



Appeal Decision

Inquiry held on 24 May 2012

Site visit made on 25 May 2012

by P J Asquith MA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 June 2012

Appeal Ref: APP/Y2620/A/12/2170245

Route between Weybourne Hope and Little Dunham, Norfolk

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Dudgeon Offshore Wind Limited against North Norfolk District Council.
 - The application, Ref. PF/09/1270, is dated 18 December 2009.
 - The development proposed is described as a 45km buried cable system running between the landfall point at Weybourne Hope (North Norfolk District) and a new electrical substation to the south of Little Dunham (Breckland District).
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Procedural Matters

1. The proposed development forms part of a larger scheme to develop the Dudgeon Offshore Wind Farm, some 32km off the Norfolk coast. At the time of the Inquiry an application for consent for the development of the wind farm under section 36 of the Electricity Act was before the Secretary of State for Energy and Climate Change. The scheme subject to this appeal is part of the onshore proposals required to connect the wind farm to the electricity transmission network. Although the proposal is as described above, the appeal relates solely to that part of the cable route within North Norfolk District stretching from the coast at Weybourne Hope to the district boundary with Breckland District near the village of Great Ryburgh, a length of some 27.7km. It is on this basis that I have determined the appeal.
2. That part of the cable route within Breckland was granted permission on 15 December 2010¹. A further separate application relating to the provision of a substation to permit transfer of power from the proposed underground cable system to the existing main grid 400KV overhead power lines, also within Breckland, was refused planning permission by the Secretary of State on appeal. A High Court challenge to this decision was successful. At the time of the Inquiry into the present proposal a decision was awaited as to how this matter was to be progressed following the quashing of the Secretary of State's decision.
3. The appeal was lodged on the basis of the Council's failure to determine the application within the prescribed period. Shortly following the lodging of the appeal the Council considered the application within its area of jurisdiction and resolved that it would have refused planning permission on the basis of the

¹ Local Authority Ref. 3PL/2009/1189/F

scheme's detrimental impact on the landscape and on the local agricultural economy. The Council subsequently decided that it would not defend its position at the Inquiry. It was, however, represented at the Inquiry to provide input to the discussion that took place on conditions considered to be necessary in the event of the appeal being allowed and planning permission granted.

4. The proposal was subject to Environmental Impact Assessment (EIA) in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The resulting EIA report - the Environmental Statement - accompanied the application. Further information, including that in respect of impact on soils, has also been provided. I am satisfied that the entirety of the environmental information is comprehensive and I have taken it into account in considering the scheme.
5. Following the close the Inquiry I made an accompanied site visit in the company of representatives on behalf of the appellant and the Council. This involved viewing much of the line of the route from public highways and footpaths.

Decision

6. The appeal is **allowed** and planning permission is granted for that part of a buried cable system relating to the Dudgeon Offshore Wind Farm between the landfall point at Weybourne Hope and the North Norfolk district boundary near Great Ryburgh in accordance with the terms of the application, Ref. PF/09/1270, dated 18 December 2009, subject to the conditions set out in the attached Schedule.

Main Issues

7. From all I have read, seen and heard I consider the main issues in this case to be the impact of the proposal on: first, the appearance and character of the area; and secondly, its land use implications, particularly in respect of agriculture.

Reasons

General background

8. Since the offshore application was submitted, proposals for a second stage of offshore development in the Dudgeon area have been initiated, with the Dudgeon area considered to have the potential to support significant extra generating capacity. The onshore electrical connection therefore not only takes account of the needs of Stage 1 but also those anticipated for Stage 2. The output from Stage 1 would be up to 560MW and if Stage 2 was to come to fruition this could increase the maximum output in the Dudgeon area up to a maximum of 1,400MW. The output from Stage 1 alone is said to provide some 3% of the UK's renewable energy target and would provide sufficient electricity to supply the equivalent of every home in Norfolk. Over its expected 50-year life the wind farm would be likely to save up to 40 million tonnes of CO₂. The option of under-grounding cables rather than the use of overhead cable connections was chosen on the basis of the lesser landscape and visual impact this would have.

