

Delegated Report

Planning Ref: 24/00477/OHL

Applicant: National Grid Electricity Distribution

Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

**Site: Land Adjacent to Battleflat Lodge Farm West Lane Stanton
Under Bardon Leicestershire LE67 1FA**

Proposal: Installation of one electricity tower

1. Planning application description

- 1.1. This application is to notify the local planning authority as to whether the proposed works to replace electricity tower (SZ95A) 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 tests, 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 electricity tower and provide two associated new sealing end platforms. The new tower SZ95A (L4(m)DT STD) is 26.30 metres high and 206.81 metres away from the existing tower SZ94(L4 (m) D E6). The voltage of the line is 132kV dual circuit. The site is not within 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. The proposed development is a replacement of a tower and on the basis of the submitted information, the proposed development meets 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 and 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 set away from any settlement. To the east is Cliffe Hill Quarry and Battleflat Lodge Farm to the west. The surrounding area is countryside and farmland and features tall mature trees. There is a public footpath that runs near the proposed replacement tower.

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. Stanton Under Bardon Parish Council: No comment
- 5.3. Witherley Parish Council: No comment
- 5.4. LCC Ecology: No concern regarding ground nesting birds, or other protected species.
- 5.5. LCC Public Right of Way: No comment
- 5.6. Environment Agency: The site falls within flood zone 1 and therefore have no fluvial risk concerns associated with the site. There are no other environmental constraints associated with the site.
- 5.7. The Friends of Charnwood Forest: No comment
- 5.8. Natural England: No comment
- 5.9. LCC Highways: The LHA indicates that the proposed tower is 15 metres away from a public footpath R114. The LHA advised that should the proposal be granted permission; a Construction Management Plan is conditioned as part of the proposal. This should include measures to ensure that users of the public footpath are not put at risk during construction.

Condition

Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction work.

Reason: To ensure the Public Right of Way is safe and available during the period of construction in the interest of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 104 of the National Planning Policy Framework 2023.

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 26.3 metres high with 2 new sealing end platforms. The proposed finish matches that of the existing tower. 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 15 metres away from a public footpath R114 which forms part of the circular walk around the Cliffe Hill Quarry. There is no significant impact on the surrounding vegetation and landscape character. The nominal voltage is 132kv.

- 7.2. The proposed tower is exempted from the Planning Act 2008 (Nationally Significant Infrastructure Projects) (Electric lines) Order 2013 but 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 and the exemption test for replacement of electricity apparatus.
- 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.