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Date:
10/04/2019

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The Applicant's response to Deadline 4C

Dear Ms Mignano,

The Applicant is pleased to provide its response to Deadline 4C, required for submission by 23:59, Wednesday 10 April 2019.

These documents have been prepared by the Applicant in response to the revised Rule 8 letter issued by the Examining Authority (ExA) on 9 April 2019. All submissions are listed in the updated Guide to the Application (Appendix 8).

Submissions requested by the ExA for Deadline 4C

As requested in the Examination timetable, Annex B to the Rule 8(3) letter, the following document has been submitted:

- Statement of evidence to inform ISH 8 (Appendix 2). This includes a list of experts intending to appear at ISH8.

Responses to Deadline 4 submissions are provided at Appendix 5.

Additional submissions made at Deadline 4

In addition to the submissions requested by the ExA, the following documents have been submitted at Deadline 4C:

- Thanet Offshore Wind Farm: A Post-Construction Monitoring Survey of Benthic Resources (Appendix 3) as requested by the MMO and Natural England
- Revised Project Description Audit (Appendix 4) to incorporate disposal volumes for the recently defined disposal areas.
- Statement of Common Ground – Natural England (Ornithology) (Appendix 6)
- Fish Clarification Note (Appendix 7) which considers effects on spawning herring.

Material Change to the Examination and Consultation

The Applicant welcomes the Examining Authority's decision to accept the change made to the Application and examine it accordingly. It is also noted that the letter provides for an updated

timetable (Annex B) and "advice under s51 PA2008 (Annex C) about the procedural consequences of the change for persons who are not already involved in the Examination, in summary asking the Applicant to notify and consult such persons for a period no less than 30 days and to notify such persons of their opportunity to request to participate in the Examination by Deadline 6 (D6) if they wish".

Annex C then advises the undertaking of necessary consultation required by:

- The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP 2009) – particularly Regulation 4; and
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regs 2017) – particularly Regulation 22.

The Applicant can confirm that neither the APFP 2009 or the EIA Regs 2017 are engaged in this instance. As to the former, there is no relevant section of these Regulations that applies to the making of any changes during Examination. In relation to the EIA Regs 2017, Regulation 22 applies to "additional environmental information". The structure exclusion zone is a mitigation measure proposed to address the concerns raised by mariners, fisherman and other relevant stakeholders.

As shown by the addendum to the Environmental Statement submitted for Deadline 4B, most topics in the Environmental Statement are scoped out for the purposes of the introduction of a structures exclusion zone. For those that have been reviewed, the conclusions of the significance of effects in the Environmental Statement do not change, which includes shipping and navigation. The Applicant as a consequence is not proposing to provide any notification pursuant to 8(2)(b) of the EIA Regs 2017. The Schedule of Mitigation will be updated as part of the Examination process and this will form a certified document.

This approach regarding mitigation is similar to that afforded by the introduction of the cable exclusion zone, which forms part of the Works Plans in relation to the project. The Structures Exclusion Zone would simply restrict the placement of turbines and other structures within an area of the offshore Order limits. The parameters of the Rochdale Envelope are still the same in relation to the project.

By way of a previous example, Rampion Offshore Wind Farm proposed a similar structures exclusion zone in their Written Response to Deadline 8, alongside submitting an explanatory note of the changes made. Those proposed changes were published on the website and such changes were discussed with relevant stakeholders, namely Natural England, prior to the submission of such changes to the Examining Authority. The Applicant has followed a similar approach and notes that Rampion did not then undertake wider consultation.

Annex C also states that:

*The Applicant is requested to provide all consultees with a link to this letter and to advise them that, if they are not already involved in this Examination, by **Tuesday 28 May (Deadline 6)** they may:*

- *Submit a request to the ExA to become an IP or OP in this Examination; and if they do so, they may also*
- *Provide a statement of submissions in response to the Applicant's SEZ Material Change consultation package.*

PINS Advice Note 16 is clear that only non-statutory consultation is required as part of the material change process. Consultation reflecting the requirements of the EIA Regulations is only necessary where the proposed change results in new or different likely significant environmental effects, which is not the case here.

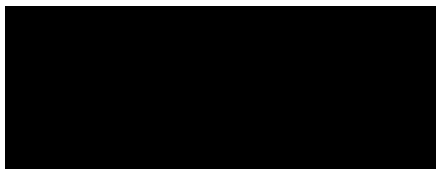
Annex B of the Rule 8(3) letter from the Examining Authority dated 4 April 2019 summarises those interested persons that should receive electronic distribution of the documentation to which the material change relates. The Applicant considers, for completeness, it would be prudent to include a number of other interested persons whose remit relates to offshore matters in varying capacities. A full list of the persons the Applicant proposes to consult is contained at Appendix One of this letter. This letter will be issued as soon as possible this week.

Email submission of documents

The documentation submitted at Deadline 4C 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