

Vattenfall Wind Power Ltd

Thanet Extension Offshore Wind Farm

Appendix 12 to Deadline 1 Submission: Statement of Common Ground – Marine Management Organisation

Relevant Examination Deadline: 1

Submitted by Vattenfall Wind Power Ltd

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Revision A

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1 Introduction

1.1 Overview

- 1 This Statement of Common Ground (SoCG) relates to the proposed development of the Thanet Extension Offshore Wind Farm (Thanet Extension). It has been prepared with respect to the application made by Vattenfall Wind Power Ltd (VWPL) (the Applicant) for a Development Consent Order (DCO) to the Planning Inspectorate (PINS) under the Planning Act 2008 (the Application).
- 2 This SoCG with the Marine Management Organisation (MMO) 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 MMO 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. It therefore reflects the Rule 6 letter issued by the ExA on the 9th November 2018 as well as identifying key areas within the MMO relevant representation.

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 MMO, the SoCG is focused on those issues raised by the MMO 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: MMO'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 blade.
- 9 Electricity generated will be carried via a maximum of four high voltage subsea cables to the landfall site, situated at Pegwell Bay. Offshore cables will be connected to the onshore cables and ultimately the national grid network at Richborough Energy Park. The onshore cable corridor is 2.6 km in length at its fullest extent.
- 10 More details on the proposed development are described in the Environmental Statement (ES) Volume 2, Chapter 1: Project Description (Offshore) (Application Ref 6.2.1) and Volume 3, Chapter 1: Project Description (Onshore) (Application Ref 6.3.1) of the Environmental Statement.

2 MMO's Remit

- 11 The MMO is a prescribed consultee for the proposed development under section 42 of the Planning Act 2008 and Regulation 9 (1)(a) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.
- 12 The MMO's key responsibilities comprise:
- Ensuring compliance with UK fisheries regulations and the management and monitoring of the UK fishing fleet and associated funding programmes;
 - Licensing for marine activities that may have an environmental, economic or social impact, working with other regulators where appropriate;
 - Production and publication of marine plans and guidance relating to all marine activities which can be used as a basis for development decisions;
 - Responding to marine pollution emergencies; and
 - Ensuring that the network of MPAs is well managed by bringing together conservation authorities and other regulatory bodies, enforcing wildlife legislation, issuing wildlife licenses and the introduction of marine nature conservation byelaws.

3 Consultation

3.1 Application elements under the MMO's remit

- 13 Work Nos. 1 – 3B, detailed in Part 1 of Schedule 1 of the draft DCO describe the elements of Thanet Extension which may affect the interests of the MMO.
- 14 The MMO is an executive non-departmental public body sponsored by the Department for Environment, Food & Rural Affairs. The MMO is responsible for licensing, regulating and planning marine activities in the seas around England so that they are carried out in a sustainable way.
- 15 The technical components of the DCO application of relevance to the MMO (and therefore considered within this SoCG) comprise:
- Volume 2, Chapter 1: Project Description (Offshore) (Application Ref 6.2.1);
 - Volume 2, Chapter 2: Marine Geology, Oceanography and Physical Processes (Application Ref 6.2.2);
 - Volume 2, Chapter 3: Marine Water and Sediment Quality (Application Ref 6.2.3);
 - Volume 2, Chapter 4: Offshore Ornithology (Application Ref 6.2.4);
 - Volume 2, Chapter 5: Benthic Subtidal and Intertidal Ecology (Application Ref 6.2.5);
 - Volume 2, Chapter 6: Fish and Shellfish Ecology (Application Ref 6.2.6);
 - Volume 2, Chapter 7: Marine Mammals (Application Ref 6.2.7);
 - Volume 2, Chapter 8: Designated Sites (Application Ref 6.2.8);
 - Volume 2, Chapter 9: Commercial Fisheries (Application Ref 6.2.9);
 - Volume 2, Chapter 10: Shipping and Navigation (Application Ref 6.2.10);
 - Volume 4, Annex 10-1: Navigation Risk Assessment (Application Ref 6.4.10.1);
 - Volume 2, Chapter 11: Infrastructure and Other Users (Application Ref 6.2.11);
 - Volume 2, Chapter 13: Offshore Archaeology and Cultural Heritage (Application Ref 6.2.13);
 - Volume 4, Annex 3-1: Water Framework Directive Assessment (Application Ref 6.4.3.1);
 - Disposal Site Characterisation (Application Ref 8.14);

- Biogenic Reef Mitigation Plan (Application Ref 8.15);
- Marine Mammal Mitigation Protocol (Application Ref 8.11);
- Shadow EPS License Assessment (Application Ref 8.9);
- Saltmarsh Mitigation, Reinstatement and Monitoring Plan (Application Ref 8.13);
- Draft Development Consent Order (Application Ref 3.1); and
- Report to Inform Appropriate Assessment (Application Ref 5.1).

