

# **Vattenfall Wind Power Ltd**

## **Thanet Extension Offshore Wind Farm**

Appendix 4 to Deadline 7 Submission: Applicant's  
Response to Deadline 6 Interested Parties  
Submissions – Other Matters

Relevant Examination Deadline: 7

Submitted by Vattenfall Wind Power Ltd

Date: June 2019

Revision A

Drafted By:	Vattenfall Wind Power Ltd
Approved By:	Daniel Bates
Date of Approval:	June 2019
Revision:	A

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

Copyright © 2019 Vattenfall Wind Power Ltd  
All pre-existing rights retained

## Contents

1	Introduction .....	4
2	Applicant's comments on IP's responses to Third Written Questions (ExQ3) .....	5
3	Applicant's comments on IP's responses to Deadline 5 Submissions .....	17
4	Applicant's response to ExQ3 .....	26

## Tables

Table 1: Applicant's comments on IP's responses to Third Written Questions - ExQ3.0 General and Cross Topic Questions. ....	6
Table 2: Applicant's comments on IP's responses to Third Written Questions - ExQ3.1 Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA)) .....	7
Table 3: Applicant's comments on IP's responses to Third Written Questions - ExQ3.4 – Draft Development Consent Order.....	13
Table 4: Applicant's comments on IP's responses to Third Written Questions - ExQ3.10 – Historic Environment. ....	15
Table 5: Applicant's responses to commentary of Deadline 5 Submissions .....	18
Table 6: ExQ3 addressed to the Applicant.....	27

## 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 6 and has provided responses to all submissions relating to non shipping and navigation and DCO interests within this document.
- 2 This document should be read in conjunction with:
  - Appendix 2 of the Applicant's Deadline 7 Submission; and
  - Appendix 3 of the Applicant's Deadline 7 Submission.
- 3 Submissions relating to non-shipping matters were received from the following IPs at Deadline 6:
  - Marine Management Organisation (MMO);
  - Natural England;
  - Charles Russell Speechlys on behalf of Ramac Holdings Ltd;
  - National Trust;
  - Kent Wildlife Trust;
  - Kent County Council; and
  - National Grid Plc.
- 4 The structure of the comments in this document are as follows:
  - Section 2: Applicant's comments on IP's responses to Third Written Questions (ExQ3); and
  - Section 3: Applicant's comments on IP's responses to Deadline 5 Submissions.

## **2 Applicant's comments on IP's responses to Third Written Questions (ExQ3)**

- 5 The Applicant provided their response to the Examining Authorities (ExA) Third Written Questions (ExQ3) as Appendix 22 of the Applicant's Deadline 6 Submission.
- 6 Table 2 to Table 4 provides the Applicant's comments on the IP's responses to ExQ3.
- 7 For ease of reference the Applicant has included their responses to the ExQ3 questions which were to be addressed exclusively by the Applicant in Table 6.

**Table 1: Applicant's comments on IP's responses to Third Written Questions - ExQ3.0 General and Cross Topic Questions.**

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:	IP Response	Applicant's comments on IP response
3.0.1	The Applicant, BritNed Development Ltd, Southern Water, Steve Willey for Mario Campion.	<p><b>Audit of and final responses to Additional Submissions (AS)</b> The Applicant's is asked to review the Additional Submissions in the Examination Library (documents under the reference AS). Particular</p>	<p>a) The Applicant can confirm with regards responses to BritNed that the submissions made by the Applicant at Deadline 3 (Appendix 3 to Deadline 4: Response to Deadline 3 Submissions by Interested Parties (Non-Shipping)) remain valid. The response confirmed that there is no proposal for a 3km anchor pattern to be employed at this location during construction and as such there is no risk to the BritNed infrastructure. The terms of The Applicants subsea cable Agreement for Lease from the Crown Estate will require it to enter into crossing or proximity agreements with any offshore infrastructure owners where The Applicant is proposing works within their works restriction zone.</p> <p>b) The Applicant can confirm that beyond submissions made by the Applicant at Examination there have been no further discussions between the Applicant and BritNed regarding this matter. The Applicant also notes that no further representations have been made by BritNed but will respond appropriately should further representations be made. as above</p> <p>c) The Applicant will respond in due course.</p>	BritNed did not submit a response.	Not Applicable
		<p>attention is drawn to AS documents submitted by persons who have joined the Examination after its commencement and particularly to:</p>		Southern Water did not submit a response.	Not Applicable
		<p>[AS-012] BritNed Development Ltd; [AS-015] Southern Water; and [AS-016] Steve Willey for Mario Campion.</p> <p>a) Can the Applicant please ensure that its written submissions in response to these submissions are made at Deadline 6.</p> <p>b) Where relevant, can the Applicant please address the following matters:</p> <ul style="list-style-type: none"> <li>i) Whether any discussions have been held with the submitter and if so a summary of the progress that has been made;</li> <li>ii) Whether the submitter is a statutory undertaker and, if so, whether the submission is or is likely to be unwithdrawn</li> <li>iii) Whether the submitter occupies land affected a request for CA or TP powers</li> </ul> <p>c) The makers of these Additional Submissions are invited to make their responses to the Applicant's submission at Deadline 7.</p>		Steve Willey for Mario Campion did not submit a response.	Not Applicable

**Table 2: Applicant's comments on IP's responses to Third Written Questions - ExQ3.1 Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))**

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:	IP Response	Applicant's comments on IP response
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>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>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, without the need to provide wording in the DCO that seeks to capture the suite of measures that <i>may</i> 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>	<p><b>Natural England response:</b></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 AEoI 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 AEoI 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 the Applicant, but we believe they do not wish to proceed with it. Therefore our advice remains that we are unable to conclude no AEoI on the SNS SAC in-combination from Thanet Extension at this time.</p>	<p>The Applicant recognises Natural England's concerns but cannot agree to a seasonal restriction that is not currently required and will only become required should a mechanism to manage a range of SIPs not be in place.</p> <p>As already stated the detailed suite of mitigation measures is set out in the SIP, which is adequately secured through conditions 13 of Schedule 11 and condition 11 of Schedule 13. In the Applicant's view it is not appropriate to include the content of mitigation documentation on the face of the order, particularly given that the outline SIP is drafted to require certain mitigation mechanisms to implement on a contingent basis.</p>
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</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</p>	<p><b>Natural England Response:</b></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.</p>	<p>a) This is agreed and the Applicant's position remains unchanged.</p> <p>b) The Applicant notes that Goodwin Sands has now been formally designated as an MCZ (as of 31<sup>st</sup> May 2019). The Applicant has submitted a</p>

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:	IP Response	Applicant's comments on IP response
		<p>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 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>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 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>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>draft signposting document to Natural England addressing the residual points raised, and have received commentary back. The Applicant will submit the final signposting document at Deadline 8, with no anticipated disagreements with Natural England. NE have requested this in order to clearly and concisely demonstrate that all significant pressures and attributes have been considered. This will allow Natural England to confidently agree with conclusions, i.e. that conservation objectives are not hindered.</p> <p>c) Appendix 7 of the Applicant's Deadline 7 Submission provides an updated Statement of Commonality which sets out the remaining matters of disagreement between the parties.</p>
3.1.5.	Marine Management Organisation and the Applicant	<p><b>Potential Construction Noise Effects on Fish</b></p> <p>At Deadline 5, the Applicant provided additional material [REP5-003] to clarify its approach to assessing the construction noise effects on fish species. Table 8 of [REP5-049] indicates that considerable disagreement remains in respect of fish impacts and section 2 of the Marine Management Organisation's subsequent [REP5A-003] sets out a</p>	<p>a) The Applicant can confirm that continued dialogue has taken place between the MMO and the Applicant with a view to resolving the areas of disagreement. At this stage (Deadline 6) the Applicant has provided clarifications to the MMO and the MMO have provided clarifications through discussion with the MMO's scientific advisers. The result of the clarifications is such that at Deadline 6 there are no agreed mutually acceptable solutions.</p> <p>The Applicant does not agree that a seasonal</p>	<p><b>MMO response:</b></p> <p>This was provided in Annex A of their submission.</p>	<p>A point by point response to the MMO's Deadline 6 representation will be provided at Deadline 8. The Applicant considers it appropriate however to provide a summary response at this stage.</p> <p>The Applicant can confirm that the seasonal restriction for the original Thanet OWF was removed in consultation with MMO and Cefas. Further to this the Applicant can confirm that in cases where there is a significant effect predicted a seasonal restriction is one of the mitigation approaches considered. In the case of Thanet</p>



