

Vattenfall Wind Power Ltd

Thanet Extension Offshore Wind Farm

Appendix 13 to Deadline 1 Submission: Statement of Common Ground – National Trust

Relevant Examination Deadline: 1

Submitted by Vattenfall Wind Power Ltd

Date: January 2019

Revision A

Date	Issue No.	Remarks / Reason for Issue	Author	Checked	Approved
14/12/2018	01	Draft sent to National Trust	GoBe	GoBe	VWPL
11/01/2019	02	Revised document received from the National Trust	NT	NT	VWPL

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1 Introduction

1.1 Overview

- 1 This Statement of Common Ground (SoCG) relates to the proposed development of the Thanet Extension Offshore Wind Farm (Thanet Extension). It has been prepared with respect to the Application made by Vattenfall Wind Power Ltd (VWPL) (the Applicant) for a development consent order (DCO) to the Planning Inspectorate (PINS) under the Planning Act 2008 (the Application).
- 2 This SoCG with the National Trust is a means of clearly stating any areas of agreement and disagreement between the two parties in relation to the Application. The SoCG has been structured to reflect the topics of interest to the National Trust on the Application, and those captured within the Examining Authority (ExA) Rule 6 letter of November 2018.
- 3 It is the intention that this document will help facilitate post Application discussions between both parties and also give the ExA an early sight of the level of common ground between both parties from the outset of the examination process.

1.2 Approach to SoCG

- 4 This SoCG has been developed during the pre-examination phase of the Thanet Extension. In accordance with discussions between the Applicant and the National Trust, the SoCG is focused on those issues raised by the National Trust within its response to Section 42 consultation that has underpinned the pre-Application consultation between the parties.
- 5 The structure of the SoCG is as follows:
 - Section 1: Introduction;
 - Section 3: Consultation;
 - Section 4: Agreements Log; and
 - Section 5: Matters under Discussion.

1.3 The Development

- 6 The Application is for development consent for VWPL to construct and operate the Thanet Extension Offshore Wind Farm (Thanet Extension) under the Planning Act 2008.
- 7 Thanet Extension will comprise wind turbine generators (WTGs) and all the infrastructure required to transmit the power generated to the national grid. A maximum of 34 WTGs will be installed with a power output of 340 MW. The project will install up to four offshore export cables and may require the installation of one Offshore Substation (OSS) and up to one Meteorological Mast.
- 8 The key offshore components of Thanet Extension are likely to include:
- Offshore WTGs;
 - OSS (if required);
 - Meteorological Mast (if required);
 - Foundations;
 - Subsea inter-array cables linking individual WTGs;
 - Subsea export cables from the OWF to shore; and
 - Scour protection around foundations and on inter-array and export cables (if required).
- 9 The array area will have a maximum size of 70 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 Mean High Water Springs (MHWS), a maximum diameter of 220 m and a minimum 22 m clearance between the MHWS and the lowest point of the rotor.
- 10 Electricity generated will be carried via a maximum of four high voltage subsea cables to a landfall site. Offshore cables will be connected to the onshore cables and ultimately the national grid network at Richborough Energy Park.

- 11 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 ES.

2 National Trust's Remit

- 12 The National Trust is a charity founded in 1895 by three people who saw the importance of our nation's heritage and open spaces and wanted to preserve them for everyone to enjoy. More than 120 years later, these values are still at the heart of everything we do. We look after special places throughout England, Wales and Northern Ireland for ever, for everyone.
- 13 We take care of coastline, forests, woods, fens, beaches, farmland, moorland, islands, archaeological remains, nature reserves, villages, historic houses, gardens, mills and pubs and one of the world's largest art collections. We restore them, protect them and open them up to everyone. For the Trust, conservation has always gone hand-in-hand with public access. We welcome everyone to explore:
- 780 miles of coastline
 - Over 248,000 hectares of land
 - Over 500 historic houses, castles, ancient monuments gardens and parks and nature reserves.
 - Close to one million objects and works of art
- 14 Many of our properties are unable to fund their own permanent preservation. The cost of caring for them is high: our overall conservation project expenditure was £107.1 million in 2015/16. Most of our property is held inalienably, so it can never be sold or developed against our wishes without the consent of Parliament.
- 13 The National Trust owns land in the intertidal area of the project's red line boundary, in Pegwell Bay. The National Trust is also a member of the Pegwell Bay NNR Steering Group.

