

Vattenfall Wind Power Ltd

Thanet Extension Offshore Wind Farm

Appendix 37 to Deadline 5 Submission: Statement of Common Ground – Natural England Project Description, Site Selection and Alternatives; and Saltmarsh

Relevant Examination Deadline: 5

Submitted by Vattenfall Wind Power Ltd

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Revision B

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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 Natural England (NE) 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 NE 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 also reflects the request made by the ExA in the 'Rule 6' letter published on the 9th November 2018.

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 NE, the SoCG is focused on those issues raised by NE 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: Natural England's Remit;
 - Section 3: Consultation;
 - Section 4: Agreements Log; and
 - Section 4.3: Summary.

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 km² 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 rotor.
- 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 Natural England's Remit

- 11 Natural England is an executive non-departmental public body established under the Natural Environment and Rural Communities Act 2006 ('NERC Act') and is the statutory advisor to the Government on nature conservation in England and promotes the conservation of England's wildlife and natural features. NE's remit extends to the territorial sea adjacent to England, up to 12 nautical miles from the coastline.
- 12 Natural England is a statutory consultee for the proposed development under section 42 of the Planning Act 2008 and a prescribed consultee under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. Natural England is a statutory consultee in respect of all applications for consent for Nationally Significant Infrastructure Projects which are likely to affect land in England.

3 Consultation

3.1 Application elements under Natural England's remit

- 13 Work Nos. 1 - 16, detailed in Part 1 of Schedule 1 of the draft DCO describe the elements of Thanet Extension which may affect the interests of NE.
- 14 Natural England is a non-departmental public body responsible for ensuring that England's natural environment, including its land, flora and fauna, freshwater and marine environments, geology and soils, are protected and improved. It also has a responsibility to help people enjoy, understand and access the natural environment.
- 15 The technical components considered within this SoCG comprise:
- Volume 2, Chapter 1: Project Description (Offshore) (PINS Ref APP-042/ Application Ref 6.2.1);
 - Volume 3, Chapter 1: Project Description (Onshore) (PINS Ref APP-057/ Application Ref 6.3.1);
 - Volume 1, Chapter 4: Site Selection and Alternatives (PINS Ref APP-040/ Application Ref 6.1.4);
 - Volume 2, Chapter 5: Benthic Intertidal and Subtidal Ecology (PINS Ref APP-046/ Application Ref 6.2.5);
 - Volume 3, Chapter 5: Onshore Biodiversity (PINS Ref APP-061/ Application ref 6.3.5);
 - Saltmarsh Mitigation, Reinstatement and Monitoring Plan (Revision C) (PINS Ref RE4-020 which supersedes APP-147 / Application Ref 8.13); and
 - Report to Inform Appropriate Assessment (RIAA) (Revision B) (PINS Ref REP2-018 and REP2-019 which supersede APP-031/ Application Ref 5.2).

3.2 Consultation Summary

16 This section briefly summarises the consultation that VWPL has undertaken with NE. 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.

Table 1: Consultation undertaken with Natural England pre-application

Date & Type:	Detail:
October 2016 Evidence Plan	1 st Steerco Evidence Plan meeting
June 2017 Evidence Plan	2 nd Steerco Evidence Plan meeting
December 2016	Evidence Plan meeting - Offshore Ornithology Meeting.
February 2017 Evidence Plan	Evidence Plan meeting - Offshore Ecology Meeting.
February 2017 Evidence Plan	Evidence Plan meeting - Offshore Ornithology Meeting.
February 2017 Evidence Plan	Evidence Plan meeting - Onshore Ecology Meeting.
April 2017 Evidence Plan	Evidence Plan meeting - Offshore Ornithology Meeting.
May 2017 Evidence Plan meeting	Evidence Plan meeting - Offshore Ecology Meeting.
June 2017 Evidence Plan	Evidence Plan meeting - Offshore Ornithology Meeting.
July 2017 Evidence Plan meeting	Evidence Plan meeting – General Offshore Meeting.
July 2017 Evidence Plan meeting	Evidence Plan meeting – General Onshore Meeting.
October 2017 Evidence Plan meeting	Evidence Plan meeting - HRA.
October 2017 Evidence Plan meeting	Evidence Plan meeting – General Offshore Meeting.
October 2017 Evidence Plan meeting	Evidence Plan meeting – General Onshore Meeting.
October 2017	National Nature Reserve Steering Group Meeting
December 2017	Evidence Plan meeting - Offshore Ornithology Meeting.
2017 Consultation	HRA Screening Consultation

