

Vattenfall Wind Power Ltd

Thanet Extension Offshore Wind Farm

Appendix 4 to Deadline 1 Submission: Statement of Common Ground – Environment Agency

Relevant Examination Deadline: 1

Submitted by Vattenfall Wind Power Ltd

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Revision A

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1 Introduction

1.1 Overview

- 1 This Statement of Common Ground (SoCG) relates to the proposed development of the Thanet Extension Offshore Wind Farm (Thanet Extension). It has been prepared with respect to the Application made by Vattenfall Wind Power Ltd (VWPL) (the Applicant) for a development consent order (DCO) to the Planning Inspectorate (PINS) under the Planning Act 2008 (the Application).
- 2 This SoCG with the Environment Agency (EA) is a means of clearly stating any areas of agreement and disagreement between the two parties in relation to the Application. The SoCG has been structured to reflect the topics of interest to the EA on the Application.
- 3 It is the intention that this document will help facilitate post Application discussions between both parties and also give the Examining Authority (ExA) an early sight of the level of common ground between both parties from the outset of the examination process.

1.2 Approach to SoCG

- 4 This SoCG has been developed during the pre-examination phase of the Thanet Extension. In accordance with discussions between the Applicant and the EA, the SoCG is focused on those issues raised by the EA within its response to Scoping, Section 42 consultation and as raised through the Evidence Plan process that has underpinned the pre-application consultation between the parties.
- 5 The structure of the SoCG is as follows:
 - Section 1: Introduction;
 - Section 2: Environment Agency's Remit;
 - Section 3: Consultation;
 - Section 4: Agreements Log; and
 - Section5: Matters under discussion.

1.3 The Development

- 6 Thanet Extension will comprise of wind turbine generators (WTGs) and all the infrastructure required to transmit the power generated to the national grid. A maximum of 34 WTGs will be installed with a power output of 340 MW. The project will install up to four offshore export cables and may require the installation of one Offshore Substation (OSS) and up to one Meteorological Mast.
- 7 The key offshore components of Thanet Extension are likely to include:
- Up to 34 Offshore WTGs;
 - OSS (if required);
 - Meteorological Mast (if required);
 - WTG Foundations;
 - Subsea inter-array cables linking individual WTGs;
 - Subsea export cables from the OWF to shore; and
 - Scour protection around foundations and on inter-array and export cables (if required).
- 8 The array area will have a maximum size of 70 km² and surrounds the existing Thanet Offshore Wind Farm (TOWF). It is located approximately 8 km Northeast of the Isle of Thanet, situated in the County of Kent. Each WTG will have a maximum blade tip height of 250 m above Highest Astronomical Tide (HAT), a maximum diameter of 220 m and a minimum 22 m clearance between the Mean High Water Springs (MWHS) and the lowest point of the blade.
- 9 Electricity generated will be carried via a maximum of four high voltage subsea cables to the landfall site, situated at Pegwell Bay. Offshore cables will be connected to the onshore cables and ultimately the national grid network at Richborough Energy Park. The onshore cable corridor is 2.6 km in length at its fullest extent.
- 10 More details on the proposed development are described in the Environmental Statement (ES) Volume 2, Chapter 1: Project Description (Offshore) (PINS Ref APP-042/ Application Ref: 6.2.1) and Volume 3, Chapter 1: Project Description (Onshore) (PINS Ref APP-057/ Application Ref: 6.3.1) of the Environmental Statement (ES).

2 Environment Agency Remit

- 11 The Environment Agency has a responsibility for protecting and improving the environment, as well as contributing to sustainable development. The Environment Agency have three primary roles:
- Environmental regulator – taking a risk-based approach and target effort to maintain and improve environmental standards and to minimise unnecessary burdens on business. Environment Agency issue a range of permits and consents.
 - Environmental operator – a national organisation that operates locally. Working with people and communities across England to protect and improve the environment in an integrated way. Provide a vital incident response capability.
 - Environmental advisor – compile and assess the best available evidence and use this to report on the state of the environment. Use our own monitoring information and that of others to inform this activity. Provide technical information and advice to national and local governments to support their roles in policy and decision-making.

