

Subject: Officer report

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APPLICATION REFERENCE - FUL/DOV/13/00759

- **LOCATION** - Part of Former Power Station Site, Ramsgate Road, Sandwich, CT13 9NL

- **DESCRIPTION** - 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 Zbrugge (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).

SITE DESCRIPTION

The application site comprises 18.33 hectares of land between Pegwell Bay and the former Richborough Power Station site and 9.3ha of the former Power Station site.

Pegwell Bay to former Richborough Power Station site

Between low water mark at Pegwell Bay the site extends through Sandwich Bay and Pegwell Bay National Nature Reserve at a width of 340m at its widest point and 20m at its narrowest, to the southwest of the petrol filling station at Cliffsend, with a rectangular area measuring approximately 20m by 50m as a works compound.

The site includes a ten-metre wide strip through the Pegwell Bay Country Park, Stonelees Nature Reserve, the Bay Point sports complex, across the Sandwich Road and the East Kent Access Road to the former Richborough Power Station site (with the exception of two work compounds measuring 30m by 50m within the Country Park and Bay Point).

Pegwell Country Park and Stonelees Nature Reserve are part of Sandwich and Pegwell Bay National Nature Reserve, with Pegwell Bay and Stonelees defined as a part of the Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest, Thanet Coast and Sandwich Bay Special Protection Area and Ramsar site. Pegwell Bay is also included within the Sandwich Bay Special Area of Conservation.

The application site includes several European and national designated sites and ecological features:

- Thanet Coast and Sandwich Bay Ramsar site (designated for migratory birds),
- Thanet Coast and Sandwich Bay Special Protection Area (designated for breeding birds),
- Sandwich Bay Special Area of Conservation (supporting a dune system)
- Thanet Coast Special Area of Conservation (the UK's longest stretch of coastal chalk)
- Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest (the most important sand dune system and sandy coastal grassland in SE England)
- Sandwich and Pegwell Bay National Nature Reserve

The majority of the site lies within the Wantsum Channel flood risk area (south and east of the petrol filling station, along the coast and includes the country park, Stonelees and former Richborough Power Station site).

Pegwell Bay is designated as a Landscape Character Area, as is the land to the north of the former Power Station

site.

There are seven designated heritage assets in the surrounding area to the site – one Grade II* listed building and 6 Grade II listed buildings; and 158 non-designated assets. There is one Scheduled Monument at Richborough Fort, and eleven heritage assets in the area, all of which are more than 1.6km from the former Power Station site.

Former Power Station site

The application site includes 9.3 hectares of the former Richborough Power Station site, with access from the roundabout on the A256. The original cooling towers and chimney serving the former power station were demolished in March 2012 but the site retains the substantial turbine hall frame. The majority of the site is hardstanding.

The UK Power Networks and Thanet Offshore Wind Farm substations lie to the south of the application site. To the east of the site is the A256 and a petrol filling station. A drainage ditch and an area of land designated as a Site of Special Scientific Interest lie to the north of the former Power Station site, with a solar farm and an anaerobic digester plant beyond to the north and northeast respectively.

Abutting the site to the west is the River Stour, beyond which is the Ash Levels characterised by grazing and drainage ditches. The long distance footpath the Saxon Shore Way passes the site on the western side of the River. The eastern bank of the River forms the application boundary. A footbridge crosses the River to the southwest of the application site descending to a point on the existing estate road. There is no public access to the footbridge.

Part of the former Power Station site is subject to a CTRL safeguarding policy, and the site is within two areas covered by the existing Kent Minerals and Waste local plans, and for which there are saved policies still in effect.

The River Stour is located 10m west of the application site at its closest point, and runs along the southwest boundary of the former Power Station site. The Stour is approximately 400m east of the proposed cable route. Minster Stream is situated 100m northeast of the former Power Station site, which flows in a manmade drainage channel westward and passes under the A256.

Flood Zone 3 extends approximately to the mean high water mark, meaning that the subsea cables are within this zone. Flood Zone 3 has a 0.5 per cent (1 in 200) or greater chance of flooding from the sea each year.

Flood Zone 2 covers the application site from the petrol filling station at Cliffsend to the entrance to the Country Park (where land levels rise), and covers part of Stonelees Nature Reserve. Flood Zone represents the extent of an extreme flood, with up to a 0.1 per cent (1 in 1000) chance of occurring each year.

THE PROPOSAL

The majority of the proposed development falls within the administrative boundary of Thanet District Council. Approximately 720m of the onshore cable and a small area at the south east corner of the proposed converter station compound (outdoor hard landscaping and security perimeter fencing) is within the administrative boundary of Dover District Council. Thanet District Council and Dover District Council have received duplicate planning applications, and will each consider the proposal on its merits.

Nemo Link Project

The proposed installation of 3.1 km of cables from mean low water mark at Pegwell Bay to the former Richborough Power Station site, together with the proposed converter and substation at the former Power Station site are part of a wider European project.

The project is a proposed high voltage direct current (HVDC) electrical interconnector with an approximate capacity of 1000 megawatts (MW) that will allow the transfer of electrical power via subsea cables between the UK and Belgium. The power is proposed to be bi-directional so it can flow in either to or from the UK, depending on supply and demand.

The UK on-shore elements for which planning permission is being sought are the cables from mean low water mark at Pegwell Bay to the former Richborough Power Station site, the converter and substation buildings, associated electrical equipment and works compounds. The cables are part of a full planning application, with the proposed development at the former Power Station site being in outline form, with access and landscaping considered as part of this application. Each element will be described in detail below.

Cables

Subsea cables are proposed to be installed to Pegwell Bay, through the intertidal area (between mean low water and high water). The applicant has not yet chosen a single, specific cable installation methodology and the precautionary assumption is that the full corridor for each cable installation will be implemented, which is a worst-case scenario of a 20m working cable corridor being created through the salt marsh and mudflat using an open trench/backfill methodology to install the cable. The applicant has noted that low ground pressure excavators will be used and if required, operated from trackways consisting of bogmats or rolled steel sheeting and that it is estimated that it will take 32 days to complete the works. The intertidal area (salt marsh and mudflats) excavated is predicted to be 0.46ha and within this, about 720m² of salt marsh and 3900m² of mudflat would be excavated.

An area of approximately 30m x 30m is proposed to be established as a works compound at a suitable point above high water to the south of the petrol filling station at Cliffsend. The onshore cables are proposed join the subsea cables in a Transition Joint Pit, to the southeast of the petrol filling station at Cliffsend. The cables are proposed to be installed underground to the entrance to Pegwell Bay Country Park, and are proposed as overground through the Country Park, and underground within Stonelees Nature Reserve and the BayPoint sports complex.

Within Pegwell Bay Country Park, the cables are proposed to be laid on the existing land surface and chalk will be used to cover them. From the sports complex, the cables are proposed to be installed by horizontal directional drilling (HDD) beneath the A256, Minster Stream, and part of the Hacklinge Marshes Site of Special Scientific Interest. The working width for cable installation is estimated to be 10-15m with a permanent easement of approximately 5m. The cables are proposed to terminate adjacent to the converter station. The overall length of the onshore HVDC cable route is approximately 3.1km.

Converter Station and Substation

Outline planning permission is sought for the converter station and substation, together with associated electrical equipment and work compound, with matters of landscaping and access under consideration as part of this application.

The indicative drawings show the converter station is proposed to occupy a site of approximately 4.85 hectares (ha), which will be enclosed by a 2.4m high palisade fence with a 4m high electrified pulse security fence, installed on the internal side of the palisade fence. The majority of electrical equipment will be housed within the converter station. The converter station will comprise three main components:

1. **Main Building:** The existing turbine hall frame is proposed to be incorporated into the building, which will comprise three main parts. The tallest part to a maximum height of approximately 30.8m and will be approximately 38.3m long and 93m wide. The remaining two parts will be approximately 25m high, 65.1m long and 93m wide (main extension) and 18m high, 45.7m long and 65.5m wide (transformer extension). The total length of the main building will be approximately 149m. Lightning conductors will be installed approximately 5m higher than the roof of the main building.
2. **Service Building:** Indicative plans show a service building attached to the eastern extent of the northern face of the main building. This is proposed to house the control room, workshop, auxiliary power supply and cooling system. This building will be approximately 27.4m long, 13.6m wide and 14.5m high.
3. **Storage Building:** Indicative plans show a storage building attached to the western extent of the northern face of the main building and will be used for the storage of equipment spares and tools. The dimensions are the same as the service building.

The converter station building is shown on indicative plans as being constructed of brick to a height of approximately 3m, with the remaining sections of the buildings will be formed by a steel frame clad with metal panels and insulated. Panels will graduate from dark green to light green to the roofline. The final design of the finish will be subject of a reserved matters application. The converter station has achieved a 'good' preliminary rating from BREEAM.

The applicant advises that the converter station will be manned by approximately six personnel split over three shifts within a 24 hour period.

Indicative plans show a substation in a separately fenced compound immediately west of the proposed converter station. Indicative plans show that the substation will be connected to the converter station by underground high voltage alternating current (HVAC) cables. The proposed substation will occupy a footprint of approximately 2.65 ha. Indicative plans show that this will contain:

- indoor and outdoor electrical equipment,
- a GIS Hall containing the switchgear - shown on indicative plans as approximately 52.2m long, 21.5m wide and 15m high, central to the substation site
- outdoor Gas Insulated Busbars (GIB),
- overhead line gantries,
- two Supergrid Transformers (SGTs) along the southern extent of the site, approximately 22.5m long by 13.3m wide with a height of 10.6m.
- a Mechanically Switched Capacitor (MSC) – approximately 30.2m long, 25m wide and approximately 11.8m for the tallest equipment
- a Static Var Compensator (SVC) compound in the northern part of the substation compound which will contain a transformer and outdoor electrical equipment with a small building for control and operation of the equipment – approximately 52.6m long, 39m wide and 6.3m high for the tallest equipment.
- There are 3 buildings connected to the SVC equipment these would be approximately 12m long, 10.2m wide and 4.4m high
- an amenity building, shown on indicative plans as 16m long, 12m wide and 4.2m high
- a diesel generator building comprised of a single storey pre-fabricated modular unit 8m long, 3m wide and 3.5m in height and;
- a fire water tank 6m in height

The layout of the substation shown on indicative plans includes two overhead line gantries in the south west corner of the site approximately 12.7m in height. Indicative plans show the maximum height of the remaining outdoor electrical equipment required to connect the above equipment together, will be approximately 8m.

It is proposed that all outdoor areas where plant is installed will be surfaced in stone chippings. The substation will be enclosed by a 2.4m high palisade fence with a 4m high electrified pulse security fence installed on the internal side of the palisade fence. Internal surfaced roads will be required to access the buildings, for maintenance and car parking. Thirteen car parking spaces are proposed to be provided.

The applicant advises that the substation would be an unmanned site subject to inspections and maintenance visits whilst in operation. The frequency and duration of maintenance visits will be dependent on the manufacturer's recommendations related to the equipment installed on site.

Works compounds are proposed at:

- Pegwell Bay Country Park – including crane pad, storage of plant, machinery and materials, to be used for approximately 2 months
- BayPoint sports complex HDD receptor pit 30m x 50m – including storage of plant, materials, with require temporary roadways to be constructed to provide access for drilling plant, to be used for approximately 1 week
- Former Richborough Power Station HDD launch pit 25m x 40m – including storage of plant, machinery and materials, to be used for approximately 1 week
- West of converter station and substation site at the former Richborough Power Station, including storage of plant, equipment, materials and welfare cabins, to be used for approximately 36-42

months

Alternatives Considered

Chapter 3 of the applicant's Environmental Statement (reproduced in full at Appendix 3) considered 28 potential converter station sites and 11 locations where an interconnector might be connected to the high voltage national electricity transmission system. These were either adjacent to existing National Grid electricity transmission substations or in areas where a substation could be considered feasible. The Environmental Statement confirms that the potential landfall sites were in locations where there appeared to be sufficient absence of built development to allow cables to be brought ashore and to be routed to the potential connection point.

Of the 28 site options identified, the Environmental Statement details that three sites were short listed based on size, environmental impact, availability of land, feasibility of an appropriate connection to the grid system and the feasibility on an appropriate connection to a suitable subsea cable landfall, together with input from Natural England, Environment Agency, local planning authorities and Kent Wildlife Trust. The three short listed sites were Shellhaven, Kemsley and Richborough. The announcement of the Thames Gateway development in 2007 ruled out Shellhaven as an option. The shortest marine route for the project was between Richborough and West Zeebrugge.

In relation to the Kemsley option, the Environmental Statement identified that there were particular challenges to the landing or onshore routing of DC cables at Kemsley because of the extensive areas of wetlands designated for nature conservation value, where installation would be difficult and could cause disturbance. Land ownership investigations concluded that there appeared to be no obvious land parcel suitable for the converter station in the Kemsley vicinity.

Richborough was identified in the Environmental Statement as having the advantage of being a 'brown field' site allocated for re-use where land was available with a landowner willing to sell, subject to satisfactory commercial negotiation. It was identified as being close to a suitable landfall (at Pegwell Bay) and it supported the most direct, least distance subsea cables connection to West Zeebrugge within acceptable risk parameters. Richborough was therefore selected as the preferred site to progress further.

In addition to the Environmental Statement, the applicant has confirmed in writing that there is not spare capacity in existing overhead lines at Dungeness A and that National Grid Nemo Link would require a new 400kV double circuit overhead line between Lydd and Rowdown if it was constructed at Dungeness.

The Environmental Statement sets out six proposed cable landfall options; Service Station North, Service Station South, Cliffsend Beach, Sandwich Flats, Country Park and the River Stour. Based on a technical and environmental assessment of the alternatives, the Environmental Statement concluded that the cable landfall in the area of the Service Station South was the preferred option.

In terms of the cable route to the former Power Station site, the A256 offered the shortest route and avoided nature designations in Pegwell Bay. However the Environmental Statement sets out as the Thanet Offshore Wind Farm cables are located within the A256, insufficient space to accommodate two HVDC cables was available. The verge on the landward side of the A256 was discounted as a potential route in the Environmental Statement given that there are plans to raise and remodel the golf course as any change to the depth of burial of the cables could affect the capacity or rating of the cables, limiting the effectiveness of the Nemo Link.

