

Thanet District Council

Information Requested by ExA under Rule 17 – Deadline 7

Ref.	ExA Comments	TDC Response
1.1 Article 10	Suffolk County Council (SCC) at DL6 provided amended wording to article 10 in response to ExQ3GEN17 [REP6-276]. The ExA requests the applicant and all local authorities to provide comments on the amended wording.	As set out in TDCs response to ExQ3GEN17 [REP6-276] TDC confirms agreement with the wording proposed by SCC regarding article 10.
1.9 Schedule 4 Discharge of requirements	The ExA requests that all local authorities provide preferred timescales for schedule 4 paragraph 2 (further information) with reasons. The ExA notes that the explanatory memorandum [REP6-006] states that schedule 4 is based on the Bramford to Twinstead Order. The ExA requests the applicant to explain why the timescales in paragraph 2 (further information) are different to Bramford to Twinstead which specifies 7 and 21 business days respectively.	<p>TDC has previously maintained that sub-paragraph 2.(2) should allow for ten business days and 2.(3) seven business days. However, TDC acknowledges the ExAs recommended changes to the DCO [PD-024] of seven business days for both. TDC will endeavour to shorten timeframes for responses wherever possible and expects this to be aided by a PPA.</p> <p>However, a realistic timeframe must be provided to enable the Council to follow due process in discharging the Requirements. Given the Applicant's reliance on the Bramford to Twinstead Reinforcement Development Consent Order 2024 and Yorkshire Green Energy Enablement Project Development Consent Order 2024 throughout the examination for precedence, Schedule 4 sub-paragraphs paragraph 2.(2) and 2.(3) should reflect the same timescales of seven business days as a minimum, with TDC's position that ten business day should apply to 2(2).</p>
3.5 Inter-project cumulative effects	In [REP6-098] the applicant has identified that a significant cumulative effect may occur as a result of the effects of 25/00023 land to the south of River Stour on landscape character area A2 Ash levels and viewpoint 8. The applicant is requested to engage with Thanet District Council (TDC) and Dover District Council (DDC) to agree a position statement as to whether any additional mitigation is available.	<p>TDC has provided the necessary wording to the applicant for providing a position statement. For avoidance of doubt, TDC's position is as follows:</p> <p>TDC does not consider that additional mitigation is available to address the identified significant cumulative effects.</p>

<p>4.5 Scope of preconstruction surveys in the outline Landscape and Ecological Management Plans</p>	<p>Relevant local authorities to comment on the adequacy of the scope of preconstruction surveys in the oLEMP for Suffolk [REP6-078] and Kent [REP6-080]. Requirement 5(3) of the draft Development Consent Order (dDCO) [REP6-004] states “For the avoidance of doubt, all pre-commencement operations must be carried out in accordance with the plans listed in sub-paragraph (2), the outline management plans...”. The DL6 outline onshore construction environmental management plan (oCEMP) [REP6-074] secured by requirement 6(1) includes commitment “B75: The key ecology survey updates as set out in the Kent oLEMP (specifically for schedule 1 birds, roosting bats, dormice, and riparian mammals) must be undertaken prior to vegetation clearance in those areas.” However, this provision is not mirrored for Suffolk. Applicant to update the oCEMP and REAC [REP6-134] to include a similar provision or explain why this is not necessary</p>	<p>TDC are content with the scope of preconstruction surveys in the oLEMP for Kent [REP6-080].</p>
<p>4.7 Unilateral undertaking</p>	<p>Applicant to confirm when the unilateral undertaking (UU) in respect of the proposed 10% biodiversity net gain commitment will be submitted to the examination. In the absence of a UU, the applicant and local authorities to provide wording for a DCO requirement to secure this commitment. The ExA notes that it would be unable to give any weight to this commitment in its recommendation without a signed UU or appropriate DCO wording.</p>	<p>TDC suggests the following wording for a new Requirement:</p> <p><i>* (1) No part of the authorised development may commence until a biodiversity net gain strategy for that part has been submitted to and approved by the relevant planning authority for that part, or where a part falls within the administrative areas of multiple planning authorities each of the relevant planning authorities, in consultation with the relevant statutory nature conservation body.</i></p> <p><i>(2) The biodiversity net gain strategy must include details of how the strategy will secure a minimum of 10% biodiversity net gain for the authorised development during the operation of the authorised development, and the metric that has been used to calculate that those percentages will be reached.</i></p> <p><i>(3) The biodiversity net gain strategy must be substantially in accordance with the outline landscape and ecological management plan and must be implemented as approved and maintained throughout the operation of authorised development.</i></p>
<p>5.9 Land To the South of River Stour Ramsgate Road - Solar Farm</p>	<p>The applicant [REP6-098] assesses that the proposed solar farm at Land to the South of River Stour Ramsgate Road (25/00023) would result in a significant residual effect on Richborough Saxon Shore Fort, Roman Port, and associated</p>	<p>TDC defers to Historic England and Kent County Council as to whether there is any change to the overall assessments of the impact to the Roman Fort and if the applicant cannot apply any effective mitigation in the circumstances.</p>

