

Date: 05 March 2019
Our ref: 273538
Your ref: EN010084



National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

4th Floor,
Eastleigh House,
Upper Market
Street, Eastleigh,
Hampshire, SO50
9YN

Dear Sirs

Natural England Covering Letter and Hearing Action Points regarding Deadline 3 for the Proposed Thanet Extension Offshore Windfarm

The following letter outlines the documents Natural England has submitted to the Examining Authority (ExA) and the applicant at Deadline 3. Please see below for further information.

1. Documents submitted to the Examining Authority as part of Deadline 3

The following documents have been submitted:

1. Cover Letter – Includes the ExA's action points from ISH3 with associated answers and signposting.
2. Natural England's Comments on Clarification Notes Submitted at Deadline 1 and 2.
3. Three statements of common ground (Technical Topics, Site Selection and Alternatives and Ornithology), which have been submitted to the applicant and subsequently submitted to the ExA.
4. An attached email: An email from the Environment Agency supporting our comments on the latest revision of the Saltmarsh Mitigation, Monitoring and Reinstatement Plan.

If there are any issues with the above documents, please do not hesitate to contact me.

2. Hearing Actions Points from ISH3

2.1 Natural England have provided information regarding the ExA action points in the table below. Where appropriate we have pointed the ExA to the latest documents where further information can be found.

Action	Party	Natural England Response
1 Final check on figures in [REP1-023] Appendix 1, Annex B to Deadline 1 Submission – please review the figures in this document –	Applicant	Natural England at this deadline have reviewed Annex A and B submitted at Deadline 1, and have provided comment in section 7 of our response at Deadline

	<p>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? 		3.
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	<p>Natural England have provided further comment within the Site Selection and Alternatives (SSA) SoCG submitted by the applicant at Deadline 3.</p> <p>The applicant will find that Natural England within section 4.2 of the SSA SoCG has agreed with the applicant's positions. This is primarily due to the applicant dropping Option 2 from their project envelope which has lessened many of our concerns.</p>
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?</p> <p>If so, please list the sites and features. 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</p>	Natural England	<p>Natural England have provided comments within the Ornithology and Technical Topics Statement of Common Ground regarding our position upon European Designated sites. For completeness we have summarised the instances where there is continuing discussion regarding the overall conclusions.</p> <p>Outer Thames Estuary SPA Natural England agree that the project alone is unlikely to adversely affect the integrity of the red-throated diver feature of the Outer Thames Estuary SPA.</p>

<p>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>	<p>Discussion around the appropriate wording for incombination is still ongoing. However, to aid and update the ExA we have provided a placeholder with some suggested wording. We understand and stress this needs further refinement and to be fully agreed with the applicant.</p> <p><i>Suggested wording:</i> Natural England consider that it is not possible to rule out an adverse effect on the integrity on the red-throated diver population of the Outer Thames Estuary SPA from existing operational projects in combination. However, we agree that the project does not make an appreciable contribution to the in-combination displacement totals.</p> <p>Flamborough and Filey Coast SPA</p> <p>We agree that the project alone is unlikely to have an adverse effect on the integrity of the kittiwake feature of the Flamborough and Filey Coast SPA.</p> <p>As stated above, discussion around the appropriate wording for incombination is still ongoing. However, to aid and update the ExA we have provided a placeholder with some suggested wording. We understand and stress this needs further refinement and to be fully agreed with the applicant.</p> <p><i>Suggested wording:</i> Natural England consider that it is not possible to rule out an adverse effect on the integrity SPA as a result of considering in combination plans and projects without the Thanet Extension. However, we agree with the applicant that the effect of the additional predicted mortality from Thanet Extension will not make any appreciable contribution to the in-combination effects of those other plans and projects.</p> <p>Thanet Coast SAC</p> <p>Natural England require further</p>
---	--

			<p>clarification regarding the potential incombination effects from dredging and disposal at Ramsgate Harbour. The ES does consider the in combination effect of plumes arising from the disposal site and this application, and concludes that the effect is small. However, further clarity is sought about that conclusion and how that relates to European designated sites. It is not anticipated that this will materially affect the outcome of assessments.</p> <p>Additionally, we require clarity that the assessment of impacts from sandwave clearance and disposal reflects the potential working activities. Natural England is concerned that the assessment is based upon activity occurring uniformly across the cable route rather than in discrete areas.</p>
11	<p>Draft Site Integrity Plan</p> <p>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.</p>	NE, MMO and the Applicant	Natural have provided comment relating to the SIP within the Technical Topics SoCG and within our response document at Deadline 3 (section 4).

For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely,

William Hutchinson

Marine Lead Adviser – Major Casework
E-mail: william.hutchinson@naturalengland.org.uk

From: Wilson, Jennifer <jennifer.wilson@environment-agency.gov.uk>
Sent: 04 March 2019 13:59
To: Hutchinson, William <William.Hutchinson@naturalengland.org.uk>
Cc: Humpheryes, Ian <ian.humpheryes@environment-agency.gov.uk>
Subject: FW: NE Saltmarsh Mitigation Plan Comments
Importance: High

Will

We are satisfied that you have captured our concerns well in your comments. We have no further comments to make.