The preferred route of the onshore underground cables was therefore set out within the Environmental Statement as running from the Transition Joint Pit, through Pegwell Bay Country Park, then into Stonelees Nature Reserve and BayPoint sports complex, beneath the A256, Minster Stream, and a compartment of Sandwich Bay to Hacklinge Marshes SSSI terminating in the converter station. The Environmental Statement sets out that this route offers a short, technically and environmentally acceptable route which minimises disturbance to local residents, landowners and environmental features.

Alternative cable technology options were also considered within the Environmental Statement, including overhead lines between the subsea cables and the converter station. Whilst the Environmental Statement concludes that overhead lines are generally cheaper, constraints were identified in relation to costs of repairs and

maintenance due to the combinations of salt-laden air and pollution causing insulation problems.

The underground cable option was considered preferable in the Environmental Statement as it would reduce the need for maintenance.

PLANNING HISTORY

FUL/DOV/13/00143 - Application for full planning permission for the installation of 720m of underground high voltage direct current (HVDC), erection of 4 metre high security fencing, construction of access road and hard landscaping, (development falling within the Dover District), being part of a 130km HVDC electrical interconnector with an approximate capacity of 1'000 megawatts (MW), from Zebrugge (Belgium) to Richborough (UK). (This is a duplicate of the application submitted to Thanet District Council which also includes outline planning permission for the erection of a converter station building (max height 30.8 metres), substation building, (max height 15 metres), outdoor electrical equipment for substation (max height 12.7 metres) and converter station (max height 11.8 metres), and application for full planning permission for underground HVDC, fencing, landscaping and internal roads, since the majority of the site falls within the district of Thanet) - Application withdrawn (Associated Thanet District Council reference - F/TH/13/0144).

FUL/DOV/12/01017 - Redevelopment of a 1.22 ha (3.02 acre) part of the Richborough Power Station site to create a 42.4 MW capacity sui generis Peaking Plant Facility with associated areas for parking, access, landscaping and associated works, including 4 x 35 metres high exhaust stacks - Granted (Associated Thanet District Council reference F/TH/12/1015).

FUL/DOV/12/01018 - Creation of an internal road and infrastructure network, weighbridge, estate landscaping, office building, and associated works, part of which falls within the Dover District (duplicate application submitted to Thanet District Council, as the majority of the site falls within the district of Thanet, Thanet District Council reference - F/TH/12/1016).

SITE CONSTRAINTS

- Sandwich Bay Special Area of Conservation (supporting a dune system)
- Thanet Coast & Sandwich Bay RAMSAR Site (designated for migratory birds)
- Thanet Coast & Sandwich Bay Special Protection Area (designated for breeding birds)
- Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest (the most important sand dune system and sandy coastal grassland in SE England)
- Sandwich & Pegwell Bay National Nature Reserve
- Flood Zone 3
- Open Space
- County Demolition Waste
- Channel Tunnel Rail Link Safeguarding

POLICY CONTEXT

Dover District Core Strategy February 2010

- DM1** – Settlement Boundaries
- DM11** – Location of Development and Managing Travel Demand
- DM12** – Road Hierarchy and Development
- DM13** – Parking Provision
- DM15** – Protection of the Countryside
- DM16** – Landscape Character
- DM25** – Open Space

Dover District Local Plan 2002 'Saved' Policies

- TR12** – Channel Tunnel Rail Link Safeguarding
- AS14** – Ramsgate Road B1/B2/B8 employment uses

Kent Waste Local Plan 1998 Saved Policies

W7 – Reuse – Richborough is considered to be suitable in principle for proposals to prepare Category A waste for re-use

W9 – Waste separation and transfer - Richborough is considered to be suitable in principle for proposals for waste separation and transfer

W11 – Waste to Energy - The Stour at Richborough is considered to be suitable in principle for proposals for a waste to energy plant

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Kent County Council Minerals and Waste Core Strategy: Strategy and Policy Directions 2011

11B – Possible Options for Strategic Waste Sites - The former Richborough Power Station has been identified as a site that could accommodate a large scale Mechanical Biological Treatment (MBT) plant which could receive household and non-household waste for treatment by rail or water. A Waste biomass fuel can also be delivered to a power/Combined Heat and Power (CHP) station from the site by rail or water.

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National Planning Policy Framework

The NPPF sets out a presumption in favour of sustainable development and includes core planning principles which seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policies contained within the following section are also of relevance:

Section 4 - Promoting sustainable transport

Section 7 - Requiring good design

Section 10 - Meeting the challenge of climate change, flooding and coastal change

Section 11 - Conserving and enhancing the natural environment

Section 12 - Conserving and enhancing the historic environment

CONSULTEE AND THIRD PARTY REPRESENTATIONS

Parish/Town Councils and Others

Sandwich Town Council

No objections, the Council recommends approval.

Ash Parish Council

Note the application for information.

Canterbury City Council

Having considered the proposal and the implications of the onward connection on the district, advise that the Council strongly objects to the proposal. The Council believes that confirming the location of the inter-connector will prejudice the proper consideration of high level options for onward connection to the National Grid transmission system and the determination of this application is therefore premature without a full assessment of the impacts of the overall proposal on the wider locality.

The outcome of the recent planning application relating to the Triton Knoll Offshore Wind Farm is noted but given the scale and likely implications of the onward connection, the City Council requests that any decision on the location of the new inter-connector, converter station building and substation building is made in parallel with the decisions on new transmission connection from the inter-connector to the National Grid.

Technical Consultation responses

Environment Agency – No objection subject to safeguarding conditions

Biodiversity – previous concerns have been answered in the new application. New invertebrate surveys are necessary to provide accurate data in respect to the population size and distribution of Lugworms *Arenicola marina* in the Bay. Subject to this condition the EA consider that the proposed development will be acceptable.

Flood risk – a Flood Risk Assessment and draft drainage strategy have been produced which demonstrate that the risks to/from the development can be appropriately managed. Any excess surface water generated by an event which exceeds the design parameters should be retained on site in pre-determined areas which are well away from any vulnerable property and where the off-site flood risk will not be exacerbated by its presence.

Water quality – the information provided in the Environmental Statement suggests marine water quality impacts will be temporary and not significant at waterbody level, however Water Framework Directive impacts should be assessed for Marine Management Organisation licensing purposes and EA are consultees to that process.

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. 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 us as a hazardous waste producer.

Site Waste Management Plan – since 6 April 2008, it is a requirement for all new construction projects worth more than £300,000 to have a Site Waste Management Plan (SWMP). Each project should have one SWMP.

Pollution Prevention - the developer should prepare an Incident Management Plan which should cover amongst other things, 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:

- does not disrupt existing sewerage facilities
- does not disrupt and pollute existing drainage systems
- does not 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.

Fuel, Oil and Chemical Storage – 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.

Main Rivers – the River Stour and Minster Stream are designated 'main rivers' and under the jurisdiction of the EA for the purposes of its land drainage functions. The written consent of the Agency 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).

The EA's formal written Consent will therefore be required for any works on this site within 15m of the River Stour or the Minster Stream (irrespective of any planning permission granted).

Recommended safeguarding conditions:

- detailed surveys of the invertebrate populations of Pegwell Bay to ensure that the biotope present in Pegwell Bay is correctly described
- detailed sustainable surface water drainage scheme for the site based upon drawing D2700.075A and section 11.2 of the approved FRA to prevent an increased risk of flooding off-site
- a scheme that includes the components to deal with the risks associated with contamination of the site, a site investigation scheme, detailed risk assessment, an options appraisal and remediation strategy with a verification plan to protect the underlying aquifer and nearby watercourse from the potential risk of pollution
- a verification report demonstrating completion of works to protect the underlying aquifer and nearby watercourse from the potential risk of pollution
- previously unidentified contamination discovered
- preventing infiltration of surface water drainage into the ground unless written consent
- Piling or any other foundation designs using penetrative methods not be permitted other than with the express written consent of the Local Planning Authority, where no resultant unacceptable risk to groundwater
- a construction environmental management plan to ensure pollution prevention measures are in place for all potentially polluting activities during construction and to protect sensitive water receptors.

Natural England – no objection subject to securing the mitigation measures and safeguarding conditions

The Conservation of Habitats and Species Regulations 2010 (as amended)

In relation to the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Ramsar site (Wetland of International Importance under the Ramsar convention), - no objection subject to securing the mitigation measures that are included in the application and detailed below:

- Cable installation work will be completed in the months outside 1 October – 31 March – to avoid disturbance to the overwintering birds, features of the SPA / Ramsar, which use the area from October to March inclusively with February and March being particular importance in terms of when the birds are most sensitive.
- A cable burial management plan is submitted at least 4 months prior to construction. This plan will be discussed and its contents agreed with Natural England prior to commencement of works to confirm the specific details of how the cable will be buried through the intertidal, ensuring no adverse effect on integrity of the designated sites (in line with the Appropriate Assessment to be undertaken); details of how the area will be monitored post construction; a contingency plan to ensure impacts are mitigated should works fall outside of the consented parameters; and a reinstatement (of habitat) plan (see Appendix 1 for further detail) - as outlined in Section 4.1 of the PMSS document entitled 'Review of Intertidal Cable Installation Techniques'.
- Low ground pressure excavators will be used on the saltmarsh and mudflat habitats as a matter of course and where ground bearing conditions are deemed unsatisfactory for the works, bog mats or rolled steel/ aluminium sheeting will be employed to minimise ground disturbance and compaction to the salt marsh and mudflat supporting habitats of the SPA and Ramsar site.
- Post construction saltmarsh monitoring reports will be produced and submitted to Natural England at the end of years 1, 2, 3, 4 and 5 to report on the rate and success of natural re-colonisation of the saltmarsh following the installation of the cable and will identify if there is a requirement for intervention to aid recovery
- Debris and other mobile food sources for invertebrates (e.g. drift wood) will be moved by hand rake or turfs lifted to outside the cables corridor prior to the excavation of the cables trench and jointing pits and compound area, and the placing of weight-bearing mats. During cable installation, excavated material (saltmarsh /mud) will be set to one side of the trench and will not be disturbed by

construction traffic or workers until the trench is backfilled to remove from the proposed excavated area any invertebrates including any Red Data invertebrates to prevent them from being trampled or buried. Setting the excavated material to one side immediately after excavation will reduce the potential for smothering invertebrates and allow for invertebrates to move out of the area if necessary

- Monitoring for invertebrates will be carried out for a period of five years in association with the saltmarsh monitoring to ensure that structure of the salt marsh returns, to enable it to support the same invertebrate assemblage as it did prior to construction
- Targeted investigation works will be undertaken to assess the possibly contamination of hydrocarbons from the petrol stations both at the transition joint pit location and at the site of the horizontal directly drilling site. If contamination is found a robust remediation method statement will be compiled to detail the necessary mitigation measures, to ensure that any existing pollution on site is appropriately dealt with and not spread into the site
- A Construction Environmental Management Plan (CEMP) will be prepared which will set out methods which contractors will be required to undertake as a minimum to ensure pollution control throughout the construction works, to manage the risks of pollutions during construction

The measures will also be confirmed by the Appropriate Assessment, which needs to be completed prior to a decision being made on the application.

Without full implementation of the mitigation measures there is a risk that the application would have significant effects on the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Ramsar site (Wetland of International Importance under the Ramsar convention). In particular it could affect the following features of these internationally designated site(s):

- Saltmarsh as a supporting habitat for SPA / Ramsar birds.
- Mudflat as a supporting habitat for SPA / Ramsar birds
- Invertebrates notified under the Ramsar citation

Having considered the submitted information, Natural England is of the opinion that all impacts described will be temporary and based on this information and suitably worded conditions being attached and secured in any marine licence or planning application granted, we advise that there will be no adverse effect on integrity of the Thanet Coast and Sandwich Bay SPA and Ramsar site.

The following points comprise Natural England's detailed comments on potential impacts to these European designated sites:

1. Thanet Coast and Sandwich Bay SPA - Impacts on overwintering birds (SPA feature)

Natural England welcome the proposal to time all construction works within the intertidal outside of the important overwintering period to avoid disturbance to SPA. The submitted environmental statement suggests that October – February is a sensitive time for overwintering birds, however Natural England advise that March is also an important month.

Impacts on saltmarsh (SPA supporting habitat)

1. Transition Joint Pit (TJP):

Two options were proposed for the location of the transition joint pit, as a reasonable worst case scenario (section 2.17 of 'Effect on Integrity of European Nature Conservation Interests') within the saltmarsh itself, and as outlined in the minutes of a telephone conversation on 15 October 2013, in the area of rough grassland to the south west of the petrol station. Natural England would advise that installation of the Transition Joint Pit in the area of rough grassland would be the preferred, least damaging option.

Should the Transition Joint Pit be installed within the area of saltmarsh, it is recognised that this will be a temporary disturbance to saltmarsh, as evidence suggests sufficient recolonisation of saltmarsh following disturbance works (TOWF cable installation). However, to avoid cumulative effects on the saltmarsh, taking into account disturbance from the cable installation proposed itself, it would be preferential to locate the TJP outside the saltmarsh.

Following a telephone discussion on 15 October 2013, Natural England is satisfied that once the Transition Joint Pit has been installed, the saltmarsh (should the worst case scenario be realised) will be reinstated and that there is no requirement for routine inspection or maintenance of the joint pit.

2. Lay down area:

The reasonable worst case scenario suggests that the lay down area for construction works will be placed within the area of rough grassland to the south west of the petrol station (section 2.17 of 'Effect on Integrity of European Nature Conservation Interests'). As outlined in the meeting minutes from a telephone conversation on 15 October 2013, it would be preferential for the works lay down area to be located away from the saltmarsh, and located within the car park adjacent to the petrol station.