	<p>remains. It states that both the proposed development and the solar farm would be visible from this heritage asset, but there is no effective mitigation that could be applied by the applicant. The applicant explains that this is because the solar farm causes the greater part of the effect and would result in a significant effect in isolation.</p> <p>The ExA asks for a response to this from both HE, Thanet District Council and KCC, including whether this changes your overall assessments of the impact to the Roman Fort and whether you agree that the applicant cannot apply any effective mitigation in the circumstances.</p>	<p>However, TDC does not consider that additional mitigation is available to address the identified significant cumulative effects.</p>
<p>9.1 Tourism monitoring</p>	<p>The applicant [REP6-111] has stated that tourism monitoring is unnecessary in light of the assessment showing no significant effects. In any event the applicant does not consider that this would be possible to robustly monitor, particularly given the lack of a clearly evidenced pathway for how these adverse effects would occur. Furthermore, the applicant states that it would not be possible to isolate any marginal influence from the proposed development on tourism given the relatively modest scale of the proposed development in terms of extent, worker numbers and duration compared to a substantial project, such as SZC. The ExA asks all local authorities to respond to these comments and set out how in practice any results from tourism monitoring would be of value and how the impact of the proposed development could be discerned from other developments?</p>	<p>The Applicant relies on the conclusion that the ES does not find there to be any significant adverse effects on tourism and refers to Paragraph 5.13.8 of NPS EN-1 which does not require there to be significant adverse socio-economic impacts but just 'any adverse socio-economic impacts'. Notwithstanding this, TDC considers there is a potential for significant adverse socio-economic effects particularly on tourism.</p> <p>TDC acknowledges that monitoring the impact on tourism in Suffolk is more complex, the situation within Thanet is more straightforward and monitoring the impact of the proposed development on tourism and accommodation capacity would provide valuable data as to whether the proposed development has resulted in a significant effect on tourism. This can be achieved by regularly reviewing the accommodation capacity within Thanet and comparing this to the accommodation capacity prior to the commencement of the development , whilst obtaining visitor numbers from the Council and/or attractions in Kent such as the Turner Contemporary. Appropriate mitigation could then be considered to reduce any adverse socio-economic impacts. TDC and its partners would be willing to work with the applicant to assist in the monitoring of the impact on tourism.</p> <p>TDC notes that the Applicant has made a commitment in the REAC [REP6-134] regarding the impact on tourist accommodation availability but in Suffolk only. This should also be applied in Thanet where tourism represents a 5th of the economy.</p> <p>TDC supports the proposed requirement for an Accommodation Strategy and Monitoring Plan submitted by Suffolk County Council at point 10 of</p>

		<p>their Appendix A to Suffolk County Council’s response to ISH 3 Action Points: Schedule of Changes to the DCO (Action Point 1) [REP6-237].</p>
<p>10.2 Health and wellbeing monitoring</p>	<p>The applicant, in response to ExQ3HW3 [REP6-111] states that it does not agree to the inclusion of a mental health and monitoring plan because the applicant does not consider that such a monitoring plan is possible due to there being substantial limitations, particularly regarding attribution and follow on mitigation. For all local authorities, respond and explain how these limitations, particularly relating to attribution and follow-up mitigation, could be addressed.</p>	<p>TDC acknowledges the intricacies and difficulty in attributing the impact of the proposed development on mental health, particularly in the Suffolk context. TDC requests that any mitigation/commitments are applied in Kent and not just Suffolk with regard to mental health. The Applicant has proposed a number of additional measures such as HW02 in the REAC [REP6-134] however, a mental health and monitoring plan would be a useful document to collate these mitigation measures and provide a suitable monitoring framework. The impact on mental health also stems from the cumulative impact of the developments and infrastructure projects and thus whilst previous developments and projects have not been required to monitor mental health impacts, the addition of the Sea Link project is considered to generate adverse impacts on mental health.</p>
<p>11.2 Access to Pegwell Bay</p>	<p>In light of TDC comments in response to AP57, AP84, AP85 [REP6-274] and in [REP4-160], which suggest that additional controls on access to Pegwell Bay should be secured, the applicant, NE, National Trust, TDC and Kent Wildlife Trust to comment on the need for a requirement as follows: “Access to Pegwell Bay (1) Vehicles and machinery must not directly traverse the edge of the concrete skirt. Access shall be via engineered ramps or temporary bridging structures designed to distribute weight and prevent direct contact with the skirt. Structures must be constructed from non-contaminating materials (e.g., geotextile-reinforced matting) and approved by an independent structural engineer prior to use. (2) The hoverport area and all access points must be pre-assessed via non-invasive surveys (e.g., ground-penetrating radar) to identify weak zones. (3) Vehicle movements shall be limited to designated structurally sound pathways within the apron, avoiding proximity to the bay edge by at least 5 meters unless bridged. (4) All entry/exit points must incorporate wheel-wash facilities (non-toxic to marine environment and aquatic organisms) or decontamination zones to prevent tracking of materials from the pad into the bay. (5) A monitoring program shall be submitted to the relevant planning authority for</p>	<p>TDC accepts the requirements proposed.</p> <p>The Environment Agency should be consulted on their specific guidelines on inspection techniques and sampling methods.</p> <p>Where contamination is from a land-based source affecting the intertidal zone in a NNR, the EA’s Land Contamination Risk Management (LCRM) guidance is available online at: https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm</p> <p>Water framework directive guidance from the EA is available here: https://www.gov.uk/guidance/water-framework-directive-assessment-estuarine-and-coastal-waters</p> <p>Please note, the Marine Management Organisation (MMO) and Natural England should be consulted with regard to the baseline sediment criteria in a SSSI, and assessment in intertidal and marine areas. Site specific criteria will need to be established by the applicant. Natural England Common Standards Monitoring (CSM) guidance in relation to the habitat, includes physical and chemical sediment characteristics.</p>

	<p>approval prior to construction. This shall include baseline surveys of the concrete skirt integrity, subsurface materials, and bay sediments prior to commencement. The monitoring program shall include details of the inspection frequency (which shall be at least monthly), techniques and sampling methods and trigger levels for action (based on Environment Agency (EA) guidelines)." TDC to also comment on the specific EA guidelines to be referenced.</p>	
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