

Vattenfall Wind Power Ltd

Thanet Extension Offshore Wind Farm

Appendix 3 to Deadline 6 Submission: Requests
for Statements of Common Ground and Statement
of Commonality

Relevant Examination Deadline: 6

Submitted by Vattenfall Wind Power Ltd

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Revision D

Drafted By:	GoBe Consultants Ltd
Approved By:	Daniel Bates
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Revision A	Original Document submitted to the Examining Authority
Revision B	Revised document submitted to the Examining Authority
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1 Introduction

- 1 Annex E (Agenda for the Issue Specific Hearing 1 (ISH1): Procedural decisions made by the Examining Authority (ExA) Rule 6 letter (PINS Ref PD-006) notes at item 1 that the ExA requests that at Deadline 1 the Applicant provides it with a tracking list of a number of documents which include Statements of Common Ground (SoCG) and commercial side agreements.
- 2 The ExA Rule 8 letter requested that an updated tracking lists and SoCG were to be submitted as part of the Applicant's Deadline 5 Submission. This note supersedes and provides an updated status from the revision previously submitted in Deadlines 1, 3 and 5.
- 3 This note specifically provides and update on the SoCG entered into with Interested Parties (IPs) with Non-Shipping and Navigational interests. This note should be read in conjunction with Appendix 2 of the Applicant's Deadline 6 Submission which provides a statement of commonality on Shipping and Navigational matters.
- 4 This note specifically provides reference to the SoCG requested and notes for the benefit of the ExA where and why an SoCG has not been entered into (either for a given topic or with a stakeholder more broadly) and provides an update of the status of the SoCGs.
- 5 Section 3 provides a summary of the status of the SoCGs presented within the body of this document. Section 4 then presents a Statement of Commonality, identifying those themes of shared or common interest that developed through consideration of the relevant representations, and in turn SoCG.

2 Statements of Common Ground

- 6 The following subsections present each category or topic area identified by the ExA for consideration within SoCGs. The approach taken by the Applicant in drafting SoCGs has been to, where possible, draft a single SoCG that captures all topics of interest or relevance. For ease of audit against the ExA SoCG request list the structure presented here however reflects topic areas, with a given relevant party appearing in each subsection.
- 7 Each section identifies the overarching topic area, the parties that the ExA has requested a SoCG to be drafted with, and as noted previously identifies any stakeholders or topic areas that have not been included when drafting SoCGs.

2.1 A – Natural environment and HRA

- 8 The ExA, in their Rule 8 letter dated 18th December 2018, requested that SoCGs be drafted with the following stakeholders:
- Environment Agency;
 - Natural England;
 - Marine Management Organisation;
 - National Trust;
 - Kent Wildlife Trust;
 - Royal Society for the Protection of Birds;
 - Relevant local authorities; and
 - Relevant overseas authorities (taken to be France as the only party of relevance).
- 9 The ExA, under the overarching title of Natural Environment and HRA, requested the following topics be included within the SoCGs:
- The adequacy of base data, impact assessment methodologies, construction, operational and decommissioning effects on or in respect of:
 - Marine sediment characterisation, turbidity and water quality;
 - Coastal processes;
 - Marine fish stocks;
 - Shellfish stocks;
 - Marine mammals; and

- Marine and terrestrial bird species, including the calculation of prospective bird strike mortality effects.
- The relevance of impacts in individual European Sites;
- The adequacy of specific assessments of impact on individual European Sites and the qualifying features / species contained in those sites; and
- The need for and adequacy of particular approaches to impact mitigation and the mechanism for securing any mitigation through the draft DCO or Marine Licence.

Environment Agency

- 10 The Applicant has drafted a SoCG with the Environment Agency on all topics, except for:
- Characterisation/assessment - marine mammals; due to marine mammals being outwith the EA's remit;
 - Characterisation/assessment - marine and terrestrial bird species; due to ornithology being outwith the EA's remit; and
 - Impacts to European sites; due to European sites being generally outwith the EA's remit, however relevant habitats and species that may form features of European designated sites are captured within the SoCG.

Natural England

- 11 The Applicant has drafted an SoCG with Natural England on all matters identified under this topic area.

Marine Management Organisation

- 12 The Applicant has drafted an SoCG with the MMO on all matters under this topic area.

