

**From:** [Garden, Robert](#)  
**To:** [Thanet Extension](#)  
**Cc:** [Will Bridges](#)  
**Subject:** Deadline 1 - Nemo Link Limited Submission  
**Date:** 15 January 2019 11:18:02  
**Attachments:** [13\\_00759-SITE\\_LOCATION\\_PLAN\\_OVERVIEW-237725\(622034748\\_1\).PDF](#)  
[13\\_0760\\_Thanet\\_Decision\\_Notice\(1\)\(622029619\\_1\).PDF](#)  
[20140731\\_Marine\\_Licence\\_L\\_2013\\_00373-1\(1\)\(622029625\\_1\).PDF](#)  
[13\\_00759\\_Dover\\_Decision\\_Notice\(1\)\(622029603\\_1\).PDF](#)  
[Deadline\\_1 - Nemo Link Limited Response\(622269902\\_1\).PDF](#)

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Dear Sir, Madam,

Please find attached Nemo Link Limited's written submission for Deadline 1 in respect of the examination of the Thanet Extension Offshore Wind Farm.

Please also find attached the enclosures referred to within the response comprising the planning permissions, site location plan and marine licence.

If you have any questions on the attached, or if I can be of further assistance, then please do not hesitate to contact me.

Regards,

Rob

**Robert Garden**  
**Senior Associate**

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**THANET EXTENSION OFFSHORE WIND FARM (THE PROJECT)****DEADLINE 1 – 15 JANUARY 2019****NEMO LINK LIMITED****WRITTEN REPRESENTATION****RESPONSE TO EXAMINING AUTHORITY'S (EXA) FIRST ROUND OF WRITTEN QUESTIONS****1. INTRODUCTION**

- 1.1 Nemo Link Limited (**NLL**) is the company delivering the Nemo Link project (**Nemo**). Nemo is an electricity interconnector between the UK and Belgium: it will be the first electricity interconnector between these two countries, and it is a joint project between National Grid Interconnectors Limited, part of National Grid Plc and Elia Group, the Belgian electricity transmission system operator.
- 1.2 Nemo is a high voltage interconnector with an approximate capacity of 1GW and it will comprise two 130km HVDC subsea electricity cables, two 3.1km onshore HVDC underground electricity cables, an HVDC converter station located in the Richborough Energy Park to convert HVDC power to HVAC power, three HVAC underground electricity cables (one circuit) between the converter station and the substation and a connection bay at an existing/new National Grid substation located in the Richborough Energy Park.
- 1.3 Nemo is a project of common interest (**PCI**) under the TEN-E Regulation, in recognition of its status as one of the most important energy projects in Europe. At 1GW, Nemo's capacity is nearly three times that of the Project.
- 1.4 NLL agrees with the ExA's initial assessment of principal issues, and agrees that the implication of the Project on Nemo is a principal issue.
- 1.5 NLL arranged a meeting with the Applicant on 7 January 2019 to discuss its concerns about the Project.

**2. NEMO CONSENTS**

- 2.1 We note that the ExA has asked the Applicant to provide copies of the consent documents for Nemo.
- 2.2 Please find enclosed:
- 2.2.1 planning permissions granted by Thanet District Council and Dover District Council in respect of Nemo. Please note that the planning permissions were hybrid permissions, with consent for the converter station granted in outline and consent for the cables granted in detail;
- 2.2.2 a red line plan showing the permitted route of the Nemo cables and the permitted location of the converter station; and
- 2.2.3 marine licence for Nemo granted by the Marine Management Organisation.

**3. CHALK BUND**

- 3.1 In respect of Nemo, part of the onshore cables have not been installed underground: instead, they are surface laid with a chalk bund constructed over them to provide protection.
- 3.2 Within the majority of Pegwell Bay Country Park, the Nemo onshore cables were laid on the existing land surface and chalk was used to cover them. The chalk was spread to marry with existing levels gently. It was proposed that the chalk would be seeded with appropriate native grassland species but through discussions with Kent Wildlife Trust it was considered that self-seeding was the most appropriate option.
- 3.3 The surface lay method of installation of the onshore Nemo cables was selected after consultation responses from the Environment Agency which expressed concern at the possibly of trenching the cables through a former landfill site. The surface laying of the cables was selected to avoid the risk of excavation disturbing contaminated ground of a former landfill site and opening potential contamination pathways during cable installation. Much of the land in Pegwell Bay Country Park has already been subject to capping treatment to further cover the landfill below and to allow native vegetation to establish. The cable installation method effectively replicated the treatment which has been successfully implemented in other parts of the Country Park.
- 3.4 The draft DCO (**dDCO**) currently includes an ability for the Applicant to surface lay its onshore export cables or to underground its onshore export cables. We understand that the Applicant intends to amend the dDCO to remove this flexibility and to provide that the onshore export cables will all be installed underground. NLL supports this amendment as it resolves one of NLL's concerns in respect of the interrelationship between Nemo and the Project. NLL reserves its position to make further submissions on this issue at Deadline 2 in the event that the Applicant does not remove the ability to surface lay its onshore export cables from the dDCO.

**4. COMPULSORY ACQUISITION**

- 4.1 At present, the dDCO includes the compulsory acquisition of NLL's land, interests and rights.
- 4.2 NLL's position is that none of its land, interests or rights can be acquired compulsorily or new rights created over its land and that until NLL reaches an agreement with the Applicant it will require an article in the DCO to make this clear. NLL's position is also that none of its rights or interests can be extinguished by the DCO, and again until it reaches an agreement with the Applicant it will require an article in the DCO to make this clear. Particular works which cause NLL particular concern are identified below in sections 5, 6 and 7 below.
- 4.3 Nemo is a PCI under the TEN-E Regulation, in recognition of its status as one of the most important energy projects in Europe. It has recently been constructed following a detailed consenting process and it is now moving towards operational status.
- 4.4 Nemo is of national and international importance as underlined by its PCI status, and the land comprising the underground cable and converter station is operational land. Whilst Nemo was not designated, or consented, as a nationally significant infrastructure project (**NSIP**) it is important to note that another electricity interconnector project (the Aquind interconnector) has received NSIP status via the application process in s35 of the Planning Act 2008. This reinforces the national significance that the Secretary of State places upon interconnectors.



- 4.5 As set out in response to the ExA's questions, NLL is a statutory undertaker and all of its land (and interests in or rights over land) affected by the Project is land that:
- 4.5.1 is used for the purposes of carrying on NLL's undertaking; and
  - 4.5.2 NLL holds an interest in for the purposes of NLL's undertaking.
- 4.6 NLL's land (or its interests in or rights over land) affected by the Project cannot be acquired and replaced or rights created over such land without serious detriment to the carrying on of NLL's undertaking. At this stage, NLL is not satisfied that the land or any new rights to deliver the Project can be acquired or created without serious detriment to the carrying on of NLL's undertaking or that (where relevant):
- 4.6.1 if purchased it can be replaced by other land, as no such other land has been identified.
  - 4.6.2 any such detriment could be made good by the Applicants through the use of other land belonging to or available for acquisition by the Applicants, as no such replacement land has been identified.
- 4.7 NLL would wish to appear at the Compulsory Acquisition Hearing (CAH) on Thursday 21 February 2019.
- 5. ONSHORE CABLE – WORK NO.16**
- 5.1 The Project's onshore cable route could interfere with Nemo's onshore cable at the interface with the NGET substation (the Project's Work No.16 and shown on the land plan as lot 02/121), but this appears to be just one option that the Applicant has included within its dDCO as part of Work No.16. The other options are shown as plots 02/122 and 02/124 on the land plans.
- 5.2 It is not clear from the application materials why this optionality is required, and Work No 16 is not split into options in the same way that Work No 3B is split into options. This approach is not made clear in the Works Plans or within the description of development within Work No.16 of the dDCO itself (where no optionality is identified), but it is made clear on the Land Plans where the three routes are described as options.
- 5.3 The dDCO does not capture any element of optionality in respect of Work No.16. If granted in its current form, the dDCO would authorise the Applicant to construct Work No. 16 in its entirety. However, NLL understands from the Applicant that this is intended to be optional and that only one of the onshore cable routes would be constructed. Therefore, the dDCO and the works plans need to be amended to reflect this position.
- 5.4 NLL's position is that the Applicant has not provided any justification for an element of optionality in respect of Work No.16, and that the dDCO should only permit one option.
- 5.5 In relation to the option shown on the land plans at plot 02/121, it is not clear to NLL how this could be delivered given that this is a constrained area that includes Nemo's cables and this option would necessitate a crossing of Nemo's cables. NLL has not been provided with any information which would identify the method of this crossing. Therefore, NLL objects to the inclusion of this work.
- 5.6 In relation to the option shown on the land plans at plot 02/122, it is not clear to NLL how this could be delivered and how NLL's access could co-exist. NLL has not been provided with any information

which would identify the extent of any interference with NLL's access. Therefore, NLL objects to the inclusion of this work.

5.7 Given that the Applicant has included three options in respect of Work No.16, and only the options to the north/north east and the south of the existing substation would interfere with Nemo, NLL's position is that Work No.16 should be amended so as to:

5.7.1 remove the cable route to the north/north east of the substation (which is excluded from the order limits and is shown on the land plans and work plans as the larger of the two "islands" in between Work No.16) as part of Work No.16 (shown as plot 02/121 on the land plan);

5.7.2 remove the cable route to the south of the substation as part of Work No.16 (shown as plot 02/122 on the land plan); and

5.7.3 only include the cable route to the west/south west of the substation as part of Work No.16 (shown as plot 02/124 on the land plan).

5.8 This would ensure that the integrity of Nemo's cable route is protected, and would not prevent the Project from being delivered using the alternative route which the Applicant has sought consent for.

5.9 NLL understands from the Applicant that its connection to the substation would be to the south in any event. Therefore, NLL considers that such amendments to Work No.16 would not prejudice the Applicant's ability to deliver the Project and connect to the substation and would enable this connection to be made using the most appropriate route.

5.10 As a backstop position, NLL would be happy to accept the inclusion of an amended definition of Work No. 16, which effectively splits the options into Work No.16A, Work No.16B and Work No.16C with an article included within the DCO that provided that the relevant works (for example Works No.16A or 16B) could not be delivered without approval of NLL (such approval to be at NLL's absolute discretion).

5.11 NLL objects to the compulsory acquisition of any of its land or its rights or interests in land associated with Work No. 16. There is no compelling case in the public interest for NLL's land or NLL's rights or interests in land to be compulsorily acquired or extinguished. This land is not:

5.11.1 required for the development to which the development consent relates, given the alternative options that exist;

5.11.2 required to facilitate or incidental to the development; or

5.11.3 replacement land.

## **6. ONSHORE CABLE - WORKS NO 3B(B) AND 3B(C)**

6.1 The Project includes three alternative works packages as part of Work No. 3B. This includes Work No. 3B(b) and Work No. 3B(c).

6.2 These two works could involve the construction of seawall, and the acquisition of NLL's land/interference with NLL's rights. However, they are only possible alternatives. NLL objects to these alternatives. NLL does not object to Work No.3B(a).

- 6.3 NLL does not understand the broader implications for the seawall, for example whether the effect of diverting seawater to the north by the construction of a seawall would be to adversely affect the integrity of the Nemo cable to the north.
- 6.4 Given that the Applicant has included an alternative works package in Work No. 3B(a), NLL's position is that the DCO should only authorise Work No. 3B(a) and that the DCO should not authorise Work No. 3B(b) and Work No. 3B(c). It is not clear why the Applicant requires three options.
- 6.5 This would ensure that the integrity of Nemo's cable route and access is protected, and would not prevent the Project from being delivered using the alternative works package under Work No.3B(a).
- 6.6 As a backstop position, NLL would be happy to accept the inclusion of an article within the DCO that provided that could be that Work No.3B(c) could not delivered without approval of NLL (such approval to be at NLL's absolute discretion).
- 6.7 NLL understands that the Applicant intends to amend the dDCO to remove any ability to extend the seawall. NLL supports this amendment, as it resolves one of NLL's concerns in respect of the interrelationship between Nemo and the Project. NLL reserves its position to make further submissions on this issue at Deadline 2 in the event that the Applicant does not remove the ability to surface lay its onshore export cables from the dDCO.
- 6.8 NLL objects to the compulsory acquisition of any of its land or its rights or interests in land associated with Work No. 3B. There is no compelling case in the public interest for NLL's land or NLL's rights or interests in land to be compulsorily acquired.
- 6.9 At present, the Applicant intends to permanently acquire Plots 01/05, 01/06, 01/10 and 01/11 to deliver Work No.3B. However, NLL is not satisfied that this land:
- 6.9.1 can be purchased and not replaced without serious detriment to the carrying on of NLL's undertaking; or
  - 6.9.2 if purchased it can be replaced by other land belonging to, or available for acquisition by, the undertakers without serious detriment to the carrying on of the undertaking.

## **7. VEHICULAR ACCESS -WORK NO 6**

- 7.1 The Project seeks the upgrading and widening of an existing access from Sandwich Road and more importantly the crossing of the surface laid Nemo cables by vehicles to access Work No 4A, 4, 3B. The surface laid Nemo cables were not constructed with the intention of heavy construction traffic crossing them. No details have been provided to demonstrate how the construction traffic will cross the existing chalk bund where Nemo's cables are surface laid. Therefore, NLL objects to the inclusion of this work.
- 7.2 NLL has not been provided with technical details as to how this access track would be constructed, or sufficient details to demonstrate that it would not adversely interfere with the Nemo cable.
- 7.3 NLL's preferred technical solution would be one that completely avoids the surface laid Nemo cables, for example by the delivery of a bridged solution that does not involve the crossing of the surface laid Nemo cables by construction traffic.

7.4 NLL objects to the compulsory acquisition of any of its land or its rights or interests in land associated with Work No.6. There is no compelling case in the public interest for NLL's land or NLL's rights or interests in land to be compulsorily acquired.

7.5 At this stage, NLL is not satisfied that:

7.5.1 the right to deliver these works can be purchased without serious detriment to the carrying on of NLL's undertaking given the potential adverse effects on the Nemo cables; and

7.5.2 any detriment to the carrying on of NLL's undertaking, in consequence of the acquisition of the right, can be made good by the Applicant's by the use of other land belonging to or available for acquisition by them as this land is unique in that it comprises the Nemo cables and it is not land in respect of which alternative land is appropriate.

## **8. NATIONAL GRID SUBSTATION**

8.1 At this stage, NLL does not understand the implications for Nemo in respect of the construction of the connection to the substation, as there is no provision within the works package for a connection bay to the substation and the substation is excluded from the order limits.

8.2 At this stage, there is insufficient information to identify where the connection will be made. As identified above, there are three cable route options to connect to the substation but it is not clear exactly where this connection will be made. Accordingly, the implications for Nemo are not clear.

8.3 NLL understands that the grid connection is likely to be to the south of this substation, and this has informed NLL's comments on Work No.16 at section 5 above.

## **9. UNEXPLODED ORDNANCE (UXO)**

9.1 NLL will require confirmation that the Project will not dispose of any UXO that will affect Nemo. NLL understand that the Applicant will need to undertake further survey work to identify the scope of any UXO that it will need to dispose of in due course.

9.2 NLL will work with the Applicant to reach agreement in relation to UXO, but in the absence of any agreement it may require protection within the DCO.

## **10. OFFSHORE CROSSING**

10.1 NLL understands that there will be an offshore crossing of the Nemo offshore electricity cable, but NLL currently has insufficient information to allow it to identify the location of this crossing or the likely impacts on Nemo. To assist NLL, it will require the following information:

10.1.1 what the impressed voltage implications on cable crossings will be;

10.1.2 where the offshore crossing will be and how deep this will be, as well the proximity to other crossings and how matting will be undertaken;

10.1.3 the anchor spread plans; and

10.1.4 the offshore repair strategy.

10.2 NLL will work with the Applicant to reach agreement in relation to such crossing once it is provided with sufficient information.

## 11. SOCG

11.1 We note that the ExA has requested that the Applicant enter into an SoCG with NLL, and given the concern that NLL identified within its relevant representation we consider that there is merit in agreeing an SoCG.

11.2 The Applicant has not sought to progress an SoCG with NLL, and has not contacted NLL to progress an SoCG since the publication of the Rule 6 letter.

11.3 The concerns that NLL has identified in its section 42 consultation response and its relevant representation remain outstanding, and discussion would assist in ensuring that these concerns can be resolved.