3 Consultation

3.1 Application elements under the Environment Agency's remit

- 12 Work Nos. 3A - 16, detailed in Part 1 of Schedule 1 of the draft DCO describe the elements of Thanet Extension which may affect the interests of the EA.
- 13 The EA is a non-departmental public body. As noted previously their stated purpose is to protect and enhance the environment, taken as a whole. Whilst they aim to achieve sustainable development and deal with coastal processes, flooding and pollution.
- 14 The technical components of the DCO Application of relevance to the EA (and therefore considered within this SoCG) comprise:
- Volume 1, Chapter 4: Site Selection and Alternatives (PINS Ref APP-040/ Application Ref: 6.1.4);
 - Volume 2, Chapter 1: Project Description (Offshore) (PINS Ref APP-042/ Application Ref: 6.2.1);
 - Volume 4, Annex 3-1: Water Framework Directive (PINS Ref APP-076/ Application Ref: 6.4.3.1);
 - Volume 2, Chapter 5: Benthic Subtidal and Intertidal Ecology (PINS Ref APP-046/ Application Ref: 6.2.5);
 - Volume 3, Chapter 5: Onshore Biodiversity (PINS Ref APP-061/ Application Ref: 6.3.5);
 - Volume 3, Chapter 6: Ground Conditions, Flood Risk, Land Use (PINS Ref APP-062/ Application Ref: 6.2.6); and
 - Volume 5, Chapter 6.2: Flood Risk Assessment (PINS Ref APP-116/ Application Ref: 6.5.6.2).

3.2 Consultation Summary

- 15 This section briefly summarises the consultation that VWPL has undertaken with the EA. Engagement during the pre-Application phase, both statutory and non-statutory, is summarised in Table 1 below, this includes any meetings and correspondence held as part of the Evidence Plan process (Application Ref: 8.5) and Section 42 consultation.

Table 1: Consultation undertaken with the Environment Agency pre-application

Date & Type:	Detail:
28 th Feb 2017 Evidence Plan	1 st Evidence Plan meeting - Offshore Ecology Meeting.
26 th May 2017 Evidence Plan meeting	2 nd Evidence Plan meeting - Offshore Ecology Meeting.
12 th July 2017 Evidence Plan meeting	3 rd Evidence Plan meeting - Offshore Ecology Meeting.
4 th October 2017 Evidence Plan meeting	4 th Evidence Plan meeting - Offshore Ecology Meeting.
26 th January 2018 Evidence Plan meeting	5 th Evidence Plan meeting - Offshore Ecology Meeting.
3 rd March 2017 Consultation (Scoping Opinion)	Consultation on Ground Conditions, Hydrology & Flood Risk and Land Use.
27 th February 2017 Evidence Plan meeting	1 st Evidence Plan meeting – Ground Conditions, Land Use and Hydrology
28 th June 2017 Evidence Plan meeting	2 nd Evidence Plan meeting – Ground Conditions, Land Use and Hydrology
11 th July 2017 Evidence Plan meeting	3 rd Evidence Plan meeting – Ground Conditions, Land Use and Hydrology
23 rd August 2017 Evidence Plan meeting	4 th Evidence Plan meeting – Ground Conditions, Land Use and Hydrology
8 th December 2017 Evidence Plan meeting	5 th Evidence Plan meeting – Ground Conditions, Land Use and Hydrology
18 th December 2017 Evidence Plan meeting	6 th Evidence Plan meeting – Ground Conditions, Land Use and Hydrology
Emails	See Evidence Plan Appendix VI (Application Ref: 8.5).
January 2018: Section 42 Consultation	Comments relating to the Preliminary Environmental Information Report

3.3 Post-application Consultation

16 VWPL has engaged with the EA since the Thanet Extension development was accepted for examination by the Planning Inspectorate on 23rd July 2018. A summary of the post-application consultation with the EA is detailed in Table 2.

