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## Appeal Decision

Inquiry Held on 6-7 November 2018

Site visits made on 5 and 8 November 2018

**by John Felgate BA(Hons) MA MRTPI**

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

**Decision date: 12 December 2018**

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**Appeal Ref: APP/D2510/W/18/3208088**

**Land running from Boygriff, near Sandilands, to the District boundary near Langrick, in the District of East Lindsey, Lincolnshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by National Grid Viking Link Ltd against the decision of East Lindsey District Council.
  - The application Ref N/110/01549/17, dated 24 August 2017, was refused by notice dated 8 June 2018.
  - The development proposed comprises:
    - i) the installation of two high-voltage DC cables and associated transition jointing pits, within a corridor of approximately 51.6 km long;
    - ii) the creation of temporary construction compounds, temporary works areas, and temporary vehicle access arrangements, required for the installation of the DC cables;
    - iii) the installation of associated pre- and post-construction drainage mitigation works;
    - iv) and the installation of fibre-optic cables with the DC cables.
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### Decision

1. The appeal is allowed, and planning permission is granted for the development described above, in accordance with the terms of the application, Ref N/110/01549/17, dated 24 August 2017, subject to the conditions set out in the Schedule of Conditions attached to this decision.

### Preliminary Matters

2. The development which is the subject of this appeal forms part of a larger proposed project, known as the Viking Link. The scheme as a whole is intended to create a new, high-voltage electrical 'interconnector' cable link between the British and Danish high voltage electricity transmission networks, from Revsing in Denmark, to Bicker Fen in the Borough of Boston. The project would be developed jointly by National Grid Viking Link Ltd (NGVL) and Energinet.dk, a state-owned Danish public enterprise. Within the United Kingdom, the proposed cable route would pass through four local authority districts. The present appeal relates only to the section that passes through the District of East Lindsey.
3. In the original planning application submitted to East Lindsey District Council (ELDC), the proposed development and the location were described in terms that included the whole of the Viking Link's 'UK Onshore Scheme'. The reason for this related to the need to comply with the relevant regulations relating to development that crosses local authority boundaries. However, for the purposes of the present appeal, and with the agreement of the appellants and

- ELDC, I have amended the description and location to reflect only the development that is now before me for determination. The wording of the amended description is taken from the agreed Statement of Common Ground.
4. The Council's decision to refuse planning permission was issued in June 2018. The refusal reason cited concerns relating to the effects on the character of the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB), and the impact on farming. Following the submission of further information by the appellants, the Council reconsidered its position in September 2018, and subsequently confirmed to the Planning Inspectorate that it no longer wished to contest the appeal. The Council therefore presented no evidence at the inquiry.
  5. At the inquiry, two amended plans were tabled by the appellants, numbered VKL-02-34-G100-070a and VKL-02-34-G100-071a ('UK Onshore Scheme Application Works Plans Sheets 16 and 17'). These plans omit the previously proposed Temporary Construction Compound (TCC) No S2, near Raithby, and replace this with a proposed Temporary Working Area (TWA) No 7A. The change from a TCC to a TWA would reduce the land take and the amount of activity, and thus the potential impact. No one has objected to this change. I have therefore considered the appeal on this basis.
  6. Objectors representing Langton-by-Spilsby Parish Meeting, Raithby Parish Meeting, West Keal & Keal Cotes Parish Council, Hawkes Limited, and Langton (Spilsby) Farms were jointly granted 'Rule 6 Party' status, but later relinquished that position. However, all of these objectors made submissions in writing, and a number made further submissions orally at the inquiry. I have taken full account of these and all of the other representations received.
  7. Prior to the inquiry, I conducted a series of unaccompanied visits, on which I was able to view parts of the proposed cable route from a large number of public vantage points. At the close of the inquiry, I conducted an accompanied visit to the Langton Estate, and further unaccompanied visits to all the other vantage points identified at the inquiry by the appellants and objectors. These visits included sections of the alternative routes suggested by objectors at Langton and West Keal.
  8. In February 2018 the Secretary of State for Housing, Communities and Local Government issued a 'holding' Direction to ELDC, preventing the Council from granting permission. The direction was subsequently lifted in September 2018. The Direction has no effect in the present appeal.
  9. At the inquiry it was confirmed that a Compulsory Purchase Order (CPO) is to be made in connection with the UK Onshore section of the Viking Link project. If confirmed, the CPO would provide a means of settling matters relating to compensation. For the avoidance of doubt, such matters are outside the scope of the present appeal.
  10. From the evidence before me, I understand that planning permissions for the other three UK Onshore sections of the Viking Link have now been granted, by Boston Borough Council, North Kesteven District Council, and South Holland District Councils respectively. It also appears that the relevant permits, consents and marine licences have been granted by the relevant authorities for the Danish Onshore Scheme, and for the all sections of the Offshore Scheme, which crosses waters controlled by the UK, Denmark, Germany and the Netherlands. The East Lindsey section is therefore the only part of the Viking

Link that has not yet been permitted. But nevertheless, the present appeal must be determined on its own merits, and the outcome is therefore not dictated by the decisions taken elsewhere.

## **Policy Context**

### *The East Lindsey Core Strategy*

11. The development plan for the area includes the East Lindsey Core Strategy (the ELCS), adopted in July 2018. ELCS Policy SP28 supports infrastructure developments which are essential to the national interest, contribute to sustainable development, and respect the District's character. Schemes are required to demonstrate that alternatives have been examined, and impacts minimised.
12. ELCS Policy SP27 supports schemes for the transmission and interconnection of electricity, provided that their benefits outweigh the impacts. Within the Lincolnshire Wolds AONB, such schemes are only to be permitted in exceptional circumstances, and where the development is in the public interest, having regard to the need, the effects on the local economy, and the scope for and cost of alternatives.
13. ELCS Policy SP23 seeks generally to protect and enhance the character of all of the District's landscapes, with the highest level of protection being given to the landscape of the AONB.

