

Thanet District Council Action Points from ISH2

Thanet District Council

Sea Link Development Consent Order – EN020026

February 2026

Action Points from ISH2

During the ISH2 a number of requests were made by the ExA as action points to provide additional information. The action points relevant to TDC are provided below along with a response and additional responses to action points where relevant.

Action	Description:	
3.	<p>Kent County Council (KCC) was unable to attend the hearing. KCC to respond to:</p> <ul style="list-style-type: none"> ● The applicant's comments in response to Matthew Denny that reptile surveys are unnecessary at the former hoverport site as reptiles would not generally be present on the hardstanding area and would be unlikely to be affected if present in cracks in the hardstanding due to the proposed track reinforcement. ● The applicant's comments that wider invasive non-native species control measures are not required to be undertaken by the applicant at the hoverport to offset the wider effects of the works. ● Provide comment on the approach to non-significant enhancements as outlined in item 3.5.17 of the applicant's DL3 statement of common ground (SoCG) with Dover District Council. ● The applicant's comments that there are no industry standard metrics relating to the quantity of land required to mitigate for impacts on skylark. 	<p>TDC considers that a reptile survey should be undertaken at the appropriate time of year to determine the facts of this matter and should consider the use of the hardstanding areas for foraging, basking and sheltering.</p>
26.	<p>NE to respond to:</p> <ul style="list-style-type: none"> ● The applicant's statement that birds tend to divert up and over overhead lines rather than seeking to turn away from them. 	<p>TDC recommends a wider consultation to include Thanet Coast Project Birdwise alongside KWT. Consultation with the North East Kent Marine Protected Area Management Group would also be appropriate as it would capture the aforementioned consultees.</p>

35.	To provide clarification as to whether there is evidence of a recent increase in cetacean species as highlighted by Kent Wildlife Trust, close to the Kent landfall, including bottlenose dolphin	TDC recommends a wider consultation to include Thanet Coast Project Birdwise alongside KWT. Consultation with the North East Kent Marine Protected Area Management Group would also be appropriate as it would capture the aforementioned consultees.
68.	<p>Applicant to respond to:</p> <ul style="list-style-type: none"> ● Appendix B of the applicant's Pegwell Bay Construction Method Technical Note [REP2-011] states 'not available' under the sound source for the Offshore trencher, argocat and mass flow excavator. Does this mean that these elements were or weren't assessed and in which case what assumptions were used and what are the implications for the noise contour mapping? ● The applicant's response to ExQ 1NV15 [REP3-069] explains that noise contour mapping work assumes that the hoverport is soft ground and that this is proportionate due to the size of the area modelled. Given that the hoverport is largely hardstanding with vegetation and that it will be extensively used by construction vehicles, can the applicant provide further justification for this assumption? ● First written question 1NV4 [PD-017], asked about use of hovercraft in Pegwell Bay. The applicant's response to 1NV4 [REP3-069] explains that the use of hovercraft is for safety purposes only and won't be used on a regular basis. Can the applicant explain how they would be brought to the site and how they would be stored? Can the use of the hovercraft be limited to emergency use in the dDCO or REAC? ● ExQ 1MO4 [REP3-069] regarding piling noise levels and the use of an LAFmax of 91dB at 10m. This confirmed that the maximum piling noise level 	Whilst this action point is directed to the Applicant, TDC would welcome a noise contour plan for Minster converter station, including the 'Noise Change Level' with reference to baseline conditions given in Appendix 3.9D Kent Operational Noise Assessment AS-123: Table 1.3 Summary of representative background sound levels Monitoring Location Representative background sound level, dB LA90,15min Daytime (35dB) Night-time (29dB).