Policy background

9. In terms of planning policy, the development plan comprises the East of England Plan – The Revision to the Regional Spatial Strategy for the East of England (2008) and the North Norfolk Local Development Framework, Core Strategy (2008) (CS). Policy ENG2 of the East of England Plan is supportive of the development of new facilities for renewable electricity generation. This is echoed within the CS in both its Core Aims (Core Aim 2) and specific policies (SS4 and EN7). The latter have the caveats that renewable energy projects will be supported providing impacts on matters such as landscape, amenity, wildlife and biodiversity are acceptable. The National Planning Policy Framework (The Framework) provides further backing to the provision of renewable energy schemes. The encouragement of the use of renewable resources (for example by the development of renewable energy) is a core planning principle, with planning being seen as playing a key role in the delivery of renewable energy and associated infrastructure, a central element in the promotion of sustainable development.
10. The Framework advises that in assessing the likely impacts of wind energy developments and determining planning applications planning authorities should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure, read with the relevant sections of the Overarching National Policy Statement for Energy Infrastructure. The latter notes the UK's commitment to meeting legally-binding targets to cut greenhouse gas emissions by at least 80% by 2050 compared to 1990 levels and that renewable energy will assist in meeting that target. In particular, it is recognised that in the short- to medium-term much of the renewable generating capacity is likely to be derived from onshore and offshore wind with a need for new projects to come forward urgently.

The scheme

11. Electricity generated by the offshore wind farm would be transmitted through underground cables to the point of connection to the grid by alternating current with the voltage being at Extra High Voltage levels (120kV or above). The cable system would require up to four cable trenches. The total width of the cable trench corridor would be about 16m but the working corridor for installing the trenches would be up to 40m (for access and soil storage) although in certain places, in order to minimise impacts on hedgerows, individual trees, a watercourse and archaeological sites, this could be reduced to 20m. The cables would be either ducted or buried directly at a depth of at least 1m but with greater depths depending on specific circumstances. The methods that would be used would be open trenching (involving the careful removal of topsoil and subsoil, the laying of the cables and then the reinstatement of the soils) or Horizontal Directional Drilling (HDD). The latter technique involves boring underground to allow the cables to be laid without any surface impact. It would be used where the cables are to cross principal roads, under rivers such as the Glaven and Wensum, and in certain other sensitive locations.
12. Cables would be arranged in a series of sections of typically 600-700m in length although lengths may vary up to 1,000m. At the connection point between each cable section, there would be an underground cable joint bay. The length of each cable section would be dependent on the location of the cable joint bays relative to field boundaries, hedges and roads. Close to each of the jointing locations there would need to be the provision of a cross-bonding pit to provide permanent access for maintenance during the

operational phase. It is intended that these would be marked on the ground by an exposed manhole in the order of 1m x 1.3m, with up to eight such manholes required at each cable joint location. Once laid, these, together with small concrete marker posts next to the cross-bonding pits, would be the only visible signs of the presence of the line of the cables. Where possible, the cross-bonding pits would be located at existing field boundaries or road crossings in order to minimise restrictions on future land use. The cables would be laid in discrete sections with appropriate reinstatement as each section was completed so that these would not be left open for the duration of the construction phase. The appellant considers that each section would be completed in about six months.

Appearance and character

13. The cable route would pass through an attractive and essentially mostly arable, gently rolling agricultural landscape, the northernmost section of some 8km being within the Norfolk Coast Area of Outstanding Natural Beauty. However, there are variations and several landscape character types and areas defined at both national and local level would be passed through. Inevitably the installation of the cables would result in a short-term detrimental impact on the landscape and in visual terms. This would result from the removal of sections of hedgerows, a limited numbers of trees, excavation, the temporary piling of excavated soils and imported materials, the need for haul roads and access, and the provision of main and satellite construction compounds.
14. The ES included a landscape and visual impact assessment whose methodology was in accordance with the Landscape Institute and the Institute of Environmental Management and Assessment's Guidelines for Landscape and Visual Impact Assessment. This assessed the sensitivity of the landscape through which the cable route would pass, the magnitude of any impact during the construction phase, after one year and after ten years, and the significance of the impact on national and district landscape character. I have no reason to disagree with the Council's Conservation, Design and Landscape Manager, or with the appellant's landscape witness, who consider that the impact of the development on components such as landscape character, national and regional landscape designations and the historic environment has been properly assessed.
15. There would be major or moderate impacts (described in the ES as 'significant') on landscape character and designations within and surrounding the route corridor during construction. These would, however, be temporary and on completion effects would reduce and not be significant. Even during the construction phase impacts could be mitigated by the imposition of relevant conditions. The landscape elements affected would be trees and hedgerows which would need to be removed during construction. However, these would be replaced and tree planting increased. The route would cross about 100 sections of hedgerow (in differing degrees of intactness and species diversity). Of the hedgerows that would need to be removed (where HDD would not take place) these would be replanted. Additional hedgerow planting would result in a net increase in hedging length of over 0.5km. This could have a longer-term beneficial effect, particularly where presently poor and gappy hedging exists (which is almost a third of those hedgerows affected). The route, which has undergone minor amendments in order to avoid features or reduce impact on farming practises, has been designed to minimise the effect on hedgerows and

