

Vattenfall Wind Power Ltd

Thanet Extension Offshore Wind Farm

Appendix 16 to Deadline 3 Submission: Requests
for Statements of Common Ground and Statement
of Commonality

Relevant Examination Deadline: 3

Submitted by Vattenfall Wind Power Ltd

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Revision B

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1 Introduction

- 1 Annex E (Agenda for the Issue Specific Hearing 1 (ISH1): Procedural decisions made by the Examining Authority (ExA) Rule 6 letter (PINS Ref PD-006) notes at item 1 that the ExA requests that at Deadline 1 the Applicant provides it with a tracking list of a number of documents which include Statements of Common Ground (SoCG) and commercial side agreements.
- 2 The ExA Rule 8 letter requested that an updated tracking lists and SoCG were to be submitted as part of the Applicant's Deadline 3 Submission. This note supersedes and provides an updated status from the revision previously submitted in Deadline 1.
- 3 This note specifically provides reference to the Statements of Common Ground (SoCG) requested, and notes for the benefit of the ExA where and why an SoCG has not been entered into (either for a given topic or with a stakeholder more broadly), and provides an update of the status of the SoCGs.
- 4 Section 3 provides a summary of the status of the SoCGs presented within the body of this document. Section 4 then presents a Statement of Commonality, identifying those themes of shared or common interest that developed through consideration of the relevant representations, and in turn Statements of Common Ground.

2 Statements of Common Ground

- 5 The following subsections present each category or topic area identified by the ExA for consideration within SoCGs. The approach taken by the Applicant in drafting SoCGs has been to, where possible, draft a single SoCG that captures all topics of interest or relevance. For ease of audit against the ExA SoCG request list the structure presented here however reflects topic areas, with a given relevant party appearing in each subsection.
- 6 Each section identifies the overarching topic area, the parties that the ExA has requested a SoCG to be drafted with, and as noted previously identifies any stakeholders or topic areas that have not been included when drafting SoCGs.

2.2 A – Natural environment and HRA

- 7 The ExA, in their Rule 8 letter dated 18th December 2018, requested that SoCGs be drafted with the following stakeholders:
- Environment Agency;
 - Natural England;
 - Marine Management Organisation;
 - National Trust;
 - Kent Wildlife Trust;
 - Royal Society for the Protection of Birds;
 - Relevant local authorities; and
 - Relevant overseas authorities (taken to be France as the only party of relevance).
- 8 The ExA, under the overarching title of Natural Environment and HRA, requested the following topics be included within the SoCGs:
- The adequacy of base data, impact assessment methodologies, construction, operational and decommissioning effects on or in respect of:
 - marine sediment characterisation, turbidity and water quality;
 - coastal processes;
 - marine fish stocks;
 - shellfish stocks;
 - marine mammals; and

- marine and terrestrial bird species, including the calculation of prospective bird strike mortality effects.
- the relevance of impacts in individual European Sites;
- the adequacy of specific assessments of impact on individual European Sites and the qualifying features / species contained in those sites; and
- the need for and adequacy of particular approaches to impact mitigation and the mechanism for securing any mitigation through the draft DCO or Marine Licence.

Environment Agency

- 9 The Applicant has drafted a SoCG with the Environment Agency on all topics, except for:
- characterisation/assessment - marine mammals; due to marine mammals being outwith the EA's remit;
 - characterisation/assessment - marine and terrestrial bird species; due to ornithology being outwith the EA's remit; and
 - impacts to European sites; due to European sites being generally outwith the EA's remit, however relevant habitats and species that may form features of European designated sites are captured within the SoCG.

Natural England

- 10 The Applicant has drafted an SoCG with Natural England on all matters identified under this topic area.

Marine Management Organisation

- 11 The Applicant has drafted an SoCG with the MMO on all matters under this topic area.

National Trust

- 12 The Applicant considers that National Trust are not an appropriate party to seek a SoCG on the topic. During the development of the Project it is understood that National Trust have deferred to Kent Wildlife Trust on these matters. National Trust have not indicated to the Applicant that this approach has changed, and their relevant representation does not make reference to these matters. The Applicant has sought a SoCG with National Trust to clarify this position and their comments on recreational use of the foreshore as requested under (I).

Kent Wildlife Trust

- 13 The Applicant has drafted an SoCG with Kent Wildlife Trust on all topics.

