DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0320-24**	**Applicant:**	**National Grid**
Proposal:	Erection of 900 meters of 11Kv overhead electricity line		
Location:	5 Cooks Road Gosberton Spalding		
Terminal Date:	21st May 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
05	Meeting Physical Infrastructure and Service Needs
28	The Natural Environment
31	Climate Change and Renewable and Low Carbon Energy

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving well designed and beautiful places.
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Description of Proposal

This is a Section 37, made under the Electricity Act 1989, for the erection of 900 metres of 11Kv overheard electricity line at Cooks Road Gosberton. The proposed overhead line would replace an existing line. This new line would be repositioned between 130 and 250 metres north of the existing, moving from the centre to the periphery of an agricultural field. The height and voltage of the line would remain consistent.

Site Description

The site is outside of any of the settlement boundaries outlined within the South East Lincolnshire Local Plan, 2019. The area is rural in nature, featuring a farmyard and associated agricultural land. Several isolated dwellings are located along Cooks Road. The road is well vegetated.

Relevant History

No relevant history

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Welland and Deepings Internal Drainage Board

"The Board's Bicker Haven drain bounds the site along the east and north-east and is afforded the protection of a nine metre byelaw distance which prevents anything new being sited within this distance without the prior written consent of the Board.

I have held informal discussions with the applicant's representative who has provided me with a plan currently showing all poles and lines to be sited outside of the byelaw distance, which is agreeable with the Board and consent is not required."

SHDC Environmental Protection

Initial comments - submitted 26/04/24:

"No comments regarding land contamination."

Further comments - submitted 07/05/24

"please ensure any out of hours working required is communicated to nearby residents and Environmental Protection made aware in advance, o protect amenity of nearby residents"

Highway and Lead Local Flood Authority

"Recommendation: No objection

Highway Informative 08 Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - https://www.lincolnshire.gov.uk/traffic-management

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application."

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of objection has been received.

This can be summarised as:

-Object as the proposal would harm birds
-Cables should under ground

Key Planning Considerations

Evaluation

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 applicant seeking consent for the works from the Secretary of State must serve notice of their application on the relevant planning authority in whose area the development is proposed to be situated. As such, South Holland District Council are acting as a consultee within this application process and are not the decision-making authority.

The application has been considered within the parameters of the Electricity Act 1989, the Planning Act 2008 and The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017. With regards to the potential impacts of the development, the application has been considered within the parameters of the South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), and the National Planning Policy Framework, December 2023 (NPPF).

The adopted SELLP is the development plan for the district and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the NPPF are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed and beautiful places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires

development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the NPPF and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The proposal would have no significant character or visual impact. The lines would be moved further back from the road, reducing the visual impact from the dwellings and roadside. Several lines are already present in the area, helping to naturalise the proposal.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposal would have no significant amenity impacts. The new lines would be located further from the farmyard and dwellings than the existing lines, reducing the potential impacts. The minor scale of the works, coupled with their location within an agricultural setting, means that no overshadowing or noise pollution would occur.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 115 advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

The Highway Authority has raised no objections to the proposed scheme, stating that the works are not expected to have an unacceptable impact upon highway safety or the local highway network. That being said, they have requested that an informative condition be placed on any potential approval.

Environmental Sustainability

In respect of the climate emergency, Section 14 of the NPPF states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from

climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'.

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 180 and 185 ensure sites of biodiversity value are protected through the planning system; while Paragraph 186 states that "if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused".

In line with both aforementioned sections of the NPPF, Policies 28 and 31 of the SELLP ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place.

Due to the nature of this application, the proposal is exempt from the requirements for Biodiversity Net gain as introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).

In any event, as the site is currently agricultural in nature, representing a use with low biodiversity, the tangible impacts upon biodiversity would be low. As the proposal is for a replacement line, it is unlikely that the proposal would have a greater impact upon wildlife compared to the existing line.

Taking the above into account it is considered that given the details submitted, and those required by suitably worded condition, the proposal is acceptable with regards to environmental sustainability. The proposal would therefore be in accordance with Policies 28 and 31 of the SELLP and Sections 14 and 15 of the NPPF.

Other Matters

Policy 5 of the SELLP, Meeting Physical Infrastructure and Service Needs, outlines that the development of new infrastructure would generally be given weight in its favour. While the proposal would not result in additional infrastructure, it would preserve the longevity of the existing network; therefore, largely conforming to this Policy.

The objection received from a local resident has been carefully considered as part of this decision. However, it is considered that potential benefits of the enhanced infrastructure outweigh the harm caused. It is not practical or reasonable to request that the lines be buried, especially given the fact existing lines are above ground.

Planning Balance

The proposal is not considered to have a significant impact upon the character or appearance of the area. The proposal would have no significant amenity or environmental impact.

Conclusion

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 5, 28 and 31 of the SELLP, as well as Sections 12, 14 and 15 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those

who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.