Impacts on saltmarsh and mudflat (SPA supporting habitats)

· Cable installation:

Natural England welcome the submission of the PMMS report 'Review of Intertidal Cable Installation Techniques' which includes the various options for cable installation within the intertidal areas. The following comprises Natural England's comments on each option with our preferred option also identified.

a) Open trench and backfill (identified as the reasonable worst case scenario):

Natural England consider that this option would result in temporary loss of saltmarsh habitat, however given previous evidence for the adjacent Thanet Offshore wind farm cabling, Natural England are satisfied that this area will re-colonise sufficiently following installation of the cable and is acceptable as a reasonable worst case scenario.

Natural England advise that should this option of installation be employed that the use of low ground pressure excavators as a matter of course is secured for works across the mudflat and salt marsh habitat, with the use of bog mats or rolled steel/ aluminium sheeting employed should the ground bearing conditions be deemed unsatisfactory. A temporary access track for operational vehicle access should be defined across the salt marsh. Cable lay and bury should be installed using tracked or skidded plough or chain cutting tool.

This option is identified as Natural England's preferred option for cable installation due to the minimised ground disturbance associated with this method and the previous success of a cable plough solution for installing the adjacent Thanet Offshore wind farm cable. However, Natural England do recognise the more complex issues with using this method for the Nemo Link cable in relation to the bending values of this cable in comparison to those typical to date for offshore wind farms.

Natural England advise that should this option of installation be employed that the use of low ground pressure excavators as a matter of course is secured for works across the mudflat and salt marsh habitat, with the use of bog mats or rolled steel/ aluminium sheeting should the ground bearing conditions be deemed unsatisfactory.

b) Pre-installation of ducts

Natural England advise that this option is least preferable due to its potential for increased ground disturbance in comparison with other suggested methods of cable installation in addition to the risk of ground contamination from bentonite spillage.

c) Horizontally directionally drilled ducts

Although it is acknowledged that 'HDD' is typically a favoured option by Natural England when considering cable burial, particularly through saltmarsh in order to avoid loss of habitat, Natural England concur with the report that suggests that in this instance the pre-installation, investigative geotechnical drilling surveys are likely to cause similar disturbance to the sensitive habitats as cable plough or trenching. Therefore, in this instance, Natural England do not consider this as a preferred option.

2. Cable Burial Management Plan

Natural England have previously been involved with other cable routing projects, specifically the Race Bank Offshore Wind Farm 'Race Bank' and the 'Lincs' 2nd cable installation, for which an approach was agreed whereby

the following documents were submitted prior to cable installation.

- Detailed export cable burial plan
- Detailed contingency plan
- Detailed saltmarsh mitigation and reinstatement plan
- Detailed saltmarsh monitoring plan (also refer to proposed mitigation 4)

Provided the above documents are developed through close discussion with Natural England, Natural England are satisfied that these can be attached as conditions to a licence / consent, subject to the Appropriate Assessment to be undertaken by the competent authority concluding no adverse effect on the integrity of the Thanet Coast and Sandwich Bay SPA and Ramsar site.

Natural England considers that a review of the appropriate assessment and any mitigation measures will be required once full details of the installation tool is available to ensure that all likely significant effects have been fully considered.

Appropriate Assessment

Under regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended), Natural England advised that the competent authority should undertake an Appropriate Assessment of the implications of this proposal against the site's conservation objectives. Natural England notes that your authority, as the competent authority under the provisions of the Habitats Regulations, is to undertake the Appropriate Assessment, in accordance with Regulation 61 of the Regulations.

Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process and has considered the information submitted by the applicant to inform this assessment, including measures proposed to avoid or mitigate for all potential adverse effects on the above sites as a result of the proposal. Earlier in the process we also provided advice about measures to avoid and mitigate adverse effects.

The mitigation measures submitted are comprehensive and need to be secured through appropriately worded conditions or a Section 106 agreement in any permission granted to ensure that the works will not result in an adverse effect on integrity of the internationally protected sites. The Appropriate Assessment, which will be based on advice we have already provided and the information provided by the applicant through their study of effects on European sites, will confirm the mitigation measures that are needed.

Natural England welcome the submission of the additional document entitled 'Effect on Integrity of European Nature Conservation Interests'. Natural England also welcome the submission of the 'reasonable worst case scenarios' in relation to the techniques proposed for the installation of the cables and acknowledge that the applicant will actively seek to deliver more environmentally sensitive solutions where practicable.

As this proposal is covered potential by two competent authorities (Thanet District Council and the Marine Management Organisation (MMO)), Natural England draw attention to DEFRA's guidance on competent authority coordination under the Habitat Regulations. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69580/pb13809-habitats-guidance.pdf

Site of Special Scientific Interest (SSSI) - Wildlife and Countryside Act 1981 (as amended)

Natural England can confirm that the proposed works are located within the Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI). Natural England advises that the proposal, if undertaken in strict accordance with the details submitted and subject to the conditions listed below being attached to any approval, is not likely to damage the interest features for which the site has been notified.

Recommended safeguarding conditions:

- No construction related activities are to be undertaken in areas of salt marsh used by redshank and oystercatcher during their nesting
- season which begins in mid-April and finishes in mid-July (Area 1 – including 100 meter buffer, Area B and Area C).

- 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 should be conducted and if breeding birds are discovered works will be subject to delay. Walkover surveys will also be required on the country park / Stonelees and the site of the converter station and sub-station if any vegetation clearance is carried out.
- The cables are to be laid in a trough on top of the existing surface within the Pegwell Bay Country Park to the boundary of Stonelees Nature Reserve. The cables trough will then be overburdened with clean inert fill which finishes in a chalk cap. Detailed method statements for cables installation within the Country Park will be provided to the EA, NE and TDC prior to the commencement of works.
- There must be no encroachment, storage of material or machinery on the SSSI Unit 11 adjacent to the converter station and sub-station during construction. The construction lay down area will follow principles sent out in the Construction Environmental Management Plan (CEMP).
- Activities such as piling for the construction of foundations should be restricted to the months outside of October to March or should begin with a soft start.
- Noisy activities with short explosive bursts such as piling are more likely to disturb birds and other wildlife. Construction works on the site of the proposed converter station and sub-station, particularly with regard to the noisiest operations may need to be carried out at times of the year that avoid impacts on the bird interest of the site or use other mitigation measures to reduce the noise or impact.
- A lighting strategy to be agreed with NE, EA and TDC and implemented on the converter station and sub-station site.

Natural England defers to the Environment Agency for advice on foul and surface water systems. However, as outlined, sewage from the converter station and sub-station will be collected within a sealed unit and taken off site. Surface water drainage, will go to the existing drainage system. These should incorporate appropriate oil interceptors to prevent contaminants entering the water system.

Marine and Coastal Access Act 2009

The proposed works, as set out in the information provided, are sited adjacent to a proposed Marine Conservation Zone (pMCZ). Thanet Coast pMCZ has been proposed for designation due to the presence of:

- Moderate energy infralittoral rock
- Moderate energy circalittoral rock
- Subtidal coarse sediment
- Subtidal sand
- Subtidal mixed sediments
- Blue mussel beds
- Peat and clay exposures
- Rossworm (*Sabellaria spinulosa*) reef
- Subtidal chalk
- Subtidal sands and gravels

It should be noted that the Thanet Coast pMCZ is now a material planning consideration in the decision making process. Having reviewed the evidence relating to the site Natural England believe that the works will not hinder the conservation objectives of this site; so long as they are undertaken in strict accordance with the information provided by the applicant and subject to the following. Natural England recommend that conditions to secure the following are attached to any planning permission to reinforce compliance and avoid the potential for damage:

Recommended safeguarding condition:

- The route of the cable path, as outlined in the submitted Environmental Statement, will be strictly followed, to avoid physical damage to any of the above features of the pMCZ.

The England Coastal Path

The Ramsgate to Folkestone section of the England Coast Path is currently proposed to run along Foads Lane to Stonelees Nature Reserve (see Map 1.4 on Natural England's website www.naturalengland.org.uk/coastalaccess from Monday 28th October). In this area the route follows existing access routes and PROW and if approved is due for implementation in 2014. Where possible, Natural England request that existing access is maintained, including promoted routes such as the England Coast Path.

Designated Landscapes

This proposal does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals however should complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework.

European Protected Species Natterjack Toads

On the basis of the information available to us, Natural England's advice is that the proposed development is likely to affect natterjack toads through the disturbance, temporary loss of habitat and potential siltation of breeding ponds. Natural England are satisfied however, that the proposed mitigation is broadly in accordance with the requirements of the natterjack toad's guidelines and should maintain the population identified in the survey report.

Recommended safeguarding conditions:

- Prior to the commencement of any works which may affect natterjack toads and or their habitat, a detailed mitigation and monitoring strategy should be submitted to, and approved in writing by, the local planning authority. All works should then proceed in accordance with the approved strategy with any amendments agreed in writing.
- Storage and maintenance of evacuated material from the trenches dug in the vicinity of the ponds should be stored on the road side of the trench well away from the ponds to ensure that the risk of siltation is reduced and that the replacement of evacuated material back into the trench is performed in a timely way so as not to extend storage time. Siltation and pollution management using standard pollution control measures that are incorporated into a Construction Environment Management Plan must also be applied.
- Natterjack toads are European Protected Species. 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.

Natural England's view on this application relates to this application only and does not represent confirmation that a species licence (should one be sought) will be issued. It is for the developer to decide, in conjunction with their ecological consultant, whether a species licence is needed.

It is for the local planning authority to consider whether the permission would offend against Article 12(1) of the Habitats Directive, and if so, whether the application would be likely to receive a licence. This should be based on the advice we have provided on likely impacts on favourable conservation status and Natural England's guidance on how to apply the 3 tests (no alternative solutions, imperative reasons of overriding public interest and maintenance of favourable conservation status) when considering licence applications.

Protected Species

Natural England's Standing Advice for Protected Species is available online to help local planning authorities better understand the impact of development on protected or BAP species should they be identified as an issue at particular developments. This also sets out when, following receipt of survey information, the authority should undertake further consultation with Natural England.

Additional Advice 30 October 2013

Natural England is satisfied that a condition in relation to timing works around the important times for SSSI breeding birds is no longer required. This is providing a detailed breeding bird mitigation plan is submitted at least four months prior to cable installation works in the intertidal and saltmarsh areas of Pegwell Bay beginning – something Natural England advises is attached as condition to any planning consent granted

Comments relating to Cumulative Impact and In-combination effects 10 June 2013

This planning application relates to the landing of an offshore cable at Pegwell Bay and its connection and building of a converter station at the former Richborough power station, in addition this project requires related infrastructure that does not form part of this planning application, i.e. the offshore cable and the power line connection to the National Grid. As stated in our scoping letter to both Thanet and Dover cumulative and in-combination effects should be considered.

The marine licence from the Marine Management Organisation (MMO), which includes works regarding both the intertidal and offshore cabling, is currently being assessed by Natural England's Marine Team and a response is due before the end of June; at which stage if Natural England have any concerns regarding significant effects with regard to this proposal, they will be raised.

The ongoing connection from the converter station to the national grid via the substation at North Canterbury is currently an ongoing consultation that Natural England has been involved with. The detail in this ES highlights the potential impact of this route however, more detail has been provided at the scoping stage of the Richborough connection project proposed by National Grid.

The preferred route is north of Stodmarsh SSSI / SPA / Ramsar, which under a proposed scenario 2 the new 400kV cables would follow the route of the current 132kV cable, which would be removed. Power lines can result in impact through direct habitat loss, indirect habitat loss (displacement and barrier effects) and bird mortality (electrocution and collision).

This preferred route does not directly impact on international or national designated habitat (i.e. there is no land take) nor does it over sail any sites. Also as it replaces existing infrastructure the scale of change is not so significant. However, Natural England are still waiting to assess the impacts on the bird species of the SSSIs and SPAs in the area included linked land that may extend several kilometres beyond the site boundary.

Natural England are currently waiting to review the first set of winter surveys for birds in this area and, therefore, Natural England are unable advise that this route has no potential to impact on the birds of these designated sites, particularly if large numbers of birds susceptible to electrocution and collision are using the area; then, of course, we would have strong concerns.

However, in addition to route planning other mitigation measures can be included to reduce these types of impacts such as removing earth wires and modifying earthing methods; modifying line, pole and tower design; installing underground cables; and conspicuous marking of lines, poles and towers. Once the level of risk is determined this would if appropriate necessitate what form of mitigation could be used. However, until all the evidence is available Natural England are unable to conclude that no significant impacts would result from the overhead line.

In order for Natural England to advise the council whether there are any cumulative and / or in-combination effects the impacts (including any mitigation) of this current proposal must firstly be correctly assessed. It can then be considered whether any remaining impacts are likely to result in significant impacts cumulatively or in-combination with the potential impacts of other projects including the two additional proposals related to this application. Until the precise impacts of this current project are established Natural England are unable to advise further.

Comments relating to the national electricity transmission system connection - 07 August 2013

Option 1 (Richborough to Canterbury North) – is the shortest and most direct route and because of the other highly sensitive strategic options, Natural England consider it to be the route with the least potential for significant impacts on the natural environment. However, whilst this strategic option minimises the potential impacts on the Kent Downs AONB it does have the potential to impact on a number of international and national nature conservation sites and potentially on important bird populations that are features of some of those sites. Further assessment and avoidance and / or mitigation will be required as the detailed Route corridor is identified, and may require Appropriate Assessment.

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The two onshore options (2 and 3 to Cleve Hill and Kemsley respectively), both have the potential to impact on the same nature conservation designations as option 1 (Richborough to Canterbury North), but also additional sites further north. Therefore, they appear to offer no obvious benefit over option 1 (Richborough to Canterbury North).

Options 4, 5 and 6 are offshore options to Cleve Hill, Sellindge and Kemsley respectively. All these offshore routes require cabling back through Pegwell Bay, (with potential impacts on the Thanet Coast and Sandwich Bay SPA and Ramsar site) in addition to any impacts from the NEMO Link interconnector. Further cabling would then be required through the internationally designated habitat of the Swale (the Swale SPA and Ramsar) for both the Cleve Hill and Kemsley option - with further potential to impact on these designations with any overhead line due to the high number of migratory, overwintering and breeding birds.