Table 2: Consultation undertaken with the Environment Agency post-application

Date/ Type:	Detail:
25 th July 2018 Meeting	Bilateral meeting with Natural England to discuss saltmarsh related issues and biogenic reef plan.
15 th August 2018 Meeting	Meeting with KWT, KCC, EA and National Trust to discuss the Application documents and to provide an update on the project
11 th October 2018 Meeting	Meeting with the EA to discuss relevant representations and development of a SoCG.
December 2018 Email	Correspondence regarding the drafting of this SoCG.

4 Agreements Log

- 17 The following section of this SoCG identifies the level of agreement between the parties for each relevant component of the Application material (as identified in Section 3.1). In order to easily identify whether a matter is “agreed”, “under discussion” or indeed “not agreed” a colour coding system of green, yellow and orange is used in the “final position” column to represent the respective status of discussions.

4.1 Site Selection and Alternatives

- 18 The Project has analysed and evaluated a range of options regarding location of infrastructure. The reasons for the selection of the proposed site are duly considered within Volume 1, Chapter 4: Site Selection and Alternatives (PINS Ref APP-040/ Application Ref 6.1.4). Table 3 identifies the status of discussions relating to this topic area between the parties.

Table 3: Status of discussions relating to Site Selection and Alternatives.

Discussion Point	Thanet Extension Position	EA Position	Final Position
Adequacy of information provision	The Site Selection and Alternatives chapter provides a full and detailed account of the considerations and decision making process undertaken to develop the proposed Order Limits.	The EA agree with the Applicant’s position.	Agree
Project optionality	Following the consultation responses received in S42 the larger seawall extension option was removed and Option 1 and 3 were included within the project description subject to the findings of the SI works. Option 1 and 3 are agreed as appropriate.	<p>The EA consider Option 1 the least damaging in terms of habitats and should be given the highest priority. The EA agree with the assessment undertaken for Options 1 and 3 and are considered appropriate when mitigation, as secured in the DCO, is applied.</p> <p>The EA object to Option 2.</p> <p>The removal of the larger seawall extension, as assessed in the PEIR, is welcomed.</p>	Agree

4.2 Water Framework Directive Assessment

- 19 The Project has the potential to impact upon the marine water and sediment quality and these interactions are duly considered within Volume 2, Chapter 3: Marine Water Quality and Sediment Quality (PINS Ref APP-044/ Application Ref: 6.2.3) of the Thanet Extension ES. Furthermore, a WFD assessment is presented within Volume 4, Annex 3-1 (PINS Ref APP-076/ Application Ref: 6.4.3.1). Table 4 identifies the status of discussions relating to this topic area between the parties.

- 20 Following agreement with the Environment Agency, in the meeting held on 11th October 2018, additional information clarifying the information provided within the Application is included in the Responses to the Relevant Representations submitted by the Application for Deadline 1.

Table 4: Status of discussions relating to the Water Framework Directive

Discussion Point	Thanet Extension Position	EA Position	Final Position
Presentation	The coastal and transitional WFD assessment was presented as a separate report which should be read in conjunction with other chapters from the ES and is fit for purpose.	The EA acknowledge that the WFD should be read in conjunction with other Application documents as sign-posted. However, the document has been drafted separately from the relevant ES chapters as requested. The EA agree the WFD assessment is fit for purpose with the exception of the potential release of contaminants (see below).	On-going
Policy and Planning	The WFD assessment has identified all appropriate and relevant plans and policies and has given due regard to them within the assessment.	The EA agree with the Applicant’s position.	Agree
Consultation	The assessment has been adequately updated following Evidence Plan consultation and concerns raised have been adequately addressed or clarified.	The EA agree with the Applicant’s position.	Agree
Screening	All relevant water bodies, shellfish waters bathing waters and priority habitats have been identified for assessment.	The EA agree with the Applicant’s position.	Agree

