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Our ref: 265698
Your ref: EN010084



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Dear Sirs

Natural England Covering Letter regarding Deadline 1 for the Proposed Thanet Extension Offshore Windfarm

The following letter outlines the documents Natural England has submitted to the Examining Authority, as well as our intentions regarding the Issue Specific Hearings (ISH) and an update from the applicant regarding the proposed landfall options. Please see below for further information.

1. Documents submitted to the Examining Authority as part of Deadline 1

The following documents have been submitted:

1. Natural England's written representations.
2. Annex A – Lists the documents submitted by the Applicant to Natural England since the Relevant Representations.
3. Annex B - Natural England's response to the Examining Authorities first round of written questions.
4. Annex C - Natural England's summary of our written representations.
5. Annex D - Natural England's summary of our relevant representations.
6. Annex E - Natural England's response to other relevant representations.
7. A folder containing documents of interest for the Examining Authority including (but not limited to) designated site citations and conservation objectives.

The first draft versions of the Statement of Common ground will be submitted by the applicant. If there are any issues with the above documents, please do not hesitate to contact me.

2. Natural England's Intentions Regarding the Issue Specific Hearings

It is Natural England's intentions to approach the Thanet Extension examination as a written process and we do not wish to make oral representations at the up and coming Issue Specific Hearings. However, we reserve the right to change this position for future Issue Specific Hearings.

3. Update from the Applicant

Natural England received an update from the applicant via teleconference on the 7th January 2019. This update confirmed that the proposed landfall option 2, which involved the permanent loss of saltmarsh habitat has been removed from the project envelope. As this option was not supported by Natural England, the decision to remove it is very much welcomed. However, due to the relative late notification of this decision Natural England's written representations still comments and considers landfall option 2 as if it has not been removed from the project envelope. Natural England will need further time to fully consider the refinement, and await additional information from the applicant.

For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely,

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THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

Thanet Extension Offshore Windfarm

Planning Inspectorate Reference: EN010084

Annex C: Natural England's Summary of Written Representations

15th January 2019

1. Summary

- 1.1. Natural England's (NE) Written Representations provide NE's statutory advice in respect of the potential impacts of the proposed development on the natural environment. NE's Written Representations expand upon the issues outlined in NE's Relevant Representations, in view of statement of common ground discussions that have taken place with the Applicant to date and the information that has been submitted by the Applicant to address certain issues.
- 1.2. In its letter of 18th December 2018 the Examining Authority asked the parties, including NE, a number of written questions. The answers to those questions are contained within a separate document submitted alongside our Written Representations.

2. Overview of the sections of Natural England's Written Representations

- 2.1. Section one sets out the introduction and background sections of the Written Representations.
- 2.2. Section 2 sets out the status and functions of NE.
- 2.3. Section 3 provides information on the legislative framework which applies in this case, with reference to the relevant pieces of environmental law and policy.
- 2.4. Section 4 provides an account of the policy framework that can provide assistance to competent authorities when considering the legal steps sets out in section 3 in respect of European sites and SSSIs.
- 2.5. Section 5 introduces the statutory nature conservation designations and interests in the area of the proposed development. It provides links to designation citations and boundary maps. The relevant protected sites potentially affected by the proposed development are as follows:
 - Thanet Coast and Sandwich Bay Special Protection Area (SPA)
 - Outer Thames Estuary SPA
 - Flamborough and Filey Coast SPA
 - Thanet Coast and Sandwich Bay Ramsar site
 - Thanet Coast Special Area of Conservation (SAC)
 - Southern North Sea candidate SAC (cSAC)
 - Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI)
 - Thanet Coast Marine Conservation Zone (MCZ)
 - Goodwin Sands proposed MCZ
- 2.6. Section 5 also introduces the relevant European Protected Species (EPS) and Nationally Protected Species (NPS) that could be impacted by the proposed development.
- 2.7. Section 6 contains the statutory advice of NE with regard to the issues of concern arising as a result of the proposed development. In its Relevant Representations, NE identified the main principle issues of concern which are dealt with in the Written Representation.

