

# BRECKLAND COUNCIL

Elizabeth House, Walpole Loke, Dereham, Norfolk, NR19 1EE. Tel. (01362) 656873

## Planning Permission

<b>Name and Address of Applicant</b>	<b>Location of proposal</b>	<b>Reference No.</b>
Dudgeon Offshore Wind Ltd c/o Sharn Ward Statkraft 41 Moorgate London EC2R 6PP	NECTON & FRANSHAM Land to the South of A47	3PL/2012/0703/F
<b>Name and Address of Agent</b>	<b>Description of Proposal</b>	<b>Date of decision</b>
Royal Haskoning 4 Dean's Yard Westminster London SW1P 3NL	Construct new substation & section of onshore electrical cable route (Fransham Wood to Necton Substation)	23 October 2012

This decision is made for the development described above, and in accordance with the application form, other details (as appropriate) and the following plans:-

100revF Issue E, 101revc Issue C, 106revC Issue B.

9X1665:

PL-01, PL-02, PL-03a, PL-03b, PL-03c, PL-03d, PL-03e, PL-03f, PL-04, PL-05 RevD1, PL-06 RevD1, PL-07 Rev D1, PL-09 Rev D1, PL-08, SK07 Rev P1, SK06 Rev P1, PA/01 Rev D1, PA/02 Rev D1, PA/03 Rev D1, GA-03 Rev P3, SK-13 Rev P1, PA-04 Rev P1, PA-05 Rev P1, GA-01 Rev P1, GA-02 Rev P1.

120912\_bio\_enhancements\_new\_LC.

### **This decision is made subject to the following CONDITIONS -**

1. The development must be begun not later than the expiration of FIVE YEARS beginning with the date of this permission.  
Reason for condition:-  
As required by section 91 of the Town & Country Planning Act 1990 (as amended).
2. The development must be carried out in strict accordance with the application form, details, other documents (as appropriate) and the above drawings, submitted or provided by the applicant.  
Reason for condition:-  
To ensure the satisfactory development of the site.
3. Before the commencement of the development, details of the proposed programme for the cable installation and substation construction shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed programme, save as may be otherwise agreed in writing with the Local Planning Authority.  
Reason for condition:-  
To ensure the satisfactory development of the site.

  
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4. Before the commencement of the development, or such longer period as may be agreed, details of the proposed underground cable layout and all proposed above ground features (including the location and design of inspection covers and equipment cabinets) shall be submitted to and approved in writing by the Local Planning Authority. The development should be constructed in strict accordance with the agreed details, save as may be otherwise agreed in writing with the Local Planning Authority.  
Reason for condition:-  
To ensure the satisfactory development of the site.
5. The proposed trench excavation and cable installation operations shall be undertaken in accordance with the details set out in Section 3.10 of the submitted Environmental Statement (June 2012, save as may be otherwise agreed in writing with the Local Planning Authority.  
Reason for condition:-  
To ensure the satisfactory development of the site.
6. Before the commencement of the development, or such longer period as may be agreed with the Local Planning Authority, detailed proposals for the reinstatement of cable trenches at the end of construction activities, including timescales, shall be submitted to and agreed in writing by the Local Planning Authority. The scheme, as agreed, shall be implemented in full, save as may be otherwise agreed in writing with the Local Planning Authority.  
Reason for condition:-  
To ensure the satisfactory development of the site.
7. Before the commencement of the development, a scheme for monitoring and recording features of geodiversity interest during 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, save as may be otherwise agreed in writing with the Local Planning Authority.  
Reason for condition:-  
To ensure the potential geodiversity interest of the site is investigated. This condition is imposed in accordance with Policy CP10 of the Breckland Adopted Core Strategy.
8. No development shall take place within the application site until the applicant or their agent or successor in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.  
Reason for condition:-  
To ensure the potential archaeological interest of the site is investigated.  
This condition is imposed in accordance with Policy DC17 of the Breckland Adopted Core Strategy.



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9. Before the commencement of any development, or such longer period as may be agreed in writing with the Local Planning Authority, a detailed scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority, including:
- a) a programme for implementation;
  - b) a specification of landscape works including ground preparation, soil amelioration, planting, staking, protection, watering etc;
  - c) proposals for hedgerow reinstatement;
  - d) proposal for tree planting;
  - e) proposals for grass seeding; and
  - f) a scheme of lighting of the site.