The offshore option to Sellindge again requires cabling through Pegwell Bay, the ongoing landward route would then pass through the Kent Downs AONB to Sellindge. An overhead line would not be an acceptable visual or landscape impact and therefore would require undergrounding if feasible. In summary, the offshore options would be likely to pose greater risks for the natural environment than option 1 (Richborough to Canterbury North).

The preferred north Route Corridor (under Scenario 2 with the existing 132kV overhead line being removed), from Richborough to Canterbury North is the shorter and more direct route and, based on current evidence, we consider it also poses less risk to wildlife and AONB than the south Route Corridor. Careful consideration of avoidance and mitigation measures on those impacts will be needed.

Kent Wildlife Trust, National Trust and Royal Society for the Protection of Birds – object

We are extremely pleased to note that additional information has been prepared to support the Environmental Statement and provide information to enable Dover and Thanet District Councils to undertake a Habitats Regulations Assessment. This additional information and the commitments undertaken by the applicant have resolved many of our original objections. Within this response we have suggested further amendments where we still have concerns.

As custodians of the site our role within the planning system is to ensure that the site is protected from deleterious activities and development that could impact on its nature conservation value and ensure any impacts identified are avoided, mitigated or appropriate compensation is provided. We would not permit any development on the site that may lead to impact and would expect any development to result in a net gain for biodiversity in line with the National Planning Policy Framework paragraph 118.

Sandwich and Pegwell Bay is designated under the European Birds and Habitats directives and the Ramsar convention as part of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Ramsar site and

the Sandwich Bay Special Area of Conservation (SAC). The site is also designated as part of the Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest and Sandwich and Pegwell Bay NNR. The above designations ensure that the habitats and species which the site supports are given the highest level of protection and the site's integrity is assured in the long term. Stonelees also supports a reintroduction programme for natterjack toads. Evidence of good survival and breeding rates has been recorded since introduction commenced.

Summary of previous concerns

Within the original application we had a number of concerns regarding the proposed project. It was, and remains our view that the route selected is not the least environmentally damaging option.

We felt that the baseline information was incomplete and issues such as compaction and contamination had not been considered and the avoidance and mitigation measures recommended at that time could result in significant impacts on the integrity of the site.

Since this time Kent Wildlife Trust has had two meetings with National Grid in which many of these issues have been discussed. Resilient avoidance and mitigation measures have been incorporated within the application which resolves many of our concerns.

Policy Context

In relation to the Conservation of Habitats and Species Regulations 2010 it is our view that Dover and Thanet District Councils, as the determining authorities, should undertake a Habitats Regulations Assessment.

It is our view that an invertebrate baseline surveys following best practice guidelines should be conditioned within the mudflats. These surveys will ensure that any changes in the benthic communities will be identified within the monitoring process.

Having reviewed the evidence submitted, we note that there are uncertainties regarding the impacts of simplification of mudflat habitats, re-colonisation of saltmarsh habitat and siltation. It therefore continues to be our view that impact could occur within the habitats for which the sites are designated, or that support SPA and Ramsar designated species.

We agree that appropriate conditions can be drafted to provide contingencies to mitigate or compensate for these impacts, should they occur, and have suggested possible wording for the conditions. We note that within the new application further avoidance measures and conditions have been recommended which ensure impacts are mitigated for many of our previous concerns.

Natterjack toad, common lizard, grass snake, slow worm and water vole are present within the reserve and receive varying protection under the Wildlife and Countryside Act. Natterjack toads receive protection at a European level and are also protected under Schedule 2 of the Conservation of Habitats and Species Regulations 2010 (as amended). Water vole and reptile species are protected from harm under the Wildlife and Countryside Act.

The Route - Landfall at Pegwell Bay

The National Trust, the RSPB and Kent Wildlife Trust continue to question the selection of the proposed landfall at Pegwell Bay and the connection to the Richborough power station site as it is our view that it has not been proved that this is the least environmentally damaging route.

The Conservation of Habitats and Species Regulations 2010 (as amended) state that, if impact cannot be mitigated, all other alternative solutions should be explored before deleterious development is agreed within a European site. If there are no alternative solutions then development can only be agreed if there are Imperative Reasons of Overriding Public Interest.

It is claimed throughout the ES that this is the least damaging route when compared to the other options. We acknowledge that for the majority of the options there are restrictions due to development, lack of access and international designations. However in the case of site 10.1 we can see no reason for rejection other than that the site is within the open countryside and 1km of the AONB.

As there is an existing converter station adjacent to the site and similar issues would have applied to this development, we cannot understand why landfall could not be within this area, where no international or national designations are present.

Although we understand that open countryside and AONB are important considerations within the planning process, these designations are of national importance. It is our view the disturbance of a site designated internationally should be avoided if there is a less damaging option.

We have been assured by National Grid that open countryside is not the only reason for rejection of any site. We would therefore respectfully request detail of the other factors that led to the exclusion of this site. Until such time

as we are satisfied that there are valid reasons as to why the above site cannot be utilised we **object** to the selected route. We are happy to reconsider our position if there is a valid reason why site 10.1 has been excluded

Petrol Station South

Within our previous response we expressed concerns regarding the route chosen for the cable corridor, through the reserve. We note the comments of the applicant within the document entitled *Representations received compilation* and now accept that the proposed route has been routed as close to the Vattenfall route as is feasible from an operational perspective.

In relation to the routing of the cable within the road we are surprised that there was no room available as we have very recently received an application for a water main to be set within the A256. Our reading of the ES was that there were possible routes identified both through the golf course and on the verge to the landward side of the A256. We understood that these routes had been rejected due to possible future overburdening and golfing uses and that existing permissions exist for ground level changes that exclude the use of the golf course. We would value sight of the permissions for land rising within the golf course.

Simplification of sediments, compaction and impacts on benthic communities

Within our response to the previous application we expressed concerns that simplification of sediments and compaction within the mudflats and saltmarsh could lead to impacts on the habitat structure and alteration in the benthic community structure. We highlighted this issue not only in relation to limitation of food for the SPA species but also as mudflats and saltmarsh are habitats of principal importance in their own right and therefore should be protected within the planning process.

We were concerned that the methodology of the survey undertaken to assess the benthic communities was flawed and did not meet best practice and therefore had little confidence in the results. This was due to the low number of stations and the core depth of 15cm that has been used within the survey.

We continue to have concerns regarding the baseline information collected thus far and are pleased to note the commitment by National Grid for detailed invertebrate surveys to be carried out prior to the commencement of works. We are happy that this work be conditioned, provided the surveys are undertaken before construction.

In relation to compaction and simplification of sediments within the mudflats and saltmarsh, it would appear from the report Review of Intertidal Cable Installation Techniques that cable lay and bury using tracked or skidded plough or chain cutting tool would be the least damaging construction technique from an environmental standpoint. We do not claim to be experts in technology available for cable lay, but it is our understanding that this technique would lead to less disturbance of the sediment and compaction.

We understand that this technique may not be possible due to the cable width, however it is our view that any permission granted should require the least damaging cable laying method, with the applicant submitting a variation in condition if this methodology does not appear to be feasible from a technical standpoint. We request that a condition requiring a tracked or skidded plough or chain cutting tool to be used to lay the cable and if this technique is not feasible from a technical standpoint, a case should be submitted setting out the least environmentally damaging option available.

In relation to the proposed invertebrate monitoring we welcome the commitment to undertake surveys for 5 years to monitor benthic re-colonisation. We wish to ensure that the baseline surveys and monitoring ascertain the species diversity, age structure and community structure of the benthic community. This will enable the data to be analysed for re-colonisation, but will also ascertain whether the community structure and species balance returns to preconstruction levels.

It is our view that monitoring does not provide mitigation in its own right, but would inform whether further mitigation is required. Any condition should require appropriate mitigation and/or compensation if the monitoring shows changes in the benthic communities. We request the a for invertebrate surveys to be undertaken for 5 years post construction, following an agreed methodology, to assess the benthic re-colonisation, community structure and species balance within the mudflats and saltmarsh. If impacts are found to occur, appropriate mitigation and/or compensation will be provided.

Impacts on and Ramsar invertebrates

Within our response to the previous application we were concerned that no investigations had been undertaken regarding the invertebrates present within the saltmarsh which are designated as part of the Ramsar site.

We welcome the additional surveys undertaken in relation to possible Ramsar invertebrate presence within the saltmarsh and identification of areas where they are more likely to occur. We note that the cable route does not contain large areas of appropriate habitat or specific food plants attractive to these species. We welcome the protection measures contained within paragraphs 8.10-8.11 of *Effect on Integrity of European Nature Conservation Interests*.

Saltmarsh habitat loss

Within our response to the previous application we were concerned that evidence had not been provided regarding the regeneration of the Thanet Offshore Windfarm route. We were also concerned that this data may not be comparable to the data required to ensure no impact on the saltmarsh, as the route of the wind farm passed through degraded and damaged saltmarsh, whereas the habitat to be lost in this application is high quality saltmarsh.

We note that the Effect on Integrity of European Nature Conservation Interests report presents evidence from the 2011 survey commissioned by Vattenfall. The 2011 survey indicates that the cable corridor is almost fully vegetated with saltmarsh species. We are pleased that the restoration of the saltmarsh has been so successful in this case.

However in 2011 the vegetation was not at a stage to be comparable with surrounding saltmarsh. We are aware that monitoring of the wind farm route was discontinued and further regeneration was not recorded. Due to the damaged nature of the wind farm route, it is likely that the re-colonisation has improved the saltmarsh in the area. In the case of the Nemo Link project the saltmarsh is of higher quality and monitoring should continue until, either the vegetation returns to current conditions, or it is concluded that current conditions will not be achieved.

We welcome the commitment to monitor the saltmarsh for 5 years and this may enable successful recovery to be recorded, however to ensure no impact on the saltmarsh we recommend that the re-colonisation be reviewed after 5 years with further monitoring or compensation measures being agreed if pre-construction habitat quality and species diversity have not been achieved.

We agree that the corridor should be allowed to naturally recolonize and welcome the thought given to further mitigation if 66% of the route is not vegetated within three years. However we do have some concerns regarding the proposed method of mitigation recommended if natural re-colonisation does not occur at the level anticipated.

Within the Effect on Integrity of European Nature Conservation Interests report seeding is mentioned as a possible solution. We would be concerned regarding seed bought from another location as this could contain alien and invasive species. We would also not be agreeable to turves being cut from any other area of saltmarsh as this would damage a further area of Biodiversity Action Plan habitat.

If natural colonisation does not occur we are happy to discuss further restoration and/or other compensation measures. We request that a condition for NVC surveys to be undertaken for 5 years post construction, following the agreed methodology, to assess the natural flora re-colonisation within the saltmarsh. If vegetation does not cover 66% of the route after 3 years mitigation should be reviewed. If species diversity does not reflect that present pre construction after 5 years monitoring then continued survey or appropriate mitigation and/or compensation will be agreed with Natural England and Kent Wildlife Trust.

Contaminant disturbance

Within the previous application we were concerned that the proposed trenching within the Country Park could disturb contaminants within the landfill, which could in turn impact on the designated habitats and species within Pegwell Bay.

We welcome the proposal to lay the cables over the surface of the Country Park and overburden with chalk within this application as this will ensure no contaminant disturbance within the land fill site as a result of the cable lay. We can confirm we have no further concerns in regards to this issue.

Siltation

Within our response to the previous application we expressed concerns regarding the assessment that there would be a minor adverse impact on the site, after mitigation. We felt that this could lead to an overburden of silt within the water system that feeds Pegwell Bay, causing impacts on the habitats and species for which the site is designated. We also wished to ensure that the natterjack toad ponds within the locality of the route would not be impacted by increases in silt.

We note the Effect on Integrity of European Nature Conservation Interests report commits to the production of a Construction Environment Management Plan. We wish to ensure that the construction Environment Management Plan provides safeguards so risk of siltation into the waterways can be assessed as neutral.

To ensure appropriate safeguards are incorporated into the working practices to preserve the water quality within the SPA, SAC and Ramsar site we recommend a condition for a Construction Environmental Management Plan to be submitted before construction commences, detailing safeguards to be implemented to ensure no increases in siltation within the SPA, SAC, Ramsar site or natterjack ponds as a result of the proposed works.

Bird Disturbance

Within our response to the previous planning application we express concerns regarding the risk of disturbance to wintering birds if the works were to overrun, and the risk of disturbance to feeding, roosting and nesting birds within the summer months. We recommended two conditions to ensure that the SPA and SSSI species are protected from disturbance.

We very much welcome the additional commitments to undertake construction work within the window from mid-July to the end of August and undertake a breeding bird survey before construction commences. However, as stated previously, we would not be satisfied if only a walkover survey were undertaken. We request a full survey is undertaken, following the Common Birds Census methodology or another suitable technique, to ensure all breeding sites are identified and protected from disturbance.

In relation to the construction timing we recommend a condition is placed on any application granted to ensure no slippage in the schedule that all works in the intertidal area shall be undertaken between mid-July and the end of August (inclusive) to avoid the period most sensitive to wintering and nesting birds. No construction within the intertidal habitats will be undertaken outside this period.

In relation to the protection of breeding birds to ensure all possible nesting birds are identified we recommend that the a condition for a full breeding bird survey to be undertaken following The Common Birds Census (CBC) methodology or another suitable technique (refer to RSPB "Bird Monitoring Methods"), with at least 5 well-spaced visits undertaken commencing in late March- early April, in the year construction commences. Timing will be dependent on weather conditions and KWT and the RSPB should be consulted on timing and methodology. Avoidance, mitigation and, if necessary, compensation measures should be agreed with KWT and RSPB before construction commences.

Reptiles and natterjack toads

Within our previous response we expressed concerns regarding the lack of survey effort and mitigation for reptile species present within the Country Park and Stonelees nature reserve in particular. We were also concerned regarding the lack of information relating to direct impacts on natterjack toads, the danger of siltation within the breeding ponds and the lack of mitigation within the application documents to alleviate impacts.