Discussion Point	Thanet Extension Position	EA Position	Final Position
Baseline data used in the assessment	Sufficient primary and secondary data has been collated to appropriately characterise the baseline environment for the purposes of informing the assessment.	The EA agree with the Applicant’s position.	Agree
	The status of the identified WFD features and water bodies have been appropriately classified.	The EA agree with the Applicant’s position.	Agree
Scoping Assessment	The potential impacts identified are appropriate and accurate for the purposes of assessing the potential for deterioration of the water body.	The EA agree with the Applicant’s position.	Agree
	The Applicant has appropriately applied the scoping stage of the assessment adequately for determination of effects to be considered in the impact assessment as summarised in Table 3.10.	The EA do not agree with the Applicant’s position. Table 3.10 omitted <u>chemical water quality</u> , despite the fact that Arsenic at levels above Cefas AL1 was found in CR10 sample which is grounds to further assess the risks from arsenic. We note the comments relating to arsenic and North Sea natural occurrence, but this is not an impact assessment for the risk to water EQS from disturbing sediment containing Arsenic. The EQS is a dissolved aqueous phase standard. We accept the MESL evidence for the Pegwell bay (Kent North) area. Samples <u>below</u> AL1 would not require further detailed impact assessment, although we should point out that	Disagree

Discussion Point	Thanet Extension Position	EA Position	Final Position
		the CEFAS action levels are not designed to be a predictor of water column WFD EQS compliance with EQSD/WFD substances, they are primarily designed with OSPAR drivers in mind.	
	The Applicant has appropriately scoped out the consideration of hydromorphology from the impact assessment stage of the assessment.	The EA agree with the Applicant’s position.	Agree
	The Applicant has appropriately scoped out the consideration of fish from the impact assessment stage of the assessment.	The EA agree with the Applicant’s position.	Agree
	The Applicant has undertaken the scoping exercise in line with industry practice and is comparable to similar NSIP Applications in both scoping rationale and approach.	The EA agree with the Applicant’s position.	Agree
Impact Assessment	It is appropriate and consistent with the guidance for the WFD assessment to sign-post and summarise the RIAA undertaken for the project.	The EA agree with the Applicant’s position.	Agree
	The Applicant has concluded that there will not be a deterioration in the biological habitats within the waterbody.	The EA agree with the Applicant’s position.	Agree
	The Applicant has concluded that there will not be a deterioration in the phytoplankton species receptor within the waterbody.	The EA agree with the Applicant’s position.	Agree

Discussion Point	Thanet Extension Position	EA Position	Final Position
	The Applicant has concluded that there will not be a deterioration in the water clarity within the waterbody.	The EA agree with the Applicant’s position.	Agree
	The Applicant has concluded that there will not be a deterioration in terms of INNS within the waterbody.	The EA agree with the Applicant’s position.	Agree
	The Applicant has provided sufficient explanation and information to demonstrate that the proposed activities are unlikely to reduce the local bathing water performance.	The EA agree that the proposed activities are unlikely to result in deterioration of the Bathing Waters and have requested supplementary information to be provided in the Applicant’s response to the EA’s Relevant Representation.	On-going
	The Applicant has provided sufficient explanation and information to demonstrate that the proposed activities are unlikely to reduce the local shellfish waters performance.	The EA agree that the proposed activities are unlikely to result in deterioration of the Shellfish Waters and have requested supplementary information to be provided in the Applicant’s response to the EA’s Relevant Representation.	On-going

