

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

**Regulation 5 of The Overhead Lines (Exemption) (England and Wales)
Regulations 2009**

DELEGATED DECISION FOR POWER RELATED DEVELOPMENT

Reference no. 2023/N /91611/E

Site Address	Lower Lane/, Hunsworth Lane, East Bierley, BD4 6RN
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Description	Works to overhead lines
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Recommending Officer	Sarah Longbottom
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DECISION – NO OBJECTIONS

I hereby authorise there are NO OBJECTIONS to this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Julia Steadman

AUTHORISED OFFICER

Date: 16-Feb-2024

Preamble

Northern Powergrid have notified Kirklees Council, as Local Planning Authority, of their intention to undertake:

Electricity equipment reinforcements – replace approximately 250m of existing low voltage open wire overhead electric line (OHL) with Aerial Bunched Conductor (ABC) and replace damaged/rotten poles

To improve the electricity supplies in the above area, Northern Powergrid propose to replace approximately 250m of existing low voltage open wire overhead electric line (OHL) with Aerial Bunched Conductor (ABC) and replace damaged/rotten poles. The enclosed area plan shows the overhead line requiring upgrade and the poles affected. It will also be necessary to relocate two wooden supports underneath the existing line as shown by the blue dot on the attached area plan. The location of the new poles has been chosen so as to cause minimum disruption and is considered to be the most acceptable.

The application form confirms that, 'as this is an existing line that is proposed for an upgrade this would fall under the section 37(1) Regulation 3, parts (e) and (f) exemption and stay within the limitations detailed in Regulations 4 and 5'.

Under section 37 of the Electricity Act 1989, the Secretary of State's consent is generally required before electric lines may be installed above ground. Under the Overhead Lines (Exemption) (England and Wales) Regulations 2009, certain minor works involving the installation of such lines are exempted from the requirement of consent under section 37. This allows, for example, the upgrade of an existing overhead line, subject to the Local Planning Authority determining that no 'significant adverse environmental impact' is likely.

The simplified procedure of this notification is where the applicant submits a notification to the relevant planning authority 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. Full section 37 applications for overhead lines are made to the Secretary of State for Department for Business, Energy and Industrial Strategy. 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.

Assessment

The overhead line works would comprise of the installation of a new single pole on a run of overhead line supported by existing poles. The overhead line

and poles follow the route of Lower Lane, which is also a designated PROW is SPE/18/30 & SPE/18/40. The wider site is allocated Green Belt. The proposed works would have no materially harmful impact on the visual amenities of the area. The existence of overhead lines supported by timber poles is a well-established feature that would not be out of place in the landscape.

Impacts:

Would the replacement of approximately 250m of existing low voltage open wire overhead electric line (OHL) with Aerial Bunched Conductor (ABC) and replace damaged/rotten poles have a 'significant adverse impact' on natural beauty?

No, it would have no perceptible impact. It would simply replace one form of pole for another on an existing line of poles.

Would the replacement of approximately 250m of existing low voltage open wire overhead electric line (OHL) with Aerial Bunched Conductor (ABC) and replace damaged/rotten poles have a 'significant adverse impact' on the conservation of flora, fauna and geological or physiographical features of special interest?

No 'significant adverse impact', there are no trees protected by TPO that would be affected by the works.

The area is not identified in the biodiversity 'constraints' layer as having ground nesting birds or bats in the area.

The subject of this submission is the replacement of an existing pole. These works would not have a significant adverse impact on the conservation of flora or fauna.

There are no geological or physiographical features of special interest that would be affected by the proposal.

Would the replacement of approximately 250m of existing low voltage open wire overhead electric line (OHL) with Aerial Bunched Conductor (ABC) and replace damaged/rotten poles have a 'significant adverse impact' on protecting sites, buildings and objects of architectural, historic or archaeological interest?

There are no listed buildings within the vicinity of the works.

There are no objects of archaeological interest that would be affected by the proposed works.

It is concluded that no sites, buildings or objects of architectural, historic or archaeological interest in the vicinity of the works would be significantly adversely affected by the proposed works.

Conclusion

No 'significant adverse environmental impact' is likely as a result of the proposed upgrade.

Recommendation

It has been assessed that no 'significant adverse environmental impact' is likely as a result of the proposed upgrade proposed.

It is recommended that Northern Powergrid be informed that Kirklees Council Local Planning Authority:

(i) does not object for the proposed development detailed above to be undertaken under the exemptions laid down in the Overhead Lines (Exemption)(England and Wales) Regulations 2009

(ii) does not wish the Secretary of State to consider the application using the full section 37 process under the Electricity Act 1989

Applicant's reference: YP28662

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