National Trust

- 13 The Applicant considers that National Trust are not an appropriate party to seek a SoCG on the topic. During the development of the Project it is understood that National Trust have deferred to Kent Wildlife Trust on these matters. National Trust have not indicated to the Applicant that this approach has changed, and their relevant representation does not make reference to these matters. The Applicant has sought a SoCG with National Trust to clarify this position and their comments on recreational use of the foreshore as requested under (I).

Kent Wildlife Trust

- 14 The Applicant has drafted an SoCG with Kent Wildlife Trust (KWT) on all requested topics with the exception of:
- HRA; and
 - Water Quality.
- 15 It was requested by KWT requested for the Water Quality section to be removed from their SoCG as they have chosen to defer to the Environment Agency on this matter.
- 16 In addition, KWT also requested that the HRA section to be removed from their SoCG as they have deferred to Natural England on this matter

Royal Society for the Protection of Birds

- 17 The Applicant has drafted an SoCG with RSPB on topics of relevance to them, the exceptions being (due to falling outwith their area of interest):
- Characterisation/assessment - marine sediment characterisation;
 - Characterisation/assessment - coastal processes;
 - Characterisation/assessment - marine fish stocks;
 - Characterisation/assessment - shellfish stocks; and
 - Characterisation/assessment - marine mammals.
- 18 It should be noted that RSPB have informed the Applicant that due to limited resources they do not wish to be engaged further during the examination phase of this project. The Applicant has confirmed as of January 2019 that for the remaining matters for consideration identified within their relevant representation RSPB will defer to Natural England.
- 19 The RSPB submitted a letter to ExA on 21st January 2019 reaffirming that they did not wish to be engaged further in the examination phase of this project. Therefore, a SoCG has not been progressed further with RSPB by the Applicant.

Relevant local authorities

- 20 The Applicant has drafted SoCGs with the relevant authorities (Dover District Council (DDC), Thanet District Council (TDC), and Kent County Council (KCC) as appropriate with the following exceptions (due to these not being technical areas of interest to the local authorities, and the local authorities therefore deferring to other relevant stakeholders (such as MMO)):
- Characterisation/assessment - marine sediment characterisation; and

- Characterisation/assessment - coastal processes.

Relevant overseas authorities (taken to be France as the only party of relevance)

21 The Applicant at the current time has not sought a SoCG from French Authorities. Following submission of the information requested by the ExA within the Action list for Issue Specific Hearing 1 (ISH1), and any further feedback received from the French Authorities the Applicant will develop a SoCG as required.

2.2 B – Access, highways and transportation effects

22 The ExA in their Rule 8 letter requested that SoCGs be drafted with the following stakeholders:

- Relevant local authorities.

23 On the following matters:

- The adequacy of access, highway, other transport provision for construction, maintenance and decommissioning.

24 The Applicant has drafted an SoCG with the relevant local authorities (KCC, TDC, DDC) which includes reference to these matters.

25 The Applicant has agreed a SoCG with Highways England in addition to seeking a SoCG with the relevant local highway authority (KCC).

2.3 C – Other consequential onshore effects

26 The ExA in their Rule 8 letter requested that SoCGs be drafted with the following stakeholders:

- Relevant local authorities.

27 On the following matters in relation to other onshore effects:

- Economic effects of the Project.

28 The Applicant has drafted an SoCG with the relevant local authorities (KCC, TDC, DDC) which includes reference to these matters.

2.4 G – Fishing and fisheries

29 The ExA in their Rule 8 letter requested that SoCGs be drafted with the following stakeholders:

- MMO; and
- Interested/Statutory Parties involved in fishing.

30 The Applicant is seeking a SoCG with the Thanet Fishermen's Association (TFA) and the Kent and Essex Inshore Fisheries and Conservation Authorities (Kent and Essex IFCA) in addition to MMO.

2.5 H – Historic environment

31 The ExA in their Rule 8 letter requested that SoCGs be drafted with the following stakeholders:

- Historic England;
- English Heritage;
- Relevant local authorities;
- MMO; and
- Any other Interested/Statutory Party involved in the historic environment or archaeology.

32 On the following matters:

- The adequacy of base data, impact assessment methodologies, construction, operational and decommissioning effects on the historic marine environment;
- The adequacy of base data, impact assessment methodologies, construction, operational and decommissioning effects on the setting of terrestrial heritage assets; and
- The need for and adequacy of particular approaches to impact mitigation.