## 12. PROTECTIVE PROVISIONS

12.1 NLL is currently negotiating bespoke protective provisions with the Applicant.

12.2 NLL would wish to appear at the Issue Specific Hearing (ISH) into the DCO on Thursday 21 February 2019.

## 13. EXA QUESTIONS

13.1 Please see below NLL's response to the ExA's first round of written questions.

ExA's Question	NLL's Response
1.1.40	<p>NLL notes the relevant representation from Natural England. However, saltmarsh monitoring is ongoing and is subject to a lengthy period of monitoring controlled by a planning condition. No interim results have been shared with Natural England, and NLL is unaware of any Natural England officers undertaking their own surveys of the site.</p> <p>Therefore, NLL is unsure as to what evidence Natural England has to substantiate its claim that the Saltmarsh isn't recovering well.</p>
1.3.10	<p>In response to the ExA's questions:</p> <p>a) NLL is a statutory undertaker for the purposes of the Planning Act 2008 by virtue of section 127 of the Planning Act 2008, section 112(1) of the Electricity Act 1989 and Paragraph 2 of Schedule 16 to the Electricity Act 1989.</p> <p>NLL is the holder of an electricity interconnector licence under section 6(1)(e) of the Electricity Act 1989, and NLL is the owner and operator of Nemo.</p>

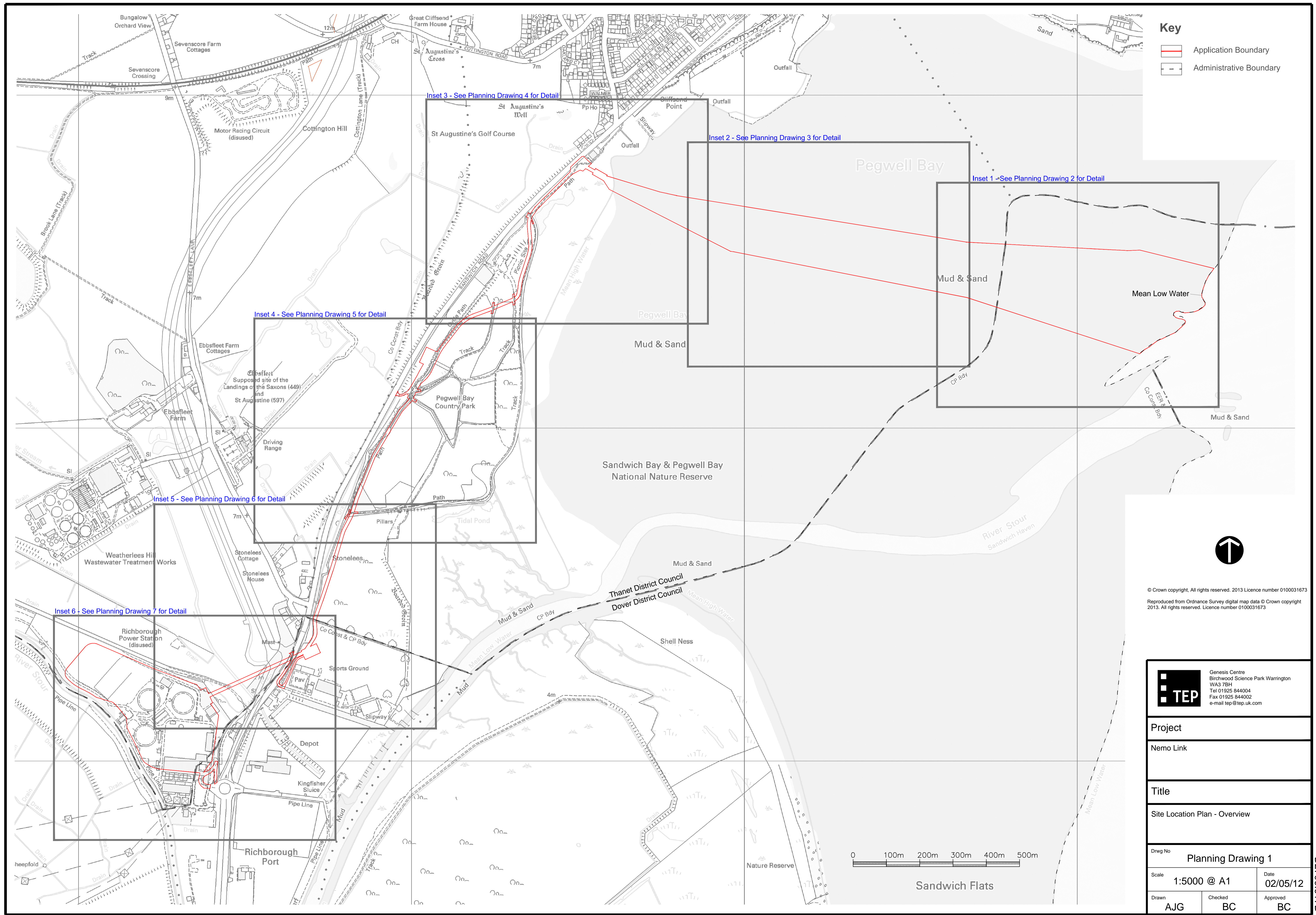
	<p>b) NLL’s objection to the compulsory acquisition of its land or its interests in or rights over land or the creation of new rights over its land is set out in sections 4 to 7 above in more detail. In response to the ExA’s questions:</p> <ul style="list-style-type: none"> <li>i. The full extent of Nemo’s cable route and the converter station site is operational land. The compulsory acquisition of NLL’s land or NLL’s rights or interest in land would adversely and unacceptably impact on NLL’s ability to operate and maintain its operational apparatus.</li> </ul> <p>The land is operational land because it is land:</p> <ul style="list-style-type: none"> <li>i. which is used for the purpose of carrying on NLL’s undertaking;</li> <li>ii. in which an interest is held by NLL for that purpose;</li> <li>iii. over which there is, and has been, a specific planning permission for its development; and</li> <li>iv. that development, if carried out, would involve or have involved its use for the purpose of the carrying on of the statutory undertakers’ undertaking.</li> </ul> <ul style="list-style-type: none"> <li>ii. NLL has significant additional landholdings in the vicinity of the Project, including its converter substation (which is excluded from the order limits and is shown on the land plans and work plans as the smaller of the two “islands” in between Work No.16). This converter station is required to convert HVDC electricity into HVAC electricity in order to connect to the NGET substation.</li> <li>iii. The land affected by Works No.6 and Works No.16 is operational land, which includes Nemo’s cables.</li> </ul> <p>The Applicant has confirmed that it does not intend to compulsory acquire any of NLL’s land or relocate any of NLL’s apparatus, therefore NLL’s interests should be excluded from compulsory acquisition and it should be made clear in an article to the DCO that none of NLL’s land or interests in or rights over land may be compulsorily acquired and that no such interests or rights may be extinguished.</p> <p>Nemo has recently been constructed and is due to commence commercial operation in Q1 2019. Nemo was consented following a detailed and optioneering and site selection process, and Nemo has a maximum capacity of almost three times that of the Project.</p>
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	<p>As identified above, there is no compelling case in the public interest for NLL's land or NLL's rights or interests in land to be compulsorily acquired and the requirements of section 127 of the Planning Act 2008 are not met in respect of such acquisition.</p> <p>c) NLL has no comment to make at this stage.</p> <p>d) This question is not addressed to NLL.</p> <p>As noted above, NLL would wish to appear at the CAH on Thursday 21 February 2019.</p>
1.7.2	Please see NLL's representation at sections 5 to 10 above which detail the particular concerns that NLL has in respect of the Project.
1.16.3	NLL notes the reference to Nemo in this question, and reserves the right to respond to any response to this question.
1.18.6	NLL notes the reference to Nemo in this question, and reserves the right to respond to any response to this question.

**CMS CAMERON MCKENNA NABARRO OLSWANG LLP**

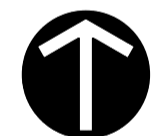
**15 JANUARY 2019**



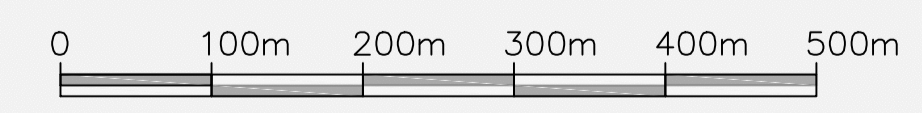


**Key**

- Application Boundary
- Administrative Boundary



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Sandwich Flats

Genesis Centre Birchwood Science Park Warrington WA3 7BH Tel 01925 844004 Fax 01925 844002 e-mail tep@tep.uk.com		
Project		
Nemo Link		
Title		
Site Location Plan - Overview		
Drwg No <b>Planning Drawing 1</b>		
Scale	1:5000 @ A1	Date
Drawn	AJG	02/05/12
Checked	BC	Approved
		BC

D2700.017B



# Thanet District Council

Notification of Grant of Permission to Develop Land  
Town and Country Planning Act 1990  
Town and Country Planning (Development Management Procedure) Order  
2010



F/TH/13/0760

To: Mr M Pearce  
National Grid Nemo Link Limited  
c/o: Krishanthi Carfrae  
TEP Ltd  
Genesis Centre  
Birchwood Science Park  
Warrington  
Cheshire  
WA5 7BH

*TAKE NOTICE that THANET DISTRICT COUNCIL, the District Planning Authority under the Town and Country Planning Acts, has granted permission for:*

**Proposal:** Installation of 3.1km underground high voltage direct current (HVDC) cable from Pegwell Bay to former Richborough Power Station, being part of a 130km HVDC electrical interconnector with an approximate capacity of 1000 megawatts (MW) extending from Zebbrugge (Belgium) to the former Richborough Power Station site, together with outline application for the erection of converter station building (max height 30.8m), substation building (max height 15m) outdoor electrical equipment for substation (max height 12.7m) and for converter station (max height 11.8m), underground cables from substation and converter station and construction of internal roads, including access and landscaping, together with associated temporary construction compounds.

**Location:** FORMER RICHBOROUGH POWER STATION, SANDWICH ROAD, RAMSGATE

*In coming to this decision regard has been had to the following policies:*

*Thanet Local Plan Policies – D1, D2, CC1, CC2, TR8, TR12, TR16, HE11, HE12, EP5, EP9*

*Kent Waste Local Plan 1998 - W7, W9 and W11*

*The application was processed having regards to the National Planning Policy Framework, which requires that where there are potential solutions to problems arising in relation to dealing with planning applications, the Council will work with applicants in a positive and proactive manner to seek solutions to those problems.*

*This permission is SUBJECT TO the conditions specified hereunder:*

- 1 Approval of the details of the layout, scale and appearance of the development on land identified within the 'Converter Station and Substation – Outline Planning Application' (the outline application boundary) on Planning Drawing 20 – D2700.089D attached to this decision notice (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development of that part of the site, apart from remediation works or site fill and levelling as shown on drawing Planning Drawing 19 D2700.080B 'Proposed Site Sections'.

**GROUND:**

As no such details have been submitted.

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

**GROUND:**

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 3 The development hereby permitted on land identified within the 'Converter Station and Substation – Outline Planning Application' (the outline application boundary) on Planning Drawing 20 – D2700.089D shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

**GROUND:**

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 4 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

**GROUND:**

In accordance with Section 92(2) of the Town and Country Planning Act 1990.

- 5 The development hereby permitted, identified within the 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D, attached to this decision notice, shall be begun before the expiration of three years from the date of this permission.

**GROUND:**

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

- 6 Subject to any approval of Reserved Matters, the proposed development shall be carried out in accordance with the submitted plans;

Planning Drawing 1 – D2700.017B  
Planning Drawing 2 – D2700.018  
Planning Drawing 3 – D2700.019  
Planning Drawing 4 – D2700.020A  
Planning Drawing 5 – D2700.021A  
Planning Drawing 6 – D2700.022B  
Planning Drawing 7 – D2700.023A  
Planning Drawing 8 – D2700.027A  
Planning Drawing 9 – D2700.051D  
Planning Drawing 10 – D2700.026B  
Planning Drawing 11 – D2700.028B  
Planning Drawing 12 – D2700.010C  
Planning Drawing 13 – D2700.045L  
Planning Drawing 14 – D2700.064A  
Planning Drawing 15 – D2700.065A  
Planning Drawing 16 – D2700.066A  
Planning Drawing 17 – D2700.067A  
Planning Drawing 18 – D2700.068B  
Planning Drawing 19 – D2700.080B  
Planning Drawing 20 – D2700.089D  
Planning Drawing 21 – D2700.082I  
Planning Drawing 22 – D2700.047L

Planning Drawing 23 – D2700.046I  
 Planning Drawing 24 – D2700.084E  
 Planning Drawing 25 – D2700.085C  
 Planning Drawing 26 – D2700.052E  
 Planning Drawing 27 – D2700.086E

**GROUND:**

To secure the proper development of the area.

- 7 No development shall take place on land identified within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D, until the applicant, or their agents or successors in title, has secured the implementation of the following:
- (i) archaeological works in accordance with a specification and written timetable which has first been submitted to and approved in writing by the Local Planning Authority; and
  - (ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has first been submitted to and approved in writing by the Local Planning Authority

**GROUND:**

To ensure that due regard is had to the preservation in situ of important archaeological remains in accordance with advice in the NPPF

- 8 No development shall take place on land identified within the 'Converter Station and Substation – Outline Planning Application' (the outline application boundary) on Planning Drawing 20 – D2700.089D, apart from demolition, remediation works or site fill and levelling as shown on drawing Planning Drawing 19 D2700.080B 'Proposed Site Sections', until the applicant, or their agents or successors in title, has secured the implementation of the following:
- (i) archaeological works in accordance with a specification and written timetable which has first been submitted to and approved in writing by the Local Planning Authority; and
  - (ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has first been submitted to and approved in writing by the Local Planning Authority

**GROUND:**

To ensure that due regard is had to the preservation in situ of important archaeological remains in accordance with advice in the NPPF

- 9 No development shall commence on land identified within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D until a site characterisation and remediation scheme for that phase has been submitted to and approved in writing by the Local Planning Authority and the remediation scheme has been implemented in accordance with the approved details.

The site characterisation, remediation scheme and implementation of the approved remediation scheme shall be carried out in accordance with the following criteria:

**(a) Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme

to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority, and shall include:

- A survey of the extent, scale and nature of contamination
- An assessment of the potential risks to:
  - Human health
  - Property
  - Adjoining land
  - Groundwaters and surface waters
  - Ecological system
- An appraisal of remedial options and a recommendation of the preferred options
- Targeted investigation works to assess the possible contamination of hydrocarbons from the petrol stations both at the transition joint pit location and at the site of the horizontal directly drilling site.

The site characterisation report shall be conducted in accordance with British Standards and current DEFRA and Environment Agency best practice.

**(b) Submission of remediation scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall ensure that the site cannot be considered as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**GROUND:**

To ensure that the proposed site investigation, remediation and development will not cause harm to human health or pollution of the environment, in accordance with the advice contained within the NPPF

- 10 Any remediation scheme agreed pursuant to condition 9 shall be implemented in accordance with the agreed details prior to the first use of the development on land within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D. The Local Planning Authority shall be given two weeks written notification of commencement of remediation works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development on land within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D.

**GROUND:**

To ensure that the proposed site investigation, remediation and development will not cause harm to human health or pollution of the environment, in accordance with the advice contained within the NPPF.

- 11 No development shall commence on land identified within the 'Converter Station and Substation – Outline Planning Application' (the outline application boundary) on

Planning Drawing 20 – D2700.089D until a site characterisation and remediation scheme for that phase has been submitted to and approved in writing by the Local Planning Authority and the remediation scheme has been implemented in accordance with the approved details.

The site characterisation, remediation scheme and implementation of the approved remediation scheme shall be carried out in accordance with the following criteria:

**(a) Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority, and shall include:

- A survey of the extent, scale and nature of contamination
- An assessment of the potential risks to:
  - Human health
  - Property
  - Adjoining land
  - Groundwaters and surface waters
  - Ecological system
- An appraisal of remedial options and a recommendation of the preferred options

The site characterisation report shall be conducted in accordance with British Standards and current DEFRA and Environment Agency best practice.

**(b) Submission of remediation scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall ensure that the site cannot be considered as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**GROUND:**

To ensure that the proposed site investigation, remediation and development will not cause harm to human health or pollution of the environment, in accordance with the advice contained within the NPPF

- 12 Any remediation scheme agreed pursuant to condition 11 shall be implemented in accordance with the agreed details prior to the first use of the development on land identified within the 'Converter Station and Substation – Outline Planning Application' (the outline application boundary) on Planning Drawing 20 – D2700.089D. The Local Planning Authority shall be given two weeks written notification of commencement of remediation works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development on land identified within the 'Converter Station and

Substation – Outline Planning Application’ (the outline application boundary) on Planning Drawing 20 – D2700.089D.

**GROUND:**

To ensure that the proposed site investigation, remediation and development will not cause harm to human health or pollution of the environment, in accordance with the advice contained within the NPPF

- 13 In the event that contamination is found that was not previously identified at any time when carrying out each phase of the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken at that time in accordance with a site characterisation report that shall be submitted to and approved in writing by the Local Planning Authority and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the approved development within each relevant phase and following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

**GROUND:**

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with the advice contained within National Planning Policy Framework (NPPF) paragraph 109

- 14 No development shall take place on land identified within the ‘Converter Station and Substation – Outline Planning Application’ (the outline application boundary) on Planning Drawing 20 – D2700.089D until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority.

This strategy shall be based upon drawing D2700.075A and section 11.2 of the submitted Flood Risk Assessment and shall be accompanied by all relevant calculations and an outline of how the scheme is to be managed and maintained throughout the development's lifetime. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**GROUND:**

To ensure that the proposed development will not result in an increased risk of flooding off-site, in accordance with the advice contained within the NPPF

- 15 No development shall take place on land identified within ‘HVDC Cables – Full Planning Application’ (the full application boundary) on Planning Drawing 20 – D2700.089D until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The final drainage strategy should be based upon drawing D2700.075A and section 11.2 of the approved FRA and information submitted in pursuance of the above Condition should be accompanied by all relevant calculations and an outline of how the scheme is to be managed and maintained throughout the development's lifetime. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**GROUND:**

To ensure that the proposed development will not result in an increased risk of flooding off-site, in accordance with the advice contained within the NPPF

- 16 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant

unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

**GROUND:**

To protect the underlying aquifer and nearby watercourse from the potential risk of pollution. in accordance with the advice contained within National Planning Policy Framework (NPPF) paragraph 109

- 17 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**GROUND:**

To protect the underlying aquifer and nearby watercourse from the potential risk of pollution. in accordance with the advice contained within National Planning Policy Framework (NPPF) paragraph 109

- 18 No development shall take place on land identified within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D until a Construction Environmental Management Plan which shall include the following details:

- timing/programme of works for each phase of construction
- mitigation for each construction phase for the development
- pre- and post-construction building surveying in relation to vibration during the cable installation process
- screening of noise emission points for the HDD
- construction lay down area principles
- details and a programme for the restoration of the Temporary Construction Compounds
- Siltation and pollution control measures
  - measures to ensure no silt spillage into natterjack toad breeding ponds within the locality of the route
  - measures to ensure no siltation or other impacts on the ditch system within Pegwell Bay Country Park
- traffic movements to and from the site and any necessary traffic management measures
- areas for parking, loading, turning and unloading by site personnel, visitors and delivery vehicles
- access arrangements to/from the highway for Abnormal Indivisible Loads and route
- the proposed modifications to the highway from the site entrance
- wheel washing facilities
- details and timetable for a 'toolbox' talk for all site workers to ensure that they are aware of the sensitivity of the site and the parameters that the work must be carried out within.

has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**GROUND:**

To ensure pollution prevention measures are in place for all potentially polluting activities during construction; to protect sensitive water receptors in accordance within NPPF paragraph 109; in the interests of highway safety; in line with the Appropriate Assessment and in accordance with paragraph 118 of the NPPF.

