

## **Decision Notice**

MC/19/3015



Mr Christo Hammes  
NeuConnect Britain Ltd  
105 Piccadilly  
London  
W1J 7NJ

**Applicant Name:**

Planning Service  
Physical & Cultural Regeneration  
Regeneration, Culture, Environment &  
Transformation  
Gun Wharf  
Dock Road  
Chatham  
Kent  
ME4 4TR  
01634 331700  
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Planning.representations@medway.gov.uk

### **Town and Country Planning Act 1990**

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**Location:** Land West Of Grain Road And South Of West Lane, Medway Power Station, Grain Road, Isle Of Grain, Rochester

**Proposal:** Outline planning permission with some matters reserved (appearance landscaping layout and scale) for the construction and operation of converter station, substation, associated plant, equipment, cables and boundary treatment as part of an interconnector to create a link between the Great British and German electricity networks.

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### **Notification of Grant of Outline Planning Permission to Develop Land.**

Take Notice that the Medway Council in pursuance of its powers under the above Act HAS GRANTED OUTLINE PERMISSION for the development of land as described above in accordance with your application for planning permission received complete on 22 October 2020.

### **SUBJECT TO THE CONDITIONS SPECIFIED HEREUNDER:**

- 1 Approval of the details of the layout, scale and appearance of the buildings and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory.

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers: NC\_201009\_UKON\_PA\_1\_V2,  
NC\_201009\_UKON\_PA\_2\_V2, NC\_201009\_UKON\_PA\_3\_V1,  
NC\_201009\_UKON\_PA\_6\_V2, received 9 October 2020; and  
NC\_201009\_UKON\_PA\_5\_V3, received 20 October 2020.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 4 Any of the buildings or structures to be constructed forming part of the proposed development shall not exceed 26 metres in height, in accordance with the details as set out in the Planning Statement and the layout of the areas shall be as set out in the submitted Parameter Plan (drawing number NC\_201009\_UKON\_PA\_3\_V1).

Reason: To restrict and monitor the scale of the development in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 5 Prior to the commencement of development on site, details of any lighting that may be required for the construction of each phase or subphase (including temporary lighting) shall be submitted to and approved in writing by the Local Planning Authority. Each phase or subphase of the development shall thereafter be carried out in accordance with the approved detail.

Reason: To ensure that any lighting installed on site is not detrimental to the adjacent designated sites or the recorded species in the area.

- 6 Prior to the commencement of works above slab level for each phase or subphase, details of any external lighting that is to be installed on the finished development shall be detailed and submitted to and approved in writing by the Local Planning Authority. All external lighting on that phase or subphase of the development shall thereafter be provided in accordance with the approved detail.

Reason: To ensure that any lighting installed on site is not detrimental to the adjacent designated sites or the recorded species in the area.

- 7 Details of proposed SuDS techniques shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall thereafter be completed in accordance with the approved detail.

Reason: To ensure enhanced development aesthetics, increase biodiversity and improve water quality.

- 8 Prior to the commencement of development, a maintenance schedule for the lifetime of the development detailing the maintenance of the SuDS (including a plan of frequency of maintenance for each SuDS feature - based on guidance in the CIRCA SuDS Manual, and details of who will be carrying out the maintenance) shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be maintained in accordance with the approved schedule.

Reason: To ensure the SuDS remain effective, to increase biodiversity and to improve water quality.

- 9 A pre- and post-construction monitoring programme shall be agreed with the Local Planning Authority prior to the commencement of any works on site. This shall include verification relating to the speed of recoverability of the habitat and the mudflats through the mid to low shore intertidal areas as well as a seasonal restriction on cable installation activities in the intertidal, for the months of February to March, for the protection of smelt.

Reason: to ensure that the application will not hinder the conservation objectives of the site, in accordance with advice given by Natural England.

- 10 Piling activities shall be stopped if being carried out within 300m of where a Marsh Harrier nest is located. This piling shall cease until the birds have fledged.

Reason: To ensure the protection and conservation of nesting Marsh Harriers.

- 11 Percussive piling shall not take place in the months of January and February.

Reason: To reduce the impact of the proposal on the Marine Conservation Zone (MCZ).

- 12 This development shall use the method of Horizontal Directional Drilling (HDD) for the installation of the cable through the intertidal zone.

Reason: To ensure that physical disturbance to the intertidal area does not occur, in accordance with advice taken from Natural England.

- 13 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 14 to 16 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 17 has been complied with in relation to that contamination.

Reason: Required to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 14 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The desk study, investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- o human health
- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- o adjoining land,
- o groundwaters and surface waters,
- o ecological systems,
- o archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that the development does not contribute to irreversible detrimental impact on water courses, or is not put at any unacceptable risk from,

or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

- 15 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 16 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 17 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 14, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 15, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 15 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 16.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 18 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the NPPF.