trees by using existing gaps where possible. Whilst a working corridor of 40m is required for most of the route to permit access and soil storage, as noted above this could be reduced to 20m at hedgerow crossings.

16. Along the entire North Norfolk length of the cable route only about 16 trees would be affected. Trees would be planted in the ratio of five trees for each one removed plus at least one oak, ash, alder or beech (dependent on habitat) planted in each section of replaced hedge. Although tree planting would not be feasible directly over the line of the cables, the working corridor would be wide enough to allow this additional planting. The reinstatement of soils would permit agricultural cultivation to resume and, providing reinstatement is carried out correctly (which could be ensured through the provision and implementation of a Soil Management Plan), there is no reason to assume that there would be any material visible longer-term landscape effects. Once hedgerows have been re-established the only outward signs of the cable route would be the cross-bonding manhole covers and short marker posts. The cable route would have no impact on the Norfolk Heritage Coast, its boundary lying approximately 450m to the west, no Registered Historic Parks and Gardens would be affected, nor would any trees protected by a Tree Preservation Order.
17. I have no reason to come to a conclusion other than that reached in the ES that after ten years there would be negligible impact on the significance of the landscapes which the route would cross. Even after one year there would be likely to be only minor adverse impacts along the route corridor itself, with a negligible impact on the wider landscape character areas and designations through which it would pass resulting from the presence of manhole covers, markers and immature hedging. After five years it is likely that with proper management and after-care hedgerows would be well-established. I am supported in this assessment having seen on my site visit parts of the route of underground cables from the Sherringham Shoal offshore wind farm where land and hedgerows have been relatively recently reinstated following installation. The limited short-term impacts that the scheme would have arise from the desire to avoid the longer-term, much more pronounced, landscape and visual effects that overground transmission lines would undoubtedly cause.

Land use implications

18. Where the cable route passes through farmland there would be a short-term impact on farming practise. With an assumed working corridor of 40m this would affect within North Norfolk some 108ha or 0.11% of the total agricultural land within the district². Concerns have been raised about impact on soil structure, field drainage and potential soil heating and how these might impact on crop production and livelihoods. An industry-standard system of contractual compensation would cover disruption and loss as a result of the construction works, the objective being that those affected would be put back in the position they would have been in if the works had not taken place. The route has been designed and modified as far as possible to keep to field margins and boundaries to minimise possible disruption.
19. Having regard to soils, as already mentioned above, a condition requiring the provision of a Soil Management Plan has been suggested. This would involve a detailed soil survey along the cable route prior to development and would

² Agricultural land that potentially could be affected by the operational cable route would be some 16.74ha or 0.01744% of the total agricultural land within the district.

include the provision of information on land drains, prediction of the risk of soil erosion, ground conditions and soil temperatures around and above the cables when in use, together with measures to minimise impacts on growing crops and overlying soil. The Plan would also require details of soil stripping, handling, storage and re-instatement to ensure no deleterious impacts and the successful re-instatement of soils. The method of providing the cable in sections would permit flexibility to vary the design to eliminate any predicted excess thermal impact.

20. From the evidence provided, and with such a detailed study and implementation of agreed proposals within it, I consider it reasonable to assume that there would be unlikely to be any significantly harmful impacts on individual farm holdings. Furthermore, as indicated at the Inquiry, compensation for any loss occasioned by the development is open-ended and would provide a fall-back. Should it transpire that the operational cable route was having deleterious effects on farming practise or production these payments would be applicable.

