

Decision Notice

MC/20/2738



Mr David Barber
GridLink Interconnector Ltd
25 East Street
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Applicant Name:
Mr David Barber

Planning Service
Physical & Cultural Regeneration
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Town and Country Planning Act 1990

Location: Gridlink Interconnector LTD, Former Kingsnorth Power Station, Eschol Road, Hoo St Werburgh, Rochester

Proposal: The construction, operation and maintenance of a converter station, balance of plant and equipment, buildings related to materials storage and maintenance activities, internal roads and car parking, landscaping, access road and underground HVDC cable system from the converter station to the Mean High Water Springs

Notification of Grant of Outline Planning Permission to Develop Land.

Take Notice that the Medway Council in pursuance of its powers under the above Act HAS GRANTED OUTLINE PERMISSION for the development of land as described above in accordance with your application for planning permission received complete on 29 October 2020.

SUBJECT TO THE CONDITIONS SPECIFIED HEREUNDER:

- 1 Approval of the details of the access, layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

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

- 3 The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers: 60557465-ZZ-BD-0003; 60557465-ZZ-BD-0004, received 29 October 2020.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 5 Any of the buildings or structures to be constructed forming part of the proposed development shall not exceed 25 metres in height, in accordance with the details as set out in the Planning, Design and Access Statement and the layout of the areas shall be as set out in the submitted Parameter Plan (drawing number 60557465-ZZ-DWG-0003).

Reason: To restrict and monitor the scale of the development in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 6 Prior to the commencement of work a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority for that phase. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any

variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, the countryside, wildlife and habitat and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 7 Prior to the construction work on the converter station phase of the development a Construction Logistics Plan (CLP) for that phase, to provide details regarding transportation of the construction materials and equipment to the site, including the modes of transport (such as water borne transport to local ports), delivery of abnormal loads and encouragement of sustainable freight transport, shall be submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan and maintained throughout the construction process.

Reason: Required before commencement of development in order to minimise the impact of the construction period of amenities of local residents and with regard to Policy BNE2 and T1 of the Medway Local Plan 2003.

- 8 Prior to commencement of phase 1 (site remediation and enabling works) and phase 2 (construction of converter station), a scheme based on sustainable drainage principles shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Those details shall include (where applicable):

- i. Details of the design of the scheme (in conjunction with the landscaping plan where applicable).
- ii. A timetable for its implementation (including phased implementation).
- iii. Operational maintenance and management plan including access requirements for each sustainable drainage component.
- iv. Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The development shall be undertaken in accordance with the agreed details.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 165 of NPPF.

- 9 Prior to occupation (or within an agreed implementation schedule) a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved by the Local Planning Authority to confirm

that the agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: This condition is sought in accordance with paragraph 165 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 10 Prior to commencement of phase 1 (site remediation and enabling works) and phase 2 (construction of converter station), details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site for the development (including demolition and site clearance operations) shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the LLFA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP and shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems.
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- iii. Measures for managing any on or offsite flood risk associated with the development shall be undertaken in accordance with the agreed details.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 165 of NPPF.

- 11 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the NPPF.

- 12 Piling using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not harm groundwater resources in line with paragraph 170 of the NPPF.

- 13 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 submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented, including improvements to the access road) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works. Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 14 In the event that contamination is found at any time when carrying out the approved development that was not previously identified or covered by the provisions of the approved remediation scheme it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment has been undertaken and identified that remediation is necessary as such a remediation scheme must be prepared in accordance with the requirements of Condition 13, which is subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in Condition 13 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 15 Prior to each phase of development approved by this outline permission no development shall commence until a scheme to minimise the transmission of noise from the use of the premises, shall be submitted and approved in writing by the Local Planning Authority. Noise from the premises should be controlled, such that the noise rating level (L_{Ar,Tr}) emitted from the development shall be at least 10dB below the background noise level (L_{A90,T}) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. All works which, form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of residential amenity and to accord with Policy BNE2 of the Medway Local Plan 2003.

