



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES  
2010

**Thanet Extension Offshore Windfarm**

Planning Inspector Reference: EN010084

**Comments on responses to the ExA's further requests for information under EPR Rule 17**

6<sup>th</sup> June 2019

## Thanet Extension – Comments on responses to the ExA’s Further requests for information under EPR Rule 17

Following submission of Natural England’s and other consultees responses to the Examining Authority’s further requests for information under EPR Rule 17, regarding the construction and operation of Thanet Extension Offshore Wind Farm, Natural England has reviewed the releavnt responses and commented on the major issues within the remit of Natural England. We have not commented on questions which we deem to be outside of our remit or did not answer originally. Relevant responses from other consultees are provided in the table below, together with Natural England’s position on the comments.

**Green Comments** – Natural England have no further comments, comments support/agree with Natural England position or does not impact on Natural England concerns.

**Amber Comments** – Natural England comments may be in contradiction, further advice needed, or potential new issue not included in Natural England comments.

**Red Comments** – Comments in direct contradiction with Natural England position or represents a significant issue not mentioned in Natural England’s comments.

**Grey Comments** – Comments that are not relevant to Natural England.

Reference	Question to	Questions	Natural England's Original Answers	Applicants or other stakeholders answers	Natural England Comments on other stakeholder answers.
4.1.7	Natural England and the Applicant	<p><b>Goodwin Sands pMCZ</b></p> <p>Paragraph 2.5 of Natural England's D6 letter considers that the Applicant's commitment to dispose of sediment within 500 m of Goodwin Sands pMCZ should be sufficiently secured within the DCO/DML. The ExA notes that this is reflected as mitigation reference 5.5 of the updated Schedule of Mitigation (Rev. D) which points to the Cable Specification and Installation and Monitoring Plan but that does not appear to be explicitly stated on the face of the DCO/DML.</p> <p>a) Noting that the Schedule of Mitigation will be a</p>	<p>a) With the inclusion of condition 25 to ensure the certified documents must be followed, Natural England is mostly satisfied that this key mitigation has been secured. However, Natural England notices the Schedule of Mitigation is not listed in Paragraph 2 and thus cannot be modified. Should new evidence or changes to works highlight a need to change this mitigation this would not be possible under the current drafting. Natural England would suggest that consideration should be given to allow the MMO to authorise changes to this schedule, in consultation with the relevant statutory nature conservation body. It should also be noted that changes may be needed to other mitigation captured within the Schedule and the inability to make changes could cause issues post consent. The logical way to ensure this is to add it to the list of documentation within condition 25 to which the MMO may authorise changes.</p> <p>b) Natural England will provide comment on any change of</p>	<p><b>Applicant's Response</b></p> <p>a) The Applicant recognises this question is for Natural England but would make the following observations. The Applicant recognises the ExA's observation that the Goodwin sands MCZ is provided for within the Schedule of Mitigation, and the other identified documents, and as such would consider this commitment to be fully and appropriately secured and does not require further explicit reference on the face of the DCO.</p> <p>b) The Applicant will respond in due course.</p>	<p>a) Natural England acknowledges the Applicant's position within their response. As stated we are "<i>mostly satisfied that this key mitigation has been secured.</i>" However, we note that to allow the MMO to make any updates or changes to this document it should be added to the list of documentation within condition 25 to which the MMO may authorise changes.</p> <p>b) As we are currently between Deadlines the Applicant has only just had sight of our comments and has not had the chance to reply.</p>

		<p>certified document, does NE consider that sufficient security for the commitment has been provided? If not, please could Natural England articulate how they would wish to see this secured within the DCO at Deadline 7?</p> <p>b) The Applicant is also invited to comment on this matter and provide any revised drafting by Deadline 8.</p>	<p>wording and / or the Applicant's response at Deadline 7.</p>		
4.1.8	<b>The Applicant and Natural England</b>	<p><b>Schedule of Mitigation, Rev. D</b></p> <p>a) Given that the Schedule of Mitigation is to become a certified document, could the Applicant please remove all references to withdrawn Landfall Option 2 from the</p>	<p>a) Natural England supports the recommendation to remove references to landfall option 2 within the Schedule of Mitigation.</p> <p>b) Natural England will review the amended schedule and provide comments at deadline 7 as requested.</p>	<p><b>Applicant's Response</b></p> <p>a) The Applicant has undertaken a full review of the Schedule of Mitigation and provided a revised copy (Revision E), with all references to Option 2 removed, as Appendix 2 of the Applicant's Deadline 6A Submission. The Applicant has provided an associated annex (Annex A) which indicates the rows of the schedule which have been updated.</p> <p>b) This is noted by the Applicant</p>	<p>a) Natural England has briefly reviewed the Schedule of Mitigation (Revision E) and can confirm all references to landfall Option 2 have now been removed.</p> <p>b) Natural England have briefly reviewed the Schedule of Mitigation and our points raised at Deadline 6</p>

