

ISH3: Procedural Decision and Hearing Action Points

Application by Vattenfall Ltd for an Order Granting Development Consent for the Thanet Offshore Wind Farm Extension (OWFE).

Procedural Decision and Actions arising from the **Issue Specific Hearing 3** (ISH3) held at Discovery Park, Sandwich on **19 February 2019**.

Procedural Decision

At the above hearing, the Examining Authority made the following procedural decision. Natural England are requested to listen to the digital audio recording of ISH3 and respond in writing to all matters directed to them orally in the hearing, by Deadline 3 of the examination timetable. These responses should be integrated into existing documented processes (eg Statement(s) of Common Ground) where possible, but if necessary can also form a separate written submission at D3 to address any matters which cannot easily be accommodated within existing documented processes.

Other interested parties' (IPs) comments on any of the above Natural England submissions received for Deadline 3 should be submitted by Deadline 4 of the examination timetable.

Action Points

	Action	Party	Deadline
1	<p>Final check on figures in [REP1-023] Appendix 1, Annex B to Deadline 1 Submission – please review the figures in this document – particularly Table 7. There are a number of apparently large order differences between the figures shown here and the figures in the original application documents.</p> <ul style="list-style-type: none"> • Is the Applicant content that the revised figures are accurate? • Are Interested Parties (IPs) content that the revised figures are accurate and do the figures change any conclusions about project effects that have been reached by any IPs? 	Applicant	D3



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2	<p>Effects of Nemo cable connection and other cable connections on saltmarsh in Pegwell Bay</p> <p>Kent Wildlife Trust is to clearly document any adverse effects arising upon the saltmarsh from the previous cable connection projects passing through Pegwell Bay. What is the potential for in combination / cumulative effects with the Thanet OWFE project?</p>	Kent Wildlife Trust	D3
3	<p>Thanet Offshore Wind Farm (OWF) Cable Replacement project</p> <p>The Applicant is to confirm in writing the status of the Thanet OWF¹ Cable Replacement project and its position made orally that there is now no intention to replace the export cable for Thanet OWF during the lifetime of Thanet Extension OWF project.</p>	Applicant	D3
4	<p>Site Selection and Alternatives</p> <p>The National Trust and Kent Wildlife Trust are to set out the specific policy basis (including references to National Policy Statements) for their objections to site selection conclusions, specifically in relation to the export cable landfall location. To include Habitats Regulation Assessment effects where relevant.</p>	National Trust and Kent Wildlife Trust	D3
5	<p>Site Selection and Alternatives: Natural England position</p> <p>The Applicant is to utilise the next iteration of their Statement of Common Ground to clarify and confirm Natural England's position in respect of the Applicant's approach to site selection and consideration of alternatives.</p> <ul style="list-style-type: none"> Does Natural England have any remaining concerns about site selection and alternatives? If so, please state what the consequences of such concerns are in HRA terms? 	Applicant and Natural England	D3
6	<p>Landfall Options 1 and 3</p> <p>The Applicant is to provide a note explaining why it is necessary to retain</p>	Applicant	D3

¹ Thanet OWF refers to the constructed and operational Thanet Offshore Wind Farm.



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	the option to trench the cable landfall (option 3) in addition to option 1 which would utilise Horizontal Directional Drilling through the upper inter-tidal area.		
7	<p>Crossing Nemo surface laid onshore cables</p> <p>The Applicant is to document progress made toward achieving solutions for the onshore export cable to cross the surface laid cable for the Nemo project. To encompass both technical solutions and in terms of security (DCO drafting). In addition, check status of existing heavy vehicle crossings of the Nemo alignment for reporting in the Statement of Common Ground with Nemo Link.</p>	Applicant and Nemo Link	D3
9	<p>Natural England position in respect of HRA</p> <p>After discussions with the Applicant through the SoCG process, does Natural England (NE) consider that there are any remaining instances of Adverse Effect on Integrity (AEoI) for the project alone and/or in combination for any site/features? If so, please list the sites and features.</p> <p>Where it is agreed that the project makes 'no material contribution' to an assessment of in combination effects, please explain whether it can be concluded beyond reasonable scientific doubt that there is no AEoI, with particular reference to the effects on Red Throated Diver as a feature of the Outer Thames Estuary SPA and Kittiwake as a feature of the Flamborough and Filey Coast pSPA?</p>	NE	D3
10	<p>Consultation with Scottish Natural Heritage in relation to St Abb's Head to Fast Castle SPA</p> <p>The Applicant is to consult Scottish Natural Heritage in respect of the conclusions of the Habitats Regulations Assessment in relation to the St Abb's Head to Fast Castle SPA.</p>	Applicant	D3



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11	Draft Site Integrity Plan Updated Statements of Common Ground with NE and MMO to include coverage of matters relating to the draft Site Integrity Plan (SIP). MMO to advise on preferred wording for DML conditions relating to the SIP.	NE, MMO and the Applicant	D3
12	Thanet Coast and Sandwich Bay Ramsar Kent Wildlife Trust (KWT) is to document specific concerns about any permanent effects on bird species in the intertidal zone. A basis for these concerns should be set out.	KWT	D3
13	Schedule of Monitoring The Applicant is to produce a schedule of monitoring commitment similar to that produced for mitigation, for reference by the ExA and other Interested Parties.	Applicant	D3
14	Goodwin Sands pMCZ and consented dredging activities The MMO is to review the marine licence (ML) position on timing and location of Dover Western Docks Revival Project (Goodwin Sands dredge) Applicant to submit a plan of the pMCZ showing the location of the Dover Western Docks Revival Project dredging area relative to the application site. MMO and the Applicant SOCG to address the question of any likely temporal or geographical interface with the Dover Western Docks Revival Project project works and can any cumulative effect be excluded?	MMO and the Applicant	D3
15	KWT Post-construction monitoring of fish and shellfish and benthic ecology KWT is to document the monitoring sought, the reasons for it and to draw attention to the best practice examples that you wish the ExA to refer to?	KWT	D3



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16	Cessation of piling – noise levels The Applicant is to confirm its position that there is a general power available to the MMO to control / cease piling where noise levels are exceeded. MMO- what is the power? Is it the case that no provision is required in the dDCO?	Applicant, MMO	D3
17	Applicant and MMO SoCG Please continue to refine and document positions on long-term effects on the benthic environment and herring spawning in the SoCG.	Applicant, MMO	D3