3. Principal Issues raised in the Relevant Representations

3.1. Site Selection and Alternatives

3.1.1. NE has significant concerns with the rationale behind site selection. Of the two landfall options Pegwell Bay (PBO) and Sandwich Bay (SBO), NE felt that the SBO was prematurely discounted without proper investigation into how impacts could be minimised. NE feel that PBO would result in a greater level of sustained impact than SBO. Engineering solutions such as HDD, which have the potential to reduce environmental impacts particularly in relation to landfall option 2 in Pegwell Bay, have been dismissed.

3.2. The Proposed Loss of Saltmarsh

3.2.1. Landfall option 2 is not supported by NE as it would result in permanent loss of saltmarsh. NE do not agree with the applicants conclusions of no AEoI on the Thanet Coast and Sandwich SPA and Ramsar or the reasoning behind these conclusions. Less damaging options were encouraged to be pursued, particularly option 1 utilising HDD.

3.3. MCZ Assessment

3.3.1. Detail and information regarding the assessment of Goodwin Sands pMCZ are not thought to be sufficient and therefore NE do not agree with conclusions reached. NE encourage the applicant to use the conservation advice package for Thanet Coast MCZ as a proxy for Goodwin Sands pMCZ as many of the same features are shared. NE encourage the applicant to pursue cable routes that avoid the pMCZ. Lessons should be learnt from NEMO in regard to cable burial and protection needed.

3.4. Offshore Ornithology

3.4.1. There are a number of detailed comments regarding Offshore Ornithology relating to data and methodological inefficiencies underpinning the EIA and HRA which include:

- The methodology for assessing displacement for red throated diver – the methodology does not follow agreed Statutory Nature Conservation Body (SNCB) guidance, and the recommended percentage of displacement and buffer distances are not used in the environmental statement.
- The methodology for assessing displacement of auks and gannet – This methodology does not follow the advice given in the SNCB advice note on assessing displacement.
- The Collision risk modelling predictions using Option 1 should be presented alongside Option 2 outputs - Only generic flight height data (Option 2) of the Band model has been presented in the main body of the ES. Wherever possible site specific flight data should be used.

- The figures used in cumulative displacement and cumulative Collision Risk Modelling (CRM) assessments.
- The lack of post construction ornithological monitoring.

3.5. Marine Mammals

3.5.1. There are a number of detailed comments regarding Marine Mammals in the relevant representations which include:

- Natural England does not agree with the applicant's approach of not including Tier 2 projects within the in-combination assessment.
- The current effectiveness of soft start for mitigation purposes and the implication this has upon the modelling.
- The potential number of UXO has been underestimated.
- Concerns regarding Harbour seals and the potential for disturbance, especially if piling is carried out during the pupping / weaning season.

4. Progress since the Relevant Representations

4.1. Since the submission of our Relevant Representations on the 12th September 2018 NE has engaged with the applicant. This has included meetings and work on a joint Statement of Common Ground (SoCG), which will be submitted by the Applicant and Natural England at Deadline 1. Section 6.3 outlines those meetings and notes that the Applicant has provided updated information and documents.

5. Further Discussions on Technical Topic Issues and Issues that Remain

5.1. Offshore Ornithology

Additional data and information has been received from the applicant relating to points NE raised in the relevant representations. Whilst these have clarified some points, issues remain.

5.1.1. The Methodology for assessing displacement for red throated diver does not follow SNCB guidance, thought to be the best approach to assess displacement. The numbers of displaced red throated diver may, therefore, be an underestimate. Although Natural England disagrees with some aspects of the methodology used to assess red throated diver displacement, we acknowledge that if the recommended methodology were used, it is likely that the overall conclusions would remain the same. This is that there is no AEoI or significant effect from the project alone, and the contribution made to the in-combination and cumulative totals is small enough not to make a material difference.

