

# **Vattenfall Wind Power Ltd**

## **Thanet Extension Offshore Wind Farm**

Appendix 18 to Deadline 1 Submission: Statement  
of Common Ground – Royal Society for the  
Protection of Birds (RSPB)

Relevant Examination Deadline: 1

Submitted by Vattenfall Wind Power Ltd

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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 Royal Society for the Protection of Birds (RSPB) 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 RSPB on the Application, and in reflection of the relevant representations received (RR-057).
- 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. It also reflects the request made by the ExA in the 'Rule 6' letter published on the 9<sup>th</sup> November 2018.

### 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 RSPB, the SoCG is focused on those issues raised by the RSPB 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: RSPB's Remit;
  - Section 3: Consultation;
  - Section 4: Agreements Log; and
  - Section 5: Matters under Discussion.

## 1.3 The Development

- 6 The Application is for development consent for VWPL to construct and operate the Thanet Extension Offshore Wind Farm (Thanet Extension) under the Planning Act 2008.
- 7 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.
- 8 The key offshore components of Thanet Extension are likely to include:
  - Up to 34 Offshore WTGs;
  - One OSS (if required);
  - Meteorological Mast (if required);
  - 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).
- 9 The array area will have a maximum size of 70 km<sup>2</sup> 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 and the lowest point of the rotor.
- 10 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.

- 11 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 RSPB's Remit

- 12 The RSPB is not a prescribed consultee for the proposed development under section 42 of the Planning Act 2008 and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. However, the Applicant recognises the importance of RSPB as a consultee due to extensive role in the Evidence Plan Process prior to submitting the Application.

## 3 Consultation

### 3.1 Application elements under RSPB's remit

- 13 Work Nos. 1 - 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 RSPB.
- 14 The RSPB is a charitable organisation registered in England, Wales and Scotland. It works to promote conservation and protection of birds and the wider environment through public awareness campaigns, petitions and through the operation of nature reserves throughout the UK.
- 15 The technical components of the DCO Application of relevance to the RSPB (and therefore considered within this SoCG) comprise:
- Volume 2, Chapter 4: Offshore Ornithology (PINS Ref APP-045/Application Ref 6.2.4);
  - Volume 3, Chapter 5: Onshore Biodiversity (PINS Ref APP-061/ Application Ref 6.3.5) (insofar as relevant to onshore ornithological receptors);
  - Volume 1, Chapter 4: Site Selection and Alternative (PINS Ref APP-040/ Application Ref 6.1.4); and
  - Report to Inform Appropriate Assessment (RIAA) (PINS Ref APP-031/ Application Ref 5.2).
- 16 It is noted following topics are captured within Rule 6, but it is agreed with RSPB that they are considered outside of RSPB's remit:
- The characterisation and assessment of marine sediment characterisation;
  - The characterisation and assessment of coastal processes;
  - The characterisation and assessment of marine fish stocks;
  - The characterisation and assessment of shellfish stocks; and
  - The characterisation and assessment of marine mammals.



## 3.2 Consultation Summary

- 17 This section briefly summarises the consultation that VWPL has undertaken with the RSPB. 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 and Section 42 consultation.

**Table 1: Consultation undertaken with the RSPB pre-application**

Date & Type:	Detail:
December 2016	Evidence Plan meeting - Offshore Ornithology Meeting
February 2017 Evidence Plan	Evidence Plan meeting - Offshore Ecology Meeting
February 2017 Evidence Plan	Evidence Plan meeting - Offshore Ornithology Meeting
February 2017 Evidence Plan	Evidence Plan meeting - Onshore Ecology Meeting
April 2017 Evidence Plan	Evidence Plan meeting - Offshore Ornithology Meeting
May 2017 Evidence Plan meeting	Evidence Plan meeting - Offshore Ecology Meeting
June 2017 Evidence Plan	Evidence Plan meeting - Offshore Ornithology Meeting
July 2017 Evidence Plan meeting	Evidence Plan meeting – General Offshore Meeting
July 2017 Evidence Plan meeting	Evidence Plan meeting – General Onshore Meeting
October 2017 Evidence Plan meeting	Evidence Plan meeting - HRA
October 2017 Evidence Plan meeting	Evidence Plan meeting – General Offshore Meeting
October 2017 Evidence Plan meeting	Evidence Plan meeting – General Onshore Meeting
October 2017	National Nature Reserve Steering Group Meeting
December 2017	Evidence Plan meeting - Offshore Ornithology Meeting
2017 Consultation	HRA Screening Consultation
January 2018, S42 Consultation	Comments relating to the Preliminary Environmental Information Report
January 2018 Evidence Plan meeting	Evidence Plan meeting - Offshore Ecology Meeting.
2018 Consultation	RIAA Consultation

