

THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES  
2010 ORDER GRANTING DEVELOPMENT CONSENT

Proposed National Grid (Richborough Connection Project) Development  
Consent Order

Planning Inspectorate Reference: EN020017

**DOVER DISTRICT COUNCIL WRITTEN REPRESENTATION**

**Deadline 2**

Dated 14<sup>TH</sup> July 2016

## Purpose and structure of these representations

1.1 These Written Representations are submitted by Officers of Dover District Council in pursuance of rule 10(1) of the Infrastructure Planning (Examination Procedure) Rules 2010 ('ExPR') in relation to an application under the Planning Act 2008 for a Development Consent Order ('DCO') for the Richborough Connection Project ('the Project') submitted by National Grid ('the Applicant') to the Planning Inspectorate (PINS).

1.2 This document comprises of views from Officers at Dover District Council (DDC) on the outstanding issues that are still of concern. The areas of concern relate to:

- Landscape;
- Additional Photomontages;
- Public Rights of Way (PROW);
- Construction hours;
- Vibration; and
- Discharge of requirements.

## Landscape

1.3 For views from within the Richborough marsh, next to Richborough Energy Park, the significance of the new 400kV line will be due to the relocation of the route of the cables and the extra pylons required, more than the actual design of the pylons. Together, the routeing and extra pylons, will have an adverse impact on the landscape of the marsh as more infrastructure is introduced into an otherwise undisturbed marshland. Although the removal of one of the existing lines will be beneficial, as this will be the southernmost set of pylons and lines, the overall effect will be a generalised moving of overhead infrastructure northwards into the marsh. Although it is understood that the relocation is necessary for linking to the Nemo link application and cannot be mitigated and that due to the surrounding physical constraints, other forms of mitigation here would not be feasible, DDC wish it to be recorded that the condition of the local landscape character of the Richborough marshes will be adversely impacted.

1.4 South of Monkton, the new 400kV line and the existing 132kV line to Thanet will cross and there would be 10 pylons within 610m of each other. DDC is concerned that there may be an unfortunate massing of these structures when viewed from the Saxon Shore Way, some 1.5km to the south. The viewpoint of concern is from the Saxon Shore Way, looking north towards Monkton and includes the proposed crossing of the PY and the PC overhead lines.

1.5 The Applicant has prepared a draft Verified Photomontage Vp33-34 (March 2016) which shows the temporary concentration of pylons and poles associated with the 'diamond' crossing. Being a static photograph, without the paraphernalia associated with construction, it is considered that within the terminology used in Table 7.7 that the significance at that receptor (Saxon Shore Way) would be **major** during construction as the view is of a low-lying agricultural landscape with the backdrop of the Thanet ridge behind. Built forms are few and sporadic and the vertical elements in view are dominated by the necessary cluster of pylons. There appears to be a single agricultural vehicle in the mid-distance in the photograph. It would be expected that during construction, there would be much more (albeit more distant) vehicular activity across the area of the 'diamond', exacerbating the magnitude of impact.

### **Additional photomontage**

1.6 DDC has requested that Applicant provides a further potential viewpoint for assessment, from the top of Sandwich Church Tower (see SoCG, Document 8.4.6, Section 5.2.2). The church tower was not previously publicly accessible but listed building consent (DOV/15/00979) has recently been granted to allow public access and the enabling works are currently underway. The Applicant has agreed with DDC that once access to the church tower is possible (i.e. once the construction work is complete, most likely in August 2016) the view will be assessed by Applicant and further discussion will take place between DDC and Applicant when this photomontage is made available. This matter is, therefore, currently outstanding and DDC would like to reserve their position until this photomontage has been prepared by the Applicant.

### **Public Rights of Way**

1.7 From DDCs perspective, we have already expressed our concerns to Applicant about the length of the two Saxon Shore Way Public Rights of Way (PROW) diversions (Richborough Castle to RWD 75 and Plucks Gutter to Grove Ferry) which is illustrated in Document 4.7 (Access, Rights of Way & Public Navigation Plans - Plan B, APP-019). Whilst Officers do fully understand that this diversion has followed an existing PROW and there is scarcity of potential routes in the immediate area, Officers do feel that the length of the route of this diversion is still of concern. The PROW diversions will also dramatically change the experience of the long distance footpath users as they will have to walk along Whitehouse Drove and footpaths through pasture, arable and orchards which is a totally different experience to the Saxon Shore Way. Whilst we understand that Kent County Council PROW have agreed to the 'Response to Kent Country Council: Closure of Saxon Shore Way (Footpath EE42) (Ref: LA04) dated 15<sup>th</sup> June 2016', Officers from DDC main concern is that whilst it may be a pleasant walking environment it will be a totally different experience.