33 As confirmed at the Preliminary Meeting the Applicant has not consulted with English Heritage (EH) as the Project will not directly impact any property owned or managed by EH. The Applicant is seeking an SoCG with Historic England as the statutory body for heritage protection and the current draft covers any indirect effects on setting of all heritage assets including those managed by EH. An updated SoCG is provided in Appendix 35 of the Applicant's Deadline 5 Submission (see section 3).

34 The Applicant has also included reference to the historic environment within the SoCG with the MMO and relevant local authorities (KCC, TDC and DDC).

35 There are no other Interested/Statutory Parties of relevance to consider with regards potential effects on the historic environment or archaeology.

2.6 I – Recreational use of the foreshore

- 36 The ExA in their Rule 8 letter requested that SoCGs be drafted with the following stakeholders:
- National Trust;
 - Kent Wildlife Trust;
 - Relevant local authorities; and
 - Any other Interested/Statutory Party involved in the management of Pegwell Bay and other foreshore areas.
- 37 On the following matters:
- The adequacy of base data, impact assessment methodologies, construction, operational and decommissioning effects on the foreshore and Country Park; and
 - The need for and adequacy of particular approaches to impact mitigation.
- 38 The Applicant has included reference to the recreational use of the foreshore in the draft SoCGs with National Trust, KWT and KCC. Other relevant local authorities (TDC and DDC) are final SoCGs submitted at Deadlines 3 and 4 respectively.
- 39 There are no other Interested or Statutory Parties considered to be relevant to recreational use of the foreshore, though it is noted that other parties are represented on the Pegwell Bay steering group (the management authority for the National Nature Reserve). These parties are represented in other SoCGs with reference to their areas of direct expertise or interest – e.g. Natural England, RSPB, and Kent and Essex IFCA.

2.7 J – Seascape, landscape and visual impact assessment

- 40 The ExA in their Rule 8 letter requested that SoCGs be drafted with the following stakeholders:
- Relevant local authorities;
 - Natural England;
 - Historic England; and
 - Relevant representatives of Overseas Public Authorities.
- 41 On the following matters:
- Agreed approaches to seascape, landscape and visual impact assessment (SLVIA); and

- The adequacy of mitigation.
- 42 The Applicant has included reference to SLVIA within the SoCGs with Historic England and the relevant local authorities (KCC, DDC and TDC).
- 43 The Applicant has not sought to include reference to SLVIA within the SoCG with Natural England as the project does not interact with any Areas of Outstanding Natural Beauty. Reference to the Outline Landscape and Ecological Management Plan (PINS Ref REP1-069 which supersedes APP-142/ Application Ref 8.7) is however included within the SoCG with Natural England.
- 44 As discussed at the first Issue Specific Hearing (ISH1) the Applicant has not sought an SoCG with overseas public authorities, as there have to date been no representations received from overseas authorities on this matter. Should representations be received from overseas authorities the Applicant will draft an SoCG as appropriate.

2.8 K – Energy undertakers

- 45 The ExA in their Rule 8 letter requested that SoCGs be drafted with the following stakeholders:
- National Grid Electricity Transmission (NGET);
 - National Grid Gas (NGG);
 - Nemo Link; and
 - Any other Interested/Statutory Party involved in energy transmission or distribution.
- 46 On the following matters:
- Effects of the proposed development on transmission and distribution infrastructure.
- 47 The Applicant is in ongoing discussions on crossing and proximity agreements with NGET, Nemo Link, Thanet OFTO and UKPN and will provide an update on these as part of the tracker requested by the ExA at each Deadline (excluding Deadlines 4B and 4C). The Applicant expects to reach agreement with all of these parties prior to the end of Examination. As such it is not currently intended to enter into SoCGs with these undertakers as the progress and expected agreement of commercial agreements and protective provisions will demonstrate the position of these stakeholders. NGG do not have any apparatus in proximity to the project and have not been approached.
- 48 A SoCG has been entered into with Ramac Holdings Ltd and a summary of this is provided below in this document.

49 There are no other Interested or Statutory Parties of relevance.

2.9 L – Military affairs

50 The ExA in their Rule 8 letter noted that the Ministry of Defence (MoD) does not object to the proposed development. The ExA further noted that in the context set by multiple Relevant Representations raising concerns about civil/ merchant shipping a statement of common ground could valuably be prepared to include:

- A review of actions necessary and agreed to safeguard military shipping; and
- Consideration of actions (if any) necessary and agreed to safeguard military aviation.