Reptile species are protected from harm under the Wildlife and Countryside Act and mitigation measures should be incorporated into any scheme that may harm these species. We acknowledge the difficulty of surveying for

reptiles on a heavily recreated site; however we would expect appropriate safeguards to be proposed within the final scheme. This is a complex problem due to the differing needs of reptiles and natterjack toads, with unattractive habitat for reptiles, short mown grassland, being likely to attract in natterjack toad, and long grass habitat unattractive to natterjack toads encouraging colonisation by reptile species.

We welcome the analysis of the natterjack toad survey data and the mitigation measures. We understand the reasoning for both methods of exclusion proposed. The establishment of long grass habitat would have the benefit of gradually excluding the natterjack toads from the construction corridor which would ensure as little stress as possible. However we are concerned that this habitat manipulation could attract further reptiles into the area.

As reptiles are known to out compete natterjack toads this could have a deleterious impact on the natterjack toads in the short term. It would also mean that management practices would need to be altered over at least one season and mitigation measures would still be required for reptiles likely to be present within the long grass habitat. We note that the cut is proposed in stages, which is likely to limit harm to reptiles.

The translocation exercise would ensure the safeguarding of both reptiles and natterjack toads and could overcome the differences in species requirements for exclusion. We would request that we are consulted on both the reptile and natterjack toad mitigation strategies for this development. To ensure appropriate mitigation is provided to safeguard reptiles and natterjack toads from direct harm we request a condition that separate natterjack toad and reptile mitigation strategies shall be prepared before construction commences detailing any exclusion or translocation methods and habitat creation and/or enhancement. A licence will be required from Natural England to safeguard the natterjack toad population.

In relation to siltation of the breeding ponds we still have concerns that appropriate safeguards are still not detailed, with this being deferred until after planning permission is granted. To limit impact as much as possible we recommend the excavated material be stored as far as possible from the ponds. We would advise that the excavated material be stored on the side of the trench nearest to the road. We understand that this is likely to result in some scrub and tree felling, however this would fit with the nature conservation aims to reduce scrub and tree cover within the site.

We feel that further measures are likely to be required within the Construction Environmental Management Plan, but appropriate storage would alleviate some of our concerns. We would value the opportunity to discuss this with National Grid and recommend a condition that excavated material should be stored on the landward side of the cycle path as far away from the natterjack breeding ponds as is technically feasible. The Construction Environmental Management Plan should contain measures to ensure no silt spillage into the breeding ponds within the locality of the route.

Water voles

Within the original application we expressed concerns regarding the lack of survey effort and mitigation for water voles. We can now confirm that, despite the condition of the ditch adjacent to the proposed works; water voles have been sighted using the ditch. We welcome the water vole surveys proposed and would expect the Construction Environmental Management Plan to incorporate avoidance measures to ensure no siltation or other impacts on the ditch system.

There are opportunities to enhance this ditch by clearing the detritus and providing habitat enhancement for water voles. We request a condition that a water vole survey should be undertaken before construction commences. Any mitigation required will be incorporated within either the Construction Environmental Management Plan or a bespoke water vole mitigation strategy.

Monitoring of created calcareous habitat within the Country Park

Within the previous application we expressed concerns regarding the maintenance and monitoring of the proposed calcareous grassland along the cable route. We welcome the commitment to provide monitoring to ensure establishment of this habitat and recommend a condition that a monitoring schedule be submitted with funding provided to ensure the calcareous grassland colonisation can be monitored. Further measures may be required if colonisation does not occur.

In combination impacts

We were originally concerned regarding the lack of assessment undertaken of the overall impacts of the whole project, including the onward connections required to ensure energy exchange within the national grid. We have since had sight of information for both the marine project and the Richborough connection.

In relation to the marine project we agree with the assessment that there are no in-combination impacts on the designated features as a result of the project. In relation to the Richborough connection we believe that supporting bird habitat at DO21 Ash Level and South Richborough Pasture Local Wildlife Site and CA56 Chislet Marshes, Sarre Penn and Preston Marshes Local Wildlife Site is likely to be impacted due to pylon collision risk. However due to the commitment to complete the work between mid-July and the end of August, impacts of the NEMO project on the SPA bird populations should be limited and in-combination impacts are unlikely to occur.

Conclusion

In conclusion, in relation to the overall route we have maintained our objection from the previous application as we require further information regarding why site 10.1 has been excluded from assessment as the landfall site. We are happy to reconsider our position if there is a reason why this site cannot be accessed.

We welcome the additional information provided as part of the new application and the commitments made to conditions and post application work to ensure the designated sites and protected species are conserved.

In relation to all other concerns detailed within the original application, either appropriate information has been provided or we have requested conditions to ensure protection of the biodiversity present within Pegwell Bay and Stonelees. Providing these or similar conditions are attached to any permission granted and further work is undertaken pre and post construction as recommended, we feel that impacts are likely to be avoided, mitigated or compensated.

DDC Principal Ecologist

Screening for Appropriate Assessment (Regulation 61, The Conservation of Habitats and Species Regulations 2010 (as amended)).

The following screening is based on correspondence between the Joint Nature Conservation Committee (JNCC)/Natural England and between the Environment Agency and Thanet District Council.

The area of mudflat with Dover amounts to approximately 13 Ha and is situated at the boundary of the Mean Low Water Mark. It is understood that JNCC and NE advise that the Marine Management Organisation (MMO), as statutory planning authority for marine waters to Mean High Water Mark should, prior to issuing a licence for the works, undertake an appropriate assessment of the implications of the proposal with respect to:

1. Saltmarsh as a supporting habitat for SPA birds (not applicable to Dover)
2. Mudflat as a supporting habitat for SPA birds

In respect of this advice, it is considered that subject to a licence being obtained from the MMO and the compliance by the applicant with any conditions contained therein, including the conditions proposed by JNCC/NE and Condition 1 proposed by the Environment Agency to Thanet District Council, the proposal will not give rise to a significant impact on the integrity of that affected area of the Thanet Coast and Powell Bay SPA and Ramsar site that lies within the Dover District.

It is further considered that the above approach will not give rise to any in-combination impacts on mudflat areas of the SPA and Ramsar site outside Dover district.

Compound at Baypoint & Access to Disused Power Station

The proposed compound lies adjacent to an area identified on the Kent Habitat Survey 2012 as being scrub

woodland with a broadleaved woodland margin. Extending to the south of this woodland is a line of trees. Biodiversity interests that may be associated with these features are nesting birds and a potential flight line for bats. Recommends conditions:

1. That no disturbance to the woodland area is undertaken during bird breeding season (February to July, unless supervised by a competent person.
2. That any lighting requirements for the compound are directed away from the woodland and tree line.

The red line appears to run through a tree belt to the north of the existing access, but there appears to be no rationale for this. Given the screening function of this and its category (B) I would recommend that the Tree Officer evaluates this with respect to a TPO.

DDC Senior Environmental Protection Officer

Construction Noise

The construction phase will have no adverse impact on the residential dwellings within the Dover district. There will be issues with noise from the proposed horizontal direct drilling (HDD) from the converter station to Baypoint Sports Club, particularly as this will include night time operation. Mitigation will be put in place to protect the nearest residential properties in the Thanet District from HDD noise, with screening of noise-emission points. In addition a Construction Management Plan will be developed to detail the mitigation to be put in place during construction.

Operational Noise

The predicted noise levels from the site in operation shows that noise will have an adverse affect on residential properties. At Receptor R3 within the Dover District the predicted noise levels are very low and will have no adverse effect. However, the predicted noise levels at closer residential properties within the Thanet District show that mitigation is required. There are several mitigation measures shown at 12.52 and 12.53 of the Environmental Statement which would reduce operational noise to acceptable levels.

The Environmental Statement explores the cumulative effect of this proposal and several other existing and proposed potentially noisy sites, namely Richborough Energy Peaking Plant, Thanet Waste Recycling Plant and the Combined Heat and Power Plant at Ebbsfleet. Within the Dover district the cumulative effect of all of these noisy sources will not adversely affect the current noise regime. However, there will be an adverse effect at night on two residential receptors within the Thanet District, resulting from the proposed Combined Heat and Power Plant at Ebbsfleet. This should be addressed by officers from Thanet District Council.

Electric and Magnetic Radiation

Note that the Environmental Statement Volume 1 also assesses the impact of electric and magnetic fields from the Nemo development from both the converter station and onshore high voltage dc and ac cables. Magnetic field strengths have been calculated to demonstrate fields at residential properties and concludes that all are below the precautionary level at all locations where there may be exposure. Additionally, the report states that the potential cumulativ effects of EMF produced from the substation and converter station will be designed to conform to ICNIRP guidelines. EH have no observations on this issue.

Air Quality

Note that the report includes an air quality assessment that considers the impact of the development in terms of NO2 and PM10. It is accepted that the development will not cause breach of AQ National Objectives "with development". This conclusion is accepted. In respect of impact from the construction phase, the potential for dust levels to cause short term problems has been considered. Mitigation proposals to minimize disturbance from elevated dust levels is considered sufficient.

Kent County Council Highways & Transportation

The number of HGV movements anticipated during construction is acceptable and the Abnormal Indivisible Loads required to deliver the transformers will be controlled by a separate approval process, although details of access arrangements to/from the highway at the site access will need to be resolved by condition. During operation the site is expected to generate only minimal traffic. The following should be secured by condition:

- Provision and implementation of a Construction Management Plan to include the following:
 - (i) Timing/programme of works for each phase of construction
 - (ii) Loading/unloading and turning facilities for delivery vehicles
 - (iii) Parking for site personnel and visitors
 - (iv) Wheel washing facilities
 - (v) Access arrangements to/from the highway for Abnormal Indivisible Loads
 - (vi) Traffic management measures as appropriate
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.

Kent County Council

KCC understands that the Interconnector will require a further connection to the National Grid and this will be proposed through a further planning application to be submitted to the Planning Inspectorate as a Nationally Significant Infrastructure Project at a later date. The potential cumulative effects of the Nemo Link onshore infrastructure in combination with the grid connection required for its operation are described in Chapter 17 of the ES. KCC therefore comments on the planning applications as submitted, but in conclusion cannot separate the principle of the proposals at Richborough from the need for a further connection to the National Grid at an existing sub station at Canterbury or further west.

Planning Policy

The Richborough Power Station site has an established use for electricity generation.

Sustainable Development & Renewable Energy

The overarching National Policy Statement for Energy (EN-1) notes that it is critical that the UK continues to have secure and reliable supplies of electricity as the transition is made to a low carbon economy.

The site of the proposed converter station and substation is adjacent to the substation installed for the energy from the Thanet Offshore Wind Farm to which KCC has not previously objected. KCC agrees with the principle of continuing to use the former Richborough Power Station site for energy generation, and its use for the interconnector would be consistent with national planning policy for energy.

Minerals and Waste

The application sites come within two areas which are covered by existing minerals and waste local plans and for which there are saved policies still in effect. The proposed development, whilst, not in accordance with the intentions of these plans, do not present any conflict with the wording of the saved policies.

The current applications, therefore, do not conflict with the wording of the saved policies of Kent Minerals Local Plan Construction Aggregated (Adopted December 1993). The current applications, do not conflict with the wording of the saved policies of Kent Waste Local Plan (Adopted March 1998).

KCC can advise that the proposed does not present any conflict with the emerging strategies for minerals or waste as the application sites do not fall within any policy areas in the emerging minerals strategy and the application site does not fall within an area to be safeguarded for development for energy from waste

This site is important to the overall waste strategy as it is the only site in the east of Kent which has been identified for the development of energy from waste facility. However, the landowners agents have confirmed that there is still approximately 6 hectares of the former Richborough Power Station site that will be unaffected by the current proposed development and which will be reserved for energy from waste developments and there will. Therefore, be no conflict between the proposed development and the emerging waste strategy.

Landscape

The scale of other development proposals nearby will be smaller than the converter station and substation buildings. In view of the proposed use of the existing derelict turbine hall, KCC accepts that the additional landscape and visual effects will be limited and does not raise a landscape objection to the current planning applications.

Heritage

Previous advice has been provided by KCC during the compilation of the Baseline Report and to some extent account has been taken of that advice. For below ground archaeology and the direct impacts of the schemes through the construction of the facilities at the former Power Station and the excavation of the cable trench, the provision of a watching brief as is appropriate.

Table 9.7 of the ES indicates that the WWII sites and the medieval sea walls will not be affected although it is not clear whether a detailed walkover has been carried out since KCC's advice in June 2012 to ascertain whether further remains are present which should be avoided by the cable route. The initial site walk was of a preliminary nature and further inspection was advised. An initial inspection should be included in the mitigation of the impacts on archaeology, and any important remains such as WWII defences or medieval earthworks should be avoided by the route if feasible.

Consideration should be given to a geoarchaeological assessment of the works on the Richborough Power Station site that are likely to include piling on areas of the former Wantsum Channel, although it is recognised that prior disturbance from the former power station may be significant.

Archaeological mitigation can be covered through an archaeological condition for a programme of archaeological works. Proposed draft condition 12 would be appropriate if the word 'evaluation' is removed. Draft condition 13 for a programme of post excavation works should be amended to refer to a programme of post excavation works to be agreed with the LPA.

A second issue identified in the previous consultation was the potential visual affects on Richborough Castle. English Heritage should take the lead on advising whether there is a significant impact on the Scheduled Monument arising from the proposals. However KCC is concerned that there is some inconsistency in the ES with respect to the assessment of visual impacts.

In the Cultural Heritage assessment it is recognised that the views from the Castle are important to its significance, yet the construction of a 30m high building results in a 'No Change' in terms of the magnitude of effect (Table 9.8). It is clear that the site will fall within the visual field of the Castle and the justification for the above appears to be that the proposed structure will be on the site of the former towers and turbine hall and the baseline should be taken as what was formerly present. Although the principal building which will re-use the derelict steel frame structure of the existing former turbine hall, KCC would question whether 'No Change' is a correct assessment against what is presently visible.

In the Landscape and Visual Assessment chapter, Table 10.6 indicates the view from Richborough as of 'Moderate Importance'. Views from the nationally important heritage site which is a significant visitor attraction in the area are of greater importance, particularly as it is recognised in Chapter 9 that the views contribute to the significance of the site, which is positioned to look out over the mouth of the former Wantsum Sea Channel in which the former Power Station site lies.

