

# **Vattenfall Wind Power Ltd**

## **Thanet Extension Offshore Wind Farm**

### **Appendix 1 to Deadline 2 Submission: Applicant's Response to Written Representations**

Relevant Examination Deadline: 2

Submitted by Vattenfall Wind Power Ltd

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Revision A

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# 1 Responses to Written Representations

## 1.1 Introduction

- 1 Following submission of Written Representations by Interested Parties at Deadline 1, the Applicant has taken the opportunity to review each of the Written Representations received by the Planning Inspectorate.
- 2 The following sections provide a record of the Applicant's responses to all Written representations received. Each section provides a summary of the representation received and a point by point response to the full representation. Certain exceptions apply where common themes have emerged from the Written Representations.
- 3 Due to the common themes arising from multiple shipping and navigation stakeholders' separate documents at Appendix 2 – 5 are provided which provide a combined response to all representations made on the following themes.
  - Theme 1 (Red Line Boundary Changes).
  - Theme 2 (Ports/Shipping Routes)
  - Theme 3 (Pilotage)
  - Theme 4 (NRA)
- 4 The stakeholders captured within the above thematic responses are as follows:
  - Maritime and Coastguard Agency (REP1-109)
  - UK Chamber of Shipping (REP1-136)
  - Winckworth Sherwood on behalf of Estuary Services Limited (REP1-141)
  - Winckworth Sherwood on behalf of Port of London Authority (REP1-142)
  - Port of Tilbury London Limited and London Gateway Port Limited (REP1-148)
  - London Pilots Council (through reference to their post hearing submissions for ISH 2 (REP1-104))
- 5 The Written Representation received from Trinity House (REP1-130) is captured within this overarching document as their representation refers specifically to DCO matters, rather than the specific themes referred to above.

## 2 RAMAC Holding Limited (REP1-089)

### 2.1 Summary

6 The primary concerns made by Charles Russell Speechlys on behalf of RAMAC Holding Limited relate to:

7 Bullet summary of stakeholder's key concerns

- Objection to compulsory acquisition of freehold property in their ownership.
- Substation site selection
- Substation technical solution
- Extent of consultation by The Applicant

8 A point by point response to MMO's Written Representation is documented below.

**Table 1: Response to RAMAC Holding Limited**

UID	Interested Party's Written Representation	Applicant's Response
Ramac- 1	Further, as required by the Directions, we notify you that our client wishes to be represented at, and to appear and adduce evidence at, the Specific Issues/ Open Floor / Compulsory Acquisition hearings (including but not limited to the Compulsory Acquisition hearing on 21 February 2019).	The Applicant notes Ramac's position.
Ramac-2	We also notify you that our client wishes to attend an Accompanied Site Inspection (or Inspections as applicable). In that regard, our client nominates the entirety of the land at Richborough Port owned by our client as part of such Site Inspection given that (A) compulsory acquisition of a	The Applicant notes Ramac's position and the direction of the Examining Authority as to the scope of the accompanied site visit.

UID	Interested Party's Written Representation	Applicant's Response
	substantial part of that land and (b) the alternative parcels of land within that land put forward by our client in its written representations.	
Ramac-3	Concerns raised in the PCR by Ramac have not been addressed by the DCO submission, and Ramac formally objects to the DCO application both for the reasons set out in the PCR and those summarised below (and as expanded in the more detailed submission provided with this summary). It is acknowledged that, to a very limited extent, the applicant has provided further responses to Ramac but it is submitted that these are in all major respects inadequate and/or incomplete	The Applicant acknowledges Ramac's introductory paragraph and refers to its responses to the individual points raised below. Whilst a full response is provided to the written representations, it should be noted that the Applicant has now agreed Heads of Terms with Ramac, is in the process of concluding contracts for a number of property transactions and is confident that an overall agreement can be reached.
Ramac-4	<p>Save in a very limited respect, it is submitted that the applicant has failed to address any of the issues raised by Ramac in its PCR and in particular but not restricted to the following:-</p> <p>1) The proposed project has an anticipated lifespan of 50 years and it is not therefore necessary for Vattenfall to acquire a freehold interest.</p>	<p>The Applicant submits that in terms of a compulsory acquisition strategy it is necessary for the freehold of the substation site to be acquired because a leasehold interest cannot be created by compulsion.</p> <p>Furthermore, the existing tenant of the substation site is a Crown Interest, Ministry of Justice operating as Borderforce (MoJ). The Applicant has agreed with the MoJ that they will relocate to replacement land which is also in Ramac's ownership. It is therefore necessary to seek compulsory acquisition powers to acquire the freehold of the replacement land in order that a new lease can be granted to MoJ and the relocation of the Crown Interest to the replacement land can be brought about.</p> <p>This in turn will require the re-configuration of the pattern of occupation of the other shorter term occupiers.</p>

UID	Interested Party’s Written Representation	Applicant’s Response
		<p>In a scenario where it is not possible to reach an agreement with Ramac, acquisition of the freehold interest is considered to be the only way to effectively facilitate rearranging the pattern of use on the land in order to manage the land during the construction phase of the project, construct and operate the Applicant's substation and related works, and secure a permanent interest to relocate the MoJ.</p> <p>Although a 50 year lifespan is the anticipated length of the project, compulsory acquisition powers cannot acquire time-limited interests or create new leases, and accordingly the Applicant's preference to seek a negotiated solution must be supported by seeking freehold compulsory acquisition. In contrast to the land required for the substation, related works and MoJ relocation, the Applicant does not seek to acquire the freehold of land for the installation of the electricity cable circuits but instead the acquisition of new rights where Ramac would retain the freehold.</p>
Ramac-5	2) None of the alternative locations proposed in the PCR have been given any (or any adequate) consideration.	<p>The Applicant sets out below the rationale behind the selection of the onshore substation location. The structure provides an initial background for the change from Richborough Energy Park (REP) to Richborough Port. It then describes the constraints present at Richborough Port, namely those to the north, and those to the south of the current proposed location.</p> <p><b>REP</b></p> <p>Following the scoping phase and subsequent decision on the landfall and routing of the wind farm electricity cable circuits it was recognised that the substation was subject to a number of</p>



UID	Interested Party's Written Representation	Applicant's Response
		<p>constraints. The primary space constraints comprise: The space available at the REP land.</p> <p>The potential loss of land, or disturbance to, the Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest (SSSI) due to the location of the substation. This concern was raised by both the Secretary of State (SoS) and the Statutory Nature Conservation Body (SNCB) Natural England within the Scoping Opinion received from PINS in 2017.</p> <p>Prior to Preliminary Environmental Information (PEIR) being produced, the Applicant undertook further consultation regarding the proposed substation location at REP, consulting with the REP stakeholders and undertaking an appraisal of potential locations in the close vicinity that would reduce the interaction with the SSSI whilst also providing greater site layout flexibility than the constrained REP site. The Richborough Port area was identified as a site with greater flexibility whilst also representing a reduced interaction with the SSSI.</p> <p><b>South Richborough Port</b></p> <p>The area in the south of the Richborough Port site is also subject to constraints. The substation, if placed in this location would be subject to traffic and transport constraints. The primary route on and off the site during construction and operation and maintenance phases would be just south of the roundabout on the A259 at Richborough Port and REP. The Highway Authority and Kent County Council both raised concerns at this and made clear a preference for traffic to access and egress from the</p>

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		<p>Richborough roundabout to avoid interacting with traffic 'just as it is accelerating from the roundabout'.</p> <p>The area in the south also takes the substation to &lt;400m from a noise sensitive receptor (NSR) at 'Stonar Cottage'. The proximity to this NSR would result in long term significant effects for the operational lifetime of the project.</p> <p>Furthermore, any movement south would increase the length of the project export cable and as such would increase cost for the Applicant, but more importantly would extend the project's associated easement and the potential for affecting a greater area of land with construction impacts and new property rights.</p> <p><b>North Richborough Port</b></p> <p>The area immediately to the north of the current substation location is currently used by British Car Auctions (BCA) and comprises office blocks and car parking areas. The demolition of these buildings in close proximity to potential bat roosts between the BCA land and Bay Point Club, combined with the use of the buildings themselves is considered to be a hindrance to development of this land parcel.</p> <p>The area to the north (both at BCA's area, and further north at the Bay Point Club) are increasingly close to the NSRs at the south end of Ebbsfleet Lane. The small settlement present at the south of Ebbsfleet Lane would be subject to potential effects for the operational lifetime of the project.</p> <p>The Bay Point Club itself is an important recreational facility with associated community value, but its playing fields are in a flood</p>

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		<p>risk zone (Zone 3). Any substation development would therefore need to be on raised land in an area that is subject to flood risk, increasing the visual impact of a development that would be immediately adjacent to the Stonelees Nature Reserve to the north (a National Nature Reserve and International Special Protected Area (SPA)), and the SAC and SPA to the east.</p> <p>The Applicant's proposed substation location, as presented in the PEIR and in recent documentation, is flanked on one side by the SAC and SPA but separated by a 20m buffer and tree line. In terms of internationally designated sites this represents a more optimal solution as it minimizes operational lifetime effects from, <i>inter alia</i>, artificial lighting, raised land, and noise.</p>
Ramac-6	<p>3) Technical questions raised by the PCR involving the extent of the land required for the substation and the alternative design solutions which may result in no/a reduced permanent land requirement have not been considered (whether adequately or at all).</p>	<p>The Applicant refers to the response it has given below to Ramac- 19 to Ramac-26 in which the individual technical questions posed by Ramac have been answered.</p>
Ramac-7	<p>Ramac is concerned that if terms cannot be agreed, the DCO in its present form would enable the applicant to take their freehold interest in the majority of Richborough Port and the case for this is not properly addressed.</p> <p>For the reasons set out above and in the more detailed submission, Ramac considers that inadequate consultation has taken place.</p>	<p>The Applicant has agreed Heads of Terms with Ramac and contracts are proceeding to conclusion including a tripartite agreement with the Secretary of State for Housing, Communities and Local Government/MoJ/Borderforce. The Applicant is confident that agreement can be reached.</p> <p>The Applicant agrees with Ramac's analysis that the DCO would authorise the compulsory acquisition of part of their freehold interest, in the event that the agreement is not finalised. The Applicant considers this necessary in the event that a negotiated agreement does not complete.</p>

UID	Interested Party's Written Representation	Applicant's Response
		<p>For the reasons set out in the Applicant's Statement of Reasons and in the response to 'Ramac-4' above, the Applicant considers that freehold compulsory acquisition powers are necessary to facilitate the construction and operation of the project.</p> <p>The Applicant strongly disagrees with Ramac's assertion that inadequate consultation has taken place. The Applicant has been pro-actively engaged in a dedicated and sustained process of dialogue with Ramac, mainly through its agents Glenny. The Applicant considers that it has responded to all requests for information from Ramac. Following initial discussions the Applicant put forward detailed heads of terms to Ramac, and in the course of the negotiations over a land agreement has shown considerable flexibility in responding to Ramac's suggested amendments.</p> <p>This process led to the agreement of Heads of Terms in January 2019.</p>
Ramac-8	Further, until this process has been completed or negotiations have been exhausted, Ramac objects to the the DCO in its present form for the reasons set out and reserves its rights to provide further submissions (beyond those provided to date) during the course of the DCO examination process.	The Applicant notes Ramac's position and can further update the Examining Authority by confirming that terms have been agreed with Ramac. These provide for the withdrawal of Ramac's objection upon exchange of contracts.
Ramac-9	1.2 The serious concerns raised in the PCR by Ramac have not been addressed by the DCO submission nor the subsequent information provided by the applicant, and accordingly Ramac formally objects to the DCO application both for the reasons	The Applicant notes Ramac's objection to the DCO and can further update the Examining Authority by confirming that terms have been agreed with Ramac. The Applicant refers to its answers above to Ramac-5, Ramac-6, and below to Ramac-10

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	set out in the PCR and those set out herein (save as aforesaid).	and Ramac-11.
Ramac-10	<p>1.3 The content of Ramac's PCR is referred to in the DCO submission in a schedule included in the appendices document, Ref. 5.1.1 and, in particular, Appendix G2.2.</p> <p>1.4 In particular, paragraphs 1.3, 1.4, 2.1, 3.2, 3.3, 3.4, 4.1, 4.2, 4.3, 4.4, 4.5, 5.1, 5.4, 5.5, 5.6, 5.7, 5.9, 5.10, 5.11, 5.12, 5.13, 6.1, 6.2 and 6.3 are quoted verbatim from the PCR and against each detailed concern raised by Ramac, the applicant's response is simply that "Land ownerships are still under a consultation with all relevant parties and will be taken forward in the Post-Consent phase".</p>	<p>Ramac quotes responses given by the The Applicant at an earlier stage in the project's lifecycle. This is now an out of date position and the applicant has since provided a consolidated document and detailed its responses to Ramac's various questions.</p>
Ramac-11	<p>1.5 This standard response is unacceptable. However, it is acknowledged that following the undertaking given at the Preliminary Meeting, the applicant provided various further responses to the matters raised by Ramac in its PCR (and separately). A copy of those responses is attached to these representations and, although marked "draft" and "without prejudice", the applicant has consented to this document now being "open" and to Ramac commenting on these responses as part of these representations.</p>	<p>The Applicant confirms that it provided a document to Ramac following the Preliminary meeting and notes that Ramac has now provided a copy to the Examining Authority.</p>
Ramac-12	<p>1.3 Ramac has a number of serious concerns about the Project as proposed and believes the consultation documentation provided by the Applicant falls short of demonstrating that the proposed acquisition of its land and/or rights over its land is proportionate, or even necessary. This Consultation Response explains those concerns, raises a number of currently unanswered questions over the technical aspects of the Project and suggests alternative options. The Consultation</p>	<p>The Applicant acknowledges this introductory paragraph. Individual responses to the points raised are dealt with by the Applicant below.</p>

UID	Interested Party's Written Representation	Applicant's Response
	<p>Response is set out under the following headings:</p> <ul style="list-style-type: none"> <li>i) An explanation of Ramac's land holdings and the occupation of Richborough Port and Baypoint.</li> <li>ii) The impact of the Project on Richborough Port and Baypoint.</li> <li>iii) Unanswered questions relating to the technical/engineering aspects of the Project as currently proposed.</li> <li>iv) Possible alternatives to the Applicant's current Project proposals.</li> </ul>	
Ramac-13	<p>1.4 Notwithstanding the contents of this consultation response, Ramac reserves the right to raise further and additional issues, objections and questions in relation to the Project and/or amend this Response as the consultation and Development Consent Order process progresses. Not least because it has yet to receive answers to questions previously put to the Applicant.</p>	<p>The Applicant notes Ramac's right to raise further points during the Examination process.</p>
Ramac-14	<p>3.1 The Project, as currently proposed, will involve both offshore and onshore works. The onshore works will include the following works on Ramac's land:</p> <ul style="list-style-type: none"> <li>• The laying of cables across the northern and eastern sides of Baypoint.</li> <li>• The construction of a substantial substation on the land currently occupied by the SoS at Richborough Port. The substation compound will occupy a total area of 215 metres x 160 metres (i.e. circa 8.5 acres) whilst the substation building itself will have a maximum height of 14 metres (circa 46 feet).</li> </ul>	<p>The Applicant broadly agrees with Ramac's assessment of the extent of land required to construct the project. The Applicant notes that more details on this point can be found in the Land Plans (Onshore) and the Works Plans (Onshore) (PINS references APP-009 &amp; APP 012 respectively and application references 2.3 and 2.6 respectively).</p> <p>The Applicant would draw to the attention of the Examining Authority that detailed agreement has been reached with Ramac about the extent of land to be occupied during and post construction and the compensation arising from that</p>

UID	Interested Party's Written Representation	Applicant's Response
	<ul style="list-style-type: none"> <li>• The laying of cables to the eastern side of the land occupied by BCA at Richborough Port</li> </ul>	<p>occupation.</p>
Ramac-15	<p>3.2 In order to undertake these works the Applicant will also need to:</p> <ul style="list-style-type: none"> <li>• Acquire rights to lay the cables at Baypoint and Richborough Port</li> <li>• Acquire land to construct the substation</li> <li>• Take temporary possession of construction compounds at both Richborough Port and Baypoint. The larger compound at Richborough Port will have an area of 2 hectares (4.94 acres) and will be on land currently occupied by Transfer Logistics.</li> <li>• Acquire rights of access, both temporarily in order to undertake construction works and permanently for future access to cables and the substation.</li> <li>• Acquire permanent rights for a 20 metre wide HOD crossing under the A256.</li> </ul>	<p>The Applicant broadly agrees with Ramac's assessment of the rights required to construction the project. The Applicant would however draw to the attention of the Examining Authority that detailed agreement has been reached with Ramac about the extent of land to be occupied during and post construction, and the compensation arising from that occupation.</p>
Ramac-16	<p>3.3 The proposed works and the acquisition of land and rights will have a significant effect on Ramac's land in both the short and long term and will also detrimentally affect the occupation of its tenants (and hence its rental income stream). In the short term the digging of trenches for cables and the construction of the substation is proposed to commence in 2020 and last for a period of circa 30 months.<sup>1</sup> In the longer term, the substation will occupy a large part of Richborough Port. Its size and central location will make it an oppressive, unattractive and dominant feature.</p>	<p>The Applicant has reached agreement with Ramac regarding the effects on Ramac's income stream as a result of the project.</p> <p>Following agreement with Ramac, the Applicant is now engaged in a process of dialogue with Ramac's tenants.</p> <p>Any discussion between the Applicant and Ramac about the timescales for the project have been on an indicative basis. The Applicant's proposed substation building is surrounded by other industrial land and buildings that are similar in nature. The Applicants Seascape, Landscape and Visual Impact Assessment can be found at Application Document Reference 6.2.12 (PINs</p>

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Ramac-17	<p>3.4 The likely negative impacts of the Project will include (but are not necessarily limited) to the following:</p> <ul style="list-style-type: none"> <li>• The temporary disruption to Baypoint while cables are laid and an area of land is occupied during construction. This will involve the loss of grass and artificial surfaced sports pitches from which Princes Leisure Group Limited derives income.                             <ul style="list-style-type: none"> <li>• Temporary disturbance to BCA's commercial operation, potentially causing business losses, while cables are laid. Works will commence shortly before BCA's lease expires in early 2021, creating the risk that BCA will vacate as a result.</li> <li>• The permanent acquisition of a substantial part of the central area of Richborough Port for a substation. This will require the vacation or relocation of the SoS and either the permanent or temporary relocation of Transfer Logistics during the construction phase.</li> <li>• Importantly, the existence of the substation will negatively affect the remainder of Richborough Port. The substation works could result in other tenants vacating (creating a loss of income for Ramac) and make the re-letting of land difficult. The Richborough Port and Baypoint sites currently support more than 60 jobs. If the current proposals are accepted then a number of these jobs may be lost, adding to the already high average 2.7% unemployment levels in the Dover District as at November 2017. The South East England average for the same period being 1.2%.</li> <li>• The potential to develop Richborough Port in the future will be negatively affected and there is a very significant risk that</li> </ul> </li> </ul>	<p>reference APP 052).</p> <p>The Applicant considers that any temporary disruption to Ramac's income stream from the Bay Point club sports fields can be addressed by way of financial compensation. The Applicant would further note that the outline agreement they have reached with Ramac addresses this issue.</p> <p>The Applicant has discussed the impacts of the scheme on British Car Auctions and is confident that they can be managed both physically and financially. The Applicant emphasises that any discussions about project timescales have been on an indicative basis.</p> <p>The Applicant agrees that the acquisition of the substation site will have consequential impacts on other occupiers. Insofar as the Secretary of State (or MoJ)'s interest is concerned, these have been largely addressed. The Applicant is now involved in a process of dialogue with Ramac's other occupiers. Ramac is supporting this process.</p> <p>The Applicant agrees that the access points being proposed into the Baypoint club have the potential to impact on the use of the facility and negotiations with Ramac as to how that should be accommodated and compensated for have reached a mature stage.</p> <p>The socio-economic impact of the project is assessed in the Applicant's ES Chapter 3: Socio-Economics (Document Reference 6.3.3.). The anticipated impact of the project on unemployment in the area is discussed in Chapter 3.20 and in</p>



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	<p>development may be prevented altogether. Despite the growing pressure to provide additional housing in the South East, any prospect of residential development will effectively be extinguished.</p> <ul style="list-style-type: none"> <li>• The rights of access the Applicant is looking to secure may impact upon the use and enjoyment of both Richborough Port and Baypoint. In particular the Applicant's proposal to use the roundabout at the northern end of Richborough Port could cause significant disruption to its tenants.</li> </ul>	<p>particular at 3.20.26 in that chapter.</p> <p>The Applicant disagrees with Ramacs assessment that jobs will be lost and, as set out in the Socio-Economics ES chapter, it is concluded that there would be a beneficial effect from the project in terms of the local economy. The Applicant is committed to working with landowners and occupiers who are affected by the proposed development and is working actively with Ramac to ensure that any business impacts are planned for, minimised and where they do exist mitigated.</p> <p>In relation to the rights of access sought to the Richborough Port land, the Applicant notes that these are already shared between a number of users and that the Applicant considers that its activities can be accommodated without impacting on the existing use.</p> <p>The Applicant is unaware of any current proposals for residential development of Ramac's land and this has not been raised as a significant issue by Ramac in the course of the ongoing discussions.</p>
Ramac-18	<p>4.1 Set out below are a number of questions which, notwithstanding the information provided in the Applicant's Consultation Documentation, remain unanswered. Ramac believes that it is necessary for the Applicant to answer these questions before it can justify the Project and the currently proposed acquisition of land and rights at Richborough Port and Baypoint.</p>	<p>The Applicant acknowledges Ramac's introductory paragraph and refers to its responses to the individual points raised below. Whilst a full response is provided the Applicant is discussions with Ramac and is confident that an agreement can be reached.</p>
Ramac-19	<p>4.2 It is understood that the Project intends to utilise NGET's</p>	<p>The voltage of the export cables will be decided as part of the</p>

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	<p>new 400 kV Richborough connection, which is currently under construction. In this context the Project's onshore substation is proposed to be either a 66 kV/400 kV substation or a 132 kV/400 kV substation. In relation to the need for a substation:</p> <ul style="list-style-type: none"> <li>• When will the Project decide the whether the landing cable voltage will be decided?</li> </ul>	<p>detailed post-consent and pre-construction design.</p>
Ramac-20	<p>If the landing circuits are 132 kV what prevents the grid connection being made to the existing Richborough 132 kV substation, or an extension of this substation by UKPN or others?</p>	<p>The Applicant has accepted a grid offer from NGET at 400KV and the project has been assessed on that basis. The Applicant understands that there is insufficient capacity in the 132KV distribution network and that UKPN intend to dismantle their 132KV overhead link to Canterbury once NGET's 400KV Richborough Substation and 400KV Canterbury to Richborough connection are commissioned.</p>
Ramac-21	<p>4.3 If a voltage step-up to 400 kV is the only technical solution.</p> <ul style="list-style-type: none"> <li>• Why has the Project's substation layout been based on an open switchyard layout rather than a smaller footprint gas insulated switchgear (GIS) solution, as has been adopted by NGET at its new 400 kV substation at the REP?</li> </ul>	<p>The Applicant has retained the option for both GIS and Air Insulated Switchgear (AIS) solutions. This is to retain technical and commercial flexibility during the detailed design phase. There are various considerations to be taken into account, including the space available, cost, and the operational requirements of the substation (such as the type and numbers of equipment needed).</p> <p>NGET has selected GIS for their 400kV switchgear. However, their substation does also include some air-insulated equipment to connect to the 2 x 'Supergrid' transformers (SGTs) at their site, which are located outdoors.</p>
Ramac-22	<p>What is the MVA rating of the proposed transformers and why does the text refer to four transformers with only two shown</p>	<p>The MVA rating of the transformers will be dependent on the wind farm capacity, but will be similar in physical size to the</p>

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	<p>on the layout?</p>	<p>240MVA transformers at NGETs 400kV substation at Richborough. The minimum number of transformers is driven by the applicable network design standard (the National Electricity Transmission System Security and Quality of Supply Standards – SQSS) that requires there to be at least 2 x 50% rated transformers.</p> <p>Retaining the option of up to four transformers ensures flexibility in the electrical design. Depending on the detailed electrical design, some electrical equipment required for conditioning the power before being fed into the transmission system operates at lower voltages than standard transmission voltages. If this equipment is required, the additional transformers ensure this equipment is able to be connected into the substation.</p>
<p>Ramac-23</p>	<ul style="list-style-type: none"> <li>• The need for reactive compensation is understood. However, the particular proposed ratings and physical footprint adopted require substantiation. The reactive compensation at the new NGET 400 kV 1,000 MW facility has a smaller footprint than that proposed for the Project.</li> </ul>	<p>Nemo Link Limited's (NEMO) facility is HVDC, so reactive compensation is not required. The equipment associated with this development is limited to harmonic filtering. Regarding NGET's transmission-connected reactive compensation equipment at Richborough, the Applicant's understanding is that this is part of a wider dynamic voltage stability scheme, with multiple sets of dynamic reactive compensation located at various 400kV substations around the south-east network. The Applicant must locate all of its filtering and reactive compensation equipment at the new substation site, as this constitutes the connection point and commercial interface for the project. In addition to dynamic reactive compensation, the Applicant may be required to install additional passive reactive compensation and filtering</p>

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		equipment at the onshore substation site. This equipment would typically be air-insulated, and therefore reflect a larger overall footprint. Ratings and requirements for this will be established at detailed design stage. The measurements provided in the application, including sizes and estimated footprints, constitute a worst credible case.
Ramac-24	<ul style="list-style-type: none"> <li>The rating and footprint of the proposed harmonic filter banks requires justification.</li> </ul>	Rating and footprint cannot be established until detailed analysis of the proposed development's effect on existing network harmonic is completed. This will be done during the detailed design stage so as to reflect the network conditions at the time of connection. Current sizing is a worst credible case to all for future detailed design.
Ramac-25	<ul style="list-style-type: none"> <li>The diesel generator footprint is twice that allocated to both NGET's 400 kV substation and the NEMO convertor station, therefore what is the basis of this footprint?</li> </ul>	The footprint includes a laydown area and bunded area for a fuel tank and refuelling system in addition to the diesel generator.
Ramac-26	<p>4.4 If a substation is required, with an achievable smaller footprint than that declared, the location may be established at any practicable location, even if this requires extension of the cable routes. In this context:</p> <ul style="list-style-type: none"> <li>Why cannot spare land at REP adjacent to or close to NGET's new 400 kV be utilised for the new substation?</li> </ul>	The Applicant refers to the responses it has given to the technical queries at Ramac-19-25 above which underpin the substation land requirement. In the Applicant's response to Ramac-5 above, the Applicant has provided detail on the constraints around locating the substation within Richborough Energy Park.
Ramac-27	<ul style="list-style-type: none"> <li>Why have other locations not on Ramac or REP land not been considered?</li> </ul>	The Applicant refers to the responses it has given to the technical queries at Ramac-19-26 above which underpin the substation land requirement. In the Applicant's response to Ramac-5 above, the Applicant has provided detail on the constraints around locating the substation within Richborough Energy Park.
Ramac-28	<ul style="list-style-type: none"> <li>If, and only if, the only option is to develop the substation on</li> </ul>	The Applicant acknowledges Ramac's desire to optimise the

UID	Interested Party’s Written Representation	Applicant’s Response
	<p>Ramac land why cannot the land utilisation be more efficient from aspect of retaining a more contiguous Ramac estate?</p>	<p>layout of their landholding at Richborough but considers that the whole of the area scheduled for freehold acquisition is needed for the scheme in order to accommodate the substation and supporting infrastructure, the relocation of Ramac's tenant businesses, and the long-term relocation of the MoJ.</p>
<p>Ramac-29</p>	<p>4.5 \1\ What practical and technical aspects prevent the Project's landing cables utilising the Nemo cable corridor and the necessary allowance being constructed during the Nemo construction? Are there any other cabling routes which should be investigated?</p>	<p>The NEMO cables were installed on the UK side of the English Channel in summer 2017 and designed before the Applicant's proposal was developed.</p> <p>As part of the cable system design, it is important to ensure adequate spacing between circuits to ensure thermal independence and avoid cable rating being compromised. This applies both to the Applicants individual circuits and any 3<sup>rd</sup> party circuits in proximity.</p> <p>In addition to rating considerations, suitable spacing between the Applicant circuits and the Nemo berm would need to be maintained to ensure constructability of the Works, (including temporary access, soil storage and site fencing) whilst not affecting NEMOs ability to access and maintain their cable assets. The combination of design and constructability factors mean that utilising a common corridor would not be practicable. Other potential routes which were investigated are set out in the Applicant’s application documents. Specifically, Volume 1, Chapter 4, Site Selection and Alternatives considers the issues (PINS Reference APP-040, Application Ref 6.1.4.)</p>
<p>Ramac-30</p>	<p>5.1 Section 122 of the Planning Act 2008 confirms that a DCO may only authorise compulsory acquisition if the decision-maker is satisfied that:</p>	<p>The Applicant acknowledges the tests under Section 122 of the Planning Act 2008.</p>

UID	Interested Party's Written Representation	Applicant's Response
	<ul style="list-style-type: none"> <li>• The land is required for                             <ul style="list-style-type: none"> <li>i) development to which the consent relates,</li> <li>ii) to facilitate, or is incidental to that development,</li> <li>iii) is replacement land, which is to be given in exchange for the order land</li> </ul> </li> <li>• There is a compelling case in the public interest for the compulsory acquisition.</li> </ul>	
Ramac-31	<p>5.2 The Department for Communities and Local Government's September 2013 Guidance on procedures for the compulsory acquisition of land under the Planning Act 2008, also confirms that an applicant for development consent should be able to demonstrate that all reasonable alternatives to compulsory acquisition (including modifications to a scheme) have been explored. An applicant needs to show that the proposed interference with the rights of those with an interest in land is for a legitimate purpose, and that it is necessary and proportionate.</p>	<p>The Applicant acknowledges the Department for Communities and Local Government's September 2013 Guidance.</p>
Ramac-32	<p>5.3 The decision-maker will further need to be satisfied that any land to be acquired is no more than is reasonably required for the purposes of the Project. Further, he will need to be persuaded that there is compelling evidence that the public benefit that will derived from the compulsory acquisition will outweigh the private loss that will be suffered by Ramac.</p>	<p>The Applicant acknowledges the principles referred to by Ramac.</p>
Ramac-33	<p>5.4 It is Ramac's contention that the Applicant has not demonstrated that:</p> <ol style="list-style-type: none"> <li>1) The land and rights the Applicant is seeking to acquire from</li> </ol>	<p>The Applicant's case for seeking compulsory acquisition powers is set out in its Statement of Reasons (PINS reference APP-025 Application Ref 4.1). The Applicant's case is further supported by the additional detail set out in, and referred to in, Ramac-4,</p>

UID	Interested Party’s Written Representation	Applicant’s Response
	<p>it are needed for the Project,</p> <p>2) That there are no alternatives to the acquisition of its land.</p> <p>3) That the Applicant is seeking to acquire no more land than is reasonably required for the purpose of the Project.</p> <p>4) That the public benefits that will be derived from the compulsory acquisition of Ramac's land will outweigh its private loss.</p> <p>5) That the proposed interference with the rights of those with an interest in Richborough Port (including Ramac) is necessary and/or proportionate.</p>	<p>Ramac-5, Ramac-7, Ramac-10 and Ramac-11, Ramac-16, Ramac-17, Ramac-19-26 and Ramac-27-29 above.</p> <p>Taken together, and with the long and ongoing consultation and liaison with Ramac the Applicant considers that its proposals meet each of the requirements referred to in Ramac-33.</p> <p>To support the voluntary agreement and ensure the project can be developed in the event that the voluntary agreement does not complete, compulsory acquisition powers must be sought.</p> <p>It is not possible to compulsorily acquire interests that are time-limited in nature, or to create new leases compulsorily. Therefore, whilst perhaps imperfect from Ramac's perspective, the combination of freehold interests and new rights that are proposed in the Applicant's dDCO represent the optimum solution that could be achieved through the exercise of compulsory powers. The project has been designed in parallel with a detailed consultation and process of engagement with Ramac. The Applicant emphasises its desire to complete the voluntary agreement and proceed with its project under the more flexible approach that will be afforded by a negotiated set of property agreements.</p> <p>The Applicant does not seek freehold rights for the installation of the electricity cable circuits but the creation of new easement rights where Ramac would retain the freehold.</p>
Ramac-34	<p>5.5 The need to locate the substation on Ramac's land</p> <p>As noted previously in this Consultation Response, the Applicant's Consultation Documents inadequately explain its reasoning for locating the substation at Richborough Port.</p>	<p>The Applicant refers to the response to Ramac- 5 above, which explains the constraints on locating a substation on sites other than the proposed substation site.</p>

UID	Interested Party's Written Representation	Applicant's Response
	<p>Although it is said that initial discussions with Ramac, which only commenced in June 2017, suggested an agreement could be reached to utilise land for a substation, the discussions that took place were not based on the Project as set out in the Consultation Documents. Nor, until August 2016, was the area of land required for the substation made clear. Early discussions also only suggested the letting of an area of land to the Applicant, rather than the acquisition of part of its freehold interest.</p>	<p>The Applicant has worked consistently with Ramac since June 2017 to establish a high degree of consensus about the substation location and how a series of property transactions could be structured and entered into to facilitate the delivery of the project without undue impact on Ramac. In addition the Applicant notes that a voluntary agreement is under negotiation which will address all of Ramac's concerns, for which heads of terms are now agreed.</p>
Ramac-35	<p>5.6 Ramac notes that it was originally planned to locate the substation at Richborough Energy Park. There is no clear explanation in the Consultation Documentation why this proposal was varied, other than a brief reference to 'space constraints' and that the location of the substation would result in the loss of land at Hacklinge Marshes SSSI.4 This is an inadequate explanation for the decision to compulsorily acquire Ramac's land and there is no evidence at all that the Applicant has fully considered other options for location of the substation away from Ramac's land.</p>	<p>The Applicant refers to the response to Ramac-5 above; it has explained the constraints on locating a substation on sites other than the proposed substation site.</p>
Ramac-36	<p>5.7 As the questions raised previously in this Consultation Response illustrate, there are a range of substantive questions to be answered before the Applicant can demonstrate that there is a compelling case for compulsory acquisition.</p>	<p>The Applicant refers to its responses to Ramac point 5 on site selection and Ramac points 19-26 above on technical matters.</p> <p>The Applicant's case for Compulsory Acquisition is set out in the Statement of Reasons (PINS reference APP-025 Application Ref 4.1) and is further supported by the additional detail above regarding the site design, route choice, and substation site selection process.</p>
Ramac-37	5.8 The size of the substation	The Applicant refers to the response to Ramac's technical



UID	Interested Party's Written Representation	Applicant's Response
	<p>The Applicant has also failed to demonstrate in its Consultation Documentation why the substation has to be so large, or that the land it is suggesting will be acquired from Ramac is reasonably needed for the Project. The proposed footprint of the substation is much larger than appears necessary and there is no evidence that the applicant has considered how the size of the substation could be minimised.</p>	<p>questions at Ramac-19-26 above.</p> <p>The Applicant would also note that in the course of discussions and regarding the voluntary land agreement, the Applicant and Ramac have agreed to a slightly larger substation footprint than is required in order to avoid Ramac being left with small areas of land that might be difficult to let.</p>
<p>Ramac-38</p>	<p>5.9 As the questions raised previously in this Consultation Response illustrate, there are a range of substantive questions to be answered before the Applicant can demonstrate that it is acquiring no more land than is reasonably needed for the Project.</p>	<p>The Applicant refers to its responses to Ramac-4, Ramac-5 and Ramac-19-26 above and also to the case for compulsory acquisition which is set out in the Statement of Reasons (PINS reference APP-025 Application Ref 4.1)</p>
<p>Ramac-39</p>	<p>5.10 The location of the substation on Ramac's land It is also the case, that if the substation does have to be located on Ramac's land (which is yet to be established), there is no evidence that proper consideration has been given to whether it could be located elsewhere at Richborough Port or Baypoint. It is currently proposed to locate the substation at the very centre of Richborough Port on land occupied by the 808, which is subject to the terms of a commercial lease with many years left to run. The positioning of the substation will cause maximum interference with Ramac's property interests, both in terms of removing at least one, and probably two, important tenants and impacting on the letting prospects of the surrounding land following construction. Further, the proposed central position of the substation at Richborough Port has a significant adverse and restrictive effect on future development potential. Rather than being a single site available for development, the substation will effectively</p>	<p>The Applicant refers to its response to Ramac-5 above in relation to the constraints to locating the substation on land other than the proposed substation site.</p> <p>The Applicant has agreed an area of replacement land for the MoJ within Ramac's ownership which will ensure that Ramac retains that income stream.</p> <p>The Applicant is confident that, by working in tandem with Ramac, impacts on other occupiers can be managed in a planned and considered manner, minimising disruption. There is the potential for this process of dialogue to result in 100% occupancy of Ramac's land holding at Richborough, which is presently not the case.</p> <p>The Applicant notes that Ramac's holding at Richborough is already divided by the Minster Stream, a petrol filling station, a</p>

UID	Interested Party's Written Representation	Applicant's Response
	<p>divide Richborough Port into two sites separated by a large, 'bad neighbour' structure.</p>	<p>hot food retail outlet and several pockets of deciduous woodland.</p>
<p>Ramac-40</p>	<p>5.11 If the Applicant could demonstrate that it was necessary, proportionate and in the public interest to locate the substation on land in Ramac's ownership, the substation would have far less impact on existing tenants and the future use and development potential of Richborough Port if it were to be located either on the sports fields at the north end of Baypoint, or on the vacant land at the southern end of Richborough Port. Both areas of land are large enough to accommodate the substation.</p>	<p>The Applicant refers to its response to Ramac point 5 above in relation to the constraints to locating the substation on land other than the proposed substation site.</p>
<p>Ramac-41</p>	<p>Although it is not expressly stated in the Consultation Documentation, Ramac understands that the Applicant is proposing to acquire a freehold interest in the land that will be used for the substation. This needs to be clarified. However, it also notes that the expected life of the project is around 25 years,<sup>5</sup> and so it is difficult to see how a land acquisition in perpetuity can be reasonably justified. As previously noted, the Applicant's initial approaches to Ramac were on the basis of a leasehold interest.</p>	<p>The Applicant initially approached Ramac with the proposal of acquiring the freehold interest in the substation site. Ramac subsequently proposed a lease. As part of the terms that have been agreed the parties have agreed to the Applicant acquiring a leasehold interest. The Applicant wishes to accommodate Ramac's wishes to the fullest extent possible that is consistent with the Applicant's NSIP scheme being constructed and operated.</p> <p>While a long lease is under negotiation for the substation site, the Applicant confirmed that the dDCO schedules the substation for freehold acquisition. The Applicant's compulsory acquisition powers are constrained by the nature and limitations of these powers. The DCO regime does not allow time-limited legal interests in land to be taken compulsorily. Such temporary possession powers that do exist do not confer legal title and can only be used for the construction period and for a strictly limited period after construction completes for maintenance.</p>

UID	Interested Party’s Written Representation	Applicant’s Response
		<p>Similarly, compulsory powers cannot be used to create new leasehold interests that would leave the freehold interest unaffected. The Applicant must accordingly support its voluntary negotiations with the compulsory powers available to it. This involved, in accordance with good practice, seeking freehold acquisition where it requires to construct long-term, above-ground structures, and seeking new rights where the freehold of the land can reasonably be left in its current ownership, such as where access only is required, or where below-surface cables are to be installed. Areas required only for construction are scheduled for temporary possession only.</p>
Ramac-42	<p>5.13 Whilst for the reasons noted above, Ramac believes the Applicant has not satisfactorily justified the construction of the substation on Richborough Port, if the Applicant could show that there was a compelling case in the public interest for its currently proposed location, Ramac's preference would be for a lease to be agreed so that the adverse impact on Ramac's property interests would be mitigated. It is not uncommon for electricity providers to agree leases for substations</p>	<p>The Applicant and Ramac have subsequently agreed terms for a lease. The Applicant refers to its detailed response to Ramac-41 above, setting out why acquiring a lease is not possible in terms of a compulsory acquisition strategy.</p>
Ramac-43	<p>6.0 Engagement</p> <p>6.1 To date the Applicant's engagement has been relatively limited and hampered by a lack of technical detail. In the most recent meeting on 10 October 2017, in response to concerns raised by Ramac, the Applicant committed to providing further information. However, this has yet to be supplied.</p>	<p>The Applicant acknowledges Ramac's concerns and will continue to endeavour to address them going forward.</p> <p>The Applicant has been engaged in a process of dialogue and negotiation with Ramac and stepped up efforts to reach agreement considerably when this concern was first raised by Ramac.</p>

UID	Interested Party's Written Representation	Applicant's Response
	<p>6.2 Ramac has accordingly now instructed specialist engineering firm Hurley Palmer Flatt, as well as Charles Russell Speechlys LLP (in addition to the services provided by Glennys LLP) in order to protect its interests.</p> <p>6.3 Ramac would like to see further and meaningful consultation with the Applicant going forward, not least in relation to the technical questions raised in this Consultation Response and the potential alternative solutions that have been suggested.</p>	<p>This process resulted in the parties agreeing terms in January 2019 for a series of property transactions, including a tripartite agreement with MoJ.</p> <p>The parties intend to conclude contracts by the end of March 2019.</p>

### 3 Environment Agency (REP1-092)

#### 3.1 Summary

9 The Environment Agency (EA)'s primary concerns relate to:

- Loss of saltmarsh
- Water Framework Directive assessment

10 A point by point response to EA's Written Representation is documented below however it is also noted that the Environment Agency provided email correspondence on the 30<sup>th</sup> January 2019 with regards the Applicant's responses to the Environment Relevant Representations. The email noted the following:

- Overview (EA-1)
  - Comments are noted.
- Ecological and Biodiversity (EA-2 to EA-10)
- We are satisfied with your comments except EA-7 and believe that we have submitted sufficient evidence to support our view, however as no permanent loss of saltmarsh is now proposed (Option 2 withdrawn) this should have little bearing upon the application.
- Water Framework Directive (EA-11 to EA-16)
  - Having considered these responses we withdraw our water quality objections concerning the adequacy of the WFD assessment.
- Groundwater and Contaminated Land (EA-17 to EA-20)
  - We have no further comments to make.

- Flood Risk (EA-21 to EA-22)
  - We have no further comments to make.

**Table 2: Response to Environment Agency**

UID	Interested Party’s Written Representation	Applicant’s Response
EA-1	<p>"In our previous representation (4 September 2019) we raised concerns particularly regarding the impact on the saltmarsh at Pegwell Bay and Water Framework Directive assessment. Since that time we have been advised that Landfall Option 2 has been withdrawn by the Applicant, which will mean some of our comments from our original relevant representation have changed. We wish to reiterate our previous comments made in our relevant representations, however the following sections are amended comments following the removal of Option 2."</p>	<p>The Applicant acknowledges the Relevant Representations submitted by the Environment Agency and has provided detailed responses to each of the issues raised within the representations. These responses were submitted as part of the Applicant's Deadline 1 Submission (PINS Ref REP1-017). The rationale for the removal of the Option 2 landfall design was submitted in Deadline 1 (PINS Ref REP1-014). Further information is provided in Appendix 14 of the Applicant's Deadline 2 Submission with regards to any implications on the Environmental Statement following the removal of Option 2 from the project design envelope.</p> <p>Following email correspondence (30<sup>th</sup> January) the Applicant understands that the Environment Agency’s position on several issues in their Relevant Representation have been altered/ withdrawn (including the WFD assessment) on receipt of the Applicant’s responses (PINS Ref REP1-017). The SoCG will be updated to reflect the revised positions for Deadline 3.</p>
EA-2	<p>"5.11.19 The total maximum area of saltmarsh loss due to the sea wall works described in Table 5.10 is predicted to be 0.0014 km<sup>2</sup>. This equates to 0.13% of the saltmarsh habitat within the Thanet</p>	<p>This is noted and welcomed by the Applicant. The Applicant will seek to agree a revised position within the Statement of Common Ground with the Environment Agency for the Deadline</p>

UID	Interested Party's Written Representation	Applicant's Response
	<p>Coast and Sandwich Bay SAC (it should be noted that the saltmarsh is not a feature of this SAC). Given that this habitat is widespread and common throughout the area, this represents a very small footprint compared to the overall extent. The area of permanent loss of saltmarsh has a maximum extent of 18.5 m from the existing sea wall. The saltmarsh in this area of Pegwell Bay extends between approximately 45 – 110 m from the existing sea wall out to a maximum width of 155 m; consequently, the extension to the sea wall will not give rise to any separation of areas of the saltmarsh habitat. While the impacts will be permanent, the impacts will be localised and will not split the habitat; therefore, the magnitude of the impact is assessed as low.</p> <p>Amended Comment: The above section is no longer relevant as Option 2 which would have resulted in the permanent loss an area of saltmarsh has been removed by the applicant."</p>	<p>3 Submission.</p>
EA-3	<p>"Environment Agency's view of landfall options:</p> <p>Amended Comment: Option 2 was the potentially the most damaging of all and could result in permanent fragmentation of a regionally important habitat. We support the removal of option 2 from the application."</p>	<p>This is noted and welcomed by the Applicant.</p>
EA-4	<p>"Draft Development Consent Order (DCO) Amended Comment: We assume the applicant will be submitting an updated draft DCO for consideration following the removal of Option 2."</p>	<p>A revised draft Development Consent Order has been submitted as Appendix 12 to the Applicant's Deadline 2 submission.</p>

## 4 John Lowe (REP1-093)

### 4.1 Summary

11 The primary concerns raised by John Lowe relate to:

- Commercial Fisheries

12 A point by point response to Mr Lowe’ Written Representation is documented below.

**Table 3: Response to John Lowe**

UID	Interested Party’s Written Representation	Applicant’s Response
JL-1	<p>"Dear Sir/Madam</p> <p>As a member of Thanet Fisherman’s Association (TFA) I would like their submission letter for the proposed extension to represent my views on this matter following numerous TFA discussion meetings.</p> <p>Yours Sincerely</p> <p>John Lowe</p> <p>Skipper/Owner Solar Star YH481"</p>	<p>The Applicant refers to the response to Thanet Fisherman's Association (TFA) Written Representation (Appendix []) and the SoCG with TFA submitted as Appendix 20 to the Applicants response at Deadline 1.</p> <p>The Applicant has also provided a point by point response to the TFA in Section 19 of this document.</p>



## 5 Government of France (REP1-094)

### 5.1 Summary

13 The Government of France's primary concerns relate to:

- Habitats Regulations Assessment and Transboundary effects

14 The Government of France has raised a number of concerns within their Written Representation that the Applicant understands are a repeat of the Relevant Representations raised, and as noted by the Applicant in response to the Action Points arising from Issue Specific Hearing 1. In the interest of efficiency, the Applicant has not duplicated those representations here, instead the Applicant would draw the attention of the ExA and other Interested Parties to the responses provided in Appendix 27 to the Applicant's Deadline 1 submission (REP1-078).