Kind Regards,

Jennifer Wilson
Planning Specialist
Sustainable Places – Kent and South London

kslplanning@environment-agency.gov.uk
External: 020 8474 6711



From: Hutchinson, William [<mailto:William.Hutchinson@naturalengland.org.uk>]
Sent: 01 March 2019 11:18
To: Wilson, Jennifer <jennifer.wilson@environment-agency.gov.uk>; Humpheryes, Ian <ian.humpheryes@environment-agency.gov.uk>
Cc: Relf, Christina <Christina.Relf@naturalengland.org.uk>
Subject: NE Saltmarsh Mitigation Plan Comments

Hi Jen and Ian,

As discussed, the table below highlights NE's comments on the Saltmarsh Mitigation and Monitoring Plan as submitted by the applicant at Deadline 3. Feel free to make any edits, but hopefully I have captured some of the points we discussed earlier this week.

Any queries, let me know.

Kind regards,

Will

Saltmarsh Mitigation, Reinstatement and Monitoring Plan – Revision B

Point Section	Comment
Figure 2-4.	Will the whole 5m separation distance be used by transiting vehicles, and thus be disturbed? Alternatively, will a suitable track be laid within that 5m area?

2.3.4 – Footnote 2 To confirm and clarify with the applicant, will all the cofferdams seaward of the seawall i.e. within the Saltmarsh and the designated site boundaries be removed?

Work Site Establishment

How will the relevant machinery gain access to the saltmarsh?

It states in bullet point two that “excavated material will be placed to one side for re-use.” Is there a specified location for where this material will be placed? It would be counter intuitive to place it on undisturbed saltmarsh and smother the vegetation as it is a further area that will be temporarily damaged. However, to avoid additional transiting up and down the work area to store the material landward of the saltmarsh a suitable membrane should be laid and the material stored on top. This should take place in the work area and every effort should be made to reduce the overall area where material is stored. Furthermore, we query where and how the excavated material from the cofferdam is likely to be stored?

Trench Excavation

Once each cable has been placed within the trench, the trench should not be kept open and be closed as soon as possible. The topography should be maintained and monitored to ensure there is no deviation from the baseline as experienced at Nemo.

Why is the spider plough only being considered further down the shore currently? Was it not used for the whole of the original Thanet Cable? From our understanding the simultaneous trench and rebury provided by the spider plough really aided in the recovery of the saltmarsh in this area.

Natural England understand that the current layout as described in Figure 2 is considered the worst case scenario. However, we would want the envelope to be refined much further to minimise the impact as soon as possible and an indication from the applicant whether four cables is the final number to be installed. Natural England advise that the number of cables and trenches should be as low as possible.

4.1.3

As mentioned previously, saltmarsh recovery was good for the original Thanet project but is currently not very successful for the Nemo cable, so recovery cannot be assumed. It is important to have a robust ECOW implementing any agreed plans and ensuring the contractors understand why and how they need to work carefully in such a sensitive area. A regular catch up call with the applicant, the ECOW and the EA during the construction phase would be useful to ensure the mitigation plan is being adhered to and to inform us of the progress that is being made. A regular catch up call has worked well with other applicants.

Table 4 – Pollution Prevention

What is the definition of the work area? Is this outside of the Red Line Boundary (RLB) or within the construction compound, which we understand is situated within the country park?

Furthermore, what will happen to the spoil cleaned off tyres / tracks, as they could act as a potential vector for INNS. As stated in section 5.9.3 of the CoCP “Any wastewater is either treated to an appropriate standard for discharge or otherwise removed from site.” Would this spoil waste water

	<p>be likely to be taken off site in this case? It may be more appropriate to ensure that vehicles are clean before arriving at site.</p> <p>The location, orientation and time of year of any photos should be the same as those taken pre-construction to ensure a good comparison, as mentioned the use of GPS should aid this. There should also be photos taken at control sites and also in relation to the topography. Photos at additional locations should be taken if there is anything particular to note.</p>
Table 4 - Ecology	<p>Natural England recognise this is relatively high level currently, however as further construction details become apparent we would like to feed into and agree the finer details of this aspect of the plan such as speed limits and final access routes.</p> <p>The use of a Before After Control Impact Design (BACI) is advised whilst utilising NVC classification for botanical habitat types along the transect. The applicant needs to ensure there are monitoring points in each habitat / zonation (lower, mid and upper marsh) of the saltmarsh which may mean further quadrats are required. There is no mention of a control site / transect but this should be introduced to effectively compare areas – this could be solved by introducing a BACI approach as described above.</p>
Table 4- Transport and Access	<p>Vegetation height and any species of conservation importance should also be noted.</p> <p>The introduction of one or two continuous belt transect that run parallel to the cable trench/corridor would also be useful. It would provide a full range and characterisation of the saltmarsh along the impacted area and would not require much additional work. Due to the current experience with Nemo and the sensitivity of the site, Natural England feel this is a reasonable precaution to help inform the successful recovery.</p>
6.1.1. - 6.1.5.	<p>Surveys at years 2 to 5 should occur at the same time of year to ensure an accurate comparison between surveys.</p>
7.1.1.	

Will Hutchinson (Please note new office address below)
Marine Lead Adviser – Major Casework

Natural England
Eastleigh House
Upper Market Street
Eastleigh
Hampshire
SO50 9YN
0208 22 56002 / [REDACTED]

[Natural England - GOV.UK](https://www.gov.uk/natural-england)

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

Information in this message may be confidential and may be legally privileged. If you have received this message by mistake, please notify the sender immediately, delete it and do not copy it to anyone else.

We have checked this email and its attachments for viruses. But you should still check any attachment before opening it.

We may have to make this message and any reply to it public if asked to under the Freedom of Information Act, Data Protection Act or for litigation. Email messages and attachments sent to or from any Environment Agency address may also be accessed by someone other than the sender or recipient, for business purposes.

Click [here](#) to report this email as spam