Discussion Point	Thanet Extension Position	EA Position	Final Position
	<p>The Applicant has provided sufficient explanation and information to demonstrate that the proposed activities are unlikely to reduce the chemical status as a result of contaminants in the water body.</p>	<p>The EA agree that the proposed activities are unlikely to result in deterioration of the chemical status of the water bodies. However, the EA have requested supplementary information to be provided in the Applicant’s response to the EA’s Relevant Representation.</p>	<p>On-going</p>
	<p>The impacts on for the potential deterioration of the status of the water bodies has been appropriately assessed.</p>	<p>The EA acknowledge that there is no methodology for how to undertake an impact assessment under the “Clearing the Waters Guidance”. The EA agrees with the findings of the WFD assessment, i.e. no deterioration, but have requested supplementary information to be provided in the Applicant’s response to the EA’s Relevant Representation.</p>	<p>On-going</p>
	<p>The Applicant has undertaken a proportionate approach to the WFD impact assessment for the release of contaminated sediments which is consistent with both the recent offshore wind industry and dredging WFD assessments for NSIP projects.</p>	<p>The EA acknowledge that there is no methodology for how to undertake an impact assessment under the “Clearing the Waters Guidance” and as such there are different approaches to undertaking WFD impact assessments. However, the EA have requested</p>	<p>On-going</p>

Discussion Point	Thanet Extension Position	EA Position	Final Position
		supplementary information to be provided in the Applicant’s response to the EA’s Relevant Representation to outline the assumptions and methodology applied.	
	Sufficient information within the Application, both qualitative and quantitative, has been provided in the Application to determine no deterioration of the chemical status of the water body as a result of the suspension of contaminated sediment.	Following discussions with the Applicant, the EA have requested sign-posting to the locations within the Application where both the qualitative and quantitative assessments of suspended sediment are presented; in relation to water and sediment quality.	On-going
	The Applicant has provided sufficient explanation and information to demonstrate that the proposed activities are unlikely to reduce the local bathing waters performance.	The EA agree that the proposed activities are unlikely to result in deterioration of the Bathing Waters and have requested supplementary information to be provided in the Applicant’s response to the EA’s Relevant Representation.	On-going

4.3 Benthic Subtidal and Intertidal Ecology

- 21 The Project has the potential to impact upon benthic subtidal and intertidal ecology and these interactions are duly considered within Volume 2, Chapter 5: Benthic Subtidal and Intertidal Ecology (PINS Ref APP-046/ Application Ref 6.2.5) of the Thanet Extension ES. Table 5 identifies the status of discussions relating to this topic area between the parties.

Table 5: Status of discussions relating to Benthic Subtidal and Intertidal Ecology.

Discussion Point	Thanet Extension Position	EA Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to benthic ecology and has given due regard to them within the assessment.	The EA agree with the Applicant’s position.	Agree
Consultation	The ES chapter has been adequately updated following S42 and Evidence Plan consultation and concerns raised have been adequately addressed or clarified.	As provided in the EA’s S42 response, the Environment Agency do not feel Option 2 is an appropriate landfall option due to the loss of saltmarsh. However, the removal of the larger seawall extension is welcomed.	On-going
Scope and Assessment Methodology	The potential impacts identified are appropriate and accurate for benthic ecology receptors.	The EA agree with the Applicant’s position.	Agree
	The definitions of sensitivity and magnitude are appropriate for the purposes of the assessment.	The EA agree with the Applicant’s position with the exception of impacts associated with the permanent loss of saltmarsh.	On-going
	All potentially significant effects and the relevant maximum design scenario for each effect have been identified.	The EA agree with the Applicant’s position.	Agree
	The study area defined for the assessment is appropriate for the impacts considered.	The EA agree with the Applicant’s position.	Agree

Discussion Point	Thanet Extension Position	EA Position	Final Position
Baseline data used in the assessment	Sufficient primary and secondary data has been collated to appropriately characterise the baseline environment for the purposes of informing the EIA.	The EA agree with the Applicant’s position.	Agree
	The survey scope and methodology undertaken for the intertidal surveys was adequate for characterising the baseline population of benthic species.	The EA agree with the Applicant’s position.	Agree
	All data gaps have been highlighted and all appropriate measures for filling any data gaps have been proposed.	The EA agree with the Applicant’s position.	Agree
Mitigation Measures	The embedded mitigation measures are considered appropriate and are adequately secured through the DCO.	<p>The EA do not believe the draft DCO adequately addresses the permanent loss of saltmarsh. The EA have not undertaken an extensive review of the draft DCO at the time of writing.</p> <p>The EA welcome the provision of a (secured) saltmarsh plan within the Application. The EA would like to continue to consult on the future revisions of this document.</p>	On-going
	No further mitigation to those embedded measures are necessitated as a result of the assessment conclusions.	The mitigation proposed for Options 1 and 3 are adequate.	On-going

