

Vattenfall Wind Power Ltd

Thanet Extension Offshore Wind Farm

Appendix 15 to Deadline 1 Submission: Statement of Common Ground – Natural England Technical Topics (excluding Offshore Ornithology, Saltmarsh, and Site Selection)

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 Natural England 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 Natural England 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 Natural England, the SoCG is focused on those issues raised by Natural England within its response to Scoping, Section 42 consultation, matters raised through the Evidence Plan process that has underpinned the pre-application consultation between the parties, the received relevant representations, and in reflection of the 'Rule 6' letter published by the ExA on the 9th November.
- 5 The structure of the SoCG is as follows:
 - Section 1: Introduction;
 - Section 2: Natural England's remit;
 - Section 3: Consultation;
 - Section 4: Agreements Log; and
 - Section 5: 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 rotor.
- 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.

2 Natural England's Remit

- 11 Natural England is an executive non-departmental public body established under the Natural Environment and Rural Communities Act 2006 ('NERC Act') and is the statutory advisor to the Government on nature conservation in England and promotes the conservation of England's wildlife and natural features. Natural England's remit extends to the territorial sea adjacent to England, up to 12 nautical miles from the coastline.

- 12 Natural England is a statutory consultee for the proposed development under section 42 of the Planning Act 2008 and a prescribed consultee under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. Natural England is a statutory consultee in respect of all applications for consent for Nationally Significant Infrastructure Projects which are likely to affect land in England.

3 Consultation

3.1 Application elements under Natural England'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 Natural England.
- 14 Natural England is a non-departmental public body responsible for ensuring that England's natural environment, including its land, flora and fauna, freshwater and marine environments, geology and soils, are protected and improved. It also has a responsibility to help people enjoy, understand and access the natural environment.
- 15 The technical components of the DCO application of relevance to Natural England (and therefore considered within this SoCG) comprise:
- Report to Inform Appropriate Assessment (PINS Ref APP-031/ Application Ref 5.2);
 - Volume 2, Chapter 2: Marine Geology, Oceanography and Physical Processes (PINS Ref APP-043/ Application Ref 6.2.2);
 - Volume 2, Chapter 3: Marine Water and Sediment Quality (PINS Ref APP-044/ Application Ref 6.2.3);
 - Volume 2, Chapter 5: Benthic Subtidal and Intertidal Ecology (PINS Ref APP-046/ Application Ref 6.2.5);
 - Volume 2, Chapter 6: Fish and Shellfish Ecology (PINS Ref APP-047/ Application Ref 6.2.6);
 - Volume 2, Chapter 7: Marine Mammals (PINS Ref APP-048/ Application Ref 6.2.7);
 - Volume 2, Chapter 8: Designated Sites (PINS Ref APP-049/ Application Ref 6.2.8);
 - Volume 4, Annex 5-3: Benthic Characterisation report (PINS Ref APP-082/ Application Ref 6.4.5.2);
 - Volume 4, Annex 5-3: Marine Conservation Zone Assessment (PINS Ref APP-083/ Application 6.4.5.3);
 - Volume 3, Chapter 5: Onshore Biodiversity (PINS Ref APP-061/ Application Ref 6.3.5);

- Draft Code of Construction Practice (CoCP) (PINS Ref APP-133/ Application Ref 8.1);
- Environmental Impact Assessment Evidence Plan Report (PINS Ref APP-137/ Application Ref 8.5);
- Draft Outline Landscape Ecological Management Plan (OLEMP) (PINS Ref APP-142/ Application Ref 8.7);
- Draft European Protected Species (EPS) licence (PINS Ref APP-144/ Application Ref 8.9);
- Draft Marine Mammal Mitigation Protocol for Piling Activities (PINS Ref APP-146/ Application Ref 8.11);
- Saltmarsh
- Mitigation, Reinstatement and Monitoring Plan (PINS Ref APP-147/ Application Ref 8.13);
- Biogenic Reef Mitigation Plan (PINS Ref APP-149/ Application Ref 8.15); and
- Draft Development Consent Order (PINS Ref APP-022/ Application Ref 3.1).

3.2 Consultation Summary

16 This section briefly summarises the consultation (in relation to those matters identified in section 3.1) that VWPL has undertaken with Natural England. 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 Natural England pre-application

Date & Type:	Detail:
October 2016 Evidence Plan	1 st Steerco Evidence Plan meeting
June 2017 Evidence Plan	2 nd Steerco Evidence Plan meeting
December 2016	Evidence Plan meeting - Offshore Ornithology Meeting.
February 2017 Evidence Plan	Evidence Plan meeting - Offshore Ecology Meeting.

Date & Type:	Detail:
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.
February 2018	Evidence Plan Meeting – Onshore Ecology and Ornithology
2018 Consultation	RIAA Consultation
May 2018	Evidence Plan Meeting – Onshore and Offshore Ecology

3.3 Post-application Consultation

17 VWPL has engaged with Natural England 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 Natural England is detailed in Table 2.

Table 2: Consultation undertaken with the Natural England post-application

Date/ Type:	Detail:
July 2018	Outline Landscape and Ecological Management Plan Meeting
July 2018	Saltmarsh Management and Mitigation Meeting
October 2018	Initial Discussions on developing a SoCG
November 2018	Discussions on specific marine mammals matters raised in the Relevant Representation
November 2018	Discussions on specific offshore ornithological matters raised in the Relevant Representation

4 Agreements Log

18 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 Report to Inform Appropriate Assessment

19 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.

20 This SoCG considers responses from Natural England on specific areas relating to physical processes, marine water and sediment quality, benthic ecology, fish and shellfish, marine mammals and onshore biodiversity (including intertidal and terrestrial ornithology), including assessment methods, outcomes, and conclusions relating to the relevant ES chapter (PINS Refs APP-043, APP-044, APP-046, APP-047 and APP-061/ Application Refs 6.2.2, 6.2.3, 6.2.5, 6.2.6, 6.2.7 and 6.3.5 respectively) and the RIAA (PINS Ref APP-031/ Application Ref 5.2). In addition, ornithological and saltmarsh issues are addressed within two further SoCG.

21 Therefore, this SoCG (including Table 3) considers SACs, Ramsar and transboundary SAC sites.

22 The sites considered within the RIAA and therefore this SoCG are:

- SACs:
 - Thanet Coast SAC;
 - Sandwich Bay SAC
 - Margate and Long Sands SAC; and
 - Southern North Sea cSAC.
- Ramsar:
 - Thanet Coast and Sandwich Bay Ramsar; and
 - Alde-Ore Estuary Ramsar.

- Transboundary SAC:
 - Bancs de Flandres;
 - Baie de Canche et couloir des trois estuaires;
 - Vlakte van de Raan;
 - Voordelta;
 - Estuaires et littoral picards (baies de Somme et d'Authie);
 - Recifs Gris-Nez Blanc-Nez;
 - Vlaamse Banken;
 - SBZ 1;
 - SBZ 2;
 - SBZ 3; and
 - Ridens et dunes hydrauliques du détroit du Pas-de-Calais.