- 19 No development shall take place on land identified within the 'Converter Station and

Substation – Outline Planning Application’ (the outline application boundary) on Planning Drawing 20 – D2700.089D until a Construction Environmental Management Plan which shall include the following details:

- timing/programme of works for each phase of construction
- mitigation for each construction phase for the development
- construction lay down area principles
- traffic movements to and from the site and any necessary traffic management measures
- areas for parking, loading, turning and unloading by site personnel, visitors and delivery vehicles
- access arrangements to/from the highway for Abnormal Indivisible Loads and route
- wheel washing facilities

has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**GROUND:**

To ensure pollution prevention measures are in place for all potentially polluting activities during construction and to protect sensitive water receptors in accordance within National Planning Policy Framework (NPPF) paragraph 109 and in the interests of highway safety

- 20 Prior to the first use of development on land within the ‘Converter Station and Substation – Outline Planning Application’ (the outline application boundary) on Planning Drawing 20 – D2700.089D the vehicle parking spaces shown on ‘Planning Drawing 21 - Proposed Converter Station and Substation Layout Plan no. D2700.0821 shall be provided and thereafter maintained.

**GROUND:**

In the interests of highway safety.

- 21 Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment.

The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

**GROUND:**

To prevent harm to human health and pollution of the environment, in accordance with the advice contained within the NPPF

- 22 Prior to the first use of the converter and substation a scheme should be submitted to and approved in writing by the Local Planning Authority showing that, when operating, the design and installation of new items of fixed plant shall be such that the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1 metre from the facade of the nearest noise sensitive premises, shall be



a rating level 5dB (A) below the background noise level LAf90 Tbg. Development shall be carried out in accordance with the approved scheme.

**GROUND:**

In the interest of residential amenity, in accordance with Policy D1 of the Thanet Local Plan.

- 23 No development shall take place until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:

- types of waste removed from the site
- identity of the person who removed the waste and their waste carrier registration number
- a description of the waste
- site that the waste is taken to
- environmental permit or exemption held by the site where the material is taken.

Development shall be carried out in accordance with the approved details.

**GROUND:**

To ensure pollution prevention measures are in place for all potentially polluting activities during construction and to protect sensitive water receptors in accordance within National Planning Policy Framework (NPPF) paragraph 109

- 24 No development shall take place until an Incident Management Plan has been prepared which shall include; measures for the prevention of pollution, access to pollution control equipment, Oil and Chemical spills, dust, transfer of demolition wastes, avoidance of cross contamination of hazardous and non-hazardous/inert material, with particular reference to ensure the proposed operations on the site do not:

- disrupt existing sewerage facilities
- disrupt and pollute existing drainage systems
- impact and pollute surrounding water bodies

The plan should also cover Oil Storage, a map of all drainage (surface & foul) on the site and a Pollution Response Plan to deal with any pollution incidents. The plan should be made known to members of staff on the site and include emergency contact details for who is responsible for Pollution Incident Management

Development shall be carried out in accordance with the approved details.

**GROUND:**

To ensure pollution prevention measures are in place for all potentially polluting activities during construction and to protect sensitive water receptors in accordance within National Planning Policy Framework (NPPF) paragraph 109

- 25 Prior to the commencement of development hereby approved, full details showing all existing trees (to be retained and felled) and full details of the proposed hard and soft landscape works, to include:

1. species, size and location of new trees, shrubs, hedges and grassed areas to be planted, which shall include native species and those of native provenance;
2. the treatment proposed for all hard surfaced areas beyond the limits of the highway;
3. walls, fences, other means of enclosure proposed; and
4. the proposed times of planting and implementation

shall be submitted to, and approved in writing by, the Local Planning Authority. All planting and works shall be carried out in accordance with those details and at those times and shall thereafter be maintained.

**GROUND:**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan

- 26 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development, or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

**GROUND:**

To ensure a high quality of design and in the interests of maintaining and enhancing the quality and enjoyment of the environment.

- 27 If within a period of five years from the date of the planting of any tree or shrub that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority, seriously damaged or defective) another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

**GROUND:**

To ensure that adequate provision is made for the planting of trees and shrubs and in the interests of maintaining and enhancing the quality and enjoyment of the environment.

- 28 Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837: 2012 using the following protective fence specification:-
- Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority.
  - The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed.
  - At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area.
  - Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point.
  - There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

**GROUND:**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment, in accordance with policies D1 of the Thanet Local Plan

- 29 Prior to the first use of the abnormal load entrance to the site from the A256, details of measures for the physical restriction of the access shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be put in place before the first use of development hereby approved. The abnormal load entrance shall only be used by emergency service vehicles and those vehicles

defined as "abnormal loads" (as defined by the Road Traffic Act May 2013 or any future iteration).

**GROUND:**

In the interests of highway safety.

- 30 Prior to the commencement of development a detailed breeding bird mitigation plan shall submitted be submitted to and approved in writing by the Local Planning Authority

**GROUND:**

To avoid disturbance to breeding birds including those that are notified features of the Site of Special Scientific Interest in accordance with paragraph 118 of the NPPF.

- 31 Prior to the commencement of development on land within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D detailed method statements for cable installation within the Country Park, which shall be laid in a trough on top of the existing surface within the Pegwell Bay Country Park to the boundary of Stonelees Nature Reserve with the cable trough overburdened with clean inert fill which finishes in a chalk cap shall be submitted to and approved in writing by the Local Planning Authority. The cable installation shall be carried out in accordance with the agreed details.

**GROUND:**

To avoid contamination from the historic landfill within the Country Park in accordance with paragraph 109 of the NPPF.

- 32 No loud construction works or operations that exceed 55db as measured at the boundary of the Sandwich Bay to Hacklinge Marshes SSSI shall take place on land identified within the 'Converter Station and Substation – Outline Planning Application' (the outline application boundary) on Planning Drawing 20 – D2700.089D within the period between one and a half hours before and half an hour after high tide between September and March in any year, and any pilling works or similar operations outside of this time period shall have a soft start up (build up the level of noise).

**GROUND:**

To protect internationally designated wildlife and wildlife habitats, to avoid the high tide periods when birds would be likely to be roosting close to the upper shore in accordance with paragraph 118 of the NPPF

- 33 Prior to commencement of the development hereby approved, full details of the external lighting, hereby approved including their height above ground level, location, size, fittings, illumination levels, timing of use and spread of light shall be submitted to, and approved in writing by, the Local Planning Authority. The lighting installation shall then be carried out and operated in accordance with the approved details and no further lighting shall be brought onto the site unless otherwise previously agreed in writing by the Local Planning Authority.

**GROUND:**

To ensure that light pollution is minimised in the interest of the visual amenities of the area and in the interests of nature conservation, in accordance with Policies D1 and EP9 of the Thanet Local Plan and in accordance with paragraph 118 of the NPPF.

- 34 Prior to the commencement of development on land within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D a detailed mitigation and monitoring strategy for natterjack toads detailing any exclusion or translocation methods and habitat creation and/or enhancement shall be submitted to, and approved in writing by, the Local Planning

Authority. The mitigation and monitoring strategy shall be carried out in accordance with the approved details.

**GROUND:**

To prevent harm to protected species in accordance with paragraph 118 of the NPPF.

- 35 Storage and maintenance of evacuated material from the trenches dug in the vicinity of the natterjack toad ponds shall take place on the road side of the trench as far away from the natterjack breeding ponds as is technically feasible. The replacement of evacuated material back into the trench shall be performed in a timely way so as not to extend storage time.

**GROUND:**

To prevent harm to protected species in accordance with paragraph 118 of the NPPF.

- 36 Cable installation on land identified within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D shall be not undertaken between 01 October – 31 March in any year.

**GROUND:**

To avoid disturbance to the overwintering birds, and to ensure no adverse effect on integrity of the designated sites and in line with the Appropriate Assessment and in accordance with paragraph 118 of the NPPF

- 37 Prior to the commencement of development on land identified within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D a cable burial management plan as set out in the document '*Effect of Integrity of European Nature Conservation Interests - applicant's submission*', which shall include:

- details of the use of techniques and methods to minimise impacts including:
  - use of tracked or skidded plough or chain cutting tool
  - use of low ground pressure vehicles
  - use of bog mats/steel chains, including details of the maximum amount of time the bog mat or rolled steel sheeting will be laid down, and contingency measures such as the temporary removal of the bog mats or rolled steel sheeting to allow the root mat to recover and the use of an on-site ecologist or 'clerk of works' to monitor the integrity of the root mat during the use of bog mats or rolled steel sheeting
  - minimisation of vehicle activity on the salt marsh
  - number of details of transits across the salt marsh
- a defined temporary access track for operational vehicle access across the salt marsh
- details of how the area will be monitored post construction
- a contingency plan detailing how all impacts will be mitigated for should works fall outside the consented parameters - including details of a maximum number of additional transits and how any contingency will be applied without increasing the area of impact
- a reinstatement (of habitat) plan as set out in Section 4.1 of the PMSS document '*Review of Intertidal Cable Installation Techniques*' - to include the presence of an on site ecologist or 'clerk of works' to make reinstatement decisions as the works progress to ensure reinstatement action is taken as soon as possible and detail works to be undertaken to reinstate the saltmarsh habitat during and after the works, and including contingency measures should the monitoring indicate that further restoration is necessary

shall be submitted and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed details.

**GROUND:**

To ensure no adverse effect on integrity of the designated sites in line with the Appropriate Assessment and in accordance with paragraph 118 of the NPPF

- 38 Prior to the commencement of development on land identified within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D markers identifying the 20m working corridor to ensure that no works takes place outside of the area of impact considered shall be put in place and maintained until the cable installation is complete.

**GROUND:**

To ensure no adverse effect on integrity of the designated sites, in line with the Appropriate Assessment and in accordance with paragraph 118 of the NPPF

- 39 Post-construction salt marsh monitoring reports shall be submitted to and agreed in writing by the Local Planning Authority at the end of years 1, 2, 3, 4 and 5 following the completion of the cable installation, unless a shorter period of monitoring is approved by the Local Planning Authority if the salt marsh is recovering adequately. The post construction salt marsh monitoring report shall include:
- the results of a pre-commencement survey to establish a baseline;
  - a report on the rate and success of natural re-colonisation of the saltmarsh;
  - identify any requirement for intervention to aid recovery and
  - a contingency to extend the monitoring if recover of the saltmarsh is not as predicted

**GROUND:**

To ensure no adverse effect on integrity of the designated sites, in line with the Appropriate Assessment and in accordance with paragraph 118 of the NPPF

- 40 Prior to the excavation of the cable trench, jointing pits, compound area, or the placing of weight-bearing mats on land identified within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D, debris and other mobile food sources for invertebrates (e.g. drift wood) shall be moved by hand rake or turfs and lifted to land within the mudflats outside the cables corridor.

**GROUND:**

To remove from the proposed excavated area any invertebrates including any Red Data invertebrates to prevent them from being trampled or buried; to ensure no adverse effect on integrity of the designated sites and in accordance with the Appropriate Assessment paragraph 118 of the NPPF

- 41 During cable installation, excavated material (salt marsh /mud) shall be set to one side of the trench and shall not be disturbed by construction traffic or workers until the trench is backfilled.

**GROUND:**

To reduce the potential for smothering invertebrates and allow for invertebrates to move out of the area if necessary; to ensure no adverse effect on integrity of the designated sites and in line with the Appropriate Assessment and in accordance with the Appropriate Assessment paragraph 118 of the NPPF

- 42 Post-construction invertebrate monitoring reports to assess the benthic re-colonisation, community structure and species balance within the mudflats and saltmarsh shall be submitted to and agreed in writing by the Local Planning Authority at the end of years 1 and 3 following the completion of the cable installation. The Local Planning Authority shall be notified in writing of completion of the cable

installation within one week of its completion.

**GROUND:**

To ensure that structure of the salt marsh returns to enable it to support the same invertebrate assemblage as it did prior to construction; to ensure no adverse effect on integrity of the designated sites and in line with the Appropriate Assessment and in accordance with the Appropriate Assessment paragraph 118 of the NPPF.

- 43 No development shall take place on land identified within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D until detailed surveys of the invertebrate populations of Pegwell Bay have been submitted to and agreed in writing by the Local Planning Authority.

**GROUND:**

To ensure that the biotope present in Pegwell Bay is correctly described and to enable assessment of the success of restoration of the affected foreshore and in accordance with the Appropriate Assessment paragraph 118 of the NPPF.

- 44 Prior to the commencement of development, detailed construction drawings and methodology statement of any built elements which lie over or within 3 metres of the public water supply mains and public sewers shall be submitted to and approved in writing by the Local Planning Authority

**GROUND:**

To prevent pollution in accordance with the advice contained within the National Planning Policy Framework and in accordance with the Appropriate Assessment paragraph 109 of the NPPF

- 45 Prior to the commencement of development on land within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D a water vole survey, including a mitigation strategy should water voles be present on site, shall be submitted to and agreed in writing by the Local Planning Authority. The mitigation strategy shall be carried out in accordance with the approved details.

**GROUND:**

To prevent harm to protected species, and in accordance with the paragraph 118 of the NPPF

- 46 No development shall take place on land within in Stonelees Nature Reserve during the natterjack toad hibernation period.

**GROUND:**

To prevent harm to protected species, in accordance with paragraph 118 of the NPPF

- 47 The details submitted pursuant to condition 1 shall show the building dimensions not exceeding those included within the submitted indicative drawing no. 23– D2700.0461.

**GROUND:**

In the interest of visual amenity and in pursuance of Policies CC2 and D1 of the Thanet Local Plan.

**INFORMATIVES**

**Contamination**

Development must be carried in a strictly controlled manner to ensure that contaminants are not exposed, nor releases allowed to air, land or controlled waters, which could cause pollution, harm or nuisance. Clearing areas, particularly removing hardcover, must be done in a manner not likely to expose contaminants to flushing by

incipient rainfall or surface water run-off on the site. Temporary surface water controls and management of any materials movement on site is critical to ensure protection of controlled waters near the site.

### Environmental Health Consultation

Before carrying out any site investigation or remediation of a site the developer is strongly recommended to contact the Contaminated Land Officer for guidance on the requirements for such investigations or remediation. Investigations, in particular, which do not adequately fulfil these recommendations, may result in additional work having to be carried out.

### Environment Agency

Waste Regulation The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.
- Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste – Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
- If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with the EA as a hazardous waste producer.
- We recommend that developers should refer to EA's:
  - Position statement on the Definition of Waste: Development Industry Code of Practice and;
  - website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for further guidance.

The River Stour and Minster Stream are designated 'main rivers' and under the jurisdiction of this Agency for the purposes of its land drainage functions. The written consent of the EA is therefore required under the Water Resources Act 1991 and associated Byelaws prior to the carrying out of *any works whatsoever*:

- in, over, or under the channel of these watercourses,
- on their banks,
- within 15m of the top of their banks, within 15m of the landward toe of any flood defence (where one exists).
- EA formal written Consent will be required for any works on this site within 15m of the River Stour or the Minster Stream (irrespective of any planning permission granted).

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991

- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

### Protected Species Licence

Natterjack toads are European Protected Species and a licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided through avoidance (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development.

### Airport

Prior to any crane activity taking place, full details of the permits issued during the construction phase including grid reference, dates of operation and maximum height must be notified to the Airport Operations Manager prior to work commencing on this development.

### Ecology

**The applicant is advised to submit the breeding bird mitigation and the cable burial management plan at least four months prior to the commencement of development, given the need for statutory consultees to comment upon the proposed mitigation.**

No materials, machinery or plant shall be stored or disposed of within the boundary of the Site of Special Scientific Interest (SSSI) and no machinery or plant shall be driven or operated within the boundary of the SSSI.

Prior to any vegetation removal works commencing on the salt marsh habitat, a pre-construction walkover survey at the beginning of the breeding season should be conducted to determine whether any birds (specifically of note are SSSI features; redshank and oystercatcher) are nesting in the area proposed for works.

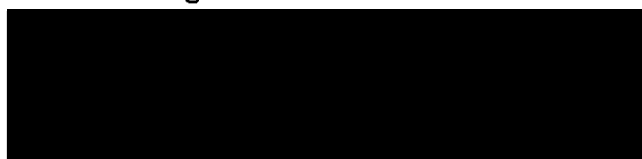
A pre-clearance check no more than 48 hours prior to the day the clearance works are undertaken shall be conducted

Prior to any vegetation removal works commencing on the Pegwell Bay Country Park or Stonelees Nature Reserve or the site of the converter station and sub-station, a pre-construction walkover survey at the beginning of the breeding season should be conducted to determine whether any birds (specifically of note are SSSI features; redshank and oystercatcher) are nesting in the area proposed for works. A pre-clearance check no more than 48 hours prior to the day the clearance works are undertaken shall be conducted.

Dated: 19/12/2013

Thanet District Council  
P.O. Box 9  
Cecil Street  
Margate  
Kent CT9 1XZ

Signed



Simon Thomas  
Planning Manager



# Thanet District Council

Notification of Grant of Permission to Develop Land  
Town and Country Planning Act 1990  
Town and Country Planning (Development Management Procedure) Order  
2010



F/TH/13/0760

To: Mr M Pearce  
National Grid Nemo Link Limited  
c/o: Krishanthi Carfrae  
TEP Ltd  
Genesis Centre  
Birchwood Science Park  
Warrington  
Cheshire  
WA5 7BH

*TAKE NOTICE that THANET DISTRICT COUNCIL, the District Planning Authority under the Town and Country Planning Acts, has granted permission for:*

**Proposal:** Installation of 3.1km underground high voltage direct current (HVDC) cable from Pegwell Bay to former Richborough Power Station, being part of a 130km HVDC electrical interconnector with an approximate capacity of 1000 megawatts (MW) extending from Zebbrugge (Belgium) to the former Richborough Power Station site, together with outline application for the erection of converter station building (max height 30.8m), substation building (max height 15m) outdoor electrical equipment for substation (max height 12.7m) and for converter station (max height 11.8m), underground cables from substation and converter station and construction of internal roads, including access and landscaping, together with associated temporary construction compounds.