Royal Society for the Protection of Birds

- 14 The Applicant has drafted an SoCG with RSPB on topics of relevance to them, the exceptions being (due to falling outwith their area of interest):
- characterisation/assessment - marine sediment characterisation;
 - characterisation/assessment - coastal processes;
 - characterisation/assessment - marine fish stocks;
 - characterisation/assessment - shellfish stocks; and
 - characterisation/assessment - marine mammals.
- 15 It should be noted that RSPB have informed the Applicant that due to limited resources they do not wish to be engaged further during the examination phase of this project. The Applicant has confirmed as of January 2019 that for the remaining matters for consideration identified within their relevant representation RSPB will defer to Natural England.
- 16 The RSPB submitted a letter to ExA on 21st January 2019 reaffirming that they did not wish to be engaged further in the examination phase of this project. Therefore, a SoCG has not been progressed further with RSPB by the Applicant.

Relevant local authorities

- 17 The Applicant has drafted SoCGs with the relevant authorities (Dover District Council (DDC), Thanet District Council (TDC), and Kent County Council (KCC) as appropriate with the following exceptions (due to these not being technical areas of interest to the local authorities, and the local authorities therefore deferring to other relevant stakeholders (such as MMO)):
- characterisation/assessment - marine sediment characterisation; and
 - characterisation/assessment - coastal processes.

Relevant overseas authorities (taken to be France as the only party of relevance)

- 18 The Applicant at the current time has not sought a SoCG from French Authorities. Following submission of the information requested by the ExA within the Action list for Issue Specific Hearing 1 (ISH1), and any further feedback received from the French Authorities the Applicant will develop a SoCG as required.

2.3 B – Access, highways and transportation effects

- 19 The ExA in their Rule 8 letter requested that SoCGs be drafted with the following stakeholders:
- Relevant local authorities.
- 20 On the following matters:
- the adequacy of access, highway, other transport provision for construction, maintenance and decommissioning.
- 21 The Applicant has drafted an SoCG with the relevant local authorities (KCC, TDC, DDC) which includes reference to these matters.
- 22 The Applicant has agreed a SoCG with Highways England in addition to seeking a SoCG with the relevant local highway authority (KCC).

2.4 C – Other consequential onshore effects

- 23 The ExA in their Rule 8 letter requested that SoCGs be drafted with the following stakeholders:
- Relevant local authorities.
- 24 On the following matters in relation to other onshore effects:
- Economic effects of the Project.
- 25 The Applicant has drafted an SoCG with the relevant local authorities (KCC, TDC, DDC) which includes reference to these matters.

2.5 D – Air Navigation

- 26 The ExA in their Rule 8 letter requested that SoCGs be drafted with the following stakeholders:
- River Oak Strategic Partners; and
 - And any other Interested/Statutory Party responsible for airport, airfield, air navigation or aviation services.
- 27 On the following matters in relation to air navigation:
- the degree to which air navigation and the integrity of navigation systems have been or can be adequately protected by the project;
 - the need for and adequacy of particular approaches to impact mitigation;

- effects on the proposed Manston Airport; and
 - effects on any other relevant airport.
- 28 The Applicant has sought a SoCG with River Oak Strategic Partners and Southend Airport
- 29 To date there has been no response from the Civil Aviation Authority either during Section 42 consultation or at the relevant representations. Following the Preliminary Meeting the CAA have been contacted again regarding a SoCG. No response has been received to date.
- 30 The Applicant has engaged with NATS en route plc and received confirmation that the turbine array as submitted will not interfere with their operations. Evidence of this correspondence is submitted at Annex A of the document.

2.6 E – Ports, shipping and commercial sea navigation

- 31 The ExA in their Rule 8 letter requested that SoCGs be drafted with the following stakeholders:
- Port Authorities and Operators;
 - UK Chamber of Shipping and Shipping Interests;
 - The MMO;
 - Trinity House;
 - The Maritime and Coastguard Agency;
 - Pilotage;
 - Port of Tilbury London Ltd;
 - London Gateway Ltd; and
 - Any other interested/Statutory Party/ Other Person responsible for maritime navigation, safety and shipping services.
- 32 On the following matters in relation to ports, shipping and commercial sea navigation:
- the degree to which the operational needs of commercial ports and harbours have been adequately protected by the project;
 - the degree to which shipping channels, access to navigable rivers and canal navigations, anchorages, navigational aids and systems at sea have been adequately protected by the project; and

- the effect of the project on commercial shipping movements during construction, operation and decommissioning.

