

Application by Vattenfall Wind Power Limited for the Thanet Extension Offshore Wind Farm Development Consent Order

The Examining Authority's second written questions and requests for information (ExQ2)

Issued on 10 April 2019

The following table sets out the Examining Authority's (ExA's) second written questions and requests for information – ExQ2. The examination timetable enables the ExA to issue a further round of written questions and it should be noted that following the submission of a Material Change request by the Applicant at Deadline 4, questions with a bearing on the content of the change will be delivered in that round, to be referred to as ExQ3. An additional information request pursuant to Rule 17 of the Examination Procedure Rules (EPR) may also be made.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe B to the Rule 6 letter of 9 November 2018. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 2 (indicating that it is from ExQ2) and then has an issue number and a question number. For example, the first question on biodiversity issues is identified as Q2.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team. Please contact:

ThanetExtension@planninginspectorate.gov.uk and include '**Thanet Extension ExQ2**' in the subject line of your email.

Responses are due by **Deadline 5: Monday 29 April 2019**.

Abbreviations used

PA2008	<i>The Planning Act 2008</i>	LIR	<i>Local Impact Report</i>
Art	<i>Article</i>	LPA	<i>Local planning authority</i>
ALA 1981	<i>Acquisition of Land Act 1981</i>	MP	<i>Model Provision (in the MP Order)</i>
BoR	<i>Book of Reference</i>	MP Order	<i>The Infrastructure Planning (Model Provisions) Order 2009</i>
CA	<i>Compulsory Acquisition</i>	NPS	<i>National Policy Statement</i>
CPO	<i>Compulsory purchase order</i>	NSIP	<i>Nationally Significant Infrastructure Project</i>
dDCO	<i>Draft DCO</i>	R	<i>Requirement</i>
EM	<i>Explanatory Memorandum</i>	SI	<i>Statutory Instrument</i>
ES	<i>Environmental Statement</i>	SoS	<i>Secretary of State</i>
ExA	<i>Examining authority</i>	TP	<i>Temporary Possession</i>

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010084/EN010084-000737-Internal%20Examination%20Library%20PDF%20Version.pdf>

It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ2.1.1 – refers to the first biodiversity question in this table.

ExQ2	Question to:	Question:
2.0	General and Cross-topic Questions	
2.0.1	The Applicant	<p>Design and Access Statement: Clarification Would the applicant please review and re-draft for increased clarity the last sentence of sub paragraph 4.2.15 and also sub paragraph 4.3.10 in the Design and Access Statement [APP-150].</p>
2.0.2	The Applicant	<p>Schedule of Mitigation: Obscured text Would the applicant please clarify the text that has been obscured by formatting in paragraph 6.24 of the Schedule of Mitigation [REP3-047].</p>
2.0.3	The Applicant in consultation with Kent County Council, Dover District Council, Thanet District Council	<p>Planning Statement, Local Impact Reports and Policy Context: Neighbourhood Plans Neither the Applicant's Planning Statement [APP-134] nor the Local Impact Reports (LIRs) submitted to the Examination (Kent County Council [REP1-098], Dover District Council [REP1-091] or Thanet District Council [REP1-128]) identify any Neighbourhood Plans in force or under preparation in any relevant part of the Order Land or its environs. Please make diligent inquiries of the local authorities and advise the ExA that either:</p> <ul style="list-style-type: none"> a) No such plan is in force or is likely to be in force by the time the SoS would decide the application; or b) If such a plan is in force or in preparation, please identify the name of the plan, the plan area, the preparing body and submit any relevant plan provisions.

ExQ2	Question to:	Question:
2.1.	Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))	
2.1.1.	The Applicant	<p>Environmental Statement Project Description: Cable Protection Natural England has questioned the validity of the Applicant’s worst-case assumption that 25% of the offshore cable length may require cable protection. Whilst it is acknowledged that this figure has been put forward as a conservative upper limit, Natural England states that this figure seems, in their experience, relatively high. Noting the justification put forward to date, and that each project will have its own site-specific considerations, it would assist the ExA to understand how the worst-case assumption compares to the reality of constructed offshore wind projects.</p> <ul style="list-style-type: none"> a) With reference to other relevant offshore windfarm development projects can the Applicant explain why the 25% cable protection assumption applied is appropriate and to what extent is the assessment of significance in the ES sensitive to changes in this assumption? b) What percentage of the total cable length for the Thanet Offshore Wind Farm required protection and does this provide a reasonable basis for this worst-case assumption? c) Are there special factors relevant to the local circumstances of this Application that explain a ‘high’ figure?
2.1.2.	The Applicant	<p>Environmental Statement Project Description: O&M Cable Works Paragraph 3.3.2 of Natural England’s D4 submission [REP4-033] raises concerns about the volume of disturbed sediment from operations and maintenance works to the inter-array and export cables that is allowed for under the ES worst-case scenario.</p>

