



Answers to Examining Authority Questions 1

<p>1.1.15</p>	<p>The Applicant and Kent Wildlife Trust</p> <p>Offshore Ornithology Screening in Relation to Saltmarsh Habitat Paragraph 7.5.29 of [APP-031] states that “<i>Temporary disturbance/ loss of intertidal habitat used by non-breeding European golden plover and ruddy turnstone (during construction and O&M) remains screened in and is addressed as part of the benthic intertidal assessment.</i>”</p> <p>Paragraph 7.5.25 of [APP-031] screens out the permanent loss of saltmarsh habitat in terms of these qualifying features. On the basis that salt marsh is a supporting habitat for European golden plover and ruddy turnstone (qualifying features of the sites), Natural England states that the permanent loss during long term operation should be considered as a likely significant effect (LSE), and that the competent authority will need to consider an appropriate assessment in this respect. Natural England considers that the success of restoration in their post-construction experience of similar situations is not such that a total recovery (and therefore no permanent loss) can be assumed and LSE ruled out.</p> <p><input type="checkbox"/> <input type="checkbox"/> Can the Applicant and Kent Wildlife Trust please respond to these points?</p> <p>We agree with the comments made by Natural England and believe that due to the ecological importance of the saltmarsh habitat, the permanent loss of saltmarsh should not be screened out. Saltmarsh is an important supporting habitat of the various environmental designations and is used by European golden plover and ruddy turnstone as well as other species, and is an important feature of the Sandwich Bay to Hacklinge Marshes SSSI. Total recovery of damaged or disturbed saltmarsh cannot be assumed and a precautionary approach should be taken by the applicant. Therefore we believe that an appropriate assessment should be carried out for saltmarsh habitat.</p>
<p>1.1.35</p>	<p>Natural England, Marine Management Organisation and all IPs</p> <p>Subtidal and Benthic Intertidal Habitats: In-Combination Assessment In respect of the Subtidal and Benthic Intertidal Habitat in-combination assessment, paragraph 8.2.4 of [APP-031] states that “<i>...it is considered that there is potential for LSE in-combination with Thanet Extension. The potential for such an effect will vary, depending on parameters such as the timing of works and the nature of those works, with these to be considered in full in the determination of AEoI</i>”. Paragraph 12.2.1 of [APP- 031] then explains that no plans of projects have been scoped into the in-combination assessment (of AEoI) for Subtidal and Benthic Intertidal Habitats.</p>



	<p><input type="checkbox"/> <input type="checkbox"/> Are Natural England, Marine Management Organisation and any other parties satisfied that an in-combination assessment of AEoI for Subtidal and Benthic Intertidal Habitat effects has not been undertaken on the basis that no relevant plans or projects are identified (paragraph 12.2.1 of [APP-031])? If not, why not?</p> <p>We believe that the proposed (and consented) dredging of an area of the Goodwin Sands for the Dover Harbour Port Development¹ needs to be considered for in-combination assessments. The decision to consent to the dredging of this area was announced by the MMO on 26th July 2018. The area to be dredged is located close to the Thanet Extension site and will impact subtidal benthic habitats.</p>
1.1.39	<p>The Applicant, Natural England, Environment Agency, Kent Wildlife Trust, Kent County Council, Thanet District Council and Dover District Council</p> <p>Saltmarsh Mitigation, Reinstatement and Monitoring Plan: Effects of Permanent Loss of Saltmarsh</p> <p>The applicant's Saltmarsh Mitigation, Reinstatement and Monitoring Plan [APP-147] relates to the temporary construction effects of the export cable. The document states (para 1.2.1) that 'any permanent loss of saltmarsh will be addressed in a separate document through further consultation with the relevant stakeholders'.</p> <p>a) With regard to this separate document, please could the applicant outline:</p> <ul style="list-style-type: none"> <input type="checkbox"/> its scope and purpose <input type="checkbox"/> its current status <input type="checkbox"/> the intended timetable for production <input type="checkbox"/> whether or not it is intended to be submitted during this Examination <input type="checkbox"/> any consultation undertaken or planned; and, <input type="checkbox"/> how the measures contained therein would be secured. <p>b) The views of the local authorities, Natural England and the Environment Agency on the above points (i-vi) are invited.</p> <p>Without reference to permanent loss, the Saltmarsh Mitigation, Reinstatement and Monitoring Plan document is misleading as it only refers to worst-case scenario for temporary disturbance to saltmarsh habitat, whereas the actual worst case scenario involves the permanent loss of saltmarsh. We look forward to receiving the answers to the above points from the applicant and if still relevant, to seeing the additional document where permanent loss will be addressed. Comments from KWT regarding the Saltmarsh Mitigation, Reinstatement and Monitoring Plan more widely are raised in the Written Representation.</p>
1.1.40	<p>The Applicant, Natural England, Environment Agency, Kent Wildlife Trust, Kent County Council, Thanet District Council and Dover District Council</p> <p>Saltmarsh Mitigation, Reinstatement and Monitoring Plan: Recovery Assumptions</p> <p>NE's relevant representation has referred to the experience of the recent construction of the NEMO link, from which it states that the saltmarsh has been slower to recover than expected.</p>

