
WEST FLANDERS ENVIRONMENTAL DEPARTMENT
JACOB VAN MAERLANT BUILDING

BUILDING PERMIT UNDER THE SPECIAL PROCEDURE

On 28/09/2016, the regional official for urban development received the application submitted by Nemo Link, having its offices at Joseph Stevensstraat 7, 1000 Brussels.

The application concerns a property located at Groendijk / Zeebruggelaan in Blankenberge and Groendijk / Kruipuit / Patentestraat / Pathoekeweg in Bruges and Bontepoortstraat in Zuienkerke, designated in the land register as:

- Blankenberge: 3rd pt., section N, number(s): 507D5, 578C, 582A, 582C, 584B - section B, number(s): 15D, 16D, 54, 59, 740, 7402, 92C, 93B
- Zuienkerke: 1st pt., section C, number(s): 335A
- Bruges: 10th pt., section N, number(s): 1056B, 1056D, 1056E, 5363, 536C2, 634M, 634N, 635K, 635L, 635N, 971B, 974B, 974C
- Bruges: 13th pt., section R, number(s): 372G2, 481C, 507A, 507A3, 507A4, 507B5, 507C2, 625K3/9, 628L, 629N
- Bruges: 14th pt., section D, number(s): 249N, 465, 524, 534, 535A, 826, 827, 828, 876K, 877B.

The application concerns: the realisation of an underground 400 kV cable connection between the new Nemo converter station to be built at Pathoekeweg 302, industrial zone Herdersbrug, 8000 Bruges and the mean low water spring at the beach of Zeebrugge.

This application was studied, taking into account the applicable legal provisions, in particular the Flemish Codex on Spatial Planning (VCRO).

On 21/11/2016, the application was declared admissible and complete based on article 4.7.26. §3 of the Flemish Codex on Spatial Planning.

The regional official for urban development motivated his/her opinion as follows:

DESCRIPTION OF THE ENVIRONMENT AND THE APPLICATION

The object of this application is to obtain a building permit for the installation of an underground 400 kV cable connection between the new Nemo converter station to be built at Pathoekeweg 302, located in the industrial zone Herdersbrug, 8000 Bruges up to the mean low water spring (coast of Zeebrugge). For the converter station, a separate building permit was applied for and approved on 04/08/2016, ref. 8.00/00004/1007.10 of the Environmental Department.

The objective of the Nemo Link project is to connect the transmission systems of the United Kingdom and Belgium by means of a submarine cable, followed by a short onshore cable section.

This dossier solely concerns the building permit application for the onshore cable section, i.e. the part of the project located within the Flemish Region, being the 400 kV HVDC underground cable connection from the mean low water spring at the beach of Zeebrugge up to the Nemo AC-DC converter station to be built at Pathoekeweg no 302, located in the Herdersbrug industrial zone in Bruges (next to the already existing Electrabel/Engie power plant).

In Flanders, the project is split up into 3 parts; for each part, a separate building permit is applied for.

These 3 project components are:

1. The construction of an underground high voltage cable (400 kV) using direct current for the transmission of electricity (HVDC cable link) between the mean low water spring (MLWS) and the new Nemo converter station (principal: Nemo Link Limited) - object of this permit application;
2. Realisation of the new Nemo converter station in the industrial zone Herdersbrug in Bruges (principal Nemo Link Limited - the building permit was granted on 04/08/2016 ref. 8.00/00004/1007.10 of the Environmental Department;
3. Installation of underground high voltage cables for the transmission of electricity (alternating current) between the converter station and the Gezelle substation under construction at De Spie in Bruges (principal: Elia Asset NV) - submission of the application for a building permit planned for early 2017.

Over a distance of 215 m, the HVDC cable link crosses the Habitats Directive area "Duingebieden incl. IJzermonding en Zwin" and the Birds Directive area "Poldercomplex" over a distance of 995 m by means of directional drilling. Further on, the HVDC connection is mainly installed in an open trench until it reaches the converter station. The total route length amounts to approx. 8,850 m.

Objectives:

For Elia Asset NV and National Grid International Limited, the objective of the Nemo Link project is to connect the transmission systems of the United Kingdom and Belgium by means of an interconnector with a transmission capacity of 1,000 MW. Electricity will be able to flow in both directions at different times. The direction of the flow depends on the demand and offer in both countries. This system offers a quick response to changes in the generation and consumption of electricity by enabling the swift adjustment of power flows.

The objective of the Nemo project is threefold: i.e. to increase the security of supply, to lower electricity prices and to promote the use of renewable energy.

Security of supply: interconnections play a crucial part in the strategy of the European Union to create a competitive and integrated European energy market. By enabling the exchange of electricity between Belgium and the United Kingdom, the Nemo Link interconnector will increase the security of supply and diversify the power mix of both countries.

Electricity prices: an integrated European energy market with import and export of energy from and to the neighbouring countries offers more possibilities for Belgium and the United Kingdom to exchange energy on a larger European energy market and grants them greater influence on the wholesale prices for electricity.

Promote the use of **renewable energy:** in order to realise the international and national sustainability and climate targets, Belgium and the United Kingdom will generate more electricity from renewable sources, including offshore wind power. Electricity generated from wind is inherently volatile; interconnections enable a better coordination of fluctuations in offer and demand.

Description of the works:

The works include the following:

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- Breaking up various types of surfacing (concrete pavement, asphalt, concrete, etc.);
 - Creating temporary access ways and construction sites;
 - Installing temporary drainage if necessary;
 - Performing open trench works for the installation of temporary pipes with a diameter of 200 mm;
 - Performing directional drilling;
 - Installing 1 connection shaft and 14 junction box pits to connect high voltage cables;
 - Installing the 400 kV DC cable connection;
 - Restoring the various types of surface hardening broken up to their original state;
 - Digging off farmland: adjusted working method, separation of layers;

The underground cable connection will be installed over a distance of $\pm 8,850$ m of which $\pm 1,112$ m by means of directional drilling.

8 tunnels will be realised by means of directional drilling:

1. underneath the dunes and dune area "De Fonteintjes";
2. underneath the polder area "Oudemaarspolder";
3. in the Groendijk, underneath the 2nd category watercourse "Lange Smalle Watergang";
4. in the Patentestraat, underneath the Canadezenstraat and Lisseweegsesteenweg;
5. in the Bontepoortstraat and underneath the unclassified watercourse "VHAG 2613";
6. underneath Zeelaan N31 and 2nd category watercourse "Lisseweegsevaart";
7. underneath the Ter Doestdreef, railway 51 (lines A & B), Stationsweg N348 and A11;
8. underneath 2nd category watercourse "Zijdelingse waterloop" and the Pathoekeweg.

The project starts at the MLWS line: the submarine cable is installed at the beach in an open trench (see Work Description - 1.5.3 Description of open trench method).

In order to realise the connection between the submarine and onshore cables, a connection shaft is created on the beach.

The onshore cables then continue via directional drilling (execution method: see Work Description - 1.5.4 Description of work method for installation by means of directional drilling) underneath the dunes and dune area "De Fonteintjes" and a few private lots up to the Zeebruggelaan (see green lines on image 3).

From the Zeebruggelaan, the cables subsequently follow the public domain up to the Groendijk leading to the Patentestraat, the Bontepoortstraat and Kruipuit.

At Kruipuit, the cable crosses private lots in the direction of the Zeelaan by means of directional drilling.

Directional drilling is also used to cross the road works on the A11, railway 51A (Bruges-Zeebrugge) and 51B (Bruges-Knokke) and various private lots up to the Pathoekeweg.

In the Pathoekeweg, the cable is further installed in an open trench up to the Nemo converter station.

Technical description of the works

The underground high voltage connection is installed in an open trench insofar as possible.

Where obstacles such as roads, watercourses, railway infrastructure etc. are crossed that cannot be broken up, the installation will be realised by means of directional drilling wherever feasible.

Contrary to the inland open trench installation method, no dolomite bedding or casing needs to be installed in the area of the connection with the submarine cable. The complete connection shaft is installed underground and covered with sand.

The cable connection will consist of 2 circuits, each circuit consisting of one 400 kV EXeCLW(FO) cable 1600/126 mm² with a cross-section of 1600 mm. The cables are installed next to each other; the distance between the axes of the cables is 300 mm. The cables are laid in a temporary HDPE pipe with a 200 mm diameter. The optical fibre cable is integrated in the circuit and does not need to be added to the trench as a separate cable.

The underside of the cable is located at a minimum depth of 1.50 m below ground level. The cable is always encased in dolomite or a different material with a similar granulometry and a similar heat dissipation (controlled backfilling). The cables are protected by polyethylene (PE) tiles with the inscription "400,000 V DC - Nemo Link". These tiles are installed at a depth of approx. 1.15 m below ground level and covered with sand. Between the cover materials and the tiles, three yellow warning strips are placed with the repeating inscription (in black) "NEMO link 400,000 V DC" and 2 lightning bolts to indicate the presence of high voltage cables. The warning strips comply with standard NBN EN12613. These plastic strips are placed at a depth of at least 1.00 m below ground level.

