



**Thanet Extension Offshore Windfarm – Examiner’s Questions 2 at
Deadline 5**

Planning Inspectorate Reference: EN010084

29th April 2019

Natural England have provided answers below to the questions relevant to our
remit only.

Question No.	Qs To:	Question	NE Response
2.0	General and Cross-topic Questions		
No relevant questions for Natural England.			
2.1	Biodiversity, Ecology and Natural Environment (including HRA)		
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. 	<p>Natural England have provided comment on the BRMP within our Deadline 5 response (section 3.1).</p> <p>In short, Natural England require further reassurances that post-construction geophysical surveys will be ground truthed to fully determine the success of any required micro-siting around areas of core reef. The applicant has made clear references with regards to pre-construction data and this should be mirrored at the post-construction stage.</p>
2.1.9	The Applicant, Natural England and all IPs	<p>Southern North Sea Special Area of Conservation (SAC)</p> <p>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>	<p>Natural England does not consider there to be any material effects for this Examination of the Southern North Sea SAC being formally designated in February 2019.</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		
	No relevant questions for Natural England.		
2.3	Compulsory Acquisition, Temporary Possession and other Land or Rights Considerations		
	No relevant questions for Natural England.		
2.4	Draft Development Consent Order (DCO)		
2.4.2.	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)</p> <p>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>	<p>Natural England would expect the LPA to receive the CEMP in the first instance and then consult with ourselves, and any other relevant bodies, to determine if we had any comments to make.</p> <p>Therefore, for completeness it may be worth adding in the following to R15 of the DCO or something similar “...and approved by the relevant local planning authority in consultation with other statutory bodies”</p>
2.4.3.	The Applicant, Dover District Council, Thanet District Council, Kent County	R15: CEMP content provisions	As the Examining Authority states, some of the matters are similar in scope and covered within the other

	Council, Natural England, the Environment Agency	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?	plans and therefore currently Natural England has no further comment to make.
2.4.4.	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 '[N]o stage of the connection works may commence until...' 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? 	<ul style="list-style-type: none"> a) Natural England believe for the avoidance of doubt and to provide the relevant linkages between the conditions this should be provided. b) We believe it would be clearer if the drafting approach outlined for R15 was followed for R16. c) We agree it would assist the sign off process if this additional text was added in. d) As above at question 2.4.2 an additional "...in consultation with other statutory bodies," may be useful to provide. e) It would be useful to list the matters that the COCP must contain.
2.5	Debris, Waste and Contamination		
	No relevant questions for Natural England.		
2.6	Electric and Magnetic Fields		

	The ExA has no questions to raise in relation to this issue at this time.
2.7	Electricity Connections and Other Utility Infrastructure
	No relevant questions for Natural England.
2.8	Environmental Statement General
	The ExA has no questions to raise in relation to this issue at this time.
2.9	Fishing and Fisheries
	No relevant questions for Natural England.
2.10	Historic Environment
	No relevant questions for Natural England.
2.11	Marine and Coastal Physical Processes
	The ExA has no questions to raise in relation to this issue at this time.
2.12	Navigation: Maritime and Air
	No relevant questions for Natural England.
2.13	Noise and other Public Health Effects

2.13.1	All IPs	<p>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.</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. 	<p>From Natural England's perspective, and in terms of designated sites Natural England does not have any outstanding concerns in relation to noise and vibration effects. We believe the seasonal restriction committed to by the developer during the overwintering bird period would mitigate many of the effects posed by construction activities, particularly in the intertidal area.</p>
2.14	Other Strategic Projects and Proposals		
	No relevant questions for Natural England.		
2.15	Socio-Economic Effects		
	The ExA has no questions to raise in relation to this issue at this time.		
2.16	Townscape, Landscape, Seascape and Visual		
	The ExA has no questions to raise in relation to this issue at this time.		
2.17	Transportation and Traffic		

	The ExA has no questions to raise in relation to this issue at this time.		
2.18	Water Environment		
2.18.1	All IPs	<p>Water Framework Directive Compliance</p> <p>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.</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. 	Natural England has no further concerns regarding the applicant's duties under the water framework directive.