## 6 Historic England (REP1-095)

### 6.1 Summary

15 Historic England's primary concerns relate to:

- Assessment of potential effects on historic setting
- Onshore Written Scheme of Investigation
- Offshore Written Scheme of Investigation

16 A point by point response to Historic England's Written Representation is documented below.

**Table 4: Response to Historic England**

UID	Interested Party's Written Representation	Applicant's Response
HE-1	"1.1. The Historic Buildings and Monuments Commission for England (HBMCE), known as Historic England, is the Government's statutory adviser in relation to the historic environment in England. It was set up by the National Heritage Act 1983, and the National Heritage Act (2002) gave HBMCE responsibility for maritime archaeology in the English area of the UK Territorial Sea. HBMCE are a Non- Departmental Public body sponsored by the Department for Digital Culture, Media and Sport (DCMS). Our remit in the historic environment intersects with the policy responsibilities of a number of other government departments – particularly the Ministry of Housing, Communities and Local Government, with their responsibilities	No response required.

UID	Interested Party's Written Representation	Applicant's Response
	for land use planning matters."	
HE-2	"1.2. In previous correspondence in relation to this project application, via our Planning Inspectorate Registration and Relevant Representation Form (dated 12 September 2018) we summarised eight points, covering onshore designated Heritage Assets and non-designated Heritage Assets & archaeology. As well as offshore matters in relation to the draft Written scheme of Investigation (WSI), the Draft DCO (Document Reference 3.1) and comments relevant to the wider region of the proposed development, namely the Goodwin Sands to the south of the proposed export cable route."	The Applicant has responded to the point raised by Historic England in their response to the Relevant Representation submitted for Deadline One (RR-047)-.
HE-3	"This letter therefore expands and elaborates on these points and addresses other matters relating to the onshore and offshore historic environment, as set out in the following Environmental Statement (ES) documents and chapters: · Volume 1 Chapter 3: Environmental Impact Assessment Methodology - Document Reference: 6.13 · Volume 2 Chapter 2: Marine Geology, Oceanography and Physical Processes - Document Reference: 6.2.2 · Volume 2, Chapter 13: Offshore Archaeology and Cultural Heritage (Application Ref 6.2.13); · Volume 3, Chapter 2: Landscape and Visual Impact Assessment (Document Ref: 6.3.2) · Volume 3, Chapter 7: Historic Environment (Application Ref 6.3.7); · Volume 4, Annex 13.1 and Annex 13.2 technical baseline documents (Application Refs	No response required.

UID	Interested Party's Written Representation	Applicant's Response
	6.4.13.1 and 6.4.13.2 respectively); · Application document 3.1 Draft Development Consent Order (Application Ref 3.1); · Application document 8.6 Offshore Written Scheme of Investigation (Application Ref 8.5)."	
HE-4	"Comments in relation to Onshore - Designated Heritage Assets: 2.1. The following advice relates to impacts to designated onshore cultural heritage. While Historic England does not wish to raise major concerns here, we hope it will be helpful to highlight below our position on the impacts as assessed within the Environmental Statement (ES) and limited areas of disagreement where we think the level of harm is higher than suggested therein."	The Applicant welcomes Historic England's response and notes that the areas of disagreement are limited in their scope.
HE-5	"2.2. In all cases for designated heritage considered here, the effects are indirect, i.e. the change proposed is within the setting of the heritage assets. Setting is the surrounds in which a heritage asset is experienced and we are here concerned with how change might affect the ability to understand the significance of these. For this proposal the relevant part of setting is the sea and along the coast are several historic towns within which are numerous heritage assets, principally conservation areas and listed buildings. The origin of these towns often relates directly to the sea; as they began on the whole as either small fishing communities built up around a harbour or as seaside resorts when this became popular from	The Applicant acknowledges Historic England's satisfaction that the level of harm to the majority of the identified heritage assets so low, as to not be significant. In the case of Margate Conservation Area, the Applicant confirms that, following a site visit attended by the Heritage Consultant (Wessex Archaeology) and Historic England on 5 <sup>th</sup> December 2018, the position regarding Margate Conservation Area was discussed and both parties agreed that the level of 'harm' was either 'low', or could be perceived as being low. The Applicant acknowledged Historic England's point that there could be a potential degree of blurring between the townscape and seascape relationship. As a precautionary approach, the Applicant is content to amend the conclusion of the effect on the Margate Conservation Area from no

UID	Interested Party's Written Representation	Applicant's Response
	<p>the 18th century. In all cases the sea (as the location of the proposed development) is therefore an important element of the setting of these assets. There are historic relationships to the sea which has traditionally been a place of activity and change. However in our view changes of the scale and location proposed within that setting do not fundamentally alter an understanding or appreciation of the significance of these designated heritage assets and therefore the level of harm to their setting is agreed as being generally so low as to be not significant. There is one exception, as described below, which is Margate Conservation Area, but for this we still consider that the level of harm is low."</p>	<p>harm, to "low harm". Both parties also agreed that any harm was "less than substantial", and effectively could not be reduced further without losing the benefit of the scheme. Both parties also agree that the effect on the Margate Conservation Area is not significant in planning terms.</p> <p>The Applicant is content to produce an Addendum summary in order to make this point clear in relation to the specific parts of the Historic Environment Onshore ES Chapter (Volume 3, Chapter 7) contained at Sections 7.12 and this will be submitted for Deadline 3 following further consultation with Historic England to ensure this is appropriately captured in the SoCG.</p>
HE-6	<p>"2.3. Beyond the conservation areas and the individual listed buildings within and around these, several other designated heritage assets are also assessed including the scheduled monument at Reculver Towers (the ruins of a Roman shore fort and a medieval church) and the historic lighthouses at North and South Foreland. These individual buildings and monuments were sited with a specific relationship to a piece of seascape and understanding this is part of their significance. For similar reasons to those above we also assess that the changes from the proposal will not significantly affect an understanding or appreciation of the significance of these assets."</p>	<p>The Applicant acknowledges Historic England's agreement with the submitted impact assessment.</p>

UID	Interested Party's Written Representation	Applicant's Response
HE-7	<p>"2.4. In terms of our specific comments on the Environmental Statement (Volume 3, Chapter 7: Historic Environment (Application Ref 6.3.7)) we note that the levels of harm caused to onshore designated heritage assets have been amended since the PEIR report but that the list of Heritage Assets identified for assessment remains the same. We agree with the list of assets assessed (Tables 7.8 to 10), and the methodology for assessing the harm and effect to the significance of these assets (Sections 7.4 to 7.6). We broadly agree with most of the revised levels of effect for all built designated heritage assets, which are assessed as being 'not significant' for onshore cultural heritage as per Table 7.5. However, we do not agree with the assessment of the effect and consequent harm to Margate's Conservation Area."</p>	<p>The Applicant acknowledges Historic England's agreement with the submitted impact assessment and refers back to the response to HE-5 in relation to the Margate Conservation Area.</p>
HE-8	<p>"2.5. The Environmental Statement assesses the effect to Margate's Conservation Area at the 'not significant' level. We disagree with this based on the assessment of the relationship between the buildings within it to the sea. We think that although the proposed wind turbines would not cause a high or even moderate level of harm, the effect on the Conservation Area would be a low level of harm. We think that harm chiefly arises because the turbines will be visible behind the historic town in long views towards the Margate Conservation Area from West Brook viewpoint 2 (ES vol 6 SLVIA 12.28) and that</p>	<p>The Applicant acknowledges Historic England's response and refers back to the comments made at HE-5 in relation to the Margate Conservation Area.</p>

UID	Interested Party's Written Representation	Applicant's Response
	<p>this would be an incongruous addition to the view harming to a low degree an appreciation of the historic townscape within and around the conservation area. The incongruity of the turbines in this view would be accentuated by their movement. We have considered whether the harm here could be further minimised but do not think this would be achievable without significant changes to the scheme, something which we accept as not likely. We explain below the policy context for considering whether this low level of harm is justified."</p>	
HE-9	<p>"2.6. Since the Environmental Statement was produced in June 2018, we have discussed with the applicant's heritage consultant about the impact of the proposed wind turbines on key views, including on Margate's Conservation Area. We understand that he may be minded to consider revising the effect caused in line with our opinions. If so this update is not yet included in the Environmental Statement as far as we are aware."</p>	<p>As explained in the response to HE-5, the Applicant is content to produce an Addendum summary in relation to the specific and very limited parts of the Historic Environment Onshore Chapter (Volume 3, Chapter 7) contained at Sections 7.12 and this will be submitted for Deadline 3 as noted above.</p>
HE-10	<p>"2.7. The policy context for decision taking for a Development Consent Order is set out in Overarching National Policy Statement (EN-1), and for heritage in Section 5.8. For designated heritage this requires an applicant to show that harm to heritage significance has been avoided or minimised and that any remaining harm has clear and convincing justification (5.8.12 and 5.8.14). In this case we are satisfied</p>	<p>The Applicant agrees with the summary of the policy position provided by Historic England. Paragraph 7.21.43 of the Planning Statement for the Proposed Development confirms that "The environmental information and assessment carried out for Thanet Extension concludes that there are no significant effects on onshore historic environment and where harm has been identified is less than substantial. As such the effect on onshore historic environment should</p>

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	<p>that harm cannot be avoided altogether and that it is minimised by the development being a sufficient distance from the shoreline as to only give rise to low levels of harm to designated heritage. It will be for the Examining Authority to decide if the remaining harm has clear and convincing justification and to weigh that harm against the public benefits in the manner set out in section 5.8.15. We note that the strength of the justification required varies with the degree of harm. The greater the harm to the significance of a designated asset the greater the justification for this would need to be."</p>	<p>be given little weight against the substantial benefits of Thanet Extension when considering the planning balance". This conclusion remains the same with the Addendum being proposed in relation to the Margate Conservation Area.</p>
<p>HE-11</p>	<p>"2.8. In reaching its decision the Examining Authority will also need to take into account the presumption in favour of the conservation of designated heritage with the more important the asset the greater that presumption needing to be (5.8.14). We also draw your attention to 5.8.18 which notes that "when considering applications for development affecting the setting of a designated heritage asset, the IPC [Examining Authority] should treat favourably applications that preserve those elements of a setting which make a positive contribution to, or better reveal the significance of a heritage asset". When considering applications which do not achieve this, the Examining Authority should weigh any negative effects against the wider benefits of the application. The greater the negative impact on the significance of the designated heritage asset, the</p>	<p>The Applicant agrees with the summary of the policy position provided by Historic England. The Applicant's view is that, as per 7.21.40 of the Planning Statement submitted with the Application, that, <i>"The character and appearance of Conservation Areas is considered to be preserved, as are the settings of Listed Buildings"</i>.</p>



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	greater the benefits that will be needed to justify any approval."	
HE-12	<p>"3. Comments in relation to Onshore Non –designated Heritage Assets – archaeology: 3.1. The proposal also has the potential to cause harm to onshore buried archaeological remains, either as a result of direct effects or for indirect effects, such as by change within setting. There are no designated archaeological heritage assets (scheduled monuments) directly affected by the proposal and the effect on the setting of monuments, such as Reculver Towers, is discussed above and considered not to be significant. This leaves as a consideration any effects on non-designated archaeological heritage assets and their settings. The Heritage Conservation team at Kent County Council is best placed to provide advice about how such assets should be assessed and treated as part of this proposal and Historic England is content that they should lead for such issues. Our remit is strongest for any archaeological remains that may be of national importance such that they have a level of significance comparable to a scheduled monument, in which case they should be treated as if they have that protected status. Assessment to date has not confirmed that nationally important archaeological remains will be harmed by the proposal but a potential for this remains at this stage in the DCO process."</p>	<p>The Applicant confirms that the effects of the scheme on the non-designated heritage assets, including archaeological interest will be managed by an Onshore Written Scheme of Investigation agreed in consultation with Kent County Council and in accordance with the relevant Chartered Institute for Archaeologists Standards and Guidance. An outline onshore WSI, drawing on the principles agreed within the Site Investigations onshore WSI submitted at Deadline 1 will be submitted at Deadline 3 for further consideration.</p> <p>The purpose of the Onshore Archaeological WSI is to ensure that whilst designated and non-designated archaeological heritage assets are not known to be affected by the Project at this stage, a number of method statements and watching briefs exist within that document, to ensure that archaeological remains that could be affected by the proposal are carefully excavated, monitored and recorded.</p> <p>The Onshore WSI is secured via Article 35 and Requirement 22, Schedule 1 Part 3 of the draft Order.</p>
HE-	"3.2. We hope that the following comments are of assistance in helping consider the likely archaeological effects of the onshore	The proposed development has been designed in order to ensure that all key receptors, or potentially sensitive heritage receptors, are

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13	<p>elements of the proposal and in determining how any DCO granted might provide a robust and policy compliant framework for resolving such issues. We acknowledge that much detailed design work will take place post determination and so any DCO must provide the mechanisms to avoid, minimise, or mitigate harm to buried terrestrial archaeological remains once the precise effects on these can be described and considered. As the presumption should be that any nationally important archaeological remains should wherever possible be preserved in-situ and not excavated the proposal needs to demonstrate it has flexibility in its detailed design so as to potentially allow for this."</p>	<p>avoided. This is explained in Table 7.12 of Chapter 7 (Volume 3) of the Environmental Statement. This applies to the onshore cable and substation routeing as a whole.</p> <p>In addition, The Applicant confirms that the proposed development will progress in accordance with an Onshore WSI, as agreed with Kent County Council. The Onshore WSI is secured via Article 35 and Requirement 22, Schedule 1 Part 3 of the draft Order.</p>
HE-14	<p>"3.3. Excavation is itself a destructive process and can prove costly for the developer. Avoidance of harm to buried remains should be the first aim. For archaeological remains of a local or regional level of significance the project might still wish to consider how to avoid or minimise construction impacts through its detailed design decisions. Where archaeological investigation is unavoidable or considered appropriate then delivering new understanding of the historic environment affected by the proposal is a key part of mitigating harm. Any DCO granted needs to secure not just provision for excavation to recover archaeological information but also subsequent activities to assess, analyse, publish and curate the significance</p>	<p>As explained at response to HE-14, The proposed development has been designed in order to ensure that all key receptors, or potentially sensitive heritage receptors, are avoided. This is explained in Table 7.12 of Chapter 7 (Volume 3) of the Environmental Statement. This applies to the onshore cable and substation routeing as a whole.</p> <p>When considering analysis and publication of data, this will be clearly set out and stated within the Onshore Archaeological WSI, with full reporting of the finds being undertaken. Paragraph 7.4.4 of the WSI explains that a short report on the results of the watching brief will be prepared for publication in a suitable journal This will be followed by appropriate archive storage and curation, as detailed in section 8 of the WSI. An outline WSI will be submitted at Deadline 3, applying the</p>

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	<p>of the data obtained. This is an important component of the balance for how harm to archaeological remains might be weighed against the benefits of permitting works. Delivering enhanced or new understanding is a public benefit to form part of that process."</p>	<p>principles agreed in the Outline WSI drafted in support of the Site Investigations (submitted at Deadline 1) for consultation with KCC and Historic England.</p>
<p>HE-15</p>	<p>"3.4. We are broadly content with Condition 22 (Part 3, Schedule 1) within the draft DCO, which requires that a written scheme of investigation (WSI) for onshore archaeological mitigation be submitted and approved by Historic England and Kent County Council in advance of the development. We advise that further archaeological assessment, carried out post determination of the DCO, should inform the content of this WSI and that consideration should be given to avoiding or minimising harm to all archaeological remains through detailed design or construction decisions. We recommend that the condition include a specific requirement for geo-archaeological issues and mitigation to be included within this WSI (see below)."</p>	<p>The Onshore Archaeological WSI provides the framework for archaeological watching briefing on ground investigation works. It is therefore an overarching document that is approved in final form in advance of the proposed development taking place. At a later date, the Applicant will consult with Historic England and Kent County Council when undertaking further detailed design decisions. Those method statements produced at that time in accordance with the WSI can contain within them the necessary flexibility whilst ensuring that the framework principles created by the WSI are adhered to.</p>
<p>HE-16</p>	<p>"3.5. The landfall site for the wind farm is at Pegwell Bay which is at the eastern end of the former Wantsum Channel as the once open water which separated the Isle of Thanet for the Kentish mainland. It is also where the River Stour reaches the sea and an area that has been subject to complex past coastal processes. These factors combine to make this part of Kent</p>	<p>The Applicant confirms that further evaluative and mitigation strategies will be undertaken in areas of potential impact. The nature and scope of these surveys will be set out in the Outline Onshore WSI. The first part of this iterative process is the archaeological monitoring of onshore Site Investigations (in accordance with a separate and agreed WSI). The results of this work will be used to inform evaluative</p>

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	<p>highly significant for what geoarchaeological studies can tell us about the history of the environments lived in and created by our predecessors. Such information is recoverable from the sometimes complex deposits that might be impacted upon by construction of this proposal. Appropriate mitigation for this impact will need to be specified as part of the WSI for onshore archaeology. It should be noted that the current availability of geo-archaeological data is disparate for the area; meaning any future investigation of geo-archaeological deposits as part of mitigation for this development should therefore be undertaken with the aim of contributing to an overall, integrated deposit model for the Wantsum Channel Area."</p>	<p>and mitigation strategies in accordance with the requirements of national and local planning policy and in agreement with the archaeological advisors at Kent County Council.</p> <p>An outline Onshore WSI will be drafted making specific reference the integrated deposit model for the Wantsum Channel Area. This amended draft will be submitted for Deadline 3.</p>
HE-17	<p>"3.6. At Pegwell Bay itself there is enhanced potential for the presence of archaeological remains and further assessment is required in order to explore that potential, to understand the significance of any archaeological remains present and to inform an appropriate response to any impacts upon that significance arising from the development. Specifically we wish to highlight the potential for 20th century anti-invasion defences and for buried archaeology relating to the identification of this area as a site for the possible Caesarian invasion in 54/55 BC. Such remains may at present be buried or concealed by vegetation and further assessment is therefore required to establish if such remains are indeed present, and to</p>	<p>As explained in the response to HE-16 above, the Applicant confirms that further evaluative and mitigation strategies will be undertaken in areas of potential impact. This will include the 20th century anti-invasion defences and for buried archaeology relating to the identification of this area as a site for the possible Caesarian invasion in 54/55 BC. The nature and scope of these surveys will be set out in the Outline Onshore WSI to be submitted at Deadline 3. The first part of this iterative process is the archaeological monitoring of onshore Site Investigations (in accordance with a separate and agreed WSI that was submitted at Deadline 1). The results of this work will be used to inform evaluative and mitigation strategies in accordance with the requirements of national and local planning policy and in agreement</p>

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	what extent they may be impacted by the scheme."	with the archaeological advisors at Kent County Council.
HE-18	<p>"3.7. The current scheme proposes that any harm to such assets be mitigated through recording, but due to the potential importance of these our view is they might need to be preserved in-situ (including by adjustment of the cable route if needed). We therefore also recommend that the draft DCO includes a separate condition which requires further assessment, survey and possible evaluation of the potential for 20th century defences and early Roman period archaeology at Pegwell Bay. The detailed specification for such further assessment should be discussed and agreed with the Heritage Conservation team at Kent County Council. Historic England is ready to provide further advice, should this be necessary, as to the significance of any archaeology so identified and as to what would be an appropriate response to avoiding or minimising harm. If evidence from a Roman invasion was to be identified this has a high potential to be nationally important and the most appropriate response to this could be preservation in-situ and not excavation. It is possible that other nationally important types of archaeology might also be identified but assessment is needed to be clearer about this and what the appropriate response might then be."</p>	<p>The Applicant can confirm that the content of the outline Onshore WSI to be drafted for Deadline 3 is secured via Article 35 and Requirement 22, Schedule 1 Part 3 of the draft Order.</p> <p>The Applicant is content to include within that document specific reference to the need for evaluation and an appropriate method statement detailing 20th century defences and early Roman period archaeology at Pegwell Bay.</p> <p>The first part of this iterative process is the archaeological monitoring of onshore Site Investigations (in accordance with a separate and agreed WSI). The results of this work will be used to inform evaluative and mitigation strategies in accordance with the requirements of national and local planning policy and in agreement with the archaeological advisors at Kent County Council.</p>
HE-	"Comments in relation to Environmental Statement Volume 2, Chapter 13: Offshore Archaeology and Cultural Heritage: 4.1.	No response required

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19	Comments we provided to the Thanet Extension Offshore Wind Farm – Preliminary Environmental Information Report (Volume 2 – Chapter 13: Offshore Archaeology and Cultural Heritage Volume 4, Annex 13-2 – Offshore Archaeology Geophysical and Geotechnical Report) for the consultation exercise under Section 42, have been included in Table 13.2: Summary of consultation relating to Offshore Archaeology and Cultural Heritage."	
HE-20	"4.2. Whilst we are generally satisfied that our comments have been sufficiently addressed (helpfully recorded in the third column of this table), there are a series of points detailed below for which we would like to emphasise and attain some additional clarification on, which we hope will enable the Examining Authority to formulate a decision."	No response required.
HE-21	"4.3. We note from 'Table 13.1: Legislation and policy context' the listed relevant policies, supported by detail on their particular key provisions and the corresponding sections in which such provisions are addressed. As such we found this to be comprehensive and well informed, representing current and applicable policy, especially in the absence of a marine plan for the area of this proposed development. In addition the guidance listed in paragraph 13.2.5 is also of an acceptable standard."	The Applicant welcomes this response provided by Historic England in relation to the Legislation and Policy Context contained in Table 13.1 and articulated in paragraph 13.2.5.

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HE-22	<p>"4.4. We note that potential impacts from the development have been identified in Sections 13.11, 13.12 and 13.13 within the Environmental Assessment for the construction, operational &amp; maintenance, and decommissioning phases. These include direct and indirect effects upon known and potential marine archaeological receptors. As such we found this component of the ES to be detailed with well supported information on each receptor, proportionate to the scale of the project, as defined within the maximum adverse scenario (Table 13.11)."</p>	<p>The Applicant welcomes confirmation that sections 13.11, 13.12 and 13.13 of the ES are considered detailed and with well supported information.</p>
HE-23	<p>"4.5. The assessment criteria and assignment of significance, (as summarised in ES Volume 2, Chapter 13: Offshore Archaeology and Cultural Heritage – paragraph 13.5 Assessment criteria and assignment of significance) is proportionate, and framed correctly around relevant policy, specifically Overarching National Policy Statement for Energy (EN-1) (DECC, 2011). Additionally applicable guidance has been sought."</p>	<p>The Applicant welcomes confirmation that the assessment criteria is proportionate and framed correctly as set out in paragraph 13.5 of the chapter.</p>
HE-24	<p>"4.6. We do however note that paragraph 13.5.9 contains the statement that "The nature of the archaeological resource is such that there is a high level of uncertainty concerning the distribution of potential, unknown archaeological remains on the seabed. It is often the case that data concerning the nature and extent of sites is out of date, extremely limited or entirely lacking. As a precautionary measure, unknown potential cultural heritage receptors are therefore considered to be of</p>	<p>The Applicant notes the comment provided by Historic England. As correctly identified within the response, paragraph 13.7.13 and indeed Annex 13-1 references prehistoric archaeological remains. The ES and its supporting documentation are intended to be read as a whole. It should also be noted that paragraph 13.5.9 is "all encompassing" and defines cultural heritage receptors very broadly. This would clearly include prehistoric archaeological remains. The assessment then assumes that such receptors are of high sensitivity and high value. The</p>

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	<p>high sensitivity and high value". To support this determination for all receptors relevant to the marine historic environment it is important that section 13.5 of the ES considers the basis for assessment criteria and assignment of significance relevant to prehistoric archaeological remains also. Whilst we note subsequent reference in paragraph 13.7.13, and within the Annex 13-1: Marine Archaeological Desk- Based Assessment Technical Report (Document Reference: 6.4.13.1) is made in this regard, it's inclusion in section 13.5 would enable the chapter to function effectively in its summarised form."</p>	<p>Applicant therefore does not consider that it is necessary to update the ES as a result.</p>
<p>HE-25</p>	<p>"4.7. Reference to the North Sea Prehistory Research and Management Framework (2009) as well as the Historic England advice note Identifying and Protecting Palaeolithic Remains: archaeological guidance for planning authorities and developers (1998) may therefore be helpful in this instance."</p>	<p>The Applicant can confirm that regard has been had to both the North Sea Prehistory Research and Management Framework (2009) and the Historic England advice note Identifying and Protecting Palaeolithic Remains: archaeological guidance for planning authorities and developers (1998) when carrying out the assessment within the ES. It is not considered that the needs to be updated to explicitly refer to this reference</p>
<p>HE-26</p>	<p>"4.8. The provision of embedded mitigation as summarised within Table 13.12, through a project archaeological written scheme of mitigation and archaeological exclusion zones (AEZ) are a standard industry approach. We understand that the AEZs are recommended around known features of anthropogenic origin of archaeological interest (A1 anomalies) and historic records of archaeological material (A3 anomalies), and no works</p>	<p>The Applicant notes the response and can confirm that AEZs are included as part of the embedded mitigation measures cited within Table 13.12.</p>



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	that disturb the seabed will be undertaken within the extent of an AEZ."	
HE-27	"4.9. However, as we stressed in our PEIR response the sheer quantity of geophysical seabed anomalies highlights the high potential for significant features of the historic environment to reside on or under the seabed of the proposed development area (totalling 1,027 considered of uncertain origin of possible archaeological interest). Therefore should consent be granted the developer should consider and address how the offshore wind farm components and associated infrastructure can be designed sensitively taking into account known and potential heritage assets (Overarching National Policy Statement for Energy (EN-1) (July 2011), paragraphs 5.8.5, 5.8.22 & National Policy Statement for Renewable Energy Infrastructure (EN-3) paragraph 2.6.144)."	The Offshore WSI as drafted, and subsequent heritage method statements to be submitted post-consent (pre-construction) will ensure that they address in detail how the offshore wind farm components and associated infrastructure can be designed sensitively taking into account known and potential heritage assets, through micro-siting and further assessment, for example through UXO, ROV or diver surveys. Should sites be assessed as significant, AEZs or further investigation can be recommended as appropriate measures to address the taking into account known and potential heritage assets. The Offshore WSI, as a certified document, has been secured within the draft Order at Article 35, Schedule 11, Condition 12(h) and Schedule 12 Condition 10(i).
HE-28	"4.10. As you will be aware the National Policy Statement for Renewable Energy Infrastructure (EN-3) (July 2011) states the that the assessment should also include the identification of any beneficial effects on the historic marine environment, for example through improved access or the contribution to new knowledge that arises from investigation (paragraph 2.6.142). In relation to this matter we note a number paragraphs (8 in total) throughout the ES chapter elaborate upon how relevant benefits can be fully achieved through the stages of survey and	The Applicant welcomes the response from Historic England and agrees that the assessment complies with EN-3 in identifying those beneficial effects on the historic marine environment.

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	design processes."	
HE-29	<p>"4.11. As a specific point of note, an important element retained within Thanet Council's aspirations for 2031 is for "a sustainable, balanced economy with a strong focus on advanced manufacturing, emerging technologies, tourism, culture and leisure, supported by the three thriving coastal towns" (Thanet District Council Draft Local Plan to 2031 – July 2018). Additionally the ES (Tourism and Recreation – Document Ref: 6.3.4, paragraphs 4.7.16 to 4.7.18) outlines Ramsgate as a popular location for diving shipwreck sites due to its ease of access to the Dover Strait. Therefore should newly recorded heritage assets of interest be revealed from the survey results, and they are managed and published appropriately, they have the potential to be a catalyst for some small scale regeneration in an area, particularly through leisure, tourism and economic development (footnote 122, Overarching National Policy Statement for Energy (EN-1) (July 2011)). Therefore the project may enable the marine historic environment to be promoted and enjoyed as a recreational resource, whilst giving rise to tangible potential social and economic benefits for the local community."</p>	<p>The Applicant can confirm that this will be included in the offshore WSI and subsequent heritage method statements, to ensure that information from further assessment, such as the UXO/diver surveys will be shared publicly to promote local dive tourism. In particular, if sites of particular interest are revealed, it will be recommended that they should be managed and published appropriately. An updated offshore WSI is included with this Deadline 2 submission at Appendix 27.</p>
HE-30	<p>"4.12. With regard to the coverage of geophysical coverage and quality we understand that along the export cable route there are data gaps between the geophysical survey data assessed for</p>	<p>Additional surveys will be undertaken pre-construction in areas of potential impact, for example during UXO or ROV surveys. The Offshore WSI includes the requirement for any further survey data in</p>

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	<p>Thanet Extension and the consenting geophysical survey data acquired from Nemo Link cable interconnector. Additionally that the data integrated from Nemo Link is of a lower resolution (paragraphs 13.6.2 and 13.4.26)."</p>	<p>areas of impact, but in particular in areas where there are data gaps, to be archaeologically assessed, and further mitigation measures recommended if required.</p>
<p>HE-31</p>	<p>"4.13. We are also mindful that the assessment of geophysical survey data did not cover the 500m turning circles. However it is unclear what specific areas this relates to, as the only reference to such locations states that they are represented in Figure 13.1 as "grey boundaries related to the Site Investigation Boundary", which isn't altogether apparent. Whilst we are content with the data coverage and quality used to perform for characterisation purposes for the application, in relation to the subsequent figures it is however uncertain whether the proposed turbine locations on the outer edge of the development have sufficient surrounding coverage. Therefore - subject to development consent - as the project designs progress and formalise, such detail will need to be addressed, through an agreed WSI."</p>	<p>The Applicant can confirm that the Offshore WSI has been amended to include recommendations for further survey on the outer edge of the development, should existing data not provide sufficient coverage. This amended version of the Offshore WSI is submitted with this Deadline 2 submission for comment. Further survey work could also be undertaken at turning circles or in other data gaps where there could be potential for impact. The further survey work will be undertaken pre-construction, for example as part of UXO or ROV surveys.</p>
<p>HE-32</p>	<p>"4.14. We confirm that cumulative effects on known and potential marine archaeological receptors has been considered within the ES; defined as combined impacts from a number of other development projects on the same receptor and incremental changes over time and over a wide area. We accept that impact from other projects are unlikely due to distance,</p>	<p>The Applicant notes this representation made.</p>

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	<p>and indirect impacts from Thanet Offshore Wind Farm are localised, with incremental changes over time managed through standard mitigation measures across the EIA process (13.14 Environmental assessment: cumulative effects and Table 13.17: Summary of predicted impacts of Thanet Extension). Therefore any residual impact would be Minor to Negligible adverse."</p>	
<p>HE-33</p>	<p>"5. Comments in relation to The Thanet Extension Offshore Wind Farm Order 201X, Draft Development Consent Order (DCO) including Draft Deemed Marine Licences (Document Reference 3.1): 5.1. We note the Deemed Marine Licences (DMLs) are set out in Schedules 11 (Generation Assets) and 12 (Export Cable System) of the DCO. Our comments on the DCO and these DMLs are as follows."</p>	<p>The Applicant notes the representation and has addressed each representation in turn below.</p>
<p>HE-34</p>	<p>"5.2. All references to the Outline Written Scheme of Investigation (WSI) should define whether they are in reference to onshore or offshore WSI."</p>	<p>The Applicant notes the representation and has amended the revised Order submitted at Deadline 2 to make clear the distinction between Onshore and Offshore WSIs.</p>
<p>HE-35</p>	<p>"5.3. The definition of 'commence' is presented within Part 1, Section 2(1) as "(a) in relation to works seawards of MHWS, the first carrying out of any licensed marine activities authorised by the deemed marine licences, save for operations consisting of offshore site preparation works, pre-construction monitoring surveys approved under the deemed marine licences, and (b) in respect of any other works comprised in the authorised project,</p>	<p>"The Applicant notes the representation provided by Historic England. First and foremost, pre-construction monitoring survey work would not form a ""material operation"" as defined in section 155 of the 2008 Act and, as such, the Applicant disagrees that this should be included within the definition of ""commence"". As to the general approach undertaken by the Applicant in relation to ""commencement"" and ""pre-commencement"", the reason as to why this specific demarcation has been adopted has been explained in</p>

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	<p>the first carrying out of any material operation (as defined in section 155 of the 2008 Act) forming part of the authorised project other than site preparation works and the words "commencement" and "commenced" must be construed accordingly". We disagree with this definition and request that the term commencement includes both pre-construction monitoring surveys and site preparation works, in order to ensure the consistent production, agreement and implementation of the offshore WSI prior to such works. This would not only ensure adequate mitigation measures are developed for site preparation works, but ensure that the survey data are incorporated into the development of mitigation strategies. This should therefore be amended within this paragraph, and within the definitions listed in Schedule 11, Part 1, Section 1, paragraph 1 and Schedule 12, Part 1, Section 1, paragraph 1."</p>	<p>Section 6 of the Explanatory Memorandum, under Article 2 (Examination Library Reference APP-023).</p> <p>The undertaking of seabed preparation and clearance works has now been amended in the last draft Order submitted voluntarily for Deadline 1. This contains a new condition 20 in Schedules 11 and 12 of Part 4 of the draft Order, which requires that a method statement must be submitted prior to such preparation and clearance taking place, which is to be approved by the MMO. This ensures there is the necessary level of control that such works obtain approval prior to them taking place."</p>
HE-36	<p>"5.4. The definition of "statutory historic body" as listed within Schedule 11, Part 1, Section 1, paragraph 1 and Schedule 12, Part 1, Section 1, paragraph 1 is given as 'Historic England or its successor in function'. This should be amended to the 'Historic Building and Monuments Commission for England' to avoid confusion."</p>	<p>The Applicant notes the representation and is content to amend the definition of "statutory historic body" in the revised Order submitted at Deadline 2.</p>
HE-	<p>"5.5. We note that Schedule 11, Part 2, Section 4 and Schedule 12, Part 2, Section 4 describes the operation and maintenance</p>	<p>The Applicant notes the representation. Post-Construction monitoring during the operation and maintenance phase of the proposed</p>

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37	works that to be included under the DMLs. Whilst we have no objects to this approach, suitable provisions must be included within the WSI for mitigation of impacts during operation and maintenance works."	development is explained in Section 10 of the Offshore Written Scheme of Investigation (Examination Library Reference APP-141). A number of proposals are introduced within this section as to how best to deal with potential impacts and the undertaking of ongoing monitoring measures.
HE-38	"5.6. The provisions for the production and agreement of a Written Scheme of Investigation are set out in Section 10(1) of Part 2 of Schedules 11 and 12. Aside from the issue with commencement, as described above, we are largely content with the provisions set out. However, we request that consideration is given to the inclusion of archaeological mitigation within Schedules 11 and 12, Part 2, Section 15 in order to monitoring the effectiveness of the mitigation measures applied."	<p>"The Applicant notes the representation. It is considered that the reference is erroneous and Historic England in fact are referring to conditions 15 in Schedules 11 and 12, which relate to ""pre-construction surveys and monitoring"". The Applicant does not consider it necessary to explicitly include reference to the consideration of monitoring to monitor the effectiveness of measures on the face of the draft Order, as each method statement produced in accordance with the Offshore Written Scheme of Investigation (Examination Library Reference APP-141) will include post-construction monitoring measures. This is set out in section 10 of the WSI. Paragraph 10.1.4 for example, states:</p> <p><i>It is recommended that based on the results of an initial assessment, any further requirements during the post-construction operation and maintenance phase should be agreed in consultation with the Archaeological Curator(s). It is proposed that further monitoring may only be necessary if significant changes to coastal and offshore processes are identified, maintenance or other operations impact the seabed within AEZs, and/ or upon receipt of new information relevant to the integrity of archaeological important items</i></p>
HE-	"5.7. Additionally to form a consistent approach to the onshore and offshore WSI's function we request that the following is	The Applicant notes the representation. It is considered that the reference is erroneous and Historic England in fact are referring to

UID	Interested Party's Written Representation	Applicant's Response
39	included within Section 10(1)(i) of Part 2 of Schedules 11 and 12: "In the event that site investigation is required, the scheme must include details of an assessment of significance and research questions".	condition 12 in Schedules 11 and condition 10 in Schedule 12, which relate to "pre-construction plans and documentation". Notwithstanding this the WSI will be updated accordingly to provide for this.
HE-40	"5.8. Schedule 11, Part 1, Section 4 (h). As of the 1st April 2019 the Historic England office to contact will be: 4th Floor, Cannon Bridge House, 25 Dowgate Hill, London, EC4R 2YA, 020 7973 3700."	The Applicant notes the representation and has updated the address for the Historic England office contact in the revised draft Order submitted at deadline 2.
HE-41	"5.9. Please see comment 3.7 above regarding the recommendation for the draft DCO to include a separate condition which requires further assessment, survey and possible evaluation of the potential for 20th century defences and early Roman period archaeology at Pegwell Bay."	The Applicant notes the representation and is content to amend the content of the Onshore and Offshore WSI in order to ensure that specific wording is included within those documents to ensure that this will be properly evaluated and recorded as part of the method statements produced. Revised WSIs for offshore and onshore are included with this Deadline 2 submission.
HE-42	"6. Comments in relation to the Offshore Archaeology Draft Written Scheme of Investigation (June, 2018, Revision A), Document Reference: 8.6: 6.1. With regard to the relevant Archaeological Curator at Kent County Council (KCC) (paragraph 4.3.3) above the Mean Low Water Mark (MLWM), it would be worth checking the listed contact is correct."	The Applicant notes the representation and the Offshore WSI will be updated, following confirmation being received of KCC contact details.
HE-43	"6.2. We would like to see a timeframe included within paragraph 9.1.2, related to method statements covering	The Applicant notes the representation and the Offshore WSI will be updated to allow method statements to be submitted for comment

UID	Interested Party's Written Representation	Applicant's Response
	<p>schemes of investigations (section 9.). We request that such method statements should be submitted to the Archaeological Curator(s) for comment one month to the planned commencement of the survey, in order to allow for sufficient time for the review and any amendments to be completed and agreed."</p>	<p>one month prior to the planning commencement of the necessary survey. This updated Offshore WSI is included with this Deadline 2 submission at Appendix 27.</p>
<p>HE-44</p>	<p>"6.3. Moreover the reporting of such surveys completed will need to be provided to Historic England for review in good time prior to construction, such that adequate consultation can be addressed where necessary. We therefore welcome the stated intention in paragraph 4.1.1 for mitigation measures required for this project must be undertaken, completed and reported on in time to inform the final engineering design."</p>	<p>The Applicant notes the response and welcomes Historic England's agreement to the approach outlined in paragraph 4.1.1.</p>
<p>HE-45</p>	<p>"6.4. Additionally within section 4.2 'Retained Archaeologist' we request that provision is included for the retained archaeologist to be provided with all relevant project datasets such that they are in an informed position to advise the project team. The justification for this is that on other marine consented national infrastructure projects the appointment of a new retained archaeologist post-consent, who may be relatively unfamiliar with the project, can present an interval of inconsistency and full engagement. However it can also bring about a fresh and enthusiastic outlook also. Therefore the applicant should be minded to make relevant data accessible at the earliest</p>	<p>The Applicant can confirm that the Offshore WSI will be updated to ensure that all project data is provided to the Retained Archaeologist in order to ensure that they are well informed, as soon as they are appointed and before works begin. The Offshore WSI updated draft is included with this Deadline 2 submission for comment by Historic England and other relevant stakeholders.</p>



UID	Interested Party's Written Representation	Applicant's Response
	opportunity on contractually agreeing terms with the retained archaeologist."	
HE-46	"6.5. Furthermore, during construction, due to the need for a seamless, active and accessible archaeological contractor required for the effective delivery of the protocol for archaeological discoveries, it is our expectation that the retained project archaeologists (if they differ from the application phase) should cover the administration of the reporting of discoveries and provide advice about immediate actions (including recording, handling and storage, and introduction of measures to prevent or reduce damage if the presence of a significant archaeological site is suspected). As such the full role and responsibilities are outlined in The Crown Estate, 2014, Protocol for Archaeological Discoveries: Offshore Renewables Projects, Section 5."	The Applicant can confirm that the Offshore WSI has been amended to state that the Retained Archaeologist will act as the first point of contact for any archaeological discoveries, in order to provide advice about immediate actions (including recording, handling and storage, and introduction of measures to prevent or reduce damage if the presence of a significant archaeological site is suspected). The Retained Archaeologist will then be responsible for reporting the discoveries through The Crown Estate, 2014, Protocol for Archaeological Discoveries: Offshore Renewables Projects, Section 5. The Offshore WSI updated draft is included with this Deadline 2 submission for comment by Historic England and other relevant stakeholders.
HE-47	"6.6. In a response letter to the PEIR (dated to 12th January 2018) and in our Section 56 Representation (dated 12th September 2018) we raised concerns that due to the large number of geophysical anomalies recorded (north of the Goodwin Sands) and the limitations of marine geophysical equipment to accurately penetrate mobile sediment to the maximum depths proposed for the export cable burial (1 to 3m), significant buried material may be contained. We have since discussed this matter with the applicant and note within	The Applicant can confirm that the Offshore WSI has been updated to reflect Historic England's concerns regarding the number of geophysical anomalies of archaeological potential north of the Goodwin Sands. However, it will be updated further to include the recommendation for further investigation through un-intrusive survey methods or trial trenching if these are required, which could be undertaken as (but will not be limited to) part of a UXO or diver survey. The Offshore WSI updated draft will be provided at Deadline 2

UID	Interested Party's Written Representation	Applicant's Response
	<p>paragraph 6.2.2 our concerns have been reflected accordingly. Accordingly a strategy of evaluating such potential is therefore necessary either through un-intrusive survey methods of trial trenching."</p>	<p>for comment by Historic England and other relevant stakeholders.</p>
HE-48	<p>"6.7. Section 9.6 'Marine geoarchaeological investigations' subheading Further geotechnical sampling would benefit from detailing that the future method statement should include clear provisions for the development of a collection, retention and storage strategy for cores to allow for analysis to take place. Reference to collecting cores using light-proof sleeves, and the need for cores to be stored and split under safe-light (dark) laboratory conditions would also be helpful in preserving the integrity of deposits of a certain age."</p>	<p>The Applicant can confirm that the Offshore WSI will be updated to include further details about geotechnical sampling, and that future method statements should include clear provisions for the development of a collection, retention and storage strategy for cores, to allow for analysis to take place. It will be recommended for cores to be collected using light-proof sleeves, and that cores must be stored and split under safe-light (dark) laboratory conditions, in order to promote the preservation of the integrity of deposits of a certain age. The Offshore WSI updated draft is included with this Deadline 2 submission for comment by Historic England and other relevant stakeholders.</p>
HE-49	<p>"6.8. National and regional research aims should be considered and included where appropriate."</p>	<p>The Applicant can confirm that the Offshore WSI ensures that national and regional research aims are considered and included where appropriate, and that these are reflected in subsequent heritage method statements.</p>

## 7 Kent County Council (REP1-096)

### 7.1 Summary

17 The primary concerns raised by Kent County Council (KCC) relate to:

- Pegwell Bay Country Park
- Highways
- Historic environment

18 A point by point response to KCC’s Written Representation is documented below.

**Table 5: Response to KCC**

UID	Interested Party’s Written Representation	Applicant’s Response
KCC-1	"Following the Planning Inspectorate’s Rule 8 letter dated 18 December 2018, Kent County Council (KCC) submits its Written Representation. KCC has set out its position in relation to the proposed development in a Relevant Representation submission and is engaging with Vattenfall Wind Power Ltd on the matters raised. A general update on the principal submissions outlined in KCC’s Relevant Representation is provided below. This letter should be read in conjunction with the detailed comments for clarification and/or additional information set out in the County Council’s response to the Examining Authority’s First Written Questions and the	Noted

UID	Interested Party's Written Representation	Applicant's Response
	Local Impact Report. The letter has been prepared in accordance with Planning Inspectorate Advice Note 8.4."	
KCC-2	"In summary, the principal issues that KCC has made in relation to the application concern: - Highways and transportation, as the Local Highway Authority for Kent; - Public Rights of Way (PRoW); - Country Parks, as land owner and manager of Pegwell Bay Country Park; - Waste; - Biodiversity; and - Heritage."	The Applicant notes the principal issues identified by KCC, and appreciates the engagement with KCC on the SoCG which captures these issues.
KCC-3	"KCC, as the Local Highway Authority for Kent, has agreed that no further capacity assessment of the highway network is required, beyond that already included in the application. The proposed site access points have been agreed in principle between Vattenfall and KCC."	The Applicant welcomes the confirmation that the project requires no further capacity assessment and that the proposed site access points are agreed in principle between the Applicant and KCC.
KCC-4	"As stated in the Local Impact Report, in principle, the site access points, traffic management and mitigation during construction are acceptable. The detailed measures for each access point will need to be agreed through submission of the Construction Traffic Management Plan."	Further Details of highway accesses will be provided for approval by KCC through DCO Requirement 14 (Highway accesses) and a Construction Traffic Management Plan is secured through Requirement 21 (Construction traffic management plan).
KCC-5	"As stated in the Access Management Strategy, the England Coast Path and Thanet Coast Path will be	The Applicant can confirm, as noted in Table 4.12 of the Tourism and Recreation chapter (PINS Ref APP-060/ Application Ref 6.3.4) that the

UID	Interested Party's Written Representation	Applicant's Response
	<p>obstructed for a number of months by the construction of the landfall site and transition pit. If path closures are required, they should be kept to a minimum to minimise disruption for path users and an alternative route should be provided for the duration of the closure. KCC's PRoW Officers would need to be consulted on any closures and alternative routes so that the Council can update and inform coast path users and the National Trail website."</p>	<p>assessment assumes a worst case of continuous path closures within the Pegwell Bay Country Park, with the Access Management Strategy drafted to ensure adequate diversions are in place. Alternative routes will be provided for the duration of the closure. As noted in the Access Management Strategy (PINS Ref APP-136/ Application Ref 8.4), the diversions proposed are intended to maximise accessibility and minimise disruption (paragraph 4.1). Where closures are necessary the Applicant can confirm that KCC will be notified.</p>
<p>KCC-6</p>	<p>"KCC acknowledges and welcomes the recent change to the DCO application by removing the proposed Option 2, which involved laying an overground berm through Pegwell Bay Country Park. When considering the implications of the scheme on the Pegwell Bay Country Park, KCC supports either Option 1 or 3 for the onshore cable route, which would lead to less significant impacts on the Country Park."</p>	<p>The Applicant welcomes this confirmation from KCC and will continue to work with KCC to ensure the other documents of relevance to the Pegwell Bay Country Park, such as the Outline Landscape and ecological Management Plan are adequately advanced.</p>
<p>KCC-7</p>	<p>"Waste Within the Local Impact Report, it is stated that KCC is concerned about the negative impacts on the users of the Country Park during the construction of the onshore cable. Lessons learnt from the development of the NLL link show that the construction process is highly disruptive and KCC requests the applicant works closely with the relevant officers to ensure the park remains</p>	<p>The Applicant notes this concern and has committed to working with KCC to ensure accessibility of the Country Park is appropriately managed. This is further captured in the Applicant's response to KCC-5.</p>

UID	Interested Party's Written Representation	Applicant's Response
	open and accessible during the construction phase."	
KCC-8	"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. It will also ensure that the site will be monitored, and additional works implemented, if the monitoring identifies that the habitat is not re-establishing as proposed."	This is noted by the Applicant.
KCC-9	"A Habitat Regulation Assessment (HRA) screening report has been submitted and confirms that a full HRA will be required. The Planning Inspectorate will need to carry out the HRA and sufficient information will need to be submitted by the applicant to enable this to be completed."	This is noted by the Applicant. The Applicant also wishes to note that a revised RIAA, recognising the landfall design change, is submitted for Deadline 2 alongside this Deadline 1 submission.
KCC-10	"KCC would advise that if non-designated assets associated with the defenses are encountered along the cable route, then it may be appropriate (depending on their form and preservation) for consideration to be given to avoid physical impacts through the design of the cable route, rather than a programme of recording. Further detail on the impacts can be found in the Local Impact Report."	This is noted by the Applicant and has been captured within the draft onshore WSI, which has been submitted at Deadline 1 and directly to KCC for consideration. A revised version of the onshore WSI will be included with the Deadline 3 submission which reflects consultation responses received from KCC and Historic England.