### *Lincolnshire Wolds AONB Management Plan*

14. The Lincolnshire Wolds Management Plan (the LWMP) is a non-statutory plan, adopted by the AONB Partnership Authorities, including ELDC, in 2018. Amongst its aims, the Plan seeks to sustain and enhance the Wolds' natural beauty and landscape character.

### *National policies*

15. In the National Planning Policy Framework (the NPPF), paragraph 20 seeks to ensure, amongst other things, that plans make sufficient provision for energy infrastructure. Paragraph 148 advocates that the planning system should support a transition to a low carbon future. Paragraph 154 states that in the case of renewable or low carbon energy, there is no requirement to demonstrate the overall need for such development, and that applications should be approved if the impacts are, or can be made, acceptable.
16. With regard to the environment, NPPF paragraph 170 seeks to ensure that valued landscapes are protected and enhanced. In AONBs, paragraph 172 gives great weight to landscape conservation, and seeks to avoid major development, except in circumstances similar to those set out in Policy SP27 of the ELCS.
17. Relevant national policy relating to energy is also contained in National Policy Statements (NPSs) EN-1, relating to energy development, and EN-5 relating to electricity transmission networks infrastructure. Both of the NPSs make it clear that they may be relevant material considerations in the consideration of applications for planning permission.

## Main Issues

18. In the light of the above matters, and all the submissions made, both orally and in writing, the main issues in the appeal seem to me to be as follows:
- whether the proposed interconnector cable is needed in the national and public interest;
  - whether the route now proposed has been adequately justified, in broad terms, in the light of the possible alternatives;
  - and the effects of the development on the area's landscape, including that of the Lincolnshire Wolds AONB.

## Reasons for Decision

*Whether the proposed development is needed in the national and public interest*

19. The Government's policies for energy supply in the UK derive from the two relevant NPSs, EN-1 and EN-5, and from the accompanying White Paper '*Planning our Electric Future*', published in July 2011. Together, this suite of policy documents identifies an urgent need for substantial increases in electricity supply capacity, for both domestic and business users.
20. Several reasons for this increased need are identified. A large proportion of the UK's existing capacity will be lost, as older power stations are closed, for economic or environmental reasons. The demand for electricity will continue to rise, due to population and economic growth, and due to the transition to cleaner forms of energy, particularly in transport and heating. International targets for emissions and carbon reductions will require an increased emphasis on renewable sources, but since these tend to be intermittent in nature, there is a consequential requirement for greater capacity margins, to provide resilience against extreme weather events or other unforeseen fluctuations. Challenges are also identified in terms of the security of supply, increasing wholesale prices, and the need to achieve a step-change in investment.
21. The NPSs recognise that this increase in capacity will require the development of new transmission infrastructure, and this may involve compromises with other policy aims. EN-1 notes that the urgency of the need makes it 'inevitable' that in some cases new supply lines will have to cross areas which are otherwise environmentally protected. In such cases, environmental considerations are required to be weighed against the 'crucial national benefits' of adding to the reliability of the national energy supply system.
22. Against this background, subsequent policy developments have highlighted the potential role for increased interconnection between the UK and neighbouring countries. In December 2013, the Department for Energy and Climate Change (DECC) published '*More Interconnection: Improving Energy Security and Lowering Bills*'. This document sets out the Government's conclusion that an increase in interconnection capacity could contribute to improving energy security, affordability and decarbonisation objectives, and provide benefits for consumers of up to £9bn by the year 2040. In March 2016, the '*National Infrastructure Delivery Plan 2016-21*' was published by the Infrastructure and Projects Authority, which affirmed the Government's support for interconnectors, with five projects already approved, and an aim to secure more, to achieve a target of around 13 Gigawatts (GW) of interconnector capacity. This new capacity is envisaged as being mostly privately funded, under a scheme known as 'cap-and-collar'.

23. Interconnector lines already in operation, or under construction, give the UK connectivity with Ireland, France and the Netherlands, and further connectors with Belgium, Germany and Norway are planned. In February 2018, the Parliamentary Office of Science and Technology (POST) published a report '*Overseas Electricity Interconnection*', which assessed these schemes and identified multiple benefits. These include increased security of supply, increased resilience, greater flexibility in meeting variable demand, and the potential for price convergence between different national markets, leading to overall cost reductions.
24. Based on this weight of evidence, I am satisfied that the development of further interconnection capacity is an important aim of UK Government policy. In general terms, interconnectors are seen as a means of increasing our energy capacity, ensuring an adequate supply, increasing security, flexibility and resilience, and helping to drive down prices. It seems to me that these relevant Government policies are clearly designed to encourage and enable such developments.
25. In the present case, the Viking Link project offers a capacity of up to 1.4 GW. This is said to be sufficient to power around one million homes. There is no reason to doubt that new capacity on this scale would make a significant contribution to the Government's aims in respect of achieving greater energy security and affordability. In the light of the challenges and problems identified above, it seems to me that the proposed link would be a substantial benefit to the UK's national energy requirements.
26. In addition, the Viking Link is not merely a UK project. In connecting the British electricity network with that of Denmark, and thence to other European networks beyond, the project as a whole is evidently expected to bring reciprocal benefits well beyond these shores. This international dimension is reflected in the project's acceptance as a Project of Common Interest (PCI), under Regulation 347/2013 of the Trans-European Energy ('TEN-E') programme. This status indicates recognition at European Union level that the project would enhance energy security, and contribute to renewable energy and climate goals in more than one country. I also note that, as a result, the project is to benefit from the 'Connecting Europe Facility' (CEF) funding scheme, which is a further indication of the level of international importance attached to it. According to the evidence presented, none of these considerations are affected by the UK's decision to leave the EU in 2019.
27. In the light of all these considerations, I conclude that the proposed Viking Link development would meet an essential need for additional electricity supply capacity, which is urgently required in the national and public interest. To this extent, the relevant requirements of ELCS Policies SP27 and SP28, relating to need, are therefore satisfied by the appeal proposal.