	<p>in the applicant's data set was 104dB but values were more typically in the low 90dB range. Is the applicant able to provide this dataset to the examination to support this assumption?</p> <ul style="list-style-type: none"> • At DL3 the applicant provided an operational noise contour plan for Saxmundham [REP3- 075]. Produce a similar plan for Minster converter station. • Explain why in figure 2 of the Operational Noise contour Plan [REP3-075] the noise level change contours are being compared with a 38dB LAeq8h level. 	
70.	<p>Provide a detailed assessment of low frequency noise impacts for proposed operational sites, based on the most up to date level of design detail available, incorporating comparison of dB(A) and dB(C) levels.</p>	<p>Whilst this action point is directed to the Applicant, TDC confirms agreement with the proposed approach to assessing low frequency noise. As suggested by Rupert Thornely-Taylor any difference of 10dB or more shall be mitigated.</p>
71.	<p>The MMO was unable to attend the hearings. The MMO to respond to:</p> <ul style="list-style-type: none"> • The MMO's response to ExQ 1PE4 [REP3-094] explains that there would be a need for a designated disposal site for dredge arisings. MMO to explain the necessary steps required to be taken by the applicant prior to the close of examination to ensure that a dredge disposal area is defined. • The MMO's DL2 response [REP2-056] highlighted a number of issues relating to the terminology associated with substances used in the marine environment (e.g. bentonite), emphasising the need for substances to be on the OSPAR pose little or no risk (PLONOR) list. Is there a need for the Deemed Marine Licence (DML) to explicitly secure that only substances from the OSPAR list are used in addition to the current provisions in Part 2, Condition 8 of the DML? 	<p>In response to the second bullet point, TDC would like to add that Bentonite is not biodegradable and will remain in the environment indefinitely. This can impact salinity and compact the Pegwell Bay natural sediment, changing the environment and potentially polluting groundwater or smothering Pegwell bay's aquatic life.</p> <p>Furthermore, the OSPAR/PLONOR list only references "OFFSHORE," but this is a likely risk on the "FORESHORE" which TDC has raised previously. (https://www.ospar.org/documents?v=32939).</p>

102.	District and County Councils to provide details as to what tourist accommodation may be available for tourists, taking into account Sea Link and other development workers who may be staying in such accommodation within the construction phases.	<p>TDC would like to raise a concern that the tourism capacity analysis from the Applicant lacks the detail to sufficiently inform the potential impact of the proposed development as it did not include the type or cost of rooms available for potential construction workers.</p> <p>TDC is seeking to source additional information to assist the ExA as soon as possible.</p>
103.	TDC to provide relevant data from its 2025 visitor survey.	<p>The TDC Visitor Survey 2025 can be accessed here:</p> <p>https://www.visitthantetbusiness.co.uk/business-support/research/visitor-survey-research-2025/</p>
115.	All parties (applicant and councils) to meet/liase to agree suitable wording of article 10 which all parties are content with, with an update on progress and any agreement submitted.	<p>TDC is awaiting further contact from the Applicant with regard to the suitable wording of article 10.</p> <p>The key matter for TDC is to ensure that article 10 does not enable the Applicant to renege on the commitments and mitigation secured through the DCO if a TCPA application was submitted and approved. Whilst it is unlikely to be the Applicant's intention the wording of article 10 needs careful drafting to ensure it accounts for the Hillside litigation whilst also not undermining the DCO itself.</p>
116.	All parties (including NGV, SPR and Manston airport) from onshore of offshore existing or potential future consent to comment on article 10.	As above.
120.	Councils and consultees to provide comments on the table setting out the relevant planning authorities and consultees.	It is understood that TDC is required to provide a response at Deadline 5 once the Applicant provides the table setting out the relevant planning authorities and consultees.