Date & Type:	Detail:
January 2018, S42 Consultation	Comments relating to the Preliminary Environmental Information Report
January 2018 Evidence Plan meeting	Evidence Plan meeting - Offshore Ecology Meeting.
February 2018	Evidence Plan Meeting – Onshore Ecology and Ornithology
2018 Consultation	RIAA Consultation
May 2018	Evidence Plan Meeting – Onshore and Offshore Ecology

3.3 Post-application Consultation

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

Table 2: Consultation undertaken with the Natural England post-application

Date/ Type:	Detail:
July 2018	Outline Landscape and Ecological Management Plan Meeting
July 2018	Saltmarsh Management and Mitigation Meeting
October 2018	Initial Discussions on developing a SoCG
November 2018	Discussions on specific offshore ornithological matters raised in the Relevant Representation
January 2019	Teleconference to discuss project design
January 2019	Teleconference to discuss position post-deadline 1
January 2019	Teleconference to discuss position on offshore ornithological matters raised in the Written Representation
February 2019	Teleconference to discuss position post-deadline 2
February 2019	Teleconference to discuss position post-deadline 2
March 2019	Teleconference to discuss position development of SoCG.
April 2019	Teleconference to discuss position development of 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 Project Description

19 Volume 2, Chapter 1: Project Description (Offshore) (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. Volume 3, Chapter 1: Project Description (Onshore) (PINS Ref APP-057/ Application Ref 6.3.1) outlines the parameters and methods for the construction, operational and maintenance and decommissioning phases with regard to the onshore elements.

20 The Applicant has provided a clarification audit note (PINS Ref REP1-023) for all the worst-case parameters for the offshore aspects of the project.

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

Table 3: Status of discussions relating to Project Description Chapters (offshore and onshore).

Discussion Point	Thanet Extension Position	NE Position	Final Position
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.	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 Applicant has updated the Sandwave Clearance, Dredge and Disposal Site Characterisation (Appendix 15 to the Applicant’s Deadline 4 submission (PINS Ref REP4-019) which provides clarification and provision of the information requested by Natural England.</p>	Natural England is of the opinion that further information with regards to sandwave clearance, dredging, deposition and the placement of rock protection should be provided. More detailed comments regarding this point can be found in section 2 of Natural England’s Deadline 3 response.	Under Discussion
O&M	An appropriate degree of detail has been provided for the proposed O&M activities to enable an informed assessment of the potential effects.	Agreed.	Agreed.

Discussion Point	Thanet Extension Position	NE Position	Final Position
	<p>The Applicant has confirmed the requested consent figures for O&M activities in Annex C to Appendix 34 to the Applicant’s Deadline 3 Submission (PINS Ref REP3-053). This annex provides the requested clarity of the values being requested for consent, including cable burial (if required). Annex A to Appendix 1 of the Applicant’s Deadline 3 Submission (PINS Ref REP3-003) and Appendix 3 to the Applicant’s Deadline 4 Submission (PINS Ref REP4-005) provide Natural England with further clarification and confirmation of how these activities were assessed in the relevant EIA assessments.</p>		
Decommissioning	<p>A decommissioning plan will be produced post-consent (if granted) would be updated throughout the project lifetime to adhere to best practice.</p>	Agreed.	Agree
SS&A	<p>Previous projects have successfully used HDD to avoid coastal features, there are also examples of where HDD has failed, and a trenched solution has had to be subsequently sought (e.g. Lincs Offshore Wind Farm). Each project will</p>	Agreed.	Agreed.

Discussion Point	Thanet Extension Position	NE Position	Final Position
	<p>encounter different geological conditions and the successful implementation of an installation technique in one location does not necessarily mean that it can be successfully implemented elsewhere. As such it was considered that the worst case for, the purposes of assessing alternatives, would be a trenched installation option at Sandwich Bay.</p>		
<p>Landfall design</p>	<p>The Applicant removed the Option 2 landfall design as a direct response to stakeholder’s consultation, and it is agreed that this change to the design envelope has addressed Natural England’s key concerns with regard to landfall designs.</p>	<p>Agreed.</p>	<p>Agreed</p>
<p>Landfall design</p>	<p>The Applicant requires the information from the SI works to determine the final design of the landfall (Options 1 or 3) and onward the cabling. The Applicant has brought these works forward, at risk, as a direct response to stakeholders, including Natural England’s concerns.</p>	<p>Agreed – Natural England acknowledge that the applicant has tried to bring these works forward at various stages, however due to various reasons the works have been delayed. Currently, no results have been presented, however we understand the applicant is still pursuing these SI works and encourage them to determine the results and finalise their landfall option (1 or 3) as soon as possible. It should be noted that</p>	<p>Agreed</p>