51 The Applicant consulted with the MoD at Section 42 to which the MoD responded stating the Application should undertake UXO surveys prior to intrusive works. The Relevant Representation from the MoD confirms no objection on aviation matters. The MoD has therefore been consulted and has responded twice without raising any concerns regarding military shipping. However, as noted at the Preliminary Meeting the Applicant has sought to confirmation from the MoD regarding their position on military shipping and aviation.

52 The Applicant have submitted a letter received from the MoD as Appendix 31 of the Applicant's Deadline 3 Submission (PINS Ref REP3-046) confirming that a SoCG with MoD regarding military shipping and war graves is not required.

3 Current status of SoCGs

The following table identifies the current status of all SoCGs.

Stakeholder	Relevant Topics	Status	Current Revision
Dover District Council	<ul style="list-style-type: none"> Natural environment and HRA Access/highways/transport Other consequential onshore effects Historic Environment SLVIA 	Revision A submitted in Deadline 1. Revised document sent to DDC on 150219. All matters agreed, signed version was submitted at Deadline 3.	B (Final)
Environment Agency	<ul style="list-style-type: none"> Natural environment and HRA 	Revision A submitted in Deadline 1. Revised document sent and discussed with the EA on 120219. Agreed version returned on 050319. A final document was submitted as Appendix 18 of the Applicant's Deadline 3 Submission (PINS Ref REP3-036).	B (Final)
Highways England	<ul style="list-style-type: none"> Access/highways/transport 	Signed copy received and submitted at Deadline 1 (PINS Ref REP1-019) with all matters agreed.	A (Final)
Historic England	<ul style="list-style-type: none"> Historic Environment SLVIA 	HE team has reviewed all relevant documents submitted to the examination process by the Applicant, including the onshore and offshore WSIs and the addendum to the historic environment ES chapter. A final of this SoCG is submitted as Appendix 6 to the	C (Final)

Stakeholder	Relevant Topics	Status	Current Revision
		Applicant's Deadline 6 Submission. Agreement was reached on all matters.	
Kent County Council	<ul style="list-style-type: none"> • Natural environment and HRA • Access/highways/transport • Other consequential onshore effects • Historic Environment • Recreational use of the foreshore • SLVIA 	A revised version of the SoCG was sent to KCC on 26 February and returned on 15 March. This was revised and returned to KCC on 12 April. The Applicant has held a teleconference (25 April) with KCC to discuss the outstanding matters with their technical experts at the time. Following Deadline 5 additional clarifications have been provided by the Applicant. The Applicant has sought to update the onshore WSI in line with the requested changes from KCC's advisory. A revised draft of the SoCG has been submitted by the Applicant as Appendix 8 to the Deadline 6 Submission. Agreement has been reached on all matters.	D(Final)
Kent IFCA	<ul style="list-style-type: none"> • Natural environment and HRA 	Full agreement has been reached on the fish and shellfish ecology assessment, designated sites and commercial fisheries assessment. The final SoCG is submitted as Appendix 7 of the Applicant's Deadline 6 Submission.	D (Final)
Kent Wildlife Trust	<ul style="list-style-type: none"> • Natural environment and HRA 	Previous drafts of the SoCG have been submitted in Deadlines 1 and 3 which have provided progress updates on the	C (Final)

Stakeholder	Relevant Topics	Status	Current Revision
		<p>level of agreement between the parties. The Applicant and KWT held a teleconference on 10th April, 17th April and 7th May to agree on final positions across the matters under discussion. As anticipated, and stated previously, the SoCG includes areas of disagreement including but not limited to site selection and ecological monitoring requirements. The final SoCG is submitted as Appendix 9 of the Applicant’s Deadline 6 Submission.</p>	
MMO	<ul style="list-style-type: none"> • Natural environment and HRA • Port, shipping, commercial sea navigation (addressed in Appendix 2 of the Applicant’s Deadline 6 Submission) • Recreational boat use • Fishing and Fisheries • Historic Environment 	<p>Previous drafts of the SoCG have been submitted in Deadlines 1, 3 and 5 which have provided progress updates on the level of agreement between the parties. Following the submission of the SoCG in Deadline 5, a teleconference with MMO was held (15th May) and the SoCG document was progressed by both parties in preparation and during the call. In addition, numerous emails have been exchanged to discuss and seek to progress the disagreement over the fish and shellfish assessment. . Aspects of the drafting of the DCO and the fish and shellfish assessment are the primary areas under discussion. The final SoCG is</p>	D (Final)

