

# **Vattenfall Wind Power Ltd**

## **Thanet Extension Offshore Wind Farm**

### Appendix 22 to Deadline 3 Submission: Statement of Common Ground – Kent Wildlife Trust

Relevant Examination Deadline: 3

Submitted by Vattenfall Wind Power Ltd

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Revision B

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## 1 Introduction

### 1.1 Overview

- 1 This Statement of Common Ground (SoCG) relates to the proposed development of the Thanet Extension Offshore Wind Farm (Thanet Extension). It has been prepared with respect to the Application made by Vattenfall Wind Power Ltd (VWPL) (the Applicant) for a development consent order (DCO) to the Planning Inspectorate (PINS) under the Planning Act 2008 (the Application).
- 2 This SoCG with Kent Wildlife Trust (KWT) is a means of clearly stating any areas of agreement and disagreement between the two parties in relation to the Application. The SoCG has been structured to reflect the topics of interest to KWT on the Application.
- 3 It is the intention that this document will help facilitate post Application discussions between both parties and also give the Examining Authority (ExA) an early sight of the level of common ground between both parties from the outset of the examination process. It also reflects the request made by the ExA in the 'Rule 6' letter published on the 9<sup>th</sup> November 2018.

### 1.2 Approach to SoCG

- 4 This SoCG has been developed during the pre-examination phase of the Thanet Extension. In accordance with discussions between the Applicant and KWT, the SoCG is focused on those issues raised by KWT within its response to Scoping, Section 42 consultation and as raised through the Evidence Plan process that has underpinned the pre-Application consultation between the parties.
- 5 The structure of the SoCG is as follows:
  - Section 1: Introduction;
  - Section 2: Kent Wildlife Trust's Remit;
  - Section 3: Consultation;
  - Section 4: Agreements Log; and
  - Section 9: Matters under Discussion.

## 1.3 The Development

- 6 The Application is for development consent for VWPL to construct and operate the Thanet Extension Offshore Wind Farm (Thanet Extension) under the Planning Act 2008.
- 7 Thanet Extension will comprise of wind turbine generators (WTGs) and all the infrastructure required to transmit the power generated to the national grid. A maximum of 34 WTGs will be installed with a power output of 340 MW. The project will install up to four offshore export cables and may require the installation of one Offshore Substation (OSS) and up to one Meteorological Mast.
- 8 The key offshore components of Thanet Extension are likely to include:
  - Up to 34 Offshore WTGs;
  - OSS (if required);
  - Meteorological Mast (if required);
  - WTG Foundations;
  - Subsea inter-array cables linking individual WTGs;
  - Subsea export cables from the OWF to shore; and
  - Scour protection around foundations and on inter-array and export cables (if required).
- 9 The array area will have a maximum size of 70 km<sup>2</sup> and surrounds the existing Thanet Offshore Wind Farm (TOWF). It is located approximately 8 km Northeast of the Isle of Thanet, situated in the County of Kent. Each WTG will have a maximum blade tip height of 250 m above Highest Astronomical Tide (HAT), a maximum diameter of 220 m and a minimum 22 m clearance between the Mean High Water Springs (MWHS) and the lowest point of the rotor.
- 10 Electricity generated will be carried via a maximum of four high voltage subsea cables to the landfall site, situated at Pegwell Bay. Offshore cables will be connected to the onshore cables and ultimately the national grid network at Richborough Energy Park. The onshore cable corridor is 2.6 km in length at its fullest extent.

- 11 More details on the proposed development are described in the Environmental Statement (ES) Volume 2, Chapter 1: Project Description (Offshore) (PINS Ref APP-040/ Application Ref 6.2.1) and Volume 3, Chapter 1: Project Description (Onshore) (PINS Ref APP-057/ Application Ref 6.3.1) of the Environmental Statement.



## 2 Kent Wildlife Trust's Remit

- 12 KWT is not a prescribed consultee for the proposed development under section 42 of the Planning Act 2008 and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. However, the Applicant recognises the importance of KWT as a consultee due to their central role within the management of the Pegwell Bay Country Park, participation in the Evidence Plan and as a Landowner.
- 13 Kent Wildlife Trust is one of the largest of the 47 Wildlife Trusts, which together make up the Wildlife Trusts Partnership. We are Kent's leading conservation organisation covering the whole of Kent and Medway, dedicated to protecting wildlife and wild habitats. We are supported and governed by our 30,000 members, and have the simple aim of protecting Kent's wildlife for the future. To this end, we own or manage 60 nature reserves covering 3,000 hectares; we campaign and lobby politicians, decision makers and landowners to ensure site protection and good habitat management; and we run a full programme of education work with schools, colleges and adult groups. The Trust also has five Visitor Centres.
- 14 The professional and support staff work within six sections of Reserves, Conservation and Policy, People and Wildlife, Visitor Centres, Trading and Visitor Engagement, Marketing and Membership, Finance and Administration.

