

From: Francesca.Potter@kent.gov.uk
To: [Thanet Extension](#)
Subject: Thanet Extension ExQ2 - Kent County Council Response
Date: 29 April 2019 15:04:32
Attachments: [190429 Second Written Questions - KCC Response.pdf](#)

Good afternoon,

Please find attached Kent County Council's response to the Examiners Second Written Questions

Kind regards,

Francesca Potter MRICS | Senior Strategic Planning and Infrastructure Officer |
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Maidstone, Kent, ME14 1XX | [REDACTED] | External: 03000 415673

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BY EMAIL ONLY

29 April 2019

Dear Mr. Smith,

Re: Application by Vattenfall Wind Power Limited for an Order Granting Development Consent for the Thanet Extension Offshore Wind Farm - Response to Examining Authority's second written questions and requests for information (ExQ2).

Kent County Council (KCC) provides the following response to the second written questions published by the Planning Inspectorate on 10 April 2019.

General and Cross-topic Questions

ExQ 2.0.3

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:

- 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.

KCC response

The County Council will defer to the District Councils to provide a response to the Examining Authority.

Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))

ExQ2.1.6

Onshore Construction Effects: Kent County Council Position

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.

- 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 that it includes a clear statement of the outstanding areas of disagreement.
- 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.

KCC response

a) The County Council has been engaging with the Applicant on a Statement of Common Ground (SoCG) and a draft version was submitted by the Applicant under Deadline 5. The County Council would like to confirm that the submitted SoCG was not the final version and therefore includes a clear statement of the outstanding areas of disagreement. A finalised version of the SoCG will be submitted at Deadline 6.

b) The County Council considers that all matters of concern, including those with regards to the construction effects onshore, are addressed within the SoCG.

Townscape, Landscape, Seascape and Visual

ExQ2.1.9

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.

- 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.

KCC response

The Southern North Sea Special Area of Conservation is not within the County Council's land holdings. The County Council defers to Natural England on this matter.

Construction

Compulsory Acquisition, Temporary Possession and other Land or Rights Considerations

ExQ2.3.1

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.

- 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 proceed, would that have any implications for the Applicant's CA case for land required onshore for grid connection works?

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?

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?

KCC response

The County Council is currently negotiating terms for an agreement with Vattenfall to grant the necessary land-based rights affecting Pegwell Bay Country Park. This agreement will be subject to Vattenfall securing the necessary rights from the Crown Estate to implement the DCO. To clarify, it is the County Council's intention that any agreement it may enter with Vattenfall will be subject to the DCO being granted.

Draft Development Consent Order (DCO)

ExQ2.4.1

R13: Landscaping to country park and sea wall:

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 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.*")

KCC response

The County Council is satisfied that the dDCO requirement 13 covers the landscaping requirements for works in the country park.

ExQ2.4.2

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?

KCC response

The County Council requests that it is included within any consultation process prior to approval, given its statutory functions as Lead Local Flood Authority and Local Highway Authority.

ExQ2.4.3

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?

KCC response

Requirement 15 includes provision for flood risk management. The County Council therefore considers that it would be more appropriate for the requirement to reference “flood risk and surface water management” so that it includes drainage for general operations/arrangements.

Historic Environment

ExQ2.10.4

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?

KCC response

KCC has reviewed the Draft Onshore Archaeological Written Scheme of Investigation (WSI) (also known as 'Outline Written Scheme of Investigation') and has discussed it with the applicant's archaeological consultant and provided comments. As it presently stands, KCC is not satisfied with the WSI. The WSI needs to set out more clearly what investigations will be applied, broadly where and when, and how steps of evaluation and mitigation of impacts will be accommodated especially for where anti-invasion defenses (which may be of significance equivalent to those that are Listed) may be found in the development site. At present, the WSI explains that a range of investigations may take place and that these will individually be more detailed in WSIs that come forward but does not explain the framework or scheme for these and how they will be selected and agreed.

- a) Paragraph 1.5.2 refers to a further assessment that will be undertaken once final construction locations and methods are known. However, the evaluation of such assessment, which could include the presence of the defenses, is required to inform the final design as it may be a matter of preservation measures and not investigation and recording.
- b) Paragraph 2.2.1 - KCC has provided comments to the applicant, as currently the objectives do not allow for the evaluation aspects.
- c) KCC has provided comments to the applicant's archaeological consultant with respect to the liaison and reporting responsibilities. These need to be clarified in a revised WSI. As an example, the wording in paragraph 3.5.3 requires contact with KCC through the retained archaeologist, which is then contradicted by the wording in paragraph 3.5.2.

KCC welcomes a joined-up approach between onshore and offshore in paragraph 3.6.1.

- d) Paragraph 5.2 - KCC considers that the methods of mitigating the impacts in the intertidal area should be determined by what is appropriate, given the archaeology potential and the scheme impacts. The WSI should not be dictated by whether the work is undertaken in the form of a boat or when the tide is out, but rather should determine which of those approaches is best. The onshore WSI should include the scope of works in this area and how the method will be selected.

Noise and other Public Health Effects

ExQ2.13.1

Onshore Noise and Vibration Effects

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.

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

KCC response

KCC is satisfied to defer to Thanet District Council on this matter and does not raise any outstanding concerns.

Water Environment

ExQ2.18.1

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 of that document indicates that there is agreement on all matters relating to the Water Framework Directive assessment.

- 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.

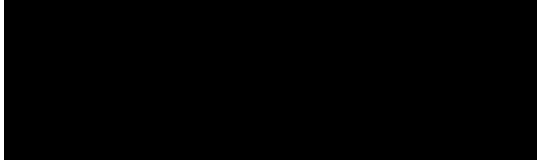
KCC response

The County Council will defer to the Environment Agency on this matter.

KCC looks forward to continued working with the Applicant and Planning Inspectorate as the project progresses through the Examination process and will welcome the opportunity to comment on matters of detail further, as may be required throughout the Examination.

Should you require any additional information or clarification, please do not hesitate to contact me.

Yours sincerely,



Stephanie Holt-Castle

Interim Director - Environment, Planning and Enforcement