*Whether the choice of route is justified against possible alternatives*

28. The appeal proposal is accompanied by a suite of reports documenting the multi-stage 'optioneering' process through which the present scheme was arrived at by NGVL. These include the Strategic Options, Site Selection, Preferred Sites, Route Corridor Selection and Preferred Route Corridor reports, together with the Phase 1 and Phase 2 Public Consultation reports and the Statement of Community Involvement.



29. The Strategic Options Report (dated April 2016) summarises the reasons for the choice of location for the connection to the existing National Grid Electricity Transmission (NGET) network. Initially 19 potential connection points were identified. These were then reduced to 10, and then to 8, and then to a shortlist of three. This process was based on increasingly detailed engineering and environmental studies. Finally, Bicker Fen Substation was chosen, based on its shorter onshore cable route requirement, its optimal balance between technical, environmental and cost considerations, and overall value for money.
30. The Site Selection Report (also April 2016) sets out the work undertaken to identify and assess alternative locations for the landfall site, where the high-voltage submarine cable under the North Sea would connect to an onshore cable; and also locations for the converter station where the direct current (DC) supply would be converted to alternating current (AC), to match the existing NGET system. The methodology involved consideration of a wide variety of engineering and environmental factors, including geology, hydrology, access, landscape, ecology, heritage and archaeology, soils, land take, and planning policies. In total, 6 landfall site options were examined, and 21 options for the converter station site. The landfall sites were refined down to a shortlist of 3 feasible options. The converter station sites were progressively reduced to 8 feasible, and then 4 preferable options.
31. These shortlisted site options were taken forward through consultation and engagement, with the relevant local authorities, statutory consultees, other identified stakeholder organisations, local groups, and the general public. This involved a variety of formats, including meetings, exhibitions, workshops and briefings. The feedback received from this process is set out in the Phase 1 Consultation Report (August 2016). The Preferred Sites Report (also August 2016) explains how this consultation feedback was brought together and fed into the final selection of the preferred landfall and converter station sites, at Boygrift and North Ing Drove respectively. The location of these two end points therefore takes account of locally expressed opinion, as well as all the relevant environmental, engineering, technical and cost considerations.
32. The process through which alternative route options were investigated is described in the Route Corridor Selection Report (September 2016). A cable route study area was defined. This was drawn broadly enough to encompass the whole of the area between all the shortlisted sites for both the landfall and converter station, and therefore covered all of the area where a cable route could potentially be feasible. After a preliminary consideration of the main physical and environmental constraints, this was narrowed down to a more detailed search area. After further study within this search area, three alternative corridors (RCA, RCB and RCC) were identified for the section of the route, from Boygrift to near Stickford; together with what was essentially a single corridor, albeit in two sections (RCD and RCE), from there to North Ing Drove.
33. These initial broad corridors were each narrowed down, on the basis of detailed, iterative studies, to more tightly-defined 'refined' corridors for more detailed assessment. As a result of this, the most southerly route option RCC was eliminated due to its combination of engineering and environmental constraints. This left two main combined options, referred to as the 'Purple' (RCA+RCD/E) and the 'Orange' (RCB+RCD/E) route corridors, each of which had two further sub-options within them. Further extensive public and

- stakeholder consultations were carried out, and the responses are documented and analysed in the Phase 2 Consultation Feedback Report (December 2016).
34. The Preferred Route Corridor Report (December 2016) draws together the results of the technical and environmental studies and the consultation responses, and outlines the main reasons for the eventual choice of the Purple route corridor as the single preferred corridor option. Amongst other things, the Purple route was found to minimise the impact on communities, due to construction noise and dust, and to have scope for avoiding or limiting impacts on ecological and archaeological sites. Although it would cross the AONB, there was considered to be scope for reducing impacts by micro-routeing. The route was also found to minimise the number of road and watercourse crossings, and for avoiding areas of high water table, sensitive soils, or peat content, all shortening the duration of construction works. Road access was also found to be better than for other options, thus reducing traffic impacts during construction. Unlike the Orange route, the preferred option was considered not to involve any issues of cumulative impact with other major infrastructure projects such as the Triton Knoll scheme<sup>1</sup>. Overall, the Purple route was considered to offer the best balance between environmental and community impacts against technical and engineering factors.
35. In the light of this evidence, it seems to me that NGVL's appraisal of the available alternatives has been conducted in a proper and conscientious manner, based on sound evidence and objective judgements. I see no reason to doubt that the conclusions arrived at through this process are justified. Nevertheless, in the light of ELCS Policy SP27 and NPPF paragraph 17, it is necessary also to consider any evidence as to the scope for, or the cost of, any potential alternatives.
36. If the Orange corridor had been preferred, it would have been possible, depending on which of the sub-options was chosen, to cross the AONB at a narrower point, or to avoid it altogether. But this potential advantage has to be set against the other considerations referred to above. The only one of these two sub-options that would completely avoid the AONB is the more easterly of the two, but this route would instead have to pass through the Lincolnshire Coastal Grazing Marshes, a priority habitat at County level. In addition, both of the two Orange sub-options would be longer, and would run mainly through the low-lying Fens, with a high water table, pockets of peat, relatively poor access roads, and a multitude of watercourses and drainage ditches to cross. In engineering terms, these additional obstacles would mean a need for a greater amount of trenchless construction (using the more expensive horizontal drilling method), more jointing bays, a longer construction period, more construction teams, more vehicles and equipment, and a greater land-take. As a result, on the evidence produced, the costs of the Orange routes would exceed the Purple by around £8.25m. Although this cost differential may not seem unduly large in relation to the project as a whole, it is nevertheless a substantial sum in itself. In the light of the policies identified above, this additional cost is a relevant consideration.
37. As a more radical alternative, it would also have been possible to avoid the AONB, by routeing the submarine section of the Viking Link via The Wash, with a landfall point somewhere in the south of the county. Such an option could

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<sup>1</sup> An offshore windfarm, with associated onshore cabling requirements

have significantly reduced the length of the onshore cable, and the resultant land-based impacts of all kinds. However, the appellants contend that such a route would have to traverse a large number of national and international environmental designations protecting that part of the coast, including Special Protection Area (SPA), Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI), Ramsar site and National Nature Reserve. This evidence is unchallenged. Any development within this area would therefore be subject to the Habitats Directive and Habitats Regulations, which together represent a considerable legal obstacle to the granting of permission. Given the existence of possible alternatives which avoid these designations, including the present appeal proposal, it is difficult to see how such a route, through The Wash, could be justified.