3.2 Consultation Summary

- 16 This section briefly summarises the consultation that VWPL has undertaken with the MMO. 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. Full details of the Evidence Plan were provided in the Evidence Plan Report (Application Ref 8.5) in the Application.

Table 1: Consultation undertaken with the MMO pre-application

Date & Type:	Detail:
24 th October 2016 Evidence Plan	1 st Steerco Evidence Plan meeting
26 th June 2017 Evidence Plan	2 nd Steerco Evidence Plan meeting
28 th February 2017 Evidence Plan	1 st Evidence Plan meeting - Offshore Ecology Meeting.
26 th May 2017 Evidence Plan meeting	2 nd Evidence Plan meeting - Offshore Ecology Meeting.
12 th July 2017 Evidence Plan meeting	3 rd Evidence Plan meeting - Offshore Ecology Meeting.
4 th October 2017 Evidence Plan meeting	4 th Evidence Plan meeting - Offshore Ecology Meeting.
26 th January 2018 Evidence Plan meeting	5 th Evidence Plan meeting - Offshore Ecology Meeting.
2 nd October 2018 Evidence Plan meeting	1 st Evidence Plan meeting - HRA Meeting.
January 2018: Section 42 Consultation	Comments relating to the Preliminary Environmental Information Report

3.3 Post-application Consultation

17 VWPL has engaged with the MMO 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 MMO is detailed in Table 2.

Table 2: Consultation undertaken with the MMO post-application

Date/ Type:	Detail:
14 th August 2018 Teleconference	Progress meeting prior to relevant representations
8 th October 2018 Teleconference	Meeting to discuss the development of the SoCG

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 DCO and draft dML

- 19 Table 3 identifies the status of discussions relating to this topic area between the parties.

Table 3: Status of discussions relating to the DCO and dML

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Cable protection	The project propose to use the most appropriate form of cable protection, both from a cable protection and ecological perspective. This decision would be made in the detail design phase of the project. The Applicant does note a desire to not to introduce plastic into the marine environment unless this is the most appropriate method.	Agreed	
Arbitration	Revised wording to be provided – under discussion.	Not agreed	Not agreed
General comments on numbers and cross-referencing	Following the responses to the MMO’s RR, in Appendix 35, the draft DCO and dML accurately cross reference documents and project description information.	Under discussion – pending review of Appendix 35	Under discussion
Inclusion with the dML	Hammer energy should not be included on the face of the dML as it would preclude the need to consider the effects as presented in the ES for enforcement.	Not agreed – see point 1.46 (MMO-46) of MMO’s relevant representation.	
O&M activities	The Applicant will provide annual reporting of O&M activities in the context of the consent (if granted).	Agreed	

Discussion Point	Thanet Extension Position	MMO 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 a 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.	Under discussion. Agreed to not-providing an IPMP subject to MMO being comfortable that the monitoring plans adequately secure the monitoring requirements	
Submission Timescales	The provision of monitoring plans 18-months prior to commencement is not considered appropriate given the proposed construction programme of the project.	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.	Not agreed	
	The Applicant agrees that early engagement with the MMO should be undertaken to aid in the signing-off of documents.	Agreed	
Commencement	The clearance of UXO will not be licensed under the DCO, and therefore will not be included under commencement. If required, UXO clearance will be sought in a separate marine licence.	Agreed	

Discussion Point	Thanet Extension Position	MMO Position	Final Position
	The Applicant will revise the wording of commencement to reach agreement with the MMO – on-going discussion.	Under discussion	
Offshore noise	The Applicant will monitor offshore noise, and this has been adequately secured within the DCO/dML.	Under discussion	
Cable burial assessment	A cable burial risk assessment will be undertaken post-consent as is adequately secured.	Agreed	

4.2 Project Description (Offshore)

- 20 Volume 2, Chapter 1: Project Description (Offshore) of the ES (Application Ref 6.2.1) outlines the parameters and methods for the construction, operational and maintenance and decommissioning phases with regard to the offshore elements. Table 4 identifies the status of discussions relating to this topic area between the parties.

Table 4: Status of discussions relating to Project Description (Offshore).

Discussion Point	Thanet Extension Position	MMO Position	Final Position
General Project Policy Context	It is agreed that the National Policy Statement (NPS) for Renewable Energy (NPS EN-3), when read in combination with other relevant NPS, is the overriding policy document in relation to Thanet Extension.	Agreed, noting that public consultation for the South East Marine Plans is planned to commence in summer 2019	
	It is agreed that section 4.1.6 of NPS EN-1 applies, which states that PINS shall have regard to the Marine Policy Statement (MPS) and applicable marine plans in making any recommendation relating to the UK marine area.	Agreed, noting that public consultation for the South East Marine Plans is planned to commence in summer 2019	
Construction	An appropriate degree of detail has been provided for the proposed construction activities to enable an informed assessment of the potential effects.	Under discussion – potentially agreed following review of deadline 1 submissions	
O&M	An appropriate degree of detail has been provided for the proposed O&M activities, including vessel movements, to enable an informed assessment of the potential effects.	Under discussion – see 1.26 (MMO-26) of the MMO’s relevant representation	