ExQ2	Question to:	Question:
		a) Could the Applicant please respond to the points raised, particularly the assertion that the worst-case for O&M cable works allows for more than three times the volume of disturbed sediment than that allowed for during the construction phase. For example, how does this compare to experience with the existing Thanet Wind Farm cables? b) How does the Applicant respond to the request from Natural England for the O&M disturbance volume to be further refined?
2.1.3.	The Applicant	Schedule of Mitigation: Natural England Comments Section 3.1 of Natural England’s [REP4-033] makes a series of observations about the Rev B Schedule of Mitigation [REP3-047]. <ul style="list-style-type: none"> • Could the Applicant please respond to these points?
2.1.4.	The Applicant	Schedule of Mitigation: Unexploded Ordnance Effects Onshore The Rev B Schedule of Mitigation [REP3-047] sets out how the effects of the detonation of Unexploded Ordnance (UxO) offshore would be mitigated. However, it is silent on any mitigation for effects of UxO detonation onshore. <ul style="list-style-type: none"> • Please could the Applicant provide clarity on this point?
2.1.5.	The Applicant and the Marine Management Organisation	Schedule of Monitoring: Geophysical and Benthic Monitoring Section 3.2 of Natural England’s [REP4-033] sets out comments in relation to the Applicant’s Schedule of Monitoring [REP3-067] and as a consequence, the Biogenic Reef Mitigation Plan and geophysical and benthic monitoring provisions for Goodwin Sands pMCZ.

ExQ2	Question to:	Question:
		<p>a) Please could the Applicant respond to the points raised by Natural England?</p> <p>b) Could the Applicant please provide an updated version of the Schedule of Monitoring to take account of these points, and those raised at paragraph 3.4.3 of the Marine Management Organisation's [REP4-031]?</p> <p>c) Could the Marine Management Organisation please comment as to whether the new pre- and post-construction monitoring provisions in respect of Goodwin Sands pMCZ included at DML Conditions 13(2)(b) and 15(5) of [REP4-003] address its concerns about the certainty of the MCZ assessment?</p>
2.1.6.	The Applicant and Kent County Council	<p>Onshore Construction Effects: Kent County Council Position</p> <p>At D1, D2 and in an additional submission on 14 February 2019 [AS-008], Kent County Council has raised concerns about construction effects onshore, including in relation to management of contaminated land and ground conditions, heritage, biodiversity and construction traffic. No subsequent submissions from Kent County Council appear to have been submitted into the examination. The Applicant's Statement of Commonality [REP3-035] recorded that a revised SoCG with Kent County Council had been agreed with no matters outstanding and would be submitted at D4. However, the revised SoCG appears not to have yet been submitted. All of this leaves the ExA with a number of questions as to the status of agreement with the Council on various topics.</p> <p>a) Could the Applicant please submit the revised SoCG with Kent County Council at D5. If the SoCG is not a final version at D5, please ensure</p>

ExQ2	Question to:	Question:
		<p>that it includes a clear statement of the outstanding areas of disagreement.</p> <p>b) If Kent County Council has any areas of sustained concern in relation to the construction effects onshore, or any other matters, that it considers are not covered by the SoCG, please could it provide a response at D5 outlining these concerns and any actions in hand to address them.</p>
2.1.7.	Natural England, Marine Management Organisation and other relevant IPs	<p>Revised Biogenic Reef Mitigation Plan</p> <p>The Applicant submitted Revision C of its Biogenic Reef Mitigation Plan [REP4-025] at D4 which sought to address comments from IPs.</p> <ul style="list-style-type: none"> • Could Natural England, the Marine Management Organisation and any other IPs with an interest in this topic please provide their comments on the revised document. Are there any further specific amendments sought, and if so, to what end? The ExA would encourage parties to address this question through the updated SoCGs invited at D5 if possible.
2.1.8.	The Applicant	<p>Construction Noise Effects on Fish Species</p> <p>It is noted that a considerable degree of disagreement remains between the Applicant and the Marine Management Organisation in relation to the potential for construction noise effects on herring spawning grounds and sole spawning and nursery grounds in the Greater Thames Estuary. Whilst noting the responses provided by the Applicant to date, the most recent being at [REP4-005], the ExA is seeking justification for the Applicant's position sufficient to allow proper consideration of this matter.</p>

ExQ2	Question to:	Question:
		a) To this end, please could the Applicant respond to each of the points set out at Section 1.2 of the Marine Management Organisation’s [REP4-031]? b) To the extent that there is still a difference in opinion at D5, could the parties please use the SoCG to identify where the key areas of disagreement remain.
2.1.9.	The Applicant, Natural England and all IPs	<p>Southern North Sea Special Area of Conservation (SAC) The ExA notes that the Southern North Sea SAC was formally designated in February 2019. Since prior to that date, the site was afforded protection under the Habitats Regulations as a cSAC/SCI, there do not appear to be any material effects for this examination as a result of the site’s designation.</p> <ul style="list-style-type: none"> For the avoidance of doubt, do any of the parties consider there to be any implications of the formal designation of the SAC for the examination of this application? If so, please explain.
2.2.	Construction	
2.2.1.	The Applicant and BritNed	<p>Construction: Interface with BritNed Brit Ned has requested to participate in the Examination and has been invited to attend ISH8 and these matters may be drawn out in oral submissions. If that is the case, this question can be responded to by highlighting the relevant summary of oral submissions. If BritNed does not attend, a full written response is requested.</p> <p>The Applicant has provided a summary response to BritNed’s submission in its Response to Deadline 3 submissions by Interested Parties [REP4-005] at</p>

