Vattenfall Wind Power Ltd

Thanet Extension Offshore Wind Farm

Appendix 14 to Deadline 1 Submission: Statement of Common Ground – Natural England Offshore Ornithology

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 (NE) is a means of clearly stating any areas of agreement and disagreement between the two parties in relation to Ornithological matters in 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 (Ex. A) 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 Ex. A in the 'Rule 6' letter published on the 9th 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 NE, the SoCG is focused on those issues raised by NE 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: Natural England's Remit;
- Section 3: Consultation;
- Section 4: Agreements Log; and
- Section 5: Summary.

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 km^2 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) (Application Ref 6.2.1) and Volume 3, Chapter 1: Project Description (Onshore) (Application Ref 6.3.1) of the Environmental Statement (ES).

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. NE'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 NE.

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 NE (and therefore considered within this SoCG) comprise:

- Report to Inform Appropriate Assessment (RIAA) (Application Ref 5.2); and
- Volume 2, Chapter 4: Offshore Ornithology (Application Ref 6.2.4).

3.2 Consultation Summary

16 This section briefly summarises the consultation that VWPL has undertaken with NE. 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:
2017 Ecological Review Panel	HRA Review Panel (RIAA)
2017 Ecological Review Panel	HRA Evidence Plan Meeting
2017 Consultation	RIAA Consultation
2017 Ecological Review Panel	Evidence Plan Meeting – Marine Ecology
2017 Ecological Review Panel	Evidence Plan Meeting – Offshore Ornithology
2017 Ecological Review Panel	Evidence Plan Meeting – Onshore Ecology and Ornithology
January 2018, S42 Consultation	Comments relating to the Preliminary Environmental Information Report
February 2018	Evidence Plan Meeting – Onshore Ecology and Ornithology
May 2018	Evidence Plan Meeting – Onshore and Offshore Ecology

3.3 Post-application Consultation

17 VWPL has engaged with NE 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 NE 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	SoCG meeting to discuss technical notes compiled in response to NE Relevant Representations
January 2019	Teleconference

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 offshore ornithology, including assessment methods, outcomes, and conclusions relating to the relevant ES chapter (Application Ref 6.2.4) and the RIAA (Application Ref 5.2). In addition, RAMSAR issues are addressed within a further SoCG.

21 The sites 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 SPA;
  - 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 3: Status of discussions relating to the RIAA

Discussion Point	Thanet Extension Position	NE 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.	Agreed.	
Screening (transboundary)	The RIAA has identified all relevant transboundary designated sites that may be sensitive to changes as a result of the proposed 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 transboundary sites are predicted either alone or in-combination as a result of as a result of the proposed 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 Outer Thames Estuary SPA is predicted either alone or in-combination as a result of as a result of the proposed activities.	Natural England agree that the project alone is unlikely to adversely effect the integrity of the red-throated diver feature of the Outer Thames Estuary SPA.	

Discussion Point	Thanet Extension Position	NE Position	Final Position
		The overall scale of the in-combination displacement effect remains that it is not possible to rule out an adverse effect on the integrity of the red-throated diver population of the Outer Thames Estuary SPA in-combination with other plans and projects. However, we agree that the project does not make a significant contribution to the in-combination displacement totals.	
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.	Natural England does not currently agree that a conclusion no adverse effect upon the Thanet Coast and Sandwich Bay SPA either alone or in-combination as a result of the proposed activities can be reached. However, Natural England note the recent notification (telecall 07/01/2019) from the applicant to drop landfall option 2, which involved the permanent loss of saltmarsh habitat. We acknowledge this will likely alter our own assessment and judgements of the likely significant effects on this site in particular, however until this has been revisited and the examining authority have confirmed this change then the position noted above will currently remain.	

