

**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 /92190/E**

**Site Address Mill Forrest Way Development, off  
Soothill Lane, Soothill, Batley,  
WF17 6RJ**

**Description Overhead lines**

**Recommending Officer Sarah Longbottom**

**DECISION – NO OBJECTIONS**

**I hereby authorise that there are NO OBJECTIONS of 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:

### **The installation of a new single pole with 2 stays to improve the local network**

In order to improve the electricity supplies in the above area, Northern Powergrid propose to install a new single pole with 2 stays to improve the local network, shown coloured red on the plan attached with the submission at Mill Forrest Way Development, off Soothill Lane, Soothill, Batley, WF17 6RJ

This will involve removing a section of overhead line with 8 single poles, to be replaced with one terminal pole with 2 stays and high voltage underground cables. A single terminal pole with stays will be installed in the position shown as a red dot and 'T' on the plan. The existing overhead line and poles (shown as a blue line) on the plan will be dismantled and recovered. The submission confirms that 'the Department for Business Energy and Industrial Strategy (BEIS) guidance on these works states that minor works as above are planning exempt'.

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 generally running within the vicinity of PROW ref BAT/43/80.

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 new pole 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 new pole 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 new pole 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.

***NOTE: This submission is a duplicate of application ref. 2023/92190***

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 SR/ENQ23043331  
Mill Forrest Way Development, off Soothill Lane, Soothill, Batley, WF17 6RJ