UID	Interested Party's Written Representation	Applicant's Response
KCC-11	"Offshore Historic Environment KCC advises that an Archaeological Written Scheme of Investigation is required, to include an Archaeological Exclusion Zone, which will need to be agreed with KCC and Historic England. KCC welcomes further collaboration with wider stakeholders, as detailed in the Local Impact Report, to continue with sampling and requests specialist input on the offshore assets."	This is noted by the Applicant. A draft offshore WSI has been produced, and Method Statements will be produced to detail sampling and specialist input on offshore assets.
KCC-12	"KCC looks forward to working with the applicant and Planning Inspectorate as the project progresses through the Examination process and will welcome the opportunity to comment on matters of detail as may be required throughout the Examination."	The Applicant looks forward to continued constructive liaison with KCC.

## 8 Kent and Essex Inshore Fisheries and Conservation Authority (REP1-099)

### 8.1 Summary

19 Although no representation was made by Kent and Essex Inshore Fisheries and Conservation Authority at the relevant representation stage, the Planning Inspectorate has chosen to accept late submissions from them. Reference within the representation is made to 'relevant representation', for consistency with the wider project response, and in line with the Applicant's submissions for Deadline 2 this document and wider submissions refer to the Written Representation.

20 The primary concerns raised by Kent and Essex Inshore Fisheries and Conservation Authority (KEIFCA) relate to:

- Marine Ecology and conservation
- Commercial Fisheries

21 A point by point response to KEIFCA's Written Representation is documented below.

**Table 6: Response to KEIFCA**

UID	Interested Party's Written Representation	Applicant's Response
IFCA-1	"The Examining Authority accepted the Kent and Essex Inshore Fisheries and Conservation Authority's (KEIFCA) request for relevant representation on the 10th December 2018. KEIFCA have subsequently reviewed the application details for the proposed development and provide the following representation. "	Noted
IFCA-2	The role of KEIFCA is to lead, champion and manage a sustainable marine environment and inshore fisheries within	Noted



UID	Interested Party's Written Representation	Applicant's Response
	the district, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry.	
IFCA-3	Our relevant representation outlines details of the proposed development that require further clarification and mitigation to ensure that the development minimises its impact on the designated protected areas and fisheries within the district.	The Applicant notes KEIFCA's Written Representation.
IFCA-4	KEIFCA supports the renewable energy industry and welcomes further discussion on any of the points raised here. KEIFCA reserve the right to amend our advice in response to any future changes made by the applicant regarding the proposed development.	The Applicant notes that a draft SoCG was submitted to KEIFCA on the 12th November 2018 following a detailed teleconference wherein the Applicant built on the involvement of KEIFCA in the EIA Evidence Plan process and discussed the project and application process. A further discussion was then held on the 7th December to further discuss the project and next steps. The Applicant looks forward to continued liaison with KEIFCA and receipt of the draft SoCG as submitted at Deadline 1.
IFCA-5	"Commercial Fishing Industry 6.2.6 Environmental Statement Volume 2 – chapter 6 Fish and Shellfish Ecology A variety of fishing activity takes place within the vicinity of the windfarm extension area and the proposed offshore export cable corridor (OECC). Lobster, crab and whelk potting takes place throughout the year in both sites, with whelks being intensively fished along sections of the proposed OECC. The	The Applicant can confirm that the significant consultation undertaken during the development of the application, combined with the data collected either through analysis of MMO over flight data, VMS data, and Succorfish data has been used to characterise the commercial fisheries active in the area adequately, and that this has been agreed with the Thanet Fishermen's Association. The Applicant notes that potting activity occurs throughout the area with

UID	Interested Party's Written Representation	Applicant's Response
	<p>whelk and cockle fisheries in the area are the highest grossing species caught and are significant to the local industry. "</p>	<p>hand drawn charts (by fishermen during the consultation process) confirming potting activity along the cable corridor (combined in Figure 3.9, Annex 9-1: Commercial Fisheries Technical Report). The Applicant also notes that the Succorfish data for 2017 (Figures 3.21 to 3.29, Annex 9-1: Commercial Fisheries Technical Report), which accurately tracks each vessel, identified that the majority of vessels were shown to be steaming or traversing the cable corridor with minimal fishing activity shown in the OECC. The majority of likely fishing activity appears to be to the south of Pegwell Bay or on either side of the cable corridor. Within the Commercial Fisheries Environmental Statement (Volume 2, Chapter 9) there is consideration of the discrete nature of this fishery and the limited and temporary nature of the duration leads to an overall impact of minor adverse. One or two vessels are demonstrated to work on the edge of the OECC, close to the array. In relation to whelks, several consulted skippers mentioned and highlighted on their charts that the key areas are to the west of the extension and to the north of the cable corridor. It should also be noted that in addition to these grounds, whelks are found in a number of alternative areas in significant volumes. This was highlighted during 2018 by the presence of three nomadic vessels, from Newhaven, which worked areas to the north of the development for a number of months. This indicates that there are further whelk fishing grounds in the regional area which can be utilised. Indeed, whelk grounds are usually fished until landings values reach an uneconomic level before a vessel will</p>

UID	Interested Party's Written Representation	Applicant's Response
		<p>move onto another area whilst the grounds recover over a period of a number of years. With respect to cockles, whilst they are an important fishery in the Greater Thames estuary, it is understood for previous consultation for other Thames Estuary developments that the principle grounds are to the west of the estuary, away from the site. None of the vessels identified via consultation undertaken by TFA mentioned the cockle fishery and therefore the significance of the effect of loss or restricted access to grounds for the dredger fleet is stated as negligible adverse.</p> <p>Notwithstanding the above it is important to note that any effect is temporally and spatially discrete, with fishing able to continue following construction.</p>
IFCA-6	<p>KEIFCA are concerned over the loss of fishing grounds and the impact that displaced fishing activity may have to the surrounding area. Information regarding the areas most likely to experience increased fishing pressure due to displacement was not provided in the ES and should undergo further consideration.</p>	<p>Whilst cables are to be buried, it should be noted that the area of disturbance is small and the seabed is expected to be returned to pre- installation conditions allowing whelks to return. Within the Commercial Fisheries Environmental Statement (Volume 2, Chapter 9) a range of fishing methods and gear types are considered and assessed. This concludes that the majority of methods are expected to return to their traditional grounds. It is acknowledged the drift netting is unlikely to be possible in its current format within the array. However, as shown in Figure 3.9 ,Commercial Fisheries Technical Report ( Annex 9-1), only a small proportion of grounds used for this method are within the RLB. There is no legal restriction</p>

UID	Interested Party's Written Representation	Applicant's Response
		<p>on fishing activity returning to the array, subject to a skipper's individual risk assessment.</p> <p>The potential impact of displacement, that being increased fishing pressure in areas outside the development boundary due to reduced fishing pressure within the development boundary is specifically assessed as an operation phase impact in Volume 2, Chapter 6: Fish and Shellfish Ecology (Application Ref: 6.2.6) of the ES. The effects of reduced fishing pressure within the array and increased fishing pressure outside the array on fish and shellfish ecology were both assessed as being of negligible adverse significance. It is expected that any increase in fishing pressure outside of the array would be minimised by fisheries management measures, such as fishing quotas.</p>
IFCA-7	<p>"Cumulative Impacts 6.2.5 Environmental Statement Volume 2 – Chapter 5: Benthic Subtidal and Intertidal Ecology KEIFCA require further information regarding the time, location and duration of the disposal of the 1.728 million cubic metres of material that will be produced during construction. The inshore district of Thanet experiences a high level of construction and maintenance activity throughout the year with Ramsgate harbour regularly undertaking dredging campaigns, and the recent installation of the Nemo Link cable. KEIFCA are concerned about the cumulative effects that the disposal of material may have on the nearby</p>	<p>The Applicant notes that the cumulative effects assessment does cover the dredging activities mentioned but identifies that the likelihood of any overlap with Thanet Extension is highly unlikely due to the intermittent use of these dredging disposal sites. The Benthic Subtidal and Intertidal Ecology chapter (Volume 2, Chapter 5, PINS Ref APP-046/ Application Ref 6.2.5) identifies that there will be no significant effects from Thanet Extension alone or in-combination with any receptors. The projects included within the cumulative assessment were the subject of evidence plan submission, of which KEIFCA were a member of the relevant evidence plan technical</p>

UID	Interested Party's Written Representation	Applicant's Response
	<p>Pegwell bay, the adjoining SAC and fishing activities in the district. These continual dredging activities were not sufficiently considered in the ES and should be included in future assessments. "</p>	<p>group.</p>
<p>IFCA-8</p>	<p>In addition, the baseline data used for the assessment is dated prior to the installation of the Nemo Link cable and, therefore, it only considers the impact of the proposed project on the previous environmental baseline and not the cumulative impacts associated with the recent Nemo Link installation. We suggest that further supporting evidence from the post- construction monitoring reports of both the Nemo Link and the Thanet Offshore Wind Farm export cable be provided to show the recovery status of the habitat.</p>	<p>"The Applicant can confirm that the characterisation of the receiving environment has been the subject to the EIA Evidence Plan, of which KEIFCA were a member of the relevant technical panel. The Applicant can also confirm that the monitoring data from the existing Thanet OWF has informed both the characterisation and assessment presented within the ES. It is neither necessary, feasible nor proportionate to wait for the submission of Nemo monitoring reports in order to describe the recovery or sensitivity of the receiving environment. Reliance has therefore been placed on reference to agreed standards, such as the Guidelines for Ecological Impact Assessment in the UK and Ireland (2018), which in turn recommends reference be made to the MarLIN sensitivity assessments, which have been considered transparently throughout the assessment of potential effects associated with the proposed development. Additionally, the assessment does include an assessment of the cumulative impacts from Nemo Link in section 5.13 of the ES assessment (PINS Ref APP-046/ Application Ref 6.2.5). Specifically, the Nemo Link cable is considered as a Tier 1 project in the cumulative assessment, with a full quantitative assessment undertaken. Furthermore the MMO and Natural England have</p>

UID	Interested Party's Written Representation	Applicant's Response
		acknowledged that the characterisation is adequate for the purposes of EIA."
IFCA-9	Section 5.13.1 of the ES states that the 'Cumulative effects refer to effect upon receptors arising from Thanet Extension when considered alongside other proposed developments and activities and any other reasonably foreseeable project(s) proposals.' KEIFCA note that the assessment does not consider the impacts of post-construction developments in the district, that, in combination with the proposed development would result in a greater impact. A cumulative impact assessment that is relevant to the temporal and spatial scale of the development and habitats in the district should be considered.	Post-construction developments are included within the assessment in the ES but form part of the baseline. The Applicant notes that only projects constructed after the characterisation surveys were conducted have been considered in the cumulative assessment. This is in line with current practice as a result of post-construction projects being considered to be a part of the baseline and not acting cumulatively with Thanet Extension.
IFCA-10	"Impacts to Pegwell Bay SAC 6.2.5 Environmental Statement Volume 2 – Chapter 5: Benthic Subtidal and Intertidal Ecology KEIFCA disagree with this conclusion set out in section 5.11.19 of the ES volume 2. The extension of the sea wall will cut across the saltmarsh habitat at its narrowest point. The Environmental Statement (ES) does not provide any further information regarding the potential for local erosion as a result of the sea wall extension which could cause separation of the habitat. "	The Applicant refers the ExA to the response to NE-58, and the Deadline 1 submission confirming that landfall Option 2 is no longer part of the design envelope for the proposed project. Therefore, there will now be no extension of the seawall.

UID	Interested Party's Written Representation	Applicant's Response
IFCA-11	<p>The saltmarsh habitat in Pegwell bay occupies a relatively small area of the total intertidal area and is one of only two areas of permanent saltmarsh in the Eastern Channel. Surveys undertaken by KEIFCA in Pegwell Bay demonstrate that many juvenile commercial fish such as, herring, sprat, mullet and bass depend on the habitat for shelter and food.</p>	<p>This is noted by the Applicant and has been characterised within the ES as such. In light of this it is the Applicant's position that there is no update necessary.</p>
IFCA-12	<p>KEIFCA would like to see supporting evidence regarding the potential for further impacts of local erosion as a result of the sea wall extension.</p>	<p>The Applicant can confirm that landfall Option 2 is no longer part of the design envelope of the proposed project. As such it is not considered necessary to provide further information pertaining to the potential effects of the sea wall extension (landfall option 2).</p>
IFCA-13	<p>In addition, the installation methodology for the export cable also raises concerns. KEIFCA deem Option 1 provided in the Saltmarsh Mitigation, Reinstatement and Monitoring Plan to be the less damaging provided appropriate mitigation measures are implemented during construction. This option should, therefore, be given priority.</p>	<p>The Applicant can confirm that the saltmarsh mitigation, reinstatement and monitoring plan applies to the temporary effects associated with both remaining landfall Options (Options 1 and 3), the effects of which are considered to be not significant with regards the EIA Regulations. It is the Applicant's position that both options are required as part of the design envelope until such time that a final design, and associated mitigation measures can be informed by site investigations. The approach of retaining optionality subject to final site investigation is considered to be common place and reflected in the need for projects to undertake an assessment using the Rochdale approach.</p>

## 9 Kent Wildlife Trust (REP1-102)

### 9.1 Summary

22 The Kent Wildlife Trust (KWT)'s primary concerns relate to:

- Impacts on designated sites

23 A point by point response to KWT's Written Representation is documented below.

**Table 7: Response to KWT**

UID	Interested Party's Written Representation	Applicant's Response
KWT-1	We welcome the opportunity to comment on the application submitted to the Planning Inspectorate (PINS) for the Thanet Extension Offshore Wind Farm proposal. Kent Wildlife Trust (KWT) strongly object to this development proposal based on the chosen landfall option and what we perceive to be a lack of consideration for valid alternatives to the onshore cable route that we believe would have less of an environmental impact.	The Applicant notes KWT's objection to the development and has noted this consistently throughout all Evidence Plan and bilateral liaison meeting minutes.
KWT-2	As outlined in Wildlife Trust policies on offshore wind farms, we welcome renewable energy initiatives that reduce our reliance on fossil fuels but emphasise the importance of selecting a suitable design which will have the least negative impacts on biodiversity and ecosystem function.	Noted.
KWT-	The proposed cable route will impact numerous environmentally	The Applicant notes the position of KWT and can confirm that



UID	Interested Party's Written Representation	Applicant's Response
3	designated sites; the Sandwich and Pegwell Bay National Nature Reserve, Sandwich Bay to Hacklinge Marshes SSSI, Sandwich Bay SAC, Thanet Coast and Sandwich Bay Ramsar site, and the Thanet Coast and Sandwich Bay SPA. We believe that the current proposal will have numerous disruptive impacts on land designated for nature conservation – designations that have been determined objectively against criteria which have national and international recognition.	the potential effects on designated sites have been considered in detail in the Application. Specifically of note with regards European designated sites is the Report to Inform Appropriate Assessment (RIAA) (Application Ref 5.1) which the Applicant has consulted extensively on, formally and informally via the EIA Evidence Plan. It is further of note that the RIAA has been redrafted following the removal of landfall Option 2, which is as a result of stakeholder feedback received following formal application. The conclusion of this assessment is that there would be no adverse effect on integrity of European sites, and no significant effects on onshore biodiversity generally.
KWT-4	"This written representation will focus on the following chapters and sections of the application: - Site Selection and Alternatives - Draft DCO - EIA Methodology - Intertidal Surveys - Benthic Subtidal and Intertidal Ecology - Saltmarsh Mitigation, Reinstatement and Monitoring Plan - Fish and Shellfish Ecology - Offshore Designated Sites - Marine Conservation Zone Assessment - Biogenic Reef Mitigation Plan - Schedule of Mitigation - Marine Mammal Mitigation Plan - Marine Mammals - Offshore Ornithology"	These topic areas are noted by the Applicant and also represent topics for which engagement has been sought consistently throughout the Evidence Plan and bilateral meeting processes. These topic areas should be seen in addition to the onshore biodiversity and Report to Inform Appropriate Assessment, which have also been put forward for consideration by KWT, and for which KWT have been members of the relevant technical review panels of the Evidence Plan.
KWT-5	"Table 4.1 The justification for the 'refinement of the proposed onshore cable route options' directs to the responses to the S42 comments, however what is not mentioned is the numerous overall	The objections made by KWT are noted and have been accurately reflected within the Consultation Report (Application Ref 5.1) and recorded where relevant in all

UID	Interested Party's Written Representation	Applicant's Response
	<p>objections to this route, which infers support for the chosen landfall route from S42 responses which is not representative of the situation."</p>	<p>technical chapters.</p>
<p>KWT-6</p>	<p>"Figures 4.8, 4.9 and 4.11 This figure is misleading as it does not show the final landfall option. Clear figures to the same scale as these should have been produced in this document showing the final landfall route. Accompanying text needs to clearly explain that Option 1A from Figure 4.15 was chosen, which is Option 4 in Figures 4.5 and 4.7. At present it is highly confusing in the way Vattenfall display this information."</p>	<p>The Applicant can confirm that Option 1A from Figure 4.15 is Option 4 as reflected in Figures 4.5 and 4.7. The numbering of the Options reflected the evolution at that stage in the process, and it was not always possible to retain the same number for a given Option.</p>
<p>KWT-7</p>	<p>"4.2.4 'From a policy perspective, the National Policy Statement for Renewable Energy Infrastructure (NPS EN-3) does not contain a general requirement to consider alternatives or to establish whether the proposed project represents the best option.' The NPS EN-1 outlines that 'the most important sites for biodiversity are those identified through international conventions and European Directives'. The Habitats Directive provides statutory protection for these sites which include Special Protection Areas, Ramsar sites and Special Areas of Conservation<sup>2</sup> which are known as 'European Sites'. Many SSSIs are also designated as sites of international importance and all National Nature Reserves, are notified as SSSIs<sup>1</sup>. Under the Habitats Directive, when considering granting consent for a development that may adversely impacts on European sites, there must be sufficient evidence that 'there are no feasible alternative</p>	<p>Please refer to the Applicants response to ExQ 1.1.1 regarding the position on the ecological surveys, and clarifications with regards other routes. It should be noted that the Applicant does not accept that the project will adversely affect the integrity of any European site.</p>

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	<p>solutions to the plan or project which are less damaging' which includes using different routes. We do not believe that the project has adequately demonstrated that the chosen route is the least environmentally damaging, or that the alternative onshore route options are not feasible. Ecological surveys were focused on one onshore cable route (Pegwell Bay) resulting in a lack of comparable ecological data. Without comparable ecological data for other proposed onshore cable routes and landfall options, we cannot accept that the route chosen is the least environmentally damaging. We would also like 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."</p>	
KWT-8	<p>"4.5.1 'Avoidance of key sensitive features where possible and where not, seek to mitigate impacts' We do not believe that the 'avoidance of key sensitive features' has been followed sufficiently. We believe that alternative routes which have not been pursued would result in less disturbance to key sensitive features and have yet to see ecological evidence suggesting otherwise. We would also like to highlight that in the hierarchy relating to environmental disturbance, avoidance of sensitive features should be the highest priority. In regards to the proposed cable route, Vattenfall are focusing prematurely on mitigation efforts without seeking to avoid sensitive areas."</p>	<p>Please refer to the Applicants response to ExQ 1.1.1 regarding the position on the ecological surveys, and clarifications with regards other routes.</p>
KWT-	<p>"Table 4.6 We would like to see further explanation and evidence as</p>	<p>Please refer to the Applicants response to ExQ 1.1.1</p>

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9	<p>to why route 7 was considered 'high risk due to technical feasibility and therefore not carried forward for further consultation'. There is no technical evidence provided."</p>	<p>regarding the position on the ecological surveys, and clarifications with regards other routes.</p> <p>The Applicant can confirm that whilst Table 7 provides the summary of the findings of the route analysis, and notes route 7 was considered high risk due to technical feasibility, paragraphs 4.8.5-4.8.8, paragraphs 4.8.9-4.8.10 identify a number of constraints which influence technical feasibility, not least of which was the anticipated major restrictions on construction for Option 7 because of proximity to built-up areas and likelihood of multiple issues with construction space along various parts of the route.</p>
KWT-10	<p>"4.7.4 The constraints presented are biased towards allocating more weigh to socio-economic impacts than environmental impacts. For instance, the constraints include 'avoid land used for defence purposes' and 'avoid residential property' but the wording is much weaker for environmental considerations, where the constraint is 'minimise where practicable land designated for nature conservation'. Environmental considerations should have been given more weight, for instance this should have stated 'avoid land designated for nature conservation'. We also question why 'other areas of woodland' are given the status of 'avoid' whereas land designated for nature conservation is only given the guidance of 'minimise where practicable'. This allows justification to go across highly designated land (SPA, SAC, NNR, SSI, Ramsar) in order to avoid a line of trees</p>	<p>The Applicant can confirm that the site selection process considered a number of different constraints and parameters, including socio-economic and environmental impacts. As such the Applicant does not accept that environmental considerations were given less weight.</p> <p>Where it was not possible to avoid designated sites efforts were made to avoid the designated features and/or sensitive periods. Examples of this can be seen with the introduction of the seasonal restriction for works within the intertidal area of Pegwell Bay, and avoidance of features within the Thanet Coast SAC. The Applicant does not recognise KWT's statement with regards avoidance of a line of trees recently</p>

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	recently planted as a mitigation measure for a previous incursion across Pegwell Bay."	planted for previous incursions.
KWT-11	"4.8.4 'With a primary focus on engineering feasibility and environmental designations each landfall area of search was considered against a set of criteria as detailed in Table 4.4. The qualitative appraisal against these criteria was undertaken by Vattenfall with the support of external engineering (XERO Energy) and environmental expertise' We would like to know who provided the environmental expertise in this context. Based on the current evidence and procedure, we disagree that Vattenfall's primary focus was on environmental designations."	The Applicant can confirm that all consultants involved in the process are named either within the site selection chapter itself, or within the introduction chapter to the ES (Application Ref 6.1.1).
KWT-12	"4.8.6 'Routes 5 and 6 preferable in terms of space for construction as they pass mostly through open terrain' This strongly suggests that these routes are feasible, which is inconsistent with other claims that these routes were not pursued due to not being feasible. 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. Is it because of the need to cross the River Stour? EA have said it would be feasible to cross the river using HDD methods."	The rationale for not bringing forward Routes 5 and 6 is summarised in Table 4.6 of the site selection chapter and include the risk of HDD failure (within designated sites) for Option 5, access issues for both, and environmental constraints associated with designated sites for Option 6. Notwithstanding the risks identified in the chapter and analysis process that underpinned the chapter, the wider area of search within which Route 6 sat was brought forward for consultation at the scoping phase.

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KWT-13	<p>"4.8.7 'Indicative routes 1, 2 and 7... were considered likely to have major restrictions on construction because their onshore routes are longer than the other options' The argument that the route 7 onshore route is longer than the other options is weak. Route 7 is only marginally longer (0.8km) than route 6, as described in table 4.5. The difference between the shortest proposed route and the longest is only 6.4km, which should not be a determining factor for an NSIP development such as this. Therefore reference to the onshore cable length is irrelevant. The location of the cable route and the number of designations the route interacts with will affect the environment much more than the length of the cable route. For instance, environmentally, Option 6 is a longer overall route length, but impacts fewer environmentally designated sites than the chosen route."</p>	<p>As noted by KWT in other sections of the KWT Written Representation a number of parameters are considered within the site selection process, of which route length is an important but not sole determining factor. Cable length is also relevant with regards the need to secure affordable renewable energy and to limit, where practicable, the extent of effects associated with cable installation.</p>
KWT-14	<p>"4.8.9 We are highly concerned that the applicant is already stated that 'HDD may not be feasible' for some options. We feel this is precipitating an argument to justify going above ground (cable installation method 2). It is premature to say that 'HDD may not be feasible'. Permits not been issued to do site investigations and we have full confidence that the results of site investigation works will demonstrate that it is feasible to go below ground and eliminate uncertainties about the nature of the landfill. HDD is the best method to avoid environmental features such as saltmarsh, therefore if the application is accepted, HDD should be the only cable installation</p>	<p>The Applicant can confirm that landfall Option 2 (the option requiring above ground infrastructure) is no longer proposed to form part of the design envelope for the proposed project. Notwithstanding this, it is the Applicant's position that it is appropriate to retain some flexibility of below ground options.</p>

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	method considered"	
KWT-15	"4.8.12 Option 7 is 'feasibly difficult' but environmentally is the least damaging option. We appreciate the engineering feasibility assessment of route further north of Pegwell Bay and understand the outcome of it not being engineering safe and feasible to run the cables parallel to NEMO along the Sandwich Road. However, no such engineering feasibility assessment/cable assessment was done for potential routes 6 and 7 going along the Prince's Drive Estate."	The Applicant would note that engineering feasibility has been considered throughout the process of site selection, as is evident by the site selection chapter. Specifically, paragraph 4.8.4 notes that engineering expertise for the Stage 3 phase of site selection was provided during the consideration of all options, and provided key input into the assessment presented in paragraphs 4.8.5 – 4.8.12.
KWT-16	"4.8.13 Options 6 and 7 are outside of the NNR, therefore it is misleading to state that the whole Sandwich Flats North/Sandwich Bay area of Search falls 'within a SAC, Ramsar site, an NNR and an SSSI'. Only option 5 of the Sandwich Flats North/Sandwich Bay area of Search would impact these designations. Option 6 still impacts SPA, SSSI, SAC, SPA but to a smaller extent and would not impact Stonelees Nature Reserve or the NNR."	The Applicant can confirm that paragraph 4.8.13 describes the character of the Joss Bay, Pegwell Bay, and Sandwich Flats North/Sandwich Bay area with regards designated sites and the wider areas of search in which the Options sit. As such the Applicant agrees that Options 6 and 7 are outwith the NNR, but do interact with the suite of Internationally designated sites.
KWT-17	"4.8.16 'the indicative routes within Pegwell Bay and Sandwich Bay areas of search would result in comparable interactions in terms of the number of designated sites and/ or multiple interactions with the same site' This is incorrect as options 6 and 7 do not impact the NNR"	The Applicant notes that Options 6 and 7 may not, depending on the final alignment, interact directly with the NNR, but would interact with European designated sites. The Applicant would also note that the indicative routes were used to characterise wider areas of search which were subsequently brought forward for consultation as illustrated in Figure 4.8 of the SSA Chapter (Application Ref 6.1.4). Whilst the indicative routes were useful and informative for that purpose, there

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		<p>would inherently be a need for some limit of deviation in the final corridor and as such whilst the routes themselves may not have impacted the NNR the associated limits of deviation/cable corridor may in fact have resulted in some interaction.</p>
KWT-18	<p>"4.8.17 'The dune features of the SAC would likely have direct interactions that would require mitigation measures such as HDD that may have challenges with regards technical feasibility due to the underlying ground conditions (which form the basis of the geological sand dune features)' HDD has been successfully done beneath sand dunes in the UK to bring Offshore Wind Farm cables onto land. Therefore we believe it would be feasible to bring the cables onshore beneath shingle and sand dunes."</p>	<p>The Applicant can confirm that whilst HDD has been undertaken under dune systems within the UK, the geology at all sites needs to be considered on it's own merits. The underlying geology at the location noted by KWT is noted elsewhere within the Application (Ground conditions chapter) as being an aquifer.</p>
KWT-19	<p>"4.8.17 'Indicative routes within the Sandwich Flats/Sandwich Bay area of search resulted in a number of interactions...with the features of the SAC, SPA and SSSI all being subject to direct interactions' Similar to the point made above for 4.8.13 - Only option 5 of the Sandwich Flats North/Sandwich Bay area of Search would impact these designations. The area where the intertidal surveys were carried out represents where options 6 and 7 would make landfall. Options 6 and especially 7 have a smaller overall interaction with Sandwich Bay SAC, Sandwich Bay to Hacklinge Marshes SSSI, the Thanet Coast and Sandwich Bay SPA. Route 7 would not impact the coastal dune features of the SAC, and or the saltmarsh features of the</p>	<p>The Applicant can confirm that as stated within paragraph 4.8.16 whilst designated sites are an important facet of the site selection process, it is important to also consider the location of the features. As noted in response to KWT-18 HDD has been considered but discounted at this location due to a number of constraints, including the underlying geology, primary aquifer, and risks to designated sites. Whilst KWT identify that a specific route may or may not have resulted in an interaction with a given designated site, the site selection process considered the implications of the subsequent indicative cable corridors and the potential for interaction</p>



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	<p>SSSI. Route 6 would only have a small impact on the sand dune feature which could be avoided using HDD, and also will not impact the saltmarshes."</p>	<p>with designated features, rather than the designated sites alone. Route 7, depending on whatever final alignment may have been taken, may or may not have interacted with the SAC and/or SSSI features however the technical feasibility of the route due to interactions with built up areas resulted in the route being discounted.</p>
<p>KWT-20</p>	<p>"Figure 4.9 This figure is helpful to an extent in showing environmental designations of the two landfall options brought forward. However, a similar figure should have been created to show the environmental designations overlaid with all 7 onshore cable options to more clearly show the designations and features that will be impacted by each route. This should have been used in the decision making process for the landfall/onshore cable route."</p>	<p>The Applicant can confirm that REP1-065 has been provided at Deadline 1 to provide further evidence of the designated sites, and features, present across the Joss Bay area.</p>
<p>KWT-21</p>	<p>"4.9.14 We strongly disagree with the claim that 'Option 1 is located within a less sensitive landscape context than Option 2'"</p>	<p>The Applicant notes KWT's objection to this statement. The Applicant can also confirm that the statement is considered to be appropriate with regards the receiving landscape, for the reasons noted within paragraph 4.9.11 <i>et seq</i> of the Site Selection and Alternatives chapter. As noted at paragraph 4.9.13 the potentially high level of predicted adverse effect to the landscape and visual resource within and surrounding the Sandwich Bay Estate was considered to be a substantial negative factor against the selection of Option 2. The Applicant notes that this is in the context of the receiving landscape, and not in the context of ecological designated</p>

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		site sensitivity.
KWT-22	<p>"4.9.18 'It is anticipated that Option 2 would result in High to Medium impacts on the Royal St George Golf Course as a result of transport disruption, noise, and visual effects which could affect the recreational experience' The Royal St George's Golf Course is hosting the International Golf Open Tournament in 2020 which is during the proposed construction period. The golf tournament lasts for 1 week and due to the economic benefits brought by the tournament is presented as a reason against options 6 and 7. This shows that economics is given a higher priority/consideration by the developers than the environment. It would be possible to landscape the construction work accordingly and potentially postpone certain construction activities during the tournament. Given the short timescale of the tournament and the anticipated 25-30 year lifespan of the project, it does not seem proportionate for a 1 week long tournament to determine the chosen route."</p>	<p>The Applicant notes KWT's position, but would note that this forms only one facet of the overall site selection process. Furthermore the Applicant can confirm that the Golf open is considered a significant socio-economic benefit to the area for an extended period and as such the effects under consideration do not relate solely to a single week golf tournament.</p>
KWT-23	<p>"4.9.31 'Effects for Option 1 would be significant in the absence of suitable mitigation' This is concerning as many of the details of the mitigation plans have not yet been announced and are at present vague (examples include: 'Terrestrial Invertebrate Mitigation Strategy (TIMS) will be developed following completion of pre-construction invertebrate surveys' ... 'can't be determined at this stage' as stated in the OLEMP). We strongly believe that avoidance is the least damaging option as even with suitable mitigation efforts in place developments</p>	<p>The Applicant can confirm that the mitigation referred to is a seasonal restriction. Seasonal restrictions during the periods of greatest sensitivity are an established and successful form of mitigation that has been received positively by Natural England.</p>

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	cause temporary or long term disturbance. Mitigation efforts can also be unsuccessful so the precautionary approach should be used which would be to avoid significant effects on designated sites."	
KWT-24	"4.9.55 We question the statement made by the applicant that 'whilst Option 1 performed better in the appraisal for the vast majority of receptors it was generally balanced'. How can the assessment of North vs South routes reach the conclusion that Option 1 (the Northern onshore route through Pegwell Bay) was better than (or equal to) Option 2 (the Southern route) for designated habitats, species and features? Comparable ecological studies were not conducted therefore we would like to know on what evidence this claim is based."	The Applicant can confirm that in its response to ExQ 1.1.1 further clarification is provided with regards the desk based approach undertaken to complement and inform the process alongside surveys.
KWT-25	"4.9.56 'Precedents set at the Northern route' should be used with an enormous degree of caution and not as a justification for the chosen route. The precedent from the Nemo Interconnector cable demonstrates how features can be damaged due to unforeseen circumstances, even with mitigation measures in place. This is why avoidance of these sites should be the priority before mitigation to ensure that these areas are safeguarded."	It should be noted that at the time of the decision on the northern route that Nemo cables had yet to be installed. As such the reference to the positive recovery of the existing Thanet OWF cables was, and still is, a valid point of reference. Following the installation of the Nemo cables, the Applicant is working with Natural England to understand the lessons to be learnt from those works.
KWT-26	"4.12.12 Withdrawal of the Thanet Cable Replacement So far there has been insufficient information provided about the withdrawal of the Thanet Cable Replacement project and this section of the application does not explain the situation beyond stating that the	The Applicant can confirm that the Thanet cable replacement project has been withdrawn. It is not part of the proposed Thanet Extension project, and as such it is not possible to provide confirmation of any future unrelated operation or

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	<p>project is no longer going ahead. It would be appreciated if some additional detail could be provided to stakeholders and interested parties to explain why the Thanet Cable Replacement project has been cancelled. Since commissioning, there have been ongoing issues with the export cables causing disruption to wind farm generation output and the need for regular access to the cables to undertake repair and maintenance work<sup>5</sup>. KWT seek reassurance that the decision to cancel the Thanet Cable Replacement Project is a long-term decision and would like confirmation that Vattenfall will not return with this proposal."</p>	<p>maintenance works for the existing Thanet project.</p>
KWT-27	<p>"Part 1 We agree with Natural England that the definition of 'commence' in relation to offshore works should be redefined to include pre-construction surveys, monitoring, seabed preparation and clearance. These are important aspects of offshore works and can impact the seabed."</p>	<p>The Applicant notes the representation. The Applicant has included a new condition (Condition 20 - 'Seabed preparation and clearance') within the DMLs in the revised draft Order submitted at Deadline 1. This condition requires seabed preparation works to be included in a method statement to be submitted for approval by the MMO before any phase or phases of the licensed works commence. The wording within the "commence" definition which excluded seabed preparation and clearance was also removed from throughout the draft Order submitted at Deadline 2.</p>
KWT-28	<p>"Part 4 (Pre-construction) 10c; 12e; 12g A number of monitoring and construction plans have not yet been made available to comment on, including: A 'Construction Programme and Monitoring Plan'; 'Scour and Cable Protection Plan'; 'Cable Specification, Installation and</p>	<p>The documents referred to in this representation are not documents that will be produced or submitted prior to the obtaining of the consent for the DCO. The conditions contained within Schedule 11 and Schedule 12 set out</p>

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	<p>Monitoring Plan'. We would like to know when these documents will be available to view and comment on."</p>	<p>specific parameters that must be contained within these plans.</p> <p>Those parameters have been assessed by, and are subject to, the conclusions and mitigation measures provided for within the Environmental Statement. The Applicant cannot deviate from the "Rochdale envelope" as assessed within that Environmental Statement.</p> <p>These draft plans are then required to be submitted to the MMO for approval prior to the commencement of construction. Therefore, a number of control mechanisms exist in order to ensure that these documents will be robust and fit for purpose. The MMO is able to consult with stakeholders on the content of these plans as they consider appropriate and, where relevant and subject to the views of the MMO, this could include Kent Wildlife Trust.</p>
KWT-29	<p>"Part 4 (Pre-construction) 15a The pre-construction surveys should include reference to blue mussel beds as well as <i>Sabellaria spinulosa</i>. Blue mussel beds are known to exist in the area and, like <i>Sabellaria spinulosa</i>, represent an important biogenic reef feature."</p>	<p>The Applicant disagrees that the surveys being undertaken in accordance with the draft Order require the inclusion of blue mussel beds. The Thanet Extension project has put forward detailed monitoring proposals that are based on the uncertainties present. By virtue of the project being an extension project the uncertainties are very limited. The monitoring proposals put forward are therefore very focussed, advanced, and based on addressing the very limited areas of uncertainty. These include a detailed monitoring proposal for biogenic reef (which may include blue mussel, though none have been found within any relevant surveys)</p>

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		<p>habitats (PINS Ref APP-149/ Application ref 8.15) and a detailed monitoring proposal for saltmarsh habitats (PINS Ref APP-147/ Application Ref 8.13). Further reference to onshore monitoring is also made within the Outline Landscape and Ecological Mitigation Plan (PINS Ref APP-142/Application Ref 8.7). By virtue of the project being an extension project the uncertainties are very limited. The monitoring proposals put forward are therefore very focussed, advanced, and based on addressing the very limited areas of uncertainty.</p>
KWT-30	<p>"Part 4 (Construction) 16.1 We would like to know why the noise levels generated from pile driving activities are only required for the first 4 piles. Given the gap in existing knowledge and research in relating to the impacts of underwater noise, we believe that more monitoring of construction piling activities should take place. This would provide more data and contribute to filling this data gap."</p>	<p>The wording of Schedule 11 (4) (16) states that "The results of the initial noise measurements monitored in accordance with subparagraph (1) must be provided to the MMO within six weeks of the installation of the first four piled foundations of each piled foundation type. The assessment of this report by the MMO will determine whether any further noise monitoring is required".</p> <p>Such monitoring is being undertaken in accordance with the JNCC 2010 Guidelines and this element of the process is agreed with the MMO and Natural England as being established, robust and good practice. The use of such a monitoring technique for other offshore wind farm projects has shown that this creates an adequate baseline of data within which to understand if further noise monitoring is required. If it is considered that this is necessary, further</p>

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		<p>monitoring would then take place as suggested. The Applicant does not therefore agree that changes are required to Condition 16.</p>
KWT-31	<p>"Part 4 (Post-construction) 17.1/2 More detail should be provided on the 'proposed post-construction surveys'. Depending on the nature of the proposed surveys, we believe that most post-construction monitoring plans should incorporate undertaking surveys for longer than 1 year and impacted features should be monitored at various intervals throughout the lifetime of the project."</p>	<p>The Thanet Extension project has put forward detailed monitoring proposals which take into account the fact that the project would take place following the development of an existing windfarm. The monitoring proposals put forward are therefore very focussed, advanced, and based on addressing the very limited areas where further of uncertainty. These include a detailed pre- and post- construction monitoring proposal for biogenic reef habitats (PINS Ref APP-149/ Application ref 8.15) and a detailed pre- and post -monitoring proposal for saltmarsh habitats (PINS Ref APP-147/ Application Ref 8.13).This is secured by condition 15(2) of the Generation Assets dML (Schedule 11 of the DCO) and condition 13 (2) of the Export Cable System dML (Schedule 12 of the DCO).</p> <p>Monitoring for previous OWFs has informed future monitoring and provided a material consideration in the review of post construction monitoring for OWFs undertaken by MMO. It is well recognised and established practice that in relation to micro-siting (secured for biogenic reef habitats) one year is a sufficient period of time to establish that the mitigation measures proposed are sufficient and fit for purpose. With regards monitoring for saltmarsh recovery the detailed saltmarsh plan (PINS Ref APP-147/ Application Ref 8.13) contains provision for monitoring over a longer period,</p>

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		provisionally up to 5 years, and this is acknowledged by Natural England as being appropriately secured within the DCO (see Natural England's response to ExQ1.1.40 (REP1-116)). If there is evidence that further surveys are required, this can be agreed with the MMO in consultation with relevant statutory bodies, however at this time the Applicant does not consider that further detail is required.
KWT-32	"3.3.3/3.3.4 Vattenfall states that the 'final assessment is robust and accords with best practice'. However best practice would be to undertake a second round of consultations with stakeholders before the submission of the formal application, following the changes/refinements made to the project since the Preliminary Environmental Information Report (PEIR). Vattenfall did not undertake a second round of consultations with all stakeholders despite numerous parties requesting this (see page 527/528 of document 5.5.1)"	The Applicant can confirm that further consultation via the evidence plan process was undertaken. KWT were a member of relevant technical review panels but declined to attend following section 42.
KWT-33	"6.3.5 Table 5.3 On numerous occasions, Natural England and other stakeholders requested full consideration of both route options, as acknowledged in Table 5.2 of 6.3.5. This request has not been fulfilled and stakeholders were told as a response that the southern route was no longer being considered and that the decision has been made to make landfall at Pegwell Bay."	The Applicant can confirm that following the scoping process, and the subsequent phases detailed within the site selection chapter, a decision was made to pursue the Pegwell Bay option. Full consideration of this process has been provided within the site selection chapter at paragraphs 4.9.7 <i>et seq.</i>
KWT-34	"Table 3.1 We believe that the issue of the cable route from the S42 consultation should be included within this table. Several stakeholders raised the issue of the onshore cable route specifically	KWT's objection has been noted and is recorded in a number of relevant chapters and associated technical notes.



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	<p>throughout the consultation process and the apparent lack of investigation into alternative routes. This issue however is not mentioned in the table which we believe is an omission as it a crucial aspect of this development and an issue which affects a number of interested parties and stakeholders."</p>	
KWT-35	<p>"3.4.7 In terms of the 'gap analysis' undertaken, we believe there is a significant gap in terms of evidence and ecological data collected from any other proposed onshore cable route besides the Pegwell Bay landfall option. Phase 1 habitat and scoping surveys were not carried out at other, now discounted, onshore cable routes therefore we believe that this is a significant gap, as the environmental impacts of different routes should have been used to determine the final proposed cable route and landfall. There is no proposal for any further data collection or surveys to try and address this."</p>	<p>As noted in the Applicants response to ExQ 1.1.1 (b) (Appendix 25 to Deadline 1 submission) survey effort was applied alongside and in parallel with desk based studies. It is not considered appropriate or necessary to undertake surveys of areas that are outwith the likely Zone of Influence of the proposed project.</p>
KWT-36	<p>"3.5.17 With reference to the 'value factor', we are concerned that when 'value' is measured in the methods proposed here, economic value is viewed as more important than ecological value."</p>	<p>The Applicant can confirm that economic and ecological value are both considered within the process.</p>
KWT-37	<p>"Table 3.3/ 3.6.6 We believe that additional information should be provided regarding the ranges of effects presented in Table 3.3 which are based on 'best practice and expert judgement'. We believe the ranges of effects needs to be based on some scientific reasoning therefore we would like to request what evidence this is based on, for example, why the search area extent for cables and pipelines is 50km</p>	<p>The Applicant can confirm that the initial distances used in generating the long lists have been agreed with the EIA Evidence Plan technical groups, of which KWT was a member, and are also based on likely maximum ranges of effect for projects to impact the same receptor. In this sense 200km is used for wide ranging species such as marine mammals</p>

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	from Thanet Extension array area and OECC, whereas for most other activities the search area is 200km. For instance, are these ranges based on guidance from other windfarm projects or published literature?"	and/or birds which may be susceptible to impacts from noise/collision whereas cable and pipeline projects are likely to impact a smaller area for less mobile species. This process is confirmed within the Cumulative Effects Assessment methodology document (PINS Ref APP-039/ Application Ref 6.1.3.1), specifically from paras 1.7.4 et seq.
KWT-38	"Chapter: Intertidal Surveys – Doc. Ref 6.4.5.1 Non-technical summary 'Faunal abundance was higher at Pegwell Bay than at Sandwich Bay and communities demonstrated increased taxa diversity and biomass by comparison.' The intertidal walkover survey shows four biotopes were encountered at Pegwell Bay, including saltmarsh habitat. By comparison, at Sandwich Bay only 1 biotope of 'barren littoral shingle' was recorded. The faunal abundance and biodiversity was considerably lower at Sandwich Bay therefore this option would seem preferable in terms of intertidal impacts on species and habitats. The overall area at risk of being impacted, damaged or disturbed was also considerably less at Sandwich Bay (4.94 hectares) compared to Pegwell Bay (146.44 hectares)"	The Applicant notes the position of KWT but notes that the impacts on the intertidal habitats and biotopes have been assessed as having no significant effects on these habitats (including the saltmarsh), with all habitats and biotopes predicted to recover rapidly after the cable installation works. This prediction is supported by the post-construction monitoring undertaken for Thanet Offshore Wind Farm, which showed rapid recovery of the saltmarsh following reinstatement after cable installation works.
KWT-39	"3.1/3.2 'Pegwell Bay is dominated by a large expanse of intertidal muddy sand [mudflats]'; 'Saltmarsh hems the western fringes at the high shore and low-lying marshland borders the lower estuary of the River Stour' 'Sandwich Bay is a long, relatively featureless beach located between Ramsgate and Deal. The beach itself is narrow composed of freely draining shingle and sand' Saltmarsh and mudflats	The Applicant refers the ExA to the response to KWT-38.