**Location:** FORMER RICHBOROUGH POWER STATION, SANDWICH ROAD, RAMSGATE

*In coming to this decision regard has been had to the following policies:*

*Thanet Local Plan Policies – D1, D2, CC1, CC2, TR8, TR12, TR16, HE11, HE12, EP5, EP9*

*Kent Waste Local Plan 1998 - W7, W9 and W11*

*The application was processed having regards to the National Planning Policy Framework, which requires that where there are potential solutions to problems arising in relation to dealing with planning applications, the Council will work with applicants in a positive and proactive manner to seek solutions to those problems.*

*This permission is SUBJECT TO the conditions specified hereunder:*

- 1 Approval of the details of the layout, scale and appearance of the development on land identified within the 'Converter Station and Substation – Outline Planning Application' (the outline application boundary) on Planning Drawing 20 – D2700.089D attached to this decision notice (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development of that part of the site, apart from remediation works or site fill and levelling as shown on drawing Planning Drawing 19 D2700.080B 'Proposed Site Sections'.

**GROUND:**

As no such details have been submitted.

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

**GROUND:**

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 3 The development hereby permitted on land identified within the 'Converter Station and Substation – Outline Planning Application' (the outline application boundary) on Planning Drawing 20 – D2700.089D shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

**GROUND:**

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 4 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

**GROUND:**

In accordance with Section 92(2) of the Town and Country Planning Act 1990.

- 5 The development hereby permitted, identified within the 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D, attached to this decision notice, shall be begun before the expiration of three years from the date of this permission.

**GROUND:**

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

- 6 Subject to any approval of Reserved Matters, the proposed development shall be carried out in accordance with the submitted plans;

Planning Drawing 1 – D2700.017B  
Planning Drawing 2 – D2700.018  
Planning Drawing 3 – D2700.019  
Planning Drawing 4 – D2700.020A  
Planning Drawing 5 – D2700.021A  
Planning Drawing 6 – D2700.022B  
Planning Drawing 7 – D2700.023A  
Planning Drawing 8 – D2700.027A  
Planning Drawing 9 – D2700.051D  
Planning Drawing 10 – D2700.026B  
Planning Drawing 11 – D2700.028B  
Planning Drawing 12 – D2700.010C  
Planning Drawing 13 – D2700.045L  
Planning Drawing 14 – D2700.064A  
Planning Drawing 15 – D2700.065A  
Planning Drawing 16 – D2700.066A  
Planning Drawing 17 – D2700.067A  
Planning Drawing 18 – D2700.068B  
Planning Drawing 19 – D2700.080B  
Planning Drawing 20 – D2700.089D  
Planning Drawing 21 – D2700.082I  
Planning Drawing 22 – D2700.047L

Planning Drawing 23 – D2700.046I  
 Planning Drawing 24 – D2700.084E  
 Planning Drawing 25 – D2700.085C  
 Planning Drawing 26 – D2700.052E  
 Planning Drawing 27 – D2700.086E

**GROUND:**

To secure the proper development of the area.

- 7 No development shall take place on land identified within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D, until the applicant, or their agents or successors in title, has secured the implementation of the following:
- (i) archaeological works in accordance with a specification and written timetable which has first been submitted to and approved in writing by the Local Planning Authority; and
  - (ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has first been submitted to and approved in writing by the Local Planning Authority

**GROUND:**

To ensure that due regard is had to the preservation in situ of important archaeological remains in accordance with advice in the NPPF

- 8 No development shall take place on land identified within the 'Converter Station and Substation – Outline Planning Application' (the outline application boundary) on Planning Drawing 20 – D2700.089D, apart from demolition, remediation works or site fill and levelling as shown on drawing Planning Drawing 19 D2700.080B 'Proposed Site Sections', until the applicant, or their agents or successors in title, has secured the implementation of the following:
- (i) archaeological works in accordance with a specification and written timetable which has first been submitted to and approved in writing by the Local Planning Authority; and
  - (ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has first been submitted to and approved in writing by the Local Planning Authority

**GROUND:**

To ensure that due regard is had to the preservation in situ of important archaeological remains in accordance with advice in the NPPF

- 9 No development shall commence on land identified within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D until a site characterisation and remediation scheme for that phase has been submitted to and approved in writing by the Local Planning Authority and the remediation scheme has been implemented in accordance with the approved details.

The site characterisation, remediation scheme and implementation of the approved remediation scheme shall be carried out in accordance with the following criteria:

**(a) Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme

to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority, and shall include:

- A survey of the extent, scale and nature of contamination
- An assessment of the potential risks to:
  - Human health
  - Property
  - Adjoining land
  - Groundwaters and surface waters
  - Ecological system
- An appraisal of remedial options and a recommendation of the preferred options
- Targeted investigation works to assess the possible contamination of hydrocarbons from the petrol stations both at the transition joint pit location and at the site of the horizontal directly drilling site.

The site characterisation report shall be conducted in accordance with British Standards and current DEFRA and Environment Agency best practice.

**(b) Submission of remediation scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall ensure that the site cannot be considered as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**GROUND:**

To ensure that the proposed site investigation, remediation and development will not cause harm to human health or pollution of the environment, in accordance with the advice contained within the NPPF

- 10 Any remediation scheme agreed pursuant to condition 9 shall be implemented in accordance with the agreed details prior to the first use of the development on land within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D. The Local Planning Authority shall be given two weeks written notification of commencement of remediation works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development on land within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D.

**GROUND:**

To ensure that the proposed site investigation, remediation and development will not cause harm to human health or pollution of the environment, in accordance with the advice contained within the NPPF.

- 11 No development shall commence on land identified within the 'Converter Station and Substation – Outline Planning Application' (the outline application boundary) on

Planning Drawing 20 – D2700.089D until a site characterisation and remediation scheme for that phase has been submitted to and approved in writing by the Local Planning Authority and the remediation scheme has been implemented in accordance with the approved details.

The site characterisation, remediation scheme and implementation of the approved remediation scheme shall be carried out in accordance with the following criteria:

**(a) Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority, and shall include:

- A survey of the extent, scale and nature of contamination
- An assessment of the potential risks to:
  - Human health
  - Property
  - Adjoining land
  - Groundwaters and surface waters
  - Ecological system
- An appraisal of remedial options and a recommendation of the preferred options

The site characterisation report shall be conducted in accordance with British Standards and current DEFRA and Environment Agency best practice.

**(b) Submission of remediation scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall ensure that the site cannot be considered as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**GROUND:**

To ensure that the proposed site investigation, remediation and development will not cause harm to human health or pollution of the environment, in accordance with the advice contained within the NPPF

- 12 Any remediation scheme agreed pursuant to condition 11 shall be implemented in accordance with the agreed details prior to the first use of the development on land identified within the 'Converter Station and Substation – Outline Planning Application' (the outline application boundary) on Planning Drawing 20 – D2700.089D. The Local Planning Authority shall be given two weeks written notification of commencement of remediation works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development on land identified within the 'Converter Station and

Substation – Outline Planning Application’ (the outline application boundary) on Planning Drawing 20 – D2700.089D.

**GROUND:**

To ensure that the proposed site investigation, remediation and development will not cause harm to human health or pollution of the environment, in accordance with the advice contained within the NPPF

- 13 In the event that contamination is found that was not previously identified at any time when carrying out each phase of the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken at that time in accordance with a site characterisation report that shall be submitted to and approved in writing by the Local Planning Authority and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the approved development within each relevant phase and following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

**GROUND:**

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with the advice contained within National Planning Policy Framework (NPPF) paragraph 109

- 14 No development shall take place on land identified within the ‘Converter Station and Substation – Outline Planning Application’ (the outline application boundary) on Planning Drawing 20 – D2700.089D until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority.

This strategy shall be based upon drawing D2700.075A and section 11.2 of the submitted Flood Risk Assessment and shall be accompanied by all relevant calculations and an outline of how the scheme is to be managed and maintained throughout the development's lifetime. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**GROUND:**

To ensure that the proposed development will not result in an increased risk of flooding off-site, in accordance with the advice contained within the NPPF

- 15 No development shall take place on land identified within ‘HVDC Cables – Full Planning Application’ (the full application boundary) on Planning Drawing 20 – D2700.089D until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The final drainage strategy should be based upon drawing D2700.075A and section 11.2 of the approved FRA and information submitted in pursuance of the above Condition should be accompanied by all relevant calculations and an outline of how the scheme is to be managed and maintained throughout the development's lifetime. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**GROUND:**

To ensure that the proposed development will not result in an increased risk of flooding off-site, in accordance with the advice contained within the NPPF

- 16 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant

unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

**GROUND:**

To protect the underlying aquifer and nearby watercourse from the potential risk of pollution. in accordance with the advice contained within National Planning Policy Framework (NPPF) paragraph 109

- 17 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**GROUND:**

To protect the underlying aquifer and nearby watercourse from the potential risk of pollution. in accordance with the advice contained within National Planning Policy Framework (NPPF) paragraph 109

- 18 No development shall take place on land identified within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D until a Construction Environmental Management Plan which shall include the following details:

- timing/programme of works for each phase of construction
- mitigation for each construction phase for the development
- pre- and post-construction building surveying in relation to vibration during the cable installation process
- screening of noise emission points for the HDD
- construction lay down area principles
- details and a programme for the restoration of the Temporary Construction Compounds
- Siltation and pollution control measures
  - measures to ensure no silt spillage into natterjack toad breeding ponds within the locality of the route
  - measures to ensure no siltation or other impacts on the ditch system within Pegwell Bay Country Park
- traffic movements to and from the site and any necessary traffic management measures
- areas for parking, loading, turning and unloading by site personnel, visitors and delivery vehicles
- access arrangements to/from the highway for Abnormal Indivisible Loads and route
- the proposed modifications to the highway from the site entrance
- wheel washing facilities
- details and timetable for a 'toolbox' talk for all site workers to ensure that they are aware of the sensitivity of the site and the parameters that the work must be carried out within.

has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**GROUND:**

To ensure pollution prevention measures are in place for all potentially polluting activities during construction; to protect sensitive water receptors in accordance within NPPF paragraph 109; in the interests of highway safety; in line with the Appropriate Assessment and in accordance with paragraph 118 of the NPPF.

- 19 No development shall take place on land identified within the 'Converter Station and

Substation – Outline Planning Application’ (the outline application boundary) on Planning Drawing 20 – D2700.089D until a Construction Environmental Management Plan which shall include the following details:

- timing/programme of works for each phase of construction
- mitigation for each construction phase for the development
- construction lay down area principles
- traffic movements to and from the site and any necessary traffic management measures
- areas for parking, loading, turning and unloading by site personnel, visitors and delivery vehicles
- access arrangements to/from the highway for Abnormal Indivisible Loads and route
- wheel washing facilities

has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**GROUND:**

To ensure pollution prevention measures are in place for all potentially polluting activities during construction and to protect sensitive water receptors in accordance within National Planning Policy Framework (NPPF) paragraph 109 and in the interests of highway safety

- 20 Prior to the first use of development on land within the ‘Converter Station and Substation – Outline Planning Application’ (the outline application boundary) on Planning Drawing 20 – D2700.089D the vehicle parking spaces shown on ‘Planning Drawing 21 - Proposed Converter Station and Substation Layout Plan no. D2700.0821 shall be provided and thereafter maintained.

**GROUND:**

In the interests of highway safety.

- 21 Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment.

The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

**GROUND:**

To prevent harm to human health and pollution of the environment, in accordance with the advice contained within the NPPF

- 22 Prior to the first use of the converter and substation a scheme should be submitted to and approved in writing by the Local Planning Authority showing that, when operating, the design and installation of new items of fixed plant shall be such that the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1 metre from the facade of the nearest noise sensitive premises, shall be



a rating level 5dB (A) below the background noise level LAf90 Tbg. Development shall be carried out in accordance with the approved scheme.

**GROUND:**

In the interest of residential amenity, in accordance with Policy D1 of the Thanet Local Plan.

- 23 No development shall take place until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:

- types of waste removed from the site
- identity of the person who removed the waste and their waste carrier registration number
- a description of the waste
- site that the waste is taken to
- environmental permit or exemption held by the site where the material is taken.

Development shall be carried out in accordance with the approved details.

**GROUND:**

To ensure pollution prevention measures are in place for all potentially polluting activities during construction and to protect sensitive water receptors in accordance within National Planning Policy Framework (NPPF) paragraph 109

- 24 No development shall take place until an Incident Management Plan has been prepared which shall include; measures for the prevention of pollution, access to pollution control equipment, Oil and Chemical spills, dust, transfer of demolition wastes, avoidance of cross contamination of hazardous and non-hazardous/inert material, with particular reference to ensure the proposed operations on the site do not:

- disrupt existing sewerage facilities
- disrupt and pollute existing drainage systems
- impact and pollute surrounding water bodies

The plan should also cover Oil Storage, a map of all drainage (surface & foul) on the site and a Pollution Response Plan to deal with any pollution incidents. The plan should be made known to members of staff on the site and include emergency contact details for who is responsible for Pollution Incident Management

Development shall be carried out in accordance with the approved details.

**GROUND:**

To ensure pollution prevention measures are in place for all potentially polluting activities during construction and to protect sensitive water receptors in accordance within National Planning Policy Framework (NPPF) paragraph 109

- 25 Prior to the commencement of development hereby approved, full details showing all existing trees (to be retained and felled) and full details of the proposed hard and soft landscape works, to include:

1. species, size and location of new trees, shrubs, hedges and grassed areas to be planted, which shall include native species and those of native provenance;
2. the treatment proposed for all hard surfaced areas beyond the limits of the highway;
3. walls, fences, other means of enclosure proposed; and
4. the proposed times of planting and implementation

shall be submitted to, and approved in writing by, the Local Planning Authority. All planting and works shall be carried out in accordance with those details and at those times and shall thereafter be maintained.

**GROUND:**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan

- 26 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development, or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

**GROUND:**

To ensure a high quality of design and in the interests of maintaining and enhancing the quality and enjoyment of the environment.

- 27 If within a period of five years from the date of the planting of any tree or shrub that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority, seriously damaged or defective) another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

**GROUND:**

To ensure that adequate provision is made for the planting of trees and shrubs and in the interests of maintaining and enhancing the quality and enjoyment of the environment.

- 28 Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837: 2012 using the following protective fence specification:-
- Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority.
  - The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed.
  - At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area.
  - Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point.
  - There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

**GROUND:**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment, in accordance with policies D1 of the Thanet Local Plan

- 29 Prior to the first use of the abnormal load entrance to the site from the A256, details of measures for the physical restriction of the access shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be put in place before the first use of development hereby approved. The abnormal load entrance shall only be used by emergency service vehicles and those vehicles

defined as "abnormal loads" (as defined by the Road Traffic Act May 2013 or any future iteration).

**GROUND:**

In the interests of highway safety.

- 30 Prior to the commencement of development a detailed breeding bird mitigation plan shall submitted be submitted to and approved in writing by the Local Planning Authority

**GROUND:**

To avoid disturbance to breeding birds including those that are notified features of the Site of Special Scientific Interest in accordance with paragraph 118 of the NPPF.

- 31 Prior to the commencement of development on land within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D detailed method statements for cable installation within the Country Park, which shall be laid in a trough on top of the existing surface within the Pegwell Bay Country Park to the boundary of Stonelees Nature Reserve with the cable trough overburdened with clean inert fill which finishes in a chalk cap shall be submitted to and approved in writing by the Local Planning Authority. The cable installation shall be carried out in accordance with the agreed details.

**GROUND:**

To avoid contamination from the historic landfill within the Country Park in accordance with paragraph 109 of the NPPF.

- 32 No loud construction works or operations that exceed 55db as measured at the boundary of the Sandwich Bay to Hacklinge Marshes SSSI shall take place on land identified within the 'Converter Station and Substation – Outline Planning Application' (the outline application boundary) on Planning Drawing 20 – D2700.089D within the period between one and a half hours before and half an hour after high tide between September and March in any year, and any pilling works or similar operations outside of this time period shall have a soft start up (build up the level of noise).

**GROUND:**

To protect internationally designated wildlife and wildlife habitats, to avoid the high tide periods when birds would be likely to be roosting close to the upper shore in accordance with paragraph 118 of the NPPF

- 33 Prior to commencement of the development hereby approved, full details of the external lighting, hereby approved including their height above ground level, location, size, fittings, illumination levels, timing of use and spread of light shall be submitted to, and approved in writing by, the Local Planning Authority. The lighting installation shall then be carried out and operated in accordance with the approved details and no further lighting shall be brought onto the site unless otherwise previously agreed in writing by the Local Planning Authority.

**GROUND:**

To ensure that light pollution is minimised in the interest of the visual amenities of the area and in the interests of nature conservation, in accordance with Policies D1 and EP9 of the Thanet Local Plan and in accordance with paragraph 118 of the NPPF.

- 34 Prior to the commencement of development on land within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D a detailed mitigation and monitoring strategy for natterjack toads detailing any exclusion or translocation methods and habitat creation and/or enhancement shall be submitted to, and approved in writing by, the Local Planning

Authority. The mitigation and monitoring strategy shall be carried out in accordance with the approved details.

**GROUND:**

To prevent harm to protected species in accordance with paragraph 118 of the NPPF.

- 35 Storage and maintenance of evacuated material from the trenches dug in the vicinity of the natterjack toad ponds shall take place on the road side of the trench as far away from the natterjack breeding ponds as is technically feasible. The replacement of evacuated material back into the trench shall be performed in a timely way so as not to extend storage time.

**GROUND:**

To prevent harm to protected species in accordance with paragraph 118 of the NPPF.

- 36 Cable installation on land identified within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D shall be not undertaken between 01 October – 31 March in any year.

**GROUND:**

To avoid disturbance to the overwintering birds, and to ensure no adverse effect on integrity of the designated sites and in line with the Appropriate Assessment and in accordance with paragraph 118 of the NPPF

- 37 Prior to the commencement of development on land identified within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D a cable burial management plan as set out in the document '*Effect of Integrity of European Nature Conservation Interests - applicant's submission*', which shall include:

- details of the use of techniques and methods to minimise impacts including:
  - use of tracked or skidded plough or chain cutting tool
  - use of low ground pressure vehicles
  - use of bog mats/steel chains, including details of the maximum amount of time the bog mat or rolled steel sheeting will be laid down, and contingency measures such as the temporary removal of the bog mats or rolled steel sheeting to allow the root mat to recover and the use of an on-site ecologist or 'clerk of works' to monitor the integrity of the root mat during the use of bog mats or rolled steel sheeting
  - minimisation of vehicle activity on the salt marsh
  - number of details of transits across the salt marsh
- a defined temporary access track for operational vehicle access across the salt marsh
- details of how the area will be monitored post construction
- a contingency plan detailing how all impacts will be mitigated for should works fall outside the consented parameters - including details of a maximum number of additional transits and how any contingency will be applied without increasing the area of impact
- a reinstatement (of habitat) plan as set out in Section 4.1 of the PMSS document '*Review of Intertidal Cable Installation Techniques*' - to include the presence of an on site ecologist or 'clerk of works' to make reinstatement decisions as the works progress to ensure reinstatement action is taken as soon as possible and detail works to be undertaken to reinstate the saltmarsh habitat during and after the works, and including contingency measures should the monitoring indicate that further restoration is necessary

shall be submitted and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed details.

