

From: [Wilson, Jennifer](#)
To: [Thanet Extension](#)
Subject: Deadline 5 - Thanet EXQ2 and Draft DCO
Date: 29 April 2019 13:46:53
Attachments: [image006.png](#)
[230419 Thanet EXQ2.pdf](#)

Good afternoon !

Please find attached our responses to questions directed to us from the Examiner.

Regarding the draft DCO and the amendments relating to the Structures Exclusion Zone (SEZ), we have no comments to make.

If you have any queries, please do not hesitate to contact me.

Kind Regards,

Jennifer Wilson

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**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

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

ENVIRONMENT AGENCY RESPONSES (Blue)

	Draft Development Consent Order (DCO) 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'.	
2.2.2	The Applicant, Dover District Council, Thanet District Council, Kent County Council, Natural England, the Environment Agency	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? We would expect to receive formal consultation(s) from the LPA on the matters within our remit. Only on our recommendation for approval should the LPA give their approval. The wording in the DCO doesn't specifically require this, however most planning conditions are worded similarly and LPA do consult relevant organisations for their expert opinion prior to making their formal decision.
2.2.3	The Applicant, Dover District Council, Thanet District Council, Kent County Council, Natural England, the Environment Agency	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?

		The CEMP scope covers those matters of interest to us. There are no additional matters we consider should be included or any that should be removed.
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)</p> <p>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> <ul style="list-style-type: none"> 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? 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>[N]o 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? <p>Our main document of interest is the CEMP (R15). We have no strong opinion on R16 CoCP.</p>