Discussion Point	Thanet Extension Position	NE Position	Final Position
		option 1 (HDD) is still Natural England’s favoured landfall option.	
Landfall design	In the absence of land access to undertake the SI works the Applicant has sought to gather as much information as reasonably practicable, including anecdotal records, council records and commission studies to inform the landfall design options.	Agreed.	Agreed

4.2 Site Selection Alternatives

- 22 The Project has analysed and evaluated a range of options regarding location of infrastructure. The reasons for the selection of the proposed site are duly considered within Volume 1, Chapter 4: Site Selection and Alternatives (PINS Ref APP-040/ Application Ref 6.1.4). Table 4 identifies the status of discussions relating to this topic area between the parties.

Table 4: Status of discussions relating to Site Selection and Alternatives.

Discussion Point	Thanet Extension Position	NE Position	Final Position
Adequacy of information provision	The SSA chapter (PINS Ref APP-040/ Application Ref 6.1.4) provides an adequate account of the considerations and decision-making process undertaken to develop the proposed Order Limits.	<p>Agreed – Due to removal of Option 2 from the project envelope Natural England has no further comment to make regarding site selection.</p> <p>However, it should be noted during the evidence plan process, and when option 2 was still being considered, the information provided on the rationale and constraints for not choosing Sandwich Bay was lacking</p>	Agreed
Adequacy of information provision	The SSA chapter (PINS Ref APP-040/ Application Ref 6.1.4) provides sufficient information for the rationale for the decision to make landfall in Pegwell Bay rather than Sandwich Bay.	<p>Agreed – Due to removal of Option 2 from the project envelope Natural England has no further comment to make regarding site selection.</p> <p>However, it should be noted during the evidence plan process, and when option 2 was still being considered, the information provided on the rationale and constraints for not choosing Sandwich Bay was lacking.</p>	Agreed

Discussion Point	Thanet Extension Position	NE Position	Final Position
Adequacy of information provision	It is agreed that the SSA chapter accurately reflects the process undertaken by the Applicant.	<p>Agreed - Due to removal of Option 2 from the project envelope Natural England’s concerns regarding site selection, between Pegwell Bay and Sandwich Bay have been lessened.</p> <p>It should be noted during the evidence plan process, and when option 2 was still being considered, the information provided on the rationale and constraints for not choosing Sandwich Bay was lacking, and there was a lack of clarity presented in the application.</p>	Agreed.
Project optionality	Following the consultation responses received in S42 the larger seawall extension option was removed and Option 1 and 3 were included within the project description subject to the findings of the SI works. Option 1 and 3 are agreed as appropriate.	Agreed.	Agreed
Project optionality	The removal of landfall Option 2 has addressed the residual concerns noted by Natural England with regards the decision made to progress with the Pegwell Bay option over the Sandwich Bay option.	Agreed.	Agreed

Discussion Point	Thanet Extension Position	NE Position	Final Position
Policy and Planning	NPS EN-1 requires decision maker to consider whether the development is likely to lead to adverse effect on a SSSI and, where an adverse effect is likely after mitigation, development consent should only be granted by exception, where the benefits of the scheme clearly outweigh the impacts. The effect of the temporary disturbance of the saltmarsh habitat has been appropriately assessed as minor adverse (PINS Ref APP-046/ Application Ref 6.2.5).	Agreed – the saltmarsh monitoring and mitigation plan when agreed will provide the mechanisms to ensure that temporary impact is limited and that the recovery of the saltmarsh is achieved. There are mechanisms to ensure sufficient pre and post construction monitoring is undertaken to monitor this recovery and if recovery is not as planned intervention to improve recovery can be implemented.	Agreed
Habitat considerations	The interaction with the saltmarsh is adequately described throughout the ES, inclusive of the Site Selection and Alternatives chapter (PINS Ref APP-040/ Application Ref 6.1.4).	Agreed.	Agreed
Habitat considerations	The site selection process considered a suite of other relevant receptors and topic areas in addition to ecological and designated features as detailed within the chapter (PINS Ref APP-040/ Application Ref 6.1.4).	With regards to Natural England’s remit i.e. ecological and designated sites and their habitat considerations, we have no further comments to make.	Agreed
Joss Bay Option	This option was correctly discounted on the basis of environmental constraints, including offshore designated sites.	Agreed.	Agreed