Discussion Point	Thanet Extension Position	EA Position	Final Position
Outcomes of the EIA	The assessment criteria and assignment of significance is appropriate.	The EA disagree with the significance apportioned to the impacts arising from the Option 2 landfall, i.e. permanent loss of saltmarsh, and the risk of bisection of the saltmarsh.	Disagree
	The sensitivity and importance of the receiving environment is accurately described within the Environmental Statement.	The importance of the saltmarsh, in a regional context and in relation to the potential permanent loss under landfall Option 2, is underestimated in the ES chapter.	Disagree
	The conclusions of the assessment accurately reflect the potential impacts on the benthic ecology within the study area.	The EA agree that all relevant effects has been assessed. However, the EA do not agree with the findings of the assessments on the permanent loss of saltmarsh.	On-going
	The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate.	The EA agree with the Applicant's position.	Agree
Saltmarsh	The assessment criteria and assignment of significance is appropriate for the temporary disturbance of saltmarsh habitat.	The EA consider that the temporary disturbance in the saltmarsh habitat has been adequately assessed and mitigated. However, the EA disagree with the significance assigned for the permanent disturbance.	On-going

Discussion Point	Thanet Extension Position	EA Position	Final Position
	<p>The total maximum area of saltmarsh loss within the Thanet Coast and Sandwich Bay SAC represents a very small footprint of the overall extent.</p>	<p>Environment Agency disagree with the conclusions because the proposed location of Option 2 (which results in the permanent loss of saltmarsh) in the narrowest section of saltmarsh, this will cause significant bisection of the habitat.</p>	<p>On-going</p>
	<p>The presence of an extension to the seawall structure will not result in bisection of the saltmarsh habitats.</p>	<p>Environment Agency disagree with the conclusions because the proposed location of Option 2 (which results in the permanent loss of saltmarsh) is the narrowest section of saltmarsh, this will cause significant bisection of the habitat.</p>	<p>Disagree</p>
	<p>The presence of an extension of the seawall structure has a very small potential to change wider physical processes such as erosion and wave (as assessed in Section 5.4.5, Volume 4, Annex 2-1: Marine Geology, Oceanography, Physical Processes Technical Report (Application Ref: 6.4.2.1)).</p>	<p>The Environment Agency remain concerned that further erosion by the addition of a protruding section of new seawall (under landfall Option 2) may cause local erosion of existing saltmarsh adjacent to this landfall location.</p>	<p>On-going</p>

Discussion Point	Thanet Extension Position	EA Position	Final Position
	<p>The proposed landfall area is an area that is considered to be generally lower value saltmarsh as a result of the areas of saltmarsh being elevated above the wider area (and is above the MHWS line) such that it is not regularly¹ inundated by tidal water and therefore being dominated by <i>Spartina</i> and grasses.</p>	<p>The EA agree that the area is dominated by <i>Spartina</i> and grasses and that the area is subjected to inundation during high spring tides. The EA have examined the saltmarsh at the landfall location and do not agree that the quality is less than adjacent salt marsh areas.</p>	<p>On-going</p>
	<p>The distribution of saltmarsh habitat within relevant designated sites and study area has been accurately presented.</p>	<p>The EA agree with the Applicant’s position insofar as describing the distribution within the study area as opposed to the region.</p>	<p>On-going</p>

¹ In so far as it is above MHW but below MHWS and therefore inundated on a monthly basis (on average)

4.4 Onshore Biodiversity

- 22 The Project has the potential to impact upon onshore biodiversity and these interactions are duly considered within Volume 3, Chapter 5: Onshore Biodiversity (PINS Ref APP-061/ Application Ref: 6.3.5) of the Thanet Extension ES. Table 6 identifies the status of discussions relating to this topic area between the parties.