PINS Question number:	Question is addressed to:	Question:	Applicant's Response:	IP Response	Applicant's comments on IP response
		<p>number of comments in relation to the potential construction noise effects on herring and sole spawning grounds.</p> <p>The ExA is mindful that these are weighty matters and that the examination is now in its final stages. With a view to moving matters forward as far as possible within the remaining time available, the ExA requests the following steps be taken:</p> <p>a) The MMO and the Applicant should work together to address each of the matters raised in section 2 of [REP5A-003] with a focus on identifying mutually acceptable solutions where at all possible.</p> <p>b) At Deadline 6, the Applicant should submit an updated version of Table 8 of the SoCG reflecting the latest position of discussions.</p> <p>c) Where any amendments to the dDCO/DMLs are proposed further to (a) and (b), the Applicant should provide full drafting.</p> <p>d) For any areas in which disagreement remains, both parties should provide an evidence-based justification for their position.</p> <p>e) The MMO should provide a copy of the Marine Licence condition(s) that imposed a temporal piling restriction for the construction of the Thanet Offshore Wind Farm as referred to in para. 2.2.6 of [REP5A-003].</p> <p>f) If it is the Applicant's position that such a restriction would not be appropriate in this case, it should set</p>	<p>restriction is necessary for the Thames herring stock (Feb-Apr) due to an absence of effect-receptor pathway, evidenced by the Applicant's modelling undertaken to the MMO's specifications.</p> <p>The Applicant does not agree that a seasonal restriction is necessary for the Downs stock (Nov-Jan) as the interaction for the worst case piling event is &lt;0.05% of spawning potential, with a combined effect being considered to be &lt;1% when considered in the context of the worst case location being 0.049% and the location most distant from the historic Downs stock being 0.004%.</p> <p>It is also important to note that the Applicant's utilisation of 10 years of IHLS data, using a methodology endorsed by both Cefas and MMO, confirms that the historic downs spawning area has not had high densities of larvae during the 10 year period.</p> <p>b) The SoCG between the Applicant and the MMO is provided at Appendix 11 to this Deadline 6 submission.</p> <p>c) The Applicant does not propose to make any amendments to the dDCO/DMLs as a result of item a and b.</p> <p>d) The Applicant has provided evidence based justifications at Deadline 4C, specifically at Appendix 7 and Annex A to Appendix 7. Further to this the Applicant has provided a point by point response to the MMO's D5a submission at Annex A to Appendix 27 of this Deadline 6 submission.</p> <p>In brief, it is the Applicant's position that the</p>		<p>Extension there are no significant effects on fish receptors predicted, and as such there is no requirement for mitigation beyond the measures detailed within the ES chapter.</p> <p>The Applicant can confirm that the Deadline 4 submission provided an assessment of potential noise impacts without a fleeing speed included. With regards the question of a fleeing population spawning it is the Applicant's position that the scale of effect associated with underwater noise predicted for the Thanet Extension project is such that there is no prediction of a population scale response. The response effect predicted is highly localised, and there is limited if any interaction with established and frequently used spawning grounds.</p> <p>The Applicant recognises the distribution of the relevant spawning populations as questioned by the MMO, and can confirm that the indicative location of these (as provided by Coull et al (1998) and Ellis et al (2015)) has been illustrated within the application documents and subsequent examination phase submissions. The Applicant can also confirm that it has provided underwater modelling outputs for SELss, SELcum (with and without a fleeing response), and SPL (all of which accompanied the application with the exception of SELcum without a fleeing response). The combined underwater modelling outputs and illustrated distribution of spawning populations demonstrates that there is no interaction with the Herne Bay spawning population.</p> <p>The Applicant has provided a ten year analysis of IHLS data to define the likely spawning grounds according to a methodology that has been received positively by the MMO and Cefas. The Applicant has undertaken underwater noise modelling according to a full suite of metrics, including modelling which removes the likely fleeing scenario. The Applicant considers this to be a robust evidence base on which to support assessment conclusions.</p> <p>Notwithstanding this the Applicant has</p>

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:	IP Response	Applicant's comments on IP response
		<p>out the reasons for this view.</p> <p>g) If necessary, the parties may comment on one another's positions at Deadline 7.</p>	<p>baseline description of the receiving environment has used methods endorsed by MMO, Cefas and a range of other technical advisers. The characterisation identifies that the spawning grounds identified in Coull et al 1998 and Ellis et al 2012 have changed, with the discrete area of Downs stock to the east of the proposed project having limited use over a 10 year period. This is to be expected when considered in the context of the Ellis et al study utilising a single year of IHLS, compared with the 10 put forward by the Applicant.</p> <p>The Applicant has undertaken a full suite of underwater noise modelling, using metrics agreed as part of the EIA Evidence Plan, and subsequent requests made by Cefas to use additional metrics that assume fish may not flee a noise stimulus. These show there to be no interaction with the Thames spawning ground, and limited interaction with the historic Downs spawning ground. It is also worthy of note that, whilst not directly applicable with regards herring as it is not a species for which European designated sites exist, Natural England have confirmed the modelling and assessment to be fit for purpose for HRA.</p> <p>It is of note that MMO also endorsed this view by confirming that in relation to the HRA "MMO agrees that the impacts of temporary habitat loss and disturbance, temporary increases in suspended sediment concentrations, deposition of sediments and smothering and increase in underwater noise, the LSE for diadromous (such as Allis shad, a member of the herring family) fish is negligible".</p> <p>The Applicant has used assessment methodologies (spawning potential) that have been previously accepted by the MMO for other OWF projects, including Walney Extension and Gwynt Y Mor, both of which had seasonal restrictions which were refined as a result of the</p>		<p>confirmed previously that the assessment is based on the SELcum (non-fleeing receptor) metrics which result in 1.768% of spawning potential being impacted under a maximum design scenario of all piling being undertaken at the worst-case location. This is clearly an unrealistic scenario and the applicant has therefore sought to present a range of this maximum, the minimum (i.e. all piling at the most distant location), and the mean of the two.</p> <p>The Applicant can confirm that contrary to the response from MMO, the conclusions are based on a static receptor.</p> <p>The relevant text in Annex A to the D4C submission (Appendix 7), at paragraph 11 "Table 1 describes that, with the exception of herring considered as a stationary receptor, the spawning potential affected is less than 1% for all receptors, with the exception of herring under the maximum worst case for all piling events combined". The underlined text (emphasis added) relates to outcome of 1.768% of herring spawning potential affected, as discussed previously in this response, which is then contextualised by the next sentence in the paragraph which states (in relation to a fleeing receptor as identified in Table 1): "As has been noted previously in this document, this [impact on herring spawning when considered as a static receptor] should be contextualised against the fact that the worst case only occurs at the most easterly location, and all subsequent piling events will be of a lesser impact, with the reality being 1/36 of that value for a single event at the worst case location (0.049%) which reduces down to 1/36 of the combined total for the most distant location (0.004%). Any given piling event will therefore have an impact of between 0.049 and 0.004% [on the herring spawning potential]".</p> <p>Notwithstanding this clarification the Applicant would note that a full and comprehensive cumulative assessment is presented in the ES chapter (6.2.6, Section 6.13). The SoCG with the MMO confirms that the cumulative effects</p>

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:	IP Response	Applicant's comments on IP response
			<p>final project design being available, and the spawning potential assessment methodology being utilised. The Applicant has identified with MMO that according to the MMO review of Post-Consent Monitoring<sup>1</sup>, the seasonal restriction at the existing Thanet was removed (page 87 of the above reference). It is the Applicant's position therefore that on the basis of a robust and contemporary baseline, combined with a suite of agreed underwater noise modelling metrics, and utilising methods of assessment that have been adopted previously and received positively by the MMO the conclusion of no significant effect, and therefore no requirement for a seasonal restriction, is robust.</p> <p>e) the Applicant will provide comment on the Thanet OWF marine licence when it is received. As noted above, the Applicant has noted that the MMO have previously recorded the seasonal restriction as having been removed from the licence.</p> <p>f) Appendix 27 provides a point by point response to the MMO's position and has provided a summary in response to point d of this question. It is the Applicant's evidenced view that there is no interaction between the proposed project and the Thames spawning stock. It is the Applicant's position that the interaction with the Downs stock remains uncertain insofar as there is no apparent contemporary evidence to support the spawning grounds remain in use. Notwithstanding this the Applicant has undertaken a highly precautionary assessment that concludes that there is no significant effect on the historic spawning ground as a result of the proposed project. In light of this any mitigation such as a seasonal restriction would be disproportionate and not supported in policy terms. Whilst EN-3 refers only to 24 hour</p>		<p>assessment (in relation to underwater noise) is adequately and appropriately described and the conclusions are appropriate, this position is confirmed by the MMO as generally being the case. The Applicant is therefore unclear whether this represents a request for further information, contrary to feedback received to date via either the S42 or formal examination process.</p> <p>The Applicant acknowledges MMO's confirmation that there is no evidence suggesting an adult fish would not flee when subjected to an impact such as noise. The Applicant can confirm however that in response to MMO's requests all precautionary criteria have been provided. The Applicant's assertion regarding the impact of not moving being inconsequential is clearly identified within the document as relating to permanent physical injury (of adults/larvae/eggs). In this context whether an animal flees, as is suggested by the Applicant and reflected in the scientific literature, or doesn't flee, as suggested by the MMO by way of a precautionary assessment, is inconsequential as the impact ranges for injury (of adults/larvae/eggs) have a de minimis interaction with the historical Downs spawning grounds (0.007% for eggs/larvae) or the Thames spawning grounds. As such, should adult fish not flee the stimulus they would not be injured.</p>

<sup>1</sup> Review of environmental data associated with post-consent monitoring of licence conditions of offshore wind farms (MMO 1031); [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/317787/1031.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/317787/1031.pdf)

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:	IP Response	Applicant's comments on IP response
			<p>working as a mitigation measure to reduce impacts on fish in relation to underwater noise (which the Applicant has requested), the test for marine mammals (as a receptor sensitive to underwater noise) is (at paragraph 2.6.93) "Where assessment shows that noise from offshore piling may reach noise levels likely to lead to an offence [to marine mammals] as described in 2.6.91 above [in relation to European Protected Species, the applicant should look at possible alternatives or appropriate mitigation [...]". The Applicant considers that the impact predicted on herring is such that there would not be a significant effect on the species and as such, using 2.6.93 as a reference for comparison with a receptor group that is sensitive to underwater noise, there is no need to consider alternatives or mitigation.</p> <p>g) The Applicant will respond at Deadline 7 to further representations made by MMO where appropriate.</p>		

**Table 3: Applicant's comments on IP's responses to Third Written Questions - ExQ3.4 – Draft Development Consent Order.**