33 The Applicant has sought SoCGs with the listed parties on all matters identified.

2.7 F – Recreational sea use

34 The ExA in their Rule 8 letter requested that SoCGs be drafted with the following stakeholders:

- MMO;
- Trinity House;
- MCA;
- Any other Interested /Statutory Party.

35 On the following matters:

- the degree to which the needs of recreational sea use has been adequately protected by the project; and
- the need for and adequacy of any particular approaches to impact mitigation.

36 To the extent that is has been assessed in the NRA and the ES, the Applicant is engaging with MCA and Trinity House regarding recreational sea use. The Applicant has consulted with the Royal Yachting Association at Section 42 and Section 56; no response was received. Prior to this RYA were also consulted as part of the Navigational Risk Assessment (PINS Ref APP-089/ Application Ref 6.4.10.1) with responses captured in Table 8 of that document noting concerns that have been considered within the assessment. A draft SoCG with the RYA was submitted in Deadline 1 by the Applicant, and subsequently accepted at the discretion of the ExA prior to Deadline 2.

2.8 G – Fishing and fisheries

37 The ExA in their Rule 8 letter requested that SoCGs be drafted with the following stakeholders:

- MMO; and
- Interested/Statutory Parties involved in fishing.

38 The Applicant is seeking a SoCG with the Thanet Fishermen’s Association in addition to MMO.

2.9 H – Historic environment

- 39 The ExA in their Rule 8 letter requested that SoCGs be drafted with the following stakeholders:
- Historic England;
 - English Heritage;
 - Relevant local authorities;
 - MMO; and
 - Any other Interested/Statutory Party involved in the historic environment or archaeology.
- 40 On the following matters:
- the adequacy of base data, impact assessment methodologies, construction, operational and decommissioning effects on the historic marine environment;
 - the adequacy of base data, impact assessment methodologies, construction, operational and decommissioning effects on the setting of terrestrial heritage assets; and
 - the need for and adequacy of particular approaches to impact mitigation.
- 41 As confirmed at the Preliminary Meeting the Applicant has not consulted with English Heritage (EH) as the Project will not directly impact any property owned or managed by EH. The Applicant is seeking an SoCG with Historic England as the statutory body for heritage protection and this will cover any indirect effects on setting of all heritage assets including those managed by EH.
- 42 The Applicant has also included reference to the historic environment within the SoCG with the MMO and relevant local authorities (KCC, TDC and DDC).
- 43 There are no other Interested/Statutory Parties of relevance to consider with regards potential effects on the historic environment or archaeology.

2.10 I – Recreational use of the foreshore

- 44 The ExA in their Rule 8 letter requested that SoCGs be drafted with the following stakeholders:
- National Trust;
 - Kent Wildlife Trust;
 - Relevant local authorities; and

- Any other Interested/Statutory Party involved in the management of Pegwell Bay and other foreshore areas.
- 45 On the following matters:
- the adequacy of base data, impact assessment methodologies, construction, operational and decommissioning effects on the foreshore and Country Park; and
 - the need for and adequacy of particular approaches to impact mitigation.
- 46 The Applicant has included reference to the recreational use of the foreshore in the draft SoCGs with National Trust, KWT and relevant local authorities (KCC, TDC and DDC) on the matters identified.
- 47 There are no other Interested or Statutory Parties considered to be relevant to recreational use of the foreshore, though it is noted that other parties are represented on the Pegwell Bay steering group (the management authority for the National Nature Reserve). These parties are represented in other SoCGs with reference to their areas of direct expertise or interest – e.g. Natural England, RSPB, and Kent and Essex IFCA.

2.11 J – Seascape, landscape and visual impact assessment

- 48 The ExA in their Rule 8 letter requested that SoCGs be drafted with the following stakeholders:
- Relevant local authorities;
 - Natural England;
 - Historic England; and
 - Relevant representatives of Overseas Public Authorities.
- 49 On the following matters:
- Agreed approaches to seascape, landscape and visual impact assessment (SLVIA); and
 - The adequacy of mitigation.
- 50 The Applicant has included reference to SLVIA within the SoCGs with Historic England and the relevant local authorities (KCC, DDC and TDC).

