

Vattenfall Wind Power Ltd

Thanet Extension Offshore Wind Farm

Appendix 9 to Deadline 6 Submission: Statement of Common Ground – Kent Wildlife Trust

Relevant Examination Deadline: 6

Submitted by Vattenfall Wind Power Ltd

Date: May 2019

Revision C

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28/05/19	C	Revised Document submitted to the ExA	GoBe	GoBe	VWPL

Signatures

Signed (e-signature)	
Name	
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For	Kent Wildlife Trust

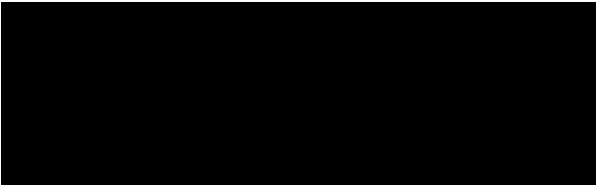
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1 Introduction

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 Kent Wildlife Trust (KWT) 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 KWT on the Application.
- 3 It is the intention that this document captures the discussions held between both of the parties and also give the Examining Authority (ExA) an overview of the level of common ground between both parties.

1.2 Approach to SoCG

- 4 This SoCG has been developed during the pre-examination and examination phase of the Thanet Extension. In accordance with discussions between the Applicant and KWT, the SoCG is focused on those issues raised by KWT 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: Kent Wildlife Trust's Remit;
 - Section 3: Consultation;
 - Section 4: Agreements Log;
 - Section 5: Matters of Disagreement; and
 - Section 6: Additional Comments and Observations.

1.3 The Development

- 6 The Application is for development consent for VWPL to construct and operate the Thanet Extension Offshore Wind Farm (Thanet Extension) under the Planning Act 2008.
- 7 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.
- 8 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).
- 9 The offshore elements of the project comprise an offshore export cable corridor (Work Area 3), and Work Areas 1 and 2. The latter are an area of 68.8 km² and comprise the Array Area (59.5 km²) and the Structures Exclusions Zone (9.3 km²). The latter being an area subject to restrictions on what can be placed within it, as described in Annex A of Appendix 7 of the Applicant's Deadline 5 Submission and Schedule 1, Part 3, Requirement 6 of the draft DCO. The Order Limits surround the existing Thanet Offshore Wind Farm (TOWF). It is located approximately 8 km north-east of the Isle of Thanet, situated in the County of Kent. Each WTG would have a maximum blade tip height of 250 m above Mean High Water Springs (MHWS), a maximum diameter of 220 m and a minimum 22 m clearance between the MHWS and the lowest point of the rotor.

- 10 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.
- 11 More details on the proposed development are described in the Environmental Statement (ES) Volume 2, Chapter 1: Project Description (Offshore) (PINS Ref APP-040/ 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.

2 Kent Wildlife Trust's Remit

- 12 KWT is not a prescribed consultee for the proposed development under section 42 of the Planning Act 2008 and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. However, the Applicant recognises the importance of KWT as a consultee due to their central role within the management of the Pegwell Bay Country Park, participation in the Evidence Plan and as a Landowner.
- 13 Kent Wildlife Trust is one of the largest of the 47 Wildlife Trusts, which together make up the Wildlife Trusts Partnership. We are Kent's leading conservation organisation covering the whole of Kent and Medway, dedicated to protecting wildlife and wild habitats. We are supported and governed by our 30,000 members, and have the simple aim of protecting Kent's wildlife for the future. To this end, we own or manage 60 nature reserves covering 3,000 hectares; we campaign and lobby politicians, decision makers and landowners to ensure site protection and good habitat management; and we run a full programme of education work with schools, colleges and adult groups. The Trust also has five Visitor Centres.
- 14 The professional and support staff work within six sections of Reserves, Conservation and Policy, People and Wildlife, Visitor Centres, Trading and Visitor Engagement, Marketing and Membership, Finance and Administration.

3 Consultation

3.1 Application elements under Kent Wildlife Trust's remit

- 15 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 KWT.
- 16 Kent Wildlife Trust is an individual charitable trust within the Royal Society of Wildlife Trusts. They oversee the management of nature reserves in the Kent and Medway areas of Southeast England.
- 17 The technical components considered within this SoCG include:
- Volume 1, Chapter 4: Site Selection and Alternatives (PINS Ref APP-040/ Application Ref 6.1.4);
 - 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 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);
 - Draft Marine Mammal Mitigation Protocol for Piling Activities (PINS Ref APP-146/ Application Ref 8.11);
 - Outline Site Integrity Plan (PINS Ref REP4-022);
 - Volume 2, Chapter 8: Designated Sites (PINS Ref APP-049/ Application Ref 6.2.8);
 - Volume 4, Annex 5-3: Marine Conservation Zone Assessment (PINS Ref APP-083/ Application Ref 6.4.5.3);
 - Biogenic Reef Plan (PINS Ref REP4-025 which supersedes APP-149/ Application Ref 8.15);

- Volume 3, Chapter 5: Onshore Biodiversity (PINS Ref APP-061/ Application Ref 6.2.5);
- Saltmarsh Mitigation, Reinstatement and Monitoring Plan (SMRMP) (PINS Ref REP4-020 which supersedes PINS Ref APP-147/ Application Ref 8.13);
- Outline Landscape and Ecological Management Plan (PINS Ref REP1-065 which supersedes APP-142/ Application Ref 8.7);
- Draft Development Consent Order (PINS Ref REP5-019); and
- Sandwave Clearance, Dredge and Disposal Site Characterisation (PINS Ref REP5-038 which supersedes PINS Ref APP-148/ Application Ref 8.14).