### 3 Consultation

#### 3.1 Application elements under Kent Wildlife Trust's remit

- 15 Work Nos. 1 - 16, detailed in Part 1 of Schedule 1 of the draft DCO describe the elements of Thanet Extension which may affect the interests of KWT.
- 16 Kent Wildlife Trust is an individual charitable trust within the Royal Society of Wildlife Trusts. They oversee the management of nature reserves in the Kent and Medway areas of Southeast England.
- 17 The technical components of the DCO Application of relevance to KWT (and therefore considered within this SoCG) comprise:
- Report to Inform Appropriate Assessment (PINS Ref REP2-018 and REP2-019);
  - Volume 1, Chapter 4: Site Selection and Alternatives (PINS Ref APP-040/ Application Ref 6.1.4);
  - Volume 2, Chapter 1: Project Description (Offshore) (PINS Ref APP-042/ Application Ref 6.2.1);
  - Volume 2, Chapter 2: Marine Geology, Oceanography and Physical Processes (PINS Ref APP-043/ Application Ref 6.2.2);
  - Volume 2, Chapter 5: Benthic Subtidal and Intertidal Ecology (PINS Ref APP-046/ Application Ref 6.2.5);
  - Volume 2, Chapter 6: Fish and Shellfish Ecology (PINS Ref APP-047/ Application Ref 6.2.6);
  - Volume 2, Chapter 7: Marine Mammals (PINS Ref APP-048/ Application Ref 6.2.7);
  - Volume 2, Chapter 8: Designated Sites (PINS Ref APP-049/ Application Ref 6.2.8); and
  - Volume 4, Annex 5-3: Marine Conservation Zone Assessment (PINS Ref APP-083/ Application Ref 6.4.5.3); and
  - Volume 3, Chapter 5: Onshore Biodiversity (PINS Ref APP-061/ Application Ref 6.2.5).

### 3.2 Consultation Summary

18 This section briefly summarises the consultation that VWPL has undertaken with KWT. Engagement during the pre-Application phase, both statutory and non-statutory, is summarised in Table 1 below, this includes any meetings and correspondence held as part of the Evidence Plan process and Section 42 consultation.

**Table 1: Consultation undertaken with KWT pre-Application**

Date & Type:	Detail:
May 2017 Evidence Plan meeting	Evidence Plan meeting - Offshore Ecology Meeting.
July 2017 Evidence Plan meeting	Evidence Plan meeting – General Offshore Meeting.
July 2017 Evidence Plan meeting	Evidence Plan meeting – General Onshore Meeting.
October 2017 Evidence Plan meeting	Evidence Plan meeting – General Onshore Meeting.
October 2017	National Nature Reserve Steering Group Meeting
January 2018, S42 Consultation	Comments relating to the Preliminary Environmental Information Report
2018 Consultation	RIAA Consultation
May 2018	National Nature Reserve Steering Group Meeting – noting that KWT indicated that it was not considered to be a consultation meeting
Throughout the pre-application phase	Numerous meetings to discuss specific land issues <sup>1</sup>

### 3.3 Post-Application Consultation

19 VWPL has engaged with KWT since the Thanet Extension development was accepted for examination by the Planning Inspectorate on 23<sup>rd</sup> July 2018. A summary of the post-Application consultation with KWT is detailed in Table 2.

<sup>1</sup> The matters discussed in these meetings are not relevant to the topics included within this SoCG.

**Table 2: Consultation undertaken with the KWT post-Application**

Date/ Type:	Detail:
August 2018 Meeting	Post-Application/ pre-relevant representations meeting
Post-Application	Numerous meetings to discuss specific land issues

## 4 Agreements Log

20 The following section of this SoCG identifies the level of agreement between the parties for each relevant component of the Application material (as identified in Section 3.1). In order to easily identify whether a matter is “agreed”, “under discussion” or indeed “not agreed” a colour coding system of green, yellow and orange is used in the “final position” column to represent the respective status of discussions.

### 4.1 Site Selection Alternatives

21 The Project has analysed and evaluated a range of options regarding location of infrastructure. The reasons for the selection of the proposed site are put forward by the applicant within Volume 1, Chapter 4: Site Selection and Alternatives of the ES (PINS Ref APP-040/ Application Ref 6.1.4). Table 3 identifies the status of discussions relating to this topic area between the parties.

**Table 3: Status of discussions relating to Site Selection and Alternatives.**

Discussion Point	Thanet Extension Position	KWT Position	Final Position
Adequacy of information provision	The chapter provides an adequate account of the considerations and decision-making process undertaken to develop the proposed Order Limits, taking full consideration of relevant points of policy.	It is noted that KWT objects to the proposed development.	Under discussion
Adequacy of information provision	The chapter provides sufficient information for the rationale for the decision to make landfall in Pegwell Bay rather than Sandwich Bay.	<p>KWT consider there to be inadequate information and an insufficient level of detail provided on the site selection, in particular the landfall location.</p> <p>KWT believe that a sound ecological decision cannot be made based on the information provided.</p>	Disagree
Project optionality	Following the consultation responses received in S42 the larger seawall extension option was removed and Option 1 and 3 were included within the project description subject to the findings of the SI works. Option 1 and 3 are agreed as appropriate.	<p>KWT welcomes the decision by the applicant to remove option 2 from the design envelope.</p> <p>Whilst maintaining an overall objection to the site and chosen landfall location, KWT believe that Option 1 (HDD method) is the least damaging environmental method of the options presented.</p>	Agreed

Discussion Point	Thanet Extension Position	KWT Position	Final Position
<p>Habitat considerations</p>	<p>5 The interaction with the saltmarsh is noted throughout the ES, inclusive of the Site Selection and Alternatives chapter (PINS Ref APP 040/ Application Ref 6.1.4). It is recognised as a notified feature of the SSSI and the Ramsar site. The Applicant notes that saltmarsh is inconsistently referenced in the SPA descriptions, and that it is unlikely to form an important habitat for the designated features of the SPA. Notwithstanding this landfall Option 2 has been withdrawn to avoid permanent loss of the saltmarsh habitat.</p>	<p>6 Saltmarsh is a crucial habitat and highly important feature of the site as a whole, is a supporting habitat for a number of species, as well as representing a key area of saltmarsh in the wider South East region. This should be sufficient to be granted consideration and protection. Saltmarsh habitats are referenced in the SPA description.</p> <p>KWT approves of the removal of option 2, which means that there will be no permanent loss of saltmarsh. All efforts should be made to ensure minimum temporary disturbance to the saltmarsh during construction is achieved.</p>	<p>7 Agreed</p>