### 3.3 Post-application Consultation

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

**Table 2: Consultation undertaken with the RSPB post-application**

Date/ Type:	Detail:
2019	Pending - SoCG meeting to discuss technical notes compiled in response to Relevant Representations

## 4 Agreements Log

- 19 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 Offshore Ornithology

- 20 The Project has the potential to impact upon offshore ornithology and these interactions are duly considered within Volume 2, Chapter 4 of the Thanet Extension ES (PINS Ref APP-045/ Application Ref 6.2.4). Table 3 identifies the status of discussions relating to this topic area between the parties.

**Table 3: Status of discussions relating to Offshore Ornithology**

Discussion Point	Thanet Extension Position	RSPB Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to offshore ornithology and has given due regard to them within the assessment.		
Consultation	The ES chapter has been adequately updated following S42 and Evidence Plan consultation and concerns raised have been adequately addressed or clarified.		
Scope and Assessment methodology	The potential impacts identified are appropriate and accurate for offshore ornithology receptors.		
	The study area defined for the assessment is appropriate for the impacts considered.		
	The methods of assessing collision risk are appropriate and have been applied accurately.		Matter under discussion
	The methods of assessing displacement, appropriately utilises site specific data and as such is appropriate for the purposes of assessing the risks of displacement of auks and divers in relation to Thanet Extension.		Matter under discussion

Discussion Point	Thanet Extension Position	RSPB 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 survey scopes and methodologies undertaken for the offshore ornithological surveys were adequate for characterising the baseline.		
	All data gaps have been highlighted and all appropriate measures for filling any data gaps have been proposed.		
	The sensitivity and importance of the receiving environment is accurately described within the Environmental Statement.		
Mitigation Measures	The embedded mitigation measures are considered appropriate and are appropriately secured through the DCO.		
Outcomes of the EIA	The assessment criteria and assignment of significance is appropriate.		
	The conclusions of the assessment accurately reflect the potential impacts on offshore ornithology receptors within the study area.		

Discussion Point	Thanet Extension Position	RSPB Position	Final Position
	The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate.		
	The contribution of Thanet Extension to cumulative effects on offshore ornithological receptors is agreed as minimal.		

## 4.2 Onshore Biodiversity

- 21 The Project has the potential to impact upon onshore and intertidal ornithology, hereafter referred to as onshore ornithology, and these interactions are duly considered within Volume 3, Chapter 5: Onshore Biodiversity of the ES (PINS Ref APP-046/ Application Ref 6.2.5). Table 4 identifies the status of discussions relating to this topic area between the parties.



**Table 4: Status of discussions relating to onshore ornithology**

Discussion Point	Thanet Extension Position	RSPB Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to onshore ornithology assessment and has given due regard to them within the assessment.		
Consultation	The ES chapter has been adequately updated following S42 and Evidence Plan consultation and concerns raised have been adequately addressed or clarified.		
Scope and Assessment Methodology	The potential impacts identified are appropriate and accurate for onshore ornithological receptors.		
	The study area defined for the assessment is appropriate for the impacts considered.		
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.		
	Data gaps have been highlighted and appropriate measures for filling any data gaps have been proposed.		