Conclusion

21. Subject to the imposition of appropriate conditions, on the above basis I do not consider the proposal would result in any material harm to the appearance and character of the area beyond the initial construction phase. Nor would there be any significant adverse effects on agriculture or other land uses. What limited impacts there may be would be clearly outweighed by the important advantages of facilitating the development of a major supplier of renewable energy. The proposal would accord both with development plan policies and national planning guidance in this respect.

Conditions

22. Conditions were discussed at the Inquiry with a considerable measure of agreement being reached between the appellant and the Council on the necessity for, and wording of, the majority. I have considered the suggested conditions having regard to Circular 11/95 *The Use of Conditions in Planning Permissions*. The Council's list of conditions contains a section of notes or 'informatives' which it suggested should accompany any imposed conditions. I have had regard to these and, where appropriate, incorporated those elements I consider to be necessary and appropriate within the conditions to which they relate.
23. The appellant suggests that the time limit for commencement of the development should be five years rather than the normal three. This is on the basis of the need to secure the consents and permissions outside North Norfolk in relation to the project as a whole, together with the requirement to undertake work as a result of conditions precedent before any development work could commence; whilst it is probable that these matters could be dealt within three years there is a substantive risk that they may not. The Council would prefer to see the standard three year condition but as a compromise would accept four years on the basis that this would reduce the period of uncertainty for landowners and tenants through whose land the cable route would pass. I note that the permission for the cable route within Breckland carries a five-year commencement condition. Given this, and the unique nature and complexity of the proposal, such a condition would be reasonable in this case without causing prejudice to proper planning within the district.

24. A condition is required specifying the plans to which the permission relates, for the avoidance of doubt and in the interests of proper planning. A condition is suggested (No.3) limiting development until such time as the appropriate consents have been granted for Stage 1 of the offshore wind farm and limiting that to serve Stage 2 until such time as any appropriate consent has been granted for this.
25. The Council suggests that commencement of work on Stage 2 should be specifically time-limited to three years from the date of commencement of Stage 1. This is in order to ensure linkage of the two stages, limit uncertainty for landowners and local communities and minimise as far as possible landscape impact that might arise if the stages were effectively 'uncoupled'. However, the cable route permission is in respect of both stages with commencement to take place within five years. No consents have been granted yet for either stage of the offshore elements. I consider it probable that works for cable laying for both stages would be carried out simultaneously or directly following on from each other since it would seem to make little sense to carry out re-instatement work for this to be subsequently dug up and the process repeated. I am not therefore convinced of the necessity for the time-limiting wording as suggested by the Council. A condition is, however, required to ensure full restoration of the route to ensure a satisfactory appearance.
26. I shall impose conditions requiring the agreement of details of the construction methodology of the cable installation, location of cross-bonding pits and above-ground equipment and features, details of the main and satellite construction compounds and HDD site working areas, to ensure adequate landscape and biodiversity protection. As discussed above, a Soil Management Plan is required to ensure proper handling of soils and adequate restoration. An Environmental Action Plan (EAP) is required to safeguard any ecological interest along the route and any protected species and, in the interests of the appearance of the area, a condition restricting the removal of trees and hedges not covered by the EAP is necessary.
27. To protect potential geodiversity interest along the cable route a scheme for the recording and monitoring of features of such interest is required, as is a programme for archaeological evaluation in order to record and preserve any items of archaeological interest. To ensure highway safety and efficiency details of a Construction Traffic Management Plan are required. Conditions are necessary requiring a risk assessment in respect of contamination of land, action if previously unidentified contamination is found, and a scheme for pollution prevention and measures in respect of controlled waters. To safeguard residential amenity, conditions are required to control noise, dust and hours of working in relation to the construction phase.
28. Information has been provided with the application as to the likely time that it would take to complete sections of the cable route and I acknowledge that for farmers/landowners this is very relevant. Whilst raised at the Inquiry, I do not consider a condition specifying the laying of the cables in each section within a specified period would be reasonable given the vagaries of weather and ground conditions which could cause specific overruns.

Other matters

29. I have taken account of all other matters raised, including the views of local residents and other interested parties, in reaching this decision. I have noted concerns about bio-security during the construction phase. However, I have no reason to suppose that these could not be adequately addressed through liaison between the developer and individual landowners/farmers and measures incorporated into the proposed Construction Management Plan. Neither this nor any of the other matters raised are sufficient to outweigh my conclusions that the proposal, subject to the conditions discussed, is acceptable.

