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Dear Inspectors,

## Response to Examination Questions ExQ2 (Issued 25<sup>th</sup> February 2026)

**PINS Ref: EN020026 – Sea Link**

### **Application by National Grid Electricity Transmission for an Order Granting Development Consent for Sea Link**

Please find enclosed Dover District Council's (DDC) responses to the Inspector Examination Questions ExQ2.

#### **2GEN2. Need**

The need for the project was explored at ISH1. Several parties have made submissions requesting that the topic of need be discussed again at a future ISH. The ExA reminds all parties that the examination is a predominately written process. Due to the highly technical nature of need as a topic and the necessity for considered responses to questions, the ExA's current view is that it will be most assisted by examining the evidence in writing. To date the ExA has received extensive evidence on the topic of need, both orally and in writing, and is carefully considering the cases of the parties. If any party has any new or additional evidence they believe is important and relevant to the examination of need, we ask that it is submitted for DL5 in order to allow a fair opportunity for all parties to comment on each other's submissions

The Council has no new or additional evidence relevant to the examination of need.

#### **2GEN13. Article 49 - Defence to proceedings in respect of statutory nuisance**

Applicant: Article 49(1)(b) provides for a defence against statutory nuisance in operation and if "the defendant shows that the nuisance— (i) relates to premises used by the undertaker for the purposes of or in connection with the use of the authorised project and that the nuisance is attributable to the use of the authorised project which is being used in accordance with the Construction Noise and Vibration Management Plan". As the outline Construction Noise and Vibration Management Plans [AS-131] and [AS-133] contain no operational noise controls, explain the purpose of this clause and whether additional operational noise controls should be referenced.

Local authorities: To comment.

This is a recognisable defence where proceedings are brought under Section 82(1) of the Environmental Protection Act 1990. The Council's Environmental Protection Officers have no outstanding issues to raise regarding noise concerns.

#### **2GEN14. Article 51 - Arboricultural Method Statement (AMS)**

Local authorities: The applicant's response to ISH2 AP18 [REP4-086] explains that there is no need to amend Article 51 of the dDCO in respect of ancient and veteran trees because any tree works would

be detailed in the AMS secured by requirement 8 of the dDCO, which is subject to local authority approval. Requirement 8 does not make explicit reference to ancient and veteran trees. If requirement 8 is the correct mechanism to control effects, should it explicitly make reference to retention of ancient and veteran trees, for example linking to a specific dDCO schedule? The Council has no comments on this matter.

**2GEN15.** Article 53

Article 53(2)(b) allows for complete closure of the navigation on health and safety grounds only. 53(3) secures that this is kept to a minimum period. Should additional wording be included to specify what is a reasonable period or any seasonal constraints where closure may be inappropriate. If yes, please include suggested drafting.

The Council has no comments on this.

**2GEN17.** Schedule 3 – Requirements - trenchless landfall

Local authorities: In light of interested party (IP) concerns, the sensitivity of the receiving environment (including designated European sites) and notwithstanding the applicant's updated wording in the revised Register of Environmental Actions and Commitments (REAC) [REP4-235], provide draft wording to secure the use of a trenchless landfall technique as a dDCO requirement. The wording should provide for construction and operation/maintenance and may also provide for a minimum depth of burial to address concerns regarding coastal erosion.

The Council notes 1.-(1) of Schedule 3 Requirements (Article 3) sets out the definition of "authorised development" as described in Part 1 of schedule 1; wording could be added in the description of works to specify the use of a trenchless landfall technique.

**2GEN26.** New requirements and conditions

Notwithstanding any questions below, highlight and provide specific wording for any commitments currently included in the REAC [REP4-235] that you believe should be secured as requirements or conditions on the face of the order.

The Actions and Commitments listed in Section 1 of the REAC are to be secured by requirement 5 of the DCO. Several of the mitigation commitments in Section 2 of the REAC are only secured through the REAC as an application document, for example GG30 (Harm to human health from exposure to electric and magnetic fields, where the securing mechanism is guidance listed in EN-5) or H04 (seeking the sensitive routing and siting of infrastructure and temporary works) 'does not require securing mechanism'. The majority of commitments listed in section 2 which do 'not require securing mechanism's relate to embedded measures including the sensitive routing and siting of infrastructure and works. The majority of other commitments are secured through requirements in the DCO which is considered appropriate.

