

Thanet District Council

Principal Areas of Disagreement Summary Statement – Deadline 7 Update

Table 1 – Outstanding Principal Areas of Disagreement

Area of Concern	Explanation	Remedy Measures	Likelihood of Resolution
<p>Draft DCO – Requirement 3</p>	<p>Requirement 3 provides too much flexibility in seeking the details of the layout, scale and external appearance of the above ground elements. The detailed design should accord with the design parameters, Site Location Plan, works plan and design principles rather than just be in general accordance. The requirement should also be clearer in stating that approval from the relevant planning authority is required.</p> <p>TDC acknowledges the amended wording of Requirement 3 but requests that reference to ‘general accordance’ is replaced with ‘accordance’ as the Key Design Principles already contain embedded flexibility.</p> <p>TDC welcomes the revised wording to Requirement 3 to include the substation and require details to be submitted for approval of the detailed design of the converter and substation.</p> <p>However, the wording of Requirement remains incomplete and limits the ability for the TDC to control the full design of the converter and substation and to ensure the development is built fully within the defined design parameters and design principles.</p> <p>The current wording only restricts some details of the permanent buildings to be approved by TDC which excludes many elements of the converter and substation. Whilst it is acknowledged that some elements of the converter and substation have limited design flexibility due to functionality and technical aspects, however, there remains some flexibility and a need to control the detailed designs of the whole converter and substation.</p> <p>Furthermore, the Design Principles document commits to</p>	<p>Requirement 3 detailed design must be reworded to enable the LPA control over the whole design of the operational elements of the Proposed Development beyond just limited elements of permanent buildings.</p> <p>The Applicant should adopt ExA’s preferred wording for Requirement 3 at point 8 of the Schedule of ExA’s recommended amendments to the applicant’s dDCO submitted at deadline 6 [REP6-004].</p>	<p>High</p>

	<p>exploring more design elements beyond just permanent buildings and those listed in Requirement 3 and does not capture all works set out in the works plan 9B and 11 such as fencing and hardstanding which is not a permanent building.</p> <p>For example, design principle N.2 makes provision for potential for planting within the converter station compound and N.3 makes provision for Potential for blue roofs as part of a SuDS strategy but Requirement 3 does not allow these details to be reviewed or approved by the LPA</p> <p>In addition, the form and style of the buildings is excluded from Requirement 3.</p> <p>Based on the Design Approach Document – Kent [REP1A-031] there are four distinct approaches to how the converter and substation could be delivered in accordance with the design principles which goes beyond. The revised wording would only allow TDC to control the external colour, surface finishes, layout, scale and operational lighting of just permanent buildings with no control over the final design approach taken by the Applicant.</p> <p>TDC provided alternative wording for Requirement 3 in the response to Issue Specific Hearing 2 (ISH2) action points [REP4-162].</p>		
<p>Draft DCO – Requirement 7</p>	<p>The commitment to no construction works occurring on Bank Holidays and preceding Saturday and Sundays for the defined Bank Holiday Mondays is welcomed. However, the commitment appears to be superficial in having any real effect with no working on Bank Holidays (and preceding Saturday and Sunday) for operations associated with works No. 9B and 11 (converter and substation).</p> <p>Requirement 7 then includes a long list of works and caveats where these restrictions do not apply.</p> <p>TDC maintains that there should be no construction works at all on Sundays and Bank Holidays for all work no's and not just the</p>	<p>The Applicant should adopt ExA's preferred wording for Requirement 7 at point 16 of the Schedule of ExA's recommended amendments to the applicant's dDCO submitted at deadline 6 [REP6-004].</p>	<p>High</p>

