

Vattenfall Wind Power Ltd

Thanet Extension Offshore Wind Farm

Appendix 26 to Deadline 3 Submission: Statement of Common Ground – Natural England Technical Topics (excluding Offshore Ornithology, Saltmarsh, and Site Selection)

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 Natural England 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 Natural England 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.

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 Natural England, the SoCG is focused on those issues raised by Natural England within its response to Scoping, Section 42 consultation, matters raised through the Evidence Plan process that has underpinned the pre-application consultation between the parties, the received relevant representations, and in reflection of the 'Rule 6' letter published by the ExA on the 9th November.
- 5 The structure of the SoCG is as follows:
 - Section 1: Introduction;
 - Section 2: Natural England's remit;
 - Section 3: Consultation;
 - Section 4: Agreements Log; and
 - Section 5: Matters under discussion.

1.3 The Development

- 6 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.
- 7 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).
- 8 The array area will have a maximum size of 70 km² 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.
- 9 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.
- 10 More details on the proposed development are described in the Environmental Statement (ES) Volume 2, Chapter 1: Project Description (Offshore) (PINS Ref APP-042/ 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 Natural England's Remit

- 11 Natural England is an executive non-departmental public body established under the Natural Environment and Rural Communities Act 2006 ('NERC Act') and is the statutory advisor to the Government on nature conservation in England and promotes the conservation of England's wildlife and natural features. Natural England's remit extends to the territorial sea adjacent to England, up to 12 nautical miles from the coastline.

- 12 Natural England is a statutory consultee for the proposed development under section 42 of the Planning Act 2008 and a prescribed consultee under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. Natural England is a statutory consultee in respect of all applications for consent for Nationally Significant Infrastructure Projects which are likely to affect land in England.

3 Consultation

3.1 Application elements under Natural England's remit

- 13 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 Natural England.
- 14 Natural England is a non-departmental public body responsible for ensuring that England's natural environment, including its land, flora and fauna, freshwater and marine environments, geology and soils, are protected and improved. It also has a responsibility to help people enjoy, understand and access the natural environment.
- 15 The technical components of the DCO application of relevance to Natural England (and therefore considered within this SoCG) comprise:
- Report to Inform Appropriate Assessment (PINS Ref APP-031/ Application Ref 5.2);
 - Volume 2, Chapter 2: Marine Geology, Oceanography and Physical Processes (PINS Ref APP-043/ Application Ref 6.2.2);
 - Volume 2, Chapter 3: Marine Water and Sediment Quality (PINS Ref APP-044/ Application Ref 6.2.3);
 - 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);
 - Volume 4, Annex 5-3: Benthic Characterisation report (PINS Ref APP-082/ Application Ref 6.4.5.2);
 - Volume 4, Annex 5-3: Marine Conservation Zone Assessment (PINS Ref APP-083/ Application 6.4.5.3);
 - Volume 3, Chapter 5: Onshore Biodiversity (PINS Ref APP-061/ Application Ref 6.3.5);

- Draft Code of Construction Practice (CoCP) (PINS Ref APP-133/ Application Ref 8.1);
- Environmental Impact Assessment Evidence Plan Report (PINS Ref APP-137/ Application Ref 8.5);
- Draft Outline Landscape Ecological Management Plan (OLEMP) (PINS Ref REP1-069 which supersedes APP-142/ Application Ref 8.7);
- Draft European Protected Species (EPS) licence (PINS Ref APP-144/ Application Ref 8.9);
- Draft Marine Mammal Mitigation Protocol for Piling Activities (PINS Ref APP-146/ Application Ref 8.11);
- Saltmarsh Mitigation, Reinstatement and Monitoring Plan (PINS Ref APP-147/ Application Ref 8.13);
- Mitigation, Reinstatement and Monitoring Plan (PINS Ref APP-147/ Application Ref 8.13);
- Biogenic Reef Mitigation Plan (PINS Ref APP-149/ Application Ref 8.15); and
- Draft Development Consent Order (PINS Ref APP-022/ Application Ref 3.1).

3.2 Consultation Summary

- 16 This section briefly summarises the consultation (in relation to those matters identified in section 3.1) that VWPL has undertaken with Natural England. 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 Natural England pre-application

Date & Type:	Detail:
October 2016 Evidence Plan	1 st Steerco Evidence Plan meeting
June 2017 Evidence Plan	2 nd Steerco Evidence Plan meeting
December 2016	Evidence Plan meeting - Offshore Ornithology Meeting.
February 2017 Evidence Plan	Evidence Plan meeting - Offshore Ecology Meeting.
February 2017 Evidence Plan	Evidence Plan meeting - Offshore Ornithology Meeting.
February 2017 Evidence Plan	Evidence Plan meeting - Onshore Ecology Meeting.
April 2017 Evidence Plan	Evidence Plan meeting - Offshore Ornithology Meeting.
May 2017 Evidence Plan meeting	Evidence Plan meeting - Offshore Ecology Meeting.
June 2017 Evidence Plan	Evidence Plan meeting - Offshore Ornithology 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 - HRA.
October 2017 Evidence Plan meeting	Evidence Plan meeting – General Offshore Meeting.
October 2017 Evidence Plan meeting	Evidence Plan meeting – General Onshore Meeting.
October 2017	National Nature Reserve Steering Group Meeting
December 2017	Evidence Plan meeting - Offshore Ornithology Meeting.
2017 Consultation	HRA Screening Consultation
January 2018, S42 Consultation	Comments relating to the Preliminary Environmental Information Report
January 2018 Evidence Plan meeting	Evidence Plan meeting - Offshore Ecology Meeting.
February 2018	Evidence Plan Meeting – Onshore Ecology and Ornithology
2018 Consultation	RIAA Consultation

Date & Type:	Detail:
May 2018	Evidence Plan Meeting – Onshore and Offshore Ecology

3.3 Post-application Consultation

17 VWPL has engaged with Natural England since the Thanet Extension development was accepted for examination by the Planning Inspectorate on 23rd July 2018. A summary of the post-application consultation with Natural England is detailed in Table 2.

Table 2: Consultation undertaken with the Natural England post-application

Date/ Type:	Detail:
July 2018	Outline Landscape and Ecological Management Plan Meeting
July 2018	Saltmarsh Management and Mitigation Meeting
October 2018	Initial Discussions on developing a SoCG
November 2018	Discussions on specific marine mammals matters raised in the Relevant Representation
November 2018	Discussions on specific offshore ornithological matters raised in the Relevant Representation
January 2019	Teleconference to discuss project design
January 2019	Teleconference to discuss position post-deadline 1
January 2019	Teleconference to discuss position on offshore ornithological matters raised in the Written Representation
February 2019	Teleconference to discuss the development of SoCG
March 2019	Teleconference to discuss the development of SoCG

4 Agreements Log

18 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 Report to Inform Appropriate Assessment

19 The Project provided a Report to Inform Appropriate Assessment with the submitted application to determine the potential for an Adverse Effect on Integrity (AEoI) on Natura 2000 sites.

20 This SoCG considers responses from Natural England on specific areas relating to physical processes, marine water and sediment quality, benthic ecology, fish and shellfish, marine mammals and onshore biodiversity (including intertidal and terrestrial ornithology), including assessment methods, outcomes, and conclusions relating to the relevant ES chapter (PINS Refs APP-043, APP-044, APP-046, APP-047 and APP-061/ Application Refs 6.2.2, 6.2.3, 6.2.5, 6.2.6, 6.2.7 and 6.3.5 respectively) and the RIAA (PINS Ref APP-031/ Application Ref 5.2). In addition, ornithological, including potential effects of SPAs, and saltmarsh issues are addressed within two further SoCG.

21 Therefore, this SoCG (including Table 3) considers SACs, Ramsar and transboundary SAC sites.

22 The sites considered within the RIAA and therefore this SoCG are:

- SACs:
 - Thanet Coast 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.

