

Mr. Nigel Jones, Estates Specialist, Western Power Distribution, Ffynnon Menter, Phoenix Way, Llamsamlet, Swansea., SA7 9HW

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Old Coal Yard, Gileston, St. Athan

Divert part of the overhead network and lay an underground cable, as per the Electricity Act, 1989

SITE AND CONTEXT

The application site is located at the Old Coal Yard, Gileston. The site is situated outside the settlement boundary, within open countryside.

CONSULTATIONS

This is a notification and there is no requirement for consultations.

REPORT

This OBS application relates to a notification by Western Power Distribution of their application under s37 of the Electricity Act 1989 (and for a direction under s90(2) of the Planning Act 1990 that PP be deemed to be granted) to divert part of the existing high voltage and low voltage overhead network in preparation for a proposed housing development (planning application reference 2013/01165/FUL). Western Power are required to divert part of the overhead network and lay an underground cable to replace the dismantled overhead network. The design includes erecting a double pole construction and associated underground cables on the boundary of the development within the existing verge.

The application states that the works are covered within The Overhead Lines (Exemption) (England and Wales) Regulations 1990.

For information, s90(2) states as follows: -

90 *Development with government authorisation*

- (2) *On granting a consent under section 36 or 37 of the [1989 c. 29.] Electricity Act 1989 in respect of any operation or change of use that constitutes development, the Secretary of State may direct that planning permission for that development and any ancillary development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.*

The notification seeks any observations of the local planning authority and is essentially restricted to a consideration of whether the works would have a significant adverse effect on the environment, with a number of questions required to be answered as follows – and with the proposed responses provided below each.: -

1. Names of interested parties consulted as to the proposals with details of any observations received.

No consultation is required by the LPA, nor have the LPA received any responses from any interested persons to the proposal.

2. Particulars of any representations which have been made to the local planning authority objecting to the proposals.

None received.

3. Have any general or specific restrictions been imposed by any authority on development of the land affected by the proposed development?

The site is located outside the settlement boundary of St Athan.

4. Does the proposed development involve the demolition, alteration or extension of a building of special architectural or historic interest included in a list compiled or approved under section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990?

No

5. Do the local planning authority agree that the proposed development should be approved by the Secretary of State for Energy and Climate change as described? (If the answer is no, please answer question 6.)

Yes.

6. Would the local planning authority be prepared to agree that the proposed development should be approved subject to modifications or conditions? (If so, specify the modifications or conditions proposed and state whether they are acceptable to the applicant.) (Note: the precise form of any modifications or conditions subject to which the consent or direction given is a matter for the Secretary of State, but he will have regard to the form of words used by the local planning authority.)

See above

7. Does the local planning authority consider that the application should be accompanied by an environmental statement in accordance with the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000? (If so, please specify the particular points arising from the application which have caused the local planning authority to take this view.

No

CONCLUSION

The proposals are minor in nature and, therefore, have little impact.

RECOMMENDATION

NO OBJECTIONS but request the following condition(s) be imposed:

1. That the response to the notification be in accordance with the answers to the questions detailed in the report above and in the completed Part II form attached to this report

NOTE:

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

WESTERN POWER
DISTRIBUTION

Serving the South West and Wales
Gwasanaethu'r De Orllewin a Chymru

Western Power Distribution (South Wales) plc
Registered in Wales No 2366985
Registered Office: Avonbank, Feeder Road, Bristol, BS2 0TB

THIS FORM IS FOR USE BY ELECTRICITY NETWORK OPERATORS TO ADVISE LOCAL PLANNING AUTHORITIES OF PROPOSED WORKS TO BE UNDERTAKEN WITHIN THEIR DESIGNATED AREA THAT ARE CONSIDERED TO BE EXEMPTED UNDER THE OVERHEAD LINES (EXEMPTION)(ENGLAND AND WALES) REGULATIONS 2009. LOCAL AUTHORITIES HAVE THE RIGHT TO INVOKE THE FULL SECTION 37 PROCESS UNDER THE ELECTRICITY ACT 1989 SHOULD IT BE CONSIDERED NECESSARY.

The Form should be sent in triplicate to each Local Planning Authority in whose area the proposed development would be situated.

DETAILS OF APPLICANT

1401349OBS

Name: **Western Power Distribution**

Address: **Ffynnon Menter, Phoenix Way, Llansamlet, Swansea. SA7 9HW**

Telephone No: **01792 784329**

Applicant's reference: **1927982**

Date: **17th November 2014**

To: The Chief Executive, **Vale of Glamorgan County Council**

Electricity Act 1989: Overhead Lines (Exemption)(England and Wales) Regulations 2009

It is proposed to undertake the following work that is considered to be exempted from the Electricity Act 1989 by falling within the Overhead Lines (Exemption)(England and Wales) Regulations 2009:

Particulars of proposed development:

It is necessary to carry out diversionary works in preparation for a housing development at this location. Our proposal is to dismantle part of our existing HV & LV overhead network within the development. Outside of the development the existing HV overhead line will be diverted approximately 15 metres of the existing line. In order to replace the dismantled overhead network we will be laying a section of underground cable and erecting a double pole construction on the boundary of the development within the existing grass verge, all details indicated on the attached plan. The required wayleave consent has been obtained from the relevant landowners associated with this diversion.

The Council is requested to indicate that it has no objection to the work being carried out by returning **two** copies of this Form with the Certificate completed and signed.

Yours faithfully

Nigel Jones..... Estates Specialist

For and on behalf of **Western Power Distribution**

CERTIFICATE

TO BE COMPLETED BY THE LOCAL PLANNING AUTHORITY AND RETURNED TO THE APPLICANT ELECTRICITY NETWORK COMPANY WITHIN SIX WEEKS OF RECEIPT.

The *Vale of Glamorgan Council* County Council/Authority

*(i) ~~objects~~/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) ~~wishes~~/does not wish the Secretary of State to consider the application using the full section 37 process under the Electricity Act 1989

*The reasons for requesting the full section 37 process are:

Dated: *11/12/14*

Signed:
Designation

[Signature]
Operational Manager Development
+ Building Control
~~County Council/Authority~~

on behalf of *Vale of Glamorgan*

**delete as appropriate*

CERTIFICATE

**TO BE COMPLETED BY THE LOCAL PLANNING AUTHORITY AND
RETURNED TO THE APPLICANT ELECTRICITY NETWORK COMPANY
WITHIN SIX WEEKS OF RECEIPT**

14 01 349 OBS

Vale of Glamorgan County Council

*~~(i) objects~~/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) wishes~~/does not wish the Secretary of State to consider the
application using the full section 37 process under the Electricity Act
1989

*The reasons for requesting the full section 37 process are:

**delete as appropriate*

Dated: 11/12/14

Signed: 

Designation
(on behalf of Vale of Glamorgan County Council)