Stakeholder	Relevant Topics	Status	Current Revision
		submitted as Appendix 11 of the Applicant's Deadline 6 Submission. Annex A to Appendix 11 presents a tracker of the full dialogue held between the parties throughout the examination phase.	
National Trust	<ul style="list-style-type: none"> Natural environment and HRA 	Revision A submitted in Deadline 1. Revised draft sent on 180219. A revised draft was received on 26/02/19 and was included at Appendix 24 of the Applicant's Deadline 3 Submission. The Applicant has sought to arrange discussions with the National Trust to progress the document however this has not taken place due to availability. The Applicant has been in discussions with the National Trust regarding land issues which are being discussed generally outwith the SOCG process. The final SoCG is submitted as Appendix 13 of the Applicant's Deadline 6 Submission. The parties have not reached agreement on all matters.	C (Final)
Natural England - Ornithology	<ul style="list-style-type: none"> Natural environment and HRA 	Revision A was submitted in Deadline 1. Revised draft was sent on 12019 and discussed and returned on 010319 A revised SoCG accompanies the Deadline 3 and 4 Submissions. The Applicant and	E (Final)

Stakeholder	Relevant Topics	Status	Current Revision
		<p>Natural England held a meeting 2nd May to discuss the latest position on the HRA and MCZ assessments. The SoCG was submitted as a late Deadline 5 Submission. Following discussions with Natural England on 22nd May the SoCG was updated with the final positions of both parties. The final SoCG is submitted as Appendix 14 of the Applicant’s Deadline 6 Submission.</p>	
<p>Natural England - SS&A</p>		<p>Original draft sent on 120219. A revised draft was received on 250219, discussed on the 040319 and a revised SoCG accompanies the Deadline 3 submission. The Applicant and Natural England held a discussion with the aim to progress this SoCG. A revised version was returned to Natural England on 8 April. The Applicant has held a subsequent teleconference with Natural England to discuss HRA matters. A revised draft of the SoCG has been submitted by the Applicant as Appendix 37 to the Deadline 5 Submission. An updated copy of the SoCG was submitted as a late Deadline 5 Submission. Following discussions with Natural England on 22nd May the SoCG</p>	<p>C (Final)</p>

Stakeholder	Relevant Topics	Status	Current Revision
		<p>was updated with the final positions of both parties. The final SoCG is submitted as Appendix 14 of the Applicant's Deadline 6 Submission. Agreement has been reached on all matters.</p>	
Natural England - Topics		<p>Revision A was submitted in Deadline 1. Revised draft was sent on 12019 and returned on 250219, discussed on the 040319 and a revised SoCG accompanies the Deadline 3 submission. The Applicant and Natural England held a discussion with the aim to progress this SoCG. A revised version was returned to Natural England on 8 April. The Applicant and Natural England held a meeting 2nd May to discuss the latest position on the HRA and MCZ assessments. The SoCG was submitted as a late Deadline 5 Submission. Following discussions with Natural England on 22nd May the SoCG was updated with the final positions of both parties. The final SoCG is submitted as Appendix 15 of the Applicant's Deadline 6 Submission.</p>	D (Final)
Ramac	Not Applicable	<p>The final SoCG is submitted as Appendix 47 of the Applicant's Deadline 6 Submission.</p>	A (Final)