Table 3: Status of discussions relating to the RIAA

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Policy and Planning	The RIAA has identified all appropriate plans and policies, insofar as relevant to Natural England’s remit and the HRA for Thanet Extension, and has given due regard to them within the assessment.	Agreed.	Agreed
Screening	Those sites identified as having potential Likely Significant Effects (LSE) Thanet Extension alone or in-combination are appropriate.	Agreed.	Agreed
Screening	The RIAA, screening document, and Evidence Plan process has resulted in the identification of all relevant features of the designated sites that may be sensitive to changes as a result of the proposed Thanet Extension project activities.	Agreed.	Agreed.
Screening (transboundary)	The RIAA has identified all relevant transboundary designated sites that may be sensitive to changes as	Natural England has no further comments upon transboundary designated sites. Natural England do not consider it within our remit to advise on this.	Agreed

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	<p>a result of the proposed Thanet Extension project activities.</p> <p>The Applicant submitted a legal clarification paper on the competent authority for transboundary effects (PINS Ref REP1-078/ Annex E to Appendix 27 to Deadline 1 submission).</p>		
<p>Scope and Assessment Methodology</p>	<p>The potential impacts for Thanet Extension identified within the RIAA and associated screening documents are appropriate and adequate for benthic ecology, marine mammals, diadromous fish and onshore biodiversity.</p>	<p>Natural England have highlighted in the physical processes/benthic aspects of the SOCG the need for more information on sandwave clearance and disposal, in particular relating to designated sites.</p> <p>NB it is noted in the physical processes chapter (not not in the RIAA) that there is some consideration of the interaction between sediment plumes from Ramsgate disposal sites and cable activities, where it is concluded that the effect is likely to be small. More clarity concerning this in relation to designated sites should be presented.</p>	<p>Under discussion.</p>

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	<p>The Applicant submitted an MCZ clarification note as part of the Applicant’s Deadline 2 Submission, as an agreed action with Natural England, which includes further detail on the dredging and disposal activities within Pegwell Bay (PINS Ref REP2-006..</p>		
<p>Scope and Assessment Methodology</p>	<p>The screening of potential likely significant effects, sites and species in relation to Thanet Extension is adequate and appropriate.</p>	<p>Agreed.</p>	<p>Agreed.</p>
<p>Scope and Assessment Methodology</p>	<p>The study areas defined for the assessments are appropriate for the impacts and pathways considered.</p>	<p>Agreed.</p>	<p>Agreed</p>
<p>Baseline data used in the assessment</p>	<p>Sufficient primary and secondary data has been collated to appropriately characterise the baseline environment of the Thanet Extension study areas for</p>	<p>Agreed - Following the removal of landfall option 2, and the resulting confirmation for the ExA, many of Natural England’s concerns regarding the characterisation data associated with the RIAA have been reduced. Furthermore, and in relation to the saltmarsh, the SMRMP should ensure sufficient pre-</p>	<p>Agreed.</p>

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	the purposes of informing the RIAA.	construction data is collected to allow the monitoring and potential reinstatement of the saltmarsh to occur post-construction.	
Baseline data used in the assessment	<p>Data gaps have been highlighted and, appropriate and/ or adequate measures for filling any data gaps have been proposed.</p> <p>The Applicant have submitted a clarification note on the implications of the removal of Option 2 in terms of the ES undertaken (PINS Ref REP2-036). The RIAA has also been updated to account for the removal of Option 2 (PINS Ref REP2-018 and REP2-019).</p>	Agreed.	Agreed.
In-combination assessment methodology	The RIAA has considered all relevant plans and projects for the determination of in-combination LSE.	Natural England has provided further information to the applicant regarding some licenced dredging activities at Ramsgate Harbour which should be included in an in combination assessment in order to assess a realistic worst case scenario.	Under discussion

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	<p>The Applicant submitted an MCZ clarification note as part of the Applicant’s Deadline 2 Submission, as an agreed action with Natural England, which includes further detail on the dredging and disposal activities within Pegwell Bay (PINS Ref REP2-006).</p>	<p>NB it is noted in the physical processes chapter (not in the RIAA) that there is some consideration of the interaction between sediment plumes from Ramsgate disposal sites and cable activities, where it is concluded that the effect is likely to be small. More clarity concerning this in relation to designated sites should be presented.</p>	
<p>In-combination assessment</p>	<p>The tiering methodology and definitions were agreed, with Natural England as part of the Evidence Plan process and are appropriate/ adequate.</p>	<p>Agreed.</p>	<p>Agreed</p>
<p>Mitigation Measures</p>	<p>There are no further mitigation measures beyond those outlined in the RIAA are necessitated as a result of the assessment conclusions for the Thanet Extension project alone.</p>	<p>Agreed – The appropriate mitigation plans for European designated sites issues have been secured. Primarily this point is associated with the Saltmarsh Mitigation Plan and the cable exclusion zone around the Thanet Coast SAC.</p>	<p>Agreed.</p>
<p>Mitigation Measures</p>	<p>The Applicant will microsite around all chalk reef features within</p>		<p>Agreed.</p>

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	designated sites, noting that none have been identified within the Red Line Boundary. Chalk reef has been defined as by the presence of elevated chalk features by drop down video as presented in Table 5.5 of PINS Ref APP-046/ Application Ref 6.2.5. Volume 4, Annex 5-2 (PINS Ref APP-082/ Application Ref 6.4.5.2), Annex F-1 presents the dropdown video surveys undertaken by the project.	Agreed- Natural England have been reassured that the applicant will microsite around all chalk reef features and have none have been identified within the RLB. However, this will be confirmed with further pre-construction surveys.	
Mitigation Measures	The Applicant will observe a seasonal restriction in the intertidal area between October and March inclusive and this has been adequately secured in the DCO (see Table 12).	Agreed.	Agreed
Monitoring	The Applicant has proposed and secured adequate monitoring measures.	Agreed - subject to final agreement on the SMRMP. Following the removal of landfall option 2, and the resulting confirmation for the ExA, many of Natural England’s concerns have been reduced. Furthermore, and in relation to the saltmarsh, the SMRMP should ensure sufficient pre-construction data is collected to allow the monitoring and	Under discussion

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
		potential reinstatement of the saltmarsh to occur post-construction.	
Outcomes of the RIAA	It was agreed through the Evidence Plan process that the RIAA would not repeat the screening process within the report. However, the screening was reviewed and updated appropriately within the Thanet Extension RIAA to take into account the Sweetman II Judgement. The revisions adequately account for Sweetman II.	Agreed.	Agreed
Outcomes of the RIAA	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 Thanet Extension project activities.	This is under discussion	Under discussion

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	<p>The RIAA has been revised and submitted as part of the Applicant’s Deadline 2 Submission (PINS Ref REP2-018 and REP2-019).</p>		
<p>Outcomes of the RIAA</p>	<p>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 Thanet Extension project activities.</p>	<p>Agreed.</p>	<p>Agreed</p>
<p>Outcomes of the RIAA</p>	<p>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 Thanet Extension project activities.</p>	<p>Natural England have provided further detailed comments regarding the RIAA at Deadline 3 in our response to the ExA.</p> <p>Regarding the overall conclusions of no AEoI of the SNS SCI, Natural England have stated:</p> <p><i>A mechanism needs to be developed by the regulators to ensure continuing adherence to the SNCB thresholds over time. Multiple SIPs will be developed, piling can take place over several years, and new projects can come online during this time. Should potential exceedance of the thresholds</i></p>	<p>Under discussion – see section 5.</p>

