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Date:
28/05/2019

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The Applicant's response to Deadline 6

Dear Ms Mignano,

The Applicant is pleased to provide its response to Deadline 6, required for submission by 23:59, Tuesday 28 May 2019.

These documents have been prepared by the Applicant in response to the revised Rule 8 letter issued by the Examining Authority (ExA) on 9 April 2019. All submissions are listed in the updated Guide to the Application (Appendix 1).

Submissions requested by the ExA for Deadline 6

As requested in the Examination timetable, Annex B to the Rule 8(3) letter, the following document has been submitted:

- Final Statements of Common Ground (SoCGs) (Appendices 4 – 21) and Statements of Commonality (Appendices 2 and 3).
 - Where final SoCGs have not been able to be reached, this is set out, with an explanation, in the Statements of Commonality.
- Responses to ExQ3 (Appendix 22)
- Comments on responses to ExQ2 (Appendix 23)
- Comments on the ExA's dDCO commentary (Appendix 24)
- Comments on the RIES (Appendix 25)
- Comments on additional information received by Deadline 5/5A on shipping and navigation (Appendix 26) and general matters (Appendix 27). These include comments made by IPs on the SEZ Material Change application
 - Comments on Natural England's ISH8 Action Points responses from Deadline 5 are provided in Appendix 43.
- Comments on responses at Deadline 5A from IPs on the dDCO (Appendix 44)
- SEZ Material Change Consultation Report (Appendix 28)

No requests to become an IP or OP were received by the Applicant in responses to the SEZ Material Change consultation package.

Whilst the Rule 8 letter requires an updated dDCO for Deadline 7, the Applicant notes the request by the ExA at ISH9 to submit this for Deadline 6. A revised dDCO is provided at Appendix 50 and revised supporting documents are submitted as Appendix 51.

Additional submissions made at Deadline 6

In addition to the submissions requested by the ExA, the following documents have been submitted at Deadline 6:

- Updated land and commercial agreements tables (Appendices 30-35) and an updated status of National Trust agreement on Compulsory Acquisition, as requested at CAH2 (Appendix 39)
- Final version of the Fisheries Liaison and Co-existence Plan (Appendix 36)
- Response to ISH8 Action Point 20: Pilotage Simulation (Appendix 38)
- Further supporting evidence on shipping and navigation matters:
 - Commentary on AIS Animations (Appendix 41). Three animations are also submitted as part of this Deadline 6 submission.
 - An independent report on Collision Risk Modelling the SEZ (Appendix 42)
- Confirmation of DCO coordinates, as request as Action Point 13 from ISH7 (Appendix 51), noting these have been checked against those in the dDCO.
- A revised and final Schedule of Mitigation (Appendix 52)
- A revised and final onshore archaeological outline written scheme of investigation (Appendix 56)

Applicant's response to ExA comments on further pilotage simulation from Action Points from ISH8 (EV-046)

The Applicant has provided a proposed approach to further pilotage simulation at Appendix 38.

The Applicant is mindful that the Examining Authority stated in the Action Points ISH8 2/2 (Annex A) that such a simulation exercise could result in further changes being required to the proposed development, in order to render it acceptable. Whilst the Applicant strongly considers that the project is acceptable as proposed, in the unlikely event that any simulation did result in further changes being required, Regulation 19 of the Infrastructure Planning (Examination Procedure) Rules 2010 (SI 2010/103) would be relevant, as follows:

(3) If after the completion of the Examining authority's examination, the [Secretary of State]—

(a) differs from the Examining authority on any matter of fact mentioned in, or appearing to the [Secretary of State] to be material to, a conclusion reached by the Examining authority; or

(b) takes into consideration any new evidence or new matter of fact,

and is for that reason disposed to disagree with a recommendation made by the Examining authority, the [Secretary of State] shall not come to a decision which is at variance with that recommendation without—

- (i) notifying all interested parties of the [Secretary of State's] disagreement and the reasons for it; and*
- (ii) giving them an opportunity of making representations in writing to the [Secretary of State] in respect of any new evidence or new matter of fact.*

It is therefore of importance that any pilotage simulation – and the results of it that may or may not necessitate changes to application documentation – is properly consulted upon, and the Secretary of State has time to consider and take into account those changes and associated consultation responses.

The Applicant would therefore respectfully suggest that should the Examining Authority be of the view that a pilotage simulation could still be necessary to inform the Secretary of State's decision (without prejudice to the final views of the Examining Authority), a procedural decision is made before close of Examination recommending that the Applicant undertakes such a simulation voluntarily and in particular that all associated parties and stakeholders continue to engage with the Applicant in order to facilitate and discuss any pilotage simulation and its results.

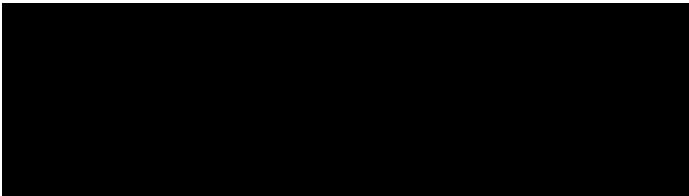
The Applicant is confident that the simulation and appropriate stakeholder engagement can be undertaken during the three-month period post close of Examination. The Secretary of State would then be able to review – and allow proper and full consultation upon – any simulation and associated updated documentation.

Email submission of documents

The documentation submitted at Deadline 6 is being sent via email to the PINS Thanet Extension address. These emails will be numbered and will each contain a document or documents under 12mb in size.

Should there be any queries or issues with the documents submitted please contact myself.

Kind regards



Daniel Bates
Consents Manager – Thanet Extension Offshore Wind Farm
Vattenfall Wind Power Ltd