Discussion Point	Thanet Extension Position	KWT Position	Final Position
<p>Habitat Consideration and Cable Installation Method</p>	<p>landfall Option 2 has been withdrawn to avoid permanent loss of the saltmarsh habitat.</p>	<p>KWT approves of the removal of option 2, which means that there will be no permanent loss of saltmarsh.</p>	<p>Agreed</p>



Discussion Point	Thanet Extension Position	KWT Position	Final Position
Habitat considerations	<p>The site selection process considered a suite of other relevant receptors and topic areas in addition to ecological and designated features as detailed within the chapter (PINS Ref APP-040/ Application Ref 6.1.4). The reasoning with regards designated features depends on a number of factors inclusive of mitigation assurance and interaction with the designated features themselves rather than the site. The Site Selection chapter adequately and appropriately describes this reasoning in line with policy requirements.</p>	<p>The consideration of habitats and ecological importance of the site has not been given due weight. The ‘other relevant receptors’ such as economic impacts and tourism appear to have been given more consideration than environmental protection. We believe a ‘whole site’ approach to designated sites should be taken to maintain the integrity of the site and ensure that the status and functionality of habitats and features is not decreased. We believe that the ecological arguments for site selection of the cable route is not based on sound comparable evidence.</p>	Disagree
Joss Bay Option	<p>This option was correctly discounted on the basis of environmental constraints, including offshore designated sites.</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>We accept that this option was discounted, however for completeness, transparency and clarity, more evidence should be provided regarding the process behind how this decision was made.</p>	Under discussion

Discussion Point	Thanet Extension Position	KWT Position	Final Position
Mitigation	<p>The recovery of TOWF has been a relative success and an appropriate proxy for the proposed works. Therefore, the rate of recovery of the saltmarsh following temporary disturbance is understood, and any uncertainty is addressed and secured through the Saltmarsh Reinstatement and Management Plan (PINS Ref APP-147/ Application Ref 8.13).</p> <p>The SMRMP was updated as part of the Applicant’s Deadline 2 Submission (PINS Ref REP2-032) in response of stakeholder’s feedback, including KWT’s Written Representation.</p>	<p>The avoidance hierarchy has not been followed accordingly. KWT believe that the applicant goes straight to mitigation rather than trying to avoid the designated sites. We are deeply concerned about the impacts of attritional disturbance, and believe that the existing developments on the site should not be seen as a precedent for future development works. We are also concerned about the failings of the existing TOWF cable and the potential need to make repairs, resulting in additional disturbance.</p> <p>The cumulative/attritional disturbance to the site caused by several large-scale developments will have adverse impacts on the integrity of the site and the features, habitats and species. We are not currently satisfied that the Saltmarsh Mitigation, Reinstatement and Monitoring Plan offers sufficient commitments to mitigation or monitoring.</p>	Under discussion

## 7.1 Marine Geology, Oceanography and Physical Processes

- 22 The Project has the potential to impact upon marine processes and these interactions are duly considered within Volume 2, Chapter 2: Marine Geology, Oceanography and Physical Processes of the ES (PINS Ref APP-043/ Application Ref 6.2.2). Table 4 identifies the status of discussions relating to this topic area between the parties.

**Table 4: Status of discussions relating to Marine Geology, Oceanography and Physical Processes.**

Discussion Point	Thanet Extension Position	KWT Position	Final Position
Policy and Planning	The site selection process has identified all appropriate plans and policies relevant to marine processes and has given due regard to them within the assessment.	Relating to NPS EN-3, a cable landfall assessment was only carried out based on the Pegwell Bay landfall option. We believe in order to make a well-informed decision a cable landfall assessment should have also been carried out at the Sandwich Bay landfall option.	Under discussion
Scope and Assessment methodology	The potential impacts identified are appropriate and accurately reflect the potential impacts on marine processes receptors and pathways.	There is currently insufficient detail and consideration of sandwave clearance impacts. There is also insufficient information about the potential need and impacts of cable reburial should the cables become exposed.	Under discussion
Baseline data used in the assessment	Sufficient data has been collated to appropriately characterise the baseline environment for the purposes of informing the EIA.	Data has been collected in order to characterise the baseline environment.	Agreed

Discussion Point	Thanet Extension Position	KWT Position	Final Position
Mitigation Measures	The embedded mitigation measures are considered appropriate and are adequately detailed within the biogenic reef mitigation plan.	The ‘embedded mitigation’ section should specifically mention avoiding areas of biogenic reef. Also, better signposting to additional mitigation measures that would apply specifically to physical processes issues associated with the proposed development. These are ‘described separately’ but not referenced or signposted to.	Under discussion
Outcomes of the EIA	The assessment criteria and assignment of significance is appropriate and in line with standard best practice.	Given that the coastal features of the landfall are acknowledged to be of high sensitivity and importance, and that impacts are likely to be of permanent or long-term duration, we disagree with the outcome that the impact of coastal features will be minor and that the magnitude of impact will be low.	Under discussion

## 7.2 Marine Water and Sediment Quality

- 23 The Project has the potential to impact upon marine water and sediment quality and these interactions are duly considered within Volume 2, Chapter 3: Marine Water Quality and Sediment Quality of the Thanet Extension ES (PINS Ref APP-044/ Application Ref 6.2.3). Table 5 identifies the status of discussions relating to this topic area between the parties.

