

Delegated Report

Planning Ref: 24/00446/OHL

Applicant: National Grid Electricity Distribution

Ward: Barlestone Nailstone and Osbaston

**Site: Church Farm Washpit Lane Barlestone Nuneaton
Leicestershire CV13 0EH**



Hinckley & Bosworth
Borough Council

Proposal: Replacement of an existing Tower

1. Planning application description

- 1.1. This application is to notify the local planning authority as to whether the proposed works to replace an existing tower and gantries on circuit 1 is exempt from the Planning Act 2008, the Overhead Lines (Exemption Installation) (England and Wales) Order 2010 and the Overhead Lines (Exempt Installations) Order 2010.
 - 1.2. The Planning Act 2008 set out a threshold for development consent for overhead lines of 132kV nominal capacity, an electric line of any voltage that is less than 2 kilometres in length or an electric line replacing an existing line that meets certain test, unless it is exempted. The tests are:
 1. The height of any support above ground in the replacement line does not exceed the height of the highest existing support which is being replaced by more than 10%;
 2. The distance between the replacement line and the existing line is no more than 60 metres, and the existing line will be removed within 12 months; and
 3. In the case of the line not in a European Site or Site of Special Scientific Interest (SSSI), the nominal voltage of the replacement line is expected to be greater than the nominal voltage of the existing line: where the nominal voltage is expected to be the same or lower than the existing line, it will be exempt under the Overhead Lines (Exemption) (England and Wales) Regulations 2009.
 - 1.3. The proposal seeks to replace an existing tower and two new 132kv gantries on circuit 1. The new tower AP09R (L4 (m) DJT E3) is 20 metres away from the existing tower AP09 (PL16 D2 E10) to be dismantled. The new tower has a height of 29.5 metres and the voltage of the line is 132kV. The electric line from the proposed tower to the existing AP11 and AP07 towers is 283 and 372 metres respectively which is less than 2 kilometres. The site is not in a European site or site for special scientific interest (SSSI) but within the impact risk zone for SSSI. This is not classified as National Significant Infrastructure Project because the proposed development is a replacement, and the nominal voltage does not exceed the existing line voltage.
 - 1.4. On the basis on the above, the proposed development meets the test above under the Overhead Lines (Exemption Installation) (England and Wales) Order 2010 and therefore requires notification to the local planning authority, completion of form B for 132kv tower and is subject to section 37 consent from the DESNZ under the Electricity Act 1989.
- #### **2. Description of the site and surrounding area**
- 2.1. The site is within the countryside and set away from the buildings of Church Farm. The surrounding landscape falls within the Charnwood Fringe and Barton Village

landscape. It is predominantly agriculture with some scattered farm holdings and barns.

3. Relevant planning history

- None relevant

4. Publicity

- 4.1. No publicity is required for this application.

5. Consultation

- 5.1. HBBC Environmental Services: No objection
- 5.2. Barlestone Parish Council: No objection
- 5.3. LCC Ecology: No informative for nesting bird is required. Another check for skylarks is required if work commences in Spring 2025.
- 5.4. LCC Public Right of Way: No comment
- 5.5. Environment Agency: No comment
- 5.6. Natural England: No comment

6. Policy

- 6.1. Planning Act 2008
- 6.2. Overhead Lines (Exemption Installation) (England and Wales) Regulations 2010
- 6.3. Overhead Lines (Exempt Installations) Order 2010

7. Appraisal

- 7.1. The application site is well away from any settlement boundary. The proposed tower is between two existing towers of similar height. The proposed towers have gantries for short length cable connection. The site does not have any major constraints or Article 4 directions. It is within the impact risk for SSSI but not with SSSI or European site. The towers do not block the footpath around the site. There is no significant impact on the surrounding vegetation and landscape character. The length of the line when installed is less than 2 kilometres and the height matches other existing towers, the nominal voltage is 132kv and the proposed development constitutes a replacement of existing lines.
- 7.2. The above is exempted from the Planning Act 2008 (Nationally Significant Infrastructure Projects) (Electric lines) Order 2013 but is subject to section 37 of the Electricity Act 1989. It complies with all regulations in the Overhead Lines (Exemption Installation) (England and Wales) Regulations 2010 and The Overhead Lines (Exempt Installations) (Consequential Provisions) Order 2010.
- 7.3. Regulation 5(2) of the Overhead Lines (Exemption Installation) (England and Wales) Regulations 2010 states that should the local planning authority, following receipt of details of the proposed works, consider it likely that the proposal would have a significant adverse effect on the environment, then exemption would not be permitted under these regulations and a Development Consent Order under the Planning Act 2008 would be required and referred to the Secretary of State for determination.

- 7.4. It is not considered that the proposal development has a significant effect on the environment by virtue of its size and location outside of the settlement area. HBBC Environmental Health (Pollution) have raised no objections to the proposal. Taking the above into consideration the proposal is considered to be acceptable within the Exemption Regulations.

8. Equality implications

- 8.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 8.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

- 8.3 There are no known equality implications arising directly from this development.

9. Recommendation

- 9.1 Proposal is exempt from planning permission under the Overhead Lines (Exemption) (England and Wales) Regulations.