

# **Vattenfall Wind Power Ltd**

## **Thanet Extension Offshore Wind Farm**

### Appendix 20 to Deadline 6 Submission: Statement of Common Ground - Thanet Fishermen's Association

Relevant Examination Deadline: 6

Submitted by Vattenfall Wind Power Ltd

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Revision B

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## Table of Contents

1	Introduction .....	4
1.1	Overview .....	4
	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.....	4
1.2	Approach to SoCG .....	4
1.3	The Development.....	5
2	Consultation.....	7
2.1	Application elements under Thanet Fishermen’s Association remit.....	7
2.2	Consultation Summary.....	8
2.3	Post-application Consultation.....	8
3	Agreements Log .....	9
3.1	Commercial Fisheries .....	9
4	Matters of Disagreement.....	17
	Table 1: Consultation undertaken with TFA pre-application.....	8
	Table 2: Consultation undertaken with TFA post-application.....	8
	Table 3: Status of discussions relating to Commercial Fisheries .....	10

## 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 Thanet Fishermen's Association (TFA) 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 TFA 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. Approach to SoCG
- 4 This SoCG has been developed during the pre-examination and examination phases of the Thanet Extension. In accordance with discussions between the Applicant and TFA, the SoCG is focused on those issues raised by the TFA 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: Consultation;
  - Section 3: Agreements Log; and
  - Section 4: Matters of Disagreement.

## 1.2 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 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 km<sup>2</sup> and comprise the Array Area (59.5 km<sup>2</sup>) and the Structures Exclusions Zone (9.3 km<sup>2</sup>). 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.
- 9 .

- 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) (Application Ref 6.2.1) and Volume 3, Chapter 1: Project Description (Onshore) (Application Ref 6.3.1) of the Environmental Statement (ES).

## 2 Consultation

### 2.1 Application elements under Thanet Fishermen’s Association remit

- 12 Work Nos. 1-3, detailed in Part 1 of Schedule 1 of the draft DCO describe the elements of Thanet Extension which may affect the interests of TFA.
- 13 TFA represents fishermen from the main ports of Whitstable, Margate, Broadstairs and Ramsgate. TFA act on behalf of their members best interests in consulting and providing their opinions on subjects such as renewable energy developments, marine protected areas and other activities which may benefit or negatively impact their members livelihood.

The fishermen that are represented by TFA are:

Fisherman	Vessel	Fisherman	Vessel
P.Cannon TFA	Bumble	D.Garrard WFA	Jaqueline
E.Temple TFA	Boy Joshua	D.Ferris Q/TFA	Two Suns
G.Pulman TFA	Defiant	A.Jasper TFA	Razor Bill
J.Pocock TFA	Our Helena	B.Parker TFA	Dawn Tide
K.Castro TFA	Endurance	M.Gosman TFA	Sararay
J.Rigby TFA	Rainbow Chaser	J.Lowe TFA	Solar Star
S.Gosman TFA	Our Kate	L.Turner TFA	Outcast II
C.Redmond TFA	Progress	C.Attenborough TFA/WFA	Holladays
E.Temple TFA	Little Red	M.Barnes TFA/WFA	Seiont
M.Philbrick TFA	Fairwind	S.Collard TFA	Dawn Diver
G.Hambly TFA	Solitaire	B.Cooper TFA/WFA	Salva Mea
C.Howland TFA	Stella Maris	N.Shilling WFA	Lisa K
P.Harris TFA	Coptic	J.Ryan WFA	Boy Beau
A.Riches TFA/WFA	Misty	W.Loveland TFA/WFA	Orient
J.Loveland TFA	Provider	B.Walpole WFA	Louise
R.Cooper TFA/WFA	Suvera	R.Hambly TFA	Che Sara
P.Edwards TFA/WFA	Lisa Marie of Arun	N.Cleminson	Hetty
B.Foad TFA/WFA	Simon Isaac	B.Pocock	Lindy

## 2.2 Consultation Summary

14 This section briefly summarises the consultation that VWPL has undertaken with TFA. Those technical components of the DCO application of relevance to the TFA (and therefore considered within this SoCG) comprise:

- Volume 2, Chapter 9: Commercial Fisheries (Application Ref 6.2.9); and
- Fisheries Liaison and Co-Existence Plan (Application Ref 8.8).

15 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 on-going consultation process and Section 42 consultation.