**Table 5: Status of discussions relating to Marine Water Quality and Sediment Quality**

Discussion Point	Thanet Extension Position (it is agreed that)	KWT Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to marine water and sediment quality and has given due regard to them within the assessment.	No comment – defer to the EA	Noted
Scope and Assessment methodology	The potential impacts identified are appropriate and accurately reflect the potential impacts on marine water and sediment quality receptors.	No comment – defer to the EA	Noted
Baseline data used in the assessment	Sufficient data has been collated to appropriately characterise the baseline environment for the purposes of informing the EIA.	No comment – defer to the EA	Noted
Mitigation Measures	The embedded mitigation measures are considered appropriate.	No comment – defer to the EA	Noted
Outcomes of the EIA	The assessment criteria and assignment of significance is appropriate.	No comment – defer to the EA	Noted

## 7.3 Benthic Subtidal and Intertidal Ecology

- 24 The Project has the potential to impact upon benthic subtidal and intertidal ecology and these interactions are duly considered within Volume 2, Chapter 5 of the Thanet Extension ES (PINS Ref APP-046/ Application Ref 6.2.5). Table 6 identifies the status of discussions relating to this topic area between the parties.



**Table 6: Status of discussions relating to Benthic Subtidal and Intertidal Ecology.**

Discussion Point	Thanet Extension Position	KWT Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to benthic ecology and has given due regard to them within the assessment.	Relevant plans and policies have been referenced.	Agreed
Scope and Assessment methodology	The potential impacts identified are appropriate and accurately reflect the potential impacts on benthic ecology receptors.	Accept. However the impacts on benthic ecology receptors could be more clearly laid out in the document. We also still have concerns regarding impacts on such as from sediment re-suspension and smothering but agree that these impacts have been acknowledged in the document.	Agreed
Baseline data used in the assessment	Sufficient data has been collated to appropriately characterise the baseline environment for the purposes of informing the EIA.	Data has been collected in order to characterise the baseline environment.	Agreed
	The survey scope and methodology undertaken for the intertidal surveys was adequate for characterising the baseline population of benthic species.	HOCIs should have been identified in the baseline surveys.  The results of the intertidal surveys do not appear to have been used in influencing the landfall decision.	Under discussion

Discussion Point	Thanet Extension Position	KWT Position	Final Position
Mitigation Measures	The embedded mitigation measures are considered appropriate and captured in the relevant mitigation plans. Namely the biogenic reef mitigation plan, which has been agreed with Natural England, and the saltmarsh monitoring, reinstatement and management plan which has been agreed in principle with Natural England.	These are not considered to be specific enough. Some important details are missing, for instance, there is a maximum cable burial depth but no mention of the minimum proposed cable burial depth.  Stronger mitigation and commitments needed to minimise the direct (and indirect) impacts on benthic habitats of conservation importance (HOCIs)	Under discussion
Cable burial	The assessment considers the risk of insufficient cable burial and assesses the impacts associated with cable protection appropriately.	A minimum burial depth of 1m should be the target for offshore cables. Only where this is proven to not be possible should approved cable protection methods be used.	Agreed
Outcomes of the EIA	The assessment criteria and assignment of significance is appropriate.	We understand how the assignment of significance has been determined	Agreed
Saltmarsh Mitigation and Management Plan	The Saltmarsh Mitigation, Reinstatement and Management Plan (PINS Ref APP-147/ Application Ref 8.13) provides sufficient information and is adequately secured in the DCO.	Specific comments on the Saltmarsh Mitigation, Reinstatement and Management Plan are available in the KWT Written Representation.	Under discussion

Discussion Point	Thanet Extension Position	KWT Position	Final Position
	<p>The SMRMP has been updated in line with comments received in the Written Representation (PINS Ref REP2-032).</p>		
Biogenic Reef Plan	<p>The Biogenic Reef Plan (PINS Ref APP-149/ Application Ref 8.15) provides sufficient information and is adequately secured in the DCO.</p> <p>The Applicant has provided point by point response and clarification to KWT’s Written representation on the Biogenic Reef Plan (PINS Ref REP2-013). The plan was revised and submitted in Deadline 1 (PINS Ref REP1-071) following consultation with Natural England.</p>	<p>Specific comments on the Biogenic Reef Plan are available in the KWT Written Representation. We appreciate the responses given to our comments in the Written Representation, however some points of disagreement remain between ourselves and the Applicant.</p>	Under discussion
Benthic Monitoring	<p>Thanet Extension is an extension to a project that has had significant monitoring associated with it and the potential effects on the receiving environment are well understood. There is therefore limited uncertainty in the assessment. Pre- and post-construction benthic monitoring in the context of the biogenic reef mitigation plan and the saltmarsh mitigation and reinstatement plan only is appropriate.</p>	<p>More commitments to post-construction benthic monitoring should be made. Also, despite being an extension to the existing Thanet Offshore Wind Farm, the project should be considered as an entirely separate development in terms of post-construction monitoring.</p> <p>We do not agree that one year of limited post-construction benthic monitoring is sufficient. KWT will be submitting further detail on</p>	Under discussion

Discussion Point	Thanet Extension Position	KWT Position	Final Position
	The Applicant has provided additional information regarding the benthic monitoring in the response to the Written Representation (PINS Ref REP2-013), in particular in response to KWT-29.	recommended/suggested post-construction monitoring to the ExA by Deadline 3 as requested at ISH3.	

## 7.4 Fish and Shellfish Ecology

- 25 The Project has the potential to impact upon fish and shellfish ecology and these interactions are duly considered within Volume 2, Chapter 6 of the Thanet Extension ES (PINS Ref APP-047/ Application Ref 6.2.6). Table 7 identifies the status of discussions relating to this topic area between the parties.

