

# **Vattenfall Wind Power Ltd**

## **Thanet Extension Offshore Wind Farm**

Appendix 1 to Deadline 5 Submission: Applicant's  
Responses to the Examining Authority's Second  
Written Questions – EXQ2

Relevant Examination Deadline: 5

Submitted by Vattenfall Wind Power Ltd

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Revision A

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## **Annexes referred to**

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A	ExQ2 2.1.8a point by point response to fish ecology matters
B	ExQ2 2.3.3 Justification for CA and extent of CA area
C	ExQ2 2.3.6 Requested plan

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## 1 Applicant's responses to the Second Written Questions

- 1 Following the issue of Second Written Questions by the Examining Authority (ExA) outlined in the Rule 8(3) and Rule 9 Letter of 15th April 2019 to the Applicant and other Interested Parties, the Applicant has subsequently responded to each of those questions. Details of Applicant's responses are set out within this document in subsequent sections below.
- 2 The document sets out answers in a tabulated format as requested by the ExA, with overarching 'sections' and tables for each topic area identified by the ExA. As noted within the ExA Questions (ExQs) a number of topic areas do not have specific questions at this time. For ease of reference the following topic areas do not therefore have sections within this document:

ExQ Section	ExQ Topic area
2.0	General and Cross Topic Questions
2.1	Biodiversity, Ecology and Natural Environment
2.2	Construction
2.3	Compulsory Acquisition, Temporary Possession and other Land or Rights Considerations
2.4	Draft Development Consent Order
2.5	Debris, Waste and Contamination
2.7	Electricity Connections and Other Utility Infrastructure
2.9	Fishing and Fisheries
2.10	Historic Environment
2.12	Navigation: Maritime and Air
2.13	Noise and Other Public Health Effects
2.14	Other Strategic Projects and Proposals
2.17	Transportation and Traffic
2.18	Water Environment

## 2 ExQ2.0 General and Cross Topic Questions

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
2.0.1	The Applicant	<p><b>Design and Access Statement: Clarification</b></p> <p>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>	<p>The Applicant has resubmitted the Design and Access Statement as Appendix 5 to Deadline 5 removing reference to landfall option 2 which, in turn, has removed the need for paragraphs 4.2.15 and 4.3.10.</p>
2.0.2	The Applicant	<p><b>Schedule of Mitigation: Obscured text</b></p> <p>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>	<p>The Applicant has resubmitted the Schedule of Mitigation (Revision C) as Appendix 3 to the Applicant's Deadline 5 Submission.</p>
2.0.3	The Applicant in consultation with Kent County Council, Dover District Council, Thanet	<p><b>Planning Statement, Local Impact Reports and Policy Context: Neighbourhood Plans</b></p> <p>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</p>	<p>For Thanet District Council: no such plan is in force or likely to be in force in any relevant part of the Order Land.</p> <p><a href="https://www.thanet.gov.uk/info-pages/neighbourhood-planning/">https://www.thanet.gov.uk/info-pages/neighbourhood-planning/</a> The most proximate neighbourhood plan is the Cliffsend Neighbourhood Plan area, which lies to the North of the Order Land.</p> <p>For Dover District Council: several neighbourhood areas have been designated but none of these are within the red line boundary.</p>

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
	District Council	<p>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"> <li>• No such plan is in force or is likely to be in force by the time the SoS would decide the application; or</li> <li>• 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.</li> </ul>	<p><a href="https://www.dover.gov.uk/Planning/Planning-Policy-and-Regeneration/Neighbourhood-Planning/Home.aspx">https://www.dover.gov.uk/Planning/Planning-Policy-and-Regeneration/Neighbourhood-Planning/Home.aspx</a></p> <p>The Applicant has further confirmed this to be the case with direct responses received from both Thanet and Dover District Councils (24<sup>th</sup> April 2019).</p>

### 3 ExQ2.1 Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
2.1.1.	The Applicant	<p><b>Environmental Statement Project Description: Cable Protection</b></p> <p>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> <p>With reference to other relevant offshore windfarm development</p>	<p>The Applicant can confirm that the worst case scenario of 25% of the offshore cable requiring cable protection is based on a combination of industry precedent (Triton knoll Electrical System), and the experience gained at the existing Thanet Offshore Wind Farm (TOWF). The experience gained from TOWF was noted by Natural England during EIA Evidence Plan meetings for Thanet Extension as having been a challenging process for cable burial from which lessons should be learnt and an appropriate maximum design scenario established accordingly. Further to these EIA Evidence Plan discussions Natural England also note this in their Scoping Opinion (Feb 2017) which requests that:</p> <p><i>A full review of lessons learnt should be used to inform a realistic worst case assessment in the ES of achievable burial depths, and associated methodology including required sand wave clearance and need for cable and scour protection.</i></p> <p>The Applicant has therefore sought to provide for a suitably robust maximum design scenario based on existing consented projects and the existing TOWF. Examples for the need as demonstrated by the existing TOWF include applications made for maintenance works including export cable repair, general works, inter-array cables, and joint repair as recorded on the MMO marine case management system. By way of example the export cable repair works alone (e.g. MLA/2015/00462) was required to provide for 5 x export cable repair events, with associated</p>



Questions

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
		<p>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?                      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?                      Are there special factors relevant to the local circumstances of this Application that explain a 'high' figure?</p>	<p>anchoring/jacking-up/vessel beaching; 10 x cable remediation events (via jetting); Potential jacking-up close to the Thanet OSP to enable repair works at the OSP to be undertaken and;                      Cable protection installation (in the event of unsuccessful re-burial/remediation via jetting). This latter component relates to an existing total of 2.7km (5.1%) of the Thanet cables already having cable protection at that stage, with a further 7500m of cable length being consented as a result of the MLA. This brings up the total permitted to ~20% of the export cable being subject to cable protection. The worst-case assumption of 25% for Thanet Extension is therefore considered to be robust, based on industry and site specific precedent, and provides a suitable maximum design scenario for the lifetime of the project that is not 'high' in the context of other OWFs.                      With regards the assessment of significance the assessment is most sensitive to that of the receiving environment, although the volume required may alter the magnitude of the impact. In this regard the project commitment to micro-site around sensitive biogenic reef habitat or archaeological receptors ensures that the impact remains not significant with regards the EIA regulations.</p>
2.1.2.	The Applicant	<p><b>Environmental Statement Project Description: O&amp;M Cable Works</b>                      Paragraph 3.3.2 of Natural England's D4 submission [REP4-033] raises concerns about the volume of disturbed sediment from operations</p>	<p>a) As outlined in the Applicant's response to REP4-033 the assessment undertaken for the O&amp;M works is appropriate for the relevant receptor assessments. The Applicant developed the maximum worst case assumptions based on the relevant project experience, including the Thanet Offshore Wind Farm, as requested by IPs (including Natural England) during the Evidence Plan Process. Therefore, these form a</p>

Questions

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
		<p>and maintenance works to the inter-array and export cables that is allowed for under the ES worst-case scenario.</p> <p>a. Could the Applicant please respond to the points raised, particularly the assertion that the worst-case for O&amp;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?</p> <p>b. How does the Applicant respond to the request from Natural England for the O&amp;M disturbance volume to be further refined?</p>	<p>reasonable maximum worst case but note that some operations may occur less frequently or over a reduced spatial scale than has been assessed.</p> <p>b) These numbers are in line with standard industry practice of offshore wind farms, such as Thanet Offshore Wind Farm, Triton Knoll Offshore Wind Farm and Walney Extension Offshore Wind Farm. As such, the Applicant does not intend to further refine the design envelope for O&amp;M activities, including cable reburial and repairs, being requested for consent.</p>
2.1.3.	The Applicant	<p><b>Schedule of Mitigation: Natural England Comments</b></p> <p>Section 3.1 of Natural England's [REP4-033] makes a series of observations about the Rev B Schedule of Mitigation [REP3-047].</p>	Please refer to Annex A to Appendix 3 (revised Schedule of Mitigation).