¹ <https://www.gov.uk/government/news/dover-dredging-application-decision>

	<p>a) In this context, how would the need for further post-construction mitigation (if required, depending on the success of the restoration) be determined and delivered within the provisions of the Thanet Extension Offshore Wind Farm DCO?</p> <p>b) What are the potential options for managing this eventuality?</p> <p>In accordance with the Society for Ecological Restoration, ecological restoration should 'seek the highest and best recovery outcomes to both compensate for past damage and to progressively effect an increase in the extent and healthy functionality ecosystem²' and we believe this should be the aim for the saltmarsh at Pegwell Bay. Monitoring the restoration of the saltmarsh following the disturbance caused by the construction phase will be imperative. The applicant could include some or all of the key ecosystem attribute targets for establishing the success of ecological restoration, including determining: an absence/ cessation of threats; restoration of physical conditions; presence of desirable species; reinstatement of spatial habitat diversity; recovery of ecosystem functionality (e.g. high quality saltmarsh).</p> <p>We also advocate longer-term monitoring of the saltmarsh following construction, e.g. 15-20 years rather than 5 has been recommended for freshwater marshes.</p> <p>Taken from Denning, 2017², mitigation measures to be considered and incorporated into the DCO could include:</p> <ul style="list-style-type: none"> • use option 1 - HDD construction method • locate work and storage compounds outside sensitive habitats; • use low-ground pressure vehicles with caterpillar tracks to distribute vehicle weight more evenly; • use trackways (e.g. aluminium panels in saltmarsh) to distribute vehicle weight. Underlay trackways with a suitable grade geotextile membrane. Do not leave the trackway in-situ; • for construction equipment (e.g. excavators) use approved biofuels and avoid refilling when working in saltmarsh; • ensure all contractors have received a toolbox talk on the site ecology, including information on why a site is important, and how they can help minimise impacts on the habitats and species present; • Restrict the number of vehicle movements, and limit the number of people accessing the site, even along trackways, to minimise vegetation trampling; • where trackways are laid over vegetation, minimise the number of days it is left in-situ so to prevent complete die-back of plants; • reduce noise by, for example turning off vehicle engines when stationary. This can minimise disturbance to birds when feeding or resting in and around the saltmarsh and surrounding habitats. <p>We believe that there may also be opportunities to enhance the saltmarsh habitat at Pegwell Bay.</p>
1.16.2	Kent County Council, Thanet District Council, Dover District Council, Kent

² <https://www.researchgate.net/project/Vegetation-recovery-of-saltmarsh-and-sand-dune-habitat-following-cable-and-pipeline-installation>