38. Neither of the other route variations suggested by objectors, skirting the Langton Estate, or to the west of West Keal, would reduce the length of the cable route within the AONB, and neither would offer any significant advantage in planning terms. The Langton alternative would slightly reduce the impact on farming and future tourism facilities in the immediate vicinity, but would also have the potential to adversely affect the known archaeological sites around Spellow Hill, including one or more Scheduled Ancient Monuments, and would also run closer to residential properties. The West Keal variation would avoid sterilising land between West and East Keal, but there is no current policy support for development in this location, and no apparent reason to think that this policy is likely to change. Neither of these possible alternative routes causes me to doubt the view that I have reached regarding the appeal proposal.
39. I conclude that the scope for alternative routes, and their cost, has been rigorously assessed, and that assessment has not revealed any other option which can be said to be clearly preferable to the appeal proposal, having regard to all the relevant planning considerations. In principle therefore, the choice of the Purple route corridor has been adequately justified. Again, to this extent, the relevant requirements of ELCS Policies SP27 and 28, relating to the examination of alternatives, are met.

*The effects on the landscape, including the Lincolnshire Wolds AONB*

40. The laying of the proposed cables would require, on the East Lindsey section, a corridor of about 51.6 km in length (of which around 9km traverses the AONB). Along most of this length, the topsoil would be stripped, and vegetation removed, across a working area of typically 30m in width. Within that working width, a temporary haul road of crushed stone would be laid, fencing would be erected, and land drainage would be installed or adapted. A trench of about 1.5m x 1.5m would then be cut, and the cables installed, within their protective ducts, and tile capping applied. It is then proposed that the trench would be backfilled, section by section, the haul road and fencing removed, and the topsoil and vegetation would be reinstated, with new planting where necessary.
41. In those sections of the route where the cable is proposed to be installed by horizontal drilling, the surface would be left largely undisturbed, but at the ends of these sections, the working width would need to be increased to around 50m, to accommodate the drilling rig and equipment. Similar localised widenings of the working area would also be required at the jointing bay



- locations, bends, and other more difficult sections. Following the completion of these sections, reinstatement is proposed, in the same way as elsewhere.
42. Alongside the main working corridor, there would be two primary and four secondary TCC's and 13 TWAs (of which two would be in the AONB), together with various temporary access roads serving these compounds and working areas. The TCC's would each be around 1.1 – 1.5 ha in area, and the TWAs around 0.43ha. Within these areas, the soil would be stripped across the whole site, fencing erected, and a temporary surface applied. Again, the surfacing and fencing would be removed on completion, and the land and any vegetation reinstated.
43. During construction, the proposed works, and the TCCs and TWAs, would be highly visible from close and medium-range public viewpoints. There would also be some longer views in a few locations, such as from the escarpment near the Keals, and on the slopes of the Wolds between Langton and Dalby. Throughout the duration of the construction period, there would be moderate, albeit localised, adverse visual impacts and a reduction in landscape quality. There would also be an intermittent loss of tranquillity, due to noise, vehicles and activity, at those times when works were actually in progress. These impacts would be experienced throughout the length of the development, but would be most noticeable within the AONB and its immediate setting, because of the high quality of the landscape in that area.
44. However, these impacts would be temporary, and mostly short-term. In total, the appellants state that the works would be phased over a period of around three to four years, including pre-construction surveys and archaeological works. In addition, the intention is for the successive operations to be staged sequentially, so that in any one location, works would be completed within about two to two-and-a-half years. These timescales for carrying out the work and reinstatement can be ensured by planning conditions. After completion, nothing of the development would remain above ground, except for a series of small marker posts. Upon reinstatement, the land would be returned to its pre-development use and physical condition. Again these details can be secured and controlled by means of conditions. In these respects, the development would have no lasting adverse effects.
45. In the course of the development, there would be some loss of existing mature trees and hedgerows, and although replacement planting is proposed, this would take some time to fully make up for the losses. However, this new planting would form an integral part of the proposed reinstatement works, and thus could be carried out without delay. For a few years, the cable route would continue to be discernible, because of the relative newness of the planting, albeit that this perception would mostly be confined to close views from within the immediate vicinity. But within a relatively short time, probably no more than 5-10 years or so, the difference in the vegetation would become less apparent. Consequently, although the loss of more mature vegetation would have some adverse effect on the landscape, beyond the actual construction period, this too would be temporary, and the harm would be fairly minor in nature.
46. I therefore conclude that, during construction, the proposed development would have a moderate adverse impact on the character and appearance of the landscape, including that of the AONB. It would also have some continuing

adverse effects after completion, albeit more minor, while the new landscaping became established. These impacts would involve a degree of conflict with Policy SP23 of the ELCS, and with the aims of the LWMP, and with NPPF paragraphs 170 and 172.

47. However, these impacts would be relatively short-lived, and no permanent or long-lasting harm would result. In the circumstances, the conflict with landscape policies is considerably reduced. And in any event, these policies also have to be read alongside the others that I have identified, including ELCS Policies SP27 and SP28, and the criteria in the last sentence of NPPF paragraph 172, all of which allow for a balancing of landscape harm against other policy aims, including the need for infrastructure, and the scope for alternatives. I return to this balancing exercise later in my decision.