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:	IP Response	Applicant's comments on IP response
3.4.3.	The Applicant, Historic England and MMO	<p><b>Changes to drafting regarding archaeological investigation</b></p> <p>Would Historic England please confirm if the dDCO [REP5-019] submitted at Deadline 5 has now been amended to their satisfaction as follows:</p> <p>a) Changes to Schedule 11 and Schedule 12 (DMLs) to 'enable the interrelationships between onshore and offshore [Written Schemes of Investigation] WSIs to work as clearly and effectively as possible where the export cable meets landfall, whereby a strategic overlap is captured...'</p> <p>b) clarification regarding inclusion in the DCO of a condition on dredge disposal (Schedule 11 condition 22, Schedule 12 condition 24) and the relationship between these and the Offshore WSI.</p> <p>c) definition of 'commence' in relation to works seaward of MHWS to include both pre-construction monitoring surveys and site preparation works.</p> <p>If Historic England request any changes to drafting at Deadline 6, the Applicant is requested to engage with the MMO on the appropriateness of this drafting and the Applicant and MMO are requested to make submissions on this point at Deadline 7.</p>	The Applicant notes this question is directed at Historic England and will respond for Deadline 7.	<p>With regard to the specific comments made by the ExA for additional consideration, we have the following comments to make.</p> <p>a) During the examination period Historic England has reviewed and issued substantial comments to the Applicant and their archaeological contractor on the Onshore and Offshore Written Schemes of Investigation. We consider that the content within both documents is sufficient to account for the challenges of the working environments within the intertidal zone, and the archaeological deposits and assemblages they may contain. Amongst other areas of the two WSIs, examples of how the documents functions in this regard includes sections 5.2 'Intertidal zone' and 6.2 'Stage 1' of the D4_61.40 Onshore Archaeology - Written Scheme Of Investigation (version C), and section 4.6 'Stakeholder Liaison' and paragraph 9.6.12 of the 8.6 Offshore Archaeological Written Scheme of Investigation (version C).</p> <p>Since our last submission it has also come to our attention that the inclusion of condition 12 (2) states:</p> <p>"Any pre-commencement works of an intrusive nature must not take place prior to the approval of the onshore written scheme of investigation submitted in accordance with sub-paragraph (1)". We consider when noted in conjunction with the referred to above sub-paragraph (1) issues acceptable provisions - subject to consent – covering activities, intrusive and non-intrusive, within all areas of the permitted development up to mean high water springs.</p> <p>b) Although there are clear conditions stipulating accordance with the offshore</p>	<p>a) The Applicant notes Historic England is content that the interrelationship between onshore and offshore WSIs is appropriately captured.</p> <p>b) The Applicant can confirm that man-made material recovered during dredging will only be disposed of where it has, in accordance with the WSI, confirmed with the relevant authority that it is not of archaeological importance, but is content to include the wording suggested by Historic England.</p> <p>c) The Applicant notes Historic England is satisfied with the definition of commence.</p>

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:	IP Response	Applicant's comments on IP response
		<p>In responding to c) above, attention is also drawn to the <a href="#">ExA's dDCO Commentary</a> [PD-017], Comment 5 at Deadline 6 which raises broader questions about the definition of 'commence'. If c) cannot be answered positively, Historic England are requested to provide their preferred approach in response to the dDCO commentary.</p>		<p>WSI, the use of the phrase of 'disposed of on land' in the context of this particular condition is somewhat confusing. We would like to have this point clarified by the Applicant, alternatively could the text be amended as follows:</p> <p>"(2) Any man-made material, which is not deemed of archaeological interest by the reporting and recording protocol, must be separated from the dredged material and disposed of on land, where reasonably practical."</p> <p>c) We are satisfied with the definition of 'commence' in relation to works seaward of MHWS, given the definition of 'pre-commencement' and the associated provisions within the draft DCO. Additional comments relating to this point and to 3.4.1 a) above, have been included within our submission on Tuesday 28 May 2019 on the Examining Authority commentary on the draft DCO.</p>	
				<p>No Response received from MMO.</p>	

**Table 4: Applicant's comments on IP's responses to Third Written Questions - ExQ3.10 – Historic Environment.**

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:	IP Response	Applicant's comments on IP response
3.10.3.	Historic England and Kent County Council	<p><b>Draft Onshore WSI</b></p> <p>Would Historic England and Kent County Council please confirm if they are satisfied with the [REP5-006] revised Draft Onshore WSI submitted at Deadline 5, in particular:</p> <p>a) the approach to investigations in general as now described in para 1.1.3 onwards and detailed in Section 6, dividing strategy and investigative works into phases and/or zones;</p> <p>b) in relation to (a), whether Historic England's concerns regarding the need for 'a more detailed and targeted approach' are now resolved;</p> <p>c) the evaluation of assessment to inform the final design;</p> <p>d) clarification of responsibilities previously contradicted in the earlier draft paras 3.5.2 and 3.5.3;</p> <p>e) the WSI to include the scope of works in the intertidal zone and how the method of mitigating impacts will be selected;</p> <p>f) the objectives stated in 2.2.1 as now expanded to include specific mention of the Boarded Groins and WWII defences;</p> <p>g) the introduction of pre-construction investigation as</p>	<p>Historic England have confirmed that the Draft Onshore WSI is acceptable, subject to the inclusion of one minor text addition.</p> <p>The purpose of this addition is to secure the link/overlap of the two WSIs (onshore and offshore). HE suggested the following text be included:</p> <p><i>"That any archaeologists working in the intertidal area at low tide should have relevant a qualifications and experience in working in such environments, and the deposits and assemblages they may contain".</i></p> <p>This has been adopted as written and inserted as section 5.2.3 of the Draft Onshore WSI (this amended version is submitted as Appendix 56 of the Applicant's Deadline 6 Submission.</p> <p>Additional comments were received from KCC on 22<sup>nd</sup> May and these have also been incorporated into the revised Outline Onshore WSI. KCC have signalled their acceptance of the Outline WSI in the SoCG.</p>	<p><b>Historic England response:</b></p> <p>We can confirm that Historic England is satisfied with the [REP5-006] revised Draft Onshore WSI submitted at Deadline 5. We can also confirm that the content and approach described in all sections of the WSI which are specifically mentioned within the Examining Authority's Question 3.10.3 a)-h) is appropriate.</p> <p><b>KCC response:</b></p> <p>The applicant issued a revised Written Scheme of Investigation to the County Council on Friday 24 May 2019. The County Council understand that this revised WSI is to be submitted by the applicant to the Planning Inspectorate at Deadline 6 (Tuesday 28 May 2019). The comments below relate to this revised WSI.</p> <p>a) The County Council is satisfied with the approach to investigations in general as now described, dividing strategy and investigative works into phases and/or zones.</p> <p>b) Historic England may be the more appropriate organisation to respond to this question. However, the County Council considers that separating the scheme of works into a zone approach has provided a more targeted approach.</p> <p>c) KCC is satisfied with the evaluation of assessment to inform the final design.</p> <p>d) Although the paragraphs are unaltered, the wider changes have better clarified the roles and responsibilities and KCC is satisfied with these paragraphs.</p> <p>e) The County Council is satisfied that the WSI includes the scope of works in the intertidal zone, and with how the method</p>	<p>This response from Historic England is noted and welcomed by the Applicant.</p> <p>a) This response from KCC is noted and welcomed by the Applicant.</p> <p>b) This is noted by the Applicant.</p> <p>c - h) These responses from KCC are noted.</p>

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:	IP Response	Applicant's comments on IP response
		<p>recommended by Historic England; and</p> <p>h) clarification on outputs from the 'watching brief' as distinct from outputs from specific archaeological works.</p>		<p>of mitigating impacts will be selected.</p> <p>f) KCC is satisfied with the expanded objectives set out in 2.2.1.</p> <p>g) The pre-construction surveys, assessments and investigations set out in the schedule of works is welcomed. This is necessary to enable mitigation through design measures and thereby accommodate preservation where that is appropriate.</p> <p>h) KCC is satisfied that there is suitable clarification from the outputs from the watching brief as distinct from the outputs from the specific archaeological works.</p>	



### **3 Applicant's comments on IP's responses to Deadline 5 Submissions**

- 8 This section provides the Applicant's responses to the IPs responses to Deadline 5 Submissions for other matters (i.e. non shipping and navigational and DCO) interests.
- 9 The Applicant has provided responses to the IPs on DCO matters in Appendix 3 of the Applicant's Deadline 7 Submission.
- 10 The Applicant has provided responses to the IPs on shipping and navigational matters in Appendix 2 of the Applicant's Deadline 7 Submission.