Discussion Point	Thanet Extension Position	NE Position	Final Position
Mitigation	<p>The recovery of TOWF has been a relative success and an appropriate proxy for the proposed works, noting that lessons are still being learnt from the Nemo Interconnector.</p> <p>The Saltmarsh Reinstatement and Management Plan (PINS Ref REP4-020 which supersedes PINS Ref APP-147/ Application Ref 8.13) has been adequately updated and certainty provided as to how interactions with saltmarsh will be monitored, and recovery assured.</p>	Agreed.	Agreed

4.3 Report to Inform Appropriate Assessment

- 23 The Project provided a Report to Inform Appropriate Assessment (RIAA) with the submitted Application (PINS Ref APP-030/ Application Ref 5.2) to determine the potential for an Adverse Effect on Integrity (AEoI) on Natura 2000 sites. The RIAA was updated to account for the removal of the Option 2 Landfall and was submitted as Appendix 21 of the Applicant's Deadline 2 Submission (PINS Ref REP2-018 and REP2-019) and is therefore the revision of the document referred to hereafter.
- 24 This SoCG considers responses from Natural England on the site selection, and the temporary disturbance of saltmarsh habitat aspects of the RIAA, including assessment methods, outcomes, and conclusions relating to the relevant ES chapters (PINS Refs APP-046 and APP-061/ Application Ref 6.2.5 and 6.3.5) and the RIAA (PINS Ref REP2-018 and REP2-019).
- 25 The sites considered within the RIAA and therefore this SoCG are:
- Thanet Coast and Sandwich Bay SPA; and
 - Thanet Coast and Sandwich Bay Ramsar.

Table 5: Status of discussions relating to the RIAA

Discussion Point	Thanet Extension Position	NE Position	Final Position
Policy and Planning	The RIAA has identified all appropriate plans and policies relevant to HRA and has given due regard to them within the assessment.	Agreed.	Agreed
Baseline data used in the assessment	Sufficient data has been collated to appropriately characterise the baseline environment of the saltmarsh for the purposes of informing the HRA.	Agreed – Natural England has raised concerns previously regarding the adequacy of some vegetation and invertebrate survey coverage. However, we have been reassured by the applicant’s decision in the SMRMP to collect specific pre-construction data to feed into post-construction surveys to monitor any recovery.	Agreed
Saltmarsh methodology	In the absence of Option 2, the impacts on saltmarsh are accurately and appropriately assessed.	Agreed.	Agreed
Outcomes of the RIAA	No adverse effect on the integrity of Thanet Coast and Sandwich Bay SPA is predicted either alone or in combination as a result of as a result of the proposed activities.	Agreed – The SMRMP has been agreed with the applicant. This plan which is secured within the DCO should provide the relevant mechanisms to monitor, mitigate and if necessary reinstate areas of saltmarsh damaged by the applicant during construction.	Agreed
Outcomes of the RIAA	No adverse effect on the integrity of Thanet Coast and Sandwich Bay	Agreed	Agreed

Discussion Point	Thanet Extension Position	NE Position	Final Position
	Ramsar is predicted either alone or in-combination as a result of as a result of the proposed activities.		
Outcomes of the RIAA	The temporary disturbance of saltmarsh habitat will not represent an Adverse Effect on Integrity in respect of European golden plover for the reasons set out in the RIAA (PINS Refs REP2-018 and REP2-019/ Rev B Deadline 2 submission).	Agreed	Agreed
Outcomes of the RIAA	The temporary disturbance of saltmarsh habitat will not represent an Adverse Effect on Integrity in respect of Ruddy Turnstone.	Agreed	Agreed
In-combination assessment methodology	The RIAA has considered all relevant plans and projects for the determination of in-combination LSE on the saltmarsh.	Agreed	Agreed

Discussion Point	Thanet Extension Position	NE Position	Final Position
	<p>As presented in section 12.2 of the RIAA (PINS Refs REP2-018 and REP2-019) there is not considered to be an AEol as a result of in-combination effects in the intertidal zone with Nemo Interconnector (or any other plans or projects). This is primarily as there will be no temporal overlap in construction activities. The recovery of saltmarsh at the Nemo landfall has not been explicitly considered in the RIAA</p>		

5 Matters under discussion

- 26 This summary section identifies those matters raised by NE 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 NE.
- 27 The follow matters are under discussion:
- Project description, subject to Natural England’s review of documentation provided.