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	<p>The RIAA has been revised and submitted as part of the Applicant’s Deadline 2 Submission (PINS Ref REP2-018 and REP2-019).</p>	<p>occur, a process for dealing with this issue needs to be in place – the affected developers / industries will need to work together with the regulator and SNCBs to prevent adverse effect on the SCI.</p> <p>Until the mechanism by which the SIPs will be managed, monitored and reviewed is developed, Natural England are unable to advise that this approach is sufficient to address the in-combination impacts and therefore the risk of Adverse Effect on Integrity on the Southern North Sea SCI cannot be fully ruled out.</p>	
<p>Outcomes of the RIAA</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 Thanet Extension project activities.</p>	<p>Natural England has no further comments upon transboundary designated sites. Natural England do not consider it within our remit to advise on this.</p>	<p>Agreed</p>

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	<p>The RIAA has been revised and submitted as part of the Applicant’s Deadline 2 Submission (PINS Ref REP2-018 and REP2-019).</p> <p>The Applicant submitted a legal clarification paper on the competent authority for transboundary effects (Annex E to Appendix 27 to Deadline 1 submission) (PINS Ref REP1-078). This paper concluded that Natural England are the competent authority.</p>		
<p>Outcomes of the RIAA</p>	<p>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 Thanet Extension activities.</p>	<p>Agreed.</p>	<p>Agreed.</p>

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Outcomes of the RIAA	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 Thanet Extension project activities.	Agreed.	Agreed

4.2 Marine Geology, Oceanography and Physical Processes

- 23 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	Natural England Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies, insofar as relevant to Natural England’s remit, relevant to physical processes and has given due regard to them within the Thanet Extension assessment.	Agreed.	Agreed
Consultation	The ES chapter has been adequately updated following S42 and Evidence Plan consultation and concerns raised have been adequately addressed or clarified.	Further consideration needs to be given to impacts, sensitivity and recoverability of habitats to deposition of material from sandwave clearance / pre-sweeping including the habitat and size of area affected. Disposal areas should avoid protected sites and areas of habitats of conversation interest. This issue is still outstanding, although there have been some discussions.	Under discussion
Scope and Assessment Methodology	The evidence based approach to the assessment of effects is deemed appropriate or adequate for assessing Thanet Extension, for the purposes of predicting changes to the receiving environment.	Agreed.	Agreed
	The potential impacts identified are appropriate or adequate in relation to Thanet Extension, for physical process receptors and pathways.	Natural England is of the opinion that further information with regards to sandwave clearance, dredging, deposition and the placement of rock	Under discussion

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	<p>The Applicant will submit a revised Saltmarsh Mitigation, Reinstatement and Monitoring Plan (Revision B) as part of the Deadline 2 Submission (PINS Ref REP2-032). This revision included the majority of the amendments requested from Natural England within their Relevant Representations including lessons learnt from similar projects where available.</p> <p>The Applicant submitted an MCZ clarification note as part of the Deadline 2 submission, as an agreed action with Natural England, which includes further detail on the dredging and disposal activities within Pegwell Bay (PINS Ref REP2-006).</p>	<p>protection within Goodwin Sands pMCZ should be provided. More detailed comments regarding this point can be found in section 2 of Natural England’s Deadline 3 response.</p> <p>With regards to designated sites this is most important for the Goodwin Sands, as the cable corridor passes through this site, and subtidal sediment feature will be directly impacted. For the Thanet Coast SAC and MCZ sites, it should be clarified if the worst case scenario for impacts associated with these works (ie suspended sediments) has been assessed.</p>	
	<p>The definitions of sensitivity and magnitude are appropriate for the purposes of the assessment.</p>	<p>Agreed.</p>	<p>Agreed</p>
	<p>The study area defined for the assessment is appropriate or adequate in relation to Thanet Extension, for the impacts and pathways considered.</p>	<p>Agreed.</p>	<p>Agreed</p>

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
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 for Thanet Extension	Agreed.	Agreed
	Data gaps have been highlighted and appropriate or adequate measures for filling any data gaps have been proposed for the Thanet Extension project.	Agreed.	Agreed
	The sensitivity and importance of the receiving environment is appropriately or adequately described within the Thanet Extension Environmental Statement.	Agreed - Natural England did have concerns regarding the level of sensitivity and importance afforded to the saltmarsh supporting habitat for the SPA and Ramsar and SSSI. These concerns have been lessened now that option 2 has been dropped.	Agreed.
Mitigation Measures	The embedded mitigation measures are considered appropriate or adequate in relation to Thanet Extension, and no further mitigation is necessitated as a result of the assessment conclusions.	Agreed – however we are in discussions regard the possibility of a sandwave clearance plan with the applicant.	Agreed.
Outcomes of the EIA	The conclusions of the assessment appropriately and adequately reflects the potential impacts on physical processes within the study area during the construction, operation and	Natural England is of the opinion that further information with regards to sandwave clearance, dredging, deposition and the placement of rock protection within Goodwin Sands pMCZ should	Under discussion

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	decommissioning phases of the Thanet Extension project.	be provided. More detailed comments regarding this point can be found in section 2 of Natural England’s Deadline 3 response.	
	The cumulative effects have been adequately and appropriately described in relation to Thanet Extension within the ES and the conclusions are appropriate.	<p>Natural England has provided further information to the applicant regarding some licenced dredging activities at Ramsgate Harbour which should be included in an in combination assessment in order to assess a realistic worst case scenario.</p> <p>NB it has been noted that the disposal activities have been considered in the physical processes chapter, but need further clarity on the conclusions drawn.</p>	Under discussion
	The effects of turbid wakes have adequately and appropriate been assessed in relation to Thanet Extension, based on site specific data, analogous projects and available literature.	Agreed.	Agreed

4.3 Marine Water and Sediment Quality

- 24 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 and Sediment Quality.

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies, insofar as relevant to Natural England’s remit, and relevant to water and sediment quality and has given due regard to them within the assessment.	Agreed.	Agreed
Consultation	The ES chapter has been adequately updated following S42 and Evidence Plan consultation and concerns raised have been adequately addressed or clarified.	Agreed.	Agreed
Scope and Assessment Methodology	The potential impacts identified are appropriate and adequate in relation to Thanet Extension, for water and sediment quality receptors.	Agreed.	Agreed
	The study area defined for the assessment is appropriate for the impacts considered in relation to Thanet Extension.	Agreed.	Agreed
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 Thanet Extension EIA.	Agreed.	Agreed
	The sensitivity and importance of the receiving environment is appropriately or adequately	Agreed - Natural England did have concerns regarding the level of sensitivity and importance	Agreed

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	described within the Thanet Extension Environmental Statement.	afforded to the saltmarsh supporting habitat for the SPA and Ramsar and SSSI. These concerns have been lessened now that option 2 has been dropped.	
Baseline data used in the assessment	All data gaps have been highlighted and all appropriate or adequate measures for filling any data gaps have been proposed.	Agreed.	Agreed
Mitigation Measures	The embedded mitigation measures are considered appropriate or adequate in relation to Thanet Extension, and no further mitigation is necessitated as a result of the assessment conclusions.	Agreed.	Agreed.
Mitigation Measures	The contaminated land management plan is appropriately or adequately secured in the DCO and provides for ensuring the sufficient reinstatement of the seawall to prevent leachate issues, the information to be submitted for approval to the relevant authority at the relevant time.	Agreed.	Agreed.
Outcomes of the EIA	The conclusions of the assessment appropriately or adequately reflects the potential impacts on the marine water quality within the study area during the construction, operation and	Agreed.	Agreed.

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	<p>decommissioning phases of the Thanet Extension project.</p> <p>The Applicant submitted a Project Description transcription clarification note as part of their Deadline 1 Submission (PINS Ref REP1-023) to provide clarification following the receipt of the Relevant Representations.</p>		
Outcomes of the EIA	The cumulative effects have been adequately or appropriately described within the ES and the conclusions are appropriate for the Thanet Extension project.	Currently under discussion with the applicant.	Under discussion

4.4 Benthic Subtidal and Intertidal Ecology

- 25 The Project has the potential to impact upon benthic subtidal and intertidal ecology and these interactions are duly considered within Volume 2, Chapter 5: Benthic Subtidal and Intertidal Ecology of the 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. The discussions relating to saltmarsh are considered within a further SoCG.

