

Case Officer: Will Anstey

Recommendation:

Applicant: Western Power Distribution

Proposal: Upgrading 4.6 kilometers of high voltage overhead line from single phase (2 wire) to three phase (3 wire).

Expiry Date: 9 May 2022

Extension of Time:

1. APPLICATION SITE AND LOCALITY

- 1.1. The section of overhead line to be upgraded starts at Haynes's Barn and heads north to Rye Hill Farm before turning north west and leaving Cherwell District. Within this report this section of line will be referred to as the 'southern section'.
- 1.2. Outside of the district the line passes through Coombe Slade Farm and Gallow Hill Farm before re-entering the district to the south west of Sibford Heath Farm. The line passes south of Sibford Heath Farm and terminates approximately 600m east of the farm. This section of line will be referred to as the 'northern section'.
- 1.3. The southern section of line passes through a protected species buffer zone around Haynes's Barn and a public right of way (348/7/20) passes to the east of line at Haynes's Barn.
- 1.4. The northern section of line passes through the Cotswolds AONB and bisects several bridleways, a public highway and a footpath. It also passes across a high priority archaeological alert area.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. This application is made under the requirements of section 37 of the Electricity Act 1989 to install and keep installed an above ground electric line. The power distribution company is required to seek the views of the Local Planning Authority (LPA) on the proposed development before submitting a section 37 application to the Secretary of State. The LPA is required to complete 'Form B' submitted with the application.
- 2.2. The proposal is to upgrade the existing high voltage overhead line from single phase to three phase supply which entails changing the existing line from 2 wire to 3 wire. Western Power Distribution have advised that the existing poles will be replaced on a like for like basis, being the same height, albeit a slightly different colour as they won't have weathered. The voltage of the line remains 11,000 volts. No significant diversion of the line is proposed save for slight realignment where a new pole can't use the hole from the existing pole.

3. RELEVANT PLANNING HISTORY

- 3.1. There is no planning history directly relevant to the proposal

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place with regard to this proposal

5. RESPONSE TO PUBLICITY

5.1. None carried out.

6. RESPONSE TO CONSULTATION

6.1. None carried out.

7. RELEVANT PLANNING POLICY AND GUIDANCE

7.1. This is an application submitted (a) under Section 37 of the Electricity Act 1989 to install or keep installed an electric line above ground; (b) for a direction under Section 90(2) of the Town and County Planning Act 1990 that planning permission for the proposed development be deemed to be granted.

7.2. There are no specific guidelines within Local Plan Policy for this type of development. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.3. Other Material Planning Considerations

- Guidance Note: The Statutory Consents Regime for Overhead Power Lines in England And Wales Under Section 37 of the Electricity Act 1989 – July 2014
- Overhead Line (Exemption) (England and Wales) Regulations 2009
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

8. APPRAISAL

8.1. In considering this application the applicant sets out a number of questions for the LPA to respond to.

8.2. Part 2 Certificate

1. Does the Local Planning Authority have any objections to make to the development?

No.

2. Does the Local Planning Authority request a Public Inquiry?

No.

8.3. Consultations and Observations

1. Names and addresses of interested parties consulted:

None

2. Particulars of representations received.

None

3. Any general or specific restrictions been imposed by LPA of the land affected:

The northern section of the identified line passes through the Cotswolds AONB. The line also bisects several bridleways, footpaths and public highways. It also crosses a high priority archaeological alert area.

4. Is the local planning authority's agreement to the proposal subject to modifications or conditions being applied to the consent?

No modifications/conditions required.

5. Does the local planning authority consider that the application should be accompanied by an Environmental Impact Assessment in accordance with the [2017 Regulations](#)?

Schedule 2 of The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017 requires that an electric line to be changed or extended (paragraph 3) in a sensitive area (paragraph 2) requires EIA screening where the change or extension may have significant adverse effects on the environment.

The development entails upgrading an existing line, part of which runs through an Area of Outstanding Natural Beauty (AONB). An AONB is defined as a sensitive area in the legislation however screening is only required where the proposed development may have significant adverse effects on the environment.

Given the proposal is to upgrade an existing line, it follows the same route as the existing line and there is no change in pole height, the proposal is not considered to have 'significant adverse effects on the environment'. On this basis the development is not considered to be a Schedule 2 development

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The proposal is to upgrade the existing lines from 2 cables to 3 cables to support three phase power. The overhead lines are existing, and the proposal is for the installation of an additional line following a customer request. The Local Planning Authority does not consider the proposal is likely to have an adverse impact upon the environment and therefore raises no objection to the proposal.

10. RECOMMENDATION

That permission the Local Planning Authority raises no objection to the proposal.

Case Officer: Will Anstey

DATE: 25/04/22

Checked By: Nathanael Stock

DATE: 09.05.2022