Table 3: Status of discussions relating to the RIAA

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Policy and Planning	The RIAA has identified all appropriate plans and policies, insofar as relevant to Natural England’s remit and the HRA for Thanet Extension, and has given due regard to them within the assessment.	Agreed.	
Screening	Those sites identified as having potential Likely Significant Effects (LSE) Thanet Extension alone or in-combination are appropriate.	Agreed.	
Screening	The RIAA, screening document, and Evidence Plan process has resulted in the identification of all relevant features of the designated sites that may be sensitive to changes as a result of the proposed Thanet Extension project activities.	Natural England have some outstanding concerns in relation to understanding the developers definition of subtidal chalk/ chalk reef and how this relates to the temporary and indirect impacts on Thanet Coast SAC. We want reassurances that any subtidal chalk is clearly represented and included in the assessment.	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Screening (transboundary)	The RIAA has identified all relevant transboundary designated sites that may be sensitive to changes as a result of the proposed Thanet Extension project activities.	Natural England has no further comments upon transboundary designated sites. Natural England do not consider it within our remit to advise on this.	
Scope and Assessment Methodology	The potential impacts for Thanet Extension identified within the RIAA and associated screening documents are appropriate and adequate for benthic ecology, marine mammals, diadromous fish and onshore biodiversity.	As highlighted within the examiners questions, we deem that the in combination assessment of Adverse Effect on Integrity (AEoI) for Subtidal and Benthic Intertidal habitat should include an in-combination assessment with other known dredging and disposal activities for the pressure of siltation / sedimentation.	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
		<p>Natural England also have concerns regarding the permanent loss of saltmarsh associated with landfall option 2 and the applicant’s decision to determine there would be no AEoI on the SPA and Ramsar. However, Natural England are aware of the applicant’s decision to remove landfall option 2 from consideration, and after similar confirmation from the Examining Authority we shall review this position.</p>	
<p>Scope and Assessment Methodology</p>	<p>The screening of potential likely significant effects, sites and species in relation to Thanet Extension is adequate and appropriate.</p>	<p>As above, Natural England have concerns regarding the permanent loss of saltmarsh associated with landfall option 2 and the applicant’s decision to determine there would be no AEoI on the SPA and Ramsar. However, Natural England are aware of the applicant’s decision to remove landfall option 2 from consideration, and after similar confirmation from the Examining Authority we shall review this position.</p>	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Scope and Assessment Methodology	The study areas defined for the assessments are appropriate for the impacts and pathways considered.	Agreed.	

<p>Baseline data used in the assessment</p>	<p>Sufficient primary and secondary data has been collated to appropriately characterise the baseline environment of the Thanet Extension study areas for the purposes of informing the RIAA.</p>	<p>For landfall option 2 which would involve the permanent loss of saltmarsh, Natural England advises that more detailed baseline information is required of the saltmarsh in this area. Additionally, changes in hydrodynamics and sediments due to the advancement of the seawall under option 2 would need to be assessed. This would primarily impact upon Thanet Coast SPA and Ramsar. As part of the appropriate assessment, more data on the bird features that rely upon the intertidal area of Pegwell Bay may also be needed. However, Natural England are aware of the applicant’s decision to remove landfall option 2 from consideration, and after similar confirmation from the Examining Authority we shall review this position.</p> <p>Natural England have some outstanding concerns in relation to understanding the developers definition and characterisation of subtidal chalk/ chalk reef and how this relates to the temporary and indirect impacts on Thanet Coast SAC. We want reassurances that any subtidal chalk is clearly represented and included in the assessment.</p>	
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Discussion Point	Thanet Extension Position	Natural England Position	Final Position
		<p>As highlighted within the examiners questions, we deem that the in combination assessment of AEoI for Subtidal and Benthic Intertidal habitat should include an in-combination assessment with other known dredging and disposal activities for the pressure of siltation / sedimentation.</p>	
<p>Baseline data used in the assessment</p>	<p>Data gaps have been highlighted and, appropriate and/ or adequate measures for filling any data gaps have been proposed.</p>	<p>As highlighted previously, option 2 which would involve the permanent loss of saltmarsh, Natural England advises that more detailed baseline information is required of the saltmarsh in this area. Additionally, changes in hydrodynamics and sediments due to the advancement of the seawall under option 2 would need to be assessed. This would primarily impact upon Thanet Coast SPA and Ramsar. As part of the appropriate assessment, more data on the bird features that rely upon the intertidal area of Pegwell Bay may also be needed.</p> <p>However, Natural England are aware of the applicant’s decision to remove landfall option 2 from consideration, and after similar confirmation from the Examining Authority we shall review this position.</p>	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
In-combination assessment methodology	The RIAA has considered all relevant plans and projects for the determination of in-combination LSE.	As highlighted within the examiners questions, we deem that the in combination assessment of AEoI for Subtidal and Benthic Intertidal habitat should include an in-combination assessment with other known dredging and disposal activities for the pressure of siltation / sedimentation.	
In-combination assessment	The tiering methodology and definitions were agreed, with Natural England as part of the Evidence Plan process and are appropriate/ adequate.	Agreed.	
Mitigation Measures	There are no further mitigation measures beyond those outlined in the RIAA are necessitated as a result of the assessment conclusions for the Thanet Extension project alone.	Natural England request that the mitigation measures are listed within the applicant’s position, in order for us to agree a finalised position.	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Mitigation Measures	<p>The Applicant will microsite around all chalk reef features within designated sites, noting that none have been identified within the Red Line Boundary. Chalk reef has been defined as by the presence of elevated chalk features by drop down video as presented in Table 5.5 of PINS Ref APP-046/ Application Ref 6.2.5. Volume 4, Annex 5-2 (PINS Ref APP-082/ Application Ref 6.4.5.2), Annex F-1 presents the dropdown video surveys undertaken by the project.</p>	<p>Natural England are encouraged by the applicant’s commitment to microsite around all chalk reef features within designated sites. However, we require clarity whether that includes the chalk reef sub features a highlighted in the Thanet Coast SAC conservation advice package i.e. circalittoral, infralittoral and subtidal rock. Furthermore, we require clarification around the potential impacts of subtidal chalk outside of designated sites.</p>	
Mitigation Measures	<p>The Applicant will observe a seasonal restriction in the intertidal area between October and March inclusive and this has been adequately secured in the DCO (see Table 12).</p>	<p>Agreed.</p>	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Outcomes of the RIAA	It was agreed through the Evidence Plan process that the RIAA would not repeat the screening process within the report. However, the screening was reviewed and updated appropriately within the Thanet Extension RIAA to take into account the Sweetman II Judgement. The revisions adequately account for Sweetman II.	Agreed.	
Outcomes of the RIAA	No adverse effect on the integrity of Thanet Coast SAC is predicted either alone or in-combination as a result of as a result of the proposed Thanet Extension project activities.	Currently under discussion with the applicant.	Under discussion – see section 5.
Outcomes of the RIAA	No adverse effect on the integrity of Margate and Long Sands SAC is predicted either alone or in-combination as a result of as a result of the proposed Thanet Extension project activities.	Agreed.	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Outcomes of the RIAA	No adverse effect on the integrity of Southern North Sea cSAC is predicted either alone or in-combination as a result of as a result of the proposed Thanet Extension project activities.	Currently under discussion with the applicant.	Under discussion – see section 5.
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 Thanet Extension project activities.	Natural England has no further comments upon transboundary designated sites. Natural England do not consider it within our remit to advise on this.	
Outcomes of the RIAA	No adverse effect on the integrity of Thanet Coast and Sandwich Bay Ramsar is predicted either alone or in-combination as a result of as a result of the proposed Thanet Extension activities.	Currently under discussion with the applicant.	This is under discussion and the saltmarsh aspects are considered in detail in a further SoCG.