Table 6: Status of discussions relating to Onshore Biodiversity.

Discussion Point	Thanet Extension Position	EA Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to onshore biodiversity and has given due regard to them within the assessment.	The EA agree with the Applicant’s position.	Agree
Consultation	The ES chapter has been adequately updated following S42 and Evidence Plan consultation and concerns raised have been adequately addressed or clarified.	The EA agree with the Applicant’s position.	Agree
Scope and Assessment methodology	The potential impacts identified are appropriate and accurate for onshore ecology receptors.	The EA agree with the Applicant’s position.	Agree
	The study area defined for the assessment is appropriate for the impacts considered.	The EA agree with the Applicant’s position.	Agree
Baseline data used in the assessment	Sufficient primary and secondary data has been collated to appropriately characterise the baseline environment for the purposes of informing the EIA.	The EA agree with the Applicant’s position.	Agree
	The survey scopes and methodologies undertaken for the ecological surveys were adequate for characterising the baseline.	The EA agree with the Applicant’s position.	Agree

	All data gaps have been highlighted and all appropriate measures for filling any data gaps have been proposed.	The EA agree with the Applicant’s position.	Agree
Mitigation Measures	The embedded mitigation measures are considered appropriate and are appropriately secured through the DCO.	The EA agree with the Applicant’s position.	Agree
Outcomes of the EIA	The assessment criteria and assignment of significance is appropriate.	The EA agree with the Applicant’s position.	Agree
	The sensitivity and importance of the receiving environment is accurately described within the Environmental Statement.	The EA agree with the Applicant’s position.	Agree
	The conclusions of the assessment accurately reflect the potential impacts on the onshore biodiversity within the study area.	The EA agree with the Applicant’s position.	Agree
	The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate.	The EA agree with the Applicant’s position.	Agree

4.5 Ground Conditions, Flood Risk and Land Use

- 23 The Project has the potential to impact upon ground conditions, flood risk and land use and these interactions are duly considered within Volume 3, Chapter 6: Ground Conditions, Flood Risk and Land Use (PINS Ref APP-062/ Application Ref: 6.3.6) of the Thanet Extension ES. Table 7 identifies the status of discussions relating to this topic area between the parties.

Table 7: Status of discussions relating to Ground conditions, Flood Risk and Land Use.

Discussion Point	Thanet Extension Position	EA Position	Final Position
Policy and Planning	The assessment has identified all appropriate and relevant plans and policies and has given due regard to them within the assessment.	The EA agree with the Applicant's position.	Agree
Consultation	The ES chapter has been adequately updated following S42 and Evidence Plan consultation and concerns raised have been adequately addressed or clarified.	The EA agree with the Applicant's position.	Agree
Scope and Assessment methodology	The potential impacts identified are appropriate and for ground conditions and land use receptors.	The EA agree with the Applicant's position.	Agree
	The potential impacts identified are appropriate and for flood risk.	The EA agree with the Applicant's position.	Agree
	The definitions of sensitivity and magnitude are appropriate for the purposes of the assessment.	The EA agree with the Applicant's position.	Agree
	All potentially significant effects and the relevant maximum design scenario for each effect have been identified.	The EA agree with the Applicant's position.	Agree
	The study area defined for the assessment is appropriate for the impacts considered.	The EA agree with the Applicant's position.	Agree