Discussion Point	Thanet Extension Position	RSPB Position	Final Position
	<p>The interaction with the saltmarsh is recognised as a notified feature of the SSSI. As agreed with the RSPB the saltmarsh is not considered a supporting habitat of the Thanet Coast and Sandwich Bay SPA due to its elevation and the ecology of the SPA features as noted within the Evidence Plan Report (Application Ref 8.5).</p>		
	<p>The sensitivity and importance of the receiving environment is accurately described within the Environmental Statement.</p>		
<p>Mitigation Measures</p>	<p>The embedded mitigation measures are considered appropriate and no further mitigation is necessitated as a result of the assessment conclusions.</p>		
<p>Outcomes of EIA</p>	<p>The conclusions of the assessment accurately reflect the potential impacts on the onshore ornithology within the study area.</p>		
	<p>The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate.</p>		
	<p>The conclusions of the assessment accurately reflect that there will not be a significant effect on Thanet Coast and Sandwich Bay Ramsar or Sandwich Bay to Hacklinge Marshes SSSI sites.</p>		

## 4.3 Report to Inform Appropriate Assessment

- 22 The Project provided a Report to Inform Appropriate Assessment with the submitted application to determine the potential for an Adverse Effect on Integrity (AEoI) on Natura 2000 sites.
- 23 This SoCG considers responses from RSPB on specific areas relating to ornithology, including assessment methods, outcomes, and conclusions relating to RIAA (PINS Ref APP-031/ Application Ref 5.2).
- 24 The sites with ornithological features considered within the RIAA and therefore this SoCG are:
- Transboundary European designated sites:
    - Bancs de Flandres SPA;
    - Cap Gris Nez SPA/Recifs Gris-Nez Blanc-Nez;
  - SPAs:
    - Outer Thames Estuary SPA;
    - Thanet Coast and Sandwich Bay SPA;
    - Flamborough and Filey Coast pSPA;
    - Flamborough Head and Bempton Cliffs SPA;
    - Northumberland Marine SPA;
    - Farne Islands SPA;
    - St Abb's Head to Fast Castle SPA;
    - Foulness (Mid-Essex Coast Phase 5) SPA; and
    - Alde-Ore Estuary SPA.

**Table 5: Status of discussions relating to the RIAA**

Discussion Point	Thanet Extension Position	RSPB Position	Final Position
Screening	The RIAA has identified all relevant features of the designated sites that may be sensitive to changes as a result of the proposed activities.		
Screening (transboundary)	The RIAA has identified all relevant transboundary designated sites that may be sensitive to changes as a result of the proposed activities.		
Outcomes of the RIAA	No adverse effect on the integrity of transboundary sites are predicted either alone or in-combination as a result of as a result of the proposed activities.		
Outcomes of the RIAA	No adverse effect on the integrity of Outer Thames Estuary SPA is predicted either alone or in-combination as a result of as a result of the proposed activities.		Matter under discussion (in relation to cumulative/in combination assessment)
Outcomes of the RIAA	No adverse effect on the integrity of Thanet Coast and Sandwich Bay SPA is predicted either alone or in-combination as a result of as a result of the proposed activities.		

Discussion Point	Thanet Extension Position	RSPB Position	Final Position
Outcomes of the RIAA	No adverse effect on the integrity of Flamborough and Filey Coast pSPA is predicted either alone or in-combination as a result of as a result of the proposed activities.		
Outcomes of the RIAA	No adverse effect on the integrity of Flamborough Head and Bempton Cliffs SPA is predicted either alone or in-combination as a result of as a result of the proposed activities.		
Outcomes of the RIAA	No adverse effect on the integrity of Northumberland Marine SPA is predicted either alone or in-combination as a result of as a result of the proposed activities.		
Outcomes of the RIAA	No adverse effect on the integrity of Farne Islands SPA is predicted either alone or in-combination as a result of as a result of the proposed activities.		
Outcomes of the RIAA	No adverse effect on the integrity of St Abb's Head to Fast Castle SPA is predicted either alone or in-combination as a result of as a result of the proposed activities.		
Outcomes of the RIAA	No adverse effect on the integrity of Foulness (Mid-Essex Coast Phase 5) SPA is predicted either alone or in-combination as		

Discussion Point	Thanet Extension Position	RSPB Position	Final Position
	a result of as a result of the proposed activities.		
Outcomes of the RIAA	No adverse effect on the integrity of Alde Ore estuary SPA is predicted either alone or in-combination as a result of as a result of the proposed activities.		
Mitigation measures	The proposed mitigation measures (over wintering seasonal restriction within the intertidal working area) is appropriate and adequately secured within the DCO/dML.		

