Department for Business, Energy & Industrial Strategy

# Form B Guidance

This Form must be used in connection with an application to the Secretary of State for Business, Energy and Industrial Strategy for consent under **section 37** of the Electricity Act 1989 to install and keep installed above ground an electric line of any voltage.

This Form should be sent to each local planning authority in whose area the proposed development would be situated. The views obtained by means of this Form are then to be submitted to the Secretary of State to help inform the decision-making process on the application.

The local planning authority[1] is required to sign and complete all sections of Part Two (Certificate) and Part Three (Consultations and Observations) and to return this form to the applicant **within two months** of its receipt. Please note that the Secretary of State would not progress a section 37 application in the absence of a completed Form B. Additional information describing this procedure and the reason for it can be found in the published Guidance Note 14D/226.

## Screening Decision Process Guidance (Appendix A)

If the section 37 application is for a development as referred to under Schedule 2 of the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017[2] (the 2017 Regulations), the Secretary of State will be required to make a Screening Decision before the section 37 application can be decided. To inform its decision, the Secretary of State must receive the views of the Local Planning Authority. To this effect:

- The applicant should submit to the Local Planning Authority the additional information referred to under Regulation 12 of the 2017 Regulations and seek their views, and
- The Local Planning Authority should submit their views completing **Appendix A**[3] of this Form to confirm whether or not an environmental impact assessment should be undertaken in respect of the development.

## How to complete the Form

The Form B contains three parts, Part One must be completed and signed by the Applicant, Part Two and Three must be completed and signed by the Local Planning authority. Appendix A also should be completed by the Local Planning Authority in all relevant cases as described above. Please note that all required sections of the Form (including relevant tick boxes and drop-down menus) must be completed as appropriate. BEIS will not progress section 37 applications that are accompanied by an incomplete Form B.

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[1] Please note: if the development falls partially within a National Park, a Form B must be completed by each relevant p lanning authority for that area. If the proposal concerns a line of 132kV or more, the Part Two Certificate of the Form B must also be completed by the county council authority.

[2] (a) an electric line installed above ground with a voltage of 132 kilovolts or more; (b) an electric line installed above ground in a sensitive area. Most common sensitive areas are: **SSSI**, **SAC**, **SPA**, **Ramsar**, **National Parks** and **Area of Outstanding Natural Beauty**. Please always refer to the full list of sensitive areas found at https://www.legislation.gov.uk/uksi/2017/580/schedule/2/made

[3] Appendix A allows the local planning authority to give its views under regulation 13(3) of the 2017 Regulations. The timescales set out under regulation 13 would not be triggered at the time when the Form B is submitted by the Applicant to the local planning authority. The relevant planning authority is still obliged to make its representations to the Secretary of State on the application proposal within a statutory two month period or obtain an extension to the time limit from the Secretary of State and agreed with the applicant - Regulation 8 of the Electricity (Applications for Consent) Regulations 1990.

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# Form B

## PART ONE

(To be completed and signed by the applicant before submitting to the relevant planning authority)

### DETAILS OF THE APPLICANT

| | |
|---|---|
| Name | RICHARD CHAMBERS |
| Address | SSEN Swindon Depot, Faraday Road, Dorcan Industrial Estate, Swindon, SN3 5EY |
| Tel. | [redacted] |
| Email | [redacted] |

Applicant's Reference: EYT195

### DETAILS OF THE LOCAL PLANNING AUTHORITY

Local Planning Authority: Wiltshire LPA

Local Planning Authority Tel. Contact[4]:

Local Planning Authority Email Contact[5]: Planning@sf.wiltshire.gov.uk

### Electricity Act 1989

Application is being made to the Secretary of State for Business, Energy and Industrial Strategy for consent to the development as described in Part One of this Form. The Secretary of State will at the same time be requested to direct that planning permission for this development shall be deemed to be granted. The consent and the direction may be given subject to conditions.

[4] Please add contact details of the planning officer dealing with the application.
[5] Please add contact details of the planning officer dealing with the application.

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# PARTICULARS OF PROPOSED DEVELOPMENT

(To be completed and signed by the applicant before submitting to the relevant planning authority)

Application is being made:

a) for consent 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 Country Planning Act 1990 that planning permission for the proposed development be deemed to be granted.

1. Description of the proposed development.[6]

| |
|---|
| Our customer has requested an upgrade from a single phase to three phase power supply.<br><br>Therefore, as per the Design Document attached, please see where we are replacing the existing conductor(s) to that of the type required for the works. |

2. Details of any representations or objections which have been received by the applicant prior to the submission of this form.

| |
|---|
| |

3. Details of the Applicant's compliance with their duty as specified under paragraph 1 of Schedule 9 to the Electricity Act 1989.[7]

| |
|---|
| I can confirm that this application complies under paragraph 1 of schedule 9 of the Electricity Act 1989. |

Date: 22/08/2023 For and on behalf of the applicant [redacted]

[6] These particulars should be accompanied by such plans as may be necessary to enable the local planning authority to identify the land affected by the proposals and to appreciate the nature and extent of the proposed development, and by a copy of the environmental statement if the applicant has prepared one.
[7] Please provide a brief description of the measures adopted and reference the documents included in the application that will give complete information.

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# PART TWO

## CERTIFICATE

(To be completed and signed by or on behalf of the local planning authority)

The local planning authority: [ ]

[Please select a response] to the development described above in Part One of this Form;

[Please select a response] that a public inquiry be held pursuant to paragraph 2 of Schedule 8 to the Electricity Act 1989 before the Secretary of State reaches his decision on the application.