**Table 5: Applicant's responses to commentary of Deadline 5 Submissions**

Document	IP	IP Commentary:	Applicant's response:
Offshore Benthic and MCZ Issues	Natural England	Natural England acknowledge and welcome the further information that has been presented to ourselves between Deadline 5 and 6 regarding our concerns, which are primarily associated with Goodwin Sands pMCZ.	This is noted by the Applicant. The Applicant intends to continue engaging with Natural England to address the remaining concerns regarding the Goodwin Sands pMCZ. Please see responses below.
Offshore Benthic and MCZ Issues	Natural England	Natural England's latest positions regarding Goodwin Sands pMCZ and the MCZ assessment are outlined within the latest version of the SoCG. We have provided a brief narrative of the discussions that have taken place since Deadline 5.	This is noted by the Applicant.
Offshore Benthic and MCZ Issues	Natural England	On the 2nd May the applicant and ourselves had a productive meeting to discuss some of the remaining offshore benthic issues. This was primarily centred around the pMCZ. As highlighted in Appendix 32 to Deadline 5 Submission: SAC and MCZ Clarification Note and Annexes Natural England had raised specific queries across a few variables regarding sediment plumes and their associated impacts upon the designated features of the pMCZ. This document did clearly answer many of our concerns. However, coming out of the meeting and from reviewing the document we still had some remaining issues, primarily around the Applicant's assertion they should not consider extraction as a pressure, which we advised should be considered in line with our standardised Advice on Operations within our conservation advice packages. Annex A to Appendix 15 to Deadline 6 Submission: Responses to Natural England Residual Goodwin Sands pMCZ comments provides reasoning from the applicant why they deem extraction should not be considered.	The Applicant agree that Natural's England's summary of the meeting is an accurate reflection. The Applicant drafted Annex A to Appendix 15 of the Applicant's Deadline 6 Submission to address the concerns raised by Natural England. It was the Applicant's understanding that this Annex (A) provided the requested information to allay Natural England's concerns noting that a further additional clarification was requested (see the response in the row below).
Offshore Benthic and MCZ Issues	Natural England	Natural England continued to disagree with this assertion, as although the applicant had committed to dispose of material within 500 m of the Goodwin Sands pMCZ, the information we had received at this point indicated that due to the dominant sediment transport pathway the sediment would not be re-worked in to the MCZ and thus extraction would be occurring. Following a subsequent telecall to discuss this position, it was realised that the applicant had presented the wrong information regarding the transport pathway and in fact it moves in a southerly direction. This is highlighted within Annex B to Appendix 15 to Deadline 6 Submission: Responses to Natural England on the potential sand wave clearance and displacement of material from Goodwin Sands pMCZ. Natural England is therefore content that sediment will be reworked into the site, and that further examination of extraction as a pressure will not affect the outcome of the assessment. This is alongside the commitment from the applicant to dispose of sediment within 500 m of Goodwin Sands pMCZ, however this should be sufficiently secured within the DML / DCO.	The Applicant welcomes confirmation from Natural England that their concerns regarding retention of material within the Goodwin Sands MCZ site have been resolved.  The Applicant has secured the commitment to dispose of the material as close as practicable and within 500 m of Goodwin Sands MCZ within the Schedule of Mitigation.
Offshore Benthic and MCZ Issues	Natural England	As the ExA will see some of the MCZ points are still under discussion. Natural England is still not content that we have seen evidence to support the conclusion that rock protection will become buried by the sediment feature. If this cannot be agreed then the assessment should be updated to reflect that there will be footprint loss of feature instead, and pre-construction surveys will need to be drawn upon in order to validate any conclusions drawn about the significance of	The Applicant can confirm that a draft document has been submitted to Natural England with the objective of reaching agreement prior to Deadline 7. Comments have been received from Natural England and a final document will be submitted at Deadline 8 with commentary if necessary.

Document	IP	IP Commentary:	Applicant's response:
		<p>this loss. In addition, to feel confident in agreeing to the overall conclusion that the project will not hinder the conservation objectives of the site, Natural England has requested that all the ad hoc parts of the assessment are collated into a single document in order to provide a clear audit trail. Natural England does not anticipate that any further elements are missing and envisage that agreement will be reached by the next deadline</p>	
[REP5-011]	Natural England	<p>Natural England is overall content with the schedule of monitoring that is currently outlined within this document. However, we have some slight concerns regarding the commitments around the monitoring associated with sandwave clearance within the pMCZ. There seems to be an opposing position between some of the commitments made within the DML between pre and post construction surveys. As highlighted within Natural England's Deadline 5A response there needs to be equal effort between the pre-construction and post-construction surveys to successfully measure any change following sandwave clearance. Currently the pre-construction commitments within the DML are less clear than what is stated within the post-construction section (see condition 17 (5)). Following recent discussions, the Applicant is aware of these concerns and has highlighted changes to these conditions will be made at Deadline 6. Natural England shall review these in due course.</p>	<p>The Applicant can confirm that the updated dDCO accompanying this Deadline submission addresses the comments and uncertainty raised by Natural England.</p>
[REP5-008]	Natural England	<p>Natural England has reviewed the applicant's responses to the points we raised in relation to the previous version of the schedule of mitigation and have no further comments to make currently.</p>	<p>This is noted and welcomed by the Applicant.</p>
[REP5-007]	Natural England	<p>Overall, Natural England is content with the schedule of mitigation that is outlined within this document. However, see below for further information.</p>	<p>This is noted and welcomed by the Applicant. The Applicant has provided point by point responses to the further information in the following rows of this table.</p>
[REP5-007]	Natural England	<p>At mitigation reference 5.5 in the section associated with Chapter 2.5 Benthic Subtidal and Intertidal Ecology, it is stated "Where sandwave clearance is required within the Goodwin Sands pMCZ material should be disposed of as close as practicable to the pMCZ." This should be updated by the applicant to reflect their updated commitment which is currently: "[The] Applicant has committed (and secured) that all sediment disturbed from Goodwin Sands pMCZ from sand wave clearance (if required) would be disposed of within 500 m of the site."</p>	<p>The Applicant can confirm that a revised Schedule of Mitigation was submitted at Deadline 6 (PINS Ref REP6-075) which secured the commitment to dispose of sediment within 500 m of Goodwin Sands MCZ (at the mitigation reference 5.5) to state - "Where sandwave clearance is required within the Goodwin Sands pMCZ material should be disposed of within the pMCZ where practicable or within 500 m of the pMCZ."</p>
[REP5-007]	Natural England	<p>Within the onshore biodiversity mitigation section, there are many references to landfall option 2 (primarily sections 5.1, 5.4 and 5.8). Option 2 has been confirmed by the ExA and the Applicant as being removed from the project envelope. Natural England question why there is still reference to this option here?</p>	<p>The Applicant has undertaken a complete review of the Schedule of Mitigation and has removed any reference to the Option 2 landfall design. This was submitted as Appendix 2 to the Applicant's Deadline 6A Submission.</p>
[REP5-015]	Natural England	<p>Natural England has no further comments regarding the Applicant's responses to the ExA's Action points arising from Issue Specific Hearing 8. However, please see section 6 for further comments regarding Annex A associated with Appendix 8 at Deadline 5.</p>	<p>This is noted by the Applicant. The Applicant has provided a point by point response (below) to Natural England's comments on Annex A to Appendix 8 (of the Applicant's Deadline 5 Submission (PINS Ref Rep5-016)).</p>

Document	IP	IP Commentary:	Applicant's response:
[REP5-016]	Natural England	Sections 3.4 and 3.5 - Natural England is content that both the MMMP and SIP are secured in the DCO, however, the content of those documents is not. With regard to the SIP, we welcome the inclusion of the possibility of a seasonal restriction. If this were to be secured on the face of the DCO / DML, Natural England would be content to conclude no AEol in-combination for Thanet Extension. However, Natural England's current advice to all offshore windfarm developments, including Thanet Extension, with the potential to have an AEol on the SNS SAC in-combination is that we are unable to conclude no AEol until there is a mechanism in place to manage all of the SIPs from all the different projects.	As noted previously, the Applicant recognises Natural England's concerns but cannot agree to a seasonal restriction that is not currently required and will only become required should a mechanism to manage a range of SIPs not be in place. DFurther it is not correct that the content of these plans is not secured. These are certified documents and compliance with the content within them is adequately secured through conditions 13 of Schedule 11 and condition 11 of Schedule 13. In the Applicant's view it is not appropriate to include the content of mitigation documentation on the face of the order, particularly given that the outline SIP is drafted to require certain mitigation mechanisms to implement on a contingent basis.
[REP5-016]	Natural England	We have not provided any further detailed comment on the ornithological sections as much of the information provided by the applicant in this document has already been reviewed and commented on by Natural England, with our latest positions highlighted within the SoCG submitted at Deadline 6. However, the Applicant refers in Table 1 and in Section 3.2 to Norfolk Vanguard's Offshore Wind Farm Offshore Ornithology Assessment, and the in-combination conclusions made by Vattenfall in their deadline 5 submissions for Norfolk Vanguard. However, since that submission Norfolk Vanguard have substantially refined their Rochdale envelope twice to reduce the number of collisions in response to Natural England's concerns regarding in-combination adverse effects on integrity for gannet and kittiwake from Flamborough and Filey Coast SPA, including raising all turbines a further 5 m off the sea surface. In that context we would draw the ExA's attention to 'Natural England's Interim Position Statement at Deadline 7 for Offshore Ornithology' and 'Natural England's Comments by species on Vanguard Deadline 6 (REP6-021) and Deadline 6.5 (AS-043) information in respect of Norfolk Vanguard', the latter including our detailed judgement on in-combination impacts on Flamborough & Filey Coast SPA kittiwakes ( <a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-002878-DL7%20-%20Natural%20England%20-%20Deadline%20Submission.pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010079/EN010079-002878-DL7%20-%20Natural%20England%20-%20Deadline%20Submission.pdf</a> ). These issues are subject to ongoing discussions as part of the Norfolk Vanguard examination process.	As demonstrated by the Applicant within the ES Chapter and subsequent post-submission documents, including the latest submissions at Deadline VI (PINS Ref REP6-065), Thanet Extension's contribution to both gannet and kittiwake in-combination collision risk mortality totals is very small (of no material consequence) when considering the apportioned value attributed from the project to the FFC SPA populations of each species.  The Applicant notes Natural England's ongoing discussions with Norfolk Vanguard and the changes made by that project to its Rochdale Envelope. However, the Applicant also demonstrated that changes to the Rochdale Envelope for Thanet Extension do not provide any noticeable differences to the apportioned collision risk totals for gannet or kittiwake attributed to the FFC SPA, as the estimated totals are already so small as to be of no material contribution to the overall in-combination totals. However, the Applicant does recognise the reductions in potential collision risk from Norfolk Vanguard's reduced Rochdale Envelope and notes that this reduces the overall mortality total and takes Thanet Extension further from an AEol in-combination than predicted previously.
Documents used to inform the REIS	Natural England	As highlighted by the ExA many of the original documents associated with the RIAA have been updated and superseded by newer versions. This is a common theme across not only the RIAA but the Environmental Statement as a whole, with hundreds of clarification notes submitted during the examination period. Natural England have concerns that the original documents will not be updated appropriately to take into account the vast amount of new information that has been submitted since the original application. This makes it very difficult for staff picking up the project post-consent, both within Natural England and across other interested parties. As a result, it is essential that all this new information is either incorporated into the application and RIAA documents or a suitable signposting document is produced highlighting where changes have been made.	As requested by the ExA the Applicant has prepared a sign-posting document to all relevant clarification and technical notes which have been submitted during the Examination period. This document was submitted as Annex B to Appendix 1 of the Applicant's Deadline 6A Submission (and has also been secured as an annex to the Explanatory Memorandum). The Applicant is hopeful that this will provide a useful summary and consolidation of information for Natural England.

