



Application Decision

by **Richard Holland**

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

Decision date: 15 May 2019

Application Ref: COM/3223571
Felixstowe Ferry Common, Suffolk

Register Unit No: CL 20

Commons Registration Authority: Suffolk County Council

- The application, dated 11 February 2019, 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 Savills UK Ltd for UK Power Networks.
 - The works comprise:
 - i. underground installation of approximately 1800m of new 11000v electricity cable;
 - ii. removal of approximately 425m of overhead lines and 5 poles; and
 - iii. temporary 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 11 February 2019 and the plans submitted with it subject to the following conditions:
 - i. the works shall begin no later than 3 years from the date of this decision; and
 - ii. 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. 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.
4. This application has been determined solely on the basis of written evidence.
5. I have taken account of the representations made by Historic England (HE) and the Open Spaces Society (OSS), neither of which object to the application.

¹ Common Land consents policy (Defra November 2015)

6. 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

7. The land is owned by Felixstowe Ferry Golf Club (FFGC), which was consulted about the application but has not commented. The common land register records that two persons have a right to graze "currently one unshod pony" over the whole of the common land unit. I am satisfied that due to the temporary impact of the works and the common's extensive area of some 40 hectares, the proposed works will not significantly impact on the exercising of these 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

8. 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. The proposed cable route runs north to south through the length of the common, which lies on the Felixstowe coast south of the mouth of the River Deben. The common is largely occupied by the FFGC golf course and the affected land is therefore mainly used for the playing of golf. However, it is also open to the public for general access and the works will impact on both.
9. The undergrounding works are needed in the interests of reliability of electricity supply and because there are safety issues with the overhead lines. They are to be carried out by means of a rolling programme of open trenching and back-filling. The underground cable will be laid, the trench back-filled and the safety fencing removed in sections of approximately 50m. A desired timetable for the works has not been set but the applicant envisages that the works will take no more than a few weeks to complete. As the permanent works will be entirely underground and all temporary fencing will have been removed by the time the works are completed I conclude that the works will not have an unacceptable or lasting impact on access rights over the common.

The public interest

Nature Conservation

10. The Deben Estuary Site of Special Scientific Interest (SSSI), Specially Protected Area (SPA) and RAMSAR site abuts the common's northern boundary. The application plans show that a section of the proposed cable route runs within 30-40m of the boundary with

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.

these designated sites. However, there is no evidence before me to suggest that the works will impact on these sites or harm any other nature conservation interests.

Conservation of the landscape

11. The common lies within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB). The AONB Board was consulted about the application but did not comment. The applicant considers the cable undergrounding works to be in the interests of the AONB landscape as they will allow overhead lines to be removed. I am satisfied that the removal of the overhead lines will be visually beneficial to the AONB.
12. I consider that although the underground cable laying works will cause some visual harm, it will be short term. Furthermore, as the land will be re-instated upon completion of the works, which can be ensured by attaching a suitable condition to the consent, I am satisfied that the natural beauty of the AONB will be conserved in the long term.

Archaeological remains and features of historic interest

13. HE has no objections to the application as it does not consider that the proposals will harm any highly designated assets in the vicinity. As suggested by HE, the applicant consulted Suffolk County Council's Archaeological Service, which did not comment on the application. There is no evidence before me to suggest that the works will harm any archaeological remains or features of historic interest.