**Table 7: Status of discussions relating to Fish and Shellfish Ecology.**

Discussion Point	Thanet Extension Position	KWT Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to fish and shellfish and has given due regard to them within the assessment.	<p>We accept that particular attention has been given to spawning and nursery habitats, however, more/additional attention could also have been given to feeding grounds, migration routes and over-wintering areas as outlined in NPs EN-3.</p> <p>Based on NPS EN-3 paragraph 2.6.71, we believe there should be <del>would like to see</del> a commitment to ecological monitoring during the construction and operational phases. At present, we do not feel this is sufficiently/clearly addressed.</p>	Agreed
Scope and Assessment methodology	The potential impacts identified are appropriate and accurately reflect the potential impacts on fish and shellfish receptors.	Accept. We still have concerns regarding impacts on such as from sediment re-suspension and smothering but agree that these impacts have been acknowledged in the document.	Agreed

Discussion Point	Thanet Extension Position	KWT Position	Final Position
Baseline data used in the assessment	Sufficient data has been collated to appropriately characterise the baseline environment for the purposes of informing the EIA.	Data has been collected and collated for the purposes of informing the EIA	Agreed
	The survey scope and methodology undertaken for the fish surveys was adequate for characterising the baseline population of fish species.	Accept.	Agreed
Mitigation Measures	<p>The embedded mitigation measures are considered appropriate.</p> <p>As noted in the Applicant’s response to KWT’s Written Representation (KWT-80) (PINS Ref REP2-013) the effects of EMF were not found to be significant on fish species, no further mitigation is required.</p>	<p>Embedded mitigation for EMF should include a minimum target depth of 1.5m as this is good practice and recommended by NPS EN-3.</p> <p>Mitigation measures of how to avoid/reduce the direct damage to fish and shellfish caused by the construction phase should also be included here.</p> <p>In terms of cable installation, we do not agree at present that seasonal restrictions are deemed not necessary.</p>	Under discussion
Monitoring	In line with the MMO review of post-construction monitoring there is limited uncertainty, and small scale effects on fish and shellfish receptors, and as such no monitoring is	We believe more post-construction monitoring commitments should be incorporated into the proposal. The aim of	Under discussion

Discussion Point	Thanet Extension Position	KWT Position	Final Position
	<p>considered necessary. As such, in line with the requirements of NPS EN-3 it is not considered appropriate to monitor impacts on fish and shellfish receptors at Thanet Extension</p>	<p>post-consent/post-construction 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>2</sup>. Even predicted small scale effects on fish and shellfish receptors should be monitor to establish what these effects are and how true the predictions are. KWT will submit a brief document at Deadline 3 with suggestions for benthic and fish/shellfish post-construction monitoring.</p>	
<p>Outcomes of the EIA</p>	<p>The assessment criteria and assignment of significance is appropriate.</p>	<p>We understand how the assignment of significance has been determined</p>	<p>Agreed</p>



## 7.5 Marine Mammals

- 26 The Project has the potential to impact upon marine mammals and these interactions are duly considered within Volume 2, Chapter 7 of the Thanet Extension ES (PINS Ref APP-048/Application Ref 6.2.7). Table 8 identifies the status of discussions relating to this topic area between the parties.

**Table 8: Status of discussions relating to Marine Mammals.**

Discussion Point	Thanet Extension Position	KWT Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to marine mammals and has given due regard to them within the assessment.	Relevant plans and policies have been referenced	Agreed
Consultation	The ES chapter has been adequately updated following both the S42 consultation and the Evidence Plan concerns raised have been adequately addressed or clarified.	S42 consultation responses have been acknowledged	Agreed
Scope and Assessment methodology	The potential impacts identified are appropriate and accurately reflect the potential impacts on the marine mammals.  The Applicant has provided further information with regard to the sensitivity of the tiering of projects in the cumulative assessment (response KWT-112 of PINS Ref REP2-013).	We do not believe that cumulative impacts in combination with other offshore wind farm developments have been adequately considered.	Under discussion
	The study area defined for the assessment is appropriate for the impacts considered.	We believe that the entire North Sea cSAC should have been considered and not split in to two separate regions with only the Southern 'winter' section assessed.	Under discussion

Discussion Point	Thanet Extension Position	KWT Position	Final Position
	Further information for the spilt of the North Sea cSAC is provided in the Applicant’s response to KWT-111 in the response to Written representations (PINS Ref REP2-013).		
Baseline data used in the assessment	Sufficient primary and secondary data has been collated to appropriately characterise the baseline environment for the purposes of informing the EIA.	Primary and secondary data has been collected and collated for the purposes of informing the EIA	Agreed
	All data gaps have been highlighted and all appropriate measures for filling any data gaps have been proposed.	Known data gaps have been highlighted	Agreed
Mitigation Measures	<p>The embedded mitigation measures are considered appropriate and no further mitigation measures are necessitated as a result of the assessment conclusions.</p> <p>The Applicant has provided a point by point response to the specific issues raised in the KWT’s Written Representation (PINS Ref REP2-013).</p>	<p>We approve of the production of the MMMP document and trust that this will secure specific mitigation measures. More detailed comments regarding the impacts of noise and UXO impacts on marine mammals can be found in the KWT written representation.</p> <p>We also seek more reassurance that construction and cable-laying will not overlap with the sensitive breeding or moulting periods for seals in July and August.</p>	Under discussion

Discussion Point	Thanet Extension Position	KWT Position	Final Position
		Additional mitigation measures proposed in the HRA are mentioned but not described.	
Outcomes of the EIA	The assessment criteria and assignment of significance is appropriate.	We understand how the assignment of significance has been determined	Agreed
	<p>The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate.</p> <p>The Applicant has provided further information with regard to the cumulative assessment (response KWT-112 of PINS Ref REP2-013).</p>	<p>We do not believe that cumulative impacts in combination with other offshore wind farm developments have been adequately considered. The current approach is not precautionary enough.</p>	Under discussion

## 7.6 Marine Conservation Zone Assessment

- 27 The Project has the potential to impact upon marine conservation zones and these interactions are duly considered within Volume 4, Annex 5-3: Marine Conservation Zone Assessment of the ES (PINS Ref APP-083/ Application Ref 6.4.5.3). Table 9 identifies the status of discussions relating to this topic area between the parties.