The presence of underground 400 kV cables will be indicated in a visible and durable manner by means of markings on the ground level surface in application of the AREI regulations (general regulations on electrical equipment). Along the route, 14 junction box pits are placed as well as 1 connection shaft. The distance between the different junction box pits is ± 600 m. Inside the junction box pits, two cable ends are connected by means of a sleeve. The junction box pits are created underground ($\pm L 6.28 \times W 1.80 \times D 0.80$ m) and are filled up with a sand-cement mixture, surrounded by sand and protected with PE tiles or a concrete slab. The pits located on private property have a 1.30 m soil cover, the warning strips are located 1.20 m below ground level and are not visible aboveground. The pits located in the public domain have a soil cover of ± 0.90 m.

The connection shaft at the beach is made of concrete ($\pm L 11.40 \times W 9.10 \times D 1.51$ m) and covered with PE tiles. The shaft is completely embedded and has a soil cover of ± 2.65 m. Warning strips are placed between the covering and the tiles.

The cables' depth at the beach is at least 3.00 m from the upper side of the cable.

In addition to the junction box pits, underground link boxes ($\pm L 1.38 \times W 1.43 \times D 0.85$ m) are placed. These are constructed with bricks and are intended to connect the optical fibre cable (see plan number 12136, folio 002/0003). In the public domain, these can be accessed by means of a square manhole cover of reinforced concrete. The link boxes on private lots are fully embedded and have a 0.90 m soil cover.

In the explanatory note added to the application, the open trench method and the work method for directional drilling are described in detail (pages 14/38 - 16/38).

Actual overview and state of the site where the works are planned

The project is located on the territory of the city of Blankenberge, the municipality of Zuienkerke and the city of Bruges.

From the Nemo converter station, located in the industrial zone Herdersbrug in Bruges, the cable connection follows the Pathoekeweg (roadbed). At the Pathoekeweg (Bruges fire department), the cable connection crosses private lots (for the most part owned by AWW) and subsequently intersects with the A11 motorway (under construction) and the railway infrastructure.

The cable connection then crosses the Zeelaan N31 and from there follows Kruiplit, the Bontepoortstraat, the Patentestraat, the Groendijk and the Zeebruggelaan. These streets have an approximate width of 3.5 m and function as local access roads in the agricultural domain.

After the Zeebruggelaan, the cable connection crosses the Oudemaarspolder by means of directional drilling. This is an agricultural area with a valuable landscape as well as a Birds Directive area, i.e. "Poldercomplex".

Then, the regional road Kustlaan N34 and the dunes (Fonteintjes) are crossed by means of directional drilling, where the cable arrives at the beach. The dunes are a Habitats Directive area, i.e. "Duingebieden inclusief IJzermonding en Zwin" as well as a Birds Directive area, i.e. "Poldercomplex".

The landscape view, the lots and the areas through which the cable runs are well documented in the corresponding photo report.

Planned timing

The works are planned between September 2017 and June 2018 and the cable should be operational by January 2019.

In the next phase, an application will be submitted for the installation of underground high voltage cables that use alternating current for the transmission of electricity between the Nemo converter station and the Gezelle substation in "de Spie".

URBAN PLANNING BASE DATA FROM THE DEVELOPMENT PLANS / LAND USE PLANS

Location according to the construction plans + corresponding regulations

According to the regional zoning plan for the eastern coast of Bruges (Royal Decree 07/04/1977), the route is located in a wildlife area of scientific value or natural reserve, agricultural areas with a valuable landscape and an area for environmentally harmful industry, with the following regulations:

Greenbelts are destined for the preservation, protection and recovery of the natural environment. **Wildlife areas of scientific value or natural reserves** are areas that need to be preserved in their original state because of their scientific and educational value. In these areas, only those activities and works are permitted which are necessary for the active or passive protection of the area.

Agricultural areas are destined for agriculture in the broadest sense. Notwithstanding special provisions, the agricultural areas can only contain the buildings required for the exploitation, the residence of the proprietors, as well as accommodations insofar as these are an integral part of a viable enterprise, in addition to para-agrarian companies. Buildings destined for agricultural activities not linked to the land and with an industrial character or for factory farming can only be constructed at a distance of at least 300 m from a residential area or at least 100 m from a residential expansion area, unless it concerns a residential area of a rural character. Nevertheless, the distances of 300 and 100 m do not apply when existing companies are expanded. The transition to woodland area is permitted in accordance with the stipulations of article

35 of the Rural Code ("Veldwetboek") concerning the delineation of the agricultural and woodland areas.

Areas with a valuable landscape are areas where certain limitations are imposed to protect or develop the landscape.

Industrial zones are destined for the establishment of industrial and commercial companies. These include a buffer zone. Insofar as such is necessary with regard to the safety and proper functioning of the company, they can also include the stationing of security guards. These areas also allow companies that provide complementary services to other industrial companies, i.e.: bank agencies, petrol stations, transport companies, corporate restaurants, warehouses for the storage of goods destined for national or international sale.

Areas for environmentally harmful industries are destined for companies that have to be isolated for economic or social reasons;

Location according to the execution plans + corresponding regulations

The route is partially located within the **Regional Land Use Plan Demarcation of the Zeebrugge Seaport** ("RUP afbakening van het Zeehavengebied Zeebrugge") in its final version of 19/06/2009. The cable crosses the seaport near the intersection between the Zeelaan and N348 (A11) and in the northern part of the Herdersbrug industrial zone. The following destination zones apply:

Art. 1 Seaport demarcation line

This article includes no specific provisions with regard to the realisation of lines and cables within the bounds of the seaport.

Art. 4 Area for seaport- and waterbound companies on the not-waterbound terrains

This article includes no specific provisions with regard to the realisation of lines and cables within the destination zone.

Art. 5 Area for seaport- and waterbound companies on the waterbound terrains

This article includes no specific provisions with regard to the realisation of lines and cables within the destination zone.

Art. 18 Area reserved for line infrastructure

The article states that "... all works, activities and changes with a view to ... crossing infrastructures, lines, telecommunications infrastructure, ... are permitted. ..."

The route is partly located within the **Regional Land Use Plan Optimisation of the High Voltage Power Grid in Flanders** ("RUP Optimalisatie van het Hoogspanningsnet in Vlaanderen") in its final version of 13/07/2012.

The cable follows the route of **art. 2 Line strip** for the section where the line runs from the beach to the Oudemaarspolder by means of directional drilling.

In this zone: all works, activities and changes are permitted for the installation, exploitation and modifications of underground transport lines and their appurtenances. New lines are realised in function of the optimal land use of the line strip by limiting the use of space.

The permit applications for a transport line and appurtenances are evaluated taking into account the destination indicated by the principal colour.

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At the passage underneath the dunes, the cable will be installed using methods with a minimal impact. Installation by means of open trenching is not permitted.

After the works, the relief and landscape structure of the polder have to be restored.

In addition, the cable crosses the destination zones of this RUP at the intersection of the Groenstraat and Patentestraat. The following RUP provisions apply:

Art 3. High voltage power line

In this zone, indicated with this offprint, all works, activities and changes are permitted for the installation, exploitation and the modifications of a high voltage power line and its appurtenances. The permit applications for a high

voltage power line and appurtenances are evaluated taking into account the destination indicated by the plan colour.

The destination indicated by the principal colour applies, provided that this is not detrimental to the installation, exploitation and modification of the existing high voltage power line.

Art 4. Offprint area: limitation of zone usage

Within the indication "offprint area: limitation of zone usage", the following zone usage limitations apply:

- Raising existing structures and buildings by renovating or reconstructing to a height greater than the building height limitation stipulated in this regulation is not permitted;
- Erecting new structures and buildings of any nature is only permitted if their height is limited to:
 - o 8 m for residential areas, residential areas with a rural character, residential expansion areas
 - o 11 m for industrial areas, SMB areas, areas of public interest;
 - o 20 m for industrial areas within demarcated harbour areas;
 - o 4 m for all agricultural areas, all green destinations and all other destinations.

Nevertheless, these height limitations do not apply to works, activities and changes for the installation, functioning or modification of road infrastructure, waterway infrastructure and their appurtenances.

The following works, activities, installations and facilities are not permitted within this area:

- The execution of works that directly or indirectly lead to a higher ground level;
- The driving of poles, pickets and/or sheet piles if the works require an available height greater than the stipulated maximum building height;
- The use of construction cranes with a height greater than the mentioned maximum building height;
- The planting of trees and other plants as well as letting seedlings grow unchecked that can reach a height greater than the permitted height for new constructions and buildings within the relevant destination zone.

The area with a limited zone usage is 60 m wide: 30 m on either side of the axis of the high voltage power line.

Location according to the allotment

Not applicable.

Determination of the plan that applies to the application and the compliance with this plan

The cable route between the connection shaft and the Zeebrugge

The cable route between the connection shaft and the Zeebrugge crosses the destination zones "wildlife area of scientific value or natural reserve" and "agricultural area with a valuable landscape". The cable route complies with the provisions of the wildlife area because here, the cable route is located within the contours of the GRUP Optimisation of the High Voltage Power Grid in Flanders. The cable route does not comply with the provisions for agricultural areas with a valuable landscape.

Furthermore, the section of the cable route between the connection shaft and the Oudemaarspolder is located within the line strip destination zone (art. 2) of the GRUP Optimisation of the High Voltage Power Grid in Flanders. Article 2.1 states that new lines are realised in function of the optimal land use of the line strip by limiting the use of space. In addition, article 2.3 states that at the passage underneath the dunes, the cable has to be installed using methods with a minimal impact. It is also stated that the use of open trench methods does not apply.