Questions

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
		<ul style="list-style-type: none"> <li>• Could the Applicant please respond to these points?</li> </ul>	
2.1.4.	The Applicant	<p><b>Schedule of Mitigation: Unexploded Ordnance Effects Onshore</b>                      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.</p> <ul style="list-style-type: none"> <li>• Please could the Applicant provide clarity on this point?</li> </ul>	<p>UXO licensing onshore is addressed separately to UXO licensing offshore. The line delineating responsibility is mean high water springs, with the Marine Management Organisation responsible for licensing activity that occurs below this point. Should UXO be encountered offshore during pre-construction surveys, appropriate licensing will be sought. Above mean high water springs, UXO licensing will be addressed separately through reference to appropriate guidance (Unexploded ordnance (UXO) A guide for the construction industry (C681)) and in consultation with appropriate authorities. At this stage a consent for UXO disposal is not being sought.</p> <p>Should UXO be discovered onshore, this would be a matter for the police and relevant bomb disposal experts as it represents a threat to public safety, and therefore how any such UXO would be handled would be broadly outside of the Applicant's control.</p>
2.1.5.	The Applicant and the Marine Management Organisation	<p><b>Schedule of Monitoring: Geophysical and Benthic Monitoring</b>                      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</p>	<p>A) The Applicant has provided full responses to Natural England's submission (PINs Ref REP4-033) in Appendix 7 of the Applicant's Deadline 4C Submission (PINS Ref REP4C-007). In summary, the Applicant can confirm that these commitments are made explicitly within both the dML(s), and the same reference can be made in the final schedule of mitigation.</p>

Questions

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
		<p>Mitigation Plan and geophysical and benthic monitoring provisions for Goodwin Sands pMCZ.</p> <ul style="list-style-type: none"> <li>a) Please could the Applicant respond to the points raised by Natural England?</li> <li>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]?</li> <li>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?</li> </ul>	<p>Specifically, with regards the biogenic reef mitigation plan it is not considered necessary to explicitly make reference to ground truthing being undertaken in the BRMP as both the BRMP and dMLs make reference to pre-construction surveys, as per Condition 15 and 13 of the Generation and Export Cable System dMLs respectively, being designed to identify the presence and absence of reef within the survey area in line and will utilise industry practises/ methodologies in consultation with Natural England and MMO as appropriate. There is therefore provision for the most appropriate survey format being agreed at that time, which will include ground truthing.</p> <p>With regards monitoring of sandwaves within the Goodwin Sands MCZ the relevant dML (export systems) makes explicit reference to interpreted geophysical monitoring to monitor changes in sediment type, in the event that sandwave clearance is required within the Goodwin Sands rMCZ. It is not considered appropriate or necessary to commit to drop down video at these locations, instead the Applicant is proposing to adopt the same approach utilised by the Walney Extension project which also monitored potential changes in sediment type.</p> <ul style="list-style-type: none"> <li>b) A revised Schedule of Monitoring has been submitted as Appendix 6 to this Deadline 5 Submission which reflects the commitments to undertaken monitoring in consultation with Natural England and the MMO.</li> <li>c)The Applicant is content that the wording in the draft DCO adequately</li> </ul>

Questions

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
			addresses the concerns raised by both the Marine Management Organisation and Natural England in respect to monitoring within the Goodwin Sands pMCZ.
2.1.6.	The Applicant and Kent County Council	<p><b>Onshore Construction Effects: Kent County Council Position</b></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 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>	<p>a) The Applicant has submitted a revised SoCG with Kent County Council as Appendix 36 of the Applicant's Deadline 5 Submission. This submission captures the current position of both parties and clearly captures areas of outstanding disagreement.</p> <p>b) The Applicant has sought to identify all areas of concern within the SoCG and is not aware of any issues which are not captured.</p>
2.1.7.	Natural England, Marine Management Organisation	<p><b>Revised Biogenic Reef Mitigation Plan</b></p> <p>The Applicant submitted Revision C of its Biogenic Reef Mitigation Plan [REP4-025] at D4 which sought to</p>	The Applicant considers that all relevant IP responses have been adequately addressed. The Applicant considers there to be two points of clarification that have been requested. The first of relevance to the MMO is the request to state that the survey design (post-construction) should be as agreed with the MMO. It is the Applicant's position that as all pre-

Questions

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	and other relevant IPs	<p>address comments from IPs.</p> <ul style="list-style-type: none"> <li>• 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.</li> </ul>	<p>and post-construction surveys are required by the conditions in the dML to be agreed with the MMO it is not necessary to state this to be the case in the BRMP.</p> <p>The other remaining reference is to Natural England who request explicit reference be made in the BRMP to ground truthing using grabs and drop-down video. It is the Applicant's position that it is not necessary to make further reference to this as the BRMP makes explicit reference to all surveys being undertaken in line with industry best practice and in consultation with Natural England and MMO. It is the Applicant's experience that preferences for biogenic reef surveying methodologies, and the guidance provided by advisers to the MMO, fluctuate over time with for example the request for grab sampling sometimes being considered appropriate and other times not being considered appropriate. It is not therefore considered appropriate to commit to specific methodologies at this stage, instead a commitment has been made to undertake geophysical survey and ground truth this using the preferred approach at that time, in consultation with the relevant authorities. In turn this commitment is then carried through to the dML in conditions which require all pre- and post-construction surveys to be agreed with the MMO.</p> <p>Given there is therefore a commitment to consult with Natural England and MMO, and for the surveys to then be subsequently agreed with MMO (in consultation with Natural England) it is not considered necessary to further update the BRMP.</p>
2.1.8.	The Applicant	<b>Construction Noise Effects on Fish</b>	a) The Applicant has submitted a document (Annex A to this Appendix of

Questions

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
		<p><b>Species</b></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> <p>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]?</p> <p>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.</p>	<p>the Deadline 5 submission) which tabulates the points set out in Section 1.2 of the MMO's [REP4-031] and the Applicant's responses to those points.</p> <p>b) The Applicant has submitted a revised SoCG with the Marine Management Organisation as Appendix 34 of the Applicant's Deadline 5 Submission. This document reflects the current position of both parties at Deadline 5.</p>

Questions

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
2.1.9.	The Applicant, Natural England and all IPs	<p><b>Southern North Sea Special Area of Conservation (SAC)</b></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> <ul style="list-style-type: none"> <li>• 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.</li> </ul>	<p>The SNS SAC was formally designated in February 2019<sup>1</sup>, with the Conservation Objectives and Advice on Operations re-issued in March 2019<sup>2</sup>. Key points for the purposes of the Thanet Extension RIAA are summarised as follows:</p> <ul style="list-style-type: none"> <li>• The extent of the SNS SAC boundary (including seasonal extents) – no change between the SNS cSAC/SCI as assessed and the SNS SAC as designated;</li> <li>• The first conservation objective - Harbour porpoise is a viable component of the site. Slight change to the objective, now focused solely on mortality and injury with disturbance considered solely under the second conservation objective. Fully assessed in the RIAA (noted under paragraph 9.6.12 of the RIAA) – no change to the assessment method applied and therefore no change to the conclusions drawn;</li> <li>• The second conservation objective - There is no significant disturbance of the species. Confirms the approach taken in the RIAA, namely the threshold approach of 20% in a day/10% across</li> </ul>

<sup>1</sup> <http://jncc.defra.gov.uk/page-7243>

<sup>2</sup> [http://jncc.defra.gov.uk/pdf/SNorthSea\\_ConsAdvice.pdf](http://jncc.defra.gov.uk/pdf/SNorthSea_ConsAdvice.pdf)



PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
			<p>a season (noted under paragraph 9.6.14 of the RIAA) – no change to the assessment method applied and therefore no change to the conclusions drawn;</p> <ul style="list-style-type: none"> <li>• The third conservation objective - The condition of supporting habitats and processes, and the availability of prey is maintained. Focus on prey. Fully assessed in the RIAA (noted under paragraph 9.6.17 of the RIAA) – no change to the assessment method applied and therefore no change to the conclusions drawn;</li> <li>• Advice on operations (Table 2 of the JNCC's Advice on Operations). No additional activities identified for in-combination assessment, no change in the screening range for noisy activities noted – no change to the assessment method applied and therefore no change to the conclusions drawn.</li> </ul> <p>Therefore the formal designation of the SNS SAC does not affect the existing conclusions of the RIAA (specifically no AEoI alone and in-combination).</p>

## 4 ExQ2.2 Construction

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
2.2.1.	The Applicant and BritNed	<p><b>Construction: Interface with BritNed</b></p> <p>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 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</p>	<p>a) The Applicant can confirm that BritNed did not attend ISH8. The Applicant can also confirm that given the distance between the proposed projects the only interaction with the BritNed infrastructure would be the potential for anchor handling. All other construction interfaces, such as jackup barge handling, cable installation, and foundation installation are sufficiently distant that there is no potential for interface. The Applicant can also confirm that due to the distance between the two projects, and the likely maximum extent of anchor spreads for the proposed Thanet Extension construction vessels, there will be no interaction between anchor spreads associated with the proposed Thanet Extension and the BritNed infrastructure. There are no other construction interfaces of relevance to the BritNed cable development.</p> <p>The Applicant can confirm that BritNed provided section 42 feedback, recorded in the 'infrastructure and other marine users' chapter of the ES (Application Ref 6.2.11) which confirmed that [BritNed] <i>believe that they [Thanet Extension] are constructing / constructed approximately 3 miles from our cable and therefore do not present any issues from their works.</i> The infrastructure and other marine users chapter (<i>ibid</i>) notes that the BritNed power cable runs approximately 4.8km from the proposed array (para 11.7.10) at its nearest point and therefore outside the potential zone of influence and study area considered.</p>

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
		<p>from general vessel traffic.</p> <p>a) Is it the Applicant's view that the only potential construction-related effect on BritNed would arise from vessels anchoring?</p> <p>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.</p> <p>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.</p> <p>d) If BritNed considers that the DCO does not presently contain adequate protective provisions, it is</p>	

Questions

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
		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><b>Construction access: Nemo cable and Sustrans crossing</b> 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>	<p>The Applicant has undertaken preliminary concept design works for a “bridged” crossing of the NEMO cable berm in such a way as to provide physical clearance between the berm and the crossing. Any final crossing design and construction methodology would need to be agreed with NLL in accordance with an agreed Crossing Agreement. The proposed access track and bridge crosses the existing cycle and foot paths and as such there is no way of re-routing these to completely avoid the works. Therefore, there will need to be proactive management measures in place to manage the risks associated with pedestrians and cyclists crossing the route of construction traffic. The detail of these measures will be set out for approval in the Access Management Strategy (Requirement 11 of the draft DCO).</p>
2.2.3.	The Applicant	<p><b>Cable crossing: Nemo cable crossing in relation to NGET connection</b> 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>	<p>The NLL cables in this location were installed through directional drilling and as such this crossing is no different to crossing multiple other buried utilities along the cable route where the method of crossing will be subject to detailed engineering and subject to agreement with the statutory undertaker in accordance with protective provisions and/ or crossing agreement.</p>

## 5 ExQ2.3 Compulsory Acquisition, Temporary Possession and other Land or Rights Considerations

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
2.3.1.	The Applicant, Crown Estate, National Trust, Kent Wildlife Trust, Kent County Council, Ramac and Crostline	<p><b>Crown Lease: Effect on CA Case</b></p> <p>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> <p>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?</p> <p>b) If a lease was unlikely to be granted (49% probability or less) or</p>	<p>a) The Crown Estate has recently provided a draft agreement for lease and lease for both the main site and the cable corridor to the Applicant and other offshore developers who are, or are considering, progressing offshore wind farms similar to the project. The Applicant has reviewed these documents and provided initial comments to The Crown Estate. Whilst the documents have not been finalised the Applicant expects that once The Crown Estate's HRA process has been completed the Applicant and The Crown Estate will be able to sign the agreements for lease on completion of the HRA. The Applicant and the Crown Estate are working together to ensure that this happens as soon as possible.</p> <p>b) The Applicant does not consider that the negotiations regarding the agreement for lease with the Crown Estate should influence the decision on the application.</p> <p>As a matter of general principle the operation of private property law is not a material planning consideration. Property negotiations are a separate process to the consideration of whether consent should be granted for proposed development. The stage of negotiations with the Crown Estate should not generally therefore influence the determination of the application on its planning merits. The Applicant acknowledges though that under the DCO regime there is the additional question of</p>

Questions

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		<p>was not granted, would that have any implications for the Applicant's CA case for land required onshore for grid connection works?</p> <p>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?</p> <p>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?</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</p>	<p>whether the powers of compulsory acquisition should be exercised. In general the test of whether there is a compelling case in the public interest to authorise compulsory acquisition can take into account the potential for the developer to deliver the scheme to which the order relates. However the Applicant does not accept that the negotiations should affect the decision in this case.</p> <p>Discussions are progressing well and there is no suggestion from the Crown Estate that there is any impediment to the grant of an agreement for lease. Further, the negotiations do not represent the final lease terms, which will be discussed further between the applicant and the Crown Estate. Those terms will also be influenced by the DCO itself.</p> <p>The overall case for the compelling public interest in this case is not affected by any difference between 300 and 340MW in any event. The project would not change where interests are proposed to be acquired. Any change to the generation capacity would not materially change the need for the project or its benefits when considered against the property interests that would be affected. If the case for acquisition is made out in respect of 340MW, it is also made out for 300MW.</p> <p>It would not be appropriate therefore to amend the generation capacity in the order.</p> <p>However to provide further comfort the Applicant is prepared to make provision in the DCO which prevents the exercise of any compulsory</p>

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		<p>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?</p>	<p>purchase powers until the agreement for lease has been concluded. This would ensure that the consent for the project the subject of the application can be granted on its merits; that the DCO can be taken into account in any agreement for lease and ongoing final lease; but that for the avoidance of any doubt land acquisition can only take place once the agreement for lease has been granted (in circumstances where the case for acquisition remains compelling whether at 300 or 340MW)).</p> <p>c) The Applicant can confirm that the plan level HRA will be based on the best information available at that time, which represents the application documents in advance of the Structures Exclusion Zone and the Cable Exclusion Zone being introduced. The draft project specific Report to Inform Appropriate Assessment (at that time Application ref 5.2, subsequently superseded by REP2-018 and REP2-019) concluded no Adverse effect on Integrity from the proposed project alone, the Applicant has reached agreement on this with the relevant Statutory Nature Conservation Body and as such has a high level of confidence in the conclusions such that the likelihood of a plan level HRA concluding differently would be very low. With regards conclusions in combination with other projects the Applicant has confirmed that it does not consider there to be an adverse effect on integrity in combination with other projects. Natural England have concluded that with regards the Outer Thames Estuary SPA and Flamborough and Filey Coast SPA there may be an existing AEoI. Both the Applicant and Natural England agree that immaterial of the presence of an AEoI the contribution made by Thanet Extension is so small as to be non-material. Given this agreement</p>