	<p>converter and substation unless otherwise approved by the relevant planning authority.</p> <p>It is acknowledged that there may be exemptions but the current list in Requirement 7(4) is too broad.</p> <p>The addition of no HGV deliveries on Sundays is welcomed.</p>		
Draft DCO – Schedule 4	<p>Discharge of Conditions –</p> <p>1.(1) TDC is unable to commit to discharging the Requirements within 35 days particularly given the amount of detail to be included and reviewed as part of a Requirement.</p> <p>2.(2) requires the relevant authority to provide notification within 7 days, this should be 10 business days.</p> <p>2.(3) requires the relevant authority to issue a consultation and notify the undertaker of any further requests as a result of a consultation within 5 days. This should state within seven business days.</p>	<p>Schedule 4 Part 1(1) should be amended to state ‘within eight weeks’ or ‘56 days’. TDC would be amenable to entering a PPA to reduce the time period for issuing a decision where possible. Currently TDC would find it difficult to achieve a determination within 35 days and therefore it risks key details of the DCO being granted deemed consent with little or no control from the LPA.</p> <p>The Applicant should adopt ExA's preferred wording for Schedule 4 1.-(1) at point 22 of the Schedule of ExA's recommended amendments to the applicant's dDCO submitted at deadline 6 [REP6-004].</p> <p>2.(2) amend to 10 business days.</p> <p>2.(3) amend 5 days to 7 business days.</p>	Medium
Landscape – Policy SP26	<p>The development would be in direct conflict with Policy SP26 of the Thanet Local Plan (Landscape Character Areas), meaning that the development should only be permitted if it can be demonstrated that the development is essential for the economic or social well-being of the area.</p>	<p>The conflicts with Policy SP26 are unlikely to be overcome as it cannot be demonstrated that they are essential for the economic or social well-being of the area.</p>	Low
Landscape – Viewpoints	<p>TDC notes that a greater number of viewpoints have been determined as experiencing significant adverse effects compared to the Preliminary Environmental Information Report (now includes Viewpoints 3, 4, 5, 6 and 11). Viewpoint 4 is the</p>	<p>The assessment of the effects should be reviewed and reconsidered particularly as there is an acceptance that landscape and visual impacts cannot be mitigated as set out by the NPS’.</p>	Low

	<p>only one assessed as major adverse whilst the remaining viewpoints (highlighted above) have been assessed as moderate adverse. The Council considers that the sensitivity of some of the viewpoints (specifically those looking across the Minster Marshes) have been undervalued and the adverse visual effects identified would be greater than the assessed level.</p> <p>The magnitude of effect on viewpoint 4 is identified as very large whereas the magnitude of effect on viewpoints 3, 5, 6 and 11 is identified as medium. However, given the context of these views which primarily provide expansion views across the Stour Marshes looking down on to the site which give the impression of tranquillity and remoteness, the introduction of built form within these viewpoints will substantially change this interpretation and appreciation of the viewpoints.</p> <p>Whilst it is noted these viewpoints are at an increased distance than viewpoint 4 the wide, expansive and open views across the valley make these views more susceptible to change.</p> <p>It is acknowledged that [REP4-086] the applicant has found that additional landscape planting and mitigation is not possible because the wider marshland area is characterised by being less vegetated and more open. This would indicate that the introduction of the converter station and substation would have a significant impact on the marshland and its openness and therefore views across the marshland which are characterised by openness, limited vegetation and no built form.</p> <p>The methodology limits the ability for context to be considered where only views of the proposed development in the foreground can have a magnitude of large or very large.</p> <p>Notwithstanding this, the EIA matrix shown in Plate 5.2 of 6.2.1.5 Part 1 Introduction Chapter 5 EIA Approach and Methodology [APP-046] confirms that receptors of high sensitivity that</p>	<p>Based on discussions to date, there is a clear disagreement between TDC and the Applicant on the impact on these viewpoints notwithstanding the impacts are significant in both cases.</p>	
--	---	---	--

	<p>experience a medium magnitude of effect can result in major adverse effects on this receptor.</p> <p>Therefore, TDC confirms the viewpoints 3, 5, 6 and 11 should be assessed as experiencing a major adverse effect at year 15.</p>		
<p>Landscape – Stour Marshes Landscape Character Area (E1)</p>	<p>The Stour Marshes Landscape Character Area (E1) has been determined as experiencing a moderate (significant) adverse effects during construction and year 1 of operation, however the Council considers that the impact would be a major (significant) adverse effect for the full duration of the project given the location, scale of development (in particular the converter station and substation) and the limitations of the landscape mitigation proposed (as accepted by National Grid).</p> <p>E1 is a low-lying, vast flat open landscape on the Thanet Sands. It historically represents a former sea channel, the Wantsum Channel.</p> <p>As a marsh, there are wide views and vistas across the landscape both looking into and out of the character area. The open character allows for long uninterrupted views across the marshes with big skies which continue southwards into the corresponding marshes within Canterbury and Dover Districts. It is largely undeveloped with settlements located along the former channel sides that would have originally been port villages. Tree cover is generally restricted to field boundaries and a number of small copse.</p> <p>The proposed development will introduce significantly tall infrastructure that would be seen throughout much of the local area well beyond the site. The existing energy and infrastructure development to the south of the site is generally lower in scale and mass which has a lesser impact on wider landscape character and visual amenity compared to the converter, substation and pylons.</p>	<p>The sensitivity of the landscape character and the overall significance of the effects should be reviewed and reconsidered, particularly considering there is an acceptance that landscape and visual impacts cannot be mitigated as set out by the NPS’.</p>	<p>Low</p>