Here, the cable route complies with the urban planning regulations of the RUP. The Nemo cable was designed taking into account the location of the already approved offshore high voltage cables reaching the shore. Therefore, the optimal use of space was already taken into account. The cable is laid underneath the dunes by means of directional drilling. As imposed by the corresponding assessment, the duration of drainage will be limited.

The cable route between Kruipuit and the Pathoekeweg

For the first section, the route between Kruipuit and the Herdersbrug industrial area, the destinations of the regional zoning plan apply. Here, the cable route runs through an agricultural area. The line route also crosses an offprint area for separate lines to be installed as well as an area reserved for line infrastructure (art. 18) as stipulated in the GRUP Demarcation of the Zeebrugge seaport.

The cable route does not comply with the provisions for agricultural areas. For this section, a motivated request for deviation from the building regulations will be drawn up (see further on under 2.3.3). The cable route does comply with the zone reserved for line infrastructure because the regulations state that all works, activities and modifications in view of the crossing of lines are permitted.

The second section fully complies with the GRUP Demarcation of the Zeebrugge seaport. The cable route is located within the area for seaport- and waterbound companies on the not-waterbound terrains (art. 4). From the Pathoekeweg, the cable route again continues along public roads until it reaches the site of the Nemo converter station.

The construction sites

Different construction sites are planned on private lots which according to the regional zoning plan are agricultural areas (with a valuable landscape). This is not in conformity with the provisions of the regional zoning plan.

Deviations from the urban planning regulations

In three locations, the cable route does not comply with the urban planning regulations of the regional zoning plan or the GRUP that applies there (see above). The Flemish Codex on Spatial Planning provides that deviations from the urban planning regulations are possible for the performance of works of public interest with a limited spatial impact (VCRO art. 4.4.7.§2).

Actions of common interest can have a spatially limited impact due to their nature or scope, or because they only cause a modification or expansion of existing or planned infrastructure or facilities.

The Flemish Government determines which actions in the public interest are included in this scope of application.

The Decision of the Flemish Government designating the actions as intended by article 4.1.1, 5°, article 4.4.7, §2, and article 4.7.1, §2, second paragraph, of the Flemish Codex on Spatial Planning (VCRO) and regulating the prior consultation with the Flemish Government Architect determines which actions can be considered actions in the public interest and which actions have a limited spatial impact.

Chapter III of the implementing decision lists the actions in the public interest with a spatially limited impact or which can be considered as such. According to the following items, the cable route can be considered an action in the public interest with a limited spatial impact:

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- art. 3. §2 5° a) the installation of underground electricity lines intended for the public transport network, and their appurtenances
 - art. 3. §2 6° the modification or expansion of existing or planned under- or aboveground electricity lines intended for the public transport network, and their appurtenances, such as converter stations, including branch lines which deviate from the urban planning regulations over a length of no more than five kilometres

A number of construction sites will also need to be created to realise the cable route. These constructions also do not comply with the urban planning regulations for the applicable destinations. According to art. 3. §2 14° regarding construction sites and temporary (ground) storage in view of the performance of actions mentioned in art. 3. §2 can also be considered actions in the public interest with a limited spatial impact.

The spatially limited impact can also be motivated based on the chosen installation method and the location of the cable route in view of the compliance with the destination zone.

For instance, the cable route in the Oudemaarspolder is installed by means of directional drilling underneath the polder area. As a result, there is no direct impact on the intended zone use of the area. At the Zeelaan, the cable route is integrated in the infrastructure bundle of the A11. In the immediate vicinity of the A11, not much land is still used for agriculture. The open trench installation works will only have a temporary impact on this agricultural use. After the cable route has been realised, this use can be resumed.

In the Herdersbrug industrial area, the cable is installed in a vacant area which for the most part follows the route of the new slip road to and from the A11. As a result, the cable route has no impact on the destinations determined in the GRUP.

For the three locations where the cable route does not comply with the urban planning regulations of the applicable destinations and for the temporary construction sites, this deviation option is used.

A motivated request was submitted to request the application of the deviation provisions of article 3, §2 of the decision of the Flemish Government of 5 May 2000 and later amendments, designating the actions as intended by article 4.1.1, 5°, article 4.4.7, §2, and article 4.7.1, §2, second paragraph, of the VCRO and regulating the prior consultation with the Flemish Government Architect, for the assessment of this project.

With reference to the statement of completeness and admissibility of the dossier, I have judged that there is a legal possibility to grant the permit without prior planning initiative.

CONDITIONS ENSUING FROM THE REGULATIONS

The application has to comply with the municipal, provincial and regional regulations.

OTHER ZONING INFORMATION

The construction site is located in polder and harbour areas.

The proposed route crosses the regional roads N34 Kustlaan, N348 Stationslaan, E403 Zeelaan and the A11, the railways 51a Bruges-Zeebrugge and 51b Bruges-Knokke and the following unnavigable watercourses:

- Graaf Jansader, 2nd category watercourse, no. WZ.1.2.
- Sint-Jansader, 2nd category watercourse, no. WZ.1.3.1.

- Lange smalle Watergang, 2nd category watercourse, no. WZ.1.3.
- 2nd category watercourse, no. WZ.1.3.3.
- Unclassified watercourse, no. WZ.1.3.3.
- Unclassified watercourse, no. WZ.1.6.1.
- Unclassified watercourse, no. WZ.1.6.2.
- Lisseweegsevaart, 2nd category watercourse, no. WZ.1.
- Zijdelingse vaart, 2nd category watercourse, no. WZ.1.1.

The route crosses a special protected area as designated by the Decision of the Flemish Government of 23 April 2014. It concerns part of the special protected area (Bird Directive) "Poldercomplex".

The route crosses a special protected area as designated by the Decision of the Flemish Government of 23 April 2014. It concerns part of the special protected area (Habitat Directive) "Polders".

The route crosses an area designated as Flemish Ecological Network (FEN) area "Fonteintjes en Oudemaarspolder" according to the Decision of the Flemish Government regarding the definitive determination of the demarcation plan for Large Nature Units and Large Nature Development Units of 18 July 2003.

THIRD-PARTY ADVICE

On 21/11/2016, I sought the advice of the **bench of Mayor and Aldermen of Blankenberge**.

This advice was issued on 25/01/2017 and received on 30/01/2017. The advice was favourable subject to certain conditions.

In this advice, it is requested to meet the following conditions and assume the following charges:

General conditions:

- *The advice only concerns those sections located on the territory of the city of Blankenberge.*
- *The disruption of traffic has to be limited to the bare minimum. To ensure this, the necessary agreements need to be made with the police department of the zone Blankenberge-Zuilenkerke.*
- *If the exploitation is the subject of an application for an environmental permit, the building permit is suspended until the corresponding environmental permit has been granted.*

Conditions with regard to the public domain:

- *The costs for the displacement of street lights and/or plants in the public domain, ensuing from the current permit, are at the project owner's expense.*
- *Prior to the start of the works, an independent survey has to be made of the public domain and the city's properties over a width of 10 m along the entire line route.*
- *The survey has to be drawn up by an expert and has to be presented to the city council for approval.*
- *After the end of the works, the public domain should be restored (if necessary) according to the provisions of Blankenberge's department for the management of the public domain and installations (BODI). If the public domain is not restored to good order, the existing securities will be used to finance its reconstruction.*
- *If the existing public lighting or street signs have to be removed, the Technical Service has to be informed in advance so that it can carry out their removal and mounting. The Technical Service can be reached at the following coordinates: BODI (management of the public domain and installations), Scharebrugstraat 110 in 8370 Blankenberge, tel. 050 636 700.*

Charges:

- *Prior to the start of the works, a warranty of €10,000.00 to cover damages to and*

any repairs of the public domain has to be deposited to the city's account (BE77091017364342) with the reference "RO/2016/210- borg openbaar domein'"(warranty public domain). The warranty can also be provided as a bank guarantee.

Position of the regional official for urban development:
These proposed conditions and charges are included in the permit.
Nevertheless, a permit cannot impose conditions implying the approval of other authorities. The way certain proposed conditions are phrased is therefore slightly altered.

On 21/11/2016, I sought the advice of the **bench of Mayor and Aldermen of Bruges**.

This advice was issued on 27/03/2017 and received on 29/03/2017. The advice was favourable subject to certain conditions.

The advice states that the conditions of the Roads Department, the Parks and Public Gardens Department, Environmental Affairs Department and the Mobility Section have to be met (no works can be performed during the high season, more specifically the works have to be finished by May 2018 in order to limit the obstruction of recreational bicycle traffic to the bare minimum).

Roads Department advice: favourable subject to conditions:

Reference is made to the conditions included in the bench's decision regarding the permit for works on a public road, such as:

- the works on the beach cannot be performed during the months of July and August;
- the event platform cannot be used as a storage location between 1 May and 1 October;
- the temporary access way is not calculated for the proposed load and cannot be used;
- after the works have been performed, the city council has to be provided with an as-built plan;
- it has to be guaranteed that if the beach is cleaned mechanically, that the presence of underground lines and junction box pits does not pose a danger to the employees who clean this area of the beach on a daily basis;
- no works can be performed in the natural reserve and Birds Directive area (Fonteintjes, Oudemaarspolder) during the breeding season (1 April - 30 July);
- the road has to be renewed over its full width with hydrocarbon surface hardening. The road structure has to be presented in detail for approval;
- the cable has to be installed in the open trenches between October and April, outside of the recreational cycling season;
- when placing the junction box pits in the Patentestraat and Kruipuit, a temporary strip has to be placed next to the road so that through traffic is possible for cyclists;
- correct information should be provided on the phased road interruptions in a timely manner, so that the obstruction of bicycle traffic is minimal.