## **Other Matters**

### *The effects on agriculture and soils*

48. The appeal proposals are accompanied by a Soil Handling and Soil Storage Protocol, which describes in some detail the appellants' proposed methodology for the necessary site preparation works, soil stripping, stockpiling, maintenance, and restoration. Further detailed evidence on these matters was produced at the inquiry. Evidence was also presented with regard to land drainage, and the means by which existing field drainage systems could be protected or adapted during construction, and new drainage laid for the post-construction situation.
49. In the light of this evidence, I am satisfied that technical solutions and expertise are available to NGVL, which are capable of ensuring that valuable, high quality soils are properly protected during construction, and fully restored on completion. Conditions are proposed which require adherence to the details so far submitted, and also the submission of further detailed proposals for soil management and land drainage in individual sections of the route. With the benefit of these conditions, I see no reason to doubt that the land used for the development would be able to be returned to agricultural use, within a reasonable timescale, with no long-term loss of quality or productive capacity.
50. Issues relating to the potential financial losses of those with interests in the land are capable of being dealt with by means of compensation, either through voluntary agreements or through the statutory code. These issues could potentially include any substantiated losses due to the severance or sterilisation of land outside the application site itself, or due to reduced yields while the soil is readjusting after the development. The same would also apply to any resultant loss of grants, incentives or tax allowances resulting from the scheme. Consequently, none of these matters are relevant to the present appeal, which must be decided only on its planning merits.

### *Effects on tourism and the local economy*

51. Tourism is important to the Lincolnshire economy, and a significant proportion of that tourist activity is focussed on the Wolds AONB area. The proposed development would cause some disruption within this area, during the construction period, for the reasons already acknowledged, including visual impact, construction traffic, and noise.

52. However, these impacts would be largely confined to the near vicinity of the proposed cable route itself, and around the TCCs and TWAs. These affected areas amount to only a small proportion of the AONB as a whole, and the great majority of the Wolds area would be unaffected. Any effects would also be limited to the actual construction period. Consequently, it seems unlikely that tourism within the area generally would suffer harm on any significant scale.
53. It is possible that some individual businesses and tourist facilities within the area might experience some reduction in trade during this period. However private financial losses of this kind, if properly attributable to the development, would be capable of being redressed through compensation. Individual losses of this kind can carry little weight in my decision, unless their combined scale would be such as to adversely affect the area's economy as a whole. There is no evidence that this would be so, and for the reasons already explained, I consider that such an effect is unlikely in this case.
54. In the case of the planned new tourist facilities at Langton, I have much sympathy for the position that the promoters of this scheme find themselves in. A considerable amount of work has evidently been undertaken on the project, and its opening could now have to be delayed, because of the proximity of the cable route and the timing of the proposed works. A delay could potentially result in the loss of the previously agreed funding. I appreciate how frustrating these circumstances must be. But nonetheless, there is not yet any certainty that the Langton development will receive planning permission, or that it would be ready to go ahead within the same timescale as the appeal proposal. Nor is there any evidence as to its likely value to the local economy. In the circumstances, I cannot give these matters more than very limited weight.

#### *The effects on archaeology*

55. The proposed cable route would pass close to Ring Holt bowl barrow, a bronze age burial mound and a scheduled ancient monument (SAM). The Wolds area in general is also believed to have a relatively high potential for further prehistoric remains which are as yet undiscovered.
56. However, the proposed cable route has been plotted to avoid all significant below-ground heritage assets wherever possible, based on geophysical and other non-intrusive fieldwork already carried out, and a comprehensive mitigation strategy is proposed. In the vicinity of Ring Holt, the cables would be installed by horizontal drilling, with the entry and exit pits located at least 50m from the designated SAM, and the cables inserted at depths of 10-15m. This is well below the expected depth of the archaeological layer, and would allow any remains to be preserved in situ.
57. Further archaeological investigation and evaluation remains necessary but this can be secured by condition. On this basis, both Historic England and the County Council's Historic Environment Officer are satisfied that the development could be carried out without undue risks to archaeology, and I see no reason to take a different view.

#### *The effects on a disabled child living nearby*

58. Prior to the inquiry, my attention was drawn to concerns regarding the development's possible effects on a particular child, who is understood to suffer

from mental and physical impairments, resulting in a particular sensitivity to noise, disturbance, lighting and other possible environmental impacts during construction. The child and their family are said to live approximately 150m from the proposed working width area, and around 300 m from one of the proposed TWA sites. No details have been made public regarding the identities of the child or their family, their address, or the child's specific medical condition, but these matters have been discussed in confidence between the appellants and the objector who brought the matter to light, and none of the relevant facts appears to be disputed.

59. Without revealing any confidential details, NGVL have described in written and oral submissions their discussions with the family in question, and the measures that they propose to put in place. These include on-going liaison and engagement with the child's parents, through a nominated lead contact, the provision of advance notice of specific works and operations potentially affecting the property, a commitment to minimising the duration of works in the relevant area, and further specific mitigation measures to be identified in consultation with the family.
60. These agreed measures are not proposed to be secured by specific conditions, but in view of the need for confidentiality and privacy, I agree that this would not be appropriate in this case. As far as I can tell, there is no disagreement that the informal, voluntary arrangement proposed by NGVL is capable of providing a workable solution for those involved. That is not to suggest that this arrangement would eliminate all possible impacts on the child involved, but it does appear to provide a potential way to minimise the residual level of risk. I have no reason to doubt NGVL's good intentions in this regard.
61. In the circumstances, this seems to me the most practical and pragmatic approach available. I am therefore satisfied that these issues should not prevent the proposed development from going ahead.

#### *Highway safety*

62. The section of the A16 between Keal Cotes and West Keal is fairly straight and vehicles tend to travel fast, especially on the downhill stretches. Lorries entering and leaving the two lay-bys here can cause hazards. The section through West and East Keal has several sharp bends, where visibility is poor. The proposed cable route would cross the A16 twice in this area, and there would also be a TCC adjacent, which would generate additional traffic movements. I accept that this combination of circumstances would require careful planning with regard to traffic management.
63. However, the Outline Construction Traffic Management Plan already submitted includes proposals for temporary traffic lights to control access to the TCC, and more detailed proposals for traffic and access management can be secured by condition. The crossings of the A16 and other roads are all proposed to be constructed by horizontal drilling, to minimise the need for any interruptions to traffic flows. The Highway Authority has raised no objection to these or any other aspects of the development. I therefore see no particular grounds for concern regarding highway safety.