- 51 The Applicant has not sought to include reference to SLVIA within the SoCG with Natural England as the project does not interact with any Areas of Outstanding Natural Beauty. Reference to the Outline Landscape and Ecological Management Plan (PINS Ref REP1-069 which supersedes APP-142/ Application Ref 8.7), which includes reference to management of onshore visual impacts (in addition to ecological matters) is however included within the SoCG with Natural England.
- 52 As discussed at the first Issue Specific Hearing (ISH1) the Applicant has not sought an SoCG with overseas public authorities, as there have to date been no representations received from overseas authorities on this matter. Should representations be received from overseas authorities the Applicant will draft an SoCG as appropriate.

2.12 K – Energy undertakers

- 53 The ExA in their Rule 8 letter requested that SoCGs be drafted with the following stakeholders:
- National Grid Electricity Transmission (NGET);
 - National Grid Gas (NGG);
 - Nemo Link; and
 - Any other Interested/Statutory Party involved in energy transmission or distribution.
- 54 On the following matters:
- Effects of the proposed development on transmission and distribution infrastructure.
- 55 The Applicant is in ongoing discussions on crossing and proximity agreements with NGET, Nemo Link, Thanet OFTO and UKPN and will provide an update on these as part of the tracker requested by the ExA for both Deadlines 1 and 2. The Applicant expects to reach agreement with all of these parties prior to the end of examination. As such it is not currently intended to enter into SoCGs with these undertakers as the progress and expected agreement of commercial agreements and protective provisions will demonstrate the position of these stakeholders. NGG do not have any apparatus in proximity to the project and have not been approached.
- 56 There are no other Interested or Statutory Parties of relevance.

2.13 L – Military affairs

- 57 The ExA in their Rule 8 letter noted that the Ministry of Defence (MoD) does not object to the proposed development. The ExA further noted that in the context set by multiple Relevant Representations raising concerns about civil/ merchant shipping a statement of common ground could valuably be prepared to include:
- a review of actions necessary and agreed to safeguard military shipping; and
 - consideration of actions (if any) necessary and agreed to safeguard military aviation.
- 58 The Applicant consulted with the Ministry of Defence at Section 42 to which the MoD responded stating the Application should undertake UXO surveys prior to intrusive works. The relevant representation from the MoD confirms no objection on aviation matters. The MoD has therefore been consulted and has responded twice without raising any concerns regarding military shipping. However, as noted at the Preliminary Meeting the Applicant has sought to confirmation from the MoD regarding their position on military shipping and aviation.
- 59 The Applicant have submitted a letter received from the MoD as Appendix 31 of the Applicant's Deadline 3 Submission confirming that a SoCG with MoD regarding military shipping and war graves is not required.

3 Current status of SoCGs

The following table identifies the current status of all SoCGs. It should be noted that *the SoCG regarding matters of shipping and navigation are on hold. However, a workshop was held on 27th February 2019, as per the action arising from ISH 5, with the aim of reaching agreement on basic methodological approaches and assumptions to be applied. Further information regarding this workshop has been submitted in Appendix 3 of the Applicant's Deadline 3 Submission. All shipping related Interested Party SoCGs remain on hold subject to the outputs of a workshop held on the 27th February 2019. Revised positions will be submitted at Deadline 4.

Stakeholder	Relevant Topics	Status	Current Revision
Chamber of Shipping	<ul style="list-style-type: none"> Port, shipping, commercial sea navigation 	draft received from CoS 150119. Revision A submitted in Deadline 1. Further matters being discussed.	A (on hold*)
Dover District Council	<ul style="list-style-type: none"> natural environment and HRA access/highways/transport Other consequential onshore effects Historic Environment SLVIA 	Revision A submitted in Deadline 1. Revised document sent to DDC on 150219. All matters agreed, signed version to be submitted at Deadline 4.	B (Final)
Environment Agency	<ul style="list-style-type: none"> Natural environment and HRA 	Revision A submitted in Deadline 1. Revised document sent and discussed with the EA on 120219. Agreed version returned on 050319.	B (Final)
Highways England	<ul style="list-style-type: none"> Access/highways/transport 	Signed copy received and submitted at Deadline 1	A (Final)
Historic England	<ul style="list-style-type: none"> Historic Environment SLVIA 	Revised draft sent to the Applicant on 140219. SoCG remains under discussion with Historic England with agreement made that good ground has been made.	B