- 16 Prior to any works commencing on site a detailed ecological mitigation strategy must be submitted to the Local Planning Authority for written approval. It must include the following:

- o Current preliminary ecological appraisal
- o Specific species surveys recommended within the PEA
- o Badger Survey
- o Overview of ecological Mitigation
- o Detailed methodology to implement mitigation.
- o Timings of the proposed works.
- o Details of on site habitat creation works
- o Simple management plan for the habitat creation works.
- o Details of off site enhancements

A letter must be submitted to the LPA on completion of the mitigation works to demonstrate they have been implemented as approved.

Reason: In the interests of protecting and preserving biodiversity and ecology in accordance with Policies BNE34, BNE35, BNE37, BNE38 and BNE39 of the Medway Local Plan 2003.

- 17 Prior to the operational phase commencing a detailed lighting plan must be submitted to the LPA for written approval demonstrating that the lighting measures detailed within the Information to Inform Appropriate Assessment (Intertec, February 2021) have been implemented.

Reason: In the interests of protecting and preserving biodiversity and ecology in accordance with Policies BNE34, BNE35, BNE37, BNE38 and BNE39 of the Medway Local Plan 2003.

Your attention is drawn to the following informative(s) :-

- 1 The applicant is reminded that this permission relates to planning permission only and does not constitute approval under any other legislation including Building Regulations. To obtain advice on current Building Regulations the applicant should contact the South Thames Gateway Building Control Partnership at Foord Annex, Eastgate House, High Street, Rochester, Kent ME1 1EW

- 2 In accordance with paragraph 38 of the NPPF Medway Council takes a positive, proactive and creative approach to development proposals focused on solutions. Medway Council works with applicants/agents in a positive, proactive and creative and manner by:

Offering a pre-application advice service;
Updating applicants/agents of any issues that may arise in the processing of their application;
Where possible suggesting solutions; and
Informing applicants/agents of any likely recommendation of refusal prior to a decision.

In this instance the applicant/agent was provided with pre-application advice.

- 3 As this facility will be classified as 'Essential infrastructure' and is therefore critical to the functioning of local, regional or national society and economy, it is necessary to ensure the equipment within the converter station is resilient to, or protected, in the event of a flood. Therefore, raising the finished floor level (FFL) of the equipment halls inside the converter station to 5.90m AOD (300mm above 5.40m AOD) and/or providing site-specific flood control measures like flood barriers at the facilities entrances and exits, would be appropriate measures to take considering the facility's classification.

- 4 This decision takes account of the Application form, Air quality impact assessment, Heritage statement, Planning, design and access statement, Statement of community involvement, Transport statement, Flood risk assessment, and site location plan, received 29 October 2020; information to inform appropriate assessment received 15 February 2021.



David Harris
Head of Planning
Date of Notice 23 March 2021

**TOWN & COUNTRY PLANNING (APPEALS) (WRITTEN REPRESENTATIONS)
(ENGLAND) (AMENDMENT) (REGULATIONS 2013)**

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks** from the date of this notice for appeals being decided under the **Commercial Appeals Service** and **6 months** from the date of this notice for all other **minor and major applications**.
 - However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:
 - **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
 - **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).
 - Appeals must be made using a form which you can obtain from the Planning Inspectorate by contacting Customer Support Team on 0303 444 50 00 or to submit electronically via the Planning Portal at

https://www.planningportal.co.uk/info/200207/appeals/110/making_an_appeal

Commercial Appeals Service

- This type of appeal proceeds by way of written representations, known as the "Commercial Appeals Service". Third parties will not have the opportunity to make further representations to the Planning Inspectorate on these.

All other Minor and Major Applications

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special 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 Local Planning Authority 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 Local Planning Authority based on their decision on a direction given by him.

Purchase Notes

- If either the Local Planning Authority or the Secretary of State refuses permission to development 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 (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. 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.