion is 3nm which is traffic transiting east/west to the south of the Extension. This is minor in proportion of increased distance on the overall route (for example Zeebrugge to Tilbury which is a transit of circa 200nm relates to a percentage difference of 1 - 1.5%) and equivalent or less than increases that may typically be experienced as part of normal navigation such as avoidance of other obstructions, traffic or weather avoidance or time on station adjustments to allow for pre-planned arrival/departure time/locations. The project does not affect access of vessels to wider navigation routes or Traffic Separation Schemes.
- 100 ***The ExA asked the Applicant to confirm whether they agreed with the MCA's description of how the Traffic Separation Scheme operates.***
- 101 ER noted the importance of terminology and definition around traffic separation, sea lanes, channels and routes. ER confirmed that the risk assessment inherently includes these measures and as they relate to shipping, navigation and maritime safety. A description of Traffic Separation Schemes is provided within *Section 3.4.4 of the Navigation Risk Assessment Application Ref 6.4.10.1* and it is noted that the project boundary is 5nm clear of the TSS (at the closest point of the south eastern corner) and is not impacted by the extension.
- 102 It was noted that MCA have taken an action, ahead of Deadline 1, to provide a summary statement of oral submissions on the implications of the proposed development for international shipping in French waters, which may be drawn to the attention of the French Government.
- 103 It should be noted that the consultation response by DIRM Manche EST- Mer du Nord by email on 10-October-2018 does not indicate shipping and navigation concerns from French authorities.

8 Agenda Item 8. Shipping, Navigation and Marine Safety Relating to the Waters of other Countries

- 104 It was noted by the ExA that there were no persons in attendance representing the interests of the waters of other countries.

9 Agenda Item 9 Any Other Business

105 The ExA confirmed that there no other matters arising under this agenda item and therefore no questions were asked here.

Vattenfall Wind Power Ltd

Thanet Extension Offshore Wind Farm

Appendix 30, Annex A to Deadline 1 Submission:
Zone of Theoretical Visibility extended to 60km

Relevant Examination Deadline: 1

Submitted by Vattenfall Wind Power Ltd

Date: January 2019

Revision A

Figure 1

Blade Tip ZTV - 60km

Legend

- Indicative WTG location
- △ TOWF
- Offshore Red Line Boundary
- 5km Radii
- - - 45km SLVIA Study Area
- ▭ Local Authority Boundary