Document	IP	IP Commentary:	Applicant's response:
Documents used to inform the REIS	Natural England	Natural England are in agreement with the commentary regarding the proposed changes associated with the development. Landfall option 2 did remove many of our key concerns regarding the landfall options particularly associated with the proposed loss of a large area of saltmarsh, which is a supporting habitat of the SPA and a notified feature of the SSSI. However, we still maintain that HDD is the best option associated with the cable landfall. The cable exclusion zone also removed concerns regarding Thanet Coast SAC and the potential damage to the designated features, such as chalk reef. The Structures Exclusion Zone as rightly stated by the ExA was requested to address shipping and navigation concerns raised by interested parties (IPs). However, we agree the only sections of the RIAA which are affected by the introduction of the SEZ are those relating to the Outer Thames Estuary SPA. Natural England's latest position on this can be found within the Technical Topics SoCG which was submitted at Deadline 6.	As requested in the ExA's further requests for information under EPR Rule 17, the Applicant has undertaken a full check to ensure that the Schedule of Mitigation is fully up to date, including the removal of any references to the Option 2 landfall design and/ or associated cabling berm. The revised Schedule of Mitigation was submitted as Appendix 2 to the Applicant's Deadline 6A Submission.
Documents used to inform the REIS	Natural England	Natural England are in agreement with the commentary provided here by the ExA, in sections 2.1, 2.2 and 2.3.	This is noted by the Applicant.
Documents used to inform the REIS	Natural England	As correctly stated in section 2.1, we agreed the RIAA has identified all the relevant features of the European sites that may be affected by the proposed development. However, it should be noted there was considerable discussions with the applicant, before Option 2 was removed from the application, whether the correct features of the Thanet Coast and Sandwich Bay SPA and Ramsar had been identified and whether the habitats in this area were supporting the designated features. We believed that the saltmarsh was a supporting habitat of the SPA and Ramsar and thus there was the potential for an AEol due to the potential permanent loss, whereas the Applicant did not.	The Applicant notes the response from Natural England and can confirm the mitigation to be effective, immaterial of whether the habitat is supporting habitat for the SPA. As such the Applicant considers this area of disagreement to be moot.
Documents used to inform the REIS	Natural England	Natural England agree with the summarisation of the Applicant's conclusions regarding the qualifying features and the potential impacts for a LSE.	This is welcomed and noted by the Applicant.
Documents used to inform the REIS	Natural England	Thanet Coast and Sandwich Bay SPA – As outlined in the latest SoCG at Deadline 6, Natural England are in agreement that the proposed development will not result in an AEol for this particular designated site; this is provided that saltmarsh impacts are ultimately temporary in nature. The applicant has taken on board all our comments regarding the Saltmarsh Mitigation Reinstatement and Monitoring Plan (SMRMP) in order to achieve saltmarsh recovery. This takes into account known best practice regarding working on saltmarsh, has the commitment of regular updates from an ecological clerk of works to quickly respond to any concerns and addresses potential risks regarding topography, which may be a factor in the difference in recovery between the site of the original Thanet cable and the more recent Nemo cable installation. However, as correctly stated and mentioned previously, Natural England do advise that HDD represents the best landfall option, as this results in the need for less extensive mitigation measures and therefore more certainty in the integrity of the saltmarsh post works.	<p>This confirmation that the proposed development will not result in an AEol for the Thanet Coast and Sandwich Bay SPA is welcomed.</p> <p>The Applicant also welcomes confirmation of agreement on the Saltmarsh Mitigation Reinstatement and Monitoring Plan (REP4-020) with Natural England.</p> <p>The Applicant notes Natural England's advice and preference for the use of HDD.</p>
Documents used to inform the	Natural England	Thanet Coast SAC – The narrative provided here by the ExA is an accurate	Confirmation that the proposed development will not result in an AEol for

Document	IP	IP Commentary:	Applicant's response:
REIS		representation of the discussions and responses that have been held and drafted respectively. The ExA correctly concludes that an updated SoCG was provided as a late submission following Deadline 5, in which agreement has been reached with the Applicant that there will be no AEoI both alone and in-combination on the Thanet Coast SAC. Comments on the latest Deadline 5 submissions by the applicant can be found in this response, where appropriate.	the Thanet Coast SAC is welcomed by the Applicant.
Documents used to inform the REIS	Natural England	Southern North Sea SAC – The ExA has successfully concluded Natural England's current position within this section. However, for completeness we reiterate the following: Natural England is content that both the MMMP and SIP are secured in the DCO, however, the content of those documents is not. With regard to the SIP, we welcome the inclusion of the possibility of a seasonal restriction. If this were to be secured on the face of the DCO, Natural England would be content to conclude no AEoI in-combination for Thanet Extension. However, Natural England's current advice to all offshore windfarm developments, including Thanet Extension, with the potential to have an AEoI on the SNS SAC in-combination is that we are unable to conclude no AEoI until there is a mechanism in place to manage all of the SIPs from all the different projects.	As noted previously the Applicant recognises Natural England's concerns but cannot agree to a seasonal restriction that is not currently required and will only become required should a mechanism to manage a range of SIPs not be in place. Further it is not correct that the content of these plans is not secured. These are certified documents and compliance with the content within them is adequately secured through conditions 13 of Schedule 11 and condition 11 of Schedule 13. In the Applicant's view it is not appropriate to include the content of mitigation documentation on the face of the order, particularly given that the outline SIP is drafted to require certain mitigation mechanisms to implement on a contingent basis.
Documents used to inform the REIS	Natural England	Margate and Long Sands SAC – Natural England have no further comments to make regarding this particular designated site and agree with the commentary provided by the ExA.	This is noted by the Applicant.
Documents used to inform the REIS	Natural England	Outer Thames Estuary SPA and assessment of displacement of red throated diver – Natural England are in agreement with the ExA's narrative associated with this particular designated site.	This is noted by the Applicant.
Documents used to inform the REIS	Natural England	Flamborough and Filey Coast SPA – assessment of collision risk or kittiwake and gannet – Natural England deem this section is an accurate representation of the discussions and positions currently held by the Applicant and ourselves. The latest versions of the SoCG have been submitted at Deadline 6 which outline our current positions with the applicant.	This is noted by the Applicant.
Documents used to inform the REIS	Natural England	Assessment of Alternatives, Consideration of IROPI and Compensatory Measures – Natural England have no further comments with regards to this section. It is an accurate representation of the brief discussions that have taken place regarding alternatives, IROPI and compensatory measures.	This is noted by the Applicant.
Documents relating to the SEZ	Marine Management Organisation	The MMO has reviewed the additional information submitted by the applicant in respect of the Structures Exclusion Zone.	This is noted by the Applicant.
Documents relating to the SEZ	Marine Management Organisation	In respect of commercial fishing activity, the MMO notes the implementation of the SEZ will result in a slight reduction to the impact of loss of fishing grounds, however as this implementation was borne through responses from a number of marine stakeholders, any reduction in impact is unlikely to solely benefit commercial fisheries stakeholders. Consequently, the implementation of the SEZ is unlikely to alter the magnitude of effect of the impacts to commercial fishing	The Applicant notes this observation and has nothing further to add.

Document	IP	IP Commentary:	Applicant's response:
		receptor groups.	
Documents relating to the SEZ	Marine Management Organisation	Given the small extent of the exclusion zone in relation to overall available fishing grounds, the MMO agrees that the implementation of the SEZ will not result in a material change to the outcomes of the impact assessment for Commercial Fisheries.	The Applicant notes this observation and has nothing further to add.
Documents relating to the SEZ	Marine Management Organisation	In respect of matters related to seascape, landscape and visual impact and shipping and navigation, the MMO has no concerns to raise at this time.	This is noted by the Applicant.
Documents relating to the SEZ	Kent Wildlife Trust	<p>We welcome the opportunity to comment on the Structural Exclusion Zone (SEZ) Material Change made to the Thanet Extension Offshore Wind Farm application.</p> <p>As a result of the SEZ, the same proposed number of turbines will now be installed into a smaller area within the offshore array boundary, if consent is granted, with no turbines to be installed in the North West corner/side of the boundary area. It is our understanding that this was done primarily to reduce the shipping and navigation concerns associated with the proposed Thanet Extension Offshore Wind Farm application.</p> <p>The Applicant (Vattenfall) has stated that this change in design will also bring environmental benefits; however, no official assessments appear to have been made regarding this. We believe that detailed assessments should be carried out on the potential environmental implications (positive and negative), to the benthic environment and environmental receptors.</p> <p>We are concerned there does not appear to have been an adequate consideration of the potential environmental impacts of the SEZ, for instance on marine mammals or benthic ecology. The applicant has assessed the implications of the SEZ on other receptors and has provided documents on these, including the potential Seascape, Landscape and Visual impacts; Commercial Fisheries impacts; and Historic Environment impacts, which were 'screened in' to assessments. There are no new biodiversity documents produced as part of this material change and we would like further information and justification as to why receptors such as marine mammals, benthic subtidal ecology, fish and shellfish ecology were 'screened out', and how this decision was made.</p> <p>We believe it is an oversight that detailed assessment documents have not been produced examining the environmental impacts of this change in the application.</p>	<p>Appendix 23 of the Applicant's Deadline 4 Submission (PINS Ref REP4-027) provided a screening assessment for each of the topics assessed in the Environmental Statement. The topics as noted by KWT, such as marine mammals, benthic subtidal and intertidal ecology; and fish and shellfish were screened out, for further consideration as an EIA topic, as the introduction of the SEZ did not increase the Rochdale Envelope (/maximum design scenario) already assessed within the relevant chapters. Natural England have raised no objection to the screening approach.</p> <p>However, as presented in the Addendum to the Report to Inform Appropriate Assessment (RIAA) (PINS Ref REP4B-015) the Applicant has considered the impacts on the features of each of the Natura 2000 sites and assessed the potential impact of the SEZ on the features. The addendum considered the impacts on benthic ecology, marine mammals and offshore ornithology. The addendum concludes no change in the conclusions of the RIAA (Revision B) (PINS Refs REP2-018 and REP2-019). It is the Applicant's position that all relevant impacts which may affect marine ecology, resulting from the introduction of the SEZ, have been appropriately and adequately considered and assessed.</p>
REP6 080	Ramac Holdings	The report submitted by the Applicant at Annex B confirms that in fact the Applicant may decide to use GIS technology instead of AIS technology, but claims that the space-saving from use of GIS is likely to be minimal because a multi-storey GIS substation is "not practical for a wind farm" and is "less practical from an environmental and construction perspective" (paragraph 16).	The Applicant agrees with Ramac's summary of the conclusions of the report.
REP6 080	Ramac Holdings	Despite the explicit request from the ExA to justify the rejection of GIS by reference to other made DCOs, the Applicant has failed to provide any such comparisons.	The Applicant has neither ruled in or ruled out GIS or AIS substation technologies. It is the Applicant's position, as laid out in the technical Annex (PINS Ref REP5-004), that this is to be determined during detailed

