

Date: 05 December 2019  
Your ref: EN010084



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**BY EMAIL ONLY**

Dear Sirs

**Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010**

**Application by Vattenfall Wind Power Limited for an order granting development consent for the proposed Thanet Extension Offshore Wind Farm off the coast of Thanet, Kent**

**REQUEST FOR INFORMATION AND COMMENTS ON THE APPLICATION - EN010084**

Thank you for your consultation dated 21 November 2019. Natural England has reviewed the letter requesting further information from interested parties and commented on the topics relevant to our remit. The following constitutes Natural England's formal statutory response.

**Draft Development Consent Order (Point 5)**

Natural England has taken this opportunity to review the latest version of the draft development consent order (dDCO), and have the following comments:

- Schedule 11, Part 4, Condition 24 and Schedule 12, Part 4, Condition 27 – Natural England notes the addition of point (4). Currently as this point is written, it could imply that the documentation needs to be submitted 4 months prior to any licensed activities and not the pre-commencement activities. We suggest wording should be amended to state that documentation needs to be submitted 4 months prior to any pre-commencement activities.
- Secondly, we note this does not resolve the issues Natural England has previously raised regarding the proposed approach and the drafting of the definition of offshore commencement to move potentially damaging works to pre-commencement. This approach still requires additional sign off and further work by the regulators and relevant consultees. This work will likely need to be repeated and reviewed when further documentation is submitted prior to construction. The cost of which will be mostly born on the public purse, as many of the statutory bodies involved cannot recover the costs for this statutory work. Furthermore, it does not achieve the aim of the developer which is to allow these works to commence earlier than

construction activities. This is due to the issues that are likely to be encountered regarding the timing of pre-construction monitoring and the detail needed to inform any mitigation. This information is unlikely to be available significantly before the works commence.

- Additionally, any issues not resolved regarding the dDCO during the examination period still remain valid and Natural England's position has not changed.

### **Fish Spawning (Point 10)**

- Natural England are content with new condition as suggested by the Secretary of State. It should be noted that these piling restrictions will also have added benefits for marine mammals particularly Harbour Porpoise in association with the Southern North Sea SAC. The projects red line boundary sits within the SNS SAC winter portion of the site and thus any restrictions on piling during winter would also minimise the disturbance to the designated feature, harbour porpoise.
- Furthermore, it should be noted that the Applicant was willing to put in a seasonal restriction for harbour porpoise anyway, if the mechanism to manage the Site Integrity Plans (SIPs) was not agreed. The following is quoted from Natural England's and the Applicant's final Statement of Common Ground (SoCG) "The applicant has committed to putting in a seasonal restriction in place, if the mechanism to manage the SIPs is not agreed. This seasonal restriction in effect would address the in-combination impacts as described above. However, Natural England have requested to secure this seasonal restriction on the face of the DCO / DML to ensure it is enforceable. The Applicant has yet to agree to this condition, and thus our overall concerns regarding the management of the SIP and in-combination impacts and therefore the risk of Adverse Effect on Integrity on the Southern North Sea SAC remain." This position still remains.

### **Saltmarsh Mitigation (Point 11)**

- Overall, Natural England is content with the additional text suggested by the SoS. Part (2) will allow the Saltmarsh Mitigation Plan (SMP) to be sufficiently updated following the final decision regarding the final export cable route and landfall methodology. Further still, part (3) ensures that disturbance to ringed plover is prevented by including additional measures in the SMP.
- However, there needs to a time period stated within the condition to ensure the updated SMP is submitted with enough time for the relevant parties to review it effectively. The condition should state that the plans will be submitted at least 4 months prior to any proposed works within the saltmarsh. If added to the DCO/DML, the conditions should also be added to the overarching pre-construction documentation condition which would link the requirements to the overarching timeframe of submission, 4 months prior to the commencement of construction.

For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely,

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