5.1.2. Methodology for assessing displacement of auks and gannet does not follow SNCB guidance. NE do acknowledge, however, that even if the SNCB guidance on

assessing displacement were followed, it is unlikely to change the conclusions that there is no significant effect from the project alone.

- 5.1.3. Collision risk modelling predictions using Option 1 should be presented alongside Option 2 outputs. NE received a clarification note from the applicant on this topic. Natural England recommends that due to errors in data modelling the applicant revert to using outputs from Band (2012) but presented alongside any outputs to reflect the variability around each estimate. Further concerns remain relating to flight heights, nocturnal activity factors and collision risk modelling. Please see the full written representation for an explanation of these points.
- 5.1.4. The figures used in cumulative displacement and cumulative CRM assessments
Key concerns remain regarding disagreement with the collision and displacement mortality figures which may be underestimating mortality and exclusion of cumulative impacts from tier 3 and 2 projects in the cumulative effect assessment.
- 5.1.5. Post Construction Ornithological Monitoring is lacking. NE advise that an in principle monitoring plan should be a condition of the license and that surveys to validate assumptions around red throated diver displacement are a key component of that plan.

5.2. Marine Mammals

Some issues have been addressed following the relevant representations, but outstanding ones are listed below:

- 5.2.1 Joint Cetacean Protocol (JCP) Density Estimates were not used by the applicant. NE are awaiting a clarification note from the applicant on this point.
- 5.2.2 Coastline monitoring clarification was received by the NE in the response to relevant representations, however NE does not agree with the conclusions regarding porpoise movement. Therefore, coastline monitoring along this stretch of coast will enable the detection of strandings that may have resulted from disturbance caused by piling.
- 5.2.3 Cumulative Assessment of UXOs - The impact of UXO detonation needs to be assessed with seismic activity and will all the other wind farm piling, rather than just in isolation with the Thanet Extension piling.
- 5.2.4 HRA Concerns - The BEIS Review of Consents has concluded that as long as Site Integrity Plans (SIPs) are placed on all DCOs (in relation to HRA and in combination impacts on the Southern North Sea SCI for harbour porpoise), there will be no adverse impact on site integrity, however a timeframe and mechanism for utilising multiple SIPs needs to be put in place.

5.3. Benthic Ecology

Some issues have been addressed which are listed in the SoCG, but outstanding ones are listed below:

5.3.1 Sandwave clearance impacts needs to be given further consideration. Disposal areas should avoid protected sites and habitats of interest.

5.3.2 Goodwin Sands pMCZ assessment is not considered sufficient. Further information is needed.

5.3.3 Assessment of potential cable repairs and impacts on the benthos is required.

5.3.4 Damage / loss of subtidal chalk requires further detail from the applicant regarding how the loss can be avoided, compensated or mitigated against.

5.4. Intertidal Ecology (Saltmarsh Loss)

5.4.1 NE do not support landfall option 2 which involves the permanent loss of up to 1400 m² of SSSI and SPA and Ramsar supporting habitat. Very little common ground has been reached on this matter and as such this issue remains. However, following a telecall on 07/01/2019 the applicant has indicated they will drop landfall option 2. However, we will await for formal confirmation through the examination process.

5.4.2 The applicant has committed to site investigation works to examine the possibility of using Horizontal Directional Drilling (HDD) (option 1), but this has not been completed in time to inform the examination.

5.4.3 Of the remaining landfall options, option 1 (HDD) is preferred by NE. Option 3 involves trenching through the saltmarsh and although represents a better option than option 1, concerns remain over the likely recoverability of the saltmarsh considering evidence from the recent Nemo cable installation. Therefore, we still want to see HDD pursued to avoid impacts and remove any uncertainty about the future recovery.