Document	IP	IP Commentary:	Applicant's response:
			<p>engineering design. Whether GIS is an optimal solution for the Thanet Extension onshore substation will depend on a number of factors including the potential drawbacks with the selection of such technology such as circuit proximity to other circuits, increased complexity of substation internal cable routing/gas insulated line routing, use and management of sulphur hexafluoride (SF6) – the gas used in GIS equipment. As the Applicant is not rejecting GIS it is not necessary to refer to made DCOs.</p>
REP6 080	Ramac Holdings	<p>Ramac's expert, Mr Thorogood has reviewed the Applicant's technical report. His expert report is attached to this submission. In his view, the equipment identified in the Applicant's Annex B could all be accommodated on a 3-acre footprint. The Applicant proposes an 8.5-acre site for the substation. There is no justification for the extent of the land take proposed to accommodate Work No. 13 in circumstances where the substation could be accommodated on a site of around one third that size.</p>	<p>The Technical report submitted by the Applicant in its response to the ExQ3 set out the justification for the size of the proposed substation. It remains the Applicant's position that in order to safely construct, operate, maintain, repair, replace and renew the substation and its individual component parts the extent of land required is 8.5 acres.</p> <p>The Applicant would also draw to the attention of the Examining Authority that principal heads of terms have been agreed between the Applicant and Ramac for a lease of the Work 13 land (covering the full 8.5 acres) and that both parties have agreed to use best endeavours to conclude the contractual negotiations that have led on from that agreement in principle as soon as possible.</p>
REP6 080	Ramac Holdings	<p>As to the location of the substation, Ramac has repeatedly explained that it would prefer for the substation to be accommodated on land at the South of Richborough Port if it is to have any land acquired at all. There is c11 acres of land available in that plot of land which could well accommodate a substation, even on the enlarged footprint proposed by the Applicant. Mr Thorogood's report shows how the substation could be comfortably accommodated on the land at the South of the Richborough Port site.</p>	<p>It is the Applicant's position as set out in its DCO Application that its proposed substation site is optimal.</p> <p>The Applicant notes Ramac's preference to have no freehold land permanently acquired. The Applicant has proactively responded to this preference and developed and proposed terms and a transaction structure which would see the necessary rights in land needed for the substation leased to The Applicant rather than acquired. The Applicant and Ramac have agreed to use best endeavours to bring the contractual negotiations around these arrangements to conclusion as soon as possible.</p>
REP6 080	Ramac Holdings	<p>The Applicant suggests that noise considerations mean that land at South Richborough Port is not appropriate for the substation. However, it has provided no assessment of the noise impacts of the substation on the nearest sensitive receptor at Stonar Cottage to support its assertions. Nor has it considered noise mitigation measures that could be employed to reduce noise levels at Stonar Cottage. Mr Thorogood's report indicates that as a result of noise attenuation, even without additional noise mitigation, sound levels at Stonar Cottage are likely to be within acceptable limits. Potential noise impacts would therefore not preclude the location of the substation at South Richborough Port, which would be a much more acceptable and less intrusive result for Ramac.</p>	<p>As part of its DCO Application the Applicant has undertaken a noise impact assessment of its proposals for a substation within work No. 13. The Applicant has not undertaken a noise assessment of the South Richborough Port land as it was not part of the final site selection.</p>
REP6 080	Ramac Holdings	<p>Nor is there any reason to prevent cable alignment being re-designed to serve a substation at South Richborough Port. While there may be some increased costs</p>	<p>The Applicant notes Ramac's comments. There would be increased project costs involved in running cable circuits into the South Richborough Port</p>



Document	IP	IP Commentary:	Applicant's response:
		associated with the cabling, the Applicant has not provided any assessment of what those additional costs would be or whether they would have any impact on the viability of the project. Mr Thorogood's view is that the additional costs of the cabling would be de minimis in the context of the wider project costs.	land. There would also be additional land sterilised for development due to the additional cable corridor length of both the incoming windfarm export cable circuits and the outgoing 400kv cable circuits linking the windfarm substation with the National Grid 400KV Richborough substation. It would not be possible to construct or erect permanent structures within the corridor nor to plant trees. This additional sterilisation would increase, in the Applicant's view, the overall impact of The Applicant's scheme on Ramac Holdings property an outcome which would be counter to Ramac's objective of minimising impacts.
REP6 080	Ramac Holdings	As to access arrangements, there is an existing access into the site which could be widened if necessary. Ramac would be happy to cooperate with the Applicant should such widening works be required.	The Applicant notes Ramac Holdings' comments. The Applicant has discussed access to the site with the Highways Authority. The Applicant has agreed with the Highways Authority that it would be safer for construction traffic to use the Sandwich Road roundabout which The Applicant has currently proposed as their main construction access.
REP6 080	Ramac Holdings	In conclusion, Ramac does not consider that the Applicant has demonstrated a compelling case in the public interest for the compulsory acquisition of its land. It has failed adequately to consider alternative options that would have fewer impacts on Ramac's landholding and operations. It has failed to justify the use of AIS over GIS technology or to demonstrate that all of the land comprised in Work No. 13 is necessary to deliver the substation. Its proposed interference with Ramac's interests is not proportionate in that the same infrastructure could be delivered on a smaller plot and in an alternative location more favourable to Ramac.	The Applicant's case for Compulsory Acquisition is set out in its Statement of Reasons. In selecting its substation site, the Applicant has sought to minimise the impacts of the development. It is the Applicant's position that all relevant impacts which may affect Ramac, resulting from the onshore cable installation and the substation construction and operation have been appropriately and adequately considered, assessed and minimised where possible both in the Application and in the agreement being negotiated between the parties.
REP6 080	Ramac Holdings	Even if the ExA finds that there is a need for the proposed wind farm such that the DCO should be made, Ramac invites the ExA to refuse the Applicant powers of compulsory acquisition over its land. The effect of that decision would be to require the Applicant to enter into a voluntary agreement with Ramac as to the location of the substation, which Ramac would be willing to accommodate on other parts of its landholding.	The Applicant notes Ramac's position. The Applicant would draw to the attention of the Examining Authority that Ramac are at an advanced stage in negotiations with the Applicant for a voluntary agreement to accommodate the substation within Work No. 13. The joint statement made by the Applicant and Ramac at Deadline 6 gives an update on the status of that negotiation which both parties continue to work bring to a mutually acceptable conclusion.
N/A	National Grid	We act for National Grid Plc who made a relevant representation to the above matter. National Grid has now reached agreement with the Promoter as to the terms of the protective provisions for inclusion in the Order, the interactions with their assets and related agreements.  Accordingly, National Grid now withdraw their relevant representation in respect of this matter.	This is welcomed and noted by the Applicant.

## **4 Applicant's response to ExQ3**

- 11 This section includes the Applicant's responses to the ExQ3 which were to be addressed by the Applicant, i.e. not assigned to any IPs. These have been included for the aid of the reader and to enable easier cross referencing between responses. These responses are as they provided by the Applicant as part of their Deadline 6 Submission.