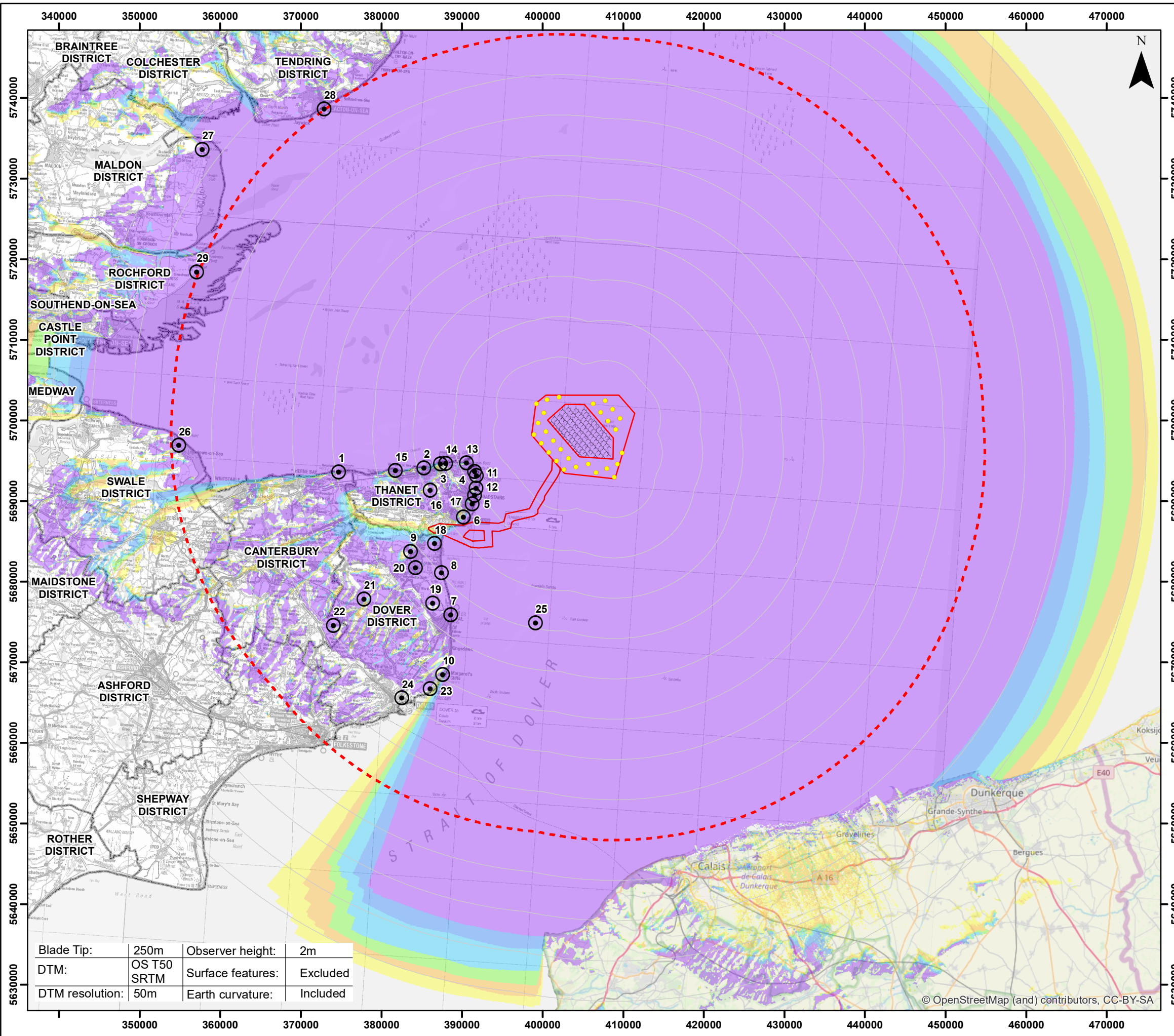
Blade Tip ZTV
No. of Blade Tips Visible

1 - 5	11 - 14	20 - 25
6 - 10	15 - 19	26 - 28

⊙ **Viewpoint Location:**

- 1 - Reculver Country Park, Thanet Coastal Path
- 2 - West Brook POS (Margate)/Thanet Coastal Path
- 3 - Margate Harbour Wall (Turner Arts Gallery)
- 4 - Kingsgate/North Foreland, Coastal Path
- 5 - Broadstairs Promenade
- 6 - Wellington Crescent, Ramsgate
- 7 - Deal Pier/Promenade
- 8 - King's Avenue/Princes Drive, Sandwich Bay Estate
- 9 - Richborough Castle
- 10 - St. Margaret's at Cliffe (Coastguard Memorial)
- 11 - Joss Bay/North Foreland
- 12 - Stone Bay
- 13 - Foreness Point/Palm Bay
- 14 - Walpole Bay (Margate)
- 15 - Birchington-on-Sea
- 16 - Manston Road, Isle of Thanet
- 17 - Broadstairs, Dumpton Gap
- 18 - England Coastal Path, Sandwich Flats
- 19 - Betteshanger Country Park
- 20 - St Peter's Church, Sandwich
- 21 - Chillenden Mill, PRoW
- 22 - North Downs Way (Kent Downs AONB)
- 23 - South Foreland Lighthouse
- 24 - Dover Castle
- 25 - Trinity Beacon, Goodwin Sands
- 26 - Leysdown on Sea / Warden, Isle of Sheppy
- 27 - Chapel of Saint Peter on the Wall (Maldon District)
- 28 - Clacton-on-sea (Tendring District)
- 29 - Foulness Island (Rochford District)

Datum: ETRS 1989
Projection: UTM31N



Blade Tip:	250m	Observer height:	2m
DTM:	OS T50 SRTM	Surface features:	Excluded
DTM resolution:	50m	Earth curvature:	Included

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1:475,000

Drg No	... SLVIA_Fig1 Add_ZTV_60km	Figure 1	
Rev	0.2	Date	03/12/2018
By	JM	Layout	THET2018

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