**GROUND:**

To ensure no adverse effect on integrity of the designated sites in line with the Appropriate Assessment and in accordance with paragraph 118 of the NPPF

- 38 Prior to the commencement of development on land identified within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D markers identifying the 20m working corridor to ensure that no works takes place outside of the area of impact considered shall be put in place and maintained until the cable installation is complete.

**GROUND:**

To ensure no adverse effect on integrity of the designated sites, in line with the Appropriate Assessment and in accordance with paragraph 118 of the NPPF

- 39 Post-construction salt marsh monitoring reports shall be submitted to and agreed in writing by the Local Planning Authority at the end of years 1, 2, 3, 4 and 5 following the completion of the cable installation, unless a shorter period of monitoring is approved by the Local Planning Authority if the salt marsh is recovering adequately. The post construction salt marsh monitoring report shall include:
- the results of a pre-commencement survey to establish a baseline;
  - a report on the rate and success of natural re-colonisation of the saltmarsh;
  - identify any requirement for intervention to aid recovery and
  - a contingency to extend the monitoring if recover of the saltmarsh is not as predicted

**GROUND:**

To ensure no adverse effect on integrity of the designated sites, in line with the Appropriate Assessment and in accordance with paragraph 118 of the NPPF

- 40 Prior to the excavation of the cable trench, jointing pits, compound area, or the placing of weight-bearing mats on land identified within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D, debris and other mobile food sources for invertebrates (e.g. drift wood) shall be moved by hand rake or turfs and lifted to land within the mudflats outside the cables corridor.

**GROUND:**

To remove from the proposed excavated area any invertebrates including any Red Data invertebrates to prevent them from being trampled or buried; to ensure no adverse effect on integrity of the designated sites and in accordance with the Appropriate Assessment paragraph 118 of the NPPF

- 41 During cable installation, excavated material (salt marsh /mud) shall be set to one side of the trench and shall not be disturbed by construction traffic or workers until the trench is backfilled.

**GROUND:**

To reduce the potential for smothering invertebrates and allow for invertebrates to move out of the area if necessary; to ensure no adverse effect on integrity of the designated sites and in line with the Appropriate Assessment and in accordance with the Appropriate Assessment paragraph 118 of the NPPF

- 42 Post-construction invertebrate monitoring reports to assess the benthic re-colonisation, community structure and species balance within the mudflats and saltmarsh shall be submitted to and agreed in writing by the Local Planning Authority at the end of years 1 and 3 following the completion of the cable installation. The Local Planning Authority shall be notified in writing of completion of the cable

installation within one week of its completion.

**GROUND:**

To ensure that structure of the salt marsh returns to enable it to support the same invertebrate assemblage as it did prior to construction; to ensure no adverse effect on integrity of the designated sites and in line with the Appropriate Assessment and in accordance with the Appropriate Assessment paragraph 118 of the NPPF.

- 43 No development shall take place on land identified within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D until detailed surveys of the invertebrate populations of Pegwell Bay have been submitted to and agreed in writing by the Local Planning Authority.

**GROUND:**

To ensure that the biotope present in Pegwell Bay is correctly described and to enable assessment of the success of restoration of the affected foreshore and in accordance with the Appropriate Assessment paragraph 118 of the NPPF.

- 44 Prior to the commencement of development, detailed construction drawings and methodology statement of any built elements which lie over or within 3 metres of the public water supply mains and public sewers shall be submitted to and approved in writing by the Local Planning Authority

**GROUND:**

To prevent pollution in accordance with the advice contained within the National Planning Policy Framework and in accordance with the Appropriate Assessment paragraph 109 of the NPPF

- 45 Prior to the commencement of development on land within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D a water vole survey, including a mitigation strategy should water voles be present on site, shall be submitted to and agreed in writing by the Local Planning Authority. The mitigation strategy shall be carried out in accordance with the approved details.

**GROUND:**

To prevent harm to protected species, and in accordance with the paragraph 118 of the NPPF

- 46 No development shall take place on land within in Stonelees Nature Reserve during the natterjack toad hibernation period.

**GROUND:**

To prevent harm to protected species, in accordance with paragraph 118 of the NPPF

- 47 The details submitted pursuant to condition 1 shall show the building dimensions not exceeding those included within the submitted indicative drawing no. 23– D2700.0461.

**GROUND:**

In the interest of visual amenity and in pursuance of Policies CC2 and D1 of the Thanet Local Plan.

**INFORMATIVES**

**Contamination**

Development must be carried in a strictly controlled manner to ensure that contaminants are not exposed, nor releases allowed to air, land or controlled waters, which could cause pollution, harm or nuisance. Clearing areas, particularly removing hardcover, must be done in a manner not likely to expose contaminants to flushing by

incipient rainfall or surface water run-off on the site. Temporary surface water controls and management of any materials movement on site is critical to ensure protection of controlled waters near the site.

### Environmental Health Consultation

Before carrying out any site investigation or remediation of a site the developer is strongly recommended to contact the Contaminated Land Officer for guidance on the requirements for such investigations or remediation. Investigations, in particular, which do not adequately fulfil these recommendations, may result in additional work having to be carried out.

### Environment Agency

Waste Regulation The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.
- Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste – Sampling of Waste Materials – Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
- If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with the EA as a hazardous waste producer.
- We recommend that developers should refer to EA's:
  - Position statement on the Definition of Waste: Development Industry Code of Practice and;
  - website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for further guidance.

The River Stour and Minster Stream are designated 'main rivers' and under the jurisdiction of this Agency for the purposes of its land drainage functions. The written consent of the EA is therefore required under the Water Resources Act 1991 and associated Byelaws prior to the carrying out of *any works whatsoever*:

- in, over, or under the channel of these watercourses,
- on their banks,
- within 15m of the top of their banks, within 15m of the landward toe of any flood defence (where one exists).
- EA formal written Consent will be required for any works on this site within 15m of the River Stour or the Minster Stream (irrespective of any planning permission granted).

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991

- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

### Protected Species Licence

Natterjack toads are European Protected Species and a licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided through avoidance (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development.

### Airport

Prior to any crane activity taking place, full details of the permits issued during the construction phase including grid reference, dates of operation and maximum height must be notified to the Airport Operations Manager prior to work commencing on this development.

### Ecology

**The applicant is advised to submit the breeding bird mitigation and the cable burial management plan at least four months prior to the commencement of development, given the need for statutory consultees to comment upon the proposed mitigation.**

No materials, machinery or plant shall be stored or disposed of within the boundary of the Site of Special Scientific Interest (SSSI) and no machinery or plant shall be driven or operated within the boundary of the SSSI.

Prior to any vegetation removal works commencing on the salt marsh habitat, a pre-construction walkover survey at the beginning of the breeding season should be conducted to determine whether any birds (specifically of note are SSSI features; redshank and oystercatcher) are nesting in the area proposed for works.

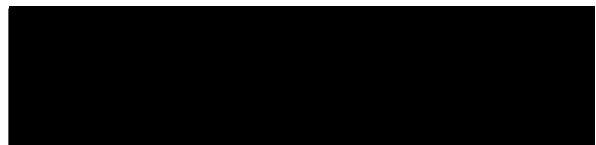
A pre-clearance check no more than 48hours prior to the day the clearance works are undertaken shall be conducted

Prior to any vegetation removal works commencing on the Pegwell Bay Country Park or Stonelees Nature Reserve or the site of the convertor station and sub-station, a pre-construction walkover survey at the beginning of the breeding season should be conducted to determine whether any birds (specifically of note are SSSI features; redshank and oystercatcher) are nesting in the area proposed for works. A pre-clearance check no more than 48hours prior to the day the clearance works are undertaken shall be conducted.

Dated: 19/12/2013

Thanet District Council  
P.O. Box 9  
Cecil Street  
Margate  
Kent CT9 1XZ

Signed



Simon Thomas  
Planning Manager



Mr M Pearce  
National Grid Nemo Link Ltd  
c/o Miss K Gill  
TEP Ltd  
Genesis Centre  
Birchwood Science Park  
Warrington  
WA3 7BH

**Town and Country Planning Act 1990 (As Amended)**

**APPLICATION NUMBER DOV/13/00759**

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**NOTIFICATION OF GRANT OF Full Planning Permission**

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Proposal: Installation of 720m of underground high voltage direct current (HVDC) cable, temporary construction compound, erection of security fencing, construction of access road and hard landscaping (This is part of a duplicate of an application submitted to Thanet District Council for - Installation of 3.1km underground high voltage direct current (HVDC) cable from Pegwell Bay to former Richborough Power Station, being part of a 130km HVDC electrical interconnector with an approximate capacity of 1000 megawatts (MW) extending from Zebbrugge (Belgium) to the former Richborough Power Station site, together with outline application for the erection of converter station building (max height 30.8m), substation building (max height 15m) outdoor electrical equipment for substation (max height 12.7m) and for converter station (max height 11.8m), underground cables from substation and converter station and construction of internal roads, including access and landscaping, together with associated temporary construction compounds).

Location: Part of Former Power Station Site, Ramsgate Road, Sandwich, CT13 9NL

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**TAKE NOTICE** that Dover District Council, the District Planning Authority under the Town and Country Planning Act, **HAS GRANTED** Full Planning Permission for the proposal in accordance with the application and accompanying plans received on 10/09/13

**SUBJECT TO SUCH CONDITIONS AS ARE SPECIFIED** hereunder together with the reasons for their imposition:-

- 1 Approval of the details of the layout of the development on land identified within the 'Converter Station and Substation – Outline Planning Application' (the outline application boundary) on Planning Drawing 20 – D2700.089D attached to this decision notice (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development of that part of the site, apart from remediation works or site fill and levelling as shown on drawing Planning Drawing 19 D2700.080B 'Proposed Site Sections'.

Reason: As no such details have been submitted.

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason: In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 3 The development hereby permitted on land identified within the 'Converter Station and Substation – Outline Planning Application' (the outline application boundary) on Planning Drawing 20 – D2700.089D shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 4 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

Reason: In accordance with Section 92(2) of the Town and Country Planning Act 1990.

- 5 The development hereby permitted, identified within the 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D, attached to this decision notice, shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

- 6 Subject to any approval of Reserved Matters, the proposed development shall be carried out in accordance with the submitted plans;

Planning Drawing 1 – D2700.017B  
 Planning Drawing 2 – D2700.018  
 Planning Drawing 3 – D2700.019  
 Planning Drawing 4 – D2700.020A  
 Planning Drawing 5 – D2700.021A  
 Planning Drawing 6 – D2700.022B  
 Planning Drawing 7 – D2700.023A  
 Planning Drawing 8 – D2700.027A  
 Planning Drawing 9 – D2700.051D  
 Planning Drawing 10 – D2700.026B  
 Planning Drawing 11 – D2700.028B  
 Planning Drawing 12 – D2700.010C  
 Planning Drawing 13 – D2700.045L  
 Planning Drawing 14 – D2700.064A  
 Planning Drawing 15 – D2700.065A  
 Planning Drawing 16 – D2700.066A  
 Planning Drawing 17 – D2700.067A  
 Planning Drawing 18 – D2700.068B  
 Planning Drawing 19 – D2700.080B  
 Planning Drawing 20 – D2700.089D  
 Planning Drawing 21 – D2700.082I  
 Planning Drawing 22 – D2700.047L  
 Planning Drawing 23 – D2700.046I  
 Planning Drawing 24 – D2700.084E  
 Planning Drawing 25 – D2700.085C  
 Planning Drawing 26 – D2700.052E  
 Planning Drawing 27 – D2700.086E

Reason: To secure the proper development of the area.

- 7 No development shall take place on land identified within ‘HVDC Cables – Full Planning Application’ (the full application boundary) on Planning Drawing 20 – D2700.089D, until the applicant, or their agents or successors in title, has secured the implementation of the following:

- (i) archaeological works in accordance with a specification and written timetable which has first been submitted to and approved in writing by the Local Planning Authority; and
- (ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that due regard is had to the preservation in situ of important archaeological remains in accordance with advice in the NPPF.

- 8 No development shall take place on land identified within the 'Converter Station and Substation – Outline Planning Application' (the outline application boundary) on Planning Drawing 20 – D2700.089D, apart from remediation works or site fill and levelling as shown on drawing Planning Drawing 19 D2700.080B 'Proposed Site Sections', until the applicant, or their agents or successors in title, has secured the implementation of the following:

- (i) archaeological works in accordance with a specification and written timetable which has first been submitted to and approved in writing by the Local Planning Authority; and
- (ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that due regard is had to the preservation in situ of important archaeological remains in accordance with advice in the NPPF

- 9 No development shall commence on land identified within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D until a site characterisation and remediation scheme for that phase has been submitted to and approved in writing by the Local Planning Authority and the remediation scheme has been implemented in accordance with the approved details.

The site characterisation, remediation scheme and implementation of the approved remediation scheme shall be carried out in accordance with the following criteria:

**(a) Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority, and shall include:

- A survey of the extent, scale and nature of contamination
- An assessment of the potential risks to:
  - Human health
  - Property
  - Adjoining land
  - Groundwaters and surface waters
  - Ecological system
- An appraisal of remedial options and a recommendation of the preferred options
- Targeted investigation works to assess the possible contamination of

hydrocarbons from the petrol stations both at the transition joint pit location and at the site of the horizontal directly drilling site.

The site characterisation report shall be conducted in accordance with British Standards and current DEFRA and Environment Agency best practice.

**(b) Submission of remediation scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall ensure that the site cannot be considered as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that the proposed site investigation, remediation and development will not cause harm to human health or pollution of the environment, in accordance with the advice contained within the NPPF

- 10 Any remediation scheme agreed pursuant to condition 9 shall be implemented in accordance with the agreed details prior to the first use of the development on land within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D. The Local Planning Authority shall be given two weeks written notification of commencement of remediation works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development on land within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D.

Reason: To ensure that the proposed site investigation, remediation and development will not cause harm to human health or pollution of the environment, in accordance with the advice contained within the NPPF.

- 11 No development shall commence on land identified within the 'Converter Station and Substation – Outline Planning Application' (the outline application boundary) on Planning Drawing 20 – D2700.089D until a site characterisation and remediation scheme for that phase has been submitted to and approved in writing by the Local Planning Authority and the remediation scheme has been implemented in accordance with the approved details.

The site characterisation, remediation scheme and implementation of the approved remediation scheme shall be carried out in accordance with the following criteria:

**(a) Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority, and shall include:

- A survey of the extent, scale and nature of contamination
- An assessment of the potential risks to:
  - Human health
  - Property
  - Adjoining land
  - Groundwaters and surface waters
  - Ecological system
- An appraisal of remedial options and a recommendation of the preferred options

The site characterisation report shall be conducted in accordance with British Standards and current DEFRA and Environment Agency best practice.

**(b) Submission of remediation scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall ensure that the site cannot be considered as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that the proposed site investigation, remediation and development will not cause harm to human health or pollution of the environment, in accordance with the advice contained within the NPPF

- 12 Any remediation scheme agreed pursuant to condition 11 shall be implemented in accordance with the agreed details prior to the first use of the development on land identified within the 'Converter Station and Substation – Outline Planning Application' (the outline application boundary) on Planning Drawing 20 – D2700.089D. The Local Planning Authority shall be given two weeks written notification of commencement of remediation works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development on land identified within the 'Converter Station and Substation – Outline Planning Application' (the outline application boundary) on Planning Drawing 20 – D2700.089D.

Reason: To ensure that the proposed site investigation, remediation and development will not cause harm to human health or pollution of the environment, in accordance with the advice contained within the NPPF

- 13 In the event that contamination is found that was not previously identified at any time when carrying out each phase of the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken at that time in accordance with a site characterisation report that shall be submitted to and approved in writing by the Local Planning Authority and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the approved development within each relevant phase and following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with the advice contained within National Planning Policy Framework (NPPF) paragraph 109

- 14 No development shall take place on land identified within the 'Converter Station and Substation – Outline Planning Application' (the outline application boundary) on Planning Drawing 20 – D2700.089D until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority.

This strategy shall be based upon drawing D2700.075A and section 11.2 of the submitted Flood Risk Assessment and shall be accompanied by all relevant calculations and an outline of how the scheme is to be managed and maintained throughout the development's lifetime. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that the proposed development will not result in an increased risk of flooding off-site, in accordance with the advice contained within the NPPF

- 15 No development shall take place on land identified within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The final drainage strategy should be based upon drawing D2700.075A and section 11.2 of the approved FRA and information submitted in pursuance of the above Condition should be accompanied by all relevant calculations and an outline of how the scheme is to be managed and maintained throughout the development's lifetime. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that the proposed development will not result in an increased risk of flooding off-site, in accordance with the advice contained within the NPPF

- 16 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect the underlying aquifer and nearby watercourse from the potential risk of pollution. in accordance with the advice contained within National Planning Policy Framework (NPPF) paragraph 109

- 17 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the underlying aquifer and nearby watercourse from the potential risk of pollution. in accordance with the advice contained within National Planning Policy Framework (NPPF) paragraph 109

- 18 No development shall take place on land identified within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D until a Construction Environmental Management Plan which shall include the following details:

- timing/programme of works for each phase of construction
- mitigation for each construction phase for the development
- pre- and post-construction building surveying in relation to vibration during the cable installation process
- screening of noise emission points for the HDD
- construction lay down area principles
- details and a programme for the restoration of the Temporary Construction



#### Compounds

- siltation and pollution control measures
- measures to ensure no silt spillage into natterjack toad breeding ponds within the locality of the route
- measures to ensure no siltation or other impacts on the ditch system within Pegwell Bay Country Park
- traffic movements to and from the site and any necessary traffic management measures
- areas for parking, loading, turning and unloading by site personnel, visitors and delivery vehicles
- access arrangements to/from the highway for Abnormal Indivisible Loads and route
- the proposed modifications to the highway from the site entrance
- wheel washing facilities
- details and timetable for a 'toolbox' talk for all site workers to ensure that they are aware of the sensitivity of the site and the parameters that the work must be carried out within.

has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure pollution prevention measures are in place for all potentially polluting activities during construction; to protect sensitive water receptors in accordance within NPPF paragraph 109; in the interests of highway safety; in line with the Appropriate Assessment and in accordance with paragraph 118 of the NPPF.