Parks and Public Gardens Department advice: favourable subject to conditions:

- Trees along the Kruipuit can only be pruned after consultation with the Parks and Public Gardens Department.
Drastic pruning is not permitted. No more than 1/4 of the tree crowns can be removed. The pruning works have to be performed by a certified arborist.
- The general conditions for the installation of underground lines and the performance of works in the public domain of the city of Bruges have to be complied with.
- Article 50 of the Regional Urban Development Regulation on construction, allotment and planting has to be strictly adhered to. Serious damage to or death of protected large trees as a result of negligence or carelessness are considered equal to unlicensed felling or unlicensed pruning;
- At each tree inside the construction site, a protected area of 3 m x 3 m has to be closed off with a solid fixed fence with a minimum height of 1.80 m. This should

be done before construction material and machines are brought on site and prior to the works (including preliminary works). The entire fence has to be anchored and reinforced if necessary and should be impenetrable. With this area, the following restrictions apply:

- o no disturbance of the soil, including soil compaction
- o no back-filling or excavating
- o no storage of materials
- o no dumping of waste or debris
- o no access for vehicles
- o no temporary buildings or containers
- o no fire
- o all underground lines have to be diverted outside of the protected area
- During trenching, the contractor has to take care that the crane does not damage the crown or trunk of the trees. If certain branches obstruct excavation works, the Parks and Public Gardens Department should be contacted so that measures can be taken on site. In no case can the contractor himself prune trees in the public domain;
- It is forbidden to nail slats and such to the trees;
- The mechanical excavations cannot approach the trees closer than 3.00 m from the trunk axis of trees with a trunk circumference of 0.30 m or more. Roots with a diameter greater than 2 cm cannot be damaged within this 3.00 m area. If this appears to be impossible, the possibility of installing the cable by means of directional drilling should be studied. On-site measures can be taken in consultation with the Parks and Public Gardens Department;
- When digging trenches in green areas, the sod has to be removed first, after which the top soil layer (organic soil) has to be removed selectively. The removed soil is stored by type. When closing the trenches, the original layering has to be restored;
- Damage to grass as a result of trench digging has to be professionally restored by the contractor in accordance with the provisions of standard specification 250. The ground level should be approx. 1 cm beneath the adjoining hardened surface;
- On construction sites, the surrounding plant beds have to remain free of construction site traffic, stacked or dumped construction material, sources of fire, construction sheds, lunch trucks etc. This area has to be fenced off. Any damage will be charged to the relevant contractor.

Environmental Affairs Department advice: favourable subject to conditions:

- realise a maximum active and passive field weakening by installing the HV cables at a sufficient depth:
 - o installation of cables in such a manner that a maximum field weakening coefficient is achieved that can be guaranteed at all times: clover leaf structure, intertwining or twisting cables, ...
 - o the depth of the cable beneath the beach (sand) level to be realised is 3 m (target depth): in any case, maximum effort has to be made to achieve this depth below the beach where the public can be present for a long time and to continue to guarantee this depth below the level of the beach;
 - o each year, before the start of the summer season, an independent inspection body has to perform a measurement of the magnetic field strength above the HV cables and in the influenced area. The results are to be communicated to the bench of Mayor and Aldermen;
- the necessary precautions are taken to indicate the area on the beach where the cables cross the sand and to provide a buffer area of 10 m in width on either side, where a number of limitations apply in general: prohibiting the digging of holes, possibly providing additional cover for the cables not far underneath the beach so that digging holes is impossible, perhaps provide plant cover, ...
- The heat release of the cables cannot have adverse effects on man or nature.

Mobility Section advice: favourable subject to conditions:

- *During prior consultation with the civil servant in charge of cycling, Wim Steeman, and the head of the Roads Department (northern sector), clear arrangements have already been made on the phasing of the works. These arrangements have to be respected to the letter, meaning no works can be performed during the high season. The works have to be finished by May 2018 in order to limit the obstruction of recreational bicycle traffic to the bare minimum. Favourable, provided that the arrangements above regarding the realisation of the route are respected.*

Position of the regional official for urban development:

In general, the imposed conditions can minimise the impact of the planned works to an acceptable level. However, some conditions need to be clarified / nuanced:

A permit cannot impose conditions implying the approval of other authorities. The way certain proposed conditions are phrased is therefore slightly altered.

The route has an impact on the roads Groendijk and Patentestraat. These roads are mainly of importance to bicycle traffic and for the access to a limited number of homes / farms. Closing these off for motorised through traffic has a lesser impact. Nemo Link plans to start the works in September 2017 and to conclude them in June 2018. During the period from September 2017 up to and including April 2018 (outside of the recreational cycling season), the temporary pipes are installed and the road is closed off to through traffic. Subsequently (May and June 2018) the applicant plans the creation of junction box pits and the pulling of the cable. For these works, alternative roads are provided next to the junction box pits to allow local traffic and cyclists to continue to safely use the road (which is why a construction area is provided next to each junction box pit). By late June 2018, the temporary top layer is replaced by a definitive top layer. During the months of July and August, no works are planned along the route (Groendijk and Patentestraat).

Therefore, the condition is included that the cable has to be installed in an open trench during the period from October to April.

Regarding the condition to fence off a protected area around each tree on the construction site, it has to be stated that this fenced off area covers a substantial part of the construction site and that it is therefore not feasible. Equivalent alternative protection methods can also be accepted.

Regarding the condition that mechanical excavation works cannot approach closer than 3 m from the axis of the tree trunks, it can be stated that the pruning of trees is planned (as described in the corresponding assessment) where necessary prior to the start of the works and this in consultation with the Parks and Public Gardens Department. Moreover, given the presence of the ditch, most of the roots are oriented towards the fields and not the road. This was also concluded during the reconstruction of the roadbed (some time ago). Mechanical digging is therefore possible and should problems arise, there should be on-site coordination with the Parks and Public Gardens Department. The proposed condition is not retained.

Regarding the condition that no works can be performed in the natural reserve and Birds Directive area (Fonteintjes, Oudemaarspolder) during the breeding season (1 April - 30 July), the distinction needs to be made that this condition only concerns the pruning of trees and not any other activities. Tree pruning is planned for October of this year in consultation with the Parks and Public Gardens Department. I would also like to note at this point that according to the mitigating measures resulting from the corresponding assessment and which are also imposed as permit conditions, it is also imposed that only drainage works can be performed in the rainy half of the year (early October - late

March) at De Fonteintjes (and inside the beach area). The proposed condition is phrased as follows: tree pruning cannot be performed during the breeding season (1 April - 30 July) in the natural reserve and Birds Directive area (Fonteintjes, Oudemaarspolder);

On 21/11/2016, I sought the advice of the **bench of Mayor and Aldermen of Zuienkerke**.

This advice was issued on 27/03/2017 and received on 29/03/2017. The advice was favourable subject to certain conditions.

In this advice, it is requested to meet the following conditions and assume the following charges:

- *The advice only concerns those sections located on the territory of the municipality of Zuienkerke.*
- *The disruption of traffic has to be limited to the bare minimum. To ensure this, the necessary agreements need to be made with the police department of the zone Blankenberge-Zuienkerke.*
- *If the exploitation is the subject of an application for an environmental permit, the building permit is suspended until the corresponding environmental permit has been granted.*
- *The costs for the displacement of street lights and/or plants in the public domain, ensuing from the current permit, are at the project owner's expense.*
- *Prior to the start of the works, a security of €625 has to be deposited on account number 091-0002590-97 and the Technical Service has to be notified at telephone number 050/41 75 77. The security will be returned after termination of the works if the Municipal Technical Service has determined that the road surface was not damaged during the performance of the works.*

Position of the regional official for urban development:

These proposed conditions and charges are included in the permit.

On 21/11/2016, I sought the advice of the **Flemish Transport Company De Lijn**.

This advice was issued on 30/11/2016 and received on 05/12/2016. The advice is favourable.

The advice states that the zones of De Lijn can only be crossed by means of directional drilling. This will not affect their infrastructure and exploitation.

On 21/11/2016, I sought the advice of **Infrabel**.

This advice was issued on 13/12/2016 and received on 15/12/2016. The advice was favourable subject to certain conditions.

The advice states that Infrabel raises no objections.

The conditions of permit no. 235/80863 have to be respected. This permit was issued by the Federal Public Service General Direction Energy, Koning Albert II-laan 16, 1000 Brussels.

On 21/11/2016, I sought the advice of the **Provincial Service for Waterways** (Provinciale Dienst Waterlopen).

This advice was issued on 14/12/2016 and received on 19/12/2016. The advice was favourable subject to certain conditions.

The advice states that the "Nieuwe Polder van Blankenberge" imposes the conditions in this dossier regarding the water test and the watercourses.

