



Application Decision

by **Richard Holland**

Appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 8 January 2018

Application Ref: COM/3182314
Stuston Common, Diss, Suffolk

Register Unit No: CL 41

Commons Registration Authority: Suffolk County Council

- The application, dated 27 July 2017, is made under Section 38 of the Commons Act 2006 (the 2006 Act) for consent to carry out restricted works on common land.
 - The application is made by Fisher German LLP for UK Power Networks.
 - The works of approximately 3 weeks duration comprise:
 - i. diversion of 5 spans of 11kv overhead line;
 - ii. excavation of a 600mm wide and 1200mm deep trench for the undergrounding of a further 5 spans of overhead line;
 - iii. installation of support stay wires where the overhead cables terminate; and
 - iv. temporary orange plastic security/safety fencing (approximately 1m high) as necessary during the period of works.
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Decision

1. Consent is granted for the works in accordance with the application dated 27 July 2017 and the plan submitted with it subject to the following conditions:
 - i. the works shall begin no later than 3 years from the date of this decision;
 - ii. the works shall not begin until a programme of archaeological mitigation works prepared in consultation with Suffolk Historic Environment Service is in place; and
 - iii. all temporary fencing shall be removed and the land shall be fully reinstated within one month of completion of the works.
2. For the purposes of identification only, the location of the proposed works is shown on the attached plan.

Preliminary Matters

3. The scaled application plan shows the extent of the overhead lines to be diverted and those to be removed and placed underground. However, it does not give the lengths of the lines concerned and neither does the application form or the published notice. The applicant has since confirmed that the length of line to be diverted, but to remain overhead, is approximately 460 metres and the length to be removed and placed underground is approximately 650-660 metres. Nevertheless, I am satisfied that the extent of the works is sufficiently clear from the plan such that no one wishing to comment on the application has been prejudiced by the absence of these measurements.

4. I have had regard to Defra's Common Land consents policy¹ in determining this application under section 38, which has been published for the guidance of both the Planning Inspectorate and applicants. However, every application will be considered on its merits and a determination will depart from the policy if it appears appropriate to do so. In such cases, the decision will explain why it has departed from the policy.
5. This application has been determined solely on the basis of written evidence.
6. I have taken account of the representation made by the Open Spaces Society (OSS), which does not object to the proposals, and Historic England (HE).
7. I am required by section 39 of the 2006 Act to have regard to the following in determining this application:-
 - a. the interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);
 - b. the interests of the neighbourhood;
 - c. the public interest;² and
 - d. any other matter considered to be relevant.

Reasons

The interests of those occupying or having rights over the land

8. The land is owned by Roger, James and David Laurie, who were consulted about the application but have not commented. The applicant has advised that none of the grazing rights recorded in the common land register are exercised. Two rights to dig clay are also recorded in the register. I am satisfied that due to their short duration the proposed works will not significantly impact on the exercising of these digging rights, if indeed they are exercised. I conclude that the works are unlikely to harm the interests of those occupying or having rights over the land.

The interests of the neighbourhood and public rights of access

9. The interests of the neighbourhood test relates to whether the works will impact on the way the common land is used by local people and is closely linked with interests of public access. Stuston Common is divided into two sections by the A143 Scole/Stuston Bypass, which runs east to west through the centre. The northern section, for which the works are proposed, is largely occupied by Diss Golf Club. Whilst the land is primarily used for the playing of golf it is also open to the public for general access and the works will therefore impact on both.
10. The works will benefit golfers as the overhead cables and their wooden poles, which are to be removed, are an impediment to play and a potential hazard. I am satisfied that those cables which are to be diverted and remain above ground will not impede access or otherwise harm the way in which the public use the common any more than they do in their current location.

¹ Common Land consents policy (Defra November 2015)

²Section 39(2) of the 2006 Act provides that the public interest includes the public interest in; nature conservation; the conservation of the landscape; the protection of public rights of access to any area of land; and the protection of archaeological remains and features of historic interest.

The public interest

Nature Conservation

11. There is no evidence before me which leads me to think that the works will harm any statutorily protected sites or other nature conservation interests.

