



LATE SCOPING CONSULTATION RESPONSES

Consultation bodies have 28 days to respond with any comments, stating either the information that they consider should be included in the ES or that they do not have any comments.

Any responses received after the deadline are not considered within the scoping opinion but are forwarded to the applicant for consideration in accordance with the policy set out in Advice Note 7: Environmental Impact Assessment, Screening and Scoping.

The following EIA scoping consultation responses were received after the consultation deadline specified under legislation and therefore did not form part of the Secretary of State's scoping opinion.

Mr Richard Kent - EIA and Land Rights
Advisor
The Planning Inspectorate
Temple Quay House (2 The Square) Temple
Quay
Bristol
Avon
BS1 6PN

Our ref: KT/2017/122249/01-L01
Your ref: 170105_EN010084-000022
Date: 03 February 2017

Dear Mr Kent

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9; application by Vattenfall Wind Power Limited for an order granting development consent for the Thanet Extension Offshore Wind Farm; scoping consultation and notification of the applicant's contact details and duty to make available information to the applicant if requested

Thanet Extension Offshore Wind Farm

Thank you for consulting us on the scoping report for the above proposal. We have the following comments to make.

Flood Risk

The report correctly identifies the requirement for a Flood Risk Assessment to be submitted in support of any application made. The applicant will need to ensure that the substation and any other essential infrastructure can be raised above the flood level.

As of 6th April 2016, the Water Resources Act 1991 and associated land drainage byelaws has been amended and flood defence consents will now fall under the Environmental Permitting (England and Wales) Regulations 2010. Under the terms of the regulations, a permit may be required for any activities between the mean low water mark and sixteen metres of the landward toe of the flood defence with some activities excluded or exempt. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Please contact the Partnerships and Strategic Overview team at ps0.EastKent@environment-agency.gov.uk or our National Customer Contact Centre on 03708 506 506 or enquiries@environment-agency.gov.uk for more information.

Groundwater and Contaminated Land

The onshore area of this proposal overlies a chalk aquifer, any pathways for contamination must be strictly controlled to avoid pollution of the principal and secondary aquifers from any historic contamination identified on the site from previous uses.

At this stage, the Environment Agency does not provide detailed site-specific advice or comments with regard to land contamination issues apart from identifying the site sensitivity as above.

Environment Agency
Orchard House Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH
Customer services line: 03708 506 506
Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk



Whilst we will not be providing specific advice at this stage in the planning process, it is recommended that the requirements of the National Planning Policy Framework (NPPF) are followed. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Therefore, in completing any site investigations and risk assessments the applicant should assess the risk to groundwater and surface waters from contamination which may be present and where necessary carry out appropriate remediation.

In making our response we have considered issues relating to controlled waters. The evaluation of any risks to human health arising from the site should be discussed with the Environmental Health Department.

We recommend that the applicant:

- Applies the risk-based framework set out in the Model Procedures for the Management of Land Contamination (CLR 11) and follow the guidance in that document so that the best decision are made for the site,
- Refers to the Environment Agency guidance on requirements for land contamination reports,
- Uses BS 10175 2001, Investigation of potentially contaminated sites – Code of Practice as a guide to undertaking the desk study and site investigation scheme,
- Uses MCERTS accredited methods for testing contaminated soils at the site, and
- Consult our website for further information about any permissions that may be required.

Marine

The scoping report (para 250, 2.3.2) states that,

“The potential for release and dispersion of sediments and any associated contaminants due to construction, operation and decommissioning of Thanet Extension has been informed by a physical processes assessment in Section 2.2 Marine Geology, Oceanography and Physical Processes. The EIA will look at the potential for effects on shellfish waters protected areas and be used to inform the assessments for other receptor topics such and Benthic Ecology, Fish and Shellfish Ecology and Marine Mammal Ecology.”

We note the later comments (paras 251-255) regarding previous monitoring of the TOWF site and possible impact route via disturbance of sediment, however we should point out that if any of the works fall within 2km of a designated EU bathing water then we would expect consideration of the impacts of construction to be provided within a separate WFD assessment. Bathing waters too are protected elements of WFD waterbodies (as are the shellfish waters) and whilst chemical compliance risks might be low (we would expect to see contemporary sediment analyses provided within the WFD assessment to demonstrate the risk is acceptable) the drivers for the bathing waters are primarily microbiological. Effects on bathing waters classification could be avoided altogether by undertaking construction works (within 2km of bathing waters) outside the statutory bathing season- but if this is not possible or viable then the WFD assessment must be able to justify the impacts will be insignificant, and we may require some sampling in the vicinity of the bathing water during any construction activity to demonstrate the risks are being adequately managed, and that there is a method in place to ensure that, should the activity be found to be causing poor bathing water quality, the construction activity will cease until such times as the water quality has returned to an acceptable level.