**2ECOL5.** Unexploded Ordnance (UXO)

Explain whether the proposed approach to UXO outlined in the applicant's response to ISH2 AP16 [REP4-086] is sufficient to ensure that potential effects on the designated sites could be appropriately mitigated.

In terms of UXO in relation to Suffolk, it would appear that reports have been submitted and the potential for UXO to have an impact on development have been addressed and Statutory bodies will be approached should UXOs be identified during surveys before starting work. If the same approach will apply to works in the Dover area, DDC's Environmental Protection Officers are happy with this approach.

In relation to 2ECOL8, 2ECOL12, 2ECOL13, 2ECOL15, 2ECOL18 and 2ECOL19, the Council has no comments on these questions which relate to works in Suffolk.

**2ECOL21.** Impact of pylon base installation

Table 9.23 of Kent chapter 9 noise and vibration [AS-111] identifies use of pad foundations for pylon construction as an example means of achieving 10 to 20dB reduction in noise levels. Should this measure be secured to reduce noise and vibration effects on bird species in Kent?

There is no identified requirement for this in respect to the SPA/Ramsar (as per the HRA) although the Council notes there will be wintering birds and breeding birds present at different times of the year that could be impacted by noise and vibration so securing this measure in Kent would help to mitigate impacts.

**2ECOL29.** Hoverport access – reptiles

In light of the acknowledged presence of reptiles within the hoverport, should two stage clearance of any vegetation, or other measure, be secured as a REAC or oLEMP provision and if not, why not? Provision for vegetation clearance for reptile mitigation is set out in the oLEMP (paragraph 3.3.5) and prefaced with “all habitats suitable for common reptiles...” so should apply to the hoverport. At ISH2, the issue that cracks in the hardstanding provide hibernation opportunities was raised which is not clearly dealt with in the oLEMP, however the Council would defer to Thanet District Council on this point given the location of the hoverport.

**2ECOL33.** Outline Landscape and Environmental Management Plan (Kent)

Paragraph 5.3.3 of the Kent oLEMP [REP4-067] states “We could therefore add this species to the list for which localised control is proposed for Ash Level” The ExA considers that this is not sufficiently definitive. Agree finalised wording with Dover District Council, or explain why it is not necessary. The Council would suggest the species is added to the list for which localised control is proposed and will provide further comment as necessary after reviewing the applicant’s response to this question.

**2ECOL43.** REAC provision B14

The REAC [REP4-235] explains that a precautionary method would be followed “when undertaking vegetation clearance potentially suitable for dormice”. Comment on whether this provision should specify particular locations or the process for establishing ‘potentially suitable’ vegetation.

DDC notes there is further detail on this included in the oLEMP (paragraph 3.5.6), although there is no provision for dormouse habitat clearance in 9.83 outline code of construction practice.

**2ECOL44.** REAC provision B18

Confirm whether provision B18 of the REAC [REP4-235] provides sufficient detail to provide certainty regarding eel mitigation measures. Is any additional construction mitigation for eel required during eel migration periods in addition to the measures identified in the REAC for Minster Marshes and if not, why not?

DDC does not consider this provides sufficient certainty; there could also be a need for provision for eel (and other species) mitigation / rescue measures during dewatering of ditches for culvert installation, although this may be covered by Environment Agency/Internal Drainage Board consent/licences.

**2ECOL48.** REAC provision B55

Are the local authorities and NE satisfied with the commitment in REAC [REP4-235] provision B55 to “making the lines visible in adverse weather or low light conditions” or should specific reference be made to night time? The ExA has considered the applicant’s response to ISH2 AP24 [REP4-086] but considers that based on plain English, ‘low light’ may not be inclusive of the night period.

DDC considers reference should be made to night time, given the wording of the REAC does not specifically include this.

## **2TT7. Caps on HGVs**

If there are no caps on HGVs using certain routes, then would there be any enforcement possible for the County or District Councils if it transpired that there were more HGVs using certain routes than anticipated in the ES assessment, including cumulatively with other projects? For the Councils, is there a concern that capping HGV movements may displace them to other more sensitive routes with adverse impacts or that it could elongate the construction programme.

The Council does not consider there would be enforcement possible, unless at county level, given their responsibility as local highway authority.

