Electricity Overhead Lines notification:

Section 37 of the Electricity Act 1989

Guidance: The Statutory consents regime for overhead power lines in England and Wales: guidance note July 2014.

The guidance states:

Applications for consent of overhead lines that fall within section 37 of the Electricity Act 1989 are made to the Secretary of State for Energy and Climate Change. The section 37 regime enables views to be gathered on any particular overhead line proposal before the Secretary of State makes a decision to grant consent. **Views are obtained by the applicant from the relevant planning authority on behalf of the local community**, and from statutory bodies with responsibilities for environmental and heritage protection such as Natural England, Natural Resources Wales (NRW), Cadw, English Heritage, Welsh Historic Monuments and, where appropriate, the Environment Agency. These views are then submitted to the Secretary of State to help inform the decision making process on the application. The general public and non-governmental organisations may also give their views on any proposal. All applications for consent are considered by the Secretary of State carefully on a case-by-case basis and a decision is taken on the merits of each proposal. If consent under section 37 is granted, the Secretary of State may also give a direction for planning permission to be deemed to be granted for the development under section 90(2) of the Town and Country Planning Act 1990.

Where the applicant proposes works to replace an existing overhead line that are exempt from obtaining new consent under section 37, the relevant planning authority must be notified. If the relevant planning authority considers that there is likely to be a significant adverse environmental effect, it may require that the works should obtain new section 37 consent.

When preparing an application for consent of an overhead line, the applicant must:

(a) have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and

(b) do what they reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects

The relevant planning authority is given the opportunity to form a view on whether proposed changes to install additional pole supports into an existing line is likely to have a significant adverse environmental impact; whether the introduction of new generation components are acceptable and, given the previous requirement for section 37 consent for temporary lines in National Parks and AONBs (but not in SSSIs) has been removed, that they give their authorisation to the works taking place to the applicant as soon as possible. A simplified procedure is applied under which the applicant submits a notification to the relevant planning authority (Annex D) for proposed works. The relevant planning authority will screen notifications and respond to the applicant within six weeks advising if they have no objections, or wish to invoke the full section 37 process for that proposal.

ASSESSMENT

This application is made under the Electricity Act 1989: Overhead Lines (Exemption)(England and Wales) Regulations 2009.

Scottish & Southern Energy Power Distribution is proposing to undertake the following work that is considered to be exempted from the Electricity Act 1989 by falling within the Overhead Lines (Exemption) (England and Wales) Regulations 2009:

Particulars of proposed development by Applicant:

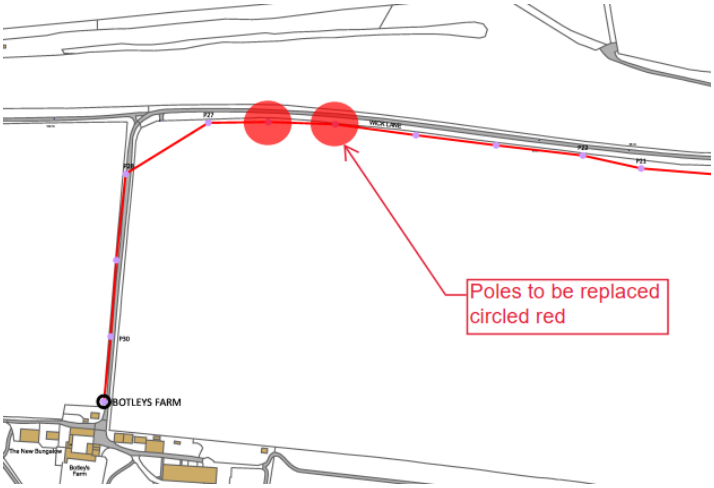
The replacement of wooden electricity poles on the Redlynch (RELY) E3L5 11kV circuit during the 23/24 financial year. The poles are located as per the attached plan circled red. The poles have been identified for replacement due to condition and are located within the Cranborne Chase & West Wiltshire Downs AONB.

Proposal Description: 2 x 11kV pole replacements proposed on our Redlynch (RELY) E3L5 11kV Circuit for delivery in the 24/25 financial year

Site address: LAND NEAR BOTLEYS FARM, WICK LANE, DOWNTON, SALISBURY, SP5

3NW

Planning Reference: PL/2023/10136



SITE CONSTRAINTS

- **Cranborne Chase & West Wiltshire Downs AONB**
- **River Avon catchment SAC and SPA**
- **New Forest Protected Sites 13.8km Recreation zone of influence**

1. Names of interested parties consulted as to the proposals with details of any observations received.

Downton Parish Council – No comments

2. Particulars of any representations which have been made to the relevant planning authority objecting to the proposals.

None

3. Have any general or specific restrictions been imposed by any authority on development of the land affected by the proposed development?

No

4. Does the proposed development involve the demolition, alteration or extension of a building of special architectural or historic interest included in a list compiled or approved under section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990?

No

5. Does the relevant planning authority agree that the proposed development should be approved by the Secretary of State for Energy and Climate Change as described? (If the answer is no, please answer question 6.)

The work is considered to be exempted from the Electricity Act 1989 by falling within the Overhead Lines (Exemption) (England and Wales) Regulations 2009

6. Would the relevant planning authority be prepared to agree that the proposed development should be approved subject to modifications or conditions? (If so, specify the modifications or conditions proposed and state whether they are acceptable to the applicant). (Note: the precise form of any modifications or conditions subject to which the consent or direction is given is a matter for the Secretary of State, who will however have regard to the form of words used.)

N/A

7. Does the relevant planning authority consider that the application should be accompanied by an environmental statement in accordance with the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000? (If so, please specify the particular points arising from the application which have caused the local planning authority to take this view.

No

Officer Comment

The work is considered to be exempted from the Electricity Act 1989 by falling within the Overhead Lines (Exemption) (England and Wales) Regulations 2009

The proposed replacement of two poles is not considered to have any likely significant effect on the Cranborne Chase & West Wiltshire Downs AONB, the River Avon catchment SAC and SPA or the New Forest Protected Sites 13.8km Recreation zone of influence.

Date: 19/12/23

Case officer: Mrs. B. Jones MRTPI, Senior Planning Officer

Signed: Parvis Khansari - Corporate Director, Place

On behalf of Wiltshire Council (Local planning authority for the area in which the proposed development is to be carried out)

Two completed copies of this Form, both signed, should be returned to the applicant who will submit these to the Department of Energy and Climate Change if required.