



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

Thanet Extension Offshore Windfarm

Planning Inspector Reference: EN010084

**Natural England's Comments on Other Written Representations Submitted at
Deadline 1.**

5th February 2019

Thanet Extension Offshore Wind Farm – Response to Written Representations

Following submission of Natural England’s and other consultees Written Representations regarding the construction and operation of Thanet Extension Offshore Wind Farm, Natural England has reviewed these documents, including statutory and non-statutory consultees, and commented on the major issues within the remit of Natural England. Relevant comments from other consultees are summarised in Table 1, together with Natural England’s position on the comments. These comments are colour coded as:

Green Comments – Natural England have no further comments, comments support/agree with Natural England position or does not impact on Natural England concerns.

Amber Comments – Natural England comments may be in contradiction, further advice needed, or potential new issue not included in Natural England comments.

Red Comments – Comments in direct contradiction with Natural England position or represents a significant issue not mentioned in Natural England’s comments.

Grey Comments – Comments that are not relevant to Natural England.

Table 1. Summary of main comments from other consultees and Natural England's position.

Comment Number / Page	Summary of Major Comments from Stakeholder in their Written Reps.	Do they contradict or Support Natural England's comments, or is this a new issue Natural England needs to consider?
MMO		
Last paragraph of letter.	The MMO supports NE's request for the inclusion of a condition to ensure the production of a Site Integrity Plan (SIP) to avoid AEol of the SNS cSAC.	This comment supports Natural England's position.
Thanet District Council		
2 nd Paragraph	The council strongly supports development of renewable energy and the expansion of Thanet OWF will assist with that, as well as strengthening the use of Ramsgate Port as a base for assembly and maintenance of OWFs (welcomed and supported by the council).	Not relevant to Natural England's position.
3 rd Paragraph	The proposed project will result in adverse effect to Thanet's coastline.	Natural England did have these previous concerns regarding option 2, which involved an extension to the seawall and a permanent loss of important saltmarsh habitat. However, these concerns have been lessened following the applicant's decision to remove option 2 from the project envelope.
3 rd Paragraph	The onshore development has the potential to result in harm to biodiversity, ground water and human health unless	Natural England are in agreement that that onshore development does have the potential

	adequately mitigated (the Council welcomes the detailed considerations given to these issues)	to be damaging to onshore biodiversity and ground water. However, we continue to work with the applicant on the relevant mitigation plans to reduce this potential. Human health is outside of Natural England's remit.
4 th Paragraph	The council supports the provision of a visitors centre to promote further engagement with the local population.	Natural England are supportive of this idea, and would welcome conversations with the applicant and the council on how Natural England's expertise in nature conservation can inform the public of some of the great habitats within the area.
Kent County Council		
Summary	<p>The principal issues made in relation to the application concern:</p> <ul style="list-style-type: none"> - Highways and transportation, as the Local Highway Authority for Kent; - Not within Natural England's remit. - Public Rights of Way (PRoW); - Not within Natural England's remit. - Country Parks, as land owner and manager of Pegwell Bay Country Park; - Waste; (Not within Natural England's Remit) - Biodiversity; - Heritage. (Not within Natural England's Remit) 	Relevant points relating to Natural England's remit are discussed below and briefly highlighted in the column to the left.

<p>Page 2 , Paragraphs 5 and 6</p>	<p>Country Parks:</p> <p>KCC acknowledges and welcomes the recent change to the DCO application by removing the proposed Option 2. KCC supports either Option 1 or 3 for the onshore cable route, which would lead to less significant impacts on the Pegwell Bay Country Park</p> <p>KCC is concerned about the negative impacts on the users of the Country Park during the construction of the onshore cable and requests the applicant works closely with the relevant officers to ensure the park remains open and accessible during the construction phase.</p>	<p>In line with Natural England's position, however we prefer option 1 using HDD, over option 3.</p> <p>Currently this is not within Natural England's remit, but note the position.</p>
<p>Page 3 Paragraphs 1 and 2</p>	<p>Biodiversity:</p> <p>The 'Saltmarsh Mitigation and Reinstatement Plan', submitted as part of the DCO application, is very important to ensure that the appropriate mitigation can be implemented.</p> <p>PINS will need to carry out the HRA and sufficient information will need to be submitted by the applicant to enable this to be completed.</p>	<p>In line with Natural England's position. We have worked with the applicant to ensure the plan is appropriate.</p> <p>Natural agree with this position.</p>
<p>The Crown Estate</p>		
<p>Last Paragraph of the letter</p>	<p>The application is subject to a plan-level HRA which will assess possible impact of the proposed project on relevant N2K sites. Subject to the outcomes of the plan-level HRA, Thanet Extension would be granted an agreement for lease in</p>	<p>Natural England notes this position.</p>