Stakeholder	Relevant Topics	Status	Current Revision
		<p>HE confirm that they have read through the updated offshore WSI and are pleased by the changes made, which not only address comments at written submission (Deadline1), but the additional content for greater clarity, particularly the need for a logical approach to the on/offshore WSIs. Pre-empting HE thoughts on this.</p> <p>HE onshore team are currently pulling together some position statements for Deadline 3 at the request of the ExA panel. HE note that they are hopeful that this will conclude matters and confirm an agreed SoCG in readiness for Deadline 4.</p>	
Kent County Council	<ul style="list-style-type: none"> • natural environment and HRA • access/highways/transport • Other consequential onshore effects • Historic Environment • Recreational use of the foreshore • SLVIA 	An agreed SoCG is sitting with KCC for signing. The updated, agreed with no matters outstanding SoCG will be submitted at Deadline 4	B
Kent IFCA	<ul style="list-style-type: none"> • Natural environment and HRA 	Revision A submitted in Deadline 1. Revised document discussed, received 010319, Appendix 21 accompanying this Deadline 3 submission with limited matters remaining under discussion	B

Stakeholder	Relevant Topics	Status	Current Revision
Kent Wildlife Trust	<ul style="list-style-type: none"> Natural environment and HRA 	Revised draft issued on 250219. Revised draft received on 010319 and submitted with this Deadline 3 submission at Appendix 22	B
MCA	<ul style="list-style-type: none"> Port, shipping, commercial sea navigation Recreational boat use 	Sent on 09/11/18. No response received to date beyond confirmation that matters will be discussed at the ISH2 and following WRs	A (on hold*)
MMO	<ul style="list-style-type: none"> Natural environment and HRA Port, shipping, commercial sea navigation Recreational boat use Fishing and Fisheries Historic Environment 	Revision A submitted in Deadline 1. Revised draft submitted on 110219. Revised received 270319 and submitted as Appendix 23 to this Deadline 3 submission.	B
National Grid Electricity Transmission	<ul style="list-style-type: none"> Energy undertaker 	SoCG to be submitted at Deadline 4.	
National Trust	<ul style="list-style-type: none"> Natural environment and HRA 	Revision A submitted in Deadline 1. Revised draft sent on 180219. A revised draft was received on 26/02/19 and is included at Appendix 24.	B
Natural England - Ornithology	<ul style="list-style-type: none"> Natural environment and HRA 	Revision A was submitted in Deadline 1. Revised draft was sent on 12019 and discussed and returned on 010319 A revised SoCG accompanies this Deadline 3 submission at Appendix 25.	B
Natural England - SS&A		Original draft sent on 120219. A revised draft was received on 250219, discussed on the 040319 and a revised SoCG	A

Stakeholder	Relevant Topics	Status	Current Revision
		accompanies this Deadline 3 submission at Appendix 27.	
Natural England - Topics		Revision A was submitted in Deadline 1. Revised draft was sent on 12019 and returned on 250219, discussed on the 040319 and a revised SoCG accompanies this Deadline 3 submission at Appendix 26.	B
Nemo Link Limited	<ul style="list-style-type: none"> Energy undertaker 	SoCG to be submitted at Deadline 4.	
Port of London Authority	<ul style="list-style-type: none"> Port, shipping, commercial sea navigation 	Sent on 08/11/18. PLA submitted revised draft as part of their Deadline 2 Submission.	A (on hold)
River Oak Strategic Partners	<ul style="list-style-type: none"> Air navigation 	Response received on 14/01/19. Revised draft was sent on 14/01/19, no confirmation on final position received to date.	A
RSPB	<ul style="list-style-type: none"> Natural environment and HRA 	Sent on 10/12/18. Response received notifying that RSPB no longer engaging in project. Understood to have been sent to PINS January 2019.	A
RYA	<ul style="list-style-type: none"> Recreational boat use 	Revised version received on 21/1/19 and a final agreed SoCG is included at Appendix 28 of this Deadline 3 submission	C (Final)
TFA	<ul style="list-style-type: none"> Fishing and Fisheries 	Sent on 19/11/18. Advanced draft received 140119.	B