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Outcomes of the RIAA	No adverse effect on the integrity of Alde-Ore Estuary Ramsar is predicted either alone or in-combination as a result of as a result of the proposed Thanet Extension project activities.	Agreed.	
Outcomes of the RIAA	Determination of LSE in-combination has adequately and appropriately taken into account the available information, effect-pathway-receptor issues and the potential for physical/ temporal interactions from Thanet Extension.	Currently under discussion with the applicant.	

4.2 Marine Geology, Oceanography and Physical Processes

- 23 The Project has the potential to impact upon marine processes and these interactions are duly considered within Volume 2, Chapter 2: Marine Geology, Oceanography and Physical Processes of the ES (PINS Ref APP-043/ Application Ref 6.2.2). Table 4 identifies the status of discussions relating to this topic area between the parties.

Table 4: Status of discussions relating to Marine Geology, Oceanography and Physical Processes.

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies, insofar as relevant to Natural England’s remit, relevant to physical processes and has given due regard to them within the Thanet Extension assessment.	Agreed.	
Consultation	The ES chapter has been adequately updated following S42 and Evidence Plan consultation and concerns raised have been adequately addressed or clarified.	Currently disagree - Further consideration needs to be given to impacts, sensitivity and recoverability of habitats to deposition of material from sandwave clearance / pre-sweeping including the habitat and size of area affected. Disposal areas should avoid protected sites and areas of habitats of conversation interest.	
Scope and Assessment Methodology	The evidence based approach to the assessment of effects is deemed appropriate or adequate for assessing Thanet Extension, for the purposes of predicting changes to the receiving environment.	Agreed.	
	The potential impacts identified are appropriate or adequate in relation to Thanet Extension, for physical process receptors and pathways.	Natural England raised concerns with the extension of the sea wall associated with landfall option 2 and the potential subsequent erosion around the base of the sea wall causing further permanent loss. These concerns have been	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
		<p>lessened by the applicant’s decision to drop option 2. However, for landfall option 3, which involves trenching through the saltmarsh, Natural England have encouraged the applicant to really consider the effects from the NEMO installation and not assume that recovery even from “temporary” disturbance can be guaranteed. It is stated that the Saltmarsh Mitigation Plan will be updated with these lessons learnt. On reviewing these changes and any further changes caused by removing landfall option 2, Natural England will revisit whether the potential impacts have been properly assessed.</p> <p>In addition, and as stated above, further consideration and assessment needs to be given to impacts, sensitivity and recoverability of habitats to deposition of material from sandwave clearance / pre-sweeping including the habitat and size of area affected. Disposal areas should avoid protected sites and areas of habitats of conversation interest.</p>	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	The definitions of sensitivity and magnitude are appropriate for the purposes of the assessment.	Agreed.	
	The study area defined for the assessment is appropriate or adequate in relation to Thanet Extension, for the impacts and pathways considered.	Agreed.	
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 for Thanet Extension	Agreed.	
	Data gaps have been highlighted and appropriate or adequate measures for filling any data gaps have been proposed for the Thanet Extension project.	Agreed.	
	The sensitivity and importance of the receiving environment is appropriately or adequately described within the Thanet Extension Environmental Statement.	Natural England have concerns regarding the level of sensitivity and importance afforded to the saltmarsh supporting habitat for the SPA and Ramsar and SSSI. These concerns have been lessened to some degree now that option 2 has been dropped, however we deem it would be premature to agree to this statement currently without official confirmation from the Examining Authority that this option has been dropped.	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Mitigation Measures	The embedded mitigation measures are considered appropriate or adequate in relation to Thanet Extension, and no further mitigation is necessitated as a result of the assessment conclusions.	Partially agreed - Natural England request that the mitigation measures are listed within the applicant's position, in order for us to agree a finalised position.	
Outcomes of the EIA	The conclusions of the assessment appropriately and adequately reflects the potential impacts on physical processes within the study area during the construction, operation and decommissioning phases of the Thanet Extension project.	As highlighted, Natural England will revisit the conclusions once further information and lessons learnt from the Nemo cable have been incorporated into the saltmarsh mitigation plan, alongside any changes associated with dropping landfall option 2. Furthermore, the deposition of material from sandwave clearance and the locations of this deposited material is not adequately assessed.	
	The cumulative effects have been adequately and appropriately described in relation to Thanet Extension within the ES and the conclusions are appropriate.	As highlighted within the examiners questions, we deem that the in combination assessment of AEoI for Subtidal and Benthic Intertidal habitat should include an in-combination assessment with other known dredging and disposal activities for the pressure of siltation / sedimentation.	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	The effects of turbid wakes have adequately and appropriate been assessed in relation to Thanet Extension, based on site specific data, analogous projects and available literature.	Agreed.	

4.3 Marine Water and Sediment Quality

- 24 The Project has the potential to impact upon marine water and sediment quality and these interactions are duly considered within Volume 2, Chapter 3: Marine Water Quality and Sediment Quality of the Thanet Extension ES (PINS Ref APP-044/ Application Ref 6.2.3). Table 5 identifies the status of discussions relating to this topic area between the parties.

Table 5: Status of discussions relating to Marine Water and Sediment Quality.