	summer 2019. TCE wishes to follow the progress of examination of the project.	
Shakespeare Martineau on behalf of National Grid Electricity Transmission Plc (NGET)		
Summary	Related to land ownership, interference or damage to their assets, maintaining access to their assets, ability to work on their assets, crossing of Thanet cables with National grid cables agreements, protection of their assets, health and safety and property rights.	Not relevant to Natural England's remit.
Government of France		
	Regarding birds: "We regret a very light analysis, with few arguments and that the conclusions are very hasty".	Supports Natural England in some instances relating to some of the analysis and methodologies used for determining the impacts upon offshore bird receptors.
1.2.7	<p>Insist on the need to assess the impacts on:</p> <ul style="list-style-type: none"> • Black-legged Kittiwakes (vulnerable), Northern Gannets (near threatened), Herring Gulls (near threatened), great and lesser black-backed gulls, due to nearby breeding sites and foraging distances (Criterion 3); • The common murre (Guillemot?), razorbill, red-throated loon (RTD), as a migrating and overwintering species crossing the TEOWF project. 	Natural England's comments are slightly more specific to UK issues. However, Natural England have raised issues regarding assessing the displacement on red throated diver, gannet and auks as well as with the parameters used in the collision risk modelling and concerns with the in combination assessment.

	<p>Particularly sensitive species to the risks generated by a OWF (collision, loss of functional areas, barrier effect) and deserve an in-depth study of their use of the TEOWF area. (for example, by setting up a ringing program, tagging, radar tracking).</p> <p>Other relevant species include the Northern Fulmar, the terns (including the common and sandwich), the Brent Goose, or the group of skuas.</p> <p>Not happy that the SPA's "Littoral Seino-marin" and "Estuaire de la Canche" were both considered because of distance to TEOWF. Should be considered due to migratory birds.</p> <p>(They provide their own evidence).</p>	
2.1	<p>Marine Mammals: The harbour porpoise, the harbour seal and the grey seal were not considered for all the sites to be submitted to effects related to the acoustic disturbance due to acoustic work pile piling disturbance distance estimated at 26 km (JNCC recommendation for any new project). Grey seal and the harbour seal considered for more sites because greater sensitivity: 120 km harbour seal (SMRU) and 145 km grey seals (Thompson et al 1996). Harbour porpoise only considered for the site "Banc des Flandres".</p>	Not specifically raised within Natural England's written representations.
2.2.3	<p>Question the distance differences in terms of the effect of acoustic disturbance.</p> <p>Concerned about the fact that the harbour porpoise is not considered in the other Natura 2000 sites with regard to potential cumulative effects (Likely Effects-in combination).</p>	Not specifically raised within Natural England's written representations, however these concerns are primarily related to French designated sites which are outside of Natural England's remit.

	<p>Because of its mobility and use of Dover channel, it is essential to take into account the cumulative effects with the other French wind projects on the Channel, in the same way as for the grey and harbour seals.</p> <p>It would make more sense from a scientific point of view considering the sites "Gris Nez Nez Blanc Nez", "Ridens et dunes hydrauliques" and "Bancs des Flandres", where populations will potentially be exposed to the effects of the TEOF project as well as French projects</p>	
The National Trust (NT)		
1.4	<p>Concerns and objections relate to:</p> <ul style="list-style-type: none"> • Compulsory purchase of National trust land – Not related to Natural England's position. • Potential impacts of the cable landfall and connection on the seawall • Impacts on tourism and leisure – Not related to Natural England's position or remit. • The cable landfall route option (Environmental Statement) <p>In regard to matters relating to habitat and biodiversity the National Trust is relying on the advice on Natural England and Kent Wildlife Trust</p>	Relevant points relating to Natural England's remit are discussed below and briefly highlighted in the column to the left.
3	In principle objection to the laying of additional cables across land held by NT. The draft DCO and supporting documents	Not relevant to Natural England's remit.