Stakeholder	Relevant Topics	Status	Current Revision
Thanet District Council	<ul style="list-style-type: none"> • Natural environment and HRA • Access/highways/transport • Other consequential onshore effects • Historic Environment • SLVIA 	Revision A was submitted in Deadline 1. Revised draft sent 150219 and returned on 260219 and a final agreed SoCG is included at Appendix 30 of this Deadline 3 submission.	B (Final)
THLS	<ul style="list-style-type: none"> • Port, shipping, commercial sea navigation • Recreational boat use 	Sent on 09/11/18. No response received to date beyond confirmation that matters will be discussed at the ISH2 and following WRs	A (on hold*)
French Authorities	<ul style="list-style-type: none"> • Natural environment and HRA • Fishing and Fisheries • SLVIA 	No further response has been received	N/A
Port of Tilbury	<ul style="list-style-type: none"> • Port, shipping, commercial sea navigation 	Issued for consideration on the 21/12/18, 1 st draft included at Deadline 1 subject to further discussion of received 'marked up pdf'. Response received on 150119.	A (on hold*)
London Gateway	<ul style="list-style-type: none"> • Port, shipping, commercial sea navigation 	Issued for consideration on the 21/12/18, 1 st draft included at Deadline 1 subject to further discussion of received 'marked up pdf'. Response received on 150119.	A (on hold*)
MoD	<ul style="list-style-type: none"> • Military affairs 	Contacted on 4/1/19, receipt acknowledged. Letter received on 150219 confirming no intention of entering into a SoCG.	N/A

4 Statement of Commonality

60 The following section describes the common themes or areas of commonality that have arisen through review of the relevant representations received.

4.1 Site Selection and Alternatives

61 An evident theme, in Deadline 1, was the position on site selection and alternatives, in particular with reference to concerns raised with regards Landfall Option 2 and the potential for permanent loss of saltmarsh habitat. This theme is shared by:

- Natural England;
- Environment Agency;
- Kent Wildlife Trust;
- National Trust;
- MMO;
- Kent and Essex IFCA; and
- Local Authorities (KCC, DDC, and TDC).

62 Following the Applicant's removal of Option 2 from the project envelope the concerns regarding permanent loss have been withdrawn. Agreement on the site selection and alternatives has broadly been reached with the majority of parties following the design change, with the exception of Kent Wildlife Trust and the National Trust.

4.2 Ornithology (displacement buffer) matters

63 An additional evident theme, in Deadline 1, was the position on the displacement buffers applied by the Applicant when considering displacement of ornithological receptors as a result of the installation of the offshore infrastructure. This theme is shared by:

- Natural England;
- MMO; and
- RSPB.

- 64 These matters have been the subject of additional clarification notes submitted by the Applicant to Natural England for consultation. Revised versions of these documents are submitted with the wider Deadlines 1,2, and 3 submissions.
- 65 It has been agreed with Natural England that either parties' methods and effects of parameters used make no material difference to the overall conclusions. Therefore, this is no longer a theme of disagreement.

4.3 Adequacy of (Offshore) Project Description transcription

- 66 A further evident theme is the position on project description transcription within the offshore ES chapters, the draft DCO, and other supporting documents such as the disposal site characterisation and MCZ assessment. This theme is shared by:
- Natural England; and
 - MMO;
- 67 These matters have been the subject of clarification and audit notes which have been drafted to provide a clear audit of the offshore Project Description parameters and the worst cases assessed. These documents are submitted with the wider Deadline 3 submissions at Appendices 34 (Annex C) and Appendix 1 (Annex A). Subject to further discussion with regards the project description parameters to be secured on the face of the DCO/dML(s) the adequacy of the PD is no longer considered to be a theme of disagreement.

4.4 Shipping and Navigation matters

- 68 An additional evident theme is the position on the findings of the NRA, specifically on the conclusion of the acceptability of the Order Limits presented within the NRA and associated ES chapter. This theme is shared by:
- MCA;
 - Trinity House;
 - Port of London Authority;
 - London Gateway;
 - Port of Tilbury;
 - Estuary Services Limited;
 - Chamber of Shipping; and
 - London Pilots Association.

- 69 These matters have been the subject of additional clarification notes and ExA questions, with a workshop held on the 27th February to aid in better defining the available searoom.