3.2 Consultation Summary

18 This section briefly summarises the consultation that VWPL has undertaken with KWT. 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 KWT pre-Application

Date & Type:	Detail:
May 2017 Evidence Plan meeting	Evidence Plan meeting - Offshore Ecology 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 – General Onshore Meeting.
October 2017	National Nature Reserve Steering Group Meeting
January 2018, S42 Consultation	Comments relating to the Preliminary Environmental Information Report
2018 Consultation	RIAA Consultation
May 2018	National Nature Reserve Steering Group Meeting – noting that KWT indicated that it was not considered to be a consultation meeting

Throughout the pre-application phase	Numerous meetings to discuss specific land issues ¹
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3.3 Post-Application Consultation

19 VWPL has engaged with KWT 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 KWT is detailed in Table 2.

Table 2: Consultation undertaken with the KWT post-Application

Date/ Type:	Detail:
August 2018 Meeting	Post-Application/ pre-relevant representations meeting
Post-Application	Numerous meetings to discuss specific land issues
January 2019	Email correspondence to discuss the development of the SoCG
February 2019	Email correspondence to discuss the development of the SoCG
March 2019	Email correspondence to discuss the development of the SoCG
April 2019	Teleconference to discuss the development of the SoCG
April 2019	Teleconference to discuss the development of the SoCG
May 2019	Teleconference to discuss the development of the SoCG

¹ The matters discussed in these meetings are not relevant to the topics included within this SoCG.

4 Agreements Log

- 20 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” or indeed “not agreed” a colour coding system of green and orange is used in the “final position” column to represent the respective status of discussions.

4.1 Site Selection Alternatives

- 21 The Project has analysed and evaluated a range of options regarding location of infrastructure. The reasons for the selection of the proposed site are put forward by the applicant within Volume 1, Chapter 4: Site Selection and Alternatives of the ES (PINS Ref APP-040/ Application Ref 6.1.4). Table 3 identifies the status of discussions relating to this topic area between the parties.

Table 3: Status of discussions relating to Site Selection and Alternatives.

Discussion Point	Thanet Extension Position	KWT Position	Final Position
Adequacy of information provision	The chapter provides an adequate account of the considerations and decision-making process undertaken to develop the proposed Order Limits, taking full consideration of relevant points of policy.	<p>KWT objects to the proposed development. KWT disagree that the chapter provides an adequate account of the considerations and decision-making process undertaken by the applicant and do not feel that the information provided in this chapter is adequate.</p> <p>Relating to NPS EN-3, a cable landfall assessment was only carried out based on the Pegwell Bay landfall option. We believe in order to make a well-informed decision a cable landfall assessment should have also been carried out at the Sandwich Bay landfall option</p>	Disagree
Adequacy of information provision	The chapter, and subsequent submissions made during the examination, provides sufficient information for the rationale for the decision to make landfall in Pegwell Bay rather than Sandwich Bay.	<p>KWT consider there to be inadequate information and an insufficient level of detail provided on the site selection, in particular the landfall location.</p> <p>KWT believe that a sound ecological decision</p>	Disagree

Discussion Point	Thanet Extension Position	KWT Position	Final Position
		cannot be made based on the information provided.	
Project optionality	Following the consultation responses received in S42 the larger seawall extension option (Option 2) was removed from the project design envelope to address the concerns raised by KWT (and other stakeholders). Option 1 and 3 were retained and Option 1 and 3 are agreed as appropriate landfall designs.	KWT welcomes the decision by the applicant to remove option 2 from the design envelope. Whilst maintaining an overall objection to the site and chosen landfall location, KWT believe that Option 1 (HDD method) is the least damaging environmental method of the options presented.	Agreed

Discussion Point	Thanet Extension Position	KWT Position	Final Position
<p>Habitat Consideration and Cable Installation Method</p>	<p>Landfall Option 2 has been withdrawn to avoid permanent loss of the saltmarsh habitat.</p>	<p>KWT approves of the removal of option 2, which means that there will be no permanent loss of saltmarsh.</p>	<p>Agreed</p>