	are not entirely clear about the extent of land to be acquired and as such the NT objects.	
4.1/4.2	The developers have indicated physical alterations which might affect the area of onshore land, adjacent to the rock armoured sea wall, including installing a Transition Pit and extending/altering the sea wall. NT not been provided with detail and thus objects to any proposed alterations, additions or changes to this land or the sea wall or any acquisition of the Trust's land.	Slightly related to Natural England's position. Natural England have raised major concerns regarding the extension of the sea wall associated with option 2 and the loss of saltmarsh. However, these concerns have been lessened by the removal of option 2 from the project envelope.
5.1/5.2	An over ground berm is not seen as acceptable, especially in light of the impact from project Nemo on the Country Park. If this were to happen then it would be required a complete landscaping design and options to mitigate impact and create a single structure more in keeping with the rest of the park and the surrounding land.	Natural England defers to KCC, KWT and NT regarding issues upon the country park, However, we are supportive of underground burying of assets within the country park as it allows for greater flexibility at the landfall location.
5.3	The National Trust welcomes Vattenfall's decision to withdraw the above ground Option 2. If the option to underground the cables across the Park are implemented this will significantly alter the impact of the project on the park, its management and users. It is the preferred option and considered to be the only acceptable way to accommodate the project across the Pegwell Bay Country Park.	In line with Natural England's position.
6.1	NT maintains it's in principle objection to the cable landfall route selection process as outlined in the ES. ES fails to meet the regulatory requirements to provide the "adequate	Natural England had raised concerns relating to the route and site selection process for the cable landfall location within our relevant

	provision of information to draw detailed consultation responses” as it does not provide the detail required to understand the landfall site selection and options. The ES simply states the conclusion reached by the applicant without explaining how or giving the relevant information to help inform that process (go on to give specific examples below.)	representations and agree that there was not enough information presented to begin with. Many of these concerns were fuelled by option 2 being included in the project envelope when seemingly less damaging options further south had been discounted. However, following the applicant’s decision to remove option 2 these concerns have lessened.
Regarding paragraph 4.2.4 of the ES	Ecological surveys were focused on one onshore cable route (Pegwell Bay) resulting in a lack of comparable ecological data.	Natural England did raise in our relevant representations the inconsistencies in site selection between the Pegwell Bay and Sandwich Bay options.
Regarding paragraph 4.5.1 of the ES	Avoidance of key sensitive features’ hasn’t been followed sufficiently.	Natural England had raised concerns in our relevant representations regarding the avoidance of environmental features between the Sandwich Bay and Pegwell Bay options.
Regarding paragraph 4.7.4 of the ES	Inconsistencies between the weighting and emphasis of the various criteria in the desk based assessment of options for the landfall appraisal.	As above, Natural England had raised concerns in our relevant representations regarding the avoidance of environmental features between the Sandwich Bay and Pegwell Bay options.
Regarding paragraph 4.7.7 of the ES	Three landfall choices were stated at stage 2. It is not known what areas had been examined, which were excluded, and why. The constraints presented are biased towards allocating	There was some confusion from Natural England on what areas had been examined.

	more weigh to socioeconomic impacts than environmental impacts.	
Regarding paragraph 4.8.6 of the ES	Given that Route 6 was considered preferable in terms of space for construction, we would like to request further information about why this route option was not pursued or ultimately chosen. The results of the intertidal surveys show that fewer intertidal habitats and species would be affected by this route/landfall option, and the route would not directly impact the NNR.	Natural England had also previously raised this.
Regarding paragraph 4.8.7 of the ES	The argument that the route 7 onshore route is longer than the other options is weak and irrelevant. Option 6 is a longer overall route length, but impacts fewer environmentally designated sites than the chosen route. It would help to see clear and robust evidence behind any claims made by the applicant that the alternative routes, namely routes 6 and 7, are not feasible.	Natural England had also previously raised this within our relevant representations.
Regarding paragraph 4.8.9 of the ES	It is premature to say that 'HDD may not be feasible'. HDD is the best method to avoid environmental features such as saltmarsh5, therefore if the application is accepted, HDD should be the only cable installation method considered.	In line with Natural England's position HDD (option 1) is our preferred option.
Kent Wildlife Trust - provided good summary with two main points		
Lack of consideration of alternative onshore cables routes:	<ul style="list-style-type: none"> We believe there is a lack of consideration of alternative onshore cables routes which have not been sufficiently investigated or explained 	In support of Natural England's comments at the relevant representation stage, however the removal of landfall option 2 has lessened these concerns to a degree.