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	<p>are considered to be more sensitive to disturbance and the impacts of cable burial: more so than more dynamic habitats such as shingle beaches<sup>6</sup>. We therefore believe that more intertidal environmental damage and disturbance will be caused by cable landfall at Pegwell Bay when compared to Sandwich Bay. The findings of the intertidal survey strongly suggest that there will be less of an impact on Sandwich Bay than Pegwell Bay, for instance through fewer interactions with designated sites."</p>	
KWT-40	<p>"4.2 'The concentrations of the contaminants considered under CAL guidance were higher at Pegwell Bay than those recorded at Sandwich Bay with the exception of arsenic' Vattenfall have mentioned uncertainties regarding the composition of the landfill beneath Pegwell Bay and the risk of contaminants leaching into the environment and have used this as rationale for considering laying the cables overground at Pegwell Bay. However, the results from this survey show that there are much smaller concentrations of contaminants at Sandwich Bay than at Pegwell Bay therefore the Sandwich Bay route option is preferable in this context. Given that there are fewer contaminants and smaller concentrations of contaminants at Sandwich Bay than Pegwell Bay, this should not be used as justification for going above ground, but instead should prompt further investigations into the Sandwich Bay route."</p>	<p>As noted in Volume 2, Chapter 3: Marine Water Quality and Sediment Quality (PINS Ref APP-044/ Application Ref 6.2.3) and Volume 1, Chapter 4: Site Selection and Alternatives (PINS Ref APP-040/ Application Ref 6.1.4) the offshore export cable corridor was designed specifically to be south of the disused hoverport to prevent any interactions with this known source of contamination. The Applicant does agree that concentration of contaminants is higher within Pegwell Bay than Sandwich Bay but would draw the ExA's attention to Volume 4, Annex 5-1: Export Cable Route Intertidal Report (PINS Ref APP-081/ Application Ref 6.4.5.1) within which it is stated that "all individual contaminants detected within the sediment samples collected at Pegwell Bay and Sandwich Bay in 2017 were below CAL1 and CAL2 concentrations". The Applicant notes that for dredging projects, contaminants below the CAL1 are not considered to be of concern and are</p>

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		<p>approved for disposal at sea.</p> <p>The findings of the assessments (EIA and WFD), which were informed by the surveys undertaken by the Applicant, confirmed that no significant effects or deterioration in Water Framework Directive Status are predicted as a result of the proposed activities. As noted in the Applicant's Response to the Examining Authority's First Questions (ExQ1.18.5) the Applicant has adequately and appropriately secured mechanisms to ensure that leachate does not escape during construction and/or operation from the historic landfill. Therefore, the Applicant considers that the potential impacts have been appropriately quantified, assessed and mitigated. Therefore, the presence of contaminants with Pegwell Bay (noting that they were below CAL1) does not justify the requirement for an alternative landfall and due regard to this potential effect has been presented by the Applicant.</p>
KWT-41	<p>"Figure 4 shows the location for the Sandwich Bay landfall route. When overlaid onto a map showing environmental designations the Sandwich Bay route option would clearly affect only a small area of intertidal designations, unlike the Pegwell Bay option which affects a much larger area of designated sites. The proximity to the golf courses was used as a reason against pursuing the Sandwich Bay route (point 4.9.18, Doc. Ref 6.4.1.) We believe that the impacts to the golf courses of the Sandwich Bay option would be minimal, and</p>	<p>The Applicant notes this comment and can confirm that information has been provided at Deadline 1 specifically in response to ExQ1.1.1, identifying the areas of priority habitat present in addition to the designated areas. The Applicant can confirm that the Sandwich Bay landfall was located in an area of priority intertidal mudflat habitat, whilst Pegwell Bay is not. The Applicant can also confirm that, as identified elsewhere that the designated sites were not only</p>

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	<p>would not adversely affect the golfing experience as the landfall location is situated south of the nearest golf course."</p>	<p>considered, but importantly the features and quality of the features present.</p> <p>Notwithstanding this the Applicant can confirm that the golf course, and the golf open tournament, formed one part of a single facet (tourism and recreation/socioeconomic) of the site selection process. The Applicant would note that the inclusion of the golf courses, and other recreation in the Sandwich Bay area (such as a nationally important Sustrans route) were noted and welcomed by DDC and KCC during consultation. The Applicant has therefore sought to balance the interests of all interested statutory and non-statutory authorities when undertaking the site selection process.</p>
<p>KWT-42</p>	<p>From the findings of the intertidal surveys, we do not agree that there is ecological parity between the sites and that it seems clear that there are fewer environmental interactions with the Sandwich route option. This includes interactions with fewer species, fewer individuals, less overall intertidal area affected, and fewer designations across the onshore route. It does not appear that the results of the intertidal surveys were used to influence the decision on landfall route. Given these survey results, we would like to know how it was determined that the Pegwell Bay landfall route was most preferable.</p>	<p>Please refer to the Applicant's response to KWT-42, and in turn the Applicant's responses to ExQ1.1.1.</p>
<p>KWT-</p>	<p>"Chapter: Benthic Subtidal and Intertidal Ecology – Doc. Ref 6.2.5</p>	<p>The Applicant notes KWT's preference and whilst the</p>

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43	<p>Table 5.1 'The target burial depth below the long-term stable seabed level of between 0 - 3 m, is anticipated for the majority of the OECC' We do not find a target burial depth of 0-3m for the OECC particularly helpful and look forward to seeing more detail provided. There is an indicative trench width provided in the design envelope but no indication of trench depth. We recommend a depth of 1.5m for cable burial (as advised by NPS-EN-3 2.6.75/76)7 as a mitigation measure to ensure that cables are buried to a sufficient depth in order to reduce exposure to the magnetic fields associated with the cables on benthic organisms. Cables that are buried to at least 1m depth and ideally 1.5m depth would also reduce the likelihood of cables becoming exposed due to shifting sediments/sediment transport. Currently there is no commitment to cables being buried to a minimum target depth of 1.5m."</p>	<p>Applicant cannot commit to a minimum burial depth at this stage, due to uncertainty in site specific ground conditions, it can confirm that the potential effects associated with not achieving the target burial have been adequately assessed within the ES, as is confirmed with the MMO and Natural England within their respective SoCGs submitted at Deadline 1.</p>
KWT-44	<p>"Table 5.18 'Description of Impact = Cumulative permanent habitat loss/ change; Impact = Minor adverse; Possible Mitigation = N/A; Residual impact = Minor adverse' We do not agree that 'cumulative permanent habitat loss' can be considered to have a 'minor adverse' impact, or that the residual impact is 'minor adverse'. The fact that the habitat loss described here is permanent means that there will be a permanent residual impact. We believe that all adverse effects of the development, whether deemed significant or not, should be mitigated."</p>	<p>The Applicant notes that 'minor adverse' is an EIA specific term which is accepted to mean that no significant effects are predicted. Where there are no significant effects predicted it is consequently not necessary to provide mitigation. Furthermore, the permanent loss of habitat (from scour protection and cable protection) also provides a new habitat which will attract different species to the environment, increasing the biodiversity of the wider area. This can be considered to be an indirect beneficial effect.</p>
KWT-	<p>"Table 5.5 'The Goodwin Sands rMCZ has not been brought forward</p>	<p>At the time of writing, the Goodwin Sands pMCZ (then the</p>

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45	<p>for consultation and is not therefore considered within this assessment or the associated MCZ assessment' This is incorrect. The Goodwin Sands rMCZ has been brought forward to be included in the third and final tranche of MCZs and is currently under consideration for designated. As we have stated from the start, we believe that this rMCZ should be considered in its entirety in the MCZ assessment chapter. There is a strong likelihood that this zone will be designated, but even if it is not designated, this would still follow best practice and be the best outcome for high levels of environmental protection."</p>	<p>Goodwin Sands rMCZ) had not been brought forward for consultation, this having only been done following the Application submission. In light of the ongoing concerns surrounding this site, the Applicant has provided a clarification note (see Appendix 25 of the Deadline 2 submission), which follows Natural England's advice on how to assess potential impacts to the site in the absence of published Conservation Objectives or Advice on Operations.</p>
KWT-46	<p>"Table 5.5 'The long-term impacts of 'loss of habitat' and 'colonisation of hard substrate' (including foundations) has been considered as an O&amp;M phase impact' We are pleased to see that the long-term impacts of habitat loss have been considered for the O&amp;M and decommissioning phases. However, we are concerned that despite the request made by NE to scope in the issue of habitat loss during the construction phase, Vattenfall have expressed no intention of doing this. We would like to see Vattenfall reconsider their position on this and trust that they will adhere to the advice provided by NE and follow best practice by scoping in loss of habitat during the construction phase. Both short and long-term impacts of benthic habitat loss need to be assessed in order to get a better understanding of the situation. By monitoring short-term impacts it will be possible to record the length of time that habitats need to</p>	<p>The Applicant would like to clarify that the long-term impacts have been considered as an O&amp;M phase as the effects occur primarily during this phase. The Applicant notes that the short-term effects of installation works (including for scour/cable protection and foundations) are considered in full as "temporary habitat loss/ disturbance" within the construction phase (section 5.10 of PINS Ref APP-046/ Application Ref 6.2.5).</p>

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	<p>recover, or start to recover, from the initial habitat loss. This can and should be monitored and the results made available for use regarding future Offshore Wind Farm developments. If only the long-term effects are considered, all the data and information from construction phase is lost."</p>	
KWT-47	<p>"Table 5.5 It is important that information from single stations is accurate and it should be clear that the information provided represents what was found. This is why several stations are required for surveys of this kind where point source information is gathered. We appreciate that extrapolation from single stations may well lead to uncertainty which is why the data obtained from sediment samples from stations would be considered alongside other data gathered such as the video footage. This would provide a good overall picture of the biotopes, whilst keeping the integrity and accuracy of the single station data. Vattenfall seem to be reluctant to assign sediment as anything more specific than mixed sediment, perhaps to avoid inaccuracies. However, we believe that wherever possible the sediment should be assigned to the biotope that it most closely matches. It is good that this has happened in some cases where biotopes have been re-designated to find the best match which incorporates biological community and sediments present. This creates a more accurate representation and avoids confusion."</p>	<p>The Applicant notes that both the sediment sample grabs and video survey data has been used to define the biotopes recorded throughout the array area and OECC. The biotopes defined at each sample location for the video data and the sediment samples are mapped in Figures 5.6 and 5.7 of the Benthic Subtidal and Intertidal Ecology chapter (PINS Ref APP-046/ Application Ref 6.2.5). The identified biotopes, described in detail in section 5.7 of the chapter have then been carried through to the assessment. The sensitivities of the specific biotopes have been used to define the magnitude of effects for the assessment.</p>
KWT-	<p>"Table 5.5 'It is proposed that post-construction monitoring only occurs if core reef is identified' We are concerned that there is no</p>	<p>The Applicant can confirm that in line with the MMO's review of post-construction monitoring, the post-construction</p>



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48	<p>mention of incorporating post-construction benthic monitoring into the conditions of the DML. We do not feel that 'high confidence in the ES predictions' warrants not conducting post-construction benthic monitoring of the site. It is positive that baseline surveys are planned prior to the start of construction but for this information to be useful, post-construction surveys should also be conducted to allow comparisons of the site and surrounding benthos before and after construction. Surveying prior to construction acts as a baseline against which to measure post-construction effects and to establish if predictions were accurate. Core reef should not be the only benthic consideration behind decisions to conduct post-construction surveys. Post-construction surveys could be conducted along with other surveys for efficiency. For the Kentish Flats Offshore Wind Farm Vattenfall conducted environmental monitoring over a 3 year period covering pre-during and post-construction<sup>8</sup>, including benthic ecological monitoring. Post-construction monitoring was also undertaken for TOWF, as mentioned in 3.4.5, EIA methodology page 3-6). This demonstrates that Vattenfall have a post-construction monitoring protocol which they should use."</p>	<p>monitoring proposals are put forward to confirm information on habitats of noted sensitivity. As a result of the TOWF post-construction monitoring there is substantial knowledge with regards the sensitivity and recovery of the receiving environment. As such the Applicant has put forward detailed proposals to verify the assessed position with regards biogenic reef habitats, and saltmarsh habitats.</p>
KWT-49	<p>"Table 5.5 Sandwave clearance We agree with the recommendation made by NE for a full assessment of sandwave clearance and cable maintenance. It is not clear where the 'assessment of the impacts from sandwave clearance' is in the ES. This could and should be better signposted as there are 93 documents in the ES chapter across</p>	<p>The Applicant can confirm that sandwave clearance has been assessed within the ES, with references made specifically to O&amp;M activities within the relevant chapters. Maintenance activities, and the wider requirements of the operational phase are explicitly assessed at section 5.11.23 of the benthic</p>

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	<p>6 volumes making it time-consuming to try find the specific document. In the 'section where provision address', this addresses the issue regarding sandwave clearance but not cable maintenance. Cable maintenance is important given the since retracted proposal to replace and maintain the existing TOWF cables which highlights that maintenance may well be necessary for the current proposal."</p>	<p>chapter (PINS Ref APP-046/ Application Ref 6.2.5)</p>
<p>KWT-50</p>	<p>"Table 5.5 Installation methodologies Vattenfall's confidence is high regarding installation methodologies, however there is no reference to evidence here. The justification mentions that 'full consideration of the challenges arising during installation of TOWF have been considered' but there are no signposts to where this information is or what the challenges are."</p>	<p>Having constructed the Thanet Offshore Wind Farm and operated it since 2010, Vattenfall has direct knowledge of the likely ground conditions and installation techniques that may be required for the construction of Thanet Extension. For example, Vattenfall holds piling driving studies within the chalk and sand deposits, cable burial assessments for TOWF, and all as-built records (i.e. pile driving logs etc), alongside several environmental surveys covering the pre-construction, during-construction and post-construction (operational) phases. This experience and data has helped inform likely construction techniques set out in the Project Description (Offshore) ES Chapter (PINS ref APP-042).</p>
<p>KWT-51</p>	<p>"Table 5.5 'The habitats and features of the Goodwin Sands rMCZ have been assessed as part of the ES' KWT would like to reiterate that we believe it is important for rMCZs and MCZs to be considered in their entirety, and not just on a feature by feature basis. We would also like reassurance that any sediment removed for cable laying will be kept"</p>	<p>At the time of writing, the Goodwin Sands rMCZ (now pMCZ) had not been brought forward for consultation and therefore had no published Conservation Objectives against which to benchmark potential effects. Therefore, as agreed with Natural England through the Evidence Plan, a proxy MCZ Assessment was undertaken which assessed the potential</p>

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		<p>impacts on the habitats and features within the Goodwin Sands, in the context of relevant EIA chapter assessments (i.e. benthic ecology, fish and shellfish ecology and offshore designated sites). Since application, the Goodwin Sands rMCZ has been brought forward for consultation on consideration for inclusion in Tranche Three of MCZ designations. In the absence of published Conservation Objectives, Natural England advised in their Written Representation (NE-12), that the Conservation Objectives and Advice on Operations for the Thanet Coast MCZ be used as a proxy for the assessment of potential impacts to the Goodwin Sands pMCZ. The Applicant has provided a Clarification Note (see Appendix 25 of the Deadline 2 submission) in light of this.</p>
KWT-52	<p>"Table 5.5 'Saltmarsh was not sampled' It is an omission that saltmarsh was not included in the Phase 1 intertidal habitat survey. It is important to know about the quality of the saltmarsh as this is a feature of the SPA and SSSI. 'Saltmarsh north of the river Stour was of a lower quality' This appears to be a contradiction to the above point. If measuring the quality of saltmarsh in some parts, it should be measured across the site for consistency and comparisons. Where are the current data/information/results of the saltmarsh surveys? It is positive that Vattenfall have agreed to identify the quality of the saltmarsh throughout the region. We look forward to seeing the results of these surveys."</p>	<p>The Applicant can confirm that as recorded within the Deadline 1 submissions, specifically at REP1-048 (letter from Natural England) and within the SoCGs with MMO and Natural England that the characterisation of the receiving environment has been agreed as adequate. Confirmation of the adequacy of the characterisation also formed part of the EIA Evidence Plan, of which KWT was a member of the relevant technical review panel. The Applicant can also confirm that baseline surveys of the saltmarsh will be undertaken in advance of construction to ensure that mitigation achieves full reinstatement. The requirements for</p>

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		surveys are set out within the DCO and the associated saltmarsh reinstatement, monitoring and management plan (PINS Ref APP-147/ Application Ref 8.13).
KWT-53	"Table 5.5 We agree with NE that 'NERC (BAP) habitats... should be afforded protection from any damaging works' Vattenfall's response to this point is vague. We do not believe that Vattenfall have attempted to avoid areas of conservation importance sufficiently and appear to go to mitigation without first attempting to avoid damage e.g. through adequately seeking alternative routes."	The Applicant can confirm that where sensitive BAP habitats occur within the Order Limits appropriate mitigation measures will be undertaken. Whilst chalk reef BAP habitats are present within the wider region, within the proposed RLB sensitive habitats are limited to biogenic reefs.
KWT-54	"5.7.4 'Primary data collected as part of the Nemo interconnector project has been drawn on to characterise the receiving environment in this area. These surveys were undertaken as part of an EIA characterisation (2010), and for the purposes of a pre-construction baseline for the Nemo project (2017)' The subtidal sediment assessments carried out for the Nemo surveys were deemed by the EA to be inadequate as large areas of Sabellaria was not recorded as being present because a walkover survey was not conducted. Therefore this data from Nemo should be used with caution and pre-construction surveys for the current proposal should be conducted to provide a more thorough and detailed characterisation of the surrounding area."	The Applicant notes that the survey data for Nemo Link was only one of the data sources used for the characterisation of the receiving environment, with Thanet Extension site specific surveys undertaken for both intertidal and subtidal habitats. It is of note that the Thanet Extension survey methodologies were agreed with the relevant stakeholders (MMO and Natural England) through the Evidence Plan process. Furthermore, the Applicant has committed within the DCO to undertake pre-construction surveys, the scope of which will be agreed with Natural England and the MMO in advance.
KWT-	"Figure 5.6/Figure 5.7 There do not seem to be a sufficient number of data points along the OECC route, particularly in the mid-section of	The Applicant notes that the survey locations for the camera survey and the sediment samples are intended to be

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55	the OECC cable route. We would like to know why more seabed video footage is not available for the OECC and why more grab samples were not collected during surveying. We would like to know if Vattenfall intend to conduct more grab samples or video analysis on the OECC route."	groundtruthing data for the acoustic geophysical data. Therefore, samples are taken where there are different reflections on the acoustic data (which may reflect different habitats). Furthermore, the Applicant has committed within the DCO to undertake pre-construction surveys, the scope of which will be agreed with Natural England and the MMO in advance.
KWT-56	"5.7.43 'Impacts on the mudflats are assessed within the main assessment' There is no clear signaling or direction to the 'main assessment'. Mudflats represent an important intertidal habitat so should be mentioned in this chapter, or at least suitable signposts should be used. Mudflats at Sandwich and Pegwell Bay are designated as a Ramsar site but this is not mentioned clearly in this chapter."	The Applicant notes that the assessment has been carried out on the biotopes recorded during the intertidal surveys, rather than on a specific feature of "mudflats". The impacts on the Ramsar have been considered within the RIAA (PINS Ref APP-031/ Application Ref 8.2).
KWT-57	"5.10.62-5.10.66 The application has scoped out underwater noise on benthic habitats during construction. We agree with the SoS, Natural England and the MMO that this should not be scoped out at this stage. This section states that 'less is understood about the impacts [of construction noise] on the polychaetes' found in the Thanet Extension array area than on crustaceans and molluscs and highlights a lack of baseline information about polychaetes. However, we do not believe this is a sufficient reason to scope out underwater noise impacts on benthic habitats."	The Applicant notes that this matter was not agreed to be scoped out and consequently the impacts on construction noise were assessed in paragraphs 5.10.62-5.10.66 of the Benthic Subtidal and Intertidal Ecology chapter (PINS Ref APP-046/ Application Ref 6.2.5). This assessment determined that, in light of all available evidence, there would be no effect on benthic ecology from underwater noise.
KWT-	"Table 5.10 We agree that all maintenance works/requirements need	The Applicant would draw the attention of the ExA and KWT

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58	to be considered, including the likelihood of cable replacements. We would like re-assurance that the worst-case scenario is assessed in terms of cable replacements anywhere along the offshore and onshore cable route."	to the clarifications made in response to Natural England RR (REP1-017), specifically in response to NE-111 of the RR. In brief whilst transcription of the project parameters within the Rochdale Envelope table of the chapter is succinct, with reference made to the Project Description chapter to reduce duplication, the assessment presented at Section 11 provides a full and thorough assessment of the relevant likely effects.
KWT-59	"Post-construction monitoring MMO advice is that post-construction monitoring should follow pre-construction monitoring. Vattenfall should follow positive examples of other wind farms (E.g. Burbo Bank) whereby 'post-construction monitoring would involve a repeat of the pre-construction monitoring programme (if deemed suitable at the time) along with any additional monitoring recommended at the time'. This would allow results to be compared pre-and post-construction to determine if there has been any impact to any habitats identified as sensitive receptors in the Environmental Statement (ES) and pre-construction monitoring. Should consent be granted, the details of the pre-and post-construction monitoring programmes should be submitted to the MMO for approval. Following this guidance, 'if any adverse changes are identified from the results of pre-and post-construction monitoring comparison, increased monitoring may need to be undertaken until such a time that benthic communities have stabilised'"	<p>The Applicant can confirm that whilst the footnote provided by KWT appears to direct the reader to a private server address, it is assumed that KWT refer to the MMO post-construction monitoring review.</p> <p>The Applicant can confirm that in line with the MMO review the Applicant has sought to avoid broadscale generic monitoring and instead focussed on areas where monitoring will be of specific value, having regard to the available post-construction monitoring data for the existing Thanet OWF. Post-construction monitoring will be applied to sensitive habitats (biogenic reefs and saltmarsh.</p>
KWT-60	"1.2.1 'Any permanent loss of saltmarsh will be addressed in a separate document' This document does not provide information about the potential for permanent loss of saltmarsh. Information	A revised Saltmarsh Mitigation, Reinstatement and Monitoring Plan has been submitted as Appendix 23 of the Applicant's Deadline 2 Submission. This document has been

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	<p>should be provided about the 'separate document' where this issue will be addressed. What document is this? Is it available now to read and comment on? Why is permanent loss of saltmarsh not included in the Saltmarsh Mitigation, Reinstatement and Monitoring Plan? Without reference to permanent loss, this 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."</p>	<p>revised to account for stakeholder consultation responses and the removal of the Option 2 landfall design. Following the removal of this landfall option no permanent intertidal habitat loss is anticipated as a result of Thanet Extension.</p>
<p>KWT-61</p>	<p>"2.2.2 'HDD will bypass the saltmarsh' therefore by KWT and many other stakeholders it is environmentally considered to be the least damaging option of the three options presented in the application. HDD has been done successfully before to avoid interactions with sensitive habitats (e.g Walney Offshore Wind Farm have both successfully used HDD cable installation methods)"</p>	<p>The preference for the Option 1 landfall design is noted by Applicant. Following the removal of the Option 2 landfall design (see the Applicant's response to KWT-60) the Applicant is seeking consent for both HDD and trenching options (Options 1 and 3) for the installation of cables at the proposed landfall within Pegwell Bay.</p>
<p>KWT-62</p>	<p>"Table 2 'if the cable were to go through the south this would be less damaging and therefore a preferred approach when compared to the more diverse habitat to the north.' This statement is somewhat misleading as it implies that NE, KWT and EA are supportive of this landfall option. The actual preferred approach from KWT would be to avoid the saltmarsh altogether, and use an alternate option and cable route which results in no loss of saltmarsh and does not impact the NNR."</p>	<p>The Applicant can confirm that with the proposed removal of landfall Option 2 there is no longer proposed to be any loss of saltmarsh.</p>
<p>KWT-63</p>	<p>"4.1.1 The proposed landfall site and onshore cable route is not just 'located close to several other designated sites', but rather goes</p>	<p>The Applicant notes this observation.</p>

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	<p>directly through designated sites including: • Sandwich Bay Special Area of Conservation (SAC); • Thanet Coast (SAC); • Thanet Coast and Sandwich Bay RAMSAR designation; and • Sandwich and Pegwell Bay National Nature Reserve (NNR)"</p>	
KWT-64	<p>"4.1.2/4.1.3 'The quality of the saltmarsh increases to the south of the Stour, with patchier, less diverse assemblages being found to the north of the Stour.' Where can the information/evidence be found regarding saltmarsh quality?"</p>	<p>The Applicant would refer the ExA to the Benthic Subtidal and Intertidal Ecology chapter (PINS Ref APP-046/ Application Ref 6.2.5) where the saltmarsh habitat is characterised. The characterisation of the saltmarsh has used multiple sources including observation made within the Thanet Offshore Wind Farm saltmarsh monitoring reports and observational information gained from the Phase I and Phase II intertidal surveys.</p>
KWT-65	<p>"4.1.2 Saltmarsh may be 'common throughout Pegwell Bay' but it is threatened and declining throughout much of the rest of the South East coast. The NNR and various designations should protect the saltmarsh from further decline and deterioration. The fact that it is common in this particular area does not mean that permanent loss of saltmarsh should be acceptable, and emphasises the need to maintain and preserve the saltmarsh in Pegwell Bay."</p>	<p>The Applicant refers the ExA to the response to NE-58, and the Deadline 1 submission confirming that landfall Option 2 is no longer part of the design envelope for the proposed project. Therefore, there will now be no extension of the seawall or permanent loss of saltmarsh habitat.</p>
KWT-66	<p>"4.1.3 Even if the temporarily disturbed saltmarsh does 'return to its pre-construction status after 2 years' as predicted, this will not help the permanently lost saltmarsh."</p>	<p>The Applicant refers the ExA to the response to NE-58, and the Deadline 1 submission confirming that landfall Option 2 is no longer proposed as part of the design envelope for the proposed project. Therefore, there will now be no extension</p>



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		of the seawall or permanent loss of saltmarsh habitat.
KWT-67	"6.1.3 Walkover surveys should be conducted and photos of the whole area should be taken to get a fuller, more accurate picture of saltmarsh quality and coverage in the area. Walkover surveys should be used in combination with quadrat sampling at specific sites."	As included within the revised Saltmarsh Mitigation, Reinstatement and Monitoring Plan (submitted as Appendix 23 of the Applicant's Deadline 2 Submission) the Applicant has committed to undertaking aerial photography in order to confirm the quality of saltmarsh as part of the pre-construction and monitoring surveys. Furthermore, it is in the Applicant's understanding that the Environment Agency have undertaken surveys to further characterise the quality of the saltmarsh within Pegwell in November 2018. The Applicant have requested a copy of the survey report from the Environment Agency (January 2019).
KWT-68	"7.2.2 ‘Option 2 is the preferred option following reviews of manuals, guidance and its use in similar projects in this location, including the installation for the Nemo Link cable’ We have serious concerns about this statement and do not believe that environmental considerations have been included in this review. We reiterate that the Nemo link should not be used a precedent [sic], should not be justification for going above ground, and rather should provide a warning that going has many adverse consequences. "	The Applicant wishes to clarify that Option 2 refers to the natural recolonisation of the saltmarsh in this context and not the removed landfall design and associated infrastructure berms (paragraph 7.2.1 and 7.2.2 of PINS Ref APP-147/ Application Ref 8.13).
KWT-69	KWT welcomed the announcement that Option 2 is no longer being considered.	The Applicant notes the removal of Option 2 as being welcome.

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KWT-70	<p>"Table 6.2 'Ecological monitoring is likely to be appropriate during the construction and operational phases to identify the impact and adverse effects can be... published relevant to future projects' Vattenfall's response to this NPS EN-3 point is vague and merely states that 'monitoring has been considered' and does not signpost to the section where this is addressed. Ecological monitoring during the construction phase and post-construction has not been adequately incorporated in some parts of the application."</p>	<p>The Applicant can confirm that detailed monitoring proposals with regards sensitive habitats are submitted alongside the application, revised versions of which were also submitted at Deadline 1 following feedback from Natural England, MMO, and the Environment Agency. It is also worthy of note that further monitoring is provided for within the Outline Landscape and Ecological Management Plan which has been updated following feedback from KWT, Natural England, Kent County Council.</p>
KWT-71	<p>"6.2.8 South East Marine Plans We are pleased to see that the development has considered the South East Inshore Marine Plan. We look forward to the plan being adopted and used for this and future developments provided the plan is more environmentally sound than the existing guidance."</p>	<p>This is noted by the Applicant.</p>
KWT-72	<p>"Table 6.3 We notice that IFCA have not been mentioned in this table as providing responses relating to fish and shellfish impacts. Have IFCA been involved with the consultation process for the development?"</p>	<p>This is noted by the Applicant. Despite being involved in the Evidence Plan process from an early stage, the IFCA did not provide a response to Section 42 Consultation, nor did they provide a Relevant Representation in response to the Application. The Applicant submitted a SoCG with the IFCA at Deadline 1.</p>
KWT-73	<p>"Table 6.3 Natural England suggest 'under best practice to avoid cable installation between 15 Aug and 15 Oct' We would like to know if Natural England agree with Vattenfall's response that additional mitigation such as seasonal restrictions is not deemed necessary, and on what basis this conclusion was reached. Vattenfall should follow</p>	<p>The Applicant refers to the Statement of Common Ground between the Applicant and Natural England submitted at Deadline 1 [Appendix 15 - NE Technical Topics], specifically Table 7, in which they identify that 'Natural England has no further concerns with regards to the embedded mitigation outlined within the assessment'. Please refer also to The</p>

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	best practice in their methods and actions."	Applicant's response to Natural England's Relevant Representation NE-411 regarding the position on seasonal restrictions.
KWT-74	"Table 6.3 'mitigation options could be considered out of best practice to avoid impacts to herring and sandeel spawning/nursery grounds' Similar to the point made above, we would like justification for why Vattenfall believe 'additional mitigation options are not deemed necessary' and why they are choosing not following the advice of Natural England and taking a more precautionary approach. We believe these species should be offered maximum protection and minimal disturbance through mitigation given the importance of herring and sandeel species. Sandeels especially are important prey for porpoises, seals and seabirds and numbers of sandeels are declining due to exploitation and climate change <sup>10</sup> ."	The Applicant refers to the Statement of Common Ground between the Applicant and Natural England submitted at Deadline 1 [Appendix 15 - NE Technical Topics], specifically Table 7, in which they identify that 'Natural England has no further concerns with regards to the embedded mitigation outlined within the assessment'. //Please refer also to The Applicant response to Natural England's Relevant Representation NE-412 regarding the Applicant's position on further mitigation relating to sandeel.
KWT-75	"Table 6.7 'UXO clearance would be undertaken in 2020, with up to 8 controlled explosions on any single day.' Is 8 controlled UXO detonations in a day based on any existing legislation or is this an arbitrary number?"	Eight controlled explosions a day is based on a realistic worst case through experience gained by the Applicant and supporting consultant team at other projects within UK waters. The figure allows an assessment to be undertaken of the worst case and appropriate mitigation measures to be applied accordingly.
KWT-76	"Table 6.10 Some figures appear to be missing from the TTS section, specifically the upper values of the distance from east monopole location. The distance/range for which mortality, potential mortal injury, recoverable injury and TTS is likely to occur for fish species is lower for the pin-pile installation method when compared to the monopole installation method."	The Applicant recognises this formatting error, which cut off the lower halves of these cells in Table 6.10 of Volume 2, Chapter 6: Fish and Shellfish Ecology (Application Ref: 6.2.6) of the ES. The upper value/range is 9,880 m, which is reflected in Figure 6.12 of the same document.

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KWT-77	<p>"6.10.40 and 6.10.47 During detonation of UXO 'noise levels will be elevated to levels which may result in injury or behavioural effects on fish and shellfish species [but] these effects would be considerably less than those associated with piling operations' 'The noise levels at which potential injury effects in fish species may occur are higher for explosions [UXO detonation] than for piling activities.' These statements contradict each other. It needs to be clearly stated what the behavioural and physiological effects of both UXO detonation and piling operations are on fish and shellfish species, and the risk of exposure to each of these activities. The impacts of both of these activities (UXO detonation and piling) should be considered and not just compared to each other. For instance, if UXO clearance is detrimental to fish or shellfish species, this needs to be avoided or mitigated against, and should not be considered less important because the impacts are less than for another activity."</p>	<p>The Applicant acknowledges the confusion that has been interpreted by these statements. The applicant notes however, that these statements are not contradictory, and considers that physiological and behavioural effects on fish and shellfish species from UXO detonations would be lower in magnitude than from piling both spatially and temporally.</p> <p>The second statement in question refers to the noise effect level threshold being higher for UXO detonation than for piling (as evidenced by Popper et al. (2014), i.e. effects occur at a shorter distance from the event when compared to piling. It is also noted by the Applicant that these impacts will occur over a significantly shorter period (i.e. seconds) compared to piling, which will occur over a period of hours per event. The effects of underwater noise during construction (including UXO and piling) were concluded to be of minor adverse significance.</p>
KWT-78	<p>"6.10.47 'Underwater noise modelling has not been undertaken for underwater noise associated with UXO detonation' Why has noise modeling not been undertaken for UXO detonation?"</p>	<p>The assessment of underwater noise impacts from UXO detonations on fish and shellfish species considered that impact ranges would be no greater than those for piling, in accordance with Popper et al. (2014), and therefore modelling undertaken for piling was appropriate for the assessment of such impacts.</p> <p>In the Statement of Common Ground between the Applicant at Natural England (Appendix 15 of the Deadline 1 submission, Table 7), Natural England confirmed that they had 'no further concerns with regards to the noise modelling'</p>

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		in relation to assessing the impacts on fish species.
KWT-79	<p>"6.11.6 The 'long-term loss of habitat due to the presence of turbine foundations, scour protection and cable protection' will result in: 'removal of essential habitats for survival'; 'permanent loss of seabed habitat'; an impact predicted to be 'long-term duration, continuous and irreversible'; and an impact that will 'affect fish and shellfish receptors directly'. We would therefore like to know the justification for these impacts producing a magnitude rating of 'low' and feel that this is an underestimate."</p>	<p>As explained in paragraph 6.11.4 <i>et seq.</i> of Volume 2, Chapter 6: Fish and Shellfish Ecology (Application Ref: 6.2.6) of the ES, the magnitude assessment conclusion of 'low' for long-term habitat loss due to the presence of turbine foundations, scour protection and cable protection was based on the spatial extent of habitat loss within the development boundary, as well as the wider study area. It was assessed that this total long-term habitat loss amounted to 0.62% habitat available in the development boundary, and a far lower proportion in the context of habitat available in the wider study area, which were noted as being present and widespread. It is considered that this does not represent a fundamental shift away from the baseline conditions and therefore the assignment of 'low' magnitude is appropriate.</p>
KWT-80	<p>"6.11.38 'EMFs from subsea cables may interact with migratory eel (and perhaps salmonids) if their migration route takes them over the cables, particularly in shallow waters.' This highlights the importance of cables being buried to a suitable depth, or are suitably armoured if they cannot be buried. This is somewhat addressed in the Cable Specification Installation and Monitoring Plan, however a minimum cable depth should also be included, not just a maximum cable depth. NPS-EN-311 states that 1.5 m burial depth is sufficient therefore we believe this should be followed."</p>	<p>Paragraph 6.11.45 of Volume 2, Chapter 6: Fish and Shellfish Ecology (Application Ref 6.2.6) of the ES details that the effects of EMFs from cables on fish and shellfish receptors were assessed as being of minor adverse significance.</p> <p>The Applicant notes the Statement of Common Ground between the Applicant and Natural England (Appendix 15 of the Deadline 1 submission), specifically Table 7, in which Natural England identified that they had 'no further concerns regarding embedded mitigation' in relation to fish and shellfish receptors.</p>

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KWT-81	"6.13.17 Cumulative temporary and permanent habitat loss impacts of the Nemo Interconnector need to be considered alongside the current proposal. We are pleased that this has been acknowledged."	This is noted by the Applicant.
KWT-82	"6.13.47 'The area affected is highly localised and small compared to the wider region, and is small relative to the habitat loss/ change associated with Thanet Extension.' Whilst the cumulative magnitude may be negligible, this implies that the impacts of the Thanet Extension alone are greater and may have been underestimated."	The conclusions of this cumulative assessment are considered appropriate and conservative. It is noted that in the Statement of Common Ground between the Applicant and Natural England, that Natural England have 'no further concerns' in relation to cumulative effects on fish and shellfish.
KWT-83	"Are there any post-construction monitoring plans for fish and shellfish? There is no mention of post-construction monitoring surveys for fish or shellfish in the DML section of the DCO. The majority of licenses reviewed for UK Offshore Windfarms had a requirement to monitor populations of fish and shellfish in the area of the wind farm by post-construction survey(s) <sup>12</sup> . The aim of post-consent monitoring is to assess and understand the potential impacts as predicted in the ES and to reduce uncertainty concerning the responses of sensitive fish and shellfish receptors <sup>12</sup> therefore we believe that post-construction monitoring of fish and shellfish should be incorporated in the licensing of this development."	No post-construction monitoring plans for fish and shellfish are proposed. It is noted that in the Statement of Common Ground between the Applicant and Natural England, that Natural England have 'no further concerns' in relation to embedded mitigation measures.
KWT-84	"Chapter: Offshore Designated Sites: Doc. Ref. 6.2.8 8.1.3 'Assessment of any cumulative effects with other proposed developments' Permission has been given for areas of the Goodwin Sands rMCZ to be dredged (announced on 26th July 2018). The proposed dredging of Goodwin Sands rMCZ will need to be fully assessed and incorporated into the cumulative impacts assessments"	The Applicant refers to its response to Examining Authority Question 1.1.46.

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	for the TEOW development."	
KWT-85	"Table 8.1 'Ecological monitoring is likely to be appropriate during the construction and O&M phases...' There is not a sufficient commitment to undertake ecological monitoring. There is only reference to pre-construction monitoring of Annex 1 habitat and saltmarsh, and does not mention construction or O&M monitoring of any offshore designated sites."	The Applicant can confirm that detailed monitoring plans have been submitted with regards biogenic reef and saltmarsh habitats, both of which provide for post-construction monitoring. It is the Applicants position that there is no justification for broadscale or generic monitoring. This is particularly pertinent for the proposed project, due to detailed monitoring having been undertaken for the original Thanet OWF project.
KWT-86	"8.2.6 and Table 8.4 Marine Plans The South Inshore and Offshore Marine Plan has been adopted, having come into effect when published in July 2018 <sup>13</sup> . We appreciate that the application was submitted on June 27th therefore prior to the publication of the South Marine Plans. However, now that the South Marine plans are available, they should be referenced and used where appropriate, as with the East Marine Plans. The South-East Marine plans are not yet available."	Where appropriate and relevant the Applicant can confirm that reference will be made to the Marine Plans.
KWT-87	"Table 8.4 The following S42 consultation issue raised by Natural England is not sufficiently addressed in Table 8.4 – 'the proposed landfall locations at Pegwell Bay cited throughout the PEIR seem to display many uncertainties and are damaging in several instances'"	The Applicant can confirm that matters regarding Natural England's consultation responses are the subject of SoCGs between the Applicant and Natural England, drafts of which were submitted at Deadline 1. Natural England are satisfied that whilst some uncertainty remains, the key concern of damage through permanent habitat loss has now been withdrawn.

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KWT-88	<p>"8.7.6 'The Southern North Sea cSAC is provided with the same protections as a full SAC' We approve of this precautionary approach and believe the same approach should be taken for rMCZs and pMCZs, in that these should be provided with the same protections/treated the same as MCZs."</p>	<p>The Applicant notes that the continuing concerns surrounding the assessment of potential impacts to the Goodwin Sands pMCZ. In light of these ongoing concerns, the Applicant has provided a clarification note in relation to potential impacts on the Goodwin Sands pMCZ (see Appendix 25 of the Deadline 2 submission). This document follows Natural England's suggestion of assessing impacts in the context of the Conservation Objectives, General Management Approaches and the Advice on Operations for the Thanet Coast MCZ as a proxy, in the absence of published advice on the Goodwin Sands pMCZ.</p> <p>The MCZ Clarification Note is considered appropriate and sufficient to address these concerns, and the Applicant does not propose submitting a revised Offshore Designated Sites chapter.</p>
KWT-89	<p>"5.4.2, 5.4.10, Table 5.2 (Also in Table 8.4 and 8.5 of Offshore Designated Sites doc.) 'As the Goodwin Sands rMCZ has not been brought forward for consultation...the site has no conservation objectives' These sections need to be updated. The Goodwin Sands pMCZ is currently under consideration following Tranche 3 designations for rMCZs across the country in summer 2018 and has a General Management Approach<sup>15</sup> which is considered to be comparable to Conservation Objectives for MCZs and rMCZs. The MCZ consultation document proposes a General Management Approach to recover two of the proposed features, and to maintain the others, in good condition."</p>	<p>The Applicant notes that the continuing concerns surrounding the assessment of potential impacts to the Goodwin Sands pMCZ. In light of these ongoing concerns, the Applicant has provided a clarification note in relation to potential impacts on the Goodwin Sands pMCZ (see Appendix 25 of the Deadline 2 submission). This document follows Natural England's suggestion of assessing impacts in the context of the Conservation Objectives, General Management Approaches and the Advice on Operations for the Thanet Coast MCZ as a proxy, in the absence of published advice on the Goodwin Sands pMCZ.</p>



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KWT-90	"5.1.8 (and 8.7.2 of Offshore Designated Sites doc.) The 'cable exclusion zone' should make sure that anchor placements are only done in areas where chalk is known to be absent. We approve of the addition of the cable exclusion zone which does not permit cable installation. The cable exclusion zone should be mentioned and secured in the Authorised Design Plan."	The 'cable exclusion zone' excludes any cable installation, but not anchor handling activities. The 'cable exclusion zone' is secured in the draft DCO and is illustrated in the relevant Offshore Land Plans.
KWT-91	"Table 5.2 We do not agree with the outcome of the Marine Ecology Evidence Plan teleconference held on 26/1/2018 to not conduct a full MCZ assessment of the site but to focus on features. There is information about general management approach available for Goodwin Sands <sup>14</sup> and we believe it is more environmentally sound to conduct a whole site assessment rather than on a feature by feature basis. However we accept that this was the agreed outcome by all those present."	The Applicant notes that the continuing concerns surrounding the assessment of potential impacts to the Goodwin Sands pMCZ. In light of these ongoing concerns, the Applicant has provided a clarification note in relation to potential impacts on the Goodwin Sands pMCZ (see Appendix 25 of the Deadline 2 submission). This document follows Natural England's suggestion of assessing impacts in the context of the Conservation Objectives, General Management Approaches and the Advice on Operations for the Thanet Coast MCZ as a proxy, in the absence of published advice on the Goodwin Sands pMCZ. The Applicant also notes that KWT would have been able to make this position clear prior to Application had they not withdrawn from the Evidence Plan process.
KWT-92	"5.4.8 We do not agree that the following should be screened out: - Direct impacts on benthic ecology from noise arising from foundation installation - Long-term loss of seabed habitat as a result of the use of cable protection;"	These impacts were screened out on the basis that Volume 2, Chapter 5: Benthic Subtidal and Intertidal Ecology (Application Ref: 6.2.5) of the ES concluded that effects from these impacts were of negligible significance. This is in line with MMO guidelines on MCZ Assessment.

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KWT-93	"5.5.7 We disagree with the assumption that any subtidal chalk present is chalk bedrock overlain with sediment and therefore doesn't meet the definition of chalk reef. Chalk bedrock is still a valid feature, but also there needs to be evidence that the chalk present isn't chalk reef."	The site-specific survey data (collected by Fugro, 2016) did not identify any exposed bedrock within the area of overlap between the Thanet Coast MCZ and the export cable corridor. Therefore, the assumption that there is no exposed chalk bedrock, reef or otherwise is present in this area, and any chalk is overlain with sediment, can be made with confidence.
KWT-94	"Figures 5.2-5.6 These figures do not show chalk in the benthic habitats. It would be useful for at least one of these figures to incorporate chalk as it is an important feature of the site and the surrounding area and indeed the UK as a whole. MCZ assessments do appear to be as robust as HRAs. The applicant should be more precautionary and consider the impact of potential repairs as well as routine maintenance if they are indeed considering 'potential impacts throughout the lifetime' of the project."	<p>Figure 5.4 of the MCZ Assessment (Application Ref 6.4.5.3) does identify subtidal chalk habitats of conservation importance for the Thanet Coast MCZ (as described by MAGIC, 2017). However, site-specific survey data collected by Fugro (2016) for Thanet Extension identifies that there is no exposed subtidal chalk in the area of overlap between the MCZ and the export cable corridor, as seen in Figure 5.6 of the same document.</p> <p>The impact of 'direct disturbance to the seabed from cable maintenance activities' are considered with regard to the Thanet Coast MCZ from paragraph 5.6.20 of the MCZ Assessment (Application Ref: 6.4.5.3).</p>
KWT-95	"22 MCZ assessments do appear to be as robust as HRAs. The applicant should be more precautionary [ <i>sic</i> ]and consider the impact of potential repairs as well as routine maintenance if they are indeed considering 'potential impacts throughout the lifetime' of the project."	The impact of 'direct disturbance to the seabed from cable maintenance activities' are considered with regard to the Thanet Coast MCZ from paragraph 5.6.20 of the MCZ Assessment (Application Ref: 6.4.5.3).

