

Vattenfall Wind Power Ltd

Thanet Extension Offshore Wind Farm

Appendix 27 to Deadline 6: Response to Deadline
5 Submissions by Interested Parties

Relevant Examination Deadline: 6

Submitted by Vattenfall Wind Power Ltd

Date: May 2019

Revision A

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Date of Approval:	May 2019
Revision:	A

Revision A	Original Document submitted to the Examining Authority
N/A	
N/A	
N/A	

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1 Introduction

- 1 As requested in the Rule 8 letter (PINS Ref PD-009) the Applicant has reviewed submissions by Interested Parties (IPs) made at Deadline 4 and has provided responses to all submissions.
- 2 Submissions were received from the following IPs, relating to non-shipping at D5:
 - Historic England;
 - Marine Management Organisation;
 - Environment Agency;
 - Charles Russell Speechleys LLP on behalf of Ramac;
 - Dover District Council;
 - The Crown Estate;
 - Thanet Fishermen's Association; and
 - Natural England.
- 3 Responses to each of the IP submissions is provided in Section 2.

2 Comments on Submissions from Deadline 5

2.1 Historic England

- 4 The Applicant’s responses to the Historic England’s responses to the ExA Second Written Questions are provided in Appendix 23 of the Applicant’s Deadline 6 Submission.

Interested Party	Key points raised in the Submission	Applicant’s response
Historic England	<p>Comments on revised draft Development Consent Order (as submitted by the Applicant and published: 07/02/2019):</p> <p>Based on our extensive experiences working with offshore renewable projects over the last 10 years we make the following request for changes which we consider are of benefit to the Applicant, the ExA and the MMO. The changes made directly to the conditions are made in underlined bold italic.</p> <p>SCHEDULE 11 — Deemed Licence under the 2009 Act – Generation Assets, PART 4 Conditions, 12.—(1) (h) we request the following changes are made: “An offshore written scheme of archaeological investigation in relation to the offshore Order limits <i>seaward of mean high water</i>, which must be submitted <i>four months</i> prior to commencement of the licensed activities and must accord with the offshore archaeological written scheme of</p>	<p>The Applicant notes the representation provided by Historic England and can confirm that the changes requested by Historic England have been incorporated into the draft DCO submitted by the Applicant for Deadline 5.</p>

Interested Party	Key points raised in the Submission	Applicant’s response
	<p>investigation and industry good practice, in consultation with the statutory historic body to include”</p> <p>SCHEDULE 12 Deemed Licence under the 2009 Act – Export Cable System, Pre-construction plans and documentation - PART 4 Conditions, 12.—(1) (i) we request the following changes are made: “An offshore written scheme of archaeological investigation in relation to the offshore Order limits seaward of mean high water, which must be submitted four months prior to commencement of the licensed activities and must accord with the offshore archaeological written scheme of investigation and industry good practice, in consultation with the statutory historic body to include”</p> <p>In doing so we also consider this will enable the interrelationships between onshore and offshore WSIs to work as clearly and effectively as possible where the export cable meets landfall, whereby a strategic overlap is captured, as referred to in Action 4 from the Issue Specific Hearing 4 (ISH4) (Historic Environment).</p>	

Interested Party	Key points raised in the Submission	Applicant's response
Historic England	<p>Comments on revised draft Development Consent Order (as submitted by the Applicant and published: 07/02/2019):</p> <p>In reference to the content of: SCHEDULE 11 and SCHEDULE 12 - PART 4 Conditions, Dredge disposal 21.—(2) whereby: “Any man-made material must be separated from the dredged material and disposed of on land, where reasonably practical”. We retain concerns over the inclusion of this condition and request that it be removed to avoid confusion with the provisions made within the offshore archaeological WSI, specifically in relation to the working mechanisms of the Protocol for Archaeological Discoveries and importantly the requirements under the Merchant Shipping Act 1995 for the reporting of wreck. As such we have also yet to have it clarified as to why this particular condition is necessary. Therefore can the Applicant please provide this?</p>	<p>The Applicant has inserted this provision following a previous request of the MMO in order to ensure that man-made material is not deposited at sea, thereby minimising the risk of any detrimental effect caused to marine wildlife. It also forms a standard provision within deemed marine licences for aggregates. In addition, such a requirement clearly wouldn't overrule other necessary statutory requirements imposed by the Merchant Shipping Act 1995, hence the use of the phraseology, “where reasonably practicable”.</p>
Historic England	<p>Comments on revised draft Development Consent Order (as submitted by the Applicant and published: 07/02/2019):</p> <p>We consider there is a need to amend the definition of ‘commence’ presented within SCHEDULE 11 and SCHEDULE 12 PART 1 Interpretation, 1. Whereby</p>	<p>The Applicant has responded directly to the requests of Historic England in relation to the requirement to carry out an offshore and onshore written scheme of investigation prior to the undertaking of any pre-commencement works. Requirement 24 states, “<i>Any pre-commencement works of an intrusive nature must not be undertaken prior to the approval</i>”</p>

Interested Party	Key points raised in the Submission	Applicant's response
	<p>““commence” means, in relation to works seaward of MHWS, the first carrying out of any licensed marine activities authorised by the deemed marine licences, save for archaeological investigations and pre-construction surveys and monitoring, and the words “commencement” and “commenced” will be construed accordingly;”.</p> <p>As detailed within our Written Representation at Deadline 1 (15th January 2019, comment 5.3) we disagree with this definition and request that the term commencement includes both pre-construction monitoring surveys and site preparation works, in order to ensure the consistent production, agreement and implementation of the offshore WSI prior to such works. This would not only ensure adequate mitigation measures are developed for site preparation works, but ensure that the survey data are incorporated into the development of mitigation strategies.</p>	<p><i>of the onshore archaeological written scheme of investigation submitted in accordance with sub-paragraph (5)”. Such wording is replicated for the offshore written scheme of investigation in Condition 14 of Schedule 11 and Condition 15 of Schedule 12.</i></p>

2.2 Marine Management Organisation

- 5 The Applicant's responses to the Marine Management Organisation's responses to the ExA Second Written Questions are provided in Appendix 23 of the Applicant's Deadline 6 Submission.

Interested Party	Key points raised in the Submission	Applicant's response
Marine Management Organisation	<p>Response to Applicant's 'Response to Deadline 4 Submissions by Interested Parties (REP4C-007)'</p> <p>Construction noise effects on herring & sole – the applicant has provided additional modelling at deadline 4c. The MMO is currently considering this submission in consultation with its technical advisors to ascertain whether the modelling addresses prior concerns. The MMO will provide an update at deadline 5a.</p>	<p>The Applicant notes that the MMO submitted detailed comments on the potential effects of construction noise on fish species as part of their Deadline 5a submission (PINS Ref REP5A-003) which supersedes this submission. The Applicant has provided full response in Annex A to Appendix 27 (of the Applicant's Deadline 6 Submission) to address the concerns raised by the MMO in their Deadline 5a submission.</p>
Marine Management Organisation	<p>DML maximum parameters - the MMO acknowledges the applicant's response however maintains its position and concerns outlined at deadline 4 (REP4-031). The project should be limited to the maximum parameters assessed in the Environmental Statement (ES), and that these should be clearly defined on the face of the DMLs. Please see further detail at paragraphs 4.1.6 - 4.1.9.</p>	<p>The Applicant cannot construct and operate the authorised development outwith the parameters of the Environmental Statement and it is understood that the MMO, through conversations with the Applicant, agrees that it would be entirely disproportionate to include all such parameters on the face of the dDCO. The main areas of contention as to the key parameters to insert on the face of the dDCO relate to hammer energy and the overall area of various footprints of the development and how that is expressed on the face of the dDCO. It is the Applicant's view that there is an established precedent for hammer energy (amongst other construction methodologies such as cable installation) not being on the face of the DCO, and for it not being necessary to do so. In the event that a change in hammer energy is requested by a developer post consent, this change in installation methodology is usually addressed within the</p>

Interested Party	Key points raised in the Submission	Applicant's response
		<p>Construction Method Statement when it is submitted as required in the dML(s). Where a change in construction methodology is requested the developer submits an accompanying note outlining how the change in methodology is still in accordance with the methods assessed in the ES (as required in the dMLs). It is the Applicant's position therefore that to label all project methodologies and parameters within the dML is not necessary, and nor is it appropriate. In response to the MMO's requests the Applicant has instead provided a document of all project parameters that sits as an annex to the DCO explanatory memorandum.</p>
<p>Marine Management Organisation</p>	<p>DML drafting matters – the applicant states that the definition of commence has been updated. This does not appear to be the case in Revision E of the dDCO, the MMO seeks clarification from the applicant on the proposed revision. With respect to inclusion of volumes, figures and hammer energy maximum parameters, the applicant states they have been included in the updated "PD audit note" at deadline 4C. The MMO maintains that these should be explicitly provided for on the DMLs for reasons stated at paragraphs 4.1.6 - 4.1.9 [of their representation].</p>	<p>The Applicant has discussed this position with the MMO. The Applicant does not propose to alter the definition of "Commence" to include all "Pre-Commencement Works", as requested by the MMO, however the Applicant has included a new pre-commencement works condition in the DMLs to ensure sufficient mitigation is secured prior to starting the pre-commencement works. As identified in the previous response, the Applicant does not consider it necessary to reference all construction methodologies within the DML, and has instead provided an audit which can be read in conjunction with the relevant ES chapter.</p>

Interested Party	Key points raised in the Submission	Applicant's response
Marine Management Organisation	<p>Schedule of Monitoring – the MMO notes the applicant's response that it does not intend to produce an updated schedule of monitoring though recognises this has now been requested by the ExA. The MMO will review the updated schedule in due course. Please see further comments in response to the Examining Authority's second set of written questions (ExQ2).</p>	<p>As noted by the MMO, the Applicant provided a revised Schedule of Monitoring (PINS Ref REP5-011) which addressed the issues raised by the IPs (including the MMO) at Deadline 4.</p> <p>Comments on the responses provided by the MMO to ExQ2 are provided in Appendix 23 to the Applicant's Deadline 6 Submission.</p>
Marine Management Organisation	<p>Response to submissions related to the Structures Exclusion Zone (SEZ)</p> <p>The MMO acknowledges the submissions made in reference to the SEZ and defers to the respective navigational, historic and SNCB stakeholders as to the robustness of the information provided for those areas screened in.</p> <p>With respect to the DMLs the MMO is satisfied that the SEZ is sufficiently secured however would be happy to review any proposed wording should any issues be raised by other stakeholders.</p> <p>The MMO further notes the separate consultation underway with respect to the material change request and will provide full comment for the associated deadline.</p>	<p>The Applicant notes the response from the MMO.</p>

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Marine Management Organisation	<p>Action 9 – Harbour Porpoise of the Southern North Sea SAC</p> <p>Following Revision B of the draft Site Integrity Plan (SIP) (REP4-022) the MMO has the following comments:</p> <ul style="list-style-type: none"> • Current wording in the dDCO suggests the Site Integrity Plan (SIP) is to be approved prior to 'operation' of the scheme. The MMO queries whether this is an error and that the applicant intended the wording to schedule 11, part 4 condition 12(k) and schedule 12 part 4 condition 10(l) to require the SIP to be submitted prior to commencement of the licensed activities. • The condition should also be amended to recognise that the timescales on the DMLs are not currently consistent with the draft SIP which proposes two 4-month review stages. 	<p>The Applicant has amended the wording to Schedules 11 and 12 in relation to the Site Integrity Plan to make clear its approval is not prior to operation in the draft DCO submitted by the Applicant for Deadline 5.</p> <p>The Applicant has then reflected the timescales of providing the SIP in two stages on the face of the dDCO; the first SIP being provided four months prior to geophysical survey work and the next SIP being provided four months prior to the undertaking of the next relevant noisy activity (as stated in the SIP).</p>
Marine Management Organisation	<p>Action 12 – Cable Protection Installation within the Inter-Tidal Area</p> <p>The MMO advises that further to the SoCG at deadline 3 this point has since been agreed and is adequately secured on the DCO.</p>	<p>The Applicant agrees and has no further comments to make.</p>
Marine Management Organisation	<p>Action 17 - Outline Offshore Operation and Maintenance Plan</p> <p>In response to the ExA's query regarding changes made, the MMO requested changing of the colours of</p>	<p>The Applicant notes this, and whilst the consented values are such that any increase may clearly require a dML, the Applicant has adjusted the Outline O&M plan as requested and submitted the revised plan at D4 (PINS Ref REP4-026).</p>