	<ul style="list-style-type: none"> • Avoidance of environmentally designated sites has not been followed closely enough • It is unclear as to how certain decisions were made, specifically regarding the elimination process for other potential onshore cable routes • We believe that the applicant should have carried out more ecological surveys along the other potential onshore cable route(s), specifically along the Sandwich Bay landfall route. At present, the ecological data submitted for the onshore cable routes are not equal or comparable 	<p>Raised within Natural England's relevant representations.</p> <p>Not mentioned specifically by Natural England.</p>
<p>More information and details required regarding monitoring</p>	<ul style="list-style-type: none"> • Stronger commitments to construction and post-construction monitoring need to be secured, including post-construction benthic monitoring • Burial depth of the offshore cable should be at least 1.5m depth. At present the cable burial minimum target depth is 1m • We advocate a precautionary approach to be taken and for whole site approach to be considered in terms of designated site assessments and mitigation. • A more in-depth assessment of other developments is required for thorough in-combination assessments and cumulative impacts. 	<p>In line with Natural England's comments regarding benthic monitoring. Needs to be a greater range of monitoring of benthic receptors to be conditioned within the DCO / DML.</p> <p>At examiners questions 1 Natural England did raise a point regarding in combination issues and dredging projects within the vicinity.</p>

	<ul style="list-style-type: none"> • More information should be provided regarding the frequency of offshore repairs, routine maintenance and checks. 	<p>Natural England has raised this previously within our relevant representations. The applicant should make it clear how frequent offshore repairs, particularly on the cables, will be required. However, the applicant's should pursue and achieve optimal burial for their cables to reduce the potential for any remedial works and thus further disturbance.</p>
<p>Environmental Agency (11 pages)</p>		
	<p>EA refers to previous relevant representation with current written reps only providing amendments to the relevant reps due to removal of option 2. They support removal from the application of Option 2 and expect amended DCO to reflect that.</p> <p>The responses to the examiner's questions are also included in the document.</p>	<p>In line and supported by Natural England's position regarding option 2.</p>
<p>Nemo Link Ltd (NLL)</p>		
<p>Nemo Link Ltd</p>	<p>Object to works 3Bb & 3Bc (seawall construction and acquisition of NLLs land with NLL rights) but not 3Ba.</p>	<p>It is not particularly clear from Nemo link which works they are referring to. However, in light of the applicant dropping option 2 (loss of saltmarsh), option 1 (HDD) is now Natural England's favoured option.</p>

Chalk Bund	Want other cable laying options removed from the DCO so the only option that remains is cable laying through the landfill site	Natural England supports the undergrounding of the cables within the Pegwell Bay country park.
Compulsory acquisition of Land	Comments relating to the compulsory acquisition of NLL land	Not relevant to Natural England's position.
Onshore cable	Object to land purchase relating to works at 3B. Comments related to work section 16	Not relevant to Natural England's position.
Vehicular access	Objects to the plan relating to vehicular access crossing the onshore portion of Nemo	Not relevant to Natural England's position.
National Grid Substation	NLL would like more clarity on where the connection to the substation will be made.	Not relevant to Natural England's position.
Unexploded Ordnance	NLL concerned about UXO detonation that may impact Nemo cable.	Natural England will require further information on UXO detonation on environmental receptors as the project progresses, however the effect upon NLL's assets is outside of Natural England's remit.
Offshore crossing	Clarifications are required from NLL regarding details of how the cable may cross Nemo.	Natural England would also appreciate any further information relating to this. In terms of the methodologies used to cross the cable, and the amount of cable protection that could be potentially used.
Trinity House		