Stakeholder	Relevant Topics	Status	Current Revision
RSPB	<ul style="list-style-type: none"> Natural environment and HRA 	Sent on 10/12/18. Response received notifying that RSPB no longer engaging in project as per the letter sent to PINS 21 st January 2019 (PINS Ref REP1-150).	A (Final)
TFA	<ul style="list-style-type: none"> Fishing and Fisheries 	Sent on 19/11/18. Advanced draft received 140119. A revised copy was provided to TFA, following ISH8, on 25 April. The Fisheries Co-Existence Liaison Plan was revised and provided to TFA on 24 April. A final version of the SoCG is submitted as Appendix 20 of the Applicant's Deadline 5 Submission. There remain items of disagreement between the parties including but not limited to the methodology, categorisation of significance, safety considerations and cumulative effects.	C (Final)
Thanet District Council	<ul style="list-style-type: none"> Natural environment and HRA Access/highways/transport Other consequential onshore effects Historic Environment SLVIA 	Revision A was submitted in Deadline 1. Revised draft sent 150219 and returned on 260219 and a final agreed SoCG was included at Appendix 30 of the Applicant's Deadline 3 submission (PINS Ref REP3-045). Agreement was reached on all matters.	B (Final)
French Authorities	<ul style="list-style-type: none"> Natural environment and HRA Fishing and Fisheries SLVIA 	No further response has been received	N/A

Stakeholder	Relevant Topics	Status	Current Revision
MoD	<ul style="list-style-type: none"><li data-bbox="618 363 846 395">• Military affairs	Contacted on 4/1/19, receipt acknowledged. Letter received on 150219 confirming no intention of entering into a SoCG as submitted in Deadline 3 by the Applicant.	N/A

4 Statement of Commonality

53 The following section describes the common themes or areas of commonality that have arisen through review of the relevant representations received.

4.1 Site Selection and Alternatives

54 An evident theme, in Deadline 1, was the position on site selection and alternatives, in particular with reference to concerns raised with regards Landfall Option 2 and the potential for permanent loss of saltmarsh habitat. This theme was shared by:

- Natural England;
- Environment Agency;
- Kent Wildlife Trust;
- National Trust;
- MMO;
- Kent and Essex IFCA; and
- Local Authorities (KCC, DDC, and TDC).

55 Following the Applicant's removal of Option 2 from the project envelope the concerns regarding permanent loss have been withdrawn. Agreement on the site selection and alternatives has been reached with the majority of parties following the design change, with the exception of Kent Wildlife Trust and the National Trust.

4.2 Ornithology (displacement buffer) matters

56 An additional evident theme, in Deadline 1, was the position on the displacement buffers applied by the Applicant when considering displacement of ornithological receptors as a result of the installation of the offshore infrastructure. This theme is shared by:

- Natural England;
- MMO; and
- RSPB.

57 These matters have been the subject of additional clarification notes submitted by the Applicant to Natural England for consultation. Revised versions of these documents were submitted with the wider Deadlines 1, 2, and 3 submissions.

58 It has been agreed with Natural England that either parties' methods and effects of parameters used make no material difference to the overall conclusions. Therefore, this is no longer a theme of disagreement.

4.3 Adequacy of (Offshore) Project Description transcription

59 A further evident theme is the position on project description transcription within the offshore ES chapters, the draft DCO, and other supporting documents such as the disposal site characterisation and MCZ assessment. This theme is shared by:

- Natural England; and
- MMO.

60 These matters have been the subject of clarification and audit notes which have been drafted to provide a clear audit of the offshore Project Description parameters and the worst cases assessed. The audit is provided in Annex D of the DCO Explanatory Memorandum (Appendix 31 of the Applicant's Deadline 5 Submission) as final. Subject to further discussion with regards the project description parameters to be secured on the face of the DCO/dML(s) the adequacy of the Project Description is no longer considered to be a theme of disagreement.

4.4 In-combination effects from the disposal of material

61 The potential for in-combination effects resulting from the dredging and disposal of material, in proximity to designated sites (namely Thanet Coast SAC and MCZ and the Goodwin Sands pMCZ). This theme was shared by

- Natural England;
- KE IFCA; and
- Kent Wildlife Trust.

62 Following a request from the Natural England the Applicant has submitted a consolidation of all of the submissions made by the Applicant on this theme. This consolidation of material is submitted as Appendix 32 (and associated annexes) to the Applicant's Deadline 5 Submission. Full agreement has been reached with Natural England and KE IFCA on the in-combination effects on Thanet Coast SAC and MCZ. The effects on Goodwin Sands pMCZ are still under discussion with Natural England subject to a final summary and signposting note, however the Applicant has provided two technical clarification notes (Annexes A and B to Appendix 15) which are understood to address Natural England's concerns.

- 63 KWT still retain their disagreement on this matter for Thanet Coast MCZ generally and for Goodwin Sands pMCZ in combination with the Dover Harbour Board project in particular.