The assessment of the authorisation application is favourable subject to conditions. The General Technical Conditions (Algemene Technische Voorwaarden, ATV) annexed hereto have to be taken into account and no seizure or crossing can occur of the ditch profile of the aforementioned watercourse. The crossing of the underground line will be realised by means of directional drilling and should be at least 1 metre below the existing solid bed of the ditch. Afterwards, the necessary markers have to be put in place to indicate the location of the line on the terrain (see ATV art. 1, 3 and 8).

Position of the regional official for urban development:

The design complies with these remarks. The adherence to the General Technical Conditions is imposed as a permit condition.

On 21/11/2016, I sought the advice of **the Department for Sustainable Agricultural Development** (Duurzame Landbouwontwikkeling).

This advice was issued on 21/12/2016 and received on 22/12/2016. The advice was favourable subject to certain conditions.

The Department of Agriculture and Fisheries requests that the seizure of agricultural land be limited to the bare minimum and that the following items be taken into account:

- When digging trenches, the organic soil has to be stored separately.
- When closing the trenches, the different soil layers have to be restored in their correct order.
- During the works, access to the adjoining farm land has to be ensured at all times.
- Structures, holes and aboveground infrastructure have to be installed at the edges of the lots as much as possible (especially where arable land is concerned). The creation of residual lots for agriculture has to be avoided.
- Temporary construction sites and access ways in agricultural areas have to be restored to their original state after conclusion of the works.

Position of the regional official for urban development:

These conditions are imposed as permit conditions, with the exception of the proposed condition regarding the location of structures and avoiding residual lots as this condition is not relevant (the application already meets this condition).

The application crosses various regional roads.

On 21/11/2016 I sought the advice of the **Agency for Roads and Traffic** of West Flanders (Agentschap Wegen en Verkeer, AWV).

This advice was issued on 05/12/2016 and received on 09/12/2016. The advice is favourable.

A favourable advice is issued in conformity with the general and special conditions of the already issued domain permit of 11/10/2016 with the following references:

Elia: work permit index 80863

AWV: 311/B/N EL/2016/4820

On 21/11/2016 I sought the advice of the **Coastal Division of the Agency for Maritime and Coastal Services**.

This advice was issued on 23/12/2016 and received on 03/01/2017. The advice was favourable subject to certain conditions.

The advice states that the applicant has to submit a permit application for the private use of the public domain.

Position of the regional official for urban development:

This condition is not included as a permit condition. The applicant has been informed that such a permit is required before the works can be performed.

On 21/11/2016 I sought the advice of the **Agency for Nature and Forests** (Agentschap voor Natuur en Bos).

This advice was issued on 19/12/2016 and received on 21/12/2016. The advice was favourable subject to certain conditions.

The corresponding assessment received a favourable advice, provided that the mitigating measures are included as mandatory in the permit decision.

Position of the regional official for urban development:

The mitigating measures from the corresponding assessment are included as a permit condition.

On 21/11/2016, I sought the advice of the **Nieuwe Polder van Blankenberge**.

This advice was issued on 06/12/2016 and received on 08/12/2016. The advice was favourable subject to certain conditions.

- The easement zone of 5 m, measured inland from the upper edge of the bank of watercourses numbers Z.1., Z.1.1., Z.1.2., Z.1.3.1., Z.1.6. and Z.1.3.3., has to be kept entirely open for the performance of maintenance works on the watercourses. Within this zone, the provisions of article 6 of the RD of 30/01/1958 regarding the general police regulation of the public bodies in charge of polders and protection against flooding (Polders en Wateringen) and of article 6 of the special police regulation of the Nieuwe Polder van Blankenberge of 13/04/1978 strictly apply and all structures and plants are barred. Within the 5 metre zone, no junction box pits with inspection hatches higher than the ground level can be added.
- Lines that cross a body of water have to be placed at least 2 m below the solid bed of the watercourse. Cables running parallel to the watercourses have to be installed outside of the 1 m zone, measured from the upper edge of the slope of the embankment.
- Where the cable connection crosses a syphon, it has to be installed below the syphon by means of directional drilling wherever possible. In no case can the cable be installed above a syphon; if it is not installed below the syphon by means of directional drilling, the syphon has to be reconstructed or pipes need to be placed to replace the syphon. If the syphon is replaced by pipes, the Lockmaster of the Polder, Mr Jacques Demeyere, has to be consulted. The Lockmaster can be reached by phone at mobile phone number 0479/272591.
- The general conditions mentioned below apply:
 - o The company will notify the body in charge of the polder at least three work days in advance of the start of the directional drilling underneath the watercourses numbers Z.1., Z.1.1., Z.1.2., Z.1.3.1., Z.1.6. and Z.1.3.3. and the crossings with the syphons that connect the watercourses. For the performance of the works, the applicant will conduct himself according to the relevant instructions provided by the body in charge of the polder. The works are followed up by the Lockmaster of the Polder, Mr Jacques Demeyere, on behalf of the body in charge of the polder. The Lockmaster can be reached by phone at mobile phone number 0479/272591.
 - o Any fence along the watercourse has to be located at a distance of 0.50 m inland, measured from the upper edge of the watercourse's bank and can be no higher than 1.50 metres above ground level and will be placed in such a manner that it cannot obstruct the performance of maintenance works on the watercourse. Fences at a right angle to the watercourse have to feature a gate or doorway of at least 4 metres wide.
 - o To discharge drainage water into the watercourses of the polder, a separate agreement has to be made with the body in charge of the polder, among other reasons to prevent the salinity of the outlets, ditches and watercourses from rising, making the polder water unfit for consumption by the cattle in the meadows. The water discharge options in the polder area are limited and depend on the tides. Arrangements need to be made regarding the discharge flow rate, the place of discharge and the procedure in case of calamities.
 - o The installation of vaults and bridges, even as a temporary measure, has to be discussed in advance with the body in charge of the polder.

Position of the regional official for urban development:
These conditions are imposed as permit conditions.

On 21/11/2016, I sought the advice of **Fluxys Belgium NV**.

This advice was issued on 18/12/2016 and received on 21/12/2016. The advice was favourable subject to certain conditions.

The advice lists the Fluxys installations that are affected.

It is stated that talks are still ongoing between the applicant and Fluxys regarding the limitation of the influence of the high voltage cables on the cathodic protection of the Fluxys installations.

Position of the regional official for urban development:
Fluxys' complete advice, including annexes, is sent to the applicant for further consideration.

On 21/11/2016, I sought the advice of **MBZ nv**.

In its written communication of 01/12/2016, MBZ stated that the works will be performed outside of its concession and that it has no remarks.

On 21/11/2016, I sought the advice of **ELIA ASSET NV**.

This advice was issued on 25/11/2016 and received on 28/11/2016. The advice was favourable subject to certain conditions.

The advice states the following:

In response to your letter of 21 November 2016, we declare that in principle, we do not object against the works mentioned above insofar as the safety instructions annexed hereto are taken into account.

In order to ensure the personal safety, the continuity of the electricity supply and the safeguarding of all installations involved, certain legal provisions need to be respected in the immediate vicinity of our installations. Please therefore take note of the annexed safety instructions.

For overhead high voltage power lines, the clearances depend on the voltage of the overhead line. This voltage is expressed in kV (1 kV = 1,000 volts). Under the above reference "Our ELIA installations", you can find the voltage of the connections you need to take into account when determining the clearances.

For the underground connections, we hereby send you the location plans of the high voltage, signalling and optical fibre cables. We also point out the annexed directions, which should allow you to correctly interpret our plans.

As your works will also take place in the vicinity of a high voltage substation, you will have to take into account the corresponding safety instructions annexed hereto.

The information mentioned in this letter and its annexes is only valid for a duration of 6 months. If the works have not been concluded by that time, you need to send us a new request for plans via our portal website: www.klip.be.

Position of the regional official for urban development:

Elia Asset nv's complete advice, including annexes, is sent to the applicant for further consideration.

THE PUBLIC ENQUIRY

In application of the Flemish Codex on Spatial Planning and the decision of the Flemish Government of 5 May 2000 and its later amendments with regard to public enquiries on applications for building permits and allotment applications, the application is subject to a public enquiry (oo).

	Period oo	Objections	Items received oo
Blankenberge	01/12 - 30/12/16	none	30/01/2017
Bruges	19/12 - 17/01/17	one	29/03/2017
Zuienkerke	01/12 - 30/12/16	one	26/01/2017

After a study of the objections and remarks, the following positions are taken on this subject:

The objection submitted in Bruges is the same as the one submitted in Zuienkerke and contains the following elements:

- a) Objection is raised against the long period during which the Patentestraat, Bontepoortstraat and Kruipuit are closed off. It is therefore requested to correctly indicate the works so that it is clear in advance which part is closed off and which part isn't. As no works are performed during the weekends, the streets should in principle be open on Saturdays and Sundays. For cyclists, the planned detour should be signposted in its entirety.

- b) The objection also states that is unclear whether only the trench is repaired or the entire road surface.