Discussion Point	Thanet Extension Position	MMO Position	Final Position
	The Outline Offshore O&M plan was submitted with the application (Application Ref 8.10) which provides clarity on where the activities have been assessed and how they would be secured within marine licenses.	Under discussion	
Decommissioning	An appropriate degree of detail has been provided for the proposed decommissioning activities to enable an informed assessment of the potential effects.	Agreed	
	A decommissioning plan and programme will be produced post-consent (if granted) and is adequately secured within the DCO.	Agreed	
Cable burial assessment	As per paragraph 1.4.91 (Application Ref 6.2.1) no cable protection will be installed within in the Sandwich Bay intertidal area and this has been adequately secured in the DCO.	Not agreed	
DCO/ dML Requirement	All relevant mitigation requirements have been appropriately secured within the DCO/ dML.	Under discussion	

4.3 Marine Geology, Oceanography and Physical Processes

- 21 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 Thanet Extension ES (Application Ref 6.2.2). Table 5 identifies the status of discussions relating to this topic area between the parties.

Table 5: Status of discussions relating to Marine Geology, Oceanography and Physical Processes.

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to physical processes 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.	Under discussion	
Scope and Assessment Methodology	The evidence based approach to the assessment of effects is deemed appropriate for the purposes of predicting changes to the receiving environment.	Agreed	
	The potential impacts identified are appropriate and accurate for physical process receptors and pathways.	Agreed	
	The linkages of pathways to other topics are clearly presented within the ES chapter.	Agreed	
	The definitions of sensitivity and magnitude are appropriate for the purposes of the assessment.	Agreed	

Discussion Point	Thanet Extension Position	MMO Position	Final Position
	All potentially significant effects and the relevant maximum design scenario for each effect have been identified.	Under discussion Pending close out of comments 1.12-20 (MMO-11-19) of MMO's relevant representation	
	The study area defined for the assessment is appropriate for the impacts and pathways considered.	Under discussion pending close out of comments 1.4 (MMO-13) and 1.12-20 (MMO-11-19) of MMO's relevant representation	
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	
	Sufficient metocean data has been collected and analysed to characterise the environment.	Agreed	
	All data gaps have been highlighted and all appropriate measures for filling any data gaps have been proposed.	Under discussion	
Mitigation Measures	The embedded mitigation measures are considered appropriate.	Under discussion pending closing out of clarification of cable protection method & maximum affected area, and installation of scour protection - related points from Relevant Representation 1.4 (MMO-4); 1.14 (MMO-13); 1.19-1.20 (MMO-18-19)	

Discussion Point	Thanet Extension Position	MMO Position	Final Position
	No further mitigation to those embedded measures are necessitated as a result of the assessment conclusions.	Under discussion	
Outcomes of the EIA	The assessment criteria and assignment of significance is appropriate.	Agreed	
	The sensitivity and importance of the receiving environment is accurately described within the Environmental Statement.	Under discussion pending close of point 3.2 (MMO-95) in MMO’s relevant representation in relation to wave energy	
	The conclusions of the assessment accurately reflect the potential impacts on physical processes within the study area.	Under discussion	
	The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate.	Agreed	
	The effects of turbid wakes have adequately and appropriate been assessed based on site specific data, analogous projects and available literature.	Agreed	

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Waves	Following clarification in the response to relevant representations sufficient information has been provided to justify that the effects of local wave energy reduction will be immeasurable at sandbank and coastline receptors.	Under discussion pending close of point 3.2 (MMO-95) in MMO’s relevant representation in relation to wave energy	Under discussion
	Following clarification in the response to relevant representations sufficient information has been provided to understand the cumulative impacts on waves from the presence of both TOWF and Thanet Extension’s WTG foundations and infrastructure.	Under discussion pending close of point 3.2 (MMO-95) in MMO’s relevant representation in relation to wave energy	Under discussion
DCO/ dML Requirement	All relevant mitigation requirements have been appropriately secured within the DCO/ dML.	Under discussion	

4.4 Marine Water and Sediment Quality

- 22 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 (Application Ref 6.2.3)
 - Volume 4, Annex 3-1: Water Framework Directive Assessment (Application Ref 6.4.3.1); and
 - Sand Wave Clearance, Dredging and Drill Arising: Disposal Site Characterisation (Application Ref 8.14).
- 23 Table 6 identifies the status of discussions relating to this topic area between the parties.

Table 6: Status of discussions relating to Marine Water and Sediment Quality.