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			<p>between Natural England and the Applicant it appears unlikely that a plan level HRA would conclude differently, immaterial of the conclusion predicting an AEoI in combination with other projects or not. Noting recent submissions made by Hornsea Project 3 and Norfolk Vanguard that any in-combination mortality would be below the level of current population growth, and therefore not having an effect on the designated population but rather marginally reducing the population growth it is the Applicant's consideration that a plan level HRA would be unlikely to make a conclusion that the Thanet Extension project should not proceed.</p> <p>d) Given the agreed outcomes of the Applicant's own detailed HRA, and the fact the Thanet Extension is the only project within the region being assessed by TCE, it is very unlikely that the plan-level HRA would conclude differently.</p> <p>e) If the agreement for lease contains a maximum capacity of 300MW then, subject to The Crown Estate HRA, Vattenfall would anticipate further engagement and discussions with The Crown Estate so that the maximum installed capacity in the wind farm lease is commensurate with the maximum installed capacity permitted under the development consent order.</p> <p>f) The Applicant considers that limiting the project's maximum installed capacity to 300 MW would severely compromise the project's viability, to the extent that the applicant considers that it would be highly unlikely that the project could be delivered if such a limitation was made. A reduction in maximum project capacity would limit the ability for the project site to be optimised fully and would cause a disproportionate increase in the project's levelised cost of energy (LCOE). The</p>



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			implementation of the proposed Structures Exclusion Zone (SEZ) makes no difference to this conclusion – the project's viability would be severely compromised in both a scenario in which the proposed SEZ was implemented and a scenario in which it was not.
2.3.2.	The Applicant, Crown Estate	<p><b>Crown Lease: Effect on CA Case</b>                      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 “various constraining conditions, including the presence of an existing operational wind farm”. Can the Applicant and the Crown Estate please identify whether there are any constraining conditions that may be applicable in this case?</p>	<p>The Applicant provided the Crown Estate with a letter of no objection to the grant of agreements for lease and thereafter leases to the Applicant for the project from Thanet Offshore Wind Farm Ltd, the owner of Thanet Offshore Wind Farm. The draft agreements for lease and leases for the project contain no specific constraining conditions in relation to any operational wind farms such as the adjacent Thanet Offshore Wind Farm. As such there are no constraining conditions in this case.</p>
2.3.3.	The Applicant and Ramac	<p><b>Crown Lease: Justification for CA and extent of CA area</b>                      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>a) The Applicant set out in CAH2 its position on why it has proposed the structure that it has in relation to compulsory acquisition. This <u>would only apply if agreement cannot be reached</u> with RAMAC and compulsory acquisition powers would be required to be exercised.                      The DCO process only permits a party to acquire land temporarily or freehold permanently. Whilst existing leasehold interests can be acquired using compulsory acquisition powers it is not possible to acquire new leasehold interests. Whilst the Applicant agrees that it would be possible to undertake the necessary works within Zone 3 to provide the replacement land ready for occupation by Border Force the compulsory</p>

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		<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 (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.</p>	<p>acquisition process would not guarantee terms of occupation. Accordingly, the Applicant would exercise compulsory acquisition powers over all of plots 02/55, 02/60, 02/61, 02/65, 02/70, 02/75, 02/85 to acquire the freehold. The Applicant would retain the freehold of plot 02/60 permanently for the substation.</p> <p>b) The Applicant would offer a lease to both MoJ and Crostline on the same terms as currently exist albeit for the relocated properties having undertaken reconfiguration works.</p> <p>The Applicant would offer the freehold back to RAMAC of the balance of the land being plots 02/55, 02/61, 02/65, 02/70, 02/75, 02/85 including Zone 3. Any change in the current leasehold demise of any tenant including Border Force would give effect to a surrender and regrant. As a result it is not necessary for the Applicant to be the enduring freeholder of the Border Force land – or any of the remaining land aside from the substation land. The Applicant would be willing to enter into a lease of that land with RAMAC and is actively discussing that as part of an option. However, in the event that agreement cannot be reached a summary of the process would be:</p> <ul style="list-style-type: none"> <li>- freehold of substation owned by the Applicant</li> <li>- freehold of remaining interests acquired</li> <li>- reconfiguration works undertaken</li> <li>- leases entered into with Crostline and MoJ Border Force on equivalent terms as existing and for the residue of their current terms.</li> <li>- freehold of all land not required permanently offered back to RAMAC at the same price as paid to RAMAC for their interests acquired</li> </ul>

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		<p>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>	<p>compulsorily or nil cost if no compensation for land value paid. The Applicant has prepared a further technical report [quote reference] to fully justify the case for the CA of all of the land proposed for the substation. This report outlines that a substation for an offshore windfarm is different from other onshore substations in terms of the equipment required to be Grid Code compliant where there are multiple voltage levels. For a wind farm grid connection, the overall substation size is predominantly governed by the physical size of the equipment used to stabilise the power flows from the wind farm, which is roughly the same size whether air-insulated switchgear (AIS) or gas-insulated switchgear (GIS) technology is selected. Redundancy arising from potential outages requires additional equipment as well as multiple types of filtering and dynamic/passive reactive compensation equipment. The scale of the equipment as well as the complexity of the interaction requires the full extent of the land proposed and a multi-storey layout would not be appropriate. The analysis has concluded that there is no material difference in size of overall substation footprint between a GIS v AIS option due to the scale of additional equipment. As a result the Applicant considers that 8.5 acres is justified for an offshore windfarm substation.</p>
2.3.4.	The Applicant, Crown Estate, MoJ	Crown Consent: PA2008 s135 PA2008 s135(2) provides that '[a]n order granting development consent may include any other provision	<p>a) This question is addressed to the Crown Estate. The Applicant understands that the Crown Estate will be issuing a letter of consent under s.135(2) PA 2008.</p> <p>b) The Applicant confirms that the appropriate body to issue any consent</p>

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		<p>applying in relation to Crown land, or rights benefiting the Crown, only if the appropriate Crown authority consents to the inclusion of the provision'. 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</p>	<p>under s.135(2) PA 2008 for the Border Force land onshore would be the Secretary of State for Housing Communities and Local Government (as tenant of the land holding it on behalf of the Ministry of Justice). As part of the negotiations the Applicant is in discussion about securing any necessary consent.</p>

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		<p>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> <p>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</p> <p>ii. Accepting that consent is required, to identify why in this instance consent cannot be granted; or</p>	

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		<p>iii. Making clear with support from written legal submissions, why it is in this case that consent is not required?</p> <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> <p>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?</p> <p>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.</p>	

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2.3.5.	The Applicant and Ramac	<p><b>Excluded Land: Parcel 02/75</b>                      The Onshore Land Plans identify a small plot of land excluded from the CA request for permanent freehold acquisition on Parcel 02/75.</p> <p>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> <p>{See Land Plans extract identifying the plot} [Extract from Onshore Land Plans Sheet 2 [REP2-011]. Excluded land highlighted in purple polygon.]</p>	<p>The exclusion of this small plot of land was intentional. The plot of land is a UK Power Networks (UKPN) operational electricity substation in which they have a long-term lease (Title Number K922843). UKPN's access rights and any other rights in connection with this substation are protected by the agreed Protective Provisions.</p>
2.3.6.	The Applicant	<p><b>Grid Connection and Substation Siting: Richborough Energy Park</b>                      Section 3.1 of the Ramac???                      Response [REP3-012] suggests that</p>	<p>a) 1.22ha (3.02ac) (please see Annex C to this document)                      Based on the plans seen for the Peaking Plant, the land area allocated for the peaking plant would cover the southern section of Work No. 16, extending around the southern and eastern edges of the current UKPN</p>