**Table 9: Status of discussions relating to the Marine Conservation Zones Assessment.**

Discussion Point	Thanet Extension Position	KWT Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to the assessed MCZs, at the time of writing, and has given due regard to them within the assessment.	Ideally, this chapter should follow the layout of other documents which have a heading of ' <b>Statutory and Policy Context</b> '. The applicant follows guidance published by the MMO relating to MCZ assessments.	Agreed
Baseline data used in the assessment	Appropriate data and information was used to characterise the baseline for the purposes of the assessment.	Data has been collected in order to characterise the baseline environment.	Agreed
Scope and Assessment methodology	All relevant MCZs have been accurately identified and included within the assessment.	The Thanet Coast MCZ and Goodwin Sands pMCZ have been identified and included in the assessment. We are satisfied that these two sites are the most important MCZs (/pMCZ) to consider for the current proposal.	Agreed
	The conservation objects for Thanet Coast MCZ have been appropriately identified within the assessment.	The conservation objectives for Thanet Coast MCZ have been appropriately identified within the assessment.	Agreed

Discussion Point	Thanet Extension Position	KWT Position	Final Position
	<p>The assessment of Goodwin Sands pMCZ is appropriate and robust based on the available information at the time of writing.</p> <p>The Applicant has provided a more detailed assessment of the Goodwin Sands pMCZ as part of the Deadline 2 Submission with the MCZ clarification note (PINS Ref REP2-006)</p>	<p>A more precautionary approach of conducting a full MCZ assessment of the potential impacts to the Goodwin Sands pMCZ would be more appropriate. There are General Management Approaches for the Goodwin Sands pMCZ<sup>3</sup>, which are effectively conservation objectives, but these are not described in the assessment/document. (The General Management Approaches being to maintain and recover the broad-scale habitats, geological features, and habitat Features Of Conservation Importance (FOCI) of the site).</p>	<p>Under discussion</p>

<sup>3</sup> [https://consult.defra.gov.uk/marine/consultation-on-the-third-tranche-of-marine-conser/supporting\\_documents/Goodwin%20Sands%20Factsheet.pdf](https://consult.defra.gov.uk/marine/consultation-on-the-third-tranche-of-marine-conser/supporting_documents/Goodwin%20Sands%20Factsheet.pdf)

Discussion Point	Thanet Extension Position	KWT Position	Final Position
Outcomes of the EIA	<p>The conclusions of the assessment accurately reflect the potential impacts on the MCZs for the lifetime of the project</p> <p>A whole assessment has been undertaken in section 5.6 of the MCZ Assessment including the O&amp;M phase (PINS Ref APP-083/ Application Ref 6.4.5.3).</p>	<p>A Stage 1 assessment of the features of the Thanet Coast MCZ has been conducted and impacts have been described. Appendix A: MCZ Pressure Screening should be better explained. We believe a whole site assessment should be conducted for designated sites, not just assessments on designated features. Assessment of potential impacts for the lifetime of the project should include repairs as well as routine maintenance.</p>	Under discussion
	<p>The cumulative effects have been adequately and appropriately described within the assessment and the conclusions are appropriate.</p> <p>The Applicant has provided further detail in their response to Q1.1.46 with regard to the cumulative assessment of the Dover Harbour Port Development (PINS Ref REP1-024).</p>	<p>We believe that the cumulative impacts of the proposed (and consented) dredging of an area of the Goodwin Sands for the Dover Harbour Port Development need to be considered. The two proposed developments (the current TEOW and dredging activities) are likely to overlap temporary and spatially in relation to the Goodwin Sands.</p>	Under discussion



## 7.7 Onshore Biodiversity

- 28 The Project has the potential to impact upon onshore biodiversity and these interactions are duly considered within Volume 3, Chapter 5 of the Thanet Extension ES (PINS Ref APP-061/ Application Ref 8.3.5). Table 10 identifies the status of discussions relating to this topic area between the parties.

**Table 10: Status of discussions relating to Onshore Biodiversity**

Discussion Point	Thanet Extension Position	KWT Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to biodiversity assessment and has given due regard to them within the assessment.	Relevant plans and policies have been referenced	Agreed
Consultation	The ES chapter has been adequately updated following S42 and Evidence Plan consultation and concerns raised have been adequately addressed or clarified.	<p>The ES includes some extended and additional onshore ecological surveys and desktop studies that were conducted along the Pegwell Bay onshore route.</p> <p>KWT raised concern that phase 1 habitat surveys had not been conducted along the other onshore route (making landfall at Sandwich Bay). The applicant confirmed that only limited onshore ecological surveys had been conducted along the Sandwich Bay onshore route (route 6) due to focussing efforts and resources onto the Pegwell Bay route. However KWT believe this was a premature decision and disagree that this was the correct process taken as comparable, equal ecological surveys were not undertaken which is required to make an informed ecological decision on cable route.</p>	Under discussion