Highways & Transportation

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Kent Highways and Transportation provided comments to Thanet District Council on 5th March, and subject to the conditions outlined in their letter being adhered to did not wish to recommend the application for refusal.

Kent Highways and Transportation also wrote to Dover District Council on 21st March seeking clarification on a number of matters concerning access for abnormal loads and HGV, and will comment further when the additional information is available.

Public Rights of Way

Mrs Nicky Biddal of KCC's *Public Rights of Way & Access Service* wrote to you on 26th March re TH13/0144 & DOV/13/0143 and objected to the proposals. In summary KCC asks that the applicant submits compensatory measures to provide a link across the River Stour, and extend PROW TE26 to the highway. This could be by a planning condition imposed on the grant of planning permission, in accordance with the TCPA (1990), to state that the applicant will dedicate a public right of way across the River Stour and dedicate an extension to public right of way TE26 to reach the public highway. This could be obtained by means of a planning obligation under Section 106 TCPA (1990) to mitigate the impacts of development.

Biodiversity

When determining the planning application DDC and TDC will need to ensure that the planning application has adequately considered the impact the proposed development will have on protected species.

European Designated sites will be directly impacted by the proposed development. DDC and TDC should ensure that they consider the impact on the designated sites from the construction of the proposed works. As detailed in article 6.3 of the EC Habitats Directive, DDC and TDC should only agree to the development after having ascertained that the proposal will not adversely affect the integrity of the site concerned.

Additional information has been submitted by the applicant assessing the impacts on the designated sites and suggesting mitigation to minimise or avoid impacts. TDC and DDC should ensure that this information is sufficient to ensure that the proposed development will not result in any Likely Significant Effects on the SPA or SAC. If the submitted information is not sufficient, the determining authority will have to carry out an Appropriate Assessment.

KCC's Ecological Advice Service will provide Thanet District Council with more detailed views directly by the 7th October. A copy of these comments will also be sent to Dover District Council for their consideration.

Drainage

The FRA and EIA sections on Water Resources and Flood Risk are sufficiently detailed to the described risks and mitigations. There are no further comments that KCC can make with respect to drainage, which will be addressed by the EA and IDB in this instance.

Conclusion

KCC's comments on the current planning applications, without regard to a further connection to the National Grid, are set out above. However, KCC suggests that the proposals cannot be accepted at this stage given the known consequential requirement for a new 400kV connection, the location and implications of which are not known.

The ES summarises the examination of 28 options for land fall and a connection to the UK grid, and the conclusion of the Nemo Consortium to take forward the shortlisted sites of Shellhaven, Kemsley and Richborough (para. 3.13).

The ES justifies the choice of the Richborough power station. However, the ES recognises that the existing 132kV overhead line between Richborough and Canterbury would not offer sufficient capacity for the Nemo Link, so a new 400kV connection would be required (para. 3.20). It also recognises that there are a number of ecological constraints in the area which would have to be taken into account in developing a new connection (para. 3.22). A connection by overhead line could also have impacts on the setting of important heritage assets, including the World Heritage Site of Canterbury and the Scheduled Monument of Richborough Castle (para. 3.23).

The potential cumulative effects of the Nemo Link onshore infrastructure in combination with the grid connection required for the operation of the Nemo Link are described in Chapter 17 of the ES which states "As the...connection project is in the early stages of development ... it is not possible to assess specific potential effects in detail" (ES 17.68).

KCC therefore seeks further examination of alternative locations before a decision is made on the proposals, and clarification of the implications of a new 400kV connection. In particular it is not clear whether the examination of

potential locations for landfall and connection to the grid included the Dungeness Power station site. This location offers an established brown field site that is used for energy generation, but with the strong advantage of existing overhead transmission lines with spare capacity following the decommissioning of the 'Dungeness A' nuclear power plant.

KCC Public Rights of Way and Access Service

Confirm that their comments on application DOV/13/00143 still stand and that they have nothing further to add. These comments confirm that they object to the application in view of the negative impacts on the amenity of public footpath EE42. The mitigation measures including the noise reduction fence and the landscaping do not remove the moderate adverse impact on users of the right of way and therefore compensatory measures to provide a link across the Stour and extend footpath TE26 to the highway are requested. This could be by condition to state that the applicant will dedicate a public right of way across the Stour and dedicate an extension to public right of way TE26 to reach the public highway.

English Heritage

Conclude that the proposed development is to a large measure very similar to the earlier proposal and therefore does not have any more harmful effects on the historic environment that would lead to a change in the advice previously provided.

The main issue relates to the effect on the significance of Richborough Roman Fort by virtue of the development being within its setting. English Heritage confirm that the development and specifically the re-use and extension of the former turbine hall of Richborough Power Station does not in our opinion amount to additional serious harm to the Roman site.

In principle the reduction in excavation as a result of the overgrounding of cables of cables within the country park has the potential to be less harmful to any buried and undesignated archaeological remains that might exist.

Previous advice from 13/0143: - Do not wish to comment in detail

- Retain advice set out within scoping report:
- EH has not identified any designated heritage assets that are directly affected by the proposal and so effects on the setting of such assets and upon non-designated heritage assets will be the main focus for environmental assessment.
- The potential for offshore historic environmental issues i.e. from the electrical cable laid between the Continent and Kent will need to be considered. EH's remit extends offshore and have a maritime team that should be consulted with, and will need to be updated about the MMO licence. Close attention should be paid to the inter-tidal zone where the cable would make its landfall.
- Removal of much of the former power station from the setting of this monument might logically imply a degree of enhancement even if the site is to remain developed for energy related uses.
- Historic environmental issues primarily the potential for harm to buried and undesignated archaeological remains and visual impacts including the setting of designated heritage assets
- Endorse the need for archaeological provision by way of a watching brief
- Baseline position is that the power station has a history of energy related industrial development, which has had some negative impact on views out from Richborough and the Wantsum Channel Landscape – former Pfizer site has had similar impacts
- With the removal of the former cooling towers, EH do not think that the combined visual effects of the proposed development upon the setting of Richborough Roman site are significant and do not constitute serious harm
- Allowing for as yet to be determined pylons and connections to the National Grid, this advice will hold true

Internal Drainage Board – the Board's consent will be required for any works directly affecting any ordinary watercourse. It will be extremely important that surface water runoff, particularly to the north of the site, is restricted to Greenfield rates. I would therefore be grateful to receive further details of drainage proposals when they have been developed.

Previous comments from 13/0143 still applicable:

- The redevelopment of Brownfield sites such as this offers the opportunity to help address previous inappropriate development
- The applicant should be urged to develop a drainage plan which mimics that of the pre-developed site as much as practicably possible
- Discharges to the northern ordinary watercourses, which drain to the Minster Stream, must be properly attenuated (to Greenfield rates)
- Whilst the practical difficulties of restricting discharges to less than 5l/s are acknowledged, this must not be used to increase discharges to the Minster Stream (small areas should be linked to a single discharge point) – require further details
- Maintenance of the drainage system must also be ensured for the lifetime of the development
- The Board strongly opposes any land-raising within the functional floodplain. All potential effects on the floodplain, including details of any land-raising and appropriate compensatory storage, and overland flow-routes, should be discussed and agreed with the Environment Agency.

Manston Airport – no objection to this proposed development on statutory safeguarding grounds on condition that significant a condition restricting crane activity is imposed:

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.

Southern Water

Comments from previous application remain unchanged:

- Need to identify location of foul rising main and water mains before finalizing layout of development
- Recommend details be submitted of measures to protect water and sewage apparatus
- Request details of maintenance and management details of SUDs facilities

DISCUSSION

The application

This is a hybrid application with full planning permission being sought for all the development relating to the installation of the cables and outline planning permission for the works relating to the converter station and the development of the former Richborough Power Station. Details of access and landscaping have been provided with matters of layout, scale and appearance reserved for future consideration.

Two identical applications have been submitted to Thanet (TDC) and Dover District Council's (DDC) however whilst the whole site has been shown on the drawings and considered in all the information submitted, DDC can only consider development that fall within its boundary and as such this only relates to a small area of the overall application site.

This development includes the installation of 720m of underground high voltage direct current (HVDC) cable, a temporary construction compound at Baypoint Sports complex, erection of security fencing, construction of access road and hard landscaping. The discussion section of this report will therefore focus on those aspects of development solely within Dover District and will cross-reference with the Committee Report to TDC attached to Appendix A.

The principle

The site lies within the open countryside, outside of any settlement boundaries, where policy DM1 applies. This states that new development will not be permitted unless justified by other development plan policies or it functionally requires such a location, or it is ancillary to existing development or uses.

The National Policy Statement for Energy (EN-1) sets out that the interconnection of large-scale, centralised electricity generating facilities via a high voltage transmission system enables the pooling of both generation and demand, and offers additional economic and other benefits, such as more efficient bulk transfer of power and enabling surplus generation capacity in one area to be used to cover shortfalls elsewhere. The Government therefore expects that interconnection will play an important role in a low carbon electricity system, though back

up capacity will still be necessary to ensure security of supply until other storage technologies reach maturity.

The National Policy Statement for Energy confirms that the British electricity system is largely isolated from other systems. At present there is a 2GW link with France, a 1.4 GW interconnector with the Netherlands and a 450 MW link between Great Britain and Northern Ireland. There are a number of potential projects to build additional interconnection which could increase capacity to over 10GW by around 2020, including this proposed link to Belgium.

The National Policy Statement for Energy confirms that interconnection can be used to help compensate for the intermittency of renewable generation without building additional generation capacity, and confirms that Government believes that the interconnection of electricity systems should and will be actively pursued. However it acknowledges that their effect on the need for new large scale energy infrastructure will be limited as there is likely to be an increase in need for electricity for domestic and industrial heating and transport.

The European Commission's strategy (Europe 2020: A Strategy for Smart, Sustainable and Inclusive Growth) proposes that Europe's [energy] networks be upgraded, working towards a European supergrid, 'smart grids' and interconnections. These interconnections allow power to flow between member states. In 2002 the EU Council set a target for all member states to have electricity interconnections equivalent to at least 10% of their installed production capacity by 2005.

The applicant (National Grid Nemo Link Ltd) advises that the current UK interconnection capacity represents approximately 4% of this capacity. Interconnection between countries is necessary to achieve the North Sea Countries Offshore Grid Initiative (the objective of which is to coordinate offshore wind and infrastructure developments in the North Sea) and the wider EU aim of creating a European 'super grid'. This proposed interconnector would increase the UK's interconnection capacity to 7.5%.

The applicant advises that the proposed interconnector supports the increased use of renewable energy sources, such as wind energy, by responding to and managing the fluctuations in supply and demand. When supply exceeds demand, energy can be exported to other energy markets, and when demand outstrips supply, it will be possible to import energy from elsewhere in Europe.

Belgium has been chosen by the applicant for a new interconnector due to its proximity to the UK and its electricity transmission system, which is connected to Central Europe. There is no current connection between the UK and Belgium. The applicant advises that locating the interconnector in South East England offers the shortest route between the two countries.

Kent County Council agrees with the principle of continuing to use the former Richborough Power Station site for energy generation, and its use for the interconnector is considered to be consistent with national planning policy for energy.

The application site falls within two areas covered by existing minerals and waste local plans and for which saved policies apply. Kent County Council consider that this site is important to the overall waste strategy as it is the only site in the east of Kent which has been identified for the development of energy from waste facility. However, approximately 6 hectares of the former Richborough Power Station site remain unaffected by the current proposed development and would remain available for energy from waste developments. Kent County Council therefore considers that there will be no conflict between the proposed development and the emerging waste strategy. It is therefore considered that there is no conflict with the existing or emerging minerals and waste plans.

It is considered that the role that this interconnector is envisaged to play in the development of the UK's energy infrastructure and its contribution towards EU energy strategy outweighs the need to protect the countryside in this instance. I therefore consider that the principle of development is acceptable in accordance with Local Plan policy DM1 subject to detailed consideration of the impacts of the development.

Character and appearance

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Cable installation

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The cable route in Dover District extends to approximately 720m running through the mudflats at Pegwell Bay and they would be primarily underground, with only a temporary landscape disturbance likely during their laying on the site. I do not consider that they would have an adverse impact upon the natural beauty of the landscape as a result and that the character and appearance of the area would not be affected. Whilst land within Baypoint Sports Complex would be used as a temporary construction compound for approximately a week, provided an appropriate scheme of restoration is provided I do not consider that this would have an adverse impact upon the character and appearance of the area.

Convertor and Substation

The access into the Former Richborough Power Station is located within Dover District, as is part of the eastern site boundary. The proposal involves the use of an existing access with an internal access road, previously approved, being provided. A small area for abnormal loads was also previously approved and serves as an emergency access for the site. Landscaping is also proposed on the edge of the site with indicative planting shown on the drawings. A detailed landscaping management plan, including details of trees to be removed and retained, would be provided by details to be required by condition. Matters of the overall site layout would be reserved for future consideration. Overall I do not consider that the access and landscape proposals submitted in association with the converter and substation would have an adverse impact upon the character and appearance of the area.

The impact of the development of the remainder of the site within TDC boundaries has been considered by their Officer's in their report to the Planning Committee. They conclude that the whilst the impact upon the landscape would be significant locally, the industrial scale and type of development proposed would be consistent with that of adjacent industrial uses and with the site's future energy and waste uses. I concur with this conclusion and am satisfied that whilst the converter station and the other associated buildings would be prominent from outside the site, that the impact of this development upon the DDC area would be acceptable given the reuse of the existing derelict turbine hall and the limited additional landscape impact. Matters of scale and appearance will be reserved for consideration by TDC and DDC will be given the opportunity to comment accordingly.

Contamination

The Environment Agency requests that a scheme to deal with the risks associated with contamination of the site to be submitted to the council before development begins. This will include a site investigation and detailed risk assessment and remediation strategy. Upon completion of each phase of development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted. This is considered necessary to protect the underlying aquifer and nearby watercourse from the potential risk of pollution in accordance with National Planning Policy Framework paragraph 109.

