

The Infrastructure Planning Commission  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

**Our ref:** KT/2018/124583/02-L01  
**Your ref:** EN010084  
**ID:** 20012595  
**Date:** 15 January 2019

Dear Sir/Madam

**Application for a Development Consent Order - Thanet Extension Offshore Wind Farm**

- **Written Representations on behalf of the Environment Agency**
- **Response to the Examiners Written Questions**
- **Statement of Common Ground – The Applicant and the Environment Agency**

The above matters are to be addressed by Deadline 1 (15 January 2019) as part of the DCO examination.

The following pages will address each of the above points.

If you have any questions, please do not hesitate to contact me.

Yours faithfully

**Ms Jennifer Wilson**  
**Planning Specialist**

Direct dial 0208 474 6711

Direct e-mail [kslplanning@environment-agency.gov.uk](mailto:kslplanning@environment-agency.gov.uk)

- **Written Representations on behalf of the Environment Agency (ID 2001035)**

In our previous representation (4 September 2019) we raised concerns particularly regarding the impact on the saltmarsh at Pegwell Bay and Water Framework Directive assessment. Since that time we have been advised that Landfall Option 2 has been withdrawn by the Applicant, which will mean some of our comments from our original relevant representation have changed.

We wish to reiterate our previous comments made in our relevant representations, however the following sections are amended comments following the removal of Option 2.

**5.11.19 The total maximum area of saltmarsh loss due to the sea wall works described in Table 5.10 is predicted to be 0.0014 km<sup>2</sup>. This equates to 0.13% of the saltmarsh habitat within the Thanet Coast and Sandwich Bay SAC (it should be noted that the saltmarsh is not a feature of this SAC). Given that this habitat is widespread and common throughout the area, this represents a very small footprint compared to the overall extent. The area of permanent loss of saltmarsh has a maximum extent of 18.5 m from the existing sea wall. The saltmarsh in this area of Pegwell Bay extends between approximately 45 – 110 m from the existing sea wall out to a maximum width of 155 m; consequently, the extension to the sea wall will not give rise to any separation of areas of the saltmarsh habitat. While the impacts will be permanent, the impacts will be localised and will not split the habitat; therefore, the magnitude of the impact is assessed as low.**

**Amended Comment:** The above section is no longer relevant as Option 2 which would have resulted in the permanent loss an area of saltmarsh has been removed by the applicant.

**Environment Agency's view of landfall options:**

**Amended Comment:** **Option 2** was the potentially the most damaging of all and could result in permanent fragmentation of a regionally important habitat. We support the removal of option 2 from the application.

**Draft Development Consent Order (DCO)**

**Amended Comment:** We assume the applicant will be submitting an updated draft DCO for consideration following the removal of Option 2.

- **Response to the Examiners Written Questions**

Please see attached table below with our responses to the examiners questions.

## **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](mailto: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**.

## 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:
1.1.39.	The Applicant, Natural England, <b>Environment Agency</b> , Kent Wildlife Trust, Kent County Council, Thanet District Council and Dover District Council	<p><b>Saltmarsh Mitigation, Reinstatement and Monitoring Plan: Effects of Permanent Loss of Saltmarsh</b></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"> <li>• its scope and purpose</li> <li>• its current status</li> <li>• the intended timetable for production</li> <li>• whether or not it is intended to be submitted during this examination</li> </ul> <p>b) The views of the local authorities, Natural England and the <b>Environment Agency</b> on the above points (i-vi) are invited.</p>
		<ul style="list-style-type: none"> <li>• any consultation undertaken or planned; and,</li> <li>• how the measures contained therein would be secured.</li> </ul>

		<p><b>Environment Agency's response:</b> The withdrawal of the landfall option by the applicant (option2) will prevent permanent loss of saltmarsh, therefore the separate document that addresses this issue will no longer be required.</p>
1.1.40.	The Applicant, Natural England, Environment Agency, Kent Wildlife Trust, Kent County Council, Thanet District Council and Dover District Council	<p><b>Saltmarsh Mitigation, Reinstatement and Monitoring Plan: Recovery Assumptions</b> 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>
		<p><b>Environment Agency's response:</b> The key issue that arose from the NEMO link saltmarsh disturbance and restoration was the change to the topography along the cable corridor. Salt marsh communities are extremely sensitive to change in bed level as this affects the extent and duration of tidal emersion. The reinstated sediment that was excavated for the cable trench settled to a level below the adjacent saltmarsh bed level. This was compounded by the impact of compaction by the machinery in the working corridor. This resulted in a tidal breach of the saltmarsh that is damaging the surrounding habitats. Therefore we suggest that the <b>Saltmarsh Mitigation, Reinstatement and Monitoring Plan</b> should cover the potential for change to the current topography and have a plan with a clear timetable to assess the degree of level change pre/post construction and if the levels are significant, an action plan is required to increase the saltmarsh level back to an acceptable level.</p>

--	--	--

<b>1.18.</b>	<b>Water Environment</b>	
1.18.5.	Environment Agency, Thanet District Council, Dover District Council and Kent County Council	<p><b>Risks to Controlled Waters</b> Cable Landfall Options 1 and 3 would involve running underground cables through the historic landfill site at Pegwell Bay.</p> <p><input type="checkbox"/> 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?</p>
		<p><b>Environment Agency's response:</b> We are satisfied risks to controlled waters can be managed by further investigations and appropriate engineering controls on construction activity proposed. Public health risk is for TDC</p>

1.18.6.	Thanet District Council, <b>Environment Agency</b> , Natural England, Kent Wildlife Trust and Kent County Council	<p><b>Controlled Waters: Cumulative Effects Assessment</b></p> <p>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> <p>□ Do Thanet District Council, the <b>Environment Agency</b>, 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?</p>
		<p><b>Environment Agency’s Response:</b></p> <p>We agree that we are not concerned about cumulative residual effects being adverse, whether they have a minor beneficial cumulative effect is perhaps moot, we guess this is based on adding additional cap to part of the landfill where works will be undertaken, so this could be true for that aspect.</p>



1.18.7.	Kent County Council, Thanet District Council and <b>Environment Agency</b>	<p><b>Mitigation Measures as a Result of Site Investigation Works</b></p> <p>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>
		<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 <b>Environment Agency</b> 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>

		<p><b>Environment Agency's response:</b></p> <p>The extent as to which this development is likely to “impact” the environment, based on any disturbance of the landfill materials is considered manageable based on; what we already know of the landfill materials, the extent of proposed activity and the previous experience of Nemo link, so we are satisfied that the SI and the scale of any proposed mitigation measures will be deliverable without significant problems.</p> <p>In relation to the Code of Construction Practice – mitigation measures must be agreed with the Environment Agency prior to works commencing.</p>
--	--	--

Environment Agency

Orchard House Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH Customer services line: 03708 506 506 Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

- **Statement of Common Ground (SoCG) – The Applicant and the Environment Agency (ID 20012595)**

The Environment Agency and the Applicant have a current draft SoCG that is likely to be subject to change as the examination progresses.

The Applicant will be submitting this draft in due course.