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies 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 accurate for water and sediment quality receptors.	Agreed	
	The definitions of sensitivity and magnitude are appropriate for the purposes of the assessment.	Agreed	
	All potentially significant effects and the relevant maximum design scenario for each effect have been identified following clarification in the response to relevant representations.	Under discussion pending clarifications to be submitted at deadline 1	
	The study area defined for the assessment is appropriate for the impacts considered.	Agreed	

Discussion Point	Thanet Extension Position	MMO Position	Final Position
	The WFD assessment is appropriate and the conclusions of the assessment accurately reflect the potential impacts of WFD features.	Defer to Environment Agency for WFD advice	
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.	Under discussion pending clarification of 4.2 (MMO-102) in the MMO's relevant representation, expected at deadline 1. And discussion on 4.3 (MMO-103)	
	The survey scope and methodology undertaken for the intertidal surveys was adequate for characterising the baseline contamination of sediments.	Agreed	
	The survey scope and methodology undertaken for the Fugro surveys (array and offshore extents of the OECC) was adequate for characterising the baseline contamination of sediments.	Agreed	
	All data gaps have been highlighted and all appropriate measures for filling any data gaps have been proposed.	Under discussion pending clarification of 4.2 (MMO-102) in the MMO's relevant representation, expected at deadline 1. And discussion on 4.3 (MMO-103)	
Mitigation Measures	The embedded mitigation measures are considered appropriate.	Agreed	

Discussion Point	Thanet Extension Position	MMO Position	Final Position
	No further mitigation to those embedded measures are necessitated as a result of the assessment conclusions.	Under discussion	
Outcomes of the EIA	The assessment criteria and assignment of significance is appropriate.	Agreed	
	The sensitivity and importance of the receiving environment is accurately described within the Environmental Statement.	Agreed	
	The conclusions of the assessment accurately reflect the potential impacts on the marine water quality within the study area.	Agreed	
	The conclusions of the assessment accurately reflect the potential impacts on the marine sediments within the study area.	Agreed	
	The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate.	Agreed	
DCO/ dML Requirement	All relevant mitigation requirements have been appropriately secured within the DCO/ dML.	Under discussion	

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Disposal Site Characterisation (Application Ref 8.14)			
Baseline data used in the assessment	Sufficient primary and secondary data has been collated to appropriately characterise the baseline environment of the disposal sites.	Under discussion pending clarification of 4.2 (MMO-102) in the MMO’s relevant representation, expected at deadline 1. And discussion on 4.3 (MMO-103)	
	Sufficient primary and secondary data has been collated to appropriately characterise the proposed disposal material.	Under discussion pending clarification of 4.2 (MMO-102) in the MMO’s relevant representation, expected at deadline 1. And discussion on 4.3 (MMO-103)	
Outcomes of the assessment	The conclusions of the assessment accurately reflect the potential impacts from in-situ disposal within the array.	Agreed	
	The conclusions of the assessment accurately reflect the potential impacts from in-situ disposal within the OECC.	Agreed	
Mitigation	No further mitigation to those embedded measures are necessitated as a result of the assessment conclusions.	Agreed	

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Disposal Site Geometry	The proposed disposal site coordinates reflect the presence of an existing windfarm and existing disposal site and as such are considered to be appropriate.	Under discussion- agreed in principle that the proposed disposal activities are acceptable, further discussion required with MMO and its advisers at Cefas to agree how the coordinates can be captured to work around existing disposal sites and the Thanet OWF.	
DCO/ dML Requirement	All relevant mitigation requirements have been appropriately secured within the DCO/ dML.	Agreed	

4.5 Benthic Subtidal and Intertidal Ecology

- 24 The Project has the potential to impact upon benthic subtidal and intertidal ecology and these interactions are duly considered within Volume 2, Chapter 5 of the Thanet Extension ES (Application Ref 6.2.5). The Applicant also provided the Biogenic Reef Mitigation Plan (Application Ref 8.15) and the Saltmarsh Mitigation, Reinstatement and Monitoring Plan (Application Ref 8.13) within the Application. Table 7 identifies the status of discussions relating to this topic area and associated documents between the parties.

Table 7: Status of discussions relating to Benthic Subtidal and Intertidal Ecology.

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to benthic ecology and has given due regard to them within the assessment.	Agreed	
Consultation	The ES chapter has been adequately updated following S42 and Evidence Plan consultation and concerns raised have been adequately addressed or clarified.	Under discussion pending clarification of the following points from MMO’s relevant representation: 5.1 (MMO-108); 5.3 (MMO-110); 5.6 (MMO-113); 5.8 (MMO-115); 5.10 (MMO-117); 5.12 (MMO 119)	
Scope and Assessment Methodology	The potential impacts identified are appropriate and accurate for benthic ecology receptors.	Under discussion	
	The definitions of sensitivity and magnitude are appropriate for the purposes of the assessment.	Agreed	
	All potentially significant effects and the relevant maximum design scenario for each effect have been identified.	Under discussion	
	The study area defined for the assessment is appropriate for the impacts considered.	Under discussion	