Discussion Point	Thanet Extension Position	KWT Position	Final Position
Habitat considerations	<p>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). The reasoning with regards designated features depends on a number of factors inclusive of mitigation assurance and interaction with the designated features themselves rather than the site. The Site Selection chapter, and subsequent submissions made during the examination, adequately and appropriately describes this reasoning in line with policy requirements.</p>	<p>The consideration of habitats and ecological importance of the site has not been given due weight. The ‘other relevant receptors’ such as economic impacts and tourism appear to have been given more consideration than environmental protection. We believe a ‘whole site’ approach to designated sites should be taken to maintain the integrity of the site and ensure that the status and functionality of habitats and features is not decreased. We believe that the ecological arguments for site selection of the cable route is not based on sound comparable evidence.</p>	Disagree
Joss Bay Option	<p>This option was correctly discounted on the basis of environmental constraints, including offshore designated sites.</p> <p>The Applicant has provided sufficient additional evidence and explanation in PINS Ref REP1-024, REP1-065 and REP2-013 for the rationale of discounting the Joss Bay landfall option, including further information on the designated sites, and features, present across the Joss Bay area.</p>	<p>REP2-013 is the ‘Applicant’s Response to Written Representations’ and regarding Joss Bay references paragraph 4.8.13 of the SSA chapter which ‘describes the character of the Joss Bay... area...’ and does not provide any more additional information or supporting written justification for discounting this Option to accompany the figures presented in REP1-024. This would have been beneficial in helping KWT and other interested parties understand how this decision was made. We accept that this option was discounted,</p>	Agree

Discussion Point	Thanet Extension Position	KWT Position	Final Position
		<p>however for completeness, transparency and clarity, more evidence should be provided regarding the process behind how this decision was made.</p>	
Mitigation	<p>The recovery of TOWF has been a relative success and an appropriate proxy for the proposed works. Therefore, the rate of recovery of the saltmarsh following temporary disturbance is understood, and any uncertainty is addressed and secured through the Saltmarsh Mitigation, Reinstatement and Monitoring Plan (SMRMP) (PINS Ref REP4-020 which supersedes PINS Ref APP-147/ Application Ref 8.13) (see Table 5).</p>	<p>We accept the publication of the updated SMRMP, however, as mentioned at ISH8, the saltmarsh reinstatement provisions will need to be secured in the DML, and the issue of where the SMRMP as a whole will be secured (in a terrestrial condition as well as DML) will need to be determined.</p> <p>Please see section 6 (Additional Comments and Observations) of this document for further comments about mitigation and the SMRMP.</p>	Agree

4.2 Marine Geology, Oceanography and Physical Processes

- 22 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 ES (PINS Ref APP-043/ Application Ref 6.2.2). Table 4 identifies the status of discussions relating to this topic area between the parties.

Table 4: Status of discussions relating to Marine Geology, Oceanography and Physical Processes.

Discussion Point	Thanet Extension Position	KWT Position	Final Position
Policy and Planning	The physical processes chapter has identified all appropriate plans and policies relevant to marine processes and has given due regard to them within the assessment.	<p>KWT have some concerns about the proximity of the lower part of the red line boundary with the mouth of the River Stour and Shell Ness point. The physical process chapter acknowledges the movement of the River Stour north in recent decades and the migration of Shell Ness.</p> <p>We recommend the production of a Cable Specification and Installation Plan to provide details on how cables will be monitored.</p> <p>A cable burial risk assessment is required and the outcomes and recommendations of this will need to be secured. There is a need to ensure that cables do not become exposed in this dynamic area.</p>	The Applicant considers that this can be agreed. The requirements are secured in Schedule 11, Part 4, Condition 13 (1) (g) and Schedule 12, Part 4, Condition 11 (1) (h) of the dDCO (PINS Ref REP5-019).
Scope and Assessment	The potential impacts identified are appropriate and accurately reflect the potential impacts on	We appreciate the production of the revised Sandwave Clearance, Dredge and Disposal Site	Agreed subject to receipt of further

Discussion Point	Thanet Extension Position	KWT Position	Final Position
<p>methodology</p>	<p>marine processes receptors and pathways.</p> <p>The Applicant will submit a technical clarification note (Annex B to Appendix 15 of the Applicant’s Deadline 6 Submission) which includes a commitment made by the Applicant to dispose of material generated from sand wave clearance within 500 m of the Goodwin Sands pMCZ.</p> <p>Sufficient detail of the impacts of sandwave clearance have been provided in the revised Sandwave Clearance, Dredge and Disposal Site Characterisation (PINS Ref REP5-038).</p> <p>The Applicant has appropriately characterised and assessed the potential requirements for O&M works on cables in project description (and subsequent project description audit (PINS Ref REP3-053) and in the physical processes chapter (with additional clarifications provided in PINS Refs REP3-003 and REP4-005).</p>	<p>Characterisation (PINS Ref REP5-0038), and look forward to the production of a sandwave clearance plan with Natural England in order to pinpoint more specific details and commitments/ procedures regarding sandwave clearance and disposal activities.</p> <p>There should be a commitment by the applicant to ensure that all sand extracted from the MCZ/pMCZ area is kept within the MCZ system.</p>	<p>information at Deadline 6.</p>

Discussion Point	Thanet Extension Position	KWT Position	Final Position
Baseline data used in the assessment	Sufficient data has been collated to appropriately characterise the baseline environment for the purposes of informing the EIA.	Data has been collected in order to characterise the baseline environment.	Agreed
Outcomes of the EIA	<p>The assessment criteria and assignment of significance is appropriate and in line with standard best practice.</p> <p>The impacts on the coastal features were associated with the potential seawall extension (under Option 2), which has subsequently removal of this from the project description.</p>	Agree	Agree

4.3 Benthic Subtidal and Intertidal Ecology

- 23 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). Table 5 identifies the status of discussions relating to this topic area between the parties.

Table 5: Status of discussions relating to Benthic Subtidal and Intertidal Ecology.