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		<p>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 '[t]he remainder of the land is zoned for development for a diesel peaking plant power station'.</p> <p>A) Please show on a plan and confirm the land area (ha) of the site 'zoned for development' for the diesel peaking plant.</p> <p>B) Would the diesel peaking plant site be able to accommodate a substation for the Thanet Extension?</p> <p>C) The term 'zoned for development' has no particular meaning in English planning law. Please explain:</p> <p>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</p>	<p>132kV substation site. The application site has been referenced as 1.22ha in a non-technical summary for the Peaking Plant application (dated Dec 2012).</p> <p>In addition to the peaking plant, the southern section of Work No. 16 has also been highlighted as a potential site for the replacement of the existing UKPN 132kV substation, which is nearing the end of its asset life.</p> <p>b) The maximum design envelope set out in Table 1.7 of 6.3.1 Onshore Project Description assumes an operational area of 41,000m<sup>2</sup> (4.1ha) to accommodate the equipment listed in 1.5.82. Even assuming the Peaking Plant and UKPN substation re-plant are not built out, it is anticipated that there could be insufficient space in the southern portion of Work No. 16 to accommodate this substation footprint, regardless of the choice of AIS or GIS as the switchgear type.</p> <p>c) i ) The site was granted planning permission on 13.6.13 with Thanet District Council reference number F/TH/12/1015. The site straddles the Thanet and Dover boundaries. Certain conditions were discharged on 1.6.16.</p> <p>c)ii) The planning permission granted for a generating station would appear to favour that use over a substation.</p> <p>c)iii) The Applicant has not become aware of any such contractual requirements either by virtue of its own diligent enquiry or discussions</p>



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		<p>development, both or neither.</p> <p>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?</p> <p>iii) Whether there are any contractual or related commitments to the specific development of a diesel peaking plant on the site.</p> <p>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.</p>	<p>with the landowner.</p> <p>d) As explained in response to b), it is anticipated that there is insufficient space to accommodate the required substation footprint in the potential Peaking Plant area. Furthermore, using this site for the Applicants substation may sterilise future replacement of the existing UKPN 132kV substation, whose location relative to the 400kV National Grid supply point from which it is served is a key factor in site selection.</p>
2.3.7.	The Applicant	<p><b>Grid Connection and Substation Siting: Zone 1 land</b></p> <p>Section 3.3 (and Figures 3 &amp; 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</p>	<p>a) The Applicant can confirm that the portion of Zone 1 land that is not subject to Flood Zone 2 or 3, through reference to the Environment Agency Flood Map for Planning, is approximately 0.05km<sup>2</sup> or 4.5ha which is as a proportion of the site is approximately 75% of the approximately 0.06km<sup>2</sup> or 6ha land parcel that would be available for development (i.e. not within the drainage ditches to the north west of the Bay Point Club. Of land outwith Zone 3 alone this is 5.07ha this is approximately 85% of the Zone 1 land.</p>

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		<p>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>	<p>The combined area for the substation, as noted within the onshore project description chapter (Application ref 6.3.1), is 41,000m<sup>2</sup> plus a temporary construction area of 20,000m<sup>2</sup> which translates as a combined 61,000m<sup>2</sup> or 6.1ha of space required to construct and accommodate the onshore substation.</p> <p>It is not therefore considered feasible, without significant made land in land subject to zone 2 or 3 flood risk, to construct and operate a substation in the Zone 1 land.</p> <p>The north eastern corner of the zone 1 land is occupied by NEMO Link Ltds HVDC cabling further constraining the developable area.</p> <p>b) Noise mitigation can be applied to some electrical equipment (e.g. noise screens for transformer tanks and reactors) that can provide some attenuation of noise from the substation during the operational phase. However, other elements that provide cooling (i.e. fans/radiators for transformers and reactive compensation) cannot be screened as they rely on flow of air in order to be effective.</p> <p>Please refer to The Applicants detailed technical note at Annex B to this Appendix (Appendix 1) of the Applicant's Deadline 5 Submission for further discussion of noise mitigation in an AIS v GIS scenario.</p>
2.3.8.	The Applicant	<p><b>Grid Connection and Substation Siting: Zone 2</b> Section 3.3 (and Figure 4) of the</p>	<p>a) That portion of the zone 2 land to the north of the watercourse (Minster Stream) is 3.92ha (9.68ac). The combined area for the substation, as noted within the onshore project description chapter</p>

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		<p>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> <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</p>	<p>(Application ref 6.3.1), is 41,000m<sup>2</sup> plus a temporary construction area of 20,000m<sup>2</sup> which translates as a combined 61,000m<sup>2</sup> or 6.1ha of space required to construct and accommodate the onshore substation. The area cannot therefore accommodate the Thanet Extension land requirement.</p> <p>b) It is important to note that Zone 2 is effectively bisected by the Minster Stream, the north eastern section of which is noted as having water vole interest in the Applicants submissions (Application ref 6.5.5.2 (water vole survey)). Any use of this land parcel would therefore require the Minster stream to be culverted under the substation site. Further to this the buildings and structures within zone 2 are larger, of a more specialist nature and house mechanics workshops, office and administrative functions central to the occupiers business. The buildings and structures require significant demolition for the zone 2 land to be used for the Applicants substation and are not suitable for adaptation to that use. The Borderforce lease area does not contain any permanent structures. There are temporary welfare and administrative buildings but these are capable of being moved to that part of the zone 3 land which will be the Borderforce replacement land. There are logistics storage buildings within those parts of zone 3 occupied by Crostline but these will be unaffected by the Applicants proposal. The plans contained at paragraph 10 the Applicants Oral Summary of Compulsory Acquisition Hearing 2 show how zone 3 can be reconfigured to avoid any requirement to remove or alter the Crostline buildings. There are also temporary structures used by P&amp;G Scaffolding (Philip Griffiths) to store scaffolding materials. These structures are capable of dismantling and</p>

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		<p>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>	<p>being moved to another location within zone 3 or removed.</p> <p>c) The Bat survey undertaken to support the EIA, as recorded at Application ref 6.5.5.9, concluded that whilst the tree line between Baypoint Sports Club and the British Car Auction (BCA) site to the south could not be accessed to undertake a thorough Potential Roost Feature assessment (due to the presence of scrub on both sides of the tree line) nocturnal surveys were undertaken on a precautionary basis in case Potential Roost Features were present. The surveys were undertaken in accordance with BCT guidelines for trees with moderate roost suitability. This survey recorded a broadly similar species assemblage to those undertaken at elsewhere, with common and soprano pipistrelles again by far the most frequently recorded species (147 and 128.8 passes per night respectively), with the latter being included on the list of species of principal importance under Section 41 of the Natural Environment and Rural Communities Act 2006. The overall conclusion of the bat survey report notes that the treeline surrounding the BayPoint Club more generally is that whilst caution should be applied when directly comparing levels of bat activity between recording locations owing to differences in the dates of recording at some locations, the data strongly indicated that the highest levels of bat activity were associated with the woodland edge and tree line along the northern and eastern edges of the Baypoint Sports Club site and southern end of Stonelees Nature Reserve. Activity levels in more open habitats within Pegwell Bay Country Park were generally much lower. The habitats at the southern end of the survey area, including the BCA site and land next to Richborough Port,</p>

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			<p>are dominated by hardstanding, and are not considered likely to be of value to foraging <i>and commuting bats</i>. This conclusion therefore firmly notes that given the increased activity levels in the treeline around the Bay Point Club at Zone 2, and potentially the treeline between Zone 1 and 2, any permanent infrastructure, with the associated lighting, would have a negative effect on bat populations, in particular when compared to the low levels identified at the Richborough Port site.</p> <p>d) –Bats are not considered to be a significant constraint for Zone 2 beyond the conclusions drawn above for Zone 1 (Bay Point Club) which did not allow for a full assessment to be made but concluded a species assemblage that includes species of principal importance in the tree line. As noted above in response to item a) however there is insufficient room available at Zone 2 due to the presence of the Minster Stream which bisects it. The Minster stream was recorded in Application ref 6.5.5.2 (water vole survey) as having positive field results for water vole, which would underline the need to avoid infrastructure that would need to 'spread across' the water body in order to accommodate the substation.</p>
2.3.9.	The Applicant	<p><b>Grid Connection and Substation Siting: Zone 1 and 2 avoidance</b>                      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</p>	<p>a) The length of the cable corridor applied for within zones 1 and 2 is 450m and 300m respectively. If the substation was located within zone 1 the length of the incoming windfarm cable corridor would be reduced by 750m to 1075m. However the length of 400KV grid connection cable would increase in all routeing scenarios through Richborough Energy Park. There would also be increased interaction with NEMOs cables which run under the A256 from the Zone 1 land into Richborough Energy Park. If the substation was located within zone 2 the length of the incoming windfarm cable corridor would be reduced by 300m to 1525m.</p>