Discussion Point	Thanet Extension Position	EA Position	Final Position
Baseline data used in the assessment	Sufficient data has been collated to appropriately characterise the baseline environment for the purposes of informing the EIA for the ground conditions assessment.	The EA agree with the Applicant's position.	Agree
	Sufficient data has been collated to appropriately characterise the baseline environment for the purposes of informing the EIA for the land use assessment.	The EA agree with the Applicant's position.	Agree
	Sufficient data has been collated to appropriately characterise the baseline environment for the purposes of informing the EIA for the flood risk assessment.	The EA agree with the Applicant's position.	Agree
	The Applicant has actively sought information and data on the construction and contents of the historic landfill within the proposed Order Limits.	The EA agree with the Applicant's position.	Agree
	Data gaps have been highlighted and appropriate measures for filling any data gaps have been proposed.	The EA agree with the Applicant's position.	Agree
Mitigation Measures	The embedded mitigation measures are considered appropriate.	The EA agree with the Applicant's position.	Agree

Discussion Point	Thanet Extension Position	EA Position	Final Position
	The mitigation proposed (Construction Environmental Management Plan, Contaminated Land and Groundwater Management Plan) is adequately secured in the DCO.	The EA agree with the Applicant's position.	Agree
Outcomes of the EIA	The assessment criteria and assignment of significance is appropriate.	The EA agree with the Applicant's position.	Agree
	The sensitivity and importance of the receiving environment is accurately described within the Environmental Statement.	The EA agree with the Applicant's position.	Agree
	The conclusions of the assessment accurately reflect the potential impacts on the ground conditions within the study area.	The EA agree with the Applicant's position.	Agree
	The conclusions of the assessment accurately reflect the potential impacts on the land use within the study area.	The EA agree with the Applicant's position.	Agree
	The conclusions of the assessment accurately reflect the potential impacts on flood risk within the study area.	The EA agree with the Applicant's position.	Agree
	The conclusions of the assessment accurately reflect the potential impacts on freshwater WFD water bodies within the study area.	The EA agree with the Applicant's position.	Agree

Discussion Point	Thanet Extension Position	EA Position	Final Position
	The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate.	The EA agree with the Applicant's position.	Agree

4.6 Flood Risk Assessment

- 24 The Project has the potential to impact upon flooding and the risks are duly considered within Volume 5, Annex 6-2: Flood Risk Assessment (PINS Ref APP-116/ Application Ref 6.5.6.2) of the Thanet Extension ES. Table 8 identifies the status of discussions relating to this topic area between the parties.

Table 8: Status of discussions relating to the Flood Risk Assessment.

Discussion Point	Thanet Extension Position	EA Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to flood risk and has given due regard to them within the assessment.	The EA agree with the Applicant’s position.	Agree
Method	An appropriate model was used to inform the assessment.	The EA agree with the Applicant’s position.	Agree
Consultation	On-going consultation with the EA will be sought following detailed design of the landfall and the means of crossing the Minister Stream	The EA agree with the Applicant’s position.	Agree
Flood Risk Activity Permits	FRAPs will be sought prior to the commencement of any works, SI and construction, within the byelaw margins.	The EA agree with the Applicant’s position.	Agree

5 Matters under discussion

- 25 This section identifies those matters raised by the EA during the pre-Application consultation that have yet to be resolved and are subject to ongoing discussion as of the last consultation meeting held with the EA.

Discussion Point	Thanet Extension Position	EA Position	Final Position
Option 2	Option 2 represents the worst case in terms of the assessment of landfall options but is considered to be not significant with regards the EIA Regulations	The EA object to Option 2 on the basis of potential permanent fragmentation of a regionally important habitat.	No longer relevant
Option 2	Option 2 represents a loss of 18.5m of saltmarsh in an area of 90m saltmarsh (in reference to width from the existing sea wall). This is not considered to likely result in a severance or bisection of the saltmarsh due to irregular (monthly) inundation, the ~80% of saltmarsh width remaining, and other factors as presented within Volume 2, Chapter 2 Marine Geology, Oceanography and Physical Processes Chapter (Application Ref 6.2.2).	Environment Agency disagree with the conclusions because the proposed location of Option 2 (which results in the permanent loss of saltmarsh) is the narrowest section of saltmarsh, this will cause significant bisection of the habitat.	No longer relevant