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	<p>certain activities from amber to green to correctly illustrate that those in amber may not be undertaken under the existing DMLs, if consented. Rather, an additional marine licence(s) or variation to the existing licence would be required to assess the potential impact of those activities at the given time and in the circumstances of which they would be undertaken. This was requested to ensure that the MMO can exercise sufficient control and approval over O&M activities.</p>	
Marine Management Organisation	<p>Comments on the Applicant's Draft Development Consent Order (dDCO) Revision E Minor drafting requests – there are a number of minor wording amendments being discussed between the MMO and the applicant. If necessary the MMO will provide full clarification of any unresolved requests at deadline 5A, when comments are submitted on any revised dDCO submitted by the Applicant at Deadline 5).</p>	<p>The MMO's Deadline 5a Submission (PINS Ref REP5A-003) provided additional commentary on the dDCO (PINS Ref REP5-045). The Applicant has provided a point by point response in Appendix 44 of the Applicant's Deadline 6 Submission. This comment is considered to be superseded by the MMO's Deadline 5a Submission.</p>
Marine Management Organisation	<p>Comments on the Applicant's Draft Development Consent Order (dDCO) Revision E - Arbitration – the MMO maintains that the current dDCO drafting does not make it explicit that the arbitration provisions do not apply to approvals under the DMLs. 3.1.4 Article 36 in the dDCO applies to 'differences' which arise under the provisions in the Order. The</p>	<p>The Applicant has clarified that arbitration relates to a "dispute or decision" within any provision of the Order, rather than simply a "difference". The phrase "dispute" more appropriately aligns with the established definition set out in arbitration processes and its definition is well understood.</p>

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	<p>MMO believes that 'differences' only arise when the MMO is to provide further approval, for example in the discharging of conditions around pre-construction documentation and monitoring plans. The MMO maintains that such an approval is a regulatory decision, it is not 'agreeing' or 'disagreeing' with the applicant so that a divergence of views can properly be characterised as a 'difference'.</p> <p>The applicant states in their deadline 4c submission that: "...the arbitration process is not solely to be utilised following a decision being made by a stakeholder as part of the DMLs. The arbitration process can be used to resolve disagreements between the parties and to minimise the delay caused by this. This could include, for example, disagreements about the type or production of evidence." Such examples are technical decisions which fall correctly on the MMO to take. The MMO questions whether an independent arbiter with no technical background would be best placed to make such a decision on evidence requirements.</p> <p>Nonetheless, as previously stated, an arbitration mechanism involving the MMO would in practice only be related to an approval process. Since Parliament</p>	<p>The Applicant has included an approval procedure within Schedule 11 and Schedule 12 for any approvals required pursuant to conditions 13 and 14 and conditions 11 and 12 respectively. However the arbitration process is capable of applying to any other provision contained within Schedule 11 or Schedule 12.</p> <p>Independent Arbiters are appointed based on their expertise and ability to undertake the role and are sourced from a wide range of backgrounds. In the same way that an Inspector, or Judge, is appointed to preside over the decisions by way of appeal or judicial review. The role of the arbiter is to consider competing views and evidence in order to arbitrate – and decide – a correct course of action, having regard to all relevant circumstances, law, policy and the public interest.</p> <p>Regarding the inconsistency of the MMO's responsibilities, the Applicant refers the MMO to the Legal Opinion submitted for Deadline 5, which makes clear that no such incompatibility exists and provides legal rationale and justification for such an approach.</p> <p>As already explained, the role of arbitration is not to take away the decision making powers of a statutory body. The statutory body is still vested – and able – to make decisions,</p>

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	<p>has vested the public-law functions regarding discharging marine licence conditions in the MMO, removing its decision-making functions and placing them into the hands of a private arbiter is inconsistent with the MMO's responsibilities.</p> <p>The MMO recognises the intention of the arbitration provision to resolve disputes between the applicant and third parties, however maintains that this provision should not be used to remove the decision making powers from the MMO (as the regulator delegated by Parliament to take such decisions) and place this in the hands of an independent arbiter.</p> <p>The applicant further comments that "...the MMO has previously admitted to being under resourced and has accordingly requested an extension of the time available for them to approve the discharge of conditions." The MMO would add that the increases in timescales that have been requested are not primarily due to MMO resources. This request is primarily due to the increasing complexity of the documents that require approval as well as the wider considerations of impacts on the environment, human health and other marine users. In the MMO's experience it is often the case that documents</p>	<p>it is simply that the Order affords parties the ability to arbitrate in the event of a dispute or a decision.</p> <p>Regarding the four month period of approval, the Applicant has been clear throughout that it would be content to have a discussion as to those plans and documents that are considered to be more technical in nature and effectively list those as being key documents that can be approved within six months. The MMO has not provided such documentation and the Applicant has maintained throughout that for this specific project there is no justification to depart from the four month approval process outlined in all other development consent orders. The Applicant notes that in Norfolk Vanguard Offshore Wind Farm, the Examining Authority inserted "four months" in their preferred draft DCO, rather than the MMO's requested six months.</p> <p>The response from the MMO on the Applicant's submission for action point 5 at ISH9 was provided by the MMO at Deadline 5a (PINS Ref REP5A-003). The Applicant has provided a full response in Appendix 44 of the Applicant's Deadline 6 Submission</p>

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	<p>submitted are not fit for purpose at the first iteration, resulting in several rounds amendments and further consultation with other stakeholders prior to approval. Notwithstanding, it is unclear how an arbitration mechanism would assist in such a situation.</p> <p>The MMO's full position on arbitration is presented in further detail at deadline 3 (REP3-078) and deadline 4 (REP4-031) respectively.</p> <p>The MMO supports the amended wording to article 36 propose by Trinity House (TH) in their deadline 3 submission (REP3-071).</p> <p>Following ISH9, the MMO notes action 5 directed to the applicant and TH whereby the applicant is requested to research the precedent for arbitration. If necessary the MMO will provide comment in due course on the findings.</p>	
Marine Management Organisation	<p>Comments on the Applicant's Draft Development Consent Order (dDCO) Revision E</p> <p>Interpretation of commence – The provisions for pre-commencement activities (i.e. seabed preparation) are at present not sufficient and therefore, as currently drafted, the MMO considers that seabed</p>	<p>This comment is superseded by the commentary provided by the MMO at Deadline 5a (PINS Ref REP5A-003). The Applicant has provided a full response in Appendix 44 of the Applicant's Deadline 6 Submission.</p>

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	<p>preparation activities should be included in the definition of commence. The definition of pre-commencement activities and how they are secured on the DML remains under discussion through the SoCG. The MMO has engaged directly with the applicant to highlight those conditions currently only linked to the definition of commence which also need to apply to pre-commencement activities. The MMO awaits clarification on how this will be reflected on the DML.</p>	
<p>Marine Management Organisation</p>	<p>Comments on the Applicant's Draft Development Consent Order (dDCO) Revision E Volumes and figures – The MMO considers that the project should be limited to the maximum volume and impact areas for sandwave levelling that were assessed in the ES, and that these limits are clearly stated on the DMLs. Should the applicant wish to seek agreement to undertake licensed activities outside of these limits, the impact of this amendment should then be most appropriately considered and approved through a variation request. Whilst these values have been provided in various documents throughout the examination period, there is currently nothing on the face of the DMLs (that would act as standalone marine licenses post consent) that specifies these limits.</p>	<p>This comment is superseded by the commentary provided by the MMO at Deadline 5a (PINS Ref REP5A-003). The Applicant has provided a full response on the maximum parameters to be included on the face of the DCO in Appendix 44 of the Applicant's Deadline 6 Submission.</p>

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	<p>The MMO requests that the maximum disposal volumes for each activity are clearly defined on the DML for each disposal site, and the disposal sites are accurately referenced on the DMLs. The MMO has recently provided the disposal site references to the applicant and will therefore look for these changes in the next revision of the dDCO.</p> <p>The maximum disposal volumes stated in part 3, condition 1(d), have combined the disposal volumes from drill arisings and the disposal volumes for seabed preparation. These should be separated out by activity. Disposal from drill arisings is of different material to sandwave levelling, and the current wording could allow for the disposal of more drill arisings than has been assessed in the ES. Furthermore, the total figure stated in the condition does not total the two figures cited in (i) and (ii).</p>	
<p>Marine Management Organisation</p>	<p>Comments on the Applicant's Draft Development Consent Order (dDCO) Revision E Hammer Energy – the MMO requests the maximum hammer energy be stated on the DMLs. The maximum hammer energy is an important metric in ensuring that impulsive noise is within the maximum that was assessed in the ES (and potentially the HRA). If the proposed hammer energy is to increase, the</p>	<p>This comment is superseded by the commentary provided by the MMO at Deadline 5a (PINS Ref REP5A-003). The Applicant has provided a full response on the maximum parameters to be included on the face of the DCO in Appendix 44 of the Applicant's Deadline 6 Submission.</p>

Interested Party	Key points raised in the Submission	Applicant's response
	<p>implication is that underwater noise impacts will increase, and further modelling would be required to demonstrate the scale of this impact. Such a change would most appropriately be dealt with through a variation to the DML.</p>	
<p>Marine Management Organisation</p>	<p>Comments on the Applicant's Draft Development Consent Order (dDCO) Revision E Timescales for approval of pre-construction plans and documentation – at deadline 4 the MMO commented that it was in consultation regarding a case-specific approach regarding approval periods for pre-construction plans and documentation. Discussion remains ongoing through the SoCG on this matter. Following recent developments on other OWF cases progressing through Examination the MMO is considering its position and will provide a suggested approach in due course.</p>	<p>This comment is superseded by the commentary provided by the MMO at Deadline 5a (PINS Ref REP5A-003). The Applicant has provided a full response on the timescales for pre-construction documentation is in Appendix 44 of the Applicant's Deadline 6 Submission.</p>
<p>Marine Management Organisation</p>	<p>Comments on the Applicant's Draft Development Consent Order (dDCO) Revision E Cessation of piling – noise levels - The MMO submitted its response at deadline 3 providing further detail on its powers to stop works, and the limitations in regards to the current wording of the condition at schedule 12, condition 16(3) and schedule 11, condition 18(3). The MMO seeks to ensure that it is notified as soon as possible of any issues that indicate</p>	<p>This comment is superseded by the commentary provided by the MMO at Deadline 5a (PINS Ref REP5A-003). The Applicant has provided a full response in Appendix 44 of the Applicant's Deadline 6 Submission.</p>

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	noise levels may be greater than predicted in order to agree any potential additional monitoring or mitigation measures in a timely manner. As such, the MMO supports the amended condition wording proposed by Natural England and included in the MMO's deadline 3 response. This is a noted area of disagreement on the SoCG with the applicant.	

2.3 Environment Agency

- 6 The Applicant’s responses to the Environment Agency’s responses to the ExA Second Written Questions are provided in Appendix 23 of the Applicant’s Deadline 6 Submission.

Interested Party	Key points raised in the Submission	Applicant’s response
Environment Agency	Regarding the draft DCO and the amendments relating to the Structures Exclusion Zone (SEZ), we have no comments to make.	This is welcomed and noted by the Applicant.

2.4 Charles Russell Speechleys LLP on behalf of Ramac

- 7 The Applicant’s responses to the Charles Russell Speechleys LLP on behalf of Ramac responses to the ExA Second Written Questions are provided in Appendix 23 of the Applicant’s Deadline 6 Submission.