ExQ2	Question to:	Question:
		<p>page 5. Whilst brief, the thrust of that response is to provide a view that vessel anchoring associated with construction of the proposed development poses no greater risk to the BritNed Project than the risk posed by anchoring from general vessel traffic.</p> <ul style="list-style-type: none"> a) Is it the Applicant's view that the only potential construction-related effect on BritNed would arise from vessels anchoring? b) The Applicant is requested to identify its consideration of all potential construction interfaces with the BritNed Project that might arise (including but not limited to anchoring vessels) and to highlight where in the Application document set these have been addressed and to summarise how these interfaces are to be managed. c) BritNed is requested to identify all potential construction interfaces between the Application and its project and to summarise the effects of these. If effects in addition to anchoring vessels are seen as relevant, the response should explain why. d) If BritNed considers that the DCO does not presently contain adequate protective provisions, it is requested to outline changes to the DCO that it seeks and reasons for those changes. Alternative measures such as a commercial agreement may also be proposed.
2.2.2.	The Applicant	<p>Construction access: Nemo cable and Sustrans crossing Please clarify Works nos. 4A, 3B method of crossing of the Sustrans route and Nemo cable bund in relation to construction traffic access from Sandwich Rd. [REP2-013] NLL24/25/26 responses are inconclusive on this point.</p>

ExQ2	Question to:	Question:
2.2.3.	The Applicant	<p>Cable crossing: Nemo cable crossing in relation to NGET connection Please clarify Plot 02/121 method of crossing of Nemo cables in relation to NGET. [REP2-013] NLL-11 response is inconclusive on this point.</p>
2.1.	Compulsory Acquisition, Temporary Possession and other Land or Rights Considerations	
2.1.1.	The Applicant, Crown Estate, National Trust, Kent Wildlife Trust, Kent County Council, Ramac and Crostline	<p>Crown Lease: Effect on CA Case At CAH1 [EV-039], the Crown Estate made oral submissions in summary that there was not yet an agreement to grant a lease to the Applicant for the offshore elements of the proposed development and that the potential to extend the Thanet Offshore Wind Farm was presently subject to a plan-level HRA which would not be complete until after the closure of this Examination and related to a potential lease area for a maximum installed capacity of 300 MWe.</p> <ul style="list-style-type: none"> a) In circumstances where a lease for the offshore elements has not been committed to, can any estimate be made of the likelihood of a lease being granted? b) If a lease was unlikely to be granted (49% probability or less) or was not granted, would that have any implications for the Applicant's CA case for land required onshore for grid connection works? c) Are there any circumstances in which the plan-level HRA could reasonably conclude that an extension to the existing Thanet Offshore Wind Farm should not proceed and can any estimate be made of the likelihood of such a conclusion being reached? d) If the plan-level HRA was likely (50% probability or less) to conclude that an extension to the existing Thanet Offshore Wind Farm should not

ExQ2	Question to:	Question:
		<p>proceed, would that have any implications for the Applicant's CA case for land required onshore for grid connection works?</p> <p>e) Are there any circumstances in which a lease was likely to be granted subject to terms limiting the maximum installed capacity to 300 MWe and can any estimate be made of the likelihood of such a restriction?</p> <p>f) If a granted lease were to limit the maximum installed capacity to 300 MWe, would the Applicant still consider that the proposed development could be delivered as a viable project? Would the implementation of the proposed Structures Exclusion Zone (SEZ) [REP4-018] make any difference to this conclusion?</p>
2.1.2.	The Applicant, Crown Estate	<p>Crown Lease: Effect on CA Case Paragraph 2.6.46 – 2.6.48 of NPS EN-3 recognises that in awarding an agreement for lease for an offshore wind extension project, leases may be subject to “<i>various constraining conditions, including the presence of an existing operational wind farm</i>”. Can the Applicant and the Crown Estate please identify whether there are any constraining conditions that may be applicable in this case?</p>
2.1.3.	The Applicant and Ramac	<p>Crown Lease: Justification for CA and extent of CA area If Ramac attends CAH2, elements of this question may be able to be addressed there. In that case, respondents should identify the relevant written summary of oral submissions as providing the response to this question.</p> <p>The Applicant proposes the CA of land subject to a lease in favour of MoJ (the Border Force lease). Part of the justification for the CA of land in Zone 3</p>

ExQ2	Question to:	Question:
		<p>(see Figure 3 of the Ramac Response [REP3-012]) is that the land is required as replacement land on which to relocate the Border Force compound.</p> <p>a) Given that the freehold of both the Border Force lease area and Zone 3 is held by the same entity – Ramac – what is the reason why the replacement land process cannot be given effect to using powers of temporary possession?</p> <p>b) How is it necessary for the Applicant to become the enduring freeholder of land in Zone 3 on which the Border Force compound is relocated?</p> <p>c) BoR parcels 02/55, 02/60, 02/61, 02/65, 02/70, 02/75 and 02/80 in combination amount to the Border Force lease area and Zone 3. Following ASI1, the ExA remains concerned that this is a larger land area than that required to construct and secure a substation and to provide replacement land for the Border Force compound. The justification for subjecting this entire land area remains unclear. The Applicant is asked to provide a summary, drawing as required on existing application and examination documents but adding such new information as is required to fully justify the case for CA for all of this land. This should include a fuller technical justification of the Applicant’s assertion that the choice of GIS or AIS technology for the substation will not materially affect the land requirement.</p>
2.1.4.	The Applicant, Crown Estate, MoJ	<p>Crown Consent: PA2008 s135 PA2008 s135(2) provides that ‘[a]n order granting development consent may include any other provision applying in relation to Crown land, or rights benefiting the Crown, only if the appropriate Crown authority consents to</p>