P J Asquith

INSPECTOR

Schedule of Conditions

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.
2. This permission is granted in accordance with the submitted plans as amended by the following plans: (drawing numbers Figure 01 Revision 004, Figure 02 Revision 003, Figure 03 Revision 003, Figure 04 Revision 002, Figure 05 Revision 002, Figure 06 Revision 003, and Figure 07 Revision 003) dated 19 April 2010 and the document entitled 'Amendment to the Planning Application to North Norfolk District Council' received by the Local Planning Authority on 21 April 2010, amended plan drawing number Figure 01 entitled 'Cable Route Amendments made within land owned by Mr Cook' dated 25 July 2011, and amended plan drawing number Figure 2 Revision 03 entitled 'Horizontal Directional Drilling Location 7 Proposed Amendment' received by the Local Planning Authority on 23 November 2011.
3. No development shall commence until such time as the appropriate consents have been granted in respect of the Dudgeon Offshore Wind Farm (Stage 1). Save to the extent that may be agreed by the Local Planning Authority, no development in respect of the cable route serving any extension or addition to the Dudgeon Offshore Wind Farm (Stage 2) shall commence until such time as the appropriate consents have been issued in respect of such offshore extension or addition.
4. (a) Prior to commencement of the development precise details of the following matters (the Scheme of Working) shall be submitted to, and approved in writing by, the Local Planning Authority in respect of the Stage 1 cabling works:

- (i) The cable installation construction methodology (i.e. open trench direct installation, ducting, AC/DC cable and Horizontal Directional Drilling methodology for each site). The Horizontal Directional Drilling methodology details should include details of the use of bentonite (drilling mud) as contained in the Environment Agency's letter to the local planning authority of 1 February 2010;
- (ii) The cable access corridor;
- (iii) A timetable for construction which shall include full details of the phases of construction (i.e. ground preparation works, hedgerow and tree removal, compound construction and removal, commencement of trench excavation, cable laying or ducting period, partial reinstatement of trenches, full reinstatement of the cable construction corridor) and when they will take place; and
- (iv) Identification of each section of cable installation, as detailed in the submitted 'Onshore Buried Cable Construction Works Technical Note' (July 2010).

The development shall be carried out in accordance with the approved construction methodology and timetable for construction.

(b) Prior to the commencement of Stage 2 works (other than such elements as may have been agreed by the Local Planning Authority in accordance with condition No. 3) no works for the construction of Stage 2 shall be commenced until the matters set out in condition 4)(a) (i) to (iv) inclusive have been submitted to and approved in writing by the Local Planning Authority in respect of Stage 2 works.

- 5. (a) Prior to commencement of the development a detailed Soil Management Plan ('the SMP Stage 1') shall be submitted to and agreed in writing by the Local Planning Authority in respect of the Stage 1 cabling works. The SMP Stage 1 shall where appropriate include the following:
 - (i) Map and text output from a detailed soil survey of the cable corridor including soil type and current topsoil structural conditions;
 - (ii) Map and text information on the known or predicted (from soil type) location of land drains (including depth where known) and any other known pipes or utilities;
 - (iii) Prediction of the risk of erosion from sections of the corridor and details of the measures to avoid erosion;
 - (iv) Predictions of ground conditions based on interpretation of soil and climate information and a timing schedule of ground works for each cable section designed to avoid soil compaction as a result of groundwork and/or traffic when land is likely to be too wet;
 - (v) Predictions of soil temperatures around and above the cables under operational conditions and of the measures taken (cable design, installation design and burial depths) to minimise impacts on growing crops and overlying soil;

(vi) Details of soil stripping, handling, storage, re-instatement (soil and land drains) and aftercare methods including a compliance monitoring regime. This should be designed to ensure no deleterious impact on soils along the corridor and a successful and complete re-instatement of all soils. All removal and storage of topsoil and subsoil should be carried out in accordance with Defra best practice guidelines outlined in 'Construction Code of Practice for Sustainable Use of Soils in Construction Sites' (2009), and

(vii) Information on any other relevant factors not identified above.

The development of Stage 1 cabling works shall be carried out in full accordance with the approved SMP Stage 1 or any modification or amendment approved by the Local Planning Authority.