- 19 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the NPPF.

- 20 Prior to the commencement of any part of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority for that part. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, the

countryside, wildlife and habitat and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 21 The developer must agree with Southern Water, prior to commencement of the development, the measures to be undertaken to protect the public water supply main.

Reason: To ensure that the public water supply main is not impacted as a result of this development.

- 22 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

i. archaeological field evaluation works, including specialist assessment of the site's Palaeolithic potential, in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and  
ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

- 23 No development shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that due regard is had to the preservation in situ of important archaeological remains.

- 24 Following completion on-site of the archaeological mitigation works, referred to in condition 22 above, a Post-excavation Assessment Report shall be submitted to the local planning authority for approval. The Post-Excavation Assessment Report shall include an Updated Project Design and accompanying timetable for any further analysis and for the publication of the findings of the archaeological investigations and deposition of the resulting archaeological archive. The analysis, archaeological publication and the deposition of the archive shall be funded by the developer and carried out in accordance with the programme and timetable set out in the Updated Project Design.

Reason: To ensure the results of the archaeological investigations are made publicly accessible so as to advance understanding of the significance of any heritage assets to be lost (wholly or in part) in accordance with the objectives of the NPPF.

- 25 No development (including enabling or access works) shall take place within 20m of the Grade II Listed World War II Anti-Tank Obstacles until temporary fencing has been erected, in a manner to be agreed with the Local Planning Authority, about the listed structure; and no works shall take place within the area inside that fencing without the consent of the Local Planning Authority.

Reason: To ensure that important archaeological remains are not adversely affected by construction works.

- 26 The technical specification of each required back-up generator shall be submitted to and approved in writing by the Local Planning Authority prior to installation of that specific generator. The technical specification shall be accompanied by a noise assessment. The development shall thereafter be completed in accordance with the agreed detail.

Reason: To ensure that the backup generator is compliant with the BS4142:2014 standards for noise transmission and in accordance with Policy BNE2 of the Medway Local Plan 2003.

**Your attention is drawn to the following informative(s) :-**

- 1 In accordance with paragraph 38 of the NPPF Medway Council takes a positive, proactive and creative approach to development proposals focused on solutions. Medway Council works with applicants/agents in a positive, proactive and creative and manner by:

Offering a pre-application advice service;

Updating applicants/agents of any issues that may arise in the processing of their application;

Where possible suggesting solutions; and

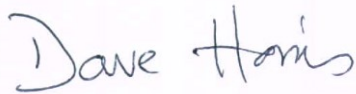
Informing applicants/agents of any likely recommendation of refusal prior to a decision.

In this instance the application was acceptable with further information and assessments that were carried out and agreed through out the application process.

- 2 The decision for also takes into account the application form and following supporting documents; Planning Statement, Design and Access Statement, Environmental Statement (Vol 1 - non-technical summary), Environmental Statement (Vol 2 - main report), Environmental Statement (Vol 3 - figures), Environmental Statement (Vol 4 - technical appendices), Habitat Regulations



Assessment Report (all received 15 November 2019) Line Search (received 26 November 2019) Additional Ecological Information, Appendix A, Appendix B (all received 9 October 2020).

A handwritten signature in blue ink that reads "Dave Harris". The signature is written in a cursive style with a large initial 'D'.

David Harris  
Head of Planning  
Date of Notice 12 February 2021

**TOWN & COUNTRY PLANNING (APPEALS) (WRITTEN REPRESENTATIONS)  
(ENGLAND) (AMENDMENT) (REGULATIONS 2013)**

**TOWN AND COUNTRY PLANNING ACT 1990**

***Appeals to the Secretary of State***

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks** from the date of this notice for appeals being decided under the **Commercial Appeals Service** and **6 months** from the date of this notice for all other **minor and major applications**.
  - However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:
    - **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
    - **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).
  - Appeals must be made using a form which you can obtain from the Planning Inspectorate by contacting Customer Support Team on 0303 444 50 00 or to submit electronically via the Planning Portal at

[https://www.planningportal.co.uk/info/200207/appeals/110/making\\_an\\_appeal](https://www.planningportal.co.uk/info/200207/appeals/110/making_an_appeal)

**Commercial Appeals Service**

- This type of appeal proceeds by way of written representations, known as the "Commercial Appeals Service". Third parties will not have the opportunity to make further representations to the Planning Inspectorate on these.

**All other Minor and Major Applications**

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the

proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based on their decision on a direction given by him.

### ***Purchase Notes***

- If either the Local Planning Authority or the Secretary of State refuses permission to development land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.