Drainage

Surface water run off is proposed to discharge to the River Stour, which the Environment Agency define as a sensitive watercourse, with runoff requiring at least three levels of treatment prior to discharge into the river. The applicant proposes that this can be achieved by the provision of an infiltration trench, settlement or containment lagoon and an oil interceptor before discharge to the Stour. The drainage design also incorporates water attenuation areas on site, so that discharge to the River Stour will be at a rate no greater than the existing.

The Environment Agency require a detailed sustainable surface water drainage scheme for the site to be submitted before development begins, which should be based upon the preliminary drainage concept plan and the submitted Flood Risk Assessment within the Environmental Statement. This is considered necessary to prevent an increased risk of flooding off-site.

Natural England advise that as surface water drainage will go to the existing drainage system and sewage from the converter station and sub-station will be collected within a sealed unit and taken off site, appropriate oil interceptors should be incorporated to prevent contaminants entering the water system.

The Environment Agency consider that there should be no infiltration of surface water drainage into the ground other than with the express written consent of the local planning authority, where it has been demonstrated that

there is no resultant unacceptable risk to controlled waters.

No piling or other foundation designs using penetrative methods will 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. These measures are considered necessary to protect the adjacent SSSI and associated watercourses from pollution via foul water and surface water in accordance with National Planning Policy Framework (NPPF) paragraph 109

Southern Water request details of maintenance and management details of SUDs facilities and recommend details be submitted of measures to protect water and sewage apparatus. It is considered reasonable and necessary to secure these details by way of planning condition, prior to the commencement of development on site.

Flood Risk and Water Quality

The substation site is proposed to be raised to ensure that it is above the 1 in 200 year rainfall event level plus allowing for climate change levels. At the former Power Station site, the applicant proposes to incorporate filter strips and infiltration trenches to accommodate the 1 in 100 year rainfall event plus climate change levels to contain the flow.

The Environment Agency confirms that the Flood Risk Assessment and draft drainage strategy that have been submitted with the planning application demonstrate that the risks to and from the development can be appropriately managed.

Given the proposed storage facilities and the raising of the substation site, the proposed development is not considered to increase the risk of flooding on the site or in the local area, in accordance with the advice contained within the NPPF.

The Environment Agency advises that the information provided in the Environmental Statement demonstrates that marine water quality impacts will be temporary and not significant at waterbody level. The Environment Agency confirm that Water Framework Directive impacts will be assessed through the Marine Management Organisation licensing purposes.

Noise and Vibration

The construction phase will have no adverse impact on the residential dwellings within the Dover District. There will be issues with noise from the proposed horizontal direct drilling (HDD) from the converter station to Baypoint Sports Club, particularly as this will include night time operation. Mitigation will be put in place to protect the nearest residential properties in the Thanet District from HDD noise, with screening of noise-emission points. In addition a Construction Management Plan will be developed to detail the mitigation to be put in place during construction.

In terms of construction, a Construction Environmental Management Plan will set out mitigation for each construction phase for the development. This will include details of the screening of the noise emission points during the Horizontal Directional Drilling process and pre- and post-construction building surveying in relation to vibration. The applicant advises that this will demonstrate that no adverse impact has occurred or would inform any future assessments in the unlikely situation for making good any damage caused by vibration.

The predicted noise levels from the site in operation shows that noise will have an adverse affect on residential properties. At Receptor R3 within the Dover District the predicted noise levels are very low and will have no adverse effect. However, the predicted noise levels at closer residential properties within the Thanet District show the mitigation is required. There are several mitigation measures shown at 12.52 and 12.53 of the Environmental Statement which would reduce operation noise to acceptable levels.

The Environmental Statement explores the cumulative effect of this proposal and several other existing and proposed potentially noisy sites, namely Richborough Energy Peaking Plant, Thanet Waste Recycling Plant and the Combined Heat and Power Plant at Ebbsfleet. Within the Dover district the cumulative effect of all of these noisy sources will not adversely affect the current noise regime. However, there will be an adverse effect at night on two residential receptors within the Thanet District, resulting from the proposed Combined Heat and Power Plant at Ebbsfleet. This should be addressed by officers from Thanet District Council.

Air Quality

The Environmental Statement includes an air quality assessment that considers the impact of the development with regards to Nitrogen Oxide and Particulate emissions. It is accepted that the development will not cause breach of AQ National Objectives "with development". This conclusion is accepted. In respect of impact from the construction phase, the potential for dust levels to cause short term problems has been considered. Mitigation proposals to minimize disturbance from elevated dust levels is considered sufficient. Mitigation measures include restriction of site vehicle speeds to minimise on site dust generation, wetting very fine materials or dry materials to minimise dust generation from loading trucks, covering lorries carrying potentially dust generating materials, vehicle wheel washes.

These measures will be confirmed within the Construction and Environment Management Plan, which will be required to be submitted to the council prior to the commencement of development. This is considered sufficient so as to protect the living conditions of neighbouring property occupiers.

Waste

During the construction phase of the proposed development the production of waste is likely to be significant. To minimise waste, re-use of materials is proposed, including the frame of the former Turbine Hall of the Power Station, and re-use of material used in the excavation of the trench for the underground cables.

Any waste produced during the construction phase would be managed through the Site Waste Management Plan, which should contain details including the types of waste removed from the site, the identity of the person who removed the waste and their waste carrier registration number, a description of the waste, the site that the waste is taken to and the environmental permit or exemption held by the site where the material is taken. It is considered reasonable and necessary to require a Site Waste Management Plan to be submitted to the council prior to the commencement of development.

Highways

The existing access to the A256 will serve the former Power Station site, although an additional cut through is proposed for abnormal loads, which was approved as part of the internal road network planning application in June 2013. This additional access also serves as an emergency access for the site.

Given the proximity to existing junctions at the roundabout, this cut through would not be suitable as an access for all site traffic. I therefore consider it appropriate to limit its use to abnormal load or as an emergency access by condition, including measures to prevent unauthorised access. A Construction Management Plan would be secured by condition to ensure that access arrangements to and from the site are satisfactory. Further, a condition requiring the provision and retention of the parking as shown on the submitted drawings is required.

The applicant has confirmed that the data used to form the traffic flows was taken from the Department for Transport website and is from 2011. The data for Sandwich Road was collected manually in December 2012 and factored in. Highway accident data has been requested from Kent County Council for the new East Kent Access Road. Kent County Council are satisfied that the correct data and traffic flow assessment has been undertaken and raise no objections to the proposed development on highway grounds.

Construction Phase

The applicant anticipates that the Horizontal Directional Drilling works to lay the cable from BayPoint sports complex to the former Power Station will take approximately 1 week to complete. This will require an Abnormal Indivisible Loads route to be finalised and details of the proposed modifications to the highway from the site entrance to be submitted for consideration prior to the commencement of the development.

Kent County Council Highways and Transportation confirm that the transport work demonstrates that impacts would not be severe and a construction management plan will assist in regulating the trips to and from the site.

Operational Phase

In relation to traffic movements in the operational phase of the development the applicant has confirmed that the converter station is likely to operate with approximately 6 personnel per day divided between 3 shifts over a 24 hour period. The substation will operate unmanned with only occasional inspection and maintenance required and no frequent HGV trips will be generated by the development once operational.

In addition, a small number of footpaths (approximately five) will have to be temporally closed for approximately one month while a section of the cable is laid. Pedestrians would use existing alternative routes to travel through the park. It is anticipated that the development will take approximately 36-42 months to complete and the converter station and substation will be operational by October 2018.

Public Rights of Way

The proposed development affects public right of way EE42 which is part of the Saxon Shore Way and the Stour Valley Way, with a more limited impact upon public right of way TE26. Kent County Council asks that the applicant submits compensatory measures to provide a link across the River Stour, and extend PROW TE26 to the highway with the applicant dedicating a public right of way across the River Stour and an extension to public right of way TE26 to reach the public highway.

The applicant advises that the suggested footpath link is on land outside their control and was suggested in a similar representation to the application for a 'peaking plant' on land nearby. That development was approved without the suggested footpath link.

The site has been used as a Power Station in the past, and is considered suitable within the existing and emerging Kent Waste and Minerals Plan for waste and energy from waste development. I consider that the outlook from the public footpaths has been associated with industrial development on this site and wider area, and I do not consider that the visual impact from the proposed converter station, substation, electrical equipment or working compounds is not so severe as to warrant a refusal of planning permission.

It is therefore not considered that either the provision of an additional footpath, or a financial contribution towards footpaths would be necessary to make the development acceptable in planning terms, directly related to the development, or fairly and reasonably related to the scale and kind of the development. As such the request for a planning obligation is not considered to meet the requirements of the CIL Regulations.

Archaeology

The proposed converter station and substation are within an archaeologically and historically significant part of the East Kent coastline. Kent County Council advises that a detailed walkover of the WWII sites and the medieval sea walls should be included in the mitigation of the impacts on archaeology.

The applicant has proposed to undertake a watching brief during the construction process, followed by a programme of analysis and reporting of any finds. This will be secured by condition and Kent County Council consider this sufficient to preserve features of archaeological interest within the application site. English Heritage endorse the need for archaeological provision by way of a watching brief.

Ecology and Biodiversity

Pegwell Bay is an environmentally sensitive site, designated as a Site of Special Scientific Interest (nationally designated - with the most important sand dune system and sandy coastal grassland in SE England), Sandwich Bay Special Area of Conservation (with the UK's longest stretch of coastal chalk and supporting a dune system) and is part of the Special Protection Area (internationally designated for breeding birds), and Ramsar site of the same name (designated for migratory birds), and as a National Nature Reserve.

The National Planning Policy Framework sets out that in determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. The National Planning Policy

Framework states that development on land within or outside a Site of Special Scientific Interest which is likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other projects) should not normally be permitted.

Furthermore, under the Habitats Regulations, the council cannot agree to the proposed development without having first ascertained that it will not adversely affect the integrity of the designated European sites. In considering whether the proposed development will adversely affect the integrity of the European sites, the council must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose the permission should be given.

In considering the proposed development it is therefore appropriate to take account of mitigation proposed and whether it would be sufficient to preserve the integrity of the designated sites. The applicant has therefore been required to consider and propose appropriate mitigation, including for that European site area within Dover District, the potential impacts on the mudflats.

The proposed cable installation at Pegwell Bay has the potential to cause harm to the mudflat, which is a supporting habitat for overwintering Turnstones for which the Thanet Coast and Sandwich Bay Special Protection Area and Ramsar site are designated. Loss of feeding habitat due to damage to the mudflat fauna upon which the Turnstones feed may be caused by heavy plant equipment and infrastructure, and damage from the cable installation process (e.g. trenching).

As the applicant has not yet chosen a single methodology the Environmental Statement considers a 'realistic worst case scenario' with the assumption that the full corridor for each cable installation will be implemented, which measures 20m as a working cable corridor through the mudflat using an open trench/backfill methodology to install the cable. The cable installation method of 'open trench and backfill' is Natural England and Kent Wildlife Trust's preferred option. The intertidal area (saltmarsh and mudflat) excavated will be 0.46ha and within this, about 3900m² of mudflat would be excavated.

Natural England advises that a detailed cable management burial plan be submitted to the council, and set out the exact methodology to be used for the installation of the cable. It will show consideration of the use of all the techniques/methods to minimise the impacts and the techniques/methods to be used for each section as set out in the Environmental Statement. The techniques and methods will need to include the use of tracked or skidded plough or chain cutting tool, use of low ground pressure vehicles, use of bogmatts/steel chains and minimisation of vehicle activity on the nearby salt marsh. A detailed contingency plan and saltmarsh monitoring, mitigation and reinstatement plan are also considered necessary so as to avoid adverse impacts on the integrity of the designated sites.

There could be an adverse effect on Turnstones and Golden Plover resulting from noise and vibration associated with the cable installation process, and these bird species may be temporarily displaced by the use of bird deterrents in addition to construction personnel, vehicles, the trackway for vehicles and noise during the cable installation process.

Given the potential disturbance to habitats and bird species within Pegwell Bay, Natural England advises that it is necessary to ensure that the cable installation works take place outside the important overwintering period 01 October to 31 March within the intertidal area. It is considered that this timing restriction, together with the submission of a detailed breeding bird mitigation strategy, is necessary to minimise disturbance to the interest features for which the sites have been notified.

Invertebrates

Saltmarsh and mudflats support habitat for 15 British Red Data Book Wetland invertebrates and the proposed development may result in the temporary loss of habitat. Prior to the commencement of development for the cable installation it is considered necessary to remove any invertebrates including any Red Data invertebrates from the proposed excavated area to prevent them from being trampled or buried. This will be implemented by removing debris and other mobile food sources for invertebrates (e.g. drift wood) by hand rake to outside the cables corridor prior to the excavation of the cables trench and jointing pits and compound area.

During cable installation, excavated mud will be set to one side of the trench and will not be disturbed by construction traffic or workers until the trench is backfilled. These measures are considered reasonable and necessary so as to avoid adverse impacts on the integrity of the designated sites.

In relation to the invertebrate populations of Pegwell Bay, the Environment Agency advises that no development should take place until detailed surveys of the invertebrate populations of Pegwell Bay have been completed to ensure that the biotope present in Pegwell Bay is correctly described. This information is considered necessary to assess the success of restoration of the affected foreshore. It is therefore considered reasonable and necessary to require an updated survey to be undertaken prior to commencement of development.

Proposed Marine Conservation Zone

There is the potential for the cable installation to have an impact upon the proposed Marine Conservation Zone, which is sited adjacent to the proposed development. Natural England considers that the works will not hinder the conservation objectives of this site; so long as they are undertaken in strict accordance with the information provided by the applicant and the route of the cable path as outlined in the submitted Environmental Statement, will be strictly followed. It is therefore considered that the proposed development will not have an adverse impact upon the interest features of the proposed Marine Conservation Zone.

Subject to the mitigation measures set out in this report being implemented, the conclusion drawn, having regard to the advice of statutory consultees, is that the proposed development would have no unacceptable harmful effect on the ecology of the area and therefore complies with the National Planning Policy Framework.