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies, insofar as relevant to Natural England’s remit, and relevant to water and sediment quality and has given due regard to them within the assessment.	Agreed.	
Consultation	The ES chapter has been adequately updated following S42 and Evidence Plan consultation and concerns raised have been adequately addressed or clarified.	Agreed.	
Scope and Assessment Methodology	The potential impacts identified are appropriate and adequate in relation to Thanet Extension, for water and sediment quality receptors.	Currently under discussion with the applicant.	
	The study area defined for the assessment is appropriate for the impacts considered in relation to Thanet Extension.	Agreed.	
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 Thanet Extension EIA.	Agreed.	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	<p>The sensitivity and importance of the receiving environment is appropriately or adequately described within the Thanet Extension Environmental Statement.</p>	<p>Natural England have concerns regarding the level of sensitivity and importance afforded to the saltmarsh supporting habitat for the SPA and Ramsar and SSSI. These concerns have been lessened to some degree now that option 2 has been dropped, however we deem it would be premature to agree to this statement currently however we deem it would be premature to agree to this statement currently without official confirmation from the Examining Authority that this option has been dropped.</p>	
<p>Baseline data used in the assessment</p>	<p>All data gaps have been highlighted and all appropriate or adequate measures for filling any data gaps have been proposed.</p>	<p>Agreed.</p>	
<p>Mitigation Measures</p>	<p>The embedded mitigation measures are considered appropriate or adequate in relation to Thanet Extension, and no further mitigation is necessitated as a result of the assessment conclusions.</p>	<p>Natural England request that the mitigation measures are listed within the applicant's position, in order for us to agree a finalised position.</p>	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Mitigation Measures	The contaminated land management plan is appropriately or adequately secured in the DCO and provides for ensuring the sufficient reinstatement of the seawall to prevent leachate issues, the information to be submitted for approval to the relevant authority at the relevant time.	Currently under discussion – this position may alter following the applicant decision to drop landfall option 2.	Under discussion – see Table 12.
Outcomes of the EIA	The conclusions of the assessment appropriately or adequately reflects the potential impacts on the marine water quality within the study area during the construction, operation and decommissioning phases of the Thanet Extension project.	Currently under discussion with the applicant.	See Section 5 with regard to project description transcription.
Outcomes of the EIA	The cumulative effects have been adequately or appropriately described within the ES and the conclusions are appropriate for the Thanet Extension project.	Currently under discussion with the applicant.	

4.4 Benthic Subtidal and Intertidal Ecology

- 25 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 of the ES (PINS Ref APP-046/ Application Ref 6.2.5). Table 6 identifies the status of discussions relating to this topic area between the parties. The discussions relating to saltmarsh are considered within a further SoCG.

Table 6: Status of discussions relating to Benthic Subtidal and Intertidal Ecology.

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies, insofar as relevant to Natural England’s remit, relevant to benthic ecology and has given due regard to them within the assessment.	Agreed.	
Consultation	The ES chapter has been adequately updated following S42 and Evidence Plan consultation and concerns raised have been adequately addressed or clarified.	<p>Currently disagree. Certain issues have not been adequately addressed following these processes, these include:</p> <ul style="list-style-type: none"> • Concerns regarding the Marine Conservation Zone (MCZ) assessment to determine the potential impacts upon Goodwin Sands pMCZ. • There needs to be greater consideration to the impacts, sensitivity and recoverability from sandwave clearance particularly in protected sites and around habitats of conservation interest. • The impact upon subtidal chalk habitat, a protected habitat under the section 42 of the NERC act, outside of designated sites. 	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Scope and Assessment Methodology	The potential impacts identified are appropriate or adequate, in relation to Thanet Extension, for benthic ecology receptors.	Partially agreed – The majority of impacts have been sufficiently identified, however as stated in the above row there are question marks around the impacts upon the Goodwin Sands pMCZ and subtidal chalk habitat.	
	The study area defined for the assessment is appropriate for the impacts considered for the Thanet Extension project.	Agreed – however as per Examiner Question 1.1.4 we would like clarification on the discrepancies in the study area between 12, 13 and 14 km.	
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 Thanet Extension EIA.	Agreed – the baseline is sufficient for EIA purposes given much of the proposed construction is outside of designated sites. However, this should position should not be assumed for HRA or MCZ purposes.	
	Data gaps have been highlighted and appropriate measures for filling any data gaps have been proposed for Thanet Extension.	Currently disagree. There is a lack of site specific data for Goodwin Sands pMCZ to base our conclusions on. The data gap on the cable route, the additional “arm” section is at the applicants risk, should species or habitats of conservation important become apparent during pre-construction surveys further assessment and mitigation will be required.	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	<p>The sensitivity and importance of the receiving environment is appropriately or adequately described within the Thanet Extension Environmental Statement.</p>	<p>Partially Agreed – Further work should be done on determining the scale of impact upon subtidal chalk outside of designated sites.</p>	
<p>Mitigation Measures</p>	<p>The embedded mitigation measures are considered appropriate or adequate, in relation to Thanet Extension, and no further mitigation is necessitated as a result of the assessment conclusions.</p>	<p>Currently unable to agree. It would be useful for the applicant to briefly list the embedded mitigation measures that will be employed, to be clear on what Natural England are agreeing to.</p> <p>Alongside embedded mitigation, further mitigation measures may need to be employed in areas such as Goodwin Sands pMCZ to limit the area in which cable laying occurs or to mitigate any impacts from cable laying operations.</p>	
<p>Outcomes of EIA</p>	<p>The conclusions of the assessment appropriately or adequately reflects the potential impacts on the benthic ecology within the study area during the construction, operation and decommissioning phases of the Thanet Extension project. Noting that this excludes effects on intertidal saltmarsh habitats.</p>	<p>As highlighted above in the “Consultation” discussion points and in Natural England’s written representations there are currently a few outstanding issues that need addressing before we fully agree to the outcomes of the EIA.</p> <p>Furthermore, as section 5 describes we are awaiting a clarification note which should provide further information.</p>	<p>See Section 5 with regard to project description transcription.</p>

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	<p>The cumulative effects have been adequately or appropriately described within the ES and the conclusions are appropriate for the Thanet Extension project.</p>	<p>As raised in the first round of examiner’s questions (1.1.35), Natural England believe for completeness there should be an in-combination assessment with other known dredging and disposal activities for the pressure of siltation / sedimentation.</p>	
<p>Core Reef Approach</p>	<p>The report has been agreed in principle with Natural England for Thanet Extension for the reasons detailed in their Relevant Representation, and has been appropriately or adequately addressed following Natural England’s relevant representations.</p>	<p>Agree if changes are made as per recent comments from Natural England on the latest version.</p>	<p>Under discussion – with Natural England. Document circulated on 16th November 2018.</p>

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Saltmarsh Mitigation and Management Plan	The Saltmarsh Mitigation, Reinstatement and Management Plan (Application Ref 8.13) provides sufficient information for the Thanet Extension project activities and is adequately secured in the DCO.	As per final position column this document is still under discussion with the applicant. However, good progress has been made and Natural England have had the opportunity to feed in to the document. It may also need updating following the decision from the applicant to drop landfall option 2.	Under discussion – the Applicant notes that the plan will be updated with lessons learnt from the Nemo Interconnector when the information is available. See Table 12.

4.5 Fish and Shellfish Ecology

- 26 The Project has the potential to impact upon fish and shellfish ecology and these interactions are duly considered within Volume 2, Chapter 6: Fish and Shellfish Ecology of the ES (PINS Ref APP-047/ Application Ref 6.2.6). Table 7 identifies matters identified by the ExA as requiring agreement between the Applicant and Natural England, and as noted within Natural England's Relevant Representation.