Discussion Point	Thanet Extension Position	KWT 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.	Relevant plans and policies have been referenced.	Agreed
Scope and Assessment methodology	The potential impacts identified are appropriate and accurately reflect the potential impacts on benthic ecology receptors.	Accept. However the impacts on benthic ecology receptors could be more clearly laid out in the document. We also still have concerns regarding impacts on such as from sediment re-suspension and smothering but agree that these impacts have been acknowledged in the document.	Agreed
Baseline data used in the assessment	Sufficient data has been collated to appropriately characterise the baseline environment for the purposes of informing the EIA.	Data has been collected in order to characterise the baseline environment. HOCl's should have been identified in the baseline surveys.	Agreed
	The survey scope and methodology undertaken for the intertidal surveys were adequate for characterising the baseline population of benthic species. These surveys were agreed with KWT as members of the EIA evidence plan and for receipt of the survey access permit for works within the Pegwell Bay National Nature Reserve. The matter	The survey is appropriate for characterising the baseline environment, for the study area of the assessment. However, the survey results from the Sandwich Bay intertidal area demonstrate interactions with fewer species, fewer individuals, less overall intertidal area affected, and fewer designations across the onshore route when	Disagree

Discussion Point	Thanet Extension Position	KWT Position	Final Position
	of adequate characterisation for this purpose is agreed with the local authorities and Natural England.	compared to the Pegwell Bay intertidal survey area. Therefore we disagree with how the findings of the data have been utilised. In particular, the results of the intertidal surveys do not appear to have been used in influencing the landfall decision.	
Mitigation Measures	The embedded mitigation measures are considered appropriate and captured in the relevant mitigation plans. Namely the biogenic reef mitigation plan, which has been agreed with Natural England, and the saltmarsh monitoring, reinstatement and management plan which has been agreed with Natural England. These two plans are captured as specific row items below.	Agree	Agreed
Cable burial	The assessment considers the risk of insufficient cable burial and assesses the impacts associated with cable protection appropriately.	A minimum burial depth of 1.5m should be the target for offshore cables. Only where this is proven to not be possible should approved cable protection methods be used.	Agreed
Outcomes of the EIA	The assessment criteria and assignment of significance is appropriate.	We understand how the assignment of significance has been determined	Agreed

Discussion Point	Thanet Extension Position	KWT Position	Final Position
Saltmarsh Mitigation and Management Plan	<p>The Saltmarsh Mitigation, Reinstatement and Management Plan (PINS Ref REP4-020 which supersedes PINS Ref APP-147/ Application Ref 8.13) provides sufficient information and is adequately secured in the DCO.</p> <p>The SMRMP has appropriately revised to address KWT’s concerns as received in the Written Representation (PINS Ref REP2-032).</p>	<p>Specific comments on the Saltmarsh Mitigation, Reinstatement and Management Plan are available in the KWT Written Representation. We appreciate that a revision of the SMRMP has been produced following comments and feedback from Interested Parties.</p> <p>We accept the publication of the updated SMRMP, however, as mentioned at ISH8, the saltmarsh reinstatement provisions will need to be secured in the DML, and the issue of where the SMRMP as a whole will be secured (in a terrestrial condition as well as DML) will need to be determined.</p>	Agree
Biogenic Reef Plan	<p>The Biogenic Reef Plan (PINS Ref REP4-025 which supersedes APP-149/ Application Ref 8.15) provides sufficient information and is adequately secured in the DCO.</p> <p>The Applicant has provided point by point response and clarification to KWT’s Written representation on the Biogenic Reef Plan (PINS Ref REP2-013). The plan has been adequately</p>	Agree	Agree

Discussion Point	Thanet Extension Position	KWT Position	Final Position
	<p>revised to address KWT's (and Natural England's) concerns (PINS Ref REP4-025).</p>		
<p>Benthic Monitoring</p>	<p>Thanet Extension is an extension to a project that has had significant monitoring associated with it and the potential effects on the receiving environment are well understood. There is therefore limited uncertainty in the assessment. Pre- and post-construction benthic monitoring in the context of the biogenic reef mitigation plan and the saltmarsh mitigation and reinstatement plan only is appropriate.</p> <p>The Applicant has provided sufficient justification and information in their response to Action Point 15 (paragraph 72 <i>et seq</i>) that the monitoring adheres to the MMO's recommendations, and that further monitoring is not required for the proposed development.</p>	<p>More commitments to post-construction benthic monitoring should be made. Also, despite being an extension to the existing Thanet Offshore Wind Farm, the project should be considered as an entirely separate development in terms of post-construction monitoring.</p> <p>We do not agree that one year of limited post-construction benthic monitoring is sufficient. KWT submitted comments on recommended/ suggested post-construction monitoring to the ExA at Deadline 3 as requested at ISH3.</p>	<p>Disagree</p>

4.4 Fish and Shellfish Ecology

- 24 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 6 identifies the status of discussions relating to this topic area between the parties.

Table 6: Status of discussions relating to Fish and Shellfish Ecology.