Interested Party	Key points raised in the Submission	Applicant’s response
Charles Russell Speechleys LLP on behalf of Ramac	Ramac's position is that the Applicant has failed to establish that the proposed interference with its land interests is proportionate or indeed justified at all. The Applicant's aims could be achieved through less intrusive means (if Ramac's land interests have to be part of the scheme at all). It has not established a compelling case in the public interest to justify the exercise of compulsory acquisition powers.	The ES Site Selection chapter (APP-040) identified the process undertaken in relation to site selection. A wider study area was initially considered (see para 4.10.10) and discounted following initial engineering workshops considering the study area. This process has been elaborated in the Deadline 3 response to oral submissions made by RAMAC at CAH1 (REP3-012). As set out in response to Action Point 4, further

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	<p>Principally, that is because of its inadequate assessment of alternatives.</p>	<p>consideration of the substation location is provided in response to ExQs 2.3.7, 2.3.8 and 2.3.9.</p> <p>In summary (and as set out in Section 3.2 of the Deadline 3 response), a 1km search area around the onshore red line boundary (at the time) was identified as being commensurate with the very short onshore cable route, limiting the spatial extent of impacts from cable installation. The Applicant considers that the site identified through this process is well chosen as has been demonstrated by the (agreed) conclusion that the construction and operation of the substation will lead to no significant environmental effects. This is in large part due to the site location being a brownfield site, surrounded by other industrial or commercial activities, in comparison with other greenfield sites or sites with greater environmental value.</p>
<p>Charles Russell Speechleys LLP on behalf of Ramac</p>	<p>DCLG guidance related to procedures for the compulsory acquisition of land (September 2013) makes it clear that an applicant should be able to demonstrate that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored. It will also need to demonstrate that the proposed interference is for a legitimate purpose and that it is necessary and proportionate.</p>	<p>As set out in the reply to the Examining Authority's Ex2 questions and in particular Ex2.3.3 (including the additional submission), 2.3.7 and 2.3.8 submitted at deadline 5 the Applicant has set out its case including alternatives to acquisition for the location of the substation contained in the Application. The Applicant considered alternative land both outside the RAMAC ownership and within it and has identified why from a technical perspective, the size of the landholding is required for the equipment needed for an</p>

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		<p>offshore substation as well as the location. The Applicant also updated the ExA in CAH2 and the written summary on the alternative to compulsory acquisition including the progress on an agreement and how if CA powers were required the land would be offered back to RAMAC other than in connection with the substation.</p>
<p>Charles Russell Speechleys LLP on behalf of Ramac</p>	<p>5. The Applicant's justification for the compulsory acquisition of Ramac's land - and principally that land comprised in Work No.13 (the onshore substation) is inadequate in the following respects: i) It does not adequately explain the reasons for rejecting the Richborough Energy Park as a location for the onshore substation. The purported explanation in Chapter 4 of the ES (paragraphs 4.10.5 - 4.10.8) is insufficient to justify the rejection of that site. There is no analysis of the extent of land within the Energy Park that is committed to existing projects or of the land that is available outside of existing commitments. The Applicant claims that part of the Energy Park is 'zoned for development' for a diesel peaking plant. Ramac does not understand what is meant by that assertion. The Applicant has not properly explained why the onshore substation could not be accommodated at Richborough Energy Park.</p>	<p>The Applicant refers Ramac to its response to ExQs2 specifically 2.3.6 and has summarised this below:</p> <p>Based on the plans seen for the development of the Energy Park Peaking Plant, there is an area of land allocated for a peaking plant generating station which would cover the southern section of Work No. 16, extending around the southern and eastern edges of the current UKPN 132kV substation site. The application site has been referenced as 1.22ha in a non-technical summary for the Peaking Plant planning application (dated Dec 2012).</p> <p>In addition to the peaking plant, the southern section of Work No. 16 has also been highlighted as a potential site for the replacement of the existing UKPN 132kV substation, which is nearing the end of its asset life.</p> <p>The maximum design envelope set out in Table 1.7 of 6.3.1 Onshore Project Description assumes an operational area of</p>

Interested Party	Key points raised in the Submission	Applicant's response
		<p>41,000m² (4.1ha) to accommodate the equipment listed in 1.5.82. Even assuming the Peaking Plant and UKPN substation re-plant are not built out, it is anticipated that there could be insufficient space in the southern portion of Work No. 16 to accommodate this substation footprint, regardless of the choice of AIS or GIS as the switchgear type.</p> <p>The peaking plant site was granted planning permission on 13.6.13 with Thanet District Council reference number F/TH/12/1015. The site straddles the Thanet and Dover boundaries. Certain conditions were discharged on 1.6.16.</p> <p>The planning permission granted for a generating station would appear to favour that use over a substation.</p> <p>It is anticipated that there is insufficient space to accommodate the required substation footprint in the potential Peaking Plant area. Furthermore, using this site for the Applicant's substation may sterilise future replacement of the existing UKPN 132kV substation, whose location relative to the 400kV National Grid supply point from which it is served is a key factor in site selection.</p>
Charles Russell Speechleys LLP	ii) If there is a good reason, yet to be expressed by the Applicant, for the rejection of the Richborough Energy Park, the Applicant has failed to explain why	As set out in Section 3.2 of the Deadline 3 response, a 1km search area around the onshore red line boundary (at the

Interested Party	Key points raised in the Submission	Applicant's response
on behalf of Ramac	Ramac's land at Richborough Port was identified as "the most reasonable alternative" (ES, Chapter 4, paragraphs 4.10.5 - 4.10.8). In particular, Ramac does not understand why the search area was restricted to sites within 1km of the Energy Park rather than, say 2km, and does not understand the basis for rejecting potential alternative sites. Ramac's expert evidence is there is no technical justification for limiting the search area to only 1km.	time) was identified as being commensurate with the very short onshore cable route, limiting the spatial extent of impacts from cable installation. The Applicant considers that the site identified through this process is well chosen as has been demonstrated by the (agreed) conclusion that the construction and operation of the substation will lead to no significant adverse environmental effects. This is in large part due to the site location being a brownfield site, surrounded by other industrial or commercial activities, in comparison with other greenfield sites or sites with greater environmental value.
Charles Russell Speechleys LLP on behalf of Ramac	iii) If there is a valid reason for identifying Ramac's land as the most reasonable alternative, the Applicant has not explained or justified the selection of the particular parcel of land comprising Work No. 13. Ramac has made it clear to the Applicant since at least January 2018 (in its pre-application consultation response) that it would prefer the substation to be located further to the north of its landholding, at Baypoint Club or further to the south in the area identified for Work No.14. In its consolidated response to Ramac's consultation queries, the Applicant expressed the view that the siting of Work No.13 "minimises interference" with Ramac's	The Applicant acknowledges that Ramac's preferred substation location was to the north or south of work No. 13. Through a process of engagement and negotiation with the Applicant, Ramac has agreed terms in principle which will facilitate a lease of the Applicant's substation site at work 13, a right of easement for the incoming cable circuits and the relocation of MoJ's interest to other land owned by Ramac. The Applicant has identified a structure a transaction which deals with Ramac's concerns about loss of land and the Applicant considers that it has shown considerable compromise in the course of the negotiations in order to reach a mutually acceptable position.

Interested Party	Key points raised in the Submission	Applicant's response
	<p>operations. Ramac does not agree. It has consistently made it clear that it would prefer the substation to be located elsewhere within its landholdings. Had the Applicant engaged in proper engagement with Ramac at the pre-application stage, it would have understood this to be the case. Instead, its published response to all of Ramac's concerns was simply to say "Land ownerships are still under consultation with all relevant parties and will be taken forward in the post-consent phase". Ramac suggests this is very telling and clearly shows the approach the Applicant was trying to take to compulsory acquisition. If there had been a proper justification for the selection of the particular parcel of land, one would have expected the Applicant to provide it then. There is no such justification in the Statement of Reasons (see pages 20, 22 and 26 which purport to provide the justification for the extent of land sought and an assessment of alternatives) or in the ES chapter on alternatives (see pages 4.1; 4.38 and 4.39).</p>	<p>The contract discussions between Vattenfall and Ramac are at an advanced stage of negotiation and documents are expected to be finalised by 28 May 2019 that being an agreed target date for finalisation between the parties.</p>
<p>Charles Russell Speechleys LLP on behalf of Ramac</p>	<p>iv) If the substation must be located on Work area 13, the Applicant has failed to justify the extent of the land-take proposed. In particular, it has failed to provide any technical analysis of the land requirements for a GIS substation as compared to an AIS substation. Ramac has consistently argued that a</p>	<p>In its response to the ExQs 2nd written questions The Applicant provided a technical report in support of its response to question 2.3.3(c) which addresses this point.</p>

Interested Party	Key points raised in the Submission	Applicant's response
	<p>GIS system has the potential significantly to reduce the land-take. In its consolidated response to Ramac's queries as to why a AIS substation was proposed, the Applicant's response was that it wished to retain technical and commercial flexibility (see Applicant's response to query 8(3)). While the AIS requires approximately 8.5 acres, Ramac's technical expert, Robert Thorogood of Hurley Palmer Flatt, assesses that a GIS substation would require c.2.3 acres - a space saving of some 6.2 acres. It is to be noted that the NEMO link interconnector on the Richborough Energy Park uses a GIS substation and Mr Thorogood could not conceive of any technical reason preventing the use of GIS for this project. The Applicant has provided no technical analysis as to why that would not be possible here or any assessment of the comparative requirements of GIS or AIS. It is extremely disappointing that notwithstanding the fact that Ramac has questioned the use of AIS since January 2018, the Applicant was not able to provide a technical justification for its proposed use at the CAH1 in February 2019 and did not present any technical expert to justify its position at CAH2 in April 2019. Had Ramac known prior to CAH2 that Mr Baker (or any other such expert competent to deal with the issues raised) for the Applicant could not attend to address</p>	

Interested Party	Key points raised in the Submission	Applicant's response
	<p>the technical issues, it would have suggested the date for CAH2 be moved to either the original date or another date convenient to the ExA to enable the technical issues to be properly addressed. The Applicant's desire to retain maximum flexibility does not constitute a compelling case in the public interest sufficient to justify the acquisition of Ramac's land by compulsion.</p>	
<p>Charles Russell Speechleys LLP on behalf of Ramac</p>	<p>Following the previous Compulsory Acquisition Hearing, the Applicant purported to provide a response to the representations made on behalf of Ramac, at Appendix 6 to its Deadline 3 submissions. That response is extremely high-level and preliminary in nature and appears to Ramac to be an exercise in retro-fitting: justifying the proposed site and the extent of land-take after the event. Plainly that is the wrong way round. An applicant seeking powers of compulsory acquisition must seek to achieve its aims in a proportionate manner. That involves the acquisition of the minimum amount of land necessary to deliver its scheme and the selection, where possible, of land that minimises disruption to the owner. Ramac invites the Applicant to disclose all contemporaneous evidence it has in respect of the site selection exercise it carried out, as well as the</p>	<p>In its response to the ExQs 2nd written questions the Applicant provided a technical report in support of its response to question 2.3.3(c) which addresses this point.</p>

Interested Party	Key points raised in the Submission	Applicant's response
	<p>technical report by Deadline 5 the Applicant stated was "under way" at CAH2.</p>	
<p>Charles Russell Speechleys LLP on behalf of Ramac</p>	<p>Ramac welcomes the questions posed by the ExA in its EXQ2 questions and awaits the Applicant's responses at Deadline 5. It is disappointing that at this stage of the examination when both CAHs have already taken place, that the Applicant is yet to provide an adequate justification for its site selection or the extent of the land it proposes to acquire. The purpose of the CAHs is to allow Affected Persons the opportunity to respond to and test the Applicant's case at an oral hearing. Ramac has been deprived of that opportunity by the Applicant's failure properly to justify its proposed acquisition.</p>	<p>The Applicant refers to its Deadline 5 response to the Examining Authority's 2nd written questions and particularly the technical annexe provided by the Applicant's engineering team to question number 2.3.3.</p>
<p>Charles Russell Speechleys LLP on behalf of Ramac</p>	<p>The response provided by the Applicant at Deadline 3 is woefully inadequate. Further detail is anticipated at Deadline 5, to which Ramac will respond fully. At this stage, it simply draws to the ExA's attention the following general areas of concern: i) The assertion, unsupported by technical analysis, that GIS would have little or no space saving benefit compared to AIS (Appendix 6, section 2.2). The expert evidence obtained by Ramac is that a site acquisition saving of around 75% could be achieved by GIS.</p>	<p>The Applicant refers to its Deadline 5 response to the Examining Authority's 2nd written questions and particularly question numbers 2.3.7, 2.3.8 and 2.3.9.</p>

Interested Party	Key points raised in the Submission	Applicant's response
	<p>ii) The suggestion, unsupported by any noise assessment, that the Baypoint Club and South Richborough Port Land would be unsuitable locations given the proximity of noise sensitive receptors. There does not appear to have been any consideration of whether a GIS substation could adequately mitigate any noise concerns that may have been identified, (or indeed any noise mitigation in respect of the AIS substation proposed) had a noise appraisal of alternative sites been carried out;</p> <p>iii) The suggestion that the Baypoint Club would be unsuitable as a result of potential flood risk without supporting flood risk assessment or analysis of land available outside Flood Zone 3;</p> <p>iv) The suggestion, unsupported by any ecological appraisal or assessment of potential mitigation measures, that Baypoint Club would be unsuitable given its proximity to SAC/SPA;</p> <p>v) The rejection of the BCA Fleet land (Zone 2) on the basis of "potential" bat roosts without any appraisal of the actual existence of such roosts or consideration of mitigation measures that could adequately address that concern;</p> <p>vi) The rejection of South Richborough Port Land on the basis of alleged increased cost, with no assessment of the costs increased associated with this</p>	

Interested Party	Key points raised in the Submission	Applicant's response
	<p>location or the consequential implications for the viability of the project;</p> <p>vii) The absence of any consideration of whether a GIS substation could be accommodated at Baypoint Club; South Richborough Port or indeed Richborough Energy Park.</p>	
<p>Charles Russell Speechleys LLP on behalf of Ramac</p>	<p>In conclusion, Ramac continues to oppose the application for powers of compulsory acquisition over its land for the reasons given in its pre-application consultation response; its Relevant and Written Representations and its oral representations to the ExA at both Compulsory Acquisition Hearings.</p>	<p>The Applicant notes Ramac's position and would further note that The Applicant and Ramac are at an advanced stage of contractual negotiations which would negate the need for the use of rights of compulsory acquisition. Documents are expected to finalise before the close of examination.</p>
<p>Charles Russell Speechleys LLP on behalf of Ramac</p>	<p>Even at this late stage of the examination, the Applicant has not provided an adequate justification for the proposed location for the substation or the extent of the land that it proposes to acquire. It is essential that it provides at Deadline 5 a proper justification, supported by appropriate technical and environmental appraisals, for the selection of the site and for the extent of the land that it seeks to acquire for Ramac to consider and respond to.</p>	<p>The Applicant refers to its Deadline 5 submission, particularly its response to ExQ2s number 2.3 on Compulsory Acquisition and the associated technical annexe.</p>
<p>Charles Russell Speechleys LLP on behalf of Ramac</p>	<p>Ramac notes the comments of the ExA in relation to costs, and currently intends to make such an application at the appropriate time.</p>	<p>The Applicant notes Ramac's position.</p>

2.5 Dover District Council

- 8 The Applicant’s responses to Dover District Council’s responses to the ExA Second Written Questions are provided in Appendix 23 of the Applicant’s Deadline 6 Submission.