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Baseline data used in the assessment	Sufficient primary and secondary data has been collated to appropriately characterise the baseline environment for the purposes of informing the EIA.	Under discussion	
	The survey scope and methodology undertaken for the intertidal surveys was adequate for characterising the baseline population of benthic species.	Agreed	
	All data gaps have been highlighted and all appropriate measures for filling any data gaps have been proposed.	Under discussion	
Mitigation Measures	The embedded mitigation measures are considered appropriate.	Under discussion pending close of discussions on core reef approach	
	No further mitigation to those embedded measures are necessitated as a result of the assessment conclusions.	Under discussion	
Outcomes of the EIA	The assessment criteria and assignment of significance is appropriate.	Under discussion	
	The sensitivity and importance of the receiving environment is accurately described within the Environmental Statement.	Under discussion	

Discussion Point	Thanet Extension Position	MMO Position	Final Position
	The conclusions of the assessment accurately reflect the potential impacts on the benthic ecology within the study area.	Under discussion	
	The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate.	Under discussion	
Core Reef Approach	The report (Application Ref 8.15) has been adequately updated following relevant representations and concerns raised have been adequately addressed or clarified.	Under discussion	
Monitoring	There is sufficient knowledge and evidence from the TOWF that benthic monitoring (beyond surveys of biogenic reefs) for Thanet Extension is not required to validate the findings of the EIA and would be disproportionate.	Under discussion	
DCO/ dML Requirement	All relevant mitigation requirements have been appropriately secured within the DCO/ dML.	Under discussion	

4.6 Fish and Shellfish Ecology

- 25 The Project has the potential to impact upon fish and shellfish ecology and these interactions are duly considered within Volume 2, Chapter 6 of the Thanet Extension ES (Application Ref 6.2.6). Table 8 identifies the status of discussions relating to this topic area between the parties.

Table 8: Status of discussions relating to Fish and Shellfish Ecology.

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to fish and shellfish ecology and has given due regard to them within the assessment.	Agreed	
Consultation	The ES chapter has been adequately updated following consultation and concerns raised have been adequately addressed or clarified.	Under discussion- outstanding comments on herring/sole spawning to consider	
Scope and Assessment methodology	The potential impacts identified are appropriate and accurately reflect the potential impacts on the fish and shellfish ecology.	Agreed	
	The definitions of sensitivity and magnitude, presented in Tables 6.4 and 6.5 are appropriate for the purposes of the assessment.	Agreed	
	All potentially significant effects and the relevant maximum design scenario for each effect has identified in Table 6.7.	Agreed	
	The noise modelling and metrics are appropriate for assessing the impacts on fish species.	Under discussion	
	The study area defined for the appropriate is appropriate for the impacts considered.	Agreed	

Discussion Point	Thanet Extension Position	MMO Position	Final Position
	The methodology used to assess spawning behaviour in herring is consistent with recent publications (ORJIP) and metrics discussed during the evidence plan process. The methodology is therefore robust and adequate for the purposes of the assessment.	Under discussion	
	The methodology applied to undertake the sandeel habitat suitability assessment is adequate for the purposes of 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 EIA.	Agreed	
	The survey scope and methodology undertaken for the fish surveys was adequate for characterising the baseline population of fish species.	Agreed	
	The baseline of shellfish, including cockles, has been adequately characterised in terms of population species and spatial distribution.	Agreed	
	All data gaps have been highlighted and all appropriate measures for filling any data gaps have been proposed.	Under discussion	

Discussion Point	Thanet Extension Position	MMO Position	Final Position
	All relevant species of fish within the study area have been identified and assessed.	Agreed	
Mitigation Measures	The embedded mitigation measures are considered appropriate including the use of a soft start procedure to piling.	Agreed	
	No further mitigation to those embedded measures are necessitated as a result of the assessment conclusions.	Under discussion – pending clarification of the following points in MMO’s relevant representation: 6.2-6.11 (MMO-125-134)	
Outcomes of the EIA	The assessment criteria and assignment of significance is appropriate.	Under discussion	
	The sensitivity and importance of the receiving environment is accurately described within the Environmental Statement.	Under discussion – pending clarification of the following points in MMO’s relevant representation: 6.2-6.11 (MMO-125-134)	
	The conclusions of the assessment accurately reflect the potential impacts on the fish and shellfish ecology within the study area.	Under discussion	
	The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate.	Under discussion	
DCO/ dML Requirement	All relevant mitigation requirements have been appropriately secured within the DCO/ dML.	Under discussion	

4.7 Marine Mammals

26 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 Thanet Extension ES (Application Ref 6.2.7);
- Marine Mammal Mitigation Protocol (Application Ref 8.11); and
- Shadow EPS License Assessment (Application Ref 8.9).