Discussion Point	Thanet Extension Position	NE Position	Final Position
Outcomes of the RIAA	No adverse effect on the integrity of Flamborough and Filey Coast SPA is predicted either alone or in-combination as a result of as a result of the proposed activities.	We agree that the project **alone** is unlikely to have am adverse effect on the integrity of the kittiwake feature of the Flamborough and Filey Coast SPA. The scale of the **in-combination** predicted collision mortality means that it is not possible to rule out adverse effect on the integrity of kittiwake population of the Flamborough & Filey Coast SPA in-combination with other plans and projects. However, we agree with the applicant the effect of the additional predicted mortality from Thanet Extension will not materially alter the significance of the overall in-combination mortality figure.	
Outcomes of the RIAA	No adverse effect on the integrity of Flamborough Head and Bempton Cliffs pSPA is predicted either alone or in-combination as a result of as a result of the proposed activities.	This particular site is no longer relevant as it has been superseded by the Flamborough and Filey Coast SPA which has recently been classified.	
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.	Agreed – however the site is not listed within the list above (section 4.1). Requires further clarification from the applicant.	

Discussion Point	Thanet Extension Position	NE Position	Final Position
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.	Agreed.	
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.	Agreed – however this is a Scottish SPA and encourage the applicant to consult our colleagues at SNH (if they have not already) to fully determine any conclusions.	
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 a result of as a result of the proposed activities.	Agreed.	
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.	Agreed.	
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 activities.	Agreed.	

Discussion Point	Thanet Extension Position	NE Position	Final Position
Mitigation measures	The proposed mitigation measures (over wintering seasonal restriction within the intertidal working area) is appropriate and adequately secured within the DCO/dML.	Agreed – However, it should be stated here that this applies to the Thanet Coast and Sandwich Bay SPA and Ramsar site.	

4.2 Offshore Ornithology

22 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 (Application Ref 6.2.4). Table 4 identifies the status of discussions relating to this topic area between the parties.

Table 4: Status of discussions relating to Offshore Ornithology

Discussion Point	Thanet Extension Position	NE 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.	Agreed.	
Consultation	The ES chapter has been adequately updated following S42 and Evidence Plan consultation and concerns raised have been adequately addressed or clarified.	The ES chapter should include assessments based on SNCB advice presented alongside those preferred by the applicant. The displacement assessment based on buffers advised in the joint SNCB advice is not presented in the ES. The predicted mortality from collision is based on input parameters not advised by Natural England, for example assessments based on lower nocturnal activity factors than recommended have been used in the ES chapter. However, although we disagree that the ES has been adequately updated and we have concerns relating to the methodology, we acknowledge that when using the overall conclusions are unlikely to change.	

Discussion Point	Thanet Extension Position	NE Position	Final Position
Scope and Assessment methodology	The potential impacts identified are appropriate and accurate for offshore ornithology receptors.	Natural England advise that a displacement of red throated diver out to 4km should be used for assessment.	
	The study area defined for the assessment is appropriate for the impacts considered.	Agreed.	
	The methods of assessing collision risk are appropriate and have been applied accurately	Natural England is concerned that site specific flight height data (from the digital aerial surveys or the ORJIP BCA study) has not been used to assess the collision risk assessments in the ES Chapter. Also lower than recommended nocturnal activity factors (NAF) have been used in the assessment. Both of which mean the assessments of collision risk are lower than they would be if site specific flight height data and recommended NAFs were used, which means the figures going into the in-combination and cumulative totals may be under-estimated. However, we acknowledge that even when using the Natural England recommended methodology the overall conclusions do not change.	

Discussion Point	Thanet Extension Position	NE Position	Final Position
	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	Whilst Natural England welcome the use of site specific data to assess displacement there are issues with the methodology, particularly in relation to red throated diver, namely the post consent monitoring data were based on boat surveys (and red throated divers are sensitive to boats) and the buffer was limited to 2km.	
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.	Agreed.	
	The survey scopes and methodologies undertaken for the offshore ornithological surveys were adequate for characterising the baseline.	Please see comments on displacement (red throated diver) and collision risk modelling.	
	All data gaps have been highlighted and all appropriate measures for filling any data gaps have been proposed.	Natural England require clarification on what the data gaps and what measures have been proposed.	
	The sensitivity and importance of the receiving environment is accurately described within the Environmental Statement.	Agreed.	
Mitigation Measures	The embedded mitigation measures are considered appropriate and are appropriately secured through the DCO.	Can the applicant highlight what the appropriate embedded mitigation measures are?	