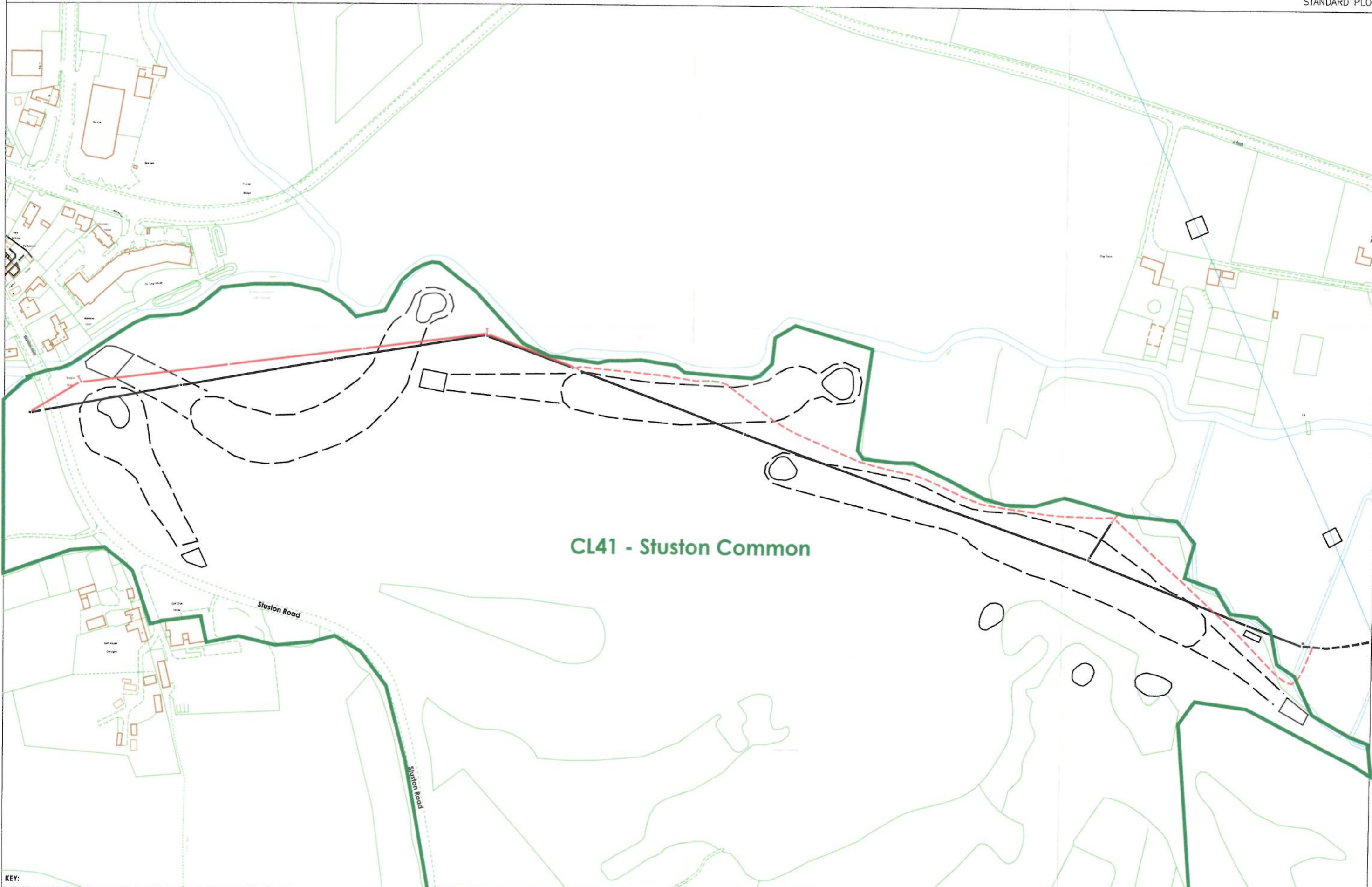
Conservation of the landscape and archaeological remains and features of historic interest

12. HE confirmed that it had no objection to the proposals subject to a programme of archaeological mitigation works being approved by Suffolk Historical Environment Service. The applicant has agreed to such a programme and committed to reinstating the land on completion of the works, both of which can be ensured by attaching suitable conditions to the consent.
13. The proposed works will remove some of the above ground electricity infrastructure, which I consider to be of clear benefit to the landscape, and I am satisfied that suitable measures will be put in place to allow the works to be carried out without harm to archaeological remains or features of historic interest.

Conclusion

14. I conclude that the proposed works will not significantly harm the interests set out in paragraph 7 above; indeed, they will be in the public interest by removing a potential hazard on the golf course and by improving the landscape. Consent is therefore granted for the works subject to the conditions set out in paragraph 1.

Richard Holland



KEY:

- Line to be diverted/removed
- New position of line
- Underground cable route
- Existing underground cable

1. The position of the apparatus shown on this drawing is believed to be correct but the original landmarks may have been altered since the apparatus was installed.
2. The exact position of the apparatus should be verified - use approved cable avoidance tools prior to excavation using suitable hand tools.
3. It is essential that trial holes are carefully made avoiding the use of mechanical tools or picks until the exact location of all cables have been determined.
4. It must be assumed that there is a service cable into each property, lamp column and street sign, etc.
5. All cables must be treated as being live unless proved otherwise by UK Power Networks.
6. The information provided must be given to all people working near UK Power Networks' plant & equipment. Do not use plans more than 3 months after the issue date for excavation purposes.
7. Please be aware that electric cables/lines belonging to other owners of licensed electricity distribution systems may be present and it is your responsibility to identify their location.

1. UK Power Networks does not warrant that the information provided to you is correct. You rely upon it at your own risk.
 2. UK Power Networks does not exclude or limit its liability if it causes the death of any person or causes personal injury to a person where such death or personal injury is caused by its negligence.
 3. Subject to paragraph 2 UK Power Networks has no liability to you in contract, in tort (including negligence), for breach of statutory duty or otherwise for any loss, damage, cost, claims, demands, or expenses that you or any third party may suffer or incur as a result of using the information provided or for physical damage to property or for any economic loss (including without limitation loss of profit, loss of opportunity, loss of savings, loss of goodwill, loss of business, loss of use) or any special or consequential loss or damage whatsoever.
 4. This plan has been provided to you on the basis of the terms of use set out in the covering letter that accompanies this plan. If you do not accept and/or do not understand the terms of use set out in the covering letter you must not use the plan and you must return it to the sender of the letter.
 5. You are responsible for the security of the information provided to you. It must not be given, sold or made available upon payment of a fee to a third party.



The quality and accuracy of any print will depend on your printer, your computer and its print settings. Measurements scaled from this plan may not match measurements between the same points on the ground.

IF IN DOUBT - ASK! PHONE 0800 056 5866
 EMERGENCY - If you damage a cable or line Phone 0800 780 0780 (24hrs) URGENTLY



ALWAYS LOOK UP BEFORE YOU START WORK
 Refer to HSE Guidance note GS6

Maps produced at 1:2500 scale are LV Geo-Schematics which show LV mains cables and overhead lines (in some cases all voltages). Prior to carrying out excavations you must refer to the 1:500 records to determine the location of all known underground plant and equipment.

Grid Ref : TM1378NE
 Scale : 1:2000
 (When Plotted at A2)
 Plotted On : 30/05/2017
 Plotted by: Paul Hurst