We note the changes to the Shellfish Waters Directive and its subsequent incorporation as a protected element of the general water framework directive have resulted in transposition of the chemical and physico-chemical elements into the main Water Framework Directive, but the intention was to provide at least the same level of protection as the earlier directive, and the older directive did specifically detail the levels of suspended solids uplift permissible before suspended solids becomes a trigger for a compliance failure. We suggest the uplifts caused, if any, remain within the spirit of the older directive.

Assessment of the potential to trigger elevation in E.coli or Intestinal Enterococci in the designated bathing waters nearby should be undertaken. This should include identification of the existence of any nearby sources of faecal pollution which could microbiologically compromise the surface sediment loads that would be disturbed when constructing the cable corridor. We accept that quantitative testing of sediments for microbial loads may not necessarily be that informative for bathing waters risks, as should there be sources of intermittent faecal pollution present, there are difficulties in predicting the levels at the time of construction (baseline could change suddenly), and modelling the wrong initial load before dispersion/disturbance of sediment would not give a reliable prediction of water column levels. We would much prefer to see the WFD assessment as a standalone document (containing all relevant evidence within it) rather than have to pick out relevant paragraphs for WFD from the main body of the EIA.

Fisheries, Biodiversity and Geomorphology

The report identifies that most of our concerns about the construction and operation of the onshore component of the proposal will be addressed.

With respect to the sub-station site, however, two issues appear to have been omitted.

1. The quality of the river corridor

Development of the site presents an ideal opportunity to review the condition and nature of the river wall that runs for much of the length of the site, identify what work can be delivered to improve it and, at the same time, to enhance the river corridor in accordance with requirements of section 118 of the National Planning Policy Framework.

As a starting point, the existing structure (which, on a recent visit, appeared to be in poor condition - under-grown by trees) should be removed, a natural river bank be re-created and flood defence structures to protect the sub-station be constructed at a distance from the river.

Not only will this help to deliver the mitigation measure for the Stour Transitional and Coastal (TraC) Waterbody by removal of artificial riverbanks, required by the South East River Basin Management Plan for the Water Framework Directive but it will help ensure that the river does not suffer from light pollution from the sub-station, below, because development will be set back from the river.

2. Light pollution

It appears, that the impact of light pollution from operation of the sub-station site on the adjacent river has been overlooked.

Section 3.7.2 of the report states that "*potential impacts associated with operation may include . . . lighting impacts which have the potential to impact on birds through disturbance to adjacent habitats*".

This fails to address the impact of lighting on migratory fish, including sea trout and, occasionally, salmon, known to be in the river.

It is important that all proposed site lighting be assessed for its effects on the surrounding area and then designed to prevent backscatter or direct lighting on to adjacent habitats including the Great Stour. Of particular concern is lighting installed for security on the perimeter of the site and operational lights on and in buildings that may be too close to the site boundary.

Other concerns:

We oppose any loss of Priority Habitats (as per Natural Environment and Rural Communities Act 2006) including, as mentioned in section 3.7.2, the “*potential permanent loss of coastal and floodplain grazing marsh habitat at the construction site for the substation*”.

We would expect to see plans that provide at least equal, preferably greater, areas of habitat creation to offset the loss of the Priority Habitat at all parts of the development.

Species comments

1. The developers should be aware that, although not protected, beaver *Castor fiber* are present in the catchment and it may be necessary to have plans to ensure that any animals that affect the development sites can be managed humanely and in accordance with relevant legislation, which, for various reasons, may change over the next three years.

2. As an aside, water vole is described in the report as *Arvicola terrestris*, this is incorrect. It has been *A. amphibius* for some time.

3. Shining ram’s-horn snail *Segmentia nitida* and Otter *Lutra lutra* are species of interest to the Environment Agency. If they are found in any surveys, then we request that all records be passed to the Kent and Medway Biological Records Centre (<http://www.kmbrc.org.uk>).

We hope you find our comments useful. If you have any queries please do not hesitate to contact me.