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	<p>5.3 We believe that a Stage 2 Assessment should have been undertaken. We would like to know how the applicant intends to 'exercise its functions to further the conservation objectives [/general management approach] of the site'"</p>	<p>The conclusions of the MCZ assessment were that a Stage Two Assessment was not required for either the Thanet Coast MCZ or the Goodwin Sands pMCZ as there was no significant risks of the proposed activities hindering the conservation objectives, or the management approaches for the sites.</p>
<p>KWT-96</p>	<p>"Chapter: Biogenic Reef Mitigation Plan Doc. Ref. 8.15 2.3 There is little mention of mussel bed mitigation and there are no maps showing beds of mussels in this document."</p>	<p>As noted in paragraph 1.1.4 the Biogenic reef plan (PINS Ref REP1-071) the plan focuses on <i>S.spinulosa</i> reefs, due to evidence of the potential of these reefs forming in proximity to Thanet Extension, however the plan has been designed to be applicable to all forms of biogenic reef identified in the surveys associated with the construction of Thanet Extension.</p>
<p>KWT-97</p>	<p>"4.3.4 'Does not preclude the ability of reef to reform' / 'it is possible that the reef will reform over the section of buried cable' isn't the same as saying that it will reform or even that it is likely to reform . Evidence should be referenced/provided that biogenic reefs are likely to form over the top of buried cables. If there is suitable evidence that reefs are able to form over the top of cables there may be a lesser need to microsite around these, however avoidance of areas of biogenic reef should still be main objective and wherever possible the cable should be laid away from areas of biogenic reef. The offshore cable should be considered in its own right and not just in comparison to micrositing of the WTGs. Are there any case studies or information from post-construction monitoring of other cable routes that biogenic reefs have reformed along the cable route over the cables? Fails to mention here the detail in the Offshore Project Description chapter that cable reburial will take place every 5 years. This will influence the ability of the biogenic reefs to reform over the buried cables because</p>	<p>The Biogenic Reef plan was revised and resubmitted by the Applicant as part of their Deadline 1 Submission (PINS Ref REP1-071). This revised plan applies the same criteria/ value for determining core reef is applied for installation activities.</p>

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	if cables are re-buried every 5 years, the reefs will not be likely/able to recover."	
KWT-98	"4.3.5 Mentions the long-term or permanent change of habitat caused by foundation installation, scour and cable protection. No mitigation measures are proposed for this."	The effect of "Long-term habitat loss/ change from presence of foundations, scour protection and cable protection" has been assessed in section 5.11 of Volume 2, Chapter 5: Benthic Subtidal and Intertidal Ecology (PINS Ref APP-046/ Application Ref 6.2.5). The conclusions of this assessment was Minor adverse which is not considered to be significant in EIA terms. For further information on long-term habitat loss see the Applicant's responses to the Written Representations KWT-44 and KWT-46. The Biogenic Reef Plan (PINS Ref REP1-071) forms embedded mitigation for this effect to ensure that areas of core reef are not impacted throughout the lifetime of the project.
KWT-99	"4.5.6 For the purposes of the core reef assessment, it is necessary to have data from at least two surveys over all areas of the final array, however there is no timeframe given for when the surveys should date from. This would be useful information and would increase confidence in the data being used."	The Applicant has confidence of the datasets proposed to be used for the identification of areas of core reefs (as presented in Table 1.1 of REP1-071). These data are considered to be comparable to those used in The Wash and have been published in peer-reviewed literature, and as such are of sufficient quality to identify biogenic reefs
KWT-100	"4.3.7 More information is needed about how areas of core reef will 'inform engineering design to ensure there are no impacts during construction'. (Besides avoiding these areas)"	The areas of identified core reef will be used to inform the engineering design, such as infrastructure location and cable routing, in order to avoid any direct interaction with the core reefs.
KWT-	"4.5.8 The potential offshore cable corridor route should be surveyed	This is agreed by the Applicant and a minimum of two surveys

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101	to fill the gap of data (the area not covered by at least 2 surveys) before the final/optimal route is decided. This information is required to help determine/establish the optimal route. If core reef is found, then another route may be more suitable."	would be required to inform the presence and/or absence of core reef, as stated in paragraph 4.5.8 in the revised Biogenic Reef Plan (PINS Ref REP1-071). The vast majority of the Order Limits will be covered a minimum of two surveys following the completion of the pre-construction surveys. If there is not sufficient data available, following discussion with relevant stakeholders, in the identified section, to support the use of the core reef approach following pre-construction surveys then micro-siting will be undertaken in line with standard practice.
KWT-102	"Table 4.1 It is positive that relevant data from original Thanet windfarm is being used, however, the document references some data from 2005 and 2007 (TOWF Characterisation Geophysical and Benthic and Intertidal Resource Surveys and TOWF Pre-Construction Benthic and Conservation Resources Survey, respectively). This would be more relevant if used alongside more current survey data."	As noted in paragraph 4.5.6 of REP1-071, all of the data sources presented within Table 4.1 will be used to define areas of core reef. These data sources include the geophysical and pre-construction surveys for Thanet Extensions in addition to those collected for Thanet Offshore Wind Farm.
KWT-103	"5.1.1/5.1.2 Post-construction monitoring is outlined here in insufficient detail. Any post-construction monitoring plans should be included in an IPMP as is the case for other windfarms. The post-construction monitoring mainly focuses on identifying reef areas rather than proposing any actual mitigation, and doesn't specify any details about post-construction monitoring. More detail will be required on how long the post-construction monitoring will last, and how frequently it should occur."	Paragraph 5.1.1 has been revised post-application (PINS Ref REP1-071) to clarify that the post-construction monitoring will be defined in consultation with Natural England when drafting the monitoring plans required as conditioned within the deemed marine licenses. The monitoring will be designed to validate the success of micro-siting.
KWT-104	"Chapter: Schedule of Mitigation Doc.Ref 8.3 Monitoring – an In-Principle Monitoring Plan was not submitted as part of the application	The Applicant can confirm that it has not been considered appropriate or necessary to submit an IPMP. Instead the

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	<p>for this development. An In-Principle Monitoring Plan was submitted by Vattenfall for a different development (Norfolk Vanguard), as is best practice. We question why an IPMP document was not created for the Thanet Extension development for consistency. An IPMP would be highly useful as a method of highlighting the post-construction monitoring plans for the project and to determine if the assumptions made in the ES are accurate. Given the extensive number of documents submitted as part of the application it is difficult and time-consuming to trawl through the documents trying to find details of post-construction monitoring plans. A simple, concise table for this project would have been beneficial, as was done for Norfolk Vanguard15."</p>	<p>Applicant has sought to draft and submit detailed monitoring proposals for consideration, as confirmed with regards the biogenic reef and saltmarsh monitoring proposals, which have been consulted on extensively and submitted as revised documents at Deadline 1 and Deadline 2 respectively.</p> <p>The Applicant would note that IPMP's have been submitted for other projects where the information to draft detailed monitoring proposals has not been available. Given the existence of monitoring data for the existing Thanet OWF there is limited justification in broadscale or In Principle monitoring proposals, instead it is considered appropriate to provide stakeholders with greater certainty and detail of the proposed monitoring.</p>
KWT-105	<p>We were told that 'the Project will not be submitting a draft PEMP detailing the monitoring of species and habitats as part of the application'. We believe the PEMP should have been circulated.</p>	<p>The Applicant would note that a PEMP, as proposed, does not provide details of monitoring, it is a Project Environmental Management Plan which identifies how that project will comply with environmental management and legislative requirements such as avoiding marine pollution. The Applicant can confirm that it is not considered appropriate or necessary to submit a draft PEMP at this stage, instead the information required to be presented within the PEMP is secured in the DCO.</p> <p>It is also important to note that a PEMP is, in essence, a 'live' document that requires updating in line with pollution control measures and contingency plans in place regionally at the time of construction (and into the O&amp;M phase). As such any 'in-principle' PEMP document would provide little more</p>

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		than the information as set out within the DCO.
KWT-106	The cable exclusion zone should be mentioned and secured in the Authorised Design Plan.	The Applicant can confirm that the cable exclusion zone is secured within the DCO and details have been illustrated and submitted as part of the Deadline 1 submissions as revised Offshore Works Plans (REP1-059).
KWT-107	"Chapter: Marine Mammal Mitigation Plan Doc. Ref. 8.11 5 The applicant should clarify what happens if the visibility is poor/sea state is >3. Will they continue to start the soft-start piling operations even if conditions are not suitable for sighting conditions? Or will they have to wait until visibility/ conditions have improved. Will piling start regardless of sighting conditions, and just use ADD data?"	In instances where the visibility is poor or the sea state is >3 it is expected that animals will still be deterred away from the construction location through the use of the ADD. Therefore the soft-start will commence as planned following the ADD deployment.
KWT-108	"4.9 'If, during the MMO pre-piling watch, a marine mammal is detected within the 500 m mitigation zone, ADD activation will continue and soft-start will commence as planned, unless a marine mammal is observed within the instantaneous injury zone.' We disagree that soft-start should commence as planned, and that if a mammal is seen within the 500m mitigation zone, piling should not commence until at least 20 minutes after the last sighting. This is the procedure outlined by JNCC – 'Piling should not be commenced if marine mammals are detected within the mitigation zone or until 20 minutes after the last visual or acoustic detection'16."	The primary reason for the MMMP is to prevent auditory injury to marine mammals therefore it follows that if the animal is outside the injury zone then it is not at risk of instantaneous auditory injury. Therefore it was considered that the soft start could commence as long as the animal was outside of this zone. However we would highlight that this is a draft MMMP, a final MMMP will be submitted post consent, once site investigations have completed and final scheme design has been determined. At this point, the risk of PTS will be re-evaluated and an appropriate MMMP will be developed and agreed in consultation with the appropriate stakeholders. The Applicant understands that the current JNCC guidance is being updated and any updated guidance will be considered in the development of the MMMP.

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KWT-109	"4.6 Where possible, the NOAA guidance should be used in relation to piling procedures. NOAA guidance uses more evidence and information relating to PTS than the current JNCC piling protocol and was published more recently (2016) therefore is more up to date than the JNCC piling protocol which was last updated in 2010."	The Applicant can confirm that the NOAA (2016 and revised 2018) guidance was used in the impact assessment in the Thanet Extension EIA. However the NOAA guidance does not provide guidance on specific mitigation measures. As stated in the NOAA guidance, it "does not directly address mitigation and monitoring measures that may be associated with particular activities".
KWT-110	"Chapter: Marine Mammals Doc. Ref. 6.2.7 7.11.26 We agree with the SNCB on this point in that UXO clearance should follow NOAA guidance on injury thresholds and hope that the current discussions surrounding the evidence from UXO detonations using NOAA metrics will deem this approach suitable for future offshore developments."	The chapter uses the NOAA thresholds for injury, and the outputs have been agreed with Natural England within the relevant SoCG.
KWT-111	"7.2.9 We disagree with the approach of splitting the Southern North Sea cSAC into two distinct areas – a summer unit and a winter unit. For this development, Vattenfall have considered the southern winter area part of the North Sea cSAC, and only assesses this area, not the cSAC as a whole. This means there may be restrictions imposed during the winter (e.g. limits on the number of days of activity) but no or very few restrictions in summer because the summer region of the North Sea cSAC was not assessed."	The Applicant notes that the approach taken with regards to the Southern North Sea cSAC is the approach advocated by the statutory nature conservation bodies JNCC and Natural England. The site has been split in such a way due to the recognised seasonal importance of the different sections of the cSAC. As such, during summer, the main population of harbour porpoise (for which the site is protected) is found in the northern section of the cSAC, which is too far from Thanet Extension to be impacted by underwater noise during the construction, operation or decommissioning of the wind farm.
KWT-112	"7.14 Cumulative Effects It is acknowledged that Hornsea Project Three and East Anglia Norfolk Vanguard Windfarms are predicted to have direct overlapping construction phases with the Thanet	The quantitative CEA was conducted for Tiers 1 and 2 combined. The change from T4 to T3 for Hornsea 3 and East Anglia will therefore not change the outcome of the



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	<p>Extension construction phase (7.14.20), and these are mentioned in the Tier 4 section. However, these proposed developments should be considered in the Tier 3 assessment section as they 'in determination' and have 'submitted applications but not yet consented'. The cumulative effects assessment of Hornsea Project Three and East Anglia Norfolk Vanguard is most pertinent because if the projects are granted, the development(s) will overlap temporally and spatially with the Thanet Extension. There is currently not sufficient assessment of the impacts of these other proposed offshore windfarms. The applications for Hornsea Project Three and East Anglia Norfolk Vanguard provide more detailed in-combination assessments than the present application for the Thanet Extension. The current approach towards cumulative effects is not precautionary enough."</p>	<p>quantitative assessment.</p>
<p>KWT-113</p>	<p>"7.14.40 'Mitigation proposed in the HRA (describe mitigation measures proposed in HRA) would have the potential to reduce this to impact [from moderate] to minor.' We would like to request addition information about the mitigation measures proposed in the HRA"</p>	<p>The Applicant can confirm that a Site Integrity Plan is being developed through reference to the Written Representation provided by Natural England and submitted at Appendix 22 to this responses to Deadline 2.</p>
<p>KWT-114</p>	<p>Detailed monitoring of noise levels and harbour porpoise population activity should be undertaken at a strategic level to verify predictions made in planning applications and to provide information for the growth of the offshore wind sector. At present, developers only monitor noise output for first 4 piles/turbines that are constructed. Additional monitoring should record noise outputs for the installation of more turbines.</p>	<p>The Applicant has committed to undertaking noise monitoring in line with standard best practice, and committed to providing this information to the Marine Noise Register which provided for consideration of strategic level noise monitoring.</p>

UID	Interested Party's Written Representation	Applicant's Response
KWT-115	Due to the cumulative underwater noise impacts, underwater noise mitigation should be conditioned as part of planning consents. E.g. bubble curtains	Please refer to our response to RR NE-102
KWT-116	"Chapter: Offshore Ornithology Doc. Ref. 6.2.4 Although KWT will mainly be deferring to the RSPB in terms of ornithology impacts, at present we believe there is not enough mitigation in place regarding offshore ornithology. There should also be a construction and post-construction monitoring plan in place regarding offshore ornithology. The new proposed turbines are larger and once constructed will cover a greater extent in addition to the existing windfarm. The TEOWF should be considered as a separate development, although monitoring could and should incorporate both Thanet windfarms. We agree with the comments made by Natural England that displacement rates should be considered for 2km, not just 1km. This offers a suitable level of caution and won't lead to an underestimation of the impacts."	<p>The Applicant can confirm that monitoring for the existing Thanet OWF has been undertaken for strategic level monitoring plans and as such is considered to represent best practice, and to be robust.</p> <p>The Applicant can also confirm that the revised displacement buffers are based on regional empirical and site specific data, including that derived from the existing Thanet OWF.</p>

## 10 Magda Crostline on behalf of RAMAC Holdings Limited (REP1-105)

### 10.1 Summary

24 The primary concerns raised by Magda Crostline on behalf of RAMAC Holdings Limited relate to:

25 Bullet summary of stakeholder's key concerns:

- Potential early termination of leasehold interest
- Business losses and impact of project on sale of business
- Attendance at Open Floor Hearing

26 A point by point response to Written Representation is documented below.

**Table 8: Response to Magda Crostline on behalf of RAMAC Holdings Limited (REP1-105)**

UID	Interested Party-s Written Representation	Applicant's Response
CROST-1	We are writing to confirm our interest in the above matter and to express our concern that proper consideration will need to be given to the interest of our business.	The Applicant acknowledges Magda Crostline's leasehold interest in the land owned by Ramac and that part of that leasehold interest will be affected by the Applicant's proposals either in the event that the Applicant enters into a land agreement with Ramac or whether they acquire an interest through Compulsory Acquisition.
CROST-2	We have a lease which will expire in September 2023. We have enclosed a copy of our lease.	The Applicant understands that Ramac granted a 5 year lease to Magda Crostline in September 2018 notwithstanding that

UID	Interested Party-s Written Representation	Applicant’s Response
CROST-3	<p>Vattenfall has made little attempt to keep us informed of their plans but we appreciate that the examination process is at an early stage. We attended your Preliminary Meeting in 2018 and had one meeting with Vattenfall in addition to that.</p>	<p>discussions were ongoing between the Applicant and Ramac at that time.</p> <p>The Applicant acknowledges that the focus of their engagement activities has been on securing agreement with Ramac and the Secretary of State. The Applicant considered it important to have clarity on the arrangements that were to be put in place to relocate the Crown interest so that those arrangements could be reflected in discussions with Ramac’s other occupiers. The Applicant met with Magda Crostline on 24 January 2019 to explain the arrangements that were being put in place to relocate the Crown interest and discuss how that might affect Magda Crostlines leasehold interest and wider business activities.</p> <p>The Applicant is now engaged in a process of dialogue with Magda Crostline and Ramac in order to secure an outcome that minimises disruption and helps, insofar as is possible, Magda Crostline achieve their own business objectives.</p>
CROST-4	<p>We have not yet taken any steps to consider our position and as things stand we would expect to continue in occupation until the expiry of our lease in September 2023 – and at this stage we have no reason to think that</p>	<p>The Applicant has discussed the indicative project timescales with Magda Crostline and at the time of writing, working together with Ramac, are in the process of putting together a proposal for Magda Crostline in</p>

UID	Interested Party-s Written Representation	Applicant's Response
	we would not have negotiated with RAMAC to renew the lease in 2023.	order to detail what the impacts might be on their business both during construction and after construction.
CROST-5	If there is any likelihood that we will need to give up our lease before its expiry in 2023, either by negotiation or by compulsory purchase order, we would expect further details so that we can obtain legal and valuation advice.	The Applicant refers to their response to Magda Crostline point 4 above.
CROST-6	We are an active trading company and we are concerned about the potential for loss of business and redundancy. For a few months now, we have been negotiating sale of our shares, however, our negotiating position with the buyer became very weak because of this.	The Applicant refers to their response to Magda Crostline point 4 above.
CROST-7	We would like to take this opportunity to notify the Examining Authority (ExA) of our wish to take part and be heard at the Open Floor Hearing (OFH1) on Tuesday, the 19th February 2019 in the evening.	The Applicant notes Magda Crostline's position on attendance at the Open Floor Hearing and further the direction of the Examining Authority in relation to the scope of the accompanied site visit on 18 February. The Applicant has informed Magda Crostline that that the Examining Authority attend to make a site visit on that date.

## 11 Marine Management Organisation (REP1-107)

### 11.1 Summary

27 The MMO's primary concerns relate to:

- Deemed Marine Licence(s)
- Habitats Regulations Assessment

28 A point by point response to MMO's Written Representation is documented below.

**Table 9: Response to MMO**

UID	Interested Party-s Written Representation	Applicant's Response
MMO-1	"The MMO is an interested party for the examination of Development Consent Order (DCO) applications for Nationally Significant Infrastructure Projects (NSIPs) in the marine area. Should consent be granted for the project, the MMO will be responsible for monitoring, compliance and enforcement of Deemed Marine Licence (DML) conditions. "	The Applicant notes the MMO's role.
MMO-2	On 30 July 2018, the Marine Management Organisation (MMO) received notice under section 56 of the Planning Act 2008 (the "PA 2008") that the Planning Inspectorate ("PINS") had accepted an application made by Vattenfall Wind Power Limited (the "Applicant") for a development consent order (the "DCO Application") (MMO ref: DCO/2016/00003; PINS ref: EN010084), for the construction, operation and maintenance of the proposed Thanet Extension Offshore Wind Farm (TEOWF).	Noted

UID	Interested Party-s Written Representation	Applicant's Response
MMO-3	<p>"The MMO attended an Issue Specific Hearing (ISH) on 12 December 2018. On 18 December 2018 the MMO received a Rule 8 letter for the proposed development. In response to this letter, the MMO provides its Written Representation and submits the following: 1. Summary of Relevant Representation (please see enclosed document 'EN010084 - Thanet Ext Deadline 1 - MMO Relevant Representation Summary' 2. Response to the Examining Authority's (ExA) first round of Written Questions (please see enclosed document 'EN010084 – Thanet Ext Deadline 1 – MMO ExQ1' 3. Notification of intention to speak at any of the further Issue Specific Hearings (ISH) "</p>	Noted
MMO-4	<p>"This representation is submitted without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. This representation is also submitted without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development. "</p>	Noted
MMO-5	<p>The MMO advises it had no representation to make at the ISH2 (Marine, Shipping, Navigation and Safety Issues) on 12 December 2018. Notwithstanding this, the MMO is available for further comment and engagement with the relevant parties on such matters if required.</p>	Noted
MMO-6	<p>"Notification to attend ISH At present, the MMO is not planning to attend ISH5 or ISH6 on 20 February 2019. The MMO is also not planning to attend ISH3. However, this may be reviewed following publication by the ExA of the finalised agenda for these hearings; upon</p>	<p>The Applicant notes that the MMO does not wish to attend ISH3 (environmental matters, ecology, HRA, physical, construction and other matters), ISH5 Maritime, shipping, navigation, safety and recreational sea use) or</p>

UID	Interested Party-s Written Representation	Applicant's Response
	which the MMO will provide written confirmation of its intention to PINS. In addition, the MMO will attend and speak at the Development Consent Order ISH (ISH7) on 21 February 2019 "	ISH 6 (Fishing and Fisheries). Notwithstanding the proposed non-attendance of the MMO, the Applicant will continue to liaise directly with the MMO and develop further the draft SoCG submitted at Deadline 1 [REF].
MMO-7	"Comments on Relevant Representation made by Natural England (NE) The MMO supports NE's request in its relevant representation (section 5, page 15), for the inclusion of a condition to ensure the production of a Site Integrity Plan (SIP) to ensure that any mitigation deemed necessary in order to avoid an adverse effect on the integrity of the Southern North Sea candidate Special Area of Conservation can be adequately defined and secured on the DMLs. The MMO would welcome further discussion with the applicant on how this can be secured. "	The Applicant can confirm that the draft DCO has been updated to account for an outline SIP being submitted at Deadline 2. An updated SIP will be provided for approval prior to construction.



## 12 Natural England (REP1-113)

### 12.1 Summary

29 Natural England’s primary concerns relate to:

- Habitats Regulations Assessment
- DCO/dMLs
- Landfall Option 2
- MCZ assessment
- Offshore ornithology

30 A point by point response to Natural England’s Written Representation is documented below.

**Table 10: Response to Natural England**

UID	Interested Party’s Written Representation	Applicant’s Response
NE-1	These Written Representations are submitted in pursuance of rule 10(1) of the Infrastructure Planning (Examination Procedure) Rules 2010 (‘ExPR’) in relation to an application under the Planning Act 2008 for a Development Consent Order (‘DCO’) for the construction and operation of an offshore wind farm called Thanet Extension and associated infrastructure (‘the Project’) submitted by Vattenfall Wind Power Ltd, a subsidiary of Vattenfall, (‘the	Noted

UID	Interested Party's Written Representation	Applicant's Response
	<p>Applicant') to the Secretary of State. The wind turbines ("the Array") is situated approximately 8 km off the Kent coast north-east of the Isle of Thanet, with the export cables proposed to make landfall at Pegwell Bay in Kent, and the grid connection at Richborough Port, which will in turn connect to the existing National Grid substation at Richborough Energy Park. The offshore wind farm will be used for the generation of electricity</p>	
<p>NE-2</p>	<p>"Natural England has already provided its principal concerns in its Relevant Representations, submitted to the Planning Inspectorate on 12th September 2018. This document comprises a further detailed statement of Natural England's views, as they have developed in view of the common ground discussions that have taken place with the Applicant to date. "</p>	<p>The Applicant welcomes the Relevant Representations made by Natural England and can confirm that these were initial provided directly to Natural England in December 2018 before then providing detailed responses to Representations more broadly at Deadline 1 (REP1-017 and accompanying annexes at REP1-023).</p>
<p>NE-3</p>	<p>In its letter of 18<sup>th</sup> December 2018 the Examining Authority asked the parties, including Natural England, a number of initial written questions. The answers to those questions are contained within Annex B, which has been submitted alongside these Written Representations entitled 'Annex B - Schedule of</p>	<p>The Applicant notes the responses made by Natural England to the first Examining Authority Questions (ExQ1) and has provided comment on them where appropriate at Appendix 10.</p>

UID	Interested Party's Written Representation	Applicant's Response
	Natural England's responses to Examining Authority's first round of written questions'	
NE-4	Section 2. Not included here (Generic information on NE role as statutory consultee)	No response required
NE-5	Section 3 Not included here (Generic information on the legislation NE sits within)	No response required
NE-6	Section 4 Not included here (Generic information on the overarching policy relating to planning decisions)	No response required
NE-7	Section 5 Not included here (Generic information on SPAs in the area)	No response required
NE-8	"Natural England identified the following issues in our relevant representations which were submitted to PINS on the 12th September 2018 "	No response required
NE-9	"Site Selection and Alternatives Natural England raised concerns within our relevant representations regarding the reasoning and information as to why Pegwell Bay was chosen as the cable landfall site over options further south in Sandwich Bay. Natural England considers that should the Sandwich Bay option be chosen, it could potentially have a lesser	The Applicant recognises the concerns made by Natural England with regards the potential for permanent loss of saltmarsh to result in the Sandwich Bay option being less damaging to designated sites than the Pegwell Bay option. The Applicant has proposed to remove landfall Option 2 from the design envelope of the proposed project. The removal of landfall Option 2 means that there is no predicted permanent loss of saltmarsh habitat. Following discussion with Natural England on the 7th January 2019 it is understood that this design revision is welcome and has addressed Natural England's

UID	Interested Party's Written Representation	Applicant's Response
	<p>environmental impact if further investigations could demonstrate that HDD could be used to avoid any interaction with habitats in Sandwich bay, such as shingle or sand dunes. In comparison, the worst case landfall scenario at Pegwell Bay would result in a potential permanent loss of 1,400 m2 of saltmarsh habitat. Natural England are therefore not confident that this Pegwell Bay landfall option is less environmentally damaging than a potential landfall at Sandwich Bay. "</p>	<p>concerns in this regard.</p>
NE-10	<p>If the Applicant however commits to HDD within Pegwell Bay, under the saltmarsh and avoid this loss of habitat through a DCO/DML condition, and this is reassessed as the worst case scenario, then the HDD option would be highly likely to avoid an adverse effect on integrity.</p>	<p>As noted within the Applicant response to NE-9 the Applicant has proposed to remove landfall Option 2 from the design envelope of the proposed project. It is not therefore considered necessary to introduce a DCO/dML condition to avoid permanent loss of habitat.</p>
NE-11	<p>"6.2.4. The Proposed Loss of Saltmarsh Natural England does not support the proposed landfall option 2 within Pegwell Bay, which involves the permanent loss of up to 1400 m2 of SSSI and SPA and Ramsar supporting habitat. Natural England advise that option 1 is committed to, which involves the use of HDD, avoiding the saltmarsh and the proposed permanent habitat loss associated with option 2. Consequently, we</p>	<p>As noted within the Applicant's response to NE-9 the Applicant has proposed to remove landfall Option 2 from the design envelope of the proposed project. The Applicant confirmed this with Natural England on the 7th January 2019 and understands that, subject to the formal notification of the removal of landfall Option2 being made at Deadline 1 (see REP1-014), the concern raised by Natural England has now been resolved. In light of this design change, and in order to aid both Natural England and the ExA, the Report to Inform Appropriate Assessment has been revised and submitted as</p>

UID	Interested Party’s Written Representation	Applicant’s Response
	<p>do not agree with the conclusions reached within the Report to Inform Appropriate Assessment (RIAA) which determines the potential loss of saltmarsh as having no Adverse Effect on Integrity (AEoI). Natural England do not agree with this conclusion and advise that we cannot currently conclude that there will not be an AEoI on the SPA and Ramsar site, nor an adverse effect on the SSSI. Natural England is of the view that the Applicant’s conclusion of no AEoI is based on limited survey data which determines that the saltmarsh is not a functioning supporting habitat for the SPA birds and represents a lower quality of saltmarsh when compared to other areas within the bay. As a result, the Applicant should take a precautionary approach. Additionally, there is a lack of hydrodynamic information from extending the seawall out onto the saltmarsh, where there could be a further loss due to changes in erosion rates. "</p>	<p>part of this Deadline 2 submission (Appendix 21).</p>
NE-12	<p>"6.2.5. MCZ Assessment Natural England considers there is not enough site specific data and information provided to determine the potential impacts upon the Goodwin Sands pMCZ and therefore cannot agree with the</p>	<p>The Applicant notes that the continuing concerns surrounding the assessment of potential impacts to the Goodwin Sands pMCZ and welcomes Natural England's advice on how to approach this issue. In light of these ongoing concerns, the Applicant has provided a clarification note in relation to potential impacts on the Goodwin Sands pMCZ (see Appendix 25 of the</p>

UID	Interested Party's Written Representation	Applicant's Response
	<p>conclusions presented. There needs to be a meaningful assessment of the ecological impacts of the installation, maintenance and decommissioning of any potential cables, particularly upon the proposed features of the pMCZ. This should include an assessment of likely volumes of rock protection, dredged and pre-swept material that will be displaced, including an in- combination assessment with other activities, such as the proposed aggregate extraction by Dover Harbour Board. As the Goodwin Sands pMCZ is only currently proposed, there is currently no published conservation objectives. However, Natural England have previously advised the Applicant use the Thanet MCZ package as a proxy as it shares many of the same designated features and thus the advice on operations is still relevant. Please see section 5.6.2 (e) for the link to the web page. Furthermore, the Thanet Coast MCZ factsheet (provided as part of Deadline 1) does provide the General Management Approaches (GMA) for the features of this particular site, these GMAs can also be used as a proxy for the features of Goodwin Sands pMCZ.</p> <p>"</p>	<p>Deadline 2 submission). This document follows Natural England's suggestion of assessing impacts in the context of the Conservation Objectives, General Management Approaches and the Advice on Operations for the Thanet Coast MCZ as a proxy, in the absence of published advice on the Goodwin Sands pMCZ. With regard to potential in-combination impacts with the proposed aggregate extraction at Goodwin Sands by the Dover Harbour Board, please refer to the Applicant's response to ExA Q1.1.46(b).</p>

UID	Interested Party’s Written Representation	Applicant’s Response
NE-13	<p>Natural England advises against the use of cable protection within designated sites as the addition of hard substrata is often incompatible with the conservation objectives. As suggested above, the Applicant needs to justify and asses the implication of potentially protecting the whole route through the pMCZ with further site specific data provided. A license condition limiting the Applicant to a certain percentage of rock protection with the pMCZ could ensure minimal impacts upon the designated site features. This, alongside a condition to monitor and map the locations and amount of any potential rock protection, would provide further confidence to Natural England that damaging effects can be avoided. Natural England also note that not all the proposed export cable corridor enters the Goodwin Sands pMCZ and encourage the Applicant to install their cables within this northern section to avoid any impacts upon the pMCZ.</p>	<p>The Applicant has provided a clarification note in relation to the potential impacts to the Goodwin Sands pMCZ at (see Appendix 25 of the Deadline 2 submission). Please refer to the Applicant's response to Natural England's Relevant Representation NE-29 submitted at Deadline 1 in relation to installing cables outside of the Goodwin Sands pMCZ.</p>
NE-14	<p>Currently, and as stated previously, Natural England have little confidence in the Applicant’s assessment of the pMCZ and more precaution needs to be built into the assessment to ensure any potential impacts are fully understood. This</p>	<p>The Applicant has provided a clarification note in relation to the potential impacts to the Goodwin Sands pMCZ at (see Appendix 25 of the Deadline 2 submission).</p>

UID	Interested Party's Written Representation	Applicant's Response
	requested further information needs to be provided prior to the pre-construction stage to allow time for further alternatives and methodologies to be discussed and conditioned.	
NE-15	"Offshore Ornithology Natural England has identified data and methodological deficiencies relating to the information that underpins the ornithological assessments within the Environmental Impact Assessment and Habitats Regulations Assessment. "	Please see the Applicant's response to each point below.
NE-16	This includes: the methodology for assessing the displacement of red throated diver does not follow agreed Statutory Nature Conservation Body (SNCB) guidance; collision risk modelling predictions using Band model option 1 should be presented alongside Band model option 2 outputs and the figures used in the cumulative displacement and cumulative CRM assessments. Until these methodological issues are addressed, Natural England are therefore unable to agree with the Applicant's conclusions of no AEoI for red throated diver as a feature of Outer Thames Estuary SPA or kittiwake from Flamborough and Filey Coast SPA due to in-combination effects with other plans and	Please see the Applicant's response to each point below.



UID	Interested Party's Written Representation	Applicant's Response
	projects.	
NE-17	"Marine Mammals Natural England identified the following (not limited to) concerns regarding marine mammals within our relevant representations (issues which still remain are discussed in section 6.4.38 and the SoCG): "	Please see the Applicant's response to each point below.
NE-18	a. The current effectiveness of soft start for mitigation purposes and the implication this has upon the modelling.	Please refer to the Applicant's response to RR NE-95
NE-19	b. The potential number of UXO detonations has been underestimated	Please refer to our response to RR NE-101
NE-20	c. Natural England does not agree with the Applicant's approach of not including Tier 2 projects within the in-combination assessment.	The Applicant refers to the submissions made at Deadline 1, in response to the ExQs, wherein it is stated that it is considered reasonable and appropriate to account for uncertainty when undertaking cumulative impact assessment. In this case the uncertainty is introduced as a result of Contracts for Difference, and the frequency of OWF projects not building out to the full extent of the consented envelope. In the Applicant's experience nearly all OWF developments have built out to significantly less than the consented envelope and it considers that this should be accounted for.
NE-21	d. Concerns regarding Harbour seals and the potential for disturbance, especially if piling is carried out during the pupping / weaning season.	Please refer to our response to RR NE-98

UID	Interested Party's Written Representation	Applicant's Response
NE-22	<p>Since the Relevant Representations were submitted to PINS on the 12th September 2018 Natural England has had further communications with the Applicant to discuss our submission and outstanding points of concern. During this period Natural England has also engaged with the Applicant to set out matters of agreement and disagreement across many technical topic areas. The full details of these matters, and where agreement has or has not been reached, is set out in the Technical Topics and Ornithological Statements of Common Ground (SoCG) which are to be submitted by the Applicant at Deadline 1.</p>	<p>The Applicant notes this, and welcomes the continued constructive engagement with Natural England.</p>
NE-23	<p>"A schedule of meetings that took place after the Relevant Representations is provided below:                      a. 26th September 2018 – A teleconference to discuss the Proposed Site Investigation Works.                      b. 5th October 2018 – A meeting to discuss Natural England's relevant representations and the development of a SoCG.                      c. 20th November 2018 – A teleconference to discuss Natural England's comments on marine mammals from the relevant representations.                      d. 23rd November 2018 – A teleconference to discuss Ornithological issues highlighted in Natural</p>	<p>The Applicant agrees with this record of the ongoing and constructive engagement with Natural England. As a result of the timing of Deadline 1 the Applicant can confirm that further meetings have been held that are not captured in this list. A further meeting was held with Natural England on the 17th January to plan next steps, and confirmation of the resubmission of the RIAA, submission of a draft SIP to be provided at Deadline 2, and recognition that Natural England propose to engage in the written process rather than oral representations. A further meeting was held on the 23rd January to discuss technical ornithological matters. The minutes associated with this meeting will be included as an annex to the relevant updated SoCG to be submitted at Deadline 3."</p>

UID	Interested Party's Written Representation	Applicant's Response
	<p>England's relevant representations. It was also an opportunity to discuss the four clarification notes that had been produced by the Applicants regarding ornithology. e. 27th November 2018 – A teleconference to discuss the draft SoCG provided by the Applicant. f. Monday 7th January 2019 – A short teleconference to discuss the Applicant's decision to remove landfall option 2 from the application. "</p>	
NE-24	<p>During these discussions, the Applicant has supplied a number of clarification notes. The full list of documents provided is included Annex A.</p>	<p>The Applicant agrees with this record of the clarification notes submitted for Natural England's consideration.</p>
NE-25	<p>Natural England has made every effort to review these additional documents and incorporate the information into the Written Representations. We have tried to highlight where a new document has been received and whether this information has been taken into account in formulating our comments. The Statements of Common Ground (SoCG) submitted at Deadline 1 should also guide the Examining Authority in our current positions.</p>	<p>The Applicant recognises Natural England's continued constructive engagement and feedback received.</p>
NE-26	<p>" Offshore Ornithology This section of Natural England's Written Representation covers issues relating to ornithology associated with the</p>	<p>The Applicant notes the continued and constructive engagement with Natural England. Please also see the Applicant's response to each point</p>

UID	Interested Party's Written Representation	Applicant's Response
	<p>offshore elements of the Thanet Extension Offshore Windfarm application. It draws on the information contained in the original application documents, as well as from discussions with the Applicant and various clarification documents that have been provided to Natural England (see Annex A) by the Applicant in advance of Deadline 1. Natural England identified a number of areas of uncertainty within the original ornithological information provided by the Applicant. Some of these issues have however been addressed by the Applicant, and these are captured in the draft Statement of Common Ground (SoCG) on Offshore Ornithology between the two parties. "</p>	<p>below.</p>
<p>NE-27</p>	<p>In our relevant representations, Natural England set out the main issues in relation to offshore ornithology in detail. This written representation is intended to update the examining authority on progress made on those issues with the Applicant during the pre-examination period. Where appropriate, this written representation will refer to the specific sections of the relevant representation. A draft SoCG for Offshore Ornithology between Natural England and the Applicant will be submitted at</p>	<p>The Applicant notes the continued and constructive engagement with Natural England. Please also see the Applicant's response to each point below.</p>

UID	Interested Party's Written Representation	Applicant's Response
	Deadline 1. This SoCG highlights progress made and those matters that are still outstanding between the two parties.	
NE-28	"Following a review of the environmental material submitted by the Applicant, in our Relevant Representations Natural England identified the key issues as: a. Inappropriate methodology for assessing displacement for red throated diver; "	See response to NE-29 to NE-46.
NE-29	As highlighted in our relevant representations, the methodology used by the Applicant to assess red throated diver displacement does not follow agreed the Statutory Nature Conservation Body (SNCB) guidance, and which is agreed by the SNCBs to be the best approach to assess displacement effects. As a result, the number of red throated divers predicted to be displaced by the proposed project may well be underestimated in the ES. Natural England also advises that the recommended percentage of displacement and buffer distances from the SNCB guidance should be presented in the main body of the ES, as they are not currently	The Applicant recognises the current difference in opinion on the assessment of displacement for red-throated divers. Additional displacement matrices for red-throated diver within the site and a 4 km buffer are provided within the most recent post-submission documents (Deadline 1 Submission, Appendix 1, Annex D). The Applicant would also note that the buffers adopted by the application are based on empirical regional and site specific data, which are considered to be appropriate. Furthermore due to the very low numbers of bird potentially displaced at Thanet Extension, a change in displacement buffer would not materially change the outcome of the assessment.
NE-30	Our relevant representations concluded that based on the best available evidence, Natural	The Applicant recognises the current difference in opinion on the assessment

UID	Interested Party’s Written Representation	Applicant’s Response
	<p>England currently considers that there is no clear justification to change our current advice of assuming 100 % displacement out to 4 km, and we advise that this scenario is presented alongside the Applicant’s preferred scenario. We have highlighted that there are issues with the site post-consent monitoring that the Applicant has based their assessment assumptions on, namely the post-consent monitoring from Thanet and Kentish Flats Offshore wind Farms. Both of these have significant limitations, such as the extent of coverage and the use of a sub-optimal survey platform (boat based surveys) for a species that is sensitive to the presence of boats. Furthermore, the survey buffer used for the post-consent monitoring at Thanet Offshore windfarm was 2 km around the windfarm, and therefore it would be impossible for that post-consent monitoring to detect any effects beyond that distance. However, whilst there may be some merit in presenting predicted effects based on the results of these studies, given these concerns we continue to advocate presenting predictions from displacement out to 4 km.</p>	<p>of displacement for red-throated divers. Additional displacement matrices for red-throated diver within the site and a 4 km buffer are provided within the most recent post-submission documents (Deadline 1 Submission, Appendix 1, Annex D). As noted for NE-29 it is the Applicant’s position that the use of site specific empirical data is, in the case of Thanet Extension, appropriate and would also not materially affect the outcomes of the assessment due to the generally low numbers of birds present.</p>

UID	Interested Party's Written Representation	Applicant's Response
NE-31	<p>On 24th October 2018 the Applicant provided Natural England with the document: "Clarification note on red-throated diver cumulative impact assessment methodology (November 2018)". Natural England provided written comments to the Applicant on 16th November 2018 and discussed our comments with the Applicant at a meeting on 23rd November 2018</p>	<p>Subsequent to the discussions noted in NE-31 the Applicant updated the clarification note on red-throated diver cumulative impact assessment methodology. A revised version was submitted at Deadline 1 (PINS Ref REP1-023 Annex C).</p>
NE-32	<p>"Natural England's main points in response to the draft clarification note on red throated diver cumulative impact assessment were: a. We have an outstanding concern that the numbers of likely displaced birds have not been presented, only the percentage figures. Presenting the number of displaced birds would enable a sense check on the total figures attributed to all projects. The Applicants were willing to present percentages of divers displaced but were unwilling to allocate specific numbers of displaced birds to particular projects. However, we suggested project names can be anonymised, as it was important to see the figures that the percentages are based on. "</p>	<p>Subsequent to the query raised in NE-32 the Applicant updated the clarification note on red-throated diver cumulative impact assessment methodology to provide the number of divers subject to displacement. A revised version was submitted at Deadline 1 (PINS Ref REP1-023 Annex C).</p>

UID	Interested Party's Written Representation	Applicant's Response
NE-33	<p>" b. We advised that the numbers of divers predicted to be displaced by each project should be provided and not combined with all non-Thanet sites into Tiers. This will enable a judgement to be made on where Thanet Extension sits in the rank order of effects as well as for Thanet Extension to be appraised in its own right. "</p>	<p>Subsequent to the query raised in NE-33 the Applicant updated the clarification note on red-throated diver cumulative impact assessment methodology to provide the number of divers subject to displacement. A revised version was submitted at Deadline 1 (PINS Ref REP1-023 Annex C).</p>
NE-34	<p>" c. The cumulative increase in baseline mortality of the Biologically Defined Minimum Population Scale (BDMPS) population exceeded 1% in some of the scenarios considered. This could be considered as a significant effect at the EIA / biographic population scale (particularly as all continental offshore windfarms inside the BDMPS region have been omitted). "</p>	<p>This has been recognised by the Applicant in the updated the clarification note on red-throated diver cumulative impact assessment submitted at Deadline 1 (PINS Ref REP1-023 Annex C).</p> <p>It is the Applicant's opinion that the cumulative mortality predictions, that result from applying the upper limit for potential resultant mortality (as advocated by Natural England), which result in a 1% increase in the baseline mortality rate of the BDMPS population are over-precautionary predictions.</p> <p>It should also be noted that the BDMPS population used for the purpose of cumulative impact assessment was for birds within UK waters only, matching the approach of assessing developments in UK waters only. The cumulative assessment included all the relevant developments within the UK waters of the southern North Sea and assessed the impacts against the red-throated diver population in the UK waters of the southern North Sea. To include the continental offshore windfarms in that assessment (as suggested by Natural England) would not be logical as those windfarms do not affect the red-</p>



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		throated diver population wintering in the UK waters of the southern North Sea.
NE-35	d. Although Natural England agreed in principle with the general methodology of using a single source of data rather than extracting data from individual ESs, we had recommended using the JNCC designation data rather than the Seabird Mapping and Sensitivity Tool (SeaMaST) data set. However, following the meeting on 23rd November 2018, we accepted that for the purposes of an assessment of the relative contribution from Thanet Extension, that Natural England would accept the use of SeaMaST.	As noted in NE-35 the data used by the Applicant has been accepted for the purposes of an assessment.
NE-36	e. Whilst we agree that the contribution from Thanet Extension to red throated diver displacement is comparatively small, we disagree with the statement: "There is, therefore, no potential for AEoI to the red-throated diver feature of the Outer Thames Estuary SPA in relation to in-combination disturbance and displacement effects." We cannot rule out beyond reasonable scientific doubt the potential for an AEoI on red throated diver feature from the Outer Thames Estuary SPA from displacement effects in-combination	<p>This has been recognised by the Applicant in the updated the clarification note on red-throated diver cumulative impact assessment submitted at Deadline 1 (PINS Ref REP1-023 Annex C).</p> <p>The Applicant recognises that Natural England agree, in NE-36, with the conclusion that Thanet Extension does not make a material contribution to potential in-combination effects.</p>

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	<p>with other plans and projects. However, we agree with the Applicant that Thanet Extension does not make a material contribution to the potential displacement effects from offshore windfarms that have been consented and are already operational.</p>	
<p>NE-37</p>	<p>"With regards to the HRA for the Outer Thames Estuary SPA the in-combination scale of displacement predicted (10% - 21%) is in line with previous estimates that have led Natural England to advise that an AEoI cannot be ruled out. However, we agree with the concluding paragraph of the clarification note on red throated diver cumulative (EIA) and in-combination (HRA) impact assessment methodology (Red Throated Diver Cumulative In Combination Methodology – Revision B) that the project does not make a material contribution to the in-combination displacement total. Our advice on the scale of the cumulative displacement remains that it is not possible to rule out adverse effect on integrity of the red throated diver population of the Outer Thames Estuary SPA in-combination with other plans and projects. However, we do agree with the Applicant that Thanet Extension</p>	<p>The Applicant recognises that Natural England agree, in NE-37, with the conclusion that Thanet Extension does not make a material contribution to potential in-combination effects.</p> <p>Wording on the potential for an in-combination effect has been amended by the Applicant in the updated the clarification note on red-throated diver cumulative impact assessment submitted at Deadline 1 (PINS Ref REP1-023 Annex C).</p>

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	<p>alone is unlikely to have an adverse effect on the integrity of the Outer Thames Estuary SPA, and that Thanet Extension does not make a material contribution to the in-combination displacement of red throated diver displaced from the Outer Thames Estuary SPA "</p>	
<p>NE-38</p>	<p>"Other comments on the clarification note on red throated diver cumulative impact assessment: a. Table 5 - 'Tier 4 – applications in process ' Natural England questions the accuracy of the figure provided of 0.01% of the relative red throated diver distribution, as it appears to be too low. As Figure 1 shows, part of the EA2 array is within a high density area, and therefore it is surprising to see a figure of 0.01%. As stated previously, it would be helpful to include some actual figures rather than percentages, to enable a better evidenced analysis. An action from the meeting held on the 23rd November 2018 was for the Applicant to check these figures. "</p>	<p>Subsequent to the query raised in NE-38 the Applicant updated the clarification note on red-throated diver cumulative impact assessment methodology to provide the number of divers subject to displacement. A revised version was submitted at Deadline 1 (PINS Ref REP1-023 Annex C).</p>
<p>NE-39</p>	<p>b. At an EIA level, the assessment ideally should be considering all offshore windfarms in the SW North Sea including some of those in NW North sea i.e. Denmark, Germany, Netherlands, Belgium and also those in other BDMPs e.g.</p>	<p>The Applicant used a BDMPs that relates to data on the red-throated divers within the UK southern North Sea, therefore by assessing against this population base it is not necessary to include potential impacts from outside this biological region. This clarification was provided in a conference call</p>

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	<p>NW England and Wales. When the focus is explicitly on the cumulative displacement across this BDMPS then Natural England's advice is that all OWFs need to be included into that assessment not just those in the English waters. As the SeaMaST data set cannot do that, it needs to be acknowledged that this cumulative percentage BDMPS displaced is only a partial figure and underestimates the true cumulative scale of displacement of this "population".</p>	<p>between the Applicant and Natural England on 23<sup>rd</sup> January 2019.</p>
<p>NE-40</p>	<p>c. It is not clear on what basis the limits of 1 to 5 % mortality have been chosen. There is no such recommendations in the SNCB guidance note. Also, in using the whole SW North Sea BDMPS population, consideration needs to be given to the potential displacement across that entire BDMPS, including continental OWFs, or at least acknowledge that this has not been done in the assessment. As a result Natural England would question the Applicant's assessment of negligible and whether it can be made with any confidence if the assessment omits the effect of continental OWFs. By omitting effects of continental OWFs it seems that not all the OWFs potentially affecting the SW North Sea winter BDMPS have been included.</p>	<p>The use of 1-5% mortality by the Applicant is in line with other impact assessments carried out for other OWF proposals in the southern North Sea. For instance Skov and Heinanen (2012) used 2.5% and 5.0% in their cumulative assessment for the southern North Sea. Full reference Skov, H. and Heinanen, S. (2012). Assessment of the cumulative added mortality of the North Sea Red-throated Diver winter population induced by planned offshore wind farms. Danish Hydraulic Institute (DHI), Hørsholm, Denmark.</p> <p>Consideration of continental OWF impacts was not required, please refer to response to NE-39 for reasons.</p>

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NE-41	d. Although we would agree with the conclusion that Thanet Extension is likely to be small, we would not necessarily endorse this method of assessment based on using the SeaMaST dataset, for the assessment of other projects. Natural England advise that the consideration of the best available evidence available at the time is used.	The Applicant notes Natural England's viewpoint on this point, but also notes that SeaMast data were agreed as the most relevant source data through the Evidence Plan Process for this project.
NE-42	e. Table 9, 10, 11 and 12 - As noted above we would prefer to also see the percentage listed against each windfarm separately. This would enable an understanding of where Thanet Extension sits in that hierarchy.	It was agreed with NE through the Evidence Plan Process for this project that as the aim of this project is to assess the potential impacts as a consequence of Thanet Extension it is not a requirement to present revised assessments for other OWFs.
NE-43	f. Paragraph 56 - As previously highlighted, it is not clear where the rationale for using 1 % and 5 % has appeared from. It is not in the SNCB displacement advice note. Using the SNCB's guidance note's recommended worst case scenario of 10 % mortality and 100 % displacement, the mortality figure for the winter BDPMS exceeds 1 % baseline mortality (1.87%).	See response to NE-40.
NE-44	g. From an HRA point of view, whether the displaced birds survive or not outside the SPA is not the most important factor. What matters is how many of them are likely to be able to	This was discussed between the Applicant and Natural England during a conference call on 23rd January 2019 with the conclusion that no further

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	<p>continue to be present within the SPA. Therefore, when interpreting the matrix approach to displacement of non- breeding features within an SPA, effects should not only be considered in terms of percentage mortality, but also as a percentage of birds not being able to continue to exist inside the SPA.</p>	<p>action was required.</p>
<p>NE-45</p>	<p>Natural England does not agree with the statement “no potential for AEoI to the red-throated diver feature of the Outer Thames Estuary SPA in relation to in- combination disturbance and displacement effects...” Natural England are already of the opinion that an adverse effect on integrity of the red throated diver population of the Outer Thames Estuary SPA cannot be ruled out beyond all reasonable scientific doubt due to the scale of in- combination displacement due to consented and operational projects within the SPA(Natural England Advice to DECC, 2013) . Whilst Thanet Extension will add a relatively small amount to that total, our previous advice remains that AEoI in-combination cannot be ruled out. However, as the proposed Thanet Extension is 8 km from the Outer Thames Estuary SPA boundary, we would agree that the contribution of Thanet</p>	<p>The Applicant recognises that Natural England agree, in NE-45, with the conclusion that Thanet Extension does not make a material contribution to potential in-combination effects.</p> <p>Wording on the potential for an in-combination effect has been amended by the Applicant in the updated the clarification note on red-throated diver cumulative impact assessment submitted at Deadline 1 (PINS Ref REP1-023 Annex C).</p>

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	<p>Extension to the in-combination total is likely to be very small, compared to projects within the SPA, and as a result will not contribute a material contribution to the in-combination total.</p>	
<p>NE-46</p>	<p>"To summarise, although Natural England disagrees with some aspects of the methodology used to assess red throated diver displacement, we acknowledge that if the recommended methodology were used, it is likely that the overall conclusions would remain the same. This is that there is no AEoI or significant effect from the project alone, and the contribution made to the in-combination and cumulative totals is small enough not to make a material difference. "</p>	<p>The Applicant recognises that Natural England agree, in NE-46 with the conclusion that Thanet Extension does not make a material contribution to potential in-combination effects.</p>
<p>NE-47</p>	<p>"Methodology for assessing displacement of auks and gannet As stated in our relevant representations, the methodology in the ES does not follow the advice given in the SNCB advice note on assessing displacement (SNCBs, 2017). Whilst we acknowledge that there is some evidence from post consent monitoring that indicates the extent of displacement does not extend to 2 km for auks and gannet, we advise that data based on SNCB endorsed</p>	<p>The Applicant recognises the difference in opinion on the assessment of displacement for auks and gannets. Additional displacement matrices for auks and gannets within the site and a 2 km buffer are provided within the most recent post-submission documents (Deadline 1 Submission, Appendix 1, Annex E).</p>

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	methodology is also presented in the ES. This is to provide a range of values and to provide figures that are consistent with displacement levels presented by other projects. "	
NE-48	A draft 'Clarification note on displacement of seabirds (other than red-throated diver)' was submitted to Natural England on 15th November 2018 and discussed at a meeting between the Applicant's ornithological consultants and Natural England on 23rd November 2018.	This is noted by the Applicant.
NE-49	It is not clear how this draft note clarifies the points raised by Natural England, which essentially was to undertake an assessment based on the assumption of displacement out to 2 km and consider a range of percentage displacement and percentage mortality to determine where within the matrix 1 % of baseline mortality is exceeded. What is presented in this note is a comparison of densities of birds within the Thanet OWF and a 4 km buffer, and Thanet Extension and a 4km buffer. It would have been more informative to undertake that exercise using the densities with a 2 km buffer and run them through the matrix	The Applicant recognises the difference in opinion on the assessment of displacement for auks and gannets. Additional displacement matrices for auks and gannets within the site and a 2 km buffer are provided within the most recent post-submission documents (Deadline 1 Submission, Appendix 1, Annex E).