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

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies, insofar as relevant to Natural England’s remit, relevant to benthic ecology and has given due regard to them within the assessment.	Agreed.	Agreed
Consultation	The ES chapter has been adequately updated following S42 and Evidence Plan consultation and concerns raised have been adequately addressed or clarified.	Currently under discussion. Natural England have provided further comments at Deadline 3 regarding proposed activities within the pMCZ and incombination effects from dredging at Ramsgate harbour.	Under discussion
Scope and Assessment Methodology	The potential impacts identified are appropriate or adequate, in relation to Thanet Extension, for benthic ecology receptors.	Partially agreed – The majority of impacts have been sufficiently identified, however we require further information on sandwave clearance and disposal in Goodwin Sands.	Under discussion (partially agreed)
	The study area defined for the assessment is appropriate for the impacts considered for the Thanet Extension project. Additional clarification has been provided in the Applicant’s response to Natural England’s response to the Examiner’s Question 1.1.4.	Agreed – however as per Examiner Question 1.1.4 we would like clarification on the discrepancies in the study area between 12, 13 and 14 km.	Agreed

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
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 Thanet Extension EIA.	Agreed – the baseline is sufficient for EIA purposes given much of the proposed construction is outside of designated sites. However, this position should not be assumed for HRA or MCZ purposes.	Agreed
	Data gaps have been highlighted and appropriate measures for filling any data gaps have been proposed for Thanet Extension.	Currently under discussion.	Under discussion.
	The sensitivity and importance of the receiving environment is appropriately or adequately described within the Thanet Extension Environmental Statement.	Agreed – the applicant has confirmed that subtidal chalk has not been identified within the RLB. Pre-construction surveys will further reaffirm this.	Agreed.
Mitigation Measures	The embedded mitigation measures are considered appropriate or adequate, in relation to Thanet Extension, and no further mitigation is necessitated as a result of the assessment conclusions.	Currently under discussion.	Under discussion
Outcomes of EIA	The conclusions of the assessment appropriately or adequately reflects the potential impacts on the benthic ecology within the study area during the construction, operation and decommissioning phases of the Thanet Extension project. Noting that this excludes effects on intertidal saltmarsh habitats.	As highlighted above in the “Consultation” discussion points and in Natural England’s written representations there are currently a few outstanding issues that need addressing before we fully agree to the outcomes of the EIA.	Under discussion

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	<p>The clarification note was submitted as Annex A to Appendix 1 of the Applicant’s Deadline 1 submission (PINS Ref REP1-023).</p>	<p>Furthermore, as section 5 describes we are awaiting a clarification note which should provide further information.</p>	
	<p>The cumulative effects have been adequately or appropriately described within the ES and the conclusions are appropriate for the Thanet Extension project.</p>	<p>As raised in the first round of examiner’s questions (1.1.35), Natural England believe for completeness there should be an in-combination assessment with other known dredging and disposal activities for the pressure of siltation / sedimentation.</p>	<p>Under discussion</p>
<p>Core Reef Approach</p>	<p>The report has been agreed in principle with Natural England for Thanet Extension for the reasons detailed in their Relevant Representation, and has been appropriately or adequately addressed following Natural England’s relevant representations.</p> <p>The Applicant re-submitted the revised Biogenic Reef Plan as part of their Deadline 1 Submission (PINS Ref APP-071) and provided Natural England with a track changes version.</p>	<p>Agree in principle with the report however we have concerns regarding the lack of ground truthed pre and post construction monitoring commitment associated with biogenic reef in and outside designated sites.</p>	<p>Agreed in principle.</p>

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Saltmarsh Mitigation and Management Plan	<p>The Saltmarsh Mitigation, Reinstatement and Management Plan (Application Ref 8.13) provides sufficient information for the Thanet Extension project activities and is adequately secured in the DCO.</p> <p>Following discussions with Natural England on 17th January and the removal of the Option 2 design the Applicant has updated the Saltmarsh Mitigation, Reinstatement and Management Plan and was submitted it as Appendix 23 of the Applicant’s Deadline 2 Submission (PINS Ref REP2-XXX).</p>	Agreed in principle – comments on the latest version have been provided to the applicant.	Agreed in principle.

4.5 Fish and Shellfish Ecology

- 26 The Project has the potential to impact upon fish and shellfish ecology and these interactions are duly considered within Volume 2, Chapter 6: Fish and Shellfish Ecology of the ES (PINS Ref APP-047/ Application Ref 6.2.6). Table 7 identifies matters identified by the ExA as requiring agreement between the Applicant and Natural England, and as noted within Natural England's Relevant Representation.

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

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies, insofar as relevant to Natural England’s remit, relevant to fish and shellfish ecology and has given due regard to them within the Thanet Extension assessment.	Agreed.	Agreed
Consultation	The ES chapter has been adequately updated following consultation and concerns raised have been adequately addressed or clarified.	Agreed.	Agreed
Scope and Assessment methodology	The potential impacts identified are a appropriate and adequate reflection of the potential impacts, in relation to Thanet Extension, on the fish and shellfish ecology.	Agreed.	Agreed
	The noise modelling and metrics are appropriate or adequate, in relation to Thanet Extension, for assessing the impacts on fish species.	In reviewing the environmental statement from the applicant Natural England has no further concerns with regards to the noise modelling. Therefore, we agree with position in relation to fish species protected by designated sites, however we encourage further consultation with other statutory bodies such as CEFAS and the MMO.	Agreed

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	<p>The methodologies applied to the assessment are robust and appropriate for the Thanet Extension project.</p>	<p>In reviewing the environmental statement from the applicant Natural England has no further concerns with regards to the methodologies applied to the assessment. Therefore, we agree with this position in relation to fish species protected by designated sites, however we encourage further consultation with other statutory bodies such as CEFAS and the MMO.</p>	<p>Agreed</p>
	<p>The study area defined for the assessment is appropriate, in relation to Thanet Extension, for the impacts considered.</p>	<p>Agreed.</p>	<p>Agreed</p>
<p>Baseline data used in the assessment</p>	<p>Sufficient primary and secondary data has been collated to appropriately characterise the baseline environment for the purposes of informing the Thanet Extension EIA.</p>	<p>In reviewing the environmental statement from the applicant Natural England has no further concerns in relation to the baseline data. Therefore we agree with this position in relation to fish species protected by designated sites, however we encourage further consultation with other statutory bodies such as CEFAS and the MMO.</p>	<p>Agreed</p>
	<p>Data gaps have been highlighted and appropriate measures for filling any data gaps have been proposed for the Thanet Extension project.</p>	<p>In reviewing the environmental statement from the applicant Natural England has no further concerns in relation to data gaps. Therefore we agree with this position in relation to fish species protected by designated sites, however we</p>	<p>Agreed</p>

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
		encourage further consultation with other statutory bodies such as CEFAS and the MMO.	
	All relevant species of fish within the study area have been identified and assessed for the Thanet Extension project.	In reviewing the environmental statement from the applicant Natural England has no further concerns with the fish species outlined within this assessment. Therefore, we agree with this position in relation to fish species protected by designated sites, however we encourage further consultation with other statutory bodies such as CEFAS and the MMO.	Agreed
	The sensitivity and importance of the receiving environment is appropriately or adequately described within the Thanet Extension ES.	Agreed.	Agreed
Mitigation Measures	The embedded mitigation measures are considered appropriate or adequate, in relation to Thanet Extension, and no further mitigation is necessitated as a result of the assessment conclusions.	In reviewing the environmental statement from the applicant Natural England has no further concerns with regards to the embedded mitigation outlined within the assessment. Therefore, we agree with this position in relation to fish species protected by designated sites, however we encourage further consultation with other statutory bodies such as CEFAS and the MMO.	Agreed