Table 7: Status of discussions relating to Fish and Shellfish Ecology.

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies, insofar as relevant to Natural England’s remit, relevant to fish and shellfish ecology and has given due regard to them within the Thanet Extension assessment.	Agreed.	
Consultation	The ES chapter has been adequately updated following consultation and concerns raised have been adequately addressed or clarified.	Agreed.	
Scope and Assessment methodology	The potential impacts identified are a appropriate and adequate reflection of the potential impacts, in relation to Thanet Extension, on the fish and shellfish ecology.	Agreed.	
	The noise modelling and metrics are appropriate or adequate, in relation to Thanet Extension, for assessing the impacts on fish species.	In reviewing the environmental statement from the applicant Natural England has no further concerns with regards to the noise modelling. Therefore, we agree with position in relation to fish species protected by designated sites, however we encourage further consultation with other statutory bodies such as CEFAS and the MMO.	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	<p>The methodologies applied to the assessment are robust and appropriate for the Thanet Extension project.</p>	<p>In reviewing the environmental statement from the applicant Natural England has no further concerns with regards to the methodologies applied to the assessment. Therefore, we agree with this position in relation to fish species protected by designated sites, however we encourage further consultation with other statutory bodies such as CEFAS and the MMO.</p>	
	<p>The study area defined for the assessment is appropriate, in relation to Thanet Extension, for the impacts considered.</p>	<p>Agreed.</p>	
<p>Baseline data used in the assessment</p>	<p>Sufficient primary and secondary data has been collated to appropriately characterise the baseline environment for the purposes of informing the Thanet Extension EIA.</p>	<p>In reviewing the environmental statement from the applicant Natural England has no further concerns in relation to the baseline data. Therefore we agree with this position in relation to fish species protected by designated sites, however we encourage further consultation with other statutory bodies such as CEFAS and the MMO.</p>	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	<p>Data gaps have been highlighted and appropriate measures for filling any data gaps have been proposed for the Thanet Extension project.</p>	<p>In reviewing the environmental statement from the applicant Natural England has no further concerns in relation to data gaps. Therefore we agree with this position in relation to fish species protected by designated sites, however we encourage further consultation with other statutory bodies such as CEFAS and the MMO.</p>	
	<p>All relevant species of fish within the study area have been identified and assessed for the Thanet Extension project.</p>	<p>In reviewing the environmental statement from the applicant Natural England has no further concerns with the fish species outlined within this assessment. Therefore, we agree with this position in relation to fish species protected by designated sites, however we encourage further consultation with other statutory bodies such as CEFAS and the MMO.</p>	
	<p>The sensitivity and importance of the receiving environment is appropriately or adequately described within the Thanet Extension ES.</p>	<p>Agreed.</p>	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Mitigation Measures	The embedded mitigation measures are considered appropriate or adequate, in relation to Thanet Extension, and no further mitigation is necessitated as a result of the assessment conclusions.	In reviewing the environmental statement from the applicant Natural England has no further concerns with regards to the embedded mitigation outlined within the assessment. Therefore, we agree with this position in relation to fish species protected by designated sites, however we encourage further consultation with other statutory bodies such as CEFAS and the MMO.	
Outcomes of the EIA	The assessment criteria and assignment of significance is appropriate in relation to Thanet Extension.	Agreed.	
	The sensitivity and importance of the receiving environment is appropriately or adequately described within the Thanet Extension ES.	Agreed.	
	The conclusions of the assessment appropriately or adequately reflects the potential impacts on the fish and shellfish ecology within the study area during the construction, operation and decommissioning phases of the Thanet Extension project.	In reviewing the environmental statement from the applicant Natural England has no further concerns. Therefore we agree with this position in relation to fish species protected by designated sites, however we encourage further consultation with other statutory bodies such as CEFAS and the MMO.	See Section 5 with regard to project description transcription.

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	<p>The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate for the Thanet Extension project.</p>	<p>In reviewing the environmental statement from the applicant Natural England has no further concerns. Therefore we agree with this position in relation to fish species protected by designated sites, however we encourage further consultation with other statutory bodies such as CEFAS and the MMO.</p>	

4.6 Marine Mammals

- 27 The Project has the potential to impact upon marine mammals and these interactions are duly considered within Volume 2, Chapter 7: Marine Mammals of the ES (PINS Ref APP-048/ Application Ref 6.2.7). Table 8 identifies the status of discussions relating to this topic area between the parties.

Table 8: Status of discussions relating to Marine Mammals.