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	as a comparison	
NE-50	We note that displacement matrices up to 2 km are provided in the ES Document reference 6.2.4 (Offshore Ornithology). Although we understand from discussions with the Applicant that the abundance figures are not birds counted within a 2 km boundary, instead an assumption has been made that they are equally distributed throughout the 4 km buffer area. The site only matrix and 2 km buffer can be added to obtain the totals and calculated.	This is noted by the Applicant.
NE-51	This issue is raised here because we want to highlight that we disagree with the methodology, and also that given the potential cumulative impacts it is important that projects assess impacts in a consistent, standardised manner. Nevertheless, it is acknowledged that even if the SNCB guidance on assessing displacement were followed, it is unlikely to change the conclusions that there is no significant effect from the project alone.	<p>The Applicant recognises the current difference in opinion on the assessment of displacement for auks and gannets. Additional displacement matrices for auks and gannets within the site and a 2 km buffer are provided within the most recent post-submission documents (Deadline 1 Submission, Appendix 1, Annex E).</p> <p>The Applicant recognises that Natural England acknowledge, in NE-51, that despite the differences in opinion in the methodology applied for displacement for auks and gannet that the conclusion of no significant effect from the project alone would be unlikely to change.</p>
NE-52	"Collision risk modelling In our relevant reps Natural England has raised concerns around the parameters used in the collision risk modelling,	The Applicant acknowledged the difference in opinion on the assessment of collision risk in Natural England's relevant representations (PINS Ref RR-053).

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	<p>notably flight height. In evidence plan meetings we have also raised concerns over the use of nocturnal activity factors in collision risk modelling that are not advocated by Natural England. "</p>	<p>Additional variance within the input parameters including those for flight height, avoidance rates, nocturnal activity rates and others were considered and where appropriate analysed within the CRM for Thanet Extension. These variable inputs to the CRM provided a revised set of outputs in relation to estimated mortality rates, which are provided within the most recent post-submission documents (Deadline 1 Submission, Appendix 1, Annex F). The material concludes that the additional variations on the input parameters did not alter the outputs of the collision risk model or number of birds estimated to be subject to mortality. Therefore, the implications of using any of the different variation outputs from the post-submission document would still lead to the conclusion of a non-significant effect for the project alone at an EIA level.</p>
NE-53	<p>"On 15th November 2018 Natural England also received a draft 'Clarification note on collision risk modelling parameters and Thanet Extension's contribution to cumulative and in-combination totals'. Natural England welcomed the Applicant's willingness to use the stochastic version of the Band collision risk model (Masden 2015) during the Preliminary Environmental Information report (PEIR). However, as stated in the draft clarification note, due to errors in the code it was necessary to use Band (2012) instead of the Masden model. As a result, Natural England recommended that the Applicant revert to using outputs from Band</p>	<p>See the Applicant's response to NE-52.</p>

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	(2012) but presented alongside any outputs to reflect the variability around each estimate. "	
NE-54	"Flight heights Natural England accepted the use of Option 2 which uses generic flight height distributions, on the basis that there was no reliable site specific flight height data that could be used based on the digital aerial surveys. We remain concerned however that by using generic Potential Collision Height (PCH) this may lead to an underestimate in the predicted mortality from CRM. "	See the Applicant's response to NE-52.
NE-55	As stated in our Relevant Representations, the proportion of birds flying at potential collision height using the site specific flight height data (both from Thanet Extension digital aerial surveys and the PCHs derived from the Offshore Renewables Joint Industries Project (ORJIP) Bird Collision Avoidance (BCA) Study using laser rangefinders) was significantly greater than the generic flight height data. Natural England agree that a reasonable sample size is required, and accept that there were reasons for not using the flight height data derived from the digital aerial surveys due to a small sample size and therefore advised that flight height from the ORJIP project	See the Applicant's response to NE-52.

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	are also used in collision risk modelling	
NE-56	<p>It became clear that the data collected for the ORJIP study in relation to avoidance behaviour, termed empirical avoidance rates, may not be directly comparable to the avoidance rates as presently used by collision risk models, such as the Band model. In response, the Joint Nature Conservation Committee (JNCC) commissioned the BTO (British Trust for Ornithology) to carry out work with the aim of considering how best to use the data collected as part of the ORJIP BCA study in order to inform pre-construction assessments of collision risk at offshore wind farms. This report (Cook and Bowgen, 2018) was provided to the Applicant on 16th November 2018.</p>	<p>See the Applicant's response to NE-52.</p>
NE-57	<p>The Applicant agreed to undertake revised Collision Risk modelling using the data from the ORJIP BCA study, if these data became available early in the Examination phase for the Thanet Extension Project. Table 8 from the BTO report is reproduced below (Table 1).</p>	<p>See the Applicant's response to NE-52.</p>
NE-58	<p>We note that the flight height figures from the ORJIP BCA study are significantly higher than the generic data used by the Applicant for collision</p>	<p>See the Applicant's response to NE-52.</p>

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	<p>risk modelling (Band Option 2). The BTO provide several potential explanations for differences between the observed flight height distributions and the generic data:</p>	
<p>NE-59</p>	<p>a. The laser rangefinder data may be biased against birds flying closer to the sea surface. Birds close to the sea surface may be harder for observers to detect if flying between the troughs of waves and/or less conspicuous against the background.</p>	<p>See the Applicant's response to NE-52.</p>
<p>NE-60</p>	<p>b. There is also the possibility that the generic data may be biased as a result of birds being attracted to survey vessels or due to observers detecting birds as they were flushed from the sea surface by the survey vessels.</p>	<p>See the Applicant's response to NE-52.</p>
<p>NE-61</p>	<p>c. The flight heights of birds differed inside and outside the wind farm. There is some evidence that gulls may fly higher inside a wind farm than outside from both the ORJIP BCA study and previous studies.</p>	<p>See the Applicant's response to NE-52.</p>
<p>NE-62</p>	<p>d. There are site-specific differences in seabird flight heights. Previous studies have shown that seabird flight heights may vary on a site-specific basis (Johnston &amp; Cook 2016; Ross- Smith et al.,</p>	<p>See the Applicant's response to NE-52.</p>

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	<p>2016). Such differences may relate to behavioural characteristics such as whether birds are using an area for foraging or commuting flights. In contrast, data from (Johnston et al., 2014) averaged flight heights across a broad range of habitats.</p>	
<p>NE-63</p>	<p>e. Wind speed and direction are likely to influence seabird flight altitudes. The laser rangefinder data available to the ORJIP BCA study analyses were constrained by the limited range of weather conditions during which observers were able to safely access turbines to collect these data i.e. during relatively calm weather conditions. Consequently the laser rangefinder data may be biased towards behavioural flight height responses to calm weather</p>	<p>See the Applicant's response to NE-52.</p>
<p>NE-64</p>	<p>"f. The fact remains that using site specific flight height data instead of the generic flight height data will produce higher estimates of predicted mortality from collisions. Whilst there may be arguments as to why the ORJIP flight height data may over-estimate the collision mortality, equally the generic flight height may result in an underestimate. Natural England therefore advise that the range between the two</p>	<p>See the Applicant's response to NE-52.</p>

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	<p>estimates are considered. Estimates from collision risk modelling using these flight heights (and the recommended Nocturnal Activity Factors) are presented below. "</p>	
NE-65	<p>"6.4.23. Nocturnal Activity Factors The Applicant has used nocturnal activity rates for gannet, kittiwake and the large gulls lower than those rates used in the PEIR. These are also lower than those currently advised by Natural England. We recognise from recent evidence presented e.g. by MacArthur Green (2015) and Furness et al. (2018), that nocturnal activity levels relative to daytime levels for some species may be lower than the levels that equate to the nocturnal activity factors currently used in collision risk modelling (CRM). However, we also note that there is uncertainty and variability about the empirical activity levels derived from tracking studies, uncertainty around the models that are used to derive daylight hours and how day-length is defined, and uncertainty about how these might translate into nocturnal factors applicable to the Band model. "</p>	<p>See the Applicant's response to NE-52.</p>
NE-66	<p>"Given the uncertainty as well as variability in the data on activity levels (both during the daytime and during night), Natural England</p>	<p>See the Applicant's response to NE-52.</p>

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	<p>advises that collision risk outputs covering a range of nocturnal activity factors are considered to account for the uncertainty/variability (in the same way as has been recommended for bird densities, avoidance rates and flight heights). The suggested range of nocturnal flight activities to be considered within the Band model CRM are:                      a. Gannet: 1-2 (equating to 0-25% nocturnal activity) b. Kittiwake: 2-3 (equating to 25-50% nocturnal activity) c. Large gulls: 2-3 (equating to 25-50% nocturnal activity) "</p>	
NE-67	<p>We note in the draft 'Clarification note on Collision Risk modelling parameters and Thanet Extension's contribution to cumulative and in-combination totals' (received on 15th November 2018) table 2 provides the annual predicted mortality using the recommended nocturnal activity factors. Natural England agrees with the figures presented in the Collision Risk modelling parameters clarification note (November 2018), which uses the recommended nocturnal activity factors. We advise that these are the collision mortality rates that should be the lower part of the range and the upper part of the range should be</p>	<p>See the Applicant's response to NE-52.</p>



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	<p>outputs using Option 1 (digital aerial site-specific % PCHs) and recommended range of Nocturnal Activity Factor (2 for gannet and 3 for KI and gulls).</p>	
<p>NE-68</p>	<p>"Collision Risk Modelling Natural England's view is by using generic flights (Option 2) and by only using the lower end of the range for nocturnal activity factors it is possible that the predicted mortality from collision risk for the 5 key species are under-estimated. "</p>	<p>See the Applicant's response to NE-52.</p>
<p>NE-69</p>	<p>Using all the same parameters as presented in Annex 4-4: Collision Risk modelling report (Ref: 6.4.4.4 of the ES) some simple collision risk modelling for Kittiwake was carried out by Natural England, without confidence limits, to demonstrate the difference of using site specific PCHs from the ORJIP work and the higher range of nocturnal activity factors. Please note this was a simple exercise purely to illustrate the difference that varying the model option and nocturnal activity factors can make.</p>	<p>See the Applicant's response to NE-52.</p>
<p>NE-70</p>	<p>"Gannet The predicted collision mortality for gannet used in the ES is 14, and is based on Option 2 and a nocturnal activity factor of 1 (0 % nocturnal activity). Using a PCH, based on the</p>	<p>See the Applicant's response to NE-52.</p>

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	<p>flight height estimates using laser range finders, and predicted mortality, which is significantly higher. However, it is acknowledged that if the higher Avoidance Rates and lower flight speeds generated from the ORJIP study were utilised this would produce a lower figure. "</p>	
<p>NE-71</p>	<p>Therefore, although we have concerns that there is potentially an underestimate of collision mortality, we do not think it will change the overall conclusions that there is no significant effect either alone or in-combination.</p>	<p>The Applicant recognises that despite a number of differences in opinion on CRM input parameters Natural England agree with the overall conclusions that there is no significant effect either alone or in-combination from collision risk.</p>
<p>NE-72</p>	<p>"Kittiwake The figure used for kittiwake collision in the ES is 14. This figure appears to be generated by using a nocturnal activity factor of 1, although clarification regarding this point is needed. This assumes that the nocturnal activity is 0 %. The recent evidence review by MacArthur Green found that there was evidence to suggest assuming 50% is too high, but it was clear in every study that there was some nocturnal activity, and therefore no justification for assuming 0%. Natural England advise a range between of nocturnal activity factors between 2 and 3 for kittiwake, which equates to 25% and 50% nocturnal activity. We assume that the use of nocturnal activity factor</p>	<p>The Applicant provided Natural England with confirmation that the correct nocturnal activity rate range (of between 2 and 3) was applied within the CRM assessment. Details of this and other parameter variation applied in the post-submission document on CRM are provided in the Applicant's response to NE-52.</p>

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	<p>of 1 was a mistake made in the collision risk modelling by the Applicant, and this potential error was raised at the meeting on 23rd November 2018. Due to the errors and the lack of site specific flight height data used in the modelling, Natural England advised the Applicant to re-run the collision risk modelling using the stochastic CRM tool. "</p>	
<p>NE-73</p>	<p>"Natural England considers that the impacts from the project alone are not likely have an adverse effect on the integrity of Flamborough and Filey Coast SPA. However, given that the collision mortality may be higher than those figures presented in the ES, consideration needs to be given to what proportion of this mortality can be apportioned to Flamborough and Filey Coast SPA. The reason for apportioning kittiwake mortality from Flamborough and Filey Coast SPA is to have a complete in-combination total for HRA assessment. We accept that the contribution from Thanet Extension project alone will not be an AEoI, and will not make a material contribution to the in-combination total, but it is important that it is captured in the in-combination total "</p>	<p>The Applicant recognises that Natural England accept that the contribution of Thanet Extension alone will not be an AEoI and will not make a material contribution to the in-combination total, but it is important that its contribution is captured.</p> <p>The Applicant informed Natural England during a conference call on 23<sup>rd</sup> January that such apportionment of mortality rate estimates from collision risk have been captured in the revised RIAA, which is being submitted as part of the Deadline 2 submissions.</p>

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NE-74	<p>"Large gulls The total predicted mortality for lesser black-backed gull in the ES is 2 birds. However, in Table 2 of the draft CRM clarification note it refers to 14 and 17. This looks to be an error, and the figures for herring gull and lesser black-backed gull appear to have been swapped. "</p>	<p>This is noted by the Applicant and the error has been corrected in the revised submission document (Deadline 1 Submission, Appendix 1, Annex F).</p>
NE-75	<p>Natural England seeks clarity from the Applicant regarding the avoidance rate that has used for calculating greater black-backed gulls. SNCB advice is that a 99.5% rate should be used, however the values presented appear to be higher than expected if that were the case.</p>	<p>The Applicant confirmed to Natural England in a conference call on 23<sup>rd</sup> January that 99.5% was applied in the CRM and this information is also presented in the latest submission document on CRM (Deadline 1 Submission, Appendix 1, Annex F).</p>
NE-76	<p>"Cumulative and in-combination totals Cumulative and in-combination impacts are an area of concern in relation to predicted impact levels for Natural England. The key concerns are summarised below: a. We disagree with the collision and displacement predicted mortality figures presented for Thanet Extension as this may be underestimating the predicted mortality. "</p>	<p>Additional variation has been captured to account for a range of CRM parameters within the latest submission document on CRM (Deadline 1 Submission, Appendix 1, Annex F). It is the Applicant's opinion that through the provision of a revised set of CRM outputs that consider a wider range of input parameters sufficient pre-caution is now accounted for and the assessment does not under-estimate potential collision risk mortality rates.</p> <p>See also the Applicant's response to NE-52.</p>
NE-77	<p>b. Exclusion of impacts from Tier 3 and some Tier 2 projects in the Cumulative Effect Assessment (including Moray West and Norfolk</p>	<p>At the time of writing these two project's estimated mortality rates were not in the public domain. On receipt of these details it will be possible for the</p>

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	Boreas).	Applicant to incorporate these totals accordingly.
NE-78	Table 4.38 in the Offshore Ornithology chapter (Ref: 6.2.4 of the ES) does not fully take account of all the cumulative effects. When there are agreed figures for Thanet Extension, Norfolk Vanguard and Hornsea 3 these should be included in a revised table of cumulative totals.	The Applicant has provided an updated version of the cumulative effect totals in the latest submission document on CRM (Deadline 1 Submission, Appendix 1, Annex F). These revised cumulative totals are based on those agreed by Natural England for the East Anglia Three project and those from the latest publicly available cumulative totals submitted for Norfolk Vanguard. The Applicant recognises that further amendments may be required at a later stage as estimated mortality rates are agreed by other more significant contributors to cumulative totals.
NE-79	In the draft ‘Clarification note on collision risk modelling parameters and Thanet Extension’s contribution to cumulative and in-combination totals’ it states that “...they [Natural England] did agree that the principle of adding Thanet Extension to their cumulative and in-combination totals for each species...” This was not agreed, and it is not Natural England’s responsibility to compile cumulative and in-combination totals. Natural England advised that Thanet Extension’s total together with other projects, i.e. Norfolk Vanguard and Hornsea 3 could be added to the final revised tables submitted by East Anglia 3.	See the Applicant’s response to NE-80.

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NE-80	<p>" Lack of post construction ornithological monitoring proposals There is no proposed monitoring for key environmental receptors, including ornithological interests. Furthermore, no 'in-principle monitoring plan' has been submitted. Natural England has already highlighted in our relevant representations that a key area of monitoring will be validating the assumptions around red throated diver displacement, particularly as the Applicants are asserting there is no evidence of displacement into the buffer area based on boat based surveys at Thanet offshore windfarm. The recent discussions around red throated diver displacement has highlighted that this is one area of concern that remains. We therefore advise that an in principle monitoring plan should be a condition of the license and that surveys to validate assumptions around red throated diver displacement are a key component of that plan, not least because of the significant concerns regarding the methodology previously used for post-construction monitoring at Thanet Offshore Windfarm. "</p>	<p>The Applicant can confirm that at the current time no ornithological monitoring proposals have been put forward. The Applicant can also confirm that initial discussions with Natural England regarding focussed morning to validate the adopted displacement buffers for Thanet Extension have taken place, and the Applicant will discuss these further to agree the principles that will inform the monitoring..</p>
NE-81	<p>"Marine Mammals At the relevant</p>	<p>The Applicant can confirm that the clarification note was submitted at</p>

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	<p>representations stage Natural England raised a number of issues regarding the potential impacts to marine mammals, see section 6.2.8. As highlighted in section 6.3.2 (c), we have since had discussions with the Applicant and awaiting receipt of a clarification note "</p>	<p>Deadline 1 (Appendix 1, Annex G) and has since been provided directly to Natural England for consideration.</p>
NE-82	<p>"Areas of agreement between Natural England and the Applicant are included in the Technical Topics SoCG provided by the Applicant. Issues which have not been addressed since the relevant representations, and thus not agreed within the Technical Topics SoCG, are reiterated and discussed in further detail below: a. Joint Cetacean Protocol (JCP) Density Estimates – Natural England questioned within our Relevant Representations and our PEIR response, why the JCP density estimates were not used within the impact assessment. Furthermore, it is unclear why both the Small Cetacean in European Atlantic waters and the North Sea (SCANS) III and site specific densities have been used when they are so similar. The JCP would have provided a greater range (1.16 porpoises/km<sup>2</sup> compared to 0.607 and 0.61 porpoises / km<sup>2</sup> respectively). Natural England are currently awaiting a clarification note where the 1.16</p>	<p>Please refer to our response to RR NE-94 and Appendix 1, Annex G to Deadline 1 Submission: Clarification Note on the implications of adopting the Joint Cetacean Protocol derived density estimates for harbour porpoise.</p>

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	<p>density estimates from JCP are used, which is looking to highlight that using this density doesn't not alter the conclusions of the impact assessment "</p>	
<p>NE-83</p>	<p>"b. Coastline Monitoring – Disturbance thresholds i.e. the level of sound known to cause disturbance, for porpoise hit the coastline for monopole and pin piles, as highlighted by figure 7.19 in the marine mammal's chapter. Natural England acknowledge the Applicant's comments in their response to our relevant representations (see section 4.6 of the technical Topics SoCG submitted by the applicant) regarding the probability of animals moving along the coastline to adjacent quieter areas to the north and south of this area. However, there is no scientific evidence that porpoise movement will be north or south along the coastline as a result of the disturbance, and not cause any live strandings. Therefore, monitoring along this stretch of coast will enable the detection of strandings that may have resulted from disturbance caused by piling "</p>	<p>Please see the Applicant's response to RR NE-96 (Appendix 1 of the response Deadline 1). Further to this previous response the Applicant would like to emphasise that the noise produced by piling will not be loud enough to elicit a stranding response in harbour porpoise. Previous piling events at wind farms have never found any evidence of porpoise stranding following piling activities. There is evidence from previous wind farm construction monitoring that porpoise swim away from areas of high noise levels to adjacent areas of lower noise. In the case of Thanet Extension it is therefore expected that animals will move away from high noise levels, but will be unlikely to into very shallow waters, putting them at risk of stranding. Therefore their likely movement in response to piling noise will be to the north or south depending on their starting position relative to pile site.</p> <p>In addition, the Applicant would like to highlight that during the marine mammal EP meeting on 20/11/2018, Natural England agreed that no coastal monitoring was required for Thanet Extension.</p>
<p>NE-84</p>	<p>c. The Cumulative Assessment of UXOs - The impact of UXO detonation needs to be assessed with seismic activity and all the other wind farm</p>	<p>The Applicant welcomes Natural England's assessment that there is unlikely to be a population level impact on harbour porpoises from the combined impacts of UXO detonation, seismic activity and all other wind farm piling. It</p>



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	<p>piling, rather than just in isolation with the Thanet Extension piling. As a point of principle, all noisy activities should be assessed together as part of the cumulative assessment. Natural England would argue that currently this is not a complete Cumulative Effects Assessment (CEA). However, given the levels of seismic activity in the porpoise management unit and their potential for disturbance, combined with UXO detonations, there is unlikely to be a population level impact on harbour porpoises, given the Booth et al findings using the iPCoD model. However, the same cannot be said for the RIAA and HRA assessment</p>	<p>is not possible to carry out a combined quantitative assessment of these different impacts together on the population as no framework currently exists for the combination of different spatial and temporal scales of effect, therefore this assessment has to be qualitative. The Applicant also concludes that on a qualitative basis, all activities together will not have a significant effect on the population.</p>
NE-85	<p>d. HRA Concerns - The BEIS Review of Consents has concluded that as long as Site Integrity Plans (SIPs) are placed on all DCOs (in relation to HRA and in combination impacts on the Southern North Sea SCI for harbour porpoise), there will be no adverse impact on site integrity. While Natural England agrees that SIPs are a method to prevent an adverse effect on site integrity, there is also a need to put a timeframe on the SIP and a mechanism for assessing multiple SIPs at the same time. At what stage will the developer be required to reassess whether the</p>	<p>The Applicant welcomes the request for a SIP from Natural England. A draft SIP has been provided for consideration as part of this Deadline 2 submission (Appendix 22), with the requirement for this being provided in the draft DCO also submitted with this Deadline 2 submission (Appendix 12). Specifically, the requirement for a SIP is secured under Schedule 11, Condition 12(1)(k) and Schedule 12, Condition 10(1)(l).</p>

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	<p>parameters that have been assessed within the BEIS HRA have been exceeded? We suggest at the next Contracts for Differences (CfD) stage and then again as each project reaches their Final Investment Decision (FID) stage in case further mitigation is required. Assessment will also need to be made of possible EPS requirements – as the Applicant stated in response to Natural England’s relevant representations, comment NE-103, that an updated assessment of the potential for cumulative disturbance will be carried out to inform an EPS licence application if deemed necessary at the appropriate stage. This should take place within the SIP.</p>	
NE-86	<p>"More information is required from the MMO / BEIS on how spatio-temporal impacts will be managed to prevent exceedance of the SNCB noise guidance thresholds. A process will need to be developed to ensure continuing adherence to the Site of Community Importance (SCI) thresholds as multiple SIPs are developed over time, especially when piling can take place over several years, and new projects can come online during this time. Should potential exceedance of the thresholds occur, a process</p>	<p>Please see the Applicant's response to NE-85 on this matter. The Applicant would also add that as the regulator of matters within the marine environment the MMO are best placed to manage the process. Given all dMLs have a requirement within them for provision of a construction (or development in other industries) programme the information for the MMO to manage the process is already built in to the licensing regime. The Applicant refers the ExA to Condition 12(1)(b) of Schedule 11, with an equivalent Condition also provided at Schedule 12 of the DCO, which clearly requires provision of a construction programme which should inter alia include an indicative written construction programme for all wind turbine generators [etc]. This information will allow the MMO to manage the</p>

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	<p>for dealing with this issue needs to be in place – the affected developers / industries will need to work together with the regulator and SNCBs to prevent adverse effect on the SCI. However, this process needs to be developed and agreed before SIPs are placed onto DCOs "</p>	<p>process, in accordance with the thresholds considered to be appropriate by the relevant SNCB.</p>
NE-87	<p>"While this list is not exhaustive, Natural England would expect the following to be included in the SIP: i. A finalised design plan; ii. An updated HRA; iii. Updated mitigation measures (if required) – outlining potential mitigation that can and cannot be used and the reasoning. iv. Where modelling via the RoC has been updated (e.g. the Dogger projects), further mitigation may be required to ensure porpoises are out of an enlarged Permanent Threshold Shift zone than was predicted in the original EIA. v. Detail the requirement for EPS licences and Marine Licences for UXO detonation. vi. Provide a timetable for development of the plan. E.g. Post CfD, and again pre FID to ensure timely agreements and timeframes for finances to be agreed. "</p>	<p>The Applicant notes Natural England's expectations for the contents of the SIP. The Applicant has included a draft SIP with its Deadline 2 submission (Appendix 22) for consideration by the ExA and Natural England.</p>
NE-88	<p>"Benthic Ecology Areas of agreement between Natural England and the Applicant are included in the Technical Topics SoCG provided by the</p>	<p>The Applicant can confirm that information with regards the areas identified by Natural England has been provided in detailed response to the Relevant</p>

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	<p>Applicant. For any points not agreed in the SoCG, the submission made in the relevant representations are still valid and should be considered as outstanding points of concern, these include: a. Further consideration needs to be given to impacts, sensitivity and recoverability of habitats to deposition of material from sandwave clearance / pre-sweeping including the habitat and size of area affected. Disposal areas should avoid protected sites and areas of habitats of conversation interest. "</p>	<p>Representations (REP1-017).</p>
NE-89	<p>"b. As highlighted below in section 6.4.52, we consider there is not currently enough information to determine the potential impacts from cabling within the Goodwin Sands pMCZ and therefore cannot agree with the conclusions presented. Natural England advises against the use of cable protection within designated sites as it would be likely to lead to footprint loss / modification to designated features and habitats. This footprint loss is pertinent to features such as Blue Mussel (<i>Mytilus edulis</i>) beds and Ross worm reefs (<i>Sabellaria spinulosa</i>) which are fixed features upon the seabed and do not recover as easily or quickly as mobile</p>	<p>The Applicant has provided a clarification note in relation to the potential impacts to the Goodwin Sands pMCZ at (see Appendix 25 of the Deadline 2 submission). This includes a consideration of potential impacts to Blue Mussel (<i>Mytilus edulis</i>) beds and Ross Worm (<i>Sabellaria spinulosa</i>) reefs.</p>

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	sediment features. "	
NE-90	c. A full and thorough assessment of the likely cable repairs and the likely impacts on benthic features needs to be produced	The Applicant would draw the attention of the ExA and Natural England to the clarifications made in response to Natural England RR (REP1-017), specifically in response to NE-111 of the RR. In brief whilst transcription of the project parameters within the Rochdale Envelope table of the chapter is succinct, with reference made to the Project Description chapter to reduce duplication, the assessment presented at Section 11 provides a full and thorough assessment of the relevant likely effects.
NE-91	d. Natural England also notes that the development could result in the damage to or loss of subtidal chalk habitat, which is protected under the section 41 of the NERC act, outside of designated sites. We advise that the Applicant provides further detail on how this loss could be avoided, mitigated or compensated prior to the granting of any permission.	The Applicant can confirm that the cable exclusion zone, which ensures no long term damage or loss of chalk habitats within the relevant designated sites, and an amendment to the RLB have been brought forward to ensure chalk habitats are not lost. Chalk reef features have not been identified within the wider RLB and given the features are not ephemeral, i.e. they are either present or they are not, it is not considered necessary to provide further detail on avoidance.
NE-92	"Intertidal Ecology (Saltmarsh Loss) Natural England does not support the proposed landfall option 2, which involves the permanent loss of up to 1400 m2 of SSSI and SPA and Ramsar supporting habitat. Our overarching and associated issues regarding the saltmarsh loss are highlighted within our relevant representations, and above in section 6.2.4. Very little common ground has been agreed	The Applicant refers the ExA to the response to NE-58, and the Deadline 1 submission confirming that landfall Option 2 is no longer part of the design envelope for the proposed project. As such the SoCG will be updated accordingly with anticipation that more common ground will now be achievable.

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	regarding this topic at this current time. "	
NE-93	<p>Natural England do acknowledge that the Applicant has committed to do site investigation (SI) works to determine the viability of horizontal directional drilling (HDD) (option 1) under the saltmarsh to avoid any permanent loss. However, due to various reasons this data has not been collected in time to inform the examination and unfortunately option 2, involving the permanent loss of saltmarsh, still remains within the project envelope. As stated in section 6.2.4, we would like option 1 (HDD) to be committed to, as currently we cannot conclude that there will not be an AEoI of the site. There is also option 3, which involves trenching through the saltmarsh. Although this represents a better option than option 2 and we have advised the Applicant on best practices and lessons learnt from other projects, the recent NLL cable installation has proven that recovery cannot be assumed to be good as anticipated. Therefore, we still want to see HDD pursued to avoid impacts and remove any uncertainty about the future recovery.</p>	<p>"With regards the proposed site investigation works the Applicant can confirm that there remains an extant application for access in order to facilitate the acquisition of the site investigation data. Notwithstanding this the Applicant refers the ExA to the response to NE-58, and the Deadline 1 submission confirming that landfall Option 2 is no longer part of the design envelope for the proposed project.</p>
NE-94	"Marine Physical Processes At the relevant representations stage, Natural England raised	It is the Applicant's position that the potential effect associated with the advancement of the seawall was adequately assessed in all relevant

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	<p>some impacts and issues regarding the project's potential effect on marine physical processes. Some of these issues and concerns are still valid and currently should be considered as outstanding points of concern. The main points are summarised below: a. The advancement of the sea wall onto the saltmarsh will likely to also cause an increase in scour to the remaining saltmarsh and therefore would create an additional, potentially permanent, loss of habitat extent which has not been fully assessed. A wall would be inherently reflective and therefore scour would be expected at the toe of the wall causing potential changes in hydrodynamics increasing the rate of erosion upon the saltmarsh. With increasing sea levels (Horton et al., 2018) this erosion could be amplified further. "</p>	<p>chapters. Notwithstanding this however the Applicant refers the ExA to the response to NE-58, and the Deadline 1 submission confirming that landfall Option 2 is no longer part of the design envelope for the proposed project. "</p>
NE-95	<p>b. The information highlighted in section 2.7.15 of the Marine Physical Processes chapter on seabed sediments and geology should be used to provide a robust assessment of the likelihood of cable burial in the different areas and refine the locations needed for sandwave clearance and cable protection.</p>	<p>A cable burial risk assessment will be undertaken pre-construction and submitted as required within the DCO/dMLs. For the purposes of assessment a worst case has been taken, based on experience as an industry and this site specifically. For further information please also note that the Applicant has responded to this in their response to Natural England's relevant representation (REP1-017).</p>

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NE-96	<p>"Marine Water and Sediment Quality Natural England noted within our relevant representations (section 5.8 of Natural England’s Relevant Representations) concerns relating to the potential deterioration of the water quality associated with seawall works and interactions with the historical landfill site at this location. Natural England also questions how this will be monitored. Following further information provided by the Applicant within their response to our relevant representations, it was stated that a “Contaminated land and groundwater plan” has been secured within the DCO to mitigate the potential release of contaminants, which is to be reviewed after consultation with the Environment Agency (EA). Natural England deem this is an appropriate measure, along with the plan and any associated mitigation measures, to ensure there is no deterioration of the water quality. However, considering the potential for contaminants to interact with protected sites, Natural England would also like to be consulted on this plan prior to it being finalised. Areas of agreement on Marine Water and Sediment Quality between Natural England and the Applicant are included in the Technical Topics</p>	<p>This is welcomed and agreed by the Applicant. The Statement of Common Ground will be revised to account for this Representation will be with the Applicant's Deadline 3 Submission.</p>



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	SoCG provided by the Applicant. "	
NE-97	"Fisheries Areas of agreement on fisheries between Natural England and the Applicant are included in the Technical Topics SoCG provided by the Applicant. It should be noted, minor, but associated comments which did not require extra work have been addressed in the SoCG. "	This is noted by the Applicant.
NE-98	"Onshore Ecology and Outline Landscape and Ecological Management Plan (OLEMP) This section will focus on purely terrestrial themes with the saltmarsh loss and intertidal issues discussed above in section 6.4.39 and 6.4.41. At the relevant representations stage Natural England raised some issues regarding the potential impacts to onshore ecology. This was primarily around the potential impacts to some bird and invertebrate species that were designated site interest features of the Sandwich Bay and Hackling Marshes SSSI and the Thanet Coast and Sandwich Bay SPA and Ramsar. Natural England have clarified with the Applicant the species of concern in relation to the designated sites and hope these are fed into any specific mitigation requirements. In terms of EPS and NPS for which Natural England might be required to issue a licence, we were satisfied	The Applicant is pleased to note that the issues raised by Natural England at the relevant representations stage regarding potential impacts to onshore ecology have been resolved. The Applicant notes Natural England's request for pre-construction surveys and would like to highlight that the OLEMP (PINS Ref APP-142/ Application Ref 8.7) includes a commitment to carry out a range of pre-construction surveys.

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	<p>that the proposed development is highly unlikely to impact on these species. Therefore, there is currently no requirement for Natural England to provide any Letters of No Impediment (LONI's) as part of the examination process. However, Natural England still encourage further pre-construction surveys to again determine the likelihood of needing any licences. "</p>	
NE-99	<p>The OLEMP is a key document in determining mitigation and reinstatement measures both during and after construction has taken place. Natural England raised a few issues within its relevant representations regarding sufficient commitments to monitoring and aftercare. Following these comments, Natural England have had further discussions with the Applicant regarding this document and we have been in receivership of an updated OLEMP (Revision B). We have recently provided comments on this updated OLEMP.</p>	<p>Comments made by Natural England have been addressed within the updated OLEMP (PINS Ref APP-142/ Application Ref 8.7) submitted at Deadline 1.</p>
NE-100	<p>Consequently, following these updates Natural England have been able to determine areas of agreement with the Applicant, which are highlighted in the Technical Topics SoCG which</p>	<p>No response required</p>

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	has been provided by the Applicant.	
NE-101	<p>"Draft Development Consent Order (DCO) / Deemed Marine Licence (DML) Currently there has not been much progress on the issues raised regarding the draft Development Consent Order (DCO) and Deemed Marine Licences (DML). As such the points raised within our relevant representations remain valid (section 5.1 of Natural England's Relevant Representations), however please see below some of Natural England's main outstanding concerns: a. Natural England does not believe the provision made for arbitration within this DCO is appropriate. As a Statutory Nature Conservation Body, Natural England cannot be bound in the statutory advice it provides by the findings of another organisation or individual such as is proposed within this provision. Natural England is, therefore, unable to agree to a mechanism whereby its advice may be compromised or its ability to meet its statutory responsibilities are fettered by a third party "</p>	<p>"The Applicant notes the representation and maintains their position as presented in Appendix 1 of the Deadline 1 Submission: Applicant's Responses to the Relevant Representation (PINS document reference REP1-017).</p> <p>Model article 42 provides an arbitration provision and the inclusion of such a mechanism has existed, in this regard, since the creation of the Planning Act 2008. Such arbitration mechanisms based on the model provision have not however been utilised by the undertaker or other parties to date at the implementation stage of development as it is not considered fit for purpose. The Applicant teams' experience working on a number of DCOs (for offshore wind farms but also a wide range of infrastructure projects) has brought to bear the simple fact that there is an available provision created by the development consent order regime that is not utilised in order to resolve any areas of disagreement when discharging requirements or conditions within a DCO. Particularly, the provision does not contain any structure, timings or outcomes that allow it to operate properly as an arbitration provision. The Applicant has developed the model article in order to give it real effect and to make it more appropriate for use by either party, by providing effective timeframes and detailed guidance.</p> <p>The DCO process has moved forward by some measure since its inception and it is important to ensure the provisions that exist to govern it actually work and will be adopted by the parties subject to any development consent order.</p> <p>The proposed arbitration provision is the only mechanism to resolve disputes</p>

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		<p>within the dMLs and therefore it is an important inclusion in order to provide a fair, impartial and final award on substantive difference between parties. In this way it serves a similar purpose to the Appeals mechanism within the Order. This mechanisms play a crucial role in ensuring that nationally significant infrastructure projects are not subject to delays due to an impasse between parties.</p>
NE-102	<p>b. Discrepancies exist between the disposal volumes highlighted within the DMLs compared to volumes provided for within the disposal site characterisation report and provided for within the DCO. Similar discrepancies exist for the amount of scour protection described in the ES compared to the DCO.</p>	<p>The Applicant notes the representation and refers Natural England to Appendix 1, Annex B to Deadline 1 Submission: Project Description Transcription into the Application. All volumes of scour protection and disposal volumes have been reviewed and updated where required within the revised draft Order submitted at Deadline 1.</p>
NE-103	<p>c. The definition of “commence” in both the DCO and DMLs is not acceptable to Natural England. The works detailed include seabed preparation and clearance as not part of commencement. Works such as seabed preparation and clearance could have significant impacts and need to be incorporated in pre-construction plans and documentation.</p>	<p>The Applicant notes the representation. The Applicant has included a new condition (Condition 20 - 'Seabed preparation and clearance') within the DMLs in the revised draft Order submitted at Deadline 1. This condition requires seabed preparation works to be included in a method statement to be submitted for approval by the MMO before any phase or phases of the licensed works commence. The wording within the "commence" definition which excluded seabed preparation and clearance was also removed from throughout the draft Order submitted at Deadline 2.</p>
NE-104	<p>d. Natural England are concerned there is no In-Principle Monitoring Plan (IPMP) included within the application. This document allows the relevant stakeholders to agree the objectives of</p>	<p>The Thanet Extension project has put forward detailed monitoring proposals that are based on the uncertainties present. By virtue of the project being an extension project the uncertainties are very limited. The monitoring proposals put forward are therefore very focussed, advanced, and based on</p>

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	<p>any monitoring required by the DMLs prior to the grant of consent. Without this information there is no clarity or certainty on what relevant monitoring will be carried out to validate conclusions within the ES. This therefore needs to be included as a licence condition.</p>	<p>addressing the very limited areas of uncertainty. These include a detailed monitoring proposal for biogenic reef habitats (PINS Ref APP-149/ Application ref 8.15) and a detailed monitoring proposal for saltmarsh habitats (PINS Ref APP-147/ Application Ref 8.13). Further reference to onshore monitoring is also made within the Outline Landscape and Ecological Mitigation Plan (PINS Ref APP-142/Application Ref 8.7). By virtue of the project being an extension project the uncertainties are very limited. The monitoring proposals put forward are therefore very focussed, advanced, and based on addressing the very limited areas of uncertainty. As such this is not considered required for the Project.</p>
NE-105	<p>"RIAA a. Thanet Coast and Sandwich Bay SPA &amp; Ramsar Concerns – As highlighted within Natural England’s relevant representations we disagree with the conclusions that the permanent loss of saltmarsh should be screened out. Therefore, Natural England advise the competent authority to assess this loss of habitat in further detail at the appropriate assessment stage to fully determine the impacts upon these protected sites. This disagreement is highlighted within section 4.1 of the Technical Topics SoCG. "</p>	<p>As noted in response to NE-58 the Applicant can confirm that landfall Option 2 no longer forms part of the design envelope for the proposed project. Further to this a revised RIAA is included as part of this Deadline 2 submission, confirming this design change and the associated implications of it.</p>
NE-106	<p>b. Thanet Coast SAC – Natural England note the commitment made by the Applicant that if any chalk reefs are identified during pre-construction surveys then micro-siting will be</p>	<p>The Applicant can confirm that the cable exclusion zone, which ensures no long term damage or loss of chalk habitats within the relevant designated sites, and an amendment to the RLB to the east of Ramsgate Harbour have been brought forward to ensure chalk habitats are not lost. The refinements</p>

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	<p>utilised to avoid these areas. Natural England also note the commitment that there will be no cable protection in the Thanet Coast SAC, which should be conditioned within the DCO/DML, and therefore no loss of habitat. In addition to this in the first SoCG meeting on the 5th October 2018, the Applicant stated that in the context of the HRA there will be no cabling within the Thanet Coast SAC, and that this will be ensured through the introduction of the Cable Exclusion Area for Ramsgate Harbour. Natural England are content with this statement and this removes much of our concerns regarding the potential affects upon the Thanet Coast SAC. However, we believe that this needs to be conditioned within the DCO to remove any doubt and chance that cabling will occur in this area. Areas of agreement regarding Thanet Coast SAC are included in the Technical Topics SoCG provided by the Applicant and by ourselves at Deadline 1.</p>	<p>are presented within the revised offshore works plan submitted at Deadline 1 (REP1-059).</p>
NE-107	<p>c. Margate and Long Sands SAC – Natural England stated that outstanding concerns remained regarding Margate and Long Sands SAC in our relevant representations (section 2.2.2). After further discussions internally and with the Applicant we are now satisfied that</p>	<p>This confirmation is welcomed by the Applicant and captured within the SoCG as noted by Natural England</p>

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	<p>there would be no adverse effect on the integrity of Margate and Long Sands SAC, either alone or in combination as a result of the proposed activities. This position is also highlighted within the Technical Topics SoCG provided by the Applicant and by ourselves at Deadline 1.</p>	
NE-108	<p>"6.4.52. MCZ Assessment As highlighted in Natural England's relevant representations, and in section 6.2.5 of these written representations, we consider there is not currently enough information to determine the potential impacts upon the Goodwin Sands pMCZ and therefore cannot agree with the conclusions presented. "</p>	<p>The Applicant notes the ongoing concerns surrounding the assessment of potential impacts to the Goodwin Sands pMCZ and has provided a clarification note (see Appendix 25 of the Deadline 2 submission).</p>
NE-109	<p>6.4.53. The comments highlighted in section 5.10 of Natural England's relevant representations are still valid and should be considered as outstanding points of concern. In our meeting with the Applicant on the 5th October 2018 it was stated that further information regarding the pMCZ and the assessment would be provided. Natural England awaits receipt of this information.</p>	<p>The Applicant notes the ongoing concerns surrounding the assessment of potential impacts to the Goodwin Sands pMCZ and has provided a clarification note (see Appendix 25 of the Deadline 2 submission) submitted with Deadline 2.</p>

UID	Interested Party's Written Representation	Applicant's Response
NE-110	<p>"6.4.54. Monitoring and Mitigation Plans a. In-Principle Monitoring - As highlighted within section 5.1.1 of its relevant representations Natural England is concerned with the lack of In-Principle Monitoring Plans submitted and proposed within the ES and draft DCO respectively. There should be a commitment to these documents and their content secured. We understand that the plans highlighted below do secure monitoring for areas of concern, however there is no proposed monitoring for other key environmental receptors such as offshore ornithology or benthic ecology (apart from a swath bathymetry survey for one year post construction). We welcome further discussions with the Applicant around targeted post-construction surveys where areas of concern still exist, for example around issues associated with cabling through protected sites or species of concern for offshore ornithology "</p>	<p>The Applicant can confirm that at the current time the detailed monitoring plans submitted with the application reflect the proposed monitoring requirements. The Applicant notes that further discussion, specifically on the potential for validation of the proposed buffer zones for bird displacement, is ongoing.</p>
NE-111	<p>b. Saltmarsh Mitigation, Reinstatement and Monitoring Plan (SMRMP) - Natural England has reviewed this document as part of our relevant representations and our comments can be found within section 5.11. We have not yet been in receipt of an updated SMRMP, however</p>	<p>Following consultation with Natural England (17th January 2019) it was agreed that a revised Saltmarsh Mitigation, Reinstatement and Monitoring Plan will be submitted as part of the Applicant's Deadline 2 Submission (Appendix 23). The plan has been amended to account for the issues raised in Natural England's Relevant Representation and in line with the discussions held.</p>



UID	Interested Party's Written Representation	Applicant's Response
	<p>we are of the understanding that further discussions regarding the subject of the saltmarsh are forthcoming in the near future and Natural England would welcome these discussions as soon as possible. Therefore, currently the comments we have highlighted within our relevant representations remain valid and this current area of disagreement is reflected in the latest version of the Technical Topics SoCG submitted by the Applicant.</p>	
<p>NE-112</p>	<p>c. Outline Landscape and Ecological Management Plan (OLEMP) - Natural England provided comments upon this document within section 5.11 of our relevant representations have subsequently been in receipt of an updated OLEMP (received on the 28th November 2018) following the submission of our relevant representations. Comments regarding this document have been provided to the Applicant. Following the review and addressing of these comments by the Applicant, Natural England anticipate that this plan will be agreed in principle. This position is highlighted within the Technical Topics SoCG provided by the Applicant.</p>	<p>Comments made by Natural England have been addressed within the updated OLEMP (PINS Ref APP-142/ Application Ref 8.7) submitted at Deadline 1. The Applicant is pleased to note that Natural England anticipate that this plan will be agreed in principle.</p>

UID	Interested Party's Written Representation	Applicant's Response
NE-113	<p>d. Biogenic Reef Mitigation Plan (BRMP) - Comments were provided by Natural England in section 5.11 of our relevant representations and as a result we have been in receipt of an updated BRMP (received on the 16th November 2018). Comments regarding revision B have been provided to the Applicant. Following the review and addressing of these comments by the Applicant, Natural England anticipate that this plan will be agreed in principle. This position is highlighted within the Technical Topics SoCG provided by the Applicant</p>	<p>This is welcomed and noted by the Applicant. The Applicant submitted the revised Biogenic Reef Plan as part of their Deadline 1 Submission (REP1-071) and submitted a track changes version to Natural England to aid in their review of the amendments to the plan.</p>

### 13 National Trust (REP1-119)

#### 13.1 Summary

31 National Trust’s primary concerns relate to:

- Site selection and alternatives
- Compulsory acquisition

32 A point by point response to National Trust’s Written Representation is documented below.

**Table 11: Response to National Trust**

UID	Interested Party’s Written Representation	Applicant’s Response
NT-1	"1.1 These representations relate to the National Trust land ownership at Sandwich and Pegwell Bay and the impacts of and justification for new cables being laid across this site."	Noted
NT-2	"1.4 Our concerns and objections relate to; • Compulsory purchase of National trust land • Potential impacts of the cable landfall and connection on the seawall • Impacts on tourism and leisure • The cable landfall route option (Environmental Statement) In regard to	The Applicant notes National trusts concerns, and has recorded them within the draft SoCG submitted at Deadline 1.