Appropriate Assessment

In accordance with 'Habitats Directive – Guidance on competent authority coordination under the Habitats Regulations', DEFRA, July 2012 it has been accepted that Thanet District Council is the lead competent authority, and deference is made to Thanet District Council's Habitats Regulations Screening Report. This concluded that some activities associated with this project were likely to have a significant effect on features within the designated sites and therefore an appropriate assessment was required. Additional environmental information was requested, and as part of the Appropriate Assessment process the applicant has submitted an additional document entitled 'Effect on Integrity of European Nature Conservation Interests' and a 'realistic worst case scenario' assessment in relation to the techniques proposed for the installation of the cables.

Natural England have considered the submitted information and are of the opinion that all impacts described will be temporary and based on this information and suitably worded conditions, there will be no adverse effect on integrity of the Thanet Coast and Sandwich Bay SPA and Ramsar site. These measures have been confirmed by the appropriate assessment carried out by the council. It is recommended that Members adopt the Appropriate Assessment Report (as appended at A) and take account of its conclusions in the determination of this planning application.

Consideration of Alternatives

The Habitats Regulations includes an obligation to consider whether there are alternative solutions if the outcome of the appropriate assessment is 'negative' - i.e. if the conclusion drawn from the appropriate assessment is that the proposed development will (notwithstanding any conditions/mitigation etc) adversely affect the integrity of the European site(s) in question.

It has been determined through the appropriate assessment that in this case the proposed development will not adversely affect the integrity of the European sites. There is therefore no obligation on the council under the Habitats Regulations to have regard to alternative proposals.

Notwithstanding the above, the council is required to have regard to alternative proposals under the Environmental Impact Assessment Regulations. The council cannot grant planning permission to an Environmental Impact Assessment application unless it has first 'taken the environmental information into consideration'.

This 'environmental information' includes the Environmental Statement, which must contain 'an outline of the

main alternatives studied by the applicant or appellant and an indication of the main reasons for the choice made, taking into account the environmental effects'. The submitted Environmental Statement includes this environmental information.

Kent Wildlife Trust objects to the selected route and the proposed landfall at Pegwell Bay. It is their view that it has not been proved that this is the least environmentally damaging route. They also question whether the cable could have been routed within the road or through the golf course or verge to the western side of the A256. Similar concerns have been raised by Cliffsend Parish Council.

Kent County Council seeks further examination of alternative locations before a decision is made on the proposals. In particular it is not clear whether the examination of potential locations for landfall and connection to the grid included the Dungeness Power station site. This location offers an established brown field site that is used for energy generation, but with the strong advantage of existing overhead transmission lines with spare capacity following the decommissioning of the 'Dungeness A' nuclear power plant.

It is considered that the Environmental Statement sufficiently considers the options for the converter station, landfall and cable technology options, and provides a satisfactory assessment of the alternatives considered.

In considering this application, the availability of alternative sites for a proposed development is capable of being a material consideration. The courts have held that consideration of alternative sites would only be relevant to a planning application in exceptional circumstances and where there are clear planning objections to a development or where the development is bound to have significant adverse effects upon a particular site then it may be relevant to consider whether there is a more appropriate site elsewhere.

In this case there are no such adverse effects or planning objections to the proposed development and there would be no grounds to refuse planning permission on this basis. Furthermore, there is no restriction under the Environmental Impact Assessment Regulations to the effect that proposed development may only be consented if no less environmentally damaging alternatives exist.

Cumulative Impact and In-combination Effects

A connection is required to enable the proposed development to the existing national electricity transmission system. There is no existing infrastructure in the area surrounding Richborough that would enable a connection to be made. There is therefore a requirement for a high voltage connection from the proposed substation to the existing national electricity transmission system.

The form and route of the national electricity transmission system connection are not yet known, and do not form part of this planning application. The Environmental Statement considers three options for a connection from the proposed development to existing high voltage substations on the national electricity transmission system – at Canterbury North, Cleve Hill or Kemsley. The applicant confirms that these substations offer appropriate capacity for the required connection and should any additional reinforcement work be required that this would be limited to localised works.

The form (type of technology) proposed to be used in the national electricity transmission system connection is not yet known, and the Environmental Statement considers three technology options – AC overhead line, AC underground cable and AC gas insulated line. The national electricity transmission system connection could be made using one option, or a combination of two or three technology options.

The Environmental Statement assesses the likely significant environmental effects and cumulative impacts associated with the three technology options and three route options.

National Grid has recently announced their preferred connection and route corridor option for connecting the Nemo Link to the existing high voltage electricity network in Canterbury. National Grid has decided to progress with plans to build an overhead connection from Richborough to Canterbury through the 'North Corridor' and will include the removal of the existing lower voltage line between Richborough and Canterbury.

There are a number of other developments within Dover District which have been screened in respect of

in-combination effects, including those at Discovery Park and the proposed Peaking Load Generator at Richborough. It is considered that for these there is no significant combined impact pathway affecting the European and Ramsar interest.

A screening opinion for a 5 MW solar farm on a site adjoining Richborough Power Station (DOV/12/00907) considers that the use of the site for overwintering golden plovers needs to be assessed and the findings would then need to consider cumulation with the Nemo Link proposal.

Ecology

With regard to the cumulative effects on ecology, the Environmental Statement sets out that although the sites are generally designated for different habitats and species, Thanet Coast and Sandwich Bay, Stodmarsh and The Swale European designated sites all support important populations of breeding and overwintering birds. There is therefore potential for habitat loss and disturbance impacts at multiple sites (from any of the potential connection options) resulting in a greater cumulative impact on birds using these sites and moving between them.

The Environmental Statement concludes that these effects could be mitigated by careful routeing of the national electricity transmission system connection to avoid such direct and indirect effects. Installation works could also be timed to be undertaken outside of the main migratory periods. Subject to mitigation, the Environmental Statement concludes that there are no anticipated cumulative effects on European designated sites.

Natural England advise that their preferred option is the route from Richborough to Canterbury North substation (known as the 'North Corridor'), as the other potential routes have the potential to have a likely significant environmental effect upon the Swale Special Protection Area, and could involve additional subsea cabling around the coast. They consider that the route to Canterbury North offers the shortest, most direct route and poses the least harm to the natural environment, and negatively affects the fewest number of designated nature sites. However Natural England advise that this route could impact upon national and international conservation sites. Natural England advise that this preferred route does not directly impact on international or national designated habitat (i.e. there is no land take) nor does it over sail any sites. Also as it replaces existing infrastructure the scale of change is not so significant. However, power lines can result in impact through direct habitat loss, indirect habitat loss (displacement and barrier effects) and bird mortality (electrocution and collision).

In addition to route planning Natural England consider that other mitigation measures can be included to reduce these types of impacts such as removing earth wires and modifying earthing methods; modifying line, pole and tower design; installing underground cables; and conspicuous marking of lines, poles and towers. Once the level of risk is determined this would if appropriate necessitate what form of mitigation could be used.

Kent Wildlife Trust consider that in relation to the onward connection the supporting bird habitat at Ash Level and South Richborough Pasture Local Wildlife Site and Chislet Marshes, Sarre Penn and Preston Marshes Local Wildlife Site is likely to be impacted due to pylon collision risk. However they consider that if the works are complete within the period between mid-July and the end of August, the impacts of the proposed development on the SPA bird populations should be limited and in-combination impacts are unlikely to occur.

If the National Grid Electricity Transmission development is carefully routed and the work is carried out outside the main over wintering period (01 October to 31 March), the submitted information has assessed that there are no in-combination effects anticipated on European designated sites.

Character and Appearance

The Environmental Statement sets out that adverse effects on landscape and views could be mitigated by the careful siting of towers and overhead lines at the detailed design stage. The Environmental Statement sets out that if the connection were to be provided by an overhead line, there would be cumulative landscape and visual effects in combination with the proposed converter station and substation. Cumulative impact from an underground cable is not considered to be a likely significant effect subject to the avoidance of significant tree and hedgerow clearance.

The Environmental Statement sets out that cumulative effects on the landscape will only occur where effects of

the proposed substation and converter station overlap with the effects of the overhead line (relevant for all overhead line connection options), which is considered to be within 3km of the proposed development. There are three existing 132kV overhead lines in this area, and the addition of a 400kV (20m taller) overhead line is considered within the Environmental Statement to have a moderately adverse visual impact.

The Environmental Statement confirms that in relation to impacts upon archaeology and cultural heritage that careful route alignment (both overhead line and underground) and the siting of towers would minimise effects to the extent that significant effects on archaeology and cultural heritage could likely be avoided.

In relation to the cumulative effects on archaeology and cultural heritage, the Environmental Statement considers that for all connection options, it is assumed that an overhead connection would leave Richborough and head west. The Environmental Statement considers that the potential for cumulative effects on the setting of heritage assets will only occur where effects of the substation and converter station overlap with the effects of the overhead line.

English Heritage is satisfied that the potential routes to Canterbury North substation would not cause significant harm to the historic environment and confirm that it is likely that the majority of impacts in terms of the moderate impact on landscape character can be mitigated by careful siting and placement of pylons. It is therefore considered that there will be no significant cumulative environmental effect of the national electricity transmission system connection in relation to archaeology and heritage assets, with appropriate mitigation in place.

Marine Development

The Marine Management Organisation is the appropriate licensing authority for the laying of the cable in UK waters up to the mean high water mark and the Environment Agency and Natural England are the principal consultees in relation to this.

The necessary licence has yet to be granted but the Council is unaware of any significant objections from the Environment Agency and Natural England due to the mitigation measures proposed by the developer. The Marine Management Organisation confirms that mitigation will be secured through conditions of the marine licence. The marine licence for the offshore element does not impact on any designated site or Annex 1 habitat. It is therefore considered that there will be no significant cumulative environmental effect of the national electricity transmission system connection in relation to marine issues, with appropriate mitigation in place.

Thanet Offshore Wind Farm

The proposed development will result in a third cable being laid through the mud flats and salt marsh, in addition to that laid for the Thanet Offshore Wind Farm. Natural England is satisfied that the area of salt marsh impacted by the Thanet Offshore Wind Farm cable will restore to its previous quality, although this may take up to ten years to return to a climax salt marsh community. Natural England advises that there will be no permanent cumulative impact as a result of the proposed development. However, whilst both cable corridors are recovering, salt marsh communities will not be considered to be in their optimal condition.

Conclusion

It is therefore considered that a connection to the national electricity transmission system from Richborough is possible, and whilst the decision on the onward connection is likely to be taken through different consent regime it is likely that any significant environmental effects can be successfully mitigated. It is therefore considered that there will be no significant cumulative or in-combination environmental effects arising from the proposed development, subject to appropriate mitigation.

Onward Grid Connection

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Canterbury City Council strongly objects to the proposal and considers that confirming the location of the interconnector will prejudice the proper consideration of high level options for onward connection to the national electricity transmission system. They consider that the determination of this application is therefore premature without a full assessment of the impacts of the overall proposal on the wider locality. Canterbury City Council

requests that any decision on the location of the new inter-connector, converter station building and substation building is made in parallel with the decisions on new transmission connection from the interconnector to the National Grid.

Kent County Council considers that the proposals cannot be accepted at this stage given the known consequential requirement for a new 400kV connection, the location and implications of which are not known.

Overarching National Policy Statement for Energy states that an applicant can proceed with a proposal without a firm grid connection offer, whilst noting that the commercial risks associated with taking such a step rests with the applicant alone. In such circumstances the applicant must provide sufficient information to comply with Environmental Impact Assessment Directive, including indirect, secondary and cumulative effects, encompassing information on grid connections.

The National Policy Statement for Energy sets out that whilst the preference is for there to be either a single application (or separate applications submitted in tandem) which have been prepared in an integrated way this may not always be possible, nor the best course in terms of delivery of the project in a timely way.

The National Policy Statement for Energy confirms that this is because different aspects may have different lead-in times and be undertaken by different legal entities subject to different commercial and regulatory frameworks and the level of information available on the different elements may vary. In some cases applicants may therefore decide to put in an application that seeks consent only for one element but contains some information on the second.

The National Policy Statement for Energy is a material consideration in the determination of this planning application, though does not directly apply to the proposed development as it is not a Nationally Significant Infrastructure Project. Counsel has confirmed that it would be appropriate to adopt a similarly 'sequential' approach in this case. As such, it is not considered that it would be premature for the council to determine the planning application for the proposed development in advance of a decision in relation to the route of the national electricity transmission system connection.

Other Matters

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The site is covered by Local Plan policy TR12, which safeguards an area of land for the Channel Tunnel Rail Link project. The Secretary of State for Transport was consulted by TDC as part of this application, and HS1 Ltd have confirmed that they have no interest. It is therefore considered that the proposed development will not impact upon any required land for works or development associated with the Channel Tunnel Rail Link project.

Conclusion

The proposed interconnector accords with European and national energy policy and provides wider sustainability benefits in terms of supporting renewable energy generation and energy security. The need for this development is therefore considered to outweigh any harm to the character and appearance of the area.

It is essential that the development is carried out in accordance with the submitted details and mitigation measures proposed so as to ensure no significant adverse effect upon the integrity of the Thanet Coast and Sandwich Bay Special Protection Area, Ramsar site, Sandwich Bay Special Areas of Conservation, Thanet Coast Special Areas of Conservation, Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest or the Thanet Coast Site of Special Scientific Interest. Subject to mitigation and appropriate safeguarding conditions, the development is considered to comply with the Habitats Regulations, Environmental Impact Assessment Regulations and the National Planning Policy Framework.

RECOMMENDATION

Is it therefore recommended that the Appropriate Assessment is adopted and the application approved subject to safeguarding conditions.

CASE OFFICER - Ben Young

DATE - 19/12/13

APPENDICES

Appendix 1 - Legal Advice

Appendix 2 - Appropriate Assessment

Appendix 3 - Thanet District Council report to the Planning Committee (F/TH/13/0760)

Appendix 4 - Environmental Statement Chapter 3

Appendix 5 - Environmental Statement Chapter 17

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