Table 6: ExQ3 addressed to the Applicant

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
3.1.1.	The Applicant	<p><b>Outline Site Integrity Plan</b></p> <p>The dDCO [REP5-019] includes as a certified document an 'Outline Site Integrity Plan' with which a subsequent 'Site Integrity Plan' (SIP) (to be approved by the MMO in consultation with Natural England) must accord. The draft SIP documents submitted into the examination [REP2-033] and [REP4-022] do not refer to themselves as 'Outline' documents although the content would suggest that this is what they are intended to be, as would the application document number assigned in Schedule 13 of [REP5- 019]. Footnote 22 of [PD-018] outlines the approach taken to this matter in respect of the Report on the Implications for European Sites.</p> <p>a) Could the Applicant please confirm that the draft SIP documents referenced above are indeed draft versions of the 'Outline SIP' named in Schedule 13 of the dDCO?</p> <p>b) If so, please could the final version of the Outline SIP be titled as such, to ensure clear read across with the dDCO.</p>	<p>a) The Applicant can confirm that the draft SIP is the same as the Outline SIP referred to.</p> <p>b) The Applicant can confirm that Appendix 58 of the Applicant's Deadline 6 Submission includes a copy of the outline plan, as submitted in Deadline 4, with an amended title as requested by the ExA.</p>
3.1.3.	The Applicant	<p><b>Site Integrity Plan: Pre-Construction Approval</b></p> <p>The MMO has highlighted [REP5-062] that the current drafting of the DMLs [REP5-019] provides for the approval of the SIP "prior to the commencement of the operation of the licensed activities" which would appear to be an error. The ExA understands that the appropriate time for the approval is prior to commencement of construction.</p> <p>Could the Applicant please review DML conditions 13(1)(k)(Schedule 11) and 11(1)(l)(Schedule 12) and reword to reflect the need for the SIP to be approved prior to commencement of the licensed activities.</p>	<p>The Applicant has made clear that the SIP will be produced in accordance with paragraph 8 of the outline SIP and this is reflected in the dDCO submitted for Deadline 6. The Applicant can confirm that the first relevant activities are prior to the construction of the project (and pre-construction surveys) and confirms that this is provided within the SIP and updated DCO submitted with this Deadline 6 submission.</p>
3.2.1	The Applicant	<p><b>Unexploded ordnance (UXO) assumptions for Spoil Ground/ Mine Disposal Area overlapping Order limits</b></p> <p>The Applicant's [REP5-002] para 2.5.2 answers ExQ2.1.4 as follows. "This assessment considered a realistic maximum design scenario for UXO associated with the application, inclusive of the risks associated with the mine disposal site.</p>	<p>a) The Applicant can confirm that there are no records of UXO clearance being required for the existing Thanet OWF.</p> <p>b) the Applicant can confirm that no consultation with the MoD, with regards the spoil ground specifically, has been undertaken. Consultation undertaken with the MoD on the PEIR and on other</p>

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
		<p>The assessment was undertaken on the basis of an understanding of the area and previous experiences for the existing Thanet OWF, section 42 advice from the MMO, and advice provided by UXO specialists all of which lead to the definition of the likely maximum design scenario... defined in Application ref 6.2.1." [APP-042] Project Description para 1.4.115 states the assumption of a maximum UXO charge weight of 130kg has been used for the purposes of EIA and that if any UXO larger than this is discovered "these will be assessed through a separate Marine Licence".</p> <p>Would the Applicant provide:</p> <p>a) more detail of the "previous experiences for the existing Thanet OWF, section 42 advice from the MMO, and advice provided by UXO specialists" in regard to this mine disposal area; and</p> <p>b) whether any consultation with MoD has taken place specifically in regard to this Spoil Ground/Mine Disposal Area and if so what answer was obtained; and</p> <p>c) an explanation of how the eventuality of discovery of UXO larger than 130kg charge weight is covered by the dDCO or if it is not, a view on whether a process should be secured.</p>	<p>specific project matters, such as military remains, have not identified any notable concerns.</p> <p>c) The Applicant notes that as requested by parties during the EIA Evidence Plan and scoping the Applicant has assessed impacts up to reasonably foreseeable charge weight based on local experience. In the event that larger charges were identified the application for a marine licence would need to provide for this, but the types of mitigation would remain the same. Irrespective of charge weight, UXO detonation is not included in the dDCO and will require a further marine licence. Therefore, the approach to licencing would be there same whether above or below 130kg (although as stated 130kg is considered a reasonable worst case).</p>
3.3.1.	The Applicant	<p><b>Cable route options in Richborough Energy Park: permanent acquisition of new rights</b></p> <p>The ExA is conscious of the underlying reasons why three route options for cables through the Richborough Energy Park to the proposed grid connection location [REP2-011] (Onshore Land Plan, Rev D, Sheet 2 – green hatched notation) were applied for and is also conscious that this proposal is not objected to. However, such a position typically does not persist through to a decision being made on an application.</p> <p>Where a DCO applicant has provided for optionality for the CA of land or rights, either:</p> <ul style="list-style-type: none"> <li>the need for optionality is addressed before the SoS decision on the Order, because a final route preference emerges during Examination (enabling other less preferred options to fall away); or</li> </ul>	<p>The Applicant has included at Appendix 35 of its Deadline 6 submission a paper providing evidence for the requirement to retain 3 routing options through Richborough Energy Park.</p> <p>The Applicant has submitted a revised dDCO with Deadline 6 which ensures that land which is not required for the development to which the development consent relates' because it relates to an option that is no longer required once another option has become preferred and can be exercised will not be not be subject to enduring CA powers.</p>

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
		<ul style="list-style-type: none"> <li>provisions are drafted for inclusion in the dDCO, ensuring that as soon as a final route preference becomes clear, CA powers over the land and route(s) that are no longer required will automatically fall away at that time.</li> </ul> <p>(For an example of the latter in a made Order, see The Wrexham Gas Fired Generating Station Order 2017 (SI 2017 No. 766), Schedule 9, Part 7, paragraph 76 (Compulsory acquisition and temporary use)).</p> <p>The underlying principle is that land that is not 'required for the development to which the development consent relates' because it relates to an option that is no longer required once another option has become preferred and can be exercised, should not be subject to enduring CA powers. This emerges from PA2008 s122 and DCLG CA Guidance paragraph 11<sup>1</sup>, which includes advice that the 'Secretary of State will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development'. Once an option has become concrete to the point that it is both preferred and deliverable, the land subject to other options in principle becomes 'more than is reasonably required for the purposes of the development' and so arguably should be released from the burden of CA.</p> <p>The Applicant is asked to provide an update at Deadline 6 on the status of the optional cable corridors at that time. In that update the Applicant should either:</p> <ol style="list-style-type: none"> <li>Make clear that over the Examination period, one of the three options has become preferred and deliverable, in which case an amended Onshore Land Plan and BoR containing only the preferred option should be submitted; or, if that is not the case and two or more options are still deemed to be necessary,</li> <li>Provide an update on the progress of discussions about cable routing within the Richborough Energy Park site, making clear why it is necessary to sustain more than one option beyond the closure of the Examination and identifying which options need to be sustained.</li> </ol>	

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
		<p>If (b) is the case, the Applicant is requested to submit a draft provision for inclusion in the dDCO (and also to include this in its consolidated dDCO submitted at Deadline 6) that would have the effect of removing the burden of CA provisions from options that are no longer required, as soon as one option has become preferred and deliverable.</p> <p>The Applicant should note that a response to part (b) of this question may usefully be supported by the submission of an updated Onshore Land Plan on which separate notations are used to distinguish between the options to be sustained, in turn supporting reference to those options in a dDCO provision.</p>	
3.4.1.	The Applicant	<p><b>Amended provisions</b></p> <p>If it is the intention to make further amendments to the dDCO arising from responses to these or other outstanding questions, these amendments should be made in the form of an 'Applicant's preferred' dDCO submitted at Deadline 6, which should contain all amendments necessary to address these questions, the <a href="#">ExA's DCO Commentary</a> [PD-017] and any other changes that have emerged since Deadline 5. This version of the dDCO should be provided in consolidated and tracked changes form and be accompanied by a table of changes and any necessary amendments to the EM.</p>	The Applicant has submitted at Deadline 6 an updated dDCO, along with an EM and changes log. A comparite version of these documents has also been produced.
3.4.2.	The Applicant	<p><b>Certified documents</b></p> <p>If it is the intention to make further amendments to the record of certified documents in Schedule 13 arising from responses to these or other outstanding questions, then these amendments should be made in the 'Applicant's preferred' dDCO at Deadline 6 in response to ExQ3.4.1. The ExA requests that the content of Schedule 13 should be reviewed and if necessary be updated at each subsequent deadline (7 and 8), if there are any subsequent changes. Any document versions that have not yet been provided to the ExA must be provided.</p>	The Applicant has amended Schedule 13 and updated this in the Applicant's preferred dDCO submitted at Deadline 6. The Applicant has reviewed this for Deadline 7 and will review again prior to Deadline 8.
3.8.1.	The Applicant	<p><b>Certified Documents:</b> the Certified Environmental Statement ExQ2.4.6 asked the Applicant to take steps to define all of the documents which it considers should form part of the Environmental Statement to be certified, for reasons set out at that time. The Applicant responded to this point on page 43 of [REP5-002]. Whilst the changes to Schedule 13 and Art 35 are noted, a comprehensive list of documents now forming the ES</p>	<p>a) The Applicant can confirm that the following documents are intended to form part of the certified Environmental Statement:</p> <ul style="list-style-type: none"> <li>• Appendix 36 to Deadline 3 Submission: Onshore Historic Environment Addendum (PINs Ref REP3-029);</li> <li>• Appendix 28 to Deadline 5 Submission: Navigation Risk Assessment Addendum Rev B (PINS Ref REP5-039);</li> <li>• Appendix 3 to Deadline 4b Submission: An addendum to the Environmental Statement (ES) assessing</li> </ul>