## **Conditions and Reasons for their Imposition**

64. If planning permission is granted, then a number of conditions will be necessary. Those that I intend to impose are set out in the attached Schedule. A list of draft conditions was discussed at the inquiry, and edited versions of some of those conditions have since been the subject of further consultation in the context of the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018.
65. The time limit for the commencement of development, required by national legislation, is normally 3 years. In this case a period of 5 years has been suggested, in order to match the planning permissions already granted for the remainder of the Viking Link's UK Onshore Scheme, by the other three local authorities involved. I agree that it would be expedient to align the commencement periods in this way (Condition 1).
66. A requirement for adherence to the approved plans (Condition 2) is needed for the purposes of providing certainty as to the nature of the permission, and in the interests of proper planning. The approved plans are listed in the separate Schedule of Approved Plans, also attached. These include the amended plans referred to earlier in this decision; a separate condition substituting these amended plans is therefore unnecessary. In addition, there is also a need for a phasing plan (Condition 3), in order to ensure an orderly sequence of development, and to allow the details required by other conditions to be submitted in a phased manner where appropriate. Furthermore, in the present case, there is a need for additional plans showing the final 'as-built' cable alignment (Condition 4), in order to ensure that these details are fully recorded in the public domain, given the necessary degree of flexibility inherent in the plans currently submitted.
67. A Construction Method Statement is needed (Condition 5), defining which sections of cable are to be installed by open-trenching, and which by trenchless construction, in order to minimise disruption during the works, and to ensure protection for the Ring Holt SAM and its setting. A Construction Environmental Management Plan (Condition 6) is necessary, to allow for control over a range of detailed matters, including soil management, drainage, ecology, lighting, noise, and impacts on sensitive receptors, in order to protect the amenities of local residents and the local environment, and to minimise and mitigate any impacts on agriculture. A requirement for further details relating to traffic and access management (Condition 7) is justified in the interests of highway safety, and to avoid inconvenience to road and footpath users. A condition requiring further archaeological investigation (Condition 8) is necessary to protect heritage assets.
68. Conditions restricting the hours of construction work (Condition 9), and of heavy goods vehicle movements (Condition 10), are needed to protect the living conditions of local residents and the interests of local tourist-related businesses. The specified hours are intended to provide consistency with the conditions imposed on other sections of the proposed route. An agreed complaints procedure (Condition 11) is necessary for the same reasons.
69. A landscape restoration scheme (Condition 12) and details of the permanent marker posts (Condition 13) are essential, to minimise the development's impact on the landscape, including that of the AONB. A requirement for the



cables' eventual removal, and the final restoration and reinstatement of the land (Condition 14), is needed for the same reason.

70. A number of these conditions (Nos 3, 5, 6, 7, 8 and 11) are designed to take effect prior to the commencement of the development. This is necessary because otherwise these conditions would not be effective in achieving their stated purposes. In all these cases, the wording allows for any necessary pre-commencement survey work, including archaeological investigations, to be carried out in advance of these conditions being discharged.

## **Conclusions**

71. For the reasons explained above, I find that the proposed development would help to meet an essential national need for additional electricity supply capacity. Alternative routes have been thoroughly and rigorously examined, and none of the alternatives has been shown to be preferable, on the balance of all relevant environmental, technical and cost considerations. During construction, some harm would be caused to the landscape, including that of the Lincolnshire Wolds AONB, but this harm would be limited in duration, and no permanent or long-lasting damage would result. Nor would there be any significant harm to agriculture or the local economy.
72. The temporary adverse effect on the landscape would involve a degree of conflict with Policy SP23 of the ELCS. However, given its short-term nature, it seems to me that this conflict must carry significantly less weight than it would if the harm were permanent. On the other hand, the delivery of essential infrastructure, as now proposed, would clearly accord with the aims of ELCS Policies SP27 and SP28. Furthermore, in view of my findings above, it is evident that all of the relevant caveats and conditions within these two policies are also met. To my mind, the combination of national and public interest, the lack of better alternatives, and the relative lack of harm, together are clearly sufficient to satisfy these policies' requirements as to exceptional circumstances and sustainable development.
73. In these circumstances, I conclude that the proposed development's full accordance with Policies SP27 and SP28 outweighs the limited conflict with Policy SP23. The scheme therefore accords with the development plan as a whole.
74. In addition, the development is also supported by relevant national policies, including paragraphs 148, 154, 170 and 172 of the NPPF, and by NPSs EN-1 and EN-5. No other material considerations weighing significantly against the proposed scheme have been substantiated.
75. It follows that planning permission should be granted. I have taken account of all the other matters raised, but none outweighs these conclusions. The appeal is therefore allowed.

*J Felgate*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

The planning permission to which this decision relates is granted subject to the following conditions.