The objection can be assessed as follows:

- a) Clear signposting is indeed required for the road blocks. Discussions were already held with the NEMO Link project leaders and the municipal services in order to discuss the planning and limitation of hindrance due to the works. It was agreed to not work during the high season, more specifically the installation of cables in open trenches has to be concluded by May 2018 in order to limit the obstruction of recreational bicycle traffic to the bare minimum. Considering it will in fact be important to post the necessary indications in view of traffic safety, considering it will also be necessary to make the necessary arrangements in order to clearly signpost the detour for cyclists,
- b) Considering that, despite the restoration of the top layer, the performance of the road works has to meet the corresponding type specifications, considering that in Zuienkerke, the necessary securities are imposed in order to guarantee that the road surface is returned to good condition,

It can be decided that the objection is partly legitimate as concerns the measures to reduce the inconvenience caused by the works.

I agree with the assessment of this objection. By imposing the following permit conditions, this objection is met:

- the disruption of traffic has to be limited to the bare minimum. To ensure this, the necessary agreements need to be made with the police department of the zone Blankenberge-Zuienkerke.
- the road has to be renewed over its full width with hydrocarbon surface hardening. The road structure has to be presented in detail for approval;
- the cable has to be installed in the open trenches between October and April, outside of the recreational cycling season;
- when placing the junction box pits in the Patentestraat and Kruipuit, a temporary strip has to be placed next to the road so that through traffic is possible for cyclists;
- correct information should be provided on the phased road interruptions in a timely manner, so that the obstruction of bicycle traffic is minimal.

WATER TEST

In accordance with article 8 of the decree of 18 July 2003 and its later amendments with regard to the integral water policy, the application is to be the subject of a water test. The decision of the Flemish Government of 20 July 2006 (Belgian Law Gazette 31/10/2006) and its later amendments establish more detailed rules for the performance of the water test. The application is tested against the water system, the objectives of article 5 of the decree on integral water policy and the binding stipulations of the basin management plan.

The project terrain is not located in an effective flood plain or a recently flooded area.

The total length of the cable connection is approx. 8,850 m. The underground direct current connection is installed in open trenches wherever possible. The underside of the cable is located at a minimum depth of 1.5 m below ground level. Where obstacles such as roads, watercourses, railway infrastructure etc. are crossed that cannot be broken up, the installation can be realised by means of directional drilling over a total length of approx. 1,112 m.

8 tunnels will be realised by means of directional drilling. At the crossing of the Graaf Jansader, the Sint-Jansader, the Lisseweegse Vaart and the Zijdelingse Vaart, the unnavigable 2nd category watercourses numbers Z.1.2., Z.1.3.1., Z.1. and Z.1.1., and the unnavigable 2nd categories watercourses numbers Z.1.6. and Z.1.3.3., the cable is installed by means of directional drilling. The cables are installed at a minimum depth of 2 metres below the solid bed of these watercourses.

At different locations, the connection to be installed crosses syphons. For these crossings, the project does not plan direction drilling.

Provided that the conditions from the advice of the body responsible for the polder and the Service for Waterways are met, it can be stated that the application will not have a negative impact on the quality and quantity of the hydrological regime.

For the installation of the underground cable, no additional surface hardening is required. There is therefore no modified impact on the rainwater drainage, which is why no additional measures need to be taken to collect rainwater. It can be decided that the performance of the project will not have a significant impact on the hydrological regime.

ENVIRONMENTAL ASSESSMENT

The decision of the Flemish Government of 10 December 2004, Belgian Law Gazette 17/02/2005, determines which project categories the initiator needs to subject to an environmental impact assessment. For the projects of Annex I, an EIA project has to be set up. For the projects of Annex II, a motivated request for exemption can be submitted. For the projects of Annex III, the environmental impact has to be studied by means of an EIA screening project.

For the current project, the following sections of the decision by the Flemish Government of 10 December 2004 are relevant:

- Annex II, section 3.b: Installation of underground high voltage power lines of 150 kV or more that:
 - o are located within a special protection area over an uninterrupted distance of 1 km or more, or
 - o over a distance of 10 km or more and insofar as they are not located within the range of a public road or within a line strip indicated on an installation plan or regional land use plan.
- Annex III, section 10.j: works to tap or artificially supplement the groundwater, not included in Annex I or II.

Strictly speaking, the installation of the HVDC cable connection within a special protection area does not fall under section 3.5 but does approach the 1 km criterion. This project is therefore characterised by both an Annex II and an Annex III section.

On 28 January 2016, this project was granted an exemption from the obligation to set up an EIA project. The exemption was granted for a four year term.

The following mitigating measures were included in the exemption dossier:

Impact	Measure
Occurrence of soil compaction	Anti-compaction measures are also planned for the surface occupied by the pipe bundle drawn through the hole created by directional drilling.
Salinisation during drainage at the beach	Limit the duration of drainage Preferably perform drainage works during the rainy half of the year Follow up the water level of the eastern pond of De Fonteintjes
Salinisation in case of open trench drainage HVDC cable	Return drainage principle
Loss of habitat	Trees along the Groendijk, Patentestraat and Pathoekeweg that can be harmed by the pruning prior to the installation phase
	Install inspection shafts outside of the European protected habitat types
Impact on the functions of use	Adjust protocol principles between Elia and agricultural organisations
	During the works, ensure access to the adjoining farm land, houses and companies as much as possible and inform the affected parties in due time and order
	Provide (local) detour for bike tourism route
Noise pollution	Avoid work during weekends, in the evening and at night as much as possible
Heating effects due to heat release by cables	Appoint experts to study / compensate the adverse effects or damage if damage to crops is observed.

In the building permit application, the imposed mitigating measures have been taken into account as much as possible. However, most measures have to be included in the tendering phase and imposed as limit conditions for the performance of the works. The adherence to these mitigating measures is therefore included as a permit condition.

ASSESSMENT OF THE PROPER SPATIAL PLANNING

This assessment - in execution of art. 1.1.4 of the Flemish Codex on Spatial Planning with a view to the durable spatial development and in view of the spatial tolerance, the consequences for the environment and the cultural, economic, aesthetic and social consequences - takes into account the following criteria in execution of art. 4.3.1 of the Codex:

Functional viability

The application concerns the realisation of an underground line. The current land use of the farm lands, the public domain, such as roads, beach etc. remains unchanged.

The chosen route crosses a few special protected areas. The realisation of the high voltage cable can have significant adverse effects on the natural characteristics. A corresponding assessment was made. The following mitigating measures are included in this corresponding evaluation in order to avoid dessication and salinisation effects:

- *Precautionary measures within the beach area and De Fonteintjes:*
 - *Limit the duration of drainage;*
 - *Preferably perform drainage works during the rainy half of the year (early October - late March); then, the groundwater levels in De Fonteintjes are at their highest and the ecological demand (phreatophytes) is at its lowest;*
 - *Follow-up of the water level of the eastern pond of De Fonteintjes. The alarm level is +6 m TAW (Belgian reference height). This approaches the (after) summer level. In case of a lowering of +5.8 m TAW, return drainage is applied.*
- *Connection shafts:*
 - *In order to mitigate salinisation and dessication effects, it is necessary to apply return drainage by returning the pumped water to the same soil layer.*
- *Open trench routes HVDC connection:*
 - *Application of the return drainage principle: the pumped water is discharged into an opening 30-40 m upward from the active trench part through the filled up layer, directly into the dolomite layer or the layer with backfill material having similar characteristics.*
- *As a general mitigating measure during all construction works, return drainage has to be applied if the drainage lasts longer than 1 day.*
- *Exploitation of the HVDC connection:*
 - *If the surface water comes into contact with the dolomite bed (or the bed of backfill material having similar characteristics), clay plugs need to be provided in the trench (up to the trench bed) to create an additional barrier.*

The adherence to these mitigating measures is included as a permit condition.

Impact on mobility

The potential inconvenience caused by the project is limited to the duration of the performance of the work for the installation of the new cable.

By applying the method involving temporary pipes through which the cable will later be pulled, the impact on mobility is reduced to the bare minimum. This method ensures quick progress, so that residents, farmers etc. are only unable to access certain lots at specific times.

For the safety of vulnerable road users (pedestrians, cyclists) and to guarantee the trouble-free loading and unloading by trucks, the works will be closed off for through traffic in large sections.

During the realisation of the junction box pits, the road will be closed off for a longer period. In addition to the junction box pits, temporary bridges will be constructed on private property so that the local traffic is not obstructed during the construction of the pits.

The necessary conditions (see also the advice of the city of Bruges above) are therefore included in the permit.

Scale

The works are completely planned underground and do not affect the scale and the open landscape of the area.

Use of space and building density

The route follows the existing road infrastructure wherever possible.

Visual design elements

The visual impact of the application after performance of the installation works is highly limited as the cable is installed underground and follows the existing infrastructure wherever possible (roads and lines). At the ground level, only standard markers are placed. After installation, the ground level / hardened surface is restored to its original state as much as possible. The works therefore do not affect the view of the area.

Cultural and historical aspects

The patrimonial value is not expected to be affected.

The measures of the archaeological memorandum ratified on 16/09/2016 with ID <https://loket.onroerendergoed.be/archeologie/notas/archeologienotas/500> have to be implemented according to the schedule included in this ratified archaeological memorandum, the conditions for the ratification and the immovable heritage decree of 12 July 2013.

The land topography

There is no impact.

Hindrance, health, usufruct and safety in general

Maximum effort is made to limit the inconvenience during the installation works. The high voltage cables are laid at sufficient depth so no inconvenience can be caused. Conditions are also imposed to ensure maximum active and passive field weakening.