Yours sincerely

Ms Jennifer Wilson
Planning Specialist

Direct dial 0208 474 6711

Direct e-mail kslplanning@environment-agency.gov.uk

Development Control
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LONDON BOROUGH OF
BEXLEY

m/r 17/00024/SCOPE

Direct Dial 020 3045 5840

y/r 170105_EN010084-000022

Date **02 FEB 2017**

The person dealing with this matter is

Helen Acton

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helen.acton@bexley.gov.uk

PINS RECEIVED

06 FEB 2017

The Planning Inspectorate,
3D Eagle Wing,
Temple Quay House,
2, The Square,
Bristol,
BS1 6PN

Dear Sir/Madam,

Planning Act 2008 (as amended) and the Infrastructure Planning (EIA) Regulations 2009 (as amended)- Regulations 8 and 9

Application by Vattenfall Wind Power Limited for an Order Granting Development Consent for the Thanet Extension Offshore Wind Farm

Scoping consultation and notification of the applicant's contact details and duty to make available information to the applicant if requested.

I refer to your letter dated 5th January 2017, requesting this Council's views as a consultation body, regarding the information which should be provided in the applicant's environmental statement.

I can confirm that this Council does not have any comments.

Yours sincerely

[Redacted signature]

Susan Clark
Head of Development Control



Date: 7 February 2017
Your Ref: 170105_EN010084-000022
Direct Dial: 01843 577140
E.mail: iain.livingstone@thanet.gov.uk



Mr Richard Kent
3D Eagle Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

Dear Mr Kent,

**Planning Act 2008 (as amended) and The Infrastructure Planning
(Environmental Impact Assessment) Regulations 2009 (as amended) –
Regulations 8 and 9**

**Application by Vattenfall Wind Power Limited for an Order Granting
Development Consent for the Thanet Extension Offshore Wind Farm**

Thanet District Council wishes to clarify that no additional comments regarding the submitted Scoping Report will be made following the receipt of internal consultee advice.

Yours sincerely

A large black rectangular redaction box covering the signature of Iain Livingstone.

Iain Livingstone
Planning Applications Manager

Thanet District Council
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Cecil Street
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**Defence
Infrastructure
Organisation**

Kalie Jagpal
Assistant Safeguarding Officer
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Safeguarding – Wind Energy
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**Richard Kent
The Planning Inspectorate
3D Eagle Wing
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Bristol,
BS1 6PN**

14/02/2017

Dear Mr Kent

Please quote in any correspondence: DIO 10038701

Site Name: Thanet Extension Offshore Wind Farm

Proposal: Erection of 34 Wind Turbines

Planning Application Number: Scoping Consultation

Site Address: 8 km offshore (at the closest point), in proximity to the operational Thanet Offshore Wind Farm

Thank you for consulting the Ministry of Defence (MOD) on the above Scoping consultation in your communication dated 05/01/2017. I am writing to tell you that the MOD has no objection to the proposal.

The application is for 34 turbines at 215.00 metres to blade tip. This has been assessed using the grid references below as submitted in the planning application or in the developers' or your pro-forma. The grid references provided are for the boundary outline of the development in which the turbines will be located:

Turbine	100km Square letter	Easting	Northing
1	TR	44356	77566
2	TR	47608	80705
3	TR	56669	81338
4	TR	58777	79199
5	TR	56879	70961
6	TR	50579	71197
7	TR	52279	73381
8	TR	56466	73384
9	TR	56342	75996
10	TR	52489	79863
11	TR	50119	79748
12	TR	48019	77656

In the interests of air safety the MOD requests that the development should be fitted with aviation safety lighting in accordance with the Civil Aviation Authority and the Air Navigation Order.

The principal safeguarding concern of the MOD with respect to the development of wind turbines relates to their potential to create a physical obstruction to air traffic movements and cause interference to Air Traffic Control and Air Defence radar installations.

Defence Infrastructure Organisation Safeguarding wishes to be consulted and notified of the progression of planning applications and submissions relating to this proposal to verify that it will not adversely affect defence interests.

If planning permission is granted we would like to be advised of the following prior to commencement of construction;

- the date construction starts and ends;
- the maximum height of construction equipment;
- the latitude and longitude of every turbine.

This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area.

If the application is altered in any way we must be consulted again as even the slightest change could unacceptably affect us.

I hope this adequately explains our position on the matter. If you require further information or would like to discuss this matter further please do not hesitate to contact me.

Further information about the effects of wind turbines on MOD interests can be obtained from the following websites:

MOD: <https://www.gov.uk/government/publications/wind-farms-ministry-of-defence-safeguarding>

Yours sincerely

Mrs Kalie Jagpal
Assistant Safeguarding Officer – Wind Energy
Defence Infrastructure Organisation

SAFEGUARDING SOLUTIONS TO DEFENCE NEEDS