	<p>Wildlife Trust, Natural England, National Trust, local business and resident Interested Parties</p> <p>Outline Landscape and Ecological Management Plan (Onshore) Application document [APP-142] sets out outline landscape management measures to be delivered in tandem with ecological measures.</p> <p>a) Are the proposed landscape screening measures at the substation set out in Chapter 3 adequate to address the landscape and visual impacts of the proposed substation (Work No.13) and if not, what changes should be made to the document; and</p> <p>b) Are any other landscape screening or enhancement measures to address the onshore landscape and visual effects of the proposed development required and if so, why and in what terms should they be added to the document?</p> <p>KWT do not have any points to make about these points in particular, however we have made comments on the revised OLEMP document as a whole and these have been sent to the applicant and are included in the written representation. The areas of 'poor habitat' (bare ground) need to be maintained and managed as bare ground up until commencement of construction in order to ensure that reptiles will not be present when construction begins. Vegetation clearance is to be supervised by an Ecological Clerk of Works (ECoW).</p> <p>In terms of breeding birds, the vegetation to be cleared should be checked for active nests by the ECoW approximately 48 hours before clearance. If active nest are found, the 'applicable area' radius will need to be defined to ensure minimal disturbance to nesting birds.</p>
1.16.3	<p>Kent County Council, Thanet District Council, Dover District Council, Kent Wildlife Trust, Natural England, National Trust, local business and resident Interested Parties</p> <p>Landscape and Visual Effects of Cable Alignments in Pegwell Bay Country Park and National Nature Reserve Have adequate siting and design mitigation measures been taken to address the landscape and visual effects of cable alignments in Pegwell Bay Country Park and National Nature Reserve? If not, please identify if any additional measures are sought and for what purpose. In particular, please provide your assessment of the adequacy of the following measures. If you conclude that any are not adequate, please identify how you recommend that the measures should be changed.</p> <p>a) Changes to the sea wall at the landfall location in Pegwell Bay Country Park (Work No.3B);</p> <p>b) Reinstatement and management of the cable alignment from the landfall location through Pegwell Bay south west to the boundary of the National Nature Reserve (Works Nos.4 and 4A);</p> <p>c) The landscape and visual relationship between the cable alignment from the landfall location through Pegwell Bay south west to the boundary of the National Nature</p>

	<p>Reserve and the adjacent existing Nemo Link cable alignment (Works Nos.4 and 4A).</p> <p>Kent Wildlife Trust's remit relates to the biodiversity and wildlife impacts of the cable alignments in Pegwell Bay Country Park and the National Nature Reserve therefore our comments on landscape and visual effects are limited.</p> <p>Regarding point a): we believe more details are needed before we can approve of any changes to the seawall.</p>
1.16.4	<p>Kent County Council, Thanet District Council, Dover District Council, Kent Wildlife Trust, Natural England, National Trust, local business and resident Interested Parties</p> <p>Offshore Works Has the Applicant proposed adequate siting and design, seascape, landscape and visual mitigation measures for offshore works and particular wind turbine generator (WTG) arrays, taking account of their relationship with the existing Thanet Offshore Wind Farm and the potential differences of scale between the installed and proposed WTGs? If not, what additional measures should be taken and why?</p> <p>Kent Wildlife Trust's remit relates to the biodiversity and wildlife impacts of this development. We are not in a position to comment on the landscape/seascape and visual impacts to people, however, we believe the offshore works described will have an impact on seabirds. Although we will primarily defer to the RSPB regarding ornithological concerns, we believe that additional measures should be taken regarding construction and post-construction monitoring. There is currently insufficient information about plans to monitor seabirds during and post-construction.</p>
1.18.6	<p>Thanet District Council, Environment Agency, Natural England, Kent Wildlife Trust and Kent County Council</p> <p>Controlled Waters: Cumulative Effects Assessment Table 6.14 of [APP-062] outlines various potential cumulative impacts that could arise from the projects identified in Table 6.13, in combination with the Proposed Development, and provides an assessment of the potential significance of such impacts. Minor beneficial effects are identified on the impacts to human health and controlled waters, and to changes in watercourse conveyance and floodplain storage.</p> <p><input type="checkbox"/> Do Thanet District Council, the Environment Agency, Natural England and Kent Wildlife Trust agree that a "minor beneficial" cumulative effect alongside the Nemo link is a reasonable conclusion as to the residual effect in terms of potential impacts to human health and controlled waters, taking into account ground investigation, remediation and groundwater protection measures as secured within the DCO? If not, why not?</p> <p>We are not in a position to comment on this aspect. KWT would like to defer to the Environment Agency and other interested parties regarding the impacts of the development on human health.</p>