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Outcomes of the EIA	The assessment criteria and assignment of significance is appropriate in relation to Thanet Extension.	Agreed	Agreed
	The sensitivity and importance of the receiving environment is appropriately or adequately described within the Thanet Extension ES.	Agreed	Agreed
	The conclusions of the assessment appropriately or adequately reflects the potential impacts on the fish and shellfish ecology within the study area during the construction, operation and decommissioning phases of the Thanet Extension project.	In reviewing the environmental statement from the applicant Natural England has no further concerns. Therefore we agree with this position in relation to fish species protected by designated sites, however we encourage further consultation with other statutory bodies such as CEFAS and the MMO.	Agreed
	The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate for the Thanet Extension project.	In reviewing the environmental statement from the applicant Natural England has no further concerns. Therefore we agree with this position in relation to fish species protected by designated sites, however we encourage further consultation with other statutory bodies such as CEFAS and the MMO.	Agreed

4.6 Marine Mammals

- 27 The Project has the potential to impact upon marine mammals and these interactions are duly considered within Volume 2, Chapter 7: Marine Mammals of the 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	Natural England Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to marine mammals, insofar as relevant to Natural England’s remit, and has given due regard to them within the assessment.	Agreed.	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.	Agreed, with any outstanding concerns detailed below.	Agreed
Scope and Assessment methodology	The potential impacts identified are an appropriate and adequate reflection of the potential impacts on the marine mammals in relation to Thanet Extension.	Agreed.	Agreed
	The underwater noise modelling and metrics are appropriate for assessing the potential impacts on marine mammals, in relation to Thanet Extension, as agreed through the Evidence Plan process.	Agreed.	Agreed
	The methodologies applied to the assessment are robust and appropriate in relation to Thanet Extension.	Agreed.	Agreed

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	The study area defined for the assessment is appropriate for the impacts considered in relation to the Thanet Extension project.	Agreed.	Agreed
	The main species of interest, in relation for Thanet Extension, have been considered within the assessment.	Agreed.	Agreed
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 Thanet Extension EIA. A clarification note has been drafted to indicate the implications of adopting the JCP III derived harbour porpoise density estimates in the assessment and to demonstrate that this does not result in a material change to the assessment outcome. The clarification note was submitted as Annex G to Appendix 1 of the Applicant’s Deadline 1 Submission (PINS Ref REP1-023).	Following the review of Annex G, Natural England is satisfied with the new information presented in Annex G submitted at Deadline 1. Overall, we agree with the conclusion of the modelling that there was no material change to the assessment and the impact significance remains minor.	Agreed
	Data gaps have been highlighted and appropriate measures for filling any data gaps have been proposed for the Thanet Extension project.		

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	The sensitivity and importance of the receiving environment is appropriately or adequately described within the Thanet Extension Environmental Statement.	Agreed.	Agreed
Mitigation Measures	The embedded mitigation measures are considered appropriate or adequate, and no further mitigation is necessitated as a result of the assessment conclusions when the Thanet Extension project is considered alone.	Agreed.	Agreed
	<p>No further mitigation is necessitated as a result of the assessment conclusions when the Thanet Extension project is considered cumulatively.</p> <p>Appendix 22 of the Applicant’s Deadline 2 Submission provided an outline Site Integrity Plan (PINS Ref REP2-033).</p>	<p>Update at Deadline 3:</p> <p>The applicant submitted a draft SIP at Deadline 2 for Natural England to review. Whilst we welcome the production of a SIP, and have provided minor comments to the ExA at Deadline 3, the overall mechanism by which the SIPs will be managed, monitored and reviewed is yet to be developed. Therefore as stated previously, Natural England are unable to advise that this approach is sufficient to address the in-combination impacts and therefore the risk of Adverse Effect on Integrity on the Southern North Sea SCI cannot be fully ruled out.</p>	Under discussion

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
		<p>Natural England RR comment NE 102 concerning detailing possible mitigation options (reduction of noise technology): This issue could be dealt with via the production of a SIP – see below.</p> <p>The BEIS Review of Consents (RoC) has concluded that as long as Site Integrity Plans (SIPs) are placed on all DCOs (in relation to HRA and in combination impacts on the Southern North Sea SCI for harbour porpoise), there will be no adverse impact on site integrity.</p> <p>While Natural England agrees that SIPs are a method to prevent an adverse effect on site integrity, there is also a need to put a timeframe on the SIP and a mechanism for assessing multiple SIPs at the same time. At what stage will the developer be required to reassess whether the parameters that have been assessed within the BEIS HRA have been exceeded? We suggest at the next Contract for Differences (CfD) stage and then again as each project reaches their Final Investment Decision (FiD) stage in case further mitigation is required. Assessment will also need</p>	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
		<p>to be made of possible EPS requirements – as the applicant stated in response to Natural England RR comment NE-103 that <i>An updated assessment of the potential for cumulative disturbance will be carried out to inform an EPS licence application if deemed necessary at the appropriate stage.</i> This should take place within the SIP.</p> <p>More information is required from the MMO / BEIS on how spatio-temporal impacts will be managed to prevent exceedance of the SNCB noise guidance thresholds. A process will need to be developed to ensure continuing adherence to the SCI thresholds as multiple SIPs are developed over time, especially when piling can take place over several years, and new projects can come online during this time. Should potential exceedance of the thresholds occur, a process for dealing with this issue needs to be in place – the affected developers / industries will need to work together with the regulator and SNCBs to prevent adverse effect on the SCI. However, this process</p>	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
		<p>needs to be developed and agreed before SIPs are placed onto DCOs.</p> <p>Natural England agree if there is the production of a SIP by the applicant and there is clear guidance from the regulator on how this process will be managed strategically.</p>	
Outcomes of the EIA	The conclusions of the assessment appropriately or adequately reflects the potential impacts on marine mammals within the study area during the construction, operation and decommissioning phases of the Thanet Extension project.	<p>Natural England RR Comment NE-96: Figures 7.19 & 7.20 and Figures 7.22 & 7.23 - Disturbance thresholds for porpoise hit the coastline in this figure for both monopiles and pin piles. While Natural England accept Thanet’s response to Natural England’s relevant representations that <i>‘published dose response curves have indicated that at levels around 145 SELss (which is the sound level indicated by the contours on the coast in Figure 7.19), levels of response are approximately 50% - therefore at this distance, half the animals present would be expected to show a behavioural response such as moving away from the source. In this case, this would probably result in animals moving along the coastline to adjacent quieter areas to the north</i></p>	Under discussion

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
		<p><i>and south of this area.</i> Natural England would like to note that while this is accepted, (although figures 7.22 and 7.23 show 155 and 150dB SELss contours hitting the coastline respectively) there is no scientific evidence that porpoise movement will be north or south along the coastline as a result of the disturbance, and not cause any live strandings.</p> <p>To be fully agreed.</p> <p>Natural England RR comment NE-103 concerning maximum PTS distance to be mitigated: Despite a Thanet response detailing the distances in the ES being mean distances rather than maximum distances, Paragraph 7.11.83 before table 7.26 in the ES states: <i>The potential for exposure to noise levels that could cause PTS over the whole piling sequence can be reduced by extending the mitigation zone out to the maximum range (across all species) predicted by the NOAA thresholds of 960 m.</i></p>	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
		<p>This suggests that this is the max range not the mean. In any case, the applicant has committed to reporting the max and the average distances within the MMMP should they gain consent.</p> <p>Natural England agree with the applicant’s commitment to provide both values in the MMMP.</p>	
	<p>No evidence for live strandings resulting from noise exposure from offshore wind farm construction– porpoises will move away from the noise, following a gradient of sound levels, with the aim to get to a quieter area – they are unlikely to continue to move into shallower and shallower water and strand.</p> <p>Harbour porpoises are predicted to move away from the noise generated by pile driving and predicted noise levels close to the coast are at a level whereby some individuals may still be expected to respond. It is expected that animals will then seek to find quieter areas by moving into adjacent waters with lower noise levels, resulting in net movement parallel to the coast.</p> <p>We do not believe that live stranding of</p>	<p>Agreed.</p>	<p>Agreed</p>