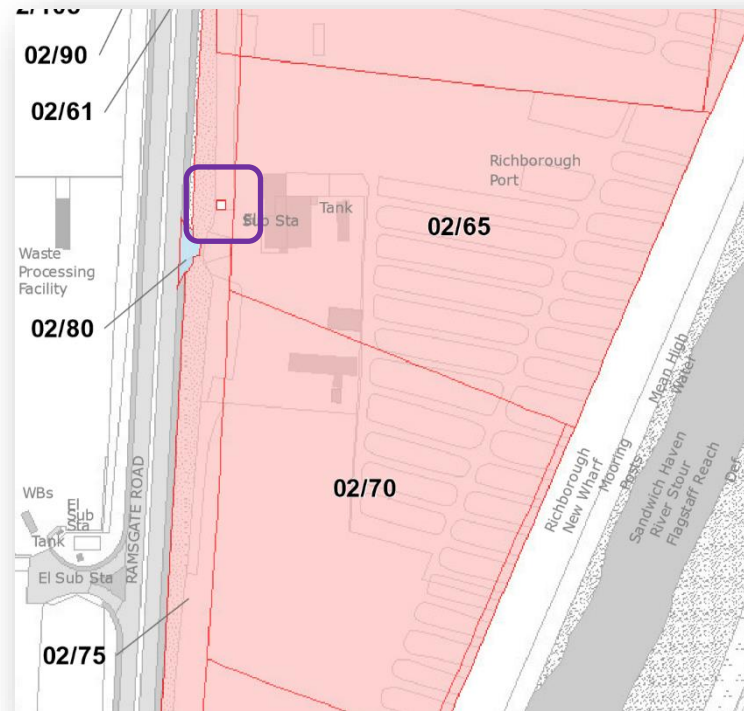
ExQ2	Question to:	Question:
		<p><i>the inclusion of the provision</i>'. At CAH1 [EV-039], the Crown Estate made oral submissions in summary that as there was no onshore Crown Land subject to CA or TP, there was no need for the Crown to provide consent. There have been two NSIP examinations and Secretary of State decisions that have considered the question of Crown consent in the absence of any onshore Crown Land: Triton Knoll Array and Burbo Bank Extension Offshore Wind Farms. Both ExA recommendations and SoS decisions were clear that the failure to identify solely offshore Crown interests in sea-bed in a Book of Reference was not fatal to an application. However, the Burbo Bank Recommendation Report (paragraphs 6.12 – 20) identified it was necessary for the consent of the Crown under PA2008 s 135(2) to be provided before the Order could be made. The Crown provided the requisite letter of consent [Burbo Bank Extension REP-224] before the Order was made by the SoS.</p> <p>a) The Crown Estate is asked to give specific consideration to the circumstances of the Triton Knoll Array and Burbo Bank Extension applications for development consent in relation to the offshore development proposed in this application and:</p> <ul style="list-style-type: none"> i. To provide a letter of consent for the offshore development pursuant to PA2008 s 135(2), identifying clearly whether that consent is absolute or conditional and if conditional identifying the steps required to enable discharge of any conditions; or ii. Accepting that consent is required, to identify why in this instance consent cannot be granted; or iii. Making clear with support from written legal submissions, why it is in this case that consent is not required?

ExQ2	Question to:	Question:
		<p>b) Turning to onshore development, the Border Force lease area in the Ramac land is understood to be held by the Ministry of Justice (MoJ). An effect of the CA of this site is that the Border Force compound would be relocated. The Crown Estate and the applicant are asked:</p> <ul style="list-style-type: none"> i. Whether this lease is a 'right benefitting the Crown' for the purposes of PA2008 s135(2) and hence whether consent is required before the Order can be made? ii. If consent is required, is the Crown Estate capable of granting that consent or must it be granted directly by or on behalf of the MoJ? If the latter, the applicant is requested to seek consent and to advise the ExA and submit a copy of the relevant correspondence once it is obtained.
2.1.5.	The Applicant and Ramac	<p>Excluded Land: Parcel 02/75 The Onshore Land Plans identify a small plot of land excluded from the CA request for permanent freehold acquisition on Parcel 02/75.</p> <ul style="list-style-type: none"> a) Can the Applicant please explain the purpose for which this land has been excluded. If the exclusion is in error can the Onshore Land Plans be replaced at Deadline 5. b) Can Ramac please review the Applicant's response to this question at Deadline 5 and if the exclusion is intentional, please identify what effect the exclusion of this land from CA will have on Ramac <p>{See Land Plans extract identifying the plot}</p>

ExQ2

Question to:

Question:



Extract from Onshore Land Plans Sheet 2 [REP2-011].
Excluded land highlighted in purple polygon.

ExQ2	Question to:	Question:
2.1.6.	The Applicant	<p>Grid Connection and Substation Siting: Richborough Energy Park</p> <p>Section 3.1 of the Ramac Response [REP3-012] suggests that the intended Thanet Extension substation could not be located in the Richborough Energy Park because much of the land was committed to existing committed projects and to necessary internal circulation space and <i>'[t]he remainder of the land is zoned for development for a diesel peaking plant power station'</i>.</p> <ol style="list-style-type: none"> a) Please show on a plan and confirm the land area (ha) of the site 'zoned for development' for the diesel peaking plant. b) Would the diesel peaking plant site be able to accommodate a substation for the Thanet Extension? c) The term 'zoned for development' has no particular meaning in English planning law. Please explain: <ol style="list-style-type: none"> i. The planning status of the site: whether the diesel peaking plant site benefits from a relevant allocation in a Local Plan or planning permission for that particular use and development, both or neither. ii. If there is a Local Plan allocation, whether that supports a generating station over a substation or in any way precludes a substation use. Is there any policy barrier to use of the site for a substation? iii. Whether there are any contractual or related commitments to the specific development of a diesel peaking plant on the site. d) In circumstances where a diesel peaking plant has yet to be developed, please explain any particular barriers that there might be to the compulsory acquisition of the peaking plant land as a site for the Thanet Extension substation.