- 19 No development shall take place on land identified within the 'Converter Station and Substation – Outline Planning Application' (the outline application boundary) on Planning Drawing 20 – D2700.089D until a Construction Environmental Management Plan which shall include the following details:

- timing/programme of works for each phase of construction
- mitigation for each construction phase for the development
- construction lay down area principles
- traffic movements to and from the site and any necessary traffic management measures
- areas for parking, loading, turning and unloading by site personnel, visitors and delivery vehicles
- access arrangements to/from the highway for Abnormal Indivisible Loads and route
- wheel washing facilities

has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure pollution prevention measures are in place for all potentially polluting activities during construction and to protect sensitive water receptors in accordance within National Planning Policy Framework (NPPF) paragraph 109 and in

the interests of highway safety

- 20 Prior to the first use of development on land within the 'Converter Station and Substation – Outline Planning Application' (the outline application boundary) on Planning Drawing 20 – D2700.089D the vehicle parking spaces shown on 'Planning Drawing 21 - Proposed Converter Station and Substation Layout Plan no. D2700.0821 shall be provided and thereafter maintained.

Reason: In the interests of highway safety.

- 21 Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment.

The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent harm to human health and pollution of the environment, in accordance with the advice contained within the NPPF

- 22 No development shall take place until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:
- types of waste removed from the site
  - identity of the person who removed the waste and their waste carrier registration number
  - a description of the waste
  - site that the waste is taken to
  - environmental permit or exemption held by the site where the material is taken.

Development shall be carried out in accordance with the approved details.

Reason: To ensure pollution prevention measures are in place for all potentially polluting activities during construction and to protect sensitive water receptors in accordance within National Planning Policy Framework (NPPF) paragraph 109

- 23 No development shall take place until an Incident Management Plan has been prepared which shall include; measures for the prevention of pollution, access to pollution control equipment, Oil and Chemical spills, dust, transfer of demolition wastes, avoidance of cross contamination of hazardous and non-hazardous/inert material, with particular reference to ensure the proposed operations on the site do not:

- disrupt existing sewerage facilities
- disrupt and pollute existing drainage systems
- impact and pollute surrounding water bodies

The plan should also cover Oil Storage, a map of all drainage (surface & foul) on the site and a Pollution Response Plan to deal with any pollution incidents. The plan should be made known to members of staff on the site and include emergency contact details for who is responsible for Pollution Incident Management

Development shall be carried out in accordance with the approved details.

Reason: To ensure pollution prevention measures are in place for all potentially polluting activities during construction and to protect sensitive water receptors in accordance within National Planning Policy Framework (NPPF) paragraph 109

- 24 Prior to the commencement of development hereby approved, full details showing all existing trees (to be retained and felled) and full details of the proposed hard and soft landscape works, to include:

1. species, size and location of new trees, shrubs, hedges and grassed areas to be planted, which shall include native species and those of native provenance;
2. the treatment proposed for all hard surfaced areas beyond the limits of the highway;
3. walls, fences, other means of enclosure proposed; and
4. the proposed times of planting and implementation

shall be submitted to, and approved in writing by, the Local Planning Authority. All planting and works shall be carried out in accordance with those details and at those times and shall thereafter be maintained.

Reason: In the interests of the visual amenities of the area and to adequately integrate the development into the environment.

- 25 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development, or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: To ensure a high quality of design and in the interests of maintaining and enhancing the quality and enjoyment of the environment.

- 26 If within a period of five years from the date of the planting of any tree or shrub that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority, seriously damaged or defective) another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure that adequate provision is made for the planting of trees and shrubs and in the interests of maintaining and enhancing the quality and enjoyment of the environment.

- 27 Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837: 2012 using the following protective fence specification:-

- Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority.
- The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed.
- At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area.
- Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point.
- There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

Reason: In the interests of the visual amenities of the area and to adequately integrate the development into the environment.

- 28 Prior to the first use of the abnormal load entrance to the site from the A256, details of measures for the physical restriction of the access shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be put in place before the first use of development hereby approved. The abnormal load entrance shall only be used by emergency service vehicles and those vehicles defined as “abnormal loads” (as defined by the Road Traffic Act May 2013 or any future iteration).

Reason: In the interests of highway safety.

- 29 Prior to commencement of the development hereby approved, full details of the

external lighting, hereby approved including their height above ground level, location, size, fittings, illumination levels, timing of use and spread of light shall be submitted to, and approved in writing by, the Local Planning Authority. The lighting installation shall then be carried out and operated in accordance with the approved details and no further lighting shall be brought onto the site unless otherwise previously agreed in writing by the Local Planning Authority.

Reason: To ensure that light pollution is minimised in the interest of the visual amenities of the area and in the interests of nature conservation.

- 30 Cable installation on land identified within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D shall be not undertaken between 01 October – 31 March in any year.

Reason: To avoid disturbance to the overwintering birds, and to ensure no adverse effect on integrity of the designated sites and in line with the Appropriate Assessment and in accordance with paragraph 118 of the NPPF

- 31 Prior to the commencement of development on land identified within 'HVDC Cables – Full Planning Application' (the full application boundary) on Planning Drawing 20 – D2700.089D a cable burial management plan as set out in the document '*Effect of Integrity of European Nature Conservation Interests - applicant's submission*', which shall include:

- details of the use of techniques and methods to minimise impacts including:
  - use of tracked or skidded plough or chain cutting tool
  - use of low ground pressure vehicles
  - use of bogmats/steel chains, including details of the maximum amount of time the bogmat or rolled steel sheeting will be laid down, and contingency measures such as the temporary removal of the bogmats or rolled steel sheeting to allow the rootmat to recover and the use of an on-site ecologist or 'clerk of works' to monitor the integrity of the rootmat during the use of bogmats or rolled steel sheeting
  - minimisation of vehicle activity on the salt marsh
  - number of details of transits across the salt marsh
- a defined temporary access track for operational vehicle access across the salt marsh
- details of how the area will be monitored post construction
- a contingency plan detailing how all impacts will be mitigated for should works fall outside the consented parameters - including details of a maximum number of additional transits and how any contingency will be applied without increasing the area of impact
- a reinstatement (of habitat) plan as set out in Section 4.1 of the PMSS document '*Review of Intertidal Cable Installation Techniques*' - to include the presence of an on site ecologist or 'clerk of works' to make reinstatement decisions as the works progress to ensure reinstatement action is taken as soon as possible and detail works to be undertaken to reinstate the saltmarsh habitat during and after the works, and including contingency measures should the monitoring indicate that further restoration is necessary

shall be submitted and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed details.

Reason: To ensure no adverse effect on integrity of the designated sites in line with the Appropriate Assessment and in accordance with paragraph 118 of the NPPF

- 32 Prior to the commencement of development on land identified within ‘HVDC Cables – Full Planning Application’ (the full application boundary) on Planning Drawing 20 – D2700.089D markers identifying the 20m working corridor to ensure that no works takes place outside of the area of impact considered shall be put in place and maintained until the cable installation is complete.

Reason: To ensure no adverse effect on integrity of the designated sites, in line with the Appropriate Assessment and in accordance with paragraph 118 of the NPPF

- 33 Prior to the excavation of the cable trench, jointing pits, compound area, or the placing of weight-bearing mats on land identified within ‘HVDC Cables – Full Planning Application’ (the full application boundary) on Planning Drawing 20 – D2700.089D, debris and other mobile food sources for invertebrates (e.g. drift wood) shall be moved by hand rake or turfs and lifted to land within the mud flats outside the cables corridor.

Reason: To remove from the proposed excavated area any invertebrates including any Red Data invertebrates to prevent them from being trampled or buried; to ensure no adverse effect on integrity of the designated sites and in accordance with the Appropriate Assessment and paragraph 118 of the NPPF

- 34 During cable installation, excavated material (salt marsh /mud) shall be set to one side of the trench and shall not be disturbed by construction traffic or workers until the trench is backfilled.

Reason: To reduce the potential for smothering invertebrates and allow for invertebrates to move out of the area if necessary; to ensure no adverse effect on integrity of the designated sites and in line with the Appropriate Assessment and in accordance with paragraph 118 of the NPPF

- 35 Post-construction invertebrate monitoring reports to assess the benthic re-colonisation, community structure and species balance within the mudflats and saltmarsh shall be submitted to and agreed in writing by the Local Planning Authority at the end of years 1 and 3 following the completion of the cable installation.

The Local Planning Authority shall be notified of completion of the cable installation within one week of its completion.

Reason: To ensure that structure of the salt marsh returns to enable it to support the same invertebrate assemblage as it did prior to construction; to

ensure no adverse effect on integrity of the designated sites and in line with the Appropriate Assessment and in accordance with paragraph 118 of the NPPF.

- 36 No development shall take place on land identified within ‘HVDC Cables – Full Planning Application’ (the full application boundary) on Planning Drawing 20 – D2700.089D until detailed surveys of the invertebrate populations of Pegwell Bay have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the biotope present in Pegwell Bay is correctly described and to enable assessment of the success of restoration of the affected foreshore and in accordance with the Appropriate Assessment and paragraph 118 of the NPPF.

- 37 Prior to the commencement of development, detailed construction drawings and methodology statement of any built elements which lie over or within 3 metres of the public water supply mains and public sewers shall be submitted to and approved in writing by the Local Planning Authority

Reason: To prevent pollution in accordance with the advice contained within the National Planning Policy Framework and in accordance with the Appropriate Assessment.

- 38 The details submitted pursuant to condition 1 shall show the building dimensions, not exceeding those included within the submitted indicative drawing no. 23–D2700.0461.

Reason: In the interest of visual amenity.

In reaching the decision to grant planning permission, the Local Planning Authority has taken into account the requirement in Section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine the application in accordance with the Development Plan, the policies of the Development Plan and all other material considerations. Policies are referred to in conditions where appropriate.

In accordance with paragraphs 186 and 187 of the NPPF, Dover District Council (DDC) takes a positive and proactive approach to development proposals focused on solutions. DDC works with applicants/agents in a positive and proactive manner by: Offering a pre-application advice service; where possible, suggesting solutions to secure a successful outcome; and, as appropriate, updating applicants/agents of any issues that may arise in the processing of their application. In this instance:

- 1 The applicant/agent was updated of any issues after the initial site visit.
- 2 The applicant was provided the opportunity to submit amendments to the scheme/address issues.
- 3 The application was dealt with/approved without delay.

- 4 The application has been determined in full cognisance of the accompanying Environmental Statement.

Dated: 19/12/2013

DISTRICT COUNCIL OFFICES  
WHITE CLIFFS BUSINESS PARK  
DOVER KENT CT16 3PJ  
TEL:DOVER (01304) 821199

Signed:  
  
For Mike Ebbs  
Regeneration & Development Manager

**YOUR ATTENTION IS DRAWN TO THE REQUIREMENTS OF THE CONDITIONS SET OUT IN THIS DECISION NOTICE. THE PLANNING PERMISSION IS CONDITIONAL ON COMPLIANCE WITH THESE REQUIREMENTS. SOME CONDITIONS MAY REQUIRE THE SUBMISSION AND APPROVAL OF FURTHER DETAILS BEFORE ANY WORK IS COMMENCED AND SUCH SUBMISSIONS WILL BE SUBJECT TO A FURTHER FEE.**

**ANY CHANGE TO THE APPROVED PLANS IS LIKELY TO REQUIRE A FURTHER PLANNING PERMISSION.**

**FAILURE TO COMPLY WITH THESE REQUIREMENTS MAY LEAD TO LEGAL ACTION BY THE DISTRICT COUNCIL AND /OR MEAN THAT THE PERMISSION IS VOID.**

**YOUR ATTENTION IS ALSO DRAWN TO THE NOTES AND ANY LETTER ACCOMPANYING THIS NOTICE**



### **Appeals to the Secretary of State**

\* If you are aggrieved by the decision of the Council to refuse permission for the proposed development, or to grant permission subject to conditions, you may wish to discuss with the Council whether a revised proposal would be likely to succeed; the District Council is likely to charge for such discussions. Otherwise you may appeal to the First Secretary of State under Section 78 of the Town and Country Planning Act 1990. If you wish to appeal, you must do so **within 6 months** of the date of this notice **or within 12 weeks of this date if your application concerned is householder development or minor commercial. Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, Tel: 0117 3726372, or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).**

The Secretary of State has power to allow a longer period for giving notice of an appeal, but he will not be prepared to use this power unless there are extraordinary circumstances which excuse the delay in giving notice of appeal.

\* The Secretary of State need not consider an appeal if it seems to him that the Council could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Council based its decision on a direction given by him.

### **Purchase Notices**

\* If either the Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

\* In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

### **Environmental Statements**

\* If you submitted an Environmental Statement, the Local Planning Authority has taken that environmental information into consideration in reaching its decision.

### **Other Matters**

\* Any planning permission or approval granted is confined to permission under the Town and Country Planning Act and the Town and Country Planning (General Development Procedure) Order 1995, and does not negate the need for compliance with any other enactment, bylaw, or other provision whatsoever or of obtaining from the appropriate authority or authorities any permission, consent, approval or authorisation which may be required. This includes the need to apply for Listed Building Consent should the proposal involve the demolition or alteration (internal or external) of, or extension to, a building listed as being of Architectural or Historic Interest, or of any structure built before July 1948 within the curtilage of a listed building, and Conservation Area Consent for the total or substantial demolition of any unlisted building if it is situated within a designated conservation area.

\* **You are advised particularly to contact the Building Control Officer at the District Council Offices, White Cliffs Business Park, Dover (01304 821199) to ascertain whether permission is necessary under the Building Regulations. Attention is also drawn in particular to the provisions of Section 53 of the County of Kent Act 1981, which may be applicable, the requirements of the Party Wall Etc Act 1996 concerning notifying affected neighbours and the Housing Act 2004 concerning the adequacy of lighting to habitable rooms. Many species of wildlife and their habitat are protected by law.**

\* Should any change be required to your proposal, however minor, in connection with other legislation or otherwise, a further planning permission is likely to be required to ensure that the development is authorised.

\* Now that your application has been determined, it is no longer necessary for the Council to retain a spare set of your submitted plans. This set of plans will be available for collection at the District Council offices within the next 6 weeks (or 6 months if your application has been refused) after which time it will be destroyed. The plans should be signed for on collection.

# Marine Management Organisation Marine Licence

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## 1 Introduction

This is a licence granted by the Marine Management Organisation on behalf of the Secretary of State to authorise the licence holder to carry on activities for which a licence is required under Part 4 of the Marine and Coastal Access Act 2009.

This licence is for the licensed activities only and is subject to the terms and conditions set out in this licence.

### 1.1 Licence number

The licence number for this licence is L/2013/00373/1.

### 1.2 Licence holder

The licence holder is the person or organisation set out below:

Name / Company Name	National Grid Nemo Link Limited
Company registration number (if applicable)	08169409
Address	1-3 Strand London WC2N 5EH
Contact within Company	Mr Mark Pearce
Position within Company (if applicable). State if Company Officer or Director	Project Development Director

### 1.3 Licence date

Version	V 1.1
Licence start date	23 December 2013
Licence end date	31 December 2115
Date of original issue	23 December 2013
Date of licence variation	31 July 2013

## 1.4 Licence validity

This licence is valid only once the MMO has received notification of commencement of the licensed activities as set out in the licence conditions (section 5 of this licence).

# 2 General

## 2.1 Interpretation

In this licence, terms are as defined in section 115 of the Marine and Coastal Access Act and the Interpretation Act 1978 unless otherwise stated.

- a) "the 2009 Act" means the Marine and Coastal Access Act 2009
- b) "licensable activity" means any activity listed in section 66 of the 2009 Act
- c) "licence holder" means the person(s) or organisation(s) named in section 1 above to whom this licence is granted
- d) "licensed activities" means any activities set out in section 4 of this licence
- e) "MMO" means the Marine Management Organisation
- f) "mean high water springs" means the average of high water heights occurring at the time of spring tides
- g) "seabed" means the ground under the sea
- h) All geographical co-ordinates contained within this licence are in WGS84 format (latitude and longitude degrees and minutes to three decimal places) unless stated otherwise.

## 2.2 Contacts

Except where otherwise indicated, the main point of contact with the MMO and the address for email and postal returns and correspondence shall be:

**Marine Management Organisation  
Marine Licensing Team  
Lancaster House  
Hampshire Court  
Newcastle upon Tyne, NE4 7YH**

**Tel: 0300 123 1032**

**Fax: 0191 376 2681**

**Email: [marine.consents@marinemanagement.org.uk](mailto:marine.consents@marinemanagement.org.uk)**

Any references to any Coastal MMO Office shall be the relevant officer in the area(s) located at:

**Marine Management Organisation  
Fish Market  
Rock-A-Nore Road  
Hastings  
East Sussex, TN34 3DW**

Tel: 01424 424 109 or 01424 438 152  
Fax: 01424 444 642  
Email: [hastings@marinemanagement.org.uk](mailto:hastings@marinemanagement.org.uk)

## 3 Project overview

### 3.1 Project title

Nemo Link Interconnector

### 3.2 Project description

The Nemo Link Interconnector project is an electrical interconnector, with an approximate capacity of 1000 megawatts, which will allow the transfer of electrical power between the high voltage grid systems of Belgium and the United Kingdom. The project is being developed by National Grid Nemo Link Limited, part of the National Grid group, and Elia Asset S.A. which is part of the national transmission company in Belgium.

The proposed development consists of the installation and operation of a bundle of two High Voltage Direct Current (HVDC) cables and one fibre optic cable in English waters, dredging and disposal of materials required during the cable installation process and cable armouring at one cable crossing location.

### 3.3 Related marine licences

Not applicable.