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	<p>porpoises exposed to piling noise in the area between the windfarm and the coast is at all likely. To date, in the UK there have been several offshore wind farms constructed in close proximity to the coast, in areas where harbour porpoise are present. There are a total of 26 wind farms within 15 km of the coast, 21 of these are less than 10 km from the coast. There have been no reported live strandings in these areas associated with periods of offshore wind farm construction. Live strandings of porpoises are relatively rare, data from the Cetacean Strandings Investigation Programme (CSIP) indicated they occurred at an average rate of 4 per year between 2005 and 2015. Detailed data from recorded live strandings from the British Divers Marine Life Rescue from 2009/2010 indicated that out of eight live strandings across these two years, four were of newborn calves presumably separated from their mothers and the remainder were either malnourished or dehydrated and were later euthanised. There was no indication that exposure to noise had resulted in strandings.</p>		

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	<p>There is no available framework or methodology for robust quantitative assessment of all potential ‘noisy’ activities, given the differences in temporal and spatial scale of each activity. However, given baseline levels of those activities, the predicted future extent of those activities, together with the results of the North Sea wide population level predictions with respect to the cumulative effects of offshore wind farms, no significant impact is predicted to the North Sea harbour porpoise population from the cumulative effect of all noisy activities such as offshore wind farm construction, seismic survey, shipping and UXO detonation.</p>	<p>Agreed.</p>	<p>Agreed.</p>
	<p>As per the Applicant’s response to RR NE-98 (7.11.113 & 114), the assessment concluded a minor adverse impact for the effect of disturbance on hauled out seals, which is not</p>	<p>Agreed.</p>	<p>Agreed.</p>

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	<p>significant in EIA terms. This conclusion was based on a combination of the small proportion of time affected, the low proportion of the total animals that may show a response, the duration of any response and the overall patterns of usage of the area byGiven the small number of seals affected, the fact that there are several alternative haul out sites in the vicinity and the fact that the seals are not associated with any protected area, disturbance at haul-outs is anticipated to be minor. It is therefore not considered necessary to implement a seasonal restriction on activity during that period.</p>		
	<p>The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate for the Thanet Extension project.</p>	<p>Natural England RR comment NE-101 concerning cumulative assessment of UXOs: As a point of principle, all noisy activities should be assessed together as part of the cumulative assessment. Natural England would argue that currently this is not a complete CEA. However, given the levels of seismic activity in the porpoise management unit and their potential for disturbance, combined with UXO detonations, there is unlikely to be a population level impact on harbour porpoises,</p>	<p>Agreed.</p>

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
		<p>given the Booth et al findings using the iPCoD model. However, the same cannot be said for the RIAA and HRA assessment.</p> <p>(Booth, C., J. Harwood, R. Plunkett, S. Mendes, and R. Walker. 2017. Using The Interim PCoD Framework To Assess The Potential Effects Of Planned Offshore Wind Developments In Eastern English Waters On Harbour Porpoises In The North Sea – Final Report. SMRUC-NEN-2017-007, Provided to Natural England and the Joint Nature Conservation Committee, March 2017, SMRU Consulting.)</p>	
Mitigation	<p>The mitigation proposed in the MMMP (PINS Ref APP-146/ Application Ref 8.11) is appropriate and sufficient given the conclusions of the Thanet Extension marine mammals assessment.</p> <p>Appendix 22 of the Applicant’s Deadline 2 Submission provided an outline Site Integrity Plan (PINS Ref REP2-033).</p>	<p>Update at Deadline 3:</p> <p>The applicant submitted a draft SIP at Deadline 2 for Natural England to review. Whilst we welcome the production of a SIP, and have provided minor comments to the ExA at Deadline 3, the overall mechanism by which the SIPs will be managed, monitored and reviewed is yet to be developed. Therefore as stated previously, Natural England are unable to advise that this approach is sufficient to address the in-combination impacts and therefore the risk of Adverse Effect on Integrity on the Southern North Sea SCI cannot be fully ruled out.</p>	Under discussion

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
		<p>The BEIS Review of Consents has concluded that as long as Site Integrity Plans (SIPs) are placed on all DCOs (in relation to HRA and in combination impacts on the Southern North Sea SCI for harbour porpoise), there will be no adverse impact on site integrity. While Natural England agrees that SIPs are a method to prevent an adverse effect on site integrity, there is also a need to put a timeframe on the SIP and a mechanism for assessing multiple SIPs at the same time. At what stage will the developer be required to reassess whether the parameters that have been assessed within the BEIS HRA have been exceeded? We suggest at the next CfD stage and then again as each project reaches their FiD stage in case further mitigation is required. Assessment will also need to be made of possible EPS requirements – as the applicant stated in response to Natural England RR comment NE-103 that An updated assessment of the potential for cumulative disturbance will be carried out to inform an EPS licence application if deemed necessary at the appropriate stage. This should take place within the SIP</p>	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
		<p>More information is required from the MMO / BEIS on how spatio-temporal impacts will be managed to prevent exceedance of the SNCB noise guidance thresholds. A process will need to be developed to ensure continuing adherence to the SCI thresholds as multiple SIPs are developed over time, especially when piling can take place over several years, and new projects can come online during this time. Should potential exceedance of the thresholds occur, a process for dealing with this issue needs to be in place – the affected developers / industries will need to work together with the regulator and SNCBs to prevent adverse effect on the SCI. However, this process needs to be developed and agreed before SIPs are placed onto DCOs.</p> <p>Natural England agree if there is the production of a SIP by the applicant and there is clear guidance from the regulator on how this process will be managed strategically.</p>	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
		<p>While this list is not exhaustive, Natural England would expect the following to be included in the SIP:</p> <ul style="list-style-type: none"> • A finalised design plan; • An updated HRA; • Updated mitigation measures (if required) – outlining potential mitigation that can and cannot be used and the reasoning. • Where modelling via the RoC has been updated (e.g. the Dogger projects), further mitigation may be required to ensure porpoises are out of an enlarged Permanent Threshold Shift zone than was predicted in the original EIA. • Detail the requirement for EPS licences and Marine Licences for UXO detonation. • Provide a timetable for development of the plan. E.g. Post CfD, and again pre FID to 	

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
		ensure timely agreements and timeframes for finances to be agreed.	
	The MMMP (PINS Ref APP-146/ Application Ref 8.11) will be finalised post-consent (if granted) following detailed design.	Agreed.	Agreed

4.7 Designated Sites

- 28 The Project has the potential to impact upon designated sites and these interactions are duly considered within Volume 2, Chapter 8: Offshore Designated Sites of the ES (PINS Ref APP-049/ Application Ref 6.2.8). Table 9 identifies the status of discussions relating to this topic area between the parties.

Table 9: Status of discussions relating to Designated sites.