ExQ2	Question to:	Question:
2.1.7.	The Applicant	<p>Grid Connection and Substation Siting: Zone 1 land Section 3.3 (and Figures 3 & 4) of the Ramac Response [REP3-012] suggests that the intended Thanet Extension substation could not be located in the Zone 1 land due to the proximity of noise sensitive receptors (housing on Ebbsfleet Lane), its location in 'Flood Zone 3' and proximity to a nature reserve and European Protected Site (EPS).</p> <p>a) Please confirm the land area (ha) of that portion of the Zone 1 land (and the percentage of the site as a whole) that is not subject to Flood Zone 3, and separately is not subject to the combination of Flood Zones 3 and 2. Could these parts of the land accommodate the Thanet Extension substation land requirement?</p> <p>b) Is there no reasonably feasible mitigation that could adapt the Zone 1 land during construction and operation to limit the effect on human receptors or the adjacent nature reserve and EPS sufficiently to enable development and use for a substation?</p>
2.1.8.	The Applicant	<p>Grid Connection and Substation Siting: Zone 2 Section 3.3 (and Figure 4) of the Ramac Response [REP3-012] suggests that the intended Thanet Extension substation could not be located in the Zone 2 land due to the density of existing use and development and the proximity of bat roosts.</p> <p>a) Please confirm the land area (ha) of that portion of the Zone 2 land north of the watercourse. Could this part of the land accommodate the Thanet Extension substation land requirement?</p>

ExQ2	Question to:	Question:
		<p>b) Whilst much of the Zone 2 land is used for car storage, that is not significantly different in land use terms to the use of the selected substation site at the Border Force lease site (Richborough Port) or to parts of the remainder of the Ramac Land (Zone 3 (South Richborough Port)). There are office buildings on the Zone 2 land, but there is an office building located on the Zone 3 land too. Please explain the specific differences in existing use and development between the Zone 2, Border Force lease and Zone 3 land that amount to a clear basis for the selection of the Thanet Extension substation site for compulsory acquisition and the decision to avoid the Zone 2 land.</p> <p>c) Please identify where the bat roosts referred to are identified in the ES and identify the measures necessary to respond to these features during construction of the cable corridor which crosses the Zone 2 land.</p> <p>d) Is there no reasonably feasible mitigation that could adapt the Zone 2 land during construction and operation to limit the effect on bats sufficiently to enable development and use for a substation?</p>
2.1.9.	The Applicant	<p>Grid Connection and Substation Siting: Zone 1 and 2 avoidance</p> <p>The effect of avoiding the siting of a substation on the Zone 1 and 2 land ([REP3-012] Figure 4) is to require the cable alignment to be constructed around the perimeter of that land as opposed to passing from Zone 1 or Zone 2 directly beneath the A256 and into the Richborough Energy Park.</p> <p>a) If a substation were able to be located on land in Zone 1 and 2 and the Border Force lease land and or Zone 3 were not required, assuming that the grid connection was still at Richborough Energy Park, what would be</p>

ExQ2	Question to:	Question:
		<p>the minimum feasible length of the cable alignment from landfall to grid connection?</p> <p>b) If the cable alignment described in response to (a) would be significantly shorter than the cable alignment as applied for, what compelling reasons resulted in the decision not to pursue a potentially shorter alignment?</p>
2.1.10.	The Applicant	<p>Optional Cable Alignments: Richborough Energy Park</p> <p>Can the Applicant please show how the draft DCO ensures that land within Richborough Energy Park identified as a 'cable route option – permanent acquisition of new rights' (see the green hatched notation on the Onshore Land Plans Sheet 2 [REP2-011]) is to be released from the burden of CA powers once the cable route has been finalised? Are any changes to the DCO required to address this point?</p>
2.2.	<p>Draft Development Consent Order (DCO)</p> <p>The ExA intends to direct its primary questions to the Applicant at ISH9 on 18 April 2019 and/ or in the ExA's DCO commentary to be published if required on 7 May 2019. Questions to other IPs have been included here on the basis that they may not be present at the hearing. If those IPs are present at the hearing and a question from ExQ2 is addressed there, that should then be recorded in post hearing submissions at D5, but there will be no need to reiterate a response to the question itself in ExQ2 responses at D5. If you are submitting a table of responses, mark the question 'responded to orally in ISH9'.</p>	
2.2.1.	Kent County Council	<p>R13: Landscaping to country park and sea wall:</p> <p>Would Kent County Council please confirm if dDCO requirement 13: "implementation of landscaping management scheme" covers to their satisfaction the landscaping requirements for works in the country park and</p>