(b) Prior to the commencement of Stage 2 cabling works (other than such elements, if any, as may have been approved by the Local Planning Authority in accordance with condition No. 3) a detailed Soil Management Plan for Stage 2 ('the SMP Stage 2') shall be submitted to and approved in writing by the Local Planning Authority in respect of Stage 2 cabling works. The SMP Stage 2 shall include all those matters specified in condition 5)(a) (i) – (vii) and, upon approval, the Stage 2 cabling works shall be carried out in full accordance with the approved SMP Stage 2 or any modification or amendment approved by the Local Planning Authority.

6. Prior to commencement of the development an Environmental Action Plan (EAP), informed by the submitted Ecological Mitigation Summary (May 2010), shall be submitted to and approved in writing by the Local Planning Authority. The EAP shall include a scheme of ecological and protected species mitigation measures and the results of the ecological pre-construction surveys. The EAP shall incorporate the following mitigation measures:

- i. The results of the detailed pre-construction surveys for hedgerow breaches and trees removal, along with details of all hedgerow sections and trees for removal.
- ii. An Arboricultural Method Statement, Tree Protection Plan and timetable for implementation (compiled in accordance with BS5837:2012 Trees in Relation to Construction – Recommendations) for all construction works, storage facilities, site access works and any other associated works where the activity will be within 15m of any tree or hedgerow.
- iii. Based on the pre-construction hedgerow and tree removal surveys, a landscaping scheme detailing the replacement hedgerow and tree planting. The details should include types of species, numbers of plants, age and size of plants, locations, method of planting and type of protection for all replacement planting.
- iv. All replacement hedgerow and tree planting to be undertaken in the next available planting season (November to March) following completion of construction and in agreement with the Local Planning Authority. Should any trees or plants die within a period of five years from the completion of the landscaping scheme, or become seriously damaged or diseased, they are to

- be replaced in the next planting season with others of the same size and species.
- v. The landscaping scheme should also include details of the maintenance tasks of all replacement planting, duration of operation and a failures policy for replacement planting.
 - vi. Construction work within the Wensum Valley should be scheduled outside the otter, water vole and bird breeding seasons.
 - vii. Pre-construction surveys should be undertaken to identify sensitive riparian sites where specific mitigation measures should be implemented for the storage of topsoil and subsoil to avoid substrate entering a watercourse.
 - viii. Details of methods for attenuation of sediment transport in watercourses that are to be crossed by open trenching.

The development shall be undertaken in accordance with the approved mitigation measures. Any subsequent variations to the EAP shall first be agreed in writing by the Local Planning Authority.

7. No tree or hedgerow shall be removed except as provided for by the Environmental Action Plan referred to in Condition 6.
8. Prior to commencement of the development a scheme for monitoring and recording features of geodiversity interest during the cable trench excavations shall be submitted to and approved in writing by the Local Planning Authority. The scheme, as agreed, shall be implemented in full accordance with the approved details.
9. (a) Prior to commencement of the development the precise location of all cross-bonding pits and details of all permanent above-ground equipment and features, including inspection pillars, inspection covers and equipment cabinets required as part of the Stage 1 cabling works, shall be submitted to and approved in writing by the Local Planning Authority. Stage 1 of the development shall be carried out in accordance with the approved details.

(b) Prior to the commencement of Stage 2 of the development the precise location of all cross-bonding pits and details of all permanent above-ground equipment and features, including inspection pillars, inspection covers and equipment cabinets required as part of the Stage 2 cabling works, shall be submitted to and approved in writing by the Local Planning Authority. Stage 2 of the development shall be carried out in accordance with the approved details.
10. Prior to commencement of the development full details of the main and satellite cable construction compounds, including the layout and design of buildings, structures, storage areas, perimeter fencing, external lighting (which should be designed to use full cut-off lanterns of a white light source which should not spill light upwards or beyond the compound boundaries) and access, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