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to the offshore designated sites, insofar as relevant to Natural England’s remit, and has given due regard to them within the assessment.	Agreed.	Agreed
Baseline data used in the assessment	<p>Appropriate data and information was used to characterise the baseline, in relation to Thanet Extension, for the purposes of the assessment.</p> <p>The Applicant submitted a clarification note as part of the Deadline 2 Submission, as an agreed action with Natural England, on the in-combination assessment of dredging and disposal activities on the MCZs in the proximity of the development (PINS Ref REP2-006).</p>	<p>Currently under Discussion – the majority of the designated sites within the immediate vicinity of the red line boundary have been characterised correctly however Natural England have some outstanding concerns regarding Goodwin Sands pMCZ.</p> <p>To overcome these uncertainties with regards the characterisation of the pMCZ it is essential the applicant collects a sufficient pre-construction baseline followed by sufficient post construction surveys to determine the impacts from cable installation upon the features of the pMCZ. We believe this is covered in terms of biogenic reef. However, there is still uncertainty around the impacts</p>	Agree in principle – subject to preconstruction surveys

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
		associated with sandwave clearance / dredging / disposal and with rock protection. NB – NE have concerns that lack of detail regarding sand wave clearance and disposal, and if the applicant as demonstrated a worst case scenario in terms of impacts on sites.	
Scope and Assessment methodology	All relevant designated sites have been appropriately or adequately identified and included within the Thanet Extension assessment.	Agreed.	Agreed
	The conservation objectives have been appropriately identified within the Thanet Extension assessment.	Agreed – Goodwin Sands pMCZ currently has no conservation objectives published. However, we encouraged the applicant to use the Thanet Coast MCZ as a proxy.	Agreed
Outcomes of the EIA	The conclusions of the assessment appropriately or adequately reflects the potential impacts on the designated sites for the lifetime of the Thanet Extension project. The Applicant submitted a clarification note as part of the Deadline 2 Submission, as an agreed action with Natural England, on the in-combination assessment of dredging and	Currently under Discussion – the majority of the designated sites within the immediate vicinity of the red line boundary have been characterised correctly however Natural England have some outstanding concerns regarding Goodwin Sands pMCZ. To overcome these uncertainties with regards the characterisation of the pMCZ it is essential	Under discussion

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	disposal activities on the MCZs in the proximity of the development (PINS Ref REP2-006).	the applicant collects a sufficient pre-construction baseline followed by sufficient post construction surveys to determine the impacts from cable installation upon the features of the pMCZ. We believe this is covered in terms of biogenic reef. However, there is still uncertainty around the impacts associated with sandwave clearance / dredging / disposal and with rock protection.	
	The in-combination effects have been adequately and appropriately described within the ES and the conclusions are appropriate.	Currently under discussion– as above.	Under discussion

4.8 Marine Conservation Zone Assessment

- 29 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 10 identifies the status of discussions relating to this topic area between the parties.
- 30 The Project submitted a clarification note on the MCZ assessment, including further detail for Goodwin Sands pMCZ, as part of the Applicant's Deadline 2 Submission (PINS Ref REP2-006).

Table 10: Status of discussions relating to the Marine Conservation Zones Assessment.

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to the assessed MCZs for Thanet Extension, at the time of writing, and has given due regard to them within the assessment.	Agree – however we would like to remind the applicant that Goodwin Sands is now a proposed MCZ and is now considered a material consideration.	Agreed
Baseline data used in the assessment	Appropriate or adequate data and information was used to characterise the baseline for the purposes of the Thanet Extension assessment. The baseline of the environment is characterised and presented in the Benthic Characterisation report (PINS Ref APP-082/ Application Ref 6.4.5.2). These surveys were agreed to be fit for the purpose of characterising the benthic baseline environment, for the purposes of undertaking an EIA, as part of the Evidence Plan Process (PINS Ref APP- 137/ Application Ref 8.5). Natural England have requested to review the dropdown video data captured for the Thanet Extension project, which is presented in Annex F.1 of the Benthic Characterisation report (PINS Ref APP-082/ Application Ref 6.4.5.2).	Currently still under discussion – can agree it is sufficient for EIA purposes but expect more detailed site specific information to be provided for the purpose of the MCZ assessment.	Under discussion – see section 5.

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Scope and Assessment methodology	All relevant MCZs have been appropriately or adequately identified for the proposed Thanet Extension activities and included within the assessment.	Agreed.	Agreed
	The conservation objects for Thanet Coast MCZ have been appropriately or adequately identified within the assessment.	Agreed.	Agreed
	<p>The assessment of Goodwin Sands pMCZ is appropriate and robust, for the proposed Thanet Extension activities, and was based on the relevant available information at the time of writing.</p> <p>A more detailed assessment of Goodwin Sands pMCZ was provided by the Applicant in Deadline 2 (PINS Ref REP2-006) following the advice provided by stakeholders.</p>	Currently under discussion – Natural England have provided further comments at Deadline 3 regarding the MCZ assessment.	Under discussion
Outcomes of the EIA	The conclusions of the assessment appropriately or adequately reflects the potential impacts on the MCZs for the lifetime of the Thanet Extension project.	Currently under discussion.	Under discussion – see section 5.
	The cumulative effects have been adequately or appropriately described within the assessment	Currently under discussion.	Under discussion – see section 5.

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	and the conclusions are appropriate for the Thanet Extension project.		

4.9 Onshore Biodiversity

- 31 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 6.3.5). Table 11 identifies the status of discussions relating to this topic area between the parties.

Table 11: Status of discussions relating to Onshore Biodiversity.

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to biodiversity assessment, insofar as relevant to Natural England’s remit, and has given due regard to them within the assessment.	Agreed.	Agreed
Consultation	The ES chapter has been adequately updated following S42 and Evidence Plan consultation and concerns raised have been adequately addressed or clarified.	Agreed.	Agreed
Scope and Assessment Methodology	The potential impacts identified, in relation to Thanet Extension, are appropriate or adequate for biodiversity receptors.	Agreed.	Agreed
	The study area defined for the assessment is appropriate for the Thanet Extension project impacts considered.	Agreed.	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 Thanet Extension EIA.</p> <p>The Applicant submitted a revised OLEMP as part of their Deadline 1 Submission (PINS Ref</p>	<p>The OLEMP has now been finalised.</p> <p>As highlighted below, there have been instances where the applicant has not been able to collect as much data as they and Natural England would have wanted. Natural England have had discussions with the applicant to provide as</p>	Agreed

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	<p>REP1-069) to account for Natural England’s consultation.</p>	<p>much information as possible regarding species of importance within the onshore environment.</p> <p>We have been reassured by the applicants commitments in the OLEMP and the pre-construction surveys they plan to carry out which should provide a further representation of the species and habitats that reside here.</p>	
	<p>The Applicant had previously agreed the terrestrial invertebrate survey provided sufficient or adequate data to characterise and evaluate the value of these receptors for the Thanet Extension project.</p> <p>The Applicant submitted a revised OLEMP as part of their Deadline 1 Submission (PINS Ref REP1-069) to account for Natural England’s consultation.</p>	<p>Agreed -The surveys were limited to only one visit late in August, where ideally a few visits should have been undertaken. Natural England have provided further information to applicant following the meeting on the 5th October 2018, which included further information on the potential species that could reside in this area and their conservation status. Furthermore, as highlighted in the OLEMP (a conditioned document in the DCO) a Terrestrial Invertebrate Mitigation Strategy (TIMS) is to be developed. This is alongside further pre-construction surveys to further identify invertebrate species of importance at the landfall location.</p>	<p>Agreed</p>

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
		<p>Following the finalisation of the OLEMP, plus commitments from the applicant to collect further pre-construction data to inform any mitigation, Natural England are confident that invertebrates have been considered fully. Furthermore, the notification that landfall option 2 has been dropped will result in less damaging scenarios that originally considered in the environmental statement.</p>	
	<p>Data gaps have been highlighted and appropriate or adequate measures for filling any data gaps have been proposed for the Thanet Extension project.</p>	<p>As highlighted above the applicant has acknowledged data gaps associated with invertebrate surveys and other surveys including great crested newt. Following commitments from the applicant to gather sufficient pre-construction data to form a robust baseline once construction practices are known, Natural England are confident onshore biodiversity will characterised sufficiently.</p>	<p>Agreed</p>
	<p>The sensitivity and importance of the receiving environment is appropriately or adequately described within the Thanet Extension Environmental Statement.</p>	<p>Agreed.</p>	<p>Agreed</p>

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Mitigation Measures	The embedded mitigation measures are considered appropriate or adequate, and no further mitigation is necessitated as a result of the Thanet Extension assessment conclusions.	Agreed.	Agreed
	<p>The mitigation proposed (Construction Environmental Management Plan, Code of Construction Practice, Saltmarsh Mitigation, Reinstatement and Monitoring Plan (Application Ref 8.1) and a seasonal restriction) are adequately secured in the DCO.</p> <p>The Applicant has provided the site selection and saltmarsh specific SoCG prior to Deadline 3 to Natural England.</p>	<p>Agreed –Natural England’s major concerns are associated with the damage and disturbance associated with the works upon the saltmarsh. The SMRMP should effectively monitor and mitigate any recovery and damage respectively.</p>	Agreed.
Outcomes of EIA	The conclusions of the assessment appropriately or adequately reflects the potential impacts on the onshore biodiversity within the study area for the lifetime of the Thanet Extension project.	Agreed.	Agreed.
	The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate for the Thanet Extension project.	Agreed.	Agreed.

