

Vattenfall Wind Power Ltd

Thanet Extension Offshore Wind Farm

Appendix 8 to Deadline 5 Submission: Response to
ExA Action Points arising from Issue Specific
Hearing 8 – Natural Environment and Commercial
Fishing

Relevant Examination Deadline: 5

Submitted by Vattenfall Wind Power Ltd

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Revision A

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1 Introduction

- 1 This note has been drafted in response to requests by the Examining Authority (ExA) during Issue Specific Hearing 8 (ISH5) on 17/04/2019 and through reference to the ISH8 Action Points document PINS Ref EV-045. This document focuses in particular on Natural Environment and Commercial Fishing Action Points.

- 2 The ExA, in EV-045, has set out 24 Action Points which can be summarised as follows:
 - Action Point 1 - Red Throated Diver of the Outer Thames Estuary SPA;
 - Action Point 2 - Gannet of the Flamborough and Filey Coast SPA;
 - Action Point 3 – Kittiwake of the Flamborough and Filey Coast SPA;
 - Action Point 4 – Updated In-Combination Assessment for Kittiwake Arising from the Norfolk Vanguard Examination;
 - Action Point 5 – Effects on St Abb’s Head to Fast Castle SPA;
 - Action Point 6 – Ringed Plover Mitigation;
 - Action Point 7 – In Principle Offshore Ornithology Monitoring Plan;
 - Action Point 8 – HRA Conclusions in respect of Thanet Coast and Sandwich Bay SPA;
 - Action Point 9 – Harbour Porpoise of the Southern North Sea SAC;
 - Action Point 10 – Thanet Coast SAC;
 - Action Point 11 – Saltmarsh Mitigation, Reinstatement and Monitoring Plan;
 - Action Point 12 – Cable Protection Installation within the Inter-Tidal Area;
 - Action Point 13 – Seasonal Restriction for Inter-Tidal Cable Works;
 - Action Point 14 – Schedule of Mitigation;
 - Action Point 15 – Appropriate Security of Mitigation in the Inter-tidal Zone;
 - Action Point 16 – Effects on Goodwin Sands pMCZ;
 - Action Point 17 – Outline Offshore Operation and Maintenance Plan;
 - Action Point 18 – The Crown Estate Plan-Level HRA Update (to be provided by 11th June);
 - Action Point 19 – The Crown Estate Agreement for Lease Update (to be provided by 11th June);

- Action Point 20 – The Crown Estate: Relevance of Decisions About Round 4 Leasing;
- Action Point 21 – Fisheries Co-existence and Liaison Plan;
- Action Point 22 – Final Positions on the Assessment of Commercial Fishing Effects;
- Action Point 23 – Statement of Common Ground on Fishing Matters;
- Action Point 24 – Disruption Agreements.

2 Action Point 1 – Red Throated Diver of the Outer Thames Estuary SPA

a. Natural England to comment on the Applicant's submission [REP4- 023] and set out its latest position in respect of the applicant's HRA conclusions relating to Red Throated Diver of the Outer Thames Estuary SPA.

b. In the event that Natural England is not able to agree to the Applicant's conclusion of no Adverse Effect on Integrity, the Applicant and Natural England should each provide a written view on the following question: 'If the Secretary of State as Competent Authority was to conclude that there may be an adverse effect on integrity (in-combination), then what alternative solutions and compensatory measures have been considered? To what extent is it necessary to proceed to stages beyond Stage 2 of the HRA assessment process, i.e. alternative solutions and Imperative Reasons of Overriding Public Interest?'

- 3 The Applicant notes that Action Point 1a is for Natural England, however has the following observations to make.
- 4 The Applicant can confirm that the matter of a potential adverse effect on the integrity of the Outer Thames Estuary SPA has been discussed with Natural England and wording incorporated within the SoCG.
- 5 With regards point b Please refer to the Applicant's detailed response to this question at Annex A to this Deadline 5 submission.

3 Action Point 2 – Gannet of the Flamborough and Filey Coast SPA

The Applicant to ensure that the next iteration of the offshore ornithology SOCG confirms the status of agreement with Natural England in respect of in-combination effects on Gannet of the Flamborough and Filey Coast SPA.

- 6 The Applicant’s position with Natural England, confirmed through the submission of the updated SoCG for Deadline 4C (PINS Ref REP4C-008: Application Ref Appendix 6), remains in agreement that there was no adverse effect on integrity on the gannet interest features of the Flamborough and Filey Coast (FFC) SPA from the project alone. In response to the ExA’s question as to whether Natural England reached agreement that there is no AEoI in relation to the gannet feature of the Flamborough and Filey Coast (FFC) SPA in-combination it is the Applicant’s understanding that it is not currently captured in the latest SoCG (PINS Ref: REP4C-008), but will be agreed and provided as requested with the Deadline 6 submissions.

4 Action Point 3 – Kittiwake of the Flamborough and Filey Coast SPA

a. Natural England to comment on the Applicant's submission [REP4-029] and in particular:

- the position that the anticipated decommissioning of the Beatrice Demonstrator and Blyth (NaRec Demonstration) project would more than offset the kittiwake collision risk attributable to TEOWF;***
- the contention at para 22 that 'new evidence' indicates that previous Habitats Regulations Assessments that fed into the current conclusions were over-precautionary.***

b. Natural England to set out its latest position in respect of the applicant's HRA conclusions relating to Kittiwake of the Flamborough and Filey Coast SPA.

c. The Applicant and Natural England to set out their views about the degree of accuracy of the collision model at very low values, such as figures of between 0.6 and 1.6 birds. Can these figures be considered to be statistically robust?

d. In the event that Natural England is not able to agree to the Applicant's conclusion of no Adverse Effect on Integrity, the Applicant and Natural England should each provide a written view on the following question: 'If the Secretary of State as Competent Authority was to conclude that there may be an adverse effect on integrity (in-combination), then what alternative solutions and compensatory measures have been considered? To what extent is it necessary to proceed to stages beyond Stage 2 of the HRA assessment process, i.e. alternative solutions and Imperative Reasons of Overriding Public Interest?'

- 7 The Applicant notes that this Action Points 3a and 3b are for Natural England, however has the following observations to make.

- 8 The Applicant can confirm that two existing offshore wind farms are shortly to be decommissioned (Blythe (licence to decommission Blyth granted November 2017¹), work starting April 2019, expected to last 4-6 weeks²) and Beatrice Demonstrator (the December 2018 Decommissioning Programme³ will decommission the entire facility 2022-2030, with removal of the ‘topside’ (including the blades) decommissioned before the ‘jackets’ (foundation) in 2025-2027. Beatrice decommissioning was approved by BEIS in January 2019⁴). These two projects have a combined predicted collision risk to kittiwake of 0.65 individuals that are attributed to the Flamborough and Filey Coast (FFC) SPA.
- 9 The Applicant submitted at Deadline 3 an assessment of the potential in-combination impacts on the kittiwake interest feature of the FFC SPA of the proposed Thanet Extension along with other operational, under construction and consented OWFs (PINS Ref REP3-082/ Application Ref Deadline 3 Submission - Appendix 39: Clarification Note on Collision Risk Modelling Parameters and Thanet Extension’s Contribution to Cumulative and In-Combination Totals).
- 10 That in-combination assessment presented two approaches to the CRM; the Applicant’s preferred assessment and one considering a more precautionary scenario for predicting collision risk mortality rates advocated by Natural England.
- 11 The results of that in-combination assessment identified that the contribution of Thanet Extension alone to the population of the FFC SPA was Between 0.43 and 1.28 kittiwakes in spring and between 0.17 and 0.35 kittiwakes in autumn or annually between 0.60 and 1.63 kittiwakes.

¹ <http://portofblyth.co.uk/decommissioning-licence-approved/>

² <https://www.eonenergy.com/about-eon/media-centre/eons-blyth-offshore-wind-farm-to-be-decommissioned-bringing-to-a-close-its-pioneering-contribution-to-the-development-of-renewable-technology/>

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/772806/Beatrice_Decommissioning_Programmes.pdf

⁴ <https://www.gov.uk/guidance/oil-and-gas-decommissioning-of-offshore-installations-and-pipelines#table-of-approved-decommissioning-programmes>

- 12 The Applicant considered that none of these predicted number of mortalities will result in an adverse effect from the project alone on the integrity of the kittiwake feature of the FFC SPA. In addition, the Applicant considers that Thanet Extension does not make any appreciable contribution to any potential effect on the kittiwake interest feature of the FFC SPA that have been attributed in-combination to result from OWFs that are operational, under construction and consented.
- 13 The contribution of Thanet Extension (in the context of accounting for the none material contribution together with the expected decommissioning of Blyth and Beatrice Demonstrator) remains not appreciable.
- 14 A review of the existing legal position as regards the projects considered by both East Anglia Three and Norfolk Vanguard in-combination with respect to kittiwake and the FFC SPA was submitted at Deadline 4B in Table 1 of the Post-submission CRM Report (PINS Ref REP4-029; Application Ref Appendix 25, to Deadline 4 Submission; Title: Offshore Ornithology In-combination Effects Position Paper on Kittiwake and the FFC SPA).
- 15 This concluded the Applicant's position is that there is no adverse effect on integrity to the kittiwake feature of the FFC SPA and that Thanet Extension does not make an appreciable contribution to the kittiwake in-combination collision risk totals.
- 16 The assessment should also be placed in the context of the 'as built' turbine numbers for several projects (e.g. Hornsea ONE) compared to that assessed, together with other non-material changes for a reduction in WTGs at Triton Knoll. Such turbine reductions have not been included within the East Anglia Three HRA, for which NE concluded no AEol.
- 17 The Applicant notes that this Action Point 3c is for the Applicant and Natural England to provide a response to. The Applicant can confirm that the degree of accuracy of the collision risk model (CRM) used and the apportionment process applied to assign the degree of risk to a specific designated site from Thanet Extension offer a precautionary assessment of potential collision risk to kittiwake from the FFC SPA. The Applicant can also confirm that the very low mortality values of between 0.6 and 1.6 birds per annum should be considered to be statistically robust, as they follow the current guidance on CRM and apportionment appropriately for use at the HRA level for offshore wind farms.
- 18 With regards Action Point 3(d) please refer to the Applicant's detailed response to this question at Annex A to this Deadline 5 submission.

5 Action Point 4 – Updated In-Combination Assessment for Kittiwake Arising from the Norfolk Vanguard Examination

The Applicant is to submit into this examination the updated in-combination assessment for Kittiwake recently arising from the Norfolk Vanguard examination. The Applicant should provide a clear statement of the current status of agreement between Norfolk Vanguard and Natural England in relation to that assessment.

- 19 The Applicant brought the ExA to the attention of a post-submission note for Norfolk Vanguard (Vattenfall 2019⁵) during ISH8, which presents an updated assessment of the potential impacts on kittiwake connected to the FFC SPA that might arise from the construction, operation and decommissioning of the proposed Norfolk Vanguard project alone and in-combination with other relevant plans and projects. That assessment provided predictions using Natural England’s preferred precautionary approach and the Norfolk Vanguard’s preferred evidence based methods to address concerns raised by Natural England and the Royal Society for the Protection of Birds (RSPB).
- 20 The in-combination all age class total annual kittiwake collision estimate was estimated to be 495.2 individuals, of which Thanet Extension contributes 1.8 individuals (although it should be noted that this is considered to be an over-estimate due to the precautionary assumptions noted above). Without Hornsea Project Three this total is 337.4 individuals.
- 21 The increase in the background mortality due to this in-combination collision risk using Natural England’s preferred precautionary approach (and the inclusion of Hornsea Project Three) is 1.8% and 1.3% without Hornsea Project Three.

^{10. 5} Vattenfall (2019) Norfolk Vanguard Offshore Wind Farm Offshore Ornithology Assessment Update for Deadline 6

- 22 A population model was produced for the FFC SPA population of kittiwake for the Hornsea Project Three wind farm (MacArthur Green 2018⁶). This model was an update of similar models produced for Hornsea Project Two, with the addition of a matched-run approach for calculating counterfactual outputs and an extended simulation period (35 years). Simulations were conducted with and without density dependence and were summarised as the counterfactual of population size and population growth rate. The outputs from this model were presented as additional adult mortality, therefore the total FFC SPA estimates were converted to adults by multiplying by the adult proportion (53%). Thus, the all age class estimate including Hornsea Project Three of 495.2 comprises 262.4 adults, and without Hornsea Project Three the all age total of 337.4 comprises 178.8 adults. The outputs from these models for adult mortality levels of 200 and 300 (the closest upper values to these totals) were assessed.
- 23 Their assessment presented the maximum reduction in the population growth rate, at a mortality of 300, using the more precautionary density independent model was 0.3% (0.997) and without Hornsea Project Three this was 0.2%. Using the more realistic density dependent model these maximum reductions in growth rate were 0.1% (0.999) and 0% (1.0) respectively.
- 24 It was concluded that this growth rate reduction represents a very small risk to the population's conservation status.
- 25 Evidence was also presented by Norfolk Vanguard that the kittiwake breeding population at the FFC SPA has remained relatively stable around an average of approximately 40,000 pairs over the last 20 years. It also stated that the RSPB reported that since 2000 the population has grown by 7% which would equate to 0.4% annual growth rate. The Norfolk Vanguard submission therefore concluded that the kittiwake population appears to be in favourable conservation status and the relevant conservation objective is to maintain this status, subject to natural change.
- 26 On the basis of the population model predictions the number of predicted in-combination kittiwake collisions attributed to the FFC SPA is not at a level which would trigger a risk of population decline, but may result in a slight reduction in the growth rate currently seen at this colony.

⁶ Vattenfall (2019) Norfolk Vanguard Offshore Wind Farm Offshore Ornithology Assessment Update for Deadline 6

- 27 The totals included in the Norfolk Vanguard submission also included several sources of precaution, including over-estimated nocturnal activity for existing projects and the use of consented collision estimates for projects which have since been constructed to designs with much lower collision risks.
- 28 Therefore, the Norfolk Vanguard submission, which was compiled in consultation with Natural England and the RSPB, concluded that there will be no adverse effect on the integrity of FFC SPA from impacts on kittiwake due to the proposed Norfolk Vanguard project in-combination with other projects, including Thanet Extension. The Applicant acknowledges that although the revised PVA was supported by Natural England and the RSPB the degree to which they support the final input parameters, assumptions, outputs and interpretation are as yet unknown.
- 29 The Applicant confirms that the Norfolk Vanguard submission further supports the conclusions for Thanet Extension that there will be no adverse effect on the integrity of FFC SPA from impacts on kittiwake due to the proposed Thanet Extension project in-combination with other projects.

6 Action Point 5 – Effects on St Abb’s Head to Fast Castle SPA

- 30 ***The Applicant to provide an update regarding its consultation with Scottish Natural Heritage in relation to the St Abb’s Head to Fast Castle SPA.***
- 31 The Applicant has had no response to requests made to SNH regarding St Abb’s Head to Fast Castle SPA.

7 Action Point 6 – Ringed Plover Mitigation

The latest submitted version of the dDCO contains new provisions related to pre-construction surveys and a mitigation plan for Ringed Plover. The Applicant explained at ISH8 that this has been included following an audit of the Schedule of Mitigation and relates to the conclusions of the Environmental Statement.

- *Please would Natural England, Kent Wildlife Trust and any other relevant IPs respond to these new DML provisions?*

32 The Applicant notes that this Action is for IPs and has no further comment to add to this beyond identifying that the proposed mitigation was confirmed and agreed within the ES chapter which has in turn been formally reviewed and agreed with the IPs.

8 Action Point 7 – In Principle Offshore Ornithology Monitoring Plan

Natural England to provide comments on the Applicant's response to its comments on the draft In Principle Offshore Ornithology Monitoring Plan.

- ***To what extent does the Plan perform the role envisaged by Natural England?***

33 The Applicant notes that this Action Point is for Natural England however would comment that the focus on red throated diver has been agreed between Natural England and the Applicant. Due to the potential for monitoring to have low statistical power at the site specific scale (due to low bird density) the Applicant has also provided for the ability to undertake strategic studies should these be more appropriate. The appropriateness of strategic studies, or site specific studies, is noted to be agreed following consultation with Natural England post-consent.

34 It is therefore the Applicant's position that the inclusion of strategic studies within the in principle offshore ornithology monitoring plan does not preclude site specific studies should these be preferred but instead offers a commitment to making a robust contribution towards the understanding of the effects of OWFs on red throated diver, with the commitment being open to strategic level or site specific level study.

9 Action Point 8 – HRA Conclusions in respect of Thanet Coast and Sandwich Bay SPA

Does Natural England agree with the Applicant’s statement that the saltmarsh is not a supporting feature of the Thanet Coast and Sandwich Bay SPA? If not, why not?

- 35 The Applicant notes that this comment is for Natural England however would confirm that the matter of saltmarsh being a supporting feature of the Thanet Coast and Sandwich Bay SPA is uncertain within the designation documents. It was also confirmed under the EIA Evidence Plan that the saltmarsh at the landfall location was unlikely to be appropriate supporting habitat for the designated features of the SPA (golden plover).
- 36 Notwithstanding this the Applicant removed landfall Option 2 from the design in order to avoid permanent loss of saltmarsh.

10 Action Point 9 – Harbour Porpoise of the Southern North Sea SAC

a. The Applicant to provide updated SOCGs with Natural England and MMO covering HRA conclusions for marine mammals, particularly Harbour Porpoise of the Southern North Sea SAC, and the contents of the Outline Site Integrity Plan.

b. In the event that Natural England is not able to agree to the Applicant's conclusion of no Adverse Effect on Integrity, the Applicant and Natural England should each provide a written view on the following: 'If the Secretary of State as Competent Authority was to conclude that there may be an adverse effect on integrity, then what alternative solutions and compensatory measures have been considered? To what extent is it necessary to proceed to stages beyond Stage 2 of the HRA assessment process, i.e. alternative solutions and Imperative Reasons of Overriding Public Interest?'

- 37 Please refer to the Applicant's detailed response to this question at Annex A to this Deadline 5 submission.

11 Action Point 10 – Thanet Coast SAC

The Applicant to provide an updated SOCG with Natural England covering HRA conclusions for the Reef feature (alone and in-combination) of the Thanet Coast SAC for D5.

- 38 The Applicant can confirm that a clarification note accompanies this Deadline 5 submission (Appendix 32). This is proposed to be discussed with Natural England with a view to revising and updating the associated SoCG.

12 Action Point 11 – Saltmarsh Mitigation, Reinstatement and Monitoring Plan

a. Natural England and Kent Wildlife Trust to respond in writing to the Rev C version of the Applicant's Saltmarsh Mitigation, Reinstatement and Monitoring Plan [REP4-020]. Is this Plan now agreed?

b. The Applicant and previously mentioned parties to respond in writing to the question of whether the DCO/DMLs adequately secure the reinstatement commitments set out at section 7.2 of the SMRMP.

- 39 The Applicant is content that the DMLs properly secure the reinstatement provisions post construction at Condition 15 and 17 of 12. The Applicant has also now replicated this drafting within Requirement 13 of the revised dDCO.

13 Action Point 12 – Cable Protection Installation within the Inter-Tidal Area

The latest SOCG (D3) indicates that the MMO disagrees with the Applicant's statement that 'no cable protection will be installed within in the Sandwich Bay intertidal area and this has been adequately secured in the DCO'.

- *Would the MMO provide an update on this point by D5?*

40 The Applicant can confirm that this commitment is reflected in the Schedule of Mitigation accompanying this Deadline 5 submission at Appendix 3.

14 Action Point 13 – Seasonal Restriction for Inter-Tidal Cable Works

a. The Applicant to explain in writing why it has not considered it appropriate to specify the details of the seasonal restriction ('October to March inclusive') on the face of the DCO or DML. Would the Applicant object to such an approach? If not, would a DCO requirement or DML condition be more appropriate and why?

b. Mitigation reference 5.20 of the Schedule of Mitigation [REP3-047] states that the same seasonal restriction would apply for 'planned O&M works'. The Applicant to explain how the seasonal restriction for planned operations and maintenance works in the intertidal zone is secured in the DCO.

c. The Applicant to respond to the question of whether the geographical extent of the shoreline and inter-tidal zone subject to the seasonal restriction is completely clear and unambiguous, or whether it requires further definition.

d. Natural England/Kent Wildlife Trust/relevant Local Authorities to comment on the above points, should they have views to contribute.

- 41 a) b) The Applicant is content to secure the seasonal restriction on the face of the DMLs and has included drafting accordingly at Schedule 11, Part 4 (18) and Schedule 12, Part 4 (16). This drafting specifically restricts planned operation and maintenance works between 1st October and 31st March of any year.
- 42 c) The Applicant considers the MHWS and MLWS adequately and appropriately characterised by the Works Plan areas, which will be used to inform the spatial extent of the seasonal restriction.
- 43 d) The Applicant notes that this action is for IPs.

15 Action Point 14 – Schedule of Mitigation

a. The Applicant to update the Schedule of Mitigation to ensure that it includes accurate references to where in the Environmental Statement the seasonal restriction has been assessed for the purposes of Condition 10(1)(c)(ii).

b. If the Schedule of Mitigation is intended to be a certified document, the Applicant to amend dDCO drafting for next iteration as it is not currently listed in Schedule 13.

- 44 a) b). The Applicant has updated the Schedule of Mitigation accordingly and can confirm that the seasonal restriction is a commitment made within the onshore biodiversity chapter of the ES (Application ref: 6.3.4). The Applicant can confirm the Schedule of Mitigation has been included as a certified document.

16 Action Point 15 – Appropriate Security of Mitigation in the Inter-tidal Zone

The Applicant and relevant IPs to respond to the ExA’s question about whether it is appropriate to secure mitigation in the inter-tidal zone (such as the seasonal restriction and SMRMP) solely by DML condition, given the overlapping jurisdictions of terrestrial and marine authorities in the inter-tidal zone.

- 45 Whilst the Applicant considers the seasonal restriction to be appropriately secured within the dML, the Applicant can confirm that following a review of the dDCO wording at Requirement 10 and Conditions 12 in Schedule 12 respectively has been updated, which makes clear that any plan or document within the Order may be approved by more than one statutory body and, if that is the case, such bodies must consult with one another. Certain specific plans relevant to the intertidal area have also been explicitly set out in both the requirements and the DMLs, including the seasonal restriction and the SMRMP.

17 Action Point 16 – Effects on Goodwin Sands pMCZ

46 **Applicant to:**

a. submit a revised MCZ Clarification Note to take account of IP comments for D5;

b. update DML condition drafting expressly related to the pMCZ; and,

c. use updated SOCGs at D5 to document the latest position in terms of agreement / outstanding disagreement on MCZ matters.

47 The Applicant has provided a clarification note at Appendix 32 to this Deadline 5 submission providing the information requested by both Natural England and the ExA.

18 Action Point 17 – Outline Offshore Operation and Maintenance Plan

The Applicant to explain in writing by D5 why the categorisation of some of these Outline Offshore Operation and Maintenance Plan activities have changed from green to amber between Rev A and Rev B. Should the fact that a number of O&M activities may fall outside of the activities licensed by the DMLs be of concern to the ExA?

- ***MMO and any other relevant IPs to comment on this by D6.***

48 The Applicant can confirm that the identified activities, coloured amber, indicate that an additional marine licence may be required if proposed works exceed those assessed within the Environmental Statement or described within the DCO. This aligns with the request made by the MMO to identify activities that are licensable and may therefore require a licence if the values assessed within the Thanet Extension application documents require exceedance.

49 It is the Applicant's position that the proposed project has been appropriately assessed according to principles of assessing an appropriate and realistic maximum design scenario, in line with the Rochdale envelope approach. As such whilst all proposed activities are included within the project description and proposed marine licences the Applicant recognises that there may be a need for further licences should the developer require to increase any parameters presented in the O&M plan during the post-consent stage.

19 Action Point 18 – The Crown Estate Plan-Level HRA Update (to be provided by 11th June)

The Crown Estate to provide an update on the status of its plan-level HRA before close of the examination on 11 June 2019.

- *The Crown Estate to confirm whether or not the plan-level HRA takes account of the proposed SEZ.*

50 The Applicant notes this Action Point is for The Crown Estate.

20 Action Point 19 – The Crown Estate Agreement for Lease Update (to be provided by 11th June)

The Crown Estate to provide an update on the status of the Agreement for Lease for TEOWF before close of the examination of 11 June 2019.

51 The Applicant notes this Action Point is for The Crown Estate.

21 Action Point 20 – The Crown Estate: Relevance of Decisions About Round 4 Leasing

The Crown Estate and the Applicant to respond to the ExA’s question: “what is the relevance to the TEOW application of the decision for the North Kent Coast and Thames Approaches to be excluded from the Round 4 leasing exercise”.

- 52 The Applicant understands that there is no relevance to the TEOW application of the decision for the North Kent Coast and Thames Approaches to be excluded from the Round 4 leasing exercise and that the TEOW application is separate from the Round 4 leasing exercise.

22 Action Point 21 – Fisheries Co-existence and Liaison Plan

Final Fisheries Co-existence and Liaison Plan must be submitted into the examination by D6 at latest, along with any further mitigation matters that the applicant wishes the ExA to take into account.

- 53 The Applicant has provided an updated FCLP to Thanet Fishermen’s Association and will submit the final version in line with the ExA’s request.

23 Action Point 22 – Final Positions on the Assessment of Commercial Fishing Effects

The Applicant, Thanet Fishermen’s Association and any other relevant fishing interests to submit final positions on the sensitivity and magnitude assessment of effects on commercial fishing by D5.

- 54 The Applicant has provided an updated SoCG, including reference to sensitivity and magnitude to Thanet Fishermen’s Association and will submit the final version in line with the ExA’s request.
- 55 It is the Applicant’s position that the conclusions of minor significance in respect of the impact of loss of grounds during construction remains appropriate. The assessment takes account of the information provided by TFA throughout the consultation and appropriate applies sensitivity and magnitude to the fleet. In this context the conclusions illustrate impacts at fleet level rather than on an individual vessel basis. It is also important to note that the conclusions of minor significance take account of the embedded mitigation proposed for the project, including the production of the FLCP.
- 56 Specifically with regards crab and lobster fisheries the Applicant notes that the undertaking of the assessment of potting separately for crab and lobster fisheries, is not possible with the information available from consultation with fishermen and therefore used to inform the assessment. The data are not in a format that would allow for a separate assessment to be undertaken (including grounds depicted by individual fishermen and Succorfish data).
- 57 The Applicant’s conclusion therefore is that the assessment, and specifically the allocation of sensitivity and magnitude adopts a standard recognised methodology utilised across the offshore wind industry, and EIA more broadly. As such the assessment is considered to be robust and based on recognised methods of assessment combined with a robust baseline characterisation of the receiving environment with regards commercial fishing. It is of note that the Applicant specifically collaborated with the TFA to undertake the Succorfish data collection in order to underpin the assessment in the most robust manner possible, whilst also providing TFA with an appropriate method of capturing the spatial extent of fisheries with which to in turn underpin any requests for disruption agreements.

24 Action Point 23 – Statement of Common Ground on Fishing Matters

The Applicant to submit revised Fishing SOCG at D6.

- 58 The Applicant has provided an updated SoCG to Thanet Fishermen’s Association and will submit the final version in line with the ExA’s request.

25 Action Point 24 – Disruption Agreements

The Applicant to provide an update on progress with the production of any disruption agreements by D6.

- 59 The Applicant has provided an updated FCLP to Thanet Fishermen’s Association and will submit the final version in line with the ExA’s request. The FLCP provides appropriate references to the recognised mechanisms for calculating disruption payments post consent when the final design is understood.