Discussion Point	Thanet Extension Position	KWT Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to fish and shellfish and has given due regard to them within the assessment.	<p>We accept that particular attention has been given to spawning and nursery habitats, however, more/additional attention could also have been given to feeding grounds, migration routes and over-wintering areas as outlined in NPs EN-3.</p> <p>Based on NPS EN-3 paragraph 2.6.71, we believe there should be a commitment to ecological monitoring during the construction and operational phases. At present, we do not feel this is sufficiently/clearly addressed. See 'mitigation' comments below in this table.</p>	Agreed
Scope and Assessment methodology	The potential impacts identified are appropriate and accurately reflect the potential impacts on fish and shellfish receptors.	Accept. We still have concerns regarding impacts on such as from sediment re-suspension and smothering but agree that these impacts have been acknowledged in the document.	Agreed

Discussion Point	Thanet Extension Position	KWT Position	Final Position
Baseline data used in the assessment	Sufficient data has been collated to appropriately characterise the baseline environment for the purposes of informing the EIA.	Data has been collected and collated for the purposes of informing the EIA	Agreed
	The survey scope and methodology undertaken for the fish surveys was adequate for characterising the baseline population of fish species.	Accept.	Agreed
Mitigation Measures	<p>The embedded mitigation measures are considered appropriate. With cable burial committed to where practicable.</p> <p>The Applicant’s position is that a seasonal restriction would be disproportionate as outlined in their Deadline 4C Submissions (PINS Ref REP4C-009 and REP4C-010).</p>	<p>Embedded mitigation for EMF should include a minimum target depth of 1.5m as this is good practice and recommended by NPS EN-3. Mitigation measures of how to avoid/reduce the direct damage to fish and shellfish caused by the construction phase should also be included here. In terms of cable installation, we do not agree at present that seasonal restrictions are deemed not necessary.</p>	Disagree
Monitoring	In line with the MMO review of post-construction monitoring there is limited uncertainty, and small scale effects on fish and shellfish receptors, and as such no monitoring is considered necessary. As such, in line with the requirements of NPS EN-3 it	We believe more post-construction monitoring commitments should be incorporated into the proposal. The aim of post-consent/ post-construction monitoring is ‘to assess and understand the potential impacts as predicted in	Disagree

Discussion Point	Thanet Extension Position	KWT Position	Final Position
	<p>is not considered appropriate to monitor impacts on fish and shellfish receptors at Thanet Extension.</p> <p>The Applicant has provided sufficient justification and information in their response to Action Point 15 that the monitoring adheres to the MMO’s recommendations, and that further monitoring is not required for the proposed development.</p>	<p>the ES and to reduce uncertainty concerning the responses of sensitive fish and shellfish receptors’². Even predicted small scale effects on fish and shellfish receptors should be monitored to establish what these effects are and how true the predictions are. KWT submitted a document at Deadline 3 with suggestions for benthic and fish/shellfish post-construction monitoring.</p>	
<p>Outcomes of the EIA</p>	<p>The assessment criteria and assignment of significance is appropriate.</p>	<p>We understand how the assignment of significance has been determined</p>	<p>Agreed</p>

² https://www.researchgate.net/profile/Charles_Arnot/publication/281507987_Review_of_Post-Consent_Offshore_Wind_Farm_Monitoring_Data_Associated_with_Licence_Conditions/links/55ebb8a508ae3e121846a090/Review-of-Post-Consent-Offshore-Wind-Farm-Monitoring-Data-Associated-with-Licence-Conditions.pdf?origin=publication_detail

4.5 Marine Mammals

- 25 The Project has the potential to impact upon marine mammals and these interactions are duly considered within Volume 2, Chapter 7 of the Thanet Extension ES (PINS Ref APP-048/Application Ref 6.2.7). Table 7 identifies the status of discussions relating to this topic area between the parties.

Table 7: Status of discussions relating to Marine Mammals.

Discussion Point	Thanet Extension Position	KWT 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.	Relevant plans and policies have been referenced	Agreed
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.	S42 consultation responses have been acknowledged	Agreed
Scope and Assessment methodology	The potential impacts identified are appropriate and accurately reflect the potential impacts on the marine mammals. The Applicant has provided further information with regard to the sensitivity of the tiering of projects in the cumulative assessment (response KWT-112 of PINS Ref REP2-013) which addresses the concerns raised by KWT, and has been agreed as appropriate with Natural England.	Regarding the impacts of underwater noise, KWT does not agree with the proposed SNCB guidance to assess the impact of underwater noise on the Southern North Sea (SNS) Site of Community Importance (SCI). This is in line with the position on the SNCB guidance of TWT (The Wildlife Trust)	Disagree
	The study area defined for the assessment is appropriate for the impacts considered.	We believe that the entire North Sea cSAC should have been considered and not split in to two separate regions with only the Southern 'winter'	Disagree