UID	Interested Party's Written Representation	Applicant's Response
	<p>matters relating to habitat and biodiversity the National Trust is relying on the advice on Natural England and Kent Wildlife Trust."</p>	
<p>NT-3</p>	<p>"2 Our Cause 2.3 The National Trust maintains an in principle objection to the laying of additional cables across land held by us in trust for the nation. The cumulative impact and alteration in character of this land would be negatively impacted by the proposals, against our statutory duty to look after this land for ever for everyone. This is both from the position of cumulative impact on the landscape and habitat but directly from our cause to maintain and hold these assets in Trust for the nation. 2.4 This reinforces our objections to the cable route selection process (see 6 below) as we believe that any disturbance or alteration to this land and its character is contrary to our mission and cause to preserve such historic assets and thus the highest rigour and justification for any impacts on these assets must be demonstrably shown. It is not considered, in relation particularly, to the cable landfall route selection, that this level of rigour has been shown and this is addressed in section 6 below."</p>	<p>Please see the Applicant's point by point response below.</p>

UID	Interested Party's Written Representation	Applicant's Response
NT-4	<p>"Factual background 3.1 In 1981, the land which is within the Order limits and which is owned by the Trust was declared "inalienable". This status enables the Trust to live up to its core charitable objective of preserving places of historic interest and natural beauty for the nation, forever. 3.2 The Trust declares land inalienable because it is land of great beauty, because it is of significant historical importance or because it is of outstanding importance for nature conservation, archaeology or landscape value. Alternatively it can be land which protects other land which is itself of such value. 3.3 The power relied upon to declare this land inalienable is in section 21 of the National Trust Act 1907. Once land has been declared inalienable it cannot be sold and only Parliament can authorise compulsory acquisition of the land or rights over the land in the face of any objection by the Trust to a compulsory acquisition proposal."</p>	<p>The Applicant notes the clarification provided by National Trust with regards inalienable land rights</p>
NT-5	<p>The draft DCO 3.4 The draft DCO and supporting documents as drafted are not entirely clear about the extent of land to be acquired so could be capable of being interpreted as enabling</p>	<p>The Applicant's Statement of Reasons, Book of Reference and Land Plans set out the rights in land that they are seeking powers to acquire.</p> <p>In light of The Applicants decision to exclude landfall option 2 it is no longer seeking</p>

UID	Interested Party's Written Representation	Applicant's Response
	<p>Vattenfall to acquire inalienable land and to acquire new permanent and temporary rights over inalienable land, comprising a large area of the mudflats. The temporary possession powers are required for the construction of the works. The land affected is shown in the land plan (onshore) [document 2.3] and described in the book of reference [document 4.3].</p> <p>Because the land is inalienable, it is also shown in the special category land plans [document 2.4]. The Trust is described in the book of reference as being the freehold owner of Plots 00/05, 00/10, 01/01, 01/02, 01/05 and 01/06.</p>	<p>to acquire land owned by the National Trust but to the powers to create new permanent rights in that land.</p>
<p>NT-6</p>	<p>3.5 In paragraph 7.5.1 of its Statement of Reasons [document 4.1], Vattenfall says that The National Trust's interest is excluded from compulsory acquisition as it is believed to be inalienable. However, in an email received by the Trust on the date of these representations, Mr John Hillis (Director of Blackhall and Powis, Chartered Surveyors acting for the applicant) said "I write further to my email of 10 December 2018 to confirm that Vattenfall are intending to amend the DCO submission at the next PINs deadline to</p>	<p>The Applicant confirms that they are seeking powers of compulsory acquisition over land owned by The National Trust within the Order Limits. The Applicant amended the Book of Reference at Deadline 1 to reflect this. The Applicant will continue to seek a voluntary agreement with the Trust and make every effort to bring such an agreement to a mutually satisfactory conclusion.</p> <p>However, in order to protect itself in the event that the Trust does not complete a voluntary property agreement, the Applicant must now remove the exclusion wording in order to be able to seek authorisation under the Special Parliamentary Procedure to obtain the consent of Parliament for the compulsory acquisition of the right.</p>

UID	Interested Party's Written Representation	Applicant's Response
	bring the National Trust interest into the scope of the application for powers of compulsory acquisition."	
NT-7	3.6 The Trust is now in a position where it is less certain about the effect of the DCO on its land than it was before. It reserves its position on whether the proposed amendment mentioned by Mr Hillis should be treated as a material change to the DCO application.	<p>The Applicant acknowledges the National Trust's intention to reserve its position on the implications of the Applicant bringing the National Trust's interests within the scope of the compulsory acquisition powers in the dDCO.</p> <p>The Applicant has provided an explanation for why it considers that this change does not, and cannot, engage the procedure under the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 in its answer to examiners question 1.3.1 at Deadline 1.</p>
NT-8	3.7 Pending sight of those proposed amendments, the Trust's position is that it considers that changes should be made to the DCO and the book of reference and undertakings given to make the position clear.	<p>The Applicant refers to the changes made to the Book of Reference and the draft DCO at Deadline 1. The Book of Reference was changed to the effect that the words 'excluding interests held by The National Trust for Places of Historic Interest or Natural Beauty' were struck through in the description of the land and the rights sought over land parcels 00/05, 00/10, 01/01, 01/02, 01/05 and 01/06.</p>
NT-9	<p>Objection to compulsory acquisition of land and what the Trust requests</p> <p>3.8 Because the Trust considers the position to be so unclear, it objects to the acquisition of its inalienable land, and pending the introduction of the amendments mentioned above, its position is as follows.</p> <p>3.9 The Trust requires an undertaking that no</p>	<p>The Applicant is not in a position to give such an undertaking. The background to this is set out as follows. The Applicant had excluded the interests of the National Trust from its application for powers of compulsory acquisition at the point of submitting its DCO application.</p> <p>Leading up to and following submission of its application, the Applicant has sought to engage The National Trust in a process of dialogue and negotiation about the rights the Applicant requires to construct, operate and maintain the Development.</p>

UID	Interested Party’s Written Representation	Applicant’s Response
	<p>compulsory acquisition of inalienable land (including the acquisition of rights over that land) will take place.</p>	<p>On 19 November 2018, the Applicant understands that the National Trust met with its tenant, Kent Wildlife Trust, and together made the decision to cease any discussion on the option terms for an Option Agreement that had been proposed to them by the Applicant.</p> <p>Regarding paragraph 3.9 of the Trust's written representation, the Applicant is unable to give an unqualified undertaking that no compulsory acquisition of inalienable land will take place. The Applicant will seek to include the Trust's interests in its Book of Reference for compulsory acquisition, and may need to exercise compulsory acquisition powers over them (even though that would be subject to the Applicant seeking authorisation under the Special Parliamentary Procedure) given the comparative lack of progress in negotiations to date.</p> <p>The Applicant continues to seek a voluntary agreement with the National Trust and notes that, in the absence of landfall Option 2, the rights being sought install and maintain buried cables are largely identical to the rights given by National Trust to the Nemo interconnector and Thanet Offshore Wind Farm.</p>
NT-10	<p>3.10 In addition, the draft DCO and book of reference require amendment in a number of respects, which are described below:                      3.10.1 Article 17 of the draft DCO says “The undertaker may acquire compulsorily so much of the Order land as is required for the authorised project or to facilitate, or is incidental, to it.” “Order land” is defined in the draft DCO as “the land shown on the land plan which is within the limits of</p>	<p>Regarding the Trust's points made at paragraph 3.10.1, the definition of Order land refers to the "limits of land to be acquired and described in the Book of Reference". The Book of Reference further defines the land to be acquired, referring to the Land Plans at paragraph 1.3 and throughout. It also explains the relevance of the colour coding on the Land Plans.</p> <p>The Applicant notes that the colouring on the Land Plans is not the determining factor in what interests are being sought in each plot. Rather, the whole of the dDCO part 5 schedules 5, 6 and 7 and the Land Plans should be read together.</p>



UID	Interested Party’s Written Representation	Applicant’s Response
	<p>land to be acquired and described in the book of reference.” There appears to be no definition of “the limits of land to be acquired”. This could be remedied by including a definition such as “the land shown coloured blue or pink on the land plans”.</p> <p>3.10.2 In the “Description of Land” column of the Book of Reference, it does not appear to be necessary to include words like “New rights over” or “Permanent acquisition of” at the beginning of each description. Whilst those words might accurately describe the interest which is intended to be acquired, the purpose of the column is to describe the land generally. Restrictions on what interests can be acquired can be found in the Order itself.</p> <p>3.10.3 So, as an example, with the changes suggested above, the entry for parcel number 15/06 would read: “New rights over 23190.18 squares metres of land being sea and marshland to the east of Pegwell Bay, Kent. Excluding interests held by The National Trust for Places of Historic Interest or Natural Beauty. Comprised in title K527769.”</p>	<p>It is correct to refer to the Book of Reference, and the Applicant's view is that the wording in Article 17 should stay as it is. The Applicant notes the Trust's comments at 3.10.2 and 3.10.3. This wording has been added to the descriptions to provide clarity to those wishing to be able to identify the primary purpose of a particular plot at a glance. Per our answer to the Trust's comment at 3.10.1, it is necessary to read the whole of part 5 of the DCO, the relevant schedules, and the Land Plans to form a complete understanding of the extent of the Applicant's proposed powers of each plot in the Order Land.</p>

UID	Interested Party's Written Representation	Applicant's Response
NT-11	<p>Siting and detailing of landfall cable connector and rock armoured seawall</p> <p>4.1 The National Trust inalienable ownership includes an area of onshore land within the Proposed Onshore Development Boundary, adjacent to the rock armoured sea wall. The developers have indicated physical alterations which might affect the area, including installing a Transition Pit and extending/altering the sea wall.</p>	<p>The Applicant can clarify that the Transition Joint Bay between the marine subsea cables and the onshore cables will not affect land in the ownership of the National Trust. The Transition Joint Bay will be located inshore of the sea wall within land owned by Kent County Council. In light of the decision to exclude landfall option 2 from the scope of the DCO application there will no longer be a requirement to make physical extensions to the sea wall to the east or west beyond its current extent, although there is likely to be a requirement to strengthen the existing structure to ensure the safety and stability of the Applicant's cables.</p> <p>Regarding the Trust's comments in paragraph 4 of its written representation, the Applicant no longer requires the option of installing the cable above the current ground level within a protective berm. This eliminates the requirement for extended structures to be built buttressing the existing sea wall.</p>
NT-12	<p>4.2 The National Trust has not been provided with any detail and thus records an objection to any proposed alterations, additions or changes to this land or the sea wall or any acquisition of the Trust's land.</p>	<p>The Applicant has sought to engage with the National Trust to discuss the potential impact of the project on their land interests and has provided a proposed set of terms for an Option to Grant an Easement. Entering into such an agreement would negate the need for the use of powers of compulsory acquisition.</p>
NT-13	<p>4.3 This relates specifically to the Works No3.B (changes to the seawall) and Works Nos 4 and 4A cable alignment. These works are within the inalienable land held by the National</p>	<p>In light of the Applicant's decision to remove landfall option 2, Work No. 3B, within inalienable land held by the National Trust, is no longer required. The Applicant acknowledges that Work Nos. 4 and 4A are within that land.</p>

UID	Interested Party’s Written Representation	Applicant’s Response
	Trust and affected by any potential compulsory purchase or rights over land detailed under 3 above.	
NT-14	4.4 Without additional detail on any works to these features or potential / likely landfall and infrastructure requirements we continue to maintain an in principle objection to any works under the DCO in this regard. This is reinforced by our statutory cause and the need for additional diligence in ensuring that any impacts on land held by the Trust is compatible with that cause.	The Applicant is seeking consent to install the cables using either a horizontal directional drilling method or by open cut trenching. The first cable installation method would not require changes to the seawall because the cables would be horizontally drilled underneath it. The second cable installation method would require the sea wall to be opened up, the cables installed beneath it and the sea wall reinstated and potentially strengthened. The Applicant has sought to discuss the issues that may arise from these cable installation methodologies and how they might be dealt with in any land agreement. To date, the National Trust has not engaged with the Applicant on these issues.
NT-15	"5 Impacts on tourism and leisure 5.1 The impact of the cable route on Pegwell Bay Country Park varies with the options put forward; the above ground option 2 has the most short and long term impact on the Park, its management and users. The installation of a berm and the resulting changes to ground levels, management practices and access are not compatible with the purpose and vision of the Country Park. An over ground berm is not seen as acceptable, especially in light of the impact and lessons learnt from the previous	The Applicant can confirm that landfall Option 2 is proposed to be withdrawn from the design envelope of the proposed project and as such the above ground berm is no longer proposed.

UID	Interested Party's Written Representation	Applicant's Response
	cable project Nemo that has impacted on the Country Park."	
NT-16	"5.2 However IF this were to happen then the need for 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, would be required."	The Applicant can confirm that the proposed mitigation measures in relation to landscape and ecology, noting the removal of landfall Option 2, are provided within the Outline Landscape and Ecology Mitigation Plan, a revised version of which has been submitted at Deadline 1 following further consultation with KWT, KCC and Natural England
NT-17	"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 park."	The Applicant notes National Trusts position on the removal of landfall Option 2.
NT-18	"Cable landfall 6.1 The National trust maintains its in principle objection to the cable landfall route selection process as outlined in the Environmental Statement (ES). It is our conclusion that the ES fails to meet the regulatory requirements to provide the "adequate provision of information to draw detailed consultation responses" as it does not	The Applicant can confirm that in addition to the further information provided within the final application following formal Section 42 consultation, further clarification has also been provided in response to the ExQs (1.1.1 <i>et seq</i> )

UID	Interested Party's Written Representation	Applicant's Response
	<p>provide the detail required to understand the landfall site selection and options, and with what judgements or supporting evidence. Without this evidence of the exclusions, omissions, scoring system used, we consider that the order regarding the landfall site selection is flawed."</p>	
NT-19	<p>"6.2 The ES does not provide a level of detail or background evidence base sufficient to allow us to clearly understand the criteria, reasoning and weighting behind the various exclusion of options. The level of comparison and weight given to various factors is of particular concern and that ultimately the ES simply states the conclusion reached by the applicant without explaining how or giving the relevant information to help inform that process. The table below provides examples of sections from the ES where we have concerns and why."</p>	<p>The Applicant can confirm that in addition to the further information provided within the final application following formal Section 42 consultation, further clarification has also been provided in response to the ExQs (1.1.1 <i>et seq</i>).</p>
NT-20	<p>"Para 4.2.4 Under the Habitats Directive, when considering granting consent for a development that may adversely impacts on European sites, there must be sufficient evidence that 'there are no feasible alternative</p>	<p>The Applicant can confirm that in addition to the further information provided within the final application, following formal Section 42 consultation, further information has also been provided in response to the ExQs (1.1.1 <i>et seq</i>) which the Applicant considers now addresses this request. It should be noted that the Applicant does not accept that the project may adversely affect any European site. Amongst the</p>

UID	Interested Party's Written Representation	Applicant's Response
	<p>solutions to the plan or project which are less damaging' which includes using different routes. Ecological surveys were focused on one onshore cable route (Pegwell Bay) resulting in a lack of comparable ecological data. Without comparable ecological data for other proposed onshore cable routes and landfall options, we cannot accept that the route chosen is the least environmentally damaging."</p>	<p>information provided in response to ExQ1.1.1 was detail regarding the desk based analysis undertaken, through reference to the database managed by the statutory nature conservation body, and detail regarding ornithological surveys, and intertidal surveys that were undertaken across the Pegwell Bay and Sandwich Bay study areas.</p>
<p>NT-21</p>	<p>"Para 4.5.1 It is not considered that the 'avoidance of key sensitive features' has been followed sufficiently. We believe that alternative routes which have not been pursued would result in less disturbance to key sensitive features and have yet to see ecological evidence suggesting otherwise."</p>	<p>The Applicant can confirm that in addition to the further information provided within the final application, following formal Section 42 consultation, further information has also been provided in response to the ExQs (1.1.1 <i>et seq</i>) which the Applicant considers now addresses this request. The Applicant notes that examples of the avoidance of key features includes the decision made not to pursue Option 5 (Sandwich Flats North) due to the potential for interaction with the features of the Sandwich Bay SAC, and those within the Thanet Coast SAC which the Joss Bay option(s) would have interacted with.</p>
<p>NT-22</p>	<p>"4.7.4 A series of factors are used in the desk based assessment of options for the landfall appraisal. Of principal concern are the inconsistencies between the weighting and emphasis of the various criteria. This particularly relates to the used of the qualifying term 'minimise' and 'avoid' where</p>	<p>The Applicant can confirm that the criteria used are consistent with those used in the wider industry, and reflect the nature of potential constraints present for Thanet Extension. The Applicant can also confirm that as is consistent with all European designated sites, that are not considered to be a barrier to development but a trigger for detailed consideration. As such interaction with a designated site should be minimised where practicable, but interaction with features, such as ancient trees, should be avoided. The same process has been noted in response to NT-21 whereby</p>

UID	Interested Party's Written Representation	Applicant's Response
	<p>avoidance is clearly given a higher significance. This effectively demotes the environmental criteria to a lesser standing. The qualifiers are not applied equally across a topic, so that ancient woodland habitat is marked to avoid, while designated nature conservation is only to minimise, though the two are of course synonymous. The set of 'constraints' is inconsistent and illogical and mixes major policy matters with minor engineering and design considerations, creating an imbalanced and badly weighted assessment."</p>	<p>interaction with the wider site and critically the designated features within the site was undertaken.</p> <p>The Applicant would also note that it is, in the view of the Applicant, entirely reasonable to consider policy and engineering and design considerations as these matters or influence the deliverability of the project.</p>
<p>NT-23</p>	<p>"4.7.7 This merely states that three landfall choices were identified at stage 2. Without the detail and information lacking in para 4.7.4, it is not possible to understand or assess how this decision has been reached. It is not known what areas had been examined, which were excluded, and why. The constraints presented are biased towards allocating more weight to socioeconomic impacts than environmental impacts. For instance, the constraints include 'avoid land used for defence purposes' and 'avoid residential property' but the wording is much weaker for environmental considerations, where the constraint is</p>	<p>The Applicant does not accept that the constraints presented are biased towards socioeconomic impacts. Socioeconomics is a single facet of the material considerations that informed the site selection and design process. As noted previously, designated sites in and of themselves are not considered a barrier to development, but there is a clear need to consider whether a development will result in a likely significant effect on the conservation objectives, or a significant adverse effect on the integrity of a site. Where a significant adverse effect is concluded a development can then only progress where the qualities of a designated site are clearly outweighed by the environmental, social and economic benefits. It is the Applicant's position, which following the removal of landfall Option 2 is shared by Natural England, that there are no likely adverse effect on the integrity of any designated sites of relevance to the proposed development.</p>

UID	Interested Party's Written Representation	Applicant's Response
	<p>'minimise where practicable land designated for nature conservation'. Environmental considerations should have been given more weight, for instance this should have stated 'avoid land designated for nature conservation'."</p>	
<p>NT-24</p>	<p>"4.8.1 This only sets out a set of conclusions of assessment work without providing any detail, mapping or scoring to indicate how the set of Options in Table 4-2 was arrived at. By exclusion it is not known by us as a consultee what options or area were examined and excluded and why. It is obviously not possible for us to follow either the logic or methodology used to make these selections."</p>	<p>The Applicant can confirm that paragraph 4.8.1 refers to the factors considered at Stage 3 of the site selection process, following the conclusions of Stage 2 to bring forward 3 areas of search, and not Table 4-2 which refers to the Horlock Rules summary. Notwithstanding this the Applicant can confirm that column 1 of Table 4.2 provides the summary and requirements of the Horlock Rules (National Grid, 2003). Specifically, Section 3 (Guidelines) of the Horlock Rules have been used to inform the siting of the proposed Thanet Extension substation and infrastructure, with column 2 of Table 4.2 providing compliance statements or detailing how the Applicant has approached the Horlock Rules.</p>
<p>NT-25</p>	<p>"4.8.6 This strongly suggests that these routes are feasible, which is inconsistent with other claims that these routes were not pursued due to not being feasible. 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</p>	<p>The Applicant notes that this Written Representation is the same as that made by KWT (KWT-12). The Applicant considers the response to be the same, but importantly the Applicant can confirm that further information has also been provided in response to the ExQs (1.1.1 <i>et seq</i>) which the Applicant considers now addresses this request.</p>



UID	Interested Party's Written Representation	Applicant's Response
	affected by this route/landfall option, and the route would not directly impact the NNR."	
NT-26	"4.8.7 'Indicative routes 1, 2 and 7... were considered likely to have major restrictions on construction because their onshore routes are longer than the other options' 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."	The Applicant notes that this Written Representation is the same as that made by KWT (KWT-13). The Applicant considers the response to be the same, but importantly the Applicant can confirm that further information has also been provided in response to the ExQs (1.1.1 <i>et seq</i> ) which the Applicant considers now addresses this request.
NT-27	"4.8.9 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"	The Applicant notes that this Written Representation is the same as that made by KWT (KWT-14). The Applicant considers the response to be the same, but importantly the Applicant can confirm that further information has also been provided in response to the ExQs (1.1.1 <i>et seq</i> ) which the Applicant considers now addresses this request.
NT-28	"4.9.8 – 4.9.14 The summary provided makes some simplistic and unsubstantiated. It does not present any understanding of the character of the landscape, does not use any	The Applicant does not agree that the sections refer to do not provide any character appraisal. Paragraph 4.9.8 identifies the relevant landscape character area (F1 Pegwell Bay Local Character Area). Paragraph 4.9.9 then notes that providing the tree and scrub loss at the periphery of the Pegwell Bay Country Park is minimised the

UID	Interested Party's Written Representation	Applicant's Response
	<p>character appraisal or characterisation techniques to assess the likely impacts of cabling on the landscape, its cultural or heritage assets. This section is considered to be wholly inadequate to inform potential impacts."</p>	<p>potential changes could be minimised. Conversely paragraph 4.9.11 then considers the risk associated with Option 2 with regards direct adverse effects on the physical landscape elements (and character) within amongst other receptors the Sandwich Bay Estate.</p>

## 14 Nemo Link Limited (REP1-122)

### 14.1 Summary

33 The primary concerns raised by Nemo Link Limited relate to:

- Compulsory acquisition
- Protection of their apparatus
- Cable route options within Richborough Energy Park (Work No. 16)
- Seawall options (Work No. 3B)

34 A point by point response to Nemo Link Limited's Written Representation is documented below.

**Table 12: Response to Nemo Link Limited**

UID	Interested Party's Written Representation	Applicant's Response
NLL-1	NLL agrees with the ExA's initial assessment of principal issues, and agrees that the implication of the Project on Nemo is a principal issue.	The Applicant agrees that the protection of NLL's apparatus and rights is a principal issue and Protective Provisions have been included in the dDCO for the protection of NLL's interests at Schedule 8 Part 1.
NLL-2	NLL arranged a meeting with the Applicant on 7 January 2019 to discuss its concerns about the Project.	The Applicant and NLL met on the 7 <sup>th</sup> January and had a constructive meeting discussing the project in more detail and addressing concerns raised by NLL in their RR.

UID	Interested Party’s Written Representation	Applicant’s Response
NLL-3	<p>The draft DCO (dDCO) currently includes an ability for the Applicant to surface lay its onshore export cables or to underground its onshore export cables. We understand that the Applicant intends to amend the dDCO to remove this flexibility and to provide that the onshore export cables will all be installed underground. NLL supports this amendment as it resolves one of NLL’s concerns in respect of the interrelationship between Nemo and the Project. NLL reserves its position to make further submissions on this issue at Deadline 2 in the event that the Applicant does not remove the ability to surface lay its onshore export cables from the dDCO.</p>	<p>The Applicant confirms that the option to surface lay the cables has been removed from the order.</p> <p>The Applicant acknowledges that NLL reserves its position to make further submissions on this point at D2.</p>
NLL-4	<p>At present, the dDCO includes the compulsory acquisition of NLL's land, interests and rights. 4.2 NLL’s position is that none of its land, interests or rights can be acquired compulsorily or new rights created over its land and that until NLL reaches an agreement with the Applicant it will require an article in the DCO to make this clear. NLL’s position is also that none of its rights or interests can be extinguished by the DCO, and again until it reaches an agreement with the Applicant it will require an article in the DCO to make this clear. Particular works which cause NLL particular concern are identified below in sections 5, 6 and 7 below.</p>	<p>The Applicant is committed to continue to work with NLL towards a protective agreement that is satisfactory to NLL and will fully protect their rights and apparatus. However, in the event that a bespoke agreement can’t be reached Protective Provisions have been included in the dDCO for the protection of NLL's interests at Schedule 8 Part 1.</p>

UID	Interested Party's Written Representation	Applicant's Response
NLL-5	<p>NLL's land (or its interests in or rights over land) affected by the Project cannot be acquired and replaced or rights created over such land without serious detriment to the carrying on of NLL's undertaking. At this stage, NLL is not satisfied that the land or any new rights to deliver the Project can be acquired or created without serious detriment to the carrying on of NLL's undertaking or that (where relevant):</p> <p>4.6.1 if purchased it can be replaced by other land, as no such other land has been identified.</p> <p>4.6.2 any such detriment could be made good by the Applicants through the use of other land belonging to or available for acquisition by the Applicants, as no such replacement land has been identified.</p>	<p>It is not the Applicant's intention to acquire or extinguish NLL's interests. The Applicant anticipates that the rights it requires can be acquired and can coexist with NLL's interests in or rights over land with appropriate protective provisions, and, in due course, appropriate crossing agreements or similar agreements.</p> <p>The Applicant is committed to continue to work with NLL towards a protective agreement that is satisfactory to NLL and will fully protect their rights and apparatus.</p>
NLL-6	<p>The Project's onshore cable route could interfere with Nemo's onshore cable at the interface with the NGET substation (the Project's Work No.16 and shown on the land plan as lot 02/121), but this appears to be just one option that the Applicant has included within its dDCO as part of Work No.16.</p> <p>The other options are shown as plots 02/122 and 02/124 on the land plans.</p>	<p>The Applicant seeks consent for sufficient land within the order limits to provide for 3 circuit routing options through Richborough Energy Park (REP). This is to allow flexibility due to the ongoing construction works taking place at REP.</p> <p>A more detailed response is provided at NLL-9.</p>
NLL-7	<p>It is not clear from the application materials why this optionality is required and Work No 16 is not split into options in the same way that Work No 3B is split into options. This approach is not made clear in the Works Plans or within the description of development within</p>	<p>Unlike Work No. 3B, the different potential routes within Richborough energy park would all contain the same types of works that may need to be undertaken in order to ensure its delivery. The way that the dDCO is drafted ensures that only one route, for the purpose of constructing two cable circuits and its associated infrastructure.</p>

UID	Interested Party's Written Representation	Applicant's Response
	<p>Work No.16 of the dDCO itself (where no optionality is identified), but it is made clear on the Land Plans where the three routes are described as options.</p>	<p>In this regard, whilst only two cable circuits will need to be installed within this Work, it is possible that the Applicant will require use of the areas not chosen for the cables for installation of access, laydown and storage (for example) which would only be possible to design in detail at the time of installation, given the dynamic nature of the site. Accordingly, whilst not necessary, the Applicant could split the site into different plots for the purposes of acquiring permanent rights only where the cables are laid on the Land Plans, it is not possible to delineate in the same manner for the purposes of temporary laydown, construction compound works and access.</p> <p>In addition, the Applicant has made it clear in the Application and the SoR that only the land required for the cable circuits would be needed for permanent property interests.</p>
<p>NLL-8</p>	<p>The dDCO does not capture any element of optionality in respect of Work No.16. If granted in its current form, the dDCO would authorise the Applicant to construct Work No. 16 in its entirety. However, NLL understands from the Applicant that this is intended to be optional and that only one of the onshore cable routes would be constructed. Therefore, the dDCO and the works plans need to be amended to reflect this position.</p>	<p>The Applicant notes this response and can confirm this has already been addressed in response to NLL-7 above.</p>

UID	Interested Party's Written Representation	Applicant's Response
NLL-9	<p>NLL's position is that the Applicant has not provided any justification for an element of optionality in respect of Work No.16, and that the dDCO should only permit one option.</p>	<p>The Applicant seeks consent for sufficient land within the order limits to provide for 3 circuit routing options through Richborough Energy Park (REP). This is to allow flexibility due to the ongoing construction works taking place at REP. As a result of there being two cable circuits requiring construction – and this is reflected as such in the dDCO, the Statement of Reasons and the application material – only one of the three high level routes would be employed.</p> <p>Route optionality is driven by the extremely constrained nature of the access to the 400kv substation due to its location on a former power station site. Whilst the Applicant is confident that one of the options is deliverable, at this stage in the evolution of the scheme and its design it is not possible to categorically state which of those options would be most appropriate.</p> <p>As explained however in NLL-7, it is not appropriate to create a range of options in the draft Order:</p> <ol style="list-style-type: none"> <li>1) All of the potential construction methods stated in the draft Order may be required for each option;</li> <li>2) There exists associated infrastructure requiring construction for the circuit, whatever its final location;</li> <li>3) Not more land than is required for the purpose of constructing one circuit will be obtained (compulsorily or otherwise) for the purpose of constructing the two cable circuits.</li> </ol> <ul style="list-style-type: none"> <li>• Option 1 – To the North East of the NLL HVDC Converter Building approaching the NGET 400KV Richborough Substation from the east. This is heavily constrained by existing services and access to the</li> </ul>

UID	Interested Party's Written Representation	Applicant's Response
		<p>substation building.</p> <ul style="list-style-type: none"> <li>• Option 2 – Between the NLL HVDC Converter Building and the UKPN 132KV Substation approaching the NGET 400KV substation from the south. This option runs between two sets of existing substation infrastructure and has very limited options to microsite.</li> <li>• Option 3 – A route to the south west of the UKPN substation broadly following the south western boundary of the Richborough A Ltd. Ownership. This route would involve cable laying in proximity to the NGET 132KV underground cable. The Applicant is in discussions with NGET and UKPN to ensure that the routing of the 132KV circuits and potential future expansion requirements does not preclude installation of its own 400KV cables. This route is further constrained by the adjacent watercourse running to the west.</li> </ul> <p>To be clear, only one option would – and can be taken forward by the Applicant to connect to NGET's Richborough substation and this will be determined prior to construction by working with NGET, UKPN, NLL and REP.</p>
NLL-10	<p>In relation to the option shown on the land plans at plot 02/121, it is not clear to NLL how this could be delivered given that this is a constrained area that includes Nemo's cables and this option would necessitate a crossing of Nemo's cables. NLL has not been provided with any information which would identify the method of this crossing. Therefore, NLL objects to the inclusion of this work.</p>	<p>The Applicant notes NLL's objection and is working with all interested parties within Richborough Energy park to ensure the optimum route option will be progressed to connect to NGET's 400kV Richborough substation.</p> <p>The Applicant seeks consent for sufficient land within the order limits to provide for 3 circuit routing options through Richborough Energy Park.</p> <ul style="list-style-type: none"> <li>• Option 1 – To the North East of the NEMO HVDC Converter Building approaching the NGET 400KV Richborough Substation from the east.</li> </ul>



UID	Interested Party's Written Representation	Applicant's Response
		<ul style="list-style-type: none"> <li>• Option 2 – Between the NEMO HVDC Converter Building and the UKPN 132KV Substation approaching the NGET 400KV substation from the south</li> <li>• Option 3 – A route to the south west of the UKPN substation broadly following the south western boundary of the Richborough A Ltd. ownership</li> </ul> <p>The south western option (Option 3) would involve laying cables in proximity to the 132KV underground cable referred to in NGET's Relevant Representation.</p> <p>The Applicant is in discussions with NGET and UKPN to ensure that the routing of the 132KV cables would not preclude installation of its own 400KV cables in the same vicinity.</p> <p>Construction of the Applicant's scheme will also be governed by protective provisions in the Order benefitting NLL, which will ensure that the Applicant's works cannot be commenced until (for example) satisfactory designs and construction methodologies are approved by NLL.</p> <p>The Applicant is engaged in an ongoing process of consultation with Richborough A Ltd. as freehold owner of the energy park and all other energy park stakeholders who enjoy easement and other rights in the common areas thereof with a view to agreeing the optimum circuit routing bearing in mind the constraints that exist.</p> <p>Bearing in mind the constraints that exist and the pace of development within the energy park the applicant considers it reasonable and necessary to have sufficient land available within the Order Limits for any of the 3 options to be taken forward in order to allow sufficient flexibility for the constraints to be worked around.</p>

UID	Interested Party's Written Representation	Applicant's Response
NLL-11	<p>In relation to the option shown on the land plans at plot 02/122, it is not clear to NLL how this could be delivered and how NLL's access could co-exist. NLL has not been provided with any information which would identify the extent of any interference with NLL's access. Therefore, NLL objects to the inclusion of this work.</p>	<p>The Applicant is committed to continue to work with NLL towards a protective agreement that is satisfactory to NLL and will fully protect their rights and apparatus. The Applicant notes NLL's objection and is working with all interested parties within Richborough Energy Park to ensure the optimum route option will be progressed to connect to NGET's 400kV Richborough substation. Protective Provisions exist for the protection of NLL's interests in the dDCO at Schedule 8 Part 1.</p> <p>It should be noted, however, that plot 02/122 is not currently suitable for access and whilst the Applicant understands the future proposal for this to be made into a road, this would not in and of itself preclude the laying of cables along this route with suitable traffic management in place.</p>
NLL-12	<p>Given that the Applicant has included three options in respect of Work No.16, and only the options to the north/north east and the south of the existing substation would interfere with Nemo, NLL's position is that Work No.16 should be amended so as to:</p> <p>5.7.1 remove the cable route to the north/north east of the substation (which is excluded from the order limits and is shown on the land plans and work plans as the larger of the two "islands" in between Work No.16) as part of Work No.16 (shown as plot 02/121 on the land plan);</p> <p>5.7.2 remove the cable route to the south of the substation as part of Work No.16 (shown as plot 02/122 on the land plan); and</p>	<p>The Applicant seeks consent for sufficient land within the order limits to provide for two cable circuit routing options through Richborough Energy Park (REP). This is to allow flexibility due to the ongoing construction works taking place at REP.</p> <p>It should be noted that NLL's apparatus is not the only consideration for routing through Richborough Energy Park, for example NGET are yet to install their 132kV cables between UKPN's substation and NGET's substation and the layout of this will, in part, inform the viability of the southernmost route. Consequently, there is a need for the 3 options to ensure the optimum route can be progressed minimising disruption to all interested parties including NLL.</p> <p>Furthermore, NLL's rights and apparatus will be safeguarded by the protective agreement and indeed the protective provisions that already</p>

UID	Interested Party's Written Representation	Applicant's Response
	<p>5.7.3 only include the cable route to the west/south west of the substation as part of Work No.16 (shown as plot 02/124 on the land plan).</p>	<p>exist within the draft Order.</p>
<p>NLL-13</p>	<p>NLL understands from the Applicant that its connection to the substation would be to the south in any event. Therefore, NLL considers that such amendments to Work No.16 would not prejudice the Applicant's ability to deliver the Project and connect to the substation and would enable this connection to be made using the most appropriate route.</p>	<p>The Applicant does not agree with NLL's assertion that a connection to NGET would be to south, or the certainty of viability of the southern route that NLL present. As set out in response to NLL-12 there are multiple statutory undertakers apparatus and ongoing construction and development work at Richborough Energy Park, therefore reasonable flexibility is required to ensure a viable cable route can be secured.</p>
<p>NLL-14</p>	<p>As a backstop position, NLL would be happy to accept the inclusion of an amended definition of Work No. 16, which effectively splits the options into Work No.16A, Work No.16B and Work No.16C with an article included within the DCO that provided that the relevant works (for example Works No.16A or 16B) could not be delivered without approval of NLL (such approval to be at NLL's absolute discretion).</p>	<p>As described in response to NLL-12 and 13, some uncertainty regarding the final route as described in the Statement of Reasons remains, requiring a reasonable degree of flexibility to be maintained in the DCO. The use of land within Richborough Energy Park would not simply be limited to the cable route, as access and temporary work areas may be required in parts of Work No.16 that does not fall directly on one particular route. As such it is not appropriate nor possible to split work No. 16 into defined cable routes which would be chosen to the exclusion of other areas. In any event, the Applicant considers that it would be wholly inappropriate that absolute discretion on the viability of any route should remain with a single interested party, particularly as electricity apparatus is already provided protection through the</p>

UID	Interested Party's Written Representation	Applicant's Response
		<p>protective provisions in the draft DCO.</p>
<p>NLL-15</p>	<p>NLL objects to the compulsory acquisition of any of its land or its rights or interests in land associated with Work No. 16. There is no compelling case in the public interest for NLL's land or NLL's rights or interests in land to be compulsorily acquired or extinguished. This land is not:                      5.11.1 required for the development to which the development consent relates, given the alternative options that exist;                      5.11.2 required to facilitate or incidental to the development; or                      5.11.3 replacement land.</p>	<p>For the reasons set out in response to NLL-12-14 and those set out in the Statement of Reasons, the Applicant disagrees that there is no compelling case in the public interest for the acquisition of rights over this land.</p> <p>It is evident that in order to connect to the National Grid 400kV substation, construction works will be required to facilitate a circuit route through Richborough Energy Park and that as set out above, uncertainty exists regarding constraints such that a limited degree of flexibility on routing is required.</p> <p>Furthermore, as set out in the Statement of Reasons, the Applicant has split the plots over this area such that, when it comes to the acquisition of permanent rights, only that land which is required for the continued support and maintenance of the cable would be acquired.</p> <p>The scheduling of the three options is therefore required for the development and there is a compelling case in the public interest for it in order to support the construction of the NSIP. The acquisition of permanent interests over one of the routes within Work No. 16 would also be both required for the development, and be supported by a compelling case in the public interest.</p>

UID	Interested Party's Written Representation	Applicant's Response
NLL-16	<p>The Project includes three alternative works packages as part of Work No. 3B. This includes Work No. 3B(b) and Work No. 3B(c).</p> <p>6.2 These two works could involve the construction of seawall, and the acquisition of NLL's land/interference with NLL's rights. However, they are only possible alternatives. NLL objects to these alternatives. NLL does not object to Work No.3B(a).</p>	<p>As intimated at Deadline 1, landfall option 2 has been removed from the scope of the application and a revised dDCO is submitted at Deadline 2. The implications of this in terms of the design envelope of works to the seawall are detailed in appendix 14.</p> <p>Accordingly, the Applicant no longer requires to acquire the freehold of the sea wall or the land immediately to the east or west of it, and consequently does not require to take the freehold of land in which NLL owns an easement or other interests in land.</p>
NLL-17	<p>NLL does not understand the broader implications for the seawall, for example whether the effect of diverting seawater to the north by the construction of a seawall would be to adversely affect the integrity of the Nemo cable to the north.</p>	<p>The Applicant is grateful for NLL's comment and refers NLL to its answer to NLL-16 above.</p>
NLL-18	<p>Given that the Applicant has included an alternative works package in Work No. 3B(a), NLL's position is that the DCO should only authorise Work No. 3B(a) and that the DCO should not authorise Work No. 3B(b) and Work No. 3B(c). It is not clear why the Applicant requires three options.</p>	<p>The Applicant is grateful for NLL's comment and refers NLL to its answer to NLL-16 above.</p>
NLL-19	<p>This would ensure that the integrity of Nemo's cable route and access is protected, and would not prevent the Project from being delivered using the alternative</p>	<p>The Applicant is grateful for NLL's comment and refers NLL to its answer to NLL-16 above.</p>

UID	Interested Party's Written Representation	Applicant's Response
	works package under Work No.3B(a).	
NLL-20	As a backstop position, NLL would be happy to accept the inclusion of an article within the DCO that provided that could be that Work No.3B(c) could not delivered without approval of NLL (such approval to be at NLL's absolute discretion).	The Applicant is grateful for NLL's comment and refers NLL to its answer to NLL-16 above.
NLL-21	NLL understands that the Applicant intends to amend the dDCO to remove any ability to extend the seawall. NLL supports this amendment, as it resolves one of NLL's concerns in respect of the interrelationship between Nemo and the Project. NLL reserves its position to make further submissions on this issue at Deadline 2 in the event that the Applicant does not remove the ability to surface lay its onshore export cables from the dDCO.	The Applicant confirms its intention to amend the DCO to reflect the extension of the seawall no longer being required.
NLL-22	NLL objects to the compulsory acquisition of any of its land or its rights or interests in land associated with Work No. 3B. There is no compelling case in the public interest for NLL's land or NLL's rights or interests in land to be compulsorily acquired.	<p>As intimated at Deadline 1, landfall option 2 has been removed from the scope of the application and a revised DCO is submitted at Deadline 2. The implications of this in terms of the design envelope of works to the seawall are detailed in appendix 14. The Applicant does not intend to acquire NLL's land, or interests in land.</p> <p>The Statement of Reasons sets out why there is a compelling case in the public interest for the acquisition of rights over this land.</p>

UID	Interested Party's Written Representation	Applicant's Response
NLL-23	<p>At present, the Applicant intends to permanently acquire Plots 01/05, 01/06, 01/10 and 01/11 to deliver Work No.3B. However, NLL is not satisfied that this land: 6.9.1 can be purchased and not replaced without serious detriment to the carrying on of NLL's undertaking; or 6.9.2 if purchased it can be replaced by other land belonging to, or available for acquisition by, the undertakers without serious detriment to the carrying on of the undertaking.</p>	<p>The Book of Reference and Land Plans have been amended to reflect the removal of the surface laid option and the 'Permanent freehold acquisition' has been changed to 'Permanent acquisition of rights'.</p>
NLL-24	<p>The Project seeks the upgrading and widening of an existing access from Sandwich Road and more importantly the crossing of the surface laid Nemo cables by vehicles to access Work No 4A, 4, 3B. The surface laid Nemo cables were not constructed with the intention of heavy construction traffic crossing them. No details have been provided to demonstrate how the construction traffic will cross the existing chalk bund where Nemo's cables are surface laid. Therefore, NLL objects to the inclusion of this work.</p>	<p>The Applicant is committed to continue to work with NLL towards a protective agreement that is satisfactory to NLL and will fully protect their rights and apparatus. The Applicant's is working with NLL and will continue to work with NLL to find a solution to cross their cables without affecting their integrity. The Applicant notes that, while the berm is used for some vehicular access into the country park, it was not designed with the intention of heavy construction traffic to cross it.</p> <p>The safe installation of the Applicant's works, and the agreement of method statements and installation methodology to ensure this between the parties will also be required by the protective agreement and protective provisions.</p>
NLL-25	<p>NLL has not been provided with technical details as to how this access track would be constructed, or sufficient details to demonstrate that it would not adversely interfere with the Nemo cable.</p>	<p>The Applicant is grateful for NLL's comment and refers NLL to its answer to NLL-24 above.</p>

UID	Interested Party's Written Representation	Applicant's Response
NLL-26	<p>NLL's preferred technical solution would be one that completely avoids the surface laid Nemo cables, for example by the delivery of a bridged solution that does not involve the crossing of the surface laid Nemo cables by construction traffic.</p>	<p>The Applicant is grateful for NLL's comment and refers NLL to its answer to NLL-24 above.</p> <p>The Applicant's is working with NLL and will continue to work with NLL to confirm the solution to cross cables without affecting their integrity.</p>
NLL-27	<p>NLL objects to the compulsory acquisition of any of its land or its rights or interests in land associated with Work No.6. There is no compelling case in the public interest for NLL's land or NLL's rights or interests in land to be compulsorily acquired.</p>	<p>The Applicant intends to continue to seek powers of compulsory acquisition over Work No. 6, in parallel with negotiating a protective agreement that will prevent or otherwise govern their exercise. It is not the Applicant's intention to compulsorily acquire NLL's land or rights in land. However, to ensure that the widest flexibility is retained for the parties to agree on a solution to the installation of the Applicant's apparatus, the Applicant maintains that there is a compelling case in the public interest for the compulsory powers sought throughout the Order land to be granted.</p>
NLL-28	<p>At this stage, NLL is not satisfied that:</p> <p>7.5.1 the right to deliver these works can be purchased without serious detriment to the carrying on of NLL's undertaking given the potential adverse effects on the Nemo cables; and</p> <p>7.5.2 any detriment to the carrying on of NLL's undertaking, in consequence of the acquisition of the right, can be made good by the Applicant's by the use of other land belonging to or available for acquisition by them as this land is unique in that it comprises the Nemo cables and it is not land in respect of which alternative land is appropriate.</p>	<p>The Applicant considers that its works can coexist with NLL's apparatus, suitably governed by the protective agreement being negotiated between the parties, and that technical solutions are readily available to resolve any potential adverse effects.</p> <p>The Applicant does not anticipate needing to provide exchange land in respect of NLL's cable and does not consider that NLL's undertaking will suffer serious detriment by its works.</p>



UID	Interested Party's Written Representation	Applicant's Response
NLL-29	At this stage, NLL does not understand the implications for Nemo in respect of the construction of the connection to the substation, as there is no provision within the works package for a connection bay to the substation and the substation is excluded from the order limits.	The Applicant has a connection agreement with NGET to facilitate the connection to the Richborough 400kV substation. There is sufficient space within the existing substation building to allow for the connection. NGET will determine the interface point within the substation. Furthermore, the National Grid 400kV substation is within the order limits at plot 02/130 of the land plans.
NLL-30	At this stage, there is insufficient information to identify where the connection will be made. As identified above, there are three cable route options to connect to the substation but it is not clear exactly where this connection will be made. Accordingly, the implications for Nemo are not clear.	NLL is correct that the final location of the connection point within the NGET compound has not been confirmed at this time. It is partly for this reason that flexibility on routing through Richborough Energy Park is required.
NLL-31	NLL understands that the grid connection is likely to be to the south of this substation, and this has informed NLL's comments on Work No.16 at section 5 above.	The Applicant refers to its response to NLL-30 above.
NLL-32	NLL will require confirmation that the Project will not dispose of any UXO that will effect Nemo. NLL understand that the Applicant will need to undertake further survey work to identify the scope of any UXO that it will need to dispose of in due course. 9.2 NLL will work with the Applicant to reach agreement in relation to UXO, but in the absence of any agreement it may require protection within the DCO.	This is noted by the Applicant.