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to marine mammals, insofar as relevant to Natural England’s remit, and has given due regard to them within the assessment.	Agreed.	
Consultation	The ES chapter has been adequately updated following both the S42 consultation and the Evidence Plan concerns raised have been adequately addressed or clarified.	Agreed, with any outstanding concerns detailed below.	
Scope and Assessment methodology	The potential impacts identified are an appropriate and adequate reflection of the potential impacts on the marine mammals in relation to Thanet Extension.	Agreed.	
	The underwater noise modelling and metrics are appropriate for assessing the potential impacts on marine mammals, in relation to Thanet Extension, as agreed through the Evidence Plan process.	Agreed.	
	The methodologies applied to the assessment are robust and appropriate in relation to Thanet Extension.	Agreed.	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	The study area defined for the assessment is appropriate for the impacts considered in relation to the Thanet Extension project.	Agreed.	
	The main species of interest, in relation for Thanet Extension, have been considered within the assessment.	Agreed.	
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 Thanet Extension EIA. A clarification note has been drafted to indicate the implications of adopting the JCP III derived harbour porpoise density estimates in the assessment and to demonstrate that this does not result in a material change to the assessment outcome.	Awaiting a clarification note from the applicant to provide further information, before an agreement can be made.	Under discussion. The Applicant notes that this clarification note has not yet been provided to Natural England.
	Data gaps have been highlighted and appropriate measures for filling any data gaps have been proposed for the Thanet Extension project.	Agreed.	
	The sensitivity and importance of the receiving environment is appropriately or adequately described within the Thanet Extension Environmental Statement.	Agreed.	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Mitigation Measures	<p>The embedded mitigation measures are considered appropriate or adequate, and no further mitigation is necessitated as a result of the assessment conclusions when the Thanet Extension project is considered alone.</p>	<p>Agreed.</p>	
	<p>No further mitigation is necessitated as a result of the assessment conclusions when the Thanet Extension project is considered cumulatively.</p>	<p>Natural England RR comment NE 102 concerning detailing possible mitigation options (reduction of noise technology): This issue could be dealt with via the production of a SIP – see below.</p> <p>The BEIS Review of Consents (RoC) 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.</p> <p>While Natural England agrees that SIPs are a method to prevent an adverse effect on site integrity, there is also a need to put a timeframe on the SIP and a mechanism for assessing multiple SIPs at the same time. At what stage will the developer be required to reassess whether the parameters that have been assessed within</p>	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
		<p>the BEIS HRA have been exceeded? We suggest at the next Contract for Differences (CfD) stage and then again as each project reaches their Final Investment Decision (FiD) stage in case further mitigation is required. Assessment will also need to be made of possible EPS requirements – as the applicant stated in response to Natural England RR comment NE-103 that <i>An updated assessment of the potential for cumulative disturbance will be carried out to inform an EPS licence application if deemed necessary at the appropriate stage.</i> This should take place within the SIP.</p> <p>More information is required from the MMO / BEIS on how spatio-temporal impacts will be managed to prevent exceedance of the SNCB noise guidance thresholds. A process will need to be developed to ensure continuing adherence to the SCI thresholds as multiple SIPs are developed over time, especially when piling can take place over several years, and new projects can come online during this time. Should potential exceedance of the thresholds occur, a process for</p>	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
		<p>dealing with this issue needs to be in place – the affected developers / industries will need to work together with the regulator and SNCBs to prevent adverse effect on the SCI. However, this process needs to be developed and agreed before SIPs are placed onto DCOs.</p> <p>Natural England agree if there is the production of a SIP by the applicant and there is clear guidance from the regulator on how this process will be managed strategically.</p>	
<p>Outcomes of the EIA</p>	<p>The conclusions of the assessment appropriately or adequately reflects the potential impacts on marine mammals within the study area during the construction, operation and decommissioning phases of the Thanet Extension project.</p>	<p>Natural England RR Comment NE-96: Figures 7.19 & 7.20 and Figures 7.22 & 7.23 - Disturbance thresholds for porpoise hit the coastline in this figure for both monopiles and pin piles. While Natural England accept Thanet’s response to Natural England’s relevant representations that <i>‘published dose response curves have indicated that at levels around 145 SELss (which is the sound level indicated by the contours on the coast in Figure 7.19), levels of response are approximately 50% - therefore at this distance, half the animals present would be expected to</i></p>	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
		<p><i>show a behavioural response such as moving away from the source. In this case, this would probably result in animals moving along the coastline to adjacent quieter areas to the north and south of this area.</i> Natural England would like to note that while this is accepted, (although figures 7.22 and 7.23 show 155 and 150dB SELss contours hitting the coastline respectively) there is no scientific evidence that porpoise movement will be north or south along the coastline as a result of the disturbance, and not cause any live strandings.</p> <p>To be fully agreed.</p> <p>Natural England RR comment NE-103 concerning maximum PTS distance to be mitigated: Despite a Thanet response detailing the distances in the ES being mean distances rather than maximum distances, Paragraph 7.11.83 before table 7.26 in the ES states: <i>The potential for exposure to noise levels that could cause PTS over the whole piling sequence can be reduced by extending the mitigation zone out to the maximum range</i></p>	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
		<p><i>(across all species) predicted by the NOAA thresholds of 960 m.</i></p> <p>This suggests that this is the max range not the mean. In any case, the applicant has committed to reporting the max and the average distances within the MMMP should they gain consent.</p> <p>Natural England agree with the applicant’s commitment to provide both values in the MMMP</p>	
	<p>The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate for the Thanet Extension project.</p>	<p>Natural England RR comment NE-101 concerning cumulative assessment of UXOs: As a point of principle, all noisy activities should be assessed together as part of the cumulative assessment. Natural England would argue that currently this is not a complete CEA. However, given the levels of seismic activity in the porpoise management unit and their potential for disturbance, combined with UXO detonations, there is unlikely to be a population level impact on harbour porpoises, given the Booth et al findings using the iPCoD model. However, the same cannot be said for the RIAA and HRA assessment.</p>	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
		<p>(Booth, C., J. Harwood, R. Plunkett, S. Mendes, and R. Walker. 2017. Using The Interim PCoD Framework To Assess The Potential Effects Of Planned Offshore Wind Developments In Eastern English Waters On Harbour Porpoises In The North Sea – Final Report. SMRUC-NEN-2017-007, Provided to Natural England and the Joint Nature Conservation Committee, March 2017, SMRU Consulting.)</p>	
Mitigation	<p>The mitigation proposed in the MMMP (Application Ref 8.11) is appropriate and sufficient given the conclusions of the Thanet Extension marine mammals assessment.</p>	<p>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. While Natural England agrees that SIPs are a method to prevent an adverse effect on site integrity, there is also a need to put a timeframe on the SIP and a mechanism for assessing multiple SIPs at the same time. At what stage will the developer be required to reassess whether the parameters that have been assessed within the BEIS HRA have been exceeded? We suggest at the next CfD stage and then again as each project reaches their FiD stage in case further mitigation is required. Assessment will also need to be made of possible EPS requirements – as the applicant</p>	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
		<p>stated in response to Natural England RR comment NE-103 that An updated assessment of the potential for cumulative disturbance will be carried out to inform an EPS licence application if deemed necessary at the appropriate stage. This should take place within the SIP</p> <p>More information is required from the MMO / BEIS on how spatio-temporal impacts will be managed to prevent exceedance of the SNCB noise guidance thresholds. A process will need to be developed to ensure continuing adherence to the SCI thresholds as multiple SIPs are developed over time, especially when piling can take place over several years, and new projects can come online during this time. Should potential exceedance of the thresholds occur, a process for dealing with this issue needs to be in place – the affected developers / industries will need to work together with the regulator and SNCBs to prevent adverse effect on the SCI. However, this process needs to be developed and agreed before SIPs are placed onto DCOs.</p>	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
		<p>Natural England agree if there is the production of a SIP by the applicant and there is clear guidance from the regulator on how this process will be managed strategically.</p> <p>While this list is not exhaustive, Natural England would expect the following to be included in the SIP:</p> <ul style="list-style-type: none"> • A finalised design plan; • An updated HRA; • Updated mitigation measures (if required) – outlining potential mitigation that can and cannot be used and the reasoning. • Where modelling via the RoC has been updated (e.g. the Dogger projects), further mitigation may be required to ensure porpoises are out of an enlarged Permanent Threshold Shift zone than was predicted in the original EIA. 	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
		<ul style="list-style-type: none"> • Detail the requirement for EPS licences and Marine Licences for UXO detonation. • Provide a timetable for development of the plan. E.g. Post CfD, and again pre FID to ensure timely agreements and timeframes for finances to be agreed. 	
	The MMMP (Application Ref 8.11) will be finalised post-consent (if granted) following detailed design.	Agreed.	

4.7 Designated Sites

- 28 The Project has the potential to impact upon designated sites and these interactions are duly considered within Volume 2, Chapter 8: Offshore Designated Sites of the ES (PINS Ref APP-049/ Application Ref 6.2.8). Table 9 identifies the status of discussions relating to this topic area between the parties.

Table 9: Status of discussions relating to Designated sites.