1.8 Further clarification is also required from the Applicant as to how these PROW diversions will be publicised in advance of any closures so that potential users of the Saxon Shore Way will be made fully aware that they will be walking a significant distance from Richborough Castle to Pluck Gutter not on Saxon Shore way. It would be expected that notification of such closures would need to include measures to provide suitable and frequent information regarding closures throughout the duration of the project so that members of the public are kept informed of when routes are closed/diverted and can plan their journey accordingly. Whilst National Grid intend to publish their own information on such closures, DDC Officers, together with Kent County Council Officers would like to ensure that a mechanism that would secure the update of the Kent County Council website (including public rights of way mapping) and Explore Kent for the duration of the project is agreed. It would seem appropriate for such measures to be secured through the S106 agreement, and is hoped that discussion can continue with the Applicant to progress this.

### **Construction noise/hours of operation**

1.9 Concern has been previously raised with the Applicant in the period leading up to the submission of the project about the Core Working hours that have been included in the Draft DCO (Document 2.1, Schedule 3, Section 7, APP-006). The Applicant has subsequently, submitted a draft Noise and Vibration Management Plan which has been reviewed by DDC, CCC and TDC Environmental Health Officers.

1.10 Whilst the Environmental Health Officers at DDC, CCC and TDC do fully appreciate that the project stretches over a long distance and there are environmental constraints in terms of when construction can take place on certain stretches of the route, concerns have been expressed regarding the proposed blanket working hours. It is generally accepted across the UK that the standard hours for noisy works are 8am to 6pm Monday – Friday, 8am to 1pm Sat and at no time at all on Sundays or Bank Holidays. These hours are followed in major projects like HS2 and it is considered that the Richborough Connection project should adopt a similar approach.

1.11 In the interest of moving this project forward, the Environmental Health Officers suggest that a potential way forward would be where there are no noise sensitive receptors within 500 metres of any construction operation, that the hours suggested by National Grid are acceptable. Where there are noise sensitive receptors within 500 metres of any construction operation, the standard (COPA) hours must be adhered to. If the Applicant wanted to work outside of the hours of operation as detailed above, these instances can be dealt with via the submission of a section 61 application. However, detailed justification should be given in advance of such works in order to avoid disturbance to the surrounding area and the need for enforcement action on behalf of the Joint Councils.

1.12 Notwithstanding the above comments, the Draft Noise and Vibration Management Plan (paragraph 1.5.6 and Table 1.3) has identified a number of specific sensitive locations in the administration area of CCC where there would be restricted working hours. DDC, CCC and TDC would like specific reference in the Draft DCO (Schedule 3, Section 7, paragraph 7) to explicitly refer to the restricted working hours that are contained in the Noise and Vibration Management Plan which would go some way to address their concerns regarding their concerns regarding blanket construction hours as otherwise, in the opinion of DDC, CCC and TDC the Draft DCO is ambiguous in terms of the construction hours. It is considered that properties in the CCC administration area would be most affected and this should be an area that the Inspector's should visit.

## **Vibration**

1.13 The Draft Noise and Vibration Management Plan, which is currently under discussion, identifies that appropriate measures of mitigation are intended to be implemented where vibration levels exceed identified levels. Matters relating to mitigation have not yet been identified, and it is expected that such measures should include establishing baseline conditions against which any post dismantling/construction stage buildings conditions surveys can be undertaken.

## **Discharge of requirements**

1.14 There are a number of requirements that will require discharge from DDC and relevant planning authorities, (as drafted requirements 4, 6, 8, 10, 13, 14 and 19) and in the case of requirement 19, discharge by the relevant highways authority. Discussion is ongoing with the Applicant and the other Councils with regard to the procedure to enable timely discharge, (as referred to at 4.21.2 of the SOCG), which in some cases will require consultation with other statutory bodies. Although there is no provision for deemed approval for the discharge of requirements set out in the DCO, DDC is mindful that DCO Schedule 4, 3(1) (b) provides for the undertaker to appeal should the relevant authority not give notice of its decision within the specified period, which could result in a successful application for costs from the undertaker, which DDC and other relevant authorities would want to avoid.

1.15 Therefore, DDC and the relevant planning authorities are keen to continue to work constructively with the Applicant to progress procedures to secure a pre-submission of draft requirements as part of a pre-application process to enable an "in principle" approval. (Please refer to SOCG 5.14.1 and 5.15.1). DDC already have a pre-application procedure in place for development proposals, as do the other relevant authorities, and DDC have adopted this procedure and fee structure when dealing with discharge of conditions for some major applications in the interests of providing some certainty to the applicants and minimising delays on final submission. Given that there are a number of stages across the project, some of which are likely to be cross-boundary stages, DDC and the relevant planning authorities will also want to ensure that the pre-application process will provide for consistency between authorities consultations with statutory bodies and determination of the relevant stage. As referred to in DDC comments to Q1.7.72 regarding additional useful material, it would be useful to have a draft of the anticipated stages of the proposed development in advance of any DCO approval as a number of requirements are drafted with specific reference to "no stage".

1.16 National Grid Briefing note LA03 (dated 15 June 2016) refers to the SLA in relation to the pre-decision period and the concern raised by DDC.

**Dover District Council**

**Whitfield Cliffs Business Park**

**Dover**

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