Interested Party	Key points raised in the Submission	Applicant’s response
Dover District Council	ISH 8 – Shipping and Navigation Action Point 17 DDC has no evidence to present on this matter.	This is noted by the Applicant.
Dover District Council	ISH 8 – Shipping and Navigation Action Point 20 No comment on this matter.	This is noted by the Applicant.
Dover District Council	ISH 8 – Natural Environment and Fishing Matters Action Point 6 DDC has nothing further to add but agree that a mitigation and enhancement scheme relevant to each stage of construction is an appropriate way forward. DDC would support Natural England and Kent Wildlife Trust in respect of this matter.	This is noted by the Applicant and has been addressed through the provision of the Landscape and Ecological Management Plan.
Dover District Council	ISH 8 – Natural Environment and Fishing Matters Action Point 13 DDC has nothing further to add on this matter and would refer and support Natural England and Kent Wildlife Trust on their views on this matter. If a seasonal restriction is to apply to all works it would make sense for this to form a requirement of the DCO or could be controlled if necessary by condition.	The Applicant can confirm that a seasonal restriction was provided for within the dDCO, but can now also confirm that the dates are now explicitly provided for in the condition. This is contained within Requirement 26 of the dDCO and condition 18(1) of Schedule 12 of the dDCO.
Dover District Council	ISH 8 – Natural Environment and Fishing Matters Action Point 15 See above response (13)	The Applicant can confirm that all mitigation is secured in the schedule of mitigation.

Interested Party	Key points raised in the Submission	Applicant's response
Dover District Council	ISH 8 – Natural Environment and Fishing Matters Action Point 17 No comments.	This is noted by the Applicant.

2.6 The Crown Estate

9 The Applicant's responses to The Crown Estate's responses to the ExA Second Written Questions are provided in Appendix 23 of the Applicant's Deadline 6 Submission.

Interested Party	Key points raised in the Submission	Applicant's response
The Crown Estate	Action Point 18 Noted. The plan-level HRA has used the Order Limits and the SEZ has no impact on the HRA.	The Applicant notes this response and can confirm that the plan level HRA will provide more precautionary conclusions if the SEZ has not been utilised in confirming displacement on red throated diver. The Applicant does not consider a more precautionary assessment to be flawed but considers this an important note to confirm.
The Crown Estate	Action Point 19 The Crown Estate to provide an update on the status of the Agreement for Lease for TEOWF before close of the examination of 11 June 2019.	The Applicant notes this Action Point is for The Crown Estate to provide a further response at Deadline 6.
The Crown Estate	Action Point 20 As part of the work carried out by The Crown Estate to design a new leasing round for the possible release of seabed rights to support the continuing development of electricity generation from offshore	The Applicant has liaised with The Crown Estate throughout the application process for the DCO as part of the discussions around the Agreements for Lease and Leases. On this basis the Applicant was aware of The Crown Estate's proposed response and accordingly has no further comments.

Interested Party	Key points raised in the Submission	Applicant's response
	<p>wind, spatial characterisation assessments of the seabed resource and constraints around England, Wales and Northern Ireland were carried out. Initially 18 regions were identified including region 7, the Thames Approaches and region 8, the Kent Coast, within which the proposed Thanet Extension project is located. Both of these regions were classed as favourable for offshore wind development in terms of their technical resource characteristics for the utilisation of fixed foundations having water depths between 5 and 50m and good accessibility in terms of maximum wave height frequency.</p> <p>The further regional characterisation refinement carried out by The Crown Estate sought to integrate hard constraints to offshore wind farm development, such as existing wind farms/aggregate production areas/cables/pipelines and IMO shipping routes etc with a stakeholder validated evidence base that considered matters such as Ministry of Defence radars and practice areas, anchorage areas, environmental designations, high intensity shipping routes, This characterisation is to determine areas of scale where the potential consenting risk for projects is reduced such that future projects are more likely to be capable of being brought forward into construction.</p>	

Interested Party	Key points raised in the Submission	Applicant's response
	<p>The proposed Thanet Extension windfarm area, as per the Order Limits (including the current proposed Structures Exclusion Zone), was treated as a hard constraint in the regional characterisation (noting that two areas were also successful in the 2018 aggregates tender round, area 1801 to the east of TEOW and area 1802 to the north east in the Thames approaches). Areas suitable for development of Extension projects may not, in general, be the most suitable areas for development of Round 4 projects. The fact that region 8, Kent Coast, has been excluded from a future Round 4 tender for large scale offshore wind development, when launched, is not relevant to the TEOW application.</p>	

2.7 Thanet Fishermen's Association

Interested Party	Key point raised in the Submission	Applicant's response
<p>Thanet Fishermen's Association</p>	<p>During the ISH6 and ISH8 hearings, Thanet Fishermen's Association (TFA) raised the point that they did not agree with all of the impact levels in Table 9.14, Summary of predicted impacts of Thanet Extension Environmental Statement Volume 2 Chapter 9 Commercial Fisheries and felt that some of these should be raised. Specifically, the magnitude and sensitivity impact on UK potters and UK Drift and Static Netters.</p>	<p>Assessment Methodology</p> <p>The methodology used for assessment of impacts in Chapter 9 Commercial Fisheries, follows a significance matrix approach taking account of receptor sensitivity and</p>

Interested Party	Key point raised in the Submission	Applicant's response
	<p>UK Potters It is our understanding that all impacts have been measured on a fleet basis, and we appreciate the assessment cannot be based upon individual vessels, however, the TFA fleet is the fleet that most consistently fishes within and transits through, both the TOW and proposed TE boundaries, and on that basis we consider that this is the most representative fishing fleet considered in the assessment. In relation to TOW and the Thanet Extension, the TFA fleet is made up of vessels from Ramsgate, Margate, Broadstairs, Whitstable and Queenborough a total of 36 vessels, the same fleet noted as being represented in the TFA Statement of Common Ground. Within this group of 36 is a core group of 23 Thanet based vessels, one in Margate, one in Broadstairs and 20 based in Ramsgate. These core 23 are the Thanet vessels that use the TOW and TE areas the most, though additional vessels from Whitstable and Queenborough, and some visiting vessels, do fish within the proposed TE boundary but to a lesser extent.</p> <p>TFA Lobster/ Crab Potters. Within the core fleet (23 vessels) there are three main Lobster/Crab potters operating from Ramsgate [redacted] as well as some vessels who work small numbers of pots along the shore and on individual wrecks or small pieces of rough ground, including some small areas around TOW and inside/outside the TE RLB. The vast majority, in the region of 90% of the Lobster/Crab pots worked from the Thanet ports are from the three main vessels.</p>	<p>impact magnitude. This is in line with standard Environmental Impact Assessment (EIA) methodologies and with methodologies used for assessment of impacts on commercial fisheries for other wind farm projects in the UK.</p> <p>In general terms, for the purposes of assessing impacts on commercial fisheries, sensitivity is assigned by method taking account of relevant aspects such as the versatility of the vessels (i.e. the ability to deploy different gears, target different species) and their operational range and associated fishing opportunities (i.e. availability of grounds). Impact magnitude considers the duration of the impact and the extent of area affected. In order to provide context, the area potentially affected is evaluated with reference to the overall extent of grounds available to the various fishing methods.</p> <p>The Applicant notes that there are limitations on the available fisheries data to allow a detailed characterisation of the distribution, intensity and value of fishing</p>

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Interested Party	Key point raised in the Submission	Applicant’s response
	<p>For clarity, the vessel [redacted] is a replacement for the owners’ previous vessel [redacted]. The [redacted] unit has been transferred from the old to the new vessel but the [redacted] remains a potter and the skipper fishes the same areas as previously.</p> <p>TFA Lobster/ Crab Potters Within the core fleet (23 vessels) there are three main Lobster/Crab potters operating from Ramsgate [redacted] as well as some vessels who work small numbers of pots along the shore and on individual wrecks or small pieces of rough ground, including some small areas around TOW and inside/outside the TE RLB. The vast majority, in the region of 90% of the Lobster/Crab pots worked from the Thanet ports are from the three main vessels.</p> <p>For clarity, the vessel [redacted] is a replacement for the owners’ previous vessel [redacted]. The [redacted] unit has been transferred from the old to the new vessel but the [redacted] remains a potter and the skipper fishes the same areas as previously.</p> <p>TFA Lobster/Crab potting grounds. There are also three main Lobster/Crab potting grounds, the Drill Stones just North East of TOW, the Rocks just North West of TOW and the Thanet shoreline. The [redacted] works to the North East of TOW, the to the North West of TOW, with additional pots along the shoreline and in small spots, and the [redacted] works mainly along the shoreline. Both the [redacted] and the [redacted] have worked the same Lobster/Crab grounds for over 25 years. These three key potting areas are shown at</p>	<p>activity over discrete sea areas such as wind farm arrays. This, together with confidentiality issues with regards to describing detailed activities of individual vessels, prevent the undertaking of specific assessments on an individual vessel basis for the purposes of EIAs. As such, both receptor sensitivity and impact magnitude, and therefore the resulting impact significance, are identified in Chapter 13 Commercial Fisheries by method/fleet, rather than on an individual vessel basis.</p> <p>Project Specific Assessment</p> <p><u>Loss of grounds</u> With specific reference to the assessment undertaken for TE, in assigning sensitivity, consideration was given to the fact that some of the vessels in the local fleet have the ability to deploy various gears, particularly in the case of netters and potters. This was however not the only aspect taken into account. The relatively small operational range of these vessels (i.e. 20 -25 nm from port) and their dependence on a limited number of grounds was also</p>

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Interested Party	Key point raised in the Submission	Applicant’s response
	<p>figure 9.3 in the Environmental Statement, Volume 2, Chapter 9. The three Lobster/Crab potting vessels listed all have [redacted] devices.</p> <p>Each vessel is working the maximum number of pots they can within their own area, and the maximum number of pots the ground can support. There are no additional Lobster/Crab potting grounds within this area that are not being exploited.</p> <p>TFA Lobster/ Crab Potter [redacted] chart Data Figure 1. The [redacted] screenshot, figure 1, below shows all three Lobster/Crab potters in the three areas they work. While the [redacted], we have retained the anonymity of the other vessels in this document. For this purpose, we have referred to the additional Lobster Crab Potters as LP 2 and LP 3. We have used the month of July in 2017 to continue with the data has already been used in the Commercial Fisheries Technical Report annex 9-1. It is accepted that LP2 also works Whelk pots and LP3 also shoots nets, but the individual screenshots for each individual vessel, figures 2,3 and 4, for the same month below show the intensity of fishing in consistent areas.</p> <p>TFA Lobster/ Crab Potter [redacted] chart Data Figures 2, 3 and 4. Figure 2 shows that all of the ground potted by [redacted] is within the RLB. Figure 3 shows that over half of ground potted by the LP2 is within the original RLB, though it is accepted that this has been reduced somewhat with the implementation of the SEZ. Figure 4 shows that none of the ground potted by LP3 is within the RLB but also represents the vast majority of Lobster/Crab potting ground remaining when the TE proposed</p>	<p>given due regard. Considering the aspects mentioned above a medium sensitivity was assigned to local potters and netters during the construction and operational phase.</p> <p>For receptor sensitivity to be considered very high, as suggested by TFA in respect of potters during construction, fishing vessels would be expected to have much smaller operational ranges (i.e. limited to inshore areas out to the 6nm limit) and be highly limited in terms of availability of grounds.</p> <p>In this context it is important to note that key potting grounds identified during consultation (shown in blue in Figure 9.3 of the ES) cover an area of 51.7 km². Of these, 16.1 km² (31.1% of the overall key grounds) overlap with the RLB and only 10.2km² overlap with the RLB in areas outside of the SEZ (accounting for 19.7% of the overall key potting grounds identified in Figure 9.3).</p> <p>Furthermore, in addition to the key grounds referred to by TFA in their D5 submission (and illustrated in Figure 9.3 of the ES), wider areas were identified as potting</p>