		<p>document and also undertake a sense check of the whole document to ensure that it reflects the latest position.</p> <p>b) Natural England is invited to provide comments on drafting by Deadline 7.</p>		<p>and will review the submission in due course.</p>	<p>associated with this document have been addressed.</p>
<p><b>4.1.9</b></p>	<p><b>The Applicant and Natural England</b></p>	<p><b>Security for the Saltmarsh Mitigation, Reinstatement and Monitoring Plan (SMRMP)</b></p> <p>Paragraph 3.4.1 of Natural England's D6 letter raises some questions about the security of the contents of the SMRMP. Could the applicant please respond to these points, specifically:</p> <p>a) Should the DCO include a requirement for an updated version of the SMRMP to be</p>	<p>Natural England will provide comment on any revised wording, or on the Applicant's response to this issue at deadline 7, as requested.</p>	<p><b>Applicant's Response</b></p> <p>a) The Applicant can confirm that the commitment for submission of monitoring scope is explicit within the SMRMP document, requiring the Applicant to agree final survey layout and transect alignment. This is secured by the relevant monitoring conditions. As such this commitment is made clear within the SMRMP which is a certified plan, and as a result the Applicant does not feel it appropriate to commit to resubmission of the plan itself.</p> <p>b) The Applicant does not consider it appropriate or necessary to make specific provision within the DCO/DMLs to secure any mitigation arising from the SMRMP. The Applicant considers the relevant measures to be secured in the SMRMP and</p>	<p>As per Natural England's response at Deadline 6 we consider it appropriate that a condition is added to ensure an updated Saltmarsh Mitigation, Reinstatement and Monitoring Plan is submitted for approval prior to works in the saltmarsh commencing.</p> <p>As currently drafted there is no facility to amend the current mitigation or reinstatement works plan should there be a need i.e. through new methodologies, new technology or evidence.</p> <p>Natural England notes that the applicant has</p>

		<p>submitted to the relevant authorities prior to construction, in a similar way to the other pre-construction plans and documentation dealt with under conditions 11 and 13 of Schedule 12? If so, please provide the revised drafting. If not, please provide reasons.</p> <p>b) Whilst the monitoring associated with the SMRMP is secured in conditions 15 and 17 of Schedule 12, does specific provision need to be made within the DCO/DMLs to secure any mitigation arising from the SMRMP? If so, please provide the revised drafting. If not, please provide reasons.</p>		<p>would note that as the suite of available measures are contingent on survey results, the DCO would require 'either/or' drafting which is not considered appropriate DCO drafting.</p> <p>c) The Applicant questions if this should read D8 but will respond in due course.</p>	<p>confirmed that the mitigation and reinstatement measures to be adopted will be dependent on survey results. This is a standard approach as it is not until the final methodology is defined that the mitigation and reinstatement works can be fully detailed. However, the choice, scope and methodology of these measures should be subject to regulatory approval and consultation with Natural England as the relevant Statutory Nature conservation body. The best way to achieve this would be through submission of an updated plan following the survey works and identification of the final installation methodology and cable route.</p> <p>Natural England would note that conditions requiring such approval and consultation have been used on the Marine Licence of all OWF projects installing cable through saltmarsh habitat. Such as Race Bank, Lincs, and Thanet OWF. They were also a</p>
--	--	--	--	---	---

		c) Natural England is invited to comment on any revised drafting by Deadline 7.			requirement on the NEMO cable link project which installed cables through the same saltmarsh as proposed for Thanet Extension.
4.4.8	<b>The Applicant and Natural England</b>	<b>Natural Environment Security</b> a) Attention is also drawn to the questions in matter 4.1 (Biodiversity, Ecology and Natural Environment) above that have implications for DCO drafting.	We are currently reviewing the dDCO which was submitted by the applicant at Deadline 6 and will provide further comment at Deadline 7 with regards to any implications of the changes the Applicant has made.	<b>Applicant's Response</b> The Applicant refers the Examining Authority to the responses provided at R17Q section 4.1.	Please see comments above.