Discussion Point	Thanet Extension Position	KWT Position	Final Position
	Further information for the spilt of the North Sea SAC is provided in the Applicant’s response to KWT-111 in the response to Written Representation (PINS Ref REP2-013), identifying the seasonal components of the SAC, and the relevance of them for the proposed project, which addresses the concerns raised by KWT.	section assessed. We disagree with the Southern North Sea SAC being split into two seasonal areas as it means that a whole site approach to management is not being undertaken which is not in line with the Habitats Directive.	
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.	Primary and secondary data has been collected and collated for the purposes of informing the EIA	Agreed
	All data gaps have been highlighted and all appropriate measures for filling any data gaps have been proposed.	Known data gaps have been highlighted	Agreed
Mitigation Measures	The embedded mitigation measures are considered appropriate and no further mitigation measures are necessitated as a result of the assessment conclusions. The MMMP for UXO clearance, and associated mitigation measures, will be revised post-consent based on the final design and UXO survey outputs.	We approve of the production of the MMMP document and trust that this will secure specific mitigation measures. More detailed comments regarding the impacts of noise and UXO impacts on marine mammals can be found in the KWT written representation. We also seek more reassurance that construction	Disagree

Discussion Point	Thanet Extension Position	KWT Position	Final Position
	<p>The Applicant has provided a point by point response to the specific issues raised in the KWT's Written Representation (PINS Ref REP2-013) which address the concerns raised by KWT.</p>	<p>and cable-laying will not overlap with the sensitive breeding or moulting periods for seals in July and August.</p> <p>Comments relating to the draft MMMP can be seen in the KWT Written Representation.</p>	
<p>Outline Site Integrity Plan</p>	<p>The measures in the Outline Site Integrity Plan (SIP) (PINS Ref REP4-022) are appropriate and adequately secured.</p>	<p>We appreciate the production of the Site Integrity Plan (SIP) for the Southern North Sea cSAC. KWT and TWT are willing to have further discussions about the possibility for TWT to be named/involved with post-consent engagement regarding this document.</p>	<p>The Applicant notes KWT's position and defer to the MMO to consult on the SIP (post-consent) with all of the relevant consultees.</p>
<p>Outcomes of the EIA</p>	<p>The assessment criteria and assignment of</p>	<p>We understand how the assignment of significance has been determined</p>	<p>Agreed</p>

Discussion Point	Thanet Extension Position	KWT Position	Final Position
	significance is appropriate.		
	<p>The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate.</p> <p>The Applicant has provided further information with regard to the cumulative assessment (see response KWT-112 of PINS Ref REP2-013) which addresses the concerns raised by KWT.</p>	<p>We do not believe that the current approach to cumulative impacts in combination with other offshore wind farm developments is precautionary enough.</p> <p>KWT and TWT have concerns regarding the definitions of magnitude and sensitivity across all offshore wind farms and there seems to be a lack of no consistency in the approach between offshore wind farm developments. The differences in approaches make cumulative impact assessments particularly difficult. We acknowledge that this is a wider issue than for this project alone and feel that this issue should be reviewed for future projects and when considering future policies.</p>	Disagree

4.6 Marine Conservation Zone Assessment

- 26 The Project has the potential to impact upon marine conservation zones and these interactions are duly considered within Volume 4, Annex 5-3: Marine Conservation Zone Assessment of the ES (PINS Ref APP-083/ Application Ref 6.4.5.3). Table 8 identifies the status of discussions relating to this topic area between the parties.

Table 8: Status of discussions relating to the Marine Conservation Zones Assessment.

Discussion Point	Thanet Extension Position	KWT Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to the assessed MCZs, at the time of writing, and has given due regard to them within the assessment.	Ideally, this chapter should follow the layout of other documents which have a heading of ‘Statutory and Policy Context’ . The applicant follows guidance published by the MMO relating to MCZ assessments.	Agreed
Baseline data used in the assessment	Appropriate data and information was used to characterise the baseline for the purposes of the assessment.	Data has been collected in order to characterise the baseline environment.	Agreed
Scope and Assessment methodology	All relevant MCZs have been accurately identified and included within the assessment.	The Thanet Coast MCZ and Goodwin Sands pMCZ have been identified and included in the assessment. We are satisfied that these two sites are the most important MCZs (/pMCZ) to consider for the current proposal.	Agreed
	The conservation objectives for Thanet Coast MCZ have been appropriately identified within the assessment.	The conservation objectives for Thanet Coast MCZ have been appropriately identified within the assessment.	Agreed

Discussion Point	Thanet Extension Position	KWT Position	Final Position
	<p>The assessment of Goodwin Sands pMCZ is appropriate and robust based on the available information at the time of writing.</p> <p>The Applicant has provided a more detailed assessment of the Goodwin Sands pMCZ (PINS Ref REP4-024 (Revision B), including an assessment of proxy conservation objectives. This assessment provides sufficient information to address the issues raised by KWT.</p>	<p>Subtidal sand is a feature of the pMCZ and is present in the area where the RLB overlaps/interacts with the Goodwin Sands boundary. We approve of the subtidal sand and coarse sediment being screened in to the assessment.</p> <p>There should be a commitment by the applicant to ensure that all sand extracted from the MCZ/pMCZ area is kept within the MCZ system.</p>	<p>Agree</p>