124.	Consider whether a specific noise design parameter is required in relation to the converter and substation sites, equivalent to requirement 12 of the EA1 North DCO	Whilst this action point is directed to the Applicant, TDC welcomes design criteria in relation to specific noise and low frequency component. As referenced at the hearing, a rating level of 5dB below background at nearest receptors should be designed in and requirement secured.
131.	Suggest alternative wording for requirement 3 including which above ground elements of the proposed development should be included.	<p>TDC has liaised with the other host local authorities (Suffolk County Council, East Suffolk Council and Kent County Council) to produce the following alternative wording for Requirement 3. It should be noted that this wording is in draft form and based on the current status of the application. As a result, the authorities propose that the Overarching and Project Level Design Principles also serve as controls within the Requirement on account of the inadequacy of the current form of the Key Design Principles. As reflected in the proposed wording, the authorities do not take issue with the final designs being controlled by some form of Critical Design Constraints (CDCs) to ensure the functionality of the built infrastructure is not compromised by the design which the Applicant has cited as a key concern.</p> <p>The proposed wording should not be interpreted as an endorsement of the current wording of the CDCs and design principles within [APP-366] and [APP-367]. The authorities have detailed outstanding problems with these documents both during ISH2 and in written submissions. Should the wording of the Design Principles in these documents change, the Councils' view on appropriate wording for Requirement 3 may change. For instance, should the Key Design Principles become sufficiently robust, reference to the Overarching and Project Level Design Principles may become unnecessary. The authorities consider such an approach to be preferable to improve the precision of the requirement wording.</p> <p>Whilst the proposed wording does not resolve all outstanding matters relating to the design of the onshore infrastructure, it does secure a robust approval process for these designs which is a necessary step towards demonstrating</p>

application of the mitigation hierarchy and making the application acceptable in planning terms.

In addition to rewording of the principles within [APP-366] and [APP-367], further work is needed to ensure a robust design process will be followed during the project's delivery. The design processes for the onshore infrastructure referenced in the proposed requirement wording must be embedded into the project's delivery programme to ensure optimal design outcomes are achieved as far as possible. The authorities consider that the Applicant should provide detail on how this will be carried out and secured at the next deadline.

Amended Requirement 3 (converter station design)

Requirement 3 should be recast as follows –

“(1) No stage of development of the above ground elements of the authorised development comprised in Work No. 3B (Suffolk Converter Station) may commence until details of the layout, scale and external appearance of that work have been submitted to and approved by the relevant planning authority in consultation with Suffolk County Council. The submitted details must be in accordance with the design details and the Converter Station Design Principles found in Document 7.12.1 Design Principles – Suffolk. Approval of the submitted details may not be withheld where doing so would contravene a Critical Design Constraint. Work No. 3B must be carried out in accordance with the approved details.

(2) No stage of Work No. 3A (Access road to the Suffolk Converter Station) may commence until details of the layout, scale and external appearance of the River Fromus Bridge have been submitted to and approved by the relevant planning authority in consultation with Suffolk County Council in accordance with the design details and the River Fromus Bridge Design Principles found in Document 7.12.1 Design Principles – Suffolk. Approval of

		<p>the submitted details may not be withheld where doing so would contravene a Critical Design Constraint. Work No. 3A must be carried out in accordance with the approved details.</p> <p>(3) No stage of development of the above ground elements of the authorised development comprised in Work No. 1B (new Substation at Grove Wood, Friston) may commence until details of the layout, scale and external appearance of that work have been submitted to and approved by the relevant planning authority in consultation with Suffolk County Council. The submitted details must be in accordance with the design details and the Substation Design Principles found in Document 7.12.1 Design Principles – Suffolk. Approval of the submitted details may not be withheld where doing so would contravene a Critical Design Constraint. Work No. 1B must be carried out in accordance with the approved details.</p> <p>(4) No stage of development of the above ground elements of the authorised development comprised in Work No. 9B (Kent Converter Station) may commence until details of the layout, scale and external appearance of that work have been submitted to and approved by the relevant planning authority in consultation with Kent County Council and Historic England in accordance with the design details and the Converter Station Design Principles found in Document 7.12.2 Design Principles – Kent. Approval of the submitted details may not be withheld where doing so would contravene a Critical Design Constraint. Work No. 9B must be carried out in accordance with the approved Details.</p> <p>(5) No stage of development of the above ground elements of the authorised development comprised in Work No. 11 (new Kent Substation) may commence until details of the layout, scale and external appearance of that work have been submitted to and approved by the relevant planning authority</p>
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