General Comment	General comment regarding the discrepancy between the electrical outputs of the project as stated in the draft DCO and on the Crown Estates website.	Natural England notes this position, however these issues are currently outside of Natural England's remit.
Public right of navigation	Comments within the draft DCO document go against the UK position of allowing public rights of navigation through operating windfarms.	Natural England notes this position, however these issues are currently outside of Natural England's remit.
Article 36 and Schedule 9	Comments related to the 'arbitration' provision within the DCO relating to Trinity House.	Natural England have also raised issues in relation to the arbitration provision in the DCO.
Schedule 11	Vessel traffic monitoring related comments.	Natural England notes this position, however these issues are currently outside of Natural England's remit.
Winckworth Sherwood on behalf of Estuary Services Limited		
Whole document	<p>No objection in principle, however the proposed extension to the NW and SW are thought to impact upon navigation and the viability of the organisations pilotage stations.</p> <p>ESL want a reduction in the red line boundary proposed as mitigation to these economic costs.</p> <p>Project would result in an extension of time taken for the organisation to provide their pilotage and boarding services</p>	Natural England notes this position, however these issues are currently outside of Natural England's remit.
Winckworth Sherwood LLP on behalf of Port of London Authority		

Whole document	Does not object in principle but concerns about pilotage and navigation issues. Propose a reduction of RLB to mitigate against these concerns.	Natural England notes this position, however these issues are currently outside of Natural England's remit.
Port of Tilbury London Limited and London Gateway Port Limited		
Port of Tilbury London Limited and London Gateway Port Limited	Concerns regarding navigation, pilotage and impact to general Port operation. Lack of engagement in process.	Natural England notes this position, however the issues relating to navigation and pilotage is outside of Natural England's remit.
Thanet Fishermen's Association		
Thanet Fishermen's Association	The windfarm extension will limit the amount of fishing grounds available to their members.	Natural England notes this position, however the loss of fishing grounds is outside of Natural England's remit.
Charles Russell Speechlys on behalf of RAMAC		
Summary of Written Representations	Objects to the application. RAMAC concerned that alternative locations were not given adequate interest in the development consent order pre-application stage. Concerns over matters relating to land requirement at Richborough.	Noted by Natural England. This comment aligns in part to Natural England's view. Not relevant to Natural England's position.
Historic England		

<p>Comments in relation to:</p> <ul style="list-style-type: none"> Onshore - Designated Heritage Assets / Onshore Non –designated Heritage Assets – archaeology Environmental Statement Volume 2, Chapter 13: Offshore Archaeology and Cultural Heritage 	<p>Potential low level impacts on Margate Conservation Area.</p> <p>Potential harm to buried archaeology and preservation likely to be to remain 'in-situ.'</p> <p>Likely to be archaeological remains at Pegwell Bay.</p>	<p>These issues are currently outside of Natural England's remit.</p>
<p>Comments in relation to:</p> <ul style="list-style-type: none"> The Thanet Extension Offshore Wind Farm Order 201X, Draft Development Consent Order (DCO) including Draft Deemed Marine Licences (Document Reference 3.1) 	<p>Disagree with the definition of the term 'commence'. This should also include pre-construction and site monitoring works.</p>	<p>This comment aligns with Natural England's position.</p>
<p>Mr G Pulman</p>		
<p>Whole document</p>	<p>Objects to the extension as it would mean a total loss of individuals fishing grounds.</p>	<p>Natural England notes this position, however the loss of fishing grounds is outside of Natural England's remit.</p>
<p>John Lowe</p>		
<p>Whole document</p>	<p>Member of Thanet Fishermen's association and refers to their letter to represent his views.</p>	<p>Natural England notes this position, however the loss of fishing grounds is outside of Natural England's remit.</p>
<p>Magda Crostline Ltd on behalf of RAMAC Holding Limited</p>		

Whole document	Concerns have been raised relating to the lease holding on land which is likely to be impacted by the development.	Not relevant to Natural England's position.
London Pilots Council		
Whole document	<p>They would like an amendment of the red line boundary around the extension to reduce impacts on pilotage and navigation.</p> <p>They have also raised compliance issues around navigation safety.</p>	Natural England notes this position, however the issues relating to navigation and pilotage is outside of Natural England's remit.