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to the offshore designated sites, insofar as relevant to Natural England’s remit, and has given due regard to them within the assessment.	Agreed.	
Baseline data used in the assessment	Appropriate data and information was used to characterise the baseline, in relation to Thanet Extension, for the purposes of the assessment.	Currently Disagree – the majority of the designated sites within the immediate vicinity of the red line boundary have been characterised correctly however as stated in section 6.2.5 Natural England’s written representations further information needs to be provided regarding Goodwin Sands pMCZ.	
Scope and Assessment methodology	All relevant designated sites have been appropriately or adequately identified and included within the Thanet Extension assessment.	Agreed.	
	The conservation objectives have been appropriately identified within the Thanet Extension assessment.	Agreed – Goodwin Sands pMCZ currently has no conservation objectives published. However, we encouraged the applicant to use the Thanet Coast MCZ as a proxy.	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Outcomes of the EIA	The conclusions of the assessment appropriately or adequately reflects the potential impacts on the designated sites for the lifetime of the Thanet Extension project.	Currently disagree – the majority of the protected sites have been adequately assessed against any impacts. However, as per Natural England’s comments in section 6.2.5 of the written reps we have concerns regarding the MCZ Assessment for Goodwin Sands pMCZ and the in combination assessment of suspended sediment for Thanet Coast SAC.	
	The in-combination effects have been adequately and appropriately described within the ES and the conclusions are appropriate.	Currently disagree – as above.	

4.8 Marine Conservation Zone Assessment

- 29 The Project has the potential to impact upon marine conservation zones and these interactions are duly considered within Volume 4, Annex 5-3: Marine Conservation Zone Assessment of the ES (PINS Ref APP-083/ Application Ref 6.4.5.3). Table 10 identifies the status of discussions relating to this topic area between the parties.

Table 10: Status of discussions relating to the Marine Conservation Zones Assessment.

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to the assessed MCZs for Thanet Extension, at the time of writing, and has given due regard to them within the assessment.	Agree – however we would like to remind the applicant that Goodwin Sands is now a proposed MCZ and is now considered a material consideration.	Under discussion – see section 5.
Baseline data used in the assessment	Appropriate or adequate data and information was used to characterise the baseline for the purposes of the Thanet Extension assessment. The baseline of the environment is characterised and presented in the Benthic Characterisation report (PINS Ref APP-082/ Application Ref 6.4.5.2). These surveys were agreed to be fit for the purpose of characterising the benthic baseline environment, for the purposes of undertaking an EIA, as part of the Evidence Plan Process (PINS Ref APP- 137/ Application Ref 8.5). Natural England have requested to review the dropdown video data captured for the Thanet Extension project, which is presented in Annex F.1 of the Benthic Characterisation report (PINS Ref APP-082/ Application Ref 6.4.5.2).	Currently still under discussion.	Under discussion – see section 5.

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Scope and Assessment methodology	All relevant MCZs have been appropriately or adequately identified for the proposed Thanet Extension activities and included within the assessment.	Agreed.	
	The conservation objects for Thanet Coast MCZ have been appropriately or adequately identified within the assessment.	Agreed.	
	The assessment of Goodwin Sands pMCZ is appropriate and robust, for the proposed Thanet Extension activities, and was based on the relevant available information at the time of writing.	Currently disagree – further reasoning is provided within written representations sections 6.2.5, 6.4.40 (b) and 6.4.52.	
Outcomes of the EIA	The conclusions of the assessment appropriately or adequately reflects the potential impacts on the MCZs for the lifetime of the Thanet Extension project.	Currently under discussion.	Under discussion – see section 5.
	The cumulative effects have been adequately or appropriately described within the assessment and the conclusions are appropriate for the Thanet Extension project.	Currently under discussion.	Under discussion – see section 5.

4.9 Onshore Biodiversity

- 30 The Project has the potential to impact upon onshore biodiversity and these interactions are duly considered within Volume 3, Chapter 5 of the Thanet Extension ES (PINS Ref APP-061/ Application Ref 8.3.5). Table 11 identifies the status of discussions relating to this topic area between the parties.

Table 11: Status of discussions relating to Onshore Biodiversity.

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to biodiversity assessment, insofar as relevant to Natural England’s remit, and has given due regard to them within the assessment.	Agreed.	
Consultation	The ES chapter has been adequately updated following S42 and Evidence Plan consultation and concerns raised have been adequately addressed or clarified.	Agreed.	
Scope and Assessment Methodology	The potential impacts identified, in relation to Thanet Extension, are appropriate or adequate for biodiversity receptors.	Agreed.	
	The study area defined for the assessment is appropriate for the Thanet Extension project impacts considered.	Agreed.	
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 Thanet Extension EIA.	As highlighted below, there have been instances where the applicant has not been able to collect as much data as they and Natural England would have wanted. Natural England have had discussions with the applicant to provide as much information as possible regarding species of importance within the onshore environment.	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
		<p>We have been reassured by the applicants commitments in the OLEMP and the pre-construction surveys they plan to carry out which should provide a further representation of the species and habitats that reside here.</p> <p>Once the OLEMP has been finalised Natural England are confident this position can be agreed.</p>	
	<p>The Applicant had previously agreed the terrestrial invertebrate survey provided sufficient or adequate data to characterise and evaluate the value of these receptors for the Thanet Extension project.</p>	<p>Partially agreed – The surveys were limited to only one visit late in August, where ideally a few visits should have been undertaken. Natural England have provided further information to applicant following the meeting on the 5th October 2018, which included further information on the potential species that could reside in this area and their conservation status. Furthermore, as highlighted in the OLEMP (a conditioned document in the DCO) a Terrestrial Invertebrate Mitigation Strategy (TIMS) is to be developed. This is alongside further pre-construction surveys to further identify invertebrate species of importance at the landfall location.</p>	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
		<p>Following the finalisation of the OLEMP, plus commitments from the applicant to collect further pre-construction data to inform any mitigation, Natural England are confident that invertebrates have been considered fully. Furthermore, the notification that landfall option 2 has been dropped will result in less damaging scenarios that originally considered in the environmental statement.</p>	
	<p>Data gaps have been highlighted and appropriate or adequate measures for filling any data gaps have been proposed for the Thanet Extension project.</p>	<p>As highlighted above the applicant has acknowledged data gaps associated with invertebrate surveys and other surveys including great crested newt. Following commitments from the applicant to gather sufficient pre-construction data to form a robust baseline once construction practices are known, Natural England are confident onshore biodiversity will characterised sufficiently.</p>	
	<p>The sensitivity and importance of the receiving environment is appropriately or adequately described within the Thanet Extension Environmental Statement.</p>	<p>Agreed.</p>	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Mitigation Measures	The embedded mitigation measures are considered appropriate or adequate, and no further mitigation is necessitated as a result of the Thanet Extension assessment conclusions.	Partially agreed – further information and refinement maybe needed following the applicant’s decision to drop landfall option 2.	
	The mitigation proposed (Construction Environmental Management Plan, Code of Construction Practice (Application Ref 8.1) and a seasonal restriction) are adequately secured in the DCO.	Partially agreed – The Thanet Extension position needs to be updated to include the OLEMP. Although the Saltmarsh Mitigation Plan is covered within the benthic section, the applicant had proposed to provide a separate Saltmarsh SoCG, following the decision to drop landfall option 2, Natural England wish to see that as soon as possible due to the overlap with onshore biodiversity issues.	See Table 12.
Outcomes of EIA	The conclusions of the assessment appropriately or adequately reflects the potential impacts on the onshore biodiversity within the study area for the lifetime of the Thanet Extension project.	Partially agreed – the conclusions may require updating following the applicant’s decision to drop landfall option 2. However, the worst case scenario has been assessed.	See Section 5 for terrestrial invertebrate matters under discussion.
	The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate for the Thanet Extension project.	Partially agreed – the conclusions may require updating following the applicant’s decision to drop landfall option 2. However, the worst case scenario has been assessed.	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Outline Landscape and Ecology Management	<p>The OLEMP (Application Ref 8.7) provides adequate or sufficient detail of in-principle management measures for the Thanet Extension project.</p>	<p>Natural England have been in receivership of an updated OLEMP and have provided comments back to the applicant. Following the review and addressing of these comments by the applicant, Natural England anticipate that this plan will be agreed in principle.</p>	<p>Under discussion – The updated plan was provided 28th November. See Table 12.</p>
	<p>The OLEMP provides appropriate or adequate information, for the Thanet Extension project, on outline details of proposed biodiversity enhancements and proposed monitoring.</p>	<p>As above Natural England have provided further comments on the updated OLEMP and should be agreed in principle after the applicant has addressed these comments. Natural England welcome proposed biodiversity enhancements and monitoring, however further discussions with the applicant need to be had to fully determine what these will include.</p>	
Legally Protected Species	<p>The Thanet Extension project is highly unlikely to impact on legally protected species.</p>	<p>Agreed – however it is the applicant’s duty to carry out any additional pre-construction surveys to identify any legally protected species that may be present. Should any pre-construction surveys identify the presence of any Nationally Protected (NPS) or European Protected Species (EPS) the applicant may consider that a licence application may be required at a later date.</p>	