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		<p>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 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>	<p>However the length of 400KV grid connection cable would increase in all routeing scenarios through Richborough Energy Park</p> <p>b) It is the Applicant's position that Zones 1 and 2 are not feasible alternatives for the reasons already outlined in response to ExQ2.3.7 and 2.3.8. Therefore, whilst an alignment may have been shorter it was not considered feasible to locate the substation at these locations and the length of alignment was not a relevant consideration. In parallel with the relocation of the proposed substation an optional cable route (1E as illustrated in Figure 4.15 of Application ref 6.1.4 (site selection and alternatives)) was considered that would cross directly from the Bay Point Club to the Richborough Energy Park. This option scored favourably in terms of the cable length (2km as recorded in Table 4.10 (<i>ibid</i>)) but was discounted for the reasons presented in the chapter (<i>ibid</i>, in summary long term effects on saltmarsh with limited options available for mitigation). Had it been feasible to cross directly from the Bay Point Club to a substation at REP a variant of Option 1E may well have been progressed as it represented the shortest alignment. However, given the substation could not be located at Zone 1 and 2 for the reasons already provided the Applicant cannot meaningfully consider a theoretical option, and indeed it is the Applicant's position that to do so is not supported in policy.</p> <p>Furthermore, it has been noted in the Site Selection and Alternatives chapter that the length of the cable route was an important consideration throughout the development of the project. It is not in the interests of the Applicant to construct a longer cable route than necessary.</p>

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
2.3.10.	The Applicant	<p><b>Optional Cable Alignments: Richborough Energy Park</b>            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>	<p>The Applicant maintains for the reasons set out at CAH2 that each of three cable route options is of current merit at this stage. However, the Applicant has amended the draft DCO at requirement 17 to clarify that rights the undertaker shall not exercise Right E (as listed in Schedule 5) in order to carry out Work No. 16 without having first notified the Secretary of State in writing which one of the three cable option routes to link parcels 02/120 and 02/130 will be required.</p>

Questions

## 6 ExQ2.4 Draft Development Consent Order

3 The Applicant notes and has followed the instructions provided by the ExA that:

*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'.*

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
2.4.1.	Kent County Council	<p><b>R13: Landscaping to country park and sea wall:</b>                      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</p>	<p>The Applicant can confirm that in the most recent version of the SoCG with Kent County Council the OLEMP, and landscaping measures detailed within it, is agreed.</p>



Questions

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
		country park and to the sea wall, if any.”)	
2.4.2.	The Applicant, Dover District Council, Thanet District Council, Kent County Council, Natural England, the Environment Agency	<p><b>R15: Approval of the Construction Environmental Management Plan (CEMP)</b></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>	As is entirely the norm in discharging requirements, the relevant planning authority will consult with the relevant statutory bodies as they see fit, as appropriate for the aspect of the CEMP in question. The relevant planning authority would not be comfortable discharging such a requirement without that consultation. It would not be appropriate, necessary or proportionate to list every possible statutory body on the face of the Order.
2.4.3.	The Applicant, Dover District Council, Thanet District Council, Kent County Council, Natural England, the	<p><b>R15: CEMP content provisions</b></p> <p>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>	The Applicant has reviewed the CEMP and CoCP provisions within recent made and draft Orders. Where matters are included within these provisions in other Orders that are not included within our CEMP requirement, this is because the Applicant has included them within a separate plan. For example, Norfolk Vanguard and East Anglia Three both include "noise and vibration" within their respective CoCP requirements. For Thanet Extension, this is dealt with through a separate plan secured by requirement 20 (Construction noise and vibration management plan). Additionally, the Applicant has amended requirement 15 in the revised draft DCO submitted at deadline 5 to make it clearer that a watercourse crossing method statement will be included within the CEMP for those

Questions

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
	Environment Agency		watercourses not requiring further consent or environmental permits. The Applicant will consider any further suggestions from interested parties in due course.
2.4.4.	The Applicant, Dover District Council, Thanet District Council, Kent County Council, Natural England, the Environment Agency	<p><b>R15 and R16: Approval and content of the Code of Construction Practice (CoCP)</b></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> <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> <p>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?</p>	<p>a) The Applicant would like to highlight that the CoCP was submitted as a complete draft for approval as part of the application in June 2018 ([APP-133]). Therefore, it would not be correct to refer to two different versions – 'draft' and 'approved' (or certified) - of the CoCP. The document is however certified and the Applicant is content that the Requirement can refer to the certified CoCP.</p> <p>b) As per the Applicant's response to (a), above, the CoCP has been drafted in full and submitted into the Examination process and as such there is complete certainty about what this document will contain. It is therefore not necessary to require specific matters to be addressed within the CoCP on the face of the DCO. Indeed, as the CoCP is a certified document, it does not need this Requirement to exist at all and its purpose was merely to assist and provide certainty to those, such as contractors, reviewing the DCO at a later date. The Applicant submits, given the Examining Authority's comments, it would be better to delete this requirement and instead simply make clear in Article 35 that all certified documents must be implemented as in their final and certified form.</p> <p>c) d) As per a), above, this document has been available in full since the submission of the Application. Accordingly, throughout the consultation and Examination period, if any interested parties have comments on this document they need to be made as soon as possible through the Examination process. The CoCP will not be submitted for any approval</p>

Questions

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
		<p>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?</p> <p>d) If so, should any additional bodies be consulted?</p> <p>e) Should there be any specification of the matters that the CoCP must contain?</p>	<p>again following the close of Examination and the Secretary of State's decision on the Application.</p> <p>e) No, the Applicant does not consider there should be any specifications as to what the CoCP must contain, for the reasons referred to in answer a) – d) (inclusive).</p>
2.4.5.	The Applicant	<p><b>R18: Clarification: Surface water</b>                      Would the applicant please confirm that where dDCO Requirement 18 refers to “service water” that this should read “surface water”?</p>	<p>The Applicant notes that this question relates to the Explanatory Memorandum rather than the draft Order itself. The Examining Authority is however correct that this is typographical error and this has been amended in the Explanatory Memorandum submitted for Deadline 5.</p>
2.4.6.	The Applicant	<p><b>Certified Documents: The Certified Environmental Statement</b>                      Several of the provisions and definitions within the draft DCO and DMLs are limited “to the extent that this has been assessed in the Environmental Statement”. The Environmental Statement is defined as the document certified for the purposes of the Order. The ExA is</p>	<p>a) b) The Applicant has amended Schedule 13 within the draft DCO submitted at Deadline 5 to more clearly set out the documents which are to be certified and to indicate which is the final version of each document, and to include the document number and date of publication. The associated Article 35 will then be amended to make clear that any documentation includes those addenda, or further documentation submitted throughout the Examination process. Schedule 13 will then be amended to reference beneath the principle document, associated or supplementary documentation. A separate column will also be added in to demarcate the specific versions of the document and its Examination</p>

Questions

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
		<p>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 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</p>	<p>reference, in addition to its Application Document Reference. This Schedule will be updated as required at each deadline including Deadline 8.</p>