## 4 Licensed activities

The following activities are licensed. The licensed activities are licensed only for those locations specified within the activity details below:

Site 1 – Nemo Link Interconnector		
Site location	A 500 metre width cable corridor located between mean high water springs at Pegwell Bay, Kent and the English territorial 12 nautical mile limit.	
Activity 1 – Installation and operation of HVDC submarine interconnector cables and fibre optic cable.		
Activity type	Construction	
Activity location	Longitude	Latitude
	1° 40.2910' E	51° 19.9380' N

	1° 43.5410' E	51° 19.7490' N
	1° 49.2910' E	51° 19.7660' N
	1° 51.5950' E	51° 19.7890' N
	1° 51.6060' E	51° 19.7890' N
	1° 51.9500' E	51° 19.7810' N
	1° 51.9600' E	51° 19.7390' N
	1° 51.9800' E	51° 19.6520' N
	1° 51.9810' E	51° 19.6460' N
	1° 51.9910' E	51° 19.6020' N
	1° 52.0060' E	51° 19.5320' N
	1° 52.0110' E	51° 19.5090' N
	1° 51.5960' E	51° 19.5190' N
	1° 49.2970' E	51° 19.4960' N
	1° 49.2940' E	51° 19.4960' N
	1° 43.5320' E	51° 19.4790' N
	1° 43.5310' E	51° 19.4790' N
	1° 43.5210' E	51° 19.4790' N
	1° 43.5110' E	51° 19.4800' N
	1° 40.2840' E	51° 19.6680' N
	1° 40.0760' E	51° 19.6400' N
	1° 39.7150' E	51° 19.4940' N
	1° 39.6970' E	51° 19.4870' N
	1° 39.6880' E	51° 19.4850' N
	1° 39.6800' E	51° 19.4820' N
	1° 39.6710' E	51° 19.4800' N
	1° 39.6620' E	51° 19.4780' N
	1° 39.6530' E	51° 19.4770' N
	1° 39.6440' E	51° 19.4750' N

	1° 39.6350' E	51° 19.4740' N
	1° 39.6320' E	51° 19.4740' N
	1° 36.1330' E	51° 19.1190' N
	1° 36.1030' E	51° 19.1170' N
	1° 32.7580' E	51° 19.0730' N
	1° 30.7420' E	51° 18.6040' N
	1° 30.7410' E	51° 18.6030' N
	1° 30.7330' E	51° 18.6020' N
	1° 30.7260' E	51° 18.6000' N
	1° 30.7180' E	51° 18.5990' N
	1° 30.7100' E	51° 18.5980' N
	1° 28.6380' E	51° 18.3330' N
	1° 28.6320' E	51° 18.3330' N
	1° 28.6260' E	51° 18.3320' N
	1° 28.6190' E	51° 18.3320' N
	1° 27.0800' E	51° 18.2230' N
	1° 27.0680' E	51° 18.2220' N
	1° 27.0560' E	51° 18.2220' N
	1° 27.0490' E	51° 18.2220' N
	1° 27.0420' E	51° 18.2220' N
	1° 26.4110' E	51° 18.2480' N
	1° 26.4000' E	51° 18.2480' N
	1° 26.3880' E	51° 18.2500' N
	1° 26.3790' E	51° 18.2510' N
	1° 26.3700' E	51° 18.2520' N
	1° 26.3610' E	51° 18.2540' N
	1° 26.3520' E	51° 18.2560' N
	1° 26.3420' E	51° 18.2580' N

	1° 23.5440' E	51° 18.9940' N
	1° 22.8180' E	51° 19.1660' N
	1° 22.0030' E	51° 19.2920' N
	1° 21.9930' E	51° 19.2930' N
	1° 21.9890' E	51° 19.2940' N
	1° 21.9840' E	51° 19.2940' N
	1° 21.9780' E	51° 19.2960' N
	1° 21.9750' E	51° 19.2960' N
	1° 21.9660' E	51° 19.2980' N
	1° 21.9580' E	51° 19.3000' N
	1° 21.9490' E	51° 19.3020' N
	1° 21.9410' E	51° 19.3050' N
	1° 21.9320' E	51° 19.3080' N
	1° 21.9240' E	51° 19.3110' N
	1° 21.9170' E	51° 19.3140' N
	1° 21.9090' E	51° 19.3170' N
	1° 21.8560' E	51° 19.3380' N
	1° 21.8420' E	51° 19.3440' N
	1° 21.8610' E	51° 19.3630' N
	1° 21.8610' E	51° 19.3640' N
	1° 21.8880' E	51° 19.3910' N
	1° 21.8880' E	51° 19.3910' N
	1° 21.9040' E	51° 19.4050' N
	1° 21.9130' E	51° 19.4140' N
	1° 21.9250' E	51° 19.4260' N
	1° 21.9340' E	51° 19.4360' N
	1° 21.9420' E	51° 19.4460' N
	1° 21.9460' E	51° 19.4530' N
	1° 21.9470' E	51° 19.4630' N

	1° 21.9440' E	51° 19.4790' N
	1° 21.9440' E	51° 19.4790' N
	1° 21.9430' E	51° 19.4920' N
	1° 21.9430' E	51° 19.4920' N
	1° 21.9430' E	51° 19.4920' N
	1° 21.9430' E	51° 19.4920' N
	1° 21.9430' E	51° 19.4930' N
	1° 21.9430' E	51° 19.4930' N
	1° 21.9430' E	51° 19.4930' N
	1° 21.9440' E	51° 19.4940' N
	1° 21.9440' E	51° 19.4940' N
	1° 21.9440' E	51° 19.4940' N
	1° 21.9470' E	51° 19.4990' N
	1° 21.9470' E	51° 19.5000' N
	1° 21.9480' E	51° 19.5000' N
	1° 21.9480' E	51° 19.5000' N
	1° 21.9480' E	51° 19.5000' N
	1° 21.9490' E	51° 19.5010' N
	1° 21.9490' E	51° 19.5010' N
	1° 21.9490' E	51° 19.5010' N
	1° 21.9580' E	51° 19.5060' N
	1° 21.9580' E	51° 19.5060' N
	1° 21.9590' E	51° 19.5070' N
	1° 21.9590' E	51° 19.5070' N
	1° 21.9590' E	51° 19.5070' N
	1° 21.9600' E	51° 19.5070' N
	1° 21.9600' E	51° 19.5070' N
	1° 21.9610' E	51° 19.5070' N
	1° 21.9620' E	51° 19.5080' N



	1° 21.9620' E	51° 19.5080' N
	1° 21.9630' E	51° 19.5080' N
	1° 21.9630' E	51° 19.5080' N
	1° 21.9640' E	51° 19.5080' N
	1° 21.9790' E	51° 19.5080' N
	1° 21.9800' E	51° 19.5080' N
	1° 21.9800' E	51° 19.5080' N
	1° 22.0040' E	51° 19.5070' N
	1° 22.0120' E	51° 19.5080' N
	1° 22.0180' E	51° 19.5090' N
	1° 22.0240' E	51° 19.5110' N
	1° 22.0310' E	51° 19.5160' N
	1° 22.0430' E	51° 19.5280' N
	1° 22.0470' E	51° 19.5330' N
	1° 22.0470' E	51° 19.5330' N
	1° 22.0470' E	51° 19.5340' N
	1° 22.0470' E	51° 19.5340' N
	1° 22.0480' E	51° 19.5340' N
	1° 22.0480' E	51° 19.5340' N
	1° 22.0480' E	51° 19.5350' N
	1° 22.0490' E	51° 19.5350' N
	1° 22.0490' E	51° 19.5350' N
	1° 22.0500' E	51° 19.5350' N
	1° 22.0500' E	51° 19.5360' N
	1° 22.0510' E	51° 19.5360' N
	1° 22.0510' E	51° 19.5360' N
	1° 22.0520' E	51° 19.5360' N
	1° 22.0520' E	51° 19.5360' N
	1° 22.0530' E	51° 19.5360' N

	1° 22.0530' E	51° 19.5360' N
	1° 22.0540' E	51° 19.5360' N
	1° 22.0660' E	51° 19.5370' N
	1° 22.0740' E	51° 19.5370' N
	1° 22.0790' E	51° 19.5390' N
	1° 22.1120' E	51° 19.5560' N
	1° 22.1260' E	51° 19.5500' N
	1° 22.1280' E	51° 19.5500' N
	1° 22.9340' E	51° 19.4260' N
	1° 22.9450' E	51° 19.4240' N
	1° 22.9560' E	51° 19.4220' N
	1° 22.9580' E	51° 19.4210' N
	1° 23.7000' E	51° 19.2450' N
	1° 23.7070' E	51° 19.2440' N
	1° 26.4750' E	51° 18.5150' N
	1° 27.0500' E	51° 18.4920' N
	1° 28.5610' E	51° 18.5990' N
	1° 30.6080' E	51° 18.8600' N
	1° 32.6420' E	51° 19.3340' N
	1° 32.6430' E	51° 19.3340' N
	1° 32.6520' E	51° 19.3360' N
	1° 32.6610' E	51° 19.3380' N
	1° 32.6700' E	51° 19.3390' N
	1° 32.6790' E	51° 19.3400' N
	1° 32.6960' E	51° 19.3420' N
	1° 32.7040' E	51° 19.3420' N
	1° 32.7120' E	51° 19.3420' N
	1° 36.0790' E	51° 19.3860' N
	1° 39.5190' E	51° 19.7350' N

	1° 39.8760' E	51° 19.8800' N
	1° 39.8850' E	51° 19.8840' N
	1° 39.8930' E	51° 19.8870' N
	1° 39.9020' E	51° 19.8890' N
	1° 39.9100' E	51° 19.8920' N
	1° 39.9190' E	51° 19.8940' N
	1° 39.9260' E	51° 19.8950' N
	1° 39.9330' E	51° 19.8970' N
	1° 39.9410' E	51° 19.8980' N
	1° 39.9480' E	51° 19.8990' N
	1° 40.2270' E	51° 19.9360' N
	1° 40.2340' E	51° 19.9370' N
	1° 40.2440' E	51° 19.9380' N
	1° 40.2530' E	51° 19.9380' N
	1° 40.2620' E	51° 19.9390' N
	1° 40.2720' E	51° 19.9390' N
	1° 40.2910' E	51° 19.9380' N
Description	<p>The Nemo Link Interconnector project will consist of the installation of one bundle of submarine cable comprising two HVDC cables and one fibre optic cable. The cables will either be Cross Link Polyethylene or Mass Impregnated HVDC cable. Cable armouring will be undertaken at one location within the consented cable corridor to provide cable protection at the crossing point of the Atlantic Crossings 1 telecommunications cable.</p>	

<p>Methodology</p>	<p>A pre-lay grapnel run will be followed by cable installation in a single trench within the consented cable corridor by means of:</p> <p>Open trench and backfill; Jetting; Tracked or skidded plough; or Horizontal directional drilling</p> <p>Cable armouring will be undertaken with the final methodology and volumes confirmed once a cable crossing agreement has been finalised. Rock armouring or concrete mattress installation must not exceed a maximum footprint of 100m x 30m.</p> <p>Specific works methodologies and volumes for cable armouring are not yet known. However, the final methodologies, to be agreed with the MMO under licence condition 5.2.14, must be within the parameters assessed within the Nemo Link UK Marine Environmental Statement (February 2013).</p>
<p>Programme of works</p>	<p>It is anticipated that construction of the Nemo Link Interconnector will commence between 2016 and 2018 and take up to three months to complete. Precise timings of the works must be agreed with the MMO under condition 5.2.14.</p>

Site 2 – Nemo Link Interconnector Dredging		
Site location	Three locations between mean high water springs at Pegwell Bay and the UK / France median line.	
Activity 2 – Dredging of material from seabed prior to interconnector installation		
Activity type	Dredging	
Location	Longitude	Latitude
	Area A	
	1° 57.5100" E	51° 19.6560" N
	1° 59.2140" E	51° 19.6440" N
	2° 01.8360" E	51° 19.6560" N
	2° 01.6020" E	51° 19.3860" N
	1° 58.2180" E	51° 19.3740" N
	1° 58.0800" E	51° 19.3980" N
	1° 57.3960" E	51° 19.3920" N
	1° 56.6460" E	51° 19.4100" N
	1° 56.4300" E	51° 19.4100" N
	1° 56.4420" E	51° 19.6620" N
	1° 57.5100" E	51° 19.6560" N
	The total volume of material dredged within Area A must not exceed 24,470 m <sup>3</sup> .	
	Area B	
1° 48.6597" E	51° 19.4942" N	

	1° 44.6077" E	51° 19.4821" N
	1° 44.6052" E	51° 19.7521" N
	1° 48.6580" E	51° 19.7638" N
	1° 48.6597" E	51° 19.4942" N
	The total volume of material dredged within Area B must not exceed 93,138 m <sup>3</sup> .	
	Area C	
	1° 26.4752" E	51° 18.5153" N
	1° 27.0503" E	51° 18.4920" N
	1° 28.2957" E	51° 18.5808" N
	1° 28.3441" E	51° 18.3123" N
	1° 27.0580" E	51° 18.2218" N
	1° 26.3718" E	51° 18.2519" N
	1° 25.3577" E	51° 18.5180" N
	1° 25.5032" E	51° 18.7712" N
	1° 26.4752" E	51° 18.5153" N
	The total volume of material dredged within Area C must not exceed 1,170 m <sup>3</sup> .	
Description	Dredging of the seabed to reduce the height of sandwaves along the cable corridor to aid optimal installation of the interconnector cables.	
Methodology	Dredging will be undertaken by Trailer Suction Hopper Dredger (THSD) only. Dredged material must not exceed the volumes defined within this licence and must only be conducted within Area A, B and C defined above.	
Programme of works	It is anticipated that construction of the Nemo Link Interconnector will commence between 2016 and 2018.	

Site 3 – Disposal of Dredged Material	
Site location	Three locations between mean high water springs at Pegwell Bay and the UK / France median line.
Activity 3 – Disposal of material dredged from Area A, Area B and Area C during	

cable installation.		
Activity type	Disposal of dredged material	
Location	Longitude	Latitude
	<b>Nemo Disposal Site A – TH150</b>	
	1° 57.5100" E	51° 19.6560" N
	1° 59.2140" E	51° 19.6440" N
	2° 01.8360" E	51° 19.6560" N
	2° 01.6020" E	51° 19.3860" N
	1° 58.2180" E	51° 19.3740" N
	1° 58.0800" E	51° 19.3980" N
	1° 57.3960" E	51° 19.3920" N
	1° 56.6460" E	51° 19.4100" N
	1° 56.4300" E	51° 19.4100" N
	1° 56.4420" E	51° 19.6620" N
	1° 57.5100" E	51° 19.6560" N
The total volume of material disposed within disposal site TH150 must not exceed 24,470 m <sup>3</sup> .		
<b>Nemo Disposal Site B – TH151</b>		
	1° 48.6597" E	51° 19.4942" N
	1° 44.6077" E	51° 19.4821" N
	1° 44.6052" E	51° 19.7521" N
	1° 48.6580" E	51° 19.7638" N
	1° 48.6597" E	51° 19.4942" N
The total volume of material disposed within disposal site TH151 must not exceed 93,138 m <sup>3</sup> .		
<b>Nemo Disposal Site C – TH152</b>		
	1° 26.4752" E	51° 18.5153" N
	1° 27.0503" E	51° 18.4920" N
	1° 28.2957" E	51° 18.5808" N

	1° 28.3441" E	51° 18.3123" N
	1° 27.0580" E	51° 18.2218" N
	1° 26.3718" E	51° 18.2519" N
	1° 25.3577" E	51° 18.5180" N
	1° 25.5032" E	51° 18.7712" N
	1° 26.4752" E	51° 18.5153" N
	The total volume of material disposed within disposal site TH152 must not exceed 1,170 m <sup>3</sup> .	
Description	Only the disposal of material dredged under Activity 2 of this licence is permitted.	
Methodology	The final methodology and volume of material to be disposed is not yet known due to the mobility of sandwaves. The final methodology must be agreed with the MMO under licence condition 5.2.24.	
Programme of works	It is anticipated that construction of the Nemo Link Interconnector will commence between 2016 and 2018.	

## 5 Licence conditions

### 5.1 General conditions

#### 5.1.1 Notification of commencement

The licence holder must notify the MMO **prior to** the commencement of the first instance of any licensed activity. This notice must be received by the MMO no less than five working days before the commencement of that licensed activity.

***This licence is only valid once notification of commencement is received by the MMO. If a licensable activity is carried out without authority of a valid licence, enforcement action may be taken.***

#### 5.1.2 Licence returns

The licence holder must ensure that all licence returns required by these conditions are complied with. A summary of these requirements is at Annex 1.

#### 5.1.3 Licence conditions binding other parties

Where provisions under section 71(5) of the 2009 Act apply, all conditions attached to this licence apply to any person who for the time being owns, occupies or enjoys any use of the licensed activities for which this licence has been granted.



#### **5.1.4 Agents / contractors / sub-contractors**

The licence holder must notify the MMO in writing of any agents, contractors or sub-contractors that will carry on any licensed activity listed in section 4 of this licence on behalf of the licence holder. Such notification must be received by the MMO no less than 24 hours before the commencement of the licensed activity.

The licence holder must ensure that a copy of this licence and any subsequent revisions or amendments has been provided to, read and understood by any agents, contractors or sub-contractors that will carry on any licensed activity listed in section 4 of this licence on behalf of the licence holder.

#### **5.1.5 Vessels**

The licence holder must notify the MMO in writing of any vessel being used to carry on any licensed activity listed in section 4 of this licence on behalf of the licence holder. Such notification must be received by the MMO no less than 24 hours before the commencement of the licensed activity. Notification must include the master's name, vessel type, vessel IMO number and vessel owner or operating company.

The licence holder must ensure that a copy of this licence and any subsequent revisions or amendments has been read and understood by the masters of any vessel being used to carry on any licensed activity listed in section 4 of this licence, and that a copy of this licence is held on board any such vessel.

#### **5.1.6 Changes to this licence**

Should the licence holder become aware that any of the information on which the granting of this licence was based has changed or is likely to change, they must notify the MMO at the earliest opportunity. Failure to do so may render this licence invalid and may lead to enforcement action.