Interested Party	Key point raised in the Submission	Applicant's response
	<p>area is removed. In addition, Figures 3 and 4, and the shoreline areas marked with yellow dots, represent the alternative potting ground for [redacted] and LP2 during construction once the site is fully closed. Large numbers of displaced pots being added to the inshore ground will clearly adversely affect the LP3, and other small vessels, already working there.</p> <p>Figures 3 and 4, along the shoreline, also show the majority of alternative potting ground available to these vessels during O&M when the potters can only partially return to the site.</p> <p>The latest indicative layout, Annex A to Appendix 3 of deadline 4b submission figure 12.1a SEZ, shows that both potting areas within the RLB will have monopiles placed within them. This means that when the potters return after construction, they will not be able to return the same numbers of pots to the ground due to the footprint of a monopile and safety zone, an approximate loss of 9000 square meters per monopile (based upon a 50m safety zone). Until a definitive monopile position is clear, it is hard to estimate how many pots will be displaced but these will either be added to the pots along the shoreline, and to the smaller areas, or will no longer be worked at all.</p> <p>As previously mentioned, we are aware that potters have been measured on a fleet basis and that both Lobster and Whelk potting are within this assessment of impact, and we have tried to make an allowance for that in considering how the potters have been assessed. Two of the smaller vessels from Ramsgate work Lobster and Whelk pots on the export cable route but are not fitted with [redacted], they will also be displaced during cable laying operations. TFA currently has 4 main Whelk potting vessels,</p>	<p>grounds during consultation with fisheries stakeholders (also shown in Figure 9.3 of the ES). These encompass the totality of the RLB, the existing Thanet Offshore Windfarm (TOW) and the immediate area around them and represent a total area of 300.6 km². Whilst these may not constitute preferred potting grounds for the vessels illustrated in Figure 1, Figure 2, Figure 3 and Figure 4 of the TFA submission at Deadline 5, it should be recognised that this wider area supports potting activity to some degree.</p> <p>With regards to impact magnitude during the construction phase (identified to be low in the ES for both netters and potters), the Applicant would like to note that impacts during this phase would be temporary and localised, being limited to the areas where works may be undertaken at a given time. Furthermore, as outlined in the Fisheries Liaison and Coexistence Plan (FLCP) and in the Statement of Common Ground (SoCG) with TFA, the Applicant will endeavour to minimise exclusion during construction and the array area of the Project and of the</p>

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Interested Party	Key point raised in the Submission	Applicant’s response
	<p>though in 2017 there were three, within the core 23 vessels, working from Ramsgate. TFA recently suggested that Lobster potters and Whelk potters be split, as the Whelk potters have more flexibility, but this is apparently not possible at this stage.</p> <p>TFA Whelk Potters. The three Whelk potters in 2017, WP1 (WP1 is the same vessel as LP2), WP2 and WP3 did have [redacted] fitted and for balance the tracks for the WP2 and WP3 are shown below in figures 5 & 6. These two figures do show that the Whelk potters have more flexibility than the Lobster and Crab potters. WP3 in particular, works long ranges for a 10-meter vessel. WP2 suffered breakdowns with her gear tag reader so shows far less yellow dot shooting marks than she should. WP2 can also be seen potting across the proposed export cable route.</p> <p>Construction mitigation. It was mentioned that the Fishermen will have access and will be able to fish within the TE area during construction. TFA appreciates this is mitigation, and the vessels will continue to work as long as they can, however, having been through multiple windfarm construction phases it is unfortunately unrealistic to envisage a construction process where construction vessels systematically work around the site, only operating in one area until it is finished. In reality there will be multiple vessels working in different parts of the site at various stages, undertaking different parts of construction. The combination of pot and gear markers and additional vessels in the construction area will undoubtedly mean that Fishing vessels will have to remove fishing gear not long after construction begins. In</p>	<p>existing TOW will be opened for passage and fishing during construction (subject to standard safety zone applications).</p> <p>In addition, embedded mitigation, such as adherence to FLOWW guidance and the commitments made in addition in the FLCP, will ensure that impacts are minimised so that impact magnitude remains low. In this context it is important to note the Applicant’s commitment to implement an appropriate cooperation strategy with the local fleet where the relocation of fishing gear is required during construction. In line with FLOWW guidance, this will follow an evidence based approach and will allow for identification of individual vessels that may be affected during the construction phase.</p> <p>With the above in mind, including the embedded mitigation proposed, the Applicant considers that the impact significance (minor adverse) identified for potters and netters with regards to construction is appropriate.</p>

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Interested Party	Key point raised in the Submission	Applicant’s response																
	<p>addition, the noise and activity during construction is likely to have an impact on the fishing close by so it is debatable how long fishing could continue and still be commercially viable once construction starts.</p> <p>ES Impact Significance conclusions for UK Potters. In the Environmental statement, volume 2 chapter 9, the impact levels for UK potters are stated in the following table:</p> <table border="1" data-bbox="504 646 1216 751"> <thead> <tr> <th>Construction</th> <th>Receptor Sensitivity</th> <th>Magnitude of Effect</th> <th>Impact Significance</th> </tr> </thead> <tbody> <tr> <td>UK Potters</td> <td>Medium</td> <td>Low</td> <td>Minor Adverse</td> </tr> <tr> <td>O&M</td> <td></td> <td></td> <td></td> </tr> <tr> <td>UK Potters</td> <td>Medium</td> <td>Low</td> <td>Minor Adverse</td> </tr> </tbody> </table> <p>Receptor Sensitivity. Within the same Environmental Statement, table 9.6, the definition of medium sensitivity is:</p> <ul style="list-style-type: none"> • ‘Some spatial adaptability due to extent of operational range and/ or ability to deploy an alternative gear type. Moderate spatial tolerance due to dependence upon a limited number of fishing grounds. Limited recoverability with some ability to mitigate loss of fishing area by operating in alternative areas.’ <p>TFA does not believe this definition represents the sensitivity impact on the TFA fleet of potting vessels. The Lobster/ Crab potting vessels shown in figures 1 to 4, undertake the vast majority of the Lobster/Crab potting which will be impacted by the proposed TE project. During the 2016 Thanet Extension Geophysical survey, the Lobster/ Crab pots were removed from within the RLB to allow the survey vessels to work unhindered. LP2 redistributed some of her pots along the shore line, impacting LP3 directly and brought the balance of her pots ashore. The</p>	Construction	Receptor Sensitivity	Magnitude of Effect	Impact Significance	UK Potters	Medium	Low	Minor Adverse	O&M				UK Potters	Medium	Low	Minor Adverse	<p>In respect of impacts during operation, the identification of impact magnitude considered the extent of potential loss of grounds in the context of the overall grounds available and the long term nature of the potential impact. In addition, the assessment took account of whether or not the various fishing methods used by the local fleet would be able to resume activity within the wind farm array:</p> <ul style="list-style-type: none"> • Potting: the Applicant recognises that there will be loss of grounds at discrete locations within RLB (proportional to the footprint of the infrastructure installed). However, given that potting would be able to resume within the operational wind farm array, the magnitude of the impact during construction was considered to be low in the ES. In this context it is important to note that there is evidence that this method has resumed in other offshore wind farms, including within the existing TOW. With regards to the loss of grounds associated with the footprint of turbines, in respect of the two vessels identified in Figure 2 and Figure 3 of the TFA submission at
Construction	Receptor Sensitivity	Magnitude of Effect	Impact Significance															
UK Potters	Medium	Low	Minor Adverse															
O&M																		
UK Potters	Medium	Low	Minor Adverse															

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	<p>[redacted] brought some pots ashore and shot the remainder inside the TOW site, un-baited, whilst waiting for the survey to be completed. This was due to a lack of alternative Lobster/Crab potting ground. This process will be repeated during the construction period. TFA believes the sensitivity level should be elevated to the status of Very High. The definition of Very High Sensitivity being:</p> <ul style="list-style-type: none"> • Very low spatial adaptability due to limited operational range and ability to deploy only one gear type. Very limited spatial tolerance due to dependence upon a single ground. Very low recoverability due to inability to mitigate loss of fishing area by operating in alternative areas. <p>TFA accepts that the potters can return during O&M and the impact is then reduced, and has been further reduced by the implementation of the SEZ and accepts a level of Medium Sensitivity for the fleet, however, it must be noted that as an individual vessel, the [redacted] in particular will face an impact above the medium level described.</p> <p>Magnitude of Effect. Within the Environmental Statement, table 9.7, the definition of Low Magnitude is:</p> <ul style="list-style-type: none"> • ‘A minor proportion of total annual landings weights/ values derived from fishing within Thanet Extension and/ or the change is temporary but recovery within a reasonable timescale is not possible.’ <p>TFA would first point out we believe there is a typing error in table 9.7 as the paragraph contradicts itself. In anticipation that in the last sentence the word ‘not’ should be removed, TFA does not agree with the potters being given a Low Magnitude level. On the basis that the [redacted]</p>	<p>Deadline 5, it is important to note that this would be very small. For each turbine installed, the permanent loss of grounds (approx. 9,000m² per turbine assuming 50 m safety zones) would represent approx. 0.1% of the discrete ground in the eastern section of the RLB on which TFA has identified that the vessel in Figure 2 fully relies. Similarly, in the case of the vessel identified in Figure 3 by TFA, loss of grounds associated with the installation of individual turbines would represent a very small proportion of the key potting ground this vessel targets within the RLB (i.e. less than 0.1%). These calculations take account of the extent and location of key potting grounds illustrated in Figure 9.3 of the ES and referred to by TFA in their Deadline 5 submission.</p> <ul style="list-style-type: none"> • Netting: with regards to drift netting, in recognition of the practicalities of operating this method within wind farm arrays, the assessment assumed that it is likely that fishing may not be able to resume within the wind farm array during operation. With that in mind, an

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Interested Party	Key point raised in the Submission	Applicant’s response
	<p>derives 100% of her earnings from within the RLB, LP2 derives approximately 50% of her earnings from within the RLB and the LP3 will be directly impacted by the other vessels looking for ground to work, TFA maintains that the Magnitude level should be increased to High during construction.</p> <p>The definition of high magnitude being;</p> <ul style="list-style-type: none"> • A high proportion of total annual landings weights/ values derived from fishing within Thanet Extension and/ or the change may be permanent. <p>Part of the change described above will be permanent, as the footprints of each monopile cannot be returned to the potters.</p> <p>During O&M, TFA does not agree with the conclusion of Low for Magnitude of effect and believe this should be raised to Medium, with the definition of Medium being:</p> <ul style="list-style-type: none"> • A moderate proportion of total annual landings weights/ values derived from fishing within Thanet Extension and/ or the change is temporary but recovery within a reasonable timescale is not possible. <p>In conclusion, TFA accepts that there is some flexibility with the Whelk potters to use other ground during and after construction, but there is no flexibility for the Lobster and Crab Potters and for such a small combined fleet of potters the impacts on them as a group will be significant. TFA maintains that such a significant impact on 3 of its 7 potters must see the sensitivity and magnitude levels raised to reflect the overall impact on TFA Potters. TFA would ask that the levels for UK Potters are raised to those in the table below:</p>	<p>impact magnitude of medium was identified in the case of vessels that rely on drift net grounds located within the array and a low sensitivity for the remaining vessels.</p> <p>Taking account of the above, the Applicant considers that the impact significance identified for the operational phase for potters (minor adverse) and that identified for netters (minor in general terms and moderate adverse in in the case of drift netters that rely on grounds located within the wind farm) are appropriate.</p> <p>In the context of the assessment of loss of grounds during the operational phase on drift netters, it should be noted that in consultation with TFA, the Applicant has already committed to the undertaking of drift net surveys in order to inform any future measures that could be utilised to ensure effective mitigation to reduce impact significance below moderate adverse.</p> <p><u>Displacement</u></p>

