

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 note 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 for a proposed third wire conductor into the existing two-phase 11kV overhead line network in Middle Woodford, Salisbury making it three-phase.

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.

If the relevant planning authority has concerns about the proposals, they may make an objection to the Secretary of State who must hold a public inquiry unless the objection is withdrawn or the Secretary of State grants consent subject to modifications or conditions that meet the objection of the relevant planning authority.

Even if the relevant planning authority or other statutory bodies consulted do not object to the proposal, they may propose conditions to be attached to the planning permission for that development that meet the six tests for conditions as described in the National Planning Policy Framework which the Secretary of State may decide to incorporate in the consent if given.

ASSESSMENT for PL/2025/09802

This application is made under Section 37 of the Electricity Act 1989 for a proposed third wire conductor into the existing two-phase 11kV overhead line network in Middle Woodford, Salisbury making it three-phase.

Southern Electric Power Distribution's application is being made to the Secretary of State for Energy Security and Net Zero for consent to the development as described.

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.

This application is for a proposed third wire conductor into the existing two-phase 11kV overhead line network in Middle Woodford, Salisbury making it three-phase.

The additional wire will be installed across 14 wire spans. One pole within the network, Pole 13, will be replaced on a like for like basis with a new stay added. A new pole mounted transformer will also replace the existing unit on the pole at Middle Woodford Club, however this will not require any pole replacement.

SITE CONSTRAINTS

- SSSI River Avon System
- River Avon Special Area of Conservation
- Archaeology monument: Post Medieval Water Meadow, South East of Lake House

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

- Woodford Parish Council – no comment received.
- Durnford Parish Council – no comment received.

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

Wiltshire Council Archaeology Service were not directly consulted on the proposals but made the following comment in email correspondence:

'Thank you for your email and for consulting Wiltshire Council's Archaeology Service. As I understand, this proposal involves below ground impacts limited to just one pole replacement. Wiltshire's HER notes that this falls within the area of a water meadow system but the impacts are inconsequential. I therefore have no archaeological concerns.'

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.) **Yes**

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.) **NA**

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

SCHEDULE 9

Section 38.

PRESERVATION OF AMENITY AND FISHERIES.

Preservation of amenity: England and Wales

- 1 (1) In formulating any relevant proposals, a licence holder or a person authorised by exemption to **[F1 generate, [F2 distribute, supply or participate in the transmission of] electricity]**—
- (a) shall 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 archeological interest; and
 - (b) shall do what he 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 Local Planning Authority has no objection and does not wish to recommend that conditions are imposed.

Date: 05/02/2026

Case officer: Daniel Jacobs, Planning Officer

Nic Thomas - Director of Planning, Economy and Regeneration Signed:

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 for Energy Security and Net Zero if required.