The politically requested developments

The performance of the project contributes to a greater security of supply, lower electricity prices and supports renewable energy.

GENERAL CONCLUSION

The advices received are favourable (subject to conditions). By imposing permit conditions, the remarks and conditions resulting from the advices can be met to the farthest possible extent.

The above motivation shows that the application is in accordance (or can be made to comply if the necessary conditions are imposed) with the legal provisions as well as the proper spatial planning and its immediate surroundings.

THEREFORE, ON

THE FOLLOWING WAS DECIDED:

The regional official for urban development grants the permit to the applicant(s).

The applicant(s) is (are) obliged to

1° inform the bench of Mayor and Aldermen and the regional official for urban development of the start of the works or activities for which the permit is granted by registered mail, no later than eight days prior to the start of the works or activities;

2° meet the following conditions:

Conditions from the advice of the bench of Mayor and Aldermen of Blankenberge.

- the disruption of traffic has to be limited to the bare minimum. To ensure this, the necessary agreements need to be made with the police department of the zone Blankenberge-Zuienkerke.
- The costs for the displacement of street lights and/or plants in the public domain, ensuing from the current permit, are at the project owner's expense.
- Prior to the start of the works, an independent survey has to be made of the public domain and the city's properties over a width of 10 m along the entire line route.
- The survey has to be drawn up by an expert and has to be presented to the city council.
- After the end of the works, the public domain should be restored (if necessary) according to the provisions of Blankenberge's department for the management of the public domain and installations (BODI). If the public domain is not restored to good order, the existing securities will be used to finance its reconstruction.
- If the existing public lighting or street signs have to be removed, the Technical Service has to be informed in advance so that it can carry out their removal and mounting. The Technical Service can be reached at the following coordinates: BODI (management of the public domain and installations), Scharebrugstraat 110 in 8370 Blankenberge, tel. 050 636 700.

Conditions from the advice of the bench of Mayor and Aldermen of Bruges:

- the works on the beach cannot be performed during the months of July and August;
- the event platform cannot be used as a storage location between 1 May and 1 October;
- the temporary access way is not calculated for the proposed load and cannot be used;
- after the works have been performed, the city council has to be provided with an as-built plan;
- it has to be guaranteed that if the beach is cleaned mechanically, that the presence of underground lines and junction box pits does not pose a danger to the employees who clean this area of the beach on a daily basis;
- no tree pruning can be performed in the natural reserve and Birds Directive area (Fonteintjes, Oudemaarspolder) during the breeding season (1 April - 30 July);
- the road has to be renewed over its full width with hydrocarbon surface hardening. The details of the structure have to be coordinated with the City;
- the cable has to be installed in the open trenches between October and April, outside of the recreational cycling season;
- when placing the junction box pits in the Patentestraat and Kruipuit, a temporary strip has to be placed next to the road so that through traffic is possible for cyclists;
- correct information should be provided on the phased road interruptions in a timely manner, so that the obstruction of bicycle traffic is minimal.
- trees along the Kruipuit can only be pruned after consultation with the Parks and Public Gardens Department. Drastic pruning is not permitted. No more than 1/4 of the tree crowns can be removed. The pruning works have to be performed by a certified arborist.
- the general conditions for the installation of underground lines and the performance of works in the public domain of the city of Bruges have to be complied with.
- article 50 of the Regional Urban Development Regulation on construction, allotment and planting has to be strictly adhered to. Serious damage to or

- death of protected large trees as a result of negligence or carelessness are considered equal to unlicensed felling or unlicensed pruning;
- at each tree inside the construction site, a protected area of 3 m x 3 m has to be closed off with a solid fixed fence with a minimum height of 1.80 m. Alternative and equivalent protection methods can be accepted in consultation with the Parks and Public Gardens Department of the City of Bruges.
 - during trenching, the contractor has to take care that the crane does not damage the crown or trunk of the trees. If certain branches obstruct excavation works, the Parks and Public Gardens Department should be contacted so that measures can be taken on site. In no case can the contractor himself prune trees in the public domain;
 - it is forbidden to nail slats and such to the trees;
 - when digging trenches in green areas, the sod has to be removed first, after which the top soil layer (organic soil) has to be removed selectively. The removed soil is stored by type. When closing the trenches, the original layering has to be restored;
 - damage to grass as a result of trench digging has to be professionally restored by the contractor in accordance with the provisions of standard specification 250. The ground level should be approx. 1 cm beneath the adjoining hardened surface;
 - on construction sites, the surrounding plant beds have to remain free of construction site traffic, stacked or dumped construction material, sources of fire, construction sheds, lunch trucks etc. This area has to be fenced off.
 - realise a maximum active and passive field weakening by installing the HV cables at a sufficient depth:
 - o installation of cables in such a manner that a maximum field weakening coefficient is achieved that can be guaranteed at all times: clover leaf structure, intertwining or twisting cables, ...
 - o the depth of the cable beneath the beach (sand) level to be realised is 3 m (target depth): in any case, maximum effort has to be made to achieve this depth below the beach where the public can be present for a long time and to continue to guarantee this depth below the level of the beach;
 - o each year, before the start of the summer season, an independent inspection body has to perform a measurement of the magnetic field strength above the HV cables and in the influenced area. The results are to be communicated to the bench of Mayor and Aldermen;
 - the necessary precautions are taken to indicate the area on the beach where the cables cross the sand and to provide a buffer area of 10 m in width on either side, where a number of limitations apply in general: prohibiting the digging of holes, possibly providing additional cover for the cables not far underneath the beach so that digging holes is impossible, perhaps provide plant cover, ...
 - the heat release of the cables cannot have adverse effects on man or nature.

Condition from the advice of the Service for Waterways:

- The General Technical Conditions (see Annex 1) have to be complied with.

Conditions from the advice of the Department of Agriculture and Fisheries:

- When digging trenches, the organic soil has to be stored separately.
- When closing the trenches, the different soil layers have to be restored in their correct order.
- During the works, access to the adjoining farm land has to be ensured at all times.

- Temporary construction sites and access ways in agricultural areas have to be restored to their original state after conclusion of the works.

The conditions as included in the advice of the Nieuwe Polder van Blankerberge, see above.

Archaeological condition:

- The measures of the archaeological memorandum ratified on 16/09/2016 with ID <https://loket.onroerenderfgoed.be/archeologie/notas/archeologienotas/500> have to be implemented according to the schedule included in this ratified archaeological memorandum, the conditions for the ratification and the immovable heritage decree of 12 July 2013.

The mitigating measures from the EIA exclusion report (as included in the section "environmental assessment") and **from the corresponding assessment** (as included in the consideration of the functional feasibility in the section "assessment of the proper spatial planning") have to be implemented.

3° fulfil the following charges:

Blankerberge: prior to the start of the works, a warranty of €10,000.00 to cover damages to and any repairs of the public domain has to be deposited to the city's account (BE77091017364342) with the reference "RO/2016/210- borg openbaar domein" (warranty public domain). The warranty can also be provided as a bank guarantee.

Zuierenkerke: Prior to the start of the works, a security of €625 has to be deposited on account number 091-0002590-97 and the Technical Service has to be notified at telephone number 050/41 75 77. The security will be returned after termination of the works if the Municipal Technical Service has determined that the road surface was not damaged during the performance of the works.

This permit does not release the applicant from applying for and obtaining any other permits or authorisations that are required in execution of other regulations.

A copy of this decision will be sent to:

- the benches of Mayor and Aldermen of Blankenberge, Bruges and Zuienkerke
- Onroerend Erfgoed (Agency for Immovable Heritage)
- Agentschap voor Natuur en Bos (Agency for Nature and Forests)
- Vlaamse Vervoersmaatschappij De Lijn (Flemish Transport Company De Lijn)
- Fluxys Belgium NV
- ELIA ASSET N.V.
- M.B.Z. nv.
- Infrabel
- Agentschap voor Maritieme Dienstverlening en Kust - Afdeling Kust (Agency for Maritime and Coastal Services - Coastal Division)
- Provinciale Dienst Waterlopen (Provincial Service for Waterways)
- Nieuwe Polder van Blankenberge
- Wegen en Verkeer West-Vlaanderen (AWV - Agency for Roads and Traffic of West Flanders)
- Departement Landbouw en Visserij (Department of Agriculture and Fisheries)

The following annexes are submitted to the project owner together with this building permit:

- The complete advice of Elia Asset nv and its annexes
- The complete advice of Fluxys and its annexes.