Interested Party	Key point raised in the Submission	Applicant’s response																
	<table border="1" data-bbox="506 331 1249 432"> <thead> <tr> <th>Construction</th> <th>Receptor Sensitivity</th> <th>Magnitude of Effect</th> <th>Impact Significance</th> </tr> </thead> <tbody> <tr> <td>UK Potters</td> <td>Very High</td> <td>High</td> <td>Major</td> </tr> <tr> <td>O&M</td> <td></td> <td></td> <td></td> </tr> <tr> <td>UK Potters</td> <td>Medium</td> <td>Medium</td> <td>Moderate</td> </tr> </tbody> </table> <p data-bbox="488 491 1039 520">UK Drift and Static Netters, the TFA Fleet.</p> <p data-bbox="488 531 1458 991">As with UK Potters, the static and drift netting fleet that works consistently in and around the TOW and TE boundaries is the TFA fleet. The core group of 23 Thanet based vessels has 15 vessels that use bottom drift and static nets to varying degrees. Within these 15 netting vessels are a core group of 7 main bottom drifters, 6 of which are fitted with [redacted], who derive a high percentage of their earnings from bottom drifting. The bottom drifting method relies upon fleets of lightly constructed multi monofilament nets being shot across the tide, allowing the tide to then drift them across clean areas of seabed. These areas of drift ground are discovered over years of trial and error and are returned to year on year, dependent on how they are fishing. Some drifts are used every year while others may go in cycles.</p> <p data-bbox="488 1038 967 1067">Bottom Drift and static net grounds.</p> <p data-bbox="488 1078 1458 1345">The Thanet Fishing vessels use drift and static grounds in a variety of areas within their range, to the North and South of the Thanet harbours. Among others, there are bottom drift grounds to the North, North East and South East of TOW. The drift grounds to the North and North East of TOW begin outside the RLB, where the drift vessels shoot their nets. The gear then travels with the tide, into the RLB, where the gear is hauled. The bottom drift grounds South East of TOW begin within the RLB and the nets drift</p>	Construction	Receptor Sensitivity	Magnitude of Effect	Impact Significance	UK Potters	Very High	High	Major	O&M				UK Potters	Medium	Medium	Moderate	<p data-bbox="1485 331 2045 517">The Applicant acknowledges concerns raised by TFA with regards to the potential impact of displacement of fishing activity into other areas as a result of loss of grounds.</p> <p data-bbox="1485 564 2063 987">In this context the Applicant would like to note that displacement, in effect, would be a function of the level of grounds lost. As described above, with the exception of the impact during operation on local drift netters that may rely on grounds within the RLB, significant impacts (above minor adverse) have not been identified in respect of loss of grounds for any of the fleets included for assessment (including non-UK fleets).</p> <p data-bbox="1485 1035 2063 1380">In addition, the Applicant would like to note that any mitigation measures proposed in relation to loss of grounds (including the embedded mitigation proposed during construction and any additional mitigation that may be required during operation) would also mitigate against displacement effects, as displacement is a direct consequence of loss of grounds.</p>
Construction	Receptor Sensitivity	Magnitude of Effect	Impact Significance															
UK Potters	Very High	High	Major															
O&M																		
UK Potters	Medium	Medium	Moderate															

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Interested Party	Key point raised in the Submission	Applicant’s response
	<p>Southerly. Some fleets being hauled within the RLB and some crossing the RLB and being hauled outside the proposed extension boundary.</p> <p>[redacted] data for Drift and static netters Figures 7 to 9. [redacted] data collection began in April 2017, which saw less bottom drifting occur in the areas North and North East of TOW than the previous year. Had [redacted] been fitted in 2016 the chart below, figure 7, would like quite different and would show more intense drifting to the North, crossing into the RLB. The drifts South East of TOW have remained consistent.</p> <p>Figure 7 below shows the 6 of the main 7 drift net vessels that are fitted with [redacted]. The drifts to the North East and South East of TOW are shown, marked by two clear groups of compact yellow dots. The yellow dots to the South West and West of TOW are static nets. The Lobster/Crab potters and Whelk potters are not shown on Figure 7. This chart demonstrates the range and spread of the netters, drift and static, with [redacted] in May 2017. TFA accepts that there are some netters in the fleet that are not represented by [redacted], and these vessels fish both inside and outside the RLB but are less consistent. When the project was conceived, funding was available for a maximum of fifteen vessels and TFA chose its most consistent vessels with a spread of methods. During the project we have usually had information from 12 at any one time. Despite this, the [redacted] data gives a good indication of how these vessels use the TOW and proposed TE sites and the importance of these areas of ground to the finely balanced fleet.</p> <p>Figure 8 above shows the same 6 Netting vessels in June 2017. The drifts remain in use to the North East and South East of TOW and more static</p>	<p>The Applicant has made a commitment to enter into an appropriate agreement to mitigate loss caused as a result of displacement, where it reasonably occurs. This is set out in the FLCP.</p> <p>With this in mind, significant impacts associated with displacement (i.e. above minor adverse) are not to be expected.</p> <p>Other Considerations</p> <ul style="list-style-type: none"> • The Applicant notes that for the purposes of the impact assessment and in the interest of ensuring confidentiality, it was required that Succorfish data were not presented to illustrate activity by single vessels in isolation in the figures included in the Commercial Fisheries Technical Report, Annex 9.1. • In addition, the Succorfish data available relate to a limited number of vessels (15 vessels) and for some of these there are no records available for some months. • The Applicant also notes that Succorfish data per se do not provide information

Interested Party	Key point raised in the Submission	Applicant’s response
	<p>netting is occurring to the South of TOW, still within the RLB. Additional static and drift netting is taking place South of Ramsgate, reaching as far as Dover, and to the North in the Thames Estuary. As this chart shows, while TFA has maintained its vessels work grounds within 25 miles of the harbour, they use the grounds closest to home more frequently as indicated by the vessel furthest South approximately 12 miles from Ramsgate where she is based.</p> <p>Figure 9 above shows the Drift ground used by Fishing vessel Defiant during June 2017, as discussed at ISH 6. The Defiant consistently fishes these drifts and her [redacted] tracks for the year 2017 show her in and around the same area. Approximately 90% of her annual earnings come from this area. The indicative layout prior to the SEZ showed monopiles in the Northern, North Eastern and South Eastern drifts. Since the introduction of the SEZ, the revised indicative monopile layout now shows an increased number of monopiles in all three drift areas.</p> <p>Receptor Sensitivity. Within the same Environmental Statement, table 9.6, the definition of medium sensitivity is:</p> <ul style="list-style-type: none"> • ‘Some spatial adaptability due to extent of operational range and/ or ability to deploy an alternative gear type. Moderate spatial tolerance due to dependence upon a limited number of fishing grounds. Limited recoverability with some ability to mitigate loss of fishing area by operating in alternative areas.’ <p>As a fleet, we agree with the Receptor Sensitivity being placed at Medium for both Construction and O&M.</p>	<p>on gear type (i.e. pots or nets) that a vessel may be deploying at a given time. Similarly, the data do not provide information on the species targeted.</p> <ul style="list-style-type: none"> • It should also be noted that the charts submitted by TFA during the examination phase show Succorfish records for individual vessels for single months. • The available Succorfish data is useful to identify spatial patterns of activity by TFA vessels. It should be recognised, however, that without additional evidence, Succorfish data do not provide a full characterisation of fishing activity.

Interested Party	Key point raised in the Submission	Applicant's response
	<p>Magnitude of Effect. Within the Environmental Statement, table 9.7, the definition of Low Magnitude is:</p> <ul style="list-style-type: none"> • 'A minor proportion of total annual landings weights/ values derived from fishing within Thanet Extension and/ or the change is temporary but recovery within a reasonable timescale is not possible.' <p>TFA does not agree with the Magnitude of this effect for construction being stated as Low. While the revised SEZ positions have relieved some of the static netting ground to the West, they have increased the impact on the drifting ground, in particular the South East drifts which will now be completely lost for construction and O&M. As TFA has always maintained, the loss of bottom drift grounds is one of our largest concerns and the reason the bottom drift surveys within the FLCP are of such importance. With such a small fleet of netting vessels, the complete removal of the drift ground of one of those vessels, plus the partial removal of drift ground to the others, has an impact on the entire fleet. For the construction period, as a fleet, we consider the magnitude level, though we may not fully agree with the definition, should be raised to Medium for both drift and static netting.</p> <ul style="list-style-type: none"> • A moderate proportion of total annual landings weights/ values derived from fishing within Thanet Extension and/ or the change is temporary but recovery within a reasonable timescale is not possible. <p>We maintain that the Impact Significance levels should be raised to moderate for construction and recognize Major adverse effects on some individuals for construction and O&M.</p>	

Interested Party	Key point raised in the Submission	Applicant's response																
	<p>In conclusion, TFA considers the table levels of impact for UK Drift and Static Netters should be revised as below.</p> <table border="1" data-bbox="497 411 1301 719"> <thead> <tr> <th data-bbox="497 411 698 435"><i>Construction</i></th> <th data-bbox="698 411 900 435"><i>Receptor Sensitivity</i></th> <th data-bbox="900 411 1102 435"><i>Magnitude of Effect</i></th> <th data-bbox="1102 411 1301 435"><i>Impact Significance</i></th> </tr> </thead> <tbody> <tr> <td data-bbox="497 435 698 544">UK Drift & Static Netters</td> <td data-bbox="698 435 900 544">Medium</td> <td data-bbox="900 435 1102 544">Medium</td> <td data-bbox="1102 435 1301 544">Moderate Major adverse Drift Nets some individuals</td> </tr> <tr> <td data-bbox="497 544 698 568">O&M</td> <td data-bbox="698 544 900 568"></td> <td data-bbox="900 544 1102 568"></td> <td data-bbox="1102 544 1301 568"></td> </tr> <tr> <td data-bbox="497 568 698 719">UK Drift & Static Netters</td> <td data-bbox="698 568 900 719">Medium</td> <td data-bbox="900 568 1102 719">Low Static Nets Medium Drift Nets</td> <td data-bbox="1102 568 1301 719">Minor Adverse Static Minor Adverse Drift Nets general Major Adverse Drift Nets some individuals</td> </tr> </tbody> </table>	<i>Construction</i>	<i>Receptor Sensitivity</i>	<i>Magnitude of Effect</i>	<i>Impact Significance</i>	UK Drift & Static Netters	Medium	Medium	Moderate Major adverse Drift Nets some individuals	O&M				UK Drift & Static Netters	Medium	Low Static Nets Medium Drift Nets	Minor Adverse Static Minor Adverse Drift Nets general Major Adverse Drift Nets some individuals	
<i>Construction</i>	<i>Receptor Sensitivity</i>	<i>Magnitude of Effect</i>	<i>Impact Significance</i>															
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2.8 Natural England

- 10 The Applicant’s responses to Natural England’s responses to the ExA Second Written Questions are provided in Appendix 23 of the Applicant’s Deadline 6 Submission.

Interested Party	Key points raised in the Submission	Applicant’s response
Natural England	<p>Saltmarsh Mitigation, Reinstatement and Monitoring Plan – Revision C (Appendix 16 to Deadline 4)</p> <p>Overall, Natural England are content that the SMRMP has been successfully updated following Natural England’s comments at Deadline 3. As a result, Natural England agree the current document provides the scope to monitor, mitigate and reinstate the saltmarsh within Pegwell Bay following construction in accordance with best practice and Natural England advice. However, Natural England advise that Horizontal Directional Drilling (HDD) under the saltmarsh still represents the best landfall option, as there is more certainty in the environmental outcome.</p>	This is welcomed and noted by the Applicant.
Natural England	<p>Biogenic Reef Mitigation Plan (BRMP) - Revision C (Appendix 21 to Deadline 4)</p> <p>In Natural England’s response at Deadline 3 it was stated the applicant took an action to make explicit</p>	The Applicant can confirm that the schedule of monitoring and the dML have both been updated to identify that ground-truthing will be undertaken. It is important to note that the BRMP also includes explicit reference to ground-truthing, and for survey methods to be agreed with Natural

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	<p>the links between the geophysical surveys and the biogenic reef plan to ensure that the geophysical survey dataset is ground truthed in order to inform the biogenic reef plan, for both pre and post construction surveys. From reviewing Revision C of the Biogenic Reef Plan (submitted at Deadline 4) it is clear there are references to ground truthing pre-construction data, this is in conjunction with clear references made within the schedule of monitoring at deadline 3. Natural England welcome these references. However, references to ground truthing geophysical surveys post-construction is still lacking. Section 5.1.1. of the BRMP states “The nature of the post-construction monitoring will be defined in consultation with Natural England and MMO when drafting the monitoring plans required under Condition 15 and 13 of the Generation and Export Cable System DMLS respectively.” When consulting the post construction commitments within condition 15 and 13 respectively, it is clear that a bathymetric survey shall be carried out, however there is no clear indication that scope exists for ground truthed surveys associated with the BRMP.</p> <p>As a result, Natural England require further clarification that data will be ground truthed where</p>	<p>England. In the Applicant’s view this provides adequately for ground truthing. The Applicant however is prepared to make explicit reference to the ground truthed surveys associated with the BRMP on the face of the dDCO.</p>