Discussion Point	Thanet Extension Position	KWT Position	Final Position
<p>Outcomes of the EIA</p>	<p>The conclusions of the MCZ assessment accurately reflect the potential impacts on the MCZs for the lifetime of the project</p> <p>An assessment has been undertaken in section 5.6 of the MCZ Assessment to consider the O&M phase (and associated activities) (PINS Ref APP-083/ Application Ref 6.4.5.3).</p> <p>The assessment of the Goodwin Sands pMCZ (PINS Ref REP5-047 (Revision B) (and associated annexes) accurately reflect the potential impacts on the pMCZ for the lifetime of the project.</p>	<p>We approve of the publication of the more detailed assessment of the Goodwin Sands pMCZ and it is important to see that the General Management Approaches acting as proxy conservation objectives have been considered. We believe a whole site assessment should be conducted for designated sites, not just assessments on designated features.</p> <p>We still feel that the applicant could and should have taken a more thorough approach from the outset in regards to MCZ assessments. Out of best practice, a Stage 2 MCZ assessment should have been conducted for this site.</p>	<p>Agree</p>
	<p>The cumulative effects have been adequately and appropriately described within the assessment and the conclusions are appropriate.</p> <p>The Applicant notes that dredging for the DWDR scheme is anticipated to be completed in two campaigns between September 2019 and September 2020, and therefore there will be no temporal overlap between this project and Thanet</p>	<p>We believe that there is a risk to the integrity of the site due to the cumulative impacts of the proposed (and consented) dredging of an area of the Goodwin Sands for the Dover Harbour Port Development in combination with the Thanet Extension proposal. The two proposed developments may overlap temporary and spatially in relation to the Goodwin Sands.</p> <p>In principle, concern remains that although the</p>	<p>Disagree</p>

Discussion Point	Thanet Extension Position	KWT Position	Final Position
	<p>Extension (as presented in PINS Ref REP4-005). As presented in REP3-004 there will be no spatial overlap between the projects.</p>	<p>exact location of the two activities do not overlap, the site as a whole will still be affected by both of these activities.</p> <p>Also, timelines can change, and there is still a chance that there will be some temporal overlap.</p>	

4.7 Onshore Biodiversity

- 27 The Project has the potential to impact upon onshore biodiversity and these interactions are duly considered within Volume 3, Chapter 5 of the Thanet Extension ES (PINS Ref APP-061/ Application Ref 8.3.5). Table 9 identifies the status of discussions relating to this topic area between the parties.

Table 9: Status of discussions relating to Onshore Biodiversity

Discussion Point	Thanet Extension Position	KWT Position	Final Position
Policy and Planning	The assessment has identified all appropriate plans and policies relevant to biodiversity assessment and has given due regard to them within the assessment.	Relevant plans and policies have been referenced	Agreed
Consultation	The ES chapter has been adequately updated following S42 and Evidence Plan consultation and concerns raised have been adequately addressed or clarified.	<p>The ES includes some extended and additional onshore ecological surveys and desktop studies that were conducted along the Pegwell Bay onshore route.</p> <p>KWT raised concern that phase 1 habitat surveys had not been conducted along the other onshore route (making landfall at Sandwich Bay). The applicant confirmed that only limited onshore ecological surveys had been conducted along the Sandwich Bay onshore route (route 6) due to focussing efforts and resources onto the Pegwell Bay route. However KWT believe this was a premature decision and disagree that this was the correct process taken as comparable, equal ecological surveys were not undertaken which is required to make an informed ecological decision on cable route.</p>	Disagree

Discussion Point	Thanet Extension Position	KWT Position	Final Position
		Regarding the consultation process, KWT were dissatisfied with the initial approach taken by Vattenfall to communications and meetings. However, this communication/relationship has improved as the application and examination process has progressed.	
Scope and Assessment Methodology	The potential impacts identified are appropriate and accurate for biodiversity receptors.	Receptors are suitably outlined in Tables 5.8 and 5.9	Agreed
Baseline data used in the assessment	<p>Sufficient primary and secondary data has been collated to appropriately characterise the baseline receiving environment for the purposes of informing the EIA.</p> <p>As noted in the Applicant’s response to ExQ 1.1.1 (b) (PINS Ref REP1-024) survey effort was applied alongside and in parallel with desk based studies. It is not considered appropriate or necessary to undertake surveys of areas that are outwith the likely Zone of Influence of the proposed project.</p>	Insufficient primary data has been collected, namely that ecological surveys were only carried out along the Pegwell Bay proposed cable route. Comparable surveys along the other proposed cable routes (e.g. landfall at Sandwich Bay) were not conducted, despite specific requests for this. Therefore, we feel that the EIA has not been suitably informed.	Disagree

Discussion Point	Thanet Extension Position	KWT Position	Final Position
	<p>Data gaps have been highlighted and appropriate measures for filling any data gaps have been proposed.</p> <p>It is the Applicant’s position that pre-construction surveys (if consented) will provide a robust and adequate characterisation of the Order Limits prior to works being undertaken.</p>	<p>Disagree. There remains a data gap in the ecological evidence along the Sandwich Bay onshore cable routes. We approve of the commitment to undertake further pre-construction ecological surveys.</p>	<p>Disagree</p>
	<p>The sensitivity and importance of the receiving environment, within the defined study area, is accurately described within the Environmental Statement.</p>	<p>The ecological importance of the site and the numerous environmental designations are listed, however the applicant does not appear to pay due regard to these designations. We believe the selected route will have the greatest environmental impact on designated sites, which could have been avoided if alternative routes have been properly examined and selected.</p>	<p>Disagree</p>
<p>Mitigation Measures</p>	<p>The embedded mitigation measures are considered appropriate and no further mitigation is necessitated as a result of the assessment conclusions.</p>	<p>It should be noted that embedded mitigation and biodiversity enhancements are separate considerations.</p>	<p>Agree</p>

