



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES  
2010

**Thanet Extension Offshore Windfarm**

Planning Inspector Reference: EN010084

**Natural England's Comments on responses to the ExA's Further Written Questions (ExQ3)**

6<sup>th</sup> June 2019

## Thanet Extension – Natural England’s Comments on responses to the ExA’s Further Written Questions (ExQ3)

Following submission of Natural England’s and other consultees responses to the Examining Authority’s third written questions regarding the construction and operation of Thanet Extension Offshore Wind Farm, Natural England has reviewed relevant 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.
3.0	<b>General and Cross-topic Questions</b>				
	No further comments from NE.				
3.1	<b>Biodiversity, Ecology and Natural Environment (including HRA)</b>				
3.1.2.	Natural England	<p><b>Site Integrity Plan: Security</b></p> <p>In para. 13.1 of [REP5-064], Natural England states that the commitments to mitigation methods described in section 4 of the SIP "should be secured in the DCO/DML to ensure they are enforceable". This is presented as a condition of Natural England's agreement with the Applicant's HRA conclusions in relation to the harbour porpoise feature of the Southern North Sea SAC.</p>	<p>Natural England welcomes the commitment to the mitigation measures outlined in the SIP. These measures are presented as a range of options which will be considered when the SIP is revisited and implemented if deemed necessary at that time. Natural England is content with this approach however, we are not able to conclude no AEol on the SNS SAC in-combination for Thanet Extension until there is a mechanism in place to manage a range of SIPs from different projects. We would however, be content to conclude no AEol on the SNS SAC in-combination for Thanet Extension at this time if the seasonal restriction were secured in its own right on the face of the DCO. Natural England have suggested this approach to</p>	<p><b>Applicant's Response</b></p> <p>a) It is the Applicant's opinion that the mitigation methods within the Outline SIP (PINS Ref REP4-022) are adequately secured through the Outline plan itself, which is secured in the DCO by way of both requirement and condition, and also the Schedule of Mitigation which accompanies this Deadline 6 submission. The Applicant has to comply with its content as contained within the Outline SIP (and then the detailed document as approved). As such it is considered that this combination adequately secures the potential suite of mitigation measures which may or may not be required,</p>	<p><b>Natural England's further comments</b></p> <p>a) Natural England confirms that there still remains disagreement between ourselves and the applicant regarding this matter. We reiterate that we would be content to conclude no AEol on the SNS SAC in-combination for Thanet Extension at this time if the seasonal restriction were secured in its own right on the face of the DCO / DML.</p> <p>b) Natural England has no further comment regarding this point.</p>