Discussion Point	Thanet Extension Position	NE Position	Final Position
Outcomes of the EIA	The assessment criteria and assignment of significance is appropriate.	Currently under discussion with the applicant.	
	The conclusions of the assessment accurately reflect the potential impacts on offshore ornithology receptors within the study area.	Natural England require further clarification regarding this position – is this referring to EIA conclusions alone?	
	The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate.	It is not possible to rule out a significant cumulative effect on the displacement of red throated diver. However, we agree that the contribution this project makes to the cumulative total is not likely to make a material difference.	
	The contribution of Thanet Extension to cumulative effects on offshore ornithological receptors is agreed as minimal.	Agreed.	

5 Matters under discussion

23 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. These ongoing discussion points are presented in Table 5 alongside with the current position of Thanet Extension.

Table 5: Ongoing areas of discussion

Discussion Point	Thanet Extension Position	NE 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.	Natural England agrees that there is unlikely to be a significant effect on red throated diver from the project alone. However, we disagree that the Thanet Extension data provides definitive evidence that displacement out to 4km should not be considered as part of the assessment. The winter aerial surveys for the Thanet Extension project demonstrate that 100% of divers are displaced from the windfarm, and the surveys did not extend beyond 4km beyond the extension boundary. Therefore we advise that a range of scenarios are considered, including NE's approach of assuming 100% displacement out to 4km.	
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.	Natural England accepts that there is some evidence to suggest that displacement is not 100% out to 4km for red throated divers or 100% out to 2km for gannet, razorbill and guillemot.	

Discussion Point	Thanet Extension Position	NE Position	Final Position
		However, we maintain that these figures should be presented alongside those already undertaken by the Applicant in the ES to allow a range to be considered, given the uncertainty around displacement rates.	
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.	Natural England agree that there is unlikely to be an adverse effect on integrity on red throated diver population within Outer Thames Estuary SPA alone, based on the fact that the project and 4km buffer is outside of the Outer Thames Estuary SPA boundary.	
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.	The methods for undertaking the in-combination/cumulative assessment for red throated diver are broadly agreed. However, the revised red-throated diver cumulative (EIA) and in-combination (HRA) impact assessment methodology clarification note (December 2018) appears to under-estimate the extent of the cumulative effects. This is because the number of divers potentially displaced is derived using Seabird Mapping and Sensitivity Tool (SeaMaST) but then the expressed as a percentage of the SW North Sea winter Biologically Defined Minimum Population Scale (BDMPS), and not the	

Discussion Point	Thanet Extension Position	NE Position	Final Position
		percentage of the total derived using SeaMaST. The population of the winter BDMPS is 10,177 and within the same area the SeaMaST data set provides an estimate of 7,639. Therefore the cumulative effects are underestimated by around one third. However, we acknowledge that the methodology does not change the relative contribution that Thanet Extension which is small compared to consented offshore windfarms.	
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).	Whilst a small sample size is not ideal and using generic flight heights has been accepted, we suggest the results from site-specific flight heights from the aerial surveys are presented alongside, so a range can be considered.	

Discussion Point	Thanet Extension Position	NE Position	Final Position
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.	Whilst using Potential Collision Heights (PCHs) generic flight heights (Option 2) has been accepted, we suggest the results using site-specific flight PCH from the BTO report which analysed to ORJIP Bird Collision Avoidance study data, are presented alongside. We accept that these values are high, therefore we would see this as the upper end of the range.	
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 Natural England recommended range of nocturnal activity factors should be used in Collision Risk modelling.	
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.	The contribution of Thanet Extension is likely to be relatively small, but if the recommended nocturnal activity factors and site specific PCHs are used then the contribution is increased, and these figures should be included in the cumulative totals.	

Discussion Point	Thanet Extension Position	NE 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.	The contribution of Thanet Extension is likely to be relatively small, but if the recommended nocturnal activity factors and site specific PCHs are used then the contribution is increased, and these figures should be included in the in-combination totals. It is noted that the contribution of kittiwake collisions are not apportioned to Flamborough & Filey Coast SPA.	