Interested Party	Key points raised in the Submission	Applicant's response
	<p>necessary, to validate the success of any micrositing around areas of core reef. This should be preferably stated within the DCO / DML.</p>	
<p>Natural England</p>	<p>MCZ Assessment Clarification Note – Revision B (Appendix 20 to Deadline 4) Natural England welcome the further clarification provided by revision B of the MCZ clarification note. However, we still have remaining questions about the potential impacts from cable activities upon designated sites and their associated features. Within this document it relates to Goodwin Sands pMCZ, however these comments are also applicable to other sites that are adjacent to the red line boundary i.e. Thanet Coast SAC and MCZ.</p>	<p>The Applicant notes that these matters are now agreed with Natural England, subject to submission of a signposting summary page to the MCZ assessment. The Applicant will submit this at Deadline 7.</p>
<p>Natural England</p>	<p>MCZ Assessment Clarification Note – Revision B (Appendix 20 to Deadline 4) The MCZ assessment needs to explicitly state how much deposition is likely to occur within the site, and this should be across a few variables:</p> <ul style="list-style-type: none"> • What (percentage) area in the site will be affected by deposition of sediment; • Which features will be affected; • The percentage of each feature to be affected; • To what depth will smothering occur and • For how long? 	<p>The Applicant notes that these matters are now agreed with Natural England, subject to submission of a signposting summary page to the MCZ assessment. The Applicant will submit this at Deadline 7.</p>

Interested Party	Key points raised in the Submission	Applicant's response
	<p>The information above should be provided in terms of the worst case scenario (WCS), which should be assumed to be discrete deposition occurring in locations that pose the most risk. For example:</p> <ul style="list-style-type: none"> • Discrete deposition occurring where the applicant's red line boundary is closest to designated sites and thus features. • If the applicant knows where sandwaves occur, then assuming discrete deposition occurs by the sandwaves that are closest to / within designated sites and thus features. <p>The above variables in section 3.2 [of their representation] should be looked at alone and in-combination with other plans or projects. For example, in regard to the Dover Harbour Board (DHB) dredge aggregates site, the (percentage) area to be impacted by the applicants cabling works should be presented alongside the (percentage) area of the aggregates area, to successfully compare the impact. This may show that there are still sufficient areas of unimpacted sand to ensure recovery of both activities, even if they are both in an impacted state at the same time. However, Natural England require that confirmation.</p>	

Interested Party	Key points raised in the Submission	Applicant's response
Natural England	<p>MCZ Assessment Clarification Note – Revision B (Appendix 20 to Deadline 4)</p> <p>Table 1 (Point 3) – Natural England advise that extraction within the MCZ should be assessed as a pressure. By removing material during sandwave clearance the applicant is still creating the extraction action / pressure irrespective of whether the sediments are redeposited within the pMCZ (which creates additional pressures of smothering and changes in suspended solids).</p> <p>Table 1 (Various points) - There is also still no firm commitment from the applicant to retain sediments within the pMCZ. Natural England would welcome a stronger commitment to depositing sediment on material of similar grain size and retaining those sediments within the designated sites.</p>	<p>The Applicant notes that these matters are now agreed with Natural England, subject to submission of a signposting summary page to the MCZ assessment. The Applicant will submit this at Deadline 7.</p>
Natural England	<p>Sandwave Clearance, Dredge and Disposal Site Characterisation – Revision B (Appendix 15 to Deadline 4)</p> <p>Natural England welcome many of the changes and clarifications provided by the applicant. Particularly around the predicted levels of deposition across the array and cable corridor area and the secured additional monitoring in the dDCO within Goodwin</p>	<p>The Applicant can confirm that the requested information has been provided and agreed with Natural England (see Statement of Common Ground accompanying this deadline 6 submission)</p>

Interested Party	Key points raised in the Submission	Applicant's response
	<p>Sands pMCZ to further interpret the recovery of the site using drop down video. However, as above in section 3, we have outstanding questions regarding the potential impacts of cable preparation works upon designated sites (Goodwin Sands pMCZ, Thanet Coast SAC and MCZ) and their associated features.</p> <p>We point the Examining Authority and the Applicant to section 3.1.2 to 3.1.4 which outlines what further information needs to be considered and presented in relation to the potential effects of deposition upon the relevant designated sites and associated features.</p>	
Natural England	<p>Sandwave Clearance, Dredge and Disposal Site Characterisation – Revision B (Appendix 15 to Deadline 4)</p> <p>Point 14.4.9 – Natural England still advise that the use of dredged material for the Dover Harbour Board development should be kept as a consideration rather than dismissed entirely. Whilst we appreciate this may lead to more boat trips and associated emissions there would be large benefits in significantly reducing benthic impacts on Goodwin Sands pMCZ.</p>	<p>The Applicant notes this and maintains that project timings, and extraction methodologies are such that it is unlikely the material can be used in this way.</p>
Natural England	<p>Sandwave Clearance, Dredge and Disposal Site Characterisation – Revision B (Appendix 15 to Deadline 4)</p>	<p>The Applicant can confirm that material will not be disposed of in areas with confirmed core reef present, with the final buffers to be agreed post-consent as identified in the BRMP.</p>

Interested Party	Key points raised in the Submission	Applicant's response
	<p>Point 14.5.36 – Natural England would like clarification that disposal has been sufficiently considered in the biogenic reef plan i.e. disposal will not occur on areas of core reef?</p>	
<p>Natural England</p>	<p>Sandwave Clearance, Dredge and Disposal Site Characterisation – Revision B (Appendix 15 to Deadline 4) Point 14.6.7 and 14.6.9 – These two paragraphs conclude “material disposed of in situ via seabed preparation works will be similar to the existing material as the removal and subsequent disposal of material will take place in almost the exact same area.” How will it be ensured that sediments are deposited on similar grain sizes?</p>	<p>The Applicant can confirm that material disposed of within the context of the pMCZ will be within 500m of extraction and therefore of a similar grain size.</p>
<p>Natural England</p>	<p>Sandwave Clearance, Dredge and Disposal Site Characterisation – Revision B (Appendix 15 to Deadline 4) Point 14.7.30 – It states “An average uniform increase in bed elevation of height of 30 cm has been assessed as a worst case...” It is not clear why 30 cm is the worst case scenario. Is this the maximum depth to which the applicant will deposit too? This requires some clarification. Furthermore, is this deposition of up to 30 cm considered discrete deposition or is this equal deposition over a certain area? We assume the reference to 12.8 % and disposal site 3 is just to</p>	<p>The Applicant has provided further clarification and agreed this with Natural England as is captured in the SoCG accompanying this Deadline 6 submission.</p>

Interested Party	Key points raised in the Submission	Applicant's response
	illustrate the potential size over which 30 cm deposition would occur.	
Natural England	<p>Sandwave Clearance, Dredge and Disposal Site Characterisation – Revision B (Appendix 15 to Deadline 4)</p> <p>Point 14.7.33 – Natural England note that sandwave clearance was not standard industry practice at the time of the Thanet Offshore Windfarm cable installation. Therefore, we consider it more likely to be used at Thanet Extension due to changes in industry approach.</p>	<p>The Applicant can confirm that the industry approach relates primarily to the need to undertake the works. If sandwave clearance is not required at Thanet Extension it will not be utilised, immaterial of changes in the industry approach.</p>
Natural England	<p>Sandwave Clearance, Dredge and Disposal Site Characterisation – Revision B (Appendix 15 to Deadline 4)</p> <p>Table 14.11 – ‘Post-construction surveys undertaken for TOWF identified that changes in faunal composition between pre and post-construction were only as a result of natural variation, suggesting no long-term impacts from increased SSC or increased sediment deposition.’ Is there suitable and comparable evidence that is applicable to this assessment as there was no foundation drilling or sandwave clearance at Thanet offshore windfarm?</p>	<p>The Applicant can confirm that suitable benchmarks have been utilised to ensure that the assessment is accurate. The benchmarks utilised are as advocated in best practice guidance and recorded within the MarLIN/MarESA assessments.</p>

Interested Party	Key points raised in the Submission	Applicant's response
Natural England	<p>Outline Offshore Operation and Maintenance Plan – Revision B (Appendix 22 to Deadline 4)</p> <p>Natural England has no further comments on this document, but find it a useful document to refer to particularly in the post-construction stage when we provide our statutory advice to the MMO.</p>	This is noted and welcomed by the Applicant.
Natural England	<p>The consequences of the SEZ on assessment of Red-throated Diver interest feature of OTE SPA alone and in-combination (Appendix 19 to Deadline 4)</p>	Detailed responses to these representations are provided in Appendix 43 of the Applicant's Deadline 6 Submission.
Natural England	<p>Offshore Ornithology In-combination Effects Position Paper on Kittiwake and the FFC SPA (Appendix 25 to Deadline 4)</p>	Detailed responses to these representations are provided in Appendix 43 of the Applicant's Deadline 6 Submission.
Natural England	<p>Draft Development Consent Order – Revision E (Appendix 9 to Deadline 4B)</p> <p>In previous responses at Deadline 3 and at Deadline 4 Natural England have been encouraged by the progress in securing relevant monitoring plans within the DCO. This includes additional commitments to pre and post construction monitoring associated with offshore infrastructure and the potential impacts they could cause to the benthic environment, particularly within designated sites.</p> <p>However, there are still instances where Natural England require further assurances around some</p>	The Applicant notes that Natural England have submitted their Deadline 5a Submission (PINS Ref REP5A-005) which provides signposting to the items raised in their Deadline 5 Submission and whether these items have been addressed. The Applicant has provided point by point responses to the commentary on the dDCO in Appendix 44 of the Applicant's Deadline 6 Submission.

Interested Party	Key points raised in the Submission	Applicant's response
	<p>monitoring commitments and believe the impacts of certain proposed works need to be included in any pre and post-construction surveys.</p> <p>It should also be noted that following discussions with the MMO we have suggested variations to the timescales on which some documents should be received by the MMO and subsequently by Natural England as their statutory advisers.</p>	
Natural England	<p>Draft Development Consent Order – Revision E (Appendix 9 to Deadline 4B) Schedule 12 – Export Cable System</p> <p>Part 4 Conditions – Condition 13 2 (a) – As mentioned previously in section 2.1, there is reference to ground truthing the pre-construction geophysical data within the BRMP and the schedule of monitoring. However, for completeness it would be useful to explicitly state that ground truthing will be carried out within this condition, to ensure a clear mechanism to carry out the surveys is provided.</p>	<p>As noted in Natural England's Deadline 5a Submission (PINS Ref REP5A-005), Natural England stated that this item was not addressed in the dDCO submitted at Deadline 5 (PINS Ref REP5-045). The Applicant has provided a full response to this item in Appendix 44 of the Applicant's Deadline 6 Submission.</p>
Natural England	<p>Draft Development Consent Order – Revision E (Appendix 9 to Deadline 4B) Schedule 12 – Export Cable System</p> <p>Part 4 Conditions – Condition 13 (2) (b) – It states "In the event that certain works are carried out in the</p>	<p>As confirmed in Natural England's Deadline 5a submission (PINS Ref REP5A-005) this issue has been resolved by amendments to the dDCO as submitted to Deadline 5 (PINS Ref REP4-045).</p>

Interested Party	Key points raised in the Submission	Applicant's response
	Goodwin Sands rMCZ..." Further reference to what these works are should be made clearer to avoid any ambiguity.	
Natural England	<p>Draft Development Consent Order – Revision E (Appendix 9 to Deadline 4B) Schedule 12 – Export Cable System</p> <p>Part 4 Conditions – Condition 13 (2) (b) (i) – Reference is made to sub paragraph 2(c) however, paragraph 2(c) refers to the saltmarsh plan which is not in line with this paragraph. This requires further clarification from the applicant.</p>	<p>As noted in Natural England's Deadline 5a Submission (PINS Ref REP5A-005), Natural England stated that this item was not addressed in the dDCO submitted at Deadline 5 (PINS Ref REP5-045). The Applicant has provided a full response to this item in Appendix 44 of the Applicant's Deadline 6 Submission.</p>
Natural England	<p>Draft Development Consent Order – Revision E (Appendix 9 to Deadline 4B) Schedule 12 – Export Cable System</p> <p>Part 4 Conditions – Condition 13 (2) (b) (ii) – It states that geophysical monitoring will be "interpreted" to help monitor changes in sediment type following sandwave clearance. What will this interpretation involve? Furthermore, in line with Natural England's suggestion at section 9.5.1.6. and the applicants Condition 13 (2) (b) (i) pre-construction ground truthing drop down video surveys should be extended to include areas likely to be impacted by sandwave clearance.</p>	<p>As noted in Natural England's Deadline 5a Submission (PINS Ref REP5A-005) this item was not considered to be addressed in the dDCO submitted at Deadline 5 (PINS Ref REP5-045). The Applicant has provided a full response to this item in Appendix 44 of the Applicant's Deadline 6 Submission.</p>