The landscaping scheme shall include details of areas to be planted and plant species, sizes and proposed numbers/densities, such details taking account of the Local Planning Authority's leaflet 'Tree pack' (Landscaping advice for applicants). The landscaping scheme shall be implemented in accordance with the details so approved, save as may be otherwise agreed in writing with the Local Planning Authority.

Reason for condition:-

In the interests of controlling the appearance of the development and to protect the amenities of the area.

10. Before the commencement of development, or such longer period as may be agreed in writing with the Local Planning Authority, a Site Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Site Management Plan shall cover a period of not less than 10 years following commencement of operations on the site and shall include proposals for the management of all trees, woodland and hedgerows to achieve visual screening of the substation and for landscape and nature conservation benefits including replacement planting, thinning, pruning, removal of any sacrificial planting, etc, as appropriate. The Site Management Plan shall include proposals for monitoring of the effectiveness of visual screening. The site shall be managed in accordance with the approved Site Management Plan (or any approved revision thereof) during the period of its duration.

Reason for condition:-

In the interests of controlling the appearance of the development

11. Construction work shall occur only between the hours of 0700 to 1800 Monday to Friday and 0700 to 1300 on Saturday. No construction work on the cable installation or substation construction shall take place outside these hours without the prior written consent of the Local Planning Authority.

Reason for condition:-

In order to protect local amenities.

  
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12. Before the commencement of any works on the site, or such longer period as may be agreed in writing with the Local Planning Authority, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority, to include details of the following:
- a) A detailed construction programme showing individual build stages;
  - b) Ingress and egress to and from the site for vehicles during site works period; including on-site parking provision;
  - c) Procedures for controlling sediment runoff, noise, dust and the removal of soil, debris and demolition and construction materials from public roads or places;
  - d) Measures to mitigate impacts on the amenities of existing residential properties due to noise, dust and vibration;
  - e) Details of the Site Waste Management Plan; and
  - f) Measures to be adopted for the protection of existing trees, hedgerows, ponds and watercourses during construction.
- The approved details (or any approved revision thereof) shall be implemented and maintained throughout the construction period.
- Reason for condition:-  
To ensure that occupiers of neighbouring premises do not suffer a significant loss of amenity by reason of pollution and nuisance.
13. Before the commencement of any works for the construction of the substation, details of all proposed earthworks, including a Soils Management Plan, shall be submitted to and approved in writing by the Local Planning Authority, to include details of the following:
- a) The stripping and conservation of soils within the site, including details concerning the locations and approximate dimensions of soil storage mounds. Topsoil and subsoil shall be stripped and stored separately;
  - b) The excavation of formation levels, including proposed terracing;
  - c) The formation of earth mounding, including details of mound location, form and slope profile, and proposals for the placement and compaction of soils; and
  - d) Proposals for the spreading of retained soils following completion of construction works, including topsoil and subsoil depths proposed for placement.
- Reason for reason:-  
To provide for the proper conservation of soils and in the interests of controlling the appearance of the development
14. Before the commencement of the relevant works on the site, full details of the main construction compound and the satellite cable construction compound, including the layout and design of buildings/structures/storage areas, 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 agreed details.
- Reason for condition:-  
To ensure the satisfactory development of the site.
15. No works shall commence on site, other than the construction of the temporary access to the site from the A47 trunk road, until a Biodiversity Management Plan has been submitted to and approved by the Local Planning Authority. The Biodiversity Management Plan shall set out proposals for on and off-site habitat creation and management, including details of proposed planting, physical works and management regimes. The Plan shall accord generally with the biodiversity enhancement proposals outlined in Sections 7.1.3.2 and 7.1.3.4 of the submitted Environmental Statement (June 2012) and drawing no. 120912\_bio\_enhancements\_new\_LC Rev 01. The Biodiversity Management Plan shall be implemented in accordance with an agreed timetable contained therein.
- Reason for condition:  
In order to ensure that appropriate measures are taken to promote biodiversity.