27 Table 9 identifies the status of discussions relating to this topic area between the parties for marine mammals.

Table 9: Status of discussions relating to Marine Mammals

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to marine mammals and has given due regard to them within the assessment.	Agreed Defer to Natural England	
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	
Scope and Assessment methodology	The potential impacts identified are appropriate and accurately reflect the potential impacts on the marine mammals.	Agreed	
	The definitions of sensitivity and magnitude are appropriate for the purposes of the assessment.	Agreed	
	All potentially significant effects and the relevant maximum design scenario for each effect has identified adequately.	Agreed	
	The underwater noise modelling and metrics are appropriate for assessing the potential impacts on marine mammals.	Under discussion pending clarifications expected at deadline 1	

Discussion Point	Thanet Extension Position	MMO Position	Final Position
	The study area defined for the assessment is appropriate for the impacts considered.	Agreed	
	The main species of interest have been considered within the assessment.	Agreed	
	The assessment for PTS was undertaken using the NOAA criteria only as agreed in the Evidence Plan process.	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.	Agreed	
	The survey scope and methodology undertaken for the marine mammal surveys was adequate for characterising the baseline population of marine mammal species.	Defer to the expert opinion of the Statutory Nature conservation Bodies Please note – we have amended the adjacent cell to refer to marine mammals, not fish. The row below re: survey scope & methodology has been deleted - please clarify if this is correct.	
	All data gaps have been highlighted and all appropriate measures for filling any data gaps have been proposed.	Defer to the expert opinion of the Statutory Nature conservation Bodies	

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Mitigation Measures	The embedded mitigation measures are considered appropriate.	Agreed	
	No further mitigation to those embedded measures are necessitated as a result of the assessment conclusions when the project is considered alone.	Under discussion, Noting Natural England’s request in their Relevant Representation to include provision of a site integrity plan.	
	No further mitigation to those embedded measures are necessitated as a result of the assessment conclusions when the project is considered cumulatively.	Under discussion, Noting Natural England’s request in Relevant Representation to include provision of a site integrity plan.	
Outcomes of the EIA	The assessment criteria and assignment of significance is appropriate.	Defer to the expert opinion of the Statutory Nature conservation Bodies	
	The sensitivity and importance of the species is accurately described within the Environmental Statement.	Defer to the expert opinion of the Statutory Nature conservation Bodies	
	The conclusions of the assessment accurately reflect the potential impacts on marine mammals within the study area.	Agreed	
	The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate.	Defer to the expert opinion of the Statutory Nature conservation Bodies	

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Mitigation	The mitigation proposed in the MMMP (Application Ref 8.11) is appropriate and sufficient given the conclusions of the assessment.	Agreed (for EIA, defer to SNCB for HRA advice), noting that this is for piling only ¬ for UXO clearance	
EPS Licence	Where piling works are proposed, an additional application for a European Protected Species Licence may be required to allow for the potential disturbance of marine mammals.	Agreed	
DCO/ dML Requirement	All relevant mitigation requirements have been appropriately secured within the DCO/ dML.	Under discussion- noting recommendation for inclusion of SIP condition	

4.8 Offshore Designated Sites

- 28 The Project has the potential to impact upon conservation interests and marine designated sites and these interactions are duly considered within Volume 2, Chapter 8: Offshore Designated Sites (Application Ref 6.2.8) of the ES. Table 10 identifies the status of discussions relating to this topic area between the parties.

Table 10: Status of discussions relating to Offshore Designated Sites

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to the offshore designated sites and has given due regard to them within the assessment.	Defer to the expert of opinion of the SNCBs for conservation advice	
Baseline data used in the assessment	Appropriate data and information was used to characterise the baseline for the purposes of the assessment.	Defer to the expert of opinion of the SNCBs for conservation advice	
Scope and Assessment methodology	All relevant designated sites have been accurately identified and included within the assessment.	Defer to the expert of opinion of the SNCBs for conservation advice	
	The conservation objects have been appropriately identified within the assessment.	Defer to the expert of opinion of the SNCBs for conservation advice	
Outcomes of the EIA	The sensitivity and importance of the receiving environment is accurately described within the Environmental Statement.	Defer to the expert of opinion of the SNCBs for conservation advice	
	The conclusions of the assessment accurately reflect the potential impacts on the designated sites.	Defer to the expert of opinion of the SNCBs for conservation advice	

Discussion Point	Thanet Extension Position	MMO Position	Final Position
	The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate.	Defer to the expert of opinion of the SNCBs for conservation advice	
DCO/ dML Requirement	All relevant mitigation requirements have been appropriately secured within the DCO/ dML.	Under discussion	

4.9 Commercial Fisheries

- 29 The Project has the potential to impact upon commercial fisheries. These interactions are duly considered within Volume 2, Chapter 9 of the Thanet Extension ES (Application Ref 6.2.9). The Fisheries Liaison and Co-Existence Plan (Application Ref 8.8) was submitted with the Application. Table 11 identifies the status of discussions relating to this topic area between the parties.

Table 11: Status of discussions relating to Commercial and Recreational Fisheries.

