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Date:
28/03/2019

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The Applicant's response to Deadline 4

Dear Ms Mignano,

The Applicant is pleased to provide its response to Deadline 4, required for submission by 23:59, Thursday 28 March 2019.

These documents have been prepared by the Applicant in response to the revised Rule 8 letter issued by the Examining Authority (ExA) on 1 March 2019. All submissions are listed in the updated Guide to the Application (Appendix 1).

Submissions requested by the ExA

As requested in the Examination timetable, Annex A to the Rule 8 letter, the following documents have been submitted:

- Revised draft DCO (Appendix 2) along with an updated DCO tracker (Appendix 7A) and a revised Explanatory Memorandum (Appendix 7B)
- Comments on submissions received at Deadline 3 have been split into responses to shipping Interested Parties (Appendix 4) and responses to other Interested Parties (Appendix 3)
- Changes to the application in the form of a Structures Exclusion Zone (SEZ) are set out in Appendix 14 and are described further in this letter.

The Applicant has not provided a report from the Shipping and Navigation workshop. The outcomes of the workshop form a significant part of the SEZ report (Appendix 14) and the other matters agreed from the workshop were set out in the Applicant's Deadline 3 submission, responding to action points arising from ISH5 (Appendix 3 at Deadline 3)

Additional documents

In addition to those requested by the ExA in the Rule 8 letter, the Applicant has submitted the following documents in response to representations made at Deadline 3 and through further discussions with Interested Parties:

- Revised Onshore Written Scheme of Investigation (Appendix 6) addressing comments from Historic England.

- Updated land acquisition and statutory undertaker tables (Appendices 8 – 13)
- Revised Sand Wave Clearance, Dredging and Drill Arising: Disposal Site Characterisation (Appendix 15) which now includes disposal sites as agreed with the MMO
- Revised Saltmarsh Mitigation, Reinstatement and Monitoring Plan (Appendix 16) addressing comments from Natural England
- Revised Offshore Archaeological Written Scheme of Investigation (Appendix 17) to address minor comments from Historic England
- Revised Draft Site Integrity Plan (Appendix 18) in response to comments from Natural England and the MMO
- Offshore Ornithology Position Paper on Red-Throated Diver (Appendix 19) and on Kittiwake (Appendix 25) which sets out the Applicant's case with respect to Outer Thames Estuary SPA and Flamborough and Filey Coast SPA respectively.
- Revised MCZ Assessment Clarification Note (Appendix 20) in response to comments from interested parties at Deadline 3
- Revised Biogenic Reef Plan (Appendix 21) addressing comments from Natural England and the MMO
- Revised Outline Operations and Maintenance Plan (Appendix 22) responding to comments from the MMO
- AIS data analysis report (Appendix 27) which confirms the validity of the baseline data used in the Navigation Risk Assessment

Structures Exclusion Zone (SEZ) and the Applicant's further submissions at Deadline 4a

In response to submissions made by Interested Parties and in line with the timescales set out by the ExA, the Applicant has at this Deadline 4 submitted an amendment to the project, which limits within an area of the Order Limits offshore the placement of turbines and other structures to seek to address shipping and navigation safety concerns.

The use of a Structures Exclusion Zone (or similar) has been accepted on previous offshore wind farm DCOs including Rampion Offshore Wind Farm and Triton Knoll Offshore Wind Farm. This approach appropriately secures the amendment whilst ensuring that the Order Limits remain consistent across all application and Examination documents. Furthermore, this provides limited flexibility during construction in order that the project can undertake activities such as jack-up barge placement within the SEZ. This is required in order to secure the maximum operation benefit whilst still allowing the project to be efficiently and safely constructed, with additional controls in place during this short period.

Materiality

The Applicant has considered whether the change should be regarded as material referring to PINS advice note 16 that this conclusion '*...may be based on criteria including, for example, whether the change would generate a new or different likely significant environmental effect(s). Similarly, whether (and if so the extent to which) a change request involves an extension to the Order land...*'.

The SEZ does not affect the Order Limits and only reduces the extent of infrastructure, therefore is not a material change on this basis. It could, however, be considered a material change based on the potential changes to environmental effects as assessed in the Environmental Statement. The Applicant is therefore submitting that the ExA should consider the SEZ to be a material change to the Application, but not to the extent that it leads a materially different project. This would follow similar procedural decisions by examining authorities on projects such as North Wales Wind Farm Connection, Navitus Bay Wind Park and Sembcorp Tees CCGT where material changes were accepted into the examination on the basis that they did not constitute a new application and that sufficient time existed for consultation to be undertaken.

The Applicant will follow the steps outlined in Advice Note 16 when submitting a material change. The Examining Authority and Planning Inspectorate should treat this letter as a formal notification of a material change being applied for in relation to the project.

Accordingly, the Applicant has considered the checklist found at figure 3 in Advice Note 16 and unless otherwise directed by the ExA will provide the following documentation, or address the following points, as below:

- a. A clear description of the change is provided in Appendix 14 and in the updated Offshore Works Plan (Appendix 24)
- b. The rationale for the change is also set out in Appendix 14 and consideration of policy matters are discussed further in Appendix 5.
- c. A full schedule of all application documents and consequential revisions will be provided at Deadline 4a including an addendum to the NRA and a full review of the Environmental Statement. Initial consideration of the effect on the ES chapters is set out in Appendix 23 (Non-shipping implications of the SEZ). It should be noted that it is not anticipated that there will be any new environmental effects and that and different effects are likely to be a reduction in impact.
- d. A tracked change version of the DCO (Appendix 2a) and a revised explanatory memorandum (Appendix 7b) incorporating the limited amendments required for the SEZ are submitted at Deadline 4.
- e. No changes are proposed to the Order land and therefore the CA regulations are not engaged.
- f. A full review of the Environmental Statement and any additional environmental information will be submitted at Deadline 4a.
 - i. The review of the ES and any other relevant information will be publicised in accordance with the EIA Regulations 2017 and copies of any representations received will be submitted to the ExA following the close of the 30 day consultation period.
 - ii. Interested Parties have already been informed of the SEZ, however the Applicant will confirm to the ExA those parties with which it will carry out consultation in line with the EIA Regulations 2017 at Deadline 4a.
- g. A Consultation Statement will be submitted including copies of any responses.

Attendance at Accompanied Site Visit 2 (ASI2)

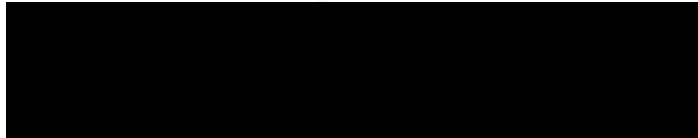
The Applicant can confirm the attendance of Daniel Bates and Sean Leake at ASI2 and that transport is not required.

Email submission of documents

The documentation submitted at Deadline 2 is being sent via email to the PINS Thanet Extension address. These emails will be numbered and will each contain a document or documents under 12mb in size.

Should there be any queries or issues with the documents submitted please contact myself.

Kind regards



Daniel Bates
Consents Manager – Thanet Extension Offshore Wind Farm
Vattenfall Wind Power Ltd