- 1) The development shall begin not later than 5 (five) years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the plans listed in the attached Schedule of Approved Plans.
- 3) The development (other than survey work) shall not be commenced until a Phasing Plan has been submitted to the Local Planning Authority and approved in writing. The Phasing Plan shall include a cable route sequencing plan and cable installation plans. The development shall be carried out in accordance with the Phasing Plan as thus approved.
- 4) Within 6 months of the completion of the installation of the cable in any phase of the development, the developer shall submit to the Local Planning Authority an 'as-built' plan for that phase, showing full details of the cables' final alignment, the positions of all jointing bays, and cross-sectional details of all other elements of the below-ground construction.
- 5) No phase of the development (other than survey work) shall be commenced until a Construction Method Statement (CMS) for that phase has been submitted to the Local Planning Authority and approved in writing. The CMS shall define which sections of the proposed cables are to be installed by means of open-trenched works, or by trenchless construction. The trenchless sections shall include all relevant crossings of watercourses, highways and public and permissive rights-of-way, and the section in the vicinity of Ring Holt bowl barrow. The CMS shall also include details of the duration of all works, and the depth of installation in the trenchless sections. Thereafter, the development shall be carried out in accordance with the approved CMS.
- 6) No phase of the development (other than survey work) shall be commenced until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to the Local Planning Authority and approved in writing. The CEMP shall include:
  - i) details of the management of public access, via public highways and public or permissive rights-of-way, during the works;
  - ii) a programme of temporary works within the vicinity of any identified sensitive receptors, and the arrangements to minimise the impact of development on such receptors within each phase of the development;
  - iii) a health and safety plan;
  - iv) a management plan for noise, vibration, dust, smoke and odour emissions;
  - v) a detailed soil management plan, incorporating the provisions of the submitted 'Soil Handling and Storage Protocol';
  - vi) a soil and land drainage management plan;
  - vii) a site compound and working area drainage management plan;
  - viii) an artificial light emissions plan;
  - ix) a site waste management plan;
  - x) a pollution prevention and emergency incident response plan;
  - xi) an ecological and biodiversity management plan, to be informed by updated pre-commencement surveys; and
  - xii) a communications plan.

Thereafter, the development shall be carried out in accordance with the approved CEMP.

- 7) No phase of the development (other than survey work) shall be commenced until a Construction Traffic Management Plan and Access Management Plan for that phase have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with these approved details.
- 8) No phase of the development (other than survey work) shall commence until a written scheme of archaeological investigation for that phase has been submitted to and approved by the Local Planning Authority. The scheme shall include:
- i) an assessment of archaeological significance and a proposed mitigation strategy;
  - ii) a methodology and timetable of site investigation and recording;
  - iii) provision for site analysis and the submission of preliminary and final reports to the Local Planning Authority, and to the Historic Environment Record Officer at Lincolnshire County Council;
  - iv) provision for publication and dissemination of the analysis and records;
  - v) provision for archive deposition;
  - vi) nomination of a competent person or organisation to undertake the work;
  - vii) a programme of works; and
  - viii) a written procedure to notify and allow for monitoring by the Local Planning Authority.

Thereafter, the archaeological site work shall be carried out, in full accordance with the details thus approved.

- 9) No construction work associated with the development shall take place on any part of the site on any Sunday or Bank Holiday, or on any other day except between the hours of 07.00 – 19.00 on Mondays to Fridays, or 07.00 – 17.00 on Saturdays, except:
- a) in an emergency; or
  - b) where the existing background noise level, at any residential property, is not exceeded.

In the event that work is carried out outside of these permitted hours due to an emergency, the developer shall notify the Local Planning Authority, as soon as practicable, and shall within no more than 7 days of the incident provide a written statement, detailing the nature of the emergency and the reasons why such work was necessary.

- 10) No heavy goods vehicles associated with the development shall enter or leave the site on any Sunday or Bank Holiday, or on any other day except between the hours of 07.00 – 19.00 on Mondays to Fridays, or 08.00 – 16.00 on Saturdays, except in an emergency.

In the event of heavy goods movements taking place outside of these permitted hours due to an emergency, the developer shall notify the Local Planning Authority, as soon as practicable, and shall within no more than 7 days of the incident provide a written statement, detailing the nature of the emergency and the reasons why such traffic movements were necessary.

- 11) No phase of the development (other than survey work) shall commence until a complaints procedure scheme has been submitted to the Local Planning Authority and approved in writing. The scheme shall include a point of contact for local residents and businesses, and a procedure for all complaints to be reported to the Local Planning Authority, together with details of any actions taken in response. The scheme as thus approved shall thereafter be adhered to throughout the implementation of the development.

- 12) Within 6 months from the start of work on any phase of the development, a landscape restoration scheme for that phase shall be submitted to the Local Planning Authority for approval. The scheme shall include landscape protection, replacement, and mitigation measures, and a timetable for implementation. On the completion of each phase, and following the cessation of use of any associated temporary works compounds, works areas and haul roads, the land within that phase shall be reinstated in accordance with the restoration scheme and timetable thus approved.
- 13) Prior to the completion of any phase of the development, a scheme for the provision of permanent marker posts shall be submitted to the Local Planning Authority for approval. The scheme shall include details of the design, size, colour, and proposed locations of the marker posts. Thereafter, the marker posts shall be provided in accordance with these approved details.
- 14) Within 12 months of the cables installed pursuant to this permission ceasing to be used for the purposes of electricity transmission, works shall be commenced on a scheme for their removal, and the final restoration and reinstatement of the land, in accordance with a scheme and timetable to be submitted to the Local Planning Authority and approved in writing. Thereafter, the final restoration and reinstatement scheme shall be completed in accordance with the details thus approved.