3 Consultation

3.1 Application elements under the National Trust's remit

- 14 Work Nos. 3B - 16, detailed in Part 1 of Schedule 1 of the draft DCO describe the elements of Thanet Extension which may affect the interests of the National Trust.
- 15 The National Trust is a large charitable organisation which aims to look after places of historic interest or natural beauty permanently for the benefit of the nation across England, Wales and Northern Ireland.
- 16 The technical components of the DCO Application of relevance to the National Trust, or having been requested by the ExA (and therefore considered within this SoCG) comprise:
- Volume 1, Chapter 4: Site Selection and Alternatives (PINS Ref APP-040/ Application Ref 6.1.4);
 - Volume 3, Chapter 4: Tourism and Recreation (PINS Ref APP-060/ Application Ref 6.3.4);
 - Volume 3, Chapter 5: Onshore Biodiversity (PINS Ref APP-061/ Application Ref 6.3.5);
 - Volume 3, Chapter 2: Onshore Landscape and Visual Impact Assessment (PINS Ref APP_058/ Application Ref 6.3.2); and
- 17 Report to Inform Appropriate Assessment (PINS Ref APP-031/ Application Ref 5.2 and associated appendices). It is of note that Andrew Shaw of National Trust and Sean Leake of GoBe Consultants discussed the SoCG process further on the 11th December during the preliminary meeting and confirmed that certain matters would be appropriately excluded from this SoCG despite being requested by the ExA. These items in the broad sense relate to 'biodiversity and HRA matters'. It was agreed through discussion that on these particular matters National Trust will defer to Natural England as the relevant Statutory Nature Conservation Body, and Kent Wildlife Trust as the managers of the National Nature Reserve at Pegwell Bay.

3.2 Consultation Summary

18 This section briefly summarises the consultation that VWPL has undertaken with the National Trust. Engagement during the pre-Application phase, both statutory and non-statutory, is summarised in Table 1.

Table 1: Consultation (in relation to the EIA) undertaken with the National Trust pre-application

Date & Type:	Detail:
October 2017 Meeting	Meeting with the Pegwell Bay Steering Group
May 2018 Meeting	Meeting with the Pegwell Bay Steering Group
January 2018, S42 Consultation	Comments relating to the Preliminary Environmental Information Report

3.3 Post-Application Consultation

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

Table 2: Consultation undertaken with the National Trust post-application

Date/ Type:	Detail:
15 th August 2018	Post-Application/ pre-relevant representations meeting
10 th October 2018	Post-relevant representations meeting
11 th December 2018	Brief discussion held during examination between Andrew Shaw and Sean Leake on matters relating to the SoCG.

4 Agreements Log

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

4.1 Site Selection Alternatives

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

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

Discussion Point	Thanet Extension Position	National Trust Position	Final Position
Adequacy of information provision	Application Ref 6.1.4 provides a full and detailed account of the considerations and decision-making process undertaken to develop the proposed Order Limits.	It is noted that National Trust do not currently agree with this position, as recorded within the relevant representation (RR-059). Please see section 5 for the responses to the representations received.	
Project optionality	The applicant requires flexibility in the methodology for making landfall as the contents of the landfill, although assumed to be predominantly municipal, are unknown.	The level of optionality retained creates significant issues in assessing impact through the lack of detail available including any design or construction methodology. The Trust’s position is for no change to the sea wall & landfill site and surety regarding options is essential in this regard	
Consultation	Following S42 and the consultation concerns raised the design envelope has been changed appropriately and has had due regard to S42 responses.	Accepted although the change in area does not resolve the issue of too much flexibility in the possible options	
Consultation	Following S42 and the consultation concerns raised the chapter has been expanded adequately with additional information with regards to the development of the proposed Order Limits and has had due regard to S42 responses.	Accepted although the change in area does not resolve the issue of too much flexibility in the possible options	

4.2 Tourism and Recreation

- 22 The Project has analysed and evaluated a range of options regarding location of infrastructure. The reasons for the selection of the proposed site are duly considered within Volume 3, Chapter 4: Tourism and Recreation (PINS Ref APP-060/ Application Ref 6.3.4). Table 3 identifies the status of discussions relating to this topic area between the parties.
- 22 The National Trust support the approach and comments of the Countryside Partnership Manager at Kent County Council in regard to the impacts of the proposed cable routes on the Country Park and any residual impacts on National Trust land and interests.