11. Prior to commencement of the development full details of the Horizontal Directional Drilling Site working areas, including the layout and design of all temporary structures, storage areas including those for drilling mud and fuel storage, launch and receiving pits, water supply, perimeter fencing, external lighting and access, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
12. No development shall take place until the applicant, or its agents or successors in title has/have:
 - a) caused to be implemented a programme of archaeological evaluation in accordance with a first written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority, and next;
 - b) submitted the results of the archaeological evaluation to the Local Planning Authority, and next;
 - c) secured the implementation of a programme of archaeological mitigation work in accordance with a second written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
13. Prior to the commencement of any works a Construction Traffic Management Plan with Access Routes shall be submitted to and approved in writing by the Local Planning Authority together with proposals to control and manage construction traffic using the construction traffic access routes and to ensure no other local roads are used by construction traffic. For the duration of the construction period all traffic associated with the construction of the development shall comply with the Construction Traffic Management Plan with Access Routes and shall only use the construction traffic access routes and no other local roads unless approved in writing by the Local Planning Authority.
14. Prior to commencement of the development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of land affected by the cable route shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall include all of the following elements unless otherwise first agreed in writing with the Local Planning Authority:
 1. A preliminary risk assessment which has identified:
 - (i) All previous known uses;
 - (ii) Potential contaminants associated with those uses;
 - (iii) A conceptual model of the site indicating sources, pathways and receptors;
 - (iv) Potentially unacceptable risks arising from contamination identified within the cable route application site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy ('the Method Statement') giving full details of the remediation measures required and how they are to be undertaken and;
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented in full accordance with the approved details.

15. If during development contamination not previously identified is found to be present at the site no further development within the section of the cable route in which the contamination has been found shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with. Development shall be carried out in accordance with the approved amendment to the Method Statement.
16. The development hereby permitted shall not be commenced until such time as a scheme to install permanent pollution prevention and control measures in respect of controlled waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.
17. No works shall be carried out, no machinery shall be operated, and no construction traffic shall enter or leave the construction corridor or construction sites before 07:00 on weekdays or before 08:00 on Saturdays, nor after 18:00 on weekdays or 13:00 on Saturdays, nor at any time on Sundays, Bank or Public Holidays.
18. Dust control procedures shall be implemented in full accordance with the mitigation detailed in Table 13.12 of the Environmental Statement, dated December 2009.
19. Prior to commencement of the development a scheme for detailed noise mitigation measures during construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.
- 20.(a) Except with the approval of the Local Planning Authority full restoration of the entire cable route to include replacement of all topsoil shall be carried out in accordance with the Scheme of Working to be submitted and approved under condition 4. That Scheme shall provide for final restoration of the entirety of Stage 1 not later than the first planting season after practical completion of the electricity cable installation. 'Practical completion' shall mean the installation of a physical connection of the northern end of the cable to the landfall of the undersea cable serving Stage 1 of the Dudgeon Offshore Wind Farm and connection of the southern end of

the cable in Breckland District to a substation connected to the national transmission line and installation of all Stage 1 cabling in between.

(b) In the event that consent is granted for Stage 2 of the Dudgeon Offshore Wind Farm full restoration of the entire cable route to include replacement of all topsoil shall be carried out in accordance with the Scheme of Working to be submitted and approved under condition 4 (b). That Scheme shall provide for final restoration of each section of cable installation as detailed in the submitted 'Onshore Buried Cable Construction Works Technical Note' (July 2010) not later than the first planting season after installation of the electricity cable in each section unless otherwise agreed in writing by the Local Planning Authority.

APPEARANCES

FOR THE APPELLANT

Richard Kimblin, of Counsel

instructed by Peter Wilbraham, Cobbetts LLP

He called:

Colin Goodrum BSc(Hons) DipLA
CMLI

Senior Partner, LDA Design

Christopher Brett BA(Hons) MSc
DipTP MRTPI FRSA AoU

Senior Planning Partner, Barton Willmore

FOR THE COUNCIL

Roger Howe FInst LEx

Planning Legal Manager (appeared solely in
relation to the discussion on conditions)

DOCUMENTS (handed in at the Inquiry)

1. Appellant's opening submissions
2. Letter of notification of the Inquiry and list of persons notified
3. Mr Goodrum's extended summary and conclusions
4. Evaluation of Mineral Sites Restored to Agriculture (Reeves, Heaven and Duncan)
5. Appeal Decision, Church Farm South and Church Farm West, near Grimley, Worcestershire (APP/E1855/A/09/2105051)
6. North Norfolk District Council's note on conditions
7. Agricultural Land Classification Map
8. High Court decision: Dudgeon Offshore Wind Ltd and Secretary of States for Communities & Local Government, and Energy & Climate Change, Breckland District Council and Norfolk Farm Produce Limited [2012] EWHC 861 (Admin)
9. Planning decision notice 3PL/2009/1189/F Breckland District Council
10. Plans of suggested route for the site visit