Questions

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
		<p>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>	
2.4.7.	The Applicant and the MMO	<p><b>Certified Documents: DML security: realistic worst-case scenario parameters for the offshore project description</b></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</p>	<p>a) The Applicant can confirm that the realistic worst-case scenario that has been assessed is considered to represent a reasonable and appropriate worst-case scenario that will allow the project to be delivered. If in the event a change to these parameters is required, the most appropriate method of action will be considered and agreed with the MMO at that time. The Applicant notes MMO's concerns, and has therefore provided a detailed description of the parameters of the project description in the Explanatory Memorandum, submitted at Deadline 3, for ease of reference. The existing provision for a Construction Method Statement to be submitted, which will identify the proposed construction methods and will include the parameters assessed within the ES, is an appropriate method of ensuring that at the construction phase the project is in accordance with the project as</p>

Questions

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
		<p>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> <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>	<p>assessed at the consenting phase. For further clarity, the Applicant has included the Environmental Statement as a certified document within the revised draft DCO, including within the DMLs, submitted at Deadline 3.</p> <p>b) The Applicant included the documents REP-053 within the Explanatory Memorandum on the understanding that this document will act as an accessible summary of the Project for any parties wishing to quickly and easily cross reference this information, such as contractors. The Applicant maintains that as each of the parameters contained with REP-053 are also contained within the relevant chapters of the Environmental Statement, it would be repetitious – and indeed less obvious to locate - to add REP-053 to the Environmental Statement.</p> <p>c) The Applicant does not consider it is necessary to certify that document on the face of the order. It exists as a document to provide those that need the entirety of the ES parameters offshore to be pulled together in one location, in response to the MMO. It is not a document that should – or needs to be – certified in its own right. That approach would be disproportionate.</p>
2.4.8.	The Applicant	<b>Certified Documents: Other Certified Documents</b>	The Applicant refers the Examining Authority to their response to Question 2.2.6.

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
		<p>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</p> <p>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-</p>	

Questions

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
		<p>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 document to be certified, any document reference and the document version number.</p>	
2.4.9.	The Applicant, MoD	<p><b>DCO General: Non-mandatory aviation warning lighting</b>                      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>	<p>On 15 February 2019, The Applicant received confirmation from the Ministry of Defence (REP2-046) that "the proposed development will not directly affect national defence requirements or interests including defence maritime navigation". Accordingly, the MOD has deferred to the relevant statutory bodies in relation to maintaining maritime navigational standards and requirements, and does not intend to engage with the Applicant further on this matter. The Applicant therefore understands that no additional non-mandatory aviation warning lighting is to be requested and as such, no amendment to the DCO is required.</p>



## 7 ExQ2.5 Debris, Waste and Contamination

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
2.5.1.	The Applicant	<p><b>Site Investigation and Contaminated Land and Groundwater Plan</b></p> <p>Table 6.12 of ES Chapter 6.3.6 [APP-062] states that “The contaminated management plan (CLGP) [sic] will be drafted following SI works”, 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>	<p>Paragraph 7.1.4 of the Code of Construction Practice (Application ref 8.1) relating to the contaminated land and groundwater plan (CLGP) confirms that <i>Ground investigation for geotechnical and or environmental purposes will be undertaken pre-construction at key points including the Substation and where surface water and road crossings occur. Investigations will be required as the proposed development passes through a closed landfill. Surveys for other as yet unidentified contaminant source may be required.</i> Chapter 6.3.6 in turn refers to (in Table 6.12) <i>SI works will be undertaken to inform final design and mitigation, e.g. remediation works of potential hazards, such as landfill, ground gas, known/ suspected areas of contamination, including contamination resulting from historical leaks from the on-site pipeline, and leachate/ groundwater levels, and would allow an assessment of the likely settlement to be caused by the installation of cable ducts to be undertaken;</i> Table 6.12 subsequently refers to the detailed <i>contaminated management plan (CLGP) will be drafted following SI works.</i></p> <p>The Applicant can confirm that the Schedule of Mitigation contains a sequential error that will be updated to note that SI works will be used to inform the Contaminated Land and Groundwater Plan and all associated mitigation measures.</p>
2.5.2.	The Applicant	<p><b>Spoil Ground/ Mine Disposal Area</b></p> <p>A Spoil Ground and Mine Disposal Area (X5123) is located at the</p>	<p>The Applicant can confirm that the Environmental Statement provides a detailed assessment of the risks associated with unexploded ordnance. Specifically, with regards underwater noise impacts on sensitive</p>

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
		<p>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> <ul style="list-style-type: none"> <li>• Would the Applicant please confirm if these features have been surveyed and how they are addressed in the ES?</li> </ul>	<p>receptors such as fish and marine mammals. This assessment considered a realistic maximum design scenario for UXO associated with the application, inclusive of the risks associated with the mine disposal site. The assessment was undertaken on the basis of an understanding of the area and previous experiences for the existing Thanet OWF, section 42 advice from the MMO, and advice provided by UXO specialists all of which lead to the definition of the likely maximum design scenario. The most relevant assessments are presented in Application refs 6.2.6 and 6.2.7 respectively, with the maximum design scenario defined in Application ref 6.2.1.</p>

## 8 ExQ2.7 Electricity Connections and Other Utility Infrastructure

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
2.7.1.	The Applicant and BritNed	<p><b>Operation: Interface with BritNed</b>                      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>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</p>	<p>a) The Applicant notes this question and considers there to be no further interfaces with the Britned infrastructure beyond those associated with vessels and anchor spreads. The operational requirements associated with vessel anchor spreads will be no greater than those associated with construction and as such there will be no operational interface between the proposed project and the Britned infrastructure. This is reflected in the section 42 consultation response from Britned which confirmed that there were no concerns with regards interactions.                      The Applicant notes that questions b) and c) are for BritNed and will reply at Deadline 6 as appropriate.</p>

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
		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.	

## 9 ExQ2.9 Fishing and Fisheries

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
2.9.1.	The Applicant	<p><b>Fisheries Coexistence Plan consultation extent:</b> 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?</p>	<p>The Applicant can confirm that the updated Fisheries Liaison and Coexistence Plan was circulated for further consideration with TFA in November 2018 and was discussed further in March 2019. Most recently the post ISH8 version of the FLCP has been circulated to TFA (24<sup>th</sup> April) with a view to submitting a final FLCP at Deadline 6 in line with Action Point 21 of the environmental and fishing matters ISH8 Action Points.</p>
2.9.2.	Kent and Essex IFCA	<p><b>Cumulative Effects of material disposal and Ramsgate dredging:</b> [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?</p>	<p>The Applicant has provided additional information regarding the effects of material arising from disposal and dredging with Pegwell Bay within the revised Sandwave Clearance, Dredge and Disposal Site Characterisation (PINS Ref REP4-019). This revision seeks to address the concerns raised by Kent and Essex IFCA (and other IPs). In addition, the plan has been updated with the current status of disposal sites, within Pegwell Bay (Table 14.9), which demonstrates that the disposal sites associated with Ramsgate harbour are now closed for further disposal.</p> <p>The Applicant has discussed this issue further with the Kent and Essex IFCA, during the development of the SoCG, and has signposted the relevant documents for their consideration on this issue.</p> <p>The Applicant has also provided a clarification note at Appendix 32 to this</p>

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
			Deadline 5 submission which relates specifically to the potential for in-combination effects at Ramsgate Harbour to interact with those associated with the proposed Thanet Extension project.

## 10 ExQ2.10 Historic Environment

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
2.10.1.	Historic England	<p><b>Constraints of Archaeological Exclusion Zones (AEZs) in cable export corridor:</b>                      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 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</p>	<p>Wessex Archaeology has contacted Historic England, received HE's D5 response and will respond at Deadline 6.</p>

Questions

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
		corridor off Ramsgate (Figure 13.15 and 13.16).	
2.10.2.	Historic England	<p><b>Sediment-covered offshore heritage assets</b></p> <p>In Relevant Representation [RR-047] Historic England notes that "...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".</p> <ul style="list-style-type: none"> <li>• Would Historic England confirm if they are now satisfied with how this is addressed in the Offshore draft Written Scheme of Investigation [REP2- 015]?</li> </ul>	Wessex Archaeology has contacted Historic England, received HE's D5 response and will respond at Deadline 6.
2.10.3.	The Applicant	<p><b>Responsibilities under Offshore WSI for Military Remains</b></p> <p>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</p>	<p>a) The obligations of the contractor under the Protection of Military Remains Act 1986 are as follows:</p> <ul style="list-style-type: none"> <li>- reporting to the MoD material from aircraft that crashed while in military service that could be impacted (tampered with, damaged, removed or unearthed). The Act covers as a protected place the remains of, or of a substantial part of, aircraft that crashed while in military service. As a precautionary principle, if the military service of an aircraft cannot be confirmed, then unknown aircraft material should also be reported and assumed to be of interest until proven otherwise.</li> </ul>



Questions

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
		<p>11.5.1 of the Offshore draft WSI RevA.</p> <p>Would the Applicant please clarify:</p> <p>a) the obligations of the contractor under the Act; and</p> <p>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;</p> <p>c) whether the Onshore and Offshore WSI's need corresponding reference to specific obligations under the Act.</p>	<p>- an excavation licence must be obtained before invasive survey or excavation can be undertaken on a military aircraft crash site</p> <p>b) The Ministry of Defence, a key stakeholder, has been consulted, but no response has been received; although no engagement is expected at this stage, however, they will be consulted further on specific sites, should the need arise, in order to comply with the <i>Protection of Military Remains Act 1986</i>. Wessex Archaeology routinely liaises with the MoD with regards to shipwrecks and aircraft crash sites on other development projects and the approach here is consistent with those.</p> <p>c) the Act refers to any aircraft that crashed while in military service, and therefore it applies to onshore sites as well as offshore ones. However sites on land are more likely to have been recorded at the time of the crash and therefore known, whereas there is a higher potential for discovering previously unknown sites offshore.</p>
2.10.4.	Historic England and Kent County Council	<p><b>Draft Onshore Archaeological Written Scheme of Investigation (WSI)</b></p> <p>Would Historic England and Kent County Council please confirm if they are satisfied with [REP4-008] Draft Onshore WSI, in particular:</p> <p>a) The approach described in para 1.5.2;</p> <p>b) The objectives stated in 2.2.1;</p> <p>c) The liaison and reporting responsibilities in 3.2.4 and 3.2.5 and 3.5.3 and 3.6.1; and</p>	<p>The Applicant has submitted a revised version of the Outline Onshore WSI, following further discussion with KCC/HE. This makes the staged approach desired more explicit, with further specific reference to areas of the route and stages of work envisaged at each area. The paragraphs referred to in ExA WQs2 2.10.4 are amended in the revised text, as noted below:</p> <p>General approach formerly in 1.5.2 is now explicit from 1.1.3 onwards and detailed in section 6 of the revised document.</p> <p>2.2.1 is expanded to include specific mention of the Boarded Groins and WWII defences</p>

Questions

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
		d) The management of the Offshore/onshore interface as described in section 5.2?	Section 3 is unchanged Section 5 is unchanged (but note additional relevant reference in the new section 6.1.3)
2.10.5.	The Applicant	<b>Onshore WSI: Incomplete reference</b> The Draft Onshore WSI para 1.4.2 [REP4-008] appears to have an incomplete CfA reference. Please review and amend as necessary.	The text amended in revised version to refer to the various CfA guidance, with explicit signposting to References section of the Onshore WSI.
2.10.6.	The Applicant	<b>Onshore WSI: Previously undisturbed land parcels</b> 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?	This has been amended in revised version of Outline WSI (clarification and description added para 4.4.11).

## 11 ExQ2.12 Navigation: Maritime and Air

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
2.12.1.	The Applicant	<p><b>Air: Effects for airport radar and communication systems</b>                      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).</p>	The Applicant can confirm that no further response has been received.
2.12.2.	The Applicant	<p><b>Maritime: Shipping and Navigation Liaison Plan consultees</b>                      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.</p>	The Applicant can confirm that there is ongoing liaison between the Applicant and Peel Ports (owners of Port of Sheerness). The Applicant can also confirm that there is a signed SoCG with the RYA and that the RYA are content with all mitigation measures. Notwithstanding this the Applicant can confirm that for completeness these parties will be added to the Shipping and Navigation Liaison Plan consultees.

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
		<p>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?</p>	
2.12.3.	The Applicant	<p><b>Maritime: Tolerability of Risk: HSE Guidelines</b>                      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."                      • Would the Applicant please submit the relevant HSE Guidelines to the ExA for inclusion in the Examination Library?</p>	The guidelines are provided at Appendix 4 to this Deadline 5 submission.

## 12 ExQ2.13 Noise and Other Public Health Effects

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
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"> <li>• 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</li> </ul>	<p>The Applicant notes that this question is for IPs and will provide updated SoCGs where considered relevant to those IPs.</p>

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
		effects arising from the construction or operational phases of the proposed development? If so, please provide specific details of the concern.	

### 13 ExQ2.14 Other Strategic Projects and Proposals

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
2.14.1.	The Applicant	<b>Ramsgate: Maintenance dredging</b> Can the Applicant please provide a latest position statement on 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.	The Applicant has provided a detailed response to this, and other relevant Action Points/representations at Appendix 32 to this Deadline 5 submission.
2.14.2.	The Applicant	<b>Ramsgate: Capital dredging for new ferry services</b> 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	The Applicant has provided a detailed response to this, and other relevant Action Points/representations at Appendix 32 to this Deadline 5 submission. <b>Applicants position pre Deadline 5:</b>  No plans for capital dredging were available as a licence application (as listed on the MMO Public Register <sup>3</sup> ), with considerable speculation in the Press (re the Seaborne Freight proposals). All dredging information

<sup>3</sup> <https://marinelicensing.marinemanagement.org.uk/mmofox5/fox/live/>

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
		<p>final update should also be provided at Deadline 8.</p>	<p>available related to maintenance dredging, as addressed in the Applicants response to 2.14.1 above.</p> <p><b>Any change post Deadline 5:</b></p> <p>It is understood that the bid to return commercial ferries to Ramsgate Harbour (the Seabourne Freight proposals) has failed<sup>45</sup>.</p> <p>Current position is therefore that no capital dredge is expected to be required, as the relevant planned works are no longer being brought forward. Therefore, no possibility of a cumulative and/or in-combination effect.</p>

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<sup>4</sup> <https://www.kentonline.co.uk/thanet/news/cash-agreed-for-port-redevelopment-200026/>

<sup>5</sup> <https://www.parliament.uk/business/news/2019/february/department-for-transport-faces-scrutiny-after-seaborne-freight-urgentquestion/>



## 14 ExQ2.17 Transportation and Traffic

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
2.17.1.	The Applicant	<p><b>Potential effects of Manston Airport development</b></p> <p>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.</p>	<p>The Applicant can confirm that at the time of Application insufficient information was available for the Manston Airport project to undertake a full cumulative assessment. This was due to the project being withdrawn and a low level of certainty being available to undertake a meaningful assessment. Subsequent to submission the Manston Airport development was brought forward and it has been professionally judged that the developments will not have a cumulative impact with Thanet Extension and it therefore remains scoped out of this assessment. This is due to the Manston Airport not being expected to generate significant volumes of traffic in proximity to the proposed construction works.</p>

## 15 ExQ2.18 Water Environment

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
2.18.1.	All IPs	<p><b>Water Framework Directive Compliance</b></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> <p>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.</p>	<p>The Applicant welcomed the final signed SoCG from the Environment Agency. The Applicant is not aware of any remaining concerns from IPs regarding fulfilling their duties under the Water Framework Directive or the Water Environment Regulations 2017.</p>

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