**Table 1: Consultation undertaken with TFA pre-application**

Date & Type:	Detail:
January 2018: Section 42 Consultation	Comments relating to the Preliminary Environmental Information Report
May 2018: Fisheries Co- Existence Plan correspondence	Consultation for the approval of the Co-Existence Plan

## 2.3 Post-application Consultation

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

**Table 2: Consultation undertaken with TFA post-application**

Date/ Type:	Detail:
August 2018	Introduction to the Statement of Common Ground and project update.
January 2019	Review of the SoCG.
February 2019	Email correspondence and review of FLCP
March 2019	Meeting to review SoCG and discuss other matters



## 3 Agreements Log

- 17 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 2.1). 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.

### 3.1 Commercial Fisheries

- 18 The Project has the potential to impact upon commercial fisheries and these interactions are duly considered within Volume 2, Chapter 9: Commercial Fisheries (Application Ref 6.2.9) of the ES. Table 3 identifies the status of discussions relating to this topic area between the parties.

**Table 3: Status of discussions relating to Commercial Fisheries**

Discussion Point	Thanet Extension Position	TFA Position	Final Position
Baseline data used in the assessment	<p>Accepting the recognised limitations, the baseline data comprises the best available data and is complemented by a robust site specific (Succorfish) dataset. The baseline (local fishing) receiving environment has therefore been adequately characterised.</p>	<p>The standard baseline data is lacking, however, it is recognised by TFA that this is the best available. The Succorfish data is a significant improvement, though reliant on correct interpretation. It is a representative but not complete dataset for the TFA effort (principally due to technical issues). The baseline (local fishing) receiving environment has been adequately characterised using the best available data.</p>	<p>TFA and the Applicant agree that whilst the baseline data has limitations, it is the best available.</p>
	<p>Accepting the recognised limitations, the baseline data comprises the best available data. The baseline (international fishing) receiving environment has therefore been adequately characterised.</p>	<p>We agree that the receiving environment for international fishing has been characterised using best available data.</p>	<p>Agreed</p>
Consultation	<p>The ES chapter was updated taking account of concerns raised by fisheries stakeholders following consultation on the PEIR. Consultation with fisheries stakeholders is ongoing and has continued following submission of the ES to address remaining concerns of fisheries stakeholders.</p>	<p>TE has updated the ES chapter, concerns raised by TFA have been noted in the ES and agrees consideration has been given to a number of concerns. Concerns remain regarding permanent loss of ground/ operational range/loss of earnings/increased costs and safety.</p>	<p>Not agreed</p>

Discussion Point	Thanet Extension Position	TFA Position	Final Position
Scope of survey	The potential impacts have been appropriately identified	The assessment correctly identifies the vessels, fishing methods and study area.	Agreed
Assessment methodology	The assessment methodology used is appropriate to undertake a commercial fisheries assessment. The assessment on commercial fisheries presented in ES Chapter 9, Commercial Fisheries follows an impact significance matrix approach taking account of receptor sensitivity and impact magnitude. This is in line with standard EIA methodologies	TFA do not agree with the assessment methodology but accept this is an issue with policy Notwithstanding this TFA acknowledge that the methodology used is in line with standard EIA practice.	Agreed
Assessment methodology	The list of potential impacts assessed on commercial fisheries is appropriate.		Not agreed
Mitigation Measures	The refined Red Line Boundary results in a reduced interaction of the project with commercial fishing interests.	Agreed, the whole area within the TE red line boundary is fished to various extents and the refined boundary has reduced the interaction with commercial fishing pro rata.	Agreed
	The Structures Exclusion Zone (SEZ) will minimise disturbance to fishing in the north wester section of the project, particularly for individual vessels which may heavily rely on	On the basis that all methods of fishing will resume in the SEZ, TFA agrees the SEZ will reduce the disturbance to fishing in the North Western sector.	Agreed

Discussion Point	Thanet Extension Position	TFA Position	Final Position
	grounds in this area. including local netters, potters and trawlers.		
	The Fisheries Liaison and Co-existence Plan (FLCP) accurately reflects the agreed measures requested by Thanet Fishermen association during the S42 consultation period and subsequent consultation on the draft fisheries liaison and co-existence plan.	Agreed, the FLCP sets out good practice and an agreed strategy. TFA considers that further amendments are required. TFA have received an updated FLCP and will provide comments to the Applicant	Agreed
	Collisions between OREI vessels and fishing vessels will be dealt with through the appropriate channels including incident reporting as required. Damage and/ or consequential losses incurred is a matter for each vessels insurance.	Agreed.	Agreed
	The FLCP provides sufficient information about the methodology and mechanisms for information exchange and joint working during construction and operation of the wind farm	Agreed.	Agreed
	Acknowledging that the fishing method likely to be most impacted is drift netting, the FLCP commits to undertaking a pre and post construction drift net survey in cooperation	TE has added a bottom drift survey as requested by TFA, and this is the method most likely to be impacted.	Agreed