	There is clearly at least a large alteration to the landscape that is a distinct departure from the defined characteristic of the landscape (E1 – Stour Marshes) resulting in a permanent long-term change. Therefore, it must be considered a major adverse effect that is significant.		
Landscape – overall impact	It is the view of the Council that the cumulative effect of all elements of the project such as the proposed converter station, substation, associated structures, compounds, roads and parking areas would result in significant harm to the intrinsic character of the immediate and surrounding landscape to the detriment of visual amenity for a variety of users over the entire course of the Project. This impact cannot be mitigated by additional planting which can only have a limited effect on a 28m tall building.	This is a matter for the ExA to consider in their assessment.	Low
Landscape – Design clarity	The Council is concerned that the visual impact of the development is unclear due to the flexibility built into the Design Principles document and the limits of deviation in the DCO. Given the selection of Siemens Energy as the preferred bidder for the converter stations, more information to narrow the option for the design of the various structures should be provided for assessment. The Design Principles document is also vague in securing the extent of information to be provided to discharge the requirement, outlining how various document/studies “could” be provided within the “potential associated activities”, with some indicated that they will not occur (3.3.2), which does not provide sufficient clarity on whether the information will be provided to justify the unknown design or activities will be undertaken.	The Applicant should adopt ExA’s preferred wording for Requirement 3 at point 8 of the Schedule of ExA’s recommended amendments to the applicant’s dDCO submitted at deadline 6 [REP6-004].	High
Ecology	The Council has significant concern in relation to the impact the Project will have on the habitat of protected and notable species which, it appears, will result in significant harm to ecology at the local level. These concerns include: construction timing, tunnelling and potential habitat destruction, habitat loss, noise pollution, light pollution, bird strikes and infrastructure hazards, carbon footprint and flood risks, inadequate mitigation measures, water runoff and pollution, seal population disturbance.	The Council will defer to Kent County Council and other statutory bodies with regard to ecology matters. However, TDC notes the relevant representation of Kent Wildlife Trust and notes National Grid’s response to the following suggestions: <ol style="list-style-type: none"> 1. Reassess landfall location to avoid Minster Marshes entirely. 2. Enforce seasonal work bans (March–August and September–March for birds, November–February for seals). 	Medium

		<ol style="list-style-type: none"> 3. Legally prohibit fallback trenching in protected areas. 4. Reduce infrastructure footprint and underground cables near sensitive habitats. 5. Mandate bird diverters and real-time monitoring. 6. Apply low-carbon construction methods and offset emissions locally. 7. Secure legally binding habitat restoration targets. 8. Conduct robust flood modelling and install on-site SUDS. 9. Implement water pollution controls with maintenance schedules. 10. Establish marine mammal protection protocols. 	
Agriculture and Soils – Loss of BMV Land	The cumulative impact of buildings (converter station and substation), areas for parking and access roads, would result in a large scale loss of BMV land. The Applicant accepts there is the permanent loss of BMV land and temporary impacts to soil function and disruption to soil ecosystem services during construction is a significant residual effect with no further mitigation available.	No remedy available, this is a matter for the ExA to consider in their assessment.	Low
Agriculture and Soils - Decommissioning - ALC	The ES identifies that following decommissioning the land would be returned to its pre-decommissioning ALC grade which is assumed to mean the ALC grade prior to the development. In addition, Chapter 4 states that the access road is to be left in situ. This is then found to be a moderate to major beneficial effect that is significant. However, this does not represent a beneficial effect as with or without the development the ALC grading remains the same but the land is unable to be used for agriculture. Therefore, the effect is negligible.	The assessment of decommissioning effects should be reconsidered.	Medium
Coastal Impacts - Hoverport	<p>The Council is opposed to the use of the mudflats and the hoverport with the potential impact on protected species and qualifying features of the designated sites.</p> <p>TDC would like to clarify that the potential instability of the hoverport has the potential to have an adverse effect on ecology (reptiles). This structural instability could lead to further degradation and there is a risk of contamination leaching into the</p>	TDC remains opposed to the use of the hoverport.	Medium