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16. No part of the development granted under planning application 3PL/2012/0703/F shall be commenced unless and until temporary access arrangements are in place and indicated by temporary road signs on the A47. The access and signs shall be substantially in the form of, and have no less an effect on safety, as those indicated on drawings produced by Royal Haskoning UK Ltd. For Necton substation drawing No. 9 x 1665-GA-01 Rev P1 dated 24/02/12, titled 'Proposed Satellite Cable Construction Access General Arrangement' and drawing No. 9 x 1665-GA-03 Rev P3 dated 05/03/12 titled 'Proposed Construction Site Access General Arrangement'.  
Reason for condition:-  
To ensure that A47 trunk road continues to operate as part of the Strategic Road Network and in accordance with Section 10(2) of the Highways Act 1980 and for the reasonable requirements of safety on that road.
17. Following completion of the construction phase the temporary signs shall be removed and the verge areas returned to a similar appearance to that which existed prior to the temporary access arrangements being in place.  
Reason for condition:-  
To ensure that A47 trunk road continues to operate as part of the Strategic Road Network and in accordance with Section 10(2) of the Highways Act 1980 and for the reasonable requirements of safety on that road.
18. Notwithstanding the details indicated on the submitted drawings, no works shall commence on site until a detailed scheme for the provision of three passing places along St Andrews Lane has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The agreed improvements shall be implemented in full prior to the first use of the substation or such period as may be agreed in writing with the Local Planning Authority.  
Reason for condition:  
To ensure that highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.
19. Other than during the construction phase, means of vehicular access to the substation shall be from St Andrews Lane only, unless otherwise agreed with Breckland Council in consultation with the Highways Agency.  
Reason for condition:-  
In the interest of road safety.
20. Before the commencement of the development, a Construction Traffic Management Plan shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the Highways Agency and the Local Highway Authority. Traffic associated with the construction of the development shall comply with the terms of the agreed Traffic Management Plan and shall use only approved routes and no other roads, save as may be otherwise agreed in writing with the Local Planning Authority.  
Reason for condition:-  
In the interests of maintaining highway efficiency and safety.
21. Development of the access road hereby permitted shall not be commenced until such time as a finalised scheme for the provision of surface water drainage works for the access road have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.  
Reason for condition:  
To prevent causing or exacerbating flood risk to any third party by ensuring the satisfactory disposal of surface water from the substation site.



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22. Development of the main substation hereby permitted shall not be commenced until such time as a finalised scheme for the provision of surface water drainage works for the substation have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.  
Reason for condition:  
To prevent causing or exacerbating flood risk to any third party by ensuring the satisfactory disposal of surface water from the substation site.
23. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.  
Reason for condition:  
To protect and prevent the pollution of controlled waters (particularly the River Wissey and the principal aquifer in the Upper Cretaceous Chalk, which is part of the North West Norfolk Chalk and the Cam and Ely Ouse Chalk waterbody) from potential pollutants in line with Environment Agency Groundwater Protection (GP3:2008) position statements P9-6 and P9-7.
24. The noise rating level(defined as set out in BS4142) from the operation of the substation shall not exceed 35dB LAeq (5 minutes) at any time at a free field location immediately adjacent to any noise sensitive location.  
Reason for condition:-  
In the interest of the amenity of nearby residents.
25. Noise from the operation of the substation shall not exceed a limit value of 32dB LLeq (15 minutes) in the 100Hz third octave band, at any time at a free field location immediately adjacent to any noise sensitive location.  
Reason for condition:-  
In the interest of the amenity of nearby residents.
26. Prior to the operation of any part of the site, the developer shall submit a scheme to be agreed in writing with the Local Planning Authority, for monitoring compliance with the above noise conditions. The scheme to include identification of suitable monitoring locations (and alternative surrogate locations if appropriate) and times when the monitoring is taking place to demonstrate that the noise levels have been achieved after both initial start up and six months of operation.  
Reason for condition:-  
In the interests of the amenity of nearby residents.



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27. NOTES - This decision to grant planning permission has been taken having regard to the National Planning Policy Framework, the adopted Breckland Core Strategy and Development Control Policies, and the adopted Site Specific Policies and Proposals Document including the Proposals Map summarised below and to all relevant material considerations:

DC1: Protection of Amenity  
DC12: Trees and Landscape  
DC13: Flood Risk  
DC15: Renewable Energy  
DC16: Design  
DC17: Historic Environment  
DC19: Parking Provision  
CP5: Developer Obligations  
CP10: Natural Environment: Protection of Species  
CP11: Protection and Enhancement of the Landscape  
CP12: Energy  
NPPF: National Planning Policy Framework

In reaching this decision the Council was particularly mindful of the following matters:

The application would enable the provision of renewable energy and would not result in an unsatisfactory level of impact on highway safety, residential amenity, landscape or biodiversity. Proposed conditions will cover landscaping, highway safety, residential amenity, soil management, noise, construction hours, surface and foul water drainage, contamination, biodiversity, external lighting and a condition will ensure the provision of wildlife corridors.