Discussion Point	Thanet Extension Position	TFA Position	Final Position
	with TFA to better understand any long-term effects. The scope of this is set out and secured through the FLCP. Compliance with the FLCP is a condition of the deemed Marine Licence (Condition 19 of the Generation Assets dML and Condition 18 of the Export Cable System dML)		
	It is not considered that specific pre and post construction trawling surveys are required. The impact assessment has not identified significant impacts on trawlers. In addition evidence from the existing operational TOW supports the view that trawling would be able to resume in the TEOWF. Furthermore, appropriate measures with regards to monitoring of the seabed and of cables are secured as part of DCO conditions.	Agreed that this has been dealt with via the measures in the FLCP	Agreed
Outcomes of the EIA	The outcomes of the impact assessment for the project alone on the local fleet are appropriate. The assessment identified a potential significant impact (moderate adverse significance) in the case of driftnetting, recognising that this method may not be able to resume within the operational site. This was	The outcomes of the impact assessment for the project on the local fleet are not considered appropriate. The conclusions on magnitude/sensitivity for potters and netters are not agreed. It is not considered the embedded mitigation measures, including the FLCP, reduce the impact on the fleet.	Not agreed

Discussion Point	Thanet Extension Position	TFA Position	Final Position
	<p>identified with regards to loss of grounds during the operational phase.</p> <p>For the remaining methods used by the local fleet, significant impacts (above minor significance) have not been identified.</p> <p>Note that the outcomes of the assessment take account of the embedded mitigation measures proposed for the project, including the production of the FLCP.</p>		
	<p>The sensitivity and magnitude criteria have been correctly assigned for assessment of impact significance to local fisheries receptors</p>	<p>It is felt that the sensitivity and magnitude criteria set out in Section 9.5 of Chapter 9 of the ES, are not applied correctly to the TFA vessels.</p>	<p>Not agreed</p>
	<p>The Applicant will engage with TFA regarding a disruption agreements which could be individual or 'community' level as described in FLOWW 2015. This is set out in the FLCP</p>	<p>TFA considers a disruption agreement will need to be in place for the TFA vessels for construction and O&amp;M, both those directly and indirectly impacted and this will be a stand alone document.</p>	<p>Agreed</p>
<p>Cumulative effects</p>	<p>The cumulative projects / activities have been adequately identified and appropriately described within the ES. Gridlink interconnector project has been identified since Application.</p>	<p>Gridlink interconnector project has been identified since the Application.</p>	<p>Agreed</p>

Discussion Point	Thanet Extension Position	TFA Position	Final Position
	<p>Consideration of this project would not materially affect the outcomes of the ES. In this context the localised and temporary potential loss of fishing grounds associated with installation phase of the project and the fact that during operation, for the most part, fishing would be anticipated to be able to resume over the cable should be noted.</p>		
	<p>The conclusions of cumulative effects are appropriate.</p>	<p>The criteria for measuring cumulative impact on inshore commercial fishermen is insufficient. The conclusion at 9.20.17 of Minor adverse is considered incorrect. As raised in the PEIR response, international fishing in conjunction with TE remains a concern for TFA.</p>	<p>Not agreed</p>
<p>Safety</p>	<p>Fishing activities have appropriately been considered in the NRA and as part of the rationale for the SEZ. The Applicant has offered to support TFA vessels in acquiring Class B AIS equipment to reduce the baseline risk.</p>	<p>In the ES, TFA highlighted it did not agree with the statement regarding risk/safety area infringements. There is concern that current and proposed projects will increase the safety risk for local fishermen particularly those who are lone working.</p>	<p>Not agreed</p>
<p>Site access during construction.</p>	<p>The Applicant's position is that the TE, SEZ, and TOW array area will open for passage and fishing for the vessels listed in this SoCG subject to standard safety zone applications during</p>	<p>TFA has raised the importance of access, for TFA vessels, through the TOW and TE sites, and to fish within the TOW site, while adhering to safety zones, during the construction phase to</p>	<p>Agreed</p>

Discussion Point	Thanet Extension Position	TFA Position	Final Position
	construction and operation. This is set out in the FLCP.	reduce journey times/tidal restraints/additional cost/lost fishing.	



## 4 Matters of Disagreement

- 19 This summary section identifies those matters raised by the TFA during examination that have yet to be resolved as of the last consultation meeting held with the TFA.
- 20 The current topics which are disagreed:
- Application of assessment methodology and categorisation of significance;
  - Safety considerations and need to ensure current high level of seamanship and mutual consideration between vessels is retained during construction; and
  - Cumulative effects, and projects that have been brought forward since application was made