Discussion Point	Thanet Extension Position	KWT Position	Final Position
		<p>KWT would like to continue to be consulted on the OLEMP/LEMP if and when any revisions are made to this document and to be given the opportunity to feed in to any additional mitigation or monitoring proposals going forward if consent is given for the proposal. Given KWT's local and long term knowledge of the site this will be important in ensuring the best outcomes for wildlife and biodiversity.</p>	
<p>Outcomes of EIA</p>	<p>The conclusions of the assessment accurately reflect the potential impacts on the onshore biodiversity within the study area for the lifetime of the project.</p>	<p>We agree that impacts on onshore biodiversity are considered and assessed for the lifetime of the project. Monitoring should take place at certain times/intervals throughout the lifetime of the project.</p>	<p>Agree</p>

Discussion Point	Thanet Extension Position	KWT Position	Final Position
	<p>The cumulative effects have been adequately and appropriately described within the ES and the conclusions are appropriate.</p>	<p>The issue of cumulative impacts on the onshore biodiversity is something that KWT are deeply concerned about. We agree that other proposals impacting the site and a number of cumulative impacts have been addressed in the document.</p> <p>Cumulative impacts are difficult to measure in their entirety and given the uncertainties and longer-term potential disturbances to the site we are not in a position to say if the conclusions made are appropriate. We believe that more effort is essential to measure cumulative impacts onshore.</p> <p>We would like to emphasise our long-standing deep concern regarding the cumulative impacts of several large developments on areas designated for conservation purposes.</p>	<p>Disagree</p>

Discussion Point	Thanet Extension Position	KWT Position	Final Position
Outline Landscape and Ecology Management	<p>The OLEMP (PINS Ref APP-142/ Application Ref 8.7) provides sufficient detail of in-principle management measures. The OLEMP was amended to address KWT’s consultation responses and was submitted as part of the Applicant’s Deadline 1 Submission (PINS Ref REP1-069).</p> <p>The Applicant welcome any further comments on the OLEMP to seek to agree the in-principle plan.</p>	<p>We have provided comments on the revised OLEMP document to the applicant. Detail is provided in the OLEMP regarding in-principle management measures. We have further comments on the OLEMP document that we are willing to discuss with the Applicant regarding the most effective and appropriate mitigation and biodiversity enhancement options for the site.</p> <p>See comments in ‘Mitigation measures’ section.</p>	Agree
	<p>The OLEMP provides sufficient information on outline details of proposed biodiversity enhancements and proposed monitoring.</p> <p>The OLEMP was amended to address KWT’s consultation responses and was submitted as part of the Applicant’s Deadline 1 Submission (PINS Ref REP1-069). The detailed LEMP will provide further detail and specific measures.</p>	<p>We have provided comments on the revised OLEMP document to the applicant. We approve of, and strongly encourage, incorporating opportunities for biodiversity enhancements into the LEMP document. We look forward to seeing more detail and specifics regarding biodiversity enhancements and monitoring.</p>	Agree

5 Matters of Disagreement

28 This summary section identifies those matters raised by KWT during examination that have yet to be resolved as of the last consultation meeting held with the KWT.

29 These matters include:

- The Applicant acknowledges the KWT objections to the proposed development;
- The adequacy and level of detail provided on the site selection, in particular the landfall location, by the Applicant;
- Reasoning and justification for the chosen landfall option/onshore cable route is not based on sound, comparable ecological information; and
- The use of the intertidal survey findings;
- The required commitments for post-construction benthic monitoring;
- The requirement for a seasonal restriction for spawning fish species;
- The requirement for post-construction monitoring on fish species;
- The scope and methodology applied in the marine mammals assessment for the project alone and cumulatively;
- The requirement for a seasonal restriction for breeding or moulting periods for seals;
- The methodology and assessment of Goodwin Sands pMCZ for the project cumulatively with the DHB project;
- The scope of the phase 1 surveys undertaken and the adequacy of the baseline characterisation for the onshore biodiversity assessment;
- The approach to consultation undertaken by the Applicant with KWT; and
- The methodology and approach for the cumulative assessment for the onshore biodiversity assessment.

6 Additional Comments and Observations

6.1 Site Selection and Alternatives – Saltmarsh and mitigation:

- 30 The SMRMP only describes the worst-case scenario/impacts of cable trenching methods. It is important that the ecological impacts of the HDD method are also described and understood. The impacts of this preferred option may be less, but there will still be impacts and those impacts may be different. We trust that the impacts encountered are suitably predicted, monitored and recorded for whichever method is chosen if the project is granted consent.
- 31 The applicant has 'noted KWT's observation' made in the Written Representation regarding the point about the chosen landfall site not just being located near to the designated sites but directly through them, but the applicant has not changed this in the updated SMRMP.
- 32 All active nests need to be avoided and work halted, not just for key species.
- 33 KWT still has reservations about the cumulative disturbance to the site caused by several large-scale developments, and believe that this could have adverse impacts on the integrity of the site and the features, habitats and species.