4.10 DCO and dML

- 31 Table 12 identifies the status of discussions relating to this topic area between the parties insofar as relevant to Natural England's remit
- 32 The Responses to Relevant Representations (RR) provides full responses to the points raised within the Natural England's RR.

Table 12: Status of discussions relating to the DCO and dMLs

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Inclusion of additional project parameters within the DCO/dML	The Applicant has drafted a clarification note, which will become a certified document, with all of the maximum parameters assessed within the ES which can be used as an audit and therefore, the requested items are not required should not be included in the DCO/dML as it would preclude the need to consider the effects as presented in the ES for enforcement.	Currently under discussion with the applicant.	The Applicant notes that this clarification note has not yet been provided to Natural England.
Arbitration	Following the revised wording with reference to arbitration is agreed, insofar as relevant to Natural England's remit, following the revised wording in the Response to RRs.	Currently under discussion with the applicant.	Under discussion – see section 5.
General comments on numbers and cross-referencing	Following the responses to the Natural England's RR, the revised draft DCO and dML accurately cross reference documents and project description information.	Currently under discussion with the applicant.	See Section 5 with regard to project description transcription.
O&M activities	The Applicant will provide annual reporting of O&M activities in the context of the consent (if granted).	Currently under discussion with the applicant.	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Monitoring plans	The effects are known and understood, given the unique position of Thanet Extension as a project, so there is no necessity to provide an In-principle Monitoring Plan (IPMP) or further monitoring plans. The Applicant has provided detailed monitoring plans for known risks or areas of uncertainty with the application.	Currently under discussion with the applicant.	Under discussion – see section 5.
Mitigation	The OLEMP (PINS Ref APP-142/ Application Ref 8.7) has been adequately secured within the DCO.	Partially agreed – Natural England submitted minor comments back to applicants following a review of the latest version. However, Natural England agree the OLEMP is secured within the draft DCO.	
Mitigation	The CoCP (PINS Ref APP-133/ Application Ref 8.1) has been adequately secured within the DCO.	Agreed.	
Mitigation	The CEMP has been adequately secured within the DCO.	Agreed.	
Mitigation	The Saltmarsh Mitigation, Reinstatement and Monitoring Plan (PINS Ref APP-147/ Application 8.13) has been adequately secured within the DCO.	Partially agreed – Following the applicant’s decision to drop landfall option 2, this plan may need to be revised slightly. However, Natural England agree the Saltmarsh Mitigation, Reinstatement and Monitoring Plan is adequately secured within the DCO.	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Mitigation	The Contaminated Land Plan been adequately secured within the DCO.	Agreed.	
Mitigation	The MMMP (PINS Ref APP-146/ Application Ref 8.11) has been adequately secured within the DCO.	Agreed.	
Mitigation	The seasonal restriction within the intertidal area, between October and March inclusive, has been adequately secured within the DCO.	Natural England understand this is a commitment made by the applicant, however it does not seem to adequately highlighted within the DCO. Requires clarification.	
Submission Timescales	The provision of monitoring plans 18-months prior to commencement is not considered appropriate given the proposed construction programme of the project.	Currently under discussion with the applicant.	Under discussion
	The provision of documents 6 months in advance of proposed works is considered disproportionate given that the project inherently requires less flexibility and will be built out to the extents assessed.	Currently under discussion with the applicant.	Under discussion
Commencement	The clearance of UXO will not be included under commencement as if it is required then a separate marine licence will be sought.	Currently under discussion with the applicant.	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	Following the revised wording the definition of commencement is agreed, following the revised wording in the Response to RRs.	Currently under discussion with the applicant.	Under discussion.
Offshore noise	The Applicant will monitor offshore noise, and this has been Conditioned.	The applicant's position needs to be made clearer. Offshore noise associated with what in particular?	

5 Matters under discussion

- 33 This section identifies those matters raised by Natural England 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 Natural England.
- 34 The Applicant intends to submit a clarification note, as a certified document, on the transcription of the project description into the technical assessments of the Application.
- 35 These matters include:
- Definition of commencement;
 - Timescale requirements for post-consent documents;
 - Requirement for additional monitoring plans;
 - Additional mitigation and management requirements;
 - AEoI on Thanet Coast SAC and Order Limits (regarding avoidance of the site boundary);
 - Saltmarsh (addressed in a separate SoCG);
 - Specific concerns relating to Ramsar Assemblage species;
 - The methodology and the findings of the MCZ assessment;
 - Sufficient control measures are in secured in the DCO (CoCP and Contaminated Land Management Plan) to ensure that sufficient reinstatement of the seawall would occur;
 - In-principle monitoring plan requirement;
 - Requirement for a Site Integrity Plan; and
 - Tiering approach for marine mammals in-combination/ cumulative assessments.