## 4.4 Site Selection and Alternatives

- 25 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 6 identifies the status of discussions relating to this topic area between the parties.
- 26 It is noted that the selection and effects of the landfall is noted as an area to be included in this SoCG with RSPB.

**Table 6: Status of discussions relating to Site Selection and Alternatives.**

Discussion Point	Thanet Extension Position	RSPB Position	Final Position
Adequacy of information provision	The chapter provides a full and detailed account of the considerations and decision making process undertaken to develop the proposed Order Limits.		
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.		



## 5 Matters under Discussion

- 27 This summary section identifies those matters raised by the RSPB during the pre-application consultation that have yet to be resolved and are subject to ongoing discussion with the RSPB.
- 28 The Applicant has drafted clarification notes to provide further justification for the use of alternative buffers, cumulative/in-combination effects, Nocturnal Activity Factors, and consideration of the ORJIP data. These clarification notes have been drafted by the Applicant following discussions with Natural England but will be provided to the RSPB for consideration.
- 29 Table 7 provides a summary of the ongoing areas of discussion between the Applicant and RSPB.

**Table 7: Ongoing areas of discussion**

Discussion Point	Thanet Extension Position	RSPB Position	Final Position
Assessment of displacement for red-throated diver alone (at EIA level).	Culmination of data on displacement rates from within or in close proximity to the Thanet Extension site provides further evidence in support of lower displacement levels for this unique project.		
The rate of and spatial extent of displacement for divers, gannet and auks (at an EIA level).	Culmination of data on displacement rates from within or in close proximity to the Thanet Extension site provides further evidence in support of lower displacement levels for this unique project.		
Assessment of displacement for red-throated diver alone (at HRA level).	Following the discussion of methods applied for the assessment of red-throated diver displacement for Thanet Extension alone at the HRA level it is understood that this matter is now agreed.		
Assessment of displacement in-combination with other projects for red-throated diver (at HRA level).	Following the discussion of methods applied for the assessment of red-throated diver for Thanet Extension in-combination with other projects at the HRA level it is understood that this matter is now agreed.		

Discussion Point	Thanet Extension Position	RSPB Position	Final Position
Appropriate use of site-specific data on seabird flight heights (from aerial digital surveys).	The use of aerial digital data on seabird flight heights in collision risk modelling (CRM) was not deemed appropriate due to the sample size being too small (well below the 100 individuals used a minimum threshold).		
Appropriate use of site-specific data on seabird flight heights (from ORJIP study findings).	The use of ORJIP data on seabird flight heights in collision risk modelling (CRM) was not deemed appropriate due to the final findings not being reported on and a lack of guidance on how data from ORJIP can be applied in the Band (2012) collision risk model.		
Nocturnal activity rates used for seabirds in CRM.	Through consideration of a range of nocturnal activity rates for seabirds within the CRM it is considered that mortality rates remain at a consistently low level.		
The contribution of Thanet Extension being of no material difference to cumulative collision risk.	That collision risk, even accounting for a range in the nocturnal activity rates, is still well below the values for all five seabirds assessed (gannet, kittiwake, herring gull, lesser black-backed gull and great black-backed gull) that would constitute a material contribution to the cumulative totals.		

Discussion Point	Thanet Extension Position	RSPB Position	Final Position
The contribution of Thanet Extension being of no material difference to in-combination collision risk.	That the contribution of Thanet Extension to the in-combination collision mortality rates, even accounting for a range in the nocturnal activity rates, is still well below the values considered to be of material contribution for those seabirds assessed with respect to individual designated sites within the HRA.		