5.5. Marine Physical Processes

5.5.1 The advancement of the sea wall, associated with landfall option 2, onto the saltmarsh will likely to also cause an increase in scour to the remaining saltmarsh and therefore would create an additional, potentially permanent, loss of habitat extent which has not been fully assessed.

5.5.2 Assessment of the likelihood of cable burial is required to help refine areas where sandwave clearance and cable protection may be needed.

5.6. Marine Water and Sediment Quality

5.6.1. Information has been provided by the applicant regarding the 'contaminated land and groundwater plan' which NE deem an appropriate measure if used alongside mitigation measures, however NE would like to be consulted on the plan prior to finalisation.

5.7. Fisheries

5.7.1. Points of agreement are highlighted in the SoCG. Minor additional comments are also provided.

5.8. OLEMP

5.8.1 Onshore Ecology - NE raised issues regarding the potential impacts to onshore ecology, notably Ramsar invertebrates and some bird species, in the relevant representations. NE have clarified the species in question with the applicant and hope that these discussions are incorporated into specific mitigation measures.

5.8.2 Protected Species - NE are satisfied that Letters of No Impediment are not currently needed in regard to protected species, but encourage the applicant undertake additional monitoring to further determine this.

5.8.3 NE have received a revised OLEMP from the applicant (version 2). Discussions remain regarding the commitment to monitoring and aftercare.

5.9. DCO / DML

Little progress has been made on these issues following the relevant representations. These are summarised below:

5.9.1. Provision for arbitration within the DCO – Natural England does not believe the provision made for arbitration within this DCO is appropriate.

5.9.2. Discrepancies exist between the disposal volumes highlighted within the DMLs compared to volumes provided for within the disposal site characterisation report and provided for within the DCO.

5.9.3. The definition of “commence” in both the DCO and DMLs is not acceptable to Natural England.

5.9.4. Natural England are concerned there is no In-Principle Monitoring Plan (IPMP) included within the application.

5.10. Report to Inform Appropriate Assessment (RIAA)

5.10.1 Thanet Coast and Sandwich Bay SPA and Ramsar - NE do not agree with the permanent loss of saltmarsh being screened out. NE advise the competent authority to assess this at appropriate assessment to fully determine the impacts upon the protected sites.

5.10.2 Thanet Coast SAC - NE note the commitments made by the applicant regarding micro siting around chalk and that cabling would not occur in the SAC. NE would like this to be conditioned within the DCO for completeness. Natural England require further clarity that this applies to all subtidal chalk and not the applicant's definition of chalk reef.

5.10.3 Margate and Long Sands SAC - Following discussions with the applicant regarding NEs concerns at the relevant representation stage, NE are now satisfied that there would be no AEoI either alone or in combination with other projects.

5.11. MCZ Assessment

5.11.1. Points raised in the relevant representatives have not been addressed so are still considered by NE to be outstanding issues. NE is awaiting further information from the applicant regarding the pMCZ assessment.

5.12. Monitoring and Mitigation Plan

5.12.1 In-principle monitoring - NE do not consider the plans submitted within the draft DCO and ES to be comprehensive enough. The plans listed below do cover areas of concern, however plans are missing for other key receptors such as offshore ornithology or benthic ecology. Further discussions are welcomed by NE.

5.12.2 Saltmarsh Mitigation, Reinstatement and Monitoring plan (SMRMP) - Issues raised in the relevant representation remain valid, however NE is awaiting an updated version of the SMRMP and encourages further discussions.

5.12.3 Outline Landscape and Ecological Management Plan (OLEMP) - An updated version has been received by NE following initial comments in the relevant representations and discussions are ongoing with the applicant. NE anticipate that this plan will be agreed in principle.

5.12.4 Biogenic Reef Mitigation Plan (BRMP) - An updated version has been received by NE following initial comments in the relevant representations and discussions are ongoing with the applicant. NE anticipate that this plan will be agreed in principle.