

# BRECKLAND COUNCIL

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

## Planning Permission

Name and Address of Applicant	Location of proposal	Reference No.
Dudgeon Offshore Wind Limited 45 Wellesbourne House Wellesbourne Warwickshire CV35 9JB	NECTON Route between Colkirk & Necton	3PL/2009/1189/F

Name and Address of Agent	Description of Proposal	Date of decision
Mr R Howard Royal Haskoning 4 Deans Yard Westminster London SW1P 3NL	A 45km buried cable system, between landfall at Weybourne Hope (North Norfolk) & Necton (Breckland)	15 December 2010

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

- \* 9T9093-101-119-A3-PD12 (9T9093/112)
- \* 9T9093-101-119-A3-PD13 (9T9093/113)
- \* 9T9093-101-119-A3-PD14 (9T9093/114)
- \* 9T9093-101-119-A3-PD15 (9T9093/115)
- \* 9T9093-101-119-A3-PD16 (9T9093/116)
- \* 9T9093-101-119-A3-PD17 (9T9093/117)
- \* 9T9093-101-119-A3-PD18 (9T9093/118)
- \* 9T9093-101-119-A3-PD19 (9T9093/119)

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

1. The development must be begun not later than the expiration of FIVE (5) 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.

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3. Before the commencement of the development, details of the phasing of the proposed cable installation shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried in accordance with the agreed phasing plan, save as may be otherwise agreed in writing with the Local Planning Authority.  
Reason for condition:-  
To ensure the satisfactory development of the site.
  
4. The proposed trench excavation and cable installation operations shall be undertaken in accordance with the submitted 'Onshore Buried Cable Construction Works Technical Note' (July 2010), 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. 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
  
6. Prior to 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. 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.
  
8. Before the commencement of the development, an Environmental Action Plan (EAP) shall be submitted to and agreed in writing by the Local Planning Authority. The EAP shall include a scheme of ecological mitigation measures based on the submitted Summary of Ecological Mitigation Measures (May 2010) and the results of pre-construction surveys. Any subsequent variations to the EAP shall be agreed in writing by the Local Planning Authority. The EAP shall be implemented in full in accordance with the timescales set out therein, save as may be otherwise agreed in writing with the Local Planning Authority.  
Reason for condition:-  
In order to ensure that appropriate measures are taken to protect wildlife and promote biodiversity.

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9. 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.
10. Before the commencement of the development, or such longer period as may be agreed, a scheme of landscaping, including hedgerow reinstatement and replacement tree planting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out during the planting season November/March immediately following the reinstatement of each section of cable route, or within such longer period as may be agreed in writing with the Local Planning Authority. The details shall take account of the Council's leaflet "Tree pack" (Landscaping advice for applicants). Any trees or plants which within a period of 5 (five) years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with others of the same size and species unless the Local Planning Authority gives written consent to any variation.  
Reason for condition:-  
In the interests of the satisfactory appearance of the development.
11. Before the commencement of the relevant works on the site, full details of the proposed satellite cable construction compounds, 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 LPA. The development shall be carried out in accordance with the agreed details.  
Reason for condition:-  
To ensure the satisfactory development of the site.
12. Before the commencement of the development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Construction Method Statement shall include measures to control impacts on residential property due to noise, vibration and dust. The measures set out in the agreed Construction Method Statement shall be implemented in full, save as may be otherwise agreed in writing with the Local Planning Authority.  
Reason for condition:-  
In order to ensure the satisfactory development of the site and to protect local amenity.
13. Before the commencement of the development, or such longer period as may be agreed, a scheme to deal with the risks associated with ground contamination shall be submitted to and agreed in writing with the Local Planning Authority. This scheme shall include the following elements, unless otherwise agreed:  
1) A site investigation scheme, based on the findings of the Environmental Statement, to provide information for an assessment of the risks to all receptors that may be affected, including those off site.  
2) The results of the investigation and risk assessment (2) and a method statement giving full details of the remediation measures required and how they are to be undertaken.  
3) A verification report on completion of the works set out in (3) confirming the remediation measures have been undertaken and setting out measures for maintenance, further monitoring and reporting.  
Reason for condition:-  
To protect and prevent pollution of controlled waters and to ensure a safe development.

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14. If during development contamination not previously identified/known about, is found to be present at the site then no further development within the immediate vicinity of the contamination shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for a scheme detailing how this unsuspected contamination shall be dealt with (unless otherwise agreed in writing with the Local Planning Authority). Only when evidence is provided to the Local Authority confirming the contamination is no longer a risk, can development continue within the immediate vicinity of the contamination.  
Reason for condition:-  
To protect and prevent pollution of controlled waters and to ensure a safe development.
15. Before the commencement of the development, a scheme for pollution prevention and control measures shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in full, save as may be otherwise agreed in writing with the Local Planning Authority.  
Reason for condition:-  
To prevent pollution of controlled waters.
16. 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 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.
17. NOTES - It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority This development involves work to the public highway that can only be undertaken within the scope of a legal Agreement between the applicant and the County Council. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highways Development Control Group.  
Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.
18. 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.
19. 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.

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20. This decision to grant planning permission has been taken having regard to Planning Policy Statement(s) and/or Planning Policy Guidance Notes and Saved Policies of the Breckland District Local Plan summarised below, and to all relevant material considerations:
- \* PPS1 ¿Delivering Sustainable Development¿
  - \* Supplement to PPS1 ¿Planning & Climate Change¿
  - \* PPS7 ¿Sustainable Development in Rural Areas¿
  - \* PPS9 ¿Biodiversity & Geological Conservation¿
  - \* PPG22 ¿Renewable Energy¿
  - \* Adopted Core Strategy Policies DC15 (Renewable energy), CP10 (Natural Environment), CP11 (Landscape protection), DC1 (Amenity) and DC12 (Trees & Landscape).

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

- \* planning policy
- \* landscape impact
- \* ecology
- \* residential amenity

Policy DC15 of the Council¿s Core Strategy & Development Control Policies DPD supports renewable energy proposals, subject to criteria relating to landscape impact, residential amenity and conservation of ecological/heritage interests.

The cable route would pass through a rural landscape of predominantly arable farmland, with hedgerow boundaries and interspersed with small blocks of woodland. It is considered that the proposal would have only a limited effect on the rural landscape. Following cable installation, ground surfaces would be restored to their former condition, and the only visible sign of the development would be a series of inspection covers and small equipment cabinets. Tree and hedge removal would be minimal and subject to replacement planting where unavoidable. It is considered that the visual disruption to the landscape during construction, due to the excavation of trenches, storage of spoil/materials and presence of plant and machinery, would not cause significant harm.

No SSSIs within the vicinity of the cable route would be affected by the proposals, and only one locally designated site would be crossed by the cable: a disused railway line designated as a County Wildlife Site. Horizontal Direct Drilling would be used here to minimise the impact. Summary proposals have been submitted to ensure that the proper protection of ecological interests and appropriate mitigation measures.

The impact of the proposed development on residential amenities would be limited by the routing of the cable away from settlements. A range of mitigation measures are proposed to ensure that effects would be minimised where the cable route would pass close to outlying dwellings.

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 or via the Council's website [www.breckland.gov.uk](http://www.breckland.gov.uk). Please telephone (01362) 656870 or e-mail [planning@breckland.gov.uk](mailto:planning@breckland.gov.uk) to arrange to view the report at the Council Offices

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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.

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