Discussion Point	Thanet Extension Position	KWT Position	Final Position
Scope and Assessment Methodology	The potential impacts identified are appropriate and accurate for biodiversity receptors.	Receptors are suitably outlined in Tables 5.8 and 5.9	Agreed
Baseline data used in the assessment	<p>Sufficient primary and secondary data has been collated to appropriately characterise the baseline environment for the purposes of informing the EIA.</p> <p>As noted in the Applicant’s response to ExQ 1.1.1 (b) (PINS Ref REP1-024) 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>	<p>Insufficient primary data has been collected, namely that ecological surveys were only carried out along the Pegwell Bay proposed cable route. Comparable surveys along the other proposed cable routes (e.g. landfall at Sandwich Bay) were not conducted, despite specific requests for this. Therefore, we feel that the EIA has not been suitably informed.</p>	Under discussion

Discussion Point	Thanet Extension Position	KWT Position	Final Position
	<p>Data gaps have been highlighted and appropriate measures for filling any data gaps have been proposed.</p>	<p>Disagree. There remains a data gap in the ecological evidence along the Sandwich Bay onshore cable routes. There is also a potential evidence gap in terms of natterjack toads. We approve of the commitment to undertake further pre-construction ecological surveys.</p>	<p>Disagree</p>
	<p>The sensitivity and importance of the receiving environment is accurately described within the Environmental Statement.</p>	<p>Agree in part. The ecological importance of the site and the numerous environmental designations are listed, however the applicant does not appear to pay due regard to these designations. We believe the selected route will have the greatest environmental impact on designated sites, which could have been avoided if alternative routes have been properly examined and selected.</p>	<p>Under discussion</p>

Discussion Point	Thanet Extension Position	KWT Position	Final Position
Mitigation Measures	The embedded mitigation measures are considered appropriate and no further mitigation is necessitated as a result of the assessment conclusions.	<p>8 <del>The embedded mitigation measures proposed are considered appropriate. However, it should be noted that embedded mitigation and biodiversity enhancements are separate considerations and therefore should be listed and referenced separately.</del></p>	
Outcomes of EIA	The conclusions of the assessment accurately reflect the potential impacts on the onshore biodiversity within the study area for the lifetime of the project.	We agree that impacts on onshore biodiversity are considered and assessed for the lifetime of the project. Monitoring should take place at certain times/intervals throughout the lifetime of the project.	Under discussion

Discussion Point	Thanet Extension Position	KWT Position	Final Position
	<p>The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate.</p> <p>The Applicant wish to discuss this matter further with KWT to understand KWT’s concerns on this matter.</p>	<p>The issue of cumulative impacts on the onshore biodiversity is something that KWT are deeply concerned about. A number of cumulative impacts have been addressed in the document. Cumulative impacts are difficult to measure in their entirety and given the uncertainties and longer-term potential disturbances to the site we are not in a position to say if the conclusions made are appropriate. We believe that more effort is essential to measure cumulative impacts onshore.</p>	<p>Under discussion</p>
<p>Outline Landscape and Ecology Management</p>	<p>The OLEMP (PINS Ref APP-142/ Application Ref 8.7) provides sufficient detail of in-principle management measures.</p> <p>The OLEMP was amended to account for stakeholder consultation and was submitted as part of the Applicant’s Deadline 1 Submission (PINS Ref REP1-069).</p>	<p>We have provided comments on the revised OLEMP document to the applicant. Detail is provided in the OLEMP regarding in-principle management measures. We have further comments on the OLEMP document that we are willing to discuss with the Applicant regarding the most effective and appropriate mitigation and biodiversity enhancement options for the site.</p>	<p>Under discussion</p>

Discussion Point	Thanet Extension Position	KWT Position	Final Position
	<p>The OLEMP provides sufficient information on outline details of proposed biodiversity enhancements and proposed monitoring.</p> <p>The OLEMP was amended to account for stakeholder consultation and was submitted as part of the Applicant’s Deadline 1 Submission (PINS Ref REP1-069). The detailed LEMP will provide further detail and specific measures.</p>	<p>We have provided comments on the revised OLEMP document to the applicant. We approve of, and strongly encourage, incorporating opportunities for biodiversity enhancements into the LEMP document. We look forward to seeing more detail and specifics regarding biodiversity enhancements and monitoring.</p>	<p>Under discussion</p>

## 8.1 Report to Inform Appropriate Assessment

- 29 The Project provided a Report to Inform Appropriate Assessment (RIAA) (PINS Ref APP-031/ Application Ref 5.2) with the submitted application to determine the potential for an Adverse Effect on Integrity (AEoI) on Natura 2000 sites.
- 30 The RIAA was updated to account for the removal of the Option 2 Landfall and was submitted as Appendix 21 of the Applicant's Deadline 2 Submission (PINS Ref REP2-018 and REP2-019) and is therefore the revision of the document referred to hereafter.
- 31 Table 12 identifies the status of discussions relating to this topic area between the parties.
- 32 This SoCG considers the following sites which were assessed within the RIAA:
- SACs:
    - Thanet Coast SAC;
    - Sandwich Bay SAC;
    - Margate and Long Sands SAC; and
    - Southern North Sea cSAC.
  - Ramsar:
    - Thanet Coast and Sandwich Bay Ramsar; and
    - Alde-Ore Estuary Ramsar.
  - Transboundary SAC:
    - Bancs de Flandres;
    - Baie de Canche et couloir des trois estuaires;
    - Vlakte van de Raan;
    - Voordelta;
    - Estuaires et littoral picards (baies de Somme et d'Authie);
    - Recifs Gris-Nez Blanc-Nez;
    - Vlaamse Banken;
    - SBZ 1;