ExQ2	Question to:	Question:
		to the sea wall (which are referenced in para 5.6 of [APP-023] Explanatory Memorandum: "Approval should be reserved in DCO for Detailed landscaping design and implementation of any works in the country park and to the sea wall, if any.")
2.2.2.	The Applicant, Dover District Council, Thanet District Council, Kent County Council, Natural England, the Environment Agency	<p>R15: Approval of the Construction Environmental Management Plan (CEMP) R15 of the DCO provides that the connection works CEMP is to be approved by the relevant LPA. Should the approval process require consultation before approval with Natural England, the Environment Agency, Kent County Council and/ or any other body with relevant statutory functions for the affected area?</p>
2.2.3.	The Applicant, Dover District Council, Thanet District Council, Kent County Council, Natural England, the Environment Agency	<p>R15: CEMP content provisions R15 (2) provides a list of matters that the CEMP must contain. Most of the matters are similar in scope and nature to such matters in equivalent provisions in made Orders. However, are there any matters that do not require to be provided for or should additionally be provided for?</p>
2.2.4.	The Applicant, Dover District Council, Thanet District Council, Kent County Council, Natural England, the Environment Agency	<p>R15 and R16: Approval and content of the Code of Construction Practice (CoCP) By virtue of paragraph (1) of R15, the CEMP that is submitted for approval must accord with the CoCP. It is clear therefore that there must be a CoCP before there can be a CEMP submitted for approval for a given stage of connection works construction. However...</p> <p>a) It is not specified in R16 that the CEMP must accord with the 'approved' or the 'certified' CoCP. For the avoidance of doubt, should that be provided?</p>

ExQ2	Question to:	Question:
		b) Further, is there an argument that the drafting approach taken in R16 for the approval of the CoCP would be better and clearer if it was broadly similar to that in R15 for the approval of the CEMP? c) Would it assist for R16 to provide that ' <i>No stage of the connection works may commence until...</i> ' the relevant CoCP has been submitted to and approved by the relevant local planning authority? d) If so, should any additional bodies be consulted? e) Should there be any specification of the matters that the CoCP must contain?
2.2.5.	The Applicant	R18: Clarification: Surface water Would the applicant please confirm that where dDCO Requirement 18 refers to "service water" that this should read "surface water"?
2.2.6.	The Applicant	Certified Documents: The Certified Environmental Statement Several of the provisions and definitions within the draft DCO and DMLs are limited " <i>to the extent that this has been assessed in the Environmental Statement</i> ". The Environmental Statement is defined as the document certified for the purposes of the Order. The ExA is mindful that, since submission of the DCO application, the Applicant has submitted a number of documents seeking to amend, correct, supplement or clarify the submitted Environmental Statement. This includes not only the Review of the ES submitted at D4B and [REP2-036] (Review of ES following removal of Option 2) but also potentially a range of clarification notes and other documents submitted at earlier deadlines. In order to have certainty about the project description and the security of DCO requirements and DML conditions, it is

ExQ2	Question to:	Question:
		<p>necessary to have absolute clarity about what constitutes the Environmental Statement to be certified for the purposes of the DCO.</p> <p>a) Please could the Applicant provide a list of all documents submitted since the Application was made which it considers should form part of the Environmental Statement to be certified. The ExA notes that additional items may need to be added to this list before the close of examination and so a final version must also be submitted at Deadline 8.</p> <p>b) Could the Applicant please propose an appropriate approach to drafting for the DCO and DMLs to ensure that the Environmental Statement to be certified contains all of the necessary and relevant environmental information.</p>
2.2.7.	The Applicant and the MMO	<p>Certified Documents: DML security: realistic worst-case scenario parameters for the offshore project description</p> <p>The Applicant's [REP3-053] sets out the realistic worst-case scenario parameters for the offshore project description assessed in the Environmental Statement. The Marine Management Organisation maintains that the offshore design parameters should be defined on the face of the DML which, it says, would be consistent with the normal approach to marine licences and would ensure a proper public consultation mechanism should a DML variation be sought in the future.</p> <p>a) Could the Applicant please respond to the position of the Marine Management Organisation set out in section 2.2 of [REP4-031]?</p>

ExQ2	Question to:	Question:
		<p>b) The document at [REP3-053] has been presented as an annex to the Explanatory Memorandum to the DCO. Please could the Applicant explain the rationale for presenting it in this way, as opposed to forming part of the Environmental Statement to be certified under the provisions of article 35?</p> <p>c) Would it assist if the document at [REP3-053] (or an updated version) became a separate certified document?</p>
2.2.8.	The Applicant	<p>Certified Documents: Other Certified Documents Other documents in addition to the ES have been subject to amendments in Examination and are intended to form Certified Documents.</p> <p>a) Please could the Applicant provide a list of all documents submitted since the Application was made which it considers should be or should form part of a document to be certified by the SoS. The ExA notes that additional items may need to be added to this list before the close of examination and so a final version must also be submitted at Deadline 8. All documents should be listed with their relevant version number or version control reference.</p> <p>b) Could the Applicant please propose an appropriate approach to DCO drafting to ensure that the latest versions of all relevant documents are identified for certification and that the certified documents are set out in a version-controlled manner. Attention is drawn to recent made Orders that have usefully identified all certified documents in a Schedule (see for example the A19/A184 Testo's Junction Alteration Development Consent Order 2018 at Art 40 and Schedule 10) which records the</p>