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Outline Landscape and Ecology Management	<p>The OLEMP (Application Ref 8.7) provides adequate or sufficient detail of in-principle management measures for the Thanet Extension project.</p> <p>The Applicant submitted a revised OLEMP as part of their Deadline 1 Submission (PINS Ref REP1-069) to account for Natural England’s consultation.</p>	<p>Agreed - Natural England have been in receivership of an updated OLEMP at Deadline 1.. Natural England agree with the revised OLEMP..</p>	Agreed
	<p>The OLEMP provides appropriate or adequate information, for the Thanet Extension project, on outline details of proposed biodiversity enhancements and proposed monitoring.</p> <p>The Applicant submitted a revised OLEMP as part of their Deadline 1 Submission (PINS Ref REP1-069) to account for Natural England’s consultation.</p>	<p>. Agreed - Natural England welcome the proposed biodiversity enhancements and monitoring.</p>	Agreed
Legally Protected Species	<p>The Thanet Extension project is highly unlikely to impact on legally protected species.</p>	<p>Agreed – however it is the applicant’s duty to carry out any additional pre-construction surveys to identify any legally protected species that may be present. Should any pre-construction surveys identify the presence of any Nationally Protected (NPS) or European</p>	Agreed

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
		Protected Species (EPS) the applicant may consider that a licence application may be required at a later date.	

4.10 DCO and dML

- 32 Table 12 identifies the status of discussions relating to this topic area between the parties insofar as relevant to Natural England's remit
- 33 The Responses to Relevant Representations (RR) provides full responses to the points raised within the Natural England's RR.

Table 12: Status of discussions relating to the DCO and dMLs

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
<p>Inclusion of additional project parameters within the DCO/dML</p>	<p>The Applicant has drafted a clarification note, which will become a certified document, with all of the maximum parameters assessed within the ES which can be used as an audit and therefore, the requested items are not required should not be included in the DCO/dML as it would preclude the need to consider the effects as presented in the ES for enforcement.</p> <p>The clarification note was submitted as Annex A to Appendix 1 of the Applicant’s Deadline 1 submission (PINS Ref REP1-023).</p>	<p>Agreed.</p>	<p>Agreed.</p>
<p>Arbitration</p>	<p>Following the revised wording with reference to arbitration is agreed, insofar as relevant to Natural England’s remit, following the revised wording in the Response to RRs.</p>	<p>Currently under discussion with the applicant.</p>	<p>Under discussion</p>

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	<p>The wording in the draft DCO was revised in the Applicant’s Deadline 1 and 2 Submissions (PINS Ref REP1-062 and REP2-035) and Applicant has provided further clarification on their position in their responses to Relevant Representations (PINS Ref REP1-017).</p>		
<p>General comments on numbers and cross-referencing</p>	<p>Following the responses to the Natural England’s RR, the revised draft DCO and dML accurately cross reference documents and project description information.</p>	<p>Agreed.</p>	<p>Agreed.</p>
<p>O&M activities</p>	<p>The Applicant will provide annual reporting of O&M activities in the context of the consent (if granted).</p>	<p>Currently under discussion with the applicant.</p>	<p>Under discussion</p>
<p>Monitoring plans</p>	<p>The effects are known and understood, given the unique position of Thanet Extension as a project, so there is no necessity to provide an In-principle Monitoring Plan (IPMP) or further monitoring plans. The Applicant has provided detailed monitoring plans for known risks or areas of uncertainty with the application.</p>	<p>The applicant has proposed to submit an IPMP at Deadline 3 for Natural England to review.</p>	<p>Under discussion – see section 5.</p>

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Mitigation	The OLEMP (PINS Ref APP-142/ Application Ref 8.7) has been adequately secured within the DCO.	Agreed - Natural England agree the OLEMP is secured within the draft DCO.	Agreed.
Mitigation	The CoCP (PINS Ref APP-133/ Application Ref 8.1) has been adequately secured within the DCO.	Agreed.	Agreed
Mitigation	The CEMP has been adequately secured within the DCO.	Agreed.	Agreed
Mitigation	<p>The Saltmarsh Mitigation, Reinstatement and Monitoring Plan (PINS Ref APP-147/ Application 8.13) has been adequately secured within the DCO.</p> <p>The plan has been revised by the Applicant following the removal of Option 2, and was submitted as part of the Applicant's Deadline 2 Submission (PINS Ref REP2-036).</p>	Partially agreed – comments have been provided at Deadline 3. Once these have been addressed the plan will be agreed.	Under discussion

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
Mitigation	The Contaminated Land Plan been adequately secured within the DCO.	Agreed.	Agreed
Mitigation	The MMMP (PINS Ref APP-146/ Application Ref 8.11) has been adequately secured within the DCO.	Agreed.	Agreed
Mitigation	The seasonal restriction within the intertidal area, between October and March inclusive, has been adequately secured within the DCO.	Natural England understand this is a commitment made by the applicant, however it does not seem to adequately highlighted within the DCO. It is only mentioned once in the latest revision of the DCO and doesn't seem sufficiently clear that it should be taken into account. It states "installation works having due regard to seasonal restrictions..." It needs to be made more explicit that it will be definitely be implemented.	Under discussion
Submission Timescales	The provision of monitoring plans 18-months prior to commencement is not considered appropriate given the proposed construction programme of the project.	Currently under discussion with the applicant.	Under discussion
	The provision of documents 6 months in advance of proposed works is considered disproportionate given that the project	Currently under discussion with the applicant.	Under discussion

Discussion Point	Thanet Extension Position	Natural England Position	Final Position
	inherently requires less flexibility and will be built out to the extents assessed.		
Commencement	The clearance of UXO will not be included under commencement as if it is required then a separate marine licence will be sought.	Currently under discussion with the applicant.	Under discussion
	Following the revised wording the definition of commencement is agreed, following the revised wording in the Response to RRs.	Currently under discussion with the applicant.	Under discussion
Offshore noise	The Applicant will monitor offshore noise, and this has been Conditioned.	The applicant's position needs to be made clearer. Offshore noise associated with what in particular?	Under discussion

5 Matters under discussion

- 34 This section identifies those matters raised by Natural England 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 the Natural England.
- 35 The Applicant intends to submit a clarification note, as a certified document, on the transcription of the project description into the technical assessments of the Application.
- 36 These matters include:
- Definition of commencement;
 - Timescale requirements for post-consent documents;
 - Requirement for additional monitoring plans;
 - Additional mitigation and management requirements;
 - AEoI on Thanet Coast SAC and Order Limits (disposal of material and sandwave clearance);
 - The methodology and the findings of the MCZ assessment;
 - Sufficient control measures are in secured in the DCO (CoCP and Contaminated Land Management Plan) to ensure that sufficient reinstatement of the seawall would occur;
 - In-principle monitoring plan requirement; and
 - Tiering approach for marine mammals in-combination/ cumulative assessments.