If the local planning authority objects to the development, please provide details below:

[ ]

Dated [ ]

Signed: [ ]

Designation: [ ]

On behalf of the: [ ]

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# PART THREE

## CONSULTATIONS AND OBSERVATIONS

(To be completed by the local planning authority)

**Planning Reference No.**

1. List the names of interested parties consulted and provide particulars of any comments received[8].

2. Provide details of any objections or representations received by the local planning authority.

3. Are there any restrictions on the land that require the Applicant to obtain approval from other organisations[9]?

   Yes ☐ No ☐

   If yes, please provide details below:

4. Is the local planning authority's agreement to the proposal subject to modifications or conditions being applied to the consent? (If so, specify the modifications or conditions proposed and state whether they are acceptable to the Applicant).

   Please select a response

5. Does the local planning authority consider that the application should be accompanied by an Environmental Impact Assessment in accordance with the 2017 Regulations? (Please note: if the development falls under Schedule 2 of the Regulation the Secretary of State will require the local planning authority's views in order to make a Screening Decision[10]. Views can be submitted using **Appendix A** of this Form).

   Please select a response

Date

Signed:

[8] Provide details of all consultees and their responses. Please note if the proposal falls within a SSSI Risk Zone the local planning authority should consult with the relevant statutory conservation body to seek guidance on any necessary mitigation. BEIS will require confirmation that the consultation has been carried out and receive copy of responses.

[9] i.e. consent under Section 38 of the Commons Act 2006.

[10] Regulation 13 of the 2017 Regulations sets out the legal requirement for this consultation.

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# Appendix A

**LOCAL PLANNING AUTHORITY'S VIEWS UNDER REGULATION 13 OF THE 2017 REGULATIONS**
(to be completed by the local planning authority)

Does the proposed development fall under Schedule 2 of the 2017 Regulations?

a) ☐ yes, the proposal is for an electric line installed above ground with a voltage of 132 kilovolts or more.
b) ☐ yes, the proposal is for an electric line installed above ground in a sensitive area[11].
c) ☐ the proposal is not a Schedule 2 development, but views have been requested by the BEIS Secretary of State.

Please consider if the Applicant has submitted sufficient information to determine whether or not the proposal is an EIA development. Please note that the Applicant must take into account the criteria set out in Schedule 3 (where relevant), when compiling the required information.

| Has the Applicant provided the following information? | |
|---|---|
| 1. a description of the physical characteristics of the whole development and, where relevant, of demolition works | Yes ☐ No ☐ |
| 2. a description of the location of the development, with regard to the environmental sensitivity of geographical areas likely to be affected | Yes ☐ No ☐ |
| 3. a description of the aspects of the environment likely to be significantly affected by the development | Yes ☐ No ☐ |
| 4. a description of any likely significant effects resulting from: | Yes ☐ No ☐ |
| a. the expected residues and emissions and the production of waste, where relevant; | Yes ☐ No ☐ |
| b. the use of natural resources, in particular soil, land, water and biodiversity | Yes ☐ No ☐ |

**Please provide your views taking account of the below factors where relevant to the proposal.**
**Please confirm the factors that have been considered by ticking all relevant section in the table below.**

| | **Characteristics of development**<br>The characteristics of the development must be considered having regard to: | | Select all relevant factors |
|---|---|---|---|
| (a) | the size and design of the whole development | | ☐ |
| (b) | cumulation with other existing and approved developments; | | ☐ |
| (c) | the use of natural resources, in particular land, soil, water and biodiversity; | | ☐ |
| (d) | the production of waste; | | ☐ |
| (e) | pollution and nuisances; | | ☐ |
| (f) | the risk of major accidents and disasters that are relevant to the development, including those caused by climate change, in accordance with scientific knowledge; | | ☐ |
| (g) | the risks to human health (for example, due to water contamination or air pollution). | | ☐ |
| | **Location of development**<br>The environmental sensitivity of geographical areas likely to be affected by development must be considered, having regard to: | | Select all relevant factors |
| (a) | the existing and approved land use; | | ☐ |
| (b) | the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground; | | ☐ |
| (c) | the absorption capacity of the natural environment, paying particular attention to the following areas— | | ☐ |
| | (i) | wetlands, riparian areas and river mouths; | ☐ |
| | (ii) | coastal zones and the marine environment; | ☐ |
| | (iii) | mountain and forest areas; | ☐ |
| | (iv) | nature reserves and parks; | ☐ |
| | (v) | areas classified or protected under domestic legislation or legislation of EEA states; | ☐ |
| | (vi) | European sites (as defined in regulation 8(1) of the Conservation of Habitats and Species Regulations 2017); | ☐ |

[11] Please refer to the list of sensitive areas found at https://www.legislation.gov.uk/uksi/2017/580/schedule/2/made

| | | | |
|---|---|---|---|
| | (vii) | areas in which there has already been a failure to meet environmental quality standards that are set out in European Union legislation and are relevant to the development, or in which it is thought that there is such a failure; | ☐ |
| | (viii) | densely-populated areas; | ☐ |
| | (ix) | landscapes and sites of historical, cultural or archaeological significance. | ☐ |
| | **Type and characteristics of potential impact**<br>The likely significant effects of the development on the environment must be considered taking into account: | | Select all relevant factors |
| (a) | the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected); | | ☐ |
| (b) | the nature of the impact; | | ☐ |
| (c) | the transboundary nature of the impact; | | ☐ |
| (d) | the intensity and complexity of the impact; | | ☐ |
| (e) | the probability of the impact; | | ☐ |
| (f) | the expected onset, duration, frequency and reversibility of the impact; | | ☐ |
| (g) | the cumulation of the impact with the impact of other existing and approved developments; | | ☐ |
| (h) | the possibility of effectively reducing the impact. | | ☐ |

Local Planning Authority's views:

Dated

Signed: