

# **Vattenfall Wind Power Ltd**

## **Thanet Extension Offshore Wind Farm**

### **Appendix 34 to Deadline 5 Submission: Statement of Common Ground – Marine Management Organisation**

Relevant Examination Deadline: 5

Submitted by Vattenfall Wind Power Ltd

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Revision C

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## 1 Introduction

### 1.1 Overview

- 1 This Statement of Common Ground (SoCG) relates to the proposed development of the Thanet Extension Offshore Wind Farm (Thanet Extension). It has been prepared with respect to the application made by Vattenfall Wind Power Ltd (VWPL) (the Applicant) for a Development Consent Order (DCO) to the Planning Inspectorate (PINS) under the Planning Act 2008 (the Application).
- 2 This SoCG with the Marine Management Organisation (MMO) is a means of clearly stating any areas of agreement and disagreement between the two parties in relation to the Application. The SoCG has been structured to reflect the topics of interest to the MMO on the Application.
- 3 It is the intention that this document will help facilitate post application discussions between both parties and also give the Examining Authority (ExA) an early sight of the level of common ground between both parties from the outset of the examination process. It therefore reflects the Rule 6 letter issued by the ExA on the 9<sup>th</sup> November 2018 as well as identifying key areas within the MMO relevant representation.

### 1.2 Approach to SoCG

- 4 This SoCG has been developed during the pre-examination phase of the Thanet Extension. In accordance with discussions between the Applicant and the MMO, the SoCG is focused on those issues raised by the MMO within its response to Scoping, Section 42 consultation and as raised through the Evidence Plan process that has underpinned the pre-application consultation between the parties.
- 5 The structure of the SoCG is as follows:
  - Section 1: Introduction;
  - Section 2: MMO's Remit;
  - Section 3: Consultation;
  - Section 4: Agreements Log; and
  - Section 5: Matters under discussion.

## 1.3 The Development

- 6 Thanet Extension will comprise of wind turbine generators (WTGs) and all the infrastructure required to transmit the power generated to the national grid. A maximum of 34 WTGs will be installed with a power output of 340 MW. The project will install up to four offshore export cables and may require the installation of one Offshore Substation (OSS) and up to one Meteorological Mast.
- 7 The key offshore components of Thanet Extension are likely to include:
  - Up to 34 Offshore WTGs;
  - OSS (if required);
  - Meteorological Mast (if required);
  - WTG Foundations;
  - Subsea inter-array cables linking individual WTGs;
  - Subsea export cables from the OWF to shore; and
  - Scour protection around foundations and on inter-array and export cables (if required).
- 8 The array area will have a maximum size of 70 km<sup>2</sup> and surrounds the existing Thanet Offshore Wind Farm (TOWF). It is located approximately 8 km Northeast of the Isle of Thanet, situated in the County of Kent. Each WTG will have a maximum blade tip height of 250 m above Highest Astronomical Tide (HAT), a maximum diameter of 220 m and a minimum 22 m clearance between the Mean High Water Springs (MWHS) and the lowest point of the blade.
- 9 Electricity generated will be carried via a maximum of four high voltage subsea cables to the landfall site, situated at Pegwell Bay. Offshore cables will be connected to the onshore cables and ultimately the national grid network at Richborough Energy Park. The onshore cable corridor is 2.6 km in length at its fullest extent.
- 10 More details on the proposed development are described in the Environmental Statement (ES) Volume 2, Chapter 1: Project Description (Offshore) (PINS Ref APP-042/ Application Ref 6.2.1) and Volume 3, Chapter 1: Project Description (Onshore) (PINS Ref APP-057/ Application Ref 6.3.1) of the Environmental Statement (ES).

## 2 MMO's Remit

- 11 The MMO is a prescribed consultee for the proposed development under section 42 of the Planning Act 2008 and Regulation 9 (1)(a) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.
- 12 The MMO's key responsibilities comprise:
  - Ensuring compliance with UK fisheries regulations and the management and monitoring of the UK fishing fleet and associated funding programmes;
  - Licensing for marine activities that may have an environmental, economic or social impact, working with other regulators where appropriate;
  - Production and publication of marine plans and guidance relating to all marine activities which can be used as a basis for development decisions;
  - Responding to marine pollution emergencies; and
  - Ensuring that the network of MPAs is well managed by bringing together conservation authorities and other regulatory bodies, enforcing wildlife legislation, issuing wildlife licenses and the introduction of marine nature conservation byelaws.

### 3 Consultation

#### 3.1 Application elements under the MMO's remit

- 13 Work Nos. 1 – 3B, detailed in Part 1 of Schedule 1 of the draft DCO describe the elements of Thanet Extension which may affect the interests of the MMO.
- 14 The MMO is an executive non-departmental public body sponsored by the Department for Environment, Food & Rural Affairs. The MMO is responsible for licensing, regulating and planning marine activities in the seas around England so that they are carried out in a sustainable way.
- 15 The technical components of the DCO application of relevance to the MMO (and therefore considered within this SoCG) comprise:
- Volume 2, Chapter 1: Project Description (Offshore) (PINS Ref APP-042/ Application Ref 6.2.1);
  - Volume 2, Chapter 2: Marine Geology, Oceanography and Physical Processes (PINS Ref APP-043/ Application Ref 6.2.2);
  - Volume 2, Chapter 3: Marine Water and Sediment Quality (PINS Ref APP-044/ Application Ref 6.2.3);
  - Volume 2, Chapter 4: Offshore Ornithology (PINS Ref APP-045/ Application Ref 6.2.4);
  - Volume 2, Chapter 5: Benthic Subtidal and Intertidal Ecology (PINS Ref APP-046/ Application Ref 6.2.5);
  - Volume 2, Chapter 6: Fish and Shellfish Ecology (PINS Ref APP-047/ Application Ref 6.2.6);
  - Volume 2, Chapter 7: Marine Mammals (PINS Ref APP-048/ Application Ref 6.2.7);
  - Volume 2, Chapter 8: Designated Sites (PINS Ref APP-049/ Application Ref 6.2.8);
  - Volume 2, Chapter 9: Commercial Fisheries (PINS Ref APP-050/ Application Ref 6.2.9);
  - Volume 2, Chapter 10: Shipping and Navigation (PINS Ref APP-051/ Application Ref 6.2.10);



- Volume 4, Annex 10-1: Navigation Risk Assessment (PINS Ref APP-089/ Application Ref 6.4.10.1);
- Volume 2, Chapter 11: Infrastructure and Other Users (PINS Ref APP-052/ Application Ref 6.2.11);
- Volume 2, Chapter 13: Offshore Archaeology and Cultural Heritage (PINS Ref APP-054/ Application Ref 6.2.13);
- Volume 4, Annex 3-1: Water Framework Directive Assessment (PINS Ref APP-076/ Application Ref 6.4.3.1);
- Disposal Site Characterisation (PINS Ref APP-148/ Application Ref 8.14);
- Biogenic Reef Mitigation Plan (PINS Ref APP-149/ Application Ref 8.15);
- Marine Mammal Mitigation Protocol (PINS Ref APP-146/ Application Ref 8.11);
- Summary of the EIA for Offshore Maintenance Activities (PINS Ref APP-145/ Application Ref 8.10)
- Shadow EPS License Assessment (PINS Ref APP-144/ Application Ref 8.9);
- Saltmarsh Mitigation, Reinstatement and Monitoring Plan (PINS Ref APP-147/ Application Ref 8.13);
- Draft Development Consent Order (PINS Ref APP-022/ Application Ref 3.1); and
- Report to Inform Appropriate Assessment (PINS Ref APP-030/ Application Ref 5.1).

### **3.2 Consultation Summary**

- 16 This section briefly summarises the consultation that VWPL has undertaken with the MMO. Engagement during the pre-application phase, both statutory and non-statutory, is summarised in Table 1 below, this includes any meetings and correspondence held as part of the Evidence Plan process and Section 42 consultation. Full details of the Evidence Plan were provided in the Evidence Plan Report (PINS Ref APP-137/ Application Ref 8.5) in the Application.

**Table 1: Consultation undertaken with the MMO pre-application**

Date & Type:	Detail:
24 <sup>th</sup> October 2016 Evidence Plan	1 <sup>st</sup> Steerco Evidence Plan meeting
26 <sup>th</sup> June 2017 Evidence Plan	2 <sup>nd</sup> Steerco Evidence Plan meeting
28 <sup>th</sup> February 2017 Evidence Plan	1 <sup>st</sup> Evidence Plan meeting - Offshore Ecology Meeting.
26 <sup>th</sup> May 2017 Evidence Plan meeting	2 <sup>nd</sup> Evidence Plan meeting - Offshore Ecology Meeting.
12 <sup>th</sup> July 2017 Evidence Plan meeting	3 <sup>rd</sup> Evidence Plan meeting - Offshore Ecology Meeting.
4 <sup>th</sup> October 2017 Evidence Plan meeting	4 <sup>th</sup> Evidence Plan meeting - Offshore Ecology Meeting.
26 <sup>th</sup> January 2018 Evidence Plan meeting	5 <sup>th</sup> Evidence Plan meeting - Offshore Ecology Meeting.
2 <sup>nd</sup> October 2018 Evidence Plan meeting	1 <sup>st</sup> Evidence Plan meeting - HRA Meeting.
January 2018: Section 42 Consultation	Comments relating to the Preliminary Environmental Information Report

### 3.3 Post-application Consultation

17 VWPL has engaged with the MMO since the Thanet Extension development was accepted for examination by the Planning Inspectorate on 23<sup>rd</sup> July 2018. A summary of the post-application consultation with the MMO is detailed in Table 2.

**Table 2: Consultation undertaken with the MMO post-application**

Date/ Type:	Detail:
14 <sup>th</sup> August 2018 Teleconference	Progress meeting prior to relevant representations
8 <sup>th</sup> October 2018 Teleconference	Meeting to discuss the development of the SoCG
11 <sup>th</sup> February 2019	Teleconference to discuss disposal sites post-deadline 2
26 <sup>th</sup> March 2019	Teleconference to discuss outstanding items
5 <sup>th</sup> April 2019	Teleconference to discuss turbid wakes and fish ecology
12 <sup>th</sup> April 2019	Meeting to discuss the development of the SoCG
26 <sup>th</sup> April 2019	Meeting to discuss the development of the SoCG



## 4 Agreements Log

- 18 The following section of this SoCG identifies the level of agreement between the parties for each relevant component of the application material (as identified in Section 3.1). In order to easily identify whether a matter is “agreed”, “under discussion” or indeed “not agreed” a colour coding system of green, yellow and orange is used in the “final position” column to represent the respective status of discussions.

### 4.1 DCO and draft dML

- 19 Table 3 identifies the status of discussions relating to this topic area between the parties.

**Table 3: Status of discussions relating to the DCO and dML**

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Cable protection	The project propose to use the most appropriate form of cable protection, both from a cable protection and ecological perspective. This decision would be made in the detail design phase of the project. The Applicant does note a desire to not to introduce plastic into the marine environment unless this is the most appropriate method.	Agreed	Agreed
Arbitration	The wording relating to arbitration is currently under discussion. The Applicant has submitted their position in Appendix 5 to the Applicant's Deadline 4C Submission.	Not agreed – please see the MMO responses at deadline 3 and 4.	Not agreed
General comments on numbers and cross-referencing	Following the responses to the MMO's RRthe draft DCO and dML accurately cross reference documents and project description information.	Under discussion – pending review of the DCO	Under discussion
Inclusion with the dML	Hammer energy should not be included on the face of the dML as it would preclude the need to consider the effects as presented in the ES for enforcement.	Not agreed – see point 1.46 (MMO-46) of MMO's relevant representation.	Disagree

Discussion Point	Thanet Extension Position	MMO Position	Final Position
O&M activities	The Applicant will provide annual reporting of O&M activities in the context of the consent (if granted).	Agreed	Agreed
Monitoring plans	The effects are known and understood, given the unique position of Thanet Extension as a project, so there is no necessity to provide a In-principle Monitoring Plan (IPMP) or further monitoring plans. The Applicant has provided detailed monitoring plans for known risks or areas of uncertainty with the application.	Agreed	Agreed
	The provision of documents 6 months in advance of proposed works is considered disproportionate given that the project inherently requires less flexibility and will be built out to the extents assessed.	Under discussion	Under discussion
	The Applicant agrees that early engagement with the MMO should be undertaken to aid in the signing-off of documents.	Agreed	Agreed
Commencement	The clearance of UXO will not be licensed under the DCO, and therefore will not be included under commencement. If required, UXO clearance will be sought in a separate marine licence.	Agreed	Agreed

Discussion Point	Thanet Extension Position	MMO Position	Final Position
	The Applicant will revise the wording of commencement to reach agreement with the MMO – on-going discussion.	Under discussion	Under discussion
Offshore noise	The Applicant will monitor offshore noise, and this has been adequately secured within the DCO/dML.	The MMO disagree with the wording in Schedule 11, Part 4 condition 16(3).	Disagree
Cable burial assessment	A cable burial risk assessment will be undertaken post-consent as is adequately secured.	Agreed	Agreed

## 4.2 Project Description (Offshore)

- 20 Volume 2, Chapter 1: Project Description (Offshore) of the ES (PINS Ref APP-042/ Application Ref 6.2.1) outlines the parameters and methods for the construction, operational and maintenance and decommissioning phases with regard to the offshore elements. Table 4 identifies the status of discussions relating to this topic area between the parties.



**Table 4: Status of discussions relating to Project Description (Offshore).**

Discussion Point	Thanet Extension Position	MMO Position	Final Position
General Project Policy Context	It is agreed that the National Policy Statement (NPS) for Renewable Energy (NPS EN-3), when read in combination with other relevant NPS, is the overriding policy document in relation to Thanet Extension.	Agreed, noting that public consultation for the South East Marine Plans is planned to commence in summer 2019	Agreed
	It is agreed that section 4.1.6 of NPS EN-1 applies, which states that PINS shall have regard to the Marine Policy Statement (MPS) and applicable marine plans in making any recommendation relating to the UK marine area.	Agreed, noting that public consultation for the South East Marine Plans is planned to commence in summer 2019	Agreed
Construction	<p>An appropriate degree of detail has been provided for the proposed construction activities to enable an informed assessment of the potential effects.</p> <p>The clarification note of the maximum design parameters was submitted as Annex A to Appendix 1 of the Applicant’s Deadline 1 submission (PINS Ref REP1-023).</p>	This has been agreed following the MMO’s review of the clarification note of the maximum design parameters.	Agreed

Discussion Point	Thanet Extension Position	MMO Position	Final Position
O&M	An appropriate degree of detail has been provided for the proposed O&M activities, including vessel movements, to enable an informed assessment of the potential effects.	Agreed	Agreed
	The Outline Offshore O&M plan was submitted with the application (PINS Ref APP-145/ Application Ref 8.10) which provides clarity on where the activities have been assessed and how they would be secured within marine licenses.	Agreed	Agreed
Decommissioning	An appropriate degree of detail has been provided for the proposed decommissioning activities to enable an informed assessment of the potential effects.	Agreed	Agreed
	A decommissioning plan and programme will be produced post-consent (if granted) and is adequately secured within the DCO.	Agreed	Agreed
Cable burial assessment	As per paragraph 1.4.91 (PINS Ref APP-042/ Application Ref 6.2.1) no cable protection will be installed within in the Sandwich Bay intertidal area and this has been adequately	Not agreed	Disagree

Discussion Point	Thanet Extension Position	MMO Position	Final Position
	secured in the DCO through the Schedule of Mitigation		
DCO/ dML Requirement	All relevant mitigation requirements have been appropriately secured within the DCO/ dML.	Agreed	Agreed

### **4.3 Marine Geology, Oceanography and Physical Processes**

- 21 The Project has the potential to impact upon marine processes and these interactions are duly considered within Volume 2, Chapter 2: Marine Geology, Oceanography and Physical Processes of the Thanet Extension ES (PINS Ref APP-043/ Application Ref 6.2.2). Table 5 identifies the status of discussions relating to this topic area between the parties.

**Table 5: Status of discussions relating to Marine Geology, Oceanography and Physical Processes.**

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to physical processes and has given due regard to them within the assessment.	Agreed	Agreed
Consultation	The ES chapter has been adequately updated following S42 and Evidence Plan consultation and concerns raised have been adequately addressed or clarified.	Agreed	Agreed
Scope and Assessment Methodology	The evidence based approach to the assessment of effects is deemed appropriate for the purposes of predicting changes to the receiving environment.	Agreed	Agreed
	The potential impacts identified are appropriate and accurate for physical process receptors and pathways.	Agreed	Agreed
	The linkages of pathways to other topics are clearly presented within the ES chapter.	Agreed	Agreed
	The definitions of sensitivity and magnitude are appropriate for the purposes of the assessment.	Agreed	Agreed

Discussion Point	Thanet Extension Position	MMO Position	Final Position
	<p>All potentially significant effects and the relevant maximum design scenario for each effect have been identified.</p> <p>Applicant provided further clarification in their responses to Relevant Representations provided by the MMO (PINS Ref REP1-017). The Applicant provided clarification on the maximum design parameters, as noted in Applicant’s responses to Relevant Representations (MMO-11-12, 14 and 17-19) (Annex A of PINS Ref REP1-023).</p>	<p>Under discussion - Pending close out of comments in relation to the need to quantify the disposal volumes with the DCO.</p>	<p>Under discussion</p>
	<p>The study area defined for the assessment is appropriate for the impacts and pathways considered.</p> <p>Applicant provided further clarification in their responses to Relevant Representations provided by the MMO (PINS Ref REP1-017).</p>	<p>Under discussion pending close out of comments in relation to the need to quantify the disposal volumes with the DCO.</p>	<p>Under discussion</p>
	<p>Sufficient primary and secondary data has been collated to appropriately characterise the</p>	<p>Agreed</p>	<p>Agreed</p>

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Baseline data used in the assessment	baseline environment for the purposes of informing the EIA.		
	Sufficient metocean data has been collected and analysed to characterise the environment.	Agreed	Agreed
	All data gaps have been highlighted and all appropriate measures for filling any data gaps have been proposed.	Agreed	Agreed
Mitigation Measures	The embedded mitigation measures are considered appropriate.	Agreed	Agreed
	No further mitigation to those embedded measures are necessitated as a result of the assessment conclusions.	Agreed	Agreed
Outcomes of the EIA	The assessment criteria and assignment of significance is appropriate.	Agreed	Agreed
	The sensitivity and importance of the receiving environment is accurately described within the Environmental Statement.		
	The Applicant provided further clarification on the information presented in the chapter for	Agreed	Agreed

Discussion Point	Thanet Extension Position	MMO Position	Final Position
	wave energy on sandbanks and local receptors in their responses to Relevant Representations (MMO-95) (PINS Ref REP1-017).		
	The conclusions of the assessment accurately reflect the potential impacts on physical processes within the study area.	Agreed	Agreed
	The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate.	Agreed	Agreed
	The effects of turbid wakes have adequately and appropriately been assessed based on site specific data, analogous projects and available literature.	Agreed	Agreed
Waves	Following clarification in the response to relevant representations sufficient information has been provided to justify that the effects of local wave energy reduction will be immeasurable at sandbank and coastline receptors.	Agreed	Agreed



Discussion Point	Thanet Extension Position	MMO Position	Final Position
	<p>As noted above, the Applicant provided further clarification in their responses to Relevant Representations provided by the MMO (PINS Ref REP1-017) and stated that the reduction in local wave energy would not be measurable at the Margate Sands sandbank and coastal receptors. Furthermore, the Applicant notes that it had previously been agreed through the Evidence Plan process that a desk based assessment for the physical processes assessment was appropriate for Thanet Extension and that a site specific quantitative/ modelling assessment was not required.</p>		
	<p>Following clarification in the response to relevant representations sufficient information has been provided to understand the cumulative impacts on waves from the presence of both TOWF and Thanet Extension’s WTG foundations and infrastructure.</p>	<p>Agreed</p>	<p>Agreed</p>

Discussion Point	Thanet Extension Position	MMO Position	Final Position
DCO/ dML Requirement	All relevant mitigation requirements have been appropriately secured within the DCO/ dML.	Under discussion – pending the review of the pre-commencement works in the draft DCO.	Under discussion

## 4.4 Marine Water and Sediment Quality

- 22 The Project has the potential to impact upon marine water and sediment quality and these interactions are duly considered within:
- Volume 2, Chapter 3: Marine Water Quality and Sediment Quality (PINS Ref APP-044/ Application Ref 6.2.3)
  - Volume 4, Annex 3-1: Water Framework Directive Assessment (PINS Ref APP-076/ Application Ref 6.4.3.1); and
  - Sand Wave Clearance, Dredging and Drill Arising: Disposal Site Characterisation (PINS Ref APP- 148/ Application Ref 8.14).
- 23 Table 6 identifies the status of discussions relating to this topic area between the parties.

**Table 6: Status of discussions relating to Marine Water and Sediment Quality.**

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to water and sediment quality and has given due regard to them within the assessment.	Agreed	Agreed
Consultation	The ES chapter has been adequately updated following S42 and Evidence Plan consultation and concerns raised have been adequately addressed or clarified.	Agreed	Agreed
Scope and Assessment Methodology	The potential impacts identified are appropriate and accurate for water and sediment quality receptors.	Agreed	Agreed
	The definitions of sensitivity and magnitude are appropriate for the purposes of the assessment.	Agreed	Agreed
	All potentially significant effects and the relevant maximum design scenario for each effect have been identified following clarification in the response to relevant representations.  The Applicant has provided further clarification in their responses to Relevant	Agreed	Agreed

Discussion Point	Thanet Extension Position	MMO Position	Final Position
	Representations provided by the MMO (PINS Ref REP1-017).		
	The study area defined for the assessment is appropriate for the impacts considered.	Agreed	Agreed
	The WFD assessment is appropriate and the conclusions of the assessment accurately reflect the potential impacts of WFD features.	Defer to Environment Agency for WFD advice	Noted
Baseline data used in the assessment	<p>Sufficient primary and secondary data has been collated to appropriately characterise the baseline environment for the purposes of informing the EIA.</p> <p>The Applicant has provided further clarification in their responses to Relevant Representations provided by the MMO (PINS Ref REP1-017).</p>	Agreed	Agreed

Discussion Point	Thanet Extension Position	MMO Position	Final Position
	The survey scope and methodology undertaken for the intertidal surveys was adequate for characterising the baseline contamination of sediments.	Agreed	Agreed
	The survey scope and methodology undertaken for the Fugro surveys (array and offshore extents of the OECC) was adequate for characterising the baseline contamination of sediments.	Agreed	Agreed
	All data gaps have been highlighted and all appropriate measures for filling any data gaps have been proposed.	Agreed following the provision of responses to relevant representations.	Agreed
Mitigation Measures	The embedded mitigation measures are considered appropriate.	Agreed	Agreed
	No further mitigation to those embedded measures are necessitated as a result of the assessment conclusions.	Agreed	Agreed
Outcomes of the EIA	The assessment criteria and assignment of significance is appropriate.	Agreed	Agreed

Discussion Point	Thanet Extension Position	MMO Position	Final Position
	The sensitivity and importance of the receiving environment is accurately described within the Environmental Statement.	Agreed	Agreed
	The conclusions of the assessment accurately reflect the potential impacts on the marine water quality within the study area.	Agreed	Agreed
	The conclusions of the assessment accurately reflect the potential impacts on the marine sediments within the study area.	Agreed	Agreed
	The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate.	Agreed	Agreed
DCO/ dML Requirement	All relevant mitigation requirements have been appropriately secured within the DCO/ dML.	This is agreed noting the MMO's position on the disposal sites outlined below.	Agreed
<b>Sandwave Clearance, Dredge and Disposal Site Characterisation (PINS Ref REP4-019 which supersedes PINS Ref APP-148/ Application Ref 8.14)</b>			
Baseline data used in the assessment	Sufficient primary and secondary data has been collated to appropriately characterise	Agreed following clarification of 4.2 (MMO-102) in the MMO's relevant representation, expected and discussion on 4.3 (MMO-103)	Agreed

Discussion Point	Thanet Extension Position	MMO Position	Final Position
	<p>the baseline environment of the disposal sites.</p> <p>The Applicant has provided further clarification in their responses to Relevant Representations provided by the MMO (PINS Ref REP1-017).</p>		
	<p>Sufficient primary and secondary data has been collated to appropriately characterise the proposed disposal material.</p>	<p>Agreed following clarification of 4.2 (MMO-102) in the MMO’s relevant representation, expected and discussion on 4.3 (MMO-103)</p>	<p>Agreed</p>
<p>Outcomes of the assessment</p>	<p>The conclusions of the assessment accurately reflect the potential impacts from in-situ disposal within the array.</p>	<p>Agreed</p>	<p>Agreed</p>
	<p>The conclusions of the assessment accurately reflect the potential impacts from in-situ disposal within the OECC.</p>	<p>Agreed</p>	<p>Agreed</p>
<p>Mitigation</p>	<p>No further mitigation to those embedded measures are necessitated as a result of the assessment conclusions.</p>	<p>Agreed</p>	<p>Agreed</p>



Discussion Point	Thanet Extension Position	MMO Position	Final Position
Disposal Site Geometry	<p>The proposed disposal site coordinates reflect the presence of an existing windfarm and existing disposal site and as such are considered to be appropriate.</p> <p>The Applicant has taken an action to provide revised co-ordinates of the disposal sites to the MMO (and Cefas) in order to reach agreement prior to Deadline 3.</p>	Under discussion- pending review of disposal sites revisions in the revised DCO.	Under discussion
DCO/ dML Requirement	All relevant mitigation requirements have been appropriately secured within the DCO/ dML.	Agreed	Agreed

## 4.5 Benthic Subtidal and Intertidal Ecology

- 24 The Project has the potential to impact upon benthic subtidal and intertidal ecology and these interactions are duly considered within Volume 2, Chapter 5 of the Thanet Extension ES (PINS Ref APP-046/ Application Ref 6.2.5).
- 25 The Applicant also provided the Biogenic Reef Mitigation Plan (Application Ref 8.15) and the Saltmarsh Mitigation, Reinstatement and Monitoring Plan (Application Ref 8.13) within the Application. These documents have been revised and provided to the ExA as part of the Applicant's Deadline 1 and 2 Submissions (PINS Refs REP1-071 and REP2-023 respectively). The revised versions of these documents are referred to hereafter.
- 26 Table 7 identifies the status of discussions relating to this topic area and associated documents between the parties.

**Table 7: Status of discussions relating to Benthic Subtidal and Intertidal Ecology.**

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to benthic ecology and has given due regard to them within the assessment.	Agreed	Agreed
Consultation	<p>The ES chapter has been adequately updated following S42 and Evidence Plan consultation and concerns raised have been adequately addressed or clarified.</p> <p>The Applicant has provided further clarification in their responses to Relevant Representations provided by the MMO (PINS Ref REP1-017) and will continue to consult with the MMO on the issues identified (O&amp;M activities, the core reef approach, MCZ assessment and turbid wakes).</p>	Agreed	Agreed
Scope and Assessment Methodology	The potential impacts identified are appropriate and accurate for benthic ecology receptors.	Agreed	Agreed
	The definitions of sensitivity and magnitude are appropriate for the purposes of the assessment.	Agreed	Agreed

Discussion Point	Thanet Extension Position	MMO Position	Final Position
	All potentially significant effects and the relevant maximum design scenario for each effect have been identified.	Agreed	Agreed
	The study area defined for the assessment is appropriate for the impacts considered.	Agreed	Agreed
Baseline data used in the assessment	Sufficient primary and secondary data has been collated to appropriately characterise the baseline environment for the purposes of informing the EIA.	Agreed	Agreed
	The survey scope and methodology undertaken for the intertidal surveys was adequate for characterising the baseline population of benthic species.	Agreed	Agreed
	All data gaps have been highlighted and all appropriate measures for filling any data gaps have been proposed.	Agreed	Agreed
Mitigation Measures	The embedded mitigation measures are considered appropriate.	Agreed	Agreed
	No further mitigation to those embedded measures are necessitated as a result of the assessment conclusions.	Agreed	Agreed

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Outcomes of the EIA	The assessment criteria and assignment of significance is appropriate.	Agreed	Agreed
	The sensitivity and importance of the receiving environment is accurately described within the Environmental Statement.	Agreed	Agreed
	The conclusions of the assessment accurately reflect the potential impacts on the benthic ecology within the study area.	Agreed	Agreed
	The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate.	Agreed	Agreed
Core Reef Approach	The report (PINS Ref APP-149/ Application Ref 8.15) has been revised and adequately updated (PINS Ref REP1-076) following relevant representations and concerns raised have been adequately addressed or clarified.	Agreed	Agreed
Monitoring	There is sufficient knowledge and evidence from the TOWF that benthic monitoring (beyond surveys of biogenic reefs) for Thanet Extension is not required to validate the findings of the EIA and would be disproportionate.	Agreed	Agreed

Discussion Point	Thanet Extension Position	MMO Position	Final Position
DCO/ dML Requirement	All relevant mitigation requirements have been appropriately secured within the DCO/ dML.	Agreed	Agreed

## 4.6 Fish and Shellfish Ecology

- 27 The Project has the potential to impact upon fish and shellfish ecology and these interactions are duly considered within Volume 2, Chapter 6 of the Thanet Extension ES (PINS Ref APP-047/ Application Ref 6.2.6). Table 8 identifies the status of discussions relating to this topic area between the parties.
- 28 The Applicant submitted a technical clarification note and annex (Appendix 7 to the Applicant's Deadline 4C Submission (PINS Ref REP4C-010)) to provide the technical justification of the Applicant's position and to address the concerns raised by the MMO.
- 29 This section is under discussion pending consultation with the MMO at the time of writing (April 2019). A response is anticipated to be submitted by the MMO on Deadline 5a.

**Table 8: Status of discussions relating to Fish and Shellfish Ecology.**

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to fish and shellfish ecology and has given due regard to them within the assessment.	Agreed	Agreed
Consultation	The ES chapter has been adequately updated following consultation and concerns raised have been adequately addressed or clarified.	Under discussion- outstanding comments on herring/sole spawning to consider	Under discussion
Scope and Assessment methodology	The potential impacts identified are appropriate and accurately reflect the potential impacts on the fish and shellfish ecology.	Agreed	Agreed
	The definitions of sensitivity and magnitude, presented in Tables 6.4 and 6.5 are appropriate for the purposes of the assessment.	Agreed	Agreed
	All potentially significant effects and the relevant maximum design scenario for each effect has identified in Table 6.7.	Agreed	Agreed
	The noise modelling and metrics are appropriate for assessing the impacts on fish species.	Under discussion	Under discussion
	The study area defined for the appropriate is appropriate for the impacts considered.	Agreed	Agreed



Discussion Point	Thanet Extension Position	MMO Position	Final Position
	The methodology used to assess spawning behaviour in herring is consistent with recent publications (ORJIP) and metrics discussed during the evidence plan process. The methodology is therefore robust and adequate for the purposes of the assessment.	Under discussion	Under discussion
	The methodology applied to undertake the sandeel habitat suitability assessment is adequate for the purposes of the assessment.	Agreed	Agreed
Baseline data used in the assessment	Sufficient primary and secondary data has been collated to appropriately characterise the baseline environment for the purposes of informing the EIA.	Agreed	Agreed
	The survey scope and methodology undertaken for the fish surveys was adequate for characterising the baseline population of fish species.	Agreed	Agreed
	The baseline of shellfish, including cockles, has been adequately characterised in terms of population species and spatial distribution.	Agreed	Agreed
	All data gaps have been highlighted and all appropriate measures for filling any data gaps have been proposed.	Under discussion	Under discussion

Discussion Point	Thanet Extension Position	MMO Position	Final Position
	All relevant species of fish within the study area have been identified and assessed.	Agreed	Agreed
Mitigation Measures	The embedded mitigation measures are considered appropriate including the use of a soft start procedure to piling.	Agreed	Agreed
	No further mitigation to those embedded measures are necessitated as a result of the assessment conclusions.  The Applicant has provided further clarification in their responses to Relevant Representations provided by the MMO (PINS Ref REP1-017).	Under discussion – pending clarification of the following points in MMO’s relevant representation: 6.2-6.11 (MMO-125-134)	Under discussion
Outcomes of the EIA	The assessment criteria and assignment of significance is appropriate.	Under discussion	Under discussion
	The sensitivity and importance of the receiving environment is accurately described within the Environmental Statement.  The Applicant has provided further clarification, on a point by point basis, in their responses to	Under discussion – pending clarification of the following points in MMO’s relevant representation: 6.2-6.11 (MMO-125-134)  MMO requested modelling of SELcum impact ranges based on a stationary receptor overlaid over the herring spawning heatmaps	Under discussion

Discussion Point	Thanet Extension Position	MMO Position	Final Position
	Relevant Representations provided by the MMO (PINS Ref REP1-017).		
	The conclusions of the assessment accurately reflect the potential impacts on the fish and shellfish ecology within the study area.	Under discussion	Under discussion
	The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate.	Under discussion	Under discussion
DCO/ dML Requirement	All relevant mitigation requirements have been appropriately secured within the DCO/ dML.	Under discussion	Under discussion

## 4.7 Marine Mammals

- 30 The Project has the potential to impact upon marine mammals and these interactions are duly considered within:
- Volume 2, Chapter 7: Marine Mammals of the Thanet Extension ES (PINS Ref APP-048/ Application Ref 6.2.7);
  - Marine Mammal Mitigation Protocol (PINS Ref APP-146/ Application Ref 8.11); and
  - Shadow EPS License Assessment (PINS Ref APP-144/ Application Ref 8.9).
- 31 Table 9 identifies the status of discussions relating to this topic area between the parties for marine mammals.

**Table 9: Status of discussions relating to Marine Mammals**

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to marine mammals and has given due regard to them within the assessment.	Agreed Defer to Natural England regarding HRA	Agreed and noted
Consultation	The ES chapter has been adequately updated following both the S42 consultation and the Evidence Plan concerns raised have been adequately addressed or clarified.	Agreed	Agreed
Scope and Assessment methodology	The potential impacts identified are appropriate and accurately reflect the potential impacts on the marine mammals.	Agreed	Agreed
	The definitions of sensitivity and magnitude are appropriate for the purposes of the assessment.	Agreed	Agreed
	All potentially significant effects and the relevant maximum design scenario for each effect has identified adequately.	Agreed	Agreed
	The underwater noise modelling and metrics are appropriate for assessing the potential impacts on marine mammals.	Agreed	Agreed

Discussion Point	Thanet Extension Position	MMO Position	Final Position
	The Applicant has provided further clarification in their responses to Relevant Representations provided by the MMO (PINS Ref REP1-017).		
	The study area defined for the assessment is appropriate for the impacts considered.	Agreed	Agreed
	The main species of interest have been considered within the assessment.	Agreed	Agreed
	The assessment for PTS was undertaken using the NOAA criteria only as agreed in the Evidence Plan process.	Agreed	Agreed
Baseline data used in the assessment	Sufficient primary and secondary data has been collated to appropriately characterise the baseline environment for the purposes of informing the EIA.	Agreed	Agreed
	The survey scope and methodology undertaken for the marine mammal surveys was adequate for characterising the baseline population of marine mammal species.	Defer to the expert opinion of the Statutory Nature Conservation Bodies.	Noted
	All data gaps have been highlighted and all appropriate measures for filling any data gaps have been proposed.	Defer to the expert opinion of the Statutory Nature Conservation Bodies	Noted

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Mitigation Measures	The embedded mitigation measures are considered appropriate.	Agreed	Agreed
	No further mitigation to those embedded measures are necessitated as a result of the assessment conclusions when the project is considered alone.  Appendix 22 of the Applicant’s Deadline 2 Submission provided an outline Site Integrity Plan (PINS Ref REP2-033).	Under discussion	Under discussion
	No further mitigation to those embedded measures are necessitated as a result of the assessment conclusions when the project is considered cumulatively.	Under discussion	Under discussion
Outcomes of the EIA	The assessment criteria and assignment of significance is appropriate.	Defer to the expert opinion of the Statutory Nature conservation Bodies	Noted
	The sensitivity and importance of the species is accurately described within the Environmental Statement.	Defer to the expert opinion of the Statutory Nature conservation Bodies	Noted
	The conclusions of the assessment accurately reflect the potential impacts on marine mammals within the study area.	Agreed	Agreed

Discussion Point	Thanet Extension Position	MMO Position	Final Position
	The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate.	Defer to the expert opinion of the Statutory Nature conservation Bodies	Noted
Mitigation	The mitigation proposed in the MMMP (Application Ref 8.11) is appropriate and sufficient given the conclusions of the assessment.	Agreed (for EIA, defer to SNCB for HRA advice), noting that this is for piling only & not for UXO clearance	Agreed and noted
EPS Licence	Where piling works are proposed, an additional application for a European Protected Species Licence may be required to allow for the potential disturbance of marine mammals.	Agreed	Agreed
DCO/ dML Requirement	All relevant mitigation requirements have been appropriately secured within the DCO/ dML.  The revised draft Development Consent Order which provided the inclusion of a SIP condition.	Under discussion- noting recommendation for revised wording of the SIP condition	Under discussion



## 4.8 Offshore Designated Sites

- 32 The Project has the potential to impact upon conservation interests and marine designated sites and these interactions are duly considered within Volume 2, Chapter 8: Offshore Designated Sites (PINS Ref APP-049/ Application Ref 6.2.8) of the ES. Table 10 identifies the status of discussions relating to this topic area between the parties.

**Table 10: Status of discussions relating to Offshore Designated Sites**

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to the offshore designated sites and has given due regard to them within the assessment.	Defer to the expert of opinion of the SNCBs for conservation advice	Noted
Baseline data used in the assessment	Appropriate data and information was used to characterise the baseline for the purposes of the assessment.	Defer to the expert of opinion of the SNCBs for conservation advice	Noted
Scope and Assessment methodology	All relevant designated sites have been accurately identified and included within the assessment.	Defer to the expert of opinion of the SNCBs for conservation advice	Noted
	The conservation objects have been appropriately identified within the assessment.	Defer to the expert of opinion of the SNCBs for conservation advice	Noted
Outcomes of the EIA	The sensitivity and importance of the receiving environment is accurately described within the Environmental Statement.	Defer to the expert of opinion of the SNCBs for conservation advice	Noted
	The conclusions of the assessment accurately reflect the potential impacts on the designated sites.	Defer to the expert of opinion of the SNCBs for conservation advice	Noted

Discussion Point	Thanet Extension Position	MMO Position	Final Position
	The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate.	Defer to the expert of opinion of the SNCBs for conservation advice	Noted
DCO/ dML Requirement	All relevant mitigation requirements have been appropriately secured within the DCO/ dML.	Under discussion – noting proposed wording for the DCO to be submitted in Deadline 5.	Under discussion

## 4.9 Commercial Fisheries

- 33 The Project has the potential to impact upon commercial fisheries. These interactions are duly considered within Volume 2, Chapter 9 of the Thanet Extension ES (PINS Ref APP-050/ Application Ref 6.2.9). The Fisheries Liaison and Co-Existence Plan (PINS Ref APP-143/ Application Ref 8.8) was submitted with the Application. Table 11 identifies the status of discussions relating to this topic area between the parties.

**Table 11: Status of discussions relating to Commercial and Recreational Fisheries.**

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Baseline data used in the assessment	Accepting the recognised limitations, the baseline data comprises the best available data and is complemented by a robust site specific (Succorfish) dataset. The baseline (local fishing) receiving environment has therefore been adequately characterised.	Agreed	Agreed
	Accepting the recognised limitations, the baseline data comprises the best available data. The baseline (international fishing) receiving environment has therefore been adequately characterised.	Agreed	Agreed
Consultation	The ES chapter has been adequately updated following consultation and concerns raised have been adequately addressed or clarified.	Agreed	Agreed
	The co-existence plan (PINS Ref APP-143/ Application Ref 8.8) provides sufficient information about the methodology and mechanisms for information exchange.	Agreed	Agreed
	The co-existence plan was agreed by TFA prior to application and will be updated to reflect that it is a final plan.	Agreed	Agreed

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Scope and Assessment methodology	The potential impacts identified are appropriate and accurately reflect the potential impacts on the fishing fleet.	Agreed	Agreed
Mitigation Measures	The refined Red Line Boundary results in a reduced interaction of the project with commercial fishing interests.	Agreed	Agreed
	The embedded mitigation measures are considered appropriate.	Defer to the opinion of local fishing organisations for specialist knowledge	Noted
Outcomes of the EIA	The assessment criteria and assignment of significance is appropriate.	Agreed	Agreed
	The sensitivity and importance of the receiving environment is accurately described within the Environmental Statement.	Agreed	Agreed
	The impact of the loss of fishing ground and fishing opportunity in and around the extension project has been appropriately assessed.	Agreed	Agreed
	The conclusions of the assessment accurately reflect the potential impacts on the fishing fleet.	Agreed	Agreed
	The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate.	Agreed	Agreed

Discussion Point	Thanet Extension Position	MMO Position	Final Position
DCO/ dML Requirement	All relevant mitigation requirements have been appropriately secured within the DCO/ dML.	Agreed, to the extent that mitigation measures that have already been identified have been secured.	Agreed
	Details of the Fisheries Liaison Officer will be secured within the PEMP (post-consent) when the details are known.	Agreed - subject to review and confirming the proposed wording in condition	Agreed

## 4.10 Shipping and Navigation

- 34 The Project has the potential to impact upon shipping and navigation. These interactions are duly considered within Volume 2, Chapter 10 of the Thanet Extension ES (PINS Ref APP-051/ Application Ref 6.2.10) and within Volume 4, Annex 10-1: Navigational Risk Assessment (PINS Ref APP-089/ Application Ref 6.4.10.1).
- 35 Noting that the MMO defer to the MCA on these matters, for the purposes of transparency the Applicant have included areas of agreement with the MCA within this first draft of this SoCG. Therefore, Table 12 identifies the status of discussions relating to this topic area between the parties (the Applicant, the MMO and the MCA).



**Table 12: Status of discussions relating to Shipping and Navigation**

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Study area	It is agreed that the study area used to inform the assessment of the project on shipping and navigation receptors was appropriate.	<b>MCA 041018 – Agreed</b>	Agreed
Consultation	It is agreed that throughout the pre-application process the level of consultation and the provision of information has been sufficient in informing MCA of the development of the project and the predicted impacts on shipping and navigation.	<b>MCA 041018 – Agreed</b>	Agreed
Approach to NRA	It is agreed that the Navigational Risk Assessment has been undertaken in line with the requirements set out in the Marine Guidance Note (MGN) 543 – Guidance on UK Navigation Practice, Safety and Emergency Response Issues and complies in full with the MGN 543 checklist.	<b>MCA 041018 - Agreed</b>	Agreed

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Environmental Statement Baseline and Methodology	It is agreed that the shipping and navigation baseline environment has been adequately and appropriately described in the ES. Based on that information it is further agreed that the marine traffic survey data and wider data sources used are appropriate for the assessment and details a good representation of commercial traffic in the area of the project	<b>MCA 041018 - Agreed</b>	Agreed
Environmental Statement Baseline and Methodology	It is agreed that the approach adopted in the Environmental Statement is appropriate to assess the magnitude and range of navigational safety impacts from the proposed Project on the users of commercial vessels	<b>MCA 041018 – Agreed</b>	Agreed
Environmental Statement Baseline and Methodology	It is agreed that the design parameters of the project would result in the worst case collision and allision scenario for commercial vessels.	<b>MCA 041018 – Agreed</b>	Agreed
Tolerability definition and assessment	In the absence of industry specific guidance it is agreed that the tolerability of risk is appropriately defined and assessed through application of the HSE standards	<b>MCA 041018 - MCA does not write its own guidance on tolerability however the statement drafted with MCA and TH is agreed.</b>	Agreed
Environmental Statement assessment	It is agreed that the Applicant has adequately assessed navigational safety impacts on users of commercial vessels from the Project.	<b>MCA 041018 – Agreed</b>	Agreed

Discussion Point	Thanet Extension Position	MMO Position	Final Position
dML(s)	It is agreed that Condition 12 (1)(b) and Condition 10 (1)(c) (Pre-construction plans and documentation) of the Generation Assets and Transmission Assets dML (Schedule 11 and 12 of the DCO respectively) provides adequate mitigation by ensuring the proposed final layout will be submitted for approval to the MMO; who will then in turn consult with the MCA and THLS on any issues with navigational safety, prior to giving approval. This agreement includes all surface structures (structures visible above Lowest Astronomical Tide) noted within the DCO including the wind turbine generators, and offshore substation.	Agreed	Agreed
DCO/ dML Requirement	All relevant mitigation requirements have been appropriately secured within the DCO/ dML.	Under discussion - agreed subject to review of the SEZ introduction information.	Under discussion

## 4.11 Offshore Heritage

- 36 The Project has the potential to impact upon offshore archaeology and cultural heritage. These interactions are duly considered within Volume 2, Chapter 13 of the Thanet Extension ES (PINS Ref APP-054/ Application Ref 6.2.13), with control and mitigation measures provided for within the DCO and dML(s). Table 13 identifies the status of discussions relating to this topic area between the parties.

**Table 13: Status of discussions relating to Offshore Archaeology and Cultural Heritage.**

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to historic environment assessment and has given due regard to them within the assessment.	Defer to Historic England	Noted
Consultation	The ES chapter has been adequately updated following S42 and Evidence Plan consultation and concerns raised have been adequately addressed or clarified.	Defer to Historic England	Noted
Scope and Assessment methodology	The potential impacts identified are appropriate and accurate for the relevant receptors.	Defer to Historic England	Noted
	The study area defined for the assessment is appropriate for the impacts considered.	Defer to Historic England	Noted
Baseline data used in the assessment	Sufficient primary and secondary data has been collated to appropriately characterise the baseline environment for the purposes of informing the EIA.	Defer to Historic England	Noted
	The scopes and methodologies undertaken for the viewpoints were adequate for characterising the baseline and informing photomontage drafting.	Defer to Historic England	Noted

Discussion Point	Thanet Extension Position	MMO Position	Final Position
	All data gaps have been highlighted and all appropriate measures for filling any data gaps have been proposed.	Defer to Historic England	Noted
Mitigation Measures	The embedded mitigation measures are considered appropriate and are appropriately secured through the DCO.	Agreed	Agreed
	The Outline Offshore WSI (PINS Ref Application Ref 8.6) is appropriate with regards landscape management principles.	Defer to Historic England	Noted
Outcomes of the EIA	The assessment criteria and assignment of significance is appropriate.	Defer to Historic England	Noted
	The sensitivity and importance of the receiving environment is accurately described within the Environmental Statement.	Defer to Historic England	Noted
	The conclusions of the assessment accurately reflect the potential impacts on the receiving environment within the study area.	Defer to Historic England	Noted
	The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate.	Defer to Historic England	Noted
DCO/ dML Requirement	All relevant mitigation requirements have been appropriately secured within the DCO/ dML.	Agreed	Agreed

## 4.12 Offshore Ornithology

The Project has the potential to impact upon offshore ornithology and these interactions are duly considered within Volume 2, Chapter 4 of the Thanet Extension ES (PINS Ref APP-045/ Application Ref 6.2.4). Table 14 identifies the status of discussions relating to this topic area between the parties.

**Table 14: Status of discussions relating to Offshore Ornithology**

Discussion Point	Thanet Extension Position	MMO Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to offshore ornithology and has given due regard to them within the assessment.	Defer to the expert opinion of the SNCB Natural England	Noted
Consultation	The ES chapter has been adequately updated following S42 and Evidence Plan consultation and concerns raised have been adequately addressed or clarified.	Defer to the expert opinion of the SNCB Natural England	Noted
Scope and Assessment methodology	The potential impacts identified are appropriate and accurate for offshore ornithology receptors.	Defer to the expert opinion of the SNCB Natural England	Noted
	The study area defined for the assessment is appropriate for the impacts considered.	Defer to the expert opinion of the SNCB Natural England	Noted
	The methods of assessing collision risk and displacement are appropriate and have been applied accurately	Defer to the expert opinion of the SNCB Natural England	Noted
Baseline data used in the assessment	Sufficient primary and secondary data has been collated to appropriately characterise the baseline environment for the purposes of informing the EIA.	Defer to the expert opinion of the SNCB Natural England	Noted



Discussion Point	Thanet Extension Position	MMO Position	Final Position
	All data gaps have been highlighted and all appropriate measures for filling any data gaps have been proposed.	Defer to the expert opinion of the SNCB Natural England	Noted
	The sensitivity and importance of the receiving environment is accurately described within the Environmental Statement.	Defer to the expert opinion of the SNCB Natural England	Noted
Mitigation Measures	The embedded mitigation measures are considered appropriate.	Defer to the expert opinion of the SNCB Natural England	Noted
Outcomes of the EIA	The assessment criteria and assignment of significance is appropriate.	Defer to the expert opinion of the SNCB Natural England	Noted
	The conclusions of the assessment accurately reflect the potential impacts on offshore ornithology receptors within the study area.	Defer to the expert opinion of the SNCB Natural England	Noted
	The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate.	Defer to the expert opinion of the SNCB Natural England	Noted
DCO/ dML Requirement	All relevant mitigation requirements have been appropriately secured within the DCO/ dML.	Under discussion	Under discussion

## 5 Matters under Discussion

- 37 This summary section identifies those matters raised by the MMO during the pre-application consultation that have yet to be resolved and are subject to ongoing discussion as of the last consultation meeting held with the MMO.
- 38 The current topics are still under discussion:
- DCO & DML
    - Inclusion of arbitration within the DCO;
    - Inclusion of hammer energy, maximum areas and volumes permitted for seabed preparation/disposal activities and for installation of scour/cable protection on the DML;
    - Submission timescales for monitoring documentation;
    - Schedule of monitoring (to review further to update requested by the ExA) and
    - Minor drafting matters
  - Fish and Shellfish:
    - Impact of noise and vibration herring & sole spawning grounds
  - Marine Mammals
    - Wording related to securing the SIP in the DML and approval time period for the first submissions