UID	Interested Party's Written Representation	Applicant's Response
NLL-33	<p>NLL understands that there will be an offshore crossing of the Nemo offshore electricity cable, but NLL currently has insufficient information to allow it to identify the location of this crossing or the likely impacts on Nemo. To assist NLL, it will require the following information:</p> <p>10.1.1 what the impressed voltage implications on cable crossings will be;</p> <p>10.1.2 where the offshore crossing will be and how deep this will be, as well the proximity to other crossings and how mattressing will be undertaken;</p> <p>10.1.3 the anchor spread plans; and</p> <p>10.1.4 the offshore repair strategy.</p>	<p>The Applicant is committed to work with NLL towards an offshore crossing agreement to protect their apparatus. The information requested by NLL will be available prior to construction following detailed surveys and design and a commitment to submit and agree this with NLL will be included in the offshore crossing agreement.</p>
NLL-34	<p>SOCG</p> <p>11.1 We note that the ExA has requested that the Applicant enter into an SoCG with NLL, and given the concern that NLL identified within its relevant representation we consider that there is merit in agreeing an SoCG.</p> <p>11.2 The Applicant has not sought to progress an SoCG with NLL, and has not contacted NLL to progress an SoCG since the publication of the Rule 6 letter.</p> <p>11.3 The concerns that NLL has identified in its section 42 consultation response and its relevant representation remain outstanding, and discussion would assist in ensuring that these concerns can be resolved.</p>	<p>Negotiations are at an advanced stage with NLL to agree an onshore protective agreement. It is considered a protective agreement would remove NLL's concerns / objections and therefore at this stage it was felt that a SoCG was not necessary. This position will be reviewed on an ongoing basis.</p> <p>The Applicant has been in discussions with NLL since September 2017 and has held a number of meetings to discuss the project in more detail. The Applicant and NLL also met on the 7<sup>th</sup> January to discuss the project in more detail and address any concerns raised by NLL.</p>

UID	Interested Party's Written Representation	Applicant's Response
NLL-35	<p>PROTECTIVE PROVISIONS</p> <p>12.1 NLL is currently negotiating bespoke protective provisions with the Applicant.</p> <p>12.2 NLL would wish to appear at the Issue Specific Hearing (ISH) into the DCO on Thursday 21 February 2019.</p>	<p>The Applicant is committed to continue to work with NLL towards a protective agreement that is satisfactory to NLL and will fully protect their rights and apparatus.</p> <p>The Applicant notes NGET's willingness to attend a compulsory acquisition hearing or issue specific hearing if the protective agreement is not resolved to its satisfaction in time.</p>

## 15 Mr G Pulman (REP1-123)

### 15.1 Summary

35 The primary concerns raised by Mr G Pulman relate to:

- Commercial fisheries

36 A point by point response to Mr Pulman’s Written Representation is documented below.

**Table 13: Response to Mr Pulman**

UID	Interested Party-s Written Representation	Applicant’s Response
Pulman-1	I've tried down loaded but couldn't, then cut and paste. Last time I did that was wall papering. I hope this can get where it needs to go. My objection against the extension. I can only go over what I already have. This would mean a total loss of fishing grounds to me. The nets i use are only suited to this area due to their weight. This gear will not drift in any other area. This would entail new nets, new ground to find which then means loss of gear on obstructions on the sea bed. The time lost doing all this is something I can not afford as it's not certain that I could break in new ground knowing it holds fish. I am a member of Thanet Fisherman's Association and I filling go along with they are saying.	The Applicant refers to the response to Thanet Fisherman's Association (TFA) Written Representation in this document and the SoCG with TFA submitted as Appendix 20 to the Applicants response at Deadline 1.

## 16 Shakespeare Martineau on behalf of National Grid Electricity Transmission Plc (NGET) (REP1-125)

### 16.1 Summary

37 The primary concerns raised by Shakespeare Martineau on behalf of National Grid Electricity Transmission Plc (NGET) relate to:

- Compulsory acquisition
- Protection of apparatus
- Safety

38 A point by point response to NGET's Written Representation is documented below.

**Table 14: Response to NGET**

UID	Interested Party's Written Representation	Applicant's Response
NG-1	National Grid Plc have made a relevant representation in this matter on 5 <sup>th</sup> September 2018 in order to protect apparatus owned by National Grid Electricity Transmission PLC ("NGET"). National Grid Plc does not object in principle to the development proposed by the Promoter.	The Applicant acknowledges the relevant representation submitted on behalf of National Grid PLC (NGET)

UID	Interested Party's Written Representation	Applicant's Response
NG-2	<p>National Grid does, however, object to the Authorised Works, which include connection to their Electricity Transmission Network being carried out in close proximity to their extensive apparatus in the area unless and until suitable protective provisions and related agreements have been secured to their satisfaction, to which see further at paragraph 4. They also object to any compulsory acquisition powers for land or rights or other related powers to acquire land temporarily, override or otherwise interfere with easements or rights or stop up public or private rights of access being invoked which would affect their land interests, rights apparatus, or right to access and maintain their apparatus. This is unless and until suitable protective provisions and any necessary related amendments to the wording of the DCO have been agreed and included in the Order.</p>	<p>The Applicant acknowledges NGET's objection to the authorised works, and that this is to be maintained until suitable protective provisions and any related agreements have been secured.</p> <p>In particular, the applicant acknowledges the importance of protecting the Richborough 400kV substation, the rights obtained under Richborough Connection Project Order 2017 and any other NGET apparatus and rights.</p> <p>The acquisition of rights over NGET's 400kV Richborough substation are included in the Order because NGET is not the freehold owner of the land and the Applicant wishes to retain maximum flexibility to agree a solution with NGET, which may include NGET agreeing to the Applicant exercising its compulsory acquisition powers. The Applicant does not intend to acquire NGET's land or interests in land. The protective provisions will govern the exercise of compulsory powers and in their current form prohibit the exercise of powers without NGET's consent.</p>

UID	Interested Party's Written Representation	Applicant's Response
NG-3	<p>The Richborough 400kV Sub Station was authorised under the Richborough Connection Project Order 2017 for National Grid's benefit and provided the necessary land and rights to construct the new Sub Station and connection between Richborough and Canterbury North. The Richborough Connection Project is in the course of construction and anticipated to be fully completed by June 2020. The 400kV Overhead Line has been constructed, as has the 400Kv Sub Station and both are in operation. The 132kV Cable Route will be laid before the end of August 2019. National Grid's rights obtained under the Richborough Connection Project Order 2017 are required to be protected and safeguarded where there is any interaction with the Thanet Extension offshore Windfarm Order. The overhead lines, underground cables and Sub Station form/will form an essential part of the electricity transmission network in England and Wales. NGET will require the Promoter to enter into crossing agreements in respect of crossings of their Apparatus (underground cables and possibly also Overhead Lines if there is any crossing of their easement strips). The integrity of the 132kV underground cable is of key concern to NGET.</p> <p>NGET will also require that works for connection to their Richborough 400kV Sub Station within the Sub Station boundary, which are part of the authorised development within (Work No. 16) are carried out by NGET in accordance with the Connection Agreement entered into with the Promoter.</p>	<p>The Applicant believes that the Richborough 400kV substation was authorised by a planning application rather than a DCO. However, the Applicant acknowledges the importance of protecting National Grid's 400kV Richborough Substation, overhead and underground apparatus and is committed to continue to work with NGET towards a set of protective provisions that is satisfactory to NGET. The applicant is also committed to working with NGET to ensure the integrity of the 132kV cables are protected during the connection works.</p>

UID	Interested Party's Written Representation	Applicant's Response
NG-4	<p>In respect of all NGET infrastructure located within the DCO boundary, or in close proximity to the proposed project and associated works, NGET will require protective provisions to be put in place to ensure (i) that all NGET interests and rights including rights of access are unaffected by the power of compulsory acquisition, grant and extinguishment of rights and temporary use powers and (ii) to ensure that appropriate protection for the retained apparatus is maintained during and after construction of the project. This includes compliance with all relevant standards on safety clearances EN 43 -8, Development near overhead lines and HSE Guidance Note GS6 Avoiding Danger from Overhead Electric Lines.</p>	<p>The Applicant is committed to continue to work with NGET towards a set of protective provisions that is satisfactory to NGET. The Applicant confirms that NGET's access will be maintained during and post construction. The Applicant notes and is grateful for NGET's summarising of its guidance in respect of standards and protocols.</p>
NG-5	<p>NGET have issued guidance in respect of standards and protocols for working near to Electricity Transmission equipment in the form of:                      3.1.1 Third Party Working near National Grid Electricity Transmission equipment - Technical Guidance Note 287. This document gives guidance and information to third parties working close to National Grid Electricity Transmission assets. This cross refers to statutory electrical safety clearances which are used as the basis for ENA (TA) 43-8, which must be observed to ensure safe distance is kept between exposed conductors and those working in the vicinity of electrical assets, and 3.1.2 Energy Network Associations Development near Overhead Lines ENA (TS) 43-8.</p> <p>This sets out the derivation and applicability of safe clearance distances in various circumstances including crossings of OHL and working in close proximity. 3.1.3 Additionally HSE's guidance note 6 "Avoidance of Danger of Overhead Lines". Summarises advice to minimise risk to life/personal injury and provide guidance to those planning and</p>	<p>The Applicant notes and is grateful for NGET's summarising of its guidance in respect of standards and protocols.</p>



UID	Interested Party's Written Representation	Applicant's Response
	engaging in construction activity in close proximity to Overhead Lines.	
NG-6	National Grid requires specific protective provisions in place to provide for an appropriate level of control and assurance that industry standards will be complied with in connection with works to and in the vicinity of their electricity assets.	The Applicant is committed to continue to work with NGET towards a set of protective provisions that is satisfactory to NGET. The Applicant will comply with all appropriate industry standards in respect of the connection works and construction works.
NG-7	<p>National Grid seeks to protect its statutory undertaking, and insists that in respect of connections and work in close proximity to their Apparatus as part of the authorised development the following procedures are complied with by the Applicant:</p> <p>(a) National Grid is in control of the plans, methodology and specification for works within 15 metres of any retained Apparatus, (b) NGET carry out those works forming part of Work 16 which sit inside their leasehold ownership and involve connection works to the Richborough Sub Station in accordance with the Electricity Connection Agreement between the parties, (c) DCO works in the vicinity of NGET apparatus are not authorised or commenced unless protective provisions are in place preventing compulsory acquisition of National Grid's land or rights or the overriding or interference of the same and including appropriate insurance and indemnity provisions to protect National Grid. Any acquisition of rights must be subject to NGET's existing interests and rights and not contradict with or cut across such rights. (d) The Protective Provisions will secure crossing agreements are entered into in respect of any National Grid apparatus including the 132kV Cable, where this is crossed by the Thanet Cable Route</p>	<p>The Applicant is committed to continue to work with NGET towards a set of protective provisions that is satisfactory to NGET.</p> <p>The Applicant acknowledges that a Crossing Agreement will also be secured by the protective provisions, once protective provisions are agreed, just as the protective provisions will ensure appropriate insurance and security is in place prior to DCO works in the vicinity of NGET's apparatus.</p>

UID	Interested Party's Written Representation	Applicant's Response
	connection to the Richborough Sub Station	

UID	Interested Party's Written Representation	Applicant's Response
NG-8	<p>National Grid maintain that without an agreement or qualification on the exercise of unfettered compulsory powers or connection to its apparatus the following consequences will arise:</p> <p>4.2.1 Failure to comply with industry safety standards, legal requirements and Health and Safety Executive standards create a health and safety risk; 4.2.2 Any damage to apparatus has potentially serious hazardous consequences for individuals located in the vicinity of the pipeline/apparatus if it were to fail. 4.3 The proposed Order does not yet contain fully agreed protective provisions expressed to be for the protection of National Grid to National Grid's satisfaction, making it currently deficient from National Grid's perspective.</p>	<p>The Applicant agrees that any works within NGET's Richborough 400kV substation fence line will be carried out by NGET or under the supervision of NGET and by suitably qualified contractors.</p>
NG-9	<p>National Grid contend that it is essential that these provisions are addressed to their satisfaction to ensure adequate protection for their Assets and that protective provisions on their standard terms are provided. Negotiations between the parties in respect of the form of the Protective Provision to be included within the Order are well advanced but not concluded and there remain a number of outstanding issues.</p> <p>Should it not be possible to reach agreement with the promoter National Grid reserve the right to attend a Compulsory Acquisition Hearing or Issue Specific Hearing to address the required format of the Protective Provisions. If this is necessary National Grid reserve the right to provide further written information in advance in support of any detailed issues remaining in dispute between the parties at that stage.</p>	<p>The Applicant notes NGET's willingness to attend a compulsory acquisition hearing or issue specific hearing if the protective provisions are not resolved to its satisfaction an appropriate timescale.</p>

UID	Interested Party's Written Representation	Applicant's Response
NG-10	<p>Connection to the Electricity Sub Station included within Work 16, must be by NGET and will be secured via an Electricity Connection Agreement. As such from the point of crossing over into NGET's Sub Station boundary no property rights should be acquired from NGET's leasehold interest in plot 02/130. This will also be prevented by the Protective Provisions. We will be asking the Promoter to confirm that this is agreed and clarify their intentions in respect of Plot 02/130 in order that there is no conflict with the NGET lease.</p>	<p>It is not the Applicant's intention to acquire any part of NGET's leasehold interest or acquire any rights over it. The exercise of compulsory acquisition powers will be subject to the protective provisions.</p>
NG-11	<p>The Order proposes 3 different Cable Route options for connection into the Richborough Sub Station. NGET prefer the two southern options provided that these can be delivered without affecting the Integrity of the existing NGET 132kV Cable. Connection will be secured and agreed through the Connection Agreement. To the extent that there is any crossing or work required in the NGET easement strip, a Crossing Agreement will be required before any works are commenced. This will be secured by the Protective Provisions, once agreed and in place.</p>	<p>The Applicant notes NGET's preference for the southern cable options and confirms its understanding that crossing agreements will be required if any NGET easements are crossed. The Applicant acknowledges that the need for crossing agreements will be secured by the protective provisions, once protective provisions are agreed.</p>
NG-12	<p>NGET require assurance from the Promoter that the existing rights of access will be retained during and post construction and remain unaffected by the compulsory acquisition powers in the Order. NGET require 24 hour access to their Sub Station for all vehicle types to be available throughout the construction period and thereafter and will require assurance that this can be secured practically and physically by the Promoter in accordance with NGET's property rights.</p>	<p>The Applicant confirms that NGET's access will be maintained during and post construction.</p>

UID	Interested Party's Written Representation	Applicant's Response
NG-13	<p>NGET assert that maintaining appropriate property rights to support their assets is a fundamental safety issue. Insufficient property rights would have the following safety implications:</p> <p>5.4.1 Inability for qualified personnel to access apparatus for its maintenance, repair and inspection.</p> <p>5.4.2 Risk of strike to cable/overhead lines if development occurs within the easement zone which seeks to protect the cable/overhead lines from development.</p> <p>5.4.3 Risk of inappropriate development within the vicinity of the assets increasing the risk of damage to the asset and integrity of the system.</p>	<p>The Applicant is committed to continue to work with NGET towards a set of protective provisions that is satisfactory to NGET and will fully protect their rights and ensure safe working in proximity to the electricity transmission apparatus.</p>

## 17 Trinity House (REP1-130)

### 17.1 Summary

39 The primary concerns raised by Trinity House in their response to the draft Development Consent Order relate to:

- DCO/dML(s)
- Monitoring
- Arbitration

40 A point by point response to TDC’s Written Representation is documented below.

**Table 15: Response to Trinity House**

UID	Interested Party-s Written Representation	Applicant’s Response
THLS-1	<p>"As a general comment, in the context of the draft DCO, we understand that the application to the Planning Inspectorate dated 27 June 2018 regarding the Offshore Wind Farm extension project and the draft DCO refers to a gross electrical output capacity of up to 340 MW. However, our understanding is that the Crown Estate are offering land rights in relation to the above, up to a maximum project capacity of 300 MW. This latter aspect being referenced on the Crown Estate's website under <a href="https://www.thecrownestate.co.uk/en-gb/media-and-insights/seabed-notice/offshore-wind/">https://www.thecrownestate.co.uk/en-gb/media-and-insights/seabed-notice/offshore-wind/</a></p> <p>Given the apparent difference between the potential gross</p>	<p>The maximum project capacity of up to 340MW that is being applied for under the Order is defined on the basis of the available grid connection capacity and the wish to impact assess what the Applicant believes to be the largest acceptable project in terms of environmental impact. At this time VWPL does not have an Agreement for Lease from The Crown Estate for Thanet Extension. Subject to the outcome of a plan level Habitats Regulations Assessment, The Crown Estate has publicised its intention to grant rights to the project.</p>

UID	Interested Party-s Written Representation	Applicant’s Response
	<p>electrical output capacities referred to above we would highlight this aspect for clarification."</p>	
<p>THLS-2</p>	<p>"Article 16(2): Public Rights of Navigation                      We note that Article 16 (2) states:-                      ""(1) Subject to paragraph (2), the rights of navigation over the places in the sea where any of the permanent structures (wind turbine generators, meteorological mast or offshore substations, including their foundations) are located within territorial waters will be extinguished.                      (2) The extinguishment of the rights of navigation over the places identified in paragraph (1) will take effect 14 days after the undertaker has submitted a plan to the Secretary of State, Trinity House, the MCA and the MMO showing the precise locations of the foundations of each of any relevant wind turbine generators, meteorological mast, and offshore substations to be constructed as part of the authorised project within territorial waters"".                      Accordingly, Trinity House wishes to state its concern as to the inclusion and the wording of Article 16(2) in the draft DCO. In particular, we would highlight that the Article does not appear to define as to what stage of the development process the undertaker is required / able to submit such a plan. In addition, the Article does not provide for any stipulation or restriction in this regard. Furthermore, as this Article would materially impact on the rights of navigation (and extinguish such rights) it is of concern that the provision</p>	<p>The Applicant notes the representation and would like to clarify that the extinguishment of rights at Article 16 refers only to the location of the permanent structures themselves, where there will be a physical obstruction in the marine environment and as such no practical ability to navigate through these specific locations. The approach to extinguish public rights of navigation seeks to formalise this situation. Article 16 does not refer to the public rights of navigation through the Project, as Trinity House suggest in their representation and as such the Applicant does not agree that the plan provided in accordance with Article 16 (1) requires approval.                      The plan to show the precise locations of the permanent structures will be submitted to Secretary of State, Trinity House, the MCA and the MMO prior to the construction of any of these parts of the Project. The Applicant is content to amend the wording of Article 16(2) within the draft Order to clarify this.                      The Applicant notes in addition that prior to the commencement of the decommissioning stage of the Project, the Applicant is required to submit a plan for the carrying put of the decommissioning activities to the MMO for approval. This is secured by Schedule 11, Part 4 (22) and Schedule 12, Part 4 (22) in the draft Order. This Plan will consider the way in which the turbines are to be dismantled and, accordingly, whether the rights will subsist. "</p>

UID	Interested Party-s Written Representation	Applicant’s Response
	<p>does not appear to provide for any approval or rejection provision for the Secretary of State, Trinity House and the MMO following submission of the plan by the undertaker. Therefore, if this were to be the case, upon expiry of the period referenced in the Article (e.g. to take effect 14 days after the undertaker has submitted a plan), the rights to navigation would be automatically extinguished. We consider, therefore, that the scope and wording of this Article requires further clarification and we would respectively suggest that it should not be accepted on the basis of the current drafting. The UK position is to allow free public rights of navigation through operational wind farms."</p>	
<p>THLS-3</p>	<p>"Article 36 and Schedule 9 (Arbitration Rules)</p> <p>Trinity House notes that Statutory Orders conferring powers on undertakers for specific projects or developments, for example Orders under the Transport and Works Act 1992, the Harbours Act 1964 and the Planning Act 2008, typically also include a provision ""saving"" or protecting the statutory rights and duties of Trinity House in the context of the relevant Order. We note that Article 39 of the draft Thanet Extension Offshore Wind Farm Order is an example of such a provision and provides that ""Nothing in this Order prejudices or derogates from any of the rights, duties or privileges of Trinity House."" We confirm that we agree with the inclusion of such a saving in the draft DCO."</p>	<p>The Applicant notes the representation.</p>



UID	Interested Party-s Written Representation	Applicant’s Response
THLS-4	<p>We further note, however, that Article 36 of the draft DCO makes provision in respect of Arbitration. It provides that any difference under any provision of the DCO, unless otherwise provided for, must be referred to and settled in arbitration in accordance with the rules at Schedule 9 (Arbitration Rules) of the Order. Schedule 9 provides for a detailed procedure, including the adherence to stipulated time periods, whereby statements of claim describing the nature of the difference between the Claimant and the Respondent, including the legal and factual issues can be identified and determined in order for the appointed Arbitrator to make an award.</p>	<p>The Applicant notes the representation.</p>
THLS-5	<p>However, Trinity House is concerned that the exercise of its statutory functions to provide for safety of navigation, including the requiring of the marking and lighting of potential obstructions during the construction, operation, maintenance and possible decay of the works authorised by the proposed DCO, might be regarded as being subject to the Arbitration provisions in the DCO. The "saving" provision is clearly intended to preserve Trinity House's ability to exercise its statutory functions and nothing in the DCO should fetter the statutory powers of Trinity House in respect of DCOs and Deemed Marine Licences (DMLs), to give direction in terms of aids to navigation requirements and for the prevention of danger to navigation. In addition, any advisory and consultation function undertaken by Trinity House on safety of navigation matters with the MMO</p>	<p>The Applicant notes the representation and maintains their position as presented in Appendix 1 of the Deadline 1 Submission: Applicant's Responses to the Relevant Representation (PINS document reference REP1-017).</p> <p>Model article 42 provides an arbitration provision and the inclusion of such a mechanism has existed, in this regard, since the creation of the Planning Act 2008. Such arbitration mechanisms based on the model provision have not however been utilised by the undertaker or other parties to date at the implementation stage of development as it is not considered fit for purpose. The Applicant teams' experience working on a number of DCOs (for offshore wind farms but also a wide range of infrastructure projects) has brought to bear the simple fact that there is an available provision created by the development consent order regime that is not utilised in order to</p>

UID	Interested Party-s Written Representation	Applicant’s Response
	<p>pursuant to the Marine and Coastal Access Act 2009, and which may form part of the DCOs and DMLs, should not be subject to the Arbitration provision of the DCO.</p>	<p>resolve any areas of disagreement when discharging requirements or conditions within a DCO. Particularly, the provision does not contain any structure, timings or outcomes that allow it to operate properly as an arbitration provision. The Applicant has developed the model article in order to give it real effect and to make it more appropriate for use by either party, by providing effective timeframes and detailed guidance.</p>
<p>THLS-6</p>	<p>"We consider therefore that it is imperative that there is clarity that the saving for Trinity House in Article 39 of the DCO, if adopted, is not subject to any other provision in the draft DCO. As the DML issued under the DCO will likely have a legal existence independent of the DCO, we contend that these should similarly remain subject to the ""saving"" provision under Article 36 of the draft DCO.</p> <p>We would request that Article 36 and Schedule 9 of the draft DCO is therefore amended to make clear that Trinity House is not subject to the Arbitration provision, if this is to be otherwise included."</p>	<p>The DCO process has moved forward by some measure since its inception and it is important to ensure the provisions that exist to govern it actually work and will be adopted by the parties subject to any development consent order.</p> <p>The proposed arbitration provision is the only mechanism to resolve disputes within the dMLs and therefore it is an important inclusion in order to provide a fair, impartial and final award on substantive difference between parties. In this way it serves a similar purpose to the Appeals mechanism within the Order. This mechanism plays a crucial role in ensuring that nationally significant infrastructure projects are not subject to delays due to an impasse between parties.</p> <p>The Applicant also notes that other Projects further along the examination process have included a similarly drafted Arbitration provisions and have not encountered the same concerns from Trinity House. The Applicant is aligned with the position set out by Applicants in the Hornsea Project Three Offshore Wind Farm examination proceedings, as per the Applicant's written summary of their oral case put at Issue Specific Hearing (PINS document reference REP3-005).</p>

UID	Interested Party-s Written Representation	Applicant’s Response
THLS-7	<p>"Schedule 11 (Generation Assets)</p> <p>Article 12: Pre-Construction Plans and Documentation</p> <p>Under Article 12(1)(i) of Schedule 11 we believe that the reference to 'Condition 8' in this provision should reference 'Condition 7' ('Aids to Navigation)."</p>	<p>The Applicant notes the representation and confirms that this cross reference was updated in the revised draft Order submitted at Deadline 1.</p>
THLS-8	<p>"Article 17: Post Construction Monitoring</p> <p>Trinity House noted the requirement in the draft DCO Hornsea Project Three Offshore Wind Farm, under Schedule 12 (Generation Assets) Article 20 Post Construction Monitoring, for the undertaking to provide ""details of vessel traffic monitoring by automatic identification system, for a period of 28 individual days taking account seasonal variations in traffic patterns over the course of one year to be submitted to the MMO and the MCA no later than one year following completion of the construction phase of the authorised development;"</p> <p>In this case, having regard to Trinity House's powers and duties as a GLA, we requested that the requirement for the undertaker to provide details of vessel traffic monitoring to the MMO and MCA should be amended to provide for such details of vessel traffic monitoring to also be provided to Trinity House.</p> <p>In the Thanet Extension Project draft DCO we note, however, that there appears to be no such requirement on the</p>	<p>The Applicant notes the suggestion from Trinity House to include post-construction monitoring in the dML and would welcome further discussions on this proposal to ensure that, where post-construction monitoring is secured, the purpose is defined. The Applicant suggests that such monitoring could be used to inform future amendments to aids to navigation (if required) as a form of adaptive mitigation during the operation of the wind farm.</p>

UID	Interested Party-s Written Representation	Applicant's Response
	<p>undertaker to provide vessel traffic monitoring. We would request, therefore, that consideration be given to the inclusion of such a requirement in the Thanet Extension DCO and that, if this is accepted, that this requirement should extend to include that such vessel traffic monitoring details are also provided to Trinity House.</p>	

## 18 Thanet District Council (REP1-133)

### 18.1 Summary

41 The primary concerns raised by Thanet District Council (TDC) relate to:

- Visual effects
- Enhancements

42 A point by point response to TDC’s Written Representation is documented below.

**Table 16: Response to TDC**

UID	Interested Party-s Written Representation	Applicant’s Response
TD-1	This letter forms the written representations of Thanet District Council as the host authority for the Application for a Development Consent Order for an extension to the Thanet Offshore Wind Farm. The Council is separately submitting a Local Impact Review as a technical document setting out an evidence based assessment of the impacts of the proposal on the communities affected. This written representation will set out the administration's view on the application.	The Applicant notes that no response is required to this.
TD-2	Thanet District Council strongly supports the development of technologies for the production of renewable energy as part of its vision to 2031 and the Council is committed to a proactive approach against climate change. The Climate Change Act 2008 sets a target to reduce the UK's greenhouse gas emissions by at least 80% in 2050 from 1990 levels.	The Applicant welcomes Thanet District’s endorsement of the benefits associated with the proposed project.

UID	Interested Party-s Written Representation	Applicant’s Response
	<p>Further expansion of the Thanet Offshore Wind Farm will assist in achieving these targets. Growth in the sector has the potential to reinforce Thanet as a hub for green technology, building on the success of Vattenfall's operation at Ramsgate Port in combination with solar farms, anaerobic digesters and other renewable sources of energy production particularly located around the former Richborough Power Station site. The continued use of Ramsgate Port as a base for assembly and maintenance of offshore wind farms will be further strengthened by the expansion of the Wind Farm, which is welcomed and supported by the Council</p>	
TD-3	<p>The proposed expansion will result in a change to the seascape visible along Thanet's coastline, with the increased height and closer proximity of the new turbines when compared to the existing wind farm. This will have an adverse effect on Thanet's coastline, which is recognised in the application. In addition to this impact, the onshore development has the potential to result in harm to biodiversity, groundwater and human health unless adequately mitigated, and the Council welcomes the detailed consideration that these issues have been given within the submission. The Council also welcomes the recognition of previous concerns in relation to the infringement on the Harbour Limits and the licenced spoil ground for Ramsgate from the proposed cable location, which has subsequently been resolved in the final submission.</p>	<p>The Applicant notes Thanet District Council's acknowledgement that the expansion will change the seascape visible and have an adverse effect on the coastline. The Applicant agrees that this is the case and that also there is the potential to harm biodiversity, groundwater and health unless adequately mitigated. As TDC acknowledges, this has all been given detailed consideration as part of the Environmental Statement submitted with the Application. Such impacts have been appropriately mitigated as far as is reasonably possible. The Planning Statement [APP-134] submitted with the Application considers the impacts of such effects, and its associated mitigation, and considers that the Application complies with NPS EN-1, EN-3 and EN-5 and is acceptable in planning terms.</p>

UID	Interested Party-s Written Representation	Applicant’s Response
TD-4	<p>The Council would support further engagement between the project and the local population through the provision of a visitor centre within the Thanet District for use by the local population and visitors to the area, to access educational information about the Wind Farm and facilitate engagement with the project. All opportunities available should be sought by the applicant to ensure that the benefits from the increased production of renewable energy and associated economic activity are directly experienced by the Port and local population of Thanet.</p>	<p>The Applicant notes the suggestions from Thanet District Council and welcomes the opportunity to discuss Vattenfall's approach to community investment for Thanet Extension as well as the ongoing educational and local engagement activities Vattenfall is involved with. Vattenfall have recently developed an interpretation concept, working with local stakeholders, which will continue to be developed. This includes concepts for local installations, recreational facilities as well as a mobile visitor centre. Whilst noting that such matters would be outside the planning consideration for this application, the Applicant is committed to continuing to work with local authorities and local groups on these proposals.</p>

## 19 Thanet Fishermen’s Association (REP1-134)

### 19.1 Summary

43 The primary concerns raised by Thanet Fishermen’s Association (TFA) relate to:

- Commercial fisheries

44 A point by point response to TFA’s Written Representation is documented below.

**Table 17: Response to TFA**

UID	Interested Party’s Written Representation	Applicant’s Response
TFA-1	The applicant has had good communication with TFA, but we must stress that the conclusions on impacts are far lower than we consider representative.	The sentiments of these comments are appreciated. The assessment of impacts on commercial fisheries follows an impact significance matrix approach taking account of receptor sensitivity and impact magnitude. This is in line with standard EIA methodologies in Section 9.5 and Section 9.6 of Environmental Statement Volume 2 Chapter 9: Commercial Fisheries. As outlined in Table 9.6 (page 9-11, Environmental Statement Volume 2 Chapter 9, Commercial Fisheries), in defining the sensitivity of commercial fisheries receptors consideration has been given to aspects such as the operational range, ability to deploy multiple gears and availability of grounds to fishing vessels within each fleet. The magnitude of impact has been identified using the criteria shown in Table 9.7 (page 9-12, Chapter 9, Commercial Fisheries)



UID	Interested Party's Written Representation	Applicant's Response
TFA-2	TFA and its Fishermen are not against offshore wind energy, but the progress of wind energy should not be to the detriment of a smaller industry, nor impact its ability to make a daily living.	TFA are known to have worked with TOWF via a range of mitigation measures to minimise any adverse impacts. This has allowed successful relationship with regard to existing infrastructure and O&M.
TFA-3	The Commercial Fisheries Technical Report has been written with considerable input from TFA and is an acceptable document in as much as it has identified the fleet that use the area, the methods used, species targeted.	This is acknowledged by the Applicant
TFA-4	TFA Fishermen proposed the Succorfish tracking project for 15 of its vessels in an effort to provide good data but it is reliant on good interpretation. We would agree that the TE area is used as a transit area but not that it's used for transit rather than fishing.	Whilst it is acknowledged that the succorfish data illustrates some activity within the RLB at specific times and locations , the majority of movements recorded are to transit the site to fish areas outwith of the RLB or along the boundary. An example is September 2017 (figure 3.26, page 45, Annex 9-1,commercial fisheries technical report) where the majority of vessels are shown to pass through move through the site , and only three appear to actively fish within the RLB.
TFA-5	We feel the assessment criteria are not representative and dispute temporary loss of ground.	The response in respect to the methodology and the criteria used is given in TFA-1

UID	Interested Party's Written Representation	Applicant's Response
TFA-6	<p>"We agree in the SoCG that the receptors have been correctly identified by fleet and principle method. TFA understands the need for the significance criteria to be set out as they are, however, we do not think these have been correctly applied and disagree with the end results."</p>	<p>The criteria used are inline with those used for assessments for other UK offshore wind farm developments. These assess the significance of impacts on the basis of the sensitivity of the receptor category and the magnitude of the effect. The impact levels identified take account of the options for gear flexibility and also whether alternative grounds are available.</p>
TFA-7	<p>"Table 9.6 The Inshore fleet fit the criteria of 'Very high'. Most vessels can only deploy one gear type at a time. The cost of switching method is significant. Not every inshore vessel is licensed to pursue every method."</p>	<p>The inshore fleet was ascribed a medium sensitivity due to the ability to deploy more than one gear type and to target a number of species. In addition it was taken that the vessels have spatial adaptability due to the extent of their operational range (up to 25 miles from port as stated by TFA- written rep.).</p>
TFA-8	<p>"9.7.2 Surveillance sightings do not accurately describe the levels of Fishing activity and TFA disagrees that this surveillance can even be used to indicate proportions of activity by gear type."</p>	<p>It is acknowledged throughout the report that there are some shortcomings in surveillance data. In section 6.0 it is noted that there is a "low frequency of flights in an area" and " the sightings data should not be used to give a quantitative assessment of fishing activity". Section 3.2 states "It should be noted that surveillance sightings do not accurately describe the levels of fishing activity but give an indication of the proportion of activity by vessel category."</p>
TFA-9	<p>"TFA maintains that the TE footprint will be lost entirely to some fishing methods and only partially returned for others."</p>	<p>Once the TEOWF is operational, there will be no legal restriction on fishing resuming within its boundaries. It is understood that within other operational wind farms fishing by a number of method takes place, recognising that some modification gears or practices may be necessary.</p>

UID	Interested Party's Written Representation	Applicant's Response
TFA-10	"9.17.7 states that the RLB was reduced as a result of consultation but TFA would suggest that the RLB was altered largely for navigation."	The RLB was modified following consultation with a range of stakeholders, however the Applicant accepts that the change was made primarily to address navigation concerns whilst acknowledging the tangible benefits to other receptors including landscape and fishing. With respect to fishing, this change has allowed some key grounds in the north west of the site to be avoided, where it is known that netting activities occur.
TFA-11	"9.17.9 TFA disagree with the magnitude of the effect of this lost ground being assessed as low. TFA vessels drift the TE area frequently. The frequency with which certain grounds are used signify favoured grounds based on the fish they produce and accessibility for the fleet. The way that specific drift grounds are used has not been considered properly. It is probable that safety zones would stretch a further 500m outside the RLB, increasing the loss of ground."	The sentiments of these comments are appreciated. The assessment of impacts on commercial fisheries follows an impact significance matrix approach taking account of receptor sensitivity and impact magnitude. This is in line with standard EIA methodologies in Section 9.5 and Section 9.6 of Environmental Statement Volume 2 Chapter 9: Commercial Fisheries. As outlined in Table 9.6(page 9-11, Environmental Statement Volume 2Chapter 9, Commercial Fisheries), in defining the sensitivity of commercial fisheries receptors consideration has been given to aspects such as the operational range, ability to deploy multiple gears and availability of grounds to fishing vessels within each fleet. The magnitude of impact has been identified using the criteria shown in Table 9.7 (page 9-12, Chapter 9, Commercial Fisheries)
TFA-12	"9.17.11 The sensitivity and magnitude level for local vessels is incorrect, as is the overall significance conclusion of low minor at 9.17.14. The two main areas of Lobster/ Crab ground are within/around, the TE development area. Alternative grounds are already utilised by other vessels. These boats have limited adaptability and limited spatial tolerance due to their dependence on a single ground. The	Fisheries consultation and other data have shown that potting is undertaken on similar grounds to netting (as shown in Figure 9.3 page9-17. environmental statement, volume 2, chapter 9: commercial fisheries). Potting for crab and lobster occurs around and, to some extent, within the existing TOWF. This is currently focused on the north-west of the area of Thanet Extension.

UID	Interested Party's Written Representation	Applicant's Response
	conclusion for the Lobster and Crab potters should be high/very high."	
TFA-13	"9.17.15 UK demersal trawlers. Grounds within TE are consistently worked by trawlers operating from Ramsgate and Whitstable. The conclusion of minor adverse at 9.17.14 is not accepted."	Within the TFA written representation it is stated that vessels have a range of 20-25 miles. Using a 25 mile radius of the key local ports (Whitstable, Margate and Ramsgate) the vessels could operate in an area approximately stretching across the Greater Thame estuary to West Mersea in Essex, down to Dungeness in the south and into mid channel or even close to the French coast. The area of the TEOWF and the OECC, covers 0.5 to 0.8% of their available seabed. whilst it is appreciated that not all these grounds will be suitable for all gear types, there would appear to be a large area to be utilised and new grounds to be discovered.
TFA-14	"9.17.39 TFA disagrees with this statement on safety. Multiple incidents have occurred but not due to Fishermen."	All offshore wind farm developers aim to prevent safety incidents with all sea users. To achieve this TEOWF will be assisted by implementation of a Fisheries Liaison and Coexistence Plan and a Fisheries Liaison Officer being in place. This will include the issuing of NTMs to all relevant fisheries stakeholders (ideally two weeks prior to the specific activities commencing) and a prescriptive protocol for construction, O&M and survey vessels with regards to interactions and communications with fisheries stakeholders. It is acknowledged by the TFA that their skippers have ultimate responsibility for their own vessels and also noted that TFA confirmed there has been no safety incidents within OWFs within the Greater Thames estuary.

UID	Interested Party's Written Representation	Applicant's Response
TFA-15	<p>"Increased steaming times to fishing grounds TFA agrees that the impact on steaming times during construction will be reduced if vessels are allowed access."</p>	<p>As stated in the SoCG, "The Applicants position is that the TE and TOW array area will be open for passage and fishing for the vessels listed in this SoCG subject to standard safety zone applications during construction and operation." Therefore there is expected to be minimal increases in steaming times.</p>
TFA-16	<p>"Interference with fishing activities 9.17.19 TFA would add that during previous construction projects incidents have occurred that were clearly in breach of COLREGS. 9.17.52 TFA has had good engagement. TFA are encouraged to see mitigation noted. TFA does not agree that because mobile gears have the ability to move their sensitivity is medium, nor with point 9.17.54. 9.17.56 TFA disagrees with the conclusion of minor adverse for the loss of ground during construction. Specific grounds for each method of fishing are limited. The loss of Lobster/Crab potting and bottom drifting ground will result in Fishermen attempting to compete for ground that is already worked. The conclusion of minor adverse takes for granted that mitigation can be reached. TFA has always maintained that the domino effect created by displacement affects all of its Fishermen."</p>	<p>The drift net grounds (Figure 9.4, page 9-18 of Environmental Statement Volume 2 Chapter 9: Commercial Fisheries) were based on charts provided by TFA. Whilst it is accepted that individual vessels may focus their operations on specific ground, the assessment has to be undertaken on a fleet by fleet basis. The succorfish data illustrates that significant activity also occur throughout the wider region including for example, Margate Sands, within and the north of Queens Channel, at North Falls and south to the Godwin Knoll.</p>

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TFA-17	<p>"TFA disagrees with the long-term conclusions for each section of the O&amp;M phase, none of which are above minor adverse. The explanations given at each point for the construction phase, are relevant for the O&amp;M phase. The conclusions on cumulative impact are not accepted."</p>	<p>As stated in section 9.18.3,(page 9-50 environmental statement volume 2, chapter 9: commercial fisheries) existing UK legislation does not prohibit fishing with an operational OWF. It is noted that OWFs may affect longlining, drift netting and to a lesser extent trawling operations. Furthermore it is stated that for some individual vessels with focussed fishing activity on grounds within the RLB, it can be considered a moderate impact but for the fleet as a whole it is considered minor. However it is suggested that mitigation may be discussed between VFPL and TFA. In relation to the cumulative assessment, the area of Thanet Extension is small compared to other developments in a regional, national and international context. In addition, the proposed construction period is short in comparison to other developments meaning that the contribution of Thanet extension to the overall cumulative assessment is assessed as minor adverse.</p>
TFA-18	<p>"TFA considers the loss of ground will be permanent to multiple Fishing methods once construction begins and the impact of the Thanet Extension project will be significant on its Fishermen."</p>	<p>During construction there will be some localised, temporary loss of fishing grounds due to advisory safety areas around construction activities; advisory safety areas around installed or partially installed infrastructure and advisory safety areas along vulnerable exposed sections of the OECC. Once construction is completed and cable burial has been achieved, it is assumed that there is the opportunity for fishing to resume with the proposed development. For drift netters who work grounds within the confines of the array, it is acknowledged there may be an impact of moderate significance with an acceptance that appropriate mitigation measures may be discussed. During construction there will be some localised, temporary loss of fishing grounds due to advisory safety areas</p>

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		<p>around construction activities; advisory safety areas around installed or partially installed infrastructure and advisory safety areas along vulnerable exposed sections of the OECC. Once construction is completed and cable burial has been achieved, it is assumed that there is the opportunity for fishing to resume with the proposed development. For drift netters who work grounds within the confines of the array, it is acknowledged there may be an impact of moderate significance with an acceptance that appropriate mitigation measures may be discussed.</p>

## 20 The Crown Estate (REP1-135)

### 20.1 Summary

45 The primary concerns raised by The Crown Estate (TCE) relate to the plan level HRA proposed, and the agreement for lease.

46 A point by point response to TCE’s Written Representation is documented below.

**Table 18: Response to TCE**

UID	Interested Party’s Written Representation	Applicant’s Response
TCE-1	<p>"The Crown Estate manages property and rights which are owned by Her Majesty in right of the Crown. This portfolio includes around half of the foreshore and almost the entire seabed out to 12 nautical miles around the UK. Under the Energy Act 2004 and the Energy Act 2008, The Crown Estate also manages the rights over the continental shelf to offshore energy generation and the rights to carbon dioxide and natural gas storage and transportation (respectively). This Written Representation is provided in order to amend our relevant representation submitted on 03 August 2018 as follows:</p> <p>Vattenfall Wind Power Ltd has submitted an application for the proposed project extension to The Crown Estate. This application is currently subject to a plan-level Habitats Regulations Assessment (HRA) which will assess any possible impact of the proposed project (alongside seven other extensions project applications) on relevant nature conservation sites of European importance.</p> <p>Subject to the outcomes of the plan-level HRA, Thanet Extension would be granted an agreement for lease in summer 2019. We therefore wish to follow the progress of examination of the project."</p>	<p>The Applicant notes this Representation and looks forward to continuing to engage constructively with TCE. To this end the Applicant can confirm for the ExA that initial meetings have been held between the Applicant and TCE on the 22<sup>nd</sup> January 2019 to discuss the plan level HRA.</p>



## References

- Department of Communities and Local Government (March 2015), 'Planning Act 2008: Guidance on the pre-application process'. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418009/150326\\_Pre-Application\\_Guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418009/150326_Pre-Application_Guidance.pdf)
- The Planning Inspectorate (2017), 'Scoping Opinion. Proposed Thanet Extension Offshore Wind Farm', <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/thanet-extension-offshore-wind-farm/>
- The Planning Inspectorate (2017), 'Scoping Report. Thanet Extension Offshore Wind Farm Environmental Impact Assessment Report to Inform Scoping.' <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/thanet-extension-offshore-wind-farm/>