In relation to 2AQ2., 2AQ3., 2AQ4., 2AQ5., 2NV1. and 2NV3, DDC's Environmental Protection Officers have engaged with the applicants in thematic meetings and examined submitted Air Quality documents. Mitigation measures included in the Document 7.5.6.2 Outline Air Quality Management Plan – Kent have been accepted and it has been concluded that the impact of NO<sub>2</sub> from road traffic and/or machinery in terms of effect on existing AQMAs or the potential for new AQMAs in the Dover District is minimal. Furthermore, it has been concluded also that the impact on human health from NO<sub>2</sub> emissions is insignificant for sensitive receptors in the Dover District. The Council's Environmental Protection Officers have no further comments on the proposals.

## **2CEIntra1. Mitigation of intra-project cumulative effects**

Do you consider that further mitigation measures are required to mitigate significant intra-project cumulative effects in addition to those already identified by the applicant? If yes, explain what specific additional measures should be considered. In answering identify the specific significant cumulative effects that the mitigation is considered to address, how it accords with appropriate planning tests and how it could be secured? If it is to be secured in the DCO, provide suggested wording.

The Council has no comments on this.

## **2CEIntra2. REAC commitment to review / mitigate significant intra-project cumulative effects**

Having regard to the applicant's response to AP112 [REP4-086], can all Councils confirm if they agree with the suggested commitment wording for the REAC (and subsequent approval through discharge of requirement 6 via relevant management plans) to review intra-project cumulative effects and establish what additional mitigation measures could be applied to reduce their significance? In answering, summarise any remaining concerns, if you consider it should be secured in the DCO provide suggested text.

The Council agrees with the suggested commitment wording for the REAC and subsequent approval through discharge of requirement 5 via relevant management plans.

## **2CEIntra3. Quantification of significance of effects**

Having regard to the applicant's response to AP111 [REP4-086], can all Councils confirm if they agree with the applicant's stated position regarding quantification of magnitude/degree of significance of effects in cumulative (intra-project) assessments on residential properties and how the various effects interact with each other? In answering:

- explain if you agree with the conclusion that if any significant effects on residential receptors were to occur, they would be likely to be moderate not major?
- set out if there are any other concerns regarding possible significant effects on non-residential receptors (including road, public rights of way and recreational users) and how any specific significant cumulative effect could be mitigated, how that accords with appropriate planning tests and could be secured?

Given the location of the project and distance from residential dwellings in the district (whereby those in the vicinity of Richborough Road would likely most notice the construction of the

development as this road would provide access to Whitehouse Drove for the pylon works), the Council has no comments on this. The Council has previously advised that Richborough Road serves as a crossing point for PRow, is used by residential, agricultural and tourist traffic, however defers to KCC in their role as local highway authority and responsibility for PRow on any significant cumulative effects mitigation measures.

**2CEIntra4.** REAC mitigation commitments (GG27, GG03, NV03)

In responding to AP112 [REP4-086] the applicant has set out initial comments regarding REAC commitments GG27, GG03 and NV03? Can the identified Councils confirm if they agree with the applicant's position / proposed amendments, or if not provide details of the additional changes you consider necessary?

DDC has no comments on this response to East Suffolk Council and Suffolk County Council's comments.

**2CEInter1.** Mitigation of inter-project cumulative effects

Do you consider that further mitigation measures are required to mitigate significant inter-project cumulative effects in addition to those already identified by the applicant. If yes, explain what specific additional measures should be considered. In answering identify the specific significant cumulative effects that the mitigation is considered to address, how it accords with appropriate planning tests and how it could be secured? If it is to be secured in the DCO, provide suggested wording.

DDC has no comments to make on this.

In addition to the above responses, the council has the following comment in response to the table setting out the relevant planning authorities and consultees (Action 120 from Issue Specific Hearing 2 Action Points):

Appendix Table I.1 (Discharging authorities to be incorporated into the Explanatory Memorandum) is of assistance in setting out who will be responsible for discharging the requirements of the DCO. We would however question whether the construction noise and vibration management plan should be subject to consultation with Natural England given the proximity of works to designated sites and associated wildlife (including marine life) in Kent. We would also query whether the drainage management plan and flood management plan should be subject to consultation with the Environment Agency (and possibly the River Stour Internal Drainage Board), given the proximity to watercourses in the Kent section of the development.

The Council has been liaising with the Applicant on the statement of common ground and understands National Grid will be submitting an updated version at this deadline. Discussions are ongoing on the outstanding matters identified and if necessary, the Council will provide further comments as an update on these matters at the next deadline.

I hope these responses adequately identify DDC's current position in respect of these matters and assist the Examination accordingly.

Yours sincerely



Principal Planning Officer

Development Management