		<p>a) Could Natural England please confirm whether or not it considers the dDCO/DMLs, as drafted [REP5-019], provide adequate security for the mitigation commitments of the SIP?</p> <p>b) If not, please outline fully the changes sought to the dDCO/DMLs.</p>	<p>the Applicant, but we believe they do not wish to proceed with it. Therefore our advice remains that we are unable to conclude no AEol on the SNS SAC in-combination from Thanet Extension at this time.</p>	<p>without the need to provide wording in the DCO that seeks to capture the suite of measures that may be required. Imposing prescribed measures on the face of the DCO, which may not be required, is not robust or necessary when the document itself documents such measures, and how they would be undertaken, in detail.</p> <p>It is the Applicant's view therefore that such and/or wording is not appropriate legal drafting, and is more appropriately secured through the plan itself. The Applicant can confirm that the latest Statement of Common Ground (SoCG) which Natural England (Appendix 15 of the Applicant's Deadline 6) confirms that there is a disagreement on this matter between the parties.</p> <p>b) The Applicant's position on this matter (and the associated changes to the wording in the dDCO) is presented in Appendix 44 of the Applicant's Deadline 6 Submission.</p>	
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3.1.4	The Applicant and Natural England	<p><b>Goodwin Sands Proposed Marine Conservation Zone (pMCZ)</b></p> <p>The SoCG with Natural England [REP5-076] identifies a number of areas that are not yet agreed in relation to the assessment of impacts on the Goodwin Sands pMCZ. In addition, section 4 of [REP5-064] sets out some specific requests for inclusion in the MCZ assessment. The notes within the SoCG indicate that actions agreed at a meeting on 2 May 19 may be capable of bringing the Applicant and Natural England to agreement, but full details of those actions have not been provided.</p> <p>a) At Deadline 6, could the parties please provide an updated position on agreement with</p>	<p>a) An updated position has been provided within the SoCG submitted at Deadline 6.</p> <p>b) As the SoCG highlights at Deadline 6, many of the disagreements have now been resolved. However, there a few positions that are currently still under discussion. Natural England and the Applicant have both provided commentary on these points within the SoCG, highlighting a proposed way forward.</p> <p>c) Natural England acknowledge this.</p>	<p><b>Applicant's Response</b></p> <p>a) Appendix 15 of the Applicant's Deadline 6 Submission provides the final SoCG between the Applicant and Natural England. This document confirms that the parties have reached agreement on the assessment, mitigation, monitoring and conclusions for the Goodwin Sands pMCZ, subject to receipt of a signposting clarification note. This matter therefore remains under discussion, but it is anticipated that there is no impediment to agreement being reached by Deadline 7.</p> <p>b) The Applicant notes that there is a disagreement between the Applicant and Natural England for the adequacy of the baseline data used in the assessment of Goodwin Sands pMCZ due to the timing of the proposed designation becoming material. This disagreement is clearly outlined in the SoCG and is addressed through the Applicant's commitment to undertake monitoring within the Goodwin Sands MCZ</p>	<p><b>Natural England's further comments.</b></p> <p>a) The Applicant has submitted two additional documents to ourselves in advance of Deadline 7. These documents are entitled "Collation of Marine Conservation Zone Assessment Submissions" and "MCZ Assessment Signposting Note." This was in response to our requests regarding the MCZ assessment at Deadline 6 within the SoCG. Further comments upon these documents provided in section 5 of our Deadline 7 response.</p> <p>b) The Applicant in their response has provided the correct narrative behind the disagreement within the MCZ section of the SoCG. Although this disagreement will remain between ourselves and the</p>
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		<p>regards to the pMCZ.</p> <p>b) If disagreement remains on any matters pertaining to the protection of the pMCZ at that stage, please provide a statement, agreed by both parties, setting out the remaining areas of disagreement and the extent to which resolution is being sought within the timescales of the examination.</p> <p>c) A concluding statement should be provided at Deadline 7.</p>		<p>should certain methods of construction be required, and if the MCZ is formally designated.</p> <p>c) This is noted by the Applicant and will be provided to the ExA in due course.</p>	<p>applicant, as stated it shall be addressed through the Applicant's commitment to undertake monitoring within the Goodwin Sands MCZ should certain methods of construction be required.</p> <p>c) Natural England has no further comment on this point.</p>
<b>3.2</b>	<b>Construction</b>				
	No further comments from NE.				
<b>3.3</b>	<b>Compulsory Acquisition, Temporary Possession and other Land or Rights Considerations</b>				
	No further comments from NE.				
<b>3.4</b>	<b>Draft Development Consent Order (DCO)</b>				

	No further comments from NE.
<b>3.5</b>	<b>Debris, Waste and Contamination</b>
	No further comments from NE.
<b>3.6</b>	<b>Electric and Magnetic Fields</b>
	No further comments from NE.
<b>3.7</b>	<b>Electricity Connections and Other Utility Infrastructure</b>
	No further comments from NE.
<b>3.8</b>	<b>Environmental Statement General</b>
	No further comments from NE.
<b>3.9</b>	<b>Fishing and Fisheries</b>
	No further comments from NE.
<b>3.10</b>	<b>Historic Environment</b>
	No further comments from NE.
<b>3.11</b>	<b>Marine and Coastal Physical Processes</b>
	No further comments from NE.

<b>3.12</b>	<b>Navigation: Maritime and Air</b>
	No further comments from NE.
<b>3.13</b>	<b>Noise and other Public Health Effects</b>
	No further comments from NE.
<b>3.14</b>	<b>Other Strategic Projects and Proposals</b>
	No further comments from NE.
<b>3.15</b>	<b>Socio-Economic Effects</b>
	No further comments from NE.
<b>3.16</b>	<b>Townscape, Landscape, Seascape and Visual</b>
	No further comments from NE.
<b>3.17</b>	<b>Transportation and Traffic</b>
	No further comments from NE.
<b>3.18</b>	<b>Water Environment</b>
	No further comments from NE.