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
		<p>has not been provided. This task has been made all the more important by the material change process for the introduction of the Structures Exclusion Zone (SEZ).</p> <p>a) Could the Applicant please revisit the ExA's previous question and provide a full response at Deadline 6, taking full account of documents up to the time of drafting, including the SEZ material change proposal. At Deadline 6, the ExA requires absolute clarity as to which examination documents are intended to form part of the certified Environmental Statement.</p> <p>b) If it is the intention to make further amendments to Schedule 13, as would appear to be implied in the Applicant's response, then please could these amendments also be made at Deadline 6.</p> <p>c) The ExA requests that the position should be updated at each subsequent deadline (7 and 8) if there are any subsequent changes.</p>	<p>the SEZ proposal (PINS Ref REP4B-010);</p> <ul style="list-style-type: none"> <li>• Annex A to Appendix 3 to Deadline 4b Submission: Implications of the SEZ – Seascape, Landscape and Visual Effects (PINS Ref REP4B-011);</li> <li>• Annex A1 to Appendix 3 to Deadline 4b Submission: Implications of the SEZ – Seascape, Landscape and Visual Effects -Wirelines (PINS Ref REP4B-012);</li> <li>• Annex B to, Appendix 3 to Deadline 4b Submission: Structure Exclusion Zone, Onshore Heritage (PINS Ref REP4B-013);</li> <li>• Annex C to Appendix 3 to Deadline 4b Submission: Assessment of the implications of the implementation of the Structures Exclusion Zone in relation to commercial fisheries (PINS Ref REP4B-014); and</li> <li>• Appendix 14 to Deadline 2 Submission: Review of the Environment Statement following the removal of the Option 2 landfall design (PINS Ref REP2-036).</li> </ul> <p>b) The Applicant can confirm that Schedule 13 has been updated in line with the Applicant's response to part a of this question.</p> <p>c) The Applicant will ensure that for Deadlines 7 and 8 Schedule 13 will be appropriately updated.</p>
3.9.1.	The Applicant	<p><b>Fisheries Liaison and Co-existence Plan (FLCP): extent of consultation</b></p> <p>With reference to item 9.1 of the Schedule of Mitigation [REP5-007] would the Applicant please confirm if the FLCP (whether in the version of June 2018 noted as a draft [APP-143] or the more recent version submitted at Deadline 3 [REP3-060]) has been disseminated for consultation with international fishing and fisheries interests?</p> <p>a) If the FLCP has been consulted with international fishing and fisheries interests, please confirm the names and countries of the bodies that have been consulted.</p> <p>b) If such a consultation has occurred, the ExA would wish to be provided with a copy of it.</p>	<p>a &amp; b) The FLCP has been specifically drafted to address concerns of the local fishing fleet and has been agreed with the TFA. Whilst many of the commitments in this plan are applicable for all fisheries interests, it is clear from the Fisheries Technical Report (ref) that the predominant use of the area around the wind farm is for the local fleet. Significant adverse effects on international fishing are not predicted and the Applicant has not received any consultation response to contrary. As such it is considered appropriate to focus the FLCP on principally addressing the concerns of the local fishing interests. To be clear however, the measures in the FLCP are embedded and seek to ensure that impacts on fisheries are acceptable.</p>
3.9.2.	The Applicant	<p><b>FLCP: definition and certified document</b></p> <p>The dDCO at paragraph 1 of Schedules 11 and 12 respectively (the DMLs) contain different definitions of the FLCP. Schedule</p>	<p>a) The Applicant can confirm that the documents are one and the same. The Applicant can confirm that the Schedule of Mitigation has been updated to accurately reflect the document title. The dDCO has also been amended in order to ensure that there are consistent references throughout.</p>

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
		<p>11 defines what the ExA takes to be the FLCP as 'the document certified as the Fisheries Coexistence Plan strategy by the Secretary of State for the purposes of this Order', whereas Schedule 12 defines it as 'the document certified as the fisheries liaison and co-existence plan by the Secretary of State for the purposes of this Order'. Neither definition is consistent one with the other and neither are consistent with Schedule 13, which lists the 'Fishing LCP' as a document to be certified.</p> <p>The Schedule of Mitigation refers to the 'Fisheries Coexistence Plan' [REP5- 007] at item 9.1.</p> <p>a) Are these references to documents one and the same? Are they references to the FLCP as submitted at Deadline 3 [REP3-060]? If it is, can Schedule 11 and 12 paragraph 1 definitions and Schedule 13 all be updated with consistent definitions and references for Deadline 6 (see ExQ3.4.2).</p> <p>b) If these are references to different documents, can those documents be submitted at Deadline 6 with an explanation of their difference, and references to them included in Schedule 13 to the dDCO.</p>	
3.10.1.	The Applicant	<p><b>Responsibilities under Offshore and Onshore Written Schemes of Investigation (WSIs) for Military Remains</b></p> <p>The Applicant's [REP5-002] D5 response to ExQ2.10.3 is incomplete regarding Offshore draft WSI obligations under the Protection of Military Remains Act 1986.</p> <p>Would the Applicant please confirm:</p> <p>a) if consultations will have taken place before Deadline 6 with the relevant executive agency of the Ministry of Defence (MoD) in regard to both offshore and onshore elements of the project; and if so</p> <p>b) whether specific obligations under the Act will be added to the Onshore and Offshore WSI's.</p>	<p>a) As per previous experience on Offshore Renewable projects, and as the MoD did not respond to previous consultation, they have not been contacted regarding the WSI. The MoD have also, in responding to the Deadline 3 Action Points, confirmed that the MOD has reviewed VWPL approach to implementing the requirements of the 1986 legislation and is content with the methodology outlined.</p> <p>The Applicant notes that if there is any potential for impact to a military vessel or aircraft, the Retained Archaeologist will inform and consult with the MoD, as per paragraph 9.10.4 of the WSI, and a Heritage Method Statement will be produced to detail methodologies for investigation, survey and further work (if required). This aligns further with the MoD's Deadline 3 submission which confirmed that it is recommended that any further findings of military vessels, regardless of age, are referred to the MOD.</p> <p>b) No specific obligations will be added to the Offshore WSI, as it is already covered in paragraph 9.10.4 of the WSI. There is no need – and neither is there any requirement - to include obligations for the MoD in the onshore WSI, particularly in light of the comments above.</p>



PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
3.10.2.	The Applicant	<p><b>Special attention to certain Archaeological Exclusion Zones (AEZs) in the cable export corridor</b></p> <p>Would the Applicant confirm how, in developing and applying the Offshore WSI, they propose specifically to address issues raised in relation to construction in the vicinity of AEZs in [REP5-059] Historic England's responses to ExQ2 at Deadline 5, in the following locations:</p> <p>a) Features 70210 (A3 recorded wreck not yet identified within geophysical data); and 70220 (A1 debris) immediately east of North Foreland; that may give rise to the need for 'more focused investigations, to understand their extent and significance'.</p> <p>b) Feature 70366 (A1 wreck possibly SS Harcaro) centrally located in the export cable corridor off Ramsgate; and 70346 (A1 debris/wreck of submarine and/or B-24 bomber) where after further survey work has been assessed, 'the AEZ may need to be modified, or the site investigated by ROV or diver'...as directed by the offshore WSI where necessary'.</p>	<p>As per paragraph 4.2.3 of the WSI, the Developer and/or their representative will consult the Retained Archaeologist during the planning stages for any further survey work. The Retained Archaeologist will advise on which elements warrant archaeological investigation.</p> <p>Should the features highlighted by Historic England be at risk of impact, the Retained Archaeologist will produce Heritage Method Statements for further investigation and survey as required, as per Section 8 of the WSI.</p> <p>Method Statements will be submitted to Historic England for approval one month before the planned commencement of any survey, as per paragraph 9.1.3 of the WSI.</p> <p>a. Historic England noted (letter 29/04/2019) that should the developer look to construct close to these anomalies, they may need to be included within more focussed investigations, to understand their extent and significance. Therefore, should these features be at risk of impact, the Retained Archaeologist will either address them in a bespoke archaeological Method Statement(s) or ensure that they are specifically included and detailed within a Method Statement for investigative works whose primary focus is not necessarily archaeological, such as UXO, ROV or diver survey. As 70210 is a recorded wreck not yet identified within geophysical survey data, further assessment may confirm that no material is present at this location, however there may be potential for material to be present. 70220 is included within the AEZ for 70219, wreckage of the steamship <i>Cathay</i>, as it may comprise outlying debris.</p> <p>b. Should these features be at risk of impact, the Retained Archaeologist will produce either a bespoke archaeological Method Statement(s) or ensure that they are specifically included and detailed within a Method Statement for investigative works whose primary focus is not necessarily archaeological, such as UXO, ROV or diver survey. As feature 70346 has the potential to comprise military remains, both the MoD and Historic England would be consulted in the development of the Method Statement.</p> <p>Should it be possible to microsite the cable route sufficiently around the AEZs, so that no impact is anticipated, then no further work would be required.</p>
3.10.4.	The Applicant	<p><b>Draft Onshore WSI: Previously undisturbed land parcels</b></p> <p>The Draft Onshore WSI [REP5-006] submitted at D5 para 4.4.11 refers to previously undisturbed areas and now draws attention to the parcels of land within the red line boundary considered to be previously undisturbed or at least less disturbed areas. It refers to Parcels 3, 4, 5, 8, 13 and 14.</p> <p>Would the Applicant please check and clarify these references to undisturbed areas, because from [APP-063] Figure 7.1 "Heritage Assets Potentially Subject to Direct Effects": 3 is the grid connection site, 4 the Ramac land, 5 is outside the red line</p>	<p>For clarification, the parcels referred to here are the Assessment Parcels as identified in the Desk-Based Assessment and used to inform the PEIR and EIA A supplementary figure has been produced to clarify which assessment parcels are affected (see Annex E). That is, which assessment parcels fall within the redline Development Boundary in whole or in part. and within which some disturbance to existing ground levels or to deposits at depth may be expected, and as a consequence where archaeological remains (if present) may be disturbed by construction related activities. The affected assessment parcels are 3, 4, 7, 8, 9, 14 and 15 (where these fall within the redline Development Boundary).</p> <p>The extent of any disturbance within these parcels, where they fall within the redline Development boundary, will be defined by the final construction arrangements. The mechanism by which</p>

PINS Question number:	Question is addressed to:	Question:	Applicant's Response:
		<p>boundary, 8 is partially in Stonelees, 13 is the golf course and appears to be outside the red line boundary and 14 is Pegwell Bay Country Park. Whether these are indeed the areas of land intended to be described as undisturbed, or alternatively the text is meant to refer to Works Areas or other areas, greater definition and precision is needed and should be indicated on an updated version of the Heritage Assets set of plans.</p>	<p>archaeological potential can be established and appropriate mitigation identified and agreed (and implemented) is set out in the Draft Outline Onshore WSI, and will be further detailed in subsequent detailed WSIs which are required through this process.</p>

This page has been left intentionally blank.