Table 4: Status of discussions relating to Tourism and Recreation.

Discussion Point	Thanet Extension Position	National Trust Position	Final Position
Adequacy of characterisation data	The receiving environment has been adequately characterised and appropriately described.	Agreed subject to any additional comments by Kent County Council CMP	
Adequacy of assessment methodology	The methods of assessment for tourism and recreation are appropriate.	Agreed subject to any additional comments by Kent County Council CMP	
Outcomes of assessment/conclusions	The outcomes of the assessment are appropriate and accurately describe the likely impacts.	Agreed for underground routes and subject to any additional comments by Kent County Council CMP. Not agreed for overland routes.	
Outcomes of assessment/conclusions	The outcomes of the assessment of Pegwell Bay Country Park and the foreshore area owned by National Trust are appropriate and accurately describe the likely impacts.	Agreed for underground routes and subject to any additional comments by Kent County Council CMP. Not agreed for overland routes.	
Adequacy of management and/or mitigation measures where appropriate	The proposed management and mitigation as identified within the ES chapter are appropriate	Agreed for underground routes and subject to any additional comments by Kent County Council CMP. Not agreed for overland routes.	
Public Rights of Way	The Access Management Strategy (Application Ref 8.4) provides sufficient information and appropriately mitigates the impacts of the works on PRoW throughout the lifetime of the project.	Agreed subject to any additional comments by Kent County Council CMP	

4.3 Biodiversity and Habitats Regulations Assessment

- 23 It is agreed that National Trust defer to Natural England as the Statutory Nature Conservation Body and Kent Wildlife Trust as managers of the Pegwell Bay National Nature Reserve on matters relating to biodiversity and Habitats Regulations Assessment.

4.4 Landscape and Seascape

- 24 The Project has analysed and evaluated a range of options regarding landscape and visual impacts. The reasons for the selection of the proposed site are duly considered within Volume 3, Chapter 2: Onshore Landscape and Visual Impact Assessment (PINS Ref APP-058/ Application Ref 6.3.2). Table 4 identifies the status of discussions relating to this topic area between the parties.

Table 4: Status of discussions relating to Landscape and Seascape.

Discussion Point	Thanet Extension Position	National Trust Position	Final Position
Work No3.B changes to the sea wall	<p>The Applicant understand that some elements of the seawall sit within National Trust ownership, although this is to be confirmed. As such under landfall Option 3 (noting that Option 2 no longer forms part of the design envelope for the proposed project) which includes provision for works on the seawall it is the Applicants position that no material change will be made to the seawall, with all works being reinstated as set out in the OLEMP.</p> <p>The Applicant has included provision within the DCO the relevant planning authority for approval of relevant plans.</p>	<p>The National Trust do not agree changes to the sea wall without further consultation and provision of detailed plans and designs of any proposed changes to the sea wall</p>	
Works Nos 4 and 4A cable alignment	<p>It is the Applicant’s position that all works within Work Nos4 and 4A are subject to the OLEMP, which is the primary means of ensuring that the works within the Country Park (as an area of ‘interest’ to the National Park) are suitably managed and reinstated. The Applicant has consulted with Natural England, KWT, and KCC as the relevant Statutory Nature Conservation Body, managing authority, and</p>	<p>The National Trust require further consultation and provision of detailed plans and designs of any proposed works on Trust land or interests</p>	

	<p>landowner respectively. Further to this provision of detailed plans for the approval of the relevant local authority is secured within the DCO. Provision of further detail relating to the National Trust’s land would be captured in a land agreement.</p>		
<p>Works Nos 4 and 4A cable alignment adjacent the Nemo Link</p>	<p>It is the Applicant’s position that all works within Work Nos4 and 4A are subject to the OLEMP, which is the primary means of ensuring that the works within the Country Park (as an area of ‘interest’ to the National Park) are suitably managed and reinstated. The Applicant has consulted with Natural England, KWT, and KCC as the relevant Statutory Nature Conservation Body, managing authority, and landowner respectively. Further to this provision of detailed plans for the approval of the relevant local authority is secured within the DCO.</p>	<p>The National Trust require further consultation and provision of detailed plans and designs of any proposed works on Trust land or interests</p>	

5 Matters under Discussion

25 This summary section identifies those matters raised by the National Trust 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 National Trust.