Interested Party	Key points raised in the Submission	Applicant's response
Natural England	<p>Draft Development Consent Order – Revision E (Appendix 9 to Deadline 4B) Schedule 12 – Export Cable System</p> <p>Part 4 Conditions – Condition 13 (2) (e) – Natural England welcome the addition of further surveys for ringed plover to inform a ringed plover mitigation plan. However, we would welcome further discussion with the applicant to seek clarity on how the surveys will be used to inform and implement additional mitigation.</p>	<p>As confirmed in Natural England's Deadline 5a submission (PINS Ref REP5A-005) this issue has been resolved by amendments to the dDCO as submitted to Deadline 5 (PINS Ref REP4-045) and through discussions with the Applicant.</p>
Natural England	<p>Draft Development Consent Order – Revision E (Appendix 9 to Deadline 4B) Schedule 12 – Export Cable System</p> <p>Part 4 Conditions – Condition 15 (5) – Within the pre-construction section at Condition 13 (2) (b) (ii) it states that data will be interpreted to determine the potential effects from sandwave clearance within the pMCZ. At condition 15 (5) regarding the post construction phase there is no reference to monitoring the effects of sandwave clearance within the pMCZ, only cable protection. There needs to be sufficient linkages between the pre and post construction surveys to determine any impacts from these works. Additionally, and as stated in Natural England's response at Deadline 4 within section 3.2.1.4, there needs to be a widening of these post-</p>	<p>As confirmed in Natural England's Deadline 5a submission (PINS Ref REP5A-005) this has been resolved by amendments to the dDCO as submitted to Deadline 5 (PINS Ref REP4-045).</p>

Interested Party	Key points raised in the Submission	Applicant's response
	<p>construction ground truthed surveys to cover the areas impacted by sandwave clearance within the pMCZ.</p>	
<p>Natural England</p>	<p>Draft Development Consent Order – Revision E (Appendix 9 to Deadline 4B) Schedule 12 – Export Cable System Part 4 Conditions – Condition 15 – Within the BRMP it is made clear that post-construction monitoring will be undertaken to validate the success of any micro-siting. However, there is no reference to this within condition 15, and 17 of Schedule 11 Part 4. For completeness, it should explicitly state within this condition that this monitoring will be carried out. This will ensure a clear mechanism is there. Also, in line with the applicant's assertions that ground truthing data will be collected pre-construction for the BRMP this should be committed to post-construction to aid in determining the success of any micro-siting.</p>	<p>As noted in Natural England's Deadline 5a Submission (PINS Ref REP5A-005) this item was still under discussion with the Applicant. The Applicant has provided a full response to this item in Appendix 44 of the Applicant's Deadline 6 Submission.</p>
<p>Natural England</p>	<p>Draft Development Consent Order – Revision E (Appendix 9 to Deadline 4B) Schedule 12 – Export Cable System Part 7 Miscellaneous and General – Arbitration (36) – Natural England's concerns regarding arbitration remain. Natural England feel that this is unlikely to change during the examination process without a significant change in position of the Applicant. We</p>	<p>The Applicant notes Natural England's response and refers them to the Legal Opinion of Counsel submitted at Deadline 5, alongside the various responses provided at this Deadline 6 to the questions raised in relation to arbitration by the MMO and other IPs.</p>

Interested Party	Key points raised in the Submission	Applicant's response
	<p>note that the Norfolk Vanguard and Hornsea 3 application have made recent changes to their dDCOs which excludes the MMO and BEIS from arbitration. It is our view that it excludes Natural England and any consultee on these matters as well; because the wording as proposed is not excluding the MMO, but excluding the decision processes which the MMO/BEIS regulate. Thus, Natural England's statutory advice would be free from arbitration. A similar decision on the Thanet Extension project would be welcome.</p>	
<p>Natural England</p>	<p>Review of the Environment Statement and Report to Inform Appropriate Assessment in relation to the Structure Exclusion Zone (Appendix 23 to Deadline 4) Overall, Natural England agrees with the conclusions reached within this document following the introduction of the Structure Exclusion Zone (SEZ). Table 3 highlights the various chapters and protected sites that will be affected or have implications as a result of the SEZ. In the parameters of Natural England's remit, we believe the applicant has successfully identified the topics and protected sites that could be affected by the SEZ. This is primarily the implications for the Outer Thames Estuary SPA.</p>	<p>The Applicant welcomes the response of Natural England and agrees with its content.</p>

Interested Party	Key points raised in the Submission	Applicant's response
Natural England	<p>Addendum to the Environment Statement in relation to the Structure Exclusion Zone (Appendix 3 to Deadline 4b)</p> <p>Overall, Natural England agrees with the conclusions of this review that the introduction of the SEZ results in no significant change to the effects presented in the ES. Consideration by Natural England of the implication of the SEZ upon the Outer Thames Estuary SPA is provided in section 6 of this response.</p>	<p>The Applicant welcomes the response of Natural England and agrees with its content.</p>
Natural England	<p>RIAA Addendum (In relation to the Structure Exclusion Zone – Appendix 4 to Deadline 4b)</p> <p>Overall, Natural England agrees that the only sections within the RIAA that are affected by the introduction of the SEZ are those relating to the Outer Thames Estuary SPA, and obvious changes to the project description section. Consideration by Natural England of the implications of the SEZ upon the Outer Thames Estuary SPA is provided in section 7 of this response.</p>	<p>The Applicant welcomes the response of Natural England and agrees with its content.</p>
Natural England	<p>Draft Site Integrity Plan – Revision B (Appendix 18 to Deadline 4)</p> <p>Section 6 (paragraph 27, first bullet point) – Natural England believes this paragraph is intended to read ‘...the risk of injury is considered to be very low.’ rather than ‘...disturbance...’ as it currently does.</p>	<p>The Applicant can confirm Natural England is correct.</p>
Natural England	<p>Natural England welcomes the commitments made within the SIP regarding the mitigation methods</p>	

Interested Party	Key points raised in the Submission	Applicant's response
	described in section 4, specifically; undertaking management of project activities to ensure the project remains within thresholds, AND/OR liaison with MMO to determine if the in-combination effect could be managed so as to remain within the thresholds, AND/OR a seasonal restriction for Thanet Extension, enabling works to be planned in a manner that avoids exceeding the thresholds. Natural England considers these commitments should be secured in the DCO/DML to ensure they are enforceable. This would also allow Natural England to conclude no Adverse Effect on Integrity on the harbour porpoise feature of the Southern North Sea SAC.	Natural England confirmed in their Deadline 5a Submission (PINS Ref REP5A-005) that they were content with the wording in Schedule 11, Part 4, Condition 13 (k) but requested that this be mirrored in Schedule 12– see Appendix 44 of the Applicant's Deadline 6 Submission for further details.
Natural England	<p>Action Point 1 - Red Throated Diver of the Outer Thames Estuary SPA</p> <p>For Natural England's responses to 1a. and 1b. please refer to Appendix 1 below.</p>	Detailed responses to these representations are provided in Appendix 43 of the Applicant's Deadline 6 Submission.
Natural England	<p>Action Point 3 - Kittiwake of the Flamborough and Filey Coast SPA</p> <p>For Natural England's responses to 3a to d please refer to Appendix 1 below.</p>	Detailed responses to these representations are provided in Appendix 43 of the Applicant's Deadline 6 Submission.
Natural England	<p>Action Point 6 - Ringed Plover Mitigation</p>	The Applicant welcomes the response of Natural England and agrees with its content.

Interested Party	Key points raised in the Submission	Applicant's response
	<p>Natural England welcome the provision of pre-construction surveys to determine the location or presence of ringed plover, which will then inform the need for a ringed plover mitigation plan. Ringed plover are a notified feature of the Sandwich Bay and Hacklinge Marshes SSSI and we welcome any further surveys and additional mitigation.</p>	
<p>Natural England</p>	<p>Action 7 - In Principle Offshore Ornithology Monitoring Plan</p> <p>Natural England notes the applicant's comments in relation to Ornithological Monitoring. We accept that both options of a site specific study and a wider study are considered at this stage. We acknowledge that whether a site specific study is appropriate will depend on the results of a power analysis to determine whether a significant displacement effect can be detected. If a more 'strategic' study is considered we advise that the focus should remain on the levels of displacement of red throated diver from the Outer Thames Estuary SPA.</p>	<p>The Applicant welcomes the response of Natural England and agrees with its content.</p>
<p>Natural England</p>	<p>Action 8 - HRA Conclusions in respect of Thanet Coast and Sandwich Bay SPA</p> <p>No, Natural England does not agree with the Applicant's statement that saltmarsh is not a</p>	<p>The Applicant notes that Natural England disagree that saltmarsh is not a supporting habitat. Whilst the Applicant observes that the SPA supporting information differs in its interpretation of whether saltmarsh is a supporting habitat or not the Applicant has undertaken an assessment on the</p>

Interested Party	Key points raised in the Submission	Applicant's response
	<p>supporting feature of the Thanet Coast and Sandwich Bay SPA. We have raised consistently throughout our relevant representation and written representations that we believe the saltmarsh does provide a role in supporting the features of the SPA. The applicant's assertions that it doesn't provide a role is based on limited survey data from the site. Furthermore, even though the applicant suggests that the saltmarsh is not utilised by the features it would be wrong to state that the saltmarsh does not provide an ecological service to the wider SPA.</p>	<p>basis that the saltmarsh may form an ecological service, even if it is unlikely to be a preferred habitat for the SPA designated species.</p>
<p>Natural England</p>	<p>Action Point 9 - Harbour Porpoise of the Southern North Sea SAC</p> <p>a. Discussions are still ongoing with the applicant regarding the Technical topics SoCG and we shall aim to submit the latest version as soon as possible.</p> <p>b. For Natural England's response to 9b please refer to Appendix 2 below.</p>	<p>Detailed responses to these representations are provided in Appendix 43 of the Applicant's Deadline 6 Submission.</p>
<p>Natural England</p>	<p>Action Point 10 - Thanet Coast SAC</p> <p>Please refer to the Technical Topics SoCG as submitted by the applicant at Deadline 5.</p>	<p>Noted, the Applicant has provided a revised SoCG on technical topics at Appendix 15 of this Deadline 6 submission.</p>
<p>Natural England</p>	<p>Action Point 11 - Saltmarsh Mitigation, Reinstatement and Monitoring Plan</p>	<p>The Applicant welcomes the response of Natural England and agrees with its content.</p>

Interested Party	Key points raised in the Submission	Applicant's response
	<p>a. Natural England have provided comment within section 2 of our Deadline 5 response. This plan is now agreed with the applicant.</p> <p>b. The reinstatement commitments are clearly outlined within section 7.2, with post construction monitoring of the saltmarsh within the SMRMP additionally outlined within condition 12 (2) (a) of the DCO/DML. The SMRMP is also a certified document within the DCO. Although this does provide reassurance to Natural England that the commitments within the SMRMP will be followed, a reference to reinstatement following construction would be beneficial.</p>	
<p>Natural England</p>	<p>Action Point 13 - Seasonal Restriction for Inter-Tidal Cable Works</p> <p>Natural England comments on the associated questions posed by the ExA:</p> <p>a. Although the seasonal restriction is stated within the ES documentation, it is only mentioned once within the DCO where it states “proposed timings for mobilisation of plant delivery of materials and installation works having due regard to seasonal restrictions as assessed within the ES.” This seasonal restriction is a key piece of mitigation for construction</p>	<p>The Applicant notes that this has been updated and sits within the draft DCO submitted at Deadline 5.</p> <p>The Applicant can also confirm that the intertidal works have been defined according to the relevant Works Plan Area (3A and 3B).</p>

Interested Party	Key points raised in the Submission	Applicant's response
	<p>works to avoid adverse effects upon the features of the SPA and therefore a more explicit condition within the DCO / DML would be appropriate.</p> <p>b. No further comment from Natural England.</p> <p>c. Natural England would welcome this further clarification on the true geographical extent of the seasonal restriction.</p> <p>d. See above.</p>	
Natural England	<p>Action Point 15 - Appropriate Security of Mitigation in the Inter-tidal Zone</p> <p>Natural England defer to the MMO on this point. Regardless, it is essential that the mitigation is adequately secured within the DCO / DML. It should be clear, unambiguous and there should be the necessary mechanisms in place for the MMO (or relevant competent authority) to take action.</p>	<p>The Applicant notes this and can confirm that a response was provided at Appendix of Deadline 5, which concluded that mitigation is fully secured either within the dML or schedule of mitigation (Appendix 3 at Deadline 5).</p>
Natural England	<p>Action Point 17 – Outline Offshore Operation and Maintenance Plan</p> <p>All O&M activities should be assessed up front within the environmental assessment and thus covered in the current parameters outlined within the DML. This</p>	<p>The Applicant notes and agrees and can confirm that the O&M plan and assessed parameters are outlined within the dML(s) and associated documentation.</p>

Interested Party	Key points raised in the Submission	Applicant's response
	reduces risks to the project and environment during construction and operational phase of the project.	