ExQ2	Question to:	Question:
		document to be certified, any document reference and the document version number.
2.2.9.	The Applicant, MoD	<p>DCO General: Non-mandatory aviation warning lighting Section 11.3 of [APP-067] Aviation and Radar: ES Volume 3 Chapter 11 refers to consultations carried out. MoD raised concerns regarding non-mandatory aviation warning lighting on WTGs to mitigate hazards to low-flying aircraft. Is this a matter that requires to be addressed any further in the DCO?</p>
2.3.	Debris, Waste and Contamination	
2.3.1.	The Applicant	<p>Site Investigation and Contaminated Land and Groundwater Plan Table 6.12 of ES Chapter 6.3.6 [APP-062] states that “<i>The contaminated management plan (CLGP) [sic] will be drafted following SI works</i>”, whereas page 13 (item 6.2) of the Schedule of Mitigation [APP-135] states that “Site investigation works to inform final design and potential hazards” will be secured by the Contaminated Land and Groundwater Plan. Can the applicant clarify this apparent discrepancy or alternatively consider whether the drafting can be clarified?</p>
2.3.2.	The Applicant	<p>Spoil Ground/ Mine Disposal Area A Spoil Ground and Mine Disposal Area (X5123) is located at the southern extent of the proposed development, charted as pecked circles on the chart base used for Appendix 28 Annex C Turbine Safety Zones [REP1-049] and also on the Works Plan (Offshore) [REP4-028]. Part of the delineated Mine Disposal Area lies within the proposed array boundary.</p>

ExQ2	Question to:	Question:
		<ul style="list-style-type: none"> • Would the Applicant please confirm if these features have been surveyed and how they are addressed in the ES?
2.4.	Electric and Magnetic Fields (EMFs)	
	The ExA has no questions to raise in relation to this issue at this time.	
2.5.	Electricity Connections and Other Utility Infrastructure	
2.5.1.	The Applicant and BritNed	<p>Operation: Interface with BritNed Brit Ned has requested to participate in the Examination and has been invited to attend ISH8 and these matters may be drawn out in oral submissions. If that is the case, this question can be responded to by highlighting the relevant summary of oral submissions. If BritNed does not attend, a full written response is requested.</p> <ol style="list-style-type: none"> a) The Applicant is requested to identify its consideration of any/all potential operational interfaces with the BritNed Project in the Application document set and to summarise how these interfaces are to be managed. b) BritNed is requested to identify all potential operational interfaces between the Application and its project and to summarise the effects of these. c) If BritNed considers that the DCO does not presently contain adequate protective provisions, it is requested to outline changes to the DCO that it seeks and reasons for those changes. Alternative measures such as a commercial agreement may also be proposed.

ExQ2	Question to: Question:	
2.6.	Environmental Statement General	
	The ExA has no questions to raise in relation to this issue at this time.	
2.7.	Fishing and Fisheries	
2.7.1.	The Applicant	Fisheries Coexistence Plan consultation extent: With reference to para 9.1 of the Schedule of Mitigation [APP-135] would the Applicant please confirm if the Fisheries Coexistence Plan of June 2018 (noted as a draft) has been disseminated for consultation with international fishing interests?
2.7.2.	Kent and Essex IFCA	Cumulative Effects of material disposal and Ramsgate dredging: [REP2-013] IFCA-7 shows a difference of opinion whether the cumulative effects assessment has properly considered the effects of material disposal together with regular dredging campaigns at Ramsgate harbour. Would the IFCA please confirm if concerns have now been satisfied?
2.8.	Historic Environment	
2.8.1.	Historic England	Constraints of Archaeological Exclusion Zones (AEZs) in cable export corridor: With reference to the existing Thanet Offshore Wind Farm export cable installation and the Nemo Link cable installation, would Historic England please provide an opinion whether the [APP-054] Offshore Archaeology and Cultural Heritage Statement Draft Archaeological Written Scheme of Investigation (WSI) addresses sufficiently the risks of adverse effects of construction where the export cable corridor is spatially constrained by cumulative effects of existing cable infrastructure within the order limits of

ExQ2	Question to:	Question:
		this Thanet Extension application particularly in relation to recommended AEZs in the following locations: a) around Features 70210 and 70220 immediately east of N Foreland (Figure 13.10); and b) around Features 70379, 70366 and 70346 at the offset of the cable export corridor off Ramsgate (Figure 13.15 and 13.16).
2.8.2.	Historic England	<p>Sediment-covered offshore heritage assets In Relevant Representation [RR-047] Historic England notes that <i>"...sediments conducive to the preservation of significant heritage assets... can cover heritage assets at substantial depths masking their identification by standard methods of geophysical survey techniques"</i>.</p> <ul style="list-style-type: none"> • Would Historic England confirm if they are now satisfied with how this is addressed in the Offshore draft Written Scheme of Investigation [REP2-015]?
2.8.3.	The Applicant	<p>Responsibilities under Offshore WSI for Military Remains In [REP2-015] Offshore draft WSI RevC paras. 4.5.6 describes the responsibilities and obligations of contractors on the project but does not explicitly refer to obligations under the Protection of Military Remains Act and any related legislation ("the Act"), noting that this Act was however referred to in paras 5.3.14 and 11.5.1 of the Offshore draft WSI RevA.</p> <p>Would the Applicant please clarify: a) the obligations of the contractor under the Act; and</p>