The regional official for urban development,
Engineer Koen Joye

Dienst Waterlopen (Service for Waterways)

GENERAL TECHNICAL CONDITIONS TO BE MET WHEN INSTALLING SEWER SYSTEMS AND COLLECTORS CROSSING OR IN THE VICINITY OF WATERWAYS

1. At outlets and spillways, the bed and embankments of the waterway are reinforced over a minimum distance of 20 m (10 m upstream and 10 m downstream). The bed reinforcement is made of a 20 cm thick foundation of lean concrete (250 kg cement/m³). The bed reinforcement can also be made of draining concrete blocks (with at least 15 % drainage openings, minimum thickness = 12 cm). The embankment reinforcement will consist of reed tiles (with at least 30 % drainage openings and a minimum thickness = 15 cm for non-reinforced elements and a minimum thickness = 10 cm for reinforced elements) with a foundation consisting of a sand-cement layer of at least 15 cm (minimum 170 kg cement/m³ sand and 40 kg/cm² after 7 days). The embankment reinforcement cannot be extended up to the ground level but has to be limited to no more than 2/3 of the height of the slope (depending on the trade size of the reed tiles). The level of the bed has to be determined based on the solid bed levels, so that the reinforcement does not obstruct the water discharge in the least. For the cross sections, at least the existing cross section has to be respected.
2. When crossing the waterway with gravitational sewer systems, the upper side (= including collar and casing) of the pipes has to be at least 50 cm lower than the existing solid bed of the ditch.
3. When crossing the waterway with high-pressure tubes, the upper side of the tubes has to be at least one metre lower than the existing solid bed of the ditch.
4. At the open profile crossings, the bed and embankments of the waterway have to be reinforced over a minimum distance of 5 m as stipulated in item 1.
5. In case of directional drilling underneath the solid bed of the ditch, the bed or embankments do not need to be reinforced. Item 11 does need to be taken into account here.
6. When reshaping waterways and/or excavating new waterways, the specific conditions imposed by the Service for Waterways of the Province of West-Flanders have to be met.
7. It is not permitted to have registered waterways syphoned underneath sewer systems and collectors.
8. The open section of the waterway and the clearance openings of civil engineering structures have to remain free of structures or obstructions of any kind whatsoever.
9. In order to allow for any later adjustments to the waterway, a minimum distance of 5 metres has to be targeted between the tubes or pipes installed parallel to the waterway and the line of approach to the waterway embankment. If the installation of these tubes or pipes damages the waterway's embankments, they have to be repaired by the applicant according to the instructions of the Provincial Service for Waterways.
10. The necessary precautions have to be taken to allow for mechanical maintenance of the waterway without having to take additional measures to prevent damage to the collectors and appurtenances (inspection chambers, casings, cabinets, fences, etc.). The legally prescribed maintenance strip has a width of 5 metres on either side of the waterway.

11. Afterwards, the necessary markers need to be placed on the terrain to indicate the location of the high-pressure tubes that cross the waterway.
12. During the performance of the works, the applicant has to take the necessary precautions to guarantee the water discharge.
13. The Provincial Service for Waterways has to be notified of the start and end of the works.
14. All costs arising from the realisation of the sewer system and collector installation are at the expense of the principal, who will remain liable to third parties and competent authorities for any damage or detriment ensuing from the realisation of the line, even in case of legally prescribed or officially imposed measures.
15. If the competent body in charge of the waterway finds it necessary, the established practice of the installation of a sewer system or collector crossing a waterway has to be undone, modified or adjusted by and at the expense of the operator at the simple request and according to the instructions of this body. These prescribed works include the restoration to the original state if necessary and are performed without any claim to compensation.

Important stipulations of the Flemish Codex on Spatial Planning

Duration of the building permit

Art. 4.6.1. A building permit is valid for an indefinite period of time, unless expressly stated otherwise.

Art. 4.6.2. §1. A building permit granted for an indefinite period becomes legally null and void in each of the following cases:

- 1° the realisation of the building permit is not started within two years after the permit was granted in the final administrative instance;
- 2° the works are interrupted for longer than two years;
- 3° the buildings for which the permit was granted are not windproof within three years after commencement of the works.

The terms of two or three years mentioned in the first clause are suspended as long as an appeal for reversal of the building permit is pending with the Council for Permit Disputes, except if the authorised actions are contrary to a planning approval decision that entered into force before the final decision by the Council. In case of the latter, any right to planning compensation is reserved nonetheless.

If the building permit of indefinite validity expressly mentions the different stages of the building project, the terms of two or three years mentioned in the first clause apply for each stage. For the second and subsequent stages, the terms of dissolution therefore start as from the date of commencement of the relevant stage.

§2. [...]

§3. The building permit of indefinite validity only lapses for the unfinished part of the building project. A part is finished if, possibly after demolition of the unfinished parts, it can be considered a separate construction that meets the physical construction requirements.

Art. 4.6.3. The Flemish Government can determine more specific rules on building permits of definite validity, in particular its minimum and maximum duration.

Publication of the permit

Art. 4.7.26. §4. With regard to admissible permit applications, the following rules apply to the procedure:

- 1° (...)
- 6° a notification that the permit has been granted is posted by the applicant at the location to which the permit application relates for a period of thirty days. The applicant immediately informs the municipality of the starting date of this posting. The clerk to the council or their proxy ensures that the applicant posts this notification within ten days after the date on which a copy of the express decision to grant the permit is received. The Flemish Government can impose additional requirements both on the content and manner of posting;
- 7° the clerk to the council or their proxy delivers a certified copy of the certificate of posting to any interested party mentioned in article 4.7.21, §2, upon simple request.

A permit granted in the scope of the special procedure can be used as of the thirty-sixth day after the day of posting. This stipulation applies without prejudice to article 4.5.1, §2.

§5. The Flemish Government can determine formal and procedural rules for the application of this article.

Relation with the environmental permit and the environmental notification

Art. 4.5.1. §1. In application of article 5, §2 of the decree of 28 June 1985 on environmental permits, a building permit for a construction requiring an environmental permit is considered to be:

- 1° indefinitely granted: as of the date on which the building permit can be used in accordance with article 4.7.19, §3, article 4.7.23, §5, or article 4.7.26, §4, second clause;
- 2° indefinitely refused: as of the date on which the final administrative decision was made not to grant the building permit.

§2. A building permit for a construction requiring an environmental permit or that is subject to the notification requirement as per the decree of 28 June 1985 on environmental permits is suspended as long as the environmental permit has not been granted indefinitely in accordance with article 5, §1 of the decree of 28 June 1985 on environmental permits or the notification has not been made. Where acts requiring notification in application of article 4.2.2 are concerned, the viability of the permit is suspended.

In the case mentioned in the first clause, the term of two years laid down in article 4.6.2, §1, first clause, 1° only starts on the day when the environmental permit is granted indefinitely or the notification has been made.

However, if the environmental permit is refused indefinitely within the meaning of article 5, §1 of the decree of 28 June 1985 on environmental permits, the building permit becomes legally null and void. The dissolution of the building permit is immediately notified to the applicant and the authority that granted the building permit by the authority that refused the environmental permit. Where acts requiring notification in application of article 4.2.2 are concerned, these actions cannot be performed.

Available legal remedies

Art. 4.8.1. A Council for Permit Disputes is established, hereinafter referred to as the Council.

Art. 4.8.2. The Council acts as an administrative court that issues decisions on appeals lodged for the reversal of:

- 1° permit decisions, which are express or implicit administrative decisions, made in the final administrative instance, concerning the granting or refusal of a permit;
- 2° validation decisions, which are administrative decisions on the validation or refusal to validate an as-built certificate;
- 3° registration decisions, which are administrative decisions that enter a construction as "considered authorised" in the permits register or that refuse such an entry.

Art. 04/08/2011. §1. Appeals can be lodged with the Council by the following parties:

- 1° the applicant of the permit or the as-built certificate, or the owner of the rights in rem or the rights in personam with regard to a construction that is the object of a registration decision, or the person who actually uses this construction;
- 2° the administrative bodies granting the permit involved in the file;

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- 3° every individual or legal entity that can experience direct or indirect inconvenience or detriment due to the permit, validation or registration decision;
 - 4° associations competent to initiate proceedings acting on behalf of a group whose collective interests are endangered or damaged by the permit, validation or registration decision, insofar as their activity is long-lasting and effective in accordance with the articles of association;
 - 5° the senior official of the department, or in their absence their proxy, for permits granted in the scope of the regular procedure, except in the cases mentioned in article 4.7.19, §1, third clause;
 - 6° the senior official, or in their absence their proxy, of the department or agency to which the advising authority belongs, appointed under article 4.7.16, §1, first clause or article 4.7.26, §4, 2°, provided that this authority issued timely advice or was wrongfully not approached for advice;
 - 7° the bench of Mayor and Aldermen for permits granted within the scope of the special procedure, provided that it issued timely advice under 4.7.26, § 4, first clause, 2°, or was wrongfully not approached for advice.

The person to whom it can be reproached that he/she did not contest a permit decision to their disadvantage through the available administrative appeal to the deputation organised for this purpose, is considered to have abandoned their right to turn to the Council for help.

- §2. The appeals are lodged within a time limit of forty-five days, commencing on:
- 1° as regards permit decisions:
 - a) either the day after the pronouncement, if such a pronouncement is required;
 - b) either the day after the start date of posting, in all other cases;
 - 2° as regards validation decisions:
 - a) either the day after the pronouncement, if such a pronouncement is required;
 - b) either the day after the entry in the permits register, in all other cases;
 - 3° as regards registration decisions:
 - a) either the day after the pronouncement, if such a pronouncement is required;
 - b) either the day after the entry of the construction in the permits register, in all other cases;

Note

These data can be stored in one or more files. The files can be located at the municipality, the province as well as the Flemish spatial planning authority (Ruimte Vlaanderen). They can be used for the processing of your file. They can also be used to generate statistics and for scientific purposes. You have the right to consult the data in these files and request their correction if necessary.

Search address

The texts of the Flemish Codex on Spatial Planning as well as the various implementing decisions are available (in Dutch) on the website www.ruimtelijkeordening.be.