## **SCHEDULE OF APPROVED PLANS**

### **Application Boundary Plans**

VKL-02-34-G100-003 UK Onshore Scheme Application Site Location Plan (ELDC)  
VKL-02-34-G100-007 UK Onshore Scheme Application Site Location Plan Sheet 1  
VKL-02-34-G100-008 UK Onshore Scheme Application Site Location Plan Sheet 2  
VKL-02-34-G100-009 UK Onshore Scheme Application Site Location Plan Sheet 3  
VKL-02-34-G100-010 UK Onshore Scheme Application Site Location Plan Sheet 4  
VKL-02-34-G100-011 UK Onshore Scheme Application Site Location Plan Sheet 5  
VKL-02-34-G100-012 UK Onshore Scheme Application Site Location Plan Sheet 6  
VKL-02-34-G100-013 UK Onshore Scheme Application Site Location Plan Sheet 7  
VKL-02-34-G100-014 UK Onshore Scheme Application Site Location Plan Sheet 8  
VKL-02-34-G100-015 UK Onshore Scheme Application Site Location Plan Sheet 9  
VKL-02-34-G100-016 UK Onshore Scheme Application Site Location Plan Sheet 10  
VKL-02-34-G100-017 UK Onshore Scheme Application Site Location Plan Sheet 11  
VKL-02-34-G100-018 UK Onshore Scheme Application Site Location Plan Sheet 12  
VKL-02-34-G100-019 UK Onshore Scheme Application Site Location Plan Sheet 13  
VKL-02-34-G100-020 UK Onshore Scheme Application Site Location Plan Sheet 14  
VKL-02-34-G100-021 UK Onshore Scheme Application Site Location Plan Sheet 15  
VKL-02-34-G100-022 UK Onshore Scheme Application Site Location Plan Sheet 16  
VKL-02-34-G100-023 UK Onshore Scheme Application Site Location Plan Sheet 17  
VKL-02-34-G100-024 UK Onshore Scheme Application Site Location Plan Sheet 18  
VKL-02-34-G100-025 UK Onshore Scheme Application Site Location Plan Sheet 19  
VKL-02-34-G100-026 UK Onshore Scheme Application Site Location Plan Sheet 20  
VKL-02-34-G100-027 UK Onshore Scheme Application Site Location Plan Sheet 21  
VKL-02-34-G100-028 UK Onshore Scheme Application Site Location Plan Sheet 22  
VKL-02-34-G100-029 UK Onshore Scheme Application Site Location Plan Sheet 23  
VKL-02-34-G100-030 UK Onshore Scheme Application Site Location Plan Sheet 24  
VKL-02-34-G100-031 UK Onshore Scheme Application Site Location Plan Sheet 25  
VKL-02-34-G100-032 UK Onshore Scheme Application Site Location Plan Sheet 26  
VKL-02-34-G100-033 UK Onshore Scheme Application Site Location Plan Sheet 27  
VKL-02-34-G100-034 UK Onshore Scheme Application Site Location Plan Sheet 28  
VKL-02-34-G100-035 UK Onshore Scheme Application Site Location Plan Sheet 29  
VKL-02-34-G100-036 UK Onshore Scheme Application Site Location Plan Sheet 30  
VKL-02-34-G100-037 UK Onshore Scheme Application Site Location Plan Sheet 31  
VKL-02-34-G100-038 UK Onshore Scheme Application Site Location Plan Sheet 32  
VKL-02-34-G100-039 UK Onshore Scheme Application Site Location Plan Sheet 33

### **Works Plans**

VKL-02-34-G100-055 UK Onshore Scheme Application Works Plans Sheet 1  
VKL-02-34-G100-056 UK Onshore Scheme Application Works Plans Sheet 2  
VKL-02-34-G100-057 UK Onshore Scheme Application Works Plans Sheet 3  
VKL-02-34-G100-058 UK Onshore Scheme Application Works Plans Sheet 4  
VKL-02-34-G100-059 UK Onshore Scheme Application Works Plans Sheet 5  
VKL-02-34-G100-060 UK Onshore Scheme Application Works Plans Sheet 6  
VKL-02-34-G100-061 UK Onshore Scheme Application Works Plans Sheet 7  
VKL-02-34-G100-062 UK Onshore Scheme Application Works Plans Sheet 8  
VKL-02-34-G100-063 UK Onshore Scheme Application Works Plans Sheet 9



VKL-02-34-G100-064 UK Onshore Scheme Application Works Plans Sheet 10  
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VKL-02-34-G100-070a UK Onshore Scheme Application Works Plans Sheet 16  
VKL-02-34-G100-071a UK Onshore Scheme Application Works Plans Sheet 17  
VKL-02-34-G100-072 UK Onshore Scheme Application Works Plans Sheet 18  
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VKL-02-34-G100-084 UK Onshore Scheme Application Works Plans Sheet 30  
VKL-02-34-G100-085 UK Onshore Scheme Application Works Plans Sheet 31  
VKL-02-34-G100-086 UK Onshore Scheme Application Works Plans Sheet 32  
VKL-02-34-G100-087 UK Onshore Scheme Application Works Plans Sheet 33

### **Access Plans**

VKL-08-07-J-500-001 Construction Access Arrangement– A52 Sutton Road (S1)  
VKL-08-07-J-500-002 Construction Access Arrangement– Crawcroft Lane (T2)  
VKL-08-07-J-500-003 Construction Access Arrangement– Croft Lane (T2)  
VKL-08-07-J-500-004 Construction Access Arrangement– A1111 Sutton Road (T3)  
VKL-08-07-J-500-005 Construction Access Arrangement– A1104 Alford Road (P1)  
VKL-08-07-J-500-006 Construction Access Arrangement– Well High Lane (T4)  
VKL-08-07-J-500-007 Construction Access Arrangement– A16 Bluestone Heath Rd (T5)  
VKL-08-07-J-500-008 Construction Access Arrangement– A16 near Dalby Bar (T6)  
VKL-08-07-J-500-009 Construction Access Arrangement– A158 Partney Road (T7)  
VKL-08-07-J-500-010 Construction Access Arrangement– Raithby Road (S2)  
VKL-08-07-J-500-011 Construction Access Arrangement– B1195 Raithby Hill (T8)  
VKL-08-07-J-500-012 Construction Access Arrangement– Mardon Hill (T9)  
VKL-08-07-J-500-013 Construction Access Arrangement– A16 (P2)  
VKL-08-07-J-500-014 Construction Access Arrangement– Drain Bank (S3)  
VKL-08-07-J-500-015 Construction Access Arrangement– Stickney Lane (S4)  
VKL-08-07-J-500-016 Construction Access Arrangement– B1183 Carrington Road (T10)  
VKL-08-07-J-500-017 Construction Access Arrangement– Westville Road (S5)  
VKL-08-07-J-500-018 Construction Access Arrangement– Leagate Road (T11)  
VKL-08-07-J-500-019 Construction Access Arrangement– B1192 Langrick Road (T12)  
VKL-08-07-J-500-024 Temporary Construction Access - Overview