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Baseline data used in the assessment	Accepting the recognised limitations, the baseline data comprises the best available data and is complemented by a robust site specific (Succorfish) dataset. The baseline (local fishing) receiving environment has therefore been adequately characterised.	Agreed	
	Accepting the recognised limitations, the baseline data comprises the best available data. The baseline (international fishing) receiving environment has therefore been adequately characterised.	Agreed	
Consultation	The ES chapter has been adequately updated following consultation and concerns raised have been adequately addressed or clarified.	Under discussion	
	The co-existence plan (Application Ref 8.8) provides sufficient information about the methodology and mechanisms for information exchange.	Under discussion	
	The co-existence plan was agreed by TFA prior to application and will be updated to reflect that it is a final plan.	Under discussion subject to reviewing any updates	

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Scope and Assessment methodology	The potential impacts identified are appropriate and accurately reflect the potential impacts on the fishing fleet.	Under discussion	
Mitigation Measures	The refined Red Line Boundary results in a reduced interaction of the project with commercial fishing interests.	MMO queries whether modification to the red line boundary can be considered mitigation.	
	The embedded mitigation measures are considered appropriate.	Defer to the opinion of local fishing organisations for specialist knowledge	
Outcomes of the EIA	The assessment criteria and assignment of significance is appropriate.	Under discussion	
	The sensitivity and importance of the receiving environment is accurately described within the Environmental Statement.	Under discussion	
	The impact of the loss of fishing ground and fishing opportunity in and around the extension project has been appropriately assessed.	Under discussion	
	The conclusions of the assessment accurately reflect the potential impacts on the fishing fleet.	Under discussion	
	The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate.	Under discussion	

Discussion Point	Thanet Extension Position	MMO Position	Final Position
DCO/ dML Requirement	All relevant mitigation requirements have been appropriately secured within the DCO/ dML.	Agreed, to the extent that mitigation measures that have already been identified have been secured.	
	Details of the Fisheries Liaison Officer will be secured within the PEMP (post-consent) when the details are known.	Agreed - subject to review and confirming the proposed wording in condition	

4.10 Shipping and Navigation

- 30 The Project has the potential to impact upon shipping and navigation. These interactions are duly considered within Volume 2, Chapter 10 of the Thanet Extension ES (Application Ref 6.2.10) and within Volume 4, Annex 10-1: Navigational Risk Assessment (Application Ref 6.4.10.1).
- 31 Noting that the MMO defer to the MCA on these matters, for the purposes of transparency the Applicant have included areas of agreement with the MCA within this first draft of this SoCG. Therefore, Table 12 identifies the status of discussions relating to this topic area between the parties (the Applicant, the MMO and the MCA).

Table 12: Status of discussions relating to Shipping and Navigation

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Study area	It is agreed that the study area used to inform the assessment of the project on shipping and navigation receptors was appropriate.	<i>MCA 041018 – Agreed</i>	Agreed
Consultation	It is agreed that throughout the pre-application process the level of consultation and the provision of information has been sufficient in informing MCA of the development of the project and the predicted impacts on shipping and navigation.	<i>MCA 041018 – Agreed</i>	Agreed
Approach to NRA	It is agreed that the Navigational Risk Assessment has been undertaken in line with the requirements set out in the Marine Guidance Note (MGN) 543 – Guidance on UK Navigation Practice, Safety and Emergency Response Issues and complies in full with the MGN 543 checklist.	<i>MCA 041018 - Agreed</i>	Agreed

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Environmental Statement Baseline and Methodology	It is agreed that the shipping and navigation baseline environment has been adequately and appropriately described in the ES. Based on that information it is further agreed that the marine traffic survey data and wider data sources used are appropriate for the assessment and details a good representation of commercial traffic in the area of the project	MCA 041018 - Agreed	Agreed
Environmental Statement Baseline and Methodology	It is agreed that the approach adopted in the Environmental Statement is appropriate to assess the magnitude and range of navigational safety impacts from the proposed Project on the users of commercial vessels	MCA 041018 – Agreed	Agreed
Environmental Statement Baseline and Methodology	It is agreed that the design parameters of the project would result in the worst case collision and allision scenario for commercial vessels.	MCA 041018 – Agreed	Agreed
Tolerability definition and assessment	In the absence of industry specific guidance it is agreed that the tolerability of risk is appropriately defined and assessed through application of the HSE standards	MCA 041018 - <i>MCA does not write its own guidance on tolerability however the statement drafted with MCA and TH is agreed.</i>	Agreed
Environmental Statement assessment	It is agreed that the Applicant has adequately assessed navigational safety impacts on users of commercial vessels from the Project.	MCA 041018 – Agreed	Agreed

Discussion Point	Thanet Extension Position	MMO Position	Final Position
dML(s)	It is agreed that Condition 12 (1)(b) and Condition 10 (1)(c) (Pre-construction plans and documentation) of the Generation Assets and Transmission Assets dML (Schedule 11 and 12 of the DCO respectively) provides adequate mitigation by ensuring the proposed final layout will be submitted for approval to the MMO; who will then in turn consult with the MCA and THLS on any issues with navigational safety, prior to giving approval. This agreement includes all surface structures (structures visible above Lowest Astronomical Tide) noted within the DCO including the wind turbine generators, and offshore substation.	Agreed	
DCO/ dML Requirement	All relevant mitigation requirements have been appropriately secured within the DCO/ dML.	Under discussion - further consideration still required for O&M phase	

4.11 Offshore Heritage

- 32 The Project has the potential to impact upon offshore archaeology and cultural heritage. These interactions are duly considered within Volume 2, Chapter 13 of the Thanet Extension ES (Application Ref 6.2.13), with control and mitigation measures provided for within the DCO and dML(s). Table 13 identifies the status of discussions relating to this topic area between the parties.