ExQ2	Question to:	Question:
		b) if consultations have taken place with the relevant authority (which the EXA understands may be an executive agency of the Ministry of Defence (MoD)) in regard to both offshore and onshore elements of the project; c) whether the Onshore and Offshore WSI's need corresponding reference to specific obligations under the Act.
2.8.4.	Historic England and Kent County Council	Draft Onshore Archaeological Written Scheme of Investigation (WSI) Would Historic England and Kent County Council please confirm if they are satisfied with [REP4-008] Draft Onshore WSI, in particular: a) The approach described in para 1.5.2; b) the objectives stated in 2.2.1; c) the liaison and reporting responsibilities in 3.2.4 and 3.2.5 and 3.5.3 and 3.6.1; and d) the management of the Offshore/onshore interface as described in section 5.2?
2.8.5.	The Applicant	Onshore WSI: Incomplete reference The Draft Onshore WSI para 1.4.2 [REP4-008] appears to have an incomplete CifA reference. Please review and amend as necessary.
2.8.6.	The Applicant	Onshore WSI: Previously undisturbed land parcels The Draft Onshore WSI para 4.3.11 [REP4-008] refers to previously undisturbed areas. Would the Applicant please revise the document to draw attention to the parcels of land within the RLB considered to be previously undisturbed?

ExQ2	Question to:	Question:
2.9.	Marine and Coastal Physical Processes	
	The ExA has no questions to raise in relation to this issue at this time.	
2.10.	Navigation: Maritime and Air	
2.10.1.	The Applicant	Air: Effects for airport radar and communication systems Section 11.3 of [APP-067] Aviation and Radar refers to consultations regarding Airport-related Radar. Can the applicant confirm if a response to consultation has been received with regard to Aviation and Radar from the French, Dutch and Belgian Supervising Authority respectively for Air Navigation Services (at the 11/05/2017 date of [APP-067] Aviation and Radar no response had been received).
2.10.2.	The Applicant	Maritime: Shipping and Navigation Liaison Plan consultees In Annex A of Deadline 3 submission Appendix 40: Outline Shipping and Navigation Liaison Plan [REP3-059], the Applicant lists those organisations that are to be addressed in a Shipping and Navigation Liaison Plan. a) Have Port of Sheerness, RYA and other leisure/ yachting interests been excluded for a particular reason and if so, what is the reason b) Will those bodies be included in future?
2.10.3.	The Applicant	Maritime: Tolerability of Risk: HSE Guidelines In [REP1-082] Applicant's Submission Appendix 25 Annex J, it is noted in Minutes of meeting MCA/THLS 15 Feb 2018 that "...primary reference of tolerability took the HSE guidelines (1999) which were endorsed by IMO and used widely across industry."

ExQ2	Question to:	Question:
		<ul style="list-style-type: none"> • Would the Applicant please submit the relevant HSE Guidelines to the ExA for inclusion in the Examination Library?
2.11.	Noise and other Public Health Effects	
	Please note: noise effects on ecological receptors are dealt with under Biodiversity, Ecology and Natural Environment	
2.11.1.	All IPs	<p>Onshore Noise and Vibration Effects</p> <p>Table 10 of [REP3-045] indicates that there is agreement between the Applicant and Thanet District Council that the onshore noise and vibration effects of the proposal have been adequately assessed and mitigated. The SoCG with Dover DC does not cover noise effects but there appear to be no sustained concerns from Dover DC in this respect. The latest submitted SoCG with Kent County Council [REP1-032] had unpopulated columns in relation to noise and vibration effects, leaving the position unclear.</p> <ul style="list-style-type: none"> • Having regard to the provisions of section 5.11 of National Policy Statement EN-1, do any IPs consider there to be any outstanding concerns in respect of onshore noise and vibration effects arising from the construction or operational phases of the proposed development? If so, please provide specific details of the concern.
2.12.	Other Strategic Projects and Proposals	
2.12.1.	The Applicant	<p>Ramsgate: Maintenance dredging</p> <p>Can the Applicant please provide a latest position statement on cumulative / in-combination effects, taking account of the most recent intelligence on this</p>

ExQ2	Question to:	Question:
		project. If intelligence changes, a final update should also be provided at Deadline 8.
2.12.2.	The Applicant	Ramsgate: Capital dredging for new ferry services Can the Applicant please provide a latest position statement on the possibility of cumulative / in-combination effects, taking account of the most recent intelligence on this project. If intelligence changes, a final update should also be provided at Deadline 8.
2.13.	Socio-economic Effects	
	The ExA has no questions to raise in relation to this issue at this time.	
2.14.	Townscape, Landscape, Seascape and Visual	
	The ExA has no questions to raise in relation to this issue at this time.	
2.15.	Transportation and Traffic	
2.15.1.	The Applicant	Potential effects of Manston Airport development With reference to Para 8.15.2 of ES Chapter 8: Traffic and Access [APP-064], would the Applicant confirm if the ES includes the potential cumulative or inter-related Traffic and Access effects of the proposed development of Manston Airport.
2.16.	Water Environment	
2.16.1.	All IPs	Water Framework Directive Compliance A final signed version of the Applicant's Statement of Common Ground with the Environment Agency [REP3-036] was submitted at Deadline 3. Table 4

ExQ2	Question to:	Question:
		<p>of that document indicates that there is agreement on all matters relating to the Water Framework Directive assessment.</p> <ul style="list-style-type: none">• Do any IPs have any remaining concerns that the Applicant has not fulfilled its duties under the Water Framework Directive or the Water Environment Regulations 2017? If so, please provide specific details.