	environment through the hoverport.		
Land Ownership	<p>The Council notes the rights sought by National Grid for the compulsory acquisition of rights over Council owned land. This is subject to separate discussion with the Council's Assets Team and National Grid.</p> <p>We note that the Book of Reference does not outline the compulsory acquisition of any land of the District Council outright.</p>	Negotiations remain ongoing with the Applicant and therefore agreement cannot be achieved at time of writing.	Medium
Socio-economic s, Recreation and Tourism – Construction Impacts – attractiveness for tourism and recreation	<p>The Council has significant concerns with regards to the negative impact construction and associated traffic will have on both residents and visitors which will in turn discourage people from visiting the District. Thanet also hosts a number of events throughout the year with many taking place over the summer months.</p> <p>Further to this, there is a wider perception issue that could occur from a prolonged construction period where the construction activities could result in a negative perception of Thanet as being a destination for tourists.</p> <p>This includes disruption, noise and visual impacts to the PRow network and coastal impacting potential tourism and the enjoyment of this area for recreation. There is also a concern that due to the length of the construction period, this will serve to discourage the use of the area for recreation and tourism in the long term and affect the sense of place.</p>	It is unlikely that a remedy is available, this is a matter for the ExA to consider in their assessment.	Low
Socio-economic s, Recreation and Tourism – Construction Impacts - accommodation	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.	Whilst further detailed analysis and surveying has been provided, TDC remains concerned that the proposed development will have an adverse effect on local tourism and accommodation.	Low
Socio-economic s, Recreation and Tourism – Operational impacts	The introduction of significant energy infrastructure to the local area will generate a negative perception of the local area being suitable for recreation and tourism. It will significantly change the perception of the area from one that is tranquil and remote to an area that is industrial and thus less attractive for visitors and	No remedy available, this is a matter for the ExA to consider in their assessment.	Low

	users of the PRoW.		
Climate Change	Whilst it is understood that the Proposed Project is part of UK policy to decarbonise the electricity grid and transition to net zero by 2050, concerns are raised about the levels of embodied carbon which would be associated with the construction of the Project. The Council has committed to work towards carbon neutrality by 2030 within our published Net Zero Strategy, with the aim of net-zero on Thanet wide emissions by 2050. The Proposed Project would have the potential to affect the Council's ability to meet this target and the implications of the construction project on district-wide targets should be fully appraised.	Whilst mitigation measures are proposed in the Register of Environmental Actions and Commitments, TDC recognises the negative effect the proposed development will have on carbon emissions and GHGs within the District and the Council's ability to meet the targets set out in Thanet's Net Zero Strategy as a point of principle. However, it is recognised that the Applicant is committed to reducing GHG emissions where possible	low
Cumulative Impacts – Construction (inter project effects)	<p>There are significant concerns regarding the list of cumulative sites which omits a number of sites that TDC consider should be included particularly in regard to the traffic and transport impacts on the A229. It is understood the applicant is reviewing this information in light of our comments in the Statement of Common Ground.</p> <p>TDC are of the view that there are additional developments within a 5km radius of the site as identified within the Inter-Project Cumulative Effects Assessment Update - Technical Note [REP6-098] which have not been shortlisted. Due to their proximity to the site, there could be likely significant cumulative effects arising from traffic and transport and landscape and visual amenity. The justification for excluding these sites from the short list given their proximity is insufficient. Therefore, TDC cannot confirm if the proposed mitigation to address the cumulative effects is sufficient. However, it is understood that relevant mitigation measures have already been imposed for the relative topics with limited additional mitigation available.</p>	The Applicant must reconsider the assessment of cumulative effects so at this stage of the examination this matter remains a point of disagreement	High
Cumulative Impacts - Operation	Concerns are raised regarding the cumulative impact of energy projects in this location and the potential need for further expansion within and potentially beyond the Draft Order Limits to satisfy future energy infrastructure demands. The proposed development may lead to a precedent that this area is acceptable for energy infrastructure and other similar development.	No remedy available, this is a matter for the ExA to consider in their assessment.	Low

Other Matters - Decommissioning	The definition of decommissioning is unclear and Requirement 13 excludes the substations from decommissioning	Define decommissioning within the DCO and amend requirement 13 to include the substations.	Medium
Other Matters –Skills and Employment Plan	TDC acknowledges that a Detailed Skills, Supply Chain and Employment Plan [REP6-101] has been submitted. However, it is requested that this is provided as an outline document to enable the detailed plan to be approved by TDC to ensure the plan is sufficient.	Given the late stage of the examination the Applicant must submit an outline Skills, Supply Chain and Employment Plan and secure a commitment to submit a detailed Skills, Supply Chain and Employment Plan as per the suggestion made by the ExA at point 14 of the Schedule of ExA's recommended amendments to the applicant's dDCO submitted at deadline 6 [REP6-004].	High