5.2 Matter under discussion - 1

26 The National Trust does not consider that para 2.6.81 of the Renewable Energy Infrastructure (NPS EN-3) statement has been adequately addressed. It is considered that the explanation for the choice of cable landfall across the Pegwell Bay inter-tidal mud flats (owned by the National Trust) is insufficient.

5.3 Applicant's response

27 NPS EN-3 paragraph 2.6.81 requires assessment of installing cables in the intertidal zone and this has been undertaken for all phases of the project in the offshore chapters of the Environmental Statement, in particular Volume 2, Chapter 5: Benthic and Intertidal Ecology (PINS Ref APP-046/ Application Ref 6.2.5) and Volume 2, Chapter 2: Marine Geology, Oceanography and Physical Processes (PINS Ref APP-043/ Application Ref 6.2.2).

28 As required by paragraph 2.6.81 of NPS EN-3, alternative landfall sites have been considered and the rationale for choosing Pegwell Bay is set out in detail in Volume 1, Chapter 4: Site Selection and Alternatives (PINS Ref APP-040/ Application Ref 6.1.4) of the Environmental Statement. Compliance with NPS EN-1 and EN-3 with respect to the assessment of alternatives is further described in Section 7.2 of the Planning Statement (PINS Ref APP-134/ Application Ref 8.2).

29 Alternative installation methodologies at landfall have been considered and optionality has been retained as part of the Application as set out in Section 1.5 of Volume 3, Chapter 1: Onshore Project Description (PINS Ref APP-057/ Application Ref 6.3.1) of the Environmental Statement.

5.4 Matter under discussion – 2

- 30 National Trust’s issue relates to the screening out of the Joss Bay route options 1 & 2 at the initial options appraisal stage. Para 4.8.15 notes the impact of the landfall at Joss Bay on the chalk habitats, but the stated reason in the summary of initial appraisal (table 4.6) is that;
- 31 “Landfall through hard ground present representing significant challenge to offshore burial that it was not considered could be overcome with appropriate engineering solutions. Onshore route generally acceptable with land use considerations/agricultural land being primary issue.” Requests for further information in support of the screening out of Joss Bay have not provided any additional detail about the impacts on the chalk habitats or the engineering solutions required to overcome the ‘hard ground’ challenge. As the initial assessment accepted that the route was otherwise viable, this information is significant in the screening out of this option. Given the lack of this information regarding the screening out of the Joss Bay options relating to the inter tidal route at Pegwell Bay and the mixed information provided in the summary, the National Trust is unable to assess the planning balance made in the selection of the Pegwell Bay chosen route over the rejected Joss Bay route. The National Trust maintains its objection to the site selection process and the inadequacy of the level of information given in the Environmental Statement to justify the option chosen.

5.5 Applicants response

- 32 The rationale for the decision to remove Joss Bay from the site selection process is set out in Section 4.8 of Volume 1, Chapter 4: Site Selection and Alternatives (PINS Ref APP-040/ Application Ref 6.1.4) of the Environmental Statement. The key issue with the 'hard ground' as was identified during initial studies is the likelihood of direct, long term impact on areas of designated chalk reef habitat. This is set out in paragraph 4.8.15 of the chapter. It was considered that this would lead to unacceptable impacts on this habitat and was a significant reason for removing this route option.

- 33 It should be noted that on the chosen offshore export cable corridor the Applicant has been requested by Natural England in their Relevant Representation to ensure cables and cable protection are sited outside of designated chalk reef habitat for this exact reason. The Applicant has committed to not installing cables or cable protection in these areas.

5.6 Matter under discussion – 3

- 34 Although this is being checked, it is believed that all the land that is within National Trust ownership and which is affected by the Order proposals is inalienable land. Having been asked by the Examining Authority about the issue, National Trust has now taken into its consideration the effect of the land acquisition provisions of the DCO on its inalienable land.
- 35 On close examination, National Trust has identified some alterations which it considers should be made to the DCO and the book of reference to make the position clear about whether the Applicant has power to acquire National Trust's land compulsorily and to acquire interests in that land compulsorily. National Trust understands from the Statement of Reasons that it is not the intention of the Applicant to do either. Until the suggested alterations have been addressed and the Applicant has given a binding undertaking that it will not exercise any such powers, National Trust will maintain an objection to the acquisition of its land. National Trust acknowledges that it has only very recently considered these issues and that the Applicant has not had an opportunity to consider them in time for publication of this version of the SOCG.