Conclusion

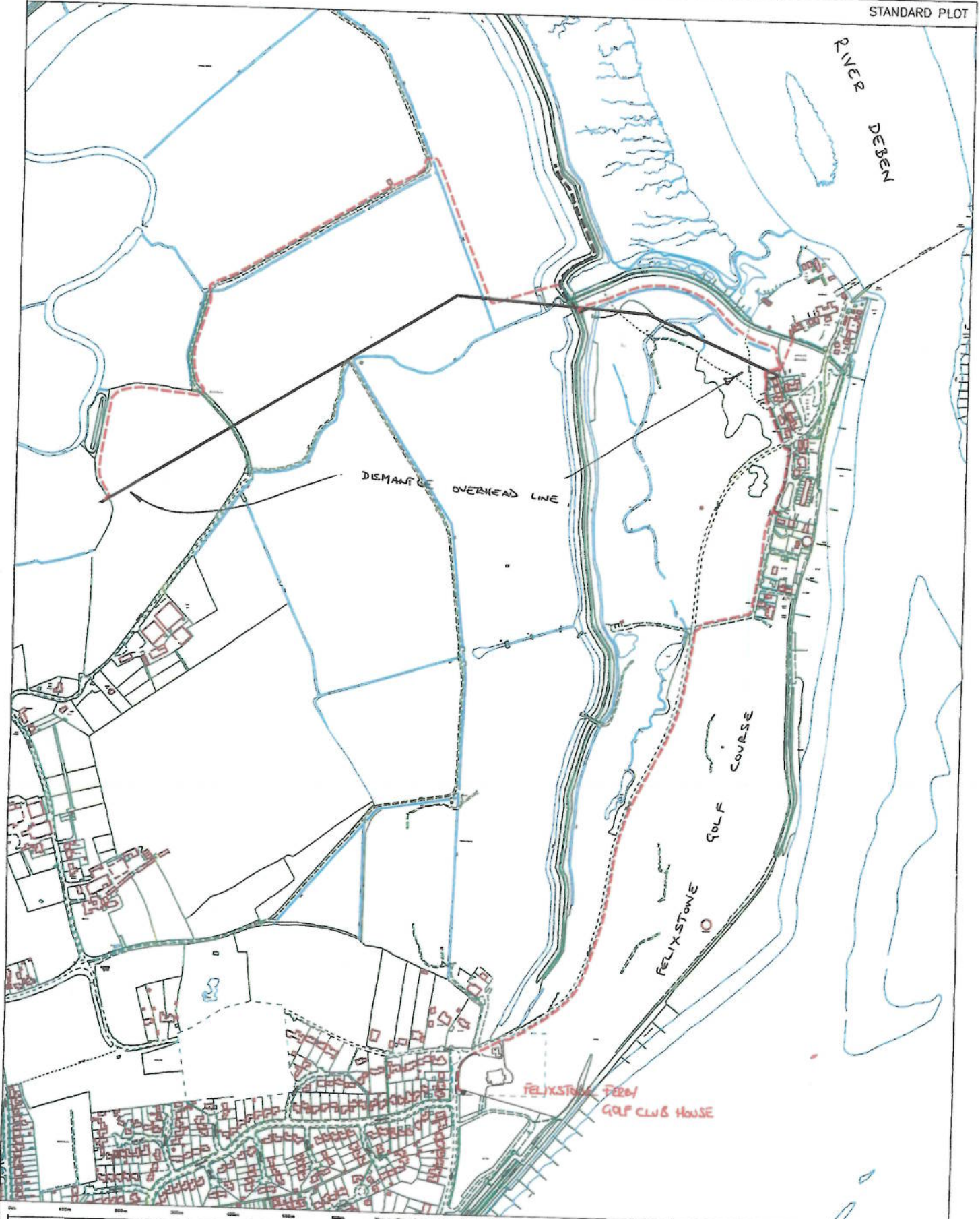
14. I conclude that the proposed works will not significantly harm the interests set out in paragraph 6 above; indeed, the removal of overhead lines will improve both the appearance of the landscape and the reliability of electricity supply. Consent is therefore granted for the works subject to the conditions set out in paragraph 1.

Richard Holland

Overall proposal plan

Plot Description

STANDARD PLOT



- LV Cable
- HV Cable
- EHV Cables
- Duct
- Pole & Street Furniture
- Substation & Link Box

1. The position of the apparatus shown on this drawing is believed to be correct but the correct locations may have been altered since the information was obtained.
 2. The exact position of the apparatus should be verified - use approved cable evidence tags prior to commencing any installation.
 3. It is essential that all cables are correctly marked according to the type of mechanical force or pull and the exact location of all cables have been determined.
 4. All cables must be buried in a service cable into each property, lamp column and street sign, etc.
 5. All cables must be buried as being the 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 alone more than 3 months after the issue date for emergency purposes.
 7. Please be aware that electric cables/lines belonging to other owners of premises or property distribution systems may be present and it is your responsibility to identify their location.

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Grid Ref : TM3237SW
 Scale 1:6000
 (Other Plotted at A3)
 Plotted on : 12/10/2018
 Plotted by : Paul Hurst



IF IN DOUBT - ASK PHONE 0800 035 5808
EMERGENCY - If you damage a cable or fire
 Phone 0800 783 6783 (24hrs) URGENTLY
 Maps produced at 1:2500 scale are LV Geo-Schematics which show LV main cables and overhead lines (in some cases all voltages). Prior to carrying out excavations you must refer to the 1:2500 records to determine the location of all known underground plant and equipment.
 ALWAYS LOOK UP BEFORE YOU START WORK
 Refer to the address note on the map

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