

Thanet District Council's Response to the ExA's Supplementary Questions to ISH2 Agenda and Action Points from ISH2 at Deadline 4

EN020026 – Sea Link Project

Supplementary Questions to ISH2 Agenda

Question:		
1. General		Thanet District Council Response
ISH2.01.	<p>The Government's Planning and Infrastructure Act received Royal Assent on Thursday 18 December 2025.</p> <p>The applicant, local authorities and all IPs are invited to submit comments on the new Act in relation to any implications for the examination of this application.</p>	<p>TDC are of the view that the Planning and Infrastructure Act 2025 has no significant implications on the examination of this application.</p>
ISH2.02.	<p>The following National Policy Statements (NPS) were designated on 6 January 2026: EN-1, EN-3, EN-5. Considering paragraph 1.6.3 of EN-1 (2026) whilst the revised NPS's will only have effect in relation to those applications for development consent accepted for examination after 6 January 2026 they are capable of being important and relevant considerations in the decision-making process for this application.</p> <p>Applicant: Review the application documents (in particular but not limited to ES part 1, chapter 2 Regulatory and Planning Context [APP-043]) in light of the newly designated NPSs and provide any updates and amendments as necessary.</p> <p>Local authorities and interested parties: Submit any comments in relation to any implications of the newly designated NPSs for the examination of this application.</p>	<p>TDC are of the view that the newly designated NPS have no significant implications on the examination of this application.</p>
ISH2.022.	<p>Requirement 6 of the draft Development Consent Order (dDCO) [REP3-006] does not secure advanced planting, as it only prevents the authorised development from commencing, so could not be enforced for advanced planting. It therefore needs to be secured separately in the dDCO. Could advance mitigation planting be added to pre-commencement operations in article 2, with a requirement that pre-commencement operations cannot be carried out until details of advance planting are approved with a timetable for their implementation? Suggest some wording.</p>	<p>TDC would welcome advanced mitigation planting to assist with ensuring that mitigation planting is established and managed so its mitigating effects can be felt sooner. Under the definition of "pre-commencement operations" part (g) "environmental mitigation measures" potentially already allows for mitigation measures to be implemented prior to the commencement of the Project which could include advance mitigation planting.</p> <p>However, if "advance mitigation planting" was to become its own part of the definition of "pre-commencement operations" i.e. part (m), it in itself would need defining in the DCO under article 2 to ensure TDC understands the extent of advanced mitigation planting and where it is likely to be located.</p> <p>Notwithstanding this, whilst advance mitigation planting would be welcomed, TDC is concerned as to whether it is feasible to be undertaken at the pre-commencement stage. Much of the planting proposed is located close to the converter station and</p>

		<p>substation and therefore is likely to obstruct construction operations. The Applicant has already confirmed that they do not wish to provide foreground planting as it supposedly does not accord with the landscape characteristics of the Stour Marshes. Therefore, any advance mitigation planting may be limited in scope with limited benefit however, it would still be welcomed.</p> <p>Proposed wording for a Requirement:</p> <ul style="list-style-type: none"><i>(1) No pre-commencement operations, as defined in article 2, may commence until details of any advanced mitigation planting have been submitted to and approved by the relevant planning authority or other discharging authority.</i><i>(2) The details referred to in sub-paragraph (1) must include the location, timetable, species, protection measures and confirmation that the advanced mitigation planting will not obstruct or interfere with construction.</i><i>(3) The advance mitigation planting must be carried out in accordance with the details submitted to the relevant planning authority further to sub-paragraph (1).</i><i>(4) The advance mitigation planting will then be managed in accordance with the relevant applicable Landscape and Ecological Management Plan (LEMP).</i>
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