## 5.2 Project specific conditions

This section sets out project specific conditions relating to licensed activities as set out in section 4 of this licence.

ALL LICENSED ACTIVITIES	
PRIOR TO THE COMMENCEMENT OF LICENSED ACTIVITIES	
<b>5.2.1</b>	<p>The licence holder must notify the Source Data Receipt Team at the UK Hydrographic Office (UKHO), Taunton, Somerset, TA1 2DN (email: <a href="mailto:hdcfiles@ukho.gov.uk">hdcfiles@ukho.gov.uk</a>; Tel 01823 337900) of the commencement of licensed activities at least <b>2 weeks</b> prior to the commencement of licensed activities. Copies of such notification must be provided to the MMO and MMO Coastal Office.</p> <p><i>Reason: To reduce navigational risk by ensuring nautical charts are updated and ensure the provision of information to mariners.</i></p>
<b>5.2.2</b>	<p>The licence holder must ensure Notices to Mariners (NTMs) are issued at least <b>2 weeks</b> prior to commencement of licensed activities and no less than fortnightly during licensed construction, dredging and disposal activities. Copies of such notices must be provided to the MMO and MMO Coastal Office.</p> <p><i>Reason: To ensure vessels in the vicinity of the works can safely plan and conduct their passage.</i></p>
<b>5.2.3</b>	<p>The licence holder must undertake a pre-construction survey to determine the location and extent of any Annex 1 habitats within the cable corridor.</p> <p>The survey specification must be submitted to the MMO, for approval, no less than <b>4 months</b> prior to the survey works.</p> <p>The results of the survey must be submitted to the MMO no less than <b>4 months</b> prior to the commencement of licensed activities and include an assessment of the need to micro-site the cable to avoid any Annex I habitats identified.</p> <p>Licensed activities must not commence until the MMO has provided written approval of the pre-construction benthic monitoring reports.</p> <p><i>Reason: To ensure that Annex I features such as Sabellaria spinulosa reef will not be subject to impact as a result of the</i></p>

	<p><i>works.</i></p>
5.2.4	<p>The licence holder must submit a Marine Pollution Contingency Plan, for approval by the MMO, at least <b>4 months</b> prior to the commencement of licensed activities. The MPCP must:</p> <ul style="list-style-type: none"> <li>• Outline procedures to be implemented in the event of spills and collision incidents (including oil and chemical spills);</li> <li>• Be adhered to and be included within the Project Environmental Management Plan referred to in condition 5.2.10;</li> <li>• Take into account existing plans for all operations, including offshore installations, which may influence the MPCP; and</li> <li>• Detail practices used to refuel vessels at sea.</li> </ul> <p><i>Reason: To minimise the risk of pollution incident occurring by adopting best practice techniques.</i></p>
5.2.5	<p>The licence holder must submit a Project Environmental Management Plan, for approval by the MMO, at least <b>4 months</b> prior to the commencement of licensed activities. The PEMP must document the environmental management required for all parties involved with the project and affected by it. The PEMP must include details of:</p> <ul style="list-style-type: none"> <li>• A marine pollution contingency plan to address the risks, methods and procedures to deal with any spills and collision incidents during construction and operation of the works;</li> <li>• A waste management plan; and</li> <li>• The appointment and responsibilities of a fisheries liaison officer and an environmental liaison officer.</li> </ul> <p>Licensed activities must not commence until the MMO has provided written approval of the PEMP.</p> <p><i>Reason: To minimise the environmental impacts of the works by ensuring best practices are adopted and suitable mitigation measures are adopted.</i></p>
5.2.6	<p>The licence holder must prepare a Written Scheme of Investigation (WSI) in consultation with English Heritage (EH) to detail archaeological assessment and mitigation works necessary to inform the detailed delivery of the project. The WSI must be agreed with the MMO, in consultation with EH, <b>4 months</b> prior to the commencement of any survey work commissioned to aid delivery of the project. The WSI must include:</p> <ul style="list-style-type: none"> <li>• An Archaeological Reporting protocol for the prompt reporting and recording of archaeological remains encountered, or suspected, during all phases of construction, operation and decommissioning. This must be set</li> </ul>

	<p>out in accordance with The Crown Estate Protocol for Archaeological Discoveries Offshore Renewable Projects (2010);</p> <ul style="list-style-type: none"> <li>• Responsibilities of the Licence Holder and archaeological consultant;</li> <li>• Details of contractors and curators (national and local);</li> <li>• Archaeological analysis and reporting of survey data and investigation;</li> <li>• Delivery of mitigation including use of archaeological construction exclusion zones in agreement with the MMO; and</li> <li>• Conservation, publication and archiving duties for archaeological material.</li> </ul> <p>Licensed activities must not commence until the MMO has provided written approval of the WSI.</p> <p><i>Reason: To ensure the integrity of archaeologically important items is not compromised.</i></p>
<p><b>5.2.7</b></p>	<p>The licence holder must ensure that archaeological exclusions zones are established within 50 metres of the following sites WA-ID 7024; 7027; 7047; and 7098.</p> <p>The licence holder must ensure that archaeological exclusion zones are established within 100 metres of the following sites WA-ID 7270; 7272; 7274; 7275; 7276 and 7277.</p> <p>The Licence Holder must inform the MMO immediately if any additional archaeological exclusion zones are necessary.</p> <p>Licensed activities must not commence within archaeological exclusions zones without the written agreement of the MMO.</p> <p><i>Reason: To ensure the integrity of archaeologically important items is not compromised.</i></p>
<p><b>5.2.8</b></p>	<p>The Licence Holder must complete an OASIS (Online Access to the Index of Archaeological Investigations) form for any completed and agreed archaeological reports produced in accordance with condition 5.2.6. A copy must be submitted as a PDF file and send to EH's National Monuments Record at <a href="http://oasis.ac.uk/">http://oasis.ac.uk/</a>.</p> <p><i>Reason: To ensure the integrity of archaeologically important items is not compromised and to ensure any final and agreed archaeological reports are recorded in a manner complementary to established practice.</i></p>
<p><b>DURING LICENSED ACTIVITIES</b></p>	

<p><b>5.2.9</b></p>	<p>The licence holder must ensure that any chemical spills or releases into the marine environment are reported within the timeframes and format agreed within the MPCP referred to in condition 5.2.4.</p> <p><i>Reason: To ensure that any spills are appropriately recorded and managed to minimise impact to sensitive receptors and the marine environment.</i></p>
<p><b>5.2.10</b></p>	<p>The Licence Holder must install bunding/storage facilities to contain and prevent the release of fuels, oils and chemicals associated with plant, refuelling and construction equipment into the marine environment. Secondary containment must be used for a capacity of not less than 110% of the containers storage capacity.</p> <p><i>Reason: To prevent marine pollution incidents by adopting best practice.</i></p>
<p><b>5.2.11</b></p>	<p>The licence holder must ensure that all protective coatings used are suitable for use in the marine environment and, where necessary, are approved by the Health and Safety Executive. Such coatings should be used in accordance with best environmental practice.</p> <p><i>Reason: To ensure that chemicals used are safe for use within the marine environment.</i></p>
<p><b>FOLLOWING THE COMPLETION OF LICENSED ACTIVITIES</b></p>	
<p><b>5.2.12</b></p>	<p>Any equipment, temporary structures, waste and/or debris associated with licensed activities must be removed upon the completion of licensed activities.</p> <p><i>Reason: To prevent the accumulation of unlicensed debris and potential environmental damage, safety and navigational issues associated with such materials and debris.</i></p>
<p><b>5.2.13</b></p>	<p>The licence holder must notify the Source Data Receipt Team at the UK Hydrographic Office (UKHO), Taunton, Somerset, TA1 2DN (email: <a href="mailto:hdcfiles@ukho.gov.uk">hdcfiles@ukho.gov.uk</a>; Tel 01823 337900) within 2 weeks of the completion of construction, dredging and disposal activities. Copies of such notification must be provided to the MMO and MMO Coastal Office.</p> <p><i>Reason: To reduce navigational risk by ensuring nautical charts are updated and ensure the provision of information to mariners.</i></p>
<p><b>SITE1 – NEMO LINK INTERCONNECTOR SPECIFIC CONDITIONS</b></p>	
<p><b>PRIOR TO THE COMMENCEMENT OF LICENSED ACTIVITIES</b></p>	

<p><b>5.2.14</b></p>	<p>The licence holder must submit a detailed Construction Methodology including Cable Burial Management and Installation Plan, for approval by the MMO, at least <b>4 months</b> prior to the commencement of licensed activities. The plan must include:</p> <ul style="list-style-type: none"> <li>• Technical specification;</li> <li>• Location and timings;</li> <li>• Burial risk assessment to ascertain burial depth;</li> <li>• Installation techniques;</li> <li>• Cable laying technique;</li> <li>• Cable crossing armouring methodology; and</li> <li>• Installation machinery failure contingency plan</li> </ul> <p>Licensed activities must not commence until the MMO has provided written approval of the Cable Burial Management and Installation Plan.</p> <p><i>Reason: Reason: To ensure the methodology follows best current practices, is within the envelope assessed within the application to reduce environmental and navigational impacts.</i></p>
<p><b>5.2.15</b></p>	<p>The licence holder must undertake pre-construction baseline invertebrate population surveys within the intertidal zone.</p> <p>The survey specification must be submitted to the MMO, for approval, no less than <b>4 months</b> prior to the survey works.</p> <p>The results of the surveys must be submitted to the MMO no less than <b>4 months</b> prior to the commencement of licensed activities within the intertidal zone.</p> <p>Licensed activities within the intertidal zone must not commence until the MMO has provided written approval of the pre-construction invertebrate monitoring reports.</p> <p><i>Reason: To establish the baseline biotope present within the intertidal zone.</i></p>
<p><b>5.2.16</b></p>	<p>The licence holder must submit a detailed saltmarsh mitigation, reinstatement and monitoring plan incorporating breeding bird mitigation plan, for approval by the MMO, at least <b>4 months</b> prior to the commencement of licensed activities within the intertidal zone.</p>

	<p>Licensed activities must not commence until the MMO has provided written approval of the detailed saltmarsh mitigation, reinstatement and monitoring plan.</p> <p><i>Reason: To ensure no adverse effect on the integrity of the interest features of the Thanet Coast and Sandwich Bay SPA and Sandwich Bay and Hacklinge Marches SSSI.</i></p>
<b>DURING LICENSED ACTIVITIES</b>	
<b>5.2.17</b>	<p>The licence holder must ensure that, unless otherwise agreed in writing by the MMO, no licensed activities take place within the intertidal zone between <b>1 October and 31 March</b> of any given calendar year.</p> <p><i>Reason: To avoid disturbance to saltmarsh and mudflat supporting habitat of the overwintering bird features of the Thanet Coast and Sandwich Bay Special Protection Area.</i></p>
<b>5.2.18</b>	<p><i>This condition has been removed following Variation 1, dated 23 July 2014.</i></p>
<b>5.2.19</b>	<p>The licence holder must ensure that any rock material used for cable crossing armouring is from a recognised source, free from contaminants and contains minimal fines.</p> <p><i>Reason: To prevent pollution by material that may come from a polluted area or potentially change the chemical balance of the environment in which it is placed.</i></p>
<b>5.2.20</b>	<p>The licence holder must ensure that any rock misplaced/lost below MHWS is reported to the Coastal Marine Office within 48 hours, and located and recovered as directed by the MMO.</p> <p><i>Reason: To manage the associated safety/navigation issues associated with rock transshipment and the potential loss of material that could cause an obstruction/hazard to other sea/sea-bed users.</i></p>
<b>5.2.21</b>	<p>The licence holder must ensure that all excavation works within the intertidal zone are carried out using low pressure excavators and using bog mats or rolled steel / aluminium sheeting in accordance with the detailed saltmarsh mitigation, reinstatement and monitoring plan submitted pursuant to condition 5.2.16, unless otherwise agreed in writing by the MMO.</p>

	<i>Reason: To minimise ground disturbance and compaction to saltmarsh and mudflat habitat.</i>
<b>FOLLOWING THE COMPLETION OF LICENSED ACTIVITIES</b>	
<b>5.2.22</b>	<p>The licence holder must submit post construction saltmarsh monitoring reports in the agreed format under licence condition 5.2.15, 1,2,3,4 and 5 years following the completion of licensed activities within the intertidal zone unless otherwise agreed with the MMO.</p> <p><i>Reason: To ensure no adverse effect on the integrity of the interest features of the Thanet Coast and Sandwich Bay Special Protection Area and to inform the MMO as to if any further monitoring is required.</i></p>
<b>5.2.23</b>	<p>The licence holder must undertake post construction invertebrate monitoring to assess the benthic re-colonisation, community structure and species balance within the intertidal zone. Reports must be submitted to the MMO for approval 1 and 3 years following the completion of licensed activities within the intertidal zone.</p> <p><i>Reason: To ensure the structure of the saltmarsh returns to support the same invertebrate assemblage as identified prior to construction under licence condition 5.2.15</i></p>



<b>SITE 2 &amp; SITE 3 DREDGE AND DISPOSAL SPECIFIC CONDITIONS</b>	
<b>PRIOR TO THE COMMENCEMENT OF LICENSED ACTIVITIES</b>	
<b>5.2.24</b>	<p>The licence holder must submit a detailed Dredging and Disposal Methodology, for approval by the MMO, at least <b>4 months</b> prior to the commencement of dredging and disposal licensed activities. The plan must detail:</p> <p>Volume of material to be dredged and disposed;  Disposal methodology; and  Vessel capacity (including number of disposal required).</p> <p><i>Reason: To ensure the methodology follows best current practices to reduce environmental and navigational impacts.</i></p>
<b>DURING LICENSED ACTIVITIES</b>	
<b>5.2.25</b>	<p>The licence holder must ensure that all dredging activities are carried out using Trailer Suction Hopper Dredgers only.</p> <p><i>Reason: To ensure dredging works are carried out in according with the methodology assessed within the Environmental Statement.</i></p>
<b>5.2.26</b>	<p>The licence holder must inform the MMO of the location and quantities of material disposed of each month under this licence by the <b>31 January</b> each year for the months August to January inclusive, and by the <b>31 July</b> each year for the months February to July inclusive.</p> <p><i>Reason: To ensure compliance with OSPAR reporting requirements.</i></p>
<b>5.2.27</b>	<p>The licence holder must ensure that dredged material is disposed of to Nemo Disposal Site A (TH150), Nemo Disposal Site B (TH151) and Nemo Disposal Site C (TH152) as defined within Schedule 1 of this licence. Disposal must not exceed the quantities stated within this licence.</p> <p><i>Reason: To ensure disposal occurs are the correct disposal site.</i></p>
<b>FOLLOWING THE COMPLETION OF LICENSED ACTIVITIES</b>	
<b>5.2.28</b>	<p>The licence holder must notify the MMO within <b>2 weeks</b> of the completion of dredged material disposal works.</p>

<i>Reason: To ensure disposal sites TH150, TH151 and TH152 can be closed upon completion of dredged material disposal works.</i>
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## **6 Compliance and enforcement**

This licence and its terms and conditions are issued under the Marine and Coastal Access Act 2009.

Any breach of the licence terms and conditions may lead to enforcement action being taken. This can include variation, revocation or suspension of the licence, the issuing of an enforcement notice, or criminal proceedings, which may carry a maximum penalty of an unlimited fine and / or a term of imprisonment of up to two years.

Your attention is drawn to Part 4 of the Marine and Coastal Access Act 2009, in particular sections 65, 85 and 89 which set out offences, and also to sections 86 and 109 which concern defences. The MMO's Compliance and Enforcement Strategy can be found on our website

([http://marinemanagement.org.uk/about/documents/compliance\\_enforcement.pdf](http://marinemanagement.org.uk/about/documents/compliance_enforcement.pdf)).

## ANNEX 1 Licence returns

Return number	Return description	Return deadline
1.	Licence holder to notify MMO and MMO Coastal Office of the first instance of licensed activities.	No less than 5 working days prior to the commencement of licensed activities.
2.	Licence holder to notify MMO of any agents, contractors or third parties.	No less than 24 hours prior to their engagement in licensed activities.
3.	Licence Holder to notify MMO of vessel details.	No less than 24 hours prior to their engagement in licensed activities.
4.	Licence holder to provide MMO and MMO Coastal Office with notification provided the UK Hydrographic Office	No less than 2 weeks prior to the commencement of licensed activities and no more than 2 weeks following the completion of licensed activities.
5.	Licence holder to provide MMO and MMO Coastal Office with copies of all Notice to Mariners.	No less than 2 weeks prior to the commencement of licensed activities and then fortnightly.
6.	Licence holder to submit detailed Construction Methodology including Cable Burial Management and Installation Plan.	No less than 4 months prior to the commencement of licensed activities.
7.	Licence holder to submit baseline invertebrate monitoring reports.	No less than 4 months prior to the commencement of licensed activities.
8.	Licence holder to submit Annex 1 surveys.	No less than 4 months prior to the commencement of

		licensed activities.
9.	Licence holder to submit saltmarsh mitigation, reinstatement and monitoring plan.	No less than 4 months prior to the commencement of licensed activities.
10.	Licence holder to submit Dredging and Disposal Methodology plan.	No less than 4 months prior to the commencement of dredging and disposal licensed activities.
11.	Licence holder to submit Marine Pollution Contingency Plan.	No less than 4 months prior to the commencement of licensed activities.
12.	Licence holder to submit Project Environmental Monitoring Plan	No less than 4 months prior to the commencement of licensed activities.
13.	Licence holder to submit Written Scheme of Archaeological Investigation.	No less than 4 months prior to the commencement of licensed activities.
14.	Licence holder to notify MMO of any unforeseen archaeological exclusions zones.	Within 24 hours of their discovery.
15.	Licence holder to notify MMO of the location and quantities of material disposed of each month under this licence.	No later than 31 January each year for the months August to January inclusive, and by the 31 July each year for the months February to July inclusive.
16.	Licence holder must submit post construction saltmarsh monitoring reports.	1,2,3,4 and 5 years following the completion of licensed activities within the intertidal zone.
17.	Licence holder to submit post construction invertebrate monitoring reports.	1 and 3 years following completion of licensed activities within the intertidal zone.
18.	Licence holder to notify MMO of the completion of dredged material disposal works.	No more than 2 weeks following the completion of disposal works.

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