- SBZ 2;
- SBZ 3; and
- Ridens et dunes hydrauliques du détroit du Pas-de-Calais.
- SPAs:
  - Outer Thames Estuary SPA;
  - Thanet Coast and Sandwich Bay SPA;
  - Flamborough and Filey Coast pSPA;
  - Flamborough Head and Bempton Cliffs SPA;
  - Northumberland Marine SPA;
  - Farne Islands SPA;
  - St Abb's Head to Fast Castle SPA;
  - Foulness (Mid-Essex Coast Phase 5) SPA; and
  - Alde-Ore Estuary SPA.
- SPAs:
  - Outer Thames Estuary SPA;
  - Thanet Coast and Sandwich Bay SPA;
  - Flamborough and Filey Coast pSPA;
  - Flamborough Head and Bempton Cliffs SPA;
  - Northumberland Marine SPA;
  - Farne Islands SPA;
  - St Abb's Head to Fast Castle SPA;
  - Foulness (Mid-Essex Coast Phase 5) SPA; and
  - Alde-Ore Estuary SPA.

**Table 11: Status of discussions relating to the RIAA**

Discussion Point	Thanet Extension Position	KWT Position	Final Position
Policy and Planning	The RIAA has identified all appropriate plans and policies relevant to HRA and has given due regard to them within the assessment.		
Screening	Those sites identified as having potential Likely Significant Effects (LSE) Thanet Extension alone or in-combination are appropriate.		
Screening	The RIAA has identified all relevant features of the designated sites that may be sensitive to changes as a result of the proposed activities.		
Screening (transboundary)	The RIAA has identified all relevant transboundary designated sites that may be sensitive to changes as a result of the proposed activities.		
Scope and Assessment Methodology	The potential impacts identified are appropriate and accurate.		
	The screening of potential likely significant effects, sites and species is adequate and appropriate.		

Discussion Point	Thanet Extension Position	KWT Position	Final Position
	The study areas defined for the assessments are appropriate for the impacts and pathways considered.		
Baseline data used in the assessment	Sufficient primary and secondary data has been collated to appropriately characterise the baseline environment for the purposes of informing the RIAA.		
	Data gaps have been highlighted and appropriate measures for filling any data gaps have been proposed.		
In-combination assessment	The RIAA has considered all relevant plans and projects for the determination of in-combination LSE.		
	The tiering methodology and definitions were agreed, with Natural England as part of the Evidence Plan process and are appropriate.		
Mitigation Measures	The no further mitigation measures beyond those outlined in the RIAA are necessitated as a result of the assessment conclusions for the project alone.		
	The Applicant will microsite around all chalk reef features within designated sites, noting that		

Discussion Point	Thanet Extension Position	KWT Position	Final Position
	none have been identified within the Red Line Boundary.		
	The Applicant will observe a seasonal restriction in the intertidal area and this has been adequately secured in the DCO.		
	The no further mitigation measures beyond those outlined in the RIAA are necessitated as a result of the assessment conclusions for the in-combination.		
Outcomes of the RIAA	The screening was reviewed and updated appropriately within the RIAA to take into account the Sweetman II Judgement.		
	No adverse effect on the integrity of Thanet Coast SAC is predicted either alone or in-combination as a result of as a result of the proposed activities.		
	No adverse effect on the integrity of Margate and Long Sands SAC is predicted either alone or in-combination as a result of as a result of the proposed activities.		
	No adverse effect on the integrity of Southern North Sea cSAC is predicted either alone or in-combination as a result of as a result of the proposed activities.		

Discussion Point	Thanet Extension Position	KWT Position	Final Position
	No adverse effect on the integrity of Thanet Coast and Sandwich Bay Ramsar is predicted either alone or in-combination as a result of as a result of the proposed activities.		
	No adverse effect on the integrity of Alde-Ore Estuary Ramsar is predicted either alone or in-combination as a result of as a result of the proposed activities.		
	No adverse effect on the integrity of Outer Thames Estuary SPA is predicted either alone or in-combination as a result of as a result of the proposed activities.		
	No adverse effect on the integrity of Thanet Coast and Sandwich Bay SPA is predicted either alone or in-combination as a result of as a result of the proposed activities.		

Discussion Point	Thanet Extension Position	KWT Position	Final Position
	<p>No adverse effect on the integrity, on the remaining SPAs assessed (Flamborough and Filey Coast pSPA, Flamborough Head and Bempton Cliffs pSPA, Northumberland Marine SPA, Farne Islands SPA, St Abb’s Head to Fast Castle SPA, Foulness (Mid-Essex Coast Phase 5) SPA, and Alde Ore estuary SPA), are predicted either alone or in-combination as a result of as a result of the proposed activities.</p>		
	<p>No adverse effect on the integrity of transboundary sites are predicted either alone or in-combination as a result of as a result of the proposed activities.</p>		
	<p>Determination of LSE in-combination has adequately and appropriately taken into account the available information, effect-pathway-receptor issues and the potential for physical/temporal interactions.</p>		

## 9 Matters under Discussion

- 33 This summary section identifies those matters raised by KWT during the pre-Application consultation that have yet to be resolved and are subject to ongoing discussion as of the last consultation meeting held with KWT.
- 34 These matters include:
- The Applicant acknowledges the KWT objections to the proposed development;
  - The adequacy and level of detail provided on the site selection, in particular the landfall location, by the Applicant;
  - Reasoning and justification for the chosen landfall option/onshore cable route is not based on sound, comparable ecological information; and
  - The methodology and assessment of Goodwin Sands pMCZ for the project alone and cumulatively.