This informative is intended only as a summary of the reasons for the grant of planning permission. Further details on the decision and on how the policies referred to have been addressed may be obtained through inspection of the written report for this application, available at the Council Offices. Please telephone (01362) 656873 or e-mail [planning@breckland.gov.uk](mailto:planning@breckland.gov.uk) to arrange to view the report at the Council Offices

28. If the formal discharge of any condition is required, it will be necessary for you to submit to the Council all relevant details, together with a completed application for the "Discharge of Conditions" and the fee as appropriate.
29. Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.  
You or your agent or any person responsible for implementing this permission should inform the Development Control Section immediately of any proposed variation from the approved plans and ask to be advised to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.
30. The protected species survey has identified that species protected by domestic legislation may be affected by this application.  
We have not assessed the survey for badgers, barn owls and breeding birds, water voles, widespread reptiles or white-clawed crayfish. These are all species protected by domestic legislation and you should use our standing advice to assess the impact on these species.  
For future applications, or if further survey information is supplied, please refer to our standing advice to decide if there is a reasonable likelihood of protected species being present and whether survey and mitigation requirements have been met.  
If you would like any advice or guidance on how to use our standing advice, or how we used the standing advice to reach a conclusion in this case, please contact Natural England.



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31. To temporarily close a Public Right of Way you would need to consult with Norfolk County Council prior to any potential closure.

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## NOTES RELATING TO PLANNING DECISIONS

### Appeals against planning decisions

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to refuse in part an application for a Certificate of Lawful Use or Development or to refuse express consent to display an advertisement(s), or to grant permission, approval or consent subject to conditions, he or she may appeal to the Secretary of State for the Environment in accordance with Section 78 & 195 of the Town and Country Planning Act 1990 within six months (\*\* see **Householder applications**) of the date of this notice, or within 8 weeks of the date of this notice for appeals relating to applications for advertisement consent, in accordance with Schedule 4 of the Town and Country Planning Control of Advertisements Regulations 1992. References to a "refusal of an application in part for a Certificate of Lawful Use or Development" include a modification or substitution of the description in the application of the use, operations or other matter in question. **\*\* Householder Applications** - If this is a decision to refuse planning permission for a householder and you wish to appeal against the local planning authority's decision then you must do so within 12 weeks of the date of this notice.

(Appeals must be made on a form which is obtainable from The Planning Inspectorate, Registry/Scanning, Room 3/05 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, email - [enquiries@planning-inspectorate.gsi.gov.uk](mailto:enquiries@planning-inspectorate.gsi.gov.uk), tel-0117 372 6372). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements set out in section 79(6) of the Town and Country Planning Act 1990 (namely sections 70,72(1), of the Act), to the provisions of the development order, and to any directions given under the order.

He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

### Purchase Notices

If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the council of the county or borough or county district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.

### Compensation

In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him.

The circumstances in which such compensation is payable are set out in section 114 and related provisions of the Town and Country Planning Act 1990.

### Disabled Persons

Your attention is drawn to the following provisions for disabled persons required under section 76 of the Town and Country Planning Act 1990.

In respect of new developments for buildings to which the public are to be admitted, and for developments relating to offices, shops, railway premises and factories, reference should be made to the provisions of Sections 4, 7 & 8a of the Chronically Sick and Disabled Persons Act 1970, and to the British Standards Institution Code of Practice BS 8300:2009 - Design of Buildings and their approaches to meet the needs of disabled people. Your attention is also drawn to the provisions of the Disability Discrimination Act 1995.

### Buildings Regulations

There are many cases when approval under the BUILDING ACT and/or the BUILDING REGULATIONS may be required. If you have not already made the necessary applications, you are advised to check with my Building Control Section, to see if such an application is required.

### Other Legislation

There may be other legal requirements with which you must comply before you start any construction, and I suggest that you take appropriate legal advice.

Michael A. Horn, Solicitor, Head of Legal Services - Breckland Council

  
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