

Delegated Report

Overhead Electricity Lines

Planning Application No: 20230549

Location: Opposite Greenhedges Woodlands Lane Shorne Gravesend

Description: Installation of an additional wooden pole on highway verge opposite Greenhedges.

Applicant: Chris Hounsell

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Cover Letter
Drawing no. C7365

Proposed Development

The proposal would be to install a wooden pole, and overhead electrical line servicing Greenhedges from the grass verge opposite and removal of the existing overhead line crossing the same property.

Relevant Definitions:

Interpretation of Class B, Part 15, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 is laid out as follows:

B.3 For the purposes of Class B(a), “electric line” has the meaning given by section 64(1) of the Electricity Act 1989 (interpretation etc. of Part 1)([68](#)).

B.4 For the purposes of Class B(b)—
“electrical plant” has the meaning given by section 64(1)([69](#)) to that Act; and
“electronic communications line” means a line which forms part of an electronic communications apparatus, (and both line and electronic communications apparatus have the meaning given in paragraph 1 of Schedule 2 to the Telecommunications Act 1984 (the electronic communications code)([70](#))).

B.5 For the purposes of Class B(d), (e) and (f), the land of the holder of a licence under section 6(1) of the Electricity Act 1989 (licensing of supply etc.)([71](#)) is treated as operational land if it would be operational land within section 263 of the Act (meaning of “operational land”)([72](#)) if such licence holders were statutory undertakers for the purpose of that section.

Officer’s Analysis

Class B, Part 15, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, deals with Permitted Development Rights for Electricity Undertakings consisting of –

(a) the installation or replacement in, on, over or under land of an electric line and the construction of shafts and tunnels and the installation or replacement of feeder or service pillars or transforming or switching stations or chambers reasonably necessary in connection with an electric line;

- (b) the installation or replacement of any electronic communications line which connects any part of an electric line to any electrical plant or building, and the installation or replacement of any support for any such line;
- (c) the sinking of boreholes to ascertain the nature of the subsoil and the installation of any plant or machinery reasonably necessary in connection with such boreholes;
- (d) the extension or alteration of buildings on operational land;
- (e) the erection on operational land of the undertaking or a building solely for the protection of plant or machinery;
- (f) any other development carried out in, on, over or under the operational land of the undertaking.

The requirements are laid out in the following tables:

B.1 Development is not permitted by Class B if—	Requirement Met?
(a) in the case of any Class B(a) development— (i) it would consist of or include the installation or replacement of an electric line to which section 37(1) of the Electricity Act 1989 (consent required for overhead lines)(67) applies; or (ii) it would consist of or include the installation or replacement at or above ground level or under a highway used by vehicular traffic, of a chamber for housing apparatus and the chamber would exceed 29 cubic metres in capacity;	a (i) Yes (See assessment on impact to environment below) A(ii) – Yes
(b) in the case of any Class B(b) development— (i) the development would take place in a National Park, an area of outstanding natural beauty, or a site of special scientific interest; (ii) the height of any support would exceed 15 metres; or (iii) the electronic communications line would exceed 1,000 metres in length;	NA – Line not to be connected to electrical plant.
(c) in the case of any Class B(d) development— (i) the height of the original building would be exceeded; (ii) the cubic content of the original building would be exceeded by more than 25% or, in the case of any building on article 2(3) land, by more than 10%, or (iii) the floor space of the original building would be exceeded by more than 1,000 square metres or, in the case of any building on article 2(3) land, by more than 500 square metres;	N/A – No extensions or alterations to buildings proposed.
(d) in the case of any Class B(e) development, the building would exceed 15 metres in height, or	N/A – No buildings to be erected.
(e) in the case of any Class B(f) development, it would consist of or include— (i) the erection of a building, or the reconstruction or alteration of a building where its design or external appearance would be materially affected, or (ii) the installation or erection by way of addition or replacement of any plant or machinery exceeding 15 metres in height or the height of any plant or machinery replaced, whichever is the greater.	N/A – No buildings or plant or machinery to be erected/installed.

Conditions

B.2 Development is permitted by Class B subject to the following conditions—
(a) in the case of any Class B(a) development consisting of or including the replacement of an existing electric line, compliance with any conditions contained in a planning permission relating to the height, design or position of the existing electric line which are capable of being applied to the replacement line;
(b) in the case of any Class B(a) development consisting of or including the installation of a

temporary electric line providing a diversion for an existing electric line, on the ending of the diversion or at the end of a period of 6 months from the completion of the installation (whichever is the sooner) the temporary electric line is removed and the land on which any operations have been carried out to install that line is restored as soon as reasonably practicable to its condition before the installation took place;

(c)in the case of any Class B(c) development, on the completion of that development, or at the end of a period of 6 months from the beginning of that development (whichever is the sooner) any plant or machinery installed is removed and the land is restored as soon as reasonably practicable to its condition before the development took place; and

(d)in the case of any Class B(e) development, approval of details of the design and external appearance of the buildings must be obtained, before development is begun, from—

(i)in Greater London or a metropolitan county, the local planning authority,

(ii)in a National Park, outside a metropolitan county, the county planning authority,

(iii)in any other case, the district planning authority.

Impacts on the Environment

It is noted that the applicant seeks the Local Authority's opinion as to whether the proposal would result in significant adverse effects on the environment as per the requirements of Paragraph 5 of The Overhead Lines (Exemption) (England and Wales) Regulations 2009. This legislation restricts the development where a site in a National Park or Area of Outstanding Natural Beauty and it is deemed that the proposal would have significant adverse effects on the environment. This is also covered by paragraph B.1 (a) of Class B, Part 15, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

The NPPF (2021) specifically refers to the Natural Environment and the Historic environment as requiring Conservation. Environmental Impacts can include (but are not limited to):

- Heritage Assets (including Non-Designated Heritage Assets)
- Archaeological Features
- Historic Parks or Gardens
- Conservation Areas
- Area of Outstanding Natural Beauty
- Landscape Character

This site is in the Area of Outstanding Natural Beauty and a Site of Special Scientific Interest. It also forms part of the Shorne Woodlands Landscape Character Area. In the areas there are a number of overhead poles and lines and whilst it would be preferable not to add to these, an additional one pole in this area would not be significantly different to the current character despite the aforementioned constraints. It is considered on balance that the additional pole and overhead line would not result in significant adverse impacts on the environment.

Conclusion & Recommendation

The proposed development would comply with all requirements of Class B, Part 15, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 and would therefore be considered acceptable subjects to the conditions laid out Class B.

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Ms Lisa Williams	Team Leader:	Miss Faye Hobbs
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Signed:		Signed:	
Dated:	22nd June 2023	Dated:	29 June 2023