Table 13: Status of discussions relating to Offshore Archaeology and Cultural Heritage.

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to historic environment assessment and has given due regard to them within the assessment.	Defer to Historic England	
Consultation	The ES chapter has been adequately updated following S42 and Evidence Plan consultation and concerns raised have been adequately addressed or clarified.	Defer to Historic England	
Scope and Assessment methodology	The potential impacts identified are appropriate and accurate for the relevant receptors.	Defer to Historic England	
	The study area defined for the assessment is appropriate for the impacts considered.	Defer to Historic England	
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.	Defer to Historic England	
	The scopes and methodologies undertaken for the viewpoints were adequate for characterising the baseline and informing photomontage drafting.	Defer to Historic England	

Discussion Point	Thanet Extension Position	MMO Position	Final Position
	All data gaps have been highlighted and all appropriate measures for filling any data gaps have been proposed.	Defer to Historic England	
Mitigation Measures	The embedded mitigation measures are considered appropriate and are appropriately secured through the DCO.	Under discussion	
	The Outline WSI (Application Ref 8.3) is appropriate with regards landscape management principles.	Defer to Historic England	
Outcomes of the EIA	The assessment criteria and assignment of significance is appropriate.	Defer to Historic England	
	The sensitivity and importance of the receiving environment is accurately described within the Environmental Statement.	Defer to Historic England	
	The conclusions of the assessment accurately reflect the potential impacts on the receiving environment within the study area.	Defer to Historic England	
	The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate.	Defer to Historic England	
DCO/ dML Requirement	All relevant mitigation requirements have been appropriately secured within the DCO/ dML.	Under discussion	

4.12 Offshore Ornithology

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 14 identifies the status of discussions relating to this topic area between the parties.

Table 14: Status of discussions relating to Offshore Ornithology

Discussion Point	Thanet Extension Position	MMO 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.	Defer to the expert opinion of the SNCB Natural England	
Consultation	The ES chapter has been adequately updated following S42 and Evidence Plan consultation and concerns raised have been adequately addressed or clarified.	Defer to the expert opinion of the SNCB Natural England	
Scope and Assessment methodology	The potential impacts identified are appropriate and accurate for offshore ornithology receptors.	Defer to the expert opinion of the SNCB Natural England	
	The study area defined for the assessment is appropriate for the impacts considered.	Defer to the expert opinion of the SNCB Natural England	
	The methods of assessing collision risk and displacement are appropriate and have been applied accurately	Defer to the expert opinion of the SNCB Natural England	
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.	Defer to the expert opinion of the SNCB Natural England	

Discussion Point	Thanet Extension Position	MMO Position	Final Position
	All data gaps have been highlighted and all appropriate measures for filling any data gaps have been proposed.	Defer to the expert opinion of the SNCB Natural England	
	The sensitivity and importance of the receiving environment is accurately described within the Environmental Statement.	Defer to the expert opinion of the SNCB Natural England	
Mitigation Measures	The embedded mitigation measures are considered appropriate.	Defer to the expert opinion of the SNCB Natural England	
Outcomes of the EIA	The assessment criteria and assignment of significance is appropriate.	Defer to the expert opinion of the SNCB Natural England	
	The conclusions of the assessment accurately reflect the potential impacts on offshore ornithology receptors within the study area.	Defer to the expert opinion of the SNCB Natural England	
	The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate.	Defer to the expert opinion of the SNCB Natural England	
DCO/ dML Requirement	All relevant mitigation requirements have been appropriately secured within the DCO/ dML.	Under discussion	

5 Matters under Discussion

- 33 This summary section identifies those matters raised by the MMO 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 MMO.
- 34 The current topics are still under discussion:
- DCO & DML
 - Inclusion of arbitration within the DCO;
 - Inclusion of hammer energy on the DML;
 - Submission timescales for monitoring documentation and;
 - Offshore noise monitoring
 - Marine Geology, Oceanography and Physical Processes
 - Wave energy
 - Water Quality and Sediment Quality:
 - The geometry of the proposed disposal sites;
 - Benthic Subtidal and Intertidal Ecology
 - Core reef approach and;
 - Turbid wakes
 - Fish and Shellfish:
 - Mitigation for fish species;
 - TTS on fish species and eggs;
 - Fleeing rate of fish and;
 - Succorfish data.
 - Marine Mammals
 - Requirement for a Site Integrity Plan;
 - Significance of effects on shellfish fisheries.